

Planning Board Meeting Minutes

MEETING WAS RECORDED

May 23<sup>rd</sup>, 2023

7:30 PM

9:46 PM

**Members Present: Carol Goode, Myles Heard, Dustin Batchelder, Keisha Garnett, John Bonnano, & Guy Lehouillier**

**Others Present: Attorney Sean Turley (Representing James Michael Day), Sarah Schnell, Brian Schnell, Attorney David Goldman (Representing Brian & Sarah Schnell), Attorney Leach Rachin (Representing the Town of Hiram), & Angela Luem**

Keisha opened meeting at 7:30 PM, reminding everyone in attendance to sign in, as well as letting guests know that tonight's meeting is being recorded.

Planning Board reviewed meeting minutes from May 15<sup>th</sup> and accepting with a correction of a date on the last page.

**Terry introduced the Town Attorney, Leah to the Planning Board members.**

**Leah continued by opening the table with some background on the court case between the Schnell's and Mr. Day, and what we have at hand. She reminded everyone why they're here tonight, adding that this draft Finding of Facts that she has come up with, was founded by the records of the court. She also reminded that this does not mean that the Planning Board NEEDS to adopt these as written; at the end of the day, this is the Board's Findings and what they found that justifies their approval of a Conditional Use Permit to the Schnell's for a Micro-Brewery. Therefore, they can change things as they feel necessary.**

**Leah made a point to the other Attorney's and guests that there are two Planning Board members that are new to the board this year, Carol and Myles, and are new to this case. Keisha asked if Guy was a Municipal Officer, because per the Planning Board Ordinance written in 2010, "A Municipal Officer may not be a member or associate member". Terry clarified that Guy is the Code Enforcement Officer that was appointed, not elected and is NOT a Municipal Officer.**

**Carol and Myles did not have a final vote in the matter and did not have any say during decision making. The only members of the board who can vote tonight are Dustin, Keisha, John & Guy.**

**Attorney Sean Turley spoke first, explaining his letter that he previously sent to the Board and Attorney Goldman & Rachin. He had some discrepancies with the draft that Leah came up with, mostly concerns about what is in the record and what was said at previous meetings regarding this matter, and whether said subjects are included in the Finding of Facts. He expressed that it is important that only topics that are in the record should be included in the Finding of Facts, and the Planning Board can not add or change previous decisions made, or anything to do with the previously granted Conditional Use Permit. He would also like to change some wording at the end of the draft so that it does not sound like the Planning Board is voting on any matter of the Conditional Use Permit, itself, at tonight's meeting. The Planning Board should only be voting on whether to adopt the Finding of Facts**

that they come up with tonight. Mr. Turley and Ms. Rachin exchanged words with the Planning Board on the wording they would like to use for that and came up with a better worded phrase.

Attorney David Goldman spoke and explained his response letter to Mr. Turley's letter. He expresses that he feels that some discrepancies that Attorney Turley had could change or could stay as is in the draft because both terms that he references mean the same thing. He also asked the Planning Board to take some time at the end of the meeting to consider expanding the completion date of the Schnell's project, as the court case has put a delay on starting said project.

The Planning Board started by going down the Draft Findings of Facts by each paragraph and discuss any suggestions any members may have to change or edit.

Discussion went back and forth throughout the night on some grammatical errors throughout the draft. Some Planning Board members and members of the audience had questions about whether certain Findings in the draft were in the record. Attorney Rachin assisted throughout the night by looking through and referencing the record, as well as multiple Board Members.

Throughout the night, Attorney Leah Rachin had discussion with Attorneys David Goldman and Sean Turley to confirm that they agreed with such things the Planning Board had decided on for changes, so that there was as little chance as possible to have the matter remanded back again, as well as making sure the changes and edits made sense to them.

A motion was made to adopt these Finding of Facts with the changes and corrections the Planning Board came up with.

Motion passed with 4 that were able to vote, and the other two members, Carol and Myles, recused themselves from vote because they were not on the Board during the Schnell case.

Attorney Leah Rachin stated that Terry could make the changes to the draft and send them over to her to check one last time, and the Chairman, Keisha, could sign upon completion.

Attorney David Goldman had a proposal to "stay" the deadline to finish the Schnell's project, until all the appeals are resolved. There has been no work to start this project because the cases at hand have put them on hold.

A motion was made by a Planning Board member to "stay" the deadline for the Schnell's project until all appeals are resolved.

The motion passed with 4 in favor, and again, Carol and Myles recused themselves from the vote.

Keisha reminded the board members of the meeting on June 6<sup>th</sup> at 7:30 for a Public Hearing on the Fagerland's Conditional Use Application.

Meeting adjourned at 9:44 PM.

**Meeting was reopened at 9:44 PM.**

Leah explained that since not all members will be present to sign the Finding of Facts when completed, the Planning Board should vote to allow the Chairperson to sign.

A motion was made to allow the Chair, Keisha, to sign the Finding of Facts as amended, once completed.

Motion passed unanimously.

Meeting adjourned at 9:46 PM

Respectfully Submitted, Emma Ouellette