



**TOWN OF WESTPORT**  
**856 Main Road**  
**Westport, Massachusetts 02790**

**Tel. (508) 636-1037**  
**Fax (508) 636-1031**

**PLANNING BOARD**

PLANNING BOARD MEETING MINUTES

March 11, 2020

Chairman Jim Whitin called the meeting to order at 5:31 p.m. with Vice-Chair Robert Daylor and members John Bullard, Bill Sheahan, Jim Watterson, and Town Planner James Hartnett in attendance.

Call to order 5:30 p.m.

**1. Meeting the Planning Board Candidates**

The Chairman announced a brief introduction to the Planning Board candidates.

Joseph Ingoldsby, John Bullard, David Cole and Manuel Soares Jr. were present.

**2. Administrative Items**

**a. Jo-Ann's Way (14-006C) – Discussion with applicant, schedule to complete**

Hartnett commented that a letter was mailed to the developer on February 28, 2020, requesting that all work be completed prior to April 14, 2020 and he was requested to attend the meeting to discuss the schedule of work. Hartnett added Town Counsel recommended the developer be given the opportunity to complete the work prior to the formal forfeiture procedure.

Manuel Costa of 3 Jo-Anne's Way was present. Costa asked if the Surety could be given directly to Sitec rather than given to Bouchard. Costa questioned what the next steps are after April 14, 2020 if the job isn't finished.

**b. Approval Not Required (ANR) – Carol Schene (20-004A) Request by applicant to create Parcel A to eliminate a garage encroachment.**

Sean Leach from Sitec Engineering Inc. was present representing the applicant. Leach commented the applicant is proposing to transfer a small strip of land to correct a garage encroachment, transferring 175.8 s.f. from 248 to 258 Brayton Point Road.

Hartnett recommends endorsement of Approval Not Required Plan

**Motion**

Bullard moved to approve endorsement of the plan entitled "Approval Not Required Plan of Land in Westport, MA Prepared for Carol Schene" Assessors Map 88, Lots 82,&83, dated September 19, 2019, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor with all five members in favor.

- c. Ferry Drive Subdivision (19-002C) – Close out design review account \$1,287.50 + interest**
- d. High Point Estates (19-006C) – Close out design review account upon payment of final invoice**
- e. Woodland Estates (19-005C) – Close out design review account upon payment of final invoice**
- f. Pettey Sodom Road (19-009SP) – Close out design review account \$1,800 + interest**
- g. Prestige – 50 Forge Road (19-008SPA) – Close out design review account \$1,86.25 + interest**

**Motion**

Bullard moved to release the review accounts upon final payment of invoices for Ferry Drive, High Point Estates, Woodland Estates, Pettey, Sodom Road and Prestige Auto. Seconded by Daylor with all five members in favor.

- h. **High Point Estates (19-005C)** – Sign Decision
- i. **Woodland Estates (19-011C)** – Sign Decision

#### **Motion**

Bullard moved to endorse the Decisions for High Point Estates and Woodland Estates. Seconded by Daylor with all five members in favor.

- j. **Chapter 61A Release** – Selectboard is requesting comments on Release of Land owned by Hugh E. McGovern located at 0 Sodom Road, Map 60, Lot 2CA (sub-lot 1), Westport, MA.

#### **Motion**

Daylor moved to recommend the release of this property from Chapter 61A. Seconded by Bullard with all five members in favor.

- k. Discuss Governor Charlie Baker's House Bill #4263 act to promote housing choice.

**Hartnett mentioned the bill would require 2/3<sup>rd</sup>s vote for Zoning changes rather than a majority vote for town meetings. Hartnett is concerned about the 50**

**Whitin asked how the bill would affect Westport. Hartnett needed additional time to review the bill and will discuss at the March 24<sup>th</sup> meeting.**

**Whitin mentioned a proposed bill at the State House to amend the Open Meeting Law that will discourage in-person meetings that a quorum could be held remotely. Whitin questioned how the Board will hold future meetings.**

**Whitin mentioned the concern from residents on Old County Road regarding the traffic and speed. Whitin would like to review the SRPEDD report with PB, Highway Surveyor, members of the Selectboard and residents surrounding Old County Road at the March 24, 2020 meeting at 5:30 p.m. to possibly make some changes to make changes.**

#### **6:15 p.m. Public Hearing**

##### **3. Fall River Rod & Gun Club (19-006SP-LID) (Remand Hearing)**

In accordance with the Court's Order on Joint Motion for Remand and Stay dated February 5, 2020, the Planning Board will consider the Special Permit application of **Frank Epps, Watuppa Solar, LLC** for property owned by **Fall River Rod & Gun Club, Inc.**, located on **309 Sanford Road**, Assessor's Map 18, Lots 2 & 41, pursuant to Westport Zoning By-Laws Article 24 Large Scale Solar Energy System Special Permit. The applicant requests permission to construct a 4.2 Megawatt solar energy system.

**Whitin stated the information related to the original filing will be made part of the record for this hearing, this includes but is not limited to plans, drainage reports, peer reviews, noise studies, department and staff reviews and minutes.**

#### **Whitin read the following new information filed into the record.**

- Revised Plans dated: January 2020.
- Drainage Report dated: September 10, 2019
- Woodard and Curran Response to SITEC comments dated: January 29, 2020
- Forest Habitat Assessment dated: January 22, 2020
- SITEC Response to Atty. James Marsh dated: march 5, 2020

Attorney Jeff Blake was present from K.P. Law, Town Council, representing the Town of Westport. Attorney Blake gave an update on the court remand.

Hartnett read an e-mail dated 3/11/2020 from Rich Riccio from Field Engineering's.

Attorney Tim Twardowski from Robinson & Cole, LLC was present representing the applicant, Watuppa Solar LLC. Attorney Twardowski introduced the project team Ben Aparo from Energy Developers Partners, Denise Cameron from Woodard & Curran and Mark Trembley, Certified Forester.

Ben Aparo gave a general overview and updates of the project's status since 2019.

Hartnett read the Decision into the record.

Whitin asked if the concerns in the Decision could be addressed.

Denise Cameron from Woodard & Curran was present and addressed the concerns that were listed in the Decision.

Mark Tremblay, Certified and Licensed Forester was present. Mr. Tremblay was hired to conduct a review of the site and to respond forestry concerns. He stated the clearing wouldn't have an impact with the forest animals.

Michael Altshuler of 103 Sodom Road was present.

Attorney James Mars was present representing John & Brenda Oliveira of 3 Plymouth Blvd. Attorney Mars referenced Steve Giosio, Sitec Engineering, report dated 3/5/2020 requested two conditions be added to the decision; an as-built plan by the design consultant and the decommissioning plan to restore the project to the original state.

Hartnett read item 5 of the Sample Conditions into the record from the March 11, 2020 staff report.

Attorney Tim Twardowski from Robinson & Cole, LLC commented there is a decommissioning standard, 24.3.16, and stated his client will abide by that condition.

James Story of 50 Plymouth Blvd was present.

Gerry Durette of 4 Plymouth Blvd was present. Mr. Durette questioned if there was a service road or a fire lane around the project and if it will affect the water table. Ms. Cameron addressed the questions.

Bill Simonin 156 Plymouth Blvd was present. Simonin was concerned about the noise levels once the trees were removed.

Ben Aparo mentioned an acoustical engineer was hired to perform the noise study. The engineer stated there will be no increase in gut shot noise due to the 14 acres of tree clearing.

Bill Sheahan questioned if in the acoustical study used a model of the hard surface of the panels. Aparo confirmed they were used and confirmed the report was submitted. Sheahan asked if the noise level will be monitored.

Joe Marois of 20 Benoit Street was present and asked where all the water is going to go. Ms. Cameron addressed his concern.

Brenda Oliveira of 3 Plymouth Blvd was present and is concerned about the maintenance of the retention pond that is 150 feet from her property going to be maintained once the site is decommissioned. Whitin commented the property owner is responsible for maintaining the stormwater infrastructure. Ms. Oliveira would like to add that wording as a condition in the decommissioning plan.

Daylor commented he also conducted a review of the stormwater plan.

Daylor recommended adding condition #22. A decommissioning plan will be submitted in accordance with the requirements of article 24.

### **Motion**

Daylor moved to approve the Special Permit application for a Large Scale Solar Energy System for **Frank Epps, Watuppa Solar, LLC** for property owned by **Fall River Rod & Gun Club, Inc.**, located at **309 Sanford Road**, Assessor's Map 18, Lots 2 & 41, pursuant to Westport Zoning By-Laws, Article 24 Large Scale Solar Energy System subject to findings and conditions. Request to construct a solar energy system, approximately 4.2 Megawatts. Seconded by Bullard with Whitin, Daylor, Bullard and Sheahan in favor. Watterson opposed.

### **7:00 p.m. Public Hearing**

#### **4. Zoning Amendments**

**Item 1.** To amend the Town Zoning By-Laws, Article XIV, Zoning By-Laws, by deleting it in its entirety and replacing it with a new Article XIV,

Hartnett read the summary of the Zoning Amendments into the record for clarify.

**Item 2.** Amend Section 5.2.1 – Abandonment/Discontinuance 5.2.1 to read,  
5.2.1 Abandonment/Discontinuance

A non-conforming use which has been discontinued for two years or more shall be considered to be abandoned and shall not be re-established and any future use shall conform with this By-Law. The two year period may be extended prior to expiration by special permit from the Board of Appeals if it finds there are extenuating circumstances and such extension is not detrimental to the neighborhood or public health, safety and welfare.

**Item 3.** Amend Section 3.0 Definitions by adding new Definitions for “Flea Market” and “Golf Course”

**Item 4.** Amend Section 6.1 – Table of Use Regulations by deleting “Wholesale Business” and adding “Flea Market”, “Miniature Golf” and “Light Manufacturing”. Add notes to the table describing prohibited uses and uses not listed in the table.

**Item 5.** Amend Section 3.0 Definitions and Add New Section 9.10 to regulate portable storage containers.

- *Sections listed in Items 2, 3, 4 & 5 refer to sections in the proposed re-codified Zoning By-Law.*

Hartnett read the summary of the zoning amendments into the record.

Sheahan commented the storage container language is too vague.

Manuel Soares Jr. of 316 Gifford Road was present. Soares made suggestions that may include regulations with building setbacks and a one time fee.

Whitin suggested the public could participate in a session to refine a new article of the temporary storage container zoning amendment. A sign-up sheet was passed around to get notified via e-mail.

#### **Motion**

Daylor moved that Item 5 not be added to the Annual Town Meeting warrant. Seconded by Bullard with all five members in favor.

#### **Motion**

Bullard moved the Town Planner and Whitin invite the public to participate in a session to refine article 20. Seconded by Sheahan with all five members in favor.

### **5. Planners Report**

Hartnett read the Planners report into the record.

**a. Route 177/Robert Street** – There has been some discussion regarding what should be done at the intersection. Originally I was asked to work on an upgrade to the flashing signal, there is now some discussion on a roundabout. This is a significantly different project with construction costs in the 2 million dollar range according to MassDOT. It also becomes a much more involved and time consuming project for the Town. With the funding limitations, I do not believe this is a viable option.

**b. Old County Road Traffic** – There has been some correspondence regarding the striping and traffic calming options on Old County Road. The Planning Board has been involved in some of the design work as it relates to the Town Landing and the Seaport Grant but not involved in the separate public forums relating to traffic. Tim King had asked if SRPEDD could do some traffic counts and give some recommendations which they presented at a public meeting a couple of years ago. It should be noted that SRPEDD did not do any design work, they only presented some conceptual ideas.

**c. Budget Grant Transfer** – Tim King has verified that the \$25,000 in this year's budget pending Town meeting approval could be transferred so that it could be used as matching funds for grants.

**d. Grants** – there are a couple of grants that the Town may be eligible for including the Coastal Pollutant Remediation Grant Program FY21, and the Coastal Resilience Grant Program FY21, That information is available upon request.

**e. Assistant Planner Applications** – We received over 30 applications for the Assistant Planner position. Nandine will be working on sending out a notification to the applicants that the position will not be filled due to a lack of funding.

### **6. Matters not reasonably anticipated.**

Daylor mentioned the IWRMP March 22, 2020 meeting was cancelled.

### **7. Correspondence.**

### **8. Minutes**

February 25, 2020

#### **Motion**

Bullard motioned to approve the minutes of February 25, 2020 as written. Seconded by Daylor with all five members in favor.

**9. Invoices**

None

**Adjournment**

The members unanimously adjourned at 9:24 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II