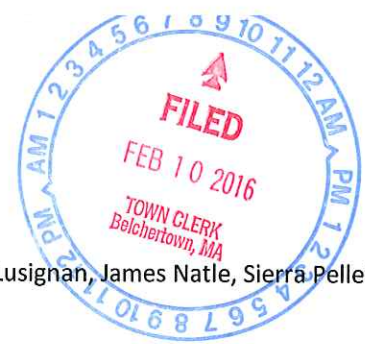


Belchertown Planning Board Minutes
January 26, 2016



Planning Board members: Daniel Beaudette, Michael Hofler, Christopher Laurenzo, Donna Lusignan, James Natle, Sierra Pelletier, Alternate Voting Member Special Permits

Staff: Douglas Albertson Town Planner, Susan Gay

Present: Alan Clark, Nicole Bennis, James Boyko, Donald Frydryk, Maryann Burian and David Burian, Terrance Snider, Chris Clark, Julie Beauchemin, Kelley Fike, Tony Wonseski, Kevin Rabbitt, James Beachell, Nathan Moran, Gary Brougham, Arthur Bessette

C. Laurenzo, Chairman of the Planning Board opened the meeting

Motion J. Natle to approve minutes of Dec. 22, 2015, Second M. Hofler, Vote 5-0-0;

Motion M. Hofler to approve minutes of January 12, 2016, Second D. Lusignan, Vote 4-0-1 (C. Laurenzo abstained);

Motion J. Natle to approve Dec. 22, 2015 executive session minutes, Second D. Beaudette, Roll call vote: D. Beaudette yes, M. Hofler yes, C. Laurenzo yes, J. Natle yes, D. Lusignan yes.

Time slips and bills were endorsed.

Chairman Chris Laurenzo read the public hearing notice for a Site Plan by applicant 20 Stadler Street, for new construction of a commercial building on Stadler St., Map 250, Lot 6. Applicants Alan Clark and Nicole Bennis were present, and Don Frydryk is their representative for this plan for a proposed day care facility.

D. Frydryk reviewed the plan, size of the building and layout, fencing around the building, lighting on the building and a pole, traffic access, the location on Stadler Street cul-de-sac, and storm water information. The business has a defined entrance and exit and it was noted there could be up to 80 students dropped off at the day care. It was noted that a drop off takes only a few minutes, and D. Frydryk said he investigated other towns bylaws for number of parking spots on this type of business. He said that it's hard to determine as there was no set of standards.

The board looked at the building architecture and asked the applicants to review "design guidelines" added to the bylaw as an attachment a few years back. The information can be found on the town website, under planning information. D. Frydryk said he addressed comments from D. Albertson and Tighe & Bond with one exception, erosion control. He said he could go through each item from Tighe & Bond one by one, but said he'd be writing and addressing them for the Conservation Commission and the Planning Board would receive a copy.

A detention basin location just off site was reviewed, with some board members noting it should be fenced in. D. Frydryk said the Conservation Commission do not want it fenced. A member asked about a walking path used by students from school to Checkers and elsewhere. A. Clark said they have no issue with anyone using the path. D. Beaudette noted unless the basin is fenced, owners have an attractive nuisance with the basin and could be liable, as users on the path have no constraint. A natural basin which holds runoff is different from one man made. N. Bennis said she is considering a natural fence with plants. The board discussed the business lights and asked applicants to consider motion lights that will go on when needed, and automatically go off after use.

The board asked for a drawing of the business sign and where it will be located, and discussed the number of vehicles that will move through the lot at peak times. Also discussed truck delivery of goods and it was noted that there are people who park on both sides of Stadler Street even though it is a town way with no parking allowed on either side.

A. Clark said the new windows could be used as egress in an emergency. If windows are used in an emergency, there would be a need to get out of the immediate area and away from the building. A. Clark said he could put a gate in place on the fence.

Applicants noted they could not and would not have more than 80 students. Family events were reviewed and N. Bennis said she holds three family events off campus. She uses the Old Town Hall, the Masonic Hall and the Memorial Town Hall auditorium. After questions from the board the hearing was open to the audience.

J. Boyko, owner of a business on Stadler St said several businesses have truck deliveries and they deal with vehicles illegally parked on both sides of Stadler St. He asked if this additional traffic would compound this already existing issue. N. Moran, member of the audience asked if a cul-de-sac built for business is different from one built for a subdivision. The board said

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Stadler St was built when business were built in the 1970's. They suggest owners contact the DPW Director for parking issues. N. Moran asked about runoff and snow removal. D. Frydryk said his review details meet Storm water and Best Management Policies, which were reviewed by the town engineer firm and any runoff will be fully compliant. The applicant noted the owner of the plumbing business on Stadler St stated he has no issue with a day care facility.

The board said several issues should be addressed: fence placement around the detention basin; Dept. of Public Works response to delivery trucks; a drawing of the business sign and location; narrative of how the owners will handle day care facility family events; landscaping, and façade detail to the building exterior.

D. Frydryk noted the applicants have a continued hearing with the Conservation Commission February 8, 2016. He said he could be prepared for the next planning meeting on February 9, 2016. Everyone was in agreement to continue the hearing.

Motion J. Natle to continue the public hearing for a site plan for "20 Stadler Street" business, for new construction for a commercial building, to February 9, 2016 at 7:05 pm, Second M. Hofler, Vote 5-0-0.

As the second public hearing was about to be opened, member D. Beaudette recused himself saying he has had a professional relationship with the owner. He has no financial involvement but does not want to create an appearance of conflict. He said he would be available to return to the regular meeting, afterwards. At this juncture C. Laurenzo, Chairman appointed Sierra Pelletier to a voting member for the Special Permit application.

C. Laurenzo read the public hearing notice for a Site Plan and Special Permit application by Belchertown Renewables LLC. T. Wonseski, representative for the applicant said Belchertown Renewables is a subsidiary of Nexamp. The Site Plan is for two solar projects on two locations, 270 Franklin Street and 81 North Liberty Street. The Special Permit is because the two facilities combined would have a generation of 5.624 mW (2.52 at the east facility and 2.744 mW at the west facility) and any facility over 3 mW requires a special permit; the other special permit criterion that is tripped is that the west facility is on a parcel with no street frontage.

T. Wonseski said he represented Nexamp on a similar array on Ware Road approved 2 ½ to 3 years ago. This project for Franklin and North Liberty Streets are owned by Charles May from Belchertown. T. Wonseski submitted copies of the lease between Belchertown Renewables and the owner. He went through an overview of the plan and said it is larger than the Ware Road array, and is approximately 5.6 megawatts. He said the Franklin Street (East side) parcel is a working Christmas tree farm, and the North Liberty Street (West side) was an abandoned pit being reclaimed by the owner.

T. Wonseski submitted revised plans from Tighe & Bond, Inc., which he just received yesterday. He also submitted a copy of the liability insurance. He is waiting for a response from Natural Heritage. He noted the owner has a plan drawn up by the Natural Resource Conservation Service & USDA.

The North Liberty (West side) access is from private property to the public grid over a town right of way, and T. Wonseski noted at the time the railroad was performing an upgrade to the rail, C. May asked and was allowed to place a conduit under the rail. The applicants submitted a letter to the Board of Selectmen requesting permission for use of the town right of way.

The Franklin St (East side) array will be located on an existing gentle slope, and T. Wonseski said they will use existing gravel ways. There will be a way through for the owner to access his rear property, which crosses a trail off Franklin Street. The board said they received a comment from a person who uses the old railroad trail which goes through the owners' property. The statement made was that he'd prefer not to see the array. One of the applicants drove to the 270 Franklin Street site today to view how much of the array might be seen from the trail, and he said there is one small area that could be a view of the array. After discussion, the applicant said they would put fabric on the trail side of the fence.

Other items: applicants are requesting a waiver for a traffic report; decommissioning surety is also similar to the Ware Road array, though increased proportionally to the larger array; note that there will be an onsite meeting held with Fire and Police for a training session and how to react to emergency issues after the build; gates will be sized for safety personnel needs; applicant requests a waiver from the 6' requirement for fence to a 7' fence, so they can have a straight line and avoid barbed wire.

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Board members asked about the number of panels, snow on panels, upkeep of and around panels, life span of panels, fire issues, utility outages and affects to an array and how panels are connected. After the members questions were answered, they opened the hearing to audience members.

Town Administrator G. Brougham said Belchertown Renewables LLC has a request to the Selectmen requesting permission to cross the town way to North Liberty Street. He noted that the last Board of Selectmen meeting showed support for the proposal. It was noted the Town of Belchertown will receive approximately \$70,000 per year from a tax pilot agreement.

Abutter David Burian on No. Liberty Street questioned lines to public utility and storm issues, and also asked if there will be any additional forest removed. T. Wonseski answered the question regarding the poles as best he could and said poles are placed very close together before the public way, and for a good example, he suggested a look at the poles on the Ware Road array. He said no further forest removal will be done on No. Liberty Street. C. Laurenzo asked about Natural Heritage and T. Wonseski said it should be minor and they could adjust panels. T. Wonseski answered a question that this notice to Natural Heritage is not the same issue as the Ware Road array was.

Applicant C. Clark asked about preference of the performance guarantee and response from the board was the Town of Belchertown would like to hold a cash escrow account. The board agreed to continue the hearing.

Motion J. Natle to continue the public hearing for Belchertown Renewables LLC, proposal for solar array at 270 Franklin Street and 81 North Liberty Street to Feb. 9, 2016 at 7:45 pm, Second D. Lusignan, Vote 5-0-0.

D. Beaudette came back into the meeting. The board had two submissions to review. The board asked an audience member if he was present to speak to a certain issue, and Arthur Bressette said he was, as he saw on this agenda an application he has submitted to the Zoning Board of Appeals. His petition to the ZBA is requesting a Variance and Special Permit on his property on Channel Drive. The board explained their role within this review, which is to make a recommendation to the ZBA, who are the permitting authority.

A. Bessette said he's been "paying a betterment" for two lots on his Channel Drive property, and so he has two lots. The board said Channel Drive is a private way. The application says a variance is necessary to redefine a boundary between two parcels, Map 101, Lots 43 and 44, stated location of work 88 Channel Drive. A. Bessette said the house was built incorrectly, 12 feet set back, rather than the regulation 20 feet set back. He notes a special permit is necessary to separate parcel 43 from 44 to allow construction of a second one family home on the second parcel. It was noted that due to joint ownership, and non-compliance of size, the adjacent lots were combined by state law.

The board noted a similar issue regarding a parcel of land on Grela Terrace that was brought to by the owner's attention who also wanted to build new homes and that ANR plan was denied partially due to a lack of frontage on a town way and road conditions. The board noted the owner appealed and went through the court. After years of court proceedings the planning board's denial of endorsement of the applicants' ANR was upheld.

The board said A. Bessette has a variety of issues for both variance and special permit. D. Lusignan said she drove to the site on Channel Drive for a site visit, and noted the road is comprised of a gravel and dirt mix and is meagerly passable. When she went to leave Channel Drive, she could not do so without encroaching onto an abutting property. A. Bessette stated by not allowing this the town would be eliminating all building on roads and people won't be happy. He said when his house was built on the lot the placement of the house was a mistake and Channel Drive is not a dead end. He said this is a "typical" house lot in that neighborhood.

The board said they have to make a recommendation on various items. The board suggested Mr. Bessette go to the Board of Selectmen to discuss his paying two "betterments" on his property. He said he assumed he had Lots 43 & 44 on Channel Drive. The board said he may be able to ask for relief from paying these betterments.

The board made a recommendation to the Zoning Board of Appeals:

Motion C. Laurenzo to recommend the Zoning Board of Appeals not grant the variance for 88 Channel Drive, Map 101, Lots 43 & 44 because square footage of the lot and setbacks are both too small; the second request for a Special Permit should be denied for the same reason, as this would create two non-conforming lots, therefore making one non-conforming lot more non-conforming, Second J. Natle, Vote 5-0-0.

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Note: D. Beaudette said private ways such as Channel Drive and Grela Terrace are ways not built to specifications which would allow building lots through an ANR plan. Neighbors should realize they need to improve the roadways and have the town formally take them over by a town meeting.

The board reviewed a zoning determination by Paul Adzima, Zoning Enforcement Officer, regarding 10 Federal Street. The owners of Town Mart convenience store would like to add motor vehicle fuel sales to their business. The letter has an attachment that shows the location, zone, lot size and a map that shows a portion of this lot is located in the aquifer protection district. P. Adzima notes it is his opinion that as long as the fuel storage tanks are not located in the aquifer district the use could be approved by the Zoning Board of Appeals, with all other applicable regulations met.

The letter was sent to MBP RAM LLC with copies to G. Brougham, Town Administrator; the Board of Appeals and Planning Board. After discussion, the board made a few statements. One was this parcel had gas pumps in the past, the parcel was non-conforming and there was no room for pumps. They noted the applicant needs a Special Permit from the Zoning Board of Appeals.

A letter was received from the Board of Selectmen for "Layout of Oasis Drive as a Town Way". The board reviewed the letter and made a recommendation to the Board of Selectmen that they had no outstanding issues regarding the release to make a public way and for the Special Town Meeting scheduled for Feb. 22, 2016.

Motion D. Beaudette to recommend the Board of Selectmen accept Oasis Drive as laid out in a motion of intention to the Planning Board on Jan 26, 2016, Second J. Natle, Vote 5-0-0.

The board discussed adding "wind" development to the Zoning Bylaw. D. Lusignan notes there could be potential grant opportunities for small wind turbines and noted that our current Schedule of Uses/By-Laws do not have any language regarding the installation of wind turbines their allowable uses and restrictions for the Town of Belchertown.

There is a grant opportunity, in the same way the solar energy production was brought to the State of Massachusetts for clean energy production. D. Lusignan presented the Board with draft model By-Law language along with a Q & A document as a preliminary source of information regarding wind turbines. The board asked D. Albertson to provide a draft of wind development for review, to move ahead with a proposal. All agreed the need to prepare a wind bylaw for Chapter 145, to spell out the zone and requirements for an application for wind energy production. The board said they could probably bring this to the next Fall 2016 meeting for acceptance. D. Albertson will forward a copy to all members for review.

At this time it was noted there are seminars to be taking place for the DART project. DART organizers will hold their meetings on Feb. 22, 23 and 24, 2016. The first meeting will be just prior to the Special Town Meeting Feb. 22, 2016 at 5:00 pm. It will be held in the High School and so the town people can go from the seminar to the special meeting at 7:00 pm.

Motion to adjourn J. Natle, Second D. Lusignan @ 10:30 pm, Vote 5-0-0.

