

Belchertown Planning Board
Minutes – Tuesday – November 14, 2017



Members present: James Natle, Daniel Beaudette, Sierra Pelletier, Mark Spiro
Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes

Absent: Michael Hofler, Chairman, Eric Wojtowicz (alternate for special permits)

Present: Joseph S. Pio, S & M Equipment, LLC; Scott Nielsen, Hickory Hills, LLC; Michael and Jane Knodler, Michael Knodler, Jr.; Kim Pacheco, co-owner Antonio's Pizza, William Kitsilis, co-owner Antonio's Pizza

7:00 pm –D. Beaudette, Clerk, opened the meeting as **M. Hofler, Chair, is absent this evening.** He welcomed everyone and read the agenda into the record.

7:01 pm – Joseph Pio, partner of S&M Equipment, LLC, building the High Bluff subdivision located off Franklin Street, updated the Board on the project. D. Beaudette asked Mr. Pio to address the status and the timeline of the subdivision. Mr. Pio's company bought and took over the work for this subdivision while they were rebuilding Franklin Street for the Town of Belchertown. The sewer is now in, as the subdivision will have public sewer, and extensive blasting of the ledge along with drainage work is ongoing. They have worked on the sight distance coming out of the subdivision and rock has been removed to improve this. He hopes that by summer 2018 most work should be done. They will adhere to the approved definitive plan. There is the possibility that by August/September 2018 they could be marketing the lots/properties. He wants all blasting to be completed before this occurs. They discussed the date for the extension and agreed with November 2019, a 2 year extension.

The Board discussed if they should plan a site visit. With no blasting occurring now, Mr. Pio indicated the Board could go do a site visit with prior notification to his company. If anyone wants to they will contact Mr. Pio so he is aware of their being out there. At our next meeting in 2 weeks we will check to see if our Chairman would like to go out as a Board to reacquaint ourselves with the project.

MOTION: J. Natle to grant an extension of the High Bluff subdivision located off Franking extending from November 2017 for 2 years to November 30, 2019. **SECOND:** D. Beaudette No Discussion

VOTE: 4-0-0

D. Albertson will send Mr. Pio the approval form to be recorded at the Registry of Deeds. The Board thanked Mr. Pio for his work on the project. Mr. Pio thanked the Board for their time.

7:16 pm – Scott Nielsen, updated the Board regarding the Hickory Hills subdivision located off George Hannum Road. Phases 1A and 2 have been put in, but only some sidewalks are installed. Second phase 1B is going in now, and Mr. Nielsen would like to address the sidewalks tonight. As designed, the sidewalks were set back off the street. It turns out, the slope of the yards and driveways is too much for having a sidewalk that far from the street; he asked the board if it would be acceptable to have the sidewalk along Hickory Hill against the curb. He showed a map and where the sidewalks would be located. He discussed and went over the display and the requirements for the sidewalks. This field adjustment would increase the health of the tree belt and make yard area for homeowners better. They would like to do this before the ground freezes.

The Board reviewed the subdivision regulations §270-34 – Deviation from an approved plan Section (E). Mr. Nielsen met with Director of DPW, S. Williams, who referred the question to the planning board. Mr. Williams has not written any comments on this to the board. Mr. Nielsen has included S. Williams on all correspondence to ensure all was presented correctly. The Board continued the discussion.

MOTION: J. Nattie to approve under Bylaw 270-34 (E) minor technical correction – the change in the sidewalk layout, as the correction does not substantively alter the approved design of the roadway, drainage, and utilities. **SECOND:** S. Pelletier No Discussion **VOTE:** 4-0-0

Mr. Nielsen thanked the Board. D. Albertson will send Mr. Nielsen a letter indicating the Board's approval. D. Beaudette asked Mr. Nielsen when he thought the subdivision might be completed. He estimated at least another 4 years.

7:50 pm – Michael Knodler, Jr., 50 Alden Avenue, again informally addressed the Board regarding an accessory apartment at his property. He presented the Board with plans showing how they could attach the existing house to the existing detached garage. He asked the Board if they felt by doing this the Board would grant approval of the accessory apartment request. They would only do this approach if the Board believed they would approve this approach. Until then they would not go forward.

Mr. Knodler showed a sketch of his plans. The layout of the addition was reviewed. D. Beaudette asked if they had looked into any legal counsel for relief on this. They had not. They are trying to rectify the issue at hand. D. Beaudette indicated to the Knodlers that the Board had discussed the bylaw language after the Knodlers' presentation at the last meeting; the board might work on addressing the issue of accessory apartments in detached buildings. The Board wanted the Knodlers to be aware of what possible relief they could follow.

The proposed addition that has been presented tonight would likely satisfy the existing bylaw if the Knodlers choose to do that.

New Bylaw language can take up to 6 months as preliminary language is crafted to be given to other Boards in town for comments and public hearings for the public's comments. Going before town meeting with a new bylaw is no guarantee for their approval. The Board and the Knodlers discussed the ongoing issue regarding detached structures as an accessory apartment. J. Nattie discussed the grace period for their previous application and its appeal process. What the Knodlers presented this evening would solve the issue. For them to wait for the bylaw to be rewritten would be a gamble.

The Knodlers thanked the Board and the Board thanked them for working with us and left the meeting at 8:07 pm

8:10 pm Antonio's Pizza, – 33 Federal Street–William Kitsilis, Co-Owner of Antonio's Pizza, addressed the Board. Kim Pacheco, co-owner of Antonio's Pizza was present as well. They apologized for not being at the previous meeting and wanted to address the Board for any of their concerns to build a canopy over the patio area at the restaurant. Water drainage, gutters (there are no gutters, the canopy is angled off the roof line) and the canopy installation were discussed. Patron parking and employee parking were discussed. Site plan review and all its requirements were discussed. D. Beaudette asked with the Board if an abbreviated site plan is required or what the applicants have submitted is sufficient regarding the canopy installation. The Board asked the applicants for information regarding the parking

lot and how it applies to all tenants within the complex. Mr. Kitsilis presented the Board a copy of their lease referencing information on parking. This lease has been recorded at the Registry of Deeds, Book 11590 Page 352 on February 27, 2014.

The canopy over exist patio is not substantial construction and no site plan is required.

MOTION: J. Natle that our review on the proposal of Antonio's Pizza for a canopy to be installed over the patio does not require site plan review. **SECOND:** S. Pelletier No Discussion. **VOTE:** 4-0-0

8:42 pm Kim Pacheco and William Kitsilis thanked the Board and left the meeting

Bills were endorsed.

Minutes of October 24, 2017 - MOTION: J. Natle to approve the minutes of October 10, 2017 as written. **SECOND:** M. Spiro No Discussion. **VOTE** 4-0-0

ANR – The Estate of Joseph L. D'Aguiar and Patricia A. D'Aguiar-Sibley, Personal Representative, Michael Sears Road, Map 269, Lot 99, submitted by Sherman & Frydryk, LLC, dated October 19, 2017, to create Parcel A (not a buildable lot) to be combined with existing Lot 1, for lot identification plan purposes, Lot 1A, accompanied by a Form A application dated November 1, 2017. The Board reviewed and discussed the application. D. Albertson went over the plan with the Board. The previous ANR that they submitted has been recorded. This is a minor change.

MOTION: S. Pelletier to endorse the ANR for the Estate of Joseph L. D'Aguiar and Patricia A. D'Aguiar-Sibley, Personal Representative, Michael Sears Road, Map 269, Lot 99, submitted by Sherman & Frydryk, LLC, dated October 19, 2017, to create Parcel A (not a buildable lot) to be combined with existing Lot 1, for lot identification plan purposes, Lot 1A. **SECOND:** J. Natle **No Discussion**

VOTE: 4-0-0

D. Beaudette recused himself from the following ANR as he has represented one of the abutters.

ANR - Kathleen McCollum, 160 Shea Avenue, Map 271, Lot 20.1 submitted by Roger Woods & Co., dated August 28, 2017, to create Parcel A (not a buildable lot) to be combined with existing Lot 20.2, accompanied by a Form A application dated August 28, 2017. The Board reviewed and discussed the application.

MOTION: J. Natle to endorse the ANR for Kathleen McCollum, 160 Shea Avenue, Map 271, Lot 20.1, to create Parcel A (not a buildable lot) to be combined with existing Lot 20.2 **SECOND:** S. Pelletier **No Discussion. VOTE: 3-0-0**

OTHER: - Richard Greene, Old Sawmill Road (Hunters' Ridge, Phase 3) - sent in a request for an extension on this subdivision. The Board read Mr. Greene's letter of request for extension. The Board discussed this subdivision. The board holds one lot under covenant. We will extend this to November 30, 2018. J. Natle stated he was not in approval of this subdivision and does not agree for this extension request. This should have been done in the timeline previously allotted.

MOTION: J. Natle that we grant the extension of the definitive subdivision plan of Old Sawmill Road (Hunters' Ridge, Phase 3) to November 30, 2018. **SECOND:** M. Spiro. No Discussion: **VOTE:** 3-1-0 Natle voting no for the above-stated reason.

OTHER: - **David LaFleur, Meadow Pond and Jason's Way.** - brought in a letter for extension today. He indicated he needed to redo a guard rail and clean out the detention basin. The Board would like Mr. LaFleur to come in to a meeting for more information. D. Albertson will get in touch with him and ask him to come to our first meeting in December.

Members Reports: D. Beaudette – M. Hofler had asked the Board to come in with thoughts and possible changes to the existing Accessory Apartment bylaw. He suggests we put that off to discuss this with a complete Board. Also, he attended the meeting regarding Marijuana with D. Albertson and its impact on small towns. He further added that we should get the information on the trail project in to the Sentinel. The long term maintenance needs to be figured out. They will be presenting an update to us at our next meeting.

J. Natle – As an FYI, The Community Preservation Committee is now accepting applications. They are due on December 15, 2017 by 5:00 o'clock. This is for the 2019 budget cycle.

S. Pelletier – The recent PVPC meeting which I attended discussed the need for regional services in rural towns. There is a big issue regarding broadband and Wi-Fi capabilities. They also discussed the marijuana issue.

M. Spiro – asked the Board if site visits occur upon completion of projects. Members replied though they often do not, as the Building Inspector issuing a final inspection is enough, possibly we can go back and review/implement this.

Town Planner Report – Marijuana Zoning – This bylaw will involve several departments within the town. i.e., Assessors, BOS, PD, Board of Health, and schools, plus others. There are still many elements that need to come together on this, but in the meantime, we can come up with some type of bylaw to go before the Town. He asked board members to review the materials he emailed to them from the Atty. General's office. The Board discussed this and discussed involving the BOS as a joint venture.

- Mr. Patel of Sunoco was not here tonight as he needs to go over things with ConCom. Fuel lines have been replaced. Gasoline pumps should be up and running very soon. Things keep trickling in little by little which is increasing their fee with Tighe & Bond and prolonging the review time. They would like to come to our next meeting.

MOTION: J. Natle to adjourn the meeting at 9:25 pm. **SECOND:** S. Pelletier No Discussion

VOTE: 4-0-0


Meeting adjourned at 9:25 pm



Daniel Beaudette



James Natle

Sierra Pelletier

Mark Spiro



TOWN OF BELCHERTOWN

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SIGN IN SHEET --- MEETING OF:

Nov. 14, 2017

PLEASE ENTER YOUR NAME, TITLE AND ADDRESS -----

Joseph S. Pio Partner S & M Equipment
45 CARDINAL Circle Ludlow, MASS

SCOTT NIELSON 171 GRAY ST. BELCHERTOWN, MA

MICHAEL KNODLER 50 ALDEN AVE BELCHERTOWN, MA

Jane Knodler 50 Alden Ave BELCHERTOWN

MIKE KNODLER 50 ALDEN AVE BELCHERTOWN

Kim Pacheco 24 Nathaniel Way Belchertown Ma

William Kitsilis - Co. Owner Antonio's