



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

February 20, 2019

Chairman James T. Whitin called the meeting to order at 5:03 pm with members Marc De Rego, James Watterson, David Cole, and Town Planner James Hartnett. Vice-Chair Robert Daylor was absent.

5:00 p.m. Public Hearing

a. Joseph Ingoldsby, Westport Camp Grounds Evaluation Committee – Discuss Property located at 346 Old County Road

Joseph Ingoldsby Chairman of the Westport Campground Evaluation Committee was present. Ingoldsby mentioned a sale price for the 29 acre parcel was negotiated with the Costa family and would like the Planning Boards support. This will be going to Town Meeting to be considered as potential access point to the Elementary School as well as parking for playing fields. Whitin stated that the purchase would make sense, possible uses would be for parking or recreation.

De Rego motioned to recommend support for the land acquisition. Seconded by Cole. The vote was unanimous with four members in favor.

b. The Coffin Family Nominee Trust/Buzzards Bay Coalition (19-002A) ANR 1219 Main Road – Request to divide property into two lots.

Mark Boucher from Boucher and Associates was present representing the owner. Boucher explained the existing house would remain on Lot 1 and the majority of the land would be under a preservation restriction. Parcel A would be conveyed to Buzzards Bay Coalition and be considered a non-buildable lot and would be preserved as open space.

David Cole questioned if Buzzards Bay Coalition owned the abutting lots. Boucher replied, The Westport Land Conservation Trust does own some abutting lots and is in conservation.

Cole moved to approve endorsement of the plan entitled Approval Not Required Plan of Land 1219 Main Road, dated December 12, 2018, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by De Rego with all four in favor.

c. Carlos Ferreria (19-003A) ANR 0 Forge Road and Marisa Lane – Request to divide property into two lots, transferring one parcel to the abutting lot.

Dan Aguiar from SITEC Engineering was present representing the owner. Aguiar stated the owner would like to convey and combine Parcel A to Lot 20, the majority at Parcel A is wetlands. Whitin questioned if there were any restrictions for Parcel A because of the wetlands. Aguiar responded No, they received a Certificate of Compliance.

Hartnett confirmed that the plan meets the requirements of an ANR.

De Rego moved to approve endorsement of the plan entitled Approval Not Required Plan of Land in Westport Massachusetts prepared for Carlos Ferreira, dated December 21, 2018, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Cole with all 4 members in favor.

d. Craft Cannabis Cooperative Zoning Bylaw – Review & discussion

Adopting zoning by-laws to regulate Recreational Marijuana is a new process for Massachusetts communities. The local CCCC has made substantial progress in developing a zoning by-law for the Town to regulate Craft Cannabis Cooperatives in Westport but the process started late and the secondary effects of locating cultivation and manufacturing may need more time for review.

Averyl Andrade, Brian Valcourt and Phil Weinberg were present from the Craft Cannabis Co-Op Committee to address the Planning Board's concerns regarding the draft write up regarding setbacks, size of canopy, lot size, and maximum growing allotment.

Whitin received clarification that the State's Cannabis Co-op regulations require a farmer that has filed a schedule F in the last five years. Whitin voiced his concern about the manufacturing sites only in the science and technology district.

Hartnett mentioned the CCCC should have the final By-law draft by February 27th to be submitted to the Board of Selectmen and the Planning Board. .

2. Solar By-law Review

The town of Westport Planning Board will hold a public hearing pursuant to G.L c. 40A § 5 and Article 2.1 of the Westport Zoning Bylaws, on Tuesday, February 12, 2019, at 7:15 p.m. at the Town Hall Annex, 856 Main Road Westport, Massachusetts. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed changes to the Westport Zoning By-Laws. The proposed amendments include:

Article A: To see if the Town will vote to amend the Westport Zoning By-Laws by making the following changes to Article 24, Solar Energy Systems.

The proposed amendments would require additional protection for adjoining properties by providing additional screening and buffers between the property lines and the solar arrays. Additional screenings and buffers would also be required to protect scenic vistas and viewsheds from existing residential uses, public streets and waterways. The following sections of the Zoning By-Law would be changed, Sections 24.3.1 Purpose, 24.3.3 Special Permit, 24.3.5 Required Review and Permitting, 24.3.8 Dimensional, Use and Access Requirements for Large Scale Systems (Lot Size, Frontage, Setbacks and Height), 24.3.11 c. Land Clearing, and Landscaping, Vegetation Maintenance, and 24.3.11 d. Visual Impact.

This Article may not be numbered as it will ultimately appear in the warrant at Annual Town Meeting. Whitin read Article A into the record.

Hartnett presented the proposed By-law changes to the Board. Sections to be amended including Sections 24.3.1, 3, 5, 8 & 11. These amendments have been discussed by the Planning Board over the past couple of months. Hartnett recommended one additional change that would be setting a maximum setback increase to 50%. Whitin agreed with the change.

Josh Hotvet was present from Cypress Creek Renewables and voiced his concern with the 16 acre maximum size. Hotvet suggested setting an acreage cap and added any more than 16 acres there could be a payment to the Town or Land Trust possibly \$1,000/acre. Josh gave the Board letters to review.

Whitin asked if the acreage amount could be flexible based on the situation if the acreage is over 16 acres based on the location. Hartnett replied that requirements could be set and stated that he would work on some wording to address this.

Lee Tripp from 442 Horseneck Road was present. Tripp is concerned about clear cutting large amounts of land and expressed that it would be an environmental loss.

John and Sandy Raposa from 86 White Oak Run were present. Raposa suggested changes to the proposed by-laws such as keeping commercial large scale solar out of residential areas and reducing the height of structures. Mr. Raposa provided the Board with solar research papers. Mrs. Raposa voiced her concern on the impact on the animal habitat.

Luke Childs from Soltage questioned if the 250' foot was from the property line or street pavement line? Harnett responded from the property line.

Bob Carrigg was present, he is not in favor of the 16 acre clearing limit in addition to the minimum setback of 100' from wetlands and feels that the 100' buffer isn't a zoning issue.

Cole motioned to close the public hearing. Seconded by De Rego with all four in favor.

3. Winner Way (18-005C-FF) (*Hearing continued from November 27, 2018, January 29, 2019*)

Request by applicant to consider a Low Impact Development Site Plan and a definitive subdivision plan entitled **"Definitive Subdivision Plan, Plot 57, Lot 46"** Westport, MA prepared for Thomas Winner and located between 1540 and 1558 Drift Road proposing to divide the property into two (2) lots with frontage on Drift Road and a private gravel road. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

Attorney Michael Kelly was present representing the applicant and owner, Mr. & Mrs. Winner. Kelly revised their plans to address drainage issues. They widened the swale on the south side of the road and added check dams with a level spreader at the easterly end of the swale. As part of the design the applicant is proposing to widen the gravel drive to 20' and provide a hammerhead turnaround at the mid-point of the parcel.

Matt Pike was present from Southcoast Engineering. Pike reiterated the plans were modified and meet the concerns of the consulting reviewer S.W. Cole. Pike handed the Board a report showing the stormwater reduction.

Whitin expressed his concerns with the water flow continuing on the current path. Pike confirmed the water will continue the same path, however, volume and rate of the flow will be reduced. Hartnett visited the site and noted that sandbags diverted the water flow at the bottom of the street onto the vacant lot.

Whitin read the Department Review's from the Assessors, Fire Department, 911 Coordinator, Board of Health and Building Department comments into the record.

Hartnett read Vargo's comments into the record in addition to comments from Mr. & Mrs. Donnelly's of 1 Great Island View Road. Hartnett summarized comments from abutting neighbor's; Winter's, Vargo and Owen.

Greg Nicholas was present from Southcoast Engineering and commented that he was not aware of the correspondence from the neighbor's and would like to review them.

S.W. Cole Peer Review – see comments dated January 10, 2019, & January 29, 2019

De Rego moved to continue the public hearing for the Definitive Subdivision Plan to March 26th at 7:15 p.m. Seconded by Watterson with all four in favor.

4. Westport Stone and Sand (18-009SPA-LID) (*Hearing continued from January 15, 2019, January 29, 2019*).

Request by **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 at 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.

De Rego moved to approve the request to continue the hearing until March 20, 2019, at 6:15 p.m. Seconded by Cole with all four in favor.

5. Soltage, LLC Westport Route 88 Solar 1, LLC (18-011SPA-LID-S)

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.

Attorney Todd Brodeur from Fletcher Tilton P.C. was present along with David Mackwell, Site Civil Engineer, from Kelly Engineering. Mathias Dean Carpentier and Luke Childs from Soltage, LLC were also present.

Attorney Brodeur briefly explained the project's details regarding the long term lease agreement and removing property from chapter 61A.

David Mackwell was present from Kelly Engineering Group. Access to the two fields will be from Sullivan Drive. The parcel is approximately 43 acres, field 1 will occupy approximately 8.5 acres and field 2 will be approximately 5.5 acres. He stated they are requesting waivers from the 100' setback requirement on the north side of the field, and on the east sides of fields 1 & 2. The plan shows a minimum buffer of 25'.

Whitin asked how many acres the panels will cover also, where will the poles be placed? Mackwell explained panels will cover 8.5 acres for field 1 and 5.5 acres for field 2. Mackwell stated that the panels only cover about 2.9 acres.

Whitin asked if Sullivan Drive was a public or private way. Mackwell commented that it is a right of way. Brodeur stated that Sullivan Way was created to provide access to the lots when Route 88 was created and they believe they have the right to use it and upgrade it.

Cole expressed his concern and suggested the panels from the east side be removed from the 100' buffer zone, the panels will be visible from Rt. 88. Childs conceded and will move the panels 25' so that they will be out of the buffer zone.

Whitin asked if it would be possible to move the panels 250' from the bottom left fields. Brodeur answered, moving the panels 250' would kill the project.

Hartnett read Department Reviews into the record.

Hartnett read Field Engineering's report dated February 6, 2019, into the record.

De Rego moved to approve the request to continue the hearing until March 20, 2019, at 6:45 p.m. Seconded by Cole with all four in favor.

6. Correspondence.

- a. 14-006C Bouchard Insufficient Funds - Noted
- b. Real Estates Technical Assistance Services - Noted
- c. ZBA Decisions - Noted

7. Minutes

January 29, 2019 – Watterson voted to approve the minutes as written. Seconded by Cole with all three in favor. De Rego abstained.

8. Administrative Items

- a. McGovern (18-013A) – Ch.61 Release Map 60 Lot 2, sub-lots lots 1 & 2.
Cole recommends the release of Map 60, Lot 2, sub-lots 1 & 2. Seconded by De Rego with all four in favor.
- b. Peters (18-015A) - Ch.61 Release Map 70, Lot 15, Parcel A.
Cole recommends the release of the Peters property. Seconded by De Rego with all four in favor.
- c. Braybach Lane (18-005C) Form C-1 Certificate of Approval of a Definitive Plan
Cole moved to endorse the Form C-1 for Braybach Lane. Seconded by Whitin with all three in favor. De Rego abstained.
- d. Braybach Lane (18-005C-FF) Special Permit Approval for Flexible Frontage.
Cole moved to approve the Special Permit Approval for Flexible Frontage. Seconded by De Rego with all four in favor.
- e. Winner Way (18-007C) Form C – Extension Request - Noted
- f. FY20 Budget - Noted

9. Matters not reasonably anticipated.

Citizen Planner Training Collaborative Conference (CPTC) Annual Conference – March 16, 2019 - Noted

10. Planners Report.

- a. 248 State Road – I had a meeting with the applicant and his design team, Field Engineering and Mark Boucher regarding property located at 248 State Road. The applicant is proposing to construct

a Medical Marijuana Facility for cultivation and sale of medical marijuana. They are planning on filing an application within the next 4-8 weeks. Noted.

- b. The Planning Board may need to schedule additional meetings over the next couple of months to accommodate the number of filings and planned filings. We have a special meeting scheduled for Wednesday the 20th of this month and the meeting on the 26th will begin at 5:45 pm so that SRPEDD can present their findings on the Route 6 Study. Noted.
- c. The Finance Committee meets on the same Tuesdays as the Planning Board, the only night they are meeting that we do not have scheduled hearings is March 12, 2019. I will be away that night but if the Board wants to meet with the Finance Committee, it would have to be on that night. Noted.
- d. At the last meeting of the Board of Selectmen, the “Complete Streets Policy” was approved. Noted.

11. Invoices.

W.B. Mason - \$15.19.

Quill - \$85.97 - Watterson moved to approve the invoice. Seconded by De Rego with all in favor.

Hartnett – February Phone - \$50.00

Hartnett – MEHA Seminar - \$190.00

Hartnett January Mileage - \$21.34 - Watterson moved to approve Hartnett invoices. Seconded by De Rego with all four in favor.

Adjournment

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

Respectfully submitted,

James Hartnett – Town Planner

Nadine Castro – Town Planner II