



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

### **PLANNING BOARD REMOTE MEETING MINUTES**

July 14, 2020

Chairman Jim Whitin called the meeting to order at 6:05 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett in attendance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – Meeting is being recorded.

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:*

*An audio recording of this meeting is posted on the town's website. ([www.westport-ma.gov](http://www.westport-ma.gov))*

#### **1. Administrative Items**

- a. Chapter 61A Release** – Selectboard is requesting comments on the Release of Land owned by Hugh E. McGovern & George R. McGovern, Jr. Trustees of H & G Realty Trust located at 0 Sodom Road, Map 59 Lot 7A.

Hartnett commented a number of these lots have already been reviewed by the Board and the Town has released them from Chapter 61A. The BOS has asked the Board and committees if they recommend the release of the lot.

#### **Motion**

Daylor moved to recommend the release of lot 7A from chapter 61A. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**b. Town meeting warrant article discussion.**

Hartnett mentioned the BOS asked if the Planning Board could remove a couple of the zoning articles from the Town Meeting Warrant.

Whitin met with the Town Moderator to discuss passing over additional articles to a future town meeting. Whitin mentioned he would like Article 20 (Recodification By-Law) to remain on the warrant to avoid having to start the process over again with new public hearings and reports.

Hartnett mentioned he attended the Board of Selectman meeting on July 13, 2020, and noted Article 20 should be a priority and BOS recommended approval of the article.

Hartnett and Whitin were in favor of passing over Article 21.

#### **Motion**

Bullard moved to pass over Articles 19 and Article 21. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**c. Briggs Landing Final Approval, surety release, street acceptance recommendations.**

Hartnett commented the Board had recommended Acceptance of the streets (Jennings Way, Cortney Drive, Grinnell Court, Brownell Avenue, Sherman Court & Devol Avenue) provided the punch list items were corrected before

Town Meeting. He added these streets are part of the Briggs Landing 40B development. Hartnett added the Zoning Board of Appeals requested the Planning Board to oversee the road construction.

S.W. Cole submitted a new report and recommends the acceptance of Jennings Way, Cortney Drive, Grinnell Court, Brownell Avenue, Sherman Court & Devol Avenue, and the release of the remaining surety in their letter dated February 17, 2020.

Whitin asked if the Zoning Board required them to remain private roads. Hartnett replied, the approval said there should be an HOA to maintain the roads, but does not prohibit them from being accepted.

Whitin added the accepted street would benefit the development for school bus purposes.

### **Motion**

Bullard recommended the release of the performance surety and remaining construction revision fees for Briggs Landing and the acceptance of Jennings Way, Cortney Drive, Grinnell Court, Brownell Avenue, Sherman Court, and Devol Avenue. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**d. Approval Not Required (ANR) Shawn Crawford and Rockwood Homes, Inc. (20-010A)** Request by the applicant for endorsement of a plan showing the re-division of 2 lots and the creation of an additional parcel plan of land located at 32 White Oak Run, Assessor's Map 41 Lot 20 and Map 42 Lot 5D.

Greg Nicholas from Southcoast Engineering was present virtually representing the applicant. Nicholas commented the applicant is requesting permission to re-divide two lots, Assessors Lot 20 would be divided into three sections – Parcel A would be a non-buildable lot to be conveyed to an abutting property, Parcel B would be combined with the property to the south. The property to the south would be divided into two lots with Parcel C being combined with Lot 20.

### **Motion**

Daylor moved to approve endorsement of the plan entitled "Plan of Land White Oak Run Westport, MA for Rockwood Homes Inc and Shawn Crawford" dated June 23, 2020, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**e. Approval Not Required (ANR) Taking Plan of Land in Westport (20-011A)** Request by the applicant for endorsement of a plan by the Town to clarify any possible adverse possession issues for land located at 380 Old County Road, Assessor's Map 35 Lot 35.

Hartnett commented the Form A was being submitted on behalf of the town. He added, the surveyor felt a new property line required a Form A endorsement by the Planning Board.

Hartnett mentioned the neighbor is claiming adverse possession and has filed with the courts. Town counsel believes the town would prevail but it could take time to work its way through the courts. Town counsel has recommended the town take the parcel to clear any possible title defects. The 23' strip of land would be to construct a slope to for the new access roadway to the elementary school.

Schmid asked if the neighbor could challenge the town. Hartnett commented it cannot be challenged once the town does the taking, the town will have title to the property.

### **Motion**

Daylor moved to approve endorsement of the plan entitled “Taking Plan of Land in Westport, MA” dated April 29, 2020, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**f. Approval Not Required (ANR) Helen L. Souza (20-012A)** Request by the applicant for endorsement of a plan to eliminate the existing garage and driveway encroachment for land located at 17 Drift Road, Assessor’s Map 51, Lots 32 & 33 and 21 Drift Road, Assessor’s Map 51 Lots 34 & 23A.

Mark Boucher from Boucher & Associates was present virtually representing the applicant. Boucher commented the division of property is to reconfigure a lot line between the two properties to remedy an encroachment of a garage. No altering of frontage for either lot. He mentioned the Zoning Board of Appeals permitted the division of the property.

### **Motion**

Bullard moved to approve endorsement of the plan entitled “Approval Not Required Plan of Land in Westport, MA prepared for Helen L. Souza” dated November 30, 2020”, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**g. Planning Board Re-organization**

### **Motion**

Bullard motioned to elect Whitin as the Chairman. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares voted aye and the motion carried 4-0. Whitin abstained.

### **Motion**

Bullard motioned to elect Robert Daylor as the Vice-Chair. Seconded by Whitin. Upon a roll call vote being taken, members Bullard, Schmid, Soares, and Whitin voted aye and the motion carried 4-0. Daylor abstained.

### **Motion**

Daylor motioned to elect Manuel Soares as the Clerk. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, and Whitin voted aye and the motion carried 4-0. Soares abstained.

**h. Planning Board – Yearly appointments**

John Bullard - Agricultural/Open Space Preservation Trust Fund Committee

Robert Daylor - Cable Advisory Board

Mark L. Schmid - Community Preservation Committee & Housing Rehabilitation Advisory Committee

Manuel Soares - Tax incentive Program Committee & Economic Development Committee

### **Motion**

Daylor moved to approve the appointments as stated. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

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

**2. Borrego – 0 Division Road (20-004SP-LID-S)**

Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **Borrego Solar Systems, Inc.** for property owned by **John Ciccotelli and Marie T. Ciccotelli**, and located on the west side of **Division Road between 355 and 403 Division Road**, Assessor’s **Map 46, Lot 8, 9C**. 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 2.1 Megawatts.

Hartnett read a letter from Steve Gioiosa of Sitec Engineering representing the applicant dated July 13, 2020, requesting a continuance.

### **Motion**

Daylor moved to continue to August 11, 2020, at 6:15 p.m. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

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

#### **3. 5-Star Collision (19-016SPA) (Continued from January 28, 2020, March 24, 2020, May 19, 2020)**

Request by the applicant to consider the Site Plan Application of **Commercial Project – Expansion Plan 5-Star Collision Center** for property located at **683A and 683B American Legion Highway (Route 177)**, Assessor's Map 35, Lot 3A, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, to construct an additional 8,000 sq. ft. building for a state-of-the-art auto body repair facility replacing the existing building. A total of 50 parking spaces are planned.

Hartnett read an e-mail from Attorney Brian Corey dated July 14, 2020, requesting a continuance.

Daylor moved to continue to August 11, 2020, at 6:45 p.m. subject to a completed application to the Planning Department by July 24, 2020. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

#### **4. Matters not reasonably anticipated.**

Whitin suggested forming a subcommittee to update the Master Plan.

#### **5. Planners Report.**

Hartnett read the Planners' Report into the record.

Town Meeting – Meeting has been scheduled for July 25<sup>th</sup> at 9:00 am outside at the high school. Should discuss preparation for the meeting including handouts.

\$25,000 transfer from this year's salary account to be used for matching funds has been taken off the warrant and is now being proposed as an end of year transfer.

Solar Project – A new solar project abutting the Drift Road CVE solar project to the south was filed on Friday of this week and should be before the Board in August. They tried to file last week but we recommended against it until they could get a complete submittal package.

MVP Grant – The webinar has been completed and should be posted prior to this meeting. Notification will be mailed to all the property owners in the area within the next week to ten days.

Route 6 Earmark – Final paperwork was submitted to the state and they transferred the \$50,000 for reimbursable expenses. This is for the Route 6 preliminary sewer line study. Kleinfelder should be filing the final report within the next week.

MS4 – Kleinfelder completed their section of the work relating to the MS4 permitting, the Town's website will be updated with the latest reports and documents shortly.

#### **6. Correspondence.**

- a. FEMA Letter – Noted
- b. Chapter 91 Waterways License – 519 Horseneck Road – Noted
- c. ZBA Correspondence – Noted.

## **7. Minutes**

June 11, 2020

June 16, 2020

### **Motion**

Bullard motioned to approve the June 11, 2020 minutes as written. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

Daylor commented he did not attend the site visit on June 11, 2020, but did walk the site with James Long on June 12, 2020.

### **Motion**

Bullard motioned to approve the June 16, 2020 minutes as written. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **Invoices**

None

### **Adjournment**

The members unanimously adjourned at 7:35 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II