



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

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PLANNING BOARD MEETING MINUTES

April 05, 2016

Chairman James T. Whitin called the meeting to order 6:03 p.m. with Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance. Vice-Chairman William Raus arrived at 6:59 p.m.

Approval Not Required (ANR) Kirby (16-005A). Request by applicant for endorsement of a 3-lot plan of land located at 38 Adamsville Road, Assessors' Map 80, Lot 11.

Mark Boucher from Boucher & Heureux represented the applicant, Marsha Kirby. Boucher, in his presentation to the Board, explained that the proposed plan would divide the property into three lots. Lot 1 would become a buildable Lot, Parcel A would be considered unbuildable, and the approximately eight acres of remaining land would remain buildable. Boucher stated that the remaining land and Lot 1 have the required uplands, acreage and frontage to be considered buildable lots.

Cole motioned to endorse the plan entitled "Plan of Land in Westport MA, prepared for Marcia F. Kirby Adamsville Road, Westport MA" Assessors' Plat 80 Lot 11, 0 Adamsville Road, Westport, MA dated January 28, 2016, 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 four members present in favor, Whitin, DeRego, Cole and Sousa.

Approval Not Required (ANR) Shattuck (16-006A). Request by applicant for endorsement of a 3-lot plan of land located on Partner's Lane, Assessors' Map 77, Lots 16 & 16A.

Mark Boucher from Boucher & Heureux represented the applicant, Ms. Shattuck, and in his presentation to the Board, explained that the plan reconfigures two lots into two new lots, Lot 4 and Lot 5. Boucher noted that Lot 4 and Lot 5 would have the required uplands, frontage and acreage to be considered buildable lots. Parcel A would remain unbuildable.

De Rego motioned to endorse the plan entitled "Plan of Land prepared for The DeeDee Shattuck Gallery, LLC (Plat 77, Lots 16 & 16A) Partners Lane, Westport, MA" dated January 20, 2016, 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 four members present in favor, Whitin, DeRego, Cole and Sousa.

Approval Not Required (ANR) Andrade (16-007A). Request by applicant for endorsement of a 2-lot plan of land located at 14 Washington Street, Assessors' Map 6, Lot 8.

The applicant, Louis Andrade, was present to request endorsement for dividing the property into two lots. Both lots have the required uplands, frontage and acreage to be considered buildable lots. Cole stated that the proposed lot is a great place to build a combined de nitrifying septic system for multiple houses. The options were discussed with Andrade, and Andrade stated that he would consider selling the property to the Town at fair market value.

Sousa motioned to endorse the plan entitled "Approval Under Subdivision Control Law Not Required in Westport Massachusetts prepared for Maria Andrade Trust" dated March 14, 2016, 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.

Public Hearing

BLACK OAK CIRCLE (16-001C-LID) (*Continued from February 23, 2016 and March 22, 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 was present and requested a continuation of the Public Hearing to allow more time for review. Cole motioned to continue the Public Hearing for the plan entitled: “Definitive Plan Black Oak Circle Westport, MA” to April 19, 2016, at 7:45 p.m.

Public Hearing (Continued from March 22, 2016)

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.

Rob Russell from Westport Rivers Winery was present. Russell stated that the proposed amendments to the By-Laws are not meant to expand or redefine the By-Law, but to restate and clarify the current state By-Law and become a companion to the existing “Right to Farm” By-Laws. Hartnett noted that he had researched similar By-Laws in surrounding towns in Massachusetts. Hartnett cited examples of the differences in the By-Laws from towns such as Amherst. The general consensus was pro-farming but with laws set in place to control certain accessory uses of farming. CMR 22, Agriculture Preservation Restriction and Definition, were discussed.

Hartnett stated that overall, some changes are beneficial to the Town, but definitions need to be clearly defined. He suggested that the proposal be reviewed for a few months, and re-submitted for approval. Russell stated that an informational “gathering” will be held after the next Agricultural Committee Meeting, to bring more support for the proposed changes. Russell stated that the “gathering” will take place sometime in April and will be sponsored by the MA Farm Bureau and SEMAP. Whitin read the comments submitted from the Amherst Senior Planner into the record.

Ed Howe of 27 Horseneck Road was present. Howe stated that he is a farmer and a neighbor of the Westport Rivers Winery. Howe stated that his issues with the happenings at the vineyard are not related to the By-Law, but related to violations to the Mass DEP Sound Standards. Discussion ensued over the difference between

principle and accessory uses of farming. Howe stated that as a farmer, he would welcome clarity on the definitions of what exactly is allowed under the Right to Farm By-Law.

Tony Millham of 672 Drift Road was present. Millham stated his concern over the proposed changes; they may open up a floodgate of accessory uses to farming. Millham was concerned that the proposed changes are tailored to meet the needs of one local farm under the guise of benefiting many local farms. Discussion ensued.

Cole motioned to close the Public Hearing. Sousa seconded the motion and the vote was four in favor with De Rego recusing himself so as not to imply a conflict of interest.

Cole motioned to send a report to the BOS to recommend against the proposed amendment to the Agricultural section of the Zoning By-Laws as presented in Article 39 in the 2016 Annual Town Meeting Warrant. Sousa seconded the motion and the vote was four in favor with De Rego recusing himself.

Meeting with FinCom at main Town Hall at 7:30 p.m.

Members adjourned the meeting at 7:34 pm to attend the FinCom Meeting at Town Hall.

Administrative Items.

- a. Seaport Economic Council Grant. Funding for improvements at the Town Landing. Hartnett noted that the Grant is in Draft form and is available for review and comments.
- b. Paving of cul-de-sacs. N/A.

Town Planner Report.

Hartnett reported that he has been working on updating the census maps for the Town Clerk.

Hartnett noted that Keith McDonald from PARE Engineering is still working on the calculations for the cul-de-sacs.

Any other business that may come before the Board.

None.

Correspondence.

- a. ZBA Notice of Decision 147-E Cadman's Neck Rd 16x10 addition. Granted by ZBA. Noted.
- b. ZBA Notice of Decision 500 Adamsville Rd Class II Auto License. Granted by ZBA. Whitin noted that he spoke against this at the Board of Selectmen meeting.
- c. ZBA Notice of Public Hearing for Special Permit to keep more than 3 dogs at 7 Third Ave Map 25 Lot 112. Hartnett noted that this meeting will be held on April 27, 2016, at 7:00 p.m.
- d. Notice of Zoning By-law Amendments Public Hearing Town of Dartmouth MA. Public Hearing on April 25, 2016 to amend off street parking. Noted.
- e. MassDEP Request for additional comments on TMDLs. Date Passed. Noted.
- f. Request from Pamela Costa to have the Board of Health present at the April 19, 2016, Public Hearing continuation of Noquochoke Village. Hartnett will meet with her prior to the Public Hearing to answer some of her questions. Pamela Costa is an abutter to the proposed Noquochoke Village.

Invoices.

South Coast Media: Zoning By-law Public Hearing Notice - \$289.80.

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

ADJOURNMENT

Members unanimously voted to adjourn at 7:34 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk