



Town of Southwick

Planning Board

MINUTES



Tuesday, October 5, 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 20 members of the public and several 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, 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 spoke with Attorney Christopher Wade regarding a proposed cannabis cultivation facility to be operated by Faded Flowers, LLC. Previously, Mr. Goddard observed that the information provided was primarily focused on the building operations and that the applicant should also be focused on the site plan and other requirements of the bylaw. At the moment, the Attorney was initiating a discussion regarding the Host Community Agreement and was looking to identify what impacts the Town might anticipate from such an operation.

2. Mr. Goddard spoke with Carter Gilman, a builder associated with the new owner of Sodom Mountain Campground, as part of an ongoing research task to identify what, if any, options were available to the facility to construct hard-sided cabins for year-round occupancy. Mr. Goddard indicated that his research of Town files and coordination with the Building Inspector revealed no pre-existing nonconforming condition that would allow for the construction of said cabins.
3. Mr. Goddard received an inquiry from a contractor representing the Roberts household at 5 Bonnieview Road, a property in the Business Restricted zone. Mr. Goddard reports that an addition to the residence will require a Special Permit under zoning in that district.
4. Mr. Goddard distributed a notice to the Board regarding 83 College Highway, the former Waterman farm at College Highway and Nicholson Hill road, where a portion of the land is to be taken out of Chapter 61 for a prospective sale and a right of first refusal is provided to the Town.

PUBLIC COMMENTS: 7:05 p.m.

(None)

APPOINTMENTS:

7:10 p.m. 159 Berkshire Ave.

Stormwater Mgmt. Permit Public Hearing

Mr. Doherty read the Notice of Public Hearing for property owned by Joseph Balderelli at 159 Berkshire Avenue, Southwick, Massachusetts. Mr. Derrick Hale, P.E. attended as the representative of the applicant. Mr. Hale described the preliminary information and plans provided in the submittal packet and noted that he was seeking a continuance for the hearing. Mr. Goddard explained that this property has been the subject of enforcement for over a year, as there had been some unpermitted land clearing and grading that resulted in the discharge of sediment-laden water into the Town's stormwater system on Berkshire Avenue; Mr. Hale's involvement is the next step in working towards compliance for the subject property. Mr. Goddard went on to say that the property receives significant run-off from bordering sites adjacent upgradient properties and shared an aerial map of the property. Mr. Hale said there was an initial problem with sediment runoff and that the client made changes, including the addition of a retention pond without a permit. Mr. Hale proposed to have the client add a new conveyance system with a grassed channel to carry the water down to a lower basin by the road and reduce contaminants entering the road and near the lake. Mr. Doherty read a letter jointly issued from Mr. Goddard and Randy Brown, the DPW Director. The letter asked that the engineer attach a stamped cover letter, more analysis of the site, a better well report and several more additions to the plan. Mr. Doherty said that it sounds like there is much more work to be done so that hearing should be continued.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 159 Berkshire Avenue Stormwater Management Permit to November, 9 2021 at 7:30 p.m.

Roll call vote:

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

The motion passed by majority vote.

7: 20 p.m. CANCELLED - Wireless Communications Services District Public Hearing

7: 25 p.m. PVPC Presentation & Discussion- Master Planning

Kim Robinson, Executive Director of the Pioneer Valley Planning Commission (PVPC) and Cathryn Ratte, Co-Section Manager for Land Use and Environment at the PVPC attended via Zoom to discuss the Master Plan development process. Ms. Robinson explained some of the programs they have at the PVPC, including housing, transportation, environment, land-use and economic development. Ms. Ratte shared a PowerPoint presentation via Zoom and stated that of the 43 towns in the Pioneer Valley, only 20 had Master plans, with Agawam and Wilbraham being larger towns without one. Ms. Ratte said that master planning is a blueprint for the future and it describes a long-term vision and how to achieve it. It guides zoning and land use regulations, capital improvements budgeting and municipal decision making. Municipalities are not required to have a master plan; however, if one decides to prepare a Master Plan, the Commonwealth of Massachusetts describes how to do it. The characteristics of a good master plan are that it accurately reflects the communities concerns and in order to do that you need to engage all elements of the community, often facilitated by volunteers and often using paid consultants. Required elements of a master plan are; goals and policies, land use, housing, economic development, natural and cultural resources, open space recreation, services and facilities, circulation transportation and implementation. Many communities are adding elements on sustainability, climate resilience, food and public health. Ms. Ratte went on to explain that there are a few funding resources such as: Community One Stop for Growth (which is a new community planning grant), MVP Action Grant (which Southwick is eligible for as they are a certified MVP Community), District Local Technical Assistance funds, and municipal funds. Mr. Phelps wanted to know who the approved authority for approving the master plan was and Ms. Ratte said it can be adopted by the Planning Board, Select Board, and go to Town meeting but once it's adopted by the Planning Board it's the official document. Mr. Doherty asked them to explain the initial visioning process and Ms. Ratte said they do a community survey, online and paper, and then a visioning work shop that allows them to get to a level of where the community wants to be. Mr. Spina asked about the steps taken toward building the master plan and Ms. Ratte broke them down for him, then Ms. Robinson said they would additionally look at the steps that were made in the late nineties when that Planning Board started working on the

master plan (that was never accepted) to see how they did and what was accomplished. She said master plans are planned for over a 20 year time frame. Resident Burt Hansen asked if it was possible to get a guidebook from them and Ms. Ratte said they had a "Planner on a disc" back in the day and she could get them a printed version. Guy Barbieri of 17 Southwick Hill Rd. a resident in the audience asked about other town master plans to reference that are similar to Southwick and Ms. Ratte said that is something they can provide. Resident Dorrie Boyd of 44 Bugbee Rd. said that what if at the end of this we submit a plan and the Planning Board votes on it and it gets knocked down are we done or do we go at it like a piñata until it bursts, then it gets accepted. Ms. Robinson said it's up to the community, the goal would be that things are in step and there are no surprises so that by the time it comes to being approved the majority of the issues have been smoothed out. Ms. Ratte said that in her 23 years of working on plans, it has never come up because generally the Planning Board is very engaged in the process. The Planning Board is separate from the committee and not every member is serving but there is communication with them throughout the process. Mr. Doherty let her know that 1997 Master Plan document was not adopted by the Planning Board back in the day but that several components have been implemented; Ms. Ratte said she had forgotten that as it was right when she started working there. Ms. Boyd asked if it made sense that specific elements get adopted that are already finished and Ms. Ratte said that was a great idea and that approach could be used. Resident Roz Terry said that since the master plan was not adopted back in the day they could go back and tweak what was done and then continue to move forward. Another resident asked that when the plan was finished, could it go to a Town meeting not the Planning Board and Mr. Doherty said he thought it could but he was not sure of the steps. Ms. Ratte said that according to Massachusetts General Law, the plan is adopted by the Planning Board. Scott Lamon asked if anyone in the room had been there during the 1997 Master Plan and could shed light on why it didn't work. Mr. Phelps said that if you look back at the meetings that went on during that process Terry Mish was around and he is currently on the Finance Committee. Sage Fury of 91 Granville Rd. asked if it would be possible to have the residents weigh in on the progress when the committee was ¼ or halfway through the process and Mr. Doherty said the survey would help but also the meetings are open to the public so they can weigh in. Ms. Robinson and Ms. Ratte elaborated more details on how other towns have done this in the past but agreed with the residents that it is important to have this. Resident Maryssa Cook-Obregon of 126 South Loomis St. asked if towns have ever taken longer to deliberate on their plan and what contingencies are taken for that and Ms. Robinson said that there is contingency built into the estimated two year time frame but as this is a community led effort and they need to agree on the timeframe. Ms. Ratte said they have a Citizen Planner Training Collaborative in Mass.(CPTC) and they have a website that holds classes for citizen planners. Another resident asked if there were any documents they could share that showed guidelines for amenities the town should expect for a given size like pharmacies, grocery stores, daycares, parks, etc. to see where we might be deficient and where there might be opportunities to encourage growth. Ms. Ratte said she is not aware of any documents that they offer as a standalone but it's often something the community asks them when they are in the course of the master plan and they find those examples in the moment of working on it. Mrs. Thornton asked if they could share some examples of the survey so they could get that out before the holidays and Ms. Robinson said yes they do but it would be great to sit down with the master plan committee so they could tailor it, if they decide to work with them. Mr. Fury asked if anyone has ever utilized resources surrounding

towns have so that we would know if we need to provide those things or not, such as banks, groceries stores, etc, and Ms. Ratte said although she hadn't worked on anything like that, it was a great idea but most towns just talk amongst themselves about what they need and what other towns have that they don't need.

8:00 p.m. The Greens of Southwick –West subdivision (land f/k/a 739, 767 & 771 College Hwy)
Continued Public Hearing

Mr. Doherty explained the hearing process to the people attending the meeting specifically the abutters list which is sent to anyone living within a certain perimeter of the property site. An error occurred because this subdivision is not completed and the road is not accepted so it did not pull all of the names of the individual owners who have purchased property in the subdivision to date. He said the glitch would be resolved going forward but because this was not done properly they are going to continue the hearing to November 9, 2021 at 7:10 p.m. so that proper notice can go out.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for The Greens of Southwick-West subdivision to November, 9 2021 at 7:10 p.m.

Roll call vote:

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

The motion passed by majority vote.

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| 8:30 p.m. | 42 Depot Street | Special Permit, Site Plan Approval, Wellhead Protection District Special Permit, and Earth Excavation Special Permit Continued Public Hearing |
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Mr. Phelps recused himself as he is an abutter. Mr. Doherty said the Conservation Committee had this on their agenda the night before but they did not have a quorum so they had to cancel. New plans were submitted for the Board to look over and shared on the screen by John Tomaszewski of R Levesque Associates, Inc. on behalf of the applicant. He said that just prior to the last meeting, they had submitted a number of revisions to Randy Brown, DPW Director and he had responded to them with some changes and after going back and forth. Mr. Goddard said he did not have a written response from Mr. Brown regarding the plan changes. Mr. Doherty asked if the area in the middle was the only designated open space and Mr. Tomaszewski said yes, it was an active recreation space solely contained within the access drive loop. Dottie Bujnevici at 20 Rails End Rd. asked if the site location was moving closer to the bike trail and Mr. Doherty said he did not believe so; Mr. Tomaszewski showed her the property line and where plantings would take place. Guy Barbieri observed the acreages of open versus

wooded land that were to be cleared under this project. Paul Petit of 11 Rails End Road asked if the Planning Board would control whether or not the property would be managed as a condominium or apartment complex; Mr. Doherty said it is condos according to the application and Mr. Goddard read the bylaw for usage within that zone and clarified the use of the word “apartment” in the zoning bylaw. Mr. Doherty also reminded the audience that if you own your house you can rent it out to address the concerns about this site having rentals. Ms. Bujnevici asked if there had been a traffic study submitted; Mr. Doherty said there had been one done in this area in 2014 and that data has already been submitted to the Board. Ms. Bujnevici asked why one hadn’t been done currently to account for the number of vehicles that would be coming and going with this new development. Mr. Doherty told her that this had been talked about already at a number of previous meetings and what the traffic is going to add is not going to contribute in a significant way to a the number of trips that are going in that specific area. William Malone, the property owner at 42 Depot Street, said that he lives on Depot Street and not all of the cars will be coming out of there at once, the most he has seen it backed up is a few cars. Mr. Petit clarified that, to the Board, the condominium or apartment scenario did not concern the Board; Mr. Doherty noted that one of the concerns surrounding school impacts was negligible at the adjacent development as a comparison tool. Diane Gale shared that her exchange with the developer utilized the term “condominium.” Sage Fury observed that some of the questions might be answered through the developer looking at the demographics. Cindy Marshall of Coes Hill Road shared her thoughts that the proposed units were not comparable to Depot Square and would be entry-level for younger couples. Mr. Doherty concluded by observing that the Board needs to get additional information back from Conservation before moving any further so it was best to continue the hearing.

A **MOTION** was made by Mrs. Thornton and **SECONDED** by Mr. Utzinger to continue the public hearing for 42 Depot St. to November, 9 2021 at 7:45 p.m.

Roll call vote:

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| Mr. Doherty, yes | Mr. Utzinger, yes | Mr. Sutton, yes | Mr. Spina, yes |
| Mrs. Thornton, yes | | | |

The motion passed by majority vote.

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| 8:40 p.m. | 141 Congamond Road | Informal Discussion |
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Ryan Nelson from R Levesque Associates, Inc. attended the meeting as a representative of the owner Mr. Kenneth Eggleston. The property is the former Crabby Joes site and the owner would like to utilize the restaurant and put in a marina. Mr. Nelson shared the screen to show the future plans of the site. The plan showed the proposed parking lot which provides 78 spaces for parking, including employee parking. Mr. Goddard said he did speak with Randy Brown, DPW Director, and they discussed the existing parking that lies within the public right of way. Mr. Eggleston, the owner, said that area has been used for 40 years for parking and there was never any issue with it. Mr. Goddard responded that the history of use brings up a valid point but those parking spots belong to the Town and the need to carefully review how those spaces might relate

to the total required under zoning for the proposed uses. Mr. Eggleston also asked about the sprinkler system and what dictates the size needed and was told it depended on size and use from a few different people present at the meeting – but ultimately was not the jurisdiction of the Planning Board. Mr. Doherty returned to the parking discussion and there was further conversation on the amount of parking spaces needed including employees. Mr. Doherty asked how many spots there were outside of the right-of-way and Mr. Eggleston said there were 67. Mr. Phelps said they still needed to know how many spaces he would need for the marina portion. Mr. Doherty said that as far as he reads the bylaws, he thinks it's worth reaching out to the places that have this type of business to understand what is necessary for a marina and use that as a guide. Mr. Eggleston said he has done extensive research on the Southwick laws and he can't find any wording that states that there needs to be any parking for a marina. Mr. Doherty said he would consider a marina to be outdoor recreation and the number of spaces to be required is determined by the Planning Board but as it stands more research is needed to be able to go further.

8:45 p.m.

Routine Business

Master Plan Committee – Discussion

Mr. Doherty said he would be part of the committee as an *ex officio* member but not as the Chair. He would also like to suggest adding a resident spot to include Maryssa Cook-Obregon since she is no longer in as an Agricultural Commission representative. Mr. Phelps said he could be the *ex officio* member and give up his spot on the committee if it was needed but Mr. Doherty said it was not necessary. Mrs. Thornton said she was in full support of the addition of Ms. Cook-Obregon. There was further discussion of representative members of each committee for the Master Plan Committee. Mr. Doherty asked the Planning Board members if they wanted a designee or just any person from each committee to come to meetings and Mr. Spina said it was best to have one designee as they would have to catch up each person per meeting if they were different each time.

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 9:34 p.m. The motion passed unanimously.

The Next Scheduled Meeting is October 19th, 2021.

Respectfully submitted,

Meghan Lightcap
Planning Board Administrative Assistant

/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.