

Belchertown Planning Board
Minutes – Tuesday – May 28, 2019



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

Audience Present: Atty. Thomas Reidy representing W. D. Cowls, Inc.

7:00 pm –J. Natle, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There is a continued Public Hearing this evening regarding a proposed commercial photovoltaic Solar Installation located at 0 No. Washington Street and preliminary subdivision applications to be discussed.

Bills were endorsed.

Minutes of May 14, 2019. MOTION: D. Beaudette to approve the minutes of May 14, 2019 as written.
Second: J. Rosiensi **No Discussion VOTE:** 5-0-0

Minutes of April 30, 2019 Special Meeting. MOTION: D. Beaudette to approve the minutes of April 30, 2019 as written. **Second:** J. Rosiensi **No Discussion VOTE:** 5-0-0

7:05 pm - J. Natle, Chairman, reopened 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 reopened.

The Board has received a letter from Lumens Holdings 3 LLC requesting a continuance on this application in order to complete updates and requests the Board has asked for as well as to comply with additional requirements set forth in the updated zoning bylaw for Commercial Solar photovoltaic installations passed at the May 2019 Annual Belchertown Town Meeting. They are asking to be placed on the agenda for a date in July or August. J. Natle read the letter. The Board discussed the request.

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 July 23, 2019, at 7:05 pm. **SECOND:** A. Knittel **No Discussion VOTE:** 5-0-0

7:30 pm – W.D. Cowls has submitted the following locations for Preliminary subdivisions:

Gulf Road and Daniel Shays Hwy, Map 206 Lots 26, 27, 44, Map 214 Lots 25, 30, 31, 32, 33, 57, 58, 59, 60, 61, 62, Map 215, Lots 3, 4, 5, 17, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Map 219 Lots 4, 5, 8, 21 **(Great Hills Subdivision)**

Pondview Circle, Map 232 Lots 174.13, 185 & Map 237 Lot 107 – **(Bramble Estates Subdivision)**

Waterford Drive, Map 225 Lot 18 & Map 220 Lots 1, 2 and 3 **(Sanford Lot Subdivision)**

Gulf Road & North Street, Map 205 Lots 82, 85, 86, 87, 88, and Map 206 Lots 10, 9, 11, 12, 13 – **(Solis Road Subdivision)**

Green Avenue, Map 266, Lot 15.1 - **(Shea Farm Subdivision)**

Atty. Reidy was present representing W. D. Cowls, Inc. and addressed the Board. He will answer any questions as the Board reviews the plans.

The Board reviewed and discussed the plan for Pondview Circle. Subdivision Regulations regarding

preliminary Plans, 270-15 through 19 were discussed. The Board discussed regulations regarding "dead end" streets. This is a dead end street. As proposed this does not comply with regulation 270-36F(3). This would not be approved as a preliminary plan. The applicant was made aware of the regulations that should be reviewed and asked if he would like the Board to reject the plan or would he want to request a continuance. The Board indicated to the applicant that they should understand and be familiar with the requirements of subdivision regulation bylaw 270; otherwise this is a waste of time.

MOTION: D. Beaudette to continue our review process for the preliminary subdivision plan for **Pondview Circle**, Map 232 Lots 174.13, 185 & Map 237 Lot 107 – **(Bramble Estates Subdivision) to June 11, 2019. SECOND:** A. Knittel **Discussion:** the Board discussed the 45 day time period and if that is affected by the continuance. With the applicant here and aware of the continuance it would not. **VOTE:** 5-0-0

The Board moved on to review and discuss **Green Avenue**, Map 266, Lot 15.1 - **(Shea Farm Subdivision):** This plan also does not meet requirements and is shown as a dead end street. The applicant asked the Board if a waiver could be submitted regarding the dead end and if they would consider any justification on that. The Board indicated they have in the past, but sited 270-4 to the applicant which would need to be met before a waiver would be issued. The Board also indicated that the dead end street requirements were a vital public safety issue designed to limit the number of persons becoming isolated should the single point of access be closed. Again the Board reminded Atty. Reidy the applicant should be ready with all items upon submission. Atty. Reidy apologized for this.

MOTION: D. Beaudette to continue our review process for the preliminary subdivision plan for **Green Avenue**, Map 266, Lot 15.1 - **(Shea Farm Subdivision) to June 11, 2019. SECOND:** A. Knittel **No Discussion VOTE:** 5-0-0

The Board moved on to review and discuss **Waterford Drive**, Map 225 Lot 18 & Map 220 Lots 1, 2 and 3 **(Sanford Lot Subdivision):** This plan also does not meet the criteria. M. Hofler asked Atty. Reidy to refer to note #13 on the plan. This reflects that whoever did this did not do "due diligence" as simple math shows it would equate to 15 feet of frontage per house. This is not acceptable.

MOTION: D. Beaudette to continue our review process for the preliminary subdivision plan for **Waterford Drive**, Map 225 Lot 18 & Map 220 Lots 1, 2 and 3 **(Sanford Lot Subdivision) to June 11, 2019. SECOND:** A. Knittel **No Discussion VOTE:** 5-0-0

The Board moved on to review and discuss **Gulf Road and Daniel Shays Hwy**, Map 206 Lots 26, 27, 44, Map 214 Lots 25, 30, 31, 32, 33, 57, 58, 59, 60, 61, 62, Map 215, Lots 3, 4, 5, 17, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Map 219 Lots 4, 5, 8, 21 **(Great Hills Subdivision). D. Albertson** indicated that this plan does not show much of what is required and does not meet many of the requirements. Four waivers have been requested on this plan. The Board discussed the plan as shown. The amount of lots as a maximum buildout was discussed. Wetlands would be reviewed by the Conservation Commission. Open space was discussed.

MOTION: D. Beaudette to continue our review process for the preliminary subdivision plan for **Gulf Road and Daniel Shays Hwy**, Map 206 Lots 26, 27, 44, Map 214 Lots 25, 30, 31, 32, 33, 57, 58, 59, 60, 61, 62, Map 215, Lots 3, 4, 5, 17, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Map 219 Lots 4, 5, 8, 21 **(Great Hills Subdivision) to June 11, 2019. Discussion:** M. Hofler reminded the applicant to make sure bylaw 270-17A 1-13 must be addressed for the next meeting. **SECOND:** A. Knittel **VOTE:** 5-0-0

The Board moved on to review and discuss **Gulf Road & North Street**, Map 205 Lots 82, 85, 86, 87, 88, and Map 206 Lots 10, 9, 11, 12, 13 – (**Solis Road Subdivision**). This property abuts North Street and is shown on the plan as 33 feet wide. Our "GIS" shows it as 35 feet wide, a thru street would not be possible. It does not meet the 110' width minimum radius required. The build out was discussed.

MOTION: D. Beaudette to continue our review process for the preliminary subdivision plan for **Gulf Road & North Street**, Map 205 Lots 82, 85, 86, 87, 88, and Map 206 Lots 10, 9, 11, 12, 13 – (**Solis Road Subdivision**) to June 11, 2019. **SECOND:** A. Knittel **No Discussion.** **VOTE:** 5-0-0

Atty. Reidy thanked the Board and left the meeting.

Right of First Refusal - , Chapter 61B –M. Hofler read a letter from Robert Morra, owner of property located on Franklin Street, Map 272, Lot 81.031. 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 is for a change of use, not a sale. This was all discussed along with Chapter 61B status.

MOTION: M.Hofler to recommend to the Board of Selectmen to NOT exercise the town's Right of First Refusal for the property located on Franklin Street, owned by Robert Morra, Map 272, Lot 81.031. There is no resource for the town to be interested in. **SECOND:** J.Rosienski **No Discussion** **VOTE:** 5-0-0

The ZBA has requested our recommendation regarding 29 Laurel Ridge Drive, Map 254, Lot 22. The applicants, Timothy and Kathy Goodale are requesting a variance of the side setback from the required 10' to 3'. This lot is in the Ag-A zone and is for the construction of a 20x24 barn. The Board reviewed and discussed the application along with the criteria to recommend favorably.

Discussion included the setbacks and why 7' would come into play. Also, though the adjacent lot is owned by the town, boundary lines would still need to remain. Guidelines for granting a variance were discussed. Being a hardship vs. convenience was discussed.

MOTION: D. Beaudette our recommendation to the Zoning Board of Appeals is that they deny the variance request requested by Timothy & Kathy Goodale, 29 Laurel Ridge, Map 254, Lot 22. to change the side setback from 10' to 3' to allow the applicants to build a barn. **SECOND:** J. Rosienski
Discussion: **The applicants did not adequately document the hardship. Also, the items listed in circumstances, i.e. the stump dump, wetlands and the steep slopes were not verified on the application.** **VOTE:** 5-0-0

Board Reorganization:

J. Natle thanked Justin and Alice for running for the Board and their election. The Board discussed who would like to run for Chairman, Vice Chairman, Clerk, Single Signature and PVPC Representative. From those discussions the following was voted on.

D. Beaudette- Moved to nominate **Jim Natle as Chairman**. J. Natle accepted. Seconded. All in favor.

J. Natle - moved to nominate **Daniel Beaudette as Vice Chair**. D. Beaudette accepted. Seconded. All in favor

J. Natle - moved to nominate **Justin Rosienski as Clerk**. J. Rosienski accepted. Seconded. All in Favor.

J. Natle - moved to nominate **Justin Rosiensi** as **PVPC representative**. J. Rosiensi accepted. Seconded. All in Favor

J. Natle - moved to nominate **Alice Knittel** as **Single Signature**. A. Knittel accepted. Seconded. All in Favor.

Town Planner Report:

- Insa is now Kalyx. The community outreach meeting has been set for June 3, 2019 at 5:30 pm at the Belchertown VFW, 41 Pelham Road.
- D. Beaudette reminded Board members to sit apart if they attend so as not to constitute a quorum.
- The EDIC has modified the original plans for the subdivision. We will discuss this at our next meeting. M. Hofler asked if all regulations on this are set. D. Albertson indicated they are.
- We have a public hearing for an accessory apartment for our next meeting.
- I am still trying to set up a date for a site visit at J. Hayward's sand pit.
- Trail work continues, but not anything new. The Board briefly discussed grants for the project and consolidating all the groups – once the sensory trail is in that would probably move forward.
- The PVPC committee is working on a draft model on Subdivision regulations. We will use this to revise our regulations.

Members Reports:

D. Beaudette- we need to do our annual signatures to file with the State. This will be done at the next meeting.

D. Beaudette – discussed a recent article in the Sentinel regarding town meeting and the newly revised solar bylaw. The language was incorrect. The Board discussed if a correction should be placed in the paper. D. Beaudette agreed to draft a correction for the Sentinel. The Sentinel had also attributed a citizen petition from M. Hofler at the annual Town meeting. It was not.

J. Rosiensi – The Annual meeting of the PVPC will be held on Thursday evening, June 13, 2019, at 5:00 pm. The keynote speaker will be Kenneth Kimmell, President of the Union of Concerned Scientists.

A. Knittel – I recently went to Thompson's Point, Maine. Though very undeveloped, there is a distillery, a winery and a museum. This is near Portland, Maine. It is centered on those venues and is a real drawing point. Hopefully when the new brewery at Carriage Grove develops, the area would replicate something like this.

J. Natle – just a reminder to the viewing public, we are looking for an alternate voting member to be on our board. Please consider this

MOTION: J. Natle to adjourn at 8:42 pm. **SECOND:** M.Hofler **VOTE:** 5-0-0

Meeting adjourned at 9:21 pm

James Natle

Daniel Beaudette

Michael Hofler

Justin Rosiensi

Alice Knittel
Alice Knittel