



**TOWN OF WESTPORT**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**February 21, 2017**

Chairman James T. Whitin called the meeting to order 6:15 p.m. with Vice-Chairman William Raus, Clerk Marc De Rego, Member David Cole and Town Planner James Hartnett in attendance. Member Andrew Sousa was absent.

**FinCom Rep-** Budget discussion with Hugh Morton.

Hugh Morton, Finance Committee member assigned to the Planning Board, was present to discuss the budget for Fiscal Year 2018. Whitin reviewed the budget figures for FY18, noting that Tim King, the Town Administrator, suggested an overall reduction of 1%, thus reducing the Planning Board's budget by \$1,300. The budget uses for "Professional Services" and "Office Supplies" were discussed. Medical Marijuana By-Law creation was discussed. The Planning Board will be meeting with the Finance Committee on February 28, 2017, at 7:00 p.m.

**Black Oak (16-001C) Request by Applicant for release of covenant in exchange for a cash surety.**

Greg Nichols was present to request the release of the covenant in exchange for a surety performance bond. Nicholas discussed the surety review from Tibbetts dated February 7, 2017, noting the funds in the amount of \$4,200 being held for underground electric. Nichols explained that the underground electric is further along to being completed than what Tibbetts had observed and asked for the surety to be lowered by the amount of \$4,200. Hartnett suggested a reduction in the surety to bring the total surety amount down to \$25,000.

Hartnett reviewed the highlights of the surety estimate letter submitted by Tibbetts dated February 7, 2017. A brief discussion ensued.

Raus motioned to release the covenant dated May 25, 2016, as recorded in the Bristol County S.D. Registry of Deeds Book 11809, Page 57, for "Definitive Plan Black Oak Circle Westport, MA", dated January 6, 2016, and revised through April 16, 2016, in exchange for a cash surety in the amount of \$25,000. De Rego seconded the motion and the vote was unanimous with all in favor.

**Public Hearing**

**Police Station and Communication Center (17-003SPA)** Request by the Town of Westport pursuant to Westport Zoning By-Laws Article 15 Site Plan Approval, to construct a new Police Station and Communication Center with associated parking located at 54 Hix Bridge Road, Assessor's Map 54, Lot 40.

Shelley Hultgren from JH Engineering was present. Hultgren noted that the Police Station will be referred to as the "Police Station" and not the Police Station and Communication Center. Hultgren presented the plan for the new Police Station to the Board. She described the existing conditions of the proposed site which is located adjacent to the existing Fire Station on Hix Bridge Road and will use the same curb cut and access point as the Fire Station. Hultgren discussed the proposed parking including handicapped accessible spaces which had a total of 57 parking spaces. An "architectural alternate" was included in the proposed plan which would include a classroom if the budget allowed for it. An inside garage, a car port, fenced in employee parking area and an area for snow storage was described.

Hultgren discussed a proposed wetland replication area on the west side of the existing wetland area with a replication ratio of 1:1. She discussed the pre existing drainage on the land including several proposed improvements to the system. The proposed well will have to be registered as a Public Water Supply Well. The proposed septic system was described as a gravity fed “Enviro Septic System” – an alternative septic system approved by the DEP. The floor drains in the garage will flow through an oil/gas separator and into a holding tank, which will be permitted by the BOH and the DEP.

Whitin questioned if the septic system was de-nitrifying. Hultgren stated that no, it was not, but it meets the loading requirements for nitrogen as per the DEP. Hultgren described the inner workings of the septic system in detail. Discussion ensued. The options for a de-nitrifying system were discussed. The drainage system for storm water was discussed in detail. An independent review of the drainage system was suggested by Whitin.

Cole questioned if solar panels were discussed for the proposed building. Hartnett noted that the Police Chief had discussed solar panels at one point. Hultgren will discuss the option of solar panels further with the applicant. Whitin questioned why the proposed parking outweighs the required parking. Hultgren explained the process used to determine the number of parking spaces and Hartnett stated that the parking has not yet been reviewed by the building inspector. Paul Griffin- Project Manager for the plan was present and stated that during times of training for the Police Station and the Fire Station, extra parking is required.

Hartnett read his comments into the record. Lighting on the proposed site was discussed. Whitin read the comments from the various Boards into the record. Whitin suggested sending a letter to the Police Chief regarding the use of a de nitrifying septic system and solar panels.

Raus motioned to authorize the Planning Board Chairman to review the consultant review bids for the Police Station. De Rego seconded the motion and the vote was unanimous with all in favor.

Cole motioned to continue the hearing to March 7, 2017, at 6:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**BWC Hamilton Brook LLC. Blossom Rd “B” c/o Bluewave Capital (17-001SP-LID-S)** Request by Applicant pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System to construct a 7 Megawatt fixed array solar energy system between 15 and 85 Blossom Road Assessor’s Map 2, Lot 17.

Drew Pearson, Director of Project Development for Bluewave Capital was present along with Rich Riccio from Field Engineering Co. Inc. to represent the applicant. The applicant proposes a 7 megawatt solar array on a 21.5 acre parcel of land owned by the Sampson Family. Riccio described the existing conditions of the land and discussed the proposed solar array to be located on the eastern side of the parcel. The site will be accessed by a 20’ gravel road and the entire array will be surrounded by a chain link fence standing seven feet high and raised six inches off the ground to allow for small wildlife passage. The wetland line and a Notice of Intent will be determined at a future Conservation Committee meeting. Riccio discussed storm water treatment systems including a proposed rain garden. He stated that the plantings used will be approved to benefit natural species and to provide vegetative screening. Riccio and Pearson discussed the possibility of an agricultural use on the same parcel of land as the solar array.

The plantings were discussed further and described as a part of “environmental enhancement” to the drainage. The plantings proposed will be water tolerant plants which also provide some natural wildlife

habitat. The gated entry way to the array was discussed, which will include a Knox-Box for emergency access. There is no lighting proposed for the site. Whitin read the comments from the various Boards into the record. Whitin read the review report from Tibbetts dated February 14, 2017, into the record. Riccio discussed each point in the letter with the Board.

Cole questioned where the grid will be connected. Riccio responded that as much as possible will be put underground and noted that there would be three overhead electric poles for connection purposes.

Steven and April Sampson stated that this plan will allow the family to keep the farmland that has been in the family for many generations.

Jason Seblin, of 354 Old Bedford Road was present. Seblin expressed his approval of the solar array, and also expressed his concern for the lack of screening on his adjacent property line. Hartnett read the buffer zone conditions of the By-Law into the record. Pearson stated that they will add screening into the 100' buffer zone between the solar array field and the Seblin property. Seblin stated that the newly proposed screening would be appreciated. Mrs. Sampson thanked Seblin for his support and for bringing his issues to their attention.

Hartnett stated that the Conditions and Findings of Fact will be discussed at the next meeting. Raus suggested placing a sign at the end of the access road to prevent anyone from accidentally driving down it.

Raus motioned to continue the Public Hearing for the Low Impact Development (LID) Site Plan Approval and the Special Permit for a Large Scale Solar Energy System, for BWC Hamilton Brook LLC. c/o Bluewave Capital to March 7, 2017, at 7:15 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

### **Public Hearing**

**BWC Connecticut River LLC. Adirondack Lane "A" and "B" c/o Bluewave Capital (17-002SP-LID-S)** Request by Applicant pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System to construct a 6.5 Megawatt fixed array solar energy system on the easterly side of Adirondack Lane, Assessor's Map 1, Lots 13 and 14.

Drew Pearson, Director of Project Development for Bluewave Capital was present along with Rich Riccio from Field Engineering Co Inc. to represent the applicant. The applicant proposed a 6.5 megawatt solar array on two parcels, but grouped together on the same Site Plan. The land is owned by the Sampson Family. Pearson noted that a community meeting was held to allow the neighbors to become familiar with the plan for the solar array. The site will be accessed off of Adirondack Lane by a 20' wide access road with a 50' apron. Riccio noted that the site is currently being used for agriculture. A pre and post development watershed analysis of the site was provided. Seeding was discussed and was noted to promote natural wildlife habitats on the property. An ANRAD and a NOI will be discussed at an upcoming Conservation Commission meeting.

Whitin read the comments from the various Boards into the record. Whitin read comments from Tibbetts into the record. Riccio discussed the proposed waivers with the Board. Hartnett questioned if that portion of Adirondack Lane is a publicly accepted road. Drainage on the site was discussed.

Raus motioned to continue the Public Hearing for the Low Impact Development (LID) Site Plan Approval and the Special Permit for a Large Scale Solar Energy System, for BWC Connecticut River LLC. c/o Bluewave Capital to March 7, 2017, at 7:30 p.m. Cole seconded the motion and the vote was unanimous with all in favor.

**BWC Bass River LLC. Blossom Road “A” (16-003SP-LID-S)** Request by Applicant for a minor modification to an approved plan to relocate the access driveway to accommodate future potential development plans for the landowner; reduction in the size of the array from 10,500 solar panels to 8,200 solar panels reducing the overall footprint of the array; and relocation of the bioretention pond to coordinate with the new array footprint.

Rich Riccio from Field Engineering Co Inc. and Drew Pearson, Director of Project Development for Bluewave Capital were present to represent the applicant, the Sampson Family. The applicant requested a minor modification to the previously proposed Solar Energy System. The applicant proposed a reduction in the number of panels from 10,512 to 8,190, for a 20+% reduction. The reduction would allow them to shorten the field area on the west side by approximately 180'. The bioretention pond would be moved to a similar location next to the solar field. Riccio noted that slope of the drive would increase slightly from 5% to 7.7 % but overall there is less work relating to the solar field. Riccio stated that nothing on the solar array has changed except for the reduction in the number of solar panels.

Cole motioned to approve the minor modification to an approved site plan BWC Bass River LLC pursuant to Westport Zoning By-Law Article 15 to change the location and design of the access drive servicing the Large Scale Solar Energy System subject to waivers, findings and conditions as listed in the Decision dated October 25, 2016. Raus seconded the motion and the vote was unanimous with all in favor.

#### **Town Planner Report.**

1. On February 7, 2017, Jim Whitin and Hartnett attended a seminar on the new medical marijuana laws. There are currently 22 amendments that have been filed that are being considered so there could be some changes prior to it being enacted. The attorney at the seminar recommended enacting a moratorium similar to the one that is proposed for this year's Town meeting. It appears that Towns can regulate facilities similar to the medical marijuana facilities. One interesting point, Hartnett noted, was that the marijuana facilities would automatically be permitted where medical marijuana facilities are located.
2. Hartnett stated that he spoke with Grant King on the DLTA Grant applications. King stated that there would essentially be three tiers of review with priority given to communities that have signed on to the state's Community Compact Program. Communities that have not signed on would receive the lowest priority ranking for grant funds. King also stated that as part of the DLTA, SRPEDD would assist communities in applying for the Community Compact Program.

Hartnett suggested submitting an application to be part of the Community Compact Program.

De Rego motioned to submit an application to the Community Compact Program. Cole seconded the motion and the vote was unanimous with all in favor.

3. Lucy Tabit is attending the Tiverton Public Hearing tonight, for the Twin River-Master Plan Application. Any comments should be submitted to the Tiverton Planning Office immediately.

#### **Administrative Items:**

- a. Endorse WPA plans. Board Members signed. Approved on January 17, 2017.
- b. Accept surety for Clean Energy Collective for 703 Old County. Still being worked on.
- c. DLTA. Discussed previously.

**Any other business that may come before the Board.**

None.

**Correspondence.**

- a. ZBA - Notice of Hearing. Wed. March 1, 2017. Noted.
- b. TEC Black Oak Engineering report. Noted.
- c. PB Annual Report 2016 draft. Members will review.
- d. Kermeth 135 C Cadman's CH 9. Noted.
- e. CPTC schedule. Discussed.

**Minutes.**

None.

**Invoices.**

CPTC Meeting. Raus motioned to approve, pending the final total of members attending. De Rego seconded the motion and the vote was unanimous with all in favor.

\$8.21- Tabit- Mileage.

\$50.00- Hartnett Phone.

\$58.30- Hartnett Mileage.

\$45.00- Hartnett to attendMS4 Conference on March 30, 2017.

Raus motioned to pay the invoices listed above. Cole seconded the motion and the vote was unanimous with all in favor.

**ADJOURNMENT**

Members unanimously voted to adjourn at 9:09 p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk