

Minutes of Planning Board Meeting  
Town of Whately, MA  
Town Hall, Chestnut Plain Road  
November 12, 2019

Members Present: Don Sluter, Nicholas Jones, Judy Markland, Sara Cooper, Tom Litwin

Attending:

Ed Lally, 111 Prospect Hill Rd., Windsor, CT; Karen Gaston, 15 Austin Brook Dr., East Granby, CT

I. Call to Order, 5:35 p.m.

The meeting was not recorded.

II. Old Business

- a. Continued discussion of the site plan application by Diamond Shine LLC for a retail marijuana facility at 85 State Rd. (The public hearing was closed at the October 29 meeting.)

Judy submitted a signed copy of the Town of Whately Host Community Agreement.

Ed Lally submitted copies of the Community Outreach Meeting Attestation Form and the Disposal System Construction Permit Form 2A for the new septic system, as well as a letter which he said Mark A. Battey has agreed to sign, attesting to his plans to relinquish his Whately special permit for 85 State Road, effective on the date that a Certificate of Occupancy is issued for the building at that address which is planned to become a marijuana facility.

Judy submitted for discussion a draft list of conditions governing site plan approval for the Diamond Shine LLC proposed marijuana retail facility at 85 State Road. The board discussed making these changes:

- No. 1. Delete the requirement for written approval of the septic tank design because written approval was received at tonight's meeting.
- No. 2. Delete the requirement for a signed and stamped plans because they were received at tonight's meeting.
- No. 3. Delete the requirement for written approval of the site plan and security provisions from the Police and Fire Chiefs because the 45 days allowed for input have expired without the filing of any objection from the Chiefs.
- No. 4. Change the language to read, "The Certificate of Occupancy for the facility will not be issued until Diamond Shine LLC receives and retains full licensing and approvals as a marijuana facility by the state Cannabis Control Commission.

2.

No. 6 Change language to show that for traffic control, traffic details will be assigned as the Whately police deem necessary.

Nicholas moved to approve the language of the conditions as amended. Don seconded, and the board voted unanimously to approve the site plan with the conditions as amended.

b. Solar Bylaw Update Discussion

Judy will draft an invitational email to publicize the public meeting planned for December 3,

2019, to discuss how best to update the solar bylaw. The board approved the draft document she submitted at the meeting of October 29 to go out with the email.

VII. Adjournment:

At 6:20 pm, the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. a updated version of the site plan dated August 19, 2019, submitted by Ed Lally on October 29, 2019, showing the exact location of the new septic system and this time bearing the stamp and signature of Ronald M. Quicquaro registered architect. This version of the plan has a handwritten notation at the lower right corner that reads, "PB Rec'd No v 12, 2019". The plan is headed,  
Proposed Improvements  
Property of  
Mark Battey  
85 State Road  
Whately, Massachusetts
2. a copy of the Town of Whately Host Community Agreement, signed on June 26, 2019
3. Four copies of the Community Outreach Meeting Attestation Form for the meeting held on June 24, 2019
4. Four copies of the Disposal System Construction Permit Form 2A for the new septic system
5. an unsigned letter dated November 9, 2019 from Mark A. Battey , of 85 State Road, to Town Clerk, Zoning Board of Appeals and Planning Board, c/o Town Administrator,  
RE: Abandonment of Special Permit and Related Approvals – Used Car Dealership
6. a draft list of conditions regarding site plan approval for the Diamond Shine LLC proposed marijuana retail facility at 85 State Road.

Mary McCarthy  
Secretary  
Planning Board

Town of Whately, MA