

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
WEDNESDAY
AUGUST 24, 2022**

RECEIVED

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WESTPORT ZONING
BOARD OF APPEALS

Members Present: Roger Menard, Chair
Gerald Coutinho, Vice-Chair
Constance Gee
Barbara Pontolilo
Raymond Elias
James Watterson
Cynthia Kozakiewicz

Chair Menard called the meeting of the Zoning Board of Appeals meeting to order at 6:30 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 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.

Chair Menard opened the continued hearing, stating that the reason the Petitioner was before the Board was as a result of a denial letter issued by Ralph Souza, the Building Commissioner, which states, in part:

"As per the Westport Zoning By-Laws Article 9.5.2 [sic], Detached Accessory Apartment, 'The Zoning Board of Appeals may issue a Special Permit authorizing the installation and use of a detached-accessory apartment in a detached structure on a lot containing a single-family dwelling provided the following conditions are met,"

Chair Menard stated that the members voting on this petition would be Gerald Coutinho, Constance Gee, Barbara Pontolilo, Ray Elias and Cynthia Kozakiewicz.

Chair Menard advised as to the process of the hearing, namely, that the Petitioner would present her submissions; the audience would be given an opportunity to comment; the Board would close the hearing to deliberate; and, then, the Board would render its decision.

Chair Menard noted that Vice-Chair Coutinho had chaired the original hearing on July 20, 2022 and would, therefore, preside over this continued hearing as well.

Vice-Chair Coutinho stated that the members conducted a site visit at 4 Pratt Avenue, Westport, MA on August 1, 2022, at which time, the contractor, Joseph Machado, was also at the site to discuss the project with the Board.

Mr. Machado of APlus General Contracting, Inc. addressed the Board. He submitted a plot plan with dimensions, indicating the distance between the house and garage (seven (7') feet); distance between the garage and shed (five (5') feet) and distance from the shed to the property line (38').

Mr. Machado revised the submitted plot plan to designate the correct measurements on the plan. Mr. Machado signed the revised plot plan, dated August 24, 2022, and submitted the plan to the Board.

Mr. Machado also noted that:

1. There currently is no foundation under the shed.
2. The apartment will contain 684 square feet.
3. One (1) bedroom in the main house will be removed and the doorway widened to accommodate the septic system, which will be located to the rear of the house.
4. A "Y" pipe will be installed between the septic system and the house and apartment.

Vice-Chair Coutinho ensured that the Petitioner and contractor understood that, even if the Zoning Board grants the special permit, that does not mean that the Board of Health will not require further work for this project.

Chair Menard stated that a Deed Restriction signed and recorded by the Petitioner may be required, to ensure that, should the property be sold in the future, it is on record that the new owners must comply with Zoning Bylaw Article 9, Section 9.2.3. Ms. Tardiff stated that she would be willing to have her mother (the Petitioner) sign the Deed Restriction.

Vice-Chair Coutinho asked if there were any comments from the audience and there were none.

Hearing no further discussion by the Board or comment by the public a motion was made by Mr. Elias to close the hearing at 6:57 p.m., which was seconded by Ms. Pontolilo. The Board voted unanimously in favor.

There being no further discussion, Mr. Elias made a motion to approve the 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 with the following conditions:

1. The apartment shall be constructed in accordance with the plot plan dated August 25, 2021, with revisions by Joseph Machado dated August 24, 2022.

2. The Petitioner shall comply with all Building Code regulations and the requirements of Zoning Bylaw Article 9, Section 9.5.3., including Subsections (a) through (i).

3. The Petitioner shall sign and record with the Special Permit a Deed Restriction.

Ms. Kozakiewicz seconded the motion, which passed unanimously to grant the special permit.

Voting on the Petition: Coutinho, Gee, Pontolilo, Elias and Kozakiewicz.

Chairman Menard indicated that there is a 20-day appeal period.

2. The next matter on the agenda was the continued hearing on 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.

Chair Menard stated that the reason that the Petitioner was before the Board was due to a denial letter issued by the Building Commissioner, stating that:

"After review of the submitted building permit application to convert 1440 square feet of the existing accessory structure into a one (1) bedroom detached accessory apartment, the building permit application is hereby denied.

As per the Westport Zoning By-Laws Article 9.5.2, Detached Accessory Apartment, 'The Zoning Board of Appeals may issue a Special Permit authorizing the installation and use of a detached accessory apartment in a detached structure on a lot containing a single-family dwelling provided the following conditions are met,'"

Chair Menard stated that the members voting on this application would be Gerald Coutinho, Constance Gee, Barbara Pontolilo, Ray Elias and Cynthia Kozakiewicz.

Chair Menard advised that the same process of the hearing would be followed, namely, that the Petitioner would present his submissions; the audience would be given an opportunity to comment; the Board would close the hearing to deliberate; and, then, the Board would render its decision.

Vice-Chair Coutinho asked the Petitioner if he had been at the prior hearing on July 20, 2022.

Mr. Pacheco said that he was, however, needed to leave. On his way out of the building, Mr. Pacheco met Ms. Gee, who was entering the building to attend the meeting, and let her know that he was

ill and could not attend the hearing. He had not notified the Recording Clerk that he was leaving the meeting.

Derek Pacheco, Petitioner, and Ana Pacheco, Petitioner's wife, addressed the Board, stating that:

1. The building has been in existence for ten (10) years and was originally built as a pool house, where people could "hang out" after using the above-ground swimming pool.

2. He would like to convert the structure into a detached accessory apartment for their daughter.

3. The structure currently contains a kitchen, refrigerator and bathroom. The pool has been removed.

4. In 2020, during the pandemic, the Pachecos allowed Mr. Pacheco's cousin to live in the structure because she could not find anyplace else to live.

5. There is no one living there now.

6. He does not understand why he would need another permit, since the building was already permitted 10 years ago.

Ms. Pontolilo asked whether there is anyone living in the structure currently.

Ms. Pacheco said there is not.

Mr. Elias asked that, at the time it was built 10 years ago, was it intended to be an apartment.

Ms. Pacheco said it was built as a pool house and has always had a full bathroom with the septic system connected to it.

Vice-Chair Coutinho asked when it was that the structure was converted into an apartment.

Mr. Pacheco said he was asking for it to be converted now.

Vice-Chair Coutinho noted that Mr. Pacheco needs a Special Permit granted by the Zoning Board for an accessory apartment.

Mr. Pacheco stated that he built the structure 10 years ago and that it was permitted.

Ralph Souza, Building Commissioner, stated that the structure was permitted 10 years ago as a pool house, with no kitchen. He said it did have a bathroom, but no kitchen and, therefore, not permitted as an accessory apartment.

Ms. Pacheco said the structure has a refrigerator, sink, shower, but no stove or bathtub.

Vice-Chair Coutinho again noted that, for the structure to be occupied as a detached accessory apartment, the Petitioner would be required to obtain a Special Permit from the Zoning Board.

Vice-Chair Coutinho noted that the Zoning Bylaws mandate that the Petitioner have prior approval from the Board of Health prior to applying to the Zoning Board for a Special Permit.

Vice-Chair Coutinho also mentioned that, on February 2, 2022, the Board of Health sent a letter to Mr. Pacheco. Asked whether the Pachecos recognize the letter, Ms. Pacheco said that the cousin was the person who complained to the Board of Health.

Vice-Chair Coutinho read the letter from the Board of Health into the record, stating, in pertinent part:

"This office has received a complaint of another dwelling (pool house converted into a studio apartment) with the sewage flow from this dwelling having been connected into the existing septic system located at 14 Miracle Lane. Health Agent Joseph Reis performed an inspection on February 1, 2022 of the former pool house and confirmed that it is in fact a studio apartment.

This office has no record of a permit or inspection for the work performed. In addition, according to the most recent Assessor's record (12/9/21), the main house has

four (4) bedrooms and adding an additional bedroom from the studio apartment would require a five (5) bedroom sewage disposal system design. According to our records the current sewage disposal system is designed for three (3) bedrooms).

Any upgrade or repair done on an existing system requires permits and inspections as per the **State Environmental Code, Title V, 310 CMR 15.301(9): Standard Requirements for the Siting Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.**

YOU ARE HEREBY ORDERED to have a Title V inspection performed of your septic system by a Massachusetts Licensed Title V Inspector within **fourteen (14) days** of receipt of this Order. A list of MA Licensed Inspectors has been enclosed for your convenience.

You may request a hearing before the Board of Health by filing a written petition to the Board within seven days. At the hearing, you will be given an opportunity to be heard and to present witnesses and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. You have the right to inspect and obtain all copies of all relevant inspection reports, orders, notices and other documentary information in the possession of the Board. Any adverse party has the right to appeal at the hearing.

Sincerely, Matthew Armendo, Director of the Board of Health and enclosed is a list of the MA Licensed Septic Inspectors."

Emphasis in original.

Vice-Chair Coutinho noted that an e-mail that had been received by the Zoning Board from Mr. Armendo informed that, as of July 20, 2022, the Petitioner had not been in contact with the Board of Health. Vice-Chair Coutinho asked for an update from Mr. Pacheco.

Mr. Pacheco said that he has been in contact with Mr. Armendo and another person, and that letter is incorrect, in that, the house has three (3) bedrooms and that the fourth bedroom is in the apartment.

Chair Menard stated that, even if it is correct that the house has three (3) bedrooms, the bedroom in the accessory apartment will add another building. Therefore, the Board of Health must approve the septic system. Also, the Zoning Bylaws mandate that, prior to applying for a Special Permit, all petitioners must receive approval of the septic system from the Board of Health.

Mr. Pacheco stated that the bedroom that the daughter uses, after she moves into the accessory apartment, will be converted into a non-bedroom.

Ms. Kozakiewicz noted that Massachusetts rules are that the septic system must conform with the number of bedrooms.

Chair Menard reiterated that approval of the septic system must be obtained from the Board of Health before the Zoning Board can consider this petition pursuant to the Zoning Bylaw that was approved at Town Meeting.

Ms. Pacheco said they would pursue this matter with the Board of Health.

Vice-Chair Coutinho outlined the various options that the Pachecos have, namely: they could continue the hearing to another date and obtain approval from the Board of Health with new plans; they could withdraw the petition without prejudice and return to the Board at a future date with a new application and plans; or they could withdraw the petition with prejudice and not reapply to the Board for another two (2) years.

Mr. Pacheco said he was unaware of the new bylaw; but that, when the septic system was installed, it was to accommodate the bedrooms in the house and the bedroom in the apartment.

Vice-Chair Coutinho said that it is typical for Board members to view the site prior to the hearing, so that they may have an idea of what the structure looks like. He said that, when he attempted to view the property, he was met with a sign that stated something to the effect that "don't even bother coming down here," and was unable to view the site.

Ms. Gee said that she did drive down to the site and that the structure is large in size.

Ms. Pacheco said that the apartment is attached to the garage.

Ms. Kozakiewicz noted that the main house contains 1,400 square feet and the accessory apartment and garage contain 1,800 square feet. She also advised that the Pachecos should resolve the issue of the number of bedrooms in the main house with the Assessor's Office.

Chair Menard said that, prior to the Board members scheduling a site visit, the Board would require notification from the Board of Health that the septic system has been approved.

Ms. Gee said that she believed that the Board is wasting its time on this matter since the Petitioner has not yet contacted the Board of Health.

Mr. Pacheco submitted a written motion to continue the hearing to Wednesday, September 28, 2022, with decision deadlines being extended.

Chair Menard said that all members are eligible to vote on the motion, as the Petitioner was not present at the initial hearing on July 20, 2022.

Chair Menard also stated that a Deed Restriction may be required to be recorded with the Board's decision, if the Board were to grant the Special Permit.

Ms. Pontolillo made a motion to grant the Petitioner's request for a continuance to Wednesday, September 28, 2022, with the decision

deadlines being extended. Mr. Elias seconded the motion and the Board voted unanimously to grant the continuance.

Chair Menard advised the Pachecos that they will need to show plans that have specific measurements, including setback requirements and layout of the entire building, including the apartment itself, that the Board can then approve as part of its decision. Those plans will be provided to the Building Commissioner, who will rely on those when inspecting the premises.

3. The next matter on the agenda was the petition of Russell Dubois and Carrie Dubois for a finding that demolishing the house and accessory building, and replacing with a single-family dwelling and attached garage shall not be substantially more detrimental than the existing non-conforming use to the neighborhood as mandated by Zoning Bylaw Article 5, Section 5.2.3. The subject property is located at 135-M Cadman's Neck Road, Westport, MA and is shown on Assessor's Map 50A, Lots 44-47.

Chair Menard stated that the reason that the Petitioners were before the Board was due to a denial letter issued by the Building Commissioner.

Chair Menard advised that the same process of the hearing would be followed, namely, that the Petitioners would present their submissions; the audience would be given an opportunity to comment; the Board would close the hearing to deliberate; and, then, the Board would render its decision.

David Davignon of Schneider, Davignon & Leone, 81A County Road, Mattapoisett, MA addressed the Board. He stated that:

1. He is the engineer on the project and he prepared the plans for the project.

2. The Conservation Commission approved the project about a month ago.

3. The Board of Health has approved the new septic system and has indicated that the project is in full compliance with Title V. The new septic system and leaching field will be installed across the street at 163 Cadman's Neck Road. A pipe

will be installed from the septic system to the newly-constructed home.

4. The existing structures will be demolished, including the shed. A single-family structure with attached garage will be built on the lot.

5. The existing single-family structure currently encroaches into the setback.

6. The new structure will be seven (7) feet off of the side line of Cadman's Neck Road and 14.9 feet off the north boundary.

7. The Petitioners will remain living in the dwelling during construction.

8. There is a deed restriction that no more than two (2) bedrooms are allowed in the single-family dwelling.

Chair Menard noted that, because the project is a totally new construction, after demolition, the project must comply with the Zoning Bylaws, including the setback requirements, unless granted a variance, which is not being requested here. The front setback is fewer than 20 feet and, therefore, does not comply with the setback requirement.

Chair Menard stated that the members voting on this petition are Gerald Coutinho, Constance Gee, Barbara Pontolilo, Ray Elias and himself, Roger Menard.

There was substantial discussion regarding whether or not the Petitioners required a variance.

Mr. Watterson stated that all engineers and architects who come before the Zoning Board are required to have knowledge of the Town's Zoning Bylaws. He also said that he felt that the Petitioners were wasting the Board's time because the application was in error.

Ms. Gee said she agreed with Mr. Watterson's comments.

Mr. Watterson then made a motion to close the hearing without prejudice.

Russell Dubois, Petitioner, addressed the Board. He stated that, when he and his engineer discussed this project with Ralph Souza, Mr. Souza advised that the relief the Petitioners would require from the Zoning Board would be a finding. There was no discussion of requiring a variance. Mr. Souza met with Mr. Dubois at the property and stated at that time that a finding would be required. The letter from Mr. Souza denying the permit also indicates that a finding is required. There was no mention at any time that a variance would be needed.

Chair Menard said that, if a variance is required, a new application would need to be filed and publication of the notice would also be required.

Chair Menard stated that he would continue with the hearing so that everyone would have an opportunity to comment.

Carrie Dubois, Petitioner, addressed the Board. She discussed the project at length with the Board as to whether the proposed structure should be moved in order to comply with the setback requirements so that this petition could go forward.

Chair Menard said that completely-new structures on a non-conforming lot are allowed, so long as the project does not make the lot more non-conforming.

Mr. Souza said that a portion of the structure can be used, however, the setbacks would need to be in compliance as well.

Mr. Watterson stated that he was concerned that the Board was providing too much information that may be construed as advice to the Petitioners.

Vice-Chair Coutinho suggested that the Board hear comments from audience members, in the event those comments lead to issues that can be addressed by the Board and the Petitioners prior to the next hearing. He also noted that the Board had received, only prior to this hearing, some comments by the neighbors.

Ms. Dubois said she and Mr. Dubois were not aware of such comments.

Vice-Chair Coutinho suggested that the Petitioners receive copies of the comments.

Mr. Davignon stated that a continuance would be requested. In the meantime, there would be further discussion of the project with Mr. Souza and, if a variance is required, the current application would be withdrawn and the Petitioners would re-file an application to request a finding and/or variance.

Mr. Watterson said that the Board is limited as to what it can advise the Petitioners and that the Petitioners should rely on their engineer with the advice of the Building Commissioner.

Ms. Dubois submitted a written request for the hearing to be continued to Wednesday, September 28, 2022 at 6:30 p.m., including extension of the deadline within which for the Board to file its decision.

Ms. Pontolilo made a motion to grant the request for a continuance to Wednesday, September 28, 2022 at 6:30 p.m. Ms. Gee seconded the motion, which was voted unanimously by the Board.

4. The next matter on the agenda was the petition of Russell Dubois and Carrie Dubois for a finding that demolishing the existing building and replacing it with a garage shall not be substantially more detrimental to the neighborhood than the existing non-conforming use, as mandated by Zoning Bylaw Article 5, Section 5.2.3. The subject property is located at 163 Cadman's Neck Road, Westport, MA and is shown on Assessor's Map 50A, Lot 60.

Chair Menard noted that the matter was before the Board as a result of a denial letter from Ralph Souza, Building Commissioner and Zoning Enforcement Officer. Article 5.2.3 states, in pertinent part, that:

"Pre-existing non-conforming structures or uses may be altered provided there is a finding by the Board of Appeals that such alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood."

Further, a site plan must be submitted to verify that the new structure will comply with the zoning setback requirements from the property lines pursuant to Zoning Bylaw Article 7; otherwise, a variance will be required.

Chair Menard noted that the members voting on this petition would be Gerald Coutinho, Constance Gee, Barbara Pontolilo, Ray Elias and, himself, Roger Menard.

Chair Menard advised as to the process of the hearing, namely, that the Petitioner would present her submissions; the audience would be given an opportunity to comment; the Board would close the hearing to deliberate; and, then, the Board would render its decision.

David Davignon of Schneider, Davignon & Leone, 81A County Road, Mattapoisett, MA addressed the Board. He stated that:

1. He is the engineer on the project.
2. The existing building will be demolished and a two-story, two-car garage measuring 28' x 28' will be constructed in its place, with a height of 26', including a dormer in the front of the building and a cupola.
3. The Conservation Commission has approved the project.
4. The original septic plan was submitted to the Board of Health in May 2022, with revised plan submitted in June, however, he has not been notified of the plan's approval at this time. Mr. Davignon noted that the septic complies with Title V regulations.
5. The proposed garage will conform with all setback requirements.
6. The driveway will be extended to accommodate a two-car garage.
7. The septic system will be installed at 163 Cadman's Neck Road to accommodate both the garage, as well as the new

construction at 135M Cadman's Neck Road, which is situated across the street, which is extended through a private road.

Chair Menard noted that the setback requirements are met. The reasons for the non-conformity of the lot is deficient in square footage and frontage.

Carrie Dubois, a Petitioner, addressed the Board. She stated that:

1. Currently, the existing building contains a toilet and a sink. The new construction will also contain a toilet and sink, attached to the septic system, with no other rooms contained within the two-car garage.

2. She and her husband have discussed the project with the neighbors, who have been supportive.

Vice-Chair Coutinho noted that it was not necessary to retain any of the current structure as the new construction will comply with all zoning requirements.

Once the Board had discussed the petition, Chair Menard opened the meeting up to anyone wishing to comment.

Robin Alt, 135D Cadman's Neck Road, asked about the siding and the roof materials.

Mr. Dubois stated that the siding would be bleached wooden shingles for both the garage and the house across the street.

Elizabeth Grossman, 135W Cadman's Neck Road stated that she believed the house and garage elevations across the street (135M Cadman's Neck Road) were very complimentary. Ms. Grossman asked whether the elevation of the proposed garage would have the same elevation.

Ms. Dubois stated that she and her husband are aesthetic and detail oriented, that the garage will be comparable to surrounding buildings and would not change the plan of the proposed garage so

as not to be comparable to the house and garage that they intend to construct across the street at 135M Cadman's Neck Road.

Ms. Grossman also inquired as to whether the section of the private road being used for the installation of the septic system will continue to be maintained by the residents.

Chair Menard stated that the Zoning Board does not have jurisdiction over the installation of the septic system, and that the Building Department and/or Board of Health would manage the project. He also noted that the road will remain a private road, even if there is construction on the road for any reason.

Vice-Chair Coutinho suggested that a statement that the Board had received that afternoon prior to the hearing be entered and read into the record.

Chair Menard read the statement hearing from Elizabeth Grossman, 135W Cadman's Neck Road, Robin Alt, 135D Cadman's Neck Road, Peter Wohlauser, 135D Cadman's Neck Road and Emily Hoeffel, 135B Cadman's Neck Road into the record.

Vice-Chair Coutinho stated that there were no signatures on the statement.

Randle Pomeroy, 135I Cadman's Neck Road, stated that he lives next door to 135M Cadman's Neck Road and expressed his support for the project.

Chair Menard stated that it is clear that the proposed project will be substantially better in many ways than what currently exists on the lot. He also said that many residents are constructing new homes in the area that will improve the neighborhood and the Town as well.

Thomas Davenport, 135U Cadman's Neck Road stated that he agrees that the existing structure should be demolished and the proposed garage is acceptable for that lot. Mr. Davenport explained briefly the house numbering at Cadman's Neck Road a/k/a Sunrise Avenue.

Ms. Pontolilo made a motion to close the hearing at 8:54 p.m. Mr. Elias seconded the motion and the Board voted unanimously in favor.

Chair Menard stated that he believed that the project was straightforward and a very nice project that will enhance the neighborhood.

Ms. Dubois addressed the comments in the statement that had come before the Board. First, she said that with regard to the issue of the rhododendrons that had been removed, she had conflicting comments from neighbors, some of whom liked the plants and others who did not. Regarding the septic pipe being installed under the road, Ms. Dubois said that Mr. Dubois will be installing the pipe, which will most likely take approximately 20 minutes and will not impede the neighbors from traveling on the road. Regarding the toilet and sink in the garage, Ms. Dubois stated that, in the past, there were two (2) sisters who resided in that building, who utilized the toilet and sink. Finally, Ms. Dubois said that the cupola that minimally contributes to the height of the structure will be part of the aesthetic design of the structure.

Ms. Gee said that she understands the neighbors' concerns that the garage could easily be converted into a living space.

Ms. Dubois said that, if required, she and her husband would apply to the Board for a special permit to convert the garage into an apartment. However, at this time, the plan is to reside in the newly-constructed house across the street.

Mr. Watterson asked whether a cupola in the neighborhood would be appropriate within the requirements of the finding.

Ms. Dubois stated that some of the neighbors have cupolas on their houses and it conforms with the coastal area within which the structure is situated.

There being no further discussion, Vice-Chair Coutinho made a motion to approve the finding that demolishing the existing building and replacing it with a garage shall not be substantially more detrimental to the neighborhood than the existing non-

conforming use as mandated by Zoning Bylaw Article 5, Section 5.2.3. Ms. Gee seconded the motion and the Board voted unanimously to approve the finding.

Chair Menard advised of the 20-day appeal period from the date of filing the decision with the Town Clerk.

The hearing concluded at 8:58 p.m.

Administrative Items:

1. Approval of the minutes of the regular meeting of July 20, 2022. Ms. Gee made a motion to approve the minutes of the regular meeting of July 20, 2022. Ms. Pontolilo seconded the motion, which was voted unanimously approve the minutes of the June 22, 2022 regular meeting.

2. Approval of the minutes of the Executive Session of July 25, 2022. Ms. Kozakiewicz made a motion to approve the minutes of the Executive Session of July 25, 2022. Mr. Watterson seconded the motion, which was voted unanimously to approve the minutes of the July 25, 2022 Executive Session.

3. The Planning Board requested comment from the Zoning Board regarding a special permit request for a common driveway at 309 Gifford Road.

4. The Board briefly discussed the issue of non-conforming lots and the confusion as to whether a finding and a variance would be required in certain situations.

There being no further matters before the Board, Ms. Pontolilo made a motion to adjourn at 9:15 p.m. Ms. Gee seconded the motion, which was voted unanimously by the Board.

The next regular meeting of the Board is scheduled for September 28, 2022 at 6:30 p.m., and will be conducted in person, unless otherwise determined.

Adjournment.

Respectfully submitted,

A handwritten signature in dark ink, 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 dark ink, appearing to read "Roger Menard", written over a horizontal line.

Roger Menard, Chair