

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING
MINUTES OF OCTOBER 7, 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, Senior Clerk Planning and Conservation

Rudy Ternbach, Precinct E, submitted notice to the Chair that he would be audio recording the meeting.

Chair Cavanaugh called the meeting into order at 6:00 PM

Agenda Item #1 --- Minutes

Draft minutes of the September 23, 2019 regular meeting and the draft minutes of the September 23, 2019 Public Hearing to consider a *Special Permit Application for the conversion of One-Family to a Two-Family Dwelling at 116 Brockway Lane* were previously transmitted to the Board for their review.

Motion: Clerk Mulvaney moved to approve the draft regular meeting minutes of September 23, 2019. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members present voted in favor of the motion.

Motion: Clerk Mulvaney moved to approve the draft minutes of the September 23, 2019 Public Hearing to consider a *Special Permit Application for the conversion of One-Family to a Two-Family Dwelling at 116 Brockway Lane*. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Agenda Item #2 --- Correspondence

The list of correspondences had been previously transmitted to the Board for their review. Additional correspondences had been received relating the scheduled Public Hearing for the proposed Skinner Woods Flexible Development and would be considered at the time of the hearing.

As the time was not yet 6:45PM, The Public Hearing continuance under Agenda Item #3 was skipped and would be addressed following the advertised time.

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

Mr. Harris began the development update and planner's report by inquiring with the Board if the next scheduled regular meeting on October 28, 2019 could start at 6:00 PM, rather than the routinely scheduled 6:30 PM, as the next meeting had a full agenda. Members of the Board were agreeable to the early start time.

a. Development Report

- North Pole Estates Preliminary Subdivision Plan – Mr. Harris explained that there was no change. The applicant’s consultant had indicated that they plan to submit a Definitive Plan before October 25, 2019.
- 36 Bridge Street Mixed Use Development – Mr. Harris noted no change. The applicant was currently working through the Conservation Commission’s requirements.
- Newton Street Smart Growth Zoning District – Mr. Harris noted no change.
- Ethan Circle – Mr. Harris noted no change.
- Rivercrest Condominiums – Mr. Harris noted no change.
- Former Library conversion to condominiums – Mr. Harris noted no change
- 1 Canal Street condominiums – Mr. Harris noted no change.
- ITW Cell Tower on Hadley Street – Mr. Harris noted no change
- 10 Bengier Avenue – Mr. Harris shared that a Special Permit application had been submitted for erection of an 8 foot high vinyl stockade fence in a residential zoning district. This matter is scheduled for a public hearing on October 28th.

b. Bylaw Amendments

- Bylaw Amendments for 2019: Mr. Harris explained that bylaw amendments would be discussed under agenda items #4 and #5.
- Water Supply Protection District Revisions: Mr. Harris explained that revisions would be discussed under agenda items #4 and #5.

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority: Mr. Harris explained that the Urban Renewal and Redevelopment Plan is proposed for Town Meeting consideration in November 2019
- Complete Streets Program Participation: Mr. Harris noted no change. The contractor had completed most of the work.
- Open Space & Recreation Plan and Master Plan Updates were detailed by Mr. Harris as follows:

Meetings of the OSRP Update Advisory Committee and Master Plan Update Advisory Committee were held September 11, 2019.

A complete draft of the Open Space & Recreation Plan has been provided to the committee members and they have provided comments/suggested edits for the consultant to incorporate.

d. Workshops/Training Opportunities

Mr. Harris explained that several people would be attending the MassDOT annual “Moving Together” conference in October as well as the Southern New England APA annual conference also in October. He added that he discussed the possibility of Board Member attendance at the “Moving Together Conference” with the Town Administrator. The Town Administrator would verify if there was a budgetary allowance to additional attendees.

Agenda Item #9 --- Other New Business

Vice-Chair O'Brien invited everyone to attend the *Go4Life Stroll* which would be held at the River to Range Trail on October 20, 2019 from 1:00 PM – 4:00 PM. The event was co-sponsored by the Conservation Commission, the Council on Aging, and the Bike-Walk Committee.

Frank DeToma, Historic District Study Committee member, addressed the Board. He shared that a Public Hearing was held on September 23, 2019 to discuss the proposed North Main Street Historic District. Feedback was received from residents who expressed concern for fines for non-compliance. Mr. Harris noted that non-compliance fines are often designed to grab attention and the amount defined within the proposed draft was within an ordinary range. He added that fines relating to the proposed historic district were not part of the zoning bylaw and were within the Selectboard's purview.

Agenda Item #3 --- SCHEDULED PUBLIC HEARING: Applications for Site Plan Review and Stormwater Management Permit for proposed Senior Center. Property Location: 45 Dayton Street (Assessor's Map #28 – Parcels #154 and #155).

Clerk Mulvaney had previously recused herself from discussions as she is Chair of the Senior Center Building Committee.

Mr. Harris shared that the Town's consultant, Milone and MacBroom, sent a request in writing to continue the Public Hearing to allow additional time to respond to comments generated from the Public Hearing and third party peer-review. In accordance with Planning Board regulations, the consultant submitted the continuance request more than 72 hours prior to the Hearing. Therefore, the consultant was not required to attend the meeting. It was up to the Board's discretion to continue the Public Hearing.

Motion: Vice-Chair O'Brien moved to continue the Public Hearing to October 28, 2019 at 7:00PM. Mr. Hutchinson seconded the motion. Four (4) out of Five (5) members voted in favor of the motion. Clerk Mulvaney abstained from voting as she is the Chair of the Senior Center Building Committee.

As the time was not yet 7:15 PM, the Public Hearing under Agenda Item #4 was skipped and would be returned to at the appropriate time.

Agenda Item #9 --- Other New Business

Linda Young, 15 Westbrook Lane, addressed the Board. She inquired what goals and initiatives the Planning Board would be working on throughout the upcoming year. Board Members detailed goals which included:

- affordable housing initiatives
- arts and culture zoning considerations
- development of a Planning Board operations manual
- signage regulation considerations
- public comment period consideration
- Municipal Vulnerability Preparedness (MVP) consideration and implementation

- Implementation of the soon-to-be-expected *Open Space and Recreation Plan* and *Master Plan Update*

Linda Young, 15 Westbrook Lane, addressed the Board. She invited everyone to attend two events hosted by 'Know Your Town'. The first event would be held on October 17, 2019 at the High School Library to discuss climate change and steps individuals can take in addressing it. The second event would be hosted on October 24, 2019 at the High School to address opioid use and vaping.

As the time was not yet 7:15PM, The Public Hearing under Agenda Item #4 could not begin. As all other business was addressed, Chair Cavanaugh called the meeting into recess at 6:58PM.

Chair Cavanaugh called the meeting back into order at 7:15 PM.

Agenda Item #4 --- SCHEDULED PUBLIC HEARING: Public Hearing on Proposed Zoning Bylaw Amendments regarding Section 255-35 and Section 255-84 of the Zoning Bylaw.

Chair Cavanaugh called the Public Hearing into order 7:15 PM (See Public Hearing Minutes)

The regular meeting reconvened at 8:42 PM.

Agenda Item #5 --- CONSIDER RECOMMENDATIONS: Consider Recommendations to Town Meeting regarding Proposed Zoning Bylaw Amendments and Proposed Stormwater Management Bylaw Amendment

Mr. Harris addressed the Board. He clarified that a separate Public Hearing would be held October 28, 2019 to consider amendments to Section 255- 84D(3) and Section 255-84F incorporated within Article PB-2. He explained that, if the Board wanted Articles PB-1 and PB-2 to be considered at Fall 2019 Town Meeting, a motion of support would be required for the articles to get on the warrant as the deadline was soon approaching. Language within the proposed amendments could be discussed or altered prior to Town Meeting consideration.

Motion: Clerk Mulvaney moved to support that Article PB-1 (prosed amendments within Section 255-35 of the South Hadley Bylaw) and Article PB-2 (prosed amendments within Section 255-84 of the South Hadley Bylaw) proceeded to the November 2019 Special Town Meeting. Mr. Hutchison seconded the motion. Five (5) out of Five (5) members voted in favor of the motion.

Agenda Item #6 --- SCHEDULED PUBLIC HEARING: Application for Special Permit and Stormwater Management Permit for proposed Skinner Woods Flexible Development. Property Location: north side of Amherst Road (Assessor's Map #58 – Parcel #21 and Assessor's Map #60 – Parcel #31).

Chair Cavanaugh called the Public Hearing continuance into order at 8:44PM. (See Public Hearing Minutes)

The regular meeting reconvened at 10:10PM.

Agenda Item #7 --- CONSIDER DECISIONS: Application for Special Permit and Stormwater Management Permit for proposed Skinner Woods Flexible Development. Property Location: north side of Amherst Road

No decisions were considered as the Public Hearing was continued to October 28, 2019 at 7:30PM.

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 Mulvaney moved to adjourn the meeting at 10:11 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
Fall Town Meeting Zoning Bylaw Amendments – Public Hearing Drafts	Planning Files
Notice from Milone and MacBroom requesting Public Hearing continuation for Stormwater Management Plan and Site Plan Review of new Senior Center	Planning Files

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING

Application for Special Permit and Stormwater Management Permit for proposed Skinner Woods Flexible Development.

MINUTES OF OCTOBER 7, 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, Senior Clerk Planning and Conservation

Chair Cavanaugh called the Public Hearing continuance into order at 8:44 PM.

The applicant, Thomas Spring, was present at the hearing along with his consulting engineer, Bucky Sparkle.

Bucky Sparkle addressed the Board. He explained that minor changes had been made to the plan since the previous hearing date. In response to comments from the Board, satellite images of the overall property were provided with an overlay to show the proposed development's relation to the entire site. The open space would be owned by the condo association and a restrictive covenant would be applied and recorded at the registry of deeds. The plan provided the location of the proposed road, which follows a current access path. Additionally, the limit of tree removal and intended landscaping plan was provided. He added that stormwater management figures had been updated to reflect the updated dimensions of the proposed site.

The consultant continued by giving a general overview of the proposed development as was explained at previous hearings. He described the architectural style of the proposed dwellings which were within a similar style and size of existing homes within the neighborhood. He explained that the proposed development exceeded all requirements for flexible development. He provided calculations to show that the number of units were below the allowable amount provided by the Density Bonus. He detailed two waivers from Subdivisions Regulations which had been approved by the Fire District. The regulations require 50 foot wide right-of-way. However, as the proposed development is a condominium, there is no right-of-way. Additionally, the applicant requested a waiver from dead-end street requirement. Streets 400 feet or longer require a 'Y' or 'T' turnaround. Bucky Sparkle explained that proposed street would effectively be 350 feet as no construction was proposed at portions of the beginning and end of the street.

Bucky Sparkle continued by reviewing comments around septic requirements as addressed at the previous hearing date. He detailed his communications with the Town Planner and Public Health Director to gathering appropriate answers. Within the Town's flexible development standards, there is a requirement for 'common septic disposal systems'. However, he explained that the bylaw does not define 'common' and there were no such title five requirements. He explained that each dwelling would have an individual septic tank. However, as it was a condo development, the tanks would technically be 'common'. He added that individual tanks would be

easier to fix than large shared tanks. Additionally, individual tanks would find easier placement within the development given its clustered design. He added that a septic management plan would be provided.

Proposed mitigation for tree removal was reviewed by Bucky Sparkle. He provided an overlay of the proposed site which showed proposed trees for removal. He explained that there were 30 healthy trees on site with 28" diameter or larger. Of those, 20 were proposed for removal. He explained that 187 diameter inches were proposed for removal. Therefore trees totaling 187 inches in diameter would be replanted as mitigation. The planting plan would be designed by an arborist and would be designed to restore the former gravel pit area.

The consultant touched upon the peer-review of the Stormwater Management Plan. He noted that there were only minor issues which could be addressed. He added that the stormwater management plan was designed to withstand the 100-year-storm and complied with the stormwater management handbook. Mr. Harris noted that the updated peer-review was just received the day of the meeting. Therefore, the applicant had not been able to respond. A written response from the applicant would be required prior to closing the Public Hearing.

Bucky Sparkle addressed a letter received from an attorney representing Lecca Construction, an abutter of the proposed development. The letter expressed five concerns for the proposed project. The first comment regarded notice of the Public Hearing to the abutters. The mailing list was generated from the Assessor's office and sent via registered mail by the Planning Department. The second comment regarded the allowable number of units relative to zoning. Bucky Sparkle explained that the number of units was allowable as a 'flexible development'. The third comment concerned Lecca Construction's activities on the abutting property. The property abutting the proposed development functions as a mining operation. Therefore, loud noises and dust were common and the objector wanted notice given to potential residents. The fourth comment stated that no access would be granted to their property from the proposed development. The last comment requested that the applicant install a fence to prevent residents of the proposed development from entering the property owned by Lecca Construction. Bucky Sparkle responded to the comment by stating that the area was priority habitat for turtles and a fence could prohibit the turtle's movement. The current plan received approval from the *Natural Heritage and Endangered Species Program*. Additionally, Lecca Construction could install a fence on their property which is customary when a property owner doesn't want trespassers; rather than requiring the abutter to do so.

Robert Pleasure, Jewett Lane, addressed the Board. He inquired who would permit the septic system maintenance agreement. Mr. Harris explained that Public Health Director permits septic systems. Robert Pleasure continued by making an observation on the bylaw. He explained that the bylaw requires 'common septic' for flexible development. Therefore, there was an appearance that the bylaw would not be followed. He used this as an example for why there should be a commission set in place for bylaw review.

Attorney Gary Ensue, representative of Lecca Construction and resident of 35 Lorraine Avenue, addressed the Board. He described the proposed development was 'illusionary'. He explained

that the applicant chose a 'flexible development' design over a 'standard subdivision' due to site constraints. The former gravel mine at the rear of the property would be timely and explanative to fill. He argued that was the reason to choose flexible development. Separately, he informed the Board that his client, James Lecca, changed his mailing address with the Town to a Florida mailing address. The letter was sent to his former local mailing address.

Bucky Sparkle responded to comments made during the hearing. He explained that he had been in communication with the Board of Public Health throughout the application process to assure that their requirements were met. Separately, he explained his client could have laid out the development in multiple different ways. He expressed that this site was uniquely suited for flexible development.

Chair Cavanaugh inquired when ongoing maintenance manuals would be prepared. Bucky Sparkle explained that the stormwater management manuals were already prepared. Septic maintenance manual would be prepared at a later date.

Ms. Brown inquired about snow removal and snow storage on site. Bucky Sparkle used the proposed plan to show an appropriate location for snow storage. He explained that, due to site constraints, all stormwater flows to one location where it is treated.

Ms. Brown commented on restoration of the former gravel pit. She was unsure if the developer had a genuine interest in conservation or was interested in profit maximization. Bucky Sparkle responded that the bylaw does not detail a requirement for conservation stewardship. He added that more dwellings could have been proposed, as the number of dwellings was below the allowable amount for flexible development. Additionally, the easiest and cheapest way to develop the land would have been a standard subdivision; which the applicant chose not to do.

Chair Cavanaugh asked the consultant to clarify the intended access to open space on site. Bucky Sparkle explained that there wouldn't be public access to the open space and that adjoining trails off site were not proposed at this time.

Ms. Brown inquired about placement of the development sign at the site's entrance. She expressed concern for driver's line-of-site when pulling out onto Route 116. Bucky Sparkle explained that the sign would be 10 feet from the road; as not to obstruct the view. Chair Cavanaugh observed that it appeared that the development sign was within MassDOT's right-of-way. Bucky Sparkle made note and would alter the plans

Neva Tolopko, 28 San Souci Drive, addressed the Board. She inquired if the former gravel pit might contain dangerous materials. Bucky Sparkle responded that he dug multiple holes on site, one 16 feet deep, to gather soil information for stormwater calculations. He noted nothing of concern.

Attorney Gary Ensor addressed the Board again. He noted a discrepancy in referencing the former gravel pit area as both 'inaccessible' and 'recreational'. Separately, he advocated for a fence between the proposed development and his client's property, Lecca Construction. He stated that an elevated fence could be installed to allow for turtle passage. Bucky Sparkle responded to by stating he didn't refer to the former gravel pit area as one of 'recreation.'

Additionally, he reiterated his earlier claim that fences are customarily installed by property owners who don't want to be trespassed against.

Members of the Board reviewed items that needed to be addressed prior to the close of the Public Hearing concerning the Special Permit Application and Stormwater Management Plan as follows:

- The applicant needed to respond in writing to the peer-review received 10/7/19
- The Board needed to receive confirmation, in writing, of Fire District No. 2's allowance for waivers from Subdivision Regulations

Mr. Harris reiterated that additional components of the plan could be conditional of endorsement of the Special Permit or to be reviewed during Form H endorsement.

Motion: Mr. Hutchison moved to continue the Public Hearing to October 28, 2019 at 7:30PM. Clerk Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

The regular meeting reconvened at 10:10 PM.

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

Appendix

Document	Document Location
Peer Review received 10/7/19	Planning Files
Letter from Attorney representing Lecca Construction, an abutter to the project	Planning Files
Rendered Plans for development used at 10/7/19 Public Hearing	Planning Files