

Minutes of Planning Board Meeting  
Town of Whately  
Town Offices Building, 4 Sandy Lane  
February 28, 2017

Members Present: Don Sluter, Judy Markland, Nicholas Jones, Sara Cooper, Helena Farrell  
Members Absent: None  
Staff Present: Mary McCarthy, Secretary

Attending: Kot Kasom, 170 Pomeroy Meadow Rd., Southampton; Mindy Thach 221 River Rd.; Anderson Green, 114 Logtown Rd., Amherst; Leakhena Som, 170 Pomeroy Meadow Rd., Southampton; Dan Denehy, 330 Haydenville Rd.

Call to Order, 7:02 p.m.  
The meeting was not recorded.

I. NEW BUSINESS

1. Potential Medical Marijuana Facility Discussion – Kot Kasom, Green Thumb Investments

The first agenda item, for SBA/Verizon, was moved to the second spot since the representative had not yet arrived.

Mr. Kot Kosom said he had come for information, introduced his associates and briefly described their plan to open a medical marijuana facility at 211 River Road, which used to be the Louis Kanz property and is now owned by Ms. Mindy Thach. He asked how to apply to have the property zoned industrial so that his use would be permitted there, and was told that it would necessitate changing the zoning bylaws. The board recommended that the group read the zoning bylaws for current laws, explaining that an application for a zoning change must be approved by a 2/3 vote at town meeting and that it is not easily done. It was also noted that the Planning Board as a general policy disapproves of spot zoning. The board also recommended that they talk with town clerk Lynn Sibley about how to get their item on the town meeting agenda, mentioning that it would be unlikely to be able to do so for the annual town meeting next month.

2. Request for Site Plan Review – SBA/Verizon

Ellen Freyman, of Schatz, Schwartz and Fentin, P.C. in Springfield, and authorized agent for SBA Towers IX, LLC, formally submitted the application for site plan review of a project to erect a 100 foot wireless telecommunications tower with a 10 foot lightening rod and associated

equipment, on property at 84 Haydenville Road owned by Joseph Korpiewski and Susan Gougeon. Don noted that the \$75 application fee had been paid.

The board raised the issue of the property's not being on town-owned land, and consulted zoning bylaws section 171-28.2 "Wireless Communications Services District" (especially paragraph "C. Location") which deals with the district and its requirements. Don explained the reasoning that, if everyone must look at the cell tower, the regulation says that the money generated by the tower should come to the town, to lower taxes for everyone. Ellen Freyman reminded that taxes will be paid to the town, and mentioned that in some cases, federal law trumps town zoning where location is concerned. From the audience, Dan Denehy noted that West Whately is a dead zone, with no cell service in the area.

The board set the date of the public hearing as March 28, 2017, at 7:00 pm.

## II. OLD BUSINESS

### 1. Approval of Pines Plains Estates Construction Inspection Reports

Don observed that the reports show Pine Plains had done everything required. Nicholas noted that Brent White, of White Engineering, is paid by the town to review, inspect and report on everything concerned, noting that he has been impressed with Mr. White's work all along. Nicholas moved to approve the inspection reports, Sara seconded the motion, and the board voted unanimously to approve them.

### 2. Farm Brewery Tasting Room Discussion

Discussion points included:

- The farmstand bylaw says that 25% of the farm stand's sales, either by volume or gross sales, must be produced by that farm.
- State law permits retail sale of growlers at the location, but the zoning regulations don't.
- Three months ago the board wrote to town counsel requesting an opinion on questions surrounding farm stands and farm breweries, and they are still waiting for it. Judy will talk to Brian Domina again about this.

## III. Other

1. Judy reported her impressions of the recent public hearing in Deerfield regarding the Deerfield medical marijuana zone.

## IV. Approval of Minutes

Judy moved to approve the minutes of January 31, 2017 as amended. Don seconded the motion, and the board unanimously approved the minutes as amended.

3.

- V. Planning Board Mail  
The board reviewed the mail
- VI. Next Meeting Date  
March 28, 2017 (if necessary)
- VII. Adjourn  
Don adjourned the meeting at 8:32 pm

*Documents reviewed (kept in the Planning Board files)*

- 1. An indexed, 10-tab application packet with a cover sheet titled:  
Application for Site Plan Review, 84 Hadenville Road, Whately, MA, February 2, 2017
- 2. Seven sets of multi-page inspection reports, dated December 30, 2015, April 1, 2016, April 28, 2016, May 20, 2016, May 31, 2016, June 30, 2016, and September 22, 2016  
Each is headed:

Pine Plains Subdivision Phase 3 & 4 Inspection  
For  
The Town of Whately, MA  
By:  
White Engineering, Inc.

- 3. A four-page set of test reports for Pine Plains Estates: two are headed Compaction Test Report, and two are headed Particle Size Distribution Report

Mary C. McCarthy, Secretary  
Planning Board  
Town of Whately