



## REGULAR MEETING MINUTES

### TOWN OF NORTH HAMPTON ZONING BOARD OF ADJUSTMENT February 16, 2005

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The Town of North Hampton Zoning Board of Adjustment (Board) met on Wednesday, February 16, 2005 in the Conference Room of the North Hampton Town Offices.

#### Attendance

**Present:** (1) John Anthony Simmons, Chairman; (2); Susan Smith; (3) Richard Luff; (4) Ted Turchan.

**Alternate(s) Present:** None.

**Absent:** (1) Michele Peckham, Vice-Chair; (2) Sam Checovich, Alternate; (3) John Woodworth, Alternate, (4) Ken Worrell, Alternate and (5) Jennifer Lerner, Alternate.

**Staff Present:** (1) Richard Mabey, Building Inspector; (2) Krystina Deren Arrain, Planning and Zoning Administrator/Recording Secretary.

Mr. Simmons called the meeting to order at 7:15 PM.

#### Preliminary Matters; Recording Secretary Report

Ms. Arrain, Recording Secretary, noted that notice of the meeting was properly posted at the (1) Library, (2) Post Office and (3) Old Town Offices/Town Clerk and the (4) North Hampton Town Website and published in the Hampton Union on Friday, February 4, 2005.

Mr. Simmons noted that Mr. Luff would leave the Board at the end of his term. He thanked Mr. Luff for his contribution and added that he would miss both his presence and contribution to the Board and hoped that he would return as soon as his schedule would permit either as a Board member or as an alternate. Mr. Luff commented that he had enjoyed his tenure on the Board, especially over the last 1-1/2 years and expressed his regret that he could not currently continue his involvement with the Board. Everyone present gave Mr. Luff a round of applause and expressed their regret at his upcoming departure.

#### Old Business

**2004:25 —Rehearing for 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. This case was postponed from the January 19, 2005 meeting.*

Mr. Simmons moved and Mr. Turchan seconded the motion to continue the Aquarion rehearing until the March 16, 2005 meeting with the understanding that no further continuances would be granted and instructed Ms. Arrain to send a letter to Aquarion informing them of the Board's decision.

*The vote was unanimous (4-0).*

## **Review of January 19, 2005 Minutes**

Mr. Turchan moved and Mr. Luff seconded the motion to accept the minutes as presented.

*The vote was 3-0 with Ms. Smith abstaining and with Mr. Simmons abstaining from acceptance of minutes from Cases #2005:01 and 2005:02 from which he was recused.*

## **Other Business**

During a recent case [#2004:32 – Sally Marcotte / 44 Ocean Boulevard] questions arose about the interpretation and application of Section 406.2 as an involuntary merger clause. Mr. Simmons requested that the LGC/NHMA issue a legal opinion/legal review regarding Section 406.2. Ms. Arrain would follow-up on this issue. Mr. Simmons noted that he would contact the Town Administrator regarding a possible legal opinion review by the Town Attorney.

## **New Business**

**2005:04** —**The UPS Store/The Sign Gallery, 800 Second Street, Manchester, NH 03102** - requests a Variance from Article IV, Section 506.3 E to allow a 33 square foot wall signs for The UPS Store where no more than two (2) 12-square foot wall signs per unit are permitted. *Property location: 44 Lafayette Road, Lafayette Crossing, I-B/R zone district, Tax Map #007-053-000.*

Mr. Simmons noted that neither the applicant nor a representative was in attendance. The Board waited until 7:30 PM as a courtesy.

Mr. Simmons moved and Mr. Luff seconded the motion to continue the application until the March 16, 2005 meeting.

*The vote was unanimous (4-0).*

## **Adjournment**

Mr. Smith moved and Ms. Smith seconded the motion to adjourn.

*The vote was unanimous (4-0).*

Respectfully submitted,

Krystina Deren Arrain,  
Recording Secretary/Planning & Zoning Administrator