

Minutes of Planning Board Meeting
Town of Whately, MA
Town Hall, Chestnut Plain Road
November 10, 2020

Members Present: Don Sluter, Judy Markland, Sara Cooper, Tom Litwin, Brant Cheikes
Members Absent: none

The meeting was held remotely, via Zoom

Guests:

Brian	Ruby Rufo
Sandy Mazzacane	B J
Aaron Fisher	Lisa Palumbo
Joyce Palmer-Fortune	Peter Irvine, Attorney for Ruby Rufo
J D Ross	N Z Matter
Rich Korpiewski	Laura Smiarowski
Mark Wendolowski	Scott
Jared Glanz- Berger	

I. CALL TO ORDER was delayed by internet/Zoom problems until 5:29 p.m. Due to the lost time, minutes review was postponed. Don was not feeling well and asked Judy to act as temporary Chair.

II. PUBLIC HEARING:

Discussion of potential zoning changes at 148 State Road and the adjacent parcel to the South.

The board made the following points:

- the building inspector had approved the property as a home business, with business use in less than 50% of the lot.
- the area no longer looks residential since it is backed by I-91 and the railroad tracks, and is adjacent to other businesses.
- The Planning Board wants to air this matter before asking the Selectboard to put it on the agenda for the next town meeting, since it thinks the area is appropriate to be zoned Commercial and the current situation is an uncomfortable one.

Comments from the public included:

- Abutter Sandy Mazzacane, of 158 State Rd., complained of all hours traffic, such as trucks that start up at 2:00 AM and run for 15 – 20 minutes before leaving; other noise including that of jake brakes, and the continuous smell of exhaust.
- Abutter Mark Wendolowski, owner of the next property over (Parcel 24 – 0) said he would like his property to be included in the zoning change. The board pointed out that such a request would require its own, separately advertised public hearing. Joyce Palmer –

Fortune then commented that the two parcels could be put on the agenda for the same town meeting.

- Richard Korpiewski, who lives in the Commercial Zone, said it is hard to work from home and mentioned interrupted meetings.
- J. D. Ross, of 177 State Rd., said he considers the proposed zone change to be a good use of the property and a tax boon to the town. He mentioned that it is hard to be sure whose trucks are producing noise and smells. Sandy Mazzacane countered that she can tell them apart, and that Kyle Monahan, who owns the property that is the subject of tonight's hearing, plows roads for the state.
- Richard Korpiewski asked about whether other protections for neighboring homes could be included in the re-zoning. Judy Markland responded that the Zoning Board of Appeals would be able to determine hours of operation, and mentioned that the required site plan approval from the Planning Board might also provide opportunities to establish conditions.

Sara Cooper moved to close the public comment portion of the public hearing, and the motion was seconded. Sara, Don, Tom, Brant, and Judy each voted Yes, and the motion carried unanimously. The board continued the discussion, to decide whether to go forward with the proposal to change the zoning at 148 State Road and the adjacent parcel to the South, to Commercial. It was noted that all abutters had been notified and that if they had strong opinions they probably would have joined the Zoom meeting, like Sandy Mazzacane. Don voiced his opinion that further commercialization of Rte. 5 will be a coming trend, and said he would like to move forward with the proposal.

Judy moved to approve the two items as advertised:

“The Board is proposing that land parcels 12-0-24 (148 State Road) and 12-0-24-1 (between State/I91) be rezoned from the Agricultural/Residential 1 District to the Commercial District and that the Town of Whately Zoning Map be modified accordingly. It is also proposing that ~ 171-8 Table of Use be modified to add “Trucking and Construction Equipment” under Commercial Uses.”

The motion was seconded. Sara, Don, Judy, and Tom voted Yes, Brant Cheikes abstained, and the motion carried.

Regarding Mark Wendolowski's request to have his property (Parcel 24-2) included in the re-zoning, the board decided to add a public hearing for this to the agenda for the next meeting, on December 15, 2020, at 5:15 PM. Judy will write a legal notice for the hearing and will send it to the secretary, who will submit it to the Greenfield Recorder for publication.

III. PUBLIC HEARING

Public hearing for site plan review for a screen printing business, owned by Ruby Rufo and located at 13 State Road

Aaron Fisher explained that he works with Ruby Rufo, and that Mr. Fisher's brother and Ms. Rufo had jointly owned a business, One Way Screen Printing, for 30 years at its former location in Hadley.

Mr. Fisher said his brother died last year, and the business now belongs solely to Ms. Rufo, who plans to move it to an existing building formerly occupied by a bookstore at 13 State Road, where Building Inspector James Hawkins had said she could operate it “by right”.

Ruby Rufo’s letter introducing herself to the town was shared onscreen. The project site plan was also shared onscreen, and these points were made:

- No flood-prone areas.
- Not a historic building.
- Current slate roof is beyond repair according to several companies. Replacement with a new slate roof would cost about \$100,000.00, so they prefer to use shingles.
- Plans are for six full-time employees during the week, with none working on weekends.
- One to two deliveries per day, but not everyday.
- No noise from traffic or trucks.
- No hazardous materials; they print with soy-based, bio-degradable inks (heat-cured).
- Signage to be like other signage in the area
- Parking: 13 parking spots required.
- “Beautifying” landscaping to be done
- Use code 325 is not changing; no change of use

Regarding the roof, Judy noted that the board would like the roof to remain slate but cannot require that. She thanked the applicants for consulting slate experts.

Don commented that if the property is being used as residential, even though it is in a commercial district, the parking area would still need a 20 ft setback. Aaron Fisher said that if they have to have a setback there won’t be enough room for the required parking spaces, and they just want to leave it as it is. Judy said she had researched the real estate transactions and found that people are clearly living there. She noted that the Planning Board does have the option to waive the parking requirements if there is a setback observed. She said the board would like to see a plan showing 13 parking spaces as well as a plan showing how many they really need, with the spaces drawn on the plan. The board was told that trucks (mostly UPS) will back into the loading area.

Attorney Peter Irvine, representing the applicant, had questions about the how parking area setback is measured – whether from the property line, or from the house. The board referred to Whately Bylaws section 171-13 A (f), which states,

“Parking area shall be separated from any residential use by 20 feet”.

Judy interpreted this as meaning from the house. Don noted that if that is true, there is no problem. Attorney Irvine said he agrees with that interpretation and added that, if the need is for separation, some sort of barrier, like trees, might suffice. He asked whether the requirement is about noise, dust, or something visually objectionable. Abutter Richard Korpiewski commented that the clothing donation box is a visual problem, and suggested that a stockade fence might make a good buffer.

Mr. Korpiewski also noted that when the former bookstore was operating, it had a sign in a particular location that caused people to drive down his driveway looking for bookstore

parking. Aaron Fisher answered that they don't want their customers driving down the wrong driveway, either. Richard Korpiewski added that a second sign remained illuminated late into night so he has concerns about lighting. Peter Irvine replied that there are no plans for night lighting. Aaron Fisher stated that there are no plans to add any exterior lighting. He noted that since there is an existing sign light, maybe they could use a different bulb with it. Don added that the Planning Board would advise "downward lights only", and commented that operating hours of 9:00 AM to 5:00 PM mean the business doesn't need a night light at all. Mr. Korpiewski wondered whether there would eventually be more than six employees, or a second business in the building. Mr. Fisher replied that there were no plans for more employees, and that a second business in the building was not planned and had never been discussed.

Don asked whether there were any further comments from the public, and there was no reply. Don closed the public comment portion of the public hearing. The board discussed conditions that might be imposed on any approval of the site plan, and agreed on these

CONDITIONS LIST:

- No additional exterior lighting is to be added to the site.
- A screening fence of at least 6 feet in height is to be placed along the south border of the parcel, starting sufficiently back from the road to maintain traffic visibility and extending around the corner on the west side of the lot so as to screen the dumpster.
- The sign for the business is not to be located near the north edge of the property and any lighting on the sign must be limited to one hour before and after the firm's business hours.
- A landscaping plan for trees along the north side of the property is to be prepared and approved.
- A handicapped parking sign is to be posted near an accessible doorway.
- The clothing donation box is to be appropriately screened from abutters.

Judy moved to approve the site plan subject to the conditions listed above, and the motion was seconded. Don, Judy, Sara, Tom, and Brant each voted Yes, and the site plan was approved unanimously.

IV. OTHER

The board discussed establishing an account with Microsoft One-Drive in order to reduce emails and establish an efficient, accessible electronic document filing system. It decided to move forward with this; Joyce Palmer-Fortune commented that Town Administrator Brian Domina will set it up compliant with open meeting laws.

Brad Bean asked for advice on how to go about dividing a lot to make a lot for his family. After an informal discussion, the board advised him on the next steps.

5.

V. ADJOURNMENT

At 7:28 PM, the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. A letter dated September 29, 2020, to the Town of Whately, with the subject line, “13 State Rd Site Planning”, signed by Ruby G. Rufo, Owner/Founder, One Way Screen Printing
2. The site plan for One Way Screen Printing, dated 9/29/20 and titled:

OWSP Site Plan
Subject Property:
13 State Rd. Whatley, MA 01093
By: Ruby Rufo (Purchaser) 9/29/20

Mary McCarthy
Secretary
Planning Board
Town of Whately, MA