



Town of Southwick Planning Board MINUTES



**Tuesday, March 15, 2022
7:00 PM (recorded)
Town Hall Land Use Hearing Room**

Written Minutes

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

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

ABSENT:

Also attending the meeting were approximately 4 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 7:00 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone else was recording the meeting.

TOWN PLANNER’S REPORT: 7:00 p.m.

- 1.) Mr. Goddard reported that the operator of the A to Z used automobile sales lot, south of Sunny’s Convenience on College Highway, reached out to discuss a potential expansion of the used automobile capacity. Mr. Goddard reported that he will be meeting with the business owner.

- 2.) Mr. Goddard spoke with an individual regarding a 32-acre parcel off of Meadow Lane and its current buildability. Mr. Goddard will be researching the matter further and coordinating with the person submitting the inquiry.
- 3.) Mr. Goddard met with Sergey Suprunchuk, owner of land at the end of Coyote Glen that is the open space under an existing Flexible Residential Development Special Permit and its associated definitive subdivision plan. Mr. Suprunchuk acquired this parcel through a tax taking and subsequent auction, and is of the position that the process of acquisition has relieved the property of any encumbrance related to the subdivision decision and any associated [Conservation] restrictions. Mr. Goddard will be researching this matter and reviewing it with Town personnel/counsel.

PUBLIC COMMENTS: 7:05 p.m.

Amy Stack of 36 Lexington Lane spoke about the Verizon cell tower litigation case against the Town of Southwick. She told the Board that the citizens have retained attorney Anthony Campanelli and were supportive of the Town Attorney utilizing him for any support he may need in the case.

APPOINTMENTS:

7:10 p.m. Wireless Communications Services District – Bylaw Revision

Continued Public Hearing

David Maxson of Isotrope, LLC provided his wireless district bylaw markup to the Planning Board and Mr. Doherty read it to the board members for discussion. Mr. Maxson said that the first thing he did was re-frame the wireless bylaw looking for language that was wireless communication facility oriented. He said he also worked on definitions that the FCC relates to and re-organized some of the content so that similar items were grouped together. He said he also added two new things; small wireless facilities and an eligible facilities request which gives carriers some rights to expand and he has added language on how to treat that request and the process. There was discussion about locations of towers and the process by which the Board could deny proposals. Mr. Phelps and Mrs. Thornton both agreed that the direction should move away from the wireless district overlay map and move toward the performance-based system. Mr. Spina said he agreed the overlay map could be expanded but believes we need to make sure the information is super accurate on the performance-based system. Mr. Maxson said they could keep the overlay district in and just add an escape clause that says when we made the overlay map decades ago, we thought these were good locations. He also said that if an applicant could demonstrate that the overlay district doesn't work, they could ask the Board for a waiver and that would give them an opportunity to look at a proposal outside of the overlay district. If the Board is not comfortable doing that then you should probably erase the overlay district.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for the Wireless Communications Services District - Bylaw Revision to March 22, 2022 at 8:00 p.m.

The motion passed unanimously.

7:30 p.m. 159 Berkshire Avenue *Stormwater Management Permit
Continued Public Hearing*

Mr. Goddard described a call he had with Mr. Derrick Hale, P.E., where they discussed necessary revisions to the project. Mr. Hale emailed Mr. Goddard requesting a continuance for the hearing.

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 March 29, 2022 at 7:10 p.m.

The motion passed unanimously.

7:45 p.m. 141 Congamond Road *Special Permit Amendment & Site Plan Approval
Continued Public Hearing*

Mr. Doherty read DPW Director Randy Brown’s comments for the record, on the latest plan revision. Mr. Doherty noted the receipt of a third letter from the Lakes Management Committee, observed that it had been distributed to Planning Board members, and noted that it would be part of the record but did not read aloud owing to its length and repetitive nature. The Board discussed the written decision and made necessary changes to it. Mr. Eggleston said that the concrete barrier may be less than two feet wide. Mr. Doherty said he needed to make sure it could structurally withstand snow plowing. The Board closed the hearing and then verbally discussed the written decision.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for 141 Congamond Rd.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to grant the Site Plan Approval and Special Permit Modification subject to the terms and conditions contained in the written decision for 141 Congamond Rd.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to accept the written decision for 141 Congamond Rd as modified on March 15, 2022.

The motion passed unanimously.

Routine Business

- Master Plan Advisory Committee update: Mr. Phelps said they are meeting March 17, 2022.
- Short-Term Rental Subcommittee: Mr. Utzinger said they are meeting next month.
- Appoint a Short-Term Rental Subcommittee Resident Member: Mr. Doherty noted that the applicants for the role included Jacqueline Senez and Diane Gale.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Phelps to nominate Jacqueline Senez as a Resident Representative to the Short-Term Rental Subcommittee.

The motion passed unanimously.

- Hudson Drive Solar Facility – Decision: Mr. Goddard said that at the last meeting the Planning Board incorporated a waiver from the requirements of Chapter 185, Section 23.2(H)(3) for a landscaped buffer strip – but the Board did not vote on the matter.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the waiver requirements under Chapter 185, Section 23.2(H)(3).

The motion passed unanimously.

- Major Development Review Bylaw: Mr. Doherty said he is working on a revised draft, will distribute the document, and will meet with Ms. Gale for her input prior to the next meeting.

Being no further business to be brought before the board, a **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Phelps to close the meeting at 10:45 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is March 22nd, 2022.

Respectfully submitted,

Meghan Lightcap
Secretary Planning Board

Michael Doherty, Chair

Marcus Phelps, Vice Chair

Richard Utzinger

David Sutton

David Spina

Jessica Thornton, Associate