

Belchertown Planning Board  
Minutes – Tuesday – October 8, 2019



Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosiensi and Alice Knittel  
(\*\*\*minutes amended 10/22/19 to reflect E.Pols, alternate voting member, is in attendance also)\*\*\*

Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes

Audience Present: Jaime Ryznic; Alan Fisher

**7:00 pm –J. Natle, Chairman,** opened the meeting, welcomed everyone and read the agenda into the record. There is a public hearing for an accessory apartment located at Old Bay Road, Map 229, Lot 3.10. and a recommendation to the ZBA a Right of First Refusal recommendation and standard board matters.

The board will go into Executive Session at the end of this meeting and not reconvene to open session at the end of that meeting.

**MOTION:** A. Knittel to accept the minutes of September 24, 2019 as written. **SECOND:** J. Rosiensi **No Discussion VOTE:** 5-0-0

**Bills were endorsed.**

**7:05 pm - J. Natle, Chairman,** read into the record the legal notice for a Public Hearing for an Accessory Apartment located at Old Bay Road, Map 229, Lot 3.01, applicant Jaime Ryznic. The public hearing is now open.

The applicant, Jaime Ryznic was present and addressed the Board. The Board reviewed the application and Special permit 145-69, criteria a, b and c were discussed. Ms. Ryznic had handouts which she distributed to the Board. She discussed that this is for new construction of a single unit dwelling along with new construction of a “tiny” house on the property. The Board discussed this with her. Questions ensued regarding the fact that the Massachusetts building code currently does not allow for tiny houses.

The board moved on to addressing the accessory apartment bylaw of detached structures that the Town of Belchertown just recently approved. This application does not appear to meet bylaw 145-29.1 that the Town approved. The Board asked the applicant if she could make the accessory apartment an attached part of the new construction for the single unit construction. She indicated the person who would inhabit it wanted to live in a “tiny” house. The Board discussed why the “tiny” house would not meet 780 CMR along with several other codes.

The Board asked Ms. Ryznic if she would like to proceed for the Board to vote and risk a denial. The board pointed out that if the board did not approve the application, she would need to wait for 2 years before she could resubmit the application. They then asked if she would prefer to withdraw the application and therefore be able to submit a new application sooner, if the rules change. She indicated she will withdraw the application and submitted a note stating such.

J. Natle read her request to withdraw her application dated today, October 8, 2019.

The meeting was opened to the public. No comments.

**MOTION:** D. Beaudette to accept the withdrawal of the special permit application for an accessory apartment submitted by Jaime Ryznic for Old Bay Road, Map 229, Lot 3.01. **SECOND:** J. Rosiensi **No Discussion. VOTE:** 5-0-0

**MOTION:** M. Hofler to close the public hearing for an Accessory Apartment located at Old Bay Road, Map 229, Lot 3.01, applicant Jaime Ryznic. **SECOND:** A. Knittel **No Discussion VOTE:** 5-0-0

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

-----  
**The ZBA** has requested our recommendation regarding a variance request at 65 Mill Valley Road by VE Properties VII, LLC., Randy Fountain owner. The applicant is requesting a variance of the side setback from the required 20' to 14.9' for the construction of a new 20x24 garage attached to the house by a breezeway. This lot is in the Ag-B zone. The Board reviewed and discussed the application along with the criteria to recommend favorably.

**MOTION:** J. Natle our recommendation to the Zoning Board of Appeals is that they not grant the variance to VE Properties VII, LLC., Randy Fountain owner for 65 Mill Valley Road as the hardship has not been proven; the easterly side elevation of the existing house does not prove a need for relief, and the variance from the side setback would not be needed because the applicant could construct a detached structure which would meet the required setback. **SECOND:** J. Rosiensi **Discussion:** The Board does not agree with the applicant's argument. There are options that would not need a variance. **VOTE:** 5-0-0

-----  
**Right of First Refusal - Chapter 61-Forestry** –The Board of Selectmen have received a letter from Thomas T. and Genowefa Soja, owners of 701 George Hannum Street, Map 241, Lot 18/Parcel B, to remove 1.22 acres of this parcel from Chapter 61-Forestry status. The Board discussed and reviewed the request.

**MOTION: M. Hofler** to recommend to the Board of Selectmen to NOT exercise the town's Right of First Refusal for the property located on George Hannum Street, 701 George Hannum owned by Thomas T. and Genowefa Soja, Map 241, Lot 18/parcel B. There is no resource for the town to be interested in. **SECOND:** J. Rosiensi **Discussion:** this is to remove a small portion (1.22 acres) out of Chapter 61-Forestry status. **VOTE:** 4-1-0 D. Beaudette believes the request is premature. The owner can take it out of chapter, and then the town has a year to decide. If there were a sale on the table would that change the intent to take the land out of chapter 61? This was discussed along with protecting the public's interest.

-----  
**Other – Hampshire Registry Recording** – The board discussed a response from the Hampshire Registry as to a question regarding MGL ch41 §81X and the board's certification that no rights of previously conveyed lots would be affected. The board believes this should not be their responsibility to attest to, but rather the developer's. D. Beaudette read from MGL ch 41 §§81 W and X regarding Modification of Plans and the required certification. D. Albertson had written the registry for clarification and received a response from Beth Callahan, Assistant Register of Deeds for Hampshire County. Ms. Callahan responded that the registry is required to follow MGL and cannot speak to how the planning board could certify anyone's rights. She recommended asking Town Counsel. D. Albertson will again ask this question of counsel. This came up last year, also, and counsel's response was, "It's in the law, so you have to do it." The board would like elaboration.

-----  
Town Planner Report:

- J. Hayward's gravel pit on Allen Street: He has put up some signs and is doing what you asked.

- There is a company looking to go into the building adjacent to 401 Mill Valley Road. They met with the select board last night. Along with cultivation, they are looking at doing some processing as well. This is not allowed in our B2 zone. We will discuss this when they come in to meet with us.
- Another company, Grow Space New England, will be in on October 22 to speak with us. They had previously been on one of our agendas but didn't show. Apparently that person has left the company. This is the new person coming in to speak with us.
- The "Meet the Installer" Solarize meeting had a very nice turnout. There were some immediate sign ups which was very encouraging.
- The Lake Wallace Sensory Trail is coming along. We have sent back the endorsed contracts for the MassTrail reimbursement grant of \$50,000. This is Federal money going to the State so there will be lots of paperwork as it goes along.

-----  
 Members Reports:

E. Pols – I will not be at our November 12<sup>th</sup> meeting and I am looking into attending some of the Citizen Planner Training Collaborative seminars to be held in the next couple months.

J. Rosiensi - I am attending the PVPC meeting this week. The new Executive Director started this week.

D. Beaudette – This week's AARP magazine noted the Lake Wallace Trail, for which AARP provided a \$10,000 grant.

- The variance for 18 Prescott Hill which the ZBA heard at their last meeting has been continued to the November meeting. I believe the applicant is reviewing his plans.

M. Hofler – The recent Smart Program is under review and there was a request for comments from the public - I did submit a couple comments to them.

-----  
**MOTION:** J. Natle, Chairman, took roll call to go into Executive Session per MGL chpt. 30A, Section 21; Subsection #3 and **not reconvene to open session at the end of that meeting.** **SECOND:** M. Hofler

**ROLL CALL VOTE:** D. Beaudette: yes J. Natle: yes M.Hofler: yes J. Rosiensi: yes A. Knittel: yes

**Roll call Vote:** 5-0-0

Regular Meeting adjourned at 8:30 pm.  
 Board went into Executive Session.

-----  
  
 \_\_\_\_\_  
 James Natle

  
 \_\_\_\_\_  
 Daniel Beaudette

  
 \_\_\_\_\_  
 Michael Hofler

  
 \_\_\_\_\_  
 Justin Rosiensi

  
 \_\_\_\_\_  
 Alice Knittel



OFFICE OF  
**PLANNING BOARD**

Town Of Belchertown

P.O. Box 964

Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

*Tuesday October 8, 2019*

**PLEASE ENTER YOUR NAME, TITLE AND ADDRESS ----  
THANK YOU !**

*Alan Fisher 636 Bay Rd*

*Jaime Ryznic 15 Old Amherst Rd*