



Town of Southwick Planning Board MINUTES



Tuesday, May 25, 2021

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

ABSENT: Richard Utzinger

A special meeting of the Planning Board was scheduled via Zoom 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 in the audience was recording the meeting. Attending the meeting were Carol Baribeau, Jessica and Michael Pelley, Peter Currier, Mark Kimball, Filipe Cravo, Luke Showalter, Doug Moglin, Aaron Dziengelewski, Michael McMahon, Randy Brown, Jon Goddard, Aaron Marez, Edward Faits, Steve Salvini, Rachelle Hannoush, Diana Day, Kevin Parsons, Kim and Ron Hannah, Andrew Gardner, Heidi Kingsley, Scott Lamon, Val Shvetz, Travis Kingsley, Freda Brown, Joe Deedy, Harold Heap, Rob Tirrell and Rob Levesque.

PLANNER'S REPORT: 7:00 p.m.

1. Received an ANR for one lot, AA, on Two States Avenue in the R20 Zone.
2. I received a Special Permit in the AC Zone for a single family home for Parcel 2-1 Sodom Mountain Road.
3. I received an ANR for Lady of the Lake Church on Sheep Pasture Road for an additional ten foot buffer for the church property.
4. The owner of Wok on Water is advertising renting boat slips which are not allowed. Building Official has issued a Cease and Desist.
5. I would like to acknowledge Jon Goddard as the new Interim Town Planner.

PUBLIC COMMENTS: 7:05 p.m.

APPOINTMENTS:

7:10 p.m. Bailey Project Special Permit Hearing Continued

Mrs. Lightcap read the Notice of Public and Mr. Doherty designated Mrs. Thornton as a Voting Member. Rob Levesque of R. Levesque and Associates shared his screen and showed the plans for the project. Brinkman Constructors wants to construct a used car processing facility called Carvana, an online used car sales website and company. This site will only be used for storage and detailing with no traditional on-site car sales. The site will consist of two properties, the Griffin Land Trust and the Radwilowicz property. This project will not be going out onto College Highway as there is a separate parcel with a 300 foot strip reserved for future development. There is also a large wetland buffer separating them from College Highway. Mr. Levesque said they have delineated all of the wetlands on the property and have gone through an ANRAD, Abbreviated Notice of Resource Area Delineation, with the Conservation Commission and they have determined that the wetland boundaries were good. They are in the process of getting that paperwork in which is called an ORAD an Order of Resource Area Determination. Mr. Phelps asked what the total property acreage was and Mr. Levesque said it was 137.7 acres. Filipe Cravo of R. Levesque and Associates said that 65.7 acres would be impervious surface. Mr. Levesque showed the grading plans on screen and said the project would require a Special Permit to remove earth. Mr. Levesque then showed the drainage plans on screen and explained how they would work, he said they will be bringing sewer in from the bike trail and that they were meeting all of DPW concerns with the design. To address traffic concerns Mr. Levesque said Carvana was willing to provide a mitigation payment to the town should the Town choose to pursue adding a traffic light to College Highway, near the site. A traffic study was done by McMahan and Associates and they stated that as the intersection exists now it warrants a traffic signal. Mr. Phelps said that the traffic impact study stated the development would generate 2,664 vehicle trips that would occur during the workday and asked if this was accurate? Mr. Levesque said that yes the majority would be employees to the facility. Mr. Phelps stated that the Planning Board should add a condition to the permit to control flow as far as the direction of traffic. Mr. Phelps asked if work would be done on the vehicles at the site such as oil changes, transmission oil, etc. and was it being done near the well-head protection boundary. Mr. Levesque and Mr. Cravo assured him that work would not be done near that area that is in a portion of the well-head protection boundary. Mr. Slessler asked Mr. Levesque if he would be doing 3 ANR's for each parcel and he said yes they would be submitting those in the near future. Mr. Moglin thanked all parties involved in this project on both sides on behalf of the Select Board.

Mr. Doherty read comments received from the Fire Department and DPW and Mr. Levesque said they understood and would address for the next meeting.

Edward Faits of 19 Pine Knoll asked about the impact that the project would have on the Rail Trail as some of the project property abuts it. Mr. Levesque said there was one man hole that they want to tie into so yes there may be an interruption but it would be one day at the maximum. Scott Lamon of Tynic Landscaping is an abutter to the project and asked if the project would affect the work that is slated to begin on Tannery Road. Mr. Brown, DPW Director said that the paving would start on Tannery then stop short for this project but then continue later on when

Carvana is finished. Mr. Lamon said he is a proponent for this site. Cynthia Marshall of 45 Coes Hill Road said that as far as Town bylaws are concerned and what's allowed it says junkyards prohibit storage of unregistered vehicles outside of a building or structure. Chapter 185.18, Article 4 use regulations number 7 so how will Town Counsel react to that. Mr. Levesque said that in their project study car sale use is allowed but wouldn't occur on site and there are some subtleties but they were approved by Town Counsel. Mr. Slessler said that he got a letter from Attorney Sypek representing Carvana pertaining to this. Mr. Doherty said that if the bylaw allows car sales than this is not a junkyard it fits into a car sales lot but we will make sure Town Counsel issues an opinion. Mr. Levesque said that they are looking to get a sales license from the Town but there is no lot or showroom.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Sutton to continue the public hearing for the Baily Project to Tuesday June 8, 2021 at 7:45 p.m.

Roll call vote:

Mr. Doherty, yes Mr. Phelps, yes Mr. Sutton, yes Mr. Spina, yes
Mrs. Thornton, yes

The motion passed by majority vote.

7:30 p.m. Mort Vining ANR

Steve Salvini described the four lot ANR proposed for Mort Vining Road that would use eighty acres. Mr. Phelps asked Mr. Slessler if he looked at the frontage and acreage and he said yes he did.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Sutton to grant the ANR for the four lots on Mort Vining Road.

Roll call vote:

Mr. Doherty, yes Mr. Phelps, yes Mr. Sutton, yes Mr. Spina, yes

The motion passed by majority vote.

7:45 p.m. 41-51 John Mason Road Special Permit Modification

Mr. Doherty read the Notice of Public and designated Mrs. Thornton as a Voting Member. Randy Brown of 95 Fred Jackson Road spoke on behalf of the applicant Freda Brown. The property has a four year old Disc Golf Course and is seeking to modify the Special Permit it has. Mr. Brown described the modifications to site with new additions. Mr. Phelps asked Mr. Brown why they want a trailer and not a structure and Mr. Brown said they have discussed it but feel a trailer fits for now. Mr. Phelps asked about sanitary facilities and water supply and how that would work and Mr. Brown said he met with Tammy Spencer Health Director and it meets

applicable health regulations. Mr. Doherty read Board of Health, DPW and Police comments. Attorney Diana Day introduced herself as she is representing residents Robert and Carol Baribeau of 46 John Mason Road. Attorney Day did send a letter that was forwarded to the Planning Board. She stated she was displeased that some abutters claim to have not received an Abutters letter for the previous hearing held and also that the abutters did not receive information that came in from the Board of Health or Police. Mr. Doherty told her that the Police and Health department comments had only just come in within the last twenty four hours. Attorney Day said she also noticed that new information was added to the plans that don't match the one she currently had dated April 28, 2021 and that the residents oppose commercial alcohol sales on this project. Attorney Day also said the residents have issues with sanitation on this property. Mr. Doherty stated that the Planning Board should consider the liquor license as a separate issue as the Select Board would be making a determination on that.

Mr. Phelps asked if they would be using gravel for additional parking and Mr. Brown said they would be using some type of stable surface. Mr. Phelps also mentioned Chapter 185-32 trailers, in our bylaw, are not allowed in any zone except where Board of Health and Building Inspector issues a permit and felt that should be scrutinized. He also asked about hours of operation and months on the permit and that it mentions, on the current permit, that it has to be renewed annually. Mr. Doherty said the hours listed are 8:00 a.m. until dusk and he needs to get clarification on the permit renewal as he was not present for that meeting. Mr. Slessler said the Select Board will make the determination on the trailer as peddler's sales as well as the alcohol. Mrs. Thornton asked Mr. Brown if they would be offering food and alcohol sales all day or only at certain times and Mr. Brown said they would change the language on the permit and set a regular schedule.

Resident Heidi Kingsley wrote into the chat that she was opposed to the changes to this site. Resident Jessica Pelley of 15 John Mason Road stated that she did not feel comparing the disc golf center to golf courses in Town was fair as this property is unique to those others. She feels adding alcohol sales will invite potential harm with drinking and driving and she has seen an increase in traffic since it opened. She also asked when the timing of alcohol and food sales would occur and Mr. Brown said that would be addressed with the liquor license. Colby Kilhart addressed the Board and said that he is an avid disc golf player and happy to see the modifications to the site. Resident Kim Hannah asked if any traffic studies have been done because the road can barely handle the current traffic on it and Mr. Brown said there has not been a traffic study done because it has not been warranted. Resident Carol Baribeau spoke as well saying the traffic has changed significantly because of people speeding and she does not want to see these changes made. Mr. Doherty added that the residents did opt to not have the road re-paved as it is needed and to use the road comparison seems unfair, he also spoke to the fact that residents have not called the police to make complaints about any current issues. Attorney Day spoke on behalf of the residents and said that the question is whether this disc golf center is suitable to this neighborhood and the answer is no as the neighbors are present at the meeting and against it.

A MOTION was made by Mr. Phelps and **SECONDED** by Mr. Sutton to continue the public hearing to Tuesday June 29, 2021 at 7:10 p.m.

Roll call vote:

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Phelps to adjourn the meeting at 10:42 p.m.

Roll call vote:

Mr. Doherty, yes Mr. Phelps, yes Mr. Sutton, yes Mr. Spina, yes
Mrs. Thornton, yes

The motion was passed unanimously.

Respectfully submitted,
Meghan Lightcap

The Next Meeting is June 8, 2021