

Minutes of Planning Board Meeting
Town of Whately, MA
Town Offices Building, 4 Sandy Lane
July 31, 2018

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

Attending:

Stephen Herbert, 81 Shattuck Rd., Hadley; Scott Hutkoski, 119 Christian Ln.; Robin McGuffy, 162 Chestnut Plain Rd.; Michael Herbert, 4 Keefe Ave, Holyoke; Scott J. Soares, 35 Albemarle Rd., Longmeadow; Meredith Savage of SWCA, 15 Research Dr., Amherst; Bob Obear

I. Call to Order, 7:02 p.m.

The meeting was not recorded.

II. Approval of Minutes

Postponed

III. New Business:

a. Obear ANR

Bob Obear appeared for an ANR regarding property at 59 River Road, and submitted a plan dated 6/28/18 and prepared by EDS Enterprises, LLC. His intention is to carve one lot out of a larger lot on a known public way. Nicholas moved to endorse, Judy seconded, and the board voted unanimously to endorse the ANR. The board stamped and signed the required copies.

b. McGuffie ANR

Robin McGuffie appeared for an ANR regarding property at 168 Chestnut Plain Road, and submitted a plan dated November 28, 2017. The intention is to split off a house and 2 acres from a larger lot. Judy moved to endorse, Don seconded, and the board voted unanimously to endorse the ANR. The board stamped and signed the required copies.

c. Hutkoski / Urban Grown Inc. Site Plan Review Discussion

Scott Hutkoski, of Long Plain Farm, submitted preliminary site plan information about his property at 149 Christian Lane, in connection with a marijuana growing establishment planned for the site with Stephen and Michael Herbert, and Scott Soares, of Urban Grown, Inc. Stephen Herbert described the process and entities involved in certifying and registering such a facility. They have not yet applied to the Zoning Board of Appeals for a special permit. The board noted that the project would definitely need the permit, and that they should address the specific bylaw points with the ZBA before doing the Planning Board's site plan review, since the Planning Board needs to know the ZBA's thinking about whether there is more work to be done before a special permit can be considered.

2.

Topics of discussion included:

- Odor scrubbing
- Water recapture
- The new bylaw
- Most of the power needed will be solar-generated (slightly more used in winter)
- Fence already planned (Cannabis Control Commission requires one)
- Limited access area to be only for the registered workers – supplies and deliveries to be handled outside the fence. The board explained this should be shown on the plan.
- Regarding whether engineered stamped plans are required in this instance: Nicholas said that, because only existing buildings are involved, he would be comfortable without a stamped plan but that it needs explicit information shown regarding lights, cameras, gates, parking, etc. The board explained that the ZBA will need to see all of this on the plans, too.
- Alarms to be mostly silent, but they may need a panic alarm; board explained they would need to know how loud
- A guidance document is being written to help applicants forge ahead without redundancy; new bylaws were written to help the town and its farmers with this.
- The land will not be leased, but 20% of the proceeds will go to the farmer
- They may use a blackout curtain to keep light from escaping
- Police and Fire Departments need emergency access information

Judy gave Scott Soares a copy of the new zoning bylaws as approved by the Attorney General. The applicants were told to talk to the ZBA to see about any required zoning variances, and to be well along in the process of the special permit application before returning to the Planning Board for the actual site plan review. The board explained that it would be OK for the applicants to come back to the Planning Board before the company is ready for the site plan review, to informally discuss any questions they may have.

d. Review Adult Entertainment in the Zoning Bylaws

The board discussed the town's existing adult entertainment zoning, which bans adult entertainment entirely, and the possibility that if the town were sued for this position, it could be considered a constitutional violation of first amendment rights to free speech. It was noted that Town Administrator Brian Domina feels that there may be some urgency in avoiding that situation by allowing adult entertainment somewhere in town. It was also noted that the Castaway Club predates current zoning (is "grandfathered") and will not be affected by zoning changes going forward.

Judy moved to change the Table of Use for adult entertainment to allow it in the Industrial Zoning District by special permit. The motion was approved. The board will hold a public hearing about this on August 28, 2018.

e. Discussion of Marijuana Special Permit and Site Plan Review Guidelines

The board reviewed Judy's drafts of two documents, titled:

- 1) Information for Marijuana Establishment Special Permit Applications
- 2) Information for Marijuana Establishment Site Plan Review

The board agreed that the two draft documents are excellent and that they be posted online to help guide applicants.

IV. Other

Meredith Savage, of SWCA Environment, appeared on behalf of a client who wants to build a large solar array. Regarding the Aquifer Protection District, Ms. Savage asked whether the panels are considered an impervious surface. The board explained that they are not considered impervious, since concrete bases are not allowed and most of the ground is open to water absorption.

V. Planning Board Mail

No mail was reviewed.

VI. Next Meeting Date – August 28, 2018

VII. Adjournment: At 9:05 pm, the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. Site plan information for a marijuana cultivation establishment proposed by:

— Urban Grown, Inc., Legal Owner and Licensee, of 4 Keefe Avenue, Holyoke,

— Scott J. Hutkoski, Farm Operator, 187 Joseph Ave, Westfield, and

— Wayne M. Hutkoski, Farm Operator, 149 Christian Lane,

to be located at Long Plain Farm, 149 Christian Lane.

Included:

— 4-page document, “Site Plan for Marijuana Establishment at 149 Christian Lane, Whately”

— 3-page document regarding Security Plan and Cultivation Site, with diagram of fences and gates

— 4 pages with aerial photos of the property, with features labeled

2. A 1-page draft, “Information for Marijuana Establishment Special Permit Applications

3. A 1-page draft, “Information for Marijuana Establishment Site Plan Review”

Mary McCarthy

Secretary

Planning Board

Town of Whately, MA