

Minutes of Planning Board Meeting
Virtual Meeting via Zoom
July 26, 2022

Present: Members Don Sluter, Judy Markland, Sara Cooper, Tom Litwin, Brant Cheikes
Hannah Davis (Town of Whately Staff)
Members Absent: none

The meeting was held remotely, via Zoom.

Virtual Guests:

Tim Smith
Sandy Mazzacane
D Pruyne
R Korpiewski
John Hanmer
Jared Glanz-Berger

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

II. Site Plan Update, 3 River Road, DMCTC Marijuana Manufacturing

Brant noted that he had invited DMCTC representatives to attend but that none are present yet. On his screen he shared the site plan originally approved for 3 River Road, dated July 27, 2021, then the revised site plan submitted for this meeting and dated July 18, 2022.

Jared Glanz-Berger joined the meeting and agreed that his goal is to gain approval for some proposed changes to the original site plan without the need for a second formal review. He mentioned that there is an existing 1,000 gallon propane tank previously hidden by vegetation and junk, and the plan now shows a facility for that on the south side of the building. He said owners AI and Carol Annis own the tank, which will be used for the building, as before. AI and Carol are also responsible for maintenance, he said, adding that the Fire Chief is aware and that they went through a process with the Fire Marshall about it. Brant said he had talked with Chief Hannum, who had no concerns.

He said the plan originally showed the rear portion of the building as part of the structure, with a 30' x 15' mobile unit affixed to the building. As shown on the new plan, he said, they'd like to replace that unit with a smaller container measuring 8' x 40', the size of a standard shipping container. The plan is to move shipping containers from the north side of the building to the south side of the building, and to rotate some containers by 90°. The four 8' x 40' containers shown on the south side of the building have been shifted 50' east and are all within setbacks

that lie entirely within Whately. The new plan also shows a fence around all six units, added out of an abundance of caution, he said.

Brant said that originally, the Board's understanding was that all of the mobile units that were on the south side of the building were going to be mobile refrigeration units. He asked whether it is accurate to say that now, the two units that are actually there are *not* mobile refrigeration units. Jared Glanz-Berger replied that yes, it is now accurate to say that, since they are now using those two mobile shipping containers for storage and processing of cannabis material. Judy stated that the approval had been based on having all processing take place inside the building. Brant and Don confirmed with Jared Glanz-Berger that processing is taking place outside the building in those two containers, and Mr. Glanz-Berger added that processing could be done inside other storage units.

Regarding the area occupied by the units, the area south of the building has gone from four to six container units, and has extended eastward along the processing building. At the same time, the container units at the north side of the building have been eliminated. Tom asked whether the square footage has remained the same. Jared Glanz-Berger said the change in square footage should be close to zero, but he would have to check.

Odor control measures are being taken in the shipping containers where processing is taking place, said Mr. Glanz-Berger, by means of a closed-loop, butane cold storage system. No odor is expected at this point since the material is frozen throughout the whole process –you would have to heat it up to get odor. Sara said she and her husband drove by with the windows up and the air conditioning on, and the smell was noticeable. Jared Glanz-Berger replied that this is the most odiferous time in the flowering cycle – peak harvest – and that the smell is coming from the fields.

Brant asked for comments from others attending the hearing by Zoom. There was no response. It was noted that the Planning Board now needs to decide whether the desired changes require a whole new site plan review. It was also noted that the building permit is being held up by the Building Inspector, pending the Board's decision.

To assess the Board's thinking at this point, Brant moved to schedule a formal site plan review of this new plan. Tom seconded the motion. In a brief discussion Brant and Don said they were opposed to the motion, with Brant adding that all the changes are happening on the south side, away from most abutters, who have said nothing yet. Sara said she is leaning in the same direction. Judy said she feels the same, as long as the fire chief and police chief write letters of approval for the file. She also said she is disappointed that DMCTC did not come to the Planning Board before filing for the building permit, as that is poor form. Jared Glanz-Berger apologized and said they would not do that again. Brant explained that voting "yes" would mean "do a review" and voting "no" would mean no review. Sara voted no, but wants the condition of approval letters written; Judy voted no; Don voted no; Tom voted no; Brant voted no.

Judy moved to approve the plan dated July 23, 2022, subject to the condition that the Board receive written approval from Fire Chief Hannum and Police Chief Sevine. Brant seconded the motion. Don voted yes, Judy voted yes, Sara voted yes, Tom voted yes, Brant voted yes, and the motion carried unanimously. Brant told Jared Glanz-Berger that as soon as the Planning Board receives emails from the fire and police chiefs that they approve the changes, the Board will tell the Building Inspector to go ahead with the building permit.

Abutter Tim Smith, who had written the Board a letter stating that he could smell odor from the facility, said that he would hate to make a judgment now – that it would be better to wait for the end of a full growing season, with all the new changes. He said he wants to wait and see, adding that they have been good neighbors so far, generating less noise than some farms. He said Jared Glanz-Berger has been good about addressing issues. Judy suggested that Tim might want to keep a journal and Tim said he might do that. Brant encouraged continued information flow for Whately.

III. Upgrades to the Zoning Map

Judy reported Peggy Sloan's advice not to put the floodplain district on the zoning map. She said it is only the map in the assessors office that matters. Brant shared an email from Town Administrator Brian Domina titled RE: status of zoning on parcel 12-0-24-2, which outlines concerns about the zoning map. It was noted that the zoning map contains some errors, the online map is hard to read, and that there should be an official paper map, too.

Don shared the zoning map onscreen. It was noted that problems with Pine Plains and Mieczkowski Circle have already been corrected. Judy suggested taking the floodplain district off the zoning map as Peggy Sloan had advised, stating prominently on the zoning map that the floodplain map is not there, and directing people to consult the map in the assessors' office. Judy also suggested fixing the parcel that was Wendolowski's and is now Monahan's – it's shown as commercial even though it never was re-zoned.

Current sources of the zoning map:

1. Authoritative Zoning Map copy in assessor's office
2. Digital Online Zoning Map on the town website, for informational use only
3. ARC GIS Map that appears when you turn on the Overlays feature

All must be aligned and accurate.

Don will work with the town clerk on straightening out the maps, including updating the Monahan property (parcel 12-0-24-2) to reflect correct zoning (not commercial)

IV. Potential Bylaw Revisions

The Board had invited Richard Korpiewski, as a resident of Whately's Commercial/Industrial District, to provide feedback about bylaws. Brant gave the floor to Mr. Korpiewski, who said he was concerned about a slippery slope situation favoring commercial interests, noting there is not

enough enforcement of the current rules. Abutters have to live with commercial owners' impressions of what their rights and responsibilities are, he said, especially in the area of lighting and dark skies. If we don't enforce the rules now, he observed, then the next owners push things to the same over-the-top limit. He said it seems that if lighting is called "security lighting" the rules don't seem to apply, and precedents are being set. As more businesses move in, said Mr. Korpiewski, each resident has to take charge of the conversation against his neighbor, over and over again. He suggested bylaws should be made more obvious, so everyone knows what to expect up front. Make the boundaries clear, he said – what lighting is excessive? We don't want a massive glow, as at UMass, he stated.

He warned against "expansionism", saying that Rte 5 used to be the scenic route as opposed to Rte. 91, and that this will be lost. He said people should not be allowed to take liberties with the bylaws, and that it is especially grating when such people's lights ruin Whately's darkness but the people themselves drive home to a different town. Tom pointed out that once a town calls an area "commercial" it *will be* filled with traffic. Richard Korpiewski observed that Hatfield seems to require muted lighting for parking and signage, and suggested people may come to Whately *because* they feel the enforcement here isn't as strong as Hatfield's. Judy asked Mr. Korpiewski about Muffin's General Store, and was told the light is excessive, extending beyond the property line and shining into oncoming traffic. Screening wasn't done at all, he said, and there is noise. Brant thanked Mr. Korpiewski, saying that he took notes but that the Board won't discuss his comments further tonight.

Sandy Mazzacane, also a Commercial/Industrial District resident, complained about the Kyle Monahan property on State Road; Judy commented that the business had opened as a home business. Don asked whether there were any *other* bylaw revisions to discuss. Sara said she is concerned about the marijuana category of Delivery – which involves storage of marijuana in the home. Judy reported that she had talked to Peggy Sloan of FRCOG about prohibiting uses involving marijuana and other state regulated products limited to adult use like alcohol, cigarettes and firearms from being allowed as a home occupation, but they were unable to come up with appropriate wording.

The discussion will be continued at a later date.

V. Approval of Minutes

Minutes of February 2, 2022

Brant moved to approve as amended. Tom seconded the motion.

Don voted Yes, Sara voted Yes, Tom voted Yes, Judy voted Yes, Brant voted Yes, and the motion carried unanimously.

Minutes of March 15, 2022

Brant moved to approve as amended. Tom seconded the motion.

Sara voted Yes, Don voted Yes, Brant voted Yes, Judy voted Yes, Tom voted Yes, and the motion carried unanimously.

Minutes of April 26, 2022

Brant moved to approve the minutes; Sara seconded the motion.

Tom voted Yes, Don voted Yes, Sara voted Yes, Brant voted yes, Judy voted Yes, and the motion carried unanimously.

VI. Adjournment

At 7:00 pm, Sara moved to adjourn. Judy seconded the motion.

Don voted Yes, Sara voted Yes, Tom voted Yes, Judy voted Yes, Brant voted Yes, and the motion carried unanimously.

The next meeting will be August 30, but only if necessary

Documents Reviewed (kept in the Planning Board files)

1. The original, approved site plan for 3 River Road, dated July 27, 2021.
2. A revised site plan for 3 River Road, dated July 18, 2022
3. An email from Town Administrator Brian Domina to the Board, dated _____, RE: status of zoning on parcel 12-0-24-2,

Mary McCarthy
Secretary, Planning Board
Town of Whately, MA