



**TOWN OF WESTPORT**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**November 14, 2017**

Chairman James T. Whitin called the meeting to order at 6:00 p.m. with Member David Cole, Member Andrew Sousa and Town Planner James Hartnett in attendance. Clerk Marc De Rego was absent,

**Reorganization.**

The Planning Board reorganized for the assignment of a Vice-Chair; the seat was vacated in September. Whitin nominated David Cole to serve as Vice-Chair until after the next election. Daylor seconded the motion and the vote was three in favor with Cole abstaining.

**Approval Not Required (ANR) Rielly (17-017A) Request by applicant for endorsement of a 3-lot plan of land located at 331 Division Road, Assessors' Map 45, Lots 17 & 18B.**

The purpose of this plan is to divide Lot 18-B into three lots. Parcel A will be combined with existing assessor lot 17 to create one lot. The plan will create a new buildable lot identified as "ANR Lot 1" and a new non-buildable parcel identified as "Remaining Land Lot 18-B".

	<b>Frontage</b>	<b>Area</b>	<b>Uplands</b>
Lot 1	150.01	60,505 s.f.	all uplands
Parcel A	99.89	44,990 s.f	all uplands (non-Buildable)
Remainder of Lot 18B	50.12	241,066 s.f. (5.534 A.)	203,906 s.f. (non-Buildable)

Lot 17 is an undersized lot of 40,000 s.f. with 100 feet of frontage. Combining it with Parcel A will give the new configuration 199.89 feet of frontage and 84,990 s.f. of area.

Cole motioned to endorse the plan entitled "Approval Not Required Rielly Property" prepared for Cynthia Rielly, dated October 7, 2017, because it complies with the provisions of MGL Ch. 41 Section 81P and is not a subdivision as defined under the subdivision control law. Seconded by Sousa. The vote was unanimous with all in favor

**Approval Not Required (ANR) Edwards (17-018A) Request by applicant for endorsement of a 2-lot plan of land located at 19 Pine Hill Road, Assessors' Map 39, Lot 17.**

The purpose of this plan is to create a new buildable lot with frontage on Pine Hill Road. Both Lots will have the required frontage and area.

	<b>Frontage</b>	<b>Area</b>	
Lot 1	150.00	60,666.9 s.f.	45,337 s.f. uplands
Lot 2	224.19	90,654.8 s.f	69,700 s.f. uplands

Sousa motioned to endorse the plan entitled "Approval Not Required Plan of Land in Westport, MA" prepared for Paul & Emily Edwards", dated July 3, 2017, because it complies with the provisions of

MGL Ch. 41 Section 81P and is not a subdivision as defined under the subdivision control law. Seconded by Cole. The vote was four in favor with Whitin abstaining.

**HELM REALTY LLC (17-014SPA) Request by Applicant to demolish an existing 1,600 s.f storage structure and construct a new 2,100+/- s.f storage building for property located on the north side of State Road between 174 and 236 State Road, Assessor's Map 3, Lot 144F & 144K Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval.**

Whitin read the legal notice into the record. Steve Gioiosa from SITEC Engineering Inc. representing Helm Realty was present. The site is an existing commercial property on the northeast side of Route 6 and the use has historically been for commercial storage including steel and fencing. There is an existing structure for indoor storage close to the property line and Route 6. The applicant would like to replace the structure with a larger building setback further from Route 6 and from the property line. The increase would be from 1,600 s.f to 2,100 s.f. The overall operation is not to be expanded or changed and will continue to function in the same way. The structure will give the applicant better control over their inventory. The site has extensive gravel that is very compact and now impervious. They are proposing to square off the gravel area where there has been high use and has seen the most activity. Because there is no drainage on site now, the design includes a continuous filter strip of crushed stone 3ft wide and 2 ft deep along the edge of the pavement. Runoff generally runs from Route 6 to the rear wetland area. The filter-strip will create a buffer break. The applicant is proposing to remove the chain link fence and replace it with a new one set back further with a gate for security. This will allow for a vegetative landscaped buffer in the front of the property.

Whitin asked about the drainage ditch and the elevation of the water table. Gioiosa stated that the water table is in the 3ft range and is higher near the rear of the property. Whitin asked about recent rainstorms and if it channeled anywhere. Gioiosa stated that they have had to regrade over time, as some of the surface would erode. The capacity of the buffer strip mitigates .8 of an inch runoff in the paved area. Gioiosa also added that there is no expanded personnel assigned to this location.

Sousa asked if there was any oil separation planned. Gioiosa stated the drainage strip provides for the mitigation from the paved area and noted that there would be no increase in activity on site. He stated that there will be filter fabric within the strip and can be removed and replaced. Sousa asked if there was room to place a storm-scepter into the filter strip system. Gioiosa explained that that type of system would require installation of a pipe and imbedding deeper into the ground. Sousa asked about the water quality strip and the amount of steel being stored on site and if a water-quality test was performed. Gioiosa stated the applicant has not done any water quality testing and that this site is only used for new steel rather than stored or stockpiled steel.

Whitin read the technical waivers from Site Plan Review the applicant requested:

1. Major Site Plan Review waiver request.
2. Waiver of Consultant Review Fee
3. Waiver of Stormwater management design and calculation requirements.
4. Waiver of the traffic report requirement.

5. Waiver of technical compliance requested based on the limited nature of the site changes.

Whitin read Department reviews into the record.

Members posed questions to the engineer about the plan. Daylor asked why the buffer strip could not be expanded to the width of the lot.

Hartnett reviewed his comments and asked the Board to consider the request for a waiver of technical review request or if the Board will require review for the drainage; Hartnett felt that the drainage was minimal. Hartnett noted that the gate will be recessed but questioned if there was enough room for vehicles to pull off the road and be out of the line of traffic along Route 6. Gioiosa stated that the fence and gate will be moved back 5 feet from its current location and the gate is open during the business day. There is no operational reason to have it set back further on the site. He noted that if there were a need for emergency vehicles, the gate is open during business hours and there is an apron along the curb to accommodate emergency vehicles. Hartnett noted that this site plan is a redevelopment of the site and the applicant requested a waiver of 5 feet vs. 20 feet of the landscape buffer. Hartnett noted the Board will need to decide if the landscaping as proposed is sufficient. There is no lighting proposed on site and currently there is none on the property. A steel arch type building is proposed. Hartnett noted a handicapped parking spot will be required to be shown on the plan as well as any utilities on site. Gioiosa stated he would note the handicapped spot and the pole on the property on revised plans. Cole raised questions about the five waivers and asked Hartnett for comments. Hartnett noted there is no need for a traffic report as this activity is already in existence and recommended approval of the waivers.

Sousa asked about the filter strip collecting the paved portion but asked what can be done to mitigate the back half where vehicles are being stored. Gioiosa stated that he would request the applicant to store any long-term vehicles up gradient. Gioiosa suggested a supplemental filter strip for a second point of buffering but he would rather not encroach in the buffer zone and remain several hundred feet away from the wetlands. He suggested that he does not want to eliminate the strip at the edge of the pavement. Whitin asked to have a wider buffer zone along Route 6 and along the sides to allow emergency vehicles to queue outside the gate. Hartnett stated that they are asking for a waiver to the 20 foot buffer.

Cole motioned to accept the waiver requests as listed based on the limited nature of the site changes. Seconded by Sousa. The vote was unanimous with four in favor.

The members requested the applicant return with the changes to the plan as discussed. The location of the new fence, gate, and the delineation of the buffer lines and inclusion of the second filter strip.

Daylor motioned to continue the hearing to December 12, 2017 at 7 p.m. Cole seconded the motion. The vote was unanimous with four in favor.

**Clean Energy Collective (17-015SP-CD-S). Request by applicant to construct a 4-Megawatt solar energy system on 12 acres with a common driveway, total lot size 38.6 acres, for property owned by Paul L. and Viola P. Gay located between 442 and 486 Horseneck Road, Assessor's Map 47, Lots 8 & 11 pursuant to Westport Zoning By-Laws Article 21 Common Driveway and Article 24 Large Scale Solar Energy System.**

Whitin read the legal notice into the record and reviewed Hearing Process Policy. Steve Gioiosa from SITEC Engineering Inc. was present on behalf of the applicant. Greg Carey and Doug Cart from Clean Energy were present.

The proposal is for a solar project on 38.6 acres of land on Horseneck road. The first parcel has 117 feet frontage on Horseneck road and the larger parcel is inland to the east. Gioiosa described the wooded site and the wetland systems focused in two primary areas to each side (east and west) of the larger parcel. The wetlands line was approved by the conservation commission under an ANRAD application this fall and is valid for 3 years. He described the topography of the parcels and the drainage flow paths to the west, easterly and northerly. The project is approximately 4 megawatts split into two parcels in the back on approximately 17 acres, the panels occupy about 12 acres of land, total site is 38.6 acres. Gioiosa stated the drainage pattern will be modified but the east and west travel path will not change, the drainage divide will be maintained. The drainage design will mitigate the stormwater runoff from a wooded area to a developed site. The gravel access road will follow the existing cart path through the wetlands and will meet the minimum width of 20'. They will be controlling the runoff in a couple of different ways. Two storm water detention basins are proposed with a grass swale to direct the stormwater into the basin. On the eastern end of the property another two basin will be constructed at the outer ends of the work area. Each basin has a sediment sump and an outlet control structure, to slow the water down and mitigate the impacts. These are standard designs for stormwater management systems, designed for low maintenance. The wetlands alteration will be less than 5,000 s.f. and a wetlands replication area is shown. The applicants are sensitive to the neighborhood and had offered to meet with abutters to discuss the project and provide plans and information. The applicant is proposing a solid board fence along the southerly line to provide screening from adjacent properties.

Hartnett read his comments into the record, noting the driveway is sloped to Horseneck Road and to the north and the drainage is not mitigated. Curb cut distances should also be addressed. Hartnett asked about the number of parcels to be proposed and Gioiosa stated that there would be two parcels splitting the solar field. Construction sequence should be shown on the plans.

Whitin read the department comments into the record. Hartnett read the comments from Byron Holmes, Engineer for Tibbetts Engineering dated November 1, 2017.

Cole asked the applicant to develop a better screening plan to reduce the impact on the southerly abutters. Gioiosa stated that his client would be willing to provide some additional screening.

Sousa asked if an ecologist had been involved with the design and Gioiosa confirmed that the wetlands were delineated and there is no mapped Natural Heritage areas within the developed

portion of the site but they have been notified. Cole asked about the planting plan and Gioiosa stated that they are proposing two different seed mixtures, one on the outside and one on the inside, the same mixture as was recommended on the other projects. Whitin asked if the solar arrays or basins would increase the water temperature and Gioiosa stated that the panels would not but they could consider shading of portions of the ponds. Sousa questioned the value of the land and how the cost would be affected by the number of special permits that would be required and the requested waivers.

Testimony was taken from residents and abutters to the proposed solar array. Deborah Weaver, Director of the Westport River Watershed Alliance, 493 Old County Road, was present to address the Board and questioned the wisdom of clear cutting a huge number of trees. She noted the location of Bower Brook and Tripp Brook that are close to the property and are critical inflows into the Westport River she asked the Board to consider both of those concerns.

Attorney Daniel Perry with law offices at 388 County Street, New Bedford, representing a number of neighbors, mostly residents of Gooseberry Farms Lane, Mr. Cataldo, the Bizzis, Moores, Cronins and the Burlingames. His clients are unanimously contest the project. Attorney Perry showed the Board pictures of the area and abutting properties. He stated that it is becoming increasingly clear with a number of communities that large-scale solar developments are not consistent with residential use. There would be approximately 1,500' of solar panels facing these residential properties and the screening would be minimal.

Grant Moore, 4 Gooseberry Farms Lane, spoke about the residents that live in his development. People do not want to live next to this project and a 30' buffer would not be enough, he is concerned about water runoff, the conditions are much wetter in the spring. In back of his property the land gets very wet during parts of the year and would like to know what would happen to the wildlife after 20 acres is clear cut.

Emilio Bizzi, 2 Gooseberry Farm Lane, purchased property around five years ago, because of the beauty of the place including the trees, agriculture and residential houses that are very pleasing. The project would not be good for the area when you mix commercial use with residential.

Maureen Holden, 2 Gooseberry Farm Lane, shocked because she thought she was in a residential zone and is concerned with this industrial complex being built next to her house. Cutting down all the trees is mind blowing. Will the solar panels impact the well water, the Town should not mix commercial with residential.

Paul Cronin, 5 Goosberry Farms Lane lives with his wife Mary Ellen and believes the solar farm will have a very negative effect, and the land is very wet in the area. His property is lower than the Solar Farm and believes it will contribute to flooding on his property.

George Cataldo, 3 Gooseberry Farms Lane is concerned about drainage and the appearance of the solar panels.

Michael 519 Horseneck Road is opposed because the water that comes off the property goes through his property and wanted to make certain the board is aware of the creeks that cross Horseneck Road.

Brooks Burlingame, 486 Horseneck Road stated that the project will be in his back yard behind the wetlands. The storm water runs down the gravel road like a water fall. Believes work was done on the property without approvals. He has witnessed flooding on Horseneck Road.

Lee Tripp, 442 Horseneck Road, owns the property along the north side of the development and is concerned about the large number of animals that pass through this area and asked if there are any provisions to allow the large animals to pass through the area.

Mr. Gioiosa, stated that clearly the visual impacts are a concern from the neighbors and is asking the Board to consider a continuance to see if any of these items including drainage and visual impacts can be addressed.

Daylor moved to continue the hearing until December 12, 2017 at 7:30. The motion was seconded by Cole. The vote was unanimous with four in favor.

**Private Acres (99-005C) Request by Palmer River Development Co, LLC to change the surface coat of Walter's Way from gravel to pavement and to allow for a center island in the cul-de-sac.**

Julie Goodwin, Landscape designer from Prime Engineering was before the board to describe the planted island in the center of the cul-de-sac. At the last meeting, the applicant was permitted to pave the roadway and at the time there was discussion regarding a center island in the cul-de-sac and the Board requested the center island not be paved.

Members asked about the plantings and the dimensions for the island. The travelled way is at 20 feet and the radius is 49 ft. Sousa asked about the landscaping edging, which will be flush. There was discussion over driving over the island in the event of an emergency and Goodwin stated that perennials could be planted instead of the tree as shown on the plan. Discussion ensued over the longevity of the plantings, perennials are a possibility instead of a center tree. Sousa was concerned with tree mortality.

Sousa motioned to accept the design and plantings as presented. Seconded by Daylor. The vote was unanimous with four in favor.

**Administrative Items.**

- a. Review HOA and endorse plan, covenants for Allen's Way.

Cole motioned to approve the Covenants Forms F and F-RRL, the Home Owners Declaration of Private Road & Maintenance Agreement and endorse the definitive plan entitled: "Proposed Roadway Improvement Plan of Allens' Way in Westport, Massachusetts. Seconded by Mr. Sousa. The vote was unanimous with all four in favor.

- b. MVP Grant – Municipal Vulnerability Grant – Cole discussed the grant and suggested contacting Eric Walburg from Manomet, Dave Janick from Coastal Zone Management and Dan Brown from Massachusetts Audubon Society. Cole stated he would touch base with them and get back to the Board.

- c. MASS Public Purchasing Program “Design and Construction Contracting” Hartnett asked the Board to allow him to attend the Massachusetts procurement class for \$695 in Centerville MA. Daylor moved to approve the authorization of the class. Seconded by Cole. The vote was unanimous with all four in favor.
- d. Recreational Marijuana-
  - i. Zoning By-Laws –
  - ii. Ballot Questions
  - iii. Town Meeting Articles
 

Hartnett presented the various options for zoning by-laws and a Town by-law addressing Recreational Marijuana. These included prohibition. Definition changes, a new by-law and a moratorium extension to the end of December. Cole expressed concerns regarding recreational marijuana and would look to limit it to commercial districts. Whitin stated that the different uses could be regulated differently. Cole stated that they should be regulated, supervised and visible, that Retail sales could be regulated, but the other uses would be more difficult to monitor.
- e. Catch Basin Construction- Hartnett stated that some of the Towns are using the Eliminator as an oil/gas separator in the catch basins, Briggs Landing used them and George Mello suggested that the Town should look at those to see how they are working. He spoke with Chris Gonslaves from the Highway department who requested that the risers not be used by developers because when the streets are repaved the risers can be used by the Town.

**Town Planner report.**

- a) Hartnett met with Chris Capone and representatives from SWCA Environmental Consultants regarding a proposed large scale solar project between Tootell Way and Route 88. They are still in the preliminary site assessment phase.
- b) Assistant Administrator Projects – Town Administrator asked Hartnett to be the point person for the street light conversion audit. Hartnett has been sharing information with Tanko Lighting who will begin the audit this week. This is to convert all the street lights over to LED fixtures. He also asked Hartnett to look into different types of water meters so that they can be read remotely.
- c) SRPEDD has completed a preliminary traffic study for Route 177, see attached. Hartnett also received a call from Curt Brown from Southcoast Today, who will be doing a story on the Lincoln Park development and impact on surrounding areas.
- d) Noquochoke Village – The Planning office was copied on a complaint from a neighbor of the project after the recent rain storm. Hartnett went by the site the day after the storm and some silt made it into the swale and the river. The developer does have silt fencing up and hay bales but the amount of rain overtopped the siltation barriers. Tibbetts followed up the next day, see attached email from abutter, conservation agent and Tibbetts report.
- e) Gel’s Way – George Mello from Tibbetts met with another contractor last week and we are hoping work will begin again on the roadway.
- f) Upland Trail – Received an email from one resident and a call from another property owner concerned with condition of the road, see attached email. Tibbetts has been made aware of the property owner questions and met with the developer and contractor on Friday the 10<sup>th</sup> to develop a punch list of items needed to complete the subdivision.
- g) Property owner on Blossom Road came into the office with concerns regarding runoff from the Blue Wave Solar project at the northerly end of Blossom Road. The property owner was going to follow-up with pictures but have not heard back from her.

**Matters not reasonably anticipated.**

None.

**Correspondence.**

ZBA notices of public hearings and decisions. Noted

**Minutes.**

October 17, 2017 R – Cole moved to approve the minutes of October 17, 2017, Seconded by Sousa.  
The vote was three in favor with Daylor abstaining.

**Invoices.** None.

**ADJOURNMENT**

Members unanimously voted to adjourn at 10:14 p.m.

Respectfully submitted,  
Jim Hartnett, Town Planner  
Lucy Tabit, Assistant Planner