



**TOWN OF WESTPORT PLANNING BOARD
MEETING MINUTES
November 15, 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, Mark L. Schmid, Town Planner, Michael Burris, and Assistant Town Planner Amy Messier in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting was recorded.

Call to order 6:00 p.m.

1. Administrative Items

a. Westport Stone & Sand Solar, LLC (18-009SP-SPA-LID-S) – Six-month extension request

On behalf of the applicant, Anthony Panebianco of Darrow Everett was present. He briefed the Board on the reasons for the delays and why they were requesting an additional six-month extension. Whitin explained to the applicants' representative what changes were now required prior to an as-built and the installation of panels and wires, and he requested a \$150,000 surety deposit or bond. Attorney Panebianco will consult with his client regarding the \$150,000 surety.

Motion

Bullard moved to grant a six-month extension to Westport Stone and Sand Solar, LLC contingent upon providing an As-Built before construction and furnishing a bond of \$150,000. Seconded by Daylor.
5-0-0

b. 2023 Town Meeting Zoning Amendments: Topic List & Working Group Scheduling

Burris commented that the Zoning Board of Appeals mentioned they would like to revisit the sign regulations and amend the subdivision regulations to require sidewalks for subdivisions with five (5) or more houses. A work session meeting was scheduled for Tuesday, November 29, 2022, at 5:00 p.m. for further discussion.

c. Pre-Application Consultation (22-006PAC) Requested by Brian R. Corey, Jr. to discuss Application Consultation for Special Permit Assisted/Independent Living.

Attorney Brian Corey, Jr was present representing Blue Cat, LLC for the Pre-Application consultation to get the Board's recommendations and feedback regarding a proposed Assisted/Independent Living facility. Steve Gioiosa of Civil and Environmental Consultants was also present.

Gioiosa stated that out of the 140 available acres, 25 acres will be used for this 55 and older community development off Route 177 on Westport Lakes Road. The Conservation Commission approved the wetland delineation as depicted in the pre-app plan. He added they have done soil testing and test pits with the Board of Health. Each unit will have a separate septic tank installed, and these tanks will discharge into a common leaching field. There will be a proposed 56 units along with that will be single-family housing along with some duplex-style units all leading from a common driveway.

Whitin questioned if the configuration and location were ideal. Attorney Corey added they would preserve 25 acres at another location of the property for open space.

Attorney Corey said there would be a common denitrification system and a leaching field that will service all the units. Gioiosa added there could be two pumping stations that would collect at one leaching field.

Whitin asked them to outline their plans for making it ADA accessible and suitable for independent living. Attorney Corey described the features that would be available for the over-55 community and would be adaptable for ADA compliance.

Bullard asked if the development would include a community sewer system. Attorney Corey confirmed that it would be. Gioiosa stated that although there would be one leaching area, there would be separate nitrogen-treating tanks for each unit. Bullard's suggestion to phase in the wastewater treatment facilities was noted by Gioiosa as an option.

Soares suggested that the Peer Reviewer inspect the septic tanks as well as the stormwater drainage.

Schmid added to Whitin's suggestion for reducing the density and spacing out the units for greater privacy. He also questioned if there would be individual wells. Gioiosa responded that there would be individual wells. Schmid asked how many of the units are duplexes and how many were single families. Gioiosa commented that there are 19 duplex units and 37 single-family units.

d. Coastal Healing (20-007SPA) Request to amend the Decision to allow the opening of the recreational portion before the 3 months.

Diego Bernal of Coastal Healing was present seeking to allow the recreational section of the business sooner than the permitted three months and to lift conditions 15 (traffic issues) and 16 (required 24 appointments/hour). Bernal provided an update since opening the medical facility one month ago and provided data to the Planning Department staff.

Ms. Messier and Burris recommended that both conditions can be removed for one month and the data shows that lifting the conditions would not be detrimental to public safety.

Motion

Daylor motioned to waive Condition 15 of the decision to allow recreational sales, subject to a review of Condition 16 from data provided from the applicant at the next public meeting. Seconded by Bullard. 5-0-0

Bernal requested an email to be sent to Mr. Parsons of the CCC regarding the Planning Board's decision. Ms. Messier confirmed she will comply with the request.

6:15 p.m. Public Hearing

2. Disability Commission - request to amend the Subdivision Rules and Regulations regarding sidewalks

Brian Gallagher, Chairman of the Commission on Disability, was present. He was before the board asking to amend the Rules and Regulations Governing the Subdivision of Land Section V.B.7 that states "when there are 20 or more lots in any one subdivision, sidewalks shall be constructed on one side of the street" be lowered to five (5) or more lots.

Motion

Bullard moved to close the public hearing. Seconded by Daylor. 5-0-0

Motion

Bullard moved to amend the Rules and Regulations Governing the Subdivision of Land Section V.B.7 requirement to construct sidewalks on one side of the street for subdivisions that will have five or more houses. Seconded by Daylor. 5-0-0

3. Correspondence

- a. Zoning Board of Appeals – Noted.

4. Minutes

- a. November 1, 2022

Motion

Bullard moved to approve November 1, 2022; minutes as written. Seconded by Daylor. Schmid abstained.

5. Invoices

- a. Amazon – Town Planner name plate desktop holder - \$14.88

Motion

Bullard moved to approve the Amazon invoice for \$14.88. Seconded by Daylor. 5-0-0

- b. Amazon – Wireless blue tooth keyboard and mouse for Town Planner & Asst. Town Planner \$55.98

Motion

Bullard moved to approve the Amazon invoice for \$55.98. Seconded by Daylor. 5-0-0

- c. Assistant Town Planner mileage - \$100.74

Motion

Bullard moved to approve the Assistant Town Planner's mileage for \$100.74. Seconded by Daylor. 5-0-0

6. Assistant Planner/Planner reports

Ms. Messier gave the Board an update on ongoing projects.

Stacy Lane:

- Stacy Lane was paved on November 14, 2022; S.W. Cole will be at the site on November 16, 2022, to do sample testing on the asphalt.
- No update on the subsurface water tank- according to the applicant, the tank itself is on backorder. S.W. Cole will need to be present for the excavation for the installation of the tank.
- The Fire Dept. does not have an issue with allowing the framing of the homes and/or buildings without the subsurface water tank- however, there shall be no occupancy until they are installed.

Brookwood Solar (Borrego):

- A site visit took place on 11/7/22 with Derek of S.W. Cole, Steve Martel (Borrego) and Ms. Messier walked the site and observed all of the work from the punch list had been completed.
- The performance surety check of \$150,000.00 was received by the Planning Office on 11/4/22 (we have not deposited the check yet since the As-Builts have been submitted, and S.W. Cole's final report states that all punch items have been satisfactorily addressed and completed.)

- A full set of As-Built Plans were submitted to the office and S.W. Cole on 11/10/22
- S.W. Cole's final report is attached, per S.W. Cole's recommendation, Ms. Messier forwarded the as-built plans to the electrical inspector for review.

Harbor Water Study:

- Frank stated he will have the report to us by tomorrow morning.

Westport Stone & Sand Solar, LLC (Old County):

- 6 mos. Extension being sought due to supply chain issues, recommend issuing extension. (Extension expired on September 20, 2022, so the extension should be issued through March 20, 2022).

Rte. 88/Sullivan Dr. Solar:

- The pre-construction meeting was placed on hold for a date and time uncertain. Ms. Messier mentioned she has been in contact with Jim Wheel from Infinity Energy.

Jim Whitin mentioned the property next to Oak Ridge that is being cleared without the proper permits filed. Daylor proposed that one of the Planners write a letter putting the person involved on notice to provide the necessary permits while clearing the land.

Planner's Report

- Hazard Mitigation Grant Program
 - o Letter of intent submitted.
- Buzzards Bay National Estuary Program (NEP) Bipartisan Infrastructure Law (BIL) Funds
 - o Application for The Let
- Route 6 Water/Wastewater
 - o TWWD meeting
 - o Water Infrastructure Finance Innovation Act (WIFIA) meeting
 - o USDA meeting: November 17
 - o One Stop (Mass Works) debriefing
- Route 6 Rezoning
 - o Meeting with BSC Group: Need expanded scope of work
- General Updates
 - o MBTA Community Obligations: SRPEDD webinar
 - No requirements unless joining MBTA through a referendum or the state statute is amended.

6. Short/Long-term Planning Discussions

None.

ADJOURNMENT

The members unanimously adjourned at 7:48 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nadine Castro". The signature is written in dark ink on a light-colored background.

Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: December 13, 2021 @ 6:00 P.M.

WORK SESSION: November 29, 2022 at 5:00 P.M.