

**BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
NOVEMBER 30, 2011**

Members Present: Clayton M. Harrison, Chairman
Christopher Graham, Vice Chairman
Donna Lambert, Clerk
Gerald Coutinho
Heather Salva
Gary Simmons

Also present: Ralph Souza, Building Inspector/ZEO

Chairman Harrison called the Zoning Board of Appeals meeting to order at 7:00 PM in the Westport Town Hall, 816 Main Road, Westport, MA.

Excel Recycling, LLC - RE: A public hearing on an application seeking an Administrative Appeal of the Zoning Officer's Cease and Desist Order dated September 29, 2011 regarding Excel's operations located on the property at 37 Charlotte White Road. The property is also shown on Assessor's Map 67, Lots 9 / 10.

Mr. Harrison stated that correspondence has been received from Attorney Feurbach requesting a continuance and from Attorney Feingold agreeing to the continuance. Mr. Harrison stated he spoke with Attorney Quirk and her presence is not necessary at this time. There was a meeting last Wednesday of the parties and no resolutions were reached; this matter will have a status conference set for December 14, 2011.

Mr. Coutinho stated that Attorney Benevides is requesting the sooner, the better but it is not expected that a hearing will happen until early January.

Motion made by Mr. Graham to continue this hearing to January 18, 2012 at 7:00 PM. Second by Mr. Simmons. The Board voted unanimously in favor.

Walter & Joan Golembewski - RE: A public hearing on an application seeking a Finding that a proposed alteration to the pre-existing, non-conforming structure located at 356 Sanford Road would not be more detrimental than the existing non-conforming use to the neighborhood, as required by Zoning Bylaw Article 4.3.1. The property is also shown on Assessor's Map 23, Lot 8.

Sitting on the petition: Harrison, Coutinho, Graham, Lambert and Salva
Attending were: Ralph Souza, Building Inspector/ZEO
Walter and Joan Golembewski, petitioners
Abutters present: None

Chairman Graham read into record the Building Inspector's letter of denial, dated October 24, 2011 and a note received from abutters Mr. & Mrs. Bernier, 349 Sanford Road – which stated they had no objections to this petition.

Mr. Graham noted there was a prior finding dated April 1, 1992 on this property and part of that decision was that "the Board voted unanimously not to allow any physical addition to the existing building without first applying to the Board of Appeals as shown on the plan presented and off-street parking must be provided".

Mr. Golembewski stated he has owned the property located at 354-356 Sanford Road for the last 30 years. There is a children's clothing consignment shop located at 356 Sanford Road. Mr. Golembewski wants to enlarge the building in the rear by about 7 feet. This will bring the rear of the building inline with the rest of the building and he would also like to relocate the store's entrance door to the south side of the building.

Mr. Simmons questioned whether there would be enough parking. Mr. Golembewski stated yes. Mr. Souza stated there is enough area for parking behind the building; there is a set of plans on file in his office that he has approved. Mr. Souza stated he suggested to Mr. Golembewski, although it is not mandatory, to make an attempt when relocating the entrance to make it handicap accessible. Mr. Golembewski stated that to install a handicap ramp would be a financial burden. Mr. Souza stated he was referring to the stairs because they do not meet code now.

Mr. Harrison stated that according to the prior finding, there was a concern over the parking. Mr. Harrison stated the petitioner has presented a parking plan that has been approved by the Building Inspector and so that concern has been addressed; and there has been no objections voiced by the abutters, only a note which was in favor of the proposal.

Mr. Coutinho asked about the other buildings on the property and their uses. Mr. Golembewski stated the last 5 years it has been a children's consignment shop and prior to that it was a school supplies store. Mr. Harrison stated that in the prior finding, a number of buildings were identified and a number of uses were found. Mr. Harrison questioned the current uses of the buildings now. Mr. Golembewski stated that currently there is a garage, which he uses as a maintenance facility and the Westport Woodworking Shop; there is a barn, used for storage of stock and a house, which is use for storage of extra stock and it serves as a residence for a family friend. Mr. Coutinho stated that for the record, each of these buildings have been used or are being used in conjunction with this business or a business.

7:55 PM

Motion made by Ms. Lambert to close the hearing and open it for discussion. Second by Mr. Coutinho. The Board voted unanimously in favor.

No discussion ensued.

Decision

Motion made by Ms. Lambert that the Board does not find the request for an alteration of the current existing, non-conforming structure to be more detrimental than the current existing, non-conforming use. Second by Mr. Coutinho. The Board voted unanimously in favor.

Correspondence

None

Approval of Minutes

None

Other Issues

None

Motion made by Mr. Coutinho to adjourn the Zoning Board of Appeals Meeting at 7:56 PM. Second by Ms. Lambert. The Board voted unanimously in favor.

Adjournment

Respectfully submitted,



Diane Pelland, Principal Clerk
to the Zoning Board of Appeals

APPROVED: 
Clayton M. Harrison, Chairman