



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

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## **PLANNING BOARD**

### **PLANNING BOARD MEETING**

October 20, 2020

Chairman Jim Whitin called the meeting to order at 6:01 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark Schmid, and Town Planner James Hartnett in attendance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – The meeting is being 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. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links:*

*A video recording of this meeting is posted on the town's website. ([www.westport-ma.gov](http://www.westport-ma.gov))*

### **Call to order 6:00 p.m.**

- 1. Approval Not Required (ANR) David and Janice Arruda (20-016A)** Request by the applicant for endorsement of a Plan showing 4 lots, for land located at 357 Sanford Road, Assessor's Map 18 Lot 10.

Greg Nicholas from Southcoast Engineering was present virtually along with Attorney Brian Corey Jr. on behalf of the applicant. Nicholas presented supporting documents that provided historic evidence of the layout line's location.

Hartnett mentioned his past concern was the 20' right of way layout lines were not shown but have been added to the plans. The way appears to be of adequate construction and grade.

Daylor added he visited the laneway and is in favor of approving the ANR.

### **Motion**

Bullard moved to approve endorsement of the plan entitled "Plan of Land Assessors' Plat 18 Lot 10, 357 Sanford Road, Westport, MA" prepared for David and Janice Arruda" dated August 8, 2020, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

- b. Approval Not Required (ANR) Westport Land Conservation (20-020A)**

Request by the applicant for endorsement of a Plan showing 3 lots, for land located at 0 Main Road, Assessor's Map 82 Lots 9, 10, 24, 32, 35, 38.

Whitin stated that this application has been filed on behalf of the Westport Land Conservation Trust, they are proposing to divide the property into three lots. Each lot would have the required frontage and area.

Ross Moran, Executive Direct of the Westport Land Trust, was present virtually. Moran gave a brief description of how the Land Trust will protect the property. He mentioned Lot 3 had the residence and it will be required to be farmed due to the conservation restriction, Lot 2 will be owned and protected by the Land Trust with a conservation restriction and Lot 1 will be retained by the Santos family.

Hartnett mentioned the lots meet the required area and frontage and recommended endorsement.

### **Motion**

Bullard moved to approve endorsement of the plan entitled “Approval Not Required Plan of Land in Westport, MA prepared for Westport Land Conservation Trust, Inc” dated May 6, 2020, because the plan complies with the provisions of MGL Ch. 41 Section 81P. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **c. Old County Estates (14-006C) Final Subdivision release and Surety release**

Hartnett stated that S.W. Cole submitted their final report dated 10/20/22. No action to be taken by the Board at this time.

Manny Costa of 3 Jo-Anne’s Way was present. He asked the Board to hold off on releasing the surety to Mr. Bouchard until all the issues in the subdivision are resolved. Whitin responded the Board was not going to vote to release the surety at tonight’s meeting.

### **6:15 p.m. Public Hearing**

#### **2. Coastal Healing LLC (20-007SP-RM)**

Request by the applicant to consider the Special Permit and Site Plan Applications for Coastal Healing LLC for property located at 248 State Road, Assessor’s Map 3, Lots 144C & 144E, Westport, MA pursuant to Westport Zoning By-Law Article 9 for Special Permit and Article 15 for Site Plan Approval, on a request to allow the recreational sale, cultivation, processing, and distribution of marijuana products. Lot size 106,626 s.f.

Attorney Brian Corey Jr., Diego Bernal of Coastal Healing LLC, and Ken Motta from Field Engineering were present virtually.

Attorney Corey responded to S.W. Cole’s comments dated September 18, 2020, with their letter dated October 13, 2020. He also addressed the Town Planners' concerns from the staff report dated October 20, 2020. Attorney Corey briefed the Board on the number of patrons that will be allowed in the retail area.

Whitin mentioned he visited the site and was concerned about the safety protocols not being followed because he witnessed an uncovered catch basin/tank. Bernal mentioned he will address that issue with the contractor. The Chairman would also like an updated traffic study after Covid-19 because traffic may increase. Bernal commented he will contact the traffic study guy to see if there is an update. Whitin asked for assurance that the traffic won’t be a problem. Corey doesn’t anticipate any queuing problems because the software systems only allow for 10-minute blocks per person.

Bullard had a major concern with the disapproval response from the Police Chief and the Selectboard.

Soares asked if there was any communication from the Mass Highway regarding traffic for non-medical. Hartnett mentioned he spoke with Mass Highway and they are reviewing the application. Mass Highway requested a meeting with the applicants to review the plans, however, no permit has been issued as of yet. Motta mentioned MassDOT is reviewing the traffic impact study and is taking into consideration the intended use of the building of medical and non-medical. Soares asked when the permit for the vehicular permit was filed. Motta will provide the date the permit was submitted.

Schmid questioned the applicant when you would anticipate sales on the non-medical after receiving the Special Permit. Bernal mentioned they would file 4-5 months after they received approval. Schmid asked about the sign locations in the parking area and on the building. There is one freestanding sign at the entrance and a similar sign on the front of the building. Whitin stated that he would like to see dark sky lighting, the proposed lights are at an angle facing the street. Daylor stated that the traffic and parking will be reliant solely

on the success of the appointment application. Daylor suggested adding a gate to the interior of the parking lot to control the number of spaces being used.

R. Michael Sullivan was present virtually. Sullivan would like to review the feedback from the MassDOT before the Board approves the special permit, he stated that the Board should not rush to approve the application without all the information

Tony Vieira was present virtually and voiced his concern about the traffic on Route 6.

Jake McGuigan was present virtually and asked for clarification on why their zoning change request in September wasn't able to be put on the warrant when the petitioner's request was considered in February Hartnett stated that the zoning articles heard at the February meeting were filed in early January and there was less time, only about a month prior to the October Special Town Meeting. This was not sufficient to meet the advertisement requirements for a zoning change.

Mike Fernandes of 7 Brother's Way was present virtually. He commented he was concerned about the backlog of patrons if their appointment weren't on time.

Jay Caroselli was present virtually. Caroselli would also like to review the updated traffic studies.

Ashley McCormick of 52 Prospect Avenue was present virtually. She stated the younger generation is familiar with applications and did not see the use of appointments scheduled through an application as an issue, young people do not like waiting.

Daylor stated that he would like to see the meeting continued to hear a presentation from the traffic engineer.

Hartnett read the following information into the record.

- **Plans entitled:** Proposed Site Development 248 State Road latest issued: August 19, 2020
- **Site Plan Review Petition/Special Permit** proposed Recreational Marijuana Facility dated August 28, 2020
- **Traffic Impact Study** – McMahon dated April 2020
- **Stormwater Management Report dated:** December 26, 2019
- **SW Cole Report dated:** September 18, 2020
- **Attorney Corey Letter dated-** October 18, 2020

#### **Department Comments:**

**Assessor's Office** 9/24/20 – Recommends Approval

**Board of Health** 9/18/20 – Recommends Approval

**Board of Selectmen** 10/5/20 – *The Board is concerned with the parking layout and Route 6 traffic patterns and asks the Planning Board to take a close look at these.*

**Building Department** 9/17/20 – No Comment

**Police Department** 9/29/20 – Recommends Disapproval *Site was designed for "by appointment only medical marijuana" Site traffic plan does not mediate increased recreational traffic flow. (Chief Pelletier)*

**Zoning Board of Appeals** – 10/2/20 – No Comment

#### **Motion**

Bullard moved to continue the hearing to December 1, 2020, at 6:15. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

### **3. Marijuana Zoning Amendments**

Hartnett presented to the Board three possible options for zoning By-Laws to be submitted for May 2021. Town Meeting. Option A would prohibit non-medical marijuana in Westport, Option B would require non-medical marijuana to be located within the Science and Technology Overlay District (STOD) or the Adult

Entertainment Overlay District (AEOD). Option C would require both medical and non-medical marijuana to be located within the AEOD or the STOD. Hartnett stated that he is also recommending adding some additional set-backs to the regulations, a maximum height of 40' and a minimum setback from a single or two family dwelling of 500'.

Whitin stated that he was in favor of option C restricting all marijuana establishments to the STOD and AEOD, this area has access to public water and sewer may be available in the future. He also suggested adding the prohibition zoning article after the option C article. Schmid and Soares were in favor of this option. Schmid was also in favor of increasing the setbacks to 500 feet for residential areas.

Daylor added the Adult Entertainment district on Rt. 6 between the Fall River line and Rt. 88 would be a better option than what currently exists because it currently has a public water supply with the potential of public sewer for businesses that requires significant volumes of water.

R. Michael Sullivan, 149 Cherry & Webb Lane and Tony Vieira were present virtually and were in favor of the prohibition article.

### **Motion**

Daylor moved to send the Medical and Non-Medical Option C and the Non-Medical prohibition Option A Zoning Amendments to the Selectboard for their review. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

## **4. Planners Report**

Hartnett mentioned the hearing room is currently being rewired with wall-mounted cameras and new speakers, as well, as new light fixtures throughout the Town Hall and Annex.

Hartnett mentioned the schedule for upcoming public hearings.

- a) November 4, 2020 (Wednesday) 6:15 CVE Soules Way Solar Project  
7:00 Borrego Solar Division Road
- b) November 17, 2020 Site Plan 5 Star Collision  
Site Plan Plymouth Avenue  
Next Regular meetings – December 1, 2020, and December 15, 2020
- c) Board of Selectmen Presentation – October 19, 2020, on the Targeted Water Resource Management Plan and the Route 6 Sewer Study.
- d) The Board of Health will be holding a public hearing on Denitrification Regulations for all new construction on October 29<sup>th</sup> at 7:00 pm.

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

Whitin mentioned Daylor gave a presentation on the TIWRMP to the Selectboard. The Selectboard supported a Buzzards Bay Coalition proposal to study of cluster systems along the East Branch of the River and proposed to spend \$50,000 for an RFP to deal with the TMDL's.

## **6. Correspondence**

- a. Chapter 91 License (20-008CH91) – 0 Fisherville Lane – Mark & Margo Schmid. **NOTED**
- b. Chapter 91 License (20-009CH91) – 0 Cherry & Webb Lane, Map 91 Lot 56 – KWM Motorsports, LLC. **NOTED**
- c. Chapter 91 License (20-010CH91) – 0 Cherry & Webb Lane, Map 91 Lot 55 – KWM Motorsports, LLC. **NOTED**

## **7. Minutes**

October 13, 2020

### **Motion**

Bullard moved to approve the minutes as written. Seconded by Daylor. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

## **8. Invoices**

None

## **Adjournment**

The members unanimously adjourned at 9:00 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II