

Minutes of Planning Board Meeting
Town of Whately, MA
Town Hall, Chestnut Plain Road
February 25, 2020

Members Present: Don Sluter, Nicholas Jones, Judy Markland, Sara Cooper, Tom Litwin
Members Absent: none

Attending:

Donna Wiley, Chair, Historical Commission, 184 Chestnut Plain Rd.
Christopher Kellogg, 163 Chestnut Plain Rd.
Dan Denehy 330 Haydenville Rd.
Neal Abraham

- I. Call to Order, 6:38 p.m.
The meeting was not recorded.
- II. Approval of Meeting Minutes
Postponed to next meeting
- III. Old Business

The board discussed a typo in the February 25 insertion of the legal ad for the March 10, 2020 public hearing concerning proposed changes to the zoning bylaws. In the ad, the word “in” mistakenly appears in the description of a proposed change to the part of the bylaw concerned with manure storage. Judy explained that the Town Clerk, Town Administrator, Town Counsel and the Attorney General’s office are investigating what, if anything, needs to be done about it. It was agreed that if the hearing must be rescheduled because of this, the change of date would only apply to the Aquifer Protection part of the hearing and not to the section about solar power installations.

It was noted that the February 11 amended version of the proposed solar bylaw revisions have been posted on the town website. Don asked what percent of a solar project’s cost is involved with things like underground installation of utility lines – and when does it become prohibitive to the the project. Chris Kellogg noted that with solar developers have not presented underground line installation to the Planning Board as being *sometimes* possible, *unless* it costs too much. Rather, he said, it has been presented as *not* possible. It was noted that at the public hearing, the proposed changes can be discussed and modified, including in ways that make them more restrictive.

Donna Wiley, Chair of the Historical Commission, stated that 1), we must fix the bylaw affecting manure storage and 2), some people may be conflicted about proposed changes to the solar bylaw. She suggested treating these items separately so that at Town Meeting the vote can be separate.

The board discussed the draft PowerPoint presentation for the March 10 public hearing. Don moved to approve the slide show as it is, Nicholas seconded, and the board voted unanimously to do so. Nicholas will make the presentation at the public hearing. The board also decided to move the hearing's location to the upstairs auditorium at Town Hall.

IV Other

Mustang Whately Marijuana Cultivation Project Update:

Christopher Chamberland, of The Berkshire Design Group, gave an update of the Mustang Whately marijuana cultivation operation, which has already received both the Zoning Board's Special Permit and the Planning Board's Site Plan approval and. He mentioned that the proposed owner of the land is Mustang Whately Investors LLC, with Dr. Robb's Farms as the business owner and grower. Mr. Chamberland stated that on January 1, 2020, the company had submitted its 200- page application to the state. He added that the state takes a long time to work with such applications, that it provides no progress updates to applicants, and that it will still be a few months until groundbreaking. Regarding the Diamond Shine marijuana retail shop, also to be located on State Road and also the holder of a special permit and site plan approval, Chris Chamberland said they're all in the same line for licenses. Dan Denehy expressed the opinion that Diamond Shine may open first, partly due to its female ownership.

Meanwhile, said Chris Chamberland, there are some space inefficiencies associated with the site plan. Mr. Chamberland submitted site plan copies dated March 26, 2019 and April 4, 2019. He explained that the interior must be renovated to accommodate differences in handling between requirements of the original crops and those of the planned marijuana. It is also necessary, he said, to expand the rainwater collection system and add to the "fertigation" system, in which fertilizer is added to irrigation water. He stated that the number of parking spaces will remain the same but that they have skewed the orientation of some of them.

Mr. Chamberland informed the board that the company will demolish two barns which the Fire Chief had viewed as a fire hazard, adding that the wood is to be reclaimed for architectural re-use by the demolisher. The demolition will reduce the total building coverage of the lot, he said. He also noted that the Selectboard had asked for screening along State Rd. requesting that the planting include white spruce (10'- 12') and river birch,(14'- 16').

Chris Chamberland also confirmed that the main access for agricultural use is on Christian Lane, that the town safety departments also want the Rte 5 driveway kept open, and that the propane tank may be relocated. The building near the water tanks will be a clear plastic greenhouse, he said, and the same metal panelling will be used around the greenhouse. All new clear acrylic roofs will be put on the whole building, he said.

The board decided that the above plan changes do not require a new site plan hearing, comparing that the board had previously waived a hearing about similar items for Yankee Candle. However, the board told Chris Chamberland that when the revised plans are ready, the board will need a complete set of them. Don then moved to require a new presentation along with the set of revised plans. Nicholas seconded and the board approved the motion unanimously.

In response to a question, Chris Chamberland told the board that there has been no news about the status of the ToroVerde retail marijuana shop at the former Sugarloaf Shoppes, adding that it is now only a ToroVerde entity.

V. At 7:44 the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. A draft PowerPoint presentation dated 2/20/2020 and titled, “Proposed Zoning Bylaw Revisions, Public Hearing, March 10, 2020
2. An 11-page document dated 2/24/20 and titled, Draft Zoning Changes
3. A single page 11”x14” plan supplied by The Berkshire Design Group, Inc., dated April 4, 2019 and titled, “Christian Lane Greenhouse Whately, MA”
4. A six-page 11”x14” set of plans supplied by The Berkshire Design Group, Inc., dated March 26, 2019 and titled, “Christian Lane Greenhouse Whately, MA”

Mary McCarthy
Secretary
Planning Board
Town of Whately, MA