

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, October 15, 2003

Present: Theophile Beaudry
Mary Blanchard
Jeff Bonja
Robert Cornoni
Pat Jeffries
Gary Jeznach
Ginger Peabody, Chairman

Also in Attendance Nancy Campbell, Clerk
Larry Adams, Town Planner

G. Peabody opened the meeting at 7:10 PM having waited for all Board members to arrive. At that time she read the agenda and asked the members to introduce themselves.

CORRESPONDENCE

Gerald Sobon Letter, 50 Clark Road – in opposition to the monopole tower located at 126 Clark Road.

Loius and Cheryl DeCataldo Letter – in opposition to the monopole tower located at 126 Clark Road.

G. Peabody read a letter she wrote to the Board (see attached) in response to its recent motion that she obtain a letter from the State Ethics Commission stating that she had no conflict or any appearance of conflict of interest with regard to the 126 Clark Road telecommunications tower and that she give a copy of that letter to each member of the Board. After noting that such a letter would take eight to ten weeks to obtain, she recused herself from the Board recognizing P. Jeffries as the Board's Vice Chairman.

G. Peabody stepped off the Board at 7:15 PM.

PUBLIC HEARING CONTINUATION– SPECIAL PERMIT – GREEN MOUNTAIN REALTY CORP. – TO PERMIT THE CONSTRUCTION OF A 130 FOOT MONOPOLE TOWER AND RELATED WIRELESS EQUIPMENT AT 126 CLARK ROAD

P. Jeffries recognized Attorney Michael Rosen who questioned the following points of order –

- How many members voted on each matter – P. Jeffries stated all members; there were no alternates
- How many votes were needed for a vote in favor – J. Bonja stated it would be a super majority or five out of seven members
- Had any member contacted the State Ethics Commission to confirm the Chair's role as an abutter to an abutter – M. Blanchard commented that the Commission responded to the person with the concern. She noted her issue was based on the Commission's Fact Sheet No. 6 – Don't Vote on Matters Affection Abutting or Nearby Properties. She felt the Board would be covered if it had a letter in hand stating G. Peabody did not have a conflict.
- Asked if the Chair could be allowed to participate since she had played an integral role in the previous two public hearings

Atty. M. Rosen requested that the public hearing be continued for the purpose to contacting the State Ethics Commission to determine if the Commission could issue an opinion in a shorter time than eight weeks. He wanted to continue with a full Board. He felt it would be difficult to move on with the hearing in the absence of the Chair since the applicant had prepared materials in response to questions she had posed at previous hearings.

J. Bonja concurred with the request, but was concerned about the hard end date. Atty. M. Rosen stated that the applicant would agree to grant an extension. He said the extension date would reflect the time needed to obtain a decision from the State Ethics Commission. If that deadline date then approached, Atty. M. Rosen stated the applicant would agree to move forward with six members or grant another appropriate written extension. He agreed to have a written extension to the Board for the following day, October 16th.

Motion: to continue the Green Mountain Realty Corp. public hearing to November 12, 2003 at 7:30 PM, subject to the written request for an approval of the extension of the deadline, by M. Blanchard
2nd: J. Bonja
Discussion: None
Vote: All in favor

Motion: to schedule a meeting for November 19, 2003 at 7:00 PM, for the purpose of continuing the Green Mountain Realty Corp public hearing, by M. Blanchard
2nd: G. Jeznach
Discussion: None
Vote: All in favor

P. Jeffries allowed Atty. Rosen to submit the following materials to the Board –

- NEPA Environmental Evaluation
- Phase I Environmental Site Assessment

Motion: to adjourn, by M. Blanchard
2nd: T. Beaudry
Discussion: None
Vote: All in favor

Adjournment at 8:25 PM