



REGULAR MEETING MINUTES
TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
May 18, 2005
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The Town of North Hampton Zoning Board of Adjustment (Board) met on Wednesday, May 18, 2005 in the Music Room of the North Hampton School.

Attendance

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

Alternate(s) Present: (1) Paul Marston, and (2) Ken Worrell.

Staff Present: (1) Richard Mabey, Building Inspector/Code Enforcement Officer [BI/CEO]; and Krystina Deren Arrain, Recording Secretary/Planning and Zoning Administrator.

Mr. Simmons called the meeting to order at 6:13 PM.

Mr. Simmons remarked that the ZBA would vote on rescheduling their regular monthly meeting date, time and location later in the meeting. He noted that the Board would address Zoning Ordinance Section 406.2 later in the meeting.

Mr. Simmons announced joyous news that his family recently welcomed Claire Victoria who was born on April 27, 2005. He announced that Susan Smith's granddaughter, McKenzie Elizabeth was recently christened.

Preliminary Matters; Recording Secretary Report

Ms. Arrain, Recording Secretary, stated 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, May 6, 2005.

New Business

2005:14 – **GridCom/Cingular Wireless, 25 Research Drive, Westborough, MA 01582**, requests a variance (1) from Article IV, Section 415.3 to locate a 120-foot telecommunications tower on 22 Woodland Road; (2) from Article IV, Section 415.6.A.1 for relief from the fall-zone setback requirements; (3) from Article IV, Section 409.9.B for relief from the 100-foot wetland setback. *Property location: 22 Woodland Road, I-B/R zone district, Tax Map #002-050-000.*

Mr. Simmons remarked that he wanted to address questions surrounding Case #2005:14 regarding (1) notification requirements and (2) possibility of a joint meeting with the Planning Board. Mr.

Simmons noted that a telecommunications application was not common to the ZBA. He remarked that the Board had received a request for continuance from an abutter, David and Terri Donsker, in that the Donsker's felt they needed time in which to prepare for the hearing. Mr. Simmons added that he contacted Phil Wilson, Planning Board Chairman, about a joint meeting with the Planning Board regarding this case. Mr. Simmons remarked that Mr. Wilson commented that he was not in favor of a joint meeting in this application, but added that he would discuss the request with the Planning Board at their next meeting.

Atty. Robert Field, Colliander, Field and Brown, Portsmouth, NH addressed the Board and stated that he represented David and Terri Donsker, 8 Shiprock Road. Atty. Field asked for a continuance so they could gather information on telecommunications technology and could confer with experts in the telecommunications field. He noted that his clients were interested (1) to get a fair hearing, (2) to have adequate time in which to gain telecommunications expertise, (3) to validate technical issues on notice by properly notifying NH-OEP, (4) to abate their concern in the number of variance requests submitted by the applicant, and (5) to alert the public that creating an access driveway to the proposed cell tower could create a semi-industrial site in the R-2 zone. Atty. Field referenced Section A.12-K:7, A.12-K:3-4 of the NH RSA's that refer to the issues he raised. Atty. Peter Loughlin, Portsmouth, addressed the Board and stated that he represented Dennis Kokernak, 10 Shiprock Road, an abutter, and requested additional time in which to prepare for the applicant's hearing. Atty. Loughlin requested that Society for the Protection of Forests receive notice because they had an interest in the lot under the title of Town of North Hampton.

Steven Minassian, 7 Woodland Road, requested the definition of an abutter and Mr. Simmons cited NH RSA 672:3 that defined abutters.

Atty. Jonathan Springer, Bosen and Springer PLLC, commented that notification was informational and questioned whether NH-OEP had any standing and that it should not affect proceedings. He deferred to the need for a joint meeting as the ZBA's preference. Atty. Springer remarked that he didn't expect a decision tonight, but rather expected that future meetings would give opposition plenty of time to prepare. He deferred to the Board's rationale.

Atty. Springer remarked that the applicant was amenable to a special meeting and balloon test. Atty. Field concurred with the idea of a special meeting and requested that abutters be notified of the balloon test. Atty. Springer agreed to notify abutters. He suggested holding the balloon test on Wednesday, June 1, 2005 from 9 AM to Noon and from 4PM to 7PM. He set a rain date of Monday, June 6, 2005 from 9 AM to Noon and from 4PM to 7PM.

Dennis Kokernak, 10 Shiprock Road, commented that when the wind blew, a balloon could sway lower than the height of the proposed tower. He suggested that the applicant should attach the test balloon to a crane at the exact height. Atty. Springer noted that the applicant could not get a crane onto the location. Mr. Turchan requested photos be provided to the ZBA of the actual site on which the proposed tower would be superimposed. Atty. Springer commented that if an abutter were interested, the applicant would take a photo from their home and superimpose the tower structure on the photo to demonstrate what would be their view of the tower. He added that if an abutter were interested, he should contact him or provide the information to the Board.

Mr. Simmons moved and Mr. Turchan seconded the motion to continue the hearing of Case #2005:14 on Monday, June 20, 2005 at 6:00 PM at the North Hampton School and advised the applicant to notify NH-OEP and The Society for Protection of Forests referring to NH RSA A 12-K.

The vote was unanimous (5-0).

Ben King, 39 Hobbs Road, noted that meeting space might be available at Centennial Hall for the June 20, 2005 meeting.

Other Business

Discussion and Change of ZBA Meeting Date and Location

Mr. Simmons remarked that the Board had been polled about availability and the fourth (4th) Tuesday of the month appeared to be the best choice. The Board agreed that a 6:00 PM start time was preferred. Mr. Simmons noted that the Board would meet regularly in the Mary Herbert Room.

Mr. Simmons moved and Ms. Smith seconded the motion to change the regularly scheduled meeting to the fourth (4th) Tuesday of each month and to change the meeting time to 6:00 PM.

The vote was unanimous (5-0).

Discussion on Meeting with Planning Board regarding Zoning Ordinance

Mr. Simmons moved and Mr. Turchan seconded the motion to write a letter requesting a meeting with the Planning Board to participate in a joint meeting on June 20, 2005 or to send a representative because the ZBA wanted their input on Case #2005:14.

The vote was unanimous (5-0).

RE: Use or Area Variances

Mr. Simmons noted that Ms. Peckham recently attended a land use law conference in which *Harrington v. Town of Warner* and *Vigeant v. Town of Hudson* were discussed. There appears to be some question of interpretation between “area” and “use” variance. Mr. Simmons commented that the *Vigeant* case was just like the *Boccia* case. Mr. Simmons explained his interpretation of these cases. Mr. Simmons cited the example that if you needed a variance for a wetland setback, then that would clearly be an “area” variance. In the case of an individual who wanted to locate a restaurant in a residential area, then it would clearly be a “use” variance. Atty. Pelech noted an application for relief form must have an “area” and “use” portion in an application. Mr. Simmons responded that the current Application for Relief form included both the “Area” and “Use” portions.

Old Business

2004:11 – Rehearing on Crown Properties and Home Sales, 203 Lafayette Road, North Hampton, NH 03862 for a variance from Article IV, Section 405 as to permitted uses in the R-3 Zone. The specific use requested is the development of an eight (8) lot Adult Manufactured Housing Park adjacent to an existing manufactured house park located in the R-3 Zone at 203 Lafayette Road. Property location: 203 Lafayette Road, I-B/R and R-3 zone district, Tax Map #016-012-000, 021-007-000, 017-88 thru 091-000.

Mr. Simmons recused himself.

Mr. Worrell was seated for Mr. Simmons.

Ms. Peckham assumed the Chair.

In attendance for the applicant

Atty. John Bosen, Bosen and Springer

Atty. Christopher Mulligan, Bosen and Springer

Bob Waddington, Park Manager

David Bowley, Manager, Crown Homes

John Chagnon, Ambit Engineering

Ms. Peckham reminded Atty. Bosen that the applicant had to answer how the current application, citing the Fisher v. City of Dover case, was different from an earlier, similar application made by this applicant. Atty. Bosen said there had been a substantial change of circumstance with the age-restriction component and by the reduction from eleven (11) to eight (8) units.

Ms. Peckham moved and Ms. Lerner seconded the motion to accept the application citing the above notation.

The vote was unanimous (5-0).

Atty. Bosen noted an objection that the applicant received a variance a year ago on this matter and the applicant believed he should not be in front of the Board again. He explained that there has been a lot of activity on the applicant's case with the Planning Board and the applicant had resolved outstanding issues with the aid of the Building Inspector and the Planning Board. Atty. Bosen noted that because of a lot line adjustment, Joseph Fitzgerald had not been notified as an abutter. Atty. Koon of the Local Government Center [NHMA-LGC] had provided the Board with an opinion based on a 1992 case, whereas, in 2000 a case disavowed that 1992 case. Atty. Bosen remarked that the applicant had a vested right in that he had been granted a variance on May 15, 2004 and had expended over a year's amount of work and expense. He noted that Mr. Fitzgerald's issue was more appropriately raised and dealt with by the Planning Board and not the ZBA.

Atty. Bosen noted that the proposed units would be age-restricted to 55 and over. He added that with the park primarily in I-B/R, the location of the proposed manufactured homes was in R-3. Ordinance required that manufactured homes must be located on individually owned lots that, in the park, are leased not owned. Atty. Bosen remarked that the use is passive and a reasonable use of the land. The applicant addressed the five criteria addressing the "Use" analysis and requested approval.

Atty. Bosen presented the five criteria standards as submitted with the application.

Ms. Peckham asked for comments in support of or in opposition to the application.

Joseph Fitzgerald, 185 Lafayette Road, submitted a list of his concerns and objections. He submitted the applicant's 1994 site plan as exhibit #1. Mr. Fitzgerald cited that he had not been properly notified of this variance request as well as Mr. Roy's previous applications for storage units and AMD car dealership expansion. He cited potential problem with drainage onto his property from the proposed construction. Mr. Fitzgerald added that because Mr. Roy had not constructed the required recreational playground area, the children from the park continue to play on his property. He was worried that he was open to litigation if any child was hurt on his property because they had nowhere else to play. Mr. Fitzgerald stated that he felt Mr. Roy should not be granted the variance because of these issues as well as the fact that Mr. Roy did not meet the five criteria standards for the granting of a variance.

Peter Simmons, 29 Ocean Blvd., stated that Mr. Roy's projects have been first-rated and his variance request should be approved.

Atty. Bosen remarked that Mr. Fitzgerald's action was a personal vendetta. He noted that the recreation area was too far from the tenants and thus was not a relevant issue because Mr. Roy had relocated the recreation area to multiple locations throughout the park. At present time there are 11 children living in the park whereas there were 34 children living in the park in 1994. Regarding drainage, Atty. Bosen stated that both properties are wet and drainage, according to the Town Engineer's analysis, was negligible. Mr. Chagnon explained the drainage issue noting that the applicant's construction drainage flows into a detention pond and any overflow would be minimal, if at all.

John Anthony Simmons, 54 Walnut Avenue, speaking as a private citizen, was sworn in, and provided a personal recommendation that Dave Bowley and Mr. Roy are upright citizens and address fairly any grievances in that mobile home park. He believed that the applicant's proposed developments, as well as all his other developments, were first rate and done correctly.

Mr. Fitzgerald noted that the applicant had not met the criteria and the variance request should be denied. Mr. Peter Simmons restated his position that Mr. Fitzgerald should remove his objections. Mr. Fitzgerald noted that he just purchased a vehicle from Mr. Roy recently and questioned how it could be construed that he had a grudge against the applicant. Mr. Turchan said that the recreation area and drainage issue should be addressed and perhaps that resolution could be found with the Planning Board and not the ZBA.

Section 405

The Board voted on the five criteria elements below for Case #2004:11 Rehearing, Crown Properties and Home Sales, 203 Lafayette Road,

Findings of Facts		Not Contrary to Public Interest		Unnecessary Hardship Exists		Consistent w/Spirit of Ordinance		Substantial Justice Will be Done		Will Not Diminish Surrounding Properties		Vote	Vote	Vote
		YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	ABS
Board	Peckham	X		X		X		X		X		X		
	Turchan	X		X		X		X		X		X		
	Lermer	X		X		X		X		X		X		
	Smith	X		X		X		X		X		X		
	Worrell seated for Simmons	X		X		X		X		X		X		

The vote was unanimous (5-0).

Ms. Peckham moved and Mr. Worrell seconded the motion to grant variance application on the condition that the applicant guarantee to the satisfaction of the Planning Board (1) that one of the owners would be 55 or over and no occupants under the age of 18, (2) That drainage and recreation issues would be adequately addressed.

The vote was unanimous (5-0).

2005:06 – Simmons Trust, 72 Lafayette Road, Dover, New Hampshire 03822, requests a variance from Article IV, Section 1 for relief from the setback for a 10 foot side setback on one side of the property. *Property address: 440 So. Main, R-1 zone district, Tax Map #014-010-000. This meeting is a continuance from the May 10, 2005 session.*

Ms. Smith retired from the board.
Mr. Marston was seated for Ms. Smith.

Ms. Peckham asked the applicant if there was a substantial change in the application citing Fisher v. City of Dover. She also remarked that there was an abutter notification issue. Peter Simmons had not supplied the town with updated abutter names, labels or fees. Mr. Simmons requested a 120-day extension of his application. Derrick Hill, 272 Atlantic Avenue, an abutter, asked why he had not been notified of this meeting. Ms. Peckham noted that this meeting was a continuance of the April 20, 2005 meeting and abutter re-notification was not required. Mr. Turchan noted that abutters must be notified for the October 25, 2005 meeting in the requisite amount of time. Peter Simmons agreed that he would supply abutter label and fees.

Mr. Marston moved and Ms. Peckham seconded the motion to approve the continuance from October 25, 2005.

The vote was unanimous (5-0).

2005:09 – Diane L. Donahue, 8 Old Locke Road, North Hampton, NH 03862, requests a variance from Article IV, Section 409.9.B.1 for relief to allow the expansion of a non-conforming structure within the inland wetland buffer. *Property location: 8 Old Locke Road, R-2 zone district, Tax Map #005-078-000. This meeting is a continuation from the April 20, 2005 session.*

In attendance for the applicant

Michael Keane, Michael J. Keane Architects PLLC, Newmarket, NH

Diane and Michael Donahue, Applicants

Mr. Keane noted that the applicant received approval from the Little Boars' Head Zoning Board of Adjustment [LBH-ZBA] on May 3, 2005 and were granted a variance with the condition that construction be conducted within a year's time. He provided an abbreviated recap on the presentation made fully on April 20, 2005.

Ms. Peckham opened the meeting to comments from the public either in support of or in opposition to the application. None were heard.

Mr. Turchan moved and Ms. Lerner seconded the motion to grant the variance as submitted.

Section 409.9.B.1.

The Board voted on the five criteria elements below for Case #2005:09, Diane L. Donahue, 8 Old Locke Road, North Hampton, NH 03862.

Find-ings of Facts		Not Contrary to Public Interest		Unneces-sary Hardship Exists		Consistent w/Spirit of Ordinance		Substantial Justice Will be Done		Will Not Diminish Surrounding Properties		Vote	Vote	Vote
		YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	ABS
Board	Worrell seated for Simmons	X		X		X		X		X		X		
	Peckham	X		X		X		X		X		X		
	Turchan	X		X		X		X		X		X		
	Lerner	X		X		X		X		X		X		
	Marston seated for Smith	X		X		X		X		X		X		

The vote was unanimous (5-0).

Mr. Marston and Mr. Worrell retired from the Board.

Ms. Smith was re-seated.

Mr. Simmons was re-seated and resumed the Chair.

New Business

2005:11 – Mary Jo and Joe Smith, 7 Red Fox Road, North Hampton, NH 03862, requests a variance from Article IV, Section 409.9.B. for relief from the 100-foot wetland setback for installation of a shed. *Property location: 7 Red Fox Road, R-3 zone district, Tax Map #022-022-027.*

Mr. & Mrs. Smith remarked that the proposed shed encroached 48 feet into the wetland buffer of 100 feet. They provided photos of the area. The shed would be 12 feet by 20 feet. The shed would have a wood foundation, anchored on blocks and not on an impervious foundation. Atty. Bosen presented the five criteria standards as submitted with the application.

Mr. Simmons opened the meeting to comments from the public either in support of or in opposition to the application. None were heard. Ms. Peckham expressed concern about granting variances for structure located in wetlands. Mr. Turchan explained that the variance request was for the wetland buffer and that the shed would be far from wetland. He referred to the photos of the applicants' backyard and the proposed location of the shed.

Mr. Turchan moved and Ms. Lerner seconded the motion to grant the variance for locating a 12-foot by 20-foot wooden shed with a wooden floor installed on an impervious foundation 48 feet into the wetland buffer.

Section 409.9.B.

The Board voted on the five criteria elements below for Case #2005:11, Mary Jo and Joe Smith, 7 Red Fox Road, North Hampton, NH 03862

Findings of Facts		Not Contrary to Public Interest		Unnecessary Hardship Exists		Consistent w/Spirit of Ordinance		Substantial Justice Will be Done		Will Not Diminish Surrounding Properties		Vote	Vote	Vote
		YES	NO	YES	NO	YES	NO	YES	NO	YES	NO			
Board	Simmons	X		X		X		X		X		X		
	Peckham	X		X		X		X		X		X		
	Turchan	X		X		X		X		X		X		
	Lerner	X		X		X		X		X		X		
	Smith	X		X		X		X		X		X		

The vote was unanimous (5-0).

2005:12 – Kim Ciborowski, 49 Post Road, North Hampton, NH 03862, requests a variance from Article IV, Section 406 for relief from the rear and side setback for installation of a shed. *Property location: 49 Post Road, R-1 zone district, Tax Map #008-041-000.*

Ms. Ciborowski remarked that she had limited space on her lot, a well-established garden area and a

fenced in area on the sides and rear. Her request for a garden shed would not be offensive to any of her neighbors. Ms. Ciborowski submitted the letter of support from the Cote's at 40 Post Road as Exhibit #1. Atty. Bosen presented the five criteria standards as submitted with the application.

Ms. Lerner moved and Ms. Peckham seconded the motion to grant the variance with the condition that followed the plan as submitted with an impervious foundation and a wooden floor.

Section 406

The Board voted on the five criteria elements below for Case #2005:12, Kim Ciborowski, 49 Post Road, North Hampton, NH 03862

Findings of Facts		Not Contrary to Public Interest		Unnecessary Hardship Exists		Consistent w/Spirit of Ordinance		Substantial Justice Will be Done		Will Not Diminish Surrounding Properties		Vote	Vote	Vote
		YES	NO	YES	NO	YES	NO	YES	NO	YES	NO			
Board	Simmons	X		X		X		X		X		X		
	Peckham	X		X		X		X		X		X		
	Turchan	X		X		X		X		X		X		
	Lerner	X		X		X		X		X		X		
	Smith	X		X		X		X		X		X		

The vote was unanimous (5-0).

2005:13 - Dean's Sleep Connection, 10 B Lafayette Road, North Hampton, NH 03862, requests a Special Exception referencing Article V, Section 506.8 and 506.9 for installation of a temporary "A-Frame" sign measuring 41 inches by 48 inches to be used for promotions of the retail business on U.S. Route 1 [Lafayette Road]. *Property location: 10 B Lafayette Road, I-B/R zone district, Tax Map #003-093-000.*

Atty. Andrew Howard, Somersworth, NH representing the applicant submitted a photo of the sign and location and it was marked Exhibit #1. He noted there were at least three similar signs along Route 1. Atty. Howard noted that Special Exceptions were granted for Signature Computer and Chez Cheese recently.

Mr. Turchan remarked that the Planning Board's Sign Ordinance Review Committee was considering including in an updated sign ordinance, a 3-foot tall by 2-foot wide temporary sign that remained on applicant property, not in the state's right of way, not in the traffic line of site and must be removed during non-business hours.

Ms. Lerner supported the need and purpose of a temporary sign. Ms. Peckham thought the applicant's sign was oversized and the Board should be consistent when granting a sign variance. She noted that the Signature Computer sign was 4-square feet and Turgeonelli's was 4-feet by 25

Inches. Mr. Simmons was concerned about the height of the sign as a visibility issue and remarked that the sign should be out of the line of sight. The Board was polled and all agreed that they preferred to reduce the size to 3-foot by 2-foot. They also wanted the sign to be esthetically pleasing, displayed during business hours only, located a safe sight line distance from the road and kept on applicant's property and not on the state's right of way alongside the roadway.

Ms. Peckham moved and Ms. Smith seconded the motion to grant a Special Exception for an A-Frame sign with conditions that the sign would be (1) 3-Foot by 2-Foot, (2) Aesthetically pleasing, (3) displayed during business hours only, (4) located a safe sight line distance from The road, and (5) kept on applicant's property and not on the state's right of way alongside the roadway.

The vote was unanimous (5-0)

Mr. Simmons and Ms. Smith recused.
Mr. Worrell was seated for Mr. Simmons
Mr. Marston was seated for Ms. Smith.
Ms. Peckham resumed the Chair.

2005:15 – Ken Linseman, 1070 Ocean Blvd, Hampton, NH 03842, requests a variance from Article IV, Section 406 for relief from yard and lot requirements for the 50-foot front setback to accommodate a 44.5-foot front setback. *Property location: 72 Lafayette Road, I-B/R zone district, Tax Map #007-124-000.*

Peter Simmons, represented the applicant. Mr. Worrell noted that he may or may not be involved with the applicant and wanted to know if there was a conflict of interest. Mr. Simmons stated that he felt there was no conflict of interest and he was fine with Mr. Worrell being seated.

Peter Simmons described that the building overhang should remain because it would create a more pleasant appearance of the building. As a result of the overhang intruding into the setback, the applicant needed a variance. Atty. Bosen presented the five criteria standards as submitted with the application.

Ms. Peckham opened the meeting to comments from the public either in support of or in opposition to the application. None were heard. Mr. Turchan noted that the Planning Board approved the project with the exception of the overhang.

Mr. Marston moved and Ms. Lerner seconded the motion to grant the variance as requested.

Section 406

The Board voted on the five criteria elements below for Case #2005:15, Ken Linseman/Rite Aid 72 Lafayette Road.

Findings of Facts		Not Contrary to Public Interest		Unnecessary Hardship Exists		Consistent w/Spirit of Ordinance		Substantial Justice Will be Done		Will Not Diminish Surrounding Properties		Vote	Vote	Vote
		YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	ABS
Board	Peckham	X		X		X		X		X		X		
	Turchan	X		X		X		X		X		X		
	Lermer	X		X		X		X		X		X		
	Marston seated for Smith	X		X		X		X		X		X		
	Worrell seated for Simmons	X		X		X		X		X		X		

The vote was unanimous (5-0).

Mr. Worrell and Mr. Marston retired from the Board.
Ms. Smith was reseated and resumed the Chair.

2005:16 – Jarrod Patten, 3 Fern Road, North Hampton, NH 03862, requests a variance from (1) Article IV, Section 406 for relief to allow a proposed building to be 10 feet from the side setback where a 25-foot side setback is required, and (2) from Article IV, Section 406.2 to allow a structure for a second dwelling on a lot of record which has not been held in separate ownership. *Property location: 3 Fern Road, R-1 zone district, Tax Map #008-023-000.*

In attendance for the applicant

Atty. Bernard Pelech, Wholey & Pelech, Portsmouth, NH
Jarrod and Michelle Patton, Applicants

Atty. Pelech representing the applicant, referred to Exhibit #1 that included the February 24, 2005 legal opinion on Section 406.2 by Atty. Koon, LGC and Atty. Ann Thompson, Town Counsel, Sanders & McDermott. Atty. Pelech withdrew the variance request for the 10-foot side setback, Section 406.

Atty. Pelech stated that the applicant's proposal was an improvement to the lot and the neighborhood. Mr. Simmons asked Atty. Pelech to explain the hardship standard about the lot. Mr. Simmons believed that it should be applied to a Boccia [Area] Standard rather than the Simplex [Use] Standard. Atty. Bosen presented the five criteria standards as submitted with the application.

1980's or early 1990's and the Town lost. The suit involved Bell Cottage on Atlantic Avenue and was brought forward by Atty. Thomas Christos.

Ms. Smith moved and Ms. Peckham seconded the motion to grant the variance as submitted on section 406.2.

Section 406.2

The Board voted on the five criteria elements below for Case #2005:16, Jarrod Patten, 3 Fern Road, North Hampton, NH 03862

Find-ings of Facts		Not Contrary to Public Interest		Unneces-sary Hardship Exists		Consistent w/Spirit of Ordinance		Substantial Justice Will be Done		Will Not Diminish Surrounding Properties		Vote	Vote	Vote
		YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	ABS
Board	Simmons	X		X		X		X		X		X		
	Peckham	X		X		X		X		X		X		
	Turchan	X		X		X		X		X		X		
	Lermer	X		X		X		X		X		X		
	Smith	X		X		X		X		X		X		

The vote was unanimous (5-0).

Review of Minutes for April 20, 2005

Ms. Peckham moved and Ms. Lermer seconded the motion to approve the minutes as submitted.

The vote was 3-0-2 with Ms. Smith and Mr. Simmons abstaining because they were not in attendance

Adjournment

Ms. Lermer moved and Mr. Worrell seconded the motion to adjourn.

The vote was unanimous (5-0).

The meeting adjourned at 10:40 PM.

Next meeting – Tuesday, June 28, 2005

Respectfully submitted,

Krystina Deren Arrain,
Recording Secretary/Planning & Zoning Administrator