

Belchertown Planning Board Minutes
October 11, 2016

Members present: Michael Hofler, Donna Lusignan, Chris Laurenzo, James Natle, Daniel Beaudette

Staff: Lynn Sikes, Minutes

Absent: Douglas Albertson, Town Planner, Sierra Pelletier (alternate for special permits)

Present: Howard Weston, 205 Bachelor Street, Granby, and Elizabeth Cassidy, 139 Kennedy Road, Belchertown

Mike Hofler, Chairman, opened the meeting at 7:12 pm and welcomed everyone.

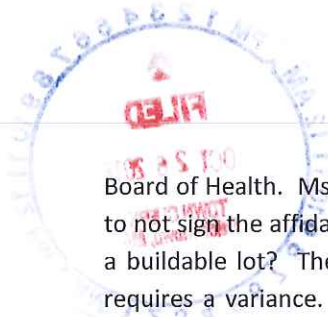
M. Hofler read for the record the agenda. There is an addition to the agenda. Elizabeth Cassidy, 139 Kennedy Road to remove "Not A Building Lot" designation at her home at 139 Kennedy Road.

Public Hearing Accessory Apartment 200 No. Liberty Street, Map 268 Lot 52B: M.Hofler opened the public hearing at 7:13 pm. M. Hofler read into record the legal notice. Explanation was given to the applicant that a special permit requires a super majority vote in favor in order to be granted; there must be four affirmative votes not just three. Applicant Howard Weston addressed the Board. This is new construction with a new in-law apartment attached. He went over the square footage of the apartment and the house. The house is 1800 sq. ft. the accessory apartment is 600 sq. ft. There will not be livable space above the garage. The % is accurate. The Board confirmed with the applicant that the septic design has been upgraded from 3 to 4 bedrooms as well as being owner occupied. The Board confirmed there is available parking for the home and apartment; there is a 3 car garage on the property. The layout would accommodate 5 cars; 3 in garage and 2 in driveway. The Board asked whether the apartment would be made handicapped accessible and the owner confirmed it is not readily available now but the construction of the doorways have been designed for three-foot passage and added with the new construction he would be able to upgrade in the future and can do so without tearing down any walls. The design document will be recorded with the Deeds. The Board informed the applicant that the accessory apartment does not require a family relative occupy the in-law apartment and recommends the owner read the regulations to become familiarized with their investment. Zoning Bylaws, Chapter 145, Article III, Sec. 145-11, Article VII S. 145-29.1 and Article XIII, S. 145-69. The Board of Health had suspended permit #15-79 for a 3 bedroom, single family residence. This had to be upgraded to accommodate the change in the building to a 4 bedroom, multi-family dwelling. The applicants have revised their initial septic plan to account for the apartment.

Motion: J.Natle to GRANT the Special Permit for an accessory apartment located at 200 No. Liberty Street, Map 268, Lot 52B for Howard L. and Rebecca Weston as it complies with Chapter 145, Article III, Sec. 145-11, Article VII, Sec. 145-29.1 and Article XIII, Sec. 145-69 **Second:** C. Laurenzo **VOTE:** 5-0-0
Modifications – The Board of Health must reinstated permit #15-79.

Mr. Weston left the meeting.

Addition to Agenda - Elizabeth Cassidy, 139 Kennedy Road, to remove "Not a Building Lot" designation from her home at 139 Kennedy Road. Ms. Cassidy addressed the Board. She is selling her home and needs a signed affidavit indicating it is a "buildable lot" and therefore can be sold with the existing home on it. M .Hofler read the affidavit from her attorney. The Board confirmed that the affidavit is referencing the same lot but has concerns legally whether it is the correct thing to do. Although it appears that everything is in order, there are still some areas of concern. Ms. Cassidy read an email from Attorney Robes that was sent to her cell phone. The lot was originally designated as a "Non buildable lot". In order to sell and close on her home an affidavit is required. The Board has concerns in that, originally, if the lot had not perked this may have been why it was deemed a "Non-buildable lot." The building permit and its folder were pulled to confirm the septic design was signed off on by



Board of Health. Ms. Cassidy spoke to the Board regarding the sale and why she is selling. She further stated that to not sign the affidavit with a closing on Friday will be an extreme hardship for her and questioned why this is not a buildable lot? The Board informed the applicant that if the house was built on a "non-buildable lot" then it requires a variance. Since there is no approved variance at this time the Board cannot sign the affidavit. The chairman will confer with the Building Inspector tomorrow and see if there is more information in order to be able to sign the affidavit. The affidavit is seeking a single signature only; some Board members are not comfortable having the affidavit signed in its presented format. The two attorneys handling this closing and the applicant should have submitted more documentation to the Board to clarify this matter. The Board felt that if the affidavit is signed without proof of a variance, we have not done due diligence. The Board is aware there is a closing on Friday. As long as paperwork comes in showing what is needed, J.Natle as Single Signatory will be able to sign the affidavit so as not to hold up the closing.

J. Natle left at 8:05 pm

Cathy Burton, 6 Nathaniel Way and Elizabeth Adzima, 221 Ludlow Road, Belchertown arrived to the meeting at 8:10 pm

Conversation continued regarding 139 Kennedy Road. The applicant was asked whether she had brought any documentation from the sale of her home with her to the meeting; something that would clarify the status. She replied no.

Ms. Cassidy left the meeting at 8:30 pm

Elizabeth Adzima and Cathy Burton left the meeting at 8:30 pm

D. Beaudette cautioned the Board to make sure all documents are in order before the affidavit is signed.

Motion: D.Lusignan to accept the minutes of September 27, 2016 as amended.. **Second D. Beaudette** **Vote** 4-0-0

Bills: There were no bills to endorse.

Discussion items:

ZBA recommendation, Special Permit application, Map 216, Lot 117 Amherst Road, Douglas J. & Cynthia L. Murray. This is a request for the construction of a new Duplex on the property. The application was reviewed by the Board. The reasons for the duplex were discussed. There is an existing abutting duplex and multiple duplexes in this area. It is a large lot, plenty of room for parking, and in-keeping with the existing area.

Motion: C.Laurenzo to recommend to the ZBA that we approve the special permit for Map 216, lot 117 Amherst Road for the construction of a duplex building on that property. **Second:** D.Beaudette

Vote: 4-0-0

ZBA Recommendation, Variance Application from the Belchertown Animal Control Officer for a larger sign than allowed for the new Animal Control facility located at 165 George Hannum Street. The proposed sign will be a 3 x 5 (15 square feet) sign. Maximum sign allowance is 6 square feet. The Board reviewed the application and had questions regarding to the placement of the sign and whether it would be fence mounted, parallel to the street, and how far off the street it would be located? The Board agrees the sign does need to be larger due to the area it

is in so it would be visible to the public. The applications narrative states that due to the facility's new construction a larger sign will enable people to find the facility. The Board is in agreement for the need of a larger sign but without final design details is not able to render a definitive recommendation for approval of this variance at this time.

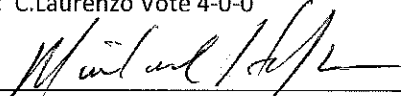
Town planner report: As submitted by D.Albertson who is absent for this evening's meeting.

Members report:

D. Lusignan – The new Car Wash is possibly opening very soon. She spoke with the owner who confirmed he was working out some glitches in order to make sure opening goes without issue. The sign design looks nice, along with the ornate cupola on top of the building.

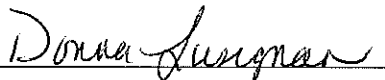
M.Hofler – again just wanted to say how wonderful the Belchertown Fair was and stated that he feels it defines what it is like to live in Belchertown as with other events such as the Farmers market, concerts on the common etc.

Motion: D.Lusignan to adjourn the meeting. Second: C.Laurenzo Vote 4-0-0
Meeting adjourned at 8:57 pm

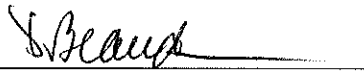


Michael Hofler, Chairman

James Natle, Vice Chair



Donna Lusignan



Daniel Beaudette

Christopher Laurenzo