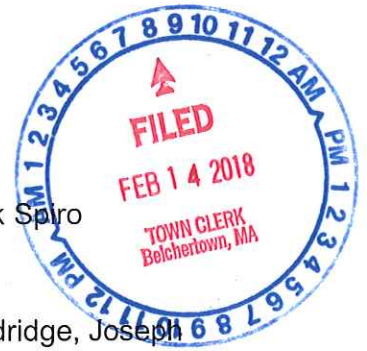


Belchertown Planning Board
Minutes – Tuesday – January 23, 2018



Members present: Michael Hofler, Daniel Beaudette, Sierra Pelletier and Mark Spiro
Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes
Absent: Jim Natle and Eric Wojtowicz (alternate for special permits)
Present: Matthew and Lindsay Baird, Thomas Scott, Chris Peterson, Chris Eldridge, Joseph
Maggi, Jocelyn Magnar and Chris Karney

7:00 pm – M. Hofler, Chairman, opened the meeting and read the agenda into the record.

7:00 pm – M. Hofler, Chairman, reopened the continued Public Hearing for Sabin Street, Map 248 Lot 3.10 and Lot 3.011, Applicants Joseph Maggi and Jocelyn Magnar. The applicant, Joseph Maggi addressed and updated the Board. Access to the property has been changed to be on the property as opposed to the discontinued town road (Aldrich Street) adjacent to it. The plans were reviewed with the Board for the construction of a new residence with an in law apartment. The Board discussed the plans with the applicants. The apartment layout and parking were discussed. The house is #174 and the apartment will be numbered 174A.

M.Hofler opened the hearing to the public present. There were no comments.

MOTION: D.Beaudette to close the public hearing for the accessory apartment for Joseph Maggi and Jocelyn Magnar, Sabin Street, Map 248, Lot 3.10 and 3.011, as amended.

SECOND: M.Spiro **VOTE:** 4-0-0

MOTION: D.Beaudette to approve the accessory apartment for Joseph Maggi and Jocelyn, Sabin Street, Map 248, Lot 3.10 and 3.011, as amended, having found it meets conditions 145-69 and 145-69 subsection 1 and also meets standards for accessory apartments, by law 145-29.1. **SECOND:** M.Spiro No Discussion **VOTE:** 4-0-0

J.Maggi thanked the Board and left the meeting.

7:10 pm - 44 Depot Street – Industrial Zone – Informal site discussion. D.Beaudette recused himself from the discussion as he owns property in the area and is an abutter. D.Beaudette left the room.

Chris Eldridge addressed the Board and updated the Board as to their intent to open a tap room and brewery/bottling facility at this location. M.Hofler indicated to the Applicant that the Board would like to determine where their proposed business would fit into the current bylaws of the Town and what, if any, issues would need to be resolved. Discussion ensued regarding this, including: goals to produce beer on site, selling on site, (similar to bottling), distribution for the future, sale of only their product in the Taproom, concern for residents who live on Depot Street, hours of operation, insulation of the taproom for noise control and zoning.

The Board discussed holding a Public Hearing so any concerns of abutters could be addressed. It was decided to have a Public Hearing on this for March 13, 2018. The Applicants indicated they hope to open Fall 2018. They need a 6 month lead time for equipment installation and for the product to be ready.

The Board discussed the business primarily being a bottling plant and wholesale business. The taproom is incidental to the business and would therefore fall into the current bylaw description as a use in this zone. The Applicants were reminded they need to submit a site plan to the Board for their approval to move forward. They were reminded to address security issues for the site along with all other items.

The Applicants thanked the Board and left the meeting at 7:39 pm.

Dan Beaudette returned to the meeting.

Lindsay and Matthew Baird of 243 Allen Street addressed the Board. They would like to begin a home farm distilling business on their property. They discussed the process with the Board and what their end product would be. They have 7.5 acres and 6 of that would be farmed. They are currently registered as Chapter 61B but will change it to 61A. The zone is AG-B. This type business would be allowed by right in this zone. The Board discussed Chapter 61 with the Bairds. By right, they would be able to do this without coming before the Planning Board. D.Beaudette indicated that we should make sure all Boards are in agreement, mainly the Assessors, and confirm how they have designated the property.

The Bairds thanked the Board and left the meeting at 8:03 pm.

ANR plan – W.D. Cows, Inc., Munsell Street, Map 206, Lot 44. M.Spiro recused himself from this conversation as he is an abutter. M.Spiro left the room. The Board discussed the application and accompanying map. Christopher Carney, Engineer for R.Levesque Associates was present and addressed the Board. This is to create new lot 44A with Remaining Land. M.Hofler indicated that to do this they need road frontage. At present time, another ANR under appeal and has been denied and is in ongoing litigation. The outcome of that will affect the outcome of this. The Board of Selectmen has abandoned the portion of the road that this ANR would be on. There is a physical impassability for this ANR; so therefore, we could not consider this a road.

C.Carney reviewed the two (2) Court findings with the Board. #1 – Pharmer vs. the Town filed April 22, 1987 and #2 Barry vs the Town of Belchertown, entered September 7, 2017. The Board indicated that all appeals have not been resolved. With that in mind we would set this aside at this time.

D.Beaudette indicated that in 2014 there was a finding that this section of Munsell Street is not a public way. That was appealed. The Court indicated that it was a public way and the town is appealing this. Until that is completed we cannot go forward. In addition, the Board of Selectmen has abandoned that section of the road. So therefore, it does not provide safe access for a proposed use. It does not satisfy any of the three criteria required for approval.

D.Beaudette asked C.Carney if he was going to argue that it is a public way. C.Carney did not respond.

The following five (5) issues were noted by the Board:

- The road was discontinued in 1908 at an official Town Meeting.
- The Board of Selectmen have formally abandoned maintenance of the road.
- The ongoing litigation
- It is not an approved subdivision way
- It is not in accordance with Town Regulations Subdivision of Land, Chapter 270, section 1, which is the subdivision control law and when adopted by town, the land does not meet grade construction to provide safe access for safe use

MOTION: D.Beaudette to endorse the ANR for W.D. Cowls, Inc., Map 206, Lot 44 for purposes to create Lot 44A and Remaining Land. **SECOND:** S.Pelletier. **Discussion:** We will vote no due to the ongoing litigation and no definitive finding by the court. We are not required to accept the plan before us due to the ongoing litigation. Also, it is not in accordance with Town Regulations Subdivision of Land, Chapter 270, section 1, which is the subdivision control law and when adopted by town, the land does not meet grade construction to provide safe access for safe use. **VOTE:** 0-3-1

C.Carney thanked the Board for their time and left the meeting.

M.Spiro returned to the meeting.

Discussion Item – Accessory Apartment Bylaw – The Board discussed if they wanted to proceed to draft new language regarding the accessory apartment bylaw. D.Beaudette indicated that with the large amount of housing stock, we have not seen a lot of residents coming forward regarding this bylaw. Possibly the language makes it too limiting. The Board discussed detached structures. The Board agreed to open discussion to change the bylaw. D.Albertson will draft language and it will be presented before a public hearing in order to meet May Town Meeting deadlines. A date of March 27, 2018 was agreed upon for a public hearing.

Bills were endorsed.

Minutes of January 9, 2018. **MOTION:** M.Hofler to accept the minutes of January 9, 2018 as written. **SECOND:** S.Pelletier No Discussion **VOTE:** 4-0-0

MOTION: M.Hofler to extend the site plan application for Federal OP, LLC, 122 Federal Street, Sunoco, to February 28, 2018. **SECOND:** S.Pelletier No Discussion **VOTE:** 4-0-0

Town Planner Report:

- I have been finding samples regarding zoning for brewing, distilling and wining. Our current zoning does not quite accommodate them. This is a growing industry. We

need to start thinking about this and come up with a definition and a Schedule of Use. I will send additional material out to everyone.

- Please review the draft on the marijuana bylaw.
- The Garden Center on Front Street is under negotiations. The new buyer is holding the sellers to the original site plan. It pertains to drainage mainly. They will be in and get this to us. This purchase is for the garden center portion only. It does not include the carousel in back.
- The Arts Council will come to our February 13, 2018 meeting. Jen Turner will discuss arts, culture, and such with the Board and what can be done.
- Belchertown has received a grant from the Commonwealth of Massachusetts Municipal Vulnerability Preparedness (MVP) Program. Diane Mas of Fuss & O'Neill is point person. Anyone who is interested can sit in on that. We will know more as it progresses.

Members Reports

- **D.Beaudette** – I would like to address aging application concerns. We have been very liberal in accepting applications that are not complete. Looking at timelines it would appear as though this Board is causing the delays. Other boards have been critical of us. We need to look at either not processing an applicant's application until they are ready, or have them withdraw an application or we simply deny them. Discussion ensued regarding if an applicant would need to submit a second application fee. D.Albertson indicated that as a Board you can decide to withdraw an application but to waive the second application fee. We try to work with businesses. D.Beaudette indicated that a 48 hour deadline before meetings for items to be submitted would give the Board time to review items. Items being submitted at 4:00 pm on the day of a meeting are not timely. S.Pelletier agrees if the Board does not follow protocol and due diligence the Board is doing a disservice to the Town.

- **S.Pelletier** I will be attending next month's PVPC meeting and will report back.

MOTION: S.Pelletier to adjourn the meeting at 9:10 pm. **SECOND:** D.Beaudette **VOTE:** 4-0-0

Meeting adjourned at 9:10 pm

Michael Hofler



Daniel Beaudette



Sierra Pelletier



Mark Spiro

