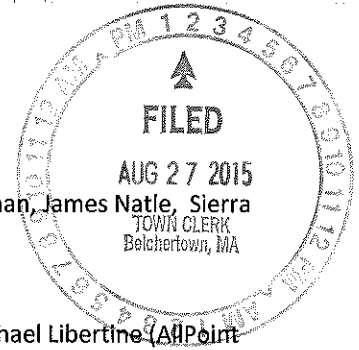


*Belchertown Planning Board Minutes*  
July 28, 2015



Planning Board members: Daniel Beaudette, Michael Hofler, Christopher Laurenzo, Donna Lusignan, James Natle, Sierra Pelletier - Alternate Voting Member for Special Permits  
Staff: Douglas Albertson - Town Planner, Susan Gay

Audience: Applicants: Attorney Freyman (representing Verizon Wireless), Elizabeth Jamison, Michael Libertine (AllPoint Verizon), Jay LaTorre, Doug Roberts  
Also in the audience: Scott Nielsen, Ted Bock, James Beachell, Dawn DeMerchant, Charles May

Christopher Laurenzo, Chairman opened the meeting. The earlier schedule allows a few other items and brief appointment to be scheduled. The agenda was read aloud for audience members.

Subdivision Form F requesting release of a lot for Hickory Hill subdivision off George Hannum Road was reviewed. Arthur Laflamme, Hickory Hill Realty, LLC, is the owner, and his representative Scott Nielsen presented a cover letter and presented a plan to the board showing the exact lot they are requesting be released from covenant. Mr. Nielsen indicated it was on the plan as lot "L", which he said is the first lot up from Dogwood Drive. He said the plan is marked with the letter "R" for each lot released. He noted most lots in Phase 1 have been released, and for the performance guarantee for what remains for lots, some are held under covenant, and there is a letter of credit for \$125,000.00 that covers items left to complete in Phase 1.

The board noted they received a letter from a homeowner on Hickory Hill who is not happy with a sidewalk being built on his front lawn. Mr. Nielsen noted that buyers hire an attorney to perform title search, and they should let buyers know sidewalks are specified and identified on definitive plans.

Mr. Nielsen noted that he contacted Steve Williams, DPW Director, to inspect the work so far. Mr. Nielsen submitted a print of the confirmation plan showing the final lot configuration with metes and bounds. This was recorded to clarify the lay-out following several ANRs that revised lots and following the integration of the abutting properties that have been purchased as part of the subdivision. The board asked about easements and if they were recorded for drainage. Mr. Nielsen said yes, and will provide the final as built plans for Phase IA.

**Motion J.** Natle to release lot "L" as revised as requested by Hickory Hill Realty, LLC, in definitive subdivision plan dated April 8, 2008, book 9492, page 223, releasing lot "L" from covenant, Second M. Hofler, Vote 5-0-0. Scott Nielsen left at 7:00 pm.

C. Laurenzo re-opened a public hearing for a special permit for Greg Hamelin for an accessory apartment, 459 Michael Sears Road. The board noted an email from Greg Hamelin stating he and the applicants were "pulling our request". The board stated they would close the public hearing and accept the request for withdrawal as requested by the applicant.

**Motion J.** Natle to close the public hearing for a special permit application by Greg Hamelin for an accessory apartment at 459 Michael Sears Road, Map 272, Lot 97.2, Second D. Beaudette, vote 5-0-0;

**Motion J.** Natle to accept withdrawal of a special permit application by Greg Hamelin for an accessory apartment at 459 Michael Sears Road, Map 272, Lot 97.2, Second D. Lusignan, vote 5-0-0.

Harris Way off Bay Road. D. Albertson noted Kevin Drew submitted Form F and presented an invoice from Lane Construction Company for paving Harris Way. The board asked what is being held as a performance guarantee for completing the subdivision. The board holds a deposit of just over \$50,000.00. The board agreed to release funds to pay Lane Construction. It was agreed earlier with Mr. Drew that the town treasurer would pay the company directly with the performance money. Sherman and Frydryk are to set the bounds, draw as-builts and write the legal descriptions.

**Motion J.** Natle to release to Roger Harris for Harris Industrial Park (Harris Way) 147 Bay Road, book 184, Page 214, release of funds being held by the Town of Belchertown in the amount of \$42,811.68 for the top layer of blacktop on Harris Way, Second D. Beaudette, Vote 5-0-0.

C. Laurenzo opened a public hearing by reading the notice posted in *The Sentinel*, for a special permit application, by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless. This application proposes a wireless communication tower to be located at 270 Franklin Street, Map 269, Lot 13. D. Beaudette recused himself from the review, stating that in the past he had acted in a professional capacity for the owners of the property, and although he had no continuing professional relationship or financial interest with the owners, he believed it could be seen as a potential conflict of interest to participate in this matter.

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Because there were no other proceedings before the board after the subject, he asked to be excused from the balance of the meeting also. The chairman agreed and Mr. Beaudette left the meeting.

C. Laurenzo then appointed Sierra Pelletier in her capacity as Alternate Voting Member for Special Permits to act on this Special Permit Application.

Attorney Ellen Freyman and other representatives for Verizon presented this proposal. Atty. Freyman went through each requirement for the special permit application from Zoning Bylaw Chapter 145, Section 62, with a slide presentation.

Atty. Freyman showed exact location on the parcel, which will be beside a wooded area on the edge of a Christmas tree farm. She noted the proposed tower would not interfere with the use of the land growing Christmas trees. She submitted a maintenance plan, photo simulations and a noise study. Jay LaTorre, radio frequency (RF) engineer went over reasons the applicant was unable to co-locate at a different property and provided an explanation. He demonstrated that they looked at an alternative site north of this parcel (another Christmas tree farm) that wouldn't work. He showed a map of the area of propagation (RF) to be covered.

The board members discussed placement of emergency signage and the applicant agreed to place signs on the outside of the compound and to comply with all requirements. Mr. Libertine provided photographs showing the proposed tower location. He stated there will be no lighting on the tower and elaborated on the size of the tower (i.e., top and bottom), its cables, fiber optics and how people would access the tower for repair.

Discussed fencing of compound, tower collapse, fire issue, generators, and how towers are monitored and maintained. Installation was also brought up regarding construction, phase of structures, delivery and build-out. It was noted that if electricity at this site fails, there are technicians 24 hours a day seven days a week, 365 days a year on call.

The board had no further questions, and audience members were asked if they had questions or concerns. One audience member, James Beachell of 286 Franklin Street said he lives in front of the proposal and said he is in favor of the proposal. He said he removed his landline phone, and has a cell phone that doesn't always provide necessary coverage.

A board member asked Fire Chief Ted Bock if he had any concern regarding towers and fire, and he said safety personnel do not put out fires on poles (electrical) or towers, but do extinguish fire on the ground. He also noted the applicants state the Town of Belchertown will be allowed use of the tower at no cost to the Town.

C. Laurenzo noted that he did not have many concerns with the tower but had a concern with the property owner's existing gravel operation on North Liberty Street. He said he didn't know if that was a zoning infraction. Atty. Freyman noted this special permit application was not related to a gravel project, and was not on the same parcel. Atty. Freyman said her investigation of the property showed no zoning violations, and no cease and desist order. C. Laurenzo said the owner should provide documentation showing no violations with his gravel operation on his North Liberty Street parcel.

Atty. Freyman requested the minutes show the application she is representing is not related to any other use. The Chairman said he was ready to vote no on this application because of his concern about a possible violation, and said he'd like to see background information on the gravel operation; another board member agreed with the statement. C. Laurenzo then called for a motion to close the public hearing.

D. Albertson said that about three years ago he researched the history of earth removal on this parcel as there had been a public complaint. The owner had been granted a special permit and kept it current. In 1997 the board of selectmen (who were the special permit granting authority at the time) determined that because Mr. May was restoring the land with Christmas trees that the earth removal was an agricultural exemption and he did not need a special permit. C. Laurenzo said he thought this tower application would be a financial motivation to complete the earth removal project and asked board members if they were ready to vote. Three members said they were ready and one was not. C. Laurenzo asked if there was any further discussion and then asked for a motion to close the public hearing:

**Motion** by M. Hofler to close the public hearing for Bell Atlantic Mobile of Massachusetts Corporation, d/b/a Verizon Wireless for a wireless communication facility at 270 Franklin Street, Map 269, Lot 13, Second D. Lusignan, Vote 4-0-0;

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After closing the public hearing there was another discussion. C. Laurenzo said he would go as a no, as he was unsure of the owner's gravel operation, and could not prove it isn't a violation. A member asked how this application affects a different project location by same owner; a member asked why C. Laurenzo felt the gravel pit was detrimental, and he said it's up to the owner to show the North Liberty Street operation works, and also said it was not the cell tower that would be detrimental to the neighborhood; a member asked if C. Laurenzo was using North Liberty Street as a leverage point, and he said yes he was. The board has ninety days to take final action on this proposal after closing the public hearing. D. Albertson went to get the gravel file for C. May.

C. Laurenzo reviewed the file and determined that the earth removal operation is legitimate. C. Laurenzo asked for if there was anything further from the board. One member noted they would first vote that applicant Verizon Wireless has shown they could not co-locate and so the need for a new tower with this location.

**Motion** by M. Hofler to issue a finding that applicant Bell Atlantic Mobile of Massachusetts Corporation Ltd., d/b/a Verizon Wireless has shown they cannot co-locate or accommodate equipment on an existing or already approved tower, and so need to build a new installation, proposed at 270 Franklin Street, Map269, Lot 13, **Second** J. Natle, **Vote** 5-0-0;

**Motion** J. Natle to approve an application by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, 99 East River Drive, East Hartford, CT 06108, for a Special Permit under Zoning Bylaw Chapter 145, Article XII (wireless communication facilities), to install a wireless communication facility at 270 Franklin Street, Map 269, Lot 13, with conditions: 1) Verizon will provide at no charge space, installation and appropriate wiring for municipal public safety equipment; 2) Verizon to provide "Knox" box on gate to equipment compound; 3) Equipment compound gate to be 14 feet clear opening;

**Second** M. Hofler, and discussion continued:

A board member asked how the board can hold an applicant for a transgression by a landowner, and C. Laurenzo said "they can't, just holding land owner responsible". A member went on to ask of the board, no matter how egregious a possible violation a landowner might have committed on another parcel, how could that be held against this tower application? D. Albertson noted this other issue is not on the same parcel for this application. A member asked how a gravel issue would affect this tower, and C. Laurenzo said he was connecting the gravel to the tower "as leverage".

D. Albertson went to the office files and returned with a file regarding Mr. May's North Liberty Street property. The file was reviewed and it was stated that Mr. May came every year to the Town of Belchertown office for renewal of a special permit. At one renewal period, the Board of Selectmen, who were the permitting authority, said the property use was primarily agricultural and therefore a special permit for earth removal was no longer needed. Mr. May entered the meeting while this was being discussed.

C. Laurenzo read the Board of Selectmen minutes: title "Town of Belchertown Board of Selectmen's Meeting, October 14, 1997", number 5):

"Discussion/Action Items: C) Extension of Gravel Permit: Charlie May has requested an extension of his Gravel Permit; it was noted that because the operation adheres to the agriculture guidelines, an extension is not needed [and the paragraph continued and stated] -- The Hislop gravel operation was again discussed. It was noted that it also comes under the agricultural guidelines and no action by the Board is necessary."

After reviewing the file, C. Laurenzo said he agreed Mr. May has been "above board" with the Town, and this shows an agricultural exemption. He said all was okay with the operation on North Liberty Street. D. Lusignan asked to review the file. Pictures were in the file, submitted by Mr. May that show restoration for Franklin and North Liberty Street. C. Laurenzo said there's a clear history of the property owner working with the Town and no issue. He asked if there was anything else to discuss. C. Laurenzo asked Charles May for comment and Mr. May stated that he had in hand a folder was drawn up for his North Liberty Street project for the restoration. It was drawn up in 2013 by the Natural Resource Conservation Service (NRCS) and USDA. The person who put the folder together on the property told Mr. May to keep the folder for his personal use and to send a copy of the cover sheet to the Town that showed the project was done for North Liberty Street. Mr. May provided that to the office.

Mr. May also noted in the summer of 2012, he asked P. Adzima, Building Commissioner, L. Connolly, Conservation Commission Administrator, and D. Albertson, Town Planner, come to meet him at the Christmas tree farm. They came to meet with Mr. May who showed them around. Mr. May said he's always been open to members reviewing projects and always does what he says to

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the Town that he will do. Mr. May said when the North Liberty Street parcel was purchased, it was an old abandoned pit that had never been restored, and now it has acres of land restored. When everyone had completed their review, the board voted on the special permit.

**Vote** 5-0-0 in favor of a special permit application by Verizon Wireless.

C. Laurenzo wrote the three conditions onto the Special Permit Decision form, and read them aloud.

The board endorsed the form to be filed with the Town Clerk on Thursday July 30, 2015, due to the Town Clerk office being closed each Wednesday through August.

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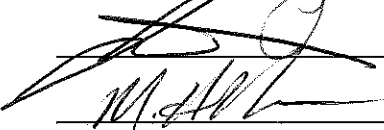
Time slips and bills were signed by the board.


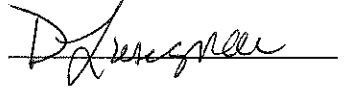
Minutes: M. Hofler to approve the June 23, 2015 minutes, Second D. Lusignan, Vote 4-0-0.

Other business: Herb Wood requested a discussion regarding numbering buildings for safety purposes. He has been developing a project for the Fire Department for many years, in order to aid safety personnel. He hopes to bring easy recognition by standardizing numbering of building. D. Albertson will contact Herb Wood about coming to the Aug. 11, 2015 meeting.

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**Motion** to adjourn J. Natle, Second D. Lusignan @ 9:20 pm, Vote 4-0-0.

  
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M. Hofler

  
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