



**TOWN OF WESTPORT**  
**856 Main Road**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**December 10, 2019**

Chairman Jim Whitin called the meeting to order at 5:02 p.m. with Vice-Chair Robert Daylor and members John Bullard, Bill Sheahan, Jim Watterson and Town Planner James Hartnett in attendance.

**5:00 p.m. Public Hearing**

**1. Brookwood Drive Solar 1 LLC (19-005SP-LID) (continued from June 4, 2019 and August 13, 2019, September 10, 2019 & October 8, 2019, November 19, 2019)**

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.

Jim Watterson announced that he reviewed the video of June 4, 2019 meeting and filed the required paperwork with the Town Clerk.

Josh Farkes from Borrego Solar was present representing the applicants along with David Albrecht, Lisa Dearing and Dan Perry from Perry Hicks, LLC. Farkes stated that Steve Gioiosa from Sitec Engineering was hired to assist and review the design but was not able to attend tonight.

Farkes mentioned a few informal meetings that took place with Daylor and the planning staff. Forms B and C were filed to freeze the zoning and he also will be meeting with ConCom following this meeting.

Farkes mentioned the size of the project was reduced from 8 MW to just under 7 MW. They eliminated approximately 4 acres of tree cutting and adjusted the road location to stay out of the 100' buffer zone. The stormwater basins were revised similar to the Pine Hill Road project and three members of the Planning Board walked the site.

Farkes stated Chris Capone of ConCom has been involved with the communication with Mass Fish and Wildlife. Steve Hurley has approved Borrego's design. A permit will be issued by Natural Heritage shortly.

David Albrecht from Borrego Solar demonstrated the number of panels that were removed and commented the system was not within the 100' setbacks and limited the tree clearing to 50' buffer zone except for a few sections. Albrecht explained the stream crossing and the proposed culvert.

Bullard asked if there have been any issues with abutters. Farkes commented he has not received any comments from any abutters.

Farkes mentioned a non-profit group will take over the conservation restriction for the Carrigg land to the west.

Bullard commented the restricted land would help with developing a wildlife corridor. The land will be deeded over.

Bullard asked about the requirement of land that needs to be put into conservation restriction; how much and what are the steps. Farkes commented the requirement amount is 1 ½ times the taking of the habitat land used for the solar project. A requirement is to have the land and to find a group to hold the Conservation Restriction such as the Land Trust, Buzzards Bay Coalition or Westport ConComm. The wetland area between the solar field and the conservation area is not part of the restricted area.

Whitin asked why the ancient stone walls have to be removed when the solar panels are higher. Farkes commented they would be problematic for construction and maintenance. Bullard identified the value of maintaining the existing stone walls. Attorney Daniel Perry was present representing Borrego. Perry commented the Board is going beyond its jurisdiction when it comes to the stone walls.

Watterson questioned whether they need to comply with article 15 of the Site Plan Review. Attorney Perry disagreed.

Hartnett read S.W. Cole's December 4, 2019 report into the record.

Hartnett read the December 10, 2019, Staff Report items that should be addressed and noted the requirements of the previous By-laws were met.

Daylor commented the real negative is the project is large and is in a sensitive area. The benefits are, you protected your rights to file under the old zoning. If the proposal is consistent with the solar By-law and LID permit, you are entitled to file.

Constance Gee was present and expressed her concern about clear-cutting trees.

Farkes agreed to a Condition to rebuild and relocate the historic walls, of the site outside the fence.

Hartnett read the changed sample conditions, #12, 20-22 & 24 into the record and noted that the applicant had received copies of the conditions prior to the meeting.

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

Bullard moved to close the public hearings for the LID application and the Special Permit for Large Scale Solar for Brookwood Drive Solar 1, LLC c/o Borrego Solar Systems, Inc. Seconded by Daylor with four members in favor. Watterson abstained.

### **Motion to Approve LID Site Plan**

Bullard moved to approve the Low Impact Site Plan application for a Large Scale Solar Energy System for **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 as the plan presented reasonably meets the intent and purpose of the LID By-law by reducing the adverse impacts of soil erosion, sedimentation, and stormwater runoff. Seconded by Daylor with four members in favor. Watterson abstained.

### **Motion to Approve Special Permit Solar**

Bullard moved to approve the Special Permit application for a Large Scale Solar Energy System for **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 24 Large Scale Solar Energy System Special Permit subject to conditions as read into the record. Seconded by Daylor with four members in favor. Watterson abstained.

John Bullard departed the meeting at 6:37 p.m.

### **2. Administrative Items**

- a. Cornell Hill (19-013C) – Release Consultant Review Fees

### **Motion**

Daylor moved to grant the release of the subdivision review fees for the Definitive Subdivision Plan entitled: Cornell Hill Definitive. (\$2,500+Interest). Seconded by Watterson with four members in favor.

- b. Zoning Recodification – Annual Town Meeting warrant articles

Hartnett stated, as we move forward would like to use the consultants remaining time fine-tuning the recodification By-law and a couple of zoning articles being proposed to be presented to the Select Board.

### **3. Matters not reasonably anticipated.**

Whitin briefed the Board on the Municipal Vulnerability Program he attended that day to address vulnerability issues along East Beach.

### **4. Planners Report - Postponed until the next meeting.**

### **5. Correspondence.**

- a. MVP East Beach action grant recommendation - *Noted*
- b. MS4 Consultant services recommendations - *Noted*
- c. Town meeting warrant deadline – February 3, 2020 – *Noted*

### **6. Minutes.**

November 19, 2019

### **Motion**

Daylor motioned to approve the minutes as written. Seconded by Sheahan with three members in favor. Watterson abstained.

### **7. Invoices**

W.B. Mason - \$685.28

### **Motion**

Daylor motioned to approve the invoice. Seconded by Sheahan with four members in favor.

### **Adjournment**

The members unanimously adjourned at 6:45 p.m.

Respectfully submitted,

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