

**BOARD OF SELECTMEN
INTERVIEW SUB-COMMITTEE
MEETING MINUTES – March 31, 2021**

7:00 p.m. - Introduction to Remote Meeting

Selectman Perreault stated that this Open Meeting of the Board of Selectmen Interview Committee is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of COVID-19. In order to mitigate the transmission of the COVID-19 Virus, the Town of Northborough has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location.

Selectman Perreault noted that the Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. He added that ensuring public access does not ensure public participation unless such participation is required by law. This meeting will not feature public comment. He indicated the various ways that the public may view or participate in this meeting as listed on the posted agenda.

Meeting Business Ground Rules

Selectman Perreault covered the ground rules for effective and clear conduct of the business. He asked those present to mute their phone or computer when not speaking and to speak clearly and in a way that helps generate accurate meeting minutes.

Any votes taken this evening will be done by roll call to ensure that the records of the vote are clear and accurate to the members attending the meeting remotely.

Chairman Perreault confirmed that the following members and persons anticipated on the agenda were remotely present and could be heard.

Selectman Jason Perreault
Selectman Scott Rogers

INTERVIEWS FOR THE ZONING BOARD OF APPEALS (ZBA)

Selectman Perreault noted that tonight's meeting is to conduct interviews for the Zoning Board of Appeals (ZBA). Two regular voting seats are up for reappointment of which the incumbents are seeking reappointment; and one alternate seat is up for reappointment of which the incumbent is not seeking reappointment. In addition, there are four new applicants that were interviewed on March 29, 2021. The incumbents will be interviewed this evening, after which time he and Selectman Rogers will deliberate and arrive at their recommendation for appointments or reappointments to be presented to the Board of Selectmen for their consideration at their meeting on April 12, 2021.

Selectman Perreault noted that he and Selectman Rogers are substituting regular Interview Committee members Selectmen Rutan and Kaelin who perceive themselves to have a conflict of interest with respect to some of the applicants.

Fran Bakstran

Selectman Perreault informed Ms. Bakstran of the purpose of tonight's interviews and the process leading up to the Interview Committee's recommendation for appointments or reappointments to the ZBA at the April 12, 2021 Board of Selectmen Meeting.

Ms. Bakstran indicated that she has been a resident of Northborough since 1987. She indicated that her understanding of the role of the ZBA is that it is a statutory required entity that hears appeals of the Zoning Enforcement Officer's decisions, site plan approvals, special permits and variances. Qualifications that she brings to the ZBA include her interest in the subject matter, her experience and self-confidence and her ability to stand true to her convictions, which is one of the challenges of being a ZBA member.

Ms. Bakstran indicated that she had appeared before the ZBA back in the 1990's as part of a neighborhood petition group regarding an appeal of a decision by the Planning Board on a development in her area of town. She noted that over the years, she has offered input at both ZBA and Planning Board hearings. In terms of background and understanding required of a ZBA member, she indicated that members have to have an understanding of how Town governance works and know the responsibilities and regulations in which the ZBA can work under. She added that practical volunteer experience weighs the same as professional experience because members can learn along the way. Her experience comes from her years of service on the Board.

Ms. Bakstran indicated that she has regularly attended Town Meetings since the early 1990's, adding not only does she attend but she regularly participates. Some Town Meeting items that were of interest to her and that she participated in include: The Historic District Commission Demolition Bylaw; a Senior Overlay District on the North Side of Town; and the Marijuana Moratorium. She also spoke on behalf of the ZBA against a citizens petition seeking to remove authority from the ZBA to have use variance authority.

In terms of what is required of ZBA members, Ms. Bakstran stated that members have to be interested in the subject matter. They have to be willing to be a team player as it is a majority rule process, but at the same time it's okay to debate and disagree. The current ZBA is a well-organized Board and members always have a healthy discussion before a decision is made. She added that there is value to having different perspectives between professional experience and real-life experience.

Ms. Bakstran ended her interview stating that she is happy to serve another 3-year term, but if the Interview Committee decides that is not in the best interest of the Town, she will not take it personally.

Mark Rutan

Selectman Perreault informed Mr. Rutan of the purpose of tonight's interviews and the process leading up to the Interview Committee's recommendation for appointments or reappointments to the ZBA at the April 12, 2021 Board of Selectmen Meeting.

Mr. Rutan indicated that he has been a resident of Northborough since 1991 and has been a member of the ZBA for 21 years. His first 3 or 4 years, he served as an alternate member and was appointed as a voting member when the ZBA was changed from a 3-member

Board to a 5-member Board. He noted that at the time that the ZBA was changed to a 5-member Board it was because decisions must be passed by 75% and a 3-member decision had to be unanimous. A 5-member Board would allow one dissenting vote without placing any one person in total control of ZBA decisions. He indicated that his understanding of the role of the ZBA is to allow a particular applicant to break the rules, meaning that the zoning bylaws were strictly written with the intent to allow for an appeal to the ZBA, at which time the applicant would plead their case outlining mitigating circumstances that would justify it as a reasonable request. Qualifications that he brings to the ZBA is his long-time experience, noting that when he was first appointed to the ZBA he had light construction project experience.

Mr. Rutan indicated that he has not appeared before the ZBA or Planning Board as a petitioner. He noted that he had recused himself as a member of the ZBA at a ZBA hearing regarding an auto lot at the end of Hemlock Drive. At the time, he had provided input as a private citizen from the audience.

In terms of what is required of ZBA members, Mr. Rutan stated that members need to have a sense of the different areas and the layout of streets in Town. For example, to know there is a downtown business district, and residential and commercial districts. It's also helpful to understand that businesses want to operate in town while at the same time residents want to live in town safely. All landowners have a right to enjoy their property and develop it as they wish, while balancing to protect their neighbors and the characteristics that were in place when property owners bought into that particular neighborhood.

Mr. Rutan indicated that he has attended about two-thirds of Town Meetings in the 30 years he has been a Northborough resident. He noted that he voiced his opinion at last year's Town Meeting on the proposed amendments to the zoning bylaw regarding which Boards would hear different appeals. He added that it is his opinion that the zoning bylaws were strictly written with the intent to allow for an appeal to the ZBA.

Mr. Rutan ended his interview stating that he enjoys his time serving on the ZBA and admires his fellow Board members for being able to express their honest opinions when considering applications, adding that when a decision is not unanimous he appreciate the points of view that are discussed in opposition to his own.

DELIBERATION

Selectman Rogers noted how good it is to see the number of interested applicants who are passionate about serving their community. He believes the interviewing process, in that all candidates were asked the same set of questions, was able to give candidates an even playing field. His review will include the application, along with any additional materials that were submitted, as well as the answers to the set of questions from each applicant. Selectman Perreault agreed with Selectman Rogers and added that there are other Boards and Committee that continue to have vacancies.

Selectman Rogers suggested that the deliberation begin with determining if there is any reason to not consider the incumbents for reappointment? Selectman Perreault noted that the two incumbents have long-term experience and are familiar with the zoning bylaws. They have seen a number of applicants for various kinds of relief and understand the

thought process that goes into having to make decisions. He feels that the new applicants are enthusiastic, but not necessarily fully knowledgeable and operatable to step into a ZBA voting seat immediately. ZBA voting members typically begin as an alternate member to have the opportunity to learn and gain experience before being promoted to a voting member, as was the circumstance with ZBA Members Mr. Rutan, Ms. Bakstran, Mr. Tagliaferri and Mr. Blanchette.

Selectman Rogers noted that this is an important granting authority Board and he is leaning towards retaining the continued experience, knowledge and expertise that the incumbents bring to the ZBA.

Selectman Perreault and Rogers agreed that the new candidates do not offer sufficient qualifications, knowledge or such compelling stories that would cause them to be preferred over the knowledge and experience of the incumbents. Selectman Perreault added that time, interest, and energy can be sufficient qualifications to serve on some Boards and Committees according to their purpose, but the ZBA has a steep learning curve and sets the highest bar in terms of specialized knowledge and time commitment required for a member to be able to participate constructively. ZBA members must also understand the legal framework within which they operate and be competent enough to reach decisions that can withstand legal challenge. Both agreed that they would like to see the natural progression of an applicant being appointed as an alternate before serving as a voting member. From that perspective, both agreed to retain Fran Bakstran and Mark Rutan in the voting seats of the ZBA.

Selectman Perreault feels that out of the new applicants, Ms. Davies stands out with her professional experience and qualifications as the most qualified of the applicants. He expressed concern with it being too much of a workload for her as she is currently serving as a member on the Open Space Committee, as well as that Committee's representative on the Master Plan Implementation Committee (MPIC). If he looks at the option of her serving on the ZBA versus the Open Space Committee and MPIC, it seems that her experience and interest lies more with the later. He added that she also served on the Master Plan Steering Committee and had expressed a strong interest in wanting to see the implementation of the Master Plan through. He feels that she is well qualified to grapple with some of the broader themes and issues that may come from the Open Space Committee and the MIPC and that it would be to the Town's better advantage to have her continued service on those Committees rather than the ZBA. Selectman Rogers agreed, stating that Ms. Davies' profession and inclination as a planner and her experience with developing bylaws would be of more help to the Town from a master planning point of view. He would rather see her move forward some of the changes in the Master Plan as opposed to her granting variances and special permits. Selectman Perreault added that this would not rule out her serving on the ZBA at some point in the future once the Master Plan Implementation Committee has completed its work.

Selectman Rogers stated that the next candidate to consider would be Suzanne Cieslica due to her experience and background working on zoning bylaws with towns and residents in other areas. Selectman Perreault agreed, adding that her legal background as a retired attorney and her experiences that relate to real estate land use and bylaw interactions are desirable qualifications that would be valuable to the ZBA.

Selectman Perreault noted that Mr. Wixted and Mr. Rea are very accomplished professionally and both were very articulate in stating their interest and desire to become more involved by serving on the ZBA. He added that Mr. Rea was a candidate for the ZBA back in 2019, but was not selected at that time due to his lack of knowledge, prior experience and interaction with the ZBA compared to the incumbent. Mr. Wixted is always well researched and is able to clearly state his position. He has some reservations with these two candidates precisely because there is a particular issue in close proximity to their neighborhood. Because of this he is reluctant to appoint someone to a Board or Committee who may have a potential issue that would cause them to need to recuse themselves. He was surprised that Mr. Rea had not conducted more research on the role of the ZBA since it was suggested that he do so following his interview in 2019 in the event that another vacancy occurred. He also questioned if the Town Meeting experience of some of candidates was a bit less in reality than what was presented.

Selectman Rogers stated that based on the balance of experience and past participation amongst the candidates, and while recognizing that some may have a potential conflict of interest, he feels that Ms. Cieslica would be the best candidate for the alternate seat. Selectman Perreault agreed, adding that she has been vocal about certain issues in town over the last year, but it seems they are broadly based concerns rather than centrally focused on one particular area. Her qualifications make her the best candidate for the alternate seat looking at the entirety of her skill set, interest and enthusiasm. She is an accomplished volunteer and when she makes a commitment, she fills that commitment.

RECOMMENDATION

Selectman Rogers moved the Subcommittee vote to recommend the reappointment of Mark Rutan to the ZBA; Selectman Perreault seconded the motion; the roll call vote was as follows:

Selectman Rogers “aye”
Selectman Perreault “aye”

Selectman Rogers moved the Subcommittee vote to recommend the reappointment of Fran Bakstran to the ZBA; Selectman Perreault seconded the motion; the roll call vote was as follows:

Selectman Rogers “aye”
Selectman Perreault “aye”

Selectman Rogers moved the Subcommittee vote to recommend the appointment of Suzanne Cieslica as an alternate member to the ZBA; Selectman Perreault seconded the motion; the roll call vote was as follows:

Selectman Rogers “aye”
Selectman Perreault “aye”

Selectman Perreault indicated that the recommendations as moved above will be presented to the Board of Selectmen for their consideration at their meeting on April 12, 2021.

Selectman Perreault thanked all the applicants for their interest in serving their community and encouraged them to investigate other Boards or Committees that have vacancies.

ADJOURNMENT

At 7:58pm, Selectman Rogers moved the Subcommittee vote to adjourn; Selectman Perreault seconded the motion. The roll call vote was taken as follows:

Selectman Rogers “aye”
Selectman Perreault “aye”

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. March 31, 2021 Meeting Agenda
2. Letters of Interest from ZBA Incumbents