

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING  
MINUTES OF JANUARY 27, 2020  
As Approved**

**Present:** Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member; Richard Harris, Town Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Cavanaugh called the meeting into order at 6:30 PM.

**Agenda Item #3 --- DECISION: Consider Request by Yi Sheng, Inc. c/o Hervieux Design for Extension of Special Permit as amended for proposed Multi-family development (former library conversion). Property Location: 27 Bardwell Street (Assessor's Map Number #5A - Parcel #24).**

The project architect, Ray Hervieux of 116 Arcadia Blvd Springfield MA, was present at the meeting. He explained that the submitted Special Permit Extension request included a status report for each component of construction. The request asked for an extension of the Special Permit to August 31, 2020 which was a conservative request as the contractor believed the work would be completed by the end of April 2020.

Mr. Harris followed up by reviewing legal standards for Special Permit Extensions. He explained that Special Permits require that work begins within one year of issuance and that work must be substantially complete two years thereafter. An extension can be granted by the Planning Board for good cause. Mr. Harris recommended that extension be granted with the requirement that the developer offer a status update before the permit expires in early August 2020. As the Special Permit required that work must be 'substantially' complete, Mr. Harris clarified that three out of five units needed to be complete and that landscaping and parking improvements needed to be complete by the expiration of the Special Permit.

Clerk Mulvaney inquired if the Board could receive project updates sooner than August 2020. The applicant was agreeable to submitting periodic updates. Mr. Harris recommended that progress reports could be submitted bimonthly.

Ms. Brown observed a duplicate reference within the extension request's construction status report. Ray Hervieux responded that it was a clerical error.

As she was not on the Board during the initial permitting, Ms. Brown asked the applicant to review the amendments to the project's site design. Ray Hervieux replied that the Special Permit was amended to reduce the number of units proposed and include the installation of a detached garage.

As there was no further conversation, Chair Cavanaugh inquired if there was a motion.

**Motion:** Clerk Mulvaney moved to extend the Special Permit as amended for the proposed Multi-family development at 27 Bardwell Street to August 31, 2020 with the requirement of

bimonthly progress reports submitted to the Planning Department with the first report being due April 1, 2020. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

**Agenda Item #4 --- Consider Request for Full Release of Performance Guarantee for Ethan Circle Definitive Subdivision. Property Location: Off Hadley Street (aka Route 47) (Assessor's Map #47 – multiple parcels)**

Mr. Harris explained that the developer of Ethan Circle submitted a request for a full release of the performance guarantee for development of the subdivision. The Water Department, SHELDT and the DPW each signed off on the project's completion. He advised that the Board retain part of the guarantee in the amount of \$12,000 to ensure that street trees were planted and survived.

Chair Cavanaugh inquired if DPW reviewed the completion of the stormwater detention area. Mr. Harris replied that the DPW and the developer's engineer signed off on the project's completeness.

Clerk Mulvaney inquired if the developer retained a deed for the right-of-way. Mr. Harris replied that the deed was not an issue for the Town. He advised that if the Town considers accepting the road, the deed for the right-of-way should be retained by the Town from the developer.

Ms. Brown noted that the temporary development sign was still installed at the entrance of the subdivision. Mr. Harris replied that he informed the developer and the Building Commissioner of the Board's interest in seeing the sign removed. He added the Board is not required to release any amount of the Performance Guarantee until all work is completed.

Ms. Brown moved to deny the request for a full release of the performance guarantee. The motion was not seconded

Clerk Mulvaney recommended denying the full release but offering a partial release. However, she recommended that the Town retain an amount exceeding the \$12,000 recommended for street tree planting.

Ms. Harris explained that the purpose of the performance guarantee was to ensure that the development was constructed to the standards set forth in the Subdivision Regulations. The Planning Board was not afforded the same latitude as seen in Special Permit conditioning. It was up to the Board's discretion to act on the request.

**Motion:** Ms. Brown moved to deny the request for a full release of the performance guarantee for the construction of Ethan Circle but approve a reduction of the amount of the performance guarantee to \$25,000. Clerk Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

**Agenda Item #5 --- Consider comments/endorsement regarding Draft Open Space & Recreation Plan**

Mr. Harris reviewed the 1/27/2020 updated Planning Board comments on the Open Space and Recreation Plan which were included within the agenda background materials. The updates were highlighted in yellow.

Linda Young, Westbrook Road, inquired if Judy Gooch, Chair of the Master Plan Implementation Committee, could be given a copy of the drafted comments. Judy Gooch was provided the document.

Within the newly proposed comments under Section 9.2, Vice-Chair O'Brien recommended adding a reference to Town Committees, rather than just Town Boards within comments relating the 'lead responsibility' of action items within the draft. Mr. Harris made the change.

Mr. Harris explained that one of the main comment changes related to Section 9.2.4 regarding neighborhood parks. He explained that the Planning Board has lead authority of action item six which included neighborhood parks. Therefore, Mr. Harris proposed to recommend that the Planning Board should be notified whenever a decision is made to 'forgo maintenance or remove a facility'. Members of the Board were agreeable to the proposed change.

Vice-Chair O'Brien recommended that under Section 9.2.6, the word choice 'can' could be replaced with 'should' so the comment would read 'The Recreation Director *should* be added as an Additional Responsible Party'. Mr. Harris made the change.

**Motion:** Clerk Mulvaney moved to accept the changes to recommendations as discussed at tonight's meeting and to approve the Chair's signature of the Planning Board's letter of endorsement of the draft Open Space & Recreation Plan. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

#### **Agenda Item #6 --- Discussion/Comments on Draft Master Plan Update**

Mr. Harris explained that the Board members filled out surveys to assess the relevance of the draft Master Plan's goals and objectives to the activities of the Planning Board. Following responses from the Board, Mr. Harris created a compilation of comments which were included within the background agenda materials.

Within the survey, each member was asked to evaluate the goals of the Master Plan on a scale between 'strongly agree' to 'strongly disagree'. As each member had individual responses, Mr. Harris created a matrix to assign a number value to each response and provided the average score for each goal.

Mr. Harris compiled each member's unedited written responses to the survey questions. He recommended that the comments be submitted as-is unless there was a comment that any member was particularly disagreeable to. As there were no disagreements, Mr. Harris would submit the questionnaire responses as drafted the following day to the Master Plan Implementation Committee.

**Agenda Item #7 --- Consider a Policy providing for a Public Comment Period for Planning Board meetings**

Ms. Brown opened the discussion as she was the initial Planning Board member to express interest in holding a designated public comment period during regular Planning Board Meetings. She reviewed the draft policy included within the agenda background material and had two main comments. She recommended that the draft policy allow public comments to be taken from the audience rather than requiring people to come to the front of the room. Additionally, she recommended that the comment period be held at the beginning of the meeting rather than the end.

Members were generally agreeable to the concept of a Public Comment Period and were generally agreeable to allowing comments to be taken from the audience during the Public Comment Period. There was not a consensus around placement on the agenda.

Vice-Chair O'Brien noted that other Boards who have a designated public comment period do not accept public comment outside that time or a Public Hearing. She noted that it was customary during regular Planning Board meetings for the public to be allowed to comment.

Mr. Hutchison considered offering latitude to the Chair in determining when it was appropriate to take up the Public Comment Period.

Linda Young, 15 Westbrook Road, addressed the Board. She recommended that the draft policy should require that comments made during the Public Comment Period cannot be items that are already on the agenda. Mr. Harris responded that the draft policy included the requirement.

Martha Terry, 25 Brainard Street, addressed the Board. She asked how public comment could be made on items that were on the agenda but not a Public Hearing. Chair Cavanaugh responded that opportunity for public comment was not required outside of a Public Hearing. However, the Chair had latitude to accept comments during the regular meeting. He added that comments on agenda items could be sent to the Planning Department to be included within the record.

Sandra Zieminski, 50 Lyman Terrace, addressed the Board. She expressed hope that the Chair would receive comments from the Public and recalled Joan Rosner's welcoming disposition while she was on the Board.

As there was not a consensus on how to establish the Public Comment Period Policy, considerations were tabled and would be readdressed at the February 24, 2020 Planning Board Meeting.

**Agenda Item #1 --- Minutes**

Draft minutes of the January 13, 2020 regular meeting and public hearing had been previously transmitted for the Board to review.

Spelling and grammatical errors were noted within the draft regular meeting minutes of January 13, 2020.

**Motion:** Clerk Mulvaney moved to approve the draft regular meeting minutes of January 13, 2020 as amended. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

**Motion:** Clerk Mulvaney moved to approve the draft public hearing minutes of January 13, 2020 to consider SHELD's application for Site Plan Review to develop a telecommunications facility on Old Lyman Road. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

### **Agenda Item #2 --- Correspondences**

The correspondence folder was in front of the Chair. Additional correspondence had been received relating to applications associated with Public Hearings to be held during the next regular Planning Board meeting on February 10, 2020.

### **Agenda Item #8 --- Development Update and Planner's Report**

#### a. Development Report

- North Pole Estates Definitive Subdivision Plan – Mr. Harris explained that the applicant's consultant has submitted revised plans and supplemental materials. All of the materials have been posted on the Town's website.

Mr. Hutchison inquired how the submission of the updated materials affected the status of the peer-review. Mr. Harris responded that the Board would consider the scope of the peer-review of the new materials at the Public Hearing continuation date on February 10, 2020.

Robert Pleasure, Jewett Lane, addressed the Board. He asked to see a correspondence received from the Acting DPW director regarding the North Pole Estates Subdivision Application. Mr. Harris replied that the document would be posted on the Town's website prior to the Public Hearing on February 10, 2020.

- New SHELD Telecommunications Facilities on Old Lyman Road – Mr. Harris explained that the decision has been signed and filed
- Decision on Skinner Woods project –Mr. Harris explained that an appeal of the Board's decision has been filed in Superior Court. The Board will be notified if there is a need for Board members to provide input for the Town's response.
- Ethan Circle – This item was previously discussed under agenda item #4
- Mountain Brook Subdivision – Phase 2 – Mr. Harris explained that he was still attempting to obtain reviews from SHELD and DPW.
- 36 Bridge Street Mixed Use Development – Mr. Harris explained that Luis Builders, Inc. has filed a Special Permit application. This hearing is scheduled to begin at 6:00 p.m. on February 10, 2020. The application materials have been posted on the Town's website.

- Newton Street Smart Growth Zoning District – Mr. Harris noted no change.
- Rivercrest Condominiums – Mr. Harris noted no change.
- Former Library conversion to condominiums – This item was previously discussed under Agenda Item #3.
- 1 Canal Street condominiums –Mr. Harris noted no change. Site work has started.
- ITW Cell Tower on Hadley Street – Mr. Harris noted no change.

b. Bylaw Amendments

- Bylaw Amendments for 2019: Mr. Harris noted no change.

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority: Mr. Harris noted no change.
- Complete Streets Program Participation: Mr. Harris noted no change. The contractor is waiting for delivery of signal related equipment which is scheduled to arrive late February 2020
- Valley Bike Share: Mr. Harris noted no change.
- Open Space & Recreation Plan and Master Plan Updates: This item was discussed previously under Agenda Items #5 and #6
- PVPC DLTA Submittals: Mr. Harris explained that this week it was realized that the Town could submit multiple District Local Technical Assistance requests. Further, the Planning Department learned that the PVPC has updated several other communities Stormwater Management Programs over the past year. Therefore, since it appeared that the Board was supportive of both topics that were mentioned at the last meeting - Mount Holyoke Range Resource Area and Updating the Stormwater Management Program – proposals were submitted for both projects.

d. Workshops/Training Opportunities

Mr. Harris explained that the Conservation Administrator/Assistant Planner, Anne Capra, and he would be attending the National Conference of the American Planning Association in late April.

**Agenda Item #9a ---Other New Business – Reports of Representatives from various committees including the Pioneer Valley Planning Commission**

Ms. Brown shared updates from the recent Pioneer Valley Planning Commission (PVPC) Meeting. She met with the new PVPC executive director, Kim Robinson. Additionally, Governor Baker withdrew House Bill 3507 and submitted House Bill 4263 which was crafted to promote housing choices. Ms. Brown submitted House Bill 4263 for the record.

**Agenda Item #9 --- Other New Business**

Martha Terry, 25 Brainard Street, addressed the Board. She inquired about the status of the Special Permit to install a cell tower along Hadley Street. Mr. Harris explained that site work had started. He would need to review documentation to confirm the permit's expiration.

**Agenda Item #10 --- Adjournment**

As there was no further new business to address, Chair Cavanaugh inquired if there was a motion to adjourn the meeting.

**Motion:** Clerk Mulvaney moved to adjourn the meeting at 8:03 PM. Vice-Chair O’Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

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

**Appendix**

<b>Document</b>	<b>Document Location</b>
Special Permit Extension Request for Multifamily Development at 27 Bardwell (1/21/20)	Planning Files
Compilation of Planning Board member’s comments on Draft OSRP (1/27/20)	Planning Files
OSRP Letter of Endorsement (1/27/20)	Planning Files
Compilation of Planning Board member’s responses to Master Plan Goals and Objectives Survey/Questionnaire (1/24/20)	Planning Files
Draft Planning Board Public Comment Period Policy (1/27/20)	Planning Files
House Bill No. 4263 (Submitted by Member Brown 1/27/20)	Planning Files