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# TOWN OF DUXBURY



## BOARD OF APPEALS

### DUXBURY BOARD OF APPEALS

#### MEETING MINUTES

September 28, 2017 @ 7:30 p.m.

**ATTENDANCE:** Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Dimitri Theodossiou

**CALL TO ORDER:** Wayne Dennison called the meeting to order.

- **2017-07 Duxbury Farms Homeowner's Association/Towse, 78 Sawmill Rd:** *The Board moved to continue the hearing until October 26, 2017. All in favor (5-0).*
- **Bay Communciations/T-Mobile Northeast, LLC, 421 Elm Street Cell Tower (Case #2010-20):** *The Board moved to grant request for an extension until May 24, 2018.*

*Kathleen Muncey makes a motion to continue the public hearing for 78 Sawmill Rd. Emmett Sheehan seconds. All in favor (5-0).*

*Freeman Boynton makes a motion to approve the meeting minutes from 7/27/17. Wayne Dennison seconds. Four in favor (4-0). One (1) Abstained (Dimitri Theodossiou)*

*Kathleen Muncey makes a motion to extend the Special permit for 421 Elm Street. Emmett Sheehan seconds. All in favor (4-0).*

*Kathleen Muncey makes a motion to adjourn the meeting. Emmett Sheehan seconds. All in favor (4-0).*

## BOARD OF APPEALS — MINUTES

**Applicant: Duxbury Farms Homeowner's Association  
(Kevin Coughlin & Kristin Towse)**

**Property Address: 78 Sawmill Road**

**Case No: 2017-07**

**Date: September 28, 2017 Time: 7:30 p.m.**

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on Thursday, September 28, 2017 at 7:30 p.m. to consider the application of Duxbury Farms Homeowners Association for an Appeal under Article (s) 400 and 900, Section (s) 410.2 #5 and 906.1 of the Duxbury Protective Bylaw. The property is located at 78 Sawmill Road, Parcel No. 015-025-002 of the Duxbury Assessors Map, consisting of 1.26 acres in the Residential Compatibility and Wetlands Protection Districts and owned by Mutsumi S. Sullivan. The Applicant contends that a Ground Mounted Solar Array creates a hazardous use as defined in Section 410.2 #5 and disputes the Zoning Enforcement Officer's opinion that the solar panels do not present a hazard.

**Members present:** Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Dimitri Theodossiou

**Members Voting:** Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Dimitri Theodossiou

**Other persons present at the hearing:** Scott Lambiase, Director of Municipal Services & Angela Ball, Administrative Assistant

- Wayne Dennison, Chairman, explains that he will reorder the agenda and approve the meeting minutes first and then the admin matter for 421 will be heard, and he will recuse for that one.
- Mr. Dennison reads the public hearing notice for 78 Sawmill Road into record.
- Mr. Dennison then goes on to cite and summarize the correspondence received: An As-built plan for Duxbury Farms; a Memo from the Conservation Commission indicating that there are no wetlands or issues of concern; a Memo from the Planning Board stating that they voted unanimously (6-0) to recommend that the appeal be upheld unless the ZBA finds that the generation of both roof-top and ground mounted solar electricity not exceed actual on-site consumption (such excess would constitute a commercial use), that the property owner has screen or fenced the array & that the impervious lot coverage does not exceed the maximum of 15%; the Board of Health Memo stating they have no comment; A Memo from the Design Review Board Memo stating that the solar array fails both the tests from a design perspective – working well and looking good. The DRB feels the solar array to be quite industrial and very different from roof-top installations and concludes it recommends fencing and screening of the array; A photograph depicting a bus stop and the solar arrays; Articles about the various perceived effects of solar arrays like firefighting, bird death & toxic chemicals; A letter from Michael McAuley from 12 Sawmill Rd; An email & scientific study from Janis Owens & Mike Wilson of Sustainable Duxbury; An email from Kevin Coughlin describing his reasoning for the appeal – safety and use/zoning violations; A ZBA application; A letter from Kevin Coughlin asking the ZBA to revoke the permits; A letter from Scott Lambiase to Kristin Towse responding to individual concerns and petition with about 25 signatures.
- Mr. Dennison invites the applicant/those appealing to speak.
- Kristin Towse of 11 High Street states that she and others in neighborhood consider the solar panels to be a safety hazard since panels are in such close proximity to the bus stop and feels it is unacceptable that the building permits were allowed by the Town. She believes that the nearby bog owner feels the same way and that the chemicals in the solar panels, if leaked by a storm etc. could put the bog as a public food source at risk. Mrs.

Towse states that Kevin Coughlin did a great job outlining the solar panel usage and that the electricity generated by these panels is enough to power 5 houses.

- Wayne Dennison asks if they have a lawyer.
- Kristin Towse responds, no.
- Wayne Dennison states that generally the review of ZEO's conduct is done in this manner, but the statute says any person can request it, but he understands this comes from the Homeowner's association.
- Kristen Towse states that she signed the application, that Mr. Lambiase's letter is directed to her and that the HOA has brought this up as well as numerous other residents.
- Wayne Dennison states that the public hearing notice is relative to Duxbury Farms Homeowner's Association and he is wondering if the Duxbury HOA has this ability or if it has to be brought by individual residents. Mr. Dennison goes on to ask if anyone else has anything to say about it.
- Kristin Towse states that she and Kevin Coughlin signed the application.
- Mr. Dennison explains his issue, but thinks we can get beyond it in the by-law.
- Eric Saffler of Blue Sel Solar states he understands there is high emotion and that the document he has answers all the concerns. Mr. Saffler goes on to states that solar panels/arrays do have chemicals but they are designed not to leak and that yes, they get hot but so does a black car.
- Mr. Dennison asks how many black cars in a row you would need to equal this in size.
- Mr. Saffler states that this is a residential array. He goes on to state that he sees many home going to geosolar and that Patrick (Mr. Sullivan) would like to eventually get rid of gas and oil and move towards only electricity.
- Mr. Dennison asks how many kwh per year the Sullivans used last year
- Mr. Saffler states he doesn't know maybe 9.
- Kathleen Muncey asks how many panels there are on the ground.
- Eric Saffler states that there are 12 to a rack.
- Wayne Dennison states it is 6 racks, so the total is 72. All concur.
- Kathleen Muncey asks for dimensions.
- Eric Saffler states they are about 3.5x5 so in total about 180 sf
- Dimitri Theodossiou asks if they installed the panels on the roof.
- Eric Saffler states that those are different; they are a PPA which is a power purchase agreement and are leased.
- Kathleen Muncey asks if there are any other ground mounted systems in Duxbury.
- Emmett Sheehan states he thinks there is one on Oak Street near cranberry bogs.
- Eric Saffler states it's considered a residential system.
- Wayne Dennison asks if anyone else would like to speak.
- Chris Bragg of Sawmill Rd states that no one is against solar, but what they are against is having it in the front yard just as they would be against a windmill or a trampoline in the front yard. He states he feels they shouldn't need city ordinances to say that. Mr. Bragg states he wonders what defines commercial vs residential regarding this system.
- Patrick Sullivan of 78 Sawmill states that he is the homeowner and understands this is very unpopular, but he went through all the necessary permitting processes and went by the book. Mr. Sullivan states he had a similar problem with neighbors when he installed a well. Mr. Sullivan states he decided to install the solar array after attending a meeting also attended by Josh Cutler, representative for the state. He states he is concerned about the bottleneck for energy in the state and wonders what will happen when the nuclear plant is shut down.
- Wayne Dennison states that there is no question as to whether or not Mr. Sullivan did anything wrong, but that if Mr. Lambiase made a mistake giving you the building permit – that's what this is about.
- Mr. Sullivan goes on to state that he uses a lot of electricity and they outgrew the roof system by more than 50%, which is why he decided to do the array.
- Wayne Dennison asks what his annual electricity usage is.

- Patrick Sullivan states that is hard to determine because his wife travels back and forth to Japan, so the usage for last year is yet to tell. He states that this year it looks like between 10-15 megawatts which is quite a bit. Mr. Sullivan states that he believes this to be the least of the energy evils, they are not toxic, enclosed, UL listed. He states he understands they are not pretty to look at but he has put in a lot of plants in front of them.
- Mr. Dennison reminds the audience and Mr. Sullivan to keep the discussion with the Board.
- Mr. Sullivan states he is not part of the HOA and didn't think he had to live by them. He went on to say that his in-laws are from Japan and they lived through the Fukushima meltdown in 2011, so this issue is very dear to him. Mr. Sullivan states that Pilgrim could have the same issue.
- Mr. Dennison states he understands, but that is a different issue and goes on to ask Mr. Lambiase if he can speak to the issue and how he came to the conclusion he did.
- Scott Lambiase states that they first saw the application and reviewed it as usual and nothing abnormal stuck out particularly because they do not have regulations for roof or ground mounted solar. He states that 40A Section 3 says that you can't prohibit it unless you regulate it and although years ago the Planning Board had an opportunity to come up with some articles for zoning, it never did happen so they don't have anything in the building department they can enforce. Mr. Lambiase goes on to state that when they first go the complaints from the area homeowners, they were concerned so he, the Fire Chief and the wiring inspector did their research, took a look at the case and sat down with the complainants. He states they went over building code, fire code and electrical code and according to all those, this is considered residential that the grid wouldn't let you hook up a commercial sized one.
- Kathleen Muncey asks what the maximum amount?
- Mr. Lambiase defers to Eric Safler.
- Eric Safler states it's over 25 k/w.
- Mr. Lambiase asks Mr. Safler what this one is.
- Eric Safler states it's just under 25 kw.
- Mr. Lambiase states he & the Fire Chief met with the homeowner at 78 Sawmill, expressed the neighborhood concerns and the Town's concern over the excessive debris. He states he requested they clear the debris and that they put a fence around them; however, short of any regulation requiring a fence they had to hope for compliance with the fence. Mr. Lambiase states the homeowner meets the setbacks, there is no coverage concern, the homeowner did go to Conservation. Mr. Lambiase states that they do have a public safety concern and shares that there was a small solar fire at the transfer station, so they would need to make sure he clears the debris; and, as a matter of opinion he would like to see the fence go up around it.
- Mr. Dennison asks Mr. Lambiase to comment on the Planning Board's third concern, which was a question of the usage amount.
- Mr. Lambiase states that he would yield to the Board on that in the absence of regulations.  
Wayne Dennison states that at some point you are selling back to the grid.
- Emmett Sheehan states that a lot of roof tops are on some days.
- Mr. Lambiase states that if there was a regulation about it...
- Wayne Dennison states there is a regulation against commercial usage in a residential district it's not hard for him to get there.
- Mr. Lambiase states that most of the roof top systems are, but that no one is banking it.
- Wayne Dennison states he is talking about net.
- Dimitri Theodossiou states he wonders if it's different than selling blueberries on the corner.
- Freeman Boynton states that would be considered agricultural and probably exempt.
- Wayne Dennison reads from the by-law, stating "40A Sec3. No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy except where necessary

to protect the public health safety and welfare.” Mr. Dennison [addressing Mr. Lambiase] states that we can’t regulate them because we don’t have a by-law.

- Mr. Lambiase states that yes, we don’t have regulations, but we could and if we had a by-law we would.
- Mr. Dennison asks if we have general ones applicable to safety.
- Mr. Lambiase states that yes, but when they have something to fall back on it’s the building code, the manufacturer’s recommendations and they saw nothing against those. Mr. Lambiase also states that the other point made with the homeowner was to put up a fence, at the most 48” fence, but he got indications from HOA that wasn’t going to be enough.
- Mr. Dennison reads from the by-law again, stating that “410.2 #5: Any use which will produce a nuisance...or hazard from fire.” Mr. Dennison asks Mr. Lambiase if they deem this a nuisance, can’t they regulate it.
- Mr. Scott Lambiase states he believes they could.
- Tao Jansen of 6 Sawmill Rd states that he has no kids, but nonetheless he has safety concerns because there are at least a dozen kids at either end of the road at any point in the day and while he doesn’t have children he feels this is a safety concern akin to having a pool.
- Emmett Sheehan asks if having a fence would make this better.
- Audience all answering differently, but gist is no.
- Emmett Sheehan states, so no mediation.
- Audience member speaking... Wayne Dennison reminds them to address Board, use microphone.
- Patrick Sullivan states that there is a solar array the next street over. He goes on to state that when he was on vacation pictures were taken of his house and the stored solar panels and neighbors were nasty putting pictures on Duxbury helping Duxbury telling him to move. Mr. Sullivan states he met another in Duxbury that has 84 panels and he uses his for storage underneath, that he was thinking of putting up a 6” chain link fence to keep the deer out, maybe a raised bed garden.
- Wayne Dennison asks when he will put in the fence.
- Mr. Sullivan states that when he gets the money he will. He goes on to state that he has a picture of his youngest son touching the panels and is still alive.
- Michelle Davis at 69 Sawmill states that she is concerned about the brush he cleared as it’s all around the panels, that the landscaping Mr. Sullivan spoke of are actually like 6” geraniums and aside from the eye sore part it is a huge safety concern with all the kids running around them.
- Mr. Dennison states that the Board is not going to be able to regulate it because it’s ugly.
- Michelle Davis states she understands that and goes on to say that his solution of the 6’ fence is not going to work because it’s still climbable – and it will remain an eye sore and look like a prison yard.
- Jen Litchfield of 54 Sawmill Road states she has 4 children and she too has a safety concern. She has seen his own children running all around the panels, but does not want her kids getting hurt nor the 50 other kids in the neighborhood. J Litchfield states that she told Mr. Sullivan her concern was safety and he told her he had zero intention of putting up a fence and that’s why she’s there. She states that if the fence is the only option fine, but thinks they shouldn’t be there at all and that it’s very close to the margin of what is commercial usage and that Mr. Sullivan’s comparison to another with 84 panels doesn’t take into consideration the lot size – theirs are 1/3 acre lots.
- Kristen Towse states that she’d like to reiterate that a 6’ chain link fence is not an acceptable solution, that a chain link fence is climbable and that the usage is far more than what an average house uses and this is a commercial and income producing entity and it is not resolved with a 6’ chain link fence.
- Eric Saffler states that this is not unsafe. All electrical components are sealed and all systems are fire safe now, that he doesn’t know what started it at the dump.
- Emmett Sheehan states that they don’t know what started that and can’t go there.

- Mr. Lambiase states it was actually rodents and they got into the pipe and the conduit wasn't sealed.
- Eric Saffler states that it appears they all want him to have these removed, that Mr. Sullivan spent \$125,000 and now they just want him to remove it, that he feels terrible but without regulations you can't do that. He states years ago no one would do solar and that has changed, things are changing and we all have to do something to mitigate the environmental concern.
- Mike Davis of 69 Sawmill states it's not about the roof, they have other neighbors with the roof ones, it's the ground mounted ones that present a safety concern.
- Kristen Towse [addressing Eric Saffler] states that she wonders if she is able to hold him liable if their kids are hurt?
- Mr. Dennison states that he knows this is contentious, but she HAS to address the Board.
- Kristin Towse apologies and goes on to state that given that these are so hot, and there is no safety barrier, the fact that they go out of the country for months and these are unmonitored is another concern.
- Lauren Praetsch of 66 Sawmill Rd states that she has two boys and one of them is a climber and she is very concerned when they are near that property. Ms. Praetsch states that she wonders if they are away for 6 months how they even use this much energy, that Mr. Sullivan states he spent \$125k on the panels but didn't leave any left for a fence to keep it safe and that isn't right, that he has communicated to others that he is making a profit on this, that the HOA President gave you an idea of how much the system is generating yet Patrick and the solar person haven't and she thinks it's intentional. Ms. Praetsch states that she's concerned with safety, that this is a business, which is not ok for them to pay HOA fees and not have agreed to this.
- Mr. Dennison states that he is not part of HOA.
- Audience member states he acknowledges that he is part of the road and has contributed to the HOA fees for plowing.
- Paula Cooney of 36 Sawmill Road states that she spoke with a lawyer in Duxbury and that person advised her that since his driveway comes out onto Sawmill, he technically needs to pay into the HOA because his property is part of the private road. She goes on to state that although most people want the permit revoked if that isn't an option perhaps a stockade fence that is not climbable would be a better.
- Wayne Dennison asks Scott Lambiase if they asked Town Counsel anything about this.
- Scott Lambiase responds, stating that they didn't have much to say about it as of yet but he can ask them if they can opine about the amount of energy being generated and if it constitutes a business.
- Freeman Boynton states it sounds like a commercial venture at a \$125k investment, that an electric bill of about \$300 a month would take about 40 years to recoup and can't imagine the panels would last that long.
- Mike Penata of High Street states that besides the aesthetic and safety issues, he feels like this is clearly money making scheme as he invested 125K and this shouldn't be done at a home.
- Eric Saffler states he'd like to address the \$125k that yes, you invest the \$125k then you get 30% back from the FED and then every time you produce a megawatt of power you are getting paid through the utilities and the payback is not 40 years, it is 6 or 7 years and he feels that this is getting into semantics.
- Kathleen Muncey asks if he needed to have \$125k out of pocket.
- Eric Saffler states that yes out of pocket was \$125k then a 30% federal tax credit, then a \$1000 state tax credit back and then a 10 year income stream from the solar as does everyone who has solar and probably 50% of homeowners can't meet their demand with just the roof solar.
- Freeman Boynton states that a 10 year income stream means he is making money on this.
- Eric Saffler states that it is an incentive program and if you create enough electricity it helps to bring the pay back down from 12 or 15 down to 6 or 7.
- Freeman Boynton asks doesn't that make it a commercial venture we can regulate then.

- Eric Saffler states that it is an incentive.
- Emmett Sheehan states that he'd like to say that but if the State and everyone else is saying 25 and under, I'd like some proof.
- Wayne Dennison states that he'd like to see what Town Counsel has to say, that it seems to be a very significant constraint what they can do under 40A Sec 3, but at the same time this seems to be a very significant structure next to a bus stop.
- Kathleen Muncey states that it seems to be a nuisance in its proximity.
- Eric Saffler states it's not a safety hazard.
- Kathleen Muncey states that it looks like a big slide.
- Eric Saffler asks if there a by-law that states you can't do that and is it just a visual nuisance, akin to a purple door.
- Kathleen Muncey states that yes there is a by-law, it's an attractive nuisance, something that draws you to it, this looks like a big slide and there are kids near there at a bus stop.
- Eric Saffler states that you decide this after someone has made an investment and all the work is done, who will pick up that cost.
- Wayne Dennison states that is unfortunately the risk you run under MA law because you can appeal for a building permit literally for years.
- Kathleen Muncey asks how you limit that – proximity or access.
- Eric Saffler states there are ways to limit it. He then compares the fence to that around a pool.
- Kathleen Muncey states that pools are in a back yard.
- Freeman Boynton states you cannot have a climbable fence around a pool.
- Emmett Sheehan states that the pool fences are a certain mesh that is not climbable.
- Kathleen Muncey states that not being able to see it is better.
- Eric Saffler states that a solid fence will reduce the amount of sunlight that hits it.
- Freeman Boynton asks that if it's 6' high it will reduce it.
- Eric Saffler states that he'd have to take a look at the numbers, but early morning sun will be taken away.
- Wayne Dennison asks even if you build the fence far out from the structure.
- Eric Saffler states that I don't know if it's 25' out from the road.
- Emmett Sheehan states that if it was fenced with a 6' fence he doesn't think they'd be sitting there.
- Patrick Sullivan asks if that would mean every one that has a ground mount in the Town would have to fence it.
- Emmett Sheehan states that he doesn't know, but those aren't up for an appeal of a permit.
- Kathleen Muncey states that they aren't all in that location and that is what changes this.
- Freeman Boynton states they aren't right next to a bus stop.
- Wayne Dennison asks if there is anything that any one wants to send to Town Counsel.
- Freeman Boynton agrees that is a good idea.
- Audience member (Pete of Sawmill Rd) asks if anything over 25 KW is concerned commercial use?
- Emmett Sheehan states we, and he doesn't know, that Scott or Eric said a certain amount, but...
- Audience member (Pete of Sawmill Rd) then asks if we know what the combined is on the property for all the solar panels.
- Different audience members speaking, one states it's over and that Kevin (referring to Kevin Coughlin of Duxbury Farms HOA) outlined it in his letter.
- Eric Saffler [from seat in audience] states that the PPA is not part of the equation as it's not owned by the homeowner.
- Audience all speaking at once. Wayne Dennison reminds them to quiet down.
- Audience member (Pete of Sawmill Rd) states that his question is if it's all going through the same meter and therefore being a commercial use can't you regulate it differently.
- Kathleen Muncey asks if you can have those uncalculated.

- Eric Saffler states that when we went back to the utility to consider the size they don't consider that system.
- Kathleen Muncey summarizes, stating that they didn't consider the roof so the ones on the ground by themselves are the maximum for the whole property because you don't have to count the roof aren't as they aren't owned by the homeowner; I don't like that.
- Emmett Sheehan states that seems like a grey area.
- Eric Saffler states that is why we have rules and regulations and can't change them and it is unfortunate sometimes, but it is up to the Town to put things in the by-laws.
- Wayne Dennison states that the by-law works the exact opposite way and that our by-law says unless we permit it you can't do it.
- Emmett Sheehan suggests that Town Counsel weighs in and they continue this.
- Eric Saffler states that we as a company like to know ahead of time that there is a yes or no before we build it and people put money down, this is unfortunate.
- Wayne Dennison states that he understands but this is a function of Massachusetts law with respect to anything you get a building permit for, not just this thing.
- Eric Saffler states that the goalposts were moved, they followed all the rules and now will the homeowner have to sue the Town to get anything back.
- Wayne Dennison states that the Board would like to hear from Town Counsel and continue the hearing.
- Freeman Boynton states that he'd like to add to that and states that he'd like to see the homeowner and the neighbors try and resolve this on their own and agree to a fence or something to make it safe.
- Emmett Sheehan states he agrees.
- Miscellaneous audience members all state we've tried, it won't work...
- Emmett Sheehan states that maybe this will push it over the top, put a 6' fence around the whole thing even with a little electricity loss.
- Wayne Dennison states that he'd like Town Counsel to say if the capacity to the two systems – roof top and ground mounted – combined render this larger than a residential use and an opinion if the structure in proximity to a bus stop is an attractive nuisance.
- Emmett Sheehan states that if he takes a few of the panels out, that might help the usage issue but not the long term issue.
- Michelle Davis [sitting in audience] states that it is her understanding that the roof top panels themselves created enough that he could sell back and that is where he got the idea that he could make more money.
- Wayne Dennison states that it is the intention to continue this and asks when it can be heard again.
- I, Angela Ball, state October 12<sup>th</sup> or the 26<sup>th</sup>.
- The Board decides on the 26<sup>th</sup>.
- Kathleen Muncey makes a motion to continue the hearing until October 26, 2017.
- Emmett Sheehan seconds. All in favor (5-0).

**Motion: It was moved, seconded and unanimously voted to continue the public hearing.**

Moved by: KM  
Number in favor: 5

Seconded by: ES  
Number opposed: 0



**Applicant: Bay Communications II LLC**  
**(Transferred from T-Mobile Northeast LLC)**  
**Property Address: 421 Elm Street**  
**Case No: 10-20**  
**Date: 09/28/2017**  
**(Continued from 4/27/16, 11/10/2016, 4/28/16 et. al.)**

### ***ADMINISTRATIVE MATTER***

The Board of Appeals held a public hearing in the Mural Room at Town Hall, 878 Tremont Street on September 28, 2017 at 7:30 p.m. *after which administrative matters were heard, one of which was to consider the request for an extension of a special permit*, regarding the application of Bay Communications II LLC (transferred from T-Mobile Northeast LLC) for a special permit and variance under Articles 400, 600 and 900, Sections 406, 610.4, 6.10.5(2), 610.7(2), 906.2 and 906.3 of the Duxbury Protective Bylaw. The property is located at 421 Elm Street, Parcel No. 100-043-000 of the Duxbury Assessors Map, consists of 2.09 acres in the Residential Compatibility and Aquifer Overlay Protection District and is owned by Stuart and Leslie Lee, 421 Elm Street, Duxbury, MA 02332. The applicant requested and was granted a special permit and variance in order to construct a 100-ft. unipole, wireless communication facility on the property and is asking for an extension on the special permit until May 24, 2018.

**Members present:** Kathleen Muncey, Emmett Sheehan, Freeman Boynton, Jr. & Dimitri Theodossiou

**Members Voting:** Kathleen Muncey, Emmett Sheehan, Freeman Boynton, Jr. & Dimitri Theodossiou

**Other persons present at the hearing:** Scott Lambiase, Director of Municipal Services & Angela Ball, Administrative Assistant

- Kathy Muncey states that an administrative item for Bay Communications is on the agenda and that Wayne will recuse himself.
- Michael Dolan of Brown Rudnick states that his client is Bay Communications and explains that he was here 6 months ago and permits were extended but they expire soon and he is here to get ahead of it. Dolan states that there has been confusion in the market over coverage needs and RFP and a possible merger between T-Mobile and Sprint. He states his client is clamoring trying to find an anchor tenant in order to justify the building of it and has to find one that is willing to sign on, that there was clearly interest by T-Mobile since they permitted this but things got reprioritized and they are waiting for this to come back on the priority list.
- Kathleen Muncey asks if there is anyone else interested.
- Michael Dolan replies stating that all are – Verizon, T-Mobile, Spring & AT&T and that his client works with them often.
- Freeman Boynton asks how to motivate the tele-communications firms.
- Michael Dolan states his law firm works with those companies and he put out feelers to see how they can get this to move faster. He goes on to ask for another extension for 6 months.
- Kathy Muncey makes a motion to approve the extension until May 24, 2018. Emmett Sheehan seconds. All in favor (4-0).

**Motion: It was moved, seconded and unanimously voted to approve the extension.**

Moved by: KM  
Number in favor: 4

Seconded by: ES  
Number opposed: 0