

Zoning Board of Appeals-Town of Wales, Massachusetts

Open Meeting Minutes, Tuesday July 7, 2020

Wales Senior Center

85 Old Stafford Rd. Wales Massachusetts 01081

Members Present: Chairman: Joel Jette (JJ), Vice Chairman: Ed Boyce (EB), Committee Member: Adam Brassard ZBA Clerk- Sarah Ryan (SR)

Others Present: Ray LaBonte (Virtually), Jeffery S. Bohnet (Virtually), Pam Leduc (Virtually)

Joel Jette made a motion to open the meeting at 6:10 PM.

**** Agenda Item: Review the Open Meeting Law Complaint**

The board discusses the complaint that was submitted by Brian McNally of 200 Wales Rd. Brimfield MA 01010.

Ed Boyce suggests that the applicant hold another hearing so abutters would have a platform to voice concerns, due to the technical difficulties that took place at the 6/29/20 hearing.

Jeff Bonet, who is the Attorney representing Mr. LaBonte, explains that for Mr. McNally to go forward is an endeavor, as would be defending it. Since all parties followed the directions of the law it would be unnecessary for the applicant to take on that expense and inconvenience.

Ed Boyce makes a point that during these unprecedented times, for future hearings that abutters be notified that they can submit concerns or questions via email in case we have technical issues in the future those concerns can still be heard.

Sarah Ryan then asks if there is anyone participating virtually that would like to speak.

Pam Leduc, Exective Secretary for the town was present and suggested that the board read each complaint in its entirety and read the boards response before they take a vote on it.

Joel Jette reads Mr. McNally's first and second complaints that stated:

(1) "In his complaints, Mr. McNally alleges that the Zoning Board of Appeals violated the open meeting law by allowing the applicant and his counsel to be present at the hearing that took place on June 29, 2020 when it was advertised that "no in person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time.""

(2) "In Mr. McNally's second complaint he alleges that the Board was in violation of the open meeting law due to his inability to participate in the virtual proceedings being held as an abutter of the property that was in question. "

The board's response to both complaints read:

"In response to the complaint, the Zoning Board of Appeals was using their discretion as authorized by the Board of Selectmen of the Town of Wales, specifically that local boards and committees were instructed to exercise their discretion when determining who they may require in person for meetings and hearings. The Zoning Board of Appeal also referenced Governor Baker's June 6th Order imposing strict limitations on the number of people to gather in one place, specifically, "Gatherings that bring together more than 10 persons into close proximity in any confined indoor or outdoor space remain prohibited throughout the Commonwealth." The Zoning Board members felt that holding a public hearing that would allow abutters to attend would exceed the 10 person limitation and the Board felt it was necessary to have the applicant present.

Unfortunately, despite the Board's best efforts, we experienced technical difficulties during the virtual scheduled hearing. I posted a draft version of the hearing's minutes the following day in addition to providing the Board of Selectmen's Executive Secretary with an audio recording of the hearing. Therefore, the Zoning Board of Appeals does not feel that this was in violation of the temporary provisions of the open meeting law and, in fact, the Board's decision was made in accordance with the law."

The board votes to accept the response to the complaint that was read. **Ed Boyce** makes a motion that the board offers this response that was read to the open meeting law complaint. Roll Call Vote: **Joel Jette** (Accept), **Adam Brassard** (Accept), and **Ed Boyce** (Accept).

The board then signs voucher for Stonebridge Press.

Ed Boyce makes a motion to accept the drafted minutes for 6/29/20 that were presented. Roll Call Vote: **Joel Jette** (Yes), **Adam Brassard** (Yes), and **Ed Boyce** (Yes). **Adam Brassard** makes a motion to close the meeting; **Joel Jette** seconded that motion, all in favor. Meeting adjourned.