

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

## CHAIRPERSON

Terry Nicodemus

## VICE CHAIR

Claudia Roberts



## BOARD MEMBERS

Tina Crawford

Jesse Rongitsch

## ALTERNATE BOARD MEMBER

Larry Schmidt

## AGENDA

### BOARD OF ADJUSTMENT AND APPEALS

### ASSEMBLY CHAMBERS

350 E. DAHLIA AVENUE, PALMER

## APPEAL HEARING

10 A.M.

OCTOBER 13, 2021

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- I. CALL TO ORDER; ROLL CALL
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
  - A. May 27, 2021
- IV. ITEMS OF BUSINESS
  - A. Hearing, BOAA Case No. 21-04 – Appeal the Determination that a Conditional Use Permit is Required for Operation of the Comsat Quarry Near Talkeetna, Marty Parsons, Appellant on Behalf of the State of Alaska
    1. Borough Staff (*10 minutes to Present the Decision Below and to Set Forth Evidence and Rationale of the Decision Maker.*)
      - a. Jason Ortiz, Acting Planning and Land Use Director
    2. Appellant (*15 Minutes Collectively*)
      - a. Dana Burke and Brian Gregg, Attorneys for Appellant
    3. Borough Attorney (*15 Minutes*)
      - a. John Aschenbrenner, Assistant Borough Attorney
    4. Interested Parties (*5 Minutes Each*)
      - a. Jonathan Korta – On behalf of Talkeetna Community Council

- b. Geoffrey Parker or Thomas Meacham, Attorneys on behalf of Interested Party Comsat Area Lakes and Land Alliance
- c. Tina Tomsen
- d. Lisa Roderick
- e. Janice Tower
- f. Steve Tower
- g. Ruth Wood
- h. John Strassenburgh
- i. Mark Westman
- j. Eric Hestnes
- k. Sonja Hestnes
- l. Jeanie Hestnes
- m. Kris Hestnes
- n. Trina Jury
- o. John Jury
- p. Larry Rivers
- q. Roger D. Robinson
- r. Pamela B. Robinson
- s. Laura Caillet
- t. Mark Wildermuth
- u. Alice Knapp
- v. Gunnar Paulsen Knapp
- w. Becky Long
- x. Sue Deyoe
- y. Jeff Lebegue
- z. Diane Okonek
- aa. Brian Okonek
- bb. Patrick McGownd
- cc. Tucker McGownd
- dd. Eliza McGownd
- ee. Michael Eastman
- ff. Howard Carbonne
- gg. Janeen Hutchins
- hh. Diana Shear
- ii. Richard Shear
- jj. Melissa Lee
- kk. Renee Goentzel
- ll. Stephan Hanson

- 5. Appellant for Rebuttal (*5 Minutes Collectively*)
  - a. Dana Burke or Brian Gregg

IV. ADJUDICATORY SESSION

V. BOARD COMMENTS

VI. ADJOURNMENT

**I. CALL TO ORDER; ROLL CALL**

A meeting of the Matanuska-Susitna Borough Board of Adjustment and Appeals was called to order at 10 a.m. by Chair Terry Nicodemus for the purpose of conducting an appeal hearing.

Board members present and establishing a quorum were:

Mr. Terry Nicodemus  
Ms. Claudia Roberts  
Ms. Tina Crawford  
Mr. Larry Schmidt

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Borough Clerk  
Mr. John Aschenbrenner, Deputy Borough Attorney  
Mr. Fred Wagner, Platting Officer

**II. APPROVAL OF AGENDA**

Chair Nicodemus queried if there were any changes to the agenda.

GENERAL CONSENT: There was no objection to the agenda as presented.

**III. APPROVAL OF MINUTES**

- A. April 9, 2021
- B. April 22, 2021

Chair Nicodemus queried if there were any changes to the minutes as presented.

GENERAL CONSENT: The minutes were approved as presented without objection.

**IV. ITEMS OF BUSINESS**

- A. Appeal Hearing Post Reconsideration - BOAA Case No. 21-01, Appeal the Approval of the New Hope Estates Master Plan – Patricia Sikes, Appellant
  - 1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)
    - a. Fred Wagner, Platting Officer

Mr. Wagner presented the decision below and set forth the evidence and rationale of the decision maker.

Ms. Crawford asked questions of Mr. Wagner.

Chair Nicodemus asked questions of Mr. Wagner

2. Appellant (*15 minutes*)
  - a. Patricia Sikes

Ms. Sikes presented her case on appeal.

Ms. Crawford asked questions of Ms. Sikes.

3. Entitlement Applicants (*15 minutes*)
  - a. John James

Mr. James did not appear and did not provide testimony.

- b. Monica James

Ms. James provided testimony in support of the appellant.

Chair Nicodemus queried if there was any objection to calling Mr. Wagner back to the stand to answer questions of the board.

There was no objection noted.

Chair Nicodemus asked questions of Mr. Wagner.

- c. Merle Sikes

Mr. Sikes did not appear and did not provide testimony.

4. Borough Attorney (*15 Minutes*)
  - a. John Aschenbrenner, Deputy Borough Attorney

Mr. Aschenbrenner presented his case in opposition of the appeal.

Ms. Crawford asked questions of Mr. Aschenbrenner.

Ms. Crawford requested to have Mr. Wagner come back to the stand to answer questions.

Chair Nicodemus queried if there was any objection.

There was no objection noted.

Ms. Crawford asked questions of Mr. Wagner.

5. Interested Parties (*5 Minutes Each*)
  - a. No Interested Parties

There were no interested parties that testified.

6. Appellant For Rebuttal (*5 minutes*)
  - a. Patricia Sikes, Appellant

Ms. Sikes provided her rebuttal.

Chair Nicodemus asked questions of Ms. Sikes.

## **V. ADJUDICATORY SESSION**

MOTION: Ms. Crawford moved to enter into adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 11:11 a.m.

MOTION: Ms. Crawford moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board exited adjudicatory session at 3:13 p.m.

Chair Nicodemus requested that Ms. Henry read only the decision portion of the final decision into the record.

Ms. Henry read the draft decision into the record. Advised that there are findings and conclusions, but that the BOAA does not request that she read all of that into the record.

MOTION: Mr. Schmidt moved to approve the final decision as read into the record by the Clerk

VOTE: The motion passed without objection.

## **VI. BOARD COMMENTS**

There were no comments provided.

**VII. ADJOURNMENT**

The meeting adjourned at 3:16 p.m.

MATANUSKA-SUSITNA BOROUGH  
BOARD OF ADJUSTMENT AND APPEALS

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TERRY NICODEMUS, BOAA Chairperson

ATTEST:

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BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: 10/13/21