

These minutes were approved at the June 13, 2006 meeting.

**ZONING BOARD OF ADJUSTMENT
TUESDAY, MAY 9, 2006
TOWN COUNCIL CHAMBERS – DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: Chair, Jay Gooze; John deCampi; Vice Chair, Ted McNitt; Linn Bogle; Secretary, Myleta Eng; Michael Sievert; Ruth Davis

MEMBERS ABSENT

OTHERS PRESENT: Zoning Administrator, Tom Johnson; Minutes taker Victoria Parmele

I. Approval of Agenda

John deCampi MOVED to approve the Agenda as submitted. The motion was SECONDED by Ted McNitt, and PASSED unanimously 5-0.

II. Election of Officers

Linn Bogle MOVED to nominate Jay Gooze as Chair of the Zoning Board of Adjustment. The motion was seconded by Ted McNitt, and PASSED unanimously 5-0.

Linn Bogle MOVED to nominate John deCampi as Vice Chair of the Zoning Board of Adjustment. The motion was SECONDED by Myleta Eng, and PASSED unanimously 4-0-1, with John deCampi abstaining.

John deCampi MOVED to nominate Myleta Eng as Secretary of the Zoning Board of Adjustment. The motion was SECONDED by Ted McNitt, and PASSED unanimously 5-0.

III. Public Hearings

- A. CONTINUED PUBLIC HEARING** on a petition submitted by Linda L. Underwood, Berwick, Maine, for an **APPLICATION FOR VARIANCE** from Article XII, Section 175-54 of the Zoning Ordinance to build a garage addition within the sideyard setback. The property involved is shown on Tax Map 1, Lot 13-9, is located at 61 Edgewood Road, and is in the Residence A Zoning District.

Mr. deCampi noted that that the applicants had been asked if the scope of the encroachment into the sideyard setback could be reduced in some way.

Frank Underwood said he and his wife had looked at how they could minimize the encroachment into the sideyard setback, noting their original request was a 5 ft. encroachment. He explained that, because the backside of the chimney was inside the existing garage, there was only 14 inches of clearance between the existing door opening and the back of the chimney, which made it almost impossible for a driver to pull all the way into the garage and open the door.

He said it was felt that at least a comfortable garage needed to be accommodated. He said the sketches now showed 26 ft., which was basically a 24 ft. garage being put on, and took into account the depth of the chimney inside. He said whether there were two doors or one door didn't make much difference, but said by reconfiguring the garage, it could now be located 7 ft. 4 in. from the sideyard property line.

Mr. Underwood said the packet provided to Board members had also been provided to the abutters, the O'Quinn's, who didn't seem to have a problem with this. He noted that he didn't know if they had sent a letter concerning this.

Chair Gooze asked if there were any members of the public who wished to speak in favor of the application. There was no response, and Chair Gooze then read a letter from the O'Quinn's that said they had seen the sketch of what the applicants had proposed, were in favor of the variance request, and felt that what was proposed would enhance the neighborhood and would not negatively affect property values.

Chair Gooze asked if there were any members of the public who wished to speak against the application for variance, and there was no response.

Mr. Bogle said Mr. Underwood had stated that there was only 14 inches between the edge of the garage door and the chimney. But he said that as indicated on the plan, the garage door was 8 ft. wide, while a car would be about 6 ft. wide. He said he therefore had a problem with the 14-inch figure, stating that the applicant would actually have about a foot beyond that, and with a small car, would have even more.

Mr. Bogle also said that according to the plans that had been provided, it looked like the applicants were going to build a second floor on each end of the house.

Mr. Underwood explained that the house was currently a ranch house, and said the idea was to raise the house up at one end for a shop, and at the other end for an open concept room that was planned there.

There was discussion about the fact that the ridge line on the whole length of the house would be raised.

Mr. Underwood explained that the existing porch would be closed in, as an entryway into the house, so in order to bring the roof all the way out, the ridgeline needed to be raised. He explained that one would not be able to walk from one side of the house to the other side, on the second floor. He provided details on the design.

Mr. Sievert said it sounded like Mr. Underwood was saying there was 14 inches from the existing door to the chimney, not 14 inches to open the door, and that widening the garage would provide more room.

Mr. Underwood said that was correct.

Chair Gooze closed the public hearing.

Ms Eng said there was hardship in that the property was long and narrow, so it was appropriate to grant the variance. She said she didn't see any other way to allow for a garage without going into the sideyard setback. She said a setback of 7 ft. 4 in. was better than the 5 ft. setback the applicant had previously proposed. She said she was ok with the other variance criteria, and noted that the O'Quinn's were saying they were fine with what was proposed, and she was as well.

Mr. Bogle said he would wait to speak until other Board members had done so.

Mr. McNitt said he had some trouble with this application. He noted that in the RA District, a setback of 10 ft. meant that each residence had 20 ft. between it and the next house. He said he shared Mr. Bogle's concerns about the size of the proposed garage, saying he recalled that a 24 ft. x 24 ft. garage was at one time considered to be a good size, and this proposed garage would be larger than that. He said his own garage was 25 ft. x 25 ft., and said he had kept to this size so it would not encroach on the setback, when there wasn't a house within a ¼ mile of his house. He said he had given up a potential upstairs shop as a result of this.

He said he appreciated that the Underwoods had worked to get the setback to 7 ft 4 in., but said to him, the hardship was questionable. He said there could still be a very generous garage, with a space for a shop upstairs, even if the garage was somewhat smaller. Mr. McNitt said it was marginal as to whether the Board should approve this, based on the fact that there were other feasible options for the applicant. He said that how he would vote would depend on the perspectives of other Board members.

Chair Gooze said he had walked by the Underwoods' house several times recently, and had come to a few different conclusions over time. But he said in going through the variance criteria, the spirit and intent of the Ordinance stood out, and said in this instance, this dealt with the issue of possible crowding in the RA District.

He noted that the O'Quinn house, which abutted the Underwood's' property, was set off to the side of their lot, leaving quite a bit of space between this house and the Underwoods' house. He noted that if one were looking at his own street, where the houses were mostly centered on their lots, he would never think of approving this kind of application. But he said because of the layout of the Underwood and O'Quinn lots, he didn't think the application was contrary to the spirit and intent of the Ordinance. He also said he felt the application met the public interest because the O'Quinns, who would have to live with this, didn't have a problem with it.

Concerning the hardship criteria, Chair Gooze said this was an area variance, and noted that the Court was pretty definite that with dimensional variances, there was more leniency as long as what

was proposed would not hurt the essential scheme of a neighborhood. He said he therefore did believe the application met the hardship criteria.

Mr. deCampi said he was ok with this application, for a lot of the reasons cited by Chair Gooze. He said the approval by the O'Quinns carried a lot of weight, and also said he didn't think the garage seemed too large, given that it was 26 ft. on the outside, so would be 25 ft. inside. He said as long as the restriction was limited to not closer than 7 ft. from the sideyard property line, he was ok with the application.

Mr. Sievert said it seemed that 26 ft. was needed, given that the chimney was in the garage, and said going down to 24 ft. would be too much. He said the garage needed to be this big in order to be usable, and said the application seemed reasonable given that the neighbors' house was offset. He said he thought the application met all five variance criteria.

Ms. Davis said the application seemed reasonable, especially given the fact that the neighbors' house was offset on their lot.

Mr. Bogle said this was a narrow lot, in a neighborhood of relatively small ranch houses, and said he had the impression that lengthening the house to this degree, and raising both ends of the house and the main roof line to a second story height, would make it look like a more imposing building in that neighborhood than what currently existed there. He noted that Mrs. O'Quinn approved of the application, and said if the motion to approve it passed, he hoped she wouldn't live to regret this.

John deCampi MOVED to approve the Application for Variance from Article XII, Section 175-54 of the Zoning Ordinance to build a garage addition within the sideyard setback at the property located at 61 Edgewood Road, in the Residence A Zoning District, with the condition that the structure not be closer than 7 ft. to the lot line. The motion was SECONDED by Myleta Eng.

Mr. McNitt said the open space on the abutting lot, next to the proposed garage, eased the setback encroachment situation somewhat. He noted that the applicant had already taken alternate steps compared to his first proposal. He said the application met all five variance criteria.

The motion PASSED 4-1, with Linn Bogle voting against the motion.

- B. PUBLIC HEARING** on a petition submitted by Colton Gove, Durham, New Hampshire, for an **APPLICATION FOR VARIANCE** from Article II, Section 175-7 to change the occupancy of a single family dwelling from 3 unrelated people to 4 unrelated people. The property involved is shown on Tax Map 1, Lot 20-6, is located at 84 Madbury Road, and is in the RA, Residence A Zoning District.

Chair Gooze opened the public hearing.

The applicant, Colton Gove, said he owned the property in question and also lived there. He said there was plenty of space in the house (1900 sq. ft.), including an extra fourth bedroom that he would like to be able to rent out in order to make some additional income. He noted that in some other parts of Town, more than 3 unrelated people could live in a house.

Chair Gooze asked if any members of the public wished to speak in favor of the application. There was no response. He then asked if there were any members of the public who wished to speak against the application.

Chair Gooze read a letter from **Arthur and Celeste Demambro, 49 Madbury Road**, which provided details on why they were against the application.

Shawn Starkey, 80 Madbury Road, said his concern was that the spirit of the Ordinance was that the Town didn't want neighborhoods close to UNH to become part of UNH, by having multifamily housing. He said it was good that the owner lived in the house, but said he didn't think this would prevent public health and other problems from happening at the property. He said he didn't want student housing to encroach into the neighborhood.

Sandy Martin, 81 Madbury Road, said she lived diagonally across the street from the property in question. She said the fact that the owner lived there shouldn't affect the situation, noting that if this application was approved and Mr. Gove graduated, the use, - 4 unrelated parties living in the house, could continue.

She said the language in the Ordinance concerning related and unrelated parties was not as specific as it should be, but she said it was specific enough in this case. She said she liked college students, but didn't like their parties.

Jerry Gottsacker, 107 Madbury Road, said he supported what his neighbors had said, and was strongly in favor of not granting the variance. He described some recent incidents in the neighborhood concerning students, and said he was strongly against making an exception to the Ordinance concerning this application. He said he didn't think the argument that the variance should be granted for economic reasons was valid. He suggested that Board members go look at the house, stating that the situation was already bad there, and would only get worse.

Judy Coburn, 85 Madbury Road, said she had seen changes in ownership of the house over time, noting that the previous owners had wanted seven people to be allowed to live there. She described impacts the property had already had on the neighborhood, stating that it had come to be known as a party house. Ms. Coburn said she had students living in her own house, but explained that she screened them carefully. She said allowing 4 unrelated people would set a precedent, and said she was opposed to the application.

Frank Underwood, 61 Edgewood Road, said he agreed with concerns expressed by others that the use stayed with the property in the future. He also noted that when he had bought his own house, the realtor was upfront about the 3 unrelated issue.

Peter Marple, 82 Madbury Road, asked what the intent was of the 3 unrelated parties provision.

Chair Gooze provided some history on the development of the 3 unrelated provision for some districts in Town.

Mr. Marple asked what the intention was of the RA District, and Mr. McNitt read from the Zoning Ordinance concerning this.

Mr. Marple said the buildings in this neighborhood were built to house families, and were not meant to be apartments. He said although Mr. Gove lived in the house in question, it was essentially an apartment. He said the intent of the 3 unrelated provision was to have a family in a house, and to allow the family to rent out rooms in the house to 2 unrelated parties.

He said he was very much against the application for variance, noting that he was not against the students if they acted like residents, but said his experience was that this was not the case. He said the property in question was the only one in the neighborhood where people parked on the front lawn, and said there was a seven year history of the property causing nothing but problems for families in the neighborhood.

Mr. Marple said the Town should move back to the idea of requiring that families should live in houses in this district, with the option to rent out rooms, instead of allowing apartments.

Chair Gooze noted that previously, 4 unrelated persons were allowed to live in houses in these districts. He said allowing 3 unrelated came to be considered the appropriate number in order to alleviate and/or prevent problems. He also explained that while the Town could restrict the number of unrelated people living in these houses, it was not able to say that only people who were related could live in them.

Mr. Bogle noted that the Town's three unrelated provision had been upheld in court.

Chair Gooze asked if Mr. Gove wished to rebut any of the comments that had been made.

Mr. Gove said he wanted to note that he was only asking for the variance for a trial period, or for however long he stayed in the house.

Eda Martin, 81 Madbury Road, said she lived across the street from the property in question. She said she was a light sleeper, and had not had a good night's sleep since she had lived there. She described the problems occurring at Mr. Gove's property that contributed to this.

Chair Gooze closed the public hearing. He then noted that there had been an appeal of an Administrative Decision made by Mr. Johnson concerning this property back in 2004, and that the Board had turned down this appeal.

He said he wanted to be sure that the Board addressed all the variance criteria, noting it was confusing as to whether this was an area variance or a use variance.

Ms. Davis said she did think that granting the variance could lead to a decrease in property values. She also said granting the variance could be seen as contrary to the public interest, given comments made by the neighbors. She said she didn't see where there was hardship, noting that there was income potential under the 3 unrelated provisions. She said she didn't think the substantial justice or the spirit and intent of the Ordinance criteria were met.

Mr. Sievert said the application didn't meet any of the variance criteria.

Mr. deCampi agreed.

Mr. McNitt said he agreed with the other Board members. He said there were multiple instances that had been described to the ZBA concerning problems to Durham neighborhoods because of the presence of student housing. He said several people had spoken at the present hearing, indicating that the application was clearly contrary to the public interest.

Mr. Bogle said he sympathized with the fact that Mr. Gove wanted to derive more income from his property, but he said the Ordinance was very clear that no more than 3 unrelated people could occupy a dwelling in every zone in Town.

Chair Gooze noted that there were non-residential zones in Town that did not have the three unrelated provision.

Mr. Johnson said 8 of 13 zones in Durham had the three unrelated provision.

Mr. Bogle said that because the variance would go with the property forever, granting it would open the door to a new landlord introducing more students at a later time. He said he agreed with other Board members that none of the variance criteria were met.

Ms. Eng said she agreed that the variance would run with the property if granted, and that the application didn't meet the variance criteria. She said the owner would still have reasonable use of the property even if the application were not granted, so the hardship criterion was not met. She also said she thought the application was very contrary to the spirit and intent of the Ordinance.

Chair Gooze said he agreed that the application didn't meet any of the variance criteria. He said the court in the past had shown that in order to be contrary to the public interest, the variance request must unduly conflict with the Ordinance's basic objectives. He said this could be said of the current application. He noted that the 3 unrelated provision was not specific to students, and also said he wanted to make it clear that there were other zones in Town where more than 3 unrelated persons were allowed. He said all of this also spoke to the spirit and intent of the Ordinance criterion.

He said there was still reasonable use of the property, even without the fourth person. He said he was opposed to this application, because of all five variance criteria were not met.

Ted McNitt MOVED to deny the Application for Variance from Article II, Section 175-7 to change the occupancy of a single family dwelling located at 84 Madbury Road, in the RA, Residence A Zoning District, from 3 unrelated people to 4 unrelated people, because the application doesn't meet any of the 5 variance criteria, for the reasons stated in the discussion. The motion was SECONDED by Linn Bogle, and PASSED unanimously 5-0.

IV. Board Correspondence and/or Discussion

- A. REQUEST FOR REHEARING** on an April 11, 2006, denial of a petition submitted by Sharon Somers, Donahue, Tucker & Ciandella, Portsmouth, New Hampshire, on behalf of Jeffrey P. Christensen, Durham, New Hampshire for an **APPLICATION FOR VARIANCES** from Article XII, Section 175-54 and Article XIV, Section 175-74(A) of the Zoning Ordinance to build decks and a three-season porch to an existing, non-conforming structure within the Shoreland Protection Zone. The property involved is shown on Tax Map 20, Lot 1-0, is located at 595 Bay Road, and is in the Residence C Zoning District.

Mr. McNitt provided some history on the property in question. He noted that an initial application by a previous owner was to create a substantially larger building than was on the site. He said after a great deal of consideration, a compromise was struck where the Board said it would allow the construction, but among other things, the building would have to be placed as far back from the water as possible, and the septic system would have to be relocated. He said this would have meant the building would be located about 100 ft. from the shore, which was still within the shoreland zone.

Mr. McNitt said that since that time, Mr. Christensen had requested to essentially rebuild on the original footprint, and the Board had reluctantly granted the variance that was required, knowing that the application was against the spirit and intent of the shoreland protection overlay ordinance.

He said that most recently, Mr. Christensen had applied for a variance in order to be able to install what was substantially a covered deck over a good portion of the house, with some of it coming very close to the water, and with a substantial increase in the percentage of roof coverage on the portion of the deck that was close to the water's edge. He said the Board had looked seriously at the possibilities for the owner, but had decided that the application could not meet the five-variance criteria.

Mr. deCampi said that he personally had had a big problem with the impervious roof.

Chair Gooze recommended that the Board look strictly at whether it had made any procedural errors concerning the application, or whether there was any new evidence.

Mr. deCampi said the letter from Mr. Christensen's attorney suggested that the Board's decision on the application was wrong, but said the letter didn't indicate any new information, or evidence that there had been any procedural errors made by the Board in making its decision.

Ms. Eng noted that item #15 in the letter from Attorney Somers said, "The Board failed to explicitly indicate why the proposal was contrary to the public interest." Ms. Eng noted that the March 14, 2006 Minutes indicated that Mr. deCampi did say why the proposal was contrary to the public interest, in stating that it was environmentally dangerous. She noted that he also said the proposal was against the spirit and intent of the Ordinance. She also said Mr. Smith had also made remarks that were similar to that.

Chair Gooze noted that item #4 in the letter spoke about the public interest criterion and also the spirit and intent of the Ordinance criterion. He said Ms. Eng had just addressed the public interest criterion in her comments. He said the Board had also stated why the application was against the spirit and intent of the Ordinance.

He also pointed out that item #14 spoke about the issue of runoff from the roof and its impact on the shoreline. He said he remembered the Board's discussion on this, and that it couldn't conclude anything one way or the other concerning the issue. But he said no information was provided that the runoff would not do anything.

Chair Gooze said he didn't see any new evidence, and said he didn't think the Board had made procedural errors. He said he therefore would not be in favor of granting the rehearing.

Mr. Sievert said he would be in favor of granting the rehearing. He also said he questioned Mr. McNitt's comment about the Board reluctantly granting Mr. Christensen's first application, knowing that the application was against the spirit and intent of the shoreland overlay zone provisions. He stated that this ordinance was not meant to ban anything from going into the shoreland zone, and specifically allowed existing uses to expand, or to be rebuilt.

Chair Gooze said the issue was not the Board's decisions on the applications, but whether a rehearing was warranted given new information or procedural errors. He noted that he had been in favor of granting the variance, in Mr. Christensen's most recent application, but was not now in favor of rehearing the application.

Mr. Sievert said his point was concerning item #14 in the letter. He said he did not feel the spirit and intent criteria had been correctly analyzed by the Board, and said he thought the rehearing should therefore be granted.

Mr. deCampi said he recognized that the State's Shoreland Protection Act was less strict than Durham's Shoreland Protection Overlay District. He said he had never felt the application violated the State's ordinance, but said he believed it did violate the spirit of Durham's shoreland protection ordinance. He said he had not considered the State ordinance because this was not within the Board's purview.

Mr. Sievert said he didn't think the application violated the spirit and intent of Durham's shoreland protection ordinance.

Mr. Bogle said he felt the application did violate Durham's shoreland protection ordinance. He said the owner had the right to rebuild on the footprint he had, which included the house, the current deck and the roofed porch, and also noted that the applicant had the right to expand up to 15%, under the code. But he said what the applicant had asked for in the most recent application was approximately a 43% expansion, including decks on three sides of the house, and said this represented a major expansion of the house. He said if the applicant had originally come in and applied to rebuild the house in this way, instead of simply wanting to rebuild on the footprint, he didn't know that the Board would have approved this.

He said what was new here was Attorney Somers' arguments regarding what she thought the Board had done. He noted that she argued that the pictures that had been provided with the application indicated current use in the general area in question, but he said at least one picture was not from this area. He also said only one of the expansions shown in the pictures had been approved by the Board in recent years, and said he wondered whether others that were shown had been expanded legally.

Mr. McNitt said the only picture that was comparable to what was being asked for here was of a building with a deck that didn't have a roof.

Ted McNitt MOVED to deny the Request for Rehearing on an April 11, 2006, denial of a petition submitted by Sharon Somers, Donahue, Tucker & Ciandella, Portsmouth, New Hampshire, on behalf of Jeffrey P. Christensen, Durham, New Hampshire for an APPLICATION FOR VARIANCES from Article XII, Section 175-54 and Article XIV, Section 175-74(A) of the Zoning Ordinance to build decks and a three-season porch to an existing, non-conforming structure within the Shoreland Protection Zone, at the property located at 595 Bay Road, in the Residence C Zoning District, - based on the fact that no new factual information or procedural errors were discovered. John deCampi SECONDED the motion, and it PASSED unanimously 5-0.

Recess 8:13-8:23 p.m.

- B. RECONSIDERATION** of an April 11, 2006 denial of a rehearing request by the Zoning Board of Adjustment on a petition submitted by Vincent J. & Gay N. Macri, Durham, New Hampshire, for an **APPLICATION FOR VARIANCES** from Article II, Section 175-7 and Article IX, Section 175-29(A) of the Zoning Ordinance to place a storage trailer on a vacant lot. The property involved is shown on Tax Map 15, Lot 22-2, is located at 9 Timberbrook Lane, and is in the Residence B Zoning District.

Mr. McNitt said he had abstained from the discussion on April 11th, and questioned whether he should abstain from this discussion as well. He said he had read the Minutes from the original meeting on the application. It was decided that Mr. McNitt could participate concerning this Item.

Chair Gooze said he and Mr. Bogle had requested that this be on the agenda for possible consideration. He noted that he had been adamant at the original meeting on the application that the letter from Mr. Lonsinger had not influenced him, but said he had found out that additional information was available at the time of the April 11th meeting, which didn't get to the Board.

Mr. deCampi said he was inclined to think the Board should grant the rehearing. He said he was not sure if the new information that was available came to the heart of the issue, but said there was enough of a question so that Mr. Macri should have the chance to make his case again.

Mr. Gooze said the only question he had was what the Board was supposed to do when it had previously voted not to rehear, and then information came up. There was discussion about this. Mr. Bogle said he had been influenced by the letter presented to the Board by Mr. Lonsinger, which made Mr. Macri look to be a serial abuser of town ordinances, causing him to be seen in a very

unfavorable light. But he said this wasn't true, and said that in all fairness, Mr. Macri should have the chance to make his case again.

Ms. Eng said she agreed with Mr. deCampi, and said the Board should rehear the application for variance.

Mr. Sievert said he was present for the original hearing, but not for the request for rehearing.

In response to a question from Mr. Sievert, there was discussion about how granting the request for rehearing fit with the time considerations that were involved.

Chair Gooze said he believed that if the Board felt it had made a mistake, it could ask for reconsideration within the 30-day period before the case was sent to Superior Court. He said a member of the Board who had voted in the majority could ask for this. He said the more he had listened, the more he thought this was not a normal situation, and said it was legal to do this.

He said he felt that if the Board turned down the request for rehearing, it would be 30 days from then when Mr. Macri would have the opportunity to go to Superior Court.

Mr. McNitt asked if granting the request for rehearing would suspend action by Mr. Johnson concerning enforcement, and Chair Gooze said it would.

Jay Gooze MOVED to grant the request for rehearing, and that if this motion fails, any Superior Court application would run 30 days from the May 9, 2006 meeting. The motion was SECONDED by John deCampi, and PASSED unanimously 5-0.

Chair Gooze said the rehearing would be on the Agenda for next month.

V. Approval of Minutes – April 11, 2006

Page 9, 3rd paragraph from the bottom, should read “..that the screened room in picture A4..”

Page 10m 5th paragraph, should read “..discuss this later in the meeting..”

Page 14, 3rd paragraph, should read “..the application met everything but...”

Same paragraph, should read “..did not feel the application met this criterion.”

Page 15, 7th paragraph, should read “..no crawl space underneath.”

Page 16, 1st paragraph, should say “..Adams Point Road..”

Same page, 2nd paragraph, should read “..would take good care of their property.”

Page 17, 3rd paragraph, - make new paragraph starting with “Mr. Bogle said from the outset..”

Page 18, 5th paragraph, should read “Mr. McNitt said there was no evidence of..”

Also, last paragraph, should read “..and wanted to be sure it was clear whether the letter was influencing Board members.” He also noted that before the vote was taken, he said he would be against this application with or without Mr. Lonsinger's letter, and said he wanted to be sure it was clear whether the letter was influencing Board members.

Page 19, 5th paragraph from bottom, should read “Chair Gooze said he had given Mr. Bogle..”

John deCampi MOVED to approve the April 11, 2006 Minutes. Linn Bogle SECONDED the motion, and it PASSED unanimously 5-0.

VI. Other Business

- A. Chair Gooze said he would like the Board to send a letter to former ZBA member Henry Smith thanking him for his service.

Mr. Johnson said the hearing for NH Beta, 28 Madbury Road, was scheduled for November. He noted that there were currently three individuals living there, and that the property was not currently operating as a fraternity, although there was some fraternity activity going on there. He provided details on this.

Mr. Johnson also spoke about the first hearing for the Christiansen case.

Chair Gooze thanked Board members for electing him as chair of the ZBA. He said he appreciated everyone's input, and asked that Board members not be afraid to provide this input.

- B. Next Regular Meeting of the Board: **June 13, 2006

VII. Adjournment

John deCampi MOVED to adjourn the meeting. The motion was SECONDED by Ted McNitt, and PASSED unanimously 5-0.

Adjournment at 9:30 p.m.

Victoria Parmele, Minutes taker

Myleta Eng, Secretary