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**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, November 26, 2013 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, New Hampshire 03862**

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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:

Member(s) present: Robert B. Field, Jr., Chair; David Buber, Vice Chair; George Lagassa and Phelps Fullerton. (4)

Member(s) absent: Robert Landman. (1)

Alternate(s) present: None.

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 6:31 p.m.

Pledge of Allegiance -Chair 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 solely for those who choose to do so and failure, neglect or inability to do so will have no bearing on the decision making of the Board or the rights of an individual to appear before, and request relief from, the Board.

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

Recording Secretary Report - Ms. Chase reported that the November 26, 2013, Meeting Agenda was properly posted on November 15, 2013 at the Library, Town Clerk's Office, Town Office and on the Town's website. The Agenda was not published in the newspaper because there were no new cases before the Board to notice.

Chair Field has proceeded with the Meeting (albeit without an official "business agenda", because he felt it was a good opportunity for the Board to remain current on pending issues, and to give the Citizens

of North Hampton a chance to attend and make inquiry on the functions of the ZBA; he invited those at home watching the Meeting live on Channel 22 to come and attend if they had questions and so desired.

Meeting Minutes of September 24, 2013 – Minor typographical edits were made by the Board.

Mr. Buber Moved, and Mr. Fullerton Seconded the Motion, to Accept the Meeting Minutes of September 24, 2013, as amended, at this Meeting.

The Vote passed in Favor of the Motion (3 in Favor, 0 Opposed and 1 Abstention). Member Lagassa abstained because he was not present at the September 24, 2013 Meeting.

I, Unfinished Business:

No Unfinished Business.

II. New Business:

There is no New Business. Chair Field reminded the Members that the December Meeting will be held on December 10, 2013 at 6:30 p.m. at the Town Hall.

III. Other Business:

1. Review/Approval of 2014 Zoning Board Meeting Schedule.

The Board reviewed the suggested Zoning Board of Adjustment 2014 Meeting Schedule as prepared by Administrative Assistant Wendy Chase. It noted the privilege reserved to the Chair to cancel the date of a meeting in accordance with Board Rules and Procedures.

Mr. Buber Moved, and Mr. Fullerton Seconded, the Motion to Accept the 2014 Zoning Board of Adjustment Meeting Schedule, as prepared by the Zoning Administrator.

The Vote was unanimous in Favor of the Motion (4-0).

Chair Field commented that he had distributed some excerpted Bar Association Continuing Legal Education material to the Members via the Zoning Administrator for the Board to review. There was nothing in particular that related to any active case before the ZBA, but there were some important interpretations of law that have been made during the past year by the NH Supreme Court that may be of interest.

The Chair then invited, Mr. Lagassa, the Zoning Board's Representative to the Large Assembly Ordinance Committee (LAO), to report to the Board on the progress the LAO Committee has made. The Committee has met several times, and the Members are: Chair, Jim Better, appointed by the Business Association; Vice Chair, Nancy Monaghan, appointed by the Planning Board; Phil Wilson, Select Board Representative; Ross Peterson, Guy Marshall, Russ McCann and John Bottomley.

Mr. Lagassa said that in the past there had been rock and roll concerts scheduled on Maple Road believed to be the summer of 2012, which was brought to the Select Board's attention. The Select Board responded by writing an Ordinance to regulate large assemblies in Town and it was passed by the voters at a subsequent Town Meeting, but, it was also challenged. As a compromise, an Article was written to establish a Committee to investigate the newly established ordinance and possibly replace it with an amended ordinance. At first there was skepticism as to the need for an ordinance. However, over time the Committee Members came to agree that there was a need for a procedure so that if someone were to propose sponsoring or holding a large gathering, it would put the Town on notice in case there was a need to implement particular conditions to the approval. They also agreed that the need/approval for a permit should be left to the discretion of the Chief of Police, who would have primary enforcement responsibility.

Mr. Lagassa handed out copies of the "draft" ordinance the Committee recently agreed on to the Members of the Board. Two major changes made to the ordinance are:

- The cut off count for the amount of people to trigger the permit went from 150 people to 200 people.
- A permit is required for any type of gatherings that involves large numbers of people; for 200 people or more, a permit is required; if less than 200 people the sponsor of the event is required to meet with the Chief of Police to see if a permit is needed, or whether any special conditions he would require to be applied. The permit must be applied at least 30-days in advance.
- The conditions can be appealed; the Select Board will act as the Appeal Board. They can also grant exceptions to the 30-day application requirement for "spur of the moment" events.
- The penalty amount was raised from \$275.00 to \$1,000.00 per event.

Chair Field asked if the "sanitation capacity" of a "large gathering site" was discussed; as clearly a septic system designed for a single family residence would not support an event of 200 people.

Mr. Lagassa said it was discussed, and like everything else, it is up to the Chief of Police. The Chief may ask for input from other Departments in Town, such as the Building Inspector.

Chair Field pointed out that the Building Inspector would be advising the Chief of Police directly, not the ZBA nor the parties involved, and, therefore, the Select Board would likely act as the Appeal Board even though a "decision" of a local official regarding a "zoning" matter might be involved.

Mr. Lagassa said that he had just received the following changes to the document earlier this evening:

- Section 2.1, insert before foot race, *"including, but not limited to."*
- Section 2.2, change 2nd to last line, *"even if they do not require a permit."*

Chair Field referred to a copy of an E-Mail, dated October 18, 2013, that he received in October and started to report to the Board that Little Boar's Head Commissioners have agreed to adopt their own Zoning Ordinances. Ms. Chase informed the Chair that the "concurrent jurisdiction" issue is still an ongoing matter between the Select Board and the Commissioners; and, that no final resolution has been agreed upon. Chair Field indicated once again that, without a comprehensive zoning protocol, the LBHD would seem to be at some current risk as to Zoning matters.

136 Chair Field, once again alerted Board Members, Alternates and the public, that the next Meeting of the
137 Board to consider official business will be held on Tuesday, December 10, 2013, at 6:30 P.M. at the Town
138 Hall.

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140 There being no further business to come before the Board, on invitation:
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142 **Mr. Buber Moved, and Mr. Fullerton Seconded, the Motion to Adjourn at 7:00 p.m.**

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144 **The Vote was unanimous in Favor of the Motion (4-0).**
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146 Respectfully submitted,

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148 Wendy V. Chase
149 Recording Secretary
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151 **Draft Minutes edited by the Chair, Robert B. Field, Jr., for Board approval.**

152 **Approved December 10, 2013**

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