

# NOTICE OF DECISION

## Washington Zoning Board of Adjustment

**Case No:** 24-48

**Date of Decision:** 3/13/2023



The Selectmen, any party to the action, or any person directly affected has a right to appeal this decision. For complete information, see [RSA 677:2 Rehearing and Appeal Procedures](#). This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant and the Board of Selectmen.

<b>Appellant</b>	Eric M. Mensh and Wendy L. Mensh
<b>Address</b>	39 Lookout Point Rd
<b>Lot</b>	24-48

You are hereby notified that, by unanimous vote of the ZBA, the Appeal of Administrative Decision dated 2/7/2023 has been dismissed on the grounds that the Board lacks the jurisdiction to hear it.

## References

<b>RSA 674:33</b>	Powers of Zoning Board of Adjustment	<a href="https://tinyurl.com/3s33w79d">https://tinyurl.com/3s33w79d</a>
<b>RSA 677:2</b>	Rehearing and Appeal Procedures	<a href="https://tinyurl.com/mr3erk82">https://tinyurl.com/mr3erk82</a>
<b>LUOs</b>	Washington Land Use Ordinance	<a href="https://tinyurl.com/yrdscxba">https://tinyurl.com/yrdscxba</a>
<b>Appeal</b>	Appeal of Administrative Decision 2/7/2023	<a href="https://tinyurl.com/ytuz29uu">https://tinyurl.com/ytuz29uu</a>

# Motion to Dismiss

The Vice-Chair motioned to dismiss the appeal as follows. The motion was passed unanimously.

I move that, because the application of LUO 503.1 is a consequence of the alleged violation of the September 29 2022 Agreement, and because the latter is a contractual dispute not subject to administrative action, then the Board does not have the jurisdiction to hear the Appeal before us, and it is dismissed.