

Minutes of Planning Board Meeting  
Town of Whately, MA  
The meeting was held virtually via Zoom.  
March 30, 2021

Members Present: Don Sluter, Judy Markland, Sara Cooper, Tom Litwin, Brant Cheikes  
Members Absent: none

The meeting was held remotely, via Zoom.

- I. Call to Order, 5:00 p.m.  
The meeting was recorded.

Virtual Guests

R Cimini  
crokebp, Eversource  
Keith Bardwell, Whately Tree Warden  
Robert Levesque  
Todd Cellura  
Tony Wonseski, SVE Associates  
Dave Enberg, Berkshire Design

II. **JOINT PUBLIC HEARING WITH THE TREE WARDEN**, regarding the proposed removal of public trees listed in the hearing's legal notice as:

3 North St.....16" Hemlock, 12" Spruce, 18" Spruce, 12" Hemlock, 30" Spruce  
7 North St.....32" Maple, 34" Maple  
15 North St.....32" Maple  
206 Chestnut Plain Rd....30" Maple  
208 Chestnut Plain Rd....14" Maple  
185 Chestnut Plain Rd....18" Maple, 20" Maple  
77 Christian Lane (11)....12" Spruce

Whately Tree Warden Keith Bardwell stated that no water or drainage issues will result from removal of the trees, and that replacement is not recommended because they are being cut to get them out of the way of utilities. When it was mentioned that North St. and Chestnut Plain Rd. trees are important, a representative of Eversource said he would consider doing something away from wires.

Keith Bardwell stated that Quonquont Farm has done lots of tree conservation work with CL Frank, and now with Bartlett Tree. He said that even CL Frank told him all the trees are old, not safe, and need to come down. He added that he has spoken with all of the tree owners. Don moved that the listed trees be cut down and Tom seconded the motion. Don, Tom, Sara, and Brant each voted Yes, and the motion passed unanimously.

**III. PUBLIC HEARING** Continuation of public hearing to discuss approval of a common driveway on Hannum property (parcel 18, lot 9) on Masterson Road, and an ANR on the parcel.

Engineer Tony Wonseski, of SVE Associates, noted that the ANR is not part of tonight's discussion. Don shared his screen to show page 4, sheet 3 of the site plan set dated 11-JAN-21 that Tony had sent Don on March 29. He said that if they had progressed further this is what the ANR would look like, but that the Zoning Board of Appeals had consulted Town Counsel about the flag lots and Town Counsel's opinion is that the bylaws allow for only two flag lots.

He said the common driveway application and plan hasn't changed, noting that

- there is plenty of room
- there are onsite wells and septic
- culverts and headwalls will limit the wetlands impact
- there is a turnaround at the end
- it is 16 ft wide with 2 ft shoulders
- the maximum grade allowed is 12 %, and theirs is 7%
- two lots will share the drive and be able to access the back land
- maintenance will be shared

The Board discussed conditions:

- 1) The driveway will not be extended to serve other roads (Judy noted that the bylaw says this, so a condition is redundant, but...)
- 2) Shall meet the special permit requirements for common driveways set forth in Zoning Bylaw 171-11E(2).
- 3) A recorded easement shall be provided, per Sec 171-11, E (1).

Don asked whether it is OK to consider the driveway 90° to the road, and Highway Department Superintendent Keith Bardwell replied Yes, explaining that it is not a sharp angle and the space is needed. He then added, you *could* go to a 15 ft driveway, but don't have to. Tony Wonseski acknowledged. Keith said he sees no issues as Highway Superintendent or as Deputy Fire Chief, and that he would put his opinion in a letter to Don.

Judy moved to approve the common driveway special permit with the conditions discussed, and the motion was seconded. Sara, Judy, Tom, Brant and Don each voted Yes, and the motion carried unanimously.

**IV. Sovereign Builders Self-Storage, site plan review application submission:**  
State Road, map 5, parcel 29

Rob Levesque, of the land design and permitting company R Levesque Associates, Inc., screen-shared plans dated 2-23-21 and described a flat site that had been visited by the Conservation

Commission, saying boundaries had been determined, extensive test pits had shown that there

was no high water, and that a culvert would be built underneath the site. He said that there will be three buildings, that little parking will be required, and that handicapped parking space is planned. The 24 ft driveway will avoid the proposed infiltration basin, and there will be 30 ft driving aisles around the main building.

Don raised the question of whether the existing entrance is considered a driveway, explaining that the Selectboard requires 20 ft off the property line and they may require a driveway permit. Tom asked what kind of structure would cross the river. Rob Levesque replied that the current culvert is too small and a new, open bottom concrete box culvert would be best. He said they are planning to meet the water quality conditions required. Brant asked about snow removal and Mr. Levesque said they will plow away from the front of buildings, to the north. He also said they have a loader and if necessary, could have the snow trucked away. They will need to treat the roads for ice, he said, and it was noted that salt wouldn't be used because it is corrosive to steel buildings. He indicated where vegetation would remain. Don noted that light pollution may be taken care of by surrounding vegetation and trees. Tom asked whether the facility would be open around the clock and was told that it may close at 11:00 pm or so, and that the lights could go off then. Sara asked about traffic in and out, and was told the expected number would be available for the next meeting. Signage placement is planned for out in front, on the north side of the curb cut.

The Site Plan Review Public Hearing was scheduled for the next regular Planning Board meeting, on April 27, at 5:15 pm. Judy told the applicant that the plans should show the locations of abutters' buildings and should also show an expanded view, such as an aerial view. No public comments were received.

#### V. Sobieski ANR, 239 River Road

Dave Enberg, of Berkshire Design, screen-shared a plan showing a hammer-shaped parcel of about an acre+ in the northeast corner that will be kept for a house, and a long Agricultural Preservation strip of about 20 acres. Don had no problem with the plan and there were no comments or questions from the Board.

Don told Mr. Enberg to drop off a signed Form A to Don, who will stamp it, sign it, and make it available for the other Board members to sign. Brant moved to endorse the ANR and Tom seconded the motion. Judy, Sara, Tom, Brant, and Don each voted Yes, and the motion passed unanimously.

#### VI. Finalization of site plan conditions, Canna Select marijuana cultivation, 23 LaSalle Drive

The board reviewed a draft of conditions based on their discussion at the February 23, 2021 hearing session, and emailed to them by Brant on March 30, 2021. Changes were agreed upon and resulted in the list below:

<u>Condition</u>	<u>Status</u>
The plan must receive approvals from all the appropriate boards and committees.	
Landscape plantings used to screen the property from abutters shall use a mixture of deciduous and non-deciduous native plant varieties such as river birch and American holly. Landscape plants must be of sufficient height at time of planting to provide adequate screening.	
Within five years of commencement of operation, the facility shall generate at least 50% of its average annual electricity use on site. On-site generation capacity may be reduced to the amount that is economically practicable.	
Town water shall not be used for cultivation unless approved by the Town of Whately Water Department.	
In the event of reasonable complaints of excessive offensive odor, the Planning Board shall have the ability to require additional mitigating conditions as economically practicable to be undertaken at the applicant's expense.	

Don moved to approve the conditions and Sara seconded the motion. Judy recused herself because she is related the LaSalle family. Brant, Tom, Sara, and Don each voted Yes, and the motion passed unanimously.

#### VII. Discussion of potential zoning bylaw changes

The Board reviewed a document headed, **Proposed Zoning Bylaw Changes – June 2021**, sent by Judy to the Board in a March 25, 2021 email. Changes made to the document as a result of the March 30, 2021 discussion appear below:

##### **Regarding ~ 171-17. Site plan review and review of large developments:**

Instead of *six copies* of an application form, site plan, and any narrative documents as necessary, applications for Site Plan Review shall now include *a digital file and four copies each* of those items. Also, the Agricultural Commission was added to the list of Appropriate Town Boards and Municipal Officials who receive a copy of the application.

##### **Regarding ~ 171-28.6 Adult Use Recreational and Medical Marijuana Establishments [ Amended 4-24-2018 Article 41]**

The following two new items were added:

##### **B. Definitions**

Indoor Marijuana Cultivation – the growing of marijuana inside any Greenhouse or other fully enclosed structure for the final six weeks of the marijuana plant’s growing cycle and any subsequent drying of these plants in these facilities.

5.

#### **D. Site Development, Permitting Standards & application**

##### **16. Inspections and Monitoring**

The Marijuana Establishment may be inspected and/or monitored at various times during its construction and operation. The Zoning Board of Appeals, as special permit granting authority, or the Planning Board, pursuant to the Site Plan Review process, may hire an inspector with background and experience in marijuana cultivation, exterior odor control and measurement, stormwater management, or other expertise relative to Marijuana Establishments to provide inspection and monitoring services at the expense of the project proponent. Such required inspections may be specified in the Special Permit and/or Site Plan Review conditions.

[Re-number subsequent paragraphs.]

#### **Regarding ~ 171-37. Terms Defined**

The definition of this term was changed to read as follows:

**ACCESSORY APARTMENT** -- An additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area in a pre-existing single-family home ~~An Accessory Apartment may also be located or~~ in a pre-existing accessory structure such as a garage or barn provided there is no expansion of square footage of the accessory structure and the structure has been in place for at least five years. An additional dwelling unit of no more than 600 square feet may be added in a new structure. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory residence. Adequate off-street parking shall be provided and parking shall be to the side or rear of the principal structure to the maximum extent possible.

#### **VIII. Appointment of representative to Resource Replacement Fee working group.**

After a brief discussion, Judy volunteered; Don will act as alternate.

#### **IX. Adjournment**

At 7:25 pm Brant moved to adjourn and Sara seconded the motion. Don, Judy, Tom, Sara and Brant each voted Yes, and the meeting was adjourned unanimously.

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

1. A site plan set for the Hannum property dated 11-JAN-21

2. A set of plans dated 2-23-21 and headed,

Site Plans

PROPOSED SELF-STORAGE FACILITY

State Rd  
Whately MA

6.

Map 5, Parcel 29  
AS PREPARED FOR  
Todd Cellura  
Sovereign Builders

3. A document headed, **Proposed Zoning Bylaw Changes – June 2021**, sent by Judy to the Board attached to a March 25, 2021 email whose subject is “proposed zoning changes for discussion on 3/30”.

Mary McCarthy  
Secretary, Planning Board  
Town of Whately, MA