



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

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

**PLANNING BOARD MEETING MINUTES**

**October 04, 2016**

Chairman James T. Whitin called the meeting to order 6:16 p.m. with Vice-Chairman William Raus, Clerk Marc De Rego, Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance.

**Public Hearing.**

**BWC Bass River LLC. c/o BlueWave Capital (16-003SPA-LID-S)** Request by applicant for approval pursuant to Westport Zoning By-Laws, Article 20, Low Impact Development and Article 24, Large Scale Solar Energy System to construct a 3.6 Megawatt solar energy system for property owned by Sampson Solar LLC. Located on easterly side of Blossom Road, abutting the Fall River/Westport Town Line, Assessor's Map 2, Lot 2.

The applicant Erik Van Aarem from BlueWave Capital and engineer Rich Riccio from Field Engineering along with Evan Turner, Giovanna Olson and Mike Marsh were present for the meeting. Van Aarem and Riccio presented the plan to the Board. The site for the solar array is on the east side of Blossom Road on the Westport-Fall River boundary line, and covers approximately 27 acres of land. The solar array is a 3.6 megawatt array, covering approximately 13 acres of the 27 acre parcel owned by the Sampson family. The 20' wide gravel driveway off of Blossom Road, including the first 50' of length, would be paved with the remainder finished with crushed stone. Drainage on the parcel was reviewed and discussed, including a grass swale and a gravel gutter line, with most of the stormwater being directed towards the proposed detention basin. A Tibbetts report dated September 19, 2016, was referenced. Riccio read each comment in report from Tibbetts and gave his response to each for the record. The utilities were reviewed and discussed; the applicant is working with National Grid concerning the power interconnection. The proposed signage for the solar array and a chain link fence surrounding the array were also reviewed and discussed. Whitin questioned how much water would reach Blossom Road, and a hydrologic analysis was presented by Riccio, which detailed an overall reduction in the amount of water reaching Blossom Road. Discussion ensued over the details of the hydrologic analysis.

The seed mix to be used around the array was discussed, and Hartnett noted that the two types of seed mixes are identical to the mixes used in the Old County Road approved solar site plan. Sousa questioned if any small portion of the parcel was going to be set aside for a "pollinating species habitat". Riccio noted that the seed mix promotes a mix of hummingbird, bees and butterflies. Riccio also noted that all of the 27 acres, except where the solar panels sit, would be left for wildlife to flourish. Discussion ensued. It was noted that no hazardous materials would be stored on site. Whitin read the comments from the various Boards into the record. A front gate with a lock box was discussed. A potential rain garden on site was discussed.

Cole motioned to continue the LID and Large Scale solar public hearings for **BWC Bass River LLC** to October 18, 2016, at 6:45 p.m. De Rego seconded the motion and the vote was unanimous with all in favor

**Pre-Application Consultation (16-002-PAC) Carvalho.** Request by applicant for a pre-ap consult for a preliminary submission for Flexible Frontage plan for Assessor's Map 46, Lot 4 located at 270 Horseneck Rd., Westport, MA.

Sean Leach from SITEC Engineering was present to represent the applicant, Mrs. Carvalho. Leach described the history of the property. Leach then explained that the applicant requested to break one of the four existing lots into two lots, and use a Flexible Frontage Special Permit to make the two "new" lots buildable. This would create a fifth lot on the four lot subdivision. Currently, Flexible Frontage will only allow four lots. Discussion ensued. Leach questioned if a "subdivision modification" would solve the problem, or if the road would have to be extended in order to add the fifth lot. The option of sending the plan for a legal opinion was discussed. All options will be reviewed and presented at the next meeting.

**Private Acres, Walter's Way (1999) Discussion** with developer on the status of the roadway construction and completing schedule.

Matt Antonio from Palmer River Development Company, LLC, was present for the meeting. Hartnett briefly described the history of the plan. Antonio discussed the current condition of the area, and described the work to be done this fall. Hartnett discussed some of the work yet to be completed. Brief discussion ensued. Antonio will follow up with the Board in a few weeks.

**Approval Not Required (ANR) Carvalho (16-011A) Request** by applicant for endorsement of a 2-lot plan of land located at 19 Cahoon's Lane, Assessors' Map 2, Lot 45B.

Josh Carvalho was present for the meeting. Carvalho requested a lot line reconfiguration of two lots transferring from one parcel to the other lot. Both lots will still have the required uplands, acreage and frontage for endorsement of an approval not required plan.

Raus motioned to endorse the plan entitled "Approval Not Required Plan Cahoon's Lane Assessor's Map 2, Lot 45, 45A Revised Westport MA" prepared for Joaquim & Sandra Carvalho dated September 6, 2016, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the subdivision control law. Sousa seconded the motion and the vote was unanimous with all in favor.

**Approval Not Required (ANR) Rulon (16-012A) Request** by applicant for endorsement of a 3-lot plan of land located at 122 Blossom Road, Assessors' Map1, Lot 10B.

Luke Travis, executor of the estate of Elizabeth Rulon, was present for the meeting. Travis explained that the request is to divide the property into three lots. Lots 1 & 2 will have the required uplands, acreage and frontage for buildable lots. Parcel A will be over 30 acres and will be marked as not buildable. Hartnett noted that the entire property was before the Planning Board at their last meeting for a request they sign off to release it from CH 61A. The Planning Board saw no benefit to the Town in retaining the property and signed off on the release from Ch61A on September 13, 2013. Possible wetlands in Parcel A were briefly discussed.

Charlie Appleton, 162 Blossom Road, was present for the meeting. Appleton explained the history of the land on the plan, noting that the land is “sensitive”. Brief discussion ensued.

De Rego motioned to endorse the plan entitled “Land Surveyed for the Estate of Elizabeth S. Rulon in Westport Massachusetts” dated September 21, 2016, because it complies with the provisions of MGL Ch 41 Section 81P and is not a subdivision as defined under the subdivision control law. Sousa seconded the motion and the vote was unanimous with all in favor.

### **Town Planner Report.**

- a. St. Vincent Property** -The Board of Selectmen asked Hartnett to coordinate a meeting of interested parties to discuss potential municipal uses for the St. Vincent property on Adamsville Road. The Westport Land Conservation Trust requested proposals for a portion of the property approximately 12 acres, this is the portion of the property that can be seen from the street and contains the existing structures. Potential municipal uses that have been mentioned include, housing, recreational, cemetery and open space. Hartnett noted that a site visit would take place on October 5, 2016, at 11:00 a.m. A meeting will be held on October 12, 2016, to discuss potential uses by the Town.
- b. Route 88 Phase III** –MassDOT held an informational meeting on Phase III of the Route 88 project. This includes that portion of Route 88 between Drift Road and the southerly end of the Fontaine Bridge. MassDOT is proposing to construct a sidewalk along the easterly side of the road from Drift Road to the Fontaine Bridge adding bike lanes to the north and south sides of the bridge. The bike lanes will require eliminating one of the two travel lane in each direction. Residents and business owners expressed concerns with the elimination of the travel lane because of possible impacts on traffic movements at the top of the Cherry & Webb Road ramp during the busy summer season. Supporters of the bike lanes were also present at the meeting. MassDOT will review the comments and make adjustments if possible to the plans.
- c. School Building Committee** – The school building committee along with the School Committee and the Board of Selectmen voted to move forward with a 5-12 grade configuration at the middle school site.
- d. Zoning** – The state approved two minor changes to the states Zoning Act, Chapter 40A, sections 6 & 9. The first change would extend the period of time to act on a building permit from 6 months to 12 months and the second would extend the period of time to act on a special permit from 2 years to 3 years. Hartnett included some wording changes to our local zoning by-laws to address the special permit changes. Discussion was continued to a later meeting.
- e. Zoning District Changes** – Attached for the review of the Board, is the first draft of a potential zoning change of the business district boundaries near Cornell Road.
- f. Agricultural Commission** – The Planning Board will be on the agenda for the October 12th meeting to discuss possible changes to the agricultural entertainment zoning and the Master Plan.
- g. Water Resource Management Committee** – The Planning Board will be on the agenda for the October 19th meeting of the WRMC to discuss the Master Plan.
- h. Nitrogen Loading Zoning By-laws** – Hartnett noted that he has not been able to locate a zoning by-law specific to nitrogen loading. There are some aquifer protection districts and that reference nitrogen loading but they are somewhat general. Hartnett noted a number of BOH regulations that address or regulate nitrogen loading and a couple of town by-laws that address nitrogen in a general way which regards mainly fertilizer use. The Cape Cod Commission has a model by-law for water supply protection that has a complicated section on nitrogen. Hartnett provided a spreadsheet that better explained the requirements. Hartnett also noted that Gloucester, RI has enacted some regulations that may be usable. Discussion ensued.

- i. **Town Meeting Cancelled-** Town Meeting for November, 2016, has been cancelled.
- j. **RFP-** RFP for Consultant Engineering Review Services was mailed, advertised and posted. Responses are due by October 27, 2016.

#### **Administrative Items:**

- a. PB R&R PH November 1, 2016: reminder. Noted.
- b. Approve PB Calendar for 2017. Raus motioned to approve the proposed calendar for 2017. Cole seconded the motion and the vote was unanimous with all in favor.

#### **Any other business that may come before the Board.**

Whitin expressed his concerns for the salt marshes in the area. He stated that the salt marshes are in jeopardy, and asked Hartnett if there was a way to create a special setback for salt marshes. Discussion ensued.

#### **Correspondence.**

- a. ZBA/Notices of two Public Hearings on Nov 2, 2016.  
Hartnett reviewed the two Public Hearings briefly for the Board. Brief discussion ensued.
- b. Town of Dartmouth notification of a Public Hearing. Noted.
- c. Town Administrator Budget Preparations. Tabled for discussion at the next meeting.
- d. Town of Dartmouth OSRD hearing notification. Noted.

#### **Minutes.**

September 13, 2016- Work Session

Raus motioned to approve the minutes as submitted. Cole seconded the motion and the vote was unanimous with all in favor.

#### **Invoices.**

Parcel Updates for GIS Mapping: \$3,000.00 payable to Claus Goerges at CGIS Services.  
Consultant Review RFP advertising: \$179.80 payable to Gatehouse Media-  
Mileage/phone expenses September 2016 for Hartnett \$69.60.

Raus motioned to pay the invoices listed above. Cole seconded the motion and the vote was unanimous with all in favor.

Purchase Order requiring an endorsement by the Board for phone reimbursement for FY17 for Hartnett. \$600.00. Raus motioned to approve and sign the Purchase Order for \$600.00 for phone reimbursement to Hartnett. DeRego seconded the motion and the vote was unanimous with all in favor.

#### **NEXT MEETING:**

Members agreed to not have a Work Session Tuesday, October 11, 2016. Next regularly scheduled meeting is October 18, 2016.

#### **ADJOURNMENT**

Members unanimously voted to adjourn at 8:33p.m.

Respectfully submitted,

Joan Steadman, Recording Clerk