

Minutes of Planning Board Meeting
Town of Whately
Town Offices Building, 4 Sandy Lane
April 18, 2017

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

Attending: Jay LaTorre, 99 East River Dr. 9th Floor, East Hartford, CT; Ellen Freyman, 1441 Main St., Springfield; Michael Stuart, 100 Apollo Dr. Suite 303, Chelmsford; Michael A. Fenton, 1441 Main St., Springfield; John Wroblewski, 29 Straits Rd.

Call to Order, 7:00 p.m.
The meeting was not recorded.

I. NEW BUSINESS

1. PUBLIC HEARING – Site Plan Review

SBA Towers: Cell Tower at 84 Haydenville Road

The secretary read the legal notice and the applicant agreed that it was accurate. Ellen Freyman, authorized agent for the applicant, introduced Jay LaTorre and Mike Stuart, of Verizon. Mr. Stuart stated that Verizon would be the first client with equipment on the monopole, and mentioned that the other four towers that Verizon uses have their competitors mounted on the same towers. The board reviewed the Zoning Board of Appeals decision of April 6, 2017, granting the applicant a special permit for the project. Referring to plans displayed on an easel, Mr. Stuart pointed out a 50' x 50' fenced area, explaining that utility equipment, a propane tank and a backup generator would occupy some of that area. He said the landlord's house is on the property, and that the fall zone is within the owner's property. He said that access would run up the existing driveway, and that a new access road would continue farther in. Grading was briefly discussed, with the comment that more information details exist that are not available tonight. The board pursued the matter of the driveway, considering whether it counts as a common driveway since it will be shared by a couple of users. Judy Markland commented that business/residential users change the use of a driveway in a way that is different from what two homeowners would do. Mr. Stuart answered that

the driveway would not be much used by people accessing the cell tower, since maintenance is only necessary about four times each year.

Don Sluter commented that Fire Chief John Hannum had no objection to the project, adding that he will check on the opinion of Highway Superintendent Keith Bardwell. The Historical Commission has signed off on the project, Don said, and he has not yet heard from Scott Jackson of the Conservation Commission but knows he received a copy of the plans.

Jay LaTorre, of Verizon, addressed the location of the project. He said the town-owned property they had considered was lower in height than the site ultimately chosen. It wouldn't have provided as much new coverage, he said, and also wouldn't have connected as well as the chosen site with other Verizon towers in Whately and Hatfield, to provide continuous coverage. Using the plans on the easel, he showed where reliable service and poor service are currently located. Mr. LaTorre said the project will involve installation of no lighting other than a work light near the equipment, adding that no light is required at the top of the tower because the location doesn't call for it.

Commenting that the property includes a steep section, Helena Farrell asked when the grading would be done. Jay LaTorre replied that it would be done soon, and that they would work with the building inspector.

Nicholas Jones asked about the cost to dismantle the tower when it is no longer needed, and directed Mr. LaTorre to send the board copies of the estimate for demolition and removal. Judy commented that she has heard feedback in favor of the project, because people want the service. There were no further comments from the attendees, and Don closed the public comment portion of the hearing.

Don moved to approve the site plan on condition of approval by Fire Chief John Hannum, Highway Superintendent Keith Bardwell, and the Conservation Commission, as well as the board's receipt of copies of the removal bond and of the grading plan. Nicholas seconded the motion, and the board voted unanimously to approve the site plan. Don closed the hearing at 7:30 p.m. He will complete the approval form and will email it to the secretary.

II. OLD BUSINESS

Pine Plains Estates Lot Releases

John Wroblewski told the board that 19 lots at Pine Plains Estates had been sold, and that three more were in the process of being sold. He stated that in Phases 3 and 4, the only thing left is to run electricity. Next Monday, he said, Eversource will install it. Highway bounds are also being installed. Lots 29, 19, and 15 have parties interested in buying them, he said, and will have pavement topcoat in the fall that will be the last of the utilities.

Mr. Wroblewski used a map (which he took home with him) to show the current situation to the board, and asked members to release Lots 31 and 32 because they already have power.

Don moved to approve release of Lots 31 and 32. Judy seconded the motion, and the board voted unanimously to approve release of both lots. Don will go to a notary to get the release document notarized, and he will sign it tomorrow. He will leave a copy of it in the Planning Board mailbox for the files.

III. Other

1. The board discussed Long Plain Solar LLC, which has applied for a special permit from the Zoning Board of Appeals and site plan approval from the Planning Board. The discussion included environmental concerns, and it was noted that brooks, buffers, and debris collection basins within 100 feet of wetlands are items for the Conservation Commission to consider. The access driveway was also discussed, and the board reviewed changes to it shown on the April 6, 2017 revised plan. Judy reported that the Historical Commission doesn't know of specific archaeological sites that may be affected but has some concerns that the location is one favored by native Indians and asks that the site plan minimize ground disturbance. Helena noted that the plan has minimal information on the depth or area of disturbance and that much more detail needs to be provided.
2. The board discussed a commercial home business involving dog training, and considered where it might fit best within the zoning regulations. The members reviewed bylaw section *171-11B Accessory uses* as a possibility and determined that it was not applicable for outdoor uses, so the use is not permitted there. Don will email building inspector Jim Hawkins about the board's discussion.
3. The board discussed town counsel's opinion about the eligibility of the Hitchcock Brewery tasting room as a farmstand, stating that the product of farm breweries is hops, rather than beer. The board wants to know what percentage of the beer is comprised of hops, since the bylaw says it must be 25% of the farm's product. Don will draft a letter to Jim Hawkins referencing the opinion and asking him to talk to the Hitchcock owners about the percentage of hops in their beer.
4. The board discussed the new Massachusetts law legalizing recreational marijuana, the impact of more large greenhouses in general, and the proliferation of large solar arrays on good farmland as a potential zoning issue. Judy will write a proposal to send to the Agricultural and Conservation Commissions, asking for a brainstorming session about what zoning changes might be needed to best protect Whately farms and farmland in the future.

IV. Approval of Minutes

Minutes of February 28, 2017

Nicholas moved to approve the minutes as amended. Don seconded the motion, and the board unanimously approved the minutes as amended.

Minutes of April 4, 2017

Judy moved to approve the minutes as amended, Nicholas seconded the motion, and the board unanimously approved the minutes as amended.

V. Planning Board Mail

The board reviewed the mail.

VI. Next Meeting Date

May 30, 2017

VII. Adjourn

Don adjourned the meeting at 9:00 pm

Documents reviewed (kept in the Planning Board files)

1. A 5-page plan of land titled:

SBA
SITE NUMBER: MAA16680B
SITE NAME: WHATELY MA
84 HAYDENVILLE ROAD
WHATELY, MA 01039
FRANKLIN COUNTY

The most recent date in the Revisions box on each page is REV 1, 03/01/17.

2. A multi-page document time-stamped by the Town Clerk as having been received 2017 FEB – 2 PM 2:24, divided into 10 tabbed sections held by a binder clip, and titled:

APPLICATION FOR SITE PLAN REVIEW
84 HAYDENVILLE ROAD
WHATELY, MA
February 2, 2017

3. An email from Town Counsel David J. Doneski, Esq., of K | P LAW, dated April 18, 2017 and sent to Town Administrator Brian Domina in reply to a request for a legal opinion regarding whether the 25% rule under the farm product/farm stand exemption permits the retail sale of beer at the property (from a tasting room) if the beer is produced on the property with hops grown on the property.

Mary McCarthy,
Secretary
Planning Board
Town of Whately