

ZBA Members
<input checked="" type="checkbox"/> Charles Merriman, Chair
<input checked="" type="checkbox"/> Charlene Bohl, Vice Chair
<input checked="" type="checkbox"/> Doug Lombard
<input checked="" type="checkbox"/> Roger Hirt
<input checked="" type="checkbox"/> John Demeter

MIDDLESEX ZONING BOARD OF ADJUSTMENT
Tuesday, April 14, 2015
5:00 PM
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

Present: ZBA members Charlie Merriman, Charlene Bohl, Doug Lombard, John Demeter, Roger Hirt, and Zoning Administrator Cindy Carlson

Members of the public: Ian MacKenzie, Dean Zoecklein, Michael Levine, Linda Jackson, Dexter Lefavour, Jim Gallagher, Ronald Shems, Todd Comen, Dick Alderman, Chris Stanley, Susan Comen

Call to Order

Charlie Merriman calls the meeting to order at 5:08pm

Charlie discusses with the Board the rules of procedure and discusses the organization meeting.

Motion: Doug Lombard nominates Charlie Merriman as Chair. Roger seconds. **Motion carries**

Motion: Charlie nominates Charlene Bohl as Vice Chair. John seconds. **Motion carries.**

The board discusses setting regular meetings and rules of conflict of interest. The Board agrees that scheduling meetings on an "as needed" basis has been working and they will continue this practice. At a future meeting the Board will reestablish rules of procedure and conflict of interest policy.

Motion: Charlie moves to approve the Minutes of January 7, 2015. Roger seconds. **Motion carries.**

Charlie Merriman excuses himself from the public hearing due to a conflict of interest.

Charlene Bohl, Vice Chair conducts the meeting.

KCOS Holding, LLC Zoning Permit #15-07 Hearing

The board has convened to hear a conditional use permit for KCOS Holding, LLC; Zoning Permit # 15-07

Charlene swears in: Ian MacKenzie and Dean Zoecklein, representatives of Kingsbury Construction.

Charlene states that the first thing to consider is the continuation request received from Richard H. Saudek, a lawyer representing James Gallagher. Richard states in his request that he was recently asked to represent James Gallagher and will not be available to attend this hearing. Doug states that it will be difficult to hear the information and suggests a site visit be held before any testimony is given. Doug asks if tonight a site visit could be held.

Charlene swears in James Gallagher.

Jim is asked what he would like to see happen at this meeting. Jim states he feels his property would be overshadowed by sewage and he is concerned about his drinking water. It is stated that Jim's attorney feels the application is incomplete. Dexter Lefavour states that the attorney is asking on Jim's behalf that the hearing be delayed.

Ian MacKenzie stated that he has a response to the request to delay and feels there will be enough information available to respond to each of the points present in Mr. Saudek's letter. Ian states he would prefer that the hearing not be delayed.

Motion: Doug moves that the Board grant the request for a postponement and meet again on 4/29/2015 at 5:30 pm regardless of whether Mr. Saudek can meet. The meeting will start with a site visit. Roger seconds.

Discussion: Ian asks if under normal situations would the Board hear testimony and make a decision. Interested parties would then appeal once the decision is made. Charlene states that no one has had any discussion of the matter outside today's meeting. Charlene states that if they haven't received a request for a delay then the Board could hear testimony at this meeting and could make a decision. Once a decision is made there is a 15 day appeal period that interested parties can file an appeal with the court.

Votes for above motion: Yes – Doug, John, Roger No – Charlene. **Motion carries.**

Charlene advises Jim Gallagher that it is late in the process to have obtained an attorney and she recommends that he stress to Mr. Saudek to be ready to present his case at the next scheduled meeting.

Public Meeting adjourns at 5:44 pm

The Board discusses policy procedure for meetings.

Meeting adjourns at 6:00

Respectfully submitted,

Cindy Carlson, Zoning Administrator

