

**Ashland Zoning Board of Adjustment
Meeting Minutes
Thursday, November 14, 2019**

CALL TO ORDER: Alan Cilley, Chair of the Zoning Board, called the meeting to order at 6:38 PM.

MEMBERS PRESENT: Alan Cilley, Eli Badger (alternate), Mardean Badger, liaison from the Planning Board, David Toth, absent. Alan appointed Eli Badger as a voting member.

OTHERS PRESENT: Paula Hancock, Recording Secretary

DISPOSITION OF MINUTES

The minutes from the September 12, 2019 meeting were reviewed. Mardean made a motion to accept the minutes as amended. Eli seconded the motion. The motion passed by a 3-0 vote.

PLANNING BOARD UPDATES

- Leavitt Hill Paving Project has been completed. The Planning Board has approved the release of the balance of the bond to Barry Gaw.
- The Zoning Ordinances and Building Regulations are being revised for the warrant article.
- Building Regulation Permit Fees are approved by the Selectboard. The Permit Fees are created by the Selectboard following a Public Hearing. The fees are then attached to the application. The Permit fees are not refundable. The Permit Fees could be set up whereby the Building Inspector tells the applicant what he/she owes in permit fees. This will eliminate the need for a warrant article. The Planning Board will review this idea at their next meeting.
- The Building Regulations article talks about permits for all heating systems. These permits are obtained from the Building Inspector. The actual inspection of the heating systems will be done by the Fire Chief.
- The Building Regulations list the codes. There is a code list issued by the State. Ashland has its own list of codes. Ashland's list of codes is newer than the present State codes. Ashland will use its present list of codes as currently written.
- The State has recently updated their Life and Safety Codes. Mardean will meet with Steve Heath regarding these updates.
- The Planning Board is currently working on its Master Plan, specifically the format and contents of a Master Plan survey.
- The Planning Board is presently updating its Commercial Excavation Regulations. No warrant article is needed in this case.

LAND USE LAW CONFERENCE UPDATE

- The Land Use Law Conference discussed the process on Variances. The ZBA needs 3 positive votes to pass a variance. The Law Conference discussed that the ZBA if dealing with the whole or parts of a variance need to be consistent.
- Put the method the ZBA uses clearly in their Rules of Procedure.
- The Conference discussed the timeline for change.

- At any Public Hearing be sure to process everything pertaining to the issue(s) before the ZBA. Make sure that everything is discussed during the Public Hearing.
- All pertinent issues will be directed and dealt with through the Board.
- When it is determined that all issues have been dealt with at the Public Hearing close the Public Hearing.
- Once the Public Hearing is closed deliberations will begin. No further questions may be asked at this time.
- If there is a need to reopen the Public Hearing the ZBA needs to go through the applicant and abutters notification process again.
- The Conference discussed expert opinions. The Conference advises ZBAs to give credence to the expert's opinion. Common knowledge shouldn't outweigh the expert's opinion. Give credence to the expert opinion even if it is at odds with common knowledge.
- Be sure that everything is in the Minutes and Notice of Decision of the meeting. Be sure to explain clearly the facts used and the reasons for the decision made.
- Make sure that the minutes reflect why you made the decision you made.
- Make sure that the minutes and the Notice of Decision have ample details.
- Be sure to document everything pertaining to each case.

ADJOURNMENT

Eli made a motion to adjourn. The motion passed by a 3-0 vote. The meeting adjourned at 7:15 PM. The next Ashland Zoning Board of Adjustment meeting will be Thursday, December 12, 2019 at 6:30 PM at the Water and Sewer Department Conference Room at 6 Collins Street.

Minutes submitted by Paula Hancock