



**Town of Becket
Zoning Board of Appeals
557 Main Street
Becket, Massachusetts 01223
Phone (413) 623-8934 Ext. 20**

Meeting Minutes for May 1, 2018

Board Members Present: Victoria Bleier, Karen Karlberg, George Roberts, Joy Lennartz, Jeffrey Wilkinson, Alvin Blake

Board Members Absent: None

Administrative Assistant: Jessica Perotti

Public Present: None

Call to Order

Victoria Bleier calls the meeting to order at 7:03 PM. Since there is no one from the public present, Ms. Bleier skips over reading the rules of the meeting.

Board to Review Meeting Minutes of April 3, 2018

The Board reviews the minutes of April 3, 2018. Ms. Bleier asks if anyone would like to make a motion to approve the minutes for April 3, 2018. Alvin Blake makes a **motion** to approve the minutes of April 3, 2018. George Roberts **seconds the motion**. With no further discussion, Ms. Bleier calls the motion to a vote. All in favor with Karen Karlberg abstaining from the vote.

Motion passes.

Old Business

None.

New Business:

Board to discuss the development of a process to ensure applications are complete before scheduling a Public Hearing

Mr. Roberts tells the Board that he was going to do more research on application procedures but was distracted with other town matters including the annual town meeting and town elections. Ms. Bleier lets the Board know that she too wasn't able to do as much research as she intended. Ms. Bleier was able to speak with someone that is on the Zoning Board in the town of Lenox. Lenox has a full time planner that reviews applications before they go to the board to first ensure that applications are complete before public hearings are scheduled. The planner sends applications back to the applicant until it is deemed complete for the zoning board to review. Ms. Bleier says that it is a very rare circumstance, in Lenox, for an application to reach the zoning board incomplete. Ms. Bleier says she did get their planner's contact information but was not able to reach out to her before tonight's meeting. Mr. Roberts agrees that the Board should have some sort of pre-screening because the way the bylaws are written now, an applicant can bring anything into the Town Clerk's Office to submit, along with the fee, and that's when the timeline starts. Mr. Roberts suggests getting a hold of the application



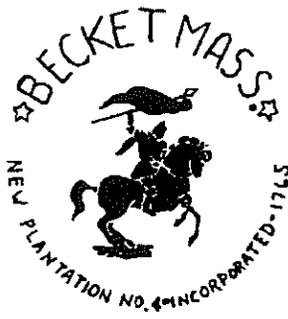
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procedure flow that Lenox has to develop a process for Becket. Ms. Karlberg agrees that once something comes into the Town Clerk's Office, it has to be received. Mr. Roberts confirms that he, as Town Clerk, does not have the ability to screen or refuse an application. Ms. Karlberg says other boards have the same problem.

** Mr. Roberts excuses himself from the meeting; he is out of the meeting from 7:08 PM - 7:10 PM.*

Ms. Bleier wants to know how Becket can adopt this process. Jeffrey Wilkinson wants to know if this would affect the timeline; Mr. Blake says that it does. Ms. Bleier assumes that the timeline doesn't start until the application is stamped by the Town Clerk. Mr. Blake agrees and says the timeline doesn't start until Mr. Roberts stamps it; if someone reviews it, it saves the timeline. Mr. Wilkinson says he thought Mr. Roberts had to stamp it once it was received. Ms. Bleier explains that if it goes to Mr. Roberts first, it does need to be stamped and the timeline starts. If an application went to, for example, Ms. Perotti first, she could look at it and find out if it's missing anything and give it back to the applicant until the application is complete. Ms. Karlberg questions if this is legal to do. Joy Lennartz suggests that the applicant not pay the fee until the application is considered complete. Mr. Wilkinson reads from the application process and the first step is to hand the application to the Town Clerk. Ms. Bleier thinks they need to amend the ZBA procedures that are online. Ms. Bleier asks Mr. Roberts if he can tell applicants to go talk to Ms. Perotti first. Mr. Roberts confirms he does not have the authority to do that; the rule is that applicants submit their applications to the Town Clerk with a check. Mr. Blake asks Mr. Roberts if there is anything that says the application can go to Ms. Perotti first and that the check will be held until the application is considered complete. Mr. Roberts says they need to take a look at the rules that are posted and then amend them somehow. The Town Clerk must accept applications unless there is a provision of a local bylaw that first requires the Administrator's review. Ms. Bleier wonders if Lenox has something in their bylaws that allows them to have applications reviewed by a planner first. The Board reviews MGL 40A. Mr. Roberts says there has to be a step in there that says before an application is filed with the Town Clerk, it needs to be complete. Ms. Bleier says she will get in touch with the planner from Lenox and find out what gives them the authority to review applications before they are received by the Town Clerk. Mr. Roberts says the application may be rejected as incomplete or improper by the ZBA but that's where the problems come up and that's what the Board is trying to get around. Mr. Roberts says the Board doesn't want to meet to review an application and keep continuing until the application is considered complete. Mr. Wilkinson suggests having the applicant have the application reviewed before it is filed with the Town Clerk. Mr.



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Blake says the application steps need to be changed. Mr. Roberts questions who would have the authority to review an application for completeness and give their stamp of approval on it. Ms. Bleier wonders if someone on the Board should be designated to review applications for completeness or take turns reviewing applications as they come in to the office. Mr. Blake says this wouldn't be an approval of the application just a cursory look to check for everything required for the application. Mr. Wilkinson suggests having a clear cover on the application showing that everything asked for on the application has been submitted. Mr. Roberts adds they should check off what they have submitted or note that something will not be submitted. Mr. Roberts gives an extreme example of a "to scale drawing" that is required: someone may decide to come in with a drawing of the property on a napkin. If that's all they were planning on submitting, it would be denied. Mr. Roberts does like the idea of having a planner or someone review an application before it is received and is also in favor of having a check list with a very clear disclaimer that the Board needs these things to adequately review an application. The check list should be checked off as submitted or that they will not be submitting. Mr. Roberts says that if the applicant is refusing to submit something required for the application, it's no guarantee that the application will be rejected but it could be grounds for a denial. Ms. Karlberg says applicants shouldn't be put on an agenda for a public hearing until their application is complete. Mr. Roberts responds that if there was someone to review the application first, whoever reviews it would be like a gatekeeper and would not submit it to the Town Clerk until it was complete but there's nothing in place that gives the authority to do that right now. Mr. Roberts says that if the town of Lenox has something in place that allows them to do that then the Board will need to decide who should review the applications giving a few examples: the Town Administrator, the Building Inspector or the Administrative Assistant for the Board. Once that is decided, they can be the one to go back to the applicant to say whether it's complete or not. The applicant could also state that they don't want to submit something and ask that it be reviewed by the Board for approval without it. Ms. Bleier says the Board could give the applicant an opportunity to withdraw the application so they aren't locked out for two (2) years. Mr. Roberts says that having to continue hearings because applications are not complete is what they really want to avoid because it puts things out for several months. The applicant could come for a public hearing to review application A and the Board could say they need X, Y, and Z and then at the next meeting they only provide X and Y but not Z and then there could be a storm or something else that stops the meeting from taking place and next thing you know it's six months before the application is considered complete. Ms. Lennartz says the applicant would probably be happier having it reviewed for completeness because it saves time for them too. Ms. Bleier says while the Town Clerk can't reject an application when it comes in, she asks Mr. Roberts if he could suggest that it be reviewed



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before being submitted. Mr. Roberts repeats that if someone comes with an application including the fee, he needs to receive it and hand it off to the appropriate board. Mr. Roberts thinks the Board needs to amend the existing procedures and rules to require some sort of prescreening before the application is accepted and filed with the Town Clerk. Ms. Karlberg asks if applications are ever sent by mail. Mr. Roberts confirms applications have been mailed. Ms. Bleier summarizes that they need to come up with a new application check list and look into amending the application procedure.

**Mr. Roberts dismisses himself from the meeting at 7:24 PM.*

Ms. Bleier says this discussion will be continued to the next meeting. Ms. Karlberg says she started a checklist and asks Ms. Bleier if she would like the list and notes she put together. Ms. Bleier thanks Ms. Karlberg for the information; Ms. Karlberg promises she will get a clean copy to her soon. Mr. Blake suggests contacting the **Berkshire Regional Planning Commission (BRPC)** because they probably have a template for ZBA procedures.

Budget

Ms. Perotti says everything that has been approved for payment has been paid: Courier Printing for business cards, New England Newspapers for the Public Hearing Notification for Todd Owen and Becket Federated Church for listing the ZBA meetings in the Community Calendar. Approximately twenty six percent (26%) of the budget has been spent.

Review Correspondence

None.

Any other business to come before the Board

Ms. Karlberg reports that she attended the BRPC dinner. She said the discussions were about getting grants and federal processes to help small towns with storm water damage. Ms. Karlberg says it is her understanding that Becket will be applying for funding for some culverts.

Ms. Bleier asks Ms. Perotti if any applications have been submitted; Ms. Perotti confirms nothing has been submitted.

The next meeting is set for June 5, 2018 at 7:00 PM.



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Adjournment

Mr. Blake makes a **motion** to adjourn. Ms. Karlberg **seconds the motion**. All in favor. **Motion passes**. Meeting is adjourned at 7:31 PM.

Meeting Minutes Reviewed and Approved on November 13, 2018 by:



Victoria Bleier, Chairperson

George Roberts, Clerk



Jeffrey Wilkinson



Karen Karlberg, Vice Chairperson



Joy Lennartz



Alvin Blake