

Belchertown Planning Board Minutes
August 23, 2016



Planning Board Members: Michael Hofer, Daniel Beaudette, James Natle, Donna Lusignan, Sierra Pelletier (alternate for special permits)

Absent: Christopher Laurenzo

Staff: Douglas Albertson, Town Planner, Lynn Sikes, minutes

Present: No members of the public were present

M. Hofer, Chairman, opened the meeting at 7:00 PM and welcomed everyone.
M. Hofer read for the record the meeting agenda.

The Board received a request from Scott Nielsen, Project Manager, for an extension of the Definitive Subdivision permit for Hickory Hills subdivision, dated August 22, 2016. M. Hofer read the email submitted by the applicant as to the progress of the subdivision, and approval of the second stream crossing by both the Belchertown Conservation Commission and the Massachusetts Department of Environmental Protection. D. Albertson confirmed that the Conservation Commission did approve this. The next steps were also indicated. Sidewalks will be installed in Phase 1. D. Albertson confirmed that the items mentioned are what are left to complete phase 1. D. Beaudette indicated it has been a very well run subdivision; we must allow enough time for the developers to work within the market that is presented, especially when they are doing an exceptional job. D. Lusignan asked when the original permit had been filed. M. Hofer indicated it was filed in 2008.

7:05 Sierra Pelletier (alternate for special permits) arrived for the meeting.

M. Hofer indicated that Scott Nielsen has done a good job communicating with us if there are any issues he's faced and the progress he has made. D. Lusignan agreed that it is a very nice subdivision.

MOTION: J. Natle to extend approval of the definitive subdivision permit for Hickory Hills Realty, LLC, for two years to August 31, 2018. **Second:** D. Lusignan **Vote:** 4-0-0

ANR: David Fredenburgh, 136 No. Washington Street, Map 249 Lot 130 and Map 250 lot #49.01 requesting these 2 existing lots be reconfigured to merge a portion of map 249 lot 130 with Map 250 lot 49.01. The Board reviewed the submitted plan. D. Beaudette pointed out if David Fredenburgh is the owner, then he should sign as owner and applicant.

MOTION D. Lusignan to endorse the ANR plan submitted by Sherman & Frydryk, LLC, prepared for David Fredenburgh, Jane A. Demers, Glenn A. Demers and Kerry A. Smith, dated 7/6/16 for the reconfiguration of the parcels on Map 249 lot 130 and Map 250 lot 49.01. **Second:** J. Natle. **Vote:** 4-0-0

MOTION: D. Beaudette to accept minutes of August 9, 2016 as written. **Second:** D. Lusignan. **Vote:** 3-0-0
M. Hofer abstained as he was not there.

Bills were endorsed.

Discussion Items:

Fee Schedule – M. Hofer suggested without C. Laurenzo present the Board should defer this discussion until all are present. Discussion tabled until the next meeting.

Wireless Communications Facilities Bylaw: This item was finished at the last meeting. M. Hofer asked about the timing and the window prior to the next town meeting. Is it the Annual or Special Town Meeting? D. Albertson indicated we do not rely on the Special Town Meeting due to the fact the item may not be placed on the warrant depending on what items were called for the Special meeting. Therefore the Board should look at May, 2017 for this item to be decided and base our public hearing schedule on that. The final Draft#5 would go before the Public Hearing.

Chapter 61 A Right Of First Refusal: 270 Franklin Street – D. Beaudette announced that he has previously provided legal advice to the property owner and recused himself from further discussion to avoid any potential

conflict of interest. Beaudette left the room at 7:30 pm. The property is not being sold so no Purchase and Sale agreement. It is being taken out of Chapter 61A because of a change in use. If we, the town, wanted to invoke our Right of First Refusal we would have to have it appraised and pay fair market value. The property is owned by Charles May. This is 12.9 acres, and the assessors' reference is 269 Lot 13. This is the area for the commercial solar facility and its access drive. The solar company has a twenty-year lease with Mr. May. D. Lusignan has no issues at all with this and added this is probably the best use of land for the May Farm.

Motion: J. Nattle to recommend to the Board of Selectmen that they do not exercise their Right of First Refusal for 270 Franklin Street, the May Farm, Map 269, Lot 13. **Second:** D. Lusignan **Vote** 3-0-0

D.Beaudette rejoined the meeting at 7:33 pm

Town Planner Report

- Jonquil Estates, 85 No. Main Street. Inspected the site with the Building Inspector and made sure all setbacks, etc. were correct. Dennis Graham, the Developer, was there. All looks good and looks like it is nearing completion.
- Orchard Villa is also nearly complete.
- Summer Hill Estates is going more slowly.
- Building of new houses for the year 2016 is nearing 50.
- We heard back from the Attorney General regarding Annual Town Meeting of May 9, 2016, Bylaw changes from Warrant Articles #31, 32 and 33 (zoning) and Articles #15, 16 and 21 (General), which they approved with a few comments.
 M. Hofler questioned if the bylaw is good to go or if it needs to be rewritten based on the Attorney General's comments on Article 31. D. Albertson indicated it has been approved, no rewriting is required. The AG's comments indicate that we can leave the wording alone, but just make sure that when we invoke it we are in full compliance. The town may wish to discuss the issue in more detail with Town Counsel when it presents itself, or we might consider rewriting it.
- Bob Bolduc of Pride, LLC, came in to the office. He is taking out the concrete basement floor at 175 State Street to lower it. He has a tenant who is very interested. A national fast food chain is also looking at a site just to the south of the potential gas and convenience store, which he stated they are starting to think about.
 M. Hofler asked if a side walk needed to be installed on the State Street side. D. Albertson said he believe this was deferred, not dismissed from the previous owner of the building. M. Hofler asked if the documentation could be pulled so if the building were to sell the obligations would be required by Mr. Bolduc. D. Beaudette said the sidewalk was to be on Turkey Hill side of road. J. Nattle indicated the sidewalk was to be in the front of Anytime Fitness Building, #35 Turkey Hill Road, owned by Dan Fitzpatrick. D. Beaudette indicated Dan Fitzpatrick said he would do it at the time that building was constructed. M. Hofler indicated if there are obligations out there we need to bring it up and make sure everyone is still aware of this so we can create sidewalks on that side. Especially if this building changes ownership. It is not a lien but an obligation. We need to investigate it.
- Assisted Living: the Grantham Group has received their low income housing tax credits they are likely to begin construction possibly in November. They would like to be done in 18 months, depending on the winter. The town is ready to go with bonding to build the road and other necessary structures to serve the site. S. Williams has the road designed, so a lot of good work has been done.

D. Beaudette asked to look into the detention basin next to Tractor Supply. It needs to be fixed and this may be our only time in getting it done. The water table is higher than the basin. We want to get that corrected. We have some leverage now we should try and get it corrected before it becomes a naturalized wetland.

D. Lusignan – we should notify Hayward and Lafleur to indicate we need easements conveyed in their subdivisions. This must be done before they are released.

MEMBERS REPORTS

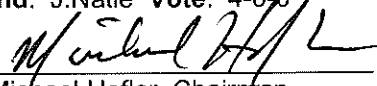
D. Beaudette – I looked at the Stadler Street daycare building, the roof is now on. They are moving along and it looks good.

M. Hofler – I was in New Mexico the last 2 weeks and I looked at their bylaws. They have an ordinance that prohibits anyone from protesting a specific individual or private residence as a means of protecting the resident of the Town. For example, if there is a sex offender no one can stand in front of that house saying this is who lives here. I have a copy of their bylaws and I will read through it and see what may be appropriate for the Town of Belchertown.

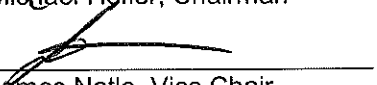
D. Lusignan – The Delinquent Taxpayer List should be checked over when permits come in. D. Albertson indicated this only applies to permits, not ANR's etc. D.Lusignan – stated there is a category entitled "Other" noting that if the Board wanted to take action the Tax Collector would use that to work out a payment schedule with the property owner so we should be aware of permit applications coming before the Planning Board.

Motion: D. Lusignan to ADJOURN the meeting at 7:56 pm **Second:** J.Natle **Vote:** 4-0-0

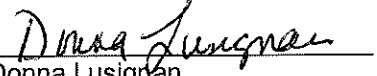
Meeting Adjourned



Michael Hofler, Chairman



James Natle, Vice Chair



Donna Lusignan

Daniel Beaudette

Christopher Lorenzo