



**TOWN OF WESTPORT**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**March 10, 2015**

Chairman James T. Whitin called the meeting to order 6:02 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff, Member David Cole, Member Marc De Rego and Town Planner James Hartnett in attendance.

**APPOINTMENTS**

**Approval Not Required (ANR). Faria (15-002A).** Request by applicant for endorsement of a two lot plan of land located at 79 Union Avenue, Assessors' Map 28, Lot 26.

Mark Boucher from Boucher & Hereux presented the proposed plan for the Board. He explained that the applicant was proposing to divide the property into two lots, leaving an existing house on one lot and creating a second lot. He stated that both of the lots will have the required uplands, area and frontage. He stated that the lots gain frontage from Forge Road. Boucher noted that there is currently a driveway off of 79 Union Ave that services the existing house. Brief discussion ensued.

Ostroff motioned to endorse the plan entitled "Approval Not Required Plan of Land in Westport, Massachusetts prepared for the Joyce C. Faria Irrevocable Trust" dated: February 9, 2015, because it complies with the provisions of MGL Ch 41 Section 81P. Raus seconded the motion and the vote was unanimous with all in favor.

**Public Hearing**

**Distinctive Autobody - Rui & Helena Cordeiro (15-002SPA).** Request by applicant for approval of a site plan application to construct a 2,557 square foot addition behind the existing building at 1121 State Road Westport, MA, Assessor's Map 28, Lot 8.

Len Potter from Westport Environmental Design Inc. and Engineer Tom Perry came before the Board to present the plan for the applicants Rui and Helena Cordeiro. Perry described the site as it exists currently and then presented the plan for the addition of a 2557 sq. ft. building to be located behind the existing Distinctive Auto Body building. Perry described the proposed storm water runoff system including a roof runoff system, a bio-retention swale and a vegetative swale. He noted that the project would create a reduction in impervious area. Perry requested a waiver explaining that the bio-retention swale is within ten feet of the abutting property, but noted an existing fence separating the properties. Perry requested a second waiver for the reduction to 80% of the peak flow, stating that they have reached an 89% flow reduction.

Whitin read the comments from the various Boards into the record. Whitin read a Tibbetts report dated February 20, 2015, into the record. In response to the Tibbetts report, Perry presented a response letter from David Potter dated March 4, 2014. The responses were read into the record. A second review report from Tibbetts dated March 9, 2015, was read into the record by Whitin. Discussion ensued over the proposed night time friendly lighting and the existing lighting.

Hartnett noted that the engineer had provided parking calculations for the existing and proposed building. With the addition, the total number of required spaces would be 23. The site currently has 32 spaces outside of the building. The Board may want to consider requiring the applicant to stripe the paved portion of the parking area to better delineate the spaces including the handicap parking space.

Hartnett read proposed findings of fact and proposed conditions into the record.

Proposed Findings of Fact

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Work associated with the project is limited to the northerly portion of the property away from the wetland area. Fencing has been provided along the easterly and westerly property lines. The proposed addition will be located to the southerly end of the existing structure with limited visibility from the public way.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and the location of driveway opening is convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. Provisions have been made to accommodate pedestrian and vehicular movements including proper access for emergency vehicles.
3. The project as presented provides an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises. The building as proposed would require a minimum of 23 parking spaces and the applicant has proposed 32 spaces outside of the building with an additional 22 spaces within the building.
4. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
5. The project as presented complies with all applicable requirements of this By-Law, the Rules and Regulations of Site Plan Approval, and the Rules and Regulations Governing the Subdivision of Land (to the extent applicable), unless explicitly waived by the Planning Board.

Proposed Conditions to be considered by the Board

1. Any changes to the approved site plan shall require Planning Board approval.
2. Temporary erosion control measures such as hay bales or silt fencing shall be placed where needed prior to construction and shall remain until disturbed areas are permanently stabilized.
3. The applicant may install new lighting on the property with approval from the planning board, providing it meets the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval.
4. Individual parking spaces shown on the paved portion of the lot shall be striped in accordance with the plan.
5. Prior to the issuance of the certificate of occupancy, the applicants engineer shall inspect and certify that the construction has been completed and is in substantial conformity with the approved site plan.

Cole motioned to make a finding that the proposed plan is minor in nature and a Minor Site Plan application. Ostroff seconded the motion and the vote was unanimous with all in favor.

Ostroff motioned to approve the site plan for Distinctive Autobody owned by Rui & Helena Cordeiro of 1121 State Road, Westport Ma, Assessor's Map 28, Lot 8 to construct a 2,557 square foot addition behind the existing building with findings of fact, waivers and conditions as stated. Raus seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Old County Estates – Jo-Ann’s Way (14-006C-CD) Definitive Subdivision and Common Driveway Application.** *Continued from January 13, 2015 & February 10, 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 a continuance request from Sitec Engineering on behalf of the applicant.

Ostroff 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 24, 2015, at 6:15 p.m. Cole seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Lincoln Heights (14-005C) Definitive Subdivision.** *Continued from January 13, 2015, February 10, 2015 & February 24, 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 and read a continuance request submitted by the applicant. Hartnett read a request for an extension of the review time to April 7, 2015, from the applicant into the record.

Raus motioned to extend the review time for the definitive plan entitled "Proposed Definitive Plan-Lincoln Heights Assessor’s Map 32, Lots 6-16, 28 & 36A Dated November 6, 2014" to April 7, 2015. De Rego seconded the motion and the vote was unanimous with all in favor.

Cole motioned to continue the Public Hearing for Lincoln Heights (14-005C) Definitive Subdivision to Tuesday, March 24, 2015, at 6:45 p.m. Raus seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Village Farm – Morgan Way- (15-001C-M) Modification to an approved subdivision 729 Main Road,** Assessor’s Map 77, Lots 29 & 29C. *Continued from February 24, 2015.* 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.

Representing Engineer. George Mihov and Trustee Raymond Raposa were present. Whitin read a letter from Cynthia Raposa dated March 10, 2015, into the record which claimed that Raymond Raposa was effectively removed of his duties as Trustee of the Raposa Nominee Trust, and that now Cynthia herself had been appointed the position of Trustee and then the letter requested that the hearing be continued to a later date so that out of state beneficiaries of the trust could be present for their interests. Beneficiary, David Raposa was present and also requested that the public hearing be continued. Raymond Raposa questioned the legality of the letter from Cynthia Raposa. The Board decided to continue the hearing until the next meeting so that the legal matter has time to be resolved.

Ostroff motioned that the Public Hearing for Village Farm– Morgan Way- (15-001C-M) Modification to an approved subdivision 729 Main Road, Assessor’s Map 77, Lots 29 & 29C, be continued to Tuesday, March 24, 2015, at 7:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

**Administrative Items.**

a. CPTC Training March 21, 2015- College of the Holy Cross. Members will contact Lucy to let her know who is interested in attending and which seminars they would like to attend.

b. Update on Master Plan. Hartnett noted that the goals and action items are available for review on the Town website. He noted that the text is being written now for the chapters with the assistance of Robert Barbosa. Hartnett reviewed the process of a build-out analysis.

**Town Planner Report.**

1. Water infrastructure planning and technical assistance grant; April 14, 2015 filing deadline.

Hartnett stated that MassDEP is issuing a Request for Responses for a new grant program to assist local communities with planning for their water infrastructure. This program, which resulted from new water legislation passed in 2014, will provide grants of up to \$30,000 to subsidize Comprehensive Wastewater Management Plans, Integrated Asset Management Plans and Green Infrastructure Plans. Cole spoke to the Board about reaching a consensus about how to manage the wastewater in Town. Discussion ensued. Cole noted the Annual WRWA meeting is on Sunday March, 15, 2015 at Bittersweet at 12:45 p.m.

2. Hartnett noted that there has been some interest in a 40B application that was previously approved for 52 single family dwellings at the end of Brookwood Drive, they are looking to increase the number of dwellings by 12 to 64 units. He noted that the application would be filed with the Zoning Board of Appeals.

3. Subdivision roadway width. The Highway Department has been experiencing problems plowing snow in some of the subdivisions and in some of the cul-de-sacs due to the narrow width of the roadways. Hartnett noted that members of Highway Department are concerned that the pavement width is too narrow. Hartnett will invite the members of the Highway Department to the upcoming Planning Board Work Session.

4. Build-out Analysis. Hartnett noted that he met with Claude Ledoux, Tim Gillespie and Grant King last week to discuss developing build-out projections for the Town and will be working on the analysis over the next couple of months.

5. SMAST meeting- Scheduled for March 19, 2015 at the Board of Selectmen's hearing room at 6:00 p.m. Hartnett noted that this is a public meeting.

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

1. Former Planning Board member Wayne Sunderland was present and spoke his opinion about the ongoing discussion of the Lincoln Ave subdivision.

2. Cole asked Hartnett if the Planning Board was ever officially asked for an opinion from other Boards, or if the Planning Board could offer comments on plans that do not specifically have to come before the Planning Board for approval. Whitin noted that it may be good to offer comments on LID filings. Discussion ensued. The Board also discussed the possibility of looking into the Green Community designation for the Town.

**Correspondence.**

a. Ch 91 Notification –Guidice, Glen Rd Map 71, Lots 89C & 109. Hartnett briefly reviewed for the Board. No action required.

b. ZBA/Notice of Decision for 23 Acoaxet Rd. Hartnett briefly reviewed for the Board. No action required.

- c. ZBA/Notice of Decision 762 State Road variance to shed setbacks. Hartnett briefly reviewed for the Board.
- d. ZBA/Notice of Hearing on 3/4/15 for 1 Daisy Lane – construction of a 2-stall garage with a bedroom above. Noted.
- e. Road Acceptance memo to the BOS dated 2/25/15. Noted.

**Minutes.**

February 17, 2015 Work Session.

Raus motioned to accept the work session minutes as submitted. De Rego seconded the motion and the vote was three in favor with Cole abstaining due to his absence at the Work Session.

February 24, 2015.

De Rego motioned to accept the Regular & Public Hearing minutes as amended. Ostroff seconded the motion and the vote was three in favor with Cole abstaining due to his absence at the Meeting.

**Invoices.**

Master Plan chapter draft writing - Robert Barbosa for \$256.25.

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

**ADJOURNMENT**

Members unanimously voted to adjourn at 8:11 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk