



**TOWN OF WESTPORT**  
**856 Main Road**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**March 22, 2016**

Chairman James T. Whitin called the meeting to order 5:50 p.m. with Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance. Clerk Marc De Rego was absent. Vice-Chairman William Raus arrived at 6:16 p.m.

**Budget review and discussion with FinCom Rep.**

Finance Committee Representative, Hugh Morton was present to discuss the budget with the Board members. A few minor changes were reviewed and adjusted to include cell phone allowance and longevity.

Cole motioned to approve the budget as presented. Sousa seconded the motion and the vote was unanimous with all in favor. Members endorsed a revised budget for submittal to the Board of Selectmen.

**Public Hearing**

**BENTLEY ESTATES II (15-009-C-SP/IH)** *(Continued from September 22, 2015, December 1, 2015 and February 9, 2016)* Request by applicant for approval of a definitive subdivision plan for 20 residential lots for property located at the terminus of Bentley Lane, Assessor's Map 5, Lots 16, 18, 50-68 and to consider a Special Permit application for Inclusionary Housing.

Dan Aguiar from SITEC Engineering was present along with Robert Kfoury, KRG Realty Trust. Aguiar noted that on February 22, 2016, revised plans were submitted to the Board for review. Hartnett read the comments from the various boards into the record. Hartnett read a Tibbetts report dated March 16, 2016, into the record. Four lots along Hemlock Street, belong to Warren Messier, and Aguiar suggested that they should not be included in the drainage and storm water runoff calculations. Aguiar stated that the four lots already exist, so building out Hemlock Street should not include the lots, because the four lots are not being created. Aguiar noted that the four lots would be subject to BOH storm water rules and regulations and the roadway would be maintained by the Home Owners Agreement. Aguiar discussed the difference between creating a lot and creating access to an existing lot. Hartnett stated that the four lots in question should be included in the subdivision and the calculations. Discussion ensued over the four lots on Hemlock Street. Hartnett read his comments into the record.

Sousa discussed the proposed Storm Septer drainage systems, noting that they have to be maintained by VacTrucks, which the Town of Westport does not own. Aguiar noted that the HOA would be responsible to commission a VacTruck to maintain the storm system. The existing cul-de-sac at the end of Bentley Lane was discussed. It was suggested that the abutters be asked about what they would like to see happen to the cul-de-sac as far as removal or alterations. Warren Messier was present and stated that in the past, if an existing cul-de-sac was removed, the remaining land would be conveyed to the abutting property owner. Discussion ensued over possible options for the cul-de-sac; the 50' frontage on lot 12; and sidewalks with a grass strip. The additional fillets to the layouts of the access roads and the drainage easements was discussed. Town Council will be asked for a

legal opinion as to who has rights over Hemlock Street. The remaining issues with the plan were listed.

Cole motioned to continue the Definitive Subdivision Plan entitled: "Definitive Subdivision Plan Bentley Estates II, in Westport, Massachusetts" to April 19, 2016 at 8:00 p.m. Sousa seconded the motion and the vote was unanimous with all in favor.

**Medeiros Farm (07-002C).** Request to not install guardrails as defined on original plan.

Dan Aguiar from SITEC Engineering presented the request to not include the previously approved guardrail to the Board. Aguiar reviewed the details of the guard rail on the plan. He stated that sections of the proposed guard rail are not necessary and requested a waiver for certain sections of the rail. Aguiar stated that the proposed detention pond is actually 5 feet higher than the road, which alleviates the need for a guard rail in that section. Aguiar presented pictures for the Board. Discussion ensued.

Cole motioned to waive the installation of guardrails on the west side from station 0+0 to station 3+0 and on the east side from station 0+75 to station 2+50 on the definitive subdivision plan of land entitled; "Medeiros Farm Definitive Subdivision Plan of Land in Massachusetts" by: SITEC, Inc. dated February 1, 2007 and revised through July 20, 2007. Raus seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**BLACK OAK CIRCLE (16-001C-LID)** *(Continued from February 23, 2016)* Request by applicant in accordance with Massachusetts General Laws, Chapter 41, Section 81T, and Article 20 of the Westport Zoning By-laws for a Low Impact Development to consider an application by Shane M. Sousa of Black Oak Hill, LLC, for a definitive subdivision plan entitled "**Black Oak Circle**" dated January 6, 2016 for property located at Assessor's Map 65, Lot 1 on the northerly side of Charlotte White Road and to consider a Site Plan Approval for a Low Impact Development. The subdivision will create 4 residential lots.

Matt Pike from South Coast Engineering reviewed the proposed four lot subdivision for the Board. Hartnett read a Tibbetts report dated March 22, 2016, into the record. The drainage swale along the roadway was discussed. Tibbetts had suggested that the swale be located on the easterly side, but the developer decided to place it on the westerly side. The layout of the proposed cul-de-sac was discussed, including the option of a hammerhead design. Pike will resolve the issue of the layout of the cul-de-sac before the next meeting.

Lisa Cambra, 313 Charlotte White Road was present. Cambra expressed concern that excess water would be running on to her property, which is already fairly wet. Pike described how any excess water will be diverted in a different direction and should have no effect on the land that Cambra owns. Cambra was satisfied with the explanation given by Pike.

Jim Harrington, 341 Charlotte White Road was present. Harrington questioned why the drainage swale was not designed on the opposite side of the road, stating that if it were placed on the opposite side, the runoff would follow the natural slope of the road. Discussion ensued over the drainage on the roadway. Harrington questioned the design and maintenance of the culverts and these were further described for him. Pike will submit calculations for the sub catchments to the Board for review. Construction of the roadway was discussed.

Raus questioned the 1' strip along the roadway. The strip was discussed, and it was decided that the strip would be increased to 2'.

Cole motioned to continue the Definitive Subdivision Plan entitled: "Definitive Plan Black Oak Circle Westport, MA" to April 5, 2016 at 6:15 p.m. Raus seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Pursuant to the provisions of MGL ch. 40A §5 and Article 2.1 of the Westport Zoning Bylaws, the Westport Planning Board's purpose of this public hearing is to accept public comments on the following proposed amendments to the Town of Westport Zoning By-laws:**

#### **Item 1.**

By deleting the definition of "Agriculture" found in section 1.1. of the Zoning By-Laws and inserting provisions to include Agri-entertainment, Agri-tourism and Farm Enterprise Commercial Activities as stipulated in M.G.L. Chapter 61A, §§ 1 and 2; as described in M.G.L. Chapter 40a § 3; as defined in Westport Town By-Law LIV Right to Farm By-Law.

#### **Item 2.**

By amending Section 4.0.1 B of the Zoning By-Laws by inserting section number 6 with provisions to include Agri-entertainment, Agri-tourism and Farm Enterprise Commercial Activities for Agricultural Property having at least five (5) contiguous acres utilized in conformance with the uses of land as enumerated in M.G.L. Chapter 61A, §§ 1 and 2 and M.G.L. Chapter 40a § 3.

#### **Item 3.**

To amend the Zoning By-Laws Table of Use Regulations by adding the permitted uses for Agriculture.

*PLANNER'S NOTE:* Agricultural uses are permitted in the Town of Westport in all zoning districts as described in the Zoning By-Law definitions. If specific conditions are met, additional exemptions are provided for agricultural type uses under M.G.L.s Chapter 40A, Section 6.

Brian Cory was present along with Mr. Russell, owner of the Westport Rivers Winery. Cory spoke in favor of the amendment being proposed based on his interpretation of the state requirements in conjunction with the Town Agricultural Right to Farm By-laws. He attempted to requalify the terms "agricultural" found in the current Table of Uses vs. his interpretation of the same. Cory suggested that the word "enterprise" be removed from the definition. He also stated that by changing the definition, this would bring the by-laws into conformance with the state's regulations. He also suggested adding to the first paragraph with regards to Hartnett's concerns: "meaning the uses of land as numerated MGL 61A, sections 1&2; as described in MGL Chapter 40A Section 3; as defined in the Westport Town By-Law 54 Right to Farm By-Law, including on parcels of 5 acres or more the conduct of:"

Corey asked that within the definition of agricultural "enterprises" to remove the word "enterprise" from the definitions. Cory read another version of the proposed by-law based on a farm having a primary activity which would attract other economic activity for the farm's viability as described in Chapter 40A Section 3. Discussion ensued.

Hartnett noted that certain agricultural uses receive certain protections as defined by the Wetlands Protection Act and the State By-Law, Chapter 40, Section 3. The petitioner is asking to change the definition of agriculture to allow more than what the state permits. Discussion ensued over state and

local by-laws and the disparity among them. Corey impressed upon the need for the ability to promote the farm through other activities that draw the public to spend money on their products.

Gregory Nowell, Westport Point, was present. Nowell stated that he reviewed the proposed changes to the By-Law and discussed the uses incidental to farming as defined in the By-Law. Nowell described what would constitute a “nuisance”. He submitted a “letter to the editor” which was printed in the Westport Shorelines entitled “Westport Rivers Whinery”, for the Board to review.

Whitin asked Hartnett to reach out to SRPEDD and surrounding communities about this type of change to a By-Law. Hartnett noted that he has been researching the proposed changes to the By-Law as they pertain to other communities.

Cole motioned to continue the Public Hearing to April 5, 2016, at 6:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

### **Administrative Items.**

- a. ATM warrant articles. Hartnett noted a warrant article for \$10,000 for a SNEP Grant will be withdrawn if possible as it is no longer needed.
- b. Budget. As discussed and approved above.
- c. Westport Business -2-Business request (Mike Coleman). Coleman asked a Planning Board Member to attend a Business to Business Meeting.
- d. Seaport Economic Grant. Hartnett and Tabit are working on this grant along with The Landing Commission and the Watershed Alliance for improvements at the Head Landing. (see Town Planner Report)
- e. Public road bounds and vegetative stabilization Beach Ave. Hartnett met with the Conservation Agent to review the location of the monuments. Whitin also spoke to Sean Leach about the monuments.

### **Town Planner Report.**

1. Hartnett stated that he has been working on a Seaport Economic Council Grant for the Town Landing at the Head of Westport. Work would include mainly site improvements, parking area, sidewalks, lighting upgrade of the kayak ramp, enclosures for the restrooms, and storm water improvements. Hartnett stated that this grant needs to be completed by June 1<sup>st</sup>. Lucy Tabit and Deborah Weaver have been working on the grant as well. If the Town is awarded the grant there will be staff time needed to administer the grant including bid documents, and oversight of the design and construction.
2. There are a number of projects under construction including the Old Partners Store, Prestige Auto Mart, Old County Estates and Clean Energy Collaborative on Old County Road.
3. Keith McDonald from PARE Engineering has agreed to review the cul-de-sac design and the turning radius of the Town’s fire apparatus. The measurements were sent to him last week and the Board should have some results back within the next 7-10 days.
4. Representative Paul Schmid will be meeting with Transportation Secretary, Stephanie Pollack, this week and requested information regarding Route 88 and John Reed Road. Hartnett stated that he had researched the ownership of John Reed Road last year and sent the information to the representative. Schmid is looking to bring attention to the John Reed Road section, south of

Route 88. This is under the jurisdiction of the Department of Conservation and Recreation and it needs upgrading.

5. Hartnett noted that the School Committee will not be moving to the Town Hall Annex building.

**Any other business that may come before the Board.**

Cole noted that Bill Napolitano will be in the Planning Office at 10:00 a.m. on Thursday March 25, 2016, to discuss the Taunton River Watershed Climate Adaptation Project. Cole noted that he is interested in seeing a similar project for the South Coast.

**Correspondence.**

- Town of Dartmouth water and sewer tie-ins for Noquochoke Village. The letter explained that water and sewer tie-ins will not be possible.

**Minutes.**

March 8, 2016. Cole motioned to approve the minutes as amended. Raus seconded the motion and the vote was unanimous with all in favor.

**Invoices.**

CPTC Meeting \$37.85 Mileage for JWhitin.

Notary stamp \$46.28 LTabit.

ESRI Annual License Renewal \$700.

Raus motioned to pay the invoices listed above. Cole seconded the motion and the vote was unanimous with all in favor.

**ADJOURNMENT**

Members unanimously voted to adjourn at 10:15 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk