

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING
MINUTES OF MARCH 25, 2019**

Present: Jeff Squire, Chair; Mark Cavanaugh, Vice-Chair; Melissa O'Brien, Clerk; Brad Hutchison, Member; Diane Mulvaney, Member; Larry Butler, Associate Member; Richard Harris, Town Planner; and Colleen Canning, Recorder

Chair Squire called the meeting into session at 6:30 PM.

Agenda Item #1 - Minutes

The draft minutes from the March 11, 2019 Planning Board Meeting were previously transmitted to the Board for review.

Motion: Ms. Mulvaney moved and Mr. Cavanaugh seconded the motion to approve the minutes from the March 11, 2019 Board Meeting. Five (5) out of five (5) members voted in favor of the motion.

Agenda Item #2 - Correspondences

It was noted that the correspondences were in a folder in front of Mr. Squire and that an additional correspondence had been received the day of the meeting.

Agenda Item #3 - Discussion regarding measures for protection of the Public Water Supply and revisions to the Water Supply Protection District with Representatives from the Board of Health, the Conservation Commission, and the Fire District 2 Board of Water Commissioners

Members representing the Board of Health, the Conservation Commission and the Fire District 2 Board of Commissioners were present.

Representing the Conservation Commission were Bill Deluca, Chair; Jim Canning, Vice Chair; Neva Tolopko, Member; and Anne Capra, Conservation Administrator/Planner

Representing the Board of Health was Jessica Collins, member.

Representing Fire District 2 Board of Water Commissioners were Frank DeToma, Chair; Kate Bedard, Clerk; William Holt, Member; and Mark Aiken, Superintendent.

Mr. Squire opened the discussion by summing up the sentiments that protection of public water supply is important and additional protections to the water supply are being considered. He shared that the 2003 DEP report and the 2004 USGS report were good resources to frame the conversation. He noted that a large portion of Town includes the Falls and the Mount Holyoke Range which already have limited use restrictions. He added that the protection in these areas is already implicit as the state offers clear standards for protection. He remarked that if Chicopee Concrete hadn't submitted a Special Permit application, discussions surrounding Bylaw changes

within the WSPD may not have happened. He included that no issues had been reported with the gravel pit prior to the submission for expansion through a Special Permit application. In the face of recent concerns about water protection in regards to the gravel operation, Mr. Squire had an initial concern that, in efforts to create greater water protection, the language of the town's bylaw could become ambiguous and confusing.

Mr. Harris summarized the draft of the bylaw amendment proposal and offered background on its creation. He shared how Neva Tolopko, Conservation Commission member, and himself had collaborated in drafting regulatory changes. Five different articles would be created in this draft. Four Articles would amend the Zoning Bylaw and one article would amend the Stormwater Management Bylaw (a General Bylaw). Mr. Harris went on to explain each of the five articles:

First Article (referred to as Article A) - The first article would amend the Zoning Bylaw and would prohibit major earth removal within the Water Supply Protection District.

Second Article (referred to as Article B) - The second article would amend the Zoning Bylaw and would address the allowed uses, purpose, and delineation of the Water Supply Protection District (WSPD). One part of Article B is intended to clarify the Special Permit application process and coordination among Town Boards/Commissions.

Third Article (referred to as Article C) – This article would amend the Zoning Bylaw by increasing the minimum lot size within the WSPD to 80,000 square feet and would define a maximum amount of lot clearing and impervious surfaces which would be allowed.

Fourth Article (referred to as Article D) - This article would amend the Zoning Bylaw and would make it explicitly clear that, as a condition of any Special Permit, all applicable local, state and federal laws and permits are required to remain within compliance with the municipality.

Fifth Article (referred to as Article E) - This article would amend the Stormwater Bylaw (a General Bylaw) and would restrict storm water runoff within the WSPD by requiring that such could not be discharged outside the WSPD. Under this article, there would be the availability for a waiver with mitigation requirements in the event the applicant demonstrated that the requirement could not be met.

Mr. Harris offered additional background. Pertaining to Article C, he explained that minimum lot size requirements have been a very contentious issue within the Town. Included within background materials were minutes from the May 7, 2002 Planning Board meeting in which public there was significant comment against a proposal to increase the minimum lot size in the agricultural zoning district to 80,000 square feet. This led the Planning Board in 2002 to withdraw the proposal.

Mr. Harris noted that zoning bylaw and map amendments require a 2/3 majority vote. He also noted that increasing lot size isn't the most effective way to protect land. Mr. Harris advised that it would take six months to a year to propose more comprehensive changes.

As Mr. Harris finished offering background information, it was decided that members of the Planning Board would share their comments regarding the articles. Following this, the opinions of the Fire District 2 Board of Water Commissioners, the Conservation Commission, and the Board of Health would be heard.

Planning Board Comments:

Ms. Mulvany entertained accepting all articles with the exception of Article C. Having read through the minutes of the May 7, 2002 Planning Board Meeting, she advised against increasing the minimum lot sizes within the WSPD.

Mr. Hutchinson had concerns regarding accepting Article C. He noted that increasing lot size is not effective in natural resource protection. Additionally, negative aspects include unaffordable housing lots. Mr. Hutchinson shared that he had no opposition to the proposed changes within the Stormwater Bylaw. In regards to Article D, Mr. Hutchinson inquired with Mr. Harris what the Board's obligation would be to ensure that an applicant was in compliance. Mr. Harris stated that it would be the applicant's job to ensure they are in compliance – the Town would not be responsible for enforcing the State/Federal permitting requirements. However, if it were found that a recipient failed to obtain such additional permits, it could be a basis for a "cease and desist" order by the Building Commissioner.

Regarding Article A, Mr. Cavanaugh expressed concern that the proposed Bylaw changes stemmed from a fear of a new or expanding gravel extraction operation. As that is not the case, he wasn't sure of the necessity of making such changes. However, he did not have an issue with accepting the article. In regards to Article B, Mr. Cavanaugh inquired where the exact lines for re-delineation would be drawn. Neva Tolopko, Conservation Commission member, responded that the re-delineations were based upon pumping studies. Mr. Cavanaugh continued with a concern about minimum lot size. He felt it would inadvertently punish land owners with lots less than 80,000 square feet within the proposed WSPD. He went on to reference CMR 22.21 regarding impervious surfaces and noted that it seemed like it was intended for communities smaller than South Hadley. He continued by saying there weren't observable issues with the public water supply quality. Mark Aiken, Fire District 2 Water Superintendent, stated there hadn't been issues with water quality during his thirty-one year tenure at South Hadley.

Ms. O'Brien stated she was in support of Article A, Article D and Article E. In regards to Article B, she had a question about the maps within the documents. She was interested in hearing the input of other Boards on Article B. Regarding Article C, she advised to consider how other towns handle lot sizing within their WSPD.

Mr. Butler shared concern about Article C regarding increasing minimum lot size. He felt that this would create unaffordable housing, pricing many people out of South Hadley. He said the issue of housing is complex and should be reviewed carefully.

Fire District 2 Board of Water Commissioners Comments:

Frank DeToma, Chair, opened by inquiring how potential changes to the Bylaw would affect the existing gravel pit in Town. It was confirmed that any zoning Bylaw changes would only apply to new uses of land. Potential new regulations and their effect on the existing gravel pit would require a discussion separate from the currently discussed agenda item. Additionally, he expressed concerns about spillage regulation as it is not addressed through state or local regulation

Mark Aiken, Superintendent, stated he agreed with allowing State CMR to override Town regulations in the event that state law was more stringent within the WSPD. He also agreed in requiring extraction activities to remain 10 feet above historical groundwater high point.

Conservation Commission Comments:

Neva Tolopko, member, opened by addressing Article B. She was in favor of a current system in which Board and Commissions review and vote on the Planning Board's pending project submissions. She reiterated that this maintains transparency and ultimately assures that outside Boards are able to see and effectively comment on the Planning Board's proposed project. Additionally, she was in favor of increasing the comment period from 35 to 50 days. Jeff Squire, Chair of the Planning Board, commented that, within the Special Permit process, the level of review from outside Boards added an extra step and may be redundant. Neva Tolopko replied that in the event that the Planning Board did not receive comment from outside Boards, it would imply approval. She recommended looking how other towns organize communication amounts Boards.

Bill DeLuca, Chair, concurred with Neva Tolopko. He favored a system in which Boards could review and vote on pending planning projects.

Jim Canning, Vice-Chair, wanted to encourage a 'holistic' approach for review of pending Planning Projects in which the applicant would present the proposed project to all Board and Commissions.

Mr. Harris commented that applicant presentations would require regulatory authority – the Planning Board cannot, absent other law, require someone to appear before another board. Mr. Squire, Planning Board Chair, commented that if any concern was raised by a town Board, the Planning Board would take it seriously. Additionally, if projects were within jurisdictional authority the Conservation Commission would already have regulatory authority.

Bill DeLuca, Chair, commented that he was in favor of the Articles brought fourth. He responded to the critiques of Article C, which favored increasing minimum lot size. He commented that if

greater lot sizes offered additional protection to the water supply, it should be considered and brought forth to Town Meeting. Mr. Harris, suggested that opposition to Article C could bring opposition to the other articles if they were brought forward together – and it is not an effective way to protect natural resources as noted by Mr. Hutchison.

Board of Health Comments:

Jessica Collins, member, brought forth a few questions and comments. Regarding Article A, she inquired what the definition of *major* earth removal was. Mr. Harris replied that *major* earth removal included projects of over 5,000 cubic yards – it is defined already in the Zoning Bylaw. Regarding Article B, she encouraged limiting impervious surfaces within the WSPD. Mr. Harris replied that limits on impervious surfaces are stipulated within the article. Regarding Article E, she wanted to clarify the runoff restriction. Jeff Squire, Planning Board Chair, shared that water runoff cannot be discharged off a property, as is stipulated in State law. Mr. Harris reiterated that in Article E there was a requirement that runoff cannot be discharged outside the ‘Zone’ of origin. Jessica Collins went on to inquire about specifically listing prohibited pollutants with the WSPD. Mr. Harris responded by saying that the Town can follow the state CMR regarding prohibited pesticides – if specific pollutants were listed but something was left off, that could pose an enforcement issue.

Additionally, Jessica Collins noted that the Board of Health meet every other month therefore the BOH may not be able to make comments to the Planning Board regarding pending projects within the 35 (proposed 50) day comment period. Mr. Harris suggested that, if a Board or Commission does not meet regularly, then they may need to revisit their meeting schedule – by State law, the Planning Board has limits as to how long they can wait to hold a hearing and make a decision. She will address this with her Board to see if they can meet more frequently.

Public Comment:

Joanna Brown, Precinct E, addressed the Board. She stated she was having difficulty finding the referenced documents regarding Articles A through E. Ms. Mulvany advised that the information she wanted to see was on page 19 of the background materials. Joanna Brown continued and urged that the priority of municipal Boards should be the public health and wellbeing.

Robert Pleasure, Water District 2 resident, addressed the Board by saying that on March 13, 2019 South Hadley Building Commissioner, David Gardner, issued a cease and desist order for Chicopee Concrete’s extraction activities. He remarked that the level of compliance throughout the gravel pit operation could not be verified because regular inspections were not being performed. He added that he supported prohibiting extraction activities within town.

Nate Therien, 25 Jewett Lane, inquired what potential alternatives the Board might consider in - lieu of the increase in minimum lot size, stipulated in Article C. Mr. Harris stated that alternatives would take months to draft, however, ‘natural resource zoning’, ‘opens pace cluster zoning’, and ‘flexible development’ are general examples of alternative zoning strategies.

Motion: Ms. O'Brien moved and Ms. Mulvany seconded the motion to advance the discussion, regarding the five discussed warrant articles with exception to the increase in minimum lot dictated in Article C, to a Public Hearing on April 22, 2019. Five (5) out of Five (5) members voted in favor of the motion.

It was noted that Article E was under the General Bylaw and would have to be reviewed by the By-law Review Committee.

Discussion regarding Newton Street Smart Growth Zoning District Design Guidelines and Administrative Regulations

Within **Section 5.5: Welcoming Store Font Signs**, Mr. Hutchinson inquired about the word choice between integrated vs. level in regards to design standards. Mr. Harris replied that, in working with Lucia Foley, the term 'integrated' appeared to be clearer and more appropriate.

Mr. Hutchinson commented that **Section 6.5: Promote Sustainable Development** was vague and specific ratings could be referenced..

Within **Section 7.6: Roofs**, Mr. Hutchinson was interested in requiring parapets on flat roofs as an architectural element. Mr. Butler concurred and added that anything on top of a flat roof creates a safety risk and parapets would prevent materials from flying off a flat roof. Mr. Butler encouraged that all flat roofs on public ways have parapets. It was agreed that walls on buildings with flat roofs should extended three feet above the high point of the roof. It was added that the height of the parapet will not count against the height restriction of the building. The referenced changes will be made to Section 7.6.

Mr. Hutchinson referenced **Section 9.4.1**. He commented that he did not see the necessity in banning vinyl awnings. It was decided that Section 9.4.1 would be struck from the guidelines.

Development Update and Planner's Report

a. Development Report

- Mountainbrook Development – Phase 2 – (Mr. Harris explained that the developer has made substantial work towards installing infrastructure. It is anticipated that they will be seeking a 'Release of the Covenant Agreement' and replacing it with a financial guarantee this Spring)
- Rivercrest Condominiums – (No change)
- Ethan Circle Subdivision –(No change)
- Canal Street Condominiums – (No change)
- Bardwell Street Condominiums – (No change)
- Potential Flexible Development on Amherst Road by Thomas Spring – (Mr. Harris explains that an engineer representing Tom Spring has made inquiries as to some of the Stormwater and related requirements. It is anticipated that applications – Special Permit and Stormwater Permit – will be submitted in April which would likely result in the hearing being begun in May 2019)
- Riverlodge Road – (No change)

- Opportunity Zone Designation. (No change)
- Zoning Map Amendments – Reports have been revised and posted on the Town’s website.
- 460 Newton Street, 47-49 Camden Street, and 102-104 Lyman Street – This hearing was deferred until April 8, 2019 at the applicant’s request
- Proposed Group Home/Congregate Living Facility – (Mr. Harris explained that the applicant’s consultant has submitted revised plans, responses to the Town’s Peer Review, responses to the Departmental comments, and a Rendering of the proposed building as viewed from Old Lyman Road with a fence along the Old Lyman Road frontage. All such materials have been posted on the Town’s website. Mr. Harris understands that the applicant may seek to have a meeting with abutters prior to the April 8, 2019 Public Hearing date.)
- Bridge Street Mixed Use Development – (Mr. Harris explained that Dan and Jaime Luis are planning to submit an application to build a small mixed use building (5 apartments with a small retail/office space for lease) at 36 Bridge Street. They have met with the Conservation Administrator/Planner who talked to DEP regarding their permitting process. It appears that DEP approval might be challenging so the applicant will be hiring a consultant to aide in the process. It is anticipated that the hearing on their application would likely begin in May or June 2019.)

b. Bylaw Amendments

- Bylaw Amendments for 2019: (This was discussed tonight under agenda item three. The deadline for submittal of articles to the Town Administrator is April 2, 2019)
- Smart Growth 40R Districts: (This was discussed tonight under agenda item four.)
- Infill Development/Lot Averaging Bylaw Amendment: Mr. Harris explained that the Town has submitted a grant application for funding to retain a consultant to assist in evaluating infill development opportunities and options. This topic generated lots of public input as follows:

Linda Young, resident of precinct E, commented that she was opposed to pursuing a grant for infill study. She felt that the energy of the Planning Department should go towards more pertinent grants.

Rudy Turnbach, Ferry Street resident, urged the Board to focus its time on pursuing grants to analyze that impact of climate change

Mr. Harris commented that the Town would like to apply for any such grants that are feasible and for which the Town qualifies. He suggested that if someone knows of such a grant, please forward him the information and they will explore it.

Joanna Brown, resident of precinct E, commented that infill grants through were specific to towns in Eastern Massachusetts and would be misplaced here, in South Hadley.

Martha Terry, of 25 Brainerd Street, shared that she attended a workshop through PVPC and discussion surrounding infill was not positive. She commented that infill was unnecessary and in

opposition to the theme of the next Master Plan /OSRP community forum “Healthy Neighborhoods for all ages”. She urged to focus on open and green space.

Kathleen Davis, of 7 Saybrook Circle, shared that she has experience in grant writing and was in opposition to pursuing the infill study grant.

Steven North, South Hadley resident, inquired with the Board what process would be used to review the study. Mr. Harris replied that a series of public meetings and hearings would be held to inform and engage the public. Steven North went on to endorse the previous comments made by the public in opposition to pursuing infill grant study funding.

Jim Canning, resident of prescient E, shared that he recently attended a MACC (Massachusetts Association of Conservation Commissioners) training and the impact of climate change is a growing concern. He shared that many communities are preparing for climate change and South Hadley should do the same. He urged that the Board pursue grant funding to identify and help prepare for the effects of climate change.

Mr. Harris again noted that the staff would be happy to pursue such grants – if anyone knows one that would be feasible for the Town to pursue and for which the Town qualifies, they should forward that information.

Mr. Harris explained that, as this grant is for a study, there is not a requirement to preform infill. He continued by offering an example of the type of infill project that could potentially be seen in South Hadley. Mr. Harris explained that over the years, frontage requirements have increased throughout Town. Older acquired lots may not be in continuity with neighboring lots. In efforts to create continuity, the older lots could be infilled.

Mr. Cavanaugh noted that the Town had already submitted the grant application in question.

- Design Review Bylaw: No change –however, Mr. Harris recommends this item should be put forward for Town Meeting in 2020
- Chapter 43D Expedited Permitting: No change
- Working on a model Subdivision Regulation with other communities and the PVPC: (This is taking a vacation over the winter.)

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority: (The Conservation Administrator/Planner has drafted an RFP to seek a consultant to assist with the MEPA filing which is required for DHCD approval.)
- MassWorks Grant – Gaylord Street: (Mr. Harris explained that construction is expected to begin on March 25, 2019 on the waterline replacement and parking lot components)
- Land & Water Conservation Fund Grant Applications: (No change.)

- Complete Streets Program Participation: (The town is close to putting this project out for bid.)
- Regional Valley Bike Share program: (The 2019 season is anticipated to roll out in early April.)
- The town is participating in the “Team Hampshire” economic development coordinating effort – an informal process among several of the cities and towns in Hampshire County
- Permitting Guide: No change
- Green Communities: No change
- Westover Air Reserve Base Joint Land Use Study: No change.
- Regional Housing Committee: (No change)
- River to Range Trails. No change.
- Age Friendly Community. The Town is participating with Chicopee and Holyoke in an “Age Friendly Community” planning process. As part of this process, they have launched a survey. The Town is planning to use this survey as the input for the second community forum associated with the Master Plan and OSRP Update Process scheduled for March 27th which has the theme “Healthy Neighborhoods for All Ages”.
- Open Space & Recreation Plan and Master Plan Updates: The first forum was held February 27th and appears to have had a very good turnout (46 persons) in spite of the snow and dismal weather forecast. The MPIC conducted 4 “Meetings in a Box and the forums were held on the following dates:
 - March 12, 2019 – 6:00 p.m. – South Hadley Library, Canal Street
 - March 20, 2019 – 6:00 p.m. – Fire District #2 Meeting Room, Woodbridge Street
 - March 21, 2019 – 11:00 a.m. – South Hadley Senior Center, Dayton Street
 - March 21, 2019 – 1:00 p.m. – South Hadley Senior Center, Dayton Street
- The Open Space and Recreation Plan Update Advisory Committee meeting was held Wednesday March 20, 2019 in the Town Hall – Room 205
- The Master Plan Update Advisory Committee held a meeting on Thursday March 21, 2019 in the Town Hall – Room 205.
- As noted earlier, the next Community Forum is scheduled for Wednesday March 27, 2019 at 6:00 p.m. at the Town Hall with the theme “Healthy Neighborhoods for All Ages”

Other New Business

Mr. Harris reminded members of the Board that Conflict of Interest training was due in to the Town Clerk by April 1, 2019.

Ms. O’Brien invited everyone to an event hosted by the Bike Walk Committee. On Sunday April 5th from 11:00 AM- 2:00 PM there will be a maple syrup trek at the Stone Silo Maple Syrup Farm that will include a tour of syrup tapping and views of South Hadley conservation lands.

Ms. Mulvany invited everyone to attend “Dan Kane and Friends featuring Freddie Marion” on Sunday May 19th at the South Hadley High School. Proceeds from the show will benefit the new South Hadley Senior Center building.

Adjournment

Motion: Mr. Hutchinson moved and Ms. Mulvany moved to adjourn the meeting at 8:57 PM.
Five (5) out of Five (5) members moved in favor of the motion.

Respectfully Submitted,

Colleen Canning, recorder

Appendix

Newton Street Smart Growth Design Standard Draft	Planning Files
Draft Planning Board Articles for Protection of Public Water Supply	Planning Files
Annotated Draft of Proposed Revisions to the WSPD Provisions	Planning Files
Planning Board Meeting Minutes May 7, 2002	Planning Files