

**BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
APRIL 30, 2014**

Members Present: Christopher Graham, Vice Chairman
Gerald Coutinho
Gary Simmons
Larry Kidney
Also present: Ralph Souza, Building Inspector
Absent: Clayton M. Harrison
Donna Lambert
Heather Salva

Acting 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.

William Carpenter – RE: Applicant is seeking a variance due to insufficient setbacks for an addition to an existing dwelling located at 243 Tickle Road. The property is shown on Assessor's Map 20, Lot 75-76.

The public hearing was called to order at 7:00 P.M. with Chairman Graham reading aloud the Public Hearing Notice. Chairman Graham explained the procedure for the hearing; first, the applicant would present their petition and then input would be taken from the abutters. Anyone wishing to speak must identify themselves by name and address.

Mr. Graham explained to Mr. Carpenter that he had a decision to make tonight. The Zoning Board is a five-member board, this evening, only four-members were present. The applicant can either chose to go forward with the hearing, but a unanimous decision must be reached in order for the petition to be approved or the applicant can request a continuance to a date and time certain, to have his petition heard before the full-member board, where a majority vote is required for approval. Mr. Carpenter chose to go forward with the four members.

Mr. Carpenter stated he was looking to put an addition on his home, which he purchased in 2008 from his stepfather. Mr. Carpenter wanted to establish where his lot lines were and hired SITEC Engineering, Sean Leach to do a plot plan/survey. The survey did not match the old stakes, where everyone thought the lot lines were. Mr. Carpenter then explained to the Board members, the various pictures he submitted with his application, in order for the Board members to better understand. Mr. Carpenter stated he was 5'6" from the edge of the property. Originally, Mr. Carpenter stated he thought he was fine with the addition he was planning but over the years, no one was paying attention to the lines; the prior owner, Mr. Michaud, cared for the land for the last 50 years not realizing the lot lines were wrong. The original stakes are still in the ground and he was surprised to see where the new survey stakes were.

Mr. Graham read the denial letter from Building Inspector Ralph Souza into the record. Mr. Souza stated Mr. Carpenter is in a tough spot. The lines that were assumed turned out to be wrong when he had his property surveyed. Mr. Souza stated the chimney will only be 5'6" from the property line; the chimney has to be considered as a structure. The proposed addition is 7'4" on one corner and 8'4" on the other corner.

Discussion continued regarding the frontage of the property and the frontage on the waterline. Mr. Carpenter stated his property consisted of 1 ¼ acres.

Mr. Coutinho asked Mr. Souza, in his professional judgment, what is the average of the properties within a 250 ft. radius. Mr. Souza stated all have less than a 10 ft. average.

Mr. Carpenter stated his property is pretty wide and it runs from Tickle Road to the water.

At this time, the Board members reviewed the plans that were submitted for the size of the house, the exterior dimensions and the proposed addition. There were no issues with the exterior deck on the north side.

Mr. Coutinho stated the hardship is the configuration of the lot, lot size and history of the unknown boundary lines and what was thought to be the boundary lines. Mr. Coutinho stated he did not feel this was an unreasonable proposal.

Mr. Graham called for any abutter input. Mr. Kaegael stated he was not against this proposal; he has no problem with it; there will be no impediment to anyone. Mr. Desrosiers stated he has no problem with this proposal either; most of the lots were divided 100 years ago and we're probably not sure of where the lot lines are but everyone respects everyone's boundary lines down there with nobody infringing on anybody. Mr. Carpenter is a good neighbor and a welcome to the neighborhood. Mr. Desrosiers stated his house was built in '73/'74 and the other houses were probably built about 25/30 years ago.

Mr. Graham noted there was no other correspondence received regarding this petition.

Seeing no more input from the applicant, board members or abutters, Mr. Graham called for a motion to close the hearing.

Motion made by Mr. Coutinho to close the hearing at 7:30 PM. Second by Mr. Simmons. The Board voted 4 in favor.

Discussion by the Board

Mr. Coutinho stated he saw no issues at all with this proposal.

Mr. Simmons stated the applicant was surprised to find that his lot lines were not what they were thought to be; he thought he had done everything correctly.

Mr. Kidney stated he had no problems with this petition.

Vote Taken

Motion made by Mr. Coutinho to approve the variance; the area in which this property is located is consistent with many of the houses in general, which appear to have varying non-conformance with existing setbacks and partially, this resulted from a misunderstandings of lot lines, which with more modern surveys, there is to be some difficulties; the hardship related to this, is these folks built at the time with what they thought was existing boundaries but now the boundaries have changed. This is a basis for a hardship. Also, the request for an addition is a reasonable request in terms of size for the proposed addition and it will not create a detriment to the area and does not denigrate from the intent of our bylaws. The plans and photos presented here tonight will be part of the permanent record and all building is to be in conformance with the submitted plans. Second by Mr. Simmons. The Board voted 4 (unanimous) in favor. The matter is closed at 7:45 PM.

Minutes

Motion made by Mr. Simmons to approve the Regular Meeting Minutes of April 23, 2014. Second by Mr. Coutinho. The Board voted 4 in favor, 3-absent (Harrison, Salva, Lambert).

Other Business .

Motion made by Mr. Simmons to approve the Decision for Thomas Borden. Second by Mr. Coutinho. The Board voted 4 in favor, 3-absent (Harrison, Salva, Lambert).

Correspondence

No actions were taken. Informational only. (Two Waterways License Application Notices).

Motion made by Mr. Simmons to adjourn the meeting at 8:00 PM. Second by Mr. Kidney.
The Board voted 4 in favor, 3-absent (Harrison, Salva, Lambert).

Adjournment.

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

APPROVED: Heather L Salva
Heather Salva, Clerk of the Board