



**TOWN OF WESTPORT**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**March 11, 2014**

Chairman James T. Whitin called the meeting to order 6:00 p.m. with Vice-Chairman William Raus, Clerk Elaine Ostroff and Town Planner James K. Hartnett in attendance. Member David Cole was absent.

**Approval Not Required (ANR). Parsons (14-007A).** Request by applicant for endorsement of a two lot plan of land at 337 Pine Hill Road Map 37, Lots 6, 7, & 9. Sean Leach of SITEC Inc. made the presentation to the Board for the two lot ANR.

Lot 1 has 62,897 s.f. all are uplands and 192.38' of frontage using the radius of the curve. The building inspector submitted a letter stating that they cannot use the curve as frontage along Pine Hill Road. Parcel A has 625,584 s.f. and greater than 30,000 s.f. of uplands. Parcel A is unbuildable until adequate access is provided.

The existing roadway along the southerly border of the parcel was approved in 1973 by the Planning Board. Lot 1 meets the minimum frontage requirements of the local zoning bylaw 253.23' plus 47.96' on radius. The existing house accesses the way from the proposed frontage shown on the plan: 337 Pine Hill Road has access to the unnamed road and also has access to Pine Hill Road; Parcel A is considered non-buildable. The way on which the proposed lots front, provide adequate access: the gravel drive (8'-12' wide) is in fair condition and is used daily to provide access to the existing house on the rear lot. Lot 1 has practical access from the way to the buildable portion of the lot.

Raus motioned to endorse the plan entitled Approval Not Required Plan of Land in Westport, MA prepared for Dave Parsons & Polly Harrison, dated January 17, 2013, because it complies with the provisions of MGL ch 41 Section 81P. Ostroff 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 and February 25, 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.

Dan Aguiar from SITEC Inc. made the presentation of the revised plans based on Tibbetts Engineering review and the lighting plan. He addressed changes in the revision that included the gated access from Forge Road. The applicant will address the Boards' concerns by restricting access with a gated entrance as well as create a paved apron at this access and placing landscaping in the areas that are currently used as access. With regards to the frontage along the Route 6 area: the strips as depicted will be lawn with low growing plantings to include mulch and stone. Whitin asked about the barrier along Route 6 and how would they keep others from driving on the grass. Aguiar stated they cannot put up a barrier but offered additional signage

such as “no parking”. He stated that Mass Highway will not allow them to place a berm or place plantings in the state highway layout. Whitin asked about sidewalks. Aguiar stated that there is nothing on Route 6 with sidewalks in this area. Aguiar stated he would not encourage pedestrian traffic in this area of the state highway as it is very dangerous and it would be better to let the state address that.

Whitin next reviewed the Tibbetts report dated March 10<sup>th</sup>, 2014. Revisions on the plan include a note indicating the status of the wetland delineation; a 30 foot wide drainage easement per state drain line; fire protection will be deferred to the Westport Fire Department; directions markings and signage have been added to the plans; instead of bollards or guard rails as suggested by Tibbetts, lawn and existing cement blocks on site will be used; lamp lighting will maintain a 60% tilt so as not to shed onto the state highway or abutters and will illuminate the parking area with building mounted lights downward facing; drainage and design calculations comments are in agreement; MDC style gas traps have been required prior to garage floor drain discharges to holding tanks and Tibbetts defers this to the Westport Plumbing Inspector.

Town Department second reviews were received from the Board of Health, recommending approval; Building Department, recommending approval and the Fire Department recommending approval with comments.

The formal list of waivers requested are:

1. Section 20.5B Waive the requirement of pedestrian connection between the roadside sidewalks and the entries to buildings and within parking areas.
2. Section 20.5C Waive the requirement for a sidewalk along streets used.
3. Section 20.5D Waive the requirement for a five foot separation between sidewalks and roadways.
4. Section 20.6.1.c. Waive the requirement of 20 foot wide street frontage landscape buffer thus waiving the requirement of the required low shrub plantings and shade trees at 30 foot intervals.
5. Section 20.5B Waive the requirement of 150 sq. ft. of planted area for every thousand ft. of parking and also one shade tree for every 10 spaces of parking.

Hartnett read the proposed Findings of Facts and Conditions into the record:

Findings of Facts:

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Buffer for abutters has been adequately addressed &/or provided as required under Zoning By-law §15.4.2. Lighting specifications and photometrics are noted in the plan set and are adequate for the building and parking areas.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. Provisions have been made for off-street loading and unloading as required under Zoning By-law §15.4.3.
3. The project as presented provides an adequate arrangement of parking and loading spaces in relation to proposed uses of the premises. The zoning requirements for parking are met by the plan as presented as 28 are required, 30 are proposed including 4 handicapped spaces as shown on the plan.
4. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.

5.The project as presented complies with all applicable requirements of this By-Law, the Rules and Regulations of Site Plan Approval, and the Rules and Regulations Governing the Subdivision of Land (to the extent applicable), unless explicitly waived by the Planning Board.

Proposed Conditions:

- 1.The applicant, and any successor in interest, agrees and shall, as a condition of this approval, install and maintain the storm water and septic systems at all times. In addition there shall be no negative impacts off-site resulting from storm water or wastewater.
- 2.Any changes to the approved site plan shall require additional Planning Board approval.
- 3.Light poles shall not be used for advertising, including banners and flags.
- 4.Prior to commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The applicant shall be responsible for reasonable cost associated with construction observation/inspection services during the construction phase.
- 5.Upon completion of the construction, the applicant shall submit an as-built plan to the Planning Board for review and approval.
- 6.The storage trailers shall be removed from the site prior to the issuance of an occupancy permit.
- 7.The loading and unloading of vehicles shall only be done on-site.
- 8.Additional landscaping along the frontage and easterly side.
- 9.An easement will be granted to the Town of Westport for a minimum of 20 feet for the drainage.

Aguiar noted that regarding item 3 in the Proposed Conditions, they would be within the by-laws and other dealers along Route 6 use this practice. Members removed item 3 pertaining to light poles.

Ostroff motioned to approve the Site Plan entitled Prestige Auto Mart, 1175 State Road, Westport, dated May 6, 2013, and revised through March 11, 2014 subject to waivers, findings of facts and conditions as stated. Raus seconded the motion and the vote was unanimous with all in favor.

**Orlando Estates – Romano Village Drive and Paul Drive.** Request for non-binding recommendation for street acceptance.

Mr. Edward Avilla was present before the members to recommend the Board approve the roadways for acceptance. Hartnett explained that Tibbetts Engineering is scheduled to make a site visit to obtain a more definitive list of what is yet to be completed. Wayne Sunderland spoke on behalf of the residents and recommended a conditional approval subject to Tibbetts' final review. He noted that Lot 4, approved in 1998, does not have adequate frontage and would be subject to Zoning Board of Appeal review. He stated the residents have made every effort at their cost to have this roadway completed and accepted notwithstanding the inadequacy of the lot frontage. Hartnett stated that there is approximately \$3,500 in the performance account and has prepared an agreement for the transfer of these funds. The agreement was sent to George Foster, treasurer for review and approval by Town Counsel.

Raus motioned to make a non-binding recommendation to the Board of Selectmen for Romano Village Drive and Paul Drive, that these streets should be accepted at Annual Town Meeting

after the roadways meet the requirements under roadway construction standards as stipulated in the Planning Board Rules and Regulations for Subdivision Control prior to Annual Town Meeting.” Ostroff seconded the motion and the vote was unanimous with all in favor.

### **ADMINISTRATIVE ITEMS**

a. Budget update. Hartnett reviewed the letter of explanation for overtime that was submitted and went before the Board of Selectmen last night.

b. Master Plan update. Hartnett stated the Master Plan Subcommittee’s first forum will be held at the Westport Public Library on Saturday April 12, 2014 from 9:00-12:30 p.m. and is open to the public. The Sub Committee is looking for public input. The three chapters to be reviewed are Natural Resources, Open Space & Recreation and Water, Wastewater & Stormwater. Horsley Witten was hired to facilitate this forum, a first of four.

c. South Eastern Massachusetts Commuter Rail Task Force. Wayne Sunderland was present as the appointed rep. He brought material he had saved for the next person that will be appointed now that he is no longer a planning board member.

d. South Coast Rail Technical Assistance Grant – Route 177. Hartnett stated that he spoke with Paul Mission at SRPEDD and the preliminary meeting date is the week of April 14-17. Whitin suggested there be someone from Economic Development invited. Raus felt that there would be more community members interested in attending.

e. CZM Resiliency Grant – Hartnett stated that the grant was submitted last week to research the effects of storms and intensity of storms along East Beach. Hartnett completed and submitted a CPC project submission request for matching portion of the grant funding for 25% of the funds. Raus will bring this to the CPC at their meeting this week.

### **Town Planner report.**

a. Spinnaker Way. The revised easement as the conditions of approval was approved by Town Council. The next step requires BOS signature. Whitin motioned to forward to the BOS for approval and endorsement. Raus seconded the motion and the vote was unanimous.

b. Town street mapping. Hartnett explained there is a possibility of cooperation among departments to acquire a base map so all streets can be printed and distributed to other departments as needed. Ostroff motioned to support this project. Raus seconded the motion and the vote was unanimous.

c. Hartnett stated that the Master Plan Horsley Witten contract was signed by the BOS and was sent to Horsley Witten for their signature.

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

1. Plan layout at the Routes 6 & 177 juncture. Wayne Sunderland provided his opinion stating that the State and local highway departments need to have input especially with regards to drainage and safety. He offered to provide assistance with this if the board so requested. With regards to the curbing, the Fire Department also would need to weigh in. He noted the curb cut on the north-west side is very sharp and should be more gradual. That particular intersection has been an issue with safety due to the numerous accidents. He noted that there may be an infringement over property lines according to this plan. Hartnett stated that this is at the very early stages of design. The local ConCom will also need to provide approval.

2. CPTC conference this weekend. Members discussed the logistics for those attending.

3. Ostroff noted the Candidate’s night coming up on Wednesday March 19 at 6:30pm moderated by Karen Powel at the Westport High School.

4. Hartnett gave thanks to Valerie Bain for helping to move the wires from in front of the table and for installing a speaker in the room for better acoustics for the hearing impaired.

**Correspondence.**

Whitin noted that the Planning Board responded to a letter from the Board of Selectmen asking about the budget. The Planning board informed the BOS that the Planning Board will continue the practice of authorizing overtime up to 5 hours per pay week as needed. Ostroff stated that the Town Administrator was made aware of issues that did not comply with the Fair Labor laws. Raus requested that this be further discussed in executive session at the next meeting.

**Minutes.**

March 4, 2014 Regular & Public Hearing.

Ostroff motioned to approve. Raus seconded the motion and the vote was unanimous.

**Invoices.**

None.

**ADJOURNMENT**

Members unanimously voted to adjourn at 8:22 p.m.

Respectfully submitted,

Lucy Tabit, Assistant Town Planner