

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

The first order of business was to approve the minutes of October 18. Bob Field requested an amendment to the minutes, to add the following: "Committee member Wollmar then made a motion to adjourn the meeting. Such motion was seconded by Mr. Field, and, following discussion, the Board voted unanimously to adjourn. The Meeting adjourned at 9:00 p.m. following which Mr. Field and Wollmar retired from the meeting room." Mark Johnson seconded the motion, vote was unanimous.

Concerning Case 2000:39, Mr. Field stated that he wanted an amendment to the minutes to show that the Board was not ignoring the health hazard because they did not address this issue. Mark Johnson seconded the amendment. The Building Inspector stated that this was not the case; the Board did not deal with this issue at the last meeting because the issue became apparent three days before the meeting, and did not have appropriate notice. The Building Inspector stated that the issue had been resolved by redesigning the system. Mark Johnson withdrew the amendment to the minutes.

A motion was made to approve the minutes from the meeting regarding Irving Oil (October 25), by Russell Jeppesen to accept, seconded by Mark Johnson, vote was unanimous, with Mr. Field abstaining.

**Case 2000:40 – W/S North Hampton Properties, 33-49 Lafayette Road (North Hampton Factory Outlet)** for a variance to **Article IV, Section 406.9** for a backlot pursuant to 406.9 which does not have a landscaped buffer area ten (10) feet in width along the entire property line and a variance to Article IV, Section 406.8 for the lot to be subdivided leaving one hundred fifty (150) feet of frontage on Cedar Road and six hundred two +- (602) of frontage on Lafayette Road.

Bernie Pelech spoke for the petition and presented Gelinas' five findings of fact that supported the requesting of this variance. The following is a brief description of the proposal. The applicant proposes to subdivide the existing North Hampton Factory Outlet Mall lot, which contains 75.73 acres into two lots and to combine the smaller of the two lots with the Marty's Steakhouse lot (which is adjacent). The resulting Lot Number 1 would contain 12.19 acres and have 150 feet of frontage on Cedar Road. The second lot would be the remainder of the North Hampton Factory Outlet lot, which would contain 63.54 acres, and have approximately 700 feet of frontage on Route 1.

The Chairman stated that one important fact that should be provided for was that the proposed lot access to Lafayette Road should be in perpetuity by deed or easement. This could be done by condition of approval.

A motion was made by Russell Jeppesen to accept as presented with a stipulation that cross easements be granted to address all common issues between both parcels (blanket easement), seconded by Dick Wollmar, vote was unanimous.

**Case 2000:41 – James Jones, 120 Lafayette Road, for Application for Appeal of Administrative Decision** 1. for an interpretation made by the Planning Board relative to the terms of Article IV, Section 406.4 (b) & 406.5 and asks that said terms be waived to permit: a “grandfathered” (preexisting) use to be continued, where both residential and commercial uses have occurred since before zoning was adopted, 2. The undersigned hereby requests an Appeal of Administrative Decision for an interpretation made by the Planning Board relative to the terms of Article IV, Section 406.4(b) & 406.5 and asks that said terms be waived to permit: a building to be built for one of the businesses on this property, without being defined as “expansion of nonconforming use.”

**Case 2000:42 – James Jones, 120 Lafayette Road**, for a Special Exception to terms of Article IV, Section 406.8 of the Zoning Ordinance to allow a large cement block retaining wall to remain within the 10’ buffer, where the Zoning Ordinance says that no structures are allowed. The retaining wall, and its attendant improvements are designed to relieve the problems of the neighbors by providing a visual buffer and protection from the commercial activities.

The Board had extensive discussion regarding the first issue: the grandfathered use. The Chairman stated that both residential and commercial had existed prior to 1968, and felt that this was a grandfathered use. A motion was made by Mr. Field that the building and use were both grandfathered, seconded by Mark Johnson, vote was unanimous.

**Issue #2, the Appeal of the Administrative Decision regarding the building:** the Chairman stated that the new building would be conforming, not nonconforming. Mark Johnson stated that one of the two uses (either residential or commercial) is to be favored, not both. Mr. Duffy stated that the abutters wanted this property to be residential, the Chairman stated that the Board cannot tell the applicant what he could do with his property, but that he was not entitled to expansion of both uses, only one use. The use would be the landscaping business. Mr. Field made the motion that the proposal to build the building as an accessory use to the business, not an expansion of a nonconforming use, seconded by Dick Wollmar. The Chairman stated that this would be reversing the decision made by the Planning Board. The motion and the second were withdrawn. A new motion was made by Mr. Field, the Board found that the expansion of a nonconforming use doesn’t exist, and that the applicant is allowed to construct an accessory use to the principle business (landscaping).

**Case 2000:42** – After much discussion among Board members and the public, and because no agreement could be reached between the property owner and abutters, a motion was made by Russell Jeppesen to table this case for two months, seconded by Mark Johnson, vote was three in favor, two abstaining, Dick Wollmar, and Bob Field.

**Case 2000:43 – John & Julie Woodworth, 45 South Road**, for an Equitable Waiver, under 674:33(a) for existing longstanding dimensional requirement being that under current zoning 50 feet front setback is required and 40 feet is found to exist, and for a variance to Article IV, Section 406 for an existing front setback of 40 feet where 50 feet is required in IB/R zone.

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Mr. Field stated that insufficient notice had been given for this case (it was advertised separately on November 11) and the Board could take no action at this time. A separate meeting was scheduled for November 27 at 4:00 to address this issue.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Tina Kinsman  
Recording Secretary