



# *Town of Southwick*

# **Planning Board**

## MINUTES



**Tuesday, February 21, 2023**  
**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](http://www.southwickma.org))*

**MEMBERS IN ATTENDANCE:** Michael Doherty, Chair  
Marcus Phelps, Vice Chair  
Richard Utzinger  
David Sutton  
David Spina  
Jessica Thornton, Associate

**ABSENT:** Meghan Lightcap, Secretary

**TOWN STAFF:** Jon Goddard, Town Planner

Also attending the meeting were approximately 11 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 provided an update regarding the property of William Smith at 79 Mort Vining Road, where he described coordination efforts between Mr. Smith, his attorney, and Town Counsel regarding the limited number of residences that could currently be served under a Common Driveway Special Permit and the location of Mr. Smith’s unimproved property as one of three accessing a common driveway constructed around 2005.
2. Mr. Goddard noted that he had submitted a grant application to the Pioneer Valley Planning Commission for District Local Technical Assistance for a review of subdivision

regulations alongside the open space subdivision bylaw and spatial analysis to support Master Plan activities.

3. Mr. Goddard spoke with Tom Saunders from Energy Development Partners regarding potential new technology to be implemented at the permitted Hudson Drive solar facility. Mr. Saunders is anticipated to informally discuss the changes at the March 7, 2023 Planning Board meeting.
4. Mr. Goddard noted that the Select Board will be holding a public hearing on the Board's intention to lay out Sawgrass Lane as a public way. It is expected that the Select Board will also refer the matter to the Planning Board for a recommendation.
5. Mr. Goddard shared that Amber Bach had submitted an email indicating her intention to resign from the Economic Development Commission role with the Master Plan Advisory Committee. Mr. Goddard received word from Michael McMahon, EDC Chair, that he was nominated as Ms. Bach's replacement.
6. Mr. Goddard shared that Kenneth Eggleston had submitted a signed letter from the owner of property abutting 141 Congamond Road from the south, acknowledging support for the change at the southerly fence line from a stabilized slope to a short retaining wall.

#### **PUBLIC COMMENTS: 7:05 p.m.**

No public comments were presented at this meeting.

#### **APPOINTMENTS:**

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7:06 p.m.	159 Berkshire Avenue (Residential 20 Zone) – Stormwater Management Permit
	<i>Continued Public Hearing</i>

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Mr. Goddard updated the Board that he spoke with Mr. Hale via a teleconference with DPW Director Randy Brown . Mr. Hale provided a continuance request to the next meeting and acknowledged his planned submittal of information to the Town in time for review prior to the next Planning Board meeting.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 159 Berkshire Avenue to March 7, 2023 at 7:06 p.m.

The motion passed unanimously.

Mr. Doherty read the Notice of Public Hearing into the record. Filipe Cravo, the Project Engineer for R. Levesque Associates, Inc., the engineering firm representing the applicant and project, described the application to the Board. He said it is 90.4 acres and zoned Industrial Restricted. There are a number of wetlands on the property that were delineated and verified back in 2021 but most of the property is generally flat. The proposal is to create a definitive subdivision with no specific usage or tenants on any of the lots, this is strictly to create a right-of-way for building a road to create frontage to access the new lots.

Mr. Cravo said this is a 5 lot subdivision and there are 2 lots that will be accessed off of College Highway. Lot 1 is 5.79 acres, Lot 2 is 5.71 acres and the remaining 3 lots will be accessed off of Tannery Road with Lot 3 at 47.9 acres, Lot 4 at 6.6 acres and Lot 5 at 23.1 acres. He said they are proposing to create a 778-foot-long roadway that comes off of Tannery Road with all of the associated utilities. They are proposing to build a new stormwater management system as part of the roadway and each lot will be subject to their own Special Permits and Site Plan Reviews.

Mr. Cravo said they have received various comments from town departments, the Department of Public Works and Fire Chief, in regards to water connection. There were also comments from the police department about stop signage and sidewalk waivers. Mr. Cravo said they had submitted waivers for this project as well.

Mr. Doherty read the comment email from Sgt. Paul Miles of the Southwick Police department regarding stop signs and sidewalks. Mr. Cravo said they included a stop bar and sign at the intersection of the cul-de-sac on Tannery Road and they are asking for a waiver of sidewalks. Mr. Doherty read the Fire Chief, Richard Stefanowicz's comments that said that he confirmed with Randy Brown, the DPW Director that fire suppression flows would be difficult to achieve based on the proposed single water main on Tannery Road, given the lot sizes he predicts most buildings will require full sprinkler systems. He said he would also like to see a second entrance on to the site. Mr. Cravo said they did provide a water main to the end of the parcel and they could either provide an easement to give access to College Highway or give access to lots 1 and 2.

Mr. Doherty read the DPW comments into the record and Mr. Cravo said he had nothing more to add and that he would continue to respond to comments and update the plans as they went forward.

Mr. Doherty asked the Planning Board members if they had any questions. Marcus Phelps asked if the name of the development "Southwick Business Park" conflicted with any other business names in town and Mr. Cravo said it did not but he would be sure to check on that. Mr. Phelps said he was surprised that the narrative for this project is only 3 pages long and there is not a lot of discussion of what could potentially be built here. The zoning is Industrial Restricted and the way the zoning bylaws are set up, "We can go all the way back to the Business Zone as to allowable uses, so we've got a really broad range of activities that could occur on this property."

Attorney Matthew Donohue, speaking on behalf of the Owner, said they are trying to break up this 90-acre lot to make it more marketable to end users as opposed to one large lot. He said they don't know who the end users will be but they would be subject to the Special Permit process anyway. Mr. Phelps said they also did not include a traffic projection or analysis but a future connection between Sam West Road and Hudson Drive will help cut back on traffic coming through the center of town. Mr. Phelps asked if the Board of Health had come back with comments on the project and Mr. Goddard said they had not provided anything in writing but had discussed the project during one of their meetings. Mr. Phelps also commented on the tree plan and the changes from the original submittal; he suggested leaving trees that are currently there rather than re-planting.

Mr. Spina asked why the stormwater catch basin is pushed so far back and Mr. Cravo said it is outside of the [Conservation] jurisdictional area and the topography slopes downward.

Mr. Utzinger asked if the lots could change size-wise and Mr. Cravo said not without a Site Plan change.

Mrs. Thornton said she can appreciate why the applicant doesn't have specific details but knowing what these parcels are going to become means they can anticipate that any additional traffic from these lots is going to cause a bigger problem at the Tannery Road intersection which they've already identified as failing. She is also concerned with Lots 1 and 2 on College Highway because they don't have a proposed curb cut. That is a busy intersection and that will cause more interplay on that route. Mrs. Thornton had other concerns such as the water main and sewers and current water pressure to Tannery Road residents, as well as the curb cut to the cul-de-sac off of Tannery Road when a main road coming off of College Highway may be a better option.

After more discussion, Mr. Doherty said that the level of an application that comes in by an end user is going to vary depending on the type of business. If it's a use that requires a Special Permit, they will have to go through that process but if it's a use permitted in that zone, all they have to submit is a Site Plan for Approval and whoever comes in first will be bearing the brunt of the traffic issue. Atty. Donohue said we are just proposing to put in a cul-de-sac and leave the lots as is. The end user will have to address the traffic situation or anything else that comes up that will potentially impact that intersection. Atty. Donohue said the proposal right now is that it's not going to be one large user; they are just trying to sell the property.

Doug Moglin of 5 Hidden Place and Vice-Chair of the Select Board said it was a great presentation and very thought-provoking. He said it makes you see both sides of the question; one is that you have to plan for the highest and most intense use for those 5 blocks and their impact on the land and Tannery Road, and the other is that you are just going to put a subdivision road there and that road puts no cars on the street, and he feels the answer lies somewhere in the middle. Mr. Moglin said it is certainly within the purview of the Planning Board to ask for a traffic study to be done and he said he doesn't think you can create an Approval Not Required lot after the definitive plan is accepted until the Town accepts the right-of-way.

Clifford Wolf of Westfield said he has property that abuts this property and his concern surrounds an easement off of College Highway that passes through the property, which is the

only way for him to get to his land. He said he wants to make sure that it still exists after they sell the property. Atty. Donohue said as long as the easement is recorded it will stay that way and agreed that the traffic is bad currently. Mr. Doherty said as long as it's recorded and, on the deed, it should be fine and that Mr. Wolfe will also get a notice if any work is done on the property as he is an abutter.

Inga Hotaling of 45 Kline Road said her concern is that they said the owner did not have a buyer for the large parcel and she is under the impression that there was a buyer for that parcel and they chose not to sell to them. She also does not like them saying they will probably not interfere with the wooded area as it's a beautiful piece of land that you can sell and walk away and leave us with the issues at hand. Ms. Hotaling said her concern is that there are no definitive answers; we need to know more about how this will impact our community.

Joanne Leblanc of 38 Reservoir Road said she is concerned with the company Indus because when she looked at them online, she learned that they are a real estate firm that talks about building sizes averaging between 75,000-400,000 square feet. They also say they can put 3 tenants on one lot and she believes they are responsible for the Amazon warehouse in Windsor, CT. She said they have sold massive developments and thinks this will destroy the town.

Mr. Cravo discussed some of the changes that the Board would like to see for the next meeting and Mr. Doherty said they would continue the hearing until then.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 686 College Highway to March 7, 2023 at 7:20 p.m.

The motion passed unanimously.

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7:30 p.m	Proposed Short-Term Rental Bylaw	<i>Public Hearing</i>
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Mr. Doherty read the Notice of Public Hearing into the record. Mr. Goddard shared the bylaw document that the Short -Term Rental Subcommittee had drafted for the Planning Board via Zoom. Mr. Utzinger had concern with the enforcement of it as the Building Inspector/Safety Enforcement Officer said he does not have the time to enforce this. Mr. Phelps said he looked at what the town of South Hadley had just drafted up for their short-term rental bylaw and said it was written differently in that one quarter was zoning and three quarters is related to the administration; enforcement, licensing and fees. He then went into greater detail on some of the ways South Hadley had drafted the bylaw adding that Southwick should follow that similar framework. Mr. Phelps suggested that they also look into bed and breakfasts and whether they should add that to the bylaw. Mrs. Thornton noted that she had received information from the Town Attorney's office indicating that bed and breakfast establishments were not to be included within a short-term rental bylaw proposal.

Mr. Spina inquired about Accessory Apartment use and why that was left off of the proposed bylaw draft and Mr. Phelps told them that Accessory Apartment use is not allowed in town.

The Board members discussed enforcement and who would be responsible for it and Mr. Moglin said that the Zoning Enforcement Officer and Building Inspector are the same person now but that may not always be the case going forward. He also said that the Police and Fire departments were represented on this committee and integral in writing up this bylaw. Mr. Moglin said that Accessory Apartment use was left off because, by design, they are not technically set up to be rentals.

Mr. Doherty asked Mr. Goddard to work with Vice Chair Mr. Phelps and red line a bylaw draft with some key selections from the South Hadley bylaw and bring something back to the Board at the next meeting for discussion.

Resident Diane Gale said she is in favor of this bylaw and she thinks it should allow the people doing this to continue doing this and to regulate any unknown rentals. She also thinks this promotes recreation in the community and wondered if this is only going to be allowed in certain zones or everywhere in town. Mr. Doherty said this is a bylaw that would be applicable town-wide. Ms. Gale said she read that Bed and Breakfasts are not allowed in town and Mr. Doherty said he would read up on the laws about that to get a better answer.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for the Short-Term Rental Bylaw to March 7, 2023 at 7:40 p.m.

The motion passed unanimously.

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7:30 p.m.	Proposed Zoning Bylaw Amendments-Chapter 185, Sections 14 <i>Residence Zone R-20-A</i> , 21 <i>Estate Lots</i> , 30 <i>Off street Parking and Loading</i> , and 30.1 <i>Residential Common Driveways</i>	<i>Public Hearing</i>
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Mr. Doherty read the Notice of Public Hearing into record. Mr. Goddard said that the following suggested bylaw revisions are all technical in nature and that he was open to suggestions. Mr. Goddard shared the draft bylaw changes via Zoom and the Board members discussed the changes

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for the Proposed Zoning Bylaw Amendments.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the proposed changes to Section 14 Residence Zone R-20-A.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the proposed changes to Section 21 Estate Lots.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the proposed changes to Section 30 off Street Parking and Loading.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the proposed changes to Section 30.1 Residential Common Driveways.

The motion passed unanimously.

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#### Routine Business

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- Depot Square Condominiums - Stormwater Bond Reduction Request: Mr. Goddard said R Levesque Associates, Inc. plans to discuss the stormwater component at the next meeting.
- Future Discussion Topic - Changing Solar Photo Voltaic Array Technology: Mr. Goddard touched upon this in his Planners report earlier in the meeting.
- 49 Sam West Road-Existing Permits Summary: Mr. Goddard said there is an existing permit from 1990's for automobile repair from the Zoning Board of Appeals. Jesse Saltmarsh had inquired about potential automobile sales for this property at the last Planning Board meeting. Mr. Doherty asked Mr. Goddard to provide a copy of this permit to Mr. Saltmarsh. He said this permit allows repair but not sales at this location so they are subject to the terms of the permit but he had no objection to allowing the sales use so long as the only on-site activity conducted by the automobile repair shop remained motor vehicle repair, with all sales activity to take place off-site.
- Master Plan Advisory Committee Update: Mr. Phelps said they spoke about a person resigning earlier. He asked the Planning Board members to attend a meeting on May 4<sup>th</sup> for a briefing about the Master Plan. They have another focus group coming up on natural resources and open space.

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to appoint Michael McMahon as the Economic Development Commission Representative to the Master Plan Advisory Committee.

The motion passed unanimously.

- Minutes Approval: February 7, 2023

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to approve the Meeting Minutes of February 7, 2023.

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 9:49 p.m.

The motion passed unanimously.

*The Next Scheduled Meeting is March 7th, 2023.*

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