

TOWN OF HAMPTON FALLS	MAY 24, 2018 7:00 P.M.
ZONING BOARD OF ADJUSTMENT	TOWN HALL

DRAFT

PUBLIC HEARING AND BUSINESS MEETING

CALL TO ORDER: The meeting was called to order at 7:00 p.m.

ROLL CALL: J. DeLeire, Chairman, S. Bryant, Vice Chairman, L. Job, F. Perry, P. Young, Alternate serving as a full member for the meeting, S. Almeda, Alternate, Mark Beliveau, Esquire, Town Counsel, Holly Fazzino, Secretary. Absent: M. Sikorski, Building Inspector.

The Zoning Board of Adjustment went into private session to confer with Counsel.

The Public Meeting was called to order at 7:15 p.m.

J. DeLeire designated P. Young as a voting member for the meeting.

Case# 18-04: Application from **Heronfield Academy**, requests a modification of the Variance granted in 2006 to permit the construction of a building solely for use as a school gymnasium and other school purposes. Property located at 356 Exeter Road, Map 6, Lot 22.

Request for a Rehearing. M. Beliveau reminded the group of Attorney S. Somers' Motion. The Board will determine whether the Town made any error, or whether there was any new information in the Request.

The Board reviewed the Request for Rehearing dated April 19, 2018 from Heronfield Academy.

#4.	Bryant stated that there were implied conditions. F. Perry stated it was an error to present the matter as a modification to the variance. P. Young stated that there was quite a bit of disagreement as to the decision in 2006. F. Perry: It is an error to present the matter as a modification to the variance, and that the implied conditions from 2006 were not part of the record.
#10.	S. Somers indicated in her pleading that the threshold question was regarding an accessory use, rather than an unnecessary hardship.
#14.	Four members agreed with S. Somers' characterization of Mr. Livermore's statements as inaccurate. Mr. Livermore did not provide any materials to corroborate his position.

#16. M. Beliveau confirmed that the website information was not previously provided.	F. Perry was not able to confirm whether the website materials are accurate. The Board did not rely on statements about the website in its decisionmaking.
Lot coverage	Several members did not conclude anything about whether the leach field is part of the percentage of lot coverage.

MOTION: To Grant the Request for Rehearing of Case #18-04 on July 26, 2018.

MOTION: F. PERRY
SECOND: S. BRYANT

Discussion: J. DeLeire plans to vote against it. He does not find any information in the Request for Rehearing that was new, or in error. In 2006, there was a prohibition against a gymnasium. J. DeLeire would like to have the issue decided by a Court than to undo a variance request. F. Perry is in favor of the plan.

The source of the need to modify the 2006 administrative decision was by M. Sikorski, Building Inspector.

THREE IN FAVOR TWO OPPOSED PASSES

CASE: 17-06: Application from **Heronfield Academy**, for a variance to the terms of Article III, Section 7.7.1.1 and asks that said terms be waived to permit lot coverage of more than the allowed 15% in Zone A.

M. Beliveau confirmed that the Request for Rehearing alleges that the Board did not speak to the five criteria, and alleged bias having heard Case# 18-04 just prior. If the Board feels that it considered the matter in detail, the motion should fail.

F. Perry believed in the “dead on arrival” statement at the time. He now believes that the Application did not receive adequate attention.

MOTION: In Case # 17-06: To Grant the Request for a Rehearing at the July 26, 2018 meeting.

MOTION: S. BRYANT
SECOND: F. PERRY
UNANIMOUS

Case #18-01 Administrative Appeal of **Heronfield Academy** of the Building Inspector’s decision regarding the construction of an Indoor Recreational Facility or Gymnasium dated January 16, 2018 for the property located at 356 Exeter Road, Map 6 Lot 22.

Request to Continue Case #18-01 indefinitely.

MOTION: Case #18-01: To grant a continuance of the matter until July 26, 2018.

MOTION: F. PERRY
SECOND: P. YOUNG
UNANIMOUS

Case #18-02: Application of **Heronfield Academy** to request a variance to the terms of Article III, Section 4.E.2 and asks that said terms be waived to permit the construction of a building for use as a school gymnasium and other school purposes where an indoor recreational facility is not allowed in Zone A. Tax Map 6 Lot 22.

Request to continue case #18-02 indefinitely.

MOTION: Case #18-02: To grant the continuance to July 26, 2018

MOTION: F. PERRY
SECOND: L. JOB
UNANIMOUS

REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

March 22, 2018 minutes were reviewed to accept the modification of Mark Sikorski's statement on pg 5.

M. Sikorski stated that the introduction of the concept of the school was that it would not have a gym. This was the framework for the type of operation that was requested for a variance. highlighted that the 2006 minutes stated the variance was granted as long as "we do not have a gymnasium." M. Sikorski stated that this is a significant change. Attorney Somers raised whether there would have been any change if the gym was part of the ask. She asked whether a variance would have been granted in 2006 if the gym was part of the request.

MOTION: To approve the March 22, 2018 minutes as amended.

MOTION: J. DeLEIRE
SECOND: F. PERRY
UNANIMOUS

MOTION: To approve the April 26, 2018 minutes – continued to the June 28, 2018 meeting.

MOTION: S. BRYANT
SECOND: F. PERRY
UNANIMOUS

MOTION: To Close the Public Meeting.

MOTION: J. DELEIRE

SECOND: S. BRYANT
UNANIMOUS

MOTION: To Adjourn the Meeting at 9:25 pm

MOTION: F. PERRY
SECOND: S. BRYANT
UNANIMOUS

The next meeting of the Zoning Board of Adjustment will be Thursday, June 26, 2018 at 7:00 p.m. at the Town Hall.