

Town of North Hampton  
Zoning Board Of Adjustment  
Meeting Minutes  
Tuesday, November 8, 2005

The Town of North Hampton Zoning Board of Adjustment met on Tuesday, November 8, 2005 at the North Hampton Elementary School on Atlantic Avenue.

**ATTENDANCE:**

**Members Present:** (1) John Anthony Simmons, Chairman; (2) Ted Turchan,  
(3) Jennifer Lerner and (4) Susan Smith.

**Alternates present:** None

**Staff Present:** (1) Richard Mabey, Building Inspector and Wendy Chase,  
Planning/Zoning Administrator/Recording Secretary.

**PRELIMINARY MATTERS; PROCEDURES; SWEARING IN OF WITNESSES  
AND RECORDING SECRETARY REPORT**

Mr. Simmons called the meeting to order at 6:17pm.

Mr. Simmons read an email he received from Fire Chief Thomas Lambert regarding a meeting he attended where Governor Lynch spoke. In his speech he stated that one of the issues that hampered the emergency services efforts during the flooding on the west side of the State was lack of cellular phone coverage.

Mr. Mabey informed the Board that the Planning Board had granted Thera Research Conditional approval for the Distributive Antenna System (DAS).

Mr. Simmons informed the audience that the Rules of Procedure were available for review and that if anyone had a question to please raise their hand.

Mr. Simmons swore in witnesses.

Mr. Mabey reported that this meeting was posted at the (1) Post Office, (2) Town Clerk's Office, (3) Library, (4) Web site and posted in the Portsmouth Herald on October 23, 2005.

The following sets of minutes were discussed:

The July 6, 2005 minutes were discussed. Mr. Simmons recused himself. Ms. Lerner moved and Ms. Smith seconded the motion to approve the minutes of July 6, 2005. The vote was 3-0.

The July 26, 2005 minutes were discussed. Lines 57 through 144 dealt with a case Mr. Simmons recused himself on. Ms. Smith moved and Ms. Lerner seconded the motion to table the acceptance of the July 26, 2005 minutes to the next meeting when Ms. Peckham was in attendance.

Mr. Simmons moved and Ms. Smith seconded the motion to approve the minutes of July 26, 2005 except for lines 57 through 144.

The vote was 3-0-1. Mr. Turchan abstained.

The August 16, 2005 minutes were discussed. Mr. Simmons moved and Ms. Smith seconded to approve the minutes of August 16, 2005 as is.

The vote was 3-0-1. Mr. Turchan abstained.

Mr. Turchan moved and Ms. Smith seconded the motion to approve the October 25, 2005 minutes.

The vote was unanimous. 4-0.

The Town has not yet received a copy of the October 11, 2005 minutes from the previous Recording Secretary. Mr. Mabey will contact the temp service and inform them.

Mr. Simmons asked Attorney Loughlin if he would give us a copy of his October 11, 2005 transcript. Mr. Simmons explained that we would use this transcript as a permanent record if we do not receive a copy from the temp service. Attorney Loughlin will email a copy to Wendy also. Mr. Simmons thanked Attorney Loughlin.

## **OLD BUSINESS**

**2005:14 GridCom/Cingular Wireless, 25 Research Drive, Westborough, MA 01582, requests a Variance (1) from Article IV, Section 4 15.3 to locate a 120-foot telecommunications tower on 22 Woodland Road; (2) from Article IV, Section 4 15.6.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, R-2 zone district, Tax Map #002-050-000.**

A letter from Attorney Springer's office that was received and delivered on November 4, 2005 requesting a continuance was discussed.

Attorney Springer was in attendance to answer any questions or concerns the Board may have about the request for a continuance, as well as rescheduling the hearing.

Mr. Simmons requested Attorney Loughlin who represents Mr. Kokernack and Attorney Field who represents the Donskers for their opinion on the continuance request.

Attorney Loughlin did not support or object to the request for a continuance.

Attorney Field had no objections to the continuance request.

Mr. Simmons asked for a reason from Attorney Springer as to why he requested a continuance.

Attorney Springer stated that he has received much more information and needs more time to absorb all the new material that has come in. He would like to come up with a mutually acceptable date to continue the hearing.

Mr. Simmons explained that the Board does not typically meet in the Month of December.

Mr. Simmons stated that he does not want to impede the process the Board has been making over the past 6 months. He stated that he thought it to be presumptuous of Attorney Springer to rely on the granting of a continuance.

Attorney Springer noted that continuances have been granted in the past by this Board and wondered why he would be treated any differently.

Ms. Smith moved and Mr. Turchan seconded the motion to grant a continuance of the Girdcom application with a date to be set in January 2006.  
The vote was 3-1.

The Board decided to hold the meeting on Tuesday, January 10, 2006 at 6:00pm.

Mr. Simmons would like the Attorney's to put together memorandums to help expedite the meeting in January.

Mr. Turchan moved and Mr. Simmons seconded the motion to adjourn at 7:00pm.  
The vote was unanimous.

Respectfully submitted,

Wendy V. Chase  
Planning & Zoning Administrator  
Recording Secretary