

Belchertown Planning Board Minutes
Tuesday, June 13, 2017



Members present: Michael Hofler, Donna Lusignan, James Natle, Sierra Pelletier and Dan Beaudette
Staff: Douglas Albertson, Town Planner, Lynn Sikes, Minutes
Present: Eric Wojtowicz, Keith McCormick, Atty. David Berson of Bacon/Wilson law firm, Keith Terry of Sherman & Frydryk, Robert Morra, John Roda, Erik Gay, Liz Paddy, Debra Guyer and Paul Marta (see attached sheet)

Mike Hofler, Chairman, opened the meeting at 7:00 pm, welcomed everyone and read the agenda into the record. There are two Public Hearings scheduled for the meeting.

7:00 pm - M. Hofler, Chairman, read into the record the Public Hearing notice. This Public Hearing is for a common drive application submitted by RAMA Development, LLC., c/o Robert A. Morra, to be located on Pine Street, Map 276, Lot 105, located in the AG-A zone. It is for a total of six house lots. Atty. Paul Marta on behalf of the applicant addressed the Board and described the plan. Keith Terry, engineer for the applicant was also present and addressed the Board. Keith Terry presented an overview of the parcel. Layout, storm water, wetlands, oil and stone surface for road, roadway width, grade, signage, house numbers, and topography were discussed. Tighe and Bond has reviewed and approved the storm water plan. Conservation Commission has reviewed the plan with the applicant and they have indicated no concerns. Fire Department access has been addressed for entering and exiting the roadway.

Board's comments:

- Is the town indemnified if fire dept. uses a private driveway to turn around during a fire. Applicant indicated they will work with the fire chief and find out what the fire chief would prefer. The maintenance agreement will need to include this language.
- If a cistern is required or requested by the fire chief, this would be addressed. The size of it would need to be determined and its placement would be central to the common drive.
- There will be no impediment in the cul-de-sac. No island, etc.

M. Hofler read the Board of Selectmen's memo to Planning Board dated May 23, 2017 where they recommended the planning board not approve this project. Rob Morra, applicant, addressed this memo. Fire apparatus has now been addressed. Confusion of emergency vehicles being able to locate the homes on the common drive has been addressed.

Waiver requests were discussed.

- From §145-44A(4) – Five of the lots have frontage on Franklin Street. Franklin Street in this location is busy with short sight distance; further, the lots have slopes down from the street. Not waiving this would result in separate curb cuts onto Franklin Street in this location.
- From §145-45C(1) – The plan shows the center of the driveway not along the center of the right-of-way. This is to stay away from a wetland.

- From §145-45C(6)(c) – This request is to reduce the requirement for clearing and grubbing along the driveway for the first 125 feet to only 3 feet instead of 6.

Snow storage was discussed. There is an area approximately 50 feet down the common drive and another 100 feet further down which has area for storage. This will be handled by the Home Owners Association maintenance agreement which each Deed will reference. The common drive is not nor ever will be a public way. The language should be clear on it. The Board reviewed the maintenance agreement. This needs to be looked at carefully to avoid any future concerns and lawsuits by the home owners of the street.

The Board discussed the frontage on Franklin Street and if it is possible to bring the common drive in from Franklin Street rather than Pine Street. Due to the slope, traffic speed, guard rail, clear cutting needed on the existing hillside, the applicant and engineer believe it is more desirable to come in from Pine Street.

Each property will get its own storm water approval from conservation commission.

M. Hofler opened the meeting up to the public. Any comments? Deb Guyer, Franklin Street, asked to have each individual lot pointed to on the map. She inquired what the homes would sell for. They are listing Lot 5 at \$399,999.00 and hope for similar sizes and price. She asked about wetlands which Mr. Terry addressed with ConCom last evening.

No other comments and the comment section to the public were closed.

The Applicant requests a continuation to July.

MOTION: J. Natle to continue to July 11, 2017 at 7:00 pm the Public Hearing for RAMA Development, LLC.

SECOND: D. Lusignan **VOTE:** 5-0-0

8:08 pm - Site Plan Review for Hillside 141, LLC, 141 Sargent Street, Map 237, Lots 7 & 8. Mike Hofler recused himself from the meeting as he is an abutter of the applicant. Donna Lusignan as Vice Chair will take over the meeting.

This site plan is for an addition to the existing Don's Auto Service site. It is located in the General Business B2 zone and in the aquifer protection overlay zone. Applicant, Erik Gay, was present and addressed the board. It is a 50 x 80 addition. Mr. Gay presented a new plan as the original plan submitted showed a few errors. Points made were:

- The oil separator is now shown on the plan. There will be no new signage. There is no outside storage. It would resemble the existing building. It is more specialized work; it would not involve more vehicles.

The Board agrees the design is good with what has been submitted. Board of Health and Fire Department concerns need to be addressed and approved before a building permit is to be issued. Extra lighting to be installed where discussed with the Board.

MOTION: J. Natle to approve the site plan as presented for Hillside 141, LLC., 141 Sargent Street for the addition at Don's Auto Service. **SECOND:** D. Beaudette Discussion: the Board discussed additional lighting and it was decided what has been proposed is adequate. **VOTE:** 4-0-0

The Board thanked Mr. Gay for his presentation and his business in town.

8:31 pm – M. Hofler reopened the continued Public Hearing for Woodland Estates. M. Hofler read the letter received from Robert Levesque on June 12, 2017, requesting a continuance of the public hearing so they can address comments received from the Conservation Commission.

D. Beaudette stepped out of the meeting.

MOTION: D. Lusignan to continue the Public Hearing for Woodland Estates/Woodland Lane until June 27, 2017 at 7:30 pm. **SECOND:** J. Natle No Discussion **VOTE:** 4-0-0

D. Beaudette returned to the meeting.

Atty. David Berson, of Bacon Wilson, PC, law firm representing Ms. Paddy of 445 South Gulf Road came before the Board to informally discuss the previous accessory apartment application of Ms. Paddy which had been denied. J. Natle recused himself from the meeting as he is a neighbor of Ms. Paddy. Atty. Berson provided the Board with new plans. He would like to discuss with the Board these plans to see if all concerns have been addressed before going through the process again.

Atty. Berson summarized the previous application and why it had been denied. He addressed the new plan and indicated the apartment would now be attached to the existing home via a "pergola" like structure. There would be no walls to this structure, just a roof. The Board reviewed the plans and discussed the bylaw and its intent. Definitions of attachment, entrance ways and the bylaw language were discussed. Atty. Berson will discuss with the Building Inspector if a 60 foot "pergola" connecting the two structures would constitute one single family residence. The Board believes that if this is working the bylaw language towards an exception it disagrees that it has the authority to approve the application. Atty. Berson respectfully requests to come before the Board again and thanked the Board for their time. The Board thanked Atty. Berson.

J. Natle returned to the meeting.

ANR – Daniel and Rebecca Walker, 366 Allen Street, Map 107, Lot 27.01. The Board discussed and reviewed the application.

MOTION: D. Beaudette to endorse the ANR for Daniel Q. Walker and Rebecca S. Walker, Allen Street, Map 107, Lot 27.01 submitted by R.L Cook Surveyors dated May 25, 2017 to create one total lot, for lot identification plan purposes, former Lot 27 shown as Former Lot 1 and Lot 2. **SECOND:** S. Pelletier No Discussion **VOTE** 5-0-0

ANR – Celia MacKinnon, Old Amherst Road, Map 204, Lot 9. The Board discussed and reviewed the application. This is an estate lot which extends into the Town of Amherst. The Board questioned if it affects

our ANR authority in that it needs to be approved by Amherst also. D. Albertson indicated it does not since no lot lines are being changed in Amherst. If lot lines had been changed it would need to be approved by Amherst, but not in this instance.

MOTION: J. Natle to endorse the ANR for Celia MacKinnon, Old Amherst Road, Map 204, Lot 9, submitted by Heritage Surveys, Inc. dated May 31, 2017, to create two total lots, for lot identification plan purposes, Parcel A-1 and Parcel A-2. **SECOND:** S. Pelletier No Discussion. **VOTE: 5-0-0**

MOTION: D. Lusignan to approve the minutes of May 23, 2017 as written. **SECOND:** D. Beaudette **VOTE 5-0-0**

Bills were endorsed

Action Items: Application from Paul Lussier, for Partial Release of Covenant for subdivision Trillium Way (aka Meadowview) on Lot 10. Covenants to remain on lot 5. The Board discussed this. The work that remains is \$11,050.00. This covers the bounds, as-built plan, descriptions of way and easements and conservation certificate of compliance. One lot, #5, would be left to recover this cost should it be required.

MOTION: J. Natle to release the covenants on lot 10 for Paul Lussier. **SECOND:** D. Lusignan No discussion
VOTE: 5-0-0

OTHER:

Special Permit Appointment: **MOTION:** J. Natle to appoint Eric Wojtowicz as the alternate voting member for special permits and to recommend to the Selectmen they also appoint Eric Wojtowicz as an alternate voting member for special permits with term to expire June 30, 2018. **SECOND:** S. Pelletier **VOTE: 5-0-0**
The Board thanked Eric for his interest.

MOTION: D. Lusignan to appoint James Natle to the Community Preservation Committee for a term that expires 6/30/2020. **SECOND:** D. Beaudette No Discussion **VOTE: 4-0-1**

Doug Albertson explained that we have received a Municipal Vulnerability Preparedness grant from the state for \$15,000. Fuss and O'Neill applied on behalf of the town and will be our consultant for this program. Doug is the municipal coordinator for the town. The grant project is to assess the town's vulnerability to the effects of climate change and to recommend strategies to mitigate problems from weather extremities. The grant requires a municipal officer to endorse the contract, so the planning board is asked to provide that to Doug.

MOTION: J. Natle to authorize D. Albertson to sign documents involving the Commonwealth's Municipal Vulnerability Preparedness program on behalf of the town. **SECOND:** D. Beaudette
No discussion. **VOTE: 5-0-0**

Town planner report:

- The Conway School report and recommendations on trails in the state school/Whitlock Way area will be done in a week or two. He recommends the board encumber \$1,300.00 of money left over in the 2017 planning board budget to hire someone to work on the next step of this project. We need to identify other grant money to develop the trail system. This person could do this work and we could plug into these grants.

MOTION: D. Beaudette to encumber the sum of \$1,300.00 for the purpose of paying a consultant to help identify grant money to further develop the trail system. **SECOND:** J. Natle Discussion: It is the amount of money we have at the end of the fiscal year, so it is an appropriate sum to encumber for this. **VOTE:** 5-0-0


Members report: M. Hofler – I would like to schedule Jim Hayward’s inspection at the gravel pit on Allen Street to see how he is doing. June 20, Tuesday at 6:00 pm would work. D. Albertson will contact Jim Hayward to confirm and Doug will confirm with the Board members.

Members report:


-D. Lusignan – Attended the ground breaking ceremony for the new Assisted Living Facility on Friday, June 9th. Many were in attendance to see this project come to fruition and it sets the stage of good things to come for Belchertown.

-D. Beaudette - We had asked the Select Board to look at the format on a Chapter 61 status on South Liberty Street. They did not do this. We need to send a memo to make sure our planning board comments are followed up on.

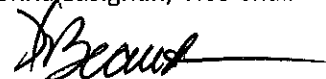
MOTION: D. Beaudette to adjourn the meeting at 10:05 pm. **SECOND:** J. Natle **VOTE:** 4-0-0



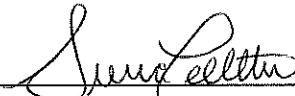
Michael Hofler, Chairman



Donna Lusignan, Vice Chair



Dan Beaudette

James Natle


Sierra Pelletier



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box ~~01064~~ 670
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

June, 13, 2017 - Tuesday

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

THANK YOU !

Debra Guyer, citizen, 660 Franklin St., B'town

David Berson, Esq - Bacon Wilson 6 South E. St, Amherst.

Kurt Terry S&F

ROB MORRA 45 Pine St/-

John Reda

Paul Manta 30 Chestnut St.