

**MINUTES OF THE  
SUMMERFIELD ZONING BOARD  
SUMMERFIELD COMMUNITY CENTER  
May 18, 2009  
7:00 P.M. Public Hearing**

The meeting was called to order at 7:10 pm by Chair Nancy Hess.

**2. INTRODUCTIONS:**

Nancy Hess, Chair  
Dick Feulner, Vice-Chair  
Ken Dunham  
Trudy Whitacre

Richard Lovett  
Will Rozell for Town Attorney  
Carrie Spencer, Clerk

Alternates Present: Rick Burguieres, Kathy Rooney, Carrie Reeves

Carrie Reeves, newly appointed alternate to the board, was introduced and spoke briefly about her background.

**3. CONSENT AGENDA**

Dick Feulner made a motion to approve the minutes of the March 23, 2009 Zoning Board, Trudy Whitacre seconded, and the motion passed unanimously with Mr. Lovett and Mr. Dunham abstaining (did not attend the meeting). Mr. Feulner made a motion to approve the minutes of the April 27, 2009 Zoning Board as amended, Ken Dunham seconded, and the motion passed unanimously with Mr. Lovett and Ms. Hess abstaining (did not attend the meeting).

**4. OLD BUSINESS:**

**A. Appointment of Chair and Vice-Chair**

Ms. Whitacre made a motion to appoint Nancy Hess as Board Chair, and Dick Feulner as Vice-Chair. The motion was seconded by Mr. Dunham, and passed unanimously.

**B. Training Session (continued from March 23, 2009)**

Mr. Rozelle presented training materials to the board (copy attached), pointing out the fact that the public does not have the right to speak at a public meeting unless invited, as opposed to a public hearing.

In answer to a question from the board, Mr. Rozelle stated that the board can re-open a public hearing after it closes, it for the petitioner to answer citizen questions.

Mr. Rozelle pointed out that a site walk for a case where a quorum is present, and discussion takes place, is considered a public meeting. The petitioner's presence at site walks, even when there is not a quorum of the board present, can create an appearance of bias and should be avoided. Additionally the board would potentially have a lot of information from a site walk with the petitioner, which would not be available to the public during the hearing. There was a consensus that staff members should be the only ones to walk a site with the board, after having walked it with the petitioner.

It was suggested that power lines do not count as open space, as they are utility easements whose users have the right to disturb the land there.

It was requested that the following be added to the list of pending ordinance text amendments:

- Include a policy on material submittals by applicants during meetings.
- Include key tree species types to a tree protection ordinance.

Conduct after zoning board meetings and hearings was discussed. Mr. Rozelle stated that individual members of the board should not make comments to council, but since council has expressed an interest, he suggests a board representative attend the council meetings. The board asked for meeting minutes to be written as soon as possible after meetings.

There was a question as to whether the board had to limit their reasons for a motion to the nine goals of the Long Range Plan.

The board asked staff to provide a list of proposed text amendments for them to prioritize.

Mr. Feulner made a motion to adjourn, Mr. Lovett seconded, and the meeting adjourned at 9:07.

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Nancy Hess, Chair

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Carrie Spencer, Clerk to the Board