

**BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
SEPTEMBER 14, 2016**

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

Also present: Attorney Ilana Quirk, Town Counsel
Ralph Souza, Building Commissioner/Zoning Enforcement Officer
Tom Schmitt, petitioner
Attorney Dorothy Tongue, representing petitioner
David Emilita, representing petitioner
Debra Weaver, WRWA
Steve Gioiosa, representing petitioner

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 hrg. 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.

AND

Westport River Watershed Alliance and Town of Westport Landing: (cont'd hrg. 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.

Chairman Graham read the continued hearing notices. At this time, Mr. Schmitt stated there was no further input from the WRWA. Chairman Graham called for any public input/comment. Comment was received from resident William Gifford, 42 Reed Road.

At this time, Attorney Quirk advised the Board to take a vote to incorporate the first proceedings and materials from the first Finding application that was withdrawn. Attorney Quirk stated out of an abundance of precaution, any condition to be imposed (and the Board can impose) and acceptance by the applicant as part of the application, in order to avoid any argument later on, the approval will be contained within the Finding; this can be done by a motion to amend the application. Attorney Quirk stated this must be done before the hearing is closed; should the applicant not agree, a line must be added to the Special Permit that the Finding is based on conditions. Attorney Quirk stated that historically, the ZBA has worked with the applicant on this form. Some discussion ensued.

Motion made by Mr. Coutinho to include testimony, application and all materials and minutes from the February 3, 2016 filing which was withdrawn. Second by Ms. Salva. The Board voted unanimously in favor.

The Board and applicant then reviewed the draft decision.

Recess was taken from 10:34PM to 10:40PM.

Motion made by Mr. Coutinho to continue this hearing to Thursday, September 22, 2016 at 7PM. Second by Mr. Simmons. The Board voted unanimously in favor.

Approval of Minutes

This item was held on. No action taken.

Action Items

1. Review of draft decision.

Correspondence – None.

Other business – None.

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

10:50 PM

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

Adjournment.

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

APPROVED: Christopher Graham, Chairman