

Background Materials – June 13, 2022 – Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 6/10/22

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 will forward the minutes of 5/23/22 separately.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3 Correspondence

There has been no new correspondence.

Action Needed: No action needed.

AGENDA ITEM #4 Public Hearing – Minor Site Plan Review Rules and Regulations, and Other Rules and Regulations

As was presented to the Board on 5/9/22, the Planning Board has adopted four sets of rules and regulations as outlined below. The following is a description of recommended amendments to the first three of these and/or clarification of the most recent version as adopted by the Board. [The Board will take up amendments to the Subdivision Regulations this Fall.]

- Chapter 345 Planning Board Regulations (a.k.a. Planning Board General Rules and Regulations)
- Chapter 255 Attachment 4 – Appendix B: Planning Board Rules and Regulations for Site Plan Review.
- Chapter 255 Attachment 7 - Appendix E: Application and Rules and Regulations for Special Permits
- Chapter 360 Subdivision Regulations

#1 Planning Board GENERAL Rules and Regulations

Current version posted to Ecode:

Chapter 345 Planning Board Regulations <https://ecode360.com/35005058>

Date: as amended 08-19-2019

At a previous meeting the Planning Board Chair requested amending the rules and regulations to require revised or additional application materials be submitted to the Board a minimum of 72 hours prior to the meeting. Such a change would need to be made in the General Rules and Regulations and Special Permit Rules and Regulations. At the 5/9/22 meeting, the Board discussed an alternative to a 72-hour timeframe as “three business days prior to a meeting”.

Proposed Amendment:

345-2 Application Procedure

ADD the following language in red italicized:

E. Modifications of application materials or subsequent supplemental materials related to pending applications shall be submitted in the same quantity and formats as the original application submittal. Modified and/or supplemental materials must be submitted a minimum of three (3) business days prior to a scheduled public hearing or public meeting for the Board’s consideration. It is at the Board’s discretion to delay consideration of any materials submitted less than three business days prior to a scheduled public hearing or public meeting to a later date.

#2 Planning Board SPECIAL PERMITS Rules and Regulations

Current version posted on Ecode:

Ecode 255 Attachment 7 – Appendix E Application and Rules and Regulations for Special Permits

Date: 08-01-2017

<https://ecode360.com/attachment/SO1428/SO1428-255g%20App%20E,%20Application%20and%20Rules%20and%20Regs%20For%20Special%20Permit.pdf>

Version posted on Planning Board webpage: Special Permit Rules and Regulations – as adopted on December 13, 2010, as updated 2019-08-26

<https://southhadley.org/DocumentCenter/View/5614/Special-Permit-Rules-and-Regulations---as-adopted-on-December-13-2010-as-Updated-2019-08-26>

In reviewing the Special Permit Rules and Regulations, it appears that the updated Special Permit Rules and Regulations, as approved 8/26/2019, were never brought into Ecode. The version on Ecode is dated 8/1/2017, but the version on the Planning Board webpage is dated 12/13/10 as amended 8/26/19. Therefore, I am proposing the Planning Board repeal 255 Attachment 7 Appendix E, and replace with the version posted to the Planning Board webpage (dated 8/26/19), with the following additional edit:

1. Add to Sec. XI. Filing: Modified and/or supplemental materials must be submitted to the Planning Board a minimum of three (3) business days prior to a scheduled public hearing or public meeting for the Board’s consideration. It is at the Board’s discretion to delay consideration of any materials submitted less than three (3) business days prior to a scheduled public hearing or public meeting to a later date.

#3 Planning Board SITE PLAN REVIEW Rules and Regulations

Current version posted to Ecode:

Chapter 255 Attachment 4 – Appendix B Planning Board Rules and Regulations for Site Plan Review

<https://ecode360.com/attachment/SO1428/SO1428-255d%20App%20B,%20Planning%20Board%20Rules%20and%20Regs%20for%20Site%20Plan%20Review.pdf>

Date: 08-01-2017

Proposed Amendment:

Provisions for “Minor Site Plan Review”, as referenced in Zoning Article XII Site Plan Review 255-147(B), appear to never have been brought into Ecode. In reviewing past meeting minutes, a Public Hearing on “Proposed Minor Site Plan Review Amendment” was held on May 27, 2014. See attached May 27, 2014 meeting minutes and attachment. The proposed amendment (4) Minor Site Plan Review was voted in for adoption by five out of five members present. It is believed that this amendment was overlooked and not codified in Ecode. Projects that qualify for “minor site plan review” would not qualify for waivers from site plan review, and would not require a public hearing. All other filing requirements and review standards for approval would apply.

I am recommending the Board re-adopt Section 4 Minor Site Plan Review, with updated references to sections of the Zoning Bylaw, which was recodified since 2014.

Action Needed: Hold the Public Hearing. Vote to adopted amendments as noted above, or edited within the Public Hearing.

Recommended Motions:

Motion #1 - Planning Board General Rules and Regulations

Move to amend the Planning Board General Rules and Regulations Chapter 345-2 Application Procedure by adding the following:

E. Modifications of application materials or subsequent supplemental materials related to pending applications shall be submitted in the same quantity and formats as the original application submittal. Modified and/or supplemental materials must be submitted a minimum of three (3) business days prior to a scheduled public hearing or public meeting for the Board’s consideration. It is at the Board’s discretion to delay consideration of any materials submitted less than three business days prior to a scheduled public hearing or public meeting to a later date.

Motion #2 - Planning Board Special Permits Rules and Regulations

Move to repeal Chapter 255 Attachment 7 Appendix E, Application Rules and Regulations for Special Permits, dated -8-01-2017 as posted to Ecode, and replace with Special Permit Rules and Regulations – as adopted on December 13, 2010, as updated 2019-08-26, with the following addition to *Section XI Filing: Modified and/or supplemental materials must be*

submitted to the Planning Board a minimum of three (3) business days prior to a scheduled public hearing or public meeting for the Board's consideration. It is at the Board's discretion to delay consideration of any materials submitted less than three (3) business days prior to a scheduled public hearing or public meeting to a later date.

Motion #3 – Planning Board Site Plan Review Rules and Regulations

Move to amend Chapter 255 Attachment 4 – Appendix B Planning Board Rules and Regulations for Site Plan Review by adding (4) Minor Site Plan Review, as submitted, with updated references to the Zoning Bylaw as codified in Ecode.

AGENDA ITEM #5 Review EINK Special Permit and Stormwater Management Draft Conditions

The following ten conditions were identified within the Public Hearing, which was closed on 5/23/22. The Board will review the Conditions as drafted for approval.

CONDITIONS OF APPROVAL: In its vote to APPROVE the Planning Board has found that the Special Permit and Stormwater Management Permit will be consistent with and conform to the Criteria of the Bylaw subject to compliance with the following conditions:

1. Prior to the issuance of any certificate of occupancy or the commencement of the use, the Applicant shall submit copies of all permits, licenses and approvals required and issued by other agencies for the operation of facilities constructed in accordance with this Special Permit. Said submittal requirement shall apply to any application for the reissuance and/or renewal of such other permits.
2. The Applicant shall maintain compliance with all other required permits and approvals as identified in #1 above, and shall submit documentation of such compliance upon request to the Planning Board.
3. *Air Quality Monitoring* The Applicant shall conduct monitoring of VOCs and HAPs within the perimeter of the property owned and/or operated by Elnk Corporation and successors, as subject to this Certificate. Monitoring shall be conducted by a third-party consultant, the selection of whom is to be reviewed by the Town Planner and approved by the Planning Board at a regular meeting of the Board. Payment for such monitoring shall be the responsibility of Elnk Corporation.
 - a. Monitoring is to be conducted quarterly for the first year, and twice per year in successive years, in perpetuity.
 - b. All monitoring reports are to be submitted to the Town through the Director of Planning and Conservation for review. Air quality emissions in excess of projected levels and/or odors as stated within application materials will be cause for revocation of Special Permit approval.
 - c. Monitoring is to be conducted in participation with the Pioneer Valley Healthy Air Network. The Pioneer Valley Healthy Air Network is a qualified third-party consultant for air quality monitoring services as required above.

4. Emergency Response Plan/Hazardous Waste Contingency Plan The Applicant shall annually submit by December 31st of each year of the Emergency Response Plan/Hazardous Waste Contingency Plan 950-1028 Rev F, including updates as completed.
5. Emergency Response Plan/Hazardous Waste Contingency Plan – Annual Drill The Applicant shall conduct a Hazardous Materials Emergency Response Drill annually in coordination with the South Hadley Fire District #1, the Emergency Management Director, and any other local, regional and/or state agencies and departments as appropriate. Documentation of same shall be provided to the Building Department.
6. Fire Alarm and Suppression System - Inspection Reports The Applicant shall provide notification to the Director of Planning and Conservation of pending inspections and findings as conducted by South Hadley Fire District #1, including documentation of corrective actions if required, for the fire alarm and suppression system. Such inspections and reports are to also include the adjacent unoccupied mill building, also known as Mill 3, located at 7 Gaylord Street (Map 18, Parcel 86).
7. Stormwater Management System – Access and Maintenance Agreements The Applicant shall submit to the Director of Planning and Conservation, prior to the issuance of the certificate of occupancy appropriate written documents granting E Ink the right to access and maintain the stormwater management structure located on Fuel Services Inc property located at 27 Gaylord Street (Map 18, Parcel 110).
8. Stormwater Management System – Annual Maintenance Logs The Applicant shall submit annual stormwater system maintenance logs by December 31st of each year to the Director of Planning and Conservation.
9. Stormwater Management System – Performance Guarantee While the engineering analysis of and for this project indicates that the stormwater management system as designed will not result in increased rates of stormwater runoff or sedimentation down gradient, the potential for down gradient harm may be substantial if a Stormwater Management System does not function as designed. Accordingly, it is determined that a Performance Guarantee to remedy any such failures is appropriate. Therefore, pursuant to Chapter 200 Article IX of the General Bylaws and Chapter 255-130 (C) of the Zoning Bylaw, the applicant is required to maintain a performance guarantee in a form and of an amount approved by the Planning Board in the event that the stormwater management system or parts thereof fail to function as designed.
 - a. Amount. The Planning Board shall set the amount of the Performance Guarantee. Generally, in setting the amount of the Performance Guarantee, the

Board will consider, among other factors, the estimated cost of construction of the entire stormwater management system.

- b. *Purposes.* The Performance Guarantee is intended to be used for ensuring that the stormwater management system functions as designed, and all other conditions of the Special Permit are met. In the event the Planning Board determines (based on input from the DPW Director and/or a consultant engineer retained by the Planning Board) that the system is not functioning as designed, or any other condition has not been met, the Board may utilize proceeds of the Performance Guarantee to have work undertaken to remedy the deficiencies. Terms of the Performance Guarantee shall be spelled out in a Performance Guarantee Agreement based on Form D in the Subdivision Regulation Forms. If the Planning Board determines that a third-party engineer should review the site and make recommendations as to whether the system needs to be modified and/or identify modifications needed to achieve the stormwater management system's goals, the Board may utilize portions of the Performance Guarantee for employment of such an engineer.
- c. *Duration.* The Performance Guarantee requirement shall not be released until twenty-four (24) months after the issuance of a Certificate of Occupancy for the manufacturing building, as approved per this Special Permit.
- d. *Stormwater Management Permit Performance Guarantee (Section 200-24).* While Section 200-24 of the Stormwater Management Bylaw requires a Performance Guarantee. The Performance Guarantee required pursuant to Section 200-24 shall serve as the Section 255-130(C) Performance Guarantee.
- e. *Release of Performance Guarantee.* This Performance Guarantee may only be released upon compliance with the conditions stated herein and in Section 200-24 of the Stormwater Management Bylaw.

- 10. Special Permit approval is conditioned upon the applicant obtaining all other local, state, and/or federal approvals, licenses, permits, etc. required for the activity authorized by the Special Permit and Stormwater Management Permit, as well as reissuance of such.

Action Needed: Review the conditions and determine that they met the conditions as discussed in the 5/23/22 public hearing.

AGENDA ITEM #6 Planning Board Meeting Schedule – July, August, September

Upcoming meeting dates: June 27 & July 25. The Board needs to determine a meeting date(s) in August so that we can schedule pending permit applications. Thereafter, in September, I recommend the Board resume meeting on the 1st and 3rd Mondays of the month as follows:

9/5 Labor Day – reschedule to 9/12?

9/19

10/3

10/17

11/7

11/21
12/5
12/19

AGENDA ITEM #7 Planning & Conservation Department Report on Planning Projects and Development Updates

Housing Production Plan Update

Proposals have been received from three consulting firms: JM Goldson, Public Planning, Research and Implementation Inc, and Outwith Studio & Utile. A proposal review committee has been formed and consists of: Leslie Hennessey, Council on Aging Director; Dave Gardner, Building Commissioner; Missy Couture, Assessor; Bridget Sullivan, Housing Authority Director; Michael Adelman, Planning Board Alternate Member; and Anne Capra, Director Planning and Conservation. The Committee will meet to evaluate the proposals and select a preferred consultant. It is anticipated that a contract will be initiated by July 1st.

REDO Grants

Village Commons Area Commercial District – Activating Outdoor Spaces

Grants up to \$2,500 | Total grant funds available \$25,000

Application Due Date: June 17, 2022

<https://southhadley.org/1223/Village-Commons-Area-Grant-Program>

South Hadley Falls Façade Improvement Program

Grants up to \$10,000 | Total grant funds available \$50,000

Application Due Date: June 17, 2022

<https://southhadley.org/1221/Facade-Improvement-Program>

I'm currently evaluating applications from local businesses for the two small grant programs listed above. Anyone with questions should contact Anne Capra at acapra@southhadley.ma.gov or (413) 538-5030 x6128.

Both grants also involve the installation of a pilot Mesh wifi system within the commercial districts. The Town's IT Director Jamie Doolittle is working with SHELD and a consultant to design the system and investigate the feasibility of installation, costs, management, etc.

Master Plan Implementation Updates

TASK G2-1 Create and update master map for outdoor seating and gathering areas.

Responsible Entity: Bike Walk Committee

The Master Plan Implementation Committee (MPIC) will host "A Conversation About Community Seating" on *Friday, June 24, 2022 at 11:00am to 12pm via Zoom*

Please register at: <https://bit.ly/MPIC062422>

After registering, you'll receive a confirmation email with information about joining the meeting. South Hadley's newly adopted Master Plan Update calls for prioritizing places for people to sit, and gather, outdoors. Seating on walking routes, in or near parks, transportation stops, shopping,

conservation areas, and elsewhere will help create the thriving community envisioned in the Plan. Several boards, committees and commissions are charged with making this happen, and we are seeking input from them and from anyone else who is interested in this project. The purpose of the gathering is to identify a working group and to determine its tasks. What sorts of issues should it consider? These might include locations, types of seating, installation and maintenance costs, mapping community seating resources, other? How could necessary funds be generated? If you are interested in being part of the conversation, please plan to join us on June 24!

AGENDA ITEM #8 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.

**SOUTH HADLEY PLANNING BOARD PUBLIC HEARING
ON PROPOSED MINOR SITE PLAN REVIEW AMENDMENT**

MINUTES OF MAY 27, 2014

As Approved February 10, 2015

Present: Jeff Squire, Chair; Mark Cavanaugh, Vice-Chair; Helen Fantini, Clerk; Joan Rosner, Member; Melissa O'Brien, Member; Dan Dodge, Associate Member; and Richard Harris, Town Planner

Mr. Squire called the public hearing to order at 9:52 p.m. He reviewed the procedures for conducting the public hearing.

Ms. Fantini read the public hearing notice:

Pursuant to the provisions of South Hadley Zoning By-Law, Section 12(D), the Planning Board of the Town of South Hadley will hold a public hearing to discuss proposed amendments to the South Hadley Planning Board Site Plan Review Rules and Regulations as noted herein. The public hearing will be held as follows:

Place: South Hadley Town Hall, Selectboard Meeting Room;
116 Main Street, South Hadley, MA
Date: Tuesday, May 27, 2014
Time: 7:45 p.m.

The subject matter of the proposed amendments to the South Hadley Planning Board Site Plan Review Rules and Regulations provide for standards as to what qualifies for "Minor Site Plan Review" and the process for submittal, review, and processing of applications for "Minor Site Plan Review". The complete text and maps (if any are applicable) relative to the proposed amendments is available for inspection during regular business hours (8:30 a.m. to 4:30 p.m.) at the following place:

South Hadley Planning Board Office
Town Hall – Room 204
116 Main Street
South Hadley, MA 01075

Additionally, a copy of said proposed amendments is posted on the Planning Board page of the Town's website in the folder entitled "Proposed Minor Site Plan Review Rules and Regulations". Any person interested in, or wishing to be heard on, the proposed amendments should appear at the time and place designated for the public hearing.

Helen Fantini, Clerk
South Hadley Planning Board

Publication: Friday, May 2, 2014 and Friday, May 9, 2014

Mr. Harris summarized the proposed amendments. He noted that Town Meeting had authorized the Board to make provision for a Minor Site Plan Review process when the Zoning Bylaw was amended last year in regards to Site Plan Review.

Mr. Squire asked if there were any comments or questions about the proposal.

The Board members discussed the amendments. There were no questions or other comments.

There being no further public comment, Mr. Squire stated that the hearing will be closed. With concurrence from the other members, Mr. Squire closed the hearing at 9:56 p.m.

Respectfully submitted,

Draft - Draft

Richard Harris, Recorder

AS APPROVED

The following section is proposed to be added to the South Hadley Planning Board Site Plan Review Rules and Regulations pursuant to Section 12(D) of the Zoning Bylaw

4. Minor Site Plan Review

Projects requiring Site Plan Review pursuant to Section 12(B) of the Zoning Bylaw will be considered as “Minor Site Plan Review” projects if they conform to the provisions of paragraphs 4a and 4b below. All projects which qualify for “Minor Site Plan” Review will be processed and reviewed in accordance with paragraph 4d below.

a. Threshold. Subject to the conditions detailed in paragraph 4b below, the following qualify for Minor Site Plan Review:

- 1) Exterior expansion not more than 50% of the existing building’s floor area
- 2) New parking areas (including expansion of existing parking areas) not more than 4,500 square feet
- 3) Uses which require Site Plan Review under Section 5(D) of the Zoning Bylaw but no new construction (other than interior renovation or alterations with no increase in floor area) will be undertaken and the new use will not require more than 4,500 square feet of additional parking area.
- 4) Uses which qualify for exemption under MGL Chapter 40A, Section 3 but which are subject to limited Site Plan Review under Section 12(B) of the Zoning Bylaw
- 5) Construction of new buildings under 5,000 square feet provided a Special Permit is not required.
- 6) Projects located in the South Hadley Falls Overlay District.

b. Conditions. Projects which meet one or more of the following conditions shall not qualify for a “Minor Site Plan” Review even though they meet the threshold in paragraph 4a above:

- 1) The use proposed for the site requires a Special Permit under Section 5(D) of the Zoning Bylaw.
- 2) The property abuts residentially developed property unless the proposed building or portion of the building to be used for the project is at least 300 feet from the nearest dwelling unit.
- 3) The property abuts property which is in the Agricultural, Residence A-1, or Residence B zoning districts unless the proposed building or portion of the building to be used for the project is at least 300 feet from the nearest dwelling unit.
- 4) The project site was developed based on a prior Site Plan Review with conditions and the proposed activity would involve an alteration of one or more of the conditions.

- 5) The project involves residential development to be undertaken pursuant to Section 7(J) of the Zoning Bylaw.
 - 6) The project involves use of a portion of the property for a Home Occupation.
 - 7) The project site is the subject of a Zoning Violation complaint at the time application is made for Site Plan Review.
 - 8) A Medical Marijuana facility which is subject to Section 7 of the Zoning Bylaw.
- c. Sequential Development. For the purposes of computing the total increase in the footprint of the structure, the Planning Board shall aggregate all expansions made within the previous 60 months.
- d. Applications and Procedures.
- 1) Applications for Minor Site Plan Review shall be made in the same manner as prescribed in Section 1, 2, and 3 of these Rules and Regulations. At the time of application, the applicant shall note on the application that the request is for Minor Site Plan Review and how the project meets with the requirements of paragraphs 4a and 4b above.
 - 2) No public hearing shall be required for the Minor Site Plan Review. However, if the Town Planner determines (and the Planning Board agrees with said determination) that the project does not meet the standards for Minor Site Plan Review, the applicant may pay the additional application and related fees and request a regular Site Plan Review which involves a public hearing with notices to the public and abutters.
 - 3) Within three (3) business days of receipt of the application, the Town Planner shall determine whether or not the project qualifies for a Minor Site Plan Review by meeting the Threshold and Conditions outlined in paragraph 4a and 4b. In the absence of the Town Planner, the Planning Board shall designate someone to make such a determination.
 - i. If the Town Planner determines that the project does not qualify for a Minor Site Plan Review, the applicant may appeal the decision to the Planning Board by requesting such an appeal be placed on the next Planning Board agenda provided the posting would conform to the time requirements associated with public meeting notices.
 - ii. The Planning Board shall, by majority vote of members present, affirm or not, the Town Planner's decision.
 - 4) All projects determined to qualify for Minor Site Plan Review shall be processed as follows:
 - i. Within five (5) business days of receipt of the application (or determination by the Planning Board that the project qualifies for

Minor Site Plan Review in the case of an appeal), the Town Planner shall submit the application materials to the various departments as provided in paragraph 1 above.

- ii. Departments shall be provided fourteen (14) calendar days in which to respond to the Town Planner with comments.
- iii. Within 4 weeks of receipt of the application (or determination by the Planning Board that the project qualifies for Minor Site Plan Review in the case of an appeal), the Planning Board shall consider the application at a public meeting for which such matter is identified on the agenda for consideration. If the Planning Board determines that more information is required to make a decision on the application, the Board may defer a decision to a future meeting by identifying a date and time certain for such consideration and specifying the additional information which is required, but such future meeting shall be no more than five (5) weeks from the date on which the Planning Board began its consideration of the Minor Site Plan Review application.
- iv. The Planning Board review of the submittal is to determine if the submittal conforms to the Site Plan Review criteria specified in Section 12(E) of the Zoning Bylaw.
 - v. As part of its written decision, the Planning Board is to make findings that the project conforms to the Site Plan Review criteria within the Zoning Bylaw
 - vi. Before approval of a site plan, the Planning Board may require that the applicant make modifications in the proposed design of the project to ensure that the Site Plan Review Criteria in Section 12(E) of the Zoning Bylaw are fulfilled
 - vii. The Planning Board shall render a written decision upon completion of the public review of the Minor Site Plan Review application but will, file such a decision with the Town Clerk within three (3) weeks of completion of the public review. The decision shall be in one of the three forms identified in Section 12(F) of the Zoning Bylaw
- viii. The Planning Board's decision shall be mailed to the applicant and filed with the Town Clerk. A copy shall also be sent to the Building Commissioner.
- ix. For the purpose of securing the performance of all proposed work including landscaping and off-site improvements, the Planning Board may require a performance guarantee as provided in paragraph #4 of Section 12(D) of the Zoning Bylaw