



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, September 22, 2015 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; George Lagassa, Charles Gordon, and Mark Janos. (5)

Members absent: None.

Alternates present: Dennis Williams and Robin Reid. (2)

Administrative Staff present: Wendy Chase, Recording Secretary.

Chair Buber Called the Meeting to Order at 6:26 p.m.

There is no Unfinished Business and no New Business before the Board. Chair Buber dispensed with the usual formal procedures because it was a public meeting, not a Public Hearing and no one from the public was in attendance, and the meeting would be recorded, but not televised.

Introduction of Members and Alternates - Chair Buber noted that there was a quorum present as identified above.

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Mr. Lagassa moved and Mr. Janos seconded the motion to accept the July 28, 2015 meeting minutes as written. The vote was unanimous in favor of the motion (5-0-0).

The Board briefly discussed the 2016-2017 Budget. Chair Buber explained that the Board doesn't have control over the budget, but it does have input on the training/education budget line item. Chair Buber requested an increase to the "training" line item last year because of the potential of newly elected Primary and Alternate members at the March election. The Budget Committee allowed the increase from \$500.00 to \$1,000.00. Chair Buber further explained that if anyone wanted to attend a seminar there is money in the line to cover it. He said it is the Town's policy to cover the cost of the seminar and mileage to and from the seminar.

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2, II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

Mr. Lagassa questioned whether they should decrease the “training” budget line back to \$500.00.

Chair Buber thought it best to leave it at \$1,000.00; it’s better to have the coverage, and if the Budget Committee thinks differently, then they can decide to change it back.

Mr. Janos said that he gets offers to attend seminars professionally that often deal with Planning and Zoning matters, and asked if that would be covered. Chair Buber said that Mr. Janos could run it by the Zoning Administrator and if it’s a major issue it can go through the Town Administrator. He didn’t see it as an issue if it related to Planning and Zoning matters.

Mr. Janos moved and Mr. Lagassa seconded the motion to accept the budget line for training at \$1,000.00.

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

Recording Secretary Report - Ms. Chase reported that the September 22, 2015, Meeting Agenda was properly posted at the Library, Town Clerk’s Office, Town Office and on the Town’s website.

Chair Buber prepared suggested changes to the Zoning Board of Adjustment’s Rules of Procedure and Vice Chair Fullerton prepared suggested Zoning Ordinance amendments/additions for Planning Board consideration. Each member of the Board received a copy of both the Chair’s and Vice Chair’s suggested changes for review.

Mr. Fullerton presented a list of definitions that are found in the body of the Zoning Ordinance that are not included in Section 302 – Definitions. He included definitions he found in a few NH towns and supplemented with definitions from the book “A Planners Dictionary”, the International Residential Code 2009 (IRC2009), State of NH Department of Environmental Services, and NH Planning and Land Use Regulation – 2014-2015 Edition. He submitted 74 proposed amendments or additions of definitions for the Board to review.

Mr. Fullerton submitted an outline referencing zoning ordinances which he has personally dealt with in working in the architectural design community throughout the New Hampshire seacoast. He said that in his experience no two towns use the same formulas to calculate such simple tasks as measuring a building setback or overall building height.

Mr. Fullerton said that it would be helpful for applicants appearing before the town land use boards to be able to see a “Table of Dimensional Standards” and understand how those standards apply to the particular districts they are working in. He prepared an amended Table of Dimensional Requirements, Section 406.1.

Mr. Fullerton suggested changes to the following Zoning Ordinances:

Section 302 – Definitions

Section 302.39 – Structure

Section 405.3 – Prohibited Uses – Storage of Raw Materials

Section 406 – Table “Yard and Lot Requirements” to include minimum lot area per dwelling unit measured in square feet; minimum square footage per dwelling unit; maximum # of dwelling units per structure; maximum # of stories/ft/ht, and how that height is to be measured; maximum amount of sealed (impervious/impermeable) surface area permitted per District; aquifer protection district dimensional requirements, maximum impervious surface, etc.; wetland conservation district

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dimensional requirements, maximum impervious surface, etc., and maximum site coverage – only used in 414.5 wetlands @ 414.5.E.2.

Section 406.2.2 – Table of Frontage Requirements

Section 406.4.2 – Multiple Dwelling Lot

Section 407 – Height Regulations

Section 408 – Building Area for Dwelling Units

Section 414.5.C.7 – Impervious to Groundwater Infiltration

Section 414.5.C.15 – Structure

Section 414.5.C.10 – Non-Conforming Uses

Section 414.5.H – Non-Conforming Lot

Section 501 – Non-Conforming Uses

Section 505 – Temporary Structures

Tables in Ordinance

XVII. Parking Ordinance – a parking Ordinance appears on the town’s website under “Ordinances” but is not included in the main “Town Ordinance”. He questioned whether it was approved, and if so should it be included in future master ordinances updates. He said that many town ordinances regulate the parking of commercial vehicles in residential districts, some by overall size or by restricting them to a particular district.

Mr. Fullerton thought it would also be helpful if the Planning Board addressed:

Charitable Gaming Ordinance

Medical Marijuana Dispensaries

Solar Array Gardens

Mr. Janos commented that he is interested in work done on the definitions.

Mr. Lagassa said that he read everything and remarked that both Chair Buber and Vice Chair Fullerton did a lot of thorough work. He said he’d like the Planning Board to address dumpsters and AIR B N B’s. He said he has no objections to dumpsters being used during a construction project, but has noticed some dumpsters are kept on site indefinitely, and AIR B N B’s may be a concern at some point and needs to be addressed.

Mr. Gordon commended Mr. Fullerton on his work and said he has no problem sending all the suggested changes over to the Planning Board with a recommendation that they consider them.

Mr. Fullerton said that the proposed changes he worked on are just suggestions for their consideration. He said the minutes of the last Planning Board meeting shows that they are already addressing some of the mentioned issues.

Chair Buber would like to send the proposed changes to the Planning Board and hold a Joint Meeting of the Boards. The Planning Board Chair decides whether or not to hold a Joint meeting. He asked if the Board would like to hold a joint meeting, and if so, would they all like to attend, or would they authorize himself and Mr. Fullerton to attend on the Board’s behalf.

It was decided that if any of the Zoning Board Members had any proposed amendments or additions to the Zoning Ordinance to get those recommendations to the Zoning Administrator by September 29, 2015, due to the time requirements with Public Hearings on proposed Zoning amendments. She will then forward those recommendations to Mr. Fullerton. It was also decided that Chair Buber and Vice

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Chair Fullerton will attend a Joint Meeting with the Planning Board on behalf of the Zoning Board if the Planning Board Chair decides to hold a Joint Meeting.

Mr. Williams commented that amendments should be written in “laymen’s” terms so that the Code Enforcement Officer can easily interpret it. He also commented that the amendments should not be too strict.

Ms. Reid said that Mr. Fullerton did a great job and voiced concern on “temporary structure” and thought it may be a way for people to obviate a permanent structure. She said that she will route her concerns to the Zoning Administrator.

Mr. Fullerton referred to Section 505 – Temporary Structures – they are allowed by permit and may be renewed annually up to a 4 year period. He said he is not sure what mechanism is in place to make sure that process is being complied with.

Rules of Procedure –

Chair Buber explained that there must be a super majority vote to change the Board’s Rules of Procedure. Below are the proposed changes to the Table of Contents (in red):

PROPOSED TABLE OF CONTENTS

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ATTACHMENTS:

Attachment 1 - ZBA VACANCY APPOINTMENT PROCEDURE

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Attachment 2 - MEETING SCHEDULE AND DEADLINES

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PROPOSED REVISIONS RULES OF PROCEDURE

Chair Buber asked that the Board vote on each Section separately on whether or not to accept the proposed amendments.

TABLE OF CONTENTS

- Change: Page 2 of 37 to Page 1.

SECTION 1: AUTHORITY

- Line 2: After "... (RSA), 1983, Section 676:1...", add "...Amended 2010..."
- Line 4: After "...five (5)..." and prior to the word "...members..." insert the word "...Primary..." and capitalize "Members".
- Change: Page 3 of 37 to Page 2.
- Change: Page 4 of 37 to Page 3.

Mr. Gordon suggested eliminating "1983" so that the "amended 2010" would not be necessary. Chair Buber said that he initially removed it and then went back and reread the RSA and decided to put it back in.

Mr. Lagassa moved and Mr. Janos seconded the motion to accept the amendments to Section 1: Authority.

The vote was unanimous (5-0).

SECTION 2: POWERS

Chair Buber did not recommend any amendments to this Section.

Mr. Gordon referred to paragraph B. Building Codes, "The Board shall have the authority to vary the application of any provision of the Building Code to any particular case...." He voiced concern over the term "vary" and interprets it to mean that the Board has the power to grant a variance to a building code, for example, the height of a railing. Chair Buber disagreed and said if someone has an issue with something relevant to a building code that the Building Inspector is attempting to enforce they can come to the ZBA and request an appeal; it doesn't mean changing the code itself.

Mr. Gordon said it means "this particular section of the building codes doesn't apply to you" and he would like to see something in the RSA's that gives the Board this authority. He is not challenging that the Zoning Board is the authority to handle appeals of an Administrative Officer, just the sentence he quoted above.

Mr. Janos said that the sentence Mr. Gordon refers to seems to allow the Zoning Board to unilaterally make changes to what comes before the Board and what the Board thinks is appropriate. He is not sure the RSA empowers the Board to do that.

Mr. Fullerton referred to RSA 673:3 Zoning Board of Adjustment and Building Code Board of Appeals – and that particular language doesn't exist within it.

Chair Buber suggested Mr. Gordon investigate this and funnel it through the Zoning Administrator, and if a change is made, the Board can vote on it at the next meeting. Mr. Gordon agreed that he would work on it and report back to the Board.

Mr. Gordon asked if the Board preferred he would wait to address any concerns in the Rules that are not in the suggested changes made by the Chair.

Chair Buber said that he would like to hear all concerns as they come up.

Mr. Gordon voiced concerns for Section 2.D – Special Exceptions. He said that there are two types of special exceptions the Board deals with, 1) that do not have certain criteria and fall under the general provision of Section 405.2, and 2) Special Exceptions that have specific criteria. The Board's Rules allow for added conditions even if all of the criteria are met. He said it would be different if there were an added criterion stating, "and any conditions the Board feels appropriate". He said the ordinance can give us that power; we can't give it to ourselves. Mr. Fullerton agreed and Mr. Janos said that really goes to the ordinance, and not the procedure.

Chair Buber said it is more of an ordinance issue.

Chair Buber said that the Board imposes conditions on Variances.

Mr. Gordon said that the Rules of Procedure is not adopted by the Legislative Body.

Chair Buber said, as one member of the Board, he sees nothing wrong with the way the section is written.

Mr. Janos said that if a Party comes before the Board and the Board imposes additional conditions not contained in the ordinance; it would be subject to appeal.

Chair Buber asked if anyone wanted to make a motion to change the Section. Mr. Gordon said he did not want to make a motion; he was merely raising a concern. He explained that he questions whether or not the Board has the power to add a condition on a Special Exception that has specific criteria; it's not the same as a Variance.

Chair Buber said it doesn't state the word "additional" when referring to conditions.

SECTION 3: OFFICERS

- Paragraph C: Line 1 - Change "Clerk" to "Recording Secretary" in first sentence. Line 1 – Change "Clerk" to "Recording Secretary" at start of sentence 2.

Mr. Lagassa moved and Mr. Janos seconded the motion to accept the amendments to Section 3: Officers.

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

SECTION 4: PRIMARY MEMBERS AND ALTERNATE MEMBERS

- Paragraph A: Line 2 - After the words "...three (3) years..." insert a period and eliminate the balance of that sentence.
- Change: Page 5 of 37 to Page 4.
- Paragraph A (continued on new Page 4): Line 3 - After the words "or appointments..." add "...of Alternate Members..."
- Eliminate the entirety of the last sentence and replace with the following:
"Holdover provisions shall be performed in accordance with RSA 673: 5 which states: If no successor has been appointed and qualified at the expiration of an appointed member's term, the member shall be entitled to remain in office until a successor has been appointed and qualified".

Mr. Lagassa suggested the word "performed" in the fourth paragraph be changed to "implemented".

Mr. Gordon questioned whether Primary Members can be "holdovers".

The Board decided that "holdover" doesn't apply to a Primary Member.

- Paragraph B: Line 2 – Eliminate the words "...the Chair..." and insert "...the Zoning Administrator, who will then in-turn notify the Chair..."
- Paragraph C: Lines 2 & 3– Eliminate the words "...the Select Board until all..." and insert the words "...the majority vote of the...", and after the word "...Board..." eliminate the words "...are all elected officials...". Eliminate the entirety of the sentence 2. Retain sentence 3.
- Paragraph D: Eliminate the entire paragraph.
- Paragraph E: Change to "Paragraph D".
- Line 1: Change the word "Clerk" to "Recording Secretary".
- Line 3: Change the word "Clerk" to "Recording Secretary".
- Line 5: After the word "discussions..." insert the words "...from the audience...". After the word "Primary Member", insert the words "...or are asked to comment by the Board Chair".
- Paragraph F: Change to "Paragraph E".
- Line 2: After the word "questions..." change "...apply to..." to "...and applies...".
- Paragraph G: Change to "Paragraph F".
- Line 2: After the words "...shall be filled..." insert "...as described under the conditions set forth in Attachment 2, titled "ZBA Vacancy Appointment Procedure" found in the Zoning Board of Adjustment Rules of Procedure" and eliminate "...by the Select Board until the entire Board (ZBA) is an elected body".
- Change Page 6 of 37 to Page 5.

Mr. Janos moved and Mr. Lagassa seconded the motion to accept the amendments to Section 4: Primary Members with Mr. Lagassa's suggested amendment.

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

SECTION 5: MEETINGS

- Paragraph B: Line 4 – After the word "...recusal..." add the words "...or absence...".

- Paragraph D: Line 2 - Change the words "...there are..." to "...the Board consists of...".
- Change Page 7 of 37 to Page 6.
- Paragraph H: Line 3 - Change "...10:30 p.m. ..." to "...10:00 p.m. ...".
- Paragraph J: Line 1 – Change to read: "Board meetings are generally broadcasted live on Channel 22 and/or recorded."
- Line 2: Change to read "All recordings shall be preserved as prescribed by applicable Statutes."
- Paragraph M: Order of Business.
- Sentence #3: Change to - "Introduction of Primary Members and Alternate Members in attendance".
- Sentence #4: Eliminate "Zoning Administrator's Report" and change to "Recording Secretary's Report".
- Sentence #5: Change the semi-colon after "...witnesses..." and insert a period. Eliminate balance of sentence.
- Move sentence #7 under sentence #5 and re-number as sentence #6. (Sentence #7 starts with: "Minutes of previous meeting:" and ends with "(see also, Section 3C)".
- Re-number sentence #8 to sentence #7.
- Re-number sentence #9 to sentence #8.
- Move sentence #6 and re-number as new sentence #9.
- In the new sentence #9, add a new sub-section "d." to read as follows: "There will be a follow-up question and answer period by Board Members".
- Re-identify sub-section "2" as "e."
- Change sub-section "d." to sub-section "f."
- Change old sub-section "e." to sub-section "g."
- Change old sub-section "f." to "h."
- In the new sub-section "h." add the word "The" prior to "Board".
- Change Page 8 of 37 to Page 7.

Mr. Lagassa suggested changing the word "broadcasted" to "broadcast" in paragraph J.

Mr. Lagassa moved and Mr. Fullerton seconded the motion to accept the amendments to Section 5: Meetings with Mr. Lagassa's suggested amendment.
The vote was unanimous in favor of the motion (5-0-0).

SECTION 6: APPLICATION/DECISION

- **A. Time Limits.**
 - Line 2: Change "forty-five (45) calendar days" to "thirty (30) calendar days".
 - Line 5: Change "the 45th day" to "the 30th calendar day".
- **B. Application for Relief Form.**
 - Sentence #4: Change to read: "The Zoning Administrator shall place all applications and appeals into the Board Member's and Alternate Member's mail boxes not later than 14 calendar days prior to a scheduled meeting, and will notify each Member to that effect via email when accomplished."
 - Change Page 9 of 37 to Page 8.

Mr. Lagassa suggested changing the apostrophe before the "s" in "Member's" to after the "s" in "Members"

- **C. Public Notice.**

- Sentence #2: Line 1 - After "...shall be posted at the..." enter the following: "Town Offices – inside and outside; Town Clerk's Office- inside an outside; Town Hall – outside; the Library; and the Town Website...". Continue the sentence with "not less than five (5) days before the date of a public hearing or meeting."
- Sentence #4: Line 3 - Change "...city/town..." to "...town...".
- Change Page 10 of 37 to Page 9

- **E: Public Hearing.**

- Sentence #1: Change "RSA 676:6" to "RSA 676:7".
- Sentence #2: sub-paragraph "g." After the word "...questions..." enter the words "...or discussion...".
- Move sub-paragraph "g." under sentence #5 and re-identify it as sentence #6.
- Change Page 11 of 37 to Page 10.

- **G. Decisions.**

- Sentence # 2: Underline "An abstention from voting by a Board Member is discouraged..."
- Add new sentence #6 to read as follows: "6. Pursuant to RSA 673:15, whenever the Board exercises its regulatory or quasi-judicial powers, it may, at its sole discretion, compel the attendance of witnesses. All expenses incurred under this section for compelling the attendance of a witness shall be paid by the party or parties requesting that a witness be compelled to attend a meeting of the Board."
- Change Page 12 of 37 to Page 11.

Mr. Lagassa moved and Mr. Janos seconded the motion to accept the amendments to Section 6: Application/Decision with Mr. Lagassa's suggested amendment.
The vote was unanimous in favor of the motion (5-0-0)

SECTION 8: RECORDS

- Paragraph A: Line 6 - Change "...Full-Time..." to "...Primary...".
- Change Page 13 of 37 to Page 12.

SECTION 9: AMMENDMENTS/WAIVERS

- Paragraph A: Line 2 - Capitalize the word "Primary".
- Line 3: Capitalize the word "Members"..

SECTION 10: JOINT MEETINGS AND HEARINGS

- Insert a space between the title and the body of the paragraph.
- Change Page 14 of 37 to Page 13.

Mr. Lagassa moved and Mr. Janos seconded the motion to accept the amendments to Sections 8: Record; Section 9: Amendments/Waivers and Section 10: Joint Meeting and Hearings. The vote was unanimous in favor of the motion (5-0-0).

INSTRUCTIONS FOR RELIEF AND FORMS**“INSTRUCTIONS FOR APPEALS TO THE NORTH HAMPTON ZBA”**

- Sub-paragraphs (c.) and (e.) Lines 2: Eliminate the word “area”.
- Change Page 15 of 37 to Page 14.
- Sub-paragraph (f.) - Line 2: Delete “Petitioner or designee...” and change to “The Applicant or the Applicant’s designee...”.
- Sub-paragraph (k.) - Lines 4 & 5: Delete “...in the Mary Herbert Conference Room...” and change to “...at the Town Hall...”.
- In between sub-paragraph (m.) and paragraph 2. **“Types of Appeals”** insert a new paragraph 2 which will read: **2. “Complete Form 1 – Application for Relief”**.
- Re-number former paragraph 2 to paragraph 3.
- New paragraph 3, sub-paragraph A. - Lines 4 & 5: Change “...45 days...” to “...30 calendar days...”.
- Change Page 16 of 37 to Page 15.
- Sub-paragraph **“C. Special Exception”**: Line 3 - Place a period after the word “...Officials...”. Eliminate “...dated January 2005”.
- Change Page 17 of 37 to Page 16.
- Change Page 18 of 37 to Page 17.
- Change Page 19 of 37 to Page 18.
- Change Page 20 of 37 to Page 30 and re-locate to Page 30.
- Change Page 21 of 37: Re-title as “Attachment 2” and move to Page 36 of the “Rules of Procedure”.

Mr. Janos commented that the Instructions are clear; it gives the opportunity for a layperson to understand what is expected of them. He said the variance worksheet is a great tool for applicants to use.

Mr. Lagassa moved and Mr. Gordon seconded to accept the amendments made to Instructions for Appeal to the North Hampton ZBA.

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

CHANGES AND REVISIONS TO FORMS**Form 1-“Application for Relief”:**

- Under “Relief Sought”: Change “Appeal of Decision of Administrative Officer” to “Petition for Administrative Appeal”.

- Under “Request for Equitable Waiver”: Change to “Petition for Equitable Waiver”.
- Assure the words **Form 1 – Application for Relief** appear on the lower left corner of the form.
- Assure the form page number is change from Page B-1 to Page 1 of 1.
- Form 1 can be located on Page 19 as referenced in the proposed Table of Contents of this document.

Form 2 – “Appeal of Administrative Decision”

- Change title to “**Petition for Administrative Appeal**”.
- Line 9: Change “Administrative Officer” to “Administrative Appeal”.
- Assure the words **Form 2 – Administrative Appeal** appear on the lower left corner of the form.
- Assure the form page numbers are changed from Page B-2-1 and B-2-2 to Page 1of 2 and Page 2 of 2 respectively.
- Form 2 can be located on Page 20 as referenced in the proposed Table of Contents of this document.

Form 3 – “Petition for Variance from Zoning Ordinance”

- Assure the words **Form 3 – Petition for Variance** appear on the lower left corner of the form.
- Assure the form page numbers are changed from Page B-3-1, Page B-3-2 and Page B-3-3 to Page 1of 3, Page 2 of 3 and Page 3 of 3 respectively.
- Form 3 can be located on Page 22 as referenced in the proposed Table of Contents of this document.

Form 4 – “Petition for Special Exception”

- Assure the words **Form 4 – Petition for Special Exception** appear on the lower left corner of the document.
- Assure the form page numbers are changed from Page B-4-1 and Page B-4-2 to Page 1 of 2 and Page 2 of 2 respectively.
- Form 4 can be located on Page 25 as referenced in the proposed Table of Contents of this document.

Form 5 – “Petition for Equitable Waiver”

- Assure the words **Form 5 – Petition for Equitable Waiver** appear on the lower left corner of the form.
- Assure the form page numbers are changed from Page B-5-1 and Page B-5-2 to Page 1of 2 and Page 2 of 2 respectively.
- Form 5 can be located on Page 27 as referenced in the proposed Table of Contents of this document.

Form 6 – “Variance Work Sheet”

- Change document title to “**ZBA Variance Work Sheet**”.
- Assure the words **Form 6 – ZBA Variance Work Sheet** appear on the lower left corner of the form.
- Assure the form page number has been changed from Page B-6 to Page 1 of 1.
- Form 6 can be located on Page 29 as referenced in the proposed Table of Contents of this document.

Form 7 – “Inclusion Checklist”

- Change reference on form of Attachment 1 to Form 7.
- Line 8: Eliminate the word “...area...”.
- Assure the words **Form 7 – Inclusion Checklist** appear on the lower left corner of the form.
- Assure the form page numbers reflect Pages 1 of 1 respectively.
- Form 7 can be located on Page 30 as referenced in the proposed Table of Contents of this document.

Form 8 – “Example of Notice of Decision”

- Use the Board’s current Decision Letter format. Leave blank the Chairman’s name, case number, map/lot number, property location, and details of decision and any special conditions. It will be inserted into the “Rules of Procedure” as a standardized form and will be inserted as Page 31 and 32.
- Assure the words **Form 8 – Example of Notice of Decision** appear on the lower left corner of the form.
- Assure the form page numbers reflect Pages 1 of 2 and 2 of 2 respectively.
- Form 8 can be located on Page 31 as referenced in the proposed Table of Contents of this document.

Form 9 - “Record of Changes”

- Assure the words **Form 9 – Record of Change** appear on the lower left corner of the form.
- Form 9 can be located on Page 32 as referenced in the proposed Table of Contents of this document.

Mr. Janos moved and Mr. Lagassa seconded the motion to accept the amendments to the FORMS. The vote was unanimous in favor of the motion (5-0-0).

ATTACHMENTS**Attachment 1 – “North Hampton Zoning Board of Adjustment Vacancy
Administrative Procedure”**

- Change start of “Paragraph B” with the following:
“The filling of vacancies shall be performed in accordance with the conditions set forth in RSA 673:12”.

RSA 673:12 Filling Vacancies in Membership

Chair Buber explained that he would like to add the language of RSA 673:12 into the vacancy administrative procedure attachment.

Vacancies in the membership of a local land use board occurring other than through the expiration of a term of office shall be filled as follows:

- I. For an elected member, by appointment by the remaining board members until the next regular municipal election at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.
- II. For an appointed, ex-officio, or alternate member, by the original appointing or designating authority, for the unexpired term.
- III. The chairperson of the local land use board may designate an alternate member of the board to fill the vacancy temporarily** until the vacancy is filled in the manner set forth in paragraph I or II. If the vacancy is for an ex-officio member, the chairperson may only designate the person who has been appointed to serve as the alternate for the ex-officio member.

(Eff. August 21, 2009. Amendments - 2009. Paragraph III: Added)

**For the purpose of this "Administrative Procedure", "temporarily" means a period of time not to exceed 90 days.

Further, in accordance with, and as stated from The Office of Energy & Planning in "**A Handbook for Local Officials**", dated 2013, Chapter 1, page 4:

"Alternate members may be temporarily designated to fill a vacant seat until such time as the seat is filled in the normal manner. They can, however, be appointed to fill the vacant seat as a full member, thus relinquishing their position as an alternate, which in turn creates a new vacant alternate position for the appointing authority to fill".

Continue the proposed revisions for Attachment 1 with the start of the original "Paragraph B" - now referred to as "sub-paragraph 2".

- Paragraph B; sub-paragraph 2: Line 2 - Change the first "...ZBA..." to "...Primary Members of the Board..."
- Paragraph B; sub-paragraph 2: Line 7 - Change posting areas to read as follows:

"Notices shall be posted at the Town Offices - inside and outside; the Town Clerk's Office - inside and outside; the Town Hall - outside; the Town Library; the Town Website; and advertised on local community television Channel 22."

- Paragraph C: Line 1 – Change "...Elected..." to "...Primary".
- Paragraph C: Line 7 – Change "...Elected..." to "...Primary".
- Change title from "Appendix C" to "Attachment 1". Number as Page 34.

The Recording Secretary asked to keep the meeting schedule as an example. The current year's meeting dates and application deadline dates can be found on the town's website.

Mr. Janos referred to Section C of the Vacancy procedure and commented that he was an applicant for a temporary position to the Board. He thought a decision was made without adequately vetting all of the candidates and a decision was made in advance before he could present his qualifications to serve on the Board, and feels that is an unfair process.

605
606 Chair Buber said that as long as he has been Chairman of the Board he has made sure all candidates are
607 vetted. Mr. Janos said he was allowed to speak.

608
609 Chair Buber spoke to prior Board Chairs and they have handled the appointment process in the same
610 way. A nomination is made, and if it is not seconded, then it is a dead issue; if it is seconded, and the
611 board votes against, they move on to the next candidate.

612
613 Chair Buber asked for a suggestion on how to make the process better, and Mr. Janos said he doesn't
614 know what the answer is. It just seems unfair that the first candidate gets a nomination, it's seconded
615 and voted on in favor – it's over, not giving the other candidates a chance.

616
617 Chair Buber said that if Mr. Janos can come up with a different process, to bring it forward. He said a
618 secret ballot is illegal.

619
620 Mr. Janos thought maybe a candidate can be made aware of other opportunities on other Boards.

621
622 **Mr. Janos moved and Mr. Fullerton seconded the motion to adjourn at 8:45pm.**
623 **The vote was unanimous in favor of the motion (5-0-0).**

624
625 Respectfully submitted,

626
627 Wendy V. Chase
628 Recording Secretary

629