

Belchertown Planning Board Minutes

January 13, 2015



Members: Daniel Beaudette, Christopher Laurenzo, James Natle, George Synan, Robert Wojtczak, Michael Hofler (Alternate Voting Member Special Permits).

Staff: Douglas Albertson Town Planner, Susan Gay

Visitors: D. Hess, R. Greene, D. Frydryk, R. Chiasson, J. Chiasson, three other audience members

Chris Laurenzo Chairman opened the meeting at 7:30 pm.

Minutes:

Motion J. Natle to accept the December 09, 2014 minutes, Second G. Synan, Vote 5-0-0.

ANR plan signed by single signature James Natle, was reviewed and the board voted to accept the plan;

Motion J. Natle to accept the plan by applicant Gregory M. Gardner for North Liberty Street, Map 273, Lot 30, proposed lots 1, 2, 3, 4, 5 and 6, Second R. Wojtczak, Vote 5-0-0.

James Natle signed an acknowledgment that he watched a recording of the meeting he missed, which was part of a review of the Old Sawmill Road extension discussion. That meeting was November 12, 2014. The note will be filed at the Town Clerk office.

Chris Laurenzo opened the continuation of the public hearing for Old Sawmill Road. Mr. Greene said his representative Mr. Wonseski was out due to surgery, and so unable to work on the plans. Mr. Wonseski sent a note to the board asking for a continuation of the public hearing for Old Sawmill Road. The board said they will not discuss the proposed extension to the subdivision way, due to the applicant request for a continuation of the public hearing. Mr. Greene said he would submit a formal letter for the record.

Motion G. Synan to continue the public hearing for Old Sawmill Road extension to March 24, 2015 at 7:30 pm, Second J. Natle, Vote 5-0-0.

Doug noted that Richard Lewis came in today with the as-built plans for phase 1 and 2 of Old Sawmill Road, but that he did not have a legal description drawn up for phase 1 and 2. Mr. Greene asked why a written description is necessary. The board said it accompanies the as-built plan with details, and has been a standard procedure as part of the process of bringing the plan to a town meeting for road acceptance.

Mr. Greene said Steve Williams, DPW Director, checked phases 1 and 2 and he has a copy of the as-built plan. Mr. Greene requested the written legal description from his engineer for phases 1 and 2 Old Sawmill Road. The board asked a question regarding the filed as-built plan, and the fact that Mr. Greene noted he'll put a cistern on phase 2. Doug noted the cistern may be placed as a condition as the Fire Department and Department of Public Works are both consenting to this safety addition.

Mr. Greene also submitted a form requesting all interest in phase 1 and 2 be released which includes cash as a performance guarantee. Doug said there is a 45 day limit to respond to this form and the date is Jan. 22, 2015. The board endorsed the form and Doug agreed to hold this paperwork until the legal description is submitted and approved.

Motion G. Synan to endorse a Certificate of Completion and release all municipal interest for Old Sawmill Road (Hunters Ridge), phases 1 and 2, subject to the legal description being submitted to the Town Planner Doug Albertson who is acting as the Planning Board intermediary, Second R. Wojtczak, Vote 5-0-0.

A note from Richard Greene regarding a request for release for the mini-golf area under Chapter 61B was discussed. The board went over the paperwork and noted they cannot take action as there is no purchase and sale agreement available. The board discussed the chapter release Mass State Laws, and said they will hold off on this until they have a submittal of a purchase and sale agreement for this parcel.

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Chris Laurenzo read the public hearing notice for a special permit application, for earth removal on Bardwell and Chauncey Walker Streets, submitted by applicant Ronald Chiasson as posted in *The Sentinel*. Don Frydryk of Sherman and Frydryk was present, with Ronald Chiasson, and his daughter-in-law Jeanette Chiasson.

Don Frydryk presented the special permit plan proposal. The location is the corner of Bardwell Street and Chauncey Walker Street, and the entrance will be on Bardwell Street. Mr. Frydryk went over drainage, dust control, tracking pad, topography, timelines and all items as part of the earth removal process. All items noted are found in the Zoning Bylaw Section 145-29 and 145-69 special permits. There were responses from various departments, including the Board of Selectmen, Department of Public Works, Tighe & Bond, and Town Planner. Don Frydryk addressed all the comments on his January 12, 2015 letter.

Mr. Chiasson addressed questions from the board, and said the proposed earth removal abuts his family's property. He wants to level the area and put up two single family houses. The board went over each item, and each member had questions. The board noted this corner is highly visible and they hoped it would be as neat and timely as possible. Mr. Chiasson reiterated that his family lives there, and he will be conscientious about the appearance and he hopes to get the work done this spring.

The board is concerned about the edge of the Bardwell Street pavement, and how it could be damaged by heavy truck traffic. Mr. Chiasson agreed to the members request that he ask Steve Williams, DPW Director to inspect the area to be used by truck traffic, and establish the condition of Bardwell before the project. Another inspection will be done after the project to assess pavement condition. If the pavement needs repair, Mr. Chiasson said he would cover the cost of repair work.

Mr. Chiasson agreed to a performance bond as a performance guarantee. Don Frydryk explained there is a lower area on the plan for water runoff. The board discussed the exposed face during the removal and Mr. Chiasson said it will not be any higher than five or six feet.

Discussed dust control, fencing and signage. The board asked that "no trespass" signs be put in place in lieu of a gate at the entrance, and a tracking pad. It was noted there is an area with tires and trash, which Mr. Chiasson said would be removed. The family member, a direct abutter has a propane storage tank, and the board asked how close the property edge would be cleared. Mr. Chiasson said it would come close to the property edge, and he agreed to put flags around the area of the propane tank, so equipment operators are well aware of the presence of the tank. After board members were finished with discussion and questions, audience was asked for comment or questions. There were none.

Motion J. Natle to close the public hearing for Ronald Chiasson earth removal special permit application, Bardwell Street, Second R, Wojtczak, Vote 5-0-0;

Motion D. Beaudette to grant a Special Permit to Ronald Chiasson for earth removal at the corner of Bardwell and Chauncey Walker Streets, under Zoning Bylaw §145-29 Earth Removal, subject to the following conditions:

- 1) Applicant will employ an anti-tracking mat to comply with 145-29 F (4) "Access road shall be treated with a suitable material to reduce dust and mud for a distance of 150 feet back.....";
- 2) Applicant will ask Department of Public Works for an evaluation on the condition of Bardwell Street, where truck entrance and exit will be located, before and after earth removal work. If Bardwell Street is damaged, the town will be compensated by Mr. Chiasson;
- 3) "No trespass" signs will be posted in lieu of fencing and a gate to control unauthorized use;
- 4) Flags are to be placed at a propane tank located on abutter parcel;
- 5) All refuse is to be removed before work commences;
- 6) Non-operating equipment will be housed off Rt. 21 and kept in the rear of Bardwell Street;
- 7) Board recognizes Chap. 145-29.F.(4) standard is met by condition of the plan and specific conditions of the site (only where trucks enter and exit Bardwell Street);
- 8) Applicant will submit a required performance bond to the Town of Belchertown to cover the amount of \$89,575.00 for site remediation as specified in the application. This must be submitted prior to work commencing.

Discussion: this proposal meets Chapter 146-69 and the Planning Board is the special permit authority (Chap. 145-29 C.). The board said in accordance to Chapter 145 Section 69 for a Special Permit, it is stated that the Planning Board shall issue a special permit under the following conditions:

- (a) found not to be detrimental to the established or future character of the Town and the neighborhood;
- (b) will not nullify or substantially derogate from the intent or purpose of the zoning district in which they are located and
- (c) are in harmony with the general intent and purpose of this chapter. Conditions safeguards and limitations on time or use may be imposed when deemed appropriate.

Seconded by R. Wojtczak, **Vote 5-0-0.**

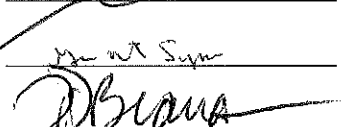
Approval will be filed with the Town Clerk, and then has a 20-day appeal period.

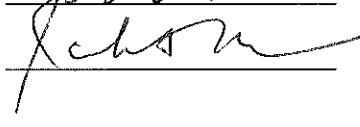
Other: It was noted the board received a letter from MA Dept. of Transportation regarding the Surner Heating Company site plan review, for the propane distributor business at 1066 Federal Street. This letter was regarding truck entrance and exit. Mass DoT wants this a different angle than is shown on the plan. At a previous meeting, the site plan was granted an extension to Feb. 28, 2015, and the review period continued to Jan. 27, 2015 at 7:35 pm.

The board mentioned a prior discussion they had regarding business in town. They put together a list of questions that they wanted to send to some business owners, so they could be proactive with present and future business owners. During the next four months, the board will again review the questions and hope to have something they can put on a website for use by business owners.

Motion to adjourn J. Natle, Second R. Wojtczak, @ 9:35 pm, Vote 5-0-0.



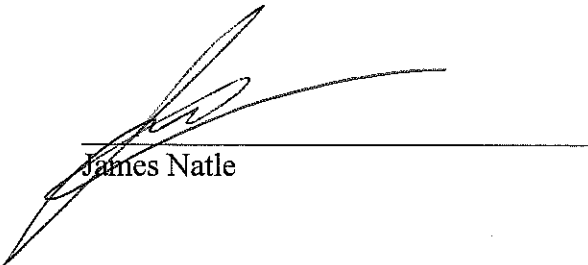
me nt sign




/sg

January 13, 2015

This is to certify that I have reviewed the video recording of the
November 12, 2014 Planning Board meeting continued public hearing
for Richard and Barbara Greene proposing an extension to
Old Sawmill Road definitive subdivision plan.



James Natle