

Belchertown Planning Board  
Minutes – Tuesday – July 11, 2017



Members present: Michael Hofler, Donna Lusignan, James Natle, Daniel Beaudette, and Sierra Pelletier

Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes

Absent: Eric Wojtowicz, (alternate for special permits)

Present: Ted Bock, Fire Chief, Jonathan Breton, Atty. for Atkins Farms, Archie Archible, Selectmen, Gary Brougham, Town Administrator, John Roda, Paul Marta, Donald Frydryk of Sherman & Frydryk, Jennifer Roda, Rob Morra

**7:00 pm** – Mike Hofler, Chairman, opened the meeting welcomed everyone and read the agenda into the record. There will be two continued Public Hearings this evening.

Atty. Jonathan Breton, representing Atkins Farms who has an ANR on the agenda, requested the application be moved up to the 7:00 time frame. The Board agreed.

**7:00 ANR – Atkins Farms, Inc., Sabin Street, Map 248, Lot 15** resubmitted by Harold L. Eaton & Associates, Inc., dated February 1, 2017, to create one lot, for lot identification plan purposes, Parcel A and Remaining Land. The previous application did not indicate “remaining land”. The new submitted map now does and all information has also been labeled. The Board discussed and reviewed the application.


**MOTION:** D. Lusignan to endorse the ANR for Atkins Farms, Inc., Sabin Street, Map 248, Lot 15 submitted by Harold L. Eaton & Associates, Inc., to create one lot, for lot identification plan purposes, Parcel A and Remaining Land. **SECOND:** S. Pelletier

**7:03 pm James Natle joined the meeting.**

Correct information on the original plan had not been included, but now is. **VOTE:** 5-0-0

**7:10 pm** – M. Hofler, Chairman, reopened the continued Public Hearing 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. Rob Morra was present and addressed the Board. He indicated that the issues from the last meeting have been addressed and turned the presentation over to Don Frydryk of Sherman and Frydryk who was presenting in the absence of the original project engineer Keith Terry. Mr. Frydryk provided the board with newly prepared conceptual colored plans (3-4) showing alternative development scenarios for the property (i.e. quantified amounts of open areas, forested areas and impervious area). The different options were shown and minorly discussed. D. Lusignan questioned why one or two entrances could not be made off Franklin Street with minor common drives to access house lots with respect to “uniquely” satisfying 145-4(A)(4).

Mr. Morra indicated that they were proposing coming in off Pine Street, so their presentation was on that. Sight lines coming off Franklin Street are not good. They believe the safety issues make it unique to satisfy. D. Lusignan does not believe this has been addressed, ~~though other board members think it makes more sense for safety to use Pine Street.~~

  
FIN.  
DUE  
DUE  
STP

The Restrictive Covenants and Use and Maintenance agreements were discussed.

- In the Use and Maintenance of Common Drive, in paragraph 3 there is a typo to be fixed where it indicates "30 feet from the Common Drive into their land" should say "15 feet".
- In the Use and Maintenance of Common Drive, paragraph 4 there is a typo to be fixed where it indicates, "public safety vehicles to access up to 15 feet" should say "up to 30 feet from the Common Drive."
- At the end of the Maintenance Agreement it indicates the Common Drive will NOT become a Town Road.
- In the Use and Maintenance Agreement, in the 4<sup>th</sup> paragraph, the language will be changed from, "... allow Town of Belchertown public safety vehicles" **TO** "... ALL Public Safety vehicles".
- Although there is the option of a fire cistern, and unless otherwise approved by the fire chief, it will be noted:

***"All single family dwellings built within the layout of the approved common drive shall be outfitted and properly maintained with a NFPA 13D sprinkler system. Furthermore, as a condition to obtain a building permit, an approved NFPA 13D system design for each dwelling shall be submitted with the building plans before any construction permit shall be granted by the Belchertown Building Department unless otherwise approved or authorized by the fire chief in writing."***

The applicant is requesting waivers from the following section of the Zoning By-Law:

1. 145-44A(4) - To enter from the same public way which serves as frontage for the lots in the common drive development. Not waiving this would result in separate curb cuts onto Franklin Street
2. 145-45C(1) – the center line of the common drive shall coincide with the center line of the common drive right of way. 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.
3. 145-45C(6)(c) to reduce the requirement for clearing and grubbing along the driveway for the first 125 feet to only 3 feet instead of 6.

**7:41 pm** M. Hofler opened the Public Hearing to the public. G. Brougham, Town Administrator, asked if a particular option for entry had been decided on. The Board indicated they have to act on the plan before them, which is the Pine Street plan as submitted. T. Bock, Fire Chief, indicated his thoughts that over time common drives become a problem due to trees maturing, roads not being maintained, snow plowing issues, etc. and these issues should be addressed so in 20 years we will not have to deal with those issues. We need to improve our process. M. Hofler asked if there was any more comment from the public. No one spoke.

**MOTION:** J. Natle that the Planning Board grants the waiver of 145-44A(4) for the six (6) lot common drive where entry from the same public way which serves as frontage for the lots in the common drive development, unless unique circumstances are such that the Planning Board may permit access from a public way not fronting every lot in the common drive development. **SECOND:** D. Beaudette **Discussion:** **VOTE:** 4-1-0 D. Lusignan opposed because she believes the applicant has not sufficiently demonstrated nor quantified "unique circumstances pertaining to 145-4(A)(4).

**MOTION:** J. Natle that the Planning Board grant the waiver of 145-45C(1) for the six (6) lot common drive where the center line of the common drive shall coincide with the center line of the common drive right-of-way, unless otherwise approved by the Planning Board. **SECOND:** D. Beaudette **VOTE:** 5-0-0

**MOTION:** J. Natle that the Planning Board grants the waiver of 145-45C(6)(c) – regarding the clearing of the right-of-way from six feet to only three feet. Because of the alignment provided by the second waiver, six feet would extend into the neighboring property. **SECOND:** D. Beaudette **VOTE:** 5-0-0

**MOTION:** J. Natle to close the public hearing for RAMA Development, LLC. For a common drive special permit located off Pine Street, Map 276, Lot 105. **SECOND:** D. Lusignan **VOTE:** 5-0-0

**MOTION:** J. Natle to grant the common drive special permit for RAMA Development, LLC., 45 Pine Street, property location Pine Street, Map 276, Lot 105 determined under the Code of the Town of Belchertown, Chapter 145, Article X, Common Drive Development, and Chapter 145, Article XIII, 145-69, Special Permits with two conditions: 1- to amend the Use and Maintenance Agreement and the Restrictive Covenants verbiage and incorporate the two Fire Department requirements; 1. - option of a cistern and 2. ***"All single family dwellings built within the layout of the approved common drive shall be outfitted and properly maintained with a NFPA 13D sprinkler system. Furthermore, as a condition to obtain a building permit, an approved NFPA 13D system design for each dwelling shall be submitted with the building plans before any construction permit shall be granted by the Belchertown Building Department unless otherwise approved or authorized by the fire chief in writing."***

**SECOND:** D. Beaudette **Discussion:** Though not specific to this motion, we need to review our common drive bylaw. **VOTE:** 5-0-0.

The applicant thanked the Board and left the meeting.

**8:14 pm M. Hofler reopened the continued Public Hearing for Pride Limited Partnership** for a new commercial building located at 165 State Street. The public hearing is now open. M. Hofler went over the changes that have been presented from the last set of plans we received. All the changes are what had been requested by Dave Partridge of Tighe & Bond. Robert Bolduc, representing Pride Limited, addressed the Board. The plan now in front of the Board

incorporates all the changes Mr. Partridge requested we do. There are three items yet to address.

- 1- Additional information regarding soil tests.
- 2- An infiltration mounding analysis. Our response is that does not apply in this case.
- 3- Parking area discrepancy of 7,000 square feet.

Mr. Bolduc asked the Board to approve Pride's request subject to the approval of the board's consulting engineer, Tighe and Bond, so Pride does not have to come before the Board at another meeting. The items were discussed and the plan reviewed.

G. Brougham and A. Archible left the meeting.

Mr. Brougham returned to the meeting.

The plan and design continued to be discussed. Landscaping and coloring of the canopies were discussed. Discussion ensued regarding approval of the site plan pending Tighe and Bond approving the resolution of the 3 issues they raised. Conditional approval raises concerns. Other than the three new issues raised there are no other concerns.

D. Lusignan asked the applicant if any new information was available regarding PVTA access. Mr. Bolduc has spoken with both Senator Eric Lesser and the new administrator of PVTA indicated she felt it was a good idea for a drop-off and pick-up at the site. He had a letter dated June 14, 2017, of correspondence which on the second page shows the proposed drop-off and pick-up. S. Williams, Dir. of DPW, and our Select Board and the PVTA are to resolve this. G. Brougham indicated that the Board of Selectmen at their June 24, 2017 meeting voted 5-0-0 to request the PVTA, if Mr. Bolduc was agreeable, to implement this as so many people would be benefited by this. A letter to the new director has been sent to PVTA. We should hear back from her soon. With this plan and with sidewalks in, it should be viewed very favorably. M. Hofler indicated to Mr. Bolduc we appreciate all the changes you have made which we had requested. When the new three items have been addressed we can approve this. Mr. Bolduc does not need to come back before the Board. We can approve the site plan without his being at the next meeting.

**MOTION:** J. Natle to continue the Public Hearing for Pride Limited, LLC. to July 25, 2017 at 8:00 pm **SECOND:** S. Pelletier. Discussion. **VOTE:** 5-0-0

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G. Brougham and T. Bock left the meeting.  
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**ANR – Stephen and MaryJane Czupryna, So. Liberty Street, Map 281, Lot 10, resubmitted** by Harold L. Eaton and Associates, Inc. on July 11, 2017, to combine Parcel A with existing Lot 12, and Remaining Land. The Board discussed and reviewed the application. Irene Bachand is the Personal Representative for the Estate of Stanley J. Czupryna and has signed the Form A. Current ownership of the land had not been noted on the previously submitted Map as is required. A new map has been submitted. It now shows the Estate being the owner of the land. The Board discussed and reviewed the application.

**MOTION:** M. Hofler to endorse the ANR for Stephen and MaryJane Czyupryna, So. Liberty Street, Map 281, to slit off and create Parcel A from existing Lot 10 and leave the Remaining Land. **SECOND:** J. Nattle No Discussion. D. Beaudette indicated he just realized as of Monday morning he had established a relationship with one of the interested parties to this so will not have any further discussion on this. D. Beaudette is recused from voting. **VOTE** 4-0-0

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**ANR:** Brian and Kristi Gendron, Applicants, No. Washington Street, Map 268 Lots 21.01 and 20 to change existing lot lines. Revised Lot 21.01 shown on the map as Lot A and existing Lot 20 with a new lot creating a Non buildable Lot B. The Board discussed the application. D. Beaudette indicated the death certificate should be recorded at the Hampshire County Registry of Deeds. Though a death certificate is not enough to convey the property, this is not a sale. We have done due diligence of any persons of interest regarding this transaction.

**MOTION:** S.Pelletier to endorse the ANR for Brian and Kristi Gendron, Map 268, Lots 21.01 and 20, submitted by R.L. Cook Surveyors, dated July 8, 2017, to revise lot lines for lot 21.01 shown on the map as Lot A and existing Lot 20 to become an integral part with new Lot B. **SECOND:** J. Nattle No Discussion. The form will be noted. **VOTE:** 5-0-0

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**M. Hofler read the Hickory Hills Subdivision petition of homeowners regarding installation of sidewalks.** Their petition was read. This subdivision will have 65 lots. The Board discussed the petition and past history for other subdivisions in town. Since year 2002, sidewalks have been required in each subdivision and to encourage safety and activity within. That has been the past precedent, this is a town public road and the board will remain firm with the requirement to have sidewalks installed as per the developer and also shown on the plans. D. Lusignan stated she will remain in favor of the installation of sidewalks within this cluster development, citing safety concerns with traffic and connection to the existing walkway that leads to Stop & Shop. She stated she has driven through the subdivision, in progress, and has seen people walking their dogs in the middle of the road. It being a town road sets precedent and we intend to stay firm.

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**ZBA recommendation** for a Variance application, 75 No. Washington Street, Map 249, Lot 93.01, Pasquale Laponese, 972 North St. Ext., Feeding Hills, MA 01030. This is a request for a variance of bylaw 145-16 – Dimensional Regulations. This lot is extremely constrained with setbacks due to wetlands. Speaking with the contractor there is the possibility of a single car garage. The applicant has no area to go back on the lot. The Board discussed the application.

**MOTION:** J. Nattle to recommend that the Zoning Board of Appeals do NOT grant the variance application for Pasquale Laponese, 972 North St. Ext., Feeding Hills, Ma 01030 for a variance of bylaw 145-16, Dimensional Regulations; 75 No. Washington Street. Map 249 Lot 93.01. **SECOND:** S. Pelletier Discussion: D. Beaudette stated the new house constraints are understood; however, the homeowner knew this going into it and they have other options available besides a variance. They have not demonstrated significant hardship. The 3 variance criteria listed in 145-68 B1(a-c) have not been met. **VOTE:** 5-0-0

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**Bills:** Bills were endorsed.

**Minutes of April 11: Motion:** D. Beaudette to accept the minutes of June 27, 2017 as written.  
**Second:** S. Pelletier No Discussion **Vote** 4-0-1


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**Mail** – we have not heard back from Colvest and their plan for the building at 155 No. Main Street from the letter we sent to him as to their plans of demoing the front wall. Discussion ensued on the past information and what the use was to be for the building. Traffic issues and the ensuing safety were discussed.

**Town planner report:**

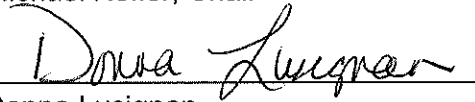
- The Conway School group have issued their final report on trail concepts at Lake Wallace and the state school. Katy Winkler will begin the next part of this project next week. Her job is to research funding opportunities and prepare a grant-ready narrative for us to plug into applications. She will work through August.
- Jonquil Estates, 85 No. Main is complete except for the final top coat. Mr. Graham did all the other things required and put money into escrow. It should be done this month.
- Draft as-builts are in for Willow Lane/Jason's Way.
- Woodland Estates – we are waiting for comments on the revised plans from T&B. According to Conservation Commission they no longer have concerns as the buffer has been moved.

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**Members report:**  
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**MOTION:** J. Natle to adjourn the meeting. **SECOND:** S. Pelletier **VOTE:** 5-0-0  
Meeting adjourned at 9:52 pm

  
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Michael Hoffer, Chair

  
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Donna Lusignan

  
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Daniel Beaudette

  
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James Natle

  
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Sierra Pelletier



