Whately Planning Board

Minutes of Remote Meeting, via Zoom

October 23, 2023

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

Virtual Guests:

Sylvie Jensen, Town Community Development Coordinator

Jason Raboin, Klondike Sound LLC

# Call to Order

This was delayed due to internet problems, and took place at 5:17 pm.

The meeting was recorded.

# Election of new Planning Board chair

Judy nominated Brant to be the new Planning Board chair and Tom seconded. Judy, Brant, Sara and Tom each voted Yes. The motion carried and Brant was elected to the post.

# Discussion: Potential acquisition of Tea Guys property at 110 Christian Lane by Klondike Sound of Greenfield, and any associated site review requirements

Jason Raboin, managing partner of Klondike Sound LLC, is buying the property at 110 Christian Lane for his company and has applied for a site plan review. He explained that his company specializes in sound work for events and has big clients such as Amherst and Smith colleges. He has a purchase and sale agreement in place and hopes to close on the property soon. However, he discovered that the property was marketed as having a rentable apartment, but it is not zoned for that. He is waiting for proof that it is a legal rental space, and if not, there may be some re-negotiation. The building was foreclosed on, and if his company doesn't buy the property, the auction sale will resume. He discussed plans to make changes to the loading area of the property, including creating a loading dock and improving drainage. His plans do not include any other changes to the exterior of the building or to the front parking area. He has no plans to make any changes to the lighting on the property. No one will be there at night, and they are not busy in winter when days are short. He mentioned that within the next couple of years, the front part of the building will need new siding.

The parcel is in the Commercial/Industrial District, and the planned use fits the definition of “Business Service and Supply Service Establishment,” allowed by right in that district according to the Table of Use. Judy moved that the Board waive formal site plan review because there are minimal changes to the site and use. Sara seconded the motion. Sara, Tom, Judy and Brant each voted Yes, and the motion carried unanimously.

# Discussion: Community Development Coordinator updates: Solar canopy heights; floodplain bylaw administration

Sylvie Jensen, Whately's Community Development Coordinator, discussed the issue of solar canopies, including height restrictions. She had talked to representatives from PV2 Solar and suggested that a maximum height of 25 ft would be appropriate for commercial parking canopies. She mentioned that Whately's zoning bylaws already permit a maximum height of 25 ft for off-street illumination. The board agreed that the current bylaw language seemed fine, but Judy wanted to double-check if there were additional height restrictions for the solar panels themselves.

Sylvie also addressed the floodplain bylaw and mentioned attending a training session for Floodplain Administrators. She highlighted the importance of collaboration between the Floodplain Administrator, Building Inspector, and Conservation Commission in permitting questions related to floodplains. Sophie noted that physical copies of floodplain maps should be made available to residents at the Town Clerk's office, and she discussed the need to capture projects that fall outside the jurisdiction of other entities but still require compliance for insurance purposes.

Judy suggested a meeting with Scott Jackson, Chair of the Conservation Commission, Town Administrator Brian Domina, and others to further discuss the floodplain bylaw. She also mentioned the need for information from the state and suggested setting up a meeting with Brian and Sylvie to address these matters.

# Discussion: Next steps re: Attorney General’s approval of the 2023 bylaw revisions and zoning map

Brant noted that the new zoning bylaws book contains errors, and screen-shared an example in the solar portion of the new book, section 171.28.5. The header reads, “Amended June 23, 2020” but 2023 is the correct year. (See the part re: utility connections.)

Brant will let the Town Clerk know that the Planning Board would like her to make three changes:

* The Table of Contents needs editing changes
* Pull out the new annotations about amendments from the text of the bylaw, and move them to the top, to match annotations from prior years
* Re-post the electronic copy of the bylaws on the town website.

Also:

* Brant will send a copy of the new zoning map to Judy, who will update the Planning Board page on the town website and put the new map up.
* Brant will send the correct version of the new zoning map to the Assessors office for posting on the Assessors online map.

# Discussion: Next steps re Aquifer Protection Overlay District zones

Brant contacted Ryan Clary, GIS Specialist at FRCOG, to discuss using the map from the Water Department for a new zoning map. Brant confirmed with the Board members that they want to use the Water Department map as the correct one and explained that they want to create a draft zoning map for the Planning Board to go through the process of a public hearing and to ultimately be voted on at Town Meeting.

# Discussion: Formal recognition of Peggy Sloan’s (FRCOG) many contributions to Planning Board activities

Judy proposed honoring Peggy Sloan upon her retirement with a framed certificate of appreciation and a letter thanking her for her years of service and support. The motion was seconded by Brant and unanimously approved by the board. Brant will draft the certificate design and circulate to the Board for review. Judy will provide language for the certificate, and each board member will sign it before it is framed. Brant also proposed showing appreciation to retiring Planning Board Chair Don Sluter. A motion was made and seconded to recognize Don with a framed certificate or a letter of appreciation, which was also unanimously approved by the board.

# Discussion: Board zoning revision priorities informed by approved Housing Production Plan

Brant noted that Building Inspector Jim Hawkins has no good way to find out how many Accessory Dwelling Units (ADU) have been built in Whately. Mr. Hawkins said that in his opinion, the general cost of construction and the cost of a septic system are largely responsible for the low interest level in building ADU. Judy said that permanent affordability is all that matters for Massachusetts Chapter 40B. In Ashfield, she said, the answer seemed to be reducing the lot size requirement. She suggested prioritizing this way:

1. Look at densities used for the housing clusters portion, which never became popular even though affordability was its reason for being. Reasons mentioned for this included septic system cost and location (whether agricultural). It was noted that FRCOG might be able to help with research.
2. Consider tying the Historic Building Re-use portion to an affordability restriction.
3. Consider more places that are separate but share a common wall – like a duplex, but different.

# Approval of Minutes

Minutes of March 22, 2023

Sara moved to approve with Judy’s and Brant’s amendments and the motion was seconded. Sara, Tom, Judy and Brant each voted Yes and the motion carried unanimously.

Minutes of April 26, 2023

Tom moved to approve with Brant’s, Judy’s, and Sara’s amendments, and Sara seconded the motion. Sara, Judy, Tom and Brant each voted Yes, and the motion carried unanimously.

Minutes of September 27, 2023

Sara moved to approve as amended and Tom seconded the motion. Judy, Tom, Sara and Brant each voted Yes and the motion carried unanimously.

# Additional items not anticipated

It was noted that Simmers Creamy is now serving breakfast sandwiches, and that Debilitating Medical Condition Treatment Centers is a business partner in the Simmers enterprise. The board discussed zoning bylaw requirements for farm stands. Brant and Judy will draft a letter to Simmers Creamy, for discussion at the November 29 meeting.

# Adjournment

At 6:56 pm, Tom moved to adjourn and the motion was seconded. Brant, Sara, Judy, and Tom each voted Yes and the motion carried unanimously.

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

1. An application for site plan review at 110 Christian Lane, with relevant documents.

Mary McCarthy

Secretary, Planning Board

Town of Whately, MA