



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

April 23, 2019

Chairman James T. Whitin called the meeting to order 5:47 p.m. with Vice-Chairman Robert Daylor, Members James Watterson and Town Planner James Hartnett in attendance.

Call to order 5:45 p.m.

Appointments

5:45 p.m. Public Hearing

1. Cannabis By-law review (*continued from March 20, 2019, March 26, 2019 and April 11, 2019*)

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 By-Laws.

The Board reviewed a copy of the latest revision to the Cannabis Bylaws. Hartnett recommended being specific in wording to regulate the structures, uses and the cultivation fields similar to the way other structures and uses are regulated. The Bylaw references “sites”, “facilities”, and “limited access areas” this wording will make enforcement more difficult. Hartnett commented the setbacks from residential uses has been reduced to 300’ from 500’ setback. A similar review has not been completed for the 300’ setback for residential structures. Regulations relating to other uses on the same parcel should be more specific.

Brian Valcourt and Averyl Andrade were present from the Craft Cannabis Committee. Valcourt stressed the CCCC is seeking a total of 5 acres total throughout the town, 2.5 acres in the Residential district and 2.5 acres in the STOD. This would limit cultivation and manufacturing which is on a trial basis for the town and it could be rescinded if it’s unproductive.

Watterson questioned if the Planning Board could waive the requirements. Whitin responded yes because it is a zoning by-law and the Planning Board is able to waive strict compliance if allowed by Zoning.

Whitin opened the discussion to the audience for comments – No one commented.

Daylor motioned to close the continued public hearing on the adoption of the Craft Cannabis Bylaw. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

Hartnett read his recommendations into the record, repeating his concerns stated earlier.

Whitin suggested revisiting the Bylaw in the coming year to see how it is working.

Daylor motioned to recommend to the Board of Selectman and town meeting to adopt the Craft Cannabis Bylaw as drafted. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

6:05 p.m.

2. a. Allen's Way (17-007C-M) Street name change

Notice is hereby given that the Westport Planning Board will hold a public hearing on Tuesday, April 23, 2019 at 6:05 p.m. at the Westport Town Hall Annex, 856 Main Road, Westport, MA pursuant to Massachusetts General Laws, Chapter 85, Sections 3, 3A and 3B on the request received from Lars and Vickiann Salomonsen of 81 Canonicus Street, Tiverton, RI to change the name of the road from Allen's Way to Lars Way.

Lars & Vickiann Salomonsen from 81 Canonicus Street, Tiverton, RI were present to request the street name change from Allen's Way to Lars Way.

Whitin asked if there was an existing house on Allen's Way and if the house number will need to change. Salomonsen and Hartnett confirmed there was an existing house and will be required to change from a Main Road address to Lars Way.

Watterson recalled a discussion at a previous meeting on getting input from the Historic Committee regarding Allen's Way historic significance. Hartnett stated that he met with David Cole and determined the Allen property was actually further south of Salomonsen's property.

Carol Bonnar, 1235 Main Road, was present questioning property lines. Hartnett suggested Ms. Bonnar come into the office to go over the property lines.

Hartnett read Assessors comments into the record.

Daylor remarked that he wasn't comfortable changing the name of the Way.

Daylor moved to approve the order to change the street name from Allen's Way to Lars Way. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

3. Administrative Items

a. Allen's Way (17-007C-M) Release Covenant

The road is near completion, SW Cole was attempting to inspect the site and issue a report prior to the meeting. Recommend releasing the covenant in exchange for a cash surety based on the estimate from SW Cole.

Lars & Vickiann Salomonsen from 81 Canonicus Street, Tiverton, RI were present to request a covenant release for surety.

Hartnett read S.W. Cole's 4/23/19 review into the record.

Whitin read SITEC Engineering's 4/23/19 letter into the record.

Daylor moved to release the Covenant dated July 1, 2017, in exchange for a cash surety in the amount of \$8500 for the completion of the subdivision. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

b. Blossom Road B Hamilton Brook LLC (17-001SP-S) Surety – Occupancy permit

Keith Gallagher was present from Contisolar requesting an Occupancy permit for Blossom Road B solar project.

Whitin read S.W. Cole's February 7, 2019 review into the record.

Hartnett commented this was before the Board a couple of months ago, S.W. Cole is recommending holding \$36,000 to cover the remaining work. The Planning Board held off on granting the release until the rocks from the front of the property could be removed. Hartnett viewed the site on 4/23/19 and they were still removing rocks, approximately 75% of the rocks had been removed and the rocks are being transported to West Beach/Horseneck Beach. Hartnett recommends approving the occupancy permit upon removal of the rock pile abutting Blossom Road and a cash deposit in the amount of \$36,000.

Lawrence Cook was present representing Hamilton Brook. Cook was looking for clarification from Hartnett on his meaning of "substantial" rock. Hartnett replied, anything over 1 cubic yard.

Bill Gaudette was present from Blue Wave Solar and clarified the large rocks will be removed in mid-May.

Whitin asked how much topsoil will be put back. Hartnett commented that no top soil was removed from that location.

Daylor moved to recommend issuance of the occupancy permit upon removal of the rocks 1 cubic feet and larger from the front of the site abutting Blossom Road and a deposit of a cash surety in the amount of \$36,000. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

- c. Town meeting articles – Review/Recommendations – Deferred to work session 4/30/19.
- d. Winner Way (18-007C) Endorse Definitive Plan and LID Decisions

Watterson motioned to endorse the Form C-1 Certificate of Approval and the Low Impact Development Decisions for 1540 and 1558 Drift Road. Seconded by Daylor. Whitin, Daylor and Watterson voted in favor of the motion.

Daylor would like to review the subdivision policy process at the work session meeting on 4/30/19.

- e. SRPEDD's Annual Meeting, Wednesday May 22, 2019 – Noted. Whitin will be attending, anyone else that may be interested will have to let Nadine know next week.
- f. Whitski Way (Braybach Lane) (18-005C) Request to endorse the plan, approve Homeowners Association and Covenants.

Hartnett commented that no appeal was filed with the Town Clerk. Hartnett recommends approval.

Daylor moved to endorse the plan and accept the covenants and Home Owners Association Agreement for formerly Whitski Way (now Braybach Lane). Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

- g. **Approval Not Required (ANR) Hawes (19-006A)** Request by applicant for endorsement of a 2-lot plan (lot reconfiguration) of land located at 1778-1780 Drift Road Assessors' Map 58 Lot 185.

Alex Gorodetsky was present representing the applicant. Gorodetsky is requesting a lot reconfiguration, in order to meet the stormwater and wetland regulations the engineer had to increase the size of Lot 3.

	Area	Frontage	Min Uplands
Lot 3 Revised	81,736 s.f.	152.85'	42,287 s.f.
Lot 2 revised	654,850 s.f.	215.59'	>30,000 s.f.

Whitin asked Gorodetsky where the access point is for Lot 2. Gorodetsky replied along the northeast stone wall.

Daylor motioned to approve endorsement of the plan entitled "Approval Not Required Plan 1778-1780 Drift Road, Assessor's Map 58 Lot 185, Westport, MA", dated April 14, 2019, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

- h. **Approval Not Required (ANR) Benbenek (19-007A)** Request by applicant for endorsement of a 7-lot plan of land located at 431 Fisher Road, Assessors' Map 41, Lots 17 & 22.

Eugene J. Benbenek Jr from 431 Fisher Road from was present representing his father requesting a 7 lot division of property, 6 of the lots would be buildable and the remaining land Parcel A would not be considered a buildable lot at this time.

Hartnett stated the revised plan meets the requirements for the six lots and parcel A.

Whitin questioned if the fillets that are on the lots 3 & 4 would be a problem for a future subdivision. Hartnett commented that the design meets the requirements for the ANR now, but a future development of a subdivision would need a waiver.

Daylor moved to continue the hearing to April 30, 2019 at 4:00 p.m. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

- i. **Bentley Estates II (15-009C)** Request to release Lot 7 from Covenant.

Watterson motioned to release Lot 7 from a Performance Covenant for Bentley Estates II dated July 25, 2016. Seconded by Daylor. Whitin, Daylor and Watterson voted in favor of the motion.

6:15 p.m. Public Hearing -To Be Continued to another meeting a quorum will not be present

4. SunRaise Development LLC (19-002S-LID) (continued from February 26, 2019)

Request by the applicant to consider the Special Permit and Site Plan applications for **SunRaise Development L.L.C** for property owned by Manuel III and Carolyn Ferry, located at 136 Old Pine Hill Road and White Oak Run, Assessor's Map 43, Lot 29. 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 2.0 Megawatts.

Daylor motioned to continue the hearing to 5/28/19 at 7:15 p.m. location pending. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

7:00 p.m. Public Hearing-To Be Continued to another meeting a quorum will not be present

5. Soltage Westport Route 88 Solar 1 (18-001LID-S) (continued from March 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.

Daylor moved to continue the hearing to 5/28/19 at 7:00 p.m. location pending. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

7:15 p.m.

6. Preliminary Subdivision Plan, South end of Sullivan Drive (19-002B)

Request by applicant to consider a Preliminary Subdivision plan entitled **"Preliminary Plan, Sullivan Drive, Westport, MA"** prepared for **Westport Route 88 Solar 1, LLC., c/o Soltage, LLC** and located at the south end of Sullivan Drive, Assessor's Plot 31, Lot 5 and 6A proposing to divide the property into two (2) lots. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

David Mackwell was present from Kelly Engineering Group along with Mr. Carpenter with Rt. 88 Solar 1, LLC.

Hartnett stated that the applicant did not provide any information relating to Sullivan Drive, including length and width of travelled way and suitability of the road. The existing width scales to approximately 12' wide in the area where the proposed gravel road meets the existing.

Mackwell read requested waivers into the record.

Whitin asked if the "way" was adequate for a subdivision. Maxwell responded yes and will improve the road for safety vehicles. Whitin asked what the distance was from Briggs Road to the cul-de-sac. Maxwell replied with 2,600 ft. Whitin responded by asking if they were asking for a waiver because it exceeds the required 1,200 length. Maxwell replied, yes.

Daylor moved to deny the Preliminary subdivision plan entitled: Westport Route 88 Solar 1, LLC – Proposed Lotting Plan for the following reasons:

1. The extension of Sullivan Drive exceeds the maximum length requirement of 1,200'. (Section IV, Design Standards, 4.a).

2. The condition and width of Sullivan Drive has not been provided for the entire road, the travelled portion of the way at the point it meets the proposed extension scales to approximately 12' which is less than the required 20' standard for a rural residential lane.

Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion and the plan was denied.

7:30 p.m.

7. Superior Energy Solutions (19-001SPA) (continued from March 26, 2019)

Request by applicant to consider the Site Plan application of Superior Energy Solutions Inc. for property located between 668 American Legion Highway and 700 A & B American Legion Highway, Assessor's Map 31, Lot 1B, Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, on a request to construct a 7,200 s.f. garage/storage building with office space with 16 parking spaces.

Dan Aguiar was present from SITEC Engineering representing Superior Energy Solutions. Aguiar made recommended improvements to the plan per S.W. Cole's review prior to the meeting.

Hartnett read S.W. Cole's review from 3/26/19 into the record.

Hartnett read the Planner's Comments and the department reviews into the record.

Hartnett prepared the sample Findings of Fact and Waivers and Conditions.

Daylor moved to approve the site plan for Superior Energy Solutions Inc. for property located between 668 American Legion Highway and 700 A & B American Legion Highway, Assessor's Map 31, Lot 1B, Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, subject to waivers, findings and conditions. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

8. Planners Report. None

9. Matters not reasonably anticipated. None.

10. Correspondence - None

11. Minutes. April 11, 2019

Daylor motioned to approve the minutes of April 11, 2019 without change. Seconded by Watterson. Whitin, Daylor and Watterson voted in favor of the motion.

12. Invoices.

WB Mason - \$34.46 – Watterson motioned to approve the invoice. Seconded by Daylor. Whitin, Daylor and Watterson voted in favor of the motion.

ADJOURNMENT

Members unanimously adjourned at 8:37 p.m.

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