



Action taken at the Annual Town Meeting held May 9, 2011 at the Belchertown High School Veterans' Auditorium

FY12

Moderator – Terry Scott Nagel

Meeting called to order 7:35 PM

Registered voters present – 267 (Quorum requires 75)

The Clerk read the Warrant

Raymond J. Janke, III, Veterans' Agent, led the group in the Pledge of Allegiance and the

National Anthem was performed by Members of the Belchertown High School Band

Selectman George D. Archible presented the Volunteer of the Year Award to the Band Boosters organization. Linda Tsoumas accepted the award on behalf of the Band Boosters.

Selectman James A. Barry presented the Employee of the Year Award to Donna M. Lusignan.

Selectman Kenneth E. Elstein presented the Citizen of the Year Award to Robert J. Rizzo.

Selectman William R. Barnett presented the William "Gerry" Whitlock Award to Terry Scott Nagel.

**Article 1** Voted to elect Paul Anziano and Ellen Lachance as Almoners of the Whiting Street and Mrs. Susan M.D. Bridgman Funds, each for one year.

(Vote Unanimous Yes)

A Trustee of the Calvin Bridgeman Fund for three years was needed. No motion was made from the floor. This position remains vacant.

**Article 2** Voted to accept the reports of the officers of the Town with the exception of the Finance Committee.

(Vote – Unanimous Yes)

**Article 3** Voted to authorize the Assessors and the Board of Health members to appoint themselves to work in their various departments for the ensuing fiscal year, at hourly rates not exceeding the following:

➤ Assessors \$9.29

➤ Board of Health Members \$6.36

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 4** Voted to raise and appropriate the sum of \$100.00 to be used by the Assessors for legal counsel in resolving court tax cases. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 5** Voted to raise and appropriate the sum of \$30,000.00 to the Reserve Fund for use by the Finance Committee. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 6** Voted to authorize the Board of Selectmen to apply for and accept funds from the Commonwealth of Massachusetts Highway Improvement Program for use on approved town ways. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 7** Voted to appropriate from the Sale of Cemetery Lots Account the sum of \$2,500.00 to the Cemetery Lot Development Account. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 8** Voted to authorize the Board of Selectmen to apply for Massachusetts Small Cities Program or other Federal or State monies and to expend any monies received as set forth in the application following a public hearing. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

**Article 9** Voted to fix the salaries and compensation of all elected officers of the Town, as provided for by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended; to raise and appropriate or appropriate from available funds in the treasury for departmental and incidental expenses of the Town for the ensuing fiscal year; and that the various major categories of the budget as contained in the Finance Committee's report be considered separately and acted upon; and further that these sums of money granted and appropriated for the several specific purposes therein designated, be expended only for those purposes as specifically designated and under the direction of the respective officers, boards and committees of the Town. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$1,614,694.00 and appropriate from the Wetlands Hearing Fees Account the sum of \$7,000.00 to the Conservation Commission Salary Account, for a total appropriation of \$1,621,694.00 for General Government, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$30,000.00 for General Government – Lakes Committee for the purpose of vegetation control treatment for all or portions of Lake Arcadia and Lake Metacomet. (Endorsed by Finance Committee 3-2-0 Yes)  
(Vote – Majority Yes)

Voted to raise and appropriate the sum of \$2,696,989.00 and appropriate the sum of \$420,000.00 from the Ambulance Receipts Reserved for Appropriation Account, for a total appropriation of \$3,116,989.00 for Public Safety, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$24,600,898.00, and appropriate from free cash in the Treasury the sum of \$273,000.00, for a total appropriation of \$24,873,898.00 for the Town School Department with each item and amount recommended as shown in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$935,891.00 for the Pathfinder Regional Vocational Technical High School District, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$1,453,490.00 for the DPW-Highways, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to appropriate from Landfill receipts the sum of \$272,000.00 and appropriate from Landfill Enterprise free cash in the treasury the sum of \$28,623.00 for a total appropriation of \$300,623.00 to the Landfill Enterprise Fund, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$216,356.00, and appropriate from Sewer Enterprise free cash in the treasury the sum of \$77,447.00 and appropriate from Sewer receipts the sum of \$1,353,000.00 for a total appropriation of \$1,646,803.00 to the Sewer Enterprise Fund, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$726,478.00 for the Human Services Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$711,799.00 for Culture and Recreation Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$746,383.00 for DPW Buildings and Grounds Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$3,036,659.00, and appropriate from the Stabilization Fund the sum of \$252,000.00, for a total appropriation of \$3,288,659.00 to the Pensions and Insurance Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – 2/3 required – Unanimous Yes)

Voted to raise and appropriate the sum of \$59,673.00 to the Unclassified Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$3,369,410.00 for the Interest and Debt Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$7,500.00 for Hampshire Council of Governments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote Unanimous Yes)

**Article 10** Voted to authorize the use of the following revolving funds pursuant to Massachusetts General Laws, as amended, Chapter 44, Section 53 E ½, for the fiscal year beginning July 1, 2011 to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits, respectively:

Fund	Revenue Source	Authority to Spend Funds	Use of Funds	Spending Limit	Restrictions/ Comments
Senior Center Transportation Program	Receipts from said Transportation Program	Director of the Senior Center	Operation of Senior Center Transportation Program	\$10,000	None
Council on Aging Programs	Receipts from said Programs	Council on Aging	Operation of Council on Aging Programs	\$10,000	None
Firefighters' Protective Clothing & Equipment Purchase	Receipts from Open Air Burning Permit Fees	Fire Chief	Firefighters' Protective Clothing & Equipment Purchase & Maintenance	\$10,000	None
Town Beach Concession	Receipts from said Concession	Recreation Commission	Operating Town Beach Concession	\$15,000	None
Operating Town Beach	Receipts from Daily & Seasonal Entrance Fees	Recreation Commission	Operating Town Beach	\$50,000	None
Operating Teen Center	Receipts from said Teen programs	Recreation Commission	Operating Teen Center	\$25,000	None
Pool Programs	Receipts from said Programs	Recreation Commission	Pool Programs	\$130,000	None
Witnessing and Documenting Percolation Tests	Receipts from said Witnessing and Documenting tests	Board of Health	Witnessing & Documenting Percolation Tests	\$15,000	None
Police Department Technology Fund	Receipts from Firearms License & FID Card Fees	Police Chief or his designee	Police Department Technology, Firearms Licensing & FID Card Fees	\$15,000	None
Transportation of pupils in Grades 7-12	Receipts from said Transportation	School Committee	Transportation of pupils in Grades 7-12	\$150,000	None

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 11** Voted to amend the Code of the Town of Belchertown, Chapter 91, Personnel, as previously amended, in the following prescribed manner:

In 91 Attachment 1, Appendix A, Town Classification-Compensation Plan, make the following changes:

In Management, Administrative or Professional Exempt

In 91 Attachment 1, Appendix A, Town Classification-Compensation Plan, make the following changes:

➤ **Remove** Management, Administrative or Professional Exempt in its entirety and **Replace** with the following:

Director of Public Works	\$62,915 - \$75,496
Fire Chief	\$62,915 - \$75,496
Director of Emergency Medical Services	\$62,915 - \$75,496
Director of Computing	\$59,861 - \$75,496
Library Director	\$56,624 - \$69,205
Town Planner	\$56,624 - \$69,205
Police Lieutenant	\$55,772 - \$69,712
Conservation Administrator	\$50,330 - \$62,915
Town Treasurer-Collector	\$50,330 - \$62,915
Town Accountant	\$50,330 - \$62,915
Building Inspector	\$50,330 - \$62,915
Director of Assessments	\$50,330 - \$62,915
Senior Center Director	\$44,042 - \$56,624
Recreation Director	\$44,042 - \$56,624
Veterans' Agent	\$31,389 - \$42,452

In Classified Nonexempt Employees

**ADD** the following title and grade:

- Director of Emergency Medical Services: Grade 10

In 91 Attachment 1, Appendix B – Weekly Salary Schedule for Classified Employees:

**REMOVE** compensation chart and **REPLACE** with the following chart:

Effective July 1, 2011

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	9.07	9.44	9.81	10.21	10.62	11.06	11.47	11.93	12.43	12.93
2	10.89	11.33	11.80	12.25	12.73	13.25	13.78	14.31	14.94	15.49
3	11.98	12.47	12.96	13.47	14.01	14.60	15.17	15.78	16.40	17.05
4	13.15	13.71	14.24	14.81	15.41	16.03	16.69	17.35	18.04	18.76
5	14.50	15.08	15.67	16.32	16.97	17.61	18.36	19.07	19.83	20.64
6	15.95	16.56	17.26	17.93	18.63	19.41	20.18	20.99	21.83	22.70
7	17.54	18.24	18.98	19.73	20.52	21.33	22.19	23.09	24.01	24.95
8	18.42	19.14	19.92	20.72	21.54	22.40	23.31	24.24	25.21	26.21
9	19.33	20.12	20.90	21.77	22.60	23.52	24.46	25.46	26.47	27.54
10	20.29	21.14	21.96	22.86	23.75	24.69	25.67	26.71	27.76	28.90

(Vote – Unanimous Yes)

**Article 12** Voted to accept the following named way within the Town of Belchertown as a public way: “Rivers Edge Subdivision” – Clover Hill Road as shown on the “Street Acceptance Plan” and “As-Built Condition Plan”, provided by Mark G. Jackson, Neil M. Jackson & William R. Peeso (owners), surveyed by Sherman & Frydryk, Land Surveyors and Engineers, final plan dated January 4, 2011 and recorded with the Hampshire County Registry of Deeds in Northampton, Book 224, Page 109, and to authorize the Board of Selectmen to accept the necessary easements in the subject way all related drainage easements. (Endorsed by Planning Board 4-0-0 Yes)

(Vote – Unanimous Yes)

**Article 13** Voted to authorize the Board of Selectmen to enter into an Energy Savings Performance Contract with Siemens Industry, Inc. or others, for a period of up to twenty (20) years, for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures, utility rebates and grants. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 14** Voted to authorize the Board of Selectmen to enter into a financing agreement, for a term of more than three years, and a related escrow account agreement, in an amount not to exceed \$3,312,000.00, for the purpose of funding energy management services for Town-owned buildings under the Energy Savings Performance Contract. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 15** Voted to appropriate the sum of \$3,312,000.00 for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures, utility rebates and grants, for a period of up to a twenty (20) years under an Energy Savings Performance Contract and to meet this appropriation, the treasurer with the approval of the Board of Selectmen is authorized to borrow, in accordance with M.G.L. c.44, s.7 (3B) or any other enabling authority and to issue bonds or notes of the Town therefor; and further that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for, accept and expend such funds; and to authorize the Town to assess one hundred percent of the project costs to the line-items under which savings will be realized hereunder. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 16** Voted to amend the Zoning Bylaw, as previously amended, concerning site plan approval by deleting in its entirety Article VII, §145-27, Site plan approval and §145-28, Site plan review, by substituting therefore the proposed new §145-27, Site plan approval and reserving §145-28 for future use, and to amend Article III, §145-11, Schedule of Use Regulations, by changing all uses noted as “PR” to “PA” for consistency, as on file with the Town Clerk and Planning Board (and as printed below):

**§ 145-27. Site plan approval.**

- A. Purpose. The purpose of site plan approval is to ensure that the design and layout of new developments comply with the purpose and intent of this chapter, result in attractive and viable growth, and are not detrimental to the neighborhood, environment or community.
- B. Project requiring site plan approval.
- (1) No special permit or building permit shall be issued for any of the following uses unless a site plan has been endorsed by the Planning Board in accord with Subsection D(3)(a), after consultation with other boards, including but not limited to the following: Board of Selectmen, Board of Health, Conservation Commission, Department of Public Works, Town Consulting Engineer, Belchertown Water District (if applicable), other water or sewer districts (if applicable), Historical Commission, Fire Department and Police Department:
    - (a) New construction or exterior additions to a commercial structure;
    - (b) New construction or exterior additions to an industrial structure;
    - (c) New construction or exterior additions to a multiple-dwelling structure in a Multiple-Dwelling Residential District (MDR);
    - (d) Construction or expansion of a parking lot for a municipal, institutional, commercial, business, industrial or multi-family structure or use; or
    - (e) Any other use specified in § 145-11, Schedule of Use Regulations, which indicates that site plan approval is required.
  - (2) The Planning Board may waive any of the procedures in section D or site plan contents in section E as long as such action is in the public interest and not inconsistent with the purpose and intent of this chapter.
- C. Exemptions from site plan approval. Site plan approval shall not be required for:
- (1) The construction or enlargement of any single-family or two-family dwelling or building accessory to such dwelling;
  - (2) The construction or alteration of any building used exclusively for agriculture, horticulture or floriculture;
  - (3) Construction or alteration providing for not more than 200 square foot total floor area after construction;
  - (4) Customary home occupations as described in § 145-25 of this chapter.
- D. Procedures for site plan approval.
- (1) A review fee shall be charged for each site plan approval application in order to cover expenses connected with processing, review and any public meeting costs associated with the review of the site plan. The fee charged shall be noted on a schedule of planning board fees available in the planning office and the town clerk’s office. The fee shall be sufficient to cover the costs of advertisement and mailings and outside professional consultants, including but not limited to engineering, planning, architectural and/or legal consultants, for each application proposing construction or alteration, or for each modification or alteration of an approved site plan. The full cost of any town engineering or planning consultant services shall be paid by the applicant before any site plan approval becomes effective.
  - (2) Each application for site plan approval shall contain the current owner of record's signed permission and shall be accompanied by 10 copies of the site plan, 12 copies if review by a Water District is necessary. Failure of boards and officials to make recommendations to the Planning Board within 14 days of the application filing date shall be deemed to be a lack

of opposition. Any board or official may waive the fourteen-day period by so indicating on the application.

(3) Period of review.

- (a) All applications for site plan approval shall be reviewed and acted upon by the Planning Board. For site plan approval applications that coincide with a special permit to be decided by the Planning Board, the schedule and requirements of the special permit determination shall apply. A separate public hearing for a simultaneous site plan approval application is not required. When another board is the special permit granting authority, the Planning Board shall not require an additional separate public hearing. For site plan applications that do not require a special permit, the Planning Board shall, within 35 days of the application filing date, take final action in accordance with Subsection G or make a determination pursuant to Subsection D(3)(b) that a public hearing is necessary. If a public hearing is determined to be necessary, the schedule and requirements of a special permit shall apply.
- (b) The Planning Board may determine that a public hearing for a site plan is necessary when the proposed use or uses would:
  - [1] Affect traffic circulation adversely.
  - [2] Affect environmental resources, such as surface or ground waters.
  - [3] Result in extensive earth removal and change of grades.
  - [4] Affect significantly the capacity of public infrastructure, such as sewer or water service provision.

E. Required site plan contents.

- (1) All site plans shall be prepared by an architect, landscape architect or professional engineer licensed in Massachusetts on standard twenty-four-inch by thirty-six-inch sheets, unless these requirements are waived by the Planning Board. Site plans shall be prepared at a sufficient scale to show:
  - (a) The location and boundaries of the lot, adjacent streets and ways and the location and owners' names of all adjacent properties.
  - (b) Existing and proposed topography, including contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural features.
  - (c) Existing and proposed structures, including dimensions and elevations.
  - (d) The location of parking and loading areas, driveways, walkways and access and egress points.
  - (e) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities and other waste disposal and storage methods.
  - (f) Existing and proposed stormwater runoff calculations and control plan.
  - (g) Proposed landscape features, including the location and description of screening, fencing and plantings.
  - (h) The location, dimensions, height and characteristics of proposed signs.
  - (i) The location and a description of proposed open or recreation areas.
- (2) The plan shall describe estimated daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site. A detailed traffic generation statement is required for uses that would add 40 or more peak hour trips.
- (3) A plan for the control of erosion, dust, and silt, both during and after construction sequencing, temporary and permanent erosion control, and protection of water bodies.
- (4) The Planning Board may require additional information to adequately evaluate the proposed site plan.

F. Site plan approval criteria guidelines.

- (1) The following guidelines shall be used as criteria by the aforementioned boards and officials noted in Subsection B(1) in the review and evaluation of a site plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located:

- (a) If the proposal requires a special permit, it must conform to the special permit requirements as listed in §145-69 of this chapter.
- (b) The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible:
  - [1] Minimize use of wetlands, steep slopes, floodplains and hilltops;
  - [2] Minimize obstruction of scenic views from publicly accessible locations;
  - [3] Preserve unique natural or historic features;
  - [4] Minimize tree, vegetation and soil removal and grade changes;
  - [5] Maximize open space retention; and
  - [6] Screen objectionable features, such as lighting, utility structures, outdoor storage or other such features, from neighboring properties and roadways.
- (c) The development shall be served with adequate water supply and waste disposal systems. "Adequate" means the development shall not place an excessive demand on public infrastructure and resources.
- (d) The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways.
- (e) The site plan shall show adequate measures to prevent pollution of surface or ground water, to minimize erosion and sedimentation and to prevent changes in groundwater levels, increased runoff and potential for flooding. Drainage shall be designed so that runoff shall not be increased, groundwater recharge is maximized and neighboring properties will not be adversely affected.
- (f) Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back or screened to protect the neighbors from these objectionable features.
- (g) In all cases, setback and dimensions as described in Article V of the zoning bylaw must be honored and can not be waived. The site plan shall comply with all zoning requirements for parking, loading and environmental performance standards and all provisions of this chapter. However, strict compliance with any zoning bylaw governing any individual aspect of a site plan, other than setbacks and dimensions, may be waived by the Planning Board where such action is in not detrimental to the public good. In such cases, any waiver on a site plan with approval from the Planning Board supersedes the individual bylaw governing the waiver. If the applicant requests a waiver, it is incumbent upon the applicant to demonstrate the viability of the proposed waiver. The Planning Board reserves the right to request a waiver when the board deems it appropriate, even if the applicant does not request a waiver.
- (2) Before approval of a site plan, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.

G. Final action.

- (1) The Planning Board's final action shall consist of either:
  - (a) A determination that the proposed project meets the criteria of Subsection F for site plan approval, stating the specific manner and criteria in which the proposed project conforms to this chapter;
  - (b) A written denial of the application stating the reasons by which the submitted application and site plan are incomplete for sufficient review by the Planning Board and/or its agents; or
  - (c) Approval subject to any conditions, modifications and restrictions as the Planning Board may deem necessary.
- (2) The Planning Board's decision shall be sent by certified mail to the applicant and shall be filed with the Town Clerk within seven days of the date of the final determination by the Planning Board pertaining to any such plan approval. A copy shall also be sent to the Building Inspector/Zoning Enforcement Officer.



H. Enforcement.

- (1) **Security for Incomplete Work** The Planning Board may require the posting of a performance guaranty, in the form of a deposit of money made out to the Town of Belchertown or a bond, in an amount determined by the Planning Board to be sufficient to cover the costs of all or any part of the improvements required per the approved site plan and outstanding conditions affecting public facilities, such as roads or drainage, or public health, safety or general welfare. The Planning Board, through the action of the Zoning Enforcement Officer, may suspend any license or permit when work is not performed as required. The security or guaranty is to ensure that the incomplete work is completed within a reasonable time. The Planning Board shall establish a deadline for completion of not more than one year from the posting of the security. This allowance is subject to the review by the Planning Board by a site inspection to ensure the safety and health for those who occupy the structure and use the site. If the Planning Board requires a performance guaranty, the guaranty must be posted before the site plan may be approved.

Each site plan must include a total construction estimate with an inflation factor added to it. Security is to be provided to cover all work involving public property, all drainage and storm water structures, and additional amounts to cover any health and safety hazards resulting from incomplete work on the site.

The Planning Board must sign a certificate of completion for any security or guaranty to be released.

- (2) **Certificate of Occupancy** No occupancy permit shall be issued for any building or structure, or portion thereof, until the Building Inspector receives certification from a registered architect, landscape architect, engineer or land surveyor, that all construction (including utilities) has been done in accordance with the approved site plan (not required for site plans for structures less than 5,000 sq. ft.). The Building Inspector may issue a conditional certificate of occupancy to allow a tenant to operate before full site completion, but this is issued at the tenant's and property owner's risk of rescission in the event that the site work is incomplete by the required date. The Building Inspector and Planning Board shall require a performance guaranty to cover any unfinished site items shown on the approved site plan during the conditional occupancy.

I. Modification of an approved site plan.

- (1) In the event that the applicant desires to alter, modify or correct an approved site plan, the applicant shall provide the Planning Board with:
  - (a) A written statement, signed by the applicant and property owner, requesting such changes;
  - (b) Seven prints of the original approved site plan with the changes drawn on said plan in red; and
  - (c) Other documentation deemed necessary by the Board for its review of the proposed modification.
- (2) Minor amendments to an approved site plan may be granted by the Planning Board, upon application and for good cause shown, and shall be acted upon under the procedures applicable to initial approval of a site plan. The Board may require a public hearing in accordance with the provisions of Subsection D(3) if it considers the proposed modification to be potentially detrimental to the neighborhood, community or environment.
- (3) The Planning Board shall file its decision on the alteration, modification or corrections to an approved site plan with the Town Clerk and send a copy by certified mail to the applicant. The Planning Board shall notify the Building Inspector/Zoning Enforcement Officer of its site plan amendment decision.

J. Appeals and expiration.

- (1) Decisions on site plan applications reviewed by the Planning Board may be appealed to the Zoning Board of Appeals in accordance with § 145-68A of

this chapter and with MGL c. 40A, §§ 8 and 15. Decisions on site plans reviewed by a special permit granting authority as part of a special permit application may be appealed to the appropriate Massachusetts trial court in accordance with MGL c. 40A, § 17.

- (2) Site plan approval issued under this section shall expire within two years if a substantial use thereof is not commenced, except for good cause.

(Endorsed by Planning Board 5-0-0 Yes)

(Vote – 2/3/ required - Unanimous Yes)

- Article 17** Voted to amend the Town of Belchertown Zoning By-Law – Zoning Map, as previously amended, by modifying the zoning of property owned by Qianlong US Boston, LLC, for 336 Chauncey Walker Street, Map 262, portions of Lots 19, 19.01, and 26, specifically, part of Lot 19 from present zones Ag-A (Primary Agriculture) to MDR (Multiple Dwelling Residential), part of Lot 19.01 from MDR (Multiple Dwelling Residential) to Ag-A (Primary Agriculture), and part of Lot 26 from AG-A (Primary Agriculture) to MDR (Multiple Dwelling Residential), as identified on “Plan of land in Belchertown, Mass., Prepared for Qianlong USBoston, LLC, Zone Line Revision, (project number 09097A), date 4/29/11, by Sherman & Frydryk, Land Surveying & Engineering, 3 Converse Street, Palmer, Mass., 01069. (Endorsed by Planning Board 4-0-0 Yes)  
(Vote – 2/3/ required – Unanimous Yes)

- Article 18** *Voted not amend* to amend Section 145-5 of the Zoning Bylaw, Zoning Map, as previously amended, by changing the parcels identified on the Town Assessors’ maps as Map 109 Lot 45, Map 109 Lot 45.04, and Map 110 Lot 29, also known as 10 and 18 Depot Street, as petitioned by Kevin Bowler, from VR, Village Residential, to B1, Limited Business. (Planning Board vote 2-2-0)

Before vote, Kevin Bowler spoke of his intentions with the former church and rectory.

(Vote – 2/3/ required – Majority No – *Did Not Pass*)

- Article 19** Voted to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$11,978.00 for the administrative expenses of the Committee in FY 2012; and that the Town reserve for future appropriation from the Community Preservation Fund estimated annual revenues the amounts recommended by the Community Preservation Committee, with each item to be considered a separate reserve:

- \$23,956.00 from FY 2012 Community Preservation Fund revenues for Open Space.
- \$23,956.00 from FY 2012 Community Preservation Fund revenues for Historic Resources.
- \$23,956.00 from FY 2012 Community Preservation Fund revenues for Community Housing.

And further to appropriate and transfer \$53,000.00 from the Community Preservation Fund Historic Preservation Reserve to pay the debt service on the bonds issued under Article 26 of the May 10, 2010 Annual Town Meeting.

(Vote – Majority Yes)

- Article 20** Voted to appropriate and transfer \$60,000.00 from the Community Preservation Fund estimated annual revenues for the purpose of acquiring and/or creating recreational land, including the construction of Jessica’s Boundless Playground, with such funds to be expended under the direction of the School Department of the Town of Belchertown. (Endorsed by Community Preservation Committee 6-0-0 Yes)

Before the vote a discussion took place to incorporate elements in the playground that will include disabled children.

(Vote – Unanimous Yes)

**Article 21** Voted to appropriate and transfer the sum of \$4,600.00 from the Community Preservation Fund Historic Preservation Reserve for Grave Stone preservation and restoration at the historic South Cemetery, with such funds to be expended under the direction of the Veterans Graves Officer of the Town of Belchertown. (Endorsed by Community Preservation Committee 6-0-0 Yes)  
(Vote – Unanimous Yes)

**Article 22** Voted to appropriate and transfer the sum of \$10,000.00 from the Community Preservation Fund Historic Preservation Reserve and \$10,000.00 from the Community Preservation Fund estimated annual revenues, for a total appropriation and transfer of \$20,000.00, for the purpose of preserving the historic Clapp Memorial Library, pursuant to a grant agreement with the Clapp Memorial Library Trustees; and, further, authorize the Board of Selectmen, in consultation with the Historic District Commission and the Community Preservation Committee, to enter into said grant agreement, which agreement shall set forth the terms and conditions under which such funds may be expended. (Endorsed by Community Preservation Committee 6-0-0 Yes)  
(Vote – Unanimous Yes)

**Article 23** Voted to appropriate and transfer the sum of \$4,800.00 from the Community Preservation Fund estimated annual revenues for the rehabilitation and restoration of Lake Wallace and Foley field, including, without limitation, for the purpose of making infrastructure improvements by purchasing and installing ADA Picnic Tables at Lake Wallace and Foley Field, with such funds to be expended under the direction of the School Department of the Town of Belchertown. (Endorsed by Community Preservation Committee 6-0-0 Yes)  
(Vote – Unanimous Yes)

**Article 24** Voted to Take No Action on accepting Massachusetts General Laws Chapter 48, Section 58E, which by acceptance will allow applicants for positions in and members of the regular Fire Department, to reside outside of the Town's limits, provided they reside within the Commonwealth and within ten miles of the limits of the Town.

A Motion was made to take no action on Article 24.  
(Vote – Take No Action – Unanimous Yes)

**Article 25** Voted to Take No Action on accepting Massachusetts General Laws Chapter 48, Section 59A, specific to mutual aid resources.

A motion was made to Take No Action on Article 25.  
(Vote – Take No Action – Unanimous Yes)

Meeting Adjourned 9:29PM.

Attest:

Town Clerk