



Town of Southwick

Planning Board

MINUTES



Tuesday, August 10, 2021
7:00 PM (recorded)
Town Hall Land Use Hearing Room

Written Minutes

(Not verbatim - comments can be heard on recordings available at www.southwick.org)

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

ABSENT: None

Also attending the meeting were 46 members of the public and 4 were identified in chat on Zoom.

The “hybrid” meeting of the Planning Board was scheduled via Zoom and in-person to take place at the Town Hall Land Use Hearing Room and was called to order at 7:00 p.m. by Mr. Doherty. He stated that the meeting was being recorded, asked if anyone else was recording the meeting, asked if all persons could hear, and if the participants on Zoom could sign into the chat and use the raised hand function to ask questions.

PLANNER’S REPORT: 7:00 p.m.

1. Mr. Goddard met with Mr. Arturas Ribinskas regarding potential home site development for acreage with access to but no frontage along Granville Road.
2. Mr. Goddard received an inquiry regarding a contemplated zone change for retail business purposes at the site containing the dilapidated barn of the former Waterman farm.

3. Mr. Goddard coordinated with Mr. John Vaillancourt regarding a potential citizen-driven bylaw request related to heavy vehicle parking adjacent or within the right-of-way and engine brake usage.
4. Mr. Goddard met with Mr. Robert Stevens, an abutter to the Greens of Southwick – East subdivision, regarding the timeframe for installation of buffer plantings and fencing near his property. Mr. Goddard indicated that he would be reviewing the issued permit and would speak with the developer to confirm whether or not a mechanism had been established to compel installation these items at some point substantially before the developer’s submittal to the Town for subdivision/roadway acceptance.
5. Mr. Goddard received a call from Diane King offering to participate as a resident representative to the Master Plan Advisory Committee.
6. Mr. Goddard received a call from Russ Pike at the American Legion off Powder Mill Road, noting that the owners would entertain discussions for cell phone tower installation at that site in light of the recent permit denial for a tower site elsewhere in town.
7. Mr. Goddard met with Tom Saunders regarding a contemplated solar array at a portion of the existing Tilcon earth excavation operation at Hudson Drive.
8. Mr. Goddard noted that an Open Meeting Law complaint had been received as submitted by Mr. James Sullivan of The Ranch Estates, pertaining to a 2013 discussion regarding a request to release a lot from the covenant in lieu of bond and the subsequent release of all the remaining lots from said covenant. Mr. Doherty offered to respond to the complaint.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Sutton to respond to the open meeting law complaints.

The motion passed by majority vote.

PUBLIC COMMENTS: 7:05 p.m.

1. Trudy Giancola of 17 Sawgrass Lane presented a letter to the Planning Board that stated that some residents are unhappy with the progress being made on the Greens West development. She said that all work has stopped on the West location since they started work on the East development such as a streetlight, sign and berms. She said they have spoken with Jason Fiore, the developer, but he said they are waiting on the Planning Board to approve different things. Ms. Giancola said they don’t like how the berms look and they have asked Tynic Landscape to develop a berm change plan and they would also like to have a walkway moved to a different location.
2. Susan Lamoreaux of Granville Road said that there were things going on behind closed doors with the Planning Board during COVID, said Mr. Doherty insulted a roomful of voters, and said that she feels those residents are owed an apology.
3. Beth Carnavale of 62 Davis Road asked if easement and shared driveway issues at the Greens-West subdivision had been resolved. Mr. Doherty explained that the developer had come in for an informal discussion at that time and there had not been any changes made yet. She said “The reason I’m asking is because he has so many projects going on

in town and if he can't finish one, why is he being moved to another one and having more things to do in this town?"

4. Gene Berry of 17 Provin Mountain Road asked if there have been discussions with Noble Steed Crossing, specifically with Conservation. Mr. Doherty said he can't speak on behalf of Conservation but he does not recall hearing anything come up at their meeting. Mr. Goddard said they did talk about a lot owner's proposed improvements in the buffer zone at a recent Conservation meeting. Mr. Berry said there is a good amount of debris around the building sites that needs to be cleaned up. He also added that he felt the future Master Plan should not allow solar farms where trees need to be cleared.
5. Bob Paul of 28 Rails End said he had a question specific to the development to the east of Depot Square and Mr. Doherty told him that would be discussed in a public hearing later on.
6. A comment came in via Zoom from Gina Patterson who asked what the Boards plan is for implementing and rolling out the Master Plan.
7. Bob Paul asked if the Planning Board would address the Southwick wildlife management area when they consider an applicant's plans or is that someone else's responsibility. Mr. Doherty said they would if it applied to the property being developed.

APPOINTMENTS:

7:15 p.m. Map 107, Parcel 2.1 Sodom Mtn. Road

Special Permit & Site Plan Approval
Continued Public Hearing

Jessica Allen of R. Levesque Associates, Inc. was in attendance on behalf of the applicant and shared the site plans on her computer screen for all to see. Ms. Allen explained that her client is applying for a special permit for a single-family house and that the property is located in the Agriculture-Conservation district, which requires a special permit. The plan has been approved by the Conservation Commission. Mr. Doherty stated that there were a few things that needed to be included in the special permit; Ms. Allen said that under the Conservation Commission, there was to be a Declaration of Restriction preventing any additional development in the riverfront area of Dismal Brook. Mr. Phelps asked if the driveway is before the gate on Sodom Mountain Road and Ms. Allen said that as previously discussed the gate is further down from the road from where the driveway will be. Resident Cynthia Marshall of 45 Coes Hill Road asked what the Conservation Commission said about this at their last meeting, and Ms. Allen explained that the Conservation Order of Conditions requires that the Restriction be noted on the deed, preventing further development of that area. Ms. Marshall asked what the frontage was of that and Ms. Allen showed the area via Zoom.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for Map 107, Parcel 2.1 Sodom Mountain Road Special Permit and Site Plan Approval.

Roll call vote:

Mr. Doherty, yes
Mr. Spina, yes

Mr. Phelps, yes
Ms. Thornton, yes

Mr. Utzinger, yes

Mr. Sutton, yes

The motion passed by majority vote.

7:20 p.m.	115 Fred Jackson Rd.	Estate Lot Special Permit, Common Driveway Special Permit, & Site Plan Approval Continued Public Hearing
-----------	----------------------	--

Jessica Allen of R. Levesque Associates, Inc. was in attendance on behalf of the applicants and shared the site plans on her computer screen for all to see. Ms. Allen stated that the applicant had received approval from the Conservation Commission, a 401 Water Quality Certificate from MassDEP, and a “No Take” letter from the National Heritage and Endangered Species Program. She added, as a refresher, that the special permit is for an estate lot and a common driveway and then described the plans for the audience. Mr. Goddard asked if Conservation had assigned a bond to the project and Ms. Allen said they did not. Mr. Phelps added that it would be a good idea to make sure they do not duplicate the bond. Mr. Goddard observed that a stormwater management permit had not been applied for, and Mr. Doherty proposed that the Board advertise for the stormwater permit hearing and anything else missed, put it on for the next meeting, then vote on the project decision on September 7th at 7:07 with the stormwater management permit public hearing to follow at 7:10 pm.

Bob Paul of 28 Rails End asked about the No-Take from the NHESP and Ms. Allen responded with what it was. He then asked if the Southwick Wildlife Management Group had made a decision on this parcel. Mr. Doherty explained that there was a Southwick Wildlife Management Area but this was a specific property and had nothing to do with this property. Mr. Paul responded that he believes it does. An unidentified speaker asked if there was a third party that could check on that; Mr. Doherty stated that they have considered all the things that need to be reviewed under the bylaw and that he was not aware of any sort of bylaw that would apply to this property that deals with the wildlife management. An unidentified speaker asked Mr. Doherty if the Town had ever considered making a special committee to review wildlife impacts; Mr. Doherty responded no, but that it would be a great point to bring to the Master Plan Committee.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to close the public hearing for 115 Fred Jackson Rd. Estate Lot Special Permit, Common Driveway Special Permit & Site Plan Approval.

Roll call vote:

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

The motion passed by majority vote.

7:20 p.m.	42 Depot Street	Special Permit, Site Plan Approval, Earth Excavation Special Permit, Wellhead Protection District Special Permit, and Stormwater Management Permit Application
		Public Hearing

Mr. Doherty read the Notice of Public Hearing and Mr. Phelps recused himself from the matter as an abutter to the property. Mr. Doherty said that he filed a disclosure of appearance conflict of interest with the Town Clerk back in June because his aunt and uncle own the subject property. Mr. Doherty feels he can perform his job as Chair of the Planning Board fairly as he has no financial stake in the property and there is no inherent conflict based on the relationship. Ms. Allen shared her computer screen plans and explained the site plans for the 22-acre parcel adjacent to the Rail Trail. She showed the existing barns, house and structures and described the proposed 100-unit residential development and where the multiple-unit buildings would be located. Ms. Allen said they did receive comments from DPW and they put together a response letter to address those concerns. She said Conservation had seen the plans and they had already done some minor modifications to the plans which was pulling the building with unit 5 away from the buffer zone. Mr. Doherty designated Jessica Thornton as a Voting Member, observing that Mr. Phelps had recused himself. Mr. Doherty then made a motion to combine both the Wellhead Protection District Special Permit hearing with the Special Permit, Site Plan Approval, Earth Excavation Special Permit, and Stormwater Management Permit Application hearing.

A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to combine the Special Permit hearing with the Wellhead District Special Permit for 42 Depot Street.

Roll call vote:

Mr. Doherty, yes	Mr. Utzinger, yes	Mr. Sutton, yes	Mr. Spina, yes
Ms. Thornton, yes			

The motion passed by majority vote.

Ms. Allen said they did respond to some comments from DPW specific to stormwater, water, and sewer as well as comments from the Fire Department but needed some time to revise the plans as related to stormwater changes. Mr. Doherty read the comments from those departments into the record. An unidentified speaker asked if the Phased Growth bylaw at Chapter 187, Section 37.2

applied to this application; Mr. Doherty told him it does not because that expired many years ago. Guy Barbieri of 17 Southwick Hill Road said he is an abutter to the property and has concerns about the clearing of the tree line and how far west the buildings would go to the next existing building; Ms. Allen showed him via Zoom a visual description of what the clearing limits would be. John Vaillancourt of 12 Renny Avenue asked about the amount of townhouses with 3 bedrooms and Ms. Allen explained that only 5% had a total of 3 bedrooms. Ms. Thornton asked if the units were rentals or purchased condos and Ms. Allen said they are to be sold not rented. Mr. Doherty explained that the language on the application says residential apartment houses but that language is from the bylaw and it is defined to include both apartments and condominiums. Beth Carnavale of 62 Davis road asked what they would do about the traffic and if they would set up a light and suggested they do a traffic study. Wendy Birchall of 44 Charles Johnson Road asked who determines the water moratorium; Mr. Doherty said the Water Commission does. She asked about parking locations with the project and Ms. Allen responded that each unit would have parking in garages and in front of garages. [Unintelligible name] asked Ms. Allen to show him the Eastern side of the proposed project. Peter Currier from the Westfield News asked about building height and existing access; Ms. Allen responded that zoning would limit the building height to 35' and that the property had existing curb cuts on Depot Street. Bob Paul of 28 Rails End asked Ms. Allen to show him the amount of vegetation to be removed and the amount of feet between property lines. Ms. Allen asked if he meant the limit of work instead of property line and said she would have to have her engineers provide an aerial photo which they would then use to depict the measurement. Mr. Paul then asked if DPW addressed stormwater issues and runoff on the property; Ms. Thornton explained to him that yes DPW had addressed them in their comments and that Ms. Allen's team was going to fix those issues and return with solutions. Mr. Paul then addressed his concern with the developer taking out a substantial amount of woods that will impact people that hunt there. Michael Parent, a member of the Board of Appeals, asked about fire suppression and Ms. Allen said its included and required for the plans. Bess Kapetanias of Southview Drive asked about the design of the stormwater management system, and Ms. Allen responded that it is designed to conform to DEP stormwater standards. Ms. Kapetanias further commented on the change in view from the rail trail. In response to a clarification from Ms. Allen, Mr. Doherty indicated that the Town would first review what traffic information was available.

A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to continue the public hearing for 42 Depot Street Special Permit, Site Plan Approval, Earth Excavation Special Permit and Stormwater Permit to Tuesday September 7, 2021 at 7:25 p.m.

Roll call vote:

Mr. Doherty, yes
Ms. Thornton, yes

Mr. Utzinger, yes

Mr. Sutton, yes

Mr. Spina, yes

The motion passed by majority vote.

7:20 p.m.	42 Depot Street	Wellhead Protection District Special Permit Public Hearing
-----------	-----------------	---

A motion was made under the previous agenda item for 42 Depot Street to combine the two hearings.

7:25 p.m.	217 College Highway	Site Plan Review Continued Discussion
-----------	---------------------	--

Brian Balicki and Frank Demarinis of Sage Engineering were in attendance on behalf of the applicant, alongside Attorney Michael Ryan, to present plans that had design changes made to them as requested at the last meeting. Mr. Balicki described the plan changes to include shifting the building to be 50 feet off of the property line with a 30 foot buffer, moving the driveway to be 15 feet off of the western property line, and adding fencing where there is no existing vegetation. Additional changes were made related to sidewalks and the playground area. Mr. Doherty said he liked the changes that were made but the problem was the plot of land and the right-of-way. One of the issues raised by Mr. Doherty was the location of the existing gravel driveway and tree line that lies outside the right-of-way for a portion of its run. He asked if they were giving a right-of-way that would accommodate the current alignment; Mr. Balicki responded by saying that most of the proposed driveway honors that existing right-of-way but there will have to be an easement modification added in to continue to give them access. Mr. Doherty said, as he looked at the plan, that he saw approximately 5 feet of the existing driveway's width diverging from the existing right-of-way. He also felt that sidewalk needed to be moved from the east side of the drives as currently shown to the west side of the driveway. Mr. Doherty asked about the existing driveway access driveway to the west of the property and Mr. Demarinis said they encroached on the property and it was not the Planning Board's issue to contend with. Ms. Thornton explained to him that by leaving an opening there with a sidewalk along it could be dangerous if children are walking down it. Mr. Doherty stated that he didn't think it was appropriate to imply endorsement of that access. Mr. Doherty requested signage telling people not to park on the private property to the north or its access way and he recommended adding bigger trees to the back property that would not take 5-6 years to grow in. Mr. Doherty asked Mr. Balicki to submit the site plan with those changes on it and they would sign it at the next meeting on September 7, 2021 at 7:06 p.m.

8:00 p.m.	41-51 John Mason Road	Special Permit Modification Continued Public Hearing
-----------	-----------------------	---

Mr. Doherty asked the Planning Board if everyone had looked at the information recently submitted. Randy Brown of 95 Fred Jackson Road and Freda Brown of 39 John Mason Road, the applicants, were in attendance. Attorney Diana Day, representing Mr. and Mrs. Baribeau in their opposition to this project, thanked the Board for their time and stated that she doesn't believe that the special permit application meets the requirements for the Southwick zoning bylaws. She said they feel this application changes the primary use of the property and that an alcohol sales

permit should not be involved and that sanitation, traffic concerns and suitability for the neighborhood should be taken into account, especially since there is no valid permit on the property currently. Mr. Doherty said it sounds like her position is that Southwick can't have food trucks and she said according to the bylaw Southwick does not allow trailers. Ms. Thornton added that from she had heard from the Browns this was a food truck not a trailer and definitely not a permanent structure. Mr. Brown added that this is a seasonal facility so there were no permanent structures; it would be on wheels. Mr. Goddard pulled up the updated plans to share on screen and Mr. Brown discussed the changes with the Board. Mr. Doherty read a letter dated August 8, 2021 from Jessica Pelley of 15 John Mason Road on behalf of some of the neighboring residents. The letter expressed the concerns some of the residents have with this application and their position that they do not want alcohol served at the disc golf course. Mr. Doherty reminded everyone that the Planning Board is not there to grant an alcohol permit; that license would be issued through the Select Board. He stated that there have been no complaints in town about the disc golf course prior to this application. Mr. Spina said that he had no issues with the permit only with the language that there should not be alcohol use as stated in the permit issued previously. Ms. Thornton said she didn't see that there was an issue with occasional alcohol use and to assume there would be drinking and driving is not necessarily fair. She shared her opinion that the preference by some residents that the road remain gravel should not preclude use of the road by a permitted facility. Mr. Phelps brought up a sanitation and trailer question stemming from previous Board of Health decisions in relation to the Zoning Bylaw 185-32 and shared his concern that the bylaw may not allow the use of food trailers, drawing a distinction between food trucks and food trailers. Mr. Doherty observed that there are plenty of businesses in town that have food trailers on the locations such as Coward Farms. Mr. Doherty asked Mr. Phelps if he would prefer to set a condition that the Board of Health approve the sanitation and trailer before he votes on the decision and Mr. Phelps said yes, he thinks the Board of Health should have the opportunity to weigh in on this matter. Ms. Thornton reminded him that the Board of Health would get a chance to weigh in on the matter when the applicant goes before them. Mr. Doherty suggested continuing the hearing and there may be a possibility that the Board of Health would meet in the meantime so offer their opinions on the subject.

A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Phelps to continue the public hearing for the 41-51 John Mason Road Special Permit Modification to Tuesday September 7, 2021 at 8:00 p.m.

Roll call vote:

Mr. Doherty, yes

Mr. Phelps, yes

Mr. Sutton, yes

Mr. Spina, yes

Ms. Thornton, yes

The motion passed by majority vote.

8:10 p.m Discussion: Master Plan & Housing Plan Process

Mr. Doherty said it was be beneficial have discussion as to who should be involved with this committee. He said there were key representatives that needed to be on this committee such as Randy Brown DPW Director and 2 Planning Board members. He noted that representatives will be needed from Conservation Commission, Parks and Recreation Commission, Agricultural Commission, Finance Committee, Economic Development, and CPC, observing that some of these committee members overlap. Other Boards could be consultants as needed as well as Fire and Police. They would also need residents preferably a business owner, someone who lives on the lakes and people from different housing areas. Mr. Spina and Mr. Phelps volunteered to represent the Planning Board. There was also discussion on contacting specific people from different areas in town such as someone to represent the schools. A resident asked if they were going to ask residents to be on the committee or appoint them; Mr. Doherty said he would put a request out and then take names of people interested. Ms. Cori Rolland suggested allowing some residents to come in and volunteer because of their professional experience that don't necessarily want to join the committee.

8:20 p.m Routine Business

Being no further business to be brought before the board, a **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to close the meeting at 10:27 p.m. The motion passed unanimously.

The Next Scheduled Meeting is September 7th, 2021.

Respectfully submitted,

Meghan Lightcap
Planning Board Secretary

/s/ Michael Doherty
Michael Doherty, Chair

/s/ Marcus Phelps
Marcus Phelps, Vice Chair

/s/ Richard Utzinger
Richard Utzinger

/s/ David Sutton
David Sutton

David Spina

/s/ Jessica Thornton
Jessica Thornton, Associate

Electronic signatures have been affixed in accordance with M.G.L. c.110G and pursuant to the Board's electronic signature authorization vote of January 4, 2022.