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|  | **TOWN OF WESTPORT**  **856 Main Road**  **Westport, Massachusetts 02790** PLANNING BOARD | **Tel. (508) 636-1037**  **Fax (508) 636-1031** |

**PLANNING BOARD MEETING MINUTES May 15, 2018**

Chairman James T. Whitin called the meeting to order at 6:01 pm with, Members Marc De Rego and Robert Daylor and Town Planner James Hartnett. Vice-Chair David Cole was absent.

**Administrative Items**

1. Reorganization

De Rego motioned to nominate Whitin as Chairman. Seconded by Daylor. The vote was unanimous with all three in favor.

De Rego motioned to nominate Daylor as Vice-Chairman. Seconded by Whitin. The vote was unanimous with all three in favor.

Whitin motion to nominate De Rego as Clerk. Seconded by Daylor. The vote was unanimous with all three in favor.

1. Annual Appointments – The Board of Selectmen is requesting appointments by May 29, 2018.

Daylor motioned to approve the following appointments. Seconded by De Rego. The vote was unanimous with all three in favor.

* **Marc De Rego** 
  + Community Preservation Committee
  + Southeastern Massachusetts Commuter Rail Task Force
* **James Whitin**
  + SRPEDD
* **Robert Daylor** 
  + Economic Development Committee
  + Tax Incentive Program Committee

Whitin noted that Andrew Sousa resigned from the Board, and requested that a letter of appreciation be sent on behalf of the Board.

**Approval Not Required (ANR)Briggs Landing LLC (18-008A) Request by applicant for endorsement of a 2-lot plan (lot reconfiguration) of land located at the northeast corner of Brownell Avenue and Grinnell Court, Assessors’ Map 21 Lot 10CG &10CF.**

Muhammad Itani was present representing Briggs Landing would like to re-divide these two parcels to give a more uniform shape to both of the lots. These lots are part of an approved 40B development and the original intent was to maintain the existing structure and the lots were designed to accommodate the building. The developer now plans on tearing the building down and constructing new single family dwellings.

Area Frontage

Lot 89A 30,621 s.f. 150.25

Lot 90A 30,267 s.f. 188.56+

Both lots have adequate frontage and access. The size of the lots do not conform to zoning but are part of the approved 40B. The applicant may have to go back to the ZBA to get approval as well for the revised lot lines.

# Daylor motioned to endorse the plan entitled “Plan of Land at Grinnel Court in Westport, Massachusetts” prepared for Briggs Landing LLC, dated April 20, 2017, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by De Rego. The vote was unanimous with all three in favor.

**Approval Not Required (ANR)** E.L.J. Inc. (18-009A) Request by applicant for endorsement of a 2-lot plan of land located on the west side of Main Road and South of Charlotte White Road, Assessors’ Map 68, Lot 7.

Mike Russell was present on behalf of E.L.J. Inc. Russel stated that they are proposing to create a Form A lot on Main Road, this will allow the lot to be sold separately. The lot would not be part of the OSRD Subdivision. The lot has sufficient frontage, area and uplands.

Area Frontage

Lot 2 60,089 s.f. 164.43’

Lot 1 31.6 Acres 242.46’

# Daylor motioned to endorse the plan entitled “ANR Plan Charlotte White Road & Main Road, Westport, MASS” prepared for E.L.J. Inc, dated April 30, 2018, because the plan complies with the provisions of MGL Ch. 41 Section 81P. De Rego second the motion. The vote was unanimous with all three in favor.

**Public Hearing** Continued from December 12, 2017, January 25, 2018, March 6, 2018, March 20, 2018, and April 17, 2018.

**FRANCIS ESTATES (17-0016C-OSRD/IHSP)** Request by applicant for approval, in accordance with Massachusetts General Laws, Chapter 41, Section 81T, Article 18 Open Space Residential Development (OSRD), of a definitive subdivision plan entitled **“Open Space Residential Development Definitive Subdivision Plan for FRANCIS ESTATES Charlotte White Road and Main Road Assessor’s Map 68 Parcel 7, Westport Massachusetts”** prepared for E.L.J. Inc. dated September 8, 2017, located between 50 and 58 Charlotte White Road. The applicant proposes to develop 16 single-family house lots. The Applicant has also requested a Special Permit under Article 13 Inclusionary Housing.

Mike Russel from Site Engineering and Attorney Richard Burke were present representing E.L.J. Inc. Mr. Whitin stated that there were only three members present and the OSRD could be discussed but a quorum was not present for the Inclusionary Housing Special Permit. Member David Cole may be available through remote participation after 7:30 pm, or the matter could be heard at the May 29, 2018 meeting. Attorney Burke agreed to continue the Inclusionary Housing Special Permit to May 29, 2018 and move forward with the OSRD.

Russel stated that the Form A lot was cut out. He met with the Town Planner and member Daylor to review the storm water design and the profile of the road. He revised the plans to reflect those changes. In addition the drainage pond control structure was adjusted and the outlet pipes were relocated. A Bio-mix is specified for the retention pond. The development will be serviced by a shared septic system serviced with a low pressure force main.

Department reviews from the conservation agent and the Board of Health were read into the record. The Board of Health recommended approval and the conservation agent recommended approval with modifications. Russel responded to the agent’s concerns by moving the walking trail and describing the landscaping that is proposed. Daylor questioned the forbay at the entrance of the development and where the outlet was discharging to. Russel stated that he would adjust the outlet so that it did not go directly into Charlotte White Road. This is a relatively minor change and it would be corrected prior to endorsement of the plan. Whitin asked about the agents other comments and Attorney Burke responded, noting that there is an agreement with restrictions in place for the cemetery and this document has been recorded. Daylor also noted that the cemetery is fairly well defined by stone walls and large trees.

Attorney Nicholas Gomes representing Mr. Oliveira at 36 Charlotte White Road wanted to support the revised plan because it does not show drainage on the abutting lots and the overall design is preferred. Attorney Gomes also requested that the Board consider that a condition be placed to assure that the easement is not used and that it is abandoned. Whitin stated that the easement and rights to the easement are not within the Boards jurisdiction.

Daylor noted that there were a number of minor changes that would have to be made to the plan prior to endorsement and Russel agreed to make the changes.

Hartnett read into the record sample waivers and conditions.

**OSRD Subdivision**

**Sample Waivers Subdivision**

1. III (B, 1, d), Waive cost estimate.

**Sample Conditions**

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association in accordance with section 18.8.2 of the Town’s Zoning By-law. All purchasers of land within the subdivision shall be required to belong to the Homeowners Association.
   1. The Homeowners Association shall be responsible for the maintenance, repairs and plowing of the subdivision roadways, unless accepted by the Town.
   2. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary, unless accepted by the Town.
   3. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board’s technical consultant.
   4. The Homeowners Association shall maintain permanent ownership and maintenance of the septic system including all pipes within the roadways.
2. Septic System – The twelve lots fronting on Nikola Lane shall be serviced by a shared Innovative/Alternative Treatment system that significantly reduces bacterial and nutrient discharge into the environment. The system shall be designed in accordance with the Westport Board of Health and the MA Department of Environmental Protection and at a minimum shall be designed to reduce nitrogen to 19 ppm or less.
3. Road Maintenance and Snow Removal: Applicant shall be responsible for periodic maintenance and snow removal until such time a properly funded Homeowners Association is created and is properly functioning.
4. Fire Protection: Access to/from the fire protection tank must be maintained at all times for Fire Department use in the event of an emergency. The subsurface fire protection tank to be in full service prior to final occupancy of any structure.
5. Street signs shall be installed prior to the issuance of any building permits.
6. Roof run-off recharge systems are required for each dwelling.
7. Construction work on the subdivision road and utilities shall only be done between the hours of 7:00 a.m. and 6:00 p.m., Monday - Saturday.
8. The applicant shall provide the Town legal access to the proposed septic system, storm water and fire protection systems.
9. The open space shall be subject to a recorded restriction pursuant to Sections 18.8.2 & 18.8.3 of the Town of Westport’s Zoning By-laws.
10. Add the following notes to the Plan
11. *“Subject to a Special Permit pursuant to the Inclusionary Housing By-Law, Article 13, granted on \_\_\_\_\_\_\_\_\_\_\_\_, 2018, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book \_\_\_\_\_\_\_\_\_\_, Page \_\_\_\_\_\_\_\_\_\_\_\_.”*
12. *“No dwelling shall be built on any lot without first securing from the Board of Health a permit for an approved Title-V compliant community Soil Absorption System septic disposal system”*
13. *Daylor moved to approve the Definitive Subdivision Plan entitled:* ***“Open Space Residential Development Definitive Subdivision Plan for FRANCIS ESTATES Charlotte White Road and Main Road Assessor’s Map 68 Parcel 7, Westport Massachusetts”*** *dated: September 8, 2017, and revised through May 15, 2018, subject to waivers and conditions as read into the record.* Seconded by De Rego. The vote was unanimous with all three in favor.

**Administrative Items**

**a. Toufic Radd (17-005SP-CD)** 726 Old County Road – Drainage Discussion – *I spoke with the engineer, he has sent his survey crew out to the site to obtain additional information. He was not sure if he would have something available for this meeting. I did notify the abutter Mr. Ronald Solomon and informed him of this meeting.*

Steve Gioiosa from Sitec Engineering was present representing Mr. Radd. Gioiosa stated that the bulk of the work on the drive has been completed, there is a house being framed on lot 4 and a foundation installed on lot 3. The contractor installed a pipe under the road to address drainage and also installed a swale along the westerly side of the drive. Mr. Gioiosa stated that the pipe was installed to address drainage concerns from the property to the west. He would need permission from the abutting property owner to take additional elevation shots on his property in order to see where the low spots are. The abutter’s property may be lower than Mr. Radd’s property and he was not sure if the driveway is causing the drainage issue.

Ron Solomon from 2 Miss Rachel Trail was present to address the Board. He stated that since the driveway was constructed he has had problems with water being trapped on his property. He submitted pictures showing water on his property. He noted that the drainage pipe was installed without permission from the Planning Board and that the pipe was too high.

Gioiosa suggested that additional survey information be obtained with the permission of Mr. Solomon to determine what the problem is and how it can be addressed. Mr. Whitin stated that the pipe may be too high and should be adjusted. Gioiosa will review the information and get back to the Board.

**b. Lawton Trust/Hickory Lane.** *Continued from March 6, 2018 pending submittal of survey plan from developer.* Request by Attorney Corey to discuss improper and unpermitted construction of permanent structures within the layout of Hickory Lane.

Attorney Brian Corey was present to address the Board. He stated that the property located at 14 Hickory Lane owned by Mr. Morais has been altered, work has been done in the drainage swale changing the design direction and stone walls have been erected within the street layout area designated as a turnaround. He presented pictures of cars being parked in the turnaround area. Bob Carrigg was present representing the developers of the subdivision. Attorney Killoran was present representing Mr. Morais. Killoran stated that the fire department had inspected the site and submitted a letter from Chief Legendre stating that the walls did not present a safety issue. Daylor, De Rego and Whitin all expressed concerns with the walls being constructed within the street right of way. Whitin asked the planner to send a letter to the Fire Chief to see if the area is suitable for a public turnaround. Hartnett stated that the engineer should take some additional elevations in the swale to see if it is functioning as designed.

**c. Riverside Woods (18-001C)** Endorse plans, approve Home Owners Association, Maintenance Agreement and Covenants.

De Rego motioned to endorse the plans and approve the Covenants and Homeowners Association. Seconded by Daylor. The vote was unanimous with all three in favor.

**d. Wildberry Way** – Endorse Street Layout Plan

Daylor motioned to endorse the Wildberry Way Layout Plan. Seconded by De Rego. The vote was unanimous with all three in favor.

**Pre-Application Consultation - Katzenbach (18-002PAC)** Request by applicant to discuss a plan for 310 Cornell Road, Assessor’s Map 85, Lot 12 owned by Peter B. Katzenbach Trustee proposing 3 lots on 10.7+/- acres of residential land containing one existing house and proposing two new lots.

Alan Heureux was present representing the applicant. Heureux stated that he has revised the plan to address comments from the conservation agent and reduce the amount of wetlands disturbance. By relocating the road the wetlands alteration would be reduced to approximately 4,000 s.f. One waiver would be changed and another waiver would be added.

Waiver 1- Leave road at 20’ and use existing farmer’s lane on recommendation of Conservation Commission.

Waiver 2- Would like to use it as a dead end street with a length of 1,310 ft.

Mr. Heureux will submit the changes to the Conservation Commission next week. Whitin believes the

design is better than the previous plan, Daylor agreed.

**Pre-Application Consultation – Hawes (18-005PAC) Request by applicant to discuss a plan for** Assessor’s Map 58, Lot 185 owned by Valerie Hawes containing 15 acres located at 1778-1780 Drift Road.

Alex Gorodetsky was present representing the applicant. Mr. Gorodetsky presented a plan showing three proposed lots, one lot would be for the existing two single family houses and the other two lots along Drift Road would be new buildable lots. Whitin noted that there were two houses on one lot and this may be a zoning issue. Creating four lots was discussed using flexible frontage. The Board expressed concerns over the configuration of the three lots as proposed.

**Pre-Application Consultation – Devol Pond Nominee Trust (18-006PAC)**

Request by applicant to discuss a plan proposing 7 lots for property located on the west side of Devol

Pond Drive, Assessor’s Map 63, Lot 20 owned by Devol Pond Nominee Trust.

Steve Gioiosa was present representing the applicant. Gioiosa stated that his client is proposing to improve Devol Pond Drive by widening the travelled way to 20’. He was before the Board about one year ago to create one Form A lot and at that time the Board informed him that any further division would require upgrades to the road. Would like to create 8 lots approximately 3.8 acres each, with 150’ frontage for 6 lots with first and last lots having 170’ frontage.

Whitin questioned the name of the road and its status as an ancient way, Devol Pond Road or Amory Pettey Way. Whitin noted that the pond has an algae problem in the summer and additional houses would add to the problem. He encouraged a design that would allow for a common dock and common open space along the pond.

**Approval Not Required (ANR)** Enos (18-010A) Request by applicant for endorsement of a 2-lot plan of land located at 369 and 275 Pine Hill Road, Assessors’ Map 37, Lot 11 & 11A

Steve Gioiosa from Sitec Engineering was present representing the applicant. Mr. Gioiosa stated that the property is being sold and the owners would like to square off the property**.** Applicant is proposing to Re-divide two lots on Pine Hill Road

Area Frontage

Lot 2 2.67 Acres 150.12’ All Uplands

Lot 1 1.84 Acres 200.10’ All Uplands

# Daylor motioned to endorse the plan entitled “Approval Not Required Plan of Land in Westport, MA Prepared for Ruthann Enos”, dated May 7, 2018, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by De Rego. The vote was unanimous with all three in favor.

**Staff Report**

1. Bentley Estates II (15-009C) The binder course of asphalt was installed yesterday on May 14, 2018. The developer will be coming before the board with a new surety and release of lots from the existing covenant.
2. Town Landing (Seaport Grant) The WRWA will be holding a groundbreaking ceremony on Saturday, June 16, 2018 from 9:00-10:00 am. The site plan will also be presented at a neighborhood meeting to be held on Thursday the 24th at 6:30 at the Westport Library.
3. SRF Project – The RFP was mailed to 12 companies on May 9, 2018, the RFP is also posted on the Towns website and was advertised on the states Central Register. Proposals are due on June 21, 2018.
4. DLTA Grant – I have been in contact with Grant King from SRPEDD, the scope and limits of the project have been finalized and they have started work on the grant. They will be looking at the area between Fall River and Route 88 along the Route 6 corridor.
5. MVP Grant – The first of two workshops was held on Friday May 11th and the second workshop will be held on Friday the 18th. I was not able to attend but other representatives of the Board did attend the meeting.
6. Staffing – The BOS entertained the request of the Planning Board to appoint Nadine Castro to the Planning staff at the meeting on May 14th.

**Matters not reasonably anticipated**

None

**Correspondence.**

Tibbetts Inspection Reports for Noquochoke Village April and May- Noted.

Tibbetts Inspection Report for Brightwoods Subdivision, Daylor noted the gravel tests

Public Water Supply Notice for Andrade, State Road – Noted.

**Minutes.**

April 24, 2018- Daylor motioned to approve minutes, seconded by De Rego with all three in favor.

May 1, 2018 – De Rego motioned to approve minutes, seconded by Daylor with all three in favor.

**Invoices.**

James Harnett – Individual items of Mileage, monthly phone expenses and reimbursement of SRPDD annual town meeting – Total $165.48. Daylor motioned to approve the invoices, seconded by De Rego with all three in favor.

**ADJOURNMENT**

Members unanimously adjourned at 8:55 pm

Respectfully submitted,

Nadine Castro, Assistant Planner II