

Minutes of the Whately Planning Board

Town Offices Building, 4 Sandy Lane

Tuesday, April 23, 2019

Present: Donald Sluter, Judy Markland, Nicholas Jones, Sara Cooper

Absent: Helena Farrell

I. Call to order, 6:32 pm

The meeting was not recorded.

II. Public Hearings

- a. Joint Hearing with Tree Warden: Keith Bardwell reported that after being contacted by Jim Ross, Veteran, and reviewing a report from a certified Arborist, it was determined that of the trees at 190 Chestnut Plain road, the 30" tree, furthest east, had a fair amount of decay in the main stem and should be removed. It was also decided that the 24" tree, furthest south, was healthy and did not need to be removed currently. The other posted trees; Center Cemetery Chestnut Plain Rd. 36" Maple, 208 Chestnut Plain Rd. 42" Maple, 190 Chestnut Plain Rd. 24" Maple, west, 183 Chestnut Plain Rd. 16" Maple; 22" Maple, 178 Chestnut Plain Rd. 22" Maple, 174 Chestnut Plain rd. 22" Maple should be removed. A letter from Donna Wiley from the Historical Committee was read and submitted for to the records. Nicholas moved to take down the trees as discussed with the exception of the 24" middle southern tree at 190 Chestnut Plain Road. Judy seconded, and the vote was unanimous.

Minutes of April 5, 2019 were reviewed. Don moved to accept. Nicholas seconded and the minutes were unanimously approved.

Discussion on Town Meeting presentation: Judy Markland will abbreviate the slide presentation from the informational meeting and send it around to board members for approval.

At 6:45 opened the Site Plan Review for Mustang Whately Investors, LLC – Marijuana Cultivation Establishment on Christian Lane. Judy questioned the standing of the application, on the grounds that the applicant must be the licensee. Mustang will own the property and rent to the licensee, when the licensee/cultivator is identified, Mustang noted the importance of starting the process while they are locating a tenant and will ask the ZBA to proceed on the same basis.. John Dewey of Mustang let the Planning Board know that they are in active discussions with 3-4 possible tenants. In 60-90 days they should have a tenant chosen. The tenant will need to get its Host Community Agreement to get the license and the special permit.

Nicholas stated he was comfortable moving forward with the site plan review. The public hearing won't be closed until the operator is known and has agreed to an operating plan.

Chris Chamberland of Berkshire Design, representing Mustang Whately Investors, LLC, will send slides and the digital application.

Per the 1985 survey of the property, a town park is 326' from the building on the other side of Christian Lane. A waiver of the 300-foot setback to the north will be requested. The main entrance is on Christian Lane, a secondary entrance on Rt. 5&10 will be gated. Unauthorized entry will not be allowed.

The exterior of the greenhouse is not changing much. The business will operate as it does now. Grounds will be maintained along with the roadways, some TRG (trap rock gravel) will be added around the perimeter roadway. A second entry will be added on the north. They will meet the parking requirements. They will leave the operations in the middle section. The greenhouses are in both AR1 and AR2 zoning and were in existence when the marijuana bylaw was passed. The plants will have 12 hours of light and 12 hours of blackout. There will be curtains on the top and there will be solid panels on the sides. This should be invisible in the evening. There will be code lighting at the entrances and parking areas, building safety lighting. No lights will be on overnight, they will be on a timer or solar monitor and automated. The standard work hours will probable be 8 am to 5 pm except in extenuating circumstances.

Charles Smith, a consultant on cannabis security from the west of Boston, stated that the security will be compliant with CCC requirements for operation within the lease. The police and fire chiefs were met with. There will be infrared cameras.

For energy efficiencies – they are greenhouses and are partially powered with the solar array. This provides 630Kw with current large-scale ground mounted array. They will maximize energy efficacy systems for the heating, cooling and lights. Town water will be used. This is projected to be higher than the current use for basil. Possibly 26000 gal/day in summer and 12-14000 gal/day in winter. There is a rain water collection system in place that has a 30,000 gal storage, expanding is a possibility. This can supply 40% of the water usage with rainfall. They will contact Water Commissioners to request capacity assurances and certification to use.

Disposal of waste: Cannabis waste will be stored securely in the building and transported to a licensed place for disposal. The solid waste will be put in an on-site dumpster that is fenced and secured.

Odor control will use a fog delivered odor neutralizer, Odor Armor 420. The Fire Chief, John Hannum, asked about storage area and quantities of the oil-based neutralizer. They will provide additional information about how this system will operate in New England winter.

A site walk is proposed in conjunction with the Zoning Board. Available dates are May 11th and 18th at 10 am.

The site plan review is continued until 6:45 pm on 5/28/2019.

Old Business – Discussion of Comments on Proposed Historic Building Reuse Bylaw.

Richard Korpiewski, State Road, wanted to confirm that the retail sale provisions of the proposed Bylaw will not supersede the Marijuana Bylaw and allow dimensional flexibility for marijuana establishments. Town counsel says no – that a bylaw for a specific use would have precedence.

There was additional discussion about whether there is a need to restrict the types of retail sales in residential areas allowed by the bylaw draft and whether adding restrictions on reused buildings retail businesses to limit sales of alcohol, cannabis, tobacco and vaping products is advisable. Judy also noted that the draft bylaw omitted the dimensional requirement sections of the multi-family and aquifer overlay district bylaws and that those should be added

Nicholas proposed to amend the proposed bylaw with the addition to the Table of Use, 171.21.2 to exclude retail use where alcohol, marijuana, tobacco and vaping products are the primary sale items, and to amend the proposed bylaw wording to include the missing dimensional requirement sections among those that may have more flexibility. (See attachment) Don seconded. The vote was unanimous.

The meeting was adjourned at 9:21 pm.

Respectfully submitted,
Sara Cooper