

**BOARD OF APPEALS  
REGULAR MEETING MINUTES  
AUGUST 04, 2010**

**Members Present:** Clayton M. Harrison, Chairman  
Gerald Coutinho, Vice Chairman  
Christopher J. Graham  
Kimberley Fernandes, Clerk  
Donna Lambert, Alternate

**Absent:** Kendal Tripp  
William Wyatt, Alternate

**Also present:** Ralph Souza, Building Inspector

Chairman Harrison called the Zoning Board of Appeals meeting to order at 7:00 PM in the Westport Town Hall, 816 Main Road, Westport, MA 02790.

**Westport United Youth Soccer** - RE: Application request for a Special Permit for outdoor recreation by changing open fields at the rear of the property known as Russell Davis Farm to soccer fields and two parking lots created along Sanford Road utilizing the two front fields. Relief is sought under Zoning Bylaw 4.0.1 Section 5 and Article 15.2 Section 4. The property is located on Sanford Road and also known as Assessor's Map 30, Lot 21. Applicant representative is Peter Brown, 671 Sanford Road.

**Sitting on petition:** Harrison, Coutinho, Graham, Fernandes, Lambert  
**Attending:** Peter Brown, Westport United Youth Soccer Vice President  
Fernando Larginha, Westport United Youth Soccer President  
**Abutters:** Rita Vasconcellos – 907 Sanford Road

Mr. Brown stated the front two fields would be used for parking while the rear fields would be changed over to soccer fields. Previously, these fields were used for corn. Mr. Brown stated this project has been to the Planning Board and will go back once the Special Permit has been finalized. The parking lot will not be paved, it will be a grassy area only with telephone poles laid out to mark the area, similar to what is done at the Westport Fair. The only construction that will take place is the removal of stone walls but the stones will be stored for future use. The parking area was perced years ago before the Town owned the property. The area will provide for 384 parking spaces. There are presently 650 kids in the league and on an average Saturday in the fall, there is a constant rotation of teams practicing and playing soccer due to the different age groups of the league. The activity lasts from 8:00 AM to 5:00 PM. The leagues' season is 10 weeks. There is adequate parking to accommodate because all the teams are not there at the same time. There will be no parking allowed on Sanford Road and signs will be installed for such. Mr. Brown stated the entire property consists of 85 acres and beyond the open fields is an all wooded area, which will not be used.

Mr. Harrison stated the Planning Board would be reviewing this as a protection to the neighbors, items that are reviewed are parking, lighting, etc.

Mr. Larginha stated that Planning has asked for a parking plan. The parking area is 14-ft. from the road behind the stone wall. Mr. Coutinho questioned the 24-ft. lane way. Mr. Brown explained that the 24-ft access is for soccer personnel use only. The public will access the soccer fields by walking. Mr. Harrison asked about handicap accessibility. Mr. Brown stated if that issue comes along, the personnel would open the gates and allow that person or persons to access the field along the laneway. Ralph Souza, Building

Inspector stated that handicapped parking consisted of one space for every 25 spaces. Mr. Brown stated the pathway has been leveled off for easy access and the Fire Department has approved it. As for lighting, that may happen in 15 to 20 years from now but the lighting would be for the backfields only. There will be no amplification used. There is a portable concession stand that is run by private people. There will be port-o-johns used and they will be located right behind the parking area, near the concessions. Mr. Brown stated they have a 3-year lease with the Board of Selectmen because a 10-year lease must be done at Town Meeting and hopefully by then, the league will have gained some grant money to be used. At this time, the league is using the school department fields but when school is back in session, the league has to take a back seat and the cost of using the fields is increasing.

Mr. Harrison stated that a Special Permit can have time limits, and asked if that was a problem with the league having to come back before the Board. Mr. Brown stated he had no objections. Mr. Harrison clarified that the Zoning Board of Appeals has no jurisdiction over what the Planning Board, Conservation Commission or Board of Health has to do with this project. Mr. Souza stated he needed an updated set of parking plans showing the handicap space designation. Mr. Brown stated the new plan shows six spaces; and the Fire Department has only requested a 20-ft access, whereas we have made it 24-ft.; and the Board of Selectmen have asked if possible to leave as much of the original stone wall as possible and the league is trying to comply. Mr. Harrison suggested that when there is a change between games could there be a separate entrance and exit used. Mr. Larginha stated there are two driveways at the high school and we never had any problems there. Mr. Harrison stated he understood, but this is a new introduction to the neighborhood and the traffic will be different to the area. Ms. Vasconcellos, an abutter stated this property is close to her house on Sanford Road. Ms. Vasconcellos stated she is not against this project, as a matter of fact, she attends all her grandson's games at the high school. Ms. Vasconcellos's concern was the traffic, if everyone takes their time, there should be no hassle in leaving the fields. There are two entrances and exits and for every game, participants are either coming or going. Ms. Vasconcellos stated her concern was the speed limit on Sanford Road in that area; the speed limit should be cut down in the area of Route 177 toward the fields to at least 30 mph; or for at least a distance of 500 to 1000 ft. Mr. Harrison stated that public safety would have jurisdiction over that aspect of this project. Mr. Brown stated that each egress and ingress to the fields can accommodate two vehicles at a time and the stone walls are being left in that area, a request by the Selectmen. The Planning Boards' biggest concern is the setback from Sanford Road and the designated parking with access to the backfields. Richard Alves is doing all the engineering onsite. Mr. Coutinho stated to Mr. Brown, that all the suggestions being made tonight is to be proactive instead of reactive. Mr. Brown stated that once the fields are complete on Route 177, the concession stands would be onsite but transportable and not permanent. The League is being allowed two fields, so we will still need the other field for overruns. Mr. Coutinho asked if there were games during the week. Mr. Brown stated there is practice during the week usually from 4:00 to 6:30 PM or 7:00 PM. depending on daylight and that runs from mid August to mid November with games being held on Saturday. In the spring, there is around 15 teams and in the fall, we have our biggest enrollment of about 50 teams. Mr. Graham asked if there would a first aid station. Mr. Brown stated that every coach has a First Aid Kit for his or her team and all the coaches are certified in first aid. Mr. Brown stated that when playing at the high school, no medical services were provided either, except for the 911-call system. Mr. Brown stated the Board of Selectmen are waiting for the league to get this Special Permit in order to agree to a 3-year lease.

On another note, Mr. Coutinho asked Mr. Larguinha when the W.Y.A. will be applying for their special permit for the fields located off of Route 177. Mr. Larguinha stated that project is at a stand still, volunteers are not coming forward as planned, the money is not there. Mr. Coutinho stated the soccer league should have come before the ZBA first, then the Planning Board. Mr. Larguinha stated the Planning Board is almost completed with their plans. Mr. Coutinho explained how this bylaw was in effect in 1974 and Site Plan Review is just recent. The bylaw needs to be fixed. Mr. Coutinho mentioned that there would be a review in three years after the renewal of the lease. Mr. Brown stated that by that time, they could go to the Town Meeting for a 10-year lease. Mr. Coutinho asked for clarification of hours. Mr. Brown stated the hours of operation are seven days a week during the season; on Saturday it is usually from 8:00 AM to sunset and it will vary depending on practices or games but people are usually out by dark except for the staff who are the cleanup crew.

**Motion** made by Mr. Coutinho to close the hearing at 8:23 PM. Second by Mr. Graham. The Board voted unanimously in favor.

### **Discussion**

1. Hours of operation: 8:00 AM to ½ hour before sunset.
2. No lighting.
3. No public address systems.
4. Additional handicapped parking to conform to current ADA standards.
5. Not to be utilized for other purposes other than sport venues, primarily youth sports activities.
6. No permanent concession, only mobile.
7. The use of two port-o-johns minimum or as deemed appropriate.
8. Must comply with Site Plan review.
9. Subject to possibly more restrictions under the Special Permit review.
10. Sending a memo to the Board of Selectmen and Safety Officer to review at least ½ mile on Sanford Road for a review of the speed limit in that area.
11. Special Permit is valid for 3 years with the effective date being the recording at the Registry of Deeds.
12. Site Plan Review plan to be submitted after the process ends as part of the permanent file for the ZBA.
13. Approval is based on plans dated 07-29-10 that were submitted for parking and layout but are subject to the 3 year review period and may be subject to more potentially restrictive provisions from the Planning Board, which may be imposed during the Site Plan review process.

### **Vote Taken**

**Motion** made by Mr. Graham to grant a Special Permit to the Westport United Youth Soccer, Sanford Road, at the site formerly known as the Russell Davis Farm for the use of soccer fields with the following conditions:

1. Allowed maximum hours of operation will be 8:00 AM to ½ hr. before sunset.
2. No lighting.
3. No public address system or amplified sound.
4. The addition of handicapped parking spaces to conform with appropriate current standards or regulations.
5. The property is to be utilized only for the purpose of sport venues, primarily youth sports activities.
6. No permanent concession; only mobile concessions.

7. A minimum of two (2) port-a-johns or more as deemed appropriate.
8. Special Permit is valid for 3 years from the effective date of filing with the Town Clerk and with a re-application at that time.
9. Approval based on the submitted parking and layout plans dated 07-29-10 but subject to more potentially restrictive provisions from the Planning Board which may be imposed during the Site Plan Review process.
10. Upon completion of the site plan review process with the Planning Board, a copy of the Site Plan Review Plan is to be submitted as part of the permanent record of the Zoning Board of Appeals file.

Second by Mr. Coutinho. The Board voted unanimously in favor.

**Approval of Minutes**

**Motion** made by Ms. Lambert to approve the Regular Minutes of April 21, 2010 – January 6, 2010 and December 2, 2009. Second by Ms. Fernandes. The Board voted unanimously in favor.

**Motion** made by Ms. Lambert to approve the Special Meeting Minutes of February 24, 2010. Second by Ms. Fernandes. The Board voted unanimously in favor.

**Motion** made by Ms. Lambert to approve the Executive Session Minutes of February 24, 2010. Second by Ms. Fernandes. The Board voted unanimously in favor.

**Motion** made by Ms. Fernandes to adjourn the Zoning Board of Appeals meeting at 9:00 PM. Second by Mr. Graham. The Board voted unanimously in favor.

**Adjournment.**

Respectfully submitted,



Diane Pelland, Principal Clerk  
To the Zoning Board of Appeals

APPROVED:

  
Kimberley Fernandes, Clerk