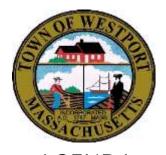
Planning Board Meeting

April 4, 2023



Planning Department 856 Main Road Westport, MA 02790



Planning Board

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

Tel: 508-636-1037

AGENDA Tuesday, April 4, 2023

Call to order 6:00 p.m.

- 1. Administrative Items
 - **a. Approval Not Required (ANR) Buzzards Bay Coalition (23-004A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 559 Main Road, Map 69 Lot 12.
 - b. Prestige Auto 50 Forge Road (19-008SPA) Request for Certificate of Occupancy.
 - **c. Salty Breeze Inc. (23-011PAC)** Request by the applicant to discuss the development of land for a Marijuana establishment.

2. 6:15 p.m. Public Hearing

- **a.** Buzzards Bay Coalition (23-005SP-FF) Request by the applicant to consider the Special Permit, Flexible Frontage application for Buzzards Bay Coalition for property located at 559 Main Road, Assessors Map 69 Lot 12, Westport, MA.
- 3. Assistant/Planners report
- 4. Minutes

March 7, 2023

5. Short/Long-term Planning Discussions

ADJOURNMENT

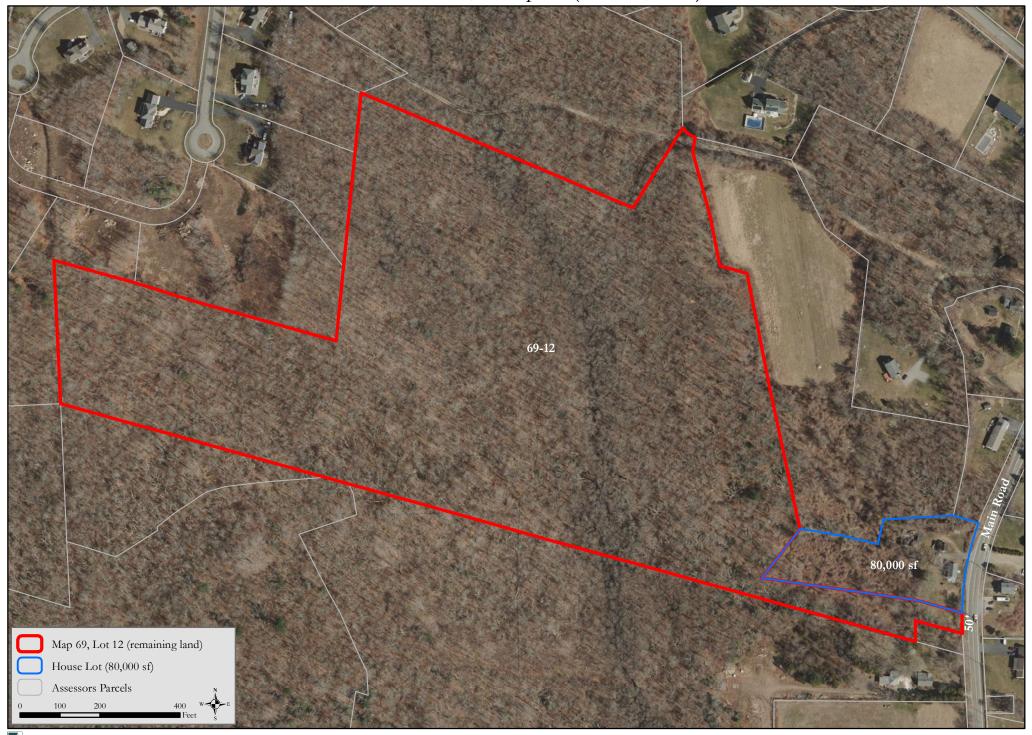
NOTE: Agenda is subject to change

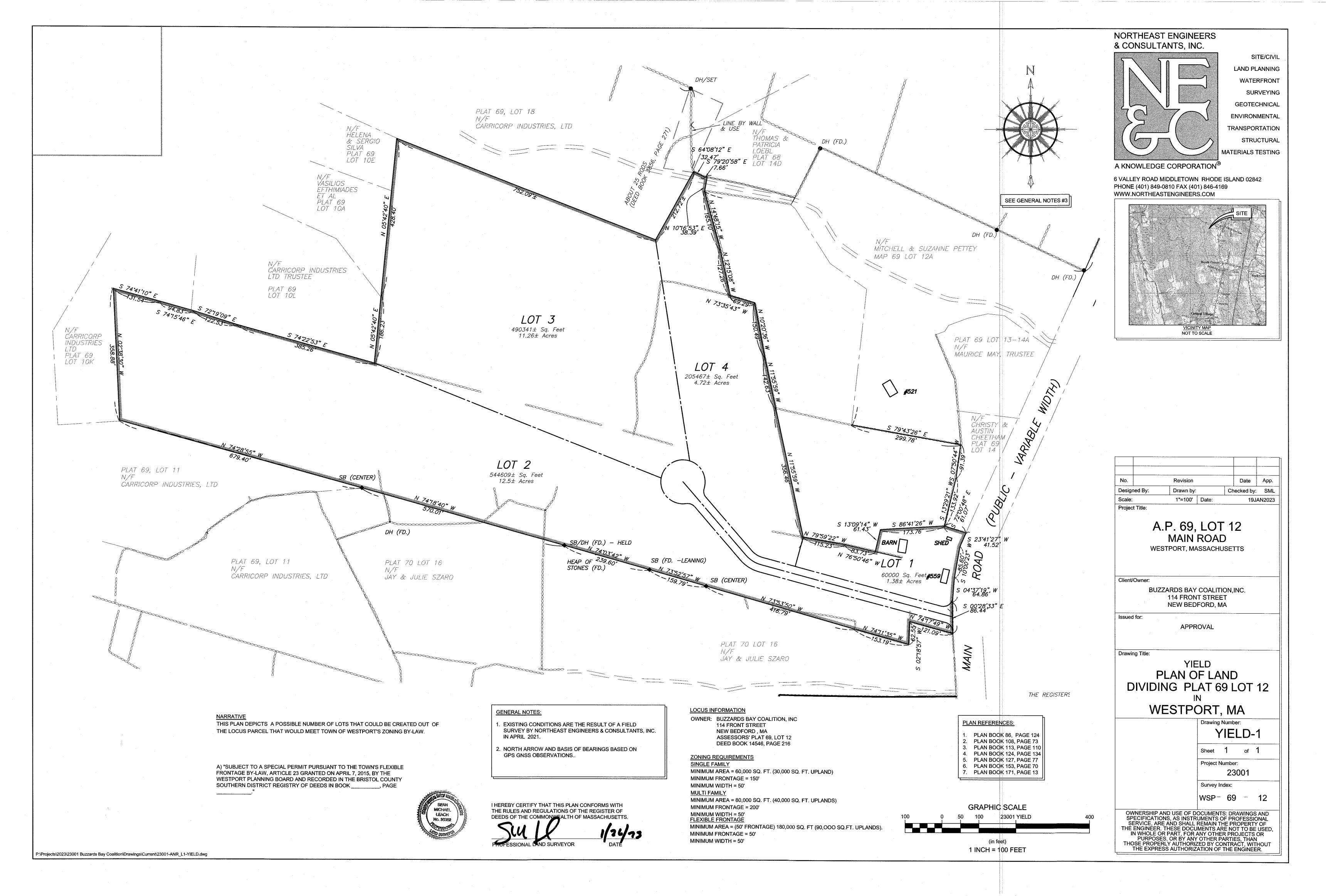
NEXT MEETINGS:

Planning Board: April 18, 2023 at 6:00 p.m.

Work Session: ?

559 Main Road, Westport (Lot Division)





Planning Board 856 Main Road Westport, MA 02790 www.westport- ma.com



Tel. (508) 636- 1037 Fax (508) 636- 1031 Planning@westport- ma.gov

Waiver to 21-Day ANR Requirement

In accordance with MGL Ch. 41 §81P, I, Wark Rasmussen	
do hereby agree to waive the twenty-one (21) day re-	quirement for the Planning Board to a
determination whether approval under the subdivision March 21, 2023	on control law is required until
Application number: 23-004A	
Property Location: 559 Main Road,	Map 69 , Lot(s) 12
Male Jamustin	January 30, 2023
Signed	Date
Print name Mark Rasmussen	

cc: Westport Town Clerk



March 28, 2023 12408.330

Mr. James Whitin –Town Planner
Town of Westport Planning Board
Town Hall Annex
856 Main Road
Westport, MA 02790

March 28, 2023
WESTPORT
PLANNING BOARD

RE: Prestige Auto Mart Inc. (18-008SPA)

50 Forge Road

Westport, Massachusetts

Dear Mr. Whitin,

In accordance with a request from the Town of Westport Planning Board, and Prestige Auto Mart Inc. S.W. Cole Engineering has conducted an inspection and as-built drawing review of the aforementioned project for project completion status, and issuance of a certificate of occupancy.

The following comments and Observations are noted.

1. The entrance roadway and parking areas have been constructed. The entrance roadway to the detailing facility, and to the proposed finance office has been paved with asphalt. The remaining parking lot area is surfaced by a layer of crushed stone. A review of the approved site plan shows line striping on the finished asphalt surface. At the front of the detailing facility the plan indicates that no parking pavement marking should be included, as well as parking space markings. As of this writing this has not been completed.

The approved plan also indicates a monolithic cape cod berm along the pavement edge along the entrance roadway and along the pavement edge that abuts the crushed stone parking areas. This is also not installed. It is assumed that finish paving is not yet completed, and these items will be installed when the final paving is completed. It is also noted that the handicap space and appropriate markings and bollard are not yet installed.

490A Winthrop Street, Taunton, MA 02780 • Tel: 508.822.6934 • E-mail: info@swcole.com



- 2. The crushed stone based throughout the remaining parking lot areas appears to meet the intent of the approved plans for location, thickness, and aggregate size.
- 3. All drainage structures are installed per plan, and currently have silt protection bags currently in-place.
- 4. The storm water detention facility appears to be constructed in general conformance to the approved plan and appears to be functioning as designed. It's noted that some additional rip rap at the flared ends could be installed to reinforce from any potential washing out.
- 5. The outlet control structure is installed per the plan and has a stainless-steel guard installed.
- 6. Landscaped islands are installed and are landscaped with mulch and shrubbery.
- 7. Entry roadway edge along the fence line of the abutting property has crushed stone placed along the pavement edge.
- 8. A stop sign at the end of the entrance roadway at Forge Road, and pylon sign have not yet been installed as of this writing.
- S.W. Cole also reviewed the as-built drawing provided by Civil & Environmental Consultants Inc. dated March 13, 2023, and offer the following comments:
- 1. The drawing does not depict the entry from Forge Road. There are two decorative masonry gate posts with a manual gate that need to be included on the drawing.
- 2. Along the entrance roadway edge on the east side there is PVC conduit that is exposed, this should be located on the drawing assuming there will be a future utility installed.

The drawing as provided does present the current as-built conditions. The items listed above as missing from the drawing should be located and included in an updated drawing. Assuming that the items listed above are still required the as-built drawing can be updated to reflect these items when completed.

12408.330 March 28, 2023



It is noted that S.W. COLE was not retained to observe any of the construction as the work progressed. Comments relative to as constructed details are limited to the site visit conducted as part of this review.

In closing, it appears that the project has been constructed in general conformance with the approved plans. The board could consider that the project is substantially complete however the missing items should be addressed before final acceptance and project closure. It should be noted that the handicap space at the finance facility handicap ramp should be identified so limit any potential parking of non-handicap permitted vehicles while the business is open.

Sincerely,

S.W. COLE ENGINEERING, INC.

Derek Mello

Construction Service Manager

Cc: N. Castro, Westport Planning Dept.

B. Estrela – Prestige Auto Mart Inc.























































































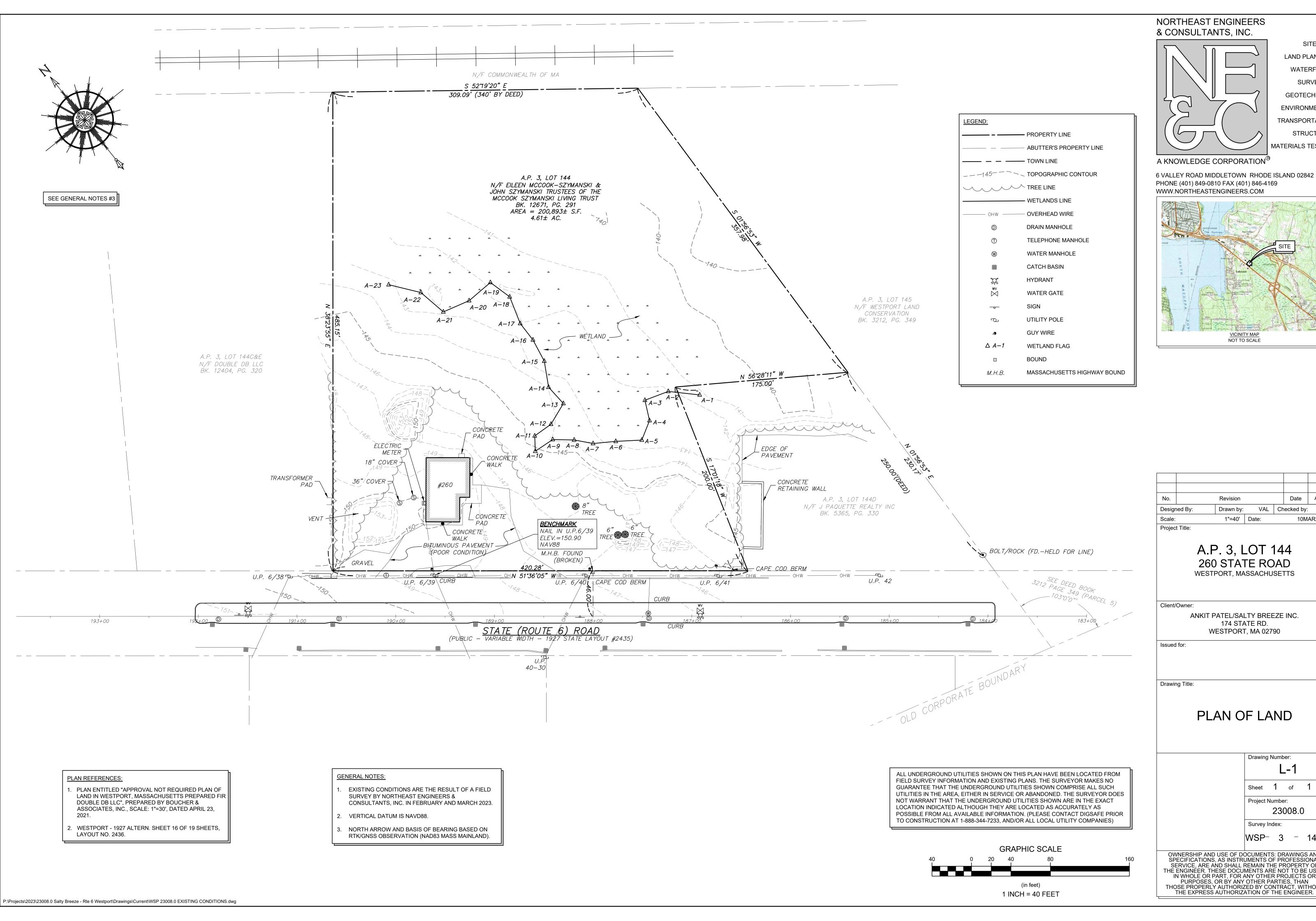




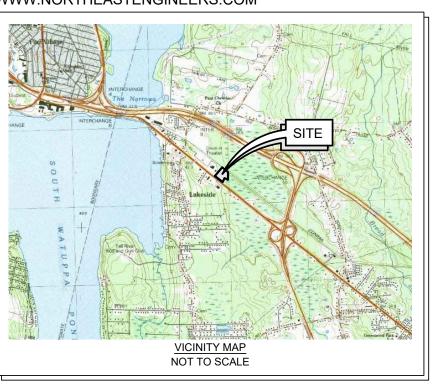








SITE/CIVIL LAND PLANNING WATERFRONT SURVEYING GEOTECHNICAL **ENVIRONMENTAL** TRANSPORTATION STRUCTURAL MATERIALS TESTING



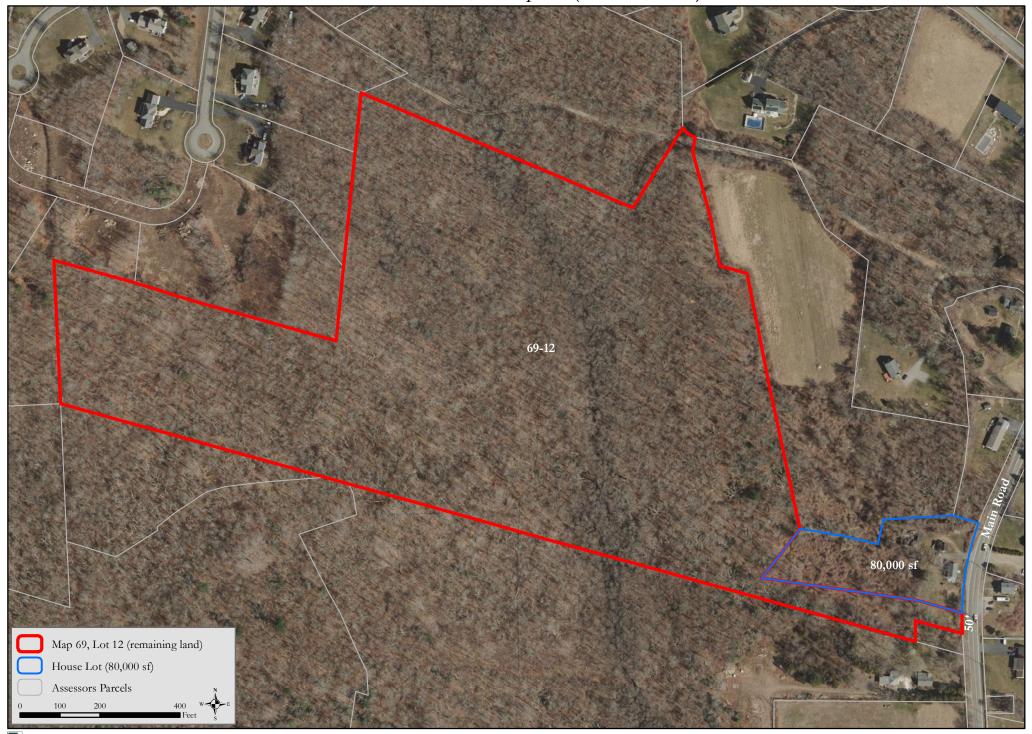
Date App. Drawn by: VAL | Checked by: SML 10MAR2023

ANKIT PATEL/SALTY BREEZE INC.

Sheet 1 of 23008.0 WSP- 3 - 144

OWNERSHIP AND USE OF DOCUMENTS: DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ENGINEER. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR PART, FOR ANY OTHER PROJECTS OR PURPOSES, OR BY ANY OTHER PARTIES, THAN THOSE PROPERLY AUTHORIZED BY CONTRACT, WITHOUT THE EXPRESS AUTHORIZATION OF THE ENGINEER.

559 Main Road, Westport (Lot Division)



Flexible Frontage Narrative Plat 69, Lot 12 Main Road Westport

The purpose and intent Flexible Frontage Special Permit is to encourage a 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.

The proposed division yields many benefits in maintaining the rural character and open space that is the intent of the by-law.

This application meets those goals by limiting the number of lots proposed to two. The yield plan submitted with the application shows 4 lots which could easily be more but meets the standards of a traditional subdivision. The proposed two lots are less than the yield thereby reducing traffic, drainage, and congestion.

Most of the land is being preserved by the Buzzard's Bay Coalition for the protection and monitoring of resource areas critical to the Angeline Brook watershed and ultimately the Westport River Watershed. Wildlife would continue to flourish in the preserved area.

The historic house is known by "townies" as the "egg" lady house would be separated by some outbuildings. The interior and property line stonewalls that are the essence of the character of Westport would be preserved as they stand today keeping the monuments to Westport's Agricultural past intact.

The existing vistas would be preserved virtually as is, thereby keeping the traditional drive on Main Road unchanged.



Please RETURN To Planning Board No Later Than

March 3, 2023

FROM: Assessors Dept

DATE: February 9, 2023

RECEIVED

February 28, 2023

WESTPORT
PLANNING BOARD

TO: The Westport Planning Board

FORM M-1 PLAN REVIEW FORM

Application No. 23-005SP-FF

SUBJECT: Comments and recommendations regarding a Special Permit for Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing two residential lots. Dividing Plat 69 Lot 12 of 559 Main Road.

A public meeting is scheduled for March 21, 2023 at 6:15 p.m. at the Westport Town Hall Annex.

Your response is greatly appreciated no later than March 3, 2023.

The undersigned recommends:	
△Approval Approval with modifications Disapproval	No Comment
of the above-named plan insofar as its area recommendation are as follows:	of jurisdiction is concerned. The reasons for this
:	
	Name of officer, agency, or board

Please RETURN To Planning Board No Later Than March 3, 2023

FROM: Board of Selectman

DATE: February 9, 2023

RECEIVED

March 10, 2023

TO: The Westport Planning Board

WESTPORT PLANNING BOARD

FORM M-1 PLAN REVIEW FORM

Application No. 23-005SP-FF

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☐ Approval ☐ Approval with modifications	ment
☐ Disapproval	
of the above-named plan insofar as its area of jurisdiction is con recommendation are as follows:	cerned. The reasons for this

Name of officer, agency, or board

Please RETURN To Planning Board No Later Than March 3, 2023

FROM: Conservation Dept

DATE: February 9, 2023

TO: The Westport Planning Board

FORM M-1 PLAN REVIEW FORM

Application No. 23-005SP-FF

SUBJECT: Comments and recommendations regarding the Special Permit for Flexible Frontage requesting approval to reduce otherwise applicacable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing two residential lots. Dividing Plat 69 Lot 12 of 559 Main Road..

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The undersigned recommends:	/	
ApprovalApproval with modificationsDisapproval	No Comment	
of the above-named subdivision plan insofar as its a for this recommendation are as follows:	rea of jurisdiction is concerned.	The reasons

Name of officer, agency or board

Please RETURN To Planning Board No Later Than March 3, 2023

FROM: Zoning Board of Appeals

DATE: February 9, 2023

RECEIVED

FEB 27 2023

WESTPORT PLANNING BOARD

TO: The Westport Planning Board

FORM M-1 PLAN REVIEW FORM

Application No. 23-005SP-FF

SUBJECT: Comments and recommendations regarding a Special Permit for Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing two residential lots. Dividing Plat 69 Lot 12 of 559 Main Road.

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☐ Approval	☐ No Comment
☐ Approval with modifications	
☐ Disapproval	
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	Joge Man 28A
	Name of officer, agency, or board



TOWN OF WESTPORT 856 Main Road Westport, Massachusetts 02790

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

PLANNING BOARD

Subject: Planner's Report – March 4, 2023

- 2023 Annual Town Meeting Zoning Amendments
- Congressional Directed Spending Requests
 - Route 6 Trunk Sewer and Water
 - Hix Bridge Ecosystem Restoration
- Southeastern Regional Planning and Economic Development District (SRPEDD) Updates
 - Housing Production Plan Survey
 - https://www.surveymonkey.com/r/westport-housing
 - o Open Space Residential Development Meeting
 - o Southeast MA Priority Development/Protection Areas
 - o Coastal Resilience Grant
- Main Road Streetscape Plan
 - o Commonwealth Places Grant
 - o Bike/Walking Path Committee Meeting
 - o Preliminary Survey
 - o Commission on Disabilities Meeting
- Route 6 Rezoning
- Division of Ecological Restoration Culvert Replacement Grant

Sincerely,

Michael Burris

Town Planner, AICP

Modelle



PLANNING BOARD MEETING MINUTES

Date/time of Meeting: March 7, 2023, at 6:00 p.m.

Place: Town Hall Annex, 856 Main Road

Call to order: The regular meeting of the Westport Planning Board was called to order at 6:02 PM by

Chairman, Jim Whitin.

ATTENDEES

Chairman Jim Whitin, Vice-Chair Robert Daylor, and members John Bullard, 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. Letter to the Board of Selectmen requesting that the Highway Department solicit bids for the Maya Way project (07-002C).

Ms. Messier drafted a memo from the Planning Board to the Selectmen to vote to authorize the appropriation of funds for the Highway Department to complete the 2007 Medeiros Farm Definitive Subdivision Plan (Maya Way) because the developer defaulted.

Motion

On the recommendation of the Assistant Town Planner, Bullard moved to request the Selectmen to request by a vote to authorize the expenditure of the surety of \$87,000 under the accepted provisions of Chapter 245 of the acts of 1988. Seconded by Daylor. 5-0-0

b. **202 Pine Hill Road (19-012SP)** Endorse Form G for Performance Surety

Ms. Messier stated that Greenbacker Renewable Energy Systems agreed to provide a \$100,000 performance guarantee surety to the Planning Department. Greenbacker has signed and returned Form G, consenting to the terms. Form G was endorsed by the Planning Board.

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

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

Present: Attorney Mark A. Levin, Levin and Levin, Attorneys at Law; Richard "Bucky" Leblanc, Applicant; Bill Smith of Civil Engineering Concepts.

Attorney Mark A. Levin was present on behalf of the applicant. Attorney Levin gave a brief overview of the project that would include 39 condominium units with six affordable units. He stated that it is their opinion Mello's Way has the legal frontage that could be used for the development. Attorney Levin submitted the Building Inspector's opinion letter dated March 28, 2022, for the file. He also submitted historical documents referencing the existence of Mello's Way before the town's adoption of Zoning and Subdivision By-Laws.

Meeting Minutes March 7, 2023 approved April 4, 2023 Page 1 of 4

Bill Smith addressed and commented on the Independent Living Facility standards. There would be a proposed sidewalk that would connect Chabot Street to the new development along with nature paths. Smith addressed the existing clear-cutting on the site and added that any disturbed areas that are not required will be revegetated to maintain the buffer zone. Smith requested that the first pole be installed to avoid digging in the gas easement and then all other utilities will be underground. Smith stated that he will discuss the well placement with the DEP and the Board of Health and invited the Planning Board members for their input.

Whitin inquired whether the Open Space was contiguous and whether the gas line was included in the Open Space. Smith pointed out where the Open Space was and confirmed that the gas line right of way would be included in the Open Space. Whitin inquired whether the applicant has the right to use and improve Mello's Way and whether there was evidence of such a right. According to Attorney Levin, there was access in 1924, according to Assessor's records, and it became Mello's Way.

Bullard voiced his concern that the developer would move ahead with construction without the necessary permissions due to his previous activities on the property.

The S.W. Cole report dated February 21, 2023, and the Department/Committee reviews were read into the record by Burris.

After giving a brief overview of his comments, Council member Daylor requested that Town Counsel review the information presented by Attorney Levin regarding frontage on Mello's Way. Daylor noted that he does not agree with the plan's conformance requirements and open space calculations. Also, he mentioned that he reviewed the drainage calculations and that he had significant problems with the stormwater drainage.

Whitin referred to a 32-page opposition letter received from the Law Office of Moriarty, Troyer, & Malloy LLC that represent Oakridge on March 3, 2023.

Burris requested from the applicant's engineer a revised vegetation plan indicating what vegetation was removed and what vegetation remained.

Whitin commented the clearing of the land caused additional water to drain onto the property east of Lighthouse Lane. Soares added erosion control needs to be put in place on the cleared property to protect the neighbors from further water damage.

Ms. Messier read her findings and recommendations into the record.

Attorney Michel Wigney of Moriarty, Troyer, & Mallory LLC was present representing Oakridge Condominiums Trust. Attorney Wigney cited a 32-page document submitted by her law firm highlighting several reasons why Oakridge opposes the project.

Charles and Ruth Sullivan of 48 Chabot Street were present. He stated the 39-unit development would increase traffic on Newton Street and Chabot Street, which are already heavily traveled and would be even more dangerous as a result.

Victor Reitano of 4 Windsor Drive was present. Mr. Reitano questioned the right of way over Oakridge.

Tom Loughman of 54 Lighthouse Lane was present. He brought it to the Board's attention that he has owned his property since 2013 and has not experienced any water run-off until the changes to the contours of the land on Mello's Way were cleared in 2022. He submitted photos to planning personnel for the file.

Mark Allard of 12 Crestview Drive was present. He noted that Oakridge had problems in the past with water in their basements due to improper drainage. He is concerned that the new development of Stoneridge, it may make matters worse with the water run-off.

Gerry Coutinho was present and mentioned he serves on the Zoning Board of Appeals. He pointed out that none of the services listed in Section 9.1 of the By-Laws, which describes the objective of Independent Living, are offered by this development.

Soares asked Attorney Levin what street Mello's Way originate from. Attorney Levin commented it originated around 1860 and the primary owner granted a right of way from Route 177.

Motion

Bullard moved to continue the Stoneridge public hearing to June 13, 2023, at 6:15 p.m. Seconded by Daylor. 5-0-0

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

a. Close Zoning Amendment Public Hearing

In the interests of getting further comments or suggestions from the public, the Board decided not to close the public hearing on February 7, 2023. Ms. Messier commented there were no additional comments from the public as of this meeting. Burris forwarded a draft of the warrant articles to the Town Administrator and Town Council.

Motion

Bullard moved to close the 2023 Zoning By-Law Amendment. Seconded by Daylor. 5-0-0

4. Assistant/Planners report

Planner's report

Burris reviewed his Planner's report with the Board.

- Open Meeting Law Update
 - The House approved the governor's supplemental 2023 budget bill which was amended to include an extension of allowing remote and hybrid meetings through March 31, 2025. Updates forthcoming.
- Route 6 Rezoning Meeting Recap
 - Met with BSC Group last week. We had a high-level discussion of what types of development would be appropriate in the Route 6 corridor for example, multi-unit, multi-story residential on Route 6 and small lot development on the periphery with clustered homes, duplexes, warehousing in the STOD overlay area, and so on.
- Municipal Vulnerability Preparedness Program Grant → MVP 2.0
 - O Had a meeting with Courtney Rocha of the MVP program. Due to changing eligibility requirements in the MVP program, we are not eligible for a planning action grant. However, she described the MVP 2.0 process which sounds like it meets our needs to begin drafting a Climate Resilience Plan. The initial phase of MVP 2.0 would update our current MVP plan with expanded detail of identified vulnerabilities and include more public engagement. We would then be eligible for a seed grant that could be used towards planning services for drafting the plan.
- Southeastern New England Program Watershed Implementation Grants

- This grant was circulated last week. We could potentially apply for a grant to help with the implementation of the town's Target Integrated Watershed Management Plan.
- One of the plan's recommendations is to have a pilot program of installing vegetative buffer strips to filter nitrogen and other pollutant runoff near agriculture and impervious surfacing at larger commercial developments. Grant funds would be used for installation and monitoring.
- Housing Production Plan Survey
 - The Southeastern Planning and Economic Development District (SRPEDD) drafted an online survey to do some public outreach for the Town's updated Housing Production Plan. The survey has a variety of questions ranging from whether there is housing that can meet residents' needs to which types of housing residents would like to see constructed. Amy and I approved their draft and it should be getting circulated soon. We will circulate it with the Board once they publish it.
- Main Road Streetscape Plan
 - Mark Schmid expressed interest in participating in the workgroup. Burris will be meeting with the Bike & Walking Path Commission next week to provide an overview of the project and ask for a representative from that committee.
- 5. Correspondence

None.

6. Minutes

February 21, 2023

Motion

Bullard moved to approve the February 21, 2023 minutes as written. Seconded by Daylor. 5-0-0

7. Short/Long-term Planning Discussions

None.

ADJOURNMENT

The Board members unanimously adjourned at 8:50 p.m.

Respectfully submitted,

Nadine Castro

Nadine Castro, Assistant Town Planner II

NOTE: Agenda is subject to change

NEXT MEETINGS:

PLANNING BOARD: April 4, 2023, @ 6:00 P.M.

WORK SESSION: