



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

November 13, 2018

Vice Chairman Robert Daylor called the meeting to order at 6:00 pm with Members, Marc De Rego, David Cole, James Watterson, and Town Planner James Hartnett. James Whitin was absent.

1. Administrative Items

- a. Blossom Road A – BWC Bass River LLC (16-003SPA-LID) Request for Final Approval of Site Plan**

Rich Riccio from Field Engineering was present and submitted a response letter and a revised as-built plan for the Blossom Road A Solar project. On behalf of BWC Bass River LLC, he is requesting the final release of the development from the Planning Board.

10-26-18 Response Letter from Rich Riccio
10-26-18 Revised As-built Plans
11-8-18 Comment Letter from SW Cole

Hartnett walked the site on Wednesday, November 8, 2018, and vegetation looked very good within the fenced-in area. There was the small wash out noted in the Cole Report and the grass near the drainage berms at the west end of the site had marginal growth. The as-built plans have the required information. Recommend approval of the Special Permit Site Plan and As-built or if the Board chooses a surety of \$10,000 could be held back.

Riccio asked to postpone his hearing to November 27, 2018, to discuss the vegetation growth and get final sign off then or post the surety. Hartnett read S.W. Cole's report into the record.

PUBLIC HEARING

Borden Acres (18-006C) Request to consider an application by Sara and Christopher Quintal of 1 Freedom Court, for the definitive subdivision plan entitled "Amended Definitive Plan of Land Borden Acres" dated May 1, 2018 for property located at 1 Freedom Court and 332 Briggs Road, Assessor's Map 29, Lots 2 & 2P. The proposed plan would modify the layout of Freedom Court and transfer a 626 s.f. parcel from Lot 2P to Lot 2.

Sara and Christopher Quintal of 1 Freedom Court were present filing as co-applicants with Thomas Borden, not present. They are requesting a small scale land swap to correct a driveway encroachment and construct an addition to the northwest side of the existing house. A request for a variance was made to the Board of Appeals to allow the addition but the Board denied the request. By modifying the layout of the road, the addition can be built in conformance with the required zoning setbacks. Because the layout is being modified, the applicant is required to file a Definitive Subdivision Plan.

Department Reviews

10-22-18 Fire Department – Recommends Approval

10-24-18 Assessor's – Recommends Approval

10-24-18 Building Department – Recommends Approval

10-18-18 Board of Health – Recommends Approval

10-15-18 Conservation Commission – Recommends *Approval* (*Westport Conservation has no issues with this proposed amended Definitive Plan of Land "Borden Acres"*)

Hartnett stated that this is a private dead end road that services two house lots, each leg of the revised turnaround would still be in excess of 50' in length. It appears that the proposed modification would have no impact on the function of the turnaround. Recommend granting the amendment to the Definitive Plan. Hartnett recommends approval.

De Rego motioned to close the public hearing and grant the amendment to "Borden Acres" as shown on the modification plan entitled "Amended Definitive Plan of Land "Borden Acres" in Westport, MA" dated May 1, 2018. Seconded by Cole. The vote was unanimous with all four in favor.

PUBLIC HEARING

CVE North America Inc. (18-003S-LID) (*Hearing continued from July 10, 2018 & September 18, 2018*) Request to consider the application of CVE North America, Inc., 116 West 23rd Street, 5th Floor, New York, NY 10011 for land owned by David P. and Lillian F. Cabral, for property located at 1665 Drift Road, Westport, MA Map 57 Lots 25 & 33, pursuant to Westport Zoning By-Laws Article 20 Low Impact Development (LID) and Article 24 Large Scale Solar Energy System. The applicant requests permission to construct a 2.4-Megawatt solar energy system on 13.9 acres, total lot size 18.1 acres.

Meredith Savage from SWCA Environmental Consultants was present representing the applicant CVE North America Inc. Ms. Savage submitted revised plans along with responses to comments from the Board, Harnett and the consultant engineer. Ms. Savage added that 25' of additional screening has been added to the eastern and western ends of the project and feels that the additional dense plantings will block the view of the array from neighbors even in the winter. Stormwater test pits were completed and the redesign of the storm basins have 2' between the groundwater and bottom of the basin. A rock check dam with j-hooks has been added to further dissipate water flow. All three parcels have been included in the plans due to a revision of the lease agreement. A decommissioning letter was also submitted.

Larry Rusiecki from Doucet and Associates reviewed S.W. Cole's comments and addressed each comment individually and submitted the response letter to the Board for the record. Watterson suggested that a maintenance schedule for the basins should be included. De Rego asked how far away from the abutter's property line was the level spreader? Rusiecki responded 5'.

Attorney Michael Kelly of 8 Clyde's Way feels that notice wasn't advertised properly because parcel 57_37F was not listed on the public notice. Hartnett will talk with town counsel to confirm if re-noticing is required. John Clavens of Clavens Law Group- counsel to CVE North America, Inc., addressed Attorney's Kelly's comment that notifying the abutters was not necessary because there was no change in the project.

Penny Hadfield of 1613-1615 Drift Road was present and is very concerned about the extra water that may add to their already growing water problem. Ms. Hadfield feels the screens will not shield the solar array. Ms. Hadfield questioned why it was only 5' from her property. Ms. Savage mentioned

that the new solar array will not add additional water to their existing problems with stormwater. Rusiecki mentioned that Mr. Holmes from SW Cole is in agreement the design addresses his comments. A Stormwater pollution plan will be developed in accordance with EPA.

Alex Fox from CVE North America, Inc was present and reiterated the proposal of adding 25' of coniferous 7' tall trees on the eastern and western side.

Deb Weaver from Westport River Watershed Alliance was present but was speaking on behalf of herself. She questioned how the runoff might affect the fish in regards to the water run-off down Tootell Way and Drift Road and then into Pierces Brook. Cole doubts this will have any impact on the headwater or cold water streams due to some research he has done in the past.

Attorney Dawn Stolfie Stolenhoff from CVE responded to Ms. Hadfield's comment regarding receiving the DEP site review results. Ms. Stolfie-Stolenhoff commented that the DEP was not generating a new technical report, it was just for approval of the existing Order of Conditions from Westport ConCom.

The main issues that Harnett believes have not been adequately addressed are the drainage design, shade management, screening, and construction phasing.

1. Drainage – The proposed design still shows an outlet pipe from the easterly pond directed at the neighbor's property. The Town has experienced problems with this type of design even when minimum stormwater standards were met. The volume will increase at the discharge.

The existing flow pattern will change in the area between the solar field and Tootell Way, where there is currently sheet flow heading easterly towards Drift Road there will now be one overflow or discharge at the easterly end of the drive directed at Tootell Way. No analysis has been submitted to show what happens to the stormwater after it is discharged from the grass swale.

2. The plan identifies a number of areas where there will be shade management but there is no detail showing how the shade management will be achieved. At what height will the vegetation in the management areas be cut or trimmed?
3. On sheet 6.1 of the plan, set are notes relating to the erosion control plan, but they are not specific to this site. A specific plan should be in place showing the location of erosion control barriers as well as construction sequencing. There will be approximately 12-13 acres of land that will be cleared of vegetation that could remain as part of the construction without stabilizing vegetation for 6-9 months.

Keith Stamp of 14 Clyde's Way was present and thanked Marc De Rego for stopping by Pierce's Brook so that a Board member has a reference of what affect the solar project may have on Pierce's Brook should there be any additional water run-off issues.

Hartnett read the Department Review's from the Assessors, Fire department, Building Department, Board of Health, Conservation Commission, all recommend approval. Alex Fox from CVE requested to continue the hearing to address the Boards concerns prior to Smart Program deadline of November 30th. De Rego moved to continue the Low Impact Development and Large Scale Solar Energy System Special Permit public hearings for CVE North America Inc. to November 28th at 6:00 p.m. Seconded by Cole. The vote was unanimous with all four in favor.

Mrs. Nancy Reis from 184 Blossom Road was present to express her concern about water flooding onto her property from the solar farm on Blossom Road. Mrs. Reis is to meet with Hartnett to discuss her options.

PLANNERS REPORT.

None

MATTERS NOT REASONABLY ANTICIPATED.

- a. Selectman have asked for a member of the Planning Board to be a participant on the Craft Cannabis Co-op Committee (CCCC) – Marc De Rego volunteered. Cole moved to have Marc De Rego
- b. Endorse the McGovern property plan

CORRESPONDENCE.

Zoning Board of Appeals Letters

- ❖ 9 Mackady Court - Noted
- ❖ 1296 Drift Road - Noted
- ❖ 33 Katlyn Court - Noted
- ❖ 33 Katlyn Court - Noted

MINUTES.

October 9, 2018 – De Rego motioned to approve the minutes. Seconded by Daylor with all four in favor.

INVOICES.

WB Mason

ADJOURNMENT

Members unanimously voted to adjourn at 8:00 p.m.

Respectfully submitted,

James Hartnett, Planner
Nadine Castro, Assistant Planner II