



# *Town of Southwick* **Planning Board** MINUTES



**Tuesday, March 28, 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:** *None*

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

Also attending the meeting were approximately 6 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 shared that his office was currently managing a review of submitted materials for the Verizon wireless communications tower permit denial at Lexington Circle as specifically related to a FOIA Request for Information that had been submitted by the Plaintiff’s attorney. Mr. Goddard noted that substantial resources were being allocated to this review of materials.

2. Mr. Goddard reported that he met once again with William Smith and Susan Nelson regarding 79 Mort Vining Road, where they reported that they are filing for a variance at the property for relief from the two-lot restriction on residential common driveways.
3. Mr. Goddard reported that he had received an application from Salvini Associates to permit the use of outbuildings constructed in the floodplain as well as the reconfiguration and reallocation of parking at the Crepes Tea House.

**PUBLIC COMMENTS: 7:05 p.m.** None received.

**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 said he had received paperwork from the representative Mr. Hale that afternoon and shared the plans on screen. Mr. Hale explained the changes he made and said that everything was almost complete. He said he needed to have a survey done and then explained the plans that Mr. Goddard shared onscreen to the Planning Board Members.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to continue the public hearing for 159 Berkshire Avenue to April 11, 2023, at 7:06 p.m.

The motion passed unanimously.

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7:20 p.m.	686 College Highway (Industrial Restricted Zone) - Definitive Non-Residential Subdivision and Stormwater Management Permit Application	<i>Continued Public Hearing</i>
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Mr. Doherty said they received a letter from the applicants requesting a continuance, to allow additional time to address town comments and have the applicant available for attendance at the meeting.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 686 College Highway to April 25, 2023, at 7:06 p.m.

The motion passed unanimously.

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7:00 p.m.	Proposed Short-Term Rental Bylaw	<i>Continued Public Hearing</i>
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Mr. Goddard shared the draft document on the screen for the Board to see and discuss with revisions from the previous meeting. Mr. Doherty suggested they contact the Zoning Enforcement Officer to get his feedback regarding the days needed to process an application.

Resident Diane Gale of 5 Point Grove Road asked whether the Board of Appeals has judicial authority over this or is it dimensional as it says on the town website. Mr. Doherty said under the bylaws they have an appellate jurisdiction for appeals taken in response to anything the Planning Board does.

Selectman and Short-Term Rental Committee Member Doug Moglin of 5 Hidden Place said that under Chapter 185.41 b.1, the Board of Appeals has the power to hear and decide appeals taken as provided in this chapter. Mr. Doherty said he needed to take a better look at this before moving forward with it.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for the Short-Term Rental Bylaw to April 11, 2023, at 7:20 p.m.

The motion passed unanimously.

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8:10 p.m.	771 College Highway (Business Restricted Zone): Proposed Zone Change to R-20-A	<i>Public Hearing</i>
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Mr. Doherty read the Notice of Public Hearing into the record. Felipe Cravo of R. Levesque Associates, Inc. attended the meeting representing the applicant DePalma Realty, Inc. Mr. Cravo also introduced Brian LeDuc and Greg Hamlin who are working with Mr. DePalma on the project.

Mr. Cravo described the proposed zone change on the three-and-a-half-acre parcel currently zoned Business Restricted. He said the property has been on the market for a long time despite efforts to develop it commercially. This current proposed zone change to Residential 20 a, would allow for a special permit to construct apartments or townhouses.

Mr. Goddard shared the plans on the screen and Mr. Cravo described the proposal for a potential townhouse or apartment development. Mr. Doherty said he thought this was a good idea but expressed concern because the Board will begin the process of revising the bylaws to address requirements for residential developments which would include R-20 A sometime in the fall before construction on these starts.

Greg Hamlin of 143 South Longyard Road said he sat in on a focus group for the Master Plan and, based on the information discussed in that meeting, he devised this idea for the property. He feels this design fits with what the Master Plan is trying to accomplish. His father lives on the lot directly behind this one so he wants to take extra care building something that would make his father content.

Brian LeDuc of 5 Stagecoach Road said the project will be a private way not public, so that should have some appeal from a municipal standpoint. He also said the start of this project should not affect any future changes the Planning Board makes.

Michael McMahon of 30 Lauren Lane asked if this would go to the annual town meeting and Mr. Doherty said yes it would.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for 771 College Highway.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to make a positive recommendation at the town meeting for a zone change from Business Restricted to Residential 20 A at 771 College Highway.

The motion passed unanimously.

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#### Site Plan Review

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- 349 North Loomis Street (Residential-40 Zone)-Proposed Small Scale-Ground Mounted Solar Photovoltaic System (Savina Morin at Sunrun Installation Services, on behalf of Michael and Marita Niquette) - Continued Review from March 7, 2023. Rob Decker from Sunrun said they added the measurements to the drawing that the Board had asked for at the last meeting. Mr. Doherty recommended that they waive the required 150' setback for system structures and allow a left setback of 115' panels and right setback of 50', with the further stated condition that the actual construction of the solar array be sited as northerly as possible toward the adjacent commercial property.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the site plan review with the stated waiver and conditions.

The motion passed unanimously.

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#### Discussions

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- Greens-East Subdivision - Request to Release Lots 12 & 14 from Covenant in lieu of Bond - Mr. Doherty read a letter from Attorney David Shrair requesting the release of lots 13, 14 & 18 from the Covenant in lieu of Bond. The developer Jason Fiore attended the meeting via Zoom and said there is a typo on that letter as lot 18 was already released. Mr. Doherty also read a memo from the Department of Public Works Director Randy Brown summarizing items left that need to be finished on the project, but he also stated that the value of lots 12, 16, 17 and 19 exceed the value of remaining work. As such Mr. Brown is amenable to the request to release lots 13 and 14 from the Covenant. Mr. Doherty said he had no issue releasing Lots 13 and 14.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to release lots 13 and 14 from Covenant in lieu of Bond for the Greens East subdivision.

The motion passed unanimously.

- Sign Review- 664 College Highway, new building façade signage and freestanding sign panels. Mr. Goddard shared the proposed changes on screen for the Board to see.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to make a positive recommendation for the signs at 664 College Highway as presented.

The motion passed unanimously.

- Depot Square Stormwater Bond Reduction Request (R. Levesque Associates, Inc. on behalf of 20 Depot Square, LLC) - Mr. Goddard said there is nothing new to report tonight.

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#### Routine Business

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- Follow-up Information- Minor Plan Change at Tilcon, Inc. Large-Scale Solar Photovoltaic Array at Hudson Drive- Following up on discussions from the March 7, 2023 meeting, Mr. Goddard shared an updated plan that was shared by Energy Development Partners showing the interior changes related to the switch from fixed solar panels to sun tracking panels. Mr. Goddard then shared a concept drawing that was provided of a containment basin that would be constructed around the battery storage structures; he also shared that the developer would be required to provide further detail regarding the storage volume and management of rainwater. Mr. Doherty said these appear to be minor changes that don't need any [permit] modification, but they will defer them to the next meeting to see where the feedback comes from regarding the proposed containment area.
- Signing of Planning Board Report/Recommendation to Select Board for Sawgrass Lane Acceptance Petition Referral- Mr. Goddard said that a motion was made at the last meeting to recommend acceptance and the paperwork needs to be signed.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve this memo that Mr. Goddard prepared to the Chairman of the Select Board dated March 28, 23.

The motion passed unanimously.

- Master Plan Advisory Committee Update: Mr. Phelps said that they had reached a milestone by having held the last focus group. The next Master Plan Advisory Committee meeting is April 6, 2023. Mr. Goddard mentioned that Mr. Phelps was not running for re-election on the Planning Board and asked how that would affect the Master Plan Committee as he is the chair. Mr. Doherty said they will vote to change that position to a Planning Board designee at the next meeting.

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 9:41 p.m.

The motion passed unanimously.

*The Next Scheduled Meeting is April 11th, 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>