



**TOWN OF WESTPORT**  
**856 Main Road**  
**Westport, Massachusetts 02790**

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

## **PLANNING BOARD**

### **PLANNING BOARD MEETING**

August 10, 2021

Chairman Jim Whitin called the meeting to order at 6:00 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett were in attendance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – Meeting is being recorded.

#### **1. Administrative Items**

- a. **Carvalho Lane (12-004C)** Approval of As-built Plans, the final release of subdivision, surety, and balance of inspection account.

Joshua Carvalho was present.

Hartnett read S.W. Cole's report dated 7/23/21 into the record and noted the items of concern by S.W. Cole have been addressed. He added The Board is currently holding \$42,000+ interest in the surety account and recommends the final release of the subdivision, surety, and balance of the inspection account upon final payment of the consultant fees.

Whitin inquired if a Home Owners Association had been formed and if homeowners were aware that maintenance of Carvalho Lane would be their duty once the builder had left. Carvalho stated that an Association has been formed with the trustee being the owner of Lot 3, a bank account has been established, and the details are being finalized by the lawyer within the coming days.

Whitin wanted to make sure that the residents were aware that they would be responsible for the upkeep of Carvalho Lane once the developer left. Carvalho said that there is a Home Owner's Association that specifies what is necessary to keep the development in good condition.

Whitin asked if there were any public comments, there were none.

#### **Motion**

Bullard moved to grant the final release of the Definitive Plan for Carvalho Lane including the release of the surety, and the balance of the inspection account. Seconded by Daylor with all five members in favor.

- b. **Borrego - 0 Division Road (20-004SP-LID-S)** Closeout and release Consultant Review balance and interest of \$495

Hartnett mentioned this project was withdrawn and the balance of \$495 plus interest is required to be returned to the applicant.

#### **Motion**

Bullard moved to release \$495 plus interest from the Division Road inspection account to the applicant. Seconded by Daylor with all five members in favor.

- c. **Approval Not Required (ANR) Tavares Family Irrevocable Trust (21-015A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 454 Highland Avenue, Map 6 Lot 9E.

Mark Boucher from Boucher and Associates was present representing the applicant. He mentioned the owners would like to divide the property into two lots leaving the existing house at 454 Highland Avenue and create a non-buildable parcel.

Whitin inquired as to why he was leaving the frontage for the back lot. Boucher commented, so he wouldn't have to cross someone else's property to get to the rear lot.

Hartnett recommended approval.

Whitin asked if there were any public comments; there were none.

#### **Motion**

Bullard moved to approve the endorsement of the plan entitled "Approval Not Required Plan of Land in Westport, Massachusetts Plat 6, Lot 9E," dated June 7, 2021, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

- d. **795 Pine Hill Road (21-003SP)** Endorse Common Driveway and Flexible Frontage decisions.

Hartnett mentioned the project was approved on July 13, 2021; the minutes and decisions need to be endorsed.

#### **Motion**

Bullard moved to endorse the Common Driveway and Flexible Frontage Special Permits for 795 Pine Hill Road. Seconded by Daylor with all five members in favor.

- e. **CVE Solar (15-006SP)** Planting update

Hartnett gave an update and no action needs to be taken. Hartnett was in contact with John Aubrecht to check on the status of the touch-up plantings on Old County Road. The developer has agreed to go back in the fall to finish the project. Hartnett commented that additional top soil may help with the planting.

- f. **Approval Not Required (ANR) Holy Ghost Club of Westport (21-016A)** A Request by the applicant for endorsement of a Plan of Land showing 2 lots for land located at 171 Sodom Road, Map 61 Lot 24.

David Colville of 149 Sodom Road was present. He commented he was interested in purchasing the property from the Holy Ghost Club to square off his property to build a garage.

Hartnett recommended approval.

#### **Motion**

Bullard moved to approve the endorsement of the plan entitled "Approval Not Required Plan Owned By: Holy Ghost Club of Westport" dated July 22, 2021, because the plan complies with the provisions of MGL Ch. 41 Section 81P.

g. **Assistant Planner Position** – Next steps

Hartnett asked that two Board members review the resumes for the Assistant Planner position to be interviewed before they were submitted to the Planning Board. Whitin indicated that he knew one of the candidates. Whitin and Daylor will be reviewing the resumes on Monday, August 16<sup>th</sup> at 3:00 p.m.

h. **Kleinfelder MS4 Proposal - Review**

Hartnett reviewed the MS4 contract proposed by Kleinfelder and is recommending changes. He suggested not exceeding the total of \$20,000 and would want to increase the fee for Task 5 – (Stormwater and IDDE Coordination) to \$7,700 and remove Tasks 2 and 3 because they did not appear to be an issue in the current audit. Hartnett stated that at some point, department stormwater regulations should be addressed to be consistent throughout the departments but it does not have to be done this year.

**Motion**

Bullard moved to recommend hiring Kleinfelder for Task 1, 4, and 5 and not to exceed \$20,000. Seconded by Daylor with all five members in favor.

**6:15 p.m. Public Hearing**

**2. Isidoro Court (21-002C) (continued from March 23, 2021, April 20, 2021, July 13, 2021)**

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.

Steve Gioiosa from Sitec Civil Engineering Concepts Inc., was present representing the applicant.

Gioiosa looked at the various options that were discussed at the July 13<sup>th</sup> meeting and the applicants were not in favor of those suggestions. He did offer an alternate layout for a subdivision road that would provide legal frontage of 150 feet for two lots, exceeding the zoning criteria for uplands and total area while meeting the zoning setback standards.

Bullard was in favor of granting a waiver for 8’ rather than removing a portion of the family dwelling.

Daylor suggested angling the driveway for the second lot but allowing 60,000 sq. ft. for the current dwelling, it would address the run-off concern noted by the abutter to the north. Soares agreed.

Schmid was concerned with the second house’s property line that creates the 150’ of frontage in front of the 93 Fisher Road dwelling. Gioiosa mentioned that issue could be addressed with creating restrictions in the deed.

Laurie Hammontree of 87 Fisher Road was present. Ms. Hammontree was concerned about the run-off due to the grade of the driveway.

Ally Medeiros-Isidoro was present to determine whether the project design was feasible before putting additional funds into the project if it would not be approved.

**6:45 p.m. Public Meeting**

**3. Ironwood Renewables, LLC (21-001SP) (Continued from May 11, 2021, July 13, 2021)**

Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **Ironwood Renewables, LLC.** for property owned by **Randy S. &**

**Patricia A. Mayall, Trustees of the Mayall Family Trust**, and located on the west side of **Horseneck Road between 1227-A and 1143 Horseneck Road**, Assessor's **Map 76, Lot 69S**. Pursuant to Westport Zoning By-Laws Section 8.2 Low Impact Development and Section 9.6 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system of approximately 5.26 Megawatts DC, lot size 45 acres. (*Request has been made to continue this hearing until October 5, 2021*).

Hartnett stated that the applicant is asking for a continuance until October 5, 2021.

#### **Motion for continuance**

At the request of the applicant, Bullard moved to grant the continuance of Ironwood Renewables, LLC to October 5, 2021, at 6:15 p.m.

#### **4. Planners Report**

Hartnett updated the Board on the following items:

- a. The street map and GIS maps have been updated to show the recently accepted streets and new subdivisions.
- b. An application and funding request was filed with MassHighway to develop a complete streets prioritization plan. This would be a \$38,000 grant from MassHighway and the Town would work with SRPEDD to complete the plan. SRPEDD has done this work for several communities in the area. MassHighway has approved the grant and the Town signed the contract earlier this week. Once we get the contract back we can start the work with SRPEDD.
- c. Route 177 Roundabout – Attended a meeting with Pare Engineering and several MassHighway representatives to review the pre-25% design plan. The plan had to be modified to show a shared-use path requested by MassHighway on the north side of Route 177. This will require additional wetlands alteration and land takings. A copy of the layout plan is included in the packet.
- d. Cornell Road Culvert Replacement – Ross Moran has been working with a firm that represents a landfill mitigation project out of Attleboro/Norton. I participated in a meeting with Tim King, Ross Moran, and the firm's attorney. They are considering a wetland restoration project along Angeline Brook near Cornell Road, work would also include the replacement of the Cornell Road Culvert. This was a very preliminary discussion but it looks to be a project that warrants further consideration.
- e. Buzzards Bay Coalition – Draft report Cadman's Neck and the Let Neighborhoods. The draft report was distributed at the end of July for review. The costs for each system would be in the range of 2.5 million with annual operation and maintenance of about \$85,000.

The summary states that *“Overall, there are financial and efficiency benefits if the Town owns and operates the proposed wastewater facilities. The primary benefit is the initial cost savings that result from not having to create an escrow account for future operation and maintenance costs.”*

- f. MS4 – Mass Maritime and BBNEP just finished their investigation and mapping report on the 33 storm drain networks in the MS4 areas. (Report in Dropbox). There are a couple of catch basins that need follow-up testing and some outfalls that need further investigation to determine their locations. I will work with the Highway Department to see if this can get done before our annual report being filed in September.

Kleinfelder prepared a contract for this upcoming year for a total of \$40,600.

## FEE ESTIMATE

Task	Estimated Hours	Total Fee
Task 1 – Regulatory Document Updates and Reporting	54	\$ 6,300
Task 2 - Bylaw and Regulation Updates	82	\$ 11,100
Task 3 – Post Construction Requirements for Year 4	100	\$ 12,200
Task 4 – Update SWPPP	52	\$ 6,000
Task 5 – On Call / IDDE Coordination	36	\$ 5,000
<b>Total</b>	<b>324</b>	<b>\$ 40,600</b>

I would recommend authorization for Task 1, this would include the annual report due in September, Task 4 update of the SWPPP, and Task 5 On Call/IDDE Coordination. As part of the recent audit, our bylaws and regulations did not appear to be an issue. I would recommend the following:

Task	Estimated Hours	Total Fee
Task 1 – Regulatory Document Updates and Reporting	54	\$ 6,300
Task 2 - Bylaw and Regulation Updates	82	\$ 11,100
Task 3 – Post Construction Requirements for Year 4	100	\$ 12,200
Task 4 – Update SWPPP	52	\$ 6,000
Task 5 – On Call / IDDE Coordination	36-56	\$ 5,000-\$7,700
<b>Total</b>	<b>324</b>	<b>\$20,000</b>

### 5. Correspondence

- a. Zoning Board notification. *Noted*
- b. Sitec closing Dartmouth office. *Noted*
- c. Building Department- Solar denial. *Noted*
- d. 21-018CH91 – Gilmour. *Noted*
- e. Dartmouth Planning Board. *Noted*

### 6. Minutes

July 13, 2021

#### Motion

Bullard moved to approve the minutes of July 13, 2021 as written. Seconded by Daylor with all five members in favor.

### 7. Invoices

None

### 8. Short/Long-term Planning Discussions

Modifications to By-Laws and long-term projects

### Adjournment

The members unanimously adjourned at 8:03 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II