

## Background Materials for February 8, 2021

### Agenda Items #1 through #8

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

*Join ZOOM Webinar from your computer:*

<https://us02web.zoom.us/j/87855028608?pwd=NU13dnZPNUJUTm9kR2lkY3BwYXBEQT09>

*Join by phone:* US: +1 301 715 8592

*Webinar ID:* 878 5502 8608 *Passcode:* 960786

#### **Facebook Streamed:**

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](mailto:SHPlanBoard@southhadley.ma.gov)

#### ***Agenda Item #1 – Minutes***

A draft of the minutes of the January 21, 2021 Planning Board special meeting to discuss the Master Plan Update were previously emailed for the Board's review. The Planning & Conservation Senior Clerk has emailed a draft of the January 25, 2021 Planning Board meeting minutes for the Board's review. She anticipates emailing the January 25, 2021 Public Hearing minutes to the Board members on Monday.

**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 – Signs – PeoplesBank – 468-470 Newton Street***

As the Board is aware, PeoplesBank is constructing a new branch facility on Newton Street at its intersections with Lyman and Dayton Streets (see aerial photo below).



Agnoli Sign Co., Inc. has submitted a request for installation and illumination of new signs – wall and freestanding for the new PeoplesBank under construction at 468-470 Newton Street. The subject property is in the Business A zoning district. The materials submitted for this request have been posted on the Planning & Conservation Department page of the Town's website at the following link (Section labeled: "Newton Street (468) - New PeoplesBank – 2021"):

<http://southhadley.ma.gov/973/Proposed-Projects---Signs>

When the Board granted Site Plan/Special Permit approval for this project, the issue of conversion, the issue of sign approval was left to the Building Commissioner and Director of Planning & Conservation:

*9. Signage. Prior to issuance of a sign permit or erection of any signage associated with this project all signs shall be approved by the Director of Planning & Conservation and Building Commissioner. This review is required to ensure compliance with the Zoning By-Law specifications and to assure that the sign does not impede motorists' visibility.*

This approval will occur through the normal permitting process. During the Board's review process, there were questions raised about the "Bobblehead" on the drive through wall. I had the Building Commissioner review all of the proposed signs including the "Bobblehead" and he provided the following:

*"I spoke with Amanda Pfeffer (from Agnoli Sign Co., Inc.) today (January 13, 2021) regarding the bobblehead panel at the drive-thru canopy. By definition, it is a sign. Plans are to amend the site plan to delete that sign. All other signs planned for the site are, in my opinion, permitted. Illuminated signs, of course, are subject to approval by the planning board."*

Accordingly, the "Bobblehead" panel has been removed.

However, the approval of the illumination of the signs is subject to Planning Board approval under Section 255-85G of the codified Zoning Bylaw which provides that,

*No illuminated signs shall be permitted unless first approved by the Planning Board. Prior to approving an illuminated sign, the Planning Board must make a determination that the sign will not be adverse to the character of the surrounding neighborhood or the community. The Planning Board shall notify, by mail, abutters of the date, time, and place of the Planning Board meeting at which the request for an illuminated sign is to be considered.*

- (1) Exception. Traffic control and directional signs by municipal, state and federal agencies shall be excepted from this requirement.*
- (2) Adverse to surrounding neighborhood or community. Signs which illuminate more than what is necessary to convey the message or name being promoted or create glare which may impact motorists are generally considered to have an adverse impact on the community. Such adverse impact arises from excessive light pollution. Therefore, in determining whether to approve the illumination of a sign, the Planning Board shall:*

- (a) Consider and minimize the illumination impact of the signage illumination on the surrounding properties; and*
- (b) Only approve internally illuminated signs where only the lettering or logo of the enterprise or message being promoted are illuminated; and*

- (c) Ensure that the illuminated sign does not illuminate adjoining or nearby residential properties or pose a danger to motorists on adjoining or nearby roadways which might arise from glare from the illumination source; and*
- (d) Not approve exposed or illuminated neon signs; and*
- (e) Require that illumination sources not illuminate the background or field of a sign except to the extent that the background or field (due to the shape of the sign area) is clearly a logo of the company or enterprise being advertised.*

Pursuant to the Zoning Bylaw, the abutters have been notified of the meeting.

**ACTION NEEDED:** Determine if the illumination of the sign as proposed meets the Zoning Bylaw standards.

***Agenda Item #4 – Signs – Big Y Express – 467 Newton Street***

Graphic Impact Signs has submitted a request for replacement of existing signs including changing the means of illumination at the Big Y Express located at 467. The subject property is in the Business A zoning district. The materials submitted for this request have been posted on the Planning & Conservation Department page of the Town’s website at the following link (Section labeled: “*Newton Street (467) - Big Y Express*”):

<http://southhadley.ma.gov/973/Proposed-Projects---Signs>

From the information provided by the applicant, it appears that the “area” of signs to be illuminated will actually be less than is currently illuminated and they have noted that the ability to use technology for changing the message (price of gas) will be beneficial to their employees. While changing the face of the sign would not normally require Planning Board approval, their proposal to change the method of illumination to LED prompted me to determine that this request should go before the Board.

Approval of the illumination of the signs is subject to Planning Board approval under Section 255-85G of the codified Zoning Bylaw which provides that,

*No illuminated signs shall be permitted unless first approved by the Planning Board. Prior to approving an illuminated sign, the Planning Board must make a determination that the sign will not be adverse to the character of the surrounding neighborhood or the community. The Planning Board shall notify, by mail, abutters of the date, time, and place of the Planning Board meeting at which the request for an illuminated sign is to be considered.*

- (1) Exception. Traffic control and directional signs by municipal, state and federal agencies shall be excepted from this requirement.*
- (2) Adverse to surrounding neighborhood or community. Signs which illuminate more than what is necessary to convey the message or name being promoted or create glare which may impact motorists are generally considered to have an adverse impact on the community. Such adverse impact arises from excessive light pollution. Therefore, in determining whether to approve the illumination of a sign, the Planning Board shall:*

- (a) Consider and minimize the illumination impact of the signage illumination on the surrounding properties; and*
- (b) Only approve internally illuminated signs where only the lettering or logo of the enterprise or message being promoted are illuminated; and*
- (c) Ensure that the illuminated sign does not illuminate adjoining or nearby residential properties or pose a danger to motorists on adjoining or nearby roadways which might arise from glare from the illumination source; and*
- (d) Not approve exposed or illuminated neon signs; and*
- (e) Require that illumination sources not illuminate the background or field of a sign except to the extent that the background or field (due to the shape of the sign area) is clearly a logo of the company or enterprise being advertised.*

Pursuant to the Zoning Bylaw, the abutters have been notified of the meeting.

**ACTION NEEDED:** Determine if the illumination of the sign as proposed meets the Zoning Bylaw standards.

***Agenda Item #5 – Dance Studio as a “Professional Business Special Permit”?***

A local business is interested in moving their dance studio into an area in the Residence A-1 zoning district. The area they have identified allows “Professional Business” by Special Permit. Section 255-34C of the Zoning Bylaw provides, in part, as follows:

*"Under these regulations, except as herein otherwise provided, an existing structure may be used or a structure constructed or altered to be used for an occupation(s) which may include, but not be limited to, the following: professional offices for a physician, funeral director, surgeon, dentist, lawyer, chiropractor, chiropodist (podiatrist), accountant, architect, psychologist or engineer, practicing individually or in a group, insurance offices, consultants, financial services, administrative offices and real estate offices."*

My reading of that provision leads me to believe that a dance studio, day care, etc. would not fit within the “Professional Business Special Permit” category. Building Commissioner David Gardner similarly stated that, he agreed with me; that *“both in terminology and concept that it is beyond a stretch to group a dance studio with the professional uses.”*

Much to my surprise, I have learned that, in 1990, the Planning Board granted a Professional Business Special Permit for a day care center. Obviously, that occurred before I came to work for the Town and before any of the present Planning Board members were on the Board. I had wrongly assumed that the day care was present because of the exemption for such uses under Chapter 40A, Section 3, MGL.

If a day care center could be deemed appropriate under the Professional Business Special Permit, then a dance studio or other school (for profit) would seem to be similarly appropriate. I do not think that 255-34C has the caveat that the listing of uses is “not limited to”. Based on learning of the Planning Board 1990 Special Permit, I have suggested that the prospective business representative ask the Board if the current Board would feel that a dance studio would fit within the parameters of a Professional Business Special Permit.

If the Board were to say that “conceptually” a dance studio would be appropriate for consideration under a “Professional Business Special Permit”, that would NOT commit the Board to approving any particular Special Permit. The prospective applicant would then need to prepare and file a Special Permit application and demonstrate to the Board’s satisfaction during a public hearing that their proposal meets all of the mandatory criteria for a Special Permit. This informational meeting would simply mean they can get in line to submit an application.

Accordingly, the Board should **NOT** consider the particulars related to any given location, prospective operating hours, level of activity, etc. Such particulars are appropriate when consideration a particular Special Permit application.

**ACTION NEEDED:** Assess whether, conceptually a “dance studio” fits within the allowance for a “Professional Business Special Permit”

***Agenda Item #6 – Authorization for DLTA Application***

Each year, the Pioneer Valley Planning Commission (PVPC) solicits proposals from communities to undertake planning studies/efforts under a District Local Technical Assistance (DLTA) program. In the past, the Town has been very successful in obtaining these services – particularly as they relate to the Town’s efforts to meet its housing obligations. The grants can be used for projects focused on:

- Planning Ahead for Housing
- Planning Ahead for Growth
- Technical Assistance to advance identified Community Compact Cabinet Activities
- Shared Municipal Service Projects
- Assist with the community’s response to COVID

Applications are relatively simple to prepare and are due February 12, 2021. Before preparing and submitting an application this year, I wanted to get input from the Board as to potential projects.

In December 2019, the Board identified the following as two priority areas for 2020:

- Mount Holyoke Resource area
- Arts and Culture District or Use

I believe that the issue of protecting the District 2 public water supply and the Mount Holyoke Resource area would be considered the top priority today.

It would seem that the Mount Holyoke Resource Area priority would fit well within the “Planning Ahead for Growth” category. Last year we sought DLTA assistance for the same project but it was not approved.

Anne Capra and I believe that combining this issue with updating the Water Supply Protection District would be a strong proposal and provide the Board with important recommendations to

pursue. Therefore, it is my suggestion that the Town submit a DLTA application for Water Supply Protection District Update/Mount Holyoke Resource Area protection. I would anticipate the resulting work would provide the basis from which the Board can make proposals for regulatory changes which would better protect the public water supply for District 2 and the majority of its recharge area - Mount Holyoke Range as a natural resource area.

Applications must be signed by either the Selectboard Chairperson or the Planning Board Chair. I would suggest that the Planning Board Chair be authorized to sign the application.

The program requires a 5% “in kind” match. This translates into Planning & Conservation Department staff time working with the PVPC staff on the project.

**ACTION NEEDED:** Identify the project for a DLTA request and authorize preparation and submittal of the application.

***Agenda Item #7 - Development Update and Planner’s Report***

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

***a. Development Activity***

- Dunkin Donuts – “Expansion”: The owner is planning to add a freezer requiring a “bump out” to the north side of the building and extending the drive through window on the northside. The Planning Board granted a waiver of site plan review for the freezer “bump out” in 2018. At the time, there were questions raised as to the impact that addition would have on the drive through window. Apparently, the business had similar concerns as they are now proposing to bump out the drive through window such that it will be in approximate alignment with the freezer bump out. I have advised their consultant that the Planning Board would need to grant a waiver of site plan review since the drive through was originally approved in 1997 by Special Permit.
- Dunkin Donuts – Signage”: A sign company is preparing to apply to reface/replace the signs for the Dunkin Donuts. These changes will apparently reduce the size of the signs but change the illumination to LED.
- PeoplesBank: They appear to be nearing completion of the construction.
- Skinner Woods: The project engineer is preparing the plans for a Form H endorsement and possibly amendments to the Special Permit due to changes that are being made.
- Rocky’s Hardware: The project engineer is working on the plan submittals and their architect is having some simulations prepared which will show how the building will relate to the massing of other buildings on the site and on the adjacent property. I anticipate the application for Site Plan Review and Stormwater Management will be submitted sometime in March which would result in public hearing, probably late April.
- The Park at Woodlawn: The developer is pursuing their funding. I participated in a meeting with an architect representing the Department of Housing and Community Development to provide some background on public improvements being made in the area – the MassWorks project, the Senior Center, and the MassDOT improvements.

b. Bylaw and Map Amendments

- MVP Stormwater Management Update. The Planning & Conservation Department staff are preparing the amendment detail for a public hearing to be held by the Planning Board. The Board needs hold the public hearing late March or early April so that any revisions can be made before the Town Meeting warrant is finalized. However, we can't advertise the hearing until we have the amendment in draft form for public review.
- Public Hearings: I would suggest that the Board schedule all hearings on Bylaw and Map Amendments for the same night. This will be challenging with the pending and anticipated projects that the Board is/will be reviewing. A decision on the hearing dates should be made February 22, 2021 if possible but must be made no later than March 8, 2021. If the hearings are held too close to Town Meeting, there will be insufficient time to make any substantive changes if necessary.

c. Master Plan Update

The Master Plan Update Advisory Committee has recommended the draft Update to the Planning Board for their review and consideration. Special Planning Board meetings were scheduled to review the Master Plan Update on the following dates – to be held at 6:00 p.m. for approximately 2 hours each night:

- ~~○ January 21, 2021~~
- ~~○ February 4, 2021~~
- February 18, 2021
- March 4, 2021
- March 18, 2021

Following the Planning Board's review, revisions will be considered based on input from various departments and boards/commissions as well as the public. A public hearing will be held to solicit additional public input prior to the Board considering adoption of the Master Plan Update.

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

- District Local Technical Assistance (DLTA)
- MassWorks

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

f. Other

- Annual Report – The annual report was drafted and submitted to Administration. A copy has been emailed to Planning Board members. If any members have suggested edits, they will be incorporated – to the extent feasible – into the report. The Board may also approve the Annual Report under “Other New Business”.

***Agenda Item #8 – 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.