Belchertown Planning Board
Minutes – Tuesday – July 28, 2020
***This meeting was held virtually due to the COVID-19 Pandemic***
hhttps://global.gotomeeting.com/join/571586205

Members present remotely: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosienaki, Alice Knittel, and Elizabeth Pols (alternate voting member)
Staff Present remotely: Doug Albertson, Town Planner and Lynn Sikes, Minutes

Audience Present Remotely: Jennifer Turner, Select Board

D. Albertson indicated prior to the start of the meeting that all votes must be a roll call vote due to being remote.

7:00 pm – J.Natle, Chair, opened the meeting, welcomed everyone and read the agenda into the record.

7:00 pm – The ZBA has requested our recommendation regarding a variance request at 466 Federal Street, Map 103, Lot 16 by Robert L. Stephens. The applicant is requesting a variance of the side setback from the required 20’ to 8’ for the construction of an addition. This lot is in the LR zone. The Board reviewed and discussed the application along with the criteria to recommend favorably and all submitted materials which the applicant has submitted.

This was discussed at the Select Board meeting held last night. That board has not submitted a memo to us but part of their discussion involved nonconforming lots becoming more. A recent decision of the Supreme Judicial Court affects this subject. It now would require only a special permit and not a variance. We need to refer ZBA over to pertinent case law to make sure they are up-to-date so they are reviewing correctly.

Ultimately at the ZBA meeting the applicant will go over why he needs to do it this way, any abutters would be able to attend the public hearing and relay their concerns; we are being requested to give our recommendation on what we have been given. The Board discussed all this including encroachments on setbacks that are in place.

MOTION: J.Natle to recommend to the Zoning Board of Appeals that they grant the special permit and variance requested by Robert and Susan Stephens regarding the setback on the side property line for the proposed structure located at 466 Federal Street, Map 103, Lot 16. SECOND: A. Knittel Discussion: that the ZBA refer to Massachusetts Supreme Judicial Court regarding this type issue so they are up to date on this subject; specifically Bellalta vs ZBA of Brookline, Case #481-Mass 372; and to check with the Building Inspector that it is not an increase in nonconformity as per our bylaw 145-17(1). Roll Call Vote: J.Natle, yes; D.Beaudette, yes; M.Hofer, no; J.Rosienaki, yes; A.Knittel, yes; ROLL CALL VOTE: 4-1-0. The vote in opposition is due to one Board member’s opinion it IS an increase in the nonconformity of the structure.

Discussion Item – Release of Lot – Trillium Way, Paul Lussier – J.Natle read the memo and Form G received from Steve Williams, Dtr., DPW regarding this request stating that all requirements have been met. Form G has been submitted. Conservation Commission does need to sign off the Order of Conditions. When that is complete we can review again and declare this complete. We need to act on
this application as the 45 days to act on this is coming to an end, if we do not act then it would automatically be released. The Board agrees to waive any fee on this. He has done a very nice job on this.

**MOTION**: J.Natle that we certify the completion and release of any Municipal interest in the subdivision performance security for Paul and Joan Dahl-Lussier of Munsell Street for Trillium Way aka Meadow View off of Gold Street Book 218 page 89 deed in covenant dated June 29, 2007 subdivision was approved on 6/1/99. **SECOND**: A.Knittel. **Roll Call Vote**: J.Natle, no; D.Beaudette, no; M.Hofler, no; A.Knittel, no; J.Rosienski, no. **Roll Call Vote**: 0-5-0. Noted that we will allow Mr. Lussier to resubmit the Certificate of Completion once complete with Conservation; we will waive the processing fee for this.

J.Natle I appoint A.Knittel as our single signature to sign Form F-6.

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**MOTION**: J.Natle, Chair – for the Minutes on this evenings’ agenda, I appoint Alice Knittel to sign that document for Planning Board Approval, as the Single Signatory authority. **SECOND**: A.Knittel **Roll Call Vote**: J.Natle, yes; D.Beaudette, yes; M.Hofler, yes; J.Rosienski, yes; A.Knittel, yes; ROLL CALL VOTE: 5-0-0

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**Minutes of July 14, 2020**. **MOTION**: J.Natle to accept the minutes of July 14, 2020 as written. This meeting was convened to vote to go into Executive Session and not return to open session. **Second**: A.Knittel No Discussion **Roll Call Vote**: J.Natle, yes; D.Beaudette, yes; M.Hofler, yes; J.Rosienski, yes; A.Knittel, yes; ROLL CALL VOTE: 5-0-0

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**Executive Session Minutes of July 14, 2020**. This is tabled until the matter is settled.

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**Minutes of July 14, 2020**. **MOTION**: J.Natle to accept the minutes of regular planning board meeting of July 14, 2020 as written. This was the regularly scheduled open meeting. **Second**: A.Knittel No Discussion **Roll Call Vote**: J.Natle, yes; D.Beaudette, yes; M.Hofler, yes; J.Rosienski, yes; A.Knittel, yes; ROLL CALL VOTE: 5-0-0

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There are no Bills to endorse.

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**Town Planner Report**

- We have received an accessory apartment application. We will get that scheduled.
- Community Health Inclusion project is finished. The final report is in. I will get that to you.
- We are receiving construction estimates for the Lake Wallace trail. We have received a matching grant on this also.
- The base coat is now down at Hickory Hills except the 2 circles have the top coat. It is moving along.
- Carriage Grove – the next phase of road construction plans are being worked on.
- The Economic Development Plan will begin initial meetings soon. It would be good to have one or two planning board members on that.
- We will be updating the open space and recreation plan soon also. I will be involved with that.
- The Dressel Group, LLC., 625 State Street, is now good to go. They have all items in now.
- Our Housing Choice certificate has come in. Claire O’Neill of Mass. Development and I discussed the grant opportunities of this program and both think connection the Lake Wallace...
Sensory Trail into Carriage Grove will be a good use of this program to meet town goals, EDIC/MassDevelopment goals, and the program’s intent.
- The marijuana applications, one E&J Supply at 401 Mill Valley Road are now before the cannabis commission. This appears to be nearing the licensure stage.
- High Peaks also at 401 Mill Valley have changed investors and a name change may occur. They were in touch with the Select Board for changing the name and principals of this company. They are still moving slowly forward. The host agreement would be amended. So this also does appear to be moving forward. The Select Board has asked that the new principals attend a board meeting to introduce themselves.

Members Reports:
- M.Hofler – Hickory Hills looks very good and a lot of construction activity going on.
- D.Beaudette – The detention basin next to Tractor Supply that Pride is responsible which was rebuilt and a fence installed around it, with the rain recently had though it filled up over a couple days it drained out. It appears to be working correctly.
- D.Beaudette – the Hampshire Gazette had carried an article back in June regarding the subdivision at Amherst Hills and the lawsuit concerning that. The update indicated that the road work would be completed by end of 2020. There is a $288,000 bond held by Greenfield Savings Bank to complete that work. The Performance Bond would cover this. There is approximately 800 feet and one lot that is in Belchertown.
- D.Beaudette – the email we received today from D.Albertson, please send the link when you have that regarding the Mass. Association Planning Directors holding a remote meeting on August 21. This meeting may take place of the Municipal Services Division of the State for case law updates on land use which did not occur this year, possibly due to COVID.
- E.Pols – do we have any update on the parking issue down at Cold Spring Road? D.Beaudette – I continue to work on that but due to COVID there is no one in the offices and it is very difficult to reach anyone by phone or email. It is not controlled by DCR but by Mass. Fisheries. Their website is not very forthcoming, but I continue to work on this and may end up sending a letter.
- J.Natle – we need to look into holding public meetings in person rather than remotely.
- J.Turner, Select board, responded that due to the Town Hall remaining closed meetings still need to be remote. Kevin Hannon of the IT department is available for training to try and facilitate these to make remote meetings a bit easier. As a note, the School Committee meeting this evening, held remotely, had 283 people in that meeting. A good structure on how to facilitate these make them move easier. To utilize the remote meeting and be able to show drawings/maps for a screen presentation for everyone to review is needed. Kevin can train us on that.
- J.Turner – Just a thought for the Planning Board to set up a strategy plan for the upcoming year. Possibly have that as an agenda item for discussion on what that would be and include. D.Albertson, just quickly that would include an update to the common drive revisions as well as subdivision regulations.

MOTION: J.Natle to adjourn at 8:15 pm. SECOND: M.Hofler Roll Call Vote: J.Natle, yes; D.Beaudette, yes; M.Hofler, yes; J.Rosienski, yes; A.Knittel, yes; ROLL CALL VOTE: 5-0-0. Meeting adjourned at 8:15 pm

James Natle