



## TOWN OF WHATELY Whately, Massachusetts

---

Planning Board  
Donald Sluter, Chair

Mailing address:  
4 Sandy Lane, So Deerfield, MA 01373

### Minutes of the July 12, 2023 Virtual Meeting 5:00 pm via Zoom

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

Others attending: Megan Rhodes (Franklin Regional Council of Governments/FRCOG),  
Sylvie Jensen, Catherine Wolkowicz, Chris Larrabee

The meeting was called to order at 5:06pm and was recorded.

#### Draft Housing Production Plan (HPP)

Megan Rhodes presented the changes made to the possible zoning options in the plan that had been made as a result of comments and suggestions from the Board. These include:

- creating a new mixed-use zoning district near public transit such as on Rt. 5 or Old State Rd.;
- eliminating the Commercial district from the option to study the feasibility of smaller lot areas where there is public water and suitable terrain;
- creating a bylaw that would relax dimensional requirements in certain zoning areas for building projects dedicated to senior or affordable housing with special permit and site plan review; and
- reviewing the density bonus in the current cluster housing bylaw.

Brant asked for clarity on the proposal to relax dimensional requirements for affordable housing and senior units. Judy explained that it is modeled on the Historic Building Repurposing Bylaw, which allows for things like smaller lots and fewer parking spaces for projects which rehabilitate buildings that have been determined to be of historical interest to the town. For this proposal, the most likely use would be for a smaller lot size. The bylaw would allow the developer much of the same flexibility as a 40B, but would preserve the town's right to have a special permit and site plan review.

Brant moved that the Board accept the revised draft and Judy seconded the motion, which was approved unanimously.

Letter to the Water Department re Information on the Aquifer Overlay Protection Districts.

Brant shared a draft letter he had prepared to be sent to the Whately Water Department asking that they review their records and provide us information on the boundaries of the zones protecting both the Water Department well and the now-abandoned Water District wells, since the original legal justification for the District protection zones no longer applies.

Don explained the rationale for keeping some of the District protections for the benefit of the other private wells in the area that share the same geological exposure.

Judy stated that she understood that the request was for clarity on where the various zones are, as a basis for determining what - if anything - should be done by way of a change. Brant noted that it appears that the District's Zone 2 overlaps what had been the Department's Zone 3 before the District protections were added, and that this is one reason we need better information.

Sara commented that the letter implied that the protection areas would be redrawn, which she felt inappropriate. Brant agreed to amend the wording.

Judy asked whether an analysis of the DEP studies referenced in the Aquifer bylaw might provide the requested information. Brant said that he had read one of the studies but hadn't found any mapping details, and that in any event we would need digital location data. Judy noted that Kimberly McPhee at FRCOG had provided that data for the current districts to Ryan Clary for the updated zoning map. Don said that he thought he had the mapping data on his computer and would look for it.

Tom queried why this effort was being undertaken at all and questioned what seems to be the implicit premise that the protections would be weakened. As the discussion progressed, the group agreed that the proper question to be asked is what degree of protection is now needed for the Department well, since it is now the only source of public water in town and that climate change has significantly altered expected water flow amounts. It was suggested that we get another geological study completed by the DEP or another authority.

Brant moved to accept the letter as amended, Judy seconded, and the motion was approved unanimously.

Minutes of February 22, 2023

Judy had made several edits to Mary's minutes and posed two questions on content. It was unanimously agreed to accept her changes and the text revisions posed by her questions. She will make the changes and send the revised document to Mary.

The next meeting will be on Wed. August 30 at 5pm.

Respectfully submitted,

Judy Markland

Documents on file discussed at the meeting:

Draft *Town of Whately Housing Production Plan 2023 Update*, dated 7-5-23

Draft letter to the Water Department by Brant Cheikes sent 7-4-23

Markland revisions to the draft minutes of the 2/22/23 Planning Board meeting sent 7/9/23