

Minutes of Planning Board Meeting  
Virtual Meeting via Zoom  
January 4, 2022

Present: Members Don Sluter, Judy Markland, Sara Cooper, Tom Litwin, Brant Cheikes  
Hannah Davis (Town of Whately Staff)  
Members Absent: none

The meeting was held remotely, via Zoom.

Virtual Guests:

Chris Karney  
Todd Cellura

- I. Call to Order, 5:04 p.m.  
The meeting was recorded.
- II. Approval of legal ad for public hearing RE: rezoning parcel 12-0-24-2 on State Road  
The Board approved the legal ad for the January 25 public hearing RE: rezoning parcel 12-0-24-2 on State Road, owned by M. A. Wendolowski Farm LLC. The legal notice will run in The Recorder on January 11 and 18.
- III. Scheduling of public hearing for a marijuana cultivation facility at 149 Christian Lane  
The Board scheduled the public hearing for a marijuana cultivation facility at 149 Christian Lane, effective if the Zoning Board of Appeals grants a special permit on January 6<sup>th</sup>. The Recorder legal ad for the public meeting will be canceled if the ZBA does not grant the special permit.
- IV. Approval of corrected site plan review approval for Sovereign Builders, State Road, map 5, parcel 29  
Todd Cellura and Chris Karney appeared on behalf of Sovereign Builders to request a revision to the site plan approval conditions for its State Road self-storage project, in order to correct the number of square feet used in the conditions from 28,600 sq ft to 69,800 sq ft. They explained that the 28,600 figure did not account for the fact that one building has three stories, so the square footage of that building must be multiplied by three. They noted that although the square footage mistakenly appeared as 28,600 on the original application form, it also appeared correctly as 69,800 within the application narrative. Brant asked for comments on the proposed revised conditions. Judy suggested adding a note to the approval document explaining the revision, with the signatures of Don and Brant.

Brant then moved to add the following language to the conditions:

“The site plan approval dated 6/29/2021 incorrectly described the proposed facility as “totaling 28,600 square feet.” To correct this, the Planning Board held a public meeting on 1/4/2022 and voted to approve the site plan with an additional condition that accurately characterizes the anticipated size of the proposed facility. The site plan approval dated 1/4/2022 is subject to the following conditions:

(Added 1/4/2022) The self-storage facility shall consist of up to three buildings, with total gross floor area of 69,800 square feet, per the site plan dated 2/23/2021 and revised on 12/16/2021.”

Don, Judy, Sara, Tom and Brant each voted Yes and the motion carried unanimously.

Chris Karney then noted some revisions to the plan itself that had been recently required by the Massachusetts Department of Transportation:

- Radius of curb changed from five feet to ten feet.
- Sign removed in Mass DOT right of way.
- First twenty feet of guardrail required to be made of metal, then other material may be used.

Mr. Karney said revised plans showing the DOT changes had been delivered to Town Offices yesterday, and that an electronic copy had been sent to the Planning Board.

Asked about electronic copies of the Stormwater Management Report, Mr. Karney and Mr. Cellura said they would send them right out. The Board explained the intent of the annual reports.

V. Discussion: Planning Board participation on Housing Committee

Community Development Administrator Hannah Davis explained that Whately has been awarded a \$30,000 grant to develop a Housing Production Plan (HPP). The goals of an HPP are to: (1) Identify housing needs of a community; and (2) Identify strategies that facilitate development of affordable housing. The Franklin Regional Council of Governments is organizing the process for doing this and will send information soon. Hannah will share it with the Planning Board. It was noted that the Planning Board should have a representative on the committee; Brant is interested and will contact Hannah about it. Asked what the driver is for more housing in Whately, Hannah said Whately doesn't yet meet the state target ratio for affordable housing including accessory apartments. Under Ch. 40B, if a town is below 10% affordable housing, developers can get exceptions to local zoning. If a town has an approved HPP and creates affordable housing, it is protected from Ch. 40B housing development proposals and has control over its development. Currently, only 0.6% of Whately's housing is considered affordable.

VI. Discussion: possible bylaw changes for annual town meeting on April 26, 2022

Items discussed included:

- Stand-Alone commercial battery storage not tied to a solar generation plant

What if someone builds one in town, claims it's a business supply facility, fills it with energy from *any* source, and stores it to use as needed?

- Marijuana Delivery Services

At first, these were allowed only for drug-impacted communities like Springfield or Pittsfield. Now they are being used in other places, too. There is concern that cannabis delivery services may qualify as a home occupation. Perhaps best to address this in the Table of Use. Home occupation businesses are allowed *by right*, requiring no permit or site plan – so there would be no abutter notification or input.

- The Daily Hampshire Gazette story about progress on agriculture under solar panels  
Are our bylaws welcoming to this? It was noted that many people don't like this idea because developers can only use 50% of the land and panels cost more, farmers can only succeed with goats and sheep, and abutters' views are blocked by taller panels.

VI. Approval of minutes

Minutes of February 23, 2021: Don moved to approve as amended, and Judy seconded.  
Don, Judy, Tom, Brant, Sara each voted Yes, and the motion carried unanimously.

Minutes of March 30, 2021: Brant moved to approve as amended. Don seconded.  
Don, Tom, Sara, Judy, and Brant each voted Yes, and the motion carried unanimously.

Minutes of October 26, 2021: Brant moved to approve as amended and Sara seconded.  
Don, Judy, Brant, Sara, and Tom each voted Yes, and the motion carried unanimously,

VIII Discussion: A tree that was cut down at the Nexamp solar plant on Christian Lane

Sara explained that the tree in question was a replacement on the abutting (Kocot) property. The Borowskis now own the land, and they didn't take it down. She said the tree was planted to screen the solar plant from the view of a house, and that it was to be a ten to twelve foot hemlock. Parties involved include Kocot (landowner), Nexamp (lessee), and SVE (maintenance).

Hannah noted the need for

- Research to be done on all solar installations with reports not yet submitted.
- Letters of complaint to be sent to SVE in the one instance of a tree cut down, and in the instances of unsatisfactory plantings.

Don, Brant, and Hannah will handle both items.

VII. Adjournment

At 6:56 pm the Board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. A document headed,

**Site Plan Review Approval Conditions**

Applicant: Todd Cellura, Sovereign Builders, Inc.

Parcel ID: Map 5 Parcel 29

which describes all conditions of approval including the revision which the Board approved on 01/04/22 and added to the original approval document of 06/29/21.

Mary McCarthy  
Secretary, Planning Board  
Town of Whately, MA