

Minutes – Tuesday – August 27, 2019

Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosiensi, Alice Knittel and Elizabeth Pols (alternate for special permits)
Staff: Doug Albertson, Town Planner and Lynn Sikes, Minutes



Audience Present: Justin Nevins, Emory Snell, Atty. Geoff Farrington, Amy Butler and Robert Andrews

7:00 pm – J. Natle, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There is a continued Public Hearing regarding a special permit for a non-medical marijuana establishment at 401 Mill Valley Road, for E & J Supply, LLC.

Bills were endorsed.

Minutes of August 13, 2019. MOTION: J.Rosienski to approve the minutes of August 13, 2019 as written. **Second:** D.Beaudette **No Discussion VOTE:** 4-0-1. (A.Knittel was absent)

A. Knittel indicated that though she was absent for the last meeting, she has reviewed the minutes of the meeting of August 13, 2019, so is up-to-date on the following application. She submitted a statement stating this. She is allowed to continue with this application.

J. Natle – Though we have all 5 members of our Board present, I will also have E. Pols, our alternate for special permits, who was appointed to hear this application at our last meeting, continue in that capacity. She will be able to act on this application if the public hearing continues and Ms. Knittel misses another session.

7:05 pm – J. Natle, Chair, reopened 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 reopened.

J. Natle asked the applicant to come forward and update the Board from the last meeting. Justin Nevins, co-owner, had a power point presentation. This was reviewed with the Board. Items discussed were the site, abutters, and the layout of the building, including pictures of the interior. Hours of operation, deliveries, method of growing, and pest control were also discussed. Odor control and the fans being used with their specification sheets were shown. Also discussed were waste disposal and unused plant material disposal. The plant material is to be shredded and composted, with the compost area to be located behind the building. The compost operation will be registered with DEP, and will be a secured, locked bin. Wastewater is to be held in a tank, which is anticipated to be located inside the building. This will be approved by DEP prior to its use. Energy demand and the lights being used were briefly discussed. Signage was discussed.

The Board discussed that they have not heard back from our Fire Department. They want to hear if they have any concerns and also want the manufacture specification sheets on the tent structures.

The meeting was opened to the public.

A. Butler, 419 Mill Valley Road – asked how the outside compost materials will be controlled. This will be in a locked bin and is designed as a composting pile. The Board indicated to the applicant they would like exact information on the size of this container, how it would be locked, etc. The applicant discussed how this is shredded material mixed with dirt and possibly materials from the fruit stand business. There are no “useable” materials that could be used. They will submit more definitive information.

R. Andrews, 419 Mill Valley Road – has concerns with noise. The applicant indicated that the fans they will be using will make less noise than the compressor’s currently being used by a different tenant. Mr. Andrews also asked if the public could do a site visit. Atty. Farrington indicated that could be arranged, but no pictures would be allowed.

No further questions from the public.

J. Natle – We would like you to come back in approximately 4-6 months and report on how things are going. If there are any issues with neighbors regarding odor, noise or composting, we would discuss that at that time. D. Beaudette also asked the applicant to consider additional security measures, i.e., signs, to keep the public out of their portion of the property. The applicant agreed to all. M. Hofler indicated we want to hear back from the Fire Department confirming they agree with the plans submitted. Also to make sure the 24 hour emergency contact phone number is listed on the signage. Please also submit to us exact information regarding the compost bin and the manufacturer specifications on the mylar tents. D. Albertson indicated he will speak with our Fire Chief. With these items addressed the Board is happy with the application.

MOTION: D. Beaudette to close 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. **SECOND: A. Knittel Discussion: the Board discussed the above conditions that would be necessary. These included the applicant submitting the spec sheets on the production tents along with the specifics on the compost bin. The applicant will also be required to return in 6 months for a review, though this would be a non-enforceable review. Any issues would be enforced with our Zoning Enforcement Officer. VOTE: 5-0-0**

MOTION: M. Hofler to grant the special permit for a 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 has been found to be in compliance with 145-69 and is granted with the following conditions: i.e.,

- 1. the signage includes the 24 emergency contact phone number and that we receive a written response from the Fire Department, specifically regarding egress and that they agree with the submitted plan**
- 2. confirm that the compost bin is 310CMR16 compliant**
- 3. that the applicant is amenable to a 6 month informal review from issuance of the Certificate of Occupancy**

4. The manufacture specifications on the production tents will be submitted within 2 weeks.

SECOND: A. Knittel Discussion: Conditions as noted. VOTE: 5-0-0

Atty. Geoff Farrington asked to clarify that the specifications are on the tent lights and carbon filters. The Board indicated yes on those.

The applicants thanked the board and left the meeting at 8:20 pm

Discussion Item – J. Natle, regarding the 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 had been closed at our August 13, 2019 meeting. At that time, there was no representative present at the meeting, no updates had been received and a continuance request had not been received. It had been decided at that meeting to delay our vote until the applicant had been notified of our action.

J. Natle - we have received a letter from Lumens Holdings 3, LLC, dated August 26, 2019, formally requesting that their application be withdrawn from consideration by our Board **without prejudice** to their rights to resubmit an alternative application at a later date. The Board discussed the request and that any new application will be reviewed under all new regulations.

MOTION: J. Natle to accept the written withdrawal request by Lumens Holdings 3, LLC, to withdraw their application for a Commercial solar photovoltaic installation at 0 No. Washington Street, Map 256, Lot 27, without prejudice. **SECOND:** M. Hofler No Discussion **VOTE: 5-0-0**

ANR: – John Sikoski, 461 Warren Wright Road, Map 216, Lot 8, submitted by Northeast Survey Consultants, dated July 24, 2019, to reconfigure Map 216, Lots 7 and 8, by combining a portion of lot 8, designated as Parcel A, a nonbuildable lot, to become an integral part of Lot 7 (Assessors will assign lot numbers later), accompanied by a Form A application dated August 14, 2019. The Board reviewed and discussed the application.

MOTION: D.Beaudette to endorse the ANR for John Sikoski, 461 Warren Wright Road, Map 216, Lot 8, submitted by Northeast Survey Consultants, dated July 24, 2019, to reconfigure Map 216, Lots 7 and 8, by combining a portion of lot 8, designated as Parcel A, a nonbuildable lot, to become an integral part of Lot 7 . **SECOND:** J. Rosiensi **VOTE: 5-0-0**

Town Planner Report:

- ZPT Energy Solutions re: 260 Ware Road are appealing our decision.
- Reminder we will do a site visit on Thurs. 8/29 at 4:00 pm to Allen Street for J. Hayward.
- We continue to apply for grants on the Lake Wallace trail. I am meeting with Erica and the engineer on Thursday to discuss the permitting for it.
- I continue going through and reviewing the subdivision regulations. When I have a good summary put together I will get it to you.
- We received 9 vendor bid proposals on the Solarize program proposals. We chose 3 to interview which we will be doing on September 6th. Those are PV Squared, Northeast Solar and SunBug Solar.
- The PVPC search committee process for the new executive director has been completed. The new Director will start October 7th.
- The Citizen Planner Training Collaborative session will be held in October. I will get anything from that to you. It is usually something very informative.

- The Mass. Executive Office of Environmental Affairs has begun the *Resilient Lands Initiative* about land conservation to reduce our vulnerability to climate change. I'll be part of that for the next year.
- The State solar policy/DOER SMART program is under review. There are a number of meetings being held. There is one on September 5th at UMass. E. Pols indicated she may attend it.

Members Reports:

- E. Pols – asked the Board on how to approach questions with applicants during their presentations before the Board. The board discussed questioning applicants.
- D. Beaudette – The variance request which the ZBA asked for our recommendation for at 11 Newton Street. We recommended not to approve. The ZBA at its recent meeting denied it. Though they tried to negotiate with the applicant, he wanted the request as submitted. The applicant said no to any changes so they voted it down.
- D. Beaudette handed out an analysis of a recent SJC decision on non-conforming structures.

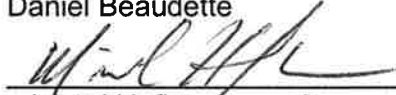
MOTION: A. Knittel to adjourn at 8:57 pm. **SECOND:** J. Rosiensi VOTE: 5-0-0
Meeting adjourned at 8:57 pm



James Natle



Daniel Beaudette



Michael Hofler



Justin Rosiensi



Alice Knittel



OFFICE OF
PLANNING BOARD

Town Of Belchertown

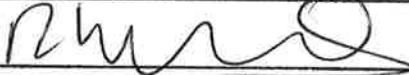
P.O. Box 964

Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday August 27, 2019

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

Emory Snell	401 Mill Valley
Justin Newins	401 Mill Valley
	419 MILL VALLEY RD
AMY BUTLER	'1

(Robert
Andrews)

Atty Geoff Farington - Rep for Lt Supply