



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

**PLANNING BOARD MEETING MINUTES**

**August 22, 2017**

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

**Approval Not Required (ANR) Raad (17-008A) Request by applicant for endorsement of a 4-lot plan of land located at 726 Old County Road, Assessors' Map 34, Lot 46.**

The Planning Board granted the applicant a Special Permit for Flexible Frontage and a Special Permit for a Common Driveway on March 21, 2017. This ANR plan is to create the four lots that would be serviced by the Special Permits.

Sean Leach from SITEC Engineering Inc. represented the applicant. He explained that the property has been to land court for boundaries, and is awaiting approval. Leach detailed the history of the land court issues associated with the property. The applicant is requesting to divide the property into four lots leaving the existing house on one of the lots.

Raus motioned to endorse the plan entitled "Flexible Frontage Approval Not Required Plan of Land in Westport, MA prepared for Tom Raad" Dated February 2, 2017, because it complies with the provisions of MGL Ch. 41 Section 81P and is not a subdivision as defined under the subdivision control law. De Rego seconded the motion and the vote was unanimous with all in favor.

**Approval Not Required (ANR) Sandberg (17-007A) Request by applicant for endorsement of a 3-lot plan of land located at 743 Drift Road, Assessors' Map 54, Lot 3A.**

Vanessa DeViveiros from Southcoast Engineering represented the applicant. The applicant requests dividing the property into three lots leaving the existing house on one of the lots. The three proposed lots on the property will meet all of the requirements for frontage, area and uplands. Hartnett recommended endorsement of the plan. The location of the access driveway has not yet been determined. De Rego questioned if any de nitrification septic systems would be used on the properties. Whitin questioned if the property has the rights to use a small portion of Kirby Road which is now overgrown and not identifiable after Rt 88 was constructed; discussion ensued.

Sousa motioned to endorse the plan entitled "Plan of Land Assessor's Plat 54 Lot 3A 743 Drift Road Westport, MA for William Sandberg" Dated July 24, 2017, and revised August 14, 2017, because it complies with the provisions of MGL Ch. 41 Section 81P and is not a subdivision as defined under the subdivision control law. Raus seconded the motion and the vote was unanimous with all in favor.

## **Public Hearing**

**Acoaxet Chapel (17-013SPA)** Request by applicant to develop 10 parking spaces on a proposed graveled surface for property located at 34-36 Howland Road Assessor's Map 88, Lots 230 & 231 pursuant to Westport Zoning By-Law Article 15 for Site Plan approval.

Sean Leach from SITEC Engineering Inc. represented the applicant. Leach explained that the applicant is requesting a minor site plan approval for the Acoaxet Chapel. The proposal is to construct a gravel parking lot with 10 new parking spaces. This application for Site Plan review was advertised and abutters were notified. Because this request is minor in nature, the applicant requested a technical waiver and the project was not reviewed by the town's consultant engineer, Tibbetts Engineering. Leach explained that the Chapel was "gifted" a small piece of land directly abutting the property where the parking would be located. Leach described the proposed parking area and noted that there is no proposed lighting for the area.

Stanley Cornwall, the moderator for the Chapel was present. Revised plans were submitted to the Board for review. Whitin read the comments from the town departments into the record. Hartnett read his comments and the sample waivers, conditions and sample findings of fact into the record. Members discussed parking layout and the sightlines from the exit.

Sousa motioned to close the Site Plan Public Hearing for Free Chapel Association of Westport for property located at 34-36 Howland Road. Raus seconded the motion and the vote was unanimous with all in favor.

De Rego motioned to grant the technical waiver and to approve the minor site plan for the Free Chapel Association of Westport for property located at 34-36 Howland Road, Assessor's Map 88, Lots 230 & 231 Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to develop 10 parking spaces on a proposed graveled surface, subject to findings, waivers and conditions. Sousa seconded the motion and the vote was unanimous with all in favor.

## **Public Hearing**

**Blue Acres Way Modification (17-011C-M/SP-FF)** *Continued from July 25, 2017.* Request by applicant for a modification to a definitive subdivision plan entitled "Plan of Land in Westport MA belonging to "Antone & Edith Almeida" dated October 26, 1988, Assessor's Map 46, Lot 4 located at 270 Horseneck Road, to improve the roadway from a 12 foot wide graveled rural residential roadway to a 20 foot wide graveled roadway and a request for a Special Permit Pursuant to Westport Zoning By-law Article 23 for Flexible Frontage reduced density to allow the reduction in frontage to create 1 additional buildable lot.

Sean Leach from SITEC Engineering Inc. represented the applicant, Maria Carvalho, who was also present. Leach discussed the changes made to the plan as a result of discussion at the last meeting in July. He described a proposed hammerhead turn around and an upgraded roadway which would not disturb any of the trees in the area. Leach described a proposed swale and drain pipe to alleviate the flooding in the area that abutter Mr. Almeida was concerned about. Proposed waivers were discussed as well as drainage in the area and the type of drainage improvements and changes proposed. Leach detailed the difference between the designated parking area and the roadway. Additional modifications to the plan were proposed.

Raus motioned to continue the public hearings for the Special Permit and Definitive Plan entitled "Modification to Definitive Subdivision "Blue Acres Way" in Westport, Massachusetts" to September 19, 2017, at 6:15 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

## **Public Hearing**

**Sousa Family LLC (17-012SPA)** *Continued from July 25, 2017.* Request by applicant, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, to develop the parcel into retail used car facility with repair and detail work to be performed on site. A total of 136 parking spaces are planned of which, 128 will be exterior display parking spaces.

Sean Leach from SITEC Engineering Inc. was present to request a continuance on behalf of the applicant.

Raus motioned to continue the Public Hearing at the request of the Sousa Family LLC, to September 19, 2017, at 6:45 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

## **Approval Not Required (ANR) Casey-Amaral (17-009A) Request by applicant for endorsement of a 3-lot plan of land located at 581 Drift Road, Assessors' Map 53, Lots 12-12B & 10J.**

Sean Leach from SITEC Engineering Inc. represented the applicant. Attorney John Markey was also present for the meeting. Leach presented a three lot ANR plan, noting that the plan is a fairly complicated CITGO case. Leach gave a brief history of the property, stating that the applicant is requesting to divide the property into three lots, leaving the existing dwellings intact on three lots based on the CITGO Rule which allows for the division of land with substantial dwellings existing prior to subdivision control. Attorney Markey also detailed the history of the structures on the property, describing which structures were considered "substantial". Discussion ensued. Applicant, Ms. Casey-Amaral was present for the meeting and also gave a descriptive history of the property. Hartnett read his comments into the record. The Board has opted to seek the opinion of Town Counsel for this case. The applicant has agreed to a continuance and an extension of time until the September 19, 2017 meeting. Written authorization was submitted by the applicant for the time extension.

Raus motioned to approve the extension and continue the plan entitled "Approval Not Required Plan of Land in Westport, MA prepared for Joan Casey-Amaral" Dated August 14, 2017, to September 19, 2017. De Rego seconded the motion and the vote was unanimous with all in favor.

## **Approval Not Required (ANR) Ferrari (17-010A) Request by applicant for endorsement of a 3-lot plan of land located at 1980 Main Road, Assessors' Map 58, Lots 25-26 & 30.**

Sean Leach from SITEC Engineering Inc. was present on behalf of the applicant Steven Ferrari. The applicant requested dividing the property into three lots leaving the existing dwellings intact on all three lots based on the CITGO Rule which allows for the division of land with substantial dwellings existing prior to subdivision control. Attorney Dorothy Tongue was present representing the applicant. Tongue stated that the property is located in the Historic District, and great lengths have been taken to keep the property conforming to the rules and regulations of the District. The lack of frontage for Lot 2 was discussed. Discussion ensued over the ages of the dwellings on the property and if they did exist before subdivision control law. The Board opted to seek opinion of Town Counsel for this case. The applicant agreed to continue the appointment and extension of time to the next meeting. Written authorization was submitted by the applicant for the time extension.

Raus motioned to extend the time for the plan entitled "Approval Not Required Plan of Land in Westport, MA prepared for Steven Ferrari" Dated July 21, 2017, to September 19, 2017, to allow more time for review. De Rego seconded the motion and the vote was unanimous with all in favor.

**Administrative Items.**

- a. Re-Endorse Bentley Estates II Covenant. The applicant misplaced the original copy and now needs to record it with original signatures. The members endorsed the covenant.
- b. Vote to accept/deny GIS Assessor's Parcel FY18 Updates SOW and sign SOW with CGIS Mapping. De Rego motioned to endorse the contract for the GIS Mapping for FY18. Raus seconded the motion and the vote was unanimous with all in favor.

**Town Planner report.**

Westport River Watershed Alliance will be holding a meeting at the Public Library on Thursday August 24<sup>th</sup> at 6:30 p.m.

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

Raus requested that the seeding be checked on at the solar farm off Old County Road.

**Correspondence.**

- a. ZBA notices of upcoming public hearings. Noted with discussion.
- b. DEP MS4 Permits. Hartnett updated the Board. Noted.
- c. KP Law Recreational Marijuana. Noted with discussion.

**Minutes.**

PB Work Session Aug 15, 2017.

Raus motioned to approve the minutes as written. De Rego seconded the motion and the vote was unanimous with all in favor.

**Invoices.**

Hartnett – Mileage \$46.28 and Phone Expenses \$50.00.

TEC Invoices paid in August 2018: \$4516.61.

**ADJOURNMENT**

Members unanimously voted to adjourn at 8:49 p.m.

Respectfully submitted,  
Joan Steadman, Recording Clerk