



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

February 09, 2016

Chairman James T. Whitin called the meeting to order 6:19 p.m. with Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance. Vice-Chairman William Raus arrived at 6:19 p.m.

Approval Not Required (ANR) Gay/Pelletier (16-001A). Request by applicant for endorsement of a 2-lot plan of land located on the northerly side of Adamsville Road between 101 & 16 Adamsville Road, Assessors' Map 77, Lot 11.

Greg Nicholas was present to represent the applicant and the Buzzards Bay Coalition. Nicholas described the lot as roughly 14 acres. Nicholas stated that the applicant proposed to divide the property into two lots. Parcel A would become "not buildable" and a note would be put on the plan stating so. A note will also be put on the plan stating that Lot 1 would have the required frontage and area, but a determination is yet to be made if the lot will have the required uplands.

De Rego motioned to endorse the plan entitled "Plan of Land Assessors' Plat 77 Lot 11, 0 Adamsville Road, Westport, MA Prepared for Paul Gay, Elizabeth Gay and John Pelletier dated December 14, 2015, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the subdivision control law. Cole seconded the motion and the vote was unanimous with all in favor.

Approval Not Required (ANR) Fontes/Nadeau (16-002A). Request by applicant for endorsement of a 2-lot plan of land located at 833 Main Road, Assessors' Map 77, Lot 23.

Greg Nicholas was present to represent the applicant and presented the plan to the Board. Nicholas stated that the applicant proposed to divide the property into two parcels. A note will be added to the plan stating that Parcel A is not buildable. Lot 1 will have the required uplands, frontage and area to be a buildable lot.

Sousa motioned to endorse the plan entitled "Plan of Land Assessors' Plat 77 Lot 23, 833 Main Road, Westport, MA" Prepared for Carolyn Nadeau and Lorraine Fontes, dated January 4, 2016, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the subdivision control law. De Rego seconded the motion and the vote was unanimous with all in favor.

Public Hearing

BENTLEY ESTATES II (15-009-C-SP/IH) *(Continued from September 22, 2015 and December 1, 2015.)* Request by applicant for approval of a definitive subdivision plan for 20 residential lots for property located at the terminus of Bentley Lane, Assessor's Map 5, Lots 16, 18, 50-68 and to consider a Special Permit application for Inclusionary Housing.

Whitin read the legal notice into the record. Dan Aguiar from SITEC Engineering was present representing Robert Kfoury. Aguiar described the previously submitted plan and then explained all

of the changes made to the revised plan. The parcel of land would become 20 new single family homes. Aguiar stated that approval has been granted from both the Natural Heritage and Endangered Species Program and the Conservation Commission. Discussion ensued over the size of the cul-de-sac on the plan. The Fire Department will be consulted again before a final layout is chosen. Discussion ensued over the sidewalks and a potential grass strip between the road and the sidewalk. Tibbetts will review the revised plan before the next continued public hearing. Aguiar described a large green buffer zone around the 20 lot subdivision.

Hartnett noted that the Planning Board cannot approve a subdivision plan that is not approved by the Board of Health first.

Cole motioned to continue the Public Hearing for Bentley Estates II to March 22, 2016, at 6:15 p.m. Raus seconded the motion and the vote was unanimous with all in favor.

Public Hearing

NOQUOCHOKE VILLAGE (15-026SPA-NOD-IHSP)

Request by applicant for approval pursuant to Westport Zoning By-Laws, Article 13, Inclusionary Housing Special Permit, Article 15, Site Plan Approval and Article 19, Noquchoke Overlay District Special Permit to construct a community center, 50 townhouse units within seven structures and associated parking areas and landscaping for property owned by the Town of Westport and located at 1163-1175 American Legion Highway, Assessor's Map 33, Lots 17, 45, 47, 47A & 47E, Westport, MA.

Whitin read the legal notice into the record. Hartnett reviewed the history of the Noquchoke Village plan. He stated that the housing in the plan would meet the requirements of the required 40B.

Leonardi Aray, Housing Specialist, was present to represent the Westport Affordable Housing Trust. Aray described the mission of the Affordable Housing Trust. Aray stated that the developer has gotten approval to move forward with another grant from the Low Income Housing Credit. Aray noted that the plan will create 50 rental apartments with a clubhouse and centralized laundry unit and will preserve 23 acres of land which will be open to the public. Aray stated that the design of the buildings will match the character of the area in Westport.

John Frasier from The Community Builders (TCB) was present. He described how his non-profit company works, stating that they remain with the communities that they construct in as a management company to ensure lasting quality of the community. Phil Cordeiro from the engineering firm, Allen & Major Associates, Inc. was present and described the construction of the infrastructure of the development including the types of buildings and the parking in the development. He stated that the development will conform to the Noquchoke Overlay District standards. Cordeiro discussed the nitrogen removal septic system proposed for the development, noting that approximately one acre of land would have to be excavated to accommodate the system. A private water supply well is proposed for the project, subject to approval from the Mass DEP. Cordeiro discussed the proposed lighting, landscaping including a tree buffer along the edge of the development and the storm water retention system.

Whitin read Tibbetts report dated February 2, 2016, into the record. Whitin read the comments from the various town boards into the record. Cordeiro responded to each of the comments. Discussion ensued over the size of the cul-de-sac. Cordeiro stated that the final design will meet the requirements from the Fire Department. Frasier noted that a CCTV system would also be installed on the property. Frasier discussed the tenant selection process for the potential renters of the 50 units which is a screening process approved by HUD and the State of Massachusetts Housing Department. He stated that the community would have a 70% local preference.

Cole spoke to express his concern for further nitrogen loading into the Noquochoke River. The Estuaries Committee (superseded by the Water Resources Management Committee) recommended a target of less than 5mg per liter of nitrogen be discharged. Cordeiro stated that sanitary waste usually has a load of 60mg per liter and explained how that would be reduced to approximately 15mg per liter. Discussion ensued over how to reduce the load to a potential zero mg per liter. Whitin questioned if there would be dedicated parking for the public to access the acreage in the rear of the development. Cordeiro responded that, no, there is no parking designated for the public on site. Raus questioned the parallel parking on both sides of the middle corridor, Frasier explained the parallel parking. Signage, handicapped parking and accessibility was discussed. Cordeiro noted that the community would have 4 designated handicapped units and 9 handicapped adaptable units that will be clearly marked in the revised set of plans. Snow storage areas were discussed. Hartnett read his comments into the record.

Robert Alves, an abutter at 1175 American Legion Highway and a member of the Disabilities Commission was present and expressed his concerns for numerous items in the plan. His first concern was the lighting proposed on the site. He presented pictures the lighting of a similar community built by TCB for the Board to review. Alves claimed that the outflow of water would be greater than stated. Alves expressed his concern for the nitrogen loading from the project. Alves stated that the Quinn property is on the DEP list of "brownfield" sites, and was concerned if the contaminated dirt removed would be properly taken care of. Alves stated that the project is located very close to the border of his property. He expressed his concern for the added traffic to the area and his concern for the snow storage area which would potentially melt directly onto his property. Alves stated that the septic could only be put in the one location because of the high water table, and the septic would have to be a raised system, which is a concern to him. Alves stated that the elevated parking area near his property would cause his property to be flashed by headlights with every car that entered the lot. Alves also claimed that this is not the original plan that was presented, and stated that the project was supposed to be 50 single family homes.

Bill Harkins from the Water Resource Management Committee was present and stated that he had never received any information on the project. Hartnett will send all of the requested information to the Committee. Harkins expressed his concern for the nitrogen levels in the Westport River. Harkins stated that a 0mg per liter output of nitrogen from the septic system would be ideal.

Abutter Wayne Holden was present and questioned why the septic is placed where it is and not on the "brownfield" site which is already cleared.

Liz Collins, abutter and the Chair of the Affordable Housing Trust was present, and stated that she was a long time member of the Estuaries Committee. She stated that she would like to see TCB work with the Committee to reach the target level of nitrogen reduction. Collins stated that she has been working on this project for 14 years. Collins stated that Westport's aging community would benefit from this development with the ability to remain in Westport as they age. Collins stated that the Housing Trust will contact the local Police Departments around the current TCB developments to get a report on the crime rates in the area. Collins stated that the original plan for the development was never to have 50 single homes.

Warren Messier, member of the Affordable Housing Trust for over 13 years, was present to support the project, stating that Westport is in need of a project like this. Messier stated that Mass DEP is the deciding factor on the location of the septic system and leaching field.

Jana Delvin, 2 Friendship Lane, was present to express her concern for the potentially rising crime rate due to the development. She stated that she works near a TCB development and there appears to be no management and high crime rates.

Kevin Donovan, Reed Road, was present and questioned when the screening process is no longer used and when the development becomes Section 8 Housing.

Sherry Kennedy, 174 Forge Road, was present and expressed her concerns on a potentially rising crime rate in the area due to the affordable housing development. Kennedy also expressed her concerns for the impact on the environment from the added nitrogen from the development.

Frasier, TCB, responded to the comments regarding the potentially rising crime rate stating that TCB has a “no tolerance” policy with the residents and any violators would be forced out of their property.

Henry Lanier, Drift Road, from the Board of Trustees for the Affordable Housing in Westport was present and stated that he will collect information from known-effective nitrogen reducing septic systems.

Whitin stated that the Board will write a letter to Dartmouth Sewer Commission asking if the Noquochoke Village Development could tie into the Septic System of Dartmouth. The Dartmouth DPW also stated that city water could be purchased from New Bedford and piped through Dartmouth to the development.

Sousa motioned to continue the Public Hearing for Noquochoke Village to March 8, 2016, at 6:15 p.m. Raus seconded the motion and the vote was unanimous with all in favor.

Raus motioned to send a letter to the Dartmouth DPW regarding the Noquochoke Village Septic System. De Rego seconded the motion and the vote was unanimous with all in favor.

Administrative Items.

None.

Town Planner report.

a. The Chairman, and Hartnett met with David Hickox, Director of the Dartmouth DPW, to see what options are available for tying Noquochoke Village into Dartmouth’s water and sewer system. He noted that there are concerns about the capacity of the Treatment Facility but suggested that a letter could be sent to his Board.

b. The Chairman and Hartnett will be meeting with Chief Brian Legendre on February 25, 2016, to discuss their concerns or requirements for pavement and cul de sac widths.

c. Ellis Withington from the Assessing department has asked that Hartnett produce another set of maps for their office showing neighborhood information. Hartnett told him that he would not be able to get that information out to him until the end of next week.

d. Master Plan – The committee is meeting tomorrow afternoon, and hopefully they will get a vote to recommend approval to the Planning Board. The Planning Board is scheduled to vote on the plan on February 23, 2016.

e. Macomber School Parking Lot – Hartnett has been assisting Michelle Raposa from the school department on developing a solution for the Macomber School Parking lot. They are looking to reconstruct the existing parking area and drive and create a better traffic flow. They may need to

expand the parking and if so the building inspector will have to make a determination on whether or not site plan review will be required.

Any other business that may come before the Board.

None.

Correspondence.

a. CH91 Notification – Simha - 158 & 161 Pettey Lane. Hartnett described the proposed dock site to the Board. Brief discussion ensued.

b. MA Land Conservation Trust Conference April 2, 1016, Worcester Tech High School. Noted.

Minutes.

January 26, 2016- Raus motioned to approve the minutes as written. De Rego seconded the motion and the vote was unanimous with four in favor and Cole abstaining due to his absence at the meeting.

Invoices.

None.

ADJOURNMENT

Members unanimously voted to adjourn at 9:29 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk