

**TOWN OF SEABROOK  
BOARD OF ADJUSTMENT  
MINUTES OF April 1, 2015**

Board Members: Mark Preston, Henry Therriault, Robin Fales,  
and Mike Lowry

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

Meeting Starts at 7PM

H. Therriault opened the meeting at 7:15PM. 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.

**Continues Cased from March 25, 2015**

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

Steve: I reviewed this and spoke with the town's attorney and at this point I recommend denial.

Mark: Did the Attorney put anything in writing?

Henry: Can you give a reason?

Mark: Law is the law

Steve: Its one persons determination.

Jeff: Your law firm lost a case and they will lose another. It's unfair and unconstitutional. If you want to say no you can, if you have been substantially complete its unfair to have to go by the new rules.

Jeff: when I file I'm going to ask for attorney fees its unreasonable for the town attorney to say no.

Robin: He agreed to a single-family home.

Jeff: He withdrew the case, and you approved the same thing 2 streets down.

Steve: That house was approved as a single family home.

Jeff: It says 10ft set back in 2012 it was a unanimous decision.

Henry: we have dragged this out for some time.

Mark: We have heard arguments and have paper work and the attorney's opinion we need to vote yes or no tonight.

Steve: The town attorney didn't say no it could go either way he said I recommended to deny it.

Henry: are we ready to make a decision?

Mark: Is there any harm on voting a variance or not in case?

Steve: The case before the board is not a variance.

Henry: We are working with administrative decision.

Jeff: We have grandfathered rights but if he's just going to say no then what's the point.

Henry: Law as written.

Henry: Reads the RSA, and then says its pretty clear the way the law is written.

Jeff: No variance required.

Frances: What's Steve's reason for saying no.

Jeff: It still has to go by the building code all were talking about are wetland setbacks.

Steve: Reads RSA 674:39

Steve: This is only talking about subdivision not improvements on each lot it's for sewer and sidewalks.

Henry: Reads RSA 674:39 the rest

Steve: I think your opening a can of worms.

Jeff: From my knowledge there are not any other subdivisions that are substantially complete. I can't just walk in here with it written on paper. I have a 5-year window and if I'm not substantially complete then I lose my grandfather rights.

Steve: Here's a different way of looking at it Reads RSA 674:39.

Mark: If I read zoning in effect of 2005 that's how I would interpret it.

Motion: Henry Variance is not needed based on 674:39

2<sup>nd</sup>: Mark

3 Yes Mark, Mike, Henry

1 No Robin

Henry: Any more comments?

Jeff: What we already said

Henry: Letter from Morgan resigning from the secretary job, she got a fulltime job and has to take night classes.

Motion: Henry To Adjourn the meeting.

2<sup>nd</sup>: Mark

Unanimous

Meeting Closed at 8PM

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Henry Therriault Chairman