

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MEETING MINUTES OF JULY 10, 2023**

Present: Diane Mulvaney, Chair; Nate Therien, Vice-Chair; Joanna Brown, Clerk; Brad Hutchison, Member; Michael Davis, Member; Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Mulvaney called the meeting to order at 6:15 PM and reviewed the virtual meeting protocols.

Executive Session – Pursuant to M.G.L. c. 30A sec 21(a)(3), and subject to the Chair’s declaration that public discussion will have a detrimental impact on the litigating position of the Board, the Board will go into Executive Session to discuss strategy with respect to litigation in the matter of Chicopee Concrete Service, Inc v. Hutchinson, et al. (South Hadley Planning Board and Board of Health) C.A. No. 2180CV00038; this session may be held jointly with the Board of Health.

Chair Mulvaney indicated that the Board would enter executive session and return to their regular meeting around 7:00 PM.

Motion: Member Hutchison moved to enter executive session pursuant to MGL c.30A sec. 21 (a) (3). Clerk Brown seconded the motion. Five (5) out of five (5) members present voted in favor of the motion through roll call.

(See executive meeting minutes)

The Board returned to their regular meeting at 7:18 PM.

Agenda Item #1 --- Open Comment Period

No comments were received during the open comment period.

Agenda Item #2 --- Minutes

Draft minutes of the May 22 regular meeting, June 2 joint meeting, and June 12 regular meeting were sent to the Board for review. Revised versions of the minutes were sent prior to the meeting to correct spelling and grammar errors.

Motion: Member Hutchison moved to approve the minutes of the May 22 regular meeting as revised. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Motion: Member Hutchison moved to approve the minutes of the June 2 joint meeting and June 12 regular meeting as revised. Clerk Brown seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Member Davis abstained from the vote as he was not in attendance at the meetings.

Agenda Item #3 --- Correspondence

Correspondence was sent to the Board. Additional correspondence was sent prior to the meeting.

Agenda Item #4 ---- Approval Not Required Plan filed by Patty Stefanelli to create a new lot off 39 Old County Road, Assessor's Map 58, Parcel 119

The applicant's consultants, Tim Armstrong of Berkshire Design and Roger Cooney of Wright Builders, were present at the meeting.

Director Capra explained that an Approval Not Required (ANR) plan was received which sought to create a new lot, which satisfied dimensional requirements for a new building lot, off the property located at 39 Old County Road. Old County Road was created through a subdivision plan approved by the Board in the 1990s. As such, it satisfied that standard for 'type of way'. The newly created lots confirmed to dimensional requirements and vital access was demonstrated as other residential homes were on the street.

Clerk Brown questioned if the road's condition satisfied the standard for 'vital accesses' as the road was stone and gravel. Director Capra responded that the DPW Director indicated that the road was maintained but not Town-owned. She added that residential homes were located on the road further down than the newly proposed lot. Additionally, the legal requirements for 'vital access' under the ANR process was interpreted broadly by the court.

Kim Carver, 41 Old County Road, addressed the Board. She indicated that a resident of the street was maintaining the road as DPW only plowed occasionally. She asked what the intention of the ANR was. Director Capra responded that the intention of the ANR was not part of consideration for endorsement. She noted that the land could be developed in any manner that was permissible under zoning.

Al Cordner, 37 Old Country Road, addressed the Board. He indicated that DPW did not maintain the road but did plow during the winter months. He was concerned that the road could not accommodate additional traffic. Additionally, he was told by previous Town Staff that further subdivision of the road could not be done. Director Capra clarified that the minimum standards for ANR endorsement had been demonstrated. However, she did agree that the existing roadway would not receive approval under existing requirements for subdivision approval.

Roger Cooney, who represented that applicant, shared that his client was seeking to develop a single family home on the lot. However, the site was complex and there were limitations on development. ANR endorsement was the first item that needed to be accomplished before site development could be considered.

Mark Derosier, 310 Amherst Road, addressed the Board. He owned property with frontage on Old County Road. He did not feel the ANR satisfied conditions for approval. He indicated that the roadway could not accommodate additional traffic and supported the previous comments regarding the roadway not being maintained by DPW.

Motion: Member Hutchison moved to endorse the ANR to create a new lot off 39 Old Country Road. Vice-Chair Therien seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

Motion: Vice-Chair Therien moved to authorize the Director of Planning and Conservation, Anne Capra, to sign the ANR on the Board's behalf. Member Hutchison seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #5 --- Public Hearing to consider a Special Permit application and Illuminated Sign Request filed by the Kkem Family c/o Carolyn Parker Consulting to alter a non-conforming illuminated sign for the purpose of updating signage at the "Gulf" gas station at 72 Lamb Street, Assessor's Map 18 Parcel 93

Chair Mulvaney called the hearing to order at 8:26 PM. (See Public Hearing minutes)

The regular meeting reconvened at 8:57 PM.

Agenda Item #6 --- Planning & Conservation Department Report

Director Capra detailed the following items:

- *Housing Production Plan (HPP)* – A survey would be made available to the public until July 16 to respond to the concepts discussed during the Community Forum #2. An updated tentative schedule for HPP review and adoption was provided.
- *Future Meeting Schedule* – The Board discussed and agreed upon the future meeting schedule as follows: July 24, August 14, September 11, September 25, October 2, October 23, November 13, November 27, December 4, and December 18.
- *Open Comment Period* – The Board was waiting to hear a response from Town Counsel on their concerns prior to further considering revisions.
- *Water Supply Protection* – The anticipated Dry Brook Aquifer study would commence soon with a report anticipated in June 2024. The Water Supply Protection Group had been notified of the update. Chair Mulvaney would function as Planning Board liaison to the working group.
- *Subdivision Regulation Update* – The Board could anticipate beginning review of updates to the subdivision regulations and related bylaws at the next meeting.

Agenda Item #7 --- Other New Business

Hybrid Meetings – Clerk Brown expressed interest in discussing the feasibility of hybrid meetings at a future meeting. Members responded by addressing challenges with the hybrid meeting format. Chair Mulvaney stated that the Board could further discuss hybrid meetings at an upcoming meeting and asked members to come prepared with ideas for discussion.

Agenda Item #8 – Adjournment

Motion: Member Hutchison moved to adjourn the meeting. Vice-Chair Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call vote.

The meeting adjourned at 9:24 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
ANR 39 Old County Road, Assessor's Map 58, Parcel 119	Planning Files

SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:

Special Permit application and Illuminated Sign Request filed by the Kkem Family c/o Carolyn Parker Consulting to alter a non-conforming illuminated sign for the purpose of updating signage at the “Gulf” gas station at 72 Lamb Street, Assessor’s Map 18 Parcel 93

MEETING MINUTES OF JULY 10, 2023

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Chair Mulvaney called the public hearing to order at 8:26 PM and reviewed the virtual meeting protocols. Clerk Brown read the hearing notice as follows:

The Planning Board will hold a virtual public hearing on July 10, 2023 at 7:15 p.m. to consider a Special Permit application and Illuminated Sign Request filed by the Kkem Family c/o Carolyn Parker Consulting to alter a non-conforming illuminated sign for the purpose of updating signage at the “Gulf” gas station at 72 Lamb Street, Assessor’s Map 18 Parcel 93, pursuant to the Zoning Bylaw 255-7 (existing uses, building and structures; nonconforming uses); 288-85G (illumination of signs); Article IX (special permits); and the Zoning Dimensional Regulation Schedule.

The public hearing will be conducted virtually on Zoom. Persons may join as follows:

URL to join: <https://us02web.zoom.us/j/82641555690?pwd=a3F1aXhDTG1ycnVOOGZRQnIzMnBsUT09>

Or join by phone: +1(301) 715 8592, Webinar ID: 826 4155 5690 Passcode: 401387

The property is located within the Business A-1 zoning district and is an existing gas station.

The application is on file in the Planning & Conservation Department Office (Room U6) in Town Hall and posted at www.southhadley.ma.gov under ‘Permit Applications’-Special Permit’ under section ‘Lamb Street (72) - Nonconforming Illuminated Sign’ or viewed at: <https://www.southhadley.org/1181/SpecialPermits>.

Any person interested in, or wishing to be heard, should appear/join the hearing at the time and in the manner designated. This meeting is being conducted remotely consistent with Chapter 2 of the Acts of 2023 which extends the March 2020 Governor’s Order suspending certain provisions of the Open Meeting Law MGL Ch. 30A Sec. 20 until March 31, 2025.

Joanna Brown, Clerk

South Hadley Planning Board

Publication: Friday, June 23, 2023

Friday, June 30, 2023

The applicant’s consultant, Christopher Hutwelker of Ready Imagining, was present at the hearing.

Director Capra explained that an application for special permit and sign illumination had been received to upgrade existing signage at the ‘Gulf’ gas station located at 72 Lamb Street. A special permit application was required because the existing sign was pre-existing and dimensionally non-conforming. Across the site, some signage would be removed while others would be replaced. For example, signs referencing a car wash would be removed and not replaced as the service was no longer offered. Director Capra indicated that additional information was needed to assess the illumination on the canopy as it was unclear what features were proposed for illumination. Town departments had received the application and no concerns were noted.

Christopher Hutwelker further detailed the features of the newly proposed signage. The gas station owner was seeking to update the site’s existing signs to feature updated branding. The

updated signs at the fuel dispensers and pumps would not be illuminated. The freestanding sign would remain the same size and only the logo lettering would be illuminated. Under the logo, gasoline pricing would be displayed and would toggle between cash and credit pricing.

Member Hutchison observed a proposed strip of stylized illumination along the gas station canopy. Members discussed the stylized strip and generally did not feel that it conformed to the illuminated sign bylaw as it was not part of the brand logo. Chris Hultwelker responded that any feature of the sign could be modified to satisfy the conditions of the Board.

Member Davis asked what the hours of operation were for the business. Chris Hutwelker responded that the business hours were 6:00 AM to 6:00 PM. Signs were only proposed to be illuminated during normal business hours.

No public comments were heard during the hearing.

Motion: Clerk Brown moved to find that the proposed sign alteration was not substantially more detrimental than the existing non-conformity to the existing neighborhood **and** moved to issue a special permit for replacement of existing, dimensionally nonconforming signage as well as approval for illuminated signage at 72 Lamb Street with special conditions as discussed during the hearing which include the following: 1) the proposed illuminated vertical strip on the canopy fascia is not to be illuminated; and 2) sign illumination is only authorized during normal business hours. Member Hutchison seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Motion: Member Hutchison closed the public hearing. Clerk Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The hearing adjourned and the regular meeting reconvened at 8:57 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Special Permit and Illuminated Sign Application	Planning Files