



Town of Southwick Planning Board MINUTES



**Tuesday, February 6, 2024
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
Diane Juzba

ABSENT:

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.

- Mr. Goddard attended several webinars where Pioneer Valley Planning Committee (PVPC) staff members presented information from the Regional Transportation Plan and shared population/housing trend models from the state and PVPC. Mr. Goddard noted that the regional models generally showed modest growth over the next 20-40 years while the state models showed sharp decline. Mr. Goddard also shared a web tool at

Massbuilds.com, where contemplated, approved, or constructed projects could be entered online by registered users and help to develop/refine the data used for the models.

- Mr. Goddard, with assistance from Chairperson Doherty, shared recent activity in the Cellco Partnership v. Town of Southwick, Massachusetts appeal of the wireless communications tower/facility at Lexington Circle, where Judge Mark D. Mastroianni entered an electronic order “denying Plaintiffs Motion for Summary Judgment on Count I of the Complaint; granting Defendants Cross Motion for Summary Judgment on Count I of the Complaint; and denying as moot Defendants Motion to Strike Portions of Plaintiffs Statement of Facts.” The matter is scheduled to go to a trial on April 22, 2024.
- Mr. Goddard announced the upcoming new public hearings for a potential modification to Chapter 185, Section 28 *Nonconforming structures, uses and lots* and a proposed retail development at 771 College Highway.
- Mr. Goddard also shared that Town Counsel had rendered its opinion that the prohibition against expanding a nonconforming structure beyond its footprint (§ 185-28A(1)(c)) was indeed valid, despite their initial concern that the matter was preempted by state law.

PUBLIC COMMENTS: 7:05 p.m.

No comments were submitted.

APPOINTMENTS:

7:10 p.m.	662 A College Highway (Map 65, Parcel 26 - Industrial Restricted Zone) Proposed Self-Storage Facility: Special Permit, Site Plan Approval, and Stormwater Management Permit	<i>Continued Public Hearing</i>
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Applicant Jim Boyle attended the meeting along with William VonFricken, his Architect from Frank G. Relf Architect, P.C., and Civil Engineer Chris Chamberland from Berkshire Design Group. Mr. Boyle said he made significant changes to the plans based on feedback from the last meeting. Mr. VonFricken described the interior and exterior details of the building. Mr. Boyle explained how the daily operations would run and handed put a portion of the rental agreement. Mr. Chamberland showed the updated plans that included changes to the front of the building to create space while reducing the rear area by ten feet and reorganizing parking stripes. He also shared some other facilities in the region with similar layouts.

Mr. Spina asked what the definition of initial loading and unloading is and Mr. Boyle said that is when the customer first goes to rent the storage space from them. You are required to make an appointment to bring your vehicle there to move your items. Mr. Spina asked if an appointment is required in between those initial times and Mr. Boyle said no, it is not.

Mr. Sutton asked about fencing and Mr. Chamberland said they are not proposing a fence around the perimeter. He said when they met with Conservation, they did not want snow removal toward the front of the property, so they need to plow it to the back and fencing would make that difficult.

Mrs. Thornton asked about the density of units as related to access points. She said her concern is that they seem to be maximizing the amount of building in units with little consideration for the end user and she does not feel that this design fits this specific location.

Mr. Doherty asked Mr. Boyle why he installed fencing on all of his other projects but not this one. Mr. Boyle said he doesn't think this property gives access to the building from any other point than the front entrance because of the landscape so there is no need. Mr. Sutton said storage units have fencing to deter anyone going in and also for the safety of the people inside, so they are a necessity. Mr. Boyle said that once he spoke with the Fire Chief it made more sense to not add a fence.

Considerable discussion was had surrounding the adequacy of the design for circulation, points of access, and loading/parking areas. Mr. Doherty said that a lot of the feedback provided was tied to the fact that the property is too small for the size of the structure and the topographic layout is strange. Mr. Boyle said please tell me what would make this plan acceptable. Mr. Doherty said the Planning Board members are not obligated to create something that would work, that is up to the applicant, the board members are just not seeing something that they are satisfied with.

Mr. Doherty read a letter from Southwick business owner Patty Reardon of Additional Attic Storage listing her concerns about the new proposed facility and shared photos she took of the applicant's current facilities.

Fire Chief Rich Stefanowicz commented, via Zoom, that he had concerns over hazardous materials on this site in regard to the sloping property. He is also concerned about the culvert over the wetlands and its load capacity supporting fire apparatus. Chief Stefanowicz said he thinks this is a bad plan and trying to build a massive building on every square inch of buildable property, so much that it compromises public safety is not good. He thinks a redesign of this structure would yield satisfaction for a lot of people. He spoke with Mr. Boyle several times and had questions about the choice of two buildings but did not design the idea of a single building. The fire department was not involved in the design of this project.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 662 A College Highway to February 27, 2024 at 7:10 pm.

The motion passed unanimously.

7:20 p.m. 250 College Highway (Map 133, Parcel 14 – Residential 40 Zone) Proposed Renovation/Reconstruction of a Preexisting Nonconforming Multifamily Dwelling: Special Permit & Site Plan Approval Application

Continued Public Hearing

Mr. Goddard read a letter from the applicant’s representative, R. Levesque Associates, asking for a continuance.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger continue the public hearing for 250 College Highway to February 27, 2024 at 7:15 pm.

The motion passed unanimously.

7:30 p.m. Planning Board Review & Discussion of the Southwick 2040 Master Plan Final Draft; Consideration of its Adoption

Continued Public Hearing

Mr. Goddard said that, owing to a problem with his computer, comments had been submitted to PVPC, but he had not yet received a revised copy from Mr. Comia and recommended to continue the hearing to the next meeting date.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for Planning Board Review & Discussion of the Southwick 2040 Master Plan Final Draft to February 27, 2024 at 7:20 pm.

The motion passed unanimously.

Discussion

- Potential Future Expansion of the Sodom Mountain Campground, 233 South Loomis Street & Legal Opinion Letter- Mr. Goddard said the applicant asked to move the discussion to February 27.
- Housing Production Plan – Planning Board Vote to Approve Plan- Deferred to next meeting.
- 157 Feeding Hills Road (Crepes Tea House) – Discussion Regarding Potential Future Improvements- The owner, Arturas Ribinskas appeared before the board asking for permission to cook outside on the back deck. He also asked if they could temporarily add a cooler and a trailer outside. He would then like to add an employee parking lot on the other side of the building accessed by the dirt road.

Mr. Doherty said he doesn’t think he would be allowed to access that road for employee parking unless he’s been granted a right of way. He said the Board can’t approve that. Mr. Doherty said for the refrigerated trailer he would look at the bylaws as it may be

allowed on a temporary basis. He doesn't think there is any issue with the patio, but Mr. Ribinskas would need to check with the Health and Fire Department regarding the outdoor cooking space. Mrs. Thornton said they need to make sure that they don't run afoul of the original building footprint; like serving food outside when cooked, adding seating and any potential noise issues. Mr. Doherty said he would look into these questions and get back to Mr. Ribinskas.

- Noble Steed Crossing – Residents & Town Staff Concerns; Apparent Violations under the Special Permit & Definitive Subdivision Decision –Mr. Goddard said he wanted to update the Board on this project's status. He said the building inspector provided a letter outlining a number of concerns, most of them ground construction. The entirety of the roadway has not progressed past a binder condition and the older sections have begun to deteriorate. The culvert over a wetland crossing needs to be installed and sidewalks need to be installed. There is also construction material debris and some drainage onto the road. The DPW Director, Randy Brown has a running punch list dating back to 2017 and has shared this with Mr. Saltmarsh. There are also issues with the Conservation restriction. Mr. Goddard said the project is not in compliance under the special permit and Mr. Saltmarsh will need to be given notice of this, as issued jointly by the Board and the Building Inspector as Zoning Enforcement Officer. The Board can sign it once it is written and approved by Town Counsel.

Routine Business

- Staff & Planning Board Member Comments
 - Mr. Goddard also shared that the annual budget projection had been submitted for FY25, including a component for the anticipated warrant article for the acceptance of Liquori Drive and Cody Lane. Mr. Doherty suggested modifying the budget to include an operations line item for the forthcoming Master Plan Implementation Committee.
 - Mr. Goddard shared that the annual report was being prepared and that members will receive a draft for their review and comment.
 - Mrs. Thornton said the Annual CPTC training meeting is March 16th.

- Minutes Approval: January 9 & 23, 2024 –

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to approve the meeting minutes of January 9, 2024.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to approve the meeting minutes of January 23, 2024.

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 9:13 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is February 27, 2024.

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>
David Spina, Vice Chair	<u>/s/ David Spina</u>
Richard Utzinger	<u>/s/ Richard Utzinger</u>
David Sutton	<u>/s/ David Sutton</u>
Jessica Thornton	<u>/s/ Jessica Thornton</u>
Diane Juzba	<u>/s/ Diane Juzba</u>