Present: John Trefethen, Chair
Stuart Siegel, Member
Brian Forestal, Member
Smriti Choudhury, Associate Member
Martin Garvey, Associate Member
Robert DiBenedetto, Associate Member

Also present: Amanda Molina Dumas, Assistant Town Planner

Not Present: N/A

Call the Meeting to Order

Mr. Trefethen called the meeting to order at 7:00 PM.
Mr. Trefethen welcomes new Associate Member, Robert DiBenedetto.
Mr. Trefethen announces that the meeting is being recorded and broadcast live on WACA TV. Mr. Trefethen asks if anyone in the audience is also recording the meeting. There is no affirmative response.

Continued Public Hearing for 9 Taggart Court – Variance Application (VA3-19)

Mr. Trefethen reads public hearing notice for 9 Taggart Court in to the record:

Christopher and Cheri Boulanger, owners, have applied for a Variance under Chapter 282 Sections 9.2 and 4.1 along with any other applicable sections of the Ashland Zoning Bylaws to allow the addition of a sunroom within the required rear-yard setback. The property is located at 9 Taggart Court in the Residential A Zoning District. A public hearing will be held on November 13, 2018 at 7:00 p.m. in the Board of Selectmen’s Room located at Ashland Town Hall, 101 Main Street, Ashland, MA.

Subsequent to public hearing publication, the Planning Department received a written request from the applicant to continue the public hearing from November 13, 2018 to December 11, 2018, due to a scheduling conflict with homeowners. The request to continue was granted by the Board, with the public hearing commencing on December 11, 2018.

Members sitting on the case: Mr. Trefethen, Mr. Forestal and Ms. Choudhury.

Mr. Trefethen notes that at the last meeting, the Board instructed Ms. Molina Dumas to draft a Decision based on the instruction of the Board. The draft Decision was sent via email late last week, with a revised copy being sent this afternoon. Mr. Trefethen asks Ms. Molina Dumas to summarize the revisions. Ms. Molina Dumas states that minor changes were made in the findings section, to emphasize the criteria that the Board found to satisfy the requirements for granting of the Variance (shape of lot and existence of drainage easement on the lot).

Mr. Trefethen comments that he finds the revision to be appropriate and reflective of the Board’s comment’s from the meeting. The Board had no additional comments.

Mr. Trefethen asks the Board to take a formal vote to grant the Variance.
Mr. Forestal motions to grant the request for a Variance to construct a sunroom addition, find that the proposed addition would not be substantially more detrimental to the neighborhood than the existing dwelling, pursuant to Chapter 282, Section 9.2 of the Ashland Zoning Bylaw, Ms. Chourdhury seconds, and the motion passes 3-0-0.

Mr. John Trefethen, Chairman and Member, votes to grant the Variance as stated.

Mr. Brian Forestal, Member, votes to grant the Variance as stated.

Ms. Smriti Choudhury, Associate Member, votes to grant the Variance as stated.

**Other Business:**

1. **Public Discussion of Current Filing Fee Structure and Possibility of Amending Fee Structure**

   *(Future Public Hearing will be required to Amend; date to be determined).*

Mr. Trefethen provides background that the Zoning Board of Appeals has not amended their fees for some time; a number of years ago it was noted that the fee schedule seemed outdated. Also notes that the Planning Board is undergoing a similar review process of their filing fee schedule.

The Board reviews the following documents: Current ZBA Fee Schedule, Proposed ZBA Fee Schedule, Proposed Planning Board Fee Schedule.

Mr. Trefethen asks Ms. Molina Dumas to present the documents to the Board.

Ms. Molina Dumas explains the current process which entails the applicant paying separate fees for the application filing fee, abutters list, mailing cost for abutter’s notifications and legal advertisement cost. The proposed structure would streamline the process, so the applicant would submit one check to the Planning Department which would cover the application filing fee, the mailing cost for abutter notifications, and the legal advertisement cost. The applicant would still request the abutters list from the Assessor’s Office and pay that fee directly to that office. Ms. Molina Dumas cites example of applicant owing a separate check for the legal advertisement, which has already been paid by the Town.

Restructuring the fees would streamline the process on the administrative end. The proposed changes include increasing the application filing fee by $100 to include the legal advertisement cost and the mailing cost.

Mr. Trefethen asks for clarification regarding paying of fees prior to appearing before the ZBA for a public hearing. Ms. Molina Dumas explains that generally all fees are paid prior to the public hearing, but the Town will pay the newspaper promptly as a courtesy, and then ask the applicant to reimburse the Town for the cost. Ms. Molina Dumas also explains that the cost of the legal ad is not fixed, but generally run around $77.

Ms. Choudhury asks if notification is required for an administrative appeal of a building permit; Ms. Molina Dumas replies that she will need to confirm if notification is required, but the Town would likely notify neighbors as a courtesy. Mr. Trefethen asks Ms. Molina Dumas to confirm the notification procedure for administrative appeals and report back.

Ms. Molina Dumas notes that the Planning Board first held a public discussion to discuss amending their fee schedule, which did not require a legal advertisement. The next step is to hold a public hearing, which will be advertised in the newspaper, posted online and posted on the meeting agenda. Tonight’s public discussion is similar and is the first step in the process.

Mr. Trefethen comments that the proposed changes seem like they would streamline the process; asks about cost ranges for mailings and legal ads, suggesting that the higher range be taken into consideration to protect the Town from incurring unnecessary costs. The Board discusses if there are instances where money would be refunded to the applicant based on final costs, or if there would be surcharges for higher costs (i.e. large mailing). Ms. Molina Dumas explains her observation that abutters lists for ZBA cases have been small (less than 30 addresses each). The Board discusses if surcharges would be appropriate, or if the fees should be applied “at cost.”
Mr. Trefethen asks that the public hearing regarding this be held at our next regularly scheduled ZBA meeting, and asks that any revisions to the proposed structure be sent to the Board for consideration ahead of the meeting.

2. Approval of Minutes from December 11, 2018.

Mr. Forestal motions to approve the minutes from the December 11, 2018 Zoning Board of Appeals Meeting, Mr. Siegel seconds, and the motion passes 5-0-0.

3. Staff Updates and Administrative Matters.

Ms. Molina Dumas notes that there are no pending ZBA applications, so the next ZBA meeting will be determined once applications are received.

Mr. Trefethen announces that Ms. Sheila Page is no longer with the Town of Ashland, having accepted a position with the Town of Lexington. The Board thanks her for her service. Ms. Molina Dumas notes that she will be covering the Planning Board until a new Town Planner is hired.

Mr. DiBenedetto motions to adjourn the meeting at 7:36 PM, Mr. Forestal seconds, and motion passes 6-0-0.

Documents Presented

1) Agenda for ZBA on January 8, 2019.
2) Draft minutes for the December 11, 2018 Zoning Board of Appeals Meeting.
3) Draft Decision for 9 Taggart Court
4) Current ZBA Fee Schedule
5) Proposed ZBA Fee Schedule
6) Proposed Planning Board Fee Schedule