



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

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**PLANNING BOARD**

**PLANNING BOARD MEETING**

May 11, 2021

Chairman Jim Whitin called the meeting to order at 6:00 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett were in attendance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – The meeting is being recorded. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:

An audio recording of this meeting was not recorded in error.

**Call to order 6:00 p.m.**

**1. Administrative Items**

**a. Rita Lane Extension (19-001C) Lot Release and Surety**

Hartnett mentioned the applicant is requesting the release of the Covenant to start building. He mentioned S.W. Cole visited the location on May 9<sup>th</sup> and recommends holding \$103,000 for surety.

Bob Carrigg, the applicant, was present via telephone. Carrigg mentioned a revised estimate dated April 10, 2021, of \$87,500 from S.W. Cole was emailed on April 11, 2021.

Whitin was concerned that the surety amount would not be sufficient to complete the job.

**Motion**

Bullard moved to approve the release of the covenant for Rita Lane Extension in exchange for a cash surety in the amount of \$87,500. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**b. Approval Not Required (ANR) Double DB LLC (21-009A).** Request by the applicant for endorsement of a Plan of Land showing 1 Lot for land located at 248 State Road, Map 3 Lot 144C & E.

Mark Boucher from Boucher and Associates was present virtually on behalf of the applicant. He stated that there were no new lots or land divisions. The application was before the Board to file the perimeter plan, which complies with current zoning, and to have the plan recorded at the Registry of Deeds.

Whitin announced the site was for the Medical and Recreational marijuana facility.

Hartnett stated that the Form A plan provides zoning protection for three years. Daylor noted that the protection relates only to the use.

**Motion**

Bullard moved to approve endorsement of the plan entitled "Approval Not Required Plan of Land in Westport, Massachusetts prepared for Double DB LLC" because the plan complies with the provisions of MGL Ch. 41

Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**c. Approval Not Required (ANR) Plan of Land showing lots 1 & 2 Drift Road, Westport (21-010A).**

Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 670 Drift Road, Map 53 Lot 23 & 23D.

Sean Leach of Northeast Engineers and Consultants was present virtually representing Elizabeth Marcus and Jared Marcus. He mentioned the applicant is requesting to divide the property into two lots, both lots will have more than the required frontage and area.

Whitin asked if the existing driveway would be going through wetlands to access the house in the back. Leach replied, the existing driveway will remain, however, the applicant would like to put in another driveway coming from Drift Road.

**Motion**

Bullard moved to approve endorsement of the plan entitled "Plan of Land showing Lots 1 & 2 Drift Road, Westport" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**d. Approval Not Required (ANR) 278 Drift Road portion of Assessors Map 52 Lot 20 Westport, Massachusetts (21-011A)** Request by the applicant for endorsement of a Plan of Land showing 2 Lots for land located at 278 Drift Road, Map 52 Lot 20.

The applicant and engineer were not available to present the plan.

Hartnett mentioned the applicant is requesting to divide the property into two lots, the lot fronting on Drift Road would be considered a buildable lot and the larger lot with 23.24' of frontage would be considered non-buildable.

Schmid inquired whether Parcel A would be eligible for a large-scale solar array. Hartnett and Daylor confirmed that a large-scale solar project would be ineligible for installation because it lacks the required 50 feet of access frontage.

**Motion**

Bullard moved to approve endorsement of the plan entitled "Plan of Land showing 2 Lots for land located at 278 Drift Road, Map 52 Lot 20" because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**e. Lincoln Heights (19-003C-M) Release of lots, surety reduction.**

Jodie Holmes of 78 Amory Pettay Way was present virtually. Ms. Holmes objected to S.W. Cole's utility amount of \$17,500 because the utilities were nearly complete. Ms. Holmes stated that a cable test on the mainline will be performed next week, after which it will be connected. Ms. Holmes has already paid the utility company.

Hartnett suggested holding Lot 1 and \$20,000 for surety.

**Motion**

Bullard moved to release Lots 3 & 4 from the restrictive covenant dated November 11, 2018, and to retain Lot 1 and the cash surety of \$20,000. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

**f. Chapter 61A Release (21-003CH61A)** - Selectboard is requesting comments on the Release of Land owned by Leonard F. Potter, Trustee of The Leonard F. Potter Revocable Trust 2011, Alston J. Potter III, and Diane M. Potter, Trustee of the Alston J. Potter, III Trust, 2009 located at 202 Pine Hill Road, Map 44, Lot 4.

Whitin inquired whether the Town had the first right of refusal because the property is listed in Chapter 61A. Hartnett added Borrego is leasing the property.

Josh Farkes from Borrego was present. Farkes confirmed the Chapter 61A area is being leased, therefore, there is no Purchase and Sales Agreement.

### **Motion**

Bullard moved to recommend the release of 16.02 acres from Assessor's Map 44 Lot 4 from the provisions of Chapter 61A. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **6:15 p.m. Public Hearing**

**2. Ironwood Renewables, LLC (21-001SP)** Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **Ironwood Renewables, LLC**. for property owned by **Randy S. & Patricia A. Mayall, Trustees of the Mayall Family Trust**, and located on the west side of **Horseneck Road between 1227-A and 1143 Horseneck Road**, Assessor's **Map 76, Lot 69S**. Pursuant to Westport Zoning By-Laws Section 8.2 Low Impact Development and Section 9.6 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system of approximately 5.26 Megawatts DC, lot size 45 acres.

The public hearing was opened.

Hamilton Carrier from Ironwood Renewables was present virtually representing the applicant. Mr. Carrier requested a continuance to sometime in June to review archaeological work. He added they are conversing with Conservation and will be submitting an ANRAD application this week.

Dale Knapp from Boyle & Associates was present virtually. He added that the archaeological results should be ready for them to review and prepare for the next meeting with the Board.

Hartnett recommended continuing to July 13, 2021, at 6:15 p.m.

### **Motion**

Daylor recommended opening the hearing and continuing the matter to July 13, 2021, at 6:15 p.m. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **3. Planners Report**

Hartnett read the Planners Report into the record.

a. Solar Projects – The Brookwood Solar off of Main Road has started site work. They are looking to get the majority of the work completed this summer with connections in the Fall if the utility company gives final approval. Pine Hill Road was on the agenda for 61A release, so this work may start later this construction season.

Whitin expressed his concern about the excavation equipment parked next to the neighbor to the south. Hartnett will check with neighbors to see if the machines are a problem.

b. The BOS asked Matt Armendo and me to look into the re-opening of the buildings. The hearing rooms were measured for capacity and the staff in each of the offices were consulted; see the memo in Dropbox.

c. East Beach Corridor Study – The committee will be meeting on May 13, 2021, to accept the final report and the report is on the Planning Board agenda for May 18<sup>th</sup>.

d. Master Plan Update – The committee will be meeting on May 12<sup>th</sup> to go over Land Use Chapter.

- e. Buzzards Bay Coalition Cadman's Neck/The Let – The coalition and Horsley Witten presented plans to both neighborhood groups at the end of April.
- f. Route 6 Sewer Design – The Town received a response from the State One-Stop Grant Program on the "Expression of Interest" that was filed last month. They stated that some of the design work may qualify for the Rural and Small Town Development Fund Capital Grant Program. Applications are due on June 4<sup>th</sup>.
- g. Route 177/Robert Street – there was a meeting with MassDOT last week to discuss the project, Pare Engineering is on schedule to get the 25% design plans in by the end of June.

Hartnett to ask for a one-year extension from the state.

- h. Route 6 – the state is in the early stages of the Route 6 Design, preliminary concepts would reduce the travel lanes to 1 in each direction and add pedestrian and bicycle lanes. The state has asked for feedback on the center island curb cuts. They would like to know what changes the Town would like to make. I sent this request to the Highway, Police, Fire, and BOS for comments.
- i. Bentley Estates II – The developer, Robert Kfoury, has started work again at the site. He is currently loam and seeding the detention ponds and doing general cleanup. He is hoping to get the topcoat of pavement down for the first section of the road later this construction season and is planning on starting construction on the exit road to Highland Avenue.
- j. Walters Way – I spoke with the property owner; his contractor is still working on finalizing the work and estimates to have something within the next couple of weeks.

#### **4. Correspondence**

None.

#### **5. Minutes**

April 20, 2021

#### **Motion**

Bullard moved to amend the April 20, 2021 minutes by replacing his name with Daylor's for the Public Hearing of 431 Fisher Road and accept the minutes with the correction. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

#### **6. Invoices**

None

#### **Adjournment**

The members unanimously adjourned at 7:13 p.m.

Respectfully submitted,

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