

Zoning Board of Adjustment
September 15, 2020
Public Meeting

Members Present: Roger Whitehouse, Walter Baird, Michelle Cooper

Members Present Remotely: John Russo, Chris Stafford

Others Present: Gail Turilli

Chris stated that the meeting was being held consistent with the governor's order that remote participation is permissible. A roll call was taken of the members participating.

This meeting is being held to discuss a rehearing request for the Delridge Appeal submitted by Attorney Matt Serge. Chris stated there are 3 things to look at for this rehearing request:

1. Requester has standing
2. Submitted within 30 days of decision
3. State reasoning for rehearing

Key points to consider:

1. Technical error by the Board
2. New evidence
3. Compelling argument

The Board can either grant or deny the rehearing request at this meeting. If additional information is needed to come to a decision, needs to be within 30 days and a witness may be called.

Roger wanted to clarify on page 4 of the request sent by Matt Serge, that the drawing in question was not information from evidence submitted, it was just an example. Roger also stated the "mystery person" who helped him was Janet. Michelle stated the drawing did not affect the decision by the Board.

Walter stated the Burden of Proof is now placed on the Board of Selectmen, and if this goes to court the town will sue the ZBA. Chris noted that the Appeal would go to Superior Court. If the Appeal is granted, the case would then come back to ZBA, if denied the decision stands.

Chris stated, in regards to the content of the request, the Board needs to review what was submitted, does it meet the 3 criteria, agree or disagree, and come to a decision.

Walter noted that the Burden of Proof was put improperly on the Board of Selectmen. In 2016 the Planning Board approved the plan and the abutter owned up to that land. It is an undisputed plan. Roger feels no technical error in findings. Delridge appealed the Building Inspector/Town of Danville (abutter).

Michelle **motioned** and Roger **2nd** to have Attorney Campbell review letter from Attorney Matt Serge and get his legal opinion. **Motion passes** with a vote of 3-1-0, with Chris abstaining.

47 Roger feels this is a civil case, property line dispute. No new evidence. Michelle emphasized the need
48 for a legal opinion for clarification. Chris asked to have Jason present to vote at the next meeting.

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50 Variance Checklist prepared by Gail was reviewed by the Board and changes were discussed. Once
51 amended, will send out to the Board and review at the next meeting.

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53 Roger **made** and Michelle **2nd a motion to adjourn.** All in favor, **meeting adjourned at 8:30pm.**

54
55 Respectfully,

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57 Gail L Turilli
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