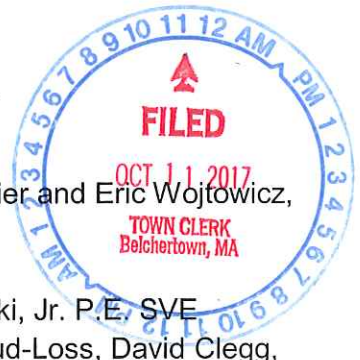


Belchertown Planning Board  
Minutes – Tuesday – September 26, 2017



Members present: Michael Hofler, James Natle, Daniel Beaudette, Sierra Pelletier and Eric Wojtowicz, (alternate for special permits)

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

Present: Mark Spiro, Sandra and Fred Wang, Andrey Bezuculov, Tony Wonseski, Jr. P.E. SVE Associates, Vitaliy Anisimov, Bing Jia, Hung Ju, Francesca Forrest, Holly Rainaud-Loss, David Clegg, Sanjay Patel, Vrajeshkumar Patel

**7:00 pm** – Mike Hofler, Chairman, opened the meeting welcomed everyone and read the agenda into the record. There will be two Public Hearings this evening. The Board will go into Executive Session per M.G.L., c. 30A, Section 21, Subsection 3 and not reconvene to a regular session following that meeting. Mr. Hofler also welcomed Mark Spiro, who has applied for the open planning board seat and is present to learn more of what the board does and to introduce himself.

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7:00 pm – Mike Hofler opened the Public Hearing to discuss amending the town’s zoning by-law, Chapter 145-5; Zoning Map, located at 1100 Federal Street, Map 205, Parcel 62. The parcel is currently in the B2 General Business zone and the applicants, Sandra and Fred Wang, are requesting a change to the B1 Limited Business zone. The public hearing is now open.

The Applicants, Sandra and Fred Wang, were present and addressed the Board. The current zone which the building is located in is B2, General Business. This zone does not allow residential construction. They would like to build a new residential home on the parcel. Changing the zone to B1 – Limited Business, would allow this. The existing restaurant would still be allowed in the B1 zone. The Board discussed the application and how it would affect the surrounding area. The Board reminded the applicants that this has to be voted on at Town Meeting and the zone wouldn’t change until then. The parcel is adjacent to a B1 zone. It would not appear to be spot zoning. D. Beaudette noted that making it B1-Limited Business could reduce the commercial viability of this area, and we are trying to increase business zones, not decrease them. The Board discussed this. Sandra Wang addressed the board regarding the restaurant that was there. No one has been interested in this space to rent, but the second floor rental for tenants is always leased.

M. Hofler opened the meeting to the public regarding this zone change. No comments from the Public.

**MOTION:** J. Natle to close the public portion of the hearing regarding the zone change located at 1100 Federal Street, Map 205, Parcel 62. **SECOND:** S. Pelletier. No Discussion. **VOTE:** 4-0-0 The public hearing is now closed.

**MOTION:** J. Natle that we recommend to Town Meeting to grant the zone change request for Sandra and Fred Wang, located at 1100 Federal Street, Map 205, Parcel 62 from B2, General Business to B1 Limited Business. **SECOND:** S. Pelletier; Discussion: D. Beaudette said he will vote no as he believes this is spot zoning to benefit one person not the town in its entirety. No further discussion: **VOTE:** 3-1-0

M. Hofler indicated to the applicants that at the town meeting we will state how the vote was done. D. Albertson told the applicants that at this time we don't know when the town meeting will be, but no later than the Annual Meeting which will be held in May, 2018

The Applicants thanked the Board and left the meeting.

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**Superior Floor Solutions. LLC, Vitality Anisimov, 80 Ware Road – site plan;** B2 zone, aquifer protection and flood plain overlay zones – Mr. Wonseski, PE of SVE Associates updated the Board from the previous meeting.

They have addressed the following items which the Board had requested.

- Parking spaces be increased to 18.
- how the lighting would be placed and the type lighting which would be used; i.e. Full cut-offs and semi cut-off
- Drainage. A letter from the abutter, R. Greene, was received by the Board indicating he agrees with the submitted plan.
- Tighe & Bond's letter addressing drainage and clarifying any concerns has been addressed.
- Planting/landscaping was discussed and shown. There will be low shrubs and no trees.
- Signage was presented – this will be addressed when the building permit is issued and will meet zoning requirements for signs.
- He has not met with the fire dept. but that will be addressed when the building permit is applied for.
- They have submitted an application regarding storm water with the Conservation Commission.

The Board thanked Mr. Wonseski and discussed the application. The Board accepts what has been submitted. Mr. Wonseski will submit a final set of plans to D. Albertson, but will sign the plan he has with him this evening to move forward on the approval. The mini golf course which will remain will be marked as private as a condition of approval.

**MOTION:** J. Natile to approve the site plan as presented this evening for Superior Floor Solutions, LLC, for property located at 80 Ware Road, Map 244, Lot 156.28 one condition that the mini golf course remain as private and not public use. **SECOND:** S. Pelletier. No Discussion: **VOTE:** 4-0-0

Mr. Anisimov thanked the Board.

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**Federal OP, LLC, c/o Mr. Sanjay Patel and Vrajeshkumar Patel, 122 Federal Street,** has applied for site plan approval to expand the existing convenience store and gas station. Mr. S. Patel addressed the Board. This business is currently a small gas station with a very small store that predominantly sells cigarettes. He would like to increase the size to be able to compete with the larger businesses in town. He will be applying for a beer and wine license. Due to a gas leak, the gas pumps are currently shut down. Until he gets approval from the Board on this site plan he will not be turning the gas pumps on. He discussed the site plan as presented to the Board. The use will remain the same the only change is increasing the size of the building.

The Board discussed the plan. Traffic flow, parking spaces, sight distance, storm water, wetlands, deliveries and erosion control were discussed. The board is concerned with the safety of customers entering and exiting the store. Mass DoT requested the curb cuts be reduced to conform to current

standards. Mr. Patel explained he believes the current width is safer, and he requested it remain. The memo received from Conservation Commission dated September 26, 2017 was reviewed and discussed.

The Board requests the Applicant address certain items and return before the Board.

The Applicant submitted a written request to extend the review period for the site plan. The applicant will return for the October 10, 2017 Planning Board meeting to update the Board. Items to be addressed are signage, lighting, landscaping, architecture, traffic flow, (customers and delivery trucks), line of sights, drainage, and wetlands.

Although this is not a public hearing, M. Hofler asked if there was anyone present from the public with any comments. Holly Rainaud indicated that traffic flow is a concern in all of Belchertown not just this area. Francesca Forrest indicated she has no problem coming in and out of this store.

**MOTION:** J. Nattle to accept the written request for Federal OP, LLC to extend the review period to October 26, 2017 on the site plan at 122 Federal Street. **SECOND:** S. Pelletier No Discussion  
**VOTE:** 4-0-0

Mr. Sanjay Patel and V. Patel left at 8:21 pm.

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**8:22 pm - Public Hearing, Dana Woods Homeowners' Association special permit amendment,** Jackson Street, Map 238, Lot 190. Mr. Hofler declared the public hearing open. This is to amend a portion of the Dana Woods dedicated open space. D. Albertson addressed the board as the president of the homeowners association was not able to be present. He explained the special permit for the subdivision; Dana Woods is an Open Space Community Development, which required a special permit when it was created. The requested amendment is because of a surveying error on Jackson Street. One of the neighbors has been using some of the Dana Woods open space in error. The neighbor has proposed to buy that piece of property from the association; to change the open space requires an amendment of the special permit. Though the open space will be reduced it still meets the required amount. There is no issue with that. The Board discussed the application.

M. Hofler opened the Public Hearing to the public.

A resident indicated that this was an honest error. There are only a few abutters to the Dana Woods open space, so this would not occur again. D. Clegg, 170 Jackson, addressed the Board as the owner of the home that has infringed into the open space area. This was due to a surveying error. When the lot was cleared, the pins and flags that were set at the time were in error. The shop Mr. Clegg built was found to be on Dana Woods' property. Once the error was found, Mr. Clegg and the Dana Woods Association have worked to resolve it. Mr. Clegg emphasized that he wants to make it right.

**MOTION:** J. Nattle to close the public hearing to amend the special permit. **SECOND:** D. Beaudette. No Discussion. **VOTE** 4-0-0- The Public hearing is closed.

M. Hofler per chapter 40A sec 9 appointed E. Wojtowicz as an alternate voting member for special permits to act on this.

**MOTION:** J. Natle to amend the special permit for Dana Woods Homeowners Association, Map 238, Lot 190, Jackson Street, by reducing the amount of open space by approximately 13,055 square feet.

**SECOND:** S. Pelletier. Discussion. **VOTE:** 5-0-0

D. Clegg thanked the Board. Members of the Dana Woods community left the meeting.

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**ANR** – Neil and Marcella Jackson and Mark Jackson, So. Gulf Road, Map 206, Lots 12 and 13, submitted by Sherman & Frydryk, LLC, dated June 9, 2017, to create new lot lines, for lot identification plan purposes, Revised Estate Lot 12 and Revised Estate Lot 13 accompanied by a Form A application dated June 20, 2017. The Board reviewed and discussed the application.

**MOTION:** M. Hofler to endorse the ANR for Neil and Marcella Jackson and Mark Jackson, So. Gulf Road, Map 206, Lots 12 and 13, to create new lot lines, for lot identification plan purposes Revised Estate Lot 12 and Revised Estate Lot 13. **SECOND:** J. Natle **No Discussion.** **VOTE:** 4-0-0

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**ANR** – Donna L. LeBoeuf, Green Avenue, Map 263, Lot 86.05, submitted by R.L. Cook Surveyors, dated September 22, 2017, to combine Lot 7A with discontinued road parcels of LeBoeuf and Hua to create Revised Lot 23, for lot identification plan purposes Revised Lot 23 accompanied by a Form A application dated September 25, 2017. The Board reviewed and discussed the application.

**MOTION:** D. Beaudette to endorse the ANR for Donna L. LeBoeuf, Green Avenue, Map 263, Lot 86.05 to combine Lot 7A with discontinued road parcels of Lebeouf and Hua to create Revised Lot 23. **SECOND:** J. Natle No Discussion. **VOTE:**4-0-0

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**ANR** – Arthur R. and Diane M. Lemire, Diane Drive, Map 218, Lots 59.1 and 59.2, to reconfigure the lot lines of existing lots 59.1 and 59.2, for lot identification plan purposes, Rev1 – 143AA and Rev2 – 143A accompanied by a Form A application dated September 25, 2017. The Board reviewed and discussed the application.

**MOTION:** S. Pelletier to endorse the ANR for Arthur R. and Diane M. Lemire, Diane Drive, Map 218, Lots 59.1 and 59.2, to reconfigure the lot lines of existing lots 59.1 and 59.2, for lot identification plan purposes, Revised Lot 143AA and Revised Lot 143A. **SECOND:** J. Natle No Discussion. **VOTE:** 4-0-0

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**Bills were endorsed.**

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**Minutes of August 22, 2017. Motion:** D. Beaudette to accept the minutes of August 22, 2017 as written. **Second:** S. Pelletier No Discussion **Vote** 3-0-1

**Minutes of September 12, 2017. Motion:** J. Natle to accept the minutes of September 12, 2017 as written. **Second:** S. Pelletier No discussion: **VOTE:** 4-0-0

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Town Planner Report:

- We are still monitoring what the state is going to do regarding retail marijuana.
- The Municipal Vulnerability Preparedness Grant is doing good work. There was a rally with the Governor and Secretaries which kicked off the formal start of this grant.
- Citizen Planner collaborative – These are courses created for volunteer boards and are taught by experts. Some of you may be interested in some of these. They are usually held in October in Springfield and another in the Greenfield area.

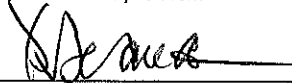
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Members report:

. M. Hofler walked around Lake Wallace. Very delightful but a lot of work for the trail itself.

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**MOTION:** J. Natle to go into Executive Session per MGL chpt. 30A, Section 21; Subsection #3 and not reconvene to open session at the end of that meeting. **Second:** D. Beaudette. **Roll Call Vote:** D. Beaudette: yes J. Natle: yes M. Hofler: yes S. Pelletier. **Roll Call Vote:** 4-0-0

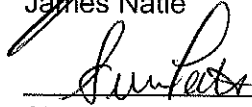
**MOTION:** J. Natle to adjourn the meeting at 9:16 pm. **SECOND:** S. Pelletier **VOTE:** 4-0-0  
Meeting adjourned at 9:16 pm

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Michael Hofler, Chair



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Daniel Beaudette

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James Natle



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Sierra Pelletier



# TOWN OF BELCHERTOWN

Planning Board Office

Box # 670

Belchertown, Massachusetts 01007-0964

413-323-0407

SIGN IN SHEET --- MEETING OF:

9/26/17

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

Sandra & Fred Wang 97 Crossbrook Amherst MA  
MARK STRO 57 TWIN BROS RD BELCHERTOWN MA 01002  
Tony Wonseshin SVE Associates, Brattleboro, VT  
Vitaliy Anisimov  
Bing Jia + Hung Ju 55 NORTH MAIN ST UNIT 40 BELCHERTOWN MA  
Francesca Forrest 15 Clark Street Belchertown  
(Charlie's) → Holly Rainaud-Loss 49 Jackson St. B town  
daughter DAVID CLEGG 170 Jackson St.  
Sanjay Patel  
V. Patel