

# TOWN OF WESTPORT PLANNING BOARD



## MEETING MINUTES January 25, 2022

### PLANNING BOARD MEETING

Chairman Jim Whitin called the meeting to order at 6:00 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Assistant Town Planner Amy Messier in attendance.

### Call to order 6:00 p.m.

#### **1. Administrative Items**

a. **Silverback Construction (21-004SPA)** Closeout and release Consultant Review balance plus interest.

### Motion

Bullard moved to closeout and release the balance of the consultant review fees plus interest for Silverback Construction. Seconded by Daylor. The roll call vote was unanimously voted and approved 5-0.

b. **Pre-Application Consultation (22-001PAC)** Requested by Richard LeBlanc to discuss a Special Permit for Assisted/Independent Living, Map 21 Lot 8A for 15.5 Acres of undeveloped land.

Bill Smith from Civil Engineering Concepts was present along with Attorney Mark Levin, from Levin and Levin, and Richard LeBlanc, the Applicant. Mr. Smith gave a brief description of the 39 unit independent living facility on approximately 15 acres of land. The project is comprised of age-restricted, single-family, and duplex units. The proposed development would share access at the end of Chabot Street with the existing Oakridge development. A total of 6 affordable housing units (15%) are being provided. Approximately 6 advanced treatment septic systems will serve the 39 units and the proposed community center. Individual wells will serve the units and the community center.

Whitin asked if Chabot Street would be able to handle the increased traffic for both developments. Smith commented a traffic study was not done and there would be limited traffic. Whitin noted that he did not see any stormwater information. Smith mentioned the stormwater will be conveyed to a bio-retention basin and will make sure they meet the town/state regulations.

Daylor noted that the frontage for the development was not on the plan and he should be included in the design.

Schmid expressed his concern with the quantity of tree removal required for the development and advised that as much vegetation as possible be replaced.

Instead of pedestrians walking in the streets, Bullard and Soares advocated for a sidewalk in the development. Whitin opened the meeting for public comments.

Whitin read Bourque Letter dated 1/21/22 into the record.

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

**2. Ironwood Renewables, LLC (21-001SP)** *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021)*

Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for Ironwood Renewables, LLC. for property owned by Randy S. & Patricia A. Mayall, Trustees of the Mayall Family Trust, and located on the west side of Horseneck Road between 1227-A and 1143 Horseneck Road, Assessor's Map 76, Lot 69S. Pursuant to Westport Zoning By-Laws Section 8.2 Low Impact Development and Section 9.6 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system of approximately 5.26 Megawatts DC, lot size of 45 acres.

Hamilton Carrier from Gadus Solar Project was present representing the applicant along with Greg Dixon from Krebs & Lansing Consulting Engineering. Hamilton and Dixon gave an updated review of the revised plan that included the new curb cut entrance and noted the utility connection equipment will be located underground.

Whitin read the resubmitted Department Reviews into the record.

Bullard inquired about the solar project's compliance with current By-Laws. The project is compliant, according to Hamilton, and the project did not need to use the entire scope of limitations of the By-Laws in some areas. Bullard inquired about a response to Conservation Agent Chris Capone's comment about the stacked stones. Hamilton commented that the owner stated that the stones were stacked while farming the land and that no data referencing the historical significance of these stones could be found. Whitin recommended that Chris Capone's concerns about the stormwater report be addressed. Carrier will contact Capone.

Soares stated that he would like to see the duct bank design to ensure that it complies with the National Energy Code. Dixon will send him a generic design.

Schmid inquired if the airfield on the property was a registered airstrip. Dixon will look into it. Schmid would like an on-the-ground field survey to be completed to identify potentially historic objects on the land. Carrier stated that the necessary delineation processes will be completed before construction and will be taking all of the comments under advisement.

Bullard inquired as to how many trees 6" or greater would need to be surveyed if we did not grant the waiver. Dixon stated that because the trees were being removed, he did not believe it was necessary to document the trees. Whitin suggested for Ironwood get an official report from Field Engineering confirming that the changes are not significant in the stormwater and to get in contact with Natural Heritage.

Attorney Michael Kelly was present representing Josh Small, Ron, and Betsy Small. Attorney Kelly mentioned his clients were concerned about what effect the solar panels will have on the river and the wildlife. Attorney Kelly inquired as to whether or not the circular stone piles had been subjected to an archeological report.

Richard Armstrong of 1194 Horseneck Road, Dartmouth, MA was present virtually. He inquired about Mr. Carrier's employer and how long the company has been in business. Carrier responded.

Jeff Hanson, of Millstone Engineering, was present virtually. He reviewed the site plans and drainage report at the request of Attorney Micheal Kelly. Based on his review, he found some contradictions in the appendices in A & B referencing the drainage report. Hanson also found no indication of what the seasonal high water table was and it could compromise the design and increase the downstream impacts in appendix F.

Whitmore Boogaerts of 1138 Horseneck Road, Dartmouth, MA was present virtually. He was concerned about the visual impact of the site, the voltage, and the traffic in the area. Whitin explained the visual impact would be minimal once there is adequate screening and once the construction of the project is complete, there will be minimal traffic in the area. Dixon explained how the voltage will be contained.

Chris Baldwin of 1162 Horseneck Road, Dartmouth, MA was present virtually. Mr. Baldwin asked if an upgrade to the transmission lines would be required due to the solar array being installed and possibly improving the electrical utilities along Horseneck Road. Dixon commented an interconnect study is being completed by EverSource.

Kerrian Fennelly of 117 Cross Road, Westport was concerned about the run-off into the Let and the increase in water temperature caused by nitrogen overload, which would be harmful to the river and the marine life. The increased water temperature is caused by the solar panels, as well as the removal of the scrub brush. Fennelly questioned if a solar project had ever been completed so close to an estuary.

Lauren Kras, Regional Director for The Mass Audubon Society, mentioned that there were rare, threatened, and endangered species at Allen's Pond across the street and suggested that Natural Heritage be contacted to assess the site. Ms. Kras inquired if an environmental impact assessment had been considered for this site. Dixon stated that he believes BRI has conducted the assessment and Carrier will forward the report to Nadine Castro.

Deborah Weaver of 1702 Drift Road, Westport, and a representative of Westport River Watershed Alliance, 1702 Drift Road, Westport was present was not in favor of the clear-cutting due to the ecological and long-term impacts.

Joel Alford, Fisherville Lane, was concerned about the impact on the river and the Let, as well as the fragility and instability of the area.

Whitin also mentioned that the Planning Board is concerned about the effects of climate change and sea-level rise and that a Climate Resilience Committee was formed to protect The Let and the River.

Joshua Small, of 1229 Horseneck Road, Westport, was present virtually. Small is a direct southern abutter who is very concerned about the catch basin run-off. He also stated that the clear-cutting and change in topography may have an impact on his land, which includes his house, driveway, and beef cattle.

Bullard stated that the Solar By-Laws will be revised for this Annual Town Meeting, and he encouraged the public to contribute ideas for including additional information about Native American burial grounds and endangered species.

Heather Bellavance, of 135-A Cadman's Neck Road in Westport, encourages an archeological study to be performed before any work begins.

Schmid recommended an on-the-ground field survey to be completed to identify potentially historic objects on the land. Carrier stated that the necessary delineation processes will be completed before construction and will be taking all of the comments under advisement. Dixon stated that a limited on-the-ground survey had been conducted on the property to validate the Lidar, locate the cemetery, boundary lines, and wetlands.

Whitin requested that Dixon address the Conservation Agent's concern about the 6" fencing for small wildlife passage. Dixon stated that they are proposing a 6 x 6 wire agricultural fence and will revise the plan to reflect the 6" off the ground requirement as long as it meets the electrical code.

### **Motion**

Bullard moved to continue the public hearing to February 22, 2022, at 6:30 p.m. Seconded by Soares. The roll call vote of Schmid, Soares, Bullard, Whitin was unanimously voted and approved 4-1. Daylor abstained only due to internet difficulties.

### **6:30p.m. Public Hearing**

**3. Isidoro Court (21-002C)** (*continued from March 23, 2021, April 20, 2021, July 13, 2021, August 10, 2021, October 5, 2021, November 2, 2021, January 11, 2022*)

Request by the applicant to consider a definitive subdivision plan entitled **“Definitive Subdivision Plan of Isidoro Court in Westport, Massachusetts”** prepared for **Anthony Medeiros** and located at 93 Fisher Road, Map 40 Lot 30D, proposing to divide the property into two (2) lots.

Jon Connell of Sitec/CEC Engineering was present. He briefly described the updates to the revised plan.

### **Motion**

Daylor moved to continue the public hearing for Isidoro Court to March 8, 2022, at 6:15 p.m. Seconded by Bullard. The roll call vote was unanimously voted and approved 5-0.

4. Correspondence
  - a. Zoning Board of Appeals Notice. *Noted*
  - b. Chapter 91 License (22-001CH91) – 282 River Road – Paul Taveira – *Noted*.
  - c. BSC Group – Statement of Account prepaid balance. *Noted*.
5. Minutes
  - a. January 11, 2022

### **Motion**

Daylor moved to approve the January 11, 2022 minutes as written. Seconded by Schmid. The roll call vote was Daylor, Schmid, Soares, Whitin approved 4-1. Bullard abstained.

6. Invoices
  - a. MMA Town Planner October Web Ad - \$150

### **Motion**

Bullard moved to approve the payment of the October MMA Town Planner MMA advertisement for \$150. Seconded by Soares. The roll call vote was Bullard, Soares, Schmid, and Whitin unanimously voted and approved 5-0.

7. Short/Long-term Planning Discussions  
None.

Ms. Messier updated the Board that the Town Administrator authorized the Walter's Way project to be forwarded to Town Counsel for review. Ms. Messier read her Assistant Town Planner's report for the record.

ADJOURNMENT

The Board unanimously adjourned at 6:33 p.m.

*NEXT MEETINGS:*

*Planning Board:* February 8, 2022, at 6:00 p.m.

*Work Session:* ?