

Minutes of Planning Board Meeting
Town of Whately, MA
Town Hall, Chestnut Plain Road
February 9, 2021

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

The meeting was held remotely, via Zoom

Zoom Guests:

Sofia Bitzas, R Levesque Associates, A Land Planning Services Company

Neal Dack, Whately RE Holdings, LLC

Mark Cybulski

Ann Lomeli

Mr. or Ms. Smiarowski

Christopher Cimini, Whately RE Holdings, LLC

Kellogg Family

Jared Glanz-Berger, Whately RE Holdings, LLC

Christine Gordon

I. Call to Order, 5:05 p.m.

The meeting was recorded.

II. Obear ANR

The Board discussed Bill Obear's application for an ANR for property on Webber Road. The ANR takes the current 46 acre parcel and divides it into three lots. Of these, a 39.5 acre lot and a 1/6 acre lot are to be placed under a conservation restriction, from which the middle 5 acre lot will be excluded. Judy moved to endorse the ANR and Sara seconded. Judy, Sara, Don, Tom and Brant each voted yes, and the ANR was endorsed unanimously.

III. Public Hearing: Site plan review for Whately RE LLC's application for indoor and outdoor marijuana cultivation at the LaSalle Florists property, 25A LaSalle Drive

At 5:15 pm Don opened the hearing. Judy explained that she must recuse herself from voting on this matter because the LaSalles are close relatives, adding that she would be happy to answer procedural questions. Attorney Sofia Bitzas, of land planning services company R Levesque Associates, shared updated project plans onscreen and discussed visual screening with the board. She said that an arborvitae buffer planting would be installed around the vinyl fence; the board countered that a mixed planting was desired. Sofia agreed to that and Don said the board would decide what they wanted and let her know.

A discussion about energy use followed. Regarding solar energy in the project, Whately RE Holdings spokesperson Neal Dach said that although the company has no immediate plans for it, it wants to add solar to the operation after opening the greenhouses, earning enough revenue, and perhaps attracting more investors, to allow spending on additional projects. Sofia Bitzas confirmed that the site plan submitted covers all the greenhouses they will eventually use. She also said that any outdoor growing would be a matter for the future, and that no outdoor growing is covered by this application. It was noted that solar panel installation requires its own site plan review but that an exception is made for roof panel installation in agricultural situations, which is handled by the Building Inspector.

Neal Dach explained that a company called Ceres will run geothermal piping underground, stating that the design is essentially a heat pump with more stable temperatures to start with. He said they are still working on the required “Detailed Energy Efficiency Plan” with their hired companies. An estimate of kW hours for lighting (per week, day, and year) was mentioned as an item to include. Don told Neal Dach that at least they need to generally describe the system they will use, adding that the board doesn’t need all the details but does need some specifics. Also, the plan should describe the growth of energy use phase by phase.

Ann Lomeli asked about any plans for visual screening on the river-facing property line, and Sofia Bitzas said there are none because they don’t want to disturb any wetlands – adding that the fence will cause no disturbance.

Neal Dach and Christopher Cimini said they have found an odor mitigation company, Byers Scientific, to work with on odor control through three strategies:

- 1) sealed, negative-pressure greenhouses
- 2) carbon filtration of exiting air
- 3) an odor masking agent, to be sprayed when the need is detected

The board asked whether they would also refrain from growing strains of cannabis known for stronger odor, and were told that the company will concentrate on *control*, and if that permits growing the more odiferous strains because no odors are smelled, then they would grow them as well (or some of them).

Neal Dach and Christopher Cimini noted that they want to know all that is required by the boards before they spend money on hiring Byers Scientific.

The board explained that if complaints come in, the town wants recourse. Brant will write language, suitable for this indoor project, that is similar to language the board used for an outdoor growing project of Debilitating Medical Condition Treatment Centers. Jared Glanz-Berger had a copy of the previous language at hand and sent it to the board via Chat.

Mark Cybulski, whose parents live on abutting property at 13 LaSalle Drive, said he has a lot of concerns including fencing, plantings, the minimizing of nighttime light pollution by greenhouse screening, and odor mitigation. He said he appreciated the applicants’ efforts to

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address these concerns, and noted that tonight's questions show that the board cares about the abutters and about Canna Select as well. Asked for his current attitude about the project, Mr. Cybulski replied and was then asked, "You would rather not have the project but you can live with it?" Mr. Cybulski indicated that was essentially correct.

Regarding two letters sent to the Zoning Board of Appeals about this project: the secretary will email them to Sofia Bitzas as well as to the Planning Board. Christopher Cimini said his company will respond to the letters directly.

Don continued the hearing to the regular Planning Board meeting on February 23, 2021.

IV. Other

The solar bylaw revision that the town approved last year imposes a remediation fee on solar facilities for farm and forest land taken out of Chapter protection. The Selectboard is to set the size of this fee with input from the Agricultural Commission and the Conservation Commission. The board discussed Judy's draft letter to the Selectboard, dated February 9, 2021 and titled, Re: Solar Facility Resource Replacement Fee. The letter requests that the Selectboard set the size of the Resource Replacement Fee fairly soon, so that it is in place before any more applications for large-scale solar facilities are received. Don agreed that the draft was good to send.

Don said that Town Administrator Brian Domina had asked him to find a Planning Board member to replace retired member Nicholas Jones, who had been the Planning Board's representative to the Capitol Improvement Planning Committee. Brant agreed to accept the position. Don will act as alternate.

Brant mentioned a Debilitating Medical Condition Treatment Centers document that he had sent to Judy and Don as something that might be of use. He will send it to the rest of the board.

Brant will email information about accessing the Planning Board's OneDrive shared folder system.

V. Adjournment

The board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. A plan of land located on Webber Road, dated November 18, 2020, prepared by Daniel L. Werner, and identified as:

PLAN OF LAND
PREPARED FOR

2. A set of plans originally dated October 22, 2020 and revised January 18, 2021, headed:

Site Plans
Proposed Indoor Cultivator Establishment
Parcel ID: 12-0-26
23A LaSalle Drive
Whately, Mass.
AS PREPARED FOR
Whately RE Holdings, LLC
P.O. Box 163
Hinsdale, MA 01235

3. Judy Markland's draft letter from the Planning Board to the Selectboard, dated February 9, 2021 and titled, Re: Solar Facility Resource Replacement Fee.

4. Chat message from Jared Glanz-Berger:

"In the event of complaints of excessive offensive odor, the Planning Board will have the ability to require additional mitigating conditions as economically practicable to be undertaken at the applicant's expense."

Mary McCarthy
Secretary
Planning Board
Town of Whately, MA