

**BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
NOVEMBER 05, 2014**

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

Also present: Ralph Souza, Building Inspector

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: Continued Hearing – 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
Abutters: Susannah Laskaris - 1751 Main Road

The continued 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.

Ms. Benefial presented to the Board, the Articles of Organization and a summary of what the Westport Art Group does. Ms. Benefial stated the services provided by the Westport Art Group are primarily art education. Ms. Benefial stated the Westport Art Group began in 1956 and was formed to promote art education and under the Articles of Organization, it shows that they are a non-profit organization and their mission is “exclusively civic, charitable, literary, historical or educational”. Ms. Benefial stated that should the Westport Art Group cease to use the property, it is transferred to the Westport Point United Methodist Church; as a religious organization, the church is exempt from certain restrictions as stated in the Dover Amendment, MGL Chapter 40A, Section 3. Ms. Benefial stated the Westport Art Group will be celebrating 60 years in 2016 of providing learning opportunities in the arts to their members and the Community of Westport Point and surrounding communities and having been at their present location since 1971. Ms. Benefial noted that in 1989, there were 200 members and presently in 2014, there are still only 200 members; we have not had a change in our membership numbers. We have run a quiet campaign for this project and so far \$140,000.00 has been donated. On the property, there is a repeater station for the Police Department which can't be moved. Ms. Benefial stated we are an all-volunteer organization. Ms. Benefial noted for the Board, that she looked up a few mission statements and was surprised to find that the Westport Elementary School, Westport High School and UMass Dartmouth do not mention the word “education”. Mr. Coutinho stated however, it does state “learning”; and from the last meeting, this was a concern. Mr. Coutinho asked Ms. Benefial if she had spoken with Mr. Ralph Souza regarding this and has he made a determination. Ms. Benefial replied no, she has not spoken with

Mr. Souza. Mr. Souza stated he has reviewed the material and he also spoke with people on this matter and has determined and confirmed, the Westport Art Group is a non-profit, conforming use for education; this also is a conforming use under the State statute. Mr. Coutinho stated to Ms. Benefial that he found the proposed change is not substantially more detrimental and if Mr. Souza is convinced that the Westport Art Group is a non-profit, conforming educational use and the primary use of the building and proposed addition is for educational purposes, then WAG does not have to be here before the ZBA. Mr. Coutinho stated this is now under the jurisdiction of the Building Inspector and Planning Board and he would hope that WAG would work with the abutters.

Mr. Graham stated the applicant can request a withdrawal without prejudice, which would allow, for any reason, WAG to come back within two years before the ZBA. Mr. Graham stated the request would need to be in writing. Ms. Benefial then requested a withdrawal without prejudice and submitted a letter for the permanent record.

Ms. Laskaris, 1751 Main Road stated she submitted some notes for the Board for this evening's hearing regarding the expansion of the property since 2008; she stated she does not have a problem with the expansion but the huge expanse of programs and how they have grown and the number of shows and kid's camps and events that are being done on such a small lot. Now, she does not understand what has just happened with this withdrawal; what if they want to grow again in five years, especially where parking is already a problem. Mr. Graham explained that Mr. Souza, based on documentation that was presented by the Westport Art Group, was able to make a determination that they did not need to be before the ZBA due to the fact that they are a non-profit, conforming use for educational purposes and the primary use is for educational purposes; the documentation was requested from the first hearing. Mr. Coutinho stated the Westport Art Group will now file for a building permit, which will trigger Site Plan Approval with the Planning Board, unless they vary the dimensions; but at that public hearing, anyone can speak their concerns.

Motion made by Mr. Simmons to close the hearing at 7:25 PM. Second by Ms. Salva. The Board voted unanimously in favor.

Motion made by Mr. Coutinho to allow the petitioner to withdrawal without prejudice. Second by Mr. Simmons. The Board voted unanimously in favor.

Minutes - This item was passed-over.

Correspondence - None.

Other Business

1. Mr. Coutinho requested that copies of the "Rules & Regulations of the Westport Planning Board for Site Plan Approval" be given to each member; this compliments the Zoning Bylaws.

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

Motion made by Ms. Salva to adjourn the ZBA Meeting at 7:40 PM. Second by Mr. Simmons. The Board voted unanimously in favor.

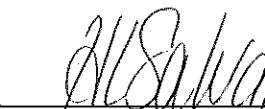
Adjournment.

Respectfully submitted,



Diane Pelland, Principle Clerk
to the Zoning Board of Appeals

APPROVED: _____



Heather Salva, Clerk of the Board