



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

April 07, 2015

Chairman James T. Whitin called the meeting to order 6:06 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff, Member David Cole, Member Marc De Rego and Town Planner James Hartnett in attendance.

Approval Not Required (ANR). Tronstad (15-003A). Request by applicant for endorsement of a two lot plan of land located 360 Cornell Road, Assessors' Map 85, Lot 15.

The applicant submitted a letter to the Board requesting an extension until May 19, 2015.

Public Hearing

Kevin J. & Mary P. Phelan 215 River Road (15-003-SP-FF), Assessor's Map 86, Lots 26C & 26G Request by applicant for a Special Permit pursuant to Westport Zoning By-Law Article 23 for Flexible Frontage to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density.

Attorney Arthur De Ascentis was present to represent the applicants. Mary Phelan was also present. Sean Leach from SITEC Engineering Inc. presented the plan to the Board. Leach described how the plans meet all of the requirements for Flexible Frontage. Lot 1 has an existing dwelling and lot 2 is larger to offer the applicants the opportunity in the future to subdivide the lot once more for their daughter. The proposed plan creates a buildable house lot while leaving the existing home on its own parcel. The applicant is not filing for a common driveway at this time, even though they are currently using a common driveway that has been in use for many years according to Leach. Whitin noted that the current driveway in use begins on a property belonging to the Detrick family. Discussion ensued. Gaining access from Harbor Meadows Lane was discussed. Whitin read the purpose and intent of the Flexible Frontage By Law into the record. Leach responded that four lots could have been created with the amount of land that the applicants own, but creating only two lots would make it work under the Flexible Frontage By Law. Storm water controls were discussed.

Hartnett read the proposed conditions into the record. A plan suitable for recording (a Form A Plan for an Approval Not Required plan may be used to meet this Condition) shall be submitted with the following statements and conditions:

- a) "Subject to a Special Permit pursuant to the Town's Flexible Frontage By-Law, Article 23 granted on _____, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book _____, Page _____."
- b) Lots 1 & 2 as shown on this plan benefiting from reduced frontage under Zoning By-law, Article 23 shall not be further subdivided and no modification of the clearing restrictions and of the building locations shall occur without a corresponding modification of the Flexible Frontage Permit.
- c) No lot clearing shall begin and no building permit shall be issued for lots 1 & 2 as shown on this plan benefiting from reduced frontage under Zoning By-law, Article 23 until the Special Permit has been duly approved, executed and recorded and evidence of the recording has been filed with the Inspector of Buildings.
- d) Clearing areas on lot 2 shall be limited to the driveway or common driveway and the area identified as "Proposed Building Envelope", maximum building footprints for lot 2 shall not exceed 5,000 s.f.
- e) Clearing areas on lot 1 shall be limited to the driveway or common driveway and the area identified as "Existing clearing". (Not identified on plan)

- f) A common driveway shall not be used to access lot 2 unless approved by the Planning Board pursuant to Article 21 of the Town's Zoning Bylaws.
- g) Lot 2 shall provide a roof runoff infiltration system capable of handling a minimum of 1,500 c.f. of roof runoff. The infiltration system shall be installed prior to issuance of an occupancy permit. The applicants engineer shall design, inspect and certify that it was installed.
- h) Any construction on lots one or two shall comply with the Board of Health storm water regulations.
- i) Any change in the location of the existing common driveway on lots one or two would require a special permit common driveway application.

Hartnett read a sample finding into the record:

The Board found that the reduction in frontage meets the purpose and intent of the Flexible Frontage By-Law by allowing for a better design by providing restrictions on further lot division, limiting areas to be cleared and reducing the number of house lots, thereby reducing disturbed areas and storm water runoff. The applicant submitted a yield plan showing that a minimum of four lots could be developed under a traditional subdivision, by granting this special permit the applicant would be limited to two lots with designated open space. This would prohibit further subdivisions, limit the land clearing and thereby reduce storm water runoff. The Board found that the Flexible Frontage design standards were utilized to the maximum extent feasible as defined in section 23.3 of the Zoning By-Law.

Whitin read the comments from the various Boards into the record.

Cole motioned to accept the findings as read. Ostroff seconded the motion and the vote was unanimous with all in favor.

Cole motioned to accept the conditions a-i as read. Raus seconded the motion and the vote was unanimous with all in favor.

Ostroff motioned to close the Public Hearing for Kevin J. and Mary P. Phelan. Raus seconded the motion and the vote was unanimous with all in favor.

Ostroff motioned to approve the Special Permit Application with conditions for Kevin J. and Mary P. Phelan for property located at 215 River Road, Westport, MA, Assessor's Map 86, Lots 26C and 26G, pursuant to Westport Zoning By-Law Article 23 for Flexible Frontage to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density. Cole seconded the motion and the vote was unanimous with all in favor.

Public Hearing

Old County Estates – Jo-Ann's Way (14-006C-CD) Definitive Subdivision and Common Driveway Application. *Continued from January 13, 2015, February 10, 2015, March 10, 2015 & March 24, 2015.* Request by applicant to construct a 9 lot subdivision with three lots serviced by a Common Drive Way on land located between 624 & 652 Old County Road Assessor's Map 34, Lots 48J, 50-51.

Whitin opened the public hearing and read the request for continuation from the applicant's engineer into the record. The applicant also requested that the time for review of the Form-C and Special Permit for a Common Driveway be extended to May 19, 2015.

Ostroff motioned to extend the time for review of the Form C- Definitive Subdivision application for Old County Estates- Jo-Ann's Way to May 19, 2015. Raus seconded the motion and the vote was unanimous with all in favor.

Raus motioned to extend the review time for the Common Driveway application for Old County Estates- Jo-Ann's Way to May 19, 2015. Cole seconded the motion and the vote was unanimous with all in favor.

Raus motioned to continue the Public Hearing for Old County Estates – Jo-Ann's Way (14-006C-CD) Definitive Subdivision and Common Driveway Application to April 21, 2015, at 6:45 p.m. Cole seconded the motion and the vote was unanimous with all in favor.

Private Acres (99-005C) – Request by Applicant relative to the Performance Guarantee.

Matt Antonio from Palmer River Development was present to request the release of Lot 1 from the performance covenant, leaving lots 2 & 4 under the covenant. Whitin read Tibbetts letter dated April 6, 2015, into the record. Tibbetts estimated it would cost \$71,545 to complete the work on the plan. Hartnett outlined three separate options for the Board to consider. Discussion ensued. Antonio stated that Lot 1 already has an interested purchaser, who would like to begin construction of his home on the Lot.

Raus motioned to release the restriction from building on Lot 1, but holding back the occupancy permit until Lot 1 has been completely released and recorded at the Registry of Deeds. Cole seconded the motion and the vote was unanimous with all in favor.

Administrative Items.

a. Review Rules & Regulations for Subdivision Control.

Town Administrator Tim King and Highway Surveyor Chris Gonsalves were present to meet with the Board. King stated that he met with the Town Engineer (Tibbetts) and Gonsalves to discuss road width and to create an amendment to the Town By-Laws providing a standard for road width construction for the Board of Selectmen to consider to be presented as an article on the Town Meeting Warrant. Whitin noted that the Board has issued waivers for road widths on a case to case basis depending on a number of factors, but has never issued waivers for the cross sections of the roads. Whitin also noted that for every subdivision road that the Planning Board has approved, the other Town Boards have been asked for input, and not once has any Board sent back disapproval due to a road width that was too narrow. Whitin and Hartnett noted that it is necessary to have the same standards across the board and that the Planning Board is willing to work with the other Boards to come to that one standard. Whitin read an email addressed to King from Kopleman & Paige, Attorney Jonathan Eichman into the record which discussed the laying out of a public way and the authority of the Board of Selectmen in this matter.

Whitin referenced a chart sent from Tibbetts Engineering of recommended paved widths of roads depending on speed limits, number of houses and number of vehicle trips on the road. Whitin stated that slightly narrower paved road widths create less impervious surface that need storm water controls in place. He noted that wider roads are more expensive to maintain or to replace storm water systems. Whitin also noted that the travelled width also affects the speed at which vehicles drive: vehicles travel faster on wider roads. Cole noted that if a By-law were put in place it would set one single standard, no longer allowing flexibility to waive certain aspects under certain circumstances. Gonsalves opined that the road widths have been getting smaller over the last 20 years. Raus noted that storm water has gotten worse in the last 20 years. Whitin stated that he would not be in favor of the proposed article to require wider roadway width to 26 feet if it were sent to Town Meeting this year. Ostroff noted that grouping of the mailboxes on the roads may help the issues as well. Hartnett stated that pushing this article to this year's Town Meeting could be problematic and it needs more time to be more suitable for everyone concerned.

Wayne Sunderland was present and stated that the safety and maintenance of the roads is imperative. Andrew Sousa from the Highway Department was present and expressed the need to come up with an accepted standard for road width. Sousa stated that he supports presenting the By-law at the upcoming Town Meeting. Whitin stated that if a By-law is passed at this Town Meeting there will be approximately 300 homes in Westport that will not be on accepted roads and because of the new By-law, would never be able to become accepted.

b. Endorse Decision for Lincoln Heights Definitive Subdivision.

Hartnett briefly reviewed the case and plan which was approved at the previous meeting. The Board endorsed the decision for Lincoln Heights.

Town Planner Report.

Route 177 and Route 6 interchange.

An easement was requested over Town owned land at this intersection as an outlet to the drainage system. The BOS requested an opinion from the Planning Board. Hartnett presented the proposed plan to the Board. Hartnett drafted a letter to present to the Board of Selectmen. Cole noted that the letter should also add a sentence urging the new design of the intersection should contain traffic lights for added safety.

Cole motioned to accept and send the letter drafted by Hartnett to the Board of Selectmen. Ostroff seconded the motion and the vote was unanimous with all in favor.

Hazard mitigation Plan

The Fire Department was awarded a \$5,000 grant a few years ago to create a Hazard mitigation Plan. Hartnett stated that the process is more complicated than it used to be, and the Master Plan should be completed first.

First Bristol Medical Facility

As an update to this project: the applicant has requested a reduction in performance surety for the next meeting.

Berard Court

George Mello noted a small discharge pipe from one of the abutting properties. Hartnett contacted the property owner to discuss the pipe and the owner stated that the pipe diverts his roof drain water so it does not pool in his driveway.

Any other business that may come before the Board.

None.

Master Plan Presentation.

The Board re-scheduled the presentation to the next Planning Board Regular Meeting.

Correspondence.

- a. SRPEDD Municipal Appointments. Ostroff motioned to re-appoint Jim Whitin as the SRPEDD Delegate for the Planning Board. Cole seconded the motion and the vote was unanimous with all in favor.
- b. SRPEDD Annual Meeting – Mark your Calendar for May 27, 2015 6-8:30 p.m. Noted.
- c. Open Space Conference May 9, 2015. This info will be passed to the Conservation Agent.
- d. Memo to the BOS re ZBL amendment dated 3/25/15. Noted.

Minutes.

March 24, 2015.

Raus motioned to accept the minutes as amended. Cole seconded the motion and the vote was four in favor with De Rego abstaining due to his absence at the meeting.

Invoices.

ESRI – annual maintenance/support of GIS software - \$700.00.

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

ADJOURNMENT

Members unanimously voted to adjourn at 8:42 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk