

Background Materials for January 11, 2021

Agenda Items #1 through #7

Persons may join the meeting and/or public hearing by either of the following:

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Additionally, the Cable Studio Director and the Planning & Conservation Department staff have made necessary arrangements so that this meeting can also be viewed in real time via Channel 15.

During the meeting, persons who are not joining the meeting, but watching via the online streaming may submit questions or comments via the Google Form or the dedicated email address: SHPlanBoard@southhadley.ma.gov

Agenda Item #1 – Minutes

The Planning & Conservation Senior Clerk has emailed a draft of the December 14, 2020 Planning Board meeting and Public Hearing minutes for the Board's review.

ACTION NEEDED: The Board needs to vote to approve the minutes as submitted or with edits.

Agenda Item #2 – Correspondence

A list of correspondence is attached.

ACTION NEEDED: No action is required.

Agenda Item #3 – Ethan Circle

As the Board is aware, this is a 6-lot subdivision located on the north side of Hadley Street (Route 47) approved by the Board November 10, 2014. The roadway enters off Hadley Street between two preexisting houses – 57 & 61 Hadley Street (see aerial photo below).



In 2016, the developer posted a Performance Guarantee in the amount of \$123,877.00. In 2017, the Board authorized a partial release in the amount of \$70,357.00. Subsequently, the Board authorized a further reduction in January 2020 to \$25,000. Therefore, at present, the Town retains a Performance Guarantee in the form of cash in the amount of \$25,000.00 (plus any accrued interest). Under the

Subdivision Regulations, upon the satisfactory completion of the subdivision improvements (roadway, water, sewer, electric, sidewalks, drainage, and street trees), the developer is to receive the total Subdivision Performance Guarantee plus accrued interest. Release of the Performance Guarantee does NOT convey any commitment on the part of the Town to accept the roadway as a town road – only a vote of Town Meeting can make a way a “Town Road”.

The developer has submitted a request, pursuant to Section 360-24B of the Subdivision Regulations, for a Full Release of the Performance Guarantee.

In accordance with the Subdivision Regulations and our procedures, the developer’s submittal in early 2020 (letter, engineer’s certification, and ‘draft’ as-built plans) were submitted or review by the DPW, Board of Water Commissioners for Fire District #2, and the South Hadley Electric Light Department. All 3 departments provided certifications of completion and no department indicated that the “As-Built” plans are deficient.

I would also note, regarding the “As Built” plans, that Anne Capra, Conservation Administrator/Assistant Planner has mentioned that she has a letter from the project engineer regarding a change made in the project. It seems that, due to high groundwater, they added an “underdrain” in the roadway. I have asked the surveyor who prepared the “As-Built” plan regarding this issue.

Once the applicant has satisfied the requirements of the Subdivision Regulations – particularly Section 360-24B, the Board will need to release the Performance Guarantee. The developer is requesting that the remaining Performance Guarantee be returned.

HOWEVER, Section 200-24A requires the Board to require that any developer/applicant/owner provide a financial guarantee. Section 200-24B allows the Board to “allow the performance guarantee required under another South Hadley bylaw or regulation to substitute for the performance guarantee required under [the Stormwater Management Bylaw] if the Board determines the two guarantees serve the same function, the purposes of this bylaw are adequately furthered, and the Town Engineer does not object to the substitution.

Condition #8 of the Planning Board decision regarding this subdivision, required two separate guarantees - one for the Subdivision and one for the Stormwater unless the Planning Board determined that one guarantee was sufficient. To avoid a burden on the applicant, the Board agreed to allow the one guarantee to be sufficient.

Thus, the Subdivision Performance Guarantee is also serving as the Stormwater Management Performance Guarantee. However, the basis for their release is different:

- The Subdivision guarantee is to be released upon completion of the subdivision work and submittal of the required documentation.
- The Stormwater guarantee shall not be fully released without a final inspection of the completed work by the Town Engineer, submission of "as-built" plans, and certification of completion by the Planning Board of the stormwater management facilities being in compliance with the approved plan and the provisions of the Stormwater Management Bylaw.

Accordingly, the question arises as to whether or not the conditions for release of the Stormwater Management Performance Guarantee have been met. To make such a determination, it would appear that the following information must be submitted:

- Documentation and verification that the Homeowners Association is created and functioning and maintaining the system
- Documentation and verification that the system has been maintained as specified in the Stormwater Management Plan (Appendix A of the plan) which Mr. Bagg's consultant prepared and was approved by the Planning Board.

Additionally, the Town does not have a “Town Engineer” at present. The Board needs to determine whether a certification by the DPW Superintendent regarding the stormwater facilities is sufficient. If not, then the Board will need to have a consulting engineer review the facilities. The applicant should bear any cost regarding an outside inspection.

ACTION NEEDED: The Board needs to 1) determine whether or not to fully release the “Subdivision Performance Guarantee”, 2) set the Stormwater Performance Guarantee, and 3) authorize release of the Stormwater Performance Guarantee by the Director of Planning & Conservation upon documentation that the conditions for such release set forth in Section 200-24 have been met.

Agenda Item #4 – Update on Grant Activities and Redevelopment and Related Activities

Anne Capra will provide a brief update on recent grant efforts and South Hadley Falls redevelopment/development efforts and activities.

ACTION NEEDED: No action needed at this time.

Agenda Item #5 – Scheduled Public Hearing on North Pole Estates- Hadley Street 6:45 p.m.
This is a continuation of the public hearing began on November 18, 2019.

Town Counsel has advised that the public hearing be continued to January 25, 2021. The applicant’s counsel has indicated they agree with the continuation and will grant the Town a further extension of the deadline for completing the public hearing and filing the Decision. (see at bottom of page 15 below).

Chicopee Concrete Services, Inc. submitted a Definitive Plan Application for the Planning Board’s review and approval on a 108.93 acre site consisting of multiple parcels owned by multiple different parties. Along with this application, they are also requesting a Stormwater Management Permit for the proposed subdivision. The project site is situated along Hadley Street and Sullivan Lane (see aerial photo to the left) in the Agricultural Zoning District and within the Water Supply Protection District. Lying within the Agricultural Zoning District and the Water Supply Protection District and using septic systems instead of a sanitary sewer system, the minimum lot size is 40,000 square feet with a minimum lot width of 150 feet.



This project has been under review the Planning Board since November 2019 (see brief chronology following the aerial photo below). Five sessions of public hearings totaling over 10 hours have been held to date. Comments have been received from various departments and boards. **(Follow up to the last public hearing begins on page 12 below)**

Brief Chronology Recap

- Application submitted: October 25, 2019
- Waivers requested as part of original application: Yes – Board addressed those November 18, 2019 – some rejected, alternative relief granted for some
- Waivers requested subsequent to application: Yes – Board partially addressed those December 16, 2019
- Comments submitted by Departments/Agencies: Yes
 - District 2 Board of Water Commissioners: November 13, 2019
 - District 2 Water Superintendent: November 13, 2019
 - Conservation Commission: November 14, 2019
 - Police Chief: November 15, 2019
 - Public Health Director: November 18, 2019; December 5, 2019; and June 16, 2020
 - Board of Health Chair: June 12, 2020, September 23, 2020, and October 15, 2020
 - DPW Superintendent (Acting): November 22, 2019 and December 13, 2019
- Public Hearing began November 18, 2019
- Public Hearing Sessions held on: November 18, 2019; December 16, 2019; February 10, 2020; June 15, 2020 (Focused on Stormwater Management Report and Hydrogeological Assessment Study; June 22, 2020 (Focused on Traffic and the Definitive Plan Details; July 13, 2020 (Focused on Definitive Plan Details); September 14, 2020 (Focused on Definitive Plan Details); October 5, 2019 (completed the Peer Review); November 2, 2020; and November 30, 2020
- Continuation Requested by Applicant: March 9, 2020 (for Peer Review Report)
- Continuations Requested or Declared by Town: March 23, 2020; April 6, 2020, May 5, 2020, May 20, 2020 (Due to COVID 19), and December 14, 2020
- Revised submittal by Applicant: November 18, 2019
- Revised materials submitted by Applicant: December 16, 2019
- Revised materials submitted by Applicant: January 22, 2020
- Revised materials submitted by Applicant: March 16, 2020
- Peer Review Report Submitted: March 5, 2020
- Responses to Peer Review Submitted: March 16, 2020 and June 12, 2020
- Review of Response to Peer Review Submitted: April 29, 2020
- Title 5 Third Party Review Reports Submitted: June 10, 2020
- Site Visit by Planning Board and Planning & Conservation staff: November 15, 2019
- Site Visit by Peer Review Team and Planning & Conservation staff: February 24, 2020
- Extension of Deadline for filing decision to January 29, 2021: submitted December 14, 2020 in the form of emails between applicant's attorney and Town Counsel.

All of the original application materials, revised materials submitted by the applicant, the comments from the departments, request for continuation, declaration of continuations by the

Planning Board Chair, Peer Review reports, and Response to the Peer Review are posted on the Town's website at the following link:

<https://southhadley.org/1010/Hadley-Street---Northpole-Estates---2019>

Revisions to plans

Over the course of the Board's Review and the Peer Review, the applicant has made some revisions and some supplemental submissions (all of which are posted on the Town's website at the aforementioned link). Some of the revisions include:

- 1) A change in the lot layout
- 2) Changes in the proposed grade of the proposed roadway
- 3) Increase in the amount of material to be removed from the site
- 4) Shift in location of detention basin
- 5) Change in the proposed finished grade of the turnaround
- 6) Change in the number of houses to be served by the proposed roadway

Departmental Comments (through June 19, 2020)

The project application and plans were provided to the various departments. Through June 12, 2020, the following comments had been received:

Police Chief (2019-11-15): I have reviewed the Traffic Impact Study Residential Development North Pole Estates as provided by McMahon and can provide the following comments:

- 1). I reviewed the proposed vehicular trip generation (increase) as a result of this development and could not identify any concerns as it relates to the impact of this proposed development.
- 2). I reviewed the level of service approach for the existing roadways that would be impacted (Sullivan Street and Pearl Street) as well as the new northern and southern approaches from North Pole to Hadley Street. Given the analysis within the traffic study provided I could not identify any concerns as it relates to the impact of existing traffic/ (and anticipated non-build traffic growth of 1% per year), on Hadley St.

Further comments:

- A. Lighting: With increase access/volume in the Hadley St area, I would recommend a lighting needs assessment as it relates to vehicular, pedestrian and cyclist safety. While my perception is just that, perception, this is a dark roadway and could benefit from enhanced lighting.
- B. Speeding/Signage: Similarly, a more advanced evaluation regarding speed regulations on Hadley St would be warranted to determine if the posted speed (40 MPH) are appropriate for the increased vehicle trips on the roadway (and even existing vehicle trip activity). The Police Department receives complaints from residents of Hadley St. regarding speeding on this roadway and the Police

Department does make efforts to enforce the speeding regulations with personnel, but our opportunities during peak hours are limited given staffing and call volume. Per the traffic impact study, 85% of the traffic is within 47 MPH, but the remaining 15% is travelling in excess of 47MPH is concerning for other motorists, pedestrians/cyclists. This area of Hadley St. may be a good candidate for electronic speed signs, even absent development.

Water Department District 2 Superintendent (2019-11-13): The applicant must meet with the Superintendent to discuss the following requirements:

- 1). South Hadley Water District No. 2 Rules and Regulations for Housing Developments.
- 2). Water Impact assessment application.
- 3). Material Standards for District No. 2 Water Department.
- 4). Copy of the Water Billing Structure.
- 5). Payment Fee for the development plans.
- 6). Connection Fee's shall be paid to the department before any connection is made to the distribution system.

Additionally, the Water Superintendent for District 2 also provided a letter from the Board of Water Commissioners expressing some concerns and comments (see the attached letter).

Water Department District 2 Superintendent (2019-12-10): Submitted a letter regarding the water service relative to the size of the development.

Director of Public Health (2019-11-15): In a telephone conversation, the Director of Public Health expressed concerns about the extent of excavation and possible fill activities at locations where perc tests were conducted. She indicated that these activities could pose challenges for or even impede installation of septic systems in these locations. I anticipate a letter or email with her concerns prior to the hearing on Monday.

Director of Public Health (Update 2019-11-15): Subsequent to the November 18, 2019 Public Hearing, the Director of Public Health provided a letter denying the Definitive Plan (see the attached letter dated December 5, 2019).

Director of Public Health (2020-06-10): The Director of Public Health submitted copies of the third-party review of the Title 5 plans submitted by the applicant.

Director of Public Health (2020-06-16): The Director of Public Health submitted an email to the applicant and their consultant regarding requirements for the Board of Health permitting:

“Based on the third-party review from D3 Engineering, dated June 4, 2020 for the Title 5 plan review of the North Pole estates subdivision, the South Hadley Health Department would like to see elevations be associated with each one of the deep holes and percolation tests done on each lot and that each deep hole and percolation test elevation be referenced to a benchmark that cannot be moved. Those elevations are to

be indicated on a plan for the North Pole estates subdivision: a copy to be given to the South Hadley Health Department.

Also, prior to any construction of a system on any of the lots, a surveyed elevation for that test site must be done to verify that the elevation for those deep holes and percolation test locations are the same as the original elevations. Any disposal works construction permit will need to meet all requirements of 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5: STANDARD REQUIREMENTS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE AND EXPANSION OF ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS AND FOR THE TRANSPORT AND DISPOSAL OF SEPTAGE.”

She also attached a copy of the letter and reports transmitted in her June 10, 2020 email to the Director of Planning & Conservation.

Conservation Commission (2019-11-15): The Conservation Commission provided a letter which notes, in part, that the work in proposed Phase 1 of North Pole Estates as presented on the plans “will not require a permit from the Conservation Commission”. However, they also note that subsequent work on proposed Lots #4 and #5 might require Conservation Commission permitting. Additionally, subsequent phases of the subdivision might require Conservation Commission permitting action (NOI or RDA). Additionally, the Commission provided further comments and suggestions (see the attached letter).

South Hadley Electric Light Department – SHELD (2019-11-18): SHELD will provide electric service based upon any town approved plans, both for the initial design, and the full conceptual plan. I don’t anticipate any unusual or unique conditions that would limit our ability to design, construct, operate and maintain the electric system for the development.

Fire District #2 – Fire Department (2019-12-09): South Hadley Fire District #2 Fire Department has reviewed the plans for the proposed development off of Hadley Street (route 47) and participated in the walk through. We have no concerns at this time in regard to road width, fire access, and hydrant locations. Any questions or concerns please let me know.

Building Commissioner (2019-12-06): Per § 255-84 of the zoning bylaws, if the subdivision site preparation activities for North Pole Estates “involve the removal, excavation, and/or addition of 5,000 or more cubic yards of material for use on parcels of land other than the parcel(s) from which the materials were removed or extracted”, a special permit from the planning board will be required prior to issuance of a permit from this office for said activities. Incidental activity exemptions (not requiring a special permit) apply only to premises for which a building permit has been issued or for the development of site improvements for a subdivision for which definitive plans have already been approved. Neither exemption applies.

Acting DPW Superintendent (2019—11-22): The DPW Superintendent submitted a letter regarding the issue of a possible sanitary sewer extension to serve this development.

Acting DPW Superintendent (2019-12-13): The South Hadley DPW would like to request that the Planning Board have the plans reviewed by an outside expert with particular focus on stormwater and traffic.

Board of Health Chair (2020-06-12): The Board of Health Chair submitted a letter via the Public Health Office.

Board of Health Chair (2020-09-23): The Board of Health Chair submitted a letter to the applicant regarding a planned Board of Health meeting to deliberate on the application scheduled for October 13, 2020. The Public Health Office provided a copy to the Planning & Conservation Department.

Board of Health Chair (2020-10-15): The Board of Health Chair submitted a letter to the applicant regarding the Board of Health review of the proposed development and identified issues the Board of Health had in reviewing the project. The Public Health Office provided a copy to the Planning & Conservation Department.

Site Visit – November 15, 2019

A site visit was held for the Planning Board on Friday November 15, 2019. Also in attendance were the staffs of the various departments that are participating in the review including the Planning Director, Assistant Planner, Planning & Conservation Senior Clerk, Acting DPW Superintendent, District 2 Fire Chief, District 2 Water Superintendent, and SHELD Engineer.

Site Visit - - February 10, 2020

A site visit was held for the Peer Review team on Monday February 24, 2020. Also in attendance were the Planning Director and Conservation Administrator/Assistant Planner,

Standards for Approval – Stormwater Management Permit

Section 200-11 provides that to grant a Stormwater Management Permit, “the Planning Board must . . . find that the stormwater management and erosion and sediment control plan submitted with the permit application meets the following criteria:

- A. The stormwater management and erosion and sediment control plan are consistent with the purposes and objectives of this bylaw in Article I;
- B. Provisions for stormwater management meet the performance standards described in Article VI;
- C. Provisions for erosion and sediment control meet the design requirements in Article VII.”

Standards for Approval – Definitive Plan

Town Counsel has provided the Board with a memo as to the standards for the Board to use in reviewing a Definitive Plan submittal and taking action on such a plan (see attached July 10, 2020 memorandum from the Town Counsel to the Planning Board).

Requested Waivers

The applicant requested the following waivers from the Subdivision Regulations (see their letter dated October 25, 2019 in their application):

- 1). 360-20A – Requirement for submittal of a Mylar of the Definitive Plan with the initial submittal
- 2). 360-21A – Requirement that plans be at a scale of 1” equals 40’
- 3). 360-21B(8) – Requirement that proposed street addresses be shown on the original submission plan
- 4). 360-21B(16) – Requirement topographical detail be shown for the entire site
- 5). 360-21B(16)- Requirement that topographical contours be in 2 foot intervals
- 6). 360-21B(16) – Requirement that existing topographic lines be shown as solid lines and proposed topographic lines be shown as broken lines
- 7). 360-21B(21) – Requirement that proposed parks, etc. be depicted

At the December 16, 2019 public hearing, the applicant submitted a revised Waiver Request Letter which outlined the Board’s responses/actions regarding the initial requests and made an addition waiver request:

360-22A(1) Requirement for Design plan of proposed on-site sanitary sewage system

All waiver requests are included in the in the aforementioned link on the Town’s website.

Status of Peer Reviews

The Board determined that a Peer Review of the following elements of the applicant’s submitted was necessary:

- Hydrogeological Assessment
- Traffic Impact Study
- Stormwater Drainage Report
- Definitive Plan details (all plan sheets)

The Board selected Weston & Sampson to perform the Peer Review. The applicant objected to some of the scope of the peer review and Weston & Sampson revised the scope to address appropriate concerns.

After some delay, the Town was provided the funds necessary to contract with Weston & Sampson for a Peer Review of the application and associated materials. The Initial Peer Review Report, the applicant’s responses, a subsequent Peer Review Report document, and subsequent Response regarding traffic are posted on the aforementioned page of the Town’s website.

Resumption of Public Hearing – Virtually (June 15, 2020 and June 22, 2020)

After a 4-month break in holding hearings primarily due to the COVID-19 State of Emergency, the Board resumed hearings on June 15, 2020. The applicant’s consultant and Planning & Conservation staff suggested, and the Peer Review consultant and Planning Board concurred that the resumption of the public hearing should occur in two phases:

- June 15, 2020 –focused on the Stormwater Management Plan and the Hydrogeological Assessment Study
- June 22, 2020 – focused on the Traffic Impact Assessment and the Definitive Plan

The Board conducted a virtual session of the public hearing on June 15, 2020 focusing primarily on the Stormwater Management Report and the Hydrogeological Assessment Study as had been posted. That session lasted approximately 2-1/2 hours. Five members of the public spoke, and several other members of the public had submitted comments/questions via email and/or the Google Form – those comments/questions were read into the record by Town staff.

The Board conducted a virtual session of the public hearing on June 22, 2020 focusing primarily on the Traffic Study and the Definitive Plan Details (mostly, however, on the traffic study) as had been posted. That session lasted over 3 hours. Five members of the public spoke, and several other members of the public had submitted comments/questions via email and/or the Google Form – those comments/questions were incorporated into the record. Due to the amount of time devoted to the Traffic Impact Assessment, there was not sufficient time to review the Definitive Plan Details.

The Board continued its examination of the Definitive Plan Details Peer Review in a virtual session of the public hearing on July 13, 2020 and again on September 14, 2020. However, the Board was unable to complete its review.

At the October 5, 2020 Public Hearing, the Board allowed the hearing to go considerably longer than the time limit called for in the Board’s virtual meeting guidelines. But, the Board was able to conclude its review of the Peer Review reports. The Board also received, prior to the October 5th hearing, and discussed during the hearing an overlay of the boundaries of the Preliminary Plan and the Definitive Plan – this is posted on the Town’s website at the following link: <https://www.southhadley.org/DocumentCenter/View/7013/Hadley-Street---North-Pole-Estates-Definitive-Plan-over-Preliminary-Plan-2020-09-22>

Following the September 14th public hearing, Board members provided the Director of Planning and Conservation with lists of apparent inconsistencies regarding the plan, public hearing comments, and related documents. The Director of Planning and Conservation compiled the submitted statements and provided them to the applicant to allow for a response prior to the October 5th meeting. The applicant’s representative subsequently provided responses to the Planning Board members’ comments. While this aspect of the Board’s review and the responses were not discussed at the October 5, 2020 meeting, the Board’s listing of inconsistencies and the applicant’s responses are posted on the Town’s website at the following links:

Planning Board Members list of Inconsistencies:

<https://www.southhadley.org/DocumentCenter/View/7154/North-Pole-Estates-Definitive-Plan---2020-09-24-Planning-Board-Members-Comments-as-to-Inconsistencies>

Applicant's Responses:

<https://www.southhadley.org/DocumentCenter/View/7155/North-Pole-Estates-Definitive-Plan---2020-09-28-Letter-Responding-to-Inconsistencies>

Following the October 5th Public Hearing session, the various materials were submitted to the Board in response to the Board's requests including:

The Applicant's consultant submitted aerial overlay and it is posted on the Town's website at the following link:

<https://www.southhadley.org/DocumentCenter/View/7220/Hadley-Street---North-Pole-Estates---Defintiive-Plan---Aerial-overlay-2020-10-16>

The list of questions posed for the Peer Reviewer and the Applicant's consultant is posted on the Town's website at the following link:

<https://www.southhadley.org/DocumentCenter/View/7286/Hadley-Street---North-Pole-Estates---2020-10-05-Questions-for-Peer-Reviewer-and-Applicant-Representative>

The Peer Reviewer submitted responses to the questions posed to them and they are posted on the Town's website at the following link:

<https://www.southhadley.org/DocumentCenter/View/7254/Hadley-Street---North-Pole-Estates---2020-10-19-Memo-from-Weston-and-Sampson-Peer-Reviewer-Responses>

The Applicant's consultant submitted responses to the questions posed to the Applicant and they are posted on the Town's website at the following link:

<https://www.southhadley.org/DocumentCenter/View/7284/North-Pole-Estates---2020-10-23-Letter-from-Rob-Levesque>

Additionally, the Board of Health Chair submitted a letter to the applicant with a copy to the Planning Board Chair and it is posted at the following link:

<https://www.southhadley.org/DocumentCenter/View/7250/North-Pole-Estates-Definitive-Plan---Letter-2020-10-15-from-Board-of-Health-2020-10-21-Received>

The focus of the November 2, 2020 public hearing was to begin reviewing the "design standards" detailed in Chapter 360 – the Subdivision Regulations. During the public hearing, three items were identified which the Planning Board felt it needed and the applicant's consultant agreed to provide:

- A letter or document from the Traffic Consultant providing responses to several traffic concerns
- An estimate of the economic value of the material to be excavated
- An updated aerial image showing accurate existing conditions.

The applicant's consultant provided a letter on November 23, 2020 which addressed the first two items. The November 23, 2020 letter is posted on the Planning & Conservation Department's page of the Town's website at the following link:

<https://www.southhadley.org/DocumentCenter/View/7411/Hadley-Street---North-Pole-Estates-Definitive-Plan---2020-11-23-Letter>

The applicant's representative provided the updated aerial to the Town for the November 30th public hearing.

The Board was unable to complete review of the "design standards" November 2, 2020 in part due to the need for the above-referenced materials.

Follow Up to November 30, 2020 Public Hearing

Design Standards

The Board completed a review of the Chapter 360 "design standards" using a matrix provided to the Board with my assessment of the plans where there were clear "objective" standards which do not require Planning Board determinations. The Board determined that the following items were needed from the applicant:

360-31A(8)

The vertical alignment at grade changes or minimum stopping sight distance at 3.5 feet above the pavement shall be 200 feet.

Where is it demonstrated on the plans?

360-31D(1)

Type "A" The minimum center-line radii of horizontal street curves shall be: 100 feet.

Where is it shown on the plans?

360-38A

Bituminous concrete curbs of the type and dimensions as shown on the Typical Street Cross-Section (see Appendix[1]) shall be required along both sides of the roadway, except at curb inlets or where, in the opinion of the Planning Board, such curbs are not necessary.

Where is the detail?

The applicant provided a response to the technical questions raised above regarding 360-31A(8), 360-31D(1), and 360-38A. The response is posted on the Town's website at the following link: <https://www.southhadley.org/DocumentCenter/View/7618/Hadley-Street---North-Pole-Estates-Definitive-Plan---2021-01-04-Letter-from-Applicant-Consultant>

However, I have not received any revised plans

Additionally, the following excerpt from the November 30th Public Hearing minutes indicate that the applicant would provide additional responses or plan details regarding some of the "subjective" or "discretionary" standards:

The applicant's consultant was given an opportunity to address the Board and offer clarity on items discussed during review of the design standards. Rob Levesque reviewed that the cul-de-sac would be revised and reflected as 'permanent'. Either through special conditioning or plan revision, he would add screening along the lots nearest the mining operation to benefit the livability of the area. He added that additional information regarding the traffic assessment would be provided. Attorney Seidel would speak with the applicant regarding the installation of sidewalks on both sides of the road, rather than the side as was currently proposed.

I have indicated in an email January 8, 2021 to the applicant that the labeling of the cul-de-sac as "permanent" can be addressed as a condition of approval with the actual change being made when the plans are submitted for endorsement. But, the other items need to have documentation in the hearing that avoids the Board making any "decision" after rendering a decision.

Outstanding or Remaining Issues – Planning Board

As a follow up to the November 30, 2020 Public Hearing, Planning Board members were asked to provide the Director of Planning & Conservation with their view as to the "outstanding" or "remaining" issues. The following responses were provided (and have been forwarded to the applicant – but no formal response is expected at or before the January 11th public hearing):

Hydro Study

See pages 1-3 of the 10/19/20 memo from Weston & Sampson:

-Loss of recharge capacity and temporary recharge storage (based on 400,000 cubic yards of earth to be removed) are not addressed. If/when addressed, the analyses should be based upon a mapping of the lateral and vertical extents of the intended sand and gravel removal relative to the existing site topography.

-HAS does not specifically address the currently proposed 9 lot subdivision (only a hypothetical buildout) to account for its specific impacts/activity.

*Note: 11/2/20 memo from BOH also references these deficiencies.

-The cumulative effect of nitrogen nitrate and run-off from fertilizer (and other known contaminants associated w/homeowners) have yet to be analyzed in this study.

-Testing for and a potential remediation plan for prior known contaminants (e.g., lead bullets) - Richard: I know this issue was discussed at a prior hearing but do not recall if remedied...

Traffic Study

See pages 4 and 5 of the 10/19/20 memo from Weston & Sampson. As of 11/23/20, it appears the traffic consultant responded to the tree/ROW issue while the others remain outstanding, such as:

-Sight line measurements for northern driveways as per AASHTO,

-Sight line measurements from the existing driveway to the gravel operation,

-Provide calculations to support truck traffic analysis.

Definitive Plan

- Street layout, design does not appear to meet standard 360-31 A(1) and possibly (2) as well, as elaborated on at the most recent public hearings
- Temporary cul-de-sac not appropriate as per 360-31F
- “Due regard” not given to Dry Brook Hill as required per standard 360-33B
- RH to clarify whether we have appropriate info for 360-31A(8), 360-31D(1) and 360-38(A)
- Provide details on how the lot purchasers will be informed that they are in a Zone II area.
- Landscape/fence buffer, safety measures needed for lots abutting the active gravel pit.
- Amount of earth removed is not “incidental” for the construction of 2 houses - as highlighted in multiple public hearing discussions by the Board, members of the public and the Peer Reviewer, Weston & Sampson, most recently cited in their 10/19/20 memo.

Question about the value of the lots and the value of the materials being excavated.

At the November 30, 2020 public hearing there was information discussed as to the value of the proposed lots and the value of the excavated materials. The applicant has indicated that the value of the excavated materials is approximately \$1,575,000 to \$1,800,000. There was some information provided by a member of the public as to the value of the proposed lots. I would suggest a simpler approach to estimating the value of the resulting lots using the “assessed value” of lots in the Agricultural zoning and Water Supply Protection District located in a subdivision (*keeping in mind that current assessed valuations are based on 2019 calendar year sales*) as follows:

Chatham Estates is a 4-lot subdivision located off Woodbridge Street slightly south of Pearl Street. It is located within the Agricultural zoning district and within the Water Supply Protection District. Two lots abut Woodbridge Street and two lots do not. One lot is over 2 acres in size and the other 3 are very slightly over 1 acre in size. The former lot is assessed at \$120,000 (land only) while the latter 3 lots are assessed at \$116,000 to \$116,200 (land only). None of these lots have sanitary sewer and none abut an active or former earth removal operation. I am suggesting that only the land value be used in the comparison because the typical subdivision developer creates the lots and sells them to either a builder or an end use (future homeowner) who has the home built. Therefore, the value to the subdivider is the value of the lots not the lots and houses – the value of the houses depends on what is built which is unknown at this time.

The North Pole Estates Definitive Plan involves creation of Frosty Lane which is necessary for proposed lots 2 & 3 as shown on the proposed plan. One lot is over 2 acres and the other lot is approximately 1.33 acres. The other two lots proposed as part of the Definitive Plan are abutting Hadley Street and could be created as ANR Plan lots not necessitating the construction of Frosty Lane. Using the assessed values from the Chatham Estates development, the value of proposed lots 2 and 3 would appear to be in the range of \$120,000 and \$116,200 for a total value of the proposed lots of \$236,200.

The applicant’s consultant has indicated that they would also create additional lots off Frosty Lane using an ANR Plan once the roadway was built. It is impossible to know how many lots

would be so created and their size. However, the “concept plan” on Sheet D-2 of the submittal suggest that there could be a net of 3 additional lots. Assuming they are also the size of Lot 2 or Lot 3, they could be similarly assumed to have a value of approximately \$120,000 each. Therefore, the combination of the value of Lots 2 and 3 and the potential additional of 3 more lots by ANR Plans could be assumed to possibly result in a “lot value” of approximately \$596,200. However, it should be noted that this would be “market” or “retail” value which is more than the “net” value to the developer as a developer would deduct their development expenses (plans, permitting, legal, infrastructure costs, etc.) It would not be unreasonable to anticipate that the “developer costs” would exceed \$100,000 for Frosty Lane.

Obviously, there are numerous factors which impact assessments, and this is not presented to suggested that this would be the “assessed value” but to provide some comparisons in the area.

Deadline for Decision - Changes in Section 17, Chapter 53 of the Special Acts of 2020

Since Spring of 2020, the Board has been operating under the provisions of Section 17, Chapter 53 of the Acts of 2020 which, among other things, tolled the deadlines for acting on various applications until after the State of Emergency was lifted. However, recently, the legislature passed amendments to this statute which changed the deadline of the “tolling” period to December 1, 2020. Thus, the “clock” for rendering decisions, beginning public hearings, etc. is no longer measured by the end of the ‘State of Emergency’ but resumes on December 1, 2020.

The applicant’s counsel, in an email exchange with Town Counsel, extended the deadline for completing the public hearing to January 11, 2021 and the deadline for filing a decision to January 15, 2021. This was subsequently further extended to completing the public hearing to January 25, 2021 and the deadline for filing a decision to January 29, 2021.

In an email exchange on January 8, 2021, the applicant’s counsel and Town Counsel agreed to a continuation of the public hearing to January 25, 2021 and that would result in an extension of the deadline for completion of the public hearing to February 8, 2021 and filing of a decision until February 12, 2021.

Requests to speak:

As of January 8, 2021, no one has signed up to speak

Google Form Responses and Emails – Comments:

No new comments have been received since the November 30, 2020 public hearing as of January 8, 2021.

ACTION NEEDED: Vote to continue the public hearing until January 25, 2021 at 6:45 p.m. and agree with the extension of the deadline for concluding of the public hearing and filing of a decision.

The Town Counsel has proposed a workshop with the applicant, Town staff, and one or two members of the Planning Board. Town Counsel will explain the workshop approach at Monday’s meeting.

Agenda Item #6 - Development Update and Planner's Report

The Planning & Conservation Department staff will provide a report on the following items:

a. Development Activity

- Skinner Woods
- Rocky's Hardware

b. Bylaw and Map Amendments

- MVP Stormwater Management Update. The MVP Stormwater Management Consultant will be available to meet on January 25, 2021. I would like to ask the Board about starting the meeting earlier to allow time for this discussion.

c. Master Plan Update

- The Master Plan Update Advisory Committee has recommended the draft Update to the Planning Board for their review and consideration. I understand the Board has scheduled a meeting for

d. Planning Board Meeting Schedule

As set at the December 14, 2020 meeting, the meeting schedule through April 30, 2021 is as follows:

- Monday, January 11, 2021
- Monday, January 25, 2021
- Monday, February 8, 2021
- Monday, February 22, 2021
- Monday, March 8, 2021
- Monday, March 22, 2021
- Monday, April 12, 2021
- Monday, April 26, 2021

e. Planning & Conservation Department Grant Activity

- MassWorks
- MVP
- Land Grant
- APRs
- MDI Local Rapid Recovery Grant

f. Other

- The Deputy Town Administrator has sent out the 2021 Sexual Harassment Policy and Acknowledgement.

Agenda Item #7 – Other New Business

I have included this agenda item for Board members to bring up new items (for discussion and future consideration) that are not on the agenda and which the Chair could not reasonably expect to be discussed/considered as of the date which the agenda was posted.

Additionally, this is an opportunity for the representatives on various committees and the PVPC Commissioner/Alternate Commissioner to make reports to the Board. The reports should be less than 3 minutes each.