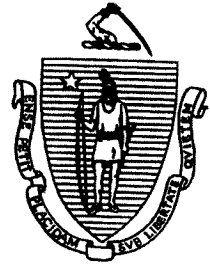




# *Town of Southwick*

## **Planning Board**

### MINUTES



**July 31, 2018**

**MEMBERS IN ATTENDANCE:** Michael Doherty, Chair  
Marcus Phelps, Vice Chair  
Richard Utzinger  
David Sutton  
Roz Terry, Associate  
Alan Slessler, Town Planner

**ABSENT:** David Spina

The regularly scheduled meeting of the Planning Board was called to order at 7:00 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone in the audience was recording the meeting.

**PLANNER'S REPORT:** 7:00 P.M.

1. Talked to interested party on Hudson Drive in regards to a proposed Marijuana production and grow facility. They will be submitting an application so it will be posted for a Public Hearing the first week in September.
2. Also have receive paper work from the Select Board regarding property that the Town of Southwick has first right of refusal for Lot # 8 on College Hwy which is the property is located just south of the American Inn. It is a corn field on which a gentleman is proposing a dental office. He also purchased property from Dr. Lagac just south of this lot. It is under 61A so the Town has first right of refusal. We need to let them know if we have interest. Board indicated no interest.
3. Spoke to a gentleman about 331 North Loomis which his mother owns it is about 159 acres with 304 ft of frontage. He hopes to move up and build another house. Explained the rules of subdividing land and suggested two lots, one conventional and one estate lot.
4. Spoke to the owners of the Skybox; they would like to have a restaurant with the kitchen inside the building, without any external changes. They are removing the trailer. This is a pre-existing non-conforming lot and use so they will need to come in for a Special permit and Site Plan review. They need to show that they can meet the parking requirement for the restaurant use. They have all the necessary paperwork and they know they cannot do any external work that would make it more non-conforming than it already is.

**PUBLIC COMMENTS:** 7:05 p.m.  
There were no public comments.

**APPOINTMENTS:**

7:12 p.m.      353 College Highway      ANR  
The Board reviewed the plan for the creation of two lots on property owned by the Arnolds. It is a large track of land just south of Klaus Anderson. The frontage for the lots is on Klaus

Anderson. They have the necessary frontage and acreage. Mr. Phelps asked if the remaining land along College Hwy was still alright. Mr. Slessor confirms. Motion made by Mr. Phelps, seconded by Mr. Utzinger. The motion passed unanimously.

7:15 p.m. College Highway Subdivision Definitive Plan -West

Continued Public Hearing

Mr. Doherty opened the continuation of the College Highway West Definitive Plan Public Hearing. Mr. Lévesque, of R. Levesque Associates, representing Crestview Construction and Fiore Realty for the application for subdivision on the west side of College Hwy portion of the former Southwick Country Club continued his presentation. He reviewed some of the basics from previous meeting. The project includes three parcels to be partially developed and the remaining land for Open Space. He displayed the updated revised plans of the developed portion. Pointed out updated details from the previous hearing and stated that the Planning department and DPW director have reviewed these with some minimal comments.

Mr. Levesque began with going over proposed easement for access to Open Space between lots 7 and 8. He noted it would be a 10 foot wide stone path.

He also discussed the easements and adjustments requested by DPW for the water line, storm water basins and drainage. He noted that the roads will be submitted for Town acceptance but basins will be owned and maintained by the home owners association.

He reviewed changes and additions pertaining to landscaping in buffers and permanently protected land along College Highway. There will be berms along Sunny Side Rd and College Hwy, all being controlled and maintained by the home owners association. The HOA documents are being worked on now so that the homeowners understand requirements and restrictions.

Mr. Utzinger asked about the issue with snow removal and if it had been addressed. Mr.

Levesque pointed out that there is an area on Lot #9 designated. It was also noted that the plan may be adjusted once the placement of the driveway is determined.

Mr. Phelps requested that the white pines in the berm areas be replaced with a different variety that is more disease resistant. He also question if there would be a buffer along lot #25 adjacent to Wynnfield property. Mr. Levesque noted that it is a flag lot so we do have the option to protect with a protected area but the set back on a flag lot is 75 ft. It is suggested they have a condition to maintain a 50 ft vegetative buffer on that lot.

Mr. Doherty asked for confirmation as to the current ownership of the property. The applicants noted that the golf course has been transferred and the northern pieces are under a conditional purchase and sale agreement. It will all be owned by Fiore Realty once executed.

Discussion of street lights concluded that there should be one light at intersection of Sunny Side Road only.

A waiver request from Chapter 185-23 for Lot #9 to allow the driveway in the wetlands buffer zone was discussed. It was noted that they would have to file with the Conservation Commission once they determine the location of the driveway. The waiver allows for some flexibility with location of driveway once the house location is determined. They may do a common driveway but they would rather a single driveway and to try to stay as far from buffer as possible. The board also discussed that a specific snow pile area may not be necessary.

The board then discussed all other requested waivers and conditions needed in the decision. Mr. Doherty gave clarification on covenants and how they restrict issuance of permits and sale of

properties. The type of material for some of the longer driveways and the driveway bylaw was reviewed. Any driveway will have to comply with Chapter 157.2.

The waiver for sidewalks on one side of the road was discussed.

Tree removal with in development was discussed and the possibility of the subdivision and HOA documents to include the option for a tree management plan for open space.

Mr. Gunn, 2 Hickory Lane, expressed concern from the Southwick Historical Commission about the razing of the original club house. He reviewed the history of the building and a request from the Commission to preserve the building. Mr. Levesque noted that the parcel is set up to be sold separately and various options have been reviewed. Mr. Fiore noted that the property is not on the historical registry and they have considered many options. Carol Saltus of Rovithis Realty commented on the lack of interest in historical home and low market value. A discussion about zoning, septic issues and market value occurred. The applicant noted they plan to use the building as the developer and realtor's office for the development. They do not plan on keeping it as part of the development but if an interested buyer came along they would consider selling. Mr. Levesque requested clarification on some of the conditions and waivers. There was a discussion about covenants, drainage easements and restrictive covenant on open space.

With no further comment, a motion was made to close the hearing by Mr. Utzinger, seconded by Mr. Phelps. The motion passed unanimously.

8:40 p.m. 353 North Loomis Street

ANR

Mr. Seth Girace, 353 North Loomis St presented a plan for an ANR. Mr. Slessler reviewed the plan which divides a section of land from the neighbor Seth Kellogg. It is a boundary line change to transfer 2.92 acres to Mr. Girace, so his driveway is actually on his property. Both parcels have frontage and adequate square footage.

A motion to approve the ANR Plan for 353 North Loomis St. was made by Mr. Phelps and seconded by Mr. Sutton. The motion passed unanimously.

8:45 p.m. 43 Hudson Drive

Sign Application

Mr. Kirik Grigoriy, 43 Hudson Drive, presented a plan for a sign for 43 Hudson Dr. This is a business that has existed for a couple of years that would now like a sign. Mr. Slessler reviewed the size of the sign and stated that it is within the regulations.

A motion for a positive recommendation for the sign for 43 Hudson Dr., was made by Mr. Phelps and seconded by Mr. Utzinger. The motion passed unanimously.

7:45p.m. College Highway Subdivision Definitive Plan-West

Decision

The draft decision for the College Highway Subdivision Definitive Plan West was reviewed, edited and discussed. Revisions were made.

The following votes were taken:

MOTION: I, David Sutton, move that the Planning Board take the following action:

- 1) Waive the requirement under Chapter 315-12(A)(1) that an original drawing of the definitive plan in black ink on Mylar be submitted with the Definitive Plan application,

and allow it to be submitted once review has been completed and the plans are in final form for recording.

SECOND: Richard Utzinger.

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Richard Utzinger, move that the Planning Board take the following action:

- 2) Waive the requirement under Chapter 315-12(B) that the definitive plan be prepared at a scale of one inch equals 40 feet, and allow it to be prepared at a scale of one inch equals 100 feet.

SECOND: Marcus Phelps

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Marcus Phelps, move that the Planning Board take the following action:

- 3) Waive the requirement under Chapter 315-12(B)(11) (and Chapter 315-18 by reference) that the definitive plan contain a park suitably located for recreation purposes, as the proposed Flexible Residential Development will provide adequate open space with existing walking trails, pasture land and forested land for passive recreational uses, and the developer will provide access to the open space with a 10' wide stone pathway running on the west side of Lot 8.

SECOND: Richard Utzinger

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Michael Doherty, move that the Planning Board take the following action:

- 4) Waive the requirement under Chapter 315-2(G) that sidewalks be constructed on both sides of the street and allow a sidewalk to be constructed on one side as shown on the Definitive Plan. A condition has been added to the decision for the developer to deposit an offsetting amount into the Town of Southwick, Sidewalk Revolving Account.

SECOND: Richard Utzinger

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry – Yes

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MOTION: I, Michael Doherty, move that the Planning Board take the following action:

- 5) Waive the requirement under Chapter 185-23(F)(1)(c) that all impervious surfaces be set back a minimum of 100 feet from any wetlands, to the extent that the driveway for Lot 9 shown on the approved Definitive Plan encroaches upon this buffer area.

SECOND: Marcus Phelps

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Michael Doherty, move that the Planning Board take the following action:

- 6) Waive the requirement under Chapter 185-23(J)(2) that a Homeowners Association agreement of covenant be submitted with the Special Permit and Site Plan Approval application, and the requirement under Chapter 315-12(C)(1) that any covenants and restrictions applying to the development be submitted with the Definitive Plan application, and allow such covenants and restrictions to be submitted for approval by the Planning Board prior to the issuance of a building permit.

SECOND: David Sutton

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Richard Utzinger, move that the Planning Board impose the above conditions of approval upon any approval of the Definitive Plan.

SECOND: Marcus Phelps

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Marcus Phelps, move that the Planning Board approve the Applicant's Definitive Plan, based upon all of the facts and testimony presented at the public hearing held on the application and based upon the conditions of approval to which the Applicant has assented. Endorsement of the conditional approval is conditioned upon: (1) revision of the Definitive Plan to reflect the conditions of approval and the prior or simultaneous recording of this certificate of action with the Hampden County Registry of Deeds; and (2) the provision of a performance guarantee in accordance with the requirements of M.G.L. Chapter 41, Section

81U and, in the case of a subdivision covenant, evidence of the prior recording of same with the Hampden County Registry of Deeds.

SECOND: David Sutton

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

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MOTION: I, Michael Doherty, move to grant the special permit for this Flexible Residential Development with the conditions as set forth in the Special Permit above.

SECOND: Richard Utzinger

ROLL CALL VOTE: Mr. Michael Doherty - Yes, Mr. Marcus Phelps – Yes, Mr. Richard Utzinger – Yes, Mr. David Sutton- Yes and Mrs. Roz Terry - Yes

ROUTINE BUSINESS:

Minutes for 7/10/18 are held for future meeting.

Being no further business to be brought before the Board, A MOTION was made by Mr. Sutton, SECONDED by Mr. Phelps to adjourn at 10:15 p.m. Vote was unanimous.

Michael Doherty  
Chair

Marcus Phelps  
Vice Chair

Richard Utzinger

David Sutton

David Spina

Roz Terry  
Associate member

Respectfully submitted,  
Roz Terry  
Planning Board Administrative Assistant

CC: Town Clerk - SelectBoard - Historical Commission - Board of Assessor - Board of Appeals - Building Inspector - Water Department – DPW  
- EDC – Agricultural Commission

Email: Safety Officer, Park and Recreation, Conservation Commission, Health Director, Fire Department, Cemetery Commission