



PLANNING BOARD  
MEETING MINUTES

Date/time of Meeting: June 27, 2023, at 6:03 p.m.

Place: Town Hall Annex, 856 Main Road

Call to order: The regular meeting of the Westport Planning Board was called to order at 6:03 PM by Chairman, Jim Whitin.

**ATTENDEES**

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

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

**1. Administrative Items**

- a. **Bentley Estates II (15-009C)** (continued from May 16, 2023) – Request to eliminate the sidewalk in phase II.

Attorney Mark L. Levin, of Levin and Levin, 138 Rock Street was present representing the applicant, Robert Kfoury. Attorney Levin discussed the original Bentley Estates subdivision approved in 2002. A waiver is being requested to allow them to eliminate the sidewalks in phase II of the subdivision. In his view, sidewalks were unnecessary as the road was 20 feet wide and pedestrians could walk on the grass if necessary since the street doesn't have much traffic. Due to the fact that they have to maintain the sidewalks in front of their homes, homeowners would prefer not to have sidewalks installed.

The developer, Mr. Robert Kfoury, presented the Board and the Planners with a GIS marked-up plan outlining the two distinct phases. Phase I has 12 house lots without sidewalks, Mr. Kfoury noted, because the waivers were disregarded and not put in place.

He noted that 10 out of the 12 current homeowners who responded to him do not want the sidewalks on Phase II's 19 house lots.

In response to Mr. Kfoury's statement that only 2 out of 12 homeowners support sidewalks, Whitin clarified that all homeowners would need to consent to not having sidewalks installed. Additionally, it was emphasized that the purpose of the meeting was to vote on the proposed modification, not to discuss whether sidewalks should be put in place.

According to Burris, in order to amend a definitive subdivision, a Form E-1 certificate must be filled out and submitted, along with an updated subdivision plan. Additionally, permission from the property owners in Phase II and the mortgage holders should be obtained. Whitin raised a question about Mr. Kfoury's authority to remove sidewalks, given his ownership stake of less than 50% in the subdivision. Burris clarified that the signatures of all homeowners are necessary for any such modifications to be made.

- b. SRPEDD presentation – Westport priority development/Conservation areas.

Philip Hu, the Principal Comprehensive Planner at the Southeastern Regional Planning & Economic Development District (SRPEDD), presented an update on the regional Priority Development Areas (PDA) and Priority Protection Areas (PPA) to the Board. These areas aim to accommodate additional growth, meet regional needs, and have good transportation infrastructure while also safeguarding important areas like habitats, water resources, and farms.

During the discussion, Whitin revealed that certain individuals from the Planning Board, the Zoning Board of Appeals, and the Town Planners are collaborating with Russell Burke from the BSC Group to rezone Route 6. To explore further improvements that can be made to Route 6, it may be useful to involve SRPEDD. Whitin suggested involving Dartmouth town officials in the meetings as well. In response, Hu agreed that it would be wise to engage multiple communities in this process.

Chris Capone, the Conservation Agent for Westport, expressed interest in meeting with the Town Planner to review and discuss the protected areas involved. Capone also suggested including a member of the Conservation Commission in the committee to ensure the designated areas are usable. The Chairman invited Capone to attend Rezoning meetings as needed.

- c. **Medeiros Farm (07-002C)** Close out and release the Consultant Review Fees (\$749.60 + interest) and Surety balance (\$85,132.60 + interest).

### **Motion**

Bullard moved to close out and release the consultant review fees of \$749.60 plus interest and the Surety balance of \$85,132.60 plus interest to the town. Seconded by Daylor. 5-0-0

- d. **Gifford Road (23-013B-RRL)** Endorse Form B-1

The Board endorsed Form B-1.

- e. **Inheritance Lane (23-010C-RRL)** Endorse Form F-RRL Covenant and Form C-2

The Board endorsed the Forms F-RRL and C-2.

*Item 6a – Zoning Board of Appeals notice for short-term rental was discussed at this time.*

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

Assistant Planners Report

### **Bentley Estates II:**

- Applicant is requesting a modification to the Definitive Subdivision plan to eliminate the sidewalk
- The applicant must submit an application to modify the definitive subdivision
- All homeowners must be in agreement with the requested modification to eliminate the sidewalk in order for the modification to be granted

### **Old High School Repurposing:**

- Contacted SRPEDD about laser interior scans, several factors to determine the cost/ number of hours needed, which include the following;
  - Size of building
  - Final product? (tour able 3-D scans or scaled, building blueprint documents)

- Contacted Grant King about a cost estimate
- Spoke to Jim Hartnett who voiced that the first step is to figure out what the re-purpose of the building will be for
- There was \$200,000.00 appropriated for a consultant for this undertaking

### **Harbor Water Study:**

- Frank Getchell provided an update regarding the temporary installment of data loggers at the two test wells and piezometers at the River Road Property as well as the Barnham dig well. Eddy plans to be on site on Thursday 6/29 between 8:30-9:30 a.m. to set the transducers at the River Road wells and will wait for people to take him over to the Barnham well. They plan to leave the transducers in place until the following week, then he will come and pick them up.

Whitin commented he spoke with Thomas Gephardt decided to acquire the services of Weston and Sampson for the development of the wells.

### **Public Meeting on 7/11/23 for Override:**

- Staff recommendation: to not cancel the regular meeting of the Planning Board on that date at the request of the override committee, however, if there are numerous Planning Board members that would like to be present at the override meeting and there is a lack of quorum, the meeting would have to be cancelled.
  - 7/18/23: Conservation has a scheduled meeting
  - 7/25/23: special election taking place
  - Next regular scheduled meeting of the Planning Board is: 8/8/23 (due to summer schedule)
  - Public hearings scheduled on 7/11/23: Oakridge Condominiums major modification to SP to eliminate the sidewalks

### **Planner's report:**

- Coastal Resilience Grant Applications
  - Meeting with Westport River Watershed Alliance to discuss collaboration on a coastal resilience grant application to study Westport's salt marshes for their migration potential.
  - Meeting with EA Engineering to coordinate a second CZM application to study use of dredged material off the coast of Westport for a salt marsh restoration pilot project.
- Buzzards Bay National Estuaries Program applications
  - Grant application period opened and due on August 1. Applying for municipal storm sewer system maintenance funds and to study a community septic system at The Let.
- Resilient Westport Plan
  - For those on the Climate Resilience Committee, we circulated an outline to guide drafting the Resilient Westport plan. Asked all committees to draft goals and actions for each topic area of concern.
- Former Stoneridge notice of zoning violation
  - The building inspector issued a notice of zoning violation to the property owner of the parcel of the former Stoneridge project. The letter was drafted in consultation with the Planning Office. The property owner has 30 days from receipt of the violation letter to initiate a Low Impact Development. Afterward, fines will be issued.
- BSC Group draft public engagement materials
  - Draft presentation ready for Planning Board review and comment.

*Agenda item 6a was moved in front of agenda item 2.*

### **3. Correspondence**

- a. Zoning Board of Appeals notice
- b. Chapter 91 License (23-019CH91) – 1702-E Drift Road – Mooney - *Noted*
- c. Chapter 91 License (23-020CH91) – 2015 Main Road – Branca – *Noted*.
- d. Chapter 91 License (23-021CH91) – 21 Valentine Lane – Christiano - *Noted*.

### **4. Minutes**

June 13, 2023

*The minutes were not complete and will be added to the August 8, 2023 agenda.*

### **5. Invoices**

W.B. Mason – Folders - \$25.16

### **Motion**

Bullard moved to approve the W.B. Mason invoice of \$25.16. Seconded by Daylor. 5-0-0

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

- a. Discussion with Roger Menard of the Zoning Board of Appeals Regarding Short-Term Rental Bylaws

During the meeting, Roger Menard and Gerry Coutinho from the Zoning Board of Appeals discussed the topic of short-term rentals. Menard referred to Town Counsel's review of the current Town By-laws, which concluded that short-term rentals are not allowed in Westport. In order to address this issue, Menard proposed the formation of a working group to create an article for the 2024 Annual Town Meeting. This group would consist of two members each from the Planning Board and Zoning Board of Appeals, as well as the Town Planners. The Board of Health would also be represented. The attendees came to a consensus on this approach.

### **Motion**

A motion was made by Bullard to authorize the Chairman to appoint two members from the Planning Board to work with two members from the Zoning Board to draft an ordinance for submission to the next town meeting regarding a short-term rental bylaw amendment. Seconded by Daylor. 5-0-0

- b. Westport River Days – Climate Resilience Committee public engagement.

### **ADJOURNMENT**

The Board unanimously agreed to adjourn at 8:05.

NOTE: Agenda is subject to change

### **NEXT MEETINGS:**

Planning Board: July 11, 2023 at 6:00 p.m.  
Work Session: ?