

Belchertown Planning Board
Minutes – Tuesday – November 28, 2017



Members present: Michael Hofler, James Natle, Daniel Beaudette, Sierra Pelletier, Mark Spiro and Eric Wojtowicz, (alternate for special permits)

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

Present: Joseph Maggi, Jocelyn Magnar, Andrew Kilduff, Tim Tensen, Larry Tucker, Louise Levy, Ben O'Brien, Nate St. Amand, Steve Lanphear, Bob Rivard, Edward Strempek and Courtney Watts

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

7:00 pm – M. Hofler read the Public Hearing Notice for an Accessory Apartment – Sabin Street, Map 248 Lot 3.10 and Lot 3.011, Applicants Joseph Maggi and Jocelyn Magnar. M. Hofler opened the public hearing at 7:01 pm. M. Hofler read the legal notice into the record. M. Hofler explained to the applicant that a special permit requires a super majority vote in favor in order to be granted; meaning there must be four affirmative votes not just three. M. Hofler indicated how the public hearing proceeds. The applicant Joseph Maggi addressed the Board. This is construction for a new home with a new accessory apartment attached. He went over the plans.

The board asked about access to the house site. Mr. Maggi's plan shows the house on two separate parcels with different owners, one being without required frontage. D. Albertson showed the deeds to both parcels had recently been conveyed to both Mr. Maggi and Ms. Magnar. Mr. Maggi then reminded the board that several years ago, they had endorsed an ANR combining the two parcels, though the parcels were kept in separate ownership. Mr. Albertson added that the assessors are aware of this, and though the parcels were combined, the assessors kept them separate because of the billing for taxes. This lot now meets estate lot dimensions and requirements. Access was discussed at length. J. Maggi also owns 170 Sabin Street which currently accesses the home by Aldrich Street which has been formally abandoned by the Town. He indicated he would give a right of way for access to the new lot via 170 Sabin Street if he is required to do so. Access was discussed at length regarding the legal right to do what the applicant would like to do. D. Albertson brought the previously approved ANR to the Board and they reviewed it. Discussion ensued regarding the existing use of the driveway for 170 Sabin Street. Creating a common drive was discussed. The applicant did not want to do this, though he indicated whatever works is what he will do. The Board would not recommend the use of the abandoned Aldrich Street. The Applicant asked if the board would approve the new house and accessory apartment if the access portion of discussion was tabled. The Board indicated the proposed apartment meets the criteria, though they cannot guarantee approval until they vote.

M. Hofler opened the Public Hearing for public's comments. Mr. Travis of 164 Sabin Street questioned the layout of the apartment. The Board reviewed this with him along with the

accessory apartment requirements from the Town's perspective. He was satisfied with the explanation and had no further concerns.

There were no other comments.

The Board is comfortable that the application complies with Bylaw 145-29.1 but the access needs to be straightened out. We will continue the public hearing on this until the applicant comes back in with reconfigured lot lines and access. The applicant requested to come back to the Board on December 12, 2017.

MOTION: J. Natle to continue the public hearing for a special permit application for an accessory apartment by Joseph Maggi and Jocelyn Magner, Sabin Street, Map 248, Lot 3.10 and 3.011 until December 12, 2017 at 7 pm. **SECOND:** D. Beaudette **VOTE:** 5-0-0

Mr. Maggi and Ms. Magner thanked the Board and left the meeting at 7:34 pm.

7:35 pm Federal OP, LLC, c/o Mr. Sanjay Patel and Vrajeshkumar Patel, 122 Federal Street, has applied for site plan approval to expand the existing convenience store and gas station. Neither Mr. Patel is here at this time. The Board discussed the status of the site plan. D. Albertson will call them tomorrow and ask them to submit a letter of extension. If they do not elect to extend, then the Board would have to deny the application due to insufficient information.

MOTION: J. Natle to deny the site plan application submitted by VJ Patel, Federal OP, LLC, 122 Federal Street, unless we receive a written request from the applicant for an extension not to exceed 2 months – to January 31, 2018; written request to be submitted no later than the end of business day November 30, 2018 in which case the extension would be approved. If no request is received, the application is denied due to lack of information. **SECOND:** S. Pelletier **VOTE:** 5-0-0

7:43 – Presentation on Lake Wallace/Foley Field/Carriage Grove trail project.

Before the presentation, D. Beaudette indicated that he is counsel to the Belchertown Land Trust, who holds a conservation easement on the Lake Wallace and Foley Field parcel, but he does not believe he is in any conflict of information where he would need to recuse himself.

This is a project promoted by MassDevelopment and the BEDIC. Mr. Albertson received a grant from Mass in Motion (a Mass. Dept. of Public Health program) to hire the consultants, Andrew Kilduff and Tim Tensen of TKDesignlab. This is a continuation of last spring's Conway School project, paid from a similar grant. Mr. Kilduff and Mr. Tensen introduced themselves and presented an overview of the conceptual trail project in its final design. They discussed future phases along with costs, maintenance, funding and grant opportunities. There is approximately 2,600 linear feet of trail with approximately 175 feet of boardwalk.

This is a conceptual design now. Funding needs to be secured for any further action on this. Much emphasis was placed on sustainability of anything that might be built, including materials, discussion of paying more for materials that would require less maintenance versus less expensive materials that would require more maintenance. Both DPW and the recreation department made clear they have no funds to take on maintenance of this project, so this remains conceptual until other funding is found. Mr. Albertson emphasized that this has to be a community project to succeed. He also stated that it would make more sense to get more expensive materials that would require less maintenance in the long term as it's often easier to get money to build something, but not so easy to maintain something.

One comment from the general public present was the presentation they had done at the Senior Center and the thought of using asphalt for areas of the trail. This is very expensive and the lifespan is awful. The material to be used should keep mobility at a maximum of 3-5 mph. Possibly having exercise stations incorporated in areas of the trail would be nice. L. Levy, a Science teacher at the High School indicated she is very happy for this project. She offered to help on any grant work that they would like to apply for.

The Board thanked Mr. Tensen and Mr. Kilduff for their presentation.

The Board agreed to get the word out to the Town on the project and funding that needs to be raised.

Minutes of November 14, 2017. MOTION: S. Pelletier to accept the minutes of November 14, 2017 as written. **SECOND:** M. Spiro **VOTE:** 4-0-0 M. Hofler did not vote as he was absent for the meeting.

Bills were endorsed.

Board reorganization:

J. Natle moved to appoint D. Beaudette as Vice Chair. D. Beaudette accepted. Second: M. Spiro. All in Favor.

S. Pelletier moved to appoint J. Natle as Clerk. J. Natle accepted. Second: M. Spiro. All in Favor

M. Hofler remains as Chairman, D. Beaudette remains as Single Signature and S. Pelletier as PVPC Commissioner.

Members' Reports:

D. Beaudette – At our last meeting J. Pio of High Bluff Road subdivision was in. This subdivision was extended for another 2 years. Mr. Pio is adhering to the approved plan. Mr. Beaudette asked the board if they think we should have a board site visit to this subdivision. M. Hofler thinks we do not need to go out as a Board, but if anyone wants to go out individually he or she should. We need to contact the owner to let him know if any of us would be there. D. Albertson will arrange it.

- D. Albertson will make up a list of active subdivisions with contact information so anyone can go out to them and familiarize themselves with them.

D. Beaudette –we need to discuss and get input on the bylaw regarding marijuana with other town departments including the Police Department. D. Albertson will get in touch with Town Administrator, Gary Brougham, to begin this. This needs to be a joint effort with the Board of Selectmen. When we go before the Town at the Annual Town meeting we will have a bylaw that has received broad input.

D. Beaudette – also suggested that as we revise our subdivision regulations we should make such work a regular agenda item so we have time to discuss them.

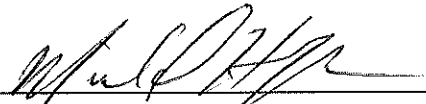
M. Hofler – brought up our Accessory Apartment bylaw. He learned of a system in Hawaii where, though they do not allow accessory apartments, they DO allow 'OHANA – those in your family and your extended family who can stay in a structure not attached to the main house. They are not able to rent them. Though we would not pursue this, he thinks it is an interesting concept to share.

D. Beaudette – we need to be careful regarding abandoned roads. They are not qualified as frontage.


Town Planner Report:

- Meadow Pond Road – Dave LaFleur will be at our next meeting to request an extension on this.
- Mr. Raciti will be in to our December 12, 2017 meeting to discuss his plans for a portable sawmill on Depot Street. Noise may be a concern.
- I have sent out other letters on subdivision extensions.
- We need to do further research with how other towns have handled their bylaws on marijuana and accessory apartments. We need to move rather quickly on the marijuana bylaw.

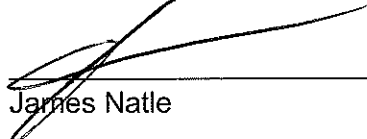
MOTION: J. Natle to adjourn the meeting at 8:55 pm. **SECOND:** D. Beaudette **VOTE:** 5-0-0
Meeting adjourned at 8:55 pm



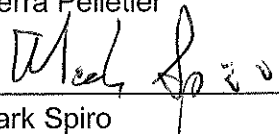
Michael Hofler



Daniel Beaudette



James Natle

Sierra Pelletier


Mark Spiro



TOWN OF BELCHERTOWN

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SIGN IN SHEET --- MEETING OF: Tuesday, November 28, 2017

PLEASE ENTER YOUR NAME, TITLE AND ADDRESS -----

LAWRENCE TUCKER 7 WEST CORNER ST., SOUTH HADLEY

Joseph Magg 81 Gold St Belchertown

Jocelyn Magner 81 Gold St Belchertown

~~XXXXXXXXXX~~ 167 Sabin St Belchertown

Edward Strumpf 160 SABIN ST BELCHERTOWN

Courney Watts 1104 Sabin St. Bel.

Tim Tensen 11 Mulberry St LEES, MA

ANDREW KIRKUFF ~~11~~ GLENWOOD AVE, NORTHAMPTON MA

Louise Levy Science Teacher - Belchertown HS 34 Logtown Rd Amherst, MA

Ben O'Brien 196 Old Enfield Rd, Belchertown, MA

Nate St. Amand 173 Ware Road, Belchertown, MA

Steve Langhaar 37 Cottage St. Belchertown

Bob Rward 11 Town Beach Rd Belchertown / edic