

Minutes of Zoning Board Meeting  
Town of Whately, MA  
September 24, 2020

**Remote Meeting via Zoom**

Members Present: Roger Lipton, Bob Smith, Debra Carney, Kristin Vevon, Fred Orloski  
Members Absent:: none

**PUBLIC HEARING**

Application for a Special Permit to allow Wax Barn, LLC to use an existing structure and site at 106 State Road for a retail candle and accessory store in the front half of the building, and for storage of registered, insured personal motor vehicles in the garage area at the back half of the building.

Virtual host Debra Carney opened the hearing at 6:40 pm. The secretary read the legal notice and applicant Todd Green agreed that it was accurate. Mr. Green explained that for his business he wants to use an existing building (the former Fire Place) which employed an outdoor display of merchandise. His candle store would use no such display, he said, adding that the only change to the exterior would be signage.

The Board was told that Todd Green will replace the former Fire Place sign with a sign of the same size, and that the Planning Board had already waived the Site Plan Review. Todd Green said the business would have three employees.

Roger asked for questions from the Board, and Bob Smith asked about the proposed sign, saying that in the picture supplied, the sign on the building looks bigger than the allowed 12 sq. ft. Todd Green mentioned that in addition to the original plan's pictures he had supplemented newer pictures, but he was told again that only the *standing* sign at the roadside appeared to be 12 sq. ft. or less, not the sign on the building.

Roger explained that at a later date, Mr. Green could petition for a larger sign separately, by filing the same kind of application and paying the same fee. Todd Green said he would be able to do that. Fred Orloski asked whether the Massey Ferguson sign on the building next door had obtained a permit for its larger sign, and Bob replied that he believed the owner applied for a larger sign separately. Bob added that smaller signs don't hurt businesses, especially since people use technology like GPS, etc., to find what they're looking for.

Roger asked whether there were any questions from members of the public attending the meeting, and received no replies. Fred asked whether parking, and handicapped parking, comply with current regulations. He was told that there are eight spaces (1 handicapped), and that a professional company had checked all the relevant regulations before lining the spaces.

A Board member noted that the business is described as “candles and accessories”, and asked about the kinds of accessories. Todd Green replied that this referred to such things as platforms for pillar candles, and candle snuffers, etc.

At 7:01 pm, Kristin Vevon joined the meeting, having been prevented from doing so earlier by technical difficulties. Roger moved to close the public comment portion of the hearing and Debra Carney seconded. S Roger, Debra, and Bob all voted yes and the motion passed unanimously.

Roger and Debra commented that the proposed business was a good use for the location and for Whately, and Roger moved to approve the Special Permit. Roger, Debra, and Bob voted unanimously and the permit was granted. The secretary will scan the blank decision pages and email them tomorrow to Roger, who will write the decision and circulate it among the other members, one of whom will file it with the Town Clerk once it is complete.

Roger called for a ten-minute recess before the next scheduled hearing.

PUBLIC HEARING, Continued from September 3, 2020:

Special permit application to allow Debilitating Medical Condition Treatment Centers, Inc. (DMCTC) to operate an outdoor and greenhouse marijuana cultivation facility on premises located at 7 River Road.

At 7:11 pm, Debra reconvened the meeting. She said that only Jared Glanz-Berger was currently in attendance from DMCTC, but that engineer Christopher Chamberland, of Berkshire Design, was expected to join by the 7:15 pm published starting time. Mr. Chamberland was ultimately unable to join, and technical difficulties cause recurrent problems for John Hanmer of DMCTC, whose attempts to join were frustrated, and for Chair Roger Lipton, whose computer connection repeatedly froze, requiring him to continue his participation by telephone.

Roger asked whether the board had any questions about the project after having attended the September 5 site viewing. There were no questions; both Bob and Debra said the viewing had been very helpful. Roger moved to close the public comment portion of the hearing, Debra seconded, and the board voted unanimously to do so. Roger said he was in favor of the project and moved to approve the Special Permit. Debra seconded, stating she was completely on board. Bob called the project a good use of the property., and the Board voted unanimously to grant the Special Permit. Roger will write the decision this weekend and circulate it to the other ZBA members. The hearing was closed at 7:30 pm.

*Documents Reviewed (kept in the ZBA files)*

1. A set of 4 color illustrations: 2 of signage at the previous business (The Fire Place), and two of the proposed new signage for The Wax Barn.

Mary McCarthy  
Secretary, Zoning Board of Appeals  
Town of Whately, MA