

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING:

Proposed General Planning Board Regulations regarding Application Requirements (including but not limited to, Application Fees and Application Review Fees) relative to Site Plan Review, Special Permit, Subdivisions, and Other Application Submittals

MINUTES OF JUNE 3, 2019

As Approved

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 6:45 PM.

Ms. Mulvaney read the public hearing notice:

Pursuant to Massachusetts General Laws Chapter 44, § 53G, Chapter 41, § 81Q, and Chapter 40A, § 9, and the South Hadley Zoning Bylaw, and the South Hadley Subdivision Regulations, the Planning Board of the Town of South Hadley will hold a public hearing to discuss proposed General Planning Board Regulations regarding Application Requirements (including but not limited to, Application Fees and Application Review Fees) relative to Site Plan Review, Special Permit, Subdivisions, and Other Application Submittals as noted herein. The public hearing will be held as follows:

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

Date: Monday, June 3, 2019

Time: 6:45 p.m.

The purpose of the proposed General Planning Board Regulations is to produce a more consistent and equitable application submittal requirements and schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by G.L. c. 44, s. 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision making by the Planning Board. The proposed Regulations, which will be supplemental to the more specific Rules and Regulations adopted for Site Plan Review, Special Permit, and Subdivision Applications, provide for the number and form of the copies of submittals (including, but not limited to, the application, support narrative, and plans) required for applications for Site Plan Review, Special Permits, Approval Not Required Plans, Preliminary and Definitive Subdivisions, Form H Plans, and waivers to any of the requirements. The complete text and maps (if any are

applicable) relative to the proposed amendments is 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 Office
Town Hall, 116 Main Street – Room 204
South Hadley, MA 01075*

Additionally, a copy of said proposed amendments is posted on the Planning Board page of the Town's website in the folder entitled "Proposed General Planning Board Rules and Regulations".

Any person interested in, or wishing to be heard on, the proposed amendments should appear at the time and place designated for the public hearing.

*Diane Supczak-Mulvaney, Clerk
South Hadley Planning Board*

*Publication: Friday, May 17, 2019
Friday, May 24, 2019*

Mr. Harris opened with background. He explained that, through conversations with Town Counsel, it had been determined that the Planning Board had adopted procedures relative to MGL c. 44, s 53G only under MGL c. 40A, s. 9. This precluded using the chapter for peer reviews under subdivision reviews, Stormwater, etc. Therefore, Town Counsel recommended that the Planning Board adopt regulations to for MGL c. 44, s. 53G to establish consistent peer-review standards for the variety of applications presented to the Planning Board. Mr. Harris added that Planning Board Regulations, unlike the zoning bylaw, could be applied to a Definitive Subdivision Plan, even if the Preliminary Subdivision Plan was already submitted prior to the adoption of Planning Board Regulations.

Additionally, the proposed Planning Board Regulations would also achieve other purposes:

- a) Specify a uniform number and format of required application submittals;
- b) Establish several additional requirements relative to work in the Zone II and Zone III of the Dry Brook public water supply area.

Mr. Hutchinson inquired what type of impact studies would be performed prior to development within the WSPD. Mr. Harris explained that it would be dependent on the scope of work, the proximity to zone 1, the existing grading, and proposed grading of the site. For example, he suggested a single flag lot in Zone III would likely only require the basic Title V assessment whereas a larger subdivision might require a more significant level of assessment. The Planning Board could determine whether the assessment was adequate for the scope of proposed activity.

Additionally, it would be within the Planning Board's authority to require a peer-review of the applicant's impact assessment.

Ms. Brown addressed a number of questions she had within the draft Planning Board Regulations text which include the following:

She questioned the use of the wording "contained on computer disc" under 2. Application- Section C. Mr. Harris responded that some applicants still submit applications on CDs.

She noted that under 2. Applications- Section E the text should read "Modification of applications..." not "modification applications...."

She inquired about the referenced appendix mentioned in 3. Application Fees. Mr. Harris stated that it was the same appendix used for all Planning Permits.

She referenced fees associated with 4. Application Review Fees and commented that an application should not be accepted if a fee is not paid. Mr. Harris stated that after an application is stamped by the Town Clerk it is considered accepted. However, the Board would be able to deny a project at the time of the meeting if the fee was not paid.

She referenced 5. Professional Field – Section B Minimum Qualifications- Part ii. She questioned the ambiguity of "...or a related field." Mr. Harris commented that the section was taken from State Law.

She referenced 7. Deposit of Funds/Establishment of Special Account/ Use of Funds – Section B. She desired to see a more comprehensive list following "...but are not necessarily limited to:...". Mr. Harris explained that that the list was for review of the project not for an independent study.

She referenced 13. Appeals –Section A Method of Appeal and asked for clarity in the wording.

She asked how "7 days" was defined under 13. Appeals – Section D Waiver of Appeal. Mr. Harris stated that it was defined as 7 calendar days.

She noted that under 13. Appeals – Section D. Waiver of Appeal. The text should read "...to appeal **on** the part of the project applicant..." not "...to appeal **of** the part of the project applicant..."

Regarding appeals, Ms. Brown asked if the Planning Board could receive a copy. Mr. Harris explained that appeals of Planning Board Decisions are not reviewed by the Planning Board.

Chair Cavanaugh noted that under 13. Appeals – Section E. Action on an Appeal- part ii the text should read “a conflict **of** interest...” not “a conflict **or** interest”

Mr. Hutchinson inquired where in the South Hadley Bylaw/General Code the Planning Board Regulations would be found. He suggested it be in the Zoning Bylaw. Mr. Harris replied that General Code Corporation maintains the e-code and it would be up to that entity to decide where to incorporate it. However, Hr. Harris suggested he would expect that a separate chapter or section would be created for the Regulations. If they were put under the Zoning Bylaw, they would likely not be seen by persons applying under the Subdivision Regulations or Stormwater Management Bylaw. He added that the regulations should be referenced on Planning forms so applicants are easily able to access it.

Chair Cavanaugh opened the discussion to public comment.

There was no public comment.

As there was no additional discussion, Chair Cavanaugh closed the Public Hearing at 7:36 PM.

Respectfully Submitted,

As Approved

Colleen Canning, recorder

Appendix

Document	Document Location
Public Hearing Draft Planning Board Rules and Regulation	Planning Files