



SPECIAL MEETING MINUTES
TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
NOVEMBER 1, 2004

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The Town of North Hampton Zoning Board of Adjustment (Board) met on Monday, November 1, 2004 in the Conference Room of the North Hampton Town Offices.

Attendance

Present: (1) John Anthony Simmons, Chairman; (2) Michele Peckham, Vice-Chairperson; (3) Richard Luff; (4) Susan Smith; and (5) Ted Turchan.

Staff Present: (1) Krystina Deren Arrain, Recording Secretary/ Planning and Zoning Administrator.

In Attendance: (1) Steven Bradstreet, Aquarion Engineering Services, Inc.; (2) Steve Branchaud; (3) Jeremiah O'Sullivan, (4) Attorney John K. Bosen, representing Jeremiah & Laurie O'Sullivan.

Mr. Simmons called the meeting to order at 7:35 PM.

Preliminary Matters; Procedure; Swearing in of Witnesses

Mr. Simmons explained that the special meeting was called to meet the 30-day motion for rehearing rule as stated in RSA 677:2. He further added that the swearing in of witness was not necessary at the present time, but individuals would be sworn in should the need arise.

New Business

2004:25 — Requests for Re-Hearing regarding the granting of a Special Exception on September 15, 2004 from (1) Steven Branchaud, 9 Mill Road; (2) Deborah Hayes, 6 Mill Road; and (3) Jeremiah & Laurie O'Sullivan, 11 Mill Road for:

2004:25 — Aquarion Engineering Services, 222 St. John St., Ste 314, Portland, ME 04102 - requests a Special Exception from Article IV, Section 405.2 for relocation of the operations building to a newly constructed building located on the same site. *North Hampton Property location: 7 Mill Road, R-1 zone district, Tax Map #003-004-000 and 003-048-000. Hampton Property locations: Map/Lot #57/5, 57/7, 58/1, 58/2 and 72/14.*

Mr. Simmons read the above legal notice regarding the purpose of the special meeting. He read the contents of RSA 677:2 into the record. Mr. Simmons noted that the Board received three letters from the following individuals requesting a rehearing because, as abutters, they had not been legally notified. They were the following:

1. Steven R. Branchaud, 9 Mill Road; Letter dated October 11, 2004; received October 12, 2004.

2. Deborah Hayes, 6 Mill Road, Letter dated October 10, 2004; received October 12, 2004.
3. John K. Bosen, Attorney for Jeremiah and Laurie O'Sullivan, (1) Motion for Rehearing received October 14, 2004 and (2) Supplement to Motion for Rehearing received October 15, 2004.

Mr. Simmons commented that the Board sought a legal opinion regarding this matter from the Local Government Center. Because the opinion is client confidential, Mr. Simmons indicated he could not share the opinion with the public.

Mr. Simmons asked if there was any additional information that needed to be added to the motions for rehearing. Atty. John K. Bosen restated his client's position that they did not receive notice and requested a rehearing.

The Board was concerned how a mistake could occur. Ms. Arrain explained that applicants are responsible for identifying abutters and providing the town with a current abutters' list and labels. From her investigation, Aquarion used the Vision Appraisal database information to generate the abutters' list and address. The applicant did not verify the abutters' list through the Town's tax assessments' database (Compusense) and that is where she felt the errors occurred. The Board noted that such mistakes should not occur and hoped that the town could improve on the process.

Mr. Luff moved and Mr. Turchan seconded the motion to grant a rehearing for Case #2004:25. The vote was unanimous (5-0).

Mr. Simmons stated that the rehearing would be scheduled for their next regular meeting on Wednesday, November 17, 2004.

Adjournment

Ms. Smith moved and Mr. Luff seconded the motion to adjourn. The vote was unanimous (5-0).

The meeting adjourned at 8:00 PM.

Respectfully submitted,

Krystina Deren Arrain,
Recording Secretary/Planning & Zoning Administrator