



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

August 13, 2019

Vice-Chairman Robert Daylor called the meeting to order at 5:35 p.m. with Members John Bullard, James Watterson, and Town Planner James Hartnett in attendance. Jim Whitin was absent. David Cole resigned.

Call to order 5:30 p.m.

5:30 p.m. Public Hearing

1. Watuppa Realty, LLC (19-010SPA) (*continued from July 16, 2019*)

Request by applicant to consider the Site Plan application of **Watuppa Realty, LLC** for property located at **25 Sanford Road**, Assessor's **Map 3, Lot 34C**, Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval, on a request to convert existing building into office space and to construct a 60'x120' warehouse/storage building with related parking.

Hartnett commented that there may have been some miscommunication between the owners and the engineer. Revised plans were not submitted and the engineer, Michael Koska, in a letter dated August 8, 2019, has requested a continuance.

Motion

Bullard moved to continue the hearing of Watuppa Realty, LLC to September 10, 2019, at 5:30 p.m. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

2. Administrative Items

a. Westport Power (14-002S) - Closeout Final Release –

This was the first solar project approved by the Planning Board, the applicant is looking for the final release of the project.

Hartnett read S.W. Cole's Report dated July 16, 2019, into the record.

Hartnett read SITEC's response letter dated July 19, 2019, into the record.

Hartnett recommends final release of the Special Permit Site Plan.

Motion

Bullard moved to grant closeout and final release of the Large Scale Solar project granted to "Westport Power Associates" for property located on the north side of American Legion Highway. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

Watterson moved to release the construction inspection account fees of \$1,006.30 upon receipt of the final invoices. Seconded by Bullard. The vote was unanimous 3-0 in favor of the motion.

b. Appoint Zoning Review Committee members

Hartnett requests the Planning Board appoint Gerry Coutinho, Robert Daylor, Clayton Harrison, Jim Hartnett, Roger Maynard, Ralph Souza and Jim Whitin to the Zoning Review Committee.

Hartnett contacted the Attorney General's office for clarification on the public hearing process. They confirmed that since it was established by him, it doesn't necessarily need to go through the public hearing process. To formalize the committee, he feels that the Planning Board should have members of the committee be sworn in by the Town Clerk.

Motion

Watterson moved to appoint Clayton Harrison, Gerry Coutinho, Jim Whitin, Roger Maynard, Robert Daylor, Ralph Souza and Jim Hartnett to the Zoning Review Committee. Seconded by Bullard. The vote was unanimous 3-0 in favor of the motion.

c. Westport River Watershed Alliance (15-008SPA) 493 Old County Road – Surety/Occupancy Permit

Hartnett mentioned that he is hopeful that some if not all of the site work will be completed prior to the issuance of the occupancy permit, but if it is not complete, as long as there are available parking and safe access to the building, he would recommend the occupancy permit be issued. The WRWA is looking for direction from the Board to see if you would accept the grant funding as a surety to complete the work if needed.

Bullard moved to accept the Seaport Economic Development Grant as surety for the completion of the Town Landing Site work. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

d. Release Construction Inspection Account

- Allen's Way (17-007C-M) - \$568.87
- Westport Stone & Sand Solar, LLC (18-009SPA-LID-S) \$1,068.50
- Whitski Way (Braybach Lane) (18-005C-FF) \$1,897.50

Motion

Bullard moved to release the balance of funds for Allen's Way, Westport Stone & Sand Solar, LLC & Whitski Way (Braybach Lane).

- Lafrance Hospitality (19-004SPA) \$1,115.00 – Transferred to inspection account – *Noted*

e. Municipal Vulnerability Action Grant – See Planners Report

f. 2020 State Revolving Fund (SRF) Loan Application – See Planners Report

g. 270 Horseneck Road – Maria A. Carvalho, Chapter 61 Release – Assessor's Map 46 Lot 4

Hartnett stated this property has been classified as 61B property, in December of 2017, the Board endorsed a plan approving the division of property into two lots. The owner is in the process of selling the lots and has the lot with the existing house under agreement. The owner is requesting the lot be released from Chapter 61B and the Board of Selectmen has asked the Planning Board if the property should be released.

Motion

Watterson recommends the lot described as Map 46, Lot 4 and shown as Lot 1 on the plan entitled: Modification to Definitive Subdivision "Blue Acres Way" in Westport, MA" be released. Seconded by Bullard. The vote was unanimous 3-0 in favor of the motion.

h. Lincoln Heights (19-003C-MOD) – Endorse Plan

Hartnett stated the modification to the Definitive plan was approved at the last meeting and need endorsement. The clerk has certified that no appeal has been filed.

The Planning Board endorsed the plan.

5:45 p.m. Public Hearing

3. Dance Academy (19-003SPA) (*continued from May 21, 2019, July 16, 2019*)

Request by applicant to consider the Site Plan application of **Lisa Bibeau-Chace & Paul Chace** for property located at 699 State Road, Assessor's Map 24, Lot 3 in Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to construct a single-story building with parking to be utilized as a dance studio/classes.

Jon Connell of SITEC Engineering was present representing the applicant.

Connell presented alternative sketches with markups per Mass DOT's guidelines with access from State Road. An official application has not been filed with the state.

Watterson asked Connell if he met with DOT following the July 16, 2019 meeting as requested. Connell has not met with Mass DOT. Hartnett commented that he also contacted Mass DOT and they do not meet ahead of time without a formal submittal of the sketch.

Daylor suggested a larger radius and get approval from Mass DOT with access from Rt. 6 as the primary access. Planning Board would consider approving the plan with conditions.

Bullard supports alternative "B" sketch from Rt. 6 with modification access from Pleasant Street driveway for access of emergency vehicles only and the approval would be contingent on Mass DOT's approval.

Watterson emphasized the importance of Mass DOT's input to move forward with the decision.

Richard Chaunt of 705 State Road was present. He mentioned that he was not approached for sharing encroachment on his property from the engineer. Chaunt suggested the driveway could be moved more north (westerly).

Seth Lingley of 25 Pleasant Street was present. He stated that tree screening was discussed at a previous meeting and is not shown on the current plan. Watterson stated that the Board took that into consideration but is not requiring additional screening.

Vera of 19 Pleasant Street was present. She questioned if there would be privacy screening between her back yard and the studio.

Paul Chace, owner of 699 State Road was present. He addressed the neighbor's privacy concerns and is willing to do his best to protect their privacy with tree screening when it is financially possible.

Mike Desroches of 35 Pleasant Street was present. He asked for clarification on moving forward with construction. Watterson clarified that the motion is contingent upon Mass DOT's decision to gain access from Rt. 6.

Hartnett stated that this property along with the abutters is located in a business district that permits residential use and business use. The dance studio is a permitted use in the district, and the Planning Board is reviewing the site design only. If Mass DOT does not approve the access permit and the plan meets the Site Plan Review requirements, the Board may be required to grant approval with access to Pleasant Street.

Motion

Bullard moved to approve the Site Plan application of **Lisa Bibeau-Chace & Paul Chace** for property located at 699 State Road, Assessor's Map 24, Lot 3 in Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to construct a single-story building with parking to be utilized as a dance studio/classes subject to waivers, findings and conditions subject to State DOT approval with restrictions that access to Pleasant Street be restricted for emergency vehicles only. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

Hartnett stated that he would prepare Standard Findings and Conditions for the Board to review.

6:00 p.m. Public Hearing

4. Sodom Road Flexible Frontage (19-009SP) *(continued from July 16, 2019) (To be Continued to September 10, 2019, at 5:45 p.m.)*

Bullard moved to continue the hearing of Stephen Pettey to September 10, 2019, at 5:45 p.m. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

6:15 p.m. Public Hearing

5. Brookwood Drive Solar 1 LLC (19-005SP-LID) *(continued from June 4, 2019) (To be Continued to September 10, 2019, at 6:15 p.m.)*

Bullard moved to continue the hearing of Brookwood Drive Solar 1, LLC to September 10, 2019, at 6:15 p.m. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

6:45 p.m. Public Hearing

6. Prestige Auto Mart (19-008SPA) *(continued from June 18, 2019)*

Request by the applicant to consider the Site Plan application of **Prestige Auto Mart** for property located at **50 Forge Road**, Assessor's Map 28, Lots 20 & 20L, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to convert existing single-family dwelling into office space and construct a 4,000 sq.ft. addition to an existing garage for an auto repair, auto body and detail work to be performed on-site. A total of 111 parking spaces are planned.

Dan Aguiar from SITEC Engineering was present representing the applicant.

Aguiar addressed the modifications that were recommended by S.W. Cole and Cole approved the changes with their letter dated 8/9/19.

Aguiar also was before the Conservation Commission and was issued an Order of Conditions.

Aguiar is proposing 2 deep-sump catch basins to address Daylor's concern from the June 18th meeting regarding run-off entering storm-water basin untreated.

Aguiar commented that the speaker system has been changed at Prestige Auto on Route 6 to address the neighbor's concern.

Hartnett noted that the drainage line needs to be located 4' off the building with drainage manholes installed at every new angle point.

Sample Findings of Fact

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Landscaped buffers have been adequately addressed by maintaining existing landscaping where possible and providing new landscaping on the south, west and east sides of the property.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and the location of the driveway opening is convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. The project as presented provides an adequate arrangement of parking spaces, including one handicap parking space.
3. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
4. 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.

Sample Conditions

1. Any material changes as determined by the Building Inspector to the approved site plan shall require Planning Board approval.
2. All lighting shall conform to the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval and to the approved design plans.
3. The Applicant shall install all erosion and sediment controls on site prior to construction as clearing begins and shall maintain said controls throughout construction.
4. Street trees and other landscaping shall be installed in accordance with the approved Plan and Details.
5. Prior to the issuance of an occupancy permit, the applicant shall submit an as-built plan to the planning board for review and approval, showing all structures including, parking, drainage, landscaped areas. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans
6. All new utilities shall be located underground.
7. Prior to the issuance of a building permit for the auto body/detailing facility the engineer shall locate the existing drainage line in the field and if the line is within 4' of the building the line shall be relocated with drainage manholes installed at every new angle point. The line shall be shown on the as-built plans.

Motion

Bullard moved to approve the Site Plan application of **Prestige Auto Mart** for property located at **50 Forge Road**, Assessor's Map 28, Lots 20 & 20L, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to convert existing single-family dwelling into office space and construct a 4,000 sq.ft. addition to an existing garage for an auto repair, auto body and detail work to be performed on-site, subject to findings and conditions. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

7:15 p.m. Public Hearing

7. Ferry Drive Subdivision (19-011C)

Request by the applicant to consider a definitive subdivision plan entitled **“Ferry Drive Subdivision Definitive Plan in Westport, Massachusetts, (Bristol County)”** prepared for SunRaise Development, LLC and located at 136 Old Pine Hill Road and between 82 and 86 White Oak Run proposing to divide the property into Five (5) lots, lot sizes 1.49 acres to 37.78 acres.

Joe Harrison of SunRaise Development representing the applicant was present along with Mary Kate Schneeweis of Beals and Thomas, Inc.

Schneeweis proposed a 4 lot single family development with the existing house remaining on the 5th lot.

Daylor questioned why filing the sub-division plan. Schneeweis responded to preserve the development rights of the property to freeze zoning.

Bullard asked if the solar farm was still being considered and how many acres of trees would be removed. Schneeweis replied, yes and she wasn't sure at the time.

Bullard questioned if the dairy farm operation will continue if there is a subdivision. Schneeweis confirmed it would.

Stanley Zaloga of 82 White Oak Run was present and questioned why such a large house lot area. He also is concerned with the water run-off on his property. Daylor explained the reasons why they are filing a sub-division plan to lock in the zoning should the solar development fall through.

John Raposa of 86 White Oak was present and questioned if there were enough uplands for houses and suggested that the lot lines may be incorrect.

Hartnett read the Department Reviews into the record.

Schneeweis addressed S.W. Cole's comments dated 8-6-19 and mentioned that items of concern were addressed.

Hartnett read S.W. Cole's 8-13-19 comments and completed actions into the record.

Hartnett read the Department reviews into the record.

Bullard moved to approve the definitive subdivision plan entitled **“Ferry Drive Subdivision Definitive Plan in Westport, Massachusetts, (Bristol County)”** prepared for SunRaise Development, LLC and located at 136 Old Pine Hill Road and between 82 and 86 White Oak Run proposing to divide the property into Five (5) lots, lot sizes 1.49 acres to 37.78 acres, subject to conditions. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

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, unless accepted by the Town.

- b. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary, unless accepted by the Town.
 - 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.
 - d. The Homeowners Association shall be responsible for the permanent maintenance of the center island.
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.
 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. A 10,000-gallon subsurface water tank shall be shown on the plan as required under section IV.I of the Subdivision Rules and Regulations.
 9. A note shall be added to each lot stating "Minimum 30,000 s.f. of continuous uplands."

7:45 p.m. Public Hearing

8. **Soltage Rte. 88 Solar (18-011LID-S) (continued from February 20, 2019, March 20, 2019, April 23, 2019, May 28, 2019, July 16, 2019) (To be Continued to September 10, 2019, at 7:15 p.m.)**
Request by the applicant to consider the Special Permit and Site Plan applications of **Westport Route 88 Solar 1, LLC c/o Soltage LLC** for property owned by Pedro L. and Maria M. Teixeira, located on 0 Route 88 (End of Sullivan Drive), Assessor's Map 31, Lot 5 & 6A. Pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system, approximately 4.5 Megawatts AC, 6.0 Megawatts DC.

Motion

Bullard moved to continue the hearing of Westport Route 88 Solar 1, LLC to September 10, 2019, at 7:15 p.m. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

9. Matters not reasonably anticipated. None

10. Planners Report

Hartnett updated the Board on various grants. *Noted*

11. Correspondence.**12. Minutes.**

July 16, 2019

Bullard moved to approve the minutes as written. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

The members unanimously adjourned at 8:10 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II