



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Wednesday, December 13, 2017 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.

In attendance: George Lagassa, Chair; Mark Janos, Vice Chair; Members Jonathan Pinette, Joseph Bernardo, and David Buchanan; Alternate Member Robin Reid; and Recording Secretary Rick Milner.

I. Preliminary Matters.

Chair Lagassa called the meeting to order at 6:35 pm.

Mr. Lagassa presented the minutes of the November 28, 2017 meeting.

Mr. Buchanan moved that the ZBA accept the minutes of the November 28, 2017 meeting as written. Second by Mr. Janos. The vote was 3-0-2 in favor of the motion with Mr. Pinette and Mr. Bernardo abstaining.

Ms. Reid was seated for Mr. Pinette for Case #17:10 since Ms. Reid sat in Mr. Pinette's absence at the last meeting.

All potential witnesses for Cases #17:10, 17:11, 17:12, and 17:13 were sworn in.

II. Old Business.

A. Case #17:10 – Applicant: 28 Cedar Road, LLC, 17 Lafayette Road, North Hampton, NH 03862. The Applicant requests variances from Section 406.8 and Section 405.3.2 of the Town of North Hampton Zoning Ordinance to allow a residential use prohibited by the zoning ordinance. Property Owner: 28 Cedar Road, LLC, 17 Lafayette Road, North Hampton, NH 03862; Property Location: 28 Cedar Road; M/L: 007-050-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Andrew Janiak, facilities manager for the applicant; John Bosen, attorney for the applicant.

Mr. Bosen addressed the Board. Mr. Bosen explained that, as a result of discussions at the last meeting, the applicant modified the plan to indicate only one dwelling unit on the second floor of the building closer to the front of the property. The first floor will retain the two commercial uses.

Mr. Bosen addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. and 2. If granted, the variance will not be contrary to the public interest nor the spirit and intent of the zoning ordinance. There will be no exterior change to the existing building. The property is large and well buffered with existing trees and vegetation. There is adequate space and parking on the three acre

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46 parcel. A vacant building is not in the best interests of the Town. A vacant building may attract illegal
47 activities. The variance would help alleviate these vacancy concerns.
48

49 3. It is substantially just to allow a property owner the reasonable use of its property. Residential uses
50 similar to the applicant's proposal, such as single family homes, duplexes, and manufactured homes, are
51 permitted in this zoning district under certain circumstances. The office uses otherwise permitted in the
52 zoning district have resulted in persistent vacancy on the site. The relatively remote location of the
53 property does not make the location attractive to potential business customers. There is no gain to the
54 public to deny the variance.
55

56 4. Surrounding properties will not be negatively affected in any way by the granting of the variance.
57 There will be no exterior change to the building. The residential use will produce a minimal increase in
58 residential density and minimal activity on the site.
59

60 5. The property is unique in that it is a large, heavily wooded lot bordered by the railroad corridor and
61 the airfield which should alleviate overcrowding concerns. The use is reasonable in that similar
62 residential uses are contemplated within this zoning district. The purpose of the prohibition against
63 conversion of business use to residential use in the I-B/R zone is presumably to prevent human
64 habitation in close proximity to incompatible and potentially unhealthy commercial uses. Such concerns
65 are not present with this property. There is no fair and substantial relationship between the purposes of
66 the zoning ordinance and their application to this property.
67

68 Mr. Lagassa stated that consideration of the financial profitability of the site as a hardship does not
69 satisfy the variance criteria. However, the heavily wooded, remote location wedged between the old
70 railroad corridor and the airfield may prevent the property from being reasonably used in strict
71 conformance to the ordinance. A variance may be necessary to allow the reasonable use of the
72 property.
73

74 Mr. Janos stated that a variance is an appropriate remedy to address the unique situation regarding this
75 property.
76

77 Mr. Lagassa asked for comments from the public. No comments were made.
78

79 Ms. Reid asked if anything has changed with the surrounding area or circumstances of the property
80 since the current owner acquired the property in 2002 which would have created a hardship.
81

82 Mr. Janiak stated that the unique circumstances creating the hardship have always existed. Mr. Bosen
83 stated that the commercial vacancy within the building for an extended period of time illustrates how
84 the applicant has not been able to reasonably use the property.
85

86 Mr. Lagassa closed the public hearing at 6:51pm. The Board discussed the five variance criteria.
87

88 Mr. Janos stated that the zoning designation within the I-B/R District may not be appropriate for the site
89 due to the remote location and site conditions.
90

91 Mr. Buchanan noted that there is not a lot of frontage on the site. Therefore, the site is less compatible
92 for a business use.
93

Ms. Reid stated that, in her opinion, the goals of the Master Plan regarding conversion of business uses to residential uses and lot size requirements for residential uses are not met by the variance application. The current property owners were aware of the property characteristics when they acquired the site.

Mr. Lagassa stated that there is a mix of uses among surrounding properties in the neighborhood.

Mr. Buchanan moved that the Zoning Board of Adjustment grant a variance from Section 406.8 of the Town of North Hampton Zoning Ordinance to allow a residential use prohibited by the zoning ordinance for property located at 28 Cedar Road as represented in the application presented to the Board. Second by Mr. Janos.

Discussion of the motion – Mr. Janos suggested that the applicant withdraw its request for a variance from Section 405.3.2 since it is no longer necessary because the applicant is proposing only one dwelling unit.

Mr. Bosen stated that the applicant is withdrawing its request for a variance from Section 405.3.2.

The vote was 4-1 in favor of the motion with Ms. Reid opposed.

Mr. Pinette replaced Ms. Reid on the Board.

III. New Business.

A. Case #17:11 – Applicant: Dmitry Bykhovsky – Logic Enterprises, LLC, 649 Massachusetts Avenue, Boxborough, MA 01719. The Applicant requests a special exception as required by Section 405.3.2 of the Town of North Hampton Zoning Ordinance to allow a motor vehicle service area within a retail vehicle dealership facility. Property Owner: Logic Enterprises, LLC, 649 Massachusetts Avenue, Boxborough, MA 01719; Property Location: 108 Lafayette Road, North Hampton, NH 03862; M/L: 013-028-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Dmitry Bykhovsky, applicant.

Mr. Bykhovsky addressed the Board. Mr. Bykhovsky explained that his retail vehicle sales business received a site plan conditional approval from the Planning Board to demolish the existing building at 108 Lafayette Road and construct a new 9,705 square foot vehicle dealership building with associated site improvements. The business will operate in the existing building for the present time. Mr. Bykhovsky would like to operate a vehicle service area customarily associated with this type of business in the current building and the new building when it is completed.

Mr. Bykhovsky stated the following justifications for the two special exception criteria:

1. Granting the special exception will not diminish the value of surrounding properties. The dealership facility has received site plan approval; thereby, it meets the standards set out for permitted uses in the I-B/R zone as indicated in the zoning ordinance. The retail automotive use has existed on the site for many years. There will be no changes to the neighborhood as a result of the new business. The site will conform to lighting, signage, and dimensional requirements of the zoning ordinance.

2. Granting the special exception will not unreasonably adversely affect the public interests, safety, health, or welfare. Abutting or other neighborhood lots will not be subjected to any form of pollution or discharge of noxious substances, noise, dust, odors, light spillage, or other unhealthy or hazardous by-products from the operation of the motor vehicle service facility. The proposed facility will comply with all modern disposal and environmental requirements.

Mr. Lagassa asked for comments from the public. No comments were made.

Mr. Bykhovsky presented renderings of the proposed new building to the Board.

Mr. Lagassa closed the public hearing at 7:16pm. The Board discussed the five variance criteria.

Mr. Pinette stated that he supported the variance request. The proposed renovations will benefit the surrounding neighborhood by increasing the property values in his opinion.

Mr. Lagassa stated that a vehicle service area existed on the site for a long time in connection with the previous vehicle dealership business.

Mr. Buchanan moved that the Zoning Board of Adjustment grant a special exception as required by Section 405.3.2 of the Town of North Hampton Zoning Ordinance to allow a motor vehicle service area within a retail vehicle dealership facility on the property located at 108 Lafayette Road as represented in the application presented to the Board. Second by Mr. Pinette. The vote was unanimous in favor of the motion (5-0).

B. Case #17:12 – Applicant: Aquarion Water Company of NH, 7 Scott Road, Hampton, NH 03842. The Applicant requests an administrative appeal of the Town of North Hampton Planning Board's decision to require a special exception for use at proposed water treatment facility. Property Owner: Aquarion Water Company of New Hampshire, 600 Lindley Street, Bridgeport, CT 06606; Property Location: Mill Road adjacent to 3 Mill Road and Hampton town line, North Hampton, NH 03862; M/L: 003-004-000; Zoning District: R-1, High Density District.

In attendance for this application:

Alan Huth, Aquarion Manager of Utility Programs; Ari Pollack, attorney for the applicant; David Cedarholm, engineer for the applicant; and James Collins, engineer for the applicant.

Mr. Huth addressed the Board. Mr. Huth stated that the goal of the water treatment facility project is to provide Aquarion customers with a high quality water product and service. The proposed facility will consolidate multiple smaller treatment areas for multiple wells into one larger treatment facility which will provide greater operational efficiency, modern safety features, and a highest quality water supply.

Mr. Pollack addressed the Board. Mr. Pollack stated that the proposed development will consolidate the treatment equipment within a protective plant. The plant operations associated with a site plan recently approved by the Planning Board will be conducted according to modern treatment, containment, spill prevention, safety, and handling documented protocols which have been reviewed by various Town Departments.

Mr. Pollack stated that a condition of the Planning Board site plan approval was that the applicant receives from the Zoning Board of Adjustment either a determination that no special exception is required for this application or an approval for a special exception to construct the water treatment facility building in the R-1 residential zoning district. The applicant is seeking relief in either the form of a determination that the special exception is not necessary or a special exception approval. The applicant's position for Case 17:12 is that the facility should be classified as an essential service which is a permitted use not requiring a special exception, and not classified as a public utility building which

requires a special exception. If the applicant's appeal for this case fails, then the applicant will seek a special exception approval in Case 17:13.

Mr. Collins addressed the Board. Mr. Collins presented a site plan for the Mill Road location and described the proposed improvements and equipment locations that are proposed to be constructed as part of the water treatment facility. Mr. Collins also described the chemical containment and water treatment equipment within the proposed structure located on the access drive approximately 700 feet off of Mill Road.

Mr. Bernardo asked if there was any other way to store the chemicals and/or conduct treatment operations without placing a structure with a roof around the equipment area.

Mr. Collins stated that security and safety concerns for plant operations, along with outside temperatures negatively affecting the composition of the water treatment chemicals, require the use of an enclosing structure.

Mr. Bernardo asked if there was any way that the proposed structure could be used by employees for an office or similar use on a regular basis in the future.

Mr. Pollack stated that definitions for 'building' in various reference materials make a distinction that a building is a structure that is occupied by a human or visited by the public on a regular basis (i.e. house, store, or factory). The proposed walled and roofed structure indicated in this plan is an accessory part of the infrastructure used to protect the water treatment operation. It is not a building. There will be no bathrooms, interior finishes, windows, or features normally associated with a building. The proposed facility fits the intent of the zoning ordinance definition of an essential service in that the proposed use is treatment of the water supply that will be distributed to the community.

Mr. Bernardo asked how much time an employee would normally spend in the structure.

Mr. Collins stated that an employee would spend about 30 minutes in the structure on a daily basis to verify volumes and equipment conditions.

Mr. Lagassa stated that there are many types of utility structures that may be considered merely enclosures which a person does not enter. However, in his opinion, a building is something that has four walls, a human passage, and a person enters and exits.

Mr. Lagassa entered into the record a letter from abutters John and Nancy Sarni in support of the Aquarion project. The Sarni letter stated that, with increases in population and environmental pollution, there is a need to update the process of purifying water in order to meet current environmental safety standards.

Attorney John Bosen, representing abutters Jeremiah and Laurie O'Sullivan, addressed the Board in opposition to the application. Mr. Bosen stated that the Aquarion property lies in the R-1 High Density District. The R-1 District is designated for single family dwellings. The Aquarion facility is in the wrong district. Essential services, by zoning ordinance definition, are non-structural underground and overhead transmission systems. Buildings are specifically excluded from essential services.

Mr. Bosen further stated that the large 35 foot by 56 foot structure has been referred to by the applicant's representatives and others in Planning Board and ZBA meetings as a building. The large structure will have power, a roof, and walls. People will enter and exit the structure. Common sense dictates that the structure is a building. The building and its use can only be allowed by the granting of a special exception.

Abutter Mike Lynch addressed the Board in opposition to the application. Mr. Lynch stated that he supports clean water. However, he is concerned with the proximity of the treatment facility and the associated chemical delivery trucking to a residential neighborhood where children play. Mr. Lynch suggested that the proposed facility be moved further back to a remote area on the property away from the neighborhood.

Abutter Jeremiah O'Sullivan addressed the Board in opposition to the application. Mr. O'Sullivan stated that the proposed structure will be approximately 260 feet away from his lot line and 450 feet away from his front door. The classification of the structure as a protective cover by the applicant is not accurate. The structure is very large. It has large doors for entering and exiting the structure, a roof, walls, and power. People could spend considerable time inside. It is a building.

Mr. Pollack rebutted Mr. Bosen's statement that the Aquarion facility was in the wrong district. The wells have existed on the Aquarion property for over 50 years, before the creation of the zoning ordinance. The neighborhood grew up around the Aquarion property and the pre-existing wells. The treatment facility is in a secluded location shielded from abutting properties. Also, essential services are a permitted use in the R-1 residential district.

Mr. Lagassa asked if alternate locations for the treatment facility were considered.

Mr. Pollack stated that protective well radii and wetlands areas dictate the location of the facility. Mr. Huth presented a site plan page which showed the well radii and wetlands area on the property. Mr. Huth explained that the proposed location for the new treatment facility is the only place that the facility can be sited.

Mr. Lagassa closed the public hearing at 8:19pm. Mr. Lagassa suggested that the Board deliberate the matter.

Mr. Bernardo stated that he believes that the facility should be classified as an essential service. The treatment equipment, water, and chemicals need to be protected from the outside elements. The proposed structure is a protective enclosure that provides the necessary protection for a modern water treatment process. It is not a building because people will enter for a limited amount of time and there are no proposed bathrooms, windows, or other features normally associated with a building.

Mr. Pinette stated that the proposed facility should not be classified as an essential service. The consolidation into one centralized structure with associated facility equipment is part of a business operation to create better operational efficiency and thereby reduce operational costs. The structure is a building.

Mr. Buchanan stated that he believes that the proposed structure should be classified as a public utility building. Work and maintenance will be performed inside the building on a regular basis.

Mr. Janos stated that, if the building component was removed from the definition of an essential service, the proposed construction conforms to all of the criteria associated with an essential service.

Mr. Bernardo moved that the Zoning Board of Adjustment grant the applicant's administrative appeal based on the determination that a special exception is not necessary since the proposed water treatment facility is an essential service and not a public utility building. Second by Mr. Janos. The motion failed on a vote of 2-3 with Mr. Lagassa, Mr. Pinette, and Mr. Buchanan opposed.

The Board came to a consensus without objection to take a short recess at 8:40pm.

Mr. Lagassa called the meeting to order at 8:45pm.

C. Case #17:13 – Applicant: Aquarion Water Company of NH, 7 Scott Road, Hampton, NH 03842. The Applicant requests a special exception as required by Section 405.3.2 of the Town of North Hampton Zoning Ordinance to allow a public utility building on the property in the R-1 Zoning District, if the administrative reversal of the Planning Board's decision is not granted. Property Owner: Aquarion Water Company of New Hampshire, 600 Lindley Street, Bridgeport, CT 06606; Property Location: Mill Road adjacent to 3 Mill Road and Hampton town line, North Hampton, NH 03862; M/L: 003-004-000; Zoning District: R-1, High Density District.

In attendance for this application:

Alan Huth, Aquarion Manager of Utility Programs; Ari Pollack, attorney for the applicant; David Cedarholm, engineer for the applicant; and James Collins, engineer for the applicant.

Mr. Pollack addressed the Board. Mr. Pollack requested that the Board grant a special exception to allow the water treatment facility use and satisfy a condition of the Planning Board approved site plan. Mr. Pollack addressed the first criteria for authorizing a special exception identified in the Town of North Hampton Zoning Ordinance.

1. The proposed facility will not negatively impact property values for the abutting properties. The proposed water treatment plant continues the existing use that has existed on the property for 50 years. The proposed facility will be located over 400 feet from all abutting houses and is designed and screened to minimize visual impacts. The facility will not create additional noise or increase traffic over historic volumes. One centralized facility may actually reduce noise and traffic volume. All lights will be motion activated and dark sky compliant.

Paul Brown, a professional real estate appraiser hired by Aquarion Water Company, addressed the Board. Mr. Brown presented a multi-page report containing his qualifications and licensing, site details, and pictures of the property and associated natural vegetation screening. Mr. Brown expressed his opinion that there will be no diminution in value of any nearby properties as a result of the proposed water treatment facility use.

Mr. Lagassa stated that there may already be a decreased property value as the result of the existing water treatment operations on the site. The question may be if there is an additional diminution of value created by the new proposed operations greater than what already exists.

Mr. Collins addressed the second criteria for authorizing a special exception identified in the Town of North Hampton Zoning Ordinance.

2. The proposed facility will not unreasonably adversely affect the public interests, safety, health, or welfare. All of the proposed project elements will improve the safety and reliability of the water supply

for Aquarion's 9,100 customers in North Hampton, Hampton, and Rye. The proposed design has been reviewed and approved by the North Hampton Town Engineer, North Hampton Planning Board, North Hampton Fire Department, and New Hampshire Department of Environmental Services. The following facility elements are designed to protect the public interests, health, safety, and welfare:

a. Consolidated water treatment and chemical storage in one secure facility specifically designed for chemical storage with secondary containment that meets or exceeds all regulatory and industry standards. The stored chemicals are diluted chemicals that are certified as safe for adding to drinking water.

b. Established chemical delivery standard operating procedures reduce the risk of a potential spill.

Chemical spill response plans are in place.

c. Multiple levels of exterior chemical containment to prevent a potential spill from migrating off-site.

d. Reduced number of chemical deliveries and transfers.

e. Reduced threats of source water contamination associated with operational activities and materials transported within the well protected sanitary radii.

Mr. Bernardo asked if the transfer of chemicals would be done by humans in the proposed plant operations as is done in the current plant operations.

Mr. Collins responded that the chemical transfer would be done in the future with hoses hooked up by humans, not humans physically dumping chemicals as done currently. There will be less chance for a chemical spill using the closed system in the proposed plant operations.

Mr. Buchanan asked if there would be any airborne chemical fumes created by the proposed plant operations that would negatively affect neighbors.

Mr. Collins stated that there will be no odors or fumes created by the proposed plant operations. The public will not have direct contact with the chemicals.

Mr. Lagassa asked for public comments.

Mr. Lynch addressed the Board regarding diminution of value. The building will definitely be seen from the neighbors' homes. He expressed concerns regarding large chemical delivery trucks travelling through the neighborhood.

Mr. Bosen addressed the Board on behalf of Jeremiah and Laurie O'Sullivan. Mr. Bosen stated that the Aquarion project does not qualify for a special exception because it will diminish the surrounding property values. Mr. Bosen stated that an appraisal report prepared by a professional appraiser indicates that the O'Sullivan property and other properties will decrease in value if the proposed water treatment facility is constructed.

Peter Stanhope, a professional real estate appraiser hired by the O'Sullivan's, explained his qualifications and licensing to the Board. Mr. Stanhope presented a multi-page appraisal report which outlines the value of abutting property if the proposed water treatment plant does not exist and the value of the abutting property if the proposed water treatment plant existed. In his opinion, any potential buyer would expect a discount to purchase the property next to the proposed facility as a result of the facility's use that is inconsistent with the residential character of the neighborhood and the intended uses of the zoning district. There is a perception of a safety risk associated with the proposed treatment facility use. The O'Sullivan's property will lose value.

Mr. Bernardo asked what makes the proposed plant operations different than the current operations on the site with regards to property values.

Mr. Stanhope replied that the proposed building is larger and will be visible to abutting neighbors due to its location closer to the abutting homes than the current operations location.

Mr. Lagassa stated that some of the comparison properties used in Mr. Stanhope's opinion are different in nature from the abutting properties. Also, the report does not take into account that the possible discount applied to the abutting property value may already exist due to the current site operations. There may or may not be an incremental negative change as the result of the proposed plant operations.

Mr. O'Sullivan expressed his concerns regarding the larger amounts of chemicals that will be delivered to the site and the possibility of a large chemical spill that could have negative impacts on the health and safety of everyone in the surrounding area. There is no way to effectively monitor the amounts of chemicals delivered to the site. There will be odors and other adverse health effects as a result of chemicals being used and stored on the site.

Mr. O'Sullivan stated that he was aware that the Aquarion facility was located on the abutting property when he bought his home. However, the facilities were located in the back of the property away from his home. The proposed facility will be closer to the front of the property near his home. His property has gained in value since he purchased it in 2004 with the treatment facilities located in the back of the Aquarion property away from his home. His property value will drop if the proposed treatment facility is placed in close proximity to his home.

Mr. O'Sullivan further stated human error and mechanical breakdown cannot be avoided. It is a health and safety risk to place the new facility in close proximity to his home. The facility should be placed in the back of the Aquarion property.

Mr. Lagassa closed the public hearing at 10:14pm. Mr. Lagassa suggested that the Board consider the two criteria for authorizing a special exception identified in the Town of North Hampton Zoning Ordinance.

Mr. Pinette stated that, in his opinion, the proposed water treatment facility will cause a diminution in surrounding property values. The proposal will also negatively affect public safety due to the large amount of chemicals that will be on the site.

Mr. Lagassa stated the question for the Board to determine according to the zoning ordinance language is not whether there will be an impact as a result of the proposed water treatment facility operations, but if the impact is unreasonable. The Planning Board conducted multiple hearings for this project, considered the public health and safety issue in depth, and imposed conditions to try to protect the public health and safety as much as possible.

Mr. Buchanan stated that the amount of chemicals proposed to be used creates a public safety issue.

Mr. Bernardo stated that, based on his experience operating chemical facilities, the handling of the amount of chemicals as proposed in the application is as safe as the current operations. The extensive review processes that have already occurred by many professionals and the amount of federal, state,

and local regulations that will be applied to the proposed operation will inordinately increase the amount of oversight of the water treatment operations on the site and increase safety.

Mr. Bernardo further stated that, in his opinion, property values for the abutting properties and properties throughout North Hampton will be at a greater risk to decrease if a modern, reliable system to provide a safe drinking water supply is not established.

Mr. Pinette stated that, based on his experience in real estate, potential buyers will expect a price discount for properties surrounding the site or not consider buying the properties due to the proposed larger scale and location of the water treatment facility.

Mr. Janos stated that he is not persuaded by the argument that there will be a diminution in surrounding property values as a result of the proposed water treatment facility operations. The water treatment operations have existed on the property for a long period of time. The public is currently aware of the activities occurring on the site.

Mr. Janos further stated that the phrase "unreasonably adversely affect" in the zoning ordinance special exception criteria language means, in his opinion, that there is a potential for an imminent impact on the neighboring properties if the proposed use is allowed. The proposed use is for treatment of an essential element, water. It is not a chemical manufacturing plant. He is in favor of granting the special exception.

Mr. Pinette suggested that the Board conduct a site walk to better understand the situation.

Mr. Lagassa stated that he has visited the site. A site walk is not necessary.

Mr. Lagassa stated that diminution of surrounding property values has not been proven by the Stanhope appraisal report. There are weaknesses in the report that Mr. Stanhope acknowledged. Any health or safety concerns that may unreasonably adversely affect the public have been thoroughly addressed by the Planning Board during its review process. In his opinion, the criteria for granting a special exception have been satisfied by the applicant.

Mr. Pinette moved that the Zoning Board of Adjustment table the matter for Case #17:13 until a site walk has been conducted. Second by Mr. Buchanan. The motion failed on a vote of 2-3 with Mr. Lagassa, Mr. Janos, and Mr. Bernardo opposed.

Mr. Bernardo moved that the Zoning Board of Adjustment grant a special exception as required by Section 405.3.2 of the Town of North Hampton Zoning Ordinance to allow a public utility building associated with the Mill Road water treatment facility site plan as represented in the application presented to the Board. Second by Mr. Janos. The vote was 3-2 in favor of the motion with Mr. Pinette and Mr. Buchanan opposed.

Mr. Janos moved to adjourn the meeting at 10:29pm. Second by Mr. Buchanan. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,
Rick Milner
Recording Secretary