

## **ZBA Minutes Meeting of July 8 2009 – Town Manager**

Members Present: Mark Mulligan, Cynthia Maxwell, Alison Manugian, Chase Duffy, Jay Prager, Robert Cadle, Harris McWade

Also present: Stuart Schulman, Patrice Garvin, Mark Haddad, Peter Cunningham

Mr. Haddad noted that Mr. Prager's term expires next year and Mr. Mulligan was the only regular member and was reappointed for three years.

Of note: Kristen McEvoy withdrew her interest form for the ZBA, making Mr. Easom the only candidate.

Mr. Prager said he wants to interview Mr. Easom but can't before the 13<sup>th</sup>. Mr. Haddad said he would let Mr. Easom know that the ZBA wants to meet and interview him, maybe at the next ZBA meeting.

Chairman Cadle said the ZBA met as a board last night and designated Mrs. Manugian as spokesperson. She said the BOS should not adopt best practices just for the ZBA, but it should be board/town wide. She said the ZBZ has been raked over the coals, rightly or not and this should be put to bed, which it won't be if this is gone over on the 13<sup>th</sup>, again.

Mr. Haddad said he wants to report on the meeting today on the 13<sup>th</sup> and resolve any outstanding issues. He said the biggest concern is that meetings are posted, minutes are taken and votes recorded. He said he is also giving the ZBA office space and regular office hours.

Mr. Prager said the Board believes in best practices but this shouldn't just be ZBA focused. He suggested the BOS should develop a best practice booklet that is town wide. He said he thinks that any board under the scrutiny of the ZBA would have some slip ups.

Mr. Cunningham said he wants to bring up the quorum issue, which is different for the ZBA, suggesting that maybe there should just be only regular members.

Discussion ensued regarding how to fit in alternate/associate members.

Mr. Schulman noted that alternates are put on easier cases so they can learn.

Discussion ensued regarding a quorum and how there is a disconnect between the Town Charter and chapter 40A.

Mr. Cunningham said other boards have a required learning process.

Mr. Haddad said the rules and regulations require four for a hearing and five for a business meeting, which is in conflict with 40A and the Charter.

Mr. Cunningham said the rules are written incorrectly, according to town counsel.

Mrs. Manugian said she submitted written answers to Mr. Haddad's list.

Discussion ensued regarding whether all nine board members could be designated regular members and still have a five member board for hearings.

Mrs Manugian said the Board would have a regular monthly ZBA meeting and every other month a business meeting.

Mr. Haddad said his office will put together a booklet for each member and will also have town counsel go to a work session on a regular basis.

Discussion ensued regarding contracts for consultants.

Chairman Cadle suggested that the board could institute a flat review fee and the applicant could appeal to the BOS if there is an issue of conflict of interest or incompetence.

Discussion ensued regarding whether the Board would need to get quotes, 30B and MGL.

Mr. Prager asked about continuous requests for continuation and when the Board can say no. Mr. Haddad said that was a question for town counsel.

Mr. Haddad said the Board would get keys for Town Hall and the BOH office.

Mr. Haddad noted that legally the minutes only need to reflect who is present and what votes are taken, and no detail is required.

Mr. Schulman asked whether the Board needed to take a formal vote to let the Chairman ask town counsel questions.

Mr. Haddad said there is no need for a formal meeting.

Discussion ensued regarding when Title V has to be obtained for a 40B project.

Mrs. Manugian went over the final points of her memo.

Of note: the Board wants public closure from the BOS to put this to rest. Mr. Haddad said he would address this on the 13<sup>th</sup>, noting that if the Board wants to interview Mr. Easom, he should be invited to a meeting.

The Meeting adjourned at 9 am.

Minutes approved 12/9/09.