



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, December 14, 2010 at 4:00pm
Town Hall**

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

10
11 **Attendance**

12
13 **Members present:** Robert B. Field, Jr., Chair; Michele Peckham, Vice Chair; Richard Stanton, and
14 George Lagassa

15
16 **Members absent:** David Buber

17
18 **Alternates present:** Phelps Fullerton, Jonathan Pinette and Dennis Williams

19
20 **Staff present:** Wendy Chase, Recording Secretary.

21
22 **Preliminary Matters; Procedure; Swearing in of Witnesses; Recording Secretary Report**

23
24 Mr. Field convened the Meeting at 4:04pm.

25
26 Mr. Field invited the Board Members and those in attendance to rise for a Pledge of Allegiance and
27 noted that reciting the Pledge of Allegiance is for those who choose to do so and has no bearing on the
28 decision making of the Board or the rights to appear before the Board.

29
30 Ms. Chase reported that the December 14, 2010 Agenda was properly posted in the December 3, 2010
31 edition of the Portsmouth Herald and at the Town Clerk's Office, Town Office and Library.

32
33 There were no witnesses to be sworn in by the Chair.

34
35 **Minutes**

36
37 Alternate Members Mr. Fullerton and Mr. Pinette were invited to participate in voting on the November
38 30, 2010 Meeting Minutes.

39
40 **November 30, 2010** – Typographical and grammatical changes were made to the Minutes by the Board.

41
42 **Mr. Stanton moved to approve the November 30, 2010 Meeting Minutes as amended and to also lay**
43 **on the table all other business items until the January 25, 2011 Meeting.**

44 Mr. Field asked that Mr. Stanton revise his motion by limiting it to the adoption of the November 30,
45 2010 Meeting Minutes.

46

47 There was no second to Mr. Stanton's Motion; the Motion failed.

48

49 **Mr. Lagassa Moved and Ms. Peckham seconded the Motion to adopt the November 30, 2010 Meeting**
50 **Minutes as amended.**

51 **The vote was unanimous in favor of the Motion (6-0). (Secretary's note: the Board voted to change**
52 **the vote to 5 in favor, 0 opposed and 0 abstentions at their January 25, 2011 meeting to correct a**
53 **mistake that was made in allowing more than 5 voters to vote on the minutes).**

54

55 Mr. Field asked Alternate Members Fullerton and Pinette to step down from the table, and welcomed
56 them to stay for the remainder of the Meeting.

57

58 Mr. Field stated that Mr. Buber was not present because of health reasons.

59

60 Mr. Stanton called for a Point of Order and was recognized by the Chair.

61

62 **Mr. Stanton Moved and Ms. Peckham seconded the Motion to lay on the table, all of the Agenda**
63 **items listed under the category "Other Business" to the January 25, 2011 Meeting.**

64

65 Mr. Field said that he would like to reserve 30 seconds of time after the "Unfinished Business" and "New
66 Business" has been conducted to address administrative matters.

67

68 Mr. Stanton said that he was not in a position to discuss the issues under "Other Business" and
69 understood this Meeting to be held just to consider the requests for continuances on Horne case
70 #2010:02 and Horne case #2010:11.

71

72 Mr. Stanton was willing to amend his motion to allow Mr. Field 30 seconds to say what he wanted to
73 say.

74

75 Mr. Field said that in regards to the Administrative Services Agreement the Board received a copy of a
76 letter from Ms. Wendy Chase to Mr. Steve Fournier, dated December 8, 2010, and in that letter she says
77 that she has some kind of written agreement with the Town regarding her position. Mr. Field said that it
78 would be beneficial to the Board to have copies of those documents made available to the Members.
79 He asked the Board Members to read through the Administrative Services Agreement carefully so that
80 the Board could discuss it at the January Meeting. He said that he is particularly interest in the Board
81 Member's thoughts on how the Board can best use the services of the Building Inspector. Mr. Field
82 asked that the Board Members send their comments/suggestions via E-Mail to him and he would
83 include them in the discussion at the next Meeting.

84

85 **The Board voted on the Motion to table the rest of the items under "Other Business" to the January**
86 **25, 2011 Meeting.**

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

88

89 Mr. Field stated that Ms. Lermer was not present.

90 Mr. Field recused himself.

91 Ms. Peckham assumed the Chair.

92 **Unfinished Business**

93

94 **2010:02 – Peter Horne, Trustee F.S. 123 Nominee Trust, PO Box 1435, North Hampton, NH 03862.**
95 **Property location: 112 Mill Road; M/L 006-147-002; zoning district R-2.** The Applicant requests a
96 variance from Article IV., Section 411 to allow a body of water to be used to satisfy minimal lot area
97 requirement; in the alternative, the Applicant requests a variance from Article IV., Section 406 to allow
98 lot areas of 75,000 s.f. and 68,480 s.f. where 87,120 s.f. is required. Property owner: Peter Horne,
99 Trustee F.S. 123 Nominee Trust. The Application was submitted on December 29, 2009. This case is
100 continued from the November 30, 2010 Meeting.

101

102 In attendance for this application:

103 Attorney Bernard Pelech, Wholey & Pelech Law Offices

104

105 **New Business**

106

107 **2010:11 – Peter Horne, Trustee F.S. 123 Nominee Trust, PO Box 1435, North Hampton, NH 03862.**
108 **Property location: 112 Mill Road; M/L 006-147-002; zoning district R-2.** The Applicant seeks to amend
109 the variance granted in ZBA case #2008:12 from Article V, Section 501.2, by removing condition #2 – *All*
110 *accessory structure on both lots remain accessory structures.* Property owner: Peter Horne, Trustee F.S.
111 123 Nominee Trust.

112

113 In attendance for this application:

114 Attorney Bernard Pelech, Wholey & Pelech Law Offices

115

116 Ms. Peckham said that the Board received an E-Mail from Attorney Pelech requesting a continuance for
117 cases 2010:02 and 2010:11 to the January 25, 2010 Meeting due to an illness of Board Member David
118 Buber.

119

120 **Mr. Stanton Moved and Mr. Lagassa seconded the Motion to postpone both cases, 2010:02 and**
121 **2010:11 – Peter Horne to the January 25, 2011 Meeting at 6:30pm.**

122 **The vote was unanimous in favor of the Motion (3-0).**

123

124 An unidentified neighbor of Peter Horne spoke from the Audience and asked if the Board could notify
125 people prior to the Meeting to let them know if a case is going to be continued. She commented that
126 the Horne case has been going on for quite some time and a decision by the Board has to be made at
127 some point.

128

129 Ms. Peckham said that she understood her frustration, and explained that the case is a difficult one
130 involving a lot of evidence for the Board to review. She informed her that the case material is on record
131 at the Town Office, and available for public inspection.

132

133 Mr. Field resumed the Chair.

134

135 Mr. Field wished everyone and their families Happy Holidays.

136

137 **Mr. Stanton Moved and Mr. Lagassa seconded the Motion to adjourn the Meeting at 4:28pm.**138 **The vote was unanimous in favor of the Motion (4-0).**

ZBA Meeting Minutes

139

140 Respectfully submitted,

141 Wendy V. Chase

142 Recording Secretary

143

144 **Minutes approved December 14, 2010**