

**PUBLIC HEARING AND BUSINESS MEETING**

- A. Call to Order - 7:00 PM:** R. McDermott called the meeting to order.
- B. Roll Call:** R. McDermott, Chairman; C. Leto, Vice Chairman; P. Young, Member;  
R. Vigneau, Building Inspector; L. Ruest, Secretary; Attorney M. Beliveau  
Not Present: M. Caruso, B. Richards, Members; J. Henebry, T. Parker, Alternate Members

Three voting members were present for this meeting.

**C. Review Of The Minutes Of The Previous Meeting**

**MOTION:** To approve the minutes of the December meeting as written.

**MOTION:** C. Leto  
**SECOND:** P. Young  
**UNANIMOUS**

**D. Rehearings:**

**1) Case 04-13 – Lawrence Macionski & Kathleen Beauregard**

Larry Macionski and Kathleen Beauregard were present. L. Macionski distributed a document entitled “W8LM Terrain Analysis” to each Board member. R. McDermott asked the applicant why he was providing this information at this late time rather than earlier to allow members an opportunity to review it. L. Macionski stated that the information substantiates the presentations made in past applications and pertains to his property specifically. L. Macionski added that the information actually concludes that the antenna needs to be higher than requested.

R. McDermott informed the applicants that due to illness and travel obligations, there are only three voting members available. R. McDermott informed that a vote would need to be unanimous and offered the opportunity for the applicants to continue this rehearing until a full board can be present. L. Macionski responded indicating that he is not present for a rehearing but rather for a Marchand hearing as explained in his letter to the Board. M. Beliveau agreed that the request does not require a variance hearing or application of variance criteria. He stated that the Board is prepared to go forward and listen to the applicants’ presentation and analysis. He further indicated that the Board is giving the applicants the choice of going forward or withdrawing the rehearing request without prejudice, reapplying with the Building Inspector for the desired height. The Building Inspector would then take action. If denied, the applicant would then apply to the ZBA for an Appeal from an Administrative Decision.

L. Macionski responded that he felt a variance hearing was improper. M. Beliveau stated that the Board provided information to the applicants in good faith and that it doesn’t ordinarily deal with this type of request. Counsel has since reviewed the matter and now shares that the matter may not be before the Board in the best procedural way. M. Beliveau stated that the Board is willing to hear the applicants’ presentation and address the rehearing request as an appeal from an administrative decision in order to accommodate and be flexible. Any challenge might be to procedural status. If that is a concern, the Board would allow the applicants to withdraw without prejudice. The applicants could then come back with an application for Appeal to Administrative Decision and the Board could then analyze the matter based on communication objectives and

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other issues. M. Beliveau suggests the Board take no action and make no decision tonight with the understanding that the applicants will re-file within the proper timeframe.

L. Macionski took a moment to discuss his options with K. Beauregard (as well as a member of the public who indicated "he is the Marchand case") and decided to request to continue this hearing until next month, apply with the Building Inspector in the meantime, and then take any necessary action to re-apply to the Board.

C. Leto inquired as to the information provided in the handout received this meeting indicating the exhibit isn't clear. L. Macionski stated he would provide a color copy to assist with understanding. M. Beliveau asked the applicants to provide an explanation in writing by the agenda close date as to the communication objectives and why the antenna height is needed.

C. Leto further stated he felt the application fee for the future application, if needed, should be waived and made the following motion.

**MOTION:** To waive the application fee if there is a need to re-apply.

**MOTION:** C. LETO  
**SECOND:** P. YOUNG  
**UNANIMOUS**

**MOTION:** To accept the applicant's request to continue this matter to the Board's February 24, 2005 meeting.

**MOTION:** C. LETO  
**SECOND:** P. YOUNG  
**UNANIMOUS**

**2) Case 04-14 -- Ernest M. and Carole A. Cherry**

E. Cherry and M. Decker were present. By discussion between counsels earlier this day, it has been agreed to continue this hearing as well due to the lack of quorum.

**E. Other Business:**

**Board of Adjustment Bylaws and Rules of Procedure:** R. McDermott declared the intention to amend the bylaws and rules of procedure of the Board of Adjustment. This matter will be presented at next month's meeting for approval by majority vote.

**F. Comments or Questions from the Floor:** No comments or questions were heard at this time.

**G. Adjournment**

**MOTION:** To adjourn the meeting at 7:30 p.m.

**MOTION:** P. Young  
**SECOND:** C. Leto  
**UNANIMOUS**