

Minutes of Planning Board Meeting
Virtual Meeting via Zoom
May 11, 2021

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

Members Absent: none

The meeting was held remotely, via Zoom.

Attending:

Peggy Sloan

Kimberly MacPhee

Rich Korpiewski

Ann Barker

Christopher Chamberland

Jared Glanz-Berger

Todd Cellura

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

The meeting was recorded.

II. Discussion of proposed floodplain bylaw.

Guests Peggy Sloan and Kimberly MacPhee, of the Franklin Regional Council of Governments (FRCOG), reviewed with the Board the current draft of the new bylaw being written to address Massachusetts requirements pertaining to floodplains. As one of the first towns to address this, Ms. Sloan noted, Whately must design the process for handling proposed activities in the affected areas.

Among the points discussed:

- The Conservation Commission should be involved, but perhaps not as the first to see the projects. If the Conservation Commission were to take the lead, there would have to be a second plan for cases not in their purview. Don will talk with Town Administrator Brian Domina about this.
- There are also lots of boards and committees reviewing applications for proposed activities are not seen by the Planning Board.
- Suggestions: call the Mass. Association of Conservation Commissions and ask who is handling the matter of updating 100-year flood areas.
- Ask Joy Duperrault at DCR if other towns have used Conservation Commissions as leads regarding activities requiring permitting in wetlands.
- Chris Chamberland, of Berkshire Design Group, stated that the 100-year flood plain is protected. The volume of floodwater that can fill this area cannot be reduced, he said; projects must allow for status quo or increased volumes of drainage. He noted that project owners may be able to offset a reduction by making an increase elsewhere to keep the same total.
- Don will discuss the bylaw design requirements with the Conservation Commission.

- Other points addressed included designation of a community Floodplain Administrator, variances and permits, subdivisions, watercourse alterations, and local enforcement,
- Peggy Sloan said she had obtained a list of definitions that aren't in the current draft and will have to be added later.
- Rich Korpiewski asked about getting a copy of the draft. Judy Markland said she would send it to him.

Don thanked Peggy and Kim, and they left the meeting at 5:33.

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

Engineer Chris Chamberland noted that in March, Mustang Whately Investors had submitted revised plans that included changes to the mechanical room (now with boilers and electrical panels). Now, he said, they plan to move all that to the head house and will store only media, etc., in the mechanical room, so there will be no noise-making equipment there. Mr. Chamberland shared the revisions onscreen.

To do this, he said, they want to pull some of the existing receiving and rainwater rooms into the head house space, by making a greenhouse extension. He noted they will add some screening to cut the daytime brightness of the greenhouse material., and that they will not take any vegetation from Christian Lane. The barns will come down, he said, as recommended by the fire department.

Don moved to accept the final plan. Judy seconded the motion. Sara, Don, Brant, Judy, and Tom each voted Yes, and the plan was accepted unanimously.

IV. Discussion of proposed site plan amendments for the Debilitating Medical Condition Treatment Centers (DMCTC) marijuana cultivation facility at 7 River Rd.

Engineer Christopher Chamberland told the Board that instead of the approved 12 greenhouses, there would be two larger structures using gutter connections. He explained that unexpected infrastructure costs outweighed the savings on the buildings. He shared a revised plan dated 5/7/2021 onscreen.

In answer to a question about odor, Mr. Chamberland said the ventilator has intake louvers on one side of the building and exhaust louvers on the other side. Interior air is also circulated constantly through filters. Jared Glanz-Berger agreed, saying the filters will clean the air through several revolutions before it is exhausted.

Brant moved to accept the revised site plan as submitted and Tom seconded the motion. Judy asked for a review of the Site Plan Approval Conditions first, and Brant shared the Conditions onscreen. Nothing in the Conditions was found to be affected by the latest site plan revisions. Don, Sara, Brant, Judy, and Tom each voted Yes, and the motion carried unanimously.

V. Continuation of public hearing for Sovereign Builders self-storage site plan review application: State Road, map 5, parcel 29.

Project owner Todd Cellura had arrived, and Don opened the hearing. Engineer Chris Karney, of R. Levesque Associates, Inc., said he would share his screen to review April 29, 2021 revisions to the site plan on sheets C4, C5, and C7. Mr. Karney and Mr. Cellura both supplied information that addressed the following points:

- The proposed gate will allow customer access during operating hours (no 24-hour access; will lock up at 10 pm).
- Stockade fence to be extended to block buildings
- Roadbed will be a 5 ft high wetland crossing to look like a bridge.
Existing grade is 138; proposed grade is 173.
- The retaining wall is as far away from wetlands as possible. Conservation Commission will be looking at placement of buildings. Buffers protect riparian zones.
- The road has no crown; it is super-elevated, with a slight pitch. Water will flow off it to the north and will be guided to a catch basin.
- All trees that are in good condition after construction will be retained, as much as possible.
Q: What about headlights on abutters' property and buildings?
Applicant: Proposed grade is 173; abutters' grade is 171. Fence will be 6 ft high.
Q: But abutters *will* have headlights, right?
Applicant: In gentle, large-radius curves, and the planted trees will help (2 ft to 3 ft at planting; can reach 8 ft width). Also, there will be hardly any times when there more than one car will be driving through.
- Regarding trees: the Planning Board had wanted a mix, with plants like hollies and rhododendrons. Todd Cellura said there is a large buffer of oaks, etc., that are very well established. He agreed that outbuildings are close to the property line, and said they would be happy to switch to other plants, wider plants, like hollies or rhododendrons. Someone commented that there is not enough sun there to support such plants. Don said he thinks the plants they've chosen are pretty good for blocking headlights.
- Number of units: About 405 units total, if interior unit sizes remain as planned. This is what fits into three stories on that footprint, in the most profitable sizes. Todd Cellura said that people visit most in the beginning, and less later. He mentioned a study showing an average of 10 – 12 visits on a Saturday. He shared onscreen a letter dated May 5, 2021, from Joseph Mendola of NAI Norwood Group, stating that in 25 years, five visitors at one time is the most he has had. Mr. Cellura explained that if he were to build larger but fewer units his profits would drop. He argued that this type of business has limited traffic compared to most, doesn't tax town services, and is better for abutters than some other businesses.

Brant asked what other information is needed at this point. Sara suggested an impact statement. Tom asked how the Planning Board could develop approval conditions without knowing what the Conservation Commission needs and wants. Judy agreed, adding that we need to know how things are sited. A representative of the applicant stated that the Conservation Commission plans a site viewing, with a hearing to follow on May 19. Don proposed continuing the Planning Board hearing until the next meeting, after the Conservation Commission's hearing.

Brant asked whether, at that point, the Planning Board would have everything it needs. Judy noted that in this case, any *small* change might affect the Board's decision. Brant asked what else the Planning Board might want after the Conservation Commission's decision. Tom said one request would be to move the road 6 ft to the north to preserve the buffer, protect abutters, and save trees, and that we need the Conservation Commission's information about that before being able to reach a decision.

Todd Cellura noted that there are no abutters present besides Rich Korpiewski, who stated that while the location is commercially zoned it has only ever been residentially used. Asked about a photometric plan, Mr. Cellura said that no light from the buildings will go onto neighboring property.

Judy moved to continue the hearing to May 25, 2021, at 5:45 pm. Tom seconded the motion. Don, Judy, Tom, and Sara each voted Yes, Brant voted No, and the motion carried with a majority. The applicant was asked to bring a plan marked with trees of interest and labeled as to what those are (Judy noted that the Planning Board had pointed out those trees at the site visit). She also requested that the applicant bring this plan to the Conservation Commission meeting.

VI. Application Submission for Site Plan Review, for the Debilitating Medical Condition Treatment Centers (DMCTC) site plan application for a marijuana processing facility at 3 River Road

Engineer Christopher Chamberland, of Berkshire Design Group, explained plans to change the property at 3 River Rd. from its current non-conforming use to a different kind of non-conforming use. Since part of the property is in Hatfield, he said, they are asking that town whether any permitting from them is necessary. He briefly shared onscreen a plan dated 4/14/21 showing the existing building and gravel drive, and said that they plan to expand the parking area and will use portable containers for harvest-to-processing. He also showed photos identified as existing and typical laboratories such as they would build. The Planning Board scheduled the public hearing for June 29, 2021 at 5:15 pm. and will advertise it.

VII. Review of town counsel's suggested changes to the proposed marijuana bylaw revisions

Judy read the original draft of the change to the bylaw's definition of indoor cultivation of marijuana. In his May 5 email to Town Administrator Brian Domina, Town Counsel David Doneski suggested two changes:

Indoor Marijuana Cultivation – the growing of marijuana inside any Greenhouse or other fully enclosed structure and any subsequent drying of marijuana in such a facility.

Don moved to make both changes. Judy seconded the motion. Judy, Don, Tom, Sara, and Brant each voted Yes, and the motion carried unanimously.

VII. Adjourn

At 7:18 pm Don moved to adjourn. Tom seconded the motion. Don, Tom, Sara, Judy, and Brant each voted Yes, and the motion carried unanimously.

Documents Reviewed (kept in the Planning Board files)

1. An undated draft document headed:

Town of Whately
Proposed Floodplain Overlay District Bylaw to replace the current
Section ~171-26. Flood Hazard Overlay District Regulations
2. A site plan submitted by Mustang Whately Investors, with a revision dated March 10, 2021 called Site Plan Review Amendment.
3. A site plan for the Debilitating Medical Condition Treatment Centers (DMCTC) marijuana cultivation project at 7 River Rd., dated 5/7/2021 and called Site Plan Enlargement, with the revision noted as Revised Greenhouse Layout.
4. A site plan showing April 29, 2021 revisions for the Sovereign Builders self storage project on State Road, map 5, parcel 29.
5. A letter dated May 5, 2021, from Joseph Mendola of NAI Norwood Group to Todd Cerrula of Sovereign Builders
6. An application for site plan review dated 4/14/21, for the proposed Debilitating Medical Condition Treatment Centers (DMCTC) marijuana processing facility at 3 River Road
7. An email dated May 5, 2021 from Town Counsel David Doneski to Town Administrator Brian Domina replying to Planning Board questions about a proposed Bylaw change defining Indoor Marijuana Cultivation.

Mary McCarthy
Secretary, Planning Board
Town of Whately, MA