

**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 15, 2002**

The Town of North Hampton Zoning Board of Adjustment ("Board") met on Wednesday May 15, 2002 at the North Hampton Town Hall to conduct a Regular Meeting of the Board ("Meeting"). Notice of the Meeting had been properly noticed in the Portsmouth Herald on May 8, 2002.

- I. Member(s) Present: Robert Field, Jr., Chairman, Mark Johnson, Vice-Chairman, Dick Wollmar, Richard Luff, and Ted Turchan.

Member(s) Absent: None

Alternate(s) Present: Samuel Checovich

- II. Other(s) Present: Ms. Krista Tischendorf, Recording Secretary of the Board

Chairman Field called the meeting to order at 7:00pm; declared a Quorum present, which quorum remained present and voting throughout the Meeting; and, then proceeded to the business of the Meeting. It was noted that each Applicant coming before the Board is entitled to have the Application/Appeal considered by a Board consisting of five (5) members; although Board action may be taken by a unanimous vote of a Quorum of three (3).

Mr. Field addressed the Board as to swearing in witnesses per the NH RSA 673.15. Mr. Turchan made a motion to accept the procedure of swearing in witnesses. Mr. Wollmar seconded the motion. The Board then discussed the reasons for the swearing in of witnesses. Mr. Field explained that it would help protect the Town if a case went to court. The Board members requested more time to consider the request. Mr. Turchan withdrew his motion, Mr. Wollmar withdrew his second.

I. Minutes

- A. April 17, 2002: Mr. Field provided a new draft of the minutes for. He asked if the Board wanted to adopt them tonight or wait a month. There was no change of content with the new revision. Mr. Wollmar made a motion to adopt the minutes as Mr. Field had rewritten them. Mr. Turchan seconded the motion. The vote was 4-0. Mr. Field abstained.

II. Old Business

- A. Case #2002:08 - 3 Fern Rd., Jarrod Patten, Article V, Section 513.3 – Request for Special Exception to allow an accessory apartment over an unattached garage. Ms. Tischendorf advised the Board that the Applicant requested the matter be "Tabled" until the June 19th meeting of the Board. Mr. Wollmar moved that the case be "Tabled" to the June 19th meeting noting that this would be the last continuation allowed. Mr. Johnson seconded the motion. The vote was 4-0. Mr. Field abstained.

III. New Business

- A. Case #2002:18 – 33-49 Lafayette Rd., Neokraft Signs, Inc. for Olympia Sports, Request for a Variance to Article V, Section 506.3 (e) – To permit a wall sign that will be larger than the allowed square footage in the ordinance.
- i. Jurisdiction. Properly before the Board.
- ii. Case Presentation: Mr. Bernie Pelech, Esquire, was present to represent Neokraft Signs, Inc. for Olympia Sports. Peter Murphy was also in attendance to represent Neokraft Signs, Inc. The

building where the sign is proposed sits approximately 600 feet off of Route 1. Mr. Pelech put into evidence the "Letter Visibility Chart" from Penn State University. It shows that at 500 feet away the size of the letters needs to be 22 inches high. The proposed sign is in proportion to the existing signs in the plaza.

- iii. Five (5) Conditions: Mr. Pelech addressed the five (5) conditions, which must be satisfied to enable the granting of a Variance. (See applicant's memorandum). The Board concluded that the five conditions were satisfied.
- iv. Board Observations/Special Considerations: Mr. Turchan noted that the stores in the plaza previously required Variances also. The Board discussed the sign consistency with regards to other signs in the shopping plaza.

VOTE: Upon motion duly made by Mr. Johnson and seconded by Mr. Turchan it was voted to approve the Variance for the proposed sign. The vote was 4-0. Mr. Field abstained

- B. Case #2002:19 – 212 Lafayette Rd, K&S Construction, Request for Variance to Article V, Section 501.2 To allow the expansion of a "non-conforming use" to permit a 620sf addition and a 1856sf free standing structure for business use on a lot with business and residential use.

- i. Jurisdiction: Properly before the Board.
- ii. Case Presentation: Mr. Robert Battles, Esq. was present to represent the Applicant, Mr. Daryl Kent. Mr. Jon Chagnon, Ambit Engineering, Inc. was also present to answer any technical questions regarding the site plan. Mr. Battles addressed the Board as to the applicant previously applying to the Planning Board for a site plan review. The Planning Board advised the applicant that a Variance would need to be obtained prior to them being able to hear the application.

The proposed expansion of a "non-conforming use" would only include the commercial space. The applicant proposed to put two additions on the warehouse space to create an office and tool storage. The existing warehouse will be altered to create more open space for manufacturing products. The proposed new structure would be for vehicles, tools and materials. The proposed new building would not be visible from Route 1; it sits at a lower elevation. Mr. Battles informed the Board that there would be no increase to the number of employee's (6) and no emissions from the manufacturing inside the building.

- iii. Five (5) Conditions: Mr. Battles addressed each of the five (5) conditions, which must be satisfied to enable the granting of a Variance. (See applicant's memorandum.) The Board concluded that the five conditions were satisfied.
- iv. Board Observations/Special Conditions: Mr. Johnson noted that the landowner needed to choose what would be expanded. The applicant may only expand one of the uses. Mr. Field would like the applicant to stipulate that the residence would not be expanded. The applicant agreed to the stipulation.

VOTE: Upon motion duly made by Mr. Johnson, and seconded by Mr. Luff, it was voted to approve the Variance for expansion of a non-conforming use. The applicant stipulated to the condition of not expanding the residence. The vote was 4-0. Mr. Field abstained.

- C. Case # 2002:20 – 212 Lafayette Rd, K&S Construction, Request for Special Exception to Article IV, Section 405, To permit light manufacturing (wood products) on the property.

- i. Jurisdiction: Properly before the Board.

- ii. Case Presentation: Mr. Battles addressed the Board regarding the light manufacturing that Mr. Kent proposed.
- iii. Public Comment For: Mrs. Nancy Briggs, 122 Lafayette Road, noted that the property was perfect for this type of use.
- iv. Public Comments Opposed: None

VOTE: Upon motion duly made by Mr. Turchan, and seconded by Mr. Wollmar, it was voted to approve the Special Exception for light manufacturing. The vote was 4-0. Mr. Field abstained.

D. Case # 2002:21 – 101 North Rd, Sagamore Golf Center, Richard Luff, Requests a Variance to Article VI, Section 409.9 – To permit impermeable surface within 50 foot wetland buffer.

- i. Jurisdiction: Properly before the Board; however, due to an inadvertent publication error, this case was one day short. Chairman Field advised that due to the fact (a) that all abutters had been notified, (b) professionals present to support the Application had traveled great distances, (c) the public would not be unduly prejudiced by the Board receiving evidence at this Hearing, and (d) the public would have additional opportunity to comment on the merits of the matter at the Boards' June 19, 2002 meeting, the Board would hear evidence from the professional.
- ii. Case Presentation: Mr. Luff recused himself, Mr. Sam Checovich was seated. Mr. Bill Burbank, Diversified Technology Consultants, was present to represent the applicant. There was a procedural problem with the newspaper publishing but the Town posting was correct. The Board asked if there was any audience opposition. There was none. The Board discussed the issue and opted to hear the case and if there was a vote, it would be ratified at the June 19th meeting.

The Board discussed if the wetland in question was considered an isolated or contiguous wetland. It was decided that it was too large to be an isolated wetland. The proposed buffer intrusion was shown in three (3) parts; The proposed driveway, the proposed asphalt walkway, and approximately 400 square feet of the proposed shed would be in the wetland buffer. The Board discussed the walkway and having it as pervious material, driveway at a different location and the shed for the covered tee smaller to keep it out of the buffer. Mr. Burbank addressed the Board regarding these issues and noted safety issue of having the proposed walkway in a different place and unpaved for upkeep, the proposed driveway has been located at the flattest part of North Road. Mr. Burbank and the Board discussed placing 56 acres into current use and leave as open space.

- iii. Five (5) Conditions: Mr. Burbank addressed each of the five (5) conditions, which must be satisfied to enable the granting of a Variance. The board took his testimony under advisement.
- iv. Board Observations/Special Considerations: Mr. Turchan noted that the "wetland buffer" was actually up-land and the pond was man made.
- v. Public Comments For – None
- vi. Public Comment Opposed – Mr. Robert Gross, 148 Lafayette Road, Drake Farm, requested time to review the proposed plan. He asked if he could reserve his comments until the June 19th meeting.

VOTE: Upon motion duly made by Mr. Johnson, and seconded by Mr. Checovich it was voted to table the case until the June 19th meeting. The vote was 4-0. Mr. Field abstained.

IV. Other Business

None

V. The Next meeting of the North Hampton Zoning Board of Adjustment will be held on June 19, 2002 at 7:00 p.m. in the Town Hall.

VI. Adjournment

Chairman Field invited a motion to adjourn at 9:35 p.m.

VOTE: Upon motion duly made by Mr. Johnson, and seconded by Mr. Wollmar, it was voted to adjourn the meeting. The vote was 4-0. Mr. Field abstained.

A true record, attest

North Hampton Zoning
Board of Adjustment

By: _____
Krista Tischendorf,
Recording Secretary