



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

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PLANNING BOARD MEETING WORK SESSION MINUTES

October 10, 2017

Chairman James T. Whitin called the meeting to order at 5:05 p.m. with Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance.

Approval Not Required (ANR) Barnum (17-014A) Request by applicant for endorsement of a 2-lot plan of land located at 681 River Road, Assessors' Map 89, Lots 123 & 123A.

Lot 1 is being reconfigured to remove the parcel out of the FEMA Flood plain maps and is being repositioned slightly further north on River Road and gaining 3,000 +/- sf.

Both Lots meet the minimum requirements for area and frontage. There are no wetlands on Lot 1 and less than 1/3 of Lot 2 are wetlands.

De Rego motioned to endorse the plan entitled "approval Not Required Plan of Land prepared for Katherine M. Barnum TR. of the Katherine M. Barnum Trust - 2004 and Top of the Rock Limited Partnership dated August 22, 2017, because it complies with the provisions of MGL Ch. 41, Section 81P and is not a subdivision as defined under the subdivision control law. Seconded by Sousa. The vote was unanimous with all four in favor.

Approval Not Required (ANR) Hadley (17-015A) Request by applicant for endorsement of a 3-lot plan of land located on Narrow Ave, Assessors' Map 64, Lot 4.

The applicant is creating two ANR lots that meet frontage and upland area requirements to make 2 buildable lots and leaving the remainder of the land as the third lot. The parcel is currently under Ch 61A.

Sousa motioned to endorse the plan entitled "Approval Not Required Plan of Land on Narrow Avenue, Westport, MA Prepared for P. Wilkins on, M.L. Quigley, F. Hadley, et al. and dated September 20, 2017, because it complies with the provisions of MGL Ch. 41, Section 81P and is not a subdivision as defined under the subdivision control law. Seconded by Cole. The vote was unanimous with all four in favor.

JARABEK (15-004SP-CD-FF) Request by applicant for final release of Common Driveway Special Permit condition of approval for said driveway for property located at 926 & 936 Drift Road Westport, MA 02790, Assessor's Map 54, Lots 49 & 49A.

Dan Aguiar from SITEC Inc. was present.

As a condition of the Special Permit for the Common Driveway dated October 20, 2015, the Planning Board required the following:

1. c) Occupancy permits shall not be issued for new structures until the common driveway has been constructed. The applicant's engineer shall certify to the Planning Board that the common driveway was built in substantial conformity with the approved design plans and a Form R, Inspection Certificate shall be submitted and signed by a Registered Professional Engineer.
2. Submittal and recording of a Homeowners Association meeting the conditions of Section 21.3.12 of the Town's Zoning By-laws.

As a condition of the Special Permit for Flexible Frontage, dated October 20, 2015, the Board required the following:

- k) No building permit shall be issued until the landscaping on the northerly side of Lot 1 has been completed in accordance with the approved plans. This landscaping shall be maintained so that the height does not exceed 30 feet.

The homeowners association has been recorded. The engineer submitted As-Built Plans and a Form-R certificate and the landscaping has been completed in accordance with the approved plans.

Aguar noted that the landscaping was completed with Leland cypress which are fast growing.

The areas were loomed and seeded and Aguar notes there is some grass growth beginning.

The Planning Board reviewed the maintenance agreement for the common driveway. The driveway location was constructed closer to Lot 1.

Cole motioned to accept the As-Built plans and Form R Inspection Certificate for the construction of the Common Driveway and the required landscaping on the northerly side of Lot 1 in accordance with the Special Permit Decisions dated October 20, 2015 for Flexible Frontage and Common Driveway. Seconded by Sousa. The vote was unanimous with all four in favor.

Zoning changes Discussion

- a. Recreational Marijuana. Hartnett attended the information session last week and there is yet no guidance from the stated on how to proceed. For zoning purposes - there are 4 uses: cultivator, production manufacturer, testing facility and retailer. Hartnett provided a comparison of the medical marijuana noting that some of these requirements could be carried over and some can still be developed. Members discussed the requirement that the establishment not be visible from a public way. Members discussed extending the moratorium to December 2018 to allow the state to finalize requirements. Discussion ensued. Request an extension of the moratorium - Hartnett to ask Attorney General Office to extend moratorium to next ATM and 90 days beyond. Members asked to inquire with the Attorney General to ask for a date sometime in 2018, 90 days after town meeting. Hartnett also stated that Board needs to look at not allowing this as an agricultural use. Whitin wanted to also know if it is possible to allow one of the four uses and exclude the others.

- b. Annual Town Meeting Zoning. At the last meeting, the Board asked Hartnett to look for a map that shows what parcels along Rt 6 that may be buildable if public sewer was available. Hartnett will provide a copy.

Administrative Items

- a. CH91A Doc Lic. Comment period for Karam, 1216 Drift Rd. Request for Comments, if any. No comments.
- b. Endorse Decision Sousa Family. LLC DeRego motioned to endorse the decision. Seconded by Sousa. The vote was unanimous with four in favor.
- c. Endorse Decision Blue Acres. Sousa motioned to endorse the decision. Seconded by De Rego. The vote was unanimous with four in favor.
- d. Budget Discussion.
De Rego motioned to approve for submittal the budget for the Planning Board for a total of \$136,052 with \$126,562 for personnel and 9,490 for general expenses.

Whitin asked to remind the Administrator for \$12k for re-codifying the Zoning By-Laws. Hartnett will ask the Town Administrator.

Whitin asked to send the budget to Hugh Morton before submitting to the Administrator and to arrange a meeting with himself and Hartnett. It is due to the Administrator by 10/27/17.

Any other business that may come before the Board.

- a. Cole asked if Drew's Marine was going to remove the illegal lighted sign. Hartnett will send a letter to Mr. Carrigg and inquire because the project is not complete just yet.
- b. Water Resource Management Committee - last week the discussion was on the improvement of the nitrogen regulation. Cole noted that it is moving ahead and meeting on issues. Whitin noted that 1400 septic system were installed over the last few years, and asked to know how many would trigger the 200 foot buffer in the regulation. Cole suggested that Hartnett share map data with BBC to look at parcels. Cole also noted that there will be a request being submitted to CPC for additional funding.
- c. Cole noted the grant application to DEP should be announced sometime in October.
- d. Whitin noted that the ZBA overturned the Building inspectors' ruling. The ZBA found that the Weatherlow Farm barn and functions are allowed uses.
- e. Revolution Lobster, the fish market at Westport Point: they have yet to appear before the zoning board. They have received two letters regarding their use. The tight tank is not approved for the current use. This issues are ongoing.

- f. New member for the Planning Board. Lisa Estrella from SRPEDD transportation division and Keith McDonald of PARE Engineering have been mentioned as possible interested parties.

Town Planner Report.

Subdivision Update. Hartnett reviewed the outstanding subdivisions. The list includes:

98-007C Lot37A Meadow Brook – Old Pasture, Indian Trail and Old Farm Lanes have been close to being finished for years but the developer still needs to address punch list items. Hartnett recommended that the Board send a letter to the developer requesting that the development be completed.

99-005C Private Acres – Drainage and gravel has been installed in the subdivision and the developer will be before the Board next week requesting that the road be paved.

01-006C Westport Lakes (Route 177) – Sold within the last year, the property was cleaned up last year, shoulders and detention pond were mowed and reseeded. Just started building houses within the development.

03-008C Mendon Way (Old County Road) – Subdivision has been stagnant for 7+ years, looks like the gravel road was installed and almost complete. Difficult to see the gravel way because of the weeds and vegetation growth.

03-009C Lawton Trust (Forest Park Route 177) – The developer installed the top coat of asphalt on Sycamore Lane and binder on Magnolia and Hickory Lanes.

04-018C Gels Way (Main Road) – Installed the gas line and regraded the street, there has not been much work done since then. Having trouble coordinating with the contractor and looking to hire a new contractor. Explained to Mrs. White that it is getting close to the end of the construction season and they should get the shoulders loamed and seeded.

06-002C Wildberry Way – no further action.

07-002C Medeiros Farm (Charlotte White Road) – The common drive at the south end of Maya Way has been completed, they are in the process of constructing houses. The road is in binder course. Everything is sold would like to hold off on the final pavement until next fall after the houses have been constructed.

07-006C Tobin & Brussel Street – This subdivision has been almost 100% complete for a number of years. The property has gone through foreclosure and there was some problems with the release of funds. At this point, I believe we should look at closing this subdivision out.

09-006C Brightwood – Up until recently there had been no work on being done on the subdivision. Within the last six months, the roadway has been cleared and grubbed and gravel has been installed.

10-005C Hideaway Lane – Work had started on this subdivision about three years ago and there has been no work done over the last 12 months. Applicant requested that the subdivision be put on hold in August of 2016.

13-002C Meadowbrook Farm – Subdivision was approved in February of 2013, construction was held up due to filings with Endangered Species.

13-008C Upland Trails – Spoke with the Developer Mr. Kowal, he has installed the apron and is looking to get the as-built plans submitted and the subdivision released this Fall.

14-005C Lincoln Heights – Subdivision was approved in March of 2015, the developer that submitted the plans has not purchased the property and work has not been started on the property.

14-006C Old County Estates – JoAnne’s Way, the binder coat of asphalt has been installed and lots are being sold and developed. Top coat of asphalt not expected to be installed until next year.

15-009C Bentley Estates II – Drainage has been installed on Bentley Lane and portions of Whalon Way, Gravel has also been installed on Bentley Lane. They may try to get the binder course of asphalt installed on a portion of Bentley Lane.

16-001C Black Oak Circle – The developer is looking to finish this subdivision within the next month.

12-004C Carvalho Lane – applicant is working on getting the binder in before winter. The vegetative buffer was cut unknowingly. It was discovered that the abutters had encroached 30 feet onto their property and that area had been cut.

Correspondence.

- a. Tibbetts reports –various. Noted.
- b. ZBA Notice of hearing. Noted.

Minutes.

September 19, 2017 R & PH
Members voted unanimously to approve.

Invoices.

Hartnett monthly phone and mileage \$173.75
Members voted unanimously to pay.

ADJOURNMENT

Members unanimously voted to adjourn at 7:26 p.m.

Respectfully submitted,
Lucy Tabit, Assistant Planner