



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

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**PLANNING BOARD MEETING WORK SESSION MINUTES**

**November 21, 2017**

Clerk Marc De Rego called the meeting to order at 5:05 p.m. with, Members Andrew Sousa and Robert Daylor and Town Planner James Hartnett in attendance. Chairman James T. Whitin arrived at 5:19 p.m. Member David Cole was absent.

**Minutes**

November 8, 2017 Public Information Meeting on Recreational Marijuana. Daylor motioned to approve. Seconded by DeRego. The vote was unanimous with 3 in favor. Whitin was not yet present at the meeting.

**Correspondence**

- a. Tibbetts Engineering project reports since 10/17/17. Members reviewed reports. Hartnett will check the status of Blossom Road A with Tibbetts Engineering.

Whitin arrived at this time at 5:19 p.m.

- b. Narrow Ave Ch61A release request – a request was received from the Board of Selectmen for the Planning Board to sign off recommending release of Lot 1. Whitin noted that he would prefer Lot 1 and Lot 2 share a driveway so as not to have too many curb cuts. This was not an option due to the ANR that created the 2 lots. Daylor noted there is no public interest to not release the lots. The second lot is most likely to be requested to be taken out of Ch61A as well at some point in the future. The original lot and Lot 2 would remain under Ch61A for now. Daylor motioned to recommend release of Lot 1 from Ch 61A. Seconded by DeRego. The vote was unanimous.
- c. Tibbetts Engineering address change to Taunton office; the New Bedford office is now closed. Noted.
- d. Tibbetts Engineering agreement letter. Tibbetts has sold their assets to SW Cole Engineering Inc., a large engineering firm based in Bangor Maine. SW Cole will continue to operate under the name of Tibbetts. Tibbetts has requested the Planning Board consent to the assignment of all contracts. Daylor motioned to sign the assignment. Seconded by DeRego. The vote was unanimous. The document will be forwarded to the Town Accountant and Administrator for their signatures as well as was procedurally done with the original Tibbetts Contract.
- e. Ronald Richard - S Watuppa ramp & seawall. Noted.
- f. Acoaxet Water Supply DEP filing. Noted.
- g. SRPEDD Head of Westport Traffic Analysis Technical Memorandum. Noted. Members will review.

- h. Wood Property/Ch61A - info. Whitin noted the property owner did not file for a Ch61A exemption in FY17 & 18 and that because of the timing, it obligates the owner to present the property to the Town for rights of first refusal. However, the time allotted for doing this was one year from the time the property was placed under a P&S agreement, which was in December 2015. The owner did not present it to the Town. The question of whether the owner should have notified the town has been posed to town attorney. Once counsel responds, Whitin would like members to consider addressing the Board of Selectmen.
- i. Environmental Notification (ENF) 187 East Beach Rd Silvia. Noted.
- j. Tibbetts Engineering report for Upland Trail (13-009C) dated 11-20-17 & correspondence from applicant. The applicant is addressing the punch-list items and several of the residents are complaining about work not being finished.

### **Administrative Items**

- a. CH91 Doc License Applications Noted:  
Mobley at 80 E. Cummings Lane;  
Manchester at 1546B Drift Rd.;  
Buxton 92 Sylvia's Lane.
- b. Vote to release Consultant Review Account funds for Blue Acres Way (17-011M-FF). The Planning Board approved this subdivision modification on September 19, 2017 and engineering review funds can now be released. Sousa motioned to release the Consultant Review Account balance and any interest earned. Seconded by Daylor. The vote was unanimous with four in favor.

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

- a. First Bristol Corp. - Endorse Form O for Release of Surety. The Planning Board voted to release the surety on October 17, 2017. The Form O formalizes the release for the Treasurer's office. Members endorsed the form.
- b. Hartnett noted correspondence from ConCom containing DEP directive to prohibit Large Scale Solar installations in wetlands. Sousa would like to see an amendment to the by-law because land in Westport is inexpensive and developers can construct these arrays for less expense. He has read that solar arrays are intended for fields in disuse rather than treed land.
- c. Whitin noted that he receives calls from citizens on matters that will be in public hearings. He does not discuss the issue with them and noted applications are not to be discussed outside the hearing process.

### **Zoning changes Discussion**

- a. Recreational Marijuana. Hartnett drafted several options based on the state requirements for Annual Town Meeting in May. There is no purpose to try and make a special town meeting or election for recreational marijuana when it can be addressed at Town meeting in May. Hartnett presented two options: option one to prohibit and option two to include it. Whitin asked what the timeline is in getting the information to the Town Meeting. Whitin noted that there should be an article to identify where this activity will be allowed, one for a moratorium to December 2018

and a prohibition By-law as an additional option. Discussion ensued over the merits of presenting three options to the Board of Selectmen for Town Meeting.

Daylor departed at 7:21 pm.

DeRego motioned to discuss further at the 12/5/17 work session and to vote out the proposals to the Board of Selectmen at that time. Sousa seconded the motion and the vote was unanimous with 3 in favor. Daylor had departed.

b. Annual Town Meeting Zoning.

Hartnett noted that Section 6 of state zoning concerning abandonment issues would will be discussed with a Zoning Board of Appeals member. The term by which a use is considered abandoned needs clarification. Gerry Coutinho from the Zoning Board is scheduled to meet with Hartnett tomorrow to review applicants for the ZBA clerk position. Discussion ensued over the vacancy of the Zoning Board of Appeals principal clerk.

**Other business:**

Hartnett stated that Tanko Lighting has completed the light pole audit. Tanko provided a schematic with locations of the poles, which was shared with the members.

**Invoices.**

None.

**ADJOURNMENT**

Members unanimously voted to adjourn at 7:50 p.m.

Respectfully submitted,  
Lucy Tabit, Assistant Planner