

Minutes of Planning Board Meeting
Town of Whately, MA
Virtual Meeting via Zoom
April 27, 2021

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

The meeting was held remotely, via Zoom.

Zoom Guests:

Mary Byrne (Greenfield Recorder)
JD Ross
Alan Verson
Robert Levesque, R. Levesque Associates, Inc.
Todd Cellura, Sovereign Builders
George (Skip) Goodridge
Chris Karney, R. Levesque Associates, Inc.
Megan West

I. Call to Order, 5:00 p.m.

The meeting was recorded.

II. Other

The board rescheduled the public hearing for the town pump house for May 25, 2021. Judy will send revised ad copy to the secretary.

George (Skip) Goodridge wants to put up a third building at his business, Underground Supply, at 82 State Rd. He produces precast concrete septic tanks there and also sell plastic pipes. His competition is retiring, customer demand is up and he wants to expand. Don used Google Earth Street View to share the view of 82 State Rd. on his screen. The larger, red building is used for septic tank production. The beige building is office and warehouse space. The new building would be identical to the existing red production building, 40' to the east of that building. Construction would honor all of the setbacks of the original application. Mr. Goodridge is here tonight to request a waiver of the required site plan review, since the use will be no different and the building will be identical. Traffic coming and going will not change. The property is a 4 acre lot, and the new building will be 7,000 – 7200 sq ft., like the existing red one. Skip Goodridge said he had contacted several abutting businesses; they had no objection last time and don't this time. He hasn't been able to reach the owner of Orchard Trailer yet. Don agreed that there had been no objection from neighbors to the original application. Mr. Goodridge said the expansion won't involve a lot of extra water use. Lot coverage is 50% for commercial use, so that is not an issue. Don called for comments from the public, and there were none. Judy moved to waive the formal site plan review. Sara seconded the motion. Don, Judy, Sara, Tom, and Brant each voted Yes, and the motion passed unanimously. Don will send a letter to the building inspector informing him of tonight's waiver.

III. Public hearing for Sovereign Builders self-storage site plan Application review:
State Road, map 5, parcel 29

Robert Levesque, of R. Levesque Associates, Inc., introduced Chris Karney, Lead Designer for this project. Using a shared screen they explained the site plan, dated 2/23/21, noting that the center building will be climate controlled but the storage buildings will not, with the units being garage-style and front-opening. They reported that the ZBA had scheduled a site visit for this Saturday, May 1, 2021, at 11:00 am.

Don shared an aerial photo which included No. 54 and No. 64 abutters, noting there is lots of vegetative screening there already, and the site is hidden from the road. Chris Karney stated that a few revisions will be made to the plan, including:

- Moving the gate closer to the front
- Grading revision: because the site will be used for storage, the plan will show an elevation of the flood zone.
- For the Conservation Commission: a removal of soil to compensate for the addition of soil elsewhere.

Mr. Karney said the plan is designed to minimize site disturbance (wetlands, water flows), adding that the current culvert is too small – the existing Woods Rd. would be overtopped in a 7-inch flood (greater than a 100-year flood). He showed a proposed new open-box culvert with cast iron pipe and a concrete wall. Massachusetts Department of Environmental Protection (DEP) regulations drove this, he said, adding that it will allow wildlife to cross through the culvert connecting the two separate wetlands. Peak flow rates will be fast enough to keep water from ponding, he said. Water will not overtop Woods Rd., he said, and in fact will not even reach the top of the culvert.

The company analyzed over nine million square feet of land, Chris Karney continued, and modeled the amount and behavior of the water pre- and post-development, to the 168 ft maximum height. There should be no effect downstream during a FEMA-level flood event, he said.

He said the Department of Public Works has requirements such as driveways 25-ft from property lines, and that this might be an obstacle to going ahead. Don said the Board will probably make it a condition that it needs to see a letter from the Selectboard about this, and that will take care of it. Don will let the Selectboard know the general opinion of the Planning Board.

The Board recommended that screening plantings be made up of mixed, native, deer-resistant plants. The Planning Board will attend the site viewing this Saturday, May 1, 2021, at 11:00 am. Don continued the hearing to May 11, 2021.

IV. Public hearing for proposed zoning change requested by a resident
Map 6 Lot 4-3 s/s of Egypt Road

JD Ross explained that he wants to buy a lot from Walter and Richard Thayer, and that the lot has no town water but does have a swamp and railroad, making it useless for a residence. The

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lot comprises 1.7 acres, he said, but less than an acre is buildable – all the rest is wetlands. He said that Mr. Cyr, across the street, is positive about the purchase, as are neighbors Mr. Phelan and Mr. Korza. He said he had been unable to reach Mr. Korpiewski and one other abutter. He said he plans to move his business to this site from his backyard, and that a common driveway will be involved. He said he has five pickup trucks but is not in the trucking business. At this point, Don asked whether any abutters had comments, and there were none.

The Board was told that there might be an office in the building he plans to erect but not a staffed one, since he plans to keep his home office. Mostly, the building will be used to store tools and equipment. He said the building will be a single story, with landscaping. The Board viewed an aerial photo of abutters' lots, showing what is cleared right now. Don closed the public hearing. Brant commented that a future worst case scenario wouldn't be that bad because it would need its own permits, etc., if a change of use were involved, and because the wetlands would prohibit most uses.

Judy moved to change the zoning; Brant seconded the motion. Sara, Don, Judy, Tom, and Brant each voted Yes and the motion carried unanimously.

V. Public hearing to discuss proposed zoning bylaw changes

Judy reported that the Board is still waiting for the requested opinion of Town Counsel on the proposed changes. She suggested that the Board approve the proposed changes now, if there are no other questions, and prepare for Town Meeting. Don closed the public hearing. There were no questions, so Brant moved to approve the zoning bylaws changes as previously distributed (they are also posted on the town website). Sara seconded the motion. Don, Sara, Tom, Judy, and Brant each voted Yes, and the motion carried unanimously.

VI.. Discussion of proposed site plan amendments for Mustang Whately Investors marijuana cultivation facility, Map 19 Lot 11 Christian Lane

No members of Mustang Whately Investors were in attendance. Project Engineer Chris Chamberland, of Berkshire Design Group, had told Don he had covered most of the changes last time and would not be here tonight.

Don shared a plan dated April 4, 2019, with no amendment date, but named, "Project Update. The Board also reviewed the March 15, 2021 letter explaining the project. Board members' concerns included noise, fumes, nearness to wetlands, and visibility. Brant noted that he may abstain from voting in this matter since he was not a Board member when this application was heard and granted.

Don will respond to Mustang and state the Planning Board's concerns, including the matter of the additional mechanical room (utility room), and where the propane tanks will be located. Don will talk to Chris Chamberland and ask him to provide additional explanation of the

proposed changes to the plan. He noted that Mustang may answer in advance or not, and that the Planning Board will revisit the matter at the May 11 meeting.

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The following items were briefly mentioned:

- ToroVerde's marijuana retail shop at the old Sugarloaf Shoppes on State Road received approval and is preparing to open.
- Debilitating Medical Condition Treatment Centers (DMCTC) has approached the Selectboard regarding a new marijuana retail shop near the old Sugarloaf Shoppes.
- Don will have DMCTC come to the May 25, 2021 meeting regarding proposed changes to their 7 River Rd. project.
- Don has informed Building Inspector Jim Hawkins that an accessory apartment is going in at the old brewery site on Christian Lane.

At 6:40 pm Don moved to adjourn and the motion was seconded. Don, Judy, Sara, Tom, and Brent each voted Yes, and the motion carried unanimously.

Documents reviewed (kept in the Planning Board files)

1. A site plan dated 2/23/21 and titled,

Proposed Self-Storage Facility
State Road
Whately, MA
Map 5 Parcel 29
AS PREPARED FOR
Todd Cellura
Sovereign Builders

2. A document titled, Proposed Zoning Bylaw Changes – Spring 2021, showing the proposed changes.
3. A letter from Berkshire Design Group on behalf of Mustang Whately Investors, LLC, dated March 15, 2021, requesting amendments to its marijuana cultivation facility site plan previously approved by the Planning Board.

Mary McCarthy
Secretary, Planning Board
Town of Whately, MA