

Belchertown Planning Board
SPECIAL MEETING
Minutes – Tuesday – April 30, 2019



Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosienski and Alice Knittel
Staff: Doug Albertson, Town Planner and Lynn Sikes, Minutes

Audience Present: Elizabeth Pols, Carla Dell'Olio, Lee Paddy, Eric Weiss, Mark Spiro, Stephen Garabedian, Judith Mann, Ken Elstein, Kyle Vincent and Jack Tulloss (This special meeting for 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 special meeting, welcomed everyone and read the agenda into the record. This is a special meeting regarding BWC Scarboro Brook, LLC and its proposed commercial photovoltaic solar installation. The board will also process a simple ANR plan.

J. Natle appointed Justin Rosienski to act as Clerk for this meeting.

Action Item - J. Natle this meeting regarding applicant BWC Scarboro Brook, LLC's proposed Commercial photovoltaic solar installation located at 0 Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29 submitted by BWC Scarboro 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. The Public Hearing for this application was closed at the February 26, 2019 Planning Board meeting. At that time the Board indicated that each member would review and go over all materials which had been submitted independently and then discuss in open meeting. This application was again discussed at the meeting of March 26, 2019, and scheduled to be discussed at this special meeting tonight. The Public is not able to contribute anything further, nor can the applicant. The Board has 90 days to take final action.

The following topics were discussed at the March 26, 2019 meeting. Viewsheds, effects of the project on real estate values, and effects on wildlife. This evening's meeting is to discuss storm water and site plan criteria along with the special permit aspect of the permit.

The Board members contributed their thoughts on the proposed storm water management plan for the site. Concerns included the multiple revisions by the applicant of the plans, erosion controls, accuracy of aquifer delineation, test pits, the site's slope, catch basins,

J. Rosienski – is concerned with the accuracy of the plan submitted indicating where the aquifer is delineated. Their test pits and scope of that were not fully done. He is concerned with the basins. The slope is approximately 50% and that is a concern regarding stormwater runoff.

D. Beaudette – Identified that the most recent Tighe&Bond review indicates that the site plan met standard engineering standards, however, their review is a recommendation and the Board is not bound to follow it. This is the 8th revision of the plans, evidencing less-than-adequate design in prior plans and establishing uncertainty whether adequate planning can be predicted. In addition, the Conservation Commission determination was the Storm Water controls are still inadequate, which the applicant did not rebut. The Board should be able to accept that decision as factual. He

believes the site plan for this project is not sound on an engineering basis as the site cannot be adequately engineered to be safe and control the water leaving the site'; it will not meet the town storm water bylaw.

M. Hofler – For the special permit, the Applicant must prove the requirements of a Special Permit, 145-69 criteria a, b, and c, are met, which is to prove a negative – that the project would NOT cause a detriment, nor derogate. The potential for flooding, erosion controls, etc., would need to be proven to NOT have any negative result. On the plus side, the applicant agreed they would hire a third party inspector under the jurisdiction of our building inspector on site during construction for continuous review. We asked the applicant if all documents had been submitted prior to our closing the public hearing. They indicated yes. The Conservation Commission needed more information and nothing more was submitted.

A. Knittel – does not have faith in what the applicant has proposed. The applicant changed plans based on some of the residents' input. She is concerned about stormwater and the safety of wells, and does not think they have a good enough plan for this.

J. Natle – agrees with the other comments so far. There have been too many reviews, too many redesigns. Phasing was never discussed. With the recent rain we've had, controlling erosion is a large concern.

D. Beaudette – does not want to be critical of engineering, which addressed the circumstances at each stage of the review; however, as the complexity of the project on this site has unfolded, it became apparent that this site is so complicated that it cannot be adequately engineered for this project.

M. Hofler – before they were registered with the state they knew this would be a very difficult site to design. They were told to look at their numbers for their calculations as their numbers used were outdated. They knew they needed a robust design. They did not do this. They indicated when asked that we had everything, but further information for check dams were never submitted. There was an inadequacy on this.

The Board continued to discuss erosion, stormwater and the slope of the site. Discussion on the specifics of 145-27, Site Plan approval, was discussed. In particular, M.Hofler read 145-27F(e). The Town's storm water standards exceed the State requirements on this. The Town is more stringent and this proposal fails on this.

The Board then discussed special permit criteria.

D. Beaudette – Due to stormwater controls and the excess water which will cause problems, this does not meet the criteria of 145-69(1)a to "not be detrimental to the established... neighborhood"

J. Natle – yes, 145-69 (1) a, b, and c has not been proven. They did not provide appraisals regarding what house values could be. Only comps from our assessor's office. This is another detriment.

M. Hofler – mentioned we did ask for a real estate analysis, but he doubts that statistics are available yet as solar arrays are so new. There may not be enough data yet on this. The Board discussed this and the criteria of 145-69(1) a, b and c. Though b and c could be argued both ways, "A" cannot. They have not proven this and that is why it would be denied.

A. Knittel – yes, though homeowners have the right to build on their own land and have their own rights, the scope and steepness of this site is not the right place to do this. Each homeowner should have a right to the safety of their well. This is detrimental.

D. Beaudette – did not address the habitat report, appraisal values and view shed as items to be cited in the special permit determination, as he does not accept them as controlling in this determination. The sole basis should be the denial of the site plan, as detrimental to neighborhood and town.

The Board continued to discuss these items.

J. Natle – does the board have anything else to discuss?

D. Beaudette – before we decide to vote he would like to talk about the order of the vote one more time.

The board discussed the site plan vote and the special permit vote order. A. Knittel is not qualified as she was not a member of the board for the entire public hearing.

MOTION: J. Natle to approve the site plan for BWC Scarboro Brook, LLC proposed Commercial photovoltaic solar installation located at 0 Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29 submitted by BWC Scarboro Brook, LLC. , 147 Newbury Street, Fourth Floor, Boston, MA 02116; owner of property W.D. Cows, Inc., as it pertains to bylaw 145-28-Commercial solar photovoltaic installations and site plan 145-27, public hearing date August 14, 2018 with extended public hearing dates, September 25, 2018; October 9, 2018; November 13, 2018; December 11, 2018 and February 26, 2019. **SECOND:** D. Beaudette. **Discussion:** D. Beaudette said he had gone to bylaw 145-27F(1)e regarding storm water, but other board members had other elements as well, slopes, etc. to include. J. Natle – we do not need to cite the specific detail at this evening's meeting. Just the items, not the specifics. The inadequacy of the site based on slopes, soil types, the need to bring in soil which may not allow it to function in the way that they think it would and the inherent problems with the site was discussed. The vote and detailed reasons for denial will written into the decision. **VOTE:** 0-4-0 The site plan is denied.

MOTION: J. Natle to grant the special permit for the commercial solar photovoltaic installation located at Gulf Road, Map 215, Lots 4, 5, 21, 22 and 29, for BWC Scarboro Brook, LLC, 137 Newbury Street, Fourth Floor, Boston, MA 02116 having found that it meets statutory requirements of 145-69 and 146-69, a, b and c, having held public hearings on August 14, 2018, September 25, 2018, October 9, 2018, November 13, 2018, December 11, 2018 and February 26, 2019. **SECOND:** D. Beaudette **Discussion:** D. Beaudette – I will vote no due to it does not meet the criteria of 145-69(1)a and the applicant has provided less than adequate engineering controls and excess stormwater runoff from this and the properties downstream of this. J. Rosienski, agrees with that. M. Hofler said they have not proven that it will NOT be detrimental **VOTE:** 0-4-0 The special permit does not pass.

Each board member will type up their individual comments and their reasons for denial and forward to D. Albertson who will assemble and type up the vote. He will also notify the applicant when it is filed.

ANR – Benjamin A. Sumner, Wilson Road, Map 217, Lots 27.01 and 27.02, submitted by Harold I. Eaton and Associates, Inc., dated April 18, 2019, to combine Lots 27.01 and 27.02 creating one lot labeled Lot H, (Assessors will assign lot numbers later), accompanied by a Form A application dated April 24, 2019. The Board reviewed and discussed the application.

MOTION: D. Beaudette to endorse the ANR for Benjamin A. Surner, Wilson Road, Map 217, Lots 27.01 and 27.02, submitted by Harold I. Eaton and Associates, Inc., dated April 18, 2019, to combine Lots 27.01 and 27.02 creating one lot labeled Lot H. **SECOND: J. Rosiensi** **No Discussion.**
VOTE: 5-0-0

Discussion Item: The Board discussed the town warrant and has assigned the following board members to read the Articles as follows:

Pertaining to Harris Way – J. Natle

Pertaining to the amended Solar Bylaw – D. Beaudette

MOTION: J. Natle to adjourn at 8:40 pm. **SECOND: M. Hoffer** **VOTE: 5-0-0**

Meeting adjourned at 8:40 pm

James Natle

Daniel Beaudette

Michael Hoffer

Justin Rosiensi

Alice Knittel



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box 964
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday April 30 2019

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

Carla V. Dell Alon 281 Chauncey Walker St #26

Jane Williams 514 Amherst Rd.

Mike Spad 13 Two Ponds Rd.

Steve Carabedian 803 Federal Str.

Elizabeth Pals 44 North St.

Karen Chrisma 76 North St

Ken Elstein 76 North St

Alex Coffin 419 S. GULF

Glanmary June 585 N. Gulf Rd

DAINIS KARABAZIS 90 NORTH

Judith Mann 104 North



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Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday April 30 2017.

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

Edwina J. Cruise, 615 N. Gulf RD,
Shane R. Bajnocz, W.D. Cowles, IN -
Jack Tulloss 56 North St.

Gina Weerts (PVDL) - 340 Old Field Rd

Guldy Tree Products, 445 S Gulf Rd

Elise Bogy 363 S. Gulf Rd

Karl Barty 363 South Gulf Rd

Kyle Vincent 8 Gulf Rd.

Matt Purben 111 Huntington

Steph Kent 445 South Gulf Rd

Lindsey Petersa 445 S Gulf Rd

Chris Page 236 Gulf Rd

Jay Alexander 37 North St

Lynn Alexander 37 North St