



Town of Southwick **Planning Board** MINUTES



Tuesday, November 23, 2021

7:00 PM (recorded)

Town Hall Land Use Hearing Room with online participation via Zoom

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
Meghan Lightcap, Secretary

ABSENT:

Also attending the meeting were approximately ten members of the public and several people via Zoom.

The “hybrid” meeting of the Planning Board was scheduled for participation in-person and via Zoom to take place at the Town Hall Land Use Hearing Room and was called to order at 7:04 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone else was recording the meeting.

PLANNER’S REPORT: 7:00 p.m.

1. Mr. Goddard provided an update for an anticipated solar array to be located off of Hudson Drive, where the prospective applicant has scheduled a conference call with the solar team, the landowner, and the landowner’s land use consultant.
2. Mr. Goddard noted that Mr. Bill Fontaine and Mr. Christopher Lalli of Calyx and Pistils, Inc., the project proponent for a proposed cannabis cultivation and processing facility at 74 College Highway, had reached out to his office to review the status of the Planning

Board special permit and variance issued by the Board of Appeals. Mr. Goddard noted that the Special Permit and Site Plan Approval were not set to lapse until July of 2022 and that the Variance was reportedly lapsed per the Board of Appeals chair.

3. Mr. Goddard reported to the Board that a group had approached him regarding the use of 771 College Highway (Business Restricted zone) for cultivation and processing of cannabis as a Registered Recreation Marijuana Facility; Mr. Goddard responded to the group that the use was not allowed in that zoning district.
4. Mr. Goddard followed up on a public comment at the last meeting from Mr. Andrew Reardon, where Mr. Reardon indicated that he would be seeking to amend the existing Special Permit in place for the Additional Attic self-storage facility. Mr. Goddard will be collaborating with Mr. Reardon to review decisions at the subject property and at sites identified by Mr. Reardon.
5. Mr. Goddard met with Kenneth Eggleston regarding the proposed redevelopment of 141 Congamond Road and the related parking calculations under Zoning. Mr. Eggleston has requested to appear informally at the December 7th, 2021 Planning Board meeting if an earlier discussion appointment cannot be made.
6. Mr. Goddard indicated that a Request for Information had been submitted to the Town Clerk's office by Jennifer Nolasco regarding any bylaw(s) or regulation that would govern the rental or lease of berths/slips at marinas.

PUBLIC COMMENTS: 7:05 p.m.

[None]

APPOINTMENTS:

	Estate Lot Special Permit, Stormwater Management Permit & Site Plan Approval <i>Continued Public Hearing</i>
7:10 p.m.	125 Sheep Pasture Road

Jay Geerkin of 36 Miller Road, the applicant, came before the Board to answer any questions. Mr. Goddard said that Conservation had moved to close their public hearing and issued an Order of Conditions for the project, as questions had been satisfied.

A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Phelps to close the public hearing for Estate Lot Special Permit Site Plan Approval, and Stormwater Management Permit for 125 Sheep Pasture Road.

The motion passed unanimously.

7:20 p.m. 159 Berkshire Ave.

Stormwater Management Permit
Continued Public Hearing

Mr. Goddard said he had received revised calculations in response to the joint review letter that Mr. Goddard and Mr. Randal Brown, the DPW Director, had issued for the project. The new calculations and figures will need to be reviewed and discussed with Mr. Derrick Hale, P.E., the applicant's representative. This hearing will need to be continued to the Planning Board meeting scheduled for December 7, 2021.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 159 Berkshire Ave. Stormwater Management Permit to Tuesday December 7, 2021 at 7:25 p.m.

The motion passed unanimously.

7:30 p.m. 42 Depot Street

Special Permit, Site Plan Approval,
Earth Excavation Special Permit,
Wellhead Protection District Special Permit
and Stormwater Mgmnt. Permit Application
Continued Public Hearing

Mr. Goddard read an email to the Board from R. Levesque and Associates requesting to continue the hearing as they were waiting on information back from Conservation.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mrs. Thornton to continue the public hearing for 42 Depot Street Special Permit to Tuesday December 7, 2021 at 7:45 p.m.

The motion passed unanimously with Mr. Phelps recusing himself.

Bylaw Discussion

There was a brief discussion about bylaw changes including the Wireless Communications District and Mr. Phelps said that Springfield is being wired for 5G, so they may have something in their regulations that could help us with changing our bylaw. The installation uses small transmitters that would receive a signal from a cell tower. Mr. Phelps said that seems to be the wave of the future and we should add something about it to our bylaw.

Mr. Utzinger said he would be contacting everyone about the short-term rental subcommittee and schedule a time to meet. Mr. Spina recommended looking into the Town of Suffield to see if they have any bylaws on this as well. Mr. Spina said we might learn something about parking lot spaces and boat slip uses as well as it pertains to waterfront businesses. Mr. Doherty said he wanted to look at that as well as it has not been addressed in the 7 years that he has been on the

Board. He also wondered if the trailer bylaw needed to be updated as well and a few Board members agreed that a mobile food establishment trailer should be considered within the bylaw. Mr. Sutton asked if these current bylaws being discussed could be printed out at next meeting so they could look them over.

Mr. Doherty mentioned having something on our website that gives an overview of the process that the Planning Board uses and gives an explanation of what they do as well as the public hearing process.

Mr. Phelps mentioned taking out the Phased Growth Bylaw as well as it expired and Attorney Mark Beglane recommended it be removed.

Mr. Doherty recommended looking at the Open space and Recreation bylaw for subdivisions.

	Request to Release Lot 16 from Covenant in lieu of Bond	
7:45 p.m.	Noble Steed Crossing	<i>Discussion</i>

Mr. Goddard provided a recap of the developer's request and feedback received from the DPW Director, including the estimate of remaining work to be completed versus the value of the lots held by the covenant in lieu of bond, as well as questions posed to the developer on the schedule for upcoming roadway and stream crossing work. Mr. Goddard also shared that the Conservation Commission had issued an enforcement order related to siltation of a resource area. Mr. Doherty said that there is no reason to release the lot until supporting information is received and that the request could be added under Routine Business on an upcoming agenda. It was decided to post this item on the December 7, 2021 agenda and reach out to the developer if no further information is received by that date.

REVIEW OF MINUTES:

- The July 20, 2021 Planning Board minutes were signed by the Board.

	Modif. To a Special Permit, Definitive Plan Approval and Site Plan Approval	
8:00 p.m.	The Greens of Southwick-West Subdivision	<i>Decision</i>

The Board discussed changes to the draft decision Mr. Goddard had submitted to them, including language related to the spacing and location of boulders to delineate a portion of the open space access easement at Lot 7.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to grant the modifications to the Definitive Plan Approval.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Sutton to grant the modifications of the Special Permit and Site Plan Approval.

The motion passed unanimously.

8:15 p.m. Draft Citizen Petition for Major Development Moratorium *Discussion*

Mr. Doherty said that the Board should decide if this moratorium would apply to commercial projects versus a residential subdivision because if a large application comes in and it's zoned correctly, it would be difficult to deny it and envision what the grounds might be. There was discussion on the current water moratorium on developments unless they put in a well, with the exception of apartments and condominiums that require public water connection. Resident Diane Gale suggested adding an increased scope of reviews for larger projects. Mr. Phelps noted that current bylaws allow the Town to engage a Consultant for traffic issues. Mr. Utzinger asked about potential impacts to current projects and Ms. Gale said it wouldn't apply to them. Mr. Doherty recommended that the Board, if it chooses to advance this matter, would likely be assembling a more carefully worded document rather than a citizen petition for a bylaw revision at the Annual Town Meeting. Mr. Phelps recommended the Board look at a ruling on a moratorium in the Town of Saugus, Massachusetts from 2019. Mr. Moglin weighed in and agreed that it was better that the Board continues discussion on this matter. The Board agreed to move it to Routine Business.

8:30 p.m. Routine Business

- Mr. Phelps updated the Board on the Master Plan meeting and that they had elected a Chair, Mr. Phelps and Vice Chair, Jessica Whitmore Parker. The next meeting is December 16, 2021 and they voted on having Pioneer Valley Planning Commission (PVPC) as a Consultant for the Phase 1 and the Housing Plan and would be meeting with them.
- Mr. Utzinger was going to contact the volunteers for the Short-Term Rental Subcommittee and figure out a time to meet.
- A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Phelps to approve the meeting minutes for September 21, 2021.

The motion passed unanimously.

Being no further business to be brought before the board, a **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to close the meeting at 9:06 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is December 7th, 2021.

Respectfully submitted,

Meghan Lightcap
Secretary Planning Board

/s/ Michael Doherty
Michael Doherty, Chair

/s/ Marcus Phelps
 Marcus Phelps, Vice Chair

/s/ *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.

