



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

January 15, 2019

Chairman James T. Whitin called the meeting to order at 6:03 pm with Vice-Chair Robert Daylor, members Marc De Rego, James Watterson, David Cole, and Town Planner James Hartnett.

Call to order 6:00 p.m.

6:00 p.m. Public Hearing

1. Riverside Woods (18-001C) Request in change of Performance Guarantee – Release Covenant for cash surety.

Lee Castignetti of Long Built Homes was present representing the Applicant and Owner, Long Built Homes. They are requesting to post a cash Surety. The Applicant agrees with S.W. Cole's report that was dated December 5, 2018 and is recommending a surety in the amount of \$37,000.

Hartnett read S.W. Cole's report dated December 5, 2018 into the record.

Hartnett stated that the Board requested a representative be present to address questions the Board had regarding the job site. The Board was unsure if the \$37,000 is sufficient to finish the job. Castignetti commented that loaming and seeding has not been done due to the winter conditions.

Whitin questioned if the fire suppression storage tank has been addressed. Castignetti responded that he wasn't sure if it has been back-filled.

Hartnett mentioned there was \$11,200 for underground utilities and feels that that numbers were a little low but there is a contingency of \$6,000 built into the estimate.

Castignetti felt comfortable raising the contingency amount to \$10,000 if required.

Daylor asked if someone would be present to supervise the job-site and to respond if any issues should arise. Castignetti responded a home will be starting at the end of the month so someone will be present.

Whitin asked the Board if they were comfortable with a \$10,000 contingency raising the total amount to \$40,650. Watterson did not agree, noting that the landscaping item was low.

Daylor moved to approve based on S.W. Cole's Engineering Report with an additional \$6,000 contingency for a total of \$40,650 and release the covenant. Seconded by Cole, De Rego, Daylor and Whitin voted in favor of the motion, Watterson opposed, the motion passed 4-1.

2. Bentley Estates II (15-009C) Update on Subdivision and Inclusionary Housing Special Permit.

Attorney Mark L Levin was present representing his client Robert Kfoury who was also present. Levin requested that he be put on the agenda so that he can update the Board on his subdivision. He also submitted a letter to the building inspector requesting that he consider the fact there are three property owners and the Inclusionary Housing Requirements may not apply.

Mr. Kfoury requested the release of lots 3, 4 & 5 from the covenant. Hartnett stated that as far as the Definitive Subdivision Surety, there are sufficient funds being held to release the lots.

Levin mentioned the Inclusionary Housing Special Permit should not have been filed and feels that the Board should rescind their decision because it is not applicable because lots are owned by three different owners.

Whitin read Levin's January 15, 2019 letter into the record.

Hartnett stated that the Building Inspector is also the Zoning Enforcement agent and would enforce the zoning and special permit. The Building Inspector prepared an opinion and stated that the property does not fall under the Inclusionary Housing permit.

Daylor noted that there were only two owners on the approved recorded subdivision plan. Levin clarified that there was an error on the plan and was corrected in June 2018.

Daylor moved to schedule a public hearing to revoke the Special Permit for Inclusionary Housing for Bentley Estates II based on ruling of the Zoning Officer. Seconded by Cole with all five in favor.

Kfoury asked to release lots 3, 4 and 5 in Phase I, keeping lot 7 and 13 until after the public hearing.

Watterson moved to release lots 3, 4 and 5 in Phase I for Bentley Estates II subdivision and retain security of \$135,000. Seconded by Daylor with all five in favor.

6:30 p.m.

3. Westport Stone and Sand (18-009SPA-LID)

Request for approval of the applications of **Frank Epps, Westport Stone & Sand Solar, LLC, c/o Energy Development Partners** for property owned by **Stephen A. Cardi, Esquire of Steven A. Cardi (TR) Grandvel Nominee Trust**, located on 536 Old County Road, Assessor's Map 34, Lots 7, 8 & 52. Pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System Special Permit, the applicant requests permission to construct a solar energy system, approximately 6.5 Megawatts.

Ben Aparo was present representing Westport Stone and Sand Solar project along with Alan Benevides of Woodard & Curran. Kyle Zick was also present from Kyle Zick Landscape Architecture, Inc.

Benevides also submitted an application to Zoning due to some land being in the Aquifer Protection District and they will hold a hearing on January 23rd. No mapped vernal pools, it is not in a historic district, no endangered species and not in a FEMA flood zone. 15.63 acres will be used for the solar, there will be no clearing of trees within 100' of property boundary, 120' from property boundaries to panels.

Kyle Zick described the changes to the landscape and to the existing building at the entrance to the property.

Watterson requested to get photos from the abutters' property to identify the height of the panels. Whitin clarified to take photo's only on the residential sides.

Cole suggested an evergreen fence would help buffer the neighbor's view. Cole also asked what the surface area is currently. Benevides commented that it is just sand and gravel. Cole is concerned that the 4" of loom might not be enough. Benevides is confident that the 4" of loom is sufficient.

Brian Field was present from 616 Old County Road. He is currently getting water from Jo-Ann's Way onto his property and is concerned about additional water from the solar project. Benevides commented that there will be a water reduction.

Manuel Costa was present from 8 Jo-Ann's Way. Costa questioned the topping off trees and what the elevation of the panels are on the easterly lots. Hartnett responded that the plans show no to topping of trees. Benevides responded with 70-75'.

Kathy Santos from 51 Fallon Drive was present and commented that arborvitae may not be the best plantings for screening because deer will eat them and feels the 4" loom won't be sufficient for seedlings. Benevides will look into a shrub resistant to deer.

Hartnett read the Cole reviews into the record.

Daylor moved to continue the Low Impact Development and Large Scale Solar Energy System Special Permit public hearings for Westport Stone and Sand Solar LLC. to January 29, 2019 at 7:45 p.m. Seconded by De Rego with all five members in favor.

4. Administrative Items

- a. Black Oak Circle account – Close – This subdivision has been closed and there may be some residual interest left in the account.

Daylor moved to close the construction review account for Black Oak Circle. Seconded by De Rego with all five members in favor.

- b. Route 88 Solar (18-011S-LID) – Consultant Peer Review – The town has used SW Cole for inspections and plan review for a number of years but during the last request for proposals the Board chose Field Engineering as an alternate reviewer. Field Engineering has sent in a proposal of \$3,000 to review the Route 88 Solar.

Watterson motioned to approve Field Engineering as an alternate reviewer. Seconded by De Rego with all five members in favor.

c. Lincoln Heights (14-005C) – Covenant, Home Owners Association – Hartnett stated that this subdivision was approved and endorsed by the Planning Board in June of 2015. The previous developer did not move forward with the project and the property was sold to Scott and Jodi Holmes. They would now like to record the plan and act on the subdivision. They have signed new covenants and submitted a new Homeowners Association. The only difference is that when the original subdivision was filed, Warren Messier was owner of a small portion of lot 4, he is no longer involved with the subdivision. The new owners are willing to sign a restrictive covenant for the lots that they own 1, 2 & 3 and that portion of lot 4 that they own.

Whitin questioned if owner can build on lot 4. Harnett responded yes if they meet the zoning requirements.

De Rego questioned how the snow removal will be handled. Hartnett responded that the Home Owner's Association as written will be responsible for the snow removal for the new portion of the roadway only.

De Rego moved to approve the Homeowners Association, the Form F Covenant and the Form F-RRL Covenant for the "Definitive Subdivision Record Plan Lincoln Heights." Seconded by Cole with all five members in favor.

d. Discussion with Craft Co-Op Cannabis Committee (CCCC) - Marijuana By-Laws. The Craft Co-Op Cannabis Committee called their meeting to order. Brian Valcourt, Phil Weinberg, Averyl Andrade and Carole Mann were present to address the Board to discuss Craft Cannabis By-Laws. Valcourt and Weinberg presented a draft town By-Law that would allow Craft Cannabis Cooperatives in the Town of Westport. Valcourt stated that the Board of Selectmen have put a place holder on the Warrant for the general By-Law. There will also be a zoning By-Law presented to regulate the use. Weinberg stated that he participated in a conference call with Town Counsel, Jonathan Eichman, regarding the process. The permit use would only require approval at Town Meeting, Town Counsel did not believe approval at the ballot was required. Counsel also suggested that the advertisement for the zoning By-Law be very general so that there would be some flexibility on the final wording.

Whitin questioned the 20,000 s.f. limitation on the Cooperatives, he stated that Town Counsel was concerned that this may not be permitted because it is different from what the recreational marijuana laws state. Valcourt stated that this is something that could help the farmers. The cannabis committee will look at refining the zoning By-Laws and try to get something for this year's Annual Town Meeting. Whitin stated that the zoning should be addressed, because if the general By-Law is approved without zoning, it would be difficult to regulate.

e. Annual Report 2018 Review

Cole would like to rewrite the state revolving loan grant and collaborate with Daylor.

De Rego moved to approve the 2018 annual report as amended and forward to the Board of Selectmen. Seconded by Daylor with all five members in favor.

5. Matters not reasonably anticipated.

Cole asked the Board to review the MVP report on Municipal Vulnerability and see if there is a specific grant that should be applied for.

6. Correspondence.

a. S.W. Cole Reports

- 16-003SPA-LID Blossom Road B - noted
- 17-002S-LID Adirondack A & B - noted

7. Minutes.

January 2, 2019 – moved to January 22, 2019

8. Invoices.

W.B. Mason - \$45.63 - De Rego motioned to approve expenses listed. Seconded by Cole with all five members in favor.

Hartnett – Monthly Phone/Mileage \$108.10. Cole motioned to approve the monthly expenses. Seconded by De Rego with all five members in favor.

ADJOURNMENT

Members unanimously voted to adjourn at 9:45 p.m.

Respectfully submitted,

James Hartnett – Town Planner

Nadine Castro – Town Planner II