

Belchertown Planning Board
Minutes – Tuesday – March 12, 2019



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

Audience Present: Jeremy Karpf, Project Mgr., Omni Navitas, Glenn Frank, Corporate Counsel, Omni Navitas, Nancy Mathras, Michael Mathras, Michael Cowles, Chris Ryan, Project Mgr. of Meridian Associates, Adam Christie, Project Mgr. of ZPT Energy Solutions II, LLC, Keri and Doug DeLisle, Charles Ray, Debra Ray, Elizabeth Pols, Sean Tarpey, and Lee Paddy

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 for a proposed commercial photovoltaic Solar Installation located at 0 No. Washington Street and the second a continued Public Hearing for a proposed commercial photovoltaic Solar Installation located at 95 Railroad Street.

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

Minutes of February 26, 2019. MOTION: J.Rosiensi to accept the minutes of February 26, 2019 as written. **Second:** M.Hofler **No Discussion VOTE:** 4-0-0

Bills were endorsed.

M.Hofler is an abutter to an abutter – within 300 feet of the following ANR; he will recuse himself from this ANR.

ANR – Joel Harder, 140 Old Enfield Road, Map 237, Lot 38, submitted by R.H. LeMaitre, PE, PLS, dated February 26, 2019, to create one Estate Lot, for lot identification plan purposes, Lot 38B (Assessors will assign lot numbers later), accompanied by a Form A application dated March 1, 2019. The Board reviewed and discussed the application.

MOTION: D.Beaudette to endorse the ANR for Joel Harder, 140 Old Enfield Road, Map 237, Lot 38, submitted by R.H. LeMaitre, PE, PLS, dated February 26, 2019, to create one Estate Lot, for lot identification plan purposes, Lot 38B. **SECOND:** J.Rosiensi **No Discussion. VOTE:** 3-0-0

7:05 pm - J.Natle, Chairman, opened the Public Hearing for a proposed commercial solar photovoltaic installation at 0 No. Washington Street, Map 256, Lot 27, submitted by Lumens Holdings 3, LLC, 830 Morris Tpke., 2nd Floor, No. 204, Short Hills, NJ 07078, as it pertains to bylaw 145-28-Commercial solar photovoltaic installations, Site plan approval 145-27 and Special Permit 145-69. J.Natle read the public hearing notice into the record. The public hearing is now opened.

J.Natle reviewed for the audience how the public hearing would proceed. The applicant will address the board and then the meeting will be opened to the public.

J.Natle indicated that a board member is absent, so he will appoint Alice Knittel, alternate voting member, to vote on this special permit as it requires 4 out of 5 members to be in favor. The site plan application requires 3 out of 5 members to be in favor.

The site is located in the AG-A zone, with part of the Aquifer Protection overlay extending into the array site. The special permit is required because the area of tree clearing is more than 2 acres (3.19 acres). The site is a 45-acre parcel. The panel array would cover approximately 5 acres and be in the field on the west end of the property. The tree clearing would be a small cluster in the field and east of the field.

Glenn Frank, Corporate Counsel of Omni Navitas addressed the Board. He thanked the Board and introduced the team working on this project. Jeremy Karpf, Project Manager for this project along with Scott Henderson, civil engineer representing Lumens Holdings 3, LLC, were in attendance.

J. Karpf addressed the Board and reviewed the project and its site. S.Henderson discussed stormwater, aquifer area, layout, wetlands, topography of the site and hydrology. This is a 1 mW solar array. Site access was shown along with the gravel roadway, layout of the arrays and 3 drain basins were discussed. Fencing, signage, vegetation and soil testing was also discussed.

Tighe&Bond' s letter of March 7, 2019 along with Town Planner, D.Albertson' s, comments on the project were discussed.

The company's Certificate of Liability is on file along with decommissioning estimate. The company will remain the owner of this project. It will not be sold to a third party.

The Board discussed the project with the representatives. D. Beaudette indicated that the two entities associated with this project are in good standing and are registered in MA. Lumens Holdings is the LLC which was formed to hold this project. Also discussed with the representatives were the basins, safety concerns, cash being held by the Town regarding decommissioning as opposed to a bond, drainage, the O&M manual to reflect no herbicides/pesticides, signage, voltage on the site, gate location and access, screening and vegetative species that they will use and to note abutter locations on the plan at the next meeting and what they would do to screen their view. They have used a 2.5% inflationary figure.

The Board reminded the applicant to specifically address 145-69 a, b and c in narrative form.

Though stumps will be removed there will be no additional loam required. Extensive grading will not be required. This is a driven pole mounted design. The gradient is approximately 5%. It is a very flat site. As it is not a high voltage project a 6 foot fence with a 6" gap will be used. Approximately 260 feet of an existing stone wall will be removed.

7:47 pm - The hearing was opened to the public.

M. Cowles - 221 No. Washington St. – has no objections to the project but as an abutter would like clarification – I would like to see the abutting properties shown on the site plan and asked for measurements from his property line to the stone wall. Additionally he has concerns regarding drainage as the water table is very high there. The representatives indicated no water will be directed to his property.

No other questions from public.

The Board indicated to make sure the north side of the project shows full details on any affect to abutters, and that the O&M is detailed.

With the Town Meeting elections nearing, along with one current member of the Board having resigned, the applicants were reminded of timing.

MOTION: M. Hofler to continue the public hearing on the proposed solar photovoltaic installation located at 0 No. Washington Street, Map 256, Lot 27, submitted by Lumens Holdings 3, LLC, to April 9, 2019 at 7:45 pm. **SECOND: J. Rosiensi** **No Discussion** **VOTE: 5-0-0**

J.Natle – A.Knittel, our alternate voting member, was appointed for the previous item to serve. She will also serve on this next one as it requires a super majority vote. Continuation of meetings on this application was discussed and how voting would take place at those future meetings.

D.Beaudette indicated that he is legal counsel for the Belchertown Land trust and they own abutting property; therefore he will recuse himself from the following application.

7:57 pm - J.Natle, Chairman, reopened the continued Public Hearing for a proposed commercial solar photovoltaic installation at 95 Railroad Street, Map 28, Lot 35 and Map 278, Lot 48, submitted by ZPT Energy Solutions II, LLC, 6 Park Avenue, Suite 100, Worcester, MA 01605, as it pertains to bylaw 145-28-Commercial solar photovoltaic installations, Site plan approval 145-27 and Special Permit 145-69. J.Natle read the public hearing notice into the record. The public hearing is now reopened.

The site is east of the railroad off Railroad Street, along the Swift River. It is mostly a field, though there will be some tree clearing. The zone is Ag-A, Primary Agricultural, and partly in the Flood Plain overlay zone. This requires a special permit from the Board because the parcel does not have street frontage. The railroad cuts it off from the Street.

Chris Ryan, site engineer representing Meridian Associates, Inc. updated the Board from the previous meeting. Adam Christie representing ZPT Energy is also present.

Tighe&Bond's letter of March 11, 2019 was discussed. A. Christie discussed the decommissioning costs and updated figures with the Board. He signed and dated a sheet with these numbers for submission this evening.

The Board discussed the application and updated materials. The applicant indicated they are working with the utility company now, as soon as that is complete they will work with the railroad company and submit the application which requires a nonrefundable application fee. The interconnection pad with national grid was discussed. Batteries will be on the north pad. Maintenance of those was discussed. Construction duration would be approximately 5-6 months. There will be no parking on the street.

8:13 pm – the hearing was opened to the public.

S. Tarpey – North Street - asked what the battery composition is. They indicated they are lithium ion batteries.

MOTION: M. Hofler to close the public hearing on the proposed solar photovoltaic installation located at 95 Railroad Street, Map 281, Lot 35 and Map 278, Lot 48, submitted by ZPT Energy Solutions II, LLC. **SECOND: J. Rosiensi** **No Discussion** **VOTE: 4-0-0**

The Public hearing is now closed.

The Board discussed the conditions and if they are ready to approve.

J. Natle would like to see the narrative for 145-69 a, b, and c. A condition would be that, "applicant will provide agreement with DPW indicating a satisfactory plan to minimize damage to Railroad Street from construction equipment and clarifications of curb cut requirements.

MOTION: M. Hofler to approve the special permit for a solar photovoltaic installation located at 95 Railroad Street, Map 281, Lot 35 and Map 278, Lot 48, submitted by ZPT Energy Solutions II, LLC as it has been found to be in compliance with 145-69 and is approved with the condition stipulated

before; i.e., “applicant will provide agreement with DPW indicating a satisfactory plan to minimize damage to Railroad Street from construction equipment and clarifications of curb cut requirements.”

SECOND: J. Rosiensi **VOTE:** 4-0-0

MOTION: M. Hofler in accordance with 145-27, to approve the site plan for a solar photovoltaic installation located at 95 Railroad Street, Map 281, Lot 35 and Map 278, Lot 48, submitted by ZPT Energy Solutions II, LLC. **SECOND:** J. Rosiensi **No Discussion.** **VOTE:** 3-0-0

D. Beaudette returned to the meeting

Discussion Item – The final draft version specific to amending, all or in part, the zoning bylaw, 145-28, Commercial Solar Photovoltaic Installations was compiled and sent to Town Counsel. We have received their suggested modifications/revisions and comments. The Board reviewed and discussed these.

D. Albertson will make the minor modifications from this evening’s discussion and will send it over to the Selectmen’s Office to be placed on the warrant for Town Meeting.

Discussion Item – INSA Belchertown has indicated they will be submitting an application for a retail marijuana site to be located at 123 No. Main Street. They asked what we may want for additional materials. The Board discussed this. Minimally a full blown traffic study would be required along with parking shown on their plan. Concerns of high traffic and how that would affect the other businesses located at the site were discussed.

Town Planner Report:

- CF Development MA has resubmitted their information for the solar project located at 357 Daniel Shays Hgy. owned by W. Shattuck. We will hear that April 9th.
- The Solarize program – the selectmen would like to engage our town with a dedicated vendor. We are trying to get people interested in this. We need approximately 5-6 people to help with this project. One audience member, E. Pols in attendance, spoke up that she would be in touch with D. Albertson regarding this.
- Andrew of TKDesignLab who is working on the trail project is preparing bid documents to get the work started. The wetlands are currently being delineated.
- Carriage Grove – the new road should open in June. This will blend in with Jackson Street. It won’t be ready for town meeting acceptance, but should be completed. The Selectmen will see how to handle it being accepted. It could be opened to use but not an accepted way yet. We want to avoid new businesses needing to file ANRs for road frontage as this complicates transactions, loans, and adds expense to any project. C. O’Neill will speak with an attorney regarding this.
- Arc Point Brewing is confident they will be filing this year for a site at Carriage Grove. They would need frontage so that will need to be addressed.
- Conservation will be reapplying for a LAND grant for the Dubois property on So. Gulf Road.
- If interested on Saturday, March 16th at the Palmer High school from 9 – 12, they will be holding a discussion on the East West Rail trail.

Members Reports:

A. Knittel and J. Rosiensi will be attending the Citizen Planning Collaborative conference this weekend in Worcester.

D. Beaudette – regarding Hickory Hills, our town counsel has indicated that the language in MGL CH41§81X, attesting that a modification on a site plan would not affect any lot or rights in such

subdivision, is unavoidable. I still question who signs this. I would argue that it is not up to us if those people currently living in that subdivision may not be affected. The Developer should make that statement to us. I don't think we are the party to decide whether their interests are affected. It is the Developer's responsibility as owner of the subdivision to attest to that. The Developer's lawyer should submit a statement to us stating that. The liability is on them.

D.Beaudette – regarding 0 Gulf Road's solar project. Our public hearing is closed. ConCom has received an appeal on this. I don't think we can read it. The Board discussed if they can look at the ConCom appeal. Anything like this that comes in should not be looked at.

J.Natle – L.Faassen has submitted his resignation. I would like to send a letter from this Board expressing our appreciation for his service and dedication to the Town. We wish him well and there is always a seat on the Board when he wants to come back

The Board discussed appointing a new full board member as Lou's replacement. They would like to offer this to A. Knittel who indicated she would be honored. As she has taken papers out for a seat on the Board at the next election, she would go into that election as a full board member.

MOTION: D. Beaudette to accept Lou Faassen's resignation from the Planning Board. **SECOND:** M.Hofler. **VOTE:** 4-0-0

The Board indicated to A. Knittel to submit a letter requesting that she would like to fill the open seat on the Planning Board until the election. D. Albertson will send this letter to the Town Clerk and selectmen to have placed on their agenda.

MOTION: M. Hofler to adjourn at 9:21 pm. **SECOND:** D.Beaudette **VOTE:** 4-0-0

Meeting adjourned at 9:21 pm



James Natle



Daniel Beaudette



Michael Hofler



Justin Rosiensi



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box 964

Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday March 12, 2019

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

Jeremy Korf, Project Manager, Omni Navitas

Glenn Frank, Corporate Counsel, Omni Navitas

Nancy Mathras, 249 N Washington St, Belchertown

MICHAEL MATHRAS

MICHAEL COWLES 221 N. WASHINGTON ST. Belchertown

Chris Ryan Meridian Associates

CHARLES RAY 214 N. WASHINGTON ST. BELCHERTOWN,

DEBRA RAY 214 N. WASHINGTON ST. BELCHERTOWN

Elizabeth Pike 44 North St. Belchertown

Sean Tarpen 44 North St

Kevin Dan, Delist 45 Railroad St

Joe Paboly 445 S. Gold Rd, Belchertown.