



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

July 14, 2015

Chairman James T. Whitin called the meeting to order 6:03 p.m. with Vice-Chairman William Raus, Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance.

Approval Not Required (ANR). Tronstad (15-003A). Request by applicant for endorsement of a 2 lot plan of land located at 360 Cornell Road, Assessors' Map 85, Lot 15.

Dan Aguiar from SITEC Engineering presented the plan to the Board. Aguiar explained that the applicant requested to divide the 37 acre parcel on Cornell Road into two lots, one buildable lot and one existing lot. Both lots would have the required uplands, acreage and frontage.

Raus motioned to endorse the plan entitled "Approval Not Required Plan of Land located in Westport, MA prepared for: Emily & Trig Tronstad" dated March 25, 2015, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the Subdivision Control Law. De Rego seconded the motion and the vote was unanimous with all in favor.

Approval Not Required (ANR). Giguere (15-012A). Request by applicant for endorsement of a 3 lot plan of land located at 41 Jiggs Street, Assessors' Map 7, Lots 98-118.

Greg Nicholas from Southcoast Engineering presented the plan to the Board. Nicholas explained that the applicant requested to divide the property into three lots, and each lot would have the required uplands, acreage and frontage. Cole stated that he would not like to see any more development near the Bread & Cheese Brook, which flows through this plan of land. Nicholas explained that the new septic systems would be located as far away from the brook as possible. Discussion ensued.

Sousa motioned to endorse the plan entitled "Plan of Land Assessors' Plat 6 Lot 2 and Plat 7 Lots 98-118, 41 Jiggs Street" dated June 30, 2015, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the Subdivision Control Law. Raus seconded the motion and the vote was four in favor with Cole abstaining.

Cole read a letter that he had written urging the various Boards to greatly consider the impact that any more development near the Bread & Cheese Brook would have on the nitrogen loading into the Westport River. Sousa recommended sending the letter without the last paragraph. Raus stated that he did not support sending the letter referencing a specific property. Whitin stated that the letter would not have any effect on the ANR for Giguere.

Cole motioned to send the letter he wrote to the Board of Health, the Conservation Commission, the Town Administrator, the Board of Selectmen and the Building Inspector on behalf of the Planning Board. De Rego seconded the motion and the vote was four in favor with Raus opposed.

Approval Not Required (ANR). Wood (15-011A). Request by applicant for endorsement of a 2 lot plan of land located on the North Side of Adamsville Road Assessors' Map 77, Lot 12.

Greg Nicholas from Southcoast Engineering presented the plan to the Board. Nicholas explained that the applicant, James Wood, was proposing to divide the previously approved "Lot 2" into two new lots, "Lot 5 and Lot 6". Nicholas stated that there would be an easement over an existing tractor path to gain access to one of the new lots, and that the Buzzards Bay Coalition has the intention to purchase that lot to protect Angeline Brook.

De Rego motioned to endorse the plan entitled "Plan of Land, Assessors Plat 77 Lot 12, 17 Adamsville Road" dated June 24, 2015, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the Subdivision Control Law. Cole seconded the motion and the vote was unanimous with all in favor.

Public Hearing

JARABEK (15-004SP-CD-FF) Request by applicant for Common Driveway Special Permit (pursuant to Article 15) to allow access to no more than 3 lots in any zoning district and for a Flexible Frontage Special Permit (pursuant to Article 23) requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density for property at 926 & 936 Drift Road Westport, MA 02790, Assessor's Map 54, Lots 49 & 49A.

Whitin read the legal notice for the Public Hearing. Dan Aguiar from SITEC Engineering presented the plan to the Board. Representing the estate of Allen L. Jarabek, Jr., Aguiar noted that the wetlands line on the plan had been approved by the Conservation Commission and the Mass DEP through the issuance of an ORAD and is recorded at the Registry of Deeds. Aguiar described the configuration of the land as it exists with two parcels, two single family dwellings, two septic systems, two wells and two addresses. The applicant proposed a three lot plan, which would add one lot and reconfigure the existing two lots. Aguiar described the proposed 20' wide, 162' long gravel driveway.

Whitin read a letter from Tibbetts dated June 15, 2015, into the record, and Aguiar commented on the various points of the letter. Whitin read the reviews from town Boards into the record. Whitin read a joint letter from the abutters dated July 14, 2015, into the record. Discussion ensued. Hartnett read his comments into the record. Aguiar described in detail conditions of the two existing dwellings. Aguiar noted that both properties existed before the construction of Windrush Lane. Sousa spoke about the washout that already exists on Drift Road. Discussion ensued.

William Hampton, 13 Windrush Lane, was present and explained that the previous owner clear-cut the property, and that more of the land is cleared than what is shown on the plan. Hampton described the washout on Drift Road that occurs during rain events due to the excessive clearing. Hampton stated that there is rock ledge on the property, one of the dwellings is in very poor condition, one of the "septic systems" is actually an outhouse, and that one well is a shallow, hand dug well.

Paul Tripp, 18 Windrush Lane, was present and questioned where the new houses would be placed on the land, and also stated that there is rock ledge on the plan, which would limit where the dwellings and septic systems could be placed.

Meryl Moss, 6 Windrush Lane, was present and stated that she would like to see that any new dwellings conform to the existing dwellings in the area. Moss stated that the previous owner spent "years" removing and crushing rocks from the property in order to clear the lot.

Linda Stubblefield, 942 Drift Road, was present and described the condition of one of the existing dwellings on the plan as "a chimney and a wall and a collapsed chicken coop".

James Ware, 17 Windrush Lane, was present and stated that the previous owner crushed and removed approximately 90 truckloads of rock from the property over the span of "years". Ware also stated that he would like to see development that conforms to the properties in the surrounding area.

Peggy Kennedy, 911 Drift Road, was present and stated that the vegetation "buffer zone" described in the proposed plan does not exist because it was previously cleared. Kennedy stated that the stone wall on the property had been "cemented down" by the previous owner, which prevents any vegetation from growing in the area around the wall. Kennedy also stated her concern for the sizes of the proposed houses.

Nina Resenhouse, 13 Windrush Lane, was present and stated that the rocks that the previous owner could not remove, were placed on top of the rock ledge on the property and she is concerned that they cause issues with the leaching fields and wells in the area.

Aguiar stated that the past actions of the previous owner should have no bearing on the plan before the Board and that the Board has no bearing on what the houses are designed to look like. Aguiar noted that by the next meeting, he will have a better indication of what the placement and design of the houses will be.

De Rego motioned to continue the Public Hearing for Jarabek (15-004SP-CD-FF) to August 25, 2015, at 6:30 p.m. Raus seconded the motion and the vote was unanimous with all in favor.

Public Hearing

SEMALA (15-005-SPA-STOD) Request by applicant (pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval and Article 22 for a Special Permit in the Science & Technology Overlay District) to construct a new commercial building of 9,450 +/- sf for a Slaughtering & Processing Facility and one auxiliary building 1,025 +/- sf and to retain the existing home and garage as shown on Assessor's Map 14, Lot 29 and abutting land part of Assessor's Map 14 Lot 25C for a combined area of 10 +/- acres.

Whitin read the legal notice into the record. Engineer Mark Bartlett from Fay, Spofford & Thorndike presented the plan to the Board. Andy Burnes, the President of SEMALA was present. Other SEMALA Board Members were present. This project was filed as a Special Permit as part of the Science and Technology Overlay District (STOD). Burnes described the proposed facility as a "high quality, craft, small USDA slaughter facility" off of Route 6. Bartlett explained the existing parcel of land is 10 acres with 50% uplands and 50% wetlands. Bartlett described the proposed slaughter facility as a main building, storage shed, a "settling pen" animal barn, loading areas, an access road with a gated entrance and outdoor enclosures for various animals. A small area of the facility would be designated for retail sale. He stated that the wetlands lines on the property have been determined through an ANRAD. Bartlett described in detail the access road and the storm water runoff control systems. He noted that 84% of the site will remain undeveloped. He provided a photometric light plan and a traffic assessment memo for the Board members. Burnes stated that cattle, goats, pigs and sheep will be brought in from local areas in RI, MA and eastern CT for the production of "high quality, local meat products", and that farmers can bring in one or many animals to be processed in a facility with "high animal safety and food safety standards". Cole questioned who regulates a slaughterhouse facility and Burnes replied that the facility has to be built to meet USDA standards and is inspected regularly. The site's floor plan is designed by "Food Tech" - a company that has designed numerous USDA approved facilities.

Whitin read the comments from the various Boards into the record. Cole questioned the treatment of wastewater from inside of the facility. Bartlett described the 7500 gallon holding tank and noted that the wastewater would be transported to New Bedford for treatment.

The owner of Westport Meats, located at 251 State Road, was present to express his concerns for his business which is next door to the proposed slaughterhouse and retail shop. He was also concerned about the added water runoff if the proposed land was developed.

Michael P. Sullivan, the Economic Development Coordinator was present and stated that there would be limitations on the proposed retail store, due to the fact that the business would be in the Science and Technology Overlay District (STOD).

Ed Bolduc, 50 Quail Trail, and abutting property owner was present. He stated that a slaughterhouse is an accepted use according to the STOD regulation and asked for a list of owners of the SEMALA. Bartlett confirmed that development will only occur on the upland portion of the ten acre lot.

Dick Barresi, 364 Briggs Road, was present and expressed his concern for the potential smell of the slaughtering process and for the disposal of the waste such as the manure and blood from the animals. Bartlett noted that the manure would be hauled away and the blood is sold for fertilizer.

Dana N, Hix Bridge Road, was present to express concerns about the potential odor from the facility. Bartlett described an HVAC system that would control the odor and also noted that whatever parts of the animals would not be sold, would be stored in refrigerators in an "inedible room" until it is properly disposed of.

Plans that were submitted this evening will be reviewed by Tibbetts for the next continued meeting.

Cole motioned to continue the Public Hearing for SEMALA to August 11, 2015, at 6:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

Pre-Application Consultation

Westport River Watershed Alliance (15-001PAC) – request by applicant to review parking/site plans for the Head Garage on the Westport Landing Town-owned property at 493 Old County Road.

Steve Gioiosa from SITEC Engineering presented the pre application plan to the Board. Gioiosa began by describing the existing conditions of the area and explained that the intent of the changes are for the Westport River Watershed Alliance to upgrade the existing structure to get better utilization of an existing building and to improve parking and pedestrian access to the River. Gioiosa described an improved ADA compliant parking area with signage and boulders to separate different usages of the area and a proposed sidewalk area for pedestrian traffic. Gioiosa noted that an abutter also uses a section of the landing to access her driveway on her property.

Whitin read a letter from the Landing Commission dated June 29, 2015, into the record. Whitin noted the question of the property line between the landing plan and the abutter at 497 Old County Road. Whitin explained that any determination made by the Planning Board concerning acceptance or non-acceptance of the site plan would have no impact on the legal boundary of the land. Whitin expressed his concern over vehicles backing out onto Old County Road.

John Montano, architect for the Watershed was present and suggested a traffic safety study for a "traffic calming" strategy because the area is heavily saturated especially during weekends. Cole proposed angled

parking in the area along the street. Montano stated that he agrees with angled parking, but it would reduce the number of parking spots by one spot.

Whitin questioned if the driveway would be a one way loop, or would both openings be used as an entrance and/or exit. Discussion ensued.

Sam Ladd, owner/operator of the Osprey Sea Kayak Adventures, was present and stated that on occasion, business vehicles park in their leased parking spots overnight. Ladd noted that the proposed change in the laneway and proposed angled parking spots would make parking with their kayak trailers very difficult.

Kristie Furrow-Riley, 497 Old County Road, was present to express her concerns over the property line. She stated that she had the boundary line surveyed in 2013, SITEC Engineering also surveyed the property for the Landing Commission in 2014 which was different than her survey. Riley is now having a third survey performed. Furrow stated that she has provided measurements for a fence with gated access to her driveway that will be erected on what she believes to be her property to delineate the boundary line.

Paul Izyk, owner of the building which the Osprey Sea Kayak Adventures business is run out of was present and questioned where the proposed sidewalk area would be in front of his building. Montano explained. Liz Mercer owner with Mr. Izyk, was also present and questioned if the proposed plan was approved, would they be responsible to make the changes to their parking area. Discussion ensued.

Jeff Bull from the Landing Commission was present and stated that the version of the plan presented by Gioiosa was not the plan that the Landing Commission voted on. He noted that the Commission does not want vehicles backing up to the "launching" area of the River, stating that a fence or boundary could be placed in the area to prevent it. Back to back parking was also discussed.

Tom Schmitt, President of the Watershed Alliance, was present. He stated that the parking spaces are mostly within the leasehold of the Watershed Alliance and noted that both the Watershed Alliance and the Landing Commission prefer a one way loop parking area.

Kittiwynk Run (06-011C)

Request by applicant for endorsement of covenants and approved plans.

David and Paula Emilita were present. Emilita briefly described the plan for the Board. Emilita stated that the plan was originally approved by the Planning Board in 2007, then disputed by an abutter in Land Court, and later dismissed by the Land Court without prejudice. Hartnett briefly reviewed the two covenants on the plan.

Cole motioned to endorse the plan entitled "Kittiwynk Run" and to endorse the two covenants. Sousa seconded the motion and the vote was unanimous with all in favor.

Administrative Items.

a. Final Release Lisbor Lane (Stonehaven Way)

Cole motioned to grant final approval of the completed subdivision entitled: Definitive Plan Lisbor Lane, Westport, MA, Assessors Map 22 Lot 6" and grant release of the remaining surety after payment of Town Expenses totaling \$5,521.57, subject to Town Council approval. Raus seconded the motion and the vote was unanimous with all in favor.

b. Final Release Berard Court (Pine Needle Estates)

Sousa motioned to grant final approval of the completed subdivision entitled: Definitive Plan of Pine Needle Estates Plat 34, Lot 41 in Westport, Massachusetts" and grant release of the remaining surety

after payment of Town Expenses totaling \$6,036.40, subject to Town Council approval. Raus seconded the motion and the vote was unanimous with all in favor.

Town Planner Report.

A new table has been ordered for the Town Hall Annex Meeting Room.

GIS parcel update: fees have increased, and a request for a fee-increase hearing has been sent to the BOS.

Once they hold a department-wide hearing, the fees could then go into effect.

The BOS approved a new vendor for the town website- Virtual Town Hall.

Hazard mitigation classes are being held in Framingham.

Bob Carrigg will be attending the PB meeting on July 28, 2015.

The build out analysis should be completed within the next few weeks.

Any other business that may come before the Board.

Whitin noted that he met with the Personnel Board and suggested that the Planning Board make an official request to have the Town Planner work under contract to the Town. This will be discussed further at an upcoming meeting.

Correspondence.

Stormwater recommendations for PB Rules & Regulations from J. Rockwell.

Will be discussed further at an upcoming meeting.

Minutes.

None.

Invoices.

Mileage for Harnett \$68.43.

Sousa motioned to approve. Raus seconded the motion and the vote was unanimous with all in favor.

ADJOURNMENT

Members unanimously voted to adjourn at 10:48 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk