

Minutes of Planning Board Meeting
Town of Whately
Town Offices Building, 4 Sandy Lane
September 27, 2016

Members Present: Don Sluter, Judy Markland, Nicholas Jones, Sara Cooper, Fred Baron
Members Absent: none
Staff Present: Mary McCarthy, Secretary

Attending: John Wroblewski, Straits Rd

Call to Order, 7:01 p.m.
The meeting was not recorded.

I. OLD BUSINESS

Pine Plains – paving and lot releases

John Wroblewski of JAWK, Inc., developer of Pine Plains Estates, stated that all the development's streets are now paved. Submitting a page showing the lot layouts, Mr. Wroblewski said that Condition 21 was now satisfied, and asked the Board to release Lots 44 and 40. He requested the release of Lots 31 and 32 as well, saying that all services are now available. He also said that he had discovered that there is nothing on record at the Registry to show that Lot 41 was ever released.

Further discussion
included:

- Condition 23, regarding clearing of a parking area and signage for Lot 23, to be approved by the Planning Board prior to release of any lots in Phase 4. This lot was given to the Commonwealth of Massachusetts Department of Fish and Wildlife, to be publicly available, and the Board emphasized that it is important to say so on the sign.

Judy Markland moved to release Lots 40 and 41. Fred seconded and the Board voted unanimously to pass the motion. John Wroblewski will email the signature documents to Don Sluter for signing by the Board.

II. NEW BUSINESS

Conway School of Landscape Design discussion

Discussed: The Conway School of Landscape Design's study of possible improvements in the middle of town, (A Master Plan for the Whately Center Historic District). It was noted that the Selectboard had asked the Planning Board to work with Keith Bardwell, Head of the Highway Department. Town Administrator Brian Domina had talked to the Massachusetts Department of Transportation about the potential uses of funds available for Phase 2 and that they can only be used for preparation of the prioritization plan. Brian and Keith had spoken with engineering firm Tighe & Bond, and that the town may apply for Phase 2 funds to hire them – or another firm – to write a prioritization plan, which

is the second step toward qualifying for the Complete Streets program (the third step is applying for the grant). It was further noted that a big part of the Complete Streets program is bicycle lanes, but that, beyond Route 5, there were few, if any, streets that could support bicycle lanes. Complete Streets might fund widening of Christian and Long Plain Road for bicycle lanes for school children.

III. OLD BUSINESS

Farm Breweries Discussion

Discussed:

Hitchcock Brewing has had a Farm Brewery Liquor License, issued by the state Liquor Board, for some time. They also have a permit for the common driveway. So far, the building's change of use has not been addressed. The amount of hops grown on the farm is for a small proportion of the farm's beer production. Town Administrator Brian Domina spoke with the owner, and Planning Board Chair Don Sluter and both Building Inspectors met with him. Don said the owner told them that he thought he had done everything necessary. After consulting the bylaws, the Board noted that the tasting room does not comply with Whately's zoning regulations, under which, the business must be a farmstand to sell retail, and the hops grown by the business don't comprise a large enough percentage of the product ingredients to qualify the business as a farmstand. The Board discussed changes to the draft "Worksheet for New or Expanded Farmstands". Don and Judy will contact both Building Inspectors to discuss the farmstand issue.

IV. Meeting Date discussion

The Board decided to return to its former meeting date of the last Tuesday of the month.

V. Approval of minutes of July 19, 2016

Postponed to next meeting

VI. Other

Judy noted that the Historical Commission had discussed the variance approved for the Nourse Farms solar power generation array; Don explained that Nourse Farms had cancelled the project because the interconnection fee was going to be prohibitive. Judy wondered whether the Zoning Board of Appeals had granted the variance under the solar exemption or the agricultural exemption in state zoning. The state's guidance on large-scale ground-mounted solar systems is more definitive now than it was several years ago and an opinion from town counsel might no longer be relevant.

The Board then discussed an email dated 9/27/16, from Debra Carney of the ZBA,

who had forwarded to the Board an email from Tony Wonsecki of SVE Associates regarding zoning regulations for placing a solar installation on a lot that is non-conforming because it has no frontage. Ms. Carney had asked for the Board's opinion. The Board agreed that documented access would be required – for construction, maintenance, and in case of fire, but that no formal frontage requirement applies.. Don will reply to Debra's letter, get Board approval of the reply, and will include the secretary on the list to receive the final version of the letter for the files.

The Board discussed an attachment from an email Don received from Margaret Christie of the Conservation Commission. The attachment, dated 9/27/16 and titled "Town of Whately Policy to Protect APR Lands", was drafted to help stop buildings from being built on APR land, he said. An applicant for an Approval Not Required (ANR) subdivision designation would have to submit a statement, along with the usual Form A, stating the land in question is not under an Agricultural Protection Restriction. The policy was developed to help the town get a larger proportion of state funding for APR's. Don moved to approve the policy as submitted; additionally, the Form A document will be modified so that ANR applicants will certify that the land is not under APR. Nicholas seconded, and the Board voted unanimously to pass the motion.

VII. Next Meeting Date: the last Tuesday of October, 10/25/2016

VI. Adjourn

Don adjourned the meeting at 8:50 pm

Documents reviewed (kept in the Planning Board files)

1. an 8 ½ x 11 inch sheet showing the lot layouts of Pine Plain Estates, with lots sold as of 9-27-16 marked with an X.
2. a 2-page draft of "Worksheet for New or Expanded Farmstands"
3. an email dated 9/27/16 from Debra Carney of the Zoning Board of Appeals, forwarding to the Board an email she had received from Tony Wonsecki of SVE Associates (with attachment)
4. an attachment from an email to Don Sluter from Margaret Christie of the Conservation Commission, dated DRAFT 9/27/16 and titled "Town of Whately Policy to Protect APR Lands"

Mary C. McCarthy, Secretary
Planning Board
Town of Whately