

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
SEPTEMBER 12, 2018**

RECEIVED

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WESTPORT ZONING
BOARD OF APPEALS

Members Present: Roger Menard, Chairman
Gerald Coutinho
Peter Borden
Constance Gee
Barbara Pontolillo

Chairman Menard called the Zoning Board of Appeals meeting to order at 7:00 p.m. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance.

Pledge of Allegiance

Chairman's Announcement - Under MGL Chapter 30A, section 20(f) - Meeting being recorded.

WRWA Petition

At 7:01 p.m., Chairman Menard announced the first matter on the agenda before the Board was the correspondence received by the Westport River Watershed Alliance (WRWA), requesting a meeting to determine if recent proposed change to the WRWA River Center project impacts a previous Zoning Board decision.

In attendance were Thomas Schmitt, President of the Westport River Watershed Alliance, and Deborah Weaver, Executive Director of the Westport River Watershed Alliance.

Chairman Menard began the meeting by providing background information regarding the project. In 2016, the WRWA came before the Board, requesting a finding that the WRWA-proposed River Center is not substantially more detrimental to the community. The Board, on September 23, 2016, determined that the proposed River Center is not substantially more detrimental to the community, relying on the plans that were submitted to the Board at that time.

Over the past few weeks, there have been e-mails regarding WRWA's proposed changes to the original River Center. WRWA requested that the Board meet and discuss the proposed changes to verify that those changes will not impact the previous finding. If the Board were to determine that the proposed changes would affect the original finding, the WRWA would then resubmit a request for a formal hearing for a new finding on the proposed changes. If the

Board were to determine that the proposed changes are insubstantial, then the Board would note the changes and the WRWA could proceed with the proposed changes without further Board involvement.

Mr. Schmitt addressed the Board, disclosing that the only suggested change to the proposed office building and River Center is the elimination of the 8-foot "bump-out" on the east side of the existing building. The original plan included utilities and a stairwell in the "bump-out," which would now be moved to the interior of the building. The only other change is the third floor, which originally was to be constructed as a mezzanine, but will now be a complete build-out third floor. There will be no change to the number of people at the center or programs supported by the center.

Chairman Menard indicated that during the Board meetings in 2016, the 8-foot "bump-out" was one the major issues, in light of its impact to the visibility by a few of the neighbors. Further, it would also alter the exterior look of the original structure.

Chairman Menard asked if WRWA had any plans or drawings of the proposed changes. Mr. Schmitt indicated that the WRWA has draft plans, however was unable to provide those plans to the Board for this meeting. The Board was shown the original 2016 plans, which includes an approximate 8 foot by 20 foot "bump-out" on the eastern side of the building. Mr. Schmitt said that the entire "bump-out" would be eliminated and the building would retain its original footprint. Mr. Coutinho asked if the elimination of the "bump-out" would add parking spaces. Ms. Weaver answered that the way the parking is aimed, the elimination of the "bump-out" would not provide additional parking spaces. Ms. Weaver indicated that the elimination of the "bump-out" would result in additional open space between the parking and the building and safer passage between the parking and the building. Mr. Schmitt said that there is no planned change to the parking. Ms. Gee asked if the proposed changes to the third floor would change the exterior profile of the building. Mr. Schmitt answered that the profile of the building would not change.

Discussion by the Board

Mr. Coutinho stated that the hearing of September 2016 found that the proposed changes to the property were not substantially more detrimental to the neighborhood; and the current proposed changes eliminates one of the more contentious issues. Also, he added that the elimination of the "bump-out" will not make it more

detrimental and that the changes are insubstantial. Mr. Coutinho does not believe that a further hearing is necessary. He cautioned that, once a final set of plans is completed, the Board should review and sign off on those plans to insure that the current proposed changes are incorporated, and no other substantial changes are made.

Decision

Mr. Coutinho made a motion that the proposed changes are not substantial, will not impact the neighborhood, and no formal hearing will be required. Chairman Menard added that when the WRWA has a final set of plans, the plans are to be provided to the Board for review and approval. Mr. Borden seconded the motion and the Board voted unanimously to approve the proposed changes to the plan.

Administrative Items

1. The Board determined that the next hearing would be held on Wednesday, October 24, 2018 at 7:00 p.m. to hear the matter of an Administrative Appeal that had been recently filed by David Sunderland.

2. Discussion ensued regarding the enforcement of the Zoning Bylaws. At times, the Zoning Enforcement Officer has approached the Chairman or Vice-Chairman regarding prior Board decisions. Town counsel advised that it is reasonable for the Zoning Enforcement Officer to seek guidance from a Board member for purposes of gathering information. If an individual believes that there is an infraction being committed contrary to a prior decision, members should not conduct a meeting as a Board to determine whether this is a violation; but, rather, should advise the individual to file a complaint with the Zoning Enforcement Officer, who will then review the complaint and determine whether or not there is a violation. Although the Board cannot be a party to the actual enforcement, it can, however, bring the information to the attention of the Zoning Enforcement Officer.

3. Mr. Coutinho informed the Board about his discussion with the Town Administrator Timothy King regarding the Principal Clerk vacancy.

Pereira Petition

At 7:45 p.m., Chairman Menard opened the hearing on the second matter before the Board, namely: the petition of Nelson Pereira for a Special Permit to keep more than three dogs, but less than seven, three months old or over for non-commercial/recreational purposes at the property located at 9 Mackady Court and shown on Assessor's Map 66, Lot19C.

Chairman Menard read the public hearing notice into the record. He also stated that the petitioner was not present at the hearing. The Board discussed the deadlines for filing a decision. Mr. Borden made a motion to continue the hearing to Wednesday, October 24, 2018 at 7:00 p.m. The motion was seconded by Chairman Menard and the Board voted unanimously in favor of continuing the hearing.

Administrative Items (Continued):

4. Mr. Coutinho stated that there had been a request by Lafrance Hospitality and the developers of the proposed new hotel to be constructed near the Hampton Inn and White's of Westport. Mr. Lafrance and the contractor had been before the Board of Selectmen a few months ago to advise of their plans to construct the hotel. Mr. Lafrance asked to meet with the Town Planner and the Zoning Board. Chairman Menard and Mr. Coutinho met with the Richard Lafrance, his son Sean Lafrance, a representative of Marriott, and Opechee Construction Corp, who has constructed other hotels for Lafrance Hospitality. The plans were discussed in an effort to gather feedback from the Town as to which issues should be addressed. There was a question as to whether Lafrance would require a variance for the height requirement, as well as an asphalt issue. The proposed hotel is to be located in front of the Hampton Inn, near White's of Westport. There would also be an overflow of parking for the White's of Westport.

8:00 p.m.

Motion made by Ms. Pontolilo to adjourn the meeting. The motion was seconded by Ms. Gee and the Board voted unanimously in favor of adjournment.

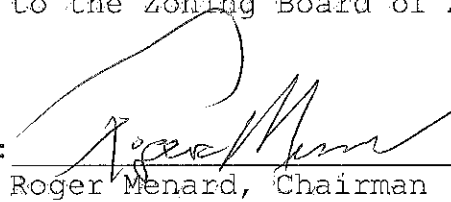
Adjournment.

Respectfully submitted,



Maria I. Branco, Principal Clerk
to the Zoning Board of Appeals

APPROVED:



Roger Menard, Chairman