

Belchertown Planning Board
Minutes – Tuesday – April 10, 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: Donna Lusignan, Sean Donovan, Gail Gramarossa, and Mark Vickers

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 is: 1) a continued Public Hearing to amend the Zoning Bylaw, a proposed new section 145—29.2 – Marijuana Establishments and 2) an Accessory Apartment special permit application for 72 Dressel Avenue, Map 253, Lot 5.3, Applicants Mark and Sue Vickers.

7:01 pm – M. Hofler, Chairman, read into the record the **Public Hearing Notice for continuing the open public hearing specific to amending the Town’s Zoning Bylaw, proposed new section Chpt. 145 §29.2 – Marijuana Establishments**. The audience members were informed of the public hearing process. M. Hofler updated the public from the last meeting. We have received input from the Police Department, Board of Selectmen, Board of Health and Town Counsel. Members of the public have sent input as well. Copies of the latest draft incorporating all input is on hand to go over this evening.

M. Hofler invited the public join the discussion with the Planning Board as a work session between all present. The continued Public Hearing is now open. The Board and public present went through each item in the draft version with specific discussion pertaining as follows:

Item 3 – Applicability – D. Lusignan, 251 Rockrimmon Street, requested to break this into 4 items rather than two. The Board agreed that would be more clear. The definition of greenhouse was discussed in terms of how that would fit into the bylaw with outdoor cultivation. The definition of an outdoor cultivator, whether in the open or in a greenhouse, was discussed. Greenhouses will be added into this section referring to 935 CMR 500.110. Any changes will be reflected in the Schedule of Uses as it pertains to outdoor cultivation; adding “greenhouses” will be added as discussed below.

Item 5a – Security Plan was discussed. For consistency, the 500’ will be spelled out (five hundred feet (500’)). Feedback received from the Board of Selectmen indicated to make this consistent with language for liquor stores, bars, etc. The buffer zone was discussed as shown in CMR along with language differences between medical marijuana and liquor licensing.

G. Gramarossa, No. Main Street, brought up information regarding how to define where youth might congregate as it applies to the 500’ radius of where an establishment could be located. For example, playgrounds, libraries, institutions of higher learning and even medical facilities. The Board discussed this realizing the language is “vague” but it is hard to define and incorporate all places. To use a “broad brush” to get as many as possible is the best approach. Utilizing the definitions in the Alcohol regulations and expanding that to include schools, licensed child care centers, places of worship, churches, public playgrounds and public libraries.

5C – Standards and Conditions was discussed. Greenhouses will be added to this language.

5E – For consistency “Massachusetts” will be taken out of this item.

5G – Hours of operation were discussed.

5H will be deleted.

5J – will read “Applicants on their applications for special permits must demonstrate how they meet the requirements of 145-69.”

Schedule of Use item was discussed. Item #48.1 Under Zone B2 it will be changed to reflect SPP/PA and under B2 for Item #48.2 it will also reflect SPP/PA. For item #48.5 the word greenhouse will be added.

We will draft a new revised bylaw to get a good draft over to the Board of Selectmen for Town Meeting. We will continue the public hearing to incorporate any changes that may occur up to that time.

MOTION: J. Natile to continue the public hearing on the proposed amendments to the town's zoning by-laws to add a new section: 145-29.2 – Marijuana establishments to April 24, 2018 at 8:15 pm.

SECOND: S. Pelletier. No discussion **VOTE:** 5-0-0

8:12 pm – M. Hofler, Chairman, read into the record the Public Hearing for 72 Dressel Avenue, Map 253, Lot 5.3, Applicants Mark and Sue Vickers. The applicant, Mark Vickers addressed the Board and reviewed the map and application with them. This would be for a new house with an accessory apartment attached. The apartment is proposed at 648 square feet, which is slightly larger than the allowed 600 square feet. Mr. Vickers stated he plans to have wider doors and halls to accommodate potential accessibility, and the board determined the extra 48 square feet of area is a reasonable deviation. The floor plan was reviewed. Access and parking along with the driveway was reviewed. Conditions of 145-69 and 145-29.1 were discussed with the Applicant.

M. Hofler opened the hearing to the public present for comments. There were no comments.

MOTION: J. Natile to close the public hearing for the accessory apartment for Mark and Sue Vickers, 72 Dressel Avenue, Map 253, Lot 5.3. **SECOND:** D. Beaudette **VOTE:** 5-0-0

MOTION: J. Natile to grant the accessory apartment for Mark and Sue Vickers, 72 Dressel Avenue, Map 253, Lot 5.3, having found it meets conditions 145-69 and 145-69 subsection 1 and also meets standards for accessory apartments, by law 145-29.1. **SECOND:** M. Spiro **Discussion:** D. Beaudette – that we amend the motion that it did not meet 145-69 B3 review but the board found separate findings that it is allowed. Motion as amended and seconded. **VOTE:** 5-0-0

M. Vickers thanked the Board and left the meeting 8:25 pm.

8:00 pm – Sean Donovan, owner of Green Light Bicycle Shop located at 5 No. Main Street addressed the Board regarding the issues in front of his business and Kristina's Café with parking, deliveries and ADA handicap parking. There is a breakdown lane and decrepit fragments of curbing in front of these businesses, but no legal parking. For safety concerns and to help visibility for those coming up Jackson Street, along with deliveries which occur in the breakdown lane, he proposes what had been proposed 3 years ago, to indent the curb 4 to 5 feet for about 70 feet. This would open up 4 spaces for parking off the road. S. Donovan indicated the plans were previously done by an architect where drainage was also addressed. He was told to present his plan to the Planning Board by DPW Director, S. Williams. Currently, people park in the breakdown lane to go into Kristina's along with parking incorrectly in the ADA parking space which encroaches into the sidewalk. He is trying to get the Planning Board involved in hopes this might make the plan happen. He indicated he told Kristina Weibel, owner of Kristina's Kafe, to come this evening for her input, but she is not present.

M. Hofler asked if by moving the curb in 4-5 feet this would make it an ACTUAL curb thereby creating 1 ADA and 3 other parking spots. S. Donovan concurred.

M. Hofler asked if this is under Planning Board's purview and D. Albertson indicated it is not.

M. Hofler thanked S. Donovan and indicated he believes it is a good idea. M. Spiro asked Mr. Donovan if there was any downside to the plan and Mr. Donovan indicated he did not believe so. This is to make the area a safe area for all the businesses located there, not just one.

The Board discussed eminent domain and the costs that could be associated with this. This would be a decision made by the Board of Selectmen.

M. Hofler thanked Mr. Donovan for all his effort and time and he agrees that this makes sense. D. Albertson stated he suggested a parking study for the Town common area about twelve years ago, which received little support, mainly because of cost. D. Albertson will see if possibly the PVPC is able to provide some limited analysis. A comprehensive study on parking for viable businesses would serve the town well.

J. Natle indicated he likes the idea as well and hopes the Board of Selectmen and DPW will listen to his idea.

The Board thanked S. Donovan for his work. He thanked the Board for their time and left the meeting at 8:57 pm.

Discussion Item – Bob Bolduc, Owner of Pride, has sent a letter in requesting a modification to their approved site plan. This needs to be formally submitted. With the change, he will need to readdress parking, traffic, drainage, etc. As soon as we have the actual application we can give feedback.

Bills were endorsed

Minutes of March 27, 2018. MOTION: J. Natle to accept the minutes of March 27, 2018 as written.
SECOND: D. Beaudette No Discussion **VOTE:** 5-0-0

Town Planner's report:

- Our next meeting will be the continued public hearing on the Accessory Apartment bylaw. Submit any additional suggestions and I'll make revisions. There will also be the public hearing on alcohol production.
- Pride will be submitting a modification on their approved site plan. They are applying for a beer and wine license.
- Christopher Heights provided a tour of their building. They are doing finish work and hope for a June opening.
- Harris Way subdivision is almost done. Just an easement needs to be done. We can hold money in escrow, as we have done in the past, to keep this moving along.
- Hayward's Willow Lane and Jason's Way are almost complete
- We will hold a Municipal Vulnerability Preparedness workshop on the 20th. Town officials have been invited. This is the Governor's program to build from the FEMA Hazardous Mitigation Plan expressly in addressing weather extremes that are increasing.

- We received the \$28,000 matching grant from Commonwealth Places for the accessible trail project. We now need to raise \$28,000 by June 30th. We will reach out to businesses, organizations, etc. to try and accomplish this.

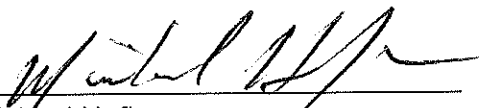
Members Reports:

D. Beaudette – Regarding the marijuana bylaw, we are working on the zoning bylaw, but there is also the taxation part of it, which is not in our domain. D. Albertson will contact G. Brougham to arrange this. The tax issue needs to be voted on at town meeting.

M. Spiro – Regarding the north end of the common. Who would handle the commissioning of a parking study? D. Albertson - It is the Board of Selectmen and DPW's domain but we would tell them we want to work with them on this. We would like to recommend working on that. Money would need to come from the state, grants, or other various sources.

MOTION: J. Natle to adjourn the meeting at 9:15 pm. **SECOND:** S.Pelletier **VOTE:** 5-0-0

Meeting adjourned at 9:15 pm



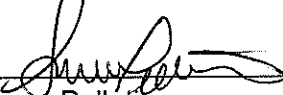
Michael Hofler



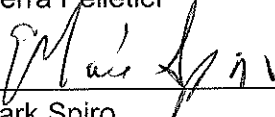
Daniel Beaudette



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 April 10, 2018

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

Donna Lusignea 251 Rockrimma St.

Gail Gramarossa 39 North Main Street

Sean Donovan S N. Main St.

Mark Vickers 46 Dressel Ave.
