

Minutes of Planning Board Meeting
Town of Whately, MA
Town Hall, Chestnut Plain Road
November 24, 2020

Members Present: Don Sluter, Judy Markland, Sara Cooper, Tom Litwin, Brant Cheikes

Members Absent: none

The meeting was held remotely, via Zoom

Zoom Guests:

Christopher Chamberland, engineering firm Berkshire Design

Blake M. Mensing, Esq.

Grant Guelich

Tim Smith

Jared Glanz-Berger

Erik van Geel

I. Call to Order, 5:00 p.m.

The secretary was delayed until 5:15 pm

II. Continuation of the site plan review for the DMCTC proposed marijuana cultivation facility at 7 River Road

At 5:15 Don opened the hearing for Debilitating Medical Conditions Treatment Centers. Judy's draft list of conditions was shared onscreen. Blake M. Mensing, Esq., representing DMCTC, said that under state CCC regulations for outdoor cultivation artificial lighting is not permitted outside of the nursery. It was noted that the nursery is up against the fence and is least likely to disturb the neighbors. The walls and roof are translucent, but "light mitigation" technology will be turned on. Blake Mansing added that it wouldn't be turned on all night – that there would be a period of potential light pollution which they will do their best to mitigate.

The Board noted that it had insisted on infrared security cameras, and that the cameras not face abutters' property. Chris Chamberland stated that the only security cameras are at the entrances and parking lot. There will be no exterior lighting for security purposes, and cameras will be directed away from abutters' property, he said.

Tom raised the option of having the odor monitored by a group like Boston Environmental or some other such company, so that a chemical hygienist would use his expertise to do the monitoring, with the grower paying for a report by contracting an expert to write a report that

the Board can interpret. Judy explained that in such cases, Whately hires an expert that the applicant pays for. Don asked about conditioning Board action on any complaint. Judy suggested going back to Sara's suggestion to make the site plan review trial period less than five years, with the subsequent review requiring more treatment of offensive odor levels. Attorney Blake stated that outdoor odor levels are lower than for indoor cultivation. Judy replied that the other facility in town is all indoor, and odor cannot cross the property line. That doesn't apply here, she continued, but *some* additional mitigation can be required for outdoor cultivation. Chris Chamberland suggested adding, "as practicable".

Brant raised his concern about overreach, and the unfair singling out of one crop – pointing out that potato and tobacco crops smell, too. Judy explained that the Board cannot address regular agriculture because it is exempt from zoning, but marijuana doesn't have that same protection.

Tom stated that the Board needs to have a tool kit ready to use. Judy suggested, "The site plan approval will be conditioned for a period of _____ time". She added that the Planning Board cannot impose uneconomic conditions.

Don said he agrees with Tom's tool box idea, and also with Brant's concern about addressing a problem that doesn't exist. Judy suggested spending time to refine the conditions document and vote on it later, at the December 15 meeting. She asked if that would work for the applicant. Jared Glanz-Berger noted that they are racing against the season. Don suggested emailing the conditions to Attorney Mensing, and have him approve it along with the Planning Board. Chris Chamberland countered that it was fine with him to have the Planning Board vote tonight on substance, and later fine-tune the wording.

Brant moved to approve the site plan subject to the conditions as discussed tonight, and Judy seconded. Sara, Tom, Brant, Judy and Don each voted Yes, and the site plan was approved unanimously.

III. Special permit and ANR applications for a common driveway on Hannum property (parcel 18, lot 9) on Masterson Road _ preliminary discussion.

Brant shared the site plan onscreen to see the layout of lots 1 and 2, the flag lots with their narrow frontage, and also lot 3 on the corner. The Board referred to bylaws section 171-11 Accessory Uses, E. Access to a lot via side or rear lot lines and common driveways. Don's internet connection had frozen and remained frozen. Don eventually sent a message that it was alright to adjourn

IV. The Board adjourned at 6:05 pm.

3.

Documents Reviewed (kept in the Planning Board files)

1. A one-page draft document headed

Whately Planning Board

Site Plan Review Approval Conditions Status

Applicant: DMTC

Site address: 7 River Road

2. Site plans dated 8-SEP-20 and headed,

HANNUM FAMILY PROPERTY

COMMON DRIVEWAY

PREPARED FOR JOHN HANNUM

216 CHESTNUT PLAIN ROAD

WHATELY MA

PREPARED BY SVE

Mary McCarthy

Secretary

Planning Board

Town of Whately, MA