

MINUTES
BOARD OF APPEALS
Tuesday February 23, 2021

The Board of Appeals met on Tuesday February 23, 2021 via the *Go to Meeting* virtual platform.

MEMBERS PRESENT: Rick Gerety, Chairperson
Shannon Abel
Greg Adolph
Thomas Payne
Robert Preston
Brendan Hopkins, Alternate

OTHERS: Donna Kahoe, Board of Town Commissioners
Kevin Small, Director of Planning
Charles Keenan, Town Counsel
Kathi Santora, Recording Secretary

ABSENT: Diann Stump (no longer on the Board of Appeals)

CALL TO ORDER

Mr. Gerety called the meeting to order at 7:01 p.m.

I. Administrative Matters

A. Mr. Gerety introduced the agenda. Mr. Adolph moved to accept. Mr. Preston seconded the motion. All in favor. Motion carried.

Mr. Adolph moved to accept the minutes of November 26, 2019. Mr. Preston seconded the motion. All in favor. Motion carried.

B. Mr. Keenan asked for nominations for the Board of Appeals chairperson. Mr. Adolph nominated Mr. Gerety. There were no other nominations. Mr. Preston seconded the motion. All in favor. Motion carried.

Mr. Gerety called for nominations for vice-chairperson. Mr. Preston nominated Mr. Adolph. There were no other nominations. Mr. Gerety seconded the motion. All in favor. Motion carried.

II. New Business

A. Review of the draft update to Powers & Duties

Mr. Small confirmed that all members received the draft and a summary of proposed changes.

He noted that there have been few major changes, but the Town wishes to align the powers and duties of the Department of Planning's three commissions. No major responsibilities have changed. Some changes/additions:

- A graphic that outlines the Board of Appeals process
- State and local requirements that address the Commission's powers
- Clarification that flood plain issues fall under the Board of Appeals
- Special meetings can be called by the Chair or by two members
- Meeting recordings must be kept for one year

Mr. Small noted that Appendix A summarizes the Board of Appeals responsibilities as well as those of the chairperson. These reflect current State Code. He will ask Board of Appeals members to sign this document.

Other changes include allowing the Zoning Administrator to cancel meetings when no appeals have been submitted. Details have been added regarding cancellation of meetings and withdrawal of submissions by applicants shortly before a scheduled meeting. The chair and board will decide if meeting will be cancelled under these circumstances.

Language was expanded to cover meeting conduct. Approval of minutes moved to beginning of meeting. Minutes are not posted to website until they are approved. However, people can request draft minutes.

Responsibilities of the alternate board member are included.

Open meetings and ethics appendices were updated to reflect State Code changes.

Mr. Small requested feedback over the next few weeks.

Mr. Adolph requested that Mr. Small provide this document in a searchable format and suggested that all PDFs for all boards and commissions be prepared as such. He also suggested that language could be added that directs that these documents undergo future review on a specified time cycle.

Mr. Abel asked about education/orientation courses for new members. Mr. Small stated that there are online courses from the State Department of Planning. He will

supply this information.

Mr. Gerety asked members to review possible motion language in advance of meetings so that the motions are as precise as possible. He added that bringing these in writing has proved helpful to him in the past. Mr. Small confirmed that motions must be code compliant and that this is especially important for the Board of Appeals.

Mr. Small stated that he will meet with Mr. Abel and Mr. Hopkins as new board members. Mr. Gerety also requested refresher meetings/training for interested members.

Mr. Gerety also expressed concern that minutes remain unapproved for long periods of time since the Board of Appeals only meets when appeals are filed. He asked if a process could be set up to approve minutes in a timely fashion. Mr. Small agreed and suggested adding language to ensure that minutes can be approved in, for example, a virtual meeting set up for that purpose.

Mr. Small confirmed that such virtual meetings meet open meeting requirements. Mr. Gerety suggested that minutes should be approved within three months.

Mr. Abel asked if this would satisfy the needs of applicants. Mr. Keenan stated that appeals are handled under State Code and there are time frames to follow. However, decisions are provided outside of minutes. Mr. Small noted that the court reporter transcripts are used as the document to support the appeal. However, in the event of an appeal, the chair could call a meeting to approve minutes. However, Mr. Keenan noted that the transcript controls the legal process, not minutes.

Mr. Small stated that the transcription can be sent to all members in the event of an adverse decision. He added that staff does routinely review transcriptions.

Mr. Small will send a new version of updates in March. A vote can take place in April.

Mr. Adolph suggested that Board members review and discuss any suggested changes at a future time. Mr. Preston suggested that members direct comments and suggestions to Mr. Small. Mr. Small suggested that no motion on this item is needed. He has noted all comments and these are also reflected in tonight's minutes. He asked for all comments to be submitted within two weeks and he will send the revised version by March 16.

B. Other

Mr. Small stated that another liquor store that will seek approval in the near future. It is

similar to a convenience store that will sell liquor.

He also stated that there are potential upcoming changes to Harford Mall that may involve the Board of Appeals.

He added that there is a lot of upcoming activity that involve planning issues.

Mr. Gerety asked about the communications tower status at the St. Matthews property. Mr. Small stated there has been no activity on this project for more than a year. Therefore, it is no longer considered an active issue. A new submission would be required. St. Matthews is working on correcting violation issues that interfered with the approval process. A new application is expected.

There has been no further activity on a signage issue from Harford Village Apartments.

Mr. Adolph asked about a previous issue regarding parking on Williams Street. Mr. Small stated that a compromise was reached. The Town Board voted and confirmed this solution.

Mr. Preston moved to adjourn the meeting. Mr. Gerety seconded the motion. All in favor.

The meeting adjourned at 7:50 p.m.