



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

October 13, 2020

Chairman Jim Whitin called the meeting to order at 6:02 p.m. with members John Bullard, Manuel Soares, Mark Schmid, and Town Planner James Hartnett in attendance. Robert Daylor joined the meeting at 6:15 p.m.

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – The meeting was not recorded.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

1. Administrative Items

a. Marijuana zoning review

Whitin stated that he met with Manny Soares, Jim Hartnett, and Russell Burke from the BSC Group. Burke provided consulting services for the recent zoning recodification. Whitin stated the group reviewed a number of documents relating to non-medical marijuana including the recently approved Town Meeting Articles, the proposed zoning from 2018, and the By-Laws approved in February of 2020. If the Town is to regulate non-medical marijuana the Adult Entertainment Overlay District (AEOD) and the Science and Technology Overlay District (STOD) would be areas that should be considered.

Hartnett gave a short PowerPoint presentation. He stated that the Planning Board had two options, non-medical marijuana could either be regulated or prohibited. Zoning was approved at the Special Town Meeting in February that allows the use of non-medical marijuana in all the Business Districts including Main Road, Route 6, and Route 177. Craft Marijuana establishments would be allowed anywhere in Town. Hartnett stated that the group is suggesting that the area along Route 6 be considered. There are public utilities in this area including water and gas and there is also the possibility of sewer. It is also one of the few areas in the Town's Business District that does not have a large percentage of residential dwellings. Hartnett also suggested adding setback requirements back into the By-law including a maximum building size of 10,000 s.f.

Bullard questioned the need for a prohibition article. He stated his impression was that prohibition approved at Town Meeting was temporary until regulations could be put into place. Whitin agreed and noted that zoning regulates, how, when, and where and is not necessarily for prohibition.

Schmid stated that he agrees with the proposed locations being discussed and generally supports an amendment to limit the use of non-medical marijuana to these areas. Whitin asked the Board to consider minimum setbacks to residential properties.

Daylor stated there were several speakers at the October Town Meeting that were in favor of the prohibition articles to allow the Planning Board to enact regulations. The Board discussed the possibility of limiting the number of marijuana establishments. Hartnett stated he would check to see if that was an option for uses other than the retail sales.

R. Michael Sullivan stated the Town has voted three times to prohibit non-medical marijuana and would like to see a prohibition article on the Annual Town Meeting as well. He asked about the zoning changes and what impact they would have on existing applications. Hartnett stated that a Special Permit application would have to comply with the

amended By-Laws if the application was filed after the Planning Board's first advertisement as long as the By-Law was eventually approved at Town Meeting. He also stated applicants could freeze the zoning for 8 years.

Jake McGuigan stated a prohibition article should be one of the amendments proposed for the Town Meeting.

Tony Vieira noted that the Board should also consider limiting Medical Marijuana to the same area along Route 6. Hartnett stated that under the current By-Law, medical marijuana, including cultivation and processing, is allowed in the Business Districts except for Central Business District along Main Road.

Soares agreed with the proposed the locations and stated the Board should also include an article on prohibition. Daylor stated the Board could give Town Meeting the option, however, the focus should be on regulating. Whitin asked that this be placed on the next agenda for further discussion.

b. **Private Acres (99-005C)** – Walter's Way review as-built plan and drainage.

Hartnett stated the developer did not submit the requested as-built plans, however, surveyors were working at the site on Monday. Bullard stated that he also viewed the site. No action was taken by the Board.

2. Planners Report – No Planners Report

3. Matters not reasonably anticipated. - None

4. Correspondence - None

5. Minutes

October 6, 2020

Motion

Schmid motioned to accept the minutes as written. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Schmid, Soares, and Whitin voted aye and the motion carried 4-0.

6. Invoices - None

Adjournment

The members unanimously adjourned at 7:22 p.m.

Respectfully submitted,

James Hartnett, Town Planner
Nadine Castro, Assistant Town Planner II