



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

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

## **PLANNING BOARD**

### **PLANNING BOARD MEETING**

May 18, 2021

Chairman Jim Whitin called the meeting to order at 6:00 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett were in attendance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:

An audio recording of this meeting will be posted on the town's website. [www.westport-ma.com](http://www.westport-ma.com))

### **Call to order 5:30 p.m.**

#### **1. East Beach Corridor Study (MVP Grant) – Presentation**

Bullard opened the meeting by thanking the Committee members for attending the meetings, members of the public for their contributions, and Nassar Brahim and Joe Family from The Woods Hole Group.

Joe Famely from The Woods Hole Group was present virtually. He mentioned the MVP Municipal Vulnerability preparedness program was funded through this action grant to evaluate the vulnerability of the East Beach Corridor and made recommendations for the future. This was Westport's first action grant and Hartnett served as Project Manager and John Bullard served as the Chairman.

Nassar Brahim was present virtually and reviewed the slide presentation that discussed the changes over the years and what the impacts would be for the future. His suggestions were to establish an exit strategy for the people on East Beach and Cherry and Webb Lane, add water level trackers on Gooseberry Island and the causeway, and recommended elevating East Beach Road and the coastal dunes on the abutting properties. Brahim mentioned this work may be eligible for some government grants.

Whitin asked if the MVP program would help fund the climate action plan. Brahim commented it would be a possibility if it was worded properly. Cole stated that the study is very good.

### **Motion**

Bullard moved to accept the report of the committee with its recommendations and forward the report to the Selectboard. Seconded by Schmid. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **Motion**

Bullard thanked the Committee, the Town Planner, and The Woods Hole Group for delivering the report to the Planning Board. Seconded by Schmid. Whitin asked that the motion be amended to include all the participating citizens. Bullard and Schmid accepted the amendment. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**Call to order 6:00 p.m.**

**a. Master Plan Update – Ad hoc cable committee funding request**

David Cole of 2037 Main Road, Kathy Lanier of 1794 E Drift Road, and Sue Daylor of 1800 Drift Road were all present virtually.

Cole, Lanier, and Daylor are members of the Broadband working group. They are requesting funding from the Planning Board for interns who will collect email addresses from Survey Monkey to gather feedback from residents and businesses on how the current internet service is working for them.

Whitin asked if the survey will focus on the internet side of broadband and would that include streaming services and how the \$2,500 will be used. Ms. Lanier commented the streaming services will be included. She added the \$2,500 will be used for the interns to gather email addresses from Westport businesses.

Cole mentioned the Broadband group intends to be on the Board of Selectmen's next meeting agenda to inform them of the survey and to get their approval.

**Motion**

Schmid motioned to approve the sum of up to \$2,500 from Professional Services or the salary account to be used by the Broadband Working Group. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**2. Administrative Items**

**b. Oakridge Estates (06-001SP) – Inspectional Services Account Discussion**

*No action is needed at this time.*

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

**3. Isidoro Court (21-001C) (continued from March 23, 2021, April 20, 2021)** Request by the applicant to consider a definitive subdivision plan entitled **“Definitive Subdivision Plan of Isidoro Court in Westport, Massachusetts”** prepared for **Anthony Medeiros** and located at 93 Fisher Road, Map 40 Lot 30D, proposing to divide the property into two (2) lots.

**Motion**

At the request of the applicant, Bullard moved to grant the time extension and continue the hearing to July 13, 2021, at 6:45 p.m. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

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

**4. 431 Fisher Road LLC (20-002C) (continued from February 9, 2021, March 23, 2021, April 20, 2021)** Request by the applicant to consider a definitive subdivision plan entitled “Definitive Residential Subdivision off Fisher Road Westport, Massachusetts” prepared for Ronald Oliveira, 5 Archers Way, Acushnet, MA 02743 and located between 389 Fisher Road & 431 Fisher Road, Assessors Plat 41 Lot 22 proposing to divide the property into seven (7) lots.

Tom Morris of Zenith Consulting Engineers was present virtually representing the applicant.

Morris is requesting a waiver to control run-off volume from pre-to post-conditions to shrink basin 1 in size and in-depth. He mentioned the discrepancies that Mr. Daylor mentioned at the last meeting have been addressed. Morris asked to change piping from RCP to HDPE piping to eliminate the cover requirement, this would allow the pipe to be raised eliminating the need to surcharge the pipe.

Hartnett mentioned the Department Reviews were read at the April 20, 2021 meeting.

**Department Reviews**

**Board of Health – Recommends Approval**

**Board of Selectmen** – No Comment

**Building Department** – No Comment

**Conservation Commission** – *Approval with Modifications – this is not an approved wetland delineation. The Planning Board should require wetland lines to be approved prior to any Definitive Plan Submittal. This will ensure the lots have the required amount of uplands.*

**Disability Commission** – No Comment

**Zoning Board of Appeals** – No Comment

**Assessor's Department** – Recommends Approval

**Fire Department** – *The roadway site plan shall comply with 527 CMR CH18.2. A road width of 40 feet was noted. A minimum cul-de-sac radius of 70 feet, not including the berm edge was noted. The Center of the cul-de-sac shall remain free from obstructions that prohibit emergency vehicles from a complete turn. Please consider a gradual berm edge (Cape Cod Berm Mass.gov).*

*In accordance with the Fire Protection Regulation 100, subsurface water storage tank(s) shall be installed within 750 feet of a structure. A fire department permit is required prior to the installation. The water storage tank shall be protected, filled, dressed with the appropriate appliances, and in-service prior to occupancy. The Fire Department shall inspect the water storage tank(s) prior to occupancy. Street signs and house numbers shall be installed prior to the final occupancy of any structure.*

**Highway Department** - No response

#### **Staff Comments** Definitive Subdivision Fisher Road

Hartnett commented there were a few minor edits on the plans that need to be addressed such as adding the Planning Board signature block and added at some point to file for a Special Permit Inclusionary housing with the Building Inspector.

Hartnett read S.W. Cole's comments dated May 17, 2021, into the record.

Whitin opened the meeting for public comments; there were no comments from the public.

#### **Waiver**

1. (Sec IV.D.2) Waiver of 10-year volume control

Hartnett read the Conditions into the record.

#### **Conditions**

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association. All purchasers of land within the subdivision shall be required to belong to the Homeowners Association
  - a. The Homeowners Association shall be responsible for the maintenance, repairs, and plowing of the subdivision roadways unless accepted by the Town.
  - b. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing, and replacing said drainage systems, as necessary, unless accepted by the Town.
  - c. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant.
  - d. The Homeowners Association shall be responsible for the permanent maintenance of the center island in Stacy Lane
2. Road Maintenance and Snow Removal: Applicant shall be responsible for periodic maintenance and snow removal until such time a properly funded Homeowners Association is created and is properly functioning.

3. Fire Protection: Access to/from the fire protection tank must be maintained at all times for Fire Department use in the event of an emergency.
4. Roof run-off recharge systems are required for each dwelling.
5. Construction work on the subdivision road and utilities shall only be done between the hours of 7:00 a.m. and 6:00 p.m., Monday - Saturday.
6. The applicant shall provide the Town legal access to the proposed stormwater and fire protection systems.
7. The plan shall include a note on the recordable plan stating "No dwelling shall be built on any lot without first securing from the Board of Health a permit for an approved Title-V compliant Soil Absorption septic disposal system"
8. Final Review and approval from S.W. Cole Engineering

### **Motion**

Daylor moved to approve the definitive Subdivision plan and Site Plan with the waiver to include the volume retention for the plan entitled "Definitive Residential Subdivision off Fisher Road Westport, Massachusetts" prepared for Ronald Oliveira, 5 Archers Way, Acushnet, MA 02743 and located between 389 Fisher Road & 431 Fisher Road, Assessors Plat 41 Lot 22 proposing to divide the property into seven (7) lots subject to waivers, conditions, and edits. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **5. Planners Report**

Hartnett stated that the response to the Expression of Interest Grant for the Route 6 sewer design was received and a letter of acknowledgment and support will be required from the Board of Selectmen before the deadline of June 4, 2021. Hartnett to write a letter to the Board of Selectmen for approval.

- MS4 – Mass Maritime was in town this week working with the Buzzards Bay National Estuaries project doing work on the North and South Side of Route 6 including side streets with assistance from the Highway Department personnel.
- Kleinfelder is also working with the Buzzards Bay Group to gather information for their year-end report.
- Hartnett went over the EPA's response to the MS4 final audit report he received.
- Hartnett and Alex Gorodetsky met at Walter's Way on May 17, 2021, to discuss the best way to complete the subdivision. The Planning Department has \$25,000 - \$30,000 in surety and \$1500 in the Inspection account, which may not be sufficient to complete the project. Hartnett stated that a neighbor has \$10,000 in an escrow account. He stated that if the property owner had not done the additional drainage work, there would have been enough money to complete the project.

### **6. Correspondence**

- a. Westport/Fall River Zoning Board of Appeals – Noted.

### **7. Minutes**

May 11, 2021

### **Motion**

Bullard moved to approve the May 11, 2021 minutes as written. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **8. Invoices**

- a. Planners monthly phone expenses (March/April) \$100
- b. Planners Mileage (Feb/Mar/Apr) \$47.88

### **Motion**

Daylor moved to approve the Planners invoices for a total of \$147.88. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

Whitin and Hartnett met with Town Moderator, Steve Fors, to discuss the four Marijuana Zoning Articles that will be aired on the Westport cable channel.

The next work session meeting will be on June 1, 2021, at 4:00 p.m. to present the articles.

**Adjournment**

The members unanimously adjourned at 7:52 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II