



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

**Tel. (508) 636-1037**  
**Fax (508) 636-1031**

**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**May 16, 2017**

Chairman James T. Whittin called the meeting to order 6:00 p.m. with Vice-Chairman William Raus, Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance.

**Approval Not Required (ANR) Cardeiro (17-003A)** Request by applicant for endorsement of a 2-lot plan of land located at 221 C & D Tickle Road, Assessors' Map 20, Lot 68.

Sean Leach from SITEC Engineering was present to represent the applicant. Leach stated that the plan would correct the property line between the two abutters. The plan would also convey Parcel 1 to Lot 1A, which would then allow both lots to conform to the Zoning By-Laws. Leach stated that the property line was in dispute, and the two abutters have since agreed on where the lot line should be placed. After changing the line location, one of the lots was no longer conforming to the By-Laws, so a small parcel from one lot is being conveyed to the second lot to allow both lots to conform. Brief discussion ensued. Hartnett commented and recommended approval. Abutter Mr. Lacombe was present for the meeting and spoke briefly regarding the history of the lot lines.

Raus motioned to endorse the plan entitled "Approval Not Required Property Agreement Plan, Plan of Land in Westport, MA prepared for Patrick & Michele Cardeiro, Brent Cardeiro, Sarah Rubino, Andre & Rita Lacombe, Dated March 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) Gracia (17-004A)** Request by applicant for endorsement of a 2-lot plan of land located at 1 Lee Way & 423 Old County Road, Assessors' Map 51, Lots 22A & 22 respectively.

Matt Pike from South Coast Engineering was present to represent the applicant. The applicant requested to transfer two parcels of land to the abutter. Ken McOsker was present to represent the Gracia Family Trust and spoke about the history of the land as it relates to the Gracia Family. All lots involved will end up with the required uplands, area and frontage to conform to the By-Law.

De Rego motioned to endorse the plan entitled "Plan of Land at 423 Old County Road and 1 Lee Way, Westport, MA, prepared for Antonio B. and Jean E. Gracia Living Trust, dated April 30, 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. Sousa seconded the motion and the vote was unanimous with all in favor.

**Black Oak Circle (16-001C)** Request by applicant to allow a grass island to be installed on top of the existing gravel base.

Hartnett explained that the applicant requested that a grass island be allowed to be installed on top of the drivable center portion of the cul-de-sac. The existing gravel base will support the proposed grass island. Sousa recommended that the Fire Department review the proposed changes for the cul-de-sac center island. Matt Pike from South Coast Engineering was present for the meeting. Whitin read a letter from Greg Nichols of South Coast Engineering into the record. Nichols stated in the letter that the changes will not have any significant change to the drainage in the cul-de-sac. Discussion ensued.

Raus motioned that the change would be considered minor in nature to a pre-approved sub division plan and will be reviewed at the next meeting, after it is sent to the Fire Department for review. Sousa seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Allen's Way (17-007C-Modification).** Request by Paul Briggs of 6717 Raleigh St., Hollywood, FL to modify a definitive subdivision plan entitled **"PROPOSED ROADWAY IMPROVEMENT PLAN"** on Allen's Way prepared for Paul Briggs dated January 30, 2017, Assessor's Map 55, Lot 26 proposing to improve Allen's Way from a 12 foot graveled rural residential roadway to 20 foot graveled roadway and creating 1 additional buildable lot.

Sean Leach from SITEC Engineering was present to represent the applicant Paul Briggs. Leach explained that the plan proposes to widen and improve the rural roadway with an addition of a hammerhead style turn around to allow the road to create and service a second lot. The hammerhead turn around would be constructed on all uplands. Leach reviewed the history of the roadway. Leach stated that the drainage would be greatly improved with the proposed changes. Leach reviewed the wetlands in the area for the Board. Hartnett read a letter from Tibbetts dated May 16, 2017, into the record. Whitin read the comments from the various Boards into the record. Leach stated that the roadway will be built out to 20' as required by the Fire Department. The Board stated the concern for the wetlands in the area regarding widening the roadway to the full 20'. Discussion ensued.

Raus motioned to continue the Public Hearing for Allen's Way to Tuesday May 30, 2017, at 6:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Soares (17-008C).** Request by John and Louise Soares of 1636 Westport, MA, to consider an application for a definitive subdivision plan entitled **"Mini Form-C Subdivision for John & Louise Soares"** dated April 4, 2017 for property located at **651 and 655 Main Road**, Assessor's Map 70, Lots 15A and 15B. The subdivision will divide the parcel into two separate lots leaving an existing structure on each lot.

Craig Kurt from Commonwealth Engineering was present to represent the applicants, Mr. and Mrs. Soares. Kurt explained that Soares proposed to divide the property into two lots, leaving an existing structure on each lot. The division of the lots would leave one lot without enough frontage to be considered conforming under the By-Law. Hartnett stated that if the Planning Board does grant approval, the applicant would still be required to present the plan to the Zoning Board of appeals for zoning relief for the non-conforming lot. The Planning Board and Zoning Board are two separate and distinct approvals. Hartnett noted that these lots would have conformed to the minimum zoning

requirements when the structures were built. Whitin read the comments from the various Boards into the record.

Jerry Coutinho from the Zoning Board was present for the meeting. He detailed the history of the lots for the Board. Coutinho requested that the Board put a condition on the plan to ensure that the applicant goes before the Zoning Board to request the Zoning relief. Whitin and Hartnett stated that there is no condition that the Planning Board can put on the plan to ensure that but suggested that the Board require that a statement be added to the plan stating: "Parcel A and Parcel B do not conform to current Zoning requirements."

Raus motioned to grant the frontage waiver for Parcel B in accordance with M.G.L. Chapter 41, Section 81-R and approve the definitive subdivision plan entitled "Mini Form C Subdivision for John & Louise Soares, 651-655 Main Road in Westport, MA dated: April 4, 2017", with the statement "Parcel A and Parcel B do not conform to current Zoning requirements" added to the plan. De Rego seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**Natalie's Way (17-009X).** Request from Natalie Caetano of 308 Souza Road, Tiverton, RI to name a private way to "Natalie's Way". The private way begins at Sanford Road between 327 and 333 Sanford Road and runs westerly as shown on Assessor's Map 18 abutting Lots 4B, 4C, 4D, 4E, 6, 10 and 41.

Natalie Caetano was present for the meeting. Caetano explained that she would like the private way to be re named "Natalie's Way" because she developed much of the roadway and is now beginning the construction of her home on the property. Caetano described the history of the land and the work she has done to it.

Hartnett read from the By-Law: "Naming of Private Ways MGL Chapter 85, Section 3A provides that:

*No way in any city or town which is open for public use but has not become a public way shall be given a name unless the same is first approved by its board of survey, or if there is no such board, its board of aldermen or board of selectmen."*

Attorney Brian Cory Jr. Was present for the meeting, stating that he did the original title work for the Private Way. Cory gave a brief history of the Way. Cory stated that additional numbers for the road are available using the letters "a,b,c,d.. ect.", and noted that there have not been any issues to date with utilities or with EMS. Whitin read the comments from the various Boards into the record. Whitin read a letter from Paul Duhon- the E-911 Coordinator into the record, dated May 5, 2017.

Whitin read a letter from abutter Jessica Howard in to the record. Howard suggested a few names for the Way, and detailed the history of the Way for the Board. Howard stated that the Squillante Family Trust owns the majority of the acreage on the Way. She suggested that all of the land owners that would be affected should have an opinion in the name of the Way. Whitin read a letter from Sharon Potter from the Assessor's Office into the record. Jessica Howard was present at the meeting and stated that she had attempted to contact Caetano to resolve the issue of the name of the Way, but was unsuccessful in contacting her.

Abutter, Mrs. Arruda was present and stated that "Mr. Doyle" was the original owner of the land, so the Way should be named "Doyle's Way".

Whitin suggested that the residents of the Way have a private meeting to determine what they would like the name to be. The residents will appear before the Board when the issue is resolved.

**Forest Park (Carrigg) –** Drainage casting specs on installed grate units on Magnolia Lane.

Bob Carrigg was present for the meeting. Carrigg stated that he asked Tibbetts to inspect the drainage casting specs on Magnolia Lane. He stated that the castings on the approved plan are from two different companies. Hartnett stated that he spoke with George Mello from Tibbetts Engineering regarding the castings. Sousa stated that he has done research on the castings and the risers for the drainage. He reviewed some of the recent changes made by MassDOT regarding the castings and risers. Discussion ensued regarding the castings and the risers. The Board agreed that for any new construction, the new design and specifications from MassDOT shall be used.

**Gulf Holdings (17-006SPA) –** Request by applicant to relieve them from their obligation under conditions after unsuccessful attempt to collect water sample at 6 Pine Needle Way.

Attorney Brian Corey Jr. was present for the meeting. He stated that an attempt was made to collect a water sample from the abutter, and the abutter refused to allow a water sample to be taken. Hartnett read a letter submitted by the developer stating that an attempt was made, but the abutter refused. Corey stated that “pre-construction” work had begun, until a complaint from an abutter was made. Corey stated that the “pre-construction” work has since been stopped. Corey reviewed the deadlines regarding the decommissioning and removal of the single layer steel tanks as per Mass DEP. He stated that the tanks must be decommissioned by the end of May, 2017, and that the work must be completed by August 7, 2017. Raus stated that construction cannot begin until approval arrives from MassDOT. Corey requested that the “pre construction” work could be resumed while waiting for the approval from MassDOT. Discussion ensued.

**Brightwood (09-006C)** Request by applicant for extension of covenant.

Brian Giblin, 1500 Main Road, was present. Giblin reviewed the work that has been completed on site. Brief discussion ensued.

Raus motioned to approve the completion date for the covenant dated October 19, 2019, for the subdivision entitled “Brightwood Definitive Subdivision of Land” until April 15, 2020. De Rego seconded the motion and the vote was unanimous with all in favor.

**First Bristol (10-009SPA) –** Request by applicant for a change to parking lot islands.

Jamie Karam from First Bristol Corporation was present for the meeting to request a minor change to the parking lot. Karam described the change for the Board.

Cole motioned to approve the minor alteration to the parking lot layout eliminating the two islands on the east side of the parking area as shown on the plan entitled First Bristol Professional Office Center with a revision date of April 27, 2017. De Rego seconded the motion and the vote was unanimous with all in favor.

**Administrative Items.**

None.

## **Town Planner Report.**

- a) Seaport Economic Grant – Hartnett stated that the Board should receive the scope of services from the engineer today and it will have to be reviewed and eventually signed by the BOS. A contract will also have to be approved and signed by the Seaport Economic Council and the Town of Westport. The Board should have a draft of the contract by the middle of June. There will be a significant amount of work associated with the administering of this grant. Progress reports, design review, construction bid specifications and administration, coordination between the WRWA, Landing and neighborhood.
- b) MVP Grant – Hartnett stated that the grant was discussed at the Board of Selectmen last night and it should be filed with the state tomorrow.
- c) Complete Streets – Hartnett noted that this is a good funding opportunity for the Town, there are some commitments that the Town will have to make in order to receive funding. A letter of commitment signed by the BOS and filed with the state, an approved policy (Hartnett completed a draft policy that needs to be reviewed), and a plan to prioritize projects in Town. There is \$450,000 available to each community under this program but the Town needs to agree to consider complete streets in all their projects. It does not mean that the Town has to include bike paths and sidewalks in all projects; they just want the Town to show that they were considered.
- d) Denitrifying Septic Regulations – The subcommittee to the WRMC met last week to review the latest regulations, the committee is looking to meet again at the end of the month. Hartnett noted that the subcommittee is still working to decide what properties would be impacted by the regulations.
- e) MS4 Permit – Work is continuing on the MS4 permit, Hartnett noted that he met with members of the Buzzards Bay Estuary Project last week. They have more mapping than originally thought and they will be helpful as the Board moves along with the permit. Hartnett stated that the endangered species section and the historical section of the permit are complete, but there is a lot more that needs to be done.
- f) Gels Way – Construction has begun on this subdivision, it has been on the books for a long time and it is moving forward.
- g) William Shaw – The Board voted to release the inspection fees at the last meeting. Mr. Shaw came in the Planning office the next day and stated that he wanted to finish up the subdivision. Mr. Shaw stated that the development was completed and the bounds were set. This dates back to 1994, Mr. Shaw is going to re-crown the road with gravel and locate the bounds for inspection. Either Tibbetts or Hartnett could go out and do the final inspection. Hartnett recommended that since the developer is going to be completing the work that the Board hold the inspection funds until this is done.
- h) Blossom Road Solar – A neighbor to the solar project abutting the Fall River Town Line has expressed concern regarding increased stormwater runoff from the site. The abutter showed Hartnett a video and emailed the Board pictures of the runoff. The project manager has been very responsive and a meeting has been scheduled for Wednesday at 1:30 on site, with the project manager Bill Gaudete, the design engineer and George or Scott from Tibbetts Engineering.

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

Hartnett noted that they are looking into purchasing new chairs for the meeting room.

Whitin discussed the TMDL report submitted May 4, 2017.

**Correspondence.**

None.

**Minutes.**

May 9, 2017.

Cole motioned to accept the minutes as written. Raus seconded the motion and the vote was unanimous with all in favor.

**Invoices.**

\$53.18- Mileage- Hartnett.

\$50.00- Phone (May)- Hartnett.

\$179.79- USPS- Postage.

\$117.63- WB Mason- Office Supplies.

De Rego motioned to approve the invoices listed above. Cole seconded the motion and the vote was unanimous with all in favor.

**ADJOURNMENT**

Members unanimously voted to adjourn at 8:25 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk