

Belchertown Planning Board
Minutes – Tuesday – July 24, 2018



Members present: Michael Hofler, James Natle, Daniel Beaudette, Sierra Pelletier, Louis Faassen and Justin Rosiensi (alternate voting member)

Staff: Lynn Sikes, Minutes

Absent: Doug Albertson, Town Planner

Audience Present: Lee Paddy, Jim Walton, Deana Paddock, Neil Jackson, Don Fredryk, Skip Pudlo, representing Summer Hill Association as President, Lynn Lloyd, Chris Lloyd and Steve Connors

7:00 pm – J. Natle, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There is a continued Public Hearing for an accessory apartment located at 445 So. Gulf Road.

7:00 pm - J.Natle reopened the continued Public Hearing for an Accessory Apartment located at 445 So. Gulf Road, Map 206, Lot 29.1, Applicant Lizbeth Paddy, AG-A zone. J.Natle reminded the applicant that this is a special permit which requires a super majority vote in favor in order to be granted; meaning there must be four affirmative votes, not just three. In addition, an affidavit was read from Lou Faassen who was absent for the first meeting attesting that he has watched the video of the meeting and familiarized himself with all the material, plans, etc. This allows him to participate and vote on this special permit. The public hearing is now open.

J.Natle read the letter received from Paul Adzima, Building Inspector and Zoning Enforcement Officer regarding his inspection of the detached structure located at 445 So. Gulf Road. He has confirmed setbacks based on the pins that were located on the property. The front setback is 40 feet and the side setback is 21 feet. This addresses one of the concerns the Board had. He also inspected the inside of the structure to confirm the habitable space per building code R304.1. He has confirmed the calculations of the area to be 567 square feet of living space.

There being two driveways on the property, one to the main house and one to the garage was another concern of the Board. D.Beaudette did a site visit and updated the Board. From this visit it appears as two residences. The bylaw states only one driveway is to be used.

The applicant, Liz Paddy was present and addressed the board. She had a letter and pictures from when the original contractor had put in a circular driveway. The Board reviewed the picture and letter. The Board asked if the applicant would consider removing one of the driveways and the applicant is open to any option though they would like to keep it as is.

L.Faassen – in reviewing the video and hearing the discussions and having done a site visit, my first impression was that it met the conditions of the bylaw. I do not see it as a deviation of the language. S.Pelletier, I agree. If you have a detached garage you would have a driveway to it. So I believe it fits. If need be, I would say do something with the driveway.

M.Hofler I met with Steve Williams, Director of DPW before doing a site visit regarding curb cuts and what driveways are allowed for single family residences. I agree that it still looks like one residential unit. The existing outward look will remain as is.

D.Beaudette – discussed the use of each driveway. Each is being used. The Board discussed these circumstances and the intent of the bylaw as the appearance of two separate units on the property.

At this time the public hearing was opened to the public for any comments.

Chris Lloyd at 425 So. Gulf Road has concerns regarding the size of the apartment and the entrances to the property. He asked for confirmation of the square footage. Gross space vs. habitable living space was discussed. The Board indicated the square footage was confirmed by the Building Inspector.

Entrance way was also a concern which the Board discussed. The applicant addressed the Board and pointed out the entrances. The board reviewed and discussed the pictures and discussed the appearance and what the bylaw's intent is to do.

D.Beaudette – I had concerns regarding detached apartments with this bylaw due to it becoming a subjective argument. We need to look very carefully at these types applications as each one comes in. I believe it will be very difficult going forward. There is a fundamental problem going into family zoned areas and putting in apartments. It goes against the intent of the bylaw.

J.Nattle agrees it presents as a single family residence.

MOTION: M.Hofler to close the public hearing on the accessory apartment for Lizbeth Paddy, 445 So. Gulf Road, Map 206, Lot 29.1. **SECOND:** L.Faassen **No Discussion VOTE:** 5-0-0

M.Hofler read the requirements for special permit criteria 145-69 (1) a, b and c. The Board also recognizes the input of Mr. and Mrs. Lloyd along with the numerous letters in support of this application.

MOTION: M. Hofler to approve the special permit application accessory apartment for Lizbeth Paddy, 445 So. Gulf Road, Map 206, Lot 29.1. **SECOND:** S. Pelletier **Discussion:** J.Nattle reminded the applicant to make sure each building has been clearly designated as #445 and #445-A. **VOTE:** 4-1-0 D.Beaudette voted no as he does not believe the permit meets criteria 145-29.1 B (5).

The applicant thanked the Board and left the meeting.

8:01 pm - Summer Hill Estates Development, LLC, Neil Jackson, has returned to update the Board on their request to modify the site plan for Summerhill Estates located at 111 Daniel Shays Hwy. There is no change to the special permit that accompanies this. It is a site plan modification. The original plan was approved in April 2005. The main change is that the approved plan has seven four-unit buildings in Phase 2. The modification would be to change those to two-unit buildings. There are no changes to the driveway, and only minor changes to storm water drainage.

Don Frydryk, representing Sherman and Frydryk, and Neil Jackson, applicant, were present and updated the board. D. Frydryk went over the site plan map, reasons for the changes and addressed Tighe and Bond's letter.

- Mr. Jackson agreed to install a four-foot black vinyl chain-link fence at the three stormwater basins.
- Sediment indicator posts are to be added to the three stormwater basins.

- The detail for the Outlet Control Structure has been revised to indicate two, 4 inch diameter holes at each elevation. The "in rings" reference is removed.
- Directional signs have been added to the intersections at the site to direct users to appropriate units. These will be installed by September 30, 2018.
- Regarding Outstanding Resource Waters, Sherman & Frydryk have indicated stormwater basin #3 is compliant with these requirements. Basin #1 and #2 do not contribute to the Outstanding Resource Water.
- The Pavilion, the design of which the Association has seen and has approved, will be built and completed by September 30, 2018.

This is a minor amendment to 145-27 I (2). The Board again reminded Mr. Jackson that he should have come before the Board prior to any new foundations being poured under the modification.

MOTION: S.Pelletier to approve the modification of the site plan under 145.27 for Summer Hill Estates Development, LLC., Neil Jackson, 111 Daniel Shays Hwy., Map 231/238, Lot 32/56 incorporating changes at this evenings meeting along with the letter of Tighe & Bond dated July 23, 2018. They will install directional signage and the Pavilion will be built by 9/30/18. **SECOND:** L.Faassen No Discussion **VOTE: 5-0-0**

8:15 pm – Ted Parker, Tofino Associates – A second letter had been sent to Mr. Parker requesting he submit a letter to the board requesting extension of the subdivision approval for Concord Way located off Old Amherst Road. We have not received that. This is an expired subdivision. We have reached out twice. D.Beaudette will ask D.Albertson to send a third letter indicating that the Board now considers this an expired subdivision and they will need to reapply on this. It will be sent certified to ensure it has been received.

ANR – Arthur E. ReKully, Jr. and Charles J. ReKully, Enoch Sanford Road, Map 247, Lots 6 and 7, submitted by Harold L. Eaton and Associates, Inc., on July 12, 2018, to combine Lots 6 and 7 to form one undivided parcel, for lot identification plan purposes, Parcel A and Parcel B to be combined (Assessors will assign lot number later) accompanied by a Form A application dated July 12, 2018. The Board discussed the application.

MOTION: S.Pelletier to endorse the ANR for Arthur E. ReKully, Jr. and Charles J. ReKully, Enoch Sanford Road, Map 247, Lots 6 and 7, submitted by Harold L. Eaton and Associates, Inc., dated July 12, 2018, to combine Lots 6 and 7 to form one undivided parcel, for lot identification plan purposes, Parcel A and Parcel B to be combined. **SECOND:** M.Hofler No Discussion **VOTE: 5-0-0**

Minutes of July 10, 2018. Motion: S.Pelletier to accept the minutes of July 10, 2018 as written. **Second:** M.Hofler No Discussion **VOTE: 4-0-1** (L.Faassen was absent)

Bills were endorsed.

Other – The Board discussed the new Planning Board fee schedule. This now includes a \$1,000 fee for the application regarding marijuana retail sites and the Non-Medical Marijuana Establishment Special permit.

The Board discussed the application. Items discussed were:

- Reference areas of the bylaw showing the applicant is in compliance with each requirement rather than having each requirement typed out on the application. Ex: "A plan of land demonstrating compliance with 145-29.2 5 (a) and 5 (5) as opposed to having that section typed out here.
- Certified List of Abutters to show 500' area.
- A site plan map showing the 500' radius border with all items listed within that. This will show compliance regarding daycare centers.
- Adding a letter to be received from the Police department indicating review and approval of a security plan.

The Board will continue this discussion at the August 28, 2018 meeting.

MOTION: D.Beaudette – to accept the revision of the Planning Board's fee schedule as of July 24, 2018 which includes a new item - Marijuana Establishment Special Permit - \$1000 **SECOND:** L.Faassen.
Discussion: S.Pelletier – does this include medical marijuana? No only nonmedical marijuana special permit. **VOTE:** 5-0-0

 J.Natle – we would like to welcome Justin Rosiensi who has joined the Planning Board as our Alternate Voting member. Thank you for volunteering.

 Town Planner Report: D.Albertson is absent this evening. Attached is his July 24, 2018 update. J.Natle reviewed this with the Board.

Members Reports:

- M.Hofler – regarding accessory apartments that are in town but not "on the books". In talking with EMS who responds to places that are not properly "addressed" is NOT an uncommon occurrence. Unfortunately at some point somebody will get hurt. That is part of why the bylaw was written. To try and get these onto the books correctly.
- D.Beaudette – There is a Citizen Petition to modify the solar bylaw. This will be heard at a Special Town Meeting on August 20, 2018. Between then and now it should be presented to the Planning Board and then the Planning Board reports back. It is best if the Planning Board has approved it. Without that approval, if it is denied it cannot be presented again for 2 years. At this time we have received nothing. The Special Town Meeting is for the Citizen's Petition only. It is a closed meeting. This was discussed.
- J.Natle – As this is Sierra's last meeting, I would like to thank her for her service on the Planning Board. She is moving onward to Eastern MA. Good luck with all your future endeavors. S.Pelletier - thank you so much I have learned so much and it has been so interesting and I have enjoyed serving. M.Hofler also thanked her.

MOTION: L.Faassen to adjourn at 9:15 pm. **SECOND:** S.Pelletier **VOTE:** 5-0-0

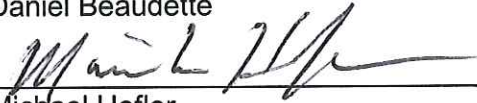
Meeting adjourned at 9:15 pm



 James Natle



Daniel Beaudette



Michael Hofler

Sierra Pelletier



Louis Faassen



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box 964
Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday July 24, 2018

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

Chris Lloyd 425 South. Gulf Rd, Belchertown

Jim Walton 445 S. Gulf Rd. Btown

LYNN LLOYD 425 S. GULF RD. BTOWN

DEANA PADDOCK III DANIEL STAYS HEN #69 BTOWN

Skip Rudlo SHE Association President

Lee Polity 445 S. Gulf Rd. Btown.

DON Frydryk Shermant Frydryk

Neil Jackson Summit Hill

Planning Board Update July 24, 2018

I'm out until the 31st – so a few items now.

Alternate Member for Special Permits

Justin Rosiński has been sworn in as the alternate and will join you Tuesday.

Board Opening

We have an ad in the Sentinel for Sierra's position on the board.

Special Permits

Accessory apartments –

Lizbeth Paddy, 445 South Gulf Road -- the continued public hearing for this special permit is this meeting. She has some more information – the building inspector checked her setbacks and they are good. We have a memo from him. You need to determine if the two driveways being in existence may be continued as they are.

Commercial Solar –

Because of timing, we have two public hearings on August 14. This meeting will be in the very poorly named "auditori"um. Hearing is very difficult. Lynn has requested a microphone system be set up.

Borrego Solar, Inc., 400 Franklin Street The public hearing will be August 14. I have heard nothing on this.

BWC Scarborough Brook, LLC Solar, off Gulf Road The public hearing will be August 14. We continue to hear much on this.

We should also be receiving the application for the projects on town and water district properties in the next couple weeks. This company is also pursuing Hayward's sand pit, so I hope that works. This company is *Citrine Power*.

Marijuana –

We might be getting an application for a retail site. The company is INSA (don't know what the letters represent). They have been medical and are established in Easthampton and Springfield. This is who I had to generate an application for. I sent them the one I had and told them the fee is \$1,000.

Fee Schedule

I corrected a typo in our existing one (lines didn't match) and added the \$1,000 marijuana fee. Please vote on this at the meeting.

Site Plans

Summerhill – Neil should be back with what you required from last meeting. I haven't heard from him.

Subdivisions

Concord Way – I sent another letter to the developer. I indicated we're all happy with the project and would just like to keep the records clear, and that the planning board doesn't like being ignored. I've not heard from him.

Trail Project

We exceeded the amount required for the match. Now we need to plan the next fundraising steps and plan the physical construction. We should be able to get going this fall.

Conservation Project

The conservation administrator, Kestrel Land Trust, and I spit out an application to the state's LAND grant program for the DuBois property at the end of South Gulf Road. This will be a two-part project over several years. This is a beautiful site. The owner contacted us to protect it, which makes it even better.

ANR Plans - 0 new lot; 2018 total = 5 new building lots (last year was 32)

Enoch Sanford Road, Arthur Rekully Jr. and Charles Rekully This combines two nonconforming parcels into one conforming building lot. 0 lot.

Schedule

July 18 through 30 I'll be in California.

July 24 – I won't be there (physically anyway – I always have phone and e-mail) Public Hearing Accessory Apartment, 445 South Gulf Road, Lee Paddy; Summerhill site plan amendment;

August 14 – Public Hearing, Borrego Solar; Public Hearing, BWC Scarboro Brook, LLC Solar

August 28 – Possible Citrine Power (if the application comes in time)

September 11 --

September 25 --