

Meeting Minutes, Zoning Board of Appeals
Town of Whately, MA
April 1, 2021
Remote Meeting via Zoom

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

Attending:
Todd Cellura
Dr. Stephen J. Herbert

At 6:40 pm Chair Roger Lipton opened the meeting.

Roger moved that the ZBA adopt the wording of Town Administrator, Brian Domina, in a March 9, 2021 email to Roger, as amended by Town Treasurer-Collector, Lynn Sibley's additional language in a further email that same day, March 9, 2021, related to the ZBA's adoption of regulations on public hearing advertising costs. The wording to be adopted appears below:

From Brian Domina's email:

The full cost of advertising all legal notices required to hold a public hearing by the (Zoning Board of Appeals/Planning Board) shall be the responsibility of the applicant. Applicant shall make full payment of the advertisement costs prior to the opening of the public hearing. If the applicant does not make full payment of the advertising costs prior to the opening of the public hearing then the (Zoning Board of Appeals/Planning Board) shall open the public hearing and immediately continue the public hearing to a date, time and place certain. The payment of all advertising costs shall be in addition to any other fees charged by the (Zoning Board of Appeals/Planning Board).

From Lynn Sibley's email:

The advertising cost will vary by application and will be provided to the applicant once the legal ad is submitted to the newspaper and the newspaper provides the quote. The applicant will be informed of that cost and the payment can be made payable to the Town of Whately.

Bob seconded the motion. Roger, Kristin, Debra, and Bob each voted Yes, and the motion carried unanimously.

6:45 pm TWO PUBLIC HEARINGS

Todd Cellura, of Sovereign Builders, Inc., has applied for two special permits. The first is to build a self-storage facility encompassing three buildings on property owned by Sharyn Holich and located in the Commercial Zone at State Road (Map 5, Parcel 29). The second is to allow a sign not to exceed nine (9) square feet in area or ten (10) feet in height, to be located outside the property line and within the right-of-way.

Roger explained that the legal notices for tonight's public hearings had not been submitted in time for posting on the town website two weeks ahead of the hearing date, as required by law. As a result, he said, the hearings cannot not be held tonight. Instead, they will be opened and immediately continued to April 22.

As part of opening the hearing the secretary was asked to read the legal notice, which had been written using information supplied on page 1 of the Special Permit application form. The applicant objected to the square footage figure mentioned in one line of the notice, saying it only represents the *footprint* of the buildings and pointing out that the true square footage, which is larger, appears in the application on page 9 of the narrative. Roger explained that any discrepancy will be addressed when the hearing is continued on April 22, 2021, at 6:40 pm. The discussion ended at 6:57 pm. The Board waited to open the next hearing, scheduled for 7:00 pm.

PUBLIC HEARING

Stephen Herbert, of Urban Grown, Inc., has applied for a special permit to cultivate marijuana on premises zoned Commercial, owned by Ryszard Brynda, Kristine Jordan, and Wiesia Nye of Deerfield, and located at State Rd. (Map 32, Lot 6). Also requested is a waiver, as described in Whately Bylaws section 171-28.6, C., 5., to allow reduction of the required 500 ft setback from a recreation area (Tri-Town Beach) to 300 ft.

Because Roger had recused himself from this matter, Bob Smith opened the hearing and reviewed with the applicant the reason for its immediate continuation. The secretary read the legal notice and the applicant agreed that it was accurate. Bob continued the hearing to April 22, 2021, at 7:00 pm.

The Board discussed the logistics involved with getting ZBA decisions written, signed, and filed under the current COVID-19 situation, which requires both virtual meetings and changes to Town Offices access.

Documents Reviewed (kept in the ZBA files)

1. An email dated March 9, 2021, from Town Administrator Brian Domina to ZBA Chair Roger Lipton.
2. An email dated March 9, 2021, from Town Clerk Lynn Sibley to ZBA Chair Roger Lipton.

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