



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

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**PLANNING BOARD MEETING MINUTES**

**June 18, 2019**

Chairman James T. Whitin called the meeting to order at 6:00 p.m. with Vice-Chairman Robert Daylor, Members John Bullard, James Watterson and Town Planner James Hartnett in attendance. David Cole joined the meeting at 6:20 p.m.

**Call to order 6:00 p.m.**

**1. Appointments**

- a. Approval Not Required (ANR)** Marcotte (19-008A) Request by the applicant for endorsement of a 2-lot plan of land located at 278 Drift Road Assessors' Map 52 Lot 20.

The applicant was not present to address the Board, Hartnett stated the applicant is requesting to divide the property into two lots leaving the existing house and barn on one lot and creating a second buildable lot. Both lots meet the minimum frontage area and upland requirements. Hartnett recommended the Board endorse the plan "Approval Not Required."

Lot 1	3.37 Acres	388.99'
Lot 2	17.62 Acres	229.85'

**Motion**

Daylor moved to approve endorsement of the plan entitled "Approval Not Required Plan, 278 Drift Road Assessors Map 52 Lot 20 Westport, Massachusetts" prepared for Barbara Marcotte, dated May 31, 2019, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Bullard with all five members in favor.

**2. Administrative Items**

- a. Lafrance Hospitality Hotel (19-004SPA) – Endorse Decision  
b. Lafrance Hospitality Storage and Parking (19-004SPA) Endorse Decision

**Motion**

Cole motioned to endorse the Site Plan decisions for Lafrance Hospitality hotel and storage/parking. Seconded by Daylor with all five members in favor.

- c. Allen's Way (Lars Way) (17-007C-M) Request to Release Surety

Lars Salomonsen of 85 Canonicus Street, Tiverton, RI was present, he stated the subdivision has been completed and requested final approval.

Hartnett stated the applicant has requested a release of the surety and final release of the subdivision. There is a review letter from SW Cole dated June 6, 2019, that recommends three minor changes to the as-built plans (these changes have been made). Hartnett recommends releasing the cash surety and gives final approval.

### **Motion**

Daylor moved to release the cash surety in the amount of \$8,500 plus interest and grant final release of the Allen's Way Subdivision based on the receipt of the As-built plans. Seconded by Bullard. Members Whitin, Bullard, Watterson, and Daylor voted in favor of the motion.

#### **d. Noquochoke Village (15-002SPA) Request to Release Surety**

Hartnett stated the applicant has requested a reduction in the performance surety for Noquochoke Village. George Mello from S.W. Cole Engineering inspected the site and prepared a report dated June 12, 2019. He is recommending the Town hold \$22,000 for the remaining work that includes mostly landscaping. The Town is currently holding \$117,000, the majority of this amount was for work that has been completed within the last 3 months including paving.

No one from Noquochoke Village was present.

### **Motion**

Daylor moved to reduce the cash surety for Noquochoke Village from \$117,000 to \$22,000 based on S.W. Cole's inspection letter. Seconded by Watterson. Members Whitin, Daylor, Bullard, and Watterson voted in favor of the meeting.

### **Update on on-going site plans and subdivisions**

Hartnett updated the Board of the outstanding projects that have been inactive for a while. He has contacted the applicant's to finish up their projects and would like to close out the files soon.

- CEC – \$10,000 bond for clover growth under the panels.
- Walter's Way – Old County Road
- Meadowbrook – Granite Post Road & Old Farm Road
- Partners Store

Watterson asked what happens with outstanding projects. Hartnett responded that the owners are called in before the Board to update them on when the projects will be finished.

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

#### **3. Prestige Auto Mart (19-008SPA)**

Request by the applicant to consider the Site Plan application of **Prestige Auto Mart** for property located at **50 Forge Road**, Assessor's Map 28, Lots 20 & 20L, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to convert existing single-family dwelling into office space and construct a 4,000 sq.ft addition to an existing garage for an auto repair, auto body and detail work to be performed on site. A total of 111 parking spaces are planned.

Dan Aguiar from SITEC Engineering was present on behalf of Prestige Auto along with Todd Pierce of 50 Forge Road. The applicant would like to expand the facilities to include an auto repair, auto body and detailing shop. A handicapped ramp will be added to the existing single-family home and will construct a new detailing building.

Watterson asked who owned lots 40-45. Aguiar responded that the Town of Westport is the owner.

The existing driveway entrance will be paved for staff parking. Aguiar asked if the Board would allow crushed stone for the vehicle storage or would they require it to be paved to reduce the impervious surface.

Aguiar addressed S.W. Cole's concern regarding the septic system. Aguiar commented that the septic falls just short of the 330 gallons/day needed for 10 employees. The Board of Health has reviewed the proposal and has recommended approval.

Whitin asked if the existing driveway on lot 20M will be abandoned. Aguiar responded a future plan may include removing the driveway and make an interconnection passageway for easier access between both properties. A gate will be installed and it will remain closed for now.

Whitin questioned the distance from the parking surface to the wetland line. Aguiar responded +/- 5' from bordering vegetation. Aguiar met with Conservation Commission and addressed their concerns regarding appropriate floor drains and industrial wastewater tanks.

Bullard expressed his concern about vehicles leaking fluids. Aguiar commented that crushed stone would be ideal.

Bullard referenced a letter from abutting neighbors at 47 Union Street, Brian Moses, and Lydia Sousa, regarding frequent announcements and loudspeakers at the car dealership location. Aguiar suggested that a condition upon an approval could be put in place. Butch Sousa commented he will talk with Prestige to find alternate ways of communication other than loudspeakers.

Whitin commented that the plans show an intermittent stream and if the paved stone will be hotter than the crushed stone. Aguiar agreed that the paved area would be warmer than the crushed stone but felt that the temperature is insignificant because the water would cool off by the time it reached the east branch river.

Daylor read the Selectman's Department Reviews and they commented about the flooding issues. Aguiar will follow up with the Board of Selectman's office for clarification.

Hartnett read S.W. Cole's report dated June 11, 2019, Department Head comments and Planner comments into the record.

All five Board members were in favor of a crushed rock surface.

### **Motion**

Daylor motioned to continue the hearing to August 13, 2019, at 6:45 p.m. Seconded by Bullard with all five members in favor.

### **7:15 p.m. Public Hearing**

4. Request by the applicant for a modification to a definitive subdivision plan entitled **"Definitive Subdivision Record Plan Lincoln Heights"** dated November 6, 2014, and recorded in Book 178, Page 74. Modifications are shown on subdivision plan entitled: **"Lincoln Heights Revised Drainage Layout Plan of Land in Westport, MA"** prepared for Scott and Jodi Holmes dated April 12, 2019, Assessor's Map 32, Lots 6-15, 28, 36A located at the South End of Lincoln Avenue, proposing modifications to the drainage design.

Dan Gioiosa from SITEC Engineering was present on behalf of the applicants, Scott and Jodi Holmes.

Gioiosa is requesting modifications to drainage only with roadside swales on either side of the road.

Whitin asked why the need for the drainage change. Gioiosa responded the original subdivision drainage was for potential expansion of the subdivision. The current plan is for only four lots so there is no need for the previous drainage system.

Hartnett commented there was a previously approved land court plan. They are proposing to change the drainage of the road but lot configuration and layout are staying the same.

Hartnett read May 30, 2019, S.W. Cole's report into the record.

Whitin read the Department Reviews into the record.

Warren Messier of 180 Tickle Road was present. Messier is an owner of abutting land. Messier commented that he has rights under the previously approved land court plan and all owners would have to authorize the change. Messier is concerned about the water flow from lot 4 toward his land.

### **Motion**

Daylor moved to continue the meeting to July 9<sup>th</sup> at 6:00 p.m. Seconded by Cole with all five members in favor.

Daylor amended the continuance motion to July 9<sup>th</sup> at 4:00 p.m. Seconded by Bullard with all five members in favor.

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

#### **5. SunRaise Development LLC (19-002S-LID) (continued from February 26, 2019, April 23, 2019 & May 28, 2019)**

Request by the applicant to consider the Special Permit and Site Plan applications for **SunRaise Development L.L.C** for property owned by Manuel III and Carolyn Ferry, located at 136 Old Pine Hill Road and White Oak Run, Assessor's Map 43, Lot 29. Pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system, approximately 2.0 Megawatts.

John Bullard signed the "Absent from Meeting" form that he has reviewed the tape on this project for the May 28, 2019 meeting.

The applicant has submitted plans for a large scale solar array on land located west of White Oak Run. The applicants have also submitted a preliminary subdivision plan for the same property, to freeze the existing solar by-law regulations. The applicant submitted revised plans on June 11, 2019, mainly addressing comments from the neighbors and an appeal to the state for the conservation filing.

Joe Harrison from SunRaise Development LLC was present representing the applicant. SunRaise has met with some abutters and made changes based on their concerns. 7.8 acres will be used for solar panels, 3 acres of the existing cornfield will be used. The Ferry's reason for putting in solar is to help maintain and support the farm.

Meredith Savage from SWCA was present. Ms. Savage reviewed the changes made since the original submittal. To address the neighbor's concerns of being able to see the panels, the panels were moved West 80 feet in field "d" and additional screening has been provided.

David Cole made a recommendation of removing field "d" and put panels on the barn. Harrison commented that putting panels on the barn was not cost effective.

Whitin approves of the improvements made from the previous plan such as increase distance from the neighbor's houses.

Deborah Weaver from Westport River Watershed Alliance was present. Ms. Weaver voiced her concern about the vernal pools and wetlands.

Art Desrosiers of 90 White Oak Run was present. Desrosiers stated that the solar panels shouldn't be in a residential neighborhood, feels that it will impact property values. He is against the project.

John Raposa of 86 White Oak Run was present. Raposa referenced a number of zoning articles identifying areas of concern. Whitin commented that by Town Meeting laws, solar is allowed in the Residential/Agricultural district. Raposa felt that Conservation Commission should review the wetlands prior to approval.

Sandra Raposa of 86 White Oak Run was present. Ms. Raposa submitted a May 6, 2019 letter from Dorothy Tongue stating the lease was terminated between the Ferry's and SunRaise. Ms. Raposa also read an April 3<sup>rd</sup> letter from Gary Makuch from Mass DEP.

Robert Oberkoetter was present representing the Ferry family. Oberkoetter commented that the terminated lease that Mrs. Raposa spoke about has been reactivated. He will write a letter for the file. The Lakeville EPA gave them the green light to remove some fill.

Hartnett suggested to close the public hearing and the Board could deliberate and to approve, deny or approve with modifications.

Bullard voted to close the hearing. Seconded by Daylor with all five members in favor.

#### **6. Matters not reasonably anticipated.**

a. SRF Funding Request 2019 – Cole would like to use SRF funding for phase 2 of IWRMP for the West Branch of the River and address the rest of the town. Daylor and Cole will work on preparing the application for Town Meeting in April 2020.

#### **Motion**

Cole motioned to start preparing the application for the State Revolving Fund phase II of water planning. Seconded by Bullard with all five members in favor.

#### **7. Correspondence - None**

#### **8. Minutes.**

May 28, 2019 – Bullard moved to approve the minutes as written. Seconded by Cole with all five members in favor.

June 4, 2019 – Bullard moved to approve the minutes as written. Seconded by Cole with all four members in favor. Daylor abstained.

#### **9. Invoices**

- Hartnett Postage reimbursement – \$32.95. Daylor motioned to approve postage. Seconded by Bullard with all five members in favor.
- Hartnett Mileage/Phone for May/June 2019 - Daylor moved to approve mileage/phone expenses. Seconded by Bullard with all five members in favor.
- Whitin SRPEDD yearly Mileage – \$834.27. Daylor moved to approve mileage expenses. Seconded by Cole with all five members in favor.
- WB Mason – Office supplies - \$221.72. Cole moved to approve office supplies. Seconded by Bullard with all five members in favor.

## **10. Planners Report**

Hartnett updated the Board on the open active accounts with S.W. Cole and Field Engineering.

Hartnett updated the Board on the Grants. He commented the grants are welcomed, however, they are costly and very time consuming due to the monthly/quarterly reporting.

Hartnett mentioned that Gerry Coutinho invites Westport residents to visit the Dartmouth Council of Aging for a site visit June 19<sup>th</sup>.

Hartnett informed The Board of a workshop on Rural Policy Plan Climate Change and Resiliency in Middleboro on June 21<sup>st</sup>.

## **Adjournment**

Members unanimously voted to adjourn at 10:00 p.m.

Respectfully submitted,

James Hartnett, Town Planner  
Nadine Castro, Assistant Town Planner II