

TOWN OF WESTPORT PLANNING BOARD



MEETING MINUTES May 10, 2022

PLANNING BOARD MEETING

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

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded.

6:00 p.m. Public Hearing

1. Administrative Items

a. David Cole – Master Plan/Review Update

David Cole and Mark L. Schmid, two members of the Master Plan/Review Committee, provided a summary of the recent updates and what had been accomplished from the original Master Plan in 2016.

b. CVE North America (18-003SP) Pesticide spraying decision

Evan Abramson of Landscape Interactions was present representing CVE North America on April 19th, he appeared before the board to request authorization to use herbicides to remove overgrown vegetation before reseeding a pollinator mix to meet the requirements of the solar By-Laws, as described in an email dated May 10, 2022. Abramson explained the herbicides would not have any impact on the soil or water due to the stormwater basins that would catch and store all run-off preventing it from exiting the site. Whitin read the e-mail dated May 10, 2022, from E. Heidi Ricci from the Mass. Audubon Society into the record. Whitin opened the discussion to the Board and the public. Schmid asked if there were any wells close to the spraying. Abramson commented the nearest houses are approximately 100'+.

Motion

Daylor moved to allow ~~a one (1) time application~~ the required applications of weed control for 2022 due to the nature of the buffers, and that it be applied by a licensed pesticide appliance. Seconded by Bullard with all five members in favor.

Soares inquired about the timeframe for spraying the herbicides. Abramson stated that the spraying would likely take place in early June, and that he would wait to see if the single treatment is successful, but that he may need to perform up to three sprays if necessary. November is when the property would be reseeded.

c. Discussion of repurposing old I-pads

Whitin recommended donating the iPads from 2014 to the Council on Aging.

2. Ironwood Renewables, LLC (21-001SP) *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021, January 25, 2022, April 5, 2022, April 19, 2022)*

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 representing Gadus Solar, LLC affiliate of Ironwood Renewables, LLC was present. Carrier provided three visual models showing the solar array's design from the street view. Whitin read Robin Stein of KP Law's legal opinion e-mail dated May 5, 2022, into the record.

Dale Knapp from Biodiversity Research Institute (BRI) was present representing Ironwood. He mentioned that it is required to file with the State Historic Preservation Office to receive the NPDES permit.

Whitin read two emails dated 5/10/22 that were submitted by KSP's Law office.

Schmid recommended an intense archeological study be performed before approving the project.

Bullard indicated that he had no recollection of requesting an archeology study on any other solar projects prior to Ironwood Renewables.

Attorney Michael Kelly of KSP Law was present representing several abutters. He spoke on behalf of the abutters and expressed concern about not completing the archeological study prior to approval, vegetation, and that Ironwood would sell the project once approved.

Josh Small of 1229 Horseneck Road was present. Small asked if there was an update regarding the Eversource poles. Bullard replied, that as of May 10, 2022, Eversource had not returned his phone calls.

Richard Armstrong of 1194 Horseneck Road was present. He expressed concern about the increase in the cost of electricity, longevities of the company, and project site visits.

Patricia Mayall of 1227 Horseneck Road was present. Ms. Mayall commented that the solar farm would benefit the community.

Ms. Messier read the Sample Condition into the record.

Sample Standard Conditions

1. Prior to issuance of a building permit the applicant shall submit the following to the building inspector:
 - i. An emergency response plan showing all means of shutting down the solar installation.
 - ii. Name and contact information of the person answerable to inquiries

throughout the life of the installation.

iii. Proof of liability insurance throughout the life of the system.

2. The Fire Chief shall review and approve the emergency response plan and site access plan prior to the issuance of a building permit. Site access shall be maintained to a level acceptable to the Fire Chief as provided in the emergency response plan. The petitioner and/or any subsequent owner are responsible for the cost of access road maintenance. All access codes and keys shall be provided to the Fire Chief.
3. The applicant shall install a Key Lock Box on the entrance gate to provide emergency access for the Westport Fire Department. The entrance gate shall be a minimum of 20' wide.
4. The address shall be posted at the beginning of the driveway at Horseneck Road as required by the Westport Fire Department.
5. As-built plans shall be submitted and approved by the building inspector and the planning board prior to the issuance of an occupancy permit.
6. All material modifications as determined by the Building Inspector for the Large Scale Solar Energy System made after the issuance of the required building permit shall require approval by the Planning Board.
7. All construction activity shall occur between the hours of 7 a.m. and 5 p.m. on Monday through Saturday only. Construction activity includes staging, deliveries, equipment warm-up, or other supporting construction activities.
8. Once the project is complete, there will be no outside storage of equipment, hazardous materials, or excess solar panels on the site. *A plan for battery storage is required to be submitted to the Planning Board and Fire Department. The applicant is to obtain a battery storage permit from the Fire Department and then submit it to the Planning Board as part of the special permit.*
9. Vegetation control on the site shall be mechanical only and no pesticides or other chemical products shall be used.
10. A non-illuminated sign not exceeding four square feet in area shall be installed on the entrance gate identifying the owner and/or operator of the solar installation and a 24-hour emergency contact telephone number.
11. The site shall be developed in accordance with the erosion control notes listed on the sheet of the plans.
12. If the owner and/or operator changes, notice shall be given to the Building Inspector, Fire Department, and Planning Board with the contact information of the new owner/operator within one month of the change in ownership and/or operations.
13. Prior to the issuance of the occupancy permit, the Town Planner shall conduct a field inspection of the perimeter to identify areas that may need additional plantings for screening. The owner shall install plantings as directed by the Town Planner.
14. The buffer area shall be marked prior to any tree cutting.
15. Prior to the commencement of work, the applicant shall *submit to the Consultant Engineer, the Planning Department, and Building Inspector all copies of permits, approved plans, and weekly reports.* The Applicant shall be responsible for the reasonable cost associated with construction observation/inspection services during the construction phase.
16. If rocks are encountered and need to be removed, they shall be trucked off-site and not crushed on site.
17. Prior to earthwork or stump removal within the fenced-in solar array area, the detention basins, swales, *and access roadways* shall be constructed and functioning with adequate vegetation growth or other stabilizing material to minimize erosion.
18. The design shall meet the following buffer requirements:

19. No building permit shall be issued until the Town receives confirmation from the State Office of Historic Preservation that no archaeologically significant resources are unduly impacted by this project
20. The project will be required to fully comply with cultural assessments based on current rules and regulations from the state's historical preservation office.
21. The Stormwater Drainage shall be designed in accordance with the Stormwater &
22. Drainage report submitted to the Planning Board, with a revision date of 3/4/22

Motion

Bullard moved to close the public hearing. Seconded by Daylor with all five members in favor.

Motion

Bullard moved to accept the sample amended conditions standard conditions for Ironwood Renewables, LLC as read and amended. Seconded by Daylor with all five members in favor.

Motion

Bullard moved to approve Special Permit for Ironwood Renewables, LLC with the sample standard conditions as they have been read and amended. Seconded by Daylor with four members, aye. Schmid, nay.

Motion

Bullard moved to approve the Site Plan Approval Low Impact Development for Ironwood Renewables, LLC with the sample standard conditions as they have been read and amended. Seconded by Daylor with four members, aye. Schmid, nay.

6:45 p.m. Public Hearing

- 3. Plante – 0 Cornell Road (21-006SP)** (continued from December 14, 2021, January 11, 2022, January 25, 2022, February 8, 2022, March 8, 2022, April 19, 2022)
Request by the applicant to consider the Special Permit applications of Lisa A. Plante for property located between 277 and 349 Cornell Road, Westport, MA 02790, Assessor's Map 81, Lots 3, pursuant to Westport Zoning By-Law Section 8.5 Special Permit for Common Driveway and Section 8.6 Special Permit for a Flexible Frontage requesting approval to reduce otherwise applicable frontage requirements on a public way in exchange for a corresponding reduction in development density and the construction of a common driveway servicing two residential lots.

Motion

At the request of the applicant, Bullard moved to continue the 0 Cornell Road public hearing to May 24, 2022, at 6:45 p.m. Seconded by Daylor with all five members in favor.

4. Assistant Planners Report

Ms. Messier read her Assistant Planner's report into the record.

CVE North America:

- Attachments were submitted to the Planning Office via email on 4/13/22 relating to the herbicide solutions that they propose to use. I reached out to David Cole to expedite the response from Mass Audubon (response email attached).

Work Session for 4/26/22:

- Re-organization of the Board: Jim Whitin, Chair; Robert Daylor, Vice-Chair; Manny Soares, Clerk
- Submission deadlines for public hearing materials established
- Hazard Mitigation Plan needs to move forward

Community One-Stop for Growth:

- I'm working with Bob Daylor and Jim Hartnett to submit the grant application for the re-zoning of the Route 6 Corridor. This grant application submission is due June 3, 2022
 - Other Key Dates for this grant:
 - Review & Evaluation: June/Sept. 2022
 - Notification of Award: October/November 2022
 - Anticipated Contracting: November/December 2022

MVP:

- I submitted annual reports for MVP for the years 2020 & 2021 (attached) to Mark Rasmussen. Mark has officially submitted the FY 23 MVP application for The Let as of 5/4/22 (attached). The final grant request was for \$272,000.00 with a match of \$91k made up of \$30k of ARPA monies and a balance in-kind from the Town and BBC staff & officials. Letters of support were submitted from the Planning Board and CRC (amongst others).

ATM:

- All but one (Sign By-Law) of the proposed amendments to the Zoning By-Law passed at ATM last week.
 - By-Law revisions to work on for next year?
 - Signs - (did not pass)
 - Kennels - (discussed but not on the warrant)
 - Short term rentals - (discussed but not on the warrant)
 - Storage (temporary/ portable/permanent) - (discussed but not on warrant)

MS4:

- Jim Hartnett and Ms. Messier will get together soon to discuss the handling and reporting of the MS4 Permitting going forward. The next annual report is due Sept. 2022

SRPEDD:

- Draft Prioritization Plan public forum was held on 4/28/22.
- The Draft Prioritization Plan Survey will be open until 5/23/22.

5. Short/Long-term Planning Discussions **None**

6. Correspondence

- a. Department of Housing community update - Noted

7. Minutes

- a. April 5, 2022
- b. April 19, 2022

Motion

Bullard moved to approve the minutes of April 5, 2022, and April 19, 2022, as written. Seconded by Daylor with all five members in favor.

8. Invoices

- a. Amazon – 8 I-pad protectors - \$115.52

Motion

Bullard moved to approve the Amazon invoice of \$115.52 for the new I-pads. Seconded by Daylor with all five members in favor.

ADJOURNMENT

The members unanimously adjourned at 8:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nadine Castro". The ink is dark and the signature is written on a light-colored background.

Nadine Castro, Assistant Town Planner II

NOTE: *Agenda is subject to change*

NEXT MEETINGS:

PLANNING BOARD: May 24, at 6:00 P.M.

WORK SESSION: ?