



TOWN OF WESTPORT
856 Main Road
Westport, Massachusetts 02790

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

PLANNING BOARD

PLANNING BOARD MEETING MINUTES

April 21, 2015

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

REORGANIZATION

Members voted to keep James Whitin as the Chairman, voted to keep William Raus as the Vice Chairman and voted to elect Marc De Rego as the Clerk for the Planning Board.

APPOINTMENTS

Meeting with Board of Health Members to discuss storm water and nitrogen loading.

John Colletti Board of Health Chairman, Sean Leach and Karl Santos from the Westport Board of Health were present to participate in the discussion. Whitin noted that the Planning Board has received the preliminary report for the sub-watershed area of the East Branch of the Westport River, which highlights some difficulties in the area surrounding Bread and Cheese Brook. Whitin stated that the Planning Board is considering adopting the Stormwater Regulations used by the Board of Health as an addendum to the Planning Board's Regulations. Whitin noted that for any future major projects, a joint meeting of the Town Boards may be beneficial. Cole noted that the Planning Board would like the opportunity to comment on any plans that don't necessarily come before the Planning Board for a full review. Whitin noted that the Planning Board has considered creating a "Nitrogen Overlay District" around the Bread and Cheese Brook area, and added that everyone in Westport should be concerned with how to solve the nitrogen issues. Discussion ensued. Santos asked if there are any criteria for stormwater management for a new development. Leach noted that there is an issue with the enforcement and implementation of the Regulations after time has gone by. Colletti noted that if 5K sq. ft. or more of land is redesigned at any time, the area should be brought into question. Leach noted that some towns "monument" the area of land that can be cleared. Whitin noted that the Open Space Residential shared de-nitrification systems should be by right instead of by special permit, thus providing incentive to use a shared or clustered system.

Cole reviewed the presentation made to the Water Resource Management Commission. The report designated areas of high nitrogen loading and recommended high priority areas for de-nitrifying septic systems. He noted that there are many homes in Westport that cannot be sold due to the inability to repair or replace a failed Title V septic system or the lack of potable water. Cole noted that some of the points used in the report will be used in the Town Master Plan to improve drinking and wastewater in Westport. Cole discussed ways to have the Town take on some of the costs of remediating the issues. Discussion ensued.

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 & March 10, 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.

A request has been made to table this matter until our next meeting scheduled for May 19, 2015 by the applicant. A letter from Raymond Raposa dated April 15, 2015, was read into the record. A letter from Attorney Walter Smith, representing Cynthia Raposa, dated April 9, 2015, was presented to the Planning Board regarding the ownership and trustees. Hartnett stated that the Board should seek legal counsel on the matter. Cynthia Raposa was present and suggested that the Board seek legal counsel on the issue and noted that she will present more paperwork to the Board to ensure that the Board has all of the information to make a decision on the matter.

Hartnett will request a cost estimate of the legal counsel and will discuss it with the Board at the next PB Work Session.

Raus motioned to continue 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 to May 19, 2015, at 6:45 p.m. Cole seconded the motion and the vote was unanimous with all in favor.

First Bristol Corp (10-009SPA) Request by applicant for a reduction in surety.

Jamie Karam, of First Bristol Corp. was present to request a reduction in surety. Karam briefly reviewed the work completed on the property to date. A letter from Tibbetts dated April 16, 2015, was read into the record. Tibbetts estimate for portion known as 827 American Legion Highway was \$0. The Tibbetts estimate for portion known as 829 American Legion Highway was \$14,400. Hartnett explained that this project is different from most of the site plans because there are two buildings on one site. In October of 2013, the Planning Board secured a performance agreement for \$21,600 so that the occupancy permit for 827 American Legion Highway could be issued. In January of 2014, the Board voted to release some of the funds retaining \$17,600 for the completion of the project. The applicant is now looking for the remaining funds to be released. Hartnett discussed a small drainage issue to the east noting that if the Board feels that the drainage along Wildberry Lane is an issue, the Board could hold some of the funds from the surety to ensure the issue is remedied. Normally the Board would hold the occupancy permit as surety until the completion of outstanding issues.

Cole motioned to reduce the surety by \$12,600, leaving a minimum balance of \$5,000, to insure the performance of work related to First Bristol Corporation for property located at 827 American Legion Highway. De Rego seconded the motion and the vote was unanimous with all in favor.

White Oak Estates (05-008C). Request by applicant for final acceptance & completion of the road.

Bob Carrigg of Bristol Pacific Homes was present along with Ralph Mulford, Trustee of Twin Pines Westport Realty Trust, to request final acceptance and completion of the road. Whitin read a Tibbett's letter dated April 20, 2015, into the record. Carrigg reviewed each point of the Tibbetts letter for the Board and presented digital pictures of the roadway. Hartnett discussed paved aprons and stated that he spoke to Tibbetts, but the paved aprons were not shown on the original plan so they are not required. Hartnett noted that he visited the site and some grass growth had started, but still needed time to grow in fully. The Board would hold their decision until Town Meeting.

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, 201, March 10, 2015, March 24, 2015 & April 7, 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 stated that a request by the applicant's engineer had been submitted to the Planning Board requesting a continuance.

Cole motioned to continue the Public Hearing for Old County Estates – Jo-Ann's Way (14-006C-CD) Definitive Subdivision and Common Driveway Application to May 19, 2015, at 6:00 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

Executive Session - pursuant to Massachusetts General Laws Chapter 30A, Section 21 to conduct negotiations with non-union personnel. Tabled to the next meeting.

Administrative Items.

a. Endorse Decision for Phelan 215 River Road for a Special Permit for Flexible Frontage. Raus motioned to endorse the decision for Phelan, 215 River Road for a Special Permit for Flexible Frontage. De Rego seconded the motion and the vote was four in favor with Sousa abstaining because he was not a member of the Planning Board at the original public hearing.

b. Annual Town Meeting prep.

The Board should determine who will be presenting the two articles for Town meeting, accessory apartment By-law and the 43D Article. Tabled to work session.

c. Master Plan update. Tabled to next meeting

d. Routes 177 & 6 update. Tabled to next meeting.

Invoices

Mileage for attending CPTC Conference in March for Whitin & Raus and April mileage for Hartnett \$194.36

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

ADJOURNMENT

Members unanimously voted to adjourn at 7:29 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk