

Minutes – Tuesday – August 13, 2019



Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosiensi and Elizabeth Pol (alternate for special permits)

Absent: Alice Knittel

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

Audience Present: Celeste DaCosta, Melissa Desautels, Gil DaCosta, Amy Butler, Bob Andrews, Jen Turner, Justin Nevins, Emory Snell, Atty. Geoff Farrington, Atty. Robert Schmidt, Alexa Gallagher, Gail Gramarossa

**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 at 401 Mill Valley Road and a continued Public Hearing regarding a special permit for a non-medical marijuana establishment located at 125 No. Main Street.

**7:01 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., 2<sup>nd</sup> 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.

There is no representative present. No updates have been received. The Board discussed this from the last meeting and if they would close the public hearing and take action or continue the public hearing. They noted no request for a continuance has been received.

**MOTION:** D. Beaudette to close 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, 830 Morris Tpke., 2<sup>nd</sup> Floor, No. 204, Short Hills, NJ 07078. **SECOND:** J. Rosiensi **No Discussion VOTE: 3-1-0** M. Hofler was the dissenting vote.

J. Natle stated we would delay our vote for two weeks and notify the applicant of our action.

J. Natle recognized Elizabeth Pols as the newly appointed alternate member for special permits and appointed her to hear and act on the E and J Supply, LLC application.

**7:10 pm – J. Natle, Chair, opened the Public Hearing** for a proposed Non-Medical Marijuana Establishment at 401 Mill Valley Road, Map 257, Lot 3, submitted by E and J Supply, LLC, 150 Lawndale Street, Chicopee, MA 01013 as it pertains to bylaw 145-29.2 – Marijuana Establishments, Special Permit 145-69 and 145-27 Site Plan Approval. J. Natle read the public hearing notice into the record. The Public Hearing is now opened.

**J. Natle** asked the applicant to come forward and explain what they would like to do, the board will discuss and ask questions and then it will be opened to the public. As this requires a Super Majority vote, and with one of our members absent, Natle appointed E. Pols to act on this application.

Present for the meeting was Atty. Geoff Farrington who introduced himself as the representative for E&J Supply along with Justin Nevins and Emory Snell the owners of E and J Supply, LLC. Atty. Farrington

discussed the company and what they intend to do. This would be a grow center, it is not a distribution center. They would occupy the rear portion of the existing building. This is a very small operation. He likened it to a "craft" brewer.

The Board discussed and reviewed with the applicants Site Plan Regulations 145-27 and their request for a waiver of the site plan. The Board agreed they can move forward with a limited site plan, but reviewed in particular 145-27(E) and requested more detailed drawings so the public can view them, in particular, a more clarified floor plan, how the space will be utilized, driveways, adjacent roadways, abutters, parking/egress, hours of operation, odor control, exterior lighting and dark sky standards. Though the security plan is private between our Police Department, and the Police Chief has indicated he is in agreement with their plan, we have not heard back from our Fire Department as of yet and we do need that. Pesticides were discussed and they indicated there will be no pesticides used. The odor control plan that would be in effect was discussed at length as this is a main concern of the Board. The spec sheets for the "tents" to be used regarding the odor control will be submitted.

Further discussion included the existing septic, well, waste water, transportation and the waste plant material disposal and indicated to them to return with more details for the next meeting.

The applicant indicated that the entire operation is much regulated per State mandates.

The meeting was opened to the public.

Amy Butler – I am an abutter south of the site. My concern is with odor controls and what if those controls failed? The Board concurred that their Plan A is to have fans running 24/7 but what happens if those failed what would plan B be? M.Hofler asked the applicant to address this question in the lease that if odors were noticed that the Lessee has the right to request this addressed. The applicant also noted that odors cannot be created from the building and if their odor controls were not adequate the State would shut them down.

Gil DaCosta, - I have concerns of a managed road plan. If they were to expand how that would be addressed? The Applicant indicated that they must renew their license with the State every year. Before they let us get larger we have to show them that we are capable for that.

No additional questions.

The Board noted that Special permit criteria 145-69 (a, b and c) have been addressed and the Board is satisfied with their comments.

**MOTION: M. Hofler** to continue the public hearing on the Non-Medical Marijuana Establishment at 401 Mill Valley Road, Map 257, Lot 3, submitted by E and J Supply, LLC, 150 Lawndale Street, Chicopee, MA 01013 to August 27, 2019 at 7:05 pm. **SECOND: D. Beaudette** **No Discussion** **VOTE: 5-0-0**

The board asked the applicants if they could do a site visit. They agreed and will coordinate a time with D. Albertson. This will be a posted meeting.

They thanked the board and left the meeting at 8:56 pm

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**7:57 pm – J. Natle, Chair, reopened the continued 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 reopened.

**J. Natle** indicated to the applicant and representative that there are only 4 voting members this evening. As the new alternate member was not at the first meeting, this would require all 4 of the other members to vote affirmatively. They can choose to postpone this evening's meeting to when the full Board is present. The applicant indicated they would continue with this evening's meeting.

**Atty. Robert Schmidt**, representing the applicant, was present. He reviewed and updated the Board of the three main concerns from the previous meeting. Mainly the traffic, speed bump repairs and pedestrian walkways being shown and being marked and painted. He indicated updated traffic data has been submitted to the Board which shows no significant traffic change. The speed bump is being repaired by the landlord and the Landlord has also agreed to the pedestrian walkways being marked and painted.

The Board discussed the North side pedestrian walkways, bathroom facilities, how large crowds would be addressed, signs for exits at the southernmost exit for turning left and right along with entering the facility. Right now there will be arrows painted on the pavement. The Landlord would have to agree to additional directional signs. The yearly maintenance of painting is to be in the maintenance agreement.

The meeting was opened to the Public.

One person voiced his concern regarding the traffic issue along with school busses. He is hoping a police detail would help with this. J. Natle indicated that similar to when Country Bank had expanded there was a police detail utilized.

Gail Gramarossa – No. Main St – speaking on behalf of herself – her concerns are the traffic and also parking. If the front parking lot were filled would any overflow affect the other businesses in the strip mall, i.e., CVS? Also, if crosswalks were looked into for pedestrians walking from the lower business up to this new facility. Atty. Schmidt responded that they believe there is sufficient parking at their facility and they do not anticipate an overflow issue.

C. DaCosta, Old Enfield Road – I object to this location. I have concerns with Lord Jeffrey apartments so close by and bus stops near. Also, will there be additional signage indicating parking in the back? Atty. Schmidt responded that there will be additional signage put in place if need be.

No further comments from the public.

The Board discussed closing the public hearing. If they can make a decision this evening with the information they have received. D. Beaudette indicated he would like the police detail plan put in writing and submitted. The Board discussed having that documented with our Police Department reviewing and approving it. This will be a condition for approval along with a long term plan, for example, when colleges are opening and a timeline for the review, well before their planned fall opening.

**MOTION: M. Hofler** to close 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. **SECOND: J. Rosiensi** **No Discussion VOTE: 4-0-0**

**MOTION:** M. Hofler in accordance with 145-27, to approve the site plan for a Non-Medical Marijuana Establishment at 125 No. Main Street, Map 238, Lot 183, submitted by Kalyx, LLC., 281 State Street, Springfield, with the following conditions:

1. **The painted walkways and arrows designating entering and exiting the site shall be maintained by the applicant,**
2. **the speed bump near the Federal Street curb cut shall be maintained.**

**SECOND:** J. Rosiensi **Discussion – there is no change to the exterior view. VOTE:** 4-0-0 Passes with conditions noted.

**MOTION:** M. Hofler to grant the special permit for a Non-Medical Marijuana Establishment at 125 No. Main Street, Map 238, Lot 183, submitted by Kalyx, LLC., 281 State Street, Springfield as it has been found to be in compliance with 145-69 and is approved with the following conditions stipulated; i.e.,

1. **The applicant shall submit a written plan to be approved by the Belchertown Police Department outlining the times and durations of any police traffic and safety details necessary to provide efficient movement of Kalyx’s customers and not obstruct the general public. This will identify when the details will be in effect, (opening week and whenever else necessary), and the hours and scope of the details including how many officers, which the applicant will pay for.**
2. **There will be no portable toilets on site.**
3. **There will be a protocol regarding the use of toilets within the building for those waiting for entry.**

**SECOND:** J. Rosiensi **Discussion: Conditions as noted. VOTE:** 4-0-0

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

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**ANR –** The Belchertown Economic Development Industrial Corp., Map 243, Lots 178, 178.10, 178.11, 178.12, 178.13 and 178.14 submitted by Sherman & Frydryk, LLC, dated August 8, 2019, to reconfigure Map 243, Lots 178, 178.10, 178.11, 178.12, 178.13 and 178.14, creating two lots, for lot identification plan purposes, Lot B8 and Lot B9 (Assessors will assign lot numbers later), accompanied by a Form A application dated August 8, 2019. The Board reviewed and discussed the application. D.Albertson reviewed the map with the Board.

**MOTION:** M. Hofler to endorse the ANR for The Belchertown Economic Development Industrial Corp., Map 243, Lots 178, 178.10, 178.11, 178.12, 178.13 and 178.14 submitted by Sherman & Frydryk, LLC, dated August 8, 2019, to reconfigure Map 243, Lots 178, 178.10, 178.11, 178.12, 178.13 and 178.14, creating two lots B8 and B9. **SECOND:** J.Rosiensi **No Discussion. VOTE:** 4-0-0

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The ZBA has requested our recommendation regarding a variance request for Melissa Mercier, 18 Prescott Hill. This is for a side setback variance. This lot is in the OSCD – Village Residential- VR zone. The Board reviewed the application and discussed the reasoning's and the setbacks. The Board discussed the purpose of the original subdivision when built and purpose of an OSCD.

**MOTION:** M. Hofler our recommendation to the Zoning Board of Appeals is that the variance request of Melissa Mercier of 18 Prescott Hill, for a 10.8 foot setback for a garage not be approved. **SECOND:** J.Rosiensi **Discussion:** The reason for denial is this is not the purpose of the Zone and OSCD. The dimensional setbacks would not comply with the requirements of the subdivision. The setbacks are there for a reason. This was all discussed regarding the purpose and intent of a subdivision designated as an Open Space Community Development. **VOTE:** 4-0-0

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**Bills were endorsed.**  
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**Minutes of July 23, 2019. MOTION:** M. Hofler to approve the minutes of July 23, 2019 as written.  
**Second:** D.Beaudette **No Discussion VOTE:** 4-0-0 (A.Knittel is absent this evening).

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Town Planner Report:

- The solarize program is moving along. On September 26th we will have a "meet the installers" informational session for the public to learn more about this.
- We continue applying for grants regarding the Trail project.
- I have begun reviewing our subdivision regulations for updating. We will go through sections at a time. I hope to get quite a bit of input for our DPW. As Conservation is now mainly responsible for stormwater, we will take that out of the subdivision regulations, referring back to stormwater regulations.

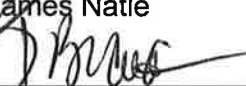
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Members Reports:


D. Beaudette – I went by Hayward's gravel pit on Allen Street. It appears he has moved things along a bit. D. Albertson reminded the Board there is a scheduled site visit to the site on August 29<sup>th</sup> at 4:00 pm


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**MOTION:** J. Natle to adjourn at 9:20 pm. **SECOND:** M.Hofler **VOTE:** 4-0-0

Meeting adjourned at 9:20 pm

  
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James Natle

  
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Daniel Beaudette

  
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Michael Hofler

  
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Justin Rosiensi

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Alice Knittel (absent)



OFFICE OF  
**PLANNING BOARD**

Town Of Belchertown

P.O. Box 964

Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday August 13, 2019

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

Celeste DeCosta	146 Old Enfield Rd
Melissa Desautels	37 Hamlet St.
Gil DeCosta	146 OLD ENFIELD RD.
Amy Butler	419 MILL VALLEY RD
BOB ANDREWS	419 MILL VALLEY RD
Jen Turner Selctman	364 Rockrimmon
Justin Nevins	401 Mill Valley
Erin Snell	401 Mill Valley
Jeff Ferryman, attorney	16 King St, Palmer MA
Robert Schmidt, attorney	281 State St, Springfield
Alexi Gallagher	39 Main Street / St Spfld MA
Gail Gramarossa	39 North Main Street

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