

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MEETING MINUTES OF FEBRUARY 22, 2021
As Approved**

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Melissa O'Brien, Member; Nate Therien, Member; Michael Adelman, Associate Member; Richard Harris, Director of Planning and Conservation; Anne Capra, Conservation Administrator/Planner; and Colleen Canning, Senior Clerk Planning and Conservation Department

Chair Hutchison called the meeting to order at 6:00 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Request to continue the scheduled public hearing (agenda item #9) on Application for Definitive Plan and Stormwater Management Permit approval for proposed subdivision "North Pole Estates" to March 8, 2021

Brian Winner, representative Town Counsel, was present at the virtual meeting.

The applicant for the North Pole Estates subdivision recently retained a new consultant to perform additional hydrogeologic assessment of the site. As the assessment had not been completed, the applicant requested a continuation of the public hearing to the Board's next regular meeting date. The assessment was anticipated to be submitted March 1, 2021.

Attorney Brian Winner recommended that the Board acknowledge the continuation of the hearing at the time the hearing was intended to open as a courtesy to the public.

Motion: Vice-Chair Mulvaney moved to continue the public hearing to March 8, 2021 at 6:45 PM. Clerk Brown seconded the motion. Four (4) out of four (4) voting members voted in favor of the motion through roll call.

Agenda Item #2 --- Discussion and Consideration of Policy regarding open forum portion of Planning Board meeting

Richard Harris explained that, prior to the onset of the COVID-19 pandemic, the Board had considered hosting an 'open forum' period during each meeting to allow comments from the public to be heard. An email from a member of the public was received which requested that the Board consider the policy again. During the Board's previous consideration of the topic, there was no resolution as to where the item should be placed on the agenda. Richard Harris explained that the open forum period was not for the purpose of discussion of items on the agenda or relating to ongoing public hearings as discussion of either out of order was inappropriate and could have legal ramifications. The intention was to allow the public to share comments or ideas with the Board without an expectation of discourse on the topic. A drafted open forum policy was sent to the Board for their review.

Attorney Brian Winner left the meeting at 6:08 PM.

Chair Hutchison recommended that the open forum period be limited to a maximum of 10 minutes each meeting. If kept to a strict time limit, the item could be taken up at the beginning of the meeting. Vice-Chair Mulvaney recommended that each speaker should be held to a two minute time period. She added that the open forum would not alter the Board's tradition of allowing members of the public to comment on agenda items during the course of the regular meeting.

Member Therien thought it best to place the item on the agenda along with the other routine agenda items such as minutes and correspondences which usually were taken up at the beginning of the meeting. He added that the public would still be able to submit google forms associated with each meeting agenda.

Clerk Brown was supportive of hosting the item at the beginning of the meeting. Additionally, she stated that the term 'open forum' implied that a discussion would take place. As that was not the intention, she questioned if a different term would be appropriate. Richard Harris stated that the Board had considered calling the item a 'public comment period'. However, that term appeared to falsely imply that the comment period was the only time in which public comment would be taken. Member O'Brien recommended calling the item an 'open comment period'. Members were supportive of the titling the item as an 'open comment period'.

Richard Harris would integrate the Board's comments into a new draft. The new draft would be considered at a future meeting.

Agenda Item #3 --- Consider request for illumination of new signs for the new PeoplesBank at 468-470 Newton Street.

Matt Bannister and Tom Senecal, Peoples Bank, were present at the meeting along with their consultants, Rebecca Hopkins of Tecton Architects and Gunner McCormick of Agnoli Sign Company.

Matt Banister reviewed the additional materials that were sent to the Board since the previous meeting. Photographs of illuminated signs at other branch locations were provided along with reports of ATM use throughout the night at other branch locations. As the ATM would be a 24-hour service, the restriction of illuminated sign hours relative to operation appeared to be a 'catch 22'. Matt Banister added that illuminated signs at established banks in the area, which were in competition with Peoples Bank, did not appear to have restrictive hours. Richard Harris replied that sign illumination was reviewed and permitted through the Planning Board. However, the Building Commissioner was the zoning code enforcer. Therefore, if any party had a concern for a potential zoning infraction they could request the Building Commissioner to investigate the issue.

The Board considered the necessity for the amount of illuminated signage at the detached ATM during overnight hours. Typically, the Board would permit hours of illumination relative to hours of operation. As the ATM was a 24-hour service, the Board referenced the usage reports of ATMs at other branch locations for reference. The report showed a general dip in ATM use after

10: 00 PM. As the ATM area was detached from the main bank building, it made sense for the illumination of the ATM canopy to be later than the illumination of the signs on the main bank.

The Board identified that the standard for sign illumination asked for illumination to be no greater than the amount needed to convey the business' location. Letters had been received from two abutters (attached) which expressed concern for the amount of illumination. Richard Harris identified that the site had a unique configuration with frontages along three streets. Additionally, the site's ATM was at a detached location which would require its own illuminated wayfinding.

The applicant and the Board discussed the appropriate hours of sign illumination relative to the hours of operation. The latest time the bank was open to in-person service was 5:00 PM and employees could remain on-site for up to one hour after closing.

Tom Senecal stated the importance of illumination at the ATM during the night. Richard Harris stated that the Board was only considering the illumination of the signs themselves. Any security lighting on site was not within the Board's authority to review. Additionally, there was nothing that prevented the applicant from requesting an extension of illuminated sign hours after the bank location was in operation and a need for extended hours was observed.

The Board considered special conditioning to be applied to approval of the illuminated sign request which included restrictions on hours of illumination.

Motion: Member Therien moved to approve the illuminated sign request for new illuminated signs at the new Peoples Bank located at 468-470 Newton Street subject to the following conditions: 1) illuminated signs are to function as proposed in the application submittal; 2) illuminated signs at the ATM canopy are to be illuminated no later than 10:30 PM; 3) illuminated signs at the main bank building are to be illuminated no later than 6:30 PM; and 4) signs are not to be illuminated before 6:00 AM. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #9 ---- Application for Definitive Plan and Stormwater Management Permit approval for proposed subdivision. Property Location: west side of Hadley Street (aka State Route 47) and along Sullivan Lane (See Agenda Item #1)

Chair Hutchison noted that the public hearing to consider the North Pole Estates Definitive Subdivision Plan and Stormwater Management Plan had been continued at the beginning to March 8, 2021 at 6:45 PM

Agenda Item #4 --- Consider request for replacement of illuminated signs and the form of illumination for the Dunkin Donuts at 497 Newton Street

The applicant's representative, Jim Carlin of Ace Signs, was present at the meeting.

Jim Carlin described the proposed replacement illuminated sign. He explained that the Dunkin Donuts location had existing illuminated signage. Replacement illuminated signage was

proposed in an effort to update the location to keep it current with the updated branding. The updated signage would be smaller in dimension and cast less illumination.

As the request was for replacement of existing signs rather than for a new sign, the Board considered if stipulating hours of illumination was appropriate. Because development of the Dunkin Donuts received special permitting through the Planning Board in 1997, it seemed appropriate for the Board to review exterior site changes. Vice-Chair Mulvaney recommended that the sign should not be illuminated until the restaurant is open as coffee shops typically have early operating hours.

Richard Harris recommended that the Board consider creating standards for sign illumination to create uniformity and consistency within areas of sign illumination. For instance, this Dunkin Donuts location was within an established shopping center. Therefore, it did not make sense to have illumination requirements for this location that were not consistent with the other businesses in the shopping center.

Motion: Clerk Brown moved to approve the illuminated sign request for replacement illuminated signs at the Dunkin Donuts located at 497 Newton Street subject to the following conditions: 1) the illuminated sign is to function as proposed in the application submittal; 2) the sign is not to be illuminated more than 1 hour after the close of business; and 3) the sign is not to be illuminated prior to 5:00 AM. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion though roll call.

Agenda Item #5 --- Consider request for waiver of Site Plan Review for Site Plan Review Waiver for addition onto the Dunkin Donuts to expand a drive-up window – Property Location: 497 Newton Street

The applicant's representative, Jessica Allen of R Levesque Associates, was present at the meeting.

Jessica Allen detailed the waiver request before the Board. The owners of the Dunkin Donuts located at 497 Newton Street were preparing for a number of site upgrades. The changes to the building's exterior totaled 60 sq ft which consisted primarily of the extension of the drive through window by four feet eight inches. Even though the changes were minor, Planning Board review was required as the changes altered the exterior site layout. The applicant requested that the requirement for Site Plan Review be waived due to the limited amount of proposed changes. A waiver from Site Plan Review was granted in 2018 to allow for the installation of a walk-in freezer which would slightly alter the building's exterior. The current waiver request sought to extend the drive-up window so it would be flush with the walk-in freezer bump out.

Member O'Brien expressed concern for the width of the drive-up area relative to emergency access. Richard Harris responded that the fire department indicated that they were agreeable to the design as the building pre-dated current emergency access width requirements.

Clerk Brown expressed concern for the potential of music to be played out of the exterior speakers. Richard Harris responded that the prohibiting music from the external speakers could be a condition of approval of the waiver request.

The Board discussed placement of the dumpster. The Board's 2018 Site Plan Review waiver required the dumpster to be relocated which had yet to be done. Jessica Allen responded that the dumpster's location would be permanently relocated after construction of a new detached Rocky's Hardware Store. That new dumpster location was the existing site of stockpiled materials for the existing hardware store.

Barbara Callan-Bogia, 148 Stony Brook Village, submitted an email (attached) regarding the impacts of the restaurant to her abutting neighborhood.

Michael Adleman, 152 Stony Brook Village, addressed the Board. He concurred with Barbara Callan-Bogia's observation that the voices of Dunkin Donuts' customers could sometimes be heard while ordering from the drive-up window.

The Board considered what additional information would be gathered if they denied the waiver. If that waiver was denied, abutter notification and public hearing sessions would be required. Richard Harris noted that the Board had never denied a waiver for a project this minor. He noted that the restaurant received special permitting for development through the Planning Board which granted the Board some latitude in special conditioning. These conditions could attempt to address some concerns of the public mentioned during the course of discussion.

Clerk Brown stated that she was interested in seeing a full filing for Site Plan Approval. This would allow for abutter notification of the project and require a public hearing be held to consider the alteration. She moved to deny the request for waiver from Site Plan Review for the expansion of the drive-up window. As the motion was not seconded, Chair Hutchison inquired if there was a different motion.

Motion: Vice-Chair Mulvaney moved to approve a waiver from Site Plan Review to expand the drive-up window at the Dunkin Donuts located at 497 Newton Street subject to the following conditions: 1) the dumpsters and storage materials needed to be placed in a location acceptable to the fire department to allow for emergency access; 2) the proposed 'overhead bar' is to be removed as was indicated on the revised plans; 3) noise associated with the exterior speakers should not be audible past the property line; 4) any potential changes to the 'order board' which included a speaker system should not result in the sign being closer to the property line; 5) no music should be played from the external speaker; and 6) prior to issuance of a building permit the applicant must satisfy the requirements of the Board of Health as dictated in the Public Health Director's February 16, 2021 email. Member Therien seconded the motion. Four (4) out Five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

Agenda Item #6 --- Consider Endorsement of Approval Not Required Plan submitted by Michael D. Hilton. Property Location: 27 Judd Avenue and 12 Pynchon Road

Richard Harris explained that an Approval Not Required (ANR) Plan was received which sought to adjust the lot lines between 27 Judd Avenue and 12 Pynchon Road. A portion of the Judd Ave property was proposed to be carved out and added to the Pynchon Road property. The lot at 12 Pynchon Road failed to meet the current dimensional requirements for Residence A-2. The inclusion of the additional land from 27 Judd Ave would not bring the property at 12 Pynchon Road into conformity. However, it would be less non-conforming than existing. As proposed, the property at 27 Judd Ave would remain a conforming lot. Judd Avenue was a publically maintained road.

Motion: Member O'Brien moved to endorse the ANR Plan to adjust the lot lines between 27 Judd Avenue and 12 Pynchon Road *and* to authorize the Director of Planning and Conservation to sign the plan due to the COVID-19 state-of-emergency. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #7 --- Approve Annual Report for year ended June 30, 2020

Richard Harris explained that each year the Town publishes an annual report which includes reports from every board, commission and committee in Town. A draft of the Planning Board's report had been circulated to the Board. A final draft with incorporated edits was sent to the Board.

Motion: Member Therien moved to approve the Annual Report for the fiscal year ending on June 30, 2020. Clerk Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #8 ---- Set date for public hearings on Bylaw Amendments and Zoning Map Amendments and for Special Meeting to review eCode 360 and related details

Richard Harris explained that the Board needed to consider an appropriate date to host public hearings on a number of items which required action at Town Meeting. A public hearing was required for proposed amendments to the Stormwater Management Bylaw. Additionally, the Board needed to host hearings to consider two zoning map amendments which had been referred to the Board. He recommended all these hearings be held at the same meeting. As the Board was aware, there were a number of ongoing and anticipated public hearings to consider applications for development. Designating one meeting date for planning board business allowed for easier scheduling of other items requiring action from the Board. The Board agreed to host public hearings to consider bylaw and zoning map amendments on April 5, 2021.

Agenda Item # 10 --- Master Plan Update Review

Richard Harris stated that the agenda item was included to allow the Board to discuss their review of the Master Plan Update if time allowed. As the meeting was entering its third hour, He advised that the Board table this item. The Board agreed.

Agenda Item #11 ---Minutes

Draft minutes of the February 4, 2021 special meeting and draft minutes of the February 8, 2021 regular meeting were previously submitted to the Board for review.

Revised February 8, 2021 regular meeting minutes were sent prior to the meeting.

Motion: Vice-Chair Mulvaney moved to approve the regular meeting minutes of February 8, 2021. Member O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Revised February 4, 2021 special meeting minutes were sent prior to the meeting. Clerk Brown recommended modification to phrasing within the draft and recommended that review of section 4.1 be modified to include additional comments made during the special meeting.

Motion: Vice-Chair Mulvaney moved to approve the February 4, 2021 special meeting minutes as revised. Member O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #12 --- Correspondence

The list of correspondence was sent to the Board. The list of additional correspondence was sent to the Board prior to the meeting. Most of the correspondence related to items already discussed during the course of the meeting.

Agenda Item #13 --- Planning & Conservation Department Report on Planning Projects and Development

Richard Harris discussed the following items:

- *Dunkin Donuts*- Upgrades to the restaurant location were discussed previously during the meeting.
- *Peoples Bank*- Construction was nearing completion. Illuminated signage was approved previously during the meeting.
- *Skinnerwoods*- The developer's consultant submitted a draft Form H Plan for staff review. Richard Harris was working with the consultant to prepare the appropriate documents for the Board's review.
- *Woodlawn Plaza*- The Board could anticipate applications for Site Plan Review and Stormwater Management for a new detached Rocky's Hardware Store within the upcoming months
- *Senior Center*- The consultant indicated interest in installing an illuminated sign at the new Senior Center Building. Richard Harris provided the consultant with the permitting requirements.
- *Eversource*- Eversource expressed interest in installing a temporary structure to service their utility ROW. After conversation with town staff, Eversource decided to no longer peruse the installation. Therefore, this was no longer a consideration for the Board.
- *Bylaws and Map Amendments*- Earlier in the meeting the Board discussed hosting public hearings to consider map amendment requests and Bylaw amendments on April 5, 2021.

- *Master Plan Update*- The Board had special meetings scheduled for March 4 and 18, 2021 to consider the draft.
- *Grant Activity*- Staff were administering and pursuing grant funding from a number of sources including: District Local Technical Assistance (DLTA), MassWorks, MVP, Land Grant, APRs, and the MDI Local Rapid Recovery Grant
- *E-Code*- Review of the local online bylaw database would be included on a future meeting agenda
- *Corridor Study*- A draft of the Route 202-33 Corridor study had been posted to the Town's website. The study would be finalized after an in-person meeting could be held.

Agenda Item #14 --- Other New Business

There was no new business to discuss.

Agenda Item #15 --- Adjourn

Motion: Vice-Chair Mulvaney moved to adjourn the meeting. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The meeting adjourned at 9:13 PM

Respectfully Submitted,
As Approved
Colleen Canning, Senior Clerk, Planning and Conservation Department

Document	Document Location
Q&A Report	Attached
Revised draft open form policy	Planning Files
Peoples Bank ATM usage report	Planning Files
Peoples Bank branch photos	Planning Files
Jim Canning email-2/11/2021	Attached
Brett Johnson email-2/12/2021	Attached
Dunkin Donuts Illuminated sign request	Planning Files
Barbara Callan-Bogia email – 2/22/2021	Attached
Dunkin Donuts Site Plan Review waiver request	Planning Files
Revised Dunkin Donuts Site Plan	Planning Files
ANR Plan –27 Judd Ave & 12 Pynchon Road	Planning Files
Draft Annual Report	Planning Files

February 22, 2021 Planning Board Regular Meeting Question and Answer Report

Question #	Question	Asker Name	Asker Email	Answer(s)
1	Richard - the owner of the Dunkin at this location does turns off the franchise lights after closing. The hours of operation are 5:00 am - 10:00 pm	Jessica Allan	jjoallan@gmail.com	live answered

People's Bank Lights

Mike Adelman <jrzadelman@aol.com>

Fri, Feb 12, 2021 at 3:23 PM

To: Richard Harris <rharris@southhadleyma.gov>

I received further communication from a resident, Brett Johnson, who lives at the corner of Newton and Lyman Street. It is being forwarded only to the Director of Planning to assure no conflicts with Open Meetings Act. Would it be possible to reference the link for the public to present comment in the meeting agenda?

"Hi Mike,

Thanks for getting my input letter out to the board. Also please let the rest of the board members know that I really appreciated the fact that they showed support for my views and took action on what should happen with the lighting at both projects. I felt really comfortable with the results of that meeting.

Please continue to press the bank on the reduction of the amount of lighted signs they plan on installing. Their proposal is over kill for such a small building and location. In comparison TD Bank across the street has only one illuminated sign on their building period. Why does Peoples Bank have to have ,what was the count 6 or 7, illuminated signs?

Good Job and thanks again to all of the members of the Planning Board!!!

Brett Johnson"

465 Newton St.

Signage proposed by Peoples Bank

James Canning <jcanning@springfieldcollege.edu>
To: SHPlanBoard@southhadleyma.gov

Thu, Feb 11, 2021 at 4:30 PM

From: Marion and Jim Canning, 106 Lyman Street

Dear Mr. Harris, Ms. Capra and SH Planning Board members:

Our home lies across the street from the new Peoples Bank building. We would like to share with you a concern regarding the large number of signs proposed on February 8th by Peoples Bank. We and our Lyman, Dayton, and Camden Street neighbors enjoy the friendly, residential atmosphere of our streets. Walkers of all ages, runners, parents with children on foot and in strollers, enjoy not having the distraction of confronting multiple commercial signs. It is noteworthy that the signs on the TD Bank and the Pettengill Insurance building were designed with the residential uses of the street and the experiences of pedestrians in mind. The sizes and number of signs were kept at a minimum and have met the needs of customers and enhanced the appearance of the building. The number and sizes of signs proposed by Peoples Bank does not sufficiently consider the visual experiences of walkers. The sign consultant at the meeting even said, "I look at signs all day long . . . and it's awful!". This drew laughter, from the Board and from us, because we all know it to be true. Please urge Peoples Bank to reduce the number of signs they propose. Customers use their bank often and hardly ever need signs to tell them the locations of the drive-in and entrances. We believe Peoples Bank would want to comply with this request. Thank you.

Marion and Jim Canning

Site Plan Review for Site Plan Review Waiver for addition Dunkin Donuts to expand a Drive-up window

Barbara Callan-Bogia <barbara.callanbogia@gmail.com>

Mon, Feb 22, 2021 at 4:24 PM

To: SHPlanBoard@southhadleyma.gov

Hello,

I'm concerned about the increase of noise to the Stonybrook Village residents, if I read the site plan correctly.

Today residents of Stonybrook Village can hear orders being taken from the Drive-thru window, the comments, etc. from the window.

If the bump-out moves closer to the the Stonybrook property I am not in favor of the Waiver.

Warmly,

Barb

Barbara.CallanBogia@gmail.com

148 Stonybrook Village

Board of Trustees -Stonybrook Village