

Belchertown Planning Board
Minutes – Tuesday – December 12, 2017



Members present: Michael Hofler, James Natle, Daniel Beaudette and Mark Spiro
Staff: Doug Albertson, Town Planner, and Lynn Sikes, Minutes
Absent: Sierra Pelletier, Eric Wojtowicz, (alternate for special permits)
Present: David LaFleur, Gabriel Raciti

7:00 pm – M. Hofler, Chairman, reopened the continued Public Hearing for Joseph Maggi and Jocelyn Magnar, for an Accessory Apartment, Sabin Street, Map 248 Lot 3.10 and Lot 3.011. M. Hofler read a memo from the applicant requesting to continue the Public Hearing to the end of January, 2018.

MOTION: J. Natle to continue the public hearing for an accessory apartment located at Sabin Street, Map 248, Lot 3.10 and 3.011 for Joseph Maggi and Jocelyn Magnar until January 23, 2018 at 7:00 pm

SECOND: D. Beaudette **VOTE:** 4-0-0

Right of First Refusal, Chapter 61B –Michelle and Nathan Stewart seek to remove their property from chapter 61B status. We are being asked to make a recommendation to the Board of Selectmen as to whether to take action on our Right of First Refusal for their property located at 86 Amherst Road, Map 226, Lot 22. This is not due to a sale; the applicants wish to have the lien removed as they are refinancing the property. They understand they will pay a penalty for the removal of the classification of Chapter 61B. The Board addressed the Right of First Refusal for this property and reviewed MGL 61B Section 9. Because the applicants are not selling nor converting the land in question, the town's option of Right of First Refusal does not apply. The board concluded that the statute requires either a sale or change in use of the property in order to obtain release from the town, neither of which is indicated here. If a property is in 61B and the owners want to take it out of chapter, they simply would not renew the Chapter 61B status the next year.

MOTION: D. Beaudette - In that we don't believe the applicant has complied with the dissolution requirement of Chapter 61B, we cannot make a recommendation to the Board of Selectmen as to the right of refusal. We recommend the Board of Selectmen consult town counsel and see if what the applicant is requesting to do is possible. **SECOND:** J. Natle
VOTE: 4-0-0

7:28 pm - David LaFleur, representing LaFleur & Son, Inc., came before the Board to request an extension on his subdivision Meadow Pond Road and Jason's Way. M. Hofler read Mr. LaFleur's letter. LaFleur updated the Board on the subdivision and the two items he needs to complete for the subdivision to be finalized. Guardrail installation needs to be completed and the pond needs to be cleaned. As-builts have been completed. If the weather/freeze continues, he hopes the pond work could be done, once started, within 2 weeks. If the pond cannot be completed with the freeze, then it would need to be done in the summer during a drought.

MOTION: J. Nattle to grant an extension for Meadow Pond Road and Jason's Way from the previous expiration date, June 1, 2014 until December 12, 2019. **SECOND:** M. Spiro No Discussion **VOTE:** 4-0-0

D. LaFleur will file the extension form with the Registry of Deeds.

7:45 pm Gabe Raciti came before the Board to discuss his plans for 44 Depot Street. Before the presentation, D. Beaudette indicated that he is counsel to the Belchertown Land Trust, an abutter, he therefore recused himself from the discussion and left the room.

G. Raciti explained to the Board that his business is a low volume saw mill, as he explained it, the business is more of a wood finishing company than a saw mill. It would be comprised of one product. They manufacture products from billets of sugar maple. They project to mill approximately 600 tons of material. This equates to only 2700 logs per year. Of that amount, approximately 29 tons will be chipped and transferred to bio power companies. The remaining by-product will amount to approximately 130 tons of wood shavings. Those shavings will be offered to local farms for free. Mr. Raciti said his company would like to raise its capacity in the future. Deliveries and unloading would occur in the back of the building. They will be doing a majority of their work inside. Noise was discussed. The business does not generate a lot of noise and the building itself is insulated. He does not anticipate an issue with noise. Their plan is to treat the building as their home and to be neighborly to those who live nearby. There would be approximately 17 hours per week for the actual milling of the logs with 2.3 deliveries per month. Winter is their busiest time with hours of operation possibly 7 am to 7 pm, but that is rare. J. Nattle indicated this is an existing industrial zone.

The Board asked Mr. Raciti to familiarize himself with the Town's Bylaw 145-32 – Industrial Performance Standards and to address those items. The Schedule of Uses was discussed along with 145-27 – Site plan approval. This is not new construction just a new use of an existing mill building. With compliance of 145-32 no formal site plan should be required. He will email this information to D. Albertson. He thanked the Board and left the meeting at 8:19 pm. Beaudette returned to the meeting.

ANR: Carol A. Spellman and Melanie E. Spellman, Applicant and Owner, Bardwell Street, Map 272, Lot 28, to create three total lots, for lot identification plan purposes, Lot E, Lot G and Lot H. The Board discussed and reviewed the map and application.

MOTION: M. Hofler to endorse the ANR for Carol A. Spellman and Melanie E. Spellman, Map 272, Lot 28, Bardwell Street, submitted by Sherman & Frydryk, LLC dated November 13, 2017 to create three total lots, Lot E, Lot G and Lot H. **SECOND:** J. Nattle No Discussion. **VOTE:** 4-0-0

Right of First Refusal – M. Hofler read a letter from Atty. Joseph Topor, Jr. regarding the sale of Lot G/28, Map 272, Bardwell Street, owned by Carol A. Spellman and Melanie E. Spellman. It was accompanied by the Land Purchase and Sales Agreement for a sale price of \$65,000.00. We are being asked to make a recommendation to the Board of Selectmen as to

whether to take action on our Right of First Refusal. The Planning Board discussed the sale of this lot. There is no value to the town or Conservation Commission for this lot. It is not usable for the residents of town.

MOTION: D. Beaudette to recommend to the Board of Selectmen to NOT exercise the town's Right of First Refusal for the property at Bardwell Street owned by Carol A. Spellman and Melanie E. Spellman, 1.76 acres , Map 272, Lot G/28. There is no resource for the town to be interested in. **SECOND:** M. Spiro No Discussion **VOTE:** 4-0-0

Paul Lussier submitted a letter requesting an extension Request for Trillium Way subdivision for two more years. M. Hofler read his letter. Mr. Lussier anticipates to be done well before that. D. Albertson indicated all is in order on this and the Board agreed.

MOTION: J. Natle to approve the extension for Trillium Way subdivision from December 10, 2015 until December 12, 2019. **SECOND:** M. Spiro No Discussion **VOTE:** 4-0-0

ANR: Susan and Daniel Stebbins, Old Enfield Road, Map 32, Lots 122 and 131.01 Applicant and Owner, to combine Lot 122 and 131.01 to create a new lot, for lot identification plan purposes, Lot B-1. The Board discussed and reviewed the map and application.

MOTION: M. Spiro to endorse the ANR for Susan and Daniel Stebbins, to combine Lot 122 and 131.01 to create a new lot, for lot identification plan purposes, Lot B-1, submitted by Sherman & Frydryk, LLC dated October 18, 2017. **SECOND:** J. Natle No Discussion. **VOTE:** 4-0-0

ANR: Bell Property Corp., c/o Andrey Korchevskiy, No. Washington Street, Map 248, Lot FF, submitted by R. Levesque Associates, Inc. dated December 4, 2017, to create two lots, for lot identification plan purposes, Lot FF1 and FF2. The Board discussed and reviewed the map and application. They are creating a common drive right of way use and need to apply for a minor common drive and utility easement.

MOTION: J. Natle to endorse the ANR for Bell Property Corp., c/o Andrey Korchevskiy, No. Washington Street, Map 248, Lot FF to create two lots, for lot identification plan purposes Lot FF1 and FF2. **SECOND:** D. Beaudette No Discussion **VOTE:** 4-0-0

ANR: Robert B. and Susan J. Martin, Amherst Road, Map 216, Lot 141, submitted by R. L. Cook Surveyors dated December 3, 2017, to create two total lots, for lot identification plan purposes Lot B and Estate Lot A. The Board discussed and reviewed the map and application.

MOTION: D. Beaudette to endorse the ANR for Robert B. and Susan J. Martin, Amherst Road, Map 216, Lot 141, to create two total lots, for lot identification plan purposes Lot B and Estate Lot A. **SECOND:** J. Natle No Discussion **VOTE:** 4-0-0

Bills were endorsed.

Minutes of November 28, 2017. MOTION: J. Natle to accept the minutes of November 28, 2017 as written. **SECOND:** M. Spiro No Discussion **VOTE:** 4-0-0

Discussion Item – Accessory Apartment Bylaw, Article VII, Sec. 145-29.1. M. Hofler opened the discussion to the Board to decide if the Board would like to address amending the current bylaw, and if so, in what ways? The history of the bylaw and the original draft were discussed.

M. Hofler indicated we should look at the option of accessory apartments in detached structures. D. Beaudette indicated we should clear up the authority of the Board to make exceptions for existing apartments created in violation of zoning, but on non-egregious matters only, specifically when property owners are innocent, not merely ignorant, of the violations. J. Natle believes we should start with the entire bylaw line by line.

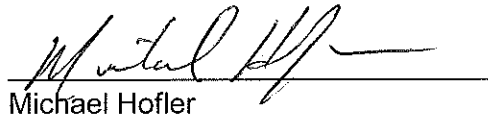
M. Hofler and D. Albertson will begin the process.

Town Planner Report:

- Has asked the BOS to join us at our January 9th meeting to discuss marijuana.
- The Trail project is done and we have the final copy. We now need to start looking into funding opportunities.

The Board discussed the December 26, 2017 meeting. At this time, with no items on the agenda, the meeting is cancelled. D. Beaudette, as single signature, could sign something if there is a need.

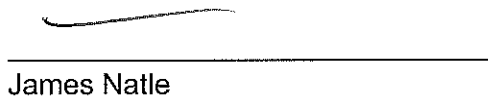
MOTION: J. Natle to adjourn the meeting at 9:34 pm. **SECOND:** D. Beaudette **VOTE:** 4-0-0
Meeting adjourned at 9:34 pm



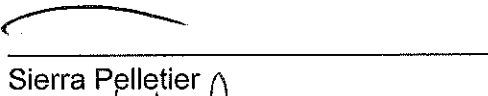
Michael Hofler



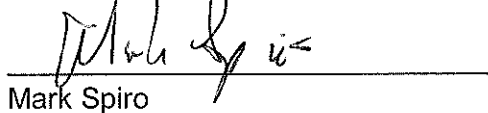
Daniel Beaudette



James Natle



Sierra Pelletier



Mark Spiro



TOWN OF BELCHERTOWN

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SIGN IN SHEET --- MEETING OF:

Tuesday, December 12, 2017

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

David La Fleur 22 Marcieo Dr

GABRIEL RACON 45 BAY RD, DUKBURLY MA