

*Minutes of Public Meeting of the
Zoning Board of Adjustment
Monday, April 03, 2023
The Great Hall, 84 south Main Street
7:00 PM*

1. Roll Call:

Members Present: Audrey Cline, Suzanne Ryan, Sarah Silk, Member, Luke Freudenberg, and Alternates Cate McMahon and Chuck Sumner

Members Excused: Nancy Stroman, Alternate

Staff Present: Tavis Austin, Planning and Development Director

A. Cline called the meeting to order at 7:00PM.

A. Cline suggested reordering the agenda so that election of officers could occur prior to addressing Board business.

S. Silk expressed concern with A. Cline sitting on Board during her appeal period.

L. Freudenberg suggested that reorganizing the agenda should alleviate S. Silk's concern.

S. Ryan stated not liking A. Cline sitting on Board because her concerns of her friendship with the applicant.

S. Ryan motioned to adjourn the meeting.

Board generally discussed appointments.

S. Silk seconded motion to adjourn but noted A. Cline should not be voting as she had pending appeal.

T. Austin stated no pending cases by A. Cline.

S. Silk asked what the F@#&* is this? While waving a request for rehearing.

S. Ryan returned to the table to vote on motion to adjourn.

The vote was called and resulted in a 2-2-0 vote.

S. Ryan left the meeting at 7:13 PM.

A. Cline asked C. McMahon to sit as voting member in the absence of S. Ryan. C. McMahon agreed.

S. Silk motioned to appoint C. Sumner to fill the vacancy of T. Cronin's remainder of term. L. Freudenberg seconded the motion which passed unanimously (5-0-0).

C. McMahon motioned to appoint A. Cline as Chair. C. Sumner seconded the motion that passed with a (4-0-1) vote with S. Silk abstaining.

L. Freudenberg asked C. Sumner if he would be comfortable being Vice Chair. C. Sumner stated not this year.

S. Silk motioned to appoint S. Ryan as Vice Chair. L. Freudenberg seconded the motion which passed unanimously (5-0-0).

A. Cline noted that S. Ryan would need to accept.

L. Freudenberg motioned to appoint S. Silk as Clerk. A. Cline seconded the motion which passed unanimously (5-0-0).

S. Silk motioned to continue review of all minutes to the next meeting. L. Freudenberg seconded the motion which passed with a (4-0-1) vote with A. Cline abstaining.

T. Austin introduced an item not listed on the agenda; a Motion for Rehearing. And outlined the process for the Board to consider.

L. Freudenberg motioned to deny the Request for Rehearing citing prior advice from counsel on the Board's inability to hear such an appeal as determined by the Board in the original dismissal of the case.

C. Sumner seconded the motion.

C. McMahon indicated support for a rehearing noting the Planning Board acted on a block of properties not an individual one.

S. Silk asked for clarification.

C. McMahon restated her position.

T. Austin reminded the Board of the guidance received from Counsel on the original appeal.

L. Freudenberg stated it is a matter for the courts and that if the applicant wants to appeal, this is a required step in the process; but not a function for the ZBA to address.

S. Silk recalled already being told the Board did not have jurisdiction and didn't see how that would be different with a rehearing.

C. McMahon read aloud a portion of the Request for Rehearing.

S. Silk called for a vote on the motion. The motion to deny the request for rehearing was approved with a 3-1-0 vote.

L. Freudenberg motioned to adjourn the meeting. S. Silk seconded the motion which passed unanimously. Meeting adjourned at 7:35PM.

Minutes by T. Austin