

Town of Milton Zoning Board of Appeals

March 26th 2009

Attendance: Mary Lou Festa (Chair), Kim Weaver, Brian Companion, Fred Harris, Ken Buhrmaster, Jim Cook (Alternate), Martin Pozefsky (Attorney) Wayne Howe (Zoning) Sue Talmadge (Secretary)

The meeting was opened with the Pledge to the Flag.

Harris made a motion to approve the minutes of February 26, 2009. Weaver made a second. All members voted in favor.

Brian Companion stepped down due to conflict of interest.

Jim Cook took his place as board member for the following project.

Bernard Companion area variance application – decision.

Howe updated the board explaining that Mr. Companion had obtained legal counsel and there has been no response at town court at this time.

Pozefsky explained the board has to act on the application because the public hearing had been closed and if it isn't acted on within 62 days the application is approved. Town code does not allow approval of a variance when the property is in violation of zoning.

It was noted that the applicant was not officially notified of the meeting.

Discussion ensued.

Howe explained that some of the town violations have been remedied – the business use has stopped, the removal of fill in the wetland and a C of O was issued for the house.

Howe further explained he had originally guided the applicant to the board for relief but had not realized that code says that relief cannot be obtained while in violation of zoning.

Weaver made a motion to deny the application without prejudice. Buhrmaster made a second. All members voted in favor of the motion.

There was no other business.

The meeting was adjourned with a motion by Weaver, a second by Buhrmaster and all in favor.