

Belchertown Planning Board
Minutes – Tuesday – March 27, 2018



Members present: Michael Hofler, James Natle, Daniel Beaudette, Sierra Pelletier, Mark Spiro and Eric Wojtowicz, (alternate for special permits)
Staff: Doug Albertson, Town Planner, Lynn Sikes, Minutes
Present: Arthur Laflamme, Donna Lusignan, Susan Gay, Jim Hayward

7:00 pm – M. Hofler, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There are two Public Hearings scheduled this evening. The subject matter of the hearings are; a proposed amendment to: 1) change Map 205 Parcel 62 from B2, General Business to B1, Limited Business, 1100 Federal Street; and 2) – to amend Chpt., 145-29.1 – Accessory Apartments to clarify language regarding apartments in detached structures.

7:02 pm – M. Hofler, Chairman, read into the record the **Public Hearing Notice**. This is to discuss amending the town's zoning by-law, Chapter 145, §145-5; Zoning Map, located at 1100 Federal Street, Map 205, Parcel 62. The parcel is currently in the B2 General Business zone and the applicants, Sandra and Fred Wang, are requesting a change to the B1 Limited Business zone. M. Hofler updated the public why this is being heard a second time. This matter was previously heard at a Public Hearing held September 26, 2017. A second public hearing is required due to the fact there was no Town Meeting held within a 6 month period from that date. This public hearing is required due to State law for the upcoming Annual Town Meeting to be held May 14, 2018. The public hearing is now open.

The Board reviewed the map and application. This zone change would allow the applicants to build a residence though it will reduce the commercial area of the property. The current zone which the building is located in is B2, General Business. This zone does not allow residential construction. Changing the zone to B1 – Limited Business, would allow this. The existing restaurant would still be allowed in the B1 zone. No one has been interested in this space to rent, but the second floor rental for tenants is always leased. The Board discussed the application and how it would affect the surrounding area. The parcel is adjacent to a B1 zone. D. Beaudette noted that making it B1-Limited Business could reduce the commercial viability of this area, and we are trying to increase business zones, not decrease them. I still believe this and I will be voting no. It is spot zoning. J. Natle agrees with this also. The Board discussed this before opening to the public for comments.

M. Hofler opened the meeting to the public for comments regarding this zone change. No comments from the Public. Closed for public comments.

The board continued to discuss the application and the use of the lot. M. Hofler - if this allows the owners to do something with the property it would be good to utilize the property rather than having it sit vacant. The Board discussed this or the possibility of a different business coming in to use the property for the purpose it is in. If the existing business is not appropriate for that area, they need to move rather than change the zone.

MOTION: J. Natle to close the public hearing regarding the zone change located at 1100 Federal Street, Map 205, Parcel 62. **SECOND:** D. Beaudette. No Discussion. **VOTE:** 5-0-0 The public hearing is now closed.

MOTION: J. Natle that we recommend to Town Meeting to grant the zone change request for Sandra and Fred Wang, located at 1100 Federal Street, Map 205, Parcel 62 from B2, General Business to B1 Limited Business. No further Discussion. **SECOND:** S. Pelletier **VOTE:** 0-5-0

The Board does not believe there is sufficient benefit to the Town to downgrade the zone from B2-General Business to B1- Limited Business.

7:19 pm – M. Hofler, Chairman, read into the record the Public Hearing Notice. This is to discuss amending the town’s zoning by-law, Chapter 145-29.1 – Accessory Apartments by clarifying language regarding apartments in detached structures. This will be on a warrant for town meeting to see if the Town will accept the changes. The board reviewed the draft amendment.

The ultimate goal is to include language regarding an accessory apartment in an **accessory structure**. Discussion ensued regarding how to administer this and how to manage this. Nuisance apartments, ADA accessibility, driveways, parking, setbacks, and nonconforming lots were discussed. The Board discussed the original bylaw and the fact detached apartments were taken out due to the difficulty in administering them. The intent to increase affordable housing stock along with maintaining the look and feel of existing neighborhood and their surrounding areas was discussed. Examples and scenarios of detached structures were discussed. Keeping an objective standard that the board could apply and applicants knew what to expect was discussed.

The Board continued to review the draft amendment. The Board opened the public hearing for comments from those present.

D. Lusignan, Rockrimmon Street - indicated the amendment is confusing. The way this is being proposed is deviating from the original intent passed in 2014. With that said she went over verbiage changes within the amendment with the Board. The board discussed this. She does agree with section A. General Objectives. That encompasses a good purpose. Regarding detached structures she believes it would have to be judged on an individual basis. There need to be good criteria governing this.

There were no further comments from the public. The Board continued discussion on the amendment. The Board agrees a more liberal interpretation to use housing stock more efficiently is needed. Allowing a detached structure would help this. Maintaining no more than 75 feet from the primary dwelling with clear line of sight is good. Beaudette suggested a new section D.8 to emphasize that the applicant must demonstrate to the planning board that they have met the requirements of §145-69A(1), special permits.

M. Hofler said we will continue the Public Hearing and he asked the Board to take all we’ve discussed this evening along with the public’s input with any additional comments and submit that to D. Albertson who will compile a final version to be read at the continued hearing.

MOTION: M. Hofler to continue the Public Hearing for the bylaw amendment of §145-29.1 – Accessory Apartments to April 10, 2018 at 8:00 pm. **SECOND:** M. Spiro No Discussion **VOTE:** 5-0-0

8:00 pm – Jim Hayward – Allen Street sand pit. Jim Hayward addressed the Board requesting a year extension on his permit for earth removal located at Map 231, Lots 19.02, 19.03, 19.04, 19.05 and 19.06 Allen Street. M. Hofler reminded him that in December of 2016 he was granted an extension to November 14, 2017. We have asked for updates and did a site visit in June of 2017. We discussed items at that site visit that needed to be addressed. This was reviewed with Mr. Hayward along with him giving the Board an update. Mr. Hayward said he does want to complete the project, but can only remove dirt when people need it. He has an agreement with Marion Construction to take half, if not

more, of the dirt. Conservation was discussed. The Board would like a letter from the Conservation Commission regarding any of their requests and concerns. Also, the Tax Collector list shows there are property taxes overdue. We cannot extend this request until these have been paid. J. Hayward indicated he would get this squared away tomorrow and will request a letter from Conservation be sent to the Board. If the information from other town offices is satisfactory, the Board may extend the special permit for one year from the last expiration, which would be to November, 2018. He asked if he could continue working on the front lots as house lots and the Board confirmed he could.

He thanked the Board for their time and left the meeting at 8:42 pm.

8:43 pm - Hickory Hills, LLC – Arthur LaFlamme addressed the board to request release of an additional four lots. Three on Magnolia Drive and one on Dogwood Drive. Lots A B C and AX. Mr. Laflamme updated the Board. There are four lots still under covenant. Cash bond of \$125,000.00 is still being held at People's Bank. DPW reviewed updated Form G and is in agreement with it. This project has been moving along very nicely and the Board thanked Mr. LaFlamme for his continuing updates.

MOTION: J. Natle that we release covenants on Lot AX in Phase 1A and Lots C, B and A in Phase 1B from covenants for Hickory Hills Realty, LLC. **SECOND:** D. Beaudette No Discussion **VOTE:** 5-0-0

ZBA recommendation for a Special Permit for Maxwell Scoon Jr., 671 Bay Road, Map 228, Lot 31 AG-A zone. This is for a special permit for a duplex. This pertains to Zoning Bylaw 145-11 – Schedule of Use Regulations; Attachment 1, #2. The applicant noted there had been an apartment once, and he now wants to renew it. The Board reviewed and discussed the application and supporting documents. All is in order.

MOTION: M. Hofler to recommend the Zoning Board of Appeal grant the special permit for Maxwell Scoon Jr., 671 Bay Road, Map 228, Lot 31 special permit for a duplex. **SECOND:** J. Natle. **Discussion:** The Assessors are already taxing this as a duplex. **VOTE:** 5-0-0

Discussion Item –Right of First Refusal – Orin L. Bracey and MaryEllen O’Reilly-Bracey, Chapter 61 Forestry - The Board of Selectmen has requested our recommendation on a request for Right of First Refusal for land at 110 Munsell Street, Map 214, Lot 10 – parcel A, one acre presently enrolled under Chapter 61 Forestry and whether to take action on its Right of First Refusal. The Planning Board discussed the request.

MOTION: J. Natle to recommend to the Board of Selectmen that they **do not** exercise the town’s right of first refusal on Parcel A, one acre, 110 Munsell Street Map 214, Lot 10 for Orin L. Bracey and MaryEllen O’Reilley-Bracey. **SECOND:** M. Spiro **Discussion:** There is a Purchase and Sale Agreement with William Basara and Dawn Basara on this property. **VOTE:** 5-0-0

ANR – LJ Development, LLC. So. Washington Street, Map 279, Lots 12.02 and 12.05, submitted by Sherman & Frydryk, LLC., dated March 14, 2018, to reconfigure Lot 12.02 and 12.05, for lot identification plan purposes, Lot 1A and Lot 4A, and create Lot 6 and Remaining Land accompanied by a Form A application dated March 27, 2018. The Board reviewed and discussed the application. The frontage for estate lots 1A and 4A was discussed. The Board would like confirmation on the 50 foot minimum lot width. We will notify the surveyor, Sherman & Frydryk, for clarification to confirm the frontage. When confirmed we can sign with single signatory to save time.

MOTION: J. Natle to endorse the ANR for LJ Development, LLC. So. Washington Street, Map 279, Lots 12.02 and 12.05, to create Lot 6 and to reconfigure Lot 12.02 and 12.05 for lot identification plan purposes, Lot 1A and Lot 4A and Remaining Land upon confirmation of the 50 foot corridor and we will authorize single signatory on the resubmitted plan. **SECOND:** D.Beaudette **No Discussion VOTE:** 5-0-0

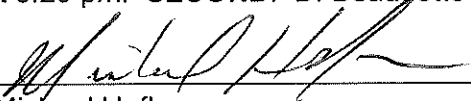
Bills were endorsed

Minutes of March 13, 2018. MOTION: J. Natle to accept the minutes of March 13, 2018 as written. **SECOND:** M. Spiro No Discussion **VOTE:** 4-0-1 (S. Pelletier was absent for that meeting).


Town Planners report:

- I have submitted warrant articles for town meeting to hold a place for them. We need to hear back from town counsel on the marijuana bylaw.
- 122 Federal Street, LLC., Sunoco, is getting quotes from another engineer.
- 111 Sargent Street, Relentless Towing is moving along.
- We have been approached by two solar companies, and a third one is actively looking in town. There will be a second meeting of staff for one on Summit Street this week.
- The Trail project has applied for a Commonwealth Places grant. This will include a community-based crowd-funding component as a match. We have scaled the amount back a little to hopefully meet the goal on what they will match.
- The Public Hearing for Alcohol Production is scheduled for April 24 at 7:30 pm
- The Governor's office is sponsoring a housing choice initiative. It is a push to create more housing, but it is generalized, not specific to areas. This could affect zoning bylaws. Towns may need to demonstrate something in order to be qualified for other grants.

MOTION: J. Natle to adjourn the meeting at 9:20 pm. **SECOND:** D. Beaudette **VOTE:** 5-0-0
Meeting adjourned at 9:20 pm



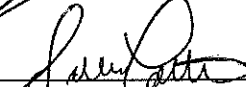
Michael Hofler



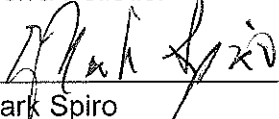
Daniel Beaudette



James Natle



Sierra Pelletier



Mark Spiro



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box 964
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday March 27, 2018

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

Arthur LaPlante Owner Hickory Hills
Donna Luzzo
Susan Bay
