



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

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**PLANNING BOARD MEETING MINUTES**

**February 10, 2015**

Chairman James T. Whitin called the meeting to order 6:09 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff, Member Marc De Rego and Town Planner James Hartnett in attendance. Member David Cole was absent.

The Chairman requested that the members take a moment to introduce themselves to the listening viewers and requested that Hartnett briefly explain the purpose of the Planning Board.

**APPOINTMENTS**

**Hemlock Street Extension (05-002C).** *Continued from January 13, 2015.* Request by applicant for endorsement of approved plan with Land Court Notations.

Applicant Kenneth Pereira was present. Hartnett explained that the cul-de-sac had been marked and that the covenant restriction has been signed and because of this, the street cannot be considered for street acceptance as it exists. Hartnett noted that the plan was approved in 2005, and the Planning Board is only re endorsing it after land court required annotations to be added to the approved plan.

Raus motioned to endorse the previously approved subdivision as shown on the plan entitled: Land Court Plan of Land "Hemlock Street Extension" Westport, Massachusetts dated July 31, 2014. De Rego seconded the motion and the vote was unanimous with all in favor.

**Public Hearing 6:30 p.m.**

**Lincoln Heights (14-005C) Definitive Subdivision.** *Continued from January 13, 2015.* Request by applicant to construct a 4 lot subdivision at the terminus of Lincoln Avenue located at Assessor's Map 32, Lots 6-16, 28 & 36A.

William Smith from Civil Engineering Concepts was present along with Warren Messier. Messier explained the background of the existing Lincoln Ave. Messier stated that the subdivision was approved by the Planning Board 45 years ago and the road was constructed but was never presented to the Town for acceptance. Messier explained that Mr. Norman, a resident of Lincoln Avenue, has plowed the street for the last 45 years and will no longer be doing this. He stated that Gary Bouchard and the residents of the existing Lincoln Ave will be presenting a petition for road acceptance to Annual Town meeting this May. Messier noted that in his opinion, the roadway has held up as good as any road of its age, and also asked that the Planning Board take into consideration that the residents on the road have been taking care of it up until now without any Town assistance.

Smith referenced a letter from Tibbetts dated December 10, 2014. Smith noted that the only further action required by Tibbetts was that the drainage certification be represented correctly, and Smith submitted the revised certification to the Board for review. Whitin asked if the applicant had legal rights to use the road. Hartnett referenced a document presented by the applicant's attorney, Mr. Greg Koldys which detailed the ownership of the road and the right to use the road for access. Koldys was present and explained the document he had previously presented to the Board which detailed the ownership of the road. Hartnett questioned the status of the paper streets within the subdivision. Hartnett noted that once

the subdivision is developed, the paper streets can be extinguished if the applicant has ownership to all the lots in the subdivision. Koldys explained that he has been in touch with the Kenneth Brown Estate to obtain ownership of the parcel for Bouchard. Koldys noted that his client is in the process of acquiring the parcel owned by Messier and the parcel owned by 5D Builder Corporation included in the purchase of all of the other lots in the area, which would leave the applicant in control of all of the parcels in question.

Whitin questioned if permission is needed from the current occupants to use the existing Lincoln Ave. Koldys noted that the individual deeds give up the rights to the road for egress, ingress, overloading, etc. Whitin questioned if each of the deeds of the current occupants of Lincoln Ave had been reviewed. Koldys noted that he had reviewed each of the individual deeds and had submitted copies of the deeds to the Board at the last meeting. Koldys noted that the applicant does not feel responsible to maintain the existing portion of Lincoln Ave, but will work to try to get that portion accepted by the Town. Whitin noted that the Board will refer to the Town for legal counsel on the issue of the rights to use Lincoln Ave. Messier noted that when he originally conveyed the deed, he retained the right to use the roadway. Whitin stated that legal counsel will determine if the applicant has the right to use the road, and if the applicant is obligated to bring the road up to current standards. Discussion ensued.

Abutter Nancy Braga was present and stated that she is not opposed to the new subdivision, but is concerned with the road becoming overburdened. Braga noted that in 1988, she attempted to have the road accepted by the Town, but the road was not up to the Town's standards. Whitin read a letter from Tibbetts dated February 4, 2015, into the record. Hartnett discussed the three requested waivers for the project. Discussion ensued. Hartnett noted that based on a preliminary plan submitted for this subdivision, the time in which the Board is required to act on the definitive application expires February 28, 2015. Bouchard requested an extension to March 10, 2015. Hartnett also noted that the plans should be revised to show the detailed fire tank and underground utilities and gas lines.

Ostroff motioned to extend the review time for Lincoln Heights (14-005C) Definitive Subdivision to March 10, 2015. Raus seconded the motion and the vote was unanimous with all in favor.

Raus motioned to require underground utilities and deny the requested waiver for underground utilities. De Rego seconded the motion and the vote was unanimous with all in favor.

De Rego motioned to continue the Public Hearing for Lincoln Heights (14-005C) Definitive Subdivision to Tuesday, February 24, 2015, at 7:00 p.m.

### **Public Hearing 7:30 p.m.**

**Old County Estates – Jo-Ann's Way (14-006C-CD) Definitive Subdivision and Common Driveway Application.** *Continued from January 13, 2015.* Request by applicant to construct a 9 lot subdivision with three lots serviced by a Common Drive Way on land located between 624 & 652 Old County Road Assessor's Map 34, Lots 48J, 50-51.

Whitin opened the Public Hearing and read the notice for the public hearing into the record. A letter was received by the engineer on behalf of the applicant requesting a continuation to the next Planning Board meeting.

Raus motioned to continue the Public Hearing for Old County Estates – Jo-Ann's Way (14-006C-CD) Definitive Subdivision and Common Driveway Application to March 10, 2015, at 7:00 p.m. Ostroff seconded the motion and the vote was unanimous with all in favor.

**Zoning By-laws Public Hearing 8:15 p.m.** *Continued from January 20, 2015*

**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.**

Amend Article 4, Section 4.0.1 accessory apartments contained within a single-family dwelling. The proposed changes include reducing the maximum size of the accessory apartment from 900 s.f. to 600 s.f. and defining what is included in calculating gross floor area.

**Item 2.**

- a. Amend Article 4, Section 4.0.1 by allowing a detached accessory apartment by Special Permit from the Zoning Board of Appeals.
- b. Amend Table of Use Regulations by adding "Detached Accessory Apartment"

After these articles are approved by the Planning Board, the By-Law will be put on the warrant for the Annual Town Meeting where the town will have a chance to vote on it. A two thirds majority vote will be needed to pass the By-Law. Hartnett reviewed the purpose and intent of the By-law. Hartnett presented the draft report of all the information presented at the last Planning Board Meeting.

Ostroff offered writing a press release/letter to the editors before the Town Meeting with this information.

Raus motioned to recommend the enactment of the proposed zoning articles and to forward the final language to the Board of Selectmen for inclusion on the 2015 Annual Town Meeting Warrant. De Rego seconded the motion and the vote was unanimous with all in favor.

**Administrative Items.**

- a. Endorse Decision for Richie's Insulation. Ostroff motioned to endorse the decision for Richie's Insulation for property located at 111 Old Bedford Road, Assessor's Map 3, Lots 118, 119, 119A, & 134A-C to construct a two stall 28' x 42' garage. Raus seconded the motion and the vote was unanimous with all in favor.
- b. Review & Approve 2014 Annual Report. The Board reviewed the Annual Report. Ostroff motioned to approve the 2014 Annual Report and forward it to the Board of Selectmen. De Rego seconded the motion and the vote was unanimous with all in favor.
- c. South Coast Rail Technical Assistance 2014/15 Grant Agreement. On the agenda for discussion at the next Board of Selectmen meeting.
- d. Master Plan Writing Contract. Raus motioned to recommend approval of the Contract between the Town of Westport and Robert Barboza for Master Plan writing services. Ostroff seconded the motion and the vote was unanimous with all in favor.
- e. Budget review. Hartnett reviewed the budget updates for the Board.

**Town Planner Report.**

**1. Berard Court and Stonehaven Way – Hartnett submitted a letter to the Conservation Commission** requesting a Certificate of Completion for work in the subdivision. The certificate would then be recorded at the Registry of deeds. This will be heard on February 17, 2015. The only other outstanding issue is the final signoff from MassDOT on the Highway access permit for Stonehaven Way. The permit is still under the name and responsibility of the original owner/developer. The Town has the option of taking over the permit but then the responsibility would lie on the Town for any future issues relative to paving. According to the last inspection by MassDOT, it was noted that the top coat of pavement had not been installed. Hartnett recommended leaving the state permit open with no change to the name on it so that the developer would be responsible and not the Town. With the exception of some minor touch up loam and seeding, these developments should be considered complete.

2. Subdivision Road Design – Hartnett was asked by the Board of Selectmen Chairman to look at the pavement width of Lighthouse Lane and also the cul-de-sacs size in some of the newer subdivisions. The Highway Department has been having a difficult time plowing around the islands in the cul-de-sacs and keeping adequate travel lanes cleared. Hartnett reviewed his research with the Board.

3. SMAST Report – The presentation scheduled for Thursday, February 12, 2015, was cancelled due to weather related travel and will be rescheduled for some time in March.

4. Master Plan – The Master Plan Committee held their final workshop on Saturday, February 7, 2015. The turnout was above average and the participation, response and ideas were very good.

5. SRPEDD – Last Thursday, Grant King from SRPEDD provided training to Hartnett and Tabit on the GIS software. Tabit, Andrew Sousa (Highway Department) and Hartnett spent almost three hours with Grant reviewing the Town's mapping options.

6. Planners Contract – Hartnett would like to see if the Board would consider discussing a contract for his position as Town Planner. This would give the Board more flexibility in what can be offered in salary and benefits. If the Board is open to this idea, Hartnett will add it to next week's working session agenda. This would be done in executive session.

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

Ostroff noted that she knows of three possible candidates for the upcoming open spot on the Planning Board. She will invite them to observe at the next Planning Board Meeting.

**Correspondence.**

- a. Ch 91 Waterways License Application for Keith Stamp at 14 Clyde's Way. Hartnett briefly described the project and location and that he endorsed the application notification. No action required.
- b. Ch 91 Waterways License Application for Richard Armstrong 140 Fisherville Lane. Hartnett briefly described the project and location and that he endorsed the application notification. No action required.
- c. SRPEDD DLTA Grant cycle is open and due by 2-28-15. Members briefly discussed and will discuss more at the upcoming work session.
- d. ZBA/Notice of Public Hearing 2/11/15 762 State Road variance on setbacks. Hartnett read the notice into the record.
- e. Mass Land Conservation Conference - Sat March 21, 2015, Worcester Technical High School. Noted.
- f. Master Plan Update Committee notice of public workshop on Saturday 2/7/15, 9-12:00pm. Noted.
- g. Certificate of Compliance request to ConCom for Berard Court & Stonehaven Way. Hartnett noted that the roads were paved four months ago. This will be heard at the upcoming ConCom meeting.
- h. BOS – Roadway acceptance hearing: Kyle Jacob Road, Melissa Beth Way, Rach's Lane, Stonehaven Way, Berard Court, Rita Lane and Stella Lane. The Board of Selectmen have scheduled a hearing on March 9, 2015, at 6:15 p.m. The Planning Board will discuss this topic at the February 24, 2015 meeting.

**Minutes.**

January 13, 2015. Raus motioned to accept the minutes as submitted. Ostroff seconded the motion and the vote was unanimous with all in favor.

January 20, 2015. Ostroff motioned to accept the minutes as submitted. Raus seconded the motion and the vote was unanimous with all in favor.

**Invoices.**

- Mileage for Hartnett: \$31.15.

- Southcoast Media Group for Zoning Amendments Public Hearing notices published on December 31, 2014, and Old County Estates Public Hearing notices published on January 21 & 28, 2015, in The Chronicle: \$423.80.

Ostroff motioned to pay the invoices listed above. De Rego seconded the motion and the vote was unanimous with all in favor.

**ADJOURNMENT**

Members unanimously voted to adjourn at 8:23 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk