



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

March 8, 2016

Chairman James T. Whitin called the meeting to order 6:00 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 6:16 p.m.

Approval Not Required (ANR) Nicholson 16-004A). Request by applicant for endorsement of a 2-lot plan of land located at 572 Old Bedford Road, Assessors' Map 2, Lot 50.

Sean Leach from SITEC Engineering presented the plan to the Board. Leach stated that the applicant proposed to divide his property into two lots, leaving an existing dwelling and a garage on one lot. Leach noted that the two lots would meet the requirements for area, frontage and uplands to be considered buildable lots.

Cole motioned to endorse the plan entitled "Approval Not Required Plan of Land in Westport Massachusetts" prepared for Long Built Homes dated January 12, 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. Sousa seconded the motion and the vote was four in favor. Mr. Raus was absent at this time.

Public Hearing

NOQUOCHOKE VILLAGE (15-026SPA-NOD-IHSP) (Continued from February 9, 2016). 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, Noquochoke 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 plan for the Board and for the residents present. John Fraser from TCB was present. Phil Cordeiro and Paul Matos from Allen & Majors were also present. Leonardi Aray from the Westport Affordable Housing Trust was present. Aray discussed the reason why Westport needs affordable housing, noting that the Town has been working on the Noquochoke Village development for many years now.

Phil Cordeiro summarized the revisions to the plan since the last Public Hearing based on comments from the various town departments, Tibbetts Engineering and the public. The proposed septic system was discussed, including a cement block retaining wall, a fence and additional landscaping. Cordeiro explained the treatment of the septic system, stating that the revised treatment would achieve the 5mg per liter goal. The revised cul-de-sac and the addition of security cameras were noted. A photometric plan for the lighting was provided for review.

Architect Carissa Coon from American Brown Architects was present. Coon explained the proposed designated and adaptable handicapped units as well as the signage for the Village and the 25% window area on the ground floor units.

John Konros, from the Property Management Department at TCB was present. Konros explained the affordability restrictions and the tenant screening process for the proposed Noquochoke Village. Applicants would have to pass credit checks, national background checks, two previous landlord references, sexual predator checks and terrorist checks. Konros noted that the Village would have a 10% homeless preference and a 70% local preference, with a preference for working applicants throughout. Paul Matos, of TCB, stated that the Westport Affordable Housing Trust would become part of the monitoring services to ensure that screening process restrictions are followed. It was noted that a total deeded area of 15.7 acres would be dedicated to open space to meet the provision of Town Zoning By-Laws, Article 19 Noquochoke Overlay District. Konros next spoke about the safety of the property, noting that the property manager would have a close relationship with the local police, but that the property would not have a gated entrance. Traffic on and around the Village was discussed and calculations were provided to the Board and to Tibbetts for evaluation. School bus stops were also discussed.

Whitin read letters of support for Noquochoke Village from:

- The Affordable Housing Authority dated January 26, 2016.
- Senator Michael Rodrigues, dated January 19, 2016.
- Representative Paul Schmid, dated January 15, 2016.
- Westport residents Susan and Paul Foster, dated January 14, 2016.
- Westport residents Ed and Barbara Machado Sr., dated January 14, 2016.
- Westport resident Andrea Tremblay, dated January 14, 2016.

Whitin read a letter from the Buzzards Bay Coalition, dated March 4, 2016, into the record. The letter was a letter of support, but requested that the Village meet a “Nitrogen Zero” standard to protect the East Branch of the Westport River.

Whitin read a letter into the record from Virginia Keating, of 1177 American Legion Highway who wrote a letter of support, but expressed many concerns over the impact to the wildlife and wetlands on the property and the location of the septic system.

Whitin read comments from town departments into the record. Hartnett read a Tibbetts report dated March 4, 2016, into the record. Along with the Tibbetts letter, Hartnett read responses from Allen & Majors. Whitin asked if any of the units could be designated for residents over the age of 60. Fraser stated that TCB does not typically restrict by age. Fraser explained the tax credits received from the Department of Housing and Community Development (DHCD). Discussion ensued over the federal tax credits.

Cole expressed his concern over the added nitrogen to the environment from the development. Cole suggested a different location for the drain field of the septic system and also suggested a larger, shallower drain field. It was noted that tests were completed in many different areas, and the chosen location was the best location for the septic system. Mike Monroe from Bio Microbics was present to discuss the technology of the proposed septic system. Discussion ensued over the technology and a “nitrogen zero” target goal. The location of the septic system was discussed. An abutter questioned if the septic system could be placed in the recently remediated “brownfield” site on the property. Liz Collins from the Westport Affordable Housing Trust responded, stating that George

Campbell, LSP from Campbell Environmental strongly suggested not placing the septic system in that area and also because the “brownfield” site would not meet the required soil specs or required setbacks for the septic system.

Sousa questioned the wastewater flow and Paul Matos from Allen & Majors explained that 90 bedrooms, with each bedroom using 110 gallons per day would be just under the 10,000 gallon a day calculation. The differences between “in unit” laundry hook ups vs. a central community laundry center were discussed. Sousa questioned the output of the proposed well and Cordeiro stated that MASS DEP requires a primary well and a backup well and also determines the amount of water that can be drawn from any specific well. Discussion ensued.

Raus questioned how the rear boundary would be marked. Cordeiro stated that the rear would be the boundary of the cul-de-sac, but would not be marked. The location of a potential bus stop was discussed.

Abutter Robert Alves was present and expressed his concern for his neighbor’s well, which is located close to the proposed septic system. Cordeiro stated that as a condition of the proposed well location, tests have been completed to ensure that no adverse effects will occur on any abutting water sources. Alves was concerned over potential wash out on the access road near his property and it was stated that Tibbetts’ report also noted that the storm water would not flow in that direction. Alves questioned the revised lighting and Hartnett invited him to the Planning Office to view the photometric plan at his convenience. Cordeiro also discussed a change in the fencing and landscaping screening along the property line due to the concerns brought up by Alves at the last public hearing. Alves questioned if fertilizer would be used and the property manager stated that “green” products are used whenever possible.

Abutter Pam Costa of 1185 American Legion Highway was present and expressed her concerns on a rising crime rate and the safety of her family. Costa mentioned Kensington Square, which is a TCB managed property in New Haven, describing it as a “crime magnet”. John Konros, the property manager stated that the Kensington property is located in a gang controlled area and a multi-million dollar rehab planned for that specific property.

Chair of the Westport Water Resource Committee, Bill Harkins of 660 Gifford Road was present and questioned if a flow meter could be used to determine that the actual flow of water vs. the estimated flow of water. It was stated that yes, a flow meter could be used.

Celeste Torres was present and stated that her children attend the Montessori School of the Angels, which is located across from the proposed Village. It was stated that the term “local” is already defined by the state, but certain regulations will be submitted by TCB to determine the tenants that are selected for the 70% local preference. The rigorous background checks for tenants were discussed again. Torres questioned if firearms or explosives are permitted on the property. John Fraser, TCB, stated that no explosives are permitted, and that the local police department is the determining agency on legal firearm ownership. Torres questioned the depth of the proposed well and it was noted that a 335 foot radius around the well would be monitored for any changes in water flow impact, and all wells within a half mile radius will be monitored for changes. It was noted that the total preserve area behind the Village will be open to the public and access would be gained from a permanent easement by walking through the Village to the preserve area. Torres expressed her concern for additional traffic. Whitin stated that there would not be enough added traffic to add a traffic light. Whitin explained that adding these low income units would allow Westport to deny any

40B development applications for the next year. Cordeiro stated that a percentage of minority and female owned businesses will be used for any landscaping or repairs to the Village. Torres questioned if the actual flow of water to and from units would be monitored, and if any penalties would be issued for over usage. Cordeiro stated that no penalties would be issued, and a flow monitor could be used. Whittin stated that the Westport is doing the right thing by adding affordable housing to the Town.

Wayne Holden of 1177 American Legion Highway was present and questioned if the access road would be maintained. Cordeiro stated that the maintenance plan includes the access road for snow removal and general maintenance. Cordeiro stated that a reserve fund will be held for any emergency repairs to the facility or the access road or the septic system.

Kevin Donovan of Friendship Lane was present and questioned if there would be any recourse would if any of the abutting wells run dry due to the proposed well. Hartnett will talk to the BOH to determine the process of testing and any possible recourse.

Sherry Kennedy of 174 Forge Road was present and questioned why no fence or screening would be placed between her property and the Village. It was stated that no fence would be placed, but the natural screening would remain intact.

Craig Dutra of the Westport Affordable Housing Trust was present and expressed his support for the Village and ensured that the Housing Trust is committed to the 70% local tenant preference.

Liz Collins also on the Westport Affordable Housing Trust discussed the issue of school buses picking up students from the Village. Collins stated that it is determined by each individual school whether or not to enter a private Village or to pick up students on the perimeter instead. Collins discussed safety and crime around TCB properties and ensured that a property in Westport is very different from the properties in New Haven or Fall River, for example. Collins stated that people of lower income status should not be judged because of their financial status.

Warren Messier was present to support the Village. Messier stated that residents of lower income should not be discriminated against due to their financial status. Messier stated that the Noquochoke Village will never become Section 8 Housing. Messier expressed his concerns for nitrogen loading in the river and ensured that TCB will be doing everything possible to achieve a zero nitrogen output goal.

Hartnett noted that sample Findings of Fact and sample Conditions are available at the Planning Office for residents to review at any time.

Phil Cordeiro requested that the Planning Board write a letter to present to the DHCD, stating that the process is moving forward, in order for TCB to apply for tax credit funding. Cole motioned to have Hartnett prepare the letter requested. De Rego seconded the motion and the vote was unanimous with all in favor.

De Rego motioned to continue the Public Hearing for Noquochoke Village to April 19, 2016 at 6:30 p.m. Cole seconded the motion and the vote was unanimous with all in favor.

Administrative Items.

a. BOS: Request for comments and recommendations for the Road Layout Acceptance by petition for Cortney Drive and Devol Avenue. The two acceptance requests are for the portions of Devol Avenue and Cortney Drive in Phases I & II from Briggs Landing.

Muhammed Itani, Briggs Landing, was present and stated that Tibbetts completed a site inspection on March 7, 2016. Hartnett read the Tibbetts' report into the record and Itani responded to many of the comments. Itani provided Hartnett with pictures of the updated work done to the roadways. A maintenance plan was discussed and is in place for where the public sections of the road would meet the private sections of the roads.

Raus motioned to recommend the acceptance of Cortney Drive and Devol Avenue as shown on the Layout Plan entitled "Roadway Layout Plan of Land for Phases 1 & 2 Briggs Landing in Westport, Massachusetts" dated January 4, 2013, provided the spelling of Cortney Drive be corrected to Courtney Drive as shown on the recorded plan, that the punch-list of items as determined by Tibbetts be completed and re inspected before Town Meeting, and a recommendation would be made to the Town allowing access over a private section of the road to maintain the public section. Cole seconded the motion and the vote was unanimous with all in favor.

b. EPA Grant Update.

Hartnett stated that the Town of Westport was not selected to participate in the second round of the grant submittal for the SNEP Grant. There were 50 applications that were submitted and 25 of those applications were invited to submit the final application. Hartnett noted that he will be participating in a debriefing with representatives from the EPA next week to learn how Westport can make future grants more competitive.

Town Planner report.

a. The Board of Selectmen discussed the possibility of the school administration offices moving into the Annex. Hartnett will keep the Board posted with any updates.

b. The Board is scheduled to meet with the finance committee on Tuesday, April 5th at 7:10.

c. On March 22, 2016, the Board will be holding a Public Hearing on the proposed Zoning By-law changes to the definitions relating to agriculture.

d. Hartnett noted that he is currently working with the Westport Landing Commission and the Westport River Watershed Alliance on a grant application for the Town Landing at the Head of Westport. This will include landscaping, parking and drainage improvements.

e. Hartnett noted that he met with a group that was looking at the possibility of operating a medical marijuana cultivation facility. There would be no retail sales. They will be going to the Board of Selectmen to see if they can get a letter of "no opposition" before they go much further.

Correspondence.

a. ZBA/Notice of Decision for Hayes at 45 Old Horseneck Road. Noted.

Minutes.

February 23, 2016- Cole motioned to approve the minutes as written. De Rego seconded the motion and the vote was unanimous with all in favor.

February 25, 2016- Cole motioned to approve the minutes as written. De Rego seconded the motion and the vote was unanimous with all in favor.

Invoices.

Mileage, J Hartnett. \$71.92

CPTC \$130.00

Cole motioned to pay the invoices listed above. De Rego seconded the motion and the vote was unanimous with all in favor.

ADJOURNMENT

Members unanimously voted to adjourn at 10:12 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk