



**REGULAR MEETING MINUTES**  
**TOWN OF NORTH HAMPTON**  
**ZONING BOARD OF ADJUSTMENT**  
**March 19, 2003**

**Page 1 of 6**

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The Town of North Hampton Zoning Board of Adjustment ("Board") met on Wednesday, March 19, 2003 at the North Hampton Town Hall to conduct a Regular Meeting of the Board ("Meeting"). Notice of the Meeting had been properly posted, and noticed in the Portsmouth Herald on March 8, 2003.

Member(s) Present: Robert B. Field, Jr., Chairman; Mark Johnson, Vice-Chairman; Dick Wollmar; Richard Luff; and Ted Turchan (5).

Member(s) Absent: None.

Alternate(s) Present: Craig Kelleher, DVM (1) – as noted.

Staff Present: Richard Mabey, Building Inspector. Krystina Deren Arrain, Recording Secretary.

Chairman Field called the Meeting to order at 7:00 PM; 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) members.

**I. Procedure; Swearing in of Witnesses**

- A. Chairman Field explained the standard Rules of Procedure that would be applicable to this Meeting to members of the audience, including Applicants and/or their representatives.
- B. Pursuant to RSA 673:15 Chairman Field swore in all persons present who would be giving testimony or presenting comment on matters to be considered by the Board at the Meeting.
- C. The Chairman announced that an audio recording of the Meeting would be maintained by the Recording Secretary and that any Applicant, or member of the public, who wishes to listen to such recording, should make arrangements to do so with the Secretary.
- D. Minutes of the Meeting shall be deemed to be "preliminary" in form and unofficial until the Board votes "definitively" to approve same.

- E. The form of “Application For Relief”, adopted by the Board on September 18, 2002, prescribes certain actions to be taken, and assumes several representations are made, by the Applicant as part of the filing of an “Application for Relief”. Applicant’s who are in “non-compliance” with prior Orders, Findings or Decisions of the Board, will, in most instances, have any requests for further relief deferred until full compliance is attained or waived by the Board.

## II. Preliminary Matters/General Correspondence.

In response to a request received from the Chairwoman of the Board of Selectmen, Chairman Field reviewed the status of Board appointments and canvassed several of the members. In correspondence to Ms. Landman, he reported his findings without making suggestions as to specific appointments which he views as the sole prerogative of the Selectmen. He did note that it has been a long time since a woman had served on the Board, and the Board would welcome such an appointment. Chairman Field noted that Mr. Wollmar’s term on the Board is expiring. He stated that Mr. Wollmar would accept an appointment as an Alternate. Dr. Kelleher, who has served the Board for nearly fifteen (15) years, has completed the current term of his appointment as Alternate and is not interested in a further appointment. Mr. James Kierstead, who is currently an Alternate, has stated his interest in serving as a full Board member. Chairman Field indicated that since new appointments have not yet been made, the present Board would continue to be seated for this evening’s Meeting. He expects that there will be new appointments made by the Selectmen soon, possibly on or about March 26, 2003. Chairman Field indicated he anticipated that the Board would organize itself for the coming year at its April 16, 2003 meeting.

## III. Acceptance of Minutes.

- A. February 26, 2003 - Regular Meeting of the Board

**Voted: Upon motion duly made by Mr. Johnson, and seconded by Mr. Wollmar, it was voted to accept the Minutes of the Regular Meeting of the Board of February 26, 2003, in the form distributed to the Members.**

**The Vote was 4-0. Mr. Field abstained.**

## IV. New Business

- A. Case #2003-07 – Robert C. Gross, d.b.a. Drake Farm Books, Antiques & Gallery, 148 Lafayette Road, North Hampton, NH 03862 (Tax Map #017-080-000), requesting a Variance to Article V, Section 506.3(e) for the installation of one (1) 16-foot by 2-foot (32 square feet) wall sign where only one (1) 12-square foot wall signs are allowed. The property is located at 148 Lafayette Road within the I-

B/R [Industrial-Business/ Residential] zoning district.

- (i) Jurisdiction. Properly before the Board.
- (ii) Case Presentation. Mr. Robert Gross stated that Drake Farm Books, Antiques & Gallery has been in operation for eight (8) of the ten (10) years that he has been at the location. He indicated that the lack of signage has prevented an effective and adequate business identifier. The business is located at a bad curve/corner on Route 1. When he initially opened the business, he chose an economical option in creating two small signs that were placed on the pump house building in front of the barn. In winter, especially this winter, snowbanks prevent the traveling public from viewing the signs.

Chairman Field inquired if the business location also served as a residence. Mr. Gross answered that it does. Chairman Field also questioned whether or not it would be necessary for Mr. Gross to re-appear before the Planning Board in that the proposed change and location of signage deviates from the approved Planning Board Site Plan of June 1993. Mr. Turchan, who served on the Planning Board at the time of the review of Mr. Gross' original Site Plan application, indicated that further review by the Planning Board should not be necessary.

- (iii) Five (5) Conditions. Mr. Gross addressed the five (5) conditions, which must be satisfied to enable the granting of a Variance. The Board concluded that the five (5) conditions had been met.
- (iv) Board Observations/Special Considerations. Mr. Turchan noted that Mr. Gross had not erected the standard 40-square foot pylon or pole sign to which he was entitled, and his asking for a variance for the wall sign seemed reasonable. He further added that the signs are attractive and in keeping with the architecture and design of the structure. Mr. Turchan noted that from his experience, many individuals passing through North Hampton were not aware of which community they were in and signs such as the proposed would help for the Town's identification. Mr. Wollmar agreed with Mr. Turchan's comments and further added that a row of trees on an abutting lot screen the location, thus the signs are much needed as well as being very attractive. In response to an inquiry from Mr. Field, Mr. Mabey, the Building Inspector, noted that he did not believe Planning Board review and approval of the changes would be necessary.
- (v) Public Comment. Dr. Joseph Arena, 8 Dancer's Image Lane, North Hampton, voiced his support of the sign design and its placement on the barn and encouraged the Board to approve the variance. Mr. Joseph Guilmette, 122 Lafayette Road, North Hampton, voiced his support of the sign and added that

it will enhance the property. He further added that he has heard of complaints that small signs along Route 1 businesses make it difficult to identify specific business locations. Ms. Marsha Van Dyke, a resident at 148 Lafayette Road, North Hampton, commented that in the past 8 years, she had heard at least 30 individuals comment they experienced difficulty in finding the location because of inadequate signage. There were no public comments in opposition to the Application.

**Voted:** Upon motion duly made by Mr. Johnson, and seconded by Mr. Turchan, it was voted to grant Variance(s) to Article V Section 506.3(e), of the Zoning Ordinance, for the installation of one (1) 2-foot by 16-foot wall sign as shown on the Plan accompanying the Application, subject to the removal of the existing two (2) signs.

**The Vote was 4-0. Chairman Field abstained.**

**B. Request for Re-Hearing of Case #2003:06, Clara F. Mixer & Richard Fowler, 24 Ocean Boulevard, North Hampton, NH 03862 -**

Gail and James Carolan, 11 Runnymede Drive, North Hampton, on March 13, 2003, submitted a letter requesting a Rehearing of Case #2003:06. In accordance with RSA 677:2, Motion for Rehearing of Board of Adjustment, the Board proceeded with the following actions.

Chairman Field then presented to the Board the circumstances under which the Rehearing Request was filed. He also reviewed for the Board the statutory provisions, NH RSA 677:2 and 3, which govern the handling of Rehearing Request(s), and commentary, and decisions interpreting same. He stated that the Request was addressed to both this Board and the Village District of Little Boars Head Zoning Board of Adjustment and much of its contents did not appear to apply to this Board's action in Case #2003:06. To his knowledge, the Little Boars Head ZBA ("LBH/ZBA") had not acted on the Request. Chairman Field announced he would recuse himself from the Request for Re-Hearing for the reason that, in the past, he had been professionally involved with a matter involving one of the Applicants. He requested Vice Chairman Johnson to conduct the Meeting in his stead, and then requested Alternate, Craig Kelleher, DVM, to serve as the fifth (5<sup>th</sup>) Board Member. Mr. Field then stepped down.

- (i) Jurisdiction. Properly before the Board.
- (ii) Case Presentation. Vice-Chairman Johnson read the Request for Rehearing entry aloud. In reaction to a procedural uncertainty, Chairman Field advised Mr. Johnson and the Board that consideration of a Request for Rehearing need not involve public participation, but, rather, is a decision of the Board based on the form and content of the Request.

Reference was then made in seriatim to the contents of the letter:

Item #1: Vice-Chairman Johnson stated Item #1 does not pertain to the North Hampton Zoning Board of Adjustment action.

Item #2: Vice-Chairman Johnson stated Item #2 does not pertain to the North Hampton Zoning Board of Adjustment action. Mr. Wollmar opined that it was his belief that the Board often acted as a matter of course to endorse actions of the LBH/ZBA. Vice Chairman Johnson expressed strong disagreement and stated that his understanding is that the Board considers all cases de novo as required under the Zoning Ordinance. Mr. Luff opined that the North Hampton ZBA performed its duties correctly on February 26, 2003. Mr. Turchan commented that if the LBH/ZBA decides to grant a Rehearing on the case, then the North Hampton ZBA may be asked to follow, if the current decision of the LBH/ZBA is modified in any way.

The Board then proceeded with consideration of other items of the Request and determined (i) most, if not all, of the alleged grievances related to action of the Village District of Little Boar's Head Zoning Board of Adjustment, and (ii) that Mr. and Mrs. Carolan failed to set forth, with sufficient specificity and detail, grounds in support of the proposition that the February 26, 2003 Decision of the Board was unlawful or unreasonable, all as required by NH RSA 677:3.

Mr. Wollmar then made the following motion:

**Moved: To send the Rehearing Request to the Village District of Little Boars Head Zoning Board of Adjustment for consideration.**

There was no second to such motion, as it was the opinion of some that such option was not available, and Mr. Wollmar withdrew same.

It was then:

**Voted:**        **Upon motion duly made by Dr. Kelleher, and seconded by Mr. Luff, it was voted to deny the Petition for Rehearing in Case #2003:06.**

**The Vote was 4-0. Vice Chairman Johnson abstained.**

Chairman Field thanked Dr. Kelleher and Vice Chairman Johnson for their assistance and then resumed the Chairmanship of the Meeting.

**VI.    Next Meeting.**

The next Regular Meeting of the North Hampton Zoning Board of Adjustment will be held on Wednesday, April 16, 2003, at 7:00 p.m. in the Town Hall.

**VII.   Adjournment.**

Chairman Field invited a motion to “adjourn”.

**Voted:**    **Upon motion duly made by Mr. Luff, and seconded by Mr. Turchan, it was voted to adjourn the Meeting.**

**The Vote was 5-0.**

The Meeting was adjourned at 7:56 PM.

A true record, attest

**NORTH HAMPTON ZONING  
BOARD OF ADJUSTMENT**

By: \_\_\_\_\_  
Krystina Deren Arrain,  
Recording Secretary