



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

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

**PLANNING BOARD MEETING MINUTES**

**July 10, 2018**

Chairman James T. Whitin called the meeting to order at 6:02 pm with Members Vice-chair Robert Daylor, Marc De Rego, and James Watterson and Town Planner, James Hartnett. David Cole was absent.

**Approval Not Required (ANR) Parsons (18-011A)** Request by applicant for endorsement of a One (1) lot plan of land located North of 337 Pine Hill Road, Assessors' Map 37 Lot 9.

Sean Leach from SITEC Engineering was present representing the applicant. Mr. Leach stated that the Planning Board approved a Special Permit for Flexible Frontage on December 6, 2016 and this One (1) lot plan shows the building area, the driveway that has been setback 10' from the property line as requested by the Board and the list of conditions.

Daylor approved endorsement of the plan entitled "Flexible Frontage Plan of Land in Westport, MA prepared for Andrew Erickson", dated October 13, 2016, because it complies with the provisions of MGL Ch. 41 Section 81P. Seconded by De Rego. Unanimous with four in favor.

**CVE North America Inc. (18-003S-LID) (*Hearing rescheduled from June 26, 2018*)**

Notice is hereby given that the Westport Planning Board will hold a public hearing on the application of **CVE North America, Inc.**, 116 West 23<sup>rd</sup> Street, 5<sup>th</sup> Floor, New York, NY 10011 for land owned by **David P. and Lillian F. Cabral**, for property located at 1665 Drift Road, Westport, MA Map 57 Lots 25 & 33, pursuant to Westport Zoning By-Laws Article 20 Low Impact Development (LID) and Article 24 Large Scale Solar Energy System. The applicant requests permission to construct a 2.4-Megawatt solar energy system on 13.9 acres, total lot size 18.1 acres.

Whitin opened the public hearing and read the section of the Solar Zoning By-law relating to the purpose into the record.

Meredith Savage from SWCA Environmental Consultants was present representing the applicant CVE North America Inc. Matt Gabor, an electrical engineer from CVE was also present to address the Board. Mr. Gabor stated that this would be a community solar project and they would like to sell the electricity to Westport, residents could sign up in the open enrollment period. They are looking to produce clean energy and would like to work with the Town and residents.

Ms. Savage stated that the project is 2.4 MW AC which is equivalent to 3.1MW DC located on 13.9 acres of land. The property involves 2 lots, the first lot will be for access only and the road is designed to meet the required safety standards, with a minimum width of 12'. The designers have located 4 wetland areas, there is one wetland area that may be considered a proposed vernal pool; it has not been certified as of yet. There will be erosion control barriers installed around the entire site and in the areas that are in close proximity to the wetlands. There will be 2 sets of barriers. There will be a 7' security fence around

the project, raised approximately 6" off the ground to allow passage of small animals. The area of the solar arrays will be cleared of all vegetation, as well as a 10' service area and a shade management area. The shade management area maintains vegetation but the vegetation will be trimmed at the upper levels.

Ms. Savage stated that the plans have been developed in accordance with the Solar Bylaws and the LID Bylaws and asserts that the stormwater meets the states stormwater management guidelines. The peak flow for three of the design points will be less after the development is constructed. They have also provided their own grass and flower mixes under the solar array.

Ms. Savage noted that the design meets most of the 100' setbacks, but they will be requesting a reduction in the setback area at the northeast corner. Savage believes they meet all of the requirements of the Solar Bylaw and also provided an operation and maintenance plan.

Whitin asked how high the panels will be off the ground and if it will be visible from Drift Road and across the river. Mr. Gabor stated that the panels should be no higher than 9' above the existing ground and the panels will not be visible from the road or across the river. Mr. Gabor stated that in the past they have done a balloon test and they would be willing to conduct one at this site if requested by the Board. Whitin asked about glare and Gabor stated that they could also conduct a glare test.

Watterson asked if the panels will follow the existing contours and how will they be screened. Gabor stated that the panels will follow the contours and will be located below the existing tree line so they will be screened.

Daylor asked how the area would be cleared and how much of the area will be cleared. Gabor stated that the area within the fences will be cleared and stumped including an area 10' outside the fence. De Rego noted that there are a lot of deer in that area and fencing in the entire lot will force deer towards Route 88; he was also concerned about stripping the soil and leaving little vegetation.

Hartnett read the following notes into the record:

1. Sheet 4.0 Gravel Drive is only 12' wide, the Fire Department has requested 20' in the past. Fire Department responded, if there are no structures 12' is suitable.
2. No scale on sheet 4.0
3. The driveway is approximately 700' long with no drainage shown, the average slope of the drive is over 5% with a 200' section at 7%. Runoff and washouts from gravel drives with steep slopes can be difficult to maintain. The driveway slopes from the solar field easterly to Tootell Lane.
4. There are three drainage outlets for the Solar Array.
  - a. The outlet at the northwest corner of the site drains into a wetlands area.
  - b. The second outlet drains into other property owned by the applicant to the south. It is not directed towards any wetland area. The subdivision regulations require a 20% reduction in volume when outfalls do not drain into a large wetland area.
  - c. The third outlet discharges easterly onto the abutting property listed as N/F Pernel Leuvelink Hadfield & Alton C. Hadfield. Again, the subdivision regulations require a 20% reduction in volume. The drainage calculations should also be redone using the storm events listed in the subdivision regulations.

	<u>Solar Calc.</u>	<u>Required Storms</u>
2 year	3.4"	3.3"
10 year	4.7"	4.9"
100 year	7.0"	8.5"

- d. Sheet C-7 OCS#3, shows a 12" HDPE pipe, the inlet at the control structure and the outlet are at the same elevation (105.08).
  - e. Sheet C-7 OCS #2, shows the same invert and outlet elevation of 97.10'
5. Seed mixes on page 5.0 are not consistent with previously approved mixes. Solar array mixture appears to be all grasses.
  6. Sheets C-6, 7 should show existing contour elevation numbers.
  7. The driveway for the Solar Array crosses over the frontage of 9 Tootell Way Lot 57-33F, this lot should be included as part of the application filing or a letter from the owner should be included allowing use of the land and showing an easement.
  8. The solar field does not meet the 100' setback requirement, the Planning Board does have the ability to waive this requirement.
  9. Tree clearing and tree cutting should be clearly identified.

Whitin and Daylor had questions relating to the stormwater design and Ms. Savage stated that those would have to be answered by the stormwater engineer who was not in attendance at the meeting.

Attorney Michael Kelly from 8 Clyde's Way was present representing some of the neighbors in opposition to the petition. He asked if the utility company has approved the connection, the lighting plan, decommissioning location of trees and flooding on Drift Road. Gabor stated that Appendix G shows the utility approval, there will be no lighting, the decommissioning plan is part of the packet and is asking for a waiver on showing the area of cut trees that have a 6" caliber or more.

Penny Hadfield, 1615 Drift Road was present opposed to the petition, she has owned the abutting property for years and is concerned with the outflow pipe that is directed towards her property. The area has drainage problems already, there is a 73' drop in elevation from the site to Drift Road and this will cause additional drainage and erosion problems. She believes she will see the panels from her house, she also submitted a written letter to the Board and noted that she is concerned about the wildlife and drainage.

Sky Wild, 1612A Drift Road, submitted a written statement and stated that the project does not adhere to best practices for solar projects. She is concerned about drainage, wildlife, noise and inadequate buffer zones.

Don Hadfield, 35 East Shore Road was present to speak on behalf of Al Hadfield in opposition to the request. Mr. Hadfield stated that the name Solar Farm is misleading. It is not a farming operation, it is a commercial development in a residential zone.

Jake McGuigan, 202 Drift Road, stated that he is concerned about large corporation's use of open space for commercial development, this project is not good for the Town.

Cynthia Schiller, 4 Beach Road, owns property abutting the project, she stated that there is a natural spring on her property that could be impacted by the development. The solar farm will be detrimental to the area and questioned if the company had studied the environmental effects of the area on the solar panels. This area is covered in fog many days out of the year.

Joyce Debona, 1280E Drift Road, spoke in opposition to the request.

Nancy McGrath, 1702A Drift Road, asked if the fence will be chain link and is concerned about the screening of the solar panels.

Barbara Bates, 1617 Drift Road, spoke in opposition, she is concerned about runoff, the ground water is already very high in this area.

Keith Stamp, 14 Clyde's Way, spoke in opposition to the petition, and stated that drainage is a problem and was concerned about glare on Route 88.

Jeff Cantin, 1748 Drift Road, asked if the company had permitted any projects in the United States and how many projects on similar sites.

Walter Barnes, 241 Division Road, referenced the recently completed Master Plan for the Town. One of the primary goals is to protect open space, watersheds and groundwater. This project is not consistent with the Master Plan.

Elliot Whipple, 1331 Drift Road, spoke in opposition and asked what benefit would there be to grant this request.

Ben Rogers, 10 Julius Way, spoke in opposition and stated that he wanted to know the impact this development would have on Pierce's Brook and Dunham Brook. Pierce's Brook is a cold water fishery. Submitted a letter from Trout Unlimited.

Chris Bednarz, 8 Fox Lane, asked why this lot was chosen. Mr. Gabor stated that the parcel was chosen because it is adjacent to 3 phase power, there is less than 20 degree change in grade and it's away from most houses. Mr. Bednarz stated that he is concerned about property values decreasing.

Arlene Cloutier, 1635 Drift Road, spoke in opposition and noted the existing drainage problems in the area and was concerned that this development would add to the drainage issues.

Ward Mooney, 1702 Drift Road, asked if the development would be visible from Route 88.

Jerry Coutinho 110C Pettey Lane, stated that he lives across the river and submitted pictures from his house looking at the proposed site, he requested that a balloon test be completed with 4 balloons at the corners, he would also like to see the results of a glare test.

Constance Gee, 424A River Road questioned the environmental value of an acre of undeveloped land in comparison to an acre of solar panels.

Ben Leuvelink, 429 Drift Road asked for clarification on the drill hole markings shown on the plan.

Jim Whitin, stated that the solar Bylaw was approved in 2013 at Town meeting, and solar design has changed since the Bylaw was approved.

Whitin asked the proponents to address the questions and concerns raised at the meeting and listed some of the points that should be answered:

- Elevation and siting of the solar project
- Stormwater, update design, outlets and gravel drive drainage
- Engineer should be available to answer questions
- Address the movement of larger animals, passage through the center
- Glare testing
- More detail on the vegetation clearing and cutting
- The watersheds and tributaries should be mapped
- Temperature of stormwater should be addressed
- More detail on construction phasing and erosion control

Hartnett read into the record, the department reviews, SW Cole peer review letter dated June 11, 2018 and letter from the WRWA dated July 6, 2018.

Daylor moved to continue the hearing to September 18, 2018 at 6:30 pm. Seconded by De Rego. The vote was unanimous with four in favor.

### **Administrative Items**

James Long, 515 American Legion Highway – De Rego moved to endorse the decision of James Long, Seconded by Daylor. The vote was unanimous with four in favor.

Lawton Trust/Hickory Lane (03-009C) – Request for S.W. Cole to review Hickory Lane – Hartnett stated that a request has been made to S.W. Cole to prepare a report on the wall and drainage easement, no action is required by the Board at this time.

Notice of Intention to Sell per M.G.L. Chapter 61A § 14, Assessors Map 60, Lot 1D, request for comment from the Board of Selectmen. Hartnett stated that he cannot participate or advise the Board on this matter. Whitin stated that this is one of many lots created a number of years ago. He does not see any reason to not recommend release from 61A. It would have been good if it could be protected, but there does not appear to be an interest in this parcel. The Board of Selectmen is looking for sign offs from various boards and commissions.

Daylor moved to recommend to the Board of Selectmen that they have no objection to the release of this lot. De Rego seconded the motion. The vote was unanimous with all four in favor.

**Matters not reasonably anticipated.**

None

**Correspondence.**

- a. 16-001C Black Oak Inspection 7-3-18 - noted
- b. 15-012SP NOQ Inspection 7-3-18 - noted
- c. MVP Final Report & Matrix - noted
- d. 16-003SPA BWC Blossom Images - noted
- e. 09-006C Brightwoods Inspection 6-19-18- noted
- f. Attorney General Report – Approval of Town Meeting Articles #19, 21 & 22 -noted

**Minutes.**

June 19, 2018 – Work Session. De Rego moved to approve the minutes of June 19, 2018, seconded by Daylor, The vote was unanimous with four in favor.

June 26, 2018 - De Rego moved to approve the minutes of June 26, 2018, seconded by Daylor, The vote was unanimous with four in favor.

**Invoices.**

None

**ADJOURNMENT**

Members unanimously adjourned at 9:45 pm

Respectfully submitted,  
James Hartnett, Town Planner