



Town of Southwick

Planning Board

MINUTES



Tuesday, April 11, 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)

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 2 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 a series of draft warrant articles had been submitted to the Town Administrator’s office related to the previous hearings held to modify bylaws and propose a short-term rental bylaw.
2. Mr. Goddard received a call from Jim Birchall of 44 Charles Johnson Road, regarding a contemplated change to the right-of-way at his property and an existing cul-de-sac that lies in an easement.

3. Mr. Goddard reported that he was contacted by a representative of the Westfield Savings Bank regarding the posted security for the Depot Square stormwater bond and what steps are necessary to reduce or release the security.
4. Mr. Goddard was contacted by Craig Sheeran regarding Southwick's current bylaws regarding cannabis.
5. Mr. Goddard met with a solar energy company regarding their concepts for a system to be installed at 22 Nicholson Hill Road and adjacent land, including some frontage along College Highway. Mr. Goddard mentioned that such an installation would require a 150' setback from neighboring properties and that any waiver request from that setback requirement should at least be accompanied by increased buffering efforts, particularly to adjacent residences.
6. Mr. Goddard has been researching the history and available mapping of Vining Hill Road in response to a request for information; he indicates that information appears to be lean but will coordinate with DPW.
7. Mr. Goddard shared an announcement for the April 19th Hazard Mitigation Plan update discussion and invited any concerned resident or Board member to attend.
8. Mr. Goddard recapped the discussion regarding a minor plan change at the Hudson Drive Solar facility and shared a high-resolution plan that had been received. Mr. Goddard noted that the Board generally accepted the change as minor and referred an administrative approval of the plan to his desk; this step has been completed and the plan change administratively approved. However, Mr. Goddard excluded any contemplated change to the Battery Energy Storage System containment method and noted that any change to that area would need to be detailed and formally submitted to the Board at a later time. The Planning Board's review of containment change would incorporate review by other Town departments as well.

PUBLIC COMMENTS: 7:05 p.m.

Maryssa Cook-Obregón of 126 South Loomis Street said she has been working on a Chapter 61 protocol pertaining to all parts of it. The reason she has been doing this is so that the Town Hall Board and Committee Members can adhere to Massachusetts General Law a little bit easier as it pertains to getting news about property coming out of those chapters with First Right of Refusal. Ms. Cook-Obregón said she is going to all Boards and Committees to get endorsement and also to make sure everyone understands the protocol. She asked if she could email documents to the Planner to distribute to the Board Members and Mr. Doherty said she could do that.

APPOINTMENTS:

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

The representative Derek Hale attended the meeting via Zoom and shared his update. He said he added the structural detail materials that will be installed, the installation requirements and inspection schedule. Mr. Goddard said he submitted materials last week for review and he will set up time with Randy Brown to go over the new materials submitted.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to continue the public hearing for 159 Berkshire Avenue to April 25, 2023, at 7:45 p.m.

The motion passed unanimously.

7:20 p.m.	Proposed Short-Term Rental Bylaw	<i>Continued Public Hearing</i>
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Mr. Doherty read a letter into record from Kyle Scott, the Zoning Enforcement Officer for the Town of Southwick, dated April 6, 2023. The letter was addressed to the Planning Board and stated that the first section of this proposed bylaw, under Purpose, states that the intention of this proposed document is to prevent negative impacts on neighborhood character housing, availability, housing prices and availability of long-term rental units as well as impacts on infrastructure services. Mr. Scott asked if, when reading this section, Planning Board members think these items listed will not have a large impact. He said that short-term rentals are very profitable to property owners and will cause buyers to purchase property only with the goal of short-term rentals. This will, in turn, spike home prices negatively impacting homeowners and new buyers.

Mr. Scott also said there is a staff shortage in the Town Hall and the demand for enforcement is beyond reasonable. He said he also finds the section Definitions unreasonable as well. Mr. Scott feels if allowed to proceed, short-term rentals should only happen in cases of owner-occupied, one- and two-family homes. He also took issue with permit timing, abutter notification and the document in general. Mr. Scott said he is against short-term rentals in town and says he has experience with this in other towns where it is very flawed. The board members discussed his concerns and made appropriate changes.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for the Short-Term Rental Bylaw.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to recommend the Short-Term Rental Bylaw with changes to the Town Meeting.

The motion passed unanimously.

Discussions

- Proposed Minor Plan Amendment- Parking configuration at 141 Congamond Road- Ken Eggleston- Mr. Doherty said they would defer this to the Conservation Commission to figure out and accept.
- Greens-West Subdivision- Request for Certificate of Completion, Release of Security and Posting of Maintenance Bond- Mr. Goddard said it is an appropriate time for the Planning Board to release the \$30,000 security bond being held and issue the certificate being held.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to execute the Certificate of Completion and Release of Performance Guarantee, to be held in Escrow by the Town Planner until such a time as we receive a signed maintenance bond for \$70,000.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to accept the maintenance bond once it is executed in this form for \$70,000.

The motion passed unanimously.

Routine Business

- Master Plan Advisory Committee Update: Mr. Phelps said the Planning Board is invited to the May 4th meeting for a presentation. He said the committee is planning more community outreach and will have a table at the Annual Town Meeting. Mr. Goddard said the Master Plan Committee made a motion to recommend that the Planning Board consider making Mr. Phelps a lasting member as he is leaving the Planning Board. Mr. Doherty said they will add that to the next agenda.
- Signing of Planning Board Recommendation to Town Meeting Re: 771 College Highway Zone Change. Mr. Goddard said that he will continue this on to the next meeting.
- Minutes Approval: March 7 & 28, 2023

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to accept the meeting minutes of March 7, 2023.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to accept the meeting minutes of March 28, 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 8:51 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is April 25th, 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	<u>/s/ Michael Doherty</u>
Marcus Phelps, Vice Chair	<u>/s/ Marcus Phelps</u>
Richard Utzinger	<u>/s/ Richard Utzinger</u>
David Sutton	<u>/s/ David Sutton</u>
David Spina	<u>/s/ David Spina</u>
Jessica Thornton, Associate	<u>/s/ Jessica Thornton</u>