

# Town of Salisbury

## Zoning Board of Adjustment

---

### *Zoning Board of Adjustment Meeting Summary April 10, 2012*

|                  |                         |         |
|------------------|-------------------------|---------|
| Arthur Garvin    | Chairperson             | Present |
| Mark Hutchins    | ZBA-Vice Chairperson    | Present |
| Arlene Allen     | ZBA Member              | Absent  |
| David Merwin     | ZBA Member              | Present |
| Rose Fife        | ZBA Member              | Absent  |
| Ken Ross-Raymond | ZBA-Alternate/Selectman | Present |
| Doug Greiner     | ZBA-Alternate           | Absent  |
| Vacant           | ZBA-Alternate           |         |
| Vacant           | ZBA-Alternate           |         |
| Vacant           | ZBA-Alternate           |         |
| April Rollins    | ZBA - Assistant         | Present |

**Visitors:** Joe & Gayle Landry and Karen Sheldon.

Arthur Garvin called the meeting to order at 7:00 p.m. and appointed Ken Ross-Raymond to be a voting member.

**Review and Approval of Draft meeting minutes 2/14/12** – Mark Hutchins made a **motion** to accept the February 14, 2012 draft meeting minutes with one change. David Merwin **seconded** the motion. **The motion passed unanimously.**

#### **Election of Officers**

***Chairman*** – Mark Hutchins made a **motion** to reappoint Arthur Garvin as Chair of the Zoning Board and David Merwin **seconded** the motion. **The motion passed unanimously.**

***Vice Chairman*** – David Merwin made a **motion** to reappoint Mark Hutchins as Vice Chair of the ZBA. Ken Ross-Raymond **seconded** the motion and the **motion passed unanimously.**

**Motion for Reconsideration on Variance denial – Jeffrey P. Tilton, 179 New Road** – Chair Garvin stated there was an application made by the Tiltons' and the application was denied by unanimous vote of the Board. Chair Garvin referred to NH RSA 677:2, the statute that governs rehearing. Chair Garvin stated pursuant to the RSA the Applicant had 30 days to file from the date of the Board's decision made on February 14, 2012, so they were under a deadline of March 15, 2012. Chair Garvin explained the motion for rehearing was received electronically subsequent to the normal business hours. Chair Garvin stated once the Town's administrative staff received the motion for rehearing Town Counsel was inquired upon and Attorney Mitchell responded by citing the 2008 NH Supreme Court Decision of Cardinal Development v. The Town of Winchester's ZBA. Attorney Mitchell is of the opinion that the application was untimely filed because it was not received within the business day. Chair Garvin therefore stated the Zoning Board does not have the jurisdiction to entertain the motion. Chair Garvin noted the motion for reconsideration was received subsequent to the filing deadline date. He noted that classically a favorable result for reconsideration would require either a showing of a mistake of law on

the part of the Board or new factual information to justify reconsideration. The Chair added gratuitously that the Applicant had shown neither in application for reconsideration. Vice Chair Hutchins made a **motion** to deny on the basis of no jurisdiction. Dave Merwin **seconded** the motion. **Motion passed unanimously.**

**Sean Glover – Major Home Occupation - Machine Shop** – ZA Rollins informed the Board that Mr. Glover has cancelled his appointment because the property he was looking to purchase went to foreclosure.

**ADJOURNMENT**

Vice Chair Hutchins made a **motion** to adjourn the meeting at 7:23 p.m. Dave Merwin **seconded** the motion. **Motion passed unanimously.**

Respectfully submitted by,  
April Rollins, Zoning Assistant