



**TOWN OF WESTPORT**  
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**PLANNING BOARD**

**PLANNING BOARD MEETING MINUTES**

**April 11, 2019**

Chairman James T. Whitin called the meeting to order 5:36 p.m. with Vice-Chairman Robert Daylor, Members David Cole, James Watterson, Marc De Rego and Town Planner James Hartnett in attendance.

Vice-Chairman Robert Daylor and James Watterson had not been sworn in prior to the meeting and their votes were not included in any of the actions taken by the Board.

**1. Winner Way (18-005C-FF) (*Hearing continued from November 27, 2018, January 29, 2019, February 20, 2019, March 26, 2019*)**

Request by applicant to consider a Low Impact Development Site Plan and a definitive subdivision plan entitled **“Definitive Subdivision Plan, Plot 57, Lot 46”** Westport, MA prepared for Thomas Winner and located between 1540 and 1558 Drift Road proposing to divide the property into two (2) lots with frontage on Drift Road and a private gravel road. A copy of the plan is available for review at the Planning Board office in the Town Hall Annex.

Hartnett updated the Board on the previous meetings. At the last meeting of the Planning Board, the applicant presented an alternative proposal that would limit construction of the way. The alternative plan includes:

- A paved entrance at the intersection of Drift Road
- Extending the Layout of the Right of Way to the easterly boundary of the property.
- A 20' wide gravel passing area.

The original proposal showed a subdivision road that was designed in accordance with the subdivision regulations, it would require additional clearing and widening of the road, it also provided additional drainage.

Attorney Michael Kelly was present to address the Board on behalf of the applicant. Kelly stated that the original subdivision was in accordance with the subdivision regulations. After meeting with abutters the second design was developed, this design would leave the gravel drive as is, with the exception of a bump out for cars to pass. Whitin asked the engineer to present the revised plan to the Board. Matt Pike from Southcoast Engineering was present and reviewed the plan for the Board. He stated that the changes to the plan include a 25' passing area at its widest point, a paved apron and limited disturbance within the layout. Whitin asked why the houses were removed from the plan. Greg Nicholas from Southcoast Engineering stated that the houses on the previous plan were shown for drainage calculation purposes only and did not want to give the illusion that the houses would be constructed in the manner they were shown on the plan.

Pike addressed the drainage design for the new plan, he stated that there will be a reduction in the rate of runoff and volume of runoff because the houses will have roof infiltration and portions of the lot will be grass which also reduces runoff compared to the existing conditions. Kelly stated that his client did not want to have the access to lot one from Drift Road, he noted that it would be safer to access Lot 1 from the Laneway. Watterson stated that he was concerned with the water runoff from the bottom of the gravel drive running directly into the river. Pike stated that the drainage in that location would not change.

Robin Winters, 1546-C Drift Road asked if the stonewall in the center of lot 2 would remain and what happens with the drainage during construction. Pike stated that the location of the septic system would most likely cause the house to be built on the west side of the wall and the lot owner would have to control runoff until the lot is vegetated.

Kathleen Keegan, 3 Great Island View Road, asked if the bump out could be moved, it is located behind her property. Pike stated that the bump out is located in between the proposed driveways.

Daylor explained that the Board has a couple of choices, the Board could deny the revised plan and the applicant could come back with a compliant subdivision that would have a greater impact on the neighborhood than what is being proposed or the Board could consider approving the revised design, he is inclined to approve the proposed design.

James Winters, 1546-C Drift Road stated that there are currently two small bump outs and he would like the road left as is.

Sharon Connors, Main Road Westport and realtor for Mr. Winners stated that she is in favor of the proposed plan.

Hartnett read sample findings, conditions and waivers into the record.

#### **Sample Conditions**

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create a Homeowners Association. All purchasers of land within the subdivision, Lots 1 & 2 shall be required to belong to the Homeowners Association.
  - a) The Homeowners Association shall be responsible for the maintenance, repairs and plowing of the subdivision roadway.
  - b) The Homeowners Association shall maintain permanent ownership and be responsible for maintaining, repairing and replacing said drainage systems, as necessary within the layout.
  - c) The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant.
2. Road Maintenance and Snow Removal: Applicant shall be responsible for periodic maintenance and snow removal until such time a properly funded Homeowners Association is created and is properly functioning.
3. Access – During construction, provisions shall be made so that access for fire protection and existing residents is maintained throughout construction.
4. Roof run-off recharge systems are required for each dwelling on lots 1 & 2
5. Construction work on the subdivision road and utilities shall only be done between the hours of 7:00 a.m. and 6:00 p.m., Monday - Saturday.
6. The plan shall include a note on the recordable plan stating *“No dwelling shall be built on any lot without first securing from the Board of Health a permit for an approved Title-V compliant Soil Absorption septic disposal system”*

#### **Low Impact Development Sample Conditions**

1. All lots require that roof runoff shall be collected and recharged into the ground in accordance with the Roof Drain detail on the approved plans.
2. Maximum clearing area per lot shall be limited to 40,000 s.f. excluding drainage areas.
3. Lots 1 & 2 are subject to the Board of Health Stormwater Quality and Quantity Control Regulation.
4. There shall be a 25' limited disturbance buffer along the southerly, easterly and westerly boundaries as shown on the plan. These areas are intended to provide natural screening, with limited clearing.

Watterson moved to close the public hearings for the definitive plan and Low Impact Development Site Plan. Seconded my De Rego. Members Whitin, DeRego and Cole voted in favor of the motion.

Watterson moved to approve the definitive plan entitled **“Plan of Land Assessors’ Plat 57 Lot 47, Westport MA** dated September 24, 2018, prepared for Thomas Winner and located between 1540 and 1558 Drift Road to divide the property into two (2) lots with frontage on Drift Road and a private gravel road subject to waivers and conditions as stated. Seconded by De Rego. Members Whitin, DeRego and Cole voted in favor of the motion.

Watterson moved to approve the Low Impact Development (LID) Site Plan Approval for the definitive subdivision plan entitled “Definitive Subdivision Plan, Assessors Plat 57, Lot 46”, subject to conditions, as the plan presented meets the intent and purpose of the LID By-law by reducing the adverse impacts of soil erosion, sedimentation and stormwater runoff. LID site design standards were utilized to the maximum extent feasible as defined in section 20.5 of the Zoning By-law. Seconded by Cole. Members Whitin, DeRego and Cole voted in favor of the motion.

**Cannabis By-law review (continued from March 20, 2019, and March 26, 2019)**

The town of Westport Planning Board will hold a public hearing pursuant to G.L c. 40A § 5 and Article 2.1 of the Westport Zoning Bylaws, on Wednesday, March 20, 2019, at 5:30 p.m. at the Town Hall Annex, 856 Main Road Westport, Massachusetts. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed changes to the Westport Zoning By-Laws.

The proposed amendments would permit and regulate the siting and operation for cultivation, processing and manufacturing of marijuana and marijuana products by Craft Marijuana Cooperatives in accordance with the relevant regulations issued by the Cannabis Control Commission including but not limited to 935 CMR 500, in suitable locations and in a manner to minimize adverse impacts on abutting properties; provide appropriate separation from schools, parks, and other areas where children congregate; provide for site security to deter crime and uphold the safety of surrounding neighborhoods, and other land uses potentially incompatible with the Cooperatives. The following sections of the zoning bylaws would be amended or added.

- Section 2.6 – Designate the Planning Board as the Special Permit Granting Authority for Craft Marijuana Cooperatives.
- Section 22.5 – Allow Craft Marijuana Cooperatives in the Science and Technology Overlay District by Special Permit.
- Section 15.2 – Require Site Plan Approval for Craft Marijuana cultivation or manufacturing.
- Table of Use Regulations – add Greenhouses for Marijuana Cultivation, Marijuana Manufacturing and Marijuana Cultivation to the Table of Use Regulations.

- Section 27 – Add a new section to the bylaws to regulate the siting and operation of Craft Marijuana Cooperatives.
- Section 4.0.1 – Exclude Marijuana Establishments and Marijuana Treatment Centers from customary home occupations.

Whitin read the notice into the record. This was a joint meeting with the Craft Cannabis Cooperative Committee (CCCC) and Averyl Andrade called the CCCC meeting to order at 6:55 pm. Members present were Chriss Dunn, Chris Wiley, Averyl Andrade, Marc DeRego and Phil Weinberg. Weinberg stated that he met with Jim Hartnett and based on that meeting has made some changes to the proposed bylaw.

Whitin stated that he is concerned with the 500' setback limit, would it leave enough area in town that could be used for cultivation. Hartnett presented a map showing the 500' buffer from residential houses. Weinberg, Valcourt and members of the Planning Board discussed the limited area and how it relates to the site and setback requirements. The CCCC approved reducing the required setback to 300'.

Hartnett stated that the CCCC has spent a significant amount of time drafting and modifying the proposed bylaws but he felt it still needed additional review and did not feel comfortable recommending the board approve the bylaws at this time. Valcourt stated that he would get the final draft with changes, talk to the Town moderator to see what changes the moderator would allow town meeting to consider and present the changes to the Board of Selectmen on Tuesday night. The Planning Board stated that they would review the final draft on the 23<sup>rd</sup> of April.

Daylor moved to continue the hearing to April 23, 2019 at 5:45 pm, seconded by Cole. Members Whitin, DeRego and Cole voted in favor of the motion.

### 3. Administrative Items

- 15-009C Bentley Estates II – Endorse IHSP Decision – The Board endorsed the decision approved at the previous meeting.
- Adirondack Lane A & B BWC Connecticut River LLC (17-002SP-S) Sign Form G – The Board endorsed the Form G approved at a previous meeting.
- Municipal Vulnerability Grant (MVP) – Review/Discussion – Cole addressed the Board stating that the grant application has been completed and will be presented to the Board of Selectmen on Tuesday, April 16, 2019. Cole motioned to recommend support for the Grant, seconded by Daylor. Members Whitin, DeRego and Cole voted in favor of the motion.
- Town Meeting Warrant Articles – These will be discussed at a work session on April 30, 2019.
- Chapter 61A Release – Board of Selectman requesting comments on Release of Land owned by McGovern properties and Hinsdale Trust located on the west side of Sodom Road, Map 59 Lot 5-1. Cole recommended no-comment on the release of land. Seconded by DeRego. Members Whitin, DeRego and Cole voted in favor of the motion.

### 4. Planners Report. Hartnett read the following report into the record.

- Completed the bid package for the Head Town Landing site improvement project on Old County Road, we are hoping to start construction in June but it could run into July and August depending on the contract documents and contractor.
- The following applications have been filed since the last meeting
  - Site Plan Application – Dance Academy, 699 State Road
  - Large Scale Solar & Low Impact Development – Rod & Gun Club, Sanford Road

- Large Scale Solar & Low Impact Development – Main Road north of Brookwood Drive
  - Site Plan Application & Low Impact Development – Proposed Hotel Old Bedford Road
  - Site Plan Application & Low Impact Development – Parking & Storage building -Route 6
- c. Questions for the Zoning Request for Proposals will close tomorrow, I have only received 1 question to date regarding the time frame for the work to be completed.
- d. Would like to finalize the scheduled for the months of May and June.
- e. MS4 permitting work needs to be completed prior to the end of June, may not have time to work on this permitting.
- f. Roberta from the Watershed Alliance notified the office that the 319 Grant Application is available for the next funding cycle. Hartnett stated that he would not have time to work on the 319 grant application. Whitin suggested that Tim King be made aware of the grant.

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

Cole stated that he would like to have a discussion regarding the proposed solar projects and requests to freeze the zoning. Cole stated that he believes the existing and proposed bylaws give the Board reasonable authority to review the projects and their impact on the environment.

#### **6. Correspondence. - noted**

#### **7. Minutes.**

March 26, 2019 – Cole motioned to approve the minutes of March 26, 2019, seconded by DeRego. Members Whitin, Cole and DeRego voted in favor of the motion.

#### **8. Invoices.**

W.B. Mason - \$33.62 - Cole motioned to approve the invoice for \$33.62, seconded by DeRego. Members Whitin, Cole and DeRego voted in favor of the motion.

CGIS Mapping – \$4,000 - Cole motioned to approve the invoice for \$4,000, seconded by DeRego. Members Whitin, Cole and DeRego voted in favor of the motion.

Environmental Systems Research Inst. (ESRI) - \$700 - Cole motioned to approve the invoice for \$700.00, seconded by DeRego. Members Whitin, Cole and DeRego voted in favor of the motion.

SITEC, Inc. – Head Landing Project - \$725 – Hartnett stated that this invoice did not have to be approved by the Board.

Hartnett's – March Phone/Feb-Mar Mileage - \$189.11 - Cole motioned to approve the invoice for \$189.11, seconded by DeRego. Members Whitin, Cole and DeRego voted in favor of the motion.

**ADJOURNMENT** Watterson motioned to adjourn the meeting at 8:40 p.m., seconded by DeRego. Members Whitin, Cole and DeRego voted in favor of the motion.