



Town of Southwick

Planning Board

MINUTES



Tuesday, October 4, 2022
7:00 PM (recorded)
Town Hall Land Use Hearing Room

Written Minutes

(Not verbatim - comments can be heard on recordings available at www.southwickma.org)

MEMBERS IN ATTENDANCE: Michael Doherty, Chair
David Sutton
David Spina
Jessica Thornton, Associate

ABSENT: Marcus Phelps, Vice Chair
Richard Utzinger

TOWN STAFF: Jon Goddard, Town Planner
Meghan Lightcap, Secretary

Also attending the meeting were approximately 13 members of the public and several people via *Zoom*.

The “hybrid” meeting of the Planning Board was scheduled for participation in-person and via *Zoom* to take place at the Town Hall Land Use Hearing Room and was called to order at 7:04 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone else was recording the meeting.

TOWN PLANNER’S REPORT: 7:00 p.m.

1. Two men inquired about acreage and the existing equestrian facility at 233 Mort Vining Road and also inquired about access to the property from the end of Lincoln Road. They may be looking to retain the use as a facility.
2. John Eaton owns property at Rising Corner Road – two separate but adjoining parcels. There is insufficient frontage to divide the acreage so he is exploring options with the neighbors to establish the lot as buildable.

3. The Attorney General's office approved the Planning Board bylaw amendments. Their response to the Wireless bylaw contained language encouraging careful review of applications that may involve rights under Federal law.

PUBLIC COMMENTS: 7:05 p.m.

Burt Hansen of 153 Mort Vining Road, Chair of the Southwick Agricultural Commission, attended the meeting on the Commission's behalf to pass out flyers that had information explaining the town's Right-To-Farm bylaw, specifically in regard to the Meadow Lane Estate Lot hearing on the agenda that night. He said he is aware that the property is located in the R-40 Zone but felt it is important to remember that we are a Right-To-Farm Town. Mr. Hansen said he is working to get these flyers to Realtors, Attorneys and Town employees.

Doug Moglin of 5 Hidden Place, Vice Chair of the Select Board, said he had a conversation with Mr. Goddard and was curious if the topic of street acceptance was on the agenda tonight. Mr. Doherty told him that yes it is.

APPOINTMENTS:

7:10 p.m. "Comprehensive Impact Statement" Handbook (a.k.a. "Comprehensive Impact Study" Handbook) under 185-9.7 *Major Development Review* bylaw

Continued Public Hearing

Mr. Goddard shared the latest copy of the working document to his screen for everyone to see. Mr. Doherty said they would close the hearing that night and vote on it at the next meeting as a few members were absent. He asked the Board how they should incorporate the traffic language from the Mass DOT Guidelines and the Financial Impact Section, including language suggested by Diane Gale. Mr. Doherty read Ms. Gales email with the insertion and the Board discussed it.

Diane Gale of 5 Point Grove Road said she asked for some of the language to be added to Section E, Item 4.

The Board then looked at language submitted by Mr. Phelps regarding traffic impacts and discussed his idea. Mr. Doherty referenced the Mass Department of Transportation Impact Assessment TIA Guidelines, a document Mr. Phelps had previously suggested using and discussed what to keep in and what they should take out.

A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to close the public hearing for the Comprehensive Impact Statement Handbook.

The motion passed unanimously.

Alexandra Cichetti from R. Levesque Associates, Inc. represented the applicant Oleg Kulyak who was also present at the hearing in person. She shared her screen and explained the updated plan changes, including a revised depiction of the treeline due to tree harvesting activities. Mrs. Thornton noted that she did not see any outbuildings on the plans and asked why they were absent as it had been stated at the last meeting that the applicant's intent is to have farm animals on the premise and there were already cows on the property. The Board agreed that should be on the plans and Ms. Cichetti said they would revise the plans and add that to it. Mr. Doherty read an email from the Conservation Commission Chairman, David MacWilliams, which said the project was run through and approved by the Department of Conservation and Recreation, granting an Agricultural Exemption from Wetlands Protection Act.

Resident Fred Filios of 23 Meadow Lane said he spent some time with the Town Planner, Jon Goddard, researching the history of Meadow Lane and would like to have a continuance on the hearing. He said he would like to could continue his research because he questions the legitimacy of having access to Meadow Lane. Mr. Doherty asked him what his theory was and Mr. Filios said there is incomplete data; 2 phases were done under Chapter 185.23 and a waiver was granted to extend the end of the road by 100 feet. Mr. Doherty said he did not hear anything that changes whether an estate lot couldn't be granted. He said the lot is not part of the subdivision and the reasons you provided don't impact whether an estate lot should or could be granted. Mr. Filios said in the 1990's something done to make the road longer making it illegal and Mr. Doherty said that is why the waiver was granted to make the road longer.

Larry Tetrault of 16 Meadow Lane said the discrepancy between Meadow Lane and Valleydale, the project behind our home, is that Old Farms tried to develop a project behind our home and we fought it. The road was an illegal length within the subdivision and it was shot down.

Kevin Meder of 10 Dairy Lane asked why there a few different versions of plans with animals on the property and buildings or no buildings and Mr. Doherty said the Board has requested that additional buildings get added to the plans. Ms. Cichetti said that Mr. Kulyak was currently applying to the Building department regarding our buildings and they would add that to the plans. Mr. Filios asked if pastures should be included and Mr. Doherty said that is not required in this hearing.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to continue the public hearing for the land off Hillside Road at Meadow Lane- Map 38, Parcel 11 to October 25, 2022 at 7:45 p.m.

The motion passed unanimously.

Mr. Goddard said he corresponded with Derrick Hale, the project engineer and applicant's representative, who is requesting a continuance. Mr. Doherty said to let Mr. Hale know that the Board is expecting something soon as they should be nearing the finish line.

A **MOTION** was made by Mr. Sutton helps and **SECONDED** by Mr. Spina to continue the public hearing for 159 Berkshire Avenue to October 25, 2022 at 8:00 p.m.

The motion passed unanimously.

Review of Plans Not Subject to Approval under Subdivision Control Law

- 125 Sheep Pasture Road (Map 124, Parcel 36)

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to endorse the approval not required plan for 125 Sheep Pasture Road.

The motion passed unanimously.

Discussion Items:

- 113 Mort Vining Road – Request for a minor site plan change to an approved Estate Lot *A Request by owner for a minor site plan change to the approved curb cut location & portion of driveway.* Devon Arnold, the applicant, provided an updated plan to the Board depicting a change in the location of the curb cut to the south of the originally permitted location. Mr. Doherty said they had no problem with the change.
- Greens-West Performance Bond/Covenant Release. Mr. Goddard said the developer has provided a bond for the remaining infrastructure and improvements totaling \$30,000. The bond was sent to Town Counsel for review of format and requirements for reimbursement. The Town is pushing for pre-payment in the event of a claim, but Town Counsel is willing to accept the suggested bond with certain formatting changes. Mr. Doherty said he spoke with Town Counsel and we have to go with what the Town wants and there are two ways to do it; (1) give money to the Town Clerk to deposit in an account and you will get it back once the work is complete, or (2) have your bank puts a hold on funds. The bonding company is not willing to amend the form to conform to Town Counsel's requirements, so something different needs to happen. Brian Leduc of Crestview Construction said he would give a check in the amount of \$30,000 and then come to the Planning Board for road acceptance once the work is done.

- Southwick DPW: Parking Lot Design Guidelines and LID Barriers- NPDES MS4 Permit Component. Mr. Goddard asked the Board members to look at the report provided by Fuss & O'Neill and for a more in-depth discussion about changes that can be made.
- Depot Square - Stormwater Bond Reduction Request: Mr. Goddard said are looking to reduce the stormwater bond. There are a few punch list items that need to be completed and once that happens they will come before the Board. The item will remain on the agenda for future review.
- Street Acceptance Process - Liquori Drive & Cody Way: Mr. Moglin said the Select Board will go in front of Town meeting to get money to lay these roads out for acceptance. Mr. Doherty said they will work with the Select Board to get this on the Town Warrant for the May meeting.

Routine Business

- Master Plan Advisory Committee Update. Mr. Spina said they will be meeting on Thursday.
- Short-Term Rental subcommittee Update. Mr. Utzinger was not at meeting but Mr. Goddard said they are meeting on October 11th.
- Minutes Approval; September 20, 2022

A MOTION was made by Mr. Sutton and SECONDED by Mr. Spina to approve the Meeting Minutes of September 20, 2022.

The motion passed unanimously.

Being no further business to be brought before the board, a **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to close the meeting at 9:02 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is October 25th, 2022.

Respectfully submitted,

Meghan Lightcap
Secretary Planning Board

Electronic signatures have been affixed in accordance with M.G.L. c.110G and pursuant to the Board's electronic signature authorization vote of January 4, 2022 as recorded at the Hampden County Registry of Deeds in Book 24401, Page 596.

Michael Doherty, Chair	/s/ Michael Doherty
Marcus Phelps, Vice Chair	/s/ Marcus Phelps
Richard Utzinger	/s/ Richard Utzinger
David Sutton	/s/ David Sutton
David Spina	/s/ David Spina
Jessica Thornton, Associate	/s/ Jessica Thornton