

**BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
MARCH 16, 2016**

Members Present: Christopher Graham, Chairman
Gerald Coutinho, Vice Chairman
Gary Simmons
Larry Kidney
Roger Menard
Heather Salva, Clerk

Members Absent: Donna Lambert

Also Present: Ralph Souza, Building Commissioner/Zoning Enforcement Officer
Attorney Ilana Quirk, Town Counsel K&P Law
Attorney Peter Freeman, representing applicant
Bob Carrigg, Applicant
Alan Heroux & Marc Boucher, Boucher & Heroux, representing applicant

Chairman Graham called the Zoning Board of Appeals meeting to order at 7:00 PM in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Pledge of Allegiance

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

Brookmeadow Westport, LLC – RE: Continued public hearing to consider a request to modify the May 30, 2003 Comprehensive Permit issued to Brookmeadow Westport, LLC to construct 52 dwelling units on approximately 83.2 acres of land owned by Carricorp Industries, LTD, as Trustee of 190 CW Trust, that are located off of Brookwood Drive and Meadowbrook Lane, in Westport, MA and are currently shown on Assessors Plat 68, Lots 24 and 18C; Plat 69, Lots 10A, 10B, 10C, 10F, 10G, 10H, 10J, 10K, 10L, 11, and portions of Lots 5 and 10; Plat 70, Lots 53, 54, 56, and a portion of Lot 11; The modification request is set forth in a May 20, 2015 Notice of Project Change from Attorney Peter L. Freeman of Freeman Law Group LLC on behalf of Brookmeadow Westport LLC and proposes to modify the 2003 Comprehensive Permit by: (1) reducing the number of units approved under the Comprehensive Permit from 52 units to 12 units and by reducing the acreage for the project from 83.2 acres to 24 acres and to modify the permit to reflect that a portion of the original acreage has been subdivided and to seek the waivers set forth in the "Brookmeadow Westport, LLC Waiver Requests May 12, 2015" attached to the aforesaid Notice of Project Change.

Chairman Graham called the continued hearing to order with the reading of the Public Hearing Notice. Attorney Freeman stated his client has submitted updated plans showing the history, proposal and plans of record.

Attorney Quirk stated there are three issues:

- A. Relationship of prior 40b Plan subdivision litigation;
- B. Potential Decision – Pre 2008 decision – language of affordability has to change; Attorney Freeman would like this to be tweaked; and
- C. ANR – ZBA has the authority to provide endorsement; the division of the land shown on sheet 1 – 2; plotting of the land; we need confirmation of the outer boundary; one concern is the applicant owns a large amount of land, so we need clarification of the outer line.

A lengthy discussion ensued regarding the land, submitted plans, land conveyance, access rights, traffic, no addition of land to be added to the present project or use of any land for access and deed restrictions.

Input was received from Gary and Susan Morse, abutter. Again, discussion ensued regarding Brookwood Drive as a public/private way.

At this time, Attorney Quirk stated the ANR has been issued; the plans have been provided to explain the larger piece; the draft decision is about 2/3's done; she would like to finish the draft decision and then have the Board deliberate the decision and then have 40 days to render a decision.

Attorney Freeman stated he would like the Board to vote to close the hearing; set a date and time for a meeting to deliberate and then render a decision in 40 days.

7:58 PM

Motion made by Mr. Simmons to close the hearing. Second by Mr. Coutinho. The Board voted unanimously in favor.

The Board decided to review the draft decision on March 30, 2016.

Approval of Minutes – None.

Action Item – None.

Correspondence – None.

Other business – None.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

8:30 PM

Motion made by Ms. Salva to adjourn the Zoning Board of Appeals Meeting. Second by Mr. Simmons. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,
Diane Pelland
Principal Clerk to the Zoning Board of Appeals

APPROVED: Heather L. Salva, Clerk