

MINUTES

THURSDAY, December 19, 2019 – 7:30 PM

Charles River Room, Public Services Administration Buildings
500 Dedham Avenue, Needham, MA

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Public Services Administration Building, Charles River Room, 500 Dedham Avenue, Needham, Massachusetts. Jon D. Schneider, Chairman, presided and the following members were present: Jonathan D. Tamkin, Howard Goldman, Kathy Lind Berardi and Peter Friedenber. The agenda is attached. Mr. Schneider opened the meeting at 7:30 p.m.

Mr. Goldman motioned to approve the Thursday, November 21, 2019 meeting minutes. Mr. Tamkin seconded the motion. The Board unanimously approved the minutes.

Case #1	19 Riverside Street	Granted
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Discussion - Amendment to Board of Appeals Rules – Remote participation

Mr. Schneider reported that Open Meeting Law 40 CMR 29.10 allows remote participation if authorized by the Chief Executive Officer of the Town. Remote participation requires a quorum of the Board be physically present with an acting Chair physically present. He thought this option would be useful in the summer when getting three members can be challenging. Under the *Board of Appeals Rules* a quorum consists of two members, but the language is confusing by making reference to another section. He would like to clarify the quorum provision. There is a limited number of activities that the ZBA can undertake with only two members; a decision for Special Permits, Variances and Appeal of Building Inspector Decision require a concurring vote of three members.

The remote participation would be used sparingly.

Mr. Schneider spoke with Town Counsel who thought the Board could act with a quorum of two members physically present and a third member on the phone. Town Counsel was checking to see if remote participation has been authorized by the Town Manager.

IT was consulted and they confirmed they had the technology and would set-up and provide conference calling for remote participants.

Mr. Tamkin thought remote participation was a good resource to use in a pinch.

Mr. Tamkin moved to allow remote participation by members and to amend the *Board of Appeals Rules Section 6. Quorum* to read as follows:

A quorum for purposes of conducting public hearing and transacting other business shall consist of two (2) members. If a quorum is physically present, other members may participate remotely and vote on matters in accordance with regulations adopted under the Open Meeting Law (currently set forth in 940 CMR 29.10)

Remote participation can be used only if authorized by the Town's Chief Executive Officer. Howard Goldman seconded the motion. The motion was unanimously approved.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/>

The meeting adjourned at 7:45 p.m.

A handwritten signature in blue ink, reading "Daphne M. Collins". The signature is fluid and cursive, with the first name "Daphne" being more prominent than the last name "Collins".

Daphne M. Collins, Zoning Administrative
Specialist