

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
JULY 29, 2020**

RECEIVED
AUG 5 2020
**WESTPORT ZONING
BOARD OF APPEALS**

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

Also present: Ralph Souza, Building Commissioner

Chairman Menard called the Zoning Board of Appeals meeting to order at 6:30 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 should 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 Bradley W. Lacouture for a Special Permit to install and use an accessory apartment on the second floor of an existing detached garage, located on a lot containing a single-family dwelling, as mandated by Zoning Bylaw Article 4, Section 4.1.D.13. The subject property is located at 242 Sanford Road and is shown on Assessor's Map 16, Lots 303-304.

Chairman Menard read the denial letter from Ralph Souza, Building Commissioner and Zoning Enforcement Officer. The Building Commissioner/Zoning Enforcement Officer also noted that The Zoning Board of Appeals may issue a Special Permit authorizing the installation and use of a detached accessory apartment.

Bradley Lacouture, Petitioner, addressed the Board, stating that:

1. He intends to live in the accessory apartment and his mother will reside in the main single-family home.

2. The first floor of the house will remain unchanged and contains one bedroom. His mother will occupy the first floor, as she does not climb stairs.

3. The first floor of the garage will remain unchanged.

4. The bedroom on the second floor of the house will be converted into a den or office and will no longer be a bedroom.

5. There is a two-bedroom deed restriction mandated by the Board of Health, as he and his neighbor share a septic system. The septic system is approved for 5 bedrooms, 3 of which are allocated to the neighbor.

6. The original plan was to install a small bathroom. When he decided to have his mother live in the main house, he planned to install a kitchen, which was when the Building Inspector informed him that he would require a Special Permit.

7. There is a driveway on both sides of the house.

Ralph Souza, Building Commissioner, stated that:

1. The Board of Health will redefine the second bedroom in the house.

2. The deed restriction is only two (2) bedrooms in the house. If the accessory apartment contains one (1) bedroom, then the second bedroom in the house must be converted to a different type of room, in that, the Board of Health may require him to remove a closet and door, if they exist in the current second-floor bedroom, and resubmit floor plans to the Board of Health for recordkeeping.

3. The second floor in the garage currently contains approximately 816 square feet; however, on the plans, there are several areas that are not considered livable space, such as stairwell, hallway, ingress and egress. Therefore, the remaining livable space meets the requirement of 750 square feet.

4. Walls exist on the second floor of the garage, with rough plumbing for one bathroom.

5. Prior to the issuance of the building permit, the Board of Health will be required to sign off and approve the permit.

Chairman Menard stated that the original intent of the bylaw was to allow for a parent or family member to reside in an accessory apartment. He also noted that Mr. Lacouture would be required to live in either the house or the apartment to comply with the bylaw.

Chairman Menard also recited some of the requirements contained in the bylaw with which Mr. Lacouture must comply, in particular:

1. Approval from the Board of Health.
2. Building, plumbing, electrical and any other required permits are obtained.
3. The owner must occupy one of the two units.
4. There shall be no more than one accessory apartment on the property.
5. There shall be no more than 2 persons residing in the accessory apartment.

Mr. Lacouture stated that he understood the requirements and would comply with them.

Chairman Menard read an e-mail that the Clerk had sent to Joseph and Katherine Masiello, confirming a telephone conversation that she had had with the Masiellos. Mrs. Masiello stated that she is the Trustee of the trust that owns 50 Bond Street, an abutter to the subject property. The Masiellos were concerned with possible water runoff to the Bond Street property. Chairman Menard indicated that based on the petitioner's plans, there is no change to either the number of bedrooms, or to property dwellings so neither the bedroom nor water runoff is an issue.

Mr. Lacouture stated that he did not know the Masiellos and that the house has always been a two-bedroom house; that he shares his septic system with his neighbor; and there is a two-bedroom deed restriction. There will not be any other bedrooms in the house or the accessory apartment.

Chairman Menard stated that the Zoning Enforcement Officer and the Board of Health will ensure that the deed restriction is complied with.

Mr. Coutinho noted that the field card from the Assessor's Office states that the house is a three-bedroom house; however, Mr. Lacouture said that he had no knowledge of why the field card would state that, inasmuch as the house has always only had two (2) bedrooms. Mr. Souza confirmed that he inspected the property and there are only two (2) bedrooms on the property.

Ms. Pontolilo made a motion to close the hearing at 6:58 p.m. Ms. Gee seconded the motion, which passed by unanimous vote.

Ms. Pontolilo stated that she had no issue with the proposed accessory apartment; that it meets all the criteria mandated by the bylaw; and the footprint will remain unchanged.

Chairman Menard agreed and applauded Mr. Lacouture for ensuring that his mother is taken care of, which is the original intent of the bylaw.

Mr. Coutinho agreed and noted that the bylaw allows for handicap accessibility, should the petitioner later require it.

Chairman Menard made a motion to approve the Special Permit for installation and use of an accessory apartment on the second floor of an existing detached garage with the following conditions:

1. The accessory apartment is to be constructed pursuant to the drawings that the Petitioner has submitted to the Board with his application for Special Permit.
2. The petitioner shall comply with all requirements of Zoning Bylaws section 4.0.1.D.13.
3. The petitioner shall comply with the regulations mandated by the Board of Health and the Building Department.

Ms. Pontolilo seconded the motion, which passed by unanimous vote.

Chairman Menard advised of the 20-day appeal period.

Administrative Items

1. Minutes of June 17, 2020 - Mr. Coutinho made a motion to approve the minutes. Ms. Pontolilo seconded the motion and the Board voted unanimously to approve the minutes of the June 17, 2020 meeting.

2. Minutes of June 24, 2020 - Ms. Pontolilo made a motion to approve the minutes. Mr. Borden seconded the motion and the Board voted unanimously to approve the minutes of the June 24, 2020 meeting.

3. Chairman Menard stated that Town Meeting occurred on July 25, 2020, at which time, zoning articles that had been revised or amended were approved. He said that the abandonment bylaw was bypassed, however, which was disappointing. He also stated that there are at least six (6) other bylaws that were worked on and, hopefully, will be approved in the next two years.

Election of Officers

1. Ms. Gee made a motion to nominate Roger Menard as **Chairman** of the Board. The motion was seconded by Mr. Elias, which passed by unanimous vote. Mr. Menard accepted the nomination.

2. Mr. Elias made a motion to nominate Gerald Coutinho as **Vice-Chairman** of the Board. The motion was seconded by Mr. Borden, which passed by unanimous vote. Mr. Coutinho accepted the nomination.

3. Chairman Menard made a motion to nominate Barbara Pontolilo as **Clerk** of the Board. The motion was seconded by Mr. Coutinho, which passed by unanimous vote. Ms. Pontolilo accepted the nomination.

Ms. Gee thanked Chairman Menard and Vice-Chairman Coutinho for their service this past year.

The next meeting of the Board is on Wednesday, August 5, 2020 at 6:30 p.m. at the Town Hall and on Google Meet.

7:13 p.m.

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

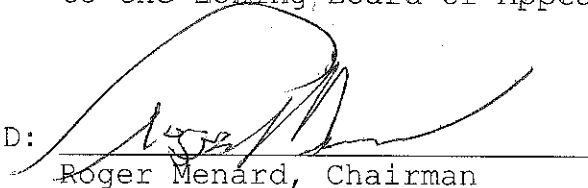
Adjournment.

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 Menard", written over a horizontal line.

Roger Menard, Chairman