

ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
JANUARY 16, 2019

Members Present: Roger Menard, Chairman
Gerald Coutinho, Vice-Chairman
Peter M. Borden
Constance Gee
Barbara Pontolilo

Chairman Menard called the Zoning Board of Appeals meeting to order at 7:02 p.m. in the Westport Town Hall, 816 Main Road, Westport, MA, with the reciting of the Pledge of Allegiance.

Pledge of Allegiance

Chairman's Announcement – pursuant to MGL Chapter 30A, Section 20(f) – Meeting being recorded.

Chairman Menard introduced the Board's newly-hired Principal Clerk, Maria Branco.

David P. Sunderland – RE: Administrative Appeal requesting relief from the decision of the Zoning Enforcement Officer regarding alleged violations of Zoning Board of Appeals decisions. The property is located at 1346 Main Road, Units E, F, G, and H and is shown on Assessor's Map 56, Lots 10-5, 10-6, 10-7 and 10-8.

Members Present: Roger Menard, Chairman, Gerald Coutinho, Vice-Chairman, Peter M. Borden, Constance Gee and Barbara Pontolilo.

Abutters Present: Susan Brayton

Chairman Menard stated that he received 2 e-mails from Attorney Mello, one of which requested that the hearing be continued to a later date due to a medical situation. Attorney Levin assented to the continuance, but stated that he would not be available on February 6, 2019. Chairman Menard responded by e-mail to Attorney Mello, requesting that the 90-day rule to issue a decision be waived by the applicant. Attorney Mello sent a second e-mail, which assented to and waived the 90-day requirement. Both attorneys were in agreement.

7:10 p.m.

Motion made by Chairman Menard to continue the matter to Wednesday, February 13, 2019 at 7:00 p.m. Seconded by Mr. Coutinho. The Board voted unanimously in favor. Chairman Menard noted that Town Counsel will be present on February 13.

Action Items:

Re: Administrative Items

1. Chairman Menard stated that there currently is one application form available to applicants who are applying for a variance, special permit, or administrative appeal; and a second application form for applicants requesting a finding. The Board discussed the possibility of merging the 2 forms in an effort to simplify the process, so that there is only 1 application form. This form will be available on the Town's web site.

Discussion ensued as to the language to be inserted in the new form. Chairman Menard raised the issue of the applicant being required to provide 10 copies of all documents attached to the application when filing an application so that all members receive a copy, as well as an original copy for the file, a working copy, and copies available to other Town departments, if necessary.

Also discussed was that the applicant should be specific as to the address and exact location of the property. If the property is vacant land and contains a "0" address (e.g., 0 Main Road), then the applicant must indicate with specificity the location of the property.

Mr. Coutinho suggested that the applicant attach on a separate paper any other information not noted on the application due to lack of space on the form. The language "IF MORE ROOM IS REQUIRED, PLEASE ATTACH ON A SEPARATE PAPER" was agreed-to by the members. Chairman Menard indicated he would revise the application form and e-mail to the Board members for their review and comments for discussion at the next meeting on January 23, 2019 and get published with the Town.

2. The Board discussed the issue of where the Principal Clerk's office space should be located. The Town Administrator had suggested that the office space be located at the Town Hall Annex; however, in light of the fact that the Clerk communicates and coordinates primarily with the Town Clerk and Assessors' Office, both of which are at the Town Hall, it would be more practical to have the office space located in the Town Hall. Also, because the Board's meetings are held at the Town Hall, if the Clerk were needed to go to her office to get a file or documentation, it would be efficient that her office space be in the Town Hall. Further, the Clerk's normal hours will be Tuesdays and Thursdays for a couple of hours on each morning. Conducting Board meetings at the Annex is not an option as the meeting room is very noisy, which is

disruptive. Furthermore, the Board's filing cabinet and numerous archived files are located at the Town Hall. Chairman Menard stated that he would send an e-mail to the Town Administrator, requesting that the Clerk's office space be located where the current Animal Control Officer is located (who will be moving to the Annex). The Clerk will contact Keith Novo to obtain a Town e-mail address as well as a computer.

3. The Board discussed the significance of the term "C40AS7" that was written on one of the documents provided by an applicant's attorney. It was noted that it refers to Chapter 40A, Section 7, which is one of the zoning statutes.

Correspondence:

1. Mr. Coutinho stated that he was provided with a memo from the Planning Board regarding an application for a solar energy system at Route 88/Sullivan Drive. The Planning Board is requesting comments by the Zoning Board and to indicate its "approval," "approval with modifications," "disapproval," or "no comment." The Planning Board is asking that the Zoning Board respond no later than February 1, 2019.

2. Members discussed an application for a floating dock at 1136 Drift Road and it would become a Board issue only if it involved commercial activity. The Board need not respond to this application at this time.

Approval of Minutes – None.

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

Other Business:

Chairman Menard gave a recap of future meeting dates:

January 23, 2019 – Sand & Gravel Aquifer Protection Special Permit and Lightfoot – 1415 Drift Road (finding – addition of 2nd floor).

January 30, 2019 – Connally – 28 Rock Street (administrative appeal/merged lots) and Sykes (variance-frontage requirement).

February 13, 2019 – Cipollini – 30 Old Farm Road (variance and special permit for detached accessory apartment) and Sunderland Administrative Appeal (continued from January 16).

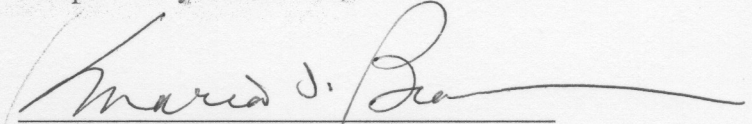
Members discussed their availability for the remainder of February and the month of March.

8:05 p.m.

Motion made by Ms. Gee to adjourn the Zoning Board of Appeals Meeting. Seconded by Ms. Pontolilo. The Board voted unanimously in favor.


Adjournment.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maria I. Branco", written over a horizontal line.

Maria I. Branco, Principal Clerk
to the Zoning Board of Appeals

Approved:

A handwritten signature in cursive script, appearing to read "Roger M. [unclear]", written over a horizontal line.

RECEIVED

FEB 5 2019

WESTPORT ZONING
BOARD OF APPEALS