



TOWN OF WESTPORT
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PLANNING BOARD

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PLANNING BOARD MEETING MINUTES

May 28, 2019

Chairman James T. Whitin called the meeting to order 5:45 p.m. with, Members James Watterson and David Cole and Town Planner James Hartnett in attendance. Robert Daylor was absent.

Call to order 5:48 p.m. - A joint meeting with the Board of Selectman – Appoint Planning Board Member

There were two applications filed for the vacant planning position, Richard Brewer stated that Jim Whitin and Jim Watterson from the Planning Board and himself interviewed both candidates, John Bullard, and Bill Sheahan, he stated that they were both more than qualified and they are recommending John Bullard to fill the vacant position.

John Bullard was present and addressed the Board of Selectmen and the Planning Board, he appreciates the opportunity to participate on the Planning Board and noted his experiences that he believed were relevant. He has a Master's Degree in Planning from MIT, worked on the historic waterfront in New Bedford and was Mayor of the City of New Bedford.

Jim Whitin stated that he was very impressed with both candidates and is hoping that Mr. Sheahan will get involved with the water, wastewater study and he would be considered if there was another vacancy on the Board.

Planning Board voted 3-0 and the Board of Selectmen voted 5-0 to appoint John Bullard to the Planning Board.

1. Administrative Items

a. Preliminary Subdivision Plan, Residencies at the Pine Hill (19-003B)

Request by the applicant to consider a Preliminary Subdivision plan entitled **“Residencies at the Pine Hills”** prepared for **Borrego Solar Systems, Inc** and located at **202 Pine Hill Road**, Assessor's Map 41 Lot 4 proposing to divide the property into four (4) lots. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

Evan Watson from Prime Engineering and Matt Swanseurg from Borrego Solar were present to address the Board on this matter. Watson stated that they are proposing a preliminary subdivision plan so that the landowner can protect their development rights. There is no intent to construct the residential subdivision, approval or denial of the plan is of no consequence.

Whitin asked if all the lots have the required frontage and noted that it appears that lot 3 only has 119' of frontage. Hartnett stated that the design does not meet the -1.0% slope area and the turnaround does not meet the subdivision regulation requirements.

Cole made a motion to deny the preliminary plan entitled “Residencies at the Pine Hills” dated April 17, 2019. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

1. Lot 3 does not meet the minimum frontage requirements
2. A leveling area with a -1.0% slope is not shown at the intersection of Pine Hill Road.
3. The turnaround requires a layout radius of 70', a pavement radius of 60' and a center island radius of 36'. The plan shows a layout radius of 60', a pavement radius of 50' and no center island.

b. Preliminary Subdivision Plan, High Point Estates (19-004B)

Request by the applicant to consider a Preliminary Subdivision plan entitled **“High Point Estates”** prepared for **Borrego Solar Systems, Inc.** and located on the west side of Division Road, south of 355 Division Road, Assessor's Map 46 Lot 8 & 9C proposing to divide the property into two (2) lots. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

Evan Watson from Prime Engineering and Matt Swanseurg from Borrego Solar were present to address the Board on this matter. Watson stated that they are proposing a preliminary subdivision plan so that the land owner can protect their development rights. There is no intent to construct the residential subdivision, approval or denial of the plan is of no consequence.

Hartnett stated that the applicant has submitted a Preliminary Plan for a two (2) lot subdivision. Approval or denial of a preliminary plan has no bearing on the Definitive Plan. Very little information is provided or required for a preliminary plan but there are a couple of items that will have to be addressed if the definitive plan is to be approved at a later date without waivers. A -1.0% leveling area has not been provided, the turnaround does not meet the current design standards and the northerly fillet curve was not provided.

Hartnett read the department comments into the record and recommended denial of the preliminary plan for the reasons previously stated.

Cole moved to deny the Preliminary Plan entitled “High Point Estates” dated April 17, 2019. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

1. A leveling area with a -1.0% slope is not shown at the intersection of Division Road.
2. The turnaround requires a layout radius of 70', a pavement radius of 60' and a center island radius of 36'. The plan shows a layout radius of 50', a pavement radius of 40' and no center island.
3. A 25' Radius fillet curve is not shown on the northerly side of the road.

c. Preliminary Subdivision Plan, Woodland Estates (19-005B)

Request by applicant to consider a Preliminary Subdivision plan entitled **“Woodland Estates”** prepared for **Borrego Solar Systems, Inc.** and located on the west side of Main Road, including 573 Main Road, Assessor's Map 70 Lots 15,16, 16B & 16D and Assessors Map 69 Lot 5 proposing to divide the property into three (3) buildable lots and three (3) unbuildable parcels. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

Evan Watson from Prime Engineering and Matt Swanseurg from Borrego Solar were present to address the Board on this matter. Watson stated that they are proposing a preliminary subdivision plan so that the landowner can protect their development rights. There is no intent to construct the residential subdivision, approval or denial of the plan is of no consequence.

Hartnett stated that the applicant has submitted a Preliminary Plan for a three (3) lot subdivision with three (3) parcels. Approval or denial of a preliminary plan has no bearing on the Definitive Plan. Very little information is provided or required for a preliminary plan but there are a couple of items that will have to be addressed if the definitive plan is to be approved at a later date without waivers. A -1.0% leveling area has not been provided, the turnaround does not meet the current design standards.

Hartnett read the department comments into the record and recommended denial of the preliminary plan for the reasons previously stated.

Watterson moved to deny the Preliminary Plan entitled “Woodland Estates” dated April 17, 2019. Seconded by Cole. The vote was unanimous 3-0 in favor of the motion.

1. A leveling area with a -1.0% slope is not shown at the intersection of Main Road.
2. The turnaround requires a layout radius of 70’, a pavement radius of 60’ and a center island radius of 36’. The plan shows a layout radius of 50’, a pavement radius of 40’ and no center island.

d. Preliminary Subdivision Plan, Vincent Paul Realty Nominee Trust (19-006B)

Request by applicant to consider a Preliminary Subdivision plan entitled **“Plan of Land Map 68 Lot 25, 25A, 25B Orlando Avenue”** prepared for **Vincent Paul Realty Nominee Trust** and located at **46 Orlando Avenue**, Assessor’s Map 68 Lots 25, 25A & 25B proposing to divide the property into two (2) buildable lots. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

Dan Aguiar from SITEC Engineering was present to address the Board. Aguiar stated that the property is owned by three different owners and is located at the end of Orlando Avenue. The road extension was previously approved by the Planning Board and the purpose of this filing is to protect the zoning, the owners are looking to protect their rights for residential or solar use.

Whitin stated he believes the intent of the law was to protect the zoning for residential use and dimensional requirements and no protection for other uses permitted by special permit.

Hartnett stated that the applicant has submitted a Preliminary Plan for a two (2) lot subdivision. Approval or denial of a preliminary plan has no bearing on the Definitive Plan. Very little information is provided or required for a preliminary plan but there are a couple of items that will have to be addressed if the definitive plan is to be approved at a later date without waivers. A -1.0% leveling area has not been provided, the turnaround does not meet the current design standards, and the road exceeds the minimum 1,200’ maximum length.

Hartnett read the department comments into the record and recommended denial of the preliminary plan for the reasons previously stated.

Cole moved to deny the Preliminary Plan entitled “Plan of Land Map 68 Lot 25, 25A, 25B Orlando Avenue” dated May 2, 2019. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

1. The turnaround requires a layout radius of 70’, a pavement radius of 60’ and a center island radius of 36’. The plan shows a layout radius of 60’, no turnaround is shown.
2. Existing and proposed contours are not shown for the entire parcel.
3. The overall length of dead-end street exceeds the maximum length of 1,200’.

e. Winner Way (18-007C) -Endorse plan covenants and Home Owners Association

Hartnett stated that this subdivision was approved by the Planning Board on April 11, 2019, the decision was filed with the Town Clerk and the Clerk certified that no appeal had been filed. The applicant has submitted:

- Form F Covenant
- Form F-RRL Covenant
- Home Owners Association

Recommend that the Board approve the covenants and endorse the plan.

Cole moved to accept the Home Owners Association, approved the Form F and Form F-RRL Covenants and endorse the Definitive Subdivision Plan entitled “Plan of Land Assessors’ Plat 57 Lot 46 Westport, MA. Seconded by Watterson. The vote was unanimous 3-0 in favor of the motion.

f. Brightwoods Path (09-006C) - Final Release of Subdivision and Surety

The applicant Brian Giblin was present to address the Board on this request. Giblin stated that the development is complete and he is looking for final approval and release from the Board.

Hartnett stated that SW Cole prepared a letter dated May 23, 2019, stating that “*Based on the above observations and comments, the Planning Board could consider the above project for completion subject to outstanding items*” the outstanding items relate to the paved apron that was not part of the original approval and therefore cannot be required and some recent grass plantings. The areas that were reseeded were relatively small areas. Recommend release of the subdivision and the Form F Covenant.

Watterson moved to grant final release of the subdivision entitled: “Brightwood Definitive Subdivision of Land” and release of the Form F Covenant dated October 19, 2009. Seconded by Cole. The vote was unanimous 3-0 in favor of the motion.

2. SunRaise Development LLC (19-002S-LID) (continued from February 26, 2019, April 23, 2019)

Request by the applicant to consider the Special Permit and Site Plan applications for SunRaise Development L.L.C. for property owned by Manuel III and Carolyn Ferry, located at 136 Old Pine Hill Road and White Oak Run, Assessor’s Map 43, Lot 29. 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 2.0 Megawatts.

Whitin stated that this is a special permit and four members are required for a quorum.

Watterson moved to continue the hearing to June 18, 2019, at 7:30 pm. Seconded by Cole. The vote was unanimous 3-0 in favor of the motion.

7:00 p.m. Public Hearing

3. Soltage Westport Route 88 Solar 1 (18-001LID-S) (*continued from May 21, 2019, March 20, 2019, April 23, 2019*)

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.

Whitin stated that this is a special permit and four members are required for a quorum.

Watterson moved to continue the hearing to July 16, 2019 at 6:45 pm. Seconded by Cole. The vote was unanimous 3-0 in favor of the motion.

4. Matters not reasonably anticipated. Cole stated that he received a preliminary report from Woods Hole and the impact on the nitrogen loading from large scale solar developments. He would like to discuss this at the next meeting and asked the Board to consider establishing regulations for administering the Low Impact Development By-law. Whitin stated that the regulations should address all developments and not just solar, Cole agreed. Cole asked Hartnett to request a legal opinion on the establishment of regulations.

5. Correspondence. – *None*

6. Minutes.

May 21, 2019 – The three members that participated in the meeting were not present and the minutes were not acted on.

7. Invoices. None

Adjournment

Call moved to adjourn the meeting at 7:15 p.m., seconded by Cole. The vote was unanimous 3-0 in favor of the motion.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II