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AUG 24 2022

WESTPORT ZONING
BOARD OF APPEALS

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
JULY 20, 2022**

Members Present: Roger Menard, Chair (via teleconference)
Gerald Coutinho, Vice-Chair
Constance Gee (entered the meeting later)
Barbara Pontolilo
Raymond Elias
Cynthia Kozakiewicz

Vice-Chair Coutinho called the meeting of the Zoning Board of Appeals meeting to order at 6:37 p.m. with the reciting of the Pledge of Allegiance.

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

1. The first matter before the Board is the continued hearing on the petition of Christopher C. Hart and Jennifer Koningisor for a Special Permit to convert the existing detached structure, abutting the rear of the garage, into a detached one-bedroom accessory apartment containing no more than 750 square feet, as allowed by Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 698 Pine Hill Road and is shown on Assessor's Map 43, Lot 4.

Vice-Chair Coutinho stated that, since he was not at the hearing on June 22, 2022, he would not be actively participating in voting on this petition.

The Petitioners addressed the Board. Mr. Hart said he had reviewed the Deed Restriction form with Attorney Richard Desjardins. He said that the only issue was that the language regarding not being allowed to subdivide the property in the future was incomplete, in that, it should include the entire language of the bylaw. Also, that the bylaw as approved at Town Meeting is now Section 9.5.3.]

Chair Menard said that he had no problem with issuing the Special Permit, so long as the two (2) edits were made to the Deed Restriction as discussed and the Petitioners comply with

the other sections of the bylaw, for example, the owner must reside in either the main house or the accessory apartment, and the apartment have only one (1) bedroom.

Vice-Chair Coutinho asked whether there was anyone in the audience who wished to make a comment and there was none.

Ms. Pontolilo made a motion to close the hearing at 6:45 p.m. Seconded by Mr. Elias. The Board voted unanimously in favor.

Ms. Pontolilo said she sees no issue with the project. Ms. Kozakiewicz agreed.

There being no further discussion, Mr. Elias made a motion to approve the Special Permit to convert the existing detached structure, abutting the rear of the garage, into a detached one-bedroom accessory apartment containing no more than 750 square feet, subject to the revised Deed Restriction, to be attached to the Special Permit. Ms. Pontolilo seconded the motion and the Board voted unanimously in favor. Members voting on the petition were Chair Roger Menard, Barbara Pontolilo, Raymond Elias and Cynthia Kozakiewicz.

Vice-Chair Coutinho advised that there is a 20-day appeal period from the date the decision is filed with the Town Clerk.

2. The next matter on the agenda is the continued hearing on the application of Capeway Roofing Systems, Inc. and Dion Calheta for a finding that the existing office and construction of an addition of fewer than 1,000 square feet at 664 Sanford Road will not be substantially more detrimental than the existing non-conforming use, as mandated by Recodified Zoning Bylaw 5.2.3. and is shown on Assessor's Map 30, Lot 36.

No one was present on behalf of the petitioner.

Voting on this petition are Vice-Chair Gerald Coutinho, Barbara Pontolilo, Raymond Elias, Cynthia Kozakiewicz, as well as Chair Roger Menard on telephone conference.

Vice-Chair Coutinho read an e-mail that the Recording Clerk had received from Dion Calheta dated July 19, 2022, stating:

*"Good morning,
After review of the project, Capeway has reconsidered
its request for a variance. We are cancelling the
remodel.
Thank you for your help and consideration.
Dion Calheta
Vice President
Capeway Roofing Systems, Inc."*

Noting that it was not a variance that was being requested, Vice-Chair Coutinho also read the response e-mail from the Recording Clerk to Mr. Calheta dated July 19, 2022, stating in part:

*"Hello, Mr. Calheta,
Thank you for your e-mail.
You or someone representing Capeway should attend
tomorrow night's meeting and request that the matter be
withdrawn. The Board can explain the consequences of
the matter being withdrawn with or without prejudice.
Otherwise, if no one appears, the Board could act in
its discretion and vote that the matter is outright
denied, which would prevent you from reapplying to the
Board in the near future for the same relief. . ."*

Vice-Chair Coutinho outlined the options that the Board had, namely:

1. The Board could vote to deny the petition outright.
2. The Board could vote to allow the petition to be withdrawn with prejudice, thereby prohibiting the Petitioners from reapplying to the Board within two (2) years.
3. The Board could vote to allow the petition to be withdrawn without prejudice, thereby allowing the Petitioners to reapply to the Board within two (2) years.

As Board members noted, tonight's was one of several continued hearings, most of which the Petitioners had failed to attend.

Vice-Chair Coutinho reminded the Board that a decision must be made within a certain period of time or the relief being requested would automatically be granted.

Chair Menard stated that he was amenable to either allowing the withdrawal of the petition without prejudice or denying the petition.

Vice-Chair Coutinho said he was agreeable to denying the petition. Ms. Pontolilo agreed.

There being no further comment from the public or the Board, Ms. Pontolilo made a motion to close the hearing at 6:56 p.m. Seconded by Mr. Elias. The Board voted unanimously in favor.

There being no further discussion by the Board, Ms. Pontolilo made a motion to deny the Finding that the renovation of the existing office and construction of an addition of fewer than 1,000 square feet will not be substantially more detrimental than the existing non-conforming use, as mandated by Recodified Zoning Bylaw 5.2.3. Mr. Elias seconded the motion. The Board voted unanimously in favor.

Members voting on the petition were Chair Roger Menard, Vice-Chair Gerald Coutinho, Barbara Pontolilo, Raymond Elias and Cynthia Kozakiewicz.

Vice-Chair stated that there is a 20-day appeal period.

Chair Menard left the meeting at 6:57 p.m.

The Board was in recess from 6:58 p.m. to 7:09 p.m.

3. The next matter on the agenda was the application of Derek R. Pacheco for a Special Permit to convert an existing structure into a one-level detached, one-bedroom accessory apartment not greater than 850 square feet, as allowed by Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 14 Miracle Lane, Westport, MA and is shown on Assessor's Map 33, Lot 2D.

Vice-Chair Coutinho asked if the Petitioner was present.

Ms. Gee stated that, on her way into the Town Hall, Mr. Pacheco approached her, stating that he needed to leave due to a medical issue. Mr. Pacheco asked to have the hearing continued.

The Board briefly discussed the Petitioner's request and, due to unusual circumstances this evening, Ms. Pontolilo made a motion to continue the hearing in this matter to Wednesday, August 24, 2022 at 6:30 p.m. Mr. Elias seconded the motion, which was voted unanimously by the Board. Because this request was made by the Petitioner, the decision deadline will be extended.

4. The next matter on the Board's agenda is the application of Patricia Tardiff for a Special Permit to convert an existing detached shed into a detached one-bedroom accessory apartment, adding 180 square feet to the shed, to contain 684 square feet, as allowed by Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 4 Pratt Avenue, Westport, MA and is shown on Assessor's Map 53, Lot 46.

Addressing the Board on behalf of the Petitioner (who was also present) were Katelyn Tardiff and Jared Goulet. They stated that:

1. Mr. Goulet is the fiancé of Katelyn Tardiff, who is the daughter of the Petitioner.

2. The existing garage will remain as a garage, which has been currently used as a storage unit.

3. The shed (as shown on the plot plan) and its addition will become an accessory apartment for the Petitioner.

4. One (1) bedroom will be removed from the main house by removing the door and extending the entrance into the room -- four (4') feet. The closet can be removed as well, if necessary; however, the Building Commissioner had advised that that would not be necessary, so long as the door is removed.

5. The distance between the garage and the accessory apartment is approximately four (4') feet.

Ms. Gee noted that adding 180 square feet to the converted shed will provide for an accessory apartment with 684 square feet.

Vice-Chair Coutinho said that the revised bylaw mandates that a septic plan be approved prior to applying to the Zoning Board. He noted that the Matt Armendo, Director of Public Health, had advised in an e-mail to the Zoning Board that this property is compliant for a three-bedroom septic system.

Vice-Chair Coutinho opened the meeting to the public.

Theresa Viveiros, 12 Pratt Avenue, said that her yard abuts the Petitioner's yard. She asked about the distance between her yard and the proposed apartment.

Vice-Chair Coutinho stated that the apartment will be extended to the rear of the shed, not toward the Viveiros property line.

Vice-Chair then outlined Sections (a) through (i) of the new bylaw with which the Petitioner would be required to comply. All sections were agreed to by the Petitioner. In particular, with regard to:

(d) The driveway fits all vehicles, provides for at least four (4) vehicles.

(g) There is not enough land to subdivide in the future.

Ms. Gee noted that there are no sketches or photographs of what the outside of the building will look like.

Vice-Chair Coutinho said that, perhaps, an onsite visit will be required to address some of the questions that are unanswered. Other members agreed.

Ms. Pontolilo noted that the apartment will not be more detrimental to the neighborhood as it will be located on the other side of the property.

The Petitioner stated that the addition will be located behind the garage.

Vice-Chair Coutinho stated that the proposed apartment will be under the 900 square feet that is allowed by the new bylaw. He did note, however, that there is the issue of the distance between the garage and the addition and whether that would comply with the Building Code.

Ms. Kozakiewicz suggested that the Board review a plan for the removal of the bedroom in the main house.

Vice-Chair Coutinho said that the Board would conduct an onsite visit and advised the Petitioner that her contractor should be present to answer questions. There should also be a fully-sketched plan of the inside of the apartment, which can be obtained through an engineer. Also, the Board will ask the Building Commissioner to be present at the onsite visit.

Ms. Pontolilo made a motion that an onsite visit be scheduled for Monday, August 1, 2022 at 6:00 p.m. and the hearing be continued to Wednesday, August 24, 2022 at 6:30 p.m. with the decision deadline to be extended. Vice-Chair Coutinho seconded the motion, which was voted unanimously by the Board.

Administrative Items:

1. Approval of the minutes of the regular meeting of June 22, 2022. Ms. Pontolilo made a motion to approve the minutes of the regular meeting of June 22, 2022. Mr. Elias seconded the motion with Ms. Pontolilo, Mr. Elias and Ms. Kozakiewicz voting unanimously to approve the minutes of the June 22, 2022 regular meeting.

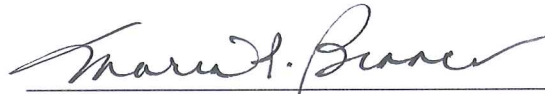
2. Approval of the minutes of the Executive Session of June 22, 2022. Ms. Pontolilo made a motion to approve the minutes of the Executive Session of June 22, 2022. Mr. Elias seconded the motion with Ms. Pontolilo, Mr. Elias and Ms. Kozakiewicz voting unanimously to approve the minutes of the June 22, 2022 Executive Session.

There being no further matters before the Board, Ms. Pontolilo made a motion to adjourn at 8:15 p.m. Ms. Kozakiewicz seconded the motion, which was voted unanimously by the Board.

The next regular meeting of the Board is scheduled for August 24, 2022 at 6:30 p.m., and will be conducted in person, unless otherwise determined.

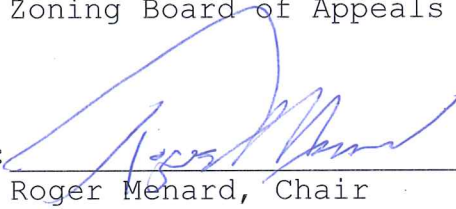
Adjournment.

Respectfully submitted,



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

APPROVED:



Roger Menard, Chair