

SUDBURY ZONING BOARD OF APPEALS

MINUTES

April 1, 2013

The Board consisted of: Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien. The Earth Removal Board consisted of: Jonathan W. Patch, Acting Chair and Clerk; Stephen A. Garantin; Nicholas B. Palmer; and Nancy G. Rubenstein.

ANNUAL MEETING OF THE ZONING BOARD OF APPEALS

Zoning Board of Appeals and Earth Removal Board Annual Meeting:

The Board was in receipt of the 2012 Rules and Regulations, Supplemental Rules for Comprehensive Permits, and the Rules and Regulations for the Earth Removal Board. Ms. Quirk asked whether anyone wanted to propose changes. Mr. Palmer questioned whether applicants should be required to provide certified abutters lists and to use certified mail to send out hearing notices. The Board discussed the idea but concluded that this service was essentially included in the application fee charges. Creating the lists and mailings using the Town's Maps Online software is not onerous for town staff, therefore they agreed to keep procedures as is. The Board agreed to track any issues with notification over the next year to perhaps reassess.

Mr. Palmer then questioned whether the Board had a policy on receipt of materials prior to hearings. Given his experience on other boards, he suggested that there should be a rule that materials be submitted at minimum six days in advance of meetings or the material may not be considered. The Board discussed this but agreed that sometimes it is necessary to accept information into the file up to the day of the hearing, which they have allowed in the past, particularly during the comprehensive permit process. The Board decided to leave procedures as is. It was noted, however, that the Board would not have to make a determination on last-minute submissions, particularly if more study of the material was necessary.

Ms. Rubenstein asked whether the Supplemental Rules for Comprehensive Permits should make mention of working sessions as part of the process. Ms. Quirk said that working sessions are part of the dynamic process of comprehensive permits and in the Board's experience the suggestion of working sessions never has come as a surprise to applicants who are usually willing to meet as necessary. The Board agreed not to include additional language at this point, however the issue would be kept in mind should working sessions become an issue in the future.

With the exception of updating the date on each document, there were no other changes to be made to the ZBA Rules and Regulations or the Supplemental Rules for Comprehensive Permits.

Jonathan Patch, Acting Chair for the Earth Removal Board, then asked whether anyone wished to make any changes to the Rules for the Earth Removal Board. Mr. Palmer suggested that under item number four of the section on application procedures, language should be updated from requiring "original and proposed contour maps" to "pre-existing and proposed contour maps, with contour intervals no more than two feet..." The Board agreed to the changes.

A motion was made to adopt all of the documents as revised and it was unanimously approved.

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Ms. Quirk was in receipt of a letter from the Board of Selectmen's Office asking whether any Board member with a term expiring wished to remain on the Board. Steve Garanin, Nancy Rubenstein, Jeff Klofft, and Jonathan Patch all stated that they would like to continue their terms. Ms. Quirk said that she would write a letter to the Selectmen recommending reappointment. As Jonas McCray was not present Ms. Quirk said that she would follow up with Mr. McCray after the meeting.

Ms. Quirk then announced that she would be stepping down as Chair of the Board after four years of service. She explained that it has been the Board's tradition to rotate the Chairmanship every two years so she was ready to turn it over to someone else. The Board then nominated current Clerk Ben Stevenson to serve as Chair and Jonathan O'Brien to serve as Clerk. Both accepted and it was unanimously voted that both would serve terms through April 2015. Mr. Stevenson said that he would be honored to help lead the group and expressed thanks on behalf of the Board for all of Ms. Quirk's efforts throughout her two consecutive terms.

The Board then discussed the meeting schedule for the remainder of 2013. It was agreed that given that there was a lighter load of applications this year one meeting per month would be sufficient. Alternate members would be assigned to various dates so that they could be free to fill in when a substitute is necessary. The revised schedule would be posted on the Board of Appeals web page to alert the public.

Ms. Quirk reported that she was in receipt of an e-mail from Jody Kablack, Director of Planning and Community Development, explaining that the Town Manager has announced that a proposed State of the Town Forum would be held in the fall of 2013. The Board discussed whether a representative from the ZBA should participate in order to update the Town on the Board's function. Mr. Klofft suggested that it would also be a good way to educate the Town on the 40B process. The Board was in favor of participating in the Town Forum. Ms. Quirk said that she would notify the Town Manager.

There being no further business, the annual meeting was adjourned.

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Elizabeth T. Quirk, Chair

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Jonathan W. Patch

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Benjamin D. Stevenson, Clerk

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Stephen A. Garanin

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Jonathan G. Gossels

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Nicholas B. Palmer

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Nancy G. Rubenstein

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Jonathan F.X. O'Brien