

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MEETING MINUTES OF JANUARY 11, 2021
As Approved**

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Melissa O'Brien, Member; Nate Therien, Member; Michael Adelman, Associate Member; Attorney Brian Winner, Representative Town Counsel; Richard Harris, Director of Planning and Conservation ; Anne Capra, Conservation Administrator/Planner; and Colleen Canning, Senior Clerk Planning and Conservation Department

Chair Hutchison called the meeting to order at 6:30 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Minutes

Draft minutes of the December 14, 2020 regular meeting were previously transmitted to the Board. Typographical errors were identified within the draft.

Motion: Vice-Chair moved to approve the regular meeting minutes of December 14, 2020 as revised. Clerk Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #2 --- Correspondence

The list of correspondence were included within the agenda background materials. Additional correspondences were received and sent to the Board. Most of the correspondence related to the North Pole Estates Definitive Subdivision Plan which would be discussed under agenda #5.

Agenda Item #3 --- DECISION: Consider Setting Stormwater Performance Guarantee and Request for Full Release of Subdivision Performance Guarantee for Ethan Circle Definitive Subdivision. Property Location: Off Hadley Street (aka Route 47) (Assessor's Map #47 – multiple parcels)

Anne Capra explained that the Board had set a performance guarantee to ensure that the Ethan Circle Subdivision was developed to the standards set forth within the approved plan. The Board had issued permit approval for the Definitive Subdivision Plan and the Stormwater Management Plan. To not financially overburden the applicant, the Board allowed for one financial guarantee for development of the subdivision and development of the stormwater management systems. Updated 'as-built' plans were submitted to the Town. However, the updated plans had not been reviewed by all relevant town departments. At this time, the applicant had submitted the necessary documentation to release the Subdivision Performance Guarantee contingent upon approval from relevant Town Departments. It was recommended that the Board retain a performance guarantee for the Stormwater management systems as the Town had not received the necessary reporting documents. Additionally, the systems needed to be maintained through the Homeowner's Association which appeared to only exist on paper. The Board needed to determine who would be a qualified party to affirm that the stormwater management systems

were properly functioning and being maintained as the original permit required inspections from the Town engineer which is a position that no longer exists. The Board could allow the Department of Public Works to perform the inspections.

Motion: Vice-Chair Mulvaney moved to release the performance guarantee of \$25,000 for the development of the Ethan Circle Definitive Subdivision Plan contingent upon site inspection and review of updated as-built plans from the Department of Public Works, South Hadley Electric Light Department and the Fire District 2 Water Department. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Motion: Member Therien moved to set a performance guarantee of \$25,000 to ensure that the Stormwater Management Plan for the Ethan Circle Subdivision was adhered to as specified within the approved plan. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Motion: Member O'Brien moved to allow the Department of Public Works to perform inspections of the stormwater management systems to ensure that they functioned as detailed within the approved Stormwater Management Plan. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #4 --- Update on Grant Activities and South Hadley Falls Redevelopment and related activities

Anne Capra explained that a MassWorks Grant was awarded to the Town to help fund infrastructure upgrades to the Woodlawn Plaza Area. Contacts between the Town and the State had been initiated. The Municipal Vulnerability Preparedness (MVP) Action Grant was helping fund a number of initiatives in Town which included updating the local Stormwater Management Bylaw. The Town's consultant would be at the next regular Planning Board meeting as a follow-up to the Board's first meeting on the topic. The Town was recently awarded a Local Acquisition for Natural Diversity (LAND) grant for the acquisition of 315 Amherst Road for conservation purposes. A grant application had been submitted to the state for funding to help local business districts who had been impacted due to the COVID-19 pandemic. Additionally, Two applications for the preservation of local farms were being reviewed by the State.

Anne Capra stated that a new garage was being developed along Gaylord Street, within South Hadley Falls, to service FSi Oil and Propane. Planning Board review would not be required.

Agenda Item #5 --- SCHEDULED PUBLIC HEARING: Application for Definitive Plan and Stormwater Management Permit approval for proposed subdivision. Property Location: west side of Hadley Street (aka State Route 47) and along Sullivan Lane (Assessor's Map Number #54 as Parcels #15 & #20 and on Assessor's Map Number #56 as Parcels #20, #26, #42, #43, #43A, #104, #109, #112, and #121).

Motion: Vice-Chair Mulvaney moved to continue the public hearing to consider the Definitive Subdivision Plan and Stormwater Management Plan of North Pole Estates to January 25, 2020 at

6:45 PM. Clerk Brown seconded the motion. Four (4) out of four (4) voting members voted in favor of the motion through roll call.

Anne Capra inquired if the Board would be able to begin their next regular meeting at 6:00 PM, 30 minutes earlier than normal, to allow for time to discuss the updated draft of the local Stormwater Management Bylaw. Members were agreeable to meet early.

Attorney Winner reviewed that the Town, with agreement from the applicant, had proposed to host a workshop between town staff, two members of the planning board, the applicant, and representative counsel. The workshop would aim to review items that needed to be addressed at the next public hearing sessions. No deliberations or decisions would be considered as the workshop was not an open meeting. The items reviewed would be brought into the public record at the resumption of the public hearing. No more than two members of the Planning Board could attend the workshop due to open meeting law. The workshop would help expedite the review process as the Board was held to a time frame to file a decision. It was recommended that the Chair attend the workshop and one other member of his choosing.

Martha Terry, Brainerd Street, submitted comments through the meeting's question and answer function (attached) which were read aloud. She addressed concerns for open meeting law. Attorney Winner explained that the workshop was not a substitute for the public hearing. Quorum would not be present and no deliberations or decisions would be made at the workshop.

Clerk Brown inquired about the process was for getting legal questions answered from Town counsel. Attorney Winner said any questions could be sent to Town staff who would forward the inquiries to his office.

An email was received from Walter Hamilton, Hadley Street, inquiring if the workshop would be open to the public (Attached). As previously discussed, the workshop was not a public meeting. All information would be entered into the public record at the public hearing continuation.

Agenda Item #6 --- Planning Director's Report on Planning Projects and Development

Anne Capra reviewed the following items:

- The developer of the Skinner Woods Flexible Development was working to develop a Form H Plan for the Board's consideration
- The owners of the Woodlawn Plaza were working on developing applications for a detached hardware store at the location. No development applications had been received at this time
- The draft Master Plan Update would be considered by the Board at a special meeting on January 21.
- Grants applications were previously discussed. However, Town Staff were working on submitting another grant application through the Mass Trails Grant program.
- Board members recently received the Town's sexual harassment policy. Members were asked to read the policy and sign the acknowledgement form.

Agenda Item #7 --- Other New Business

Clerk Brown stated that the Pioneer Valley Planning Commission was monitoring the spread of COVID-19. Infection rates had increased by thirty percent in one month locally.

Member Therien stated that he attended a virtual meeting hosted by the Metropolitan Area Planning Council in which a new regional zoning database was discussed.

Agenda Item #8 --- Adjourn

Motion: Associate Member Adelman moved to adjourn the meeting. Vice-Chair Mulvaney seconded the motion. All members voted in favor of the motion through roll call.

The meeting adjourned at 8:10 PM.

Respectfully Submitted,
As Approved
Colleen Canning, Senior Clerk Planning and Conservation Department

Appendix

Document	Document Location
1/11/2021 Meeting Q&A transcript	Attached
1/10/2021 Walter Hamilton email	Attached
1/8/2021 Continuation email chain between town counsel and North Pole Estates applicant counsel	Planning Files

Question	Asker Name	Asker Email	Answer(s)
I am using Patricia Greenfield's computer. Robert Pleasure	Patricia Greenfield	pgreenfield@umass.edu	Thank you Robert. You have been renamed to Robert Pleasure
I do not like the description of this meeting at all. All this belongs	Martha Terry	marthaterry25@gmail.com	I will read your comments out loud for the record when time is appropriate. Thanks
in a public meeting	Anonymous Attendee		live answered
Thank you.	Anonymous Attendee		live answered
A "workshop" is no substitution for a meeting at which all issues are discussed in public.	Martha Terry	marthaterry25@gmail.com	live answered
I see no reason or justification for speed and "efficiency" regarding this issue. Please continue	Martha Terry	marthaterry25@gmail.com	live answered
to discuss issues at a Planning Board Meeting/Public Hearing. Any other avenue to me is	Martha Terry	marthaterry25@gmail.com	live answered
a slippery slope, bordering dangerously on violations of the Open Meeting Law.	Martha Terry	marthaterry25@gmail.com	live answered
Is the workshop for Planning Board only?	Jessica Collins	jcollins@publichealthwm.org	Planning Board representatives, staff, and applicant representatives The workshop will include Town staff, two Board Memebers and the applicant's representative . The Public Hearing was continued to Jan.25- the Planning Board's next meeting

Workshop

'Walter Hamilton' via SHPlanBoard <SHPlanBoard@southhadleyma.gov>

Sun, Jan 10, 2021 at 7:18 PM

Reply-To: hamiltonw7747@yahoo.com

To: shplanboard@southhadleyma.gov

To the Planning Board, its legal representatives and staff:

As a resident of South Hadley, I have questions and concerns regarding a proposal to conduct a "workshop" that would include the North Pole Estates applicant, members of the Planning Board and staff.

I specifically question whether this workshop would also allow members of the public and abutters to this proposed subdivision to attend and listen as observers to the proceedings.

Walter Hamilton

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