

MINUTES
SUDBURY BOARD OF APPEALS
WEDNESDAY, FEBRUARY 4, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Jeffrey P. Klofft, Acting Clerk
Patrick J. Delaney III
Elizabeth A. Taylor, Alternate

Also present:

Jody Kablack, Town Planner
Michael Fee, Planning Board member

The meeting was convened by Mr. Gossels, Chair for the purpose of discussing whether or not to proceed with the ZBA's sign articles.

Discussion followed on the Planning Board meeting of January 28, 2004 attended by members of the ZBA and the tenor of that meeting.

Mr. Klofft felt strongly about the effort put into the ZBA's articles. He also felt that if the Board places its articles on the warrant and the Planning Board's larger motion passes, they appear irrelevant. However, if the Planning Board's articles fail, he wondered if the ZBA compromised them. Regardless, he felt that the ZBA has valid items it would like to see changed.

Mr. Gossels said the ZBA met on January 28 with the intent to meet in a spirit of compromise. He said there was no compromise – no meeting. He felt the Planning Board essentially told the ZBA to “go away”. Mr. Gossels felt the ZBA had something valuable to contribute as it ultimately has to live with the bylaws. On a personal level, he felt the work Mr. Delaney put into the articles was not respected.

Mr. Delaney said the ZBA met with the Planning Board in October where possible ideas for changes and goals were suggested. After that meeting he said he realized that signs were not on the list. He prepared a presentation for a ZBA meeting in December knowing there was a deadline. In hindsight he felt perhaps the ZBA should have discussed this more and invited the Planning Board to a meeting. He said if he could have done it over again, he would have started earlier.

Mr. Delaney said he still felt the ZBA articles should be on the warrant. However, if that is not the general feeling of the majority, he will vote with the majority. He did object to what he felt was policy pressure from the Planning Board.

Mr. Gossels felt that given the reality of the situation and possible conflict on Town Meeting floor, pursuit of the articles was probably not the way to go. He would, however, like to have agreement from the Planning Board that they would take up the issues raised by the ZBA.

Ms. Kablack said she would be happy to take them up. She said the Sign Committee met several times on Friday afternoons. She said the ZBA's articles were not brought to them in a timely way – her committee had its articles finalized by December 19. She had no input from the ZBA.

Mr. Gossels said communication did not flow in either direction. In order to get things accomplished, he would prefer this meeting format rather than the formal Planning Board structure.

Mr. Delaney pointed out that although Mr. Phelps attended the Sign Committee meetings, he was not sent there to represent the ZBA. His attendance was similar to the way both he and Mr. Phelps attended recodification meetings.

Further discussion centered on the Planning Board's perception of the ZBA articles vs. the ZBA's, and the arena for presentation of articles.

Although reluctant to do so, the Board generally felt their articles should be withdrawn at this time. They reiterated their belief in the validity of the articles and expressed their desire for the Planning Board to take them into consideration.

A motion was then made, seconded and unanimously voted to withdraw the following articles from the 2004 Warrant:

- Article – Amend Sign Bylaw – Waivers
- Article – Amend Sign Bylaw – Grandfathering
- Article – Amend Sign Bylaw – Sign Permit Granting Authority
- Article – Amend Sign Bylaw – Area Table

There being no further business, the meeting was adjourned.

Jonathan G. Gossels, Chair

Jeffrey P. Klofft, Acting Clerk

Patrick J. Delaney III

Elizabeth A. Taylor