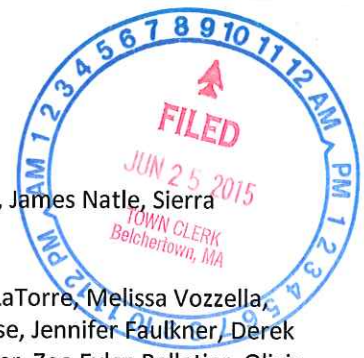


Belchertown Planning Board Minutes

June 9, 2015

Planning Board members: Daniel Beaudette, Michael Hofler, Christopher Laurenzo, Donna Lusignan, James Natle, Sierra Pelletier Associate Member. Staff: Douglas Albertson Town Planner, Susan Gay



Audience: Attorney Ellen Freyman (representing applicant Verizon Wireless), Michael Libertine, Jay LaTorre, Melissa Vozzella, Patrick Fitzgerald, Beverly Dwight, Tom Richards, Camille Richards, Elizabeth Eyler-Pelletier, Kim Masse, Jennifer Faulkner, Derek Kazowlik, Lynne Raymer, Keith Bodley, Cathy Bodley, Nonete Cardos and V. Cardos, Amy Eyler-Pelletier, Zoe Eyler-Pelletier, Olivia Eyler-Pelletier, Elizabeth Jamieson, Keith Filippelli, Doug Roberts, Craig Kupinsky, Dawn DeMerchant, John Pent, Darcie Mavlouganes, Zachary Mavlouganes, Ryan Mavlouganes, Joanna Page, Walter Hamilton, Shannon Zuppeli, Archie Archible, Phil Watts, Susan Watts, Neil Jackson, Marcy Jackson, Stephen Anderson, Scott Nielsen for Hickory Hill.

Christopher Laurenzo, Chairman opened the meeting at 7:03 pm.

C. Laurenzo re-opened the continued public hearing for the special permit application for a wireless communication facility by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless. The property location is 134 Aldrich Street, Map 248, Lot 20.1 and 21, shown as Lot A on plan book 233, pg. 112. Attorney Freyman and a few other professional people were present representing Verizon Wireless. The board said the applicant will be requesting a continuance and so would not answer specific questions regarding a plan as they do not have a revised plan at this time.

Audience members had signs stating opposition to the proposed tower. Chairman Laurenzo went over the formal procedure for a public hearing and asked everyone to silence their cell phones. The board requested audience members to continue conversation with Atty. Freyman and representatives following this part of the meeting.

Atty. Freyman said she just came from a meeting with Assessors to discuss a question posed by a board member regarding Chapter land and fall zones. D. Beaudette was at that meeting as well. The assessors determined that the fall zone being partly in the land enrolled in Chapter 61 is not a change of use and the chapter status is unaffected. She noted the balloon fly was held at Aldrich Street and Franklin Street on June 6, as the scheduled date of June 5 was too windy and would not be done properly. The board said all of the contact people are working together and the communication system is working.

The applicant requested a continuance of the public hearing. It was discussed to continue to July 28, 2015. Audience members took issue with a date so far away, and asked a variety of questions regarding approval and denial of a special permit, and if there were timelines attached to a decision on a special permit. The board went over the special permit procedure and noted if a continuance request is not due to negligence by an applicant, it is not unusual for the board to wait until all issues are resolved prior to any debate and decision.

The board discussed the following issues: zoning procedures and zone changes; schedule of uses in various zones; timelines on special permit decisions; approval or denial of special permits; radio frequency and trees; residentially zoned neighborhoods; ownership of two other large tracts of property in that Aldrich Street neighborhood, and that the tracts are tree farms; one tree farm owner (Mrs. Page) gave a brief history of Aldrich Street. Mrs. Page asked audience members if they'd gone to speak with the property owner for this proposal. People indicated they had not.

The board opened the hearing to audience members for comment only, and noted they would not allow the applicants or representatives to answer questions, as this hearing will be continued. A neighbor on Aldrich was concerned with a balloon fly being held in summer and requested the board continue this hearing to January 2016 so the neighbors could view a balloon fly in winter. Neighbors asked the board to go to Town Counsel with that request. The board suggested that if people have legal questions they should find their own counsel as they do not want to spend money on counsel to ask questions for individuals.

The board went over their responsibilities and procedures for special permits. They urged the audience to go to Zoning Bylaw Chapter 145, Section 69 and read criteria that must be followed for a special permit. Some neighbors said they feel Aldrich Street is residential and that it no longer was agricultural, and that Aldrich should be rezoned. The board explained the procedure and steps to the process of requesting a rezoning an area.

After much discussion, the board asked Attorney Freyman if everything would be ready in a month so the public hearing could continue on July 14, 2015. She assured them all would be ready for review by that time.

Motion J. Natle to continue the public hearing for Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless to July 14, 2015 at 7:05 p.m., Second M. Hofler, Vote 5-0-0.

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Note: D. Beaudette said this continuation is on a condition the Franklin Street property owner agrees with changing the date of that tower's public hearing from July 14 to July 28, 2015. Doug said he'd contact that owner tomorrow and verify.

Neil Jackson, Marcy Jackson and Steve Anderson are present for a site plan review for 35 Bridge Street. They request approval for a small addition to the present building at 35 Bridge Street, and they presented a plan for the addition. The building is located beside Hulmes Transportation. Mr. Anderson presented the site plan and said he'd like to construct a **bump out in the rear of the property, a one story small addition.**

The board asked about safety and fire equipment access. Neil Jackson said Fire Chief Bock was already there and Doug Albertson said Chief Bock had worked with the applicants. Questions were asked about any change to access, if they would make a new egress and elevation. It will look the same as the rest of the building, said Mr. Anderson.

Doug said they are requesting a waiver to eliminate a couple of the parking spaces, and it's up to the applicant to show there will be enough parking left. The applicants showed pictures in preparation for this, and handed them to the board. It was noted there are presently 107 spaces that would be diminished down to 100. After discussion, the board asked if the building was fully occupied. Mr. Anderson said it is 80% occupied.

The board agreed that this is not a significant impact to the original site plan, and would not need a public hearing for a modification. The board also agreed parking was not an issue and some board members have used this parking area at 35 Bridge Street. In that there is no change to the egress and there is access to the rear for safety of the Fire Department equipment, the board felt this is not a major change to the area. They brought to the attention of the applicant that they be particularly mindful of parking area spaces as there is presently 80% occupancy and parking necessities may change in 3 to 5 years. There is some on-street parking. Also it was agreed there is not a need for a traffic study.

Motion D. Beaudette to approve this site plan for Bridge Street Enterprises, LLC, 35 Bridge Street, signed by Stephen Anderson; for exterior alteration and modification of a previously approved plan, with gross floor area of proposed construction, 720 square feet; Second J. Natle, Vote 5-0-0;

Motion D. Beaudette to waive Zoning Bylaw Chapter 145, Section 23, Parking and loading areas, from strict compliance of parking space; and to allow a reduction of 7 spaces from the required 107 parking spaces to 100 authorized parking spaces (to be written in on site plan review approval form), Second J. Natle, Vote 5-0-0.

The board noted this form will be recorded with the Town Clerk office and readied for filing with the Hampshire Registry of Deeds.

Scott Nielsen came to the board as representative for Hickory Hills Realty to speak on a submittal of an ANR plan for Hickory Hills subdivision off George Hannum Road.

Mr. Nielsen introduced himself to new board members D. Lusignan, M. Hofler and S. Pelletier. He noted Hickory Hills is an Open Space Community Development (OSCD) with a given amount of lots that could be built with duplexes by right. He reviewed the process leading to this plan. Two years ago, lots were revised that resulted in two lots more than were approved in the definitive plan, with the promise that a later ANR would bring the total back to 65 lots as approved. This plan does that. Part of the reason for the delay in this ANR is that Hickory Hills Realty still needed to take ownership of parts of the subdivision on land that had been owned by Loncrini and Bronner. This has been done. Mr. Nielsen said it was important to move the duplex lots around and it is now 65 lots shown, 13 lots or 20% which will be duplex lots.

The board asked if this was the final plan and Mr. Nielsen said yes and he was thankful for the patience and trust the board has given him. He stated that a confirmation plan will subsequently be recorded at the registry to clarify that this is the binding plan. The board asked about easements and closing out all the proper paperwork. Mr. Nielsen said he'd once again review all and said he was of the opinion the only easement is in back, written up in 2008. The detention basin was brought up and Mr. Nielsen said that was in the original approval, but to call him if anything further is needed.

Discussed progress of the subdivision and next steps. There is a wetland crossing need for the second street into the subdivision. This has been negotiated with the conservation commission and DEP and Mr. Nielsen said work should commence on that this year. The resurfacing of George Hannum was brought up as Mr. Nielsen said he'd either resurface or cover monetarily. In that

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the DPW did the resurfacing as necessary, Mr. Nielsen said he'd work with Mr. Williams on the monetary agreement on this issue.

Mr. Nielsen said he'd like to get in writing any and all items he needs to address with Mr. Williams, DPW Director. Mr. Nielsen gave an update on the issues discussed. He told the board what has been addressed and noted others he will work on with Mr. Williams.

Motion D. Beaudette to endorse the ANR plan for Hickory Hills Realty LLC, signed and in order with frontage on an approved subdivision way, and all in conformance with approval for an ANR plan, Second J. Natle, Vote 5-0-0

Mr. Nielsen thanked the board for their patience in the development and consolidation from three owners to one subdivision plan. He stated he looks forward to hearing from Mr. Williams. The board asked about performance guarantee on Hickory Hill subdivision and Doug said there are covenants on all the lots. The board asked about the duplex percentage and Mr. Nielsen noted that a developer has no obligation to put in duplex homes. The town planner said if that percentage increased for duplex homes, it would violate subdivision approval.

Crestview Drive subdivision off Barton Avenue was brought up. Doug noted that the paperwork has been submitted by Ray Authier. It was noted the easement on that way might be incorrect. The board reviewed whether to endorse the form for release of the performance guarantee to Mr. Authier of \$5,000.00. It was noted that there would be nothing more for incentive to make any further correction to the roadway.

Doug noted that no work remains in this subdivision. Mr. Williams sent a memo that the subdivision would be in order with a maintenance agreement for the drainage from lot E. This has been submitted.

It was noted that when lot E is built on, the builder will need to get storm water approval and so that would maintain the water issue in perpetuity. The board agreed to discuss this with Mr. Williams, and upon an agreement, said they would allow single signature representative Michael Hofler to endorse the paperwork for them, as long as Mr. Williams is in agreement with not holding a performance guarantee on Crestview Drive.

Motion D. Beaudette to assign Michael Hofler, in both matters for Crestview Drive, to sign for the board as single signature, which will release funds for Crestview Drive to Ray Authier. This will be done after consultation with S. Williams, DPW Director, Second D. Lusignan, Vote 5-0-0;

Note: C. Lorenzo made mention to Mr. Hofler that he also check with S. Williams on the detention basin maintenance prior to the town completely accepting and signing off on Crestview Drive.

Motion J. Natle to approve and endorse a Release of Surety of \$5,000.00 to Ray Authier once approved by Steve Williams DPW Director, Second D. Beaudette, Vote 5-0-0.

Discussed how to make sure the Maintenance Agreement is binding. It was noted it must be attached to the deed for Lot E. The board decided to wait on endorsing the Certificate of Completion until the maintenance agreement is recorded.

The board noted Michael Hofler may only sign for the board once he is made aware that the deed and Maintenance Agreement are filed at the Registry of Deeds for Crestview Drive. M. Hofler will have a conversation with Steve Williams as well.

ANR plan Gregory Boyko, Sabin Street, Map 248, Lot 3.05, proposed Lots C-1 and C-2. D. Beaudette reviewed this plan and stated it conforms to regulations for an ANR plan.

Motion D. Beaudette to approve a plan for Gregory Boyko, Sabin Street, Map 248, Lot 3.05, proposed Lots C-1 and C-2, Second M. Hofler, Vote 5-0-0.

ANR plan for Deep Woods Real Estate Development LLC, Lamson Ave., Map 228, existing lots 19, 20, 21 & 23, proposed Lot 5 (rev)-1, 7 (rev), 8 (rev)-2, Lots 11,12 and 13, the board agreed to table this ANR plan and put it on the June 23, 2015 agenda.

Zoning Board of Appeals special permit application by Dwayne and Lisa Routhier for 61 N. Liberty Street. They are asking to be permitted to have an automotive repair shop in the B1 zone in an existing structure, dimensions 26' x 48' as follows: "the

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buildings are already constructed and there are just a few alterations that have to be made. Proposed work is to construct an office and bathroom in our basement as shown herein and to install a sink in the garage and a tight tank (locations are to be determined at a later date)".

The board looked over the proposal and it was noted it already exists and this proposal would be an addition to it. A member of the board noted that this proposal should have a site plan. It was noted there is no site plan information with this special permit. The board discussed traffic circulation on the property entrance and egress. It was noted that the applicant would be informed of site plan necessity according to the members. The board then asked if a public hearing would be necessary. The board asked the applicants to come to a meeting to discuss their proposal.

Motion M. Hofler to recommend the Zoning Board of Appeals not vote on a special permit application for Dwayne and Lisa Routhier, 61 N. Liberty Street until the Planning Board has met, reviewed and approved a site plan regarding the same request, Second J. Natle, Vote 5-0-0.

Zoning Board of Appeals special permit application by RAMA Development LLC for Lots 1-4 Depot Street to allow a modification of an already approved special permit, numbered by the ZBA as 2012-04. The applicant is asking to allow the option for either sale of the condominium or rental of each individual dwelling unit.

The board discussed the fact that the owner Robert Morra is having a difficult time selling the duplex he built. There is a deed restriction that one side of the duplex be "owner occupied". This is a request to modify the special permit. The board noted that this request is requesting to modify the other 3 buildings which are not built yet, not just this one unit that is already built.

Doug Albertson noted there is no change to the site design. The board discussed that this is not going to change the character of the area, but may add to the neighborhood. In fact it was noted that more and more people are choosing to rent homes. The board didn't think it would be detrimental and would not derogate and is in harmony with the zoning Village Residential, and high density housing. It is a hardship financially as the building has been standing for sale, perhaps for 18 months or more. The board discussed allowance on this one building, and if successful the owner may return for the others which are not built.

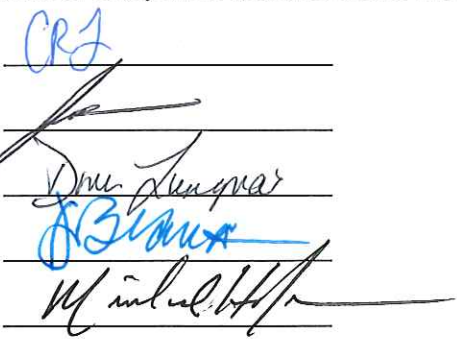
Motion D. Beaudette to recommend the Zoning Board of Appeals approve the special permit amendment requested by the owner and applicant RAMA Development LLC specifically for "one lot already built and developed" on Depot Street, Map 109, Lot 45.01 to 45.04 (which specific lot built is not identified), Second J. Natle, Vote 5-0-0.

Minutes of May 26, 2015: **Motion M.** Hofler to accept the May 26, 2015 minutes as written, Second D. Lusignan, Vote 5-0-0.

Other: Form-Based Zoning seminar is being held in the senior center on June 15 at 7 pm. Joel Russell is the Executive Director of the Form-Based Code Institute. This is a tool that could be used in the to help the neighborhood in front of the former state school property accommodate new development in a way that results in a community that is walkable and a more desirable place to live.

Sierra Pelletier will meet with the Board of Selectmen on June 23, 2015 for her joint appointment as Alternate Voting Member Special Permits. A member of the planning board will accompany her to the meeting which will be across the hall from the planning meeting that evening.

Motion to adjourn J. Natle, Second D. Lusignan @ 10:15 pm, Vote 5-0-0.


The block contains five horizontal lines with handwritten signatures in blue ink. From top to bottom: a signature that appears to be 'CRJ', a signature that is mostly illegible, a signature that appears to be 'Dore Lusignan', a signature that appears to be 'J. Natle', and a signature that appears to be 'M. Hofler'.