



Town of Southwick

Planning Board

MINUTES



Tuesday, April 25, 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
Richard Utzinger
David Sutton
David Spina
Jessica Thornton, Associate

ABSENT: Marcus Phelps, Vice Chair

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

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 shared that he had a follow-up discussion with Tom Hibert, the Southwick Health Director, regarding short-term rentals and swimming pools. The use of pools by tenants would classify the pools as “semi-public”, which is subject to fairly rigid standards and testing requirements. The Board observed that this requirement might best be drawn to the attention of owners at the time of application.

PUBLIC COMMENTS: 7:05 p.m.

Joanne Leblanc 38 Reservoir Road would like to have business names added to agenda items, not just the site location/address, so that she can have a better idea of what the discussion is going to be.

APPOINTMENTS:

7:10 p.m. 157 Feeding Hills Road (AC Zone) Special Permit Modification, Wellhead Protection District Special Permit, Nonconforming Use Special Permit, Flood Hazard and Wetlands District Special Permit, and Site Plan Approval

Public Hearing

Mr. Goddard read the Notice of the Public Hearing into the record. Steve Salvini of Salvini Associates, LLC attended the meeting on behalf of the applicant Crepes Tea House. Mr. Salvini explained that the application is for a Modification to an existing special permit to increase seating capacity for the restaurant which is currently limited to 93 patrons. He said the applicant had previously filed a plan with the Conservation Commission to build 3 gazebos which would be in the base flood plain, within the 200-foot Riverfront Area, and within the 100-foot buffer zone. The Conservation Commission approved the plan and Mr. Salvini shared a map of the layout for the members to see. He also said that what has currently been built was not what was envisioned but the client recognized that by enclosing the structures gave it better protection against the flying things in the area. Mr. Salvini said will be submitting a Certificate of Compliance request with the Conservation Commission as well.

Mr. Salvini said in getting back to the concept of seating, the parking lot currently allows for 52 spaces and this gives you 144 seats in the restaurant. He said the gazebos are seasonal in use, the seating is currently for the bar, dining and deck area. The bar can hold 33 seats, the dining area can have 70 and the deck can have 41. The largest gazebo can hold 20 people and the two smaller ones can hold 16 people. In the summer they would not have anyone in the bar and could limit the dining area to 51, the deck to 40 and then be able to fill the gazebos. He said they would have to monitor their seating capacity like all other restaurants.

Mr. Salvini addressed the Board of Health comments next. The comments said that the system design would allow for only 90 seats, 3,155 gallons of water per day. He went to the Water Department in town and got the restaurants water records; for the current and previous owner. The highest usage, going back to the year 2012, was from the current owner last summer which came out to 1,124 gallons per day which is significantly below the roughly 3,100 gallons per day that the system was designed for. Mr. Salvini said he would like to talk to the Board of Health so they can consult Mass DEP and get the usage reduced for this facility so they would have enough capacity. Mr. Doherty said Mr. Salvini would definitely need to run this by the Board of Health.

Mr. Salvini then discussed the zoning issues. The current use of the property is not allowed in the Agriculture-Conservation District in which the property lies, and it is therefore pre-existing non-conforming. Mr. Doherty said that to him, the issue with the new buildings was primarily a

wetlands issue with Conservation. At this early stage of the hearing, he did not have a problem with the new structures in general, but recognized the difficulty of the zoning bylaw for the existing nonconforming use. He feels the proper way to fix this is to change the zone. Mr. Doherty said he takes no issue with the parking.

Mr. Goddard read the Conservation Commission Chairman David MacWilliams comments in to record; Mr. MacWilliams said they discussed the changes since approval with his board. They would not have been inclined to approve the type of construction so close to the river and flood plain. However, they have been built and he cautions the applicant should expect further scrutiny for any future projects to come. Mr. Goddard then read the Health Director Thomas Hibert's comments that said that his board members discussed this plan and agreed that the restaurant would have to increase their septic size to be in compliance if the seating increased. Mr. Goddard also read comments from the Safety Officer Paul Miles and Department of Public Works Director Randy Brown and both had no concerns.

Planning Board Member David Spina asked if the buildings have electricity and heat and Mr. Salvini said they have electricity but no heat.

Resident Ron Sena of 149 Feeding Hills Road said he is an abutter to the property and built a garage in between his home and the restaurant. He said he has previously had no issue with the restaurant but the owner did tell him there was no plan to have any buildings built outside. Now things have been built outside and there is more noise and as an abutter he received no notification He is concerned about the safety and health of the river, having food there could bring in rats. Mr. Doherty asked if he has an objection to the structures use or the lack of say in the community and Mr. Sena said we just wants to relax and enjoy his backyard, he doesn't want to hear the noise associated with outdoor dining.

Cathy Sena of 149 Feeding Hills Road said they used to send registered letters to abutters and they did not receive anything for this. Mr. Doherty explained that the certified letters are no longer required by law.

Matt McCassey of 145 Feeding Hills Road said they were notified on the original wetland application during Covid and they were not able to meet in person to ask questions. He said they never received anything more about the plans and the original plan had different details then what is built there currently.

Paul Gallerani of 14 Great Brook Drive asked if permits were pulled for these buildings and Mr. Goddard his understanding is that the building permits follow the Conservation decision. Mr. Gallerani asked what the issue was then and Mr. Doherty said the use for the purpose of serving food has to be approved by the Planning Board anything related to the Conservation Commission is dealt with by them. Mr. Gallerani said he was concerned with alcohol use and noise carrying from these outdoor buildings as it pertains to music.

Vincent Moccio of 166 Feeding Hills Road said the new structures are closer than 100 feet to the water and Mr. Doherty said that is a Conservation issue not Planning Board issue.

Mr. McCassey said if they had been notified by the Conservation Commission, a lot of questions may have been answered along the way. Mr. Doherty said you can look at the plans they applied for in the Conservation and Building departments but the Planning Board can only look at the use of the land.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Spina to continue the public hearing for 157 Feeding Hills Road to May 23, 2023, at 7:10 p.m.

The motion passed unanimously.

7:20 p.m.	<u>686 College Highway (Industrial Restricted Zone):</u>	Definitive Non-Residential
	Subdivision and Stormwater Management Permit	<i>Continued Public Hearing</i>

The Board members discussed the traffic impact study request and whether or not they should have it included. Mr. Doherty read the letter Vice-Chairman Phelps submitted into record because he was going to be absent from this hearing. The letter stated that Mr. Phelps felt an access road to the proposed subdivision should be provided from College Highway. This would happen utilizing an existing curb cut located across the street from the cul-de-sac within proposed lot #3 or continue through the interior of the property and connect to Tannery Road. He also commented on the size of proposed lot #3 which is about 48 acres. Mr. Phelps said there are no lots in the Industrial zone in town of that size so this lot should be subdivided into 3 or 4 lots in keeping with continuity.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Spina to continue the public hearing to May 2, 2023, at 7:10 p.m.

The motion passed unanimously.

7:45 p.m.	159 Berkshire Avenue (Residential 20 Zone) – Stormwater Management Permit	
		<i>Continued Public Hearing</i>

Derrick Hale attended the meeting as a representative to the applicant. Mr. Goddard advised the committee to accept a continuance in the absence of Mr. Phelps.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Spina to continue the public hearing for 159 Berkshire Avenue to May 2, 2023, at 7:30 p.m.

The motion passed unanimously.

Discussions

- MPAC Composition/Members Discussion- Mr. Doherty recommended removing one of the positions for a Planning Board Member and changing it to be a Planning Board Designee.

A **MOTION** was made by Mr. Utzinger Phelps and **SECONDED** by Mr. Spina to make a recommendation to the Select Board that one of the Planning Board Member positions be changed to a Planning Board Designee.

The motion passed unanimously.

Routine Business

- Master Plan Advisory Committee Update: Mr. Spina 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.
- Planning Board Recommendation to Town Meeting Re: 771 College Highway Zone Change. The Board members made recommendations on the document being presented.

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 9:01 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is May 2nd, 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 ~~/s/ Michael Doherty~~

David Spina, Vice Chair ~~/s/ David Spina~~

Richard Utzinger

~~/s/ Richard Utzinger~~

David Sutton

~~/s/ David Sutton~~

Jessica Thornton

~~/s/ Jessica Thornton~~