



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, March 22, 2016 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862**

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8 These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a
9 transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case
10 Record and available for inspection at the Town Offices.

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12 **In attendance:** Phelps Fullerton, Vice Chair; Members Charles Gordon, Mark Janos, George Lagassa, and
13 Jonathan Pinette; Alternate member Robin Reid; and Recording Secretary Rick Milner.

14
15 **I. Preliminary Matters.**

16 Vice Chair Fullerton called the meeting to order at 6:35 pm.

17 Mr. Fullerton presented the minutes of the September 22, 2015 meeting. Mr. Fullerton stated that there
18 was some question as to whether the section of the Zoning Board of Adjustment (ZBA) Rules of
19 Procedure regarding Board member vacancies had been adopted at the September 22 meeting along
20 with the other sections of the rules. It appeared that the filling of vacancies section of the rules still
21 required adoption by the Board.

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23 Mr. Gordon stated his concern that the language regarding temporary appointments by the ZBA Chair
24 for a period of ninety (90) days was contrary to the language in the State of NH RSA.

25
26 Mr. Fullerton suggested striking the language regarding temporary appointments that was not included
27 in the RSA's. Mr. Janos agreed with Mr. Fullerton's suggestion.

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29 **Mr. Lagassa moved that the ZBA accept the minutes of the September 22, 2015 meeting as written**
30 **with the understanding that the Rules of Procedure section regarding Board member vacancies had**
31 **not been adopted at the September 22 meeting. Second by Mr. Pinette. The vote was unanimous in**
32 **favor of the motion (5-0).**

33
34 **Mr. Gordon moved that the ZBA adopt the Rules of Procedure section regarding Board member**
35 **vacancies as presented at the September 22, 2015 meeting with the following changes:**

- 36 **a. delete “**”, after ‘temporarily’ in reference to RSA 673:12, III**
37 **b. delete “**For the purpose of this “Administrative Procedure”, “temporarily” means a period of**
38 **time not to exceed 90 days.’**

39 **Second by Mr. Lagassa. The vote was unanimous in favor of the motion (5-0).**

40
41 Mr. Fullerton suggested that the vacancy appointment section be added to the entire Rules of
42 Procedure document presented on the town web site.

43
44 Mr. Fullerton presented the minutes of the December 10, 2015 meeting. Board members suggested a
45 few minor grammatical and typographical edits.

46
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.

47 **Mr. Gordon moved that the ZBA accept the minutes of the December 10, 2015 meeting as revised.**
48 **Second by Mr. Lagassa. The vote was 4-0-1 in favor of the motion with Mr. Janos abstaining.**

49

50 Mr. Fullerton acknowledged former ZBA Chair David Buber's many years of service to the Town of North
51 Hampton and the Zoning Board of Adjustment during times of changing land use law and complicated
52 land use cases. Mr. Buber spent extensive time and effort to provide thorough research for ZBA
53 deliberations. Mr. Fullerton thanked Mr. Buber for his dedicated service to the Town of North Hampton
54 and leadership of the Zoning Board of Adjustment.

55

56 Mr. Fullerton stated the Board's appreciation of the many years of service provided by Wendy Chase,
57 former Zoning Board Administrator and Recording Secretary. Ms. Chase was able to efficiently handle
58 multiple cases, provide research and information to Board members, and accurately maintain extensive
59 records concerning Board matters. Mr. Fullerton thanked Ms. Chase for her dedicated service to the
60 Town of North Hampton.

61

62 **II. Organizational meeting of the Board.**

63 a. Election of Chair.

64 After discussion regarding availability of Board members to effectively administer the responsibilities of
65 the ZBA Chair due to personal work schedules, Mr. Fullerton nominated Charles Gordon to serve as
66 Chair. Mr. Gordon agreed to act as Chair until the end of the September 27, 2016 meeting. No other
67 nominations were made.

68 **Mr. Fullerton moved that the ZBA appoint Charles Gordon as Chair until the end of the September 27,**
69 **2016 meeting. Second by Mr. Lagassa. The vote was 4-0-1 in favor of the motion with Mr. Gordon**
70 **abstaining.**

71

72 b. Election of Vice Chair.

73 Mr. Lagassa nominated Phelps Fullerton to serve as Vice Chair. Mr. Fullerton agreed to act as Vice Chair.
74 No other nominations were made.

75 **Mr. Lagassa moved that the ZBA appoint Phelps Fullerton as Vice Chair for a one year term. Second by**
76 **Mr. Gordon. The vote was 4-0-1 in favor of the motion with Mr. Fullerton abstaining.**

77

78 c. Appointment of alternate member.

79 Mr. Fullerton presented a letter of interest from Robin Reid to be re-appointed as an alternate member
80 of the ZBA. Mr. Fullerton noted that the Board's rules of procedure required posting of notice for vacant
81 and expiring member positions. Mr. Gordon stated that the rules of procedure allow the Board to waive
82 a rule if the circumstances warrant such a waiver.

83 **Mr. Lagassa moved that the ZBA waive the posting requirement for Robin Reid's expiring alternate**
84 **member position, pursuant to Rules of Procedure Section 9 Amendments/Waivers, and re-appoint**
85 **Robin Reid as an alternate member of the ZBA for a three year term. Second by Mr. Gordon. The vote**
86 **was unanimous in favor of the motion (5-0).**

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88 d. Recitation of the Code of Ethics Preamble.

89 Chair Charles Gordon recited the preamble section of the Town of North Hampton Code of Ethics and
90 noted that the Code of Ethics had been distributed to all ZBA members.

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ZBA Meeting Minutes

95 e. Correspondence

96 Mr. Janos presented the court decision in the matter of Maple Road 14, LLC v. Town of North Hampton.

97 He stated that the decision provided an interesting perspective on the responsibilities of land use
98 boards.

99

100 Mr. Fullerton informed the Board that SB 146 regarding accessory dwelling units has become law. The
101 new law changes the manner in which a municipality can regulate accessory dwelling units.

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103 **Mr. Gordon moved to adjourn the meeting at 7:49 pm. Second by Mr. Pinette. The vote was**
104 **unanimous in favor of the motion (5-0).**

105

106 Respectfully submitted,

107

108

109

110 Rick Milner

111 Recording Secretary

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