



**TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
Tuesday, May 26, 2009 at 6:30pm
Mary Herbert Conference Room**

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 and Robert Field, Jr.

Alternates present: Chuck Gordon, Jennifer Lerner, Ted Turchan and Debbie Wood

Members Absent: Michele Peckham

Staff present: Richard Mabey, Code Enforcement Officer/Building Inspector, Wendy Chase, Recording Secretary, and Craig Salomon, Select Board Liaison

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

Mr. Stanton convened the Meeting at 6:30 p.m.

Mr. Stanton called for a Pledge of Allegiance.

Mr. Stanton seated Ms. Lerner for Ms. Peckham.

Mr. Stanton introduced the Board Members and Staff.

Mr. Field asked who the next alternate was in the order. Ms. Chase said that it was Mr. Ted Turchan.

Ms. Chase reported that the May 26, 2009 Zoning Board Agenda was posted in the May 11, 2009 Hampton Union, the Town Clerk's Office, Town Office and Library.

Mr. Stanton asked if anyone wished to question any regular or alternate member of the Board sitting tonight that they should be disqualified. Mr. Stanton explained the procedure for juror disqualification. Mr. Field asked that Mr. Stanton articulate the juror standard. Mr. Stanton said that he did. There was no public comment.

Mr. Stanton changed the order of business on the agenda to do the "new business" first.

Mr. Field Moved to change the order of business to try and accommodate Mr. and Mrs. Maloney.

Mr. Stanton explained that the Chair has the discretion of the order of the agenda.

50 There was no second to the Motion; the Motion failed.

51

52 **New Business**

53

54 **2009:07 – Victor & Sarah Maloney, 5 Grandview Terrace, North Hampton.** The Applicants request a
55 variance from Article IV, Section 406 – yard and lot requirements to allow the construction of a second floor
56 addition and an addition to the existing garage 14-feet from the side setback where 25-feet is required.

57 Property owners: Victor and Sarah Maloney, Property location: 5 Grandview Terrace, M/L 014-054, zoning
58 district R-1.

59

60 In attendance for this application:

61 Victor & Sarah Maloney, Owners/Applicants

62

63 Mr. Stanton swore in the Maloneys as witnesses.

64

65 Mr. Maloney submitted pictures of his property to the Board members.

66

67 Mr. Stanton entered into evidence, as part of the permanent record, a signed petition, two letters
68 from abutters in support of the application and the pictures. The letter from Beth Hill was dated
69 May 16, 2009. The letter from Michael Sullivan and the petition were not dated.

70

71 Mr. Maloney presented his case, and offered the following:

72

- 73 • Applicants request relief from the 25-foot side setback to add another bay to the existing
74 one-car garage that would encroach into the setback by 11-feet.
- 75 • There will be no added bedrooms to the home.
- 76 • They have a septic system and dry well (no leach field) and have public water.

76

77 The Applicant was asked to address the five criteria under the Boccia analysis.

78

79 1. The proposed use would not diminish surrounding property values. Mr. Maloney said that it
80 was his opinion that by adding the addition to the second floor and garage would only
81 increase the property value. He did not have hard evidence to back that statement up with.

82 2. Granting the variance would not be contrary to the public interest. Mr. Maloney said that
83 the immediate property owners that can see his house are in support of the additions, he
84 referred to the petition that was submitted into evidence.

85 3. Granting the variance would do substantial justice. Mr. Maloney said that if North Hampton
86 were creating the ordinances today they would base the guidelines on two acre lots. His
87 development was created when two acre lots were not required.

88 4. The use is not contrary to the spirit of the ordinance. Mr. Maloney said that the neighbors
89 are in support and it is a minor intrusion into the setback.

90 5B. Denial of the variance would result in unnecessary hardship to the owner because:

91

I. The following special conditions of the property make an area variance necessary in
92 order to allow the development as designed: Mr. Maloney said that they could put the
93 garage on the back of the house but it would not be favorable to the neighbors.

94

II. The same benefit cannot be achieved by some other reasonably feasible method that
95 would not impose an undue financial burden: Mr. Maloney said that if the garage were to
96 be located on the other side it would cause a financial burden and it would not meet the

97 side setback on that side too.

98
99 Mr. Stanton opened the Public Hearing to anyone with comments either for or against the
100 Application.

101 Mr. Stanton closed the Public Hearing without public comment.

102
103 The Board deliberated and went over the five point variance test under the Boccia analysis.

104
105 Would granting the variance not be contrary to public interest?

- 106 • There is no evidence that it would it would cause harm to health and safety to the public
- 107 • Design is in synch with the neighbors
- 108 • Support of their neighbors

109 Would not granting this variance create an unnecessary hardship because an area variance is needed
110 to enable the applicant's proposed use of the property given the special conditions of the property?

- 111 • A special condition is that the lot is small; there isn't a lot that can be done with it.
- 112 • Not reasonable to sell and move a house if it's not big enough

113 Would not granting this variance create an unnecessary hardship, including a financial hardship,
114 because the benefit sought by the applicant cannot be achieved by some other reasonably feasible
115 method?

- 116 • Would be reasonable and feasible

117 Would the use contemplated by petitioner as a result of obtaining this variance be consistent with
118 the spirit of the ordinance?

- 119 • The side setback is for privacy and they have got the support of their abutting neighbor on
120 the side of the proposed addition. It's a minor intrusion.

121 By granting this variance, would substantial justice be done?

- 122 • It would be fair.

123 Would granting this variance result in a diminution in value of surrounding properties?

- 124 • It would probably be the opposite and add value.

125
126 **Ms. Lermer Moved and Ms. Smith seconded the Motion to grant the variance from Article**
127 **IV, Section 406 – yard and lot requirements to allow the construction of a second floor**
128 **addition and an addition to the existing garage 14-feet from the side setback where 25-feet is**
129 **required.**

130
131 Mr. Field asked for a friendly amendment to eliminate the *second floor addition* from the Motion
132 because that did not require a variance.

133
134 Ms. Lermer and Ms. Smith accepted the friendly amendment.

135
136 **The vote was unanimous in favor of the Motion as amended (5-0).**

137
138 Mr. Stanton informed the Applicants that they would be receiving a decision letter and explained
139 the 30-day appeal process.

140
141 Mr. Field mentioned an email that Phil Wilson sent to various Board members, dated May 17, 2009,
142 where he raised potential conflicts on the Board in regard to actions at the Select Board Meeting.

143 Ms. Lermer referred to the email and asked why Michele Peckham was not mentioned in the email
144 as having a potential conflict.

145
146 Mr. Stanton said that the email was not on the agenda and has nothing to do with the business on the
147 agenda.

148
149 Mr. Stanton said that he read the notice of the juror standard at the beginning of the meeting and if
150 there was anyone who wanted to object to anyone sitting this evening, they had an opportunity to do
151 it then.

152
153 **Mr. Field Moved that Mr. Wilson's email dated Sunday, May 17, 2009 is made a part of the**
154 **record of this Meeting with respect to the Corbett case.**

155
156 Ms. Smith said that the email is one man's personal opinion without substance. She said that Mr.
157 Wilson is entitled to his opinion but strongly disagreed that his email of May 17, 2009 be made part
158 of the permanent record of the Corbett case, #2009:03.

159
160 There was no second to the Motion. The Motion failed.

161
162 Mr. Stanton turned the Chair over to Ms. Smith and recused himself from the Corbett case.

163 Mr. Field and Mr. Batchelder recused themselves.

164 Ms. Smith seated Mr. Gordon, Mr. Turchan and Ms. Wood for Mr. Stanton, Mr. Field and Mr.
165 Batchelder.

166 167 **Unfinished Business**

168
169 **2009:03 – Vincent Peter Corbett, Jr., 134 Walnut Ave., North Hampton.** The Applicant requests a
170 variance from Article IV, Section 409.9.A.1 to establish a building lot that has less than the required 100-foot
171 wetland buffer setback. Property owner: Vincent Peter Corbett, Jr., Property location: 134 Walnut Ave.,
172 M/L 019-003, 004, 005 & M/L 015-017, zoning district R-2. This case is continued from the April 28, 2009
173 meeting.

174
175 In attendance for this application:

176 Vincent Peter Corbett, Owner/Applicant

177
178 Ms. Smith asked Mr. Corbett to present his case again since it had been continued the past couple of months.

179
180 Mr. Corbett said that he has lived in North Hampton for 40 years and the purpose of his variance request is to
181 carve out a parcel of land to build his retirement home on. He would like to "down size" from his current
182 home. He went through the five criteria of the variance standard test under the Boccia analysis.

- 183
- 184 • When the 50-foot wetlands setback was changed to 100-foot in 2003 it has made the proposed
185 building envelope unacceptable
 - 186 • Would not be contrary to the public interest to grant the variance because the criterion is met
 - 187 • Granting the variance would ultimately protect the wetlands and the head waters of the Winnicut
188 River
 - 189 • The 100-foot setback results in an inability to have a building envelope to build a retirement home
190 close to the road, if he were to build further back they would have to construct a long driveway
191 crossing wetlands and constructing culverts and would be encroaching on land he wanted to preserve
in the first place.

- 192
- The unique shape of the land renders the land unbuildable
 - 193 • The land would not be able to be utilized without a variance to the wetlands setback requirement of
 - 194 100-feet.
 - 195 • Substantial justice will be done because if given the variance to be able to build the house put the
 - 196 remaining portion of the land in conservation for fair market value.
 - 197 • Surrounding property values would not be diminished it would enhance the value of abutting
 - 198 property because no one would be building on the other side of his property because he owns it.
 - 199

200 Mr. Gordon asked for the approximate square footage of the cross hatch depiction on the map. Mr. Corbett
201 did not know. Mr. Gordon asked if Mr. Corbett would have any objection to having the Building Inspector
202 give an estimate of the square footage. Mr. Corbett had no objections.

203
204 Mr. Corbett explained that he has been approached by developers to develop his land in the past and has
205 declined.

206
207 Ms. Smith asked questions about the in-ground pool that once existed on the property. Mr. Corbett explained
208 that the in-ground pool was a “bag pool” made of concrete and was filled in; the concrete was not removed.
209 He also explained that the tennis court was dug up and removed.

210
211 Mr. Turchan said that NH Soils did the wetlands delineation on the plan but did not certify the drawings. Mr.
212 Corbett did not know why.

213
214 Mr. Corbett said that Mr. Cote came out to the property and marked the test holes.

215
216 Mr. Turchan questioned where the septic for the proposed house on lot two would be located. Mr. Corbett
217 said it would be located behind the existing barn. Mr. Turchan said that by measuring 75-feet from the
218 wetlands for the proposed septic system for the proposed house and it would end up on lot one. Mr. Corbett
219 said that he hasn’t thought about where to put the septic; he is only looking to get an approved building
220 envelope.

221
222 Ms. Smith said that in order to approve a buildable lot there are questions that will need answers to.

223
224 Mr. Gordon questioned the members on why the Applicant would need to depict a septic system on the plan
225 when he was requesting a variance to the wetlands to create a building envelope.

226
227 Mr. Mabey explained that during the subdivision approval process (through the Planning Board) it has to be
228 proven that the lot can support a septic system under both State and local regulations.

229
230 Mr. Turchan said that there is a State standard that prohibits the “breakage” of a lot under so many acres
231 unless it’s proven it can support a septic system.

232
233 Mr. Gordon said that the Applicant is only asking for relief from the wetland buffer to create a building
234 envelope. He said that the absence of an approved septic area is not a reason to deny the variance the
235 Applicant is requesting.

236
237 Mr. Mabey said that if the Applicant is granted the variance, then his next course of action would be to apply
238 to the Planning Board for subdivision approval.

239
240 Ms. Smith opened the Public Hearing for those in support of the Application.

241
242 Mr. Phil Wilson disclosed that he is the Chairman of the Planning Board, and Co-Chair of North Hampton
243 Forever and a Rockingham Planning Commission Commissioner for North Hampton. He explained that

244 North Hampton Forever was formed in 2001 and members of the Committee went out and identified parcels
245 of interest (for placing in permanent conservation) and prioritized them. Mr. Corbett's property was a
246 property of interest to preserve. Mr. Corbett had a developer do a conceptual subdivision which was done
247 before 2003 when the setback to the wetlands was 50-feet. He said that the issues of the septic would be
248 addressed if Mr. Corbett chose to apply for a subdivision with the Planning Board. Mr. Wilson said that
249 North Hampton Forever and the Conservation Commission favor this application because it would give the
250 Town the opportunity to acquire another significant piece of land in the head waters of the Winnicut River.
251 Mr. Wilson said that if the variance is granted there is still no guarantee that an agreement would be made
252 with the Corbett's. He further stated that he is very interested in conservation and would like to see that
253 significant parcel of land in conservation instead of being developed.
254

255 Mr. Wilson said that the Corbett's would need to do a subdivision plan to include the current house, the
256 proposed house and would need to leave adequate frontage for a road. The property can't be appraised as
257 subdividable property without a road. He explained that the 50-foot strip of land would be developed into a
258 road if the land were subdivided and if the land were to be put in conservation land the 50-foot strip would be
259 the access to that conservation land.
260

261 Mr. Turchan thought it would behoove North Hampton Forever that an accurate delineation of the wetlands
262 be preformed. Mr. Wilson agreed; he explained that once North Hampton Forever is at the point where there
263 is a willing seller of property and they are willing to buy then a conceptual subdivision needs to be done and
264 a certified appraiser does a "yellow book" appraisal. The appraisal cannot be done without a certified
265 wetlands delineation of the property.
266

267 Ms. Smith opened the Public Hearing to anyone opposed to the Application.
268

269 Richard Batchelder, an abutter to the property, asked that Mr. Don Gould speak on his behalf. Ms. Smith
270 swore in witnesses.
271

272 Mr. Don Gould, spoke on the Batchelder Family's behalf in opposition to the application. Mr. Gould said
273 that the Batchelders have lived in North Hampton for generations. They originally owned a farm that is now
274 the Winterberry subdivision. They currently own a 25-acre wood lot that abuts proposed lot #3 shown on the
275 plan and identified as tax map 15-18. He explained that the Batchelders had enjoyed unrestricted access to
276 the wood lot for decades. He said that Mr. Corbett bought the property in the 1970s and built an in-ground
277 swimming pool blocking the wood lot access. The Batchelders took them to Court and they were ordered to
278 either remove the pool or put in new access route to the woodlot. Mr. Corbett put in a new access point and
279 cut down trees but did not remove the stumps, they went back to Court and the Mr. Corbett was ordered to
280 remove the stumps making the road passable, and by Court mandate Mr. Corbett was required to prepare a
281 site plan that showed woods road and the right-of-way on the plan and recorded at the Registry of Deeds
282 which he did. Mr. Gould said that because of the history, the Batchelders are concerned about their access to
283 their woodlot, and added that there are other woodlot owners that access their lots through that access point.
284

285 Mr. Gould suggested that the members take into account the following:

- 286 • There are markings on the plan that appear to have been placed on there after the surveyor prepared
287 the plan, he referred to the cross hatchings on proposed lot #2.
- 288 • No indication on the plan of the square footage of the building area
- 289 • No indication of the location of the septic
- 290 • No wetland delineation on lot # 3 at all
- 291 • The Conservation Commission wrote a letter to the ZBA endorsing the proposal even though there
292 are significant wetlands issues involved. The Conservation Commission objected to every wetland
293 buffer application before the ZBA regardless of how significant the intrusion was.
294

295 Mr. Gould said on behalf of the Batchelders that the ZBA should not consider in any way the potential
296 acquisition of any land from Mr. Corbett by North Hampton Forever. The Board is supposed to confine
297 consideration to the five criteria and should not consider the potential of land that may come to the Town.
298 He suggested that North Hampton Forever should not be a factor because there is no guarantee that the
299 Town will get the Corbett property. He said that there may be other variances the Corbett's would need if
300 the new lot is created. Mr. Gould concluded by saying that the Batchelders are opposed to the Town paying
301 any money, in these difficult economic times, to acquire more conservation land especially the Corbett land
302 because it is very wet and maybe not developable. He said that if the variance is granted and the Planning
303 Board approves the subdivision, the Batchelder' would like to be included in the decision that guarantees
304 their access rights and the other property owners that use that right of way, and that the Corbett's or the
305 Town agree to maintain the right of way in its current condition due to erosion or increased traffic.

306
307 Mr. Turchan measured the wood lot road on the plan to be between 40 and 50 feet wide and narrows down
308 to less than 40 at a certain point.

309
310 Mr. Gould said that the Court decision stated that the width of the access way should be sufficient to
311 accommodate vehicles and tractors.

312
313 Mr. Batchelder said that there are approximately 15 people who own woodlots and use the Corbett right-of-
314 way, and many of those people depend on the wood to heat their homes.

315
316 Mr. Batchelder said that he is concerned with public access because of trash and cigarettes that could burn
317 the woods down.

318
319 Mr. Carl Walker, 62 Winnicut Road, said that the wood road goes straight through his property. He spoke in
320 opposition to the Town purchasing the land for conservation because it is so wet.

321
322 Dieter Ebert said that he is a woodlot owner and said he believed that there are three woodlot owners in
323 North Hampton that use the Corbett right-of-way to access their lots.

324
325 Ms. Smith and Mr. Turchan agreed that the application was incomplete.

326
327 Mr. Gordon was concerned with the relevance of the information the Board was looking for. He said that
328 Mr. Corbett was not before the ZBA requesting a subdivision; he was before the board to seek relief from the
329 wetland setback to create a building envelope only. He said that any relief granted could include protective
330 language to protect the rights of those who own woodlots and access those lots through the Corbett's right-
331 of-way.

332
333 Mr. Turchan commented that by granting the variance it would potentially be granting another lot.

334
335 Ms. Smith called for a recess at 9:38 p.m.

336 The meeting was reconvened at 9:48 p.m.

337

338 Mr. Salomon spoke as the Select Board liaison to the ZBA. He said that it was his job to ensure that
339 however the Board decided the case that it is a clear record in case it is appealed. He suggested the
340 following:

- 341 • The extent at which the Board considers the potential of North Hampton Forever acquiring
342 the Corbett land is important. Is it substantial justice that the Board allow construction
343 within the buffer because the trade off is that the Town may get a lot of conservation land in
344 return? Under the criterion: Is it contrary to public interest, the Board should consider
345 whether or not the end justifies the means.

- 346 • If the Board decides not to consider North Hampton Forever’s potential acquisition then the
347 Board should consider whether or not the application can stand on its own. Maybe the
348 Board should find out from a soil scientist the value of the wetland that may be encroached
349 upon.
350 • The Board should consider the protection of the woodlot owners and if the public has access
351 to the abutting property would there be a lot more people utilizing it increasing risk of fire,
352 trash and litter and people driving away the game for those who hunt. Would there be a
353 diminution of value for surrounding properties.
354

355 Mr. Wilson suggested that the Board treat the case like those in the past and require that the impact
356 on the wetlands be mitigated.
357

358 **Ms. Lermer Moved and Mr. Turchan seconded the Motion to continue the Corbett case**
359 **#2009:03 to the June 23, 2009 Meeting to give the Applicant time to come back to the Board**
360 **with additional information and to conduct a site walk of the property prior to the June**
361 **Meeting.**
362

363 **The Board requested the following information from the Applicant:**
364

- 365 1. **Mr. Cote attests that all the markings on the plan presented to the Board are his.**
366 2. **NH Soil Scientist certifies the delineation of wetlands on the plan presented to the**
367 **Board.**
368 3. **NH Soil Scientist to perform a functional wetlands analysis on the value of the**
369 **wetlands located in the “diamond shape” area on lot #2 and soil values in the proposed**
370 **buildable area.**
371 4. **The depiction of a 50-foot road that would satisfy any future subdivision, be added to**
372 **the plan; the road to begin at Walnut Avenue and end at the Pine Hill connection.**
373 5. **On the plot plan:**
374 a. **proposed septic system location on Lot #2**
375 b. **proposed building location and distances from wetlands on Lot #2**
376 c. **Specify the one acre of contiguous uplands with square footage on Lot #2**
377 d. **Major brooks on Lot #3**
378 e. **Location of septic system on Lot #1**
379 6. **Results of test pits #1-6 performed by NH Soil Scientists**
380 7. **And any other information the Board may deem necessary to assist in making a**
381 **determination.**

382 **The vote passed (4 in favor, 0 opposed and 1 abstention). Mr. Gordon abstained.**
383

384 Ms. Chase was directed to type up the “punch list” and send a copy to Mr. Corbett with Ms. Smith’s
385 signature.
386

387 The Board will determine a good time to hold the site walk and contact Mr. Corbett when the date is
388 set.
389

390 Mr. Stanton assumed the Chair.

391 Mr. Field and Mr. Batchelder were reseated.
392

393 **Mr. Stanton Moved and Ms. Smith seconded the Motion to table the March 24, 2009 and**
394 **April 28, 2009 Meeting Minutes to the June 23, 2009 Meeting.**
395

396 Mr. Field referred to the March 24, 2009 Meeting Minutes and suggested that he and Mr. Stanton
397 meet and try to submit a set of corrected minutes that they could agree upon. He said that it would
398 probably take two to three hours to accomplish. He said that an alternative would be to hold a
399 special meeting.
400

401 Mr. Stanton said that the Board can use the original draft Minutes as a basis and said he did not
402 think there were that many issues, and said that it could be a lengthy session but does not think it
403 needs to be.
404

405 Ms. Smith agreed, and said that she didn't think it would take very long.
406

407 Mr. Stanton said that the Minutes are the Board's and should acted upon by the Board; the Board
408 can decide to hold a special meeting to discuss amendments to the minutes.
409

410 **The vote passed (4 in favor, 0 opposed and 1 abstention). Mr. Field abstained.**
411

412 **Mr. Field Moved that he and Mr. Stanton be authorized by the Board to spend time to try and**
413 **reduce the issues involved in the March 24, 2009 Minutes down to a few items that can be**
414 **addressed by the Board at the next meeting, and do it so in a very short and efficient manner.**
415

416 **There was no second to the Motion; the Motion failed.**
417

418 **Alternate recommendations**

419

420 Mr. Stanton explained that at the March 24, 2009 Meeting the Board acted on the verbal guidance
421 that the Board was empowered to appoint alternates. The Board selected four alternates, and then it
422 was discovered that Town Counsel advised to follow the advice of the Local Government Center,
423 and that the Select Board would continue to be the appointment authority for the alternates. The
424 Select Board has retained Town Counsel which advised the Select Board to (1) that they would
425 retain the authority to appoint alternates, (2) they would ask the ZBA to make recommendations for
426 the alternates and (3) that the Board members all have equal vote (both appointed and elected
427 members). He said that under the ZBA Rules of Procedure only primary members can vote on
428 alternates. Mr. Stanton asked that Ms. Lerner not participate in voting on any alternate matters.
429

430 Mr. Stanton said that at the May 18, 2009 Select Board Meeting that the Select Board received an
431 opinion from Town Counsel that an elected and appointed member carries the same weight on
432 voting on the recommendation of alternates.
433

434 Mr. Field asked if Mr. Stanton had a copy of the May 18, 2009 Select Board Meeting Minutes and
435 he did not but said that he was at the Meeting and was presenting the information as he heard it.
436

437 Mr. Stanton suggested that the interested alternates address the Board in the order that their letters
438 of interest were received by the Board.
439

1. Mr. David Buber

- 440 2. Mr. Paul Marston
441 3. Mr. Peter Simmons
442 4. Mr. Richard Bettcher
443 5. Mr. Robert Landman
444

445 Mr. Stanton explained that the Zoning Board Members would take a vote and authorize the Chair to
446 write a letter to the Select Board indicating their choice for appointment by the Select Board. It
447 would be the Zoning Board's prerogative what to do with the names of those who were interested
448 and not selected.
449

450 Ms. Smith and Mr. Batchelder said that they were at the May 18, 2009 Select Board Meeting and
451 Mr. Stanton stated what happened accurately.
452

453 Mr. Stanton introduced Mr. David Buber. Mr. Buber said he has lived in North Hampton for 10-
454 years. He said that he would like to be appointed to the Zoning Board as an alternate because he
455 has numerous concerns that the Local, State and Federal Government Agencies make today and the
456 impact those decisions have on future generations. He said that proper planning and zoning
457 regulations play a key role on the environment. He said that if he is appointed he would pledge to
458 serve the Zoning Board and the townspeople to the best of his ability, and that he would take into
459 account all facts before making any decisions. He will keep in mind the rights of land owners and
460 abutters alike while upholding the laws of the State of New Hampshire and the Town of North
461 Hampton.
462

463 Mr. Marston was not present.
464

465 Mr. Peter Simmons said that at this time he would like to retain his position to stay on the alternate
466 list but would like to give his support to Mr. David Buber, and opined that he would make a good
467 alternate to the Zoning Board of Adjustment.
468

469 Mr. Richard Bettcher also gave his support to Mr. David Buber.
470

471 Mr. Bob Landman asked that the Board consider his application for ZBA alternate. He said that
472 being self-employed allows him to be accommodating with his time. He went over his resume with
473 the Board that included the following experience:

- 474 • Rockingham Planning Commissioner for North Hampton since 1995
- 475 • RPC Executive Board, Chairman
- 476 • RPC Regional Impact Committee, Member
- 477 • Planning Board Alternate 1995
- 478 • Planning Board Member 1996-1999
- 479 • RPC Route 1 Corridor Study Committee.

480 He said that he would be proud to be a Member of the Zoning Board of Adjustment.
481

482 The Board decided to keep a list of the interested parties for future reference in case a position
483 becomes vacant but to also go through the normal procedure and advertise the position to the
484 general public.
485

486 The Board agreed to have the candidates leave the room and the Primary Board Members would
487 write down the name of the candidate of their choice.

488
489 Mr. Stanton, Mr. Batchelder, Ms. Smith and Mr. Field wrote down the candidate they preferred.
490 Mr. Stanton tallied the votes and said that Mr. David Buber received at least three votes.

491
492 **Mr. Stanton Moved and Ms. Smith seconded the Motion to authorize the Chair to write a**
493 **letter to the Select Board, the Zoning Board's decision to recommend Mr. David Buber as a**
494 **Zoning Board Alternate.**
495 **The vote was unanimous in favor of the Motion (4-0).**

496
497 Mr. Field questioned Mr. Stanton why he scheduled a special meeting on May 20, 2009. Mr. Field
498 said that he was out of town at the time.

499
500 Mr. Stanton said that he scheduled a special meeting to discuss the appointment of the fifth alternate
501 to the ZBA. He said that the Select Board Meeting of May 18, 2009 resolved the issues so the ZBA
502 special meeting was cancelled.

503
504 **Ms. Smith Moved and Mr. Batchelder seconded the Motion to adjourn at 11:15pm.**
505 **The vote passed (4 in favor, 0 opposed and 1 abstention). Mr. Field abstained.**

506
507 Respectfully submitted,

508
509 Wendy V. Chase
510 Recording Secretary

511
512 Approved July 28, 2009