

# Planning Board Meeting | March 7, 2023



Planning Department  
856 Main Road  
Westport, MA 02790



## Planning Board

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

# AGENDA *Tuesday, March 7, 2023*

## **Call to order 6:00 p.m.**

### **1. Administrative Items**

- a. Letter to the Board of Selectmen requesting that the Highway Department solicit bids for the Maya Way project.
- b. **202 Pine Hill Road (19-012SP)** Endorse Form G for Performance Surety

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

- a. **Stoneridge: A Private Community (23-002SP-ILF-SPA-LID)**

### **3. 6:45 p.m. Public Hearing**

- a. Close the 2023 Zoning By-Law Amendment Public Hearing

### 4. Assistant/Planners report

### 5. Correspondence

### 6. Minutes

- a. February 21, 2023

### 7. Short/Long-term Planning Discussions

## **ADJOURNMENT**

*NOTE: Agenda is subject to change*

## **NEXT MEETINGS:**

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

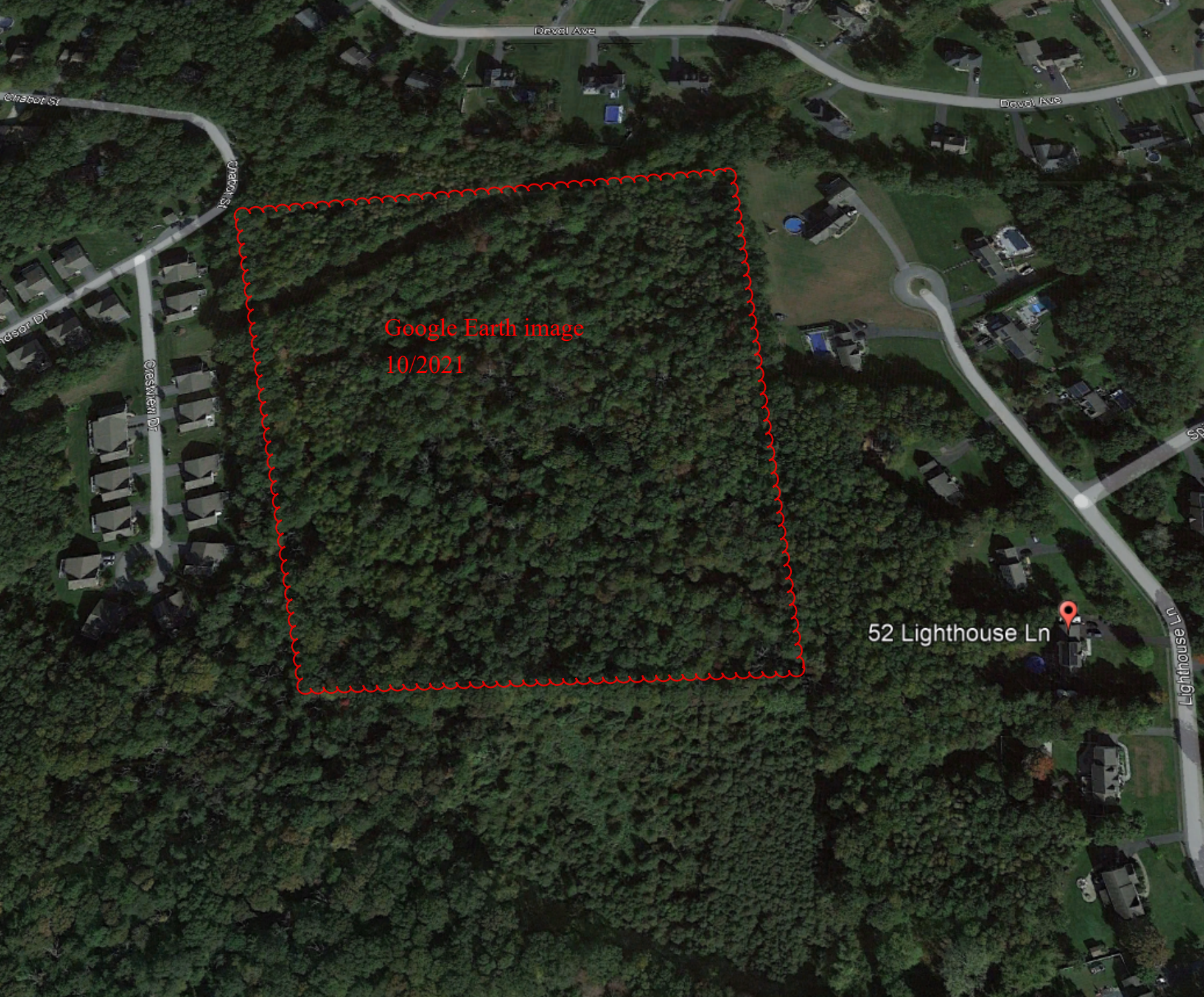
**Work Session:** ?



# Project Locus with Plan Overlay







Deval Ave

Deval Ave

Crescent Dr

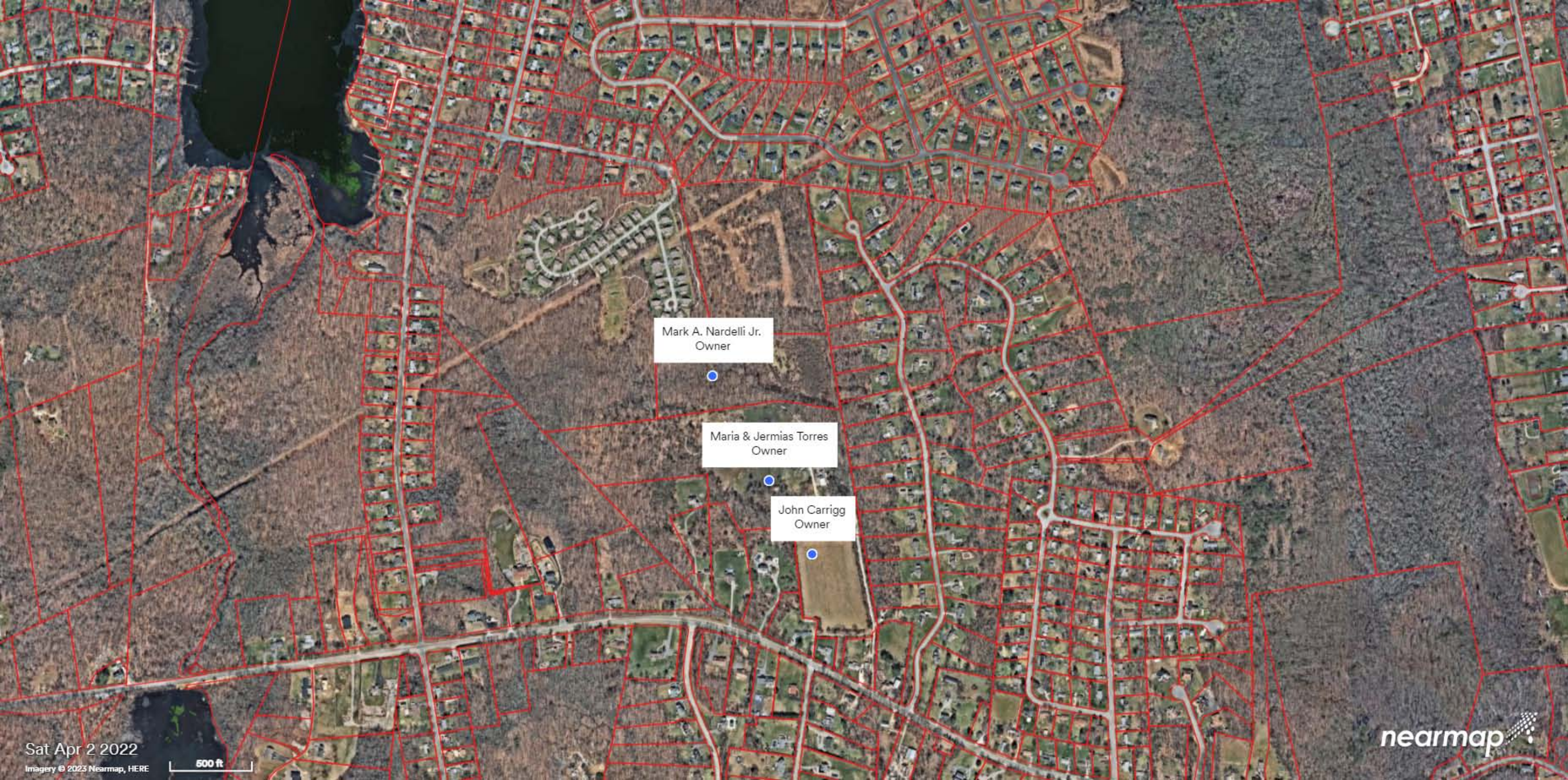
Crescent Dr

Google Earth image  
10/2021

52 Lighthouse Ln

Lighthouse Ln



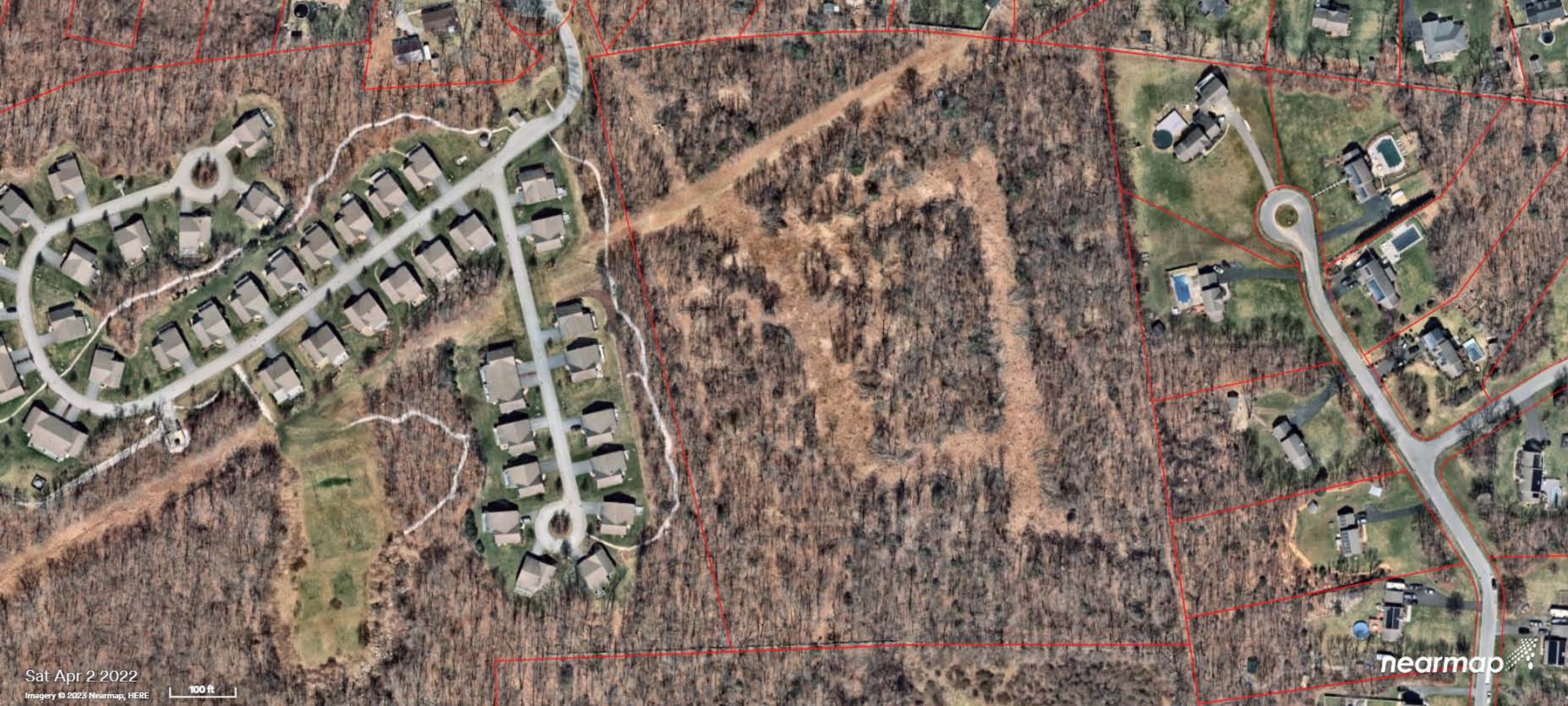


Mark A. Nardelli Jr.  
Owner

Maria & Jermias Torres  
Owner

John Carrigg  
Owner





Sat Apr 2 2022

Imagery © 2023 Nearmap, HERE

100 ft

**nearmap**



QUITCLAIM DEED

I, Norbert E. Pereira

of Westport, Massachusetts

for consideration paid, and in full consideration of Thirty Thousand and no/100 (\$30,000.00)  
Dollars

grant to Catherine F. Carter, individually

of 35 South Street, Rehoboth, Massachusetts, 02769,

with quitclaim covenants

A certain tract or parcel of land with all the buildings and improvements thereon, if any, located in Westport, Bristol County, Commonwealth of Massachusetts, being further bounded and described as follows:

Beginning at the west side of the passway in the south line of land formerly owned by Thomas Sanford;

Thence Westerly as the wall stands by land formerly of said Sanford 47 1/2 rods to a corner of the wall;

Thence South 4 degrees East as the wall stands to the end of the wall and on the same course to land formerly of Daniel E. Hix;

Thence easterly by land formerly of said Daniel E. Hix to said passway;

Thence northerly by said passway to the place of beginning.

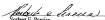
Containing 15 1/2 acres, more or less.

Also conveyed herewith is an ingress and egress easement, in common with others, on the existing right of way as indicated and described on the assessor's map to the west of plot 22 on said map and a long plus 5, 6, 7 & 8 a long said map. (By Arthur C. Thompson, Surveyor, Marion, MA, Revised November 1974) Said right of way is also known as "Mello's Way" and constitutes the eastern boundary of land now or formerly of Ernesto T. Cabral and also land now or formerly of Fernandes, et al.

Being the same parcel conveyed to Norbert E. Pereira by deed of Alice Pereira, dated July 5, 1991 and recorded with the Bristol County Southern District Registry of Deeds in Book 2664, Page 0256.

Witness my hand and seal this 1<sup>st</sup> day of March, 1999.

  
Norbert E. Pereira

  
Norbert E. Pereira

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

March 1, 1999

Then personally appeared the above named Norbert E. Pereira, and acknowledged the foregoing instrument to be his free act and deed before me.

  
Notary Public: Luke P. Lewis  
MY Commission Expires: 1/21/05

*Handwritten:* Mail  
granted

REC'D REG BY  
BRI/STB, 03/01/99  
03/01/99

Tax \$26.00  
CHES \$36.00  
STANDARD \$10.21  
ESCISE TAX



Please RETURN To Planning Board No Later Than  
February 23, 2023

FROM: Assessors Dept

DATE: January 23, 2023



TO: The Westport Planning Board

**FORM M-1 PLAN REVIEW FORM**

Application No. 23-002SP-ILF

SUBJECT: Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

Your response is greatly appreciated no later than February 23, 2023.

The undersigned recommends:

☒ Approval

☐ Approval with modifications

☐ Disapproval

☒ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.



Please RETURN To Planning Board No Later Than  
February 23, 2023

FROM: bgallagher11555@gmail.com

DATE: January 23, 2023



TO: The Westport Planning Board

FORM M-1 PLAN REVIEW FORM

Application No. 23-002SP-ILF

SUBJECT: Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

Your response is greatly appreciated no later than February 23, 2023.

The undersigned recommends:

- ☐ Approval  
☒ Approval with modifications  
☐ Disapproval

☐ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows: WE WOULD LIKE TO BE SURE THAT THE SIDEWALKS IN FRONT OF UNITS 1-25 HAS CURB CUTS SO THAT A DISABLED PERSON USING A WHEELCHAIR, WALKER, CANE ETC. DOES NOT HAVE TO DEAL WITH SIDEWALKS ENDING AT A CURB. CURBS ARE DIFFICULT/IMPOSSIBLE TO NEGOTIATE.

FOR UNITS 26-39 WE REQUEST THAT A SIDEWALK, WITH CURB CUTS, BE INCLUDED IN THE PLAN.

THANK YOU.

Brian C. Gallagher, CHAIRMAN  
Name of officer, agency or board  
WESTPORT COMMISSION ON DISABILITY

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.



**Please RETURN To Planning Board No Later Than  
February 23, 2023**

**FROM:** Board of Health

**DATE:** January 23, 2023

**TO:** The Westport Planning Board

RECEIVED

JAN 25 2023

WESTPORT  
PLANNING BOARD

**FORM M-1 PLAN REVIEW FORM**

Application No. 23-002SP-ILF

**SUBJECT:** Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

**Your response is greatly appreciated no later than February 23, 2023.**

**The undersigned recommends:**

☐ Approval


☐ Approval with modifications

☒ Disapproval

☐ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

*See Attached Memo*

  
Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.



**TOWN OF WESTPORT**  
WESTPORT, MASSACHUSETTS 02790


Tel: (508) 636-1015  
Fax: (508) 636-1016  
Health@Westport-MA.gov

OFFICE OF BOARD OF HEALTH  
856 MAIN ROAD

RECEIVED

JAN 25 2023

WESTPORT  
PLANNING BOARD

DATE: January 25, 2023  
TO: Planning Board  
FROM: Matthew Armendo, Director of Public Health   
RE: Comments/ Recommendations for ILF & LID Mello's Way & Chabot Street Map  
21 Lot 8A

After reviewing the proposed plans/application for special permit for the ILF & LID the recommendation at this time would be disapproval for the following reasons.

- Type of development and number of units would require a Public Water Supply. Further discussion with The DEP would need to take place before moving forward. Recommend a joint meeting be set up with the DEP, Applicant, Planning Board representative and a Board of Health representative. The DEP contact for this project is:

Jim McLaughlin, Drinking Water Program Chief  
MassDEP-SERO  
20 Riverside Drive  
Lakeville, MA 02347  
508-946-2805

- Recommend that the applicant/representative for the project present the proposed septic design to the BoH for further comment before moving forward.

Thank you



Please RETURN To Planning Board No Later Than  
February 23, 2023

32

FROM: Board of Selectman

DATE: January 23, 2023

TO: The Westport Planning Board



FORM M-1 PLAN REVIEW FORM

Application No. 23-002SP-ILF

SUBJECT: Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

Your response is greatly appreciated no later than February 23, 2023.

The undersigned recommends:

\_\_\_\_\_ Approval  
\_\_\_\_\_ Approval with modifications  
\_\_\_\_\_ Disapproval

\_\_\_\_\_ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

PLEASE SEE ATTACHED

*Carela Brown*

Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.



# TOWN OF WESTPORT

816 Main Road

Westport, MA 02790

The Coastal Agricultural Resource of New England  
**Office of the Board of Selectmen**

Tel. (508) 636-1003

Fax. (508) 636-1147

Town Administrator  
(508) 636 1160

February 11, 2023

Westport Planning Board  
856 Main Road  
Westport, MA 02790

RE: Stoneridge

On Monday, February 6, 2023 the Board of Selectmen after a lengthy discussion with concerned residents, recommend the Planning Board review the following areas of concern:

- Water Run Off
- Public Safety
- Traffic
- Environmental Effects
- Sidewalks
- Wells & Septic
- Building Department Burden
- Quality/Quantity of Water
- Pipeline
- Mental Health of "Aging In Place" Residents
- Privacy Buffer
- Work Quality, lack of compliance
- Mello Lane Egress
- Appropriate Use of Bylaw
- Taxing on Town Services
- Lack of Communication
- Noise
- Stress on the Land

Sincerely,

Paula M. Brown  
Administrative Assistant



**Please RETURN To Planning Board No Later Than  
February 23, 2023**

**FROM:** Building Dept

**DATE:** January 23, 2023

**RECEIVED**

**FEB 28 2023**

**TO:** The Westport Planning Board

**WESTPORT  
PLANNING BOARD**

**FORM M-1 PLAN REVIEW FORM**

Application No. 23-002SP-ILF

**SUBJECT:** Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

**Your response is greatly appreciated no later than February 23, 2023.**

**The undersigned recommends:**

\_\_\_\_\_ Approval

\_\_\_\_\_ Approval with modifications

\_\_\_\_\_ Disapproval

\_\_\_\_\_ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

- \* Case & Desert order issued, work (land clearing) started without a permit & approvals
- \* Site visit November 18, 2022 violation of the Westport Zoning By - Laws 8.2.1 - 8.7 Photoed site stop work violation posted on the Chabot Street side.

*Rachel H. Arroyo*  
Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.

























**Please RETURN To Planning Board No Later Than**  
**February 23, 2023**

**FROM:** Conservation Dept

**DATE:** January 23, 2023

**RECEIVED**

**JAN 24 2023**

**TO:** The Westport Planning Board

**WESTPORT  
PLANNING BOARD**

**FORM M-1 PLAN REVIEW FORM**

Application No. 23-002SP-ILF

**SUBJECT:** Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

**Your response is greatly appreciated no later than February 23, 2023.**

**The undersigned recommends:**

☒ Approval  
☐ Approval with modifications  
☐ Disapproval

☐ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

*The applicant has an approved BVW delineation. Determination of Applicability issued for minor work in Buffer zone.  
No further comments.*

*CJE* *1/26/23*  
\_\_\_\_\_  
Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.



**Please RETURN To Planning Board No Later Than  
February 23, 2023**

**FROM:** Police Dept

**DATE:** January 23, 2023

**TO:** The Westport Planning Board

RECEIVED

FEB 14 2023

WESTPORT  
PLANNING BOARD

**FORM M-1 PLAN REVIEW FORM**

Application No. 23-002SP-ILF

**SUBJECT:** Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

**Your response is greatly appreciated no later than February 23, 2023.**

**The undersigned recommends:**

\_\_\_\_\_ Approval

\_\_\_\_\_ Approval with modifications

\_\_\_\_\_ Disapproval

\_\_\_\_\_ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

*\* See Attached Report*



Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.





# TOWN OF WESTPORT

## Fire Department

P.O. Box 3470  
51 Hix Bridge Road  
Westport, MA 02790

**RECEIVED**

**March 1, 2023**

**WESTPORT  
PLANNING BOARD**

**Chief**  
Brian R. Legendre  
Tel. (508) 636-1110  
Fax (774) 264-5161

**Deputy Chief**  
Dan Baldwin  
Tel. (508) 636-1110  
Fax (508) 636-1108

Project Name: "Stoneridge" Independent Living Facility (ILF) **23-002SP**  
Applicant: RL Building & Development Corp. c/o Richard Leblanc  
Date: February 27, 2023

The Roadway Design and Fire Department Access shall comply with 527 CMR 1 c18:

Minimal 20 feet width, not including any Cape Cod Berms (Cape Cod Berm Mass.gov). Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m). The angle of approach and departure for any means of fire apparatus access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

MGL c148 Section 59:

Display of street address numbers on structures; use in enhanced 911 service. Addresses shall be posted and visible from the roadway.

18.2.3.2.1

The distance from the roadway to the Community Building is undetermined. A fire apparatus access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

18.2.2.1 Access Box(es).

Lock Box installed at the Community Building.

18.2.3.3 Multiple Access Roads.

One emergency access road is listed and recommended. Access road shall be a minimum width of 10 feet, unobstructed, and maintained annually. *More than one fire apparatus access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climate conditions, or other factors that could limit access.*





# TOWN OF WESTPORT

## *Fire Department*

*P.O. Box 3470  
54 Hix Bridge Road  
Westport, MA 02790*

### *Chief*

*Brian R. Legendre  
Tel. (508) 636-1110  
Fax (774) 264-5161*

### *Deputy Chief*

*Dan Baldwin  
Tel. (508) 636-1110  
Fax (508) 636-1108*

## **Page2**

### **Fire Protection Regulation 100:**

In accordance with the Fire Protection Regulation 100, subsurface water storage tank(s) shall be installed with-in 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 connections approved by the AHJ, and in service prior to occupancy. The Fire Department shall inspect the water storage tank(s) for function prior to any occupancy.

All subsurface water tanks shall be located within easements provided exclusively for this purpose. Tanks shall not be more than fifteen hundred (1,500) feet apart so that every residential structure shall be within seven hundred fifty (750) feet of a subsurface water storage tank. The fire tank located closest to the intersection of the proposed new road with the existing public way shall be located within fifty (50) feet from station 0+00, as measured along the right-of-way sideline of the proposed road between Stations 0+00 and 1+00. Each suction pipe shall be located at least seven (7) feet but no more than nine (9) feet from the edge of the traveled way.

No Parking / Keep Clear Sign(s) at the Subsurface Water Tank Area.

If needed, utility signage for electrical and gas emergency shut-offs shall be provided for each structure.

### **Undetermined:**

- Road Width?
- Distance from the subsurface water tank to the farthest structure?
- Roadway distance to the Community Building?
- Cul-de-sac not listed.

Any questions, please contact this office at 774 264 5191.

Captain Mark A. Brisk  
Westport Fire Department  
Fire Prevention / Code Compliance Officer



Westport Police Department

NARRATIVE FOR LIEUTENANT JOHNNY P COUTO

Page: 1

Ref: 23-84-OF

On February 6th, 2023 I was tasked to offer my recommendations or suggestions on an application for special permit for independent living facilities and site plan approval for Stoneridge, a private community at Mello's Way and Chabot St, identified on Map 21 Lot 8A. The application proposes 29 single family homes with 10 (5 duplex units) located on 15 acres of land.

Upon looking at the provided plans that accompanied the application, Stoneridge would be located to the east of Oakridge, an existing development with approximately 40 units. Access to both would be available from the cul de sac located at the end of Chabot St. The plans for Stoneridge show the use of an "ancient right of way", described as an 8' gravel trail named Mello's way, that leads out to Rte. 177.

My first recommendation would be that a completed and approved plan be filed with the state regarding constructing an ingress/egress for vehicles entering or leaving Stoneridge onto or off Rte. 177. This would ensure that a plan was in place to allow for emergency vehicles to enter the developments should Chabot St. access be unpassable.

My second recommendation would be to alter the cul de sac at the end of Chabot St. to a rotary type plan so that vehicles entering either development from Chabot St. would have to stay right and vehicles leaving either development would need to turn right, instead of being able to cut through the middle of the cul de sac to egress through Chabot St.

This will increase overall motor vehicle and pedestrian safety with the obvious increase in motor vehicles that will be traveling of Chabot.

I am available for any questions if you wish.

Respectfully

Lt. Johnny P. Couto





Westport Police Department  
Incident Report

Page: 1  
02/13/2023

Incident #: 23-84-OF  
Call #: 23-2756

Date/Time Reported: 02/11/2023 1712  
Report Date/Time: 02/11/2023 1715  
Status: No Crime Involved

Reporting Officer: Lieutenant JOHNNY COUTO  
Approving Officer: Lieutenant JOHNNY COUTO

Signature: \_\_\_\_\_

Signature: *[Handwritten Signature]*

RECEIVED

FEB 14 2023

WESTPORT  
PLANNING BOARD

# EVENTS (S)

LOCATION TYPE: Residence/Home/Apt./Condo      Zone: NORTH WEST  
CHABOT ST  
WESTPORT MA 02790

1 PLAN REVIEW FOR SITE PLAN



Please RETURN To Planning Board No Later Than  
February 23, 2023

FROM: Zoning Board of Appeals

DATE: January 23, 2023

RECEIVED

FEB 27 2023

TO: The Westport Planning Board

WESTPORT  
PLANNING BOARD

FORM M-1 PLAN REVIEW FORM

Application No. 23-002SP-ILF

SUBJECT: Comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Low Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot Street, Map 21 Lot 8A. The applicant proposes 29 Single Family units with 10 (5 duplex units) on 15 acres of land.

A public meeting is scheduled for March 7, 2023 at 6:00 p.m. at the Westport Town Hall Annex.

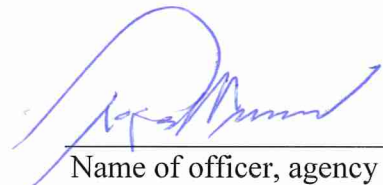
**Your response is greatly appreciated no later than February 23, 2023.**

The undersigned recommends:

☐ Approval  
☐ Approval with modifications  
☐ Disapproval

☒ No Comment

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

 ZBA  
Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made hereon before taking final action on the definitive subdivision plan. Lack of a timely report by any officer, agency, or board will be so recorded in the minutes of the Planning Board.



**RECEIVED**

February 21, 2023

**WESTPORT  
PLANNING BOARD**February 21, 2023  
Project No. 23-0211

Mr. James T. Whitin, Chairman  
Town of Westport Planning Board  
856 Main Street  
Westport, MA 02790

**Re: Review of Stoneridge: A Private Community, Westport, MA, Application for  
Special Permit      23-002SP**

Dear Chairman, Whitin,

S.W. Cole Engineering, Inc. (S.W.COLE) has completed the review of the subject Special Permit application off Chabot Street and a private right of way Mello's Way.

The following documents were received and used for this review:

- \* Site Analysis Summary and LID Narrative
- \* Application for Special Permit IDL & LID Plan (9 Sheets)
- \* Pre- & Post-Development Drainage Calculations
- \* Stormwater Pollution Prevention Plan
- \* Soil Percolations Test Data
- \* Robert Daylor's Marked-Up Plans
- \* Robert Daylor's Memo for the Record to Town Planner dated Feb. 4, 2023

References:

- (1) Town of Westport Zoning By-Laws dated June 5, 2021
- (2) Town of Westport Planning Board Rules and Regulations Governing the Subdivision of Land dated January 1, 2017

Applicant is looking for special permits under the Independent Living Facilities (ILF) and Low Impact Development (LID) to develop a private community with 39 units. Many of the requirements for ILF and LID have not been met. Robert Daylor's memo to the Town Planner addresses these issues very well. Accordingly, the Board should review Mr. Daylor's comments and incorporate them along with these additional comments:

1. One of the issues which allows this development to come in front of the Board is the public status of “Mello’s Way”. The Assessor’s map shows this way as a “Private Right-of-Way” (ROW). Besides the legal question that Mr. Daylor’s has posed concerning this ROW, I present these additional comments.
  - a. As this is a landlocked piece of property, more than likely this property was transferred to an easement to allow access to it. As such, the property owner, if not the applicant, should have a copy of the easement and what is allowed to occur within that ROW.
  - b. If there is currently no easement, the applicant should acquire an easement from the four parcels they need to cross to reach Rte. 177.
  - c. Applicant proposes to use this ROW as an emergency access, as such the applicant should present what they propose to do to upgrade this ROW to make it accessible by emergency vehicles in all types of weather and ground conditions. An 8-foot cart path is not sufficient for an 8-foot-wide pumper truck trying to respond to a call. The Westport Fire Department should review their proposal for adequacy to include also turning radius recommendations.
  - d. The applicant should present a maintenance plan on who, and when this ROW will be maintained to insure accessibility into the future.
  - e. Some kind of gate or means to prevent day to day access via this ROW yet easily accessible by emergency vehicles is needed; unless the easement obtained (or existing) allows for full time access to the property via this ROW.
2. Easements:
  - a. Even though this is a private community, all drainage structures located outside the roadway, such as: connecting pipes, basins, swales, etc.; shall be defined within an appropriately sized easement.
  - b. Emergency access road will require an easement.
  - c. A flow easement from the swale and emergency spillway discharges is required on the applicant’ property and the abutter’s properties until the flows, following the existing contours, reach and enter the designated wetland edge.
3. Drainage has been changed from sheet flow in pre-development to a point source in post-development. Applicant needs to address how this will impact the wetland area and the wetland abutters downstream of their project.





4. Where do Catch Basins 9 and 10 drain to as addressed in Mr. Daylor's memo.
5. No sewer connections are found going to units 1, 6, 7, and 16.
6. Per Sec. IV.A.4. of Ref. (2), dead-end streets may be permitted if they are not longer than 1200 feet from the nearest intersecting through street. The nearest through street intersection for this project (not considering "Mello's Way") is the intersection at Chabot and Newton Streets. This makes this proposed private community about 1590 feet from that intersection. The Planning Board has previously allowed The Oak Ridge project which is about 1613 feet from this same intersection. A waiver will need to be requested by the applicant unless Mello Way can be upgraded to a public through way.
7. The applicant should consider installing a well in conjunction with the installation of the cistern. This will save the fire department's time and effort if the cistern can be automatically filled via an onsite well.
8. Point of issue to consider: Applicant wants to name the street "Woodland Circle". My in-laws live off Mouse Mill Road, Westport, on a private road for over 40 years (registered with the Post Office) named "Woodland Drive." Not sure this is applicable? Definitely no need to mention in-laws

In summary, I agree with Mr. Daylor on the numerous issues wrong and in question with this project. If this was a Definitive Plan, I would recommend that it be considered a preliminary plan and sent back to the Applicant to address the many concerns brought forth. As this is a "Special Permit," it will be the Board's prerogative as to whether it should be rejected and resubmitted later or if it should be returned to the Applicant to address the numerous issues that exist then resubmit under the same Special Permit request.

If you have any questions, please contact me directly.

Sincerely,  
**S.W. COLE ENGINEERING, INC.**

Roger N. Poisson, P.E. Digitally signed by Roger N. Poisson,  
P.E.  
Date: 2023.02.21 15:11:19 -05'00'

Roger N. Poisson, P.E.  
Engineering Review Consultant

## MEMORANDUM FOR THE RECORD

To: Michael Burris, AICP, Town Planner  
Cc: Amy Messier, Assistant Town Planner  
Jim Whiting, Chair, Planning Board  
From: Bob Daylor, Member, Planning Board  
Date: February 4, 2023  
Subject: Stoneridge SP-ILF Application  
Under Section 9.1 Westport Zing By-Law

### 1. GENERAL COMMENT

This is a very poorly prepared Special Permit application. It fails to make a case for any of the purposes in Section 9.1.1. There are no “congregate living arrangements,” it does not conserve environmental features (site is significantly newly cleared and grubbed of its woodlands); and it does not propose any of the Section 9.1.2 accessory uses, beauty salons physical fitness, chapel, library, food service..., etc.

It barely meets the 9.1.3 Submission Requirements: Section A3 has no elevation views of the buildings, A5 no landscaping plan, and A6 is missing signage, lighting, tree planting details. In Section B, Narrative Reports and Data: B1 has nothing on schedule except all the site work will be done at one time; B2 has no development impact statement; B3 no condominium management plan or description; B4 no proposed covenants; B5 the stormwater management plan was provided but is filled with critical errors.

In Section 9.1.4 Standards, the application does meet Section A dimensional requirements and Section B 15% affordability. It purports to meet the Section C open space, except that all the wastewater and stormwater facilities are located within the shown open space. The open space also includes the existing high pressure gas transmission easement, and there are places where the designated open space is not the minimum required width of 125 feet. In Section D, the buildings are not set back 100 feet from roads, and there are no descriptions of special accessibility and mobility provisions, or emergency call conductivity to police or fire. In general, they just refer to the design and architectural character the abutting Oak Ridge development. The site has significant areas of recent clear cutting in violation of “no clear cutting shall be permitted, except as incidental to construction of buildings, roads....” regulations.

In short, the proposed Stoneridge ILF, while similar to the abutting Oak Ridge, does not provide the “congregate living” characteristic envisioned in Section 9.1. It is no more an ILF congregate living facility than, say, Cadman’s Neck, which has individual homes and a community building gathering space, other than they restrict resident age.



The unfortunate aspect of this weak proposal is that there is a need for smaller footprint, energy efficient, single floor living for our senior population. The question for the Planning Board is: "Is this project, which is so non-compliant with the Special Permit requirements of Section 9.1, the way to provide it?"

## 2. BUILDABLE LOT, FRONTAGE, ACCESS

This proposal has significant buildable lot legal questions, and I recommend that Town Counsel review the facts on that issue. The applicant proposes the use of a "passway" of no defined width but which is shown as less than 30 feet wide and contains an 8 foot wide cart path. The fee ownership is "by the west side" of the passway.

The applicant secured a positive buildable lot opinion from the Westport Building Commissioner/Zoning Officer on March 28, 2022 as a result of "frontage on a private right of way, known as Mello's Way." The lot is also benefitted from a 50 foot easement across the abutting Oak Ridge property to Chabot Street, a public way. That easement is what is proposed for access.

There are lots of questions as to the applicant's rights in the passway and easement, any limits on access, the ability to improve, install utilities, etc. The private way is none of facilities which can provide legal frontage for subdivision control purposes under MGL C41, S. 81K-81GG, or perhaps under the ruling 5 Mass App C1 206 (1977) "adequate access". The passway is none of the access standards:

- public ways,
- ways the Town Clerk certifies as public,
- ways created under the Subdivision Control law, or
- a way having the opinion of the Planning Board adequate characteristics to be equivalent to a public way.

There are lots of case laws regarding the subdivision of land off of ways not in one of the above categories, and whether or not the frontage is "functional" or "illusory". The question appears to hinge on if "the way provides vital access to the buildable area of the lot." In my opinion, in this instance, the "vital access" question is tied to use. If the use were a farm with a home, barns and sheds, the lot would be buildable because the vital access is adequate and no division of the land would be required. I will speak solely for myself regarding a subdivision off of the passway. I would not vote for such a subdivision because it could not meet MGLC 41 S81. However, the proposal is a condominium using the illusory frontage of the passway for the buildable lot determination but the easement for its vital access. The above are serious questions for Town Counsel before we act on this application.

### 3. CONFORMANCE WITH SECTION 8.2 LID

Little in the proposal meets the purposes listed in Section 8.2.1. I will comment separately about the stormwater design, but the submitted plans and calculations are filled with errors and conflicts. If approved and constructed as shown (in fact, building some features may not be physically possible), it would not meet the Section 8.2.1 Purposes, 8.2.5 Design Standards, nor the provisions of the Massachusetts Stormwater Regulations.

The applicant has already significantly cleared and grubbed the site without an approval under Section 8. He has also widened the 8' woods road within the passway to a new 12'-13' wide gravel construction access road. All of the work was done without erosion and sedimentation measures in place. In some places the woods road widening, including tree cutting, directly abuts wetlands.

The on-site clearing work included most of an interior area between the proposed buildings, which is shown as preserved in its natural state, outside of "limit of disturbance". It's listed as open space #3 on the plans. Photographs taken on my January 29, 2023 inspection are part of the record.

A cease and desist order was issued for working without the required approval.

### 4. STORMWATER REPORT

There are almost too many problems to list. I have marked up the plans and supporting reports as a review set and recommend my mark-ups and this memo be sent to the Board's Peer Review Consultant to review and consider.

The problems begin with drawings that are difficult to read, do not clearly provide data or have conflicting data. I agree with there being three sub-watershed areas on site, one draining to the west onto the abutting Oak Ridge development, one to the northeast, and one to the southeast across the passway. However, the drainage divide between the west and southeast drainage areas is incorrectly drawn. Please see my mark-up of the Pre-Development Stormwater Map.

The consequence of that error is that the drainage calculations for DA1, the west-flowing, and DA3, the southeast-flowing, are wrong. It understates the stormwater flows to the passway and homes to the east and overstates those toward the west and Oak Ridge. Overstating existing conditions has the effect of reducing mitigation measures in the post-development conditions.

The drainage calculations have numerous errors in addition to those resulting from not defining the drainage areas properly. The most egregious of these are the basic Drainage Diagram model shown on the first pages of each of the PRE-DEVELOPMENT and POST-DEVELOPMENT calculations. The models, pre- and post-, both add the discharges from the three separate sub-



watersheds. They state in the report narrative that the totals are only provided for comparison purposes.

There is no engineering or hydrologic rationale for combining watershed area draining in opposite directions to different design points. When reading the narrative table, only sub-watersheds can be compared directly. Both the pre- and post- Drainage Area 1's, areas tributary to the west, really should be subdivided in that the entire area is not tributary to a single design point. It is particularly problematic in the Post Conditions, which still carries Post Subarea 1 as directly tributary to a common design point. I prepared the attached EXHIBIT 1 which, in my opinion, better reflects the drainage flows for post-development areas 1, 4 and 5, all areas tributary to the westerly abutting property. Getting the drainage correct is critically important because the proposed conditions add portions of areas 2 and 3 which were not originally tributary to west.

In the proposal, the site gets developed converting woods to homes, driveways, lawns and roads, and the resulting discharge gets concentrated over a 40' boundary with the abutting Oak Ridge development. In the existing condition, runoff is shallow sheet flow from woodlands over an 800' long boundary. Concentrating flows as proposed is counter to LID standards.

I refer other reviewers to my notes marked on the drawings and calculations. I will only comment in some detail on three further concerns.

- 1) The proposed access drive is on the abutting Oak Ridge development. It requires the relocation of a power/telephone pole serving that area; it also requires the restitution of landscaping, the relocation of a lighted sign and creates a direct discharge from the proposed driveway in DMH #9 on the abutting property. There is no documentation that the easement allows increased stormwater discharges on any of the relocation work.
- 2) The street drainage is all 12" pipe with some long gutter runs to catch basins. There were no drainage design calculations submitted, but from a rough check, it does not look as if the street drainage could carry the 50 or 100 year storm tributary to them. That in and of itself is not a design flaw because most local street drainage is not designed for rarely-occurring storm events. But the proposed homes are only 20 feet apart and uncontrolled overflows have few places to go. It might be beneficial at the low spot in the roadway system near station 10+00 to install double catch basins and a graded grass swale between units 7 and 8, leading to pond #2.
- 3) The drainage basins must have a serious redesign effort. Plus, the calculations that support them are incorrect. There is a mismatch between the basin section shown on sheet 9 of 9 and the supporting calculations. Reviewers are again referred to my markup comments.

Pond 1 receives runoff from post-drainage area 4. In the 100 year event, the peak discharge was calculated to be 5.89 cfs. The detail calls for a 4" orifice 6" above the bottom and a 5 foot long weir 2.5' above the bottom. That is supposed to fit in a 24" diameter ADS manhole, an impossibility. Also, the outfall pipe diameter is 4" diameter. That couldn't possibly carry the 5.89 cfs discharge in the 100 year event and other major storms. If built as designed, this constraint would result in basin overflows and flooding.

Pond 2 presents similar problems – the outlet controls cannot fit into the proposed outlet manhole. Again, the plans have a 10" orifice 6" off the basin bottom and a 10' long weir in the 24" diameter manhole. Likewise, it has a proposed 10" diameter outfall pipe significantly undersized for the 100 year flow of 21.3 cfs discharge. Pipe velocities would be approaching 18 fps and very difficult to avoid jetting in the basin.

The flood routing in the two basins have significant other problems in major storms. Both have too little freeboard, both less than 1 foot. This results in a reduction in the factor of safety. Neither accounted for the emergency overflow discharge in the 25, 50 or 100 year events. Both basins assumed 3 inches/hour groundwater recharge exfiltration through the basin floor. In basin 2, there is direct percolation data from test pit number 303. That rate was 39 min/in, or 1-1/2 inches per hour. Their own tested rate is half the rate assumed in their calculations.

Also, the basin design assumed the high water table at elevation 221 and set the basin floor the required 2 foot separation at elevation 223. Again, the applicant ignored their own test data, which observed high groundwater elevations between 223 and 224. The pond #2 basin does not have the required two feet of separation.

The critical importance of the errors in the basin design is that the proposed project concentrates most of the developed flows to a discharge area about 40' long at the southwest corner of the property directly abutting a similarly dense development immediately adjacent and at a much lower elevation. Getting this design wrong could threaten flooding on that property.

## 5. PHASING

Sheet 9 contains Erosion and Sedimentation control and maintenance and operation notes for the basins. In addition to installing a filter sock and silt fencing along the western property boundary, if this project with revisions were to be approved, there needs to be specific phasing. The first step should require that all of the long west boundary swales, basin 1, basin 2 and the stilling basin be installed to provide a sediment trap during construction. It should also allow the drainage works to be built as they should be, from the downstream up in order to always have runoff control.

Lastly, note 10 in the O&M notes says that the stormwater facility maintenance would become the responsibility of the Homeowners Association once 50% of the homes are built. I strongly



recommend against such a transfer. The developer should own **ALL** of the maintenance obligation of the common area facilities until a certificate of compliance has been issued for compliance with the Special Permit conditions and other permit requirements.

Respectfully submitted,

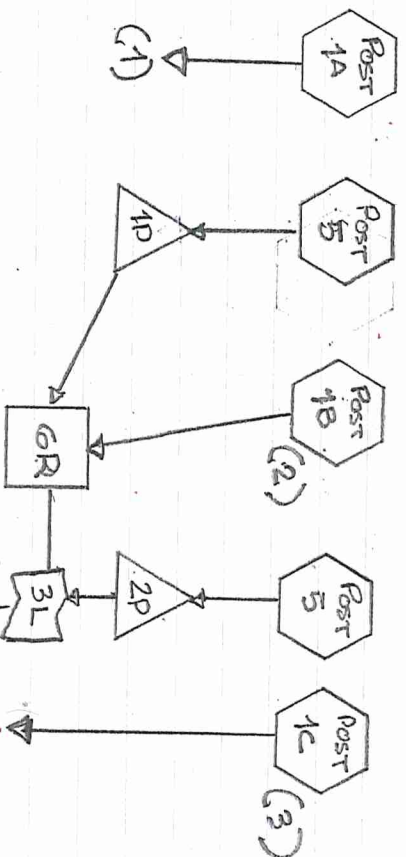
A handwritten signature in dark ink, appearing to read "Robert F. Daylor". The signature is written in a cursive, flowing style with a large initial "R".

Robert F. Daylor  
Member, Planning Board

POST DRAINAGE DIAGRAM - REFLECTIVE PROPOSAL.

The model and hydrology calculations do not reflect the drainage works and grading shown on the drawings. (SEE SHEET 1 - POST DRAINAGE CALCULATIONS)

BELOW IS A DIAGRAM OF THE PROPOSED TRIANGULAR AREAS TO THE WEST AS REFLECTED IN THE SUBMITTED DRAWINGS



(1) 1A IS THE DRAINAGE AREA ON THE NORTH END OF THE SITE INCLUDING THE ACCESS ROAD THAT DISCHARGES ONTO THE ADJUTING PROPERTY AS DIRECT SHEET FLOW OR IN THE ROAD DRAINAGE FROM DMH NO 1 (NO MITIGATION)

(2) 1B IS THE DEVELOPED AND NATURAL AREAS BETWEEN POND 1 AND POND 2. IT IS TRIANGULAR TO THE LONG, CHECKED-DAMMED SWALE, REACH 6R. THE SWALE ENDS IN THE DESIGN POINT STILLING BASIN. DA 5 AND POND 2 DISCHARGE DIRECTLY INTO STILLING BASIN AND NOT THE SWALE.

(3) 1C IS THE DEVELOPED AND UNDEVELOPED AREAS ALONG THE SOUTHERN BOUNDARY THIS WOULD BE OVERLAND SHEET FLOW BY-PASSING THE STILLING BASIN BUT DISCHARGING WITHIN 30' OF THE STILLING BASIN OVERFLOW

### Review Exhibit 1





## WESTPORT PLANNING BOARD

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

[Planning@westport-ma.gov](mailto:Planning@westport-ma.gov)

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

March 2, 2023

To: Planning Board

From: Amy Messier – Assistant Town Planner

RE: “Stoneridge” ILF Review

Assessors Map 21, Lot 8A (15 acre parcel of land)

Zoning: Residential

Applicant: R L Building & Development Corp. c/o Richard Leblanc

Property Owner: Catherine Carlos

Relief Sought:

- Special Permit – Independent Living Facility
- Site Plan Approval – Low Impact Development
- Waiver from Town requirement that the peak post-development stormwater flows be 80% of the peak pre-development stormwater flows is requested.

Submission Date: January 20, 2023

Public Hearing: March 7, 2023

### **Project Description:**

Construction of a thirty-nine (39) unit independent living facility on fifteen (15) acres of land on the South side of Chabot Street and the West side of Mello’s Way. Proposed units will consist of twenty-nine (29) single-family ownership and five (5) duplexes (10 units) ownership units, six (6) of which affordable, and four (4) market rate (MR).

### **Findings:**

- Application submissions reference Mello’s Way, and “Mello’s Lane”, the applicant should clarify which spelling is correct.
- Some documents reference “Stoneridge” while others reference ”Stone Ridge”, the applicant should clarify which way of spelling is correct.
- Throughout the application “Woodland Circle” is referred to as a roadway and a common driveway, the applicant should clarify if the project is proposing a roadway or a common driveway.
- The application references individual houses – the applicant should clarify whether this development is houses or condominiums, since land ownership is different for both.

- The applicant does not provide an explanation as to why a waiver is being sought from the Town requirement that the peak post-development stormwater flows by 80% of the peak pre-development stormwater flows.
- **Frontage:**  
Mello's Way (private ROW) is approximately 30 ft. wide with an existing 8 ft. wide gravel path – unsure if this qualifies as legal frontage since Mello's Way does not meet the standards of a “way” as defined in our Zoning Bylaw, nor does it meet the standards set forth in the Subdivision Control Rules & Regulations. This is being further reviewed by Town Counsel. Mello's Lane is also referred to as an “Ancient Way” – it is the responsibility of the applicant to provide adequate evidence and documentation to the Planning Board to prove this – there is no documentation included in the application submission to establish that Mello's Way is an Ancient Way.

- **Phasing:**

The applicant is proposing that all site work will be completed as a single phase, and that the development of each house will be done as the units are sold with some model units being constructed in the early stages. The applicant anticipates that no more than five (5) structures will be in various stages of construction at any one time, and the actual occupancy of dwellings will be based on the demand for the units and the economic climate. This is a vague timeline and should have more detail. The applicant does not state how many model homes there will be on site. With a maximum of five (5) structures being simultaneously built, construction on this site could potentially drag out for quite a while since 39 units are being proposed. Can the proposed construction access of Mello's Way adequately handle the volume of construction vehicles for an unspecified amount of time? How long can the surrounding neighborhood expect to hear and see the ongoing construction? Does the applicant have the rights to make improvements to Mellos Way? The SWPPP mentions that for the “entire project” the projected start date for construction is May 1, 2023, with an estimated end date of construction of October 1, 2024 (with only 5 units being simultaneously built at one given time, that's 3.4 units built a month for 17 months *if* construction was to start on May 1, 2023 and there was not any delays with construction at all). Lastly, how will site work be completed in one phase if the units are being built in increments of five and based on the economic climate? Wouldn't this cause the constant digging up of the site to install underground utilities, etc.?

- **Low Impact Development (Section 8.2):**

The project site was significantly cleared prior to the filing for this project. The Applicant was made aware, through the Zoning Enforcement Officer's issuance of a Stop Work Order that work of this proportion on the site is to cease until Site Plan Approval –LID is filed with and granted by the Planning Board. Due to the prior unpermitted clearing of the land, I would say that the project itself does not meet the design standards of a low impact development since the applicant has failed to:

- Preserve the sites natural features and environmentally sensitive areas
- Minimize the grading and clearing of the land – (applicant has graded and cleared the majority of the parcel prior to filing)
- Minimize stormwater runoff from any development (There is now pooling of water on property along Lighthouse Lane where there previously was not any prior to the clearing and grading of the project site).
  - Where will downspouts outlet?
- Provide Owners Association documentation (HOA)
  - Need a maintenance plan for access ways (8.2.5.h.)



- Regarding the maintenance plan, it is not acceptable to make the homeowner's association responsible for operation and maintenance of infrastructure improvements when 50% of the units are completed and sold.
- Provide building footprints of the units
- Applicant has filed an NOI with the EPA for a NPDES Permit, a NPDES permit has not been issued to the applicant, however coverage under the EPA's Construction General Permit has been accepted and authorized. NPDES ID Number: MAR1004FI
- Need to delineate vegetation buffer strips and indicate plant materials

- **Stormwater Operation & Maintenance Plan:**

The Operation & Maintenance Plan that the applicant provided states the following under A.1.1. Stormwater BMP's:

"A maintenance agreement will be prepared between the property owner(s) and the Town of Westport that allows the Town to perform any required stormwater system maintenance that is being neglected by the developer of the HOA. The Town will be reimbursed for any required stormwater work."

"Woodland Circle" is not being proposed as a town accepted road, and an HOA will be established for this development, therefore, the Town of Westport should not be a part of the maintenance agreement for any stormwater system maintenance that is "neglected" – as the development will be private.

- **Independent Living Facility (Section 9.1):**

- The application fails to provide an ILF Narrative of how the proposed development will meet the standards and comply with the Zoning Bylaw
- Application does not propose any "congregate living arrangements".
- Overhead electric should be located underground. If the holder of the gas easement objects to burying the electric, the applicant shall provide a statement.
- The ILF application proposes 29 single family units and 5 duplexes (10 units) with 6 affordable and 4 at MR, while Section 2 "Site Analysis Summary" has a conflicting proposal with 31 single family units with 4 duplexes (8 units), with 6 affordable and 2 at MR.
- The Site Analysis Summary mentions that the landscaping of the site will be "similar" to Oakridge – this is an inadequate description – a planting and landscape plan should be submitted to the Board for review and adequacy.
- The Site Analysis Summary states that the building architecture will utilize the same building plans as Oakridge – this description lacks necessary details, and such details should be illustrated (must be consistent with regional New England architecture) and clearly stated in order to allow for adequate review. As mentioned in Bob Daylors comments, there have been many complaints about the quality of construction in the neighboring development of Oakridge ILF.
- The plans submitted with the application show some of the units within the 100 ft. setback.
- Inadequate amount of open space. The gas easement is being used towards Open Space. The applicant is required to provide at least 328,115 s.f. of contiguous open space, but only approximately 170,755 s.f. of contiguous open space was provided. Open space must be used for conservation, historic preservation and education, outdoor education, park purposes, existing agriculture, existing horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Stormwater retention basins and sewage disposal mounds are not acceptable uses for open space. The applicant must calculate how much contiguous space is provided on future plan revisions. Furthermore, a draft deed restriction preserving the open space is required.

- Plans fail to depict the following;
  - Size of proposed buildings
  - Number of bedrooms
  - Number of building stories
  - How many cars the proposed garages will hold
  - Trees of 8” caliper
  - Detail drawings of signage, outdoor lighting (9.1.4.O), tree plantings, etc.
  - Parking areas (lacks parking spaces at community center and lacks info on any visitor parking and UPS/ FedEX/Amazon loading/unloading areas)
  - Trash disposal areas and method of trash disposal
  - Elevation drawings of buildings and other major structures (must demonstrate height from grade to roof pitch)
  - Landscape plan with planting schedule showing types, number and characteristics of proposed plantings
  - Perspective drawings or 3-D models (houses and the community center)
- The gravel pathway shall be designed for ADA compliance
  - Need gravel detail for the pathways. If Mello’s Way north of the construction/ emergency access is to count towards pathway requirements, must be ADA compliant.
- Emergency evacuation plan required and must be approved by the Fire Department (9.1.4.N)

**Staff Recommendation:**

After reviewing the entire application submission, staff has determined that the application is incomplete and lacks the required information that is listed in the Zoning Bylaw. Furthermore, after reviewing Department commentary and the initial review from the peer consultant (S.W. Cole), staff recommends that the applicant request to withdraw their application without prejudice. This would allow the applicant to re-file the application at a later time when all of the inadequacies mentioned in this review letter, department comments and the peer consultant review can be properly addressed.





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

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

***PLANNING BOARD***

Subject: Planner's Report – March 3, 2023

- Open Meeting Law Update
- Route 6 Rezoning Meeting Recap
- Municipal Vulnerability Preparedness Program Grant → MVP 2.0
- Southeastern New England Program – Watershed Implementation Grants
- Housing Production Plan Survey

Sincerely,

Michael Burris  
Town Planner, AICP

## WESTPORT PLANNING BOARD



### MEETING MINUTES February 21, 2023

#### **PLANNING BOARD MEETING**

Chairman Jim Whitin called the meeting to order at 6:02 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner, Assistant Town Planner Amy Messier in attendance.

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

#### **Call to order 6:00 p.m.**

##### **1. Administrative Items**

- a. **Route 88 Solar 1, LLC (18-011SP)** Endorse Form G for Performance Surety.

*The Board endorsed the Form G. No other action was taken.*

- b. **0 Brookwood Drive (19-005SP)** Endorse Form G

*The Board endorsed the Form G. There was no additional action taken.*

- c. **533 Horseneck Road (23-001A)** K.S.P. Law - Notice of Appeal

*Chairman Whitin mentioned the Notice of Appeal was sent to Town Council and that we are awaiting a response. There was no additional action taken.*

- d. **Approval Not Required (ANR) 484 Sanford Road (23-007A)** Request by the applicant for endorsement of a Plan of Land showing 3 Lots for land located at 484 Sanford Road, Map 23A Lot 397-398.

Alan Quintin, professional surveyor for the applicant, was present.

Ms. Messier recommended endorsement.

#### **MOTION**

Bullard 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 M.G.L. Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

##### **2. Assistant/Planners report**

###### **Planner's Report**

Michael Burris

- 2023 Annual Town Meeting:
  - Zoning revisions forwarded to Town Counsel.
- Route 6 Rezoning
  - Next meeting with BSC group moved to March 1.
- Municipal Vulnerability Preparedness Program Grant



- Preparing a grant application to facilitate development of a Climate Resilience Plan. Grant funds would be used for planning services and public engagement activities.
- Meeting with Courtney Rocha next week on the 28<sup>th</sup> to get feedback on pre-application materials.
- Chairman Whitin read a letter dated February 21, 2023, from the Planning Board to the Massachusetts Municipal Vulnerability Action Grant Program, which supports the Westport Climate Resilience Committee's application for the resources needed to establish a Climate Resilience Plan.
- Open Meeting Law
- Temporary provisions allowing remote meetings will expire on March 31. Burris sent a letter to our state representative, senator, and the governor to request that they advocate for a continuation of remote meetings.
- Main Road Streetscape Improvement Plan
  - Starting to develop project materials, such as the project's stakeholder engagement strategy.
  - Looking for tentative volunteers to be on a workgroup for this project from the Planning Board and the Bike and Walking Committee.
  - Also, any contacts with the business community from Hix Bridge Road to the Westport Commons? Need at least one representative from the business community, preferably two.

## **Assistant Planners Report**

Ms. Messier

### Ironwood Renewables:

- Judgment to dismiss on 2/13/23, Plaintiffs have 30 days to appeal the judgement.

### Harbor Water Study:

- Reached out to Frank of Weston & Sampson to follow up from the last meeting in mid-December since at the last meeting a follow-up meeting was loosely established to be sometime in mid-January.

### Maya Way:

- The 45-day deadline for the applicant to reply to a certified letter was sent this Friday, 2/24/23. Next steps: Letter to BOS from the Planning Board requesting that the cash surety (\$87,000.00 plus accrued interest) could be used by the Highway Department to repair Maya Way
- Thin Layer Deposition (salt marshes)
- Currently looking up ownership of the salt marshes. Spoke with the Assessor's Office today, many of the salt marshes do not have an exact location on their mapping GIS and therefore are almost impossible to look up (the smaller ones). The salt marshes and Islands of the West Branch are the following;
  - 0 Great Island; Parcel ID 85\_50\_0  
Owner: Elizabeth Cox
  - 0 Little Dumpling Island; Parcel ID 86\_51\_0  
Owner: Joan Lewis & Jacquelyn McKeon
  - 0 Big Dumpling Island; Parcel ID 86\_52\_0  
Owner: Joan Lewis & Jacquelyn McKeon
  - 0 Judy Island; Parcel ID 84\_23\_0  
Owner: Hugh Morton & Nancy Dawson
  - Cory or Linnikins Island; Parcel ID 90\_3\_0  
Owner: The Messier Family Foundation
  - 0 Spectacle Island; Parcel ID 86\_49\_0  
Owner: Richard St. Aubin
  - 0 Little Island; Parcel ID 86\_48\_0  
Owner: Westport Land Conservation

Whitin requested additional information from the Assessor's Department for marsh that don't have uplands.

### **3. Invoices**

- a. East Bay Media Group Legal Ad – Zoning By-Law amendments \$246.00

#### **Motion**

Bullard moved to approve the East Bay Media Group Legal ad of \$246.00. Seconded by Daylor with all five members in favor.

- b. W.B. Mason – computer supplies for Town Planner - \$76.94

#### **Motion**

Bullard moved to approve the W.B. Mason Legal ad of \$76.94. Seconded by Daylor with all five members in favor.

### **4. Correspondence**

None.

### **5. Minutes**

February 7, 2023

#### **Motion**

Bullard moved to approve the February 7, 2023; minutes as amended. Seconded by Daylor with all five members in favor.

### **6. Short/Long-term Planning Discussions**

Bullard provided an update on a meeting between the Planning Board staff, CRC members, and Joe Costa of the Buzzards Bay National Estuaries Program. Costa provided an overview of thin layer deposition for saltwater marsh restoration and detailed the processes, costs, and permits necessary for such a project.

### **ADJOURNMENT**

The members unanimously adjourned at 6:45 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

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

---

#### **NEXT MEETINGS:**

PLANNING BOARD: March 7, 2023 @ 6:00 P.M.

WORK SESSION: ?