



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

September 7, 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 in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – Meeting is being recorded.

Call to order 6:00 p.m.

1. Administrative Items

- a. Approval Not Required (ANR) Flexible Frontage Plan 795 Pine Hill Road Westport, MA (21-017A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 795 Pine Hill Road, Map 38 Lot 13.

Greg Nicholas of Southcoast Engineering was present representing the applicants, David and Paula Emilita.

Nicholas mentioned the Board previously approved the Special Permit Flexible Frontage and Common Driveway on July 13, 2021. Form A was submitted to create new property lines. Nicholas mentioned the potential buyers asked if the 40,000 sq. ft. building envelope could be divided into one 35,000 sq. ft. area and a 5,000 sq. ft. area to erect a barn. Hartnett suggested the Form A could be approved because it meets the requirements and then submit a revised plan showing the maximum clearing area and avoid going through the Special Permit process.

Whitin asked if the wetlands flagging were approved by ConCom. Nicholas responded, 2007 was the last time it was flagged.

Hartnett recommended approval of the Form A as submitted so it could be recorded at the Registry of Deeds. He added the new owners could return with a revised Flexible Frontage Special Permit plan showing how the 40,000 sf would be divided into the two areas.

Motion

Bullard moved to approve the endorsement of the plan entitled "Flexible Frontage Plan 795 Pine Hill Road Westport, MA" dated June 23, 2021, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

Motion

Bullard moved to approve the Flexible Frontage plan showing the revised clearing area of 40,000 sf contingent on the review and approval by the Board. Seconded by Daylor with all five members in favor.

- b. Approval Not Required (ANR) A.P. 40, Lots 35 & 36 Fisher Road Westport, Massachusetts (21-018A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 167 & 0 Fisher Road, Map 40 Lots 35 & 36.

Sean Leach of Northeast Engineers was present representing the applicant.

Hartnett commented the frontage and access are not being changed and meets the requirements of an ANR.

Motion

Bullard moved to approve the endorsement of the plan entitled “Plan Reconfiguring Assessors’ Plat 40 Lots 35 & 36 Westport, MA” dated July 28, 2021, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

- c. Approval Not Required (ANR) Approval Not Required Plan of Land in Westport, Massachusetts (21 019A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 512 River Road, Map 87 Lot 62.

Mark Boucher from Boucher and Associates was present representing Brian and Kristen Mullaney.

Boucher commented the existing house will be demolished and a new house will be built further East; Parcel A will be conveyed to the abutting neighbor to the South.

Motion

Bullard moved to approve the endorsement of the plan entitled “Approval Not Required Plan of Land in Westport, Massachusetts Prepared for Brian & Kristen Mullaney” dated August 12, 2021, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

- d. Lincoln Heights (19-003C-M)** Final release of subdivision and surety

Jodi Holmes of 78 Amory Pettey Way was present.

Hartnett referred to S.W. Cole’s letter dated August 16, 2021, that noted minor issues that needed to be addressed. The applicant has addressed the items and S.W. Cole has signed off on the subdivision.

Whitin suggested holding a homeowners association meeting once a year to discuss the funding to maintain the private road.

Hartnett recommended the final release of the subdivision, surety, and the balance of the construction review fees after the final payment to S.W. Cole.

Motion

Bullard moved to grant the final release of the Lincoln Heights Subdivision, the release of the surety for \$20,000 plus interest, and the release of the remaining funds in the construction inspection account after final payment to S.W. Cole. Seconded by Daylor with all five members in favor.

- e. Chapter 61A Release (21-006CH61A)** - Selectboard is requesting comments on the Release of Land owned by Hugh E. McGovern located at 0 Sodom Road, Map 60, Lot 2D (4).

Whitin remarked that he did not believe that the Town was interested in exercising the first refusal right.

Motion

Bullard moved to recommend to the Board of Selectmen the release of Assessor’s Plat 60 Lot 2D from Chapter 61A. Seconded by Daylor with all five members in favor.

- f. Watuppa Solar LLC (19-006SPA-LID)** – Request for a 1-year permit extension.

The applicant, Frank Epps, Westport Solar LLC has requested an extension of time on the Site Plan approval for the Solar Project at 309 Sanford Road.

Site Plan Approval shall lapse after two (2) years from the date of approval which was September 10, 2021, if a substantial use thereof or construction has not begun, except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

Motion

Bullard moved to grant a one (1) year extension for the Site Plan Approval of Frank Epps, Westport Solar LLC for property located at 309 Sanford Road. Seconded by Daylor with all five members in favor.

g. Climate Resiliency Letter – a recommendation to Board of Selectmen
Hartnett mentioned a review draft Climate Resiliency Letter, a copy was in the dropbox.

h. Coastal Healing (20-007SP-RM) – Sidewalk Plan Approval

The Board reviewed the sidewalk plan and all were in favor of the design.

Motion

Bullard moved to approve the Sidewalk Layout for Coastal Healing as required in the Special Permit Decision dated January 19, 2021. Seconded by Daylor with all five members in favor.

i. American Recovery Act Funding - (Kleinfelder contract) Bob Daylor and Jim Whitin will update the Board.

Daylor updated the Board on his meeting with the Board of Selectmen on using a portion of the American Recovery Act funding to advance the Route 6 trunk sewer survey. The Board of Selectmen agrees with the allocation of the funds.

j. Assistant Planner - recommendations to Board of Selectmen.
Whitin commented that the sub-committee of the Planning Board recommends to the Board of Selectman appoint Amy Messier as the Assistant Planner.

Motion

Daylor recommends the appointment of Amy Messier as the Assistant Planner to the Select Board subject to the resolution of final compensation. Seconded by Bullard with all five members in favor.

k. Town Planner - Posting/Advertising
Hartnett mentioned the Town Planner position has been posted on the Mass Municipal Association with a deadline of September 24, 2021.

l. Appointments - Long Term Building Committee.
Whitin proposed that Mark L. Schmid be appointed as the Planning Board's representative to the Long Term Building Committee. Schmid requested if he might have some time to talk with the committee's chairman about the time commitment.

Master Plan Update/Review Committee

Motion

Schmid moved to extend the appointments of the Master Plan Update/Review committee to June 30, 2022. Seconded by Daylor with all five members in favor.

m. Clean Energy Collective (15-006S) – Termination of Bond Notification

Hartnett reminded the Board this project was one of the first solar projects on Old County Road. He mentioned a \$10,000 bond was being held as surety to complete the landscaping.

John Aubrecht, Senior Vice-President of Navisun, was present and mentioned the Bond cancellation issue was for the former owner, Clean Energy Collective, not Navisun.

A site visit is scheduled for September 27th, to discuss recommendations of what could be done about the places where the clover did not grow. Whitin recommended bringing in a horticulturist or a landscaper to provide input.

2. Correspondence

- a. Brookwood Drive Solar (19-005SP) Borrego Culvert Installation email. Noted.
- b. Zoning Board of Appeals – Westport/Fall River. Noted.
- c. Chapter 91 License (21-019ACH91) – 236 Fisherville Lane- Schmid. Noted.

3. Minutes

- a. August 17, 2021

Motion

Bullard motioned to approve the August 17, 2021 minutes as written. Seconded by Daylor with all five members in favor.

4. Invoices

- a. Hartnett - Mileage for July-August – \$74.70
- b. Massachusetts Municipal Association – Assistant Planner advertisement - \$200.00

Motion

Bullard moved to approve both invoices for \$274.70. Seconded by Daylor with all five members in favor.

5. Planner's Report

a. Dual-Use Agriculture and Solar –

Hartnett placed a copy of the fact sheet and guidelines in the dropbox for review.

b. Cell Towers – Hartnett suggested setting up a meeting with Zoning Board representatives to discuss the concerns they had with the cell tower on Drift Road. Their concerns could be addressed when amending the Cell Tower By-law.

c. Walters Way – Hartnett commented the developer is pricing out the work from Alex Gorodesky's revised plan. He seems very interested in completing the subdivision if the neighbors are willing to cooperate with him. The developer will be looking for a commitment from the Planning Board that if specific work is completed, the Board could release the surety if the work is acceptable.

d. Route 6 Corridor Study – SRPEDD is working on a corridor study for Route 6 and is looking to schedule a stakeholder meeting later in September. This may be of interest to one or more of the Board members.

Whitin will contact Jeff Walker or Paul Mission from SRPEDD to find out the details of the corridor study.

e. Short Term Rentals – Hartnett commented a recent case in Massachusetts took up the issue of short-term rentals and the case appears to classify this use as commercial and not permitted in residential districts.

6. Short/Long-term Planning Discussions

Whitin noted to be ready for the Annual Town Meeting, discussions on reviewing the large-scale Solar By-Laws, rezoning the STOD, and revisit the zoning for cell towers, need to be ready by November.

7. Matters not reasonably anticipated

Schmid stated that he would appreciate all members' feedback on the Master Plan/Update committee's draft for the September 15, 2021 meeting.

Adjournment

The members unanimously adjourned at 8:24 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II