



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

April 1, 2014

Chairman James T. Whitin called the meeting to order 6:04 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff, Member David Cole and Town Planner James Hartnett in attendance. Ostroff left the meeting at 7:45 p.m.

APPOINTMENTS

Approval Not Required (ANR). Matthes (14-008A). Request by applicant for endorsement of a two lot plan of land at 1562 Main Road Map 57, Lots 1C.

Sean Leach from SITEC Engineering was present to represent Scott and Kristen Matthes. Leach explained that the applicant would like to transfer a portion of lot 3A (6,175 s.f.) to the abutting parcel. He stated that the frontage for both lots would not change and both lots would have more than the required area and uplands. The land will be transferred to the in-laws who live on the abutting property and already maintain the small strip of land.

Cole motioned to endorse the plan entitled Approval Not Required Plan of Land in Westport, MA prepared for Scott & Kristen Matthes, dated March 20, 2014, because it complies with the provisions of MGL ch 41 Section 81P. Ostroff seconded the motion and the vote was unanimous with all in favor.

Pre-App Consultation – Stanley Webb (14-001PAC). Request by applicant for a consultation on a 3-lot definitive subdivision plan.

Dan Aguiar from Sitec Engineering was present to represent Stanley Webb. Aguiar explained that the three lot subdivision is part of the Stonewall Court Subdivision off of Adamsville Road that was approved and constructed in 2002. He described a cul-de-sac which created frontage for three lots with a shared driveway and extensive stonewalls which prevented the cul-de-sac from being constructed as it was approved to be. Webb discussed reconfiguration of the lot with Nancy Stanton, the owner of the front lot, and she has agreed to reconfigure the layout of her lot to accommodate a proposed fourth lot for the subdivision. Aguiar described the reconfiguration of the existing three lots to create the proposed fourth lot. Aguiar mentioned a note on the existing plan which states "that the road built as shown may not be used for further subdivision". Aguiar explained that the proposed plan specifically will not be using the "road built as shown". He stated that the 16' wide road would have to be widened to 18' to meet the Fire Departments requirements. Aguiar stated that his client is aware that an underground fire tank will have to be added to accommodate the four lot subdivision. Cluster denitrifying septic systems were discussed.

Pre-App Consultation – Robert Kfoury (14-002PAC). Request by applicant for a consultation on an OSRD definitive subdivision plan off of Bentley Lane.

Dan Aguiar was present to represent Robert Kfoury. Aguiar described the 22-23 lot subdivision extending the existing Bentley Lane Cul-de-sac and described how Hemlock Street would have to be built out to Highland Ave. At the last meeting, the Planning Board suggested looking in to an OSRD subdivision. The applicant was in a few months ago to discuss the possibility of a subdivision being constructed on the property. The

issues at the time were the length of road and access to Highland Avenue through an older development. The possibility of an OSRD was briefly discussed at that meeting. Aguiar described that the proposed lots would be slightly bigger than required when creating an OSRD subdivision. Aguiar questioned if the Planning Board would allow the extension of Bentley without going out through Hemlock to Highland if an OSRD was created. Hartnett explained that a waiver would be needed for Hemlock Street or the dead end street would have to be built out. Aguiar stated that the applicant would entertain creating an OSRD if he did not have to build out Hemlock Street. Whitin and Hartnett explained that the purpose of the OSRD is to look at the overall property and design to preserve open space and minimize the disturbance area. Whitin stated that in his opinion, something more creative could be done with the OSRD with fewer lots and better views. Discussion ensued. Many layout options and cluster denitrifying septic systems were discussed. Hartnett noted a pipeline in the area that may cause concern.

Warren Messier was present and expressed concern that his abutting land may be affected by the construction of the proposed subdivision. Messier requested that he be involved with any further action on this matter.

Paul Drive & Romano Village Drive. Request by Mr. Avilla to address the Planning Board.

Status of Paul Drive and Romano Village Drive: The Board of Selectmen held a public hearing on March 24th, 2014, at which time they voted to place the streets on the Town Warrant and recommended that the streets be accepted. The residents of the subdivision have attempted to address the remaining issues that need completion to get the roads ready for acceptance. George Mello from Tibbetts Engineering inspected the site on March 20, 2014, and noted a number of issues that need to be addressed. It should be noted that the pavement has been in place for more than 8 years and is in good condition.

Mr. Avilla was present to address the Board members about his concern over the acceptance of Paul Drive and Romano Village Drive. He stated that since the last meeting, the engineer had evaluated the area (March 20, 2014) again and came up with 6-10 thousand more dollars worth of work.

Sunderland was present and read a letter dated April 25, 2000, from Attorneys Perry & Hick regarding the request of the adequacy of the bond submitted. Sunderland then read a second letter dated December 26, 2001 sent to the Planning Board which was a notice of cancellation of the bond referenced above. Mr. Avilla referenced a letter dated March 5, 2009, from the Planning Board that stated the Planning Board could not proceed due to legal expenses, and that the Town would have to charge the residents with the legal cost of moving forward. Mr. Avilla presented pictures of the condition of the area and stated that the residents cannot pay the extra \$6,000-10,000 required, and argued that the road is in good condition with the exception of a few items. Discussion ensued.

Hartnett explained that the Planning Board is still holding approximately \$3,500 and should consider what work needs to be completed prior to release of these funds. Mr. Avilla noted that most of the \$3,500 is set aside for loam and stone for repairs. The as-built plans and the layout plans are done and the bounds have been reset. Hartnett noted that there are a few issues with the pavement and the cul-de-sac island being inadequate. Discussion ensued over the island. Sunderland suggested sealing the cracks in the pavement instead of ripping up pavement and re-paving. Hartnett listed the few items that must be fixed in order for approval.

The Board and Mr. Avilla discussed these items that remain to be addressed:

- a. HMA repair at Davis Road gutterline.
- b. HMA patch at CB-C2 Station 4+75 on Romano Village Drive.
- c. HMA patch at DMH #3 Paul Drive & DMH A @ Sta 0+35.
- d. Crack sealing joints and driveway openings.

After discussion, the Board required the following:

Patch area around Manholes (*HMA patch at DMH #3 Paul Drive & DMH A at Sta 0+35*), patch hole (*HMA patch at CB-C2 Station 4+75 on Romano Village Drive.*) Mr. Whitin asked to see if the Highway Department could fix the juncture of the road where it meets Davis Road.

Mr. Avilla departed at this time.

ADMINISTRATIVE ITEMS

a. Road acceptance status. The board of Selectmen recommended acceptance of all streets on the Town Warrant; Estrella Lane, Romano Village Drive and Paul Drive.

b. Update on Gel's Way and Pine Needle Estates incomplete subdivisions.

Hartnett sent letters to the developers, Mrs. White noted that an engineer has been hired to redesign Gel's Way. Hartnett sent a letter to Attorney Entin regarding the death of Mr. Berard, his children most likely will not be completing the incomplete subdivision and the Planning Board may have to take action. Will follow up next month.

c. Endorse decision for Prestige Auto Mart Expansion. Raus motioned to endorse the decision for Prestige Auto Mart Expansion. Cole seconded the motion and the vote was unanimous with all in favor.

d. Meeting quorum requirements.

A form is available if there is any potential conflict, which can be filed with the Town Clerk.

e. Annual Town Meeting draft Warrant.

Warren Messier was present to discuss the definition of the term "way" on the draft Warrant. Discussion ensued over the term "existence" as used in the definition of "way". Hartnett noted that in a Subdivision Form A, "in existence" is at the time of application. The definition will be sent to Town Counsel for review early enough so that the item can be brought to the Annual Town Meeting for approval. Raus noted that a date should be included in the definition of "Way".

Hartnett will draft a pamphlet to show exactly the changes which are going to be presented at the ATM.

f. Master Plan update.

Flyers need to be delivered for the upcoming public workshop.

Cole noted that there have been meetings with numerous committees which are focused on specific chapters. Water, wastewater and storm water is on the agenda for the next meeting.

g. Memo to the Building Inspector for 311 Sanford Road.

Hartnett will send a letter to Ralph Souza regarding the matter.

h. ESRI Annual maintenance agreement.

This is an annual maintenance fee, which is approved and returned. Endorsement covers two seats to the ARC GIS Software in the office. Cole motioned to authorize the annual maintenance. Raus seconded the motion and the vote was unanimous with all in favor.

i. Close Consultant Review Accounts.

Hartnett briefly explained the details for the following accounts: Blossom Hill Farm, Main Road Realty Trust, Prestige Auto Mart, Salibi Realty II, LLC, TEF Realty Trust and Tall Pines. Cole motioned to close the above listed consultant review accounts so named: Blossom Hill Farm, Main Road Realty Trust, Prestige Auto Mart, Salibi Realty II, LLC, TEF Realty Trust and Tall Pines by returning the balance and any interest earned. Raus seconded the motion and the vote was unanimous with all in favor.

Town Planner report.

a. Buzzards Bay Coalition meeting Wednesday, April 2, 2014, 8:30 a.m.-2:00 p.m. at the Buzzards Bay Center in New Bedford, MA.

b. NPDES P2 Permit- Hartnett briefly explained.

c. Discussed wastewater and water lines for the Master Plan.

d. Hartnett and Horsley & Witten are reviewing existing zoning districts which were not on the GIS or APPGEO maps, they will be online in the next month.

e. Members discussed a potential map that details the natural gas lines in the area.

Correspondence.

- a. Resignation letters from Town Administrator and Business Manager.

Cole motioned to send a letter of appreciation to each, Jack Healey and Steve J. Lombard for all of their work with the Planning Board and the Town of Westport. Raus seconded the motion and the vote was unanimous with all in favor.

b. SRPEDD Annual Meeting, Wednesday May 8, 2014 6-8:30 pm. Le Chateau, Norton, MA. Noted. Raus motioned to continue to have Jim Whitin continue to be the representative for SRPEDD. Cole seconded the motion and the vote was unanimous with all in favor.

Jim Hadfield is retiring after 35 years at SRPEDD. Whitin motioned to send a letter acknowledging Hadfield's help in all matters of Westport that he has been involved in. Raus seconded the motion and the vote was unanimous with all in favor.

- c. Municipal Law Unit Training Tuesday April 15 2014 1030-1 Carver Town Hall. Noted.

- d. Chapter 91 notification of Application by Anthony & Sharon Connors 2032 Main Road. Noted.

Minutes.

None.

Invoices.

ESRI Annual Maintenance Fee \$700.

AppGeo GIS services \$225.

Amazon \$133.31.

Horsley & Witten \$989.60.

James Hartnett/Mileage \$45.90.

USPS- Postage \$325.

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

ADJOURNMENT

Members unanimously voted to adjourn 8:33 at p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk