

# TOWN OF WESTPORT PLANNING BOARD



## MEETING MINUTES July 12, 2022

### **PLANNING BOARD MEETING**

Chairman Jim Whitin called the meeting to order at 6:02 p.m. with Vice-Chair Robert Daylor and members Manuel Soares, Mark L. Schmid, and Assistant Town Planner Amy Messier in attendance. John Bullard was absent.

**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. Chapter 61A Release (22-001CH61A)** - Selectboard is requesting comments on the Release of Land owned by Mitchell S. Pettey and Daniel M. Pettey, Trustees of the Pettey Family Trust located at 559 Main Road, Map 69, Lot 12.

Whitin mentioned he spoke with the Westport Land Trust to see if they would like to acquire the property. They said to propose the property to the Buzzards Bay Coalition because of the opportunity to look at the property. Whitin recommended to send a letter to the Board of Selectmen to exercise their Right of First Refusal to the Buzzards Bay Coalition.

### **Motion**

Daylor moved to recommend the Board of Selectmen exercise their Right of First Refusal and transfer it to Buzzards Bay Coalition for the potential acquisition of the property. Seconded by Schmid with four members in favor. Bullard abstained stating he is on the Board for Buzzards Bay Coalition.

- b. Chapter 61A Release (22-002CH61A)** - Selectboard is requesting comments on the Release of Land owned by Barbara Marcotte located at 279 Drift Road, Map 52, Lot 20A.

Ms. Messier commented the property was before the Board in March 2022 and was endorsed as an ANR. The applicant would like to release the Chapter land to sell Parcels A & B for residential use.

### **Motion**

Daylor moved to recommend to the Board of Selectman the release of Parcel A & B owned by Barbara Marcotte from the provisions of Chapter 61A. Seconded by Bullard with all five members in favor.

- c. 549 Plaza (20-001SP)** Requesting Temporary Certificate of Occupancy Permit.

James Long, the owner of 549 Plaza, spoke on behalf of the tenant. Mr. Long appeared before the Board to ask for a recommendation to the Building Inspector that a temporary certificate of occupancy (CO) permit be issued for the tenant to open Country Wide Market, a new deli and butcher shop. Long submitted a revised plan of the project dated September 21, 2022. Ms. Messier commented that she was

unaware of the revised plan and requested a copy. He gave a recap of the project. He added that the DEP requested the three parking spaces in front of 549 American Legion Highway be removed because of potential safety issues while backing out into traffic. Whitin asked Ms. Messier if S.W. Cole had reviewed the project. She responded that S.W. Cole had not reviewed the project because the As-Built plan has not been received. On July 12, 2022, she and the Conservation Agent visited the site separately and commented the site work and landscaping needed to be addressed. Ms. Messier read the Conservation agent's site visit comment dated July 12, 2022, into the record.

Soares agreed to grant the CO to the tenant, however, he suggested the lot be paved first and to finish with the line stripping and curbing. Soares shared his concern regarding the stormwater and erosion control around the detention ponds.

Daylor inquired about the timeline for paving the lot before the tenant opened her business. Long mentioned paving the parking lot would be a priority before his tenant's opening.

Bullard was also in favor of granting the temporary CO for the tenant.

Schmid's main concern was for public safety and recommended the CO should only be granted after the lot was paved in front of the building.

Whitin expressed his concern that the storm-water retention basin was not built simultaneously with the project.

#### **Motion**

Daylor moved to recommend to the Building Inspector to grant the extension of a 90-day temporary Certificate of Occupancy be issued with the condition the paving in front of the building be completed before the business' opening. Seconded by Bullard with all five members in favor.

#### **d. Coastal Healing (20-007SP) Temporary Occupancy Permit extension request.**

Ms. Messier mentioned Diego Bernal, of Coastal Healing, was not able to be present. He requested from the board a recommendation to the Building Inspector their approval to grant a 90-day extension for a temporary Certificate of Occupancy (CO) because the current temporary CO has expired. Ms. Messier stated the additional 90-day temporary CO request was to complete site work and for the CCC's final site inspection.

#### **Motion**

Bullard moved to recommend to the Building Inspector to grant the additional extension of a 90-day temporary Certificate of Occupancy. Seconded by Daylor with all five members in favor.

#### **e. SRPEDD Housing Production Plan Statement of Work review**

Ms. Messier reported that SRPEDD provided her with a quote of \$15,000 for the scope of work necessary to update the Housing Production Plan (HPP), which expired on June 30, 2022. Whitin inquired about the source of the funds. Ms. Messier was asked to clarify whether the payment will be solely from DLTA funds or would it be necessary to use the allotted 40 hours from SRPEDD. Ms. Messier to inquire further. Whitin stated that he would like to use the 40 hours per year from SRPEDD to assist in the rezoning of Route 6.

Whitin was in favor of Jim Hartnett signing on behalf of Westport only if the Scope of Work was covered under the DLTA funds, not to include SRPEDD's 40 hours.

**f. 978 Solar Development, LLC II (22-001SP) Review and Endorse decisions**

**Motion**

Bullard moved to approve the Special Permit for Large Scale Solar and Site Plan Approval -Low Impact Development applications for **978 Solar Development, LLC. for property owned by John L., Ernest Ciccotelli, and Marie T. Ciccotelli, and located on the west side of Division Road between 355 and 403 Division Road, Assessor's Map 46, Lots 8 & 9C** with the amended to the Conditions 1-29 as discussed. Seconded by Daylor with all five members in favor.

**g. Plante – 0 Cornell Road (21-006SP-CD-FF) Review and Endorse decisions**

**Motion**

Bullard moved to endorse the Decisions on the Special Permits for Common Driveway and Flexible Frontage for **0 Cornell Road, for property located between 277 and 349 Cornell Road, Map 81, Lot 3.** Seconded by Daylor with all five members in favor.

**h. 431 Fisher Road LLC (20-002C) Release of Affordable Lot – Cash contribution, Stacy Lane subdivision**

Attorney Nicholas Gomes was present representing the applicant. Attorney Gomes proposed to make a payment to the Westport Affordable Housing Town Trust Fund for affordability instead of selling the lots as affordable units. He commented the lots would be unsellable due to it being an inclusionary lot.

Whitin stated he was not in favor of releasing the two affordable lots in exchange for a cash contribution to the Westport Affordable Housing Trust Fund. He added the applicant was aware at the Public Hearing that Inclusionary Housing was contingent upon the approval of the subdivision.

Liz Collins, Chair of the Affordable Housing Trust, was present. She suggested to Attorney Gomes to go before the Affordable Housing Trust to work together to come up with a solution for this project.

Whitin suggested that Attorney Gomes review the Zoning By-Law to determine how they would like to comply. Attorney Gomes will discuss the next steps with his client.

**2. Short/Long-term Planning Discussions**

**a. Commission on Disabilities representative - Sidewalk access discussions for smaller subdivisions**

Martin Costa was present on behalf of the Commission on Disabilities. The Commission is proposing to amend the Planning Board's Section 5, #7 of the Rules and Regulations, to require sidewalks to be constructed when there are five (5) or more lots in any one subdivision because it is an issue of safety and accessibility. Costa read Brian Gallagher's, Chairman of the Commission on Disabilities, letter dated July 12, 2022, into the record.

Whitin mentioned public hearings are required to make changes to the Planning Board Rules and Regulations. Whitin asked Ms. Messier to contact SRPEDD to get advice on what the design standards are for sidewalks in other towns. Soares added that he would like it written in the By-Law who maintains the sidewalks in front of businesses. All members were in favor of the change.

### **3. Invoices**

- a. MMA – Town Planner advertising - \$150
- b. APA – Town Planner advertising - \$295
- c. Amazon business – Nadine Castro’s wireless keyboard/mouse for Ipad \$65.98

### **Motion**

Bullard moved to approve the above invoices totaling \$510.98. Seconded by Daylor with all five members in favor.

### **4. Assistant Planner’s report**

Ms. Messier read her Assistant Planner’s report dated July 12, 2022, into the record.

Assistant Town Planner’s Report  
July 12, 2022, Planning Board Meeting

### **Harbor Water Study:**

- Meeting No. 2 held this afternoon at 1 PM. Next steps discussed:
  - Frank Getchell from Weston & Sampson to finish the study
  - Meet again in August to discuss the best area to drill
  - Request ARPA funds from the BOS to fund the drilling of the agreed-upon area

### **Housing Production Plan:**

- SRPEDD is awaiting our response on the SOW they have provided for updating our now expired HPP.

### **549 Plaza Temporary Certificate of Occupancy Request:**

Jim Long is requested a temp. C.O. for this property since the end unit to the right would like to open. I did a site visit with Ralph Souza last Tuesday and below are my findings:

- No landscaping is been done
- No concrete sidewalk or asphalt pavement for the parking lot has been installed (all gravel- refer to pictures on Ipad)
- There are no marked parking spaces/ no handicap spaces or railings/wheelchair ramp
- No

BOH has provided an email stating that the end unit is not fully permitted to open at this time. I emailed Mr. Long. On 7/8/22 requesting a breakdown of the following:

- Itemized list of outstanding work
- Timeline of when the outstanding items are going to be completed
- A copy of the NPDES permit, and if he doesn’t have one, an explanation as to why, or some evidence that he has at least applied for one

Mr. Long did not reply to the email, and therefore I have no further information from him. I searched on the EPA site to see if I could find the NPDES permit - I could not find an NPDES permit under the address for this project. I contacted S.W. Cole, and Derek said he needs as-built plans to conduct a site visit/ review – therefore Derek has not inspected this property yet.

Chris Capone went to conduct a site visit today – his findings are as follows:

- review the site for compliance under the Wetlands Regulations I provide you with the following comments:
- The area that falls under the Conservation jurisdiction (buffer zone) has not had the stormwater facility constructed. The entire buffer zone area is stable but lacks the area for any potential stormwater to be directed toward. The existing gravel base surrounds the new buildings and all roof runoff is not contained and discharging across the graveled lot. The applicant is not in

full compliance and the stormwater basin should be at the least should be constructed and loamed pending a fall seeding.

**Maya Way/ Brookwood Solar:**

Maya: I've reached out to Derek on both of these items. I'm awaiting a response as to when he can do a site visit for Maya Way– I've asked him to provide a review of the remaining work that is still incomplete and an estimated cost for the completion of the work.

Brookwood: Derek has scheduled a site visit for Brookwood Solar (Main Rd.) for next Tuesday at 8 am. I will be attending, please let me know if any PB members would like to attend- just so I can post the visit if there is a quorum. I will also be asking other departments if they would like to attend.

**Coastal Healing:**

Seeking extension to temporary CO, as it has expired, and the applicant is still undergoing state inspections.

**Chapter 61A Releases:**

559 Main Rd.: addressed at 6/21/22 work session – letter to BOS requesting more information sent.

279 Drift Rd.: intent to sell land on the easterly side of Drift Rd. – specifically Lots A & B for residential use. This came before the Planning Board in March as an ANR, which was endorsed.

**5. Correspondence**

None.

**6. Minutes**

a. June 28, 2022

**Motion**

Daylor moved to approve the minutes of June 28, 2022, with the amendment to the Coastal Healing response to the CCC. Seconded by Bullard with all five members in favor.

b. June 28, 2022, Executive session minutes

**Motion**

Daylor moved to approve the Executive Minutes of June 28, 2022, as written. Seconded by Bullard with all five members in favor.

**7. Executive Session - Pursuant to the provisions of MGL c 30A section 21, the Chair so declares an open meeting may have a detrimental effect on the litigation position concerning Civil Action & Complaint suit for Isidoro Court.**

**Motion**

Daylor moved to enter into Executive Session at 8:20 p.m. to discuss strategy concerning litigation for Isidoro Court and will reconvene to Public Session. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

## **ADJOURNMENT**

The members unanimously adjourned at 8:30 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

**NOTE:** *Agenda is subject to change*

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### **NEXT MEETINGS:**

PLANNING BOARD: August 9, 2022 @ 6:00 P.M.

WORK SESSION: ?