

**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
WEDNESDAY  
APRIL 1, 2020**

THIS MEETING WAS CONDUCTED REMOTELY VIA GOOGLE MEET.

**Members Present:** Roger Menard, Chairman  
Gerald Coutinho  
Peter Borden  
Constance Gee  
Raymond Elias

Absent was Barbara Pontolilo.

Chairman Menard called the Zoning Board of Appeals meeting to order at 6:36 p.m. with the reciting of the Pledge of Allegiance.

**Pledge of Allegiance**

**Chairman's Announcement** - Under MGL Chapter 30A, Section 20(e) - Meeting being recorded.

Chairman Menard opened the hearing by reading the provisions mandated by Governor Charlie Baker regarding the congregation of people at the Town Hall and the manner in which municipal boards are to meet and hear matters on their agenda.

Chairman Menard noted that this meeting could be accessed by a link on the web browser ([meet.google.com/meh-ggdy-xig](https://meet.google.com/meh-ggdy-xig)) or by calling into the conference telephone number (252-656-5502, PIN 947962169#). He asked everyone who had joined the meeting to mute their telephones, so as to eliminate any background noise; and unmute when they wished to speak.

Chairman Menard stated that, when voting, the Members will recite their name and vote aye or nay on each motion.

At the outset, Mr. Coutinho stated, for the record, that he had difficulty logging onto the meeting through the Google Meet link and, therefore, it may be possible that petitioners and abutters had the same difficulty. The Clerk stated that all petitioners and abutters had been provided with the telephone number and PIN for logging into the meeting. All abutters were advised that

the Board would not be accepting evidence and that the matters on the agenda would be continued to a date in May.

1. Chairman Menard read the public hearing notice on the petition of Matthew Grosshandler/246 Howland SP, LLC, for a finding that the proposed introduction of a door providing access to the crawl space that had been previously approved by the Zoning Board of Appeals on October 2, 2019 will not be inconsistent with the prior approval; said crawl space is not contiguous with the existing basement and will only have access to the outside. The subject property is located at 246 Howland Road, Westport MA and is shown on Assessor's Map 88, Lot 150.

Petitioner Matthew Grosshandler was not present.

Chairman Menard stated that, because all town and city governmental offices are in an emergency status as a result of the COVID-19 health crisis, all meetings are being conducted by remote access. He further noted that this meeting was being opened for the sole purpose of continuing to May 13, 2020 at 6:30 p.m. If a public hearing at the Town Hall is not possible at that time, then the Board will conduct a hearing by remote access. Chairman Menard also noted that the Board will request a 90-day extension of the petitioner within which it would be required render a decision, and that this agreement be memorialized in writing.

Chairman Menard said that the Governor has filed proposed legislation, whereby all Town governmental boards would be relieved of the decision-making deadline and, therefore, the agreement to extend the deadline may be moot. However, in light of the fact that the legislation has not yet been passed, it was necessary that the petitioner agree to the decision deadline extension.

A motion was made to continue the matter to Wednesday, May 13, 2020 at 6:30 p.m. The roll call vote was as follows: Roger Menard - Aye; Gerald Coutinho - Aye; Peter Borden - Aye; Raymond Elias - Aye; and Constance Gee - Aye. The motion passed by unanimous vote. Chairman Menard advised that, if at the time of the meeting on May 13, the Governor's directive was that municipal meetings are not to be held at the Town Hall, the meetings would take place remotely and would most likely be continued further.

Abutter Daniel Kraft said he was present and had accessed the meeting by telephone. Mr. Kraft said that he understood that

the Board would not be accepting any evidence on this matter at this time.

2. Chairman Menard read the public hearing notice on the petition of Mary Thornton for a variance from Zoning Bylaw Article 7 to install a ground mount solar array, to be 11' 1" setback from Fox Lane. The subject property is located at 1579 Drift Road, Westport MA and is shown on Assessor's Map 57, Lot 22.

Petitioner Mary Thornton was not present.

Chairman Menard stated that, because all town and city governmental offices are in an emergency status as a result of the COVID-19 health crisis, all meetings are being conducted by remote access. He further noted that this meeting was being opened for the sole purpose of continuing to May 13, 2020 at 6:30 p.m. If a public hearing at the Town Hall is not possible, then the Board will conduct a hearing by remote access at that time. The Clerk will contact the petitioners to address the continuation of the hearing, as well as obtaining their agreement as to the 90-day extension within which the Board would be required to render a decision.

Abutter Chris Bednarz stated that he was present and asked whether abutters would be receiving a further notice of continuation of the meeting. Chairman Menard directed the Clerk to send notices to all abutters of the matters on the tonight's agenda of the continued date.

A motion was made to continue the matter to Wednesday, May 13, 2020 at 6:30 p.m. The roll call vote was as follows: Roger Menard - Aye; Gerald Coutinho - Aye; Peter Borden - Aye; Raymond Elias - Aye; and Constance Gee - Aye. The motion passed by unanimous vote.

3. Chairman Menard stated that a request had been made by Brookmeadow Westport, LLC/Robert Carrigg for a 12-month extension of "Commencement of Construction of the Project" pursuant to General Conditions, Number 27 of 2016 Brookmeadow Comprehensive Permit Modification dated April 6, 2016.

Neither Robert Carrigg nor any other Brookmeadow representative was present. Chairman Menard made a motion to continue this matter to May 13, 2020 at 6:30 p.m. Mr. Coutinho seconded the

motion with further discussion. Chairman Menard read the petitioner's letter into the record. Mr. Coutinho noted that this is not the first time a 12-month extension is being requested on this project, the Comprehensive Permit having been granted four (4) years ago; and that the Board is unaware of why this extension is being requested. Chairman Menard stated that the request advised that the Zoning Enforcement Officer did not consider "clearing land" as constituting the "commencement of construction." Mr. Coutinho stated he did not believe that multiple extensions were considered an "immaterial change" and that the Board should require clarification from the petitioner at the next meeting and, if needed, a full hearing should be scheduled.

Further roll call for voting on the motion continued as follows: Peter Borden - Aye; Raymond Elias - Aye; and Constance Gee - Aye. The motion passed by unanimous vote.

#### Administrative Items

1. Minutes of March 25, 2020 - Chairman Menard made a motion to approve the minutes with a minor typographical error to be revised. Mr. Coutinho seconded the motion. Roll call vote was as follows: Constance Gee - Aye; Ray Elias - Aye; Peter Borden - Aye and the Board voted unanimously to approve the minutes of the March 25, 2020 meeting.

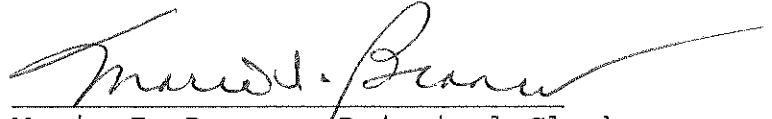
2. Mr. Coutinho expressed a concern about the Members not receiving their mail. The Clerk explained that the Governor's mandate of closing the Town Hall to the public was issued simultaneously with various documents being placed in the Members' in-boxes at the Town Hall. There was discussion about the Members coordinating with the Clerk to retrieve their documents; or by scanning and e-mailing certain documents to the Members.

7:07 p.m.

Motion made by Mr. Elias to adjourn the meeting. Seconded by Mr. Borden. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maria I. Branco", written over a horizontal line.

Maria I. Branco, Principal Clerk  
to the Zoning Board of Appeals

APPROVED:

A handwritten signature in cursive script, appearing to read "Roger Menard", written over a horizontal line.

Roger Menard, Chairman