

NOTICE OF DECISION
TOWN OF TEMPLE
ZONING BOARD OF ADJUSTMENT
423 NH Rt 45
PO Box 191
Temple, NH 03084

October 18, 2023

John Jackson-Marsh
Alan Marsh
32 West Road
Temple, NH 03084

Re: Case No. 202233-06/29-SE - Rehearing

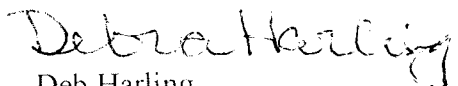
You are hereby notified that by the unanimous vote of the Temple Zoning Board of Adjustment (ZBA) on October 14, 2023, the Board voted that it does not have jurisdiction, under the *Fisher vs Dover Doctrine* to act upon the special exception application submitted to allow storage of antique construction equipment on your property located at 32 West Road, Temple, NH, Map 7 Lot 13.

The Board had determined that it would reassess the August 3, 2023 decision on jurisdiction to determine whether the 2023 special exception application is materially different than the 2018 application that was denied.

The Board voted unanimously that

The Zoning Board does not have jurisdiction on this application under the *Fisher vs Dover Doctrine* for the reasons stipulated in the minutes of 10/14/2023 by the members of the ZBA, specifically

1. There is no material difference between the current application and the 2018 application that was denied.
2. An enforcement action by the Board of Selectmen and/or the Court is not an invitation to reapply for the same relief as a prior denied application, and does not create a material change.



Deb Harling
Chair, Zoning Board of Adjustment

Note: Within thirty days of the ZBA's vote referenced above, the Select Board, any party to the action or any person directly affected by this action has a right to appeal this decision. See NH Revised Statutes Annotated Chapter 677. This notice will be placed on file and made available for public inspection in the records of the ZBA on May 23, 2022. Copies of this notice have been distributed to the applicant, Select Board and Town Clerk.