



**Stratham Zoning Board of Adjustment  
Meeting Minutes  
June 8, 2010  
Municipal Center, Selectmen's Meeting Room  
10 Bunker Hill Avenue  
Time: 7:30 PM**

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Members Present:     John Dold, Chairman  
                          Arol Charbonneau, Vice Chairman  
                          Kirk Scamman  
                          David Short  
                          Bruce Barker  
                          Michael Smith, Alternate  
                          Jeffrey Karam, Alternate

Staff Present:         Sarah Del Rossi, Clerk

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Vice Chairman, Arol Charbonneau read the notice for tonight's meeting.

Mr. John Dold, chairman of the Zoning Board briefed the Zoning Board on the meeting for tonight, and explained that we are here to consider a settlement agreement between the Town of Stratham, and Mr. Brian and Julie Daigle who resides at 128 Winnicutt Rd; concerning a Special Exception Application for a Home Occupation.

Mr. Dold proceeded to explain the order of tonight's meeting, and designated Mr. Michael Smith as a voting member in tonight's meeting. Mr. Jeff Karam will be the alternate, and will not sit in on deliberation. Mr. Dold then opened the meeting up for Attorney Abigail Sykas, Attorney for the Town of Stratham.

Attorney Sykas approached the Zoning Board to explain that as the Town's Attorney she is here to discuss a settlement agreement between the Town, and Mr. and Mrs. Daigle. Attorney Sykas further explained that the Zoning Board of Adjustment must approve the settlement agreement before the Town can enter into the agreement, and added that the settlement agreement is in draft form. Attorney Sykas briefed the Zoning Board on the three main concerns the abutters raised from the previous meeting, and the plan of resolution the Daigle's have for those concerns. To address the mud and dust concern the Daigle's have paved a portion of the driveway closest to the street, and installed a mop pad beyond the paving towards the back of the property. The mop pad consists of processed stone in attempt to catch the mud before it gets to the road. To address

1 visibility the Daigle will complete a landscaping plan within 6 months. The Daigle's  
2 have agreed to complete construction of what we are referring as a Home Occupation  
3 Zone, which will include a stockade fence around the Home Occupation Zone. Attorney  
4 Sykes explained that the Home Occupation Zone portion of the property is not a place for  
5 materials to be stored.

6  
7 Attorney Sykas proceeded to list what was allowed to go on in the designated Home  
8 Occupation Zone. To address the noise concern the Daigle's will only run the business  
9 from 6:00 am to 10:00 pm daily, which are the same hours of Stratham's Noise  
10 Ordinance. Attorney Sykas added that snow plowing is part of the Daigle's home  
11 occupation so in the event a snow emergency occurs before or after those hours the  
12 Daigle's will do everything possible to keep the noise from disturbing the abutters.

13  
14 Attorney Sykas then proceeded to explain that there would be no storage anywhere on the  
15 property of anything related to a landscaping business that includes no storage inside the  
16 accessory structure. Attorney Sykas summarized the remaining settlement agreement  
17 with the Zoning Board.

18  
19 Attorney Sykas referred the Board to exhibit B and exhibit C. Mrs. Jenny from 127  
20 Winnicutt Road asked Attorney Sykas where the stockade fence would be located on the  
21 site.

22  
23 Mr. Paul Deschaine asked Mr. Dold if we could follow the order of the agenda to ensure  
24 the meeting flow smoothly. Mr. Dold agreed.

25  
26 Mr. Orville Keller from 129 Winnicutt Road approached the Zoning Board and stated  
27 when the Attorney was reviewing the settlement document she referred to exhibit B and  
28 C. Mr. Keller then stated there was no prior notice of the exhibits, and it was hard to go  
29 to the Town to see the file. Attorney Sykas responded to Mr. Keller and suggested she go  
30 through exhibit B and C, which are two sketches of the property. Attorney Sykas added  
31 she wants everyone who wants a copy of the exhibits get a copy.

32  
33 Attorney Sykas referred the Zoning Board to exhibit B and briefly explained the diagram  
34 that the Daigle's presented of the Home Occupation Zone. Attorney sykas explained to  
35 the Zoning Board where the proposed 20x20 accessory building will be located on site,  
36 the stockade fence and showed how the landscaping and trees will be laid out on the  
37 property.

38  
39 Attorney Sykas added there was concern at the original Zoning Board hearing regarding a  
40 loam pile, and retaining blocks that were on the Daigle property. Attorney Sykas referred  
41 the Zoning Board to exhibit C, which is the same as exhibit B, but is an overlay to show  
42 that the materials are for the Daigle's personal use to improve there own properties  
43 landscaping.

44  
45 Attorney Sykas explained to the Zoning Board that the line on the plan is soley for  
46 referencing the Home Occupation Zone or HOZ.

1 Mr. Dold asked the Zoning Board if they had any questions for Attorney Sykas. Mr.  
2 Bruce Scamman stated he would like to hear from Attorney Simmons before hearing  
3 questions.  
4

5 Attorney John Anthony Simmons, Sr., approached the Zoning Board to respond to Mr.  
6 Keller's comment regarding the plans not being available for viewing. Attorney  
7 Simmons disagreed with that comment, and proceeded to state as far as he was aware  
8 these plans have been available for quite sometime, and it was his understanding that the  
9 plans were going to be mailed to all abutters. Attorney Simmons then added he objected  
10 to disclosing this information under the right to know law, but the Town was determined  
11 to disclose the information. Mr. Simmons proceeded to explain that we are here to settle  
12 a lawsuit, and added that this is not a new application. Attorney Simmons stated the  
13 reason for this Public Hearing is to determine if the proposed settlement agreement  
14 addresses the concerns of why the Daigle's Home Occupation was denied.  
15

16 Mr. Simmons briefed the Zoning Board regarding the meeting between all parties  
17 involved on making the proposed settlement agreement, and was happy with the outcome  
18 of the negotiations at the meeting, and with the finished proposed settlement agreement.  
19

20 Attorney Simmons then proceeded to brief the Zoning Board on the proposed settlement  
21 agreement, and referred the Zoning Board to exhibits A, B, and C. Attorney Simmons  
22 then began to explain that the plans that were developed are based on the objections at the  
23 time of the original hearing. Attorney Simmons referred the Board to the proposed  
24 settlement agreement number 2 C letter i, ii, iii, which are the Daigle's response to the  
25 abutter's concerns. Attorney Simmons stated to the Zoning Board that this document is  
26 not a zero tolerance ordinance, and it is not intended to be one.  
27

28 Attorney Simmons began to describe the proposed stockade fence that will be on the  
29 property and proceeded to explain where it would be located on the property to help the  
30 screening of the property. Attorney Simmons stated the area of the Daigle's property that  
31 won't have fencing is because the abutting neighbor did not want it. Attorney Simmons  
32 then added that the Daigle's have done substantial improvements to the property since  
33 they moved into the property, and added that Attorney Sykas adequately explained that  
34 materials that are being stored on the Daigle's property is for personal use to improve  
35 there property.  
36

37 Attorney Sykas asked for permission if she could mark up exhibit B that the hoop shed  
38 shall be removed. Everyone agreed.  
39

40 Mr. Mike Smith from the Zoning Board asked for clarification of the location of abutters  
41 compared to the Daigle property on the plan.  
42

43 Mr. Keller from 129 Winnicutt Rd approached the Zoning Board and questioned why the  
44 other abutters were notified that a fence was going to be put up.  
45

1 Attorney John McGowean approached the Zoning Board for the record and stated he  
2 does not represent the Keller's.

3  
4 Attorney Simmons continued addressing Mr. Keller's questions, and stated he feels that  
5 the Daigle's have adequately addressed previous concerns, and asked if he had any new  
6 concerns.

7  
8 Mr. Keller again asked why the other abutters had pre notice of the stockade fence being  
9 erected and the other abutters had notification. Attorney Simmons continued to explain  
10 to Mr. Keller the process of why we are all here today and explained today we are here to  
11 hear proposed settlement to settle a lawsuit and proceeded to tell Mr. Keller that Attorney  
12 Simmons is under no legal obligation to include Mr. Keller on any settlement discussions  
13 on a law suit that does not involve him. Attorney Simmons then added that they  
14 considered Mr. Keller's concerns at the previous Zoning Board Meeting when developing  
15 the plan and feel those issues are resolved in the proposed plan. Mr. Simmons concluded  
16 his statement by asking Mr. Keller if he had any new concerns he needed answered.

17  
18 Mr. Dold then stated to Mr. Keller that there was no attempt at least by Mr. Dold the  
19 Chairman to avoid having abutters involved in the settlement discussion. That was not  
20 the thought. Mr. Dold explained that Attorney Simmons was stating is that they aware of  
21 what the abutters concerns are, because we have them from the first hearing, and they are  
22 in writing.

23  
24 Attorney Sykas addressed the Board attempting to explain to Mr. Keller the process of  
25 how the proposed settlement agreement was made, and explain that all abutter's were  
26 notified of all the hearings, and the abutter's concerns were included in the process of  
27 making the agreement.

28  
29 Mr. Dold then asked if anyone wants to speak in favor of the settlement agreement. Mr.  
30 David Jordan 126 Winnicutt Rd approached the Zoning Board. Mr. Jordan addressed the  
31 fence issue, and stated that Mr. Daigle just wanted to create a partition between the  
32 properties. Mr. Jordan told Mr. Daigle they prefer to have the natural vegetation that is  
33 there now verses having a stockade fence put up. Mr. Jordan then added that the fence  
34 discussion between him and Mr. Daigle was just one neighbor talking to another. Mr.  
35 Jordan then added as far as Mr. Daigle conducting his affairs on his property he has been  
36 very respectful and him and his wife have had no objections. Mr. Jordan further stated  
37 that Mr. Daigle has made a lot of attempts to improve the property, and constantly is in  
38 communication with them to make himself available. In conclusion, Mr. Jordan feels as  
39 long as the neighborly respect continues they are in favor of Mr. Daigle's Special  
40 Exception.

41  
42 Attorney Simmons approached the Zoning Board and stated that a Mr. Bill Daigle is in  
43 the audience, but does not wish to speak. Mr. Bill Daigle lives on Country Farm Road in  
44 Stratham, and is in favor of the project.

45  
46

1 Mr. Dold asked if anyone has any objections to the settlement agreement. Mr. John  
2 Goleer on 127 Winnicutt Rd approached the Zoning Board, and stated him and his wife  
3 are against the settlement agreement. Mr. Goleer proceeded to state that him and his wife  
4 were one of the opposing abutters at the original hearing, and are here to oppose the  
5 proposed settlement agreement, because of several concerns. Mr. Goleer then introduced  
6 his Attorney who began to speak on the Goleer's behalf. Attorney John McGowan from  
7 Donahue, Tucker & Ciandella, PLLC out of Exeter, NH.

8  
9 Attorney McGowan referred the Zoning Board to a letter dated June 4, 2010, and  
10 proceeded to read the letter into record, which listed the eight concerns that the Goleer's  
11 have with respect to the proposed settlement agreement. Mr. McGowen then stated he  
12 appreciates the effort that the Attorneys put into the draft settlement agreement. It is  
13 meticulous, detailed and well intentioned, but it is fundamentally flawed. Attorney  
14 McGowen preceded to state that the proposed settlement agreement does not even state  
15 that there is a new ordinance in effect.

16  
17 Mr. McGowen and the Zoning Board had much discussion regarding the accessory  
18 building that is proposed on the settlement agreement, and the new Zoning Ordinance,  
19 which were the main concerns of the Goleers with regards to the settlement agreement.

20  
21 Mr. Dold asked Attorney McGowen if we could look beyond the concern of the new vs.  
22 the old ordinance and asked how we can improve the agreement to your client's liking.  
23 Attorney McGowen responded to that question stating that question is a hard question to  
24 answer. Attorney McGowen then stated as far as he is concerned we are doing a site plan  
25 review, and to truly evaluate this application we need to compare the agreement to the  
26 new ordinance.

27  
28 Mr. Dold approached the Zoning Board stated that what the Goleer's want is for the  
29 Zoning Board to vote not in favor of the settlement agreement, because it is not in  
30 conformance of the new ordinance. Attorney McGowen agreed, and added that in that  
31 process their needs to be a finding as to which ordinance apply to the Daigle's.

32  
33 Mr. Dold then asked if there was anyone who wants to speak against the settlement  
34 agreement. Mr. Keller approached the Zoning Board and asked for clarification of why  
35 we are hearing this case again after it was denied. The Zoning Board and the Attorney's  
36 explained to Mr. Keller the appeal process, which allowed the Daigle's to appeal to  
37 Superior Court.

38  
39 Attorney McGowen expressed to the Zoning Board that the Daigle's should have to  
40 follow the current Zoning Ordinance based on RSA 676:14.

41  
42 **Item 10**

43  
44 Attorney Simmons approached the Zoning Board and proceeded to disagree with  
45 Attorney McGowen and added that RSA 676:14 is for two ordinances that conflict with  
46 each other, and that is not the case with Daigle's. Attorney Simmons began explaining if

1 the Daigle's follow the new Zoning Ordinance they would have more flexibility then they  
2 are asking in the proposed settlement agreement. In conclusion Attorney Simmons stated  
3 that the Daigle's adequately addresses the abutter's concerns  
4

5 Mr. Dold dismissed the Zoning Board for a 10-minute recess. The Zoning Board  
6 resumed at 9:47 pm.  
7

8 Attorney Simmons approached the Zoning Board and stated that there objection is well  
9 noted by now. Mr. Simmons then requested we review the new Zoning Ordinance to  
10 further prove that the new ordinance does not apply, and to show that this is an appeal not  
11 a new application.  
12

13 Attorney Simmons referred the Zoning Board to page 74 of the Zoning Ordinance as  
14 amended, and preceded to quote section 5.13.1 to the Zoning Board. Attorney Simmons  
15 then compared the new ordinance with what the Daigle's proposed settlement agreement.  
16 Attorney Simmons began to explain to the Zoning Board how the Daigle's would benefit  
17 if the new ordinance applied. Attorney Simmons presented the Zoning Board with a  
18 sketch of how the Daigle's property would appear if the Daigle's were required to follow  
19 the new ordinance. Attorney Simmons then proceeded to explain that the Daigle's would  
20 leave the accessory building were it is proposed, they would have two vehicles outside  
21 the structure, and two vehicles in the structure. Attorney Simmons then added they would  
22 store materials outside the structure. Attorney Simmons stated in conclusion that is not  
23 what his client is going to do that is just an example of what the new ordinance would  
24 allow.  
25

26 Attorney Simmons referred the Zoning Board to section 5.13.3 Procedural Requirements  
27 for an Application in the Zoning Ordinance. Attorney Simmons noted that this is not a  
28 new application so the Daigle's were not required to submit the referenced information,  
29 but Attorney Simmons explained that the information the Zoning Board has before them  
30 does meet all those requirements, except for iii, which the Daigle's will provide if  
31 needed. Attorney Simmons expressed to the Zoning Board that the Daigle's do comply  
32 with the new zoning ordinance as well as the old zoning ordinance.  
33

34 Attorney Simmons further stated to the Zoning Board that the Daigle's are willing to  
35 amend the settlement agreement by adding two conditions in order to ease some  
36 concerns. Attorney Simmons then referred the Zoning Board to the plan, and explained  
37 that the Daigle's agreed to add addition fencing along their property to shelter noise and  
38 visibility. In addition to the fencing the Daigle's have agreed that the accessory structure  
39 cannot be a metal building.  
40

41 Attorney McGowen approached the Zoning Board and requested he get three minutes to  
42 reply to Attorney Simmons comments before the Zoning Board goes into deliberation.  
43 Mr. Dold agreed.  
44

1 Attorney McGowen preceded to clarify to the Zoning Board that when he previously  
2 referenced RSA 676:14 he said it was consistent, and then added for the recorded that he  
3 did not say RSA 676:14 is why the new ordinance should apply to the Daigle's.  
4

5 Attorney McGowen acknowledged that Attorney Simmons did a quick run through of the  
6 new Zoning Ordinance, but he is uncomfortable that not all members of the Zoning  
7 Board have copies. Attorney McGowen then proceeded to explain that his client's are  
8 still concerned with regards to the number of employees, and building the accessory  
9 structure.  
10

11 Attorney McGowen proceeded to explain that his client would be satisfied when there is  
12 a determination that the new ordinance applies, and when the Zoning Board goes through  
13 each element of the new ordinance, and agrees that there is compliance.  
14

15 Attorney Sykas approached the Zoning Board and stated that the Town of Stratham is  
16 comfortable with the Zoning Board assuming without deciding that the new ordinance  
17 applies, and is comfortable while the Zoning Board deliberates to compare the settlement  
18 agreement with the new ordinance for determining compliance.  
19

20 Attorney Sykas concluded by summarizing all concerns from both attorneys at tonight's  
21 meeting. Attorney Sykas addressed Attorney McGowen's concern regarding the number  
22 of employees, and explained that there is more flexibility for employees under the new  
23 ordinance.  
24

25 Attorney Simmons approached the Zoning Board to state the Daigle's have done positive  
26 improvements to the site, and added that the Daigle's are doing all they can to address the  
27 concerns that have been raised.  
28

29 Mr. Paul Deschaine Town Administrator approached the Zoning Board to clarify that  
30 this is a settlement agreement, and we are here to determine whether or not the proposed  
31 settlement agreement adequately addresses the abutter's concerns. In conclusion Mr.  
32 Deschaine requested that we focus on that for the remainder of the meeting.  
33

34 Mr. Dold summarized the meeting for clarification purposes that it is his understand that  
35 the Zoning Board is going to vote on the proposed settlement agreement that was created  
36 by Town Council, and The Daigle's Attorney. Mr. Dold then added that the abutter  
37 brought up an opinion that we couldn't do that, because we would have to consider a new  
38 application. Mr. Dold asked if the Zoning Board could settle this tonight. Mr. Dold then  
39 asked if the Zoning Board could proceed with the settlement agreement that Town  
40 Council has asked the Zoning Board to move forward on.  
41

42 Mr. Dold then asked if anyone had any questions or comments before closing the  
43 meeting.  
44

45 Attorney McGowen approached the Board and responded to Mr. Dold's question on  
46 deciding on the settlement agreement. Attorney McGowen then explained that he did not

1 state that the Town couldn't decide on the settlement, but what he wants is the Zoning  
2 Board to decide which ordinance applies. Attorney McGowen then added the process of  
3 determining whether or not the settlement agreement is acceptable is something that can  
4 only be done by applying the proposed use to the new ordinance.

5  
6 Attorney Sykis approached the Zoning Board and stated that the Town Planner and Town  
7 Administrator are making copies of the ordinance for the Zoning Board convenience in  
8 proceeding with the next step.

9  
10 Attorney Sykis approached the Zoning Board and stated that the Town has no objection  
11 to the Zoning Board comparing side by side the new ordinance and the settlement  
12 agreement in determining if the settlement agreement complies with the new ordinance.  
13 Attorney Sykis then explained as Towns Council the Zoning Board can vote that the new  
14 ordinance complies with the settlement agreement, and that the settlement agreement is  
15 approved, but she further explained that is the Zoning Boards decision if they choose to  
16 vote on both issues. Attorney Sykas recommended procedural in order to address the  
17 concerns raised by the Goleer's, and the other abutter's it would be important to make  
18 that comparison, and the Town has no objection.

19  
20 Attorney Simmons approached the Zoning Board to reiterate that his position is not that  
21 they are asking the Zoning Board to determine if the agreement doesn't apply, but they  
22 are asking if the Zoning Board deems the agreement applies that the Daigle's meet the  
23 Ordinance. If the Zoning Board finds that the Daigle's don't meet the new ordinance  
24 Attorney Simmons would ask for clarification if the settlement complies with the old  
25 ordinance. Attorney Simmons further stated that if the Zoning Board finds that the new  
26 ordinance applies, and you will hold Mr. Daigle to the new ordinance he would ask that  
27 council for the Goleer's go on the record and state that the Goleer's are wiling to accept  
28 outside storage of vehicles and materials. Attorney Simmons feels if we are going  
29 change the game mid stream his client will be able follow the new ordinance, and that  
30 means being able to store outside materials and vehicles, which under the new ordinance  
31 is allowed. Attorney Simmons further added that the Goleer's cannot have there cake  
32 and eat it to if they want the new ordinance to apply. If the new ordinance applies then  
33 they have to be wiling to accept a new proposal that complies with the new ordinance,  
34 and in Attorney Simmons view the new ordinance is more liberal at least as applied by  
35 his client under the issues as presented. In conclusion attorney Simmons added the new  
36 ordinance allows the Daigle's to do more then what they are asking in the current  
37 proposed settlement agreement, and asked that Attorney McGowen go on record and  
38 stated whether or not your client is wiling to accept the removal of those restrictions.

39  
40 Mr. Keller approached the Zoning Board and asked why we are only hearing the  
41 objections of the Goleers. Mr. Keller added if we go back to the minutes of the first  
42 hearing there are other objections, because of noise, property values, dirt and traffic that  
43 were presented.

44  
45 Attorney Simmons approached the Zoning Board to respond to Mr. Keller's comment  
46 and stated that it is his understand that the proposal before us meets all the concerns from



1 all abutter's from the original hearing as well as today's hearing. Attorney Simmons then  
2 apologized to Mr. Keller if he feels we did not hear his objections.

3  
4 Attorney McGowen approached the Zoning Board regarding Attorney Simmons request  
5 to go on the record. Attorney McGowen then stated he is confused on what Attorney  
6 Simmons wants him to go on the record for. Attorney Simmons then approached the  
7 Zoning Board to clarify his request. Attorney Simmons explained if Attorney McGowen  
8 wants the new ordinance to apply we are asking for you to recognize that he will be  
9 moving to strike the portions of the current settlement agreement that would limit his  
10 client in any way that the new ordinance would not.

11  
12 Attorney McGowen responded and said the rules have not been changed mid stream, and  
13 they will not agree with that.

14  
15 Mr. Keller approached the Zoning Board regarding the current ordinance, and stated if  
16 the new ordinance gives the applicant more rights and gives the abutters less rights then  
17 he does not agree and would like clarification.

18  
19 Attorney Simmons proceeded to explain that the new ordinance was made to protect  
20 everyone involved property rights not just the abutter's rights. Attorney Simmons then  
21 explained that the Daigle's are prepared to live with the settlement agreement that is  
22 proposed along with the conditions. If the Zoning Board determines that this is a new  
23 application that has to have a new hearing then his client will have to reassess whether or  
24 not they want to put additional uses there. The Daigle's are well prepared to walk out  
25 tonight with agreement they have extensively bargained for. Attorney Simmons  
26 proceeded to explain that he is just pointing out that the effect of enforcing the new  
27 ordinance may not be what abutter's desire.

28  
29 Attorney McGowen then approached the Zoning Board and reiterated that this is a  
30 material different proposal then the original application under the old ordinance, and if  
31 the Zoning Board decides the settlement agreement conforms to the new ordinance, and  
32 that decision is upheld then his client can live with that. Attorney McGowen then added  
33 he may not have stressed it enough, but this is a different proposal then what was  
34 originally presented.

35  
36 Attorney McGowen and Attorney Simmons went back and forth in a lengthy discussion  
37 on whether or not the Daigles should be able to change the proposal if the Zoning Board  
38 determines they are to follow the new ordinance.

39  
40 Mr. Deschaine approached the Zoning Board and requested the Zoning Board allow Mr.  
41 Daley the Town Planner to explain the new ordinance vs. the old ordinance and referred  
42 the Zoning Board to a comparison of the new ordinance vs. the old ordinance.

43  
44 Mr. Dold then stated to Mr. Keller that the new Ordinance was written to clarify portions  
45 of the old ordinance, and the Town is not making the home occupation more liberal.

46

1 Mr. Daley approached the Zoning Board to clarify the new Home Occupation Ordinance.  
2 Mr. Daley then compared the new ordinance vs. the old ordinance. Mr. Daley further  
3 explained why the Zoning Board felt the need to amend the ordinance.  
4

5 Mr. Dold closed the public hearing at 11:07 and proceeded to summarize tonight's  
6 meeting. Mr. Dold added that Town Council agreed that the settlement agreement is  
7 acceptable to the Town. Mr. Dold stated that he does not want to go through the  
8 settlement agreement and compare the agreement with the new ordinance requirements.  
9 Mr. Dold asked the Zoning Board if they wanted to compare the agreement with the new  
10 ordinance or if the Board has any other questions or concerns. Mr. Dold did agree to add  
11 the conditions that the Daigle's offered regarding additional fencing, and that the  
12 accessory building not be a metal building. Mr. Dold further explained that we are voting  
13 tonight on if we are in favor of the settlement agreement as proposed between Mr. Brian  
14 Daigle and the Town, and that the added conditions will be included into the agreement.  
15

16 Mr. Keller approached the Board and asked if the Zoning Board is adding to the  
17 agreement, he requested that the Zoning Board also add that the Daigle's comply with the  
18 requirement of being relicensed every three years with the town.  
19

20 Mr. Dold reopened the public hearing in order to answer Mr. Keller. Attorney Sykis  
21 approached the Zoning Board to explain to Mr. Keller that during settlement negotiations  
22 the Daigle's agreed to comply with re inspecting and three year re licensing requirement.  
23

24 Attorney Sykas then recommended that the Zoning Board compare the settlement  
25 agreement with the new ordinance and old ordinance when determining which ordinance  
26 will comply.  
27

28 Attorney Simmons approached the Zoning Board and requested a break while the Zoning  
29 Board compares the settlement agreement with the new ordinance and old ordinance.  
30 Attorney Simmons then added while they are at break all Attorney's can come to an  
31 agreement for the phrasing for the motion.  
32

33 Attorney McGowen approached the Zoning Board and stated he is concerned because the  
34 record states that Mr. Dold did not want to go through the new ordinance to compare it  
35 with the settlement agreement. Attorney McGowen feels the Zoning Board has no choice  
36 but to compare agreement with the ordinance element by element.  
37

38 Mr. Dold recessed at 11:19 in order for the three Attorneys's to talk.  
39

40 Attorney McGowen objected to Mr. Dold's request in asking Attorney Sykas for  
41 assistance in wording the final motion on the settlement agreement.  
42

43 The Zoning Board and the Attorney's had further conversation weather or not the Zoning  
44 Board should compare the settlement agreement with the new ordinance.  
45

46 The Zoning Board agreed to compare the settlement agreement with the new ordinance.

1 Mr. Barker made a motion to vote in favor of the settlement agreement between Brian  
2 and Julie Daigle and the Town of Stratham as presented on Superior Court Docket No:  
3 09-E-0508, which meets both the old and new ordinance regarding Home Occupations  
4 with the added conditions:

- 5 1. That the new accessory building shall not be a metal building.
- 6 2. The extra stockade fence as presented on the evening of June 8, 2010 by the  
7 Daigle's will be installed.

8  
9 The Zoning Board is all in favor and the public hearing is closed and adjourned at 11:55  
10 PM.

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12  
13  
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16  
17