



# *Town of Southwick*

## **Planning Board**

### **MINUTES**



**Tuesday, March 22, 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](http://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

**ABSENT:** Meghan Lightcap, Secretary

Also attending the meeting were approximately 11 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.

#### **PLANNER’S REPORT: 7:00 p.m.**

1. On Thursday, March 17, 2022, Mr. Goddard participated in an online meeting with the representatives from the Town, INDUS Realty as the Owners of 686 College Highway, and the Blue Rhino corporation related to a contemplated propane cylinder reconditioning and refill facility to be located at the parcel on the southeasterly corner of Tannery Road and College Highway. Mr. Goddard noted that the proposed operation

would occupy roughly 25 acres and that the group was contemplating splitting off land fronting along College Highway and potentially preserving the remaining unoccupied land.

2. Mr. Goddard shared that a Conservation Restriction was in-place at the Suprunchuk parcel off the end of Coyote Glen as a follow-up to the discussion regarding his proposed residential construction at that property. It appears that further research will be undertaken but that there was no evident opportunity to construct at the property under the existing approvals and restrictions.
3. Mr. Goddard met with Ed Gaunt and Edwin Benton regarding a proposed used car sales facility to be located at 445 College Highway. Mr. Goddard shared that the site lies within the Business Restricted zone, would require a stamped site plan, and would include three (3) businesses operating at the site – necessitating an allocation of space for off-street, display, and business storage.
4. Mr. Goddard shared that the Select Board had referred a previous discussion regarding large truck parking and engine brake usage in town to the Master Plan Advisory Committee.
5. Mr. Goddard noted that a recent decision on an Estate Lot application by Meghan and Devon Arnold at 113 Mort Vining Road contained an erroneous reference to a previous owner. Although Mr. Goddard considered this to be a clerical error and not material to the Decision itself, it was requested that this point be raised at this meeting to memorialize the matter for the record. Mr. Doherty agreed with Mr. Goddard's position.
6. Mr. Goddard noted that the Planning Board was in receipt of correspondence from the Lake Management Committee regarding a decision issued at the previous meeting (March 15, 2022) for 141 Congamond Road and requesting that the Planning Board reconsider its decision. Mr. Doherty acknowledged that the Planning Board members had received copies of the correspondence and would entertain input from Dick Grannells as the Lake Management Committee chair under Public Comments.

#### **PUBLIC COMMENTS: 7:05p.m.**

Richard Grannells, the Chair of the Lake Management Committee, referred the Board to the email that the LMC had sent to the Planning Board on March 18, 2022. In the email several issues were brought up that the committee felt were not resolved properly when the Planning Board granted the Special Permit. Mr. Grannells shared the example of the proposed docks extending out into the navigation lane, and although it's not a Planning Board issue, the Lake Management Committee did not get to see the February 28 plan that depicted changes, and those changes raised additional questions that are still unresolved. Mr. Grannells said there is also an issue with parking on Town land, within the permit, and there is no process that says that the applicant has to get permission and he feels that has to get investigated. He said they have no issue with the restaurant but the dock needs to be 75 feet in length so they can stay out of the navigation lanes. They would like the Permit to be changed to approve a restaurant with shorter docks only for transient watercraft but no marina spots and let the owner come back once they have resolved the parking issue at Congamond Road to obtain a modification once more research can be conducted. Mr. Doherty asked him what research he wanted to see happen and Mr. Grannells said what's needed to approve private parking within a public way, where it can be

located, etc. and what can be legally done. He asked if it has to go to Town voters and Mr. Doherty said that if the owner can't get the legal right to park there then he can't open a marina, which would seem to solve Mr. Grannells dilemma. Mr. Grannells said it would be easier to have that not stated in the permit so that the owner thinks he can do this.

Mr. Goddard said that the plans Mr. Grannells was referring to came in around 5:00 pm on March 1 from Ryan Nelson at R. Levesque Associates, Inc. – the same day as the continued public hearing. Mr. Grannells said it was not re-distributed so they did not get to see any changes and asked how they would know what they were. Mr. Doherty told him he could get that information by attending a meeting in-person or via Zoom and Mr. Grannells said they were supposed to be out in advance before the meeting. Mr. Doherty said that if the plans came out just before the meeting started that could be impossible but that information would be available at any point after the meeting, as the hearing was continued to March 15<sup>th</sup>.

Mr. Doherty also said that there were no significant changes made to those plans and the biggest one was moving the parking spaces two feet back to get them out of the right-of-way on Beach Road. Mr. Grannells said that raises issues as well like snow plowing and where the snow is pushed to. Mr. Doherty told him that the changes made to the plans on March 1<sup>st</sup> moved the planter away from Beach Road, which remedied the snow removal issue.

Mr. Grannells said it still appears rushed without identifying all of the issues by his committee and Randy Brown. Mr. Doherty asked him if he thinks they didn't consider those issues and Mr. Grannells said no, but he feels it gives the applicant false hope and he could have already bought the docks. Mr. Doherty said if Mr. Grannells had attended the hearings he would know that they never once gave the applicant an idea that this was going to go through. Mr. Doherty said his understanding is that the reason the applicant came to the Planning Board first was because having a "Use" right was a pre-requisite to having the Chapter 91 application. Mr. Doherty feels it was pretty clear to the applicant of the obstacles they face with regard to the Chapter 91 license with respect to the parking issues and also to get a legal right to use those parking spots that are in the right-of-way. Dr. Eric Mueller, Vice-Chairman of the Lake Management committee, said that he had read one of the issues DPW had with the Town right-of-way was that if the Town needs to use that the owner will lose those spaces and people will park on public roads and across the street, he said its foreseeable in the future and then the owner is out of luck or creating a problem if they don't have the parking. Mr. Doherty said if the Town decides to take those spots, then the applicant can't have a marina and the Building Inspector will enforce that. Mr. Grannells said in talking with Mass DOT right-of-way people, the liability issue is the Town's if something happens on that piece of property. Mr. Doherty said that if that's accurate then that's a great reason for the Town to not grant the easement.

Mr. Doherty said he had just obtained guidance from Town Counsel right before the meeting and he was unclear if a motion for re-consideration needed to be taken tonight, which is the next meeting, or if it can be taken at the meeting after that and it's a practical issue for the appeal period. He said he was happy to do that and meet with them this week or he could open it up for a re-consideration with the Board right now. Mr. Doherty read the email from Mark Beglane.

Dr. Mueller asked him if his preference would be to give a little more time to collect information and get a fuller perspective and then cast a vote at the next meeting versus doing it now where there may still be open questions and Mr. Doherty said no, he personally had no open questions but he was happy to sit down with them both to fully discuss the opinion and the way it's going to play out but he doesn't know if that can be realistically done and he doesn't want to prejudice their rights. Mr. Phelps said a motion to reconsider has to be made at this meeting and that is what he has seen in his history as Town Planner.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Sutton to re-consider the Written Decision for the Special Permit and Site Plan Review for 141 Congamond Rd.

**Roll Call Vote:**

Mr. Doherty, no      Mr. Phelps, no      Mr. Utzinger, no  
Mr. Sutton, yes      Mr. Spina, no

The motion was denied by majority vote.

Other Public Comments:

Michael McMahon of Economic Development said he doesn't know what the bylaw is about at the public hearing tonight and Mr. Doherty said he is happy to get him a copy that they are working on and it will be up on the screen as they go over it. The matter won't be voted on until March 29<sup>th</sup>.

Cindy Marshall of 45 Coes Hill Rd. asked if this bylaw was going to be published with the newspapers which she feels it should have been before tonight and Mr. Doherty said he has no control over what the papers publish other than the legal advertisement that provides notice of the public hearing.

**APPOINTMENTS:**

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7:15 p.m.	Proposed Major Development Review Bylaw	<i>Public Hearing</i>
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Mr. Doherty read the Notice of Public Hearing and shared the screen to show the Major development review document that Ms. Diane Gale wrote that the Board had been meeting with her and working on. He gave a brief review of how this proposed bylaw had come to fruition for those that may not have been following along for the last several months. He said the current document utilizes comments from members of the Planning Board as well as Ms. Gale. This bylaw is intended to apply to special permit applications, not subdivision applications, which are covered under Chapter 315 town bylaws but it would cover the various condos on Depot St. Mr. Doherty read through the document with the Board to discuss the framework. Mr. Phelps said he understood originally that this would apply to business zones and as it is written it applies to all zones and there may be projects in other zones that would trip this, such as large greenhouses. Mr. Doherty said it was probably worth looking at something of this size, even a greenhouse, and

Mr. Phelps said he agreed. The Board continued discussing the changes they felt may be needed on the document. Dr. James Wang thanked the Board for their efforts and asked if the caps were bad and Mr. Doherty said that at a minimum, the discussion of caps is probably better placed with the Master Plan Advisory Committee than with the Planning Board because it's a hard cap and it defines Southwick as to what you want it to look like which is a Master Plan and visioning idea. Mr. Spina said he appreciates the comment and purpose of the caps but he believes the language is in the bylaws as pertaining to size, scope, and character. Cynthia Marshall of 45 Coes Hill Road shared her thoughts on caps and developable areas, noting that she did not want Southwick to look like West Springfield. Mr. Spina said he does not want the town to look like a heavily business-congested town like West Springfield either. Dorrie Boyd of 44 Bugbee Road asked, as it pertains to the caps, doesn't the Comprehensive Impact Study handbook, give you what you need to say "no" instead of caps? Mrs. Thornton said that failure to meet those requirements would prevent someone from applying. Maryssa Cook-Obregon of 126 South Loomis Road asked what the Town could use for the interim period between now and when the Master Plan process concludes that would address a sizeable project such as the Carvana project from last summer. Mrs. Thornton said that this bylaw would address that very concern. Mr. Doherty said that he didn't want there to be confusion as he feels there is fair criticism about how the process was structured over the summer and so he is trying to be a fair proponent for this proposed bylaw. He observed that during the Carvana project, there were problems in the sequence and manner in which information was presented, and noted that this bylaw proposal is designed to front-load information so that everyone gets as much information before the hearing opens. Mr. Doherty noted that at some point, the public needs to rely on their elected officials to make the proper decision. Cindy Lamaroueux of 132 Granville Rd. said she felt some components of this bylaw are critical and the Planning Board was going in the wrong direction last summer. Mr. Doherty said not one single person in this town knew how he was going to vote on that decision; Mr. Sutton noted that the Board did not even have the opportunity to deliberate. Diane Gale of 5 Point Grove Rd said that to the point of the traffic issue, a Comprehensive Impact Study covers those concerns. Mr. Doherty said he would circulate a revised draft to the Board, and Town Counsel, and also put a copy on the Town webpage.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for the proposed Major Development Review bylaw to March 29, 2022 at 7:15 p.m.

The motion passed unanimously.

The Board reviewed copies of the revised bylaw that the consultant, Mr. David Maxson of Isotrope, LLC, had provided and discussed them. Mr. Maxson said that there is a section in the draft bylaw that addresses small wireless facilities that the Board of Selectmen and the Planning Board could rely on. Mr. Doherty said they would go through this and discuss it with the town counsel and vote on it at the next town meeting.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for Wireless Communications Services District-Proposed Bylaw Revision to March 29, 2022 at 8:00 p.m.

The motion passed unanimously.

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#### Routine Business

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- Master Plan Advisory Committee update: Mr. Phelps said they are working on the community survey and will have a draft at next meeting on April, 7.
- Short-Term Rental Subcommittee. Mr. Utzinger said they are meeting April 12 at 6:00 p.m.
- Minutes Approval 1 /4 & 1/18

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to approve the meeting minutes of January 4, 2022 and January 18, 2022.

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 9:52 p.m.

The motion passed unanimously.

*The Next Scheduled Meeting is March 29th, 2022.*

Respectfully submitted,

Meghan Lightcap  
Secretary Planning Board

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Michael Doherty, Chair

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Marcus Phelps, Vice Chair

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Richard Utzinger

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David Sutton

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David Spina

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Jessica Thornton, Associate