



Action taken at the Special Town Meeting held December 5, 2005 at the Belchertown High School Veterans' Memorial Auditorium.
FY06

Moderator - Terry Scott Nagel

Meeting called to order at 7:37PM

Registered voters present - 124 (Quorum required 75)

Article 1 Voted to raise and appropriate or appropriate from available funds in the treasury the sum of \$423.12 for the payment of the following unpaid bills of a prior year:

• Staples	\$348.12
• R. Driscoll	\$75.00

(Endorsed by Finance Committee 4-0-0)

(Vote - 9/10 required - Unanimous Yes)

Article 2 Voted to appropriate from free cash in the treasury the sum of \$300,000.00 to the Stabilization Fund. (Endorsed by Finance Committee 4-0-0)

(Vote - 2/3 required - Unanimous Yes)

Article 3 Voted to raise and appropriate \$125,000.00; and appropriate from free cash in the treasury the sum of \$103,412.00; for a total of \$228,412.00, to defray energy costs as listed:

• Maintenance Expense	\$165.00
• Lawrence Memorial Hall	\$5,964.00
• Finnerty House	\$520.00
• EMS Building	\$1,280.00
• Road Machinery	\$10,766.00
• Town Garage	\$2,802.00
• Police Station	\$6,753.00
• Sr. Center Building	\$5,120.00
• Recreation Building	\$4,052.00
• Freedom Center	\$2,598.00
• Fire Station	\$2,330.00
• Old Town Hall	\$1,226.00
• Sewer Enterprise Expense	\$20,058.00
• Landfill Enterprise Expense	\$321.00
• Schools 4000	\$164,457.00

(Endorsed by Finance Committee 4-0-0)

(Vote - Unanimous Yes)

Article 4 Voted to rescind \$478,174.00 of the borrowing authorization for the Pine Valley Sewer Project. (Endorsed by Finance Committee 4-0-0)

(Vote - Unanimous Yes)

Article 5 Voted to appropriate the sum of \$364,218.00 for Chapter 90 project, Chapter 291 of the Acts of 2004. (Endorsed by Finance Committee 4-0-0)

(Vote - Unanimous Yes)

A TRUE COPY

Attest: Callen J. Driscoll, Clerk
Callen J. Driscoll, Town Clerk, Town of Belchertown

Article 6 Voted to enact a Community Preservation Committee By-law as follows:

Chapter xx (# to be assigned)

COMMUNITY PRESERVATION COMMITTEE

xx-1. Title; authority; definitions

xx-2. Community Preservation Committee established

xx-3. Conduct of meetings; approval of actions; cost estimates

xx-4. Powers and duties of Committee

xx-5. Legislative body action on recommendations

xx-6. Recordkeeping

xx-7. Amendments

xx-8. Severability

xx-9. Effective date

xx-1. Title; authority; definitions

This Chapter shall be known and may be cited as the "Community Preservation Committee By-law" and is adopted pursuant to MGL c. 44B.

Terms used in this By-law which appear in the Community Preservation Act shall have the respective meanings as set forth in the Community Preservation Act.

xx-2. Community Preservation Committee established

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL c. 44B, s. 5. The composition of the committee, the appointing authority, and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years and thereafter for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years and thereafter for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

One member of the Recreation Commission as designated by the Commission for an initial term of two years and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for an initial term of one year and thereafter for a term of three years.

Four At-Large members to be appointed by the Board of Selectmen, two of which to be appointed for a term of one year and thereafter for a term of three years, one of which to be appointed for a term of two years and thereafter for a term of three years, and one of which to be appointed for a term of three years and thereafter for a term of three years.

Each member of the Committee shall serve for a term of three years or until the person no longer serves on the Commission, Board, or Authority as set forth above,

whichever is earlier. The initial appointment will end on June 30th of the last year of the appointment. Thereafter, terms shall run from July 1st through June 30th of the last year of the term.

Should any of the municipal agencies that have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, or Authority shall become the responsibility of the Board of Selectmen.

All members shall serve without compensation. The Committee shall elect annually a Chairman, Vice Chairman, and Clerk from its own number.

Any member of the Committee may be removed for cause by his or her respective appointing authority after a hearing conducted by such appointing authority.

Vacancies shall be filled by the appointing authority within thirty (30) days by appointment for the unexpired term.

xx-3. Conduct of meetings; approval of actions; cost estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law [MGL c. 39, ss 23A-C].

The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote.

Recommendations by the Committee to the Town Meeting shall include the anticipated costs of any such recommendations.

xx-4 Powers and duties of the Committee

- A. Duties: The Committee shall evaluate the community preservation needs of the Town and make recommendations to the Annual Town Meeting as part of the annual budget process.
- B. Annual Needs Study: The Committee shall study the community preservation needs, possibilities, and resources of the Town, consulting with various Town agencies, particularly those represented on the Committee. It shall develop a community preservation program and financial plan for the Town. The program shall identify both long-term and short-term goals and needs, set criteria for evaluating proposed acquisitions and initiatives, prioritize projects and estimate their costs. The financial plan shall include a multi-year revenue and expenditure forecast and identify the fund or other Town financing source for each proposed project. The program and financial plan shall be reviewed and updated annually to reflect changes in the Town's needs, priorities and resources.
- C. Requirement for Public Hearing: The Committee shall annually hold at least one public informational hearing. Notice of the annual hearing must be posted at least two weeks before the hearing date, and the Committee must publish a hearing notice in a newspaper of general circulation in the Town for each of the two weeks before the hearing date.
- D. Annual recommendations and budget: Each year the Committee shall make recommendations to the Annual Town Meeting for funding community preservation acquisitions and initiatives in conformity with MGL c. 44B, for the acquisition, creation and preservation of open space; for the acquisition, preservation, restoration and rehabilitation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for rehabilitation or restoration of such open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community

housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

In every fiscal year, the Community Preservation Committee shall recommend either that the Town Meeting spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following purposes: (a) open space (not including land for recreational use); (b) historic resources; and (c) community housing.

The community preservation budget shall include the Committee's revenue projections for the fiscal year and identify all expenditures the Committee proposes funding with Community Preservation Fund sources, including Committee administrative and operating expenses, debt service, and any other existing or ongoing obligations.

- E. Reservation of funds: The Committee may include in its recommendation to the Annual Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient funds are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.
- F. Additional recommendations: Throughout the year, the Committee may make additional recommendations on acquisitions and initiatives to the extent that funds are available to support them.

xx-5 Legislative body action on recommendations

The Town Meeting may make appropriations from or reservations of community preservation funds in the amount recommended by the Committee or it may reduce or reject any recommended amount. It may also vote to reserve all or part of the annual revenues recommended by the Committee for appropriation for specific acquisitions or initiatives for later appropriation by allocating funds to the reserve for that category of expenditures. The Town Meeting may not increase any recommended appropriation or reservation, and it may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the Committee.

xx-6 Recordkeeping

The Committee must maintain records relating to the use of the Community Preservation Fund [MGL c. 44B, s. 13]. These records are subject to disclosure as public records [MGL c. 66, s. 10].

- A. Recommendations: The Committee shall keep a full and accurate account of all of its actions, including recommendations to the Town Meeting and the specific action taken on them.
- B. Expenditures: The Committee shall track all appropriations and expenditures made from the Fund and periodically monitor spending from the Fund and review the status of its budget.
- C. Property interests: The Committee shall maintain an inventory of all real property interests acquired, disposed of, or improved by the Town after recommendation of the Committee. The inventory shall contain, at a minimum, the names and addresses of the grantors and grantees, the amount of consideration, and all relevant action dates, and shall reference all documents related to acquisitions, dispositions, and improvements, such as purchase and sale agreements and deeds.

xx-7 Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL c. 44B.

xx-8 Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

xx-9 Effective date

Following Town Meeting approval, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth and compliance with all by-law approval procedures under MGL c. 40; s. 32.

Each appointing authority shall have thirty (30) days after approval by the Attorney General to make its initial appointment.

(Vote – Unanimous Yes)

Article 7 Voted to establish an Agricultural Commission to represent the Belchertown agricultural community, as follows:

AGRICULTURAL COMMISSION

Mission: To promote agricultural-based economic opportunities; preserve, revitalize and sustain the Belchertown agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.”

Said Commission once appointed shall develop a work plan to guide its activities and shall report its activities on an annual basis within the Annual Town Report. Such activities will include, but will not be limited to, the following: shall serve as facilitators for encouraging the pursuit of agriculture in Belchertown; shall promote agricultural-based economic opportunities in Town; shall serve as advisors to local Boards and Commissions or other organizations on projects and activities, including acquisitions and other transactions, involving agricultural lands in town; shall act as mediators, advocates, educators, and/or negotiators on agricultural issues; shall work for the preservation of agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community. For the purposes of this article, agriculture shall include but shall not be limited to the production of crops, livestock, horticulture, aquaculture, forestry, nurseries, greenhouses, and related activities.

The Commission shall consist of five members appointed by the Board of Selectmen, based upon the recommendation from the Commission. The Commission will consist of a minimum of three members from the active agricultural-based enterprises in Belchertown and another two who are interested in agriculture. Two members shall be appointed for a term of three years; two members for a term of two years and three thereafter; and one member for a term of one year and three thereafter. Up to four Associate Members may also be appointed by the Board of Selectmen, each for two-year terms. Associate members will be from the active agricultural-based enterprises in Belchertown or interested in agriculture.

The appointing authority shall fill initial vacancies based upon the recommendation of the Conservation Commission.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on the recommendations of the Agricultural Commission. Guiding principles for Commission appointment: members should represent the diversity and scale of agricultural businesses in Belchertown and members need not be Town residents but the majority of all members must reside in Belchertown. A minimum of three members must have a financial interest in an active agricultural-based enterprise in Belchertown and a maximum of two who are interested in agriculture.

(Vote – Unanimous Yes)

- Article 8 Voted to appropriate the remaining \$327,971.05 from the High School Construction Account to the Cold Spring School Account for the following renovations: roof replacement, ventilator replacement and ventilation system upgrade, replacement of heating system supply lines, asbestos removal from steam tunnels, and related design and engineering costs. (Joint meeting of the Finance Committee, School Committee and Board of Selectmen was held at which this article was unanimously endorsed)
(Vote – Unanimous Yes)
- Article 9 Voted to appropriate the sum of \$38,000.00 from the Sewer Enterprise Free Cash Account to the Sewer Enterprise Expense Account for the purchase of a new vehicle.
(Endorsed by Finance Committee 4-0-0)
(Vote – Unanimous Yes)
- Article 10 Voted to amend the Zoning By-Law, as previously amended, by removing Article X, Section 145-42 through 145-50, Common Drive Development, in its entirety and replacing it with the following: (revised version was handed out at meeting on which to be voted)

ARTICLE X, Common Drive Development

§ 145-42. Definitions; intent.

- A. Definitions. Refer to §145-2 of this chapter.
- B. Intent. This article is meant to allow for a minor residential development alternative to conventional subdivision development. The purpose of a common drive development is to result in less environmental damage than a conventional subdivision or separate curb-cuts for each lot would cause.
- C. Minor Common Drive. A minor drive that serves only two lots and is less than 600 feet long may be approved by the Department of Public Works upon submittal of an owners' maintenance agreement, a plan showing the right-of-way, and a grade and stormwater plan meeting the standards of the town's curb-cut bylaw, and does not require a special permit. The owners' maintenance agreement and right-of-way must be recorded with the deeds of each property.
- D. Special Permit Common Driveway. A two-lot drive longer than 600 feet, and any common drive serving up to six lots, is subject to a common drive development special permit from the Planning Board under this article.

§ 145-43. Special permit granting authority; waivers.

- A. The Belchertown Planning Board shall be the special permit granting authority for all purposes under this article and shall adopt rules and regulations with respect to the administration of applications or special permits under this article, subject to the conditions set forth below and in accordance with the provisions of §145-69 of this chapter and MGL c.40A, §§9 and 11, as amended.
- B. Waiver of compliance. The Belchertown Planning Board, acting as the special permit granting authority under this article, in appropriate cases, may waive strict compliance with such requirements of this article as provided in MGL c.40A, §9, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this chapter. The applicant shall submit waiver requests in writing. Waivers granted by the Planning Board under this subsection may be limited by conditions which shall be endorsed on the plan to which said conditions relate or set forth in a separate instrument attached to the plan. [Amended 5-13-1996 ATM by Art. 23]

§ 145-44. Standards.

The driveway of a common drive development shall be constructed to minimum standards as described in this article. The following regulations shall apply to a common drive development:

- A. The common drive:
 - (1) Shall not be extended and shall not be an extension of an existing common drive;
 - (2) Shall not be connected to any other way except the way from which it originates;
 - (3) Shall serve no more than six lots. A common drive longer than 600 feet shall serve no more than three lots. For purposes of this paragraph, the length of the common drive shall be measured from its intersection with the public way from which it originates to the most distant point serving more than one lot; and

- (4) Shall enter from the same public way which serves as frontage for the lots in the common drive development, unless unique circumstances are such that the Planning Board may permit access from a public way not fronting every lot in the common drive development.
- B. A lot may be served by the common drive only if the ownership of that lot provides mandatory membership in an owners' association responsible for annual and long-term maintenance, including, but not limited to, removal of ice and snow from the common drive. See §145-45B(14)
- C. A common drive development shall only be allowed for single-dwelling or duplex residential use.
- D. Each lot shall have legal frontage on a public way meeting the requirements of the zoning bylaw in effect with regard to the district in which the lot is located at the time of the application. All other dimensional requirements, as defined in §145-16 of the zoning bylaw, for lots served by a common driveway, including but not limited to lot area, coverage, width, and setback of front, side and rear yards, as measured in relation to the street serving as the legal frontage for the lots, shall be the same as would be required for those lots had they not shared a common driveway. A lot in more than one zone shall be governed by the requirements for the zone in which the majority (more than 50%) of the lot is located.
- E. Each lot shall front on the common drive right-of-way for a minimum distance of twenty feet or for such distance as the Planning Board deems necessary to provide adequate access to the interior of the lot from said right-of-way.
- F. In accordance with §145-69A(1) and §145-42B, the Planning Board may issue a special permit for a common drive development if the applicant demonstrates to the Planning Board that the construction of the common drive will:
 - (1) Cause less environmental damage to the lots, specifically to wetland resource areas and slopes, than either separate driveways or a subdivision, while allowing vehicular access to each lot; and
 - (2) Preserve or enhance the prevalent character of the area by reducing curb cuts that would be otherwise allowed and by maintaining extant vegetation and topography.

§ 145-45. Administration.

- A. Special permit granting authority. After notice and public hearing in accordance with Section 9 of the Zoning Act (MGL c. 40A, § 9), the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Director of Public Works, and Town Engineer, grant such a special permit, provided that the conditions in §145-44 and the requirements of §145-45A and §145-45B have been met.
- B. Requirements. The application for a special permit pursuant to this article shall be accompanied by a site plan showing all of the applicable information stipulated in this article. At the discretion of the Planning Board, an environmental analysis may be required. The common drive development shall comply with applicable storm water runoff control standards established by the Mass. Department of Environmental Protection, or US Environmental Protection Agency. Drainage shall be designed and constructed to contain stormwater runoff on the premises or in a manner that will not have a detrimental effect on other properties.
- C. Common drive developments shall conform to the following design standards:

(1) Width.

Item	Requirement (feet)
Common drive right-of-way	40 ¹
Width of common drive plus shoulders	18
Width of gravel base	18 ²
Width of finished surface	14 ³

NOTES:

1. The center line of the common drive shall coincide with the center line of the common drive right-of-way, unless otherwise approved by the Planning Board.
2. The minimum width of the common drive (gravel base) shall be 18 feet, except that where the common drive serves no more than two lots the width may be reduced to 12 feet.

3. A gravel surface may be allowed if the common drive serves no more than two lots and/or complies with Subsection C(8)(b).
- (2) Grades. Maximum grade is 10 % to allow for safe winter passage. Minimum grade is 1/2 % to provide adequate drainage and avoid pooling of water.
 - (3) Horizontal alignment. Horizontal alignment should minimize alteration of the land by avoiding steep slopes, ledge, and other natural features. Common drives serving three or more houses shall have adequate safety precautions for any sharp curves. Curve radii must be great enough to accommodate delivery vehicles and fire trucks.
 - (4) Intersections.
 - (a) The common drive shall be laid out to intersect with the street as nearly as possible to a right angle. In no case shall street and way intersections be less than 75°.
 - (b) Intersection approaches shall have a slope of less than 2 % for at least 50 feet measured from the edge of the pavement of the intersecting road.
 - (5) Easements. Easements for utilities and drainage that cannot be contained in the common drive right-of-way shall be provided where necessary and shall be at least 20 feet wide. Wider easements may be required by the board if necessary.
 - (6) Site and earthwork. Development shall be designed and constructed for as little disturbance as possible to the natural landform. Development shall demonstrate appropriate terrain-adaptive design and construction techniques. Extensive grading shall be avoided. Alternate site design and construction measures are encouraged to mitigate the effects of development on steep slopes.
 - a) Natural and cultural features. All natural and cultural features, such as large trees, watercourses, stone walls, scenic points, historic spots, and similar community assets, shall be preserved.
 - b) Setting lines and grades. The applicant shall employ a professional engineer or registered land surveyor to set all lines and grades in a manner satisfactory to the Planning Board, Director of Public Works and the Town Engineer.
 - c) Clearing the right-of-way. The area for six feet from the gravel base shall be cleared and grubbed of all stumps, brush, roots, and like material. The Planning Board may require a greater cleared area to accommodate drainage, to improve sight distances, and to accomplish other public purposes. The Planning Board will determine this upon advice from the Director of Public Works, the conservation commission, town engineer, or other consulting authority.
 - d) Erosion control and bank stabilization during construction. All cleared and excavated land must be secured to prevent erosion. An explanation of proposed erosion controls must be submitted as part of the plan and must satisfy the Planning Board, the Director of Public Works, the Town Engineer, and the Conservation Commission.
 - e) Unsuitable material. All unsuitable material for road construction, such as peat, topsoil, and highly organic silt or clay, or any other material that, in the opinion of the Director of Public Works, is considered to be detrimental to the subgrade, shall be removed and replaced with suitable gravel.
 - f) Subgrade. The subgrade shall be shaped to a true surface conforming to the lines and grades indicated in the approved plan (cross section and profile) and, where original ground, shall be compacted to a depth of six inches. A tolerance of 1/2 inch above or below finished subgrade will be permitted, provided that this difference is not maintained over 50 feet and the required crown (cross slope) is maintained.
 - g) Cutting and Filling. Limitations on Cut and Fill. The depth of any cut area or the height of any fill, as measured from natural grade shall not be greater than seven feet. The total combined depth of any cut area or height of any fill as a result of driveway grading or any subsequent grading shall not total more than seven feet, as measured from natural grade. Any cuts and fills for the common drive development must be quantified in the plan.
 - h) Fill areas. In fill areas, the embankment shall be ordinary borrow.
 - i) Removal of Earth From the Site. The removal of earth from the subdivision site is regulated by the Town of Belchertown zoning bylaw, Chapter 145, Zoning, of the Code of the Town of Belchertown, §145-29. Site construction is to conform closely to the natural features. As a result, there should be a minimal amount of

earth to be removed. If the developer seeks to remove gravel, sand, or other earth beyond the amount necessary to construct the driveway according to the plan, the developer must apply for a special permit for earth removal.

(7) Pavement structure:

- a) The common drive surface may have a gravel finish if its slope is between the permitted minimum and 8%, inclusive, except where it is the opinion of the Planning Board that the terrain and design results in water being carried along the drive surface (rather than sheeting off at right angles to it), in which case the surface shall be sealed or paved as the Planning Board requires. The drive may have a sealed surface for grades up to 8%, inclusive, except where soil and potential erosion conditions are such that it is the opinion of the Planning Board that a heavier-wear surface is needed. Grades over 8% and others as required by the Planning Board shall be paved.
- b) Gravel finish shall be at least four inches thick, compacted measure. It shall be of a composition suitable, in the opinion of the Planning Board, for the actual drainage conditions and shall contain no stones larger than 1 1/2 inches in size. Where the sub-base is firm, well-drained gravel, the Planning Board may permit the substitution of a four-inch layer of finish gravel for the upper four inches of the gravel base. In no event will the total gravel thickness be less than 12 inches. If it is the opinion of the Planning Board that a gravel surface or sealed surface is inadequate due to soil and potential erosion conditions, then a heavier-wear surface will be required.
- c) A common drive that is to be sealed shall be scraped and shaped and the gravel base upgraded as required by the Planning Board and Director of Public Works. The sealed surface shall consist of a layer of three-eighths-inch stone, two penetration coats of oil at 1/2 gallon per square yard and one sealer coat at 1/3 gallon per square yard.

(8) Monuments and markers. Monuments shall be installed along the right-of-way at critical points as shown in the plan where, as determined by the Planning Board upon recommendation from the Director of Public Works or the Town Engineer, permanent monuments are necessary for certain location of the right-of-way boundary. Monuments shall be installed under the direction of a Massachusetts registered land surveyor.

(9) Drainage. The drainage design shall consist of an open drainage system consisting of grassed swales and waterways or overland sheet flow, if appropriate, or a closed drainage system meeting Mass. DEP stormwater standards. . Vegetation shall be retained to assist in water absorption and soil retention. When vegetation must be cleared for construction, the soil must be revegetated immediately with native species per approval by the conservation commission. Outlets from the drainage swales should be properly engineered and avoid damage to wetland resource areas. Storm water shall not be permitted to cross over the common drive.

- (a) Construction. Trees, brush, stumps, and other material in objectionable amounts are to be disposed of so as not to interfere with construction or proper functioning. The channel section is to be free of bank projections or other irregularities, which prevent normal flow. The waterway or outlet shall be excavated or shaped to line, grade and cross section as required to meet the criteria specified herein, free of bank projections or the irregularities that will impede normal flow. Earth removed and not needed in construction is to be spread or disposed of so as not to interfere with the functioning of the waterway. Fills are to be compacted as needed to prevent unequal settlement that will cause damage in the completed waterway.

- (b) Vegetation. Waterways and outlets shall be protected against erosion by vegetation as soon after construction as is practicable and before diversions or other channels are directed into them. Consideration should be given to jute matting, excelsior matting, or sodding of the channel to provide erosion protection as soon after construction as possible.

(10) Maintenance. The common drive is established as private property. Maintenance after formal completion is the responsibility of the mandatory owners' association that must be created under §145-44B. The town shall not under any circumstances be held liable for construction, reconstruction, maintenance, or snow removal on any common drive.

- (11) Name. Common drives shall not be given a name.
- (12) Signs. A permanent marker not to exceed six square feet, per §145-22 of this chapter, shall be placed at the intersection of the common drive and the public way. The sign or marker shall include the designation "private way" as well as house numbers off the public way. A similar marker shall be placed where the common drive meets each individual lot. Should the common drive split, a permanent marker must also be placed at each intersection indicating which houses are located on either side of the split.
- (13) Restrictions. The site plan shall identify as such all land that is to be held and administered by the mandatory owners' association. It shall bear restrictions satisfactory to the Planning Board, to run with the land, restricting the way shown to remain private property and not to be extended, and any other restrictions and easements that are required for common drive development by these rules. It shall incorporate by reference the document(s), satisfactory to the Planning Board, creating the mandatory owners' association and setting forth restrictive covenants and easements binding present and future owners of all the lots served by the common drive. Such document(s) must include but are not limited to the following:
 - (a) Specific standards for the maintenance of all structures designed to the requirements of a common drive special permit, including but not limited to the travel way, drainage system and signage.
 - (b) Provisions for allocating responsibility for snow removal and for maintenance, repair, or reconstruction of the common driveway, drainage system, and signage.
 - (c) Text of proposed easements including the metes and bounds description.
 - (d) A procedure for the resolution of disagreements. Said document(s) shall be recorded along with the site plan and public utility and drainage easements in the Hampshire Registry of Deeds and shall also be recited in and attached to every deed to every lot served by the common drive.
- (14) Fees. Refer to the planning board fee schedule as kept by the Town Clerk and planning board office. All engineering and legal review costs by the town's consulting engineer or legal counsel shall be paid by the applicant.

§ 145-46. Inspections.

- A. The common drive shall be inspected prior to each construction step by the Director of Public Works, the town's consulting engineer, or by other duly appointed representatives of the Planning Board.
- B. In lieu of Subsection A, the developer's engineer shall certify, in writing, after each construction step that construction of the road is in substantial accordance with the approved plan and typical cross section.

§145-47. Acceptance as a public way. A common drive designed and constructed in accordance with these requirements is not a street which may be accepted as a public way. In granting a special permit for a common drive, the Planning Board shall impose a condition prohibiting the lot owners from petitioning for acceptance of the common drive as a public way, unless the mandatory owners' association presents a petition to the town demonstrating that the common drive conforms to Chapter 270, Subdivision of Land, of the Code of the Town of Belchertown, for the construction and laying of ways, including requirements pertaining to cul-de-sac or dead-end streets, and demonstrating that the lots served by the common drive, with structures as built, conform with dimensional regulations (§145-16) applicable to the zoning district with respect to lot area, frontage, coverage, setbacks and lot width. A lot divided by the common drive right-of-way shall be considered as two separate lots for purposes of this demonstration, with new lot lines as created by the proposed new public way.

§ 145-48. Lapse of special permit.

A special permit granted under this article shall lapse after 24 months if substantial construction has not begun by such date, except for good cause shown and approved by the Planning Board.

§ 145-49. Submission of as-built plans.

Prior to any house served by the common drive receiving a certificate of occupancy, a revised, recordable Mylar of the original submittal showing the actual existing as-built conditions and six

paper copies shall be submitted to the Planning Board upon completion of the common drive. A copy shall be submitted in a digital (electronic) format consistent with the town's geographic information system, or GIS. The applicant shall submit the digital copy on 3½ inch diskettes, Iomega zip disc, or CD-ROM. The electronic plan will be reviewed for its content and ability to meet the town's GIS standards. Failure to submit these data in electronic format or to meet the standards below will delay the Planning Board's endorsement of the certificate of completion until acceptable digital plans are provided.

Specific Standards Required include:

- (a) All digital mapping data must be delivered in a standard geographic coordinate system. The coordinate system employed by the town's GIS is Massachusetts Mainland Zone horizontal datum of NAD83 (state plane units feet), and a vertical datum of NGVD88.
- (b) All digital data must be delivered in one of the following formats: AutoCAD dwg format, AutoCAD dxf format, ArcView shapefile format, or Arc/Info e00 format.
- (c) All data must be topologically clean, meaning that polygons are closed and lines connect at nodes. Features that naturally connect (i.e. driveways to roads, parcel lines to roads and water features, etc.) must connect seamlessly. If the digital information provided is tiled across multiple sheets, the abutting edges of each sheet must precisely match along the join lines.
- (d) All digital line work must be developed as continuous lines and rendered using line types/styles (i.e. dashed lines, etc). Continuous lines that have been broken to appear dashed are not acceptable.
- (e) All text in the AutoCAD files must appear on top of other features and stored in separate layers. In the digital file, those features under the text should not be erased in order to make text clearer.
- (f) All features must be thematically organized in the CADD or GIS data structure. Having all features in a single CADD layer or GIS file is not acceptable.
- (g) Documentation of the data format must be provided and a complete list of all layer names with descriptions. If multiple files are delivered, each must be documented with a complete description of its purpose. All documentation must be provided in Microsoft® Word format or ASCII text format, and shall be included on the electronic media containing the electronic plan data. Documentation must be provided on the method used to gather the data, an estimation of the horizontal and vertical accuracy, and the date of data capture.

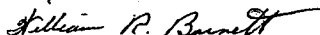
§145-50. Enforcement; appeals; violations and penalties.

- A. The Building Inspector shall not issue a building permit for a lot in a common drive development until the necessary special permit is granted and recorded and the appeal period has expired. [Added 5-13-1996 ATM by Art. 23]
- B. The Building Inspector shall not issue a certificate of occupancy permit until all work has been completed as approved and the as-built plan has been submitted in corrected form in accordance with §145-49.
- C. Decisions of the Planning Board regarding special permit approval may be appealed as set forth in the Zoning Act, MGL c. 40A, as amended.
- D. Violations of the approved special permit for a common drive or any conditions of approval shall be subject to the provisions of §145-67 of this chapter, as amended.
- E. The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this article.

(Vote – 2/3 required – Unanimous Yes)

Meeting dissolved at 7:54PM

Attest:



William R. Barnett
Town Clerk