

Minutes of Planning Board Meeting
Town of Whately, MA
Town Offices Building, 4 Sandy Lane
October 29, 2019

Members Present: Nicholas Jones, Judy Markland, Sara Cooper, Tom Litwin
Members Absent:: Don Sluter

Attending:

Ed Lally, 111 Prospect Hill Rd., Windsor, CT

Karen Gaston, 15 Austin Brook Dr., East Granby, CT

I. Call to Order, 6:38 p.m.

The meeting was not recorded.

II. Approval of Minutes of August 27, 2019 and Minutes of September 24, 2019

Judy moved to accept both sets of minutes as amended, Nicholas seconded the motion and the board voted unanimously to approve them as amended.

III. Public Hearing – Diamond Shine Marijuana Retail Site Plan Review, continued from August 27

Ed Lally submitted a modified version of the site plan prepared by Ed Lally and Associates Inc. showing the exact location of the new septic system, with all other items the same as previously submitted. The updated version is dated August 19, 2019, with a handwritten notation at the lower right corner that reads, “PB Rec’d 10/29/19”. He also submitted a 3-page plan of the design details for the new septic system. The pages were originally dated 10/3/19, and pages 1 and 2 were revised on 10/23/19.

Mr. Lally then submitted a 4-page document he referred to as “updated notes”, that begins, “We have received ZBA Approval of A SPECIAL PERMIT...”. He said the document was the latest part of the application package, and that he had given the application package to the required other boards and committees. He read items from the document and the board asked questions about some of them.

Among the points discussed were these:

— Street planting sizes will be 3” caliper for shrubs and 2” caliper for flowering trees.

— Security:

Camera locations are shown on the plan, and were chosen by a security expert. Images will be stored offsite by a security company, and will be available to police. Neither the shop owner nor any of the employees will be able to access the cameras. Computers will know when doors are opened and closed, and some doors cannot be opened. On the advice of the Whately Police Chief the shop will have no public restroom in order to help prevent illicit activities.

— The sign will be 3 ft x 4 ft, and illuminated from the interior.

— The building will be painted a pale tan, or “wheat” color

- Waste will be removed and incinerated off-site. Judy noted that the state requires a certain type of incineration facility to handle this.
- Odor control system:
Ed Lally said almost all marijuana-related materials will be prepackaged and intended not to be opened. The odor control system is used by marijuana processors, whose operations have thousands of times the odor of a retail shop. The system they chose is more than they need, he said, and although it is not required they thought it would guarantee no odor problems. In the building's exhaust vent, the system grabs molecules and breaks them down, he said, noting that all exhaust is non-toxic. Tom Litwin accessed an MSDS sheet online with his cell phone, and noted that the sheet stated "toxicity is not available". Asked about the handling of the material that treats the exhaust air, Mr. Lally said it will be stored in 55-gallon drums for removal as waste.
- Parking/Traffic:
The traffic report says up to 192 vehicle trips per hour can be handled, but they expect only 42 vehicle trips per hour. The Host Community Agreement states that if traffic reaches the maximum limit they will hire a police officer to direct traffic. The parking lot will be redesigned to allow only one-way IN and a one-way OUT access and egress. Cars will no longer be able to back up onto State Road as they can now.
- Building Ownership/Occupation
Mark Battey will keep one building for now. The Diamond Shine lease/purchase contract with him allows him to reside there. Mr. Battey lives on the premises, has a permit to operate his business from there, and is allowed two parking spaces. He wants to close his business and leave as soon as possible, but he won't leave until the state has completed the Diamond Shine approval process, and Karen Gaston won't do the landscaping and other planned work until that happens.
- Marijuana Education will be done customer by customer, according to the particular needs of each. Judy suggested sponsorship for children's programs about the development of the mind.

At 7:40 p.m. Nicholas asked for further questions and there were none. Judy moved to close the public comment portion of the hearing. Sara seconded the motion and the board voted unanimously to do so. Judy noted that the other boards and committees have 90 days from the August submittal date to review the application package and respond.

The board discussed conditions to be imposed, including

- stamped plans
- all necessary approvals
- copy of Host Community Agreement
- community education plan
- revocation of Mark Battey's special permit once all necessary approvals have been received

Tom suggested drafting the conditions later and holding a special meeting to finish and approve the wording. The applicants and the board agreed to hold the special meeting on Tuesday, November 12, at 5:30 p.m. at Town Hall, for which the board will obtain a key.

IV. New Business

a. Solar Bylaw Update Discussion

Judy submitted a document dated 10/29/2019 and titled, "Draft Discussion Outline for Revisiting Whately's Solar Bylaws". She noted that both technology and regulations have changed since the adoption of Whately's 2011 solar bylaw, and said that state regulatory changes may increase the flow of large projects to the western part of the state.

The board discussed holding a public meeting to review the bylaw to see what is working well and what may need to be added or improved. The meeting would be incorporated into the next regular Planning Board meeting, which will *not* be held during Thanksgiving week. Proposed meeting dates include Tuesday, November 19 at 7:00 p.m. and Tuesday, December 3 at 7:00 p.m. The board agreed to ask Town Administrator Brian Domina to set up the meeting, which will be well publicized in order to draw members of boards, committees, and the general public. Judy will make the request and inform Brian of the two possible dates, then let the board know which date is works best.

V. Old Business

a. Landscaping at Christian Lane Solar Facilities Discussion Postponed

VI. Planning Board Mail

The board reviewed the mail.

VII. Adjournment:

At 7:28 pm, the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. a modified version of the site plan prepared by Ed Lally and Associates Inc., showing the exact location of the new septic system. This updated version is dated August 19, 2019, with a handwritten notation at the lower right corner that reads, "PB Rec'd 10/29/19". The plan is headed,

Proposed Improvements
Property of
Mark Battey
85 State Road
Whately, Massachusetts

4.

2. a 3-page plan of the design details for the new septic system. The pages were originally dated 10/3/19, and pages 1 and 2 were revised on 10/23/19. A handwritten notation at the lower right corner reads, "PBRec'd 10/29/19". The plan was prepared by Environmental Planning Associates, of South Deerfield, and is headed,

Septic System Design
Mark Battey & Diamond Shine
Assessors Parcel 12-0-32
85 State Road
Whately, MA

3. a 4-page Diamond Shine document of "updated notes", that begins, "We have received ZBA Approval of A SPECIAL PERMIT...". The first page lower right corner bears the handwritten notation, "PB Rec'd 10/29/19".
4. a document dated 10/29/2019 and titled, "Draft Discussion Outline for Revisiting Whately's Solar Bylaws".

Mary McCarthy
Secretary
Planning Board
Town of Whately, MA