



# *Town of Southwick*

## **Planning Board**

### MINUTES



**Tuesday, November 28, 2023**  
**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  
David Spina, Vice Chair  
Richard Utzinger  
David Sutton  
Jessica Thornton

**ABSENT:** None

**TOWN STAFF:** Jon Goddard, Town Planner  
Meghan Lightcap, Secretary

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* 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.**

Mr. Goddard shared information with members of the Board that certain provisions that reserved space, at no cost, for public safety telecommunications equipment as cited in the prior zoning bylaw for wireless telecommunications facilities and in Special Permit decisions for approved facilities under that bylaw had been determined to be unenforceable. Town Counsel will be providing case law so that any necessary amendment to the current Wireless Telecommunications Facilities bylaw can be discussed in the Spring.

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

Andy Felix of South Longyard asked if the Board had changed the cell tower bylaws to make other areas in the town available for cell towers since the hearing on a cell tower in the Deer Run neighborhood. Mr. Doherty said they already changed it and the new bylaw allows for a case by case basis in all districts in town.

**APPOINTMENTS:**

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7:10 p.m. 662 A College Highway (Map 65, Parcel 26 - Industrial Restricted Zone) –  
Proposed Self-Storage Facility: Special Permit, Site Plan Approval, and Stormwater  
Management Permit –  
*Continued Public Hearing*

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Mr. Goddard said he received a continuance request from the applicant.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 662 A College Highway to January 9, 2024 at 7:10 pm.

The motion passed unanimously.

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7:15 p.m. 250 College Highway (Map 133, Parcel 14 – Residential 40 Zone) Proposed  
Renovation/Reconstruction of a Preexisting Nonconforming Multifamily  
Dwelling: Special Permit & Site Plan Approval Application – *Public*  
*Hearing*

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Mr. Doherty read the Notice of Public Hearing into record. Rob Levesque of R Levesque Associates, Inc. attended the meeting on behalf of the applicant. He explained that the house is a pre-existing, non-conforming structure that currently has 4 units and they will maintain the existing front of the building with access points off the sides. They will stay within the footprint of the existing space while making no visual impact. They want to give the units two parking spaces each so they have created a parking area schematic that will need stormwater runoff accommodations.

Mr. Sutton asked Mr. Levesque if they are just refinishing the interior of the units and leaving the exterior and he said that is the goal. Mr. Utzinger asked him the square footage and he said it's between 1200 and 1400 feet. Mr. Doherty said he did read comments from the DPW Director who was concerned that there had not been water turned on there since 2019. He read Safety Officer Paul Miles' email and he had no objection from a traffic standpoint. The Fire Chief had no concerns for the project.

Mr. Levesque said he anticipates going before the Zoning Board of Appeals due to the fact that there is a \$9 electric bill that does support an argument that the nonconforming use has been continuous and asked the Board if they have any other objections to the project. Mrs. Thornton said she likes adding the adequate parking for the units and asked if there is buffering between

the property and adjacent land. Mr. Levesque said there is scrubby vegetation but he recommended that they add screening there.

Mr. Doherty asked what his path forward is if it doesn't get a variance and Mr. Levesque said that will be a challenge.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to continue the public hearing for 250 College Highway to January 9, 2024 at 7:15 pm.

The motion passed unanimously.

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## Discussion

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- Potential Future Expansion of the Sodom Mountain Campground, 233 So. Loomis Street & Legal Opinion Letter - Rob Levesque of R Levesque Associates, Inc. attended the meeting along with Samuel Morton of Sun Build who represents the developer. Mr. Levesque described the current campgrounds and said the owner wants to expand them; he then presented an opinion letter to the Board from Attorney Michael Pill that explores the prohibition against growth for preexisting nonconforming uses and structures. He said the zoning is R-40 for the front portion and turns to AC in the back. Campgrounds are allowed in the R-40 but not in the AC district so they run into zoning issues. Mr. Morton said his company is a project management firm and they represent the group that owns 4 campgrounds including Sodom Mountain. He said the campground is in disrepair and they need to fix the issues and then enter a growth mode. Mr. Levesque said there is an area for expansion in the upper plateau area. He discussed some more ideas on how to proceed forward with this and said he would return in January once he had discussions with the Fire department and Town Counsel.

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## Routine Business

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- Written Decision and Vote: 520 College Highway-

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to grant the Special Permit and Site Plan Approval for 520 College Highway subject to the terms and conditions in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to accept this written decision for 520 College Highway.

The motion passed unanimously.

- Written Decision and Vote: 159 Berkshire Avenue –

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to grant a Stormwater Management Permit for 159 Berkshire Avenue subject to the terms and conditions in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Spina and **SECONDED** by Mr. Utzinger to accept this written decision for 159 Berkshire Avenue.

The motion passed unanimously.

- Planning Board Member Comments – None.
- Minutes Approval: November 7, 2023

A **MOTION** was made by Mrs. Thornton and **SECONDED** by Mr. Spina to approve the meeting minutes of November 7, 2023 with edits.

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 8:49 p.m.

The motion passed unanimously.

*The Next Scheduled Meeting is December 12, 2023.*

*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, as recorded at the Hampden County Registry of Deeds in Book 24401, Page 596.*

Michael Doherty, Chair	<u>/s/ Michael Doherty</u>
David Spina, Vice Chair	<u>/s/ David Spina</u>
Richard Utzinger	<u>/s/ Richard Utzinger</u>
David Sutton	<u>/s/ David Sutton</u>
Jessica Thornton	<u>/s/ Jessica Thornton</u>