



Town of Southwick

Planning Board

MINUTES



Tuesday, October 25, 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
Marcus Phelps, Vice Chair
Richard Utzinger
David Spina
Jessica Thornton, Associate

ABSENT: David Sutton
Meghan Lightcap, Secretary

TOWN STAFF: Jon Goddard, Town Planner

Also attending the meeting were approximately 4 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 7:00 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. Mr. Goddard received multiple inquiries regarding 115 Berkshire Avenue, which has frontage on Berkshire Avenue and Tobacco Lane. Mr. Goddard noted that he advised individuals that the property contained inadequate frontage and area, among other constraints, to allow for splitting the lot through the filing of an Approval Not Required plan.
2. Mr. Goddard noted that Earth Excavation Special Permits were anticipated for 1 Hudson Drive and 18 Hudson Drive/1 Whalley Way.

3. Mr. Goddard noted that an application had been received for the Tilcon, Inc. property at Hudson Drive, where the applicant seeks to modify the existing Earth Excavation Special Permit and accommodate a permitted Solar Array.
4. Mr. Goddard noted that he has shared a guidance document for the Street Acceptance Procedure with the developer for the Greens-East and –West subdivisions.

PUBLIC COMMENTS: 7:05 p.m.

No comments were presented to the Board.

APPOINTMENTS:

7:10 p.m.	9A & 9B Sawgrass Lane Special Permit, Site Plan Approval & Common Driveway Application (Residential 40 Zone)
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Public Hearing

Robert Levesque of R. Levesque Associates, Inc. representing the applicant shared his screen and showed the plans of the subdivision. He explained why they want to create a common driveway concerning a frontage issue and why they requested some waivers in this application. He asked the Chairman, Mr. Doherty, if this was feasible and Mr. Doherty said that although he had not talked to Town Counsel himself it was his understanding that requesting something that goes against what the measurements are in the bylaws will have to go before the Board of Appeals for a variance. Mr. Levesque said that if they had a seven foot driveway with three foot shoulders that would give them an eleven foot driveway and they could still have the setback from the property line. Mr. Doherty recommended that Mr. Levesque go to the Board of Appeals for a variance after receiving a special permit from the Planning Board. Mr. Doherty discussed the waivers that had been requested with the Board members and read the comments from the Fire Department and DPW. Greg Hamelin, the applicant, asked if this is something he would have to do with the other lots in the subdivision and Mr. Goddard explained why he would not have to. Mr. Doherty asked Mr. Goddard to talk to the Fire Chief before the next meeting and suggested that the Planning Board continue the hearing until the next meeting. Mr. Doherty designated Mrs. Thornton as an eligible voting member.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 9A and 9B Sawgrass Lane to November 1, 2022 at 7:30 p.m.

The motion passed unanimously.

7:20 p.m.	1 Hudson Drive Special Permit, Site Plan Approval, Wellhead Protection District Special Permit, Earth Excavation Special Permit & Stormwater Management Permit Application
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Public Hearing

Mr. Doherty said the Planning Board had received a request for a continuance. He read the Notice of Public Hearing and designated Mrs. Thornton as an eligible voting member.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 1 Hudson Drive to November 1, 2022 at 7:45 p.m.

The motion passed unanimously.

7:45 p.m. Estate Lot Special Permit & Site Plan Approval Application (Land off Hillside Road at Meadow Lane-Map 38, Parcel 11 - Residential 40 Zone)
Continued Public Hearing

Mr. Doherty said the Planning Board had received a revised plan and Mr. Goddard shared it on his screen for the Board to see. Mr. Doherty read an email from Randy Brown, the DPW Director which indicated that he had reviewed the revised plans and does not have any additional comments. Alexandra Cichetti of R. Levesque Associates, Inc. said they had revised the plan to show the precise location of the outbuilding for the animals.

Mr. Doherty read a letter into the record from Attorney Michael Parker indicating that his office is counsel to Frederick Filios, the owner of 23 Meadow Lane, described as lot number 40 on the definitive subdivision plan approved by this Board on April 4, 1995 and recorded in Hampden County Registry of Deeds. The letter said we understand that an application was made by Oleg Kulyak to create an Estate Lot for motor vehicle access. On behalf of the owner whose property lies adjacent to the proposed motor vehicle access and abuts the Kulyak property we respectfully object to the recognition of access to the proposed estate lot. Mr. Doherty read the rest of the letter detailing the reasons that the attorney felt the Planning Board should not grant the permit to Mr. Kulyak.

Fred Filios of 23 Meadow Lane said he thinks the letter clearly points out why access should not be granted beyond lots #39 through #44. There is an easement to build a road at the opposite side of the subject property. He noticed trees marked with an "X" on Mr. Kulyaks property and he said it seems that Oleg has some plans for those trees. Mr. Doherty asked Mr. Filios if he had an issue with the farm animals on the property specifically and not just a house being built and Mr. Filios said he did not know but he does take issue with the logging equipment on the roads, logging the property. Mr. Doherty said the logging has nothing to do with the special permit Mr. Kulyak is applying for today. Mr. Filios said he feels it is part of the issue because the logging trucks are using Meadow Lane. He said he would like a continuance on the hearing and Mr. Doherty said he doesn't think that is necessary as they have added the outbuilding to the plans as previously requested.

Colleen Moren of 6 Meadow Lane said she can't believe the number of trees that have been removed and the big logging trucks going by her house and Mr. Doherty said that's out of Planning Board control and not our issue.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for the land off Hillside Road at Meadow Lane.

The motion passed unanimously.

8:00 p.m.	Stormwater Management Permit Application - 159 Berkshire Ave. (Residential 20 Zone)	<i>Continued Public Hearing</i>
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Mr. Derrick Hale the project engineer for the applicant attended via zoom. Mr. Goddard mentioned that there is a member absent tonight so the Planning Board should only consider the administrative note of project status and the requested continuance.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 159 Berkshire Avenue to November 29, 2022 at 7:10 p.m.

The motion passed unanimously.

Review of Plans Not Subject to Approval under Subdivision Control Law

- 51, 53 & 61 Congamond Road (Residential 40)

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to endorse the approval not required plan for 51, 53 & 61 Congamond Road.

The motion passed unanimously.

Discussion Items:

- Greens-West Subdivision- Acceptance of cash security & release of remaining lots under Covenant in lieu of bond.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to release of Lots 15 & 18 at the Greens of Southwick-West subdivision from the Covenant in lieu of bond in exchange for a cash deposit.

The motion passed unanimously.

- Southwick DPW: Parking Lot Design Guidelines and LID Barriers- NPDES MS4 Permit Component. Randy Brown, the DPW Director said he talked with the Fire Chief and they both agreed that they could modify the cul-de-sac requirements. Mr. Brown said he could make a list to bring back to the Board with changes he would recommend.
- Depot Square - Stormwater Bond Reduction Request. Mr. Doherty said he had received a request to continue this discussion item to the next meeting.

Routine Business

- Hillside Road/Meadow Lane Estate Lot Special Permit-Decision. The Board discussed whether they should impose restrictions upon the subject property as sourced from the covenants in effect at the adjacent subdivision. The Board decided to continue discussions at the next meeting.
- Comprehensive Impact Statement Handbook (Planning Board Regulation)-Vote to approve or adopt

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to adopt the Comprehensive Impact Statement Handbook.

The motion passed unanimously.

A question arose as to whether or not the latest version was being reviewed by Board members, and it was decided that the file would be reviewed to make sure any incremental changes were correctly implemented.

A MOTION was made by Mr. Phelps and SECONDED by Mr. Spina to withdraw the approval of the Comprehensive Impact Statement Handbook dated October 4, 2022

The motion passed unanimously.

- Master Plan Advisory Committee Update. Mr. Phelps said the committee held two visioning sessions on October 13 and 15. They had 20-30 people attend and it was also hybrid. They will be holding focus groups next and the next meeting is November 17.
- Short-Term Rental subcommittee Update. Mr. Utzinger said they are done meeting and voted on a recommendation in favor of rentals in town. Mr. Doherty said they would add this to the end of November.
- Minutes Approval; October 4, 2022

A MOTION was made by Mr. Spina and SECONDED by Mr. Utzinger to approve the Meeting Minutes of October 4, 2022.

The motion passed with one abstention.

Being no further business to be brought before the board, a **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Phelps to close the meeting at 9:57 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is November 1st, 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