



**TOWN OF WESTPORT**  
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## **PLANNING BOARD**

### **PLANNING BOARD MEETING**

March 9, 2021

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 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.com](http://www.westport-ma.com))

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

### **6:00 p.m. Public Hearing**

- 1. Zoning By-Law Amendments** Pursuant to the provisions of MGL Ch. 40A § 5 and Section 2.2 of the Westport Zoning By-laws, the Westport Planning Board will hold a virtual public hearing on Tuesday, March 9, 2021, at 6:00 p.m. The purpose of the hearing is to accept public comments on the following proposed amendments to the Town of Westport Zoning By-laws.

#### **Zoning Article 5**

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.

Whitin mentioned the non-medical marijuana prohibition article that was reviewed by the Board last month did not address the location of Medical Marijuana Establishments. This article would limit medical marijuana to the STOD and the AEOD if non-medical marijuana is banned in Town. Whitin opened the hearing to the Board and the attending citizens for questions or comments; there were none.

### **Motion**

Bullard moved to close the Public Hearing for the Zoning By-Law amendments and Zoning Article 5. 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.

## **Motion**

Bullard moved to recommend Zoning Article 5 be included on the Town Meeting Warrant and that Town Meeting approve the article if the non-medical prohibition article is approved prior to this being considered. 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.

## **2. Administrative Items**

- a. **Coastal Healing (19-015SP)** – Proposed driveway location review.  
McMahan Traffic Assessment

Hartnett mentioned Attorney Brian Corey was present to receive suggestions from the Board and to finalize the entrance location before finishing the final design which would affect the drainage and other things if the driveway was relocated further east.

Attorney Brian Corey Jr. was present virtually representing the applicant along with Jason Adams of McMahan Associates.

Attorney Corey commented that moving the driveway further east would not increase any safety issues for the site entrance.

According to Adams, the proposed site to the east of the median provides sufficient sight distance, as well as the required signs and pavement markings for vehicles to exit safely and efficiently. The current design, according to Adams, would increase the site's productivity. Adams does not believe moving the driveway further east would provide additional safety measures. There would also be negative impacts moving it further east. The utility pole would have to be removed, existing underground utilities would have to be relocated and additional drainage. The proposed driveway location provides sufficient traffic flow and minimizes conflicts within the site.

Schmid voiced his concern that cars leaving the site and making a U-turn to go east at the median would be a safety hazard.

Bullard and Daylor were in favor of the driveway's proposed location.

Soares commented he would still like the driveway to be moved further east and inquired if the sidewalk had been omitted from the design. Attorney Corey commented everything was dependent on the location of the driveway and the sidewalk will be included in the final plan.

Whitin asked Adams if it would be a legal turn at the Sanford Road light signal. Adams stated that it is a legal turn at Sanford Road.

## **Motion to Approve**

Daylor moved to approve the proposed location of the driveway as shown on the Site Plan subject to the receipt of the final drawings addressing all of the Special Permit conditions. Seconded by Bullard. Upon a roll call vote being taken, members Bullard, Daylor, Soares, and Whitin voted aye and Schmid voted Naye. The motion carried 4-1.

- b. **Francis Estates (17-016C)** - Covenant, Homeowners Association, and endorse the plan.

Whitin mentioned the applicant has filed the covenant, homeowners association, and the mylar plans. This subdivision was approved on May 15, 2018, by the Planning Board. The clerk has certified that no appeal was taken within the 20 day appeal period after the filing of the decision. The homeowners association was reviewed by Town Counsel. Recommend Acceptance of the Covenant and Homeowners Association and endorsement of the Plan.

Whitin asked if the subdivision would have a combined denitrification septic system. Hartnett confirmed it would.

### **Motion**

Bullard moved to accept the Form F Covenant and the Homeowners Association and endorse the definitive subdivision plan entitled: "Open Space Residential Development Definitive Subdivision Plan for Francis Estates." 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. CVE – Tootell Way (18-003SP) - Surety and Certificate of Occupancy**

Hartnett mentioned that S.W. Cole inspected the site on January 14, 2021, and referenced their report dated February 1, 2021. The applicant is looking to get the certificate of occupancy and would be willing to post a cash surety for the balance of the work. S.W. Cole estimated the remaining work to be approximately \$232,300 with \$155,000 of that for seeding and growth maintenance. CVE Solar is requesting a reduced amount for seeding and maintenance in the range of \$60,000 - \$70,000.

Cristian Gomez of CVE North America, Inc. was present virtually representing the applicant.

Gomez disagreed with S.W. Cole's recommendation of \$155,000 for the seeding/growth and requested that it be reduced to \$80,000.

### **Motion to Approve**

Bullard moved to recommend the Building Inspector issue a certificate of occupancy for CVE Solar, Tootell Way, provided the applicant deliver a surety for \$232,000 to cover the cost of work identified in the S.W. Cole report dated February 1, 2021, and substantial compliance with the approved plans. 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.

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

#### **3. Borrego – 0 Division Road (20-004SP-LID-S) (continued from July 14, 2020, August 11, 2020, September 22, 2020, November 4, 2020, December 15, 2020, January 26, 2021)**

Request by the applicant to consider the Special Permit and Site Plan Approval Low Impact Development applications for **Borrego Solar Systems, Inc.** for property owned by **John Ciccotelli and Marie T. Ciccotelli**, and located on the west side of **Division Road between 355 and 403 Division Road**, Assessor's **Map 46, Lot 8, 9C**. Pursuant to Westport Zoning By-Laws Article 20 Low Impact Development and Article 24 Large Scale Solar Energy System, the applicant requests permission to construct a solar energy system, approximately 2.1 Megawatts.

Hartnett mentioned the project has been continued since the July 14, 2020 meeting at the request of the applicant.

Holly Ganser from Borrego Solar was present virtually. Ms. Ganser discussed a conversation she had with the Conservation Agent about a plan and design for crossing through the wetlands that would minimize the effect on the environment. Ms. Ganser will give Hartnett the updated plan package and has requested a continuance.

Whitin mentioned the abutters should be notified of the rescheduled April 20, 2021 meeting.

## **Motion**

At the request of the applicant, Bullard moved to continue the Borrego hearing to April 20, 2021, at 6:45 p.m. 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.

## **4. Planners Report**

Hartnett read the Planners Report into the record.

1. As requested by PG Environmental, Hartnett responded to the MS4 audit request for documents. This information was uploaded to their file server on Wednesday, March 3, 2021. The three-day audit will start on March 9<sup>th</sup>.
2. Based on comments from the Board last month, the updated Planning Board annual report is attached for your review. This needs to get filed by March 10, 2021.

Bullard proposed including the number of solar projects completed, as well as the first medical marijuana dispensary and possibly a non-medical marijuana dispensary. Whitin went on to say that the number of completed and operational solar projects should be included. Whitin requested that the PILOT revenues be included as well.

3. Hartnett spoke with the Water Operator for the Town of Westport regarding setting up possible Water Districts. Linda Correia referred him to Clark Shores in Lakeville, MA. This is an older summer cottage community that spent the last 20 years developing a public water supply system. They were able to secure funding in the form of grants and loans from the USDA.

Clark Shores Water Corporation - (508) 946-9641  
Rose Marie Walsh  
President, Patricia Welsh – (781) 689 5509

Hartnett then described his discussions with Rose Marie, Sarah Sterns, and Leroy Kendricks from Tiverton about how to proceed with building a public sewer authority.

Soares mentioned it may be possible to apply for grants.

Schmid thanked Hartnett for completing the MS4 audit on such short notice.

Whitin reported the Board of Selectmen had approved the advertisement for the Assistant Town Planner position and that he was seeking guidance from the Board on whether the position should be advertised. Members Bullard and Whitin agreed to move forward with the advertisement for the position.

## **5. Correspondence**

- a. Fall River Zoning Board of Appeals - *Noted*
- b. Westport Zoning Board of Appeals - *Noted*

## **6. Minutes**

March 9, 2021

## **Motion**

Bullard moved to accept the February 23, 2021 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.

## **7. Invoices**

None

## **Adjournment**

The members unanimously adjourned at 7:10 p.m.

Respectfully submitted,

James Hartnett, Town Planner

Nadine Castro, Assistant Town Planner II