

Draft Minutes

Zoning Board of Appeals

April 4, 2017

Present at meeting:

Chair – Frank Lombardi, Bill Johnson, Candace Sutherland, Robert McGrath, Barry Fisher and Robert Howard

Chair opens meeting at 7:00 p.m.

Chair explains issue with Casella hearing. Candace motions to open hearing on Casella and continue until April 13, 2017 at 7:00 p.m. Bob seconds motion. All vote in favor of motion.

Bill motions that this Board order special notice of the public hearing in the mater, under G. L. c. 40A, §11, first paragraph, to the planning board of every abutting town. The Board directs the recording secretary to issue notice of the continued hearing date by sending a letter to the office of the planning board of every abutting town via Federal Express to be received between 5 and 10 days before the next hearing date. Candace seconds motion. All vote in favor.

Abutters express disappointment at the continuance of hearing.

Chair discusses January 3, 2017 executive session. Frank states. At the Zoning Board of Appeals meeting on January 3, 2017, the Board entered into executive session but may not have adequately explained the reason for doing so. The Board entered executive session to discuss strategy with respect to demonstrably likely litigation regarding the Southbridge Recycling and Disposal Park landfill. I determined then, and declare now, that an open meeting of January 3, 2017 may have had a detrimental effect on the litigation position of the Board. This tracks the litigation exception of the Open Meeting Law: Section 21. (a) A public body may meet in executive session only for the following purposes: ... 3. To discuss strategy with respect to ... litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares...

Candace motions to accept minutes from February 21, 2017 meeting. Bill seconds. All vote in favor.

Barry motions to recess until April 13, 2017. Candace seconds motions. All vote in favor.

Meeting is adjourned at 7:20 p.m.