

Belchertown Planning Board  
Minutes – Tuesday – February 26, 2019



Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosienski and Alice Knitte  
(alternate voting member)  
Absent: Louis Faassen  
Staff: Doug Albertson, Town Planner and Lynn Sikes, Minutes

Audience Present: Ted Parker, Jeff Squire, representing The Berkshire Design Group, Inc., Pat Bruni, Dir., of the Belchertown Day School, Matt Parlon, representing Blue Wave, Chris Ryan, representing Meridian Associates, Atty. Thomas Reidy, of Bacon Wilson, P.C., Atty. Michael Aleo, Gail Gramarossa, Lee Paddy, Marian MacCurdy, Mark Spiro, Judith Mann, Elizabeth Pols and Ken Elstein. (The continued public hearing regarding a Commercial Solar Photovoltaic installation brought a large attendance to this meeting. See sign in sheet attached)

**7:00 pm –J. Natle, Chairman**, opened the meeting, welcomed everyone and read the agenda into the record. There are two continued Public Hearings. One to discuss a Site Plan application for a new Day Care facility on Front Street, Map 243, Lot 178 and a continued Public Hearing for a commercial photovoltaic Solar Installation by BWC Scarborough Brook, LLC., Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29.

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**7:00 pm - Ted Parker, of Tofino Associates, Concord Way subdivision** has sent in a request for an extension on this subdivision. The Board read his letter dated February 26, 2019, requesting an extension and reasons for the request. The Town holds one lot under covenant. He is asking for a three year extension from October 31, 2018 to October 31, 2021. Ted Parker was present and addressed the Board. He gave an update on the subdivision and its status. The Board discussed the request and the status of the subdivision. Due to its location, off of Old Amherst Road, both Planning Boards of Amherst and Belchertown deal with this subdivision. There is technically one big lot in Belchertown which the town holds a covenant on.

The Board discussed with the applicant his delay in responding back to the Board on its numerous requests for information on the subdivision. Mr. Parker indicated the fault is his and he does apologize.

D. Beaudette discussed Subdivision Reg. 270-32 F (3) – the Board could ask the applicant to start from the beginning as the time period specified has expired. He believes an extension for a year, with an update at that time, might serve the Town better. This was discussed by the Board. The Board and Applicant agreed to a one year extension.

**MOTION:** M. Hofler that we grant the extension of the definitive subdivision plan of Concord Way to Tofino Associates per Subdivision Regulations 270-32 (F) from October 31, 2018 to February 28, 2020.

**SECOND:** D. Beaudette **VOTE:** 4-0-0.

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J. Natle appointed Justin Rosienski to act as Clerk for this meeting in Louis Faassen's absence.

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**D. Beaudette recused** himself from the following public hearing as he has worked with a company which has had associations with one of the following applicants. D. Beaudette left the meeting.

**7:05 pm - J. Natle, Chairman, reopened the Public Hearing** for new construction of a Day Care facility, located on Front Street, Map 243, Lot 178 submitted by Belchertown Day School, 432 State Street, Belchertown, MA, as it pertains to Site plan approval 145-27. J. Natle read the public hearing notice into the record. The public hearing is now reopened.

J. Rosiensi indicated that though he was not here for the first meeting on this he has watched the video and will submit a memo to that affect and file it with the Town Clerk.

The site is on the former state school campus. It is in the new Business Neighborhood Center Zone. The site location is at the end of Front Street next to the Assisted Living facility, Christopher Heights. The parcel is 67,000 square feet and the plan shows a one-story building of 8,400 square feet.

Jeff Squires representing the Berkshire Design Group was present, thanked the board and updated the Board from the last meeting.

Letter of the board's review engineer, Tighe & Bond, dated February 22, 2019 was reviewed and discussed. Other items discussed included; stormwater, snow storage, plantings in the center aisle where snow storage would be, the type plantings and species they will be using, the dumpster and it being locked, the lights being on a timer and detention basins. Parking and traffic coming and going were discussed at length. Pat Bruni, Dir. of the Day Care facility was present and available to discuss traffic flow along with parking. Pat Bruni does not anticipate a problem.

The Board discussed the lighting and wants the school to work with MassDevelopment to make sure lighting is consistent throughout the entire development. The site plan being referenced on this project is dated February 25, 2019.

The Hearing was opened to the public. No comments.

**MOTION:** M. Hofler to close the public hearing for the proposed new construction for a Day Care facility, Front Street, Map 243, Lot 178 submitted by Belchertown Day School. **SECOND:** J. Rosiensi **No Discussion VOTE: 3-0-0**

**MOTION: M.Hofler** to approve the site plan for the Belchertown Day Care facility, Front Street, Map 243, Lot 178 submitted by Belchertown Day School as presented in the specifications and drawings dated February 25, 2019, with the following conditions:

- 1 – The dumpster will remain locked and secured at all times.
- 2 – All exterior lighting is to be coordinated with MA Development so is consistent throughout the entire development, and
- 3 – All exterior lighting is to be installed with timer capability. **SECOND:** J.Rosiensi **No Further discussion VOTE: 3-0-0**

**The audience thanked the Board.**

**D. Beaudette returned to the meeting.**

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**7:40 pm – J. Natle reopened the continued Public Hearing** for a proposed commercial solar photovoltaic installation on Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29 submitted by BWC Scarborough, LLC, 137 Newbury Street, 4<sup>th</sup> Floor, Boston, MA 02116, as it pertains to bylaw 145-28, Commercial Solar Photovoltaic installations, Site Plan approval 145-27 and Special Permit 145-69.

J. Natle addressed the audience to let them know that the Board currently has 4 out of 5 members at this meeting as one member is absent and he would not be able to vote as he had also missed an earlier meeting on this application. Our alternate member also is not able to vote as she was not a Board

member at the time of the first hearing. Therefore, this will require a unanimous vote (all 4) of those voting members this evening.

Atty. Reidy addressed the Board and updated them from their last presentation. Matt Parlon representing BWC Scarborough LLC and Chris Ryan, civil engineer representing Meridian Associates, were also in attendance.

The size of the project has been reduced approximately 17% from the previous plan. Tighe&Bond's 8<sup>th</sup> review letter dated February 26, 2019 has been received and now all items have been addressed.

Atty. Reidy indicated that at the February 18, 2019 meeting of the Conservation Commission pursuant to the Mass. Wetlands Protection Act, the Commission approved the project with conditions. Under the Municipal Wetlands bylaw of the Belchertown wetland bylaw, the Conservation Commission denied the proposed work. He stated the project does comply with stormwater standards and that the Planning Board can find approval on both the special permit and the site plan.

J. Natle – I have read through the report. I do not have any more questions. We have all the information in front of us to make a decision.

M. Hofler – Please discuss the area where the reduction in size is occurring. Matt Parlon addressed this indicating it is the lower array on the western side where it is being reduced. The fence line has been moved in. The trees that are there will remain. This was discussed and the plan reviewed. The current acreage within the fence is cumulative for approximately 20 acres.

The meadow habitat and loam to be filled in was discussed and reviewed. Selective clearing of trees within that area was discussed.

A. Knittel asked about the temperature monitoring in that area and what would happen if the temperature rose. M. Parlon indicated there is a monitoring system that would be in place. This was discussed along with silt infiltration.

D. Beaudette discussed with the applicant the ConCom's Order of Conditions. Atty. Reidy indicated that they disagree with the decision and they believe they can comply with the conditions. BWC is supplying more information and will be pursuing that with them. The Board asked if the ConCom had the information required to make a different decision and why items had not been provided. The Board asked the applicant if that is the same situation here – does this Board have all information required to make our decision? Atty. Reidy indicated there are some items regarding ConCom vs State that differ and he believes the applicant had satisfied all, but conservation indicated we satisfied one but not the other. He believes the planning board has all the information needed to make a decision. Discussion continued on this topic.

M. Hofler indicated the solar bylaw is proposed to be amended by town meeting in May. Within that amended bylaw would be the board's ability to require an independent engineer, environmental or other, to inspect the site and report to the Town Zoning Enforcement Officer. If issues arose they would be addressed and resolved. The expense for this would be borne by the applicant. Would they be amicable to this? M. Parlon indicated that though a cost burden, for security and a comfort level they would agree.

**8:07 pm** – the meeting was opened to the public. J. Natle indicated there is a short list from the audience who want to address the Board. Please keep it to bullets and keep brief. Please keep on point.

Atty. Aleo – representing a group of concerned residents addressed the Board and handed out a letter dated February 26, 2019 under his firm's letterhead. He thanked the board for their time. He discussed and reviewed each section briefly. He indicated there are reasons why to deny this application within the letter but if questions, please ask.

Steve Garabedian – had a couple of handouts. He reviewed those with the Board and had several comments, in particular #5 – regarding bedrock. Table 2 summarizes what applicant submitted. He discussed this in detail. Second – he distributed comments entitled “Stormwater Analysis” – dated February 26, 2019 this he discussed in depth and detail disagreeing with what the applicants have utilized for their data. He asked the Board to please consider using an independent evaluator to look at the impoundment structure if this were to be approved. In conclusion, please do not approve this.

M. MacCurdy – spoke of climate change. She handed out a “Northeast Climate Report” and briefly read from that.

E. Pols – 44 North Street - she submitted a packet with pictures of her land and described the topography of her site and the flooding that has occurred.

S. Tarpey – 44 North St - submitted a letter regarding home values and the detrimental effects on home values when solar fields are nearby.

K. Chrisman – 76 North Street – submitted a letter dated February 26, 2019. The letter attempted to correct inaccuracies in a recorded description of the neighborhood.

M. Spiro – Two Ponds Road –handed out a View shed Analysis. He reviewed this analysis with the board. There was an additional packet handed to the Board with materials for the Board to review. The materials rebutted all items from the applicants. He ended by thanking the Board for all their diligence over the last 10 months.

G. Gramarossa – discussed the language within the special permit bylaw, in particular, meeting criteria 145-69 a,b, and c should be given heavy weight to. The stormwater advisory committee has been meeting regularly. How the town deals with stormwater and its effects on the Town is very concerning. Hearing what the Conservation Commission has said it seems this is very detrimental to the town. There are town wide implications to this. Thank you for all your hard work.

D. Beaudette indicated to the audience that stormwater falls under a site plan, not necessarily under a special permit.

J. Mann – addressed the Board and submitted a handout dated February 26, 2019, regarding a summary of research on siting, soils, slopes and slope stability. She briefly summarized from the handout. She also handed in 300 signatures asking to deny the project.

Atty. Aleo spoke to summarize – the concern during times of cold climate and how you manage runoff during that time is imperative. Please look at climate change not only here in the present but for the

future and review all materials in front of you submitted this evening to help make your decision. Please deny the special permit.

No further comments from the public.

Atty Reidy – we believe the application you have in front of you is an approval able project. Tighe&Bond agrees as well. This is a project you can approve or approve with conditions.

No further questions.

**MOTION:** D. Beaudette to close the **Public Hearing** for a proposed commercial solar photovoltaic installation on Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29 submitted by BWC Scarborough Brook, LLC, 137 Newbury Street, 4<sup>th</sup> Floor, Boston, MA 02116, as it pertains to bylaw 145-28, Commercial Solar Photovoltaic installations, Site Plan approval 145-27 and Special Permit 145-69. **SECOND:** M. Hofler **No Discussion VOTE:** 4-0-0

J. Natle – We will review and go over all materials which have been submitted. The Board has 90 days to take final action and will discuss this at our meeting of March 26, 2019. The Board will discuss this as an action item. We will table this decision and revisit this at our March 26, 2019, meeting.

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**9:11 pm - Discussion – Hickory Hills LLC** – the Board has received an email from Scott Nielsen proposing elimination of 13 duplexes and adding 5 single family lots, a change from the original subdivision plan. D. Albertson discussed with the Board what Mr. Nielsen would like to do. This does not affect open space calculations beyond what is required but the subdivision would have to be amended.

Previously Mr. Nielsen has come before the board regarding a sidewalk issue within this subdivision. This is similar to what we just went through regarding that. The plan has been filed with the Registry of Deeds and could possibly affect the people living in the subdivision already. If we receive from our legal counsel that this change would not affect the subdivision plans and the people living there than we could go forward. We are not in a position to take responsibility for a change in the plan and have that recorded without approaching those living there who could be adversely affected by it. Possibly some of the homeowners would like duplexes within the subdivision. We have received an email, not a signed letter. D. Albertson will get back in touch with Mr. Nielsen regarding this and then we can go forward with a minor modification to the site plan according to Subdivision Reg 270-34 when proper information is submitted.

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**Bills were endorsed.**

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**Minutes of February 12/14, 2019. MOTION:** D. Beaudette to accept the minutes of February 12/14, 2019 as written. **Second:** M. Hofler **No Discussion VOTE:** 4-0-0.

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Town Planner Report:

- Old subdivisions – Trillium Way – Paul Lussier had taken it over and has done most of the work by himself. He has reported in regularly and indicates it is now done. He is waiting for the As built and the legal descriptions. Steve Williams is also aware of the status. If he can get those in he could be on the Town Meeting for it to be an accepted street. That is his goal. The Certificate of Completion would need to be done for the release of covenant, etc.

- I spoke with a representative from Clean Focus Renewables regarding the solar project at 357 Daniel Shays Highway. They are trying to get all updated materials in to us to present their plan. If they are able to do so we can hold this public hearing April 9<sup>th</sup>.
- Discussion regarding the Planning Board reorganization and rules governing meetings and what may need to be redone going forward was discussed. If anyone were to file for a special permit next week and Lou resigns we have a 4 member board. We will make everyone aware.
- I presented the trail application to the Community Preservation Comm. last week.
- Mass Development is trying to get Carriage Way ready for town meeting acceptance. The contractor is to be done at the end of May, but paperwork, as built, inspections might not be complete in time for the May 13<sup>th</sup> Town Meeting.
- I met with counsel for INSA regarding a retail marijuana site next to Family Dollar. This would be retail only.
- The Cultural Council has been looking for space. Jen Turner had come in to discuss this with us last year. They would like gallery space and educational space. They have identified 6 Berkshire Avenue as having potential for this venture.
- For our next meeting we have a solar application on No. Washington Street and a continued Public Hearing for Railroad Street; for our March 26<sup>th</sup> meeting we have a continued public hearing for a CSPI on Ware Road and a special permit for an accessory apartment.

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 Members Reports:

M. Hofler – I attended the community outreach meeting, as a citizen, where they discussed opening a Marijuana cultivation business located on Mill Valley Road.

J. Natle – regarding Blue Wave as well as others, please think about “phasing” and what the actual meaning, and the time line, for phasing would be.


D. Beaudette – as a reminder, there should be NO discussion at all that could look like a meeting to take place regarding the Blue Wave solar project. That is now a closed hearing. If anyone is contacted by anyone refer them back to the chairman. Please be prepared for March 26 to discuss Blue Wave. We need to put thought into it and if there is an approval vote that is one thing, but if it is a No vote it needs to be articulated why. We will likely get help from Town counsel on the verbiage.

D. Beaudette – we also need to decide how the vote will be structured. Which goes first? Discussion ensued and decided that approval/denial of the site plan would go first and then the special permit.

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**MOTION:** J.Rosienski to adjourn at 10:10 pm. **SECOND:** D.Beaudette **VOTE:** 4-0-0  
 Meeting adjourned at 10:10 pm

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 James Natle

  
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 Daniel Beaudette

  
 \_\_\_\_\_  
 Michael Hofler

  
 \_\_\_\_\_  
 Justin Rosienski



OFFICE OF  
**PLANNING BOARD**  
Town Of Belchertown

P.O. Box 964  
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday Feb. 26 2019

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

TED PARKER

Matt Polon Blue Wave III Huntgton

Chris Ryan Meridian Assoc.

Elizabeth Pds 44 North

Sean Tarpen 44 North

JEFF SQUIRE RLA BERKSHIRE DESIGN

Pat Bruni Belchertown Day School

DANIS DSKARZ GRABAES 90 NORTH

Tanny Ryan Bluewave

Jane Wilton Bluewave 514 Amherst Rd.

Denise T Bunnell 871 Federal

KARL BARRY 363 SOUTH GULF RD

Betsy Laughon 263 Gulf Rd.

Marcia Thomas 224 GULF RD

Edwina J. Cruise 615 N. GULF RD Bluewave

Paul Wilton 85 NORTH ST. BELCHERTOWN

DENISE POLS 65 FAWCH SANFORD RD BELCHERTOWN

Karen Chismann 76 North St Belchertown

Anna Fenton 54 Maple St



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Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

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

Marcia Howard 480 S Gulf Rd

Neil Brigham 480 S. Gulf Rd

Justin Deslois 442 S Gulf Rd

James Walton 445 S. GULF RD.

Justin Tranch 81 Gulf

Chris Page 236 Gulf Rd.

Jeanmary Leav 335 North Gulf Rd Belchertown

Chris Juvenal 8 Gulf Rd.

Jan Walton 445 South Gulf Rd

Sewal Page 236 Gulf Rd

John Cullen 454 Gulf Rd

Barbara 445 S Gulf Rd.

Ellis Bay 3635 Gulf Rd

Frances Smith 374 Bay Rd

MA  
only





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Town Of Belchertown

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Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

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

Ken Elstein, 76 North Street

SARAH HAMILTON 498 S. GULF

LOREN WALKER, 121 GULF Rd.

ART COFFIN 419 S. GULF RD

Steve Carabedian 803 Federal ST.



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Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday Feb 26 2019

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

Michael Ales Sdr Army

Alicia Timme-Laragy Bay Path Rd.

Marianne MacCurdy Two Ponds Rd.

Mark Sprio

Jenny Spack-Sherman Gulf Rd

Gil Gramanosa 39 N. Main Street Belchertown

Smith Mann 101 North

Wendy Cook Eugene Deim

Amanda Timms Munsell St

JACK TULLOSS 56 NORTH ST

Jan ~~Tim~~ Alexander 37 North St

Lynn Reigter 37 North St

Linda Coff Everett Ave

Lizsey Peterson S. Gulf

Carl H. Bell All 281 Channing/Kelley St

Becki Delleard S. Gulf Rd

Don Vannatta S. GULF RD

Max Gaj & Jessica Detweiler 500 Amherst Rd.