



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

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**PLANNING BOARD MEETING MINUTES**

**August 23, 2016**

Chairman James T. Whitin called the meeting to order 6:19 p.m. with Vice-Chairman William Raus, Clerk Marc De Rego, Member David Cole and Town Planner James Hartnett in attendance. Member Andrew Sousa arrived at 6:42 p.m.

**APPOINTMENTS**

**Pre-Application Consultation (16-001-PAC) DiNardo.** Request by applicant for a pre-ap consult for a preliminary subdivision plan for Map 24, Lot 8A, 34 on Third Ave Westport, MA.

Wendy Henderson of Civil Engineering was present with the applicant James DiNardo. Henderson discussed the plan for a potential subdivision located on Third Avenue, near the Macomber School. Henderson described the proposed 20 foot gravel roadway, 240 feet in length, including a hammerhead turn around. The addition of the road would provide frontage for two lots and create one new buildable lot. It was noted that Third Ave was accepted by the Town in 1963, but only partially down the length of Third Ave. The majority of the proposed roadway would be located in the unaccepted portion. The wetlands in the area were discussed, and the applicant was referred to the appropriate Board for consult. The applicant was questioned whether or not he has the permission to use the paper street in question. Discussion ensued. Cole discussed potential septic systems with the applicant because of the potential of the installation of public sewer in the area. Hartnett and the Board suggested that the applicant:

1. Verify with the Conservation the status of the wetlands on site and within the road layout,
2. Identify and show any drainage connections between the east and west sides of Third Avenue,
3. With the exception of the wetlands the reconstruction of the road and the proposed turnaround could be an improvement to the area;
4. Determine if the use of the paper street is legal;
5. Consult with the Fire Department and the Police Department;

Whitin suggested that the plan go through the Preliminary Hearing Plan process.

**Approval Not Required (ANR) Ferry (16-009A)** Request by applicant for endorsement of a 2-lot plan of land located at 309 Gifford Road, Assessors' Map 31 Lot 6.

James Hall from Mt. Hope Engineering presented the plan to the Board, representing the applicant, Mary Ferry. Hall described the lot, located at 309 Gifford Road, and requested that the lot be divided into two lots. Hall explained that Lot 1 would have the required uplands, frontage and area, and Lot 2 would be labeled "Not a Building Lot without Further Zoning Relief". Hall noted that there is an existing dwelling, two workshops and one garage on Lot 1, with the garage set to be razed.

Raus motioned to endorse the plan entitled "Approval Not Required 309 Gifford Road Westport Massachusetts" prepared for Mt. Hope Engineering, GAR Highway, Swansea, MA 02777 and applicant Mary Ferry, dated May 17, 2016 and revised through July 18, 2016, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the subdivision control law. Cole seconded the motion and the vote was unanimous with all in favor.

**Hideaway Lane (10-005C)** Request by applicant for release of consultant review funds.

Gary and Donna Smeaton were present for the meeting. Whitin read a letter submitted by the Smeatons, dated August 11, 2016, explaining that the plans for Hideaway Lane had been put on hold due to unforeseen circumstances. Hartnett explained that the covenant would have to be formally released in the future. Brief discussion ensued.

De Rego motioned to release the balance, approximately \$2,904, plus any accrued interest in the Consultant Review account for the Definitive Plan of Hideaway Lane in Westport, MA. Sousa seconded the motion and the vote was unanimous with all in favor.

**Medeiros Farm (07-002C)** Request by applicant to release lots in exchange for surety.

Bill DiSpirito, the new owner of Maya Way (formerly Medeiros Farm) was present for the meeting. DiSpirito detailed the amount of cleanup he has done to the acreage since he became the owner of the property. DiSpirito requested that the Planning Board release one lot so he can sell it to help finance the completion of the project. Discussion ensued.

Tibbetts submitted an inspection report and surety estimate dated August 19, 2016.

Cole motioned to release all the lots from the Covenant dated August 31, 2010, and September 28, 2010, in exchange for cash surety in the amount of \$87,000, for the subdivision entitled "Medeiros Farm, dated February 2, 2007, and revised through July 20, 2007". The Planner will hold the release until the closing and until the Town receives the check for \$87,000. De Rego seconded the motion and the vote was unanimous with all in favor.

Raus motioned to release the construction review account funds in the amount of \$5,307, plus any accrued interest to Veronica Reis, the daughter and executor of the estate of the previous owner. Cole seconded the motion and the vote was unanimous with all in favor.

**Turtle Rock Lane (07-003C)** Request by applicant for final release.

Alan Heureux from Boucher & Heureux, Inc. presented the plan to the Board. Heureux explained that the subdivision is complete and the applicant requested a final release. Hartnett read Tibbetts' report dated August 19, 2016 into the record. Heureux noted that since the report was submitted, the items in the report have been properly addressed.

Cole motioned to grant the final release of the subdivision and to release the balance, approximately \$26,000, plus any accrued interest in the Surety and approximately \$1,115.00, less the cost of the final inspection, in the Consultant Review construction inspection account for the Definitive Plan of Turtle Rock Lane in Westport, MA. De Rego seconded the motion and the vote was unanimous with all in favor.

**Meadowbrook Lane Phase III (13-002C)** Request by applicant to extend covenant.

Hartnett described the current status of the subdivision. Alan Heureux was present at the meeting and a brief discussion ensued.

Raus motioned to grant the extension of the covenant for the subdivision plan entitled "Definitive Plan of Meadowbrook Farms (Phase III)" for three years to June 11, 2019. De Rego seconded the motion and the vote was unanimous with all in favor.

## **Bentley Estates II (15-009C-IHSP) Endorse Approved Plans.**

Dan Aguiar from SITEC Engineering was present along with Robert Kfoury. Hartnett explained that the applicant submitted a Form-F Covenant along with a Home Owners Association Document. Hartnett noted that the cross section detail for the cul-de-sac at Whalon Way have been added to the formal plans. Sousa questioned the specification of the gravel being used under the Bodpave paving system in the cul-de-sac. Kfoury stated that if the company (Bodpave) approves the specifications, the gravel with the highest infiltration rate will be used in the construction of the center island.

Sousa motioned to maximize the permeability of the gravel base, meeting all Mass DOT specs during construction. De Rego seconded the motion and the vote was unanimous with all in favor.

Raus motioned to approve sheet 12 of 17 for Bentley Estates II, Definitive Subdivision Plan, Map 5, Lot 16, 18, 50-68. Cole seconded the motion and the vote was unanimous with all in favor.

Raus motioned to accept the covenant and Home Owners Association and endorse the Subdivision Plan entitled "Bentley Estates II, Definitive Subdivision Plan, Map 5, Lot 16, 18, 50-68". Cole seconded the motion and the vote was unanimous with all in favor.

Members endorsed the plans at the conclusion of the meeting.

## **Administrative Items.**

### Subdivision Rules and Regulations.

- a. Can the Board require the designation of open space, park land or other designation in a residential subdivision?

Hartnett discussed the question and his findings in detail and stated: "It is clear that under Section 81-Q, the Planning Board cannot require land to be dedicated for public use but Section 81-U does allow the Board to require a park or parks suitable for playground or recreation purposes or for providing light and air and that no building may be erected on such park or parks for a period of not more than three years without the Board's approval."

- b. Can the Planning Board require combined community septic systems or require land to be designated for this purpose?

Hartnett discussed the question and his findings in detail, and stated that based on this information he does not believe the Planning Board can require as part of their regulations or decision that land be put aside or used for a private community sewer system. There may be more flexibility if the system was to be public.

- c. Can the Planning Board consider the attractiveness of a subdivision?

Hartnett stated that yes, the Board can consider attractiveness, but the Board needs to be specific as to what "attractiveness" is.

- d. Reviewed entire document to ensure that the planning board was the appropriate reviewing authority, other departments were removed unless required. Noted.

- e. Added language to the fire suppression tanks to address the questions relating to the number of lots and how they are calculated. Hartnett reviewed the new language with the Board.

- f. Updated the technical specifications to increase minimum grade to 1% and maximum grade to 10%. Noted.
- g. Fire Tank Warranty.  
Hartnett noted that he requested information from the fire department. Hartnett also stated that he spoke with a representative from Rotundo Concrete and learned that the Fire Tanks have a one year limited warranty and they have an allowable leakage rate of 1%. New Castle Concrete stated that their warranty is 1 year put together on site with help from a contractor.
- h. Pavement thickness recommended 2" binder and 1 ½" top.  
Sousa suggested a 2" binder and a 2" top coat. Discussion ensued.

#### **Town Planner Report.**

- a. At the request of MassDOT, Hartnett scheduled a meeting at the MassDOT office for Monday, August 22, 2015, at 11:00 a.m. MassDOT would like to discuss phase III of the Route 88 project. Phase III is the area from the south side of the bridge to Drift Road. Hartnett explained the next phase to the Board.

Cole motioned to send a letter to the Selectmen requesting they have a public hearing with MassDOT presenting the plans to the public. Raus seconded the motion and the vote was unanimous with all in favor.

- b. At the request of Tim King, a meeting has been scheduled for August 25, 2016, to solicit input from the property owners, businesses and departments regarding traffic and parking at the head of Westport along Old County Road.
- c. Private Acres- Hartnett noted that he has been in contact with the developer, Matt Antonio regarding the condition of this subdivision and Antonio stated that he would complete the work during the first part of August. The gravel street is over grown with rocks and gravel in the middle of the cul-de-sac and some other areas that could be considered dangerous. Hartnett recommended that the Board send a letter to Mr. Antonio, requesting that work be completed and he attend the next meeting of the Board to discuss final completion and release of the subdivision.
- d. Request for Proposals – Hartnett noted that he sent a draft of the RFP for on call engineering services over to Timothy King in order to check on the formatting, insurance requirements and forms. The Board can review this at the next meeting.
- e. Hartnett reviewed the painting work recently done in the Annex. Jim Coyne and Lucy Tabit were involved.

#### **Administrative Items.**

None.

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

None.

#### **Correspondence.**

- a. Town of Dartmouth: Three notices of public hearing on 8-22-16 starting at 7 p.m. Noted.
- b. Statutory Notice of Intention to Sell Ch 61A land 726 Old County Road. The land was never in Ch 61A and therefore, no action required.

**Minutes.**

None.

**Invoices.**

WB Mason- Office Supplies: \$60.50. Raus motioned to pay the invoice. De Rego seconded the motion and the vote was unanimous with all in favor.

**ADJOURNMENT**

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

Respectfully submitted,

Joan Steadman, Recording Clerk