

Planning Board Meeting

February 7, 2023
6:00 p.m.



Planning Department
856 Main Road
Westport, MA 02790



Planning Board

James Whitin
Robert Daylor
John K. Bullard
Mark L. Schmid
Manuel Soares

AGENDA Tuesday, February 7, 2023

Call to order 6:00 p.m.

1. Administrative Items

- a. **Pre-Application Consultation (23-003PAC)** Request by the applicant to discuss a proposed subdivision for 0 Gifford Road, Map 29 Lot 22C.
- b. **Pre-Application Consultation (23-006PAC)** Request by the applicant to discuss a proposed Special Permit Common Driveway and Flexible Frontage for 744 Drift Road, Map 54 Lot 43A.

2. 6:15 p.m. Public Hearing

- a. 2023 Zoning Bylaw Amendments

3. Assistant/Planners report

4. Invoices

- a. East Bay Media Group - Zoning By-Law ad - \$246.00

5. Correspondence

6. Minutes

January 24, 2023

7. Short/Long-term Planning Discussions

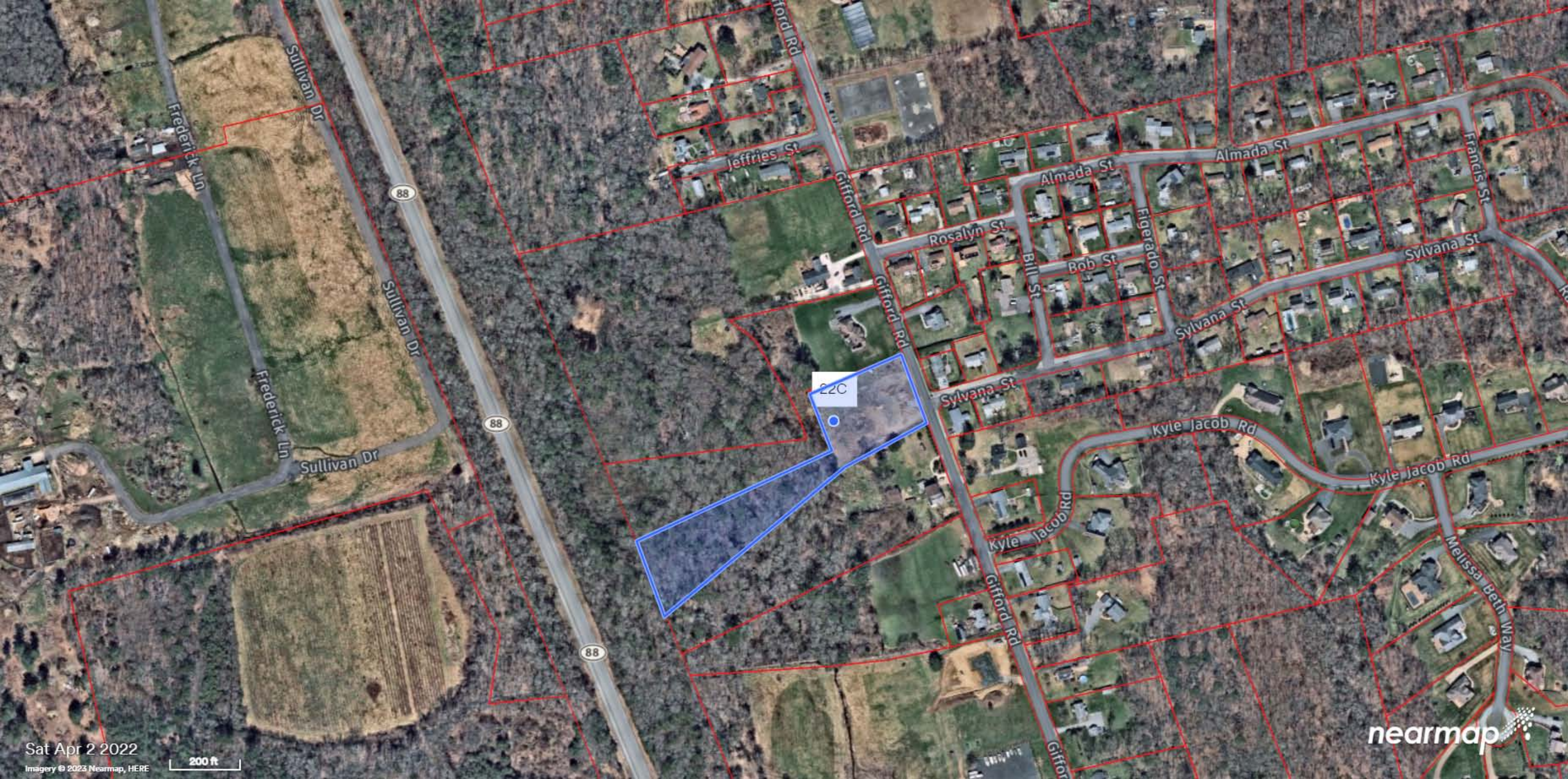
ADJOURNMENT

NOTE: Agenda is subject to change

NEXT MEETINGS:

Planning Board: February 21, 2023 at 6:00 p.m.

Work Session: ?



Sat Apr 2 2022

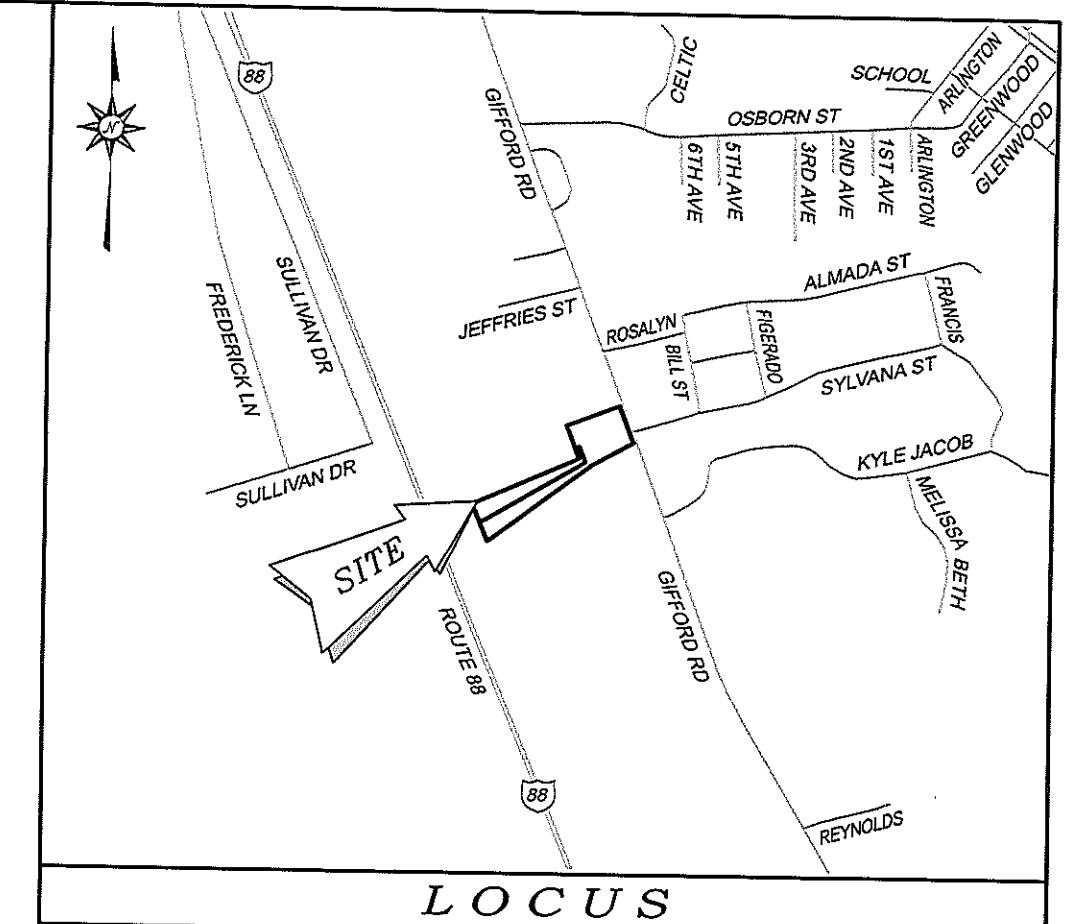
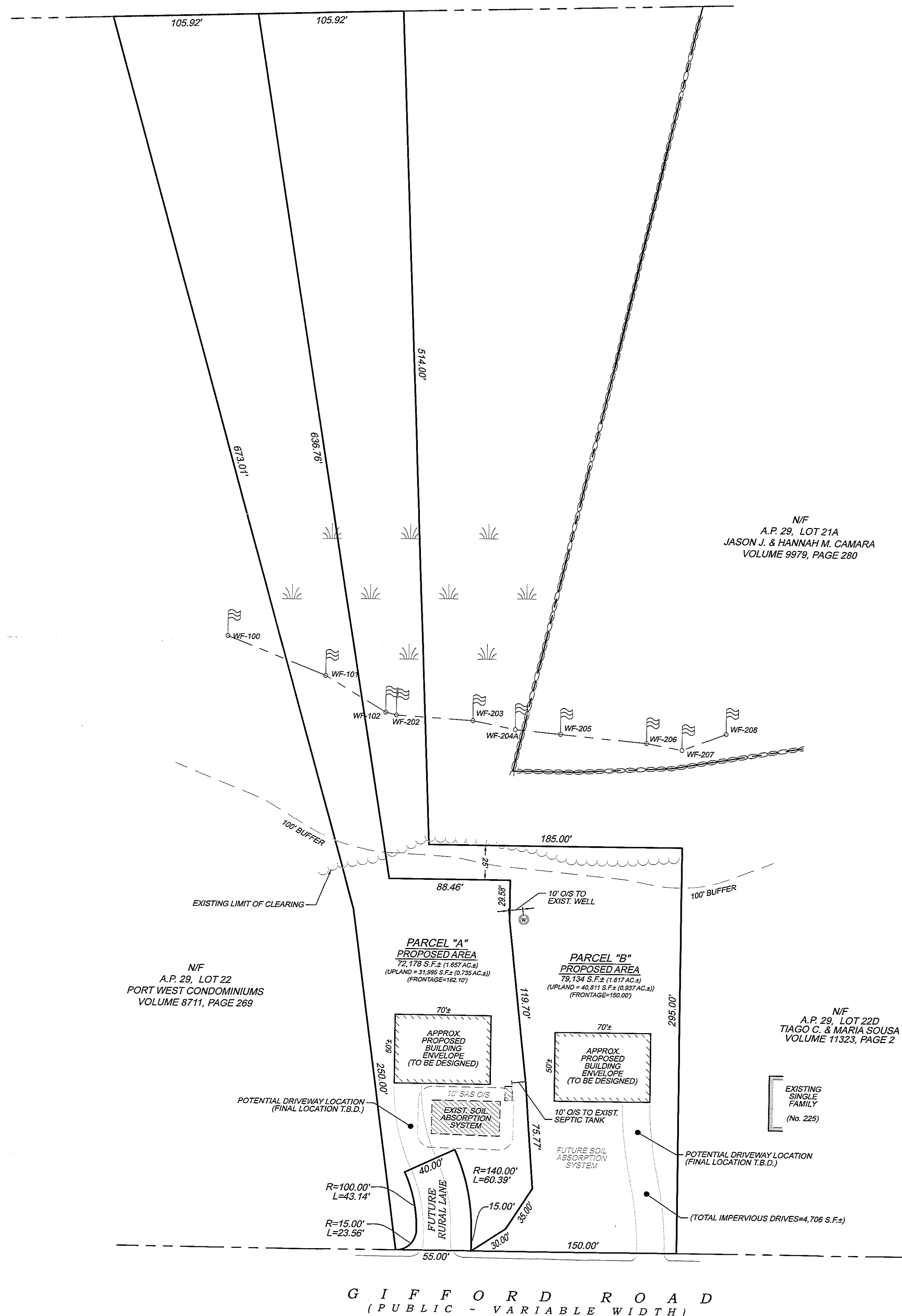
Imagery © 2023 Nearmap, HERE

200 ft

nearmap

LEGEND & ABBREVIATIONS

NF	- NOW OR FORMERLY	---	- PROPERTY LINE
A.P.	- ASSESSORS PLAT	---	- ZONING SETBACK LINE
S.F.	- SQUARE FEET	---	- EXISTING CONTOUR
AC	- ACRES	---	- NEW CONTOUR
±	- PLUS OR MINUS	---	- STONE WALL
STY	- STORY	---	- FENCE
WF	- WOOD FRAMED	---	- SEWER LINE
SHP	- STATE HIGHWAY PLAT	---	- DRAIN LINE
RET.	- RETAINING WALL	---	- WATER LINE
O/A	- OVERALL	---	- GAS LINE
(FND.)	- FOUND	---	- ELECTRIC LINE
R/H	- RI HIGHWAY BOUND	---	- SANITARY SEWER MANHOLE
T.B.D.	- TO BE DETERMINED	---	- CATCH BASIN
FE	- FLARED END	---	- STORM DRAIN MANHOLE
S/B	- SETBACK	---	- WATER GATE
CLF	- CHAIN LINK FENCE	---	- GAS VALVE
INV.	- INVERT	---	- ELECTRIC MANHOLE
x 10.80	- EXISTING SPOT GRADE	---	- GRANITE BOUND
x 10.80	- NEW SPOT GRADE	---	- DRILL HOLE
		---	- IRON PIPE

ROUTE (STATE HIGHWAY) 88
(NO ACCESS)

NOTES / REFERENCES

- REFERENCE IS MADE TO THE FOLLOWING MAPS AND PLANS OF RECORD:
 - PLAN ENTITLED "APPROVAL NOT REQUIRED PLAN PREPARED FOR EMILIO ESTACIO, ET AL, A.P. 29, LOTS 22, 22C, 22D, 237 GIFFORD ROAD WESTPORT, MA, 02780, PREPARED BY: INSITE ENGINEERING SERVICES, LLC, SCALE: 1" = 50', DATE: FEBRUARY 16, 2004, LAST REV: MAY 25, 2004."
 - PLAN ENTITLED "SUBSURFACE SEWAGE DISPOSAL SYSTEM AND STORM WATER MANAGEMENT PLAN, APPLICANT: EMANUEL B. PACHECO, ASSESSORS MAP & LOT: MAP 29 LOT 22C, STREET LOCATION: GIFFORD ROAD, WESTPORT, MA, ENGINEERING FIRM: GORODETSKY ENGINEERING, SCALE: 1" = 20', & AS NOTED, DATE: MAY 6, 2019, REVISED: DECEMBER 18, 2019 - INCREASED NUMBER OF BEDROOMS TO 6, MAY 25, 2020 - UPDATED CALCULATIONS."
- REFERENCE IS MADE TO THE FOLLOWING LAND EVIDENCE RECORDS AS RECORDED IN THE SOUTH BRISTOL COUNTY REGISTRY OF DEEDS:
 - ASSESSORS MAP 29, LOT 22C - EMANUEL B. & MARIA R. PACHECO - VOLUME 12530, PAGE 311 & 315
- THESE PREMISES ARE SITUATED IN A "RESIDENCE DISTRICT".

DIMENSIONAL REQ.	SINGLE FAMILY
MIN. LOT AREA	= 60,000 S.F.
MIN. LOT UPLAND	= 30,000 S.F.
MIN. FRONTAGE/WIDTH	= 150' FT.

NOTE - ZONING INFORMATION IS FROM CURRENT ZONING AND MAY NOT REFLECT THE CONDITIONS AT THE TIME OF CONSTRUCTION OR VARIANCES GRANTED.
- WETLAND FLAG SERIES "WF-100" THROUGH "WF-102" AND "WF-202" THROUGH "WF-208" AS APPROVED BY THE WESTPORT CONSERVATION COMMISSION ON JUNE 7, 2022. WETLANDS DELINEATED BY WETLAND CONSULTANT JAMES WALSH ON MARCH 13, 2022, REVISED MAY 20, 2022 & FIELD LOCATED BY WATERMAN ENGINEERING COMPANY.

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JAN 28 2023

WESTPORT
PLANNING BOARD

REQUESTED WAIVERS:

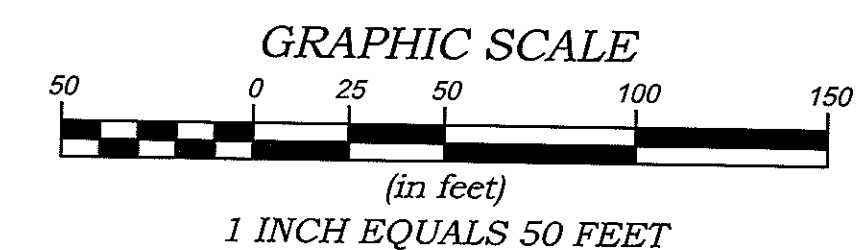
- TO ALLOW THE ELIMINATION OF ONE ROADWAY FILLET & RADIUS REDUCTION OF ONE FILLET AT THE INTERSECTION OF GIFFORD ROAD. (REF. SEC. IV.A.1.1.)
- TO ALLOW THE ROADWAY CONSTRUCTION TO BE OFF-CENTER (5' OFFSET) TO ROADWAY CENTERLINE (REF. SEC. V.B.2.)

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WATERMAN ENGINEERING CO.
CIVIL ENGINEERS & SURVEYORS
46 SUTTON AVENUE
EAST PROVIDENCE, RI 02914-2096



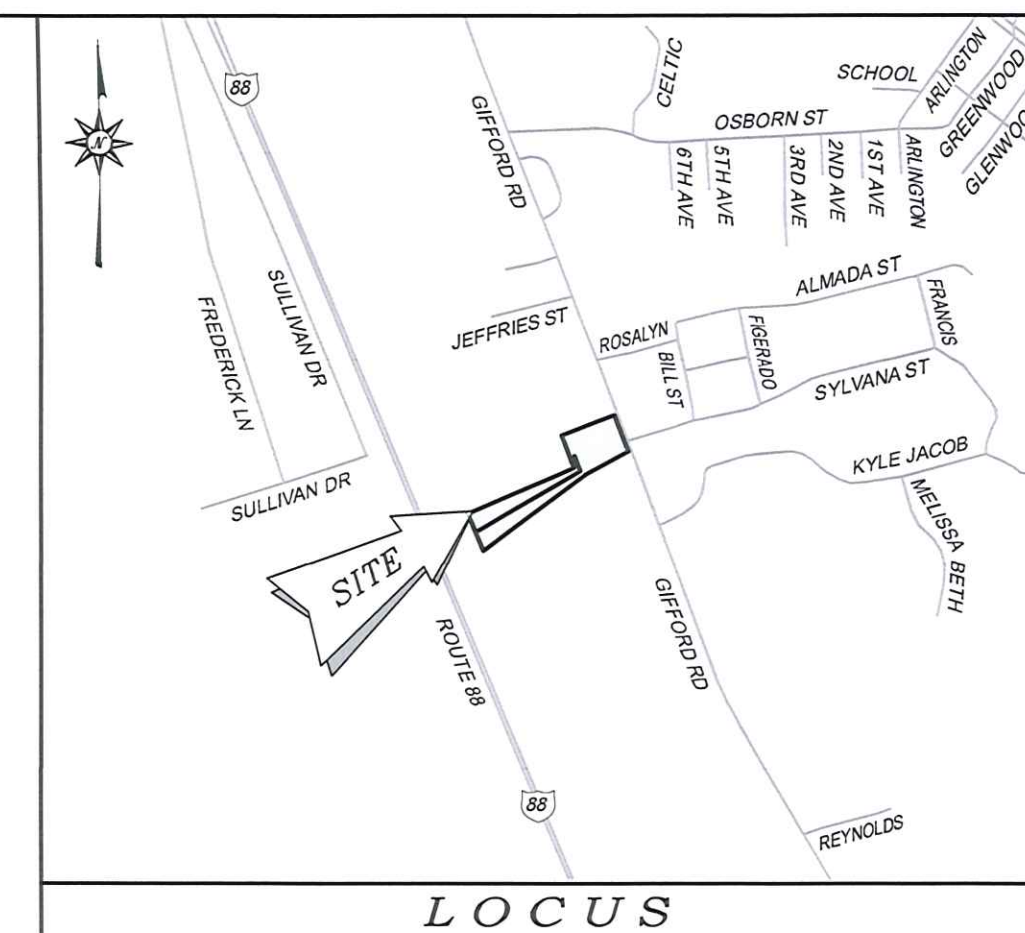
46 Sutton Avenue
East Providence, RI
Phone: (401) 438-5775
Fax: (401) 438-5773
www.watermanengineering.net

NI	- NOW OR FORMERLY	_____	- PROPERTY LINE
A/P	- ASSESSORS PLAT	_____	- ZONING SETBACK LINE
S.F.	- SQUARE FEET	_____15_____	- EXISTING CONTOUR
AC.	- ACRES	_____15_____	- NEW CONTOUR
±	- PLUS OR MINUS	xxxxxxxxxxxx	- STONE WALL
STY	- STORY	X _____	- FENCE
W/F	- WOOD FRAMED	S _____	- SEWER LINE
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CH/L	- CHAIN LINK FENCE	Ⓢ _____	- GAS VALVE
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x 10.80	- EXISTING SPOT GRADE	Ⓢ _____	- GRANITE BOUND
x 10.50	- NEW SPOT GRADE	Ⓢ _____	- DRILL HOLE
		Ⓢ _____	- IRON PIPE

[illegible]

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WATKINMAN ENGINEERING CO.
 CIVIL ENGINEERS & SURVEYORS
 46 SUTTON AVENUE
 ST. PRYDEVILLE, RI 02914-2096



1. REFERENCE IS MADE TO THE FOLLOWING MAPS AND PLANS OF RECORD:

A.) PLAN ENTITLED "APPROVAL NOT REQUIRED PLAN PREPARED FOR EMILIO ESTACIO, ETAL A/P 29, LOTS 22, 22C, 22D, 23T GIFFORD ROAD WESTPORT, MA 02780, PREPARED BY: INSITE ENGINEERING SERVICES, LLC, SCALE: 1" = 50', DATE: FEBRUARY 16, 2004, LAST REV. MAY 25, 2004."

B.) PLAN ENTITLED "SUBSURFACE SEWAGE DISPOSAL SYSTEM AND STORM WATER MANAGEMENT PLAN, ASSAULTING EMANUEL PACHECO ASSESSOR'S MAP & LOT MAP 29 LOT 22C, STREET LOCATION: GIFFORD ROAD, WESTPORT, MA, ENGINEERING FIRM GORODETSKY ENGINEERING, SCALE: 1" = 20', & AS NOTED, DATE: MAY 6, 2019, REVISED: DECEMBER 18, 2019 - INCREASED NUMBER OF BEDROOMS TO 6, MAY 25, 2020 - UPDATED CALCS."

2. REFERENCE IS MADE TO THE FOLLOWING LAND EVIDENCE RECORDS AS RECORDED IN THE SOUTH BRISTOL COUNTY REGISTRY OF DEEDS:

A.) ASSESSORS MAP 29, LOT 22C - EMANUEL B. & MARIA R. PACHECO - VOLUME 12330, PAGE 311 & 315

3. THESE PREMISES ARE SITUATED IN A "REVENUE DISTRICT":

<u>DIMENSIONAL REQ.</u>	<u>SINGLE FAMILY</u>
MIN. LOT AREA	= 60,000 S.F.
MIN. LOT UPLAND	= 30,000 S.F.
MIN. FRONTAGE/MDTH	= 150' FT.

NOTE - ZONING INFORMATION IS FROM CURRENT ZONING AND MAY NOT REFLECT THE CONDITIONS AT THE TIME OF CONSTRUCTION OR ANY VARIANCES GRANTED.

4. WETLAND FLAG SERIES "W6-100" THROUGH "W6-10C" AND "W6-202" THROUGH "W6-20F" AS APPROVED BY THE WATERSHED CONSERVATION COMMISSION ON JUNE 7, 2002. WETLANDS DENIMATED BY WETLAND CONSULTANT JAMES WALSH ON MARCH 13, 2022, REVISED MAY 20, 2022 & FIELD LOCATED BY WATERMAN ENGINEERING COMPANY.

RECEIVED
JAN 23 2023
WESTPORT
PLANNING BOARD

NO.	DATE	REVISION	CHECKED BY
<p align="center"><i>CONCEPTUAL SUBDIVISION PLAN 2 ASSESSORS PLAT 29, LOTS 22C GIFFORD ROAD WESTPORT, MASSACHUSETTS</i></p> <p align="center"><i>EMANUEL B. PACHECO 26 ANDREA COURT WESTPORT, MA 02790</i></p>			PROJECT NO. <i>A-19</i>
			SCALE: <i>1" = 5'</i>
			DATE: <i>01/13/2022</i>
			DRAWN BY: <i>EB</i>
			CHECKED BY:
			(J)
			FILENAME: <i>A-193 - SUB-C</i>
			<i>1</i> of <i>1</i> SHEET
			DRAWING # <i>SUB-</i>



[illegible]

105.92' 105.92' 514.00' 636.76' 673.01'

WF-100 WF-101 WF-102 WF-202 WF-203 WF-204A WF-205 WF-206 WF-207 WF-208

100' BUFFER

EXISTING LIMIT OF CLEARING

88.46' 185.00' 124.55' 10' O/S TO EXIST. WELL

100' BUFFER

250.00' 295.00' 70.00' 70.00' 40.00' 40.00' 25.00' 82.50' 8.00' 40.00' 8.00' 25.00' 82.50'

PARCEL "A" PROPOSED AREA
70,015 S.F. (1.607 AC.±)
(UPLAND = 32,544 S.F. (0.747 AC.±))
(FRONTAGE = 182.27')

APPROX. PROPOSED BUILDING ENVELOPE (TO BE DESIGNED)

10' S.O.S. TO EXIST. SOIL ABSORPTION SYSTEM

PARCEL "B" PROPOSED AREA
74,104 S.F. (1.701 AC.±)
(UPLAND = 35,781 S.F. (0.821 AC.±))
(FRONTAGE = 182.27')

APPROX. PROPOSED BUILDING ENVELOPE (TO BE DESIGNED)

12' S.O.S. TO EXIST. SEPTIC TANK

FUTURE RURAL LANE

(TOTAL IMPERVIOUS DRIVES = 6,413 S.F.±)

N/F
A.P. 29, LOT 22
PORT WEST CONDOMINIUMS
VOLUME 8711, PAGE 269

N/F
A.P. 29, LOT 21A
JASON J. & HANNAH M. CAI
VOLUME 9979, PAGE 28

N/F
A.P. 29, LOT 21B
TIAGO C. & M. CAI
VOLUME 11379, PAGE 28

EXISTING SINGLE FAMILY (No. 225)

G I F F O R D R O A D
(P U B L I C - V A R I A B L E W I D T H)



1. REFERENCE IS MADE TO THE FOLLOWING MAPS AND PLANS OF RECORD;
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- | <u>DIMENSIONAL REQ.</u> | <u>SINGLE FAMILY</u> |
|-------------------------|----------------------|
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| MIN. LOT UPLAND | 30,000 S.F. |
| MIN. FRONTAGE/WIDTH | = 150' FT. |
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ANTICIPATED WAIVERS:

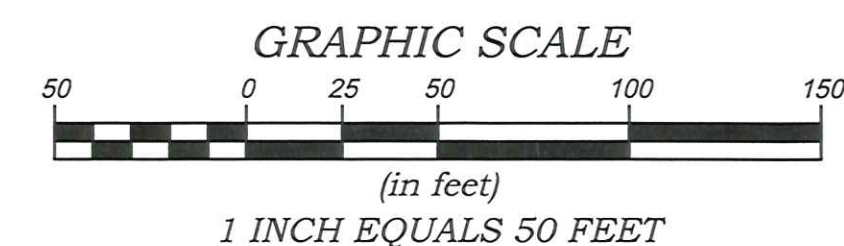
1. TO ALLOW THE ELIMINATION OF THE ROADWAY FILLETS AT THE INTERSECTION OF GIFFORD ROAD.
(REF. SEC. IV.A.1.i.)

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(C)

WATERMAN ENGINEERING CO.
CIVIL ENGINEERS & SURVEYORS
46 SUTTON AVENUE
EAST WINDYBROOK, IL 60120-2096

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NO.	DATE	REVISION	CHECKED BY
CONCEPTUAL SUBDIVISION PLAN 3 ASSESSORS PLAT 29, LOTS 22C GIFFORD ROAD WESTPORT, MASSACHUSETTS			PROJECT NO. A-193 SCALE: 1" = 50' DATE: 01/13/2023 DRAWN BY: EBP CHECKED BY: BJT FILENAME: A-193 - SUB-CP 1 of 1 SHTS DRAWING # SUB3
EMANUEL B. PACHECO 26 ANDREA COURT WESTPORT, MA 02790			



Waterman

ENGINEERING COMPANY

Engineers & Surveyors - Est. 1864

46 Sutton Avenue
 Westport, MA 02790
 Phone: (401) - 438 - 5775
 Fax: (401) - 438 - 5773
www.watermanengineering.net

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BRIEF NARRATIVE (01/23/2023)

JAN 23 2023

A.P. 29, LOT 22C ~ GIFFORD ROAD

WESTPORT
PLANNING BOARD

The applicant is seeking a Pre-Application Consultation in preparation of a proposed subdivision for assessors plat 29, lot 22C.

At this time, the existing site contains a total of 151,313 square feet. The topography of the property maintains a gradual 5% to 6% slope leading westerly from Gifford Road to the limit of clearing as depicted on the submitted plans. The upland portion of the site is currently covered in mostly low lying vegetation which is periodically maintained. Heading easterly from the limit of clearing, towards Gifford Road, there are no significant site improvements, trees or impervious areas other than the installed septic system, tank and well, which were installed in 2021 as part of a single family dwelling that was to be constructed. All areas westerly of the existing limit of clearing is primarily wetlands or located within the wetland buffer zone.

The applicant is seeking to divide the existing site into two separate parcels. Both parcels will meet the required lot size area and upland area as required by zoning when using a dead end road.

As part of the pre-application, we have prepared three conceptual subdivision plans utilizing a rural residential lane design for review and discussion with the planning board. The three concept plans submitted are numbered 1 through 3, which corresponds with the applicant's preferences for the subdivision design. These plan numbers also coincide with the level of environmental impact each rural road design will have when considering the overall impervious area required for the project and the general area of land disturbance involved.

Ultimately these rural lane designs have been developed in consideration of the existing septic system, tank and well which exist on-site. Our goal is to work around these site improvements as best as possible, as any disturbance of these recently installed items will come at a considerable cost to the applicant. If any additional information is requested by the applicant prior to the meeting, please let us know.



744 Drift Road
KWK Realty LLC

Map 54 Lot 43A

12-16

12

Note: Right of way as shown between lots 3 & 3A not to be transferable in title. 3A is not a buildable lot.

DRIFT RD.

PLAN OF LAND IN
WESTPORT, MASS.

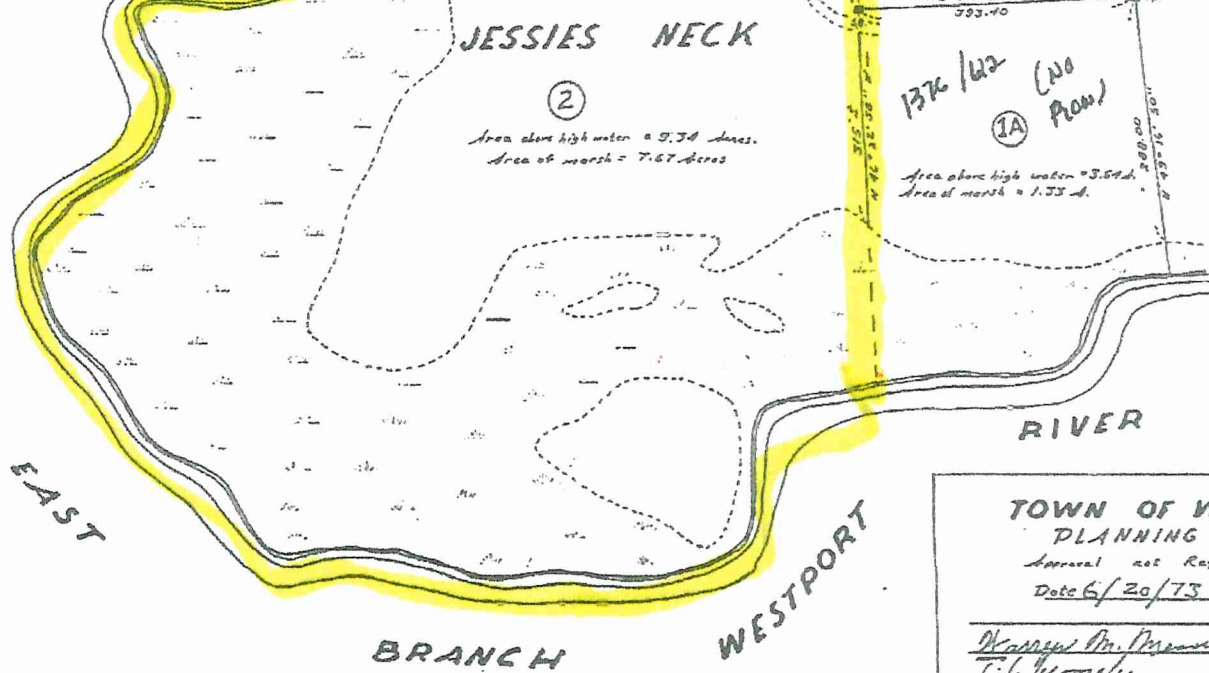
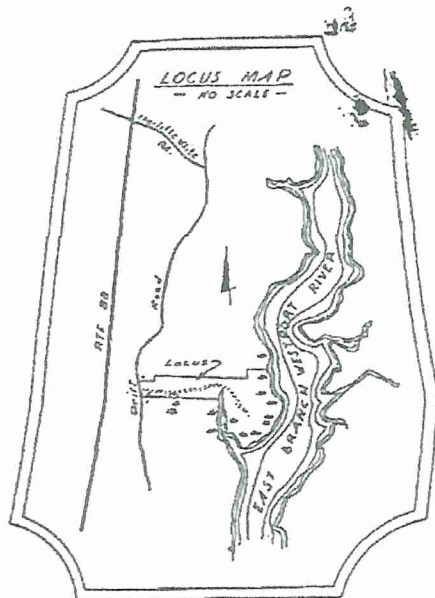
SURVEYED FOR

HOWARD W. & LAURA A. GIFFORD

JUNE 16, 1973

SCALE 1"=150'

Paul L. Gay & Assoc. Inc. Westport, Mass.



Map 124 M13
Registry of Deeds
Bristol County
Southern District

TOWN OF WESTPORT
PLANNING BOARD

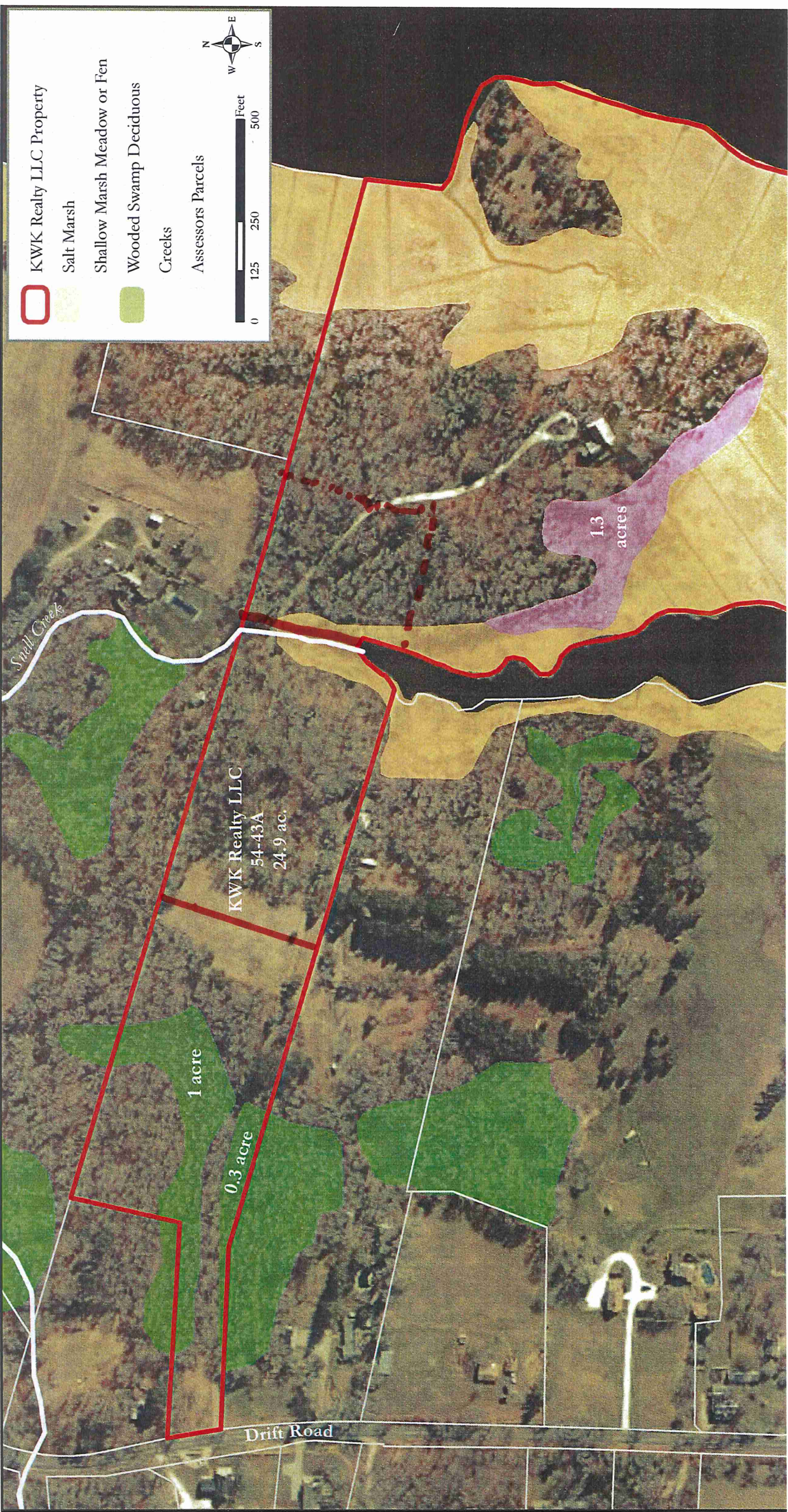
Approval not Required

Date 6/20/73

Howard W. Gifford
Laura A. Gifford
H. Gifford

94-21

KWK Realty LLC/744 Drift Road - Wetlands

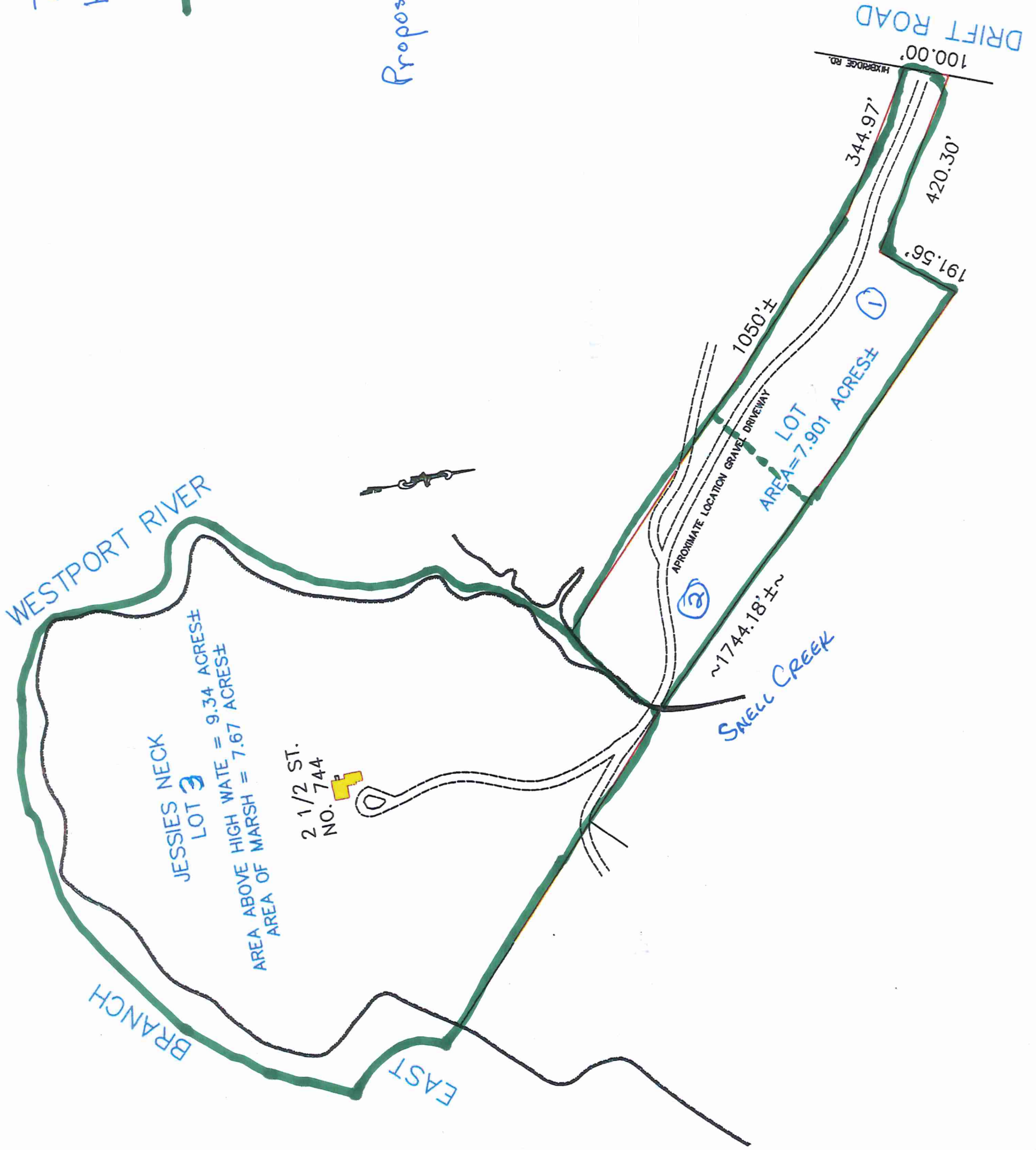


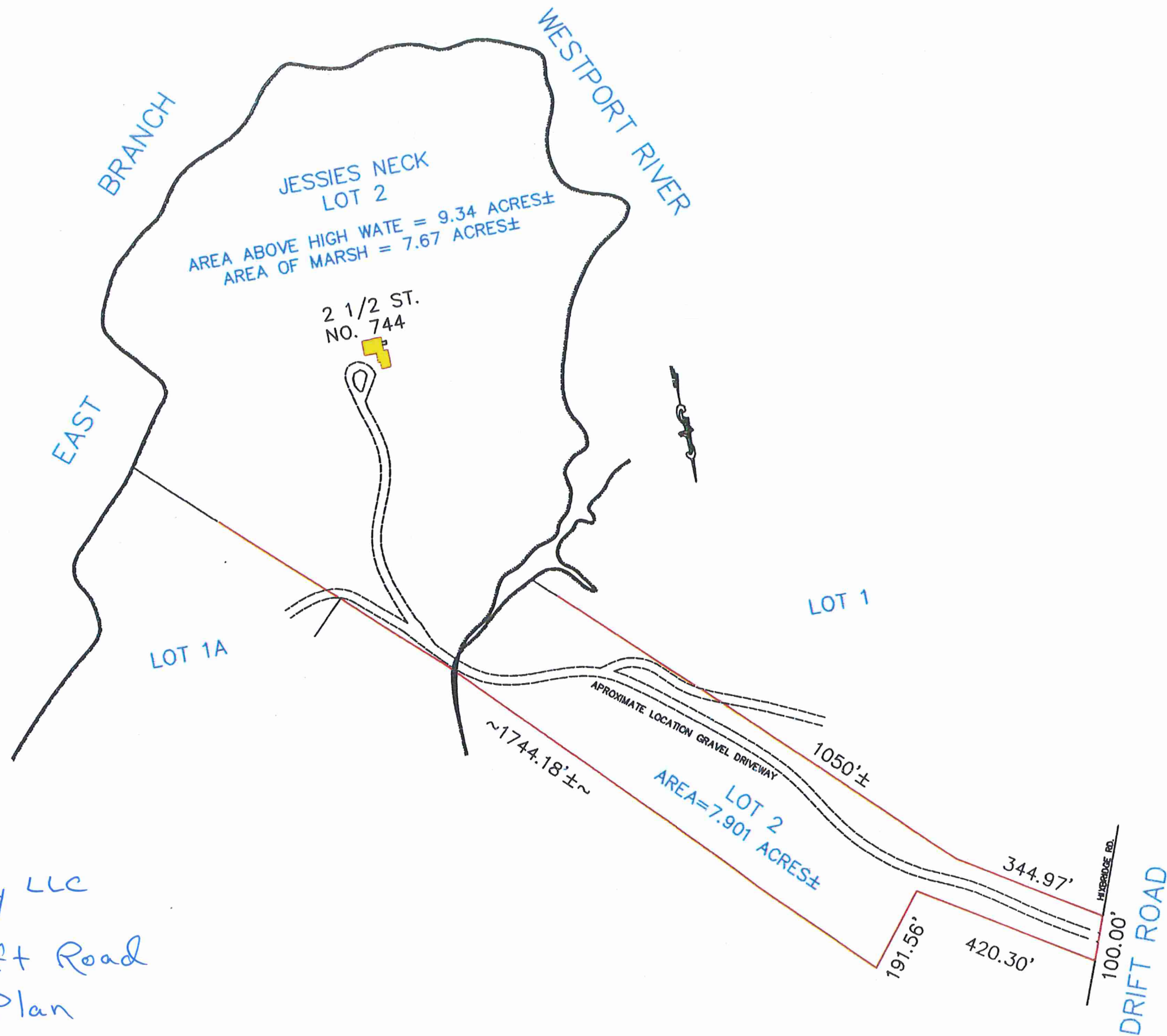
Proposed Subdivided Lots
Possible Expansion

744 Drift Rd.
KWK Realty LLC

— Lot lines

Proposed subdivided lots





KWK Realty LLC
744 Drift Road
Mortgage Plan

744 Drift Road
KWK Realty LLC

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January 30, 2023

WESTPORT
PLANNING BOARD

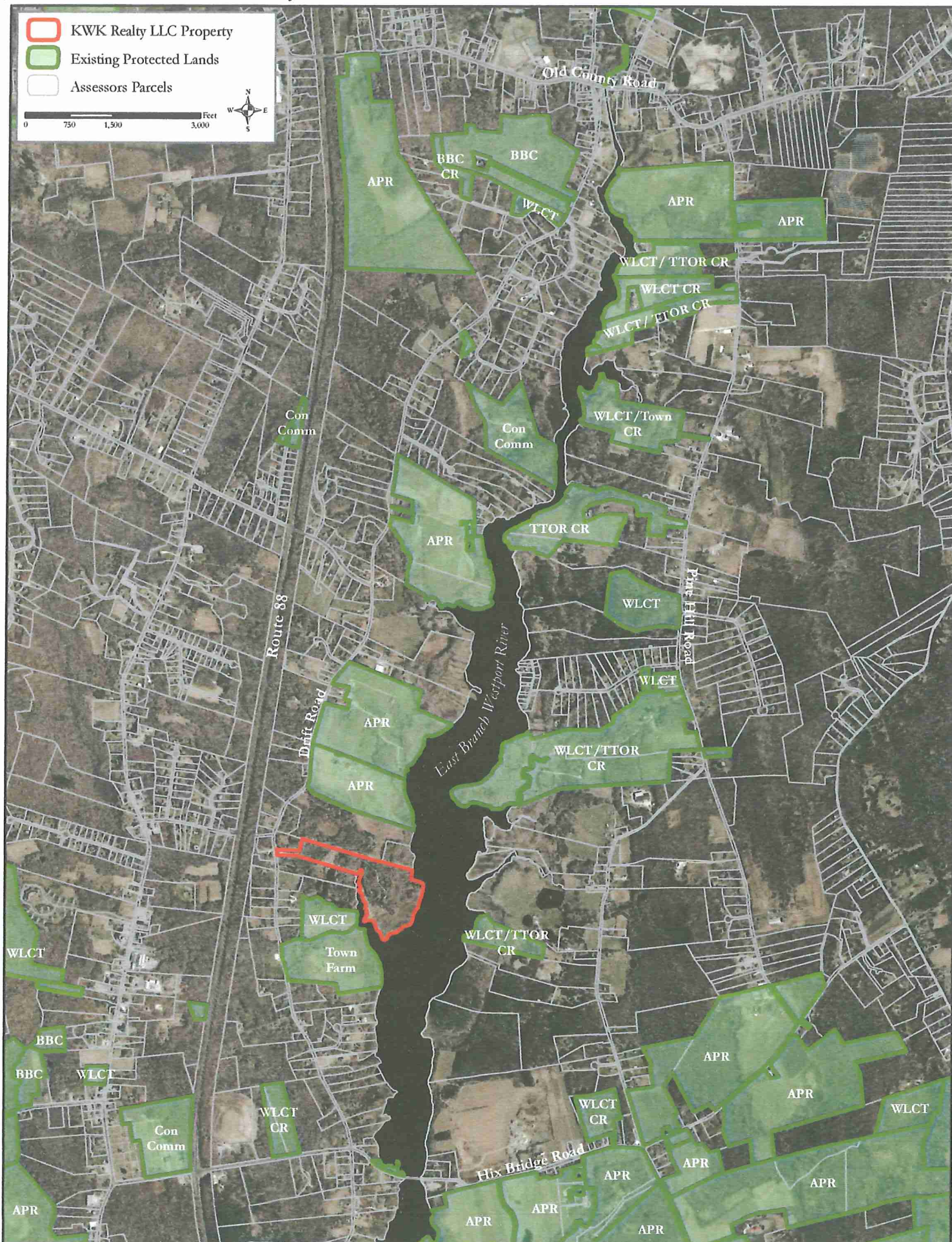
Applicant's Narrative

Pursuant to Town of Westport Zoning By-Laws Sections 8.5 & 8.6 Applicant seeks a special permit for Common Driveway and Flexible Frontage for Reduced Density. Applicant seeks to subdivide the property at 744 Drift Road (Map 54 Lot 43A), consisting of 25 acres, into three lots. Applicant's purpose is to preserve, protect and enhance environmentally sensitive land through implementation of Design Standards and Conservation Restrictions.

Applicant proposes Lots 1 & 2 on the undeveloped area of the property north of Snell Creek, consisting of 7.9 acres. Lots 1 & 2 particularly conform to Section 8.6.3 Design Standards by virtue of a large cleared grass field. The proposed subdividing will retain all existing roads and laneways and requires no additional driveways; existing stone walls and edge-of-field vegetation will be preserved. The open field and wooded upland provide two building sites requiring minimal clearing of vegetation and minimal slope disturbance. Lot 2 may be expanded across Snell Creek to satisfy any area requirements.

Lot 3 consists of 9.3 acres upland and 7.7 acres of marsh, and it contains the existing residential dwelling. When permits are approved Applicant intends to place a Conservation Restriction on Lot 3; thus expanding the Conservation Context north from Town Farm on the East Branch of the Westport River.

KWK Realty LLC/744 Drift Road - Conservation Context



2023 Zoning Bylaw Amendments

Public Hearing: February 7, 2023

Overview

- Minor amendments to the following sections:
 - Definitions
 - Flexible frontage
 - Accessory apartments
 - Solar energy facilities

Hearing Format

1. Staff presentation of section revisions
2. Planning Board questions/comments
3. Public questions/comments
 - Please state your name for the record before commenting.

Section 3: Definitions

Original Definition

- **Landowner/Owner** - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding propriety rights in the land.

Amended Definition

- **Landowner/Owner** - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding propriet~~ar~~y rights in the land.

❖ Explanation: typo.

comment period

Section 8.6.4: Frontage Reduction Ratios in Proportion to Dwelling Density Reduction

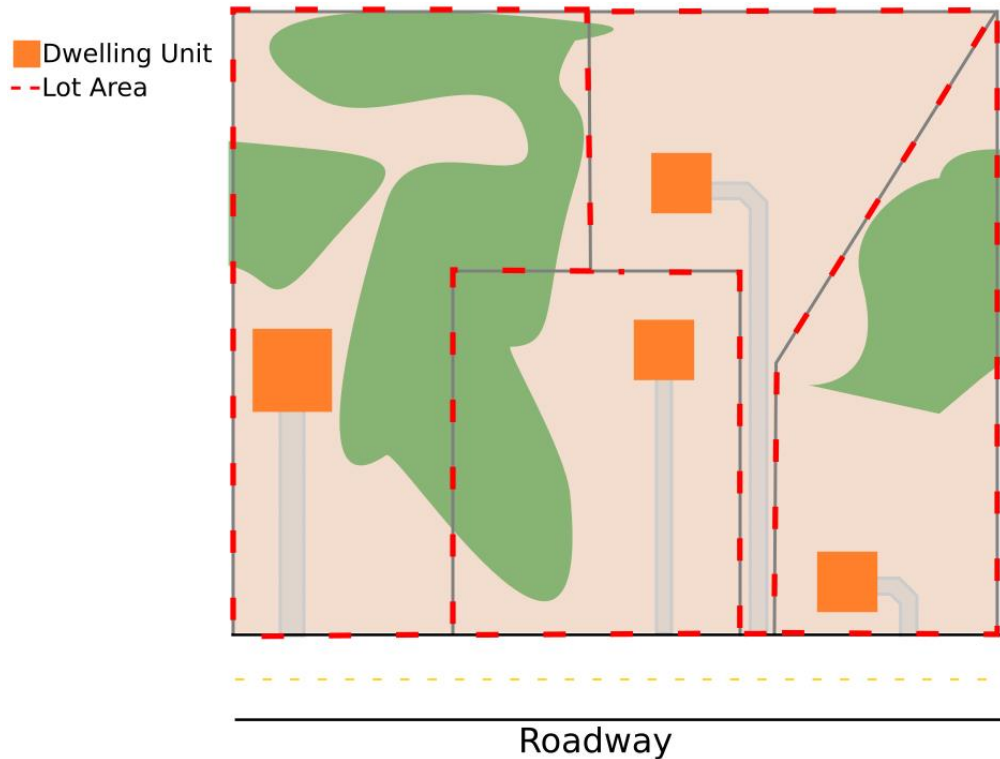
Original Text

- A special permit may be issued so that the required lot frontage is decreased as a function of average density decrease (average lot size and upland increase) in equal proportions, to a minimum of fifty (50) feet of frontage.

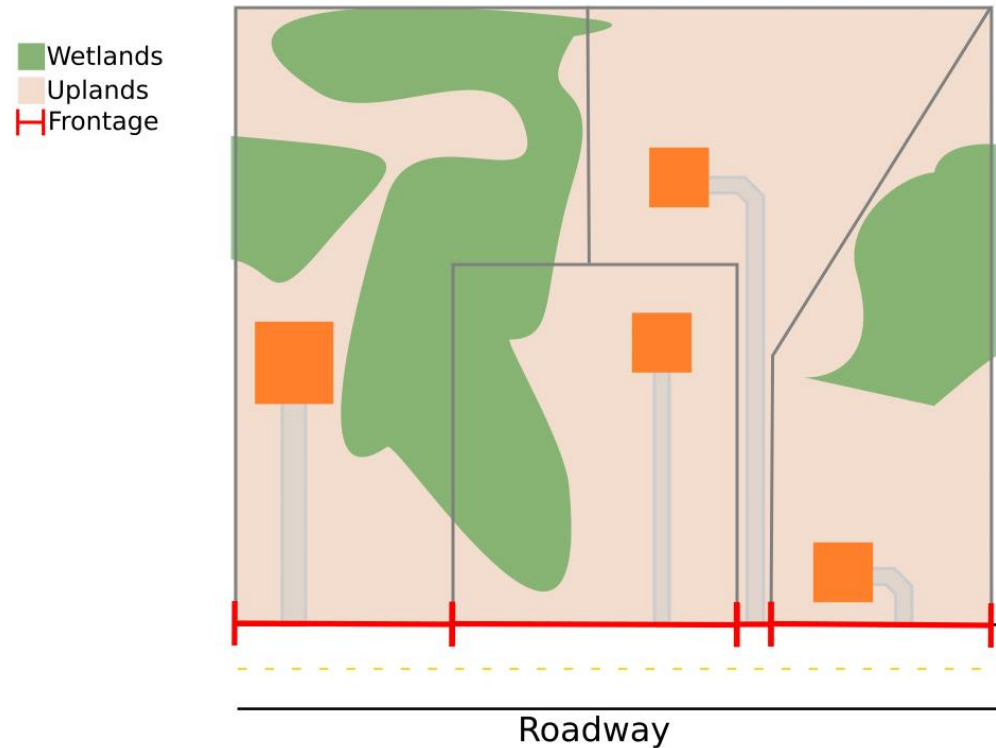
Amended Text

- A special permit may be issued so that the required lot frontage is decreased as a function of ~~average density decrease~~ (average lot size and upland increase) in equal proportions, to a minimum of fifty (50) feet of frontage.

Explanation: In planning, density commonly refers to a measurement representing the concentration of dwelling units in a given area, typically described as the number of dwelling units per acre.



The flexible frontage section allows reduced frontage in exchange for increased lot size and upland, which is a different ratio measurement.



To avoid confusion over terminology, references to density are replaced by the lot characteristics regulated by the flexible frontage section: frontage, lot size, and upland.

Section 8.6: Flexible Frontage for Reduced Density

Original Section Title

- Flexible Frontage for Reduced Density

Amended Section Title

- Flexible Frontage ~~for Reduced~~
Density

Section 8.6.1: Purpose and Intent

Original Text

- The purpose and intent of this Section is to encourage reduction in potential residential development density, reduce future vehicular trips, road congestion, demand for public services and the number of curb cuts onto Town roadways; preserve the natural and cultural resources visible along these roadways; facilitate the movement of wildlife; protect traditional access to “backland” open space; and improve the design and site planning of smaller residential neighborhoods. To achieve this, the Planning Board may issue a special permit to allow a reduction in the otherwise applicable frontage requirements on a public way, a way approved by the Planning Board under the subdivision control law or a private way that the Planning Board votes to determine has been in existence since prior to the effective date of the Subdivision Control Law in the Town of Westport and has adequate, width, grade and construction within the meaning of G.L. c. 41, §81L for the proposed development, for one or more of the lots proposed, in exchange for a corresponding reduction in development density and reliance upon common driveways, if applicable.

Amended Text

- The purpose and intent of this Section is to encourage balance between reduction in potential residential development density increased lot size and upland, while ~~reduce~~ reducing future vehicular trips, road congestion, demand for public services and the number of curb cuts onto Town roadways; preserve the natural and cultural resources visible along these roadways; facilitate the movement of wildlife; protect traditional access to “backland” open space; and improve the design and site planning of smaller residential neighborhoods. To achieve this, the Planning Board may issue a special permit to allow a reduction in the otherwise applicable frontage requirements on a public way, a way approved by the Planning Board under the subdivision control law or a private way that the Planning Board votes to determine has been in existence since prior to the effective date of the Subdivision Control Law in the Town of Westport and has adequate, width, grade and construction within the meaning of G.L. c. 41, §81L for the proposed development, for one or more of the lots proposed, in exchange for a corresponding reduction in development density increase in lot size and upland and reliance upon common driveways, if applicable.

Section 8.6.4: Frontage Reduction Ratios in Proportion to Dwelling Density Reduction

Original Section Title

- Frontage Reduction Ratios in Proportion to Dwelling Density Reduction

Amended Section Title

- Frontage Reduction ~~Ratios in Proportion to Dwelling Density Reduction~~

comment period

Section 9.5: Accessory Apartment

- Adding a new sub-section to the accessory apartment bylaw to define an owner of an accessory apartment.
- Inserted at section 9.5.2.
- Each following section renumbered accordingly.

- **Proposed Text**

9.5.2 Owner Definition:

For the purposes of Section 9.5 of these Bylaws, an “owner” shall be a natural person either a) listed as the record owner on a deed on file at the Bristol County Registry of Deeds, Southern District, or b) the owner of at least twenty five percent (25%) of a business entity, including a limited liability company, owning the property.

❖ **Explanation: An owner of an accessory apartment must either be the person deeded as the property owner or an individual with 25% ownership of the property through a business, such as an LLC.**

comment period

Section 9.6.1: Solar Energy Systems - Purpose

Amended Text

- The purpose of this Section is to provide as-of-right siting for small scale solar energy systems in all zoning districts and such development may proceed without need for discretionary approval as set forth herein and to limit large scale solar energy systems as set forth herein. The provisions set forth in this section of the Zoning By-Law shall apply to the construction, operation, repair, and/or removal of solar photovoltaic installations, and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- The intent of the By-Law is to create a reasonable regulation to ensure that the construction and operation of all solar photovoltaic installations be consistent with all applicable local, state and federal requirements, notwithstanding Chapter 40A, Section 3, including but not limited to all applicable nuisance (noise, odor, lighting etc.), stormwater, safety, construction, electrical, and communications requirements. Additionally, the By-Law is intended to enhance the Town's rural and agricultural heritage while enabling installations of photovoltaic and agrivoltaic systems. All buildings, structures and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.



An agrivoltaic system demonstrating a vineyard underneath solar panels. Source: PV Magazine.

❖ **Explanation: The purpose section is amended to recognize that the Solar Energy System regulations accommodate agrivoltaics.**

Section 9.6.3.H(4) Large Scale Solar Energy Systems – Dimensional Standards: Clearing Areas

Original Text

- Clearing Area – Shall include all areas of the parcel being disturbed, the access drive shall also be included in this area. Clearing areas may be increased by up to 50% provided the Board finds that the visual impact (as described in 24.2.11.d) is not detrimental to the abutters or neighborhood

Amended Text

- Clearing Area – Shall include all areas of the parcel being disturbed, the access drive shall also be included in this area. Clearing areas may be increased by up to 50% provided the Board finds that there is no undue impact to the environment and the visual impact (as described in 24.2.11.d) is not detrimental to the abutters or neighborhood. Upon Board findings that a solar array is an agrivoltaic system, clearing areas may be increased by an additional 10%. In no circumstance shall total additional clearing area exceed 60%.

- ❖ **Explanation: Clearing shall not cause undue harm to natural resources. Additional clearing may be granted if the solar facility is co-located with agricultural uses.**

comment period

Section 9.6.3.K.4 Large Scale Solar Energy Systems: Visual Impact

Original Text

[excerpt in reference to required landscaping plantings]

- Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. Said vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screen shall be completed prior to final inspection and approval of the solar energy installation. A landscape maintenance bond may be required for two (2) growing seasons.

Amended Text

- Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. Said vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screen shall be completed prior to final inspection and approval of the solar energy installation. The applicant shall provide surety (either through escrow account or other form of surety approved by the Planning Board) A landscape maintenance bond for a minimum of two (2) growing seasons to ensure that the site is properly revegetated and that installed stormwater infrastructure is functioning properly.

❖ **Explanation: A surety must be provided to ensure that site landscaping and reseeding establish and that site drainage performs sufficiently.**

comment period

Section 9.6.3.K.7 Large Solar Energy Systems – Appurtenant Structures

Amended Text

- All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall, be subject to reasonable conditions concerning the bulk and height of structures, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage and battery facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- ❖ **Explanation: Battery facilities designated as a structures that are accessory to the greater development.**

comment period

Section 9.6.3.K.10 Large Scale Solar Energy Systems: Fencing

Adding a new sub-section to the large-scale solar bylaws for fencing.

- **Proposed Text**

- 10. Fencing:

- Photovoltaic and agrivoltaic systems shall be surrounded by fencing of a minimum height of seven (7) feet and a minimum of six (6) inches above the ground.

- ❖ **Explanation: Fencing shall be required with large-scale solar energy systems to the specifications outlined above.**

comment period

Section 9.6.3.K.11 Large Scale Solar Energy Systems: Utility Connections

Adding a new sub-section to the large-scale solar bylaws for utility connections, transmission lines, and transformers.

- **Proposed Text**

- 11. Utility Connections:

- All utility connections and electrical transmission lines in service of photovoltaic installations and appurtenant structures shall be installed underground to the greatest extent feasible, depending on appropriate site conditions. Electrical transformers for utility interconnections may be above ground as necessary, to be approved by the Planning Board.

- ❖ **Explanation: Large-scale solar connections, transmission lines, and transformers must be located underground as feasible.**

comment period

Section 9.6.3.K.7: Large Solar Energy Systems – Appurtenant Structures

Amended Text

- All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall, be subject to reasonable conditions concerning the bulk and height of structures, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage and battery facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- ❖ **Explanation: Battery facilities designated as a structures that are accessory to the greater development.**

comment period

Section 9.6.3.Q Large Scale Solar Energy Systems: Financial Surety for Removal/Remediation on Municipal Property

Amended Section Title

- Financial Surety for Removal/
Remediation ~~on Municipal~~
~~Property~~

Amended Section Text

- The applicant shall provide surety (either through escrow account or other form of surety approved by the ~~Building Inspector or~~ Planning Board) to cover the cost of removal in the event the Town must remove the installation and remediate the landscapes, in an amount and form determined to be reasonable by the Planning Board. Such amount shall not exceed 150% of the estimated cost of removal and compliance with any additional requirements set forth herein. The project applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal cost due to inflation. The estimate shall be verified by the Planning Board's consultant engineer or other expert who may be engaged pursuant to Section 9.6.4.

- ❖ **Explanation: Require financial surety for removal and remediation of large-scale solar on all properties. Additionally, the building inspector does not approved sureties, so this was deleted accordingly.**

comment period

Section 9.6.4 Large Solar Energy Systems: Consultant Review

Amended Text

- The ~~Building Inspector and the~~ Planning Board shall establish a procedure for engaging ~~a~~ professional engineers, and/or other technical consultant(s) to advise the Building Inspector ~~and~~/or Planning Board, and to review application plans and documents in the application phase and in the construction phase. The applicant shall pay for the cost of the consultant review(s) pursuant to the procedures specified in M.G.L. c. 44, §53G or §53A. Further, ~~the Building Inspector and~~ the Planning Board shall establish a procedure for engaging consultants to inspect and confirm compliance with any requirements during construction and maintenance. Refusal to pay the necessary consultant fees shall be a basis to deny the building permit, site plan, or special permit approval. Such procedure shall include prior notice to the owner or operator of the installation of the cause of such proposed engagement.
- ❖ **Explanation: The Building Inspector does not request consultants or consultant reviews – that is the purview of the Planning Board. Revised accordingly.**

comment period

Thank you for your participation

Next steps:

1. Revise as needed
2. Send to Town Legal Counsel
3. Annual Town Meeting



TOWN OF WESTPORT
856 Main Road
Westport, Massachusetts 02790

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

PLANNING BOARD

Subject: Planner's Report – February 7, 2023

- ANR Staff Report Template
- One Stop Expressions of Interest: submitted
- Buzzards Bay National Estuary Program Grant: applications submitted
- Finance Committee Meeting Update

Sincerely,

Michael Burris
Town Planner, AICP



TOWN OF WESTPORT
856 Main Road
Westport, Massachusetts 02790

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

PLANNING BOARD
Approval Not Required

Case #:
Owner:
Applicant:
Acreage:
Upland:
Wetland:
Proposal:

Staff Review: Approval Not Required (ANR)

- Per MGL Chapter 41, §81L, an ANR must meet the following criteria for ANR endorsement:
 1. The lots shown on the plan must front on one of three types of ways:
 - (a) *a public way or a way which the clerk of the city or town certifies is maintained and used as a public way;*
 - (b) *a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law; or,*
 - (c) *a way in existence when the subdivision control law became effective in the city or town in which the land lies.*
 - The applicant is proposing... Staff finds that...
 2. The lots shown on the plan must meet the minimum frontage requirements:

Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet.

 -
 3. Determination that the access to the buildable areas of the lots is provided:

[The way has], in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

 -

- Westport Zoning By-Laws, section 7, Intensity Regulations, requires a minimum lot area of 60,000 square feet and contiguous uplands of 30,000 square feet.
 - The applicant is proposing... Staff finds that the proposed lot(s) (are/is) (buildable/not buildable) under the Zoning By-Laws.

Staff Recommendation

Staff finds that the proposed ANR (meets/does not meet) the criteria for ANR endorsement. Staff recommends that the Planning Board (endorse/decline to endorse) the proposed ANR plan.

East Bay Media Group
PO Box 90
Bristol, RI 02809
Phone: (401) 253-6000



Invoice

Bill To:
Nadine Castro
Westport Planning Department
856 Main Rd
Westport, MA 02790

RECEIVED

January 31, 2023

WESTPORT
PLANNING BOARD

Advertiser: Westport Planning Department

DATE	INVOICE #	SALES REP
1/26/2023	2023-159822	Scott Pickering

Pub.	Billing Note	Issue	Year	Ad Size	Net
Westport Shorelines	Feb. 7 public hearing	Jan 26	2023	3/14 Ver. (tall)	\$246.00
					\$246.00

Invoice Total:	\$246.00
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X
CLICK HERE TO MAKE YOUR PAYMENT
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Questions about your bill or account? Please email accounting@eastbaymediagroup.com or Call (401) 424-9134.

Please make all checks payable to:
*East Bay Media Group
PO Box 90
Bristol, RI 02809*

Please return the top portion of this invoice.



WESTPORT PLANNING BOARD

856 Main Road
Westport, MA 02790
508-636-1037

Planning@westport-ma.gov

*James Whitin, Chairman
Robert Daylor, Vice Chair
John Bullard, Member
Mark Schmid, Member
Manuel Soares, Member*

Westport Planning Board PUBLIC NOTICE

Pursuant to the provisions of MGL Ch. 40A § 5 and Article 2.1 of the Westport Zoning By-laws, the Westport Planning Board will hold a public hearing on Tuesday, February 7, 2023, at 6:15 p.m. at the Town Hall Annex, 856 Main Road Westport. The purpose of the hearing is to accept public comments on the following proposed amendments to the Town of Westport Zoning By-laws:

- Item 1. Amend Section 3, DEFINITIONS – Landowner/ Owner: Correct a typographic error in spelling of “proprietary.”
- Item 2. Amend Section title 8.6, FLEXIBLE FRONTAGE FOR REDUCED DENSITY, to read as “FLEXIBLE FRONTAGE” and to specify under the “Purpose and Intent” (8.6.1) that lot frontage may be reduced if lot size and upland areas are increased.
- Item 3. Amend subsection title 8.6.4 FRONTAGE REDUCTION RATIOS IN PROPORTION TO DWELLING DENSITY REDUCTION to read as “FRONTAGE REDUCTION” and to specify that a decrease in lot frontage requires an increase of lot size and upland areas.
- Item 4. Amend Section 9.5, ACCESSORY APARTMENT, to insert a subsection, 9.5.2 OWNER DEFINITION, following subsection 9.5.1, PURPOSE AND INTENT, that defines ownership status specifically for accessory apartments.
- Item 5. Amend subsection 9.5.2, ATTACHED ACCESSORY APARTMENT, to be represented as subsection 9.5.3.
- Item 6. Amend subsection 9.5.3, DETACHED ACCESSORY APARTMENT, to be represented as subsection 9.5.4.
- Item 7. Amend Section 9.6, SOLAR ENERGY SYSTEMS, subsection 1, PURPOSE, to state that photovoltaic and agrivoltaic installations should enhance the Town’s rural and agricultural heritage.
- Item 8. Amend solar energy subsection 9.6.3.H(4), CLEARING AREA, to allow for additional land clearing if the solar array is found to be an agrivoltaic system.
- Item 9. Amend solar energy subsection 9.6.3.K.4, VISUAL IMPACT, paragraph 5, to require that applicants provide surety to assure proper site revegetation and proper drainage performance.
- Item 10. Amend solar energy subsection 9.6.3.K.7, APPURTENANT STRUCTURES, to include ‘battery facilities’ as solar facility appurtenant structures.
- Item 11. Amend solar energy subsection 9.6.3.K., DESIGN STANDARDS, to insert a subsection, 9.6.3.K.10, FENCING, to require seven (7) foot fencing around solar energy systems raised six (6) inches above the ground.
- Item 12. Amend subsection 9.6.3.K, DESIGN STANDARDS, to insert a subsection, 9.6.3.K.11, UTILITY CONNECTIONS, to require that utility connections, electrical transmission lines, and appurtenant structures are installed underground to the greatest extent feasible. Electrical transformers may be installed above ground, to be approved by the Planning Board.
- Item 13. Amend subsection 9.6.3.Q, FINANCIAL SURETY FOR REMOVAL/ REMEDIATION ON MUNICIPAL PROPERTY, to require financial surety for removal/remediation from all applicants.
- Item 14. Amend subsection 9.6.4, CONSULTANT REVIEW, to read the clarify that multiple consultants may be engaged to assist with proposal review and construction and site inspections.

A detailed copy of the proposed Zoning By-Laws are on file in the Town Clerk’s office, Town Hall, 816 Main Road and Planning Board office at the Town Hall Annex, 856 Main Road and may be inspected during regular business hours or on our website at www.westport-ma.gov.

James T. Whitin, Chairman
WESTPORT PLANNING BOARD
January 24, 2023 & January 31, 2023



TOWN OF WESTPORT
Westport Town Hall
816 Main Road, Westport, MA 02790
Zoning Board of Appeals
Tel: 508-636-1003 or Fax 508-636-1147

RECEIVED

FEB -1 2023

ABUTTER NOTIFICATION

WESTPORT
PLANNING BOARD

TO: Abutter of 2 Atlantic Avenue, Westport, MA

DATE: January 31, 2023

A public hearing will be held on Wednesday, February 22, 2023 at 6:30 p.m. in the Select Board's Meeting Room, 2nd floor, 816 Main Road, Westport, MA to hear the petition of DOMAGOJ CORIC for a finding that the demolition of the existing non-conforming structure and new construction of a single-family dwelling in compliance with setback and flood zone requirements shall not be substantially more detrimental than the existing non-conforming use to the neighborhood as mandated by Zoning Bylaw Article 5, Section 5.2.3. The subject property is located at 2 Atlantic Avenue, Westport, MA and is shown on Assessor's Map 88, Lots 143.

THIS HEARING WILL BE HELD IN PERSON.
IT IS RECOMMENDED THAT ANYONE ATTENDING THE HEARING
WEAR A FACE MASK/COVERING

TOWN OF WESTPORT PLANNING BOARD



MEETING MINUTES January 24, 2023

PLANNING BOARD MEETING

Chairman Jim Whitin called the meeting to order at 6:03 p.m. with Vice-Chair Robert Daylor and members John Bullard, Mark L. Schmid, Manuel Soares, Town Planner, Michael Burris, and Assistant Town Planner Amy Messier in attendance.

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

Call to order 6:03 p.m.

6:00 p.m. Public Hearing

1. Administrative Items

- a. Rules and Regulations of the Subdivision of Land – Endorse for recording at New Bedford Deeds.

The Assistant Planner provided the Planning Board with the amended subdivision regulations for their endorsement.

- b. **Approval Not Required (ANR) 533 Horseneck Road (23-001A)** Request by the applicant for endorsement of a Plan of Land showing 4 Lots for land located at 533 Horseneck Road, Map 73 Lot 73, 74, & 76.

Attorney Kevin Medeiros was present on behalf of the Richard Family Trust.

Greg Nicholas of Southcoast Engineering was present. Whitin questioned the 20' strip on Lot 4 to Horseneck Road. Attorney Medeiros and Nicholas stated that it will be used for the utility's ease of access to a pole on Horseneck Road.

Whitin asked if Lot 4 would be further divided. Nicholas added that it is not intended to be further divided.

Schmid asked if the stonewall one Lot 2 would be removed. Nicholas affirmed that it would remain.

Motion

Bullard moved to approve the endorsement of the plan entitled "Plan of Land, 533 Horseneck Road, Westport, MA" Prepared for Richard Family Trust of 533 Horseneck Road, Assessor's Map 73 Lots 73, 74, and 76 because the plan complies with the provisions of M.G.L. Ch. 41 Section 81P. Seconded by Daylor with all members in favor.

c. Buzzards Bay Coalition Support letter – BBNEP grant

Michael Burris, the Town Planner, drafted a letter of support for the Buzzards Bay Coalition to request \$300,000 for the Buzzards Bay National Estuary Program funding. Burris added the \$300,000 request is for engineering services to design a community septic system at The Let since existing septic systems are failing and it would ensure proper wastewater disposal, and drinking water protection, and it would prevent additional nitrogen from seeping into the watershed. The BBC is asking the Planning Board to request to the Board of Selectmen a 10% match, or \$30,000, out of ARPA monies.

Motion

Bullard moved to support Buzzard Bay Coalition's prepared application on behalf of the town and endorse the request from the Board of Selectmen to request \$30,000 in ARPA funds to provide as a match to The Let. Seconded by Daylor with all five members in favor.

2. Assistant/Planners report

Assistant Planners Report

Ms. Messier added that she has been working on a list of projects that have been on file for a long time and has contacted applicants and developers to inquire about the project status and to get them finished.

Schmid asked for an update on the Isidoro Court project. Ms. Messier stated that she would follow up with that project because she did not have any added information. She provided an update on Ironwood Renewables and stated that the appellant failed to appear and that the hearing was postponed to a later date. Ms. Messier will contact Town Council to get more information.

Planners Report

Burris gave a brief update on the following:

- Route 6 Rezoning: Meeting with BSC Group
- Buzzards Bay National Estuary Program Grant
 - Ready to submit an application for MS4 activities once the financial forms are completed.
 - \$25,000 with a \$5,000 match for testing activities
- MVP – Letter of support for the Climate Resilience Committee from the Planning Board
- 2023 Zoning revision reminder: 2/7/2023 Public Hearing
- Finance Committee meeting reminder: 1/31/2023
- HPP Survey comments – Submitted. Additional comments due 1/31/23
- SRPEDD Regional Transportation Plan

3. Correspondence

- a. Zoning Board of Appeals notice *Noted.*

4. Minutes

January 10, 2023

Motion

Schmid moved to approve the minutes as amended. Seconded by Bullard with four members in favor. Soares abstained.

5. *Short/Long-term Planning Discussions*

None

6. *Matters not reasonably anticipated.*

Whitin mentioned he and Daylor attended the D.E.P.'s January information session at UMass Dartmouth regarding Title V septic system amendments. Daylor informed the other members of what was discussed.

ADJOURNMENT

The Board unanimously adjourned at 7:01 p.m.

NOTE: Agenda is subject to change

NEXT MEETINGS:

Planning Board: February 7, 2023 at 6:00 p.m.

Work Session: ?