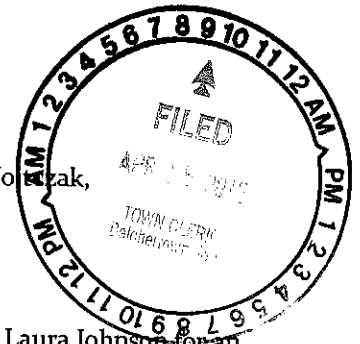


Belchertown Planning Board Minutes

February 24, 2015



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

Staff: Douglas Albertson - Town Planner, Susan Gay

Visitors: Steve Konieczny - Karl's Site Works, Richard Maynard, Richard Barry, Kenneth & Laura Johnson for an accessory apartment, Claire O'Neill MassDevelopment, Gary Brougham, Archie Archible, Erica Morrison Brazitis - Comprehensive Home Care, Dan Delany - Fuss & O'Neill engineering firm, Clay Smook - Architecture & Urban Design, Inc., Walter Ohanian - Grantham Group, Bruce Montague - Surner Heating, Bob Coluccio - Web Engineering

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

Minutes: Motion J. Natle to accept the Feb. 10, 2015 minutes, Second R. Wojtczak, Vote 5-0-0.

Richard Barry and Richard Maynard returned to continue a discussion about an ANR plan for Munsell Street. Attorney Maynard spoke on behalf of the applicant, Mr. Barry, and owner, Marcel Nunes. Attorney Maynard had submitted a second letter extending the planning board's time to act on this plan through Friday, February 27, to allow time for the board to consult town counsel and file the decision with the Town Clerk.

Applicant Richard Barry submitted this plan which shows two proposed lots. The board asked town counsel Kopelman and Paige (K & P) for an opinion. Counsel's letter states that while the proposed lot A has frontage on an accepted public way, the proposed Lot B is shown beyond the end of the public way and therefore has no frontage as a building lot.

Atty. Maynard said he felt that because Munsell Street has not been discontinued or abandoned, this plan shows building lots. The board said they cannot endorse this plan for Lots A & B with only one lot shown on a public way and the other not shown on a public way. The board said they are following the advice of town counsel, who has reviewed the information provided both by them and by Attorney Maynard. The board also noted that the surveyor had noted on the plan itself that lot B was shown beyond the end of the accepted way. The board added that even if they endorsed this ANR, the issue of frontage would not be resolved and the building inspector would be in the position of denying a building permit for the lot.

ANR plan for Munsell Street -

Motion J. Natle to deny endorsement of the ANR plan for applicant Richard Barry and owner Marcel Nunes for two lots on Munsell Street, Map 214, Lots 1, 2 and 3.1, proposed Lots A & B, as the plan falls under the requirement of needing subdivision approval, Second G. Synan,

Motion revised by D. Beaudette to deny endorsement of the ANR plan submitted by applicant Richard Barry and owner Marcel Nunes for two lots on Munsell Street, Map 214, Lots 1, 2 and 3.1, proposed Lots A & B, as the plan proposed by a surveyor hired by the applicant clearly demonstrating one lot on a public way (Lot A), and one lot not on a public way (Lot B), for the following:

1. Incorporating town counsel's letter of February 19, 2015, one of the proposed lots:
 - a. does not have frontage on a public way,
 - b. does not have frontage on a way in existence when the town adopted subdivision control, which has (in the Planning Board's opinion) sufficient width, grade and construction to provide safe access to the proposed use, and
 - c. does not have frontage on an approved subdivision way; and,
2. the proposed lot that does not have frontage would also include land that had been deeded to the Oasis Drive subdivision's open space.

Seconded G. Synan, Vote 4 aye -1 nay (nay by R. Wojtczak, said he is opposed to the denial as "he thinks the Town Attorney hasn't met all guidelines in proving why it is not a town way, and doesn't like government intruding on landowners".

Atty. Maynard noted that he disputes town counsel's response to this plan showing two lots on a town way. The board stated they cannot make a town way by endorsing a plan, nor has the applicant proved it a public or town way. This is a legal issue which counsel has twice stated and copied Atty. Maynard. Mr. Barry announced he will appeal the board's decision. G. Synan also noted Oasis Drive subdivision off Munsell Street, had a specific contingency that was approved and accepted, which allowed open space at that area of Munsell Street, and that would also be a point which would need resolution.

Steven Konieczny was present for **Karl's Site Works off Federal Street**. He asked for an extension to the special permit earth removal. He gave the board an update and said there hasn't been much removal at this time. He notes that some people use the area for horseback riding and the only problem he has are ATV riders. He always closes up the area they enter from. He said there is no issue with neighbors, and Doug stated he has never heard a complaint about this operation. The board asked questions regarding fencing or signage, equipment on site, security, whether there are explosives on site, and height of banks. Once the board had no further questions, the board agreed to an extension to the special permit from December 2014 to December 2016.

Motion G. Synan to extend the special permit for Karl's Site Works off Federal Street to December 1, 2016, Second R. Wojtczak, Discusson: D. Beaudette asked the applicant to update trespass signs, Vote 5-0-0.

C. Laurenzo opened a contined public hearing for a **Special Permit for an accessory apartment**. The applicants Kenneth and Laura Johnson, 354 Rockrimmon Street returned with pictures of their proposal. They show the location of the proposed apartment, where it will be built and dimensions of rooms. Applicants note the apartment will be built to the side and rear of their home, and will not be noticeable from Rockrimmon Street. The board looked over their presentation and asked to retain the pictures for the file.

The board noted the application requests an increase in square footage to the apartment to allow a motorized wheelchair use for their father. After the board finished the review they asked if any audience members had comments or questions. There were none.

Motion D. Beaudette to close the public hearing for Kenneth and Laura Johnson special permit application for an accessory apartment at 354 Rockrimmon Street, Second R. Wojtczak, Vote 5-0-0;

Motion D. Beaudette to waive the 600 square foot limit to accommodate disability access and allow approximately 752 square feet, at 354 Rockrimmon Street for Kenneth and Laura Johnson, Second R. Wojtczak, Vote 5-0-0; (note §145-29.1 B(3).)

Motion D. Beaudette to graant a special permit for Kenneth and Laura Johnson, 354 Rockrimmon Street, Map 263, Lot 102, for an accessory apartment with a larger footprint for ADA use, and in accordance with Zoning Chapter 145, Section 29.1, and Section 69:

Section 69 notes reasons to allow a special permit by this granting authority as follows:

- a) are 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. Second J. Natle, Vote 5-0-0.

C. Laurenzo opened a public hearing by reading the notice as posted in *The Sentinel*. The application requests a **special permit for an accessory apartment** by applicant Jared Moriarty for 16 Shea Avenue, Map 109, Lot 26.

Mr. Moriarty informed the board that this is an already existing space that meets requirements. He said it is a combination kitchen and living room 24' x 25' square. He said the house was completed 2 months ago. C. Laurenzo asked to see the prints or drawings. Mr. Moriarty said they are on file with the Building Inspector office. The narrative was read aloud. The board indicated they need to have something to show the scale of the apartment and how it looks in relation to the house, pictures would be preferable. The board said they have very little to review without a floor plan or elevation, and so cannot approve something without all pertinent information to review.

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There was confusion over room size, location of bathroom and total square footage. It was noted that the board doesn't have issue with the proposed apartment, but the need more information. They asked Mr. Moriarty to return with that information and he agreed to return to the March 10, 2015 meeting with clean prints and pictures.

Information to clarify: elevation, location, floor plan with square footage of each room, access, and bathroom location. The board said there is also a need to check with the Board of Health on accessory apartments regarding septic design. Doug said the Board of Health approval is the first line on the application.

Motion J. Natle to continue a public hearing for Jared Moriarty, application for an accessory apartment at 16 Shea Avenue, to March 10, 2015 at 7:00 pm, Second G. Synan, Vote 5-0-0.

Grantham Group, LLC/Christopher Heights and Mass Development were present to discuss a conceptual site plan for the former state school property off Berkshire Avenue and Whitlock Way. Grantham Group is an assisted living developer. They have five other facilities in Massachusetts. Fuss & O'Neill is the engineer firm designing the site plan.

Mr. Ohanian gave an overview of the buildings and showed elevation drawings. Discussed storm water plans and said water will be brought to buildings for fire and domestic use. The facility would have 83 units, of which 50% are to be designate for low income residents and 50% would be at market value. They would be marketed to people 62 years of age and older who need assistance. He went over the provided functions such as meals, kitchen space, lobby, library, salon, socializing inside and outside. He said the units would be each person's own space and furnishings. This plan is on a fast track as the developer will apply for low income tax credits in April 2015 with deed restrictions that go along with that. The board asked if that helps the developer build the proposal and he answered yes.

Mr. Ohanian said that the tax credits will help provide equity for half the project, which totals about 15.5 million dollars. This would allow them 7 million dollars, so the mortgage would be substantially lower. The board asked about jobs and the answer was 40 jobs, 15 to 20 people at a time in the building. One board member asked how the 50% low income and 50% market priced units would be located, and the developer said there is no discrimination and they will be blended. Only the bookkeeper would know what units are low income and which are not. Developer said one particularly nice thing about this design and contract with a client is that once someone comes into the building, should their circumstance change (income, etc.), they never have to leave their unit; they continue to stay in same unit.

Architect Clay Smook gave an overview of buildings to be designed. He said with the history of Massachusetts it's important to capture old scale mansions on the exterior, as well as a controlled quiet environment. He showed on a plan, green space and went over how they'd have texture to all sides of buildings and the overview of what materials would be.

Dan Delany of Fuss & O'Neill gave an overview of the plan layout. The development site location is on Business Technology Drive and Berkshire Avenue on approximately 3 1/2 acres of the campus. Discussed the roadway extension of 150 feet at the end of Bridge Street to Berkshire - and beyond. The board asked what the town would be responsible for on the roadway extension. It was noted the town would put in 26 foot wide road with utilities, storm water and sidewalks, essentially building a subdivision way. The board asked where the pad ends and the town way begins. It was noted that once the weather condition improves, there would be a better determination for size of the detention basin.

Discussed layout, parking, vehicle circulation and again noted that it's assisted living not independent living. They have a 90 unit facility in Greenfield of which only 7 of the vehicle parking spaces are owned by residents. After discussion regarding assisted living space, was a question about independent living space. Claire O'Neill, MassDevelopment's Project Manager, said they intend to eventually have independent living to the rear of this site, but that is not part of this project and would be a different developer. Mr. Ohanian said he'd welcome people from the independent living units into his company's assisted living facility and spoke of pedestrian connectivity for physical movement. The board asked about cost of occupancy for market units. Mr. Ohanian said all care can be \$4,000.00 to \$5,000.00 a month depending on the amount of care one needs. He also said there are a la cart units, but his residents needing assisted care will not be charged for every item as care progresses, it would be all inclusive so the target number for 83 units is four to five thousand per month.

An audience member said he went to a facility built by the developer in Webster and he said it was very impressed with it. He had questions about a wait list and vacancies. Mr. Ohanian said numbers are unknown.

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The board asked about eligibility and if residents have to live in town to apply, and the answer was no, people usually come from within 10 miles and perhaps 15% from outside town lines. The board asked if next step is full site plan, and answer was yes.

G. Brougham, Town Administrator noted the town is committed to working with the developer. He noted we are beginning planning the infrastructure improvements necessary for the development. There is currently frontage on a town way available to begin and as soon as the winter weather breaks, they'll be ready for next steps. The board asked if there is a timeline for submission, and there was no specific date. Town offices will move paperwork along with public hearings, etc. as soon as they have submittals. Mr. Ohanian noted that if they submit their financial applications in April, they could possibly begin work in the Fall 2015. He asked the board to submit any and all questions ahead of the paperwork being submitted.

Continued site plan review for **Surner Heating Company** propane storage site proposal 1066 Federal Street.

Bob Coluccio, engineer for Surner and Bruce Montague of Surner Heating were present. The board read a response received today from Tighe & Bond showing all met except a minor item. Bob Coluccio said this has been addressed. C. Laurenzo read it aloud and asked for further discussion as all items were addressed according to the town engineer Tighe & Bond. Bob Coluccio said Conservation Commission has approved the plan with conditions.

A member of the board inquired whether they had thought about his suggested look at additional safety measures for sight distance at Federal Street. The board member said the traffic study was revised (for cars and trucks) with part of the study missing. Now that this was addressed, there appears to be better safety considerations that include both cars and trucks. The previous number was based on cars only. Some of the concern has to do with vegetated sight lines as well as distracted drivers, and nothing suggested improving the safety of the area. The member noted at the last meeting the engineer provided a letter with nothing more to try to resolve this safety concern.

Bob Coluccio said they hired a traffic engineer and Dept. of Transportation and Tighe & Bond have approve the plans. The member asked if anyone made contact with DoT about signage and they had not. The member said he hoped for a suggestion to show a safer plan onto Federal Street. Mr. Montague said he'd be happy to add signage if the DoT was willing to accept it placed on their way. The board agreed it would do no harm to ask DoT about signage or anything else they might suggest making it a safer way.

The board followed up with a letter from a neighbor about a storage building that looks like a trailer. Mr. Montague said that would be addressed. A member who previously worked with chemicals said he felt this was safe system, and the developer addressed everything requested. The board noted they appreciate owners best efforts to communicate with Mass. DoT and ask to send to the office any result from this communication, whether signage is allowed or not.

Motion G. Syman to approve a site plan for Surner Heating Company propane storage site at 1066 Federal Street, with conditions:

- 1) Applicant will provide snow and landscape plan that outlines the prevention of the Deterioration of sight lines onto Rt. 9; submit plan to Planning Board;
- 2) Applicant will make an inquiry to the State to seek recommendations including but not limited to signage as to make motorists aware of new truck traffic; report back to Planning Board within 2 months;

Second J. Natle, Vote 5-0-0.

C. Laurenzo announced notice of the **Special and Annual Town Meeting** to be held on Monday, May 11, 2015. Warrant article deadline dates are: March 25, 2015 at 4 pm for the Special Town Meeting, and April 1, 2015 at 4 pm for the Annual Town Meeting.

Motion to adjourn J. Natle, Second D. Beaudette, @ 9:30 pm, Vote 5-0-0;

