



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

June 15, 2021

Chairman Jim Whitin called the meeting to order at 6:03 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares and Town Planner James Hartnett were in attendance. Mark L. Schmid was absent.

A video recording of this meeting will be posted on the town's website. (www.westport-ma.com)

Call to Order at 6:00 pm

1. Administrative Items

Whitin opened the meeting asking for a moment of silence for the passing of a long-time employee and past Planning Board employee, Lucy Tabit.

- a. Approval Not Required (ANR) Plan of Land dividing Plat 69 Lot 12 in Westport, MA (21-012A)**
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.

Sean Leach from Northeastern Engineers and Consultants was present representing the applicants. He mentioned the applicant is requesting to divide the property into two lots leaving the existing single-family dwelling on one lot and transferring Parcel A to the abutting property (Map 69 Lot 12A). Parcel A would not be considered a buildable lot due to lack of frontage.

Hartnett commented the plan appears to meet the minimum requirements for Approval Not Required Endorsement.

Motion

Bullard moved to approve the endorsement of the plan entitled "Plan of Land Dividing Plat 69 Lot 12 in Westport, MA" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all 5 members in favor.

- b. Approval Not Required (ANR) White Oak Run (21-013A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located between 36 White Oak Run and 453 Fisher Road, Map 41 Lot 19.

Gregory Nicholas of Southcoast Engineering was present on behalf of Haven Home Builders, Inc. He mentioned the applicant is looking to divide the property into two lots, the odd-shaped lots do appear to meet the minimum requirements for Approval Not Required Endorsement.

Whitin asked if the Flexible Frontage By-Law was considered for these parcels. Nicholas stated the lots would be very similar under that scenario.

Motion

Bullard moved to approve the endorsement of the plan entitled "Plan of Land White Oak Run, Westport, MA Haven Home Builders Inc." because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

- c. Pre-Application Consultation (21-001PAC)** Request by Silverback Construction, Inc. to discuss developing a 4,000 sf commercial building for their existing construction business with a small office on the second floor.

Steve Gioiosa from Sitec, Civil Engineering Consultants, Inc. was present representing the applicants. Gioiosa mentioned the applicant is looking for some general feedback on their proposed construction building with an office on the second floor. He mentioned the property is in the business zone and would access the property from Cheryl's Way off Rt. 177. The garage would be 4,000 square feet for interior storage for his construction materials and 1,500 square feet for second-floor offices.

Whitin advised contacting the Zoning Enforcement Officer to see whether zoning permits residential and a business to be on the same site.

Whitin asked if the number of parking spaces and setbacks complied with the regulations. Gioiosa responded that they are in compliance and are not looking for any waivers at that time.

Gioiosa asked if the Board had any surface suggestions on what they would require to access Cheryl's Way from Route 177. Soares recommended paving up to the turn-around. Daylor agreed.

Hartnett read additional requirements that should be included in the plan:

1. Drainage will have to be addressed, there will be about 16,000 sf of impervious area that will have to be mitigated.
2. Plan should show access to the existing structure.
3. Landscaping, buffer, and screening
 - Perimeter landscaped buffer of 10' and 20' along any public way.
 - Parking areas with more than ten (10) spaces shall contain 150' of planted areas for every 1,000 sf of proposed parking.
 - Lighting would need to be shown
 - Signage should be shown on the plans.

d. Lawton Trust (03-009C) Release of lots.

Hartnett commented S.W. Cole recommended a surety of \$167,600 based on their site visit in August/September 2020. He mentioned that there is approximately \$215,000 in the Consultant Review account. Hartnett read the S.W. Cole letter dated May 27, 2021. Bob Carrigg is aware of the various items that need to be addressed, according to Hartnett.

Motion

Bullard moved to release all of the lots from the restrictions of the Form F Covenant dated: January 22, 2004, for the Definitive Subdivision Plan entitled: "Definitive Plan of Land Plat 61, Lots 15A, 15B, 17 & 18 in Westport, MA". Seconded by Daylor with all five members in favor.

e. Francis Estates (17-016C-SP-IH) Request for a 6-month extension of the Special Permit Inclusionary Housing for Francis Estates, ELJ Inc.

Attorney Richard Burke from Beauregard, Burke, and Franco was present on behalf of his client. Attorney Burke stated that a request for a six-month extension was submitted on May 18, 2021, before the Special Permit Inclusionary Housing's expiration date of May 29, 2021. Whitin asked what the Good Cause was for not being able to move forward. Attorney Burke mentioned it was due to the Covid-19 pandemic.

Motion

Bullard moved to grant a six-month extension for the Inclusionary Housing Special Permit, Notice of Decision dated May 29, 2018 and recorded in the Bristol County Registry of Deeds Book 13638, Page 72. Seconded by Daylor with all five members in favor.

f. Plat 21 Lot 5C (01-004C) Closeout and release Consultant Review balance plus interest of \$1650.90.

Hartnett stated the balance of \$1,600+ has been on the books since 2006 with no activity on the subdivision. John Carrigg was notified a couple of months ago and he did express some interest in continuing work on the

subdivision but has not done so. Hartnett recommended closing the account and returning the balance and interest to the applicant. If the owner wants to move forward with the development in the future, he would need to redeposit funds in the inspection account.

Motion

Bullard moved to release the inspection funds of \$1,650.90 + interest for Plat 21, Lot 5C. Seconded by Daylor with all five members in favor.

2. 6:15 p.m. Public Hearing **NONE**

3. 6:45 p.m. Public Hearing **NONE**

4. Planners Report

Hartnett updated the Board on the following items:

- a. Walter's Way** – Hartnett spoke with Alex Gorodetsky and he should have a completed plan by next week showing some minor revisions to the design. This was requested by the neighbors living in the subdivision. Hartnett went on to say that he spoke with the attorney of the previous applicant, and they agreed to release the Consultant Review funds to finish the road construction.
- b. Coastal Healing** – Hartnett mentioned he received revised plans, however, the plans did not show the sidewalk along the street line to the bus stop. Hartnett explained that one of the conditions of approval required this sidewalk. Coastal Healing will need to submit the plans to MassHighway because the sidewalk is within the layout.
- c. Town Meeting** – Town meeting approved the salary for the Assistant Planner position. Hartnett is working with Tim King to finalize the salary for the position. King does not think it needs to go back before the Selectboard to approve the posting. The town meeting also approved the Budget and the \$350,000 borrowing authorization for the Route 6 Sewer design.
- d. Rural Community Grant** – A grant application was filed with the state on June 3rd, requesting \$380,000 for the design and permitting of Phase I sewer along the Route 6 Corridor. A copy of the application is in your packet.
- e. Conference Room Chairs** – Nadine ordered three chairs for the conference room hearing table. *Noted.*
- f. Vacation schedule** – staff and board members. *Noted.*

Bullard suggested starting discussions regarding modifying the Solar Zoning By-Law to restrict industrial solar projects to business areas, such as atop commercial buildings or parking lots, to prevent clear-cutting of trees. Whitin mentioned that issue is being addressed in the Master Plan Land Use chapter update.

Hartnett added the Master Plan Update Committee was looking for Planning Board to reaffirm their vote to sponsor the Survey that will be distributed through Survey Monkey.

Motion

Schmid moved the Planning Board sponsor the Broadband Survey to be issued by the Broadband Working Group. Seconded by Bullard.

5. Correspondence

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

6. Minutes

- a. May 18, 2021
- b. June 1, 2021
- c. June 5, 2021

Motion

Bullard moved to accept the minutes of May 18th, June 1st, and June 5, 2021, as written. Seconded by Daylor with all five members in favor.

7. Invoices

- a. WB Mason – 3 Executive swivel chairs - \$427.47

Motion

Bullard moved to approve the WB Mason invoice of \$427.47. Seconded by Daylor with all five members in favor.

Adjournment

The members unanimously adjourned at 7:18 p.m.

Respectfully submitted,

James Hartnett, Town Planner
Nadine Castro, Assistant Town Planner II