

**BOARD OF APPEALS  
REGULAR MEETING MINUTES  
WEDNESDAY  
OCTOBER 8, 2014**

**Members Present:** Christopher Graham  
Gerald Coutinho  
Donna Lambert  
Heather Salva, Clerk  
Larry Kidney  
Roger Menard  
**Also present:** Ralph Souza, Building Inspector  
**Absent:** Gary Simmons

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.

**Westport Art Group, Inc. RE: Applicant is seeking a finding from Westport Zoning Bylaws, Article 4.1.3 to expand/alter an existing non-conforming structure by constructing a 950 sq.ft. addition, along with alterations to the existing structure. The property is located at 1740 Main Road and shown on Assessor's Map 58, Lot 93A.**

**Hearing petition:** Graham, Coutinho, Salva, Menard, Kidney  
**Also present:** Ralph Souza, Zoning Enforcement Officer  
**Present:** Mary Benefial, WAG  
Damon F. Way, Architect representing WAG  
**Abutters:** Susannah Laskaris - 1751 Main Road  
Thomas E. Mangold, Jr. - 1770 Main Road  
John & Maryann Mazzola – 0 Main Road (lot-92A)  
James W. Hadley, AIA - representing Mr. & Mrs. Mazzola  
Katrina A. & Mark C. Strozik – 1720 Main Road

The public hearing was called to order at 7:05 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. Way stated the Westport Art Group (WAG) wants to put an addition to the existing building. Mr. Way provided the Board with a description of the existing building which included an entrance, kitchen, two bathrooms and storage space. WAG wants to build a 950 sq.ft. addition to the existing 750 sq.ft. studio. This will allow for two classes to be given at the same time. WAG has exhibits throughout the year and this would help accommodate also. The entryway will also be expanded. The property in the back of the building has been cleared out, so there will be a glass exit to the back, bringing more of the building to the back and allowing the artists to have a clear view of the wooded area.

Mr. Coutinho asked if WAG had a mission statement and if they were a non-profit. Ms. Benefial stated the group does have a mission statement and are a non-profit organization. They serve the residents of Westport and surrounding communities by offering art and fine crafts for education.

Mr. Coutinho asked if they were recognized by the Commonwealth of Massachusetts. Ms. Benefial stated yes. Ms. Benefial stated the primary mission of WAG is education.

Mr. Souza stated that if they are non-profit and are strictly educational purposes, they can do their proposal as a matter of right but the contractor who filled out the permit did not bring any of that information to me.

Mr. Coutinho stated the application shows art education and in his opinion, if the primary purpose is for the education of art, the applicant does not need to be here and they have a right to build in any zoning district or they can locate in any district. Ms. Strozik stated the abutters were not here tonight to dispute the art group, but the structure. Mr. Coutinho stated this application may not be in this Board's jurisdiction. Mr. Hadley stated he disputes that an educational use can go anywhere and perhaps a legal opinion could be requested from Town Counsel. Mr. Coutinho stated that the Board could continue if Mr. Souza, now receiving this information, says we can continue. Mr. Souza stated they meet all setbacks; he would have to see the site plan for parking, however. Mr. Way stated that could be why, under the IBC, that the contractor filled out the application. Mr. Coutinho stated the Board would have to see their formal mission statement.

Christine Anyo, 1779 Main Road stated she was concerned this application could lead to a commercial zone; it is disconcerting this could lead to parking, events and overhead lights. This group rents out space for events; and the events could not be tied to the gallery art component. Ms. Anyo stated that if you look at the deed, it is for use as an art gallery and is tied in with the Westport Point Methodist Church with specific limitations and allows that if the art gallery ceases, then the Church would take over. Mr. Coutinho stated the State Law very well allows this; abutters still have protection under our bylaws; but the applicant will have to go to Planning for site plan approval; if in fact, this is an educational institution, it can be there. Ms. Benefial stated WAG will probably not be increasing their numbers, it is just that we will have more space to do better education; we have the same sensitivities as the abutters. Mr. Way stated there will be no additional lighting or parking; we are on the same page when it comes to events, we hold no parties, we just need more space.

Susannah Laskaris, 1751 Main Road stated her family gave the land to WAG and she had questions when she received notice of this hearing. Her concern was the growth of the group and the need for additional space and the fact that there is no accommodations for additional parking if there are to be more programs. The property is only 100 ft. wide and a concern with parking would be for those walking or biking in that area; another problem is that people speed on that road and there are children. Ms. Laskaris stated she came here tonight to support the arts but she has safety concerns and concerns of aesthetics.

Mr. Coutinho stated that before more testimony is taken by the Board, the Board needs to determine if this is "primarily education"; we need to understand the Mission Statement. If that information had been given to the Zoning Enforcement Officer, he could have made a determination and no one would be here tonight. We need to know the primary purpose of this organization.

Ms. Strozik stated she had the mission statement on her phone and read it from WAG's website. Mr. Coutinho stated the original documents are needed because the Board's concern is if WAG is conforming as an educational group, if they are, then they need to be at the Planning Board; if they were non-conforming, they would have to be here; we need proof to be provided to this Board.

**Motion** made by Ms. Salva to recess at 7:36 PM for 10 minutes in order to allow staff to research the Articles of Organization for WAG and to re-adjourn to Open Session. Second by Mr. Coutinho. The Board voted unanimously in favor.

**Motion** made by Ms. Salva to return to Open Session at 7:46 PM. Second by Mr. Coutinho. The Board voted unanimously in favor.

Mr. Graham announced that the records for the Articles of Organization which are on the Secretary of States website were too old and could not be retrieved.

At this time, Mr. Coutinho stated the only downside for WAG is if they are not educational; the neighbors have issues and concerns; if they belong here and are approved, there could be restrictions placed. Mr. Coutinho stated that WAG would have to decide whether they wanted to continue tonight or ask for a continuance in order to provide documentation. Mr. Graham reminded everyone that WAG was here for a finding, not an appeal.

Discussion continued with abutters voicing their concerns over parking, lighting, hours of use and special events that would impact the neighborhood. Ms. Benefial stated it was important that everyone has a voice and it should be heard but WAG's purpose can be proven by their numbers; we are indeed an educational organization, we do not hire people, there is no one onsite all the time, there is no staff, we are run by all volunteers and we do not intend to grow into a commercial entity. Ms. Benefial stated that WAG is looking to upgrade what we have; the building will be cleaner and offer a more well-lit area for our artists; we don't want to grow, we want to keep it small like it is now. We may have three shows a year; the gallery shows are during the day and we have no evening classes. Our major shows are about three a year and held between 5-7 PM; most of our use is on Monday and Wednesday from 9-12 PM.

Mr. Way addressed each of the concerns of the abutters regarding parking, the form of the building, the exterior, the shed, the roof, the windows and lighting. The building will be simple and functional; ordinary in appearance and buttoned-up. There will be no paving and no night lighting. Mr. Souza stated he will need an engineered parking plan of what is there now and what can be done. As for renting, it will only be rented to art classes; any rental must be art related. Mr. Way stated the plan for the proposed studio space (748 sq.ft.) and closet (40 sq.ft.) evolved to link the existing space to the new spaces; they had no options.

Ms. Benefial stated this organization is 60 years old; we have limits in this location; if we get bigger, then we need to find another space. The space we have for our members is inadequate and our resources are limited; our members are self-supporting; we are doing nothing different from back in 1974. Ms. Benefial asked for a continuance in order for WAG to come back to the Board with the proper documentation showing their educational purpose.

#### **9:30 PM**

**Motion** made by Ms. Salva to continue this hearing to Wednesday, November 5, 2014 at 7:00 PM. Second by Mr. Coutinho. The Board voted unanimously in favor.

#### **Minutes**

**Motion** made by Mr. Coutinho to approve the Regular Meeting Minutes of September 24, 2014. Second by Mr. Menard. The Board voted unanimously in favor.

**Motion** made by Mr. Coutinho to approve the Executive Session Minutes of August 6, 2014. Second by Mr. Kidney. The Board voted unanimously in favor.

**Decisions** – None.

**Correspondence** – None.

#### **Other Business**

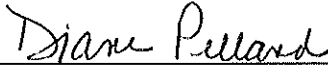
The Board began review of the revised applications. No decision was made; review to continue at next meeting with revisions being incorporated into the applications.

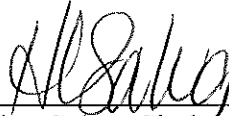
Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

**9:50 PM**

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

**Adjournment**

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

APPROVED:   
Heather Salva, Clerk of the Board