



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

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**PLANNING BOARD MEETING WORK SESSION MINUTES**

**August 15, 2017**

Chairman James T. Whitin called the meeting to order at 5:09 p.m. with, Vice-Chairman William Raus Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance.

**Administrative Items**

a. CH61A Merlier, Drift Rd.

The owner had a closing last year but the buyer defaulted and therefore the owner did not take the property out of 61A. At that time, the Planning Board was requested to provide their release of the property from 61A and so voted. The owner now has a new buyer and would like to take the property out of Ch. 61A. Cole motioned to release the property from Ch. 61A. Seconded by DeRego. The vote was four in favor. Raus had not yet arrived.

b. Endorse Decision for BWC Connecticut River LLC 17-002SPA-LID Minor Modification to the LID Site Plan for the solar installation on Adirondack Lane.

The approval of the minor modification was given at the July 25, 2017 meeting. Motion by Cole to endorse decision. Seconded by De Rego the vote was four in favor. Raus abstained because he arrived after discussion.

c. MA Certified Public Purchasing Official Training.

Hartnett will be attending and BOS will pay for the training in full.

d. Re-endorse plan for Bentley Estates.

The approved plan was endorsed on August 23, 2016. The plan was not recorded within the first 6 months and the Registry of Deeds will not record it without certification that the plan has not been modified, amended or rescinded nor the plan changed. Cole requested that a letter be sent to the developer with the Planning Board's concerns and disappointment. Cole motioned that the Planning Board certifies that the plan has not been modified, amended or rescinded nor the plan changed. Seconded by Raus. The vote was unanimous. Hartnett will sign the note on the endorsed original mylars. Raus suggested there be a note on the plan stating that the plans be recorded prior to any work commencing. Hartnett stated that there can be a check at commencement of the project to see if the plan is recorded.

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

- a. Illicit discharge was brought up by Sousa - he has been cleaning the catch basins in the MS 4 areas. The differences he's noted begins with cast iron frames sitting on 20+ inches of coarse brick of various dimensions which then sits on the precast. He was concerned about the elevation meeting the surface of the road because the brick structure is not as stable and some of the mortar is no longer in between the bricks. Sousa has noted several catch basins that are in poor condition and require repair and replacement some have illicit discharges – those with pvc pipes draining into them. Cole suggested that based on the situation, someone should identify these issues, as part of the stormwater portion of the integrated water plan. Hartnett noted that the Highway Department is collecting information on catch basins and tabulating them. Members were concerned that the information is

not being further disseminated. The members suggested reminding the BOS that the Illicit Discharge By-Law calls from someone appointed by them to follow this.

- b. It was noted that the work being done to screen loam at the cemetery has left a huge mound and it does not appear to be safe. Members were concerned for safety as the pile of earth could fall at any time as it is being excavated from below rather than above. Cole suggested a letter be sent to the Town Administrator to express concerns with safety. Whitin asked that an e-mail be sent to both the Administrator and Highway surveyor.

## **Town Planner Report.**

- a. Permitting software:

Tim King asked Hartnett to look into permitting software for the Town. This Town along with SRPEDD had looked into this a number of years ago. At that time, computers could not handle the new software and there was no support for the new software from all the departments.

- b. MS4 Permit:

Highway Surveyor, Chris Gonsalves and Hartnett met with Tim King to discuss the requirements for the MS4 permit. Hartnett prepared a letter for Mr. King to sign and send to BBNEP which would authorize them to do some testing of outfalls. Hartnett will setup a meeting with Tim King and Fred Civian from the state to discuss requirements for the permit. After speaking with a number of consultants, Hartnett suggested to King that it would be helpful for the Town to work with a consultant on some of the permit requirements. It may also be beneficial to the Town to hire a consultant early in the process to assess the needs of the Town.

- c. Bentley Estates II:

On Friday, August 4, 2017, Hartnett walked the subdivision site. At the time, no one was working on the development but there were a number of safety concerns relating to the construction of the drainage. Excavation of three manholes had taken place, the structures were in place but the holes had not been backfilled. One of the open holes was more than 10' deep, with no barriers or caution tape. There was also a manhole that had been backfilled but it did not have a cover on it. Hartnett stated that he had trouble reaching Tibbets Engineering, their office was closed and George Mello was not answering his phone. Walter Galluska from Tibbets did eventually get back to him and stated that the contractor was on vacation for the week meaning that the site had been left in this condition for more than 7 days. Hartnett asked Gonsalves to look at the site and both agreed that it should not be left in that condition over the weekend. Hartnett contacted a private contractor to come in and complete the work but prior to the work being done, the developer, Robert Kfoury called and stated that he would be at the site within 30 minutes. Hartnett met Mr. Kfoury at the site and showed him what had to be done and he completed the work.

- d. SRF Funding:

The application prepared by David Cole, Phil Weinberg and Jim Whitin was submitted last week to the state.

- e. Head Landing:

The contract for SITEC has been signed and they should have the additional survey work completed. Looking to meet with Steve Gioiosa within the next week to get started on the final

design. There is limited funding so the Town needs to manage extra costs associated with the project but consideration should be given to driving surface, lighting and landscaping along with the other parts included in the grant application.

### **Correspondence.**

- a. MS4 Memo to Tim King. The date for submission has been postponed for a year. Sousa asked if the Town intends to comply with just the minimum requirements or will it undertake more to also clean the waters. He feels the tool is useful and holds the community accountable.
- b. Tibbetts engineering reports. Hartnett reviewed the engineering reports for the various projects. Members noted the status of work.
- c. Office of the Attorney General - ATM articles Approved. Noted.
- d. DLS Alert: Hazard Mitigation & Climate Adaptation – Friday August 25th UMass Amherst. Noted.
- e. EOEEA – FY18 Coastal Resilience Grant Announcement – notice of non-selection. Noted.
- f. Capital Improvement Planning Memo from Tim King. Noted.
- g. WRWA River Center info meeting is scheduled on August 24, 2017 at 6:30 at the Library. Noted

### **Minutes.**

June 20, 2017 WS

Raus motioned to approve as amended. Seconded by Sousa. The vote was unanimous with all in favor.

July 25, 2017 R & PH

Raus motioned to approve as amended. Seconded by De Rego. The vote was unanimous with all in favor.

### **Invoices.** None.

### **Discussion Zoning changes**

#### **a. Recreational Marijuana.**

Hartnett stated that the Governor has signed a bill and the Town's moratorium is in effect until June 2018. Any draft zoning would have to be placed now. The BOS have to vote to allow or opt out of this use through a town meeting or ballot. If they choose to permit it, then permitting will be needed for both retail and recreational outlets. Hartnett asked Tim King last week for direction from the BOS. Allowing this would include local and state taxes up to 20% which would include 3% in tax revenue for the Town. The Planning Board would need to identify areas to permit recreational use. Best to plan for public hearings in December. Discussion ensued.

#### **b. Marine Zoning.**

Whitin noted that Westport is a maritime town and there is no zoning in place to allow that use to continue. It is possible to allow certain uses by special permit, if zoning were in place. Discussion ensued over the possibility of large scale housing replacing the large boat yard and not having anything in place. Whitin suggested maritime uses/marine businesses be addressed in zoning as these will continue to have a place in Westport.

#### **c. Route 6 Zoning.**

Whitin requested how many unbuilt lots remained and how many small lots are eligible to be built on. The members discussed the issue of rezoning Rt 6. Cole noted that one of the issues is trying to figure out what the current property owners want and getting that answer is difficult. Whitin suggested two separate meetings - one for the Narrows area of Rt 6 and one for the remainder that could be mixed use: residential and retail commercial stores. Discussion ensued over the viability of portions of the land, what can be developed, has been developed. The pre-existing non-conforming

lots may be able to be rebuilt but compliance with septic may preclude it. Hartnett will prepare a map looking at vacant lots that could potentially be developed.

d. Main Road (Cornell Road northerly).

Discussion tabled to next work session. Whitin noted that the zoning from Cornell Road to Central Village is commercial. The thought is to change it in order to protect the uses and limit certain uses. Options were previously presented and Cole asked this be brought back to the next work session. DeRego asked if a part of this would be applicable to the discussion on Village Nodes.

e. Village Nodes.

Within stated that having Village Nodes would allow small-time businesses to operate - i.e. Pine Hill Road; Head of Westport; Charlotte White & Main Rd; Westport Point; Old County and Main Road and especially the high school area. The high school on Main Road will be decommissioned soon and it is being looked at by JJ Manning for possible uses such as housing and perhaps small businesses.

**ADJOURNMENT**

Members unanimously voted to adjourn at 8:00 p.m.

Respectfully submitted,  
Lucy Tabit, Assistant Planner