

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING
MINUTES OF APRIL 29, 2019**

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

Chair Cavanaugh called the meeting into session at 6:30 PM

Agenda Item #1---Minutes

No draft minutes had been prepared for the meeting for the Board to review.

Agenda Item #2---Correspondence

The correspondence folder was in front of Chair Cavanaugh. Additional correspondence had been received including: 1.) a comment letter from the Conservation Commission regarding the Preliminary Subdivision Plan of North Pole Estates and 2.) a letter received via e-mail from a town resident regarding the excavation activities by Chicopee Concrete at Drybrook Hill.

Agenda Item #3---Consider Reports to Town Meeting on Zoning Bylaw Map Amendments

Mr. Harris opened with some background. Recommendations regarding the Planning Board's warrant articles for the annual Town Meeting had been made by Board at the last meeting. As Town meeting was scheduled for May 8, 2019, Mr. Harris presented draft reports detailing the recommendations and background regarding the articles. He noted that since there was a new member of the Board subsequent to the Board's recommendations regarding the two zoning map amendments, he also thought it appropriate for the Board to consider/reconsider those reports.

Article 22 would amend the Stormwater Bylaw, a General Bylaw, requiring that all stormwater runoff generated within a WSPD zone remain within the zone.

Article 23 would amend the Zoning Bylaw to prohibit fill and excavation within the WSPD.

Article 24 would amend the Zoning Bylaw to define the purpose and use of the WSPD. It would also re-delineate the district to reflect DEP's recommendations and implement other revisions to Section 255-35 of the Zoning Bylaw.

Ms. Brown noted that, at the previous Board Meeting, she voted against recommending Article 24. However, the article received 4-1 votes recommending the article be adopted at Town Meeting.

Article 25 would amend the Zoning Bylaw to stipulate dimensional restrictions within the WSPD including restrictions on impervious surface and lot clearing.

Article 26 would amend the Zoning Bylaw to require an applicant satisfy all relevant Federal, State and Local requirements to be in compliance with a Planning Board issued Special Permit.

Article 27 and Article 28 were map amendment requests to change the Zoning of two properties on Granby Road. The Board had previously voted to recommend waiting on any zoning map changes in this area until the Route 202- Route 33 corridor study was completed (probably early 2020).

Ms. Bown noted that she was not on the Board at the time that Article 27 and Article 28 were discussed. She would have voted not to recommend Article 27 and Article 28 regardless of the findings of the corridor study as she saw it as ‘spot zoning’

It was up the board to vote to endorse the recommendations as written.

Motion: Ms. Mulvaney moved to endorse the Reports on Articles 22, 23, 25 and 26 as presented. Ms. O’Brien seconded the motion. Five (5) out of Five (5) members voted to endorse the Reports on articles 22, 23, 25 and 26 as presented.

Motion: Ms. Mulvaney moved to endorse the Report on Article 24 as presented. Ms. O’Brien seconded the motion. Four (4) out of Five (5) members voted to endorse Article 24. Ms. Brown voted against the motion as she favored the current WSPD delineation over the proposed.

Motion: Ms. Mulvaney moved to endorse the Reports on Article 27 and Article 28 as presented. She added that under the article presented, spot zoning would not be allowed. Mr. Hutchinson seconded the motion. Four (4) out of Five (5) voted to endorse Article 27 and Article 28. Ms. Brown voted against the endorsement.

Martha Terry and Linda Young, South Hadley residents, wanted clarity on the procedure for Zoning Map Amendment requests. What would the property owners’ recourse be if Town Meeting members voted against the article? Mr. Harris explained they would be able to re-file a new zoning map amendment request for a different zone than presently requested. However, the same amendment would have to wait 2 years unless recommended by the Planning Board.

Agenda Item #4--- Review and Consider Preliminary Subdivision Plan – North Pole Estates submitted by Chicopee Concrete Services, Inc. – Property Location: West side of Hadley Street (aka State Route 47) and along Sullivan Lane and are identified on Assessor’s Map Number #54 as Parcels #15 & #20 and on Assessor’s Map Number #56 as Parcels #20, #26, #43, #43A, #104, #109, #112, and #121.

Prior to discussion, Chair Cavanaugh shared that he filed a Conflict of Interest disclose regarding this agenda item. He explained that the company he works for and the consultant for this project are working on a separate project together. However, he has had no professional interactions with this project.

Mr. Cavanaugh asked Rob Levesque, Chicopee Concrete's consultant, to present to the Board the proposed Preliminary Subdivision Plan of North Pole Estates. Rob Levesque opened with an overview of the plan. The project will consist of a 59 lot subdivision with 2 ANR (approval not required) lots. The road pattern will be a loop with access to Hadley Street. He explained that the advantage of the Preliminary Plan was to freeze zoning of the area for seven months. If a subsequent Definitive Subdivision Plan was submitted within those seven months, the zoning freeze would carry over for 8 years. Rob Levesque addressed Conservation concerns in explaining that development would be out of wetlands. 20 acres along the wetlands of the proposed plan will remain open space. He addressed site conditions by explaining that significant earth removal will be required to bring the site to appropriate grade. Title Five requirements will be met with separations of at least five feet, rather than four feet, due to the sandy nature of the location' soil. The minimum lot size is 40,000 square feet.

Berkshire Design Group had been contracted by the Town to perform a Peer Review of the Preliminary Subdivision Plan. The review had been received shortly before the night's meeting. The Board discussed some of the recommendations with the applicant's consultant, Rob Levesque. Initial reading of the peer-review generated comments including:

- The scale of plan required a waiver. **Rob Levesque stated that the applicant presented the plan in this way to allow the plan to be seen on only one sheet.**
- It was noted that lot 56 has less than the 150 ft dimensional setback requirement. **Rob Levesque noted that the lot width is met at the setback line and the applicant will adjust this prior to submission of Definitive Subdivision Plan.**
- No parks were included in the design. **Rob Levesque stated that the applicant did include areas of open space.**
- No sidewalks were included in the design. **Rob Levesque stated that the applicant will likely propose sidewalks on one side of the road.**
- Lot 9-18 appear inaccessible from the plan. **Rob Levesque explained the plan was to demonstrate grading for the road only.**
- Drainage concerns were addressed. **Rob Levesque explained they presented the drainage in a 'general fashion' and will handle specifics as the Definitive Plan in drafted.**

Ms. Mulvaney suggested that a copy of the current zoning bylaw be incorporated with the preliminary plan project file as zoning bylaws freeze at the time of submittal.

Rob Levesque shared that many of the recommendations would be incorporated within the submission of a Definitive Subdivision Plan. If the Board motions to accept the Preliminary Subdivision Plan, the Peer- Review recommendations could be part of their approval. The Town Planner had arranged a list of suggested conditions which incorporated issues addressed from other town Boards. The list of suggested conditions were read aloud as follows:

- 1. The Riverfront Boundary is shown as “approximate”. The applicant needs to have a formal delineation undertaken to ensure that no work is undertaken which would impact the Riverfront jurisdiction.*
- 2. Limit grading of areas in proximity to the Riverfront Boundary (as it is eventually delineated) and the other wetland areas to ensure that destabilization of trees and drainage systems don’t have the long term effect of damaging the Riverfront or wetland Resource areas.*
- 3. The topography depicted on the Preliminary Plan appears to be generalized and interpolated. Due to the amount of grading anticipated, the topography must be ground verified. **Rob Levesque commented that the boundary had been surveyed, the topography had been verified, and updated.***
- 4. Verification of the “historical seasonal high groundwater” to ensure that the finished elevations will allow sufficient space for Stormwater detention, septic tanks, and building foundations not to be within 5 feet of the “seasonal high groundwater”.*
- 5. Traffic analysis to include a determination of impact on the existing traffic patterns and flows on Hadley Street, Sullivan Lane, and Pearl Street. This analysis should include a sight distance analysis – particularly for peak periods and taking into consideration winter conditions.*
- 6. A plan for ensuring that construction equipment and operations do not adversely impact the groundwater supply. This should include an Operations & Maintenance Plan and Emergency Response Plan that establishes a specific location for maintenance of equipment and their storage when they are not in use on the site. **Mr. Harris added that, with the intention of major earth excavation, there will need to be an adequate plan for refueling of machinery and construction vehicles in a manner as to contain any spills or leaks.***
- 7. Vegetative Maintenance. Mature trees can benefit the environment and homeowners in many ways. Accordingly, the developer should seek to minimize removal of trees from the site as one of the approaches to managing and control erosion. The phasing plan for the development needs to include a phasing plan for the tree cutting to prevent destabilization of the extreme slopes throughout the entire site, and to prevent the proposed stormwater basins from being overwhelmed during the construction phase. **Rob Levesque commented that the site is currently a ‘bowl’, therefore any erosion would flow directly back on site. There would be no migration of material to the perimeter of the site. Mr. Harris cautioned that retention basins on site would quickly fill with silt and the applicant needs to have a management plan in place.***
- 8. Revegetation Plans. The site has been subject to significant amount of disturbance and the proposed Preliminary Plan suggests significant additional disturbance (such as, removal of most of the site’s vegetation and top soil, excavation of most of the site, etc) will be part of the development of this subdivision. This disturbance could result in long term degradation of the site including “steep” slopes which could render lots effectively unbuildable. Therefore, to*

*ensure that the site remains stabilized, the applicant needs to provide a plan for restoration of the gravel pit, including grading, replacement of topsoil, and re-vegetation along with a time schedule for implementation. The applicant should include with the Definitive Plan submittal a plan, including a narrative description, for the street trees and other landscape plantings required under the Subdivision Regulations. **Mr. Harris recommended that the landscaping could be done in two phases to satisfy the site conditions before and after development.***

9. Details on how any fill material will be verified that it is not contaminated.

*10. The Water Supply Protection District has unique restrictions applicable to all property owners (particularly important for single-family home owners) which do not apply to all properties in South Hadley. Adherence to these restrictions (such as on pesticides, fertilizers, application of materials to melt ice, etc.) is particularly important to protect the water quality in a Water Supply Resources Area Zone II. Accordingly, the applicant is to provide details on how lot purchasers will be informed that they are in a Zone II area. **Rob Levesque commented he was not aware of regulations that stipulate this requirement. Mr. Harris explained that, considering the sensitivity of the site, potential homeowner should be notified of restricted uses within the area.***

*11. The purpose of the Water Supply Protection District is to promote the health, safety and welfare of the community by protecting and preserving the surface and groundwater resources of the Town and the region from any use of land or buildings which may reduce the quality and quantity of its water resources. As such, excavation of a substantial amount of material and construction of a substantial number of houses in the Zone II could have an adverse impact on the health and safety of the residents and impede the ability of the District to continue to supply public water. Therefore, a Hydrogeological Assessment Study demonstrating that the proposed development will not have an adverse impact on the District 2 Public Water Supply, health and safety is to be provided by the applicant. **Rob Levesque read Massachusetts General Law 81Q which stipulates that Planning Board Authority and, in his reading of the law, the requirement to conduct a hydrological study was not one of them. Therefore, the applicant does not intend to do such a study. Mr. Harris stated that Town Counsel has been consulted on the matter and opined that this within the Board's purview to require.***

12. Details on the earth removal, particularly any proposed crushing, operations to be carried out on-site.

13. The Planning Board is supportive of minimizing the extent of pavement to be provided in this subdivision. Further, South Hadley's Stormwater Management Bylaw and policies in the Master Plan encourage minimizing impervious surfaces and use of Low Impact Development approaches. Given the important significance of the Zone II of the Dry Brook Hill Water Supply, such approaches are more significant in this area and are encouraged to be incorporated into the Definitive Plan.

*14. The site has been traveled over, for decades, by trucks and heavy equipment. It has been used at times as a shooting range. Accordingly, the Definitive Plan submittal needs to address how the applicant plans to test the site for the presence of contaminants and mitigate any such contaminants found to be on the site. **Rob Levesque commented that 'typical due diligence' will be performed. However, in his opinion, a site assessment was not required.***

15. Special Permitting for particular lots. As proposed, lots 13 through 28 are in proximity to either Buffer Zone or Riverfront which are significant environmental resources. The applicant is encouraged to avoid these areas to lessen the potential impact on these resource areas. If the Definitive Plan includes creation of these or other lots within the same or similar proximity to these areas, as stated in the Conservation Commission's letter, lots will require special permitting by the Conservation Commission due to the proposed lots proximity to either Buffer Zone or Riverfront Area: a) Proposed lots 19 thru 28 along the northern boundary of the site are within Buffer Zone and as such will require the filing of a Notice of Intent for any work on those lots. b) A formal delineation of the Riverfront Resource Area will be required relative to proposed lots 13 thru 19 are proximal to an area noted on the plan as "200' Riverfront Area Approximate". Additional permitting through the Conservation Commission is likely to be required for the resulting lots. c) The Conservation Commission plans to review each proposed lot as specific development plans are generated to consider the extent to which building activities are jurisdictional to the Commission based on bylaws in place at the time of development. d) Where a proposed lot includes a portion of a Resource Area, the applicant is encouraged to depict building foot prints for each lot to indicate that there is reasonable area in which to locate residential buildings thereon without request either a variance from the Zoning Bylaw or a waiver from the Wetlands Bylaw. Again, the applicant is encouraged to consult with the Conservation Commission regarding the Wetlands Bylaw prior to submittal of a Definitive Plan.

Rob Levesque commented that they do not anticipate work in wetlands or buffer zone.

16. Peer Reviews Anticipated. Based on the plans submitted and the input provided to-date, the applicant should anticipate that the Town will likely seek to have peer reviews conducted on at least the following aspects of the Definitive Plan: Riverfront Resource Area delineation; Stormwater Management Plan; Hydrogeologic Assessment Study; Operations, Management, and Emergency Response; and Traffic Impact.

17. Waivers. The only waivers requested in the Preliminary Plan submittal were regarding the scales for the Plan and Profiles. The Board has allowed the Preliminary Plans to be reviewed and conditionally approved using the scales shown on the plans as submitted. As such, the Planning Board has granted the waiver regarding the scales for the plans and profiles for the Preliminary Plan. HOWEVER, this waiver does NOT extend to the Definitive Plan. Therefore, the Planning Board's conditional approval of the Preliminary Plan does not convey any waiver applicable to the Definitive Plan submittal.

Two additional suggested comments were generated during the course of discussion and include the two following:

18. Peer Review. The comments from the Peer Review Letter submitted by Berkshire Design dated April 29, 2019 are to be addressed and resolved in the Definitive Plan submittal.

19. Roadway Maintenance. The proposed roadway is to be maintained by the developer until such time as the roadway becomes a public road (this is not to be interpreted as committing the Town to ever accepting the roadway as a public road). This maintenance task includes, but is not limited to, maintaining the safe roadway surface, plowing, de-icing, etc. Maintaining access of a roadway free of snow and ice in a Zone II Water Supply Recharge Area requires special

considerations. Accordingly, the Definitive Plan submittal needs to provide a plan for maintaining the proposed roadway consistent with DEP requirements, best practices given the environmental conditions, and Section 255-35E and Section 255-35F of the Zoning Bylaw with particular attention to 255-35E(8) regarding stockpiling of snow and 255-35F(2) regarding minimal use of sodium chloride for ice control.

Following the review of suggested comments, Chair Cavanaugh asked if present Town Board/Commission members wanted to address the Board.

Bill DeLuca, Chair of the Conservation Commission, addressed the Board. He responded to jurisdictional comments made by Rob Levesque. The need for 'Notice of Intent' through the Conservation Commission would be determined after it is known where activity will occur. He kept his comment brief to allow time for public comment.

Jim Canning, Vice-Chair of the Conservation Commission, addressed the Board and read the first and last paragraph of the Conservation Commission Comment Letter.

Kate Bernard, Fire District No. 2 Board of Water Commissioners Member, addressed the Board and read the comment letter generated by her Commission. She added that old houses existing within the general area should not create precedent for a new development.

Mark Aiken, Fire District No. 2 Water Superintendent, commented that the DEP has not expressed concern for the aquifer relating to the proposed development.

Kevin McCaffrey, Mount Holyoke College, inquired when it will be determined whether or not a hydrological study will be conducted. Mr. Harris explained that it will be a component of the Definitive Plan review, roughly six months from now.

Robert Pleasure, Jewett Lane, addressed the Board. He noted that the topographical information given was not adequate.

Following input from Town Boards and the public, Mr. Harris explained the Board had to make one of three decisions. They could 1.) deny the plan 2.) approve the plan with conditions or 3.) approve the plan without conditions. He suggested that approval of the plan without conditions had the same effect as a denial in that it does not provide guidance for the developer to use in addressing the Board's concerns in developing the Definitive Plan. Accordingly, he suggested he would not suggest approving a Preliminary Plan without conditions.

Prior to making a determination, Ms. Mulvaney suggested that the Board walk through the 12 items that are required criteria for the approval of a Preliminary Subdivision Plan through the Subdivision Regulations. She requested that the applicant's consultant identify where each of the requirements have been satisfied. The items were read aloud as follows:

1. *The subdivision name, boundaries, zoning district, true North arrow, date, scale, legend and title, "Preliminary Plan".* **Rob Levesque stated that the items were provided and noted where each item is on the plan. The applicant asked for a waiver of scale to present the plan on one page. The peer-review of the project did not have issue with the scale of plan as presented.**
2. *The names and addresses of the owners of record, the applicant and the registered Civil Engineer and/or Land Surveyor.* **Rob Levesque stated that the items were provided and noted where each item is on the plan.**
3. *The names of all abutters as determined from the most recent tax list, and book and page from the Registry of Deeds.* **Rob Levesque stated that the items were provided and noted where each item is on the plan.**
4. *Existing and proposed lines of streets, right-of-way, easements and any public or common areas within the subdivision.* **Rob Levesque stated that the items were provided and noted where each item is on the plan.**
5. *Location, names and present widths of adjacent streets.* **Rob Levesque stated that the items were provided and noted where each item is on the plan. The right of ways on existing streets are labeled as "variable".**
6. *Location of natural waterways and water bodies within and adjacent to the subdivision.* **Rob Levesque stated that the items were provided and noted where each item is on the plan.**
7. *Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.* **Rob Levesque stated that the items were provided and noted where each item is on the plan.**
8. *The existing and proposed topography in a general manner.* **Rob Levesque stated that the items were provided and noted where each item is on the plan. Mr. Harris noted that the use of 1 foot contour intervals made the presentation more cluttered – a two or five interval would have been better for the Preliminary Plan.**
9. *Proposed storm drainage and sanitary sewerage systems including location, size, direction of flow of existing and proposed sewers, culverts, and storm drains, in a general manner.* **Rob Levesque stated that the items were provided and noted where each item is on the plan. The Berkshire Design Peer Review comments were noted.**
10. *Proposed water systems in a general manner.* **Rob Levesque stated that the items were provided and noted where each item is on the plan. District 2 Water Department will review the details in the Definitive Plan review process.**

11. Profiles of proposed streets, on a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet, showing existing and proposed grades along the center lines. Rob Levesque stated that the items were provided and noted where each item is on the plan. The applicant requested a waiver of the scale requirement to allow the plan to be seen on one page. The Berkshire Design Peer Review comments were noted.

12. A sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout. Rob Levesque stated the plan provided the relevant information.

Joan Vohl Hamilton, South Hadley resident, addressed the Board. She asked the applicant's consultant, Rob Levesque, to confirm if soil will be removed from site prior to building. Rob Levesque confirmed that was the intended plan.

Jim Canning, Vice-Chair of the Conservation Commission, was not satisfied with the scale of the plan. Even though the scale allowed the plan to be seen on one sheet, he would have appreciated a larger scale.

As there was no additional comment, Chair Cavanaugh inquired if there was a motion.

Motion: Ms. Brown motioned to deny the Preliminary Subdivision Plan.

As there was a long pause, Chair Cavanaugh inquired if there was a second to the motion already made or another motion.

Motion: Mr. Hutchinson motioned to approve the Preliminary Subdivision Plan with the 19 afore mentioned conditions. Ms. O'Brien seconded the motion. Four (4) out of Five (5) members voted in favor of the motion. Ms. Brown voted against the motion.

Agenda Item #5---Development Update and Report

a. Development Report

- Zoning Map Amendments – This item was discussed under agenda item #3
- North Pole Estates Preliminary Subdivision Plan – This item was discussed under agenda item #4
- Bridge Street Mixed Use Development – (No change.)
- Newton Street Smart Growth Zoning District – Comments had been received from the DHCD on the draft Design Guidelines. DHCD have expressed they want some items to be made clearer. However, they have also indicated conditional approval could be given so the Town could have Design Guidelines in place if an application were submitted.

b. Bylaw Amendments

- Bylaw Amendments for 2019: This item was discussed under Agenda Item #3

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority: (No change.)
- MassWorks Grant – Gaylord Street: Additional work to be done had been uncovered on Gaylord. Therefore, the contractor will not be able to perform work on Lamb Street as was earlier indicated. The work the Lamb street work was not part of the original work scope
- Complete Streets Program Participation: The plans have been completed and a bid package is being prepared for advertisement.
- Open Space & Recreation Plan and Master Plan Updates: The third Community Forum was held on Wednesday April 24, 2019. Approximately 24 residents attended and participated in the three breakout sessions. The MPIC has scheduled “Meetings in a Box” as follow-up to the third forum:
 - May 4, 2019 at 10:30 am, Falls Neighborhood Association at the SH Public Library
 - May 9, 2019 at 7:00 pm, Community Room, Riverboat Village, 173 Riverboat Village Road
 - May 16, 2019 at 6:00 pm, Fire District 2, 20 Woodbridge Street

They are also working on trying to schedule a fourth “meeting in a box”.

- The next meetings of the Open Space and Recreation Plan Update Advisory Committee are scheduled for Wednesday May 15, 2019 and Wednesday May 22, 2019 in the Town Hall – Room 205
- The next meeting of the Master Plan Update Advisory Committee is scheduled for Wednesday May 15, 2019 in the Town Hall – Room 205 (to immediately follow the OSRP Update Advisory Committee meeting)

Agenda Item #6--- Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

Mr. Harris and Ms. Mulvaney invited everyone to attend Town Administrator Mike Sullivan’s discussion on May 1, 2019 to review proposed Bylaw amendments to be brought forth at Town Meeting on May 8, 2019.

Ms. Mulvaney 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.

Agenda Item #7 ---Adjournment

As there was no new business to discuss, Chair Cavanaugh inquired if there was a motion to adjourn.

Motion: Ms. Mulvaney moved to adjourn the meeting. Mr. Huchinson seconded the motion. Five (5) out of Five (5) members voted in favor of the motion.

The meeting was adjourned at 9:02 PM.

Respectfully Submitted,
Colleen Canning, Recorder

Appendix

Repts to Town Meeting May 2019	Planning Files
Berkshire Design’s Peer Review	Planning Files
List of Suggested Conditions Planning Files	Planning Files
Conservation Commission Comment Letter	Planning Files
Fire District No. 2 Board of Water Commissioners Comment Letter	Planning Files
Mass General Law 81Q: Planning Board: adoption of Rules and Regulations	