

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
MINUTES OF February 25, 2015**

Board Members: Robin Fales, Teresa Rowe-Thurlow, Henry Therriault, and Mark Preston

Other Members: Steve Zalewski, Building Inspector and Morgan O'Connor, Secretary

Meeting opened at 7 PM

H. Therriault opened the meeting at 7PM. He explained the procedure of the meeting. He explained that the meeting had been posted at the Seabrook Town Hall and Seabrook Post Office and in the Newburyport Daily News. He further explained that this meeting is being recorded and available at the Town hall.

H. Therriault also stated that there were only four board members at the meeting and that in order for an application to pass it would need three votes in the affirmative. He advised that applicants could continue their case to the next meeting when a full board would be present.

Minutes of the December Meeting

Motion: T. Rowe-Tbulow To accept the minutes as they are.
Second: M. Preston
Yes: Unanimous

Minutes of December 10, 2014 accepted as presented.

Old Business:

Case # 2015-001 Vault Motor Storage, LLC, 72 New Zealand Road, Map 7, Lot 55 for Appeal from Administrative Decision Dated 11/10/2014 in relation to Section 6

Case # 2015-002 Vault Motor Storage, LLC, 72 New Zealand Road, Map 7, Lott 55 for Variance to Section 6 to Permit Motor Vehicle Storage Facility in Zone 6M

Motion: H. Therriault To withdraw applications without prejudice
Second: R. Fales
Yes: Unnimos

Case #2015-001 and 2015-002 are withdrawn with prejudice at the request of the applicant.

Case# 2015-003 Robert F. Wright, 84 Centennial Street, Map 13, Lot 17 for Variance for Section 7 for 3 Dwelling Units in Zone 2R

Robert: I would like to build an apartment above the garage due to health problems.

Teresa: Will it have a kitchen?

Robert: Yes. The doctor asked me to get away from the animals for my medical issues.

Henry: I don't understand, they're asking you to get away from the what?

Henry: You have two Dwellings were do the cats live?

Teresa: It's all one lot?

Robert: Yes.

Teresa: That's three dwellings on one property.

Henry Boyd: He wants an apartment on a structure above the garage.

Steve: It's not attached so that would make it three.

Steve: Is there an apartment in the house?

Robert: it's a bedroom down stairs in the basement that had a stove but you asked to remove it so we did.

Steve: So it's not an apartment it's a bedroom in the basement?

Robert: Right.

Henry: Would anyone like to speak for the applicant or against?

Teresa: You can't put her upstairs?

Robert: She can't get up and down the stairs.

Teresa: 2 houses and a garage on a property and in your taxes it's called an apartment.

Robert: Steve told us to take out the stove.

Steve: In a way it's a detached family apartment.

Henry: Any further questions?

Steve: They don't have a full board you can continue it to next month to see what the outcome is.

Robert: No I will go ahead today.

H. Therriault stated that if there were no more questions or comments it was time to vote on the applicaiton.

Mark	Robin	Henry	Teresa
No	No	No	No
No	No	No	No
No	No	No	No
No	No	No	No
No	No	No	No

Motion: H. Therriault Move for the application to be denied
Second: M. Preston
Yes: Unanimous

Case# 2015-004 Kenneth C Sweet, 72 New Zealand Road, Map 7, Lot 55, Request for Variance to Section 6 to Permit Self Storage in Zone 6M

Henry Boyd: I am here on behave of ken sweet. We have a large building totally under utilized; this building has had different things in it over the years. These guys have purchased the building to have a self-storage within it. He would also like outside storage. The traffic is pretty low it is environmentally friendly. The site would stay the same they have fencing that goes around the whole building.

Henry: Are the setbacks and is the storage going to be on the highway side.

Henry Boyd: No they are not going near the highway.

Henry Boyd: The exists will stay the say the layout may change a little.

Ken: I have a motor home that sits there now, but we will not be collecting old boats or cars, we would like to keep everything in the building.

Teresa: Is the whole area fenced in?

Ken: Yes and we will have a gate to get in and out.

Teresa: You have an apartment on one side and residential on the other.

Ken: Yeah we have the gate on the dead end road but we may have two gates.

Henry: Will the gate be so people can get in and out.

Teresa: So if someone comes in with an Uhall they wont get stuck down there?

Ken: We aren't looking to put it on the highway side.

Teresa: It's probably 2 and ½ feet for the cars in front.

Henry Boyd: No it's pretty big and traffic wise they don't generate a lot of it.

Ken: Some days you get no one and other days you may get 8 people.

Ken: the building was built in the 80's

Henry: Will you be open everyday?

Ken: 7 days a week

Henry: Customers can get on when your not there?

Ken: Typically 6AM to 10PM the other storage places is 24 hours and doesn't have a gate we will have one.

Mary Ganz: We could look at this as a variance or an expansion. This is grandfathered in; grandfather use was for plastic storage and a office area. Mr. Sweet will utilize this property. So since this building was a storage place for plastics and also for an office area now it's going to a self-storage. The issue with Teresa can happen at the planning board for the hours of operations. We hope you grant the variance or expansion.

Teresa: The building was old plastic that they took in and sent out within 2 weeks so I don't really know if you can call it storage.

Steve: It's a tough one by definition that's why I had them come here.

Henry: Does anyone else want to speak for the applicant or against him?

H. Therriault stated that if there were no more questions or comments it was time to vote on the application.

Mark	Robin	Henry	Teresa
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	No
Yes	Yes	Yes	Yes

Motion: M. Preston Grant the variance for self-storage
 Second: R. Fales
 Yes: Unanimous

Case# 2015-005 Donna Malgeri, 15 Deer Crossing, Map 2, Lot 53, Sequence 13, for Special Exception for a Family Apartment in Zone 1 Rural

Allen Done: She bought property and was told that there was a family apartment in the basement, come to realize the apartment wasn't approved and wasn't up to code. We are looking to make an apartment and bring it to code.

Henry: Family has to live in the apartment.

Allen: Yes we know it's for her son. We want to make it legal.

Steve: We want to measure it so its 250 Sq. feet.

Allen: We were aware of that, if he wants it 250 that's what he will get.

H. Therriault stated that if there were no more questions or comments it was time to vote on the application.

Mark	Robin	Henry	Teresa
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes

Motion: R. Fales Grant the variance for a family apartment but has to be blood relatives living there.
 Second: H. Therriault

Yes: Unanimous

Case# 2015-006 Raven Realty Trust, 892 Lafayette Road, Map7, Lot 92, Sequence 1, for Variance to Section 7 to Permit a Reduction in Building Setback in Zone 2

Henry Boyd: There was a fire back in the 80's in this building. The plan is to build on it; the foundation has to be redone. We keep the setbacks as it is, we are just replacing what was there before. It fits all of the parking we need all we need is just a set back.

Mark: Johnsons.

Henry Boyd: 2 tenths of a foot.

Steve: same footprint?

Henry Boyd: Same footprint as before.

Teresa: what is it going to be?

Henry Boyd: An auction house for antiques.

Henry Boyd: They will be replacing the entire thing, which is a 1" to a 6" and hydrants.

Teresa: It's going to be a auction house with barley any parking?

Henry Boyd: We have parking in other spots we have 105 parking spaces, that is more than we need we have 28 more than she needed.

Henry: Only on corner needs it?

Henry Boyd: No it's the whole length. If we pull it out we have to go back 7 feet.

Mark: There is still park of the old building there.

Henry Boyd: According to Steve and after looking at it, it needs to be done over.

Teresa: Its being built on the same pad?

Henry Boyd: The structure is still there.

Henry: There is no building.

Henry Boyd: They just want to restore it to the normal purpose of the building. They need 8.7 feet.

Henry: So we have 20-foot gap.

Henry Boyd: It's closer to 15 feet.

H. Therriault stated that if there were no more questions or comments it was time to vote on the applicaiton.

Mark	Robin	Henry	Teresa
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes

Motion: R. Fales Grant the variance for an 8.7 setback as requested
Second: H. Therriault
Second: Unanimous

New Business:

Case# 2015-007 Route 107 Seabrook LLC, c/o Kenneth Wilson, 17 Anchor Way, Map 9, Lot 34, Sequence 3 for Appeal From An Administrative Decision, dated November 17, 2014 in relation to RSA

Jeff Brown: Last time we were here we asked for a variance than decided we were going to withdraw the application for the variance. The conversation was about a duplex house or a single family home. But we took the boards advice and applied for a building permit and if it were denied than we would come back before you guys.

Steve: you applied for a multi family dwelling, which is more than 2 units. I see from the application that you wanted a duplex.

Teresa: You were denied a duplex family house.

Jeff: We withdrew we didn't get denied.

Teresa: You withdrew before we voted.

Jeff: We didn't need a variance.

Jeff: We never submitted anything in writing. We don't need a variance because we are grandfathered. We said yes to a single family because he was confused. We withdrew the

application because I told him to. What we need to do is apply for a permit for a house. This subdivision was approved 10 years ago because it was substantially complete. RSA: 674:392 states that once its done the lots are grandfathered the board technically agrees. The board kind of agreed but said only a single-family dwelling.

Teresa: He agreed to a single-family home.

Jeff: He can't afford to build a single-family home. Its taxed as a duplex lot. The question now is if we need an appeal of a administrated.

Steve: Whether 674: 39:11 applies to improvements on the lot?

Steve: 674:39 II Steve Reads this RSA.

Steve: This is describing what's on the subdivision plat is grandfathered but improvements are something else.

Steve: 676:13 Steve read this RSA.

Steve: I cannot issue a building permit.

Teresa: It doesn't say anything was going there.

Jeff: A duplex was.

Steve: I beg to differ it doesn't say a duplex was going there in 2004. Any improvements on existing lots have to be followed by the rules now.

Steve: I could never issue a permit.

Jeff: You could never for any of them then.

Jeff: Can anything be built with the setbacks from 2005?

Teresa: You can't do it now.

Teresa: with the wetlands we were more comfortable with a single family home than a duplex.

Jeff: He didn't understand when you guys were talking.

Jeff: A question is whether a building can be built in the 2005 setbacks.

Teresa: We said we would give him a variance.

Jeff: He doesn't need to comply with the new ones.

Teresa: I thought there was a limitation. Than you had to follow today's rules.

Jeff: The subdivision was substantially complete so it was complete already.

Steve: It's only the right of subdivision plat.

Jeff: Any structure using old setbacks.

Teresa: Can we go back to when they were approved?

Jeff: If he applied for a building permit tomorrow will he be denied a building permit using 2005 setbacks?

Henry: whether we agree with you or Steve the building inspector made a decision on the RSA.

Mark: Do we have an attorney that we can talk to about this before making a decision whether he supports Jeff or Steve?

Steve: If we deny this its going to go to the superior court or we could send it to the attorney first.

Steve: I think we should look for a legal opinion first.

Motion: M. Preston Consult with town attorney about this case.
Second: T. Rowe-Thurlow
Yes: Unanimous

Motion: T. Rowe-Thurlow Continue case till next month.
Second: M. Preston
Second: Unanimous

Henry: Is there any other business to come before the board?

Motion: H. Therriault Adjourn the meeting.
Second: R. Fales
Yes: Unanimous

Meeting adjourned at ____ PM

Signed: _____
Henry Therriault, Chairman

Date: _____