



Deerfield Selectboard/Planning Board

Monday 6 February 2023, 7:00 pm

8 Conway Street, South Deerfield MA 01373

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Planning Board was held on February 6, 2023 at 6:30 remote on Zoom Meetings normally held at the Municipal Offices are being held remotely, with adequate, alternative means of public access and, where required, public participation provided, in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c.30A § 20. Meetings are typically broadcast on Frontier Community Access Television (FCAT). Meeting available on YouTube: <https://www.youtube.com/watch?v=QVIMsrPHU6g>

Members Present: Analee Wulfkuhle (chair,) Denise Mason (vice-chair,) Andrea Leibson, Kathy Sylvester, Kathy Watroba, Emily Gaylord, Rachel Blain

Also Present: Amy Hahn, Atty. Lisa Mead, Mark Wightman, John Furman, Lucy Conley, Ken XXX (SunnyDayz)

1. Chair Wulfkuhle opened the meeting at 6:30.

Read into the minutes:

"The Deerfield Planning Board supports the Deerfield Selectboard's anti-hate statement of November 11, 2022. We unequivocally condemn racism, discrimination and hate in all its forms, and we commit to work diligently to ensure that our town is welcoming and safe for everyone. As elected leaders, we recognize our responsibility to understand and address all racial inequality. We will encourage diversity of voices and representation on Deerfield town boards and committees. We pledge to help foster a community where all individuals can live happily, free of fear, and with equal access to opportunities, regardless of race, religion, ethnic background, national origin, ability, gender identity or sexual orientation."

(Selectboard approved 11/11/22)

2. No minutes to review.

Old Business

3. Condominiums at Sugarloaf: Vice Chair Mason (Wulfkuhle recused as abutter). We have received a response from Mark Wightman via Regus LLC in response to Bruce St. Peters' letter of concerns, and it appears that Mark Wightman has satisfied all requirements.

Comment from public: Paula O'Brien, 7A Graylock Lane asks if once a letter of completion of the sight plan permit and the storm water permit is issued, is the applicant responsible for recording at the Hampshire County registry of deeds? and in the Sugarloaf case would they record the letter of completion for the condominiums or the letter of compliance? would they also record the peer review letter from Sarah Cummings re: the as-builts and the futures lots? Under the stormwater regulations for the town of Deerfield it says that if as built drawings are required, they have to be recorded at the registry and "I'm wondering if the 10/28/22 final plan

has been recorded?" Did the Planning Board receive the signed professional verification that the storm water management system had been flushed with siltation and the concrete debris?

Vice Chair Denise Mason responds asking for concerns to be presented in a letter so that the points can be addressed by the appropriate boards and agents.

Motion to approve a Certificate of Completion and authorize the Vice Chair to sign on behalf of the Planning Board, Rachel Blain, Seconded, Kathy Sylvester. Leibson, y; Blain, y; Sylvester, y; Gaylord, y; Mason, y; Watroba, y; Wulfskuhle, abstain.

Vote 6-0-1

4. Chair Wulfskuhle opens Continuation of public hearing for VESH project inviting Berkshire Design to speak to the peer review letter and the VHB changes to the plan that were received by the board today. VESH had made adjustment to the plan per the peer review and planned to review them this evening. They were presented to the peer reviewer Friday prior to this meeting

John Furman from VHB in Springfield, MA (on behalf of the applicant) and Lucy Conley from Berkshire Design (the reviewer)

i. Item on the peer review that is not yet updates, starting with the lighting plan. When it is updated, it will be sent along to Berkshire Design.

ii. Per Berkshire Design, concerns about the lack of a landscaping plan. VESH is looking at the edge of the parking lot as a future building and consequently not invested in planting that would soon be removed. That project will be coming soon.

iii. Changes to the site plan: change of 2:1 ratio of basin, to required 3:1 ratio. Basin expanded.

iv. Berkshire Design urges the Board to document that the parking lot expansion met was under the maximum lot coverage.

v. Berkshire Design urges the Board may want to require a landscape plan.

Chair Wulfskuhle points to the lack time for Board members to review the correspondence of the engineer for the applicant and the peer reviewer. Continue the VESH public hearing to March 6 meeting.

New Business

5. Accessory Apartment Bylaw: Public hearing for Accessory Dwelling Unit bylaw revision pursuant to General Law chapter 40 a section 5 on Monday February 6 2023 at 7 pm for a proposed amendment to Deerfield zoning bylaws chapter 179 replacing section 2244 in its entirety with a news section 3 900 accessory Apartments including 3910 purpose 3920 definitions 3930 accessory apartment standards 3940 application procedure 3950 transfer of ownership of a dwelling with an accessory apartment 39.60 termination of accessory apartment use 2230 use regulation full text of proposed articles is available for review in the foyer of the municipal office's eight Conway Street South Deerfield and online at www.deerfieldma.us in the calendar event.

Kathy Sylvester presents the process that included Bob Walden, Chris Curtis and other members of boards as well as Peggy Sloan from FRCOG. We met with DPW, Chief Paciorek and the Board of Assessors. Major points: we're trying to provide homeowners means of obtaining

additional income enabling them to stay more comfortably in their home or neighborhoods; trying to increase housing inventory; protect property values and residential character of existing neighborhoods; legalize conversions in compliance with building codes. We have discussed the size of ADU's and came up with the size 900 square feet. We believe we have pretty good final draft and at this point we are welcoming public comments.

Lisa Mead, attorney for the town, discusses definition of "principal dwelling" pointing out the conflict with "principal use" that allows for more than one principal use on a property. The intent is to delineate between the homeowner's house and the secondary apartment. Suggested strategy is that principal dwelling is removed. Definition of principle dwelling can change to "a building providing the principle residential for a lot on which it is located."

Matt Mirovic, 23 Juniper Drive, In support of this proposal and looking for a place for (grand) mother for child care.

John Cunningham, 45 Oakwood Circle in Amherst but the owner of parcel B of 94 Sugarloaf: Referencing 3920, #2, suggests increasing eliminating to 900 square feet versus increasing the area of the building by 900 square feet because you could add 900 square feet but allocate 1200 square feet to the accessory apartment by using some of the existing primary dwelling and rededicating it. His suggestion is that it has no more than two bedrooms and does not increase the floor area or volume of the original building by more than 900 square feet in other words the building area can get bigger by 900 square feet but perhaps the accessory apartment can be 1100 or 1200. Second suggestion is to consider just saying it should have a separate entrance or if it's a common entrance it could have hallway access. It's nice to have it on the side, it's nice to have it in the rear, but if it's tastefully done it's nice to have it in the front.

Sylvester: We sought to make it simple, keeping it for the intent of the change to the bylaw. And the placement of the door is a decision that seeks to keep the nature of the neighborhood unchanged. This is a first step, and the Planning Board can revisit it as it is clear how it is being used.

Leibson: Why 900 square feet?

Sylvester: The state requires a simple majority if a town proposes that the ADU would be no more than half the size of the principal dwelling or 900 sq. ft. whichever is less. We opted for 900 sq. ft. because some homes in the greater community and the Central District are 1200 sq. ft. and a 600 sq. ft. ADU is small. We are hoping for a two-thirds majority vote to pass.

Watroba: One of the dwellings is owner occupied? Sylvester: Yes

Leibson: The only change we are making this evening is the change of definition of "principal dwelling?" (suggested by Atty. Mead.) Sylvester: Yes.

Motion to continue the public hearing to March 6 meeting, Rachel Blain, seconded Andrea Leibson. Vote 7-0-0

6. Chair Wulfkuhle opens public hearing for applications filed by Sunny Daze Inc. for site plan review special permit and storm water management review for property located at Greenfield

road map 159 lot 14, to construct three new cannabis related buildings, including a 5000 square foot test laboratory, 26,705 square foot indoor cultivation facility, 3539 square foot dispensary, associated parking for each building, ancillary landscape improvements, lighting, stormwater management, and utility improvements pursuant to zoning bylaws chapter 179 and chapter 155. Application documents available for review in foyer of municipal offices or online at [www.deerfield Mass Deerfield ma.us](http://www.deerfieldmass.com) in the calendar event.

Presentation by John Furman VHB engineer on behalf of the applicant and Ken XXX, a principal for Sunny Daze.

1. Inclusion of eight detention basin.
2. Three buildings in this project, second phase not included.
3. Parking in three areas.
4. Looking into electric charging stations.
5. Utilities must be added, extend the water line. Connect to the sewage lines. Working with Eversource to bring lines into the site.
6. Filing with the Conservation Commission soon.
7. Planning to file a wildlife study.
8. Traffic study submitted. Projected traffic for a marijuana facility.

Watroba: Where is the driveway entering the project?

Ken: 1100 ft from the corner of rt. 116 and rt. 5&10 Next to an old trestle crossing.

Watroba: You are using 5 of the 28 acres of the property. What are your plans for the remainder of the property?

Ken: We will leave it undisturbed.

Gaylord: Elaborate on delaying the wildlife study.

Ken: We will not be doing a wildlife study. We have moved the basin out of the river front area; the trigger for the wildlife study is 5000 feet of riverfront area.

Gaylord: How many Eversource poles do you anticipate?

Furman: We have 1200 feet and at 200 feet between poles that is about 6 poles.

Ken: We have no concept plan from Eversource yet.

Wulfkuhle: We look for buried electrical lines. Are you working to do that?

Ken: The disturbance of land to bury lines in wetlands seems more of a problem than using poles above ground.

Leibson: Poles on which side of the street?

Ken: They would go up to from the firehouse up to about where he is right there and then they would cut across diagonally and there would be one or two more polls up to the driveway and then the line would go onto the property.

Leibson: Eversource says that it must have 15 feet of clearance of trees on both sides of a pole does that mean all those beautiful trees that are on five and ten are going to come down?

Ken: The trees are already cut down on the east side of 5&10 by the firehouse going all the way up to where we are and that's why we picked it because those trees are cleaned out and then diagonally it is already cleared.

Leibson: Site visit?

Watroba: Water plan, waste plan. How about an exhaust plan.

Ken: Roads on both sides. Farm stand to the south and VESH to the north. Building is far from the boundary lines per the regulation. Exhaust system is high tech and energy efficient. The air purification system in the cultivation building consists of hydroxyl machines. Loose particulates do not leave the building.

Leibson: Do you have facilities in Massachusetts already?

Ken: We are constructing a 50,000 square foot facility in Amesbury right now for CNA stores they're a veteran-owned company.

Gaylord: Are you working with high performance building standards or pursuing certification?

Ken: We are not seeking LEEDS certification but the Cannabis power score which is run by the state in Massachusetts and the CCC determines how much energy you're using how much water you are using and how efficient you. They give you a power score we are fully shooting to top that list of the most efficient facility in Massachusetts. Seeking to recapture heat energy.

We push water instead of hot air.

Leibson: O'Reilly Talbot report talks about concerns about compaction of soil and the structure of the soil and whether it can support the weight of buildings. Are you concerned about that?

Ken: We've already done all our tests we've done all our geo tests.

Furman: The purpose of doing the geotechnical report is to get their opinion on the soils. The geotechnical engineer has two tasks on a geotechnical report: first is doing the borings and telling us what's wrong. The latter part of the report gives recommendations for building and how to address what they feel is wrong so if you look later in that report, it gives us the recommendations for foundation designs so that the building will be able to withstand and not have uh differential settlement or any other issues.

Leibson: Do you anticipate a need for a lot of fill?

Furman: We will need fill where there are changes in elevation. (Points out the need for fill on VESH plan.)

Wulfkuhle: Will be requesting peer review for site plan and for stormwater. We will put this out for bid. We are hoping that Berkshire Design is available. The relationship seems productive. We will plan a site review before the next meeting.

Ken: We have some technology that can help you understand the proposed building.

Furman: Notice of intent has not been submitted to the Conservation Commission.

7. An appointment for the Library Building Committee: Denise Mason can serve as the Planning Board representative to the Library Building Committee for now, but perhaps there can be an place for an additional Planning Board member.

8. Chair Wulfkuhle reports that other boards and committees have requested in letters to state leaders to continue remote participation because of continuing concerns about COVID and because it enables greater public participation. Planning Board endorses a letter from us also.

9. Other Business not reasonably anticipated: Mason proposes that we move the regular meeting time to 6:30. Andrea will miss the March meeting.

10. Public Comments: none

11. Committee reports

Open Space: Andrea Leibson reports members of the committee are involved in a Mass Trails webinar.

CCI: Denise Mason reports that she attended the MMA conference and heard speak Kim Driscoll and Gov. Healy. Mass Development will be visiting to talk to us about funding some of our building projects, and we have been pursuing Complete Neighborhood funding for public meeting(s) to find out what people are thinking about the center of town.

12. Mail

Large scale solar reports are due February 15. Amy tracked down Settright Road installation and informed them (new operators) of their obligation.

Ember Gardens is no longer pursuing development of the former SunMass site.

Next meeting March 6, 2023 at **6:30**.

Motion to adjourn, Rachel Blain, seconded Kathy Sylvester.

Vote: 7-0-0

Respectfully Submitted,

Rachel Blain, Planning Board Clerk