Whately Planning Board

Minutes of Virtual Meeting

April 26, 2023

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

Members Absent: none

The meeting was held remotely, via Zoom.

Virtual Guests:

Jared Glanz-Berger

Richard Korpiewski

Chris Chamberland

Call to Order:

At 5:00 pm Don opened the meeting, which was recorded.

Discussion of process for submitting the Debilitating Medical Condition Treatment Center (DMCTC) proposed bylaw changes creating a Limited Marijuana Manufacturing use to be allowed in the Commercial district

Judy reported that she had told Brian Domina to treat the proposal language he has as final, and to use it on the warrant. DMCTC can make any amendments at Annual Town Meeting, from the floor. The selectboard needs to vote approval of the warrant and may do so at its meeting on May 9, so they need the planning board’s report by then. Judy will draft the report prior to the May 3 planning board hearing and will circulate it to the board before then. Board members will then review the draft and each will send any further comment only to Judy, for her draft. Judy will send the draft to Brant before May 3, for review and any necessary adjustment. Then, the draft will be discussed at the May 3 public hearing. The draft to be adopted at the end of the public hearing will state whether the planning board recommends approval of the proposal, does not recommend approval of the proposal, or has no comment on the matter. In any case, the proposed bylaw change must go on the warrant for a vote at Annual Town Meeting.

Additional items not anticipated

While waiting for the 5:40 pm start time for the public hearing about proposed zoning changes, the board discussed the following:

Concerning an application to expand a dentist office at 61 Old State Rd.: According to an April 11 email from Amy Lavallee, the building is already in the “existing non-conforming” category and may not need a special permit. The secretary will contact acting Zoning Board of Appeals chair Debra Carney about this.

2.

It was noted that Julie Waggoner had emailed the planning board about a new garage on Haydenville Rd. near Dickinson Hill Rd., and that Judy had received a complaint about it. The owner is a son in the Monahan family. Judy said the lot coverage appears to be more than the allowed 10%, but that she talked with building inspector Jim Hawkins about it and he said the coverage is just *under* 10%, so there is no violation. Judy thinks the problem is more because the garage is bigger than the house and doesn’t fit the neighborhood because it looks industrial, although it is said not to be intended for commercial use. Abutter Richard Korpiewski asked what if it is for commercial use, or is used later on for commercial purposes. He was told nobody is claiming that it is industrial or commercial – just a garage. It was also noted that Whately has no design standards, and that the more that kind of restriction goes into the bylaws the more the town becomes like a homeowner’s association. Brant will draft a reply to Julie Waggoner for the board to review.

Brant mentioned that the housing committee is meeting tomorrow, and suggested that the planning board set aside an hour or so at its May 31 meeting to discuss and vote about the committee’s plans. In the meantime, he will send more information.

Public Hearing re proposed changes to the Solar Electric Generating Facility bylaw and the Aquifer Protection District bylaw and corrections to the Whately Zoning Map

At 5:41pm, Don opened the hearing. The proposals were shared onscreen.

1) A correction to the Solar Electric Generating Facilities bylaw section 171-28.5 H (3), to replace language inadvertently omitted. The proposed language requires that

 Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider*.* [Amended ATM 05.23.2023, Art. 24] Electrical transformers for utility interconnections may be above ground if required by the utility provider.

Tom suggested that it might be better to improve the language rather than just restore what had been omitted, and Richard Korpiewski agreed, but it was decided that this was not the time to make the proposal more restrictive but to restore the original language as presented in the proposal now, and fine-tune it in the future.

2) Amendments to the Aquifer Overlay Protection District bylaw section 171-28.4 which delete references to the Whately Water District’s wells and to the Interim Wellhead Protection Area, which only applied to four former Whately Water District wells which are no longer eligible for wellhead protection. There were no public comments about this.

3) Amend the Town of Whately Zoning Bylaws and Zoning Map, established under section 171-4, Zoning Map Established”, by adopting a new zoning map titled “Town of Whately Official Zoning Map April 26, 2023”

3.

Judy explained that a list of parcels had been wrongly depicted on the zoning map – they were shown as being Ag/Residential 2 parcels but are really in Ag/Residential 1. The parcels involved are located on streets in the Pine Plains area, on Mieczkowski Circle, and on State Road). Brant screen-shared the proposed new zoning map showing the corrections. He asked for any comment from the public, but there was none.

Judy observed that the existing road notations of “400'” imply more precision than there is, since the measurement is not 400' from the road but from the right-of-way. Richard Korpiewski suggested removing the notations but adding a note at the top explaining the distance. Brant will draft the language of the note and will circulate the draft for the board to review. The board also doubled the size of the compass rose at the bottom of the map so that N, S, E and W can be seen better, and corrected the spelling of Mieczkowski Circle.

Brant shared Deerfield’s map onscreen, for colors. Judy said she had emailed proposed alternative colors, modeled on Medfield’s map, on April 23 for review. The board decided to make the commercial zone yellow. Judy will circulate a revision and Brant will send the result to GIS Specialist Ryan Cleary, of the Franklin Regional Council of Governments, who is making the new map.

Brant moved to approve the zoning and zoning map change proposals as amended during tonight’s meeting:

1) Zoning Map: Corrected the spelling of Mieczkowski Circle

2) Aquifer Protection bylaw: Corrected the underlined language instead of striking it out (pertains to the last reference, paragraph F (2), ...”the interim well head protection area”

3) Judy’s map color revisions

The motion was seconded. Don, Brant, Judy, Sara, and Tom each voted Yes and the motion passed unanimously.

Adjournment

At 6:21 pm Don moved to adjourn and Brant seconded the motion. Don, Brant, Sara, Judy, and Tom each voted Yes and the motion carried unanimously.

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

1. Three proposals for changes to the Zoning Map, the Solar Electric Generating Facilities bylaw section 171-28.5 H (3), and the Aquifer Protection District bylaw section 171-28.4

Mary McCarthy

Secretary, Planning Board

Town of Whately, MA