



TOWN OF WESTPORT
856 Main Road
Westport, Massachusetts 02790

PLANNING BOARD

Tel. (508) 636-1037
Fax (508) 636-1031

PLANNING BOARD MEETING MINUTES

March 20, 2018

Chairman James T. Whitin called the meeting to order at 6:02 pm with Vice-Chair David Cole, Members Marc De Rego and Robert Daylor and Town Planner James Hartnett. Member Andrew Sousa was absent.

Approval Not Required (ANR) Cerruti (18-006A) Request by applicant for endorsement of a 2-lot plan of land located at West Normandin Street Assessors' Map 18A, Lots 55, 56, 12 and 37-38.

The purpose of this plan is to create Parcel A, not a buildable lot, from Assessor's Map 18A, Lots 55, 56, & 12, which is to be conveyed to Map 18A, Lots 37-38

	Frontage	Area	Uplands
Parcel A	25.46 Feet	3,420 s.f.	all uplands
Lot 1 (remaining land)	260.44 Feet	60,000 s.f.	all uplands

Richard Mendes of 130 Plymouth Blvd. was present. He is the party interested in purchasing Parcel A from Mr. Cerruti. Mendes has used the area in Parcel A for years.

DeRego motioned to approve endorsement of the plan entitled "Approval Not Required Plan Todd Cerruti West Normandin Street, AP 18A Lots 55, 56, 12, Westport, MA" dated March 1, 2018, because it complies with the provisions of MGL Ch 41 Section 81P. Seconded by Daylor. The vote was unanimous with all four in favor

PUBLIC HEARING Continued from March 6, 2018.

Riverside Woods – CAROLINE WAY (18-001C/SP-LID) formerly known as Olivia Lane. Request by applicant to consider a definitive subdivision plan entitled "Definitive Subdivision "Riverside Woods" in Westport, Massachusetts prepared for Long Built Homes, Inc.," and owned by James H. Tripp dated December 22, 2017, located between 163 & 185 Old Pine Hill Road, Assessor's Map 43, Lot 23, proposing a 4-lot subdivision with 4 new buildable lots and Site Plan approval pursuant to Westport Zoning By-Laws Article 20 Low Impact Development.

Dan Gioiosa was present. He explained that he has heard back from the 911 Coordinator not approving the name Olivia Lane because it is too similar to Oliver Lane that exists. The new name, Caroline Way, was approved by the 911 coordinator.

Gioiosa discussed the drainage change along the laneway designed to flow to the sediment fore bay to maintain no runoff will cross the private graveled roadway. It is a 6 inch grade change to keep water from entering into the subdivision road at the intersection of Old Pine Hill Road.

Whitin read the letter from SITEC to Tibbetts dated 3-12-18 into the record which addressed prior items as outlined by Tibbetts.

Whitin read the comments by Tibbetts dated 3-15-18 into the record addressing the revised plans dated 3-12-18.

Whitin asked the Department comments be read into the record. Hartnett read the comments into the record that had been submitted at the last meeting with the exception of the new 911 coordinator's approval of the new name change.

Mark Sousa from 185 Old Pine Hill Road asked for clarifications of the waivers. Hartnett read the waivers and explained their significance. Mr. Sousa stated he has contacted DEP and they would be investigating the contamination he believes is on site.

Hartnett read the following into the record:

Sample Waivers:

1. Section III-B.1.d Waive the cost estimate.
2. Section III.B.3.m Waive benchmark to allow for assumed benchmark elevations
3. Section IV.3.b Waive 1% levelling area.
4. Section A-2 Waive standard Cross Section

Sample Conditions:

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association. All purchasers of land within the subdivision shall be required to belong to the Homeowners Association.
 - a. The Homeowners Association shall be responsible for the maintenance, repairs and plowing of the subdivision roadways.
 - b. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, fire subsurface water storage tanks and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary.
 - c. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant.
2. Road Maintenance and Snow Removal: Applicant shall be responsible for periodic maintenance and snow removal until such time a properly funded Homeowners Association is created and is properly functioning.
3. Fire Protection: Access to/from the fire protection tank must be maintained at all times for Fire Department use in the event of an emergency and shall be operational prior to the issuance of an occupancy permit.
4. Roof run-off recharge systems are required for each dwelling.
5. Construction work on the subdivision road and utilities shall only be done between the hours of 7:00 a.m. and 6:00 p.m., Monday - Saturday.
6. The applicant shall provide the Town legal access to the proposed stormwater and fire protection systems.
7. The plan shall include a note on the recordable plan stating "No dwelling shall be built on any lot without first securing from the Board of Health a permit for an approved Title-V compliant Soil Absorption septic disposal system"

8. The plan shall include a note on the recordable plan stating that “This is a private street and cannot be accepted by the Town.”

Daylor motioned to close the public hearings for the Low Impact Development Permit and Definitive Plan of Land of entitled ”Definitive Subdivision, Riverside Woods”, in Westport, Massachusetts: dated December 22, 2017 and revised through March 8, 2018. Seconded by Cole. The vote was unanimous with all four in favor.

Cole motioned to approve the Definitive Plan entitled “Definitive Subdivision, Riverside Woods, in Westport, Massachusetts” dated December 22, 2017 and revised through March 8, 2018, subject to waivers and conditions as stated. Seconded by DeRego. The vote was unanimous with all four in favor.

DeRego motioned to approve the Low Impact Development (LID) Site Plan Approval for the plan entitled “Definitive Subdivision, Riverside Woods, in Westport, Massachusetts” dated December 22, 2017 and revised through March 8, 2018, for Low Impact Development, Article 20, because the plan presented meets the intent and purpose of the LID By-law by reducing the adverse impacts of soil erosion, sedimentation and stormwater runoff. LID site design standards were utilized to the maximum extent feasible as defined in section 20.5 of the Zoning By-law. Seconded by Daylor. The vote was unanimous with all four in favor.

PUBLIC HEARING *Continued from December 12, 2017, January 25, 2018 and March 6, 2018.*

FRANCIS ESTATES (17-0016C-OSRD/IHSP) Request by applicant for approval, in accordance with Massachusetts General Laws, Chapter 41, Section 81T, Article 18 Open Space Residential Development (OSRD), of a definitive subdivision plan entitled “Open Space Residential Development Definitive Subdivision Plan for FRANCIS ESTATES Charlotte White Road and Main Road Assessor’s Map 68 Parcel 7, Westport Massachusetts” prepared for ELJ Inc. dated September 8, 2017, located between 50 and 58.

Whitin read public hearing notice into the record.

At the previous meeting on March 6, 2018, the Board requested that the applicant defend the number of lots on a yield plan which they had not yet submitted with the OSRD plan. The applicant submitted a revised plan reducing the number of lots on the OSRD plan from 16 to 13.

Mike Russell, SDE engineer presented a simple plan for 12 lots off of a subdivision roadway and a possible ANR lot off of Main Road. He asked for some guidance on this configuration so that they could go forward and submit engineering plans to the consultant for review. Discussion ensued over installing drainage and tying into the existing drain at Charlotte White Road. Russel questioned the age and adequacy of it and therefore would like to remain independent of it.

Daylor offered some suggestions to consolidate the drainage basins into one and he offered his assistance. Cole thanked the engineer for working with the Board and being able to provide a more sensible plan. DeRego said it is an improvement from the high density OSRD plan.

Attorney Nicholas Gomes representing Ron Oliveira, the developer for the single family lots on Charlotte White Road, said that the proposed plan is satisfactory and as an abutter they are in support of the project.

Hartnett stated that if the Board is in general agreement with the new concept plan the applicant can move forward with a final design. Hartnett also stated that, considering the time involved in revising the different components of the plans and approvals, the following is a tentative schedule:

- Final Design Plans submitted to Town and Review engineer by March 23, 2018.
- Review Engineer completes review by March 30, 2018.
- Design Engineer addresses comments at the April 3, 2018 meeting.
- Final changes and final review by Tibbetts completed for April 17, 2018.

Cole motion to continue the public hearing to April 17, 2018 at 6:15pm. Seconded by Daylor. The vote was unanimous with all four in favor.

ADMINISTRATIVE ITEMS.

- a. Culvert Grant – Hartnett completed another review of the proposed Culvert Grant application. He contacted a number of past recipients and also spoke with Mathew Lunsted from Comprehensive Environmental Engineering who has worked on a number of these designs. The general feeling is that the data collection, design and permitting can be done within one fiscal year. Based on this, Hartnett included design and permitting and increased the requested amount from \$29,000 to \$52,500. This is in-line with a couple of the grant requests but is at the low end of some of the other grant requests. Prior requests range from \$25,000 to \$155,000. Hartnett feels that the cost range for this type of culvert is between \$24,250 and \$90,000. According to the engineer, MassDOT would be required to review and approve the design under MGL, Chapter 85. This adds another layer of design, review and construction.
- b. MVP Grant Discussion – A meeting has been scheduled for Thursday March 22, 2018 with Bill Napolitano at 10:00 to start the MVP process.
- c. ATM Preparation.
Whitin reviewed what the Planning Board has on the warrant. The Selectmen placed a proposal for prohibition; it is not under the sponsorship of the Planning Board. Members discussed the ability to be able to give an opinion at ATM as the independent Planning Board and if the moderator would allow it.

The order of articles proposed by the Planning Board were discussed. Whitin stated that the Cannabis Control Commission has issued new guidance. The moratorium provision is to the end of the year and cannot be extend beyond that. Whitin noted that applicants can be licensed as of April 1 however they are also required to have a host agreement in order to apply for that license. A taxing mechanism article is also included on the ATM warrant.

TOWN PLANNER REPORT.

- a. Coastal Barrier Resource System Mapping Changes.
The US Fish and Wildlife Service published notice in the Federal Register on March 12, 2018 showing draft revised boundaries for designation of categories that will have an impact on Flood Insurance. This was done without notification to the individual property owners. The division of Fish and Wildlife Service is inviting comments on the proposed changes. All comments must be submitted prior to July 10, 2018. Hartnett submitted a memo and illustrative maps to Town Administrator Tim King. A letter was issued from the Planning Board office today to the homeowners regarding their ability to provide comment directly to the Federal US Fish & Wildlife.

The eventual result would be an approval from Congress. This mapping is separate from the FEMA Flood maps and this re-designation will influence if someone is able to get flood insurance.

- b. SITEC is still working on revising the plans under the Seaport Grant for the Town Landing. Steve Gioiosa stated that the plans should be in by the end of this week.
- c. **Wildberry Way** – Chris Capone, Chris Gonsalves and Hartnett met with Jamie Karam regarding the drainage issue at Wildberry Way. Karam is reviewing alternatives with his engineer and should have something for the Town within the next week.
- d. Close out Consultant Review accounts:
The remaining funds and any interest accrued in the engineering review account can be returned to the applicant:
 - Sousa Family LLC (17012SPA) Site Plan approved October 2017. Bal. \$557.77
 - First Bristol Corp (10-009SPA) Site Plan completed 2017 Bal. \$00.30Cole motioned to return the balance and any interest accrued to the applicant. Seconded by DeRego. The vote was unanimous with all four in favor.

MATTERS NOT REASONABLY ANTICIPATED.

None.

CORRESPONDENCE.

- a. Noquochoke Village (15-012 SPA-IHSP). Tibbetts inspection reports - noted.
- b. TEC Report on Bentley Estates II. Noted.
- c. Ch91 Dock Lic Notification 80E Cummings Lane. Noted with discussion over the disparity of the Assessor's lot number on Mapgeo and lot configuration and the representation on the submitted plan. Hartnett will check with the Assessor's office.

MINUTES.

March 6, 2018

Cole motioned to approve as written. Seconded by DeRego. The vote was unanimous with all four in favor.

INVOICES.

None.

ADJOURNMENT

Members unanimously adjourned at 7:37pm.

Respectfully submitted,
Lucy Tabit, Assistant Planner