

ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
DECEMBER 1, 2021

RECEIVED

JAN 5 2022

WESTPORT ZONING
BOARD OF APPEALS

Members Present: Roger Menard, Chairman
Gerald Coutinho
Barbara Pontolilo
Raymond Elias
Cynthia Kozakiewicz

Absent were Constance Gee and James Watterson.

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.

Chairman Menard advised that the Board would be conducting in-person meetings in accordance with the Board of Health's mandate that all persons entering Town of Westport buildings must wear masks or face coverings.

Chairman Menard also stated that the Petitioner would present his evidence; the discussion would be open to the public; and, after hearing all the evidence, the hearing would be closed.

1. The first matter on the agenda is the petition of Ronald C. Richard for a Special Permit to convert the existing single-family home into a detached one-bedroom accessory apartment, as allowed by Recodified Zoning Bylaw Section 9.5.2. The subject property is located at 129 Sanford Road, Westport, MA and is shown on Assessor's Map 14, Lot 5.

Chairman Menard called the hearing to order with the reading of the public hearing notice.

Chairman Menard stated that the members voting on this matter would be Gerald Coutinho, Barbara Pontolilo, Raymond Elias, Cynthia Kozakiewicz and himself, Roger Menard.

Chairman Menard noted that at least four (4) out of five (5) members must approve the Special Permit for it to be granted.

Daniel Aguiar, Senior Project Manager, CEC, Inc. 10 Purchase Street, Fall River, MA addressed the Board, stating that:

1. He is the engineer for the project.
2. The lot contains approximately 100,000 square feet.
3. The petitioner purchased the property in 2016, and originally wanted to subdivide the property.
4. He informed the petitioner that zoning would not allow him to subdivide the property.
5. Instead, the petitioner opted to convert the existing dwelling into a one-bedroom accessory apartment and construct a new single-family home closer to the water.
6. The existing building was built in or around 1927 and is considered a historical building. The Historical Commission has been informed of the renovations and will not require further consideration, so long as the modifications are being done in the interior.
7. The existing building currently has two (2) floors; with three (3) bedrooms. However, reconstruction will eliminate the second floor and two (2) of the bedrooms.
8. The Board of Health has checked the property for Title V compliance.
9. The project will comply with Sections (a) through (j) of the zoning bylaw.
10. The plan is to decrease the livable square footage to 750 square feet, eliminating the stairs to the second floor and converting that space into an attic with access through a pull-down ladder.

11. The structure is in good shape and the petitioner would opt to convert to an accessory apartment, instead of demolition.

12. The occupancy permit will not be granted until such time as the accessory apartment is complete.

Mr. Coutinho stated that he visited the property a few years ago at the request of the owners. He said he did not go inside the structure, and was asked for his thoughts on what to do with the property. At that time he did not know that the property was on the historic inventory.

Ralph Souza, Building Commissioner, stated that the structure was originally a barn prior to being converted into a single-family dwelling. He also noted that the structure will remain on the historic inventory. He did not recommend knocking the structure down since it is on the historic inventory. The building is structurally in good shape therefore converting it to an accessory apartment would be better than tearing it down. The occupancy permit for the new single family house would not be issued until the existing structure is converted to an accessory apartment. Mr. Souza also noted that you cannot demolish a structure that is on the historic inventory without first going through the Historic Commission for approval.

Mr. Coutinho stated he is not in favor of demolishing the house but how can you make it so the second floor cannot be used.

Mr. Elias asked what the second floor is planned to be used for.

Mr. Aguiar responded that the plans are for the second floor to be empty.

Mr. Souza stated that the load-bearing walls can be replaced with posts or beams, which would eliminate extra space.

Chairman Menard stated currently the structure is a 3 bedroom house. He also noted that there are 3 areas on the first floor which are designated as 'not used'. What Does that mean?

Mr. Aguiar responded that there would be new walls constructed which would make the space unusable.

Mr. Menard responded that unusable space is pure 'smoke and mirrors'. What would stop somebody removing the walls two years from now. What we have to look at is not only what the current owner plans on doing with the structure, but 10 years from now when they sell the property what somebody else would do. Space that is available somebody will use. They could make that into another bedroom.

Ms. Kozakiewicz asked what is the square footage of the 1st floor.

Mr. Aguiar noted that the current square footage of the first floor is 955 square feet. He will work with the architect to reduce this to 750 square feet.

Mr. Coutinho also noted that a definitive plan must be submitted with the Board's decision.

Mr. Coutinho also noted that access to the second floor needs to be restricted such as via an outside stairway.

Mr. Aguiar stated that he can consult further with the architect to revise the plans. He also said that the petitioner would be willing to comply with any conditions that the Board would impose with the decision.

Chairman Menard said that the Board has to be concerned with what can the structure be used for in the future. Could somebody in the future could easily make this into a two bedroom house? That is not what the bylaw allows for.

Mr. Aguiar also suggested that there could be a deed restriction such that the house could not be converted to a 2 bedroom unit.

Chairman Menard noted that the Board has allowed space in access of 750 sq ft for petitions converting existing structures as along as the addition includes mobility and accessibility features. The zoning bylaws does allow the Board that flexibility.

Mr. Coutinho said that the Zoning Board and Planning Board are in the process of revising a few of the bylaws to be presented to Town Meeting next year for approval, one of which is increasing the square footage of a detached accessory apartment to 900 square feet.

Chairman Menard reviewed Sections (a) through (j) with Mr. Aguiar. Mr. Aguiar noted that the apartment would be a rental unit and would modify with the architect for handicap accessibility; there is off-street parking; a new septic system will be installed for the apartment, separate and apart from the septic system to be installed for the new construction; and there would be no further subdivision of the property.

Mr. Coutinho suggested that the Board conduct an onsite visit so as to view the property with the new plans.

Mr. Souza said he would meet with Mr. Aguiar and the architect prior to the onsite visit.

Ms. Kozakiewicz commented that, perhaps, the second floor could be opened up as a cathedral ceiling so as to reduce space.

Chairman Menard gave a few options: (1) once the hearing is closed and the Board votes on the petition, the Board could grant the Special Permit; (2) once the hearing is closed and the Board votes on the petition, the Board could reject the Special Permit, the petitioner can re-file no early than two (2) years; (3) prior to closing the hearing, the petitioner could withdraw without prejudice and re-file a new petitioner with new plans.

After discussion, Mr. Aguiar submitted a written request to continue the hearing for no sooner than 60 days to allow the petitioner and architect to revise the plans; the petitioner

would agree to an extension of the decisionmaking deadlines; and would provide the Board with revised plans prior to the onsite visit.

Accordingly, Chairman Menard made a motion to grant the petitioner's request for a continuance; the onsite visit will be conducted on Saturday, January 22, 2022 at 10:00 a.m. and continued hearing scheduled for Wednesday, February 2, 2022 at 6:30 p.m. Ms. Pontolilo seconded the motion, which was approved unanimously by the Board.

Administrative Items:

1. Approval of the minutes of November 17, 2021 -- Mr. Coutinho made a motion to approve the minutes of November 17, 2021. Ms. Pontolilo seconded the motion and the Board voted unanimously to approve the minutes of the November 17, 2021 meeting.

2. The Board discussed revisions to the application form. Chairman Menard made a motion to approve the revisions to the application form as presented with modifications. Mr. Elias seconded the motion, which was approved unanimously by the Board.

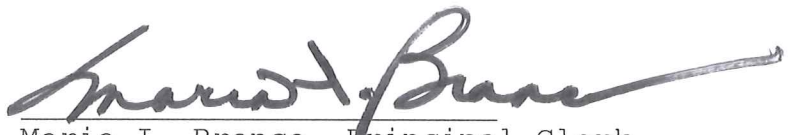
3. The Board discussed revisions to the Rules and Regulations of the Zoning Board of Appeals. Further discussion will be continued to9 Wednesday, January 5, 2022.

The next meeting is scheduled for January 5, 2022 at 6:30 p.m. at the Town Hall.

Ms. Pontolilo made a motion to adjourn the meeting at 8:31 p.m. The motion was seconded by Mr. Coutinho, and the Board voted unanimously in favor.

Adjournment.

Respectfully submitted,



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

APPROVED:



Roger Menard, Chairman