

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING
MINUTES OF MARCH 9, 2020
SOUTH HADLEY AUDITORIUM – 6:30 PM
AS APPROVED**

Present: Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney; Clerk, Brad Hutchison, Member; Joanna Brown, Member; Richard Harris, Director of Planning and Conservation; Anne Capra, Conservation Administrator/ Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Cavanaugh called the meeting to order at 6:30 PM

Agenda Item #1 --- Consider Endorsement of Approval Not Required Plan submitted by Laurels Realty Trust. Property Location: 68 School Street (Assessor's Map #5B - Parcels #65 and #21)

Mr. Harris explained that an ANR Plan was received to split a parcel located at 68 School Street. A number of years prior, an ANR was received by the Board to split the same lot. However, the previous applicant never recorded the ANR at the Hampshire Registry of Deeds. He noted that the dimensions for the previous ANR and the current were different. However, as the application was an ANR, the Board had a limited scope of review for endorsement. The created parcels satisfied the dimensional requirements per zoning and had frontage on publicly maintained roads.

Chair Cavanaugh inquired if the plan was modified to reflect both Residence B zoning and Business B zoning as the original only reflected the residential zoning. Mr. Harris confirmed that the plan was modified by the applicant.

Ms. Brown inquired what the role of the Planning Board was as the survey provided for the ANR was different from the previous survey performed previously. Mr. Harris responded that, if challenged, land survey discrepancies were handled through land court.

Motion: Vice-Chair O'Brien moved to endorse the ANR plan to split the lot at 68 School Street. Clerk Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

The endorsed plan was signed by Chair Cavanaugh, Clerk Mulvaney and Mr. Hutchison.

Agenda Item #2 --- Consider Request to Release Covenant Agreement and set amount of Performance Guarantee for Mountainbrook Subdivision Phase 2 – Lyon Green. Property Location: Off Mountainview Street (Assessor's Map #38 – Parcels #56 through #67 and Parcels #150 through #159)

Mr. Harris explained that this agenda item was a continuation of a discussion from previous meetings. The DPW performed a review of the project and identified 6 items that needed to be addressed and provided cost estimates for each. SHELD had previously been unable to perform

an adequate assessment due to snow cover. Mr. Harris anticipated that SHELD would be able to perform a site visit within a week. Therefore, he felt comfortable advising the Board to release the covenant agreement contingent upon SHELD's review. The cost estimates generated by DPW would be used to set the amount of the performance guarantee which would financially allow the Town to adequately complete the project's upgrades in the event that the applicant was unable to do so. Therefore, He advised the Board to set the performance guarantee in an amount 25% greater than the cost estimate. Additionally, he advised that the Board should include any potential items generated from SHELD's review to be included within the set amount of the performance guarantee.

Chair Cavanaugh inquired if the Fire District No. 1 Water Department were satisfied with their review. Mr. responded that they submitted comments on the draft as-built plans but had no issues

Motion: Clerk Mulvaney moved to release the covenant agreement and to set the performance guarantee in the amount of \$185,000 contingent upon the sign-off by SHELD and to include any potential cost estimates generated from SHELD's review. A letter of credit or cash would be acceptable. Mr. Hutchison seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

The covenant agreement release was signed by each member of the Board.

Agenda Item #6 --- Minutes

Draft minutes of the February 24, 2020 regular meeting and public hearing were previously transmitted to the Board.

Grammatical and spelling errors were noted within the draft regular meeting minutes of February 24, 2020.

Motion: Clerk Mulvaney moved to approve the draft regular meeting minutes of February 24, 2020 as amended. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Mr. Harris noted that considerations for the Board's Public Comment Period Policy would be included on a future meeting agenda.

No errors were noted within the draft February 24, 2020 Public Hearing Minutes to consider a Special Permit for mixed-use redevelopment at 36 Bridge Street.

Motion: Clerk Mulvaney moved to approve the draft February 24, 2020 Public Hearing Minutes to consider a Special Permit for mixed-use redevelopment of 36 Bridge Street. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the mot

Agenda Item #5 --- 2020 Census Update

Mr. Harris explained that the decennial Federal Census would be held soon. Accurate census numbers put the Town in the best position for grant funding, investments and accurate representation. He urged everyone to submit their census questionnaire upon receipt.

Agenda Item #7 --- Correspondence

The correspondence folder was at the seat of the Chair and the list of correspondences was previously transmitted to the Board. Additional correspondence had been received and a list was provided to each member.

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

a. Development Report

- North Pole Estates Definitive Subdivision Plan – This item would be discussed under agenda items #3 and #4.
- Dog Park on Mulligan Drive – Mr. Harris explained that the project designer provided a letter and revised plan indicating that they reduced the scope of the site disturbance down to 43,400 square feet. Since the threshold for triggering the Stormwater Management Bylaw is one acre – 43,560 square feet – it would appear that the Stormwater Management Bylaw requirements no longer apply. It should be noted that they intend to retain the proposed rain gardens and “develop the site in a manner which responsibly manages storm water” even though the complex subsurface system has been eliminated. It appears that Site Plan Review was not required since the development of a public park is a use allowed by right under the Zoning Bylaw. Therefore, it would appear that the conditions of the Site Plan Review approval would not be applicable as they related to the Stormwater Management requirements.

Anne Capra, Conservation Administrator/ Planner, noted that the Dog Park received permitting through the Conservation Commission. Therefore, the revised plans would need to be reviewed to determine if Conservation Commission review or permitting would be required.

- New SHELD Telecommunications Facilities on Old Lyman Road – Mr. Harris noted no change
- Decision on Skinner Woods project - Mr. Harris explained that there was no change. An appeal of the Board’s decision was 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 – Mr. Harris explained that the Board’s reduction in the Performance Guarantee was processed. The developer indicated that he found the retention of \$20,000 unreasonable for the amount of work which remains. Mr. Harris advised him that the Board was under no obligation to release any of the Performance Guarantee until all the work is completed – including the removal of the sign, loam and seed, and tree planting. Mr. Harris also emphasized that the applicant was responsible for removal of the sign regardless of who installed the sign.
- Mountain Brook Subdivision – Phase 2 – This item was discussed under Agenda Item #2.

- 36 Bridge Street Mixed Use Development – Mr. Harris explained that he was drafting the Special Permit Decision which would later be signed by the Chair.
- Newton Street Smart Growth Zoning District – Mr. Harris noted no change.
- Rivercrest Condominiums – Mr. Harris noted no change.
- Former Library conversion to condominiums – Mr. Harris noted no change. Some additional work appears to have been completed.
- Canal Street condominiums – Mr. Harris noted no change. Site work started.
- ITW Cell Tower on Hadley Street – Mr. Harris noted no change.

b. Bylaw Amendments

- Bylaw Amendments for 2020: Mr. Harris explained that the potential for amendments were discussed at the previous meeting. It was understood that it would be helpful for the Board and the Planning & Conservation Department staff to review the new Earth Removal Bylaw and work towards reconciling differences/conflicts within the Zoning Bylaw. Thus, as agreed at the last meeting, submittal of a warrant article for the May Annual Town Meeting would seem premature. A more likely scenario would be to submit warrant articles to update the Water Supply Protection District (Section 255-35) and the Zoning Bylaw’s Earth Removal provisions (Section 255-84) for a Fall Special Town Meeting. If, in the review of these sections, it becomes apparent and reasonable to propose tweaks in the General Bylaw on Earth Removal, that could be considered – but the focus will be on the Zoning Bylaw provisions to remove inconsistencies, conflicts, and confusion.

On February 26th the Town Administrator requested that the Administration be notified as soon as possible regarding possible bylaw changes. He also advised departments to contact Mr. Harris if there were any proposals for Zoning Bylaw changes. Mr. Harris subsequently advised him that the Planning Board had agreed at the last meeting not to submit any warrant articles for this Annual Town Meeting. From a practical perspective, it is almost too late to consider a Zoning Bylaw amendment that is anything but a very simple “housekeeping” item – as the Board has witnessed such items don’t exist when it comes to the Zoning Bylaw.

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority: Mr. Harris noted no change.
- Complete Streets Program Participation: Mr. Harris notes no change. The contractor was waiting for delivery of signal related equipment – now scheduled for late April 2020. The delay was due to a equipment manufacturing delay which was impacting all signal installation projects
- Valley Bike Share: Mr. Harris noted no change.
- Open Space & Recreation Plan and Master Plan Updates: Mr. Harris explained that Conservation Administrator/Assistant Planner Anne Capra was working on incorporating the revisions requested by various parties into the OSRP update. The Master Plan Update Committee is scheduled to meet again on March 19, 2020. Anne Capra gave a very good overview of the OSRP and Master Plan Update process to the South Hadley employees at the Professional Development Day on January 31st. MPIC met with many department heads and boards to apprise them of and get their input into the updates. There should

be no department heads or Boards indicating they did not have knowledge of or input into the updates.

- PVPC DLTA Submittals: Mr. Harris noted no change.

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 #3--- 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)

Chair Cavanaugh stated the applicant has requested a continuation of the public hearing. This request was made less than 3 business days before the hearing. However, the request will be considered by the Board.

The applicant's representative, Rob Levesque of R Levesque Associates, was present at the hearing.

Mr. Harris explained that a few hours prior to tonight's Public Hearing continuance, the applicant requested to continue the Public Hearing to the next meeting on March 23, 2020. As the request was not made 72 business hours prior to the hearing, a representative of the application needed to be present. Upon receipt of the request, the peer-review consultant and town counsel were notified. Therefore, neither were present at the Public Hearing. On the advice of counsel, it was recommended to continue the hearing.

Motion: Clerk Mulvaney moved to continue the public hearing to March 23, 2020 at 6:45 PM. Mr. Hutchison seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Agenda Item #4 --- CONSIDER DECISIONS: 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)

No decisions were considered at this time as the Public Hearing was continued to March 23, 2020 at 6:45 PM.

Agenda Item #9 --- Other New Business

Ms. Brown noted that the Pioneer Valley Planning Commission (PVPC) recently published a list of 'Top 10 Resolves for 2020' and invited everyone to view the list on the commission's

website. Mr. Harris noted that the resolves were received in the mail and included within the additional correspondence list.

Vice-Chair O'Brien invited everyone to attend a guided trek of the Bachelor Brook trails on March 15th. Interested parties should meet at the Route 47 parking lot at 12:45 PM.

Clerk Mulvaney used the opportunity to thank Chair Cavanaugh for his time on the Planning Board as he did not seek re-election. She welcomed Nate Therien to the Board who was elected at the recent election. Restructuring of the Planning Board would not take effect until April 2020.

Agenda Item #10 --- Adjournment

As there was no additional new business to discuss, Chair Cavanaugh inquired if there was a motion to adjourn.

Motion: Clerk Muvaney moved to adjourn the meeting at 6:52 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

Document	Document Location
68 School Street ANR Plan	Planning Files
3/9/2020 Public Hearing continuance request- North Pole Estates Definitive Subdivision Plan	Planning Files