



PLANNING BOARD MEETING MINUTES

Date/time of Meeting: March 7, 2023, at 6:00 p.m.

Place: Town Hall Annex, 856 Main Road

Call to order: The regular meeting of the Westport Planning Board was called to order at 6:02 PM by Chairman, Jim Whitin.

ATTENDEES

Chairman Jim Whitin, Vice-Chair Robert Daylor, and members John Bullard, Manuel Soares, Mark L. Schmid, Town Planner, Michael Burris, and Assistant Town Planner, Amy Messier

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

1. Administrative Items

a. Letter to the Board of Selectmen requesting that the Highway Department solicit bids for the Maya Way project (07-002C).

Ms. Messier drafted a memo from the Planning Board to the Selectmen to vote to authorize the appropriation of funds for the Highway Department to complete the 2007 Medeiros Farm Definitive Subdivision Plan (Maya Way) because the developer defaulted.

Motion

On the recommendation of the Assistant Town Planner, Bullard moved to request the Selectmen to request by a vote to authorize the expenditure of the surety of \$87,000 under the accepted provisions of Chapter 245 of the acts of 1988. Seconded by Daylor. 5-0-0

b. **202 Pine Hill Road (19-012SP)** Endorse Form G for Performance Surety

Ms. Messier stated that Greenbacker Renewable Energy Systems agreed to provide a \$100,000 performance guarantee surety to the Planning Department. Greenbacker has signed and returned Form G, consenting to the terms. Form G was endorsed by the Planning Board.

2. 6:15 p.m. Public Hearing

a. Stoneridge: A Private Community (23-002SP-ILF-SPA-LID)

Present: Attorney Mark A. Levin, Levin and Levin, Attorneys at Law; Richard “Bucky” Leblanc, Applicant; Bill Smith of Civil Engineering Concepts.

Attorney Mark A. Levin, was present on behalf of the applicant. Attorney Levin gave a brief overview of the project that would include 39 condominium units with six affordable units. He stated that it is their opinion Mello's Way has the legal frontage that could be used for the development. Attorney Levin submitted the Building Inspector's opinion letter dated March 28, 2022, for the file. He also submitted historical documents referencing the existence of Mello's Way prior to the town's adoption of Zoning and Subdivision By-Laws.

Bill Smith addressed and commented on the Independent Living Facility standards. There would be a proposed sidewalk that would connect Chabot Street to the new development along with nature paths. Smith addressed the existing clear-cutting on the site and added that any disturbed areas that are not required will be revegetated to maintain the buffer zone. Smith requested that the first pole be installed to avoid digging in the gas easement and then all other utilities will be underground. Smith stated that he will discuss the well placement with the DEP and the Board of Health and invited the Planning Board members for their input.

Whitin inquired whether the Open Space was contiguous and whether the gas line was included in the Open Space. Smith pointed out where the Open Space was and confirmed that the gas line right of way would be included in the Open Space. Whitin inquired whether the applicant has the right to use and improve Mello's Way and whether there was evidence of such a right. According to Attorney Levin, there was access in 1924, according to Assessor's records, and it became Mello's Way.

Bullard voiced his concern that the developer would move ahead with construction without the necessary permissions due to his previous activities on the property.

The S.W. Cole report dated February 21, 2023, and the Department/Committee reviews were read into the record by Burris.

After giving a brief overview of his comments, Council member Daylor requested that Town Counsel review the information presented by Attorney Levin regarding frontage on Mello's Way. Daylor noted that he does not agree with the plan's conformance requirements and open space calculations. Also, he mentioned that he reviewed the drainage calculations and that he had significant problems with the stormwater drainage.

Whitin referred to a 32-page opposition letter received from the Law Office of Moriarty, Troyer, & Malloy LLC that represent Oakridge on March 3, 2023.

Burris requested from the applicant's engineer a revised vegetation plan indicating what vegetation was removed and what vegetation remained.

Whitin commented the clearing to the land caused additional water to drain onto the property east of Lighthouse Lane. Soares added erosion control needs to be put in place on the cleared property to protect the neighbors from further water damage.

Ms. Messier read her findings and recommendations into the record.

Attorney Michel Wigney of Moriarty, Troyer, & Mallory LLC was present representing Oakridge Condominiums Trust. Attorney Wigney cited a 32-page document submitted by her law firm highlighting several reasons why Oakridge opposes the project.

Charles and Ruth Sullivan of 48 Chabot Street were present. He stated the 39-unit development would increase traffic on Newton Street and Chabot Street, which are already heavily traveled and would be even more dangerous as a result.

Victor Reitano of 4 Windsor Drive was present. Mr. Reitano questioned the right of way over Oakridge.

Tom Loughman of 54 Lighthouse Lane was present. He brought it to the Board's attention that he has owned his property since 2013 and has not experienced any water run-off until the changes to the contours of the land on Mello's Way were cleared in 2022. He submitted photos to planning personnel for the file.

Mark Allard of 12 Crestview Drive was present. He noted that Oakridge had problems in the past with water in their basements due to improper drainage. He is concerned that with the new development of Stoneridge, it may make matters worse with the water run-off.

Gerry Coutinho was present and mentioned he serves on the Zoning Board of Appeals. He pointed out that none of the services listed in Section 9.1 of the By-Laws, which describes the objective of Independent Living, are offered by this development.

Soares asked Attorney Levin what street Mello's Way originate from. Attorney Levin commented it originated around 1860 and the primary owner granted a right of way from Route 177.

Motion

Bullard moved to continue the Stoneridge public hearing to June 13, 2023, at 6:15 p.m. Seconded by Daylor. 5-0-0

3. 6:45 p.m. Public Hearing

a. Close Zoning Amendment Public Hearing

In the interests of getting further comments or suggestions from the public, the Board decided not to close the public hearing on February 7, 2023. Ms. Messier commented there were no additional comments from the public as of this meeting. Burris forwarded a draft of the warrant articles to the Town Administrator and Town Council.

Motion

Bullard moved to close the 2023 Zoning By-Law Amendment. Seconded by Daylor. 5-0-0

4. Assistant/Planners report

Planner's report

Burris reviewed his Planner's report with the Board.

- Open Meeting Law Update
 - The House approved the governor's supplemental 2023 budget bill which was amended to include an extension of allowing remote and hybrid meetings through March 31, 2025. Updates forthcoming.
- Route 6 Rezoning Meeting Recap
 - Met with BSC Group last week. We had a high-level discussion of what types of development would be appropriate in the Route 6 corridor – for example, multi-unit, multi-story residential on Route 6 and small lot development on the periphery with clustered homes, duplexes, warehousing in the STOD overlay area, and so on.
- Municipal Vulnerability Preparedness Program Grant → MVP 2.0
 - Had a meeting with Courtney Rocha of the MVP program. Due to changing eligibility requirements in the MVP program, we are not eligible for a planning action grant. However, she described the MVP 2.0 process which sounds like it meets our needs to begin drafting a Climate Resilience Plan. The initial phase of MVP 2.0 would update our current MVP plan with expanded detail of identified vulnerabilities and include more public engagement. We would then be eligible for a seed grant that could be used towards planning services for drafting the plan.
- Southeastern New England Program – Watershed Implementation Grants

- This grant was circulated last week. We could potentially apply for a grant to help with the implementation of the town's Target Integrated Watershed Management Plan.
- One of the plan's recommendations is to have a pilot program of installing vegetative buffer strips to filter nitrogen and other pollutant runoff near agriculture and impervious surfacing at larger commercial developments. Grant funds would be used for installation and monitoring.
- Housing Production Plan Survey
 - The Southeastern Planning and Economic Development District (SRPEDD) drafted an online survey to do some public outreach for the Town's updated Housing Production Plan. The survey has a variety of questions ranging from whether there is housing that can meet residents' needs to which types of housing residents would like to see constructed. Amy and I approved their draft and it should be getting circulated soon. We will circulate it with the Board once they publish it.
- Main Road Streetscape Plan
 - Mark Schmid expressed interest in participating in the workgroup. Burriss will be meeting with the Bike & Walking Path Commission next week to provide an overview of the project and ask for a representative from that committee.

5. Correspondence

None.

6. Minutes

February 21, 2023

Motion

Bullard moved to approve the February 21, 2023 minutes as written. Seconded by Daylor. 5-0-0

7. Short/Long-term Planning Discussions

None.

ADJOURNMENT

The Board members unanimously adjourned at 8:50 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: April 4, 2023 @ 6:00 P.M.

WORK SESSION: ?