



**TOWN OF WESTPORT
PLANNING BOARD
MEETING MINUTES**

October 4, 2022

APPROVED

PLANNING BOARD MEETING

Chairman Jim Whitin called the meeting to order at 6:01 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, and Mark L. Schmid in attendance. Assistant Town Planner Amy Messier was present via Google meet and phone.

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. Town Planner – Introduce and welcome Michael Burris, new Town Planner.
- b. **Chapter 61 release (22-003CH61)** - Selectboard is requesting comments on the Release of Land owned by Paul L. & Viola P. Gay located at 0 Division Road, Map 48, Lot 12

Motion

Bullard moved to recommend the release of land owned by Paul L. and Viola P. Gay located at 0 Division Road Map 48, Lot 12, owned by from the provision of Chapter 61. Seconded by Daylor. 5-0-0

- c. **Coastal Healing (19-015SP-SPA-MM)** – The Applicant is requesting approval of a final Certificate of Occupancy.

Whitin inquired whether Coastal Healing could obtain a temporary Certificate of Occupancy. Ms. Messier confirmed that they could begin operations with a temporary Certificate of Occupancy. She also stated that she was unsure if they were ready for a final CO because two permits with Mass Dot had not yet been completed.

Diego Bernal for Coastal Healing was present. He was present to request to send a recommendation letter to the Building Commission that the Planning Board has approved that the site work is complete. Bernal added they were waiting for the resurfacing of the utility on the highway side. Soares expressed concern that if an accident occurred because the Mass Highway Permit for the street opening was obtained in the town's name, the town would be held liable. The only remaining work that needs to be completed, is the patching of the utility work in the state highway layout which is not part of the Planning Special Permit.

Motion

Daylor moved to draft a letter to the Building Inspector stating that the work on-site indicated in our special permit has been completed to our satisfaction based on our observations and the inspection report by SW Cole dated September 29, 2022. Seconded by Bullard. 5-0-0

Motion

Daylor moved to retain the surety until Mass DOT supplies proof that all requirements have been met. Seconded by Soares. 5-0-0

d. Stacy Lane (20-002C) – S.W. Cole Construction Observation Report

Ms. Messier informed the board that she received an email from SW Cole on September 28, 2022, informing her that a binder for the proposed road had not been installed and that one house had been built and two others had foundation permits. Whitin recommended a cease-and-desist letter be sent to the Building Inspector and that no further building permits should be issued until the corrections are made per the plan.

Motion

Bullard moved to send a letter to the Building Inspector recommending a cease-and-desist letter to the applicant. Seconded BY Daylor. 5-0-0

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)*

Whitin mentioned the applicant has requested a continuance since there has been no resolution with the homeowners over additional items that need to be completed.

The Board unanimously agreed that the final extension for Westport Horizons Development will be December 13~~18~~, 2022. Whitin asked Ms. Messier to inform the applicant that unless the applicant has a final plan for the December meeting, the board will close the public hearing and the applicant will have to refile.

Motion

At the request of the applicant, Bullard moved to continue the Westport Horizons Development Corp.-Oakridge to December 13, 2022, at 6:15 p.m. Seconded by Daylor. 5-0-0

6:30 p.m. Public Hearing

3. 309 Gifford Road – Carvalho (22-004SP-CD-FF)*(continued from September 6, 2022, September 20, 2022)* Request by the applicant to consider the Special Permit applications of Joaquim and Sandra Carvalho for property located at 309 Gifford Road, Westport, MA 02790, Assessor's Map 31, Lot 6, pursuant to Westport Zoning By-Law Section 8.5 Special Permit for Common Driveway and Section 8.6 Special Permit for a Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing two residential lots.

Joshua and Corey Carvalho, the applicant, and brother, were present and briefed the board with revised plans and addressed Field Engineering's comments. Alex Gorodetsky was present on behalf of the applicants. He gave a brief explanation of the updated plan and added that no frontage will be used from the cul-de-sac's shared driveway that will serve two lots. Joshua commented that he would prefer to keep the 45° cul-de-sac for vehicle safety and ease of access to Gifford Road.

Motion

Bullard moved to close the Special Permit public hearing for Flexible Frontage and Common Driveway for 309 Gifford Road, Westport, MA 02790. Seconded by Daylor. 5-0-0

Motion - Flexible Frontage

Bullard moved to approve the Special Permit application of Joaquim and Sandra Carvalho for property located at 309 Gifford Rd, Westport, MA 02790, Assessor's Map 31, Lot 6, pursuant to Westport Zoning By-Law, Section 8.6 Special Permit for a Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density subject to findings and conditions. Seconded by Daylor. 5-0-0

Daylor and Soares commended the applicants for preserving the land that meets the intent of the Bylaw. Whitin suggested that the Town Planner and Assistant Town Planner discuss the size of the cul-de-sac for a shared driveway with the Fire Department.

Motion - Common Driveway

Bullard moved to approve the Special Permit application of Joaquim and Sandra Carvalho for property located at 309 Gifford Rd, Westport, MA 02790, Assessor's Map 31, Lot 6, pursuant to Westport Zoning By-Law, Section 8.5 Special Permit for a Common Driveway subject to findings and conditions with the exception that the cul-de-sac area be reduced to 45' radius subject to the approval of the Town Planner. Seconded by Daylor. 5-0-0

4. Assistant Planners report

Ms. Messier read her Assistant Planners report into the record.

Maya Way:

- George Mello of GDM Consultants believes that the surety amount we have for this project should be sufficient to complete the project utilizing the town roadway paving contractor and the Highway Dept. workforce.
- Ms. Messier sent George Mello a copy of SW Cole's most recent observation report that was associated with the latest surety as he had requested
- The Planning Board must take legal action to call in the held surety before any action by the Highway Dept. or the paving contractor.

Whitin suggested to proceed with the process through to the Board of Selectmen requesting town council to call the bond and have the highway contractor and highway department complete the work for the amount that is available in the surety.

Motion

Daylor motioned to seize the surety for the \$89,890.72 and recommend to the Board of Selectmen that the town's Highway Department complete the work because of the non-performance of the development. Seconded by Bullard. 5-0-0.

- Total surety amount to date: \$89,890.72 (interest included in this figure) original surety amount: \$87k

Re-Zoning of Rte. 6:

- Russell Burke of BSC Group provided a revised SOW for this project late last week
- ARPA meeting last week gave the O.K. to bring this item before the BOS for approval of the ARPA funds to be appropriated for this
- This item is set to be on the next BOS agenda (10/11) to vote on.

Housing Production Plan:

- Liz Collins confirmed that at their meeting on 9/28, the Affordable Housing Trust Fund Committee voted to give the planning board the requested amount of \$3,500.00 for an updated Housing Production Plan. I

reached out to SRPEDD this afternoon to let them know we will be moving forward with this. I will have Jim Hartnett sign the contract and I will send it back to SRPEDD this week.

MS4:

- Annual reports for MS4 Permitting were due 9/30, with the help of Kleinfelder, I submitted the Annual Report with its associated attachments to the State and DEP before the deadline.

Coastal Healing:

- Diego is looking for the OK on the Final CO
- Please see the email sent this afternoon by George Mello of GDM Consultants that speaks on Final CO and MassDOT permits for this project
- A letter was submitted to me yesterday from Mr. Bernal with an update (see attached)
- SW Cole has also provided an update (see attached)

Brookwood Solar:

- The site visit took place on 9/27.
- SW Cole submitted an inspection report this morning regarding the driveway apron prep. SW Cole will be notified before the commencement of the paving.
- Borrego submitted a response letter to SW Coles letter that also mentioned the 9/27 visit (see attached)

Daylor briefed the other members on the site visit and commented that the site was unsatisfactory.

Whitin advised Ms. Messier to request from Borrego \$150,000 for surety.

Stacy Lane (Fisher Rd):

- Some foundation permits have been issued by the Building Dept. for this project, with one house already having the foundation installed and the framing up (#7) and #9 has the foundation installed
- The roadway is subgrade with no installation of the binder. In SW Cole's email, he mentioned that the site contractor was unaware of any installation on the binder during the winter. SW expresses concern over the residential construction taking place before the typical milestone of binder installation
- An update from this afternoon from Mark Brisk stated that he has not received any plans or applications for this project relating to the required subsurface water tank. Capt. Brisk also stated that approx. 3 weeks ago he was on site with Ralph Souza and spoke with the contractor that was doing the work- the contractor (Fairhaven Contracting) stated that he was 3 weeks or so away from starting that project.
- Covenant for this project was recorded with the registry of deeds and clearly states that “the undersigned will not sell or convey lots in the subdivision **or erect or place any permanent building on said lots until the construction of ways and installation of municipal services necessary to adequately serve such lots has been completed following covenants, conditions, agreements, terms and provisions as** specified”

Chairman's report

Whitin added that the Selectboard transferred their Right of First Refusal option of the Pettey property at 559 Main Road to the Buzzards Bay National Estuary Program. Whitin applied on behalf of the town for a \$30,000 grant to the Buzzards Bay Natural Estuary Mini-grant program, which would save acreage that would be beneficial to the watershed and wildlife habitats and protect at least 25 acres. Due to the application's deadline of September 27, 2022, the Town Administrator, Jim Hartnett, agreed that Whitin could sign and submit it on behalf of the town and Planning Board. If is approved, there will be a local match of \$9,900 that Buzzards Bay would provide.

Motion

Bullard moved to ratify the application of \$30,000 for saving the Pettey property at 559 Main Road. Seconded by Daylor. 5-0-0

Whitin added that the Board of Health responded to the Department of Environmental Protection's (DEP) request for a 20-year comprehensive water management plan for Westport. The plan would require the town to denitrify or reduce the amount of nitrogen present in the estuary of the Westport River Water Shed.

5. Invoices

- a. Quill – Office desk for new Town Planner - \$1,702.51

Motion

Bullard moved to approve the Quill invoice for \$1,702.51. Seconded by Daylor. 5-0-0

6. Correspondence

- a. ZBA notice - Noted
- b. Building Permit application denial-Nadeau Tree Service. Noted
- c. Montessori School Change of Use – James Long. Noted

James Long, the owner of the School, was present and updated the Board on what will be in the building's interior. Soares added that when a building permit is filed that has access to a Massachusetts highway, the Building Inspector needs to be informed that the curb cuts were filed with MassHighway.

ADJOURNMENT

The members unanimously adjourned at 8:22 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: November 1, 2022 @ 6:00 P.M.
WORK SESSION: ?