

**TOWN OF SEABROOK  
BOARD OF ADJUSTMENT  
September 26, 2007**

**Members Present:** Mike Lowry, Teresa Rowe, Dr. Robert Lebold, Henry Therriault and Robin Fales

**Others Present:** Building Inspector Paul Garand and Secretary Jo-Anne Page

H. Therriault called the meeting to order at 7PM and a roll call of the members was taken.

H. Therriault explained the procedure of the meeting to all present.

**OLD BUSINESS:**

H. Therriault stated that when he went to sign the minutes from the 8/22/07 meeting he realized that Case #2007-20 Portsmouth Mortgage Company did not have a unanimous vote on all five questions. He stated that the findings of fact do not have enough evidence to support granting the application. He pointed out that Question #3 had not been a unanimous Yes vote therefore the request should not have been granted.

He advised that when this was realized he contacted Attorney Ganz, representative for the applicant, and discussed this with her.

Motion: Dr. Lebold Reopen case #2007-20 to revote question #3 knowing the conditions already  
Second: T. Rowe placed on the case  
Yes: Unanimous

Case #2007-20 will be reopened to revote on question #3 only.

**Clarification of Case #2007-20 Portsmouth Mortgage Company, 817 Lafayette Road, Map 7, Lot 48 for Variance (Expansion of Non-Conforming Use) to Article XIV, Paragraph A to Permit Continued Mixed Use For Office Space Plus Two (2) Apartments (Continued from July 25, 2007)**

Attorney Ganz stated that she would like to be allowed to speak to the spirit of the ordinance. She advised that she had done extensive research as to the spirit of the ordinance and offered Chester Rod & Gun Club v. Town of Chester. She stated that there just might have some confusion at the August meeting regarding yes vs. no on question #3. She asked that the board members support the request and Dr. Lebold stated that abutters had not been notified of the request for reconsideration on the case from August.

H. Therriault stated that if there was no more discussion on this issue, it was time to vote on question #3.

	M. Lowry	T. Rowe	H. Therriault	Dr. Lebold	R. Fales
3	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant the acceptance of a second apartment at 817 Lafayette Road with the  
Second: M. Lowry following conditions: 1) Revert to two one-bedroom apartments; 2) Discontinue  
Yes: Unanimous use of attic as living space; and 3) Meet all fire and building codes. This is based  
on records of 1975 sewage plan for commercial and two one-bedroom apartments

Request for Variance at 817 Lafayette Road is granted.

H. Therriault advised that there was a letter submitted by Attorney Ganz for Reconsideration to allow use of the attic space.

Dr. Lebold stated that this issue was not advertised and. He stated that the case was closed and this request would have to be a new application submitted to the Board of Adjustment for a variance.

Attorney Ganz stated that she would like to speak to the issue without starting all over again. She stated that she had spoke to P. Garand on this matter. She advised that they would like to use the third floor for living space only and that there would not be any bedrooms in this space.

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P. Garand said that no application for building permits has been sought and there are other options for the building use.

Motion: Dr. Lebold The Motion for Reconsideration of Restrictions is denied as a new application  
 Second: M. Lowry for variance would be needed  
 Yes: Unanimous

Motion for Reconsideration of Restrictions is denied for 817 Lafayette Road.

**NEW BUSINESS:**

**Case #2007-24 Lou Ann Kimball, Trustee of Cahoon Trust, 12A, 12B & 12C Janvrin Drive, Map 10, Lot 56 for Variance to Article VI, Table 2 to Permit Reduced Frontage in Zone 2R.**

Attorney Mary Ganz and Lou Ann Kimball appeared on behalf of this application.

Attorney Ganz stated that the applicant was trying to sell the property and she could get more money if each home was on its own deeded lot.

H. Therriault asked if this was a legally recorded condominium.  
 Attorney Ganz said yet it was. She stated that the other two owners, Valerie Brown and Jesse Fowler, are in agreement with this proposal. She pointed out that the area always has been treated as three separate lots. She then covered the criteria for granting this variance, which was submitted with the original application.

H. Therriault asked when this lot was established.  
 Attorney Ganz stated it was October 1983. She said this would be a mobile home on its own lot and would bring in more money. She said that it would increase the value with the town and bring in more tax money. She stated this was appropriate use of the property.

H. Therriault asked what zoning regulations were in place when this property was converted to condominium. He stated this was probably made condominium due to the road frontage issue. He said this was contrary to the public interest and would create three non-conforming lots.

Henry Boyd stated that there are three lots there now. He said that there would be more than enough square footage for each lot and that it was already set up as three lots now.

T. Rowe said that the issue is the reduced frontage.  
 P. Garand said that a letter from Holmes and Ells law office showed that these lots were in place before zoning and they were looking to split them up quite some time ago.

Brian Felch stated that he was in support of this application. He said that it is the right thing to do as nothing more can be put on this property. He pointed out that there would be three lots with less frontage. He pointed out that this would help with sales and purchase of the property.

H. Therriault said that if granted he would like to see it restricted to single family homes with no family apartments allowed.  
 L. Kimball stated that would be fine.

H. Therriault stated that if there was no more discussion on this application it was time to vote.

	M. Lowry	T. Rowe	H. Therriault	Dr. Lebold	R. Fales
1	Yes	Yes	No	Yes	Yes
2A/B/C	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	No	Yes	Yes
4	Yes	Yes	No	No	Yes
5	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for Variance from the frontage requirement giving each of the three  
 Second: M. Lowry lots 38 feet of road frontage based on precedent setting frontages on Janvrin  
 Drive with conditions: 1) Single family homes only; and 2) It is noted in the new  
 deeds that family apartments are not permitted on these properties.  
 Yes: Dr. Lebold, M. Lowry, R. Fales and T. Rowe  
 No: H. Therriault

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Request for Variance at 12A, 12B & 12C Janvrin Drive is granted.

**Case #2007-25 Gerald J Turcotte, 12/14/18 Farm Lane, Map 13, Lot 10, Sequence 0/1 for Variance to Article VI, Table 2, Paragraph 1 & 3 to permit Two Lots With Reduced Frontage Width and Area in Zone 2R**

Henry Boyd, Millennium Engineering, and Gerald Turcotte appeared on behalf of this application.

H. Boyd stated that this property is made up of four lots. He said that this would allow one lot to be for his mother's home, which is already there, and the other to be for his home and shed. He pointed out that essentially all would be the same and that both lots would have equal area and frontage. He covered the history of the property explaining how all the lots had come into existence and that it was always in the family.

T. Rowe asked if there were two or three lots in this request.

H. Boyd said that there were two, #14 and #18 Farm Lane.

H. Therriault stated that if there was no more discussion on this application it was time to vote.

	M. Lowry	T. Rowe	H. Therriault	Dr. Lebold	R. Fales
1	Yes	Yes	Yes	Yes	Yes
2 A/B	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes	Yes
5	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant relief from required frontage giving 63 feet frontage and relief from  
 Second: M. Lowry square footage requirement with each lot having 12,120 square feet. This  
 Yes: Unanimous is bringing property closer to conformity. Conditions: 1) Single family  
 home  
 Only; and 2) Deeds are noted no family apartments.

Request for Variance at 14/18 Farm Lane is granted.

H. Therriault advised the board that a letter forwarded from the Town Manager's Office from Harrison Beckman requesting to be on the Board of Adjustment.

Motion: Dr. Lebold Request the Board of Selectmen appoint Harrison Beckman as an  
 Second: T. Rowe alternate member  
 Yes: Unanimous

A memo will be sent to the Town Manager and Board of Selectmen requesting that Harrison Beckman be appointed as an alternate member to the Board of Adjustment.

Motion: H. Therriault Adjourn  
 Second: M. Lowry  
 Yes: Unanimous

Meeting adjourned at 8:15 PM.

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 Henry Therriault  
 Board of Adjustment Chairman

DATED: \_\_\_\_\_