



Town of Southwick Planning Board MINUTES



Tuesday, June 29, 2021 7:00 P.M. Zoom meeting (recorded) Town Hall Auditorium Written Minutes

*(These minutes have been derived from an audio recording of the above-referenced meeting.
Additional recordings may also be heard at www.southwick.org)*

MEMBERS IN ATTENDANCE: Michael Doherty, Chair
Marcus Phelps, Vice Chair
Richard Utzinger
David Sutton
David Spina
Jessica Thornton, Associate
Jon Goddard, Interim Town Planner

ABSENT: None

A regularly scheduled meeting of the Planning Board with in-person attendance alongside the option of participation via Zoom 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; staff from the Westfield News and 22 News indicated that they were recording.

Those in-person and signing the meeting attendance sheets included:

- Denise Hills McGarry, 717 College Highway
- Jay Spear, 27 George Loomis Road
- Joyce Spear, 39 Fred Jackson Road
- Caitlin Gadecki, 304 South Longyard Road
- Stefan Gadecki, 304 South Longyard Road
- Patrick Jubb, 34 Deer Run
- Debra & Chuck Van Etten, 6 Sterrett Drive
- Mary Bourgault, 8 Tobacco Road
- Stacey Kalman Cagan, 12 Gargon Terrace
- Sheri Bryant, 35 Sefton Drive
- Angelina Simone, 10 Cedar Street
- Linda Lewis, 62 Powder Mill Road

- Ray Lewis, 62 Powder Mill Road
- Roger Cataldo, 4 Field Street
- Neal & Judy Lefebvre, 4 Treetop Lane
- Stanly Brzoska, 384 College Highway
- Holly Fenton, 20 Fred Jackson Road
- Jim Fenton, 20 Fred Jackson Road
- Rick Vella, 6 Treetop Lane
- Chantalle Sole, 32 Southwick Hill
- Olivette Halton, 3 Junction Station Road
- Elizabeth Clare, 7 Rails End Road
- Camy Crick, 1 Rails End Road
- Cathy Berry, 6 Rails End Road
- Casey Goodreau, 62 Miller Road
- Taylor Mountain, 58 Miller Road
- Wendy Fitzgerald, 58 Miller Road
- Bill Corrigan, 4 Shore Road
- Terri Mallen, 4 Shore Road
- Ann Griskas, 6 2nd Street
- Kim Jenk, 6 2nd Street
- Laurie Brunton, 39 Powder Mill Road
- Robert Himmelright, 22 Knollwood Road
- Alissa Phelps, 22 Knollwood Road
- Susan P. Porter, 9 Falmouth Road
- Greg Deily, 10 Salem Road
- Jane Stanton, 55 Feeding Hills Road
- Bill Zimmerman, 10 Revere Road
- Scott Spear, 27 George Loomis Road
- Jim Hall, 12 Feeding Hills Road
- Raquel Obregon, 128 South Loomis Street
- Sue Stevens, 33 Tannery Road
- Ted Falken, 37 Tannery Road
- Sarah Wood, 47 Tannery Road
- Brandy Deveno, 305 College Highway
- Alan & Doreen Garde, 230 College Highway
- Maryssa Cook-Obregon, 126 South Loomis Street
- Colleen T. Serre, 32 Tannery Road
- Chris Serre, 32 Tannery Road
- Greg Scott, 126 South Loomis Street
- C. Brett Colson, 21 Klaus Anderson Road
- Chris Schicker, 12 Renny Avenue
- John Vallaincourt, 12 Renny Avenue
- Cynthia Lamoreaux, 132 Granville Road
- Scott Purusse, 25 Castle Street

- Lisa Orcutt, 18 Pearl Brook Road
- David Orcutt, 18 Pearl Brook Road
- Kelly Parker, 25 Castle Street
- John Pagliaro, 19 Day Street South, West Granby, CT
- Sabrina Pooler, 12 3rd Street
- Kyle Gibson, 38 Dry Bridge Road, Westfield
- Grady Patterson, 10 Hunters Ridge Circle
- Daniel Vierno, 6 Evergreen Terrace
- Jason Giguere, 10 Cedar Street
- Dave Macwilliams, 4 Pinnacle Drive
- Janet Karapysh, Feeding Hills Road
- Victor Ka, Feeding Hills Road
- Lourdes Quinones, 42 Tannery Road
- Jose Quinones, 42 Tannery Road
- Brittany Cesan, 1 Tree Top Lane
- James Way Wang, 77 Tannery Road
- Ellen Gibson, 38 South View Drive
- Bobby Roy, 2 Eden Hill Lane
- Sandra Salmond, 25 Congamond Road, Southwick
- David Pierce, 30 Bugbee Road
- Mary Grady, 36 Sam West Road
- Nathan Grady, 36 Sam West Road
- Marilyn Grady, North Loomis Street
- Jim Grady, North Loomis Street
- Jane Thompson, 3 South Village
- Jim Parent, 3 South Village
- Jeff Turcotte, 60 Miller Road
- Rebecca Vila, 60 Miller Road
- Wendy Lachtara, 9 Blackberry Crescent Circle
- Linda Merchant, 24 Laurel Ridge
- Dori Neuwirth, 171 Hillside Road
- Domenic Faretra, 133 Berkshire Avenue
- Wyley Cyote, Nowere [sic]
- Rich Briggs, Fernwood Road
- Karen Meeler, 10 Dairy Lane
- Diane Gardner, 2 Meadow Lane
- Rich Whittaker, 15 Wynnfield Circle
- Joanne Whittaker, 15 Wynnfield Circle
- Barbara Jensen, 45 Bugbee Rd
- Robert Jensen, 45 Bugbee Rd
- Trudy Chianciola, 17 Sawgrass Lane
- Pam Fournier, 8 Sawgrass Lane
- Carol Ganek, 62 [illegible]

- Tilia Fantasia, 15 [illegible]
- Shirley Anderson, Southwick Village
- [illegible], South Longyard Road
- John Pagliaro, [illegible]
- Richard Cowles, 9 Revere Road
- Lee D. Hamberg, 48 South Longyard Road
- Sam Goodwin, 14 Pineywood Road
- Dennis Clark, 75 Fred Jackson Road
- D. Greany, 364 Granville Road
- Michael Pietruska, 1 Logie Lane
- Timothy Nehmer, 124 South Loomis Street
- Raymond Stelan, 3 Mallard Lane
- Steve Gibson, 38 South View Drive
- Robert Garvey, 27 Woodland Ridge
- Inga Hotaling, 45 Kline Road
- Peter Kelly, 40 Woodside Circle
- William Ferry, 12 Pearl Brook Road
- Albert L. Randzio, 228 Klaus Anderson Road
- Lee Hazelton, 15 Ed Holcomb Road
- Elicia Roy, 2 Eden Hill
- Doreen Garde, 230 College Highway
- Pat Montagne, 27 Wynnfield Circle
- M. J. Kaputa, 7 Dairy Lane
- Brenda Kaputa, 7 Dairy Lane
- Jack Jeneral, 23 Sawgrass Lane
- Adam Hart, 6 Pine Knoll
- Richard Marshall, 45 Coes Hill Road
- Jen [illegible], [illegible]
- Grigory Fialto, 133 Berkshire Avenue
- Domenic Faretra, 133 Berkshire Avenue (repeat)
- Bruce Hildreth, 30 Wynnfield Circle
- Cheryl Racco, 12 Woodland Ridge
- Sam Santaniello, 2 Tree Top Lane
- Molly Jacobs, 140 Point Grove Road
- Kevin Johnson, [no address provided]
- Andrea Bubee, 77 Tannery Road
- Ronald [illegible], 36 [illegible]
- Tracy Daborowski, 1 Tree Top Lane
- Jeffrey A. Neece, "None of Your Business"
- Brittany Cesan, 1 Tree Top Lane (repeat)
- Diane Gale, 5 Point Grove Road
- Andrew Gale, 5 Point Grove Road
- Carol Geoffrey, 108 Ely Street, Westfield

- [illegible], 362 Granville Road, Westfield
- [illegible], 38 Tannery Road
- Beth Lalli, 352 North Loomis Street
- Carol Ann Gauthier, 6 Island Pond Road
- Vivian Waitt, 68 Fred Jackson Road
- Sharon Ensign, 41 Lexington Circle
- Steve Ensign, 41 Lexington Circle
- James Grzelak, 43 Tannery Road
- John Lacey, 28 Tannery Road
- Dan Hess, 15 North Pond Road
- William J. Cass, 6 Wintergreen Circle
- [illegible], 12 Hillside Road
- Nancy Brzoska, 12 Hillside Road
- Bob Liberty, 92 South Loomis Street
- Stella Durfey, 9 Echo Road
- Kathleen Carlson, 24 Evergreen Street
- Kris Swenson, 17 Ranch Club Road
- Tracy Carne, 5 Logie Lane
- Peter Carne, 5 Logie Lane
- Kathi Phillips, 4 Lexington Circle
- Aaron Dziengelewski, 250 Honey Pot Road
- Brian Leduc, 5 Stage Coach Road
- Beth Malone, 42 Depot Street
- Linda [illegible], 22 Wynnfield Circle
- [illegible], 25 Will Palmer Road
- Dave Soares, 74 Davis Road
- Chuck Jasak, 16 Woodland Ridge
- Ashlee Jasak, 16 Woodland Ridge
- Anne Marie Storey, 24 Davis Road
- Edward Rankin, 216 College Highway
- Mary Madru, 29 Wynnfield Circle
- Noreen Hildreth, 30 Wynnfield Circle
- [illegible], 80 Pomeroy Road, Montgomery, MA
- Marlene Christy, 33 Southwick Hill
- Sue Brzoska, 1 Logie Lane
- Jeremy Pease, 24 Woodland Ridge
- Claribeth L. [illegible], 46 Summer Drive
- Kevin Shiveley, 33 Berkshire Avenue
- [illegible] Sloboda, 43 Congamond Road
- [illegible]
- Harold A. Heap Jr., 16 Wynnfield Circle
- Bob Pau, 25 Rails End Road
- [illegible], 4 Dairy Lane

- Laura Fletcher, 20 Gargon Terrace
- Anne-Alise Pietruska, 12 Hillside Road
- Laurie Straut, 8 Point Grove Road
- Nathan Straut, 8 Point Grove Road
- Ed Roberts, 72 Vining Hill Road
- Karen G. Roberts, 72 Vining Hill Road
- David O'Brien, 151 Mort Vining Road
- Garrett O'Keefe, 24 Woodside Circle
- Kerry O'Brien, 151 Mort Vining Road
- Nicole Apostle, 26 Laurel Ridge Road
- Anthony Surette, 26 Laurel Ridge Road
- Earl Murphy, 8 Hillside Road
- Rose Murphy, 8 Hillside Road
- Sarah Swain, 51 Lakeview Street
- Tom Swain, 51 Lakeview Street
- Nancy Goldie, 25 Lakeview Street
- Heidi Kingsley, 13 John Mason Road
- Eric Mason, 53 Coes Hill Road
- The Mason Agency, Inc., 504 College Highway
- Judy Pagano, 25 South Loomis Street
- Mike Pagano, 25 South Loomis Street
- John Bochene, 3 Junction Station Road
- Katie Hamberg, 48 South Longyard Road
- Kirk Creswell, 228 Feeding Hills Road
- Elizabeth Del Negro, 3 Matthews Road
- Laura Sylvia, 5 Liberty Lane
- Joshua E. Sylvia, 5 Liberty Lane
- Kaeli Whalley, 24 Foster Road
- Katelyn Sylvia, 30 Foster Road
- Elizabeth Gamble, 35 Tannery Road
- Christopher Gamble, 35 Tannery Road
- Tina Tancrati, 33 Charles Johnson Road
- Tara Gillette, 51 Hastings Road
- Michael Gillette, 51 Hastings Road
- Dorothy Bujnevicie, 20 Rails End Road
- Lenita Bober, 249 College Highway
- John & Jonanne Cappuccilli, 1 Junction Station Road
- James Birchall, 44 Charles Johnson Road
- Wendy Birchall, 44 Charles Johnson Road
- Karin Beauregard, 465 North Loomis Street
- Fred Beauregard, 465 North Loomis Street
- Mark Oliver, 30 Tannery Road
- Ken Bisulca, 384 Failley Drive, Westfield, MA

- M. J. Reopel, 178 Mort Vining Road

Interim Town Planner's Note: The individuals listed below are referenced from a sheet of paper with "No to Carvana!" at the top. The sheet is otherwise indistinguishable from those provided as the sign-in sheets, and the origin/timing of the title is not clear. Thus, the names are provided here for reference purposes.

- Erin & Jim Acconcio, 9 Granaudo Circle
- Melissa Prifti, 8 Kline Road
- Cynthia Marshall, 45 Coes Hill Road
- [illegible]
- Pam Vellor-Jackson, 6 Hillcrest Road
- Dave Jackson
- Paul Stanton, 55 Feeding Hills Road [repeat from sign-in]
- Joseph Carnevale, 62 Davis Road
- Karl Merriam, 69 Honey Pot Road
- Judith O. Zimmerman, 10 Revere Road
- Aaron [illegible], 4743 Butterfly [illegible]
- Andrew Lucas
- Calleen Moren
- Gary E. Moren
- [illegible]
- [illegible], 2 Meadow Lane
- Gary Melloni
- [illegible]
- [illegible] Lamarche, 27 Granville Road
- Denise Corbett, 30 Reservoir Road
- Ann Miodowski, 71 Tannery Road
- Dana Guay, 173 Mort Vining Road
- Julie [illegible], 74 Davis Road

Numerous attendees via Zoom were observed; no names or addresses were provided in the chat log.

Interim Town Planner's Note: Except as noted below, the following statements are referenced as close to verbatim as feasibly possible from an audio recording of the meeting.

Michael Doherty: So, a couple things to start off with. 1.) This is the first time for the Planning Board doing a hybrid meeting, so the idea that this is going to go smoothly I think is, well, already proven to be wrong. But, we're going to try to do this the best we can. There's going to be moments of technical and other difficulties tonight, but we will try to get through it the best we can and as quickly and efficiently as we can. I would ask that, if you are on Zoom, that you

try to keep yourself on mute unless you have a question to ask or are called upon. If you are on Zoom, I would ask that you sign in on the chat with your name and address and when we get to the public comments and questions sections of the public hearings, I would ask that you indicate that you have a question in the chat and we will try to monitor that and get to the questions as well as live. The first – we're not doing questions yet – the first thing to deal with is, just to let you know how this meeting is going to run, you have the, you know, the agenda for how this meeting is set out. There's a public comments section at 7:05; I'll make it clear then but that's for comments or questions that are not on the agenda tonight. So that is not the opportunity that you will have to deal with the public hearings that are on for tonight. However, you will have an opportunity in each individual hearing to have public comments and questions. So if you have certain questions about something that is on for a public hearing tonight, please wait until that hearing is opened, and there will – I promise you – an opportunity for public comments and questions during the course of the hearing.

[unintelligible audio from public]

Michael Doherty: Thank you. Can you hear me on Zoom now? Yes? OK. Alright. So, 7:00p.m. – Town Planner's Report.

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

Jon Goddard: Thanks, Mike. Jon Goddard, Interim Town Planner.

Unidentified: We can't hear you, sir.

Jon Goddard: I haven't said a word yet. Can you hear me now?

Unidentified: No.

Jon Goddard: Jon Goddard, Interim Town Planner. I'll bring some notes/progress – business we have taken since the last meeting.

Unidentified: Can you stand up? We can't hear you.

Michael Doherty: Why don't you stand up?

Jon Goddard: Sure. Does standing up help you to hear me better?

[unintelligible audio from public]

Jim Middleton (Town of Southwick): I've been working on it, please, thank you.

Jon Goddard: Just one moment, please.

Jim Middleton: Yeah, there's nothing I can do at this point – I should have been muted in the first place, that's why I was in the corner working on the system.

Jon Goddard: OK, everybody, I'll do the best I can to speak up, and, accordingly, I'll keep it brief. To the members of the Planning Board: I attended a meeting since the last Planning Board meeting with Mass DOT, Southwick DPW, and the Traffic Consultant for the Carvana Project – discussing the feasibility, and other matters related to the proposed traffic light at Tannery and College Highway. Most of that discussion revolved around layout constraints and opportunities, funding, and historic coordination between the Town and Mass DOT. The Town Planner has provided additional research for the Sunnyside Ranch Estates matter regarding incomplete road construction.

Unidentified: We can't hear you.

Michael Doherty: OK, stop, stop, stop. We are not going to be doing this tonight. Because –

Unidentified: We can't hear you.

Michael Doherty: Because we are – you are right there. You can hear us.

Unidentified: [unintelligible] We can't hear you.

Michael Doherty: We are doing our best, OK? So, listen – we are not going to do this tonight. We are going to stop and we are going to reschedule this if there are issues. We understand that you can't hear us, and we are sitting here working on it. As I said in the beginning – this is a new process for everyone, OK, and we have I don't know how many people in this room, and we are trying our best to do this. So – I hear you, we are trying to work through it, but we have to deal with Zoom, we have to deal with the recording, and we have to deal with everybody in here that has to hear. So we are doing our best. Can you hear me?

[unintelligible audio from public]

Michael Doherty: Can everybody hear me now?

Unidentified: Yes.

Michael Doherty: OK. You can speak loud enough.

Jon Goddard: I'll give it a shot. Alright, so just sort of left off on the, excuse me, Sunnyside Ranch Estates matter where we are continuing to look into the deteriorated road conditions, working with Town Counsel to issue a statement on behalf of the Town to the property owners' association. As I mentioned at the last meeting, we have the mandatory conflict of interest forms; members can stop by the office, go through the processes, and sign the paperwork. We have the same thing for Open Meeting Law and Social Media Guides – I'm sorry?

David Sutton: When are those due?

Jon Goddard: Soon. We have received several candidates for the Planning Board Secretary and they are being reviewed.

Unidentified: You would think the Planning Board would have planned this a little better. [unintelligible] It's the microphone. [unintelligible]

Michael Doherty: We are trying to figure out the problems. Everybody commenting and making ambient noise doesn't help it, so my first suggestion would be if everyone in the room could be as quiet as possible, it will probably be a lot easier for everyone to hear. The second thing is we are, again, we have been doing Zoom meetings since March of last year. We are trying our best to move into a hybrid model, which so far is not working so well, but we are trying our best to do it. So – there definitely are going to be hiccups and we are going to work through it as quickly as possible.

Unidentified: I'm sorry, is this one any better for everybody?

Michael Doherty: Alright, how much trouble are we going to have with that. Anything to do, Jim, or are we good?

Jon Goddard: Hey, everybody, how's this? Thank you. Alright, the last item of business from my desk –

Michael Doherty: Just start over.

Jon Goddard: Sure, why not. Alright - since the last meeting of the Planning Board – these are really just notes that I'm providing in public to the Planning Board about my role in the office. I attended a meeting with MassDOT, the traffic Consultant for the Carvana project, and Southwick DPW – that meeting mostly revolved around design constraints and opportunities for the intersection of Tannery Road and College Highway, looking at funding sources, and the history of course between Southwick DPW and MassDOT in terms of their coordination efforts for signalization at that intersection. We have an ongoing research task for Sunnyside Ranch Estates. There are several roads up there which have not been satisfactorily constructed, and we have been requested to review the file and identify what has happened over a number of years. Business items for the Board: We have mandatory conflict of interest certifications as well as social media policy guidelines for members to sign. We did receive an open meeting law complaint – ten to be specific – that revolve around the term “Baily Project,” “Carvana,” and so on and so forth as discussions have taken place over multiple dates. Mr. Chair, if you prefer, I can read in one of the complaints, as the content is generally the same amongst them, or these can be made part of the files – at your discretion.

Michael Doherty: Yeah, let's make it so that the Board can hear easier, why don't you read it.

Jon Goddard: Sure, happy to do so. This complaint was submitted by Kevin Meder of 10 Dairy Lane, stamped in June 25, 2021. The alleged violation reads, as entered by Mr. Meder:

On May 25, 2021, it had come to my attention that the Southwick Planning Board had been in discussions with several entities in their open meetings dating as far back as Jan 2021, in regards to the development of a used car processing facility to be located at 668 College Highway, Southwick, MA; yet only releasing the facility name in meeting minutes, that being Carvana as of recent: May 25, 2021. Up to May 25,

2021, there is not one mention of Carvana in any Planning Board posted agenda or subsequent minutes. It is my belief that the May 25, 2021 Planning Board meeting was the first mention of the project actually disclosing the true identity of the company that would be erected on the property by the Planning Board in any public open meeting documents. Prior to May 25, 2021 names that were used in place of Carvana in both Agendas and Minutes were/are: the Griffin Land Trust (project), Brinkman Construction Project, 668 College highway project, and the Baily Project. The following Agendas do not mention the Carvana project at all in the description of items to be discussed, the discussions were allowed to fall under the title "Town Planners Report" yet in the meetings, discussion were had on this specific topic and votes taken: 1/5/2021, 1/19/2021, 2/9/2021, 03/16/2021, 03/30/2021, 4/13/2021, 4/27/2021, 5/12/2021, and the Notice of Public hearing dated 5/25/2021. I believe the violation of failure to list the topic(s) with sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting exists. The Planning Board failed to disclose the true Identity of the business that was being considered, the violation was not reasonably discoverable at the time it occurred. It was only discovered on May 25, 2021. I believe this filing date is within the 30 days of the date the violation was reasonably discoverable. I also believe this allows for the inclusion of all the Planning Board agendas and meeting minutes that date back to 01/05/2021. It is suggestive that there is evidence of an intentional violation of M.G.L. c. 30A. Even the Notice of Public hearing identified the project: as the "application by Brinkman Construction for a Special Permit", it makes no mention of Carvana. The Agenda posted for the same meeting, May 25, 2021, titles the agenda item for the same project the Baily Project. The Planning Board continuously interchanges the title of the same entity throughout its agendas and meeting minutes, making it impossible for anyone reading the agendas and minutes to put the 4 names together as the same project, let alone a derivative of Carvana. I would suggest that this was an intentional act to hide the project from the public until it was too late for the public to act and protest the project. This complaint represents the alleged violation of Meeting and Agenda items of 05/12/2021.

Under the section "What action do you want the public body to take in response to your complaint," Mr. Meder enters:

I would like the Planning Board to delay the vote of approval for this project and all subsequent Special Permits until a third-party review can be made off all submissions, analysis, plans and reports for accuracy. I would also like another Public hearing that properly identifies Carvana as the applicant/topic of the Public hearing. I would like the public body to acknowledge that they are in violation of M.G.L. c. 30A, and as a result recognize that their official votes, actions and tasks permitted thus far are subject to review and appeal and as a result all approvals from this board need to be reposted and revisited with proper identification of subject matter listed in all agendas.

Michael Doherty: So, first let me offer to the Board the two steps so we understand where the process is. What I'm going to end up asking is that the Board designate me to respond to these,

which are due – responses are due July 16, 2021, so at the end of this I'll ask for a motion to appoint me as the one to respond to it. However, I would like to discuss this process so you are all aware of it and can have your input here and assist me in drafting it. I will also point out that the individual that submitted these ten open meeting law complaints; I reached out to him on Friday and again on Monday without response to try to resolve this which is part of the process. So, these date back to January 25, 2021. They relate to the meeting agenda and they relate to the meeting minutes, and one of them relates to the Notice of Public Hearing dated May 25, 2021. So let's first talk about the meeting minutes. The meeting minutes are designed to be a summary and a reflection of what was discussed at the meeting that night. The meeting is recorded. Every one of these meetings that is the subject of these open meeting law complaints is online for everyone to listen to. If, in any single one of them, you hear the word "Carvana," and wish to bring it to my attention, please feel free to, prior – let me add to that – prior to the opening of the public hearing on May 25th. If on any of those prior meetings, you hear the word "Carvana," tell me, because I'm not aware of it. So, with regard – please, I have the floor and would like to speak, and you will have your opportunity to speak at a later time. If Carvana is not mentioned in the tape, I don't know how it should make it into the meeting minutes. Secondly, with regard to the agenda items related to the Town Planner's report, this is an agenda item that is on a significant number of Boards in this Town as well as across the Commonwealth. Town Planners, DPW Directors, other officials provide reports to their Boards and Commissions on a regular basis. If you loOK back at our meeting minutes for probably ever, you will see at 7:05, or 7:00 I mean, the Town Planner's Report. I have no idea what is being said in the Town Planner's report because the Town Planner is giving me a summary of what he's done over the course of time since our last meeting. We don't put any details about the Town Planner's report on there because we don't know them – I don't know them. So it says "Town Planner's Report" – that's what it is, and if he has a meeting with a representative on this project, that's what he reports. With respect to the application, the application has been posted online for everyone to look at. The submission is on the Planning Board webpage. If you have not seen it, I would suggest you go look at it. I would also ask you to find the word "Carvana" in the application. They are not the applicant. Brinkman Constructors is the applicant, and so when we advertise that application, we are advertising the name of the applicant, the identity of the property, and what they propose to construct. I am not in the construction business, but it is my understanding that this is a pretty standard process for design-build for a number of different reasons, but very frequently, the actual identity of the company that is going into a building is not contained in initial discussions, in applications, and so it gets called project whatever – in this case it was called Project Baily for whatever reason, I have absolutely no idea. That is what we are forced to work with. So to file a complaint to say that we didn't put the word Carvana on meeting minutes, or an agenda, or a Town Planner's report, or even the application, or the public notice that was published in newspaper – I don't know how it's possible that we would first be required to do that, or would do it – because it's not properly showing what's in front of us or in the application. Now, with respect to the agendas on – let me get my dates right – it may be April 27th, I can't remember which one. There was one in April where we had an informal discussion about the project – I apologize, I just don't have it right in front of me – and the meeting which begins, the public hearing which begins May 25th. Those agenda items – I'm not happy with the way that those were put on there, without question. It's not my decision to determine whether or not that's an open meeting law violation, that's someone else's, but I'm not happy with the way they were on there. There's a number of reasons why they ended up that way, but I'm not happy

with it. They should have been on there exactly as they are on the Planning Agenda for tonight, so I would say – absent the word Carvana. They should have indicated, so for the April discussion, it should have indicated the property address; if at that point in time, we knew the applicant, it should have had that in there and it should have said informal discussion – and it should have indicated what the proposed project was going to be. That should have been the agenda item in my personal opinion in April; it should have said: address, applicant as we knew it, informal discussion, and what the proposed project was. The May 25th agenda – let's start with the public, the notice of public hearing: there is nothing wrong with the notice of public hearing that was published in the newspaper. That is 100% correct, that is how every notice of public hearing is done in this Commonwealth. It lists the name of the applicant, it lists the property, it lists the assessor's information about the property, it indicates what the proposed use or development is on the property, it has a number of other legal requirements that are put into that notice. There is no problem with that notice of a public hearing. Now, when you get to the agenda item for May 25th, again – it got carried over incorrectly and was on there, in my opinion, not to the satisfaction of me. As I said before, it should have listed the actual address of the property; it should have listed the applicant because we knew the applicant at that time which was Brinkman Constructors; it should have listed that it was a public hearing, and it should have listed that, what the proposal was, which, as we put it in here, a proposed vehicle processing facility – or the language that was in the public notice, I don't have it right in front of me, whatever language that was, similar to that. That's what should have been on the agenda for May 25th, because that's the information that we have. So, to the extent that those are problematic, then those are problematic. Now, with regard to the relief that is asked, that is absolutely not appropriate for this situation. This public hearing is open; you are all here. This is a continuation of the public hearing that was opened on May 25th, and I will tell you on May 25th, we spent as much time as we were going to spend because we had a number of other things on that night and it was a long meeting. So, we – and it got continued. The public hearing got continued from May 25th and went to, when was it, June 8th? June 8th. We had – and by June 8th, I expect everybody in this room had heard of it. It was published in the newspaper on May 27th, it was put on Face book on May 27th – I suspect that most people in this room had heard about it at that point in time. However, if you hadn't, then that meeting on June 8th, where we had a number of people speak – and again, that was I believe a three-hour meeting and that is usually where we cut it off for meeting length – that was continued to today. This public hearing is still open. Everybody in the public still has the ability to offer comments and questions before we reach a decision. So there is absolutely no prejudice to anyone over what – if you consider those open meeting law violations, if they were, there is ultimately no prejudice to anybody because you have the opportunity to make comments and questions during the course of this public hearing. So, I will respectfully disagree with the relief that is asked with regard to – I don't even know what – but delaying the vote and having third parties come in and look at everything – so everything has been put up on the website, which, by the way, is not required especially now that Town Hall is open, but we have done so that it is easier for people to access. We have done this by hybrid so that it is easier for people to access. We are trying to be as accessible as we can, and just understand that you are going to have an opportunity tonight to make comments and ask questions, so this will be - this is going to be the response that I have to these open meeting law complaints. I am again, I am happy to discuss these with the person who submitted them but that will essentially be my response and if the Board has anything to say, I'm happy to pass it on to him. OK. I think by matter of convenience given that this is attached to a pedestal here, I'm

going to make a motion and I'm just going to ask that the Board speak loudly, and, by the way, we don't have to do roll call votes anymore, so that's good. I'll probably ask for it again. So, I'll make a motion to designate me to respond to these open meeting law complaints on or before July 16th – do I hear a motion?

Marcus Phelps: Marcus Phelps, I'll make that motion.

Richard Utzinger: Richard Utzinger, second.

Michael Doherty: Thank you – all those in favor say aye. Opposed? Abstaining?

A MOTION was made by Mr. Phelps and seconded by Mr. Utzinger to nominate Mr. Doherty to respond to the open meeting law complaints on or before July 16th, 2021. The motion passed unanimously.

Michael Doherty: OK. Jon, was there anything else in the Planner's Report?

Jon Goddard: I believe that's it.

Michael Doherty: OK, alright.

REORGANIZATION OF THE BOARD: 7:03 p.m.

Note: Minutes under this agenda item have been summarized for brevity.

A MOTION was made by Mr. Sutton and **SECONDED** by Mr. Phelps to nominate Mr. Doherty as Chair of the Planning Board. The motion passed unanimously.

A MOTION was made by Mr. Sutton and **SECONDED** by Mr. Utzinger to nominate Mr. Phelps as Vice Chair of the Planning Board. The motion passed unanimously.

A MOTION was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to nominate Mr. Spina as Planning Board representative to the Community Preservation Committee. The motion passed unanimously.

A MOTION was made by Mr. Doherty and **SECONDED** by Mr. Utzinger to nominate Mr. Phelps as Planning Board Representative to the Pioneer Valley Planning Commission. The motion passed unanimously.

A MOTION was made by Mr. Phelps and **SECONDED** by David Sutton to nominate Mr. Goddard as the alternate Commissioner to the Pioneer Valley Planning Commission. The motion passed unanimously.

PUBLIC COMMENTS: 7:05 p.m.

Michael Doherty: Public comments, again I will say this is for – hold on one minute, I just want to make sure everybody's in the Zoom who's waiting. OK, public comments, and again I will say – this is for items that are on for – that are not on the agenda tonight. If you have an issue that you want to bring to the Planning Board's attention that is not on the agenda tonight, this is the time to do it. So, not to set it up so it's live in Zoom, but I just think it's just easier to ask if there's anybody in person who has a comment, please let me know. Yes, back there. Hold on, do we have microphones? Thank you, Hillari. Please, just state your name and address to start.

Robert Himmelright, 22 Knollwood Road: I would like an apology. I tried to help you when people, dozens of them, were complaining on Zoom that you were muted and you shut me down and told me it was not the time to ask questions. That was neither a question and demonstrates that you don't care about the people in this room and you are not listening to us.

Michael Doherty: Anybody else have a public comment? Anybody else have a comment – a public comment that's not on the agenda tonight?

Unidentified: OK, do have a copy of the original zoning change, and what was the date of the change?

Michael Doherty: What zoning change would you be referring to?

Unidentified: The industrial change.

Michael Doherty: OK. Perhaps that may have something to do with an agenda item tonight, do you think? OK, so why don't we save those. Please – I don't, I don't want to play these games tonight; I really don't. I would like this to go as orderly and efficiently as possible, but if we're doing this, and, what I'll say tonight is when we get into public comments for the hearings, all I would ask – I don't want you to be perfect. The only thing I ask is that you be respectful in your questions, that your questions be factual or exceedingly fast, and that you not be repetitive for what someone else says tonight. If you want to agree with what they say, say your name and address and say I agree with that person – that is fine but I want to try to be efficient and let as many people speak as they can. The other thing I'm going to ask is that you ask one question, we move on to someone else. If you have something else to add, we come back around and we'll do it again if we have time to do it. So,

Unidentified: Do I have a chance to ask those three questions?

Michael Doherty: You will get a chance to ask those questions tonight, OK? Anybody else have a public comment for something that is not on the agenda tonight?

Sue Porter: Mike, I'd like to know what your experience is as being the Chairman of this Planning Board.

Richard Utzinger: Mike, can we get a name?

Michael Doherty: Can we have your name and address please?

Sue Porter: I'm sorry – my name is Sue Porter and I live at 9 Falmouth Road, and what is your experience being on this Planning Board?

Michael Doherty: I'm trying to remember dates, and you can certainly consult with the annual Town reports, or election results, or whatever else in Town documents. I think in 2014, I think it was '14 I got on as an alternate member, then that or the following year I became a full-time member. I became a Vice Chair in 2016 maybe, '17 something like that? And then I honestly don't know. I know how I became the Chair, because, as you saw today, I got voted to be the Chair. I'm saying I don't know how long, I honestly don't remember, it was '18 or something like that. It was Roz Terry who was the Chair before me, and then I became the Chair. I honestly don't remember the year; it's been a number of years now, so I've been on the Board, like I said, about seven years.

Sue Porter: Just one more question, just asking – what is your legal experience with dealing with the Planning Board?

Michael Doherty: I am not a land use attorney.

Sue Porter: Oh, interesting.

Michael Doherty: Anybody else have a question or a public comment for anything that is not on the agenda for tonight? OK, anybody on Zoom? I apologize if I have missed anybody, but is there anybody on Zoom that has public comments for anything not on the agenda for tonight? OK. Oh, I'm sorry, I see one hand raised – is it Juliette Hansen? If you can unmute yourself, you can ask or comment.

Juliette Hansen: Thank you, can you hear me?

Michael Doherty: I can, yup.

Juliette Hansen: More of a comment than a complaint or anything. I've served on many boards; thank you for serving on this and thanks to all the Planning Board members. I know we may not agree on many things, but I just want to encourage people to, this problem on the other side of all of us, we know all can be on one side and the problem on the other, and we'll discover how to solve that problem. But let's not let that problem come between us, and let's be really cordial. It's really difficult to feel these things, and, whether we agree or disagree, I just want to encourage everybody to really be cordial. Thank you.

Michael Doherty: Any other public comments?

Pat Talbot: My name is Pat Talbot and I live on Bungalow Street, and I was involved in safety for a several years when I was working, it doesn't matter. And I don't believe the exit door should be blocked in the fashion it is, and it's a safety violation that anybody or anything can –

Unidentified: I can't hear her.

Michael Doherty: Hold on, please – we just needed to change the microphones.

Pat Talbot: My name is Pat Talbot and I live on Bungalow Street, and I worked in public safety, and I don't believe that the exit doors should be blocked with people or anything either standing or sitting in front of it.

Michael Doherty: So, if there are seats out there, please let people know – otherwise, I really don't know what to tell you as far as room. If everybody can try to figure out a way in, that would be great. I know just for, you know, safety is an issue. We do have police and I believe there may be a fire official tonight. So, you know, I think that I hope they are keeping track of stuff. I expect that they are, and I think that there won't be any issues here tonight. But if everybody can try to move in and make room, that would be great. Any other public comments? Yes - make sure you state your name and address first please.

Camilla Crick: Camilla Crick, I live at 1 Rails End Road in Southwick, near the Fire Station. I know two people on the board and I've known them for quite a long time. So my comment is. My question is, I don't know if it's on the agenda because I don't have a reference here, but I've lived in this town for a very, very long time and I've seen it grow. And I've loved living here because of the beauty and the open spaces and the wonderful people that are in this town. So my question is, I anticipate that something like the Carvana would definitely have a -.

Michael Doherty: Ma'am, no, no. I'm sorry. Carvana is on the agenda tonight, so we will go back when it comes time.

Camilla Crick: Sorry. Misunderstood.

Michael Doherty: Anybody else have a public comment here tonight that is not on the agenda?

Unidentified: Could you please stop wasting the little time that you're going to allow despite this ridiculousness and get on with it?

Michael Doherty: Do you have a public comment, ma'am. Hold on, please. And we need your name and address. I know the people on Zoom can't hear you, so I apologize but you're going to need that.

Deborah Manning: Deborah Manning, 6 Sterrett Drive... I just had a question. Is this just going to go like, they cut us off in three hours? Because I see that you put an item on the agenda. The very last thing, and you know that most of the people, all the people I could probably say in this room are interested in the last thing that you put on the agenda. So my question is, are you going to sit there with us and stay for the duration so we can come?

Unidentified: Mr. Chairman, point of information Mr. Chairman. Is it possible to move that last item forward?

Michael Doherty: The answer to that is no.

Unidentified: [unintelligible] Why not? So what happens to Marcus?

Michael Doherty: So here's what I'm going to say. I'm going to say this now and, you know, hopefully we don't have to address this issue later on. I've been on this board for seven years. I know a lot of you folks are coming to your first meeting with the board and may not be aware of the process of it. And I appreciate you coming. This is exactly what we want, frankly - we want people to come out and give feedback. Let me try to explain how this process goes and hopefully that will calm any fears that you will not be heard tonight or perhaps another night on the issues you want to be heard on. So the way, at least I have run public hearings since I've been the chair of this board is as follows: we open the public hearings; the applicant makes their presentation; I then turn to the board to see if the board has any questions about what the applicant has presented and to the extent that there needs to be an interactive discussion about that, that is held at that point in time. What I will do next is open it up to any town officials, members of boards and commissions in Town, if they have any questions or comments on the application, they can do that then. Again, we usually have an interactive discussion if there are questions or comments to try to get, you know, if necessary, to get answers to information and answers to questions that they may have. After town officials, I will then go to open it up for public comments and questions with the one caveat that if something, you know, if there's been a lot of substance discussed with the town officials, I may go back to the board if they have more questions, because ultimately they are the ones deciding it. So I want to make sure they have their opportunities throughout this to ask the questions that they feel they need. However, I will then get to the public comments and questions. We will go through and everybody who has something to say will be able to say it. With a hearing that is this size, again, the only thing that I ask and, if you go around to other hearings, you will find that you will have a time when people will say, you have two minutes, you have three minutes to ask a question or comment - and that is all you get. You know, I try to be a little bit more interactive and I'm sure people are not - unhappy about it, but I do try my best to try to resolve any questions or comments that come out there and work through them as we're here, and we need to continue the hearing to another date to allow everybody to have their say, then we will do that. What I ask again is that you treat this process respectfully; you ask questions that are respectful, that are factual or seeming to facts, and that you not be repetitive. I, you know, I was at the Select Board meeting last night and what jumped out to me was I heard questions recited word for word. That is - I do not want that to happen here tonight. It doesn't accomplish anything. You know, I, I know that people want to say their piece. And if someone says something, you want to say that same thing, just say "I agree with that person." But our job is to try to get facts and evidence in here to allow us to make a decision under the bylaws of the Town of Southwick. That is our job. That is what we are trying to do. And we will take as much information as we can get from you folks, but I'd like to do it in a proper manner. OK, so we have an agenda. There are rules that apply to Boards as far as following the agenda. We need to go in order and we certainly can't start an 8:00 meeting or 8:00 continuation of a public hearing at 7:53. That would be number eleven open meeting bylaw - law violation that we would get. So I can't do that. We have an agenda, we will run through it. If it helps anybody, at least one of these items is being continued here tonight. So we can, that will get dealt with on another night. So - but the reality is, is that when things get continued, you have to put it on to an open spot at the next meeting. It doesn't always end up to be the first spot. So we have other things that come for us besides this one application.

APPOINTMENTS:

7:07 p.m.

Map 107, Parcel 2.1 Sodom Mountain Road

(AC Zone)

Michael Doherty: So with that having been said, I'd like to move on to what's in front of us, which is the 7:07 continued hearing on Special Permit for Parcel 2.1, Sodom Mountain Road, which according to the - if you have the agenda, you can see it is a request for a Special Permit to construct a single family home within the Agricultural and Conservation district. Do we have the applicant for that here today? If you could just state your name and association.

Jessica Allan: Is it on now? Can people hear me? Perfect. Hi, my name is Jessica Allan; I'm with R Levesque Associates. Get closer to the mic? Should I put my video on so people at home can see as well?

Unidentified: We can't hear you over here.

Michael Doherty: Jessica, if you need it, you can use this.

Jessica Allan: Is this better? Perfect. My name is Jessica Allan with R Levesque Associates. We're here tonight for a continuation for a Special Permit application for a single-family home on Sodom Mountain Road. Last time you were here, before, you reviewed the site plan; it has been before the Conservation Commission. It is still within the Conservation Commission. But the only changes to the plan at this point have been some wetland boundary modifications and some discussions with the commission regarding some restoration. In essence, the plan itself hasn't really changed very much. The location of the house remains the same; the driveway remains the same. So what we'd like to ask the board is to render a decision tonight for the, for the use, which is for the Special Permit and let the continuation of the tweaking for the restoration and the Wetland Boundaries continue in Conservation Commission.

Michael Doherty: So my inclination and this is typically how we've treated these, which is if it's still in Conservation, I tend to want to continue it out in case there's changes, because this is a Site Plan Approval. I mean, if it was just a Special Permit then for use, you know, I think we could vote on it. However, my understanding and I could be wrong, but I do think one of the applications that is a request for a Special Permit, Site Plan Approval, and Stormwater? Yeah, Stormwater Management.

Jessica Allan: The application I have before me just says "Special Permit." My understanding was that this was just a Special Permit for the use, and I think the Stormwater can be handled with the Conservation Commission. If you would like to enable the ability to share, I can share the plan on the screen, as was asked by one of the board members.

Michael Doherty: No, that's fine. I just want to, I just looked quickly at the ad; I thought it was in there, but let me look at the application and let me look again at what the AC zone requires when - do you have that right there?

Jessica Allan: If we need a Stormwater Permit, we can submit but we don't believe it crosses the threshold for a Stormwater Permit.

Michael Doherty: No, I'm not - I don't know - that may have been an error for the Stormwater Permit, but I am not aware of anything that would allow a Special Permit without a Site Plan Approval. Both sections 9 & 10 are kind of tied together, and so whenever you post a Special Permit, no matter under, you know, whether it's deliberate, it's referred to as Section 11. I mean, Chapter 11 is 185-11, as you know - Special Permits for single-family residences. But when you get that Special Permit, you need a Site Plan Approval under 10 as well.

Jessica Allan: I understand.

Michael Doherty: So, you know, again, I don't think - so my, you know, like I said we've done in the past, my inclination is that we just finalize it with conservation and that we then approve the permit. If it's not finalized with conservation, there's not going to be anything going on anyways. So, and we do meet, you know, pretty regularly. So, you know, we can take care of that, whatever it is. But I don't remember any big issues in the initial public hearing when it showed up [unintelligible].

Jessica Allan: OK, thanks.

Marcus Phelps: Mr. Chairman, would we have the opportunity to close this hearing and then move to make the decision next meeting?

Michael Doherty: I would say no, because the site plan, if it changes, would not be part of the evidence for the public hearings, so that you have to keep the public hearing open until such time as the Site Plan gets finalized with conservation. And then, you know, if it's the same thing that we have, then tell us. And if it's not, then you have to submit the revised version and then we can finalize it on our end. So -

Jessica Allan: OK, understood. What date do you want to continue it to?

Michael Doherty: I'm happy to put it over. What do you -

Jon Goddard: July 13th?

Michael Doherty: Yeah, to the next.

Jessica Allan: July 13th?

Michael Doherty: To July 13th. Alright, we'll continue it over to 7:07 on July 13th.

Marcus Phelps: Marcus Phelps, I'll make a motion to continue this public hearing to July 13th at 7:07p.m.

Richard Utzinger: Richard Utzinger will second.

Michael Doherty: Do we have a roll - I know I couldn't do it. All those in favor, say aye. Opposed? Abstaining? OK.

A MOTION was made by Marcus Phelps and seconded by Richard Utzinger to continue the public hearing for Parcel 2.1, Sodom Mountain Road to July 13th, 2021 at 7:07 p.m. The motion passed unanimously.

Jessica Allan: Thank you.

Michael Doherty: Thank you. I got your stuff. So make sure you take anything from me.

7:10 p.m.

41-51 John Mason Road

Special Permit Modification

Michael Doherty: Alright, 7:10 p.m. at Planning Board time. We have 41-51 John Mason Road, which is a Special Permit modification request, continued public hearing petition to amend a commercial recreation Special Permit, the New England Disc Golf Center. We have received; did you print it out for us? We have received a request from the applicant for a continuance. I will read it into the record. Let me just make sure I didn't do anything I shouldn't have done. Sorry. Everybody on Zoom can still hear me? Yes? There's something I hit, and that's why I wanted to make sure that I. Oh, yep, yep. Yep. That work? No. Can the people on Zoom hear me now?

Unidentified: We can still hear you, you're fine.

Michael Doherty: OK, thank you. Alright. So we received an e-mail from the applicant: Dear Planning Board, please consider this request to continue the public hearing scheduled for June 29th for 41-51 John Mason road to the next Planning Board meeting. Some of our project team will be on vacation and unavailable to meet in person. If you have any questions, let me know. Freda Brown for New England Disc Golf Center. So, why don't we move, why don't we put, alright we'll continue it, do I hear a motion for a continuance to 7:35 on July 13th?

Marcus Phelps: Mr. Chairman, before I make the motion, I want to mention the planner: I don't know who those involved in the last discussion of this particular item, but I believe Chapter 185-32 "Trailers" is applicable to this modification because they're proposing to use a trailer and that was not in the original application. I don't believe as a reference, it's a modification of the Special Permit that was issued a few years back, now, 2016, I believe. Anyway, we need to make sure the Board of Health gets involved in this and certifies that the use of a trailer is -.

Jon Goddard: Understood.

Marcus Phelps: What time is the?

Michael Doherty: 7:35.

Marcus Phelps: So I'll make a motion to continue this hearing until July 13th at 7:35.

Richard Utzinger: Richard Utzinger, I'll second that motion.

A MOTION was made by Marcus Phelps and seconded by Richard Utzinger to continue the public hearing for the 41-51 John Mason Road Special Permit Modification to July 13th, 2021 at 7:35 p.m. The motion passed unanimously.

Michael Doherty: OK, 7:30 p.m., 42 Depot Street Special Permit, Site Plan Approval, Earth Excavation Special Permit, and Stormwater Permit application, public hearing for a petition for the construction of a 100-unit residential development in the residential 20-A zone.

Michael Doherty: So my suggestion is this, as I'm looking at everything. My suggestion is as a holding spot to move it to the thirteenth right now and have a discussion about whether we are going to change the schedule in any way to try to work through the backlog that we have, as far as having a meeting in July and possibly August to try to work through it. So that would be my suggestion. And let's just move this over to July 13th - again, as sort of a holding place. And then if we need to continue it, we can do so.

Michael Doherty: That's fine. What is the first August meeting that we had? August 10th? OK, you OK with that? You're right, I forgot about that wellhead issue, so we might as well, if we're going to combine it, then deal with it and let me know. OK.

Michael Doherty: No, I understand. I simply, because we can't obviously put it on, say, July 27, because we don't have a meeting right now. I just wanted to at least have a place holder for the

next month, or the next meeting, and then deal with it. But Rob has a good point, which is that they have to put in an application for the wellhead; that needs to be advertised. And so we have to combine what's been open already with the wellhead. And so we might as well just do that on the 10th.

Richard Utzinger: What date now is it, then?

Michael Doherty: August 10th. But we can Zoom it or we can figure out. OK, good. But that's fine. You can still listen to the minutes, and that's OK. Alright. So, August 10, what do we have, anything?

Jon Goddard: Nope.

Michael Doherty: Alright, August 10th, we will put it on for 7:20. Do I hear a motion?

David Sutton: So moved.

Michael Doherty: Do I hear a second?

Richard Utzinger: Second.

Michael Doherty: OK. All those in favor say aye. All those opposed? Abstaining?

Marcus Phelps: Abstaining.

Michael Doherty: I had an aye on that one, too.

A MOTION was made by David Sutton and seconded by Richard Utzinger to continue the public hearing for the 41-51 John Mason Road Special Permit Modification to August 10th, 2021 at 7:20 p.m. The motion passed 4-0-1 with Marcus Phelps abstaining from the vote.

Michael Doherty: Alright. Thank you.

Robert Levesque: Thank you.

7:40 p.m. Map 42, Parcel 2, Hudson Drive Earth Excavation Special Permit Renewal

Michael Doherty: 7:40 p.m., we're catching up. Parcel 2 Hudson Drive Earth Excavation Special Permit Renewal, which is a review of the engineering reports submitted for compliance with an existing Special Permit for this facility. You guys might want to get closer to the podium, whoever is going to speak just to be close to the mic, but I still need to read the public notice. But why don't you two introduce yourselves and who you're associated with and I'll read the public notice.

Kevin Johnson: OK, can everyone hear me OK?

Michael Doherty: It might need to be turned on and hold it up to you.

Kevin Johnson: Members of the Commission, my name is Kevin Johnson of the engineering firm Close, Jensen, and Miller in Connecticut. With me is Mr. Chris Costello of Tilcon.

Michael Doherty: So you might have to, as you're speaking, just hold up the mic a little bit closer to your mouth so that everybody can hear. But let me just read the notice of Public Hearing and then we'll get you to the request. Notice of Public Hearing, Tuesday, June 29th 2021 at 7:40 p.m. at Hudson Drive. Notice is hereby given in accordance with the provision of the Mass. General Laws, Section 11 that the Planning Board will hold a public hearing on Tuesday, June 29, 2021 at 7:40 p.m. in the Land Use Hearing Room, Town Hall, 454 College Highway on the application of Tilcon Inc. for the renewal of the Earth Excavation Special Permit for the property located at Hudson Drive, zoned Industrial Restricted and Agricultural-Conservation. The property is shown on Assessors Map 42, Parcel 2. The Applicant proposes to construct – renew the Earth Excavation Special Permit issued to Tilcon Inc. in accordance with the Code of Southwick Zoning Bylaws, Chapter 185, Sections 19, 22, and 33. Should pending Massachusetts Legislation permit participation via online teleconferencing (“Zoom”), information on how to join will be posted with the meeting agenda at the Southwick Town Hall. A copy of the application and plans may be inspected by contacting the Interim Town Planner, Jon Goddard, at his email address. Any person interested or wishing to be heard on the application should appear at the time and manner designated. Michael Doherty, Chairperson. Southwick Planning Board. OK, so if you want to offer the presentation and then we can open it up.

Kevin Johnson: So I think you're all familiar with the site. Basically, it's located north of the cul-de-sac at Hudson Drive, basically south of Shaker Farms Country Club. This is our biannual renewal of the excavation permit. Our firm went out to the site April 2021; we did a site survey by drone. We did a field inspection. We updated site mapping, the associated engineering report, and submitted it to Town Staff for review. Basically, most of the activity is confined to the northern portion of the Tilcon parcel and most of the time can be can basically be summed up as storage of stockpiled material from the excavation activity occurring on the property just to the north. And that activity also uses Tilcon's haul roads to access at this time. There's no fixed machinery on site, there's no washing or crushing. There is a portable screener on the property to the north. If you're familiar with the map or had a chance to review it, the shaded area basically represents areas that have previously been restored and there's no major changes from the 2019 plan. Tilcon does do monthly groundwater monitoring for that two-year period between renewals of the supply of site information. Basically, between the two test wells, in each the groundwater was slightly higher, but again, consistent with historic readings. The insurance bonds have been renewed for an additional two-year period. With that, I think that's the end of my comments and Mr. Costello and I would be happy to answer any questions.

Michael Doherty: OK, let me just ask the Town, the Interim Town Planner, you had a chance to take a look at this; anything that you need to bring to the attention of the Board?

Jon Goddard: No, thank you Mr. Chair. Everything appears to be in order in terms of this renewal, the bond renewal, and we did get feedback from the Building Inspector, acknowledging that his observations were in line with the survey.

Michael Doherty: Thank you, and I'll just read for the record an email from Kyle Scott, the Building Inspector. "I've been by the site at Hudson Drive, north of Slab Brook. I have no issues with this." So anybody on the board have any questions or comments? OK. Do I hear a motion to approve this special - this renewal of the Special Permit?

Marcus Phelps: Do we have to close the hearing?

Michael Doherty: Oh, I'm sorry. Thank you. Do I hear a motion to close the public hearing?

Marcus Phelps: So moved.

Richard Utzinger: Second.

Michael Doherty: All those in favor say aye. Opposed? Abstaining?

A MOTION was made by Marcus Phelps and seconded by Richard Utzinger to close the public hearing for the Tilcon Inc. Earth Excavation Special Permit Renewal. The motion passed unanimously.

Michael Doherty: OK. Alright. Do I hear a motion to approve the Special Permit for Tilcon on Hudson Drive?

Marcus Phelps: So moved.

Richard Utzinger: Second.

Michael Doherty: All those in favor say aye. Opposed? Abstaining? OK.

A MOTION was made by Marcus Phelps and seconded by Richard Utzinger to approve the Tilcon Inc. Earth Excavation Special Permit Renewal. The motion passed unanimously.

Kevin Johnson: Thank you.

Michael Doherty: Thank you.

Michael Doherty: OK, 8:00 p.m. 686 College Highway, 34 Feeding Hills Road and 0 Feeding Hills Road aka "Bailey" project or Carvana, Special Permit, Site Plan Approval, earth excavation, Special Permit, Wellhead Protection District Special Permit, and stormwater permit application, continued public hearing for a proposed vehicle processing facility. Thank you so much. All set? So what I would suggest, and I'll give you guys this microphone to use as well, you know, so people speaking can be at or close to this podium, you can sit right there and that mic can also work as well. So whoever's going to speak, I would sort of, you know, try to be near a microphone; whoever's going to speak the most, I guess, try to be near a microphone and try to work through this as best we can.

Robert Levesque: Good evening, Mr. Chairman, members of the Planning Board, and members of the public. I'm Rob Levesque from R Levesque Associates. Let me introduce our project team to you, we'll be able to go through this process here. Just a quick show of hands, how many people were, a lot of you probably weren't at the first meeting, is that correct? OK, so everybody. OK, so excuse me, there was an informal meeting and then there was another meeting of the Planning Board that was noticed. So, with the two meetings - what I'll do is start from the beginning. As I give my presentation, I'll be happy to answer any questions through the Chair if the Chair is willing. I know this is a controversial project; we've done this a lot for controversial projects. So, you know, if everybody can be respectful, we'll certainly be respectful. The Planning Board Chair runs the meeting. I will, you know, if you direct your questions through the Chair, I will respond if the Chair asks me to and then we'll go from there, I think generally it goes better that way. So first and foremost, I want to introduce the project team. So we have myself, the President of R Levesque Associates; we have Jessica Allan who you've seen earlier this evening; we have Filipe Cravo, he's the P.E., the project engineer for this project. From McMahon Associates, we have the traffic consultant, Paul Furgal. From Carvana, we have Jen Roldan, we have a project manager, Aaron Marez, and from Brinkman Constructors - they are the contractors that are going to be building this facility and Andrew Lucas is their project manager. So what we will do first, if we can get the plan up on the screen, what I will do is make it I'll make kind of an overview of what we're planning on doing and give everybody a good idea of what exactly we're thinking where. So if we could just zoom in -

Michael Doherty: So we're not getting much - can we slide that can you say that just slightly? No, apologies, I didn't even pick up on that. Yeah.

Robert Levesque: OK, everybody you see on the screen there, there's a site plan from our office. Just to orient everyone, and I'll have Jessica lead with the hand, if you can see there's a hand up there, she'll pan around and show you guys exactly what we're talking about. So on the northwest corner of the property, there is Tannery Road. So that's Tannery Road, OK, and then slightly across from the intersection of Tannery Road and College Highway, and then heading south is College Highway, so that's College Highway right there. We also have on the other side of the project, we have the bike trail. So this is a property that consists of three separate parcels totaling approximately 137 acres. That 137 acres includes a significant amount of land that is undevelopable along the brook, which is a perennial stream. In Massachusetts, perennial streams

have a 200' Riverfront Area. There's also a large and isolated wetland out in the front of the property that we delineated. So just to give you a little bit of background, what we've done so far, we've done a full existing conditions/boundary survey, ALTA survey, and wetland delineation on the subject property. From there, we submitted what's called an ANRAD to the Conservation Commission to delineate wetland boundaries.

Unidentified: Please repeat what he said; we can't understand him.

Unidentified: Zoom is having trouble hearing you.

Robert Levesque: Can you hear me now? Is that better? OK.

Unidentified: Can you speak louder, there is no sound coming out I'm very sorry.

Michael Doherty: Hold on - here Rob. Why don't you put that as close as you can? Don't worry about that, just speak into the other one and have that there. Yep.

Robert Levesque: OK, can somebody on Zoom let me know if you can hear me now?

Unidentified: Can you speak again, test?

Robert Levesque: Testing. OK, thank you. I'm Rob Levesque, no - OK, so I'll go through the site plan again for anybody on Zoom that couldn't hear me. So what we have, we have Tannery at the top left of the page; we have College Highway. We have the bike trail on the far right side. And there's about 137 acres of property; a significant amount of that is water resource areas, which have been delineated. We filed what's called an ANRAD with the Conservation Commission to determine the boundaries, so those are all set. And we have designed the project to stay out of any jurisdictional areas, so jurisdictional under the state regulations from the wetlands protection standpoint, as well as part of any jurisdictional areas related to the Town of Southwick's bylaw. So within that thirty seven - I'm sorry - hundred thirty seven acres, we're proposing a 200,000 square foot facility. It's for Carvana. It is a processing facility for their vehicles. So what happens is there's essentially two lines within the building; I won't get into too much detail because they don't want to steal the thunder of the Carvana representatives. But basically what they do is they process vehicles for sale. So they take used cars to Carvana as used cars, and then they will detail them, clean them up, touch them up, and then basically run them through that line, wash them. And then they have what they would call a carousel that they'll take pictures; then they get posted online. This proposed facility will have a class II used car sales license, but it is not going to have any car sales happening on site. So on site, it will be strictly the processing of vehicles and then the storage of the vehicles. Now, the subject properties are familiar, I'm sure most all of you are. The subject property has frontage on College Highway as you can see. There's approximately a 300-foot strip that we've decided to not go into. OK, so. So, along College Highway, there will be a 300-foot strip that is separate from our project. Our project will not go in there. This has been done for a couple of reasons: one, we wanted to make sure that we were clean, away from that wetland, and two, we were worried about the visual impact to the surrounding neighborhood. And that wetland at the top corner, right there, as well as leaving that strip of land approximately 300 feet back from College

Highway will render this very, very hard to see. So we're also proposing, and I'll get into that later, but we're proposing some significant landscaping, a buffer, a berm - so what you'll see from the corner of College Highway and Tannery, and what you'll see from College Highway will be very minimal. This is a single-story building. So this is not a very tall building, it's approximately twenty-six feet tall. And then they, you know, will be able to run their vehicles through that. The rest of the site that you see there, those rectangles, those are storage barns. So that's what those are. There's different areas that they store cars - work in progress, ready line, which is essentially something that's already approved and ready for sale. Someone buys it online, and then it gets trucked off-site. So there is two different types of vehicles they use for transporting the ready vehicles. There's a car carrier-type of vehicle, and there is also a stinger, which is a single car carrier - so they use those. And those, we'll get into the details, kind of, you know, the trip generation and traffic in a little bit, but generally speaking, that's, that's what they use. There's also a significant number of employees. This is a really interesting economic generator for the area. There will be about 4-600 new jobs created for this facility once it's built out. They anticipate that they will start with approximately 25 percent function of the building and then over the next three to five years will ramp up 100 percent. So we'll talk a lot about that moving forward. But generally speaking, at the top of the page, you'll see that there is a parking area that's dedicated for employees. Just below that, the area dedicated for the park areas - there's stinger parking as well in that general vicinity, and then the rest is either ready line or work in progress. So. OK, figuring out landscape for a second, so we can give you that sheet. So there are two areas that we are concerned, and I think it might be visible even with avoiding that 300-foot strip along College Highway. Specifically, you'll see an area just to the right of the plan that Jessica has the hand on, and that is a berm and an evergreen hedge that we are planting up along the bike trail in an effort to basically screen it on the bike trail. It will likely be slightly visible from certain areas along the bike trail, but at the same time, that would be, the most likely to be the storage areas of the, of the end of the ready line. So that area would be somewhat visible but what we are seeing it; we'll have the evergreens. On the other side, on the opposite side, we're also screening with the berm and with the plantings, essentially the same. So it'll be like a row of three, you know, diagonally-planted evergreen trees. And those would be, you know, be significant in size initially, and then obviously as they grow up to make a significant hedgerow that essentially eliminates any visibility from College Highway and most of the visibility, I would say, from the bike trail. So, you know, the project itself is, you know, something that has been contemplated by Carvana. We've worked closely with, you know, the Town and came in informally and talked to them about it. We are very aware of all the potential impacts that I'm sure you have a lot of questions about those. Specifically, I know that there was a question about traffic and other questions about traffic down Tannery - we can address that tonight; we can address a lot of how the trips will be distributed. We have all of that information. But generally speaking, where we're at in the process is that we had an informal meeting with the Planning Board to discuss the project. We worked with the Town to understand with Randy Brown and some others from the Town to understand the infrastructure questions. I know that there's a lot of questions that people have about water; I'll actually talk about that in a second. And, you know, I know those impacts - you're worried about water and traffic. I think those are probably the big things. And obviously, I know there's a question about lost farmland. The property is zoned Industrial Restricted, and what that means is you're allowed to develop a property like this for this purpose at some point. And I don't know the details - I think someone had asked that when the property was zoned industrial, but it's been industrial for a long time. A few years back, there

was another company that came to town. They were looking to do a large warehouse facility. It was not a job generator and it was about 10 jobs are being created, this particular situation. This is a probably a smaller building. There's a fairly large site being developed and there will be a lot of jobs created. We don't have or need a lot of services from the town. Let's talk about water for a second. So this will generate initially approximately six to seven thousand - let me just confirm my numbers here - about seven, seventy five hundred to nine thousand gallons per day. I know this is a question about what happened last year with the water. Obviously, we had the pandemic. Everybody was home, everybody was watering their lawns, and that was a concern. The Town of Southwick Board of Water Commissioners had put a moratorium on large projects. So we've been working and communicating with them regarding this project. The good news about this project is that there is an infrastructure upgrade that was that was going on in Town Meeting, which will give, according to the DPW, will give the needed amount of water for not only the residents in making sure that everyone can use the Town water, but obviously, at this facility and at some of the other projects that are coming forward have the proper water and have everything they need. As a backup plan if we need it, we have the ability to do a well. We can do a well on-site that we would draw water from; we're pretty close to the aquifer - a little bit of our property is on the aquifer. But we would be able to withdraw so that there would not be an issue related to water. So, if for some reason, there - I imagine somebody developing a facility like this wants to make sure that they have a backup plan, so there is a backup plan for water. So, rest assured that those folks out there that are concerned about, you know, the water bans and other issues related to water, this project - while we would like Town water, and we would like to have at least the domestic supply for the people in the, you know, in the bathrooms and that type of thing, the process water that will need to run the process of this facility for some carwashes, et cetera. Those will certainly, could be run off of a property well. So that's one item. I think the other end is traffic, and I'll kind of do a cursory discussion about it, and then you can get into details with Mr. Furgal, as I mentioned here as our traffic engineer and he's focused on this project for quite some time now. So with regard to traffic, and I don't know if you have a better graphic about, for the intersection of Tannery and College Highway, or Google Earth, but basically, at Tannery and College Highway, about a decade ago, I think it's about a decade, Tractor Supply was developed. When Tractor Supply was developed, they were required to put money into a mitigation fund because the town had determined that the trip generation associated with that project would arguably require a signal at that intersection. So as we started contemplating our project, we looked at what was going on. Mass DOT has a very early stage; I'll call it a design project at this point. One of the very early stages designed by them to look at College Highway and the general vicinity. So we started looking at that, looking at what's around as it exists now and as determined by the Planning Board about a decade ago. That intersection needs upgrades. So those upgrades have been looked at and they, you know, I won't get into all the details right now, but basically we've discussed with the Town that we would, that the project proponent would be willing to pay mitigation fees - their portion, because it's already required, it already trips the threshold. Obviously, the project that went, that we did too at the Southwick Country Club, the development of the Family Dollar and some of these facilities, certainly sent it over the threshold. So as we develop, we will certainly have impacts, and we want to make sure that these impacts are addressed properly. So we anticipate a significant mitigation fee payment for the town to upgrade that intersection. So that's - we can get into the detail on that but it was a question that had come up. The other piece of this is that as you look down Tannery, there was questions about people - whether people would go down Tannery and whether trucks would go

down Tannery. So we can completely control and are more than willing to accept the condition that any truck traffic would have to go out onto College Highway. When they go out to College Highway, they obviously don't want restricted movement further south. But there's no reason anybody who's very down to earth know that you're not going to want to bring a stinger truck or not going to want to bring a car carrier across that curve where the little culvert is, down towards the corner; it's just not even remotely feasible. So obviously, the drivers of these trucks, which are not significant, if you look at them throughout the day, how minimal they'll be, you're getting a lot more about truck traffic in, from Sam West Road there, from a lot of the construction companies and landscaping companies who are all local freight trucking people, but a lot of that traffic that you see there, kind of the beat-up portion of the road, is due to that traffic. So - I'm just going to hold for one second.

Jessica Allan: My sharing is there, just the projection is down.

Robert Levesque: That's why I always bring people.

Unidentified: If there's any way you can speak up, I would appreciate it.

Robert Levesque: Any better? OK, great. So going back to what I was saying, as you look down Tannery, I know there's a lot of questions about truck traffic. So that's one thing. So I just talked about that there will be no truck traffic down Tannery. There's an entrance proposed, if we go back to the site plan, there was an entrance proposed at the Tannery Road curb cut that's actually directed on an angle towards College Highway. Everybody would be educated that drives these - there's no other independent truck drivers that would drive in this area, or I'm sorry, drive for Carvana. It's all their own vehicles and all their own drivers. So you don't have to worry about people not knowing where to go or getting lost or going down Tannery. So that's one piece of it. The other piece of it is a question about, you know, who's coming to the site that's going to work there. So 4 to 600 people is a lot of people. It's a great job generator, but it's also a traffic generator and we're aware of that. So I believe the numbers are about five to 10 percent based on the trip allocation for that intersection where people were coming are coming from based on the arterial roadways, etc.. So you may have some additional traffic, but it's pretty minimal. And - let me rephrase that, you would have you would have five percent of the traffic, might go to approximately five percent of the traffic, might go down Tannery - I'm sorry, come from Tannery as they're going to and from work. So, I'm glad I could give you a laugh. So with, with that -

Unidentified: You'll have no control over -

Michael Doherty: Oh, please, please be respectful and let -

Robert Levesque: There'll be an opportunity to say your piece through the Chair.

Michael Doherty: You will have your opportunity, Please be respectful.

Robert Levesque: Thank you. So, so that's that. So, if we could just go to the Google Earth one more time, I just want to show everybody what they can expect for visibility, because Google

Earth is pretty helpful in understanding what kind of screening there will be. Alright, here's Mr. Whalley's property. We just turn to the right, so that field that you see there, that's the 300, approximately 300-foot strip along College Highway to the corner; we're on Tannery looking at, kind of, southeast. That tree line that you see there, that's staying. That will all be there, that's a regulated area, that's an isolated, vegetated wetland in there. We have no intent to go in there. As we go down Tannery, as you can see, that whole Tannery Road-side is heavily vegetated and we'll have a curb cut that comes in there, probably just past that telephone pole. But as you go down, all of that screening and that existing vegetation will remain. Actually, that's still where the isolated wetland is, so we'll be a little bit farther down. Yeah. So it's approximately in this area that we would have a curb cut. And you can see that there's no residences along this area. The property to the property to the left is Mr. Whalley's, the property to the right is the subject site where we would go in. But all of that, all that wooded area is going to remain. If we can go back onto College Highway - so there will be a curb cut; you'll be able to see into the facility, but generally all that screening is going to remain. OK, so you see the Tractor Supply now heading south on College Highway, that field on the left that you see there? That's exactly what we're talking about. That's that 300-foot strip that we didn't want to intrude upon, and the vegetation that you see there along that run is going to be there. I think there's a - pretty sure there's a break if we go farther south. And that's the area that we were planning on screening. And again, the building is fairly low. As you look at would look to the east, you would see very little - would be a pretty minimal visual impact. And we expect that that 300-foot strip will be purchased and developed by, you know, someone that's developing the type of pad sites that you've seen there, the banks, Key Bank, those types of things. So, you know, that is allowed to be developed there. We would expect it would be it is a viable piece. But that said, in terms of visibility, it's going to be minimal and you'll likely have buildings in front of this facility as you as you move forward with the development of the rest of this community. So - I've spoken for a while. I know that we have a bunch of information. Our other professionals here are available to discuss as needed. But I think what we should do, if it pleases the chair, what I'd like to do is respectfully turn it back to the chair and then we can answer questions through the Chair as we go. Thank you.

Michael Doherty: OK. I'm certainly open to more questions and comments that may very well be more efficient and appropriate to open up to public comment at this point in time rather than go to the board. But if the board has specific questions that they may want to ask of you and now, you know, this is, this is the way I would like to do it and I've always done it. So I have no problem if you want to, but. OK, Marcus.

Marcus Phelps: Thank you, Mr. Chairman. I do have just one question regarding the impervious surface. On the plan, it shows an area with five thousand four hundred cars. I'd appreciate an indication of how many square feet of impervious service will be contained there. Where I'm going is under our Solar bylaw, we have a decommissioning process where an installation has to post the bond to cover the cost of decommissioning the site if the actual site operator does not do it - because in the future, as we go forward 20 years from now or whatever, this facility is no longer there as far as the building and the surrounding impervious surface, that would probably be utilized by some other company. But the storage area, five thousand four hundred car storage area, to me it would not be needed by, say, another company that would come in. So my thought is to get that number square footage to do a calculation what it costs to restore per square foot - an asphalt-covered area. And that would then result in a bond figure that we could put in as a

condition when we issue - if we do issue a Special Permit for this project. So that's one of the key items, at least at this point. There's a number there I still don't have. I talked to our planner a little bit about it, but I think that that is something from a planning standpoint, I am a professional planner. You need to look into the future and things change. This facility may be involved in some way. I don't know. But anyway, that's my concern at this.

Michael Doherty: I'm sorry. Thank you.

Robert Levesque: Thank you, thank you, Mr. Phelps, great comment. Question. So there are 60, I'm sorry, sixty five point seven acres of impervious on the site, and it's approximately 47 percent of the total parcel. And that is a logical request. Obviously, a facility like this, as you can imagine, you know, you've seen old drive-in movie theaters that aren't utilized anymore. And there's always a sea of asphalt. So we understand. We understand.

Marcus Phelps: I'm looking not through the whole area completely restored and rehabilitated, but that mainly that eastern area where all the car storage is. And so it's going to be a number less than what you said, but it'll be a number of some kind that we need to have to do a calculation. We'd be happy to work that out, thank you.

Richard Utzinger: Mike, I've got a question for you.

David Sutton: Along those lines, Rob. Along those lines, we talked about the parking lot. Now, you had mentioned that as you're going forward, you're going to be starting out probably 25 percent capacity moving as you go forward from increasing as you go. What's the likelihood that maybe we could just simply stage the lots - start with 30 percent? As the business begins to develop and increase, to match the lot to the size of the company. So if we get to a point where you start to stagnate, you - OK? You know, we end up being 60, 70 percent. And what we're going to stay and there's no reason to take the rest of the area. That would save you some money and probably help the folks out here.

Aaron Marez: So in recent -

Michael Doherty: If you could just - just make sure -.

Aaron Marez: I'm sorry, Aaron Marez, Carvana, project manager for this project.

Michael Doherty: Thank you.

Aaron Marez: So in recent builds, we've had situations where we looked at phasing the stages of the project and building out the ready line lots at different stages. What we've seen is the sites grow at a capacity that fluctuates based on regions and demand, and it's very hard to judge at what rate that the site is going to grow at. For us operationally, it's best for us to understand what our, what our need is based on current regions and market. And what we've developed so far in our design is what we feel we're going to utilize once we're at full capacity. Well, yes, that is correct.

David Sutton: So a couple of people can look at this and get back to me on it?

Aaron Marez: It is something we can explore and back to you with, yup.

Michael Doherty: Any - we will get to the public in a moment, please. Any other board members have questions? David?

David Spina: This seems to work, I think actually three questions here. You talked to the open field that's adjacent to College Highway and the tree line and the 300-foot buffer. Is the tree line beyond the 300-foot or is it within the 300-feet?

Robert Levesque: So it's - I probably have to show you the plan to kind of describe it a little bit better, but generally speaking, there's that 300-foot strip was fairly clear other than the isolated wetland, which has a buffer zone to it, has wooded areas around that. So that whole corner will remain. If somebody pursues a project out front, which likely would happen at some point, then that area right there in the corner is probably a viable pad, to the left, yeah, right there. And then you can see how the wetland juts out into that 300-foot area that will all remain vegetated unless someone gets a permit to go into that area. But generally speaking, those are pretty restricted areas. Certainly can't go into the wetland most likely. As far as the rest of it, to the south, there are trees out front right now but I think realistically, at some point, those would probably be cut by someone else, not us. And then that's why we have that strip where we have a berm and significant plantings. We're happy to look closely at that with your planner, who's a Landscape Architect and, you know, provide whatever needs to be provided.

David Spina: So the permanent plantings are not presently there - leaving the planting of trees - that's not presently there, but will be outside of the 300 feet.

Robert Levesque: Correct. We have it just beyond that area and we expect that that 300 feet would be separated off and somebody else might pursue something.

David Spina: What's the height of the berm?

Robert Levesque: About six to seven, I can't -

Jessica Allan: About seven feet.

Robert Levesque: About seven feet, and if it needed to be increased, if there was a concern, we can certainly look for that, I think.

David Spina: We might want to explore that, I think.

Robert Levesque: Well, we have the berm, that's the earthen berm, and then we have, we're going to get pretty, pretty sizable tree buffer. Impenetrable from a visual standpoint.

David Spina: How tall is the building, Rob?

Robert Levesque: 26 feet.

David Spina: You said that the water usage was going to start at seventy-five hundred to nine thousand gallons a day, that's represented like 25 percent capacity? Would it go linearly from there?

Robert Levesque: Yeah, the possibility there's a possibility to go up to about twenty-five thousand gallons per day. But we'll talk about it a bit, but just, just to clarify, as mentioned, if for some reason there's a water infrastructure issue, you know, once the upgrades are done, we do have we do have the well, we can, we can pop a well in and multiple wells and stay below the threshold.

Michael Doherty: Quiet down, please, and let him speak so that everyone can hear.

David Spina: Thanks. And then the last question is could you speak to the details of the lighting, the exterior lighting scheme, specifically activities to mitigate sky glow and that kind of thing.

Robert Levesque: So per your regulations and for pretty much every standard in the State now, we're required to do dark sky-compliant lighting, down lit. I believe they're LEDs, I'll get the pole height in a second, and then we can show you our photometric plan. So what you're required to do is essentially keep all the light on-site, no spillover, shining down - not out. Almost like if you look at Whalley Park, those lights, you can see the field but that you can't see outside it. And like when I just started talking.

David Spina: Lights will be on 24/7, or would it be only while you're operating?

Robert Levesque: During operation, I think there's security lighting that will remain on but the lights themselves? Is that correct, Aaron? So, there will be security lighting that stays on, but only that the main lights would be on during working, operation hours.

David Spina: Can you confirm the hours?

Robert Levesque: I'll confirm the hours.

David Spina: OK, thank you.

Richard Utzinger: Mike, I've got a question.

Michael Doherty: Make sure you speak up, Dick.

Richard Utzinger: With a place like the Enfield Mall, which is going out of business and thousands of square feet of pavement, why are you coming to Southwick?

Michael Doherty: OK, well, let's, let's let the response be heard, please.

Robert Levesque: Yeah, the location was identified for a number of reasons, obviously. One, it's a great site. It's flat. It's zoned industrial restricted where the use is allowed. The mall isn't zoned properly. Sorry, we would I don't think they would necessarily look at that and maybe they would, but it's not zoned properly. It's obviously zoned for a mall. As far as, the geographic location of the roadways in the area and where they believe their target market will be where they need to serve is the reason why the site was selected.

Michael Doherty: Please, please, you all have your opportunity to make comments and ask questions.

Richard Utzinger: The question is this wouldn't happen to have anything to do with the tax rate in Town, would it?

Robert Levesque: I don't believe that question was directed toward me.

Michael Doherty: So if you guys want to answer the question, but in all honesty, from my point of view, I respectfully just I'm not sure how that has to do with the bylaws. I appreciate that it's information that people want to know, but at the same time, we have a Special Permit to consider under the bylaws and I don't know that that has anything to do with it.

Robert Levesque: So, so just to clarify, just to clarify who's here before you this evening, we're land use consultants. I'm sure Carvana has done a significant amount of research related to, you know, the financial aspects, I don't know if Jen Roldan wants to speak to that.

Jen Roldan: Good evening, Jen Roldan, Carvana. Kind of to Rob's point earlier, we've done, we've done numerous market studies for this particular site. Tax wasn't a deciding factor in coming here; we looked at our logistics -

Michael Doherty: Please be respectful and let her speak.

Jen Roldan: We've been studying our logistics network and we have a presence in the Northeast. So this would really kind of ground our logistics network, allow us to serve the markets that we're already in and then continue to grow into the northeast as well. That's mainly our purpose and why we're here.

Michael Doherty: Any other Board questions?

Jessica Thornton: Yes, my question was in regards to exactly how many hauler vehicles you are expecting in and out of the facility on a daily basis. We've gotten a couple of different numbers based on peak hours. I would like to know what it is at the beginning at 25 percent as well as the expected incoming at 100.

Robert Levesque: Great. Thank you. So we have that information and also give you some information that I was waiting on. So as far as the shift, there's two shifts, six a.m. to two p.m. and that would be from 2:00 p.m. to 10:30 p.m. The car hauler trucks. So there are if they call it a haul, nine cars and there's 90 trips, which is really forty five trucks per day at 100 percent

capacity. So maybe, trips would be in and out. So it's 45 trucks. As far as the fixed body trucks, there would be 20 trips or 10 trucks per day. So that would be it.

Michael Doherty: Please, please, quiet down and let them speak. You will have your opportunity to speak.

Robert Levesque: And that's all day. And it's not, so when you think about traffic, you know, you think about like a Dunkin Donuts or something. You know, you think, you think about peak hour trips -.

Michael Doherty: Please let him speak. I don't know why I need to keep saying this. You will have your opportunity to make comments and ask questions, but if you speak over the person who's trying to give you information, others can't hear it, and we can't hear it, and we can't consider the information that is part of this public hearing. So please, respectfully, let them ask the questions that answer the questions that are being asked.

Robert Levesque: And so there's a distribution of trips throughout the day, obviously, the car haulers aren't, you know, leaving all at the same time, like you would see in the morning peak for people going to work or, you know, the traffic that you would see as some sort of breakfast place or, you know, a Dunkin' Donuts so to speak. So it's spread out throughout the day. So when you're talking about 45, 45 trucks throughout the day, it's pretty, you know, and you do the math. It's pretty; it's pretty minimal in a 16-hour day. So that's 45 trucks of 16-hour days, pretty minimal. You're going to see a lot of traffic out by Sam West. You know, that's probably more significant depending on the projects that they have going.

Jessica Thornton: And is it my understanding that the vehicles that are being processed, are they test driven by employees off the site and then return to make sure they are indeed functioning?

Robert Levesque: I'll let Jen answer that.

Jen Roldan: Yes, there will be quality assurance drives that our employees will be handling. We're looking into potentially exploring an alternative where we wouldn't have to take the vehicle off site to do those quality assurance drives that we could handle on site. So we're exploring kind of those avenues and opportunities to see if that would be a good fit for this particular project.

Jessica Thornton: OK, so that extra 3000 pieces that are closer towards the bike trail, maybe you're saying might be used for test drives in the future? How many, though, until that is a possibility? How many test trips?

Jen Roldan: Right now. That - we have traffic counts that encompass our employees and then as well as our test drives, so the total number would be 2000 around.

Jessica Thornton: OK, so that includes both current. Can you clarify that that's two thousand trips per day?

Jen Roldan: Yes Ma'am.

Jessica Thornton: Thank you. The answer was yes. Can I just ask you when I think a lot of people are mostly confused about the decision to move? Obviously we understand it's a flat piece. The parcel is good for development according to our bylaws it meets the IR zone requirements. However, we are kind of in the middle of nowhere when it comes to main roads and traffic. How does it fit into your strategic plan to locate a distribution facility so, so far from the hubs of distribution in western Mass., specifically 90, 91. I understand those areas are already built up a lot, but to get anywhere outside of Southwick or Feeding Hills, you have to take one of two, three roads. Right now, 10/202 going south towards Granby and the Connecticut zone, you have a very tiny roundabout that really wouldn't be appropriate for car haulers. The bridge heading into Westfield on 10/202 is currently under construction. My Expedition, I have a hard time making sure I'm going through clearly and that we've just heard is anticipated to be a five-year potential project. Additionally, if you were to take a left out onto 10/202 instead of going right north and you head south, presumably you were then going to be taking them left to head east on Route 57. Again, that is an intersection that is very busy during most parts of the day. That left hand turn lane is only large enough for three or four vehicles to be waiting to take a left-hand turn. You put a hauler there, there is no longer a left turn lane waiting. And then you're bringing those haulers all the way down 57 through a tight intersection in Feeding Hills, not to mention passing by our schools. So what is your intention about potentially working with the town to make the Hudson Drive - Sam West connection? And what are your thoughts on putting your distribution center here in a location that just doesn't really seem to fit your needs as a business.

Jen Roldan: That was really just a business decision that we need. As you mentioned, that area is built out, this was a parcel that became available to us and met the criteria that we're looking for as far as acreage, met the criteria for our internal network, our logistics team, as I mentioned before. So that was really just the basis of business decision on why we've come to this site.

Jessica Thornton: Can you discuss the traffic?

Jen Roldan: As far as going to be improving the Sam West connection?

Jessica Thornton: That part of it, as well as those large trucks and small roads.

Jen Roldan: Unfortunately, that's the infrastructure that's there. We are more than willing to partner in providing you improvements to the infrastructure if that's required. So we want to be a working member of this community who want to make a partnership with you.

Michael Doherty: Again, please.

Jen Roldan: Unfortunately, I can't choose the existing infrastructure that's there now, but we can definitely work towards improving those. If that's the case.

Michael Doherty: Any other Board questions? OK, Town officials and members of other boards and commissions, I did see Mike McMahon first. So we will start with Mike. And again, Mike I'm sure you know, please identify yourself.

Michael McMahon: Michael McMahon, 30 Warren Lane. If this project is built, we keep hearing some vague comments; I'd like some specifics. At Tannery Road, you were talking about some kind of turn away in terms of traffic light, like how much of the cost would Carvana pay? Six or seven years ago, we're told a traffic light cost \$100,000, I don't know how much it costs to build it. What percentage of the cost will Carvana pay? Because I kind of think that whether you would pay the whole thing.

Robert Levesque: Thank you. So, absolutely, understand the question. So we have been working with a couple of different groups. The town has met with Mass DOT related to that intersection and the improvements that they believe are required. So that is something that they have, I'll call it, I don't know if I'd call it probably a schematic or a concept plan of what they're anticipating. There has been preliminary numbers put to it early on that based on some recent review from Mass DOT, they're looking for additional upgrades and additional improvements, bike lanes, complete streets that type of stuff. So as they go through that and continue to go through that, that number will change. So I don't have a specific number on that. But I do know that we anticipate that this project would contribute a significant amount or significant, significant percentage, but we haven't discussed percentages. That's something that I believe, based on our discussion with the Planning Board and with the DPW director, that they would determine what our involvement would be in that. And that would be a condition of whatever permit would be issued. So that said, if we don't meet that mitigation requirement, then the project doesn't get built. So we're, Carvana is committed to whatever is required by the Town that that is fair and equitable. And, you know, this this will, you know, have an impact. So we want to mitigate that impact. We understand that the finances of that are not something the Town wants to bear or has the ability to bear. So it's something that we're anticipating that will be a large portion of, we don't know that percentage yet, but we are ready. Carvana is ready to, I'm not going to pay for it, but Carvana is ready to take care of it.

Michael Doherty: Other Town officials or Board members who have questions. Dennis, I'm sorry, I'm sorry I didn't see your hand. Yeah, go ahead. Oh, hold on. Thank you.

Sue Brozka: Sue Brozka on 1 Logie Lane. What percentage of the water is going to be reclaimed and reused?

Aaron Marez: Testing, Aaron Marez with Carvana, that would be 60 percent of the process water that we use.

Sue Brozka: So therefore, you're not going to be drawing 20- to 25,000 gallons every day from the Town water supply, right? Because you're going to be using some of it back.

Aaron Marez: So we're exploring options, alternative options to be the most efficient resource for us as well as for the Town. So we're looking at different options, exploring different things that would make sense for us and for the Town.

Sue Brozka: Joining us now is that for you, is that 25000 gallons of include flushing the toilet, washing your hands?

Aaron Marez: Yes.

Sue Brozka: And how many employees total when you're up and running?

Aaron Marez: We're approximately 450 employees.

Sue Brozka: That would be a both shifts or just one.

Aaron Marez: That's one shift. The second ship that would come in would be the same total.

Jen Roldan: Jen Roldan, I just would like to clarify that.

Sue Brozka: What's the total number of employees working in one day?

Jen Roldan: We're expecting this particular facility to be anywhere from 400 to 600. We won't know the exact numbers until we are able to start. This particular facility, what Aaron was speaking to 450 was generally how we plan our facilities. That's the typical number. That doesn't mean that we're going to hit that number for this particular facility. We don't expect this facility to run at maximum capacity in the typical fashion that our other facilities would.

Robert Levesque: So just give the number?

Jen Roldan: Aaron had mentioned 450 for each shift, and that's not the case for this. We're looking at anywhere from 400-600 employees per day.

Sue Brozka: Thank you.

Robert Levesque: So Jen just said anywhere from 400 to 600 employees per day at the facility. That would include both shifts.

Michael Doherty: Dennis, since I called on you before and then we'll keep going on Town Officials.

Dennis Clark: Thank you, Dennis Clark, coordinator for the Southwick Conservation Commission. I just had a question, is it within the Planning Board's purview to require an environmental impact review done for a project of this magnitude?

Unidentified: Is someone talking? We can't hear at all on Zoom.

Michael Doherty: I'm not talking yet. Can you hear me now? On Zoom? OK, so, Dennis, I would say that the bylaw that would most directly apply and allow us to do that is one that is not in effect currently. You may recall at the Town meeting we passed a bylaw that would allow the

Town to require applicants to pay, you know, reasonable fees for consultants that the boards felt they needed. That is not in effect and wasn't in effect at the time of the application. I can certainly reach out to the Town Counsel, but I think that that would not be something that we could use for this particular application.

Dennis Clark: Well, if you could look into that, because I - the information that was provided to the state was given to them by Carvana. And, you know, I think if you had in your purview, you were able to request the due diligence - a project this large just to have, I've seen a lot of smaller projects have MEPA reviews and environmental impact reviews that I know I just think would be due diligence, if it's possible, if you have it within your power.

Michael Doherty: But Dennis. I just want to clarify one thing, because I think you're aware of it. You know what the requirements are for a MEPA review that would require, you know, there's a couple of different things. But a state permit, state funding, that is not, that is not here. That is not part of this project. And so MEPA is not because it's not coming into play on this project. And so because it's not triggered under State law, there is certain requirements that trigger a MEPA review. And those have not been met by this application. And I'm not sure anybody disagrees with that, frankly. So, you know, that's I can't speak to what they've been told to the state, but it seems pretty straightforward: if you're not seeking a permit and you're not seeking funding.

Dennis Clark: The Planning Board doesn't have the power to require that, is what you're saying?

Michael Doherty: And again, I don't believe that a bylaw that was passed in May at Town Meeting that has not been approved by the attorney general at this point in time would be applicable to this application. But again, I am happy to reach out to Town Counsel and find out.

Unidentified: How convenient.

Michael Doherty: Any other Town officials that have or Board members that have questions? Sir, in the back, are you a Town official or a Board member? OK, thank you. Hold on. Just let me get a microphone over to you and please state your name and address before you speak.

Brett Colson: OK, Brett Colson, 21 Klaus Anderson Road, Agricultural Commissioner. Basically, as I hear you keep referencing it, you keep bringing up the point that it's 20 feet high. You keep failing to mention that it's about two thousand some odd feet wide. And I mean, also the question that Mr. Utzinger posed about the remediation of the impervious surface? I mean, just so everybody knows what we're talking about here, we're talking and I believe you said sixty six acres. I mean, Foxboro Stadium, to put it into perspective, the whole footprint is only seventeen point three. I mean, we're talking about a massive, massive project here. What are they going to do with that once it's all gone and Carvana goes kaput? Thank you.

Michael Doherty: Any other Town officials or Commission members? Maryssa?

Maryssa Cook-Obregon: Maryssa Cook-Obregon, 126 South Loomis Street, co-chair of the Agricultural Commission. I have an assertion to make regarding one of the bylaws in Section

185.9 regarding air and noise pollution and visual offensiveness. So per Dennis Clark's comment, it seems to me that the applicant has failed to provide an independent study to demonstrate that this claim of neither dust, dirt or noise pollution at any level will be acceptable or not. Are they aware that we are right to farm community and that this parcel is surrounded by active farmland? What sort of impact will that have on that farmland? Also, there have not been any - apart from what we just saw in Mr. Levesque's presentation, that's a top down survey view. We have not seen any design or artistic renderings of what this facility will look like. So we have no idea ultimately what it's going to be, whether it's going to be visually offensive or flagrant or in visual, complimentary character or scale to the properties immediately in its vicinity. Again, farmland surrounding it. So these elevation drawings right now depict a giant box with numerous overhead doors. And to me, that is not compatible with the rule and historic nature of the site or this right to farm community. So therefore, without an independent study of the named pollutants that are going to be used in this facility and the present design of the facility not being available to the public, how can the board make a finding of fact with regard to pollution and visual compatibility to prove the Special Permit?

Robert Levesque: So to answer those two questions, the first as far as visual, we do have we do have elevations building there, right there. We have multiple sheets to be tricky for you to see what direction you're looking at. But it's going to be a typical, I believe it's tilt-up construction, is that correct? Which as the gentleman in the back of the Ag. Commission said is a very long building. It's 200,000 square feet, it's a big building, but it is a long, narrow building, as you can imagine, to run cars through a process. That's a kind of a bird's eye so that, you know, it's again, there are certain areas that it could be minimally visible from. But the rest of the areas as I've shown and as you've seen in the Google Earth, can be minimally visible. That said, we would be happy to screen it from the surrounding roadways. That's why we you know, we didn't go out onto College Highway. We actually purchased or they're in the process there in the process of purchasing an additional piece of land as part of one of those three because of that. So it made a lot of sense to kind of give it back, away from the road to from the visual impact standpoint, it's not something that's going to be very tall. As far as environmental regulations and how that works. So there's obviously the local stuff you got to meet. The Board of Health requirements are going to be important; you've got to meet the Fire Department requirements for hazardous materials and those types of things. But there is a significant State, there's, there's got to be 10 different agencies within the state that were required to review and understand that we don't trigger any of these State permits. That's how minimally noxious this is going to be. As far as air quality, there's no specific requirements that we're over where, again, the question related to MEPA, but you probably don't know the specifics of how it works. But generally speaking, there are thresholds for certain size projects in there. If you have a state permit and or financial assistance, there's a possibility that you would trigger MEPA. In this particular case, this project does not. We have a very clean project from a Conservation standpoint. The Conservation Commission has no jurisdiction over the project as proposed. We're completely out of those areas. We do understand it's a right to farm community - it's a beautiful community. We understand that there's farmland. Mr. Whalley owns, I don't know that land is APR'd yet. But, you know, there's, there's a lot of of rural areas and I understand that you do have the development impacts of the golf course and all these other things being developed. And you're feeling that. And that's understandable. But this you know, there's a couple of things that I think are important to say. One, this project meets all of the requirements of the IR zoning district. So

Planning Board members up here may or may not like this project. They were appointed by you or elected by you so that they could make these tough decisions for you. They might not like it, but what they have to look at is does it meet the requirements, what's required in that zone? And we have met all the requirements. And frankly, we have, despite the size of the project, to have a very clean project from an environmental standpoint, all this impervious surface that he was talking about is in an upland area. It's an area mostly in areas that are already disturbed and, you know, are, are actively cultivated. It's so, it's so, just, just to clarify, it's you know, it's you know, it is a sizable project. But at the same time, from an environmental standpoint, it is not a large trigger for any of these regional projects that you would see. It's a pretty benign from this side.

Michael Doherty: Please, please. Town officials and Board members, Sir. If you're not an official Board member, then we can, you will wait until the public comments section, please. Town officials or Board members, please. Anybody else have comments or questions. Sir, respectfully, you know, we set this up with current Town officials and Board members, and you will have your opportunity during the hearing, the public comment. I appreciate your service, but it's just simply that the rules of the road that we have set forth, please.

Amber Bach: I have a question, it's Amber Bach from Economic Development, I live at 10 Pine Knoll.

Michael Doherty: Yes, go ahead, Amber.

Amber Bach: Hi. So I'm just curious if you're saying that been 400 to 600 employees, all of our businesses in town right now have help wanted signs. So I'm a little curious how you're expecting to fill all those positions, one. Because we seem to need some help. I, I also I, I'm concerned with the fact that you are stating that, you know, this area meets your needs and your criteria to put your facility in. But there's got to be a little bit more to it, so I have been asked is it because of our tax rate?

Michael Doherty: I'll say the same thing as I did, or I'll turn it over to the applicant, as far as responding to the questions that were asked by Amber but you know, I made, I made my position on that clear to the Board.

Robert Levesque: So I'll probably defer the question to Jen, but I guess we're going to have to pay more to get to get the employees that they need, you know, provide a better job, pay more. So, you know, it's just it's the same problem that everybody is dealing with right now after the pandemic. As far as the other question, you want to answer that Jen? Regarding the tax rate, as there seems to be a question about the tax rate. As far as the tax rate goes, again, I mentioned before, that's not the main driver why we chose in this particular case.

Amber Bach: It just, I'm just asking only because, like somebody else stated, that if you are not close to any highways, it just seems like a lot of side roads to go through in order to get to anywhere major. So I just I'm, I'm just curious as to why you chose Southwick.

Michael Doherty: So. Again, respectfully, and I want to give everybody an opportunity but those questions have already been asked and answered. If you wish to add more as the applicant

you can, but again, you let everybody have an opportunity. I would like to try to stop being repetitive and ask you questions. You have a lot of - excuse me, we have a lot of people here, and I still have a lot of questions or comments, so I'd like to give people an opportunity. Is there anything else that you wish to add to that?

Robert Levesque: Yeah. So if you want, you guys can assume the tax rate is the reason. I, I don't know that, but you can assume that because it has no bearing on this particular proceeding. So let's all assume that it's the tax rate and then we can move on because the reality is this is a land use Board. This is not the Finance Committee. This is not a Town Meeting where you determine your tax rate. This is a land use Board. So let's all assume it's the tax rate and we'll move on.

Michael Doherty: Any other town officials, either in person or on Zoom who have comments. And if you're on Zoom, it may just be easier if you speak up and let me know who you are. OK, so -.

Unidentified: Can you hear me as far as a question?

Michael Doherty: Are you a town official or a Board member?

Unidentified: No, I am not. Are you taking comments from Zoom yet?

Michael Doherty: I will get there and I'm going to try. I will get there. So here's how I'm going to do this. You know, I'd like to point out that it's already 9:27. We're going to have to, I'm sure, continue this hearing to another day to allow for further questions to be - OK, so you don't want us to continue with, and have all your questions answered?

Unidentified: Keep going tonight.

Michael Doherty: We're going to we're going to go to a certain point tonight, but like I said, and I've been doing this for a while, I'm pretty sure we are not going to finish it tonight. That is simply all I was saying. We are going to have, in all likelihood, a continued portion of this hearing and people will be allowed to ask questions. So here's the best plan that I think I can come up with. I'm going to start with the first row and it's someone and - Actually, actually. Hold on. Let me back up one minute. Let me say, when I got to this, I'm going to ask I'm going to start with the first row. I have been as questions have been asked in the chat, I have tried to write some names down and I will try to alternate between someone here and someone on Zoom so that everybody has an opportunity. There is, however, I know there's been an attorney retained by, to be fair, I don't know necessarily, but we - respectfully, I don't know necessarily who his client identity is, but I'll let him speak for that. I know an attorney has been retained, an attorney named Tim Ryan. I know he has a submittal for the board. And I will let him make some comments before we get into the public comment since he sort of represents a group of residents.

Timothy Ryan: Just for the record, just for the record.

Michael Doherty: No, make sure it's green. Hold it.

Timothy Ryan; OK, just for the record, Timothy Ryan, Timothy Ryan. Alright. Alright. We'll try this. Timothy Ryan, attorney at Egan Flanagan in Springfield. It's a pleasure being here tonight. In my other work, I did 12 years as a member of the Springfield City Council, and we were the zoning and the Special Permit granting body for the City of Springfield, so I know a lot of what is here and what is considered and what is before you. I've been retained by Save Southwick, which is an unincorporated group, and many of the members are, several members are here in this room. And I just want to say that I've known this community for 45, 50 years, and I usually, enter coming up over 57 and you go by the Calabrese farm and you look out and you see that beautiful farm, you see that beautiful landscape. With all due respect, Gentlemen, with all due respect, Applicants, this wouldn't pass muster in the City of Springfield, and we're an urban, we're an urban city. This would not pass muster in Springfield. I don't know why and how in God's green earth you think it should pass out here. You have a very, very beautiful community, you have a tri-state hiking trail, you have a two-state bike trail, you have three lakes which are beautiful. You have a great golf course in the Ranch, and you have all of these new homeowners. There's a fellow who used to live next to my cousin, another woman who lived next to my aunt all back in Springfield who have come out here, who have been here for dozens of years because you've got a beautiful community. What strikes me when we were in Springfield that we would do this, the applicant is the person who's applying for the permit. I don't understand how Brinkman Construction [sic], who's never going to sell a car, who's never going to store a car, is somehow the applicant.

Michael Doherty: OK. Alright, I just realized that if I simply asked as the attorney that's representing this group that we try our best to move to the legal arguments and, please, I would ask that we try our best to move before the legal arguments because, again, we have a lot - we have a lot of questions and a lot of people who want to ask questions here tonight. You are an attorney representing them. I'm presuming to offer legal reasons. So I just respectfully ask, I can give you some leeway, but I would respectfully ask that we try to be efficient and move on to that portion of it.

Timothy Ryan: With all due respect, Mr. Chairman, I'm being efficient, but the foundation of any legal challenge is who's the proper applicant? And with all due respect, I'm not sure the town has ever figured that out because the applicant is Carvana. It's not the construction company, it can't be the construction company. I'm just pointing that out. I would and I and I do beg to read to you, I have a letter here dated yesterday and I will hand it in. It's addressed to the Planning Board and it's from John Whalley. And it reads, Please be advised that as an owner of abutting property, I am most certainly opposed to the proposed Carvana Special Permit for the above-referenced site. And this is Tannery Road College Highway. As a business man and an active farmer in this community, the proposed 60 to 80 acre used car development is not in keeping with the character of our town and all that we have sought to build in this community. He concludes, noting, please note that I cannot attend the June 29, 2021 Planning Board hearing, but do not take my absence as a lack of interest or purpose. And I respectfully request that the Planning Board unanimously vote to deny the proposed Special Permit. And I have a letter here that I will also hand it back. Just want to point out some of the highlights and you have to start with your zoning code and the purpose of your zoning code states, among other reasons that the

purpose is to lessen congestion on the street. That's number one. Number two, to conserve health. Number three, to facilitate the adequate provision of transportation, water supply, drainage, sewage, open spaces, and then the public requirements. Four, conserve the nature of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment. With all due respect, you have here in a world in a country where half of its burning or in dealing with almost biblical drought, you have a proposal to take over and destroy 135 acres of farmland, 135 acres of agricultural land. And so nothing is being done to conserve the nature of the land and the buildings. Where I come from, the City of Springfield, where you have more than three unregistered cars, that's a junkyard in a junkyard, is by definition blight. And so what you're going to do is put in here four to five to 8000 unregistered motor vehicles. That is a blight on steroids. Further, under a, it's important to recall, in contrast to what Mr. Levesque said, this is a discretionary act. You are acting as government officials. It is discretionary. They are not, absolutely not entitled to the Special Permit and they don't get it if the opposition doesn't allow you. You have, as a government official, you're exercising your discretion and they have to make their case. And you don't do it just because there's not enough of an opposition. And I submit that there's a hell of an opposition in this room. Your zoning code at Section 185.9 sets forth 17 factors in my letter, I address about ten of them, but the proposed site is not suitably located. College Highway is your main street. The bike path is one of your great amenities. And you're going to put this between your main street. They're not doing it in any other self-respecting town. They don't put used car lots on of this size on a main street, particularly when they're not even selling it there. So there's no reason to put it there. It's not an appropriate site. The proposed use is not compatible with the character and the scale. So they showed earlier on that the, the buildings across the street, which is Tractor Supply and the other building. Tractor Supply is sixteen thousand square feet. So it's one eighth, is my math, correct? One twelfth the size of this. The Tractor Supply lot is maybe two or three acres. This is one hundred and thirty-seven with sixty-five paved. It's not in the same character and nature of the other uses. And by the way the other uses of Mr. Whalley in the farmland across the street, so clearly tearing down the barns, plowing all of this under, putting it, you know, you're going to have what, six to eight inches of gravel and then you can have two to four inches of asphalt on top of it. It's not in keeping. The use will constitute a nuisance. You're going to have the traffic. You're going to have the traffic at an intersection that hasn't been repaired. And there's no number folks as to what they're going to commit. In the City of Springfield, I did some work with DPW, fixing intersections, fixing intersections on State highways is not cheap. It's very expensive. And they're wishy washy all over the place as to what we're going to do and how we're going to do it. But there's no commitment to this Town as to any proposal, as to any dollar, let alone underwriting all of it. The proposed use will constitute a substantial inconvenience and a hardship to the voters. You've got all of this truck traffic. You've got whatever was two thousand extra vehicle trips between the employees, between the testing of the vehicles. This is a substantial inconvenience and most of these vehicles are going to go out of here via 57. They're going to go over the bike path. The more times a vehicle of that size comes in by a pedestrian, the greater statistically, the greater likelihood that something tragic will happen. And by virtue of the size of those trucks, there's so many blind spots, the drivers could be the best they could be to the hardest working, the most attentive. But where you mix children, bikes and trucks with huge blind spot, you're begging for problems. The project will have a significant adverse impact to surface and groundwater. Right now, the rain comes down and it percolates into the earth because it's farmland. Once you blacktop it over and put a building on it, you're going to have an

adverse impact because it's going to come down just a wash across the parking lot. You've got to pick up whatever debris is in the parking lot and then they're going to try and filter- or send it to an infiltration pond that tries to mimic what's Mother Nature already created. So it's clearly by definition and it's an adverse impact. Any of you have ever gone on the Cape Cod bike trail and you can ride on the bike trail and you see where they have these kind of industrial-type uses, you're riding at the Cape and it's a beautiful bike trail. But those uses really detract from the quality of the experience you're riding now for half a mile alongside this industrial slump. This thing will be adjacent to the bike trail. It's going to detract from the amenities of the bike trail. And nobody's going to say, geez, I went to Southwick and I got to ride by the Carvana site. I so I submit that it's that the proposed use is not in harmony with the purpose or the intent of the zoning code, the public good. This is your public, ladies and gentlemen. And without a doubt, they are telling the public good will not be served by this development. You don't have to say, yes, they can go back to the drawing board. They could pick the Enfield mall or some other place immediately adjacent to either I-90 or I-91. But this place, which is 10 miles over the South End Bridge from I-91, its, on, a one lane road, whichever way you leave town. Everything's a one lane road. The public good is not served. And finally, the proposal that would put the safeguards put because there's no definition here, it does not adequately protect the town, the adjoining communities, the adjoining properties. And with all due respect, Mr. Whalley's request that this whole thing be voted down is its best position that the Board could take.

Michael Doherty: OK, so let's move on to public comments, I'm going to start right on the left in the first row. I'm going to take someone here and then I'm going to go onto Zoom on and then, you know, we'll continue going in that way.

Unidentified: Mr. Chair, I think I'm in the first row.

Michael Doherty: That would be the worst since you're sitting. We will give you that opportunity, but I'm going to start from right to left, if you would.

Greg Deily: My name is Greg Deily. I'm on 10 Salem Road, just a few hundred feet from Tannery Road and only a half a mile from the proposed entrance. And I've read through the entire 111-page traffic study that's posted on the website, and I found it absolutely terrifying. The amount of traffic that is expressed is minimal. Two hundred and, two thousand six hundred sixty-four cars right in the study that says car trips per day would represent a, you know, a lot of 20 foot per car would represent a line of cars 10 miles long. And it's a lot of cars all going on the highway. And the peak of it is two to three p.m., a time that's already busy where there's 893 cars at that time, which would double the traffic on the highway. But what I'm afraid of is you talk about how the car, the truck traffic would not go down Tannery. What's to stop all those cars from going down? And they'll be congested at the light. They will all go down Tannery by all the residences there make it extremely unsafe. That is a road that is narrow, winding, hilly, no shoulders. I ride my bike on it several times a week, it can make it dangerous. The Planning Board is supposed to see for the safety and health of the community. This will create a danger for everyone that's in that path of traffic, and to minimize the number of trucks, one hundred and ten trucks a day. And according to the study, that was 10 hours, period from seven to six at night is one every five and a half minutes. That's not minimal, and the 512 test drives, there's no commitment that those won't be asked, where will they be? Will they be all over back roads,

whether they be, you know, pushing the speed limit and accelerating and, you know, going to get all of the residential roads so they go up and down Tannery, out Hillside, Coes Hill Road, Loomis, they're not going to want to go through the traffic lights. And then all this extra traffic, all these trucks going through the middle of Westfield or out 57 to the east, Feeding Hills, I just can't imagine that that's not a severe danger to the health and safety of this community.

Michael Doherty: Thank you. What I would do is something like this; if the applicant wishes to offer anything on the traffic study that was cited, I'm happy to give you the opportunity. If not, I'll move on to the next.

Robert Levesque: I think at this point I will just answer specific questions. You know, if they're general -

Michael Doherty: Of course, that's fine. So let me, and again, you know, and I'll say this. There's a lot of people there's a lot of people who have questions. There is no real great, wonderful way to do this. So I'm going to, as I saw names and saw questions, I'm going to sort of go in the order that I saw them on Zoom. So I'm going to call your name. If you still have a question or comment, you can make it and we will go from there. So the first person I saw on the chat was Cheryl Lachance. Cheryl, do you have a question or comment? Feel free to unmute and offer that now.

Cheryl Lachance: Thank you, I'm Cheryl Lachance, 17 Sheep Pasture Road. I guess I don't necessarily have a question, but I do have a comment. I, I haven't grown up in Southwick but I have transplanted here, and I've been here for about the past 20 years. And I'm here because of the nature of the community. And I live over by the lakes, and I can ride my bike to the bike path, and as I ride on the bike path, I see the farmland and the lakes and the residential community. And it's really concerning to me. I eat the food in this town, I'm concerned about the pollution that this is going to bring into the community, both the air pollution, the light pollution, and certainly the traffic. And I'm worried about our kids and what's going to happen on shift change, or when someone's late to work. And they're running down Tannery Road, which is a winding road, as they say, there's going to continue to be trees along it. And so there's no clear line of sight, if a child's riding their bike, or if kids are riding or getting out of school. I'm extremely concerned about this project and do not want it in my community.

Michael Doherty: Thank you, so I'm going to continue on to - Sue?

Sue Porter: Sue Porter and I'm on Falmouth Road. I just have a question, I know the property is being purchased or is trying to be purchased for this, for this project, but my concern is, is when I hear that they're going to go through Sam West Road, are they going to go out to Feeding Hills Road or are they going to use Hudson Drive. Now, what type of property, I mean, how are they? Is this going to be all torn up to make a road in order to make access to, you know, the main route or what's the purpose of this?

Michael Doherty: So let me just offer from a Town perspective and then I'll give the applicant a chance. With respect to the connection of Sam West to Hudson Drive, that has been something that has been talked about in Town for, you know, as far as my understanding is, a pretty long

time. And again, I want to make clear to everybody, prior to this application, there was grant money given to them to begin the process of, you know, looking into this and design. So, you know, I can only speak from the Town standpoint. You know, as I look at it, it seems pretty straightforward with the way Hudson Drive with that with that land now being remediated and being available to connect. It really is not a huge distance between the end of the drive in the end of Sam West. So to me, it seems reasonably straightforward as far as applying. But I'm not a design professional. But like I said, that's from the Town perspective, as I understand it. And I'll let the applicant speak if they wish as well.

Robert Levesque: Thank you. There's, there's no plan to connect this. This project has no plans to connect or go down Tannery Road to Sam West to Hudson Drive. There, the most logical route for leaving the site as I think a lot of people in the audience have mentioned, is to stay off of Tannery as much as possible and go off to College Highway, which is a major truck route. And it goes from there.

Michael Doherty: OK, the next person whose name I wrote down on Zoom is Laura Doyle. Laura if you wish to have a question or comment. Feel free to. And you just.

Laura Doyle: Laura Doyle, 8 Pearl Brook Road. I had a couple of questions, most of them have been responded to except for last one -

Michael Doherty: Laura, if you don't mind, I just, could you speak up a little bit? Because we're having, at least me, I'm having a little bit of trouble hearing you. So if you could speak up, I would appreciate it.

Laura Doyle: Sure no problem. And what hadn't been addressed yet was related to what can we do at the Town to avoid these types of zoning and planning issues going forward? There's a lot of Town, farmland in Town for the coming years. And it's likely that these lands will come up for sale to make sure they're zoned for residents to protect the nature and the environment of our town, that we can continue to have a safe, quiet community.

Michael Doherty: Thank you, Laura. You know, I can quickly respond to that. You know, it's not necessarily pertinent to this application as we sit here. But I can tell you, for what it's worth, I have reached out today in response to an email from Burt Hansen who kind of sent along some comments and asked him and the, asked the Ag Commission, through him as the co-chair of the EDC Economic Development Commission and the Conservation Commission. You know, they may wish to go through the inventory of land in town and they may wish to see whether there is, you know, protection that can be put on land or zoning changes or statutory protection or any other, you know, means that they if they feel that that's the case, they can certainly bring that to the Planning Board and we would certainly consider it going forward. I'd also, I also pointed out to them and would expect that I think they're, you know, willing and want to do it, which is to get involved in the Master Plan process. We've got finally gotten grants for, to begin the Master Plan process, our Master Plan. And there was a handout today as Marcus was just kind enough to mention to me. So I'm having, you can pick one up when you're leaving. The Master Plan is currently in effect in Town is from 1967. There has been some sort of isolated planning that has gone on, but there hasn't been a fully passed Master Plan since that time. We are going to begin

the process and it's probably a couple of years process. But, you know, there's going to be subcommittees and public involvement and we encourage people to get involved in that and help, you know, provide a master plan that we, as the Planning Board can then use when we're making these considerations. That's something we simply do not have as we sit here today that we have been as long as I've been on the board trying to get. So hopefully that will be something that we have available to us in the near future. OK, I will go to whoever is next in the first row who has a question or comment.

Gregory Scott: Hi, Gregory Scott from 126 South Loomis. We've mentioned lighting very briefly; I think it's a pretty big concern. Mr. Levesque touched on it briefly. But we do have lighting bylaws as far as I've seen, and the plan doesn't include anything that's covered the impacts that it's going to have for lighting. So I just look directly at the board and I request the applicant underwrite some sort of independent study of the cost to provide that to study the lighting effects of this massive project. Thank you.

Robert Levesque: Mr. Chairman, good question, obviously, lighting can be a concern for a project of this size, so we are required as part of the submission of our application to provide a photometric plan, and it does just that. So we have a lighting consultant that does the photometric plan, shows the foot candles, shows the spread based on the height of the light fixtures and then based on the surrounding, the combination of the lights, I would say. So that said, that doesn't take into consideration the existing vegetation on the site. That would remain. But it does certainly show that all of the light will shine down; it will be dark sky compliant. And those are pretty standard requirements across the board with this type of project. Thank you.

Michael Doherty: The one thing I would point out, you know, obviously, board members if you guys have follow-up questions, you know, just yell, get my attention. I'm happy to turn it over to you. Yeah, please.

Michael Doherty: The next person I have on Zoom is Sophia Bobek, if I'm pronouncing that correctly. Sophia, are you still on Zoom? OK, let me go to the next person that I have and Zoom and I'll come back to Sophia if she's still there. Just give a yell later on. I have Melissa Long, at least I saw a question or comment in the chat. So if you have something you want to say now, please feel free to.

Melissa Long: I'm actually using a different person's laptop, because my daughter's crashed out, but you referenced the master plan a few moments ago, the audio is bad here so I'm not sure if I follow that, is that your suggesting people in Town should read in order to get a better understanding of how planning orders might order any type of permits are evaluated?

Michael Doherty: I wouldn't necessarily suggest reading the 1967 master plan for this particular application. I don't think that's going to be all that helpful. I think once we have a master plan, that is something, you know, again, hopefully people have a lot of input into it and it provides a guide for the Planning Board when we're making decisions. That is the ultimate goal. But like I said, right now, we really don't have something, a master plan in town that we can turn to and look at which we are allowed to do under the bylaws to help guide our decision.

Melissa Long: So, I don't want to be a time hog, but just to clarify there is no Master Plan for the Town at the moment, and you said something about bylaws, could you just speak a little more to that so I can understand, what I should read to understand better?

Michael Doherty: Sure. So the Commonwealth of Massachusetts general laws require towns and communities in Massachusetts to have a master plan. It is basically a 10- or 20-year plan as to where you see the town going and provides a bunch of different information to help with the planning process. That was last done in Town in 1967. Obviously, that's, you know, no longer a usable plan since it's a 10-to-20-year vision. We are undertaking that process now. So it's an in-depth process to about a two year process to create a new master plan. Once that is done, the zoning bylaws in town, which is chapter 185 of the zoning of the Town of Southwick bylaws, you know, do reference the master plan and allow the Planning Board to, you know, refer to and utilize the master plan and the goals set forth therein. But that's not something that we have at our disposal currently.

Melissa Long: If can keep talking and I'm just curious when there is no current master plan, actually, how are these decisions made? Is there somewhere else that we can look to for this, like the meeting we are having right now?

Michael Doherty: So let me and I'm going to then going to move on to someone who's a person here for the next so that everybody can get a chance. But let me respond to that. This is submitted under Chapter 185. It is something that is online. People can go and search it out and look at it online. There's a number of different applicable chapters. I'm not going to try to recite them right now because I will probably mess them up. So, but the Special Permit one is 185-9. That is the primary one. It contains a bunch of factors that we have to look at and make a decision. You heard Attorney Ryan before citing a bunch of the factors that are contained there. And excuse me, there's a number of other permits that they're requesting and those have different sections that apply to them. And I would encourage everybody, because this is what we have to use to make this decision. I would encourage people to go look at the language that's being used in those bylaws because, because ultimately that is what we need to apply for this application. Thank you. First row, anybody have questions or comments and we keep going down. There you go.

Gary Wynn: Alright, a tedious meeting. I think it's important. I'm sorry, Gary Wynn. I own New Ears Affordable Hearing Care in Southwick and in the Gristmill Plaza, and I can tell you from my experience over four years of owning a business here that I love this town, but I don't want to see any changes of this nature whatsoever because it's not for the good of the town. With all respect to the people here representing Carvana, they don't live in this town, they don't know this town. This town cannot take any more traffic than comes through on 10 & 202 and 57. And then we've got right now. If anyone tries to leave or, and leave Gristmill Plaza at certain times of the day, you're not getting out for a while, especially on 10 & 202. But this is not the right place. It's not the right place for this. You know, there's got to be a place down near Bradley International that would be close to 91 or something. Lots of open space down there. But this is not the right place.

Michael Doherty: Thank you. The next person I have on my list going through the chat was Ruth Harper.

Ruth Harper: I didn't have a question.

Michael Doherty: OK, that's fine. And again, if Sophia, I think it was Bobek, wishes to jump in here, feel free to; I don't want to skip over you if you're still on there.

Unidentified: Can you please use the hand raising icon? I think that's-

Michael Doherty: Gina, I think I specifically said how I was going to do it, and there frankly is no great way to do it. I see your hand raised. I see a bunch of other hands raised, but there's really no great way to do it. I picked a way I think it's reasonably fair. And, and, you know, I'm going to continue this process. I saw a question from Tiffany Jacquiere. I could be saying that wrong and I apologize.

Tiffany Jacquiere: Good evening, how are you?

Michael Doherty: Good, how are you?

Tiffany Jacquiere: Good, good. Have there been any other studies done by Carvanas that are similar in nature, that they show the employment rates as proposed.

Michael Doherty: I'll turn to the applicant if they wish to respond to that.

Jen Roldan: Could you clarify that for me? Are you are you just needing to know whether there similar Carvana facilities with this employment rate?

Tiffany Jacquiere: So because we're struggling as a town to employ the businesses that are already here, I'm curious as to your success rate of employment numbers that you have supplied over the next current years, if there's been another similar-sized Carvana, that can employ those kind of numbers at that rate.

Jen Roldan: Sure, Bessemer, Alabama, I think would be a good example. Also in a rural community. Employment, the ramp up is taking longer than, the ramp up is taking a little longer for that particular facility. That's why we kind of assume 25 percent when we first opened up and then a continued ramp up that could take as long as five years to get to that point where we're at full capacity or employment, I should say. So we're expecting to put in some time to get to those numbers. We don't expect to be able to hire -.

Tiffany Jacquiere: So what happens to the facility at 5 years when it's not at the employment figure for people who work there?

Michael Doherty: Tiffany, hold on - just the technical issue, trying to hear you.

Tiffany Jacquiere: No worries, can you hear me now?

Michael Doherty: Just give us one minute, I'll let you know. Go ahead, Tiffany.

Tiffany Jacquiere: So if you can hear me now, is that right?

Michael Doherty: Yes, apparently.

Tiffany Jacquiere: So what happens in five years if you can't fully employ that full facility? What happens, are they going to leave and what are we going to do with this facility if it does not employ the people that they say are supposed to be there, or that they say they need.

Jen Roldan: Essentially, if we can't reach the number that we're looking for to continue to operate, we would just not be able to produce the amount of cars we'd originally estimated for this particular facility.

Michael Doherty: OK. Next on the front row.

Brittany Cesan: Thank you. I'm Brittany. I'm from 1 Treetop Lane.

Michael Doherty: Can we get your last name?

Brittany Cesan: Cesan. thank you. Yeah, no problem. So it feels like forever ago, but at the beginning of the meeting, it's kind of hard to hear, but I believe it was board member Mr. Phelps that said that disclosure forms were filed with the state recently. And I want to know where any of these disclosures in relation to Carvana and where I'm getting at that is, is there anyone on this board that has a conflict of interest in regards to Carvana or may have been disclosed or have a perception of a conflict of interest with the Select Board or state?

Michael Doherty: So there are forms that have to be filed as far as conflict of interest, but it is on each board member and it's come up and we've dealt with it before where people have a conflict of interest, they deal with it in the way that they need to deal with it. There's an ethics commission in Massachusetts that you can call and get advice. For example, we haven't opened it, but I have I have a disclosure that I just filed that I will make public when we open up the 42 Depot Street. I had to make a disclosure when we were dealing with the cell tower because I lived in that neighborhood. But, you know, it is up to the board members who have the information to assess whether they have a potential conflict of interest and deal with it according to the laws.

Brittany Cesan: Great, and I'm just wondering, do you have one, sir? With Carvana?

Michael Doherty: I do not. But given the fact that this is open and no one has made a disclosure, I would suggest to you that, that means that no one has a conflict of interest.

Brittany Cesan: Beautiful. Thanks, gentlemen. Thank you.

Michael Doherty: So going on through the chat, I saw someone named Sarah and I apologize, but I think that was the only name there was in the chat room who may have a question. OK, the next one in the chat that I saw was, well, Julia Hanson, though that does not look like Julia Hansen, and I believe that's Burt Hansen the so Burt you could unmute. Hold on Burt, I think we both hit it at the same time, so you can just unmute yourself again. Thank you.

Burt Hansen: Sorry. Sorry, I don't actually have a comment or question this time.

Michael Doherty: OK, thank you.

Burt Hansen: For standing up there.

Michael Doherty: That's fine. I just wanted to let you know I've been sort of monitoring the chat as it's going along. I wanted to give respect to the people who are putting questions in the chat who are not able to be here. So I'm trying to give people the opportunity to ask the questions to ask them in person and have a response if they wish to do so.

Burt Hansen: Thanks for that. That would be great right now.

Michael Doherty: Thank you. Someone named big Coyle's or Cows I had down as next up to.

Unidentified: Can you repeat that name, again.

Michael Doherty: I, I wrote down. I was doing it quickly, but I brought down the last name as Cowles, Cowles.

Michael Doherty: Cowles. Thank you. OK, next, I wrote down Kimberly Hannah. I believe I'm not going I'm having trouble reading my handwriting quickly, but. OK, so let's see. I'm just going to start on my screen. This is the only way I know how to do it, which is person on the left says, "Good fight 97." I will ask you to unmute and if you have a question or comment you can make about it, just please give your name and address first.

Alice Boyd: My Name is Alice Boyd, and I live at 67 Tannery Road.

Michael Doherty: Alice, if you could just speak up a little bit more, it was a little difficult to hear you. But the best if you could do it would be great.

Alice Boyd: I don't know where the microphone is on my computer.

Michael Doherty: That's better. Thank you.

Alice Boyd: OK, My name is Alice Boyd, I live at 67 Tannery Road, and I'm a former member of the School Committee. My question is, Council member, [unintelligible] Thank you.

Michael Doherty: Did you hear that last part right? I didn't quite hear it.

Robert Levesque: Ma'am, if you can hear me, did you ask about the 300-foot strip along the highway and what potential future development that might hold?

Alice Boyd: That's correct.

Robert Levesque: So there are no specific projects related to this project. However, you know, as a land use consultant who's been working in Southwick over the last 20 years, I have seen a lot of development. You just saw some small box, medium box retailers. You probably see something like a drive thru or something like that. And I think there's probably three to four pad sites there, realistically. So in the future, you could likely see something like that in the industrial restricted zone. There are a number of different uses that are allowed. And to the question of the other lady that was on Zoom, there was a question about how you can figure out what can go where and what people can and can't do. There's two really good resources. One is the town zoning map, which tells everybody how each parcel is zoned. It's color coded, and you can figure out what zone a specific property is in. And then if you take that zone and you look up the regulations, the zoning regulations, Chapter 185, I think it is, that will allow you to see what uses are allowed by right, which means you don't need a Special Permit and then by Special Permit. So hopefully that will help. But there are a number of uses that are allowed in the industrial restricted zone. And if you go on the zoning map and then check, cross-reference the zoning regulations, it should be quite helpful for you to get a feel for what could go there. Thank you.

Alice Boyd: Another follow up question, is there any plans to put up a tower on that property, on College Highway?

Michael Doherty: To put up, oh the Carvana Tower, is that what you said? Or are they cell towers?

Alice Boyd: The, yeah, Carvana car selling towers.

Robert Levesque: Ma'am, Ma'am, there is no, there's no plan for retail sales at this location. And those are typically going to be in important metropolitan area.

Alice Boyd: I did read your documents that 2028 [unintelligible] parking zones for when Carvana [unintelligible]. That property is kind of [unintelligible] Maybe it wasn't supposed to be said.

Michael Doherty: It's something about 2028, is when that's been developed, but that I – is that what you said Ma'am?

Alice Boyd: Being developed by Carvana.

Robert Levesque: The facility that we're talking about here, Ma'am?

Alice Boyd: Yes, open property on College Highway.

Robert Levesque: OK, yeah, so just to clarify.

Alice Boyd: 2020 will be developed like Carvana. I'm wondering what that Carvana development will be.

Robert Levesque: So – oh, OK Ma'am, I think you're referring to the traffic study that has a projection here for the build out in the, in the, you know, they look forward, traffic studies look for very specific information based on the ITE manual, timing, and there's a lot of factors that go into that. So the project, if it is approved, will be, you know, pursued as soon as possible - to clarify. Thank you.

Michael Doherty: And I just want to say one thing and I'll move on whoever's next on the front row here. But, you know, we can certainly get more information from the applicant. And I think the questions are valid and reasonable, you know, and maybe they at some point can have further explanation. Traffic studies, you know, are tough to read and understand sometimes and understand what the parameters are and what they're using in the study. And sometimes, you know, it's just difficult for someone who is not familiar with them. And I've read a few of them and I still have difficulty with them to fully understand what they're meant to be, the data that they're using, and sort of understand how that relates to the actual project. So, you know, I think there is some confusion there from a lot of folks. At some point, you know, I want to get to some other questions, but that may be something that, you know, some further information is provided on.

Alice Boyd: Just one more thing.

Michael Doherty: No Ma'am, no, we're going to have to go on. This is – no. No, we're going to have to go on to someone else at this point in time. I apologize. We can come back. Who's next in the front row here? There you go. We had someone else. Thank you.

Pat Talbot: Hi, Pat Talbot again from Bungalow Street. My question is directed to the gentleman on the end. When you were speaking earlier, I could hear you very well, but you were mentioning 120 units up off of Depot Street, the housing thing.

Michael Doherty: Ma'am, is this going to be related to Carvana?

Pat Talbot: Yes it is.

Michael Doherty: I want to make sure, thank you.

Pat Talbot: The housing development, does that have anything to do with Carvana or is that a separate thing altogether? Because somebody has said that maybe you're going to build housing for migrant workers coming in or something.

Robert Levesque: And, so, just to clarify what I said earlier.

Pat Talbot: Yes.

Robert Levesque: I was, I was continuing a meeting; that's a separate project.

Pat Talbot: OK, that doesn't have anything to do with Carvana.

Robert Levesque: Correct.

Pat Talbot: OK, I have another question for the Board chairman up there. You mentioned that you were presented this by the builders in January. When is the first time that anybody on the board, including yourself, ever heard the word Carvana that you knew Carvana was involved?

Michael Doherty: I heard it in January.

Pat Talbot: OK. Why didn't it come out that it was -?

Michael Doherty: Because we didn't have applicant. So, ma'am, the Planning Board considers applications that is before it. And, you know, we'll address this now and I've said it before, but we deal with the applications that are before us - the Town Planner and myself as the Chair have discussions with all kinds of potential applicants throughout the year. You've heard in the Town Planner's report, if you were here at the beginning, that the town planner will list the discussions that they had throughout the week or two weeks or whatever period of time between meetings. This is something that happens regularly for applicants of all different sizes, and the Planning Board is often the first stop for people in town to sort of get a sense of the bylaws and who they should be talking to understand what, you know, the project needs may be and how those can be met in town. So it's not in any way unusual, but the planning is - for my point, as is the Planning Board chair, the Planning Board is concerned with applications that are being brought before it and - excuse me, let me finish - until there's applications in front of us, you know, we're dealing with hypotheticals. And that's not something that we really spend much time with because, you know, it's not something that, that we're tasked to do. So I would respectfully say that this project was mentioned. As to what it was going to be as a, as a - I forget the words that were used about a car processing center or however - whatever was used as a potential application on the horizon that was reported in the town planners report repeatedly because there was context when the application came in. It was referred to as the application of Brinkman Constructors. I believe that was referred to in the minutes. But, but, you know, that's - it's not atypical for there to be contact between potential applicants and board members and Planning - and Town officials like planners.

Pat Talbot: The applicant wasn't the actual person that that was going to do the building, own the business. So that's kind of funny.

Michael Doherty: Again, I, you know - and I'm more than - we are certainly as a board going to sit down and look at what attorney Ryan has submitted. I believe we've addressed that and said what was in his letter and I'm happy to look at the legality of it if we can talk to our Town Counsel about that. But as far as I understand, you know, the applicant, I mean, I guess in my mind that maybe I'm wrong, but in my mind, I treat it like, you know, if you're going to go pull an electrical permit, you know, it's not you - you're not putting your name on that necessarily. They're putting you know, the electrician is going, pulling the permit for the property that being

applied. So, you know, that's sort of at least, in my mind, how I sort of see it. But my understanding is that this is a pretty typical design-build project like this to have this set up.

Pat Talbot: OK, good enough - can I make one suggestion? When this continues, can we go to the high school? Because I think this building is over capa - I mean, this room is over capacity for one thing, and then more people can probably come in.

Michael Doherty: So it has a - it's a fair request. Let me just say this. The reason we are - I will look into the next meeting. The reason we are in here now is because we are right at that point where we're able to do live meetings, and so we had hearings that were advertised to begin at town hall. So we had a restriction to be in town hall. We really couldn't advertise, have public notices that said come to the town hall for this hearing and then put it over at the high school. You know, that's not a proper notice. So, at least with this hearing date, we were constrained to the town hall. I don't know in the process if we are constrained at the next one as well. At some point, I think that constraint goes away, you know, as long as we plan appropriately. So, you know, I think that's a fair suggestion. But just so you know, the reason why we're here tonight is because of those constraints.

Michael Doherty: Alright, so we'll go down to Margaret Creswell on Zoom. And actually, Margaret, hold on one second before you, and I think you're still on mute. I'm - I want to get the boards input on the timeframe going on this - everybody OK with that?

Unidentified: Are you going to let the first row speak, Mr. Chairman? Mr. Chairman, you let all these Zoom people who are not even here. That's not right. These people came out here – [unintelligible]

Unidentified: Are you going to take a vote tonight?

Unidentified: No [unintelligible]

Michael Doherty: Margaret Creswell, do you have a question or comment?

Margaret Creswell: Oh, yes. Can you hear me?

Michael Doherty: I can; thank you.

Margaret Creswell: OK. First of all, I live right on Feeding Hills Road down by the light at North Longyard Road, and the traffic all through – until two o'clock in the morning, I'm hearing traffic out there. The traffic is so bad here; I can't even get out of my driveway during the day. I'm also a school bus driver for Southwick. This is going to cause, as far as traffic for these buses, it's going to be a very dangerous situation, a very dangerous situation. It's already very bad over here as it is, and it's just going to make things be a lot worse.

Michael Doherty: Thank you. Alright, you are a –

Charlie Alvanos: Mr. Chairman, I've got a broken knee so forgive me if –

Michael Doherty: He's right behind you with the mic - you don't have to go anywhere with, with your knee. You can sit down in the chair if you wish.

Charlie Alvanos: I've been sitting too long. First of all, Mr. Charlie Alvanos. I'd like to commend you.

Michael Doherty: Could you state your address as well.

Charlie Alvanos: 125 Anvil Street.

Michael Doherty: Thank you.

Charlie Alvanos: Mr. Chairman. I'd like to commend you for your running. This is a very difficult meeting to run and I've run many, many meetings – in the hundreds - and you've done a great job and it's very stressful. And, and I also would like to commend you for opening up the clandestine secrecy of the Carvana. And let's make it clear, this is Carvana, not Nirvana. So, Mr. Chairman, very quickly about my background. I was a teacher for 14 years, a business man for 37 years, as a U.S. Marine from 66 to 68 – so I have a pretty extensive background. In your master plan, one thing we didn't discuss is the impact of the youth and the safety of the youth. When you have all of these vehicles, you have the constraints in the community, and then you have to look at the safety factors of how it's going to impact the youth - both your children and your grandchildren. The peace, tranquility of this community are going to be changed forever. It's never going to be the same if Nirvana places roots here. And the lack of transparency that I've seen at this at this meeting in this town is quite shocking, not to reveal who these people are. Make no mistake about it, Carvana is a multi-billion-dollar corporation, and they don't give a damn about us. Make no mistake about it. I also like to ask the Carvana individuals, and this was a tough job for you, too, and I respect all of you for what you've done, and probably fairly well compensated, but you did you contact the Mayors of Springfield, Agawam, Westfield, the Town Managers of Hampden and Granby? That's a question.

Michael Doherty: OK.

Charlie Alvanos: About the impact. Do you know it took years to build 57 and it's still not complete? The intersection of Feeding Hills going into Agawam has been a nightmare for 40 years. And finally, they did some good changes where you actually have two lanes. When you have hundreds and hundreds of vehicles, transversing these intersections, it's going to have a major impact not just on Southwick, but every single community in Western Massachusetts and it's incumbent upon this town. We look at our neighbors and friends in all of the adjoining communities because they're all going to be impacted and once this facility is in place, it's going to be hard to do away with it. Now, earlier in the meeting, a distinction was made on the property that it's zoned industrial and can put certain things there. It's one thing to put Carvana there as opposed to other, you know, businesses. That's a different ballgame entirely. Also, during the demonstration - not demonstration, the, the march that was taking place a couple of days ago, I want to point out that a few of your Carvana, because I was there, flipped the bird at the marchers. You flipped the bird on this community.

Michael Doherty: I'm going to ask that you finish up here and we can move on to other people. You will have a chance. You will have a chance once everybody who has had a comment, to continue on -

Charlie Alvanos: Mr. Chairman, you want me to let everyone else to speak? And you spoke more than half the meeting, Mr. Chairman, with all due respect. Now, I come here representing Agawam. I live in Agawam, I'm going to be the next mayor, and I don't want to see this happen to our Towns. You're a disgrace, Carvana. Now Whalley's a great guy.

Michael Doherty: Again, let's please -

Charlie Alvanos: John Whalley's my friend.

Michael Doherty: Yes, yes, please - sir, let's -

Charlie Alvanos: But you let everyone else speak. You let the Zoom people speak that weren't even here.

Michael Doherty: Sir, do you want to, want to stay in here?

Charlie Alvanos: Yes.

Michael Doherty: OK. Gina Patterson, do you have a question or comment?

Gina Patterson: I do actually. Given the recent events in Miami, I think it's clear that the Town has some due diligence to do to protect its charges, and that's the residents. I do have a couple of points as it relates to this Pandora's Box. It was recently stated in an interview that the acreage that was zoned industrial since 1970 - in the 1970s. I find that statement to be disingenuous as it as I see it as a reasonable interpretation would have understood the 1970s zoning of Southwick to meet industrial farming and Ag, given the use interpreted the time. It appears that this Board in the Planning has really, really kind of have, you know, you guys have not been forthcoming about this to the residents in terms of transparency or the timeliness. I find it interesting that this is being rolled out during the height of summer when most of the residents are vacationing in or are out of town. If this is allowed to go through, we can be assured that the town is going to bring public transportation and bus routes, public housing to support this facility if they haven't already done it with the housing that they're developing now. I think, I think what's more likely, you know, obviously this is going to be certainly higher crime rates. They're seeing, they're seeing it in other towns that have gone this route and have gone for the quick buck, you know, auditing the long-term effects, the downstream effects. We market ourselves as a recreation community. You know, I don't for the life of me understand how this even passes muster for Planning. You know, I mean, now we're going to see that our law enforcement who's already spread thin enough as it is, is now going to be focused on Main Street in this business in lieu of our neighborhoods. I'm just, I'm just shocked that this has even got this far. Finally, I think there's been a lot of talk about how that this is a done deal. Why do you think that is? Why have we not been informed of this massive change to our Town landscape? The Town, you know, they often use the automated phone system for mandatory messaging, so this could easily have been

relayed. [unintelligible] back much. Again, given all the talk this is a done deal, I fully [unintelligible] with those who know, and then really gets to work to doing some real planning, looking at multiple smaller economic development opportunities. Opportunities that won't wreck our reputation as a recreational community with space to get started, instead of just trying to hit the jackpot, you know, with this single big payout. It should be the Select Board's and the Planning Board's mandate to ensure that we happily know what the future of this town is today and going forward. Thank you.

Michael Doherty: So a couple of things. It is frustrating to me as somebody who has given a considerable amount of time to the Select Board, I mean the Planning Board, as well as these members sitting next to me, as well as the members on the Select Board, were giving up their time, to hear people repeat rumors and conspiracy theories about things being a done deal and whatever. It really bothers me when it comes from members of - former members of this Board as it just did, who know better than that. This Board considers the applications that are in front of us. This is not a done deal. We are here to gather information and make a decision. That is why you are all here. So, I can't control what people think or what their opinions are. All I can do is sit here and tell you what the process is and what we do. And I can tell you that I damn sure take it seriously, and I know that the people here do. And so I don't think it is too much to ask for a little bit of respect for us and the process.

Gina Patterson: [unintelligible] this concerns you? People talk, this is a small town.

Michael Doherty: I don't think it is too much to ask to give us some respect. And Gina you will have an opportunity to speak after I am done.

[unidentified] Move on, move on.

Michael Doherty: I don't think it is too much to ask you to give us the opportunity to act as the board members that we have volunteered to do.

[unidentified] Move on, move on. Let us talk.

Michael Doherty: I would ask, since Ms. Patterson has an issue with when this was zoned, when she understands this to be have put in be - to have been put in the industrial restricted zone. And, you know, she can certainly comment on what steps she took when she was a Board member to take it out of it. Well, I know. I wanted, tell me: I don't know if she's telling me that this is not indu - and this was some different category in 1970. Then, then tell me when it was put into the Industrial Restricted zone.

[unidentified]: You're arguing with someone on Zoom.

Michael Doherty: So let me be clear: I just, my understanding is that the Industrial Restricted zone, at a minimum, has existed in this Town for 20 years, maybe more. I think this property has been in there for that period of time. And again, whether you think it should be or not, it is. And that is what this Board needs to consider with this application, as we discussed before. But there

are reasons why - never mind. OK. Who is in the second row who wants to speak? We still have first row, I'm sorry that I didn't see your hand before when I went over to here and I apologize.

Diane Gale: Thank you. I have comments about a specific bylaw.

Michael Doherty: If you can just put your name and address on the record.

Diane Gale: 5 Point Grove Road, and I will leave you a copy of this because it has a lot of bylaws listed. Section 185-2.A(2), secure safety from fire, flood panic and other dangers, and specifically Section 185-36 in its entirety relative to environmental performance standards. So planning for its purpose for Section 185-2.A(2) is to secure safety, fire, flood, panic and other dangers. If fire, gas leak explosion, major water, deep sewage accident or any other major incident at the proposed Carvana site could be devastating on this site and have a direct adverse impact on all of the surrounding neighbors and potentially the entire town. The applicant has not provided an emergency response plan in the event of a major incident. From the Planning Board documents, it appears that the board has offered no emergency response requirements from the applicant to date. While the Town of Southwick has an outstanding emergency response corps, is not able to handle an emergency event of the scale possible for a site this large with seven to eight thousand fast flaming vehicles on-site that the applicants project at normal operating levels and to twelve thousand dollars gallon - the twelve thousand gallons above ground gasoline storage tank. There is no way to tell from the application what other flammable or hazardous materials may also be on the site. The applicant must submit an emergency response plan to the board for review and approval by all departments that would be involved in a response and will have to include response teams from surrounding towns, and events of possible scale of this site require teams from many surrounding counties. Without an emergency response plan reviewed and approved by the responsible parties in neighboring towns, the Board cannot ensure the health and safety of the community and cannot approve a Special Permit for these bylaws cited, and I have a copy for you with all those bylaws I read.

Robert Levesque: Mr. Chairman?

Michael Doherty: While I'm looking at something, go on -

Robert Levesque: Yes, just, just to clarify, you know, we would be happy to communicate with the fire department further, beyond what we've already provided and, you know, in the application. But generally speaking, Carvana has a lot of loss prevention team. The building itself is noncombustible and it's concrete, and the loop around the building – fire loop around the building provides 10 to 15 fire hydrants. We are well within the purview of the regulations and there's no specific outstanding requirement that we have not met. But if there are questions or concerns from the fire department, we would certainly address those and make sure that whatever is requested is provided to their, to their satisfaction. Thank you.

[unidentified]: She has a follow-up.

Michael Doherty: Hold on one minute. OK. Yeah, I'll certainly take a look at these, I apologize because I'm not - I'm kind of stuck trying to 2.A(2); I'm not seeing it in what I have here. But I so

I we can certainly address those. I will take a look at this letter and we'll go through it and let you know. So, yeah. OK, the next person I see on Zoom is David and Jennifer and it's cut off? I don't know if it's Reale.

David Reale: Yes, Reale.

Michael Doherty: Go ahead.

David Reale: Alright, David Reale, 84 South Longyard Rd. I do have concerns about the traffic; I don't believe there's any ill intent on behalf of the Planning Board or any undue secrecy. With that being said, I have concerns about planning the traffic that could be caused by this. Reading the traffic study, it seems like there was only a few hours of analysis done spread throughout 2 days. My concern is that the number of trucks coming in - what is that delta from our baseline number of heavy tractor trailers going town given our single lane roads and tight intersections? Do we have that number as part of that traffic study? And secondly, do we have the right infrastructure to accommodate these truckers - places for them to spend the night if need be and food, use the facility, et cetera? Or how is that going to be handled? Thank you.

Michael Doherty: Thanks, David.

Robert Levesque: So the delta between the two would be the added trips, so we talked about those. As far as the counting existing truck traffic, I don't believe, that has been, you know, split out in any way, shape, or form.

David Reale: Sorry, is that possible to do as part of the enhanced traffic study? That, I just want to know that, that is the biggest concern to me about the character of the Town with the increased trailer traffic, more so even than the cars. And I just don't know how to evaluate the delta if we don't know what the baseline is.

Robert Levesque: We could do that. We could look into that and then, you know, obviously that would be variable on a given day. Yeah, sure. We could look into that.

David Reale: Thank you.

Michael Doherty: Thank you. Are we still in the first row? Oh, I'm sorry. I'm sorry.

Jennifer Roldan: I think there was one portion of the question that wasn't answered that I'd like to answer; that's in regard to truck traffic and overnight drivers. Carvana moves their own logistics team. We own our - our drivers work for us. So essentially, it's a part of the perk for driving for Carvana; we do 4 hours. Our drivers drive out 4 hours and drive back for 4 hours. So if there is a long trip that cannot be completed within that four-hour window, there are hub areas where essentially it's like a relay. They will meet another truck driver; they'll exchange keys and then continue on to make those deliveries. So, that's one of the perks that we offer our employees being able to come home every night.

Michael Doherty: Thank you. The first that we have - go ahead.

Roger Cataldo: Roger Cataldo, a former Selectman.

Michael Doherty: If you could say your address, too, sir.

Roger Cataldo: 4 Field Street.

Michael Doherty: Thank you.

Roger Cataldo: The question I have - will they be a license as a used car dealership?

Michael Doherty: So my understanding is that they will be obtaining a license for a used car dealership. I forgot that they did say that, like a Category 2 or [unintelligible] 2, or –

Roger Cataldo: Because I'm going to tell you the past we, as a Board member of the Select Board, we denied any new applications for a used car dealership. So if they're going to issue one, they're going to have to beat it up.

Michael Doherty: They're not going to, they're not selling on site. There is no public sales on-site.

Robert Levesque: So the State will issue a Class II, but there would not be any local sales. It's just through the State. So there's no car lot. There's no car sales happening. It's just a processing facility. The car sales that, no no no no - the car sales, the car sales happened off-site online. So there's no sales on the facility. This is literally a processing facility.

[unidentified]: So you're saying this is like a junkyard [unintelligible]

Michael Doherty: So let's go to the next person on Zoom. Jessica Pelley, do you have a question or comment?

Jess Pelley: Yes, Jess Pelley, 15 John Mason Road. I was scrolling through the chats and I came across the comment that says Crestview has already signed a contract and they would begin work next month. Can anyone verify if there's any truth to that? And if so? [unintelligible]

Robert Levesque: I believe, I believe a number of contractors – site contractors and probably other contractors have submitted bids. Brinkman Constructors is in charge of that. They're also the applicant. The project manager for Carvana. Carvana is in the car sales business; Brinkman Constructor is in the building business. So what you have is a number of contractors that probably have been given the nod that their number is good and that they're potentially going to get the job. If the project does not move forward, obviously that goes away. But I do believe they have selected a preferred site contractor. And I do believe that there's a number of other contractors that are preferred locally created quite a bit of construction jobs. And, you know, generally speaking, I think that may be true. And, you know, but, but again, if it doesn't get approved, it doesn't get approved.

Michael Doherty: So I was about to go to the gentleman with the hat on over there, so.

Bill Frazier: Bill Frazier, 100 Congamond Road. A lot of our appointed and voted Town Wards are here to act on our behalf, literally state-wise and bylaw-wise. They're also acting in our best interest and one of the reasons why we voted them in, OK? So that being said, were you guys going to vote the Planning Board? How are you going to make a vote tonight on his application? I'd like a yes or no answer.

Michael Doherty: It's 10:49, and I think there's a few more comments or questions -

Bill Frazier: I want to ask for you -

Michael Doherty: - that we're not going to get to, so it is going to be continued in my expectation in the next 11 minutes. OK, and we'll move on to the next hearing. And when the process is completed, we will move to a vote.

Bill Frazier: OK. With that being said, the representatives of Carvana or whatever company you guys call yourself, to get this ball rolling, you guys have seen the opposition of these people in this room. We only represent about three or four thousand more people in this town. That could be, you saw the opposition of other board members. I don't have any indication of what the feelings are from the emergency services. I acted in that capacity for 27 years here. I have my opinions as to what we can handle in this town. So I ask you guys to withdraw your application.

Michael Doherty: Thank you. I will, what I will say is fire and public safety have reviewed the original plans. The updated plans, I'm not sure if I've got a comment back from them on it. Those will be made available. We'll try to put them on line with the rest of the materials that are there so you can take a look at it. There was very limited questions I gave from fire and police initially. And, you know, you could certainly take a look at what their comments are in the updated plan. Alright. And on that's. And online, we have Karen Wzorek. Sorry. Karen Wzorek? Wzorek.

Karen Wzorek: I just would really like to convey this. I don't know whether this can be changed or not, but I think we need to learn from this. I think you should also take a look at, there's still 155 people on the Zoom and there is a room full of people. So this is a topic that you can say that you didn't know that it would be so impacting to our citizens, but if you didn't, you should've, as a Board, as - not just your Board but the Selectmen also. The Agriculture Committee, I'd like to really thank for all their due diligence on helping us with, with guiding us through this. [unintelligible] But we are, an Agricultural Town, and these citizens wanted to live here because of that. I really feel like we were misled and [unintelligible] disguise like we said before. Just last week, I was caught behind a tractor and in a lot of traffic, and, you know, that's not only time. This is going to be, the whole summer is going to be full of tractors, farming tractors, tobacco tractors. We've got Town bike trails; they've closed off the parking lot on Feeding Hills Road, so now people are biking out on the road, children as well as their parents. And we're gonna have all of these large vehicles passing all of these obstacles. We have a high rate of accidents, [unintelligible] too. And I know we've done traffic studies, and we've turned in that report. But how, did anybody look at the traffic accidents, the fact that we have in our town

for such a small town. I would like to hear that. Nowadays, you have to plan your errands just to be able to go shopping. You have to take right turns out of everywhere because you can't take a left because there's so much traffic. [unintelligible] the bylaws, in the '70s, whenever they were updated last. This Carvana idea wasn't in anybody's mind. No big thing like this was planned to come in here. If the bylaws are not updated, then that's what, we're looking at to do and keep updated with the times. I really feel strongly about this, as do a lot of people. I feel like we are a little town to them, and they can come in and we wouldn't put up any, any fuss. But we are a town, a small town. That's what we'd like, and we are strong, and I would like to keep it like that. And I appreciate you taking all these comments and I thank the people here. Thank you.

Unidentified: [unintelligible] this woman over here, she's been waiting all night.

Michael Doherty: OK, and again, I think all of you have been waiting all night. We have, I don't know what to tell you, other than I have to set some sort of process to go through this, because a lot of people, respectfully, a lot of people have questions. There has to be some process. So everybody's been here all night. Ma'am, go ahead.

Diane Gardner: Good evening, can everyone hear me? Hi, Diane Gardner, 2 Meadow Lane. I'm here today to represent the many who cannot attend the meeting tonight, those home caring for others, children and family, and those away from town tonight working to support those families, the many who have voiced concerns about the proposed decision to bring Carvana into our home town. I am one of the many residents of Southwick, your neighbor, your constituent, your customer, who strongly oppose approving a Special Permit for Carvana to build a facility on the property on Tannery Road. The proposed Carvana facility is not suitably located, is not reasonably compatible with the character, the scale of other uses the same vicinity. The plan has an adverse impact on adjoining area, neighborhood, and the Town at large, including increased traffic on our country, one lane road, negative impact to commute times through Southwick, negative impact to school bus schedules, increased noise pollution, increased air pollution, net impact on carbon footprint, reduced property value, increased resident auto insurance rates. Please listen and hear the tens of thousands who have signed an online petition opposing the plan, thousands who have commented in opposition online, thousands who have donated time and money to communicate their opposition to this plan. The choice you have is simple: reject those coming into your home town for their financial gain and profit - the developers, their lawyers, and Carvana Corporation. Their profit is at the expense of our Town residents. Our clean air, our water supply, our quiet roads, our safe street. The quality of life that your neighbors chose when they set down roots in this town. The wrong choice will impact this town and the residents forever. Not just those who live here today, but generations ahead will have to live with your wrong decisions. This is your opportunity to stand for all that is good in Southwick before it will be lost forever. I'm asking you to listen to your conscience and make the right choice. Thank you.

Michael Doherty: OK. As I don't see any other hands raised online, let me go to continue on this gentleman right here.

Dr. James Wong: Dr. James Wong, 77 Tannery Road. It's remarkable to hear the inconsistencies that were presented tonight. The original application said it was going to be up to

nine thousand gallons of use per day of water and all of a sudden, it's up to 25,000. The estimates that it proposed for employees was about 800 per day, and now it's between 450 and 650. The data you have is suspect. And I actually want to talk about the traffic study. I'm concerned about the validity of the study. It was just mentioned earlier, the traffic count was based on a total of three hours. A section of the traffic report reads, and I quote, Traffic count data was collected during the weekday morning peak hour from 7:00 a.m. on Wednesday, March 31st, 2021, and the weekday after, afternoon peak period from 4:00 p.m. to 6:00 p.m. on Thursday, April 1st, 2021. The report goes on to say, and I quote again, Based on a review of the traffic count data, the weekday morning peak hour occurs between 7:00 a.m. and 8:00 a.m. and the weekday afternoon peak hours between 4:00 p.m. and 5:00 p.m. How can the morning peak hour be accurately determined when only one hour was studied? How can one determine a peak if there are no other points to compare it? I'm not a traffic engineer, but I don't think the report and the conclusions it makes can be completely trusted as true, accurate, and unbiased. Is a study of only three hours adequate and the predicted increase of twenty-six hundred plus vehicles trips daily? Was there a consideration of these shifts, changes being the time of school time commutes? That's a big concern, particularly because the high school and the elementary school are on Route 57. Additionally, the study was conducted during the strictures of the COVID-19 pandemic and as you know, businesses were operating at limited, lower or no capacity. Schools were not in full session. The adjustment for this fact was an up score, 10 percent based on an almost three-year-old traffic study. Is that a valid assumption? Though the study only looked at * Tannery Road tend to go to measure intersection. It did not look at other adjacent roads or major intersections of 10 & 202 and 57. That would also be adversely affected by the applicant's activities. The applicant's expected vehicle impact and usage are based only on the numbers that they provided in the application. Has the board verified the accuracy of the applicants predicted traffic volumes by comparing it to actual use data from other Carvana sites of similar size and community locations? Also, the rail trail has an access point on Tannery Road. Were there any pedestrian or bicycle studies done to quantify the safety concerns that are inherent due to this application? The Board must request the applicant underwrite and obtain an independent, peer-reviewed traffic impact study to verify that the information that they provided is accurate and appropriate to the actual impact on traffic patterns, volume and safety concerns. Decisions must be made only on accurate and unbiased reports. Thank you.

Michael Doherty: So, thank you.

Paul Furgal: So, Paul Furgal from McMahon Associates, Westfield office. Just to go over the history of the traffic study, about the data. The gentleman brought up very good questions in terms of the history of the data and what was counted, what was collected. As part of our study, we looked at historical data that dates back to 2018, which was actually collected by the Town of Southwick with respect to looking at that intersection to provide potential upgrades and see what that need is for a potential signal. So back in 2018, three days of traffic data was collected for over 24 hours for each of those three days. And that's what I did find in the appendix of the traffic study. That was the basis of what we used to look at the overall peaks throughout the day, because obviously, you know, the traffic varies quite a bit from the morning peak hours to the afternoon peak hours. With respect to the three hours that you identify, those are specific, fine counted movements, which looked at turning movements specifically at that intersection. What we did was we compared the data that was collected in 2018 to volumes that were collected this

year back in March, which obviously has some COVID, COVID influence. We compared those numbers from the 2018 to the numbers that we collected this year; they're actually higher than what was collected in 2018, which gives us confidence in -

Unidentified: This all [expletive].

Michael Doherty: Excuse me, please. Again, I don't - this is really, really bothered -

Unidentified: Why won't you let other people speak instead of blah blah blah [expletive] Look at their body language.

Michael Doherty: I really - I'm going to let him finish and then we're going to wrap this up and continue this public hearing. Please continue.

Paul Furgal: Just to summarize, the data that we used was actually data collected by the town back in 2018. We actually spoke to, we actually looked up the Town data that was on the Mass DOT website, which they submitted to support improvements, which would have to be approved through Mass DOT. We then counted the traffic data back in March of this year, which is consistent with that if not higher. So we're very confident with the numbers that are collected with respect to the turning points and the peaks throughout the day.

Michael Doherty: OK, thank you. So we're going to end this for tonight, it's 11:04 now. I see two options and I'll leave it up to the Board. Right now, July 13th, we have a few things on early that we can probably work through reasonably quickly, and then we have the disc golf course on at 7:35. So I'll leave it to the board. I mean, I guess my thought was if you wanted to set a special meeting for a certain time, we could certainly do so and put it on by itself at that point in time. But - 27th? And - I'm sorry - no, I'm sorry, what I'm looking at the 13th and then jumping ahead. What do you think for -

Marcus Phelps: Continue it to the 13th at 8:00.

Michael Doherty: Yeah, let me see. Oh, no, no, no, that's not what I'm saying. You know, you were here five years ago and you were here the other day for the Disc Golf, so I'm not sure that's necessarily going to be a five-minute conversation. So I, you know, I would beg to differ. That is going to be a long [unintelligible] much like the hearing. So, so what I'm going to suggest is we put this on for, we put this on for 7:40 on the 13th. We'll talk to New England Disc Golf applicant and see what they want to do and, you know, figure that out and then plan on following it up with the July 20th dedicated hearing. And hopefully that will get us through a good portion of this. I can't on, we can't do it on the, we can't realistically and hold on one second Rob. We can't realistically do the 13th because we've already set things forward for the time so we can't fill it in necessarily before it, unless you have a way to go around that. The other thing to sort of consider is that there was a bunch of questions and comments and information to be gathered by the applicant that they indicated that they were going to look at. So I do want to give them time to gather what they need to gather, because that, frankly, is more of a productive conversation if they have information to provide and have an interaction with that. So maybe just

doing on the 20th and they, and we can even start it, I'm sure we could probably start it at 6:00 if that's necessary.

Robert Levesque: That would be great, and I just want to clarify that list to make sure that we're providing what we need to provide on the 20th.

Michael Doherty: OK, alright.

Robert Levesque: So there was some additional traffic information that was requested. There was some lighting information that I believe is in the application but we'll make sure that that is provided. There was some questions related to fire and emergency response, which you can certainly reach out to the fire department. There's some questions about taxes, I don't know that it's pertinent, and then as far as anything, oh - questions about water, but those have been provided but we can certainly elaborate.

Michael Doherty: I'll give you copies of the two letters that were, two or three letters that were provided to us. To the extent that there's anything in there, you can certainly respond to that. So you want to do it at 7:00, or you want to start it at 6:00? 20th at 6:00?

Marcus Phelps: 20th at 6:05.

Unidentified: [unintelligible]

Marcus Phelps: Is 6:00 going too early for the public?

Michael Doherty: Oh, it's going to last - I think we'll deal with all that, but, alright. We'll figure it out. Do I hear a motion to continue? Well, let me. Let me do one thing well, why don't - I suppose we don't need a motion to do this, but we're going to set a hearing date, put it on our schedule for July 20th, starting at 6:00 p.m. Yeah, it's late, and so we'll have a Town Planner's report. We'll have a public comment, you know, as we typically do. And then we'll put this down for 7:10 or 6:10 on July 20th. So do I hear a motion to continue this public hearing through July 20th at 6:10 p.m.? I will say also, I will talk to the folks. I need to talk to you and figure out where we can hold this and if we can hold it up in a way that is better than this, especially since it's isolated to that day, we will certainly do so OK? Do I hear that motion?

Marcus Phelps: So moved.

Michael Doherty: Second?

Richard Utzinger: Second.

Michael Doherty: All in favor, say aye. Opposed? Abstaining? OK.

A MOTION was made by Marcus Phelps and seconded by Richard Utzinger to continue the public hearing for the application at 686 College Highway, 34 Feeding Hills Road, and 0 Feeding Hills Road to July 20th, 2021 at 6:10 p.m. The motion passed unanimously.

Unidentified: Point of information.

Robert Levesque: Thank you for your time.

Unidentified: Point of information.

Michael Doherty: Yes, sir. Yes.

Unidentified: Could you provide us with your Town emails? I tried to email you last Sunday and yesterday but the emails didn't seem to be working.

Michael Doherty: So let me figure out what we're going to do to have these comments submitted. Let me just go back again, because I, I have been frustrated with the sort of conspiracy theory that has gone on and things like that. We have had a turnover with the Board. The Board, Town Planner has turned over. The Assistant has turned over. I think what happened is that, that email link was the email link was tied to the assistant's name, which is no longer on the website. We will figure something out and come up here after and we'll figure something out, OK? Do I hear - Sutton?

David Sutton: I make a motion to close the meeting.

Michael Doherty: Second?

Marcus Phelps: Second.

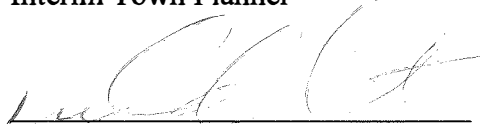
Michael Doherty: All those in favor? Opposed? Abstaining?

Being no further business to be brought before the Board, **A MOTION** was made by David Sutton and seconded by Marcus Phelps to adjourn the meeting. The motion passed unanimously.

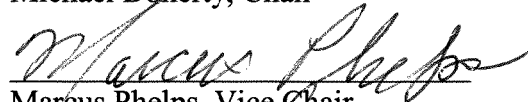
The Next Meeting is July 13, 2021

Respectfully submitted,

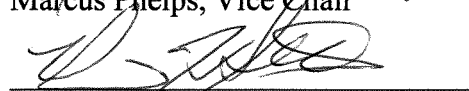
Jonathan Goddard
Interim Town Planner



Michael Doherty, Chair



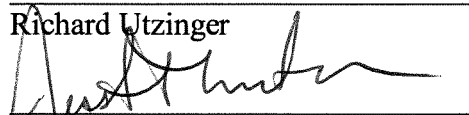
Marcus Phelps, Vice Chair



David Sutton



David Spina



Richard Utzinger

Jessica Thornton, Associate