

Town of Seabrook
Board of Adjustment
October 28, 2015

Members Henry Therriault Dr Robert Lebold Teresa Rowe-Thurlow Mark Preston
Present:

Not Present: Brandon Adams, Robin Fales, Michael Lowry, Jo-Anne Page

Others: Building Inspector Steve Zalewski Secretary Jamie McDonald

Meeting opens at 7:00 PM

H Therriault opens the meeting explaining procedure of the meeting and where the meeting has been posted. He further explains that the meeting is being recorded and a copy is available at the Town Hall.

Roll Call

H Therriault also notes that there are only 4 (4) board members present and that it is at the discretion of the applicant that they proceed with the case tonight. He notes that there are members expected to arrive late

Old Business:

Minutes of August 26, 2015 meeting

Motion: Dr. Lebold Accept minutes as written

Second H Therriault

Yes: HT, RL Accepted as written

No: 0

Abstain: MP, TRT

New Business:

CASE # 2015-013 72 New Zealand Road Seabrook, LLC, 72 New Zealand Road, Map 7, Lot 55, for Variance to Section 13 Table 3 and asks that terms be waived to permit a larger freestanding sign than what is allowed (100 SF per side) in zone 6M

Henry Boyd, Millennium Engineering says that they would like to wait a few minutes for other members to arrive

CASE# 2015-015 MacKenzie Properties, LLC, 28 London Lane, Map 5, Lot 8, for Variance to Section 16, Sub-Section 401-410, and asks that said terms be waived to permit fuel delivery vehicles in Zone 3 Industrial. Jeffrey Brown, Esquire, 118 Railroad Ave to represent

H Therriault says that the Planning Board has made a change and does not see how this case can be heard by the ZBA at this point.

J Brown says that he attended the PB meeting and still has questions. He states that the request for the variance was filed before the PB change and should still be heard. He further explains his reasoning for the continuance on the variance. He says that it will make for a "cleaner" process. He says that his client is basically asking for something that he already has, as he already stores his trucks west of 95. He feels that instead of conditional use that it is better to have a variance, noting that either way he still has to have approval from the Water & Fire Depts.

Dr Lebold says that he would only move a conditional variance requiring this to be seen by the PB and asks if he will accept that. J Brown says that they would not.

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J Brown says that they will just give it to the Fire & Water Depts for approval. Dr L asks what his objection to the PB is. J Brown says "The Planning Board.

J Brown says that their request is both reasonable and lawful. He thinks that the PB does not need to be involved.

T Rowe-Thurlow says that she would like to see a site plan with spill prevention plan. She wonders what the state would require.

Discussion on where vehicles have been parked and what is considered "grandfathered in" and ZBA responsibilities.

Dr. L feels that there is a real issue why they would not want this in front of the PB.

H Therriault says that he still doesn't follow why he is considered grandfathered at his current location and that issues with Aquifer protection are with the PB.

With no one else to speak for or against

Public Session Closed

	Dr. Lebold	H Therriault	T Rowe-Thurlow	M Preston
1	NO	NO	NO	YES
2	NO	NO	NO	YES
3	NO	NO	NO	YES
4	NO	NO	NO	YES
5	NO	NO	NO	YES

Motion: Dr. Lebold
Second H Therriault

To deny variance because applicant refuses to accept a conditional variance to go to Planning Board for site review including spec requirements
variance denied

Yes: RL, TRT, HT
No: MP

Abstain:

CASE # 2015-013 72 New Zealand Road Seabrook, LLC, 72 New Zealand Road, Map 7, Lot 55, for Variance to Section 13 Table 3 and asks that terms be waived to permit a larger freestanding sign than what is allowed (100 SF per side) in zone 6M

Still only 4 members present but Henry Boyd says that they will proceed. He is joined by property owners Kenneth & Kurt Sweet and architect Ron Laffely.

H Boyd gives an overview of the site stating that on this site the sign is hard to see. He describes what they are looking for and that it is larger than what is allowed.

Dr. L asks why they don't just put it on top of the building. H Boyd says that it won't look good and that they are trying to keep it looking as classy as possible and a sign on top of the building would cause drivers to avert their eyes too far away. He hands out a picture of a sign like the one they are requesting.

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Discussion on what the sign will look like, who will see it and how big it will be.

H Boyd says that they are asking for the largest sign possible, but would be OK with ½ the size requested.

With no one else to speak for or against

	Dr. Lebold	H Therriault	T Rowe-Thurlow	M Preston
1	YES	YES	YES	YES
2	YES	YES	YES	YES
3	YES	YES	YES	YES
4	YES	YES	YES	YES
5	YES	YES	YES	YES

Motion: D. Lebold Move to grant applicant relief from
Second H Therriault sign ordinance to allow a sign 100
ft per side total of 200 sq ft in
zone 6M facing access road to I95

Yes: Unanimous Relief granted
No:
Abstain:

CASE # 2015-011 RE-HEARING Northvision, LLC, 139 Folly Mill Road, Maps 6 & 9, Lot 228, for Variance to Section 3, Sub-Section 200, Section 13 Table 3 (height of sign and surface area), Section 13, Sub-Section 20 to permit a billboard in Zone 2R

Applicant would like to wait until next meeting. Discussion on dates for next meeting and availability.

Motion: Dr. Lebold To grant a continuance without
Second M Preston prejudice to December meeting
Yes: Unanimous Continuance granted
No:
Abstain:

Motion: Dr. Lebold To adjourn
Second H Therriault
Yes: Unanimous Meeting Adjourned 8:10PM
No:
Abstain:

Signed: _____

Henry Therriault
Chairman

11/4/15

BOARD OF ADJUSTMENT
FINDINGS OF FACT

DATE: October 28, 2015

PETITIONER: ~~72 New Zealand Rd Seabrook, LLC~~
MACKENZIE PROPERTIES

CASE #: 2015-~~013~~ 015

MAP/LOT/SEQ: ~~755~~ 5-8-43

LOCATION: ~~72 New Zealand Road~~ 28 LOWDEN LANE

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment Member has determined the following findings of fact:

1. The variance is not contrary to the public interest.

YES or NO NO

2. The spirit of the ordinance is observed.

YES or NO NO

3. By granting this variance substantial justice is done.

YES or NO NO

4. By granting this variance the value of surrounding properties are not diminished.

YES or NO NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO NO

Motion and/or Reasons for Denial:

WVE TO DENY THIS VARIANCE BECAUSE

APPLICANT REFUSES TO ACCEPT A CONDITIONAL VARIANCE TO GO TO PLANNING BOARD

FOR SITE REVIEW INCLUDING SPEC REQUIREMENTS

Dr. Robert H. Kelly

BOA Member/Alternate

29 OCT 15

Date

**BOARD OF ADJUSTMENT
FINDINGS OF FACT**

DATE: October 28, 2015

PETITIONER: MacKenzie Properties, LLC

CASE #: 2015-015

MAP/LOT/SEQ: 5-8-43

LOCATION: 28 London Lane

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment Member has determined the following findings of fact:

1. The variance is not contrary to the public interest.

YES or NO

2. The spirit of the ordinance is observed.

YES or NO

3. By granting this variance substantial justice is done.

YES or NO

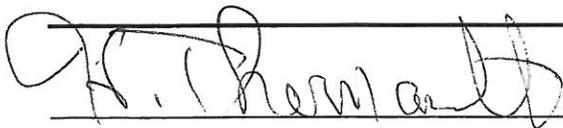
4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:



BOA Member/Alternate

10/28/15

Date

**BOARD OF ADJUSTMENT
FINDINGS OF FACT**

DATE: October 28, 2015

PETITIONER: MacKenzie Properties, LLC

CASE #: 2015-015

MAP/LOT/SEQ: 5-8-43

LOCATION: 28 London Lane

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YES or NO

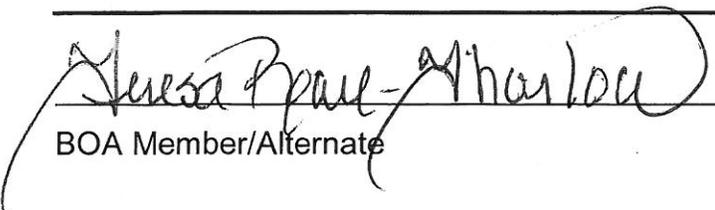
4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:


BOA Member/Alternate

10/28/15
Date

**BOARD OF ADJUSTMENT
FINDINGS OF FACT**

DATE: October 28, 2015

PETITIONER: MacKenzie Properties, LLC

CASE #: 2015-015

MAP/LOT/SEQ: 5-8-43

LOCATION: 28 London Lane

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YES or NO

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YES or NO

3. By granting this variance substantial justice is done.

YES or NO

4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:



10/29/15

BOA Member/Alternate

Date

BOARD OF ADJUSTMENT
FINDINGS OF FACT

DATE: October 28, 2015

PETITIONER: 72 New Zealand Rd Seabrook, LLC

CASE #: 2015-013

MAP/LOT/SEQ: 7-55

LOCATION: 72 New Zealand Road

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment Member has determined the following findings of fact:

1. The variance is not contrary to the public interest.

YES or NO

2. The spirit of the ordinance is observed.

YES or NO

3. By granting this variance substantial justice is done.

YES or NO

4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:

motion to grant Applicant Relief from Sign ordinance to allow

A sign 100' of Per Side TOTAL of 200' SQ. in Zone B1. Facing Access Road to I 95

Jo Paul R. Lally
BOA Member/Alternate

29 Oct 15

Date

**BOARD OF ADJUSTMENT
FINDINGS OF FACT**

DATE: October 28, 2015

PETITIONER: 72 New Zealand Rd Seabrook, LLC

CASE #: 2015-013

MAP/LOT/SEQ: 7-55

LOCATION: 72 New Zealand Road

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment Member has determined the following findings of fact:

1. The variance is not contrary to the public interest.

YES or NO

2. The spirit of the ordinance is observed.

YES or NO

3. By granting this variance substantial justice is done.

YES or NO

4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:

A. J. Remant

10/28/15

BOA Member/Alternate

Date

**BOARD OF ADJUSTMENT
FINDINGS OF FACT**

DATE: October 28, 2015

PETITIONER: 72 New Zealand Rd Seabrook, LLC

CASE #: 2015-013

MAP/LOT/SEQ: 7-55

LOCATION: 72 New Zealand Road

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment Member has determined the following findings of fact:

1. The variance is not contrary to the public interest.

YES or NO

2. The spirit of the ordinance is observed.

YES or NO

3. By granting this variance substantial justice is done.

YES or NO

4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:

Mark F. Ruston

BOA Member/Alternate

10/28/15

Date

**BOARD OF ADJUSTMENT
FINDINGS OF FACT**

DATE: October 28, 2015

PETITIONER: 72 New Zealand Rd Seabrook, LLC

CASE #: 2015-013

MAP/LOT/SEQ: 7-55

LOCATION: 72 New Zealand Road

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment Member has determined the following findings of fact:

1. The variance is not contrary to the public interest.

YES or NO

2. The spirit of the ordinance is observed.

YES or NO

3. By granting this variance substantial justice is done.

YES or NO

4. By granting this variance the value of surrounding properties are not diminished.

YES or NO

5. Literal enforcement of the ordinance would result in unnecessary hardship.

YES or NO

Motion and/or Reasons for Denial:

Meresa Powell - Member
BOA Member/Alternate

10/28/15
Date

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE

You are hereby notified that the request of MacKenzie Properties, LLC, 28 London Lane, Map 5, Lot 8 for REHEARING, **VARIANCE**, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: Section 16, Sub-Section 401-410, and asks that said terms be waived to permit fuel delivery vehicles in Zone 3 Industrial The Zoning Ordinance has been **DENIED** for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF ONE YEAR IF NOT COMPLETED WITHIN THAT TIME.

RESOLVED,

Motion:	Dr. Lebold	To deny variance because applicant refuses to accept a conditional variance to go to Planning Board for site review including spec requirements variance denied
Second	H Therriault	
Yes:	RL, TRT, HT	
No:	MP	
Abstain:		

RESOLVED, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:
("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Henry Therriault, Chairman
Board of Adjustment

Date: 11/4/15

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE

You are hereby notified that the request of 72 New Zealand Road Seabrook, LLC, 72 New Zealand Road, Map 7, Lot 55 for REHEARING, **VARIANCE**, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: Section 13 Table 3 and asks that terms be waived to permit a larger freestanding sign than what is allowed (100 SF per side) in zone 6M The Zoning Ordinance has been **GRANTED** for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF ONE YEAR IF NOT COMPLETED WITHIN THAT TIME.

RESOLVED,

Motion:	D. Lebold	Move to grant applicant relief from sign ordinance to allow a sign 100 ft per side total of 200 sq ft in zone 6M facing access road to I95
Second	H Therriault	
Yes:	Unanimous	Relief granted
No:		
Abstain:		

RESOLVED, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:
("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Henry Therriault, Chairman
Board of Adjustment

Date: 11/4/15

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001

