



TOWN OF WESTPORT PLANNING BOARD MEETING MINUTES

FINAL

November 1, 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, Town Planner - Michael Burris and Assistant Town Planner - Amy Messier in attendance. Mark L. Schmid 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. 2023 Planning Board meeting calendar

The Board reviewed the 2023 meeting calendar and decided some work sessions would be needed in February for discussions the changes that will be included at Town Meeting.

b. Braybach Lane (18-005C-FF) Request for Endorsement of the plan, the release of all lots form the Form F Covenant, and release of Consultant Review fees.

Whitin questioned a section of the S.W. Cole report dated October 24, 2022 regarding the bounds and drill hole identification.

Mark Boucher of Boucher and Associates was present on behalf of the client. Boucher addressed Whitin's question regarding the drill hole identification. Boucher commented that S.W. Cole may have missed the rebar, but he will verify that the bound is placed.

Motion to Approve

Bullard moved to release all of the lots from the restrictions of the Form F Covenant dated: April 17, 2019 and revised through January 31, 2019, for the Definitive Subdivision Plan entitled: "Definitive Subdivision Plan of Braybach Lane" subject to clarification of the setting of the bound. Seconded by Daylor. 4-0-0

Motion

Bullard moved to release the balance of inspection fees plus interest after payment of the final invoice to S.W. Cole. Seconded by Daylor. 4-0-0

c. Approval Not Required (ANR) 333 Drift Road Name (22-004A) Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 333 Drift Road, Map 52 Lot 15.

Mark Boucher with Boucher and Associates was present on behalf of the applicant. The applicant is requesting to divide the property into two lots, both lots have the required frontage and upland area. The existing home would remain on Lot 1, being 2 acres, and the remaining 24 acres of the property would be subject to a conservation restriction.

Ms. Messier recommended endorsement for the ANR because it met the requirements.

Motion to Approve

Bullard moved to approve endorsement of the plan entitled “Plat 52, Lot 15, 333 Drift Road, Westport, Massachusetts” prepared for Stephen Fletcher, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. 4-0-0

2. Correspondence

- a. Chapter 91 License (22-005CH91) – 2015 Main Road – Robert Branca. *Noted.*
- b. Zoning Board of Appeals notice – 212 Cadmans Neck Road. *Noted*
- c. DEP Notice of application for 212 Cadmans Neck Road. *Noted.* d. Chapter 61 policy change

Burris mentioned the Select Board is seeking feedback on the proposed Chapter 61, 61A or 61B land release policy from certain Town Entities. Whitin noted that the turnaround time of 28 days to respond would not be adequate time for a response. Burris would draft a memo for the Chairman’s and forward to the Select Board with the Planning Boards response.

3. Minutes

- a. October 18, 2022

Motion

Daylor moved to approve the minutes of October 18, 2022 with the addition to “include governing the subdivision of land.” Seconded by Bullard.

4. Invoices

- a. APA MA Chapter Membership for Michael Burris - \$35.00

Motion

Bullard moved to approve the membership fee for the APA MA for \$35. Seconded by Daylor. 4-0-0 4.

5. Planner’s Report/Assistant Planner’s Report

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

Maya Way:

Before the BOS can authorize the appropriation of funds for expenditure of surety for this site, Ms. Messier mailed a certified letter on November 1, 2022 has to be sent to Bill Dispirito making him aware of the Boards intentions to use the surety money to improve May Way per the consultant report submitted to the Board by S.W. Cole in October. Mr. Dispirito has 45 days after the receipt of the letter to complete the required work on the construction of ways and installation of municipal services or else he will forfeit the surety (\$87,000 plus interest accrued) which would be Friday, December 16th, 2022 to respond to the notice.

Stacy Lane:

Update from S.W. Cole:

- Both ponds are constructed w. loam and seed
- Site drainage is installed & backfilled
- Roadway is roughed in and is passable for construction vehicles
- Fire Dept. has received an application for subsurface water tank, it is ordered but not yet installed, S.W. Cole will need to be present for the installation of this
- Electrical plan was approved by utility company & is expected to begin work shortly – S.W. Cole will make a visit during this installation (but jurisdiction is with the Electrical Dept. within Town)
- The expectation is that the roadway will be fully subgraded & inspected prior to the installation of roadway base gravel – roadway base gravel will be installed in lifts and compaction tested
- Binder installation to occur hopefully by Dec 1st
- After Dec 1st, PB has to approve paving

Ms. Messier commented the Building Inspector did not issue a cease and desist order that was requested, however, the subsurface water tank application had been filed per the cease and desist request. Daylor agreed with the Building Inspector that no further building permits should be issued until lots have been released. Ms. Messier will pass along Daylor's recommendation.

Brookwood Solar:

Updated punch list from the projects principal Civil Engineer:

- Pave entrance area – **Complete and approved by S.W. Cole**
- Install Swales 5 and 6 – **Complete**
 - Install reflector posts on access road – **Completed per design provided on punch list**
 - **Redefine entrance area of access road between two forestry gates- Starting 10/18**
 - **Top road with stone across the entrance access road to remove ruts and siltation - Starting 10/18**
 - Trim back overgrowth along access road and weeds growing through road – **Complete**
 - Clean out rip rap outlet from the pipe exiting OCS-1 - **Complete**
 - Add 5+/- LF of silt fence on the north west abutment of box culvert - **Complete**
 - Redefine swale on north side of site running through arrays to match plans - **Complete**
 - Hydro seed once grading is complete per the specs on the plans (C-4.0)

Ms. Messier spoke with S.W. Cole on November 1, 2022 - he plans on making a site visit the week of November 1, 2022 to observe the work that has been done on the punch list. Soares added that the asbuilt is required before lowering the surety.

Rte. 88/ Sullivan Dr. Solar:

Construction is scheduled to begin third week in November per the permit tolling from Covid.

Preconstruction meeting requested by Manny Costa (contractor for this project) to be set up sometime next week to establish construction timeline and expectations.

- Would the Board like to request a bond for the civil construction on this site to ensure completion and compliance of the solar array prior to going live?
- Would a PB member like to attend the pre-construction meeting?

Whitin questioned whether a bond could be requested for the civil construction portion and suggested that if it could, we should. He also added that the tentative as-built is required to be reviewed by the Planning

Board before the panels are in to review the topography. The Planning Board agreed to request \$150,000 for a performance bond.

Harbor Water:

Ms. Messier contacted Frank Getchell of Weston & Sampson – he has yet to provide her with the memo that was promised to the Town in late September. Ms. Messier reached out to him multiple times (9/20; 9/26; 9/28; 10/14; 10/18; 10/25; 10/28; 11/1) asking for the memo and for dates that he is available in order to coordinate the next meeting for this project. No memo has been received at this moment.

Housing Production Plan:

Ms. Messier sent an email to Liz Collins and Robert Barboza requesting that members of the AHTF participate in the HPP update, still waiting to hear back from them.

Upcoming Meetings:

Rte. 6 Corridor re-zoning w. BSC: 11/4/22 at 9:30 AM

DHCD MBTA Webinar: 11/8 at 1:00 PM

SRPEDD Westport Rte. 6 Stakeholders Meeting: TBD

12/27/22 Planning Board Meeting –The Board unanimously agreed to cancel the December 27, 2022 meeting.

Planner's Report – Michael Burris

- Hazard Mitigation Grant Program ○
Statement of interest submitted and accepted.
 - Letter of intent due December 5, 2022.

Burris submitted a Statement of Interest and a Letter of Intent. Burris would like to get feedback from the Climate Resiliency Committee. Whitin asked if there is a local match. Burris commented that there is a 10% match with a \$1500 cash match and Burris' hours.
- Route 6 Water/Wastewater ○ MassWorks
funds were not secured.
 - Preliminary confirmation of eligibility for USDA funds.
 - Funding overview attached.
 - Contacted EPA regarding funds through the Water Infrastructure Finance and Innovation Act (WIFIA).
 - Funding overview attached.
 - Schedule a meeting. Program staff offered
- General Updates ○ MBTA Community
Obligations
 - Memo summary: zoning code does not need to be revised until state statute is amended. However, Town should be proactive and include the changes in the current Route 6 rezoning initiative.
 - SRPEDD hosting webinar on 11/8 for more details.
- Community Compact Program

- Provides technical assistance/grant funds for planning projects that emphasize best practice areas (*no capital expenditures*).
- Participation provides bonus points with MassWorks scoring.
- Can apply for up to two projects.
 - We are eligible for grant funds to find a consultant for the Hazard Mitigation Plan.
 - Second project. Selection of best practice areas.

6. Short/Long-term Planning Discussions

a. Potential Zoning By-Law amendments

Roger Menard, Chairman, and Gerry Coutinho, Vice-Chairman of the Zoning Board of Appeals were present.

Menard suggested organizing a working group meeting to identify what By-Laws need to be updated to present to the 2023 Town Meeting. Whitin suggested that the Zoning Board of Appeals sponsor the signs By-Law. Whitin mentioned that Russell Burke from the BSC Group will be visiting the week of November 7th and that he might be able to help the ZBA with the sign By-Law using the limited available SRPEDD funds.

Coutinho proposed that the Planning Board review the Assistant and Independent Living By-Law to see if it needed to be updated. Whitin added that if water and sewer are available on Route 6, an adjustment to housing density should be considered, as well as one for areas where water and sewer are not available. Coutinho and Menard would like to be invited when the Planning Board has discussions regarding Zoning.

7. Matters not reasonably anticipated

None.

ADJOURNMENT

The Board unanimously adjourned at 7:50 p.m.

Respectfully Submitted,



Nadine Castro
Assistant Planner II

NOTE: Agenda is subject to change

NEXT MEETINGS:

Planning Board: *December 13, 2022 at 6:00 p.m.*
Work Session: *?*