

Minutes of Planning Board Meeting  
Town of Whately, MA  
Town Hall, Chestnut Plain Road  
December 15, 2020

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

Members Absent: Brant CheikeSs

The meeting was held remotely, via Zoom

Zoom Guests:

Mark Wendolowski

Sandy

J. D. Ross

Rich Korpiewski

Joyce Tutun

Tony Wonseski, engineering firm SVE Associates

I. Call to Order, 5:03 p.m.

Regarding the application for site plan approval for the marijuana cultivation project proposed by Debilitating Medical Conditions Treatment Centers (DMCTC):

Don told the Board that he had heard from Chris Chamberland of Berkshire Design, who would like the wording changed a bit on the last condition of the approval:

“Practicable shall mean mitigation measures that are both economically feasible and capable of mitigating the odors complained about.”

Judy moved to add the word “Economically” in front of “practicable” rather than incorporating Chamberland’s request, and Sara seconded. Don, Judy, Sara, and Tom each voted Yes, and the motion carried unanimously.

II. Approval of Minutes of 8/25/2020

Tom moved to approve the minutes as amended and Judy seconded. Sara, Tom, Don, and Judy each voted Yes, and the motion carried unanimously.

III. Public hearing to discuss changing the zoning on parcel 12-0-24-2 on State Road from Agricultural Residential to Commercial

At 5:15 pm Don opened the hearing. The Board is proposing that parcel 12-0-24-2 on State Road owned by M. A. Wendolowski Farm LLC be rezoned from the Agricultural/Residential 1 District to the Commercial District and that the Town of Whately Zoning Map be modified accordingly. The proposal was made at the verbal request of owner Mark Wendolowski at the Planning Board meeting of November 10, 2020, during a discussion of proposed zoning changes to the lots to the south. Mr. Wendolowski stated that the commercial designation would

be a better fit, and attendee J. D. Ross said he is in favor of the proposal. There were no other comments from members of the public or the Board. At 5:18 pm Don closed the public comment portion of the hearing. Don moved that the Planning Board recommend to the Selectboard that Parcel 12-0- 24-2 be changed from Agricultural/Residential 1 District to the District and that the Town of Whately Zoning Map be modified accordingly. Judy seconded. Don, Judy, Sara, and Tom each voted Yes, and the motion carried unanimously. Judy will talk to Brian about putting this matter on the agenda for Town Meeting.

J. D. Ross suggested things to consider when expanding commercial zoning along Rte 5, and mentioned that Hatfield uses special permits to control many kinds of things, like

- no dumpsters visible from the street
- no dumping on the ground
- restrictions on hours of operations

It was mentioned that site plan review does this now, triggered by the change of use (a brand new business on open land changes the use). It was suggested to make the rule tighter by taking it out of the Building Inspector's hands, because a building permit has no Planning Board sign-off. Rich Korpiewski agreed that such a sign-off would help. Don will contact Building Inspector Jim Hawkins about doing this.

Rich Korpiewski brought up Ruby Rufo's proposed business at 13 State Road, which received site plan approval, with conditions, after a public hearing at the Planning Board meeting of November 10, 2020. He asked whether there was now a landscaping plan and was told not yet, and was also reminded that the business cannot get a certificate of occupancy without it. Don said the board will let Building Inspector Jim Hawkins know when everything is ready to go. Mr. Korpiewski asked the Board to require that a barrier be installed to reflect noise back to its source. He was told that it is not possible to eliminate all noise, and also that the Board cannot add more restrictions to those that they have already voted on – they may only lessen them. Don noted that the hearing's public comment period has been closed, and that Judy can now use the conditions list she wrote to fill out the form for Jim Hawkins' reference.

Don announced that consideration of the Obear ANR has been postponed, and that Bill Obear will contact the Board about it in January or so.

#### IV. Public hearing to discuss a common driveway on Hannum property (parcel 18, lot 9) on Masterson Road

At 5:45 pm Don opened the hearing, saying that the applicant intended to ask for a continuance. Tony Wonseski, representing the applicant, said he first wanted to make a presentation for feedback from the Board and for any comments from the Tutuns. He described the plans for the property as including one frontage lot, along with two flag lots to be served by a common driveway. Don shared the plans onscreen (sheet 3, – “Overall Development Common Driveway Plan”, part of the signed set.

3.

Mr. Wonseski said the 5.26 acre lot is heavily encumbered by wetlands, and that the “conservation lot” will be larger, with lots 2 and 3 in the 4-5 acre range. He said they need a minimum of 3 residential lots, in that range. Plans include two short retaining walls, he said, with culverts to cross the wetlands and reach the turnaround. He said a minimum width for a driveway is 15 ft, and that they will make a 16 ft gravel drive with a shoulder on each side, to allow plenty of room for trucks. He added that the driveway will be less than half the 1000 ft maximum length.

The two homeowners would share 50% of the driveway’s maintenance cost, for plowing, etc. He noted that they are still working to satisfy the Natural Heritage requirements. Currently, he said, the project meets Whately’s special permit flag lot requirements. Mr. Wonseski then offered to answer any questions. Tom asked what would be changing as a result of future conversations. Tony Wonseski said usually, it involves an area and an amount of disturbance. Instead of the planned 25 acre flag lots, he said, the flag lots will each be 5 acres, with a much bigger conservation lot, because Natural Heritage wants less possibility of development in the back lot. This probably won’t affect the common driveway, he said, unless they want access off that driveway.

Don asked whether the project changes will be ready for discussion at the January meeting. Tony Wonseski said he was not sure because of the holidays and the Natural Heritage requirements. Don said he would continue the hearing to the January 26, 2021 meeting, and if Tony’s company isn’t ready to discuss it by then he will let Don know.

Joyce Tutun stated that all of the abutters are unanimously opposed to this development, and asked what their recourse is, if any. Judy replied that most of the recourse would be with the ZBA, and that the abutters should make their points with that board. Ms. Tutun commented that the ZBA is checking with town counsel for an opinion on the flag lots.

Don stated that this hearing will be item no. 1 on the agenda for the next meeting, on January 26, 2020.

#### V. Adjournment

At 6:12 pm Tom moved to adjourn and Sara seconded, Don, Sara, Judy, and Tom each voted Yes, and the motion carried unanimously.

#### Documents Reviewed (kept in the Planning Board files)

1. A plan of land dated 8-SEP-20, signed 9-9-20, and headed,  
HANNUM FAMILY PROPERTY  
COMMON DRIVEWAY  
PREPARED FOR JOHN HANNUM  
216 CHESTNUT PLAIN RD  
WHATELY, MA  
PREPARED BY SVE

4.

Mary McCarthy  
Secretary  
Planning Board  
Town of Whately, MA