



Town of Southwick **Planning Board** MINUTES



Tuesday, September 19, 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
David Spina, Vice Chair
Richard Utzinger
David Sutton
Jessica Thornton

ABSENT: None

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

Also attending the meeting were approximately 9 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* 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 reported that he attended a meeting with the Massachusetts Director of Rural Affairs, Anne Gobi, where opportunities for financial support from the State to the Town were discussed.
2. Mr. Goddard reported that he attended an on-site meeting at the Noble Steed subdivision with Select Board member Jason Perron and developer Jesse Saltmarsh. Mr. Saltmarsh shared his plans to advance sidewalk construction, with culvert/roadway construction on hold pending his resolution of the outstanding Conservation Restriction.

3. Mr. Goddard shared that the Town is in receipt of correspondence from the Massachusetts Attorney General's office regarding the Short-Term Rental bylaw passed at the May 2023 Annual Town Meeting. The letter noted that their office approved the bylaw with the exclusion of a section regarding a local appeal option due to concerns about conflicts with other timeframes under State law.

PUBLIC COMMENTS: 7:05 p.m.

Marcus Phelps of 28 Depot Street said he saw that there is discussion slated for 42 Depot Street on the agenda. He encouraged the Board Members to extend the term of the Special Permit for 42 Depot Street as he feels it is a great opportunity for the town to aid in the current lack of housing.

Diane Gale of 5 Point Grove Road said she agrees with everything Mr. Phelps said.

APPOINTMENTS:

7:10 p.m.	157 Feeding Hills Road (Agriculture & Conservation Zone):	Zone Change
Petition		<i>Public Hearing</i>

Mr. Doherty read the Notice of Public Hearing into the record. Arturas Ribinskas attend the hearing, he is the owner of the property and restaurant Crepes Tea House. He explained that they want to change the zoning of the front part of the property from Agriculture and Conservation to Business Restricted. Mr. Ribinskas does not want to add the back portion of his property to this zone change because of wetlands and the brook running through it.

Diane Juzba of 145 Feeding Hills Road wrote a letter to the board and Mr. Doherty read it into record. Ms. Juzba stated that she strongly opposes any zone changes to this property. She said the structures that were built were not within the specifications that were originally outlined, they are not ADA compliant and they have a current parking issue.

Mr. Doherty explained that these issues have little to do with this specific hearing as they are not being discussed.

Marcus Phelps of 28 Depot Street said he feels the zone change should occur on the whole property.

Jack Horky of 7 Lexington Circle said he is in favor of the zone change. They bring a lot of business in from other towns and his daughter also works for them as they employ a lot of people locally.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 157 Feeding Hills Road to October 10, 2023 at 7:20 pm.

The motion passed unanimously.

Mr. Doherty read the Notice of Public Hearing in to record. Mrs. Thornton said, in order to avoid any future unsuited outcomes, they may want to do omit using the overlay map. She feels they should focus more on the zoning so that when a proposed business comes before them they can decide whether or not that parcel is appropriate at the time.

Jason Perron of 1 Noble Steed Crossing said he agrees with Mrs. Thornton about eliminating the overlay map.

Doug Moglin of 5 Hidden Place asked the members to consider limiting the number of dispensaries in town when they write their legislation. He also agreed with the elimination of the overlay map.

Marcus Phelps of 28 Depot Street said that the overlay map mirrors the current Industrial Restricted Zone in town. He said he would not be opposed to eliminating the overlay map and also would like to see the retail dispensaries in the BR zone.

Sage Fury of 91 Granville Road asked about placing medical marijuana facilities in or near a pharmacy to add that extra level of security and transparency.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for the Proposed Bylaw Revision to Chapter 185, Section 35.2 Medical and Recreational Marijuana to October 10, 2023 at 7:30 pm.

The motion passed unanimously.

Mr. Goddard stated that he received a continuance request from the applicant and the Conservation Commission is still working through the peer review.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 662 A College Highway to October 24, 2023, at 7:45 p.m.

The motion passed unanimously.

- 6 Hummel Lane (Map 79, Parcel 7 – Residential 40 Zone): Proposed Small-Scale Solar Photovoltaic System – Mr. Goddard said they received some preliminary information but are still waiting for revised documents; Mr. Doherty asked to have it added to the next agenda.

Discussion

- Master Plan Advisory Committee Composition/Appointment Term –

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to extend the term for the Master Plan Advisory Committee to November 1, 2023.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to convert the positions held by Patrick Jubb from a School Committee Representative to a Resident Representative.

The motion passed unanimously.

- Depot Square (20 Depot Street – Map 89, Parcel 27.1) – Request to reduce amount of security under the Stormwater Management Permit – Filipe Cravo of R. Levesque Associates attended the meeting and explained that they would like to reduce the letter of credit from \$175,000 down to \$100,000 for any outstanding items that may come up as far as the closeout. Resident Mike Parent of 2 Junction Station Road attended the meeting and showed the members pictures of the Stormwater issues in the development. Mr. Doherty said he would like to get some more answers before approving this request and continue this discussion to the next meeting.
- The Greens of Southwick – East: Request to transfer lots in and out of the Covenant in lieu of Bond – They would like to release lots 16 & 17 from the Covenant in lieu of Bond and replace them with lots 29 & 34.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to allow for the removal of lot 16 & 17 from the Greens East from the Covenant in lieu of Bond and replacing that with lots 29 & 34 for the Greens East.

The motion passed unanimously.

- 42 Depot Street (amp 89, Parcel 30 – Request to extend term of Planning Board decision – Mr. Goddard read a letter from the applicant’s representative requesting a 3 year extension on the approved special permit due to an increase in construction materials and interest rates. Mr. Cravo sat in on this discussion on behalf of the applicant and stated that most towns are looking to add townhouse, multi-unit buildings as they are appealing in

comparison to an \$800,000 single family home. Mr. Doherty said he was inclined to allow for a one year extension which will comply with Massachusetts general law and the Board members agreed with him.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to extend the deadline for lapse of a Special Permit for 42 Depot Street to extend for one further year from the date that it lapsed.

The motion passed unanimously.

Review of Plans Not Requiring Approval under Subdivision Control Law

- 0, 772 & 774 College Highway (Map 27, Parcels 8, 9 & 10)

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to endorse the Approval Not Required plan for 0, 772 and 774 College Highway.

The motion passed unanimously.

- 63A Congamond Road (Map 147, Parcel 42) – Attorney Bethany Bartlett attended the meeting on behalf of the applicant Kearsarge Energy. She said that the purpose of the plan is to allow them to purchase the property from their landlord that they currently lease. Mr. Doherty said that because they did not get a 150 foot setback waiver when they originally received their Special Permit they would not be in compliance with the terms of the permit should this ANR be granted. Mr. Doherty suggested that they withdraw the application with the understanding that the ANR filing fee will be waived for resubmittal; Ms. Bartlett agreed with this.

Routine Business

- 9 Whalley Way – Special Permit/Site Plan Approval/Wellhead Protection District/Stormwater Management Permit Decision

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to grant the Modified Special Permit and Site Plan Approval as specified in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to grant the Modified Wellhead Special Permit as specified in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mrs. Thornton to grant a Stormwater Management Permit as specified in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Sutton to accept the Written Decision.

The motion passed unanimously.

- Master Plan Advisory Committee Update – Mr. Spina said they have another meeting Thursday.
- Planning Board Member Comments. None
- Minutes Approval: September 5, 2023- deferred

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 10:13 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is October 10, 2023.

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