



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

June 4, 2019

Chairman James T. Whitin called the meeting to order 5:30 p.m. with Vice-Chairman Robert Daylor, Members David Cole, John Bullard and Town Planner James Hartnett in attendance. James Watterson was absent.

Call to order 5:30 p.m.

5:30 p.m. Public Hearing

1. Hotel Lafrance Hospitality Corp (19-004SPA) (continued from May 21, 2019)

Request by the applicant to consider the Site Plan application of **Lafrance Hospitality Corp.** for property owned by Richard L. Lafrance, located at the Northeast Corner of State Road and Old Bedford Road, Assessors Map 3, Lot 26B, in Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval. The applicant requests permission to construct a 90 room hotel facility with associated parking.

Dan Aguiar was present from SITEC Engineering representing Lafrance Hospitality. Aguiar addressed the Board's concerns regarding modifying the parking spaces in the front of the parking lot for in-coming traffic along with adding four (4) additional storm sceptors and the grading that was discussed at the May 21, 2019 meeting.

Philip Viveiros was present from McMahon Associates to discuss the traffic assessment for the proposed hotel site. A copy of the letter for the crosswalk evaluation and the traffic assessment was given to the Board. Viveiros felt that there is adequate sight distance for vehicles turning onto Old Bedford Road. He also recommends keeping the existing crosswalk at the current location.

Whitin asked what the traffic count was for the morning rush hour. Viveiros replied very little activity would take place from the hotels in the a.m. and an assessment was not conducted.

Whitin visited the site on June 3rd with Mr. Lafrance to view the vegetation and agreed that removing the overgrowth greatly increases the site view turning onto Old Bedford Road. Aguiar submitted photos of work being done on removing the overgrowth.

Whitin questioned if there will be a future walkway between the Hotel and the parking lot. Aguiar responded that no pedestrian connection at this time, the parking lot will be used for overflow for White's restaurant. Lafrance added the railway can be covered but not removed.

Daylor commented that he is pleased with the parking lot drainage upgrades.

Hartnett read the Sample Conditions, Waivers and Findings of Facts into the record.

Waivers

1. Section 20.4.c - Minimum of 40' drive between parking and property line
2. Section 20.6.1.c – 20' Landscaped buffer along the street line.
3. Section 20.11 – Stormwater management

Findings of Fact:

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Buffer for abutters has been adequately addressed &/or provided as required under Zoning By-law §15.4.2.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. Provisions have been made for off-street loading and unloading as required under Zoning By-law §15.4.3. Driveways have been provided allowing for proper access by fire engines and for servicing the buildings as required under Zoning By-law §15.4.4.
3. The project as presented provides an adequate arrangement of parking and loading spaces in relation to the proposed uses of the premises. Parking: The zoning requirements are met by the plan as presented as 113 are required, 113 are proposed, including 5 handicapped spaces as shown on the plan.
4. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
5. The project as presented complies with the applicable requirements of this By-Law, the Rules, and Regulations of Site Plan Approval, and the Rules and Regulations Governing the Subdivision of Land (to the extent applicable), unless explicitly waived by the Planning Board.

Conditions

1. Any material changes as determined by the Building Inspector to the approved site plan shall require Planning Board approval.
2. All lighting shall conform to the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval and to the approved design plans.
3. Prior to the commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The Applicant shall be responsible for reasonable costs associated with construction observation/inspection services during the construction phase.
4. The Applicant shall install all erosion and sediment controls on site as shown on plans to be filed with the Planning Board prior to construction.
5. Street trees and other landscaping shall be installed in accordance with the approved Landscape Plan and Details. After installation of the landscaping, the Applicant shall provide to the Planning Board certification that the plantings were installed in accordance with the approved plan.
6. Prior to the issuance of an occupancy permit, the applicant shall submit an as-built plan to the planning board for review and approval, showing all structures including, parking, drainage, landscaped areas, tanks, pumps, and sewer system. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans.
7. The applicant shall record a plan showing revised property lines and cross easements for access, water, stormwater and sewer lines.

Whitin opened the meeting for audience questions or comments. No comments were made.

Motion

Daylor moved to approve the Site Plan application of Lafrance Hospitality Corp. for property owned by Richard L. Lafrance, located at the Northeast Corner of State Road and Old Bedford Road, Assessors Map 3, Lot 26B, in Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, to construct a 90 room hotel facility with associated parking subject to waivers, findings, and conditions. Seconded by Bullard with all four members in favor.

2. Parking & Storage Lafrance Hospitality Corp (19-007SPA) (continued from May 21, 2019)

Request by applicant to consider the Site Plan application of **Lafrance Hospitality Corp.** for property owned by Richard L. Lafrance and Lafrance Enterprises Inc., located at **98 & 104 State Road, Assessors Map 3, Lot 36, 37 & 37B**, in Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval. The applicant requests permission to construct a 50 x 80 storage building and 132 parking spaces.

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

Waivers

1. Section 20.4.c - Minimum of 40' drive between parking and property line
2. Section 20.6.1.c – 20' Landscaped buffer along the street line.
3. Section 20.11 – Stormwater management

Findings of Fact:

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Buffer for abutters has been adequately addressed &/or provided as required under Zoning By-law §15.4.2.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site. Provisions have been made for off-street loading and unloading as required under Zoning By-law §15.4.3. Driveways have been provided allowing for proper access by fire engines and for servicing the buildings as required under Zoning By-law §15.4.4.
3. The project as presented provides an adequate arrangement of parking and loading spaces in relation to the proposed uses of the premises. Parking: The zoning requirements are met by the plan as presented as 132 parking spots are proposed, including 1 handicapped space as shown on the plan.
4. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
5. The project as presented complies with the applicable requirements of this By-Law, the Rules, and Regulations of Site Plan Approval, and the Rules and Regulations Governing the Subdivision of Land (to the extent applicable), unless explicitly waived by the Planning Board.

Conditions

1. Any material changes as determined by the Building Inspector to the approved site plan shall require Planning Board approval.
2. All lighting shall conform to the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval and to the approved design plans.
3. Prior to the commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The Applicant shall be responsible for reasonable costs associated with construction observation/inspection services during the construction phase.
4. The Applicant shall install all erosion and sediment controls on site as shown on plans to be filed with the Planning Board prior to construction.
5. Street trees and other landscaping shall be installed in accordance with the approved Landscape Plan and Details. After installation of the landscaping, the Applicant shall provide to the Planning Board certification that the plantings were installed in accordance with the approved plan.

Prior to the issuance of an occupancy permit, the applicant shall submit an as-built plan to the planning board for review and approval, showing all structures including, parking, drainage, landscaped areas, tanks, pumps,

and septic system. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans.

Motion

Daylor moved to approve the Site Plan application of **Lafrance Hospitality Corp.** for property owned by Richard L. Lafrance and Lafrance Enterprises Inc., located at **98 & 104 State Road, Assessors Map 3, Lot 36, 37 & 37B**, in Westport, MA, pursuant to Westport Zoning By-Law Article 15 for Site Plan approval, to construct a 50 x 80 storage building and 132 parking spaces subject to waivers, findings and conditions. Seconded by Cole with all four members in favor.

6:15 p.m. Public Hearing

3. Fall River Rod & Gun Club (19-006SP-LID)

Request by applicant to consider the Special Permit and Low Impact Development applications of **Frank Epps, Watuppa Solar, LLC** for property owned by **Fall River Rod & Gun Club, Inc.**, located on **309 Sanford Road**, Assessor's Map 18, Lots 2 & 41, pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System Special Permit. The applicant requests permission to construct a 4.2 Megawatt solar energy system.

Ben Aparo was present from Energy Development Partners on behalf of Watuppa Solar along with Denise Cameron from Woodard & Curran, Joseph McCue from Mason & Associates, Inc. and Frank Epps, CEO of Energy Development Partners. The President, Vice-President, and Secretary from The Fall River Rod & Gun Club were also present.

Aparo commented the Solar Array meets the current Bylaws. The solar array went from 6mw to 4mw with batteries.

McCue noted that the total property of both lots is 146 acres and will clear 14 acres. No endangered species were observed.

Ms. Cameron commented the previously requested waivers for setbacks are no longer needed because the clearing is well within the 100' buffer zone and conforms to current zoning Bylaws. The panel count was reduced due to positioning them closer to each other. Access to the panels will use the existing Sanford Road driveway to the club and will connect to an existing 12' wide gravel road. Ms. Cameron addressed the stormwater issue. A bio-retention basin will be placed north of the project to divert water draining toward Plymouth Blvd to the basin. The south side will include a berm to slow run-off.

Ms. Cameron asked the Board if test pits could be done after clearing due to thick vegetation because it will be difficult for a drill rig to get into the area.

David Cole is concerned that clear-cutting 14 acres will add nitrogen to the abutting pond and suggested using the already clear parcel to the Northwest. Cameron commented that the parcel Cole is referring to does not belong to the Rod & Gun Club.

Whitin confirmed that the Watuppa Pond is a freshwater pond rather than a saltwater pond.

Jim Story of 50 Plymouth Blvd was present. Story is concerned that some of the property lines are incorrect and is having a survey done by Sitec of his property. He also feels that gunshot noise will be more noticeable after the trees are cut because the trees shield the noise currently.

Wendy D'Abrosca of 16 Plymouth Blvd was present. Ms. D'Abrosca is concerned about run-off, what it will do to the neighborhood and the visual effect.

Brenda Oliveira of 3 Plymouth Blvd was present. Ms. Oliveira is concern about the drainage from the retention pond draining along her property line. Whitin believes that the water would be going towards the pond and not toward the south. Ms. Oliveira asked if she would have any recourse if water develops in the future. Ms. Cameron feels confident the water will be directed into the Watuppa. Cameron will look into shifting the retention pond further north. The retention pond is now at a higher elevation than 3 Plymouth Blvd.

Daylor asked what is the distance from the basin to the Watuppa Pond. Cameron said it was approximately 400'.

Gerry Durrett of 4 Plymouth Blvd was present. His concern is that the solar panels will be in the wetlands.

Joe Marois of 20 Benoit Street was present and concerned that there will be more water on top of the water they get now. Ms. Cameron addressed his concern and feels confident that the south retention pond will decrease the rate of run-off.

Peter Duclos of 11 Plymouth Blvd feels that the property is already wet and the solar field will contribute more water. Duclos would like funds to be put aside to maintain the retention pond. He feels that a 300' buffer would screen the solar much better than 150'. Aparo confirmed that a decommissioning bond is Standard Operating Procedure. Aparo would like to offer as a condition of evergreen plantings to further block the site of the solar panels.

Linda Cunha of 70 Plymouth Blvd was present and voiced her concern about additional water.

Whitin asked when doing the stormwater calculations of the design with the panels closer together, what type of surface is being used and will vegetation grow under the panels? Cameron confirmed that panels were removed, rows were pushed together and a pollinator mix will be used.

Bullard asked what is the evidence it was a field or pasture. Hartnett commented that photos from 1938 show that the property was a field. McCue showed the Board photos from 1938.

Whitin read the Department reviews into the record.

Hartnett read Field Engineering's comments into the record.

7:00 p.m. Public Hearing

4. Brookwood Drive Solar 1 LLC (19-005SP-LID)

Request by the applicant to consider the Special Permit and Low Impact Development applications of **Brookwood Drive Solar 1, LLC c/o Borrego Solar Systems, Inc.** for property owned by **Jay A. & Jill E. Szaro, Carricorp Industries Ltd., and Muriel Peters**, for property located at **573 and 667 Main Road**, Assessor's Map 69, Lot 5, Map 70 Lots 15, 16 & 16B, pursuant to Westport Zoning By-Laws 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 8.0 Megawatts.

Josh Farkes, Louisa Deering and David Albrecht were present from Borrego Solar on behalf of the owners. Farkes stated that he would like to be heard under the prior Bylaws due to working on the project 2 years prior to the new Bylaw.

Whitin asked if a preliminary subdivision was filed. Hartnett added the subdivision was denied. Hartnett distributed Town Counsel's opinion on the Bylaw freeze to the Board.

Albrecht explained that Borrego would like to take 3 properties and combine into one (1) property and clear 32 ½ acres. The access road will be 14-20' wide for a 5mw AC system. He also mentioned that he met with various wildlife commissions and submitted a letter from Caleb Slater dated May 28, 2019 with comments on the design. They also filed with MEPA.

Whitin questioned the water temperature increase going into Angeline Brook. Albrecht replied that the run-off from the panels will be warmer.

Whitin asked why they would like to be heard under the old Bylaws. Farkis explained the substation is close to Fisher Road in Dartmouth and a smaller system would be cost prohibitive. Whitin suggested he look at the LID regulations.

Bob Carrigg of Carricorp was present. Carrigg feels that solar is a better solution than putting in a 39 lot subdivision.

Constance Gee of 424-A River Road was present. She expressed her concern about the wildlife habitats.

Jay Szaro of 573 Main Road was present. Szaro would rather have a solar field than a subdivision of houses.

Bullard stated that he is on the Board of the Buzzard's Bay Coalition (BBC) and asked what involvement they would have in the project. Carrigg stated that they are working with the BBC on a transfer or restriction for the land abutting Angeline Brook.

Cole moved to continue the hearing to August 13, 2019, at 6:15 p.m. Seconded by Daylor with all four members in favor.

5. Administrative Items

None

6. Matters not reasonably anticipated.

None

7. Correspondence.

ZBA Notice – noted

8. Minutes.

May 21, 2019 – Whitin moved to approve the minutes as written. Seconded by Bullard with all four members in favor.

May 28, 2019 – moved to June 18th meeting.

9. Invoices.

None

10. Planners Report

Adjournment

Members unanimously voted to adjourn at 9:30 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II