

## PLANNING BOARD MEETING MINUTES

**Date/time of Meeting:** February 20, 2024, at 6:00 p.m.

**Place:** Town Hall Annex, 856 Main Road

**Call to order:** The regular meeting of the Westport Planning Board was called to order at 6:04 PM by Chairman, Jim Whitin.

### **ATTENDEES**

Chairman Jim Whitin, Vice-Chair Bob Daylor, and members, John Bullard Manuel Soares, Mark L. Schmid, Town Planner, Michael Burris.

**ABSENT:** Assistant Town Planner, Amy Messier

**Chair's Announcement** – Under M.G.L. Chapter 30A, section 20(f) – The meeting was being videotaped.

### **1. Administrative Items**

#### **a. Rita Lane (extension)(19-001C) As-built Plan**

Burris mentioned the Select Board received a road acceptance petition for Rita Lane (Extension) to return comments non-binding recommendation. Burris provided an overview of the project, including outstanding items that still need to be addressed based on S.W. Cole's review. Whitin is in favor of the town accepting this road, but pointed out that White Oak Run is a private road. Soares suggested that White Oak Run, Rita Lane, and Rita Lane Extension should be accepted so that the town does not face Chapter 90 issues.

### **Motion**

Bullard moved to approve the "Road As-Built Plan for Rita Lane Extension Westport, Massachusetts" for Twin Pine Westport Realty Trust dated December 12, 2023 with the condition that White Oak Run is also accepted at Town Meeting. Seconded by Daylor. The motion passed unanimously, with all five members voting in favor.

### **2. 6:15 p.m. Public Hearing**

#### **a. Plat 21 Lot 8A – Mello's Way (23-028SPA-LID-Minor) (continued from October 3, 2023, November 14, 2023)**

Burris mentioned that the applicant's engineer requested a continuance because S.W. Cole has not had the opportunity to review the applications revised plans.

### **Motion for a Continuance**

Bullard moved to continue the Public Hearing for Plat 21 Lot 8A – Mello's Way to April 23, 2024 at 6:30 p.m. Seconded by Daylor. The motion passed unanimously, with all five members voting in favor.

### **3. 6:30 p.m. Public Hearing**

#### **a. Rosewood Lane Definitive Subdivision (23-039C)**

Emanuel Pacheco Jr. was present on behalf of Emanuel Pacheco, Sr. He mentioned he addressed Field Engineering comments and gave an overview of the revised plan design.

The applicant requested five waivers, there are:

1. Waiver to allow the reduction of one roadway radius from 25' to 6'.
2. *Waiver to allow a cross-slope without a crown for proposed street and shoulders for portions of the right of way.*
3. *Waiver to allow a shoulder reduction from 10' to 7' for a portion of the northerly street along parcel "2".*
4. Waiver to allow all underground utilities to run along the southerly side of the right of way.
5. *Waiver to allow infiltration basins & sedimentation basins to be closer than 50' and to allow swales and channels closer than 10' to abutting property lines.*

#### **Motion**

Bullard moved to approve the endorsement of the plan entitled "Definitive Subdivision Plan Rosewood Lane, Westport, Massachusetts" for Emanuel B. Pacheco, Map 29, Lot 22C, revised through January 29, 2024 with waivers 2, 3, and 5, because the plan ~~complies with the provisions of MGL Chapter 41A~~ complies with the provisions of the Planning Board's Rules and Regulations as amended. Seconded by Daylor. The motion passed unanimously with all five members voting in favor.

#### **Motion**

Daylor moved to close the public hearing for "Definitive Subdivision Plan Rosewood Lane, Westport, Massachusetts." Seconded by Bullard. The motion passed unanimously with all five members voting in favor.

### **4. 6:45 p.m. Public Hearing**

Burris presented an overview of the Zoning Amendments for Short-Term Rentals and announced the hearing format policy. Six public meetings with various boards, including the Short-Term Rental Committee, resulted in the revised bylaws. Revisions and discussions were conducted as needed, and the final version would be available at a later date.

Nicole Plante, 803 Main Road, Even Keel Realty was present. Ms. Plante recommended a two-day rental minimum be included in the by-laws because some guests only stay for two or three days in specific circumstances. She was against the public street parking restrictions.

Louise Gerard, 27 Harrison Street, was present. Ms. Gerard asked for clarification on if the short-term rental restrictions would be throughout all of Westport or just in certain areas. Bullard and Whitin made it clear that the limitations would not apply to the commercially zoned areas.

Steven Coser, 513 Old County Road, was present. Coser asked how if the new bylaw would permit Bed and Breakfast homes or Bed and Breakfast establishments. Burris clarified that the new by-law only pertain to short-term rentals, not Bed & Breakfasts in any form.

Tanja Ryden, 34 Fallon Drive, mentioned she supports the seven day minimum rental in the residential district.

In addition to ensuring that the owner is in compliance and there are no lingering infractions, Ms. Ryden requested that the Board take into consideration MGL Chapter 64G Section 14, which imposes a room occupancy tax.

Geraldine Mullin, 168 Cherry and Webb Lane, was present. Ms. Mullin expressed worry that the costs would not be controlled properly and that those who rent short-term rentals may be charged exorbitant amounts of money in fees. Whitin added that the Select Board sets the fee schedule.

Cindy Scheller, 4 Beach Road, asked where and when the fee schedule would be added into the bylaws.

Burris provided an overview of the remaining revised amended sections.

In order to remove the potential of filing an appeal and ensure that the Planning Board retains review restrictions, Daylor suggested that in order to promote new business along Route 6, the permit type should be subject to a Site Plan Review-Low Impact Development permit rather than a Special Permit that is appealable. The other members were in agreement.

Nicole Plante, Even Keel Realty - 803 Main Road. Ms. Plante asked if 40B Affordable Housing Unit would be a Special Permit. Whitin responded that the 40B's are a state requirement and the application would need to go to the Zoning Board, not the Planning Board.

Louise Gerard, 27 Harrison Street. Ms. Gerard would prefer to preserve the rural landscape and is against water and sewer lines running down Route 6 to the north end and further large businesses from coming into Westport.

Nicole Plante, Even Keel Realty – 803 Main Road. Ms. Plante expressed her concern with the change from minimum lot width because Westport has some individual odd-shaped lots where the dimensions narrow to get to another portion of their property because of wetlands and other factors.

### **Motion**

Bullard moved the Board review the Town Planner's final revisions before sending the final Zoning By-Law Amendments to the Select Board for approval and inclusion on the warrant. Seconded by Daylor. The motion passed unanimously with all five members voting in favor.

### **Motion**

Daylor moved to close the public hearing for the 2024 Zoning Amendments. Seconded by Bullard. The motion passed unanimously with all five members voting in favor.

## **5. Planners report**

- a. Burris provided an update on the Request for Proposal for the Community Compact Information Technology Grant, and that we would then assess the submissions to provide online permitting services for various municipal departments.

## **6. Minutes**

February 6, 2024

### **Motion**

Daylor moved to approve the February 6, 2024 minutes as written. Seconded by Bullard. The motion passed unanimously, with all five members voting in favor.

## 7. Invoices

*None.*

## 8. Topics not reasonably anticipated forty-eight (48) hours before the meeting.

Burris read into the record an email from Kathleen O'Keefe of Agawam, MA dated February 19, 2024, whose family has owned property on East Beach for approximately 80 years, stating that she opposes a managed retreat and supports proactive measures like beach nourishment.

## 9. Short/Long-term Planning Discussions

Bullard stated that the February 15th Climate Resilience Committee (CRC) meeting was productive because the Water Subcommittee completed a draft report for their chapter, and Phil Weinberg, Chairman of the Health Subcommittee, discussed being ready to draft a report for his chapter. The CRC has six chapters, each representing one of its six subcommittees. The CRC also discussed East Beach and the implications of the four storms. Suggestions were made and categorized at the meeting, and further discussion will take place at the March meeting.

Whitin mentioned that the Army Corps of Engineers would be dredging the Westport Harbor and putting dredge materials in the ocean near West Beach and Gooseberry. Whitin stated that he would sign a letter on behalf of the Planning Board recommending that the dredge materials be used for better purposes, such as beach nourishment for Horseneck, Cherry, and Webb Beaches, or thin layer deposition for the depleting salt marshes and dunes.

### Motion

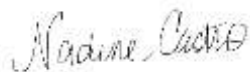
Bullard moved to authorize the Chairman to write a letter to the Army Corp of Engineers and Department of Protection that it is the recommendation that the dredge spoils be used on land to help rebuild dunes, thin layer deposition, and beaches that were harmed by the recent storms. Seconded by Soares. The motion passed unanimously with all five members voting in favor.

Whitin explained that the short-term strategy for promoting water and sewer on Route 6 and how it would benefit the river's watershed as well as everyone's health and safety, given that North Westport has contaminated wells and that we must all share the cost. Daylor added that the Infrastructure Oversight Committee would collaborate with The Watershed Alliance and the Buzzard's Bay Coalition to develop a betterment policy. An outreach program meeting will be held between the Debt Exclusion Vote and the Town Meeting vote on how to spend the money.

## Adjournment

The Board unanimously adjourned at 9:49 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

**NOTE:** *Agenda is subject to change*

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### NEXT MEETINGS:

PLANNING BOARD: March 19, 2024, @ 6:00 P.M.

WORK SESSION: ?