



TOWN OF WESTPORT
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PLANNING BOARD

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PLANNING BOARD MEETING WORK SESSION MINUTES

December 5, 2017

Chairman James T. Whitin called the meeting to order at 5:00 p.m. with Vice-Chairman David Cole, Clerk Marc De Rego, Members Andrew Sousa and Robert Daylor and Town Planner James Hartnett in attendance.

Zoning changes Discussion Recreational Marijuana.

Hartnett reviewed the proposed Recreational Marijuana Zoning By-Laws. Hartnett noted that town Counsel has reviewed the three options available; prohibition, moratorium; change in definitions. Whitin stated that the moratorium should be listed last on the ATM Warrant after the other options are proposed so that if none of the other options are approved, then the moratorium can be voted upon. However, there may be more information forthcoming from the state, which can further influence changes before Town Meeting.

Article for Moratorium extension:

Daylor motioned to forward the recommendation by the Planning Board to extend the moratorium to December 31, 2018. Cole seconded the motion and the vote was unanimous with five in favor.

Item A1 Article for Prohibition of Recreational Marijuana for Town By-laws

Members discussed the article for prohibition and felt they could not support a prohibition. Cole motioned to pass over prohibition as written in item A1. Daylor seconded the motion. The vote was unanimous with all five in favor.

Item A2 Zoning By-Law proposal to prohibit Recreational Marijuana

Cole motioned to pass over the article proposing prohibition. Seconded by DeRego. The vote was unanimous with five in favor.

Item B1 Definitions in Agriculture and Agricultural

Cole motioned to amend the definition of Agriculture as edited. Daylor seconded the motion and the vote was unanimous with all in favor.

Item B2 Insertion of definitions.

Whitin read the various definitions into the record.

Daylor motioned to approve as edited. Cole seconded the motion and the vote was unanimous with five in favor.

Item B3 Definition of "Use Regulations, Section 4.0.1 Residence/Agriculture Districts sub paragraph B.1.

Cole motioned to approve item B3. Daylor seconded the motion and the vote was five in favor.

Item B4: Article 27 Recreational Marijuana Facilities and Uses

Whitin read the proposed regulation.

Cole motioned to eliminate 27.3.3. DeRego seconded the motion.

Members asked to eliminate cultivator and product manufacturer. Section 27.3.1 eliminates any exception for location of Retail Recreational Marijuana Establishments. Edits were made to the dimensional requirements adding that the Board would find it is not detrimental to the neighborhood. Daylor motioned to adopt B4 as edited. Cole seconded the motion and the vote was unanimous with five in favor.

Item B5 Table of Regulations

DeRego motioned to adopt B5 as amended. Daylor seconded the motion and the vote was unanimous with five in favor.

Water Resource Management Committee – Philip Weinberg: Denitrification Regulations.

Weinberg described the purpose for repairing of failed systems and categories under the BOH dealing with any expansion of flow. He noted that the intent for the regulation is for all new construction and for systems located in the river protection zone. These conditions would then be subject to a denitrification system. He noted that he consulted Towns of Wareham and Tisbury. Wetlands would have to then be delineated on properties to determine if the property would or would not be impacted. Setback of 200 feet from an intermittent and perennial stream requires installation of a de-nitrification system.

Whitin asked if the lot is both in and out the 200 foot delineation, which measure will be applied. Weinberg stated that it is measured from the system not the lot line. Whitin noted on a separate plan that delineated parcels for new construction yet showed these would not be effected by the new by-law and that these parcels could potentially add more nitrogen to the groundwater vs. the parcels in the 200 foot perimeter as proposed by the denitrification regulation.

Whitin suggested that the areas that have the potential of being connected to a sewer should be exempt them from the proposed regulation.

Weinberg stated there is a variance/waiver provision.

Daylor stated that he felt that it was not ambitious enough and would have very little impact. He felt that 200 foot was possible but limited and should be from the wetland line. Maury May, Chair of the WRMC was also present and he spoke on the preference of the perennial and intermittent streams.

Cole stated that the cost differential is a red herring because in many instances, it can be less costly to install a denitrifying system vs. a conventional system. He asked they do not refer to it as a “more costly” idea, when it is not. He asked that all new construction be required to install a de-nitrifying system. Discussion ensued over cost perception and wetland resource areas. The WRMC is planning to meet with the BOS regarding this. Cole would like the regulation to apply town wide rather than only within 200 feet from water resources.

Korrin Peterson from Buzzards Bay Coalition stated this draft does not go far enough and suggested that the 200 foot is insufficient and should increase the distance to 800 feet which Wareham uses. She noted that nitrogen will travel no matter the distance. She also noted that denitrification systems with 12mg/liter upgrades were recently installed and that piping and denitrification technology was

between \$4,000-\$12,000. However, the overall cost varied greatly because the systems are site specific. She offered that the Town should consider sewerage wherever possible.

Whitin stated that there is legislation pending that may allow upgrade and a pro-rata charge for upgrading over a period of time through the loan vehicle.

Tanja Ryden was present from the Westport Fishermen's Association noted that though the legislation may go through there must be action taken locally. She suggested 400 feet at a minimum but preferred town-wide delineation of applicability.

Daylor suggested that the smaller lots be excluded if they can be severed.

Administrative Items

Matters not reasonably anticipated.

- MVP grant update. Whitin spoke with Bill Napolitano regarding providing a proposal for performing the Municipal Vulnerability study.
- Members reviewed and discussed the process. Whitin asked the members to approve a letter thanking Joan Steadman for her service to the Planning Board. Members agreed.

Correspondence.

- a. TEC Reports since last meeting as of 11/21/17. Noted.
- b. Upland Trail (13-008C) correspondence from abutter. Noted.
- c. BOS Memo re STM deadlines. Noted.

Minutes.

November 21, 2017

DeRego motioned to approve as amended. Sousa seconded the motion. The vote was four in favor with Cole abstaining because he was absent.

Invoices.

Hartnett mileage and phone \$123.00

WB Mason. \$33.66

SouthCoast Media - Recreational MJ ad #138.99

Seaport Economic Grant, SITEC Invoices 2 & 3 October & November totaling - \$2,320.00

Members unanimously voted to approve invoices.

ADJOURNMENT

Members unanimously voted to adjourn at 7:32 p.m.

Respectfully submitted,

Lucy Tabit, Assistant Planner