

**BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
August 24, 2016**

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

Chairman Graham called the Zoning Board of Appeals meeting to order at 7:10 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.

Westport River Watershed Alliance and Town of Westport Landing: (cont'd app for finding)

RE: Continued hearing on an application seeking the following Findings under Zoning Bylaw Sections 4.1.2 & 4.1.3, as applicable, the proposed use as an office, meeting and resource facility for an environmental education organization, as shown on a plan approved by the Westport Planning Board on October 20, 2015 and endorsed on December 8, 2015; that an addition of 245SF to the exterior of the building to facilitate interior ADA accessibility and a composting toilet system; and, as alterations, an attached rear exit access of 210SF with three stair steps totaling 82.7SF with an ADA handicap access ramp of 103.8SF on the south side of the building to reach the two handicap parking spaces; and, as an alteration, a front exit access landing of 69SF with two stair steps of 11.5SF, singly and together are not substantially more detrimental than the existing non-conforming use to the neighborhood; and, if applicable, under Section 4.0.4, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town; and, if applicable, under Article 6-Flood Plain District, the proposed use, the addition and the alterations comply with the regulations contained in Section 6.5 therein. The property is located at 493 Old County Road, Westport, MA and shown on Assessor's Map 39, Lot 1A.

Thomas Schmitt, Co-applicant and President WRWA presented to the Board, Design Drawings and Building Use Narrative to restore the Head Garage (attached). Julia Bernier, Clearwater Architect presented on the physical attributes as well as the floor plans, the handicap accessible accommodations, staircases and means of egress. The first floor will be a resource center with a flood proof mechanical space. The second floor will have 5 flexible workspaces, a kitchenette, and handicap accessible bathrooms. The third floor mezzanine will have the director's office and meeting space.

Roger Menard questioned the parking, stating he was worried if we approved the plan then the Building Department denied it, what would happen. Vice Chair Coutinho stated they would have to come back before the ZBA with a new plan. Atty. Quirk advised that the decision should be tied to specific plans.

Chairman Graham inquired about the material the roof would be made of; Ms. Bernier stated that it had been previously approved. Vice Chair Coutinho inquired about the blending and the materials being used on the addition. Ms. Bernier said they will match and color and texture and pointed out the examples attached in the plan. Vice Chair Coutinho inquired about signage and referenced the River day signs etc. Mr. Schmitt noted two spots depicted in the plan and stated there may be a sign for parking. He also said he is aware of the sign regulations and will abide and apply for the appropriate permits if necessary.

Member Menard asked about exterior lighting and Ms. Bernier stated there would be sconces by the exits as pictured in the plan. Chairman Graham asked about the living wall and Ms. Bernier stated it would either be a 5" green wall or likely a 4" trellis with a rose bush or vine that would grow upwards not out.

The Chair asked the audience if there was anything they wanted to add. There was no response. Secretary Salva made a motion to close the hearing. Chairman Graham said he wanted to ask legal counsel if she had an opinion on the presentation. Atty. Quirk added that she received a copy of their lease tonight but has not reviewed it and her draft decision would combine both the hearing and permit findings. Vice Chair Coutinho said he did not want to close the meeting because he wanted to know how many events they planned on having per year, their plans for signage, he wanted the lease boundaries clearly mapped out so there would be nothing 'creeping' on the unleased portions fearing the public would lose access to the public landing; he also wanted their hours and lighting concerns addressed. Member Menard asked if such stipulations would be only for the current lessee and Atty. Quirk stated a change of operator/lessee would require a new hearing. Carl Tripp, President of the Landing Commission addressed the parking spaces and leased land stating they were not specific for the WRWA but that they were first come, first serve. He also said the revised lease will encompass some of the Vice Chair's concerns and be reviewable. He stated WRWA would still have to come before the Landing Commission to have any outdoor activities approved and they would comply with Zoning Bylaws. The Vice Chair added the Zoning Board's conditions and their lease are not mutually exclusive.

John Alden, Drift Rd. resident said he would like to see the lighting on timers and stated the parking requirement would lead to congestion as per the building standards. Atty. Quirk stated the Landing Commission was the co-applicant and would have to meet the standards but not have to exclude the parking to WRWA.

Member Simmons inquired about the number of public events and Mr. Schmitt stated they have one a year in December. He also mentioned the Electronic Recycling event but that he would get a permit for that and the other public events have been held off-site. They are aware they cannot hold large public events there and their two annual board meetings, which are held in the off season would not invite more than twenty people. The Vice Chair added the Board should attempt to limit anything that will impact the neighborhood and he agrees the location itself has limiting factors. Member Menard suggested defining 'public events' based on what has been publicized. Mr. Tripp suggested not limiting the number of events but rather where and how they are being held, for example, on the other side of the river. The Landing Commission may approve a use on the other side of the river but the Board should rest assured they are still regulated by fire and police, etc. The Chairman asked if the west side was part of the application. Mr. Tripp stated it was not. Atty Quirk informed the Board that her potential decision included language that there would be no public outdoor events so they should revisit that question when making a decision.

Vice Chair Coutinho read a letter from abutter Stephanie Griswold (attached). He also asked other board members if they were concerned about the bump out and wanted to do an onsite and the Chair stated continuing the hearing would give them time to review material and an onsite may help the Board come to a decision. Atty. Quirk reminded board members that they would need the permission of abutters in advance if they wished to view the site from their property and the Board may want to request implements be in place to be representative of the perimeters of the bump out. The members agreed they have all had the chance to view the property many times.

The Chair was looking for a motion to continue and the Vice Chair said we should advise them of any other material we may request. Secretary Salva asked for clarification as to why the Board would want to continue the hearing when the applicant has presented the Board with the information they requested and provided a copy of the lease. She stated Atty. Quirk's draft decision should be discussed together and she is unclear what other information still needs to be reviewed. The Chair stated he would like time to review the material that was presented this evening.

Member Simmons made a motion to continue the hearing until September 14, 2016 at 7pm. Vice Chair Coutinho seconded the motion, Secretary Salva opposed, remaining members were in favor. Atty Quirk asked the board members to get their questions to her by September 7th and she would have a response by September 9th.

The Board then opened the second hearing of the WRWA – Special Permit.

Westport River Watershed Alliance and Town of Westport Landing: (request for special permit)

RE: Continued hearing on an application request for a Special Permit pursuant to Article 8.3.3 of the Westport Zoning Bylaws to allow applicant to use property for offices and educational purposes. The parcel is shown on Assessor's Map 39, Lot 1A. The subject property is located at 493 Old County Road, Westport, MA.

Mr. Schmitt stated the use of space would include the following:

- no pesticides/toxic substances stowed or used
- no salt or de-icing and they will ask the town to discontinue the dumping of snow there; stating they would take over the snow and ice removal.
- grading would improve storm water management
- roof drains will lead to a recharge area
- septic will be compliant
- filtered gray water will be used of irrigation
- they will put in a shallow well, if required

Vice Chair Coutinho asked if they have any info about the application for the Seaport Grant. Mr. Schmitt stated they would not have that answer before September. Debra Weaver, Drift Rd. and WRWA member stated the Seaport Grant Holders were waiting to see if the plan will be approved before they make a decision to award grant money for improvement of the building.

Vice Chair Coutinho asked legal counsel to include these uses in the draft and she indicated they would be. Member Simmons made a motion to continue this request until September 14, 2016 seconded by Member Menard and all members in favor.

Approval of Minutes – Some of the Board members stated they did not have a chance to review the previous meeting minutes. Member Simmons made a motion to defer the approval of minutes until the September 14th meeting and Mr. Coutinho seconded. The motion passed.

Action Items – None.

Correspondence – None.

Other business – None.

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

8:50 PM

Member Simmons made a motion to adjourn, seconded by Vice Chair Coutinho.

Adjournment.

Respectfully submitted,
Heather L. Salva, Clerk

APPROVED: Christopher Graham, Chairman