

Belchertown Planning Board Minutes  
February 09, 2016



Planning Board members: Daniel Beaudette, Michael Hofler, Christopher Laurenzo, Donna Lusignan, James Natle

Staff: Douglas Albertson Town Planner, Susan Gay

Present: Alan Clark, David Fredenburgh, Nicole Bennis, Matt Jackson, Donald Frydryk, Alana Sambor, Gregory Sambor, Chris Clark, Julie Beauchemin, Kelley Fike, Tony Wonseski, Kevin Rabbitt, Sean Harrington

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

**Motion J.** Natle to approve minutes of Jan. 26, 2016, Second M. Hofler, Vote 4-0-1 (D. Beaudette abstains as he was absent for part of the meeting);

Time slips and bills were endorsed.  
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C. Laurenzo, Chairman reopened the public hearing for a Site Plan by applicant 20 Stadler Street LLC, new construction for a day care facility on Stadler St., Map 250, Lot 6. Applicants Alan Clark and Nicole Bennis were present, and Don Frydryk is their representative for this proposal. D. Frydryk noted he issued a new letter to Tighe & Bond addressing all their comments. The board received a response from Tighe & Bond noted all addressed. The board agreed they did not need to go through each item a second time.

Traffic at the intersection of Stadler Street, State Street and Front Street was discussed. This area faces growth on the former state school property and is already congested. D. Frydryk said he spoke with S. Williams DPW Director regarding this and he gave some information about levels of service received on that intersection by the Mass. DOT. There are some issues on the corridor however a project of this size would be beyond the scope of this project for a day care facility. D. Albertson said the initial planning is beginning to improve this intersection by getting into the state highway funding program.

The building's architectural design and elevations were discussed. The board had requested the applicant look at their design guidelines that were adopted two years ago. Applicant Alan Clark said he'd put on a cupola and perhaps some shutters and columns and said he was trying to please the board by adding some of the features seen in the design guidelines. He said he felt that guidelines are not a requirement and that he'd prefer to use the cost of improvements for the children that will use the facility. D. Lusignan said she'd prefer a sign rather than a cupola on the building. The applicants said they do not want to put a sign on the business at this time. D. Albertson said it's not a requirement to have a sign for a business.

The board said they want to have a drawing, not necessarily engineered however the drawing should be to scale, neat and clean, showing the building, and where additions would be. A. Clark said they presently have a cost of \$650,000.00 for the building, and do not wish to keep adding onto the expense. The board reminded the applicants of those specific items they needed to have in preparation for this meeting. A. Clark said he tried to get his architect to redesign, but has not received a response from her nor felt the need to spend additional funds for a architectural drawing.

Event parking was brought up, and was another item the board asked the applicant for. David Fredenburgh was present and said he's the owner of the plumbing business on Stadler St. and he has no issue with the use of his parking lot during family events.

D. Frydryk noted these applicants have a continued hearing with the Conservation Commission on February 23, 2016. He said he could be prepared for the next planning meeting on February 23, 2016. Everyone agreed to continue this hearing.

**Motion J.** Natle to continue the public hearing for a site plan for 20 Stadler Street, LLC, for new construction for a day care facility to February 23, 2016 at 7:05 pm, Second D. Beaudette, Vote 5-0-0.

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The second public hearing is for a special permit, along with a site plan, for a commercial solar photovoltaic installation at 270 Franklin Street and 81 North Liberty Street. Board member D. Beaudette recused himself, and said he'd be available to return to the meeting after this hearing. S. Pelletier was not present tonight; for the first session of this hearing on Jan. 26, 2016, she was appointed act on the special permit. This was noted to applicants Belchertown Renewables LLC, as this would leave the review to just four board members, M. Hofler, C. Laurenzo, J. Natle and D. Lusignan, and would mean all four members have to vote affirmatively to grant the special permit, as it requires a super-majority vote. The board said this public hearing will open, and at some juncture the applicants can either continue the hearing to the next meeting or ask for a vote. When everyone stated they understood the procedure, the hearing was re-opened. Applicants acknowledged they were aware of the need for a super-majority vote from the planning board hearing review and opted to proceed.

T. Wonseski, engineer from SVE, said this is an important project for applicants and for the Town of Belchertown, and noted they would like to move the project along. He said applicant Chris Clark, representing Belchertown Renewables LLC, could speak to the urgent need to be part of a group of projects the state has before them and there are deadlines he has to meet.

T. Wonseski said he has a second peer review letter from Tighe & Bond (T & B). As a result of a second review, T. Wonseski submitted an update of plans. He said he is waiting for comments from Natural Heritage, railroad approval, National Grid response, and the Town of Belchertown response to a request to access their right-of-way to the public grid.

T. Wonseski noted two requests for two waivers, one is to request release from doing a traffic report, and the second request is to ask for a seven foot fence, instead of the required six foot fence. He said seven feet is a normal requirement for solar arrays, and a safety issue. The board agreed with both waiver requests. The Board asked if audience members if there was anyone with questions or comments, and there were none.

C. Laurenzo said he'd ask each member to respond or comment how each member would like to proceed; either by vote or a continuation for the proposal. Each member indicated they found the application to be a favorable proposal, and C. Laurenzo asked the applicants if they wanted to continue the hearing or have members vote on the proposal. The applicants agreed to accept a vote by the board members.

**Motion J.** Natle to close the public hearing for a special permit by Belchertown Renewables LLC, proposed solar array at both 270 Franklin Street and 81 North Liberty Street, Map 269, 13 (East side) and Map 269, 110 (West side), Second D. Lusignan, Vote 4-0-0.

C. Laurenzo read the narrative by SVE Associates regarding May Farm Solar Facilities Belchertown Renewables LLC that stated:

In accordance with Section 145-69 A (1) of the Bylaw approval of the May Farm Solar Facilities will:

A. Not be detrimental to the established or future character of the Town and the neighborhood. Approval of the project is in keeping with the purpose of the CSPI Section 145-28, which is to encourage the use of solar energy systems and protect solar access consistent with MGL c.25A Section 10. The purpose is also to increase the local production of renewable energy and to decrease the reliance on fossil fuels for electricity. This project will also improve air quality.

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B. Not nullify or substantially derogate from the intent or purposes of the zoning district in which they are located. The design and construction of the proposed CSPI is in accordance with Section 145-28 of the Bylaws. The location of the facilities is setback from the public right-of-way so that the general public will not know that the facilities are there. The solar array does not impact town facilities such as the school system and general infrastructure such as roads, water and sewer. The gravel pit array area will be loamed and seeded as part of the project and also in considered reclamation of the pit. In the future these areas if no longer used for solar generation they could be used for agricultural purpose as the tree farm on the easterly site is today.

C. Be designed in harmony with the general intent and purpose of the Bylaws. The project in accordance with the Bylaw is providing the Town with documentation as to the operation, maintenance, public safety, decommissioning and financial assurances necessary for the approval of the facilities.

**Motion J.** Natle to grant the Special Permit to Belchertown Renewables LLC, for a solar array at both 270 Franklin Street Map 269, Lot 13, and 81 North Liberty Street, Map 269, Lot 110, Second D. Lusignan, Vote 4-0-0;

**Motion J.** Natle to grant a waiver to Belchertown Renewables LLC for 270 Franklin Street and 81 North Liberty Street solar array projects, to allow a fence height of 7' instead of 6' as noted in Chapter 145-21, paragraph G. "A special permit granting authority may allow a higher fence under a special permit when determined to be necessary for safety or security." Second M. Hofler, Vote 4-0-0;

**Motion J.** Natle to grant a waiver to Belchertown Renewables LLC for 270 Franklin Street and 81 North Liberty Street solar array projects, regarding a traffic study required on site plan contents as noted in Chapter 145-27 E. (2), "no traffic study needed for a solar field", Second D. Lusignan, Vote 4-0-0;

**Motion J.** Natle to approve the Site Plan to applicant Belchertown Renewables LLC for 270 Franklin Street (Map 269-13) and 81 North Liberty Street (Map 269-110) for two solar array projects, with condition of approval from: (a) Natural Heritage, (b) National Grid, (c) Board of Selectmen easement to access North Liberty Street, d) easement from the railroad, and agreed to a request that fabric will be placed on the Southwest section of fence on the Franklin Street array, Second M. Hofler, Vote 4-0-0.

A note that Fire and Police Departments will have a meeting with Belchertown Renewables LLC after the construction is in and operating, however, the applicant said if these departments want to meet before that time, they are open to an earlier safety meeting. D. Lusignan requested the Fire and Police departments to send the board a response that they have held their safety training meeting and retain in file. D. Lusignan stated this project was a good project for the town and good use of land.

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D. Beaudette came back into the meeting.

Other items:

A person in the audience asked about the Family Center on Franklin Street, and said she heard a rumor stating it would be moving. The board informed her that they could not confirm nor deny rumors and offered that she should direct her inquiry to Town Administration/ Finnerty House. She said she has called with no response, but will try again.

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Discussed a memo from G. Brougham, Town Administrator regarding a taxi license application from Jovino Martins, 28 Federal Street, Apt. E-3. D. Albertson said he and Paul Adzima reviewed this as a "home occupation" permit through the Inspection Services office. The board discussed how the business could be run.

They also went over general requirements for a taxi license. D. Lusignan researched "Taxi and Livery Licensing" and wanted to mention that although it was not under Planning Board preview she would question whether the

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proposed licensee would be able to abide with the American with Disabilities Act; in that should he get a call to pick up a customer in a wheelchair or other disabled apparatus. An insurance liability certification was also brought up. It was noted the planning board is only concerned with Chapter 145-25, home occupation which is handled by the Zoning Enforcement Officer. By consensus, the board decided to make "no comment" and that this memo was sent to the board as a courtesy.

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Special Town Meeting will be Feb. 22, 2016 at 7:00 pm in the high school. The planning board will report on Article #12, for a change to the schedule of use section. This change will add to the "Business" zone under "Industrial" an ability to have "motor vehicle sales and rental" by review of a Special Permit through Planning Board for approval. M. Hofler said he'd give the Planning report on this public hearing. D. Albertson will supply a script for the Feb. 22, 2016 special meeting.

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The board announced that the DART project will hold a forum in the high school cafeteria on Monday the 22<sup>nd</sup> at 5:00 pm. Food and child care will be available for the public. This project is to get input and ideas from town's people for the area between the town common and the court house. This will include the state school campus, the town's school complex and the streets. There will also be a public presentation on Wednesday the 24<sup>th</sup> at 7 pm in the high school cafeteria. This is for the DART team to report their findings and recommendations.

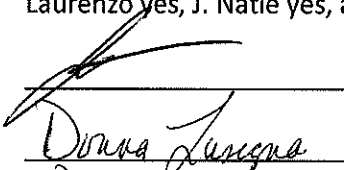
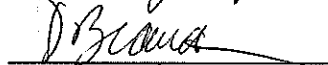
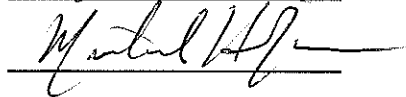
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**Motion D.** Lusignan to adjourn their regular meeting of Feb. 9, 2016 @ 9:30 pm, Second J. Natle, Vote 5-0-0.

**Motion** to enter into Executive Session to discuss a legal issue, Second D. Lusignan, roll call Vote D. Beaudette yes, M. Hofler yes, C. Laurenzo yes, J. Natle yes, and D. Lusignan yes:

Executive Session discussion regarding the Dec. 14, 2016 meeting held by phone with Kopelman and Paige, P.C.

**Motion J.** Natle to adjourn from Executive Session, Second M. Hofler, roll call Vote D. Beaudette yes, M. Hofler yes, C. Laurenzo yes, J. Natle yes, and D. Lusignan yes. 9:35 pm.

  
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Donna Lusigna  
  
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J. Beaudette  
  
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J. Natle