

**SOUTH HADLEY PLANNING BOARD PUBLIC HEARING:
Recommended Amendments to Zoning Bylaw and Stormwater Bylaw to be brought forth
at Town Meeting May 2019**

MINUTES OF APRIL 22, 2019

Present: Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member Larry Butler, Associate Member; Richard Harris, Town Planner; and Colleen Canning, Recorder

Chair Cavanaugh called the public hearing into session at 6:50 PM.

Ms. Mulvaney read the public hearing notice:

Pursuant to the provisions of South Hadley Zoning By-Law, Article II and M.G.L. Chapter 40A, Section 5, the Planning Board of the Town of South Hadley will hold separate public hearings to discuss proposed amendments to the South Hadley Zoning By-Law and Zoning Map regarding the Water Supply Protection District and Special Permit Conditions as noted herein. Additionally, pursuant to Section 1-1 of the Bylaws of the Town of South Hadley, the Planning Board of the Town of South Hadley will also hold a separate public hearing on a proposed amendment to the Stormwater Management Bylaw (Chapter 200 of the Bylaws of the Town of South Hadley. The public hearings will be held as follows:

*Place: South Hadley Town Hall, Selectboard Meeting Room;
116 Main Street, South Hadley, MA*

Date: Monday, April 22, 2019

Time: 6:45 p.m. (Proposed Articles PB-1, PB-2, and PB-3)

Time: 7:00 p.m. (Proposed Article PB-4)

Time: 7:05 p.m. (Proposed Article PB-5)

The subject matter of the proposed amendments to the Zoning By-Law and Zoning Map are as follows:

Article PB-1. *To see if Town Meeting will amend Chapter 255 (the Zoning Bylaw) in Section 255-35D – Permitted Uses - by deleting the existing item (8) regarding “Excavation” and inserting a new item (8) indicating that only Earth Removal, Extraction, and/or Fill Activities identified as exempt in § 255- 84A(2) may be permitted; in Section 255-35E – Prohibited Uses - by inserting “Major and Other Earth Removal, Extraction, and/or Fill Activities” where a permit by the Building Commissioner is required in Section 255-84 as a Prohibited Use; and in the Use Regulations Schedule (Attachment A) by changing Major Earth Removal, Extraction, and/or Fill Activities and Other Earth Removal, Extraction, and/or Fill Activities (as defined in Section 255-84)*

within the Water Supply Protection District from allowed by Special Permit and Permitted by Right to Prohibited as detailed in the Planning Board's Report to Town Meeting, or take any other action relative thereto.

Article PB-2. *To see if Town Meeting will amend Chapter 255 (the Zoning Bylaw) in Section 255-35A - Purposes, by clarifying the purposes of the District; in Section 255-35B – Scope of Authority, by clarifying that any use prohibited in an underlying zoning district is also prohibited in the Water Supply Protection District; in Section 255-35C – District Delineation, by revising the boundaries of the Water Supply Protection District; in Section 255-35E – Prohibited Uses by clarifying/modifying the prohibited uses; in Section 255-35F – Restricted Uses, by deleting item (1) in its entirety and inserting a new item (1) regarding restrictions on “exempt” activities under Section 255-84 and clarifying/modifying the restrictions on uses; in Section 255-35H – Special Permit Uses by clarifying that all uses requiring a Special Permit in the underlying zoning district also require a Special Permit in the Water Supply Protection District; and in Section 255-35H – Special Permit Uses in item (3)(a) by clarifying/revising the Special Permit Review Process to be followed for the Water Supply Protection as detailed in the Planning Board's Report to Town Meeting, or take any other action relative thereto.*

Article PB-3. *To see if Town Meeting will amend Chapter 255 (the Zoning Bylaw) in regard to the Water Supply Protection District in Section 255-35D – Permitted Uses, in item (1) by adding the maximum amount of a lot that may be impervious and requiring a portion of the lot to be retained in a natural vegetative state; and in the Dimensional Regulations Schedule (Attachment B) by specifying the maximum building coverage and maximum impervious coverage for Principal uses in the Water Supply Protection Overlay District (unsewered) as detailed in the Planning Board's Report to Town Meeting, or take any other action relative thereto.*

Article PB-4. *To see if Town Meeting will amend Chapter 255 (the Zoning Bylaw) in Section 255-130 by inserting an item E providing that “a condition of any Special Permit is that the approval is conditioned upon the applicant obtaining all other local, State, and/or Federal approvals required for the activity authorized by the Special Permit” as detailed in the Planning Board's Report to Town Meeting, or take any other action relative thereto.*

The subject matter of the proposed amendments to the Stormwater Management Bylaw (Chapter 200) are as follows:

Article PB-5. *To see if Town Meeting will amend Chapter 200 (the Stormwater Management Bylaw) Section 200-20 in regards to Specific Design Criteria to restrict the discharge of runoff originating in the Zone II or Zone III of the Dry Brook Public Water Supply Well from being diverted to places outside of said Zone II or Zone III as detailed in the Planning Board's Report to Town Meeting, or take any other action relative thereto. (Note: This is a General Bylaw Amendment – not a Zoning Bylaw Amendment)*

The complete text and maps (if any are applicable) relative to the proposed amendments are available for inspection during regular business hours (8:30 a.m. to 4:30 p.m.) at the following place:

*South Hadley Planning & Conservation Department
Town Hall – 116 Main Street - Room 204
South Hadley, MA 01075*

Additionally, a copy of said proposed amendments is posted on the Planning & Conservation Department page of the Town's website under "Proposed Bylaw Amendments" - 2019 Proposals. Any person interested in, or wishing to be heard on, the proposed by-law amendment should appear at the time and place designated for the public hearing.

*Melissa O'Brien, Clerk
South Hadley Planning Board*

*Publication:
Friday, March 29, 2019
Friday, April 5, 2019*

Mr. Harris offered an overview of the articles to be discussed tonight. All articles were included in a discussion at the March 25, 2019 Planning Board Meeting in which the Conservation Commission, The Board of Health, and the Fire District No. 2 Board of Water Commissioners participated. The five articles to be discussed tonight were briefly overviewed as follows:

- Article PB-1 would amend the Zoning Bylaw to prohibit major earth removal within the Water Supply Protection District.
- Article PB-2 would amend the Zoning Bylaw to address the allowed uses, purpose, procedures, restrictions, and delineation of the Water Supply Protection District (WSPD).
- Article PB-3 would amend the Zoning Bylaw to define a maximum amount of lot clearing and impervious surfaces allowed within the WSPD.
- Article PB-4 would amend the Zoning Bylaw to make it explicitly clear that, as a condition of any Special Permit, all applicable local, state and federal laws and permits are required to remain within compliance with the municipality.
- Article PB-5 This article would amend the Stormwater Bylaw (a General Bylaw) and would restrict storm water runoff within the WSPD by requiring that such could not be discharged outside the WSPD.

Ms. Brown wanted to know the process for which applicants inform relevant Boards of their application. Mr. Harris explained that, in the current system, the town receives applications and sends them to appropriate departments. However, the Board could change their regulations to require the applicant to do so. Ms. Mulvaney offered that it could be an application requirement.

Mr. Harris advised that any change to the Board's regulations would be subject to a Public Hearing prior to changes.

Mr. Hutchinson referenced *Zoning Bylaw 255-84: Earth Removal, Extraction, and Fill Regulation*. He shared that some components of the bylaw regarding the specifics of 'prohibited area' could be revised. Mr. Harris stated that this portion could not be amended as it was not part of the legal notice. However, further revisions could be part of future considerations.

Mr. Harris commented that the overlay districts had the potential to split lots. He suggested to extend the boundary of zones to Street boundaries. This would offer a safeguard against lots being split in the future, creating lots to be within multiple zones. He added the street boundaries should encompass the entire protection zone.

Ms. Brown endorsed aspects that increased protection. However, she was concerned about the newly delineated boundaries and inquired how those lines were generated. Mr. Harris explained that Neva Tolopko, Conservation Commission Member provided the map and suggested that the Zone II and Zone III depicted on the map be used as the boundaries. The two zones were established through recommendations made by, and the 2003 SWAP Report prepared by MassDEP. Reduction in district size reflects DEP recommendations.

Ms. Brown shared that she had been in attendance at the South Hadley Conservancy Conference on April 7th which detailed hydrological studies of Drybrook Hill and the aquifer beneath it. She shared that the studies used to create these proposed delineations were old and new techniques had since been developed.

Rudy Ternbach, Ferry Street, addressed the Board. He stated that Drybrook Hill protects the aquifer and additional studies are needed before any reduction in the WSPD. He explained that new 'isotopic tracer methods' can be used to assess water quality. He urged health and safety were a primary concern for water protection.

Robert Pleasure, 10 Jewett Lane, addressed the Board. He shared he was supportive of efforts to protect the water supply. As the Mount Holyoke Range recharges the aquifer, he did not wish to see a reduction in district lines.

Kathleen Davis, 7 Saybrook Circle, addressed the Board. She referenced two maps which were provided within the agenda background materials. One showed the current WSPD and the other showed the delineation of Zone 2 and Zone 3 of the Drybrook Wellhead. She stated that she understood Mr. Harris to say that a primary reason for the proposed change in boundaries was to promote commercial development.

Mr. Harris stated that he never made such a suggestion as Kathleen Davis stated. The proposed redelineation would not change the underlying zoning thus, it would not make commercial development easier. However, residential developments would be impacted. He explained that, if

the current delineation remains and all other articles are accepted, a number of residential lots will no longer conform to the new regulations. If delineations remain the same and article #3 is removed, residential lots would still conform within the district. The larger lots mandated by the Zoning Bylaw in the WSPD does impact the ability to attract and accommodate residential development in District 2 which has been an issue raised by District 2 representatives for many years.

Rudy Ternbach addressed the Board again. He commented that he supported prohibiting earth removal with the WSPD. However, he was concerned that the other articles were rushed.

Frank DeToma, Chair of Fire District No.2 Water Commission, was asked to offer his perspective on the proposed bylaw changes. Mr. DeToma supported endorsing the DEP recommended delineation. He included that, as new studies are conducted and new technologies are developed, the delineations should reflect the best evidence given.

As there was no more public comment, Chair Cavanaugh closed the Public Hearing at 7:53 PM.

Respectfully Submitted,

Colleen Canning, Recorder

Appendix

Public Hearing Notice

Planning Files

Section 4: Environmental Inventory and Analysis

Submitted by Robert Pleasure