

Minutes of the Antrim Board of Adjustment, October 20, 1987

Subject: Rehearing Kincaid Construction Corp., Variance Article 1V,
Sections G.b.1., G.b.3., and G.b.4. Case #105

The meeting was called to order by David Penny, Acting Chairman, the Board sitting on the hearing was, Everett Chamberlain, Harvey Goodwin, Mary Allen, Patricia Hammond-Grant, Clerk, and David Penny, Acting Chairman. Representing the applicant were Harry Page and his Attorney Silas Little.

The application for a rehearing was read, the Board making note of the fact that it was received October 13, 1987, twenty one days after the Board had made its decision. The Board then held a discussion on the timely filing of the application and whether or not the application should be accepted as timely filed.

Silas Little spoke for the applicant and cited cases previously ruled on by the N.H. Supreme Court where a holiday fell on the last day of the filing period.

Mary Allen commented on the fact that there had been no communication between the applicant and the Board and that the applicant had been present when the decision was made and was aware of the time frame. After much discussion with each member expressing their displeasure with the manner of delivery, i.e. Being mailed on Friday night, almost the last possible time.

Mary Allen then moved that the Board adjourn to Executive Session under RSA 91A to discuss the Attorney's recommendations. Second by Harvey Goodwin, agreed unanimously.

The hearing was reopened with Mary Allen expressing concern about a precedent that might be set, but said that she would agree as to the extraordinary circumstance that the final day of filing fell on a legal holiday, Columbus Day, on which no mail was delivered or Town business conducted.

Harvey Goodwin said that he did not feel that the applicant had done everything necessary to file in a timely fashion.

Harvey Goodwin moved to accept under protest that the motion was timely filed in view of the fact that the final day for the appeal fell on a legal holiday, Columbus Day, on which no mail was delivered or Town business conducted. The Board agreed unanimously.

The Board then considered the motion for a rehearing. The members were provided with copies of the motion for their perusal. The Board then discussed each point raised in the motion.

Silas Little, Attorney for the applicant, raised the point that the acre across the street should have been considered as part of the parcel in the Board's decision.

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Harvey Goodwin moved that the applicant's motion for a rehearing be denied because the reasons for granting a rehearing are not compelling to the Board, second by Patricia Hammond-Grant. The vote went as follows:

Everett Chamberlain	yes
Patricia Hammond-Grant	yes
David Penny	yes
Harvey Goodwin	yes
Mary Allen	abstain

Respectfully submitted

Patricia Hammond-Grant, Clerk
Minutes prepared by
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