



TOWN OF WESTPORT
856 Main Road
Westport, Massachusetts 02790

Tel. (508) 636-1037
Fax (508) 636-1031

PLANNING BOARD

PLANNING BOARD MEETING

March 23, 2021

Chairman Jim Whitin called the meeting to order at 6:06 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:

An audio recording of this meeting is posted on the town's website. (www.westport-ma.com)

Call to order 6:00 p.m.

Administrative Items

- a. **High Point Estates (19-006C)** Covenant, Homeowners Association and endorse the plan.

Hartnett mentioned the subdivision was approved in February of 2020 by the Board with the intent to freeze the zoning. The applicant has submitted an application for a large-scale solar project, which will be heard in April. The Board approved a small two-lot, one-parcel subdivision on February 25, 2020. The clerk certified that no appeal has been filed. Hartnett recommended endorsement of the plan.

Motion

Bullard moved to accept the Form F and Form F-RRL Covenants and the Homeowners Association and endorse the definitive subdivision plan entitled: "Subdivision Plan 0 Division Road, Assessor's Parcels 46-8-0 and 46-9C-0". Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- b. **Approval Not Required (ANR) Richard Trapilo (21-003A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 2 Old Pine Hill Road, Map 42 Lots 7 & 8.

Sean Leach from Northeast Engineers and Consultants was present representing the applicant. Leach mentioned the applicant would like to divide the 14.9-acre lot into two lots, leaving Lot 2 unbuildable with 11 acres. Leach noted that Lot 2 had some title issues.

Bullard asked what the title issues were and why the applicant wanted to create an unbuildable lot. Leach responded the Westport Land Conservation may be interested in acquiring it.

Motion

Bullard moved to approve endorsement of the plan entitled “Plan of Land Assessors plat 42 Lots 7 & 8 in Westport MA” because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- c. Approval Not Required (ANR) Kelly & Jesse Roderick (21-004A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 61 American Legion Hwy, Map 61 Lots 9 & 10.

Sean Leach from Northeast Engineer Consultants was present representing the applicants. Leach mentioned the applicant is to divide the property into two lots leaving the existing single-family dwelling on one lot (10) and creating a buildable lot (9). Both lots have the minimum area and frontage requirements on American Legion Highway.

Motion

Bullard moved to approve endorsement of the plan entitled “Plan of Land Assessors Plat 61 Lot 1 Showing Lots 9 & 10 Westport MA” because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- d. Approval Not Required (ANR) Brian & Kristen Mullaney (21-005A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 512 River Road, Map 87 Lots 62, 63, 63B.

Mark Boucher of Boucher & Associates was present representing the applicant. Boucher mentioned the applicant would like to reconfigure the 6-acre lot that contained the dwelling at 512 River Road into 2 separate lots. Both lots meet the required frontage and uplands.

Bullard asked if Rosemary’s Way was a public way. Boucher commented that it was a private way and Lot 3 would be getting the frontage from it.

Schmid observed that the existing house on the north side did not appear to have the required 10-foot setback from the property line and asked whether it was non-conforming. Boucher mentioned a variance for an addition on the cottage was granted in early 2000, however, there have been no improvements to the property lines.

Motion

Bullard moved to approve endorsement of the plan entitled “Approval Not Required Plan of Land in Westport, Massachusetts prepared for Brian & Kristen Mullaney” because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- e. Approval Not Required (ANR) David Coelho (21-006A)** Request by the applicant for endorsement of a Plan of Land showing a lot and a parcel, for land located on the northwest corner of Route 177 and Tickle Road, part of Map 21 Lots 2B & 2D.

Kory Medeiros was present from Sitec/CEC representing the applicant. Medeiros mentioned the 6,700 s.f. Parcel A will be transferred to Map 21 Lot 2g. The proposed house will front on Tickle Road. Medeiros

confirmed the driveway will be facing Tickle Road and it would be 150' from the intersection of 177 and Tickle Rd.

Motion

Bullard moved to approve endorsement of the plan entitled "Approval Not Required Plan of Land in Westport, Massachusetts prepared for David Coelho" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

f. Old County Estates (14-006C) Closeout and release Consultant Review balance and interest of \$22.94.

Motion

Daylor moved to release the \$22.94 plus interest in the Consultant Review account for Old County Estates (14-006C). Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

6:15 p.m. Public Hearing

2. Isidoro Court (21-001C) Request by the applicant to consider a definitive subdivision plan entitled "**Definitive Subdivision Plan of Isidoro Court in Westport, Massachusetts**" prepared for **Anthony Medeiros** and located at 93 Fisher Road, Map 40 Lot 30D, proposing to divide the property into two (2) lots.

Hartnett mentioned this subdivision was approved by the Planning Board on August 2, 2005 (05-003C), the approval was dismissed by the courts, and the plan was never officially approved. Hartnett added the courts dismissed the decision and it wasn't defended by the applicant.

Steve Gioiosa of Sitec Engineering/Civil Environmental Consultants was present representing the applicant. Gioiosa mentioned the 4.3-acre lot would be used for a single-family dwelling for a family member and they would share the driveway. Gioiosa added the abutter appealed the prior approval, which went to arbitration, but the plaintiffs did not have legal representation defending them, so the courts did not rule in their favor, according to Gioiosa. He added he spoke with the Zoning Enforcement Officer and was assured that the configuration was acceptable from a zoning standpoint.

Gerry Coutinho of Pettey Lane was present and noted the lack of frontage for the existing house and asked why the 25' on the corner lot was not necessary even though the Zoning Bylaw requires it. Gioiosa will be contacting the Zoning Officer to get a written response for the next meeting.

Whitin inquired if both lots would have Isidoro Court frontage. Gioiosa commented that they would.

Daylor added that once the house fronts on Isidoro Court the house will have to meet the front yard setback.

Whitin questioned the 8% road grading and pointed out that stormwater mitigation was not included in the plan. Gioiosa commented stormwater waivers were requested and will incorporate the stormwater in the revised plan.

Schmid asked Gioiosa to explain the 8% slope versus the 5% slope that is required for a gravel driveway, the paved apron requirement, and the property line fillets. Gioiosa explained that he made no adjustments to the 2005 plan and that he would make the appropriate changes to reflect the Board's input.

Daylor would not be against waiving the street rounding and suggested that Gioiosa reconsider how to handle the run-off with swales or another form of drainage so that it does not create puddling problems during construction.

Whitin asked what was going to happen with the hoop driveway on Fisher Road. Gioiosa said that one of the driveway would be moved to Isidoro Court entrances.

Hartnett read the Department reviews into the record.

Hartnett mentioned they requested a waiver of the 5% design slope for gravel roads. He will review the regulations again, but believes it can go up to a 10% slope, so they might not need a 5% waiver.

Hartnett read Field Engineering's comments dated 3/12/21 into the record.

Coutinho questioned why the applicant wasn't opting for a special permit for a detachable accessory unit.

Laurie Hammontree of 87 Fisher Road was present virtually. Ms. Hammontree was concerned about the setback requirement, possibly getting some runoff, and asked if the existing house should be either 25' or 50' away from the roadway.

Christopher Chaves of 99 Fisher Rd was present virtually. He mentioned that a Motion for Summary was filed in 2005 and the judgment was found in their favor due to no opposition. Whitin mentioned that the decision to allow the waivers were in the hands of the Building Inspector and the Zoning Board of Appeals, not with the Planning Department.

Motion to continue

As requested by the applicant, Daylor moved to continue the meeting to 4/20/21 at 7:15. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

6:45 p.m. Public Hearing

3. 431 Fisher Road LLC (20-002C) Request by the applicant to consider a definitive subdivision plan entitled "Definitive Residential Subdivision off Fisher Road Westport, Massachusetts" prepared for Ronald Oliveira, 5 Archers Way, Acushnet, MA 02743 and located between 389 Fisher Road & 431 Fisher Road, Assessors Plat 41 Lot 22 proposing to divide the property into seven (7) lots.

Hartnett mentioned the applicant has requested a continuance.

Motion

Bullard moved to continue the public hearing for 431 Fisher Road to April 20, 2021, at 6:15 p.m. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

4. Planners Report

Hartnett read the Planners report into the record.

1. The Environmental Protection Agency audit has been completed, the Town should receive the final report within 3 months. The audit team did give some general feedback at the end of the process and in general, it appears the Town is doing better than most communities. They stated the Town has been doing a phenomenal job with the limited budget and resources. The BBNEP has been working with the Town and the Audit team noted that our mapping is better than 90% of the communities that they have audited. We were able to use several studies commissioned by the

Planning Board to show that the public has been involved in the process. The WRWA educational programs also helped the Town meet the educational and public partnership requirements.

The auditors also noted that there will be some deficiencies noted in their report, from what was discussed these should be relatively minor but will have to wait for the final report. Documentation of training and quarterly inspections of Town facilities were noted as areas for improvement as well as the washing of Town vehicles and the use of BMPs. They also noted that the Town's Annual Report will have to be updated.

2. The Certificate of Compliance was just approved by the Conservation Commission for the Town Landing work related to the Seaport Economic Development Grant. Closing out these projects and grants takes time, the grant application was filed in 2016.
3. The Master Plan Update Committee is moving right along. Last week the committee reviewed the Capital Facilities and Education Chapters, next month will be Land Use, Open Space, and Recreation.
4. The building is still closed, but is accessible by appointment, hoping to open the building up sometime in April.
5. The Board of Selectmen set the Annual Town Meeting date for June 5, 2021.
6. Hartnett mentioned he will be on vacation the first week of April, beginning on April 1, 2021.

5. Correspondence

- a. **CVE America, LLC, Tootell Way (18-003SPA)** S.W. Cole As-Built review - *Noted*
- b. Zoning Board of Appeals – Westport – *Noted*.

6. Minutes

March 9, 2021

Motion

Bullard moved to approve the March 9, 2021 minutes as written. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

7. Invoices

- a. Quill - \$134.98 Chair/Headphones

Motion

Bullard moved to approve the invoice for Quill for \$134.98. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- b. Southcoast Media Article 4 - \$131.10

Motion

Bullard moved to approve the invoice for Southcoast Media for \$131.10. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0

c. WB Mason - \$107.47 - File Folders.

Motion

Bullard moved to approve the invoice for W.B. Mason for \$107.47. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0

ADJOURNMENT

The members unanimously adjourned at 7:10 p.m.

Respectfully submitted,

James Hartnett, Town Planner
Nadine Castro, Assistant Town Planner II