

BERLIN ZONING BOARD OF APPEALS MEETING ADMINISTRATIVE MINUTES

MEETING DATE/LOCATION: Wednesday, June 13, 2018, Room 227, Town Hall Building, 23 Linden Street, Berlin, MA 01503

TOWN OFFICIALS (& OTHERS) PRESENT:

MEMBERS SITTING/PRESENT:

R	Lynn Ryan, Chair	P			
R	Dennis Bartlett	P			
R	Pat Jackson	A			
R	Jim Royer	P			
R	Ginny Zukatynski	P			
A	Sue Roberts	A			

Regular/Alternate

Sitting/Present/Absent

James Concannon, Dennis Minnich, Mark Rhodes, Mark Rhodes, Jr.

Chairman Ryan called the meeting to order at 7:06pm.

Motion made by Board Member Bartlett to accept the minutes of May 9, 2018 as written. The motion was seconded by Board Member Royer, and the motion passed 4-0.

Motion was made by Board Member Bartlett to reschedule the July meeting from the second Wednesday, July 11, 2018 to the following Wednesday, July 18, 2018 due to Board members being unavailable on July 11. The motion was seconded by Board Member Royer, and the motion passed 4-0.

Consensus from Board members present is the August 8, 2018 monthly meeting date does not conflict with vacation schedules.

Motion was made by Board Member Bartlett to continue with Board of Appeals monthly meetings in FY19 on the second Wednesday of the month beginning at 7:00pm. The motion was seconded by Board Member Royer, and the motion passed 4-0.

Mr. Rhodes, Petitioner for The Capes of Berlin, was in attendance. Chairman Ryan informed Mr. Rhodes that the Board was awaiting a ruling on the Joint Motion for Remand. Once received, a Public Hearing Notice would be prepared for his distribution to the newspaper and abutters. It is the hope that a public hearing can take place at the July 18, 2018 Board Meeting; this would require a ruling by Wednesday, June 20, 2018 in order to meet filing deadlines. Chairman Ryan recommended that in the meantime Mr. Rhodes meet with the Board of Health, Fire Department, and Board of Selectmen in preparation for the hearing with recommendations regarding waivers being reconsidered.

Mr. Minnich, abutter to The Capes of Berlin, was in attendance and indicated he was very upset with the Board for not being transparent with the abutters. Mr. Minnich read a memo he sent to the Board dated June 4, 2018, as well as a second memo sent on June 13, 2018 to which he received no response. Question arose as to where email sent to zba@townofberlin.com was being forwarded. Land Use Clerk, Liane Leahy, to follow up regarding email.

Mr. Minnich is asking; what is the process being followed to make a decision, where are we in the process, have any decisions have been made either way by the town or Department of Housing, and is a meeting being scheduled by the ZBA and for what purpose. Board Member Royer explained to Mr. Minnich that the Board is awaiting a ruling from the State regarding remand back to the Board in order to hold a public hearing to reconsider the denied waivers. Abutters would be informed of such a public hearing. Board Member Royer further explained to Mr. Minnich the Board is following the process mandated by the State.

Mr. Minnich asked why the Board would reconsider waivers previously denied. Chairman Ryan answered that the revised waivers came out of mediation with the Petitioner. Mr. Minnich was upset that abutters were not made aware of mediation and the results of such. Board Member Royer explained to Mr. Minnich that there have been no public meetings regarding The Capes of Berlin since the Board's decision; mediation was mandated by the State and was not open to the public.

Mr. Minnich asked why abutters have not received materials the Petitioner presents to the Board for review. Chairman Ryan informed Mr. Minnich that all materials are filed with the Town Clerk and are available to the public upon request.

Mr. Minnich asked if the Town was at the 10% SHI required by the State, and if so, why the Board was entertaining this 40B project. Chairman Ryan indicated while it is the Board's belief the Town is at the required 10%, it has not been confirmed by the State. Chairman Ryan further stated the Petitioner's application was received before reaching the 10%, and the law requires consideration of the permit application.

Mr. Minnich reiterated his disgust with the Board and their handling of the matter.

Mr. Concannon, abutter to The Capes of Berlin, was in attendance and expressed that some of the abutters do not understand the process and thanked the Board for their time as Town volunteers.

Board Member Royer has been in contact with Ernie Mello of Zero-Point Development regarding large-scale solar array at 344 Randall Rd. Mr. Mello understands the by-law change was sent to the Attorney General, and the deadline for approval/denial is August 28, 2018. In an effort to keep moving forward, Mr. Mello is asking if he can submit plans to the Building Inspector for review prior to the Attorney General's decision. A brief discussion ensued. Board Member Royer will contact Mr. Mello informing him that he may submit plans to the Building Inspector prior to August 28, 2018.

Next meeting is scheduled for July 18, 2018 beginning at 7:00pm.

Motion was made by Board Member Royer to adjourn the meeting. The motion was seconded by Board Member Bartlett, and the motion passed 4-0. The meeting was adjourned at 8:00pm.

Respectfully submitted by: _____

Liane Leahy, Clerk for Berlin Zoning Board of Appeals