



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

October 8, 2019

Chairman Jim Whitin called the meeting to order at 5:32 p.m. with Vice-Chair Robert Daylor and members John Bullard, James Watterson, Bill Sheahan and Town Planner James Hartnett in attendance.

5:30 p.m. Public Hearing

1. Cornell Hill (19-013C) (continued from September 24, 2019)

Request by applicant to consider a definitive subdivision plan entitled **“Cornell Hill Definitive Subdivision Plan of Land in Westport, MA”**, dated July 25, 2019 proposing a 3 lot subdivision, total acreage 4.6 acres with an existing single family dwelling on each lot, prepared for William & Betsy Couto. The property is located at **65 & 67 Cornell Road, Assessors Map 82 Lots 30 & 31. Cornell Road**

Sean Leach of Sitec Engineering was present along with William and Betsy Couto.

Leach is proposing to use the existing 12’ drive and constructing a cul-de-sac that makes all lots conforming. The road name will be changed to “Law Court.”

Leach will schedule a site visit with Lt. Brisk to discuss the width of the road.

Watterson questioned if there will be an easement to access lot 2 and would there be enough area for a driveway should the neighbors not get along. Leach responded there is enough room but may need to get approval from conservation.

Whitin read the Conservation Commission review into the record.

Bullard asked if the house on Lot 3 was occupied and insured. Audience member commented, yes.

Bullard felt confident that an 8ft wide fire truck would be able to get down the lane.

Whitin questioned the driveway length to the houses. Leach responded 425ft from driveway intersection. Whitin also approves of the design.

Daylor supports the new design and is in favor of waiving the standards of construction.

Hartnett read the Sample Waivers and Sample Conditions into the record.

Sample Waivers

1. Section III.B.d. Waiver of cost estimate
2. Section V.C Waiver of stormwater design requirements
3. Section IV.A Waiver of Table “A” standards of construction.

Sample Conditions

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association. All purchasers of Lots 2 & 3 within the subdivision shall be required to belong to the Homeowners Association.
 - a. The Homeowners Association shall be responsible for the maintenance, repairs, and plowing of the subdivision roadway.
 - b. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary.
 - c. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant.
2. Note 1 shall be changed to two lots for access and frontage.
3. The Secondary Road detail on sheet 2 shall be removed.
4. The addresses for lots 2 & 3 shall be changed pursuant to the E911 Coordinator.

Motion

Daylor moved to close the public hearing for the "Cornell Hill Definitive Subdivision Plan" Seconded by Bullard with all five members in favor.

Motion

Daylor moved to approve the definitive subdivision plan entitled "Cornell Hill Definitive Subdivision Plan of Land in Westport, MA", dated July 25, 2019, proposing a 3 lot subdivision subject to waivers and conditions as stated. Seconded by Bullard with all five members in favor.

6:00 p.m. Public Hearing

2. Brookwood Drive Solar 1 LLC (19-005SP-LID) (continued from June 4, 2019, August 13, 2019, September 10, 2019 and October 8, 2019)

Request by the applicant to consider the Special Permit and Low Impact Development applications of **Brookwood Drive Solar 1, LLC c/o Borrego Solar Systems, Inc.** for property owned by **Jay A. & Jill E. Szaro, Carricorp Industries Ltd., and Muriel Peters**, for property located at **573 and 667 Main Road**, Assessor's Map 69, Lot 5, Map 70 Lots 15, 16 & 16B, 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 8.0 Megawatts.

Josh Farkes and David Albrecht from Borrego Solar were present representing the applicant.

Farkes requested a continuance to address outstanding items.

Motion

Daylor motioned to continue until November 19, 2019, at 6:45 p.m. Seconded by Bullard with all five members in favor.

6:30 p.m. Public Hearing

3. 202 Pine Hill Road Solar 1 LLC (19-012SPA-LID-S) (Continued from September 24, 2019, 2019) Request by the applicant to consider a Special Permit and Low Impact Development applications of **Pine Hill Road Westport Solar I LLC c/o Borrego Solar Systems, Inc.** for property owned by **Leonard F. Potter Trustee of The Leonard F. Potter Revocable Trust-2011, Alston J. Potter III and Dianne M. Potter Trustee of the Alston J Potter III Trust-2009**, for property located at **202 Pine Hill Road**, Assessor's Map 41, Lot 4, 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 4.0 Megawatts.

Josh Farkes and David Albrecht from Borrego Solar were present. Lenny Potter and Alston Potter Jr., owners of 202 Pine Hill Road were also present.

Albrecht presented a revised plan with a new entrance keeping the rock walls and will be removing the run-down barn. Double rows of trees and a fence with opaque slats were added for additional screening for Gardikas, the neighbor abutting to the South. Albrecht commented that approximately 4.5 acres of trees will be removed leaving stumps and approximately 7.5 acres of trees will be cleared.

Bullard asked what are the tree sizes. Farkes replied that there is a pine grove to the rear and the tree's vary in size.

Hartnett read Field Engineering's review letter dated 9-20-19 into the record. Albrecht responded.

Hartnett read the Department Reviews into the record.

Whitin asked Borrego for clarification if they are requesting to be heard under the prior by-laws. Farkes commented that a Form B was filed, however, Borrego does meet the current By-law requirements if a waiver is granted to clear between 25' to 100' buffer zone of wetlands.

Whitin asked what the front west lot will be used for. Len Potter owner of 202 Pine Hill Road was present. Potter commented the front field is for Westport Fair parking overflow and for agriculture.

Whitin asked if the trees that would be cut down are in the wetlands buffer zone. Potter said yes.

Bullard asked Albrecht to do an overlay to visualize the panels on the property.

Sheahan asked what is the overall impact of the shading on the efficiency of the 4 megawatts. Farkes commented that he can show you different shade analysis.

Farkes questioned if the 25' limit and tree topping would help in the decision. Whitin feels that every effort should be made to provide shade to reduce warming up the wetlands that flow into the stream.

Whitin asked how far from the 25' line would the system be. Albrecht would propose topping the trees between the fence and the wetland line.

Watterson recommended utilizing the parking fields to put the solar rather than cutting down 12 acres of trees. Potter commented the field is for hay and agricultural and so that the solar fields will not be seen from the Pine Hill Road. Watterson asked for a site visit. Potter agreed to set up a date and time that would be convenient for all.

Nicole Gardikis of 244 Pine Hill Road was present. Ms. Gardikis' concern was water run-off and pointed out that there is a stream

Gary Mauk of 4 Princess Pine Way was present and supports the solar project.

Motion

Daylor motioned to continue until November 6, 2019 at 5:30 p.m. Seconded by Bullard with all five members in favor.

4. Administrative Items

- a. Blossom Road “B” Solar (17-001S-LID) – Request surety release and final release SW Cole Report dated September 23, 2019 – stating “*The Planning Board could consider this project for completion with a surety value reduction based on the sparse vegetated areas previously identified are now addressed for growth and considered completed.*” Cole’s letter stated.

Hartnett read S.W. Cole review dated 9-23-19.

Whitin asked if there were any storm water problems. Hartnett responded no complaints have been filed.

Hartnett agreed with with S.W. Cole’s review and recommends final release of the Special Permit Site Plan.

Motion

Daylor moved to grant closeout and final release of the Large Scale Solar project granted to “BWC Hamilton Brook, LLC c/o Blue Wave Capital” for property located on the easterly side of Blossom Road, Assessors Map 2, Lot 17 and release of the \$36,000 Form G Surety dated: April 23, 2019, and balance of consultant inspection funds upon payment of remaining invoices. Seconded by Bullard with all five members in favor.

6. Planners Report

Hartnett updated the Board on the status of projects.

7. Matters not reasonably anticipated.

None

8. Correspondence

None

9. Minutes

September 24, 2019

Motion

Bullard motioned to approve the minutes as written. Seconded by Watterson and the vote was unanimous with all three in favor. Daylor and Sheahan abstained.

Adjournment

The members unanimously adjourned at 7:57 p.m.

Respectfully submitted,

James Hartnett, Town Planner
Nadine Castro, Assistant Town Planner II