



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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**Zoning Board of Adjustment
Draft Meeting Minutes
By-Law Amendment Workshop
October 19, 2010**

Roll Call:

Mark Samsel, Chairman – Present
Dianna Fallon, Secretary – Present
Heath Partington, Member – Present
John Alosso, Alternate – Absent
Michael Scholz, Alternate – Excused

Tom Murray, Vice-Chairman – Absent
Elizabeth Dunn, Member – Present
Jim Tierney, Alternate – Present
Salvatore Basile, Alternate – Absent

Staff:

Tim Corwin, ZBA/Code Enforcement Administrator – Present

The meeting was called to order by Chair Samsel at 7:30 pm.

Chair Samsel began the meeting by listing the sections of the ZBA By-Laws that he would like to cover tonight and reviewing which Board members are responsible for drafting each section:

- Members section (Ms. Dunn)
- Meetings cancellation/postponement (Mr. Partington)
- Meetings in general (Chair Samsel)
- Joint Meetings (Chair Samsel)
- Site Walks (Ms. Fallon)

Chair Samsel noted that he would like to see prioritized in the ZBA's By-Law discussions the process for approving amendments to the By-Laws.

Chair Samsel recognized the two members of the audience, Joel Dube and Brian McDade.

Chair Samsel began with a discussion of an amendment to the By-Laws pertaining to provide a rebuttal period for opponents to an application and others who wish to make comments.

Mr. Dube stated that it is not fair that concerned citizens have only one bite at the apple and that the final word on an application should come from those who are defending the Zoning Ordinance.

Chair Samsel replied that the burden is on the applicant to prove the five variance criteria which could be why a rebuttal is not required. Mr. Dube responded that the burden is on the abutters to show that the applicant does not demonstrate the five criteria.

The Board discussed various points relating to Chair Samsel's proposed language regarding limitations on speaker presentations, including:

- Limitations based on time;
- Limitations based on content in order to avoid repetitiveness;
- Chair's ability to provide an extension;
- Board's ability to overrule;
- Chair's ability to frame speaker presentation limits prior to the hearing;
- Adding language to FAQs providing general speaker presentation guidelines; and
- Comparisons with other municipalities rules.

The Board also discussed Chair Samsel's proposed language relating to the Chair's ability to ask a clarifying point directed to the public during deliberative session, and whether the Meetings Procedure section should include language regarding the continuance of cases.

The Board discussed how to approve the agreed upon amendments to the By-Laws. Chair Samsel stated that he was in favor of staggered approvals as opposed to finishing all of the By-Laws and adopting at one time. Chair Samsel stated that the first reading for the Meeting Procedures and Joint Meeting sections should be scheduled for the Board's 10/26 meeting.

The Board agreed to hold the next workshop on the ZBA By-Law amendments on Tuesday, November 2, 2010 at 7:00 PM. Chair Samsel stated that the amendments section would be at the top of the agenda, and that the Board would next look at Mr. Partington's proposed revisions.

Ms. Dunn made a motion to adjourn the meeting. Ms. Fallon seconded. Approved 4-0.

These minutes are submitted by Tim Corwin.