



**TOWN OF NORTH HAMPTON  
ZONING BOARD OF ADJUSTMENT  
Meeting Minutes  
Tuesday, July 28, 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 Michele Peckham.

**Alternates present:** David Buber

**Members Absent:** Robert Field, Jr.

**Staff present:** 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 6:33 p.m.

Mr. Stanton invited the Board and the audience to rise for a Pledge of Allegiance.

Ms. Chase reported that the agenda was properly posted at the Town Office, Town Clerk's Office and Library. It was not posted in the newspaper because there were no new public hearings on the agenda.

Mr. Stanton seated Mr. Buber for Mr. Field.

### **Unfinished Business**

**2009:08 – Rana J. Clarizio, Trustee, Rana J. Clarizio Revocable Trust 2000, 7 Old Locke Road, North Hampton.** The Applicant requests a variance to Article IV, Section 409.8.A to construct a septic system within the 75-foot wetland buffer setback. Property owner: Rana J. Clarizio, Trustee, Rana J. Clarizio Revocable Trust 2000. Property location: 7 Old Locke Road, M/L 005-023, zoning district R-2. This case is continued from the June 23, 2009 Meeting.

#### In attendance for this application:

There was no one in attendance for this application.

The Board discussed the history regarding case 2009:08.

- Rana Clarizio, owner of 7 Old Locke Road applied for a variance, and it was added to the June 23, 2009 Meeting.
- The application fee was paid by Sam Smith, III.

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- No one was present for the June 23, 2009 Meeting, and the Board voted to continue the case to the July 28, 2009 Meeting, giving the Applicant another chance.
  - The check written out by Sam Smith for the application fee was returned for non sufficient funds. Ms. Chase contacted Mr. Smith by phone and informed him that the check was returned, and he said he would be in on the following Monday to “make good” on the check. He did not come in so Ms. Chase sent him a certified letter informing him that he had fourteen days (June 23, 2009) to pay including returned check and certified mail fees.
  - Mr. Smith paid the returned check plus fees on June 24, 2009, and asked that the Clarizio case be postponed until August 25<sup>th</sup>.
  - Ms. Chase phoned Mr. Smith on Monday, June 27, 2009 informing him that Ms. Clarizio needed to put the request for continuance in writing to the Board.

61 Mr. Stanton noted for the record that Mr. Field wanted him to mention that Mr. Field’s law firm  
62 may be involved in some litigation concerning someone related to this case so he would be recusing  
63 himself from it.

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65 Ms. Smith said that Ms. Clarizio was granted a continuance at the June Meeting even when no one  
66 was there to request it. Ms. Smith opined that the Applicant was given ample time and opportunity  
67 to present this case at this Meeting.

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69 Mr. Stanton suggested granting Ms. Clarizio a continuance with certain conditions, and if the  
70 conditions were not met the Applicant would need to reapply and pay the necessary fees.

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72 **Mr. Stanton Moved and Mr. Batchelder seconded the Motion to postpone case #2009:08 until**  
73 **the August 25, 2009 Meeting subject to the provision that within five (5) working days,**  
74 **commencing July 29, 2009, that there be a notice of request for continuance placed in writing**  
75 **by the property owner, and if there is going to be any other spokesperson, that they be so**  
76 **designated by the property owner.**

77 **The vote passed (4 in favor, 1 opposed and 0 abstention). Ms. Smith opposed.**

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79 **Minutes**

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81 **May 26, 2009 Meeting Minutes – Ms. Smith Moved and Mr. Batchelder seconded the Motion**  
82 **to accept the May 26, 2009 Meeting Minutes.**

83 **The vote passed (4 in favor, 0 opposed and 1 abstention). Ms. Peckham abstained.**

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85 **June 8, 2009 Site Walk Minutes (V. Peter Corbett) -** Ms. Smith said that she did the Minutes of  
86 the site walk on the Corbett property. She explained that her computer has “crashed” and is in the  
87 process of being repaired. She said that once she retrieves a copy she will forward them onto Ms.  
88 Chase for distribution to the Members. She also said that Ms. Lermer and Mr. Turchan may have a  
89 copy.

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91 **Mr. Stanton Moved and Mr. Buber seconded the Motion to table the June 8, 2009 Site Walk**  
92 **Minutes on the Corbett property to the August 25, 2009 Meeting.**

93 **The vote was unanimous in favor of the Motion (5-0).**

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95 **June 23, 2009 – Mr. Buber Moved and Mr. Batchelder seconded the Motion to accept the**  
96 **June 23, 2009 Meeting Minutes.**  
97 **The vote passed (4 in favor, 0 opposed, and 1 abstention). Ms. Peckham abstained.**

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99 The Board decided to designate Mr. Buber to sit for Mr. Field on case #2009:08 – Rana J. Clarizio  
100 until its final disposition.

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102 Discussion ensued regarding proposed changes to the rules of procedure. The Board thought it  
103 prudent to continue seating the same alternate on a case that a regular member has recused  
104 themselves from until a final decision is rendered.

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106 Mr. Stanton suggested adding to Section 5.C of the Rules of Procedure.

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108 **Mr. Stanton Moved and Ms. Smith seconded the Motion to include in the Rules of Procedure**  
109 **under Section 5. C. that when an Alternate has been seated for a primary member due to**  
110 **recusal, that Alternate Member shall sit for the entire application including any and all**  
111 **appeals.**

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113 Ms. Peckham reminded Mr. Stanton to check the Statutes to make sure the Motion just made did not  
114 conflict with the Statutes. He agreed that he would do that.

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116 **The vote was unanimous in favor of the Motion (5-0).**

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118 **Ms. Smith Moved and Mr. Batchelder seconded the Motion to adjourn at 6:55 p.m.**  
119 **The vote was unanimous in favor of the Motion (5-0).**

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121 Mr. Stanton reconvened the Meeting at 6:56 p.m. to address an email he received that mentioned the  
122 Board's deliberation over the nominations to the Select Board for Mr. Buber, and how the Board  
123 did the written ballot, which could be perceived as a secret ballot, which is not permitted by RSA  
124 91A. He said it behooves the Board to re-read RSA 91A to ensure the Board always complies with  
125 the Statute. He explained that the camera was turned off when the candidates were asked to leave  
126 the room leaving a perception that something was "going on" even though there were members of  
127 the public still present. Mr. Stanton apologized to anyone that was offended by those proceedings,  
128 and ensured it would not happen again.

129  
130 Ms. Smith said that she agreed to do the ballot vote to protect the personal interests of the two  
131 candidates, and there was nothing more to it. She also mentioned that the vote was made public,  
132 and agrees that actions by the Board should be made in public other than those protected by RSA  
133 91A.

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135 **Ms. Smith Moved and Mr. Batchelder seconded the Motion to adjourn at 7:00 p.m.**  
136 **The vote was unanimous in favor of the Motion (5-0).**

137  
138 Respectfully submitted,

139  
140 Wendy V. Chase  
141 Recording Secretary

Approved September 22, 2009