



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

March 20, 2019

Chairman James T. Whitin called the meeting to order 5:31 p.m. with Vice-Chairman Robert Daylor, Members David Cole, James Watterson and Town Planner James Hartnett in attendance. Marc De Rego was absent.

1. Cannabis Bylaw review

The Town of Westport Planning Board will hold a public hearing pursuant to G.L. c. 40A § 5 and Article 2.1 of the Westport Zoning Bylaws, on Wednesday, March 20, 2019, at 5:30 p.m. at the Town Hall Annex, 856 Main Road Westport, Massachusetts. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed changes to the Westport Zoning Bylaws.

Whitin read the Cannabis Bylaw notice into the record.

Averyl Andrade from Between the Rows Farm, 528 American Legion Highway, was present from the Craft Cannabis Committee along with Brian Valcourt. Ms. Andrade presented a Power Point presentation outlining the responsibilities of the Craft Marijuana Cooperative as well as the Craft Cannabis Cooperative Commission (CCCC).

Hartnett read the sections into the record and suggested changes to the Bylaw. Hartnett questioned if a Host Agreement would be in place prior to the special permit. Ms. Andrade responded a special permit needs to be filed first, then the host agreement would be granted by the Cannabis Control Commission. Hartnett stated this is in conflict with the proposed Bylaw.

Whitin pointed out to Ms. Andrade the Planning Board is the Special Permit granting authority and the Zoning Board is a different entity. Whitin suggested changing the wording in her presentation if it will be presented at Town Meeting.

Hartnett suggested to the Cannabis Committee to speak with Town Counsel regarding proper language for the overlay district to restrict marijuana establishment and manufacturing and cultivation in central village as opposed to allowing it in the other parts of the Business District.

Whitin asked if it was possible to limit the size of the growing area the first year to 20,000 sf.

Watterson asked what the radius was for abutting properties, for churches, schools and residences. Hartnett recited the setback requirements.

Carol Mann, 21 Kelsey's Way, was present. Ms. Mann is also on the Agricultural Commission and the members expressed concern that they are being falsely represented that the Farmers are on-board with the CCC and some of them are not.

Jon Alden from 866 Main Road was present. Alden expressed his concern regarding the odor that will be emitted from the marijuana greenhouses within a 500' radius of neighbors. Valcourt mentioned there are requirements that the Planning Board can impose along with odor control safeguards.

Chris Wiley, was present from Forge Road, stated that you would not have to be a farmer to cultivate.

Daylor motioned to continue the Cannabis Bylaw review to Tuesday, March 26, 2019. Seconded by Cole with all four members in favor.

6:15 p.m. Public Hearing

2. Westport Stone and Sand (18-009SPA-LID) (*Hearing continued from January 15, 2019, January 29, 2019, February 20, 2019*)

Request by Frank Epps, Westport Stone & Sand Solar, LLC, c/o Energy Development Partners for property owned by Stephen A. Cardi, Esquire of Steven A. Cardi (TR) Grandvel Nominee Trust, located on 536 Old County Road, Assessor's Map 34, Lots 7, 8 & 52. Pursuant to Westport Zoning Bylaws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System Special Permit, the applicant requests permission to construct a solar energy system, approximately 6.5 Megawatts.

The applicant has revised the plans to address a number of the comments from the Board. Additional drainage has been added. The review engineer was in agreement with the design with the exception of the pipe sizes from the swale to the pond. They are proposing to demolish the existing structure at the westerly side of the property and added landscaping along the eastern portion of the solar field.

Ben Aparo listed a number of changes that were made to address comments from the Board.

- Cross-sections and photos were provided showing views from abutting properties
- Screening was added where necessary.
- A fence was added at the top of the wall for safety.
- The scale house, shed, and equipment from the west side of the property will be removed.
- Contours were added and the stormwater was modified.

Alan Benevides from Woodard & Curran was present to address the Board on behalf of the applicant. Mr. Benevides noted changes made to the plan that addressed comments from Hartnett and Daylor. Additional drainage was added, swales along the east side of the drive and small holding areas with culverts to the large pond. He referenced SW Cole's 3-19-19 letter and agreed that the southerly pipe should be upgraded to an 18" pipe.

Whitin asked if the pond would overflow and Mr. Benevides stated that it would, in a 100-year storm but there would be significantly less stormwater after development.

Watterson noted the steep slope of the land and asked about runoff from the gravel drive and possible washouts. Benevides stated that the road would require regular maintenance.

Daylor stated that his concern was the neighborhood, he agreed the drainage design had been improved and asked where the overflow from the 100-year storm would go. Benevides stated that it would go where it is going now, most likely across the drive into the hole on the west side and some may overflow to the catchbasin at Old County Road but it would be much less than what is leaving the site now.

Daylor stated that this was a good project, good location and reuse of the property. He suggested that the outlet pipe at the southeast corner of the field be redirected away from the southerly wetlands, that an

infiltration trench similar to the one designed for the east side of the field be located between the westerly set of panels and the center set of panels and that the southerly culvert be increased in size.

Hartnett read sample findings and conditions into the record.

Sample Findings of Fact:

1. The project as presented meets the requirements of section 24.3 of the Town's Zoning Bylaws for Large Scale Solar Energy Systems.
2. The project as presented meets standards for placement, design, construction, operation and minimizes impacts on environmental, scenic, natural and historic resources.

Sample 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 inquires 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 for 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 Old County 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 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.
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 sheet G-001 of the plans. Prior to construction, the applicant shall submit a construction Stormwater Management Plan to the Planning Board for review and approval.

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. Prior to commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The Applicant shall be responsible for the reasonable cost associated with construction observation/inspection services during the construction phase.
15. If rocks are encountered and need to be removed, they shall be trucked off-site and not crushed on site, unless approved by the Planning Board.
16. Prior to earth work or stump removal within the fenced in solar array area, the detention basins and swales shall be constructed and functioning with adequate vegetation growth or other stabilizing material to minimize erosion.
17. Top soil shall not be removed from the site and shall be reused to prevent erosion and support pollinator-friendly habitat vegetation. Additional suitable organic material may be used where needed. Any change in the seed mix as noted on Sheet G-001 shall be approved by the planning board.

Daylor moved to close the public hearings for the Solar Special Permit and the Low Impact Development Site Plan. Seconded by Cole with all four in favor.

Daylor moved to approve the Special Permit application for a Large Scale Solar Energy System for Frank Epps, Westport Stone & Sand Solar, LLC, c/o Energy Development Partners for property owned by Stephen A. Cardi, Esquire of Steven A. Cardi (TR) Grandvel Nominee Trust, located on 536 Old County Road, Assessor's Map 34, Lots 7, 8 & 52. Pursuant to Westport Zoning Bylaws Article 24 Large Scale Solar Energy System Special Permit, to construct a solar energy system, approximately 6.5 Megawatts subject to findings and conditions with modifications to the East corner of the project to include a trench. Seconded by Cole with all four in favor.

Watterson moved to approve the Low Impact Development (LID) Site Plan Approval for Frank Epps, Westport Stone & Sand Solar, LLC, c/o Energy Development Partners for property owned by Stephen A. Cardi, Esquire of Steven A. Cardi (TR) Grandvel Nominee Trust, located on 536 Old County Road, Assessor's Map 34, Lots 7, 8 & 52. Pursuant to Westport Zoning By-Laws Article 20 Low Impact Development (LID) as the plan presented meets the intent and purpose of the LID By-law by reducing the adverse impacts of soil erosion, sedimentation, and stormwater runoff. LID site design standards were utilized to the maximum extent feasible as defined in section 20.5 of the Zoning By-law. Seconded by Cole with all four in favor.

6:45 p.m. Public Hearing

3. Soltage, LLC Westport Route 88 Solar 1, LLC (18-011SPA-LID-S) (*Hearing continued from February 20, 2019*)

Request by the applicant to consider the Special Permit and Site Plan applications of **Westport Route 88 Solar 1, LLC c/o Soltage LLC** for property owned by Pedro L. and Maria M. Teixeira, located on 0 Route 88 (End of Sullivan Drive), Assessor's Map 31, Lot 5 & 6A. Pursuant to 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 4.5 Megawatts AC, 6.0 Megawatts DC.

The applicant has requested a continuance until April 23, 2019, at 7:00 p.m.

Watterson motioned to continue the meeting to April 23, 2019, at 7:00 p.m. Seconded by Daylor with all four in favor.

7:15 p.m. Public Hearing

4. Rita Lane Extension (19-001C) (*Hearing continued from February 26, 2019*)

Request by applicant to consider a definitive subdivision plan entitled **“Definitive Plan Rita Lane (Extension), Assessor’s Plat 42, Lot 1 & 3M”** Westport, MA, dated January 2, 2019 proposing an 11 lot subdivision prepared for Robert Carrigg Trustee of Twin Pine Westport Realty Trust and located at the north end of existing Rita Lane, Map 42, Lot 1 & 3M.

Mark Boucher from Boucher & Associates was present on behalf of the owner along with Gus Raposo of Raposo Engineering LLC. Boucher asked the Board’s feedback on what their preference on how to address the layout of the existing cul-de-sac.

Whitin expressed his concern with the sharp turn on Rita Lane at the culdesac. Boucher noted S.W. Cole’s review commented that no additional design requirements were necessary. Daylor agreed to keep the cul-de-sac just to make it narrower.

Included in the folder are:

- Department Reviews
- SW Cole 1st Review 2-12-19
- SW Cole 2nd Review 2-22-19
- Applicants Response 2-21-19

Hartnett read the Sample Waivers and Sample Conditions into the record.

Sample Waivers

1. Waiver to allow a Dead-End Street with a length in excess of 1,200 L.F. (1,03’ Extension to 930’ Existing = 1,960’ Total (Sec IV.A.4.a)
2. Waiver of 25’ fillet curve (Sec IV.A.1.I.)

Sample Conditions

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association. All purchasers of land within the subdivision shall be required to belong to the Homeowners Association
 - a. The Homeowners Association shall be responsible for the maintenance, repairs, and plowing of the subdivision roadways unless accepted by the Town.
 - b. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary, unless accepted by the Town.
 - c. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the

Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant.

- d. The Homeowners Association shall be responsible for the permanent maintenance of the center island in Rita Lane.
2. Road Maintenance and Snow Removal: Applicant shall be responsible for periodic maintenance and snow removal until such time a properly funded Homeowners Association is created and is properly functioning.
3. Fire Protection: Access to/from the fire protection tank must be maintained at all times for Fire Department use in the event of an emergency.
4. Roof run-off recharge systems are required for each dwelling.
5. Construction work on the subdivision road and utilities shall only be done between the hours of 7:00 a.m. and 6:00 p.m., Monday - Saturday.
6. The applicant shall provide the Town legal access to the proposed stormwater and fire protection systems.
7. The plan shall include a note on the recordable plan stating "No dwelling shall be built on any lot without first securing from the Board of Health a permit for an approved Title-V compliant Soil Absorption septic disposal system"
8. Prior to an endorsement of the plan, revisions, as proposed, shall be made to modify the existing cul-de-sac. The layout shall remain the same but the plan shall show a transition from the existing 18' wide paved road to the proposed 22' wide paved road. Areas outside of the new pavement within the cul-de-sac shall be regraded loamed and seeded.

Watterson moved to close the public hearing for the definitive plan entitled "Definitive Plan Rita Lane (Extension), Assessor's Plat 42, Lot 1 & 3M" Westport, MA, dated January 2, 2019 proposing an 11 lot subdivision prepared for Robert Carrigg Trustee of Twin Pine Westport Realty Trust and located at the north end of existing Rita Lane, Map 42, Lot 1 & 3M. Seconded by Daylor with Whitin, Daylor, and Cole in favor. Watterson abstained.

Watterson moved to approve the definitive plan entitled "**Definitive Plan Rita Lane (Extension), Assessor's Plat 42, Lot 1 & 3M**" Westport, MA, dated January 2, 2019 proposing an 11 lot subdivision prepared for Robert Carrigg Trustee of Twin Pine Westport Realty Trust and located at the north end of existing Rita Lane, Map 42, Lot 1 & 3M subject to waivers and conditions. Seconded by Cole with Whitin, Daylor, and Cole in favor. Watterson abstained.

5. Correspondence

- a. S.W. Cole Review – Blossom Road A (16-003SPA-LID) - Noted
- b. ZBA Decisions – Noted

6. Minutes

February 20, 2019 – Cole moved to approve the minutes as written. Seconded by Watterson with Whitin, Cole, and Daylor in favor. Watterson abstained.

February 26, 2019 – Cole moved to approve the minutes as written. Seconded by Daylor with all four in favor.

7. Administrative Items

- a. Massachusetts Vulnerability Preparedness (MVP) Grant – Cole voiced his concern on bridge safety and would like to apply for a grant to fund that project.
- b. Southeast New England Coastal Watershed Restoration Program (SNEP) Grant and Coastal Zone Management (CZM) Grant - Noted

- c. Release CR Acct Balances for CVE North America (18-003SPA-SOLAR-LID), Ferry Drive Preliminary Plan (19-001B) & Long 515 American Legion Highway (18-002SPA). Watterson voted to close the Consultant Review Account balances with interest. Seconded by Daylor with all four in favor.
- d. Noquochoke Village (15-012SPA-IHSP) Form G Performance Agreement - Noted

8. Matters not reasonably anticipated

Cole updated the Board on the SRPEDD meeting he attended.

9. Planners Report.

- a. Tim King asked me to prepare a grant for Mass Development, for assistance with a market analysis and assistance with determining the highest and best use of the high school property. This was an online application but included in the packet is a copy of the responses to the questions and corresponding attachments.
- b. The RFP was completed for the zoning by-law re-codification and revisions. It was sent out to eight consulting firms that specialize in this type of work. Proposals are due on April 25th. Work on this project must be completed by September of 2019, so this will be a very intense and fast process.
- c. I have been working with the Landing Commission and SITEC to develop bid specifications for the Town Landing project. I hope to have this out by the end of the month.
- d. Kleinfelder presented data to the Targeted Water Resource Plan stakeholders earlier today.

10. Invoices.

None.

ADJOURNMENT

Members unanimously voted to adjourn at 9:02 p.m.

Respectfully submitted,
James Hartnett, Town Planner
Nadine Castro – Town Planner II