

Belchertown Planning Board
Minutes – Tuesday – December 10, 2019



Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosiensi and Elizabeth Poirs
(alternate voting member)

Absent: Alice Knittel

Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes

Audience Present: Gail Gramorrosa & Jen Turner, BoS; Joseph Pio & Scott Pio, for S&M Equipment; Richard Helm; Donna Helm; Anthony Parrinello & Jean Welch, representing Evergreen Strategies; Ken and Linda Snow; Heather McCann; Marcus Verduchi; Pat Patenaude; Gary Brougham, Town Administrator; Mark Cavanaugh, Florence Savings Bank; and Dr. Medaugh, Valley Dentists.

7:00 pm – J. Natle, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There are two public hearings this evening: one regarding a zone change and one regarding a retail marijuana special permit and site plan.

7:01pm – Joseph Pio, partner of S&M Equipment, LLC, building the **High Bluff** subdivision (High Bluff Road and Sunnycrest Lane) located off Franklin Street, updated the Board on the project. He is in this evening to request an extension of definitive subdivision approval. Mr. Pio’s company bought and took over the work for this subdivision while they were rebuilding Franklin Street for the Town of Belchertown. The subdivision will have public sewer, which is approximately 70% complete, and the drainage for the road is approximately 65% completed. They have been blasting all the way up the road for utility/electric and cable installation. The blasting is what has held them up. They discussed the difficulty of the topography in constructing the subdivision. The Board is very happy with the subdivision and all the work they have done. They discussed the extension timeline.

MOTION: M. Hofler to grant an extension of the High Bluff subdivision located off Franklin Street for 18 months from November 30, 2019 to May 31, 2021. **SECOND:** J. Rosiensi No Discussion **VOTE:** 4-0-0

7:05 pm - J. Natle, Chairman, read into the record the **Public Hearing Notice**. This is to discuss amending the town’s zoning by-law, Chapter 145, §145-5; Zoning Map, to change the western portion of Map 228, Lot 18, located at Lamson and Bay Road, from B2, General Business to AG-A, Primary Agricultural, identified as Lot 2 containing 4.664 acres +/- on the survey plan done by Sherman & Frydryk, LLC., dated 10/18/19. The applicants are Kenneth and Linda Snow. The public hearing is now open.

Mr. Snow addressed the Board and gave the Board a brief history of the property. The Board reviewed the map and application. This zone change would allow the applicants to build a residence on the property as the current zone B2, General Business, does not allow residential construction. Changing the zone to AG-A, Primary Agricultural, would allow this. They will build a barn in the upper area. He showed pictures of the property regarding this.

The Board discussed what they are trying to accomplish and referred to Zone Change Plan dated October 18, 2019 submitted by Sherman & Frydryk, LLC, showing Lot 2 (assessors will assign lot numbers later). The Board discussed business zones in Town and this particular property.

J. Natle opened the meeting to the public for comments regarding this zone change. No comments from the Public. Closed for public comments.

MOTION: M. Hofler to close the public hearing regarding the zone change located at Lamson and Bay Road, Map 228, Lot 18. **SECOND:** D. Beaudette. No Discussion. **VOTE:** 4-0-0

The public hearing is now closed. The Board reminded the applicant that a 2/3 majority vote will be required at the annual town meeting for this to pass.

MOTION: D. Beaudette that we recommend to Town Meeting to grant the zone change request for Kenneth and Linda Snow, located at Lamson and Bay Road, Map 228, Lot 18, further identified as Lot 2, containing 4.66 acres +/- on a survey by Sherman & Frydryk, dated October 18, 2019, from B2, General Business to AG-A, Primary Agricultural. **Discussion:** One abutter sent in a letter in support of this. **SECOND:** J. Rosiensi **VOTE:** 4-0-0

7:31 pm – J. Natle, Chair, opened the Public Hearing for a proposed Non-Medical Marijuana Establishment at 20 George Hannum Street, Suite B, Map 238, Lot 16, submitted by Evergreen Strategies, LLC., 52 Whispering Way, Stow, MA 01775, as it pertains to bylaw 145-29.2 – Marijuana Establishments and Special Permit 145-69. J. Natle read the public hearing notice into the record. The Public Hearing is now opened.

J. Natle appointed Elizabeth Pols, alternate member for special permits, to hear and act on the Evergreen Strategies, LLC., application as this requires a Super Majority vote, and one of our members is absent this evening.

J. Natle asked the applicant to come forward and explain what they would like to do, the board will discuss and ask questions and then it will be opened to the public.

Anthony Parrinello, President Evergreen Strategies and Jean Welch are in attendance, addressed the Board, and explained what their plans are. The location is 20 George Hannum Street, Suite B, which is currently vacant. He will discuss their application and then address any questions the Board may have. He provided the Board with a supplemental memorandum and gave a brief history of his experience along with the operation of the business and its history.

The Board discussed the project. Items discussed included what the interior layout would be, access to the building, odors, ventilation, traffic, parking, pedestrian traffic, crosswalks, lighting being dark sky

compliant, signage for entering and exiting, deliveries, hours of operation, waste management, safety and security. Sales at this facility would be only prepackaged items; that is, there would be no open products to emit strong odors.

Mr. Parrinello explained that they must adhere to many State requirements.

Any police detail will also be implemented after the Chief of Police reviews what they submit. Sani cans will not be allowed on site so public bathrooms were discussed.

Mr. Parrinello will get the supporting data regarding traffic/access and routing to Tighe & Bond so they can fully address this topic.

8:31 pm - Opened to the Public

Dr. Medaugh is an abutting tenant and is concerned with the parking. He would also like an area for those waiting in line to be designated. The Board discussed this.

Mark Cavanaugh, is an abutting tenant with Florence Savings Bank – he will submit his questions in writing to D.Albertson though he would like there to be a sign noting the entrance and exit on the doors for the facility.

J. Natle indicated to those in attendance that there would be a 3-month follow up review with the applicant.

Items that need to be addressed as conditions/approval of the special permit are: final police detail plan to manage initial traffic, odor mitigation, provide appropriate evidence of State application to the Board, supplemental data to Tighe & Bond, specifically #7 and #8 of T&B letter, parking lot attendant information, signage designating entrance, exit and one way, pedestrian walkway designated along with bicycle areas.

MOTION: M. Hofler to continue the public hearing on the Non-Medical Marijuana Establishment at 20 George Hannum Street, Suite B, Map 238, Lot 16, submitted by Evergreen Strategies, LLC., 52 Whispering Way, Stow, MA 01775 to January 28, 2020 7:05 pm. **SECOND: J. Rosiensi** **No Discussion** **VOTE: 5-0-0**

Oneida Fuentes, representing **MassHousing**, is in this evening with an informational presentation for Mass Housing. She thanked the Board for their time and handed out a brochure regarding what they offer. All their information is available online (masshousing.com). There are many programs available and she briefly discussed these. The Board briefly discussed the program. The Board thanked her for coming in and discussing the program.

9:16 pm – Jen Turner, representing the Board of Selectmen, is present to discuss the current marijuana bylaw. The current bylaw, which was adopted at the May 14, 2018 Town Meeting, did not reflect the Town Common being an area where several events take place which includes families and young children. At their meeting on Monday, November 18, 2019, the Board of Selectmen voted to formally acknowledge the town common as a park.

Bylaw 145-29.2 - Section 5 – Standards and Conditions (a) address the requirements that a marijuana establishment needs to meet. The specific word “park” is not listed in this section. The reason to identify the town common as a park is so no marijuana establishment could be located within five hundred (500’) of this area. (the common). The possibility that a retail marijuana store could open near the common is a concern. The Board discussed this along with how to proceed in that this was just approved at Town meeting and currently there are not any facilities opened.

In addition, the Board of Selectmen are suggesting the by-law be amended to limit the number of retail marijuana/cannabis location in town to the number of full alcohol beverage package store licenses, which are currently three. This amendment would not apply to cultivation. The Planning Board reminded Ms. Turner that the BoS are the board that issues these licenses. The Planning Board believes that this is more zoning issues and not a planning board issue. They also suggest that a joint meeting between the two Boards could be scheduled to discuss this further.

D. Beaudette indicated he was recusing himself from hearing the following Right of First Refusal as he has worked in that area and one of his clients is an abutter to abutter so having financial interest in this will recuse myself.

Right of First Refusal - Chapter 61A-Agricultural/Horticultural –The Board of Selectmen have received a letter from The Roger B. Bowler Revocable Trust, Roger B. Bowler, Trustee, owner of Shea Avenue, Map 271, Lots 18.01 (1.003 acres) and Lot 18.02 (1.15 acres) to remove this 2.153 acres from Chapter 61-Agricultural/Horticultural status and have asked for our comments on this request. The Board discussed and reviewed the request.

MOTION: M. Hofler to recommend to the Board of Selectmen that without a purchase and sale agreement on this request the Planning Board does not have sufficient information to recommend an action on the Right of First Refusal request for the property located on Shea Avenue, Map 271, Lots 18.01 (1.003 acres) and Lot 18.02 (1.15 acres) to remove this 2.153 acres from Chapter 61-Agricultural/Horticultural status Further, the property owner should be notified that his application is not complete without this information. **SECOND: J. Rosiensi** No Discussion **VOTE: 3-0-0**

Minutes of November 26, 2019. Motion: M. Hofler to approve the minutes of November 26, 2019 as written. **Second: D. Beaudette** **No Discussion** **Vote: 3-0-1.** Abstaining vote is J. Rosiensi who was absent for the meeting.

Bills were endorsed.

Town Planner Report:

- Funding for the Trail project is very close to being complete. A grant application will be submitted this week for community preservation funds, and the structural engineers are working on reducing costs.
- The Massachusetts Resilient Lands Initiative's monthly meeting was today. This is the statewide working group on creating a priority plan of land protection. Today's topic was on outdoor recreation and how to use it for both the social good and for promoting further economic case for land protection. Also discussed were potential ways to pay for such things, possibly dedicating the sales tax paid on outdoor recreation equipment for outdoor recreation development and support.
- We received a small grant of \$5,000 to begin working on a town-wide assessment of full accessibility of public sites. This is from the Mass. Association of Health Boards. We worked on this with our Mass in Motion partner.
- We have not received the application as of yet for the other cultivator at 401 Mill Valley Road.
- We received the Definitive Subdivision Plan for the subdivision by WD Cows, which is to protect their zoning. We will hold the public hearing on January 14.

Members Reports:

- Private road plowing was discussed on subdivision roads that have not been completed.
- Appeals on site plans was briefly discussed.

MOTION: D. Beaudette to adjourn at 10:00 pm. **SECOND:** J. Rosiensi **VOTE:** 4-0-0

Meeting adjourned at 10:00 pm



James Natle



Daniel Beaudette



Michael Hofler



Justin Rosiensi

Elizabeth Pols



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box 964
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday December 10, 2019

PLEASE ENTER YOUR NAME, TITLE AND ADDRESS ----
THANK YOU!

Gail L. Gramercia

Joseph Pio SDM Equipment

Scott Pio SDM Equipment

Rachel Helm 21 BAY PATH Rd

Donna Helm 21 BAY PATH RD

Jen Turner Selectboard 304 Cedarmin Pt

Ken Snow

Linda Snow

Heather McCann 766 Bay Rd

Marcus Verduchi 766 Bay Rd

Anthony Pannullo Engineer Strateger

Sean Welch Engineer Strateger

Pat Patenaude

Oneida Fuentes Oneida Fuentes

- Dr Medaugh, Dentist - Kelly Deibel
- Mark Carbaugh & Florence Swigs Bank