

**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
WEDNESDAY  
JUNE 10, 2020**

RECEIVED

JUN 18 2020

WESTPORT ZONING  
BOARD OF APPEALS

**Members Present:** Roger Menard, Chairman  
Gerald Coutinho  
Constance Gee  
Barbara Pontolilo  
Raymond Elias

**Member Absent:** Peter Borden (Available by telephone)

Also present: Mark Boucher, Engineer, and Petitioner Helen L. Souza.

Chairman Menard called the Zoning Board of Appeals meeting to order at 6:40 p.m. with the reciting of the Pledge of Allegiance.

**Chairman's Announcement** - Under MGL Chapter 30A, Section 20(f) - Meeting being recorded.

**Governor Charlie Baker's Mandate**

Chairman Menard opened the hearing by reading the provisions mandated by Governor Charlie Baker regarding the congregation of people at the Town Hall and the manner in which municipal boards are to meet and hear matters on their agenda.

Chairman Menard noted that the meeting was being conducted live, as well as remotely, by accessing Google Meet. Anyone wishing to comment could call into the conference telephone number.

1. Chairman Menard read the public hearing notice on the petition of Helen L. Souza, as Trustee of the H.L.S. Trust, for a variance to allow the transfer of approximately 2,060 square feet of area from the lot containing house #21 to be combined with the lot containing house #17 in order to remedy the encroachment of an existing garage and yard area historically used in conjunction with #17. Both resulting lots contain insufficient area to comply with current zoning requirements; existing frontages for both lots will remain unchanged, as mandated by Zoning Bylaw Article 7, Section 7.0. The subject

property is located at 21 Drift Road, Westport MA and is shown on Assessor's Map 32, Lot 33 and Map 51, Lots 34 and 23A.

Mark Boucher of Boucher & Associates, 999 Main Road, Westport, MA addressed the Board, stating that:

1. 17 Drift Road and 21 Drift Road are owned by Ms. Souza.
2. Ms. Souza inherited 21 Drift Road after her mother passed away.
3. Several years ago, during a survey of the property to repair the septic system, it was discovered that a portion of the garage situated at 17 Drift Road was encroaching on the property line abutting 21 Drift Road.
4. Frontages to the properties are not being altered.
5. Both lots are non-conforming lots and will remain as non-conforming lots once the property lines are adjusted.
6. Ms. Souza is requesting a variance be granted to secure that the entire garage is shown to be on the lot at 17 Drift Road.
7. There will be no negative effect to the neighborhood, as the variance is solely to address lot lines between the two lots, which Ms. Souza owns.
8. A portion of the garage encroaches on the driveway, which is stone and not easily removed or reconstructed.
9. The area on the north side of the stone wall is where the repair to the septic system was done and, due to the grading of the land, it is not feasible to relocate any structure currently on the property to remedy the lot line issue.
10. Once reconfiguration of the lot lines is accomplished, the lot at 17 Drift Road will be slightly larger to accommodate the garage.
11. The area behind the garage that has, over the years, been used as part of #17 will be legally transferred to become a permanent part of #17.
12. Once the variance is granted, the Planning Board will sign the plan as approval not required.

13. It is believed that the structure was built in the 1700s.

14. Lot 21 has approximately a little over 50,000 square feet and Lot 17 is quite a bit smaller.

15. Once properly delineated, Lot 17 will contain 10,184 square feet and leaving 48,500 square feet to Lot 21.

16. New deeds will be prepared to accommodate the new property lines.

Board members were in agreement that this was a common sense remedy to the issue.

Mr. Coutinho stated that one variance would apply to both lots.

The variance will also remedy any property lines if Ms. Souza decides to sell either or both lots in the future.

There were no comments from abutters noted at the hearing, nor has there been any comments made to the Clerk during the past few months on this matter.

Once the Board had accepted all the evidence, Mr. Coutinho made a motion to close the hearing. The motion was seconded by Mr. Elias and the Board voted unanimously to close the hearing.

Chairman Menard telephoned Mr. Borden, who had been watching the hearing on Westport's Cable Access TV station. Chairman Menard stated that the five (5) members present at the hearing would be voting on this matter.

After discussion, the Board determined that:

1. Granting the variance will not affect any abutter.
2. The variance will remedy the issue with the property lines so as to show that the garage is located on #17 Drift Road.
3. The setback requirements are taken into consideration with the lot line adjustment, incorporating the clothes line and the location of the well.

Mr. Elias made a motion to approve the variance to remedy the encroachment of the existing garage and yard that historically was in conjunction with Lot #17. Chairman Menard seconded the motion and the Board voted unanimously in favor of granting the variance.

Chairman Menard notified the Petitioner of the 20-day appeal period.

2. Chairman Menard stated that the next matter before the Board was regarding 7 Old Farm Road; however, the Petitioners were not present for the hearing. Chairman Menard telephoned the Petitioners' home, and spoke with Mr. Soares, who apologized for not attending the hearing. Mr. Soares said that, although he does not doubt that notices had been sent to his home about the continued hearing, he was not aware of seeing the letter. Chairman Menard noted that this matter would have to be continued to a later and suggested June 24, 2020 at 6:30 p.m. Mr. Soares agreed to a continuance, since he was unable to go to the Town Hall as he had just gotten home from work.

Chairman Menard made a motion to continue the hearing to Wednesday, June 24, 2020 at 6:30 p.m. in the Town Hall due to the unavailability of the Petitioners to attend this evening. Mr. Coutinho seconded the motion and the Board voted unanimously in favor. The hearing is continued to June 24, 2020 at 6:30 p.m. at the Town Hall and on Google Meet.

Chairman Menard stated that it is likely that the Board will be conducting its meetings at the Town Hall, as well on Google Meet, in the future. Although it is preferable that abutters be present at the meetings, Google Meet will be available for those who cannot attend in person.

#### Administrative Items

None.

7:15 p.m.

**Motion** made by Ms. Pontolillo to adjourn the meeting. Seconded by Ms. Gee. The Board voted unanimously in favor.

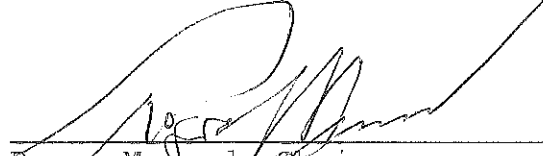
Adjournment.

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 Mehard", written over a horizontal line.

Roger Mehard, Chairman