

ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
JUNE 23, 2021
(Conducted via Google Meet)

RECEIVED

AUG 4 2021

WESTPORT ZONING
BOARD OF APPEALS

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

Also present: Ralph Souza, Building Commissioner/Zoning Enforcement Officer.

Chairman Menard called the Zoning Board of Appeals meeting to order at 6:30 p.m. with the reciting of the Pledge of Allegiance.

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

Governor Charlie Baker's Mandate

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

Chairman Menard advised that the meeting was being conducted remotely by accessing Google Meet. A roll call of the members' votes will be conducted for each motion. The Board would receive information and documents from the petitioners and, then, accept comments from anyone in attendance before closing the hearing and making a decision.

1. Chairman Menard opened the continued hearing on the petition for special permit and variance of Municipal Communications LLC, Applicant, and Brian J. Giblin, Owner, with site plan approval for a wireless communications facility to be located within a residential/agricultural district, to construct a 150-foot monopole-style tower, with minimum of 12 panel antennas and related equipment, in compliance with Article 6.3 as Recodified.

The subject property is located at 67 Masquesatch Road, Westport, MA and is shown on Assessor's Map 58, Lot 173G.

Chairman Menard noted that the Board would accept any evidence that the Applicants would like to submit; the Board would then discuss and ask questions; and, then, the hearing would be opened up to the public for comment.

Chairman Menard introduced the Board members. Ms. Pontolilo stated that, at this time, she will not be voting as she was not present for the March 31, 2021 hearing.

Chairman Menard advised that anyone listening should refrain from using the Chat to make comments and to communicate with other persons present. He said the comments are distracting and are not part of the record. He also said that anyone who does choose to use chat will be removed from the hearing.

Chairman Menard also noted that he would read into the record the correspondence that the Board received and not addressed in the prior hearing, as well as any letters or e-mails that the Board received prior to tonight's hearing.

In attendance was Attorney Brian Corey, Jr., 519 American Legion Highway, Westport, MA, who represents the Applicants, as well as Peter Corry, CEO of Municipal Communications.

Attorney Corey addressed the Board, stating that he and Mr. Corry would be addressing the information in the Isotrope Report, as well as photographs taken when the second balloon test that was conducted. He also stated that the height of the tower is the lowest height acceptable to meet the needs of AT&T coverage of the area.

During a brief time when Attorney Corey was having technical issues, Peter Corry, CEO of Municipal Communications, addressed the Board. He stated that:

1. Municipal Communications is a small firm, a specialty firm, that is typically employed by AT&T or other wireless carrier, and tasked with conducting research in various communities for viable sites for cell towers.

2. As CEO, his intentions are to work with the community, knowing that Westport is a historic community, and attain the ultimate goal in finding an ideal, yet unobtrusive, location for the tower to accommodate his client.

3. Municipal Communications has been researching for a site since 2014.

4. He reviewed the Isotrope Report, which he found to have little objectivity.

5. He personally designed the towers that were installed in the past that have been reviewed by the Board.

6. His goal is to work with the community and bring a positive solution for both AT&T and the residents of Westport.

Mr. Corry presented a letter from Municipal Communications, LLC dated June 22, 2021, addressed to the Zoning Board. The letter had been presented to address various suggestions regarding placement of the tower at alternative sites.

Attorney Corey noted that the church steeple site would not be suitable to cover the large gaps that are indicated.

Chairman Menard stated that this was the first time that the Board is aware of this letter. He asked Attorney Corey to read the letter into the record, which he did.

Attorney Corey asked various questions of Mr. Corry as to his many years of experience in the telecommunications field, as well as creating stealth towers.

Attorney Corey presented a photograph of a tower that have been designed by Mr. Corry to depict the image of a tree, with 16-foot branches at the base. Mr. Corry stated that he and his partner, Julius Erving, visited the site and was greeted by someone who expressed her support for the tower.

While presenting various photographs of the balloon test, Mr. Corry stated that the purpose of conducting multiple balloon

tests was to assist the community. While presenting photographs taken from at least all cardinal directions, Attorney Corey stated that the balloons were barely visible through the trees that were not in bloom.

Mr. Coutinho asked a few questions for clarification purposes. First, he stated that he did not recall the Board requesting that a second balloon test be conducted. Second, Mr. Coutinho asked for clarification as to the letter that was referred to by Attorney Corey, which was dated June 22, 2021 and addressed to the Zoning Board. The letter was never received by the Board members and has not been read or reviewed by the Board. Third, all photographs presented at this hearing should be made available to the Board, with the dates of the taking of the photographs and the person who took the photographs. Mr. Coutinho inquired as to why the lateness of providing this information by AT&T, when the matter has been on the Board's docket since March 31, 2021.

Attorney Corey stated that he had received the letter earlier in the day and he sent it to Attorney Philip Beauregard, who does not represent the Board, but does represent a group of residents who oppose the installation of the tower at the Masquesatch Road site. He also said that AT&T is a "big company" and submittal of the information must be authorized by AT&T. Attorney Corey said that the Applicant must receive authorization from AT&T prior to presenting information to the Board.

Mr. Coutinho said that, since he was not provided with the letter, he will not consider the information contained in the letter at this time. Mr. Coutinho also inquired as to the height of the tree tower from the ground to the first set of branches. Mr. Corry addressed the photograph that was initially shown to the Board, stating that it was 139 feet tall with the lightning rods, 135 feet without the lightning rods, with the lowest set of branches starting at 13 feet.

Attorney Corey presented a letter dated June 23, 2021 from AT&T to the Planning Board, authorizing C Squared Systems to prepare technical materials on its behalf. Copies of the letter would be provided to the Board.

Responding to Mr. Coutinho's request for further clarification, Attorney Corey stated that the data contained in the C Squared Systems report, unlike that which is contained in the Isotrope Report, was reviewed by AT&T and verifies both the coverage requirements and the requirements by AT&T.

Mr. Coutinho did not believe that this letter was meaningful to the Board; Attorney Corey stated that he was providing information as to the relationship that the Applicant has with AT&T, which was an issue at the last meeting.

Chairman Menard noted that the letter is addressed to the Planning Board. Attorney Corey stated that the letter being addressed to the Planning Board was an error, and he believed the letter should have been addressed to the Zoning Board.

Attorney Corey continued with his presentation of several photographs taken on April 14, 2021 showing the visibility of the balloons from certain locations, as well as the balloons being barely visible from other locations.

With regard to the Isotrope Report, Attorney Corey stated that the Report makes assumptions with which AT&T does not agree are accurate; the data contradicts that which is in the C Squared Systems report that AT&T supports, specifically with regard to the proposed site, which is needed to provide adequate coverage; and the differences between towers necessary in rural areas of western Massachusetts and the tower that is required in the designated area of Westport.

Attorney Corey also addressed consideration of alternative sites and other topics:

1. He contacted Attorney Peter Bullard, Co-Trustee of the Chardon property. There has been no response from the Chardons and, therefore, the Applicant could not pursue their property as an alternative location for the tower. Although the Chardon property is the best of the alternative sites, there would still be coverage gaps.

2. The Howard Gifford property would not provide adequate coverage.

3. The church steeple was rejected by AT&T as untenable as the height -- 40 feet -- is not adequate for AT&T or for any other wireless carrier. There would need to be an additional 80 feet in height to provide the coverage gaps.

4. Tripp's Boatyard is .7 of a mile farther south and 40 feet lower to the ground than the proposed site. The pole is a single-carrier pole. The total height of the tower would need to be increased up to 120 feet.

5. The Isotrope Report does not account for whether T-Mobile agrees it has adequate coverage.

6. AT&T has attempted since 2007 to find a site that would be sufficient to cover the gaps in service. The site on this application was for Karal Ranch at 7 Olin Howland Way. AT&T withdrew its application at that time, when the neighborhood had asked that AT&T look for another location.

7. The C Squared Systems Report indicates that AT&T understands it will utilize the lowest possible height for the tower to provide the least view intrusion for the surrounding community.

8. The proposed site is 1 of only 2 locations that would provide the required coverage for AT&T users. The Chardon property would be the only other viable location. The Telecommunications Act (TCA) does not mandate that the Applicant conduct an exhaustive search, only that it conducted a reasonable search. After an exhaustive search within a specific geographical area, the Applicant found no other viable locations for the tower other than the proposed site.

9. Originally, AT&T believed it required a tower of 170 feet. However, in light of the location of the site and its uniqueness in providing gap coverage -- as well as the other locations not being viable sites -- AT&T is suggesting a lower height for its tower.

10. The Board is tasked with determining whether or not the requests in the petition meet the requirements of the TCA. Although the applicant looked at the other proposed sites, none were considered viable for this project. The TCA supersedes the Zoning Bylaws. The Zoning Board has authority under the TCA to designate the construction of the facility with limitations, in that, the Board cannot deny permission to install the facility, unless there is substantial evidence in the record that the tower will not fill the gap.

11. Case law has noted that it is typical for applicants to request variances due to limitations under the Zoning Bylaws. In Westport, towers are limited to commercial/business areas. AT&T will provide co-location of other carriers.

12. The Applicant intends to make the tower as unobtrusive and as uninconvenient as possible; and is willing to work with the Board to install the type of pole that the Board requests. The variances being requested, if granted, will be landscaped with local plants and some areas will remain wooded. The generator would be fueled with propane. No diesel fuel will be used.

13. The proposed site is not a corner lot; it is outside of the Telecommunications Facilities Overlay District, which is a restrictive area.

14. The Applicant has met its burden to prove that the proposed site is the only viable location available. Simple neighborhood opposition is not enough to deny the application. Grounds for denial must be scientific in nature, not just speculative.

15. Regarding structures within the area, the Chardon property has a windmill on the property, which is visible.

16. The Applicant has attempted to answer everyone's questions, in particular, those of the neighborhood.

17. Denial of the Special Permit will have a negative impact on the AT&T consumers in the gaps where coverage is not adequate.

Attorney Philip Beauregard, 32 William Street, New Bedford, MA, addressed the Board. He stated that:

1. He represents a group of residents, including David Cole and Betty Slade, that is in opposition to the placement of the tower at 67 Masquesatch Road.

2. The Isotrope Report says, with logic and reason, why the Applicant has not met its burden in proving that the proposed site is the only viable location for the tower.

3. The grounds for a denial of the application are as follows:

(a) The Applicant has not shown hardship, which is one of the criteria for the Board's granting of a variance. The property is being used, properly, in a residential area as a two-bedroom single-family home. No topographical or ground for variance is necessary for the use to continue.

(b) The Applicant has not met its burden in showing that there is no other practical, available means for establishing the overall network communication that is needed in this area.

(c) The Applicant has not made a showing on the record it has presented (i.e., the application, a two-page letter that criticizes the Isotrope Report, and a one-paragraph letter from AT&T, which notes that the Applicant has correctly stated its critiquing of the Isotrope Report).

(d) All of the federal case law in the First Circuit uphold the principles in which the TCA interacts with local Zoning Bylaws.

4. The balloon tests did not show areas where the tower would be visible.

David Maxson of Isotrope, LLC, who was hired by the group of residents opposing the tower, addressed the Board. He stated that:

1. He conducted a study and completed the Isotrope Report, copies of which were provided to the Board.

2. The proposed site is not appropriate for this tower as it would require several variances from the Zoning Bylaws, which would not be necessary at other locations.

3. The tower would be clearly visible from many viewpoints.

4. Although towers do not collapse often, it is possible that the tower could "buckle" and can fail at the base or at the foundation and tip over, thereby creating a risk to traffic on Drift Road.

5. Balloon test photographs at the nexus of Drift Road/Route 88 and the tower site were not provided.

6. The determination of the Board is based on the Town's needs, not of the carrier's needs; and the Town is not obligated to solve AT&T's issues with service gaps.

7. The tower site fails the 225-foot radius (1.5x height street setback). Therefore, two (2) variances would be required because there are two (2) streets affected by this setback issue.

8. The property is subject to a 25-foot yard setback requirement. The tower site would impose on two (2) separate setbacks and, therefore, two (2) variances would be required for these setback issues.

9. The Gifford and Chardon properties would meet all setbacks, located in dense woods, and would be viable sites for this tower. The only variance would be a use variance, as they are not in the overlay district.

10. The church steeple would be a viable option with an increase in height. Collocation may be a requirement in overlay districts, and not an issue with the church steeple. The heat inside the steeple is a non-issue.

11. The specific area that is mostly in the gap coverage is the same as that which is specified in the C Squared Systems report. The T-Mobile facility at Tripp's Boatyard, which is a shorter tower, covers substantially in this gap. Even a small tower on a utility pole could be installed by AT&T to resolve the area that is not covered by a tower at a site other than the proposed site. However, the Gifford and Chardon properties, containing a 125-foot pole, would sufficiently provide coverage in this gap area.

12. It is unclear what AT&T's participation in this matter is, as all documents and information have been derived directly from Municipal Communications, LLC and C Squared Systems.

13. No assertion by the Applicant that a proper lens was used when photographing the proposed area, which would include the proposed cell tower, which purportedly means that the visibility may be worse than noted by the Applicant.

14. The group of residents opposing this project believes that there is no legal basis for granting variances; there are other viable properties that would not require variances; and the Applicant should be more creative in hiding the structure it intends to install. Therefore, there is ample evidence to deny the application.

Attorney Corey asked several questions of Mr. Maxson. At one point, Attorney Beauregard objected, saying that this questioning was basically a cross-examination that is typically done in a court setting, not before a Zoning Board. Chairman Menard allowed the questioning, however, he believed that the Board should hear the differences in the analyses.

Chairman Menard read several letters into the record as follows:

Christopher Leonard, 1869 Drift Road, opposes the project, noting that he resides in an agricultural area and believes this project will negatively affect his property value.

Letter to the Editor of Shorelines in April 2021 from Garrett Stuck, signed by approximately 90 residents, opposing the project.

Chardon Family, 1838 Drift Road, requests that the Applicant's requests for variances be denied; the property owned by the Chardons is a viable location for the tower. (Mark Chardon noted that this letter had been submitted to the Board on April 13, 2021, but was not read during the prior hearing. Most of the contents are covered by the Isotrope Report).

Attorney Corey stated that he contacted Attorney Peter Bullard, the Trustee, and has not received a response. Mr. Chardon said that Attorney Bullard did contact him; however, he was waiting to hear further information at this hearing and, specifically, the Chardons did not have an opportunity to have a competing bid structure in place for the business.

David Cole, 2037 Main Road, letter dated April 11, 2021 not read at the prior hearing. Mr. Cole suggested the letter need not be read at this time as it is part of the file.

Howard Gifford, 752 Drift Road, indicating that his family is willing to explore the possibility of his property being used for the cell tower.

Chairman Menard stated that the Board had received an e-mail dated June 23, 2021 from Garrett Stuck, which responded and disputed various comments in the letter that the Board had not received from the Applicant, the letter being the one that was addressed to the Board, but e-mailed to Attorney Philip Beauregard. Mr. Stuck stated that he had reviewed the letter because Attorney Beauregard made it available to his clients. Since Attorney Corey had read the letter into the record earlier in this hearing, Chairman Menard read the Stuck e-mail into the record.

Cindy Scheller, 4 Beach Road, requesting that the Board protect the community and this project is not in the best interest of the Town.

Phil Adams, 1794D Drift Road, opposes the project and believes that the proposed site is not the only site available for this project.

Mr. Borden read an e-mail that the Board had received from Carl Tripp, indicating that Tripp's Boatyard would be amenable to discussing the placement of the AT&T tower at its location.

Attorney Corey said that the Isotrope Report notes that the height of the pole at the Boatyard would be inadequate, as the height would need to be 120 feet. Chairman Menard noted, however, that the Report states that the tower could be placed elsewhere and achieve the same result.

Mr. Coutinho stated that there is a dispute regarding the conducting of the first balloon test, as the Board was not aware of that one. The Board did attend the second balloon test. Also, Mr. Coutinho noted that he did not believe that the Board had been informed of any criteria required for the granting of variances. Further, the Board made a request in the first hearing for the Applicant to fund an engineer that would conduct an independent analysis. This funding is allowable by statute and the Applicant refused to pay for such an analysis. The Applicant has conducted its analysis, as well as the group opposing the project; the Board has not had an opportunity to conduct its own analysis.

Attorney Corey confirmed that a second balloon test was conducted; however, the Applicant would not be willing to pay for a third-party review.

Mr. Elias agreed with Mr. Coutinho that the Board needs representation of an engineer. He inquired as to whether it was the Applicant or AT&T that had denied payment of the third-party analysis.

Mr. Corry addressed the Board, stating that when a municipality requests a third-party assessment, it is typically at the initial hearing. Mr. Corry stated that the request came later and, therefore, was one of the reasons for the balloon test instead. Mr. Corry stated that he would consent to paying for an engineer to conduct an objective analysis and agreed that the analysis would be beneficial.

Mr. Coutinho disputed the comment about the Board's requesting payment of an engineer after a couple of hearings; when, in fact, he had made the request at the first hearing on March 31, 2021.

Mr. Corry noted that he believes that an independent analysis will confirm the proposed project.

Mr. Coutinho said that he visited an AT&T store and the clerk said that there is excellent coverage in Westport and in the south of Westport.

Mr. Corry said that that is a marketing ploy.

Mr. Coutinho said that that was the point, that residents may be given incorrect information and, therefore, an independent analysis should be conducted.

Mr. Corry again reiterated that the Applicant would pay for the third-party analysis. He said that engineers should be able to perform the analysis relatively quickly. He said that one engineer with whom he is familiar who conducts third-party analyses is CitiScape.

Chairman Menard asked whether Attorney Corey would be willing to continue the hearing to give the Board an opportunity to have an independent analysis performed. Attorney Corey consented, stating that he would provide a list of impartial engineers that the Board can consider. Attorney Corey also agreed to the extension of the decision deadline.

Chairman Menard also stated that, continuing this hearing to a later date, would provide the Board time to review the documents

that were presented this evening, as well as hire an engineer to conduct an analysis.

Attorney Corey understood that the Board will not be tied to the engineers suggested on the Applicant's list.

Mr. Corry believed that the process for the engineer would be a couple of weeks.

Mr. Maxson said that he was unclear as to what the Board was looking for in a third analysis. He believes that the point here is whether AT&T has other ways to address the gap coverage.

Mr. Coutinho said his focus is whether the proposed site is the only site available.

Ms. Gee stated that the question is whether the Board is willing to grant the Applicant the requested variance, namely 5 variances, as well as allow for the use to be outside of the Overlay District. With this in mind, Ms. Gee questioned whether the Board will actually learn anything more from a third analysis that would warrant granting five variances and a Special Permit.

Agreeing with Ms. Gee's comments, Chairman Menard stated that the issue is, at what point does the Board have sufficient information to make a decision.

Mr. Coutinho said he would like further information. One issue is as to why the area was restricted to one-quarter of a mile radius. Also, if this matter is litigated in court, the Board would need as much information as possible. Mr. Coutinho said he was not prepared to make an informed decision.

Chairman Menard said that another issue would be whether coverage needs to be at 100% or can it be at 90%. Also, does it need to be 5G as opposed to 4G coverage.

Mr. Corry said that data is the primary use and requires greater coverage.

Chairman Menard said, whether 5G or 4G, a telephone call for emergency purposes for safety and protection of the residents is important.

Attorney Corey said he understood the Board's concerns, concurring with what Mr. Maxson had said, that with data usage and the cell service becomes busy, the ability to make and keep a call may be almost impossible.

Mr. Corry said that the RF engineers are the ones who handle the complexities of where a tower must be placed in order to provide proper coverage.

Mr. Maxson said that the substance of the previous comments regarding usage is accurate, when there is high usage, during peak times and during the summer. Alternatively, a driver who may have a motor vehicle accident in January will have sufficient coverage to make a phone call for emergency reasons. He said that wireless providers do not actually disclose the reasoning behind the decision as to where a tower must be placed.

Mr. Corry said he has a fully-executed lease with AT&T, whereby AT&T will commence payment to Municipal Communications, LLC once construction is commenced.

Town Counsel Robin Stein suggested that the approximate cost for an engineer should be discussed and agreed to at this time, with the understanding that the funds will be replenished by the Applicant, should the analysis cost in excess of the funds initially provided.

Mr. Corry said he would pay for the expense of the review, which typically runs between \$4,500 and \$6,000.

Mr. Borden asked Attorney Stein if she could explain the liability, if any, as to the lease that was entered into between the Applicant and the owner of the property, specifically regarding the liability to the town if the tower would fail.

Attorney Stein said she had not reviewed the lease, and could not comment on a private lease between the two parties. She said this issue could be discussed at a later date.

Mr. Corry said that it would take more than a hurricane -- tornado -- for the tower to fail and it is unheard of for a tower to fail at the base.

Betty Slade, 2039 Main Road suggested that the engineer that the Board hires should perform the analysis that answers the specific questions that the Board has.

Mr. Coutinho's initial questions are: is this the only site; does it have to be restricted to only a quarter of a mile radius; does the coverage need to be 100% or 90% or which percentage; would 2 smaller towers work as well; and would look to the engineer to provide not only information, but questions that the Board should be asking of the Applicant.

Chairman Menard said that the Board will make a determination as to variances and would not expect an engineer to provide an opinion on setback issues.

Mr. Coutinho said that the Board would also seek advice from Town Counsel at the time of making a decision, keeping in mind that this matter may go through litigation.

Attorney Stein said that the Board, first, starts with the local bylaw; requests for variances and Special Permit; and approval of a site plan. Is this application something that the Board would grant in looking at the bylaw? If the Board determines that the application is warranted under the bylaw, the Board can grant the requested relief. If the Board determines that the application is not warranted, then the Board looks to the TCA, that mandates approval, so long as there is a coverage gap that needs to be closed and there are no alternative locations for the tower. Courts tend to act in favor of cell carriers when it is shown that there is a coverage gap that requires service, as well as that there are no other alternative sites for the tower. A denial must be supported by substantial evidence in the

written record and the decision and must be grounded in the bylaw.

Dan Kilpatrick, 9 Juniper Road, suggests that one of the questions to ask the engineer is whether multiple towers would give the same coverage as one tall tower at the proposed site to meet the needs of users.

Mr. Corry said that several cell providers have attempted to solve the issue of coverage with smaller towers. Smaller towers typically cover a 200-foot diameter area; and trees block the signal as well.

Mr. Kilpatrick noted that there are other carriers that seem to provide adequate coverage in the area.

Mr. Gee asked Attorney Stein if it is required that all cell companies provide adequate coverage, in that, it would seem that AT&T is the carrier that is having the most difficulty providing coverage, whereas other carriers are not. Attorney Stein said that each carrier has a right to apply for coverage under the law.

Mr. Corry said that each carrier has certain characteristics on a spectrum, which is provided by the federal government through an auction process. Therefore, not all cell providers have the same technology. What works for T-Mobile in certain situations may not work for Verizon or AT&T.

Steve Chardon, whose mother resides at 1838 Drift Road, stated that he believed the variances being requested are dramatic. In response, the Chardons thought about having the cell tower on their property and discussed this option with the group opposing the tower. He believes there is a viable solution than having the tower at the proposed site.

Garrett Stuck, 1998 Main Road stated that the Board had ample evidence that there are alternative sites available. He encouraged the Board to make a decision this evening.

Attorney Corey suggested that this hearing be continued and the Board can move forward with hiring an engineer.

Chairman Menard stated that, since this was a very lengthy hearing with much information, he did not believe that it would be a proper time to render a decision.

Jon Bachman, who is not yet a resident of Westport, will be moving to Westport in August. He is very familiar with the area and agrees that there are alternative sites. He also suggested that the Board make a decision this evening.

Chairman Menard said that, at least one member is not ready to vote on this matter, more information is needed, and one member is unable to vote because of her absence during one of the meetings. Also, the hearing has been lengthy, there is much to consider, and the Board will render a decision on facts, not on emotion. The next hearing will be held in person at the Town Hall.

Discussion ensued regarding continuing the hearing to August 4th with the decision deadline extended to September 1, 2021. This was agreed to by Attorney Corey on behalf of the Applicant.

Chairman Menard made a motion to request a peer review, to be funded by the Applicant, in the initial amount of \$6,000, with the stipulation that the Applicant will also pay additional funds should they be required for the hiring of an independent engineer. Mr. Elias seconded the motion and the members voted by roll call as follows: Ray Elias, aye; Roger Menard, aye; Constance Gee, no; Peter Borden, aye; and Gerald Coutinho, aye. The motion passed with a 4 to 1 vote in favor.

Chairman Menard made a motion to continue the public hearing to August 4, 2021 at 6:30 p.m. at the Town Hall, Selectmen's Meeting Room, and the Applicant agrees to extend all applicable decision deadlines to September 1, 2021. Mr. Elias seconded the motion and the members voted by roll call as follows: Roger Menard, aye; Ray Elias, aye; Constance Gee, no; Peter Borden, no; and Gerald Coutinho, aye. The motion passed with a 3 to 2 vote in favor.

Chairman Menard advised that there will be no remote access at the Zoning Board hearings going forward. All hearings to be held in person at the Town Hall.

Administrative Items

1. Minutes of June 9, 2021 - Mr. Elias made a motion to approve the minutes. Ms. Pontolilo seconded the motion and the Board voted unanimously to approve the minutes of the June 9, 2021 meeting, with Chairman Menard, Mr. Coutinho, Ms. Gee, Mr. Borden and Mr. Elias voting aye on a roll call.

2. Chairman Menard stated that he discussed the reopening of the Town Hall with Matt Armendo from the Board of Health. The Board of Health has been conducting its meetings in person. There will be some wording on the agenda to the extent that the Board will follow CDC guidelines and suggests that anyone who has not been vaccinated should use a mask or facial covering while attending the hearings.

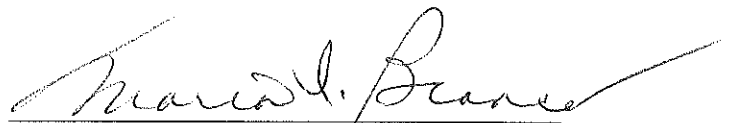
Next meeting is scheduled for July 28, 2021 at 6:30 p.m. at the Town Hall.

10:43 p.m.

Motion made by Mr. Elias to adjourn the meeting. Seconded by Ms. Gee. The Board voted unanimously in favor by roll call vote.

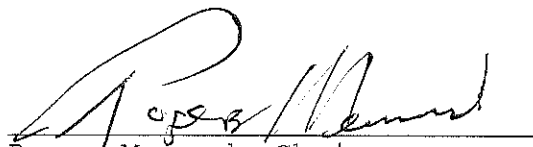
Adjournment.

Respectfully submitted,



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

APPROVED:



Roger Menard, Chairman