



TOWN OF WESTPORT
856 Main Road
Westport, Massachusetts 02790
PLANNING BOARD

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PLANNING BOARD MEETING MINUTES

January 13, 2015

Chairman James T. Whitin called the meeting to order 6:02 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff, Member Marc De Rego and Town Planner James Hartnett in attendance. Member David Cole arrived at 6:08 p.m.

APPOINTMENTS

Lily's Lane (13-006C). Request by applicant for full release of surety.

At the December 2, 2014, meeting of the Planning Board, the Board voted to release all but \$1,008 of the performance surety. Town consultant engineer, George Mello from Tibbetts Engineering recommended holding this amount until the road apron was paved. Hartnett stated that he since visited the site and the work was completed recommending full release of the surety.

Ostroff motioned to endorse the Form O and grant full release of the subdivision and surety in the amount of \$1,008.00 plus any interest accrued for the subdivision entitled "Definitive Plan Lily's Lane Westport MA" dated June 6, 2013, and revised through September 16, 2013. Raus seconded the motion and the vote was unanimous with all in favor.

Sarah Ann Ivy Estates (06-009C). Request by applicant for final approval and release of surety.

John Carrigg of Carricorp Engineering was present as representative for Sarah Ann Ivy Estates. Hartnett stated that this subdivision has been under construction for a number of years, over the last three months the developer has patched the road and placed leveling and top courses of asphalt. Bounds have been set and as-built plans have been submitted. Whitin read the letter from Tibbetts Engineering dated January 8, 2015, into the record recommending that the Board release all but \$3K to cover the final as-built plans and touchup loam and seed. Carrigg asked for a reduction in surety of \$1K more because the loam and seeding has been completed. Carrigg noted that he plans to submit this subdivision for road acceptance at Annual Town Meeting in May 2015.

Hartnett briefly discussed a minor drainage issue (the invert in is slightly lower than the invert out pipe) that he stated would not cause any problems. Carrigg responded that the subdivision was purchased with the drainage already in place.

Raus motioned to endorse the Form O and reduce the surety to \$2,000.00 releasing the balance and any interest for the subdivision entitled "Definitive Subdivision Plan, Sarah Ann Ivy Estates, Westport, Massachusetts" dated November 7, 2006, and revised through February 26, 2007. Ostroff seconded the motion and the vote was unanimous with all in favor.

Hemlock Street Extension (05-002C). Request by applicant for endorsement of approved plan with Land Court Notations.

Hartnett explained that this was a two lot subdivision approved by the Planning Board in 2005. Because the land is registered with the Land Court, the subdivision plan and survey work must also be approved by Land Court. There were some issues relating to the surveyor's notations and Land Court did not approve the plan.

Hartnett stated that he spoke with John Bitelli from the Land Court who stated that the plan would need to be re-endorsed in order for them to give final approval. The Planning Board is not obligated to endorse the plan but it is essentially the same plan that was previously approved by the Planning Board. Whitin stated that he reviewed the old minutes for this subdivision and there was an issue with the use of Spruce Street. Whitin noted that the issue was never sent to Town Counsel, but the Planning Board did end up approving the subdivision.

Ken Pereira of 2 Monroe Street was present. Pereira stated that the plan was never sent to Land Court to be registered. The plan consists of two lots, and if the plan is not re-endorsed by the Planning Board and registered with the Land Court, the second lot cannot be sold. After a discussion regarding the current driveway / cul-de-sac and bounds, Pereira stated that he will install the bounds as suggested by the Board. Hartnett also recommended creating a residential covenant for the subdivision.

Raus motioned to continue the meeting to Tuesday, February 10, 2015, at 6:15 p.m. Ostroff seconded the motion and the vote was unanimous with all in favor.

Public Hearing

Richie's Insulation (14-004SPA) SITE PLAN REVIEW. Request to construct a 2 stall 28 foot x 42 foot garage at 111 Old Bedford Rd.

Whitin read the Public Hearing Process into the record followed by the legal notice for the public hearing.

James Hall of Mount Hope Engineering represented the applicant. The applicant is requesting to build the garage because his business needs a temperature controlled environment for a couple of insulation vehicles due to a new type of spray foam insulation that is temperature sensitive. The applicant noted that there will be no additional lighting added, the business sign will not be moved and the new parking spots will be clearly marked along with a handicap spot. After a discussion about roof runoff, the applicant agreed to install a system of downspouts and drywells to control the runoff.

Hartnett read the proposed waivers into the record.

Proposed Waivers:

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| Sections 20.6-h,20.11 | To waive drainage standards enumerated in the Rules and Regulations governing the subdivision of land. |
| Section 20.8 | To allow the landscaping and screening proposed in lieu of landscaping and buffer requirements of the by-law. |
| Section 20.4 c | To waive minimum of 40' depth between property line and parking area. |

Whitin read the comments from the various boards into the record. After a brief discussion, the engineer stated that the "percentage of coverage" will be added to the plan. Hartnett read the Findings of Fact and Conditions into the record.

Findings of Fact:

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Landscaped buffers have been adequately addressed by maintaining existing landscaping where possible.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and the location of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. Provisions have been made to accommodate pedestrian and vehicular movements including proper access for emergency vehicles.
3. The project as presented provides an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises.
4. The project as presented provides adequate methods of disposal of refuse or other wastes resulting

from the uses permitted on the site.

5. The project as presented complies with all applicable requirements of this By-Law, the Rules and Regulations of Site Plan Approval, and the Rules and Regulations Governing the Subdivision of Land (to the extent applicable), unless explicitly waived by the Planning Board.

Conditions:

- Any changes to the approved site plan shall require Planning Board approval.
- The applicant may install new lighting on the property with approval from the planning board, provided it meets the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval.
- The applicant shall revise the plan to include a minimum of 6 painted parking spaces along the south side of the existing office building, including one handicap accessible space.
- Roof runoff from the proposed garage shall be directed to a rooftop recharge system with a detail to be shown on the plan.
- The applicant shall revise the plan to include the percentage of lot coverage.

Raus motioned to approve the Findings of Fact and the Conditions for Richie's Insulation (14-004SPA) Site Plan Review. Cole seconded the motion and the vote was unanimous with all in favor.

Raus motioned to close the Public Hearing for Richie's Insulation (14-004SPA) Site Plan Review. Ostroff seconded the motion and the vote was unanimous with all in favor.

Raus motioned to approve the Site Plan under Zoning Bylaw, Article 15 for Richie's Insulation for property located at 111 Old Bedford Road, Assessor's Map 3, Lots 118,119,119A, & 134A-C to construct a two stall 28 foot x 42 foot garage subject to waivers and in conformance with the findings of fact and conditions as stated. Cole seconded the motion and the vote was unanimous with all in favor.

Public Hearing

Lincoln Heights (14-005C) Definitive Subdivision. Request by applicant to construct a 4 lot subdivision at the terminus of Lincoln Avenue located at Assessor's Map 32, Lots 6-16, 28 & 36A.

Whitin read the legal notice into the record. William Smith, President of Civil Engineering Concepts, applicant Gary Bouchard and Attorney Gregory Koldys were present for the Public Hearing. The proposed plan is an extension to the existing Lincoln Ave. The parcel at the terminus of Lincoln Avenue consists of 44 acres and will provide frontage for four proposed parcels. Lincoln Ave is an existing private street that runs from Reed Road a distance of approximately 500' to the beginning of the proposed subdivision. A preliminary plan was reviewed and approved, with conditions, by the Planning Board in August of 2014. The proposed plan has corrected the issues brought up by the Board at the last meeting. Smith stated that they have met with Tibbetts Engineering, the Planning Board's consultant engineer to review the comments made by Tibbetts and to resolve any remaining issues.

Whitin read the comments from the various boards into the record. Whitin read Tibbetts report dated December 30, 2014 into the record. Smith reviewed and responded to the comments from Tibbetts noting that a Private Way sign will be added to the plan, a typo on the plan has been corrected, the drainage certification and the corrected lot clearing and drainage has been added to the plan. Smith stated that the soil and water table information will be formally resubmitted. Smith also noted that the definitive plan signature block and minimum uplands for each lot will be added to the plan.

Attorney Koldys discussed the issue of ownership of Lincoln Ave and the ability for it to be used as a street. Koldys noted that the area between Reed Road and the proposed Lincoln Ave extension was at one time all

owned by C&W (a company owned by Warren Messier). Koldys stated that in the deeds for all of the properties existing on Lincoln Ave, the rights for the use of Lincoln Ave were retained by C&W for the purposes of ingress and egress, overloading if necessary, etc. Koldys supplied copies of every deed to the Planning Board for review. In summary, Koldys stated that by signing the deeds, the property owners signed over Lincoln Ave, therefore it can be used as access to the proposed Lincoln Ave extension. Koldys then discussed a land swap between Lot 7, owned by Westell Norman and the applicant, Gary Bouchard. Norman owns out to the center line of Lincoln Ave, and he will sign that portion of Lincoln Ave over in exchange for a portion of land in the rear of his property and for an undisclosed payment. Koldys noted that there is another portion of land owned by the Kenneth Brown Estate and he has been in touch with the Estate to purchase the land. Warren Messier also owns a parcel in the area, and Koldys stated that his client will also be purchasing that parcel. This leaves one parcel of land, currently owned by 5D Delta Corp. which will be obtained along with the purchase of the rest of the property.

Hartnett read a few modifications which have since been resolved including the addition of a subsurface fire cistern on the plan. Hartnett noted that LID is not required because the plan will be filed with ConCom. Smith described the drainage system which will be privately maintained. Whitin questioned if there was a future intention to further subdivide Parcel 4. Smith noted that the land is 44 acres, and the owner also owns an adjoining parcel to the south, but there are no immediate plans to further subdivide. Cole questioned if the applicant had considered a clustered de-nitrification septic system, Smith responded that the applicant had considered it, but chose not to. He agreed with the Board that advanced individual de-nitrification septic systems filter more nitrogen than conventional ones. Cole noted that the area where the subdivision will be located is extremely sensitive to nitrogen loading.

Abutter Nancy Braga of Lincoln Ave, was present and voiced her concern for the existing portion of Lincoln Ave, which is currently maintained by the residents of Lincoln Ave. Braga is concerned that the current section of road, which she describes in poor condition, will become overburdened. Smith stated that any water will be sloped to run towards the new portion. Smith also noted that the HOA for the new portion will be maintaining the new portion of the road. Whitin questioned if the applicant would then help maintain the existing portion of Lincoln Ave. Smith took a brief break to confer with his client. Smith returned and stated that "it is in his clients interest" to improve / maintain the road, since he will be trying to sell properties at the end of, but is not willing to "assume any obligation" at this time to do so.

Richard Colson of 9 Lincoln Ave stated that the existing portion of Lincoln Ave is not in "fair" condition, but described the current state of the road as "in tough shape". Colson stated that heavy equipment will further damage the roadway. Colson was concerned that Parcel 4 will then be further subdivided and connected to other neighborhoods (on Beeden Road or Old County Road). Colson stated that this would greatly impact the quality of life for his family.

Whitin stated that the deeds will be sent to Town Counsel for an opinion on the ownership and rights of the roadway. Hartnett will draft a request for an opinion from Town Counsel along with a cost estimate.

Braga spoke again, stating that when she purchased her property, C&W still owned the subdivision, and she assumed that the subdivision would be completed and the road would be paved and would become an accepted Town Road.

Betsy White of 11 Lakeside Ave, Dartmouth was present to represent the Westport River Watershed Alliance (WRWA). White stated that the area under discussion provides 53% of the nitrogen loading in the area. She stated that any septic system added to this area would further add to the nitrogen loading. White noted that developers in Westport are not required to accommodate this issue, but should feel motivated to protect the Westport River.

Warren Messier, the former owner of C&W Realty Corp. was present. Messier stated that a Mr. Beaulieu purchased the land from him for the first portion of Lincoln Ave, with the intention of the road being a private road. Messier stated that it was his (Messier's) intention to continue the subdivision, but the bank that he was

involved with went under and took the property with it, with the exception of the parcel currently owned by himself. Messier also stated that he is pleased with the proposed plan for the extension, but noted that if he was the owner, he would have a difficult time selling the new properties without some plan to improve and or maintain the existing portion of the road.

Lisa Cadieux of 9 Lincoln Ave was present and asked to be notified of any further public hearing proceedings for this subdivision. Hartnett assured that all residents of the current Lincoln Ave will be notified.

Raus stated his concern with the waiver for underground utilities. Smith stated that there are already poles installed on the extended portion, and the applicant would like to use them.

Ostroff motioned to continue the Public Hearing for Lincoln Heights to Tuesday, February 10, 2015, at 6:30 p.m. Raus seconded the motion and the vote was unanimous with all in favor.

Approval Not Required (ANR). Sharples (14-027A). Request by applicant for endorsement of a two lot plan of land located between 624 & 652 Old County Road, Assessors' Map 34, Lots 48J, 50-51.

Steve Gioiosa of Sitec Engineering was present to represent the applicant Gary Bouchard. Gioiosa described Lot 100 as part of the property to be acquired by Gary Bouchard on Old County Road. The lot has the required uplands, area and frontage. Lot 100 would then be a single family house lot, and the remaining 35 acres (lot 101) will be considered not buildable as it is currently configured. Hartnett noted that even as a Form A, the lot may fall under the Inclusionary Housing By-Law due to the abutting subdivision plan submitted and the building inspector may require a Special Permit. Whitin questioned if lot 101 will then be further subdivided. Gioiosa stated that yes, that is the intention. (see Public Hearing below "Old County Estates- Jo-Ann's Way").

Betsy White from the WRWA was present and expressed her concerns for the area because it is in a very nitrogen sensitive area of Westport, and urged that the developer consider de-nitrification septic systems.

Ostroff motioned to endorse the plan entitled Approval Not Required Plan of Land in Westport Massachusetts, Prepared for Gary Bouchard, dated: October 17, 2014, because it complies with the provisions of MGL Ch 41 Section 81P. 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. 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 read the legal notices into the record. Steve Gioiosa of SITEC Engineering was present to represent the applicant Gary Bouchard. Lot 101 is a 35 acre parcel and the applicant is proposing to divide the parcel into 9 buildable lots, with lots 4, 5 & 6 gaining access from a proposed common driveway. All of the lots will have the required uplands, area and frontage. The proposed subdivision road would extend from Old County Road northerly approximately 1,150 feet. The proposed common driveway will cross over wetlands following an existing "cart path". The crossing of wetlands will require wetland replication which was then briefly described by Gioiosa. Gioiosa noted that the wetland delineation line has been approved by ConCom. Gioiosa described the storm water controls for the plan including a detention basin at the low point just beyond the cul-de-sac.

To meet the Inclusionary Housing By-Law the applicant will merge two of the lots, lots 4 & 5, thus creating an eight lot subdivision instead of a nine lot subdivision. By combining those two lots, the common driveway length will then only need to be 500' long. Gioiosa also proposed a landscaped island within the proposed cul-de-sac to add more greenery. Gioiosa described the grading into the project as a positive grade and briefly

discussed Tibbetts' concern with the positive grade. The current drainage on Old County Road was considered. Gioiosa also noted that they will request a waiver for the 26' wide road to make it smaller to reduce impervious area.

Whitin read the comments from the various boards into the record. Whitin read Tibbetts report dated December 24, 2014 into the record. Gioiosa reviewed the letter and commented on each concern. Whitin questioned if the applicant had considered OSRD for the proposed subdivision due to the historical nature of the area. Cole noted that the area came close to becoming a historical district many times. Gioiosa responded that he will discuss the idea with his client. Whitin also requested that the applicant consider a cluster denitrification septic system for the plan. Discussion ensued. Hartnett read his comments into the record. Hartnett also read the drainage and LID comments into the record.

John and Beth Fitzsimmons of 624 Old County Road were present and expressed concerns about the impacts of excess drainage if a road is constructed in the area.

Kerry Cudmore of 109 Reed Road was present and expressed her concern about the environmental impacts on the river, impacts on the wildlife activity in the area and the possible impact on her property and well. She noted that a stream that was labeled "intermittent" should be looked at again, because she does not believe that it is intermittent since it runs year round and described the stream for the Board. Betsy White from the WRWA commented that the pond that feeds the stream in question is a tributary of the Westport River. White once again stressed the need for concern about the condition of the River.

Cole noted that the proposed Lincoln Heights subdivision connects to this proposed subdivision. Ostroff noted that the Planning Board needs to better educate the community about the use and benefits of OSRD.

Julie Jasparro of 664 Old County Road was present and expressed her concerns for the impact on the wildlife in the area and the potential impact on her well. She was also concerned that the two afore mentioned subdivisions may end up connecting and multiplying the damaging impacts.

DeRego motioned to continue the Public Hearing for Old County Estates- Jo-Ann's Way and proposed Common Driveway to Tuesday, February 10, 2015, at 7:30 p.m. Seconded by Cole with all in favor.

Approval Not Required (ANR). Carvalho/Raposo (15-001A). Request by applicant for endorsement of a three lot plan of land located on Cahoon's Lane (Between 388 & 394 Old Bedford Road) Assessor's Map 2, Lots 45, 45A & 45B.

Engineer Alex Gorodetsky presented the plan to the Board. Gorodetsky explained that this property was originally divided into three lots as part of the Franco Plan approved in 1999. A recent survey showed discrepancies and the lots have been modified to reflect the new survey. Gorodetsky described the discrepancies to the Board and noted that the new survey clearly defines Cahoon's Lane as a 16.5' way. Discussion ensued.

Cole motioned to endorse the plan entitled Approval Not Required Plan Cahoon's Lane Assessor's Map 2 Lot 45, 45A & 45B Westport MA, because it complies with the provisions of MGL Ch 41 Section 81P. Raus seconded the motion and the vote was unanimous with all in favor.

Administrative Items.

- a. AppGeo Statement of Work for the annual parcel updates of new or modified parcels.

Whitin motioned to approve the AppGeo statement of work for \$4,500. Ostroff seconded the motion and the vote was unanimous with all in favor.

- b. Release of Consultant Review Accounts (CRA) funds for various projects.

Raus motioned to release the CRA for AMA Engineering for the amount of \$22.54 plus interest and to release the Lily's Lane CRA in the amount of \$55.85 plus interest and the Lily's Lane surety account in the amount of

\$1,008.00 plus interest and to close the accounts. Cole seconded the motion and the vote was unanimous with all in favor.

c. WPA Landscape Plan. No action required.

d. Cemetery Discussion. An expansion off of Reed Road was discussed. The Board requested that the Master Plan Subcommittee review this topic. Hartnett read the action plan into the record. This topic will be discussed at a later date.

e. 43D Discussion. Hartnett prepared a draft warrant article and letter for review. Cole motioned to send the warrant article and letter to the Board of Selectmen. DeRego seconded the motion and the vote was unanimous with all in favor.

Town Planner Report.

Pine Needles Estates is almost ready for completion.

Road Acceptances: Kyle Jacob, Sarah Ann, Stonehaven Way.

Any other business that may come before the Board.

The Planning Board will need a new member in April, submit papers by late Feb, 2015.

Correspondence.

a. Letter to HWY Dept. re. Ownership of John Reed Road. Noted.

b. SRPEDD Annual Report. Noted.

Minutes.

December 9, 2014. Cole motioned to accept the minutes as submitted. Raus seconded the motion and the vote was unanimous with all in favor.

Invoices.

Lisbor Lane Surety- \$ 7,831 (J.H. Landscaping: \$2600, Greg Nichols: \$5000, PJ Keating: \$231)

Pine Needles Estate Surety- \$ 8,031 (J.H Landscaping: \$2550, Greg Nichols: \$5250, PJ Keating: \$231)

Horsley Witten Group \$1,398.16 Master Plan Workshop 3.

South Coast Media Group \$202.40 Public Hearing Notice for Zoning amendment published Dec 24, 2014.

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 9:37 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk