

Appeals Board Organization Meeting

January 13, 2022

Members present: Peter Bickerman (Chair), William Gagne Holmes (Vice Chair), Holly Rahmlow (Secretary), John Blouin, Clif Buuck, Henry Whittemore and Francis Zambella

Also in attendance: Chip Stephens (CEO), Town Manager Eric Dyer, Leah Hayes for SSMH, Paula Clark (Planning Board Chair), Jack Comart (Planning Board Vice Chair)

Peter called the meeting to order at 7:07 via Zoom.

The first order of business was the election of officers. Peter said he has been chair for 10 years and would prefer to step back. Henry thanked Peter for his able service and suggested it would be best to have an attorney at the helm. Holly suggested that Will, also an attorney who has served as vice chair, and Peter switch roles, and both members were agreeable to that solution.

John nominated Will to be chair; Clif seconded. Unanimous vote.

Will nominated Peter to be vice chair; John seconded. Unanimous vote.

Holly said she was willing to continue as secretary. Henry nominated her to be secretary; Peter seconded. Unanimous vote. Members of the board thanked Holly for her continuing good work as secretary.

The second order of business was to discuss and approve the minutes from the Morash hearing last October. Clif had a couple of corrections. Henry moved to approve the minutes as amended; Clif seconded. All voted in favor except for John, who was absent from that hearing and thus abstained.

The third order of business was discussion in preparation for the hearing on the Safe Space Meeting House appeal scheduled for Thursday, January 27, 2022. This discussion was limited to procedures about the coming appeal; there was no debate about the substance of the appeal itself.

Peter explained that the upcoming hearing will be limited to issues discussed and decided by the Planning Board, following the Board's appellate standard of review, as set forth in Section 6(B) of the Board of Appeals Ordinance. This means that it will be strictly an appellate proceeding and no new information will be considered.

The board discussed the upcoming hearing at length and what criteria we will consider based on the Planning Board's decision. We will not consider the variance request in SSMH's appeal because the board has no power to grant variances for proposed changes in uses of property.

Clif asked about the applicant's failure to fill in "No. 7: What specific section(s) of the Ordinance applies to the relief you are seeking?" Peter said we could go back to the appellants for more details. Whether or not we should return the application to them for more detail was considered. Will noted that the appellant was given

two opportunities to clarify and did not. Peter said he was reluctant to hold up the hearing further. Applicant Leah Hayes said she would provide such a statement in writing at least seven days before the hearing.

Henry asked if we needed to respond to the email from Leah asking board members who made a public statement about their feelings on the Mill Stream project to recuse themselves. Peter said it's up to the applicant to object to anyone they feel has a conflict of interest. If they do, that request will be dealt with at the hearing. Such a statement should be submitted in writing at least a week before the hearing. Leah said she would do that.

Will noted that this kind of appeal is not necessarily difficult or complicated, but is straightforward, as the board is bound by the limit of deciding whether what the Planning Board decided fits the applicable ordinance and whether it was decided correctly. We will not consider any peripheral issues, such as whether or not we think the project is a good one for the town. No de novo (new) information will be considered.

Peter said the hearing will be hybrid, and anyone who attends in person must be masked regardless of vaccination status. Zoom attendance is permitted.

Holly asked if she will be taking the minutes. Eric said he would arrange for a town employee to do that so Holly can focus on the issues.

Clif moved to adjourn; John seconded. Meeting adjourned at 8:09 p.m.

Minutes prepared and submitted by Holly Rahmlow