



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING MINUTES

February 5, 2020

Chairman Jim Whitin called the meeting to order at 6:03 p.m., with members John Bullard, Jim Watterson, Bill Sheahan, and Town Planner James Hartnett in attendance. Vice-Chair Robert Daylor was absent.

Call to order 6:00 p.m.

6:00 p.m. Public Hearing

1. Proposed Zoning Amendments

Pursuant to the provisions of MGL Ch. 40A § 5 and Article 2.1 of the Westport Zoning By-laws, the Westport Planning Board held a public hearing to accept public comments on the following proposed amendments to the Town of Westport Zoning By-laws:

Item 1. To amend the Town Zoning By-Laws, Article 1, Section 1.1, Definitions for the purpose of adding definitions for "Marijuana", "Marijuana Establishments", "Marijuana Accessories", and "Marijuana Products" and "Craft Marijuana Cooperative."

Item 2. To amend the Town Zoning By-Laws by inserting a new Article (Article 27)

Non-Medical Marijuana Facilities and Uses, which would allow non-medical marijuana retail establishments by Special Permit in the Business District and Science and Technology Overlay District and allow non-retail marijuana establishments in the Science and Technology Overlay District, Business District and Unrestricted District and allow craft cultivators in the Agricultural District, Business District, Unrestricted District, and Science and Technology Overlay District.

Item 3. To amend the Town Zoning By-Laws, Article 4, by inserting into Use Regulations, Section 4.0.1 Residence/Agriculture Districts, subparagraph B.1 wording to exclude medical and non-medical marijuana as a permitted home occupation.

Item 4. To amend the Town Zoning By-Laws by inserting in the Table of Use Regulations the following uses under "Non-Medical Marijuana Establishments" – "Independent Testing Laboratory", "Marijuana Cultivator", "Marijuana Product Manufacturer", "Marijuana Retailer", and "Craft Cultivator."

Attorney Brian Corey Jr., office at 519 American Legion Highway, was present representing the petitioners. Corey read the warrant articles for the February 11, 2020, Special Town Meeting. He mentioned that at the 2018 Town Meeting, a warrant article prohibiting non-medical marijuana in all forms (ex. Testing facility, lab facility or cultivation facility) was voted and accepted as a general By-Law; residents voted 118 for prohibition and 82 against which represented less than 1% of Westport residents. Article 5 would allow non-medical facilities for the one establishment that has been issued a non-opposition letter. Article 6 allows non-medical marijuana establishments to abide by the same Rules and Regulations as the Medical Marijuana Zoning By-Laws.

Bullard expressed his concerns regarding traffic if the medicinal facility is also a recreational facility. Corey believes the change would require an additional study.

Hartnett stated that this article would only allow one (1) maybe two (2) facilities in town. Corey confirmed one facility. Hartnett questioned if it would be considered spot zoning.

Whitin read K.P. Law response un-dated by Jeffrey T. Blake, Esquire into the record.

Corey read Article 6 into the record.

Whitin read K.P. Law's response to Article 6 into the record.

Bullard questioned if anyone has challenged the land use for the regulation of medical marijuana. Whitin commented there have been applications in the past, however, no further action was taken.

Hartnett questioned if an additional letter of non-opposition would be needed if there was a conversion from medical to recreational marijuana. Corey responded no, as long as it's allowed within the community.

Corey read and commented on Articles 7 through 10 along with the changes into the record presented for consideration by the petitioners.

John Alden of 192 Drift Road requested clarification on the regulatory process about the permitted allowed use.

Bullard remarked there was no need for the Board to make a recommendation for or against the Articles.

Motion

Bullard motioned to close the public hearing. Seconded by Watterson with all four members in favor.

Motion

Bullard motioned the Planning Board reviewed the Marijuana articles that will be submitted for Special Town Meeting on February 11, 2020. The Board conducted a public hearing on February 5, 2020, received comments from the public, reviewed existing zoning code to see how articles might fit into existing zoning code. Reviewed questions posed to Town Counsel and reviewed their response. Board sees no reason the proposed articles cannot be adopted. Seconded by Watterson. Whitin amended Bullard's Motion to read the zoning form and function conform to our zoning By-Law and that the Planning Board will take no stance.

2. Administrative Items

a. Special Town Meeting Discussion/Review and Recommendations General and Zoning Articles.

Hartnett commented the Board is only required to give a recommendation on the General By-Laws.

b. Recodification of Zoning By-laws and proposed amendments.

Hartnett stated there will be a Public Hearing on March 11, 2020, at 7:00 to discuss Zoning changes that were discussed with the Planning Board and the Steering Committee. Hartnett mentioned the proposed changes to the Zoning By-Laws sections for the Annual Town Meeting. No action needed.

c. Budget FY21

Hartnett mentioned the Town Administrator stated there is a \$414,000 deficit in the budget and recommends the Assistant Town Planner be removed at this time; the Board of Selectman agreed. Whitin suggested transferring money that was allocated for the Assistant in the FY20 budget to the FY21 budget to be used for a matching grant. Whitin asked Hartnett to look into what the yearly contribution is from solar projects.

d. Appointment letters for East Beach Corridor MVP Steering Committee

Motion

Bullard motioned to appoint Michael Sullivan and Brian Valcourt to the East Beach Corridor MVP Steering Committee. Seconded by Sheahan with all four members in favor.

3. Matters not reasonably anticipated.

None

4. Planners Report.

None

5. Correspondence.

None

6. Minutes.

January 28, 2020

Motion

Bullard motioned to approve the January 28, 2020 minutes as written. Seconded by Sheahan with all four members in favor.

7. Invoices.

None

Adjournment

The members unanimously adjourned at 8:01 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II