



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Monday, September 16, 2019 at 6:00pm
Mary Herbert Conference Room
233 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: Mark Janos, Chair; Jonathan Pinette, Vice Chair; Members Joseph Bernardo, David Buchanan and Robin Reid; and Recording Secretary Rick Milner.

Chair Janos called the meeting to order at 6:00pm.

II. New Business.

A. Case #19:04 - Applicant: Leo J. Crotty, Jr., 216 Lafayette Road, North Hampton, NH 03862. The Applicant requests a rehearing of the Zoning Board of Adjustment's decision to not grant a variance from the Town of North Hampton Zoning Ordinance, Aquifer Protection District Ordinance Section 503.6.C - Hydrogeologic Study, requiring submittal of a hydrogeologic study associated with development for a site within the Aquifer Protection District. Property Owner: Leo J. Crotty, Jr., 216 Lafayette Road, North Hampton, NH 03862. Property Location: 216 Lafayette Road, North Hampton, NH 03862; M/L: 021-028-001; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

James Scully, attorney for the applicant.

Mr. Janos presented to the Board a rehearing request and associated documents submitted by Mr. Scully. In his August 20, 2019 letter to the Board, Mr. Scully stated that the applicant was requesting a rehearing with respect to the ZBA's July 23, 2019 decision to not grant a variance from the Town of North Hampton Zoning Ordinance, Aquifer Protection District Ordinance Section 503.6.C - Hydrogeologic Study, requiring submittal of a hydrogeologic study associated with development for the 216 Lafayette Road site within the Aquifer Protection District based on the premise that all five of the required criteria were met by the applicant. Therefore, the ZBA erred in its denial of the requested relief. Mr. Scully's comments also referenced an August 19, 2019 letter from New Hampshire Professional Geologist David Niemeyer stating that, based on his inspection and reviews, the proposed development activities will not adversely impact groundwater within the parcel to be developed or the surrounding land.

Mr. Buchanan stated that the new professional review letter provided good information. However, the Board made no technical error when it considered the original case.

Mr. Janos read an excerpt from Board of Adjustment Procedure section of New Hampshire Practice by Peter Loughlin stating that rehearings should be granted only if the petitioner can demonstrate that the Board committed technical error or that there is new evidence that was not available at the time of the

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first hearing. Such new evidence should reflect a change in conditions which occurred subsequent to the original hearing or which was unavailable at the time of the original hearing. It should not be evidence which was available but not produced due to the applicant's lack of preparation.

Mr. Janos explained that the agenda item regarding Case #19:04 was not a public hearing. The Zoning Board of Adjustment (ZBA) was conducting a meeting open to the public to consider only the applicant's request that the ZBA rehear Case #19:02.

Mr. Buchanan moved that the ZBA deny the request for a rehearing of the Zoning Board of Adjustment's July 23, 2019 decision to not grant a variance from the Town of North Hampton Zoning Ordinance, Aquifer Protection District Ordinance Section 503.6.C - Hydrogeologic Study, requiring submittal of a hydrogeologic study associated with development for the 216 Lafayette Road site within the Aquifer Protection District. Second by Mr. Bernardo. The vote was unanimous in favor of the motion (5-0).

Mr. Buchanan moved to adjourn the meeting at 6:09pm. Second by Ms. Reid. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner
Recording Secretary