

Belchertown Planning Board  
Minutes – Tuesday – October 10, 2017



Members present: James Natle, Daniel Beaudette, Sierra Pelletier and Eric Wojtowicz, (alternate for special permits)  
Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes  
Absent: Michael Hofler  
Present: Richard Barry, Mark Spiro, Sofia Bitzas Williams representing R.Levesque Associates, Sanjay Patel and Vrajeshkumar Patel, Owners Sunoco Food Mart

**7:00 pm** – M. Hofler is absent this evening so Dan Beaudette, Clerk, opened the meeting welcomed everyone and read the agenda into the record. The Board will go into Executive Session per M.G.L., c. 30A, Section 21, Subsection 3 and not reconvene to a regular session following that meeting.

**7:01 pm –Woodland Lane, Definitive Subdivision plan by owner/applicant Bell Property Corp.**, located off Bardwell Street, Map 168, Lots 24.06, 25 and 22. Sofia Bitzas Williams, representative from R.Levesque Associates and representing Andrey Korchevskiy, presented the final mylar plans for recording and the covenant agreement which covers all lots except for Lot E. The easements to record against the lots were not ready as of meeting time, but will be ready tomorrow and D. Albertson will review them. The Board requested that the Mylars, Covenants and Easements all be recorded at the same time. Easements must be recorded prior to the release of any lot from covenant or the release of any performance guarantee. The Board will sign the mylars and covenant agreement tonight as there are no revisions. The map was reviewed for a final time. There were no questions on the final design. S. Bitzas Williams will get the final documents to us and we can decide what else needs to be done.

**MOTION:** J. Natle to accept the Form F5 – Covenant Agreement, specific lots to be held: Lot C, Lot D, Lot F through Lot W. **SECOND;** S. Pelletier No Discussion. **VOTE:** 3-0-0

S. Bitzas-Williams thanked the board and left the meeting.

-----  
**7:16 pm Federal OP, LLC, c/o Mr. Sanjay Patel and Vrajeshkumar Patel, 122 Federal Street**, has applied for site plan approval to expand the existing convenience store and gas station. Mr. S. Patel updated the Board from his previous appointment. The Board indicated to Mr. Patel we have not received the final Tighe & Bond review so we would not be able to finalize anything tonight. Mr. Patel addressed and updated the board. He brought in a new set of plans and reviewed the new drainage, how delivery and gasoline trucks would enter the lot, parking, ADA parking, access, landscaping and signage were discussed. The canopy will not change. He asked if the Board had any other concerns. The Board asked if the Mass. DoT agree with the existing curb cut design. Mr. Patel said he could change the curb cut, but he feels it would make turning more difficult instead of better. The Board briefly discussed fuel storage and the delivery of the gasoline. They also asked for an update on the status of the gasoline leak which upon approval of this site plan the owners will address. Mr. Patel indicated without approval of this site plan they may rethink continuing the business. Lighting was discussed along with the dumpster placement. Traffic was discussed and the Board requested Mr. Patel review the site plan bylaw Section 145-27 E (2) for exact informational requirements as nothing formal has been submitted. The Patels will submit a full description of traffic as it is now and estimate the changes with

the increased site plan. The daily flows and peak flow time needs to be done. The Board will review this and determine if a full traffic study needs to be done at that time.

Any Conservation Commission comments would also need to be addressed. The Patels will return October 24, 2017 at 7:15 pm to update the Board and when Tighe & Bond comments are received they will be forwarded to the Patels. They thanked the Board for their time and left the meeting.

-----  
**7:45 pm Richard Barry** came before the Board to discuss Munsell Street. D. Beaudette introduced Mr. Barry to the new members of the Board. He came in to discuss land on Munsell Street after a recent Hampshire Superior Court decision. D. Beaudette informed Mr. Barry that the town has filed a notice of appeal of the decision and thus it is inappropriate to discuss this. The appeal was filed today by town counsel. Mr. Barry is asking why we are appealing. The Board indicated to Mr. Barry that we will not be discussing this while litigation is going on. He indicated to the Board that he realized this litigation could take 2 or more years for a decision. It does not leave him a lot of room to build on this land and added he will probably do a 40B on that land in the interim. The board had no comment that could compromise the town's place. They indicated to Mr. Barry to contact Town's attorney if he wanted to negotiate. There is no reason he can't talk to them.

Mr. Barry thanked the Board for their time and left the meeting at 7:53 pm.

-----  
**Minutes of September 26, 2017. Motion:** J. Nattle to accept the minutes of September 26, 2017 as written. **Second:** S. Pelletier No Discussion **Vote** 3-0-0

-----  
Bills were endorsed.

-----  
Members Reports: D. Beaudette - we received an invitation from Lt. Governor Karyn Polito's office regarding the 2017 MassWorks Infrastructure Program Grant which will be held on Thursday, October 12 at 11:00 am at 70 State Street.

D. Beaudette asked the Board if there is any update on the Belchertown Day School's plan to build on the State school property. D. Albertson indicated he was to meet with architects but has not yet due to a couple issues. He believes they have requested an extension on their grant. The Board discussed the taxable status of the day care center and also jobs vs. paying property taxes. This will ultimately be up to EDIC. Profit vs nonprofit were discussed.

- J. Nattle – The Pet Valu store. The construction of this building is moving along. We had asked them to come back in on traffic, etc., and they have not. The Board asked D. Albertson to reach out to Peter LaPointe. We will also ask the Building Inspector to come before the Board to update us and to hear our concerns. D. Albertson will ask him to come to our next meeting to discuss this.

The Board discussed the appointment of a new Board Member. Mark Spiro sent in a letter of interest. He is in attendance and also attended our last meeting. This is a joint appointment between the Board of Selectmen and Planning Board. The Board of Selectmen is also meeting tonight. The Board asked Mark if he had any questions. He briefly asked if Board members are indemnified regarding law suits. The Board discussed insurance and the performance of official duties of the Board. He asked if there are limits but the Board did not know that.

**MOTION:** D. Beaudette to appoint Mr. Mark Spiro as Planning Board member to fill the vacancy of the board from tonight to the next election of May 2018. **SECOND:** S. Pelletier No Discussion. **VOTE:** 3-0-0

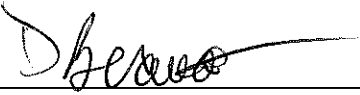
D. Beaudette discussed conflict of interest with M.Spiro and that he would need to fill out conflict of interest paperwork and be sworn in by the Town Clerk upon appointment of BOS.

-----  
Town Planner Report:

- PVPC will be helping us on subdivision regulations and new storm water rules. We are waiting to hear back from them.
  - PVPC is meeting this week. S. Pelletier is attending. They will be discussing the new model bylaws on retail marijuana.
  - The Trail project is coming along very nicely. The EDIC is very enthusiastic.
  - We received 3 million dollars from the 2017 MassWorks Infrastructure Program Grant and the Town will bond for an additional 1 million. This will bring the street out to Jackson Street.
  - The Garden Center has an interested buyer. It is a screen printing business. The site plan may need to be amended.
- 

**MOTION:** J. Natle to adjourn and go into Executive Session per MGL chpt. 30A, Section 21; Subsection #3 and not reconvene to open session at the end of that meeting. **SECOND:** S. Pelletier **Roll Call**  
**Vote:** D. Beaudette: yes J. Natle: yes S. Pelletier: yes **VOTE:** 3-0-0

Meeting adjourned at 9:23 pm

  
\_\_\_\_\_  
Daniel Beaudette – Clerk – Acting Chair

  
\_\_\_\_\_  
James Natle

  
\_\_\_\_\_  
Sierra Pelletier

