

Minutes – Tuesday – July 23, 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: Jeremy Karpf, representing Lumens Holdings 3, Scott Henderson, representing Omni Navitas, Elizabeth Pols, Steve Reilly, representing Kalyx, LLC., Lisa Black of INSA, Joe Rimiller of BETA Group, Adam Black, Mark Cavanaugh

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, a Public Hearing regarding a special permit for a non-medical marijuana establishment and discussion to endorse the Certificate of Completion for Cold Spring Business Park subdivision (BEDIC).

Bills were endorsed.

Minutes of July 9, 2019. MOTION: M. Hofler to approve the minutes of July 9, 2019 as written. **Second:** A. Knittel **No Discussion VOTE:** 5-0-0

ANR: – Miranda Tsoumas, Federal Street, Map 238, Lot 40, submitted by Sherman & Frydryk, LLC, dated July 11, 2019, to reconfigure Lot 40 thereby creating two total lots designated as Lot 1 and Lot 2, (Assessors will assign lot numbers later), accompanied by a Form A application dated June 28, 2019. The Board reviewed and discussed the application. The life estate referenced in the deed for Martha Barrett was discussed. The reference that a shed shown on the plan would be removed was also discussed. Until the garage and shed are removed the new building lot would not be in compliance. The ANR can be endorsed, but until those items are removed, it is not a buildable lot. This was discussed.

MOTION: M. Hofler to endorse the ANR for Miranda Tsoumas, Federal Street, Map 238, Lot 40, to reconfigure Lot 40 thereby creating two total lots designated on the plan as Lot 1 and Lot 2., **SECOND:** A. Knittel **No Discussion: VOTE: 5-0-0**

7:20 pm – J. Natle, Chair, 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. The public hearing is now reopened.

J. Natle asked the representatives to update the Board as it has been several months since they have been before the Board.

Scott Henderson, civil engineer representing Lumens Holdings 3, LLC, addressed and updated the Board from their previous presentation. Items discussed included; site plan, fencing, gate, lock box on the gate, design of the 7' fence, stormwater, elevation of the site, the state electrical code, access, screening and plantings. An updated vegetation and planting detail along with the maintenance plan were discussed. There is now a clean letter from Tighe & Bond.

Jeremy Karpf, representing Lumens, discussed the view shed analysis along with the wildlife impact study which has been done. There will be no substantial impact on wildlife. There has been additional vegetative screening added.

The Board continued discussion with the representatives which included how the recent bylaw language change which was voted in at Town Meeting, May 14, 2019, affects their application. Specifically, the discussion was how the greatly increased setbacks of the new bylaw affect the project. The new bylaw requires 200 feet from any developed residential property and 150 feet for a front setback depth. They are showing 75 feet for the setbacks.

This was discussed between the Board and the applicants. The applicants have asked legal opinion as they filed the special permit application in early February. The applicants stated that discussions to change the bylaw began in March and wondered if this is a gray area. (Note the public hearing to amend the zoning bylaw opened October 23, 2018, continued through multiple sessions, and was closed February 14, 2019). The applicants asked rather than clear-cutting more trees to meet the new bylaw requirement, is the additional screening which blocks any view of the project for abutters sufficient? It was noted that the intent of the revised bylaw has been met but not the actual requirements. The Planning Board stated they do not have the authority to waive setbacks.

The applicants will speak with their legal counsel and review their options. The Board reminded them to review the new bylaw, specifically the acreage that would need to be cleared and mitigation measures.

This public hearing will be continued. The Board asked that the legal opinion they are looking into be submitted to us in writing. J. Natle asked that they pay for re-notification to abutters for any plan change so abutters are aware. They agreed to this.

The meeting was opened to the public. No comments.

The applicants said after they have conferred with legal counsel they will be in touch with D. Albertson to let us know if they will go forward with this application or come in with changes.

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 August 13, 2019, at 7:00 pm. **SECOND: A. Knittel No Discussion VOTE: 5-0-0**

7:47 pm – J. Natle, Chair, opened the Public Hearing for a proposed Non-Medical Marijuana Establishment at 125 No. Main Street, Map 238, Lot 183, submitted by Kalyx, LLC., 281 State Street, Springfield, as it pertains to bylaw 145-29.2 – Marijuana Establishments and Special Permit 145-69. J. Natle read the public hearing notice into the record. The public hearing is now opened.

Atty. Steve Riley, representing Kalyx, LLC., addressed the board. A map of the property was presented and reviewed with the Board. Atty. Riley is also co-owner of INSA, a medical/recreational cannabis dispensary, located in Easthampton. The owners are Atty. Reilly and two others. They have a contract with INSA for management, supplies and for technical expertise. INSA is the tenant and financial obligor and subleases to Kalyx.

Kalyx has entered into a host agreement with the Town. Joe Rimiller is present to discuss the traffic study. The licensing process was briefly discussed and they hope to hear from the CCC in September. Along with reviewing the site, items discussed included parking, crosswalks, security measures, security plan and security checkpoints; there is no drive-thru at the site, and hours of operation. They have submitted their security plan to the Town's Police Department, and Chief Provonost has approved it.

The traffic study and how it was done was discussed. They are hoping to open in November/December. They will be working with the police department on police detail.

Traffic and level of service was discussed after the facility is open and different scenarios that were addressed in the study. Extensive discussion ensued regarding parking, traffic, painting directional arrows, lighting, crosswalks, speed bumps and entrances to the site. Pedestrian traffic was discussed and should be addressed to ensure safety. They could possibly paint some type of crosswalk, etc. Also, if there could be some type of physical barrier along the south side of the building in case someone were to park in the back for privacy and had to walk along the building to reach the door in front. The applicants will check with the landlord, Colvest, as they don't control the site, and will return with any recommendations.

The Public Hearing was opened to the public. No comments.

The Board discussed Special Permit criteria 145-69 a-c. These were each addressed in the application. The applicants will return with additional information, specifically, the speed bump at the north entrance being repaired, possibly painting a directional arrow or other thoughts on the northerly curb cut on Federal Street, pedestrian safety/walkway needs to be addressed, there will be a condition within the approval to work with our Police Department on opening day and possible police detail for a specific time period.

MOTION: M. Hofler to continue the public hearing on the Non-Medical Marijuana Establishment at 125 No. Main Street, Map 238, Lot 183, submitted by Kalyx, LLC., 281 State Street, Springfield, to August 13, 2019 at 7:30 pm. **SECOND: A. Knittel No Discussion VOTE: 5-0-0**

The applicants thanked the Board and left the meeting at 9:11 pm.

Other – Endorsement of the Certificate of Completion for Cold Spring Business Park subdivision (BEDIC). We have the official sign-off on the subdivision by our DPW. The Board can now endorse the certificate of completion. The amended plan dated June 11, 2019 and the approval can be recorded together at the Hampshire County Registry of Deeds.

MOTION: J. Natle to approve Form F for partial release and/or covenants on all remaining covenants to be released, specifically on current assessors' map 243, lots 178; 178.02, 178.10, 178.11, 178.12, 178.13, 178.14 and 178.17. **SECOND: A. Knittel No Discussion. VOTE: 5-0-0**

MOTION: J. Natle to endorse Form H, Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security, for the Definitive plan endorsed July 8, 2003, recorded in the Hampshire Registry of Deeds, Book 198, Pages 26 – 54, dated July 23, 2019. **SECOND: M. Hofler No Discussion VOTE: 5-0-0**

Discussion – Alternate voting member for special permits. Elizabeth Pols has sent in a letter of interest and is in attendance this evening. The Board welcomed her and thanked her for her interest. J. Natle has her letter stating her desire to be on the board. She has attended most planning board meetings over the last year. She has brought great questions to the board and I look forward to having her become a member. The Board thanked her for coming forward. Elizabeth indicated she has gotten very interested in all the different matters that have come before the board recently. She has met new people with various issues that have come before the board. She looks forward to asking many questions as she learns going forward.

This is a joint appointment between the Planning Board and the Board of Selectmen. The board decided to vote this evening on the appointment and request the Board of Selectmen place this on their August

12th, 2019 meeting for their vote. With their appointment Elizabeth could be sworn in the next day and could attend our August 13, 2019 meeting as the alternate member. Her letter of interest is the only one we have received.

MOTION: M. Hofler to appoint Elizabeth Pols 44 North Street as the alternate voting member for special permits and to recommend to the Selectmen they also appoint Elizabeth Pols as an alternate voting member for special permits with term to expire June 30, 2020. **SECOND: A. Knittel No Discussion VOTE: 5-0-0**

Town Planner Report:

- We will start soliciting proposals from installers for the Solarize program. The publicity and marketing will begin soon.
- We have a preliminary survey completed on the Trail project. They are speaking with engineers and contractors at this point. Andrew thinks we have raised about 85% of our budget. It's coming together very nicely and is a very nice showpiece for the community.

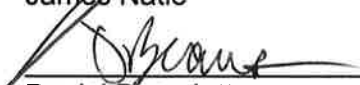
J. Natle - on the accessible trail – what about rest room facilities? D. Albertson - I don't think they are in there. Perhaps we should look into that.

Members Reports:

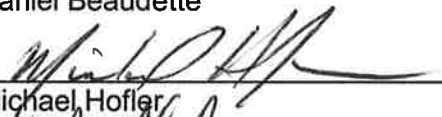
D. Beaudette – the email we received from a group of concerned citizens. Due to ongoing litigation we cannot read this. They have asked to come before this board and to be put on one of our agendas. We can tell them they can come before the board but we cannot discuss this with them at this time. Albertson will send them an email indicating that due to litigation we cannot discuss this at this time.

MOTION: A. Knittel to adjourn at 9:42 pm. **SECOND:** J. Rosiensi **VOTE:** 5-0-0
Meeting adjourned at 9:42 pm

James Natle



Daniel Beaudette



Michael Hofler



Justin Rosiensi

Alice Knittel

