



**TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
Tuesday, December 15, 2009 at 9:00am
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; Michele Peckham and Robert Field, Jr.

Alternates present: Ted Turchan

Members Absent: Susan Smith

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

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

Mr. Stanton convened the meeting at 9:05am.

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

Mr. Stanton introduced members of the Board and Staff present.

Mr. Turchan was seated for Ms. Smith.

Mr. Stanton commented that there was an editorial published in the Portsmouth Herald and Hampton Union newspapers last week that called the members of the Zoning Board and those that appointed them "corrupt". He said that it was, in his opinion, a gratuitous against the fine men and women that serve the Town as a Board Member. He said that the decision to go to an elected board was not because of corruption, but of more of a desire to see Government by the people and for the people.

Mr. Field disagreed, and said that he didn't think that the editorial asserted that the current Board was "corrupt". He read a portion of the editorial into the record: "residents decided the Town Zoning Board had become corrupt, and voted to elect its members rather than continue to have them appointed by the Select Board".

Mr. Field said that there were incidents of conduct by the ZBA that had come into question within the Town, in that criticism of the pattern of the Administration of the ZBA business by prior Boards, were addressed by the Townspeople when they made a decision to change their mind on how members were going to be appointed, and therefore voted for an elected Board.

Mr. Turchan commented for the record that his name has "cropped up" in multiple newspaper articles written by multiple people insinuating that he had voted for something he had not, in fact he was not in attendance when those certain votes were taken. He expressed his disappointment over the reporting from the Hampton Union and Portsmouth Herald. He said that he contacted the newspaper and explained the errors, but there was never a retraction printed.

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Mr. Stanton explained the Meeting procedure to the audience.

There was no request for disqualification.

Mr. Stanton explained that the Board discussed, at the November Meeting, that this may be a brief meeting because the potential applicants would be advised that they may apply under the current criteria, but request a continuance to the January 26, 2010 ZBA Meeting. Mr. Stanton felt that the Applicants present would like to be heard.

Mr. Stanton Moved and Mr. Turchan seconded the Motion that the Board hear the case #2009:15 today.

Ms. Peckham said that it was her understanding that the Meeting would not last more than a half of an hour, and did not review the application.

Mr. Stanton said that an email went out requesting that each member review the material prior to the Meeting.

Ms. Peckham commented that not everyone has time to review the material before the Meeting, and that is why the Board relies on the Applicants to present their case.

Mr. Field said that he was under the impression that the Board's intentions at their November Meeting were that they would not spend a lot of time at the December Meeting, during the holiday season, and for that reason the Meeting was changed from the evening to the morning. He said that it was his understanding that with great probability that any applications would be continued to the January 2010 Meeting.

Mr. Stanton said that the Applicants have a contingency contract, and Mr. Field wanted to know how Mr. Stanton knew that information.

Mr. Stanton explained that there was a copy of a statement of the seller's disclosure as part of the application that each Member was in receipt of. He said that any Realtor would know that the property is under contingency. He said that it is public information and that it may be motivation for the Applicant to be heard today.

Ms. Peckham asked to hear from the Applicants.

Mr. Stanton withdrew his Motion and Mr. Turchan withdrew his second to the Motion.

Mr. Stanton swore in witnesses.

Mr. Stanton read the juror caution, asking whether anyone wished to request any regular or alternate member of the Board sitting tonight should be disqualified, and if so to identify the member or alternate and state the reason why.

The Applicant's Realtor said that the seller requested that the transaction happen in a "timely manner". She said that they have a closing date three weeks after ZBA approval. Mr. Andrews, the builder, said that in order to finish the house to be occupied by June 2010, when the Applicants rental expires, they would need to be building as soon as possible.

Mr. Stanton Moved and Mr. Turchan seconded the Motion to hear case 2009:15 – Joel & Karen Schofield this morning.

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

106 Mr. Field asked for clarification of who the actual owners of the subject property were.

107
108 Mr. Andrews said that the Schofield's do not own the property at this time. It was determined that the
109 application was incorrect by titling the Applicant's as Owners. The current owners are Suzanne, Robert and
110 Harry Savage.

111
112 Mr. Field noted for the record that a power of attorney from Electa Savage to Harry Savage was being relied
113 upon, and that Electa Savage is alive. It was determined that it is a durable Power of Attorney, and that Mr.
114 Harry Savage wrote a statement authorizing the Schofield's to present the case before the Board; Mrs.
115 Schofield was present and allowed her builder, Mr. Andrews, to present the case. Ms. Peckham read the
116 section of the Power of Attorney that the application is being relied upon into the record: *To generally act as*
117 *my agent in these and all other matters in which I may be interested or concerned; to do all acts which my*
118 *attorney-in-fact deems necessary in carrying out the foregoing, includes (page 1) to sell and dispose of any*
119 *real/or personal property which I own or in which I have any interest to such person or persons.*

120
121 Mr. Andrews explained that the subject property is located at 4 Boulter's Cove. There is an existing 26' x
122 44' foundation (approved by the ZBA in 2007) that is capped and is incomplete; there is an approved three-
123 bedroom septic system built on the site. He explained that they are requesting variances to complete the
124 construction of the house by adding front and back steps. He explained that the front steps would be five
125 steps down from the foundation to the "grade" on the front of the house, and 12-feet wide. The back steps
126 would come down to "grade" on the back side of the house, and extend out approximately 4-feet beyond the
127 foundation. He explained that the septic is approved for a three bedroom, but the condition added on the July
128 24, 2007 ZBA decision was to limit the building to two bedrooms. The Applicants request that condition be
129 eliminated.

130
131 Ms. Peckham questioned why a three bedroom septic system was installed when the condition of approval
132 was for a two bedroom home. She said that she is concerned that there may be a direct violation to install a
133 three bedroom septic when it was only approved by the ZBA for a two bedroom home.

134
135 Mr. Mabey explained that the original design for the two bedroom septic system had the overall capacity that
136 would allow for a third bedroom expansion, and because of the extra capacity the State was able to approve
137 for the third bedroom. He said that the leach field and septic tank do not have to be changed.

138
139 Mr. Turchan commented that the applicant got approval of the original septic design prior to going to the
140 ZBA for a variance request in July of 2007, and they would have gone to the State for approval of a three
141 bedroom prior to this meeting. He said that people need to know if they can get State approval before even
142 applying to the ZBA, because if they don't receive NH DES approval then it is a "done deal".

143
144 Mr. Mabey said that the septic system and leach field has been constructed and has the capacity to maintain a
145 three bedroom home. He explained that the septic is adequate for a two or three bedroom home, and the
146 design will not change regardless of the vote; they will not be allowed to change the house design from a two
147 bedroom to a three bedroom without ZBA approval.

148
149 Mr. Field questioned why the 2007 NH DES septic approval states that it is approved with a municipal water
150 supply only and it does not state that on the new 2009 approval.

151
152 Mr. Mabey explained that the 2009 NH DES approval references the 2007 approval that states that it is
153 approved with a municipal water supply.

154
155 Mr. Andrews went over the five criteria.

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157 **1. The proposed use would not diminish surrounding property values.**

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Mr. Andrews said that the surrounding property values would not be diminished because there is currently an incomplete construction site that represents a hazard to the public, and a completed structure will increase the tax base in Town.

Mr. Field said that there is already an approved house for the lot and asked Mr. Andrews how the issues he is raising in the variance request work to the benefit of property values in the area? He further asked why they couldn't construct the steps in another location other than the wetlands.

Mr. Andrews explained that variance relief would be needed regardless of where the steps were located; the property is surrounded by a wetlands buffer. He said they need front steps for fire egress and access to the first floor of the dwelling. He said they worked with an architect to design the steps with the least amount of impact on the variance needed.

Mr. Stanton stated that relief from the front setback is needed to construct the front steps and relief from the wetlands setback for the back steps to be constructed. Mr. Andrew concurred.

2. Granting the Variance would not be contrary to the public interest.

Mr. Andrew opined that it would be in the best interest of the public to complete construction of the house by increasing the tax base for the Town.

3. Granting the Variance would do substantial justice.

Mr. Andrews said substantial justice would be done by building and occupying a house on the lot.

4. The use is not contrary to the spirit of the ordinance.

Mr. Andrews said that without the ability to construct front and back steps to the house, there would be no way to access the dwelling. He said that they worked hard to minimize the impact, and not have to request more variances.

Ms. Peckham asked Mr. Andrews if he had tried locating the steps in different locations on the house, and asked if the current proposal has the least amount of impact to the wetlands. She said that she understands that they need stairs, but would like to know if they are located in a place that would have the least amount of impact to the wetlands.

Mr. Andrews said the worked hard to come up with a house design that would fit on the existing foundation. He said that the proposed deck would be built over the existing foundation. He said that they met with the Conservation Commission who reviewed the plan and they had no concern over the proposal. The short porch that comes out 4 or 5 feet and it will be resting on columns, and the stairs will come off of that.

Mr. Turchan commented that the concrete columns would not be poured into the wetlands; they would be located in the wetlands buffer.

Mr. Stanton read an email from the Conservation Commission Chair, Chris Ganotis into the record: *The Conservation Commission met on December 8, 2009 and heard a presentation from representatives of the applicants, Mr. and Mrs. Schofield, concerning stairways to be located in the wetland buffer at the front and rear of the house. After a brief question and answer period and discussion, a motion was made and seconded to make no objection to the proposed stairways. No other actions were taken concerning other application requests since they were not in the Commission's purview. A formal letter was not forwarded for this case because of the short timeframe to the next scheduled ZBA meeting on December 15.*

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Mr. Field questioned why the Chair would authorize this email into the record without a signature when he has not allowed it in the past.

Mr. Stanton said that he will follow up with Mr. Ganotis and request that he sign the email that he sent to the Board.

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

Mr. Andrews said that there is no reasonable means of access to the foundation, and believe that two stairways are appropriate for fire safety egress from the building.

I. The following special conditions of the property make an area variance necessary in order to allow the development as designed:

Mr. Andrews said that the two stairways are necessary to access the foundation. The foundation and the cap of the first floor are above grade.

Mr. Mabey explained that the original house plan submitted was for a split level house and the applicant would have had to come back to the board for a variance request to add steps.

II. The same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden.

Mr. Andrews said that a new house plan would have to be designed to change the location of the stairways, but it would still require relief from the wetlands setback requirements.

Mr. Stanton opened the public hearing for anyone for or against the application.

Mr. David Buber introduced himself and disclosed that he is an alternate member of the ZBA, but was not speaking in any way in regards to his position to the ZBA; he was speaking as a private citizen.

Mr. Stanton swore in Mr. Buber.

Mr. Buber asked Mr. Mabey asked about the time frame from when the original variance was approved on July 24, 2007 and the beginning of construction of the foundation. Mr. Mabey said that the foundation construction began within a year of the original approval. He explained that once construction is started and remains actively moving forward the permit is good until the process is complete.

Mr. Buber said that he did some research on the history of the property and commented on the ZBA meeting minutes of July 24, 2007. ZBA Chair John Simmons asked Mr. Mabey if he had received a legal opinion from LGC, and he said he had and they agreed with his interpretation of the law and that the lot was not "grandfathered" from the wetlands setbacks. Mr. Simmons suggested that the Board seek a legal opinion by Town Counsel or the Local Government Center on what relief would actually be required. The Board opted to continue with the case and Mr. Simmons abstained from the vote. Mr. Buber said that the Board granted the variance with specific conditions:

(1) the septic system to be designed for a two-bedroom home. Mr. Buber opined that the Board was very concerned and wanted a two-bedroom home not a three-bedroom by virtue of the septic. Mr. Buber said that condition #2 that the driveway to be constructed with pervious material only was satisfied. Condition #3 states a basement will not be constructed. Mr. Buber said that the foundation looks like it would accommodate a two-car garage, and in his opinion that was not the intent of the variance approval. Condition

261 #4 pending NH DES approval of the two-bedroom septic system. Mr. Buber opined that there are violations
262 of the approved variance:

- 263 • Approval was for a 22' x 44' dwelling and the current foundation is 26' x 44'.
- 264 • The septic system was to be designed for a two-bedroom house and was designed to accommodate a
265 three-bedroom house.
- 266 • A basement will not be constructed, and the current foundation appears to be in violation of that
267 condition.

268 Mr. Buber said that because of the aforementioned reasons he adamantly opposes any further expansion of
269 the property beyond the two bedrooms.

270 Mr. Buber said the applicants had the opportunity to appeal the case within a 30-day appeal period and opted
271 not to.

272
273 Mr. Buber opined that the current foundation is a basement.

274
275 Mr. Stanton said that he spoke to Mr. Mabey and Mr. Mabey does not consider the foundation to be a
276 basement because it is at "grade" in the back, and has been "built up" in the front; therefore is not a basement
277 because it was not built into the ground.

278
279 Mr. Mabey said that the intent was not to dig down into the marsh.

280
281 Mr. Field read the definition of "basement" in the Zoning Ordinance. *Basement: A story having a portion of*
282 *its clear height below finished grade.*

283
284 Mr. Buber referred to the July 24, 2007 ZBA minutes and Ms. Smith had asked the builder, Mr. Lavin
285 whether or not there would be a foundation, and Mr. Lavin explained that there would be a knee wall and not
286 a foundation due to the water table in that area. Mr. Buber opined that what is currently there is greater than
287 a "knee wall".

288
289 Mr. Batchelder, who sat on the original case, said it was the intention of the ZBA not to dig down further
290 because of the water table, and the Board may have erred in using the word "basement".

291
292 Mr. Field commented that it's not appropriate to take the approved minutes, which are the official record,
293 and allow reinterpretation to them in one way or the other. Mr. Stanton agreed that the approved minutes are
294 the official record. Mr. Stanton said that the July 24, 2007 ZBA minutes will be made part of the official
295 record for this case and be used as a source document in the deliberations.

296
297 Mr. Stanton commented that the decision letter and the minutes do not reflect each other in the case of the
298 size of the dwelling. The minutes state the dwelling size to be 22' x 44' and the decision letter state the
299 dwelling size to be 26' x 44'. Mr. Stanton remarked that the Board can correct previously approved minutes.

300
301 Ms. Peckham and Mr. Field disagreed that the Board is allowed to change previously approved minutes.

302
303 Mr. Stanton said that "Roberts Rules" allows Boards to correct previously approved meeting minutes. He
304 said that the decision letter will be added into the record as well.

305
306 Mr. Field stated that this Board has not adopted Roberts Rules as its Rules of Procedure.

307
308 Mr. Buber commented that it may be beneficial to ask the members that were involved in the July 24, 2007
309 case what their recollection was.

310

311 Mr. Field disagreed and said that it is wrong to allow members to testify as to what they did or did not mean
312 two or three years ago. He said that it is introducing evidence and if a member wished to do so, they would
313 need to “step down” from the Board and testify from the audience.

314
315
316 Mr. Stanton closed the public hearing at 10:15am.

317
318 Mr. Stanton said that the Board would need to take up the use variance from a two-bedroom to a three-
319 bedroom.

320
321 Ms. Peckham said that there may be a need for another variance. Ms. Peckham said that if the Board decides
322 that the foundation is a “basement” then there is a violation of the granted variance.

323
324 Mr. Mabey explained that the original plans presented to the Board in 2007 showed a 26’ x 44’ building, but
325 the foundation was 22’ x 44’. He said that is the reason for the discrepancy with the minutes and decision
326 letter.

327
328 Mr. Turchan commented on the fact that the construction began at “grade” and the front was filled for the
329 septic.

330
331 The Board went over questions they had and would like more information on:

- 332
- 333 • Does the Board consider the current foundation to be a “basement” or a foundation that is at
334 “grade”?
 - 335 • Question of the size: 22’ x 44’ or 26’ x 44’
 - 336 • Question on the use from a two-bedroom to a three-bedroom
 - 337 • Question on the size the capacity of the tank. Mr. Mabey explained that that particular system there
338 is a certain size per family. He said he will go “online” and find out.
 - 339 • They may need Little Boar’s Head approval for the height requirement

340
341 Mr. Gordon said that the ZBA has concurrent jurisdiction with Little Boar’s Head ZBA. Mr. Gordon said if
342 the building exceeds the 30-foot height requirement of Little Boar’s Head Village District, the applicant will
343 have to apply to them for a special exception. He commented that that should have no bearing on this
344 Board’s decision.

345
346 Mr. Field suggested that the Applicant be given the opportunity to request a continuance so that they can
347 address questions raised by the Board.

348
349 Mr. Stanton said that the decision letter takes precedent over the minutes.

350
351 Mr. Batchelder said that he did not remember the actual dimensions, but recollects that the basement was not
352 to go below “grade” because of the water problems.

353
354 Ms. Peckham said that the whole site is considered “finished grade”.

355
356 Mr. Field disagreed and said that the definition is a “portion of its clear height below finished grade”. He
357 said that “finished grade” is what is there when the building is completed, and whether there is a basement
358 there that is below the highest point of the finished grade.

359
360 Mr. Batchelder said that when he voted on it a “basement” was not meant as a traditional “basement”. He
361 said that the conditions are not specific enough.

362 Ms. Peckham said that she understood what Mr. Field meant by the definition of basement. She said that the
363 decision letter needs to be followed.

364
365 Mr. Stanton asked if it was the consensus of the Board that what is there a violation of what was approved
366 now is in violation of what was approved.

367
368 The Board agreed that Mr. Mabey can submit a copy of the original building permit and plans into the
369 record.

370
371 Discussion ensued regarding the septic system. Questions arose as to what was actually put in the ground.
372

373 Mr. Mabey said that there is a septic system installed for a two-bedroom home that accommodates a three-
374 bedroom home and it is up to the Board whether or not they approve the change of use from a two-bedroom
375 or a three-bedroom house design.

376
377 Mr. Batchelder said that it was his recollection that the intention of the Board to keep the house small and not
378 overstress the site, and that is why they limited the approval to a two-bedroom septic and dwelling.

379
380 **Mr. Stanton Moved and Mr. Field seconded the Motion that case #2009:15 be continued to January**
381 **26, 2010, and permit the Applicants to modify or adjust their Application as necessary and the Board**
382 **will rehear any changed portion at that Meeting.**

383
384 Mr. Field suggested that the Applicants be asked if they would be prepared to meet in January.

385
386 Mr. Andrews said that he was not clear to what variance they should be applying for.

387
388 Mr. Field said that he should read the definition of basement in the Zoning Ordinance and come up with his
389 on conclusion to what the definition of basement means. Mr. Field said that it was the Applicant's burden to
390 prove their case.

391
392 Mr. Stanton wished to modify his motion to include that they continue the case so that the Applicant may
393 modify as necessary without any further costs.

394
395 Ms. Peckham said that if the Applicant requests another variance they would need to endure the costs of
396 abutter notification and public notification in the newspaper.

397
398 **The vote was unanimous in favor of the Motion (5-0).**

399
400 Mr. Stanton said that since there were four Primary Members present he would like to discuss and vote on
401 proposed changes, especially the change that reflects the new law that will take effect January 1, 2010, to the
402 Rules of the Procedure. The Board Members were in receipt of draft copies of the proposed changes to the
403 Rules.

404
405 Mr. Field suggested that if the new law were to be added to the Rules, then they should also add the
406 Statement of Intent. He explained that by adding that statement it would give the Applicants all option that
407 they are entitled to.

408 Mr. Stanton agreed and also suggested adding the Statement of Intent into the Application instructions.

409
410 **Mr. Stanton Moved and seconded to accept changes 1, 2 & 3 of the sheet submitted to each member**
411 **with the addition of the Legislature's Statement of intent from SB 147 fm, Section 307:5.**

412

413 Mr. Buber questioned the proposed change to the Section concerning Variances in the instructions and the
414 Rules of procedure and referred to sentence 4 of subparagraph 5. He questioned the phrase *economically*
415 *viable*. It was determined that a mistake was made and Mr. Stanton said that he would make the necessary
416 changes to the instructions and Rules of Procedure to reflect the new law exactly.

417
418 **The vote was unanimous in favor of the Motion by Super Majority (4-0).**

419
420 **Mr. Stanton asked that the Board Members to empower him as Chair to request that Town Counsel or**
421 **the Local Government Center come talk with the Board for 1 to 2 hours with a ½ hour presentation on**
422 **the issues of “quasi judicial”, the new variance test and the role of evidence and testimony by the**
423 **Board as well as the Applicant.**

424
425 Mr. Field suggested it be published as a Work Session and other Land Use bodies of the Town will have
426 notice of by publication but without specific invitation.

427
428 **The vote was unanimous in favor of the Motion (4-0).**

429
430 Mr. Stanton referred to the proposed change to move the Meeting Minutes to the end of the Agenda.

431
432 Mr. Field said that he did not agree with that change because it is imperative that the Board deal with the
433 minutes of a prior Meeting when it deals with the subject matter in cases the Board is considering. He said
434 he would not vote in favor of that change.

435
436 Mr. Stanton commented that approval of Minutes sometime take a long time and some Applicants may have
437 Lawyers present or expert testimony from professionals that charge them by the hour. He said that the Board
438 can work off of a “draft copy” of the minutes.

439
440 The change was not made due to lack of a Super Majority vote.

441
442 Mr. Stanton proposed a change to the Application Instructions to add under each type of appeal that the
443 Applicant must file form #1 with the other necessary forms. It has been confusing for applicants that
444 download the applications online.

445
446 The Board agreed to make the change by Super Majority (4-0).

447
448 Mr. Stanton suggested a change to the 45-day appeal period to a 30-day appeal period. He said that it would
449 less confusing to keep it the same as the State Statute that has most of their limitations on filing appeals
450 within 30-days.

451
452 Mr. Field and Peckham both agreed that 30-days is not long enough to appeal an Administrative Decision.

453
454 The change was not made due to lack of a Super Majority vote.

455
456 Mr. Stanton proposed a change to the ZBA 2010 Meeting Schedule to include a Meeting on December 14,
457 2010 at 9:00am with a November 30, 2010 application deadline.

458
459 The Board agreed to make the change by Super Majority vote (4-0).

460
461 Mr. Stanton asked the Board if an amendment should be made to the Rules from a Super Majority to a
462 Majority especially when dealing with State Statute changes.

463

464 Mr. Field said that this Town has a fundamental split in its opinion as to how it wants to project its land use
465 for the future. A Super Majority has proven itself on this occasion to work quite well in preventing
466 substantive changes the way the Board does business to accommodate a particular interest group. We are
467 trying to “block” the three member interest group.

468
469 The change was not made due to lack of a Super Majority vote.

470
471 See attached changes to the Rules and Application instructions ⁱ

472
473 Mr. Batchelder stated for the record that he apologized missing the November 19, 2009 Meeting. He said
474 that Mr. Wilson made a comment at the November 19th ZBA meeting that the only reason Mr. Batchelder
475 voted in favor of granting the variance to allow Church Alive (case 2009:13) in the I-B/R district was to vote
476 against Mr. Field. Mr. Batchelder said he watched the Meeting on Channel 22 and heard the comment at that
477 time and wanted it known that that was not true.

478
479 Mr. Stanton wished everyone a Merry Christmas and Happy New Year.

480
481 The Board decided to table the September 22, 2009 Meeting Minutes and the November 19, 2009 Meeting
482 Minutes to the January 26, 2010 Meeting.

483
484 Mr. Field asked that the Board not approve the Minutes in his absence.

485
486 Mr. Stanton said that the Board would not approve the September 22, 2009 Meeting Minutes without Mr.
487 Field present.

488
489 The Meeting adjourned at 11:32am.

490
491 Respectfully submitted,

492
493 Wendy V. Chase
494 Recording Secretary

495 **Minutes approved 02/10/2010**

496 **The original meeting minutes and a copy of them with annotated changes are available at the Town Office.**

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**Rules of Procedure
RECORD OF CHANGES**

B. Change 2 was approved on December 15, 2009.

2.1 Section 2.C. Variances: Change wording to reflect changed RSA 674:33 and legislative footnote, effective January 1, 2010.

2.2 Instructions for Applicant, Section 2B. Variance: Change wording to reflect changed RSA 674:33, effective January 1, 2010.

2.3 Instructions for Applicant, Variance Work Sheet (page B-6): Change wording to reflect changed RSA 674:33 and legislative footnote, effective January 1, 2010.

2.4 Instruction for Applicant, Section 2: Types of Appeals, subparagraphs A, B, C and D: change to add clarification to file a Form 1 with each of the other forms.

2.5 Revise the 2010 ZBA Meeting Schedule (Appendix A, Attachment 2) to include a date of December 14, 2010, with a submittal deadline of November 30, 2010.