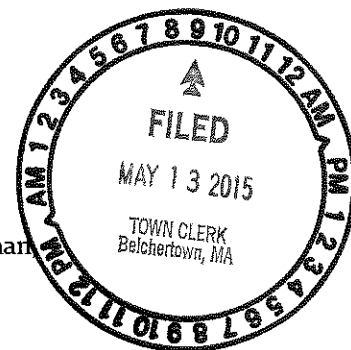


Belchertown Planning Board Minutes

April 28, 2015



Planning Board members: Daniel Beaudette, Christopher Laurenzo, James Natle, George Synan, Michael Hofler (Alternate Voting Member Special Permits)

Staff: Douglas Albertson - Town Planner, Susan Gay

Audience: Ellen Freyman (applicant for Bell Atlantic Mobile d/b/a Verizon Wireless), Denek Kacaowka (21 Jason's Way) John McSpadden (5 Jason's Way), Sean Gallagher (61 Metacomet St), Jason A. Overgaard (15 Jason's Way), John Raymer Jr. (36 Jason's Way), Fred Morris (281 Chauncey Walker St), Stephen Hartwell and Pamela Albertson (169 Aldrich St), Cathy and Keith Bodley (71 Meadow Pond Road), Elizabeth Eycler-Pelletier (163 Aldrich St), Camille Richards (147 Aldrich St), Kim and Catlin Masse (30 Willow Ln), Shannon & Keith Fillippelli (25 Willow Ln), Jennifer Falkner (105 Aldrich St), Donna Lusignan (251 Rockrimmon St), Pat and Peter Light (16 Old Sawmill Rd), Amy and Patrick Fitzgerald (70 Aldrich St), Sharon Marino (133 Aldrich St), Sean O'Connell (16 Meadow Pond), Melissa Vozzella (150 Aldrich St).

The public hearing for a wireless communication tower on Aldrich Street brought a large attendance to this meeting.

Christopher Laurenzo, Chairman opened the meeting at 7:02 pm.

Noting one member of the board absent, and that this meeting will review a special permit, Christopher Laurenzo appointed Michael Hofler to be a voting member of the board, and fill his membership capacity as the "Alternate Voting Member for Special Permits".

Christopher Laurenzo read the public hearing notice as posted in *The Sentinel* proposal for a wireless communication tower, applicant Bell Atlantic d/b/a Verizon Wireless. This proposal requests construction for a tower on Aldrich Street, Map 248, Lot 20.1 and 21, shown as Lot A on plan book 233, pg. 112. Attorney Ellen Freyman introduced herself as representative for the applicants, and requested a continuance to the public hearing, as she noted this plan is being revised and the tower area moved on the same parcel.

The Chairman went over the format for public hearings for the audience. The board stated as the plan is not complete at this time, with the applicant noting it will be revised; they will agree to continue the hearing. The board noted they frequently grant continuations to this type of request and said sometimes a revision will occur as a result of applicants receiving comments from boards, commissions and engineers.

Ms. Freyman said she will have revisions ready for the planning meeting on June 9, 2015 and will be in attendance with the various professionals that can address concerns. She said there will be another balloon float, and agreed to fly it on a weekend requested by a board member, so anyone who wishes to may attend without having to take time off from work.

The board discussed how planning member George Synan, who is present for this hearing, will no longer be a member of the board after May 18, 2015 town meeting. George Synan handed in his resignation to the planning board, and that will open his seat on this board. D. Albertson made note that a special permit requires a super majority vote, or four of five board members. Also, an absent member may get informed and up to speed one time on a missed public hearing by watching the video and formally writing a statement to that effect for the record.

There were 30 or so audience members, of which a few had signs indicating they were not in favor of a tower on Aldrich Street. Once the board agreed to a continuance they told audience members they could not discuss any part of the application. They did agree however, at the request of audience members to hear some comments. The board noted that comments must be addressed to the board not the applicant. The board noted that the audience can meet outside to discuss the proposal, but they needed to continue their meeting once they were finished with this portion of the agenda.

The board asked Ms. Freyman to have in hand a full plan, and that they would like to see the "fall zone" noted and within the property boundary for the proposal. The board noted to the audience members they may call the planning office and find out if there are any additional submissions for them to review prior to the June 9, 2015 meeting.

Planning Board Minutes 4/28/15

Ms. Freyman said she would put date to observe balloon in the local newspaper, as well as post on town website. The board noted they would like to have a constructive conversation and follow the regulations regarding this proposal. They noted they may not take any concern with "radiation" into consideration, as per the Federal Communications Commission as noted.

The audience members posed comments regarding zoning, and that this part of Aldrich Street is rural residential; they asked if there was time to apply for the open seat on the board; and asked to be informed of whether there were other towers that had been denied in this town. The board said one of the denials resulted in a five year litigation which upheld the boards denial. Another proposal for a tower, at the applicants' request, was retracted.

The board explained the zoning and the process and timing of changing a zone or a regulation. The board also explained the FCC and special permitting process. Also the board has the opening and the May 18 voting would only allow write in candidates at this time.

D. Albertson, Town Planner explained how the applicant must make a case that the application meets the Zoning Bylaw regulations and will cause no harm. If the board agrees, then four of the five members must vote to allow the tower. Audience members stated that they took time off from various issues to attend tonight and worried if they could attend the June 9 meeting. The board said to email the town planner and that their concerns or comments would be read by board members and brought to the attention of the applicant.

Motion J. Natle to continue the public hearing for a special permit by Bell Atlantic d/b/a Verizon Wireless for Aldrich Street, Map 248, Lots 20.1 and 21, shown as Lot A on plan book 233, pg. 112, to June 9, 2015 at 7:00 pm,
Second D. Beaudette, Vote 5-0-0.

Richard and Barbara Greene submitted an as built for Old Sawmill Road phase 3, as well as a form requesting the board accept covenants in exchange for release of lots for this definitive subdivision plan as noted. D. Albertson noted that the covenant would be for the Town of Belchertown to hold four of the seven lots. He noted the mylar which will need to be endorsed by both the board and Town Clerk.

A form for approval from the board was also submitted with a form from their engineer on a cost estimate for the board to note what the cost would be for them to complete this definitive subdivision if necessary. The board discussed holding some cash as a performance guarantee as well. This was however not discussed beyond it being mentioned. The board reminded Mr. Greene that he demonstrated to them, and said out loud that he'd only finish phase 1 and 2 of this subdivision because he wanted to proceed to phase 3. They noted that they typically hold under covenant all lots until the other phases of a subdivision are entirely complete. The board said they're still waiting for various items to be complete as part of the process. One is the cistern for fire safety. Mr. Green said he's inquired, but has not purchased the cistern - he gave an estimated cost to the board and said he'd have it in place this summer 2015.

Mr. Greene said that in the past he has built one home at a time, himself and that he would not be doing that any longer. He noted that he'd be selling the lots to others and so phase 3 would not be moving slowly as did phase 1 and 2. The board reviewed all the paperwork and endorsed the mylar. They discussed the submittals and endorsed the forms which will all be filed at the Hampshire Registry of Deeds.

The board asked Mr. Greene to provide them a list of materials which need to be in place for the whole of the definitive plan as well as dates of completion. This includes cistern, top coat on road, etc. The board indicated that if they do not have this in place, they will move forward with cash as an incentive, so they may have something in hand in case they need to complete the subdivision. They noted past issues with other subdivision plans.

D. Albertson asked Mr. Greene if the engineer inspection form which noted a cost of \$287,000.00 for completion included a cistern and Mr. Greene answered it did not include the cost of a cistern, around \$30,000.00. Mr. Greene felt that the cost estimate for completion by the engineer was excessively high. The board noted that if the cost for the town to complete these phases is \$250,000 to \$300,000, that they have to think about what it would cost for the town to complete them. D. Albertson noted that the board would then "end the road" and if Mr. Greene has invested this much in the past two years, he'd likely want a return on his investment. The board said there would be "no further lot" release until the cistern was in place, as well as the base coat for the roadway. Mr. Greene agreed. The drainage also needs to be

Planning Board Minutes 4/28/15

put in place. Again, the board is adamant about a written schedule of work from Mr. Greene and that they'd be taking his word on this schedule. The board said for Mr. Greene to bring the schedule to D. Albertson.

Motion D. Beaudette to accept the covenant on lots B, C, D and E (as noted on plan) for phase 3 of Old Sawmill Road as requested by Richard and Barbara Greene (aka Hunters Ridge), Second G. Synan,

Noted: Chairman Lorenzo stated no further release of lots on Old Sawmill Road phase 3 until the basecoat and cistern are in place and cistern approved by the Fire Chief; and a work schedule is sent to the planning office; Vote 4-0-0.

D. Beaudette asked Mr. Greene about the inquiry to the mini-golf area. The board was asked to review a business for a laboratory proposal last year. Mr. Greene said he has heard nothing further from this business.

The board endorsed and signed off on the additional forms for Mr. & Mrs. Greene.

Zoning Board of Appeals Variance request by applicant Greg Hamelin of Hamelin Framing Inc. for owners Marc and Amy Gregoire, 459 Michael Sears Road, Map 272, Lot 97.2.

The board looked over the application and noted it is requesting an increase to the set back on the side yard from the required 60 feet to 48 feet on this estate lot. This would allow an addition to their home for their parents. The board noted that they too will be reviewing this parcel for an accessory apartment May 26, 2015; however this is a review for the planning board to make a recommendation only for this side yard setback request.

The board read the narrative on the ZBA petition that states the homeowner cannot go to the rear with the addition, due to the septic system placement. It states their parents wish to move beside them to help with children and financial burden. This will help the Gregoire's with the care of their family members in not having to travel longer distance as well. It also notes this addition in no way disrupts public good, it ties into their home well without sight line and does not impede on surrounding houses. The Gregoire's also approved allowing Greg Hamelin Framing Inc. as their representative in this variance request.

The board reviewed whether they felt the Gregoire's had a necessity to encroach on the side yard setback. The board noted that this contemporary house was designed to allow fire trucks, etc. adequate area to respond and that the home was adequate for those reasons and it was felt that this was beyond the intent of the bylaw. They felt this was not a boiler plate variance, yet the board has a duty to review, respond and make their recommendation.

Motion: G. Synan to recommend the Zoning Board of Appeals **not** grant a variance as requested by petitioner Greg Hamelin of Hamelin Framing Inc., representing the Gregoires for 459 Michael Sears Road. The board stated the three criteria for a variance have not been met.

Chapter 145- Section 68, B. Variances states:

"Such a variance shall be granted only if all of the following conditions have been met:

- (a) Circumstances exist which relate to the soil conditions, shape or topography of the land or structures and especially affect such land or structures but do not generally affect the zoning district in which they are located;
- (b) Literal enforcement of this chapter will result in a substantial hardship, financial or otherwise; and
- (c) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter. "

Second by D. Beaudette who stated that this variance request substantially derogates from the intent of the bylaw, Vote 4-0-0.

Discussion covered that setbacks exist for multiple reasons, such as buffers against adjoining properties. On an estate lot, there should be ample opportunity for finding a location to place something while conforming. Without showing substantial hardship, i.e. meeting all three variance criteria, this application does not merit

Planning Board Minutes 4/28/15

a variance from the setback requirement. The planning board is in favor of accessory apartments, but they do not consider varying from the bylaw's standards as something to be a normal practice, otherwise, there is no point in having setbacks if variances are granted just because someone applies for one. The applicant should demonstrate what the hardship will be in not granting the variance and why the addition could not be located to conform.

Minutes: Motion G. Synan to accept minutes of April 14, 2015, Second D. Beaudette, Vote 4-0-0

ANR plans: Motion J. Natle to endorsed an ANR plan for Robert Wojtczak, North Washington Street, Map 249, Lot 93, proposed Lots 1, 2 and, Second G. Synan, Vote 4-0-0;

Motion D. Beaudette to endorse an ANR plan for Steven W. Paul and Richard and Annie Steiner, Warner Road, Map 236, Lot 10 & 11, parcel 1 and parcel 2, Second J. Natle, Vote 4-0-0;

Motion C. Laurenzo to endorse an ANR plan for Thomas R. Roberts Jr., Michael Sears Road, Map 272, Lots 68 & 68.01, proposed Lot 1A, parcel A and remaining land, Second J. Natle, Vote 4-0-0.

Bills and time slips were signed by the board.

The board asked about the May 12, 2015 agenda. D. Albertson said Paul Adzima, Zoning Enforcement Officer will discuss and review two issues, one issue is regarding the Methodist Church paving and storm water.

The other is a noise complain regarding the Swift River Sportsman Club off Cold Springs Road. This will be an informal discussion regarding an expansion of a shooting range.

It was noted that the Tractor Supply detention basin holds water and that is why the board insists on fencing around public basins. The board said someone made a sign asking Tractor Supply to pick up their trash on the parcel and in the detention basin. They would like Mr. Bolduc to know what towns' people feel about the condition of the property and asked a letter be sent to him regarding same. If it is found that Mr. Bolduc separated that parcel, the board asked that whoever may be responsible for it, know that it is a hazard as well as an eyesore to the town and that's why the board insists on fencing detention basins.

The board noted that George Synan will have one more meeting with the planning board.

Motion to adjourn J. Natle, Second G. Synan @ 8:50 pm, Vote 4-0-0.

