



REGULAR MEETING MINUTES
TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
Tuesday, March 28, 2006

These minutes were prepared as a reasonable summary of the essential content of the meeting, not as a transcription. All exhibits mentioned in these minutes are a part of the Town Record.

Attendance

Members present: (1) Michele Peckham, Vice Chairman; (2) Ted Turchan; (3) Jennifer Lerner and (4) Susan Smith.

Alternates present: None

Staff present: Richard Mabey, Code Enforcement Officer and Wendy Chase, Recording Secretary

Ms. Peckham convened the meeting at 6:20pm.

Preliminary Matters; Procedure; Swearing in of Witnesses; Recording Secretary Report

Ms. Peckham informed the audience that Chairman John Anthony Simmon's term as a ZBA member expired on March 26, 2006. If Mr. Simmons were to be reappointed, the Board of Selectmen would not swear him in until April 10, 2006.

Ms. Peckham gave the applicants present the option to either continue their case to another month or to move forward this evening with a four-member board.

The first order of business was board deliberation on Case# 2005:14 Gridcom/Cingular Wireless. Ms. Peckham requested that the applicant agree to continue their case to a later date due to the fact that she would like more time to review the testimony.

Attorney Springer, representative of Gridcom/Cingular Wireless, respectively requested that the board move forward on Case# 2005:14.

Ms. Peckham recessed the meeting at 6:20pm to meet with Counsel.

Ms. Peckham reconvened the meeting at 6:25pm.

The board decided to hold a special meeting on April 17, 2006 to deliberate on Case# 2005:14 Gridcom/Cingular.

Ms. Peckham informed the board that Cellco Partnership, Verizon Wireless agreed to continue their request for a motion of rehearing. Their case will be continued to April 17, 2006.

Ms. Peckham informed the audience that a copy of the Rules of Procedure and copies of extra agendas were available.

Ms. Peckham swore in Witnesses.

Old Business

2005:26 – E. Stevens, Inc. 69 Lafayette Road, North Hampton, NH 03862, requests a Special exception Article V, Section 506.3 to replace existing manual changing reader Board with an automatic changing reader board. *Property location: 69 Lafayette Road, I-B/R zone district, Tax Map #007-065-000.* This hearing is a continuation from the January 24, 2006 meeting.

Mr. Stevens requested a continuation to the May 23, 2006 meeting.

Mr. Turchan moved and Ms. Lerner seconded the motion to continue Case# 2005:26 – E. Stevens, Inc. 69 Lafayette Road requesting a special exception under Article V, Section 506.3 to May 23, 2006.

The vote was unanimous in favor of the motion (4-0).

2006:03 – Cynthia Jenkins, 93 Exeter Road, North Hampton, NH 03862, requests a Variance from Article IV, Section 405.3 for relief from prohibited uses to permit an antique/net sales business in existing barn. *Property location: 93 Exeter Road, zoning district R-3, M/L 009-033-000.*

In attendance for this application:

John and Cynthia Jenkins

Attorney Robert Field

Attorney Robert Field stated, on Cynthia Jenkins behalf, that they would like to proceed with the case fully aware that there is a four-member board.

Attorney Field stated for the record that the application request should read antiques/art sales business instead of antiques/net sales business.

Ms. Peckham assigned exhibit numbers to the following material:

- Picture of New-tiques sign, exhibit #1
- Letter of support from the North Hampton Heritage Commission, exhibit #2
- Letter from Police Chief Brian Page stating he foresees no traffic/safety problems due to the proposed antique business, exhibit #3
- Picture of Jenkins farm, exhibit #4
- Picture display of area businesses on Route 111, exhibit #5
- Map of Route 111 depicting area businesses, exhibit #6
- Letter from John and Cindy Jenkins to their abutters notifying them of the proposed business, exhibit #7A
- Same letter as exhibit #7A that was hand delivered to abutters, exhibit #7B
- Petition signed by abutters in support for the granting of the variance requested, exhibit #8
- Copy of the tax map depicting abutters who signed the petition (exhibit #8) and who received a letter (exhibits #7A and 7B), exhibit #9

Mrs. Jenkins explained to the board that she and her husband have owned the farm since 1968. They currently house horses and chickens. Mrs. Jenkins referenced RSA 79-D:1 which states that it

is in the public's best interest to encourage the preservation of historic agricultural structures. She went over the five findings of fact points.

Ms. Peckham questioned if there were any structural problems with the barn. Mrs. Jenkins stated that the structure is sound but will need roof and sill work.

Attorney Field stated that it is a fully operating barn, which has grain and hay delivered frequently.

Ms. Peckham questioned whether or not there was adequate parking. Mrs. Jenkins displayed the picture of the long driveway and the letter from Chief Page stating he did not foresee traffic problems.

Ms. Peckham opened the public hearing at 7:25pm.

Ms. Peckham closed the public hearing at 7:26pm with no public comment.

The board deliberated.

Ms. Smith stated that Route 111 is the main route from North Hampton to the Exeter Hospital and therefore there should never be cars allowed to park along it, obstructing the route.

Ms. Peckham moved and Ms. Smith seconded the motion to grant a variance from article IV, Section 405.3 to permit an antique/art sales business in the existing barn with the following conditions:

- 1. The business is to be carried out by members of the Family and not more than two (2) employees that are not members of the Family on the premises at the same time.**
- 2. Business shall be carried on within the barn structure only and within 50' surrounding the barn structure.**
- 3. No parking on Route 111; all parking must be on the premises.**
- 4. Applicant must submit, as part of the record, baseline photos of the exterior architecture of the barn.**
- 5. The hours of operation are limited to eight hours per day from the hours of 10:00am to 6:00pm, seven days per week.**
- 6. The variance is limited to the sale of antiques and the sale of art only and accessories related to antiques and art.**
- 7. The variance is limited to the applicant and members of the applicant's family who are related by blood or marriage only.**

The board voted on the five criteria elements below for Case #2006:03

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		

The vote was unanimous in favor of the motion (4-0).

2006:04 – Richard Skowronski, 142 Mill Road, North Hampton, NH 03862, requests a Variance from Article IV, Section 406 for relief from the minimum frontage requirement to create a single-lot subdivision. *Property location: Mill Road, zoning district R-2, M/L 012-047,064,065,067,068,069 & 070.*

In attendance for this application:

Richard Skowronski

Leila Hanna

Mr. Skowronski explained to the board that he has 50' of frontage on Mill Road with a long gravel driveway leading to the house he currently resides at. Mr. Skowronski requests that the board grant he and his wife a variance from Article IV Section 406 that would allow them to use a portion of the existing driveway as a shared driveway to access a new proposed building lot.

He further explained that the only other option would be to put a road in and subdivide the lot into multiple lots.

The board was concerned with the lack of information such as the proposed house location. Mr. Skowronski explained that he did not want to invest twenty-five to fifty thousand dollars on the preliminary site work until he was sure he would be granted a variance.

Mr. Turchan stated that test pits would have to be completed to prove a viable location for a septic system.

Ms. Peckham suggested that Mr. Skowronski come back to the board with more information.

Ms. Lerner moved and Ms. Smith seconded the motion to continue case #2006:04, Richard Skowronski, to the May 23, 2006 meeting.

The vote was unanimous in favor of the motion (4-0).

It was noted that Case #2006:05 had previously withdrawn their application.

Ms. Peckham recessed the meeting at 8:35pm.

Ms. Peckham reconvened the meeting at 8:40pm.

2006:06 – John Paonessa Co., Inc., 219 Meadowcroft Street, Lowell MA on behalf of Glemco Realty, requests special exception under Article IV, Section 405.3 to permit light manufacturing in the I-B/R zone.

Location: 136 Lafayette Road, zoning district I-B/R, M/L 017-028.

In attendance for this application:

Attorney Bruce Marshall, Getman, Stacey, Schulthess & Steere, P.A.

John Paonessa

Tom True, True Engineering

Attorney Marshall spoke on behalf of the applicant, Mr. Paonessa. He went over preliminary facts regarding the requested special exception.

- 136 Lafayette Road once housed Giant Lift
- He stated that a special exception was granted to Giant Lift at that location
- Cormier movers moved into the building at 136 Lafayette

- Specialty stripping currently located at 60 Lafayette Road in the same zone as 136 Lafayette would like to move to 136 Lafayette Road.

Attorney Marshall stated that the reason they were before the Zoning Board with a special exception request is because the Planning Board ruled that a special exception does not run with the land, it runs use to use.

Ms. Smith questioned whether or not the media used in the blasting process was environmentally safe. Mr. Paonessa answered, "Yes, it is".

Attorney Marshall explained that the building is insulated but not sound proof.

Ms. Smith questioned the hours of operation.

Attorney Marshall answered that the hours will be from 8:00am to 5:00pm for customers, Monday through Friday and sometimes hours on Saturday.

Ms. Smith questioned drainage into Little River. Mr. Paonessa stated that they do have a drain that catches the rain. Mr. Mabey explained that a good example would be a retention pond that eventually drains into a River.

Ms. Peckham opened the public hearing at 9:15pm.

Ms. Smith read a letter signed by Joseph Fitzgerald of North Hampton. Mr. Fitzgerald states in his letter that he wishes that the Board deny the applicants request for a special exception. The letter was submitted as exhibit A for the record.

Attorney Marshall stated the following: Specialty Stripping would have a dust collector machine operating at the business; there was no drain found at the site draining into Little River; they do have a storm drain, which is legal and is just run-off water from snow and rain. He also stated that there is no work done outside of the building.

Ms. Peckham closed the public hearing at 9:26pm.

Mr. Turchan moved and Ms. Smith seconded the motion to grant the special exception with the following conditions: (1) all manufacturing business and blasting must be contained within the existing structure. (2) The business owner may not utilize the 100' PSNH easement area for business purposes, storage or to build on. The vote was unanimous in favor of the motion (4-0).

Ms. Smith moved and Mr. Turchan seconded the motion to adjourn at 9:35pm.

Respectfully submitted,

Wendy V. Chase
Recording Secretary