

PLANNING BOARD MEETING MINUTES

Date/time of Meeting: July 11, 2023, at 6:00 p.m.

Place: Town Hall, 816 Main Road
This meeting was held in the Board of Selectmen's meeting room, not the Town Hall Annex.

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 Bob 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. **Approval Not Required (ANR) – Parcel 23-47 & 47B (23-022A)** Request by the applicant for endorsement of a 2-lot plan of land located at 17 Franklin Street, Assessors Map 23 Lots 7 & 47B.

John Romanelli from Zenith Land Surveyors was present representing the applicant. The applicant would like to subdivide the property that has two houses on one lot into two separate lots. There was some misunderstanding since Option 4 instead of Option 2 was inadvertently picked on Form A. Burris clarified that the application is still valid, but the correct option to circle on Form A is option 2.

Whitin asked if the property could be subdivided. According to Burris, the lots satisfy the Approval Not Required criteria and can be divided accordingly. However, doing so results in the creation of two non-conforming lots.

Romanelli proposed that the Board support the Approval Not Required, but refrain from recording it with the registry of deeds until they receive the Building Inspector's opinion on whether it would be beneficial to proceed with the subdivision or not. The proposed idea was agreed upon by the applicant.

MOTION

Bullard moved to approve the endorsement of the plan entitled "Plan of Land showing the division of Parcels 23-47 & 47B" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. 5-0

- b. Definitive Subdivision – 431 Fisher Rd. “Stacy Lane” (20-002SPA-C)** Vote on surety amount for incomplete work.

Ms. Messier noted that S.W. Cole submitted a site review letter dated June 19, 2023, and also provided a surety estimate of \$97,800. Ms. Messier recommended the surety be set at \$100,000.

Motion

Bullard motion set surety for 431 Fisher Road “Stacy Lane” for \$100,000 with one year to complete.
Seconded by Schmid. 5-0

2. 6:15 p.m. Public Hearing

a. Westport Horizons Development Corp. - Oakridge (06-001SP-MAJOR)*(continued from February 22, 2022, April 19, 2022, June 28, 2022, March 7, 2023, May 16, 2023)*

Attorney Mark Levin from the Law Offices of Levin & Levin was present on behalf of the Applicant Westport Horizons Development Corp./Richard LeBlanc and reiterated that his client had made a mistake with not installing the sidewalks within the Oakridge Development in 2006 when it was originally approved by the Planning Board due to lack attention paid to the contractors work. According to Mr. Levin, he proposed to his client the idea of painting a stripe on one side of Windsor and Crestview Drive to establish a designated space for pedestrians and bicycles. Mr. Levin stated that his client was in favor of that suggestion and willing to provide the stripes along one side of the road since installing a sidewalk at this point would be difficult due to the grades that would have to be altered and the sprinkler systems that have been installed by the residents of the Oakridge community. Whitin stated that the Planning Office consulted with Town Council since the last public hearing on May 16, 2023, regarding what the Planning Board can rule on. Town Council made the following findings/suggestions to the Planning Board;

- Richard Leblanc can be personally liable for failing to comply with the approved plan since he signed the original application in 2006, making him a co-applicant along with the now dissolved “Westport Horizons Development Corp.”
- The only decision the Planning Board should be voting on is whether or not to accept the request for the major modification of the special permit to eliminate the sidewalks on the plan.
- The Planning Board does not have the authority to intervene any further than accepting or rejecting the elimination of sidewalks due to the following; the application by the applicant did not ask for anything other than sidewalks and the other shortcomings brought to light in the public hearing by the residents do not pertain to the application and public hearing and are a civil matter between the applicant and the residents of Oakridge.
- The Planning Board is not the enforcement entity of the decision that is made, and all enforcement for this project has to be issued by the Building Inspector/Zoning Enforcement Officer.

Ms. Messier read her recommendation into the record, in which she recommended that the Planning Board deny the applicant's request for the major modification to the special permit along with sample findings.

Ms. Messier recommended the following actions by the Planning Board;

- The Planning Board makes a motion to close the public hearing.
- The Planning Board makes findings
- The Planning Board ***denies*** the major modification by the applicant to modify the Special Permit for the elimination of sidewalks within the Oakridge Condominium development.
- Ms. Messier recommended denying the major modification due to the following findings;
 - Since Oakridge is an already developed community with residents, Mr. Leblanc would have to obtain the consent of every resident and owner within the community to show that everyone agrees with the elimination of sidewalks – it is evident through the public hearing process that the residents of the community are not unanimously in agreement with the elimination of sidewalks.
 - The purpose and intent of the Zoning By-law of Assisted and Independent Living Facilities is to provide a residential living environment that offers supportive services for people that either need supervision and/or assistance with basic activities within their daily life and/or offer congregate living arrangements to persons over the age of fifty-five. The majority of the Oakridge condominiums are single-family and are therefore not connected. During the public hearing process, numerous residents within the Oakridge Community expressed the need for the development of sidewalks, stating that the current absence of sidewalks creates an unsafe walking environment for the residents due to the speed of passing delivery vehicles that frequent the development, and the lack of an ADA compliant surface to safely use for means of getting from one facility/ home to another. The elimination of sidewalks within the Oakridge development deviates from the intent of the By-law by failing to offer a basic supportive service for the residents by compromising their safety during a basic and necessary activity, such as walking within the private community.
 - The Special Permit that was issued by the Planning Board in 2006, under “Special Permit Criteria” lists that all paths were to be attractively designed for convenience, separation of vehicular, bicycle, and pedestrian traffic, adequate connectivity, completeness of access to amenities and facilities on site and to pathways on adjacent sites. The current walking paths within the development are composed of crushed shells, which lack stability and ADA compliance. During the public hearing process, numerous residents stated safety concerns relating to the pathways that are established as being unstable and unsuitable for safe walking and handicapped use. Given that the current pathways are not attractively designed for convenience, and are unsafe and unusable by some of the handicapped residents, it renders the walking paths deficient in providing adequate connectivity and completeness of access to amenities and facilities on site. This deficiency deviates from the Special Permit Criteria at the time of the Special Permit approval and creates an environment where the residents cannot safely walk within the development on the walking paths to have access to amenities and facilities.

Motion

After Ms. Messier read her recommendation into the record, Bullard made a motion to close the public hearing for File No. 06-001SP-MAJOR for Richard Leblanc and Westport Horizons Development Corp. for the Major Modification to a Special Permit for the Independent Living Facility known as Oakridge Condominiums, Seconded by Daylor, with no further discussion and all five members in favor, the motion carried unanimously.

Motion

Bullard then made a motion to accept the findings read by Ms. Messier, seconded Daylor, with all five members in favor, and the motion carried unanimously.

Motion

Bullard made a motion to accept the Major Modification of the original Special Permit for the Independent Living Facility and associated Site Plan for Richard Leblanc and Westport Horizons Development Corp. File No. 06-001SP-MAJOR known as Oakridge Condominiums for the elimination of sidewalks, seconded by Soares. Bullard stated that should the applicant and the residents of Oakridge find another means to resolve the problem that doesn't involve the construction of sidewalks, it would be up to the Building Inspector/ Zoning Enforcement Officer to decide on whether to take any enforcement action since the applicant would technically violate his special permit. Schmid reiterated that our By-law requires the construction of sidewalks for developments like Oakridge for safety reasons and convenience, and are an important and necessary feature. With no members voting in favor, and all five voting against, the motion did not pass, and the Major Modification is denied.

3. Assistant/Planner's report

a. Assistant Planner's report

Harbor Water Study:

- Reached out to Frank Getchell of Weston & Sampson on 7/6/23 for an update on the placement of the data loggers, waiting to hear back.

Borrego Solar – Main Rd./ Brookwood Drive:

- Applicant submitted an update with photos of the grass and vegetation growing on site. Messier directed S.W. Cole to do a site visit to ensure that the growth is adequate. Once a report is submitted to the office by S.W. Cole, an item on a future agenda will be the request to release the \$50,000.00 in performance surety that the applicant had provided to us.
- S.W. Cole did a site visit today (7/11) and established that there is adequate vegetative growth – Derek Mello has committed to providing a review letter by the end of this week.

Repurposing of the old H.S.:

- Messier reached out to Grant King/ Kevin Ham and requested a quote for the 3-D tourable model and scaled building blueprint docs. Kevin Ham (Homeland Security Manager & leader of SRPEDD's drone program and 3D modeling work) is currently working on a similar project for the Taunton schools. Mark L. Schmid inquired about the estimated time for completion.
- SRPEDD will provide an estimate for the work within the next two weeks.

b. Planner's report

- Salt marsh grant updates
 - We were looking into applying to the Coastal Resilience grant program for funds for two different projects.
 - The first was to study our salt marshes for their migration potential. After meeting with the Westport River Watershed Alliance to collaborate on the grant application, they let us know that the Mass Coastal Resilience program has been working on modeling marsh migration areas for the state. This was essentially what we were going to apply to the program to develop, so we're meeting with their staff to learn further.
 - EA Engineering is looking into developing a proposal to the U.S. Army Corps of Engineers to evaluate alternatives for the beneficial reuse of dredged materials for

sediment dredged from the Westport River. More time was needed to develop a baseline with existing studies and data for future analysis.

- Any application was due yesterday, so we're slowly making progress to design a fundable project, just not through the CZM this year.
- Westport drone photos
The southeastern regional planning and economic development district provided the Town with drone photos of different features and locations in Westport. We are welcome to use these photos in plans and documents but please provide attribution to the relevant SRPEDD staff member.
- Next rezoning meeting with BSC Group
Revisions were requested to be made to the draft of the public engagement presentation before our August 8th meeting.

4. Correspondence

None.

5. Minutes – June 27th, 2023

The incomplete June 27th minutes will be on the agenda for August 8, 2023.

6. Short/Long-term Planning Discussions

Whitin said that Mark L. Schmid and Bob Daylor offered their services as members of the committee for short-term rentals. Ms. Messier mentioned that the Board of Health voted at their meeting that Tanja Ryden will be the representative, and the Zoning Board of Appeals will vote to appoint a member at their next meeting. A letter will be sent by Ms. Messier to the Board of Selectmen requesting the creation of this new committee, and in the letter, she will ask that a member of the Board of Selectmen be appointed to the committee as well.

Whitin received a request from Mark Rasmussen for an update on the funding for the water and sewer. Due to the project's limitations and the lack of time, Whitin believes additional funding sources are very important. There was a discussion about the next steps.

ADJOURNMENT

The Board members unanimously adjourned at 7:37 p.m.

Respectfully submitted,



Nadine Castro, Assistant Town Planner II

NOTE: Agenda is subject to change

NEXT MEETINGS:

PLANNING BOARD: August 8, 2023, @ 6:00 P.M.

WORK SESSION: ?