



PLANNING BOARD MEETING MINUTES

Date/time of Meeting: October 3, 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.

Present

Chairman-Whitin, Vice-Chairman-Daylor, John Bullard, Manuel Soares, Mark L. Schmid, Town Planner, Michael Burris, and Assistant Town Planner, Ms. Messier.

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

1. Administrative Items

a. 234 Pine Hill Road (23-033A) Request by the applicant for endorsement of a 2-lot plan of land located at 234 Pine Hill Road, Assessors Map 41 Lots 6 & 7.

The purpose of the plan is to subdivide property owned by Michael D. Gagnon and Donna A. Gagnon, by creating Lot 1 and Parcel "A". Parcel "A" is not to be considered a separate buildable lot and is to be combined with the abutting land owned by Daniel J. & Tammy Chester for an increase total area of 53,051 ± s.f. Lot 7 will remain unbuildable.

Motion to Approve

Bullard moved to approve the endorsement of the plan entitled "Approval Not Required Plan, 234 Pine Hill Road, Assessors Map 4 Lots 6 & 7, Westport, Massachusetts" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. 5-0-0

b. Silverback Construction (23-004-1-SPA-MINOR) Endorse Plan

The Assistant Town Planner stated that the Board only needed to endorse the modified plan since the Site Plan Minor Modification had been approved on September 19, 2023.

c. Establish an approximate time limit allocation for discussion points for agenda items.

The Planner and Assistant Planner agree that a five (5) minute time limit is sufficient time to comment at the public hearing. Bullard and Daylor agreed to the public time-limit allocation and suggested following the policy of town moderator for town meetings. Daylor suggested posting a sign-up sheet to determine the order of speakers at meetings.

Motion

Bullard motioned to adopt the same time-limit policy used at Town Meeting. Seconded by Daylor. 5-0-0

2. 6:15 p.m. Public Hearing

a. 146 State Road-Burke V. Twin (23-030SPA-Minor)

James Burke, who resides at 146 State Road, informed the Board that he wishes to set up a motorcycle repair business in the existing garage on his property. He sought site plan approval and a waiver for technical compliance, as the changes to the site plan are minor. Burke mentioned that the only modification to the property would be the addition of crushed stone in a 950 sq. ft. area on one side of the driveway to create four parking spots. He also stated that he has no plans for signage at this time, but if needed in the future, it would most likely be placed at a location on the garage.

Ms. Messier read her report into the record and recommended to the Board that the waiver of technical compliance should be considered given that the minor site plan application is simple with little alterations to the property. Ms. Messier also recommended that to maintain access forty (40) feet from the roadway, the crushed stone parking area should be set back twenty-two (22) feet northward. Ms. Messier read sample findings and conditions into the record.

Motion to Close the Public Hearing

Bullard moved to close the public hearing for the Minor Site Plan Approval application for **James Burke** relating to the property owned by **Joanne E. Costa** and located at **146 State Road, Assessors Map 3, Lot 40-40A** according to Westport Zoning By-Laws Section 8.7 for Site Plan Review on a request to accommodate the two existing single-family dwellings on the property and an Auto Salesroom Class II within the existing garage, and an additional four (4) parking spaces. Seconded by Daylor, the motion carried unanimously 5-0-0 in favor.

Motion to Approve Applicant Request to Waive Technical Compliance

Bullard moved to approve the applicant's request to waive the technical compliance associated with the Site Plan Approval, since the project is minor there are no construction, expansion, or alterations to any buildings proposed and the use of the property does not generate a need for more than five (5) parking spaces. Seconded by Daylor, the motion carried unanimously 5-0-0 in favor.

Motion to Approve Minor Site Plan

Bullard moved to approve the Minor Site Plan application with the approved waiver and sample findings and conditions of **James Burke** for property located at **146 State Road** and owned by **Joanne E. Costa, Assessor's Map 3, Lot 40-40A**, under Westport Zoning By-Laws, Section 8.7 for Site Plan Review, on a request to accommodate the two existing single-family dwellings on the property and an Auto Salesroom Class II within the existing garage, and an additional four (4) parking spaces. Seconded by Daylor, the motion carried unanimously 5-0-0 in favor.

Decision

At a regular meeting of the Planning Board held on October 3, 2023, Bullard moved to approve the Minor Site Plan application of **James Burke** for property owned by **Joanne E. Costa** and located at **146 State Road, Assessor's Map 3, Lot 40-40A**, under Westport Zoning By-Laws, Section 8.7 for Site Plan Review, on a request to accommodate the two existing single-family dwellings on the property and an Auto Salesroom Class II within the existing garage, and an additional four (4) parking spaces. Seconded by Daylor, the motion carried unanimously 5-0-0 in favor.

Documents of Record

1. Form SPA-1 Request for Determination and Approval of Minor Site Plan with Waivers, dated August 15, 2023, and filed with the Town Clerk on August 22, 2023.
2. Plan – Sheet 1 of 1: Entitled “Site Plan – Burke V Twin, 146 State Road, Westport, MA”, prepared by Pare Corporation, dated August 11, 2023, signed and stamped by David Potter, P.E.

Waivers

1. Waiver of Technical/ Procedural Compliance – *The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Westport’s Site Plan Approval Rules and Regulations and the procedures of this Bylaw where the project involves relatively simple development plans or constitutes a minor site plan. As a guideline, an application for a permit to build, alter, or expand any non-residential building, structure, or use in any district where such construction will not exceed one thousand (1,000) square feet of gross floor area, or an application that will not generate a need for more than five (5) parking spaces may be considered a minor site plan.*

Findings of Fact

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. The property is located within the Business District, and there are no proposed construction or alterations to the existing buildings to the premises, therefore leaving the existing natural environment intact. The only change to the property will be the addition of nine hundred and fifty (950) s.f. of crushed stone to accommodate the additional parking spaces proposed. All proposed work will take place within the existing garage, no loading areas are proposed and no signage is proposed, therefore avoiding adverse effects on the abutters.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and the location of driveway openings is convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. There are no proposed alterations to the existing driveway's location and opening. There is an existing sidewalk along State Road on the same side as the property, allowing for safe pedestrian movement. There is a proposed maximum number of two (2) employees on the premises which will not generate an excessive amount of vehicular traffic.
3. The project as presented provides an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises. The required number of parking spaces per the Westport Zoning By-laws Section 8.3 for the residential use of the property is 1.5 spaces per unit and the applicant has three (3) existing parking spaces, therefore satisfying this requirement. The Auto Salesroom Class II use of the property requires 1.5 spaces for each one-thousand (1,000) s.f. of floor space and one (1) parking space for every two (2) employees, the total number of parking spaces proposed on the property is six (6), therefore satisfying all parking requirements for the proposed uses of the premises.
4. The proposed use will provide adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site. All work on the premises will be done inside the existing garage, and

there is an existing oil absorption system, therefore any and all waste will be confined and disposed of properly.

5. The project as presented complies with all applicable requirements of this By-Law, the Rules and Regulations of Site Plan Approval, and the Rules and Regulations Governing the Subdivision of Land (to the extent applicable) unless explicitly waived by the Planning Board.

Conditions

1. Any material changes to the approved site plan shall require Planning Board approval.
2. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans, this certification shall be submitted to the Building Inspector and the planning office before the issuance of an occupancy permit.
3. There shall be no repair equipment stored outside of the building.
4. The maximum number of vehicles within the crushed stone parking area and driveway shall not exceed six (6).
5. The crushed stone parking area shall be
6. Any and all waste resulting from the permitted uses of the property shall be disposed of properly and offsite.

3. 6:20 P.M. Public Hearing

a. Plat 21 Lot 8A (23-028SPA-LID-Minor)

Bill Smith, representing the developer R.L. Building & Development from Civil Engineering Concepts located at 34A Main Street, Little Compton, RI, was present at the meeting. He mentioned that in the past, the Board had been presented with a proposal for a 39-unit project, which was later withdrawn. The developer is now seeking to rectify the clearing that was done on the parcel of land, which exceeded one acre. It was also brought to attention that a Low Impact Development application was not filed. Smith mentioned that S.W. Cole's Peer Review stated the disturbed area is showing revegetation and is not causing any run-off.

Ms. Messier asked Smith if the developer would be proposing any further development to the property. Smith responded that nothing further is being proposed; they will just let the land revegetate on its own. He added he didn't see any run-off after a significant storm that would be detrimental to the neighbors.

During the discussion, Ms. Messier proposed some ideas that would deter trespassers such as placing hay bales along the perimeter to facilitate run-off and installing a gate with a lock along with a no-trespassing sign to discourage people from dumping trash onto the property. Smith indicated that his client was willing to add some sort of deterrent to prevent trespassing, but he was not in favor of having hay bales. S.W. Cole suggested a gate in their report. However, Burris noted that the Board lacks the authority to require a gate as it is not part of the Low Impact Development requirements.

Bullard and Soares suggested using a pollinator and seed mix instead of installing hay bales.

Thomas Loughman of 54 Lighthouse Lane submitted photos for the record expressing concern that his property could be at risk of water damage if the property is not fixed before the ground freezes and it rains or snows.

Diane Silvia of 8 Crestview Drive. She commented there has been an increase in water draining onto her property since the lot was cleared because they are lower than lot 8A. Ms. Silvia requested a gate be installed at the Chabot Street entrance where the developer gained access to the land because recreational vehicles are using the property.

Motion to Continue

Bullard moved to continue the public hearing to November 14, 2023, at 6:30 p.m. Seconded by Daylor. 5-0-0

4. 6:30 Public Hearing

82 Highridge Road (23-023-1SP-FF) *(continued from September 19, 2023)*

Sean Leach of Northeast Engineers was present representing the applicant. He was before the Board to refile a plan that showed a property line correction that decreases Lot 3 slightly, however, the property still meets the requirements of the Flexible Frontage and corrects the earlier plan.

Ms. Messier asked Leach to add to the plan the measured distance between Lot 1 and Lot 2. She also asked that the final plan have the wetland delineation line from the Conservation Commission and what the clearing area would be.

Raymond Rodrigues of 73 Highridge Road was present to voice his concern about the incorrect property line from the previous plan. Chairman Whitin confirmed that the plan had been corrected.

Ms. Messier read the Sample Findings and Sample Conditions into the record.

Sample Findings

The Board found that the reduction in frontage meets the purpose and intent of the Flexible Frontage By-Law by allowing for better design by providing restrictions on further lot division and limiting areas to be cleared, thereby reducing disturbed areas and stormwater runoff. The applicant submitted a yield plan showing that a minimum of four lots could be developed under a traditional subdivision, by granting this special permit the applicant would be limited to the development of the two new lots and the existing already developed one lot, three (3) lots in total. This proposal reduces vehicular trips, road congestion, and the demand for public services. Furthermore, the backland will continue to provide and facilitate the movement of wildlife. The Board found that the Flexible Frontage design standards were utilized to the maximum extent feasible as defined in Section 8.6 of the Zoning By-law.

Sample Conditions

1. A plan suitable for recording (The Form A Plan may be used to meet this Condition) shall be submitted with the following statements and conditions:

a. "Subject to a Special Permit pursuant to the Town's Flexible Frontage By-Law, Section 8.6 granted on October 3, 2023, by the Westport Planning Board and Recorded in the Bristol County Southern District Registry of Deeds in Book _____, Page _____."

- b. Sub. Lots 1, & 2 & 3 as shown on this plan benefiting from reduced frontage under the Zoning By-law, Section 8.6 shall not be further subdivided and no modification of the clearing restrictions and building locations shall occur without a corresponding modification of the Flexible Frontage Permit.
- c. No lot clearing shall begin and no building permits shall be issued for Sub. Lots 1 & 2 as shown on this plan benefit from reduced frontage under Zoning By-law, Section 8.6 until the Special Permit has been duly approved, executed, and recorded, and evidence of the recording has been filed with the Inspector of Buildings.
- d. On the final plan, Sub. Lots 1 & 2 shall have an incorporated clearing area marked on each proposed lot to restrict clearing of vegetation outside of the defined area. This would include the building envelope and area of the future common driveway.
- e. The narrowest width of Sub. Lot 2 shall be measured and labeled on the plan to ensure that it is not less than fifty (50) feet in width.
- f. The applicant shall receive wetland delineation approval from the Conservation Commission and must incorporate the approved delineations into the final plan.

Motion

Daylor moved to close the Public Hearing. Seconded by Soares. 5-0-0

Motion

Bullard moved to accept the Sample Conditions and Sample findings. Seconded by Daylor. 5-0-0

Motion to Approve (ANR)

Bullard moved to approve the endorsement of the plan entitled “Approval Not Required Plan, 82 Highridge Road Assessor’s Map 42 Lot 1T, 7 & 8-2, Westport, MA” because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. 5-0-0

Motion

Bullard moved to approve the Special Permit Flexible Frontage for 82 Highridge Road. Seconded by Daylor. 5-0-0

5. Assistant/Planners report

- a. Assistant Planners Report
 - i. 9/25/23 Plymouth Blvd. public meeting update
 - ii. MS4 update
- b. Planners report
 - i. Municipal Vulnerability Preparedness 2.0 Update
 - ii. Route 6 Rezoning Update
 - iii. Short-Term Rental Committee Update
 - iv. Southeast New England Program – Stormwater Planning Assistance
 - v. 2022 Annual Town Meeting Bylaw Update
 - vi. Community Compact Cabinet Program Grants – Information Technology (IT) for online permitting and supplement to MVP 2.0 grant.

6. Correspondence

- a. Zoning Board of Appeals notice. *Noted.*

7. Minutes

- a. September 5, 2023

Motion

Bullard moved to approve the September 5, 2023 minutes as written. Seconded by Daylor. 5-0-1. Whitin abstained.

- b. September 19, 2023

Motion

Bullard moved to approve the minutes of September 19, 2023, noting a correction that John Bullard was present at the meeting. Seconded by Daylor. 5-0-0

ADJOURNMENT

The Board unanimously moved to adjourn at 8:30 p.m.

Respectfully submitted,



Nadine Castro