



**BOARD OF SELECTMEN  
MINUTES  
REMOTE MEETING**

**MONDAY February 1, 2020**

Members Present: Richard W. Brewer, Chair  
Shana M. Shufelt, Vice Chair  
Ann E. Boxler, Clerk  
Steven J. Ouellette  
Brian T. Valcourt.  
Also Present: Timothy King, Town Administrator

Select Board Chair, Mr. Brewer, called the remote meeting to order at 6:02 pm after technical difficulties with the remote meeting coordinates.

**Pledge of Allegiance:** The meeting commenced with the Pledge of Allegiance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – Meeting 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 Board of Selectmen 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. The public was invited to join the meeting through the links provided at the time of posting.*

**1. Acknowledgments & Recognitions**

None.

**2. Updates  
**COVID-19****

The total number of confirmed COVID-19 positive cases of Westport residents as of February 1, 2021 is 1195. Westport is still in the "red" or high risk category; the data continues to show household transmission as the main source of positive cases. There are now three (down one from last week) residents hospitalized. No additional resident deaths were reported. Mr. Armendo noted the schedule and availability of the vaccine schedule. The trend in Westport is looking better the past 2-weeks.

**6:05pm**

**3. Action Items**

**Public Hearing.** Request from Richard Mendes d/b/a as Mendes Auto Sales for a Motor Vehicle Class II License to sell used vehicles at 130 Plymouth Boulevard, Westport, MA. Total outdoor spaces: 5.

Mr. Mendes was present and requested the Board consider his application. He has been through the Planning Board for Site Plan approval and was approved and the Zoning Board of Appeals.

**MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

#### 4. Action Items

- a. Request from Coastal Healing to enter into negotiations for a Medical-Marijuana facility Host Agreement. Mr. King explained that the applicant is requesting for a medical marijuana host agreement at this time. It is expected they will eventually ask for a non-medical host agreement. **MOTION** by Mr. Valcourt to enter into negotiations with Coastal Healing. Seconded by Ms. Shufelt.  
Attorney Corey for the applicant was present. Mr. Brewer asked what time-frame is expected. Mr. King stated 3-4 weeks and before the Board votes on it; it would be uploaded for the public to review.  
**The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- b. Request for release for Chapter 61A land Ferry - Map 31 Lot 11 - ANR Lot 1- Gifford Road. Mr. King stated that related departments and committees have reviewed this and none expressed any interest in acquiring it.  
**MOTION** by Mr. Valcourt to release from Chapter 61A. Seconded by Ms. Shufelt.  
**The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- c. Request for release for Chapter 61A land Ferry - Map 31 Lot 11 - ANR Lot 2- Gifford Road. **MOTION** by Mr. Valcourt to release from Chapter 61A. Seconded by Ms. Shufelt.  
**The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- d. Request from the Commission on Disability to consider handicapped parking area improvements at Knubble Beach. Brian Gallagher, Commission Chair was present and explained the need to stabilize the ground for handicapped patrons. Martin Costa stated they have discussed this with Mr. Leach from the Beach Committee and Mr. Gonsalves at the Highway Department on what is required. Mr. Gallagher will return to the Board for a final approval once they have the final solution.  
**MOTION** by Mr. Valcourt to support the COD exploring the solution and finding further information. Seconded by Mr. Ouellette.  
**The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- e. Accept donations for the food pantry through the Recreation Department for a combined donated total amount of \$2,995; comprised of a total of \$2,795 in monetary donations from: Westport Monthly Meeting - \$1,950; William L. Pardee - \$50; Cash from various anonymous donors - \$795; and a total \$200 in grocery gift card from the following: Anonymous - \$100 Lee's Gift Card; Anonymous - \$100 Market Basket Gift Cards.  
Ms. Stewart was present and thanked all the donors.  
**MOTION** by Ms. Boxler to accept the above donations. Seconded by Ms. Shufelt.  
**The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- f. Request to approve change in Precinct A location for future elections to Our Lady of Grace Church Hall at 569 Sanford Road and notice to voters.  
Mr. Valcourt stated that the previous location has very poor accessibility and is small in regards to COVID requirements and the new location would address these issues.

**MOTION** by Mr. Valcourt to change the location of Precinct A for all town elections to Our Lady of Grace Church Hall at 569 Sanford Road. Seconded by Mr. Ouellette. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- g. Request to include a ballot question on the local election ballot for excludable debt for the Bristol County Agricultural High School Project.

The school received approval from the State; no local approval would be required. If the Town does not go forward with an excludable debt assessment, it will affect the annual budget. Discussion ensued over the cost per household. Mr. King would look into the numbers and relay back to the Board.

Ms. Shufelt asked about the DIMAN project and the amount that would impact the Town because it is significantly higher and is not expected to be in effect until 2022.

**MOTION** by Ms. Shufelt approve the item be placed on the local election ballot. Seconded by Mr. Valcourt. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- h. Request to include an article changing the Board of Selectmen to Select Board on the Annual Town Meeting Warrant.

**MOTION** by Mr. Valcourt to include on the next Town Meeting warrant. Seconded by Mr. Ouellette. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- i. Request to include the following Zoning amendments on the Annual Town Meeting Warrant.

**Zoning Article 1.**

Item 1. To amend Section 9.9 Marijuana Establishments.

Item 2. To amend Section 3 Definitions.

Item 3. To amend Section 5.1 Table of Use Regulations.

This article intends to limit the activity to one area in the STOD overlay district because it is mainly a business use and the least intrusive area for this type of uses.

**Zoning Article 2.**

Item 1. To amend Section 9.9 Marijuana Establishments.

Item 2. To amend Section 5.1 Table of Use Regulations.

This intends to prohibit recreational anywhere.

**Zoning Article 3.**

Item 1. To amend Section 9.9 Marijuana Establishments.

This intends to except the uses if zoning article number 2 if passed and if 1 is not passed.

Ms. Correia asked if this would be prohibited Mr. Hartnett stated that they have not heard back from the Attorney General on the general by-laws. But this is for the zoning by-laws.

Ms. Correia stated that there are neighborhoods in the north end including herself and the problems they may incur from this type of activities.

Mr. Brewer stated that the Town has only one applicant at this time and Mr. Hartnett stated that the uses are permitted in this district and it would limit it to those areas. There would be additional restrictions in those areas such as 500 feet setback from residential areas and limit of non-medical retail town wide restriction.

Mr. Valcourt stated that he agreed with some of the points that Ms. Correia stated – the STOD does touch some neighborhoods on the north end of Sanford Road, however the northern most areas of the land is wetlands along the Sanford Road neighborhoods and would not be allowed to be developed. The development is mostly on Route 6. As far as the smells that are anticipated, Mr. Valcourt said that there is no evidence to suggest that with the technologies at retail marijuana establishments elsewhere, there would be any odor. He said that there was on and off access from the highway close by. He, being a north-ender, is in support of this activity; it would help the Town recuperate funds.

Mr. Ouellette had concerns because he wanted to see “Science and Technology” in the STOD overlay district. He is not in support of Article 1 but he will not stop this from going to the public.

**MOTION** by Ms. Shufelt to place this on the ATM Warrant. Seconded by Ms. Boxler. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- j. Authorize use of Chapter 90 Funds for design services for the Route 177, Robert & Tickle Road Project. Mr. King stated that the earmark had expired in June due to the time interval of the pandemic and the engineer. He is proposing going forward with FY22 Ch90 funds to pay for the design engineering for approximately \$130K. He noted that he has spoken to Senator Rodriques’ office regarding the earmark being reinstated. Mr. King does not want the project to lapse for lack of funding. Mr. Valcourt was opposed to changing a department’s working budget. Mr. King specifically asked Mr. Gonsalves if he specifically had any objection and never heard from him. He added that the alternative is to take from real estate or personal property taxes. The Town was informed of this problem just last week from MassDOT. Mr. Brewer asked if this could be postponed for further information. Ms. Shufelt was not in favor with how Chapter 90 funds are allocated and would like to look at how these funds are planned going forward.

**MOTION** by Ms. Shufelt to approve the funds for design engineering for FY22. Seconded by Mr. Ouellette. **The vote:** The Board voted 4-1 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Nay. Brewer, Aye.

## **5. Appointments and Resignations**

- a. Request to make a contingent offer of employment to Michelle Donovan as Full Time Police Officer. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- b. Request to appoint Scott M. Boyer as a part-time Emergency Medical 911 Dispatcher (EMD). **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.
- c. Accept retirement of Susan Branco, Director, Westport Free Public Library effective July 9, 2021. Members were sorry to see her go and wished her the best in her retirement. **MOTION** by Mr. Ouellette to accept with regrets. Seconded by Mr. Valcourt. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Ms. Shufelt asked what is the next step and can the board post the opening. The Library Trustees will seek a replacement.

**MOTION** by Ms. Shufelt to posting the open position. Seconded by Mr. Ouellette. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

**6. Discussion**

Parking recommendations for Horseneck Point Landing.

The Parking Task Force recommends that parking permits be required in that location and that better signage be posted, and to allow the Landing Commission to make exceptions for parking as for example to the Life Saving station. Mr. Valcourt stated that he is opposed to restrict free parking that has been available to the public for over 100 years. He recommended that the Life Saving station hold a certain number a parking permits to give patrons the ability to park and visit. He asked that the motion include passes for the life saving station.

**MOTION** by Ms. Shufelt to require Beach parking passes a the Horseneck Landing all year round and to allow the Landing Commission to approve additional permits. Seconded by Mr. Ouellette.

Mr. Ouellette suggested signs are posted both on the poles and in the parking area. He also noted that he agrees with Mr. Valcourt but unfortunately, this is the way to address people taking advantage.

**The vote:** The Board voted 4-1 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Nay. Brewer, Aye.

**7. Town Administrator Report**

Mr. King briefed the Board regarding the FY 2021 and FY 2022 Municipal Budget; the Route 177, Robert Street/Tickle Road Project; and the Drift Road Guardrail. Ms. Shufelt stated that the neighbors to Kirby Brook met and the engineer SWCole was to be invited to review how to make what's there smaller. Mr. King has a call into SWCole to see if they have some ideas and to see if they would meet. Need to see the cost, scope and also funding option.

**8. Approve Minutes – None.**

**9. Report on Bill Warrant – all in order per Mr. Brewer.**

**10. Selectmen Liaison Committee Reports & Suggestions for Future Agenda Discussion / Action**

Ms. Boxler had nothing to report

Mr. Ouellette stated he attended a SRPEDD meeting and discussed the Westport project.

Ms. Shufelt stated the SB project is on time for a September 2021 opening and under budget. The furniture bidding has come back at 4250K over budget and that is due to taking some things out of construction. They are still well within their contingency. Moving logistics will be also looked at.

Ms. Shufelt mentioned that there was a fatality and some very serious accidents near the intersection of Route 177 & Route 6 over the weekend. The intersection is supposed to have a traffic light based on phase II of the Lincoln Park project in Dartmouth. Ms. Shufelt asked to send concerns. She also recognized the Fire department for rescuing the swan frozen in the river.

Mr. Valcourt stated he did not have any meetings to report on. He did note that he met with Mr. McBride regarding the guardrail over Kirby Brook.

Mr. Brewer is working on the screening committee for the Town Administrator position. He suggested looking over the Town Administrator Goals and BOS Goals in the next month or so.

**11. Boards/Committees/Commissions Vacancy List**

Ms. Boxler stated that the two committees that can use members are the Recreation Commission and the Bike/Walking Path Committee.

**12. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting.**

Zoning Article 4: Planning Board request to refer the proposed amendments back to the Planning Board for review to hold a public hearing on these amendments:

Item 1. To amend Section 9.9.3 Marijuana Establishment Requirements. The proposed amendment would replace paragraph 1 under Section 9.9.3 limiting the location of Medical Marijuana Establishments to the Science and Technology Overlay District and the Adult Entertainment Overlay District.

Item 2. To amend Section 5.1 Table of Use Regulations. The proposed amendment would update the Table of Uses for Marijuana Establishments.

**MOTION** by Ms. Shufelt to refer the amendment back to the Planning Board. Seconded by Mr. Valcourt. **The vote:** The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

**13. Comments and Statements.**

None.

**Adjournment:**

**Motion** by Mr. Ouellette to adjourn at 8:15 pm. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Respectfully submitted,



Lucy Tabit Administrative Assistant/  
Confidential Clerk

APPROVED: \_\_\_\_\_



Ann E. Boxler, Clerk, Select Board Member

**Attachments to Agenda of 2/1/21:**

3 R Mendes application; 4a Med MJ Host Agreement email B Corey; 4b Packet - Ferry - Map 31 Lot 11 ANR Lot 2; 4c Packet - Ferry - Map 31 Lot 11 ANR Lot 1; 4d COD Knubble parking area; 4e List of Monetary Donations for Food Pantry, 1-26-21; 4f Precinct A change; 4g Bristol Aggie ballot item; 4i zoning Item 7 PB Rec Marijuana 1-19-21; 5a Donovan request; 5b Boyer request; 5c Branco resignation; 8 TA report; 9 Bill Warrant; 12 Non-Med MJ