



**TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
Tuesday, September 23, 2008 at 6:30pm
Mary Herbert Conference Room**

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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: Richard Stanton, Chairman; Richard Batchelder, Vice Chairman; Susan Smith, Michele Peckham and Robert Field, Jr.

Alternates present: James Kierstead

Members Absent: None

Staff present: Richard Mabey, Building Inspector and Wendy Chase, Recording Secretary

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

Mr. Stanton convened the meeting at 6:34pm.

Mr. Stanton introduced the board members and staff to the audience.

Mr. Field commented on the fact that the second item under unfinished business should read "rehearing" not "motion for rehearing", because the motion to rehear the case was approved at the August 26, 2008 meeting.

Mr. Field moved and Mr. Batchelder seconded the mMotion to change the language from "motion for rehearing" to "rehearing".

The vote was unanimous in favor of the mMotion (5-0).

Mr. Stanton explained the meeting procedure to the audience.

Mr. Stanton swore in the following Witnesses:

Theresa Thompson

Bill Gosselin

Marcia Buber

David Buber

Mark West

Wayne Morrill

Attorney Peter Saari

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Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

Mr. Stanton referred to a letter from Attorney Peter Loughlin requesting to postpone case #2008:08 - Stanley Knowles to either the October 28, 2008 meeting or the November 25, 2008 meeting and asked if the board would like to entertain a motion pertaining to this request.

Mr. Field questioned why the board should take action on a letter that was not on the agenda.

Mr. Stanton asked that the board acknowledge the letter.

Mr. Field moved and Mr. Batchelder seconded the mMotion that the board acknowledge Attorney Loughlin's letter to the board requesting a continuance.
The vote was unanimous in favor of the mMotion (5-0).

Ms. Smith commented on the request to continue to either October or November and said that in the past the board has usually granted one continuance after a continuance was already granted and any requests after that the board has required that the applicant reapply altogether.

Mr. Field commented that if the board is only going to grant two continuances then the applicant needs to be informed of that procedure. He further opined that the applicant should be granted the most time possible and that the board should grant the continuance until November.

Ms. Peckham opined that it shouldn't matter how many times an applicant requests a continuance, the board should handle each case on a case by case basis.

Mr. Field commented that the board should not grant continuance after continuance because there are so many other parties involved in an application process that it would not be fair especially to the abutters coming to the meetings. He suggested that the applicant be granted a continuance to the November 25, 2008 meeting, and after that if the applicant wished to continue then they would need to reapply with a whole new application.

Ms. Smith moved and Mr. Batchelder seconded the mMotion to grant the second continuance requested by Attorney Peter Loughlin on behalf of his client Stanley Knowles case #2008:08 to be continued to the November 25, 2008 meeting.
The vote was unanimous in favor of the Mmotion (5-0).

Mr. Field stated for the record that if the applicant for case #2008:08 is prepared to move forward in October they be given the opportunity to do so if they meet the deadline to be placed on the October Agenda.

I. Unfinished Business

- 1. 2008:10 – Chasewood Services Inc., PO Box 584, North Hampton, NH.**
Applicant, Teresa Thompson on behalf of Chasewood Services Inc., requests a variance to Article IV, Section 409.9.B.1 to allow the addition of a 2nd floor door, 8'x12' deck and stairway within the 75-foot tidal lands and/or inland wetland buffer. Property owner: Chasewood Services Inc., 2911 Turtle Creek Blvd #450, Dallas, TX 75219. Property location: 26 Ocean Boulevard, M/L 001-041, zoning district R-2. This case is continued from the August 26, 2008 meeting.

In attendance for this application:

Teresa Thompson

Ms. Thompson explained that she was granted a variance from the Little Boar's Head Zoning Board of Adjustment on September 16, 2008 for relief from the wetlands setback to construct a second-story deck and stairway on the rear of the building. She further explained that she was seeking relief from the North Hampton Zoning Board for the same relief.

Ms. Thompson was asked by Mr. Field to present her case by going over the five criteria of the variance standard test under the Boccia Analysis.

Ms. Thompson explained that there are safety concerns because there is no proper egress from the second floor where the main living area is located. She opined that building the stairwell would not diminish the values of surrounding properties; she said that granting the variance would be consistent with the spirit of the ordinance and substantial justice would be done.

Mr. Field commented that maybe the applicant did not have the benefit of all the information necessary to proceed with the case and may want to request a continuance to next month to give the applicant time to gather sufficient evidence to present her case to the board.

Mr. Field said that he also has concerns with the fact that it is a foundation stabilization project in the wetlands. Mr. Mabey later explained that the applicant was using an old copy of a site plan from a previous project and the foundation stabilization project did not have anything to do with the present application.

Ms. Smith voiced concerns over the fact that presently there was no proper egress to vacate the second story in an emergency.

Ms. Thompson explained that the original structure was a cottage built in the 1930's and the main house was added on in the 1980's and in 2002 two decks were added to the front of the dwelling. The main house is where her sister summers (on the 2nd floor). She further explained that the only way to get out would be off of the two decks and then jumping off them onto the ground if the primary stairwell were blocked.

Ms. Peckham suggested they build the stairway off the front of the house and Ms. Thompson replied that it would be impossible because it would come right down on the driveway and that it would be aesthetically unpleasant. Ms. Peckham commented that aesthetics was not a criterion.

Mr. Mabey explained to the board that the building currently meets the second-story egress codes.

Ms. Thompson explained that constructing the stairway off the house in the front or the side would still be in the wetlands and she would still need relief from the wetlands setback requirements.

Ms. Peckham explained that it was the applicant's responsibility to prove to the board that the stairway must be constructed on the back of the house because there is no other place to put it.

Mr. Field suggested that the stairway be built off the side of the house meeting all of the setback requirements so there would be no need to seek relief from the Zoning Board. He referred to homes on Washington Street in Rye that have stairways off the house that are far less invasive to the wetlands. Mr. Field further stated that he is aware that the applicant does not want the stairway any other place except on the back of the dwelling but it would serve the purpose when vacating in emergency situations.

Ms. Smith opined that aesthetically it is not feasible to place the deck and stairway anywhere else besides the back of the house. She said that the house is on Ocean Blvd. surrounded by million dollar homes, and placing the deck and stairway on the front or side of the house could affect the property value of the home and the property value of surrounding homes.

Mr. Field commented that there was no evidence that the diminution in property values would occur if the stairway were to be built on the front or side of the building.

Ms. Smith said that safety should be one of the board's main concerns.

Mr. Field and Ms. Peckham suggested different options of where to construct the deck and stairway that would be less invasive to the wetlands or meet the setback requirements altogether.

Ms. Thompson's contractor spoke from the audience and said that the deck would be built on eight 10-inch sonotubes buried in the ground.

Ms. Thompson reminded the board that the house in question faces a parking lot and she does not want a door facing the front leaving the premises vulnerable to break-ins. She said it is a privacy factor as well as a safety factor.

Mr. Stanton commented that the primary stairway is off the kitchen where most fires start.

Ms. Thompson's contractor said that putting the stairway on the back of the house is a logical location for an emergency egress, and even though the second story currently passes safety codes regarding egress that does not mean that the current egress from the second story works for everyone.

Ms. Peckham commented that she was not sure why they could not build the stairway off the side. Mr. Field agreed.

Ms. Smith said that the neighbors would have to look at the stairway, and referred to the criterion of diminishing the value of neighboring properties.

Mr. Field asked Ms. Thompson to address item I and ii of the Boccia analysis, where the applicant must prove that (i) an area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property and (ii) the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

Ms. Thompson said it would result in a hardship if she were not allowed to put the stairway on the back of the dwelling. Mr. Field said that Ms. Thompson was offered alternatives by the board but opted not to use them. Ms. Thompson agreed that she did not want to use the alternatives suggested by the board.

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Ms. Thompson was asked to draw the interior of her home so that the board could get a visual picture.

Mr. Batchelder pointed out popular locations to where house fires start and said that the proposed spot on the side of the house that Ms. Peckham suggested is over the boiler room and garage, which would be high risk areas for fires to start.

Mr. Stanton opened the public hearing for those either for or against the application at 7:30pm.

Mr. Stanton closed the public hearing at 7:30pm without public comment.

The board deliberated.

Case #2008:10 – Chasewood Services Inc., (26 Ocean Blvd. M/L 001-041)

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	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Stanton	x		x		x		x		x	
Peckham	x		x		x		x		x	
Field	x			x	x		x		x	
Smith	x		x		x		x		x	
Batchelder	x		x		x		x		x	
Alternate										
Marston										

Alternate	Lariviere											
Alternate	Kierstead											

The Boccia test pertaining to the five criteria for a use variance was discussed.

Mr. Field opined that the applicant did not satisfy the Boccia test; there were several alternatives offered that the applicant did not want to do. He said it is the board's duty to find something unique about the lot. Ms. Smith said that the board should not only take the safety issue into consideration but to also take the neighbor's view of the property into consideration. Mr. Stanton commented on the privacy issue and opined that the applicant is entitled to the aesthetics of their property. Ms. Peckham said that the wetlands would prevent them from putting the stairway anywhere on the property. Mr. Field said that based upon the evidence, placing the deck and stairs off the side of the house would not be in the wetlands.

Mr. Batchelder moved and Ms. Smith seconded the ~~m~~Motion to ~~accept~~approve the application for case #2008:10 with no exceptions according to the application and approved by the Building Inspector. The vote passed in favor of the ~~m~~Motion (4 in favor, 1 opposed and 0 abstention). Mr. Field voted against.

Mr. Field explained that he did not vote in favor of the applicant's variance request because there were feasible alternatives that could have been done that the applicant opted not to do.

Ms. Smith said that it was not necessary to explain and second guess a vote after the fact. Ms. Peckham said that Mr. Field does have a right to voice his opinion.

Mr. Field said that it is important that everyone receive an opportunity to explain how they voted because of the possibility of appeal; it's good information for the permanent record.

2. **Rehearing – Case 2008:03**, requested by Attorney Peter Saari on behalf of his client William A. & Agnes P. Hawks Estate, Citizens Bank, Trustee. This request is continued from the August 26, 2008 meeting.

Mr. Stanton gave a brief history on Case #2008:03.

- Case #2008:03 Hawks Estate request for a special exception under Article IV, Section 409.12 on May 27, 2008 was denied on May 27, 2008.
- The applicants were granted their motion for rehearing on August 26, 2008

In attendance for this application:

Attorney Peter Saari, Casassa & Ryan
Wayne Morrill, Jones & Beach Engineering
Mark West, West Environmental

Attorney Saari updated the board on information requested by the board at prior meetings. He submitted a plan approved by the Planning Board and signed by the then Chair Walter Lermer in 1975. He explained that the only restriction back then was the 75-foot septic setback. Attorney Saari submitted copies of the North Hampton Zoning Ordinances with amendments through March 9, 1982 and copies of the Ordinances with amendments through March 8, 1988 where restrictions were put in place that a structure had to be 75-feet away from “very poorly drained” soils. He reminded the board that there are “poorly drained” soils on the lot, but no “very poorly drained” soils. He further pointed out to the board that the lot could have been built upon according to the Zoning Ordinances up until 1992 without seeking any form of relief.

Attorney Saari said that he Town assesses the lot as a building lot and opined that the lot was indeed an “approved building lot of record”.

Ms. Peckham moved and Ms. Smith seconded the ~~m~~Motion that the lot presented (Tax Map 006, Lot 040) be recognized as an “approved building lot of record”.

Mr. Field voiced concerns on setting a precedent that if a lot has NH DES approval to install a septic system on it then it automatically constitutes the lot as an “approved building lot of record”. He said that shouldn’t be the case.

Ms. Smith said that is why the board handles each case on a “case by case” basis, so not to set precedent.

Ms. Peckham said that at one time the lot was buildable because there were no setback requirements.

Mr. Buber asked for clarification and asked if the board was saying that a “building lot of record” and “approved building lot of record” is considered the same? The board said “no”.

Mr. Stanton explained that Attorney Saari demonstrated that the lot in question was buildable up until 1992.

The vote was unanimous in favor of the ~~m~~Motion (5-0).

Mr. Morrill went over the proposed plan with the board:

- The lot is 2.11 acres located at the intersection of Chapel Road and Maple Road, bordered by Atlantic Avenue.
- Proposed three-bedroom 26’ x 36’ house with a 22’x24’ garage and 10’x10’ deck off the rear of the dwelling.
- The proposed septic system meets the 75-foot setback requirement and test pits were done and witnessed by Mr. Bond of the Rockingham County Conservation district.
- The proposed house would encroach into the wetlands buffer by 20.8 feet.
- The structure meets the front and side setback requirements.
- The cement well on the property was used many years ago by a farm close by to the property.

Mr. West explained to the board that he did the wetlands delineation on the property. He explained two important components to the project (1) what are the functions and values of the wetlands? He submitted an aerial photo showing that this particular wetland is isolated; it is an isolated stand of trees bordered to the east by a field and by the parking lot of the Lamprey Brothers Oil Company that is paved right up to the property line. He said that the lot abuts a road to the south and a road to the west and a road to the north and buildings on the other side of Maple Street, and all of that affects the functions of the wetlands, and based on the existing activities these wetlands do provide flood storage because of the areas around it that drain into it; it traps and holds water before it releases it into a culvert that empties onto the Lamprey land. He said because there are sandy soils in the area it provides some ground water recharge. He said because it is receiving run off from houses and paved areas it is also treating some of the water. (2) He explained ways to better protect the wetlands from the project. He explained the two ways to do that (1) plant native trees and shrubs that would provide a buffer between the project and the wetlands and enhances the wildlife habitat areas; (2) install "Rain gardens". The new regulations from DES are promoting the use of "rain gardens" for roof runoff. He explained that a "rain garden" is a garden built into a little depression that traps the water runoff and infiltrates it. He opined that it makes perfect sense to build a "rain garden" for this particular area.

Ms. Buber asked how many trees would be removed and what material would take their place? Mr. West said that he did not know how many trees would be removed, but the trees would be replaced with lawn, landscaping and the proposed structure.

Mr. Field said that because the board does not have a copy of the NH DES regulations to review then maybe the board should hire an outside expert to come before the board and explain the wetland solution.

Ms. Smith commented on the fact that Mr. West is an expert and his name and reputation are on the line if he is not giving factual information. Mr. Field commented that Mr. West was hired by the applicant. Mr. Field also said that he is not questioning Mr. West's abilities as a soil scientist.

Ms. Peckham suggested that the board do some investigating on their own and continue the case to next month.

Mr. West explained that he in no way was stating that the "rain gardens" would deter the wetlands impact altogether, but rather it would minimize the impact to the wetlands.

Mr. Gosselin, 2 Maple Road asked where the culvert was located. He said that he has searched the property and has never seen it. Mr. West said that it may be obstructed by leaves and debris. Mr. West further commented that he did not actually see the culvert but witnessed the water moving off site and assumed it was by way of a culvert.

Mr. Mabey said that if there is a culvert there it is the State of NH responsibility to maintain.

Mr. Morrill explained the proposed septic system, and said that the septic comes down into a tank where there is a pump that forces it up into the leach field.

Ms. Peckham questioned whether or not this type of septic is more viable around wetlands.

Mr. Morrill said that there is a velocity reducing box in the system that slows the rate going into the tubes, and would disburse the water evenly throughout the tubes. He said that the septic is forced about four times a day and there are no seals in the pipe, it is continuous, eliminating leakage. The pipe is buried below the frost line. He further commented that the mechanicals need to be replaced every five years or so.

Mr. Field asked if they had State approval for the septic system and Mr. Morrill explained that they cannot get State approval without ZBA approval for a special exception or variance.

Mr. Field asked that Mr. Morrill to send a copy of the septic system approval rating to Ms. Chase so that she could make copies and distribute to the board.

Mr. Bill Gosselin 2 Maple road, commented on the fact that the Conservation Commission voted unanimously (7-0) to disapprove the variance and the warrant article regarding the 50-foot wetlands setback was voted in by the Town overwhelmingly. He opined that approving the proposal would be going against the abutter's wishes, the Conservation Commission's wishes and the people of North Hampton's wishes.

Mr. Stanton closed the public session.

Mr. Field said that the board needed more fundamental material before they could properly deliberate over the case. Ms. Peckham agreed.

The board wished to research the following before proceeding:

- Research of the DES regulations published in August regarding "Rain Gardens".
- Enviro-Septic rules and guidelines
- NHDES Septic rules and guidelines
- Information on the culvert
- Vanasse Hangen Brustlin, Inc. Summary to the Conservation Commission

Mr. Field commented on the summary from Vanasse Hangen Brustlin, Inc. that Mr. Ganotis emailed to the board that was developed with funding from the New Hampshire Estuaries Project through its Community Technical Assistance program. The summary reports on the importance of the 100-foot wetland buffer setback as established by North Hampton Zoning Regulations, Article IV, Section 409.0.

Not all of the members received a copy yet. Mr. Stanton informed Attorney Saari that a copy of the summary is available to him for review.

Mr. Field opined that now is the time to be very critical of anything affecting the wetlands. He said that there is technical information available to the board that needs to be researched. He also commented on the case (Derry Senior Development, LLC) that he had sent to Chairman Stanton, in which the Supreme Court had said that presumptively if the State DES approves septic systems then an individual town or community has to have concrete evidence if it wants to challenge the approval from the State.

Mr. Field and Ms. Peckham suggested the applicants continue the case to October.

Mr. Stanton commented on the fact that in November it would be a year since the application was originally presented to the board and mentioned the expense to the applicant.

Mr. Batchelder said that information on the culvert should be obtained and brought back to the board. Mr. Mabey said that division six should know if it's there.

Mr. Field suggested to the Chair write a letter be written to the Conservation Commission inviting them to the October 28th ZBA meeting to comment on the proposed project.

Attorney Saari requested a continuance to case #2008:03.

**Ms. Smith moved and Ms. Peckham seconded the ~~m~~Motion to grant the request for the continuance for case #2008:03 to the October 28, 2008 meeting.
The motion was unanimous in favor of the ~~m~~Motion (5-0).**

2008:06 – William A. & Agnes P. Hawks Estate, C/O Citizens NH Investment Services, Trustee, 875 Elm Street, Manchester, NH 03101. The applicant requests a special exception under Article IV, Section 409.12. Location: Maple Road, M/L 006-040. This case is continued from the July 22, 2008 meeting.

2008:07 – William A. & Agnes P. Hawks Estate, C/O Citizens NH Investment Services, Trustee, 875 Elm Street, Manchester, NH 03101. The applicant requests a variance from Article IV, Section 406. Location: Maple Road, M/L 006-040. This case is continued from the July 22, 2008 meeting.

Attorney Saari requested a continuance for cases 2008:06 and 2008:07 to the October 28, 2008 meeting.

**Mr. Field moved and Ms. Smith seconded the ~~m~~Motion to grant the request to continue cases 2008:06 and 2008:07 to the October 28, 2008 meeting.
The vote was unanimous in favor of the ~~m~~Motion (5-0).**

Mr. Stanton recessed the meeting at 9:25pm.
Mr. Stanton reconvened the meeting at 9:29pm.

II. New Business

2008:11 – Stephen Bailey, 31 Mill Road, North Hampton, NH. The applicant requests a special exception, Section 513 – Accessory Apartment, to allow an accessory apartment within the existing building. Property owner: Stephen Bailey, 31 Mill Road, North Hampton, NH. Property location: 31 Mill Road, M/L 003-015, zoning district R-1.

In attendance for this application:
Stephen Bailey, Owner/Applicant

Mr. Stanton said that he visited the property and toured the proposed project with Mr. Bailey.

Mr. Bailey explained that he received septic approval from the NH DES and has received approval from NH DOT to widen the driveway.

Mr. Bailey explained that when he bought the house at 31 Mill Road the real estate listing sheet identified the property as having an in-law apartment, but it never mentioned whether or not it was a legal apartment so he investigated and found out that the Town assessing card had it described as summer kitchen not an in-law apartment. He was also informed by the Building Inspector that the house was a single-family dwelling only.

Mr. Bailey went over the criteria to the special exception requirements, Section 513-Accessory Apartment.

513.1The property must conform to the dimensional requirements of a single-family lot.

Mr. Bailey proved that it was a “grandfathered” lot.

513.2The existing dwelling must have existed prior to the adoption of this ordinance.

Mr. Bailey said that the house was built in 1956.

513.3The apartment must be contained within the existing single-family dwelling.

Mr. Bailey said that the apartment would be contained.

513.4The dwelling to which an accessory apartment is added must be owner-occupied and a minimum of 2,000 square feet in total floor area.

Mr. Bailey said that he would occupy the main dwelling.

513.5The size of the apartment shall be between 400 and 800 square feet.

Mr. Bailey said the apartment shall be between 400 and 800 square feet.

513.6No more than two bedrooms are permitted in the accessory apartment.

The bedroom shall have only one bedroom and one closet.

513.7The owner shall provide evidence to the Building Inspector that septic facilities are adequate for both units according to the standards of the Town and the N.H. Water Supply and Pollution Control Division. If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of N.H. licensed septic system designer. The Building Inspector

shall indicate his approval in writing to the Zoning Board of Adjustment.

A new septic system has been designed by Groover Septic Design

513.8 The apartment shall be designed so that the appearance of the building remains that of a single-family dwelling. Any new entrance shall be located on the side or rear of the building. ***3/13/90**

Mr. Bailey said that the appearance and shape of the building will remain unchanged.

Ms. Smith commented on how well Mr. Bailey presented his case and appreciated his honesty.

Mr. Stanton opened the public meeting at 9:40pm.

Mr. Stanton closed the public meeting at 9:40pm without public comment.

Mr. Field said that he is in favor of work force housing in town to provide the opportunity for people to live in this town who otherwise would not be able to afford it and opined that it is a good social policy to allow accessory apartments where permitted.

The board discussed the criteria for a special exception under Article 513 – Accessory Apartments.

513.1 & 2 – the board agreed that the criterion was met.

513.3 - the board agreed that the criterion was met.

513.4 – Mr. Field commented that it is important that the dwelling remain owner occupied if the application is approved and suggested making it a condition of approval.

513.5 - the board agreed that the criterion was met.

513.6 – the board agreed that the criterion was met and the Building Inspector stated that the bedroom window in the proposed apartment must meet the egress standards.

513.7 – the board agreed that the criterion was met.

513.8 – the board agreed that the criterion was met.

Mr. Bailey was sworn in and attested to the fact that everything he said and that he presented was the truth.

Mr. Field moved and Mr. Batchelder seconded the ~~m~~Motion to approve the Special Exception case #2008:11 with the proviso that the Code Enforcement Officer performs periodic visits to the site to ensure that Section 513.4 of the Zoning Ordinance is strictly enforced and that a note stating that fact be added to the tax card.

The vote was unanimous in favor of the ~~m~~Motion (5-0).

Other Business

Mr. Stanton said that he and Mr. Field will be working together to make proposed changes to the current Rules of Procedure and asked that each member review the changes and be prepared to discuss the changes at the next meeting.

Ms. Smith left the meeting at 10:00pm.

Minutes

Mr. Field suggested that quotation marks be inserted when referring to “lot of record” and “approved building lot of record” throughout the minutes.

Mr. Field moved and Ms. Peckham seconded the Motion to approve the August 26, 2008 minutes with the suggested editorial changes.

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

The board discussed Ms. Peckham’s memo to the Conservation Commission. Mr. Stanton tried to email information to Ms. Chase but it didn’t go through because of the size of the document. He said that he attended the Conservation Commission and learned that the contamination of the Hobbs well that was reported by the Conservation Commission to the ZBA regarding the Knowles case was in fact contamination that was done back in 1986 and the problem was taken care of in 1991.

Mr. Stanton said that the Conservation Commission is supposed to investigate the current situation with the aquifer now and that there is information on the Coakley landfill that no one seems to have. He further informed the board that the Hobbs well is capped off. Mr. Mabey said that the Town has that information and Mr. Stanton asked for any information the Town may have.

Mr. Field suggested that the boards get together and agree to use scientifically based standards for applications with wetland setback issues.

Mr. Stanton suggested that one copy of each of the applications be distributed to the Chairman of the Conservation Commission the day after the application submittal deadline date, giving the Conservation Commission more time to review the application and submit recommendations to the Zoning Board. The Conservation Commission has discussed possibly changing their meeting date to better coincide with the ZBA meetings.

Mr. Field said that the Conservation Commission is a valuable resource and he values their input.

Mr. Stanton said that he would write a letter to the Conservation Commission to invite them to attend the October 28th meeting to possibly get “feed back” from the Commission regarding the Hawks case for a special exception to section 409.12.

Ms. Peckham said that she noticed that Mr. Stanton has been going to the Conservation Commission meeting so she assumed communication was getting better between their committee and the ZBA.

Mr. Field moved and Ms. Peckham seconded the Motion to table the report on the ongoing discussion with the Conservation Commission to the October 28, 2008 meeting to see how the Chair’s efforts to give some new time lines develop over the next month.

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

Mr. Stanton said that he and Mr. Field will work on revising the Rules of Procedure and present the revisions to the board for their input.

| **Mr. Stanton moved and Mr. Batchelder seconded the Motion to table the topic of updating the rules of procedure to the October 28, 2008 meeting.**

| **The vote was unanimous in favor of the Motion (4-0).**

| **Mr. Batchelder moved and Peckham seconded the Motion to adjourn at 10:13pm.**

Respectfully submitted,

Wendy V. Chase
Recording Secretary

| Approved October 28, 2008