

# Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

---

## Doings of the STM October 4, 2011

### DOINGS AT THE SPECIAL TOWN MEETING COMMONWEALTH OF MASSACHUSETTS Tuesday, October 4, 2011 6:30 p.m.

The Special Town Meeting was called to order by the Moderator, James Putnam at 6:40 PM on Tuesday, October 4, 2011 Southwick Tolland Regional High School, Feedings Hills Road, in the Auditorium, with approximately 263 registered voters in attendance at the start of the meeting.

The following registered voters were appointed as tellers for the meeting:

Patty Dunn O'Connell	Donna Phillips
Paul Cesan	Dawn Turgeon

A Pledge Allegiance to the Flag of the United States was recited.

A moment of silence was observed for: *(reflects those who have passed away since May 17, 2011)*

Fannie Gelgut - Volunteer at Senior Center  
Mina Ashford - Volunteer at Senior Center  
Armand da Silva - Volunteer at Senior Center

All US Servicemen and Women

Advancement Placement United States Government Class.  
*(Assistance with microphones and lighting)*

Hayley Benoit	Zach Dussault
Andrew Lamson	Eric O'Dea
Corey Stahl	Ben Wilcox
Alex Blackburn - sound booth	

A motion was made and seconded to allow the following non-voters on to the town meeting floor:

Michelle L. Hill, Town Clerk, Treasurer, Collector	Jeff Neece, DPW Director
Ben Coyle, Town Counsel Attorney	Stephen Presnal, School Business Mgr
Linda Carr, Town Accountant	Dr. John Barry, Superintendent
Carol DellaGiustina,	Russell Dupere,

A motion was made and seconded to dispense with the reading of the warrant in its entirety and to act upon each Article separately

**ARTICLE 1.** The Town of Southwick voted to accept the amended Southwick-Tolland Regional Agreement as posted, which includes the admission of the Town of Granville.

**PASSED  
MAJORITY**

**ARTICLE 2.** That the Town of Southwick authorize the Southwick-Tolland Regional School District to utilize monies from the \$300,000 previously authorized by the Town of Southwick at its Annual Town Meeting on May 19, 2009 and the \$250,000 authorized by the Town of Southwick at its Annual Town Meeting on May 18, 2010 for the purpose of a feasibility study of the Woodland Elementary School to be used for the purpose of a feasibility study of the Southwick-Tolland Regional High School at 93 Feeding Hills Road, Southwick, Massachusetts. The Southwick-Tolland Regional High School is located on the east side of three (3) parcels of Town-owned land totaling 110 acres. The site is bordered by private wooded land and American Legion Post 338 to the south, Woodland Elementary School, Powder Mill Middle School and the Southwick Recreation Center to the west, Route 57, Feeding Hills Road to the north and private residences and Town-owned wooded land, including the public water supply, to the east. The parcel of land is shared with Powder Mill Middle School, Woodland Elementary School, Southwick Public Library, and playing fields utilized by the Southwick-Tolland Regional Schools and the community at large. Said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Southwick-Tolland Regional School Committee is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; that the Town and the School District acknowledge that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Southwick-Tolland Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Regional School District, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Regional School District and the MSBA.

**Mr. James Vincent requested article 2 be withdrawn  
PASSED  
MAJORITY**

**ARTICLE 3.** The Town of Southwick voted to authorize the Southwick-Tolland Regional School District to utilize monies from the \$300,000 previously authorized by the Town of Southwick at its Annual Town Meeting on May 19, 2009 and the \$250,000 authorized by the Town of Southwick at its Annual Town Meeting on May 18, 2010 for the purpose of a feasibility study of the Woodland Elementary School to be used for the purpose of an expanded feasibility study to include the Southwick-Tolland Regional High School at 93 Feeding Hills Road, Southwick, Massachusetts, Powder Mill Middle School at 94 Powder Mill Road, and the Woodland Elementary School at 80 Powder Mill Road, Southwick, Massachusetts. The Southwick-Tolland Regional High School is located on the east side of three (3) parcels of Town-owned land totaling 110 acres. The site is bordered by private wooded land and American Legion Post 338 to the south, Woodland Elementary School, Powder Mill Middle School and the Southwick Recreation Center to the west, Route 57, Feeding Hills Road to the north and private residences and Town-owned wooded land, including the public water supply, to the east. The parcel of land is shared with the Southwick Public Library, and playing fields utilized by the Southwick-Tolland Regional Schools and the community at large. Said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Southwick-Tolland Regional School Committee is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; that the Town and the School District acknowledge that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Southwick-Tolland Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Regional School District, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Regional School District and the MSBA.

**PASSED**

**DECLARED 2/3 VOTE**

**ARTICLE 4.** The Town of Southwick voted to appropriate and transfer from the Community Preservation Open Space Reserve Fund the sum of \$62,000.00 for a 10% local match towards the purchase of an Agricultural Preservation Restriction ("APR") of 61 +/- acres of farmland located at 76 Coes Hill Road. The APR is valued at \$620,000.00. The Commonwealth of Massachusetts APR Program is paying \$558,000.00 toward the total cost of the acquisition of the APR. Project Site is more fully described in the deeds recorded in the Hampden County Registry of Deeds, Book 17069, Page 280, known as Assessors Map 52 Parcel 11 owned by Clifford Wolfe, or take any other action relative thereto.

"MOTION: To see if the Town will vote to appropriate the sum of \$62,000.00 from the Community Preservation Open Space Reserve Fund for a 10% local match towards the purchase of an Agricultural Preservation Restriction ("APR") of 61 +/- acres of farmland located at 76 Coes Hill Road."

**PASSED  
MAJORITY**

**ARTICLE 5.** The Town of Southwick voted to amend, in its entirety, Chapter 185 **Zoning, ARTICLE VI, § 185-30 of the Code of the Town of Southwick by deleting the** provisions currently enacted and replacing them with the following provisions and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Southwick:  
§ 185-30. Off-street parking and loading.

A. General provisions.

(1) Parking Lot Design

- (a) Whenever feasible, parking areas shall be located to the side or rear of the structure, and not within the front yard of a structure.
- (b) Parking space must be provided on the same lot or within two hundred (200) feet of the principal use to which it is accessory.
- (c) Parking areas shall not be located within 15 feet of the street line of any lot.
- (d) Parking areas shall be designed so that vehicle lights shall be screened or directed away from oncoming traffic.
- (e) Any illumination of parking or loading areas shall be arranged so that the light is reflected away from any adjoining residential premises.
- (f) Additional general provisions for parking in areas with more than four (4) spaces:
  - [ 1] Areas should be screened by planting or fencing on each side of adjoining or facing side or rear lot line of any residential lot.
  - [ 2] Areas and access driveways should be hard-surfaced, graded and drained to dispose of all surface water accumulation.
  - [ 3] No portion of an entrance or exit driveway shall be closer than fifty (50) feet to the curbline of any intersecting street, nor closer than fifty (50) feet to any portion of an existing driveway on the same or adjacent lot as measured along the street line.
  - [ 4] In the design of parking lots serving uses in any business or industrial zones which provide more than sixty (60) spaces, or in the modification of existing lots to exceed sixty (60) spaces, care should be taken to interrupt the expanse of pavement by separating rows of spaces from each other and from driveways by providing planting strips at least six (6) feet in

width. Provision of these required planting strips shall take into account the need to store snow, to locate light poles, and the need for safe pedestrian movement.

## (2) Parking Spaces

(a) At least seventy (70) percent of the spaces in a parking area shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet. The remaining thirty (30) percent may have a reduced parking space size of nine (9) feet in width and a length of sixteen (16) feet to accommodate smaller vehicles. This size standard is independent of any requirement for the provision of accessible spaces on the site. Spaces for all non-residential uses shall be hard-surfaced and each space shall be marked with visible lines. Aisles shall not be less than twenty-four (24) feet in width.

(b) All off-street spaces shall have bumper and wheel guards where needed to protect abutting structures, properties or plantings. Parking areas shall be designed so that parked vehicles do not extend over pedestrian walkways or sidewalks.

## B. Parking Requirements

(1) Off-street parking spaces shall be provided for every new structure, enlargement of an existing structure, or development of a new land use, in accordance with § 185-30 B. (4).

(2) When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall be rounded up by one space.

(3) An existing structure which is enlarged or an existing use which is extended or expanded after the effective date of this Bylaw shall be required to provide off-street parking and loading space in accordance with §185-30 B. (4), unless the increase is 1,000 square feet or less.

(4) The Table of Uses lists the required number of spaces for each type of use. Any use clearly similar to any of the listed uses shall meet such use requirements. If a similarity of use is not apparent, the Planning Board may determine the standards that should be applied to the use in question or require a parking demand study.

(5) The Planning Board may allow parking at a rate between eighty (80) percent and one hundred twenty-five (125) percent of the required minimum when the applicant provides compelling and acceptable reasons for the proposed parking.

(a) The applicant shall submit documentation from acceptable industry sources to justify the proposed parking.

(b) The Planning Board may require reasonable increases in the landscaping requirements as necessary to mitigate for the impacts of any increased parking area.

## C. Shared Parking

(1) The Planning Board, by Special Permit, may allow shared private parking lots subject to the following provisions:

(a) Up to fifty (50) percent of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for shared parking.

(b) A written agreement defining the shared use of the shared parking lot shall be executed by all parties concerned and approved by the Planning Board as part of the Special Permit process. Such agreement shall be recorded at the Hampden County Registry of Deeds.

(c) Any subsequent change in use or structure for which the shared parking was approved, and which results in the need for additional parking, shall require a new Special Permit application

under this subsection.

#### D. Loading Space

- (1) Loading Space required in any zone for any retail, commercial, hotel, industrial, manufacturing or hospital use is one (1) off-street loading space for every five thousand (5,000) square feet of gross floor area.
- (2) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the proposed development. However, no off-street loading space shall be less than twelve (12) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and shall be hard-surfaced. The Planning Board may require more or less loading and unloading area if it deems such increases or decreases reasonably necessary to satisfy the requirements of this section.
- (3) The off-street loading space must be provided on the same lot with the principal use to which it is accessory.
- (4) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public or private right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public or private right-of-way parking space or parking lot aisle.
- (5) Whenever there exists a lot with one or more structures on it constructed before the effective date of this bylaw section, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practically be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

#### E. Accessible Parking

- (1) All parking areas shall provide accessible parking spaces, as required by the Federal Americans with Disabilities Act (ADA) and the Code of Massachusetts Regulations, 521 CMR Rules and Regulations of the Architectural Access Board.

#### TABLE OF USES

Type of Use	# of Spaces Required (minimum)	# of Spaces for Shared lots (minimum)	Additional Requirements
Amusement and recreation service	0.5 spaces per person, based on occupancy	0.5 spaces per person, based on occupancy	
Auditorium, theater, entertainment uses, public assembly, church	1 space per 3 seats or 1 space per 250 s.f. of gross floor area if no fixed seating	1 space per 4 seats or 1 space per 300 s.f. of gross floor area if no fixed seating	
Auto sales	1 space per 1000 s.f. of auto display area	1 space per 1000 s.f. of auto display area	1 space per employee at peak shift
Automotive and other repair services, car wash/detail shop	2 spaces per bay/stall	2 spaces per bay/stall	1 space per employee at peak shift
Bank	1 space per 200 s.f.	1 space per 250 s.f.	1 space per 2 employees
Childcare, adult daycare	1 space per 8 children/adults plus 1 space per employee	1 space per 8 children/adults plus 1 space per employee	For centers with client capacity greater than 20, sufficient area shall be set aside for dropping-off and picking-up children and/or adults in a safe manner
Dwelling	At least two (2) spaces for each family dwelling unit occupying any lot	Not Applicable	None
Educational - primary	2 spaces per classroom	2 spaces per classroom	Assembly hall/auditorium requirements if included on site

Educational - secondary	7 spaces per classroom	7 spaces per classroom	Assembly hall/auditorium requirements if included on site
Educational - post-secondary, vocational, trade, and business	1 space per 2 students	1 space per 2 students	Assembly hall/auditorium requirements if included on site
Funeral home	12 spaces per reposing room	10 spaces per reposing room	1 space per employee
Gas station, self-serve gas station/convenience store	1.5 spaces per pump island (max. 4 fueling stations per island) plus 1 space per employee at peak shift	Not Applicable	If site includes convenience store add 1 space per 200 s.f. of customer service area
Golf course	3 spaces per hole	Not Applicable	1 space per employee at peak shift
Group home - adult (ages 18 - 60)	1 space per bedroom	1 space per bedroom	1 space per employee or caregiver at peak shift

## TABLE OF USES

Type of Use	# of Spaces Required (minimum)	# of Spaces for Shared lots (minimum)	Additional Requirements
Group home - elder (ages 60 and older)	0.5 space per bedroom	0.5 space per bedroom	1 space per employee or caregiver at peak shift
Group home - youth (ages 18 and younger)	1 space per 8 beds	1 space per 8 beds	1 space per employee or caregiver at peak shift
Hospital, nursing home, care facility	1 space per 4 beds	Not Applicable	1 space per employee during day shift
Hotel, motel, lodging house, bed and breakfast inn.	1 space per guest sleeping room	1 space per guest sleeping room	1 space per 2 employees plus 1 space for each 500 s.f. of public meeting area
Industrial, light industrial, manufacturing, warehousing, scientific research facility	1 space per employee	1 space per employee	Minimum of 1 space per 5,000 s.f. of gross floor area
Library, post office, museum	1 space per 300 s.f. of floor area	Not Applicable	1 space per agency vehicle
Offices (professional, medical, business, and government)	1 space per 250 s.f. floor space	1 space per 300 s.f. floor space	1 space per agency vehicle
Park, playground, outdoor recreation	To be determined by Planning Board during site plan review; capacity of individual park facilities will be used as basis of determination	To be determined by Planning Board during site plan review; capacity of individual park facilities will be used as basis of determination	
Personal services (barber shop, styling salon, tanning parlor, nail care)	2 spaces per operator station	1.5 spaces per operator station	
Restaurant, eating establishment, tavern	40% of maximum allowable occupancy	40% of maximum allowable occupancy	1 space per employee at peak shift
Retail, commercial establishment, convenience store	1 space per 200 s.f. customer service area	1 space per 300 s.f. customer service area	

**PASSED  
DECLARED 2/3 VOTE**

A Motion was made and seconded to dissolve the Special Town Meeting at 7:15 PM.

**UNANIMOUS**

A TRUE COPY OF ATTEST:

\_\_\_\_\_  
Michelle L. Hill, Town Clerk