

**TOWN OF WESTPORT
PLANNING BOARD**



**MEETING MINUTES
August 9, 2022**

PLANNING BOARD MEETING

Chairman Jim Whitin called the meeting to order at 6:01 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) – The meeting is being recorded.

Call to order 6:00 p.m.

1. Administrative Items

- a. Capital Improvement Planning Committee - Nomination of member

MOTION

Daylor moved to nominate Mark L. Schmid to the Capital Improvement Committee. Seconded by Soares. 4-0-0

- b. 0 Cornell Road, Plante (21-006SP)** – Closeout and release Consultant Review balance and interest (\$391.25)

Motion

Daylor moved to release the inspection fees of \$391.25 interest for 0 Cornell Road, Plante. Seconded by Schmid. 4-0-0

- c. 978 Solar Development, LLC II (22-001SP)** – Closeout and release Consultant Review balance and interest (\$5,190.00)

Motion

Daylor moved to close out and release the Consultant Review balance of \$5,190 plus interest. Seconded by Soares. 4-0-0

Motion

Whitin moved to withdraw the previous motion to release the Consultant Review funds of \$5,190. Seconded by Soares. 4-0-0

Motion

Daylor moved to retain the Consultant Review fees at this time. Seconded by Schmid. 4-0-0.

- d. Ironwood Renewables, LLC (21-001SP)** - Closeout and release Consultant Review balance plus interest. (\$3,130.00)

Motion

Daylor moved to table the inspection fees of \$3,130 + interest for Ironwood Renewables, LLC. Seconded by Daylor. 4-0-0

e. Port Supply (22-005PAC) Pre-application Consultation; Brian Carney, re: New Marijuana Dispensary

Brian Carney was present on behalf of Port Supply, Inc. to discuss a proposed application for a second recreational marijuana retail location at an existing commercial property at 260 State Road, Map 3 Lot 144. Whitin informed Carney of the necessary procedures and applications. He suggested that the proposal be reviewed by the Police, Fire Department, as well as other town departments.

Daylor suggested going over the Planning Board's Rules and Regulations and added that because it is a state MassDOT should be contacted to get the required permits for doing work on the state highway.

Whitin suggested returning to file another pre-application so that they could ensure that all the material was properly filed and complete.

Schmid suggested it may be beneficial for Mr. Carney to review a copy of Coastal Healing's Host Agreement and the approved decisions as a reference. Ms. Messier will forward a copy.

No further action was taken.

f. CVE, North America (18-003SP-S) Decommissioning Bond for financial security for David and Lillian Cabral for land located at 5 Tootell Way, Map 57, Lot 25.

Florent Fourest of CVE Group was present representing the applicant. Fourest clarified the request was not to amend a Decommissioning Bond but rather to post a Performance Bond.

Soares inquired about the work that needed to be completed. CVE appeared before the Board on May 10, 2022, to request permission to use herbicides to remove overgrown vegetation; the work will be completed in two sprayings in September, and plantings will begin after the spring of 2023, according to Fourest.

Fourest inquired whether a bond or cash surety was preferred for future dealings with the town. Whitin stated that the preferred method was cash surety.

Daylor suggested scheduling an inspection with the peer reviewer to determine a punch list of items that need to be completed. Once we receive the report, we can reduce the Surety and release some of the money.

~~The Board was not in favor of transferring the funds from a cash Surety to a bond until the work had been completed.~~ opted to retain the cash surety.

No further action was taken.

6:15 p.m. Public Hearing

2. Westport Horizons Development Corp. – Oakridge (06-001SPA-Major) (continued from February 22, 2022, April 19, 2022, June 28, 2022)

Request by Applicant for approval of a Major Modification to Site Plan for Oakridge: A Private Community. Assessors Map 21 Lots 4 & 4A to eliminate the sidewalk along common driveways in place of gravel walking paths through the site.

According to Ms. Messier, the applicant requested a continuance until October to discuss the possible options with the Homeowner's Association in lieu of sidewalks.

Motion

At the request of the applicant, Daylor moved to continue the Public Hearing of Westport Horizons Development Corp – Oakridge to October 4, 2022, at 6:15 p.m. Seconded by Schmid. 4-0-0.

6:45 p.m. Public Hearing

3. 0 Gifford Road (22-003SP-CD) The applicant is seeking approval for a Common Driveway that will service two house lots at 0 Gifford Road, Map 25 Lot 22C. No waivers were requested.

Emanuel Pacheco, Jr was present representing the applicant. Pacheco was before the Board to discuss Special Permits for Flexible Frontage and Common Driveway. The revised yield plan shows the combined lots would conform to a legal residential tri-plex.

Daylor stated that the request did not meet the requirements of the Flexible Frontage Zoning by-laws because the reduction in the number of lots was not shown. He also added that tri-plex units were not allowed in Westport.

No action was taken by the Board on this matter.

4. Short/Long-term Planning Discussions

a. BSC Group – Statement of Work (SOW) – Route 6 rezoning

Whitin suggested that Route 6 might be eligible for ARPA funds. Whitin would like to present the contract to the ARPA committee for funding through the Town Administrator, Jim Hartnett. Whiting asked if it should be coordinated with the Infrastructure Committee as well, under the direction of the Planning Board serving as the point of contact. The Board agreed to move forward with the Route 6 Corridor proposal while excluding the Business District proposal for the time being. Schmid expressed his concern that the project's cost was too low. The Board decided to include an additional \$15,000 contingency to the project budget totaling \$50,000. They all agreed that a second public hearing was necessary because just one would not be sufficient.

b. Town Planner Applicant interviews. Daylor and Whitin volunteered to interview the potential candidates

5. Assistant Town Planners report

Ms. Messier read her report into the record.

Oakridge Condominiums:

- The applicant is still waiting to hear back from the HOA regarding his proposal to them in lieu of sidewalks, therefore there is no information or update at this time. Requesting a 2-month continuance.
- Recommend a continuation of the Public hearing to 10/4/2022 at 6:15 PM.

Re-zoning Rte. 6: SOW from BSC Group

- See attached. 2 scopes :
- Scope A. Route 6 re-zoning
- Scope B. includes other areas of town that would benefit from being included in re-zoning

Harbor Water Study:

- Meeting No. 3 will be sometime next week (Wednesday – on). Set date and time TBD.

Housing Production Plan:

- I reached out to SRPEDD requesting that the SOW be revised to reflect the discussion at the last meeting to eliminate the condition that the HPP be completed using the allotted 40 hours from SRPEDD that we get annually. The SOW has been revised to reflect this request.

Maya Way/ Brookwood Solar:

- Derek of SW Cole has been to both sites. Updates for both are forthcoming for the early September Planning Board meeting.
- Notes from 7/19/22 Site Visit to Brookwood Solar
Present: Manny Soares, Amy Messier, Chris Capone (Con. Comm.), Ryan Horvath (Borrego)

- Bollards around splice boxes and rip rap around drainage swales in place
- No paved apron at this time
- Lacking wetland reports on monitoring for replication areas
- No grass growth
- Needs to submit as-built to Derek
- More crushed stone is needed on the access road to prevent wash-out
- The slope is slowly eroding where the overpass is located

CVE/Westport – Decommissioning Agreement Amendment – Transition to Bond:

- CVE North America is looking to amend their Form G for Tootell Way from a \$232,000.00 cash to an insurance bond. CVE will pay a surety company as an Insurance to provide the \$232,000.00 bond. At any time, if CVE is not following its obligations (from the decommissioning agreement, abandoned the facility, etc.), the town will notify the surety company that will issue the surety amount to the town. Now that CVE is strong/big enough in the US to get bonds from these surety companies (it wasn't the case 3 years ago), CVE can provide these bonds to the towns and get back the cash deposit. It's more convenient for CVE to use a bond rather than having cash dispatched across dozens of towns.
- Westport's Site Plan Rules & Regulations were read.

6. Minutes

a. July 12, 2022

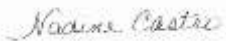
Motion

Daylor moved to approve the minutes of July 12, 2022, as written. Seconded by Schmid. 4-0-0.

ADJOURNMENT

The members unanimously adjourned at 8:15 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: December 14, 2021 @ 6:00 P.M.

WORK SESSION: ?