



Commonwealth of Massachusetts  
***Town of Southwick***  
***Planning Board***

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**MEETING MINUTES**  
**Tuesday, October 23, 2018**

**MEMBERS IN ATTENDANCE:** Michael Doherty, Chair  
Marcus Phelps, Vice Chair  
David Spina  
Jessica Thornton, Associate  
Alan Slessler, Town Planner

**ABSENT:** David Sutton  
Richard Utzinger

The regularly scheduled meeting of the Planning Board was called to order at 7:00 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone in the audience was recording the meeting.

**PLANNER'S REPORT:** 7:00 P.M.

1. Met with Verizon Representatives to do a walk through on town open space south of Lexington Circle with access off Liberty Lane. Verizon is proposing to install a cell tower to increase service.
2. Continued talks with The Greens of Southwick on bonding requirements for filing.
3. Met with the Building Inspector for a field meeting at 40 Hudson Drive, the Operating Engineers, 662 O'Reilly's Auto Parts and 56 Sam West Road for illegal earth excavation and water runoff from the sites.
4. There was a brief discussion about the Sidewalk Fund with the Board.

**PUBLIC COMMENTS:** 7:05 p.m.  
There were no public comments.

**APPOINTMENTS:**

7:15 p.m.      27 Hudson Drive      Continuation Public Hearing

Mr. Doherty read a letter from the applicant for a Special Permit Application for Marijuana growing, production and wholesale facility on 27 Hudson Drive requesting a continuance until the Planning Board December meeting.

**A MOTION** was made by Mr. Spina and seconded by Mr. Phelps to continue the Public Hearing until December 11, 2018 at 7:15 p.m. The motion passed unanimously.

7:30 p.m.      34 Granville Road      Continuation of Public Hearing

The Public Hearing for 34 Granville Road Stormwater Management application is to be combined with discussion for the Estate Lot and Common Driveway application for 34 Granville Road

7:31 p.m.      34 Granville Road      Continued Public Hearing

Mr. Doherty appointed the Associate member, Jessica Thornton as a voting member on this project.

Mr. Lévesque represented the applicant Mr. Vitaliy Kostenko who was present for the discussion for the Stormwater Management Permit and the Special Permit Application for the Estate Lot and Common Driveway. Mr. Lévesque said they have filed a Special Permit for an Estate Lot and a Special Permit for a Common Driveway. He said they are both permitted in the zoning district. He said the Planning Board is the Authority to grant Special Permits for Stormwater. He said they are working closely with Mr. Brown, the DPW Director. He presented a revised site plan. He indicated the changes that were made. He said the water runoff will be contained within the driveway itself. He said the plan meets the requirements of the Town Engineer. He said he has a draft of the Home Owners Association. He said he added easements all the way to the road. He said that they will probably leave the gravel removed on site to save on costs.

Mr. Doherty read the following comments from other departments.

He read comment from the Police Department. **(SEE ATTACHMENT A)**

He read comment from the Department of Public Works. **(SEE ATTACHMENT B)**

He read comment from John Goddard of Lévesque Associates. **(SEE ATTACHMENT C)**

These are responses to some of the concerns expressed.

He read comment from the Department of Public Works. **(SEE ATTACHMENT D)**

The Board discussed some items that were part of the comments. The items were adjusted by Mr. Lévesque as required.

An abutter expressed concern about the property and additional water on her property. Mr. Lévesque explained the drainage system that would keep water off her property. They reviewed some of the plantings between the properties.

**A MOTION** was made by Mr. Phelps and seconded by Mr. Spina to close the Public Hearing for Granville Road application for a Stormwater Permit, Estate Lot and for a Common Driveway. The motion passed unanimously.

7:50 p.m.      801 College Highway      Site Plan Approval

Mr. Neal Patel and Mr. Soniel Patel presented a site plan for 801 College Highway. They needed approval in order to apply for a liquor license. They had seven parking spaces including one handicapped which is one more than required. Mr. Patel said they have been working at cleaning up the site and are ready to pour concrete. He said nothing else has changed. He said they replaced the tanks in the ground with new tanks. The Board wrote "revised site plan as of October 23, 2018" above the stamp for signing.

**A MOTION** was made by Mr. Phelps and seconded by Mr. Spina to approve the site plan as submitted for 801 College Highway. The motion passed unanimously.

**ROUTINE BUSSINESS:**

8:15 p.m.      Permit Conditions for Southwick Country Club-West      Discussion

Attorney Michael Agen and Mr. R. Lévesque represented the developers. B. Leduc, and Jason Fiore who were present for the discussion. Atty. Agen said he reviewed the Special Permit. He said the biggest concern is getting the development moving along. He said the requirement that a Home Owners Association must be formed. He said they have to apply to the State regarding the conservation restrictions. Mr. Lévesque said they would declare a restriction on the open space that is recorded. He said a Conservation Restriction that goes through the Executive Office of

Environmental Affairs is a lengthy process. He said the roadway is partially constructed to the point that they will be in a position to have base coat of pavement put down prior to the end of the season. He said at this point they would post a bond or put a covenant in place so as to start selling lots and the lots could apply for a Building Permit.

He said the Ranch Golf Club Subdivision, which was done several years ago, has the open space in a conservation restriction. He said Amber Leaf, which also was an open space subdivision, does not have an open space restriction. Noble Steed Subdivision has no specific Conservation Restriction. He said they have no problem restricting the property. They would prefer the Declaration of Restriction. Attorney Agen said it would expire after thirty years. Atty. Agen said some of the other Subdivisions had a Conservation Easement. He said it would take six or seven months to get the State Conservation Restrictions. He said they would like to move ahead but would also like to protect the Town. He said there are options open and that would be a Conservation easement or a Conservation Restriction. Attorney Agen said there was no plan to hold up the project six or seven months. He said they could calculate the funds for the Conservation Restriction and roll over the amount into the bond. He said they would be in the position to sell lots and the buyers can get Building Permits. Attorney Michael Agen said if this would not work then the Subdivision is stuck and cannot proceed. He said that the development will be required to meet any other restrictions that may be required in the future. Mr. Doherty said that if you are doing a different alternative which accomplishes the same goal. Then I will support that, as long as the Town Attorney is in agreement. Mr. Phelps said the Conservation Restriction should be in perpetuity and not for thirty years. Atty. Agen said he will meet with Attorney Beglane and work together to create a draft plan that works. Mr. Lévesque asked why they would be allowed to develop only three lots at a time. Why not all twenty-five? Mr. Slessler said that after the completion of three lots they have to come in and prove they have enough infrastructures in place to continue to build. Mr. Lévesque said if they could get three lots permitted then they could come back in a week to ask for three more lots to be permitted. Mr. Leduc said all the infrastructures have been installed. He said that DPW signed off on all the gravel submittals. He said that weather is the biggest problem at this time. Mr. Slessler said that rather than installing sidewalks in the whole site it was decided that they should be installed after all units were complete. Otherwise construction vehicles would be driving over the sidewalks and destroying them. He said prior to the acceptance of the road the sidewalks need to be completed. He said there need to be funds for the Revolving Sidewalk account. A decision on the amount is still being decided. Mr. Lévesque said he thinks it would make more sense to approve twenty-five lots at once rather than three lots at a time, and to have to meet with the Planning Board again for approval. Mr. Doherty said it is not good for the Town to have a half done Subdivision. Mr. Phelps said they could vary the number of lots but the process would stay the same. Mr. Doherty said they should work out the amount of lots with the DPW Director and the Legal Council and bring it into the next meeting. He reminded them that they need a third party Inspector of the project. Atty. Agen found that they could use Mr. Lévesque as the third party inspector and the DPW Director is comfortable with this. Mr. Slessler said there is an independent Lab Testing.

9:00 p.m.

Minutes

**A MOTION** was made by Mr. Phelps and seconded by Mr. Spina to accept the minutes of October 2, 2018. The motion passed unanimously.

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Spina, and seconded by Mr. Phelps to adjourn at 9:05 p.m. Vote was unanimous.

Michael Doherty \_\_\_\_\_  
Chair

Marcus Phelps \_\_\_\_\_  
Vice Chair

Richard Utzinger \_\_\_\_\_

David Sutton \_\_\_\_\_

David Spina \_\_\_\_\_

Jessica Thornton \_\_\_\_\_  
Associate member

Respectfully submitted,  
Ruth Preston  
Planning Board Administrative Assistant