



# *Town of Southwick*

## **Planning Board**

### MINUTES



**Tuesday, September 10, 2019**

**MEMBERS IN ATTENDANCE:** Michael Doherty, Chair  
Marcus Phelps, Vice Chair  
David Spina  
David Sutton  
Jessica Thornton, Associate  
Alan Slessler, Town Planner

**ABSENT:** Richard Utzinger

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. Spoke to Pavel Duvall who purchased an estate lot off College Highway opposite the Shell Gas Station. I gave him all the information to prepare an estate lot plan. He has access to 50 foot right of way, which meets Davis Road. He proposes to use the access rather than the College Highway access. The abutting owner of the right of way has concerns.
2. Had discussions with Attorney General's office on the request for Business Restricted (BR) Zone change for the property south of the Hash House and the request for the removal of the two temporary moratoriums for marijuana.
3. Spoke to residents on Hillside Road in regards to proposed Flexible subdivision.
4. Met with Atrium Property Services who is the property manager for Depot Square Condominiums, they want to understand what is required for maintenance.
5. Field inspected 810 College Highway for compliance to obtain a CO and permit to sell beer and wine.

**PUBLIC COMMENTS:**

7:10 p.m.      Cell Towers

Discussion

Gary Liquori, of 266 South Longyard Road, said he has been approached by a Cell Tower Company to install a cell tower on his property. His property consists of 30 acres of farm land. He said there is a dead zone by his property. He knows there are regulations for cell towers. He wondered if it was possible to have one on his property. Mr. Doherty said there are regulations. He said there is a tower going to be installed on Lexington Circle and will be presented to the Planning Board soon. It may cover that area. Mr. Slessler said there are specific zones that allow cell phone towers. He said the property is outside of the zone. He said it would require a special permit

Mr. Doherty said he would also need to show a necessity especially since the one in Lexington Circle is almost ready.

7:10 p.m. Estate Lot Bylaw

Discussion

Doug Moglin, a SelectBoard member, said the Board should consider the Estate Lot Bylaw in regards to the access strip. He said in the Common Driveway Bylaw they discuss the common drive way has to be within the Estate Lot. He would put forth that the intension of the original Estate Lot Bylaw is that the access strip to the estate lot should be for the driveway. Therefore, access to an Estate Lot coming from somewhere else is not an Estate Lot by definition. The Board discussed this further.

7:25 p.m. Modifying Solar Bylaw

Discussion

Mr. Doherty said the reason why this is on the agenda tonight is to discuss again whether a large ground mounted solar Panels should be allowed in the residential zone depending on the size of the property if it is not visible. Should this bylaw allow for this type of situation without creating some kind of nuisance? He said should it pertain to the property itself rather than the zone.

Doug Moglin, a SelectBoard member, said a couple of folks that have approached him and other members of the Select Board over time. These are landowners that have significant amounts of land outside of commercial and Industrial zones that are being approached to potentially install large ground mounted solar panels on their property. He said if solar is not allowed for solar then the land will be developed in a different way, possibly subdivisions. He said economically it is advantageous to put solar panels on the ground. He said this will take time to deliberate and figure out it could be done.

Robert Baker, of 28 Will Palmer Road, he said he and his father own over 70 acres of land. He currently has a saw mill on it. He said it has been there since 1968. He said the three phase power was installed there. He said if a solar project is installed there it would not be seen from the road and the three phased leis are already installed. He said the business is hanging on. When his 90 year old father passes he may not have many options. He said the panels would be installed on the backside of the hill. He said having the solar power would help him financially to keep his business functioning. The Board reviewed a map of the property. Mr. Baker pointed out there is a lot of room for a buffer. Mr. Phelps said the Town of Blanford is in the process of revising their solar bylaw because they were hit with many requests for solar installations. He said he would like to watch what they are doing. Their situation is similar to ours so it will be interesting to see how they word it.

Mr. Grimaldi of 787 College Highway he said he owns the property with his brother who wants to sell it. He would like to buy him out instead of selling. He said the property is about 62 acres. The Board viewed the map of the property. He said the solar representative said it is an ideal property for solar. He was once approached by a developer who said he could put in 109 units. He wants to save the land for his children. The solar farm would give him enough money to pay off his brother. The Board reviewed a map of the property. He said the solar would be on 25 acres.

He said they could help out his abutters with a lower rate for electricity. He said if he cannot do this the land will have many houses built on it. Mr. Doherty said the Baker property is a completely forested area. He said it seems less problematic than this property. He said that on the map the property seems wide open. He said the property on College Highway will be more difficult to install the solar array so it will not be in view from the Highway. Mr. Grimaldi said he already looked into how we could buffer the solar array. Mr. Doherty said the property is in a residential zone. Some residents from Rosewood expressed concerns about viewing the panels

from their homes. The resident said the land abutting Rosewood is very wet and felt they would have more of a problem with water. Mr. Doherty said the board is not even close to considering this at this time. If it would be done it would have to go through the process of a Special Permit and Site Plan approval. He said that any application would allow for the water drainage to be addressed. He added it may actually help the Rosewood water problem. Mr. Doherty said they might form a committee to address this and figure if there is a proposal that could be put in place.

8:05 p.m. Open Space Discussion

Mr. Clark, the Conservation Commission Director distributed a map of the Open Space and Recreation Plan indicating the types of open space in Southwick. The different areas were marked in color. Mr. Phelps said they were good maps. Mr. Clark said these maps are draft maps. He had a couple questions about Flexible Subdivisions and open space. He wanted to know if the land preserved on a Flexible Residential Subdivision was preserved in perpetuity or for a certain length of time. Mr. Doherty said if it is a deed restriction it is in perpetuity. Mr. Clark said there are three options to do it, through the Town, through the Home Owners Association or through a farmer. Mr. Slessler said with the last Flexible Subdivision the preserved property was put in perpetuity through the State. He said there was money set aside in the bond for that. Mr. Doherty said he read there were three options. Ownership belonged to the Developer. When a Home Owners Association is formed it belongs to them and the lot is saved in perpetuity. He said it is owned by the Home Owners Association in perpetuity but it does not say the open space is protected in perpetuity. Mr. Clark said the only way it can be put in perpetuity is through the State. He said it does not matter who owns the property when it is protected by perpetuity according to Article 97. He said the second question is was the property intended for public use or is no one is allowed on the property? Mr. Doherty said that his understanding is that Flexible Subdivision open space is put into protection by perpetuity and the public can use the space for recreation. Mr. Clark asked if it was required by the bylaw. Otherwise, you cannot put it in a Conservation Restriction unless it is in the bylaw. Mr. Clark said if you look at the map the property outlined in red are the properties that have been put in Conservation perpetuity. He said there are several properties with open space that were given a preservation time line which is about to run out. Some of these open spaces are large enough to build a house on. A house has been built on open space in Southwick. He said that that the Town needs to put into the Development requirements that the open space has to be put into Preservation in perpetuity. He said it would have to go through legal channels. He said that the Town does not want to be responsible for open space property. If the property is put into Chapter 97, then the land must be open to the public. Mr. Doherty said if land is preserved for 15 years. He said then it is not in perpetuity. Mr. Doherty said he does not have a problem to put land in conservation perpetuity. He said he does have a problem having them required to apply to the State. Mr. Doherty said that it is necessary to discuss this with Attorney Beglane. Mr. Phelps said that 185-23 J should be modified. Mr. Doherty said going to the State is a long difficult process that can hold the developer up.

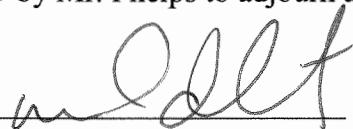
### **ROUTINE BUSINESS:**

8:04 p.m. Minutes

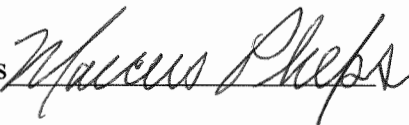
**A MOTION** was made by Mr. Phelps and seconded by Mr. Spina to accept the minutes of August 13, 2019 as presented. The motion passed unanimously.

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Phelps to adjourn at 8:46 p.m. Vote was unanimous.

Michael Doherty  
Chair



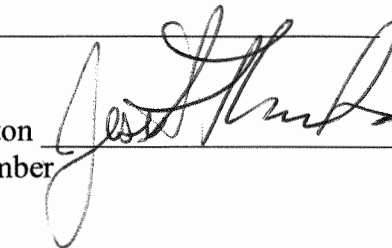
Marcus Phelps  
Vice Chair



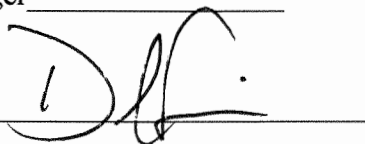
Richard Utzinger



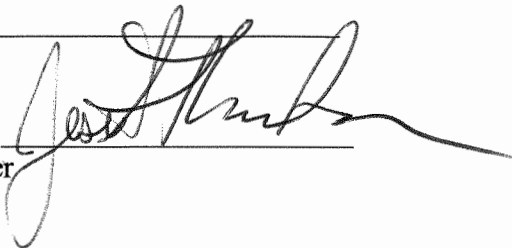
David Sutton



David Spina



Jessica Thornton  
Associate member



Respectfully submitted,  
Ruth Preston  
Planning Board Administrative Assistant

**The Next Meeting is September 24, 2019**