

## Appeals Board Meeting Minutes

5:30 p.m. Thursday, December 15, 2016

Present: Peter Bickerman, Clif Buuck, Holly Rahmlow, Fran Zambella and Town Manager Eric Dyer

Absent: Allen Curtis, Henry Whittemore

The minutes from the October 28 meeting were amended to remove the phrase “and code enforcement officer,” then approved by all after Clif moved and Peter seconded.

There was a brief mention of whether or not appeals made after 45 days would be allowed, which was covered in an email thread that included Eric and Peter. The town attorney said there was no reason to allow this.

The board resumed its discussion about the 1973 town meeting warrant article, which passed, establishing the Board of Appeals but which is unclear as to the Board’s jurisdiction and could imply a broader reach than land use regulations.

Holly made a motion to “Ask the Select Board to take appropriate action to address the jurisdictional authority of the Appeals Board and to clarify that the Appeals Board’s authority is limited to issues arising under the land use ordinance.” It was agreed that Eric would introduce this request to the Select Board.

Clif seconded. All approved.

The board also resumed its discussion about hearing procedures and appellate jurisdiction, including whether decisions would be made on information already reviewed by the Planning Board or if we would begin anew, de novo, and look at new information as well. Currently Appeals only reviews what the Planning Board has already discovered.

It was decided that we would prefer de novo reviews. Eric said that while any decision changing the Appeals Board would affect the Planning Board it is the Select Board that would need to make the actual change in the Appeals Board’s authority.

It was decided it would be best if the request for change came from the Planning Board, so Clif made a motion that Peter approach Paula Clark, the chair of the Planning Board, with a request to revise Article 2, Section 1.C.1 to make all appeals de novo. Fran seconded. All approved.

Also, at the meeting, Eric gave each member two notebooks regarding land use regulations with the request that they be returned when the member's term is up.

Clif asked Eric if he knew anything about the bylaws, saying that he believed that they needed updating. Eric said he would check with Gary, the code enforcement officer.

It was agreed that Holly would send draft minutes so that the actions listed above would be clear before they are taken.

Final discussion was about the number of members of the Appeals Board. Clif queried whether we could just have five, instead of the assigned seven, for which we are one member short. Peter said that whether we have five or seven, we still need four members for a quorum and because of absences it is better to have more.

There is no date set for the next meeting. Meeting was adjourned at 6:35 p.m.