



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

December 15, 2020

Chairman Jim Whitin called the meeting to order at 6:01 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark Schmid, and Town Planner James Hartnett in attendance.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded. *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:*

An audio recording of this meeting is posted on the town's website. (www.westport-ma.gov)

Call to order 6:00 p.m.

1. Administrative Items

Pre-Application Consultation (20-003PAC) Request by Ironwood Renewables, LLC, north of 1227A Horseneck Road, Map 76, Lot 69S owned by Patricia A. Mayall and Randy S. Mayall to discuss a Site Plan Approval for a proposed ground-mounted solar installation on 45.1 acres of land.

The applicant has requested a pre-application consultation with the Board to introduce a solar project to the Town on Horseneck Road. This would be a 4.0 MW solar energy facility that will occupy 15.66 acres of land. The overall parcel is 45.1 Acres.

Hamilton Carrier from Ironwood Renewables, LLC, Dale Knapp with Doyle and Associates, and Greg Dixon with Krebs & Lansing Consulting Engineers, Inc. were present virtually.

Carrier, Dixon, and Knapp gave a brief overview of the site plan.

Whitin asked what the site conditions were. Dixon described the slope of the property.

Hartnett mentioned that on the south side of the array, the applicant is proposing to trim vegetation encroaching 50' into the 100' setback; a waiver would be required for this encroachment. He suggested upgrading the existing utility poles along the access drive and upgrade the access road for emergency vehicles including the turning radius. Hartnett noted additional information that should be shown on the plans.

Whitin asked if the cemetery was a registered public or private cemetery. Dixon mentioned it was a registered private cemetery.

Schmid asked what the amount of clearing would be. Dixon commented the clearing would be 12 acres.

Daylor mentioned due to the proximity to the Westport River, the run-off to the Let would have a great impact on the river if the downgradient basins for run-off were not properly contained.

Whitin asked what the distance is from the abutters. Carrier mentioned it was 50' or more from the abutters.

Schmid asked if land had any historic significance. Knapp checked with the Mass Historical Database and would submit a consultation letter to verify if there is any additional information that was not publicly shown.

Hartnett mentioned items that would need waivers such as constructing the field more to the west to eliminate encroachment into the setback, the use of one utility pole instead of two, show drainage for the site for the access road or the field, add screening on the plan for the abutting properties, add a table showing the clearing areas and what they're asking waivers for and to keep the curved road for fire protection vehicles.

Vanessa Small of 1229 Horseneck Road was present virtually and voiced her concern about the visual impact and the run-off that will drain into the cow pond.

Joshua Small of 1229 Horseneck Road was present virtually was concerned about the run-off affecting his property.

Daylor commented he recommends Ironwood Renewables control the run-off and sediment so it does not impact the saltmarsh fringe or the river itself and keep in mind the abutter's concerns.

Bullard was not in favor of granting waivers. Whitin agreed.

Whitin suggested possibly raise the solar panels so the cows can still use the property and graze under the panels. Knapp commented the raised panels will not be great for the visual impact of the abutters but will review it with his design team.

- b. Selectboard is requesting comments on the Release of Land owned by Michael P. Ferry for land located between 345 and 439 Gifford Road, Map 31, Lot 11 (2).

Hartnett mentioned the Board has previously recommended releasing lots 1 & 3 from Chapter 61A, these three lots are isolated from the remainder of the farm by a wetland area. Hartnett recommends release.

Motion

Bullard moved to recommend the release of Lot 2 from the Chapter 61A program. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- c. Private Acres (99-005C) Completion and Performance Surety Discussion

Hartnett mentioned he spoke with Attorney Joseph Raheb who represents Madeira Ventures, Inc. Attorney Raheb commented Madeira Ventures is not going to finish the subdivision and has offered to sign over the performance surety of \$24,000 which would eliminate the need to take the surety.

Hartnett contacted Prime Engineering who reviewed the work that was done. Rich Rhaume noted that additional work would be required for the drainage to work in the area of the cul-de-sac due to one of the property owners filling in the drainage swales.

Hartnett mentioned he would contact the neighborhood association to get their feedback on finishing the road.

d. **Approval Not Required (ANR) Rodrigues (20-022A)** Request by the applicant for endorsement of a Plan of land showing two lots for land located at 473 Old Bedford Road, Map 5 Lot 2.

Hartnett commented the applicant is requesting to divide the property into two lots; both would have the required frontage and area. Hartnett recommends endorsement of the Approval Not Required.

Motion

Bullard moved to approve endorsement of the plan entitled “Approval under the Subdivision Control Law Not Required Plan of Land on Old Bedford Road in Westport, Massachusetts prepared for Daniel Luter” because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

e. **Old County Estates (14-006C)** Request for Final Subdivision release and Surety release.

Hartnett commented the punch list items have been addressed and the fire tank easement was signed by the new owner and has been recorded.

Motion

Daylor moved to grant final approval of the subdivision entitled “Old County Estates” and release of the surety of \$18,000 plus interest. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

6:15 p.m. Public Hearing

2. **CVE North America Inc. (20-005SP) - Soule’s Way (continued from September 8, 2020, November 4, 2020)**

Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **CVE North America, Inc.** for property owned by **John B. Hathaway Trust and The Westport Lot 24 Nominee Trust, Daniel C. Perry Trustee**, located south of Soules Way between Route 88 and Drift Road, Assessor’s **Map 57, Lots 19 & 24**. 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 5.0 Megawatts, lot size 35 acres.

Hartnett commented the applicant has not submitted any new plans for review but has requested that they remain on the agenda to discuss a couple of items relating to the design.

Nicholas Clini of Atlantic Design was present virtually along with Attorney Dan Perry representing the applicant.

Attorney Perry responded to the Board’s previous concerns and noted the redesign of the project.

Hartnett responded to the applicant’s questions that were submitted previously. Hartnett also noted that Soule’s Way was not a public way and that the access drive may not conform to the requirements of 50’ of frontage on a street or through a 50’ wide easement connecting the development lot to a public way.

Whitin asked if the wildlife would be able to access the pond if it were inside the fence. Clini responded the pond would be inside the fence to maintain the protection to the basin and it would allow for access to the infiltration system. Clini will address the access to the pond for the wildlife.

Clini proposed to add additional vegetation such as arborvitaes or evergreen to compensate for the topping of the trees for screening purposes for the abutters. Whitin would like to see the proposal.

Schmid mentioned, according to a tree expert he spoke with, tree topping was not recommended and would invite disease according to ANSI regulations.

Chris Bednarz of 8 Fox Lane was present virtually. He expressed he was not in favor of tree topping and asked if the Fire Department had input regarding the battery storage units. Hartnett mentioned he has not received feedback from them.

Motion

Bullard moved to continue this hearing to January 26, 2021, at 6:15 p.m. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

7:00 p.m. Public Hearing

3. Borrego – 0 Division Road (20-004SP-LID-S) (continued from July 14, 2020, August 11, 2020, September 22, 2020, November 4, 2020)

Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **Borrego Solar Systems, Inc.** for property owned by **John Ciccotelli and Marie T. Ciccotelli**, and located on the west side of **Division Road between 355 and 403 Division Road**, Assessor's **Map 46, Lot 8, 9C**. 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 2.1 Megawatts.

Hartnett informed the Board that no new information has been submitted for this project. He suggested to the project engineer, David Albrecht, to continue the meeting to the January 26. Albrecht mentioned he is working with ConComm to address some of their concerns.

Daylor referenced the LEC peer review report email dated October 22, 2020, to ConCom and added he hopes that Borrego will resolve the wetland issue with them prior to returning to the Planning Board.

Motion

Bullard moved to continue this hearing to January 26, 2021, at 7:00. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

4. Matters not reasonably anticipated. None.

5. Correspondence

- a. 18-003SP As-Built mark-up – Noted

Hartnett added S.W. Cole will submit a punch list or final report for the next meeting.

- b. Fall River Zoning Board of Appeals – Noted
- c. Westport Zoning Board of Appeals - Noted
- d. Plaza 549 – Long (20-001SP) S.W. Cole Construction inspections letter

Hartnett mentioned several emails and a letter went out to Jim Long requesting him to contact S.W. Cole for an on-site inspection.

6. Planners Report

Hartnett updated the Board on items in his Planners Report.

7. Invoices

WB Mason - \$1.66

Motion

Bullard moved to approve the WB Mason invoice. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

8. Minutes

December 1, 2020

December 15, 2020

Motion

Bullard moved to approve the December 1, 2020 and December 15, 2020 minutes as written. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

Adjournment

The members unanimously adjourned at 8:01 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II