



**Meeting Minutes**  
**Town of North Hampton**  
**Zoning Board of Adjustment**  
**Tuesday, April 23, 2013 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, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

**Attendance:**

**Members present:** Robert B. Field, Jr., Chair; David Buber, Vice Chair; George Lagassa, Phelps Fullerton; and Robert Landman. (5)

**Members absent:** None.

**Alternates present:** Dennis Williams, Jonathan Pinette and Lisa Wilson (who joined the Meeting shortly after it was Called To Order). (3)

**Administrative Staff present:** Wendy Chase, Recording Secretary.

**Preliminary Matters; Procedure; Swearing in of Witnesses (RSA 673:14 and 15);  
Recording Secretary Report**

Chair Field Called the Meeting to Order at 6:30 p.m.

Introduction of Members and Alternates - Chair Field introduced Members of the Board and the Alternates who were present (as identified above).

After noting that it had been inadvertently "overlooked" at the Organizational, Meeting in March, Chair Field then read aloud the "Preamble", to the Town of North Hampton, Code of Ethics, as prescribed by the Select Board. Ms. Chase was directed to add it to next year's calendar to remind the ZBA to read it at their Organizational Meeting that is scheduled to be held in March, 2014. Mr. Landman reported that part of the procedure in taking an Oath of Office is to sign a statement acknowledging that the Official has read the Code of Ethics.

Recording Secretary Report – Secretary's Note: The April 23, 2013, Meeting Agenda was properly posted on April 9, 2013, at the Library, Town Clerk's Office, Town Office and on the Town's website. She noted that there are no new cases scheduled to be heard before the Board this evening; and, therefore, the legal noticing requirement, pursuant to RSA 676:7, to publish the Agenda in the newspaper was not necessary.

Pledge of Allegiance -Chair Field invited the Board Members and those in attendance to rise for a Pledge of Allegiance.

Chair Field then requested Members of the Board and others in attendance to observe a “Moment of Silence” for the tragedy that occurred in Boston last week; for the loss of life, the maiming and the very sad experience for us all.

Swearing In Of Witnesses – There were no Witnesses to be sworn in.

## **II. Unfinished Business:**

1. There is no Unfinished Business.

## **III. New Business:**

1. There is no New Business.

## **IV. Minutes:**

Meeting of March 26, 2013 – Mr. Lagassa Moved, and Mr. Buber Seconded, the Motion to accept the March 26, 2013 Meeting Minutes as written.

**The Vote passed in Favor of the Motion (4 in Favor, 0 Opposed and 1 Abstention).** Mr. Landman Abstained for reason that he was not present at the March 26, 2013 Meeting.

## **V. Other Business:**

### **1. Communications/Correspondence and Miscellaneous –**

**A. ZONING BOARD OF ADJUSTMENT APPOINTMENT OF ALTERNATES:** Attention to Appointment of Alternates in accordance with Public Notice posted/published by the Board on or about March 28, 2013. To be eligible for consideration, Applications must have been filed by any interested persons on or before Friday, April 19, 2013. The Zoning Board of Adjustment reserves full discretion as to whether or not to make appointments, and to determine the number, if any.

The Board received “Letters of Interest” from only Lisa Wilson and Jonathan Pinette to serve as Alternates to the Board. Ms. Wilson and Mr. Pinette currently serve as Alternates to the Board and their terms are expiring in May 2013. Chair Field thought it was unnecessary to put the two candidates through the exercise to assert their qualifications, unless they wished to. Neither wished to make such a presentation. The Board agreed to take action to waive the procedural requirement given the circumstances.

**Mr. Landman Moved, and Mr. Buber Seconded, the Motion to waive the requirement of a formal presentation made by the Applicants.**

**The Vote was unanimous in Favor of the Motion (5-0).**

90 **Mr. Landman then Moved, and Mr. Buber Seconded, the Motion to appoint Lisa Wilson and Jonathan**  
91 **Pinette as Alternate Members of the Zoning Board of Adjustment for three (3) year terms to expire in**  
92 **March 2016.**

93 **The Vote was unanimous in Favor of the Motion (5-0).**

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95 Chairman Field congratulated each of the Appointees and welcomed them back as Board Alternates.

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97 Their terms will expire in March, 2016 instead of May, 2016 to coincide with the new March Town  
98 Election cycle now in force.

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100 **B. JURISDICTIONAL ISSUE - LITTLE BOARS HEAD DISTRICT:**

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102 The Board Members were in receipt of an E-Mail communication authored by Chair Field and forwarded  
103 to each Member and Alternate by Ms. Chase regarding the Little Boar's Head Village District Meeting  
104 Chair Field attended at the request of the Board on April 19, 2013. He inquired if any of the Members  
105 had any questions.

106  
107 It was noted that there was some uncertainty at the last ZBA meeting as to whether or not the Little  
108 Boar's Head District Commissioner's meeting would be a "public" meeting. Both Members Lagassa and  
109 Buber had voiced interest in attending the Meeting as observers, if, in fact, it was declared a Public  
110 Meeting. The posting authority of the Meeting was under the Little Boar's Head Commissioners' domain  
111 and control.

112  
113 Mr. Buber said that ultimately the Meeting was an "open" meeting but he did not see it posted on the  
114 Town's website and asked if anyone knew where the Little Boar's Head Commissioners posted notice of  
115 their meetings. No one knew the answer.

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117 Mr. Landman said that apparently the North Hampton Planning Board was never notified of the  
118 Meeting. He had contacted the Planning Board Chair, Shep Kroner, who said that he had not been  
119 invited. It was noted that the Planning Board is the primary entity responsible for Zoning Ordinance  
120 change or modification initiatives.

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122 Chair Field and Mr. Buber agreed that it would be helpful to have the LBH Commissioner's Meetings  
123 posted on the Town's website, especially as to the matter of Zoning jurisdiction.

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125 **Mr. Buber Moved, and Mr. Lagassa Seconded, the Motion asking the Administrative Assistant to make**  
126 **inquiry of the Little Boar's Head Village District Commissioners, and to verify with the Little Boar's**  
127 **Head Village District ZBA Chair, as to where they "post" their meetings.**

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129 Mr. Landman said that he would like the North Hampton ZBA to be formally notified of such meetings so  
130 that Ms. Chase can forward the information to the Members. Chair Field said that he doesn't believe this  
131 Board has the capacity to direct that such be done, but, the Board can certainly request it.

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133 Mr. Lagassa commented that once the issue is resolved it would be determined whether or not the  
134 North Hampton ZBA has any formal "standing" at the joint discussions; when all is said and done this  
135 Board may have no authority to become involved with the "legislative" process.

136

As was noted last month, the Board exists as an “adjudicative” rather than a “legislative” body and it will endeavor to comply with all lawfully enacted Ordinances bearing on its duties.

Chair Field confirmed that, as a ZBA, the Board’s contribution is pretty much over and the issue is now in the legislative process, and this Board doesn’t create the legislation; it does, however, from time to time, identify zoning problems and suggest solutions to the Planning Board.

Mr. Buber stated for the record that he doesn’t want to “muddle” in the Commissioner’s business; he just wants to know where they post notice of their meetings.

**The Vote was unanimous in Favor of the Motion to inquire where the LBHD Commissioners and LBHD ZBA post notice of their meetings (5-0). Ms. Chase indicated that she would make inquiry and report back with her findings.**

**VI. ADJOURNMENT.**

There being no further business to come before the Meeting, a Motion to adjourn was invited by the Chair.

**Mr. Buber Moved, and Mr. Lagassa Seconded, the Motion to Adjourn the Meeting at 6:50 p.m.  
The Vote was unanimous in Favor of the Motion (5-0).**

The next Regular Meeting of the Board is scheduled for Tuesday, May 28, 2013, at 6:30 p.m.

Respectfully submitted,

Wendy V. Chase  
Recording Secretary

Draft Minutes edited by the Chair, Robert B. Field, Jr., for Board Approval.

Approved May 28, 2013