

Background Materials –January 24, 2022– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation

Cable Access Channel 15 – 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 posted on the Town of South Hadley Planning and Conservation Department webpage here: [Policy-on-Open-Comment-Period---As-Adopted-2021-03-08 \(southhadley.org\)](#)

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

AGENDA ITEM #2 Minutes

Senior Clerk Colleen Canning forward the minutes of the 12/13/21 meeting.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3 Correspondence

A list of correspondence received is attached.

Action Needed: No action needed.

AGENDA ITEM #4 First Congregational Church Illuminated Sign – Alteration of Non-conforming Use Special Permit

The First Congregational Church submitted an application to replace an existing sign and kiosk with one that includes illumination. Under South Hadley’s Zoning Bylaw, Chapter 255-85, illuminated signs require approval by the Planning Board. The church is located in a Res A-1 zoning district in which signs are prohibited, with some exceptions which do not apply to this site. See Town Counsel Lisa Mead’s opinion memo attached.

In summary, the sign is considered a preexisting nonconforming structure as it was installed between 1965 and 1967 prior to the prohibition on signs in the Residential and Agricultural Districts which took effect around 1977. The paragraph about illumination of signs was added in 2002. Under Section 255-7 of the Bylaw, the standard for approval for alteration of a preexisting nonconforming structure is that it may not be substantially more detrimental to the neighborhood than the existing structure.

Furthermore, pursuant the Dover Amendment (MGL C40A, Sec 3) land or structures used for religious purposes may not be prohibited or restricted, except for reasonable regulations such

as built and height. Thus, per Attorney Mead’s memo, the sign may be subject to reasonable regulations concerning the bulk and height of it, but it may not be prohibited.

[Church-Street-1---Illuminated-Sign-Request---First-Congregational-Church---2021 \(southhadley.org\)](https://southhadley.org/DocumentCenter/View/9125/Water-Supply-Protection-Overlay-District-Review---Appendix-A)

The existing sign is 33”x 53”; the proposed sign (electronic message board) will be 33” x 73” plus an illuminated banner on top that will be 9” x 73” with the church name on it. Both the message board and the banner are illuminated. The name banner is a white polycarbonate face with black letters. The electronic message board is described as “standard”. Thus, it appears that at least the name banner does not have illuminated lettering only but rather is backlit. I am unclear about the electronic message board’s illumination presentation, and have requested that applicant have the sign company representative attend the meeting to answer questions.

Further guidance from Town Counsel Lyndon via email stated, “They can place reasonable restrictions on the frequency of change, illumination, brightness, etc. so long as it relates to a legitimate public purpose, i.e. public safety.” Thus, requesting that the illumination comply with the existing standards would be reasonable.

Action Needed: Because the sign cannot be prohibited due to the Dover Amendment, the Board must vote to issue a Special Permit for the alteration of a preexisting nonconforming structure (i.e. the sign), but can do so with reasonable regulation concerning the bulk and height of the structure, as well as illumination.

AGENDA ITEM #5 Water Supply Protection Overlay District Study Report, Patty Gambarini, Pioneer Valley Planning Commission

Under a District Local Technical Assistance (DLTA) Grant from the PVPC, Senior Planner Patty Gambarini was tasked with reviewing the existing Water Supply Protection Overlay Zoning District to do the following:

- Task 1 - Locate and summarize technical documents describing the nature of the groundwater supply provided by the Dry Brook area.
- Task 2 - Inventory and map natural, scenic and recreational resources of the Mount Holyoke Range.
- Task 3 - Assess existing regulatory tools and other aspects of land ownership.
- Task 4 - Compile a report on the major findings.

Below are links to the deliverables for these tasks. Patty will give a presentation on her review and major findings and answer questions from the Board and the public.

[Microsoft Word - Final Memorandum \(southhadley.org\)](https://southhadley.org/DocumentCenter/View/9125/Water-Supply-Protection-Overlay-District-Review---Appendix-A)

[Water-Supply-Protection-Overlay-District-Review---Appendix-A \(southhadley.org\)](https://southhadley.org/DocumentCenter/View/9125/Water-Supply-Protection-Overlay-District-Review---Appendix-B)

[Water-Supply-Protection-Overlay-District-Review---Appendix-B \(southhadley.org\)](https://southhadley.org/DocumentCenter/View/9125/Water-Supply-Protection-Overlay-District-Review---Appendix-B)

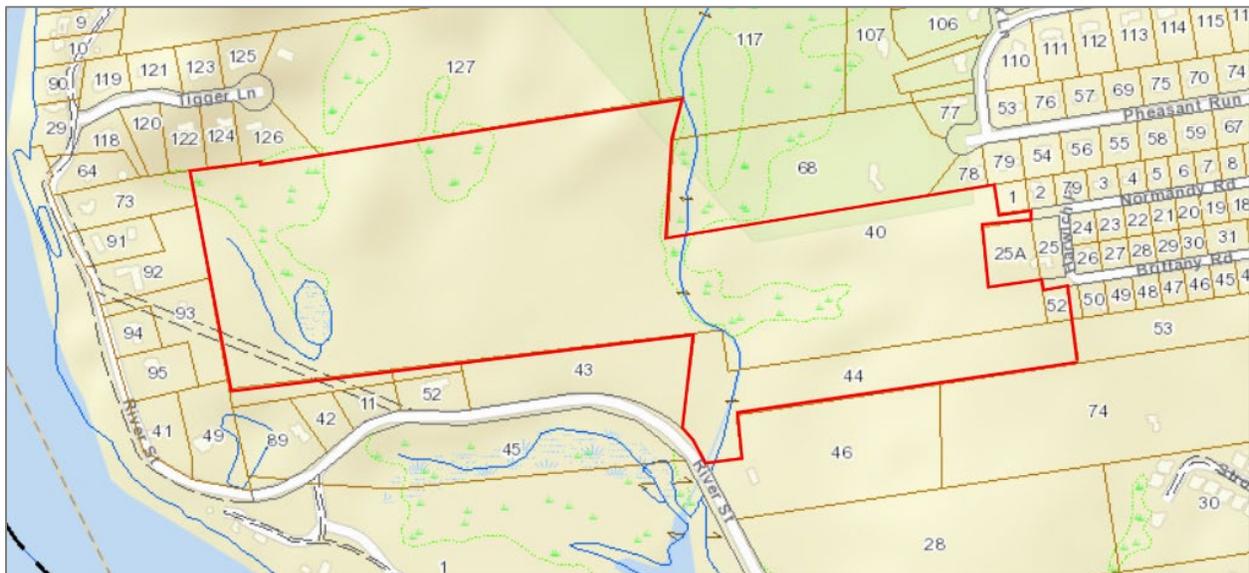
<https://southhadley.org/DocumentCenter/View/9125/Water-Supply-Protection-Overlay-District-Review---Appendix-C>

AGENDA ITEM #6 River Road ANR

[Boudreau2021 \(southhadley.org\)](http://southhadley.org)

Paul Boudreau has submitted an ANR plan to reconfigure three parcels on River, Brittany and Normandy Roads into two new lots.

Parcel	Street Address	Current Frontage	Zoning District
24-52	Brittany Road	100'	RA1
23-40	Brittany Road	50' on Normandy Road & 50' on Brittany Road	Agricultural
23-44	River Road	120.87'	Agricultural



The proposed ANR would result in two new lots: Lot 1 and Lot 2, and would meet the standards for Approval Not Required under the Subdivision Control Law as follows:

1. **Type of Way:** River, Brittany and Normandy Roads are all Town owned and maintained roadways, therefore meeting the definition of a public way.
2. **Minimum frontage requirements for zoning district:** Lot 1 will only 120.87' on river Road in the Agricultural District. The minimum frontage requirement for this district is 150'. Lot 2 is within the RA-1 zoning district (minimum frontage requirement is 125') and the Agricultural zoning district (minimum frontage requirement is 150'). Lot 2 does not meet the frontage requirements for either zoning district. *Therefore, neither of the proposed lots meet the minimum frontage requirements for the respective zoning districts.*

3. Vital access: River, Brittany and Normandy Roads are Town owned and maintained roadways, therefore the standard for vital access is met.

Therefore, it is my opinion that the plan having not met the frontage standard for either of the proposed lots does not meet the standards for endorsement and must be denied.

If the Board fails to act upon a submitted plan within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

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.

AGENDA ITEM #7 Capital Planning Committee Appointment

Town Administrator Lisa Wong has been reviewing board appointments to various committees. The Planning Board appointee (3-year term) to the Capital Planning Committee expired in 2020 and new appointment is requested. The previous member was former Planning Board member Joan Rosner.

More information about the work of the Capital Planning Committee can be found on their webpage here: [Capital Planning Committee | South Hadley, MA - Official Website](#)

If none of the Planning Board members are interested in serving on the Capital Planning Committee, the Selectboard has received an application from Jon Camp and will likely fill the position with his appointment. See his application attached.

Action Needed: Appoint new Capital Planning Committee member, or decline appointment and allow Selectboard discretion for appointment.

AGENDA ITEM #8 Planning & Conservation Department Report on Planning Projects and Development Updates

27 Bardwell Street, Library Condos – Status Report Letter

Jesse Liu submitted a status report letter dated 12/20/21. Per the Special Permit extension granted on 9/23/21, the owner is to submit monthly status reports beginning on 11/1/21. This is the first report received. Per Mr. Liu's letter, they are still experiencing delays but making some progress, and estimate the completion date to be "around May 30, 2022". The permit extension date was to February 28, 2022 which means they will need to request another extension.

Training on Nonconforming Uses and Structures

Zoning Board of Appeals Chair Martha Terry has engaged the Citizen Planners Training Collaborative to conduct a training for South Hadley ZBA and Planning Board members on this

topic. I highly recommend the Board participate in this training. We should identify some preferred days of the week for this training and Martha will get this scheduled. Learn more about the CPTC and trainings available through them here: [Citizen Planner Training Collaborative \(masscptc.org\)](#)

Master Plan Joint Meeting with Selectboard

The joint MPIC, Planning Board and Selectboard meeting has been rescheduled to the February 1st Selectboard meeting. Their meetings start at 7 PM.

Master Plan Final Draft

[2020 Master Plan Update | South Hadley, MA - Official Website](#)

Consultant Emily Innes has completed the edits to the plan. The plan as well as Appendices A thru F are posted on the Planning Board webpage at the link above. The Board needs to schedule a public hearing for review of the final draft plan at this time.

Route 33/202 Corridor Study Final Report

[Route-33202-Corridor-Study---Final-Report-January-2022 \(southhadley.org\)](#)

Our consultant Emily Innes has made the final edits to the report based on the last community meeting. The report is posted to the Planning Board website at the link above. At this point, the Board should identify a meeting to discuss the final plan, and a vote to endorse the plan or not.

Next Meeting Dates

2/7	4/11
2/28	4/25
3/14	5/9
3/28	5/23

AGENDA ITEM #9 Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No new business had been submitted to me as of today.



Mead, Talerman & Costa, LLC
Attorneys at Law

227 Union Street
Suite 606
New Bedford, MA 02740

www.mtclawyers.com

TO: ANNE CAPRA, DIRECTOR OF PLANNING & CONSERVATION
FROM: LISA L. MEAD AND ELIZABETH LYDON, TOWN COUNSEL
RE: DOVER APPLICABILITY TO CHURCH SIGN
DATE: DECEMBER 16, 2021

Reference is made to the above-captioned matter. In that connection you have requested a legal opinion relative to the applicability of Chapter 40A, section 3, “the Dover Amendment” to an existing sign on church property.

The First Congregation Church in South Hadley submitted an application to replace an existing sign and kiosk with one that includes illumination. Under South Hadley's Zoning Bylaw, Chapter 255-85, illuminated signs require approval by the Planning Board. The church is located in a Res A-1 district in which signs are prohibited, with some exceptions under 225-85 B of the Bylaw.

The existing sign was installed by the church between 1965 and 1967 and the prohibition on signs in Residential and Agricultural Districts did not take effect until around 1977, and the paragraph regarding illumination of signs was added in 2002. Therefore, the current sign would be considered a pre-existing nonconforming structure as it existed before the current restrictions. Under section 255-7 of the Bylaw, “Preexisting nonconforming structures or uses may be changed, extended or altered only upon approval of a special permit for such purpose by the Planning Board acting as the special permit granting authority, provided that the Planning Board shall find that such change, extension or alteration will not be substantially more detrimental than the existing nonconforming use to the neighborhood in which it is located. This shall not apply to billboards, signs, and other advertising devices subject to the provisions of MGL c. 93, §§ 29 through 33, inclusive, and to MGL c. 93D.” A church sign would not be considered an advertisement and could be allowed under a special permit approved by the Planning Board.

Further, pursuant to the Dover Amendment, “No zoning ordinance or by-law shall ... prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” Each element or section of a structure need not have an independent religious use to be protected by the Dover Amendment restricting zoning ordinances and by-laws concerning land or structures used for religious purposes; rather, the Amendment applies if the structure as a whole is used for religious purposes. M.G.L.A. c. 40A, § 3. Martin v. Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints, 434 Mass. 141, 747 N.E.2d 131 (2001). If the sign is used in furtherance of a religious purpose, i.e., to promote the church and to display religious

Newburyport Office
30 Green Street
Newburyport, MA 01950

Millis Office
730 Main Street, Suite 1F
Millis, MA 02054
Phone/Fax 508.376.8400

messages, it is considered a religious structure. Therefore, although it is subject to reasonable regulations concerning bulk and height, it cannot be prohibited.

Feel free to reach out with any questions or concerns regarding this opinion.



Anne Capra <acapra@southhadleyma.gov>

Fwd: Online Form Submittal: Application for Appointment to Board, Commission, or Committee

1 message

Kristin Maher <kmaher@southhadleyma.gov>
To: Anne Capra <acapra@southhadleyma.gov>

Thu, Jan 20, 2022 at 4:06 PM

Hi Anne,

Here is the resume for Jon Camp for your board's consideration.

Thank you,
Kristin Maher
Executive Assistant to Administration
Town of South Hadley
(413) 538-5030 ext 6135



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

From: <noreply@civicplus.com>
Date: Thu, Dec 23, 2021 at 3:30 PM
Subject: Online Form Submittal: Application for Appointment to Board, Commission, or Committee
To: <chamlin@southhadleyma.gov>, <kmaher@southhadleyma.gov>, <ljacobs@southhadleyma.gov>

Application for Appointment to Board, Commission, or Committee

Step 1

Committees

Before the Selectboard or other appointing authority makes appointments, they would like to know a little about you and why you feel you could contribute to the board or committee. Please take a few minutes and complete the brief expression of interest information below and click submit to send your application for consideration.

Please Note: *When submitting online, when you click the "submit" button you are agreeing to read a copy of the Massachusetts General Laws Chapter 268A "Conflict of Interest" provided by the Town Clerk, if appointed, and to the best of your abilities agree to abide by the provisions of the statute. You may receive a phone call to confirm your interest in the appointment.*

Choose From the Following Other

List your board or committee Capital Planning Committee

choices here in the order of preference. If you selected "Other" above, please indicate which board or committee to which you wish to apply.

Please give any details regarding your interest in this appointment.

I have attended most all the Capital Planning Committee meetings the past 4 plus years as an interested individual.

My past military experience with logistical facility maintenance/replacement would be an asset to the committee. I also have an background in repairing/rebuilding and replacing all types of equipment (management level).

Please Provide the Following Information

Name	Jon E. Camp
Email	katec202@aol.com
Address1	202 Lathrop Street
Address2	<i>Field not completed.</i>
City	South Hadley
State	MA
Zip	01075-3309
Primary Phone	413-536-4113
Alternate Phone	<i>Field not completed.</i>
Cell Phone:	<i>Field not completed.</i>

General Questions

Are you a registered voter in the Town of South Hadley?	Yes
Are you a Town Meeting Member?	Yes
Is any of your immediate family employed by the Town of South Hadley?	No
Do you now or have you previously served in town government?	Yes
If yes, please list the board(s), commission(s), or committee(s) on which you	Town Meeting Member - current member

serve(d), and the dates of service for each.

What skills and experience do you have? (Knowledge, other volunteer experience, employment experience, etc.)

* Past Board member on the Pantry, Friends of Buttery Brook, Friends of the South Hadley Dog Park.

* Assistant Surface Maintenance Manager for the Mass Army National Guard managing fiscal, facilities and maintenance operations of over 275 full time employees.

* National Guard Bureau (NGB) (Army Side): Logistical Director Division) Managed seven Dept Army funded repair/rebuild for sites with 600 employees and then developed four NGB funded repair/rebuild sites.

* Hqs Dept Army, G-8 Hardware Division: Managed the 2 1/2 & 5 ton truck program of over 84K trucks and 25K trailer with yearly budgets of \$450M to over \$1B. New trucks were purchased, some trucks went to rebuilt programs and some trucks where issued to foreign countries to help them with the war.

Please list any additional information you think may be helpful in reviewing your application.

Education:
 BS AIC
 Masters: Ann Maria College
 Engineer Officer Basic Course Ft Belvoir, VA
 Engineer Officer Advance Course Ft Belvoir, VA
 Many Courses/Instuction classes as full time National Guard employee

Other: Treasure/Superintend of the Village Cemetery of South Hadley Falls (volunteer position)

How did you learn of the vacancy you are applying for?

Town Website

If you indicated another resident or other above, please provide the resident's name or provide additional details.

Field not completed.

Upload a Letter of Interest

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

SOUTH HADLEY PLANNING BOARD - LIST OF CORRESPONDENCES
January 24, 2022

Letters and Memorandums

- Email received December 14, 2021 from Martha Terry, South Hadley resident, regarding training opportunities through the Citizen Planner Training Collaborative (attached)
- Email received January 14, 2022 from Jack Modestow, Stonefield Engineering, requesting that the fencing associated with the new Bank of America ATM located at 84 Willimansett Street will be a black coated chain link fence. (attached)
- Development update received December 20, 2021 from Jesse Lui regarding the progress of the Special Permit to convert the former library to condominiums at 27 Bardwell Street (attached)
- Special Permit and Stormwater Management Application received for site redevelopment at 7 Gaylord Street
- Special Permit received for alteration of preexisting, nonconforming maintenance garage at 1 Wood Ave
- Approval Not Required Plan received for property on River Road, Assessor's Map 23 Parcel 40 & 44
- Approval Not Required Plan received for property on the corner on Newton and Lyman Street, Assessor's Map 28 Parcels 194 & 200

Legal Notices

Amherst

- Notice received from the Amherst Planning Department for a public hearing on January 10, 2022 to consider a zoning bylaw amendment for a temporary moratorium on the permitting and approval of large-scale mounted solar photovoltaic installations.
- Notice of decision received from the Amherst Planning Board for approval of modifications to a special permit to allow for 16 parking spaces, rather than 14, associated with a mixed use building at 534 Main Street and associated parking lot across the street.
- Notice of decisions received from the Amherst Planning Board for site plan approval of wayfinding signs for Amherst College at multiple locations.
- Notice received from the Amherst Planning Board for public hearings on January 19, 2022 for the following: 1) site plan for construction of an addition to existing barn at 305 North East Street; 2) site plan for renovations to existing Amherst College academic buildings and creation of service drives and pedestrian path; 3) Special Permit to modify front setback requirement for a new Amherst College academic building; and 3) site plan to expand existing parking lot at Amherst College academic building.

Chicopee

- Notices received from the Chicopee Planning Board for public hearings on January 6, 2022 for the following: 1) Site Plan to construct a new 38,400 SF industrial building with associated parking, stormwater management, and utilities on East Main Street and 2) new annual wine/malt package store license at 345A Chicopee Street.
- Notice received from the Chicopee Planning Board for a public hearing on February 3, 2022 for a zone change from Residential A to Business A at 523 James Street for the purpose of eliminating a split-zoned property.
- Notice of decision received from the Chicopee Zoning Board of Appeals for approval of a variance to allow construction of a single family home with frontage on Arnold Ave.

Granby

- Notice received from the Granby Planning Board for a public hearing on January 10, 2022 to consider a site plan for a truck parking and dumpster area for the purpose of overnight parking for 10 trucks and the storage of empty dumpster at 8 West State Street.

Hadley

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Holyoke

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Publications

- **Zoning Practice** December 2021 - Issue Number 12 *Practice Zoning Minimalism*
- **Zoning Practice** January 2022 - Issue Number 1 *Practice Racial Equity*
- **Planning:** Winter 2022 *The 2022 Trend Report for Planners; Gentrification Without Displacement; The Billion Dollar Curb; Plus: How to Create Shovel-Worthy Infrastructure*

Fwd: letter to Members of the Planning Board of South Hadley

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

Tue, Dec 14, 2021 at 9:27 AM

Hi Colleen,
Can you please add this to our list of correspondence for the next Planning Board meeting on 1/3. We should include the full letter from Martha.
Thanks,
Anne

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

From: **Martha Terry** <marthatterry25@gmail.com>
Date: Mon, Dec 13, 2021 at 6:29 PM
Subject: letter to Members of the Planning Board of South Hadley
To: Anne Capra <acapra@southhadleyma.gov>

Dear Members of the Planning Board:

The Zoning Board of Appeals needs a training on Non-conforming Uses and Structures as offered by the Citizen Planner Training Collaborative after January 2022.

I am writing to invite the members of the Planning Board to participate in this training. This will be an opportunity to refresh and update an understanding of the law on nonconformities and grandfathering of uses and structures. I had previously attended a training on the same subject by the CPTC and found it very worthwhile.

Law in this area is constantly evolving so this new training will allow the Board of Appeals and the Planning Board to stay current.

Please respond to this invitation, and I will make the necessary arrangements when I receive notice from the CPTC of the date and time of the training.

Thank you,

Martha R. Terry, Chair, South Hadley Zoning Board of Appeals

--
Anne Capra, AICP
Director, Planning & Conservation
Town of South Hadley
116 Main Street | South Hadley, MA 01075
(413) 538-5017 x6128
acapra@southhadleyma.gov

Fwd: 84 Willimansett Street- ATM Fence

Kristin Maher <kmaher@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Jan 14, 2022 at 2:43 PM

Thank you,
Kristin Maher
Executive Assistant to Administration
Town of South Hadley
(413) 538-5030 ext 6135

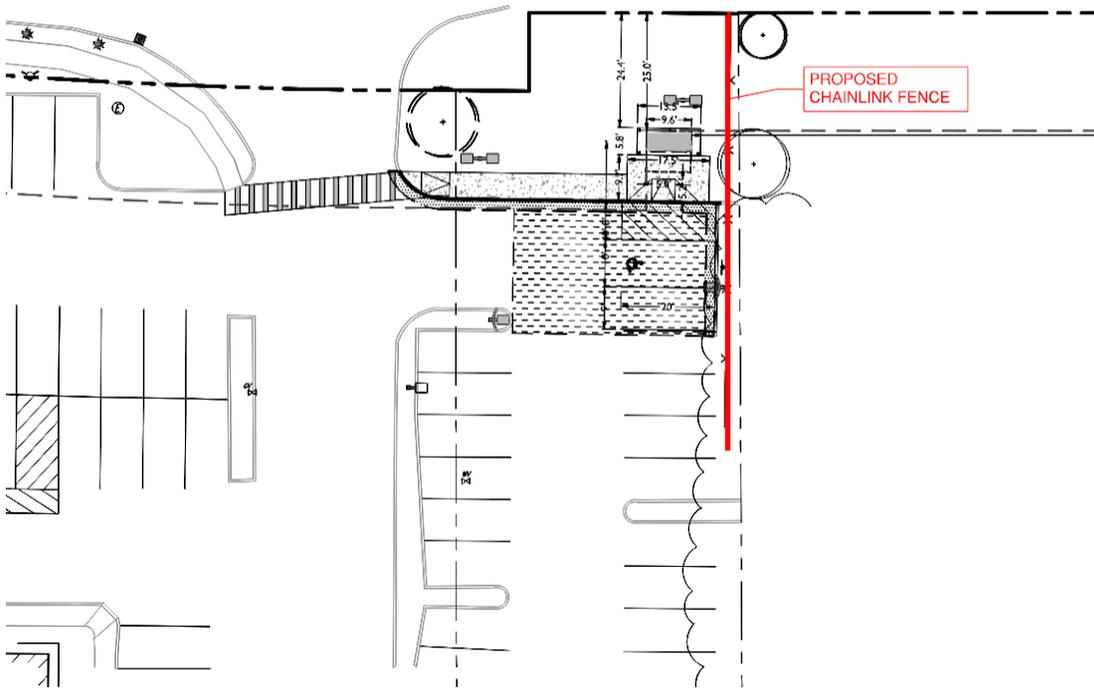


----- Forwarded message -----

From: **Modestow, Jake** <jmodestow@stonefieldeng.com>
Date: Fri, Jan 14, 2022 at 2:38 PM
Subject: [84 Willimansett Street- ATM Fence](#)
To: Anne Capra <acapra@southhadleyma.gov>
Cc: Mike Sullivan <msullivan@southhadleyma.gov>, Kristin Maher <kmaher@southhadleyma.gov>

Anne- We are closing out the ATM project that was approved in late 2021 and had on revision we would like to make on-site. The current fence located on the east side of the property is noted to be Vinyl. The team has received recent enquiries to change the material from a solid white vinyl fence to a black coated chain link fence to avoid some of the sight conflicts that people are having with the white fence.

Please let us know if its possible to replace the fence with the black chain link fence.



Jake Modestow, PE

STONEFIELD

M 413.531.8324

December 20, 2021

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

Hi Anne,

Not much has changed in this construction environment, but progress is being made where Jesse Liu's crew is tasked. We've had to change the HVAC contractor to remedy the lack of progress of the original HVAC team. It is anticipated that rough plumbing, electrical, sprinklers, & gas piping will be complete in Units 3,4,&5 sometime next week. After building dept. inspections of these units, we plan to proceed with insulation, sheetrock, flooring etc.

Status to date :

1. Changes to the existing construction to accommodate two additional prospective buyers are still being negotiated.
2. Exterior decks and railings are nearly complete except where new railings are needed on unit 3.
3. We are exploring other sources for new window and door assemblies.
4. Some required masonry openings for custom windows & doors are scheduled, but our masons have been delayed still with medical issues.
5. Units 3,4,&5 have passed their electrical and plumbing inspections including gas roughing.

Our current estimate for completion is around May 30.

Yours,

Jesse Liu