

Minutes of Planning Board Meeting  
Town of Whately, MA  
Town Offices Building, 4 Sandy Lane  
February 5, 2019

Members Present: Don Sluter, Judy Markland, Nicholas Jones, Sara Cooper  
Members Absent:: Helena Farrell

Attending:

Karen Gaston, 15 Austin Brook Drive, East Granby, CT  
Elizabeth Scott, North St.

I. Call to Order, 6:30p.m.

The meeting was not recorded.

II. Minutes of December 4, 2018. The board reviewed the minutes. Nicholas moved to accept the minutes as amended. Don seconded, and the minutes were unanimously approved as amended.

III. Gaston application for site plan approval,

for a marijuana retail shop in an existing building at 13 State Road

Karen Gaston submitted an application for site plan approval, and gave Don \$100 in cash for the application fee. Don will get the \$25 in change to her at a later date. The board scheduled the public hearing for 7:00 p.m. on March 26. Don will sign the application materials and will give them to Town Clerk Lynn Sibley, along with the \$100.00.

IV. New Business

a. Elizabeth Scott – Building Lot Discussion

Ms. Scott had come for an informal discussion and advice. She explained that she owns a farm on North Street, and that Whately's assessors maps don't show her house on the correct lot. She used a recent survey or map of the lot lines to explain the situation to the board, which discussed items that would need to be addressed in pursuit of a remedy and to create another lot on the property. The board referred Ms. Scott to the Zoning Bylaws for more information, and Judy offered to go over the zoning requirements with Ms. Scott at a time convenient for both.

b. Haydenville Road Repair Discussion

Don gave the board a copy of a set of plans dated December 20, 2018 received from Hoyle, Tanner & Associates along with a letter of the same date signed by Todd Clark, Design Engineer. The plans are titled:

Massachusetts Department of Transportation  
Highway Division  
Early Environmental Coordination Plans  
for Haydenville Road  
in the Town of Whately  
Franklin County

Don told the board he'd found and marked one error on page 11, where something is labeled Westbrook that isn't. Don moved that he write a letter to Todd Clark stating that he only found one small error and that the board is in favor of the project, unanimously. Sara seconded, and the board unanimously approved the writing of the letter.

c. Hutkoski – Right of Refusal on 61A Property

The town had received a packet of information dated January 22, 2019 and stamped "Received" by the Town Clerk the same day, titled:

Notice of Intent to Sell Property and Convert to Other Use  
M.G.L. Chapter 61A, Section 9

pertaining to 12.16b acres of land (Deed Book 56588, Page 39; Parcel III Tract I "Maplewood Lot"), owned by Scott Hutkoski and Wayne M. Hutkoski. The Hutkoski brothers plan to sell the land to Nexamp Free Holdings, LLC, pursuant to a purchase and sale agreement between Long Plain Solar, LLC, and the landowner, and to convert the property to commercial use. The accompanying letter from the Hutkoskis asks the town to respond as to whether it would like to exercise its right of first refusal with respect to the planned sale, and purchase the property for Whately.

The board discussed whether it was in the best interest for the town to buy the property. Ultimately, Don moved to write the selectboard a letter stating that the planning board sees no reason to exercise the right of first refusal. Nicholas seconded, and the motion was approved unanimously. Don will send a copy of the letter to the secretary.

V. Old Business

a. Historic Building Re-Use Bylaw Discussion

The board tabled this item until the next meeting to allow time for Peggy Sloan, of the Franklin Regional Council of Governments, to contribute information for discussion.

b. Bylaw Wording Discussion – Short Term Rentals

The board reviewed three document drafts submitted by Judy:

1. a 2-page document noted "Whately" at the top, whose text begins:  
"Draft zoning bylaw to replace the current ~ 171-22 Tourist homes/bed-and-breakfast"
2. a 2-page document from the Town of Williamsburg dated 12/17/18 and headed:  
"Proposed General Bylaw – Transient Lodgers  
Williamsburg Transient Lodger Bylaw"

3.

3. a 3-page document from the Town of Williamsburg dated 12/13/18 and headed:  
“Proposed Zoning Bylaw (2019) – Transient Lodgers”

VI. Other

Don said that the Northampton Department of Public Works had contacted the selectboard and the planning board by letter, about Right of First Refusal (Chapter 61) on lots in Whately, near the reservoir. Northampton is interested in possibly buying these lots if their situation (status) should change. Don will recommend to the selectboard that they work with Northampton on this.

VII. Planning Board Mail

The board reviewed the mail.

VIII. Adjournment: At 8:38 p.m. the board voted to adjourn.

VIX. Next Meeting: February 26, 2018

Documents Reviewed (kept in the Planning Board files)

1. An application package for site plan approval from Karen Gaston, of East Granby, CT, to rehabilitate and re-use an existing building at 13 State Road as a marijuana retail shop. The plans are dated January 28, 2019 and are titled, PROPOSED TENANT FIT OUT FOR SHINE DIAMOND. Some of the plan identification information required a magnifier to read, including the name of the company that prepared them:

THOMAS P. CARLONE, AIA, LLC  
ARCHITECTURE & PLANNING  
22 NORTH FARMS ROAD,  
AVON CT

2. A set of plans dated 20-Dec-2018, received from Hoyle, Tanner & Associates along with a letter of the same date signed by Todd Clark, Design Engineer. The plans are titled:

Massachusetts Department of Transportation  
Highway Division  
Early Environmental Coordination Coordination Plans  
for Haydenville Road  
in the Town of Whately  
Franklin County

3. A packet of information dated January 22, 2019 and stamped “Received” by the Town Clerk the same day, titled:  
Notice of Intent to Sell Property and Convert to Other Use, M.G.L. Chapter 61A, Section 9, pertaining to 12.16 acres of land (Deed Book 56588, Page 39; Parcel III Tract I (Maplewood Lot), owned by Scott Hutkoski and Wayne M. Hutkoski.

4.

4. A 2-page<sup>3</sup> document with the handwritten notation, “Whately” at the top, and whose text begins, “Draft zoning bylaw to replace the current ~ 171-22 Tourist homes/bed- and-breakfast”
5. A 3-page document from the Town of Williamsburg dated 12/17/18 and headed,  
Proposed General Bylaw – Transient Lodgers  
Williamsburg Transient Lodger Bylaw
6. A 3-page document from the Town of Williamsburg dated 12/13/18 and headed,  
Proposed Zoning Bylaw (2019) – Transient Lodgers

Mary McCarthy  
Secretary  
Planning Board  
Town of Whately, MA