

**Zoning Board of Adjustment
Meeting Minutes
October 27, 2020**

DRAFT

Attendance:

ZBA Members: Kevin Brown (Chair), Brenda Tilburg, Carol Clauss, Ted Desmond

Others:

Kris Perlee (Zoning Administrator), James Dumont, Herold Masterson, Ted Lylis, Jim Quaglino, Sky Gale, Bruce Beekmen, Katie Raycroft-Meyer, Peter Meyer, Nancy Skidmore, Jen Corrigan, Liz Hermann,

The Zoning Board of Adjustments will hold a hearing on the Terasem Transreligion Movement's appeal of the Zoning Administrator's October 5, 2020 rescission of the letter of August 21, 2020 regarding deemed approval of application #10-46 AMEND and the instruction to cease installation of the solar facility pending a decision by the hearing and decision by the ZBA on application #10-46 AMEND.

Hearing called to order 7:56 pm

K. Brown explained that the solar project for the location is under the Public Utility Commission jurisdiction. Based on state law the Town and the ZBA have no authority over the solar project. He explained that the hearing is on the appeal of the letter that was sent October 5 rescinding the August 21 letter sent by the ZA. The second hearing will deal with the merits of the original application.

K. Brown explained his original involvement in the process as the town attorney. He did not feel his early involvement would require him to recuse himself from the hearing. He asked if anyone objected to him being part of the hearing. There were no objections. J. Dumont stated he had no objections.

J. Dumont gave an overview of their objection stating that the town cannot withdraw a permit once its been issued because of an error by the ZA.

B. Tilburg stated that there was acknowledgement that an error was made in the August letter. K. Brown agreed that it was made in error.

Public comment was opened.

K. Raycroft-Meyer asked about the public appeal process. She stated that any development needs public posting and this didn't happen. K. Brown explained that if the ZBA had been involved, the only posting would have been for the hearing. K. Raycroft-Meyer then questioned the lack of a 15 day notice. K. Brown explained that this was a time sensitive matter and both attorneys agreed we should move forward, All abutting

neighbors were sent and accepted certified notice of the hearing. The fact that so many people were in attendance showed the town acted in good faith. K. Raycroft-Meyer than asked if the appeal is upheld would the ZBA still have the second hearing. K. Brown stated that they would not. K. Raycroft-Meyer voiced her concern that this was creating very bad precedent.

S. Gale discussed the Certificate of Public good was issued and wanted to discuss the parking plan. K. Brown explained that this hearing was for the appeal of the letter, not the merits of the project.

B. Tilburg stated she had concerns about how long the town could rescind a permit. J. Dumont stated that they couldn't once it was issued.

B. Beeken asked if the applicants/town/neighbors might be able to find a solution that didn't involve the law.

H. Masterson made statement about the impact this project would have on his home.

K. Raycroft-Meyer said they should be discussing the merits and the town should stand by the October letter. She explained that the Town just finished updates to the Town Plan and its enhanced energy plan would have had impact on the PUC process.

J. Dumont stated that the law needs to be applied to this hearing and cannot be ignored because it is inconvenient.

B. Tilburg asked if the town could appeal its own decision. J. Dumont stated that this would have needed to be done during the appeal period.

K. Brown made following motion "ZBA to uphold the Zoning Administrators October 5, 2020 rescension of the ZA letter dated August 18, 2020 of permit 10-46 AMMEND." Second by t. Desmond. Voted 3-1 (Yes – Brown, Clauss, Desmond, No – Tilburg).
No Decision

Discussion occurred about what to do next. J. Dumont stated that this would uphold the original letter. B. Brown stated that the attorneys would need to discuss next steps.

A discussion was had about the second hearing. J. Dumont stated he was ok with moving forward with the second hearing. K. Brown clarified that would be a binding hearing and not just advisory. J. Dumont agreed.

Hearing Closed 9:21 pm

The Bristol Zoning Board of Adjustments will hold a hearing via Zoom on October 27, 2020 beginning at 7:30 P.M. to consider the review of zoning permit #10-46 AMEND, Terasem Movement Transreligion (Parcel #23-50-32), requesting a reduction of parking requirements, Bristol Zoning By-laws and Regulations Article VII, Sec. 711.

K. Brown made motion to proceed to hearing. T. Desmond 2nd. So voted 4-0

Hearing opened 9:23

S. Gale explained that TMT would like to reduce the parking requirements down to 7 as shown on the updated plan. This would leave 7 parking spots. Based on the current parking requirements, they would only need 2 spots (no employees and 6 seats). K. Perlee explained that the parking being proposed would allow for 21 seats and no employees or 18 seats and 1 employee or any combination.

T. Desmond asked what changed. It was explained that TMT would like to use the “paddock” area for another use. This use would be a solar array.

K. Raycroft-Meyer stated that the screening required by the site plan was not installed. K. Brown said he reviewed the decision, and it was to be implemented in two phases. The second would need to be done when the paddock was used for parking.

P. Meyer stated he sent letter to ZBA about the decision and the missing hedges. A discussion was had about the hedges. S. Gale explained that the funds for the hedges had been removed and applied to the legal fees for this hearing. K. Brown asked TMT to install hedges. J. Dumont asked to speak to his client in private. After discussion, S. Gale agreed to install the hedges.

B. Beeken asked if the current parking needed to be converted back to grass. S. Gale explained that they were not using this as parking and to changes are needed. He acknowledged that signage is still needed for current parking.

K. Brown explained how changes to conditional uses needed to occur.

P. Meyer said the parking out front is not the issue, but the rear parking was. This would impact the future of the downtown area. He would like to work with his neighbors to resolve. He asked about the back-up septic area. K. Brown explained that septic is handled by the state and the PUC should have taken this into account when awarding the CPG for this project.

S. Gale asked if hedge is to be installed along array or property line. P. Meyer stated that the site plan called for screening along property line. K. Brown confirmed. S. Gale agreed to install along property line as shown on plan.

K. Brown made the following motion “Approve the amendment to existing site plan to eliminate 11 parking spaces in the paddock area”. 2nd by C. Clauss. So voted 4-0.

Respectfully submitted
Kris Perlee