

Belchertown Planning Board
Minutes – Tuesday – July 9, 2019



Members present: James Natle, Michael Hofler, Daniel Beaudette, Justin Rosiensi and Alice Knittel
Staff: Doug Albertson, Town Planner and Lynn Sikes, Minutes

Audience Present: Arthur Laflamme, Jean Duquette, Atty. Tom Reidy, James Hasbrouck, Joanne Hasbrouck, Elizabeth Pols, Sean Tarpey, Mark Spiro and Marian MacCurdy

7:00 pm –J. Natle, Chairman, opened the meeting, welcomed everyone and read the agenda into the record. There is a Public Hearing for an accessory apartment, a discussion on five preliminary subdivisions, a Request for Lot Release in the Hickory Hill subdivision and a recommendation to the ZBA.

Minutes of June 25, 2019. MOTION: A. Knittel to approve the minutes of June 25, 2019 as written.
Second: J. Rosiensi **No Discussion VOTE:** 5-0-0

Bills were endorsed.

7:05: pm - J. Natle, Chairman, read into the record the legal notice for a Public Hearing for an Accessory Apartment special permit located at 125 Gold Street, Map 207, Lot 12, Applicants James E. and Joanne A. Hasbrouck. The public hearing is now opened.

The applicants, James and Joanne Hasbrouck, were present and addressed the Board, explaining their intent. The house was built in 2002. They always intended to add an accessory apartment, but have not until now. The septic system has been approved by the Board of Health. The apartment will be in the basement.

The Board reviewed the application. M. Hofler confirmed the square footage. It appeared to be 597 rather than 577. This was clarified. Parking was reviewed. There will be no change in appearance from the street. There is a Duplex across the street.

The meeting was opened to the Public. No public comments were made.

There was discussion of the applicants living in one of the units as stated in the bylaw 145-29.1 B (2), which they will be. Numbers will be designated as #125 for the main house and #125A for the apartment. The approval is to be recorded with the Registry of Deeds.

MOTION: M. Hofler to close the public hearing for an Accessory Apartment special permit located at 125 Gold Street, Map 207, Lot 12, Applicants James E. and Joanne A. Hasbrouck. **SECOND:** A. Knittel **No Discussion VOTE:** 5-0-0

MOTION: M. Hofler to grant the special permit for an accessory apartment for James E. and Joanne A. Hasbrouck, Map 207, Lot 12, having found it meets the 3 criteria of conditions 145-69 a, b and c and also meets standards for accessory apartments, by law 145-29.1, noting the bylaw states the owner must occupy one of the units. **SECOND:** J. Rosiensi **No Discussion VOTE:** 5-0-0

The applicant thanked the Board and left the meeting at 7:16 pm.

7:19 pm - Hickory Hills, LLC – Arthur LaFlamme addressed the board representing Hickory Hills to request release of covenants from an additional six (6) lots. Four of the lots are located on Magnolia Drive, Lots CA, CB, CL, and CM, and two on Dogwood Drive, Lots BE, and BF. Mr. Laflamme updated

the Board. Cash bond of \$125,000.00 is still being held at People's Bank. S. Williams, Director of DPW reviewed the updated Form G and is in agreement with it. The Board reviewed Form G and the map locating the lots being requested to be released and the lots which would still be held under covenant. There are 20 lots which would remain under covenant. 11 lots on Sycamore Circle and 9 lots on Magnolia Lane.

MOTION: D. Beaudette to approve the Hickory Hills Realty, LLC. petition for partial release of covenants from Lots BE, BF, CA, CB, CL and CM. **SECOND:** M. Hofler No Discussion **VOTE:** 5-0-0

Mr. Laflamme thanked the Board.

With the representative for the applicant present and in agreement, the next agenda item began prior to its 8:00 designated time.

7:25 pm – W.D. Cows, Inc. has submitted the following locations for Preliminary subdivisions:

Gulf Road and Daniel Shays Hwy, Map 206 Lots 26, 27, 44, Map 214 Lots 25, 30, 31, 32, 33, 57, 58, 59, 60, 61, 62, Map 215, Lots 3, 4, 5, 17, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Map 219 Lots 4, 5, 8, 21 (Great Hills Subdivision)

Pondview Circle, Map 232 Lots 174.13, 185 & Map 237 Lot 107 – (Bramble Estates Subdivision)

Waterford Drive, Map 225 Lot 18 & Map 220 Lots 1, 2 and 3 (Sanford Lot Subdivision)

Gulf Road & North Street, Map 205 Lots 82, 85, 86, 87, 88, and Map 206 Lots 10, 9, 11, 12, 13 – (Solis Road Subdivision)

Green Avenue, Map 266, Lot 15.1 - (Shea Farm Subdivision)

Atty. Reidy was present representing W. D. Cows, Inc. and addressed the Board.

Great Hills was discussed first. Atty. Reidy addressed the Board. The plans are the same plans from the May meeting when they came before this Board. This was done to freeze the zoning prior to the Annual Town Meeting adopting the revised Commercial Solar Photovoltaic Installation bylaw. There is a 7-month for a definitive plan to be filed to continue the zone freeze. Though no plan will be withdrawn, he believes the Great Hills preliminary subdivision plan would go forward and possibly one other though is he not sure. Out of respect for the Board he wanted to give them this update. He apologizes for not showing additional information, i.e., maximum build outs, road placement, etc.

M. Hofler – Asked Atty. Reidy if he is stating for the record that there is no intent to subdivide and build residential homes on any of these 5 plans in the foreseeable future? Atty. Reidy indicated he will not state that. M. Hofler asked if the only purpose in filing these plans was to freeze the zoning prior to the commercial solar installation bylaw changes at the May, 2019 Annual Town Meeting. Atty. Reidy's response was that without knowing completely his client's motivation, and with the appearance that this coincided with the town vote, he would have to say yes. It could be part of the reasoning, but not entirely. With all the land holdings of W.D. Cows, Inc. he would not want to confirm that.

D. Beaudette – Please refer to Subdivision Regulations 270-15. The clock is now running where we should make our decision. If the applicant is unwilling to say that the preliminary plans for a subdivision that have been submitted and currently do not meet the regulations, do you need more time to do so? This was discussed along with the deficiencies in all plans that have been submitted. The Board asked the representative when he thought the Board would be making its decision. Atty. Reidy thought a decision would be made at this meeting.

MOTION: M. Hofler - To deny the preliminary subdivision plan for **Gulf Road and Daniel Shays Hwy**, Map 206 Lots 26, 27, 44, Map 214 Lots 25, 30, 31, 32, 33, 57, 58, 59, 60, 61, 62, Map 215, Lots 3, 4, 5, 17, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Map 219 Lots 4, 5, 8, 21 (**Great Hills Subdivision**) Submitted by W.D. Cowls, Inc. which is incomplete with Subdivision Regulations 270-17 A(1-13); 270-17 B-E. **SECOND: D. Beaudette No Discussion VOTE: 5-0-0**

MOTION: M. Hofler - To deny the preliminary subdivision plan for **Pondview Circle**, Map 232 Lots 174.13, 185 & Map 237 Lot 107 – (**Bramble Estates Subdivision**), submitted by W.D. Cowls which is incomplete with Subdivision Regulations 270-17 A(1-13); 270-17 B-E. And 270-36F. **SECOND: A. Knittel No Discussion VOTE: 5-0-0**

MOTION: M. Hofler - To deny the preliminary subdivision plan for **Waterford Drive**, Map 225 Lot 18 & Map 220 Lots 1, 2 and 3 (Sanford Lot Subdivision), submitted by W.D. Cowls which is incomplete with Subdivision Regulations 270-17 A(1-13); 270-17 B-E. and 270-36F. **SECOND: J. Rosienski No Discussion: VOTE: 5-0-0**

MOTION: M. Hofler To deny the preliminary subdivision for **Gulf Road, North Street and Federal Street**, Map 205 Lots 82, 85, 86, 87, 88, and Map 206 Lots 10, 9, 11, 12, 13 – (**Solis Road Subdivision**), submitted by W.D. Cowls, Inc., which is incomplete with Subdivision Regulations 270-17 A(1-13); 270-17 B-E. **SECOND: A. Knittel No Discussion VOTE: 5-0-0**

MOTION: M. Hofler - To deny the preliminary subdivision for Green Avenue, Map 266, Lot 15.1 - (**Shea Farm Subdivision**), submitted by W.D. Cowls which is incomplete with Subdivision Regulations 270-17 A(1-13); 270-17 B-E and 270-36F. **SECOND: A. Knittel Discussion: The Board discussed if the denials were with or without prejudice. This will not be noted either way. VOTE: 5-0-0**

All five (5) Preliminary Subdivision plans were denied but the freeze remains on the land.

Atty. Reidy thanked the Board and left the meeting.

ZBA recommendation for a Variance Permit for Raj Kumar Shahi, 11 Newton Street, Map 243, Lot 213, AG-B zone – Open Space Community Development (OSCD). This is a variance request from the required 15' side setback to 11.6'. This pertains to Zoning Bylaw 145-16 –Dimensional Regulations.

The Board discussed and reviewed the application and the reason for the request. Discussion included if an abutter had any concerns, if an alternative for placement had been looked at and the fundamental problem regarding the existing subdivision and the layout of such. This subdivision had constraints on it when it was built. This circumvents the zone for that area.

MOTION: D. Beaudette to recommend to the Zoning Board of Appeals that they take negative action regarding the variance permit for Raj Kumar Shahi, 11 Newton Street, Map 243, Lot 213, AG-B zone regarding the required 15' side setback to 11.6'. The reasons being that the lot size does not allow for their request and a variance would lead to the undermining of the zoning law. They should consider a reconfiguration that would allow the garage to be placed in a different spot. They have not shown reasons why it must be placed where they show. **SECOND: J. Rosienski. VOTE: 5-0-0**

Town Planner Report:

- We received a Mass Trails grant for Lake Wallace in the amount of \$50,000 and there will be another announcement on the 17th for an additional \$10,000. The Donor will be announced at that time. This is coming together very nicely.
- We will keep reminding the public that there is an opening for an Alternate Voting Member on our Board.
- At our next meeting is the continued Public Hearing for Lumens Holdings 3 on #0 No. Washington Street for a commercial solar photovoltaic installation. I have not heard any update as of yet. I will get in touch with them. J.Natle, yes, but there will be no extension.
- At our next meeting will be the Public Hearing for Kalyx, LLC to place a retail marijuana establishment at 125 No. Main Street.

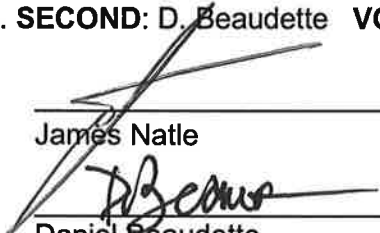
Members Reports:

D. Beaudette – The recent ZBA recommendation for 29 Laurel Ridge requesting a variance was never heard by the ZBA as the applicant withdrew the application prior to the meeting.

J. Natle – just a reminder for board members to get their decision on their vote for ZPT, 260 Ware Road, in to D. Albertson.

MOTION: M.Hofler to adjourn at 8:12 pm. **SECOND:** D. Beaudette **VOTE:** 5-0-0
Meeting adjourned at 8:12 pm

James Natle




Daniel Beaudette



Michael Hofler



Justin Rosiensi



Alice Knittel



OFFICE OF
PLANNING BOARD

Town Of Belchertown

P.O. Box 964

Belchertown, Massachusetts 01007

SIGN IN SHEET - MEETING OF

Tuesday July 9, 2019

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

Art Laflamme Midway Hills

John W. Dwyer

Tom Remy W.D. Lewis, Inc.

James Hasbrouck Farm East

Joanne Hasbrouck homeowner

Harriet Pils 44 North

Sean Tarpey " "

Mark Sporo 53 Two Roads Rd.