

Planning Board
856 Main Road
Westport, MA 02790
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October 6, 2015

Marlene M. Samson, Town Clerk
816 Main Road
Westport, MA 02790

NOTICE OF DECISION AND RECORD OF PROCEEDINGS

RE: SPECIAL PERMIT FOR THE SCIENCE & TECHNOLOGY OVERLAY DISTRICT
for
"SEMALA"

**Southeastern MA Livestock Association
22 Jordan Road
S. Dartmouth, MA 02748
Applicant**

**State Road Westport Nominee Trust
Joe Couto & Antonio L. Almeida Trustees
291 State Road – Westport, MA 02790
And
Jose & Anabela Almeida
250 Jefferson Street – Fall River, MA 02721
Owners**

**Site location:
291 State Road Westport, MA
Assessor's Map 14 Lots 25C
Assessor's Map 14, Lot 29 (291 State Road)
Westport, MA 02790**

File #15-005SP-STOD

Dear Ms. Samson:

The Planning Board ("the Board") hereby submits for filing in your office the following record of its proceedings and decision on the request of SEMALA, for property located on **291 State Road**, Westport, MA 02790, Assessor's Map 14, Lot 25C and Assessor's Map 14, Lot 29 (291 State Road) for a determination relative to Special Permit pursuant to Westport Zoning By-Laws Article 22 for a Special Permit in the Science & Technology Overlay District to construct a new commercial building for a slaughtering and processing facility and one auxiliary building.

SEMALA
File #15-005SP-STOD

Special Permit – Science & Technology Overlay District
October 6, 2015

Record of Proceedings and Decision:

After duly posting, noticing, and advertising, the Planning Board held a public hearing on the site plan application on July 14, 2015, August 11, 2015, August 25, 2015 and September 22, 2015. The public hearing was closed on September 22, 2015. 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: June 18, 2015

Legal Notice in *The Chronicle*: June 24, & July 1, 2015

Public Hearing July 14, 2015:

SEMALA (15-005-SPA-STOD) Request by applicant (pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval and Article 22 for a Special Permit in the Science & Technology Overlay District) to construct a new commercial building of 9,450 +/- sf for a Slaughtering & Processing Facility and one auxiliary building 1,025 +/- sf and to retain the existing home and garage as shown on Assessor's Map 14, Lot 29 and abutting land part of Assessor's Map 14 Lot 25C for a combined area of 10 +/- acres.

Whitin read the legal notice into the record. Engineer Mark Bartlett from Fay, Spofford & Thorndike presented the plan to the Board. Andy Burnes, the President of SEMALA was present. Other SEMALA Board Members were present. This project was filed as a Special Permit as part of the Science and Technology Overlay District (STOD). Burnes described the proposed facility as a "high quality, craft, small USDA slaughter facility" off of Route 6. Bartlett explained the existing parcel of land is 10 acres with 50% uplands and 50% wetlands. Bartlett described the proposed slaughter facility as a main building, storage shed, a "settling pen" animal barn, loading areas, an access road with a gated entrance and outdoor enclosures for various animals. A small area of the facility would be designated for retail sale. He stated that the wetlands lines on the property have been determined through an ANRAD. Bartlett described in detail the access road and the storm water runoff control systems. He noted that 84% of the site will remain undeveloped. He provided a photometric light plan and a traffic assessment memo for the Board members. Burnes stated that cattle, goats, pigs and sheep will be brought in from local areas in RI, MA and eastern CT for the production of "high quality, local meat products", and that farmers can bring in one or many animals to be processed in a facility with "high animal safety and food safety standards". Cole questioned who regulates a slaughterhouse facility and Burnes replied that the facility has to be built to meet USDA standards and is inspected regularly. The site's floor plan is designed by "Food Tech"- a company that has designed numerous USDA approved facilities.

Whitin read the comments from the various Boards into the record. Cole questioned the treatment of wastewater from inside of the facility. Bartlett described the 7500 gallon holding tank and noted that the wastewater would be transported to New Bedford for treatment.

The owner of Westport Meats, located at 251 State Road, was present to express his concerns for his business which is next door to the proposed slaughterhouse and retail shop. He was also concerned about the added water runoff if the proposed land was developed.

Michael P. Sullivan, the Economic Development Coordinator was present and stated that there would be limitations on the proposed retail store, due to the fact that the business would be in the Science and Technology Overlay District (STOD).

Ed Bolduc, 50 Quail Trail, and abutting property owner was present. He stated that a slaughterhouse is an accepted use according to the STOD regulation and asked for a list of owners of the SEMALA. Bartlett confirmed that development will only occur on the upland portion of the ten acre lot.

Dick Barresi, 364 Briggs Road, was present and expressed his concern for the potential smell of the slaughtering process and for the disposal of the waste such as the manure and blood from the animals. Bartlett noted that the manure would be hauled away and the blood is sold for fertilizer.

Dana N, Hix Bridge Road, was present to express concerns about the potential odor from the facility. Bartlett described an HVAC system that would control the odor and also noted that whatever parts of the animals would not be sold, would be stored in refrigerators in an "inedible room" until it is properly disposed of.

Plans that were submitted this evening will be reviewed by Tibbetts for the next continued meeting.

Cole motioned to continue the Public Hearing for SEMALA to August 11, 2015, at 6:30 p.m. De Rego seconded the motion and the vote was unanimous with all in favor.

Public Hearing August 11, 2015:

SEMALA (15-005-SPA-STOD) *Continued from July 14, 2015.*

Request by applicant (pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval and Article 22 for a Special Permit in the Science & Technology Overlay District) to construct a new commercial building of 9,450 +/- sf for a Slaughtering & Processing Facility and one auxiliary building 1,025 +/- sf and to retain the existing home and garage as shown on Assessor's Map 14, Lot 29 and abutting land part of Assessor's Map 14 Lot 25C for a combined area of 10 +/- acres.

Consultant Mark Bartlett was present along with Andy Burnes, President of SEMALA. Burnes noted that Bartlett and SEMALA have been working closely with Hartnett and have met with Tibbetts. Burnes explained that an easement is being obtained from Mid-City Steel for access over a small piece of land owned by Mid-City Steel located at the end of the proposed driveway. Burnes noted that the test pits recommended by Tibbetts will be dug by Potters shortly. Burnes also discussed the issue of measuring "noxious odors". Burnes suggested that the Animal Control Officer should have an opinion along with the building inspector as to what is considered "noxious". Raus suggested that the Fire Chief and the Police Chief determine if the odors are noxious along with the Building Inspector. Whitin read the comments from the various Boards into the record. Whitin read a Tibbetts letter dated August 6, 2015, into the record. Bartlett responded to each point of the Tibbetts letter. Hartnett read his comments into the record. Bartlett responded to each of Hartnett's comments. The designer of the proposed building was present and noted that the building is designed the way it is due to the fact that it is a refrigerated building which requires specific design elements.

Hartnett read from the By-Law regarding disposal of animal by products. Bartlett reviewed the disposal method of animal waste and byproducts. Maury May from the Economic Development Task Force was present and spoke in favor of the proposed plan, stating that this type of business is favorable in Westport. Representative Schmid was present and noted that the proposed plan was approved at the statehouse. Hartnett noted that he will check on the Agricultural use and the zoning issue for the next meeting.

Cole motioned to continue the hearing of SEMALA (15-005-SPA-STOD) until 6:05 pm, on August 25, 2015, to give the Board's consultant time to review and comment on the latest set of plans. De Rego seconded the motion and the vote was unanimous with all in favor.

Public Hearing August 25, 2015:

SEMALA (15-005-SPA-STOD) *Continued from July 14, 2015 and August 11, 2015.*

Request by applicant (pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval and Article 22 for a Special Permit in the Science & Technology Overlay District) to construct a new commercial building of 9,450 +/- sf for a Slaughtering & Processing Facility and one auxiliary building 1,025 +/- sf and to retain the existing home and garage as shown on Assessor's Map 14, Lot 29 and abutting land part of Assessor's Map 14 Lot 25C for a combined area of 10 +/- acres.

Whitin opened the public hearing. Andy Burnes, president of SEMALA submitted a letter requesting a continuance of the Public Hearing.

De Rego motioned to continue the public hearing for SEMALA to September 22, 2015, at 7:00 p.m. Sousa seconded the motion and the vote was unanimous with all in favor.

Public Hearing September 22, 2015:

SEMALA (15-005-SPA-STOD) *Continued from July 14, 2015, August 11, 2015 and August 25, 2015.* Request by applicant (pursuant to Westport Zoning By-Law Article 15 for Site Plan Approval and Article 22 for a Special Permit in the Science & Technology Overlay District) to construct a new commercial building of 9,450 +/- sf for a Slaughtering & Processing Facility and one auxiliary building 1,025 +/- sf and to retain the existing home and garage as shown on Assessor's Map 14, Lot 29 and abutting land part of Assessor's Map 14 Lot 25C for a combined area of 10 +/- acres.

Whitin read the legal notice into the record. Attorney Mark Bartlett was present along with Andy Burnes, President of SEMALA. Bartlett reviewed a few minor changes to the settling pen area that were made since the last meeting. Bartlett then reviewed a small change in the drainage for storm water management and a change in location of the driveway. Brief discussion ensued. Whitin read comments from the various Boards into the record. Hartnett read a Tibbetts letter dated September 17, 2015, into the record. Hartnett read the sample Findings of Fact and the sample Conditions into the record. Hartnett then read the sample Findings of Fact and the sample Conditions for the Site Plan into the record. The storage of animal waste and animal by products were discussed.

Raus motioned to close the public hearings for Site Plan Approval and the Science & Technology Overlay District Special Permit for SEMALA (15-005-SPA-CD-STOD). De Rego seconded the motion and the vote was unanimous with all in favor.

Raus motioned to approve the Site Plan for SEMALA (15-005-SPA-CD-STOD) in accordance with Westport Zoning By-Law Article 15 for Site Plan Review subject to the waivers and conditions as stated. Cole seconded the motion and the vote was unanimous with all in favor.

Cole motioned to approve the Special Permit for SEMALA (15-005-SPA-CD-STOD) in accordance with Westport Zoning By-Law Article 22, Science and Technology Overlay District subject to the findings and conditions as stated. Sousa seconded the motion and the vote was unanimous with all in favor.

Decision

At a regular meeting of the Planning Board held on September 22, 2015, Cole motioned to approve the Special Permit to construct a Slaughtering & Processing Facility in the Science and Technology Overlay District pursuant to Article 22, for SEMALA, Southeastern MA Livestock Association. The property is located at 291 State Road, Assessor's Map 14, Lot 29 and abutting land part of Assessor's Map 14 Lot 25C for a combined area of 10+/- acres. The property is owned by State Road, Westport Nominee Trust, Joe Couto & Antonio L. Almeida Trustees and Jose & Anabela Almeida. The motion was seconded by Sousa. Chairman James T. Whitin, Vice-Chairman William D. Raus, Members David Cole, Andrew Sousa and Marc De Rego voted in favor of the motion and the Special Permit was granted 5-0.

Documents of Record

1. Application for Special Permit – Science & Technology Overlay District (SP-STOD), dated: May 29, 2015, and filed with the Town Clerk on May 29, 2015.
2. Plan: Entitled “SEMALA-Southeastern Massachusetts Livestock Association , Site Plans for; New Craft Slaughtering & Processing Facility Located at 291 State Road, Westport, Massachusetts, prepared for SEMALA- Southeastern Massachusetts Livestock Association, 22 Jordan Road, South Dartmouth, Massachusetts

Sheet No.	Description
1	Title Sheet & Index
2	Legend & Notes
3	Existing Conditions
4	Proposed Site Plan
5	Proposed Access Road Plan & Profile
6	Proposed grading, Drainage, & Utility Plan
7	Cross Sections
8	Proposed Lighting Plan
9	Proposed Landscaping Plan
10	Detail Sheet 1
11	Detail Sheet 2
12	Detail Sheet 3
13	Detail Sheet 4
14	Architectural Plan
A-201	Elevations
A-202	Elevations
Case 1	Turning Movements
Case 2	Turning Movements
Case 3	Turning Movements
Case 4	Turning Movements

Findings of Fact:

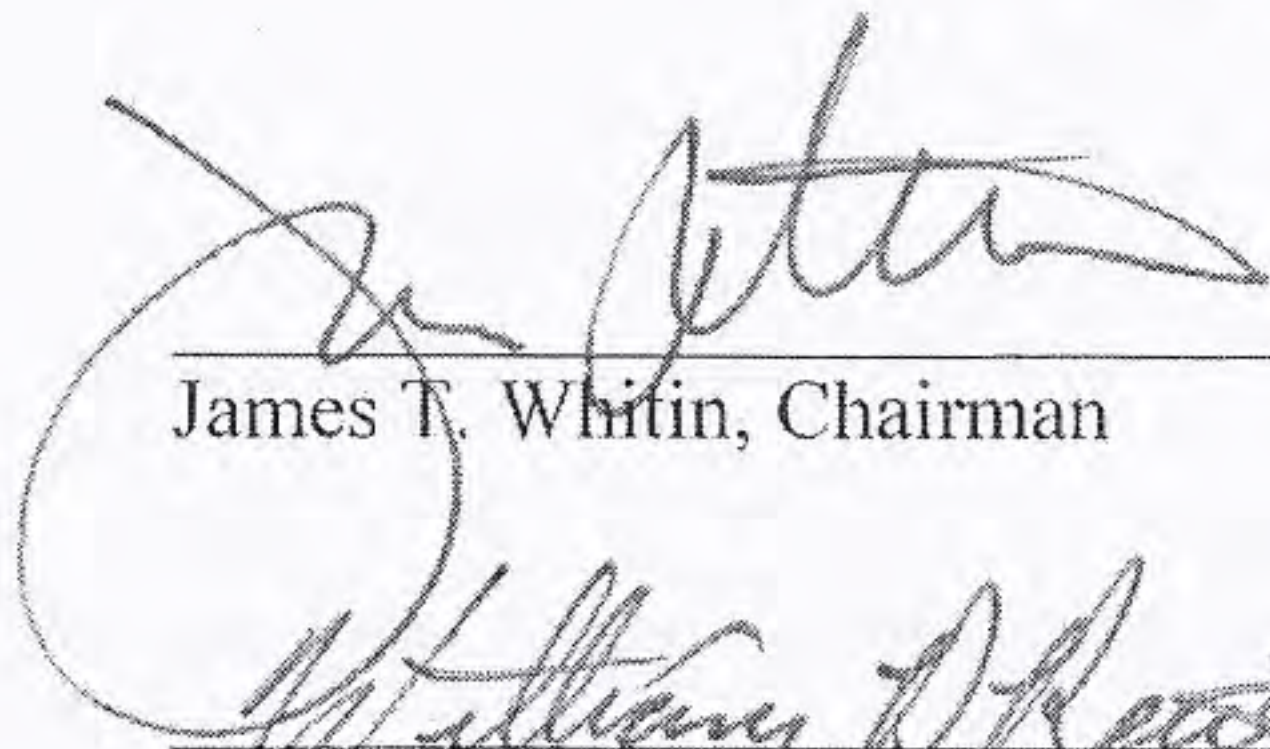
1. The development is located in the business corridor along Route 6 and complies with the town's currently approved plans or reports, the project is consistent with the uses allowed in the business district and Science and Technology Overlay District.
2. The development provides water, wastewater and stormwater infrastructure that satisfies the criteria identified in the STOD by-law and DEP standards including low impact development methods, Title V, board of health and planning board drainage requirements for subdivisions. Percolation and water table tests have been completed allowing for the design of a Title V compliant system. The stormwater drainage infrastructure meets the requirements of Section 22.7B by controlling stormwater on site by reducing the rate and volume of stormwater.
3. The wetland areas located on and abutting the site will provide for the permanent preservation of open space, forestry lands, wildlife habitat, aquifers, wetlands and water bodies as required in the STOD by-law;
4. The design and construction of the development minimizes the total amount of disturbance on the site by sensitive siting of buildings, parking, roadway and other impervious surfaces;
5. The design and construction of the development protect drinking water and surface water quality and quantity;
6. The design and construction of the development protects the quiet enjoyment of adjacent residential properties and protects the property values of such land by completely buffering the uses from adjacent residential properties;
7. The development minimizes traffic impacts in residential areas and mitigates impacts to the road network;
8. The development maximizes energy conservation to a satisfactory and allowable extent.
9. The design and construction of the development meets the setback requirements as determined by the Building Commissioner.

Conditions

1. The grounds immediately surrounding the building and holding pen shall be maintained to prevent creation of unsanitary conditions that could lead to obnoxious odors, flying insects or rodents.
2. The facility shall operate in a safe and secure manner, and shall not emit noxious odors. The building inspector, and a representative from the planning office and board of health office shall determine if the odors are noxious.
3. There shall be no outside storage, composting of waste or byproducts outside of the facility.
4. Animals shall be offloaded from the trailers directly to the holding pen and shall not be allowed on the grounds outside the facility.
5. As-built plans shall be submitted and approved by the building inspector and the planning board prior to issuance of an occupancy permit.
6. All material modifications as determined by the Building Inspector made after the issuance of the required building permit shall require approval by the Planning Board.
7. The applicant, and any successor in interest, agrees and shall, as a condition of this approval, install and maintain the stormwater and septic systems at all times. In addition there shall be no negative impacts off-site resulting from stormwater or wastewater.

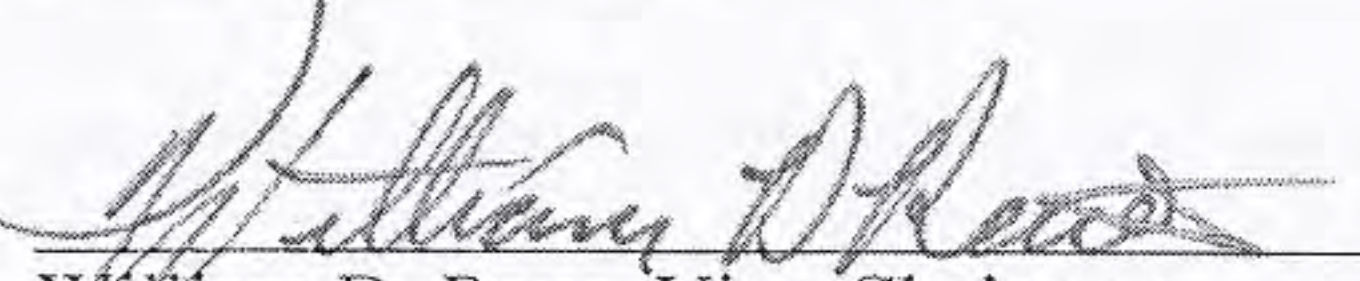
8. Prior to commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The applicant shall be responsible for reasonable cost associated with construction observation/inspection services during the construction phase. The applicants engineer shall also certify that the storm drainage system was installed in substantial conformity with the approved plans.
9. There shall be a 20' natural or landscaped screening area along the southerly property line and along the westerly property line beginning at the southwest corner of the property and extending northerly approximately 450' to the stone wall.

WESTPORT PLANNING BOARD

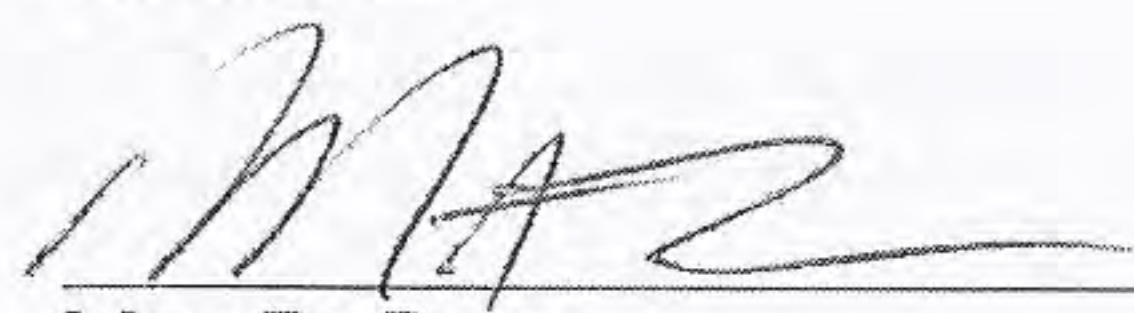


James T. Whitin, Chairman

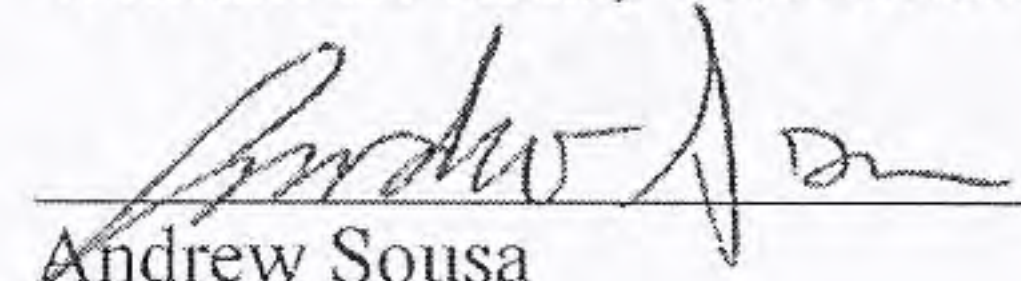
David Cole



William D. Raus, Vice-Chairman



Marc De Rego



Andrew Sousa



Any person aggrieved by this decision of the Planning Board may appeal to the Land Court Department, the Superior Court Department in which the land concerned is situated or to the division of the District Court Department within whose jurisdiction the land is situated in by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to such Town Clerk as to be received within such twenty (20) days in accordance with M.G.L. Chapter 40A, Section 17.

Upon expiration of twenty (20) days from the date of this decision, without an appeal filed for the dismissal or denial of an unsuccessful appeal, it shall be the responsibility of the Petitioners to obtain the signature of the Town Clerk to the certification and to record this decision with the certification of the Town Clerk in the Bristol County (S.D.) Registry of Deeds.

If a substantial use or construction authorized by the Special Permit is not commenced within two years of the date of grant, this special permit shall lapse.

Date: _____

This is to certify that twenty days have elapsed since the filing on _____, of this decision of the Planning Board contained herein and no notice of any appeal against same has been filed with us:

Attest: _____

Westport Town Clerk

cc: Building Inspector
Applicant/Attorney
Parties in interest (abutters)