
Conti Drive

1 message

Brian Winner <brian@mtclawyers.com>
To: Anne Capra <acapra@southhadleyma.gov>

Fri, Nov 7, 2025 at 8:57 AM

Hi Anne,

In my opinion, a subdivision amendment is required and the applicant can file for it voluntarily or the Planning Board can make it a condition of the site plan approval. Site Plan Approval certainly review encompasses consideration of access (see 255-148(7)) but the subdivision cannot be amended in that context. Accordingly, a separate application is required. Since both matters would be heard by the Planning Board, it would seem to me to make sense to have the applicant do this sooner rather than later so that the Board can address both matters simultaneously.

Based on our discussion and the materials you provided to me, I understand that the recorded Definitive Plan (PB170 Pg159) was endorsed on March 27, 1991. The name of the project is "Conti Drive." The recorded Definitive Plan is one plan sheet and we have not been able to locate any other plan sheets, although the written decision approving that plan references a "third plan sheet" which was intended to show that the "materials and construction methods will comply with Town DPW's design standards and regulations." The Definitive Plan creates two lots at the south end of Conti Drive (Lots A and B) and shows access to those lots as "Conti Drive." The layout of Conti Drive begins at frontage on Granby Road. The overview depicted on that recorded plan shows the entirety of the subdivision inclusive of the lots and the road to Granby Road. Town Counsel's 1990 opinion also describes the developer's intent in 1990 to create a way across the easement. The application also identifies the access as approximately "951 feet as measured along the centerline of the way." You also provided me with comments from the DPW regarding release of the subdivision security and punch list items related to Conti Drive.

An applicant is now seeking Site Plan Review to develop "506 Granby Road" with 7 duplexes and is showing a driveway off of Conti Drive. The applicant is proposing to raise the elevation of Conti Drive by 5-6' into the proposed new driveway, and then the driveway and parking area for the duplexes are mounded another 3'. The applicant contends that the subdivision roadway does not begin at Granby Road but rather the south end of the parcel, at a driveway terminus, on a parcel with frontage on Granby Road. You have therefore asked whether the subdivision roadway only begins at the south end of the parcel, as suggested by the applicant, whether the proposed improvements to Conti Drive should be considered as part of a subdivision amendment, or whether they can be considered and/or conditioned and approved as part of the Site Plan Review without an amendment to the subdivision.

First, the 1991 subdivision includes Conti Drive. The subdivision necessarily includes Conti Drive because otherwise the subdivision has no access to a public way. If the Board accepted the applicant's argument, then the 1991 subdivision created only the cul-de-sac which only connects to an easement/driveway. The subdivision could not have been approved in that configuration so the approval must have included construction of Conti Drive. Indeed, the plan overview shows the subdivision area as inclusive of the two lots and the roadway to Granby Drive. The application itself and the correspondence about the subdivision security and punch list items confirms that Conti Drive was considered part of the subdivision. While it would be helpful to locate the other plan sheets (there appear to be at least two more), the applicant's proposal to raise the elevation of Conti Drive by 5-6' into the proposed new driveway, and then the driveway and parking area for the duplexes another 3' appear to me to be significant modifications that

warrant consideration as a modification to the subdivision. I also assume that other way improvements might be under consideration considering the age of the way and the potential impacts of seven duplexes. While the Board could consider these matters in the context of Site Plan Review, I believe both Site Plan Review and modification of the subdivision is required. The Board, however, cannot modify the subdivision directly in the context of the site plan review. An application for subdivision amendment is therefore required and the applicant can file for it voluntary or the Planning Board can make it a condition of the site plan approval.

Best, Brian



Brian J. Winner

Mead, Talerman & Costa, LLC

730 Main Street, Suite 1F, Millis, MA 02054

Phone (978) 572-2192

brian@mtclawyers.com · www.mtclawyers.com

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