

Minutes of Planning Board Meeting
Town of Whately
Town Offices Building, 4 Sandy Lane
January 30, 2018

Members Present: Don Sluter, Judy Markland, Nicholas Jones, Sara Cooper, Helena Farrell
Members Absent: none

Attending:

Richard Smith, owner of land on Long Plain Road

David R. Enberg, P.L.S., Berkshire Design, 4 Allen Place, Northampton

I. Call to Order, 7:00 p.m.

The meeting was not recorded.

II. Approval of the December 19, 2017 Meeting Minutes

Nicholas moved to accept the minutes as amended. Judy seconded, and the board unanimously approved the minutes as amended.

III. New Business

a. Smith ANR

David Enberg, of Berkshire Design, and property owner Richard Smith presented a plan for one lot to become two lots on Long Plain Road, in order to separate the house and buildings from the Agricultural Protection Restriction. Nicholas moved to endorse the ANR, Sara seconded, and the board voted unanimously to endorse it. The board signed and stamped the required plan copies. Don took the check to give to the Town Clerk with a copy of the plan. Form A was submitted.

b. Farm Brewery Tasting Room Discussion

The Board discussed the Building Inspector's decision that the Hitchcock Brewery Tasting Room qualifies as a farmstand under the year-round commercial greenhouse and salesroom allowable use by determining that hops are a horticultural product. Discussion covered possible zoning bylaw changes which would apply to future farmer brewery tasting rooms to ensure that abutters had input.

Points included:

- A definition of horticultural products to preclude similar rulings in the future
- Allowing tasting rooms with site plan approval (and possibly special permits) requirement, in consideration of neighbors
- Limitation of hours of operation, etc.
- Treatment of tasting rooms, with pouring licenses separately

Judy will circulate draft wording on these changes.

IV. Old Business

a. Pine Plains Road Layout Review and Approval

Don noted that although the plans are not on hand tonight, they have been seen before by the board, have been engineer-approved, and are satisfactory. Nicholas moved to send a letter to the Selectboard stating that the street plan for Pine Plains Estates conforms to Whately subdivision regulations for public roads, but acceptance by the town of the roads does not include acceptance of responsibility for stormwater management and culverts in the subdivision. Sara seconded, and the board voted unanimously to approve the motion.

b. Recreational Marijuana Discussion – Direction and Timeline

The board discussed bylaw changes necessitated by the legalization of recreational marijuana in Massachusetts and by the legislature's ruling that marijuana is not an agricultural product. It was noted that Whately's farmers remain unable to grow any marijuana in Whately until the town's zoning regulations are changed. Board members agreed that it may not be possible to change the regulations at the April 2018 Town Meeting because of the amount of preparation required. If the zoning regulations aren't changed this April, they noted, the matter may be delayed until April 2019.

Judy Markland submitted a document titled, "Massachusetts Recreational Marijuana Draft Regulations 12-17, Overview for Whately", a summary which addresses drafted Massachusetts regulation categories including types of establishments, the craft cultivator cooperative, marijuana micro-businesses, cultivation, licensed cultivators, real-time inventory computer tracking, security requirements, testing requirements, liquid and solid waste disposal, written operating procedures, and specific operational requirements for marijuana cultivators.

The board discussed various points and agreed that input from the townspeople, especially farmers, would help when writing regulations allowing farmers to take advantage of this new business opportunity while protecting the interests of neighbors. It was suggested that the Agricultural Commission could help the board learn about what Whately's farmers want in this regard. Nicholas will talk to Margaret Christie in this regard.

V. Other

The board discussed Town Clerk Lynn Sibley's emails of January 24, 2018, concerning her final review of the Code of Whately and questions that the reviewer had posed. The emailed questions involved the following:

3.

1) Possible change of wording in Section 171-28.6 D (1)

Don moved to change the wording,

“side yard setbacks in the Commercial and Commercial and Industrial Districts”

to read,

“side yard setbacks in the Commercial and Commercial-Industrial Districts”.

Nicholas seconded, and the motion passed unanimously.

2) Possible change of wording in Section 171-29E

This subsection provides as follows:

“Construction or operations under a building or special permit shall conform to any subsequent amendment of the zoning bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.”

Lynn’s email states that the subsection is based on MGL c. 40A section 6 which has been amended by ST.2016, c. 219, to change the time frame from six months to 12 months. Her email asks whether the board wants to change the wording of Whately’s subsection from six months to 12 months as well. Don moved to leave the wording as it is, reading six months. Judy seconded and the motion passed unanimously.

VI. Planning Board Mail

The board reviewed the mail.

VII. Next Meeting Date: February 27, 2018 (if necessary)

VII. Adjournment

Don adjourned the meeting at 9:15 pm.

Documents reviewed (kept in the Planning Board files)

1. Form A: Application for Endorsement of a Plan Believed Not to Require Subdivision Approval (ANR), dated 1/30/2018 and signed by D. C. Sluter
2. ANR Plan of land prepared by The Berkshire Design Group, Inc., dated June 25, 2017 (with 4 revisions) and titled: Approval Not Required Plan of Land Located in Whately, Massachusetts (Franklin County)
3. A document titled, “Massachusetts Recreational Marijuana Draft Regulations 12-17, Overview for Whately”

4.

4. Emails from Town Clerk Lynn Sibley to the planning board, asking questions regarding the final review of the Code of Whately, dated January 24, 2018 at 2:21pm and at 2:27pm, and from Judy Markland to the board on January 30, 2018 at 12:44 pm

Mary McCarthy,
Secretary
Planning Board
Town of Whately