



**TOWN OF WESTPORT**  
**856 Main Road**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**February 25, 2014**

Chairman James T. Whitin called the meeting to order 6:04 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff, Member David Cole and Assistant Town Planner Lucy Tabit in attendance.

**APPOINTMENTS**

**Approval Not Required (ANR). Carrigg (14-004A).** Request by applicant for endorsement of a three lot plan of land at 106 Sycamore Lane Map 61, Lots 17V, 17T & 17S.

Mark Boucher from Boucher & Heureux presented the plan for the Board Members. Boucher explained that this is a reconfiguration of two existing lots by removing a small piece of land from lot 79, formerly lot 33, to accommodate a driveway encroachment. A small parcel, "Parcel A", will be created and conveyed to the neighboring lot, and the two lots will be slightly modified in order to maintain the required frontage. Boucher explained that no new lots will be created and a new deed will be written up to convey Parcel A to existing Lot 34, owned by the Bakers.

Ostroff motioned to endorse the plan entitled Approval Not Required Plan Drawn For Forest Park Westport, LLC., dated January 24, 2014, because it complies with the provisions of MGL ch 41 Section 81P. Raus seconded the motion and the vote was unanimous with all in favor.

**Approval Not Required (ANR). Pozzo (14-005A).** Request by applicant for endorsement of a three lot plan of land at 409 Horseneck Road, Map 73, Lot 68.

Mark Boucher from Boucher & Heureux presented the plan for the Board Members. Boucher described the land owned by Mr. Pozzo located on Horseneck Road. When Mr. Pozzo attempted to do work to one of the dwellings on his property, he was denied a building permit due to the fact that the Building Inspector ruled that the land had multiple dwellings on a single lot. The plan would create three lots, each with the required amount of uplands, frontage and area, one lot for each of the existing dwellings. Boucher explained that all three lots would be owned in common ownership and share one driveway. Tabit noted that endorsement of an Approval Not Required Plan does not constitute conformance to the Zoning By-Law, nor assure that any lot created is buildable.

Raus motioned to endorse the plan entitled Approval Not Required Plan Drawn for Robert M. Pozzo, dated January 23, 2014, because it complies with the provisions of MGL ch 41 Section 81P. Cole seconded the motion and the vote was unanimous with all in favor.

**Approval Not Required (ANR). Constantine (14-006A).** Request by applicant for endorsement of a two lot plan of land at 435 Adamsville Road Map 79, Lot 15.

Sean Leach from Sitec Engineering presented the plan to the Board Members. Leach described the land located behind Jane's Hideaway. Leach explained that the Constantine Family will keep approximately

11.38 acres, leaving a small strip of land with a width of forty feet for access and a large area of land behind the Constantine's property to be conveyed to the Westport Land Conservation Trust. The strip of land and the rest of the land given to the Trust will be labeled as unbuildable on the plan due to lack of frontage.

Cole motioned to endorse the plan entitled Approval Not Required Plan of Land in Westport, MA prepared for Westport Land Conservation Trust, dated February 2, 2014, because it complies with the provisions of MGL ch 41 Section 81P. Raus seconded the motion and the vote was unanimous with all in favor.

**Public Hearing:**

**Prestige Auto Mart, 1175 State Road Site Plan (13-010SPA).** *Continued from January 8, 2014.* Request by applicant for site plan approval to construct a 3,000 +/- s.f. new showroom and a 3,840 +/- s.f. garage as additions to the existing building and associated parking. ***(Request has been made by applicant to continue this matter until March 11, 2014)***

Ostroff motioned to continue the hearing until March 11, 2014, at 6:30 p.m. date and time certain. Raus seconded the motion and the vote was unanimous with all in favor.

**Turtle Rock Lane (07-003C).** Request by owner to release Lot 1 from the Covenant and place a cash surety in lieu of it.

Mark Boucher from Boucher & Heures was present to request on behalf of his clients, the Eustis's, to convert the roadway construction surety to a cash surety and request a release of the covenant so they may obtain a building permit to start construction on their property. Boucher explained that a surety estimate has been obtained from Tibbetts for the remaining work to be done in the amount of \$26,000. The applicant has submitted a check in the amount of \$26,000.

Ostroff motioned to endorse the Form O releasing Lot 1 from the covenant dated June 28, 2007, in exchange for the Form G, Performance Secured by Deposit of Money in the amount of \$26,000. Raus seconded the motion and the vote was unanimous with all in favor.

**Hideaway Lane (10-005C).** Request by applicant for an extension of Covenant.

Tabit read a letter dated January 30, 2014, which requested an extension of the existing covenant due to personal matters.

Raus motioned to extend the completion date for the construction of ways and installation of municipal services for the Subdivision entitled Definitive Plan of Hideaway Lane in Westport, MA, dated: March 28, 2010, and revised through July 23, 2010, until May 10, 2017. Cole seconded the motion and the vote was unanimous with all in favor.

**Orlando Estates – Romano Village Drive and Paul Drive.** Tabit gave an update on roadway completion.

- a. The Planning Board has received a copy of the as-built plan and layout plan for Romano Village Drive and Paul Drive. The plans were reviewed and commented on by the planner.

The engineer has made changes to address the planner's comments. *The plans have not been reviewed by Tibbetts.*

- b. Hartnett has prepared a draft agreement allowing the remaining funds to be assigned from Michele Orlando to the neighbors upon completion of the required work. (Approximately \$3,500). *This agreement has not been approved by the Board or by the Treasurer, and is currently being reviewed by Town Counsel.*
- c. There is approximately \$590.00 left in the construction inspection account. The subdivision was originally inspected by another company but Hartnett has been speaking with George Mello to determine what work he can do for this amount. Tibbetts has been requested to come up with a price for a final inspection and review of the as-built plans.

Edward Avilla, whose daughter is a resident on Paul Drive, part of Orlando Estates, was present along with Wayne Sunderland to discuss the matter. Whitin stated that a final report from Tibbetts is needed, a final report from Hartnett is needed, and the Board of Selectmen will be holding a public meeting on March 25, 2014, for all road acceptances. Sunderland spoke in favor of the proposed road being accepted and showed pictures of the roadway in the past years. This matter will be reviewed again at the next Planning Board meeting on March 11, 2014, at 7:15 p.m.

### **ADMINISTRATIVE ITEMS**

#### **a. Budget update.**

Whitin explained that he and Hartnett attended a recent FinCom meeting and discussed the outcome with the Board Members. They also met with Tony Viera, BOS Chair and Town Administrator Jack Healey to discuss a potential override budget which included a full time Grant Writer for the town and a GIS professional. The override budget also included a part time clerical position for the Planning Board.

### **Town Planner report.**

Tabit read Hartnett's report to the Board.

- Application was submitted for MassDOT to look at 5 dangerous curves in Town. Two on River Road, one at East Beach and Horesneck Road, one on Tickle Road and one additional location on Horseneck Road. Tabit showed pictures of each one of the curves mentioned. Whitin noted that this has to do with the grant that is available to provide signage for dangerous curves or potentially roadwork to make road curves less dangerous. Cole mentioned the turn going west on 177 turning on to Rt. 88 and how it is not clearly marked and is dangerous as well as the blinding lights of oncoming traffic on Route 88 along the Jersey barrier areas. He asked if this could be looked into.
- A copy of the DLTA (District Local Technical Assistance) application and a letter was sent to the conservation agent.
- The CIC grant that was applied for a couple of months ago was not approved by the state.
- Master Plan – Hartnett met with representatives from Horsley and Whitin and is working on a contract for services at this time. Discussion ensued.
- Hartnett met with representatives from the WRWA, Landing Commission to discuss the project at the head of Westport at the Town Landing.

### **Any other business that may come before the Board.**

#### **-Coastal Community Resiliency Grant.**

Whitin explained that the grant only became available at the end of January 2014. Nancy Durfee offered to help Westport apply for the grant. Whitin met with R. Michael Sullivan, Nancy Durfee, Bart Henderson, and Sean Leach and decided that the Planning Board would sponsor the grant and that Jim Hartnett would be the contact person. A significant focus of the grant will be on the East Beach Barrier Beach with Coastal Zone Management. If the grant is won by the town, Westport would be responsible for 25% of the budget or in "in kind" work. The Grant must be submitted by Friday, February 28, 2014.

Raus motioned to support and sponsor the Coastal Community Resiliency Grant application for the Town of Westport. Ostroff seconded the motion and the vote was unanimous with all in favor

Raus motioned to give Hartnett authorization to draw up a letter of support for the grant application and to give Whitin the authorization to sign the application. Ostroff seconded the motion and the vote was unanimous with all in favor.

#### **-Growth Chart.**

Ostroff mentioned that at a Board of Selectmen meeting, a population growth chart was discussed, which was published in the Standard Times. Discussion ensued. Whitin suggested contacting both the UMass Amherst Donahue Institute and SRPEDD to see what their formulas and assumptions are based on for the calculations used to make the growth chart predictions.

#### **-CPC Funding**

Cole mentioned some past funding that may be available from CPC, and questioned if the funding is still usable. This will be discussed at the next meeting.

#### **Correspondence.**

- a. 1). BOS/Road Layout Hearing for Estrella Ln;

Ostroff motioned to make a non-binding recommendation to the Board of Selectmen for Estrella Lane to be accepted at Annual Town Meeting as this roadway satisfies the requirements under roadway construction standards. Raus seconded the motion and the vote was unanimous with all in favor.

- 2). Paul Drive and Romano Village Drive; awaiting a response from Tibbetts, will revisit March 11, 2014. See Above.

- b. ZBA/Withdrawal of cell Tower application on Olin Howland Way. Noted.

- c. Citizen Planner Training Collaborative (March 15, 2014). Three Planning Board members and two staff would like to attend.

Whitin motioned to authorize five (3 members/2 staff) to attend the CPTC. Raus seconded the motion and the vote was unanimous with all in favor.

#### **Minutes.**

None.

#### **Invoices.**

1. \$300- CPTC- Citizen Planner Training Collaborative admission for five.
2. \$675- AppGeo GIS services. Parcel Updates.
3. \$234.80- WB Mason office supplies.

Raus motioned to pay the three invoices listed above. Ostroff seconded the motion and the vote was unanimous with all in favor.

**Executive session to discuss possible litigation.**

No Executive Session was held.

**ADJOURNMENT**

Members unanimously voted to adjourn 8:10 at p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk