



REGULAR MEETING MINUTES
TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
June 18, 2003

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The Town of North Hampton Zoning Board of Adjustment (Board) met on Wednesday, June 18, 2003 at the North Hampton Town Hall. Notice of the meeting had been properly posted, and noticed in the Portsmouth Herald on June 6, 2003.

Attendance

Present: Robert B. Field, Jr., Chairman Pro Tem; Mark Johnson, Vice-Chairman; Ted Turchan; John Anthony Simmons; and Dick Wollmar seated for Richard Luff (5)

Absent: Richard Luff

Alternate(s) Present: Jennifer Lerner

Staff Present: Richard Mabey, Building Inspector; Krystina Deren Arrain, Planning and Zoning Administrator/Recording Secretary

Mr. Field called the meeting to order at 7:05 PM and 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.

Procedure — Swearing in of Witnesses

Mr. Field explained the standard Rules of Procedure that would be applicable to this meeting to members of the audience. He swore in all persons present who would be giving testimony or presenting comment on matters to be considered by the Board. Mr. Field announced that the Recording Secretary would maintain an audio recording of the meeting. Arrangements should be made with the Recording Secretary if an individual is interested in listening to the recording of the meeting procedures. Minutes of the meeting shall be deemed to be “preliminary” in form and unofficial until the Board votes to approve it. The Application For Relief form has several requirements as part of the application filing process. Applicants 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 on a showing of good cause by the applicant.

Organization and Structure of Zoning Board of Adjustment

Mr. Field stated that the Board would hold elections for officers at the end of the meetings, after all cases were heard.

Preliminary Matters/General Correspondence

Mr. Field noted that the Rockingham Planning Commission/RPC is conducting training sessions on June 23 and June 30, 2003. If any board members are interested in attending, they should contact the Planning and Zoning Administrator.

Mr. Field noted that he received correspondence from the NH Attorney General's office regarding Case #2003:06 — Clara Mixter / Richard Fowler. There is a legal dispute between the State and Ms. Mixter and Mr. Fowler and as such, the Board does not feel it can act further regarding the variance granted for Case #2003:06.

Minutes from Prior Meeting

Minutes of the May 21, 2003 Meeting

Mr. Simmons moved and Mr. Turchan seconded the motion to accept the minutes as submitted.

The vote was 3-0. Mr. Field and Mr. Wollmar abstained.

New Business

Case #2003:08 – Joan Nordstrom, 67 North Road, North Hampton, NH 03862 requests a Variance to Article IV, Section 406 for relief from a 35-foot side setback; where a current structure is located 22 feet from the edge of the property. Applicant requests an additional 12 feet encroachment from the current distance in order to build a four-season room replacing and expanding beyond an existing deck. The applicant also requests a Variance to Article IV, Section 409.9 for relief from the 100-foot setback from an inland wetland. The property is located at 67 North Road within the R-3 [Low Density Residential] zoning district and is shown on Tax Map #017-072-000. This application was tabled from the May 21, 2003 meeting.

Case Presentation

Attorney Christopher Boldt, Donahue, Tucker & Ciandella representing the applicant explained that Mrs. Nordstrom owns a 40-acre tract on North Road next to her husband, Walter Nordstrom's, 40-acre tract. He presented Plan D-21921 registered to Mr. Nordstrom that depicted not only his tract, but also displayed a portion of Mrs. Nordstrom property. Atty. Boldt commented that Mr. Nordstrom owns the road that abuts Mrs. Nordstrom's in the vicinity of the proposed building expansion. He further stated that although it appears that the house is located in the wetland, it is his client's premise that it is not. Mr. Field countered that the town wetland map delineates the area as wetland and as such, the Board accepted that determination. Mr. Turchan noted that because the house was built on fill it could not be classified as wetland.

Mr. Field questioned the Board's jurisdiction in accepting jurisdiction on the case. Attorney Boldt referenced Article IV, Section 409.12 that would allow the Board to grant a Special Exception. Mr. Simmons expressed concern that if it turned out that the proposed construction was within the wetlands the town has not provided adequate direction for the applicant to follow. Mr. Simmons commented that since there was now confusion as to whether or not the Applicant's proposed

construction was within or outside of the wetlands the Board could and should determine this first by asking the Building Inspector, who was present, if he could make that determination. If it could be determined that the Application called for construction outside of the wetlands area, then the request for Variance was properly noticed and the Board could proceed. Mr. Field responded that the Board has not been an impediment in this case. He noted that the public notice referred to a variance request not a special exception. Mr. Field stated there is a process available that would allow the applicant to challenge the wetland designation for her property.

Mr. Mabey stated that the house is located on fill and the wetland setback issue does apply in this case because the area in question is not within the Wetland Zone. Mr. Field stated that because of Mr. Mabey's testimony, the wetland setback issues apply and the Board can accept jurisdiction to hear the case.

Findings of Fact (RSA 674:33)

Attorney Boldt addressed the five (5) conditions, which must be satisfied to allow the granting of a variance. The Board concluded that the five (5) conditions were met.

Board Observations/Comments

Mr. Wollmar asked if the addition would be built on the fill area and would a frost wall be included. Mr. Wollmar also asked if the adjoining land was buildable. Mr. Nordstrom explained that it was a right of way and is non-buildable. Mr. Simmons explained that his prior comment was not meant to impugn the Board in any way but that in some cases perhaps Applicants need more guidance in order to apply for relief. Mr. Johnson added that the case material as presented was inaccurate and the Board was not in error.

Public Comment

None in either support or opposition.

Mr. Simmons moved and Mr. Johnson seconded the motion to grant a variance to (a) Article IV, Section 409.9 for relief from the 100-foot wetland buffer setback and (b) Article IV, Section 406 for relief from a 35-foot side setback to allow for construction of a four-season room.

The vote was 4-0. Mr. Field abstained.

Case #2003:11 – Marc LaRiviere, 151 South Road, North Hampton, NH 03862 requests a Special Exception pursuant to Article V, Section 507 and Article VI, Section 601 and Article IV, Section 405 to allow for a home occupation of landscape business and fuel oil delivery. The property is located at 151 South Road within the R-3 [Low Density Residential] zoning district and is shown on Tax Map #009-048-00 and Tax Map #009-049-000.

Mr. Simmons recused himself and Ms. Lermer was seated for him.

Case Presentation

Attorney Bernard Pelech, Pelech and Wholey, represented the applicant explaining that the applicant had received a "notice of violation/cease and desist order" from the Building Inspector on May 1, 2003 for conducting a home occupation without having secured a Special Exception. The

applicant then hired Atty. Pelech and filed an application for the Special Exception. Atty. Pelech added that the applicant meets all the requirements set forth in Section 507 for a home occupation and submitted a petition of support from all 18 abutters to the Board that stated:

“We the undersigned abutters and neighbors of Mark LaRiviere, 151 South Road, North Hampton, do hereby wish to voice our support for the granting of the Special Exception by the North Hampton Zoning Board of Adjustment to allow Mr. LaRiviere to operate a fuel oil sales and delivery business and landscaping business from the property at 151 South Road. We believe that Mr. LaRiviere’s businesses meet the requirements of the zoning ordinance. The landscape business and fuel oil sales and delivery business do not produce any objectionable noises, vibration, smoke, dust, odor, heat, or glare. Mr. LaRiviere’s lot is a very large lot and it has been attractively landscaped and buffered so as to shield the home occupation from abutting residents. We urge the Zoning Board to grant a Special Exception allowing Mr. LaRiviere’s businesses to continue.”

The LaRiviere property (8.12 acres) is screened by approximately 5,000 trees that were planted by the applicant. In the 1970’s, the LaRiviere family raised Black Angus cows. As a teenager, the applicant mowed lawns and, over years this activity developed into the current landscaping business that employs him, his wife, brother-in-law and two employees. Because of the seasonal nature of the landscaping business, the fuel oil delivery business evolved in the winter months. The house on the property is the family residence/office and the three (3) barns are capable of storing all his landscaping trucks and equipment as well as his fuel delivery truck. Atty. Pelech denied that the applicant has been accused of conducting an earth processing business. He clarified that the large compost pile on the property is primarily grass clippings originating from his property and from some of his neighbors that is used solely on his property and is not sold or used in his landscaping business.

Atty. Pelech submitted to the Board photographs of the applicant’s property from different views and angles explaining that the planted trees screen much of the activity conducted and equipment located on the property.

Public Comment

Richard Garbrielson, 148 South Road, commented that his home is located directly in front of the applicants adding that the applicant has not disturbed the location in any manner and is a good neighbor.

Leslie Campbell, 53 Exeter Road, commented that the applicant is a good neighbor who has planted lovely trees on his property that she enjoys. Walter Parks, 55 Exeter Road, commented that although he has lived in the area only three (3) years, he noticed the number of trees planted on the applicant’s property and appreciates the buffering it provides. Because his property was formerly his uncle’s, Mr. Parks clearly remembers when the LaRiviere’s raised Black Angus cows.

Barbro Bohl, 124 Exeter Road has lived in the area over 30 years and she is very pleased that the applicant has taken such good care of his property. She particularly noted how much she enjoys his tree plantings. Michael Brousseau, 150 South Road, commented that the home occupation conducted by the applicant does not negatively impact the quality of life in the neighborhood. Jane Robie, 83 Exeter Road, noted that she has no objections to the applicant’s request.

Cynthia Jenkins, 93 Exeter Road, expressed concern about the number of Special Exception applications before the Board from the Exeter Road area. She cited they are becoming “special privileges” rather than “Special Exceptions.” Ms. Jenkins noted that she possibly would not have the same rights available to her if she ever wanted to apply for a Special Exception. She questioned that the possible granting all these Special Exceptions would be akin to “de facto rezoning” under the umbrella of granting the Special Exceptions.

Mr. Field responded that each case for a Special Exception is different and considered on its merits and is not an automatic approval. Home occupations are permitted in all zoning districts if they meet the criteria set in Section 507. Carol Seely, 114 Exeter Road, asked that the Board in its deliberations consider that the Exeter Road area is primarily residential and that it should be maintained as such.

To help clarify any questions or misunderstanding, Mr. Field read into the record Section 601:

“An Exception is a use that would not be appropriate generally or without restriction throughout a particular zone but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a particular zone as exception, only if specific provisions for such exception is made in this Zoning Ordinance, and if the exception is approved by the Zoning Board of Adjustment.”

He also referenced the requirements of Section 507 that states “Any home occupationshall be permitted as a special exception if it complies with the requirements of this section.”

Gary Moore, 72 Exeter Road, expressed concern that the applicant had started his business, got caught, can sell his business thus perpetuating the commercial aspect of the area. He further noted that three (3) applicants were caught with non-compliance of the zoning ordinance and he would like to see the scope of their business restricted. Mr. Moore was very concerning about expansion of the businesses. He has been a resident since 1995 and has seen a change in the neighborhood.

Frank Chiamittaro, P.O. Box 863, Rye, NH commented that he perceived a “de facto rezoning” if the Special Exception is granted. He pointed out that Section 507.2 would indicate that the structures on the applicant’s property should house all his equipment and vehicles. Mr. Chiamittaro noted that in Section 507.3, it cited that no exterior indication of the home occupation is permitted. He questioned establishing appropriate safeguards to protect the neighborhood. He asked that limitations be placed on the home occupation as required by the ordinance.

Carl Merrill, 38 Lafayette Terrace asked what hardship is the applicant demonstrating. Mr. Field responded that the hardship criterion is not required for Special Exceptions. Mr. Mabey, Building Inspector, explained that he received a citizen’s complaint of businesses conducted in a residential zone. He investigated the complaint and issued cease and desists orders to three (3) individuals in the Exeter Road area that are now before the Board requesting Special Exceptions. Mr. Chiamittaro, responding to Mr. Field’s question, stated that he was the individual who filed the citizen’s complaint.

Board Observations/Comments

Ms. Lerner asked if anyone else beyond the Durant's and the NH-DOT have been located in the area longer than the LaRiviere's. Mr. LaRiviere responded that he did not think so. Atty. Pelech added that Douglas LaPorter, District 6 NH-DOT, said the state has no objection to Mr. LaRiviere's home occupation. Ms. Lerner added that she can understand the concerns and interests of the neighborhood, but noted that the businesses are also an integral part of the town.

Mr. Johnson noted the town does need to consider future growth issues and that perhaps the town should rezone the Exeter Road area or possibly the applicant should move his business elsewhere. He added that with a restriction of two (2) non-family member employees, growth of a home occupation business is very limited. Mr. Turchan voiced the same sentiments that with two (2) employees, growth is limited. Mr. Field commented that Section 507.3 indicates a home occupation should not be clearly visible and the photos that Mr. Chiamittaro submitted raise a question about visibility. He further noted that as the town changes, similar matters would probably continue to appear before the Board that must be addressed. These changes are significant for the neighborhood and the town and must be dealt with appropriately and in keeping with the current ordinances.

Mr. Wollmar moved and Mr. Turchan seconded the motion to approve the Special Exception for a home occupation of a landscape business and fuel oil delivery business within the strict limits of Section 507.

The vote was 4-1. Mr. Field was opposed.

Mr. Simmons was re-seated and Ms. Lerner retired from the Board.

Meeting recessed at 9:00 PM

Meeting reconvened at 9:05 PM

Case #2003:12 – John Durant, 47 Exeter Road, North Hampton, NH 03862 requests a Special Exception pursuant to Article V, Section 507 to allow for a home occupation of a heating and cooling service business. The property is located at 47 Exeter Road within the R-3 [Low Density Residential] zoning district and is shown on Tax Map #009-046-000.

Case Presentation

Mr. Durant presented his case reading from the statement he included with his application. He distributed photographs depicting his home occupation. The Building Inspector notified him of a code violation through a cease and desist order. He was operating a home occupation without the requisite approval of a Special Exception. Mr. Durant explained that over the course of approximately 35 years, his after-hours, part-time heating and cooling services activities developed into a full-time business. He stated he was unaware that he required any approval to conduct his home business. Hence he immediately applied to the ZBA for the Special Exception.

Board Observations/Comments

Mr. Turchan asked the applicant if he worked for Sears, because he remembered a Sears truck parked at his residence. Mr. Durant responded that in the past, he worked for both Callahan Oil and then Sears and had always had a truck parked on site. Mr. Field asked when the shed was built. Mr. Durant responded that it was built 10 years ago, replacing an existing barn. Mr. Simmons

commented that residents are concerned about business activity in the neighborhood. He added that the photos provide valuable information that will help the Board strike a balance when making decisions in a case such as his. Mr. Turchan noted that he supported Mr. Simmons comments. Mr. Wollmar added that the applicant's activities predate the current zoning ordinance.

Public Comment

Michael Brousseau, 150 South Road, related an emergency situation when Mr. Durant came to his assistance. He was grateful for his help and stated that he favors Mr. Durant maintaining his home occupation.

Mr. Turchan moved and Mr. Wollmar seconded the motion to approve the Special Exception for a home occupation of a heating and cooling services business.

The vote was 4-0. Mr. Field abstained.

Case #2003:13 – 22 Lafayette Road LLC, P. O. Box 265, Hampton, NH 03843-0265 requests a Special Exception pursuant to Article IV, Section 405 to allow a 3-bay lube center. The property is located at 22 Lafayette Road within the I-BR [Industrial-Business/Residential] zoning district and is shown on Tax Map #003-099-000.

Case Presentation

Thomas Harmon, Civil Consultants Engineering and Brian Messina, General Manager, ProWash Car Wash represented the owners, 22 Lafayette Road LLC. Mr. Harmon commented that the site currently maintains a carwash, detail center and office and auto body repair facility. They propose a 3-bay lube center for which they are seeking site plan approval. Mr. Harmon noted that the area is surrounded by like-businesses, citing Blake Chevrolet and Seacoast Harley who have oil/lube facilities on site. In addition, he noted that a new septic system design has been submitted for approval for this site. Mr. Harmon commented that the Planning Board denied their application citing they needed a Special Exception.

Board Observations/Comments

Mr. Simmons asked what would happen on site when the building addition is removed. Mr. Harmon answered that area will become the driveway for the lube center and be paved.

Public Comment

None in either support or opposition.

Mr. Simmons moved and Mr. Turchan seconded the motion to approve the Special Exception for a 3-bay lube center.

The vote was 4-0. Mr. Field abstained.

Case #2003:14 – Barbro K. Bohl, 124 Exeter Road, North Hampton, NH 03862 requests a Special Exception pursuant to Article V, Section 513 to allow an accessory apartment. The property is located at 124 Exeter Road within the R-3 [Low Density Residential] zoning district and is shown on Tax Map #009-017-000.

Case Presentation

Ms. Bohl explained that her request for an accessory apartment is primarily for security. She lives alone and the activity along Bashby Road that borders her property makes her very uneasy. She commented that the Building Inspector has reviewed her property and determined it could accommodate an apartment with some modifications.

Board Observations/Comments

Mr. Field read the definition for an accessory apartment. He challenged whether non-family members can occupy the apartment, also commenting that it cannot be commercially rented. Mr. Turchan referenced that in a case similar to this one, the town was sued and lost the case. Mr. Field expressed concern with the income-generation issue but cited that right to have an apartment goes with the applicant, not with the property.

Public Comment

None in either support or opposition.

Mr. Johnson moved and Mr. Turchan seconded the motion to grant the Special Exception for an accessory apartment under the following conditions (1) when the applicant vacates the premises the apartment reverts back to a single-family home.

Mr. Simmons moved to amend the motion to provide that the applicant must provide the Building Inspector with the information required by Section 513.7 within 30 days. Mr.

Johnson seconded the amendment.

The vote was 4-0. Mr. Field abstained.

Case #2003:15 – John Hall, 59 Exeter Road, North Hampton, NH 03862 requests a Special Exception pursuant to Article V, Section 507 to allow for a home occupation of a crane service business. The property is located at 59 Exeter Road within the R-3 [Low Density Residential] zoning district and is shown on Tax Map #009-041-000.

Case Presentation

Mr. Hall explained that he became aware that he was in non-compliance of Section 507 when he received a cease and desist order from the Building Inspector for his crane service home occupation. As a result he applied for a Special Exception. Mr. Hall explained the type and number of equipment he maintains for his business. He noted that the large crane/truck is stored off premises. The Building Inspector provided to the Board photos depicting Mr. Hall's home occupation activities on site.

Board Observations/Comments

Mr. Field asked the applicant why he didn't store all his equipment off-site. Mr. Hall responded that it cost him too much money to store all equipment off-site. Mr. Johnson noted that exterior appearance of a home occupation should be neutral; it should have the appearance of a home. He added that a one-person business minimizes over-activity. Mr. Johnson added that perhaps there should be a storage/garage on site for Mr. Hall's equipment. Mr. Turchan suggested the applicant park his vehicles away from public view, perhaps in the rear or behind a fence. Mr. Turchan asked Mr. Hall if he is amenable to limiting the number of vehicles on his property. Mr. Hall indicated he would voluntarily limit vehicles, if requested.

Public Comment

Walter Parks, 55 Exeter Road, is Mr. Hall's next-door neighbor and he indicated that Mr. Hall's trucks and equipment are well screened from view and he has no objections to his home occupation. Mr. Simmons asked Mr. Parks if the 24-hour service schedule disturbs him. Mr. Parks responded that it did not.

John Durant, 47 Exeter Road, commented that there is a misconception that Exeter Road is a country road. He added that at one time an I-95 exit was planned for Exeter Road. In Mr. Durant's opinion, Exeter Road is the busiest and most traveled road in town other than Route 1.

Frank Chiamittaro, P.O. Box 863, Rye, NH commented that Section 507 requires the garaging of commercial vehicles. He asked when would an applicant have to comply with the requirements of Section 507 – home occupation. Mr. Field responded they have to comply when they are granted a Special Exception.

Mr. Turchan moved and Mr. Johnson seconded the motion to approve the Special Exception for a home occupation of a crane service business with the condition that three (3) vehicles are allowed on site, but only one vehicle could be visible from Exeter Road/Rte. 111.

Mr. Simmons questioned the applicability of and asked for a Board interpretation of Section 507.2. Mr. Field stated he did not think it was proper for a Board member to ask for a Board interpretation. Mr. Simmons disagreed, but at the suggestion of Mr. Field and in order to get the sense of the Board regarding his request, Mr. Simmons moved to amend the motion that the three (3) vehicles be required to be housed within a structure on-site as required by 507.2. *The Motion to Amend failed for lack of a second.*

The vote on the original motion was 3-0. Mr. Field and Mr. Simmons abstained. Mr. Simmons abstained because he did not feel 507.2 had been properly addressed.

Case #2003:16 – Alex Perron, 9 Lafayette Terrace, North Hampton, NH 03862 requests a Variance to Article IV, Section 406 for relief from a 50-foot front setback. The property is located at 9 Lafayette Terrace within the I-B/R [Industrial-Business/Residential] zoning district and is shown on Tax Map #021-020-000.

Mr. Field stated that notice for Mr. Perron's case had not been properly posted. The legal notice for the meeting listed only a front setback and Mr. Perron's application also included a side setback. Mr. Field commented that, unfortunately, Mr. Perron's case could not be heard that evening. He apologized for the Town's error and stated that the notice will be re-published and the abutters will be notified at the Town's expense. Mr. Perron's case will be tabled until the July 16, 2003 meeting and will be the first case heard on that date.

Case #2003:17 – Joe Kutt, P.O. Box 295, North Hampton, NH 03862 requests a Variance to (a) Article IV, Section 406 for relief from a 50-foot front setback; where a current structure is located 38 feet from the edge of the property, and (b) Article V, Section 501 for a proposed expansion of a non-conforming use. The property is located at 229 Atlantic Avenue within the I-B/R [Industrial-Business/Residential] zoning district and is shown on Tax Map #007-148-000.

Case Presentation

Joe Kutt owns and operates Joe's Meat Shoppe. He explained that although business is good, he and his employees as well as customers are cramped for space. His solution to the space problem was to build an addition. The addition would allow him to relocate a large cooler, customer seating and add a handicap access and ramp. This re-shifting would provide more space within the existing store.

Five (5) Conditions

Mr. Kutt addressed the five (5) conditions, which must be satisfied to allow the granting of a variance. The Board concluded that the five (5) conditions were met.

Board Observations/Comments

Mr. Field commented that although he was satisfied with the case for the expansion, he was concerned about the traffic flow among Lamprey Oil, Violette Flower Shop and Joe's Meat Shoppe. Mr. Kutt explained that although the expansion will increase his business' square footage, he does not anticipate that it will significantly increase the number of additional customers and any resultant traffic and potential traffic flow problems.

Public Comment

None in either support or opposition.

Mr. Simmons moved and Mr. Johnson seconded the motion to approve a Variance to (a) Article IV, Section 406 for relief from a 50-foot front setback; and (b) Article V, Section 501 for a proposed expansion of a non-conforming use.

The vote was 4-0. Mr. Field abstained.

Case #2003:18 – Lawrence G. Cain, Robin L. Cain, Arthur G. Cain and Ruth E. Cain, 305 Whitney Place NE, Leesburg, VA 20176 requests a Variance to Article IV, Section 407 for relief from a 35-foot structure height to build a 40-foot structure/single-family home. The property is located at 11 Buckskin Lane within the R-3 [Low Density Residential] zoning district and is shown on Tax Map #022-025-008.

Case Presentation

Attorney Charles Griffin, Griffin & Pudlowski, Portsmouth, NH representing Christos Demogenes, Park Avenue Development Corporation, began the presentation displaying a plot plan of the subject property. He added that since the lot is a large, it would accommodate the proposed increased height without overcrowding the abutting lots. Atty. Griffin noted that the scale of the house would be diminished without the increased height.

Five (5) Conditions

Atty. Griffin addressed the five (5) conditions, which must be satisfied to allow the granting of a variance. The Board concluded that the five (5) conditions were met.

Board Observations/Special Considerations

Mr. Field asked if the applicant had proof that the Fire Department could reach the top of the building, because of the increased height. Mr. Wollmar stated that the Town had a new ladder truck

that is capable to meet the increased height of the proposed building. Mr. Wollmar asked Mr. Demogenes why the extra height is needed. Mr. Demogenes responded that they needed it for an appropriate roof pitch.

Public Comment

None in either support or opposition.

Mr. Turchan moved and Mr. Simmons seconded the motion to approve the variance to Article IV, Section 407 for relief from a 35-foot structure height to build a 40-foot structure/single-family home.

The vote was 4-0. Mr. Field abstained.

Election

Mr. Johnson moved and Mr. Turchan seconded the motion for Mr. Field to continue as Chairman.

Mr. Field stated that he did not wish to continue as Chairman. Mr. Turchan commented that Mr. Field has gone a good job in the position. Mr. Field added that he hoped his contributions have been worthy, but he cannot accept the nomination.

The motion was withdrawn.

Mr. Wollmar suggested Mr. Johnson who, as Vice-Chair, is experienced and qualified. Mr. Johnson indicated he could not take on the position.

Mr. Wollmar left at 11:00 PM. Mr. Turchan volunteered to resign which would allow for the appointment of another individual who could serve as Chairman.

Mr. Turchan moved and Mr. Johnson seconded the motion nominating Mr. Simmons for the position of Chairman.

The vote was 3-0. Mr. Field abstained.

Mr. Turchan moved and Mr. Simmons seconded the motion nominating Mr. Johnson for the position of Vice-Chair.

The vote was 3-0. Mr. Field abstained.

Mr. Simmons thanked the Board for their nomination and hoped that the Board members would help him by sharing their experiences with him.

Next meeting

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

Adjournment

**Mr. Simmons moved and Mr. Johnson seconded the motion to adjourn.
The vote was unanimous (4-0).**

Meeting adjourned at 11:05 PM

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary