

M I N U T E S

BOARD of ADJUSTMENT
EAST KINGSTON, NEW HAMPSHIRE

February 15, 1989 - 7:30 pm
East Kingston Town Hall

BOARD MEMBERS: William Osgood
David Chiardelli
Daniel Gulmette

OSGOOD:

This is an official hearing of the East Kingston Board of Adjustment. The hearing is called tonight at the request of FMR, Inc. and FMR is seeking an appeal from an administrative decision. They allege that an error has been made in a decision by the building inspector on 12/29/88. The application fails to identify the article and section of the Zoning Ordinance under which the alleged administrative decision was incorrectly made. But instead refers to a law of the State of New Hampshire regarding manufactured housing. And this is signed by a Marshall N. Decker. (1989-01)

Now the way we conduct our Board of Adjustment hearings, we will give the applicant an opportunity to present his case. The fact that this is an appeal to an administration decision, we will ask the applicant to state the exact nature of the default and then the Board will be able to consider whether or not an incorrect administrative decision was made.

So who is here representing FMR?

DECKER:

Mr. Chairman, my name is Marshall Decker and I am the author of that letter you referred to. Unless the law has recently been changed in New Hampshire, we need three affirmative votes to grant us this appeal. There being only three members instead of the five, we would be at a decided disadvantage were we to proceed this evening. I apologize for requesting a continuance, but we really would like to proceed before a five member panel. If we proceed tonight and one person votes no, that's it, we can't win even if we have 2 - 1, unless that law has been changed and I think that you will find that it has n't.

OSGOOD:

With regard to your requesting a continuance, we will be glad to grant one.

DECKER:

Would it be possible, I feel I don't know how many people here came out for this hearing and I feel awfully badly for them coming out and...

OSGOOD:

Well let's find out. How many people here are here as a result of the Board of Adjustment hearing?

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DECKER:

Can we get a (five) member panel?

OSGOOD:

Not tonight.

DECKER:

No, I understand that.

OSGOOD:

We can schedule a continuation of our hearing. We will advise the members who are not here tonight, and we can only hope that it will be possible for them to attend in the future. We have no guarantee that you will be better off at some point in the future than you are tonight.

DECKER:

Well, I hope that you can understand our position. If there were one person on the board who had a negative attitude about this, we would be (undue) prejudice.

OSGOOD:

Its entirely up to you. We will be glad to reschedule. That would be fine.

DECKER:

Can we talk about a date to reschedule this?

OSGOOD:

Yes, we'll schedule a date two weeks from tonight. Just a minute, you can't come?

...no longer recorded.

In essence, an agreement was reached to reconvene on March 8, 1989 at 7:30 pm.