

Enfield Zoning Board of Adjustment – Meeting Minutes
DEPT OF PUBLIC WORKS/TEAMS PLATFORM
November 14, 2023

ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Mike Diehn (Chair), Susan Brown, Madeleine Johnson (Vice Chair)

ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT: Cecilia Aufiero, Tim Lenihan

STAFF PRESENT: Rob Taylor- Land Use and Community Development Administrator, Whitney Banker-Recording Secretary

GUESTS: Dan Regan (applicant for Zoning Board of Adjustment alternate member)

I. CALL MEETING TO ORDER:

Chair Diehn called the meeting to order at 7:01 p.m. and took attendance by introducing members and staff to Mr. Regan. Chair Diehn also provided a brief overview of the Zoning Board of Adjustment (ZBA) and its purpose and processes.

II. PUBLIC HEARINGS:

None.

III. NEW BUSINESS:

A. New Agenda Format

Chair Diehn introduced the updated agenda format as follows:

- I. Call meeting to order
- II. Approval of minutes
- III. Old Business (to include continued public hearing cases, if any)
- IV. New Business (to include presentation of public hearing cases, if any)
- V. Public Comment

Members agreed that the agenda order, including minute review, will remain flexible by vote if needed.

B. New Decision Procedure

For new public hearings, the decision procedure format will be as follows:

- i. The administrator reads the case
- ii. Chair comments (to include elevating alternate(s), if necessary)
- iii. Applicant states case
- iv. Questions from the board

42 v. Public response

43 vi. Move to approve/deny OR continue the hearing to the following meeting (complex
44 cases that are continued will be clear that the second hearing does not require an entire
45 re-hearing but will review facts of the prior hearing, may include a review of criteria,
46 may include further questions, and will include a motion and decision.)

47
48 Board members discussed whether it made good sense for cases to be regularly continued to a
49 second hearing to be voted on, as proposed. This could cause unnecessary delays for applicants.
50 Members decided not to regularly continue cases to a second hearing.

51
52 Members agreed that it would be important to communicate to applicants when cases appear
53 more complex and are likely to require a continuation. In cases where a hearing is continued,
54 applicants should be reminded that the board is prohibited from discussing the case outside of the
55 public hearings.

56
57 Members agreed it was important to consider everything that applicants wish to share with the
58 board and ensure they can feel heard and understand the board's decision(s).

59
60 **C. New Alternate Member Appointment- Dan Regan**

61 Mr. Regan introduced himself and briefly explained his background and interest in the ZBA.

62
63 ***Ms. Brown MOVED to appoint Mr. Regan as an alternate to the Enfield Zoning Board of***
64 ***Adjustment.***

65 ***Seconded by Ms. Johnson***

66 **** The Vote on the MOTION was approved (3-0).***

67
68 Mr. Taylor will send the paperwork to the town office. Mr. Regan can stop by the town offices
69 any time to be sworn in.

70
71 **D. Court precedent for Zoning Boards**

72 Chair Diehn shared that he recently learned that the precedent in courts is not to count on board
73 minutes to include conditions for a decision. Conditions must be included with the written
74 decision statement that the applicant gets.

75
76 Members of the ZBA cannot give advice or provide alternatives. Members can be clear about
77 factors that lead to decisions (such as the shape of a home not fitting the lot) but cannot suggest
78 alternatives (such as finding a home in a different shape).

79

IV. APPROVAL OF MINUTES: October 10, 2023

Chair Diehn said that the board does not need to bring minor changes to the board for discussion; those can be sent directly to Rob (syntax, punctuation, grammar). Any issues with the way the meeting happened, decisions that were made, etc., should be discussed by the board.

Ms. Brown MOVED to approve the October 10, 2023 Minutes presented in the November 14, 2023 agenda packet as amended.

Seconded by Ms. Johnson

**** The Vote on the MOTION was approved (3-0).***

Amendments:

Line 15 - & to and

Line 42 – “former engineer” to “previous engineer”

Line 74 – “referred to an existing patio” instead of “referenced”

Line 98 – the DES permit from 2015 has expired

Line 138 – remove “q”.

V. OLD BUSINESS:

None.

VI. NEXT MEETING: December 12, 2023**VII. ADJOURNMENT:**

Chair Diehn adjourned the meeting at 8:23 pm.