



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

**Tel. (508) 636-1037**  
**Fax (508) 636-1031**

**PLANNING BOARD MEETING MINUTES**

**February 24, 2015**

Chairman James T. Whitin called the meeting to order at 6:02 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.

**Public Hearing 6:15 p.m.**

**Village Farm – Morgan Way- (15-001C-M) Modification to an approved subdivision 729 Main Road,** Assessor's Map 77, Lots 29 & 29C. Request by applicant to reduce the buildable lots from 6 to 4, and a fifth parcel would be combined with abutting land at Assessor's Map 77, Lot 29B and would not be considered buildable by itself. The applicant also proposes to modify the finished surface of Morgan Way from bituminous concrete to a graveled road.

Engineer George Mihov was present along with Trustee, Ray Raposa of 1077 Main Road and Michael Raposa of 747 Main Road, Westport. This was a request for a modification of a plan previously approved March 29, 2005 located south of Brookwood Drive. The original plan had 6 buildable lots with a paved street, the proposed modification plan shows four buildable lots with a gravel way.

Hartnett stated that the applicants is not required to file a Low Impact Development application because they will be filing with the Conservation Committee instead. However it does appear that many of the design standards recommended by the LID bylaw have been included in the proposed project. He stated that the design minimizes grading and clearing and there are no wetlands crossings and the stormwater management system utilizes approximately 1,100' of swales with check dams to control street drainage. A leaching catch basin has also been provided at the intersection of Main Road. Hartnett noted in his staff report that there are long flow paths to the outlets travelling through the swales and a detention basin and impervious areas are minimal

Hartnett reviewed a few of his comments about the proposed plan including that lot 5 on the plan should be changed to Parcel A, and that a note be put on the plan that the gravel road will not be accepted by the Town. Whitin read the comments from the various Boards into the record. The proposed slope of the gravel way was discussed. Mihov described the detention basin, the swale and the two leeching structures on the proposed plan. He noted that the drainage structures are all similar to the previously proposed plan but have been slightly upgraded. Raus questioned if the proposed leaching fields would impact neighboring septic systems. Mihov noted that the structures are the required distance away from the neighboring septic systems. The leaching structures were then discussed.

Whitin read a Tibbetts' letter dated February 13, 2015, into the record. Mihov reviewed and responded to each individual comment. The issue of the subsurface water storage tank as required by the Fire Department was discussed. This subdivision was approved before the requirement for fire cisterns was put in place. Mihov requested that the Board waive the requirement because of this reason and because the modified subdivision will now only have four buildable lots, instead of six. Hartnett will speak to Dan Ledoux for his opinion on the fire tank issue.

Abutter Dennis Orsi of 6 Brookwood Drive was present and expressed his concerns that the proposed plan would create more water runoff in his already wet property. An intermittent stream and wetlands in the area were discussed. Mihov noted that the site conditions had not changed since the plan was originally approved in 2005, but slight modifications to the drainage system have been made in the proposed plan to accommodate the new road style. He stated that this could only help to slow the flow of runoff in the abutters' direction and would not increase the amount of water. De Rego questioned how much the water flow would increase into Snell Creek. Mihov noted that the proposed plan would only help to slow the water flow in this instance.

Hartnett offered his summary to the Board stating that the proposed dwellings do not have a roof run-off recharge system. The inverts for the 18" detention basin outlet are not shown on the plan and asked if there should be rip rap or flared ends for these outlets. He noted that there is no overflow shown for the detention basin. Hartnett also stated that the engineer and Tibbetts should take a close look at water runoff and gravel runoff onto Main Road. There will be approximately 550' of roadway draining into a swale with an overflow onto Main Road. At a minimum, the plan should show a paved apron at the intersection of the road. The Board may want to consider an extended apron to reduce gravel runoff from entering Main Road.

Ostroff motioned to continue the Public Hearing Village Farm – Morgan Way- (15-001C-M) Modification to an approved subdivision 729 Main Road, Assessor's Map 77, Lots 29 & 29C, to Tuesday March 10, 2015, at 8:00 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

#### **Public Hearing 7:00 p.m.**

**Lincoln Heights (14-005C) Definitive Subdivision.** *Continued from January 13, 2015 & February 10, 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.

Whitin opened the Public Hearing for Lincoln Heights (14-005C) Definitive Subdivision. Due to the pending legal review by Town Counsel, this hearing will be continued to the next meeting.

Raus motioned to continue the Public Hearing for Lincoln Heights (14-005C) Definitive Subdivision to Tuesday, March 10, 2015, at 7:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

#### **ADMINISTRATIVE ITEMS.**

**Street Acceptance comments for BOS (Kyle Jacob Road, Rach's Lane, Melissa Beth Way, Rita Lane, Stella Lane, Berard Court, Stonehaven Lane & Lincoln Avenue).**

##### **1. Kyle Jacob Road, Rach's Lane, Melissa Beth Way – 05-001C Brookside Woods**

On September 28, 2010, the Planning Board voted to give final approval of the subdivision and release the remaining balance of the surety. At that time the roads were constructed as designed. The Planning Board also voted to endorse the Form K Termination Agreement. Hartnett stated that he drove through this subdivision with Chris Gonsalves early last summer and did not notice anything of concern. Discussion ensued.

Ostroff motioned to make a non-binding recommendation to the Board of Selectmen for Kyle Jacob Road, Rach's Lane and Melissa Beth Way, that these streets could be accepted at Annual Town Meeting because the roadways satisfied the requirements under roadway construction standards as stipulated in the Planning Board Rules and Regulations for Subdivision Control. Raus seconded the motion and the vote was unanimous with all in favor.

## **2. Rita Lane – 05-008C White Oak Estates**

This subdivision was approved in 2006 and Endorsed on April 25, 2006. This subdivision has not been released by the Planning Board and a surety of \$65,000 is still being held. There are two reports from Tibbetts Engineering dated in May of 2014, listing a number of outstanding issues relating to the subdivision. John Carrigg was present and a brief discussion ensued about the items listed in the Tibbetts review. Carrigg stated that in his opinion, the road would be ready for acceptance by the date of the Annual Town Meeting.

Raus motioned to make a non-binding recommendation to the Board of Selectmen for Rita Lane, that this street should not be accepted at Annual Town Meeting unless the roadway can satisfy the requirements under roadway construction standards as stipulated in the Planning Board Rules and Regulations for Subdivision Control prior to Annual Town Meeting. De Rego seconded the motion and the vote was unanimous with all in favor.

## **3. Stella Lane – 06-009C Sarah Ann Ivy Estates**

This subdivision was approved on March 6, 2007, and endorsed by the Board on November 6, 2007. This subdivision has not been released by the Planning Board and a surety of \$2,000 is still being held. There is a report from Tibbetts Engineering dated January 8, 2015, that states *“the Planning Board could consider project completion/acceptance for the above project subject to grass growth achievement and as-built revisions with surety value held until completion.”* John Carrigg was present.

Ostroff motioned to make a non-binding recommendation to the Board of Selectmen for Stella Lane, that this street should not be accepted at Annual Town Meeting unless the roadway can satisfy the requirements under roadway construction standards as stipulated in the Planning Board Rules and Regulations for Subdivision Control prior to Annual Town Meeting. Raus seconded the motion and the vote was unanimous with all in favor.

## **4. Berard Court – 03-001C Pine Needle Estates**

This subdivision was approved by the Planning Board and endorsed on June 24, 2003. The developer failed to complete the subdivision and the Planning Board has taken over the surety and has been working to complete the work. There will be some touch up loam and seeding that will need to be done in April, 2015, but Hartnett stated that it should be ready for acceptance at the Annual Town Meeting. Hartnett reviewed the subdivision for the Board members. Discussion ensued.

De Rego motioned to make a non-binding recommendation to the Board of Selectmen for Berard Court, that this street should not be accepted at Annual Town Meeting unless the roadway can satisfy the requirements under roadway construction standards as stipulated in the Planning Board Rules and Regulations for Subdivision Control prior to Annual Town Meeting. Ostroff seconded the motion and the vote was unanimous with all in favor.

## **5. Stonehaven Way - 02-006C Lisbor Lane**

This subdivision was approved by the Planning Board and endorsed on January 14, 2003. The developer failed to complete the subdivision and the Planning Board has taken over the surety and has been working to complete the work. There will be some touch up loam and seeding that will need to be done in April, 2015, but Hartnett stated that it should be ready for acceptance at the Annual Town Meeting. Hartnett noted that a Tibbetts inspector was on site in January, 2015, and noted that the project could be considered complete once a few minor items were completed. Discussion ensued.

Raus motioned to make a non-binding recommendation to the Board of Selectmen for Stonehaven Way, that this street should not be accepted at Annual Town Meeting unless the roadway can satisfy the requirements under roadway construction standards as stipulated in the Planning Board Rules and

Regulations for Subdivision Control prior to Annual Town Meeting. De Rego seconded the motion and the vote was unanimous with all in favor.

## **6. Lincoln Avenue - 1973 Lincoln Heights**

This subdivision was approved by the Planning Board and endorsed on November 21, 1973. Whitin noted that the Planning Board released the development and returned the surety on May 15, 1974. Based on the limited information in the file, the subdivision was built to the satisfaction of the Planning Board at that time. A visit to the sight in early January, 2015, showed that the road was in good condition considering it was constructed more than 40 years ago. The condition of the roadway is clearly below the standards of what you would see with a newly constructed roadway.

There was an article submitted in 1988, requesting that this street be accepted. See letter from then Town Counsel, Attorney Carlton A. Lees. - Whitin read the articles into the record.

Article VII, Section 0709 states

*"The Selectmen shall not approve a road layout for a road to be accepted by the Town until the road is built to the "Residential Street" specifications as contained in Article 39 of 1979 Annual Town Meeting and Article 31 of 1980 Annual Town Meeting, and the Rules and Regulations of the Subdivision of Land."*

Article 39 of 1979 and Article 31 of 1980 Annual Town Meeting

*To see if the Town will vote to have all new roads built to the following standards before being presented to Town Meeting for acceptance.*

- a. 12 inches of gravel foundation conforming to the Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highway and Bridges. The gravel to be tested in accordance with the Massachusetts D.P.W. Specifications. The test results certified by a Registered Professional Engineer.*
- b. The surface course of the road is to be constructed in two courses of Class I Bituminous Concrete Pavement Type I-I, one course of Binder one and one-half inches thick followed by a Top course one and one-half inches thick. A core sample of the mix shall be taken from the new roadway and tested in accordance with the Massachusetts D.P.W. Specifications. The test results shall be certified by a Registered Professional Engineer and submitted to the Planning Board. The cost of all testing and inspection to be borne by the party constructing the road.*

Hartnett noted that sampling would need to be done on the roadway to test and see if the roadway is up to today's standards. Discussion ensued on Lincoln Ave.

Ostroff motioned to make a non-binding recommendation to the Board of Selectmen for Lincoln Avenue, that this street was constructed in accordance with the Planning Board's Subdivision Rules and Regulations at the time the subdivision was released in 1974, however the petitioners have not presented information to the Board to demonstrate that the road meets the construction standards as required in Section 0709 of the Town Bylaws. Therefore recommend that the street not be accepted at Annual Town Meeting. De Rego seconded the motion and the vote was unanimous with all in favor.

## **Town Planner Report.**

1. Drainage – At the board's last work session, John Rockwell presented information regarding the design of subdivisions and calculations. Hartnett reviewed that meeting for the Planning Board Members:  
TR-55 – Technical Release 55 presents simplified procedures for estimating runoff and peak discharges in small watersheds. It takes a number of variables and standardizes them for specific rain events. Very few storms will mirror the storms used in the design. The ground could be frozen,

saturated or it could be unusually dry. Hartnett noted that all these things can change how stormwater will function.

In addition to looking at the storm intensity, the Board may want to consider the following:

- a. How are stormwater systems that have been installed over the last 15-20 years functioning?
- b. Are they being over designed or under designed?
- c. Are these systems being maintained, do they need to be maintained?
- d. What is the cost associated with maintenance?
- e. Are there specific areas of town where stormwater is a problem?

Whitin questioned how often the systems are maintained. Hartnett stated that the Highway Department recently purchased a GPS to keep track of where the catch basins are located. Ostroff questioned the incentives that could be offered to developers to choose drainage/storm water systems that are of the more successful kind for de-nitrification.

2. SCR Technical Assistance Grant – Hartnett contacted Don Sullivan at SRPEDD and he confirmed that the expedited permit process is part of the 43D application and really does not function without it. He stated that a town could develop a permitting process or guidebook to mirror the 43D process but it would be an informal type of application.
3. SMAST Report- Hartnett is waiting to hear back from Roland Samimy on rescheduling the presentation that was cancelled earlier this month.
4. Gels Way – Hartnett spoke with the owner's engineer and he will be in on Wednesday morning to discuss changes in the plan design.

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

1. There were two candidates for the Planning Board that attended the meeting and introduced themselves. Present were Richard Brewer of 1971 Main Road and Andrew Souza, also a Westport Resident and employee of the Town Highway Department. Ostroff noted that there is a third candidate and that she invited him to attend the next Planning Board meeting.
2. Raus noted that the roadways in town are very narrow due to the snow on the shoulders, and that mailboxes are too close to the edges of the roads which is preventing plowing the entire width of roadways. Andrew Souza from the Highway Department was present and stated the importance of the Planning Board only accepting roadways that have the required width. Raus noted that roadway markers should be used to mark the roadways' edges so that the full road width can be plowed. Whitin asked Hartnett to research some areas where excess snow can be deposited. Souza noted that he could provide a list of problem roads. Ostroff mentioned how much narrower Main Road is in relation to its approved layout and that resurfacing the roadway would allow the entire road width to be utilized.

**Correspondence.**

None.

**Minutes.**

February 10, 2015. Ostroff motioned to accept the minutes as submitted. De Rego seconded the motion and the vote was unanimous with all in favor.

**Invoices.**

Mileage and reimbursement for fees paid at the Registry of deeds for recording the Order of Conditions for both Berard Court and for Stonehaven Way for Hartnett: \$180.41.

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

**ADJOURNMENT**

Members unanimously voted to adjourn the regular meeting and enter into Executive Session at 8:00 p.m. by roll call vote pursuant to Massachusetts General Laws Chapter 30A, Section 21 to conduct negotiations with non-union personnel.

Respectfully submitted,

Joan Steadman, Recording Clerk