



TOWN OF WHATELY Whately, Massachusetts

Planning Board
Donald Sluter, Chair

Mailing address:
4 Sandy Lane, So Deerfield, MA 01373

Minutes of the August 4, 2020 Meeting, 5 pm Conducted remotely via Zoom¹

Participating were Don Sluter (chair), Sara Cooper, Nicholas Jones, and Tom Litwin and guests: Archie Adams of Nexamp, Gretchen and Michael Bechta, Kristi Bodin of Curtiss, Carey, Gates and Goodridge, and J.D. Ross.

Don called the meeting to order at 5:05 pm.

The minutes of the May 12 meeting were unanimously approved as amended.

106 State Road – Site Plan Review application

Kristi Bodin requested a waiver of site plan review for this site, which the applicants hope will become a candle retailer rather than a woodstove retailer. Since there was no change in use and no proposed change in the exterior of the building or grounds, the Board voted unanimously to approve the waiver.

148 State Road Zoning Compliance

Don stated that in his opinion the property was in compliance with the provisions of the accessory home occupation provisions of the bylaw. Judy disagreed, reading §171-11A (4) which limits external evidence of the home business to a 2' x 2' sign and noting that paragraph (6) also limits the number parking spaces to four. The site routinely has six or more vehicles parked there, several of them trailer trucks or tankers. She recommended notifying the Building Inspector about the violation and writing to Kyle Monahan separately to suggest that he apply to change the zoning on the parcel from Ag/Res 1 to Commercial.

Tom pointed out that this would be spot zoning and would create a bad precedent, encouraging others to deliberately violate town zoning to make it easier to get a change. Don suggested a general review of places in town where commercial zoning would be appropriate. Sara noted that the Monahan site is adjacent to commercial zoning to the south and Allard Lumber on the north, and that a commercial designation there would be appropriate.

Don expressed opposition to writing the Building Inspector in favor of his meeting with the Inspector and the Monahans to work something out. Tom noted that zoning doesn't allow for compromise and Nicholas expressed concern that this approach lacked

¹ <https://umass-amherst.zoom.us/j/9820196183>

transparency and might expose Don to liability. It was voted to send a letter to the Building Inspector stating the Board's opinion of non-compliance.

J.D. Ross then spoke in defense of Kyle Monahan, noting that he is a good citizen of the town and questioning why the Board would question his compliance and not that of others around town who operated similarly, in particular Komosa Trucking on Dickinson Hill. That business operation has been a concern of the Conservation Commission.

The Board decided to table sending the letter to the Commissioner pending further discussion of other businesses and their compliance. Don asked Judy to draft the letter so that it would be ready for discussion at the next meeting.

Whately Renewables Solar Facility–Christian Lane

Archie Adams enquired about the seriousness of the Board's interpretation of the 500' setback requirement for a battery storage unit from an adjacent lot line. The site Nexamp is proposing for a self-contained Tesla battery storage unit is too close to the adjacent property on the east to satisfy this requirement. He was informed that the ZBA would be the appropriate board to opine on the matter.

He confirmed that Nexamp has received a building permit for a concrete slab on the property and that a permit for the battery installation is pending and was informed, that since neither appear on the approved site plan, installation of the battery would require approval of a revised site plan. Since the special permit for the facility included only power generation and not storage, the facility would likely also need another special permit from the ZBA. Mr. Adams said that he would relay this information to the appropriate people.

Michael Behta questioned why the town would grant additional permits to a company that had performed so poorly in complying with the first one issued. The Board noted that, if additional approvals were granted, the new solar bylaw gave the town greater oversight ability during construction and operation.

Discussion turned to a landscape plan for the facility which Don had forwarded the Board and there was some question why it had been sent now since it is dated November 15, 2019. Don said that he would check to see. There was general agreement that our concerns about the lack of appropriate landscaping on the site could be addressed in the context of the revised site plan discussion.

The meeting was abruptly terminated at approximately 6:40 pm by a widespread power outage affecting all Whately participants.

Respectfully submitted,

Judy Markland

Documents discussed and on file: Pollinator Habitat Plan prepared by Beals and Thomas, Inc., In Four Sheets, Dated November 15, 2019.