



**MEETING MINUTES
September 20, 2022**

PLANNING BOARD MEETING

Chairman Jim Whitin called the meeting to order at 6:04 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Assistant Town Planner Amy Messier in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded.

Call to order 6:00 p.m.

1. Administrative Items

a. Chapter 61A Release (22-003CH61) - Selectboard is requesting comments on the Release of Land owned by Paul L. & Viola P. Gay located at 0 Division Road, Map 48, Lot 12.

Motion

Daylor moved to table the Chapter 61A release to October 4, 2022. Seconded by Bullard. 5-0-0.

b. **Approval Not Required (ANR) 0 Gifford Road-Pacheco (22-002A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 0 Gifford Road, Map 29 Lot 22C & 22D.

Motion

Bullard moved to approve the endorsement of the plan entitled "Approval Not Required Assessors Plat 29, Lots 22C & 22D, Gifford Road Westport, Massachusetts" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. 5-0-0.

6:15 p.m. Public Hearing

2. 0 Gifford Road (22-003SP-CD-FF) *(continued from May 24, 2022, August 9, 2022)*

Request by the applicant to consider the Special Permit applications of Emanuel B. Pacheco for property located at 0 Gifford Road, between 225 Gifford Road and 237 Gifford Road, Assessors Map 29 Lot 22C, pursuant to Westport Zoning By-Laws Section 8.5 for a Common Driveway Special Permit servicing two (2) lots.

Motion to close Special Permit

Bullard moved to close the Special Permit public hearing for Flexible Frontage and Common Driveway. Seconded by Daylor. 5-0-0.

Motion - Flexible Frontage

Bullard moved to deny the Special Permit application of Emanuel B. Pacheco for property located at 0 Gifford Rd, Westport, MA 02790, Assessor's Map 29, Lot 22C. Applicant failed to produce a plan that met the intent of the zoning by-law. *Seconded by Daylor.* 5-0-0

Motion - Common Driveway

Bullard moved to deny the Special Permit application of Emanuel B. Pacheco for property located at 0 Gifford Rd, Westport, MA 02790, Assessor's Map 29, Lot 22C. Applicant failed to produce a plan that met the intent of the zoning by-law. Seconded by Daylor. 5-0-0

6:30 p.m. Public Hearing

3. 309 Gifford Road – Carvalho (22-004SP-CD-FF)(continued from September 6, 2022) Request by the applicant to consider the Special Permit applications of Joaquim and Sandra Carvalho for property located at 309 Gifford Road, Westport, MA 02790, Assessor's Map 31, Lot 6, pursuant to Westport Zoning By-Law Section 8.5 Special Permit for Common Driveway and Section 8.6 Special Permit for a Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing two residential lots.

Motion

At the request of the applicant, Daylor moved to continue the Public Hearing for 309 Gifford Road – Carvalho to October 4, 2022, at 6:30 p.m. Seconded by Bullard. 5-0-0

4. Correspondence

- a. Long - Change of Use – 1180 American Legion Highway
- b. Zoning Board of Appeals – Correspondence – Noted.
- c. The Chronicle – The last edition will be September 14, 2022.

Motion

Bullard made a motion to publish official notices of Planning Board public hearings in The Shorelines newspaper. Seconded by Daylor. 5-0-0

5. Assistant Planners report

Ms. Messier read her report into the record.

Assistant Town Planner's Report

September 20, 2022, Planning Board Meeting

Maya Way:

- Derek visited Maya Way at the end of August and provided an updated cost estimate for roadway completion, dated 9/12/22 for **\$187,000** (see attached). This new estimate includes the repair work for the elevated structures on Maya Way. No improvements since 2016.
- The last cost estimate dated August 2016 was **\$87,000** (see attached)
- We currently have **\$87,000** in the surety account
- Ms. Messier commented she tried to contact Bill Dispirito multiple times (Oct. 2021- present) via email, with no response.
- Next steps? – residents of Maya Way will be present at tonight's meeting

Brian Maccini of 3 Maya Way was present. He commented the home owners on Maya Way have contributed to maintaining the property because the contracted has not been doing his job.

Bullard asked Mr. Maccini his advice on how the \$87,000 surety could help with making the road more useable. Maccini commented that the pot holes and lower drain covers. Soares added to adjust the structures that are too high and top coat the road.

Housing Production Plan:

- I've reached out to Liz Collins and have reserved a spot on the Affordable Housing Trust's next meeting (9/28/22) to request the \$3,500 that would cover the 40 hours of SRPEDD time to complete the updated HPP. SRPEDD would like to start working on this update by 9/30/22.

Coastal Healing (update):

- 9/20/22: surface course asphalt is being installed today – S.W. Cole will be checking in on the progress of this, but isn't able to stay for the entire operation
- Per my conversation w. S.W. Cole this morning, some outstanding items include the following:
 - some landscaping is done, with some that still needs to be completed
 - 2 permits from DOT are still outstanding (roadway and cold plane asphalt – repave rte. - close out curb cut and utility/water trench permit)
 - line striping to be done midweek
- Final inspection from the Cannabis Control Commission is on 9/27/22
- Diego is requesting that the Planning Board give the OK for a final occupancy permit, which will be placed on the 10/4/22 Planning Board agenda – since everything should be wrapped up by next week, and this will allow time for S.W. Cole to issue a final report.

Brookwood Solar:

- Site visit was conducted on 7/7/22, Derek and I requested As-builts at this time from Ryan Horvath (Borrego), and the As-builts were not provided to Derek nor myself from Borrego until 8/29/22.
- S.W. Cole provided an updated report to the Planning Board today (see attached)
- The estimated cost of the remaining outstanding work that is reflected on the last page of S.W. Coles report is **\$78,000**
- Should a performance bond be established to ensure that the outstanding work gets completed? There is no surety on this project since it is not on municipal property.

5 Star Collision:

- Site visit for a pre-construction meeting took place on 9/9/22, present were Manny Soares, Ralph Sousa, Amy Messier, and Russel Oagles. S.W. Cole was not present due to a scheduling conflict.
- Another pre-construction meeting needs to be established with the applicant's engineer on site, as well as the Towns consultant to address the water run-off /drainage issues on the property.
- An unpaved fenced-in car storage area has been created on the lower left portion of the property –The SPA decision includes a condition that states the following: **Condition 1. B. "all areas used for parking, including the parking of used cars shall be paved"**. The final plans indicate that there are 15 parking spaces, however, it looks like there are more than 15 cars stored on this property.
- A foundation permit is the only permit issued by the Building Department at this time for this project.

6. Invoices

- a. Amazon - \$35.77 – Postcards for mailing legal notices to abutters.

Motion

Bullard moved to approve the Amazon invoice for \$35.77. Seconded by Daylor. 5-0-0

7. Minutes

- a. August 9, 2022

Motion

Daylor moved to approve August 9, 2022 minutes as amended. Seconded by Schmid. 5-0-0

- b. September 6, 2022

Motion

Daylor moved to approve the September 6, 2022 minutes as written. Seconded by Bullard. 5-0-0

7. Short/Long-term Planning Discussions

Whitin announced that a meeting to discuss infrastructure funding took place on September 19, 2022. The attendees were Representative Paul Schmid, Senator Michael Rodrigues, Michael Jackman of Congressman Bill Keating's office, Jim Cantewell of Senator Markey's office, Caleb White of Senator Warren's office Maurice May, Town Administrator - Jim Hartnett, Chair - Jim Whitin, Vice-Chair, Robert Daylor, and Assistant Planner, Amy Messier.

ADJOURNMENT

The members unanimously adjourned at 8:16 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: October 4, 2022 @ 6:00 P.M.

WORK SESSION: ?