



TOWN OF WESTPORT PLANNING BOARD MEETING MINUTES

APPROVED

October 18, 2022

PLANNING BOARD MEETING

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

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) Pierce Farm Revocable Trust (22-003A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 764 Pine Hill Road, Map 43 Lot 8.

Greg Nicholas from Southcoast Engineering was present on behalf of the applicant. Nicholas mentioned Lot 2 being 42.56 acres would be placed under a Conservation Restriction and would be held by the Town of Westport along with the Westport Land Conservation Trust. The applicant is proposing to remove Lot 1, Parcels A & B from former Lot 8, combining it with Lot 10, to create one new buildable lot. The special use area is included within the Conservation Restriction area for a farmer to construct a house without it being a separate lot.

Schmid asked if the Land Trust has reviewed and accepted it. Nicholas responded, yes.

	Frontage	Uplands
Lot 1	150.00	60,007 sf
Lot 2	391.16	

Motion

Bullard moved to approve the endorsement of the plan entitled "Plan of Land A.P. 43 Lot 8 764 Pine Hill Road" for Pierce Farm Revocable Trust because the plan complies with the provision of MGL Ch. 41 Section 81P. Seconded by Daylor. 5-0-0

- b. Authorize, Michael Burris-Town Planner, to certify or endorse as Clerk of the Planning Board, to sign off on plans approved by the Board or to make any other certification under the Subdivision Control Law.

Motion

Bullard moved to approve Michael Burris to sign off on plans and any other certification under the Subdivision Control Law on behalf of the Planning Board. Seconded by Daylor. 5-0-0

c. Disability Commission – Discuss sidewalk requirement changes.

Brian Gallagher, Chairman of the Disability Commission, along with member, Martin Costa was present. Gallagher would like to request a public hearing to change the governing the subdivision of land Rules and Regulations By-laws so that subdivisions with five or more homes would be required to have sidewalks installed on one side of the street, as opposed to the current By-law requirement that developments with 20 or more homes be required to have sidewalks on one side. He proceeded by saying sidewalks promote a sense of community and make those with physical limitations feel safer.

Motion

Bullard moved to schedule a public hearing for November 15, 2022, at 6:15 p.m. Seconded by Daylor. 5-0-0

d. 2023 Town Meeting revisit of Zoning Bylaw articles

Chairman Whitin requested that the Zoning Board of Appeals review the articles of the 2020 Zoning Bylaw to determine if they are still interested in pursuing those that were passed over due to time restrictions and COVID. Burris will contact the ZBA to get a list of the articles they would like to review. Whitin indicated that there is a deadline approaching for submitting the articles for the Town Meeting.

- e. Oakridge ILF (06-001SP) - Residents would like to discuss outstanding items
Mark Allard, a member of the Oakridge Board and a resident located at 12 Crestview Drive was present. He noted that several residents and Board Members were also in attendance. Allard commented that since November 2, 2021, meeting to discuss the As-built plan, the developer has requested continuances for a year. Allard read a letter from the Committee for Oversight dated June 27, 2022, submitted at the June 28, 2022, public hearing into the record. The residents are looking for support from the Board and accountability from the developer to correct the safety concerns that were not included when the houses were constructed, such as sidewalks, pedestrian pathway indicators, and pull chains to notify emergency personnel.

David Bourque, President of the Oakridge Condo Trust Association, located at 7 Crestview Drive was present. Bourque listed several items that the Oakridge Association has had to repair throughout the years that should have been corrected by the developer from the start. He noted a major issue from the beginning was that several homeowners experienced basement cracks and they have spent over \$20,000 only to patch foundation cracks from the Association's reserves and fees. Whitin asked who owns the foundations since they are condominium units and what the association owns. Whitin stated that the Board lacks the authority to require the developer to repair or replace the items listed, except for the sidewalks and drains. Daylor advised that the Town Planner and Assistant Planner review the Oakridge file before meeting with the developer on December 13, 2022, to see what items needed to be rectified.

Clayton Harrison was present and a member of the Oversight Committee. He stated that the town and the developer should be held accountable for the development's issues that were not followed through.

Whitin questioned the audience of Oakridge residents to see if they want sidewalks or not. Jim Cook was present and noted he was also on the Board. He stated that when he was on the board, the sidewalk issue was not brought up. Cook stated that adding sidewalks would be impractical, but he liked the idea of adding sidewalks as leverage.

- f. 309 Gifford Road – Carvalho (22-004SP-CD-FF) Endorse Plan and Decision.

Motion

Bullard moved to approve the Special Permit Decisions for Common Driveway and Flexible Frontage for 309 Gifford Road for Joaquim & Sandra Carvalho. Seconded by Daylor. 5-0-0

- g. Mass DOT Highway Permitting requirements

Michael Burris commented that he wrote a letter on behalf of the Planning Board to forward to the Board of Selectmen and the Building Department. The letter was written because applicants were not filing permits with Mass DOT for Mass. highway curb cuts. Whitin questioned if a public hearing was necessary or whether this was merely a reminder to the Building Department. Burris commented that it was just a reminder of the procedures for obtaining permits for driveways and street construction located within Mass. State Highways.

Motion

Daylor motioned to forward a letter through the Selectmen to the Building Department that applicants who apply for building permits within the state highway layout, need to conform to the Approval of access to Massachusetts Department of Transportation highways and other property procedures and requirements. Seconded by Bullard. 5-0-0

2. Minutes

October 4, 2022

Motion

Bullard moved to approve the October 4, 2022 minutes as amended. Seconded by Daylor. 5-0-0

3. Invoices

- a. Versare Invoice for office panels - \$792.00
- b. WB Mason Invoice – Office Chair - \$186.19

Motion

Bullard moved to approve the invoices for Versare and WB Mason totaling \$978.19. Seconded by Daylor. 5-0-0

4. Short/Long-term Planning Discussions

Whitin asked Ms. Messier and Michael Burris to contact Russell Burk from the BSC Group to set up a meeting and finalize a contract. The contract will need to be forwarded to the Town Administrator. The Chairman, Jim Whitin, and Bob Daylor volunteered to be on the Rezoning Subcommittee for the Route 6 zoning. Daylor suggested aiming for a major rezoning of Route 6 at the 2024 town meeting.

Schmid provided an update to the Board on the meeting of the Long-Term Building Committee regarding the future of the old Westport High School.

ADJOURNMENT

The members unanimously agreed to adjourn at 8:00 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: ?