

Planning Board  
856 Main Road  
Westport, MA 02790  
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May 31, 2022

Bernadette Oliver, Town Clerk  
816 Main Road  
Westport, MA 02790

**NOTICE OF DECISION AND RECORD OF PROCEEDINGS**

**RE: SPECIAL PERMIT for a Large Scale Solar Energy System.  
for  
“Gadus Solar, LLC.”**

**Applicant  
Ironwood Renewables, LLC.  
128 Demanade Blvd. Suite 200  
Lafayette, LA 70503**

**Owners  
Mayall Family Realty Trust  
0 Horseneck Road, Westport, MA 02790  
&  
Patricia A. Mayall, Trustee  
124 Milton Street, Fall River, MA 02720  
&  
Randy S. Mayall, Trustee  
30 Kitty Hawk Drive, Pittsford, NY 14534**

**Site location:  
Horseneck Road between 1227-A and 1143 Horseneck Road, Westport, MA  
Assessor’s Map 43, Lot 29**

**File #21-001SP-S**

Dear Ms. Oliver:

The Planning Board (“the Board”) hereby submits for filing in your office the following record of its proceedings and decision on the request of **Ironwood Renewables, LLC** for property owned by **Patricia A. & Randy S. Mayall, of the Mayall Family Realty Trust**, located **on the west side of Horseneck Road between 1127-A and 1143 Horseneck Road, Westport, MA, Assessor’s Map 79,**

Ironwood Renewables, LLC  
Special Permit-Large Scale Solar  
File #21-001SP-S

May 31, 2022

**Lot 69S.** 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 of approximately 5.26 Megawatts DC, lot size of 45 acres.

### **Record of Proceedings and Decision:**

After duly posting, noticing, and advertising, the Planning Board held public hearings on the site plan application on May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021, January 25, 2022, April 5, 2022, April 19, 2022, and May 10, 2022. The public hearing was closed on May 10, 2022. The Board reviewed the plans and application submitted by the applicant, as well as additional information submitted by Town Boards, departments and staff and by the public.

Abutter notices mailed: April 7, 2021

Legal Notice in *The Chronicle*: April 21, 2021, & April 28, 2021

#### **Public Hearing: May 11, 2021:**

##### **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 of 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.

#### **Public Hearing: July 13, 2021:**

##### **Ironwood Renewables, LLC (21-001SP) (*Continued from May 11, 2021*)**

**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 of 45 acres.** Hartnett stated that Hamilton Carrier from Ironwood Renewables requested a continuation to allow time for a site walk with the Conservation Agent, Christopher Capone, to discuss the



natural resources in the area of disturbance and to have a delineation of the resource zones. Bullard stated that he will be unable to attend that meeting.

**Motion**

Bullard moved to continue the Public Hearing for Ironwood Renewables to August 10, 2021, at 6:45 p.m. Seconded by Daylor with all five members in favor.

**Public Hearing: August 10, 2021:**

**Ironwood Renewables, LLC (21-001SP) (Continued from May 11, 2021, July 13, 2021)**

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 of 45 acres. *(Request has been made to continue this hearing until October 5, 2021).* Hartnett stated that the applicant is asking for a continuance until October 5, 2021.

**Motion for continuance**

At the request of the applicant, Bullard moved to grant the continuance of Ironwood Renewables, LLC to October 5, 2021, at 6:15 p.m.

**Public Hearing: October 5, 2021:**

**Ironwood Renewables, LLC (21-001SP) (Continued from May 11, 2021, July 13, 2021, August 10, 2021)**

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 of 45 acres. Hamilton Carrier from Ironwood Renewables has requested a continuance. Recommend continuing the hearing to December 14, 2021, at 6:15 p.m.

**Motion**

Bullard moved to continue the Public Hearing for Ironwood Renewables to December 14, 2021, at 6:15 p.m. Seconded by Daylor with all five members in favor.

**Public Hearing: December 14, 2021:**

**Ironwood Renewables, LLC (21-001SP) (Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021)**

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 of 45 acres.

Hamilton Carrier of Ironwood Renewables was present representing the applicant along with Greg Dixon from Krebs and Lansing Consulting Engineers. Hamilton gave an overview of the changes since May of 2021. Whitin stated that he would like the stone wall identified on the plans and preserved. He recommended the panels be built over any stonewalls. Schmid referred to a letter from Betsy Small dated March 29, 2021, in which she described circular stones, and he is concerned that they may be historic. Dixon responded to Schmid's concern by saying that he believes she was referring to the stone wall at the cemetery. Bullard inquired as to whether the site had been subjected to an archeological survey. Dixon replied, "Not at the moment." To preserve Westport's picturesque fields, the Board recommended that the connection equipment be installed underground rather than in an overhead "pole farm." Schmid suggested that the solar array be screened from the road. Pat Mayall of 1227 Horseneck Road was present. Ms. Mayall explained what she remembered of the rock walls. Whitin read the Department's Reviews into the record. He suggested that the Department's comments be resubmitted due to the lapse in time since March for comments.

#### **Motion**

Daylor moved to continue the Public Hearing to January 25, 2022, at 6:15. Seconded by Schmid with all five members in favor.

#### **Public Hearing: January 25, 2022:**

**Ironwood Renewables, LLC (21-001SP)** *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021)*

**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 of 45 acres.**

Hamilton Carrier from Gadus Solar Project was present representing the applicant along with Greg Dixon from Krebs & Lansing Consulting Engineering. Hamilton and Dixon gave an updated review of the revised plan that included the new curb cut entrance and noted the utility connection equipment will be located underground. Whitin read the resubmitted Department Reviews into the record.

Bullard inquired about the solar project's compliance with current By-Laws. The project is compliant, according to Hamilton, and the project did not need to use the entire scope of limitations of the By-Laws in some areas. Bullard inquired about a response to Conservation Agent Chris Capone's comment about the stacked stones. Hamilton commented that the owner stated that the stones were stacked while farming the land and that no data referencing the historical significance of these stones could be found. Whitin recommended that Chris Capone's concerns about the stormwater report be addressed. Carrier will contact Capone. Soares stated that he would like to see the duct bank design to ensure that it complies with the National Energy Code. Dixon will send him a generic design. Schmid inquired if the airfield on the property was a registered airstrip. Dixon will look into it. Schmid would like an on-the-ground field survey to be completed to identify potentially historic objects on the land. Carrier stated that the necessary delineation processes will be completed before construction and will be taking all of the comments under advisement. Bullard inquired as to how many trees 6" or greater would need to be surveyed if we did not grant the waiver. Dixon stated that because the trees were being removed, he did not believe it was necessary to document the trees. Whitin suggested for Ironwood get an official report from Field Engineering



confirming that the changes are not significant in the stormwater and to get in contact with Natural Heritage.

Input from the public included the following:

Attorney Michael Kelly was present representing Josh Small, Ron, and Betsy Small. Attorney Kelly mentioned his clients were concerned about what effect the solar panels will have on the river and the wildlife. Attorney Kelly inquired as to whether or not the circular stone piles had been subjected to an archeological report.

-Richard Armstrong of 1194 Horseneck Road, Dartmouth, MA was present virtually. He inquired about Mr. Carrier's employer and how long the company has been in business. Carrier responded.

-Jeff Hanson, of Millstone Engineering, was present virtually. He reviewed the site plans and drainage report at the request of Attorney Michael Kelly. Based on his review, he found some contradictions in the appendices in A & B referencing the drainage report. Hanson also found no indication of what the seasonal high water table was and it could compromise the design and increase the downstream impacts in appendix F.

-Whitmore Boogaerts of 1138 Horseneck Road, Dartmouth, MA was present virtually. He was concerned about the visual impact of the site, the voltage, and the traffic in the area. Whitin explained the visual impact would be minimal once there is adequate screening and once the construction of the project is complete, there will be minimal traffic in the area. Dixon explained how the voltage will be contained.

-Chris Baldwin of 1162 Horseneck Road, Dartmouth, MA was present virtually. Mr. Baldwin asked if an upgrade to the transmission lines would be required due to the solar array being installed and possibly improving the electrical utilities along Horseneck Road. Dixon commented an interconnect study is being completed by Eversource.

-Kerrian Fennelly of 117 Cross Road, Westport was concerned about the run-off into the Let and the increase in water temperature caused by nitrogen overload, which would be harmful to the river and marine life. The increased water temperature is caused by the solar panels, as well as the removal of the scrub brush. Fennelly questioned if a solar project had ever been completed so close to an estuary.

-Lauren Kras, Regional Director for The Mass Audubon Society, mentioned that there were rare, threatened, and endangered species at Allen's Pond across the street and suggested that Natural Heritage be contacted to assess the site. Ms. Kras inquired if an environmental impact assessment had been considered for this site. Dixon stated that he believes BRI has conducted the assessment and Carrier will forward the report to Nadine Castro.

-Deborah Weaver of 1702 Drift Road, Westport, and a representative of Westport River Watershed Alliance, 1702 Drift Road, Westport was present was not in favor of the clear-cutting due to the ecological and long-term impacts.

-Joel Alford, Fisherville Lane, was concerned about the impact on the river and the Let, as well as the fragility and instability of the area.

-Whitin also mentioned that the Planning Board is concerned about the effects of climate change and sea-level rise and that a Climate Resilience Committee was formed to protect The Let and the River.

-Joshua Small, of 1229 Horseneck Road, Westport, was present virtually. Small is a direct southern abutter who is very concerned about the catch basin run-off. He also stated that the clear-cutting and change in topography may have an impact on his land, which includes his house, driveway, and beef cattle.

-Bullard stated that the Solar By-Laws will be revised for this Annual Town Meeting, and he encouraged the public to contribute ideas for including additional information about Native American burial grounds and endangered species.

-Heather Bellavance, of 135-A Cadman's Neck Road in Westport, encourages an archeological study to be performed before any work begins.



-Schmid recommended an on-the-ground field survey to be completed to identify potentially historic objects on the land. Carrier stated that the necessary delineation processes will be completed before construction and will be taking all of the comments under advisement. Dixon stated that a limited on-the-ground survey had been conducted on the property to validate the Lidar, locate the cemetery, boundary lines, and wetlands.

-Whitin requested that Dixon address the Conservation Agent's concern about the 6" fencing for small wildlife passage. Dixon stated that they are proposing a 6 x 6 wire agricultural fence and will revise the plan to reflect the 6" off the ground requirement as long as it meets the electrical code.

#### **Motion**

Bullard moved to continue the public hearing to February 22, 2022, at 6:30 p.m. Seconded by Soares. The roll call vote of Schmid, Soares, Bullard, and Whitin was unanimously voted and approved 4-1. Daylor abstained only due to internet difficulties.

#### **Public Hearing: February 22, 2022:**

**Ironwood Renewables, LLC (21-001SP)** *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021, January 25, 2022)*

**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 of 45 acres.**

Ms. Messier added that the applicant has asked for a continuance because they would want to meet in person.

#### **Motion**

At the request of the applicant, Daylor moved to continue the Ironwood Renewables, LLC public hearing to April 5, 2022, at 6:15 p.m. Seconded by Bullard. The Board voted 5-0 in favor by a roll call vote, Daylor – aye, Bullard – aye, Schmid – aye, Soares – aye, Whitin – aye.

#### **Public Hearing: April 5, 2022:**

**Ironwood Renewables, LLC (21-001SP)** *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021, January 25, 2022, February 22, 2022)*

**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 of 45 acres.**

Hamilton Carrier of Gadus Solar, LLC was present. Carrier highlighted the project's modifications and addressed concerns since the prior meeting. Ian Jewkes of Krebs & Lansing Consulting Engineers was present. At the suggestion of Planning Board member, Bob Daylor, Jewkes redirected the stormwater to the west further reducing the run-off to the Small's property to the south. Jewkes also touched on the secondary oil contamination and what the process would be should there be a leak. Whitin inquired whether there were any special concerns about the safety of battery storage that should be disclosed. Carrier mentioned the battery storage unit is monitored 24 hours and the Fire Department would be notified immediately if a situation was to occur relating to



safety. Whitin inquired as to how Gadus Solar intends to manage the pollinator mix difficulties that other solar projects had to minimize the overgrowth of vegetation. Merrill Read with BRI was present. Ms. Read mentioned the project would be monitored closely and management project meetings are held throughout the construction process. Soares would like to see as a condition of approval, that Gadus Solar would cover the cost of an engineering inspector for a peer review. Carrier agreed the costs would be covered. Attorney Kelly of Clyde's Way was present representing the applicants. He asked who the owners and contractor would be, and who would maintain the solar array once it was constructed. He also inquired as to the composition and the safety of the battery unit. Attorney Kelly asked if the utility lines will be upgraded along Horseneck Road. Ms. Read responded that the owners would fall under Gadus Solar, LLC.

Input from the public included the following:

- Richard Armstrong of 1194 Horseneck Road was present. He suggested that the tree survey should be performed, and the waiver should be denied.
- Susan Wathen of Fisherville Lane was present. Ms. Wathen was concerned about the environmental impact of the herbicides near the ecosystem.
- Gaelen Canning of 1103 Horseneck Road. Ms. Canning is concerned is the unknowns of the project and the impact the construction sounds will have on her horse-breeding farm.
- Joshua Small of 1229 Horseneck Road along with his sister, Heather Bellavance of 135A Cadmans Neck Road was present. Small expressed his concern regarding the size of the trees that would be removed.
- Betsy Zell of Hix Bridge Road. Ms. Zell's concern was regarding the management of the solar sites.

Carrier addressed the public's concerns.

-Merrill Read of Biodiversity Research Institute (BRI) was present. Ms. Read addressed the public's archeological concerns, noting that the cemetery and stone piles were beyond the project's disturbance limit, according to the PAL report. She commented an intensive survey will be performed due to the SWIPP requirements.

-Whitin read Field Engineering's Peer Review #4 dated March 31, 2022, into the record. Carrier agreed with Field's review. He agreed, as a condition of approval, that no building permits would be issued until the town received certification from the state's Office of Historic Preservation that no archeologically significant resources had been identified on the property.

-Attorney Kelly of KSP Law, Inc. was present representing the abutters. He questioned who the owner, who would be the contractor, and who would maintain the solar array once it was constructed. He also inquired as to the composition and the safety of the battery unit. Attorney Kelly asked if the utility lines will be upgraded along Horseneck Road.

Motion

Bullard moved to continue the public hearing with Ironwood Renewables, LLC to April 19, 2022, at 6:20 p.m. Seconded by Soares with all four members in favor.

**Public Hearing: April 19, 2022:**

**Ironwood Renewables, LLC (21-001SP)** *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021, January 25, 2022, February 22, 2022, April 5, 2022)*

**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 of 45 acres.**

Hamilton Carrier, of Gadus Solar, LLC, Merrill Read of Biodiversity Research Institute (BRI), and Greg Dixon of Krebs & Lansing Consulting Engineers, Inc. were present representing Gadus Solar, LLC. Carrier commented an email was submitted on April 14, 2022, to address the comments and concerns from the April 5, 2022 meeting. Gadus Solar hired Rupert Grantham of Walden Forest Conservation Consulting to address the tree caliper concerns. Carrier mentioned that the waiver request was removed. Captain Brisk met with Hamilton and Dixon on April 13th to discuss the battery storage facility and followed up with a letter dated April 18, 2022, stating the project can proceed; a battery storage permit would be provided once the specifications and plans are submitted post-construction. Whitin read a letter from Field Eng. dated April 19, 2022, into the record. Daylor read his letter to the Chair dated April 19, 2022, regarding his review of the revised drainage plans into the record. Soares suggested that the Building Department secure all state, local, and federal permits before issuing a building permit as a Condition of Approval. Schmid inquired about the possibility of further upgrades to the utility lines. Carrier stated that there is a strong likelihood that the lines would be upgraded for the infrastructure and Gadus Solar LLC would absorb the cost after being approved by the DOER. Schmid would like the issue of a Building Permit to be contingent on final approval of the inter-connect to be included as a Condition. The members agreed to have a visual of the new Eversource poles and lines. Whitin read an email from Susan Wathen and Alex Preston dated April 19, 2022, into the record. Attorney Kelly from KSP Law was present representing Ron, Betsey, and Joshua Small along with additional neighbors.

Input from the public included the following:

- Attorney Kelly stated that archeological investigations should be completed before approval.
- Patricia Mayall of 124 Milton Street, Fall River was present. Ms. Mayall highlighted how installing solar panels on her property would benefit Westport.
- Heather Bellavance was present. Ms. Bellavance questioned if the solar by-law revisions that will be discussed at the Town meeting would have any impact on this or future projects. Schmid voiced his concern about the environmental impact on the Let and the River.

**Motion:**

Daylor moved to continue the public hearing on Ironwood Renewables, LLC to May 10, 2022, at 6:15 p.m. Seconded by Bullard with all five members in favor

**Public Hearing: May 10, 2022:**

**Ironwood Renewables, LLC (21-001SP)** *(Continued from May 11, 2021, July 13, 2021, August 10, 2021, October 5, 2021, December 14, 2021, January 25, 2022, February 22, 2022, April 5, 2022, April 19, 2022)*

**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 of 45 acres.**

Hamilton Carrier representing Gadus Solar, LLC affiliate of Ironwood Renewables, LLC was present. Carrier provided three visual models showing the solar array's design from the street view. Whitin read Robin Stein of KP Law's legal opinion e-mail dated May 5, 2022, into the record.



Dale Knapp from Biodiversity Research Institute (BRI) was present representing Ironwood. He mentioned that it is required to file with the State Historic Preservation Office to receive the NPDES permit. Whitin read two emails dated 5/10/22 that were submitted by KSP's Law office.

Schmid suggested that an intense archeological study be performed before approving the project.

Bullard indicated that he had no recollection of requesting an archeology study on any other solar projects prior to Ironwood Renewables and that the Board should treat this project in the same manner as they have previously treated prior solar projects over the years. Attorney Michael Kelly of KSP Law was present representing several abutters. He spoke on behalf of the abutters and expressed concern relating to the following: completion of an archeological study prior to approval, vegetation, and potential change of ownership once approved.

Input from the public included the following:

-Josh Small of 1229 Horseneck Road asked if there was an update regarding the Eversource poles. Bullard replied, that as of May 10, 2022, Eversource had not returned his phone calls.

-Richard Armstrong of 1194 Horseneck Road expressed concern about the increase in the cost of electricity, longevity of the company, and project site visits.

-Patricia Mayall of 1227 Horseneck Road commented that the solar farm would benefit the community.

#### **Findings of Fact:**

1. The project as presented meets the requirements of Article 24 (Section 9.6.3) of the Town's Zoning By-Laws for Large Scale Solar Energy Systems.
2. The project as presented meets standards for placement, design, construction, operation and monitoring that address public safety and minimizes impacts on environmental, scenic, natural, and historic resources.
  - a. The placement of this project is entirely within the Residential/Agricultural Zoning District, and proposes to clear approximately 13.2 acres of the 45.1 acre site, which is less than the allowed maximum limit of clearing of sixteen (16) acres.
  - b. Relative to public safety, the project provides for two emergency access points on the property and all exterior gates will have a lock box for emergency personnel access. Furthermore, the gates will be mounted with an emergency contact sign that displays 24-hour emergency contact information.
  - c. An Operations & Maintenance Plan, as well as required monitoring is proposed and will be in place throughout the duration of this project.
  - d. There are no streams, rivers or tributaries observed within the project limits of disturbance during the environmental assessment.
  - e. The project site will be evaluated for historic and archeological resources during the required NPDES permitting process with the EPA and DEP and will be required to fully

comply with cultural assessments based on current rules and regulations from the State's Historical Preservation Office.

3. The project protects adjoining premises by providing adequate screening and buffers between the property lines and the solar arrays.
  - a. The projects' battery storage system is approximately two –hundred and thirty (230) feet from the closest property line to the north. The project located the batteries far from the neighboring structures to minimize noise.
  - b. The project will have additional landscaped screening for the southerly property owners.
  - c. The project will be surrounded by an agricultural style fence that at a minimum is seven (7) feet in height, and a minimum of six (6) inches above the ground.
  - d. The entire site is surrounded by a minimum of one-hundred (100) feet of vegetation, and there will be no work within one-hundred (100) feet of the property line, and will therefore continue to stay vegetated.
4. The project provides adequate screening and buffers to protect scenic vistas and viewsheds from residential uses, public streets, and waterways as described in 9.6.3.k.4.
  - a. The closest project component to Horseneck Road is approximately three-hundred and thirty (330') feet from the edge of the traveled way. The project will maintain existing vegetation between the project and roadway, with the exception of the interconnection route.
  - b. The closest location of limit of disturbance to "The Let" is approximately four-hundred and seventy (470) feet.
  - c. The project avoids any work within one-hundred (100) feet of any wetlands, as well as meets all of the requirements for setbacks relating to property lines, wetlands and travelled ways.

Ms. Messier read the **standard conditions** into the record:

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 inquiries 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 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 Horseneck 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 the 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 24hour emergency contact telephone number.
11. The site shall be developed in accordance with the erosion control notes listed on the sheet of the plans.
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. The buffer area shall be marked prior to any tree cutting.
15. Prior to the commencement of work, the applicant shall, approved plans. The Applicant shall be responsible for the reasonable cost associated with construction observation/inspection services during the construction phase.
16. If rocks are encountered and need to be removed, they shall be trucked off-site and not crushed on site.
17. Prior to earthwork or stump removal within the fenced-in solar array area, the detention basins, swales, shall be constructed and functioning with adequate vegetation growth or other stabilizing material to minimize erosion.
18. The design shall meet the following buffer requirements:
19. No building permit shall be issued until the Town receives confirmation from the State Office of Historic Preservation that no archaeologically significant resources are unduly impacted by this project
20. The project will be required to fully comply with cultural assessments based on current rules and regulations from the state's historical preservation office.
21. The Stormwater Drainage shall be designed in accordance with the Stormwater &
22. Drainage report submitted to the Planning Board, with a revision date of 3/4/22.

### **Motion to Close Public Hearings**

Bullard moved to close the public hearing for Ironwood Renewables, LLC. Seconded by Daylor. Members Whitin, Daylor, Bullard, and Soares voted in favor of the motion, with Schmid in opposition. Therefore, the motion carried 4-1.

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

Bullard moved to approve the Site Plan Approval- Low Impact Development application 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 Article 20 (Section 8.2) Site Plan and Low Impact Development are subject to conditions, 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. Members Whitin, Daylor, Bullard, and Soares voted in favor of the motion, with Schmid voting in opposition. Therefore, the motion carried 4-1.

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

Bullard moved to approve the Special Permit application 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 Article 24 (Section 9.6) Large Scale Solar Energy System subject to findings and the conditions. Seconded by Daylor. Members Whitin, Daylor, Bullard, and Soares voted in favor of the motion, with Schmid voting in opposition. Therefore, the motion carried 4-1.

### **Decision**

At a regular meeting of the Planning Board held on May 10, 2022, Bullard moved to approve the Site Plan- Low Impact Development (LID) Application for **Ironwood Renewables, LLC** for property owned by **Patricia A. & Randy S. Mayall, of the Mayall Family Realty Trust**, 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 Article 20 (Section 8.7) Site Plan Approval- Low Impact Development, subject to conditions 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. Chairman James Whitin, Members Robert Daylor, John Bullard, and Manuel Soares voted in favor of the motion, and Mark Schmid in opposition, therefore the motion carried 4-1. The applicant was granted permission to construct a solar energy system, approximately 5.26 Megawatts DC, a lot size of 45 acres.

### **Documents of Record**

1. Application for Site Plan Approval- Low Impact Development, dated March 10, 2021, and filed with the Town Clerk on March 12, 2021.
2. Application for Special Permit – Solar Energy System Large Scale, dated March 10, 2021, and filed with the Town Clerk on March 12, 2021.
3. Drainage Report by Krebs & Lansing, dated March 4, 2022.
4. Plan: Entitled "Gadus Solar Horseneck Road, Westport, MA".



Sheet No.	Title	Date	Revised
C-0.00	Cover Page Proposed Solar Array	November 17, 2021	April 14, 2022
C-1.00	Overall Site Plan Preliminary Solar Array	May 3, 2021	March 3, 2022
C-1.01	Existing Conditions & Pre-Development Drainage Plan	May 3, 2021	March 3, 2022
C-1.02	Proposed Clearing Plan	July 2, 2021	March 3, 2022
C-1.03	Proposed Grading, Road Installation & Stormwater Management Plan	July 14, 2021	March 3, 2022
C-1.04	Detailed Site Plan	July 14, 2021	March 3, 2022
C-2.00	Cross Section Plan for Neighboring Building	May 3, 2021	March 3, 2022
C-3.00	Details	May 3, 2021	March 3, 2022
C-3.01	Details	May 3, 2021	March 3, 2022
C-3.02	Details	May 3, 2021	March 3, 2022
C-3.03	Details	September 17, 2021	March 3, 2022

#### WAIVERS:

None

#### 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 inquiries 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 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 Horseneck 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 the 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 the sheet of the plans.
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. A plan for battery storage is required to be submitted to the Planning Board and Fire Department.
14. The applicant must obtain a Battery Storage Permit from the Fire Department and submit a copy of the permit to the Planning Board.
15. 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.
16. The buffer area shall be clearly marked prior to any tree cutting.
17. Prior to the commencement of work, the applicant shall submit to the Consultant Engineer, Planning Department, and Building Inspector, copies of all permits, approved plans, and weekly reports. The Applicant shall be responsible for the reasonable cost associated with construction observation/inspection services during the construction phase.
18. If rocks are encountered and need to be removed, they shall be trucked off-site and not crushed on site.
19. Prior to the installation of the solar array, with associated earthwork and stump removal within the fenced-in solar array area, the detention basins and swales, and any access roadways shall be constructed and functioning with adequate drainage, vegetation growth or other stabilizing material to minimize erosion.
20. After the installation of erosion control measures in Condition No. 19 above and clearing, grubbing, stump removal, and resulting rough grading, the Applicant shall submit an as-built topographic survey of the site and a confirmation report that as a result of the work no revisions are needed to the drainage design, as cited in Condition No. 23. If revisions are needed, they will be identified in the confirmation and approved by the Planning Board before construction.
21. All construction progress and as-built plans shall be stamped and signed by a Registered Land Surveyor.
22. No building permit shall be issued until the Town receives confirmation from the State Office of Historic Preservation that no archaeologically significant resources are unduly impacted by this project and the project will be required to fully comply with cultural assessments based on current rules and regulations from the state's historical preservation office.
23. The Drainage shall be designed in accordance with the Drainage Report submitted to the Planning Board on behalf of Ironwood Renewables, LLC, prepared by Krebs & Lansing Consulting Engineers, dated March 4, 2022.



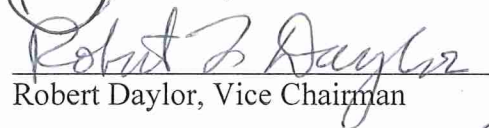
WESTPORT PLANNING BOARD



James T. Whitin, Chairman



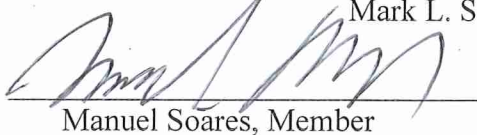
John Bullard, Member



Robert Daylor, Vice Chairman



Mark L. Schmid, Member



Manuel Soares, Member

