

# Background Materials December 2, 2024– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 11/27/24

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

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**Background Reports for all Planning Board meetings** are posted online:

<https://www.southhadley.org/1274/Agenda-Background-Materials>

### 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 9/11/23, posted on the Town of South Hadley Planning and Conservation Department webpage here:

<https://www.southhadley.org/DocumentCenter/View/11705/Policy-on-Open-Comment-Period---As-Adopted-2023-09-11>

**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 are attached.

**Action Needed:** No action needed.

### AGENDA ITEM #4 Site Plan Review and Stormwater Management Plan Amendment and – 501 Newton Street – Rocky’s Ace Hardware and Garden Center

South Hadley Plaza LLC received Site Plan Review Approval and a Stormwater Management Plan in May 2021, which was extended by the Planning Board to February 2025. The project has been issued a building permit and construction commenced. They are now requesting an amendment to their Site Plan Approval for changes to the site lighting and some minor site changes to the parking lot details.

Plans are online here: <https://www.southhadley.org/1240/Newton-Street-501---Rockys-Hardware>

The application materials include their original submittal on 11/1/24, a lighting plan markup, and additional revised materials dated 11/27/24 based on my administrative review of the application.

Summary revisions sheet markup: [Sheet-C-4-Revisions-Highlighted-](#)

### **Lighting Plan Updates**

Lighting Plan Narrative: <https://www.southhadley.org/DocumentCenter/View/13475/Lighting-Narrative?bidId=>

Lighting Plan Markup: <https://www.southhadley.org/DocumentCenter/View/13460/Lighting-Plans---Revisions-Markup>

Photometric Table: <https://www.southhadley.org/DocumentCenter/View/13479/Photometric-Table?bidId=>

The proposed amendments include upgrading the existing 13 pole mounted lights in the paved parking areas for the entire shopping plaza, add new pole mounted lights, and add exterior wall lights on the new retail building. These upgrades are being sought because they have determined that the approved photometric plan does not meet the lighting needs for various retail leases in the plaza, and create a well-lit, safe parking area. The previous plan outlined an average foot candle level of 0.79 with a maximum footcandle of 4.3. The upgrades provide dark sky compliant lighting, with an average foot candle level of 0.97, with a maximum of 6.9. The application notes that this intensity appears directly beneath double-headed fixtures and does not reflect the overall spread and distribution of light throughout the site.

I had requested RLA provide some sort of local comparison of light meter readings so that the Board was able to visit those nearby locations at night and get a sense as to the intensity of the lighting. However, they provided the following response:

“The correspondence regarding example meter readings is taken from an ISE Guide, rather than meter readings in the field of neighboring facilities. Rob downloaded an app that he could use in the field, but we felt it best to use guidance of industry standards than an iPhone app in the event it is not accurate.” In the lighting narrative dated 11/27/24, the state common outdoor lighting standards, per the Illuminating Engineering Society’s (IES), as follows:

Gas station: 10-15 fc

ATM: 10-40 fc

Covered parking: 5 fc

Open parking lots: 0.5-2 fc

I recommend having the applicant’s representative walk us through the site plan, pole to pole, and review the change in footcandles, reasoning for that at each location.

### **Stormwater Updates**

#### **Stormwater-Narrative**

These modifications are minor, as the applicant states, and include elimination of 2 landscaped islands and the addition of a paved apron in the northeast corner of the site next to the stormwater basin to facilitate truck turning and maneuverability for access to the loading docks behind the building. This area is approx. 800 SF and is currently paved. In the previously approved site plans, that area was

proposed to be converted to loam and seed. The request now is to keep it paved, and relocate the proposed curbing to allow for a small area for truck turnaround.

**Department Comments:**

Assessor, Ribold - I have no comments.

Building Commissioner, Forgue – No comments.

DPW, Broderick – DPW has no concerns.

Police, Gunderson – I have reviewed these plans and have no concerns to address.

Public Health, Hart – As we discussed, there will be additional impervious surface but the stormwater will still be able to handle the minor adjustments and drain within 72 hours.

Water District 1, Cyr – No comments related to the amendment review.

**Abutter Comments:**

Michael Adleman, Stonybrook Village – See Correspondence. Concerns with poles #19 and #20 and a request to reduce the height of the poles from 40’ to 35’ to reduce potential light penetration at Stonybrook Village.

John Gilbert, Wayfinders (The Clover, 99 Lyman Street) – “We are in support of the amendments to better accommodate truck and emergency vehicle maneuverability as proposed. The proposed lighting details are as we have coordinated with the design team.”

**Action Needed:** Allow applicant’s representative to present the proposed amendments in detail. Discuss project with applicant representative. Continue the hearing to another night if the Board would like more time to review all of the materials submitted, which seems warranted. If not, make a motion to approve amendments, with or without any changes and conditions.

**AGENDA ITEM #5 Discussion of Subdivision Regulations Updates**

Materials online here: [Subdivision-Regulations---Table-of-Contents---Proposed-vs-Existing](#)

In July 2023, the Planning Board began working on updates to the 1995 Subdivision Regulations. The updates to these regulations were being undertaken as part of a comprehensive revision that included coordinated review and amendment of the Flexible Development Bylaw. Subdivisions are allowed by right and have no requirements for the protection of open space, natural, scenic or historic resources on the site (local, state and federal laws and regulations do apply). Flexible Developments do require open space and natural/scenic/historic resource protections but are permitted through discretionary Special Permits. The intended approach was to reverse this and allow for the preferred development scheme (clustered housing with open space conservation) to be permitted by right with Site Plan Review to incentivize its use and thereby discourage the less desirable form of residential development in the form of standard subdivisions. However, Town Meeting didn’t support this strategy and the amendments to the Flexible Development Bylaw, and associated supporting bylaws, were not adopted.

In updating the Subdivision Regulations, the approach should continue to be to address shortcomings identified in the Subdivision Regulations through recent project permitting and strengthen review

standards with up-to-date design standards and best practices. See the link to the comparison Table of Contents above. I recommend to the Board that we proceed as follows:

1. Article VI Plans for More than One Building for Dwelling Purposes per Lot

This section will need to remain in the Regulations. Previously, it was proposed to be removed and addressed through the proposed new Common Driveway Bylaw. “Multiple buildings for dwelling purposes on a lot” is NOT a subdivision. MGL allows municipalities to regulate such under their subdivision regulations, but it is confusing for developers as to why they need to seek subdivision approval for a project that isn’t a subdivision. Confusion is an impediment to efficient permitting, and that extra time increases the costs for the developer and burdens the Board and staff diverting their valuable time away from advancing important community planning objectives. However, this is the approach Town Meeting voted in favor of so we will need to revisit this section and consider ways to improve the review process.

2. Article VIII Required Improvements – Developments for More than One Building for Dwelling purposes per Lot

Same as above. Standards for this form of development will need to remain in the Subdivision Regulations.

3. Status of Proposed Regulations Review by Article

In past meetings, the Board completed review of the following:

- Articles I thru VI, and Article VII, 360-26 and 360-27
- Article IX Design Principles and Standards
- Article X Required Improvements for Subdivisions.

At the 12/18/24 meeting, the Board decided to table review of the regulations to begin work on the Flexible Development Bylaw and associated bylaws. After addressing incorporation of “multiple buildings for dwelling purposes on one lot” back into the regulations, we should resume review with Article VII Definitive Plan.

**AGENDA ITEM #6 Planning & Conservation Department Report on Planning Projects and Development Updates**

**A. Next Planning Board Meetings and Other Important Dates**

*Planning Board typically meets the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month.*

12/9/24	Discussion of Subdivision Regulation Updates
1/13/25	
1/14/25	Dry Brook Aquifer Study Presentation – Hybrid/COA
1/16/25	Route 202/33 Corridor Rezoning Community Forum #4
1/27/25	
2/10/25	
2/24/25	

March – 3/10 & 3/24/25	
April – 4/14 & 4/28/25	
May – 5/5 & 5/19	
June – 6/9 & 6/23	

**B. Route 202/33 Corridor Rezoning Project**

**Project website:**      <https://community.innesassocltd.com/south-hadley>

[Route 202 & 33 Corridor Re-Zoning | South Hadley, MA - Official Website](#)

Next Forum #4–            Thursday, January 16<sup>th</sup> at 6-8 PM  
    South Hadley Public Library – in person

Agenda – Presentation of draft zoning recommendations and design guidelines for discussion.

We are still requesting site specific comments from the public on the project’s interactive web map (see below). Let’s us know your thoughts about sites that are good candidates for new uses/change of use/redevelopment; open space that should be preserved or used as a park; traffic and circulation concerns for vehicles, pedestrians and cyclists; and locations for paths/trails that would facilitate connectivity throughout the neighborhood.

Recording of Forum #2 is online here: [Rt 202/33 Rezoning Community Forum #2: 10/16/2024 on Vimeo](#)

Open

## Show us what you would like to see on the Corridor!

Click on the "Add Marker" tab, place the marker of the relevant category, and answer the questions!  
To view the definitions of the terms, click on the (i) symbol next to the address bar.

19 contributions so far

Enter an address

**Paths/ Trails:** A designated route for walking, biking, or other non-motorized travel. It provides a safe and accessible way for residents to move through neighborhoods.

**Adaptive reuse** refers to the process of reusing an existing building for a purpose other than which it was originally built or designed for.

**Public spaces** are areas like parks, plazas, and streets that are open and accessible to everyone and can be used for social activities.

**Open spaces** are any undeveloped land or green areas, including parks, gardens, and natural landscapes.

**Circulation** refers to both vehicular and non-vehicular (bikes/pedestrian) movement. Identify locations where traffic calming measures such as crosswalks, new traffic lights, speed bumps, etc could be located to improve

For help using this map, please see the [instructions](#).

Add Marker

### C. Affordable Housing Trust Board Member Applications Open!

Application online: <https://www.southhadley.org/DocumentCenter/View/13462/Affordable-Housing-Trust-Board-Application>

The South Hadley Selectboard is seeking qualified applicants to serve on the Board of Trustees for the South Hadley Municipal Affordable Housing Trust. The Board will include individuals with diverse

backgrounds and skills to support the Trust’s mission of enhancing affordable housing in our community.

Eligibility Requirements:

- Applicants must be residents of the Town of South Hadley, with the exception of the Town Administrator.
- Preference will be given to individuals with expertise in real estate law, architecture, planning, banking, finance, and real estate.
- Additionally, applicants who currently live in affordable housing are encouraged to apply.

Application Materials:

Applicants are required to submit the following:

1. A Cover Letter that describes your interest in serving on the Board of Trustees and how your background aligns with the goals of the South Hadley Municipal Affordable Housing Trust.
2. A Resume that highlights relevant professional or personal experience, particularly in areas related to real estate, finance, housing, planning, and community service.

Submission Details:

- Application materials should be emailed to Anne Capra, AICP, South Hadley Planning & Conservation Director at [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov).
- The subject line must read: “Application for Board of Trustees.”
- Applications will be accepted until 11:00 a.m. on December 20, 2024.

This project was identified under the Municipal Vulnerability Preparedness (MVP) 2.0 Grant. Through this project, the Core Team determined that housing affordability was the greatest challenge the most vulnerable members of the community faced in dealing with the stressors associated with climate change. Creation of an Affordable Housing Trust would enable the community to become more climate resilient.

To learn more about the MVP 2.0 project: <https://www.southhadley.org/1379/Municipal-Vulnerability-Preparedness-20>

#### **D. Dry Brook Aquifer Study Released**

UMASS has released the *Geotechnical and Environmental Tracer Study of Bry Brook Hill Aquifer, South Hadley, MA*: <https://www.southhadley.org/DocumentCenter/View/13452/Geochemical-and-Environmental-Tracer-Study-of-Dry-Brook-Hill-Aquifer-South-Hadley-MA>

UMASS was commissioned to conduct a study of the Dry Brook aquifer to refine an understanding about the contributing area and connections between aquifers and source waters of the Dry Brook aquifer. A total of 63 water samples from 15 groundwater and surface water locations were taken and analyzed using a hydrogeochemical tracer analysis methodology. The results support the overall findings of the physical hydrological assessment described in the 2004 USGS Study of the Dry Brook Aquifer (Garabedian and Stone, 2004).

There will be a public presentation by the UMASS research team on:

**Tuesday, January 14, 2025 @ 6PM**

**In Person Location:** South Hadley Council on Aging, 45 Dayton Street, South Hadley, MA

**Virtual Meeting Link:**

<https://us02web.zoom.us/j/82935405426?pwd=TTigMzkBDrjtMRgWvfXT9fWaqM3Zbl.1>  
Or Telephone: +1 646 558 8656  
Webinar ID: 829 3540 5426  
Passcode: 604015

#### **E. New Permit Tolling under New Economic Development Legislation**

The following is guidance from Town Counsel, Mead Talerman and Costa: On November 13, 2024, the Legislature passed H. 5100, “An Act relative to strengthening Massachusetts’ economic leadership”, which authorized a general bond issue of approximately \$3.96 billion. Much of this legislation applies to MBTA zoning compliance, however the following two provisions are relevant to non-MBTA communities including South Hadley:

1. Significant change has been made in the relationship of zoning bylaws and ordinances to rights acquired under special permits or site plan review. The new legislation eliminates language in G.L. c. 40A, § 6 which required that construction or operations conform to changes to zoning regulations where not commenced under a *special permit* within one year after issuance, or not continued through to completion as continuously and expeditiously as possible. The amendment preserves that language as to building permits, but applies a three-year window instead of a twelve-month window for construction or operations under a special permit or site plan review for application of changes to *any* land use regulation that a municipality may subsequently enact. The “as continuously and expeditiously” language applicable to special permits and site plan review, in the context of construction involving the redevelopment of previously disturbed land is deemed to have commenced “upon substantial investment in site preparation or infrastructure construction”.
2. A new “tolling period” (January 1, 2023 to January 1, 2025) has been implemented for any “approvals” (i.e. permits-including building permits, certificate, order-excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit, etc) granted by any state or local agency, department, commission or instrumentality and “environmental permits” (including certificates, licenses, certifications, exemptions, variances, waivers, building permits, or other approvals or determinations of rights). The statutes under which the environmental permits fall for the purposes of the tolling period are numerous, and include Chapters 21, 21A (except section 16), 21D, 30A, 40, 40A through 40C, 40R, 40Y, 41, 43D, 91, 131, 131A, 143, 258, and Chapter 665 of the Acts of 1956, and any local by-law or ordinance. Specific statutory sections include, c. 30, §§61 to 62L, c. 81, § 21, and c. 249, §§ 4 and 5. The tolling period does not apply to approvals or environment permits of the federal government, Massachusetts Division of Fisheries and Wildlife, administrative actions of the Massachusetts Department of Energy Resources, or agreements entered into by MassDOT or MBTA.  
However, even where this tolling provision applies, a municipality may nevertheless revoke or modify any permit, approval, or extension of a permit or approval where either the permit or approval (or extension) or the law or regulation under which the permit, approval, or extension, contains language that it may be modified or revoked. This is very broad, so towns and cities may consider amending language in their permitting regulations and approvals to provide for modification or revocation if not already provided.

**SOUTH HADLEY PLANNING BOARD  
LIST OF CORRESPONDENCES  
DECEMBER 2, 2024 REGULAR MEETING**

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**Letters and Memos**

- November 25 email (attached) from Michael Adelman, Stonybrook Village, with questions regarding the Site Plan Review amendment request for the new Rocky's Hardware Store at 501 Newton St.
- November 25 email (attached) from Barb Callan-Bogia, Stonybrook Village Condo Trustee, thanking the Board for their review of the illuminated sign request for Rocky's Hardware Store at 501 Newton Street.

**Legal Notices**

*Amherst*

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*Chicopee*

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*Granby*

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*Hadley*

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*Holyoke*

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## Fwd: Site Plan Revision - Rocky's Ace Hardware - Please share with Planning Board members

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**Anne Capra** <acapra@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Nov 25, 2024 at 1:56 PM

Please add to the Board's correspondence and the file. I will share with the applicant.

----- Forwarded message -----

From: **MICHAEL ADELMAN** <mike.adelman@icloud.com>  
Date: Mon, Nov 25, 2024 at 1:46 PM  
Subject: Site Plan Revision - Rocky's Ace Hardware - Please share with Planning Board members  
To: Anne Capra <acapra@southhadleyma.gov>

Planning Board of South Hadley MA

As an impacted abutter of the Rocky's Hardware project currently under construction, we have received notice of the developer's request for revisions to it's 2021 Site Plan approval. It is our understanding this matter will be considered on December 2, 2024.

1] The general partner of this project, Mr Rocco Falcone, has been generous in meeting the Board of Stonybrook Village to understand concerns. He has included sound mitigation along the common boundary of Woodlawn Plaza and Stonybrook Village, and shared the cost of providing screening at the rear of that boundary.

2] In reviewing materials submitted in the revision application, we notice a provision to the lighting plan - replacing some or all of the existing street lights in the parking areas. We notice the revised lighting plans will provide better on-site illumination, plus greater Dark Sky compliance. This is a progressive step.

3] Our only concern deals with light fixtures #19 & #20. These fixtures illuminate the rear of the existing property, including the retaining basin. These are designated as 40 foot poles. Currently these fixtures are seen above the arbor vitae border along Stonybrook Way. At all seasons these cast light into Stonybrook Way and onto several homes on Stonybrook Way. It seems to us these may be the brightest fixtures on the existing plan.

My question is whether these fixtures #19 & #20 might use 35 foot poles like fixtures #4, #9, #10, and #16 on the proposed revision? Use of a 35 foot pole would largely eliminate the light glare into driver's eyes and at the same time eliminate light from Woodlawn Plaza onto several adjacent residences while still providing prudent illumination.

It is our intent to attend the December 2. Thank you for your consideration.

Michael Adelman  
(479) 283-4212

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**Anne Capra, AICP**  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5030 x6128  
acapra@southhadleyma.gov

**Learn more about South Hadley's community plans [HERE](#).**

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## Thank You

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**Barbara Callan-Bogia** <[bcbsbv@gmail.com](mailto:bcbsbv@gmail.com)>

Mon, Nov 25, 2024 at 7:07 PM

To: [SHPlanBoard@southhadleyma.gov](mailto:SHPlanBoard@southhadleyma.gov)

Cc: Barbara Callan-Bogia <[bcbsbv@gmail.com](mailto:bcbsbv@gmail.com)>, Colleen Canning <[ccanning@southhadleyma.gov](mailto:ccanning@southhadleyma.gov)>

Planning Board members,

I appreciated your taking the time to read my questions and having them answered.

The Rocky's sign looks really nice.

Barb

Barb Callan-Bogia

Board of Trustees, StonyBrook Village

[bcbsbv@gmail.com](mailto:bcbsbv@gmail.com)

561-371-0037