

**TOWN OF WEBSTER, NEW HAMPSHIRE**  
*Zoning Board of Adjustment*  
**945 Battle Street/Rte. 127**  
**Webster, NH 03303**  
**Tel. (603) 648-2272**

**Zoning Board of Adjustment Minutes April 9, 2013**

**PUBLIC MEETING TO CONSIDER A MOTION FOR A REHEARING RE:**

**Case No.: 13-01 The ZBA denied application for a variance but granted a special exception under Article V number 7. Setbacks of the Zoning Ordinance, after due public hearings held on February 19, 2013 and March 19, 2013**

Members present: Chairman Marty Bender, Bob Drown, Jr., David Barnes, Don Koberski and Barbara Corliss; Alternate Members: Secretary, Jaye Terrazzano, Dee Blake, Guy LaRochelle and Meg Lavalley.

**7:00 pm:** Chairman Bender convened the public meeting. He stated the purpose was for the Board to make a decision as to whether or not to grant a motion for a rehearing. Discussion followed regarding the letter from the lawyer requesting the motion for a rehearing on behalf of his clients, Richard and Connie Berryman, the abutters. Chairman Bender stated that there was clearly new evidence to be considered which was included in the lawyer's correspondence – a copy of a letter from prior property owners, Mr. & Mrs. John Pelletier. He stated he felt the Board could not make a decision just based on that letter; they would need some testimony which is why they would need a rehearing. Chairman Bender stated it would depend on the appellant or the opposition bringing someone before the Board to present testimony.

Members Corliss and Drown asked Chairman Bender if there was a statute of limitations. Chairman Bender then discussed a subject under "Common Law" known as "Adverse Possession". Member Corliss suggested the Board seek legal advice. Chairman Bender agreed. He stated he would speak with Town Counsel. Chairman Bender stated he thought the Board should grant the rehearing. Alternate Member Blake suggested a site visit might be helpful. Chairman Bender reminded the Board about the rules regarding public meetings outside the office.

At this time, the Board unanimously agreed to have a rehearing on Tuesday, May 14, 2013 at 7:00 pm at Town Hall.

The meeting was adjourned at 7:45 pm

These minutes were approved as written at the ZBA meeting June 11, 2013.

Respectfully,

Jaye Terrazzano  
ZBA Secretary