

Eastport Municipal Zoning Board of Appeals (ZBA)

Minutes of the Meeting

September 28, 2022 6:00 pm City Hall

Call to Order:

Chairman DeFilippo called the meeting called to order at 6:00 pm. He welcomed members of the ZBA, and guests

Members present: Ron DeFilippo, Greg Noyes, Leo Kowell, Don Dudics, Karen Farris, Bob Peacock, and John Venskus

Excused: Christopher Bartlett

Also present: Carolina Castello, Assessor, Chief Enforcement Officer (CEO), Billy Boone, Bub Andrews, Alan Skinner, et.al.

Adjustments to the Agenda:

No Adjustments to the Agenda were offered.

Review of the Minutes of the last meeting:

Mr. Noyes moved that the minutes of the last meeting be approved. Mr. Dudics seconded the motion. The motion carried.

Remarks:

Chairman DeFilippo noted that this was not a formal ZBA hearing, but rather a working meeting to get updates and discuss issues that have arisen since our last meeting that may require a formal public hearing. No formal actions will be taken at this meeting.

Discussion:

Chairman DeFilippo asked Ms. Costello to update the ZBA on current activity in her office.

Ms. Castello reported on projects that are underway and explained some of the issues with respect to permits that may have been delayed because of her medical leave.

The ZBA then moved to the Notice of Violation sent to Mr. Skinner regarding a deck he added to a house he owns at 6 Stevens Ave. According to Ms. Castello and Mr. Skinner, the deck was built based on a verbal approval given to Mr. Skinner by the city manager during Ms. Castello's medical leave. Ms. Castello learned of the issue and notified Mr. Skinner that the project violated the City's zoning ordinances. Although Ms. Castello sent the notification within a few days of Mr. Skinner's visit to City Hall, the deck had been built.

Mr. Noyes explained that this situation has occurred in the past and that he was tired of being put in the position of being the 'bad guy' because of errors made by various employees at City Hall. He further stated that he believed Mr. Skinner acted in good faith based on the verbal approval he was given.

Chairman DeFilippo asked each of the ZBA members present their thoughts on the issue. All agreed that there was a breakdown in process at City Hall. No approval, written or verbal, should have been given to Mr. Skinner. Some members suggested that should the deck need to be torn down, modified, or moved; it should be at the City's expense.

City Council President Boone stated that the city budget did not allow for this kind of expense.

Members also discussed how this situation is a repeat of situation that happened some years ago. In that instance, the ZBA ordered that the deck be torn down at the owner's expense. Members noted the precedents and discussed the need for consistency in decision making on appeals coming to the ZBA.

Chairman DeFilippo asked Ms. Castello to work with Mr. Skinner to see if there were changes, such as those suggested by Mr. Peacock, that could be made to bring the project into compliance.

Actions taken:

Members agreed that the ZBA should write a Memorandum to the City Manager stating the need to follow procedure and to abstain from providing uninformed information/approvals for projects that are required to go through the Code Enforcement Officer.

Adjournment:

Mr. Noyes moved to adjourn at 7:07 pm. Seconded by Mr. Dudics. Motion carried.

Submitted by John Venskus, Secretary