



Town of Southwick

Planning Board

MINUTES



Tuesday, October 10, 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 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 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 met with Beatrice Siwek regarding a proposed modification to the driveway location for an Estate Lot Special Permit at Hillside Road.
2. Mr. Goddard noted that he had received several inquiries related to 141 Point Grove Road, a vacant parcel zoned Business and R-20. Both inquiries surrounded the discussion of an apparent potential for residential development and the steps necessary for a zone change.

PUBLIC COMMENTS: 7:05 p.m.

No comments were submitted.

APPOINTMENTS:

7:10 p.m. 159 Berkshire Avenue (Residential 20 Zone) – Stormwater Management Permit
Continued Public Hearing

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 159 Berkshire Avenue to October 24, 2023 at 7:10 pm.

The motion passed unanimously.

7:15 p.m. 520 College Highway (Business Restricted Zone): Special Permit/Site Plan
Approval Application for Mixed Residential & Commercial uses
Public Hearing

The Board members discussed the feasibility of making this mixed-use application work in light of an existing common driveway serving commercial uses. Mr. Doherty stated that he would like to have a conversation with Town Counsel to find out if there is a way to work around this that is appropriate for these bylaws.

Doug Moglin of 5 Hidden Place asked for clarification of how this mixed-use proposal could be permitted; Mr. Doherty shared that it was allowable by Special Permit under 185-17 B(3).

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 520 College Highway to October 24, 2023 at 7:15 pm.

The motion passed unanimously.

7:20 p.m. 157 Feeding Hills Road (Agriculture & Conservation Zone): Zone Change
Petition
Continued Public Hearing

Mr. Doherty stated that there has been a Special Town Meeting set for December 5, 2023 so that should cover the issue of closing this hearing in ample time. Steve Salvini attended the meeting on behalf of the applicant as well as the owner Arturas Ribinskas. Mr. Salvini reminded the Board that there are not any changes being made in asking for this zone change that would alter the neighborhood or restaurant.

Diane Gale of 5 Point Grove Road asked the members to consider the current zone that the restaurant is in. It is A/C - Agricultural/Conservation and it is in Conservation because it is next to the watershed area and over the aquifer.

Jason Perron of 1 Noble Steed Crossing said that he would like to hear what the residents that are opposed to this change would like to see done.

Mr. Doherty said that is a separate hearing as the owner would have to come back and apply for a permit. He said all of the permits that were needed were obtained as far as he knows, the concern is the use of the buildings.

Mrs. Thornton reminded them that Mr. Ribinskas came to the Board during the COVID-19 Pandemic to discuss this building idea.

Doug Moglin of 5 Hidden Place reminded them that when you have a zone change application you are not supposed to look at the actual use proposed by the applicant. You have to look at the highest and best use of the property.

Ronald Sena of 149 Feeding Hills Road said his concern is that he thinks the value of his property does go down if anything goes on outside of the restaurant. He doesn't know what the intention of these buildings are.

Diane Gendron of 145 Feeding Hills Road stated that although the applicant took out permits they were not actually for what he built. She is concerned about the zone change and how that may allow the applicant to build anything they want. Mr. Doherty told her that he understands where she is coming from but changing the zone does not allow them to do anything they want, they still have to come before the board for a special permit. Mrs. Thornton added that because of the current zone the business owner could not even add a ramp to make the restaurant more handicap accessible.

Matt McCassey of 145 Feeding Hills Road said they are adding to their capacity putting a roof over their deck and adding a plastic shed. The parking is excessive on the property over the weekends.

Cathy Sena of 149 Feeding Hills asked if anyone was checking on the buildings as they were being built. Mr. Doherty told her that is the Building Departments responsibility not Planning.

Sage Fury of 91 Granville Road said that the business is evolving so fast it would be beneficial for townspeople to know what the 5-year or 10-year plan of the restaurant is.

Art Ribinskas, the restaurant owner and applicant, said he was just trying to plant trees and flowers and add a playground for the kids. He thought he had taken the proper channels through the Conservation Commission and Building Department but somewhere he was misled. He said people asked for areas to gather privately for after funeral dinners or kids' parties, so he added the buildings for this. He never intended to scam the town or its residents and now feels he should just tear them down.

Mr. Doherty explained that they closed the hearing and will draft a decision and vote on this at the next meeting.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to close the public hearing for 157 Feeding Hills Road.

The motion passed unanimously.

7:30 p.m.	Proposed Bylaw Revision to Chapter 185, Section 35.2 Medical and Recreational Marijuana	<i>Continued Public Hearing</i>
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Mr. Spina recommended adding a limit on the number of facilities town-wide and making sure we add the state rules to our bylaw. Mr. Doherty said he has been looking through the state requirements to figure out the best way to incorporate it. The members discussed what current industry professionals are looking for in the marketplace and adding a cap to the number of facilities that can open in town.

Mr. Perron stated that other towns have set up wide parameters on what can and cannot be done and he feels that we can do the same thing and take these companies applying on a case-by-case basis. Ms. Gale asked the board to consider areas where children congregate, other than just schools, when deciding optimal locations. Mr. Moglin stated that we agreed with setting a limit and mentioned that you can always go back and change it down the road.

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 24, 2023 at 7:30 pm.

The motion passed unanimously.

Discussion

- 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 said that at the last meeting several items were brought up that need addressing. One of those items is the letter of credit in regards to the technicalities of the stormwater plan and whether the landscaping component should be considered as part of it. The last item is the functionality of Basin 5, noting that the infiltration media-soil mixture had been previously replaced, so it comes down to operations and maintenance. He said it could be that the conditions at that location were just that much different from the location of it on the site. Mr. Doherty said he has an

issue with letting go of a bond amount without knowing what the problem is. Mr. Cravo said that they need the basin to be dry to get in there and see what the problem may be. Mr. Doherty suggested meeting with the homeowner's association so that both parties have an opportunity to weigh in and try to reach a compromise as well as dollar amount to fix the problem.

Mike Parent from 2 Junction Station Road said the developer shorted them 190 trees. He said the leftover water in basin 5 has had a lot of wildlife using the water that never fully drains. Mr. Parent said that there are water issues all through the development and the tree situation ties into the stormwater issue. Mr. Doherty said let's table this for now and revisit it when there is more information.

- 63A Congamond Road (Map 147, Parcel 42) – Contemplated ANR – Bethany Bartlett attended the meeting via Zoom on behalf of the applicant. She discussed the changes that were necessary with Mr. Goddard and they devised an idea to expand the bounds of the new lot so that they were 150 feet from the edge of each solar panel, all the way around. They would also submit a Minor Site Plan Modification to their existing permit because they are changing the lot lines. Mr. Doherty said they need to submit a Modification to the Site Plan and then the ANR and eventually submit a final Site Plan to the Board.

Site Plan Review

- 6 Hummel Lane (Map 79, Parcel 7 – Residential 40 Zone): Proposed Small-Scale Solar Photovoltaic System – Mr. Goddard said they received a waiver request and a letter from the abutter acknowledging the proposal. Dan Britton from Sun bug solar attended the meeting via Zoom.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to approve the Site Plan for 6 Hummel Lane granting a waiver of the setback requirement on the north side of the property from 150 feet to 55 feet and imposing the condition that the applicant plants vegetation to the north of the solar arrays which will reasonably create a visual barrier to the property to the north.

The motion passed unanimously.

- 13 Honey Pot Road (Map 11, Parcel 6 – Residential 40 Zone): Proposed Small-Scale Solar Photovoltaic System – Mr. Goddard shared the site plan on the screen and said the area of the system meets all qualifications.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to approve the Site Plan for 13 Honey Pot Road.

The motion passed unanimously.

Routine Business

- Written Decision: 42 Depot Street (Map 89, Parcel 30) – The Board indicated that it would finalize the written decision to extend the original term of Planning Board decision at the next meeting.
- Master Plan Advisory Committee Update – Mr. Spina said they were all at the last meeting where PVPC presented the draft Master Plan.
- Planning Board Member Comments. Mrs. Thornton said she will be attending the Pioneer Valley Planning Commission meeting on Thursday and if anyone has any questions they can submit them to her.
- Minutes Approval: September 5 & 19, 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 24, 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