



Zoning Board of Appeal Meeting Minutes

February 1, 2023, at 5:30 PM

Wescustogo Hall & Community Center

Call to Order: (21:47–24:25) Meeting started with the pledge of Allegiance. Zoning Board of Appeals Members Present: Thaddeus Day, Jim Briggs, Norman Smith, Kevin Robinson, and Mike Mallory. Board Member Robinson, seconded by Board Member Norman Smith, moved to approve Board Member Mallory from alternate to regular member. Affidavit signed by Board Vice Chair Robinson and James Katsiaficas, Board Attorney to permit Vice Chair Robinson to participate in this appeal following his absence from the January 18, 2023 meeting.

Appeal Hearing: (24:26 – 1:28) Board Member Robinson announced the Deacon Hayes Commons Major Subdivision Site Plan Appeal, Consideration of Appeal, Decision of Appeal and Adoption of Written Notice of Decision.

By agreement of the Board, Board Member Day led the Board's review of the draft Notice of Decision, Findings of Fact and Conclusion of Law; he proposed to ask for a consensus to approve what was written on pages 1 and 2. Board Member Briggs, Board Member Smith, and Board Member Mallory agreed to what was written.

Board Member Day asked for consensus to approve what was written for Findings of Fact and Conclusions of Law on page 3. Board Member Briggs, Board Member Smith, and Board Member Mallory agreed to what was written.

Board Member Day brought attention to the last sentence on page 4. Board Members discussed. The consensus was that the Planning Board's Finding of Fact was inadequate.

Board Member Briggs, seconded by Board Member Smith, motioned to remand decision back to Planning Board as stated in draft decision on page 4. Vote 5 yes/0 for item number 1 regarding LUO Section 3.8B.

Board Attorney Katsiaficas stated that no vote was needed for item number 2 regarding LUO Section 4.4E.2.e.

Board Member Briggs, seconded by Board Member Smith, motioned to move the draft of item number 3 regarding LUO Section 5.7 A.3. c.. Vote 5 yes/0.

Board Member Smith, seconded by Board Member Briggs, motioned to move ZBA draft remand request for item number 4 regarding LUO Section 5.4 A. Vote 5 yes/0.

Board Member ~~Briggs~~^{Smith}, seconded by Board Member Briggs, motioned to move item number 5 regarding LUO Section 5.6 (B)(4)(b) and (d). Vote 5 yes/0.

Board Member Smith, seconded by Board Member Briggs, motioned to move item number 6 regarding LUO Section 5.12 B(12). Board Member Mallory questioned which report was being referred to. Board Attorney Katsiaficas and Board Members discussed. Vote 5 yes/0.

Board Member Robinson, seconded by Board Member Briggs, motioned to move item number 7 regarding LUO Section 5.7 B. Board Members discussed clarity of this section. Vote 5 yes/0.

Board Member Smith, seconded by Board Member Briggs, motioned to move item number 8 regarding LUO Section 5.8(C). Board Member Mallory questioned if the 2 phases of building follows the Land Use Ordinance. Board Members discussed. Vote 5 yes/0.

Board Member Smith, seconded by Board Member Mallory, motioned to move item number 9 regarding LUO Section 10.34(B). Vote 5 yes/0.

Board Member Smith, seconded by Board Member Mallory, motioned to move item number 10 regarding LUO Section 10.34 C (2) and (4). Vote 4 yes/1 no (Briggs).

Board Member Smith, seconded by Board Member Briggs, motioned to approve item number 11 regarding LUO Section 10.14 B.(2)(b) and (c) as written. Board Members and Attorney of the Board discussed. Vote 3 yes/ 2 no (Briggs, Robinson).

Board Member Smith, seconded by Board Member Briggs, motioned to approve item number 12 regarding LUO Section 9.2 H.(4)(a) as written. Members discussed the man-made pond. Board Attorney Katsiaficas changed the language to, "However, the Planning Board did not state whether or how this finding supports a conclusion that each element of Section 9.2 H.(4)(a) have been met. Therefore, the ZBA remands this matter to the Planning Board to address this omission." Board Member Smith, seconded by Board Member Robinson, motioned to move item as amended. Vote 5 yes/0.

Board Member Smith, seconded by Board Member Mallory, motioned to move item number 13 regarding LUO Section 10.23 D.(2) as amended. Members discussed. Language for this section was updated. Vote 5 yes/0.

Board Member Robinson, seconded by Board Member Briggs, motioned to move item number 14 regarding LUO Section 11.2C.(7). Vote 5 yes/0.

Board Member Robinson, seconded by Board Member Mallory, motioned to move item number 15 LUO Section 11.9 B.(1)(a,b,e). Board Member Mallory reminded the board that item 13 was amended. Vote 5 yes/0.

Board Attorney Katsiaticas summarized the overall decision to be voted on. Members discussed. Board Attorney Katsiaticas stated that all attorneys involved were fine with the language. Board Member Briggs, seconded by Board Member Smith, motioned to accept the decision as written in the draft. Vote 5 yes/0.

Any Other Business: (1:28 – 1:29) Two more sets of minutes need to be approved. A meeting will need to be scheduled for this.

No other business.

Adjournment: (1:40) Meeting adjourned at 6:54pm.



Acting Chair, Thaddeus Day



Secretary, Kevin Robinson

Norman Smith



Jim Briggs



Mike Mallory