

Minutes of Planning Board Meeting
Town of Whately, MA
Town Offices Building, 4 Sandy Lane
Aug 27, 2019

Members Present: Don Sluter, Judy Markland, Sara Cooper

Members Absent:: Nicholas Jones

Attending:

Ed Lally, 123 Prospect Hill Rd., Windsor CT; Karen Gaston, 15 Austin Brook Dr., East Granby CT; Joe Skroski, 89 North St.; Jennifer Skroski, 89 North St.; Mark Battey, 85 State Rd.; Judy Schell, 2 School St., Larry Brotherton, 1 Kary St., Northampton; Dan LaValley, 45 State Rd.; Elizabeth Scott, 89 North St.

I. Call to Order, 6:45 p.m.

The meeting was not recorded.

II. Approval of Meeting Minutes

Minutes of July 30, 2019: Judy moved to approve as amended, Sara seconded, and the board voted unanimously to approve the minutes as amended.

Minutes of August 2, 2019: Postponed to next meeting

III. Public Hearing – Scott/Skroski Side Lot Access and Driveway Special Permits

Because the applicants were delayed, the board first held the New Business discussion about the L&L Pole Building. At the conclusion of that discussion the public hearing began.

The applicants submitted the 4-page “Boundary Line and Common Driveway Agreement”, along with an 8 ½ " x 11" plan of the subject property. The undated plan is headed “Exhibit A” and shows the North Street Lots 1, 2, and 3 with common driveway locations labeled, **20 ft. Wide Right of Way Easement “D”** and **20-ft. Wide Right of Way Easement “E”**. The secretary briefly left to make copies of the documents for the board.

Ms. Skroski also submitted a large format plan dated Aug 12, 2019, which Judy described as the same plan as for the ANR which the board accepted at the meeting of August 2, 2019, only amended with additional information for the special permits. The Form A for the ANR, complete with Elizabeth Scott’s signature, was submitted to the board tonight as well.

The board discussed the applications, with Judy mentioning that the bylaws require approval by the highway and fire departments. The public comment portion of the hearing was closed at 7:11 p.m. Judy moved to approve side lot access, Sara seconded, and the board voted unanimously to approve it. Don moved to approve the common driveway subject to approval from the Highway and Fire departments. Sara seconded, and the board voted unanimously to approve it with those conditions.

IV. New Business

a. Beyond Landscaping Contracting, LLC – Discussion of use of Tenanes Lot on Rt 5

Larry Brotherton and Judy Schell, of Beyond Landscaping Contracting LLC, a landscaping service, had come for information and advice about how to proceed with plans to purchase Lot 2 State Road for their business, currently located in Hatfield. They were told that the zoning does not permit that use for the property, which is zoned A/R 1. The board explained that there are two options to change the situation: get a zoning change voted a town meeting or ask the Zoning Board of Appeals for a variance. The applicants indicated they plan to attend the September 5 ZBA meeting for a discussion with them as well.

b. L&L Fence Building Discussion with Dan Lavallee

Judy explained that the issue is a building that had been built without having had a site plan review, and that the board had asked Dan Lavallee to come in for an information presentation. Mr. Lavallee had brought a drawing of the site and described the building as a dry, cold storage building with no electricity, since it did not need lighting at this time.

Mr. Lavallee requested a site plan review waiver, and Judy moved to grant it. Don seconded and the board voted unanimously to grant the waiver. Don explained to Mr. Lavallee that if the building's use should ever change he will need to apply for site plan approval at that time.

Judy submitted a draft of the text that she and Nicholas had written, to be sent to building inspector James Hawkins noting that site plan review is required for developed lots as well as undeveloped ones. Judy moved that the letter be addressed and sent to Mr. Hawkins. Sara seconded and the board unanimously voted that it be finished and sent. Judy will finish the letter.

c. Diamond Shine Site Plan Review Submission

Karen Gaston and her friend Ed Lally submitted a coil-bound application packet for the proposed marijuana retail shop owned by Diamond Shine, LLC, dba Diamond Shine. Mr. Lally said they'd supplied 3 full size and 3 small size copies of the plans, and Judy explained that they would need to supply more copies for other boards and committees to review. The board was told that 4 more copies would be supplied.

Mr. Lally said the site plan had grown in size and had been divided into two sheets. He noted that the plan contains information on lighting, haz-mat, drainage, setbacks, the color of the siding ("soft wheat") and parking, noting that 11 parking spaces are required and they will have 40. Judy noted that the Board of Health needs specifics on the new septic system, and that the BoH has 90 days to get back to the Planning Board about it. She stressed that BoH approval of the new septic system is needed in order for the planning board to decide on the site plan approval.

Asked where the 50-gallon drums would be kept, Ed Lally pointed out the odor control /storage area on the plan. Sara asked where the odor control system is currently used, and was told that for this purpose they are used on the west coast and in Colorado. It was noted that they are also used in processing facilities, which produce more odor than retail shops. Regarding lot

coverage (the Zoning Board of Appeals' purview), Mr. Lally said the lot is gravel and that only areas shaded dark on the plan will be paved.

Mr. Lally noted that although he is no longer licensed in Massachusetts, a licensed land surveyor made the plans. Judy noted that according to Whately bylaw, dimensional measurements must be done by a registered architect or a registered engineer. She strongly recommended that the applicant get a seal indicating such on the drawing.

Mr. Lally said that he will be overseas at the time of the September 24 planning board meeting, but that he would be able to attend the meeting on October 29. Ms. Gaston said she will also be available, and the board scheduled the Site Plan Review Public Hearing for that date.

VI. Planning Board Mail

The board reviewed the mail.

VII. Adjournment:

At 8:18 pm, the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. A 4-page "Boundary Line and Common Driveway Agreement", in which Elizabeth R. Scott conveys property to Jennifer Skroski and Joseph Skroski. The agreement includes an 8 ½ " x 11" plan of the subject property. The undated plan is headed "Exhibit A" and shows the North Street Lots 1, 2, and 3 with common driveway locations labeled, **20 ft. Wide Right of Way Easement "D"** and **20-ft. Wide Right of Way Easement "E"**.
2. A large format plan dated Aug 12, 2019 titled,
Site Plan in Whately MA
Prepared For
Jennifer & Joseph Skroski
and prepared by the office of Edward C. Muszynski, Professional Land Surveyor, Greenfield MA.
3. A copy of Form A signed by Elizabeth R. Scott
4. An application package for Diamond Shine LLC,
stamped by the town clerk on August 20, 2019 and headed
Project Information
Diamond Shine
85 State Road
Whately MA
and prepared By
Ed Lally and Associates, Inc., 111 Prospect Hill Road, Windsor Connecticut

4.

The plans comprise four large sheets.

The first two sheets were made by Ed Lally and Associates, Inc.:

Sheet 1 of 2 Layout, dated Aug 19, 2019

Sheet 2 of 2 Layout, dated Aug 19, 2019

The second two sheets were made by Thomas P. Carlone, AIA, Architecture & Planning, Avon CT

Concept Plan A-2, dated Aug 12, 2019

Concept Plan A-2, dated June 8, 2019

5. A draft of content for a letter to Jim Hawkins dated August 27, 2019.

Mary McCarthy

Secretary

Planning Board

Town of Whately, MA