

TOWN OF WESTPORT PLANNING BOARD



MEETING MINUTES November 16, 2021

PLANNING BOARD MEETING

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

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

Call to order 6:00 p.m.

1. Administrative Items

- a. Chapter 61A Release (21-007CH61A)** - Selectboard is requesting comments on the Release of Land owned by John A. III & Lyndelle M. Santos located at 0 Main Road, Map 55, Lot 29 (4).

The applicant is requesting to release the final lot, 4, from Map 55 Parcel 29 from Chapter 61A from the Santos Farm on Main Road. Lots 1, 2, 3, 5, and 6 have all been released.

Motion

Daylor moved to recommend the release of lot 4 from Chapter 61A. Seconded by Schmid with all ~~five~~ four members in favor.

- b. Approval Not Required (ANR) 1065 Horseneck Road Nominee Trust (21-021A)** Request by the applicant for endorsement of a Plan of Land showing 3 Lots for land located at 1065 Horseneck Road, Map 75 Lot 9.

Mark Boucher from Boucher and Associates was present representing the applicants. The applicant would like to subdivide Lot 9 into two new lots, each containing more than 60,000 sf with more than 30,000 sf of uplands, and Parcel "A" an unbuildable parcel of 6,665 sf is to be combined with Lot 10 with a 20' way. Whitin asked what the 20' access or Parcel A be used for. Boucher mentioned the 20' access could be used as a future secondary entrance to Lot 10. Whitin was concerned about a prospective curb cut on Horseneck Road, as well as the fact that a potential driveway and laneway are so close to the exit of Red Brook Lane, with little space between them.

Motion

Daylor moved to approve the endorsement of the plan entitled "Approval Not Required Plan of Land in Westport, Massachusetts" prepared for Lawrence S. & Caroline B. Huntington, Trustees of the 1065 Horseneck Road Nominee Trust because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Schmid. The motion passed 3-1.

- c. Approval Not Required (ANR) Forest Park Westport, LLC (21-022A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 0 Rita Lane, Plat 42 Lots 1 AM & 1AN.

Mark Boucher of Boucher and Associates was present representing the applicant. The applicant is looking to combine Plat 42, Lots 1 AM & 1 AN that consists of approximately 4 acres into a single buildable lot on Rita Lane Extension. Boucher commented the lots meet the minimum requirements for Approval Not Required and recommend endorsement. Whitin agreed.

Motion

Daylor moved to approve the endorsement of the plan entitled “Approval Not Required Plan of Land in Westport, Massachusetts Plat 42, Lots 1 AM & 1AN” prepared for Forest Park Westport, LLC because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Schmid. The motion passed 4-0.

- d. Approval Not Required (ANR) Plan of Land A.P. 4 Lot 1 (21-023A)** Request by the applicant for endorsement of a Plan of Land showing 1 Lot and 1 Non-buildable Parcel for land located at 202 Davis Road, Map 4 Lot 1.

Matthew Pike of Southcoast Engineering was present representing the applicant. Pike mentioned the applicant would like to create two lots; Lot 1 as a buildable lot and Parcel “A” with a note stating “Not buildable without further zoning relief.” 202 Davis Road (4_1&1AF) is currently owned by Michael R. & Barbara L. Tripp LE with remainder to Jessica M. McGlynn. The

Motion

Daylor moved to approve the endorsement of the plan entitled “Plan of Land A.P. 4 Lot 1 202 Davis Road, Westport, MA” and prepared for Michael and Barbara Tripp dated October 4, 2021, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Schmid. The motion passed 4-0.

- e. Francis Estates (17-016C)** Applicant is requesting a six-month extension.

Attorney Richard Burke from the Law Offices of Beauregard, Burke, and Franco was present representing the applicant, ELJ. Due to negotiations with the Board of Health on establishing specifics for security measures should the shared septic system fail, the applicant is requesting a second six-month extension. This is Westport's first shared septic system for a subdivision.

Whitin commented the subdivision was an OSRD which requires a special permit because the lots are smaller, a shared denitrification system is required.

Motion

Daylor moved to grant an additional six-month extension to finalize the details with the Board of Health. Seconded by Soares. The motion passed 4-0.

- 2. Silverback Construction (21-004SPA)** *(Continued from September 21, 2021, October 5, 2021, October 19, 2021)* Request by the Applicant to consider the Site Plan Approval for Silverback Construction Inc. for property located on the Northeast corner of Cheryl’s Way and Route 177, Assessor’s Map 28, Lot 17C, Westport, MA, pursuant to Westport Zoning By-Law Section 8.7 for Site Plan Review to construct a 2-story commercial building. A total of 16 parking spaces are planned.

Steve Gioiosa with Sitec Engineering/CEC Inc. was present along with the applicants.

Gioiosa provided a brief overview of the changes made in response to the Board's concerns from the previous meeting. Gioiosa read and commented that Field Engineering's comments have been addressed from their revised peer review dated November 15, 2021. He added the water supply connection would come from the existing well on the property. As Condition of Approval of the Site Plan, the septic and well could be subject to the Board of Health's review and approval.

Whitin opened the discussion to the Board and the public. There were no comments.

Waivers

1. Section 2.2.3.d.15 Development Plans – Location of freestanding signs with dimensioned drawings showing physical characteristics and lighting provisions.
2. Section 2.2.3.d.16 Elevation Drawings of buildings (side, front, and back for a typical unit) showing buildings height, materials, and any proposed wall signs and light.
3. Section V.D.2. - Standard 7: 20% Reduction in flow for the 25-year and 100-year storms

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 and providing new landscaping on the south, west, and east sides of the property.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and the location of the driveway opening is convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. The project as presented provides an adequate arrangement of parking spaces, including one handicap parking space.
3. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
4. 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

1. Any material changes as determined by the Building Inspector to the approved site plan shall require Planning Board approval.
2. All lighting shall conform to the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval and to the approved design plans.
3. The Applicant shall install all erosion and sediment controls on site prior to construction as clearing begins and shall maintain said controls throughout construction.
4. Street trees and other landscaping shall be installed in accordance with the approved Plan and Details.
5. Prior to the issuance of an occupancy permit, the applicant shall submit an as-built plan to the planning board for review and approval, showing all structures including, parking, drainage, landscaped areas. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans
6. All new utilities shall be located underground.
7. The septic and well shall be subject to the Board of Health's review and approval.

Motion

Daylor moved to approve the Site Plan application of Silverback Construction, Inc. for property located at 2 Cheryl's Way, Assessor's Map 28, Lot 17C, pursuant to Westport Zoning By-Law Section 8.7 for Site Plan approval, on a request to construct a 4,200 s.f. 2-story commercial building for garage storage and office space, with a total of 16 parking spaces, subject to findings and conditions. Seconded by Schmid. The motion passed 4-0.

6:15 p.m. Public Hearing

3. 978 Solar Development, LLC c/o Borrego Solar Systems (21-005SP) Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **978 Solar Development, LLC c/o Borrego Solar Systems, Inc.** for property owned by **John Ciccotelli and Marie T. Ciccotelli**, and located on the west side of **Division Road between 355 and 403 Division Road**, Assessor's Map **46, Lot 8, 9C**. Pursuant to Westport Zoning By-Laws Section 8.2 Low Impact Development, 8.7 Site Plan Approval, and Section 9.6 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system, approximately 2.1 Megawatts.

Gioiosa of Sitec/CEC, Inc. was present along with Holly Ganser of Borrego Solar provided a quick recap of the events since the last meeting. Gioiosa commented the Conservation Board denied them and the DEP granted them with Superseding Conditions. He read Field Engineering's review dated November 10, 2021, into the record and responded.

Whitin pointed out that the waivers Borrego is requesting are from the 2017 Zoning By-Laws, which were implemented when they filed for a subdivision in 2020 to freeze zoning.

The Board members expressed their concern about the pole farm's visual impact from the road. They inquired as to whether the poles could be spread out more and go further into the property. Swansburg stated that the utility company owns and maintains the poles and that he will consult with them on ways to maximize the distance from the point of interconnection off the road into the property.

Daylor commented he would like Field Engineering to follow up and review the hydraulic calculations of the stormwater management. He also noted that page 5.5 was missing. Daylor suggested an as-built after the site clearing was completed so that the contours at the start and end of the project could be compared.

Jim Duplisea of 403 Division Road was present.

Bob Bouley of 364 Division Road, Dartmouth was present.

Whitin read the waivers into the record.

Motion

Daylor moved to continue the public hearing to December 14, 2021, at 7:00 p.m. Seconded by Soares with all four members in favor.

4. Minutes

a. November 2, 2021

Motion

Daylor moved to approve the November 2, 2021 minutes as written. Seconded by Schmid with all four members in favor.

Motion

Schmid motioned to amend the minutes of November 2, 2021, to read “Clearing areas may be increased up to 50% provided the Board finds that such increase does not result in any detrimental impacts, including but not limited to, environmental or visual impact.” Seconded by Daylor with all four members in favor.

5. Correspondence

- a. Westport Zoning Board of Appeals - Noted.

6. Invoices

- a. Affiliated News Services LLC – Town Planner Job posting - \$250

Motion

Daylor motioned to approve the invoice of \$250 to Affiliated News Services for the Town Planner posting. Seconded by Schmid with all four members in favor.

- b. APA Town Planner job posting - \$195.00

Motion

Daylor motioned to approve the invoice of \$195 to APA for the Town Planner job posting. Seconded by Schmid with all four members in favor.

- c. Minuteman Press - \$263.19

Motion

Daylor motioned to approve the invoice of \$263.19 to Minuteman Press for the printing of the Master Plan Update 2021. Seconded by Schmid with all four members in favor.

7. Short/Long-term Planning Discussions

The combined sessions with the Zoning Board of Appeals to revise the By-Laws for the 2022 Annual Town meeting are progressing well, according to Whitin.

ADJOURNMENT

The members unanimously adjourned at 8:16 p.m.

Respectfully submitted,
Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: December 14, 2021 @ 6:00 P.M.

WORK SESSION: ?