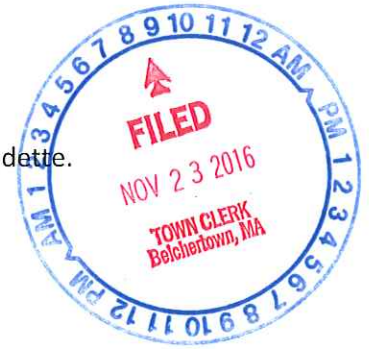


Belchertown Planning Board Minutes
Wednesday, November 9, 2016



Members present: Michael Hofler, Christopher Laurenzo, Donna Lusignan, Daniel Beaudette.
Douglas Albertson, Town Planner
Members absent: James Natle, Sierra Pelletier (Alternate voting member).
Minutes taken by Donna Lusignan

7:00PM ~ Chairman Mike Hofler opened the meeting and read the agenda into record.

ANR~ 390 Springfield Road, Bill and Kimberly Longridge applicant: The Board reviewed an ANR for the proposed division of property into two separate parcels. D. Beaudette has concerns over the missing information on the submitted plan. ANR Plans submitted must adhere to the Subdivision Regulations, Article II, Plans Not Requiring Approval process. D. Albertson informed the applicant/engineer several times that the submittal of the Plan, in its current state, had non-compliant issues and recommended revising the plan before review by the Board. Therefore, the Board made its determination that the plan does not meet the specified criteria needed for endorsement at this time, and as permitted under §270-13 will exercise their right to utilize the 21 day submission process giving the engineer a second chance to revise the plan and provide the necessary information needed for approval. The Board was unanimous with this decision and requested Town Planner, Douglas Albertson to place the review of this ANR on the next meeting agenda slated for Tuesday, November 22, 2016 along with advisement to the Engineer of the following missing criteria, as follows:

1. §270-11(5) "The name and address of the owner of record and the name and address of the applicant (if different than that of the owner of record)".
2. §270-11(6) "Names of abutting owners and names of owners separated by a way, in proper locations".
3. §270-115(14) "Names and legal status of public or private street(s) and easements; to include the width of the layout of the street or easement".

7:15PM ~ **ZBA case for recommendation –New England Small Farm Institute appeal of Building Inspector/zoning enforcement officer’s decision.** A Cease and Desist Order has been issued by the town’s Zoning Enforcement Officer stating the proposed use, a slaughter facility, is not allowed at the state-owned property known as Lampson Brook Agricultural Reserve (formerly the Belchertown State School Farm). In response, NESFI filed a formal "Petition to Appeal Decision of Building Inspector." NESFI affirmed they would hold on this project until the question of jurisdiction is settled. The Planning Board discussed the question of municipal jurisdiction on state-owned land. Questions also were raised as to whether this project qualifies as an educational use, or if it would be an industrial or commercial use as the slaughter facility would process birds brought in from off the site by other parties. The Board questions whether it has any involvement or jurisdiction in this matter overall and recommend the following to the ZBA for their public hearing to be held Wednesday, December 21, 2016.

Motion: C. Laurenzo to recommend to the ZBA to seek clear, written guidance from town counsel stating its findings. **Second:** D. Beaudette to recommend town counsel should state clear and concise rationale as to its determination. **Vote:** 4:0:0 Unanimous.

- Minutes: **Motion:** C. Laurenzo motion to approve the Minutes of October 25, 2016, as written. **Second:** Michael Hofler **Vote:** 4:0:1 (Abstention: C. Laurenzo).
- Bills: The Planning Board endorsed all bills.

Discussion Items:

Dana Woods special permit amendment ~ A neighbor has encroached substantially on the Dana Woods Association's property. This subdivision is an Open Space Community Development approved in 1990 under a special permit. To date the violator and the association are negotiating their resolution, a possible conveyance of the land. Because this OSCD was approved by special permit, as zoning required in 1990 when Dana Woods was approved, an amendment of the special permit will be required to correct this action. This would require a public hearing. The Dana Woods subdivision buildout allowed for 219 lots which they currently have 167, and 46 acres of Open Space which they currently have 50 acres.

Hickory Hills Subdivision Update: After 9 years the developer has finally completed the installation of the required "Yield Sign" on the overpass located on George Hannum Road as part of the conditions agreed to by the developer for definitive approval in 2007.

Jason's Way Update: Several weeks of banter have occurred between the developer and a neighbor regarding the installation of "Street Trees" falling over after improper installation. D. Albertson conducted a site visit and confirmed with the developer to date, the tree has been re-secured properly.

Harris Way Update: The completion of the road build-out is near completion; however there is still work that needs to be completed prior to release of the roadway; specifically a surveyed plan identifying metes and bounds, drainage easement, and as-built plan(s).

Christopher Heights/Grantham~ Assisted Living: The Grantham Group should be submitting their revised site plan to the Board within one month. This review should be at the December 20, 2016, meeting. D. Albertson to contact Mass. Development/Claire O'Neill and relay best agenda timing to have the Planning Board devote its full attention to this much awaited project.

State School Campus Progress Update: The demolition of the Infirmary Building should be taking place over the winter. Consideration should be given towards costs and coverage of the sewer lines in order to maximize their potential.

Old Amherst Road Zone Change: A property owner located on Old Amherst Road has proposed buying property from a neighbor to create a residential lot that will require a residential driveway to cross over B2 land, which is not allowed. Various rulings on split lots over the years state "that access to a use cannot be over a zone in which that use is not allowed". Currently, there is no public sewer, the lots have non-conforming frontage (size) and located in B2 zone. The applicant may apply for a zone change.

Woodland Subdivision Definitive Subdivision Submittal: The plans and associated data have been received in the Town Planners office and have been distributed to all the necessary offices and town engineer for full review. Public Hearing notification will be made and the Board will begin its review process at the Tuesday, January 10, 2016 meeting.

Dwelling Unit Definitions regarding detached accessory units: The Board will continue to review how, if any, these mobile tiny houses on wheels may/may not impact our zoning laws and how they are to be categorized, if warranted. The towns Building Inspector, Mr. Paul Adzima will be attending an annual seminar/training session in Pittsfield that will be covering the "Tiny Houses" platform. The Board will await further information and feedback from Mr. Adzima.

Other: Planning Board Member Daniel Beaudette stated for the record his potential "bias" declaration with regards to the ensuing discussion and/or potential voting process that may result from the proposed NESFI

poultry slaughter facility. Mr. Beaudette stated that he had worked with NESFI for over 25yrs as an employee for the US Department of Agriculture and through which means had aided in providing funding for NESFI activities. He is now retired from that employment. He questions the validity of the zoning authority of the town and it's various boards over state property and wishes to see written guidance from town counsel. Mr. Beaudette will consider partaking in further conversation, and may need to recuse himself if the matter comes back before the Board. He will await the forthcoming legal opinion on this matter before deciding and states for the record that he is not against this project based on its concept.

Town Planner's Report:


Jonquil Estates Condominiums/Property Grievance: A dispute evolved mid-to-late October between a neighbor of the North Main Street, 55+, condominium construction and developer Dennis A. Graham (DAG) with regards to unsightly construction debris and large stones/boulders placed on his property as a result of the Phase II buildout. This action necessitated a site visit by the Town Planner and Zoning Enforcement Office whose findings were reported in a letter dated November 4, 2016 to Mr. Graham informing him to remove the stones and replace with the required Arbor Vitae plantings, according to the approved site plan on record. Further correspondence dated November 10, 2016, was then forwarded to the neighbor to keep him apprised of the situation until Mr. Graham seeks final certificate of occupancy and all matters have been fulfilled.

Members' Reports: None

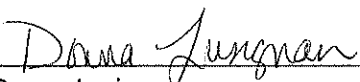
8:31 Motion: C. Laurenzo to adjourn the meeting. Second: D. Beaudette, Vote 4:0:0, Unanimous.



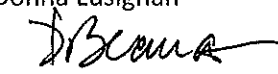
Michael Hofler, Chairman



Christopher Laurenzo



Donna Lusignan



Daniel Beaudette