

SOUTH HADLEY PLANNING BOARD REGULAR MEETING

MINUTES OF JANUARY 09, 2017

As Approved January 23, 2017

Present: Jeff Squire, Chair; Mark Cavanaugh, Vice-Chair; Brad Hutchison, Member; Melissa O'Brien, Member; Joan Rosner, Clerk; Larry Butler, Associate Member; and Richard Harris, Town Planner

Mr. Squire called the meeting into session at 6:31 p.m.

1. Minutes

b. December 12, 2016 Planning Board meeting minutes

Mr. Harris referenced the draft minutes which he had previously distributed. The Board members reviewed the draft minutes.

Motion - Mr. Hutchison moved and Mr. Cavanaugh seconded the motion to approve the December 12, 2016 Planning Board Meeting minutes as submitted. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

a. December 12, 2016 Public Hearing (Canal Street Multifamily Development SP) minutes

Mr. Harris referenced the draft minutes which he had previously distributed. The Board members reviewed the draft minutes and offered an edit.

Motion - Ms. O'Brien moved and Ms. Rosner seconded the motion to approve the December 12, 2016 Planning Board Public Hearing (Zoning Bylaw Codification) minutes as submitted. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

2. Bills and Correspondence

Mr. Harris referred to a list of correspondence and a list of additional correspondence which were distributed to the members and noted that the correspondence folder is on the front table. He also stated that there are no bills to be paid.

3. Consider recommendation regarding roadway acceptances for the January 2017 Special Town Meeting (Apple Road, Stewart Street Extension, and Lawrence Avenue)

Mr. Harris stated that Articles 17, 18, and 19 on the Special Town Meeting warrant involve acceptance of three streets: a portion of Lawrence Avenue, Apple Road, and Stewart Street Extension. While these are not Planning Board articles and nothing requires a Planning Board recommendation on the articles, he suggested that it would be good for the Board to make a recommendation in case Town Meeting requested a recommendation.

Mr. Harris noted that the Planning Board voted, August 15, 2016 "to state that the Planning Board would support the acceptance of the balance of Lawrence Avenue from the Hillcrest Park condominiums property to the present "accepted end" of Lawrence Avenue". In regards

to the other two street acceptance subjects, both were undertaken through the Subdivision Regulations and the Planning Board had released the Performance Guarantees based on the fact that all the departments had signed off on the infrastructure meeting the various municipal requirements.

Motion - Ms. Rosner moved and Ms. O'Brien seconded the motion to recommend acceptance of the streets proposed for acceptance at the January 2017 Special Town Meeting. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

4. Consider Report to Town Meeting regarding Street Acceptances and Zoning Bylaw Codification

Mr. Harris stated that based on the Board's vote at the last meeting regarding the Codification of the Zoning Bylaw and prior actions regarding Lawrence Avenue and the two subdivision streets, he had drafted a Report to Town Meeting containing recommendations. He suggested that the Board should approve a formal report which can be delivered verbally and/or in writing to Town Meeting. It is unclear that a "Report to Town Meeting" is required for any of the 4 articles, but it would be beneficial to have such a report in case it is questioned whether the Board has made a "Final Report".

Linda Young, 15 Westbrook Road, asked that the Board withdraw Article 15 regarding codification of the Zoning Bylaw. She stated that the removal of the "abutters consent" from the Conversion of Single-Family to Two-Family Dwellings is based on a suggestion that the requirement is illegal but no one has provided documentation or a citation. If it is to be removed, then there needs to be additional protections. There was discussion as to whether this change was being "sneaked" into the Bylaw.

Martha Terry, 25 Brainard Street stated that she is opposed to Article 15 regarding the codification of the Zoning Bylaw as presented. She stated that she is not opposed to removal of the abutter's consent if that is not allowed, but she is concerned that when abutters' rights are removed, conditions should be in place to provide them with protections. She suggested that the article be deferred until the May Town Meeting and that the Board work with a working group and focus groups to develop some protections. She noted that the Board was close to working out a set of standards two years ago but abruptly withdrew the article.

Martha Terry, 25 Brainard Street stated that she would like to see the Article go through as a "celebration" but the suddenness of this change would not allow that to be the case. Therefore, she urged the Board to revisit this matter and revise the Article. She noted that she would prefer to be known as a "yes" person supporting positive changes.

Mr. Squire and Mr. Harris noted that this Article is not a Planning Board article.

Martha Terry, 25 Brainard Street stated she had discussed this matter with Margaret Hurley at the Attorney General's office and this article is definitely a Zoning article.

Mr. Harris stated that there is no doubt Article 15 is a Zoning Article and no one is disputing that characterization. However, the Planning Board is not putting this article forward – it is a

Selectboard Article which derives from the multiyear effort to codify the Town's Bylaws and Regulations. He noted that it has been his observation that the proponent of an article chooses whether or not to put forward a motion on an article; although the Planning Board could make no recommendation on the article.

There was discussion as to the ramifications of Article 14 going through but not Article 15. Mr. Harris noted that it would disrupt various internal references which relate to the renumbered Zoning Bylaw.

Ms. O'Brien stated that the Planning Board had attempted to work out a compromise on removal of the abutters' consent provision. She stated she took offense at the suggestions that the Planning Board had not tried to develop protections.

Linda Young, 15 Westbrook Road, reiterated her suggestion that the Article be deferred. She inquired as to why the Board has not worked on a replacement to provide protections to the neighbors when the abutters consent is removed.

Mr. Squire stated that it is not true that there will not be protections. The Article does not change the requirement for a Special Permit. He also expressed doubt that a set of "standards" could be developed in time for the May Town Meeting given the issues that have arisen in the past and the difficulty of the issue.

Mr. Hutchison inquired as to what standards Martha Terry was looking to have put in place that are not in the Special Permit standards. Martha Terry, 25 Brainard Street, noted that the Planning Board had worked on standards in 2014 but had not finished the work. She noted that the standards included a variety of items including owner-occupancy, no alterations of the buildings except to the rear of the building, no parking in the front setback area, etc. She stated that people don't want to lose their rights.

Mr. Cavanaugh commented that it is incorrect to suggest that people are "losing their rights". If the law was "legal" then, removing the language does not removal the abutters' rights – they did not have the rights to begin with. He questioned whether the standards were developed in 2014 or 2015 and thought they included limits on impervious surface and several other issues.

Mr. Harris responded that he thought the 2015 proposals were developed in 2014 and just carried over to the 2015 Article.

Linda Young, 15 Westbrook Road inquired as to when the Planning Board has denied a Special Permit application.

Mr. Squire referenced the first application for Rivercrest as an example.

Diane Mulvaney suggested that there needs to be some "interim measures" in place.

Mr. Harris suggested that the Board's report to Town Meeting could be revised to insert a statement that the Planning Board recognizes the need to have some specific design guidelines to govern the conversion of single-family to two-family dwellings and is committed to working with a task force or committee to develop such guidelines and to present that to a future Town Meeting. He also suggested that, under "other New Business" the Board could adopt a "policy" regarding interim guidelines to govern the Conversion of Single-Family to Two-Family Dwellings under a Special Permit.

Diane Mulvaney inquired if these items could be provided to Town Meeting before they meet on Wednesday. Mr. Harris stated he will have them posted before leaving tonight.

Linda Young and Martha Terry indicated that they could support the Article with the comments and policy Mr. Harris has suggested.

Ms. Rosner stated that it is true that the Board has approved nearly all Special Permits but it has done so with numerous conditions to address the issues raised and often it has not approved the original plans submitted by the applicants. The plans have been changed over the course of the public hearing and review process to address the issues raised.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to approve the Reports to Town Meeting regarding Articles 15, 17, 18, and 19 as revised regarding Article 15 as discussed in the meeting. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

Mr. Harris suggested that the Board skip to Agenda Item #8 so that the Board could adopt the Interim Policy discussed under Agenda Item #4.

8. Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

Mr. Harris noted that neither the Board nor he could have known that adoption of an Interim Policy regarding Conversion of Single-Family to Two-Family Dwellings. He suggested that if the Board "adopts" this Interim Policy tonight, he will place it on the Agenda for January 23rd for a more "formal" approval.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to approve the "Interim Policy Regarding Standards to be Applied to Special Permits For Conversion of Single-Family Dwellings to Two-Family Dwellings" which is to incorporate the guidelines or standards which the Planning Board had previously proposed to Town Meeting in 2014/2015. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

5. Consider Endorsement of Approval Not Required Plan submitted by Randall Izer for Alfred & Harriet Lee Hutt. Property Location: 106 Woodbridge Street (Assessor's Map #52 – Parcel #30).

Mr. Harris described the ANR Plan which proposes to consolidate all 5 of their existing lots at 106 Woodbridge Street into a single, undivided parcel. As such, the ANR Plan does not create any new lots but confirms that the entirety is a 16.0431 +/- acre tract. The Assessor's

map depicts this property as a single parcel already but that consolidation was based on a deed filing which was NOT based on a survey but upon the various deeds which had been previously filed. This consolidation will be based on the survey by Randall Izer which actually indicates a parcel approximately 2.5 acres larger than the previous filing. The subject property is located on the westside of Woodbridge Street and is currently developed with an existing single-family residence as well as some accessory structures.

The applicant's property is zoned Residence A-1 which allows single-family dwellings by right on parcels of 22,500 square feet and 125 feet of frontage. The consolidated lot far exceeds the minimum requirements of the Zoning Bylaw. Woodbridge Street is a publicly maintained roadway. Based on the available information, Mr. Harris suggested that the ANR Plan is appropriate for endorsement under the definitions and provisions of Chapter 41, Section 81L and Section 81P of MGL.

Mr. Hutchison noted that he resides near this site and Ms. Rosner noted that she is a friend of the owner.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to find that the ANR Plan is appropriate for endorsement and to authorize endorsing the ANR Plan as presented. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion. Mr. Squire, Mr. Cavanaugh, and Ms. O'Brien endorsed the Plan.

6. Consider endorsement of Recreation Trails Grant Application Phase 2

Mr. Harris provided some background on the grant application and project. He also noted that he had distributed a draft letter of endorsement for the Board to consider. All members indicated that they supported the application.

Motion - Ms. Rosner moved and Mr. Hutchison seconded the motion to support the filing of the grant application and authorize the Chair to sign the letter of support as drafted. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

7. Development Update and Planner's Report

Mr. Harris reviewed the following items and activities:

a. Development Report

- Newton Street Duplex (383 Newton Street) – (no change – no application has been submitted).
- Mountainbrook Street Acceptances – While there has been no official change in the status of this matter, Mr. Harris stated he has had a telephone discussion with the representative of the developer. It appears that they are planning to initiate Phase 2 within the next few months. They understand that, prior to the Planning Board setting and accepting a Performance Guarantee and the Town issuing any authorization to proceed, they need to provide the Town with a signed deed to convey the right of way from Phase 1. Mr. Harris understand from the discussion that the developers have such a deed drafted, it needs to be updated for any changes in ownership which have occurred and they will very shortly have the deed executed by all the parties that constitute the “grantor”. Thus, Mr. Harris anticipates acceptance of these will be

ready for the Annual Town Meeting in May 2017 – if the developer maintains the schedule they outlined.

- Rivercrest Condominiums – (no change)
- Ethan Circle Subdivision – (no change)
- Canal Street Condominiums – The applicant submitted drainage plan details and a report earlier today and that has been transmitted to Fuss & O’Neill for their review. Mr. Harris has also received feedback from the Tree Warden regarding the landscaping plan and have forwarded those comments to the applicant and their architectural consultant.

b. Other Projects

- Urban Renewal Plan and Redevelopment Authority. (To be discussed at the January 23rd meeting.)
- Housing Studies. (The Housing Production Plan is to be transmitted to the Selectboard and a request for a January hearing by the Selectboard and subsequent authorization to submit the plan to DHCD for approval, The PVPC is working on the multifamily development study, a contract extension through June 30, 2017 was recently signed by the Town Administrator upon my recommendation)
- Complete Streets Program Participation. (Mr. Harris has been informed that MassDOT is reducing the amount of funding and he is revising the Scope of Work and resubmitting the request to MassDOT.
- Participating in the Regional Valley Bike Share planning process with the Town Administrator.
- Participating with the Bike/Ped planning process. (The final plan was presented by the PVPC at the Selectboard Meeting on December 20, 2016.)
- Participating in the “Team Hampshire” economic development coordinating effort – an informal process among several of the cities and towns in Hampshire County
- Permitting Guide.
- General Code. (This was discussed under Agenda Item #4 above above)
- Health Impact Assessment. (To be discussed at a future meeting)
- Chapter 43D Expedited Permitting. (No Change)

c. Workshops/Training Opportunities

No change at this time

8. Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

Ms. O’Brien provided an update on an effort by the Bike/Walk Committee to have the 116 bridge closed for a few hours for an “open streets” event. She indicated that MassDOT has approved the request for 11 am to 3 p.m. on May 7th.

4. Consider Report to Town Meeting regarding Street Acceptances and Zoning Bylaw Codification

Mr. Harris stated that he thought the motion should be amended to incorporate the October/November 2015 and the November 2014 draft standards into the Policy.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to incorporate reference to the October/November 2015 and the November 2014 draft standards into the Policy. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

9. Adjournment

Motion – Mr. Cavanaugh moved and Ms. Rosner seconded the motion to adjourn. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

AS APPROVED

Richard Harris, Recorder

Attachment A

List of Documents Reviewed in January 9, 2017 Planning Board Meeting

Document

Planning Board Meeting Agenda and
Background Information
Zoning Bylaw
Draft General Code – Zoning Bylaw
Draft Report to Town Meeting
Draft Letter of Grant Endorsement
ANR Plan – Hutt

Record Location

Planning Board Agenda Packet Files

Planning Board Files
Town Clerk Files/Town Website
Planning Board Files
Planning Board Files
Planning Board Files