

TOWN OF ANTRIM BOARD OF ADJUSTMENT

September 30, 1986

Case #90

A meeting of the Antrim Zoning Board of Adjustment was held on Sept. 30, 1986. The purpose of the meeting was to discuss the Request for Rehearing of Daniel and Laura Grant, Case #90.

Present on the board were Robert Flanders, Mary Allen, David Penny and Patricia Hammond-Grant; Town counsel, Atty. Lloyd Henderson; representing the applicant was Atty. John Cronin; also present were Daniel and Laura Grant and Nathan and Virginia Grant. The meeting was called to order at 7:35 p.m.

The chairman, David Penny, announced that the Request for Rehearing was received by the clerk on Sept 17th. He advised the board that a meeting was scheduled to review this request on Thursday Sept. 25th, however, Atty. Cronin's office requested a postponement until Sept. 30th. He stated that RSA 677:2 required that an applicant must formally request a rehearing within 20 days after any decision of the Board of Adjustment. He noted that the Request for Rehearing was received in 22 days after the Aug. 26th meeting at which the decision was made. Copies of Chapter 677 taken from "New Hampshire Planning and Land Use Regulation", book of selected laws, 1985 Edition were given to the board members.

Atty. Cronin objected to the statement and advised that he interpreted the law to mean, 20 days after the Notice of Decision was postmarked.

After some discussion, motion was made by Robert Flanders and seconded by Patricia Hammond-Grant that the Board move into Executive session to seek legal counsel under the common law Attorney Client privilege exception to the right to know law. Motion was carried unanimously in the affirmative. During the Executive Session the board reviewed RSA 677:2 with Town Counsel Atty. Lloyd Henderson.

The Board moved back to Public Session and the following motion was moved by Patricia Hammond-Grant and seconded by Robert Flanders; that the Board refuse to consider the application for Rehearing/ Reconsideration based on the fact that it was not filed within 20 days after the decision of the Board. This is without prejudice to the Board further considering the timeliness of the filing of the application upon the receipt of further legal advice at a public meeting to be held on Tuesday, October 7, 1986 at 7:30 p.m. at the Little Town Hall. The motion was carried unanimously in the affirmative.

The applicant requested a verification of the motion and the chairman advised him that the Board had requested Town Counsel to research case law surrounding the statute and that the board intended to meet again on Oct. 7th to review his opinion.

Atty. Cronin advised the board that he would not hold off any action until Oct. 7th.

Motion was made by Mary Allen and seconded by Robert Flanders to adjourn the meeting at 8:45 p.m.

Respectfully submitted

Patricia Hammond-Grant
Clerk, Board of Adjustment