

Town of Cape Elizabeth  
**DRAFT** Minutes of the September 28, 2021  
Board of Zoning Appeals Meeting

Present:

Joseph Barbieri  
Colin Powers  
Vaillancourt

Matthew Caton  
Michael Tadema-Wielandt

Kevin Justh  
Michael

The Code Enforcement Officer (CEO), Benjamin McDougal, and the Recording Secretary, Carmen Weatherbie, were present.

**A. Call to Order:** Chairman Vaillancourt called the meeting to order at 7:00 p.m. A quorum was present.

**B. Old Business:** None.

**C. New Business:** Mr. Justh moved to Adopt a Remote Participation Policy based on the August 30, 2021 Town Council Order Declaring a Limited Emergency and subsequent adoption of a Remote Participation Policy. Mr. Tadema-Wielandt seconded. Vote: 6 - 0. All were in favor.

Remote Participation Policy is attached.

**D. Communications:** None.

**E. Adjournment:** Chairman Vaillancourt adjourned the meeting at 7:04 p.m.

**REMOTE PARTICIPATION POLICY**  
**Adopted by the Cape Elizabeth Zoning Board of Appeals**  
**September 28, 2021**

**Town of Cape Elizabeth**

Pursuant to 1 M.R.S. § 403-B and after public notice and a hearing held on September 28, 2021, the Cape Elizabeth Zoning Board of Appeals adopts the following policy effective immediately to govern the participation, via remote methods, of members of the Zoning Board of Appeals and the public in the public proceedings or meetings of the body.

When technology is available hybrid meetings will become available.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair, in consultation with the town manager, or if applicable the board staff member or other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair, and/or town manager or if applicable the board staff member as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods. Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.