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**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Public Meeting
Tuesday, September 23, 2014 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862**

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: David Buber, Chair; Phelps Fullerton, Vice Chair, and Charles Gordon. (3) Mr. Gordon was seated in the audience and left the meeting by 7:00 p.m.

Members absent: George Lagassa (1)

Alternates present: Jonathan Pinette and Dennis Williams (2)

Administrative Staff present: Wendy Chase, Recording Secretary.

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

Chair Buber Called the Meeting to Order at 6:54 p.m.

Mr. Williams was seated for the vacant member seat resulting from Robert Landman's resignation.

Mr. Pinette was seated for Mr. Gordon, who recused himself from the Historic Runnymede Farm, LLC ZBA Case #2014:04.

Mrs. Wilson was not present because she has recused herself from the Historic Runnymede Farm, LLC ZBA Case #2014:04.

Chair Buber dispensed with preliminary matters and read the Motion for Rehearing description into the record:

A Motion for Rehearing as required by RSA 677:2 has been filed by Attorney Peter Imse on behalf of Mary Virginia Weldon requesting the Zoning Board of Adjustment rehear the Historic Runnymede Farm, LLC Appeal and reverse its prior Decision of July 22, 2014 regarding ZBA Case

#2014:04. The Motion filed is for Zoning Board Action, Discussion and Vote. No public testimony, input or introduction of evidence will be allowed.

In attendance for the Motion for Rehearing:

Attorney Peter Imse, Counsel to the Appellant, Virginia Weldon

Attorney William Beckett, Co-Counsel to Historic Runnymede Farm, LLC

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

Chair Buber referred to Section 5.D. of the Boards Rules of Procedure, *The Board will make every effort to ensure that a full five (5) member board is present for the consideration of any appeal/petition. If, for any reason, there are fewer than five (5) Primary Members or Alternate Members, the Applicant/Petitioner shall have the discretion to accept less than the full member board, or to defer the case, without prejudice, to a date certain, with the understanding that an affirmative vote of three (3) members is required to decide any appeal and that action by a reduced Board is not, in and of itself, grounds for a rehearing.*

Given the fact that Mr. Lagassa was absent, and there was only a four member board, Chair Buber addressed the Attorneys present and asked how they would like to proceed.

Both Attorneys were given the opportunity to contact their clients, which they did.

Attorney Imse received word from Mrs. Weldon that her preference is that this matter be postponed until the Board can convene a Board of five (5) members; therefore requests a continuance to the October 28, 2014 meeting. Mrs. Weldon also consents to the extension of time necessary if the Board grants the rehearing in October to hold the actual hearing in November.

Attorney Imse voiced concern over the possibility of a new Primary Member being appointed to the Board by the October 28, 2014 meeting. Chair Buber said that if there is a brand new Member appointed, he will seat Mr. Pinette and Mr. Williams, who are very familiar with the case, in their stead.

Attorney Beckett said it was disappointing that they were not going forward this evening. He said the matter has been pending for many months with both the Planning Board and Zoning Board.

Chair Buber apologized and said that the Board was all "charged up" and ready to go this evening. Mr. Lagassa's absence was an unforeseen circumstance.

Attorney Beckett said it would be best if the members present to deliberate on the Motion for Rehearing are the same members who were at the original hearing. He said he hoped that the Board could reschedule the deliberations fairly soon.

Chair Buber explained that "special meetings" of the Board have become the norm. He explained that the Board has three meetings within three weeks, where they normally meet once a month. He suggested the Motion for Rehearing be rescheduled for the October 28, 2014 regular meeting, and be the first order of business.

Attorney Beckett and Attorney Imse agreed on the rescheduling to the October 28, 2014 meeting.

91
92 **Mr. Pinette moved and Mr. Fullerton seconded the motion to continue the Motion for Rehearing to**
93 **October 28, 2014 as the first order of business.**
94 **The vote was unanimous in favor of the motion (4-0-0).**
95

96 **Minutes**

97

98 **September 11, 2014 – Special Meeting – Mr. Pinette moved and Mr. Fullerton seconded the motion to**
99 **approve the meeting minutes of September 11, 2014 as written. The vote was unanimous in favor of**
100 **the motion (4-0-0).**
101

102 **Other Business**

103

104 **1. Communications/Correspondence and Miscellaneous**

105

106 Chair Buber confirmed with Ms. Chase that the posting for one (1) Primary Board Member and one (1)
107 Alternate Member began on September 12, 2014 and will end on October 7, 2014. Ms. Chase reported
108 that Mr. Jonathan Pinette is a candidate for the Primary seat.
109

110 Mr. Pinette suggested the Board consider adding more Alternate Members to the Board than the agreed
111 upon three (3) members. The Board, by law, can have up to five (5) members.
112

113 Chair Buber said that the Board is having difficulty getting one Alternate so they probably could not get
114 two or three.
115

116 Mr. Pinette said it was unfortunate tonight having two Attorney's present and not enough members to
117 deliberate. He said there was probably a huge cost associated for their clients. The Board agreed.
118

119 Chair Buber moved and Mr. Fullerton seconded the motion to adjourn the meeting at 7:20 p.m.
120 The vote was unanimous in favor of the motion (4-0-0).
121

122 Respectfully submitted,
123

124 Wendy V. Chase
125 Recording Secretary
126

127 Approved September 30, 2014
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