

Notes from 6-22-09 Zoning Board of Appeals Meeting

Opened at 7 p.m. with Pledge of Allegiance

Board members present:

Naila Aslam-Kahn
Kyle Landry
Jane Bowker
Kimberly Stewart

Absent:

Mark Patterson

Also present:

Shirley Sheesley, Code Enforcement Officer
Jamie Cole, Code Enforcement Officer
3 representatives from Global Tower Partners/Omni Point Communications

Jane Bowker said:

First item is the

Reconsideration of ZBA decision on the Global Tower Partners case

(Note: Kim Stewart did not take her seat on the board or participate in this discussion since she was recused from the original hearing)

Jim Wendel proposed that the ZBA would not re-hear the case

At Jane's invitation, the applicant made a statement that the case should be re-heard because:

- Of federal law – federal telecommunications act
- Additional information on the airport zone and the IB zone
- Under the criteria a use variance would never be granted
- Telecommunication towers are not essential services, but similar to allowed essential services and other allowed uses
- Hardship is not due to action of the applicant because ZBA action is required for a variance and because of communications gaps
- It is the burden of the Town to construe town, state, and federal law
- Applicant should not be required to seek and ordinance change – it is up to the town to allow the use

Jane asked for CEO comment – Shirley had none at this time

Jane closed hearing

Nalia addressed:

- The federal telecommunications act and the provision for the town to have its own regulations
- The application process – the applicant chose to go directly to the ZBA without going to the Town first (Code Enforcement or Planning)
- It is not the job of the ZBA to change zoning

Jane in agreement with Nalia – also, no abutter notices were sent for the last meeting

Jim responded:

- Non-allowed use
- ZBA not here to change zoning
- Ordinance was changed so as not to allow cell towers all over Town of Sanford

Jane: contract zoning as an option

Jim: made a motion to agree not to re-consider the Global Tower Partners/Omni Point Communications application.

Jane seconded the motion and the board voted 4-0 to pass the motion.

Kim Stewart stepped up to her chair on the board.

Jane made a motion to approve the minutes of April 27, 2009 and May 4, 2009

Kyle seconded the motion

Motion passed by vote of 4-0

Jane spoke about the process of reviewing the ZBA applications – that there should be steps for the applicant to follow

Naila: flow chart would help

Jane: applicant should know the process so ZBA not seen as the bad guy

Kim: some people would still want to by-pass the process

Jim:

- Some of this is already in the ordinance and that there is a flow chart.
- There are some chances for more clarity in the application & expansion of examples
- Have further discussion and workshops to make application process better

Jane:

- discuss whether the board needs to make by-laws
- No actual by-laws, drafted but not approved

Shirley: to schedule workshop for review of ZBA application and by-laws for conference room, Monday, July 13, 2009, at 7 p.m.

Shirley to copy packets for members to use at the workshop

Motion was made and seconded to adjourn meeting. Passed unanimously
Meeting closed at 7:50 p.m.