

SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:

Applications to amend Special Permit and Stormwater Management Permit filed by Skinner Woods, LLC to modify the configuration of dwellings associated with the approved Skinnerwoods Flexible Residential Development located along the north side of Amherst Road, Map 51, Parcel 21

MEETING MINUTES OF JANUARY 23, 2023

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; and Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the public hearing to order at 6:42 PM and Clerk Brown read the hearing notice below out loud:

The South Hadley Planning Board will host a public hearing on January 23, 2023 at 6:30 pm to consider modifications to an existing Stormwater Management Permit and Special Permit for the development of Skinnerwoods Flexible Development filed by Skinner Woods, LLC c/o Thomas Spring; 2 Cedar Ridge, South Hadley, MA 01075.

The public hearing will be conducted virtually/online using the Zoom Webinar platform and persons may join the meeting by either joining Zoom Webinar or by phone. The log-in information is as follows:

URL to join: <https://us02web.zoom.us/j/88686459819?pwd=ejAxT3JidnFQQ20wOGhON3JRVWhFZz09>

Or join by phone: +1 (312) 626-6799 Webinar ID: 886 8645 9819 Passcode: 461325

The applicant is seeking to modify an existing Special Permit and Stormwater Management Permit which allowed development of a Flexible Residential Development consisting of ten (10) detached residential dwelling units on a single land parcel. At this time, the applicant is seeking to reconfigure the locations of some dwellings as seen on the approved plan set dated June 30, 2021. The Special Permit application was filed under Sections 255-19, 255-31, 255-35, 255-47, 255-85, 255-86, and Article IX of the Town's Zoning Bylaw and the Stormwater Permit application was filed under Chapter 200 of the Town's Bylaws.

The subject property is located along the northwest side of Amherst Road (aka Route 116) and identified on Assessor's Map Number #58 as Parcel #21. The property is located in the Agricultural zoning district and is within the Water Supply Protection Overlay District.

Plans and the application may be viewed at the Planning and Conservation Department Office (Room U6) located at South Hadley Town Hall; 116 Main Street. Additionally, the plans and application are posted on the Planning Department's webpage under the section "Permit Applications – Special Permits" or can be accessed using the following link: <https://www.southhadley.org/1241/Amherst-Road--SkinnerWoods-Flexible-De>

Any person interested in, or wishing to be heard, regarding this application should appear/join the hearing at the time and in the manner designated. The public hearing is being conducted in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws as modified by Chapter 53 of the Special Acts of 2020 and the Governor's Executive Orders pertaining to public gatherings during the COVID 19 State of Emergency.

*Joanna Brown, Clerk
South Hadley Planning Board*

*Publication: Friday, January 6, 2023
Friday, January 13, 2023*

The applicants, Tom Spring and Leah Spring, were present at the hearing.

Director Capra reviewed the history of the project and the applicant's actions that necessitated the need for an amended special permit. During a site visit by the Public Health Director it was discovered that site conditions were inconsistent with the plans approved by the Planning Board

under their issuance of a Special Permit for the Skinnerwoods Flexible Development. Upon discovery, all work ceased and an immediate site visit was held with Town officials. The applicant was compelled to not resume work until after the Planning Board reviewed and approved an amended permit. The violations of the special permit included the following: 1) encroachment on the designated Open Space; 2) incorrect building location and footprints for units 5, 7 and 9; and 3) incorrect orientation of unit 10. The applicant was made aware of these inconsistencies and worked with Director Capra to develop a plan to bring the project up to compliance.

Leah Spring thanked the Board for the opportunity to share the updated plans for development and apologized for not securing appropriate approval before doing so. All work had ceased following notification and she was eager to find a solution that satisfied the Board.

Director Capra reviewed the applicant's plan to remedy the violations. The incorrect placement of units 7 and 9 required the septic systems to be placed inside the designated Open Space which would decrease its total square footage. The applicant was proposing to restore the now reduced Open Space as a pollinator meadow as well as offer financial mitigation in the amount of \$3,125 as was consistent with the Town's tree replacement policy for removal of over a dozen trees. Director Capra recommended that the new limit of work should be demarcated to prevent future encroachment of the Open Space.

Members discussed the encroachment of the Open Space. Vice-Chair Mulvaney asked what methods or guidance would be used in creating the pollinator meadow. Leah Spring responded that the existing gravel pit was being restored as a pollinator meadow so the same guidance would be used for the Open Space behind units 7 and 9. The plan was approved by the *Natural Heritage and Endangered Species Program* and no insecticide or herbicide would be used. The land removed from the Open Space to locate the septic tanks would be lawned. When asked why the dwellings were located in the wrong location, Leah Spring responded that an old plan had been referenced.

The other major violation was the incorrect orientation of unit 10. As is required under the Flexible Development Bylaw, all dwellings must be oriented towards the street. Unit 10 was built with the back wall facing the street. This violation could be brought into compliance by requiring a front porch to be constructed along the street facing side of the dwelling to give the appearance of the correct orientation.

Members questioned why unit #10 was built with the wrong orientation. Leah Spring explained that the buyer wanted the front door to face the backyard to appreciate the view of the mountain range.

Members discussed their disappointment and confusion in how the applicant handled the alterations the approved plans. Clerk Brown inquired if the applicant could be financially penalized. Director Capra stated that fines could only be issued if a formal cease-and-desist was issued from the Building Commissioner. As the applicant was amenable to ceasing work on their own, there was not a need to issue a formal cease-and-desist. Director Capra reiterated that the applicant's payment for tree removal mitigation was completely voluntary.

Even though the applicant went about it the wrong way, a number of members indicated that the site changes were “de minimis” and would likely have received approval if an amendment had been requested.

No members of the public indicated an interest to speak during the hearing. Staff noted that James Lecca, a property abutter, submitted documentation of a restive covenant and easement agreement between both property owners.

Chair Hutchison asked each member to indicate if they were inclined to issue approval of the amendment request. If so, he also asked members to indicate what additional special conditioning should be applied outside of what was outlined by Director Capra. All members indicated support for issuing approval. However, Clerk Brown favored giving the applicant time to consider additional financial mitigation. No other members indicated support for financial penalties.

Member Therien moved to issue approval of the special permit amendment with special conditions and Vice-Chair Mulvaney seconded the motion.

Clerk Brown asked if a special condition could be added to allow more access to the property. Leah Spring was amenable to opening the site for access. However, Director Capra advised against using the language as it could lead to an impression that the site was open to the public. Town Officials were in communication with the developer for site access.

Motion: Vice-Chair Mulavney moved to approve the request to amend the Special Permit issued to Skinner Woods, LLC with special conditions as identified during the hearing for a Flexible Development with ten detached dwelling units off Amherst Road. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Chair Hutchison called the hearing into recess from 9:19 to 8:23 PM.

Motion: Vice-Chair Mulvaney moved to close the public hearing. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The regular meeting reconvened at 8:23 PM.

Respectfully Submitted
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Application	Planning Files
Public Submission – James Lecca – covenant	Planning Files