



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

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

PLANNING BOARD MEETING MINUTES

December 12, 2017

Chairman James T. Whitin called the meeting to order at 6:00 p.m. with Clerk Marc De Rego, Member David Cole, Member Andrew Sousa, Member Robert Daylor and Town Planner James Hartnett in attendance.

Endorse Plans, Covenants and HOA for Blue Acres Way, 17-011C-M.

Hartnett stated that the covenants have been signed and the clerk certified that the appeal period for the subdivision had expired. Recommended endorsing the covenants and the plan. Whitin noted that there would only be two voting members of the agreement and Sousa asked if Hartnett could look at enforcement of the maintenance agreement.

De Rego motioned to approve the Roadway Maintenance Agreement. Sousa seconded the motion and the vote was approved 4-0. Daylor abstained.

Cole motioned to approve the Form F Covenant. Sousa seconded the motion and the vote was approved 4-0. Daylor abstained.

Cole motioned to approve the Form F-SR Covenant. De Rego seconded the motion and the vote was approved 4-0, Daylor abstained.

Public Hearing

FRANCIS ESTATES (17-0016C-OSRD/IHSP) Request by applicant for approval, in accordance with Massachusetts General Laws, Chapter 41, Section 81T, Article 18 Open Space Residential Development (OSRD), of a definitive subdivision plan entitled **“Open Space Residential Development Definitive Subdivision Plan for FRANCIS ESTATES Charlotte White Road and Main Road Assessor’s Map 68 Parcel 7, Westport Massachusetts”** prepared for ELJ Inc. dated September 8, 2017, located between 50 and 58 Charlotte White Road. The applicant proposes to develop 16 single-family house lots. The Applicant has also requested a Special Permit under Article 13 Inclusionary Housing.

Attorney Richard Burke, Law offices of Beauregard, Burke and Franco, 32 William Street New Bedford was present to represent the petitioners Chris and Kevin Francis. Burke stated that a preliminary plan was submitted and approved by the Board in 2008; changes have been made to meet the new design requirements. They did not proceed at that time because of the economy but did proceed with six Form-A lots on Charlotte White Road. Because these lots were created post date of the Inclusionary Housing By-Law they count towards the affordable housing calculations requiring three lots be set aside for affordable housing. Burke stated that he will work with the Board and the housing groups to develop regulations. Burke stated that a Preservation Restriction Agreement was recorded to protect the cemetery and would work on a Home Owners Association as the process continues.

Michael Russel from Site Design Engineering is the civil engineering consultant presenting the applicant. Russel stated that the plan had been revised to meet the new subdivision regulations and the wetlands line was refiled and approved by the conservation commission. The only portion of the wetlands line that was not reflagged was the "B Line" because it was not relevant to the work that was being proposed only as it relates to the yield plan. He went on to explain the details of the plan, the lots and roadways were designed around the open space, the yield plan shows that 16 lots can be created under existing zoning requirements. The site slopes in the easterly direction towards Main Road. There will be two roads, Nikola Lane, which is approximately 1,125 feet long, and Casey Court, which is approximately 325 feet long. Each lot meets the minimum requirements of 20,000 s.f.. Utilities will be underground and each house will be serviced by a private well and a community septic system with the exception of lot 16, which will have its own septic system.

The stormwater management system will have two basins; one will be located within the easement of the Form A lots along Charlotte White Road. The septic system will most likely be a drip system, each house will have its own septic tank and they will be connected to the treatment system and leach field by a forced main. Estimated flow will be just over 6,500 gpd and will meet the state nitrogen loading of 25 mg/l, but should also meet 19 mg/l.

Whitin had a number of questions. He asked Russel to explain the 4-step process in developing the design of the development, Russel stated that they identified the sensitive areas including wetlands, buffers and open space and designed the development around those features. Whitin and Cole requested that the front lot number 16 have a denitrification septic system as well. Hartnett confirmed that the OSRD By-law does allow drainage ponds to be located within the opens space areas. Russel also confirmed that the elevation of the cemetery is approximately 8' above the top of the bank of the detention pond.

The Board had concerns regarding the landscaping and screening of abutting properties, the amount of land area that would be cleared and the elevation of the houses. Sousa requested that the applicant prepare a management plan for the open space land. Atty Burke stated that this would be done as the process moves forward. De Rego asked Russel to explain the access to and around the detention ponds. Whitin noted that there were some existing structures located within the drainage pond areas that would need to be addressed. Daylor was in agreement with the general approach of the septic system but did not believe the landscaping requirement should be waived, especially around the entrance to the subdivision. He also noted the request from the police chief regarding a traffic study. Daylor and Whitin questioned the grading around the proposed houses and requested more information be shown as part of the design.

Russel stated that he consulted with a traffic engineer and was advised that a full traffic study would not be needed. The Board suggested that the engineer study the traffic impacts and meet with the Police department prior to the next meeting. The Board also requested a landscape plan to include the entrance, areas around the ponds, cul-de-sacs and screening from abutting properties.

Hartnett read his comments into the record from the staff report. Whitin read the department reviews into the record and Hartnett read comments from Byron Holmes PE of Tibbetts Engineering.

Peter Lavoie from 50 Charlotte White Road was present and asked if there was going to be a sidewalk, Hartnett stated that a sidewalk is not required for this size development and it is not proposed. Mr.

Lavoie stated that his septic system may be located in the drainage easement area and will have to be incorporated into the design of the drainage system.

Richard Anctil, 405 Main Road stated that there is a large wetlands area between Main Road and the area being developed and access would not be practicable.

Robert Noiseaux, 68 Charlotte White Road stated that he would like more information on the community septic system and how it will look because it would be in back of his property. He also noted drainage issues on Charlotte White Road and the increase in traffic.

Justin Gendreau, 44 Charlotte White Road stated that there is a lot going on in a congested area. He also noted that there is very little gas pressure in the area and was concerned about additional houses connecting to the system. He would also like more information on the drainage pond and proximity to his septic system and the old stone wall on his property.

Daylor motioned to continue the hearing to January 25, 2018 at 6:15 p.m. De Rego seconded the motion. The vote was unanimous with all voting in favor.

Public Hearing

HELM REALTY LLC (17-014SPA) Continued from November 14, 2017.

Request by Applicant to demolish an existing 1,600 s.f storage structure and construct a new 2,100+/- s.f storage building for property located on the north side of **State Road between 174 and 236 State Road**, Assessor's Map 3, Lot 144F & 144K Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval.

A letter was submitted by Steven Gioiosa, SITEC Engineering requesting a continuance on behalf of the property owner.

Daylor motioned to continue the hearing to January 25, 2018 at 7:15 p.m. De Rego seconded the motion. The vote was unanimous with all voting in favor.

Public Hearing

Clean Energy Collective (17-015SP-CD-S). Continued from November 14, 2017.

Request by applicant to construct a 4-Megawatt solar energy system on 12 acres with a common driveway, total lot size 38.6 acres, for property owned by **Paul L. and Viola P. Gay located between 442 and 486 Horseneck Road**, Assessor's Map 47, Lots 8 & 11 pursuant to Westport Zoning By-Laws Article 21 Common Driveway and Article 24 Large Scale Solar Energy System.

A letter was submitted by Attorney Philp Beauregard requesting a continuance in order to review the decision rendered by the Westport Conservation Commission earlier this week denying approval of his client's plan.

Attorney Michael Kelly, Clyde's Way, Westport representing neighbors, requested a couple of hours for the hearing in order to present expert witnesses. Atty. Kelly also stated that the project should not move forward because the property has an outstanding enforcement order with the conservation commission and the commission has denied the project. Whitin noted that the matter before the Planning Board is

separate from the conservation commission and the Planning Board can act on the special permits regardless of how the Conservation Commission has acted.

Elizabeth Meyer, 519 Horseneck Road stated that she was hoping that the request would not be continued.

Attorney Beauregard, 32 Williams Street New Bedford representing the applicant Clean Energy is requesting a continuance, he is aware of the Conservation Commission vote and is waiting for a copy of their decision.

Anne Barnes, 225 Division Road, is concerned about the cemetery and if the town was notified of the proposed request.

Cole motioned to continue the hearing to February 6, 2017, at 6:05 p.m. Daylor seconded the motion. The vote was 3-1 in favor of the motion. Whitin, Cole and Daylor voted in favor of the motion and Sousa voted against the motion. De Rego recused himself from this matter.

Administrative Items. No administrative items.

Town Planner report.

- a. The proposed recreational marijuana zoning bylaws were submitted to the Board of Selectmen and should be referred back to the Planning Board at their meeting scheduled for December 11, 2017. Public Hearing dates needs to be scheduled. The Board has discussed the possibility of other zoning changes for this year's Annual Town Meeting. In order to meet the required deadlines any additional changes would have to be decided on within the next week so that they could be submitted to the Board of Selectmen for their December 27th meeting.
- b. Private Acres – the telephone poles have been installed and the developer is waiting for the utility company to transfer the lines to the new poles. Getting pavement down prior to winter shut down of the asphalt plants may not be possible.
- c. Zoning Board of Appeals – I have been assisting Jerry Coutinho with some minor zoning procedures until they can fill the clerk's position.
- d. Bass River LLC Solar – At the request of the Board, I contacted the new owners of Bass River LLC Solar, this is the large scale solar project on Blossom Road abutting the Fall River/Freetown line. The developer has installed a number of drainage berms to help reduce or slow the storm water runoff leaving the site. I have asked the new owner to include this work on their as-built plans and submit to the Board for your review and approval.
- e. There will be a Special Town Meeting to consider funding for the proposed Middle/High School project on January 23, 2018, the special election will be on the 27th of February. The January Planning Board meeting will have to be changed to accommodate the Special Town Meeting.

- f. An email was received from Lt. Ledoux at the Fire Department. He was concerned that the fire tank on Carvalho Lane had not been installed and construction on one of the houses had started. Hartnett contacted the developer and requested that the work be done. The Board is holding a surety on the development to make sure all work gets completed but it did not require the tank to be installed prior to construction.

Matters not reasonably anticipated.

Hartnett stated that the Board of Selectmen referred the Recreational Marijuana By-laws back to the Planning Board. Cole motioned to schedule the public hearing for January 25, 2018 at 7:30. Seconded by Daylor. The vote was unanimous with all voting in favor.

Jerry Coutinho, thanked the Board and Mr. Hartnett for assistance with the Zoning Board of Appeals. He stated that the Board currently does not have a clerk and they are down to 4 members. He asked viewers to consider a position on the Board.

Correspondence.

Chapter 61B (Forestry) Notice of Intent to remove property from forestry (intent to “sell for other use”) in accordance with MGL Ch61, S8 for Assessor Map 47, Lot 8 on Horseneck Road owned by Paul L. and Viola P. Gay. Hartnett noted that this was just correspondence from the solar company and no action is required by the Board at this time. The Board of Selectmen will be requesting input at some time in the future.

Elizabeth Meyer, 519 Horseneck Road submitted a letter from Jennifer Fish.

Minutes.

Daylor motioned to approve the minutes of December 5, 2017. Seconded by Cole. The vote was unanimous with all voting in favor.

ADJOURNMENT

Cole motion to adjourn at adjourn at 8:25 p.m. Seconded by De Rego. The vote was unanimous with all voting in favor.

Respectfully submitted,
James Hartnett, Town Planner