

Belchertown Planning Board
Minutes – Tuesday – April 24, 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: Jonathan Leighton, Margaret Leighton, Robert Rybicki, Heather Ferrier Bacon, Christopher Eldridge, David Lepine, Chris Peterson, Hamilton Ramos, Sr. Project Mgr., Pride Stores, Lee Paddy

7:00 pm –M. Hofler, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There are four Public Hearings scheduled this evening. The subject matter of the hearings are: 1) an Accessory Apartment special permit application for 3 Everett Avenue, Map 244, 100, Applicants Jonathan and Margaret Leighton; 2) discussion to add a new definition to Zoning bylaw 145-2 – Definitions defining Alcohol Production for the commercial production of alcoholic beverages and to add these uses to Schedule of Regulations 145-11; 3) a continued Public Hearing to discuss amending the town's zoning by-law, Chapter 145-29.1 – Accessory Apartments by clarifying language regarding apartments in detached structures, and 4) a continued Public Hearing to amend the Zoning Bylaw, a proposed new section 145—29.2 – Marijuana Establishments.

7:01 pm – M. Hofler, Chairman, read into the record the Public Hearing notice for 3 Everett Avenue, Map 244, Lot 10, Applicants are Jonathan and Margaret Leighton, for an accessory apartment. The public hearing is now open. The applicants were present. J. Leighton addressed the Board and reviewed the map and application with the Board and explained their reasons for the request. Conditions of 145-69 and 145-29.1 were discussed with the Applicant. Topography was discussed on the property along with the layout of the apartment. All standards of the bylaw have been met.

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

MOTION: J. Natle to close the public hearing for the accessory apartment for Jonathan and Margaret Leighton, 3 Everett Avenue, Map 244, Lot 100. **SECOND:** S. Pelletier **VOTE:** 5-0-0

MOTION: J. Natle to grant the special permit for an accessory apartment for Jonathan and Margaret Leighton, 3 Everett Avenue, Map 244, Lot 100, 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
No Discussion: VOTE: 5-0-0

The Leightons thanked the Board and left the meeting 7:13 pm.

7:13 pm – Pride Limited Partnership, 165 State Street, – Pride has submitted a modification to the approved site plan. Hamilton Ramos, Sr. Project Mgr. for Pride was present and reviewed the request and accompanying updated site plan. He began by thanking the Board for all their help. Pride secured a liquor license at last night's Select Board meeting which will result in the new store selling beer and wine. They are also deleting the Subway shop within the store. The letter received from VHB dated April 18, 2018 was reviewed and discussed addressing how the modification affects the approved site plan. In particular, storm water management, parking and traffic. Correct calculations for changes to the traffic and/or if an additional study needed to be done was discussed. Signage was discussed.

Mr. Ramos indicated they hope to break ground in June.

MOTION: S. Pelletier to approve the modification of the site plan based on letter received of April 18, 2018 from VHB and the amended drawings dated March 30, 2018 as submitted. In accordance with 145-27 (i) modification of an approved site plan. **SECOND:** M. Spiro **Discussion:** D. Beaudette this is a minor amendment. If more than that we need to hold a public hearing on this per 145-27 I(2) let the minutes reflect the distinction between a minor amendment vs. major amendment as one is board action and the other requires a public hearing. M. Hofler - there is no change to traffic flow. Internally what they are selling has changed. **VOTE:** 5-0-0

Mr. Ramos thanked the board.

7:38 pm – M. Hofler, Chairman, read into the record the Public Hearing Notice to add a new definition to Zoning bylaw 145-2 – Definitions defining Alcohol Production for the commercial production of alcoholic Beverages; and to add these uses to 145-11 – Schedule of Regulations. The public hearing is now open. The Board reviewed the proposed bylaw and its intent with those present. D. Albertson indicated the draft was compiled from reviewing many area towns and their bylaws, and from Mass. general law.

Open to public comments.

Dave Lepine, Easthampton, was present and indicated he has been involved with breweries for a very long time. He told the Board of issues he has come across over the years in the hopes this new bylaw language will help avoid those. Definitions of items were discussed at length. Tasting rooms, pouring rooms, purchasing items on site, taprooms, all were discussed and how to define each to avoid concerns in the future.

Following the State of Massachusetts ABCC regulations along with their definitions was agreed upon. Items promoting a brewery would need to be added to the bylaw along with branded items and items promoting a brewery.

Percentages of the square footage for the brewery vs. a taproom/tasting room were discussed. Most building codes cover this as well. Utilizing the ABCC definitions and putting in the percentages of 60% for the brewery and 40% for pouring/tasting and sales was agreed upon. These percentages would not include the outside/patio areas. Schedule of Uses was discussed keeping in mind that breweries require town water. We will leave the schedule as shown.

D. Albertson will revise the bylaw and submit it back to the Board for any comments. He will then submit it for the warrant. The public hearing will remain open in the event any change comes in.

MOTION: J. Natle to continue the public hearing for adding a new definition to Zoning bylaw 145-2 – Definitions defining Alcohol Production for the commercial production of alcoholic Beverages; and to add these uses to 145-11 – Schedule of Regulations to May 8, 2018 at 7:00 pm. **SECOND:** D. Beaudette **VOTE:** 5-0-0

8:38 pm – M. Hofler, Chairman, read into the record the Public Hearing Notice to open public hearing specific to 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. Public hearing is now open. Copies of the latest draft incorporating all input is on hand to go over this evening. The board reviewed the draft amendment requesting any comment after each item.

Under B (9) it was agreed to take out "not to exceed one year" and replace with "showing of good cause".

New Section D was reviewed in detail. The Board indicated that this new bylaw must be very well crafted so any future Planning Board member would understand the bylaw's intent that is being drafted now.

New vs. existing was discussed. The accessory structure must maintain the look of a single residence on the property. Also, the primary purpose of the accessory structure shall be dedicated to something other than an accessory apartment living quarters. I.E., barn, garage, woodworking shop, etc.

Lee Paddy – So. Gulf Road, questioned the 75 foot line of sight being hard to do. This would be measured corner to corner.

Gross square footage vs. living space vs net living space was discussed. The building inspector will be consulted to determine how knee walls are interpreted.

M. Hofler wished to clarify that this bylaw is not to discourage students who need affordable housing. That is not the intent.

L. Paddy asked who makes the decision regarding the applications wording of.. "fits into the neighborhood". M.Hofler indicated it comes directly out of the Commonwealth of Massachusetts regulations.

L. Paddy thanked the Board for all their time they have put into this as she knows they are all volunteers.

MOTION: D. Beaudette to continue the public hearing specific to amending the town's zoning by-law, Chapter 145-29.1 – Accessory Apartments by clarifying language regarding apartments in detached structures, though the warrant will be drafted and sent over to Board of Selectmen, until May 8, 2018 at 7:10 pm. **SECOND: S. Pelletier No Discussion VOTE: 5-0-0**

9:35 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 public hearing is now open.

D. Albertson - though this is a continued public hearing the bylaw has been drafted and has been sent over to the Board of Selectmen. The final draft incorporating all input is on hand to go over this evening. The Board asked if there are any comments from the public. No comments. The Board reviewed the drafted bylaw.

D. Beaudette questioned item 5.J. This was discussed. Though it has been submitted it will be removed from the warrant.

We received a letter with comments from the school committee dated April 18, 2018. This was read and discussed. For the record they had 4 items to consider. Items a) c) and d) have been addressed by the bylaw. Item b) – time of openings. We need to keep an 8:00 am opening to be uniform with surrounding towns and cities. We can adjust hours of operation on an individual basis at each specific location with each application. We sent a memo back to them addressing each.

MOTION: J. Natle to close the Public Hearing specific to amending the Town's Zoning Bylaw, proposed new section Chpt. 145 29.2- Marijuana Establishments. **SECOND: S. Pelletier No Discussion VOTE: 5-0-0**

MOTION: J. Natle to recommend to town meeting to adopt the Marijuana Establishments proposal 145-29.2 **SECOND: M. Spiro No Discussion VOTE:5-0-0**

ANR – Diane I. LaFramboise Revocable Trust, c/o Raymond A. Contois, Power of Attorney, Boardman Street, Map 252, Lot 18, to create one nonbuildable lot and remaining land, submitted by Harold L. Eaton and Associates, Inc., dated April 9, 2018, for lot identification plan purposes, Parcel A and Remaining Land, accompanied by a Form A application dated April 17, 2018. The Board reviewed and discussed the application. There is a Power of Attorney with the application.

MOTION: M. Hofler to endorse the ANR for The Diane I. LaFramboise Revocable Trust, c/o Raymond A. Contois, Power of Attorney, Boardman Street, Map 252, Lot 18, to create one nonbuildable lot Parcel A and remaining land, submitted by Harold L. Eaton and Associates, Inc., dated April 9, 2018, for lot identification plan purposes, Parcel A and Remaining Land. **SECOND:** J. Natle **No Discussion.**
VOTE: 5-0-0

ANR – Celia MacKinnon, Old Amherst Road and Concord Way, Map 204, Lots 9 and 10, to combine Parcel A-1A with Parcel B and reconfigure Parcel A-1. Submitted by Harold L. Eaton and Associates, Inc., dated April 19, 2018, accompanied by a Form A application dated April 20, 2018. The Board reviewed and discussed the application. The lot's frontage is on an approved subdivision road; when the subdivision is completed, the driveway could be off Concord Way, but now there will be access to the property off of Old Amherst Road. This was all discussed.

MOTION: D. Beaudette to endorse the ANR for Celia MacKinnon, Old Amherst Road and Concord Way, Map 204, Lots 9 and 10, to combine Parcel A-1A with Parcel B for lot identification plan purposes, Parcel B-1 and reconfigure Parcel A-1 for lot identification plan purposes Parcel A-1 Rev (Assessors will assign lot numbers later) submitted by Harold L. Eaton and Associates, Inc., dated April 19, 2018. **SECOND:** J. Natle **No Discussion.** **VOTE:** 5-0-0

Bills were endorsed

Minutes of April 10, 2018. **MOTION:** J. Natle to accept the minutes of April 10, 2018 as written. **SECOND:** M. Spiro **No Discussion** **VOTE:** 5-0-0

Town Planner's report:

- The Municipal Vulnerability Preparedness workshop was held Friday morning and was well attended. Thank you to all who attended. The consultants will take all the information and provide our plan with recommendations. This will identify some of the grants we can apply for.
- The Trail project video crew will be out Thursday. They will compile a 2 minute video for promotional use. We need to raise \$28,000 for our matching grant by June 30th.

Members Reports:

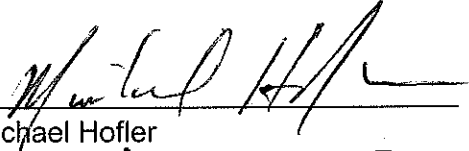
M. Hofler – Reminder Town Meeting is May 14 and Town Elections are May 21st. Please vote. This is Mark Spiro's last meeting with us. The Board would like to extend our thanks to him for all his input it was very much appreciated.

M. Spiro – thank you all so much. It was very informative to find out how much conscientious work goes into what this Board does. I would like to thank the Board also.


S. Pelletier – Regarding the promotional video - how do we help contribute to this? D. Albertson there will be a website that people can donate to along with an address to send contributions in to.

MOTION: S. Pelletier to adjourn the meeting at 10:08 pm. **SECOND:** M. Spiro **VOTE:** 5-0-0


Meeting adjourned at 10:08 pm



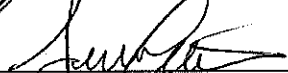
Michael Hofler



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 24, 2018

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

Robert Rybicki - 38 Warren Wright Rd.

Margaret Leighton 3 Everett Avenue

Joachim Leighton 3 EVERETT AVENUE

Heather Ferris Bacon 9 Everett Ave

Christopher Eldridge 102 Forest St Wre, MA

DAVID LÉPINE 262 EAST ST EASTHAMPTON MA

Hamilton Ramos Sr. Project Mgr. Prime store, 266 Cottage St. East MA.

Chris Peterson 267 Warner St

G. Kelly 445 South Rd.