



TOWN OF WESTPORT
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PLANNING BOARD

PLANNING BOARD MEETING

January 19, 2021

Chairman Jim Whitin called the meeting to order at 4:00 p.m. with Vice-Chair Robert Daylor and members John Bullard, Manuel Soares, Mark L. Schmid, and Town Planner James Hartnett were 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:*

An audio recording of this meeting is posted on the town's website. (www.westport-ma.gov)

Call to order 4:00 p.m.

1. Administrative Items

a. Coastal Healing LLC (20-007SP-RM) Review Material and Act on Petition

Hartnett mentioned the public hearing for this request was closed on December 1, 2020. The Planning Board has 90 days to render a decision with the last day being March 1, 2021.

Hartnett commented he spoke with Mass Highway regarding the driveway to see if they had any comments or concerns regarding the driveway access. There is a telephone pole located in front of the property that would have to be relocated if the driveway was moved too far to the east. Mass Highway would only issue formal comments on the actual design but there was general agreement that moving the driveway east would reduce some of the impacts. Regardless of the local approval, MassHighway could require offsite improvements including moving the drive or modifications to the center island curb cut.

Hartnett mentioned he reviewed the Sample Findings and Conditions with the applicant and his attorney and they were in general agreement with most of the conditions with the main exception of the wording relating to the number of appointments per hour.

The Board members agreed to retain the hours of operation from 8:00 a.m. to 8:00 p.m. for the Non-Medical marijuana to coincide with the hours for the Medical Marijuana.

Soares mentioned he would like the applicant to file a copy of the Operating NPDES permit with the Planning Board prior to retaining an occupancy permit and would like to see Coastal Healing tie into the sewer system should that be available in the future.

Whitin commented he was not in favor of going less than 30 minutes of lead time should the applicant request it, to avoid loitering.

Soares and Schmid agreed on the Site Plan Condition to have a minimum of 4 weeks of hourly appointment data.

Whitin questioned if the Planning Board should make moving the utility pole further east a condition.

Bullard remarked the pole should be moved for safety reasons unless the Department of Highway closes the opening.

Hartnett read the Special Permit Sample Findings and Conditions into the record.

Site Plan Waivers

1. Sec 20.4.b - Waiver to allow driveway width greater than 24 feet at the property line.
2. Sec V.D.11 – Waiver to allow stormwater detention basin within 50 feet of an adjacent property.

Site Plan Findings of Fact:

1. The project as presented protects adjoining premises by avoiding adverse effects on the natural environment and abutters. Buffer for abutters has been adequately addressed &/or provided as required under Zoning By-law §15.4.2.
2. The project as presented provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
3. The project as presented provides an adequate arrangement of parking spaces in relation to the proposed use of the premises. As per zoning, 28 spaces are required and 44 spaces have been provided with two handicapped spaces.
4. The project as presented provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.

Conditions

1. All material changes as determined by the Building Inspector to the approved site plan shall require Planning Board approval.
2. Prior to the commencement of work, the approved plan shall be submitted to the Board's Consultant Engineer. The Applicant shall be responsible for reasonable costs associated with construction observation/inspection services during the construction phase.
3. The site shall be developed in accordance with the approved plans.
4. Prior to the issuance of an occupancy permit, the applicant shall submit an as-built plan to the planning board for review and approval, showing all structures including, parking, drainage, landscaped areas, tanks, pumps, and septic system. The applicant's engineer shall certify that the site was developed in substantial conformity with the approved plans.
5. The applicant, and any successor in interest, agree and shall, as a condition of this approval install and provide year-round maintenance of the entire landscape areas as shown on the Landscaping Plan and any plantings lost shall be replaced.
6. The applicant, and successor in interest, agrees and shall, as a condition of this approval, install and provide year-round maintenance of the stormwater and septic systems at all times, In addition, there shall be no negative impact off-site.
7. A copy of the approved Mass Highway Access permit shall be furnished to the Planning Board prior to issuance of an occupancy permit.
8. The hours of operation of retail sales shall be limited to 8:00 a.m. to 8:00 p.m., and shall be by appointment only.
9. All utilities shall be located underground.
10. All processed wastewater used in processing, cultivation, and manufacturing shall be filtered and re-used or removed from the site. There shall be no discharge of processed water into the septic

system or released on site. Wastewater used to clean equipment including but not limited to utensils, pans, and molds used to make marijuana-infused products shall be considered processed wastewater. Prior to issuance of an occupancy permit the applicant shall file a copy of the required NPDES Permit for Wastewater Discharge with the Planning Board.

11. If public sewer becomes available in front of the site, the building shall connect to the sewer within six months of it becoming accessible.
12. All parking shall be on-site, any offsite parking shall require prior approval by the Planning Board.
13. All lighting shall conform to the requirements of Section 20.9 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval and the approved design plans.
14. Any change in the size of the building or retail space shall require an amendment to the Non-medical Marijuana Special Permit.
15. Coastal Healing shall open as a Medical Marijuana facility. It shall operate for the first 3 months for medical use only.
16. The maximum number of appointments/hour for both Medical and Non-Medical retail sales visits to the facility shall be limited to 24. Appointments shall be scheduled a minimum of 30 minutes prior to the appointment time. At the request of the applicant, the Planning Board may increase the total number of hourly appointments to a maximum of 40 appointments/hour, and decrease the time necessary to schedule a visit prior to the appointment time.

Prior to changing the appointments/hour or scheduling time, the Planning Board shall make the determination that the parcel has sufficient available parking spaces and the traffic flow on-site and abutting the site can handle the additional hourly capacity. In order for the Planning Board to make this determination the applicant shall provide the following data:

- Minimum of 4 weeks of hourly appointment data.
 - Number of empty parking spaces during the four peak appointment hours.
 - Accident data if available for the driveway entrance and center island curb opening in front of the property.
 - The Planning Board will also consider information from the Westport Police Department relating to traffic on or abutting the site.
17. More than 40 hourly appointments shall require an amendment to the Non-Medical Marijuana Special Permit.
 18. Prior to the endorsement of the decision, the following changes shall be made to the plan set:
 - Sheet LSP-1 – notes 15 & 16 replace “Mass Development” with “Planning Board”
 - Sheet LSP-1 – Label proposed grass areas and proposed tree lines.
 - Sheet EXH-1 – Remove alternative lighting option and show approved.
 - Sheet SL-1 – add H.C. ramp to the south end of the sidewalk abutting the Retail entrance.
 - Plan set shall be updated to show the relocated parking and driveway. The access driveway shall be relocated to easterly side of the property. Final design plans and location shall be approved by the Planning Board.
 - Right turn only sign shall be added to the exit with pavement markings showing the same. Pavement markings shall be maintained.
 - The plan set shall be updated to include granite curbing, where no curbing currently exists and a sidewalk from the easterly property line of the site westerly to the bus stop in front of

236 State Road. The sidewalk shall be extended northerly on the site to provide pedestrian access to the building.

- The drainage shall be updated on the revised plan set to address the relocated driveway.

19. In the Town of Westport, the building inspector is the zoning enforcement officer for the Special Permit conditions.

Motion

Daylor motioned to relocate the access driveway to the easterly side of the property. Seconded by Soares. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

Motion

Daylor moved to approve the Special Permit Findings and Conditions as drafted and modified. 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.

Motion to Approve the Site plan

Bullard moved to approve the Site Plan Application 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 Section 8.7 for Site Plan Approval, on a request to allow the recreational sale, cultivation, processing, and distribution of marijuana products subject to waivers, findings, and revised conditions. Daylor seconded. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, Soares, and Whitin voted aye and the motion carried 5-0.

b. Marijuana Establishment Zoning – Review Planning Board Recommendation

Whitin further clarified the recommended Non-medical Marijuana zoning articles that will be forwarded to the Selectboard. The Board was in general agreement that the wording needs to be amended to reflect the intent and vote of the Board.

Article 1 was voted on at the last meeting and the recommendation reflects that vote.

Motion

Daylor moved to recommend Zoning Article 2 be included on the Town Meeting Warrant, with a recommendation that it not be adopted by the Town Meeting. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Schmid, and Whitin voted aye and Soares voted Nay. The motion carried 4-1.

R. Michael Sullivan of Cherry and Webb Lane was present virtually. He asked for clarification on restricting medical marijuana if Article 1 & Article 2 pass. Sullivan proposed creating a separate Article prohibiting non-medical marijuana and regulating the siting of Medical Marijuana

Attorney Brian Corey was present and recommended Article 3 remain and requested it not be passed over at Town Meeting should Article 1 not pass.

Motion

Daylor motioned to recommend zoning Article 3 be included on the Town Meeting Warrant. If Zoning Article 2 fails the Board recommend passing over Zoning Article 3, if Zoning Article 2 passes, the Board recommends approval of Zoning Article 3. Seconded by Bullard. Upon a roll call vote being

taken, members Bullard, Daylor, Schmid, and Whitin voted aye and Soares voted Nay. The motion carried 4-1.

c. Route 6 Aerial Photography – review costs

Hartnett mentioned he spoke with David Peterson from Kleinfelder and received a cost for aerial photography for the Route 6 proposed sewer corridor was estimated to be \$4,300 and \$4,400 for the length of Rt. 6 and an estimate of \$12,200 for the entire town.

Whitin asked if the entire town was photographed, could the information be utilized for other programs such as MS4 or the East Beach area. Hartnett commented LIDAR is available and it shows contour lines, however, it may not be as accurate.

Daylor recommended performing the aerial photography for the Route 6 corridor.

Hartnett mentioned the mapping could be used for MS4 and there are funds available.

Motion

Daylor moved to authorize funding for aerial photography of the Rt. 6 corridor for the Phase 1 sewer area to be acquired out of the available funds from the professional services account. 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.

2. Matters not reasonably anticipated.

Soares questioned if the aerial photography would be part of the money that Senator Rodrigues secured for a Route 6 project. Hartnett was not aware of the project the Soares is referred to and will follow-up with the Board for the next meeting.

3. Planners Report. - None

4. Correspondence.

- a. Chapter 91 License (21-001CH91) 105-A Pine Hill Road – David Tobias - *Noted*
- b. Chapter 91 License (21-002CH91) – 149 Pettey Lane – William Lach - *Noted*

5. Minutes.

January 5, 2021

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.

6. Invoices.

- a. Southcoast Media – Hearing for the marijuana amendments \$391

Motion

Bullard moved to approve the invoice of \$391 for the advertisement. 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.

Adjournment

The members unanimously adjourned at 5:49 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II