



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

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## **PLANNING BOARD**

### **PLANNING BOARD MEETING MINUTES**

**September 10, 2019**

Chairman Jim Whitin called the meeting to order at 5:31 p.m. with Vice-Chairman Robert Daylor and members John Bullard, James Watterson, Bill Sheahan and Town Planner James Hartnett in attendance.

**Call to order 5:30 p.m.**

#### **5:30 p.m. Public Hearing**

##### **1. Watuppa Realty, LLC (19-010SPA) (*continued from, July 16, 2019, & August 13, 2019*)**

Request by applicant to consider the Site Plan application of **Watuppa Realty, LLC** for property located at **25 Sanford Road**, Assessor's **Map 3, Lot 34C**, Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval, on a request to convert existing building into office space and to construct a 60'x120' warehouse/storage building with related parking.

Michael Koska was present representing the applicant Watuppa Realty LLC along with Joe Pires partner of Pioneer Basement.

Whitin asked for clarification of ownership for the two properties being they are different company names. He commented that there should be a connection between the businesses if there is a cross use and would like to see a defined easement between the two properties noted on the plan. Pires responded that Steve and Dee Andras and he are the owners of both pieces of land; however, the business names are different for liability purposes.

Whitin read S.W. Cole's peer review dated September 9, 2019, into the record. Koska addressed the questions and will make modifications per their recommendations.

Hartnett commented that the properties are two separate parcels and separate businesses. If the lots were sold, the lots would be able to function on their own being they have their own individual parking and septic systems. The two businesses joined the parking lots as a convenience.

Koska requested a waiver for landscape on the north side of the building.

Whitin asked if test pits were taken. Koska responded that the 2 perk tests that were performed perked out well with class "A" soils.

Whitin asked if a Traffic report was done. Koska estimated 75 trips per day and felt that a traffic study wasn't warranted.

Whitin asked if liquids or chemicals would be in the building and indicated the Fire Department would want to know if there were any flammable items stored. Pires responded that the pipes are PVC based and pipes are cast iron. Pires responded he wasn't sure about the fire hazards. Whitin requested specifications on the PVC pipes.

Hartnett read the Fire Department's revised 9-9-19 review into the record. Koska would like to meet with Lt. Brisk to discuss his concerns regarding the entrance.

Hartnett would like to see landscaping on the plan. Koska requested a waiver for landscaping.

Hartnett questioned the type of fence that would be installed. Koska proposed a white vinyl fence on the north side along with installing arborvitaes.

Hartnett asked where the overflow would go due to the self-contained drainage system. Koska responded that the overflow would move southerly to the low areas.

Watterson raised concerns about the handicap space not being dimensioned and the design of the parking area. He did not believe the site was designed to adequately provide for large trailer trucks.

### **Sample Waivers**

1. Section 20.3.f curb cut 24'
2. Section 20.4.a Minimum distance between access drives
3. Section 20.4.c Minimum of 40' between street property line and parking area
4. Section 20.6.1.B Minimum of 10' landscaped buffer along property line
5. Section 20.6.1.C Minimum 20' landscaped buffer along street line.

### **Sample Findings of Fact**

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Landscaped buffers have been adequately addressed by maintaining existing landscaping where possible and providing new landscaping on the south, west and east sides of the property.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and the location of the driveway opening is convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. The project as presented provides an adequate arrangement of parking spaces, including one handicap parking space.
3. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
4. 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.

### **Sample Conditions**

1. Any material changes as determined by the Building Inspector to the approved site plan shall require Planning Board approval.
2. All lighting shall conform to the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval and to the approved design plans.
3. The Applicant shall install all erosion and sediment controls on site prior to construction as clearing begins and shall maintain said controls throughout construction
4. Street trees and other landscaping shall be installed in accordance with the approved Plan and Details.
5. Prior to the issuance of an occupancy permit, the applicant shall submit an as-built plan to the planning board for review and approval, showing all structures including, parking, drainage,

landscaped areas. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans

6. All structures shall conform to building setbacks as required by the Building Inspector.
7. All new utilities shall be located underground.

### **Motion**

Bullard moved to approve the Site Plan application of **Watuppa Realty, LLC** for property located at **25 Sanford Road**, Assessor's **Map 3, Lot 34C**, Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval, on a request to convert existing building into office space and to construct a 60'x120' warehouse/storage building with related parking, subject to waivers and conditions. Seconded by Daylor. The request was approved with members Whitin, Daylor, Sheahan and Bullard voting in favor and Watterson voting against.

### **5:45 p.m. Public Hearing**

#### **2. Sodom Road Flexible Frontage (19-009SP) (continued from July 16, 2019 & August 13, 2019)**

Request by the applicant to consider a Special Permit applications of **Stephen Pettey** for property located at **963 & 969 Sodom Road**, Westport, MA 02790, Assessor's Map 60, Lots 5 & 5C, pursuant to Westport Zoning By-Law Article 21 Special Permit for Common Driveway and Article 23 Special Permit for a Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing three residential lots.

Sean Leach from SITEC Engineering was present representing the applicant. He stated that the existing driveway will remain with no curb cuts and requested a waiver to create one additional lot under flexible frontage. He presented a yield plan showing 3 proposed lots. By dividing the property in this manner, the barn and house would remain on the same lot.

Hartnett asked if the width of the northerly lot 3 is 50'. Leach confirmed the 50' width.

Hartnett read Design Standards into the record stating that the project as presented reduced the number of driveways, preserves stone walls and minimizes disturbed areas and clearing.

Whitin read the Department Reviews into the record.

Bullard supports Mr. Leach's design. He stated that he prefers the lots being accessed by the existing drive instead of constructing a new road.

### **Flexible Frontage Sample Findings of Fact:**

The Board found that the reduction in frontage meets the purpose and intent of the Flexible Frontage By-Law by allowing for a better design by providing restrictions on further lot division, and limiting areas to be cleared, thereby reducing disturbed areas and storm water runoff. The applicant submitted a yield plan showing that a minimum of three lots could be developed under a traditional subdivision, by granting this special permit the applicant would be limited to three lots. The Board found that the Flexible Frontage design standards were utilized to the maximum extent feasible as defined in section 23.3 of the Zoning By-law.

### **Sample Conditions:**

1. A plan suitable for recording (The Form A Plan may be used to meet this Condition) shall be submitted with the following statements and conditions:

- a) "Subject to a Special Permit pursuant to the Town's Flexible Frontage By-Law, Article 23 granted on \_\_\_\_\_, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_."
- b) "Subject to a Special Permit pursuant to the Town's Common Driveway By-Law, Article 21, granted on \_\_\_\_\_, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_."
- c) Lots 2 & 3 as shown on this plan benefiting from reduced frontage under Zoning By-law, Article 23 shall not be further subdivided and no modification of the clearing restrictions and of the building locations shall occur without a corresponding modification of the Flexible Frontage Permit.
- d) No lot clearing shall begin and no building permit shall be issued for lot 2 as shown on this plan benefiting from reduced frontage under Zoning By-law Article 23 until the Special Permit has been duly approved, executed and recorded and evidence of the recording has been filed with the Inspector of Buildings.
- e) Clearing areas on lot 2 shall be limited to the common driveway and the area identified as "Building Envelope", Maximum building footprints for lot 2 shall not exceed 5,000 s.f.

### **Common Driveway Sample Findings of Fact:**

The Board found that the project as presented enhances public safety by reducing the number and frequency of points at which vehicles may enter upon the ways used by the public. The three lots will use the common driveway as one access point onto Sodom Road. The project as presented will preserve, protect and enhance environmentally sensitive land, such as wetlands by reducing the area of land that is cleared, excavated, filled and/or covered with impervious material.

### **Sample Conditions:**

1. A plan suitable for recording (The Form A Plan may be used to meet this Condition) shall be submitted with the following statements and conditions:

- a) "Subject to a Special Permit pursuant to the Town's Flexible Frontage By-Law, Article 23 granted on \_\_\_\_\_, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_."
- b) "Subject to a Special Permit pursuant to the Town's Common Driveway By-Law, Article 21, granted on \_\_\_\_\_, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_."
- c) Lots 2 & 3 as shown on this plan benefiting from reduced frontage under Zoning By-law, Article 23 shall not be further subdivided and no modification of the clearing restrictions and of the building locations shall occur without a corresponding modification of the Flexible Frontage Permit.

2. Submittal and recording of a Homeowners Association meeting the conditions of Section 21.3.12 of the Town's Zoning By-laws.
3. Add Note to Plan "Permanent sign with the street address of each lot served by the common drive way shall be installed at the intersection of the driveway and Sodom Road."
4. The driveway within the layout of Sodom Road plus an additional 15' shall be paved. A detail shall be added to the plan showing the gravel and asphalt requirements.
5. Lot 2 shall provide a roof runoff infiltration system capable of handling a minimum of 1,500 c.f. of roof runoff. The infiltration system shall be installed prior to issuance of an occupancy permit. The applicants engineer shall design, inspect and certify that it was installed.
6. Any new construction on lot 2 shall comply with the Board of Health Stormwater Regulations.

### **Motion**

Bullard moved to close the Flexible Frontage and Common Driveway special permit public hearings. Seconded by Daylor with all 5 members in favor.

Bullard moved to approve the Special Permit application of **Stephen Pettey** for property located at **963 & 969 Sodom Road**, Westport, MA 02790, Assessor's Map 60, Lots 5 & 5C, pursuant to Westport Zoning By-Law, Article 23 Special Permit for a Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density subject to findings and conditions as stated. Seconded by Daylor with all 5 members in favor.

### **Motion**

Bullard moved to approve the Special Permit application of **Stephen Pettey** for property located at **963 & 969 Sodom Road**, Westport, MA 02790, Assessor's Map 60, Lots 5 & 5C, pursuant to Westport Zoning By-Law, Article 21 Special Permit for Common Driveway servicing three residential lots subject to findings and conditions. Seconded by Daylor with all 5 members in favor.

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

#### **3. Brookwood Drive Solar 1 LLC (19-005SP-LID) (continued from June 4, 2019, and August 13, 2019)**

Request by the applicant to consider the Special Permit and Low Impact Development applications of **Brookwood Drive Solar 1, LLC c/o Borrego Solar Systems, Inc.** for property owned by **Jay A. & Jill E. Szaro, Carricorp Industries Ltd., and Muriel Peters**, for property located at **573 and 667 Main Road**, Assessor's Map 69, Lot 5, Map 70 Lots 15, 16 & 16B, pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System Special Permit. The applicant requests permission to construct a solar energy system, approximately 8.0 Megawatts. **(Request has been made to continue the hearing)**

Attorney Perry Hicks was present along with Joshua Farkes and David Albrecht from Borrego Solar requesting a continuance. Mr. Albright agreed that the final design plans will be submitted prior to September 20, 2019.

Bullard moved to continue the hearing of Brookwood Drive Solar 1 LLC to October 8, 2019, at 6:00 p.m. Seconded by Daylor with all 4 members in favor of the motion. Sheahan abstained.

### **6:45 p.m. Public Hearing**

#### **4. Fall River Rod & Gun Club (19-006SP-LID) (continued from June 4, 2019, and July 16, 2019)**

Request by applicant to consider the Special Permit and Low Impact Development applications of **Frank Epps, Watuppa Solar, LLC** for property owned by **Fall River Rod & Gun Club, Inc.**, located on **309 Sanford Road**, Assessor's Map 18, Lots 2 & 41, pursuant to Westport Zoning By-Laws Article

20 Low Impact Development and Article 24 Large Scale Solar Energy System Special Permit. The applicant requests permission to construct a 4.2 Megawatt solar energy system.

Ben Aparo from Energy Partners LLC was present representing Watuppa Solar LLC. Aparo updated the Board members with the progress from the suggestions that were made at the July 16, 2019 meeting, stating that the southerly and easterly setbacks had been increased from 100' to 150'.

Denise Cameron from Woodard & Curran was present. Ms. Cameron commented the eastern and western buffer zone and screenings were increased an additional 50' and storm-water calculations were done for the new design.

Hartnett read Field Engineering's September 6, 2019 response into the record noting items #4 & #10. Ms. Cameron addressed #4 & #10 of Field Engineering's letter and updated the plan per Field's comments. Ms. Cameron stated that Field Engineering approved the revisions in their 9-10-19 letter.

Daylor questioned the distance the outfall was from the closest abutter. Ms. Cameron commented 370'. Daylor asked what the area reduction was to the south tributary. Ms. Cameron commented the volume reduction for a 100-year event went from 8.87 acres/foot to 5.84.

Watterson expressed he opposed clear-cutting 14 acres and recommends reducing the size of the array to alleviate clear-cutting 14 acres. Watterson stated that other areas of the site should be considered that would have less impact.

Attorney Jim Marsh was present representing John and Brenda Oliveira of 3 Plymouth Blvd. Attorney Marsh would like the calculations sent to Steve Gioiosa of SITEC Engineering for Review. Attorney Marsh questioned the decommissioning and the time it would take for trees to regrow.

Jim Story was present from 50 Plymouth Blvd. Story was informed by his surveyor that his shed and his swimming pool extend onto Rod & Gun Clubs property. Aparo will discuss the issue to the Rod & Gun club.

Wilfred Marois of 58 Benoit Street was present. Marois voiced his concern about the water runoff due to clear-cutting.

Ms. Cameron addressed Mr. Marois water concern and is confident that the neighbors will benefit from improved stormwater design as well as the quality of the water.

Whitin questioned if the swale intercepts stormwater currently directed to Plymouth Blvd and redirects it to the north. Cameron confirmed that there was a decrease in rate and volume in that area.

Robert Cunha of 70 Plymouth Blvd was present. Cunha questioned the time the water will stay in the retention pond and will it be a health hazard. Ms. Cameron responded the bio-retention ponds are designed to slowly release the water at an outlet and should be completely drained in less than 24 hours and will not be a standing pool.

Joe Marois of 20 Benoit Street was present and expressed his concern about additional water.

Bullard remarked that Woodard and Curran and Energy Partners have been compliant with the By-laws and the neighbor's concerns.

Hartnett read the Sample Findings of Facts and Sample Conditions into the record.

**Large Scale Solar Special Permit**  
**Sample Findings of Fact:**

1. The project as presented meets the requirements of section 24.3 of the Town's Zoning By-Laws for Large Scale Solar Energy Systems.
2. The project as presented meets standards for placement, design, construction, operation and minimizes impacts on environmental, scenic, natural and historic resources.
3. This project protects adjoining premises by providing adequate screening and buffers between the property lines and the solar arrays.
4. This project provides screening and buffers to protect scenic vistas and viewsheds from residential uses, public streets, and waterways as described in 24.3.11.d.

**Sample Conditions:**

1. Prior to issuance of a building permit the applicant shall submit the following to the building inspector:
  - i. An emergency response plan showing all means of shutting down the solar installation.
  - ii. Name and contact information of the person answerable to inquiries throughout the life of the installation.
  - iii. Proof of liability insurance throughout the life of the system.
2. The Fire Chief shall review and approve the emergency response plan and site access plan prior to the issuance of a building permit. Site access shall be maintained to a level acceptable to the Fire Chief as provided in the emergency response plan. The petitioner and/or any subsequent owner are responsible for the cost of access road maintenance. All access codes and keys shall be provided to the Fire Chief.
3. The applicant shall install a Key Lock Box on the entrance gate to provide for emergency access for the Westport Fire Department. The entrance gate shall be a minimum of 20' wide.
4. The address shall be posted at the beginning of the driveway at Sanford Road as required by the Westport Fire Department.
5. As-built plans shall be submitted and approved by the building inspector and the planning board prior to issuance of an occupancy permit.
6. All material modifications as determined by the Building Inspector for the Large Scale Solar Energy System made after the issuance of the required building permit shall require approval by the Planning Board.
7. All construction activity shall occur between the hours of 7 a.m. and 5 p.m. on Monday through Saturday only. Construction activity includes staging, deliveries, equipment warm up, or other supporting construction activities.
8. Once the project is complete, there will be no outside storage of equipment, hazardous materials or excess solar panels within the fenced in solar sites.
9. Vegetation control relating to the solar project shall be mechanical only and no pesticides or other chemical products shall be used.
10. A non-illuminated sign not exceeding four square feet in area shall be installed on the entrance gate identifying the owner and/or operator of the solar installation and a 24-hour emergency contact telephone number.
11. The site shall be developed in accordance with the erosion control notes listed on sheet G-001 of the plans. Prior to construction, the applicant shall submit a construction Stormwater Management Plan to the Planning Board.
12. If the owner and/or operator changes, notice shall be given to the Building Inspector, Fire Department and Planning Board with the contact information of the new owner/operator within one month of the change in ownership and/or operations.

13. Prior to the issuance of the occupancy permit, the Town Planner shall conduct a field inspection of the perimeter to identify areas that may need additional plantings for screening. The owner shall install plantings as directed by the Town Planner.
14. Prior to the commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The Applicant shall be responsible for reasonable cost associated with construction observation/inspection services during the construction phase.
15. If rocks are encountered and need to be removed, they shall be trucked off-site and not crushed on site.
16. Prior to tree clearing all areas designated "The Limit of Clearing" as shown on the plans shall be clearly marked and reviewed by the Town's Consultant Engineer.
17. Topsoil shall not be removed from the site and shall be reused to prevent erosion and support pollinator-friendly habitat vegetation. Additional suitable organic material may be used where needed.
18. Prior to connecting any of the solar panels to the grid, the applicant shall establish vegetative growth in all disturbed areas sufficient to prevent sediment transfer and soil erosion. If vegetative growth is not possible do to the time of year, the applicant may propose other methods to control sediment transfer and soil erosion to the Planning Board for approval.
19. Gravel Road detail shall be changed to show 12" bank run gravel 6" minus below 3" compacted crushed gravel.
20. Prior to the issuance of building permits the applicant shall present a plan to the Planning Board showing the revised property lines and the access easement from the new property line to Sanford Road. The plan shall also show and define the area to be preserved as protected open space.
21. The recordable plan and revised deed shall include restrictive language defining the open space and noting that it shall remain in its natural state until such time as all equipment and utilities related to the solar array are removed.
22. Plans shall be stamped and signed by a registered land surveyor.

### **Motion**

Bullard moved to close the public hearing for the LID application and the Special Permit for Large Scale Solar for Frank Epps, Watuppa Solar, LLC. Seconded by Daylor, Whitin and Bullard voted in favor. Watterson opposed. Sheahan abstained.

Bullard moved to approve the Low Impact Site Plan application for a Large Scale Solar Energy System for **the Fall River Rod & Gun Club, Frank Epps, Watuppa Solar, LLC** for property owned by **Fall River Rod & Gun Club, Inc.**, located on **309 Sanford Road**, Assessor's Map 18, Lots 2 & 41, pursuant to Westport Zoning By-Laws Article 20 Low Impact Development as the plan presented reasonably meets the intent and purpose of the LID By-law by reducing the adverse impacts of soil erosion, sedimentation, and stormwater runoff. Seconded by Daylor with Whitin and Bullard in favor. Watterson opposed. Sheahan abstained. The Low Impact Development was granted 3-1.

Bullard moved to approve the Special Permit application for a Large Scale Solar Energy System for **Frank Epps, Watuppa Solar, LLC** for property owned by **Fall River Rod & Gun Club, Inc.**, located at **309 Sanford Road**, Assessor's Map 18, Lots 2 & 41, pursuant to Westport Zoning By-Laws, Article 24 Large Scale Solar Energy System subject to findings and conditions. Request to construct a solar energy system, approximately 4.2 Megawatts. Seconded by Daylor. Members Whitin, Daylor, and Bullard voted in favor of the motion, Watterson voted against the motion. Having failed to receive the required number of votes to approve the special permit the motion failed and the Special Permit application was denied.

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

#### **5. Soltage Rte. 88 Solar (18-011LID-S) (continued from February 20, 2019, March 20, 2019, April 23, 2019, May 28, 2019, July 16, 2019, August 13, 2019)**

Request by the applicant to consider the Special Permit and Site Plan applications of **Westport Route 88 Solar 1, LLC c/o Soltage LLC** for property owned by Pedro L. and Maria M. Teixeira, located on 0 Route 88 (End of Sullivan Drive), Assessor's Map 31, Lot 5 & 6A. 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 4.5 Megawatts AC, 6.0 Megawatts DC.

Attorney Todd Brodeur of Fletcher Tilton was present representing the applicant. Mr. Brodeur described the project and how it has changed.

David Mackwell from Kelly Engineering distributed "Plan B" that shows 58,000 sq.ft of panels were removed from lot 6A and is requiring waivers under the current By-laws. This would eliminate tree clearing to the south and place panels in the open field but would encroach on the buffer zone.

Whitin expressed he was pleased the trees will not be cut on lot 6A and is in favor of waiving the 100' set back to the northern field. Bullard and Daylor agreed with Whitin.

Steve Ouellette of 25 Maple Street was present representing Rose Ouellette. Ouellette expressed his concern for the environmental impact when the heavy equipment will be traveling over Bread and Cheese Brook.

David Almeida of 16 Frederick Lane was present. Almeida questioned where the grid connection will be.

Attorney Brodeur commented a 40' ROW was granted to access the back land and improvements will be made only in the construction stage and will be used for maintenance of the grids and grounds.

Kevin Pedro was present representing his parents, Gabriella & Joseph Pedro. Pedro expressed the major concern was the drainage, impact of the road and how it will affect the fields.

Mackwell addressed the construction improvements and mentioned Plan "B" would be saving 6 ½ acres of forest. The electric poles will be located on the East Side of Sullivan Drive.

Rose Sullivan-Rego of 9 Sullivan Drive was present. Ms. Sullivan commented she wasn't notified as an abutter. Hartnett commented that public notices were sent to abutters within 300 feet of the property.

Mr. Brodeur requested that the hearing be continued.

### **Motion**

Bullard moved to continue the hearing to October 22, 2019, at 6:00. Seconded by Daylor with Whitin, Daylor, Watterson and Bullard in favor. Sheahan abstained.

## 6. Administrative Items

- a. Dance Academy (19-003SPA) – Endorsed Decision
- b. Ferry Drive Subdivision (19-011C) No Action Needed
- c. Prestige Auto Mart (19-008SPA) Endorsed Decision
- d. Blue Acres Way (17-011C-Mod) Final subdivision release covenant release

This was an old subdivision that was modified to allow for an additional lot. As a condition of the approval the developer had to upgrade the gravel road, install drainage and a new asphalt apron. It appears that the work has been completed, George Mello from SW Cole Engineering has inspected the work and submitted a report.

Hartnett read S.W. Cole's inspection report dated 9-5-19 in the record.

### **Motion**

Daylor moved to approve the release of Lot 1 from the covenant dated October 17, 2017 for the subdivision plan entitled "Modification to Definitive Subdivision "Blue Acres Way". Seconded by Bullard with all members in favor 5-0.

- e. Gels Way (04-018C) Final Subdivision Approval

Attorney John White was present and requested a release of the surety.

Hartnett commented that the subdivision was approved in 2004, the original owner passed away and the White's went to court to take control of the subdivision. They redesigned the common drive and hired a contractor to finish the subdivision. Hartnett and George Mello of S.W. Cole inspected the site on August 28, 2019, and it appears to be complete. Hartnett recommends final release of the subdivision and cash surety.

Whitin moved to approve the final release of the subdivision and Form G Surety Agreement dated March 17, 2005 for the subdivision plan entitled "Definitive Subdivision Plan of Land in Westport, MA Prepared for Michael Hughes." Seconded by Daylor with all five members in favor.

Whitin moved to release the remaining inspection fees upon final payment to S.W. Cole. Seconded by Daylor with all five members in favor.

- f. Forest Park – Lawton Trust (03-009C) Covenant Release Lots 28, 29 & 30, Lot 76 Cypress Lane
- This is an older subdivision that has been constructed in phases, the planning board is currently holding \$216,000 and there has been substantial work done since the last lot release. Hartnett reviewed S.W. Cole's report dated September 3, 2019.

Bullard moved to approve the release of lots 28, 29 & 30 from the covenant dated January 22, 2004, for the subdivision plan entitled "Definitive Plan of Land Plat 61, Lots 15A, 15B, 17 & 18 in Westport, MA." Seconded by Daylor with all five members in favor.

- g. MS4 Storm Water Management Plan (SWMP) – continued to September 17, 2019.
- h. Assistant Planner Job Description and Salary review – continued to September 17, 2019
- i. DEP Grant, Senator Rodrigues - continued to September 17, 2019
- j. Rita Lane (19-001C) – Accept Homeowners Association and Endorse Plan – continued to September 17, 2019.

Hartnett stated that the appeal period has ended and the applicant submitted a Covenant and a Homeowners Association.

**Motion**

Watterson moved to endorse the plan and approve the covenant and homeowners association for the definitive plan and entitled “Definitive Plan Rita Lane (Extension) Plan 42, Lot 1 & 3M”. Seconded by Bullard with all five members in favor.

**Minutes**

Bullard moved to approve the minutes as written. Seconded by Daylor. The vote was unanimous 4-0 in favor of the motion. Sheahan abstained.

**Adjournment**

The members unanimously adjourned at 10:21 p.m.

Respectfully submitted,

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