



COMMUNITY DEVELOPMENT

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Draft Zoning Board of Adjustment Minutes May 14, 2013

Board Members:

Heath Partington Chairman – Present
Jim Tierney, Vice-Chairman – Excused
Mark Samsel, Member – Present
Jay Yennaco, Member – Excused

Mike Scholz, Member – Present
Mike Mazalewski, Alternate – Present
Tony Pellegrini, Alternate - Present

Staff:

Nancy Prendergast, ZBA/Code Enforcement Administrator
Cathy Pinette, ZBA Minute Taker

Call to Order/Attendance

The Chair called the meeting to order, introduced the Board, and explained the meeting process. The Chair appointed Mr. Mazalewski to sit for Mr. Tierney and Mr. Pellegrini to sit for Mr. Yennaco.

Discussion – By-law Updates; Appeal Process

The Chair asked the Board if they had any suggestions for By-law updates and/or the Appeals process.

- Mr. Scholz suggested the Board look at the procedures for application acceptance, a checklist for the ZBA to accept, any additional requirements the Board might like and how to conduct the appeal process. The Chair stated he would like to discuss Mr. Scholz's suggestions when time permits at a later meeting and would put that on the agenda for a future date.
- The Chair would like to work with Ms. Prendergast on incorrect fees that are in the By-laws and incorrect wording. These would be minor changes. He stated in the appeals process there are a couple of vague statements that could be perceived differently. This was brought up by Mr. Tierney at a previous meeting. The Board decided to discuss this when Mr. Tierney was in attendance.

Review and Approval of Draft Meeting Minutes

March 26, 2013 (reconsider)

Mr. Samsel motioned to reconsider the March 26th minutes in order to amend the motion of Case #4-2013 to include the Board's vote, and to approve the reconsidered March 26th minutes as amended, seconded by Mr. Scholz. Motion passed 5 – 0.

April 9, 2013

May 14, 2013 Draft ZBA Minutes

Mr. Samsel motioned to accept the April 9th minutes as amended, seconded by Mr. Scholz. Motion passed 5 – 0.

April 16, 2013

Mr. Samsel motioned to accept the April 16th minutes as amended, seconded by Mr. Scholz. Motion passed 5 – 0.

Old/New Business

Court Cases: Cafua (Supreme Court 2012-0770 Pending), Roberts (5/9/13 9:30AM), 21st Century (Superior Court 5/29/13 9AM)

- The Board received word through Attorney Campbell that the Cafua Superior Court Case decision was upheld by the Supreme Court.
- Mr. Samsel reported that he attended the Roberts Case and it was more about the BOS decision than the ZBA and Attorney Campbell addressed the Court in this matter.
- The Chair stated Ms. Prendergast was attending the 21st Century Case on May 29th and he was looking for a volunteer from the Board. Mr. Samsel volunteered to attend.

Old/New Business

- The Chair stated there have been no volunteers for the alternate positions that have been advertised. He stated Mr. Pellegrini would like to be appointed for another term.

Mr. Samsel motioned to appoint Mr. Pellegrini to another term as of June 1st, seconded by Mr. Scholz. Motion passed 5 – 0.

- The Chair stated the Board can meet with Attorney Campbell one time per year at no cost for questions if they would like. The Board decided they will keep a list of questions and if necessary meet with Attorney Campbell at such time.
- The Chair stated he attended the OEP Conference this past weekend and it was very informative.
- Ms. Prendergast updated the Board on the next meeting agenda.

Adjournment

Mr. Samsel motioned to adjourn at 7:52 pm, seconded by Mr. Scholz. Motion passed 5 – 0.

These minutes are in draft form and respectfully submitted for your approval by Cathy Pinette, ZBA Minute Taker