



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

April 20, 2021

Chairman Jim Whitin called the meeting to order at 6:00 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett were in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The 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.com)

Call to order 6:00 p.m.

a. Upland Trail (13-008C) Request for final approval and Surety release.

Hartnett informed the Board that a small four-lot subdivision adjacent to 1251 Drift Road is nearing completion. S.W. Cole's comments from April 1, 2021, were read by Hartnett. Hartnett visited the site on April 20, 2021, and mentioned that a majority of the items had already been finished, but there were a few minor items that needed to be completed. He mentioned the revised As-built plans should be submitted on April 21, 2021.

MOTION

Bullard moved to grant final approval of the Upland Trail Subdivision, the release of the surety for \$30,000 plus interest, and the release of the balance of construction inspection funds after payment of the final invoice to S.W. Cole. 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.

b. Soule's Way (20-005SP) Closeout and release Consultant Review balance and interest of \$285.00.

Hartnett commented this development was previously approved and recommends the release of the Consultant Review balance plus interest.

MOTION

Bullard moved to release the consultant review fees of \$285.00 + Interest for the Soules Way Solar Project. 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. SRPEDD Appointment Planning Board's designee

Whitin agreed to continue serving as the Planning Board's designee to SRPEDD.

Motion

Bullard moved to nominate Chairman Whitin as the Planning Board's designee to SRPEDD. 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.

d. Approval Not Required (ANR) 287-289 Gifford Road (21-007A) Request by the applicant for endorsement of a Plan of Land showing 3 Lots for land located at 287-289 & 309 Gifford Rd, Map 31 Lots 5A & 6.

Alex Gorodetsky of Gorodetsky Engineering was present virtually representing the applicant. He commented his client would like to re-divide the property into three lots and build a home for himself on one of the lots.

Whitin asked if the property was in Chapter 61A. Gorodesky said a portion of the property is still in chapter land. Hartnett mentioned the north lot was removed from 61A.

Motion

Daylor moved to approve endorsement of the plan entitled "Approval Not Required Plan, 287-289 Gifford Road, 309 Gifford Road Assessor's Map 31 Lot 5A, Lot 6 Westport, MA" 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) 805 Pine Hill Road (21-008A) Request by the applicant for endorsement of a Plan of Land showing to reconfigure 2 Lots for land located at 805 Pine Hill Road, Map 38 Lot 16.

Sean Leach from Northeast Engineers was present virtually representing Roger Berube. He stated that the applicant wishes to reconfigure the lots in order to add area to Lot 1A for the construction of a house and barn, while Lot 3 will remain in forestry as a conservation parcel.

Whitin inquired as to whether lots 1A and 2A would share the driveway, and if so, would it be subject to the Planning Board's shared driveway By-law. Hartnett replied that there is only one driveway, and if it serves another lot, the applicant will have to come before us. Hartnett explained the Building Inspector must first decide whether another buildable lot exists.

Motion

Bullard moved to approve endorsement of the plan entitled "Plan of Land Assessors' Plat 38, Lot 16 Showing Lots 1A & 2A, Westport, MA" 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.

Daylor suggested adopting a shape factor should there be any future zoning changes.

Bullard praised Sean Leach on his stonewall presentation to the Westport Historical Society.

Whitin reviewed the current solar application, he noticed that there was no mention of maintaining stone walls when constructing solar projects. Leach agreed the historic stonewalls should be preserved and maintained because it is part of the character of the town.

- f. Vote and Recommend discussions with the Select Board members and the Finance Committee to use Covid relief funds for Rt. 6 sewer engineering plans.

Whitin mentioned Senator Mike Rodrigues proposed that the Covid relief funds be used to complete a comprehensive plan for the Route 6 sewer study, allowing Westport to use any funds received from the federal government for infrastructure.

Motion

Daylor moved to request the Selectboard and the Finance Committee appropriate the Covid relief funds for the Route 6 sewer project out of the Federal grant money. 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. 431 Fisher Road LLC (20-002C) (continued from March 23, 2021) Request by the applicant to consider a definitive subdivision plan entitled "Definitive Residential Subdivision off Fisher Road Westport, Massachusetts" prepared for Ronald Oliveira, 5 Archers Way, Acushnet, MA 02743 and located between 389 Fisher Road & 431 Fisher Road, Assessors Plat 41 Lot 22 proposing to divide the property into seven (7) lots.

Tom Morris of Consulting Engineers was present virtually representing Ron Oliveira. He commented the Board's concern regarding the location of the central basin has been addressed and moved behind house lots 12 & 13. Morris added ConComm verbally approved the ANRAD during their last meeting. Morris added he received S.W. Cole's second review dated April 12, 2021, and they will be addressing their comments.

Whitin expressed his concern that even though the basins have been moved, the infiltration basin is still a concern, Daylor and Schmid agreed.

Whitin asked if the applicant was requesting waivers. Morris responded they are not requesting waivers at this time, but a possible waiver for volume control to minimize Basin 1 may be requested at a later date.

Daylor suggested changing the outlet control height and the design of the basin to reduce its impact to discharge into the wetlands.

Soares also was not in favor of the location of the detention basin near the abutters' uplands.

Bob Forbes of Zenith Consulting Engineers was present virtually. He agreed to reduce the depth and size of the basin in response to the Board's comments.

Whitin suggested at the last meeting the engineers revisit the OSRD By-law as a means of gaining more available space. According to Morris, that would not work.

Department Reviews

Board of Health – Recommends Approval

Board of Selectmen – No Comment

Building Department – No Comment

Conservation Commission – *Approval with Modifications – this is not an approved wetland delineation. The Planning Board should require wetland lines to be approved prior to any Definitive Plan Submittal. This will ensure the lots have the required amount of uplands.*

Disability Commission – No Comment

Zoning Board of Appeals – No Comment

Department – Recommends Approval

Fire Department – *The roadway site plan shall comply with 527 CMR CH18.2. A road width of 40 feet was noted. A minimum cul-de-sac radius of 70 feet, not including the berm edge was noted. The Center of the cul-de-sac shall remain free from obstructions that prohibit emergency vehicles from a complete turn. Please consider a gradual berm edge (Cape Cod Berm Mass.gov).*

In accordance with the Fire Protection Regulation 100, subsurface water storage tank(s) shall be installed within 750 feet of a structure. A fire department permit is required prior to the installation. The water storage tank shall be protected, filled, dressed with the appropriate appliances, and in-service prior to occupancy. The Fire Department shall inspect the water storage tank(s) prior to occupancy. Street signs and house numbers shall be installed prior to the final occupancy of any structure.

Highway Department - No response

Staff Comments Definitive Subdivision Fisher Road

1. Add Registry Title Block to recordable sheets.
2. Recordable sheets need to be stamped by a registered Land Surveyor.
3. Add standard planning board title block to recordable sheets.

Drainage

1. Infiltration Basin has been relocated behind the houses on Lots 12 & 13. This is an infiltration basin with an overflow. The bottom of the pond is at elevation 140.00 and the outfall pipe is at elevation 146.00 leaving a pond depth of 6.0 feet. The Board may want to consider changing this basin to a detention basin with a control structure and outlet at the westerly end of the pond, piped to the wetlands. The plan was designed this way to meet the volume retention requirement for a 10-year storm. In this case, where there is a large wetland to discharge into, the Board may want to consider waiving this requirement. They could add a control structure to address the rate of run-off but it would eliminate the need for a pond that holds 6' of stormwater.
2. The subdivision should include gas service to the lots, should show in the plan view, and typical cross-section.

Other Filings

1. This development along with the frontage lots will trigger the inclusionary housing requirements. A special permit will be required for inclusionary housing.
2. Low Impact – Site Plan Review is also required.

Hartnett to send out the extension form to the applicant.

MOTION

Daylor moved to continue the public hearing and grant the time extension for 431 Fisher Road L.L.C. to May 18, 2021 at 6:45 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.

Amended

Daylor amended his motion to deny the application if the extension is not granted. 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. Borrego – 0 Division Road (20-004SP-LID-S) (continued from July 14, 2020, August 11, 2020, September 22, 2020, November 4, 2020, December 15, 2020, January 26, 2021, March 9, 2021)

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 mentioned he received a letter from Attorney Daniel Perry dated April 14, 2021, requesting the application be withdrawn without prejudice. Borrego is appealing the Westport Conservation Commission's decision to the DEP, and if the appeal is successful, Borrego plans to reapply to the Planning Board.

MOTION

Bullard moved to grant the applicant's request to permit the withdrawal without prejudice for the Borrego Solar Systems, Inc. applications for a Large Scale Solar Energy System Special Permit and the Low Impact Development Site Plan. 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.

7:15 p.m. Public Hearing

4. Isidoro Court (21-001C) (continued from March 23, 2021) Request by the applicant to consider a definitive subdivision plan entitled **“Definitive Subdivision Plan of Isidoro Court in Westport, Massachusetts”** prepared for **Anthony Medeiros** and located at 93 Fisher Road, Map 40 Lot 30D, proposing to divide the property into two (2) lots.

Hartnett commented that the engineer has requested a continuance and has agreed to a time extension.

MOTION TO CONTINUE

Bullard moved to continue the public hearing and grant the time extension for Isidoro Court to May 18th at 6:15 p.m. 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.

4. Planners Report

Hartnett read the Planner's Report into the record.

- a. Derek Mello met with Robert Kfoury regarding the status of Bentley Estates. Mr. Kfoury has agreed to a general cleanup of the site and will be loam and seeding the detention ponds this month.
- b. Walters Way – Chairman Whitin, Manny Soares, and I met with one of the property owners and his contractor on Walters Way to discuss work that needed to be done to complete the development. The contractor is supposed to be putting a work plan together to be presented to the Planning Board.
- c. An "Expression of Interest" was submitted to the state seeking grant funding for the design and permitting of the Route 6 sewer. This is the first step in the process of seeking grant funding and was due at the beginning of April. We should be hearing back from the state within the next 30 days.
- d. Route 6 – The state is working on preliminary design work for the Route 6 Corridor. They are looking to provide some traffic calming by reducing the lanes to 1 in each direction and provide pedestrian and bicycle facilities. A copy of their slide show is included in the packet.
- e. Chairman Whitin presented the Planning Board's Budget to the finance committee on Tuesday, April 13, 2021. Whitin mentioned at his meeting with the Finance Committee, the Assistant Planner's position could be financed with the free cash that we have for the MS4 project. The Chairman mentioned asking the Selectboard to restore monies to fund the position to our budget at Town Meeting.
- f. Bill Harkins from the Westport B2B asked if the Planning Board would like to present at their next in-person breakfast meeting scheduled for May 20th regarding Targeted Integrated Water Resource Management Plan and the sewer plan along Route 6. Whitin and Daylor will attend.

Hartnett mentioned the Master Plan Update Committee was looking for funding for survey work. Schmid asked if the Planning Board had funds that could be used. Hartnett mentioned the funding could come out of the Professional Services account. Schmid will follow up.

5. Correspondence

- a. Westport Zoning Board of Appeals. Noted.
- b. Fall River Zoning Board of Appeals. Noted.

6. Minutes

March 23, 2021

Motion

Bullard moved to approve the minutes of March 23, 2021, 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.

7. Invoices

WB Mason - \$10.43 - Safety vest.

Motion

Bullard moved to approve the WB Mason invoice. 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.

Hartnett to follow up with a contractor regarding the Old County Road proposal.

Adjournment

The members unanimously adjourned at 8:00 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II