

**BOARD OF APPEALS
REGULAR MEETING MINUTES
THURSDAY
SEPTEMBER 22, 2016**

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

Absent: Donna Lambert

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

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.

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.

Attorney Tongue stated procedurally to Town Counsel, we have been working back and forth on this document, how shall we proceed. Attorney Quirk stated the Board can proceed to review the draft decision.

Discussion ensued regarding which plans were to be referred to. Attorney Quirk stated that both plans are part of the record; the question is which plan gets attached to the decision; if the first set of plans are used, language will have to be added; it is a simple thing to have one plan, down the road it could become difficult to understand. Discussion ensued and review of the changes to the decision. At this time, Mr. Schmitt stated that based on the discussions tonight, the applicant agrees to the changes by the Board and those incorporated as submitted by Attorney Tongue and applicant agrees to amend the decision.

7:48 PM

Motion made by Mr. Simmons to close the hearings on both the Finding and Special Permit applications. Second by Ms. Salva. The Board voted 3 in favor, 2-opposed (Coutinho and Menard).

Motion made by Mr. Simmons to close the hearing on the Special Permit. Second by Ms. Salva. The Board voted 4 in favor, 1-opposed (Coutinho).

Discussion ensued.

Motion made by Ms. Salva to approve the draft decision as discussed tonight and to accept the plan as submitted by the applicant. Second by Mr. Menard. The Board voted unanimously in favor.

Motion made by Mr. Coutinho to accept the application as amended and that the Special Permit is issued to the Westport River Watershed Alliance and the Landing Commission. Second by Mr. Menard. The Board voted unanimously in favor.

Motion made by Mr. Coutinho to authorize the Chairman to sign the decision after allowing three days of receiving the revised draft from Town Counsel and allowing time for Board comment. Second by Ms. Salva. The Board voted unanimously in favor.

These proceedings are closed at 8:05 PM.

Action Items – None.

Correspondence – None.

Other business – None.

Approval of Minutes

1. **Motion** made by Mr. Simmons to approve the Meeting Minutes of March 30, 2016. Second by Ms. Salva. The Board voted unanimously in favor.
2. **Motion** made by Mr. Simmons to approve the Meeting Minutes of April 6, 2016. Second by Ms. Salva. The Board voted 5 in favor, 1-abstention (Lambert).
3. **Motion** made by Mr. Simmons to approve the Meeting Minutes of April 27, 2016. Second by Ms. Salva. The Board voted 5 in favor, 1-abstention (Coutinho).
4. **Motion** made by Mr. Menard to approve the Meeting Minutes of May 25, 2016. Second by Ms. Salva. The Board voted 4 in favor, 2-abstentions (Simmons and Lambert).
5. **Motion** made by Mr. Simmons to approve the Meeting Minutes of June 1, 2016. Second by Mr. Menard. The Board voted 4 in favor, 2-abstentions (Salva and Lambert).
6. **Motion** made by Mr. Simmons to approve the Meeting Minutes of August 24, 2016. Second by Ms. Salva. The Board voted unanimously in favor.

8:10 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