



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

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**PLANNING BOARD MEETING MINUTES**

**October 17, 2017**

Chairman James T. Whitin called the meeting to order at 6:05 p.m. with Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance.

**Reorganization.**

Members tabled this item to the next meeting.

**Approval Not Required (ANR) Ferry (17-016A) Request by applicant for endorsement of a 3-lot plan of land located at 610 Gifford Road, Assessors' Map 33, Lots 101 & 101A.**

Sean Leach of SITEC was present. He explained the purpose of this plan is to create a new buildable lot. Parcel A and C will be transferred to the Ferry's allowing them to divide their property into two lots (Lot 1 & 2). Parcel B will be transferred from the Ferry's to the Sullivan's to maintain a conforming lot. Leach noted the two lots belonging to the Ferry's are in Ch61A. Cole questioned the proximity to Bread & Cheese Brook and asked about drainage direction. Leach explained the drainage would flow to the road and then to an overgrown detention pond. The existing lot will be increased to make it less non-compliant with zoning.

Hartnett stated that the Lots 1 and 2 meet the minimum requirements for frontage and area and once the parcels are conveyed all lots will be in conformance and recommended endorsement for approval not required plan.

	Frontage	Area	
Lot 1	150.16	149,875 s.f.	all uplands
Lot 2	150.00	140,850 s.f.	all uplands
Existing Lot	230.79	46,417 s.f.	all uplands

Sousa motioned to endorse the plan entitled "Approval Not Required Plan of Land in Westport, MA" prepared for Michael Ferry., Dated May 27, 2017, because it complies with the provisions of MGL Ch. 41 Section 81P and is not a subdivision as defined under the subdivision control law. Cole seconded the motion and the vote was unanimous with all four in favor.

**Private Acres (99-005C) Request by Palmer River Development Co, LLC to change the surface coat of Walter's Way from gravel to pavement.**

Matt Antonio was present. He stated that after discussion with Hartnett and the Review Engineer over the thickness of the asphalt, they are prepared to pave a 3" course of asphalt if the Board would approve it.

Hartnett stated that the developer, Matt Antonio has requested to pave Private Acres/Walter's Way. Originally, he had proposed the installation of 2" binder course, he is now proposing to install 3" of asphalt. This is consistent with Tibbetts report dated August 2, 2017, reviewed the paving request and recommended 3" of asphalt to be consistent with the Subdivision Rules and Regulations in place at the time of the subdivision approval.

July 7, 2017, Prime Engineering Letter –Robert Forbes from Prime Engineering reviewed the design and as-built conditions of the subdivision and stated that it is his opinion that the paving of the roadway will have a negligible impact on the site's hydrology. There is a decrease in runoff under all of the storm events and the only difference would be in the freeboard in the detention basin would be reduced from 0.9 feet to 0.8 feet when subjected to the 100 year storm event."

Antonio stated they have been maintaining the road, grass and pond. However, there has not been any activity for some time. He stated that the utility poles are expected to be moved any day and is prepared to pave the road later this month.

Hartnett stated this is off Old County road where most roads are paved unlike the more rural areas. One abutter has complained about the dust. Hartnett stated that paving would be easier for the homeowners. He also noted that paving would increase drainage. There is a letter from Prime engineering with a review for drainage, which indicates that there is a reduction of less than 2 inches. There were no abutters present but they were notified. He noted that in this area pavement would be preferred.

Hartnett read the Tibbetts report dated August 2, 2017 where it is recommended that there be 3" of MassDOT HMA Surface Dense Binder and Top.

Antonio stated he wants to put in 3" binder and the current owner from Lot 3 would like this paved and noted that the lots would be sellable if this were paved.

Whitin asked how 3" of binder would survive the weather and over time. Hartnett stated he is aware of some roads with 3" binder and suggested that from his experience it would hold up but overall recommended a better product of 1.5 " binder and 1.5 " top.

Whitin suggested a 20 ft travelled way around the cul-de-sac. Antonio was in agreement to reducing pervious surface. Sousa noted the Fire Department has larger requirements. The current cu-de-sac is 49 feet.

Hartnett stated that if the shape of the cul-de-sac is changed, the drainage would also change. Antonio stated that he would like to complete this project this fall before the asphalt plants close.

Whitin asked Antonio if he would look into asking his designer about placing an island in the cul-de-sac reducing the s.f. of pavement and replacing with plantings.

Sousa motioned to approve the request of Palmer River Development Co, LLC to change the surface coat of Walter's Way from gravel to a minimum of 3" of pavement." Deregó seconded the motion and the vote was unanimous with all four in favor.

Mr. Antonio stated he would look into leaving the center of the cul-de-sac unpaved and get back to the Board. It was noted that this would require abutter notification and drainage calculations.

**Gulf Holdings Westport LLC - Westport Gas Rt 177 (17-006SPA). Request by applicant for final approval.**

Developers Richard Carrigg and Gary Michael were present.

Hartnett stated the applicant has requested final release of the site plan for 634 American Legion Highway for a gas station site. Hartnett read Tibbetts report dated October 12, 2017 into the record.

George Mello from Tibbetts Engineering inspected the site and prepared a report dated October 12, 2017. The letter identified two changes that should be made to the as-built plans. A note referring to HMA binder at the entrance and additional information regarding the bench mark needed to be provided. These changes were made on revised as-built plans submitted on October 13, 2017.

It appears that the project has been completed in accordance with the approved plans. Hartnett recommended final release of the site plan and release the final consultant review funds after the final Tibbetts bill is paid.

Cole motioned to grant the request of Gulf Holdings Westport LLC for final release and approval of the Site Plan and release of the remaining consultant review funds after final to Tibbetts. The project was built in substantial conformity with the design plan.

Seconded by De Rego. The vote was unanimous with all voting in favor.

**First Bristol Corp. (10-009SPA) Request by applicant for release of surety funds for completion of project.**

The applicant has requested final release of the project.

Hartnett stated he received an e-mail late this afternoon that the applicant was not able to make it and if the Board continued this request to the next meeting, he would be fine with it.

First Bristol has completed the punch list items identified in Tibbetts letter dated September 18, 2017. Hartnett read the Tibbetts report into the record. All items are complete except for the catch basin cleaning. Hartnett suggested releasing the project contingent on the cleaning of the catch basins.

Whitin asked that Hartnett perform the inspection of the basins.

Cole motioned to grant the request of First Bristol Corp. for final release and approval of the Site Plan and release of the surety and remaining consultant review funds after final payment to Tibbetts and after cleaning of the catch basin's cleaning. The project was built in substantial conformity with the design plan. De Rego seconded the motion. The vote was unanimous with all in favor.

**Administrative Items.**

- a. Recreational Marijuana.

Hartnett shared slides he received from the seminar he attended on October 3, 2017. He noted that the deadlines do not coincide with ATM. The regulations are expected in March which makes it too late to comply with requirements for inclusion of any zoning amendments in the warrant for the May Annual Town Meeting. The Attorney General will not allow a moratorium past December 2018. Hartnett described all the considerations. He also noted that the state regulations exclude from agricultural uses, the growing, cultivation and dispensation of marijuana. Marijuana is not considered an agriculture or agricultural use or activity, nor is it considered a farm enterprise or farm related experience. Therefore, there would be a need to revise and update the Agricultural by-laws.

Hartnett stated that a moratorium may need to be extended to June 2019 in order to get through the requirements and wait for guidance from the State.

It is also possible that the medical marijuana by-law would roll in the recreational component so there would only be one by-law for both

- b. Tibbetts Contract. A “cc” copy of a letter addressed to the Town indicated that SW Cole Engineering has purchased Tibbetts Engineering. No change in staff, name or address will occur.

#### **Town Planner report.**

- a. Hartnett noted that the Hugh Morton, the FinCom rep met with him and Whitin earlier today. The FY19 proposed budget was reviewed. Morton will schedule a meeting between the Planning Board and FinCom on November 28, 2017 at 7 pm.
- b. Hartnett stated an attorney from Boston on behalf of an interested party contacted him earlier today wanting to set up a meeting with him and the Town Administrator to discuss a medical marijuana enterprise on Route 6 between Sanford Road and Route 88. He stated the attorney has already written to the BOS to see if they would support the proposal. Hartnett noted that according to the State, once medical marijuana is established, recreational marijuana can be brought in if certain criteria are met – criteria which have not been established yet by the State.
- c. Hartnett attended a CZM workshop with the ConCom agent this morning. CMZ and DEP have new guidelines for regulating coastal dunes and coastal banks (also called primary, secondary dunes etc depending on proximity to the shoreline). The top of the bank is measured by a greater than 10:1 slope but there are other equations to consider. Hartnett stated that the A-zones would be re-regulated according to DEP as these may not be subject to wave action. They are going to be meeting with consultants in the next few months to update the regulations.
- d. Hartnett met with Andrew Sousa regarding catch basin hoods and risers. He has reached out to George Mello of Tibbetts Engineering. Hartnett spoke with Greg Nicholas from MassDOT. MassDOT uses the “Eliminator” which separates oils and solids. Sousa stated that the plastic will easily break under a plow. Risers are being looked at also as the asphalt does not have to be dug up. Hartnett suggested looking at these so they can be at grade and plowed over.

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

Whitin noted the new application for a solar farm on the east side of Horseneck Road from Clean Energy Collective; its placement is off the road. Discussion ensued over engineering review. Whitin suggested using someone new, so that the Town is not always using the same company.

Hartnett noted there is a new site plan submission for Route 6 west of the car lot that was approved at the last meeting.

**Correspondence.**

Tibbetts reports for periodic inspections of open projects. No action is required, reports are provided for the information of the Board. Noted.

**Minutes.**

October 10, 2017

Cole motioned to approve. Seconded by De Rego. The vote was unanimous with all four in favor.

**Invoices.**

Postage - \$350.00.

Sousa motioned to approve. De Rego seconded the motion and the vote was unanimous with four in favor.

**ADJOURNMENT**

Members unanimously voted to adjourn at 7:22 p.m.

Respectfully submitted,  
Lucy Tabit, Assistant Planner