

Belchertown Planning Board
Minutes – Tuesday – March 26, 2019



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

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

Audience Present: Christopher Ryan representing Meridian Assoc., Ernie Mello representing ZPT Energy Solutions II, Bob Ferenz, Doreen Ferenz, Michael Pill representing Green Miles Lipton, Keith Ferenz, Wyatt Alasio from the Belchertown Sentinel, Ken Elstein, Karen Chrisman, Angela Gaspar, Gail Gramarossa, Loren Walker, Edwina Cruise, Matt Parlon representing BWC Scarboro Brook LLC., Mark Spiro and Marian MacCurdy, Henry Martin, Barbara and Richard Greene...(The public hearings for the commercial solar photovoltaic installations 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 Public Hearings this evening. A continued public hearing regarding a commercial photovoltaic Solar Installation at 260 Ware Road, and a Public Hearing regarding an accessory apartment located at 41 Maplecrest Drive.

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

MOTION: M. Hofler to accept the minutes of March 12, 2019 as written. **Second:** J. Rosiensi **No Discussion VOTE:** 4-0-0

Bills were endorsed.

Discussion – As there is a vacancy on this Board due to a member's resignation, our current Alternate Voting Member, Alice G. Knittel, has sent in a letter of interest for the position. This is a joint appointment between the Planning Board and the Board of Selectmen. The Board of Selectmen voted at their meeting last night to appoint Alice Knittel to the position to serve to May 13, 2019, the next town election.

MOTION: M. Hofler to appoint Alice Knittel to the Board with term to expire May 13, 2019.

SECOND: J. Rosiensi **VOTE:** 4-0-0 The Board thanked Alice for her interest.

J. Natle indicated that a board member has resigned, so he will appoint Alice Knittel, alternate voting member, to vote on the following special permit as it requires a super majority vote.

7:05 pm - J. Natle, Chairman, reopened the continued Public Hearing for a proposed commercial solar photovoltaic installation at 260 Ware Road, Map 245, Lot 62, 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.

Chris Ryan, Project Manager, representing Meridian Associates, Inc. addressed and updated the Board.

The site is on the south side of Ware Road (Route 9) between Segur Lane and Meadow Pond Road. The site is presently forested. The project would clear approximately 22 acres of forest. The area is zoned Ag-A, Primary Agricultural, and Aquifer Protection Overlay. This requires a special permit due to the size of the system (over 3 mW) and the area to be deforested (over 2 acres).

Layout changes were shown and discussed along with the buffer zone, runoff, gravel road, erosion, and basin locations. A stockade fence rather than chain link fence will now be used in the northern area. Pad location change was shown. The eastern side will remain a chain link fence. Formal waiver regarding Section 145-21.c stating the maximum height of a fence shall be six feet has been submitted requesting a 7 foot fence with a 6" gap on the bottom.

View shed analysis documents were handed in and reviewed with the Board. Tree plantings prior to the 7 'tall stockade fence was shown and discussed. The board indicated the difficulty to picture what they were trying to explain in the renderings submitted. Trees being proposed were discussed.

Phasing and timing of the construction was discussed. There will be 5 phases.

Brian Madden, Wildlife Scientist with LEC Environmental Consultants, Inc., led a discussion regarding the wildlife habitat evaluation done at the project site.

Items discussed were the actual acreage, the approximately 25 acres would be undisturbed, and approximately 16 acres would be the array itself. Wildlife corridors, fragmented areas, the abutting Willow Lane subdivision open space, amphibian/reptiles impact, bat impact, cutting trees during the bat pup season, fence areas, and insects/pollinators. Post construction mowing would occur approximately twice per year.

A. Knittel asked them to review the stormwater flow. C. Ryan pointed those out on the plans and this was discussed.

8:06 pm the hearing was opened to the public.

Mary Reynolds, Jason's Way, questioned the wildlife corridor and how fencing would obstruct the corridor and force wildlife into residents' yards. B. Madden explained that the corridor would still be large when considered with the Willow Lane open space.

C. Fuller, 56 Segur Lane, questioned the "hump" area within the site and its buffer between the terrestrial pool and stormwater runoff. She reviewed the plan with B. Madden and the approximate location of this "hump" area, which was described as a gentle rise mostly shedding storm water away from her property.

J. Rosienski asked Mr. Madden if they thought there would be an increase in coyotes, raccoons, etc. due to an increase of mice within the meadow area. B. Madden did not think this would happen.

Carla DellOrio, she has concerns regarding the amphibians and parameters and location of vernal pools, etc. and the effect of global warming on these. She indicated that she believed the project would make the area warmer with the infrastructure being used in the solar array.

A resident of 585 No. Gulf Road has concerns with the yellow spotted salamander. Even a few degrees in water temperature stop them from breeding. Humidity in the atmosphere is also critical. The temperature rise due to solar arrays will affect the amphibians, etc.

J. Natle reminded the audience that this project would be the same as if a subdivision, for example, Willow Lane, were to go in. We all contribute to this heat index. We must give property owners rights for their land.

A. Gaspar, 47 Segur Lane, had a question on clear cutting and the setback where this would occur. This was shown on the plan.

S. Shellenberger, Ware Road, asked what they were using for their reference point regarding migration of animals. They indicated they were using what the State currently has available, though it is dated 1999.

Ernie Mello, representing ZPT Energy Solutions addressed the board and discussed the special permit section, in particular 145-69 Sec. a, b and c. He reviewed these answers with the Board and audience.

The Board asked him to return with more precise narrative on section 145-60 (a) - "not being detrimental to the neighborhood" and resubmit.

Discussion regarding decommissioning costs was brought up. E. Mello indicated they have updated the costs. The engineers will confirm these numbers.

Phasing was discussed and how that would be done. They will open one area at a time. Though complete stabilization of each phase will not be in place, there will be intermittent erosion control barriers in place and will remain until all phases are complete. This way there will be no disturbance in the previous phase. It goes rather quickly. Basins and water controls would be in place.

L. Paddy, So. Gulf Road, asked questions regarding the slope of the project and what the elevation change within the project is. 2 small areas are approximately 20-25% slope where selective grading will occur with the rest of the project anywhere from a 5% to 15% elevation change. Soil tests were discussed.

G. Gramarossa, No. Main Street asked if members of the public could submit how they thought this would have a detrimental effect on the neighborhood. J. Natle indicated they could and to please submit this in writing and submit it to the Town Planner.

Ben Haynes, 230 Ware Road, has concerns regarding property values. The applicant will be submitting information regarding this subject.

M. Spiro, Two Ponds Road, indicated that specification sheets don't always have all the information required on them. Has a hydrologist evaluated this site plan? Only the Town's peer review engineers, Tighe&Bond have.

The Board discussed with the applicants what else they need to do and how much more time they need before they return.

MOTION: J. Rosiensi to continue the public hearing on the proposed solar photovoltaic installation located at 260 Ware Road, Map 245, Lot 62, submitted by ZPT Energy Solutions II, LLC. to May 14, 2019, at 7:05 pm. **SECOND: D. Beaudette** **No Discussion: VOTE: 5-0-0**

J. Natle indicated that a board member has resigned, so he will appoint Alice Knittel, alternate voting member, to vote on the following permit as it requires a super majority vote.

9:06: pm - J. Natle, Chairman, read into the record the legal notice for a Public Hearing for an Accessory Apartment located at 41 Maplecrest Drive, Map 263, Lot 107.02, Applicants Derek Stebbins and Jillian Brunell. The public hearing is now open.

The applicants, Derek Stebbins and Jillian Brunell were present and addressed the board and explained their intent and reasons for the request.

The Board reviewed their submission and had questions about the dimensions on the drawings submitted. The exact measurements were not indicated. If it is to be handicapped accessible they could go larger than the 600 square feet allowed, but they need to show due cause. The pictures submitted made it difficult to see the existing property. They were asked to return with pictures they took themselves as opposed to using Assessor's map pictures. Parking and the driveway was reviewed with the applicant. Access was discussed.

The meeting was opened to the public.

Ken Elstein, 76 North Street, reminded the applicant that if they need any help on the application to speak with Doug Albertson, Town Planner.

The Board asked them to return with better pictures, a dimensional scale drawing and to better address bylaw 145-69.

MOTION: M. Hofler to continue the public hearing for an accessory apartment for Derek Stebbins and Jillian Brunell, 41 Maplecrest Drive Map 263, Lot 107.02, to April 9, 2019 at 7:00 pm. **No Discussion. SECOND:** D.Beaudette **VOTE:** 5-0-0

ANR – Henry Martin and Robert Mileski, Federal Street, Map 107, Lot 11, submitted by Sherman & Frydryk, LLC., dated February 11, 2019, to create one lot, for lot identification plan purposes, Lot 2 (Assessors will assign lot numbers later), accompanied by a Form A application dated February 11, 2019. The Board reviewed and discussed the application. H. Martin, the applicant and owner, was present.

MOTION: M. Hofler to endorse the ANR for Henry Martin and Robert Mileski, Federal Street, Map 107, Lot 11, submitted by Sherman & Frydryk, LLC, dated February 11, 2019, to create one lot, for lot identification plan purposes, Lot 2. **SECOND:** D. Beaudette **No Discussion. VOTE:** 4-0-0

ANR – Richard F. Greene, Old Sawmill Road, Map 244, Lots 156.27 and 156.06, submitted by R.L. Cook Surveyors, dated March 11, 2019, to reconfigure lot lines for Lots 156.27 and 156.06, for lot identification plan purposes, Lot 156.27 REV2 and Lot 156.06 REV2 (Assessors will assign lot numbers later), accompanied by a Form A application dated March 12, 2019. The Board reviewed and discussed the application. R.Greene was present and reviewed the plan with the Board. The easement was discussed as well.

MOTION: D. Beaudette to endorse the ANR for Richard F. Greene, Old Sawmill Road, Map 244, Lots 156.27 and 156.06, submitted by R.L. Cook Surveyors, dated March 11, 2019, to reconfigure lot lines for Lots 156.27 and 156.06, for lot identification plan purposes, Lot 156.27 REV2 and Lot 156.06 REV2. **SECOND:** M. Hofler **No Discussion. VOTE:** 4-0-0

Discussion Item – BWC Scarborough Brook, LLC proposed Commercial photovoltaic solar installation located at 0 Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29 submitted by BWC Scarborough Brook, LLC. , 147 Newbury Street, Fourth Floor, Boston, MA 02116 as it pertains to bylaw 145-28-Commercial solar photovoltaic installations and special permit bylaw 145-69 this item was heard at the February 26, 2019 Planning Board meeting where the Public Hearing was closed. At that time the Board indicated that they would review and go over all materials which had been submitted. The Board has 90 days to take final action. They said they would discuss this at the meeting of March 26, 2019, which is this meeting. The board indicated they are not taking comments at this meeting.

The Board discussed amongst themselves how to approach the various items where decisions needed to be made. It was decided to take each individual item separately and have a discussion to see what each Board member's thoughts were.

Prior to the discussion, D. Beaudette brought up what Atty. Aleo, who represents a group of abutters and concerned citizens on this matter, had said at the February 26, 2019 meeting. In that meeting, Atty. Aleo had indicated what would happen if the board did not grant this special permit and the applicant appealed. Atty. Aleo indicated he could guarantee, and he used that word multiple times, that the board's decision would be upheld if litigated. D. Beaudette indicated that Atty. Aleo can't guarantee the result of litigation and we need to distance ourselves from this. The board cannot allow this to steer the decision. Beaudette added that an audience member identified as a selectman when commenting. D. Beaudette noted the Board of Selectmen heard this application at their meeting of July 18, 2018, and had no comment on the project. That was their written comment to us. This comment if associated with the selectmen should be disregarded.

The following topics were discussed at this evening's meeting by the Board. View sheds, effects of the project on real estate values, and effects on wildlife.

At our next meeting on this we will discuss storm water. The board discussed when this could be accomplished and decided to hold an extra meeting to discuss only this project. Board members are to come to that meeting with their comments. This meeting is to be held on April 30, 2019, at 7:00 pm.

Right of First Refusal, Chapter 61B – J. Natle read a letter from Robert Morra, owner of property located on Franklin Street, Map 272, Lots 81 and 81.01. He is seeking to remove his property from chapter 61B status. We are being asked to make a recommendation to the Board of Selectmen as to whether to take action on our Right of First Refusal. The Board discussed the request. This would be a change of use as there is no purchase and sale contract. The Board discussed this request.

MOTION: M. Hofler to recommend to the Board of Selectmen to **NOT** invoke the town's Right of First Refusal for the property located on Franklin Street, owned by Robert Morra, Map 272, Lot 81 and 81.01. There is no resource for the town to be interested in. **SECOND:** J. Rosienski **No**

Discussion

VOTE: 4-0-0

Town Planner Report:

- INSA is still moving forward. They are working on a traffic report. This should be in within the next month. The location is next to Family Dollar. J. Natle indicated there will be traffic issues and concerns regarding the berms and speed bumps currently installed. That will need to be rectified going forward.
- An audience member, and current Board of Selectmen, Gail Gramarossa was in the audience and indicated that at last evening's BoS meeting they entered into a host community agreement with Evergreen Strategies to be located where Superior Rug used to be on Federal Street. Therefore there could be two retailers in town.
- The solarize program has had little response from the community so we will publish it in the Sentinel. There will be an informational session April 10 in this building. We are hoping to get more people interested.
- We presented information from the meetings held on Stormwater to the selectmen last night. We recommended and they voted to form a utility for compliance to base a "flat rate" with a minimum of 1000 impervious surface. This will go to town meeting.

Members Reports:

- A. Knittel and J. Rosiensi attended the Citizen Planning Collaborative conference this past weekend in Worcester. She indicated it was very informative.


MOTION: M. Hofler to adjourn at 10:50 pm. **SECOND:** D. Beaudette **VOTE:** 4-0-0

Meeting adjourned at 10:51 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 26, 2019

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

Christopher Ryan Meridian Assoc.

Walt Hasio Belchertown Sentinel

Job Ferencz 200 Wave Road

John Ferry " "

Michael Pitt Green Miles Lipton

Keith Ferencz 260 Wave Rd

Benjamin Haynes 280 wave Road

Brian Madden LEC Environmental

Reynolds 17 Jasmine Way

Art Coffin 419 S. GULF

Karen Chrisman 76 North St

Ken Elstein 76 North St

Angela Gaspar 47 Sequoy Lane

Carl Gramanosa 39 North Main Street

Loren Walker 121 Gulf Rd

EDWINA CRUISE 615 N. Gulf RD

Jenny Speck-Sherson 66 Gulf Rd

Jane Williams (concerned citizen) 514 Amherst Rd.

Denise Barnard 871 Federal Street

Walt Hasio

Walt Hasio



OFFICE OF
PLANNING BOARD
Town Of Belchertown

P.O. Box 964
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

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

*copy
CO 505
call on 1/11/11*

Carl H. Jill Oler	281 Channing Walker St
Juanmanys home	505 N. Gull Road
Lucinda A. Hill	53 Logan Lane B TOWN
Susan Shellinger	335 Ware Rd Btown
Terry Nagel	" " "
SABRINA HAMILTON	498 S. GULF RD B'own
Gillian Brown	41 W. Pleasant Dr
Andrey Petersen	S. Gull Rd
Jeff Kent	S. Gull Rd
Ellis Brown	S Gull Rd
KARL BARRY	S GULF RD
JACK TULLOSS	NORTH ST
Douglas Green	8 WARNOO
Darby Green	8 Warner St
Alc V&V	North St
Marianne McMurphy	Two Pond Rd
Mark Spiro	" "
Luci Wallace	S. Gull Rd