

The meeting was called to order at 7:30 p.m. Those attending were: Mike Iafolla, Chairman, Mark Johnson, Vice-Chair, Sam Checkovich (sitting in for Russ Jeppesen), and Chuck Gordon (sitting in for Bob Fields), Dick Wollmar, and Paul Charron, Acting Secretary.

2000:37 – Motion for Rehearing, Filed by Michele Peckham on Behalf of Objecting Abutters and Interest Parties, Concerning the Permit granted to Irving Oil by the Zoning Board of Adjustment pursuant to North Hampton Zoning Ordinance, Article V, Section 512.

2000:38 – Irving Oil Corporation, seeks a variance to Article IV, Section 409, for impermeable surface (paving) within 15' of inland wetlands where 50' is required (35' encroachment), and to Article IV, Section 409.8 (B) to permit storage of gasoline within 60' of inland wetlands where 75' is required (a 15' encroachment).

Case 2000:37

Parties have reached accommodation regarding the rehearing and the granting of the permit on September 17, 2000. There have been some adjustments to the plan which speak to the objections of abutters. John Colliander stated that Irving Oil had reengineered the plans to address abutters' concerns. Michele Peckham withdrew the Motion for Rehearing.

The new reengineered plan was received on October 25, 2000, and presented at this meeting on the same date. **Details of the new plan include: moving the facility 120 feet to the south versus plan approved with the permit; the car wash was moved to the north (now facing East/West), the addition of a buffer of green with trees and a berm.** The berm is a change from the original preliminary plan presented on October 10, 2000 and specifics will depend on the Planning Board review.

As a result of moving the facility south, there is the need of the granting of the two variances requested above, as stated in **Case 2000:38. 1. 75' (feet) petroleum buffer to wetlands three (3) gas dispensing pumps within 75', the tanks outside of is 75', variance is for three pumps within 15' (60' v. 75'). 2. Some impermeable surface was added to the plan (more than existing: store and parking).**

There was extensive discussion among Board members concerning the existing facility and what would be added, as well as tanks, pumps, wetlands and stormwater. The existing billboard would be removed.

Michelle Peckham can speak for seventeen (17) households who agreed to the plan with the changes, except Mr. Mailhot, of 10 Glendale Road, who submitted a letter addressed to the Zoning Board (attached), which basically said that "he would hold the Town of North Hampton and the Zoning Board responsible for any and all conditions that arise". This statement will be included in the permanent record of this meeting. The Chairman stated that if the Town was sued, the Town defends and pays if judgement is against Board members. Chuck Gordon stated that any appeal would go to a rehearing and then to the Supreme Court. The Chairman stated that this issue would not change his mind, that he would vote to approve because this plan was substantially better.

The following reflects the specific wording in the granting of the variances that were applied for:

1. Original variance was modified by submission of a new plan (**Preliminary Site Plan #2, dated October 25, 2000**), copies submitted and available at the Town Office.
2. **Case 2000:37, Motion for Rehearing** was withdrawn by the applicant.
3. **Case 2000:38**, for variance to **Article IV, Section 409.8B**, the granting of the variance reads as follows: **“dispensers and associated piping are considered transitory storage under the ordinance (409.8B) as it applies in this particular case. Only piping, dispensing and attendant piping are considered transitory storage, not bulk storage which is outside the buffer zone.”**
4. Also, the variance to **Article IV, Section 409.9** for impermeable surface (paving) within 15 feet of wetlands, was granted.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Tina Kinsman
Secretary