



**Meeting Minutes  
Town of North Hampton  
Zoning Board of Adjustment  
Tuesday, June 28, 2011 at 6:30pm  
Town Hall, 231 Atlantic Avenue**

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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:** Robert B. Field, Jr., Chair; Michele Peckham, Vice Chair; David Buber, George Lagassa, and Phelps Fullerton

**Members absent:**

**Alternates present:** Dennis Williams

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

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

### **I. Call to Order; Pledge of Allegiance; Roll call/Introduction of Members/Alternates; Recording Secretary Report; Swearing in of Witnesses (RSA 673:15); Preliminary Matters; Minutes of previous Meeting – May 24, 2011**

Mr. Field called the Meeting to Order at 6:30pm.

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

Mr. Field explained the Board's operating Rules and Procedures.

Ms. Chase reported that the June 28, 2011 Agenda was posted in the June 13, 2011 edition of the Portsmouth Herald and also posted at the Town Clerk's Office, Town Office, Library and on the Town's website.

Mr. Field explained that, as reported to the Board, he had consulted with the Recording Secretary in advance of the Meeting and made suggested amendments to the ("draft") May 24, 2011 Meeting Minutes. The Board was in receipt of the ("draft") Minutes as amended, and would now be asked to

take the time to make comments and suggestions as to change. Chairman Field indicated that such process represented a return to prior practice and was intended to “streamline” the review process and produce a more refined “draft” product for final Board approval. Chair Field requested an indication from the Board as to whether this procedure would be acceptable going forward. It was the Sense of the Meeting that such process would be welcomed, and would expedite and make more efficient the review of the Minutes.

Chair Field suggested that it would probably be best to record a vote on the matter.

**Mr. Lagassa Moved and Mr. Buber Seconded the Motion that the Chairman is authorized to consult with the Recording Secretary on the “draft” Meeting Minutes prior to distributing copies to the Board Members for review and approval.**

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

**II. ZBA Alternate Member Interviews, and up to three (3) Alternate Appointment(s) as the Board may deem appropriate. (No Public Participation)**

Mr. Field explained that the Board is guided by the Board’s duly adopted “Alternate Appointment Procedures” and that the process is not open to the Public. He said that appointment of Alternates is an “Administrative”, not an “Adjudicative” matter.

The Candidates were present, and were asked to address the Board, in the order their request was received, with a brief description of their qualifications and reasons why they would be interested in serving on the Board.

**Candidates: (1) Robert Landman; (2) Mark Janos; (3) Dennis Williams; and (4) Lisa Wilson**

**Robert Landman, 34 Post Road** (Seeking any term) – stated that he has lived in North Hampton since 1994 and has served the Town over those years in many different capacities. He is currently the Co-Chair of the Water Commission and is also serving as a Commissioner for North Hampton on the Rockingham Planning Commission. He has served on the Planning Board and created the Zoning Ordinance, Section 415 – Cell Towers and also contributed to the Transportation Chapter of the Master Plan. He stated that he knows the Law and would be able to apply the Law in a fair way.

**Mark Janos, 77 Winnicut Road** (Seeking 2013 term) - stated that he has been a resident of North Hampton since 1986, and has served as a Member of the Planning Board. He is a Senior Partner of the Law Firm Janos & Griffin, P.C. and is licensed to practice law in Massachusetts and New Hampshire. His areas of Practice include Municipal Law: Zoning, Planning Subdivisions, Land Use Planning and Development. He commented that he would like to get reacquainted with the Town by serving as an Alternate and that it is a comfortable form for him, given his familiarity with the law.

**Dennis Williams, 40 Mill Road** (Seeking any term) – stated that he has been a resident of North Hampton for (30) thirty years and is finishing his one-year term as an Alternate to the ZBA. He said that he would like to continue to serve as an Alternate. He stated that he had recently attended the “18<sup>th</sup> annual Office of Energy and Planning Spring Planning and Zoning Conference” and was educated on

some of the changes in law regarding Zoning. He said that he enjoys serving on the Board and is looking to serve his part as a North Hampton Citizen.

Mr. Field commented that Mr. Williams has served the Board generously and well as an Alternate Member over the past year and thanked him for his service.

**Lisa Wilson, 9 Runnymede Drive** (Seeking 2013 term)- stated that she has deep respect for North Hampton Zoning Ordinances, State Statutes, and the ZBA Rules of Procedures. She has participated in crafting the North Hampton Vision Statement; served as a Member of the North Hampton's Municipal Facilities Planning Committee and helped draft the newly adopted Agricultural Ordinance as Vice Chair of the Planning Board's Agriculture Ad hoc Committee. She has also testified before the State Senate Committee of Public and Municipal affairs to suggest ways to improve House Bill 446, a bill set forth to clarify the hardship standard, by making the language more concise and unambiguous. She said that she is currently serving as an Alternate on the Conservation Commission, and if appointed to the ZBA, she would recuse herself from discussion and deliberation of ZBA cases brought before the Conservation Commission for review. She commented that it would be an honor and a privilege to serve on the Board.

Mr. Field commented that Ms. Wilson has served the Town in multiple capacities. He said that the Candidates are a well qualified group.

Ms. Wilson stated that the Conservation Commission meets the second Tuesday of each Month.

Ms. Chase said that the Conservation Commission only reviews ZBA cases involving "wetlands issues" prior to the ZBA Meetings.

The Board determined that they can have up to (5) five Alternates, but do not have to fill all (5) positions. The Board agreed to fill all (3) three vacant positions. Jonathan Pinette and Jennifer Lerner are currently serving as Alternates to the Board; Ms Lerner's term expires in 2012, and Mr. Pinette's term expires in 2013.

Mr. Field said that he would like the process of appointing Alternates to be scrupulously fair, and that the Board learn from and correct past experience. The Board agreed to discuss each Candidate in the order they appeared and then take a vote to either "Appoint" or "Not Appoint".

**Robert Landman** – Mr. Lagassa commented that he likes and respects all the Candidates. He said that Mr. Landman has served loyally on the Planning Board with him in the past and that everyone that knows Mr. Landman knows that he is very committed and passionate to public affairs, particularly about Land Use matters. Ms. Peckham agreed with Mr. Lagassa's comments and said that Mr. Landman is very dedicated to the Town and would be a welcomed addition to the Board. Mr. Fullerton said that Mr. Landman would bring diversity to the Board, particularly with his experience with the Cell Towers and his experience would be well served on the Board. Mr. Field said that he values Mr. Landman's long term concerns with the protection of water quality and the protection of the aquifers.

**Mark Janos** – Mr. Lagassa said that he has known Mr. Janos for many years, and he is very qualified. He testified that Mr. Janos is personable and would get along well with the Board Members, and would endorse him. Ms. Peckham agreed that Mr. Janos is very well qualified but said she is a little hesitant to appoint another "Land Use" professional to the Board. She said that the Board was originally meant to

be a “Board of the People”; people with different qualifications and life experiences. Mr. Field said he does respect Mr. Janos’ qualifications. He said there has been criticism, in the past, that the ZBA is not represented by the “community at large”. He commented that Mr. Janos is an outstanding Candidate, but does share Ms. Peckham’s concerns.

**Dennis Williams** – Mr. Field recognized that Mr. Williams has made significant contributions to the ZBA over the past year and his analysis on the cases he sat on have been thoughtful. Mr. Buber said that Mr. Williams has been a great contributor to the Board and has attended most of the Meetings whether he is needed on a case or not and has taken classes on “Land Use”. He said he offers a “balance” to the Board. Mr. Lagassa said that it would be a shame to discontinue Mr. Williams’ service at this point and concurs with everyone regarding the quality of service he has provided to the Board. Ms. Peckham agreed. Mr. Fullerton echoed the sentiments of the rest of the Board. He said that Mr. Williams has proven himself to be an asset to the Board.

**Lisa Wilson** – Ms. Peckham said that Ms. Wilson is qualified and knows a lot about North Hampton. She has participated in a lot of different capacities on different Boards, and has testified in Concord about zoning issues. She commented that Ms. Wilson represents many different Citizens in North Hampton. Ms. Peckham stated that all of the Candidates are very well qualified.

Mr. Field said it comes down to “history of service” to the Town and the fact that the current Board is heavily represented with technical expertise. He said that Ms. Wilson comes with a history of Master Planning and recognition of the goals set forth by the people in Town. He commented that Ms. Wilson brings a “wealth” of experience. Mr. Fullerton said that Ms. Wilson brings a variety of backgrounds to the Board and has served on a number of Committees and Boards. He said she would be a great asset to the Board. Mr. Lagassa said that one of Ms. Wilson’s strengths is that she serves on the Conservation Commission, but that could be a detriment if she has to recuse herself from cases on a regular basis. Mr. Field thought that that would be more, true of an Elected Member of the Board. He said it could be perceived as a conflict, but not sure that it is. Ms. Peckham said that the Conservation Commission has other Alternate Members, and due to the rotation, Ms. Wilson may not be seated to review many ZBA cases.

Ms. Peckham commented that she would not like to see people discouraged because they have not been active in Town. She said a “history of service” is not a driving criterion to become appointed even though it is important.

**Mr. Field Moved and Mr. Lagassa seconded the Motion to Appoint Mr. Robert Landman as an Alternate Member to the Zoning Board of Adjustment for a (3) three-year term expiring in 2014. The vote was unanimous in favor of the Motion (5-0).**

**Mr. Buber Moved and Mr. Fullerton seconded the Motion to Appoint Mr. Dennis Williams as an Alternate Member to the Zoning Board of Adjustment for a (3) three-year term expiring in 2014. The vote was unanimous in favor of the Motion (5-0).**

**Mr. Fullerton Moved and Mr. Buber seconded the Motion to appoint Mrs. Lisa Wilson as an Alternate Member to the Zoning Board of Adjustment for a (2) two-year term expiring in 2013. The vote was unanimous in favor of the Motion (5-0).**

The Board recessed to allow the newly appointed Alternates to be sworn in by Ms. Chase and sign the appropriate documentation as to their respective Oaths of Office.

**Minutes – May 24, 2011**

Mr. Buber made a few typographical amendments to the “draft” May 24, 2011 Meeting Minutes.

**Mr. Fullerton Moved and Ms. Peckham seconded the Motion to approve the May 24, 2011 Meeting Minutes as amended.**

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

**III. Unfinished Business**

**1. #2011:02 – Jean L. Rocco, 12 Glendale Road, North Hampton, NH. Property location: 12 Glendale Road, North Hampton; M/L 013-035-000; zoning district R-1.** The Applicant requests a Special Exception under Article V, Section 507 – Home Occupation to operate “The Fitness Jeanie, LLC” a Personal Training for individual clients and small groups in the home. Property owner: Jean L. Rocco, 12 Glendale Road, North Hampton, NH. This case is continued from the May 24, 2011 Meeting to enable the Applicant to provide additional evidence and testimony in support of the Application, all as requested by the Board.

In attendance for this application:

Jean Rocco, Owner/Applicant

Ms. Peckham recused herself.

Mr. Field seated Mr. Williams for Ms. Peckham. Mr. Williams had been seated at the prior Meeting on the Matter in replacement of Vice Chair Peckham.

Ms. Rocco’s case was continued from the May 24, 2011 Meeting. She was asked to provide information on her septic system so that the Board could determine if the septic system would accommodate the “residential use” as well as the proposed “in home occupation”. Ms. Rocco presented (1) one copy of her septic plan for the Board to review. Ms. Rocco stated that she has her septic system pumped out annually.

Mr. Mabey said that, in his opinion, the septic system is big enough to support Ms. Rocco’s type of business, because there would be no more usage than if she were just having visitors in her home.

The Board had asked Ms. Rocco to contact the State to inquire whether or not any types of permits or licensing were required by the State. Ms. Rocco said that the State responded to her by E-Mail stating that she did not need a Child Care license per RSA 170-E:2, IV. She submitted a copy of the E-mail and a copy of the waiver forms she has the Parents sign prior to children participating in her classes releasing the “Fitness Jeanie” from any and all claims for injury, loss or damage. Ms. Rocco stated that she also has “fitness” insurance as well as “Homeowner’s” insurance, and submitted copies of those into the record.

Mr. Field read RSA 170-E:2.IV.(b) into the record: *Programs offering instruction to children, including but not limited to athletics, crafts, music, or dance, the purpose of which is the teaching of a skill.* Ms. Rocco is apparently exempt from “Child Day Care Licensing” under the above provision.

Ms. Rocco also submitted copies of the original E-mails of support that she had signed by the authors as requested by the Board at the last Meeting.

The Board voiced concerns on how it would be determined when the “fitness” business would “outgrow” the space. Ms. Rocco explained that the maximum number of adults per class in her basement is (6) six and the maximum number of children is (10) ten. She also stated that she can fit (5) five cars in her driveway.

The Board was also concerned about Ms. Rocco’s Clients parking their cars along the street in the winter months making it difficult for emergency vehicles to pass through.

Mr. Field explained in response to an inquiry that the Public Hearing was closed at the May 24, 2011 Meeting, so there would be no public comment unless “new”, not “responsive”, evidence was introduced.

The Board deliberated Case #2011:02.

Mr. Williams said that he was satisfied with all of Ms. Rocco’s answers to the Board’s questions.

Mr. Fullerton referred to Attorney Peter Loughlin’s book on Planning and Zoning where he states that “Special Exceptions” are not personal, but run with the land; hence a condition restricting the use to a particular owner would be inappropriate. He suggested the Board set particular conditions, such as, quantifying the number of people using Ms. Rocco’s program.

Mr. Field said that a “Variance” runs with the land, but that he was not certain that a “Special Exception” does. He said he would do more research on the matter. He said that if the law states that the “Special Exception” is not limited to the “Owner” then the Board could perhaps set conditions that would limit the business to a “Personal Training” business and a condition could be added that if the “use” is abandoned for a certain period of time it becomes expired.

**Mr. Lagassa Moved and Mr. Buber seconded the Motion to approve the Special Exception for Case #2011:02 – Jean Rocco, with the following conditions: (1) A limit of (5) five Adults, or (10) ten children at any time; (2) Parking shall only be in the Owner’s driveway and shall be limited to not more than (5) five cars; no on street parking at any time; (3) the discontinuance or abandonment of the “use” as a “Personal Training Fitness Studio” for any continuous period of (12) twelve months shall cause the “Special Exception” to lapse.**

The Chair would be requested to further refine and articulate these concerns and sentiments in the Decision Letter.

Mr. Buber expressed concern over the number of people that could potentially occupy the studio if the parents accompany the children to observe. Ms. Rocco said that she has a “drop-off/pick-up” policy; the parents don’t stay. She also walks the children to the end of the driveway when being “picked up” by car.

**James Hallinan, 8 Glendale Road** asked to speak on case #2011:02. Mr. Field explained that the “Public Hearing” for case #2011:02 was closed at the last Meeting, May 24, 2011, but allowed Mr. Hallinan to ask his question. He said that he lives on Glendale Road and is not a direct abutter to Ms. Rocco’s property, but has his house up for sale and was concerned if the approved business would negatively affect his property values. Mr. Hallinan’s Realtor was also present.

**Phil Wilson, 9 Runnymede Drive** – Said it was his understanding that when a Public Hearing is opened, and the Meeting is continued to another month, that it is the Public Hearing that is continued.

Mr. Field explained that there are two parts of the ZBA Meeting: (1) the Public Hearing portion, and (2) the Board “deliberation” portion. He said that the Board generally wants to hear from the Public, but said that the present Meeting it is not a “Public Hearing”. Rather it is intended to receive information as to specific issues of concern to the Board, identified at the previous Meeting. He allowed Mr. Hallinan’s Realtor the opportunity to speak. She commented that Mr. Field explained at the beginning of the Meeting that the Public would be able to comment. Mr. Field explained that that was true in the context of a “Public Hearing” but, regarding this case, the “Public Hearing” was closed at the May Meeting and that the questions Ms. Rocco responded to at this Meeting were those questioned asked by the Board last month that needed to be answered before the Board could make a ruling.

**The vote was unanimous in favor of the Motion to approve Case #2011:02 with Conditions as Stated Above (5-0).**

Mr. Field reminded everyone of the 30-day appeal period, and suggested Ms. Rocco consider not doing anything within the thirty (30) days due expressed objections from some of the attendees. He further explained the “Rehearing Process”:

- A person affected by a decision by the Board has a right to appeal the decision by requesting a “Rehearing”.
- If the Board grants the “Rehearing” request the case is heard “De Novo” (from the beginning) and all evidence including new evidence is permissible.
- If the Board denies the “Rehearing” request then the person may appeal to Superior Court.

Mr. Field said that the preference of the Law is that the “Case” becomes “final”.

#### **IV. New Business**

**1. #2011:04 – John Normand, 75 South Road, North Hampton, NH. Property location: 75 South Road, North Hampton; M/L 008-109-000; zoning district R-1.** The Applicant requests a Special Exception under Article V, Section 513 – Accessory Apartment to allow a one (1) bedroom accessory apartment above the existing attached garage. Property owner: John Normand, 75 South Road, North Hampton, NH.

In attendance for this application:  
John Normand, Owner/Applicant

Mr. Field commented that the Application didn’t include a Plan for the proposed accessory apartment and no additional septic information other than the statement from a septic designer stating that the septic system could be expanded. He questioned whether the Case should go forward.

Mr. Normand said that it was his understanding that a letter from the septic designer stating that the septic would be able to be expanded met the criteria under Section 513. He also said that there is no requirement that a floor plan needs to be done for the apartment.

Mr. Field said that “safety” and “appearance” are criteria under “Exemption”, Section 601. He said that he visited the property and was unclear how those issues would be addressed.

Mr. Lagassa said that the Applicant should be able to present his case and then the Board can judge whether or not he has enough information.

Mr. Fullerton agreed and said that under Section 513.7 it does not state that the Applicant needs a “full blown” septic design, which would be extremely costly to Applicants.

Ms. Peckham said the Board should proceed with the Case, and if there is additional information required, the Board can proceed accordingly.

Mr. Field took a “straw poll” on whether or not to proceed with the case.  
The vote was 4 in favor, 0 opposed and 1 abstention to proceed. Mr. Field abstained.

Mr. Normand explained that he did not have a septic system designed because of the costs involved, and he did not want to make such a big investment without even knowing whether his application would be approved to allow an accessory apartment.

Mr. Normand stated the following points:

- The existing house is 4-bedrooms with two (2) adults living there
- The current septic system has a 1,000 gallon tank and they have it pumped every two (2) years
- The space above the garage is 18’ x 34’ (610 square feet) and cannot be expanded beyond 800 square feet
- The barn style door will be replaced with a window.
- The access into the apartment will be by stairs located outside in the back end of the building
- The garage will have an additional spot for one (1) car
- They will collaborate with the Building Inspector on the renovations
- The garage is attached to the house with a “breezeway”

Mr. Field said that it’s important to have a Plan that shows how the building is situated on the lot as well as the driveway, so the Board can determine if it’s within the side yard setbacks.

Mr. Normand commented that the Plan that was submitted as part of the application depicts the well and septic on the wrong sides of the lot and it does not show the existing barn.

Mr. Buber voiced concern over the lack of information provided. He said that the Board needs a sketch showing the design of the proposal and referred to Section 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.* He said that he is not comfortable going forward without more information.



Mr. Normand said that he intended to bring a sketch of the proposal to the Meeting, but it was not yet complete.

Ms. Peckham voiced concern regarding Section 513.3 – *the apartment must be contained within the existing single-family dwelling.*

Mr. Normand said that the house and garage is one contiguous structure. He said that the “breezeway” connecting the garage and house includes a hallway, bathroom and office.

Mr. Lagassa referred to Section 513.2 – *the existing dwelling must have existed prior to the adoption of this ordinance*, which is 1990, and asked for evidence that the garage was built prior to 1990.

The Board suggested the Applicant provide the following additional information:

- Additional information on the septic system (location, capacity and design perimeters, and supporting documentation from the septic designer regarding his signed statement that the septic system could be expanded)
- Additional information on wetlands, if any, or a statement that there is no wetlands
- Plan showing where the building is situated on the property
- A sketch of the structural changes (they plan to show the front elevation and floor plan)
- Evidence of when the garage was built

**Ms. Peckham Moved and Mr. Fullerton seconded the Motion to continue Case #2011:04 – John Normand, to the July 26, 2011, Meeting to permit the Applicant to gather additional information requested by the Board.**

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

## **V. Other Business**

### **1. “Code of Ethics” - Committee Report – Mr. Lagassa –**

Mr. Lagassa reported that the Committee has not met since his last report to the Board. He said that Mr. Wilson is the Select Board’s Representative to the Code of Ethics Committee. Ms. Chase later reported the Ms. Laurel Pohl was appointed by the Planning Board to be their Representative to the Code of Ethics Committee.

### **2. Communications/Correspondence, and Miscellaneous. –**

Mr. Field said he received communication from Jerome Day regarding “blasting” that would take place on his adjacent lot. He had discovered that there is little control over the “blasting” process. Mr. Field responded to Mr. Day by E-Mail and forwarded a copy to the Zoning Board Members. Mr. Field said that creation of “blasting” protocols was considered by the Planning Board in the past but they did not move on it at that time. Mr. Field said that he invited Mr. Mabey to the Meeting to brief the Board on whether or not it would be helpful for the ZBA to write a letter to the Planning Board and Select Board to begin the process of enacting a “blasting” Ordinance.

Mr. Mabey said that, it was his understanding that the Planning Board plans to discuss the matter at their next Work Session Meeting. Ms. Chase confirmed that to be true.

Mr. Mabey said that “blasting” is controlled by RSA 158:9-b which is a licensing procedure under the direction of the State Police. The State Police issue the license to the people doing the “blasting”, after meeting the requirements set forth under RSA 158:9-b, and the local Fire Chief checks the license and issues the “blasting” permit. He said that there is no local zoning at this time regarding “blasting” but the Town has received information from Chris Ganotis, Chairman of the Conservation Commission, on areas of the “blasting” process that may be regulated by local Ordinances.

Mr. Field said that one of the issues is, whether or not, there is any right of appeal by a member of the public to the ZBA as a result of an “action” of an Administrative Officer. He ascertained that if the Building Permit is issued which anticipates “site preparation” than it might well be considered an “action” that can be appealed by the Public.

Mr. Mabey said that a Building Permit may be appealed, but it would have to specify as to what is being appealed.

Mr. Mabey explained that the only “notice” the public receives about Building Permits being issued is by the Public coming to the Town Office to inspect the Building Permit “list”. Mr. Mabey said that some Town’s put issued Building Permits in the local newspaper.

Mr. Field said that the Zoning Board ought to consider notification to the Public regarding issuance of Building Permits because there is a 30-day appeal period. He said the process leaves a lot to be desired in terms of the Public being made aware of what is going on in their neighborhoods to give people the option to appeal if they so choose.

Mr. Lagassa didn’t think all permits needed notification. He said that if the Building Inspector knows that “blasting” will occur; that Permit should be published or given some kind of notification.

Mr. Field said he interprets the law that any “action” of an Administrative Officer is appealable to the Zoning Board of Adjustment, and issuance of a Building Permit is an “action”.

Mr. Mabey said that the Zoning Board of Adjustment is limited to “Zoning issues”. Mr. Field said that he was not certain that Mr. Mabey was correct as a matter of statutory construction.

Mr. Mabey said that the Planning Board can develop a “blasting” Ordinance with certain restrictions, but they still have to follow the State Statutes.

Mr. Landman referred the Board to RSA 31:39 – Power to make By-laws, including those regulating blasting. He will forward the NHDES link to the Members by E-Mail. Mr. Landman said that as a Water Commissioner, he is very concerned with water issues and “blasting” can result in contamination of Wells and ground water.

#### **4. “Administrative Services Agreement” (“draft”)-Further discussion. –**

Mr. Field asked if the Board wished to instruct that he and Mr. Buber proceed with the “Administrative Services Agreement” since there is a new Select Board. It was a consensus of the Board that the Chair and Mr. Buber proceed with their efforts.

468 **Mr. Lagassa Moved and Mr. Buber seconded the Motion to adjourn the Meeting at 9:51pm.**  
469 **The vote was unanimous in favor of the Motion (5-0).**

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471 Respectfully submitted,

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473 Wendy V. Chase  
474 Recording Secretary

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477 **Approved July 26, 2011, as amended.**