

Belchertown Planning Board  
Minutes – Tuesday – June 26, 2018



Members present: Michael Hofler, James Natle, Daniel Beaudette and Sierra Pelletier

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

Absent: Lou Faassen

Audience Present: Justin Rosiensi, Rob Morra, Atty. Mark Bobrowski representing RAMA Dev., Diana Zahradnik, Lee Paddy, James Walter, Lynn Lloyd, Chris Lloyd and Jim Hayward

**7:00 pm –J. Natle, Chairman,** opened the meeting, welcomed everyone and read the agenda into the record.

**7:00 pm -** J. Natle, Chairman, read into the record the Public Hearing notice. This Public Hearing is for a common drive application submitted by RAMA Development, LLC., c/o Robert A. Morra, to be located on Pine Street, Map 276, Lot 105, located in the AG-A zone. It is for a total of six house lots.

This application had been previously submitted on June 13, 2017 and the special permit granted by the Planning Board on July 11, 2017. The Board of Selectmen appealed that decision to Land Court. The court has remanded this back to the Planning Board with conditions to be considered. The public hearing is now open.

Atty. Mark Bobrowski addressed the board. The remand order includes the conditions agreed to by both parties in the appeal, the Board of Selectmen and RAMA. The planning board is to vote on adding these conditions to the originally granted common drive special permit.

J. Natle read the Remanded conditions:

1. Prior to issuance of any occupancy permits, RAMA Development LLC ("RAMA"), until the common drive maintenance is taken over by the homeowners' association, will trim vegetation along the north side of Pine Street that might block a driver's sight lines exiting the site driveway and maintain adequate sight lines, per AASHTO requirements, by trimming vegetation as necessary and on an ongoing basis. This condition will be placed in the organizational documents of the homeowners' association and approved as to form by Town Counsel.
2. No landscaping will be added along the site frontage within the sight triangles that limit the AASHTO required sight lines.
3. Subsequent to installation of the site driveway, but prior to issuance of any occupancy permits, RAMA will submit post construction plans (stamped by a P.E.), demonstrating that adequate sight triangles are available at the site driveway intersection on Pine Street, in compliance with AASHTO requirements. This information will also be included in the required as-built prepared by the engineer of record, Sherman & Frydryk.
4. All signage and pavement markings at the intersection of the site drive / Pine Street shall conform to MUTCD requirements.

*Note that AASHTO is The American Association of State Highway and Transportation Officials; MUTCD is the Manual of Uniform Traffic Control Devices for Street and Highways of the Federal Highway Administration.*

The Board, R. Morra, and Atty. Bobrowski reviewed all other conditions and waivers previously approved. Those will remain. Previous typos which had been noted have now been fixed. D. Beaudette would like the Homeowner's association agreement submitted. They will do that this evening. The Board asked to add one clause that the Homeowner's association agreement can be extended by the Homeowners for more than the 30 years.

The public hearing was opened to the public for any questions. No questions or comments.

**MOTION:** M. Hofler to close the public hearing for RAMA Development, LLC. for a modification to the common drive special permit located off Pine Street, Map 276, Lot 105. **SECOND:** D. Beaudette  
**VOTE:** 4-0-0

**MOTION:** D. Beaudette to approve the modification to the common drive special permit for RAMA Development, LLC., 45 Pine Street, property location Pine Street, Map 276, Lot 105 determined under the Code of the Town of Belchertown, Chapter 145, Article X, Common Drive Development, and Chapter 145, Article XIII, 145-69, Special Permits **SECOND:** S. Pelletier **Discussion:** **VOTE:** 4-0-0.

The applicant thanked the Board and left the meeting

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**Minutes of June 12, 2018. Motion:** S. Pelletier to accept the minutes of June 12, 2018 as written.  
**Second:** M. Hofler No Discussion **Vote:** 4-0-0

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**Bills were endorsed.**

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**Mail** – we have received a few letters from citizens who have concerns regarding a proposed solar project being discussed on North Street. Clear cutting of the forest land is a main concern.

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**ANR** – Mary Ann Mitchell, State Street, Map 251, Lot 70.13, submitted by Sherman & Frydryk, LLC, dated June 19, 2018, to create two estate lots; for lot identification plan purposes, Estate Lot 6 and Estate Lot 7 (Assessors will assign lot number later) accompanied by a Form A application dated June 19, 2018.

**MOTION:** M. Hofler to endorse the ANR for Mary Ann Mitchell, State Street, Map 251, Lot 70.13, to create two estate lots, for lot identification plan purposes Estate Lot 6 and Estate Lot 7. **SECOND:** S. Pelletier. Discussion: Will we approve this with one abutter not noted? We know the applicant is the owner. We will refer to Sherman & Frydryk for future submittals. **VOTE:** 4-0-0

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**7:30 pm** – J. Natle read into the record the legal notice for a Public Hearing for an Accessory Apartment located at 12 Daniel Square Ext., Map 240, Lot 16, AG-B zone, Applicant Diana Zahradnik. The public hearing is now open. The applicant, Diana Zahradnik was present and addressed the board. She explained what her intent is to do. The board reviewed the plans with the applicant and the layout of the apartment.

This is a raised ranch home with a finished basement. She would like to convert that into an accessory apartment. It would have 789 square feet. She will make the house a 3 bedroom home, two being in the main home and one being in the apartment. She has pictures for parking and accessibility. The square footage was discussed in that it exceeds the 600 maximum amount. The excess is due to the way the

home was constructed. The Board reviewed all information presented with the applicant. The Board is fine with the square footage as this is existing construction. The door and hallway could be made accessible for a disabled person. House number location and doors being marked were discussed. The Board reminded the applicant she would need to go back to the Board of Health for anything that Board would need addressed.

At this time the public hearing was opened to the public. No comments.

**MOTION:** D. Beaudette to close the public hearing for the accessory apartment for Diana Zahradnik, 12 Daniel Square Ext., Map 240, Lot 16. **SECOND:** S. Pelletier **VOTE:** 4-0-0

The Board reviewed Chapter 145-69A(1)a,b,c criteria with the applicant and asked the applicant to address each which she did.

**MOTION:** D. Beaudette to approve the special permit application for an accessory apartment for Diana Zahradnik, 12 Daniel Square Ext., Map 240, Lot 16, having found it meets the 3 criteria of conditions 145-69A(1)a,b,c and also meets standards for accessory apartments, by law 145-29.1 **SECOND:** S. Pelletier **Discussion:** amend the motion by saying we recognize the apartment exceeds the size requirement; however, it is an existing footprint that cannot be reduced in size and it is on the ground floor and can be modified to facilitate access for a disabled person. **VOTE:** 4-0-0

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**8:00 pm** – J. Nattle read into the record the legal notice for a Public Hearing for an Accessory Apartment located at 445 So. Gulf Road, Map 206, Lot 29.1, Applicant Lizbeth Paddy, AG-A zone. The public hearing is now open. Prior from hearing from the applicant, J. Nattle indicated he is an abutter to an abutter, but not within 300 feet. If the applicant would like him to set aside he will, but this special permit requires a super majority, meaning there would not be a full board at this meeting with L.Faassen absent. In that case, the permit would be heard at a later date when there was a full board. It is the applicant's decision. The applicant is fine with him hearing this application.

The applicant, Liz Paddy addressed the board. She explained what her intent is to do. The board reviewed the plans with the applicant and the layout of the apartment. This application had been presented before the board when detached apartments were not allowed. With the new bylaw allowing detached apartments she is coming in with a new layout and new permit request.

This will be a 567 square foot accessory apartment located above a detached garage. Habitable space was discussed and reviewed as it applies to the building code. Parking and the driveway was discussed. There are two driveways – one to the main home and one to the detached garage. The parking utilizes the same parking as the garage. Four (4) letters of support from abutters were read. The new bylaw regarding detached structures requires following setbacks as set forth for the primary residence. These would be 20 side setbacks, 40 front setback and 75 feet line of sight from the main house. These would need to be confirmed with the Zoning Enforcement Officer.

Discussion continued regarding having two driveways and the perception that it does not appear as two separate dwellings. The bylaw 145-29.1 B5D states the accessory apartment must use the same driveway as the main dwelling unit.

At this time the public hearing was opened to the public.

Chris Lloyd and Lyn Lloyd of 425 So. Gulf Road who are abutters expressed their concerns regarding the driveway, people parking on the street, the size of the apartment and if this truly fits in with the character of the neighborhood. The board discussed these concerns.

D. Beaudette – the 2 driveways with 2 separate units negates one single family residence appearance. Having 2 driveways was discussed in detail regarding the intent of the bylaw.

J. Natle indicated to the applicant that the dimensional setbacks need to be confirmed and the driveway issues should be further clarified. He asked the applicant if she would like to address these concerns and continue this to the next meeting.

**MOTION:** M. Hoffer to continue the public hearing for the accessory apartment for Lizbeth Paddy, 445 So. Gulf Road, Map 206, Lot 29.1. until July 24, 2018 at 7:00 pm. **SECOND:** S. Pelletier

**VOTE:** 4-0-0

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**8:55 pm – Allen Street,** James Hayward – gravel pit. J. Natle asked him to update the Board. He updated the board. The plan he has developed with the Conservation Commission was discussed. Don Frydryk is doing a final drainage plan for the 5 lots on completion. He reviewed grading and seeding along with drainage and the status of work. He hopes by the end of this year he will be complete.

D. Beaudette this expired last November 2017. We want to know when the earth removal will be completed. Please submit a letter to us as to the timeline.

**Motion:** D. Beaudette to continue and extend the special permit for earth removal operation for Jim Hayward on Allen Street, from November 14, 2017 to November 30, 2018. **SECONDED:** M. Hoffer

**VOTE:** 4-0-0

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**Right of First Refusal Chapter 61B** – 290 Rockrimmon Street, Map 263, Lot 107, 8.49 acres owned by The Property Group, Inc.– The Board of Selectmen has received notification from Timothy Smith, President of the Property Group, Inc. presently enrolled under Chapter 61B and whether to take action on its Right of First Refusal. The Planning Board discussed the request and Chapter 61B status. They want to change the use from Chapter 61B to building lots. The Board discussed the request along with the property value and whether an appraisal of the land should occur.

**MOTION:** D. Beaudette to recommend to the Board of Selectmen that they do engage an appraiser and not enact the town's right of first refusal on the land located at 290 Rockrimmon Street, Map 263, Lot 107 containing 8.49 acres owned by The Property Group, Inc. **SECOND:** S. Pelletier **No Discussion VOTE: 4-0-0**

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**Discussion** – Alternate voting member for special permits. Justin Rosienski has sent in a letter of interest and is in attendance this evening. The Board welcomed him and thanked him for his interest. Justin addressed the board and spoke briefly of his interest in joining the Board. He has a degree in regional planning and environmental science from Westfield State.

This is a joint appointment between the Planning Board and the Board of Selectmen. The board decided to vote this evening on the appointment and request the Board of Selectmen place this on their July 9, 2018 meeting for their vote. With their appointment Justing could be sworn in the next day and could attend our July 10, 2018 meeting as the alternate member.

**MOTION:** M. Hofler to appoint Justin Rosiensi as the alternate voting member for special permits and to recommend to the Selectmen they also appoint Justin Rosiensi as an alternate voting member for special permits with term to expire June 30, 2019. **SECOND:** S. Pelletier **VOTE:** 4-0-0

The Board thanked Justin for his interest.

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Members Reports:

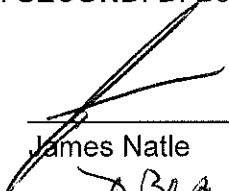
- D. Beaudette – I was appointed to the committee to negotiate/oversee the process to finalize a host agreement with Marijuana Cultivators and/or Distributers by the Selectmen at their meeting last night.

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Town Planner Report:


- The trail project has met its goal. Our consultants, Andrew and Tim of tkdesignlab have done a great job. We are thankful to them both
- Summerhill will amend the site plan at our next meeting.
- Harris Way is completed. We need remaining paperwork in.
- Woods Edge is almost complete as well. I will follow up with that.
- 2 solar projects. One on Roberts' property in the field on Franklin Street and the other is the forested one off to the east of Gulf Road. These will be on our agenda August 14, 2018.

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**MOTION:** M. Hofler to adjourn at 9:35 pm. **SECOND:** D. Beaudette **VOTE:** 4-0-0

Meeting adjourned at 9:35 pm

  
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James Natle

  
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Daniel Beaudette

  
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Michael Hofler

  
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Sierra Pelletier

  
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Louis Faassen



OFFICE OF  
**PLANNING BOARD**

Town Of Belchertown

P.O. Box 964  
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

*Tuesday June 26, 2018*

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

Justin M. Rosiowski 84 Metacomet St. Belchertown MA, 01007  
Rob Moran 45 Pine St. Belchertown  
Diana Zubradnik 12 Daniel Sq. East Belchertown 01007  
Wesley P. Ryan 445 S. GULF RD. Belchertown, 01007  
James Walter 445 S. GULF RD Belchertown 01007  
Vyvan Lloyd 425 S. GULF RD. BELCHERTOWN 01007  
Chris Ward 475 S. GULF Rd. Belchertown 01007.  
Tim Hayward 55 Sargent ST Belchertown MA 01007  
Atty. Mark Bobrowski, Rep. RAMA