

Belchertown Planning Board Minutes
September 13, 2016



Planning Board members: Michael Hofler, Daniel Beaudette, James Natle, Chris Laurenzo, Donna Lusignan, Sierra Pelletier (alternate for special permits)

Staff: Douglas Albertson, Town Planner, Lynn Sikes

Present: No members of the public were present.

M. Hofler, Chairman, opened the meeting at 7:00 and welcomed everyone.

M. Hofler read for the record the meeting agenda.

M. Hofler requested to do the action items first. The Board agreed.

Chapter 61B Recommendation, South Washington Street, map 279 lot 12, Catherine L. Gaouette and Patricia Randon. The request was forwarded from the Board of Selectmen to review for Right of First Refusal consisting of 38 acres on South Washington Street, map 279 lot 12. The purchase and sale agreement is attached to the application. This is a 38 acre parcel and the owners, Catherine L. Gaouette and Patricia Randon, are requesting removal from Chapter 61B. C. Laurenzo indicated it is a beautiful piece of property but how do you say to the town to spend \$260,000? D. Beaudette asked what the time period is to consider this; D. Albertson indicated it is 120 days to consider. D. Beaudette believes there is no need to rush, and maybe the Conservation Commission or a nonprofit land trust should look at this. This is 38 acres for \$260,000, which is not a bad price. He also noted that the sellers don't appear to be in a hurry as the purchase and sale agreement is dated June 1st and it is now September 13 and this is the first we have seen this. He thinks other groups should have the right to look at it and would be more comfortable to see what the Conservation Commission said. D. Lusignan said we can carry over to our next meeting to see what other departments say. J. Natle agrees with Dan. There is a lot of road frontage; so he thinks the town should take a good look at it. M. Hofler stated that we will table it. D. Albertson will relay our thoughts to the Conservation Commission. Tabled to next meeting.

Motion to defer until next meeting. The Board defers action on the option to take land out of 61b on So. Washington Street for Catherine L. Gaouette and Patricia Randon owners on the Assessors Map 279, Lot 12 to allow for additional time for the board to see whether the Conservation Commission would be interested or another nonprofit group. J. Natle Seconded No discussion **Vote:** 5-0-0 Tabled until September 27th meeting.

ZBA Recommendation, Variance and Special Permit, Mark and Dianne Plante, 546 Federal Street, Map 102, lot 53. The Plantes' property has an existing house in LR zone that is nonconforming for both setbacks and coverage. They want to tear down the house and build a new bigger house. Doing so would make the property even more nonconforming in terms of setbacks and lot coverage. The entire lot is 5,663 square feet. The requirements are 20 feet

side setback and the building coverage restriction is 25% of the entire lot in the LR zone. Detailed plans are in the application.

DPW Director, S. Williams, submitted comments and recommended against a variance for the front yard setback and requested the carport not be permitted as vehicles exit directly onto a public way, which should not be allowed. D. Lusignan said based on the information submitted there is an encroachment, vehicles will exit onto the road and does not favor the current plan. J. Natle said we understand the constraints of these small parcels, but he added that he doesn't like the idea of the vehicles backing into road, though that will not change because that's where the parking spot is.

D. Beaudette pointed out that the first problem is that one of the owners did not sign the application, so it is defective. It should be signed by both owners. He has the same concerns that J. Natle does about the encroachment of the parking and proposed carport. He would like to see something submitted that was reconfigured. He is sympathetic to what happens to the lake area when the houses wear out as they had been originally small seasonal camps on small lots, and now the market is for year-round houses. He is open minded to continue nonconformity there and even perhaps expanding non conformity to allow the bigger houses to go in, but feels that an encroachment into the public way is impermissible. He feels the application should be sent back because it was not properly signed by both owners.

C. Lorenzo agrees on all items mentioned regarding encroachment. Also the lot coverage is more than 25%. They want to cover approximately 36% which is too large. He thinks the house would be beautiful, but lot coverage and the carport roof possibly overhanging into the town's right of way can't be allowed. M. Hofler agreed and added that the setback changes don't help; the north side setback would increase, but south side setback would decrease; it would be better to balance equally the setbacks. The proposal would give relief to one neighbor but not the other. If the carport isn't built, there would be less lot coverage. The encroachment by itself is a reason to deny, the percentage of coverage and relief is not equal to all neighbors, and the application is not signed.

D. Lusignan noted that the existing house was built in about 1930 and asked if it is a grandfathered lot. D. Albertson said yes, it is already nonconforming but the variance is to increase the nonconformity, that is, to encroach on setbacks and increase the lot coverage. The planning board's recommendation provides the applicants some guidance in how to improve their application before the public hearing with the ZBA.

MOTION: J. Natle to recommend the ZBA grant the variance request by Mark and Diane Plante, 546 Federal Street, Map 102, parcel/lot 53. **Second:** D. Lusignan. **Vote** 0-5-0, the board is unanimously opposed to the variance requests. The reasons for opposition are: the application is not signed by all owners, and specific to §145-68B(1)(c), the application shows potential encroachment onto the right-of-way for Federal Street which we can't allow; the planning board recommends a design to balance the north and south setbacks more equally; and the impermeable coverage of the total lot should be closer to the acceptable 25%. The board concluded these factors would be substantially detrimental to the public good.

MOTION: D. Beaudette to grant the special permit for Mark and Diane Plante, 546 Federal Street, Map 102, parcel/lot 53. **Second:** D. Lusignan **Vote:** 0-5-0, the board is unanimously opposed to the special permit request for the same reasons they oppose the variance.

ZBA Recommendation, Variance 54 Pepper Ridge Drive, owners Matthew and Jennifer Lacroix, Map 255 parcel/lot 117.08. The application is to allow an eight-foot side setback in the Ag-B zone, where twenty feet are required. The applicants want to add to their house on the side. The lot has about 1.16 acres. C. Laurenzo said there appears to be ample space on the property. Though Pepper Ridge has a lot of rock and ledge, it is not indicated where an addition could be put to avoid that. They might hit rock and ledge in the spot they've chosen. They should ask for variance when they have evidence that their proposed location is the only possible place to build; not before we allow an 8 foot setback on a newer lot with 1.2 acres.

D. Beaudette said this is a conforming lot and the owners knew this from the start. One remedy is for them to sell the house and buy a new one that satisfies their needs; not to come to town to request an exception to the law. The older properties in town where modern construction doesn't fit have a compelling argument; a lot in a new development to go against zoning doesn't have an argument.

C. Laurenzo suggested maybe a more compelling argument is the topography. If they could prove with test holes that the only place they can build is on this side then I might say go ahead put addition there, but burden is on applicant to demonstrate that. J. Nattle agreed with a lot of what D. Beaudette said. There is plenty of room behind this building to minimize setback encroachment. D. Lusignan thought there are a number of inconsistencies with their application and thinks there should have been more foresight into the planning and placement of additions (i.e. pool, deck) on the lot. S. Pelletier has similar concerns – they did a pool and deck. Maybe take that down? She is sympathetic, but they knew what they were dealing with.

M. Hofler commented that he understands what they are trying to accomplish for their family and their situation. As for the existence of ledge or not, Chris made excellent point that test holes be done, which may preclude if there is a basement. Another item is the undeveloped lot next door that is for sale. Encroachment upon that lot with an 8 foot setback could diminish the value of that lot next door and affect its sale. The fact that there is a house extension within 8 feet of property line might make it less desirable for that sale and it isn't right to diminish the value of someone else's property. He is not in favor of this.

MOTION: D. Beaudette to grant the variance for Matthew and Jennifer Lacroix, 54 Pepper Ridge Drive, Map 255 Parcel/lot 117.08 in the AG-A zone for a variance to allow for a setback of only 8 feet. **Second:** D. Lusignan **Vote:** 0-5-0. The board is unanimously opposed to the variance request. The board's objections are specifically that, according to §145-68B(1)(a) the applicants have not proven that the soil conditions, shape, or topography of the land would not allow them to put the addition in another place; (b) the applicants have not demonstrated economic hardship; and (c) because the this variance could have a detrimental effect of the sale or the salability of the lot next door, the variance would likely be detrimental to the public good.

Minutes

MOTION: D. Lusignan to accept minutes of August 23, 2016 as written. **Second:** J. Natle. D. Beaudette abstained since he was not present for entire meeting. C. Lorenzo abstained as he was absent that meeting. **Vote:** 3-0-2

Bills were endorsed

Discussion Items:

Fee schedule – the Board continues to review the August 19 version. D. Albertson clarified some of the fees. Discussion regarding preliminary vs definitive plans and the amount of time given. M. Hofler requested D. Albertson revise the schedule one more time based on tonight's discussion.

Town Planner report

- Albertson reported on the Healthy Hampshire program. That is the program that contains Mass in Motion. He is on the steering committee. Healthy Hampshire is developing its work plan for the next three years. That pertains to Belchertown in that we in Belchertown are determining what types of accessibility projects we might want to work on. One thing that has been thought of is the feasibility of building a handicapped accessible trail around Lake Wallace. This is located across from Jessica's Boundless Playground, and right near the senior center; with those, the new assisted living project, and businesses developing in the near vicinity, it would be an important resource for all to use. This is just an idea for now, so more research needs to be done to see what is actually possible.
- We now have the Complete Streets recommendation report which came out of the forum held on August 2, 2016 – that was a study of accessibility problems from north end of common to courthouse. There are some simple things that could be implemented sooner, such as zebra striping on crosswalks. Long-term recommendations would be expensive and need to be programmed into any construction plans, if they are desired. M. Hofler noted that this seemed to end at the police station other than sidewalks. He asked if there was a reason to stop at that point and not be go to the courthouse. Albertson noted that the emphasis was on existing pedestrian traffic; school to skate park, for example, and issues with crossing there. The Complete Streets standards will likely recommend sidewalks in that location.
- Albertson had been asked to speak to the South Amherst Congregational Church's men's group on land use and zoning with one of the Amherst Town Planners. Many in the group are Belchertown residents, so they had specific questions. Some general topics were agricultural exemptions, solar fields, and review process.
- State school update. Unofficially there is some interest from a brewer of locating his business in an existing building. We took him around to look at some of the buildings – expensive to do, but still good. When the Assisted Living facility goes in, more will come in.

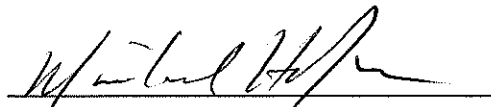
- Christ Community Church (Dwight Chapel) wants to put up a broadcast antenna. They have a radio station now and are using a 70' antenna mounted to the building. They have received permission from the FCC to increase their broadcasting power and want to put up a 90' tower. The law does say that even though the use is exempt and we can't say no to a church, we can require reasonable set back and other dimensional standards.

Member Reports:


- D. Lusignan – We should have received a site plan for the car wash on George Hannum Street. It is turning out very nice, but what if it hadn't? I would have liked to see a site plan so we had something on file.
- Lusignan expressed concern with the State School property; her opinion is not to see a day care center on the property. It appears a day school may be located outside the development area. She is not opposed to day care but that is not what she envisions for the general build out for this area.
- J. Natle asked about sidewalks in the State Street area. He emphasized the need to have developers install them.
- C. Laurenzo asked what Mr. Bolduc came in for. D. Albertson said he came in with real estate manager looking at the site and dropped in to say hi. They are looking to lease the existing building but had to lower the basement floor to increase the height, but no activity recently. They have someone who might want to lease it and even buy it but that is not settled. Also has a thought of coming in for the gas station, and possibly a national fast food chain. Albertson had sent a letter in May to mow, which was done once.
- D. Beaudette noted that he saw in the September 1st issue of the Sentinel that Joe Gilman passed away. Joe had served on planning board. Jim and Dan had both served on the board with him. He was a great participant and Dan is very sorry to learn he had passed. He was a very thorough and level headed man. J. Natle agreed.
- S. Pelletier will be going to the Southern New England American Planning Association conference held at the Worcester DCU Center on October 20 and 21st. She will look to bring back things that would be of use for Belchertown.

MOTION: D. Lusignan to ADJOURN the meeting at 9:00 PM. **Second:** J. Natle **Vote:** 5-0-0

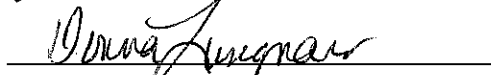
Meeting Adjourned



Michael Hoffer, Chairman



James Natle, Vice Chair



Donna Lusignan

Beaudette

Daniel Beaudette

Chris

Chris Lorenzo