

The meeting was called to order at 7:35 p.m. Those attending were: Mike Iafolla, Chairman, Bob Fields, Russ McCann, Alternate, sitting in for Dick Wollmar, Russell Jeppesen, Mark Johnson. The Chairman explained the order of business and introduced the members.

Bob Field stated that the minutes from the meeting of August 16, had some omissions and made the motion to adopt the minutes as they will be finalized, seconded by Russell Jeppesen, minutes were adopted, all in favor.

The Chairman read a letter submitted by Cathy Williams regarding Case 2000:33, stating that she was withdrawing her petition.

**Case 2000:30 – Derrick Hill, 272 Atlantic Avenue, requests an Equitable Waiver pursuant to RSA 674:33-a for renovation and new construction of an addition of a bedroom, bathroom, kitchen, sitting area, and mudroom to the existing dwelling that is 24 feet to front property line where 30 feet is required.**

Derrick Hill spoke for the petition and stated that the house was circa 1880s and they were planning to do further remodeling/renovations, and did not want to have to come back to the Board every time for approvals. There was no one that spoke against the petition. Bob Field made the motion to grant the equitable waiver, seconded by Mark Johnson, vote was unanimous.

**Case 2000:31 – Judy Day & Larry Miller, 141 Mill Road, for Appeal of Administrative Decision of the Town of North Hampton's Building Inspector for the granting of a building permit to Eugene Ganeau, 145 Mill Road.**

Larry Miller spoke for the petition; he handed out a statement prepared for him by his attorney stating his position. It restated the position as listed in the description of the case, that the Building Inspector had issued the building permit to Eugene Ganeau, in error because it was located in the conservation easement. Paul Charron, Building Inspector, stated that he had received a new septic system, approved by the State, on September 18, 2000, and had told the applicants of this before the meeting started. There was discussion among Board members and Judy Day of 141 Mill Road, and Beth & Jeff Church of 143 Mill Road. They stated that they had done extensive research on the Mill Place Subdivision, along with Paul, and had been unable to find much information. Paul stated that when plans are approved (by the Planning Board) and recorded, that the sheets that show the conservation easements are not usually recorded, and the original subdivision plans did show the easement and the proposed septic site in the easement. Paul also stated that each lot had to show a 4,000 s.f. location of a proposed septic site, this may or may not be the final site that is used.

Ted Turchan stated that when plans are signed off and approved by the Planning Board, that the conservation easements depicted on the plans sometimes are not approved.

Shirley Carter stated that the Conservation Commission would be preparing a new map depicting all conservation easements and that Paul Charron would be receiving a copy.

The Chairman stated that the Board can't control the State, or the Planning Board, but can control the Building Inspector, and that the applicant had proven their point.

Ted Turchan spoke against the petition and stated in defense of the Building Inspector, that regarding septic plans, when subdivision plans are approved, that a proposed location only is shown on the plans.

Bob Field then made the motion that the appeal be affirmed by the Board, that the Building Inspector issued the permit in error, seconded by Russell Jeppesen, and that in resolution, the Board does not find the Building Inspector responsible for this error; and that the system is at fault, seconded by Mark Johnson, vote was unanimous.

The Board directed the Building Inspector to revoke the permit in question # 2000:075 issued on March 17, 2000 , and upon receipt of the new approved septic plan from the State of New Hampshire, will issue Gene Ganeau a new building permit for the property at 145 Mill Road.

The Building Permit applications have now been updated to address this concern.

**Case 2000:32 – Lamprey Brothers, 46 Chapel Road**, a variance to Article V , Section 501.2, existing buildings are within 15 feet of property line, seeks a variance to permit an addition which would encroach on the setback 7.1 feet.

Don Lamprey spoke for the petition. He stated that they would be extending the front of the building and adding garage doors. He spoke to his neighbor, and he had no objection to this plan. Bob Field asked what the hardship was, Don Lamprey stated that right now, the building was too small to be used for anything, that it was wasted space. The Chairman stated that these buildings would classify as accessory buildings (the setback requirement is 15 feet from the property line).

Russell Jeppesen made the motion to grant the variance as presented, seconded by Mark Johnson, vote was 3 in favor, one opposed, Bob Field.

Mr. Field recused himself at this point because his law firm was representing Irving Oil to be discussed under other business.

The next order of business was the Motion for Rehearing from Michele Peckham regarding Irving Oil.

The request from Michele was received on September 12, 2000, and John Colliander's filed his objection to the rehearing on September 19. Mr. Colliander stated that he thought the reason to grant the rehearing was to present new evidence. The Chairman stated that new evidence could be presented, but that it was up to the applicant to present whatever they wanted. The Board then decided to grant the motion for rehearing and will set a date on the last day of September. A letter will be sent to Michele Peckham advising her of this decision.

Michele had also sent a copy of the memo pertaining to errors or omissions in the minutes from August 23, 2000. The chairman read it to the Board, and stated that these would be forwarded to Town Counsel for his opinion.

The last order of business was to elect a Vice-Chairman. Mark Johnson was nominated by Russell McCann, seconded by Russell Jeppesen, vote was unanimous.

Respectfully submitted,

Tina Kinsman  
Recording Secretary

Zoning Board of Adjustment Minutes  
September 20, 2000