

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
ADMINISTRATIVE/ORGANIZATIONAL
MEETING MINUTES**

January 18, 2024

Present for the hybrid meeting were Commissioners Callahan, Cloud, Gemski, Grady Benson, Schoenhorn, Walsh and Alternate Commissioners Dess-Santoro, Mastrobattista, Subramanian. Assistant Town Planner Daigle and Clerk Michaud were also present. The meeting was called to order at 7:01 p.m.

Commissioner Callahan was present online. All others were present in the Council Chambers.

ELECTION OF OFFICERS

Assistant Town Planner Daigle called for nominations for Chair of the Zoning Board of Appeals.

Upon a motion made and seconded (Cloud/Grady-Benson) Commissioner Schoenhorn was nominated as Chair of the Zoning Board of Appeals from January 2024 – December 2025.

No other nominations for Chairman were made.

Assistant Town Planner Daigle called for a vote of the regular Commissioners to appoint Commissioner Schoenhorn as Chair of the Zoning Board of Appeals from January 2024 – December 2025. The Board voted 5 in favor (Callahan, Cloud, Gemski, Grady-Benson, Walsh), 1 abstention (Schoenhorn) to approve the nomination.

Assistant Town Planner Daigle called for nominations for Secretary of the Zoning Board of Appeals.

Upon a motion made and seconded (Cloud/Grady-Benson) Commissioner Gemski was nominated as Secretary of the Zoning Board of Appeals from January 2024 – December 2025.

Commissioner Callahan nominated Commissioner Walsh as Secretary of the Zoning Board of Appeals from January 2024 – December 2025. No one seconded the motion.

Assistant Town Planner Daigle called for a vote of the regular Commissioners to appoint Commissioner Gemski as Secretary of the Zoning Board of Appeals from January 2024 – December 2025. The Board voted 5 in favor (Callahan, Cloud, Grady-Benson, Schoenhorn, Walsh), 1 abstention (Gemski) to approve the nomination.

DISCUSS BY-LAW AMENDMENTS

Chair Schoenhorn proposed to add Section 10 to Article X of the Zoning Board of Appeals by-laws. Assistant Town Planner Daigle stated the Town Attorney has not had an opportunity to review the proposed amendment yet. The proposed amendment states:

“All testimony presented in any appeal from the actions of the Zoning Enforcement Officer shall be given under oath or affirmation certifying to the truth of the statements. The respondent shall

be entitled to ask questions of opposing witnesses and participating town employees during the hearing by propounding them through the Board Chair and may seek to compel the attendance of necessary witnesses by written request explaining the specific need and filed at least seven (7) business days before the scheduled hearing with the Office of the Town Planner.”

Chair Schoenhorn cited a couple recent decisions of the Supreme Court, *Priore v. Haig* and *Khan v. Yale University* as reasons for the proposed amendment. Adding, if the Town Attorney determines the language should be revised it can be done at a later date.

Upon a motion made and seconded (Gemski/Cloud) it was unanimously

VOTED: To adopt the proposed amendment to the Zoning Board of Appeals By-Laws adding Article X, Section 10 as follows: “All testimony presented in any appeal from the actions of the Zoning Enforcement Officer shall be given under oath or affirmation certifying to the truth of the statements. The respondent shall be entitled to ask questions of opposing witnesses and participating town employees during the hearing by propounding them through the Board Chair and may seek to compel the attendance of necessary witnesses by written request explaining the specific need and filed at least seven (7) business days before the scheduled hearing with the Office of the Town Planner.”

The meeting adjourned at 7:23 p.m.

SJM