

Effingham Zoning Board of Adjustment

Meeting Minutes

November 2, 2022

Members Present: Jim Pittman (Chair), Tim White (Vice Chair), Mike Cahalane, Lawrence Edwards, Alan Taylor

Others Present: Nate Fogg, Nicole Maltese (Minute Taker), Matt Johnson (Council to Meena LLC)

Meeting called to order at 7:01pm

Review of Agenda: No changes needed

Review of Minutes: Mr. Cahalane observed that the approval of the September minutes was invalid as there was not a quorum of present members to approve them. It was agreed to review them again at a future meeting. Several minor corrections were noted in the October minutes. A motion was made by Tim to approve the minutes from October 5, 2022, as corrected. Seconded by Lawrence. The motion was approved by Jim, Tim, and Lawrence. Mike and Alan abstained as they were not present at the October meeting.

Review of ZBA budget: Jim explained that at the recent Budget Committee meeting the \$180 expense of computer services had been struck from the budget bringing the overall budget to \$3,131.

Review of Application for Appeal from Administrative decision for the Meena case: There was a discussion about how many abutters there are and whether the submitted check was correct. The board concluded after looking at a tax map of the property that not all the abutters were listed on the application. There are only seven listed, and there are eleven abutters according to the map. It was then decided that all the abutters need to be verified and notified. Jim tasked Nate with finding the abutters, verifying, and notifying them.

Mike noted that a concurrent case had been filed with Superior Court on the same complaint. Mr. Johnson was asked if he would expect a stay of the ZBA hearing because of it. Mr. Johnson offered, that in his opinion, it would be more likely that the Court would likely wait on the ZBA decision, rather than restrict the ZBA's actions.

Jim said he spoke with Theresa Swanick, the chair of the Planning Board, and asked her if there was a written decision about whether a special use permit was needed. Theresa said no, but the decision, made by a motion of the Planning Board, is documented in the minutes. Jim offered, that in his opinion, this was adequate to support the applicants' basis for appeal.

There was then deliberation about the public hearing and having public comment. Mr. Johnson suggested the board speak with the town attorney for advice on about whether ZBA can decide to have no public comment at all. It was decided that if public comment is allowed, it should be vigorously limited to stay focused on the Planning Board decision, and not addressing the merits of the overall case in general. Mike suggested putting a time limit on public comment. Jim said he would talk to town attorney Matt Serge and had already received Select Board permission to access his services.

Mike made a motion to schedule a meeting December 7, 2022, at 6:30pm at the Effingham Elementary School to review the application and, assuming it is correct, subsequently hold a public hearing. Seconded by Tim. All in favor except for Lawrence and Alan who said nay due to the fact the application doesn't currently meet all the requirements. Tim then explained that it would be complete by the date of the hearing. The motion passed 3-2.

Motion to adjourn made by Alan. Seconded by Lawrence. All in favor. Meeting adjourned at 8:12pm.