

Minutes of Planning Board Meeting  
Town of Whately  
Town Offices Building, 4 Sandy Lane  
August 15, 2017

Members Present: Don Sluter, Judy Markland, Nicholas Jones, Sara Cooper  
Members Absent: Helena Farrell  
Staff Present: Mary McCarthy, Secretary

Attending: No one signed the attendance sheet at this meeting

Call to Order, 7:20 p.m.

The meeting was not recorded.

I. PUBLIC HEARING, continued: Whately Renewables Solar Project Site Plan Review

The board began by discussing the mailing of solar net metering postcard notices for the earlier Long Plain Solar project, then discussed their visit of August 2, 2017 to view the site of tonight's public hearing subject: the Whately Renewables Solar project. Don noted that the viewing had been helpful to the board and showed that the project went a long way back from the road. The board noted that it wants to see spreading trees planted off the right-of-way.

Regarding the importance of screening utility poles, it was noted that spreading trees can mitigate that challenge. A Nexamp representative said that his company would push Eversource to accomplish that end. Don asked that the board be notified when Nexamp is going to go with Eversource to visit the site, and was told that Nexamp would give the board as much notice as it can.

The board discussed with SVA Engineer Tony Wonseski the possible types and sizes of trees. Nicholas noted that Highway Superintendent Keith Bardwell had said no maples should be used, and had instead suggested any type of oak, as well as honey locust and disease-resistant elms. An attendee gave her opinion that green ash would be better suited to the situation than honey locust, referencing trees on abutter Irene Farrick's land.

The board discussed possible conditions it might impose if it were to grant site plan approval. Judy distributed a two-page document headed, "Draft Conditions – Whately Renewables", which Nicholas read aloud. Items addressed requirements for an annual report, a decommissioning plan, revisions to the documentation of site control regarding the lease and any changes in property ownership, minimization of ground disturbance, location of new utility poles, plantings along the wetlands boundary to the west, cessation of construction work and notification of the Historical Commission regarding discovery of any prehistoric features, and specifications for

several trees. As the discussion progressed, Nicholas wrote down the tree measurements agreed upon. Tony Wonseski noted that there is a one-year warranty on the plantings, and the board explained that they wanted the plantings to be maintained on an ongoing basis, like the fencing, describing the expense as a cost of business. There was a brief discussion of distinctions between contractors and owners, and of current and future owners. Nicholas noted that the site plan approval and its conditions should run *with the facility*, no matter who owns it.

Abutter Mike Bechta asked for more discussion about what will be planted to block the view of the facility and its poles from his house. Don asked whether Mr. Bechta and engineering firm SVE could reach a compromise on this. Working with a plan supplied by SVE's Tony Wonseski, they agreed on a compromise and showed the plan to the board.

At 8:05pm, Don closed the public comment portion of the hearing. Nicholas moved to approve the site plan with the conditions listed on the draft, and Judy seconded the motion. Sara recused herself from the vote. Don, Nicholas, and Judy voted unanimously to approve the conditions.

## II. New Business

### 1. LaSalle ANR

This item did not appear on the posted agenda, and was postponed.

## III. Old Business

### 1. Discussion of potential zoning changes

The board reviewed a document headed, "Public Consumption of Marihuana or Tetrahydrocannabinol", regarding a bylaw for possible adoption. Because this is not a zoning issue, it was felt that it is not a matter for the Planning Board.

### 2. Discussion of recreational marijuana zoning

The board discussed the necessity of explaining that marijuana is not agricultural, and must comply with Massachusetts General Laws. A draft document titled "Possible Preliminary Changes to Whately Zoning Bylaws for Recreational Marijuana" was submitted, proposing the following:

1. Define agriculture in the table of use to incorporate the state's exclusion of marijuana, by adding these words to the beginning of the text:

Consistent with the provisions of G.L. c. 40A, §3,

2. Clarify that marijuana cultivation is not agriculture and simplify the location requirements in the Medical Marijuana bylaw by editing paragraphs A (a) and B (a):

In ~ 171-28.6 A (a), add text stating that,

“For the purpose of the table of use, marijuana is not agriculture.”

In ~ 171-28.6 B (a), Remove the word, “permanent” from the building description in the definition of marijuana cultivation

Nicholas moved to accept the proposed changes, Sara seconded, and the board voted unanimously to accept them. Agreed: schedule a public hearing for September 28, 2017, in order to have the items ready for the first Special Town Meeting of the fall.

IV. Other

The board reviewed and approved Judy’s notes on the June 27, 2017 Agricultural Zoning Strategy Meeting of the Planning Board with Margaret Christie of the Agricultural Commission and Scott Jackson of the Conservation Commission.

IV. Approval of minutes

Minutes June 27, 2017

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

Minutes of July 25, 2017

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

V. Planning Board Mail

The board reviewed the mail. Don read a letter that Building Inspector Jim Hawkins sent to Richard and Geneva Pederson, instructing them to stop retail sales of beer at their brewery, per direction of Town Counsel, and directing them to the Zoning Board of Appeals to apply for a special permit.

VI. Next Meeting Date

Sept 28, 2017 (if necessary)

VII. Adjourn

Don adjourned the meeting at 9:08 pm

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

1. A 2-page document headed, “Draft Conditions – Whately Renewables”
2. A 1-page document headed, “Public Consumption of Marihuana or TetrahydroCannabinol

4.

3. A 2-page document headed, Possible Preliminary Changes to Whately Zoning Bylaws for Recreational Marijuana
4. A 2-page document of Judy Markland's notes, headed, "Agricultural Zoning Strategy Meeting June 25, 2017"

Mary C. McCarthy, Secretary  
Planning Board  
Town of Whately