

Background Materials – July 10, 2023– Planning Board Meeting

7:00 PM

Prepared by Anne Capra, Director of Planning and Conservation, 7/7/23

Cable Access Channel 15 –The Cable Studio has indicated that this meeting will be live streamed on Channel 15.

AGENDA ITEM #1 Open Comment Period

This 10-minute period is set aside for the public to offer comments on items not on the posted agenda, in accordance with the adopted policy, as amended 8/8/22, posted on the Town of South Hadley Planning and Conservation Department webpage here:

<https://southhadley.org/DocumentCenter/View/9842/Open-Comment-Period-Policy---As-Adopted-2022-08-08>

Action Needed: Allow members of the public to offer comments to the Board.

AGENDA ITEM #2 Minutes

Planning and Conservation Coordinator Colleen Canning will forward minutes separately.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3 Correspondence

Correspondence is attached.

Action Needed: No action needed.

AGENDA ITEM #4 39 Old County Road Approval Not Required Plan

Plan online here: [39-Old-County-Rd---ANR---2023 \(southhadley.org\)](#)

An application for endorsement of a plan believed not to require approval (ANR) has been submitted by Patty Stefanelli for a portion of the property located at 39 Old County Road, Assessor's Map 58, Parcel 119. This is a 10.645 acres parcel within the Agricultural zoning district and the Water Supply Protection Overlay District. The ANR proposes to create two new lots: Lot 1 - 1.545 acres and Lot 2 - 9.100 acres. The owner of record is EEPS, LLC per Deed Book 14737, Page 198. Patty Stefanelli is the LLC manager and signatory as recorded with Secretary of the Commonwealth.

ANR Standards for Approval

1. Type of Way:

Lots shown on an ANR plan must front on one of the following types of ways:

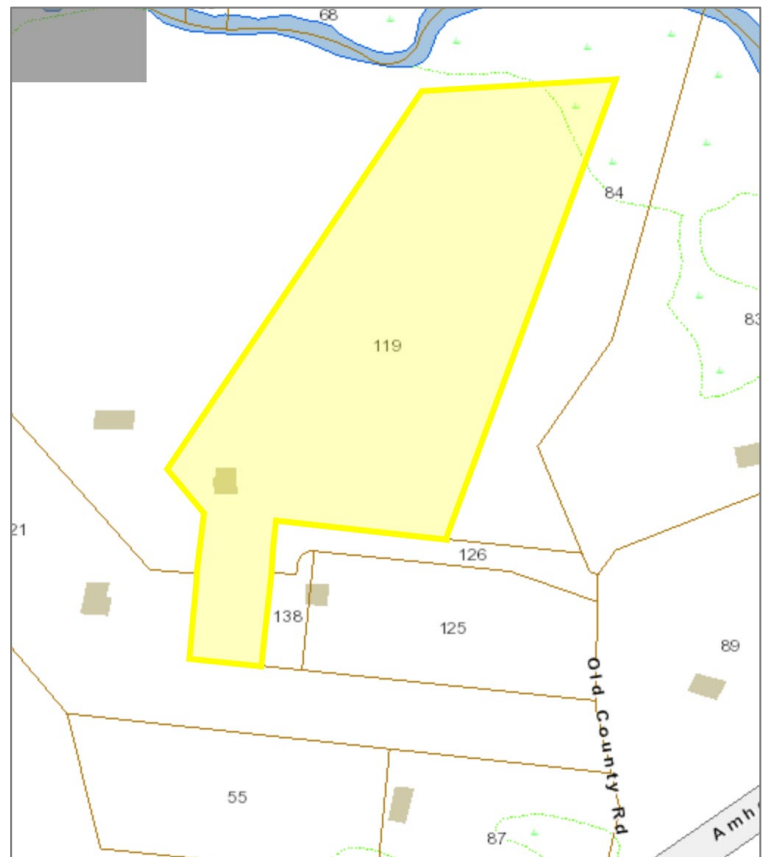
- i. A public way or a way that the municipal clerk certifies is maintained and uses as a public way.
- ii. A way shown on a plan that has been previously approved in accordance with the Subdivision Control Law.
- iii. A way in existence when the Subdivision Control Law took effect in the municipality...

The subject ANR for 39 Old County Road meets standard ii.

[Old-County-Road---Definitive-Subdivision-Plan---2000 \(southhadley.org\)](#)

[Old-County-Road---ANR---2021 \(southhadley.org\)](#)

Old County Road is a private 50' wide right-of-way created by Definitive Subdivision Approval in 1995, and "reapproved" in 2000. The subdivision road is parcel 126 on the Assessor's map to the right. The 1995 Definitive Subdivision Plan dated 6/30/95 and stamped by the Town Clerk was not recorded at the Hampshire County Registry of Deeds. In 2000, the owner of Lot 1 (Assessor's Map 58, Parcel 125; 37 Old County Road) sought a building permit to construct a house, and at which time, it was discovered that the approved Definitive Subdivision Plan had not been record. The Planning Board reapproved the plan on October 19, 2000, as recorded at the Registry in Plan Book 187, Page 173 on 11/8/2000. A building permit was subsequently issued for construction of a new residential dwelling on 12/17/2001.



The property subject to the ANR, 39 Old County Road (Assessor's Map 58, Parcel 119) was an existing parcel with an existing single-family residential dwelling (constructed in 1984) at the time of the Definitive Subdivision Approval for Old County Road. Underlying Old County Road is a preexisting 50' wide right-of way used for access to this parcel. The deeds for each of the property owners along Old County Road reference this easement. After the Definitive Subdivision Approval, this parcel gained frontage along the right-of-way created by the subdivision.

Per note #4 on the subject ANR Plan, "Old County Road" is currently owned by EEPS, LLC, the ANR applicant. This road is identified as Assessor's Map 58, Parcel 126, as was created per the 1995 and 2000 Definitive Subdivision Plan Approval, recorded in Plan Book 187, Page 173.

The proposed ANR seeks to subdivide the 10.645 acres parcel into two new parcels identified as Lot 1 (1.545 acres with 151' frontage), which would retain the existing single-family residential structure, and Lot 2 (9.10 acres with 288.76' of frontage).

2. Minimum frontage requirements for zoning district:

Min. Lot Area = 40,000 SF

Min. Lot Frontage = 150'

Mon. Setbacks:

Front 40'

Side 20'

Rear 25'

Proposed Lot 1:

1.545 acres (67,292 SF)

151' frontage

Existing house -

Front setback = 88'

Side setback = 45.5'

Rear setback = 44.2'

Proposed Lot 2:

9.1 acres (396,392 SF)

288.76' frontage

3. Vital access: The vital access standard requires that ways must be safe and convenient for travel. Due to the presence of existing occupied residential dwellings accessed via the subject Old Count Road subdivision way, this standard is presumed to be met.

Recommendation: I recommend endorsement of the ANR because the plan is for the creation of a lot shown on a plan that has been previously approved in accordance with Subdivision Control Law, creates two lots that mee the minimum frontage and lot sizes for the Agricultural Zoning District in the Water Supply Protection Overlay District and does not create an non-conformities for existing structures, and safe and convenient access is available.

Action Needed: The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board's behalf.

7:15PM AGENDA ITEM #5 72 Lamb Street Special Permit Application and Illuminated Sign Permit Request

Application and plans online here: [Lamb Street \(72\) - Nonconforming Illuminated Sign | South Hadley, MA - Official Website](#)

This is a Special Permit application for the expansion/alteration of a pre-existing nonconforming structures in the form of replacement of existing signs at the Gulf gas station located at 72 Lamb Street (Assessor's Map 18, Parcel 93). Due to the illumination of the proposed replacement signs, Illuminated Sign Approval by the Planning Board is required. The property owner is seeking to reimagine the Gulf Station located on the corner of Lamb and Galyord Street, utilizing Gulf's new image and design standards portfolio. The changes as illustrated in the above referenced plans include the following:

Freestanding Pylon Sign:

- Reface the existing pylon sign, includes illumination
- Change the prices from manual to LED, but maintain the location, footings and overall SF

Fuel Dispensers (Gas Pumps) Overhead Canopy:

- Reskin the canopy and install 2 Gulf signs, 1 Gulf disc, and install new fascia with illumination

Fuel Dispensers:

- Reskin the existing dispensers which appear to include new Gulf signs atop (not sure if these are illuminated).

Garage and Office Building (former carwash):

- Remove 7 assorted wall signs
- Install 4 new directional service signs above bay doors.

Department Comments:

Fire District 1, Captain Jason Houle:

The Fire Department does not have any concerns.

Fire District 1 Water Department, Jeff Cyr:

Thanks for sending this along. I have no comments related to the special permit.

DPW Superintendent, John Broderick:

DPW has no comments/issues with these improvements. I think it will be a nice aesthetic improvement for the town, long overdue.

Police Department, Chief Gundersen:

I have no concerns.

SHELD, Matt Delmonte:

SHELD has reviewed the application materials and we have no objections.

Historical Commission, Robert Judge:
The Historical Commissioners have no comments.

Overall, the exterior improvements will significantly improve the façade of this business located at the gateway to South Hadley Falls. The Gulf Station received a REDO Grant from the Town to replace the garage doors last year, as part of the Falls Façade Improvement Program. The proposed illumination appears to meet the illumination standards set forth in 255-85 as the plans show the Guld sign illuminated, pricing and words illuminated. I recommend seeking clarification from the applicant regarding the proposed illumination to determine if compliance is met.

The Special Permit pertains specifically to the large freestanding sign pylon, which exceeds the standards in 255-85 (2) in that the existing and proposed sign is 171 SF. Per the standard, signs may be 1 SF per 4 LF of frontage. Frontage = 242' which results in 60.5 SF for the sign. It is within the Boards discretion to approve the Special Permit request for the alteration of this nonconformity provided a finding is made that it is not more detrimental than the existing nonconformity. Such also applies to the illumination, as the existing illumination is a preexisting nonconformity.

Recommended Motion: Move to make a finding that the expansion and/or alteration is not substantially more detrimental than the existing non-conformity to the neighborhood in which it is located; and, approve the illuminated signs as presented in submitted plans. Sign illumination may be conditioned upon hours of illumination, if desired by the Board.

Action Needed: The Board must either make a finding as stated above regarding the non-conformities or deny the Special Permit request based on a finding that the changes are more detrimental. If the Board must also make a determination regarding the request for Illuminated Signs, with conditions if desired.

AGENDA ITEM #6

Planning & Conservation Department Report on Planning Projects and Development Updates

A. Housing Production Plan (HPP) Update

Information about the HPP can be obtained:

Planning Board [Webpage](https://www.southhadley.org/1264/11840/Housing-Studies-and-Reports?activeLiveTab=widgets): <https://www.southhadley.org/1264/11840/Housing-Studies-and-Reports?activeLiveTab=widgets>

[Project Website](https://shhousingplan.org/) (hosted by project consultant Outwith Studio): <https://shhousingplan.org/>

Community Forum #2 Survey

[Presentation](https://www.southhadley.org/DocumentCenter/View/11492/Community-Forum-2-Presentation---06-22-2023) PDF: <https://www.southhadley.org/DocumentCenter/View/11492/Community-Forum-2-Presentation---06-22-2023>

[Handouts](https://www.southhadley.org/DocumentCenter/View/11491/Community-Forum-2-Handouts---06-22-2023): <https://www.southhadley.org/DocumentCenter/View/11491/Community-Forum-2-Handouts---06-22-2023>

Housing Strategies Survey – Open Until July 16th

Copy and paste this [link](https://links.shhousingplan.org/survey2) into your browser: links.shhousingplan.org/survey2

A hybrid community meeting was held at the Senior Center with 16 in person and 9 virtual attendees. A survey regarding the 17 housing strategies presented is live and will be open until July 16th. Links to the presentation, handouts and survey above.

Housing Production Plan (HPP) Revised Schedule

Below is the **REVISED** schedule for the HPP, as approved by the Planning Board on 6/26/23. The revised schedule is based on public comment on the amended timeline put forth in May.

DATE	TASKS
6/22	Community Forum #2
6/23-7/6 6/26-7/16	Extended Community Forum Public Comment Period
7/6-7/16 7/17-7/28	Draft HPP Compiled
7/17-7/31 7/29-8/18	Draft HPP submitted to Advisory Committee and Planning Board for review
8/1	Draft HPP issued to Planning Board for review
8/14	Planning Board Meeting – Presentation by Outwith Studio Utile on HPP highlights, comments from Board; Invite Advisory Committee for discussion (post joint meeting)
8/19-8/27	Draft Plan edits by Outwith Studio (project consultant)
8/28	Final Draft HPP issued for public comment (60 30 -day comment period)
9/11	Draft HPP Public Hearing
9/13 (TBD)	Community Forum #3
9/25	Draft HPP Public Hearing continuation (TBD depending on public comment)
10/16	Draft HPP Public Hearing continuation (TBD)

10/25-9/29	60- 30-day Public Comment Period ends
10/26-11/8 10/2 – 10/13	HPP revisions by consultant Utile
11/9 10/16	Final HPP issued
December November	Joint Selectboard & Planning Board Meeting for adoption

B. Next Planning Board Meetings and Pending Agendas

Planning Board meets the 2nd and 4th Mondays of the month.

7/24	Discussion with John Camp, Capital Planning Committee Member
8/14	Draft Housing Production Plan Update Presentation by June McCartin, Outwith Studio
8/28	NO MEETING
9/11	
9/25	Draft Housing Production Plan Public Hearing
OCTOBER	10/2 or 10/16 TBD - Columbus Day Holiday 10/9 Draft Housing Production Plan Public Hearing Continuation (TBD)
10/23	
11/13	
11/27	
DECEMBER	12/4 and 12/18 TBD – Christmas Holiday is Monday 12/25

C. Open Comment Period Policy

I submitted the Board’s questions to Town Counsel and am awaiting a response. Pending questions are:

1. Can the Board restrict comments during this period to items not on the posted agenda, to prevent discussion on projects outside of a posted public hearing or public meeting on the project.
2. Is the Town’s Visitor’s Code of Conduct in violation of Barron v Kolenda, and should reference to it be stricken from the Open Comment Period Policy.

D. Dry Brook Aquifer Study Update

As many of you are aware, the Town in cooperation with District 2 Water Department was able to raise \$20,000 for the purpose of conducting a geochemical and environmental tracer study of the Dry Brook Aquifer, located in the northern part of town. The start of this study has been delayed until now due to the availability of a research team; however I am pleased to announce that an executed contract with the University of Massachusetts Amherst is pending, and work

will begin immediately. Aquifer sampling will begin in July with a final report anticipated by June 2024.

The purpose of the study is to refine the contributing area (water source) for the production well in the Dry Brook aquifer using geochemistry and environmental tracers. This work seeks to answer the following questions:

1. Does the geochemistry of the pumped water support connection to the CT River?
2. What fraction of produced water is local recharge (i.e. Dry Brook Hill) vs. induced infiltration from the Connecticut River?
3. What can be concluded from this data regarding the size and residence time of water in the aquifer system?

Water Supply Protection Working Group

In 2019, the Planning Board coordinated what was called the Water Supply Protection Working Group, to participate in a review of the local bylaws and regulations around water supply protections. Members of the working group included:

- Planning Board Chair and Director of Planning and Conservation
- Conservation Commission Chair and Conservation Administrator/Planner
- Board of Health Chair and Director of Public Health
- District 2 Board of Water Commissioners Chair and Water Superintendent

This group has been notified of the start of the aquifer study and will be provided updates throughout the process. The working group was specifically formed around a review conducted by the Pioneer Valley Planning Commission. The deliverables from that review are posted here: [Water Supply Protection District Review | South Hadley, MA - Official Website](#)

AGENDA ITEM #7 Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No additional business has been submitted to me as of the date of this notice.

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
JULY 10, 2023 REGULAR MEETING**

Letters & Memos

- Letter (attached) dated June 28, 2023 from Marc Desrosiers, 310 Amherst Road, regarding the Accessory Dwelling Unit (ADU) bylaw.
- Development update (attached) dated July 5, 2023 from Jesse Lui, developer of the 27 Bardwell Street former library conversion.

Legal Notices

Amherst

- Notice from the Amherst Planning Board for hearings on July 19 to consider the following: 1) Site Plan filed by Eversource to install a new switchgear enclosure at 246 College Street; and 2) Site Plan to install a roof mounted solar system on an existing building at 373 Northampton Road.

Chicopee

- Notice from the Chicopee Planning Board for hearings on July 13 to consider the following: 1) Site Plan waiver for improvements to the Chicopee Boys and Girls Club at 580 Meadow Street; and 2) Waiver from frontage to create a new single-family building lot from 24 Whitin Ave and leave the existing home on a reduced sized lot.

Granby

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Hadley

- Notice from the Hadley Planning Board for approval of a special permit to allow an Accessory Apartment at 358 River Drive.

Holyoke

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Marc & Linda Desrosiers



310 Amherst Road
South Hadley, Massachusetts 01075

June 28, 2023

Lisa Wong
Town Administrator
116 Main Street
South Hadley, Mass 01075

Anne Capra
Director, Planning and Conversation
116 Main Street
South Hadley, Mass. 01075

Dear Ms Wong and Ms Capra,

I am writing this letter after hearing of a meeting held in the Senior Center of the Master Plan Implementation Committee. First of all I had no knowledge of this meeting and second I was informed that the proposed changes were not well elucidated. The impression I received was that the intention of the proposed changes were to implement increased housing opportunities by altering the existing zoning. Having just seeing the Planning Board pass the recent ADU bylaw I am disappointed.

My biggest reservation in both of these proposed changes is that the taxpayers do not get adequate input. The ADU meeting was via zoom which I found hard to get the opportunity to express my opinion. Changes of this magnitude require the electorate to have every opportunity to be notified and have the opportunity to participate in a verbal forum. I feel that if the Planning Board wants to make changes to the bylaws that they should mail each taxpayer via their utility bills the text of the changes along with a return post card soliciting their approval or disapproval of the proposed changes. It is the job of you the extension of our elected representatives to be sure that what you are proposing is something that is desired.

People move to South Hadley and buy their homes with the impression that what they are buying, i.e., existing surroundings will not change significantly. The Planning Board's responsibility is to honor the contractual obligations that the citizens bought their property under.

Sincerely,

Marc Desrosiers

July 5, 2023

Anne Capra
Director of Planning & Conservation
Town of South Hadley
413-538-5017 Ext 128

Hi Anne,

I and my family are just now recovering from our illness. I intend to renew the building permit and to resume construction this week. Most of the finishing materials are now on hand, so I am optimistic that we can proceed with the construction.

Status to date:

Other than taking delivery of materials, little progress has occurred since our last report.

Our current estimate for completion of units 3,4,&5 is around September 30 barring delays beyond our control.

Yours,

Jesse Liu