

# TOWN OF WESTPORT PLANNING BOARD



## MEETING MINUTES

June 28, 2022

### **PLANNING BOARD MEETING**

Chairman Jim Whitin called the meeting to order at 6:04 p.m. with Vice-Chair Robert Daylor and members John Bullard, Mark L. Schmid Manuel Soares, and Assistant Town Planner Amy Messier in attendance.

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

Chairman Whitin announced legal matters will be discussed in an Executive Session at the end of the meeting.

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

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

##### **a. Old Pine Hill Road Solar (19-002SP-SPA-LID-S) Site Plan Withdrawal**

Whitin stated that the owner asked that the Special Permit and Site Plan Approval LID applications for SunRaise Development LLC be withdrawn without prejudice. This property is owned by Manuel III & Carolyn P. Ferry at 136 Old Pine Hill Road. The Special Permit and Site Plan Approval was approved on July 9, 2019.

### **Motion**

Bullard moved to grant the applicant's request to permit the withdrawal without prejudice for the Old Pine Hill Road Solar applications for a Large Scale Solar Energy System Special Permit and the Low Impact Development Site Plan. Seconded by Daylor with all five members in favor.

##### **b. Coastal Healing, LLC (20-007SP)**

Diego Bernal of Coastal Healing, LLC of 248 State Road was present. Bernal asked for assistance from the Board that states that Coastal Healing has permission to move forward with the evaluation of the medical marijuana facility for the first three (3) months for medical use only to evaluate traffic, be sent to Ms. Pancare, of the CCC. Ms. Messier sent an email to Ms. Pancare of the CCC dated July 5, 2022, at the request of the applicant, indicating that the Planning Board had approved the opening of the retail space for adult use only and the CCC could continue with the inspections.

##### **c. Chapter 91 License (20-005CH91) – 926 Drift Road – Kelly & David Mendell 926 Drift Rd.**

The filing was for informational purposes only, the Board does not need to act upon it.

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

##### **2. Westport Horizons Development Corp. – Oakridge (06-001SPA-Major) (continued from February 22, 2022, April 19, 2022)**

Request by Applicant for approval of a Major Site Plan for Oakridge: A Private Community. Assessors Map 21 Lots 4 & 4A to eliminate the sidewalk along common driveways in place of gravel walking paths through the site.

Ms. Messier commented the applicant has requested a continuance to the August 9, 2022 meeting.

## **Motion**

At the request of the applicant, Bullard moved to continue the public hearing for Westport Horizons Development Corp. – Oakridge to August 9, 2022, at 6:15 p.m. Seconded by Daylor with all five members in favor.

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

### **3. Borrego, 978 Solar Development, LLC II (22-001SP)** (continued from May 24, 2022)

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 L., Ernest 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. Under 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 2.95 Megawatts DC.

Chairman Whitin indicated that Borrego had withdrawn their previous applications and reapplied under the subdivision plan that had been approved (High Point Estates - 19-006C) in April 2019, thereby freezing the zoning by-laws of September 6, 2017.

Matthew Swansburg and Dean Smith were present from Borrego Solar. Swansburg commented that the project consisted of a 2.95 MW DC ground-mounted solar array that would encompass approximately 9.14 acres with a total property size of 92 acres, clearing 11.51 acres of trees (Map 46-8 & 46-9C). He read the requested waivers into the record.

Whitin read the department comments into the record. Bullard asked if the Conservation Department had any comments. Swansburg added that ConComm did not approve the Order of Conditions, however, Borrego received a superseding Order of Conditions from the DEP which covers the entire project. Schmid questioned the reason that ConCom denied the application. Swansburg responded that it was mainly wetland crossing issues and how they would get to the upland area of the property. Whitin asked Swansburg to explain the project's changes since this was the third submission of this project. Swansburg explained that the reason for the resubmission was primarily due to time constraints.

Soares noted that once the electrical permit is filed for the main line to be installed with an approved design in accordance with the National Energy Code, the Planning Board and the Peer reviewer should be informed before obtaining a building permit. In addition, he asked that the access road be entirely constructed before the back lot could be accessed and that the crushed stone surface is changed to gravel. The stumps must be either carried away or ground on the spot. Soares included that the Conservation Agent needs to be notified to inspect the wetland replication area once complete. Borrego agreed.

Schmid was concerned about the emergency response plan waiver. Swansburg stated that the Fire Chief evaluated the plan and made no further comments about fire suppression.

Bullard asked what type of species lived in the vernal pool. Swansburg mentioned he will verify what type of animals were in the vernal pool.

Robert Boulay of 364 Division Road, Dartmouth was present. Boulay voiced his concern about the visual of the pole farm, public parking at the entrance, and the decommissioning plan. Swansburg showed the visual simulations of the project.

Whitin read Field Engineering's report dated June 10, 2022. Whitin agreed with Field Engineering's comment the as-built grading plan should be provided for a review after the earth-work is complete to the Planning Department and the Peer reviewer before the installation of the solar panels to confirm that there will be no stormwater issues.

Schmid questioned asked if they complied with the National Heritage and Mass Historical Commission. Swansburg mentioned National Heritage responded there were no natural habitats identified and the Mass Historical commission responds only when something is found. Information is in the packet provided.

Soares emphasized the importance of the SWPPP and the NPDES permit. He asked that the NPDES permit be filed with the Planning Department and the Building Department before obtaining a building permit as part of the Condition of Approval.

### **Motion**

Bullard moved to close the public hearing for 978 Solar Development, LLC. Seconded by Daylor with all five members in favor.

### **6:45 p.m. Public Hearing**

**4. 0 Gifford Road (22-002SP-FF)** (continued from May 24, 2022). The applicant is seeking approval to subdivide Lot 22C containing 3.474 acres into two (2) separate Lots. Due to the shortage of frontage required per lot, the applicant is seeking to obtain a Special Permit Flexible Frontage. Each dwelling will have a separate driveway. Upon approval of the Special Permit Flexible Frontage Plan, the applicant will be filing an ANR. No waivers were requested.

Emanuel Pacheco Jr. was present representing the applicant, Emanuel Pacheco, Senior of 26 Andrea court.

Mr. Pacheco Jr. mentioned they are before the Board with the Flexible Frontage plan because he would like to purchase the land behind "Parcel B" and the purchase is contingent upon the Board's approval. He would like to create two separate lots for two single-family dwelling homes with separate driveways on each lot.

Schmid expressed his concern that this project doesn't meet the intent of the flexible frontage to the by-laws.

Ms. Messier read the Flexible frontage regulations into the record. Whitin questioned why a shared driveway wasn't considered.

Whitin was in favor of having a shared driveway for both houses for one curb cut.

### **Motion to Continue**

Bullard moved to continue the Public Hearing for 0 Gifford Road to August 9, 2022, at 6:45. Seconded by Daylor with all five members in favor.

### **6:35 p.m. Public Hearing**

**5. Plante – 0 Cornell Road (21-006SP)** (continued from December 14, 2021, May 24, 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.

Attorney Peter Saulino of 550 Locust Street was present representing the applicant. Attorney Saulino reviewed the plan and addressed S.W. Cole's common driveway comments.

### **Motion to Close the Public Hearings**

Bullard moved to close the Flexible Frontage and Common Driveway Special Permit public hearing. Seconded by Daylor with all five members in favor.

### **Motion - Flexible Frontage**

Bullard moved to approve the Special Permit application of Lisa Plante for property located at 0 Cornell Road, Westport, MA 02790, Assessor's Map 81, Lot 3, pursuant to Westport Zoning By-Law, 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 subject to findings and conditions as stated. Seconded by Daylor with all five members in favor.

### **Motion - Common Driveway**

Bullard moved to approve the Special Permit application of Lisa Plante for property located at 0 Cornell Road, Westport, MA 02790, Assessor's Map 81, Lot 3, pursuant to Westport Zoning By-Law, Section 8.5 Special Permit for a Common Driveway subject to findings and conditions as stated. Seconded by Daylor with all five members in favor.

## **6. Correspondence**

- a. ZBA Public Hearing notice – 14 Miracle Lane – *Noted*.
- b. S.W. Cole acquisition letter – *Noted*.

## **7. Assistant Planner's report**

Ms. Messier read her report into the record and updated the Board with the following.

### **Community One-Stop for Growth:**

- This grant application for the installation of the Route. 6 trunk sewer was submitted on 6/3/2022 and is currently in the "review & evaluation" stage that runs thru June - September. Notification of award will be October/November 2022. Anticipating contracting if awarded will take place in November/December 2022.

### **Harbor Water Study:**

- Waiting to hear from Frank Getchell of Wesson & Sampson for the next meeting date. This next meeting should show areas of Town that would be good candidates.

### **Housing Production Plan:**

- SRPEDD has provided us with a DLTA contract (tier 1) to update the Towns HPP. I spoke with Leonardi Array this morning, the Affordable Housing Trust has reviewed the scope but would prefer that the Planning Board sign the SOW since we would be handling the majority of the update, with the help of the trust. I've sent an email to Leonardi requesting any specific feedback that the AHT would like the update to either further focus on or include, as the 2020 census data is now available.

### **Town Planner Position:**

- The job postings have been advertised as of 6/22/22 with an application deadline of 7/22/22. Places advertised: MMA.org, MASter List, Westport Town page, American Planning Association, and with MIT, Harvard, Tufts, B.U., Clark Univ., UMASS Dartmouth, and U.R.I.

### **0 Gifford Road:**

- The Conservation Agent and Consultant have not provided comments on the revised plans yet, Con Comm. Agent will return to the office sometime next week, and S.W. Cole is working on a date that a review will be ready.

### **Complete Streets Contract Extension:**

- Sara Brown would like to extend our Complete Streets Contract to the end of August to allow them time to utilize a tool they have learned at the MassDOT Innovation Conference that will help them more accurately create cost estimates. This tool was designed for Chapter 90 & Complete Streets. This extension of time would allow the Town to review and submit before the September deadline. I've reached out to Sara to see if there's an extension of the time contract to sign and if there is any more information on the new tool that will be used.
- Link to new tool info: <https://www.mass.gov/info-details/sarpet-details-and-instructions>

### **Maya Way:**

- Ms. Messier mentioned she took a drive down Maya Way earlier this month on June 7th and nothing has changed relating to the street. The storm drains are still elevated, and the road is not complete. I have sent Bill Dispirito emails last fall requesting a time frame of when the street will be completed, which he did not answer.

Ms. Messier sent another email on 6/7/22 requesting the same information, Ms. Messier received no response. The road completion was supposed to take place last summer/fall. There is a surety amount of \$87,000.00 and \$1,874.00 in consultant review funds.

## **8. Minutes**

May 24, 2022

### **Motion**

Daylor moved to approve the minutes of May 24, 2022, as written. Seconded by Daylor with three members in favor. Bullard and Soares abstained.

## **9. Invoices**

MASster List – Town Planner Position advertisement \$250.00

### **Motion**

Bullard moved to approve the above invoice for \$250. Seconded by Daylor with all five members in favor.

## **10. Short/Long-term Planning Discussions**

None.

### **Executive Session**

Chairman Whitin motioned to enter into an emergency executive session by roll call vote at 9:05 p.m. to discuss possible litigation and will reconvene into a regular session once concluded.

### **Motion**

Bullard moved to close the executive session at 9:20 p.m. by roll call vote. Seconded by Daylor with all five members in favor.

### **ADJOURNMENT**

The members unanimously adjourned at 9:21 p.m.

Respectfully submitted,

Nadine Castro, Assistant Town Planner II

NOTE: Agenda is subject to change

---

NEXT MEETINGS:

PLANNING BOARD: July 12, 2022 @ 6:00 P.M.

WORK SESSION: ?