

Belchertown Planning Board  
Minutes – Tuesday - April 25, 2017



Members present: Donna Lusignan, Chris Laurenzo, James Natle, Daniel Beaudette, Sierra Pelletier (alternate for special permits)

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

Absent: Michael Hofler, Chairman

Present: Kirk Stephens, Atty. David Berson of Bacon Wilson; Vitaliy Anisimov and Andrey Bezkulov of Superior Floor Solutions, Eric Wojtowicz

**7:00 pm** – Vice Chairman James Natle opened the meeting welcomed everyone and read the agenda into the record. There will be two Public Hearings this evening.

**7:00 pm** – J. Natle read into the record the Public Hearing Notice. This Public Hearing is for a proposed amendment to the town's zoning by-law, Chapter 145-5 of the zoning bylaw, Zoning Map to change Map 231 Parcel 31.4 from both B2 and Ag-B to B1 entirely by owner/applicant Kirk B. Stephens, 630 George Hannum Street, Belchertown, MA 01007. The Public Hearing is now open. Kirk Stephens, Owner/Applicant addressed the board. He explained the history of the parcel and the building currently on the lot. Mr. Stephens stated this is to correct an error. At a Special Town Meeting of January 28, 1991, the parcel was designated Limited Business B1 and unanimously voted as such. D. Albertson indicated that in 1992 General Business – B2 – was divided into 2 zones, B2 and Limited Business – B1. The Board discussed if this is an error with the actual zone map or something more involved. The application for this requested amendment will appear as a warrant article at town meeting scheduled for May 9<sup>th</sup>. The town will be asked to vote **to amend Section 145-5 of the zoning bylaw, Zoning Map, by changing the parcel identified on the town assessors map as Map 231 Parcel 31.4 from both B2 and Ag-B to B1 entirely, or take any other action relative thereto**. K. Stephens stated to the Board that he felt this simple typographical error did not really need to go to town meeting floor. D. Lusignan suggested that it would be a good idea in that he should secure the language to solidify the change going forward and that it would be beneficial to him should the property be sold in the future. D. Albertson pointed out that because it's gone this far, we might as well proceed. Also, this town meeting zone change would clarify any confusion and prevent confusion later.

J. Natle opened the hearing to the public 7:13 pm. No Discussion.

**MOTION:** C. Laurenzo to close the public hearing. **SECOND:** D. Beaudette **VOTE:** 4-0-0

**MOTION:** C. Laurenzo to recommend to Town Meeting that we change Map 231, Parcel 31.4 from both B2 and Ag-B to B1 entirely. **SECOND:** D. Lusignan **VOTE:** 4-0-0

**7:16 pm** – Atty. David Berson of Bacon & Wilson, PC, Springfield, representing Liz Paddy of 445 So. Gulf Road, Belchertown, came before the Board to discuss his client's (Liz Paddy) previous application for an accessory apartment on her property which had been previously denied by the Board back in 2016. J. Natle, being a neighbor, recused himself from this portion of the meeting and left the room. D. Lusignan, Clerk, will run the

meeting for this item. Atty. Berson spoke to the Board. He discussed he is representing Liz Paddy very informally and would like the Board's opinion before they go forward with resubmitting an application for an accessory apartment. They are within the 2 year time frame of returning to the Board after being denied and would like to see if the changes that they are proposing would be substantial enough for this to not be considered a repetitive petition. They would begin anew with a new public hearing, abutters being notified, etc. He brought the Board up to date as to the accessory structure and what has transpired since her last request: 1. She applied for permits after the fact. 2 Her apartment application was denied for several reasons; one being it was larger than the allowed 600 square feet, and it is in a detached building, 3. They would like to put up a permanent wall – they are working with an architect – taking away 200 sq. feet bringing it into compliance with the bylaw.

D. Lusignan reviewed the minutes from last year when the case had been reviewed and why the board had denied the application. She asked if Ms. Paddy had been correcting all issues from the time of the previous application. Atty. Berson indicated there is a new septic system and electrical, plumbing, etc. have been addressed. D. Lusignan questioned if the building with the apartment would be attached to the house and where the actual entrance would be as the property currently shows two ways of access not clearly defined for an accessory apartment. Discussion ensued with Atty. Berson who indicated his interpretation of by-law Section 145-29.1B(5), regarding apartments in detached buildings, in his opinion would permit an apartment in an accessory structure such as a garage.

D. Beaudette indicated he has fundamental objections to the original application. Ms. Paddy built the apartment before anyone had a chance to consider it, and now she will come in and basically ask for forgiveness. This was a large deviation from proper procedure and the bylaw. Atty. Berson recognized that and restated that is why he is before the board; he is asking forgiveness for Ms. Paddy and emphasized that she wants to correct the situation, and thus wants a properly permitted accessory apartment. She realizes she went through the process the wrong way. D. Beaudette indicated he does not agree with Atty. Berson's interpretation of §145-29.1B(5). D. Beaudette said we were not trying to have more than one dwelling structure on one lot. The bylaw's purpose was to have existing housing stock when it could be fit into that dwelling – not building two separate houses on single-unit lots.

C. Lorenzo summarized if Ms. Paddy had made enough corrections to be able to come before the board again without this being dismissed as a repetitive petition. If yes, than the question is if the apartment can be in a detached structure. For Ms. Paddy to attach the garage to the house with a porch would be a waste of money and would not look right, and he thinks attaching the two buildings is not the correct answer. D. Beaudette said we could hold another public hearing due to the corrections that have been made, but the special permit still might not be granted. D. Lusignan stated that the full process would have to be re-done and asked Atty. Berson to please make sure Ms. Paddy is aware that her Deed may have a restriction on it eluding to the property only retaining "one-single family house" and possible other boundary issues. D. Lusignan thanked Atty. Berson for coming before the Board.

7:44 pm - J. Natle returned to the meeting.

7:45 – Andrey Bezkulov of Superior Floor Solutions addressed the Board. He is looking to erect a metal building, size 50 x 150 on the existing, vacant, mini golf course parking lot area once identified as Evergreen Golf, located

on Ware Road, Belchertown, Map 244 lot 156 J. Natle asked if he had a picture of what he would like to do. They discussed the parking lot and what the metal building size would be. The board reviewed the original site plan map for the mini golf course. The Board had many questions to the applicant. Namely, the exact location of the building, what it would look like, the windows, doors, color of building, the roof line, signage, parking lot, lighting, handicapped accessibility. All these items would need to be addressed. They recommended the applicant hire an engineer and return before the Board at that time. D. Lusignan asked if they reviewed the site plan application and what is required further referring them to Section 145-27, , Chapter 145 – Zoning – Section 27 E-1-4, for a complete list of site plan requirements which can also be viewed on the Planning Board Town website C. Laurenzo indicated storm water and basins would also need to be addressed. The Board thanked Mr. Bezkulov and Mr. Anisimov for coming in.

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**7:45 pm** – J. Natle re-opened the continued Public Hearing Notice for Woodland Lane definitive subdivision. This Public Hearing is for a Definitive Subdivision plan by owner/applicant Bell Property Corp., 235 Woodland Way, Russell, MA 01071. The plan is entitled “Woodland Estates/Woodland Lane, Proposed Residential Subdivision”; Belchertown, MA dated September 27, 2016: the surveyors/engineers are R. Levesque Associates, Inc., 40 School Street, Westfield, MA 01085. The location and description is, Bardwell Street, Map 168, Lots 24.06, 25 and 22. J. Natle read the letter received from R. Levesque Associates, Inc., as of notification today April 25, 2017, requesting a continuance to May 9, 2017, in order to have Conservation issues addressed. D. Albertson explained they are reviewing plans as they relate to a wetland resource area. He also indicated the Board’s agenda for May 9 and that the town meeting is the night before.

**MOTION:** D. Lusignan to continue the Public Hearing for Woodland Estates/Woodland Lane until May 9, 2017 at 7:45 pm. **SECOND:** D. Beaudette No Discussion **VOTE:** 4-0-0

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**ANR:** Hickory Hills Realty, LLC, Applicant and Owner, Hickory Hills, Map 238, Lots 3.04; 3.05; 3.06; 3.07; 3.08 to reconfigure lot lines for lots 3.04, 3.05, 3.06, 3.07 and 3.08 for plan purposes lots D, E, F, G and H. D. Albertson reviewed the plan with the Board showing how the reconfiguration was being done. The Board discussed the application.

**MOTION:** D. Beaudette to endorse the ANR for Hickory Hills Realty, LLC , Map 238, Lots 3.04; 3.05; 3.06; 3.07; 3.08 submitted by The Berkshire Design Group, Inc. on April 19, 2017 to reconfigure lots lines for lots 3.04, 3.05, 3.06, 3.07 and 3.08 for plan purposes lots D, E, F, G and H. **SECOND:** D. Lusignan No Discussion. **VOTE:** 4-0-0

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**ANR:** Laurie J. Robinson, Sherry A. Marchessault, Applicant/Owner; Map 270 Lot 11, Keith Avenue and William W. Cox, Jr., Applicant/Owner, Map 270 Lot 12, Michael Sears Road. D. Albertson went over the plan with the Board explaining what they are doing. The Board discussed the application and the condition of Keith Avenue.

**MOTION:** D. Lusignan to endorse the ANR for Laurie J. Robinson, Sherry A. Marchessault and William W. Cox, Jr., Map 270 Lot 11 and Map 270 Lot 12 Keith Avenue, submitted by Smith Associates Surveyors, Inc., on April 21, 2017 to create one lot, Map 270, Parcel 5 and to reconfigure parcel 6, Map 270, Lot 12. **SECOND:** D. Beaudette No Discussion **Vote 4-0-0**

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**D. Beaudette stepped out of the room.**

**ANR:** Carol A. Spellman and Melanie E. Spellman, Applicant and Owner, Bardwell Street, Map 272, Parcel 28, to create two total lots, Lot I and Remaining Land. The Board discussed the application.

**MOTION:** C. Laurenzo to endorse the ANR for Carol A. Spellman and Melanie E. Spellman, Map 272, Parcel 28, Bardwell Street, submitted by Sherman & Frydryk, LLC on April 18, 2017 to create two total lots, Lot I and Remaining Land. **SECOND:** D. Lusignan, No Discussion. **VOTE 3-0-0**

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**D. Beaudette returned.**

**Right of First Refusal –** J. Natle read a letter from the Board of Selectmen regarding the sale of Lot D-1 on Map 275-20, owned by Daniel F. Rudy and Susan C. Rudy. 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. The board noted that the offer was not in proper form. Because the purchase and sale agreement was for the whole property combining the portion of the parcel that is subject to Chapter 61B with the non-chapter land, the 6,556 square foot area we are acting on has not been separately valued. The Right of Refusal should be submitted for only that portion enrolled within Chapter 61B.

The planning board's vote would be the same with a proper offer as they believe there is no compelling municipal interest in stepping in to buy this land. They recommend that the offer be resubmitted properly for the sakes of future property owners and clarity of records.

**MOTION:** D. Beaudette to recommend to the Board of Selectmen to NOT exercise the town's Right of First Refusal for the property owned by Daniel F. Rudy and Susan C. Rudy, Map 275-20, Parcel D-1. There is no value to town or there is no use for the town. It is not near any significant use or historical use or recreational use. **SECOND:** D. Lusignan. No Discussion Vote: 4-0-0

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**Right of First Refusal –** J. Natle read a letter from Atty. Joseph Topor, Jr. regarding the sale of Lot I, Map 272, owned by Carol A. Spellman and Melanie E. Spellman. It was accompanied by the Land Purchase and Sales Agreement for a sale price of \$60,000.00. 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 cannot be used for recreation or 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 owned by Carol A. Spellman and Melanie E. Spellman, Map 272, Lot F. **SECOND:** D. Lusignan. No Discussion **Vote:** 4-0-0

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**Right of First Refusal - Notice of Intent to Convert Use of Lane – Pine Street, Parcel 276-106 –**

The Board Reviewed the Letter submitted by Robert A. Morra and John D. Roda, Jr. The Board discussed the intent of the letter; that is, to take the land out of chapter because of its change of use which results in a Right of First Refusal by the Town.

**MOTION:** D. Beaudette to recommend to the Board of Selectmen to NOT exercise the towns Right of Frist Refusal for the property owned by Robert A. Morra and John D. Roda, Jr., Pine Street, Parcel 276-106 - there is no value or

use to the town. There is no significant use or historical or recreational use. **SECOND:** D. Lusignan No Discussion  
**VOTE:** 4-0-0

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**ZBA recommendation** for a Special Permit application, 1120 Federal Street, Map 205, Lot 60, Charles D. Schewe, 23 Ash Lane, Amherst, MA 01002. This is a request for the conversion of a mixed residential and commercial building into a duplex residential unit. The application was reviewed by the Board. The zone is B-1. Across Raymond Drive is B-1. South of it and across Federal Street is zone B2. They are asking for this to be an entirely residential duplex. The Board discussed commercial use vs. residential use. The Board discussed the marketability of commercial properties vs residential properties and the desire of owners to change the use due to the inability to market it. D. Lusignan believes it is in harmony with §145-69 1-3.

**MOTION:** C. Lorenzo to recommend that the Zoning Board of Appeals grant the special permit for Charles D. Schewe, 23 Ash Lane, Amherst, MA 01002 – special permit 145-11 for a Duplex. 1120 Federal Street. **SECOND:** D. Lusignan No Discussion D. Beaudette dissents as he believes the special permit granting full residential use of the property would be inconsistent with 145-69A(1)(b); the town wants to encourage commercial activity and by permitting further residential use of a commercial zone derogates from the intent of the commercial zone. **VOTE:** 3-1-0

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**Discussion item:**

**Recommendation to Town Meeting for Discontinuation of a Right of Way** – Rockrimmon Street and Green Avenue. D. Albertson explained there is a short right-of-way connecting these two streets that exists only on paper. The owner on one side of it wants to buy some of the property on the other side of it and it was during a title search that this was discovered. D. Beaudette pointed out that in order to discontinue a right of way you need to spend money to have it surveyed, etc. S. Williams, DPW Director, had included a plan from the 1960s showing this right-of-way had been surveyed. The Board discussed the issue of discontinuing a right of way.

**MOTION:** D. Lusignan to recommend to town meeting to discontinue a certain right of way as shown on a plan entitled “Subdivision of Land in Belchertown, MA. Owned by William Cook Sr., et ux,” dated December 8, 1959 by Richard H. Stowe, P.E. and recorded in Hampshire County Registry of Deeds, Plan Book 61 Page 18. **SECOND:** C. Lorenzo No Discussion **VOTE:** 4-0-0

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**Sheffield Estates** D. Albertson reminded the board that the infrastructure of Sheffield Estates subdivision is on the town meeting warrant. D. Lusignan reminded the board that they had voted in January to recommend to the selectmen they lay out the roads in Sheffield Estates to include Sheffield Drive, Waterford Drive, Lexington Drive, and Spring Hill Road, as public ways. The Planning Board will make their recommendation to town meeting, to do so.

**Motion:** D. Lusignan to recommend that town meeting accept the roads in Sheffield Estates Subdivision, to include Sheffield Drive, Lexington Drive, Waterford Drive and Spring Hill Road, as public ways. **Second:** D. Beaudette No Discussion **Vote:** 4-0-0

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**Bills:** Bills were endorsed.

**Minutes of April 11:** **Motion:** C. Lorenzo to accept the minutes of April 11, 2017. **Second:** D. Beaudette No Discussion **Vote** 4-0-0

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Town Meeting Reports - Assignment of Planning Board reports for Town Meeting. The Board discussed the warrant articles they need to report on. D. Beaudette, D. Lusignan and S. Pelletier may/may not be able to attend the meeting, therefore C. Lorenzo and M. Hofler will split the zoning articles and J. Natle will report on the two public way articles. Assigned warrant article numbers are yet to be finalized.

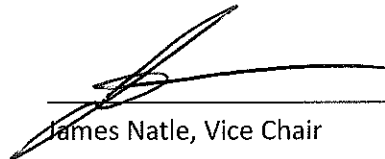
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**Town planner report:**


- We will have the public hearing for Almeida accessory apartment and the site plan review for P&T Enterprises (Westover Auto) at our meeting May 9, 2017.
- The Conway School/Trail project is beginning.

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**Members report:**


- \* S. Pelletier is going to the Smart Growth Conference on May 18<sup>th</sup>, 2017.
- \* D. Beaudette went to the PVPC meeting and one of the items they discussed is the fate of the Community Preservation Trust Fund. More and more towns are going into this and revenue funding for this is dropping. The state contribution to match has been reduced lately. There is proposed legislation from Kulik of Worthington to require state to match 50%. If not the Department of Revenue has to increase fees to meet that requirement.
- \* PVPC is incrementally increasing fees. They are tied into Prop 2 ½ so it will take time.

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**MOTION:** D. Lusignan to adjourn the meeting. **SECOND:** D. Beaudette **VOTE:** 4-0-0  
Meeting adjourned at 9:42 pm

  
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James Natle, Vice Chair

  
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Donna Lusignan

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Daniel Beaudette

  
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Christopher Lorenzo



OFFICE OF  
**PLANNING BOARD**

Town Of Belchertown

P.O. Box ~~204~~ 670  
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

*April 25, 2017*

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

*David Berson, Bacon Wilson - (445 South Gulf - Property) 6 S. East St,  
Amherst.*

*Vitaliy Anisimov*

*ANDREY Bezzubov*

*Mike Stupin*