

The following members attended the public meeting:

Doreen Prouty -Chairperson
James Marmo - Vice Chairperson
Joseph Conte-Clerk
Gary Suffriti-
Jennifer Bonfiglio – Secretary

1. ZBA Procedures:

Chairperson Prouty opened this public meeting at 10:00 AM.

Due to the issue of recent delays in signing of ZBA decisions, Chairperson Prouty suggested the possibility of using a generic signatory page for all future ZBA decisions. Member Suffriti agrees. Member Conte felt that because the Board is quasi-judicial they need to view all evidence and must review the written decision prior to signing it.

Chairperson Prouty suggested the Board sign the signatory page the night of the meeting and Board members will be given a predetermined number of days to come in and view the decision prior to it being stamped in to the Clerks office. It was suggested that this also be contingent on all the evidence and facts being presented the night of the meeting. If the decision is contingent on anything, the Signatory page will not be used.

Chairperson Prouty also supported this request by presenting a Permitting Flow Checklist and Timeline to the Board which states that the Board has 14 days to complete a decision and this will ensure that we meet that criteria.

Jennifer Bonfiglio will work with Chairperson Prouty to create a page that can be used.

Chairperson Prouty motions to accept the Signatory page as a ZBA procedure and calls for a vote:

Marmo-yes

Conte-yes

Suffriti-yes

Prouty- yes

Vote: Unanimous.

2. Trustees of Longbrook Appeal

Chairperson Prouty asked the Board if the Town Solicitor, Chris Johnson can respond to the Trustees of Longbrook Appeal in Land Court On Friday November 17th on behalf of the Board. Longbrook feels the ZBA overstepped their authority and should have granted the variance. Chris Johnson stated to Chairperson Prouty that he would like to reply and grant the variance. The Board does not agree and feels that the trustees of Longbrook had the option to request a variance 20 years ago.

The Board has agreed to let the Town Solicitor answer the appeal in Land Court, although may request obtain their own counsel at a later date.

3. Site Plan Reviews

A discussion was brought up concerning the authority of the ZBA. Chairperson Prouty

indicated that the local by-law determines the type of site plans used (review or approval) and who has authority.

Chairperson Prouty refers to a Handbook of Mass. Land Use & Planning Law by Mark Bobrowski. She quotes Mark Bobrowski stating “The Zoning Act contains no reference to site plan review. It is entirely the creature of the cities and towns and the judiciary.” She also quotes Mark stating “Generally, any use requiring a special permit also requires review of a site plan. The site plan ostensibly serves to provide detailed information to the granting authority on aspects of the proposed development.” And “..the Board of Appeals serves as a special permit granting authority and the planning board sits in review of site plans, there is potential for conflict. Conditions imposed in the approval of the project by one board may run counter to those attached by the other...”

Member Conte states that if the ordinance gives site plan power it should assist the Building Inspector. Our ordinance states that the Building Inspector will decide if site plan recommendations should have consideration.

Chairperson Prouty then refers to the Zoning Guidebook (2005) by Carol Rolf quoting her “If the municipality wants site plan review to be binding then it should be treated as a site plan approval in the manner of a special permit with notice, hearing, and approval as required by the Zoning Act. If the site plan review is only advisory then no notice and hearing are required.

Members of the Board feel that our Town Solicitor agrees with Mark Bobrowski and the Board agrees with Carol Rolf.

After review of the information the ZBA Board members feel that they have the authority over site plans.

- 4. Minutes of October 14, 2008 – Chairperson Prouty motions to accept seconded by Marmo vote was unanimous.**

Chairperson Suffriti made the motion to adjourn at 11:05 AM seconded by Marmo.