SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MINUTES OF JULY 13, 2020
As Approved

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

Chair Hutchison called the virtual meeting to order at 6:32 PM and overviewed virtual meeting protocols.

Clerk Brown joined the virtual meeting at 6:35 PM.

Agenda Item #1 --- Minutes

Draft regular meeting and public hearing minutes of the June 22, 2020 meeting had been previously transmitted to the board for review. No edits were received.

Motion: Vice-Chair Mulvaney moved to approve the draft regular meeting minutes of June 22, 2020. Member O'Brien seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion by roll call.

Motion: Vice-Chair Mulvaney moved to approve the draft public hearing minutes of June 22, 2020. Member O'Brien seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion by roll call.

Agenda Item #2 --- Correspondence

The list of correspondence and the list of additional correspondence had been previously transmitted to the board. Much of the correspondences related to the public hearing continuance to be held later that night.

Agenda Item #3 --- Set meeting dates for August and September, 2020

Mr. Harris stated that the Board was currently set to meet on July 20 and 27; August 10; and September 14 and 28. He explained that anticipated permit applications had not been received which would require a meeting on July 27. Therefore, the Board could cancel that meeting. In addition, the Board could consider scheduling additional meeting dates for the months of August and September.

Members of the Board reviewed their availability for meetings in August and September.

Member Therein noted that September 28 was Yom Kippur. Mr. Harris advised that the meeting dates of September 21 and September 28 could be scheduled tentatively and the Board could consider the dates again at a future meeting.

Motion: Clerk Mulvaney moved to approve the Planning Board meeting dates as follows:

July 20, 2020

August 10, 2020
August 24, 2020
August 31, 2020
September 14, 2020
September 21, 2020 (tentative)
September 28, 2020 (tentative)

Member O'Brien seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion by roll call.

Agenda Item #4 --- Planning Director's Report on Planning Projects and Developments

Mr. Harris explained that next meeting's agenda on July 20, 2020 would include a 1) public hearing to consider site plan review and a special permit request for development of a new Peoples Bank branch with drive-through services at the intersection of Newton and Lyman Streets; 2) an illuminated sign request for the businesses located at 749 New Ludlow Road; and 3) considerations for an 'Approval Not Required' (ANR) Plan.

Mr. Harris noted that the Board would need to consider how to administer signing ANR Plans at the next meeting as the Board was not holding in-person meetings due to the COVID-19 state-of-emergency.

Agenda Item #5 --- Scheduled Public Hearing: 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 (Assessor's Map Number #54 as Parcels #15 & #20 and on Assessor's Map Number #56 as Parcels #20, #26, #42, #43, #43A, #104, #109, #112, and #121).

Chair Hutchison called the public hearing continuance into order at 6:49 PM. (See public hearing minutes)

The regular meeting reconvened at 9:34 PM.

Agenda Item #6 --- Other New Business

There was no new business to discuss.

Agenda Item #7 --- Adjourn

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

Motion: Member O'Brien moved to adjourn the meeting at 9:36 PM. Vice-Chair Mulvaney seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion by roll call.

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

SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING CONTINUANCE:

Application for Definitive Plan and Stormwater Management Permit approval for proposed 'North Pole Estates' subdivision located at west side of Hadley Street (aka State Route 47) and along Sullivan Lane (Assessor's Map Number #54 as Parcels #15 & #20 and on Assessor's Map Number #56 as Parcels #20, #26, #42, #43, #43A, #104, #109, #112, and #121).

MINUTES OF JULY 13, 2020
As Approved

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Melissa O'Brien; Member; Nate Therien, Member (not a voting member for this Public Hearing); Richard Harris, Director of Planning and Conservation; Anne Capra, Conservation Administrator/Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Hutchison called the Public Hearing continuance to order at 6:49 PM and reviewed the protocols for the virtual hearing.

Jim Riordan of Weston and Sampson, a representative of the third-party peer-review, was present at the virtual meeting.

The Town's representative legal counsel, Attorney Brian Winner, was present at the virtual meeting.

The applicant's representative, Jay Ouellette of Chicopee Concrete Services, was present at the virtual meeting along with his consultants, Rob Levesque of R. Levesque Associates and Attorney Michael Seidel.

Mr. Harris overviewed the status of the public hearing sessions. He explained that this hearing continuance intended to focus on review of the definitive subdivision plan itself. The hearing would likely be continued to August 10 to continue review of the definitive subdivision plan and its interaction with the supplemental application materials.

Chair Hutchison prepared a presentation which included components of the peer-review and of the application materials (attached). Rob Levesque expressed some confusion as he was prepared to review the peer-reviewer's matrix. Chair Hutchison responded that, prior to review of the design standards, the board needed to verify that the submission materials were adequate. For instance, existing spot elevations at the proposed cul-de-sac were recorded differently in two different submissions. Chair Hutchison inquired why the elevations were different. Rob Levesque responded that the original application and subsequent revisions were different to reflect redesign to incorporate Board of Health requirements and relocation of a stormwater basin. For clarity, Jim Riordan inquired if the elevations were different because the area was being excavated or because of the redesign per Board of Health requirements. Rob Levesque responded that the elevation dropped due to the septic system redesign.

As the public hearing continuance had already run over an hour, Chair Hutchinson wanted to give members of the public time to speak as time was not afforded at the previous hearing date.

Kathleen Davis, 7 Saybrook Circle, submitted a google form (attached) expressing interest to speak at the hearing. She advised that the Planning Board should deny the application as she did not see how the application conformed to the Town's subdivision regulations, design standards or bylaws. Rob Levesque had no comment in response.

Robert Pleasure, 10 Jewett Lane, submitted google forms (attached) expressing interest to speak at the hearing. He stated that the placement of the proposed road was best for the applicant; not for the Town. Through his review, the earth removal associated with subdivision development would not be exempt from the incidental earth removal general bylaw. He observed that a portion of the property was currently being excavated as the activity was grandfathered. He noted that the 'grandfathered' designation could be lost if the site was abandoned, altered, or if an activity expanded beyond the original bounds. Rob Levesque responded by sharing an email exchange (attached) between himself and the third party peer-review consultant in which the consultant found the submission was generally complaint with subdivision regulations and with local bylaws. Jim Riordan responded that the submission was generally complaint but there were items that needed to be addressed.

Rudy Ternbach, 118 Ferry Street, submitted a google form (attached) expressing interest to speak at the hearing. He did not feel that the project conformed with the intention of the Water Supply Protection District and did not feel that the hydrological assessment study was adequate. He noted that the Board needed to disapprove of the application if the Board of Health did not approve it. Rob Levesque had no comment in response.

Nate Therein, 25 Jewett Lane, submitted a google form expressing interest to speak at the hearing. He explained that the applicant needed to satisfy the burden of proof to receive approval from the Board. He inquired if a plan sketch had been received showing a street layout over the contiguous unsubdivided land. Rob Levesque responded that the sketch was included within the application materials and satisfied the street layout standard. Mr. Harris noted that the sketch's conformity to street layout standards could not be determined at the time.

Benny Woodard, 21 Woodbridge Street, submitted a google form (attached) expressing interest to speak at the public hearing and submitted a letter (attached) regarding the proposed development. He did not see how the proposed development conformed to the purposes of the Agricultural Zoning District or the Water Supply Protection District. Additionally, he did not see how the application conformed to the Subdivision Regulations as the proposed grading did not follow the existing contours of the site.

Neva Tolopko, 28 San Souci Drive, submitted a google form (attached) expressing interest to speak at the public hearing. She echoed the concerns in the previous statement in that the proposed grading did not follow the site's existing contours. Additionally she questioned the previously mentioned street layout sketch of the entire property. She questioned the amount of excavation that would be required to reach the grade of the road if there were future subdivisions

on the property. Rob Levesque responded that any future development would need to meet the grade of the existing road.

Robert Schwartz, 7 Ashfield Road, submitted a google form expressing interest to speak at the hearing and submitted a letter (attached) regarding the proposed development. He presented a slideshow (attached) he created. He explained that septic tanks associated with the subdivision could pose a risk to the aquifer. He addressed concerns relating to the grandfathered mining operation. The mining activities diminished his confidence in the applicant's ability to develop the land without detrimental impacts. He inquired why the existing gravel operation road was not proposed to be used. Rob Levesque responded that the existing road exceeded the maximum allowable grade for a subdivision road.

Stephen Franz, 300 North Main Street, submitted a google form (attached) expressing interest to speak at the hearing. He explained that the Planning Board could not approve a plan if the Board of Health denied it. He addressed concerns for the potential for contaminants on site.

Kevin McCaffrey, Mount Holyoke College, submitted a google form expressing interest to speak at the hearing. He inquired when the Planning Board intended on acting on a decision. Mr. Harris explained that the COVD-19 state-of-emergency stalled all time frames for action. At this time, there was no definitive timeframe in which the Board needed to act.

Bill DeLuca, South Hadley resident, submitted a question through the meeting's google chat. He was concerned that if the project proceeded as proposed, with the amount of proposed excavation, that other applicants could be influenced to seek subdivision approval for the purpose of excavating a site. Mr. Harris replied that the question that remained unresolved at this time. Attorney Winner added that it was a complicated issue that would require a close legal analysis.

Members of the Board reviewed the next steps in reviewing the applications for development. Mr. Harris recommended that Board members submit questions to him regarding the application so he could compile them for the applicant.

Additional google chat comments and questions were received which would be attached to the approved minutes.

Chair Hutchison inquired if there was a motion to continue the hearing so the Board could continue its review of the Definitive Plan and accompanying materials.

Motion: Vice-Chair Mulvaney moved to continue the public hearing to August 10, 2020 at 6:45 PM. Member O'Brien seconded the motion. Four **(4)** out of four **(4)** voting members voted in favor of the motion by roll call.

The regular meeting reconvenced at 9:34 PM.

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

Appendix

Document	Document Location
Google chat comments	Attached
Chair Hutchison's prepared slideshow	Attached
Kathleen Davis Google Form	Attached
Robert Pleasure Google Forms	Attached
E-mail correspondence between R. Levesque Associates and Weston and Sampson	Attached
Rudy Ternbach Google Form	Attached
Benny Woodard Google Form	Attached
Benny Woodard Letter	Attached
Neva Tolopko Google Form	Attached
Robert Schwartz Google Form	Attached
Robert Schwartz Letter	Attached
Robert Schwartz Slideshow Presentation	Attached
Stephen Franz Google Form	Attached

00:02:32.412,00:02:35.412
Dan Pease: Kathleen, if you're still having trouble try clicking the 3 dots on the bottom right toolbar

00:02:40.172,00:02:43.172
Dan Pease: then select settings

00:03:09.145,00:03:12.145
Dan Pease: and try changing the speaker to default

00:04:17.859,00:04:20.859
Dan Pease: Just a reminder to mute yourselves if you aren't speaking. Thank you

00:05:05.198,00:05:08.198
Kathleen Davis: Doesn't work. I'm on the phone.

00:07:41.929,00:07:44.929
Dan Pease: Kathleen, try calling in on your phone

00:07:46.955,00:07:49.955
Dan Pease: (US) +1 929-282-1488 PIN: 866 071 454#

00:09:59.358,00:10:02.358
Kathleen Davis: yes i can hear the meeting

00:11:29.056,00:11:32.056
Dan Pease: Ok, great. If there are any other technical difficulties you can watch online at www.shctv15.com or on Comcast channel 15 in South Hadley

00:12:39.341,00:12:42.341
Dan Pease: And if you'd like to ask a question during Public Hearing you can do so by visiting www.southhadleyma.gov/pbph and filling out the form

00:16:59.939,00:17:02.939
Kathleen Davis: yea I am planning to speak at the meeting, so they won't be able to see me, just hear me. Ugh!

00:17:48.306,00:17:51.306
Kathleen Davis: yes, Richard Harris already has my Google form from the last meeting where public input was delayed until tonight.

00:34:22.064,00:34:25.064
Leslie Fields: How about using the chat for questions?

00:38:03.909,00:38:06.909
Nate Therien: Perhaps for later consideration: One of the Subdivision requirements for a Definitive Plan proposal is "a sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout." Has that been submitted?

00:43:14.658,00:43:17.658
Nate Therien: Design Standards A 3: "Provision shall be made to the satisfaction of the PB for the projection of steets, or for access to

adjoining property, which is not yet subdived or developed." Has this been submitted? And how could the PB be satisfied re: projection of streets into adjacent undeveloped areas if there is no sketch plan submitted as part of the definitive plan?

02:14:55.363,02:14:58.363
Richard Harris: Leslie, people can submit questions via chat

02:38:38.674,02:38:41.674
Bill DeLuca: This question is for Town Council, the Town Planner or the Planning Board. If the PB allows ~470k cubic yards of material to be removed as "incidental" to a subdivision, to what extent does this set a precedence to other developers, that they can remove similar amounts of material under the guise of a "subdivision" in South Hadley?

02:47:15.956,02:47:18.956
R. Ternbach: Shouldn't the earth removal bylaw us answer Bill DeLuca's query?

02:49:11.054,02:49:14.054
Bill DeLuca: Thank you.

02:49:30.259,02:49:33.259
R. Ternbach: Your welcome, Bill!

02:57:37.209,02:57:40.209
Nate Therien: *Have* all requirements for a definitive plan submission been met?

02:59:33.462,02:59:36.462
Robert Schwartz: Part of the compliance with the Bylaws is a study of the effect on the aquifer. The whole second section of the Westen et al. report is more relevant than the first.

Weston & Sampson Review Comments	Applicant Responses	Weston & Sampson Comments on Adequacy of Response
2. Conform to the South Hadley Zoning Bylaw provisions applicable to the subject property Agricultural Zoning Definition per Section 255-11.E *The purpose of this district is to promote agriculture, forestry, recreation, and land conservation, as well as compatible open space and rural uses, by siting development in a manner that preserves large contiguous tracts of open space and agricultural land. The preservation of scenic vistas of open land, forestland, the Mount Holyoke Range, the Mount Tom Range, and the Connecticut River in this district is a key aspect of maintaining South Hadley's desired scenic and rural identity.* In our opinion, the excavation of this site to match grade at the bottom of the extraction pit does not meet the definition of the purpose of the district. The proposed approach to grading does not promote agriculture, forestry, recreation, or land conservation. The proposed excavation appears to remove active agricultural fields, cut down a large forested area, and does not allow for recreation or land conservation. The project does not appear to site development in a manner that preserves large contiguous tracts of open space or agricultural land. We recommend that the Town ask for an evaluation of alternative approaches to grading that would better address the purpose of agricultural zoning at the project site.	As stated above, this comment is opinion based. A residential subdivision is allowed by right within the Agricultural zoning district and while agriculture, forestry, recreation and conservation are all wonderful pursuits, they are an alternative to the chosen use of the land and cannot be used to assess the appropriateness of the chosen land use as they are in direct conflict with the chosen by-right use. Regardless, the majority of the active roadway construction and associated site improvements takes place within previously degraded areas of active or previous excavation or pasture. Only a small portion of forested area within the parcel (2.1 acres) will be impacted to create the proposed roadway. Subdivision control law provides a set of design standards that need to be adhered to or waived by the Planning Board. All said design standards have been met. Once the standards have been met, it is the right of the applicant to subdivide the land as they desire and deem appropriate. No further design analysis is warranted or regulated.	Response is inadequate. Town consideration is required. While residential use is allowed by right in the agricultural zone, zoning requires preservation of the purpose of the district "agriculture, forestry, recreation, and land conservation." The application at preliminary offered approximately 23 acres of open space. The definitive plan has removed that open space and offers none. The applicant should explore approaches to grading that would minimize removal of soil.

ARTICLE VII
Design Standards

§ 360-31. Streets and ways.

Streets and ways shown on the subdivision plan or plan for more than one building for dwelling purposes per lot must comply with the following requirements:

A. Location and alignment.

(1) All streets and ways shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness and design of the street layout in order to obtain the maximum livability and amenity of the subdivision. As far as practicable, streets should follow natural contours.

(2) The proposed streets shall conform, so far as practicable, to the Master Plan as adopted in whole or in part by the Planning Board.

(3) Provision shall be made, to the satisfaction of the Planning Board, for the proper projection of streets, or for access to adjoining property which is not yet subdivided or developed.

(4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

(5) Streets and ways shall be continuous and in alignment with existing streets, as far as practicable, to ensure free and safe movement of vehicular traffic. Where a subdivision borders an existing but inadequately constructed public street, the subdivider will be required to improve the street bordering the subdivision tract or provide the land necessary for future improvements for that portion bordering the subdivision. The center line of a new road running parallel to an existing road shall be a minimum of 450 feet from the center line of an existing road.

(6) Temporary dead-end or cul-de-sac streets shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.

(7) In all instances, the paved roadway, sidewalks, grass strips and curbings shall be required as shown on the Typical Street Cross-Section drawing (see appendix[17]).

(8) The vertical alignment at grade changes or minimum stopping sight distance at 3.5 feet above the pavement shall be 200 feet.

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17. Editor's Note: The appendixes are available in the Town offices and on the Town website: www.southhadley.org.

sequence. (Proposed street addresses shall be shown in pencil until they have been approved by the Planning Board.)

(9) Significant site features such as existing stone walls, fences, buildings, wetlands, floodplains, large trees and rock outcroppings.

(10) Sufficient data to determine readily the location, direction, width and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.

(11) Location of all permanent monuments and benchmarks, properly identified as to whether existing or proposed. Bounds are required at all intersections of street lines, angle points and changes in curvature of street lines.

(12) Suitable space to record the action of the Planning Board and the signatures of the members of the Board.

(13) A locus plan of the subdivision at a scale of one inch equals 400 feet showing the exterior lines of proposed streets in the subdivision and their exact location in relation to two or more existing streets, and of such accuracy to register as close as possible with the one-inch-equals-four-hundred-feet Town street map.

(14) A sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout.

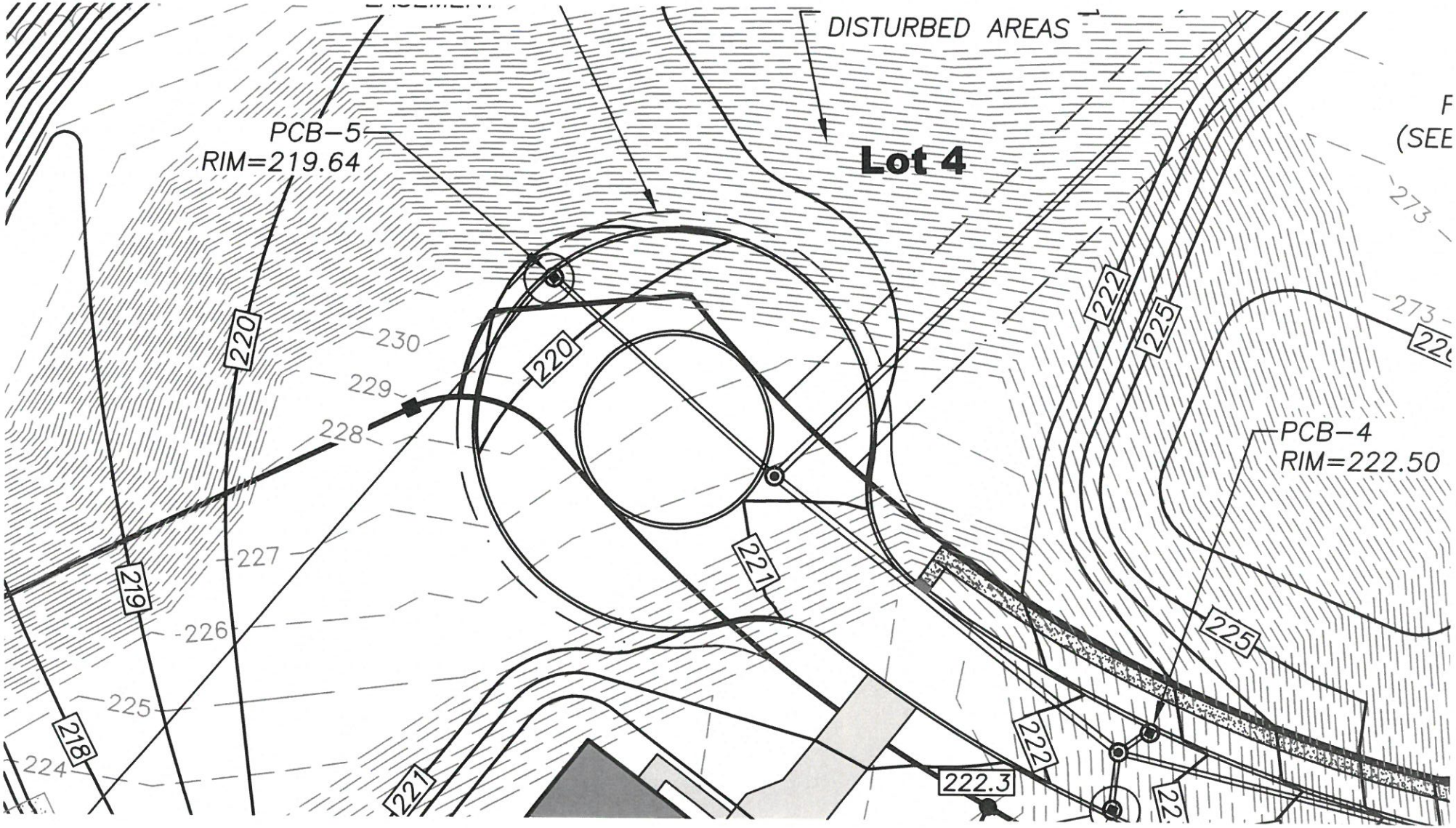
(15) Where a storm drainage line discharges into a brook, stream or drainage area, a profile will be shown of the brook, stream or drainage area to determine condition, and proposed method of stabilization.

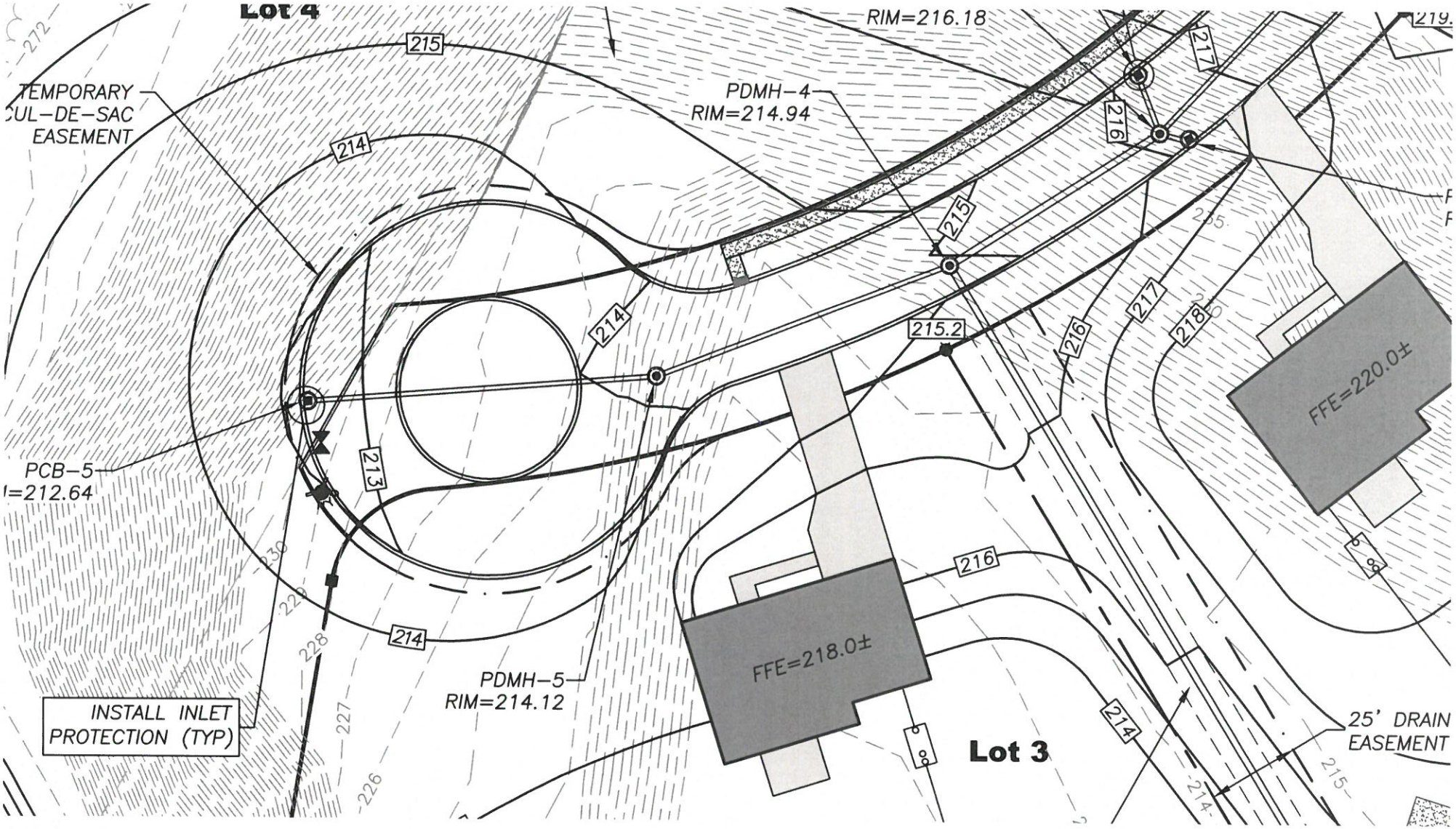
(16) A topographic plan of the entire subdivision at two-foot contour intervals showing existing (solid line) and proposed (broken line) topography with proposed spot elevations at the intersection of all proposed lot lines and other pertinent points to show the proposed finished grading of the subdivision. Indicate the volume of earth to be removed from the site.

(17) A street layout plan on a separate sheet, 36 inches by 24 inches, for each street in the subdivision showing exterior lines, roadway lines, partial lot lines, curblines, intersection angles, points of tangency, and radii of curves. Also included on the street layout plan shall be location, size, type of construction, elevations and invert of all pipes and conduits of the:

(a) Water supply system, including wells, pumps, valves, stubs, gates, hydrants, and similar equipment;

(b) Storm drainage system, including manholes, culverts, catch basins and appurtenant structures;


DISTURBED AREAS
Lot 4
PCB-5
RIM=219.64
PCB-4
RIM=222.50
220
219
218
221
222
225
222.3
230
229
228
227
226
225
224
273



Lot 4
RIM=216.18
TEMPORARY
CUL-DE-SAC
EASEMENT
PDMH-4
RIM=214.94
215
214
216
217
218
215.2
PCB-5
=212.64
213
FFE=220.0±
FFE=218.0±
PDMH-5
RIM=214.12
INSTALL INLET
PROTECTION (TYP)
Lot 3
25' DRAIN
EASEMENT

II. CIRCULATION SYSTEMS

a. Street Design – Explain reasons for location of streets, stubs, and intersections. Project the number of motor vehicles to enter or depart the site per average day and peak hour.

RLA Response:
The proposed street has been laid out to allow for the future completion of a loop within the subject properties. The separation requirement between proposed and future street to be located off Hadley Street were taken into consideration in the location of the proposed curb cut. The proposed location meets or exceeds all of the Town of South Hadley subdivision standards and allows for ample site distance. For information regarding the future street location please refer to the overall subdivision concept on sheet D-2 for reference. The McMahon Associates traffic impact study provided herewith also provides additional information.

b. Parking & Bus Stops – Discuss the number, opportunities for multiple use, and screening of parking spaces. With respect to bus stops, if any, explain the location, shelter design and orientation to any path systems.

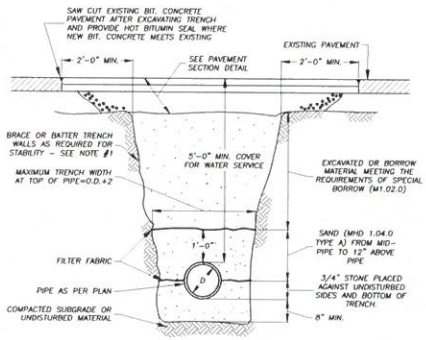
RLA Response:
The proposed street has been designed based on current subdivision standards at 24' wide. Ample parking will be provided within each lot. The proponent anticipates two to three car garages will be constructed with each new home and there should be a minimum of 4 additional parking spaces within the driveways to each home. Bus stops can be coordinate with the school department for school-age children and if found to be desirable the subdivision could be added to public transit routes.

III. SUPPORT SYSTEMS

a. Water Distribution

1. Public – Discuss the project's water distribution system, including projected demand, ability to serve all lots, use of water for air conditioning, and any special problems such as check valves or booster pumps which must be dealt with.

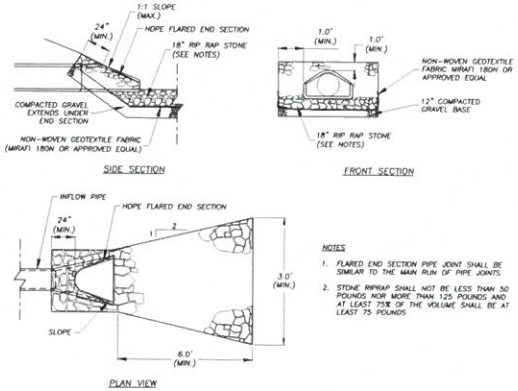
RLA Response:
The water distribution system within the subdivision will consist of 8" ductile iron water mains and associated fire hydrants. Water District 2 provides water to this area of Town. It is understood that adequate flow and pressure exist to service the proposed subdivision via an 8" main. Should capacity become an issue the



TRENCH NOTES

1. SHEETING, WHEN REQUIRED TO BE CUT OFF AT LEAST 5 FT. BELOW STREET AND A MINIMUM OF 1 FT. ABOVE TOP OF PIPE. WOOD SHEETING DRIVEN BELOW MID-DIAMETER OF THE PIPE SHALL BE LEFT IN PLACE. STEEL SHEETING DRIVEN BELOW MID-DIAMETER MAY BE WITHDRAWN IF APPROVED IN WRITING BY THE ENGINEER. FOR P.V.C. PIPE, ALL SHEETING DRIVEN BELOW MID-DIAMETER SHALL BE LEFT IN PLACE.
2. TRENCHES LOCATED ON THE ROAD SHOULDER SHALL BE TREATED THE SAME AS STREET EXCEPT FOR PAVING.
3. PROVIDE AT LEAST ONE IMPERVIOUS DAM IN GRAVEL BEDDING BETWEEN EACH MANHOLE WHERE DIRECTED, OR EVERY 300 FT., WHICHEVER IS LESS.
4. COMPACT ALL BACKFILL MATERIAL WITH VIBRATORY PLATE EQUIPMENT (MINIMUM TWO PASSES) TO A MINIMUM DENSITY OF 95 PERCENT OF THE STANDARD PROCTOR DENSITY AS DETERMINED BY ASTM D698.
5. PLACE BACKFILL MATERIALS IN MAXIMUM ONE FOOT LIFTS.

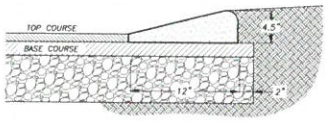
PIPE TRENCH DETAIL (STANDARD)
NO SCALE



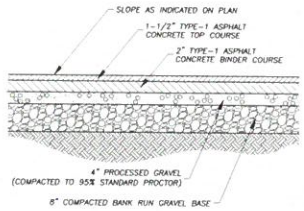
NOTES

1. FLARED END SECTION PIPE JOINT SHALL BE SIMILAR TO THE MAIN RUN OF PIPE JOINTS.
2. STONE RIPRAP SHALL NOT BE LESS THAN 50 POUNDS NOR MORE THAN 125 POUNDS AND AT LEAST 75% OF THE VOLUME SHALL BE AT LEAST 75 POUNDS.

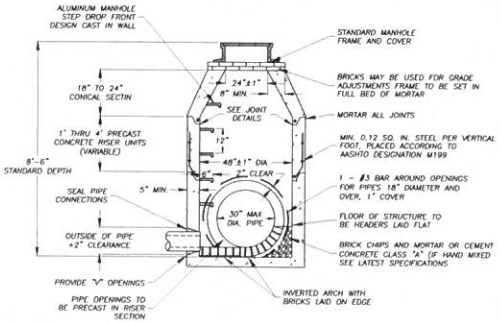
STANDARD RIP RAP PIPE OUTLET
NO SCALE



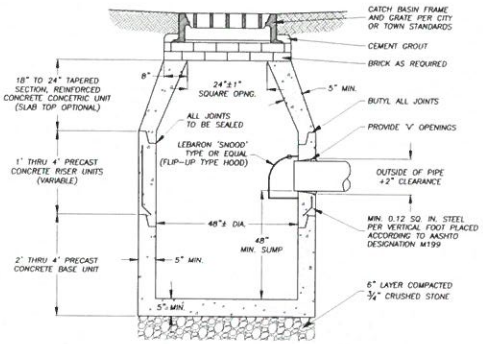
BITUMINOUS CONCRETE BERM (CAPE COD)
NO SCALE



BITUMINOUS CONCRETE PAVING DETAIL
NO SCALE



PRECAST CONCRETE MANHOLE
NO SCALE



STANDARD PRECAST CONCRETE CATCH BASIN
NO SCALE

OVERALL SUBDIVISION CONCEPT
1" = 200'

PERMITTING

RLA

R LEVESQUE ASSOCIATES INC

Landscape Architects
Civil Engineers · Land Surveyors
Environmental Consultants

ph: 413.568.0985 fax: 413.568.0986

40 School Street
Westfield, MA 01085
rlaland.com

DETAILS

Hadley Street · South Hadley, MA
Map 56, Parcels 20, 26, 42, 43, 43A, 104, 109, 112 & 121
Map 54, Parcels 15 & 20

PREPARED FOR:

Chicopee Concrete Services, Inc.
c/o Jason Ouellette
652 Prospect Street
Chicopee, MA 01020

ISSUANCE DATE: October 24, 2019

REVISIONS:	DATE:

DRAFTED BY: T.A. & J.T.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT IS A VIOLATION OF MASSACHUSETTS STATE LAW

SCALE: AS NOTED

RLA PROJ. NUMBER: 190310

DRAWING#	REV
D-2	-

VIII. PHASING- If the development of the site will take place over more than one year, supply a schedule showing how the development will be phased. A flow chart is helpful. This time table shall include the following elements:

a. Stripping and/or clearing of site
b. Rough grading and construction
c. Construction of grade stabilization and sedimentation control structures
d. Final grading and vegetative establishment

RLA Response:
The proposed subdivision will be constructed in one phase. Remaining portions of the property will be pursued for development. It's anticipated that subsequent phases of the development will be applied for within the next 8 years. Please see the conceptual overall subdivision concept provided with the plan for reference purposes only. The current proposal will be developed consistent with the subdivision requirements and associated stormwater and erosion control documents provided herewith.

e. Landscaping

RLA Response:
The landscaping will be consistent with that of other single-family homes. Street trees will be installed as required along the subdivision road (2 per lot).

f. The construction of any public improvement shall be specified explaining how these improvements are to be integrated with the development.

RLA Response:
Not Applicable.

g. The number of housing units and the square footage of nonresidential uses to be constructed each year and their estimated value shall be specified.

RLA Response:
4 housing units are proposed. No non-residential units are proposed.

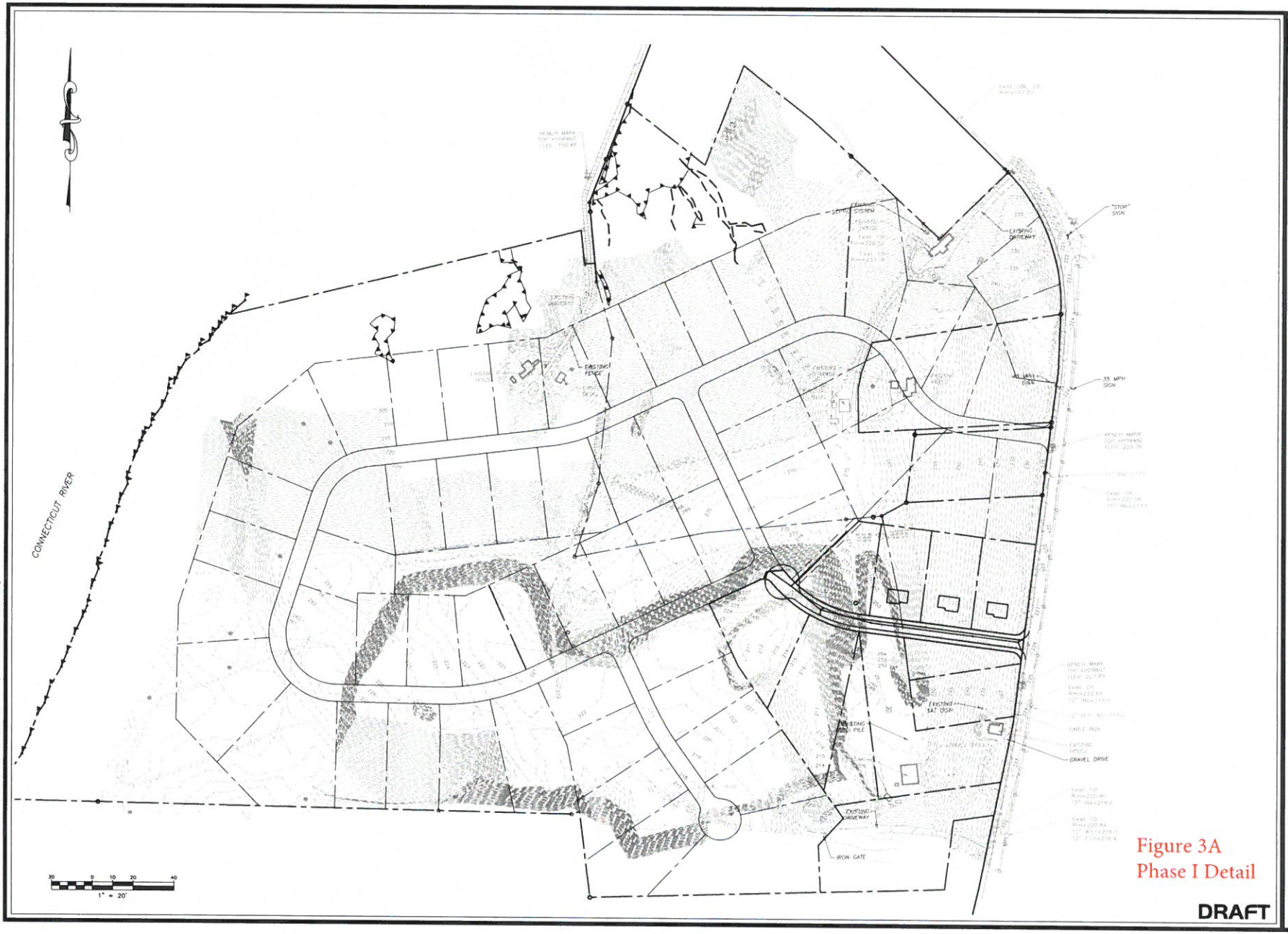


Figure 3A
Phase I Detail

DRAFT

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RLA

R LEVESQUE ASSOCIATES INC

Landscape Architects
Civil Engineers · Land Surveyors
Environmental Consultants

ph: 413.568.0985 fax: 413.568.0986

40 School Street
Westfield, MA 01085

rlaland.com

OVERALL PLAN

Hadley Street · South Hadley, MA
Map 56, Parcels 20, 26, 43, 43A, 104, 109, 112 & 121
Map 54, Parcels 15 & 20

PREPARED FOR:

Chicopee Concrete Services, Inc.
c/o Jason Ouellette

652 Prospect Street
Chicopee, MA 01020

ISSUANCE DATE: October 18, 2019

REVISIONS:	DATE:

DRAFTED BY: T.A. & J.T.

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SCALE: AS NOTED

RLA PROJ. NUMBER: 190310

DRAWING:	REV:
O-1	-

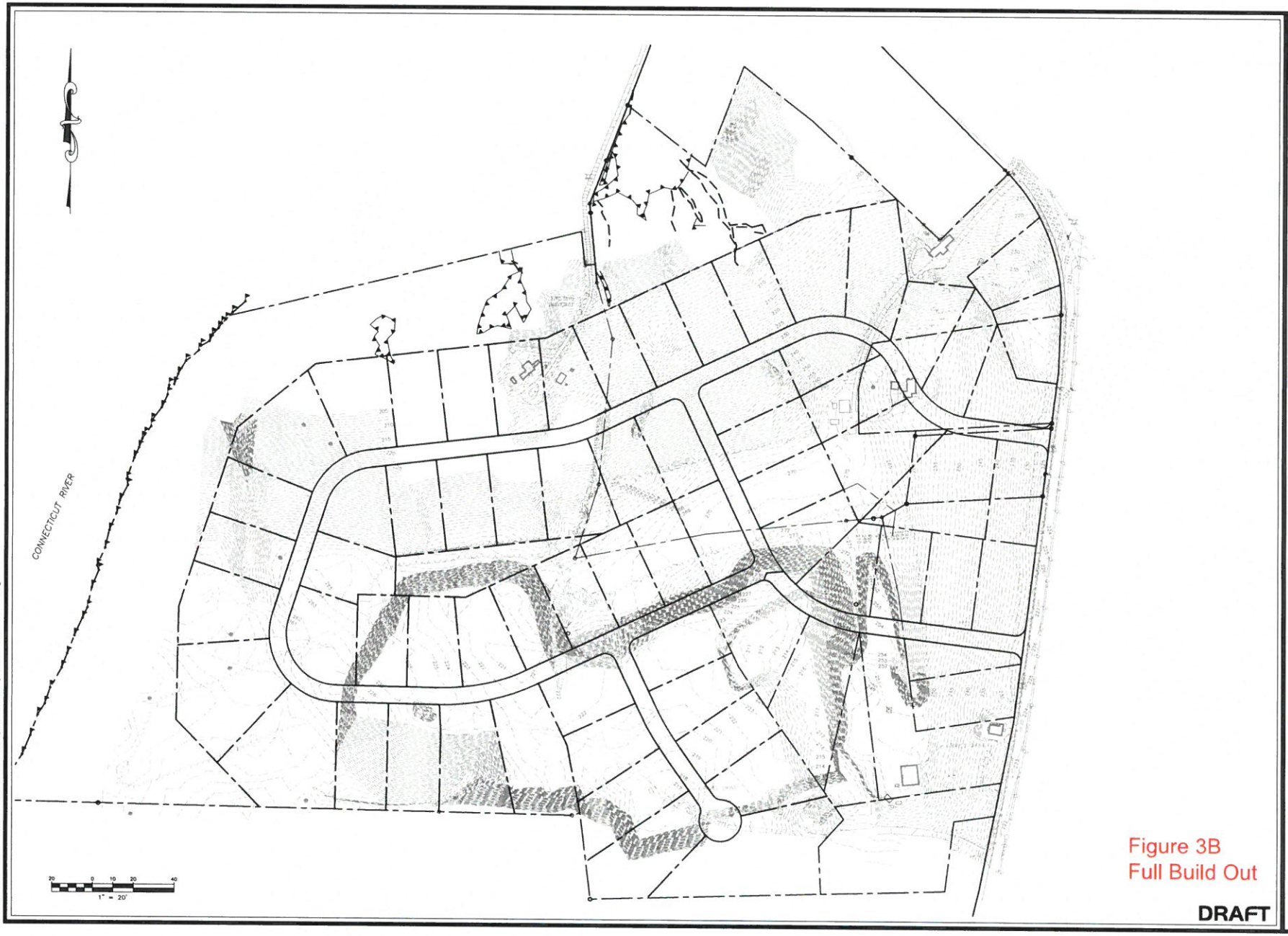

Figure 3B
Full Build Out

RLA

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Landscape Architects
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40 School Street
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FULL BUILD OUT

Hadley Street · South Hadley, MA
Map 56, Parcels 20, 26, 43, 43A, 104, 109, 112 & 121
Map 54, Parcels 15 & 20

PREPARED FOR:

Chicopee Concrete Services, Inc.
c/o Jason Ouellette
652 Prospect Street
Chicopee, MA 01020

ISSUANCE DATE: October 18, 2019

REVISIONS:	DATE:

DRAFTED BY: T.A. & J.T.

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SCALE: AS NOTED

RLA PROJ. NUMBER: 190310

DRAWING#	REV
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INTRODUCTION

McMahon Associates has reviewed the potential traffic impacts associated with a proposed residential development to be located on Hadley Street (Route 47) in South Hadley, Massachusetts. The purpose of this study is to evaluate existing and projected traffic operational and safety conditions in the vicinity of the site and identify if mitigating measures are necessary to offset potential project-related traffic impacts on the surrounding roadways.

The following assessment is based on a review of current traffic volumes and crash data collected for this study and the anticipated traffic generating characteristics of the proposed residential development. This study examines existing and projected traffic operations (both with and without the proposed development) at the proposed study area intersections. This study provides a detailed analysis of traffic operations during the weekday morning and weekday afternoon peak hours, when the combination of the adjacent roadway volumes and the projected traffic increases would be greatest.

Based on the analysis presented in this study, the projected traffic increases associated with the project-related traffic generated by the development are not expected to have a significant effect on the area roadways. This report documents the findings of the analysis.

Project Description

The project site is located on Hadley Street (Route 47), just south of its intersection with Pearl Street in South Hadley, Massachusetts, as shown in Figure 1. The site is currently undeveloped and is bound by Hadley Street (Route 47) to the east, undeveloped land to the west and south, and residential properties to the north.

The proposed project calls for the development of a residential subdivision in several phases, with a full build out of 67 detached residential units. The residential subdivision would be connected through a series of internal roadways and is proposed to be accessed via two full-access driveways on the west side of Hadley Street (Route 47) approximately 600 feet apart. The northern site driveway is located approximately 650 feet south of the intersection with Pearl Street, and the southern site driveway is approximately 1,250 feet south of Pearl Street. The site concept plan is shown in Appendix A .

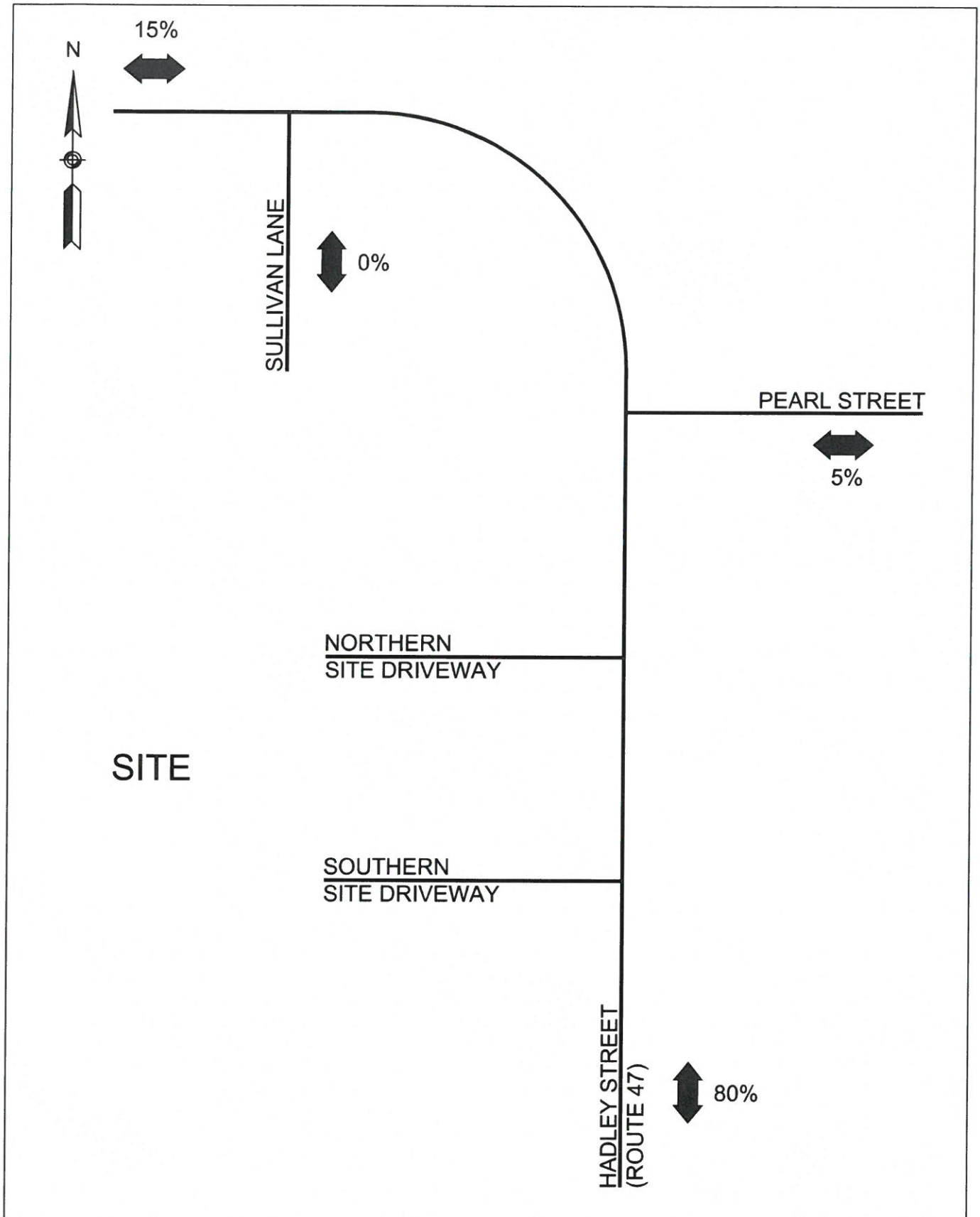
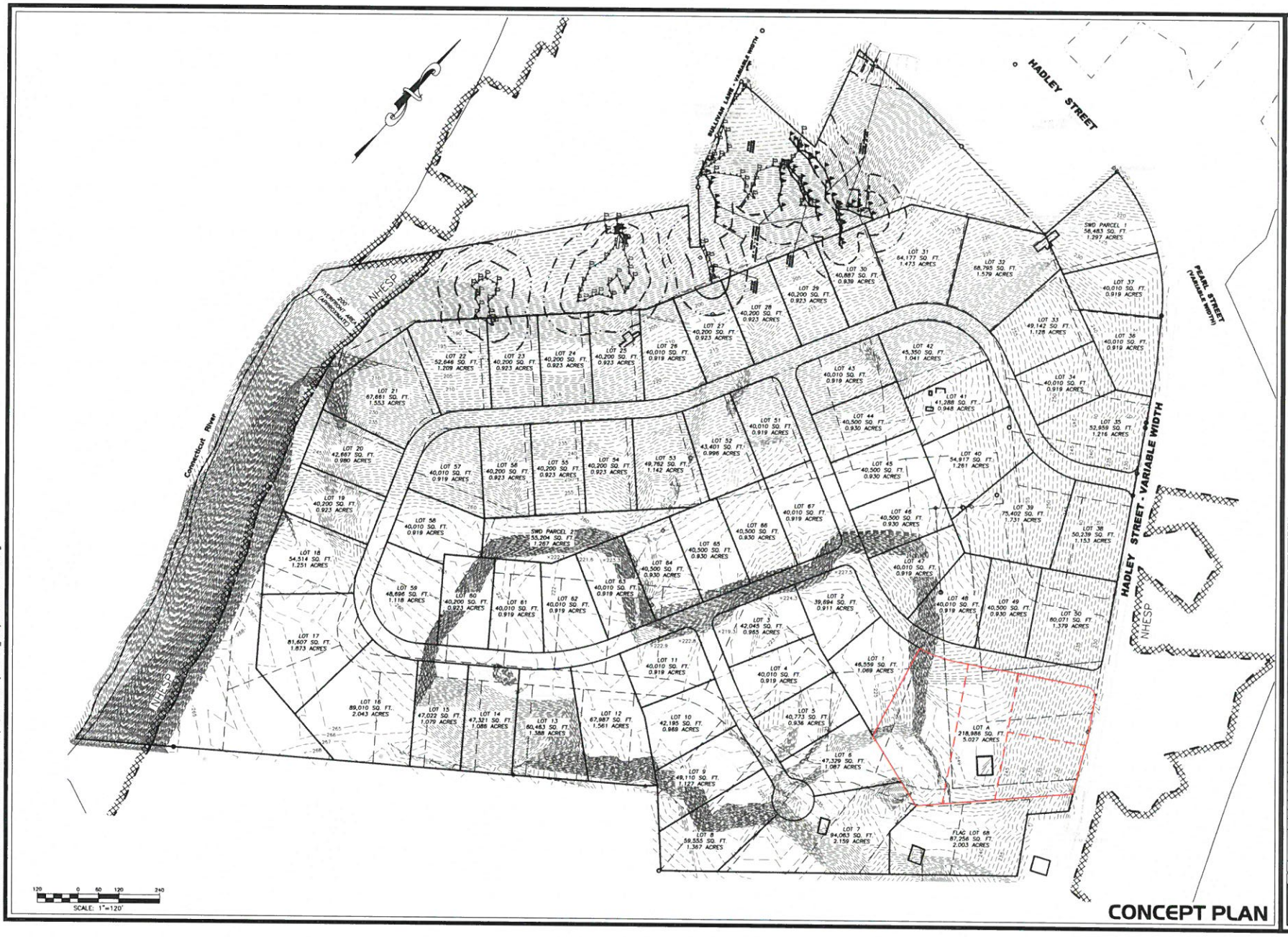


FIGURE 6 - DIRECTION OF ARRIVALS AND DEPARTURES	RESIDENTIAL DEVELOPMENT SOUTH HADLEY, MA	McMAHON TRANSPORTATION ENGINEERS & PLANNERS



CONCEPT PLAN

RLA

R LEVESQUE ASSOCIATES INC

Landscape Architects
Civil Engineers · Land Surveyors
Environmental Consultants

ph: 413.568.0985 fax: 413.568.0986

40 School Street
Westfield, MA 01085

rlaland.com

LOT LAYOUT PLAN
"North Pole Estates"

Hadley Street · South Hadley, MA
Map 56, Parcels 20, 26, 43, 43A, 104, 109, 112 & 121
Map 54, Parcels 15 & 20

PREPARED FOR:

Chicopee Concrete Services, Inc.
c/o Jason Ouellette
652 Prospect Street
Chicopee, MA 01020

ISSUANCE DATE: June 3, 2019

REVISIONS:	DATE:

DRAFTED BY: E.L.

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SCALE: AS NOTED

RLA PROJ. NUMBER: 190310

DRAWING: LL-1

REV: -

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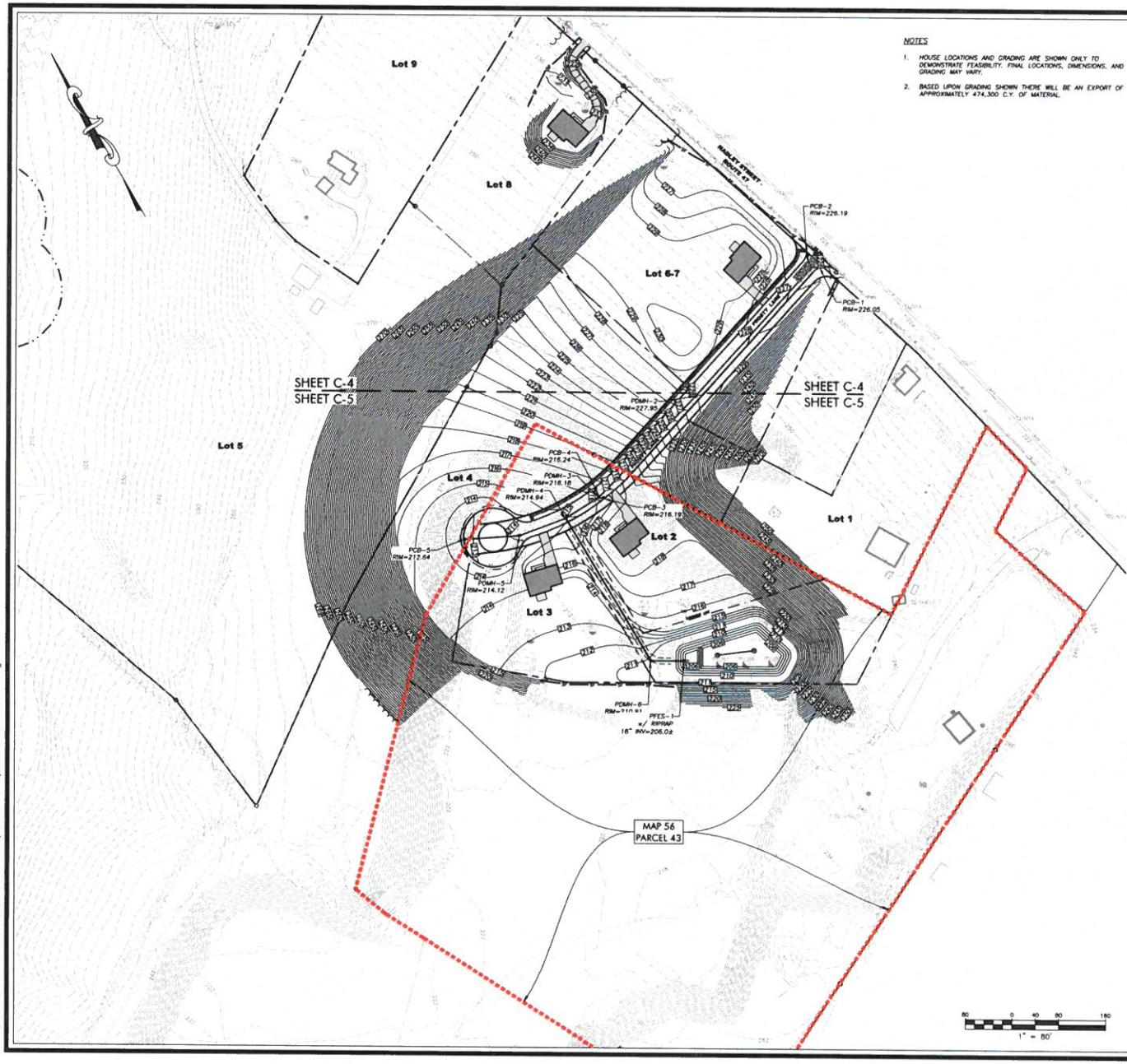

NOTES

1. HOUSE LOCATIONS AND GRADING ARE SHOWN ONLY TO DEMONSTRATE FEASIBILITY. FINAL LOCATIONS, DIMENSIONS, AND GRADING MAY VARY.
2. BASED UPON GRADING SHOWN THERE WILL BE AN EXPORT OF APPROXIMATELY 474,300 C.Y. OF MATERIAL.

CONSTRUCTION NOTES

1. THE CONTRACTOR/OWNER/DEVELOPER TO BE AWARE THAT A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND AN ILLICIT DISCHARGE COMPLIANCE STATEMENT ARE REQUIRED PRIOR TO ANY LAND DISTURBANCE.
2. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON SURFACE FEATURES AS LOCATED BY SURVEY AND AVAILABLE RECORD DATA AND ARE APPROXIMATE. ACTUAL FIELD LOCATIONS SHOULD BE VERIFIED WITH THE APPROPRIATE UTILITY COMPANY AND/OR MUNICIPAL DEPARTMENT PRIOR TO CONSTRUCTION.
3. CONTRACTOR TO NOTIFY DIG SAFE A MINIMUM OF 72 HOURS PRIOR TO START OF CONSTRUCTION ACCORDING TO MA GENERAL LAWS.
4. APPROVED PLANS TO BE ON SITE AT ALL TIMES.
5. CHANGES TO THIS PLAN MAY OCCUR AS UNFORESEEN CONDITIONS ARISE. ALL CHANGES TO BE APPROVED BY DESIGN ENGINEER, FIELD INSPECTOR AND CITY/TOWN ENGINEER.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND SAFETY OF TRAFFIC ON THE PUBLIC AND PRIVATE WAYS AFFECTED BY THE CONSTRUCTION OF THIS PROJECT.
7. CONTRACTOR SHALL PROTECT ALL SLOPES, VEGETATION, PAVING, WALKS, AND IMPROVEMENTS OUTSIDE THE AREAS TO BE AFFECTED BY THE CONSTRUCTION OF THIS PROJECT.
8. TREES, BRUSH AND STUMPS REMOVED BY CLEARING AND GRUBBING OPERATIONS SHALL BE TRANSPORTED OFF THE PROJECT SITE TO AN APPROVED DISPOSAL LOCATION.
9. ALL PAVEMENT MARKINGS CHANGED, ALTERED OR REMOVED SHALL BE REAPPLIED.
10. EROSION CONTROL MEASURES TO BE IN PLACE PRIOR TO START OF CONSTRUCTION.

CONSTRUCTION SEQUENCE

1. CONTACT THE TOWN OF SOUTH HADLEY AT LEAST FORTY-EIGHT HOURS PRIOR TO COMMENCEMENT OF ANY DEMOLITION, CONSTRUCTION, OR EARTHWORK ACTIVITY ON THIS PROJECT.
2. CONSTRUCT ANTI-TRACKING PAD AT ENTRANCE AND INSTALL ANY REQUIRED INLET PROTECTION AS DEPICTED ON THE PLAN.
3. INSTALL SILT FENCE AS SHOWN ON THE PLANS.
4. UPON COMPLETION OF EROSION CONTROL MEASURES, CLEARING AND GRUBBING AND EARTHWORK MAY COMMENCE.
5. CLEAR AND GRUB SITE. STOCKPILE ANY CHIPPING OR TOPSOIL MATERIAL TO REMAIN ON SITE FOR LONGER THAN 14 DAYS AND INSTALL SILT FENCE AROUND THE PERIMETER OF THE STOCKPILE.
6. COMMENCE EARTHWORK BY EXCAVATING FOR THE CUT/FILL SLOPES AS SHOWN ON THE PLANS. STABILIZE/SEED ANY SLOPES THAT HAVE ACHIEVED FINAL GRADE.
7. INSTALL UTILITIES AS SHOWN ON PLANS INCLUDING ELECTRICAL AND COMMUNICATION SERVICES AND STORMWATER MANAGEMENT SYSTEM.
8. GRADE THE ALIGNMENT OF THE ROADWAY TO ACCEPT PAVEMENT SECTION MATERIALS.
9. INSTALL PAVEMENT AS SPECIFIED ON THE PLANS.
10. UPON INSTALLATION OF PAVEMENT SURFACE, INSTALL INLET PROTECTION AS REQUIRED ON ANY NEW INLET STRUCTURES.
11. FINAL GRADING AND STABILIZATION OF ANY REMAINING EXPOSED AREAS.
12. AT THE DIRECTION OF THE TOWN OF SOUTH HADLEY, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED.

SHORT-TERM EROSION CONTROL MAINTENANCE

1. ALL BMP EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO DEMOLITION OR ANY SITE WORK.
2. EROSION CONTROL BMPs SHALL CONFORM TO US EPA, NPDES, MA DEP AND MASSACHUSETTS EROSION AND SEDIMENTATION CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS.
3. THE CONTRACTOR OR SUBCONTRACTOR WILL BE RESPONSIBLE FOR IMPLEMENTING EACH CONTROL SHOWN ON THE SEDIMENTATION AND EROSION CONTROL PLAN.
4. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE PROPERLY MAINTAINED DURING ALL PHASES OF CONSTRUCTION UNTIL THE COMPLETION OF ALL CONSTRUCTION ACTIVITIES AND ALL DISTURBED AREAS HAVE BEEN STABILIZED. ADDITIONAL CONTROL MEASURES WILL BE INSTALLED DURING CONSTRUCTION IN ORDER TO CONTROL EROSION AND/OR OFF-SITE SEDIMENTATION IF DEEMED NECESSARY BY ON-SITE INSPECTION.
5. EFFECTIVE EROSION CONTROL MEASURES SHALL BE INITIATED PRIOR TO THE COMMENCEMENT OF CLEARING, GRADING, EXCAVATION, OR OTHER OPERATIONS THAT WILL DISTURB THE NATURAL PROTECTION.
6. ALL SEDIMENT AND EROSION CONTROL DEVICES SHALL BE INSPECTED AT LEAST ONCE EVERY SEVEN (7) CALENDAR DAYS AND AFTER ANY STORM EVENT GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24-HOUR PERIOD, AND THE INSPECTION SHALL BE DOCUMENTED IN WRITING. DAMAGED OR INEFFECTIVE DEVICES SHALL BE REPAIRED OR REPLACED, AS NECESSARY.
7. THE CONTRACTOR SHALL TAKE ALL REASONABLE PRECAUTIONS TO AVOID EXCESS EROSION OF THE SITE DUE TO THE CONSTRUCTION OF THIS PROJECT.
8. SILT SHALL BE REMOVED FROM BEHIND BARRIERS IF GREATER THAN 6-INCHES DEEP OR AS NEEDED. SEDIMENT THAT IS COLLECTED IN STRUCTURES SHALL BE DISPOSED OF PROPERLY AND COVERED IF STORED ON-SITE.
9. DAMAGED OR DETERIORATED ITEMS WILL BE REPAIRED IMMEDIATELY AFTER IDENTIFICATION.
10. ALL DITCHES/SWALES SHALL BE STABILIZED AS SOON AS IS PRACTICABLE TO MINIMIZE EROSION.
11. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL DEVICES IN A GOOD, WORKING STATE OF REPAIR UNTIL THEIR USE IS NO LONGER WARRANTED. AT THAT TIME, THE EROSION CONTROL DEVICES SHALL BE REMOVED UPON DIRECTION FROM THE CITY/TOWN AND DISPOSED OF SO AS TO CAUSE NO OFF-SITE SILTATION.
12. INSPECT AND MAINTAIN CONSTRUCTION ENTRANCE STONE SUCH THAT SEDIMENT DOES NOT TRACK ONTO THE STREET. ANY SEDIMENT TRACKED ONTO THE STREET SHALL BE CLEANED DAILY.
13. AFTER CATCH BASINS HAVE BEEN CONSTRUCTED AND THE SITE HAS BEEN PAVED, THE CONTRACTOR SHALL PROTECT THE INLETS BY CONSTRUCTING INLET PROTECTION AS SHOWN ON THE PLANS. INLET PROTECTION TO REMAIN IN PLACE AND MAINTAINED UNTIL DISTURBED AREAS HAVE BEEN STABILIZED, LOAMED AND SEEDED.
14. THIS PLAN IS PROVIDED AS A BASIS FOR THE INITIAL SEDIMENTATION AND EROSION CONTROL MEASURES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO UPDATE AND EXPAND THIS PLAN AS SITE CONDITIONS DICTATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PREVENT THE OCCURRENCE OF SILTATION TO WETLAND RESOURCE AREAS AND THE MOVEMENT OF SEDIMENT BEYOND THE SITE BOUNDARIES.

PERMITTING

RLA

R LEVESQUE ASSOCIATES INC

Landscape Architects
Civil Engineers · Land Surveyors
Environmental Consultants

ph. 413.568.0985 fax. 413.568.0986

40 School Street
Westfield, MA 01085

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GRADING, EROSION & SEDIMENTATION CONTROL PLAN (INDEX SHEET)

Hadley Street · South Hadley, MA
Map 56, Parcels 20, 26, 42, 43, 43A, 104, 109, 112 & 121
Map 54, Parcels 15 & 20

PREPARED FOR:

Chicopee Concrete Services, Inc.
c/o Jason Ouellette
652 Prospect Street
Chicopee, MA 01020

ISSUANCE DATE: October 24, 2019

REVISIONS:	DATE:
A. Planning comments	1/20/20

DRAFTED BY: T.A. & J.T.

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SCALE: AS NOTED

RLA PROJ. NUMBER: 190310

DRAWING#: C-3 REV: A

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NOTES

1. THE RECORD OWNERS OF THE SUBJECT PARCELS ARE:

1.1. L. PHILIP LIZOTTE, III – SEE HAMPSHIRE COUNTY REGISTRY OF DEEDS:
LAND COURT BOOK 19, PAGE 12 (MAP 56, PARCEL 26)
LAND COURT BOOK 18, PAGE 33 (MAP 56, PARCEL 20)
LAND COURT BOOK 19, PAGE 10 (MAP 56, PARCEL 112)
LAND COURT BOOK 21, PAGE 20 (MAP 56, PARCEL 104)
LAND COURT BOOK 5, PAGE 202 (MAP 56, PARCELS 109 & 121)

1.2. LEO CONCRETE SERVICE, INC. – SEE HAMPSHIRE COUNTY REGISTRY OF DEEDS:
BOOK 1430, PAGE 349 (MAP 56, PARCEL 43)
BOOK 1518, PAGE 451 (MAP 54, PARCEL 15)
BOOK 13155, PAGE 3 (MAP 56, PARCEL 43A)

1.3. J & L REALTY MANAGEMENT, LLC – SEE HAMPSHIRE COUNTY REGISTRY OF DEEDS:
BOOK 12727, PAGE 168 (MAP 54, PARCEL 20)

2. THE SUBJECT PARCELS LIE WITH THE AGRICULTURAL ZONING DISTRICT AND WATER SUPPLY PROTECTION OVERLAY DISTRICT ACCORDING TO THE TOWN OF SOUTH HADLEY ZONING MAP.

3. LOTS TO BE SERVICED BY TOWN WATER AND PRIVATE SEPTIC SYSTEMS.

4. WETLAND RESOURCE AREAS AT AND ADJACENT TO ASSESSORS MAP 56, PARCEL 26 WERE DELINEATED IN FEBRUARY 2018 BY R LEVESQUE ASSOCIATED, LOCATED IN THE FIELD USING RTK GPS, AND APPROVED IN A DETERMINATION OF APPLICABILITY DATED APRIL 18, 2018. INTERIOR WETLAND RESOURCE AREAS SHOWN AT ASSESSORS MAP 54, PARCEL 20 WERE DELINEATED BY R LEVESQUE ASSOCIATES INC. IN MAY 2018. OFF-SITE WETLAND RESOURCE AREAS ARE DEPICTED FOR REFERENCE PURPOSES ONLY. NO DETERMINATION OF OFF-SITE WETLAND RESOURCE AREAS HAS BEEN REQUESTED. THE BANK TO THE CONNECTICUT RIVER AND ASSOCIATED 200' RIVERFRONT AREA AS SHOWN HEREON ARE APPROXIMATE AS REFERENCED FROM MASSGIS DATA AND AERIAL PHOTOGRAPHY.

5. A PORTION OF THE SUBJECT PARCELS ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE (ZONE A13. ELEV. 121.3 AS CONVERTED TO NAVD 1988) ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 25017000005A – EFFECTIVE DATE: AUGUST 15, 1979. NO EXCAVATION IS PROPOSED WITHIN THIS AREA.

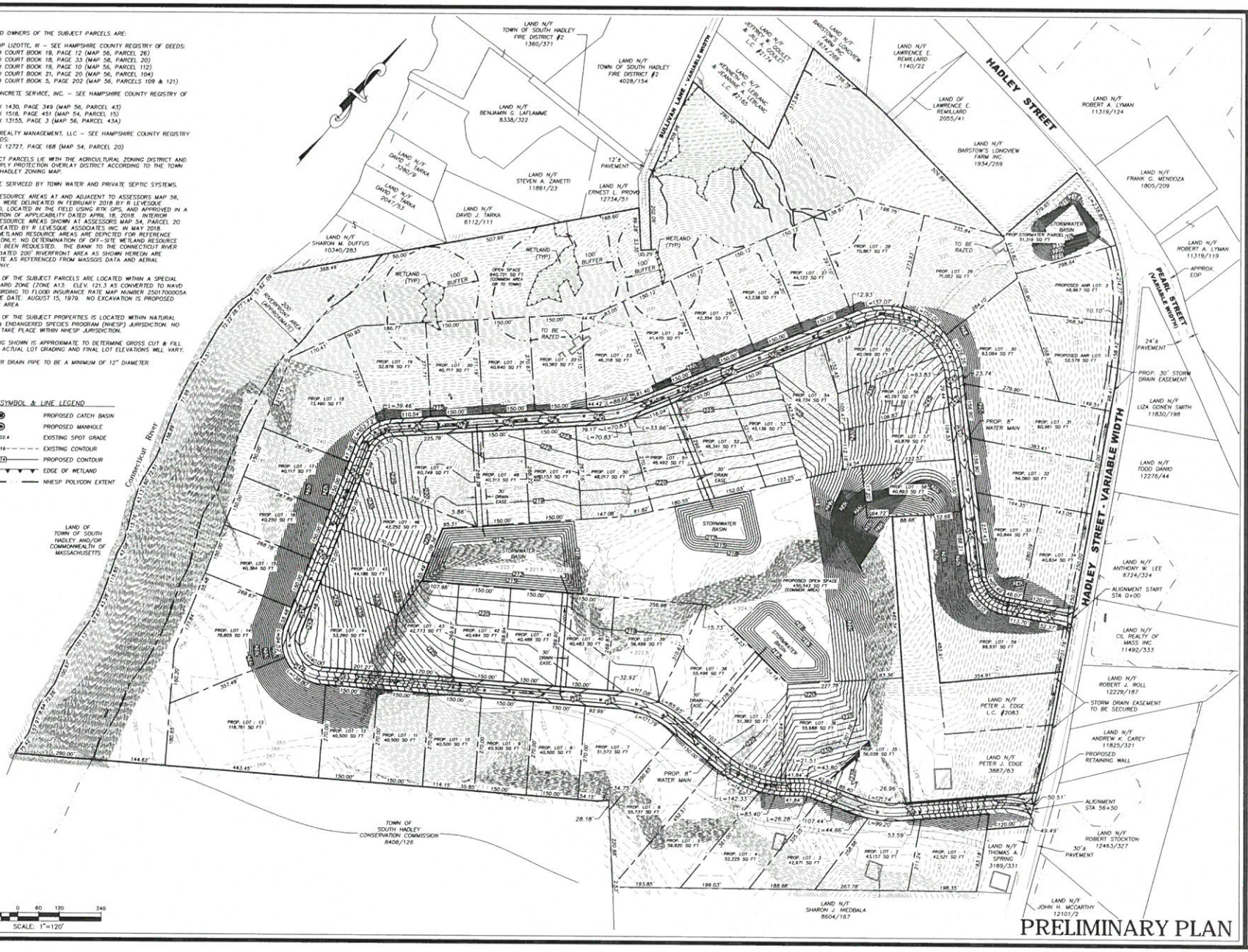
6. A PORTION OF THE SUBJECT PROPERTIES IS LOCATED WITHIN NATURAL HERITAGE & ENDANGERED SPECIES PROGRAM (NHESP) JURISDICTION. NO WORK WILL TAKE PLACE WITHIN NHESP JURISDICTION.

7. LOT GRADING SHOWN IS APPROXIMATE TO DETERMINE GROSS CUT & FILL ESTIMATE. ACTUAL LOT GRADING AND FINAL LOT ELEVATIONS WILL VARY.

8. STORMWATER DRAIN PIPE TO BE A MINIMUM OF 12" DIAMETER.

SYMBOL & LINE LEGEND

- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- 102.4 EXISTING SPOT GRADE
- 218 EXISTING CONTOUR
- 218 PROPOSED CONTOUR
- EDGE OF WETLAND
- NHESP POLYGON EXTENT



PRELIMINARY PLAN

RLA

R LEVESQUE ASSOCIATES INC

Landscape Architects
Environmental Consultants

ph 413 568 0985 fax 413 568 0986

40 School Street
Westfield, MA 01085
rlaland.com

PRELIMINARY SUBDIVISION PLAN
"North Pole Estates"

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Map 56, Parcels 20, 26, 43, 43A, 104, 109, 112 & 121
Map 54, Parcels 15 & 20

PREPARED FOR

Chicopee Concrete Services, Inc.
c/o Jason Ouellette
652 Prospect Street
Chicopee, MA 01020

ISSUANCE DATE: March 15, 2019

REVISIONS	DATE

DRAFTED BY: RL

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SCALE: AS NOTED

RLA PROJ. NUMBER: 190310

DRAWING: PR-1

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June 22, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will focus on the Applicant's Traffic Assessment Study and the Definitive Plan Submittal. Please note that the hearing will be held virtually online.

Email address *

kdavis@educ.umass.edu

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at: https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was oted

Please State Your First and Last Name *

Kathleen Davis

Please State Your Street Address including City/State *

7 Saybrook Circle, South Hadley, MA 01075

Do you wish to speak at the public hearing on June 22, 2020? *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

Good evening. We have organized as a group of concerned citizens—the Dry Brook Hill Aquifer Alliance—in order to collaborate and advance our common beliefs regarding the definitive plan for a subdivision over Dry Brook Hill. We have engaged legal representation who has framed these concerns in legal terms in the "memorandum of opposition" which you have received. We will highlight these points tonight.
We believe that the Planning Board has adequate information to disapprove this subdivision proposal and we are asking the Planning Board to do so.

1. The Proposed Subdivision Does Not Comply with South Hadley Subdivision Regulations, Design Standards, or duly enacted Bylaws.
The Application seeks approval of an unnecessary access road cutting through Dry Brook Hill, which is a "Natural" Heritage Landscape Feature. The proposed path of the trench through Dry Brook Hill is at the approximate steepest grade, at a width of approximately 50 feet, and a proposed grade that would, if approved, allow the removal of more than 474,000 cubic yards of earth. There is presently an existing road that has been utilized to provide access to the Applicant's sand and gravel mining operation which is coextensive with the proposed house construction. There are alternate routes that do not require such massive earth removal. In addition, the major earth removal attending the planned deeply cut road through Dry Brook Hill has greater potential to cause contamination of the Dry Brook Hill Aquifer. Both Dry Brook Hill and its connected Aquifer are located in Zone II, the recharge zone, of the Water Supply Protection District.
Following is a relevant passage from the Design Standards in the South Hadley Subdivision Regulations :

§ 360-33 Open spaces and protection of natural features.

A. "Due regard shall be shown for all natural features such as large trees, watercourses, scenic points, historic spots and similar community assets, which, if preserved, will add to the attractiveness and value of the subdivision and the Town."

Both Dry Brook Hill and the Dry Brook Aquifer are natural features, "...which, if preserved, will add to the attractiveness and value of the subdivision and the Town." Id.

Dry Brook Aquifer is a community asset, which has been specifically identified in South Hadley's Environmental Inventory and currently in the ongoing Master Plan Development. In the case of the Master Plan work, protection of the Aquifer has been given the highest priority. The recent peer review by Weston & Sampson examines whether the definitive plan conforms to the South Hadley Zoning Bylaw provisions applicable to the subject property. Here we refer to Agricultural Zoning Definition per Section 255-11.E "The purpose of this district is to promote agriculture, forestry, recreation, and land conservation, as well as compatible open space and rural uses, by

siting development in a manner that preserves large contiguous tracts of open space and agricultural land. The preservation of scenic vistas of open land, forestland, the Mount Holyoke Range, the Mount Tom Range, and the Connecticut River in this district is a key aspect of maintaining South Hadley's desired scenic and rural identity."

The peer reviewers note that: "...the excavation of this site to match grade at the bottom of the extraction pit does not meet the definition of the purpose of the district. The proposed approach to grading does not promote agriculture, forestry, recreation, or land conservation. The proposed excavation appears to remove active agricultural fields, cut down a large forested area, and does not allow for recreation or land conservation. The project does not appear to site development in a manner that preserves large contiguous tracts of open space or agricultural land....While residential use is allowed by right in the agricultural zone, zoning requires preservation of the purpose of the district.....The application at preliminary [stage] offered approximately 23 acres of open space. The definitive plan has removed that open space and offers none. Open space is a defining element of Agricultural Zoning in South Hadley."

" Further, the applicant's materials do not appear to address vegetation maintenance, minimization of tree removal, management of erosion on steep slopes, or restoration of the gravel pit." Protected features are absent.

Lastly, the Design Standards note:
§ 360-33 Open spaces and protection of natural features.

A. "Before approval of a plan, the Planning Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks for a period of not more than three years without its approval."
The plan does not show any parks for recreation or for playgrounds, which should be offered.

In sum, the Town's Design Standards are not discretionary. Rather, they are intended to support significant architectural and landscape design features that help to define a distinctive character and quality of life in the Town. The Applicant has not shown due regard for the principal natural features of the proposed site, which are major community assets. Thus, the Application does not meet the Design Standards in the South Hadley Subdivision Regulations and should be rejected.

Other comments, questions, or information that the Board should be aware of?

This form was created outside of your domain.

Google Forms

June 22, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will focus on the Applicant's Traffic Assessment Study and the Definitive Plan Submittal. Please note that the hearing will be held virtually online.

Email address *

robertpleasure@comcast.net

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at: https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was oted

Please State Your First and Last Name *

Robert Pleasure

Please State Your Street Address including City/State *

10 Jewett Lane, South Hadley, Massachusetts 01075

Do you wish to speak at the public hearing on June 22, 2020? *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

Comment 1. The proposal violates South Hadley's General Bylaw 245

South Hadley General Bylaw, chapter 245 (Earth Removal Incidental to Construction Activities) limits earth removal from any agricultural, commercial, residential or commercial development to a reasonable and essential amount which is incidental to the primary principal end use to prevent cumulative damage to landscape, aquifer, and topography and related valuable and nonrenewable natural resources. Among the purposes regulated by the Town are:
"(1) To permit reasonable removal of earth for agriculture, residential business, and industrial uses, while also protecting the value of the land within the Town and without imposing undue risk to the general public.
(2) To limit earth removal from any agricultural, commercial, residential or commercial development to a reasonable and essential amount which is incidental to the primary principal end use.
(3) To require that earth removal operations are conducted in a manner that will cause the least stress and harm to the Town's natural resources.
(4) To prevent detriment to adjacent neighborhoods and abutting parcels from earth removal activities.
(5) To prevent cumulative damage to landscape, aquifer, topography, and related valuable and nonrenewable natural resources, while not unreasonably interfering with necessary, desirable, and creative land uses."

The Proposed Earth Removal is not "Incidental."
In our Counsel's Memorandum in Opposition which is in the Background Materials for this hearing and part of the record in this case, at pages 9-11, our Counsel discusses three cases decided by the Supreme Judicial Court of Massachusetts, beginning with the seminal decision in this area, Old Colony Council-Boy Scouts of America v. Zoning Board of Appeals of Plymouth, 574 N.E. 2d 1014, 1016 (1991). Counsel includes as well the cases Harvard, Town of v. Maxant, 360 Mass. 432, 438, 275 N.E. 2d 347 (1971) and Henry v. Board of Appeals of Dunstable, 418 Mass 841, 845, 64 N.E. 2d 1334 (1994).

We urge the Board's consideration of these decisions and the discussion of them by our Counsel in the Memorandum in Opposition which you have in the materials. For us as Town Residents, we have reached a common sense conclusion that the proposed massive earth removal is not merely incidental clearing activity associated with building some residential homes. It appears instead to be a continuation of an unsuccessful effort to obtain a special permit for an extensive expansion of a central component (earth removal) of its concrete services and integrated sand and gravel mining operation. The timeline for the proposed subdivision shows that the excavation dwarfs the residential development. The site already has an access road, yet the proposed excavation would drive a wide trench through Dry Brook Hill, an integral part of the

geology of the recharge zone, Zone 2 of the Water Supply Protection District. The excavated earth would not be used to fill on site but would be "exported," as stated by the Applicant and noted we think disapprovingly by the Peer Reviewer. It appears that rather than seeking to limit excavation to that which would be essential for the residential subdivision, the proposal, in our opinion, seeks to do the opposite and reform the contours of this agricultural and scenic land and vital r recharge zone of the Water Supply Protection District to maximize the amount of earth removal for its primary business activity.

Comment 2: The proposed subdivision over an ongoing nonconforming use (sand and gravel mining) is contradictory and cannot be maintained simultaneously

Applicant seeks approval of a subdivision of parcels that it asserts is a "grandfathered" pre-existing non-conforming use. However, the subdivision, if approved, will alter the pre-existing non-conforming use and is thereby subject to the Special Permit Procedure required by Chapter 255-7 of the South Hadley Zoning Bylaws. Further, the Applicant asserts that it plans to maintain its existing sand and gravel mining operation in the same area that it is conducting subdivision development and planned housing construction. The proposed initial work on the project will be located at same coordinates of the asserted "grandfathered" sand and gravel mining operation. The conduct of both simultaneously, or the substitution of subdivision development over part of the are cannot help but alter the pre-existing non-conforming use. The Zoning Bylaws speak to this very proposal and require a special permit. If the Applicant were to be successful in its subdivision application, the proposed earth removal would alter its asserted grandfathered mining operation such that it could not comply with MGL 40A Section 5 or 6. Both provide that pre-existing nonconforming uses may only be extended or altered upon a finding by the special permit granting authority designated by a bylaw providing that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Moreover, Applicant has provided no evidence that its mining operation "grandfathered" in compliance with M.G.L., 40 A Section 5 or 6.

Other comments, questions, or information that the Board should be aware of?

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July 13, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will begin with a review of the Peer Review Report regarding the Definitive Plan Details. To the extent that time permits, this session of the Public Hearing is not limited to that topic. Please note that the hearing will be held virtually online and is intended to be Live Streamed and aired on Channel 15. Persons who signed up to speak for the June 22, 2020 public hearing will be scheduled for the July 13, 2020 public hearing. Any comments submitted for the June 22, 2020 public hearing will be incorporated into the public hearing record.

Email address *

robertpleasure@comcast.net

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was noted.

Please State Your First and Last Name *

Robert Pleasure

Please State Your Street Address including City/State *

10 Jewett Lane, South Hadley, MA 01075

Please State Your Email Address

robertpleasure@comcast.net

Do you wish to speak at the public hearing on July 13, 2020 *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

Applicant contends there is no regulatory framework to authorize the Planning Board to apply any standards relating to earth removal, along with inextricably intertwined environmental concerns, in evaluating its subdivision application. This assertion is incorrect on a number of bases.

- South Hadley has enacted a regulatory framework governing earth removal with clearly stated environmental objectives. See the Water Supply Protection District Overlay; see the detailed regulation of Earth Removal in Chapter 255-84 of the Town Zoning Bylaws; consider also General Bylaw 245, Earth Removal and Construction Activities, with clearly stated environmental objectives, including protection of the aquifer.
- South Hadley has the authority to regulate earth removal in both Massachusetts General Law, Chapters 40 and 40A, it has done so in detail, with a clearly spelled out framework with objectives of an environmental nature.
- Further, the Planning Board has authority under the Subdivision Control Act to promulgate subdivision regulations including design standards and has done so, specifically covering, among other matters, the protection of open space and natural features, and reviewing road layout to determine whether contours of the land are followed to the extent feasible. Moreover the Planning Board has adopted requirements in the appendices to the Subdivision Regulations requiring an environmental impact statement.
- Moreover the Planning Board has adopted requirements in the appendices to the Subdivision Regulations requiring an environmental impact statement.

Applicant has repeatedly asserted it has complied with all South Hadley Bylaws, subdivision Regulations, and Design Standards. This conclusory statement is unsupported and has been clearly contradicted.

- Applicant's position has been countered numerous times by the Peer Reviewer who has noted the failure of Applicant to address questions of compliance with the underlying Agricultural Zoning.
- Applicant has failed to reply to questioning of whether the extensive earth removal is incidental to the end residential subdivision use; failed to explain how the proposed earth removal is consistent with the very limited exemption in Chapter 255-84 (Earth Removal); and has failed to address consistency or non-consistency with General Bylaw 245 (Earth Removal and Construction Activity).
- Members of the public have appeared before the Planning Board and raised these specific issues, and not only has Applicant failed to address the concerns of the Peer Reviewer, Applicant has either remained silent or made a general denial without rationale or reasons.

Applicant has asserted that it is exempt from earth removal regulation, without explaining the basis of this assertion. The basis for the exemption would be that the earth removal is "incidental" to the primary end use. There is no basis for exemption in this case.

- First, the idea that a subdivision application is not subject to any regulation of earth removal of any kind and that an applicant may remove earth without limit, even in the hundreds of

thousands of cubic yards to serve two houses, cannot be taken seriously as a matter of common sense in light of the clear regulatory framework enacted by the Town of South Hadley governing earth removal.

- The word "incidental" has been construed in similar circumstances by the Supreme Judicial Court of Massachusetts in a way that makes clear that incidental means a small amount; that it can be weighed objectively against the reasonableness compared to the end use.
- Most particularly, Chapter 245 on Earth Removal and Construction Activity of the South Hadley Bylaws defines "incidental" to mean that it must meet "...all of the following criteria: A. Is minor in significance to the primary use of the premises; B. Is commonly established as customarily associated with the primary use of a premises; C. Is necessary to carry out the primary use of the premises; and D. Is minor in its net effect to that the of the principal use, based on the amount of material to be removed and the time period over which it is to be removed."
- Applicant's proposal does not meet any of these above-noted criteria. It is not minor in significance. On the contrary, it is approximately 100 times larger than the threshold for major earth removal. Nor would it be customary for any owner or builder to propose an excavation of nearly three years' duration to build two houses. It is not necessary to carry out the primary use of the premises because Applicant has shown there are alternate routes for the most part over an existing access road. All four criteria must be met, and Applicant meets none of them.
- The General Bylaw that requires this result was adopted by the Town's legislative body, the Town Meeting, expressly pursuant to the Authority of Towns in Massachusetts to control removal of earth within its jurisdiction. See Massachusetts General Laws Chapter 40, Section 21, clause 17. The requirements is the General bylaw are Town-wide. The bylaw was approved by the Attorney General of the State of Massachusetts, and is effective now. General Bylaw 245 provides that "The Board [Planning Board] or its designee shall enforce this bylaw and may pursue all available remedies for violations or take any other action relative thereto." Section 245-13A.

References

- Alexandra D. Dawson, Earth Removal and Environmental Protection, 3 C. Envtl. Aff. L. Rev.166 (1974), https://lawdigitalcommons.bc.edu/ealr/vol3/iss1/11Environ

- Environmental Protection Agency (EPA), Best Management Practices for Lead at Outdoor Shooting Ranges, EPA https://www.epa.gov/lead/best-management-practices-lead-outdoor-shooting-ranges

- Garabedian, S.P., and Stone, J.R., 2004, Delineation of areas contributing water to the Dry Brook public-supply well, South Hadley, Massachusetts: U.S. Geological Survey Water-Resources Investigations Report 03-4320, 52 p. https://pubs.usgs.gov/wri/wri034320/pdf/wrir034320.pdf

- The Interstate Technology & Regulatory Council Small Arms Firing Range Team. Environmental Management at Operating Outdoor Small Arms Firing Ranges (2005), page D-5 "Exposure to lead at outdoor shooting ranges can occur by three main pathways: Inhalation and incidental ingestion and drinking water. Many ranges are in rural areas where people use well water. In sandy areas, heavy metals can easily migrate down 400 feet or more and reach many drinking water aquifers."

- South Hadley General Bylaws: Part II General Legislation
Chapter 245: Earth Removal Incidental to Construction Activities

https://ecode360.com/laws/SO1428

Do you have any other comments, questions, or information that the Board should be aware of? *

○ Yes

◉ No

If "yes" to previous question, please provide such other comments, questions, or information below.

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TOWN OF SOUTH HADLEY MASSACHUSETTS

Richard Harris <rharris@southhadleyma.gov>

North Pole Estates Subdivision Definitive Plan Hearing, Request to Speak and References

ROBERT PLEASURE <robertpleasure@comcast.net> Mon, Jul 6, 2020 at 12:15 PM
To: "rharris@southhadleyma.gov" <rharris@southhadleyma.gov>

Dear Mr. Harris: I wish to speak at the hearing on the North Pole Estates Subdivision Application, scheduled to be held online on July 13, 2020. I previously submitted comments and understand that the opportunity for me to speak has been carried over to Monday, July 13. It is my intention to cover those previously submitted written comments and focus on the regulatory framework applicable to the pending application. I am submitting below additional references which I had previously indicated I would provide to the Planning Board when I last appeared. I ask that these references be included in the record. See references below and in the attachment to this e-mail. Thank you. Sincerely, Robert Pleasure

References

- Alexandra D. Dawson, *Earth Removal and Environmental Protection*, 3 C. Envtl. Aff. L. Rev.166 (1974), https://lawdigitalcommons.bc.edu/ealr/vol3/iss1/11Environ

- Environmental Protection Agency (EPA), Best Management Practices for Lead at Outdoor Shooting Ranges, EPA https://www.epa.gov/lead/best-management-practices-lead-outdoor-shooting-ranges

- Garabedian, S.P., and Stone, J.R., 2004, Delineation of areas contributing water to the Dry Brook public-supply well, South Hadley, Massachusetts: U.S. Geological Survey Water-Resources Investigations Report 03-4320, 52 p. https://pubs.usgs.gov/wri/wri034320/pdf/wrir034320.pdf

- The Interstate Technology & Regulatory Council Small Arms Firing Range Team. Environmental Management at Operating Outdoor Small Arms Firing Ranges (2005), page D-5

"Exposure to lead at outdoor shooting ranges can occur by three main pathways: Inhalation and incidental ingestion and drinking water. Many ranges are in rural areas where people use well water. In sandy areas, heavy metals can easily migrate down 400 feet or more and reach many drinking water aquifers."

- South Hadley General Bylaws: Part II General Legislation

Chapter 245: Earth Removal Incidental to Construction Activities

https://ecode360.com/laws/SO1428

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References

(1) Alexandra D. Dawson, *Earth Removal and Environmental Protection*, 3 B.C. Envtl. Aff. L. Rev. 166 (1974), https://lawdigitalcommons.bc.edu/ealr/vol3/iss1/11Environ

(2) Environmental Protection Agency (EPA), Best Management Practices for Lead at Outdoor Shooting Ranges, EPA https://www.epa.gov/lead/best-management-practices-lead-outdoor-shooting-ranges

(3) Garabedian, S.P., and Stone, J.R., 2004, Delineation of areas contributing water to the Dry Brook public-supply well, South Hadley, Massachusetts: U.S. Geological Survey Water-Resources Investigations Report 03-4320, 52 p. https://pubs.usgs.gov/wri/wri034320/pdf/wrir034320.pdf

(4) The Interstate Technology & Regulatory Council Small Arms Firing Range Team. Environmental Management at Operating Outdoor Small Arms Firing Ranges (2005), page D-5

"Exposure to lead at outdoor shooting ranges can occur by three main pathways: Inhalation and incidental ingestion and drinking water. Many ranges are in rural areas where people use well water. In sandy areas, heavy metals can easily migrate down 400 feet or more and reach many drinking water aquifers."

(5) South Hadley General Bylaws: Part II General Legislation

Chapter 245: Earth Removal Incidental to Construction Activities

https://ecode360.com/laws/SO1428

Riordan, James

From: Riordan, James
Sent: Wednesday, June 3, 2020 9:52 AM
To: Sofia Bitzas
Cc: Richard Harris
Subject: North Pole Estates--Request for Completion of Peer Review

Good Morning Sophia,

Richard Harris has asked that we respond to the letter that you sent Brad Hutchinson, dated June 1, requesting completion of the peer review for North Pole Estates.

As your letter indicates a peer review, date March 4, 2020, was provided with a second iteration, dated April 29, 2020, addressing comments from R. Levesque Associates. As such, the peer review has been completed. In answer to the specific areas that your June 1, 2020 letter identifies as incomplete, we respond as follows:

Submission 360-20

These requirements pertain to number of copies (item A), fees (item B), method of delivery (item C), Form C (item D), date of mailing (item E), and staking out of station points (item F). Our understanding is that the Town addressed and confirmed these items; therefore, we did not comment on them. Our understanding is that the submission requirements have been met.

Contents 360-21

We find that, except as otherwise noted in our review, the applicant addressed these items. See item 1 on page 30 of our review, dated April 29, 2020:

> Generally, we find that the **Definitive Plans were prepared in accordance with Chapter 360 of the Town's Bylaws** [emphasis added]; however, we did find inconsistency between the layout dimensions of the Preliminary Plan and the Definitive Plan...

This inconsistency is also notable in the Definitive Plan Set (see Sheet D-2) and supporting materials.

Additional Subdivision Requirements 360-22

As with "Contents 360-21," we find that, except as otherwise noted in our review, the applicant addressed these items. See item 1 on page 30 of our review, dated April 29, 2020:

> Generally, we find that the **Definitive Plans were prepared in accordance with Chapter 360 of the Town's Bylaws** [emphasis added]; however, we did find inconsistency between the layout dimensions of the Preliminary Plan and the Definitive Plan...

This inconsistency is also notable in the Definitive Plan Set (see Sheet D-2) and supporting materials.

Streets and Ways 360-31

Our comments with respect to streets and ways have been provided in the "transportation" section of our review. See pages 18 - 28 of our review, dated April 29, 2020.

Easements 360-32

We provided comments regarding stormwater easements and found unresolved issues that in part pertain to the proposed layout. See item 16.b on page 45 of our review, dated April 29, 2020.

Open Space and Protection of Natural Features 360-33

Our comments with respect to open space have been provided under additional comments on page 49 of our review, dated April 29, 2020. It was our understanding that 23 acres of open space would be dedicated, which is not shown in the plan set. We would point out that the narrative and background materials mention the 23 acres of dedicated open space in at least half a dozen locations.

Compliance with the Zoning By-Law 360-34

Comments regarding the zoning of this site related to the "Agricultural" zone and in the "Water Supply Overlay District" are provided throughout the review we provided on April 29. For example, please refer to:

- Item 2 on page 31.
- Item 4.a on page 32.
- Item 13 on page 44.
- Item 17 on page 47.
- Additional comments on page 49.

Thank you for your inquiry regarding our review.

Sincerely,

Jim

M. James Riordan, AICP, LEED AP
SENIOR PROJECT MANAGER
direct: 508-203-4197
extension: 7413
mobile: 401-497-6705 (prefered)

Weston & Sampson

Weston & Sampson
100 Foxborough Boulevard, Suite 250 | Foxborough, MA 02035
general office tel: 508-698-3034
westonandsampson.com

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Weston & Sampson Review Comments	Applicant Responses	Weston & Sampson Comments on Adequacy of Response
Review Findings for the Definitive Plan		
1. Was the application prepared in accordance with the South Hadley Subdivision Regulations, i.e., Chapter 360 of the Town's Bylaws Generally, we find that the Definitive Plans were prepared in accordance with Chapter 360 of the Town's Bylaws; however, we did find inconsistency between the layout dimensions of the Preliminary Plan and the Definitive Plan. The Definitive Plans depict lots 1 through 9, with lots 4 and 5 containing the bulk of the land that would eventually be the remainder of the proposed 67 lots. Many of the lot lines shown for initial lots 1-9 do not coincide with any lot lines for future phases. See the hand-drawn graphic below: The applicant does not provide a comparison of the lot layout that was proposed for the approved preliminary plan and the lot layout that was proposed for the proposed definitive plan, but there appear to be discrepancies. The drawing above shows the approximate location of lots lines for lots 4, 5, 8 and 9. Those lines do not appear to coincide with future development lots as depicted. This calls into question the validity of lots 4, 5, 8 and 9 as they do not seem to coincide with lot lines for future development. To address this issue, we recommend that the Town request a phasing plan from the applicant that clarifies why lots 4, 5, 8 and 9 are being created as depicted. We anticipate that future phases will require either redrawing or amendment of the lot lines. This also raises a question related to the ultimate ownership of areas in lots 4 and 5 that are not part of the depicted full-build layout. We recommend that the Town ask for a clarification of this issue.	There is no subdivision requirement that the preliminary plan match or resemble the definitive plan and there was no intent to have lot lines from the proposed subdivision coincide with the lots shown on the schematic for "potential" future phases. Any reconfiguration of lots required for future residential use of the land would be handled in the future as necessary through the subdivision process.	Response is inadequate. The applicant's response misses the point of the initial comment, which was that the proposed redrawing of lot lines raises questions regarding the validity of lots 4, 5, 8, and 9 as well as ownership questions about the land area contained in lots 4 and 5. We agree that some reconfiguration of lot lines is acceptable; however, the overall project has changed from 67 to 9 lots—an 87% reduction in lots. Moreover, the proposed project area no longer corresponds to the original area of land represented in the preliminary plan. (See diagram attached at the end of this review and previously provided with the March 5, 2020 review.) By definition a preliminary plan is "a plan of a subdivision submitted by the applicant showing sufficient information to form a clear basis for discussion and clarification of its general contents and for the preparation of a definitive plan."

June 22, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will focus on the Applicant's Traffic Assessment Study and the Definitive Plan Submittal. Please note that the hearing will be held virtually online.

Email address *

swiftriverphoto@gmail.com

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at: https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was oted

Please State Your First and Last Name *

Rudy Ternbach

Please State Your Street Address including City/State *

118 Ferry St.

Do you wish to speak at the public hearing on June 22, 2020? *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

Honorable members of the Planning Board, I refer you to the Planning Board Agenda Background Materials for its June 15, 2020 meeting. Specifically, I refer you to page three of the background materials showing a USGS satellite image of lot 43 and adjacent lots, and to Roman numeral V, on pages 12 and 13, of the Memorandum in Opposition submitted by the Dry Brook Aquifer Alliance which is also included in your background materials.

The Application is Incomplete and should not be approved by the Planning Board because it fails to address at least four requirements:

1.The Applicant has seemingly ignored compliance with The Forest Cutting Practices Act. From what we can tell, the proposed subdivision would not be exempt from this Act (M.G.L. CH 132, §. 40-46 ("the Act"). Specifically, "the Act" regulates commercial cutting of a volume of trees >25,000 board ft or 50 cords ... pursuant to an approved forest cutting plan. USGS satellite images which are easily available on-line for the public's use and for town planners and officials for their use in permitting, planning, and monitoring projects that have potential impacts on the natural environment, show the history of Lot 43 going back several decades and that over the years and continuing to the present, many acres that were wooded have been clear cut and this raises serious concerns about increased flooding hazards, hazards which were considered by a Town Committee with recommendations set forth in their 2016 draft report which included Sullivan Lane as one of the streets of concern.

2. The hydrology report is incomplete. While the Applicant's hydrogeologist did perform a routine data base search of federal and state environmental records, there is still a very real possibility that data gaps exist from the incompleteness of the activities. For example, the Application simply states that the Applicant is "unaware" of any unique wildlife or flora on the site. It is likely that within such a large assemblage of parcels of wooded land exists the habitat of a myriad of wildlife that would be displaced. The Application does not indicate that the U.S. Fish and Wildlife Service (or the designated State Agency) has been asked to review whether the proposed earth removal, forest clear cutting and/or construction will adversely affect endangered or threatened species or critical habitat. Therefore, at this point, the Town has no way of knowing whether the risk is acceptable. The National Wildlife Coordinating Group defines 'unacceptable risk' as a level of risk as determined by the risk management process which cannot be mitigated to an acceptable safe level of risk.

3. The application fails to provide several review documents.
Applicant has requested that the Planning Board waive a several threshold review of documents, including a topographical map and a mylar (subdivision plan), which are essential to the Town's fully informed review of the Application. Thus denying The Town informed consent and forcing

its citizens to assume a blind risk.

4. The applicant fails to provide the Building Commissioner's approvals.
As a condition precedent to any subdivision approval, the General bylaws require Building Commission approval (including the excavation plans). It doesn't appear that has occurred.

CONCLUSION
We, the Dry Brook Aquifer Alliance, are convinced this Application poses serious material threats to the water supply for thousands of South Hadley's residents, and that irreparable harm would result from approving the Applicant's subdivision proposal. And, we believe, that any injury to the citizens of South Hadley would last for decades to come (for which there is no genuine remedy) and these facts clearly outweigh any potential harm to the Applicant. With all due respect, in light of the four deficiencies, we feel the Planning Board has a duty to use its authority to disapprove the entire application.

Other comments, questions, or information that the Board should be aware of?

none

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July 13, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will begin with a review of the Peer Review Report regarding the Definitive Plan Details. To the extent that time permits, this session of the Public Hearing is not limited to that topic. Please note that the hearing will be held virtually online and is intended to be Live Streamed and aired on Channel 15. Persons who signed up to speak for the June 22, 2020 public hearing will be scheduled for the July 13, 2020 public hearing. Any comments submitted for the June 22, 2020 public hearing will be incorporated into the public hearing record.

Email address *

bennywoodard6@gmail.com

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was noted.

Please State Your First and Last Name *

Benny Woodard

Please State Your Street Address including City/State *

21 Woodbridge Ter, South Hadley, MA 01075

Please State Your Email Address

bennywoodard6@gmail.com

Do you wish to speak at the public hearing on July 13, 2020 *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

My concerns are rooted in the fact that the proposed development poses a fundamental threat to the District 2 water supply. With that underlying condition in mind, the Applicant's proposal goes against several of South Hadley's duly enacted bylaws and subdivision regulations.

1) Purposes of Agricultural and Water Supply Protection Districts
§ 255-11.E and §255-15.A(1)

Town Bylaw §255-11.E describes that the purpose of an agricultural zone is to "promote agriculture, forestry, recreation, and land conservation...by siting development in a manner that preserves large contiguous tracts of open space and agricultural land." The proposed massive cut through the center of Dry Brook Hill and the removal of 474,300 yd3 of earth above a pristine town water supply seems to promote the exact opposite. This is outlined in the Peer Review, which states, "The proposed approach to grading does not promote agriculture, forestry, recreation, or land conservation. The proposed excavation appears to remove agricultural fields, cut down a large forested area, and does not allow for recreation or land conservation." In response to these comments in the June 22 Public Hearing, the Applicant's consultant stated that these concepts are "creative" and "subjective" and that, therefore, they do not need to be adhered to. I would argue that not only are these concepts concrete and measurable with empirical data, but they outline a fundamental quality that gives South Hadley its "desired scenic and rural identity." The preservation of our forests and agricultural spaces is essential to the wellbeing of the town as we look to the future.
Similarly, §255-15.A(1) outlines that the purpose of the Water Supply Protection Overlay District (WSPD) is to promote the health and safety 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." This statement of purpose clearly conveys that the protection of water supplies is fundamental to all uses of land within the WSPD. It is concrete and objective. Expert testimonies, such as the Peer Review by Weston and Sampson and the letter from ground water geologist Professor Al Werner dated June 11, 2020, indicate that the North Pole Estates Proposal poses a severe threat to our water supply and, therefore, to the health and safety of the community.

2) Earth Removal Incidental to Construction Activities
§ 255-84.A(2), § 245-1, § 245-3 and § 245-6

Bylaw §255-84.A states that earth removal "shall not be undertaken if such removal... results in a change in the contours of the land" unless "the removal, excavation and/or fill activity is incidental to and in connection with" an approved subdivision definitive plan.

Incidental is defined in §245-3 as needing to meet all of the following criteria:

A. Minor in significance to the primary use of a premises;
B. Commonly established as customarily associated with the primary use of a premises;
C. Necessary to carry out the primary use of the premises; and
D. Minor in its net effect to that of the principal use, based on the amount of material to be removed and the time period over which it is to be removed.

The Applicant's proposed removal of 474,300 yd3 in order to level the steepest part of Dry Brook Hill does not meet this definition of incidental. In the June 22 Public Hearing, the applicant stated that it would take three years of daily work to complete the earth removal project alone. Nearly three years of earth removal in order to build two single-family homes over the course of a few months on the west side of Dry Brook Hill is not merely incidental to the end residential use. Once again, this bylaw is not "subjective" and it is further supported by extensive parallel fact situations considered by the Supreme Judicial Court of Massachusetts, which are discussed in the Memorandum in Opposition filed in this case by Massachusetts Attorney Denise Presley. See her review of Old Colony Council-Boy Scouts of America v. Board of Appeals Plymouth, Henry v. Board of Appeals Dunstable, and Harvard, Town of v. Maxant.

Moreover, the proposal goes explicitly against the Purposes of Bylaw §245. As outlined in §245 –1, these purposes are "to require that earth removal operations are conducted in a manner that will cause the least stress and harm to the Town's natural resources" and "to prevent cumulative damage to landscape, aquifer, topography, and related valuable and nonrenewable natural resources," among others. Dry Brook Hill is the epitome of a "valuable and nonrenewable natural resource." It plays a vital role in the excellent quality of our drinking water, houses a pristine forested ecosystem, and offers spectacular views of the Connecticut River and Mt. Tom. Once it is destroyed and our aquifer is inevitably contaminated with nitrates, fuel oil, lawn chemicals, and septic effluents, it will never come back. This is our one and only opportunity to protect it.

3) Subdivision Regulations
§ 360–31.A(1), § 360–33.B and § 360–22.A(2)(a)

The Applicant's Definitive Plan does not meet all of the Design Standards mandated in Article 7 of the Subdivision Regulations. §360–31.A dictates that "as far as practicable, streets should follow natural contours." The proposed grading of "Frosty Lane" ignores this standard by seeking to flatten the natural contours of Dry Brook Hill completely. There are most certainly alternative road planning possibilities that will still comply with the maximum grade requirements stated in §360–31.C. The Peer Review notes this as well, stating that they "recommend that the Town ask for an evaluation of alternative approaches to grading." This issue also relates directly to the Earth Removal concerns I raised earlier (see Bylaws §255–84.A, and §245). Not only does the Applicant's grading plan disregard Design Standards, but it necessitates a Major Earth Removal land use that is not incidental to the primary end use.

Design Standard §360-33.B is also not met. This standard states that "due regard shall be shown for all natural features...which, if preserved, will add to the attractiveness and value of the

subdivision and the Town." Based on expert testimonies from Professor Al Werner, Weston & Sampson (i.e., the peer review), a comprehensive 2004 study from the USGS*, and the fact that it is listed in the Town's inventory of Heritage Landscapes**, Dry Brook Hill is a natural feature of profound value to this town. The Applicant proposes to destroy it. Destruction is not due regard.

4) Alteration to Preexisting Nonconforming Use
§ 255-7.B(1) and § 255-35.I

The mining pit operated by the Applicant which has been affectionately referred to as "grandfathered" is a Preexisting Nonconforming Use and is, therefore, subject to all requirements outlined in Zoning Bylaw §255-7. What the applicant proposes to do in their Definitive Plan is effectually a "substantial alteration" to the nonconforming use (i.e., undergo a major earth removal project to add a housing development onto the land occupied by the mining operation). Per §255-7.B, "preexisting nonconforming structures or uses may be changed, extended or altered only upon approval of a special permit for such purpose."

The bylaw is especially pertinent in this situation due to the fact that the land in question is located within a WSPD. This exact situation is spoken to in §255-35.I, which states "nonconforming uses [within a WSPD] may be extended or altered, as specified in MGL c. 40A, § 6, provided that there is a finding by the Planning Board that such change does not increase the danger of surface or groundwater pollution from such use." The aforementioned evidence suggests that this alteration will severely increase the danger of groundwater pollution to our public water supply. In any case, a Special Permit is required. It does not appear that the Applicant has filed for one.

Do you have any other comments, questions, or information that the Board should be aware of? *

- ○ Yes
- ◉ No

If "yes" to previous question, please provide such other comments, questions, or information below.

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TOWN OF SOUTH HADLEY MASSACHUSETTS

Richard Harris <rharris@southhadleyma.gov>

Letter to Planning Board concerning North Pole Estates Subdivision Application

Benny Woodard <bennywoodard6@gmail.com> Mon, Jul 6, 2020 at 10:26 PM
To: rharris@southhadleyma.gov

Dear Mr. Harris,

I am a lifelong citizen of South Hadley living at 21 Woodbridge Terrace. I have attached a letter that I composed expressing my opposition to and concerns about the North Pole Estates Subdivision Application. If you could please share it with the members of the Planning Board I would very much appreciate it.

I'd also like to mention that I'd like to speak at the Public Hearing coming up on July 13, if time allows.

Thank you very much.

Sincerely,
Benny Woodard

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Soundcloud https://soundcloud.com/benny-woodard-126524581
Youtube https://www.youtube.com/channel/UCJUrZaRxuqhEFMgE1_h4UcA?view_as=subscriber

Letter to Planning Board 7_6_2020 Benny Woodard.pdf
268K

July 6, 2020

To: South Hadley Planning Board, Care of Richard Harris
From: Benny Woodard, 21 Woodbridge Terrace, South Hadley, MA
Re: North Pole Estates Subdivision Application

Dear South Hadley Planning Board,

I write to you as a concerned resident of South Hadley in order to express my opposition to the North Pole Estates Subdivision Application.

My concerns are rooted in the fact that the proposed development poses a fundamental threat to the District 2 water supply. With that underlying condition in mind, the Applicant's proposal goes against several of South Hadley's duly enacted bylaws and subdivision regulations.

1) Purposes of Agricultural and Water Supply Protection Districts
§ 255-11.E and *§255-15.A(1)*

Town Bylaw §255-11.E describes that the purpose of an agricultural zone is to "promote agriculture, forestry, recreation, and land conservation...by siting development in a manner that preserves large contiguous tracts of open space and agricultural land." The proposed massive cut through the center of Dry Brook Hill and the removal of 474,300 yd^3 of earth above a pristine town water supply seems to promote the exact opposite. This is outlined in the Peer Review, which states, "The proposed approach to grading does not promote agriculture, forestry, recreation, or land conservation. The proposed excavation appears to remove agricultural fields, cut down a large forested area, and does not allow for recreation or land conservation." In response to these comments in the June 22 Public Hearing, the Applicant's consultant stated that these concepts are "creative" and "subjective" and that, therefore, they do not need to be adhered to. I would argue that not only are these concepts concrete and measurable with empirical data, but they outline a fundamental quality that gives South Hadley its "desired scenic and rural identity." The preservation of our forests and agricultural spaces is essential to the wellbeing of the town as we look to the future.

Similarly, §255-15.A(1) outlines that the purpose of the Water Supply Protection Overlay District (WSPD) is to promote the health and safety 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." This statement of purpose clearly conveys that the protection of water supplies is fundamental to all uses of land within the WSPD. It is concrete and objective. Expert testimonies, such as the Peer Review by Weston and Sampson and the letter from ground water geologist Professor Al Werner dated June 11, 2020, indicate that the North Pole Estates Proposal poses a severe threat to our water supply and, therefore, to the health and safety of the community.

2) Earth Removal Incidental to Construction Activities
§ 255-84.A(2), § 245-1, § 245-3 and *§ 245-6*

Bylaw §255-84.A states that earth removal "shall not be undertaken if such removal... results in a change in the contours of the land" unless "the removal, excavation and/or fill activity is ***incidental*** to and in connection with" an approved subdivision definitive plan. *Incidental* is defined in §245-3 as needing to meet all of the following criteria:

- **A.** Minor in significance to the primary use of a premises;
- **B.** Commonly established as customarily associated with the primary use of a premises;
- **C.** Necessary to carry out the primary use of the premises; and
- **D.** Minor in its net effect to that of the principal use, based on the amount of material to be removed and the time period over which it is to be removed.

The Applicant's proposed removal of 474,300 yd^3 in order to level the steepest part of Dry Brook Hill does not meet this definition of incidental. In the June 22 Public Hearing, the applicant stated that it would take three years of daily work to complete the earth removal project alone. Nearly three years of earth removal in order to build two single-family homes over the course of a few months on the west side of Dry Brook Hill is not merely incidental to the end residential use. Once again, this bylaw is not "subjective" and it is further supported by extensive parallel fact situations considered by the Supreme Judicial Court of Massachusetts, which are discussed in the Memorandum in Opposition filed in this case by Massachusetts Attorney Denise Presley. See her review of *Old Colony Council-Boy Scouts of America v. Board of Appeals Plymouth, Henry v. Board of Appeals Dunstable,* and *Harvard, Town of v. Maxant.*

Moreover, the proposal goes explicitly against the Purposes of Bylaw §245. As outlined in §245-1, these purposes are "to require that earth removal operations are conducted in a manner that will cause the least stress and harm to the Town's natural resources" and "to prevent cumulative damage to landscape, aquifer, topography, and related valuable and nonrenewable natural resources," among others. Dry Brook Hill is the epitome of a "valuable and nonrenewable natural resource." It plays a vital role in the excellent quality of our drinking water, houses a pristine forested ecosystem, and offers spectacular views of the Connecticut River and Mt. Tom. Once it is destroyed and our aquifer is inevitably contaminated with nitrates, fuel oil, lawn chemicals, and septic effluents, **it will never come back.** This is our one and only opportunity to protect it.

3) Subdivision Regulations
§ 360-31.A(1), § 360-33.B and *§ 360-22.A(2)(a)*

The Applicant's Definitive Plan does not meet all of the Design Standards mandated in Article 7 of the Subdivision Regulations. §360-31.A dictates that "as far as practicable, streets should follow natural contours." The proposed grading of "Frosty Lane" ignores this standard by seeking to flatten the natural contours of Dry Brook Hill completely. There are most certainly alternative road planning possibilities that will still comply with the

maximum grade requirements stated in §360–31.C. The Peer Review notes this as well, stating that they "recommend that the Town ask for an evaluation of alternative approaches to grading." This issue also relates directly to the Earth Removal concerns I raised earlier (see Bylaws §255–84.A, and §245). Not only does the Applicant's grading plan disregard Design Standards, but it necessitates a Major Earth Removal land use that is not incidental to the primary end use.

Design Standard §360-33.B is also not met. This standard states that "due regard shall be shown for all natural features...which, if preserved, will add to the attractiveness and value of the subdivision and the Town." Based on expert testimonies from Professor Al Werner, Weston & Sampson (i.e., the peer review), a comprehensive 2004 study from the USGS*, and the fact that it is listed in the Town's inventory of Heritage Landscapes**, Dry Brook Hill is a natural feature of profound value to this town. The Applicant proposes to destroy it. Destruction is **not** due regard.

4) Alteration to Preexisting Nonconforming Use
§ 255–7.B(1) and *§ 255–35.I*

The mining pit operated by the Applicant which has been affectionately referred to as "grandfathered" is a Preexisting Nonconforming Use and is, therefore, subject to all requirements outlined in Zoning Bylaw §255–7. What the applicant proposes to do in their Definitive Plan is effectually a "substantial alteration" to the nonconforming use (i.e., undergo a major earth removal project to add a housing development onto the land occupied by the mining operation). Per §255–7.B, "preexisting nonconforming structures or uses may be changed, extended or altered *only upon approval of a special permit for such purpose.*"

The bylaw is especially pertinent in this situation due to the fact that the land in question is located within a WSPD. This exact situation is spoken to in §255–35.I, which states "nonconforming uses [within a WSPD] may be extended or altered, as specified in MGL c. 40A, § 6, provided that there is a finding by the Planning Board that such change does not increase the danger of surface or groundwater pollution from such use." The aforementioned evidence suggests that this alteration will severely increase the danger of groundwater pollution to our public water supply. In any case, a Special Permit is required. It does not appear that the Applicant has filed for one.

The Application is incomplete. Based on the comments in the Peer Review to the Hydrogeologic Assessment Study (HAS) section, the HAS is inadequate. For example, the Reviewer states that "the potential for the presence of [emerging contaminants] and measures to deal with these contaminants needs to be addressed for the HAS to be considered adequate." Several other deficiencies in the HAS are outlined in detail in the aforementioned Memorandum in Opposition dated March 6, 2020 as well as in the HAS section of the Peer Review. The applicant's responses to the Peer Review comments

* *Garabedian, S.P., Stone, J.R., 2004, Delineation of Areas Contributing Water to the Dry Brook Public-Supply Well, South Hadley, Massachusetts: U.S. Geological Survey Water-Resources Investigations Report 03-4320, 56 p.* https://pubs.er.usgs.gov/publication/wri034320

**https://southhadley.org/DocumentCenter/View/402/Heritage-Landscape-Inventory-Final-Report-PDF

are vague and inadequate. It does not appear that sufficient measures are being taken to improve the HAS. Therefore the application is incomplete.

The percolation tests required by Subdivision Regulation §360–22.A are also inadequate. This is detailed in the Title 5 Plan Review analysis completed by D3 Engineering, Inc. and submitted to the Board of Health on June 4, 2020. It states that, due to the proposed earth removal, the percolation tests are essentially invalid because they were done at an elevation significantly higher than where the septic systems will ultimately be. It should be noted that this is a consequence of the sheer magnitude of earth subject to be removed.

The Applicant has not filed for the Special Permit required by §255–7 for alterations to a Preexisting Nonconforming Use.

The Applicant has been unclear about the acreage of forest to be cleared and has submitted no documentation to ensure compliance with The Forest Cutting Practices Act, MGL 132 §40-46.

In conclusion, the North Pole Estates Subdivision Proposal should be rejected on the grounds that it threatens a vital public water supply through a major earth removal operation that is not incidental to the primary end use, it does not align with the Purposes of the Agriculture and overlying WSPD districts in which it is proposed, it does not comply with Subdivision Design Standards, it ignores regulatory requirements for alterations to nonconforming uses, and the Applicant has not submitted a complete application.

As a final note, I need to express to you why, at a core level, I am sending this letter:

I am afraid.

I am afraid because there is nothing more sacred on Planet Earth than clean water. Without it, we will die. We are absolutely blessed in this town to have such a unique and plentiful water supply. I am afraid that it will be destroyed. I am afraid that the shear magnitude of *what is at stake* is not fully understood. The Dry Brook Aquifer is one of the reasons I was able to live a full, healthy childhood in South Hadley, it is one of the reasons I was able to wake up each morning with a smile on my face, one of the reasons I was able to succeed in school and go on to become an informed, sensitive, and active member of society. Our water is *not* just something described in Bylaws and Regulations, it is *not* a paragraph in a Subdivision Application, and it is *not* something to place in jeopardy. It is our life. I hope deeply in my heart that this understanding will prevail in the minds of our elected decision makers and that Dry Brook Hill and its underlying Aquifer are protected to the fullest extent possible. I hope that we use what we're learning through this process to take further steps to protect and conserve it for future generations.

Sincerely,

Benny Woodard

July 13, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will begin with a review of the Peer Review Report regarding the Definitive Plan Details. To the extent that time permits, this session of the Public Hearing is not limited to that topic. Please note that the hearing will be held virtually online and is intended to be Live Streamed and aired on Channel 15. Persons who signed up to speak for the June 22, 2020 public hearing will be scheduled for the July 13, 2020 public hearing. Any comments submitted for the June 22, 2020 public hearing will be incorporated into the public hearing record.

Email address *

ntolopko@gmail.com

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was noted.

Please State Your First and Last Name *

Neva Tolopko

Please State Your Street Address including City/State *

28 San Souci Dr., South Hadley, MA

Please State Your Email Address

ntolopko@gmail.com

Do you wish to speak at the public hearing on July 13, 2020 *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

Chicopee Concrete Services, Inc. seeks definitive plan approval for a new subdivision, North Pole Estates, but the subdivision plans do not meet South Hadley subdivision design standards. Further the applicant has not acknowledged applicability of zoning bylaw (255-84) and general bylaw 245 which work in together with the subdivision design standards to minimize earth removal related to a subdivision, to that which is incidental to connected to the final end use. We see no proof that these plans meet design standards or minimize earth removal to protect Dry Brook Hill, which is a South Hadley natural Heritage Landscape feature and town asset.

The subdivision plans are not in conformance with Article VII: Design Standards of the Subdivision Regulations

- 360-31A(1) that requires, " As far as practicable, streets should follow natural contours", and
- 360-33 B requires that "Due regard shall be shown for all natural features such as large trees, watercourses, scenic points" (i.e. Dry Brook Hill) ", historic spots and similar community assets" (i.e. recharge area of South Hadley District 2 Water Supply), which, if preserved, will add to the attractiveness and value of the subdivision and the Town."

Frosty Lane, which is only required to access 2 of the 4 home sites, is designed to cut through Dry Brook Hill, changing natural land contours and topography by as much as 30-50'; and carves a large swath of land adjacent to the roadway reducing grades to hit elevations that are closer to the bottom of the pit. This design requires export of 474,300 cubic yards of material. In addition the roadway plans show roadway surface slopes significantly beneath maximum slope requirements for a Type A subdivision, which indicates that the applicant roadway design did not attempt to follow the natural contours of the land.

The applicant has been asked to provide alternate road designs that would more closely follow the natural contours of the land and thereby remove only that which is incidental to the construction of a roadway. However when challenged to provide alternate road designs by the Town and the Peer Reviewer, the applicant has refused.

We are aware that Frosty Drive could come into Parcel 42 and connect directly with the existing gravel drive to provide access to Lots 2 and 3 that are located in the bottom of the pit. This design would likely require some excavation, but would more closely follow the contours of the land. Houses on Lots 7 and 8 could have driveways and access to utilities on Route 47. The applicant proposed this route back on 10/18/2018 on Plan C-2, Revision C of an application for special permit to expand their sand and gravel mining operation. (https://www.southhadley.org/DocumentCenter/View/3724/Hadley-Street-Major-Excavation-SP-Permit---Revised-Plans-2018-10-17-PDF)

The South Hadley Subdivision Regulations and Earth Removal Bylaws have design standards that are required to promote safety and limit impact to our town's natural features (Dry Brook Hill and

our Zone II recharge area for Fire District 2's groundwater aquifer). The subdivision application should be denied as submitted because it does not meet subdivision design standards or comply with our town zoning bylaws (255-84) or general bylaw 245 that regulate earth removal activities.

Do you have any other comments, questions, or information that the Board should be aware of? *

- (●) Yes
- ( ) No

If "yes" to previous question, please provide such other comments, questions, or information below.

I will submit some images (via separate cover) that show the area where Frosty Drive is proposed, and the alternate path that was proposed during excavation special permit application on 10/17. The satellite aerial image of the area has some distortion due to the angle that the image was taken so the overlays are not perfect but good enough for purposes of discussion. I would like to have the opportunity to share these in the meeting if time allows, since they help give scale to the proposed development and roadway. Please make them part of the public record.

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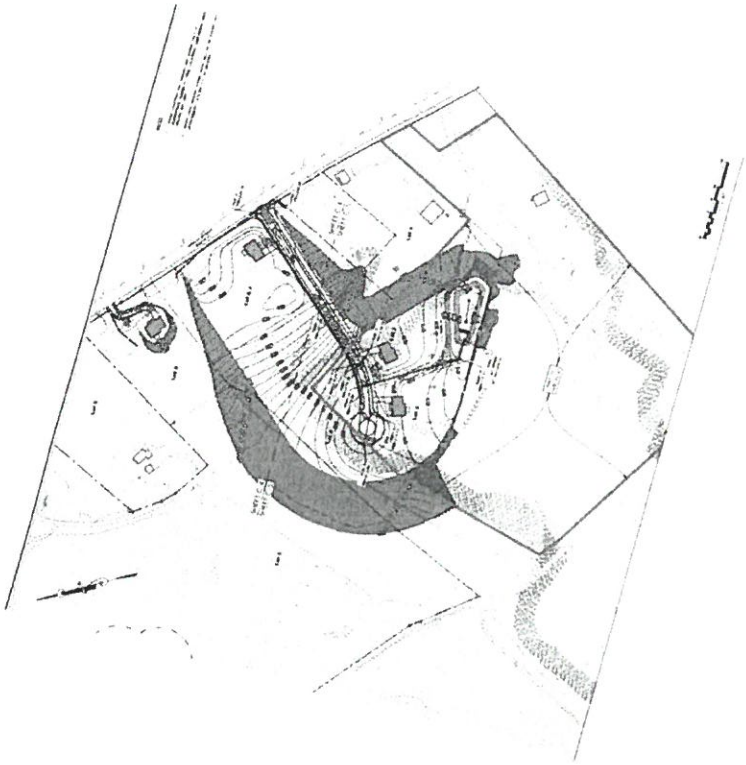

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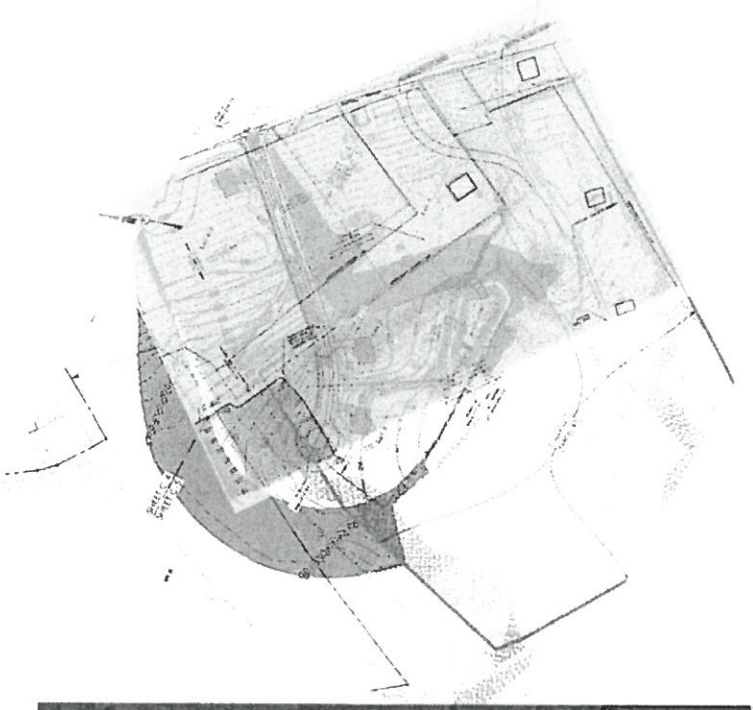

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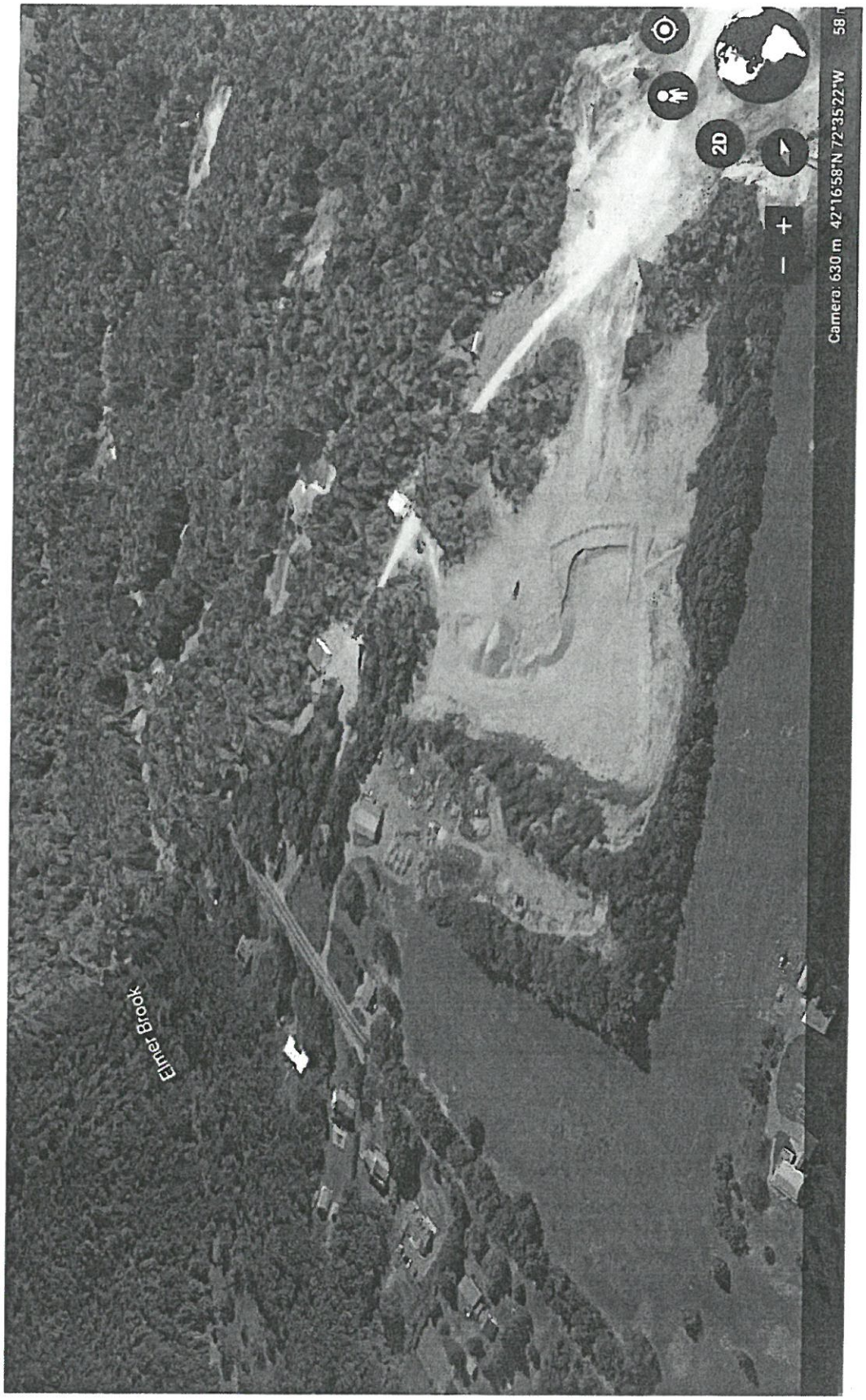
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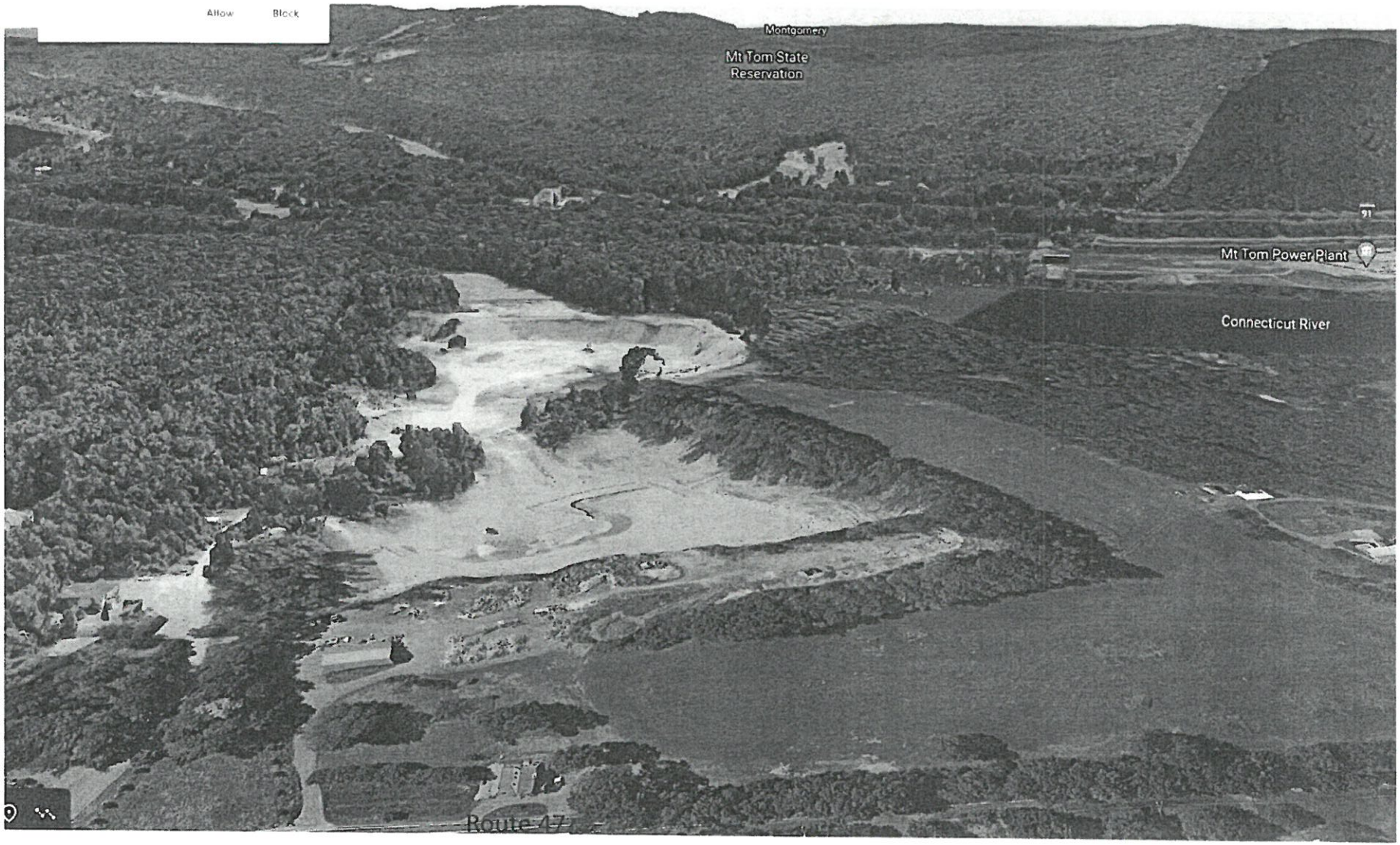
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July 13, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will begin with a review of the Peer Review Report regarding the Definitive Plan Details. To the extent that time permits, this session of the Public Hearing is not limited to that topic. Please note that the hearing will be held virtually online and is intended to be Live Streamed and aired on Channel 15. Persons who signed up to speak for the June 22, 2020 public hearing will be scheduled for the July 13, 2020 public hearing. Any comments submitted for the June 22, 2020 public hearing will be incorporated into the public hearing record.

Email address *

rschwart@mtholyoke.edu

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was noted.

Please State Your First and Last Name *

Robert Schwartz

Please State Your Street Address including City/State *

7 Ashfield Lane

Please State Your Email Address

rschwart@mtholyoke.edu

Do you wish to speak at the public hearing on July 13, 2020 *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

Do you have any other comments, questions, or information that the Board should be aware of? *

- (●) Yes
- ( ) No

If "yes" to previous question, please provide such other comments, questions, or information below.

I wish to mention several points from my letter to the Planning Board, dated July 6th: the unique, irreplaceable nature of the Dry Brook Hill aquifer; the significance of Dry Brook Hill as a principle recharge area for the aquifer; the potential non-compliance of Chicopee Concrete's plan to excavate 450 CY of material with regard to the Town's earth removal regulations; the cultural and environmental damage the would result from the proposed construction of Frosty Lane and the 9 lot development.

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TOWN OF SOUTH HADLEY MASSACHUSETTS

Richard Harris <rharris@southhadleyma.gov>

Letter for Planning Board members

Robert Schwartz <rschwart@mtholyoke.edu> Mon, Jul 6, 2020 at 10:42 AM
To: rharris@southhadleyma.gov

Dear Richard Harris,

Following your request that material for consideration at the next Planning Board meeting of July 13 be submitted no later than today, July 6, I'm sending you by attachment a letter. I wrote it after reviewing Planning Board minutes and the attachments thereto and consulting some relevant scholarly literature.

Let me ask you to kindly forward the letter to all Planning Board members so that they may read it before the July 13 meeting.

Sincerely yours,

Robert Schwartz

7 Ashfield Lane

South Hadley, MA 01075

Letter to Planning Board July6.pdf
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"When the well is dry, we know the worth of water."

--Benjamin Franklin

"The Dry Book Hill aquifer is a treasure"

--Al Werner, geologist

This letter offers Planning Board members a summary of remarks and evidence in support of the opposition to the construction of the North Pole Estates subdivision. The issues center on concerns to protect and preserve the quality of drinking water produced by the Dry Brook aquifer [DBA] and its recharging zones. Also mentioned are concerns about 1) environmental and cultural damage to the Natural Heritage Landscape of Dry Brook Hill [DBH] and 2) non-compliance in Chicopee Concrete's proposal with Town Bylaws and regulations.

The Dry Brook Hill aquifer is a unique, irreplaceable source of drinking water for the Town of South Hadley. It qualifies for the EPA designation, Sole Source Aquifer: it "supplies at least 50 percent of the drinking water for its service area," and there "are no reasonably available alternative drinking water sources should the aquifer become contaminated."[1] The Dry Brook aquifer is capable of producing up to 1 million gallons per day and "has been a reliable water supply for over a half century because its primary recharge area (DBH) has remained largely undeveloped. Development on (or in) a recharge area introduces chemicals that can and will adversely change water quality – it is not IF but rather WHEN."[2] When Dry Brook Hill aquifer gets contaminated, we'll all suffer from its loss.

Dry Brook Hill is a principle source for groundwater recharge of the aquifer, as demonstrated in the USGS study of the recharge areas research by Mount Holyoke College geologist, Al Werner.[3] Dry Brook Hill and Dry Brook aquifer and interlinked resources so significant hydrological changes in Dry Brook Hill are bound to affect the aquifer. For that reason, the Hill forms a major part of Town's Water Supply Protection District in that area. Consequently a project proposed for that District must provide a *trustworthy* evaluation of the project's impact on the Dry Brook Hill aquifer.[4]

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[1] "What is Sole Source Aquifer," https://www.epa.gov/dwssa/overview-drinking-water-sole-source-aquifer-program#What_Is_SSA

[2] Al Werner, Letter to Planning Board, June 11, 2020, in attachments for Minutes of the Planning Board [MPB], June 15, 2020.

[3] Garabedian, S. P., et al. (2004). Delineation of areas contributing water to the Dry Brook public-supply well, South Hadley, Massachusetts. *Water-resources investigations report 03-4320*. Reston, Va., U.S. Geological Survey, U.S. Geological Survey; Werner (2020), Letter to Planning Board.

[4] "North Pole Estates Review," (2020) Memorandum to Richard Harris, from James Riordan, Weston and Sampson, March 4, as attached to MPB, June 15, 2020;"Memorandum in Opposition to the North Pole Estates Definitive Subdivision Application w/ Exhibits," March 6, 2020, attachment to MPB June 15;

Adverse effects on the ABA and the ABH. Very likely, several changes envisioned in plans for the North Pole Estates subdivision will adversely affect the water quality of the ABA and the ABH.

- The subdivision will depend on septic systems to treat waste water, and such systems have been shown to increase the risk of groundwater contamination. That risk will grow in proportion to 1) the number of homes and septic systems constructed, 2) the reduced vertical/elevation distance from a septic system to groundwater recharge zones, and 3) the increased proximity of systems to wells.[5]
- In addition to Chicopee Concrete's continuing mining operations, which themselves may adversely affect groundwater and wells,[6] the vast new excavations of earth proposed in the Definitive plan for North Pole Estates will remove, *without replacement*, land and vegetation that now serves as protective layer for the groundwater recharge area.[7]

A special permit is required for these excavations. But Chicopee Concrete Services has not submitted an application for this permit.

- By the terms of the Earth Removal Regulation in the Town's General Bylaws, Chapter 245, the Chicopee Concrete Services company has no right to expand its sand and gravel mining operation beyond the area allowed by a grandfathering agreement reached after Chapter 45 was voted into law.
- The company's attempt to expand its mining operations in 2018 led to their application for a special removal permit. Lacking evidence to support the application, the company withdrew it in January 2019. In a letter dated March 13, 2019, the Building

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Robert Pleasure, "Comments on the Hydrological Assessment Report, PBM, June 15; Neva Tolopko, comment on the inadequacy of the Hydrological Assessment Report, PBM, June 15.

[5] Arnade, Linda Jeanette. "Seasonal Correlation of Well Contamination and Septic Tank Distance." *Groundwater* 37, no. 6 (1999): 920-23; Cogger, Craig. "On-Site Septic Systems: The Risk of Groundwater Contamination." *Journal of Environmental Health* 51, no. 1 (1988): 12-16.; Perkins, Richard J. "Septic Tanks, Lot Size and Pollution of Water Table Aquifers." *Journal of Environmental Health* 46, no. 6 (1984): 298-304; Schaider, Laurel A, Janet M Ackerman, and Ruthann A Rudel. "Septic Systems as Sources of Organic Wastewater Compounds in Domestic Drinking Water Wells in a Shallow Sand and Gravel Aquifer." *Science of the total environment* 547 (2016): 470-81; Withers, Paul J. A., Philip Jordan, Linda May, Helen P. Jarvie, and Nancy E. Deal. "Do Septic Tank Systems Pose a Hidden Threat to Water Quality?". *Frontiers in Ecology and the Environment* 12, no. 2 (2014): 123-30; Yang, Yun-Ya, Gurpal S. Toor, P. Chris Wilson, and Clinton F. Williams. "Micropollutants in Groundwater from Septic Systems: Transformations, Transport Mechanisms, and Human Health Risk Assessment." *Water Research* 123 (2017/10/15/ 2017): 258-67; Yates, Marylynn V. "Septic Tank Density and Ground-Water Contamination." *Ground water* 23, no. 5 (1985): 586-91.

[6] Peckenham, John M, Teresa Thornton, and Bill Whalen. "Sand and Gravel Mining: Effects on Ground Water Resources in Hancock County, Maine, USA." *Environmental Geology* 56, no. 6 (2009): 1103

[7] "North Pole Estates Review," Westen and Sampson, pages 11, 13, and 20; Garabedian, USGS, p. 46; Conservation Commission, Letter of January 2, 2018, describing the adverse effects of expanded mining operations by the Chicopee Concrete company.

Commissioner ordered the company "to cease all earth removal operations effective immediately.[8]

- It appears that Frosty Lane is intended to serve both the subdivision and the exiting, grandfathered mining operation. The plan proposed for approval would remove 450,000 cubic yards of material. Such a volume of earth removal cannot be considered as "incidental" to constructing the subdivision and thus would require a special permit under Chapter 245 cited above. The company's preliminary and Definitive plan for the North Pole Estates subdivision **does not**, as already mentioned, include the required application for a special permit.[9]

The Peer Review report. The report by Weston and Sampson of both Chicopee Concrete's Hydrological Assessment Study [HAS] and its subdivision application describes numerous deficiencies and matters of non-compliance.[10]

- The study [HAS] did not consider the hydrological effects of the proposed subdivision on the aquifer and recharge areas. In short, a requirement for the subdivision application was not met.[11] In the public meetings of March 6 and June 15, 2020, questions about these deficiencies received little or no answer from the applicant's representative(s).[12]
- The subdivision plans offer no justification for Frosty Lane nor an alternative route for the mining operation or subdivision.
- According to the Weston and Sampson report, the plan does not conform to the Town's Agricultural Zoning regulations:

  In our opinion, the excavation of this site to match grade at the bottom of the extraction pit does not meet the definition of the purpose of the district. The proposed approach to grading does not promote agriculture, forestry, recreation, or land conservation. The proposed excavation appears to remove active agricultural fields, cut down a large forested area, and does not allow for recreation or land conservation. The project does not appear to site development in a manner that preserves large contiguous tracts of open space or agricultural land. We recommend that the Town ask for an evaluation of alternative approaches to grading that would better address the purpose of agricultural zoning at the project site.[13]

Inconsistencies and inadequacies in the company's proposals. The proposals for the subdivision are understandably complex because of the nature and location of the project.

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[8] Town of South Hadley, Inspection Services, letter from David A. Gardner, Building Commissioner, to Jason Ouellette, March 13, 2019.
[9] "North Pole Estates Review," page 10.
[10] "North Pole Estates Review," page 16.
[11] "North Pole Estates Review," pages 9-10, 20
[12] PBM, June 15, and June 22.
[13] "North Pole Estate Review," Page 16.

Such complexities are increased by the changes made in the Definitive Plan as compared to the Preliminary Plan.

- The reduction from the 67 housing units in the Preliminary Plan to 9 lots and units in the Definitive Plan is a major example. Now referred to as Phase I, the subdivision scheme for all 67 units nevertheless remains a part of the Definitive Plan. The Board needs to determine whether the request to approve Phase 1 would, if approved, serve as grounds for extending approval to all of the acreage in question.
- The Board also needs to have the applicant clearly identify the existing access road to the mining pit and explain why Frosty Lane is now being put forward as access to the pit and to the subdivision.

Environmental and cultural damage. The proposed construction of Frosty Lane essentially burrows into the Natural Heritage Landscape of Dry Brook Hill, creating a valley with slopes that are likely to increase run-off rain water that would otherwise be absorbed and channeled into groundwater layers for aquifer recharge.[14] Run-off water passing down paved surfaces will facilitate the transport of contaminants from automobiles and trucks, fertilizers, and chemicals.

Congestion and Pollution. That construction and mining are to occur at the same time using Frosty Lane as the main avenue of conveyance will be a public nuisance. In addition to the increased truck traffic causing congestion and greater wear and tear on route 47 and South Hadley center, the increased excavation and hauling will generate air pollution in the form of dust, diesel fumes, and so forth. One wonders how likely home buyers will react to such nuisances, as well as home owners who will find themselves living by the new road and subdivision.

Robert Schwartz

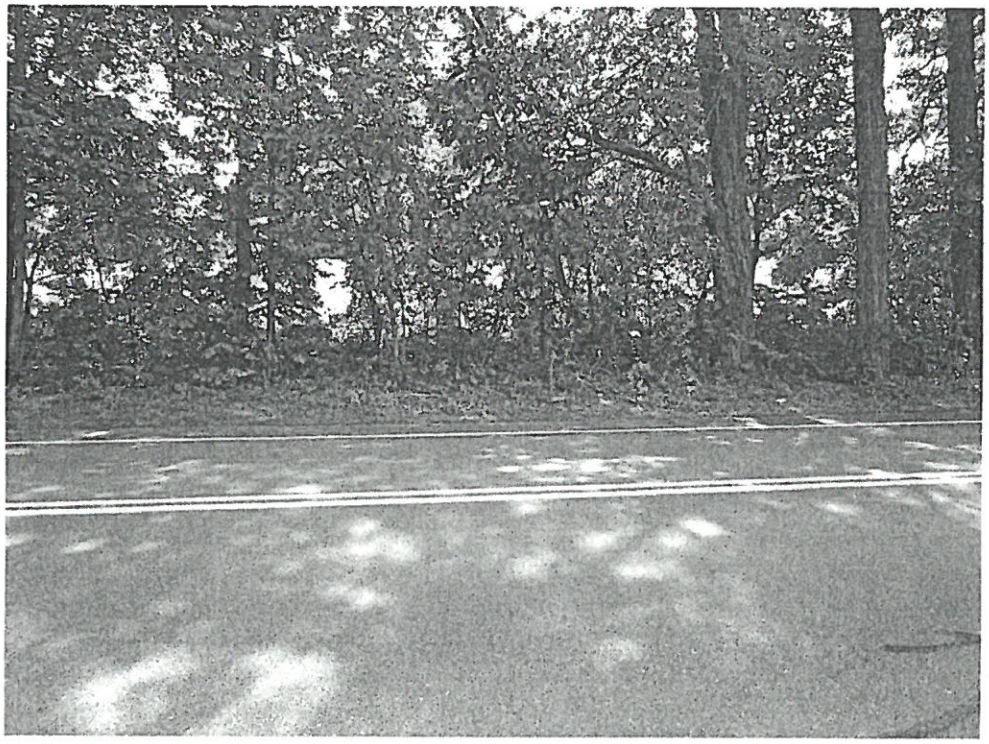
Resident of South Hadley, 7 Ashfield Lane

Emeritus Professor of History, Mount Holyoke College

[14]"Memorandum in Opposition to the North Pole Estates, page 8.

Figure 1. Dry Brook Hill, July 5, 2020

Figure 2. Frosty Lane proposed entrance, July 5, 2020



"When the well is dry, we know the worth of water."
--Benjamin Franklin

The Dry Brook Hill aquifer is a unique, irreplaceable source of drinking water for the Town of South Hadley.

When Dry Brook Hill aquifer gets contaminated, we can't fix it; we'll all suffer from its loss.

Dry Brook Hill is a principle source for groundwater recharge of the aquifer

It falls withing the Zone 2 of the water protection district

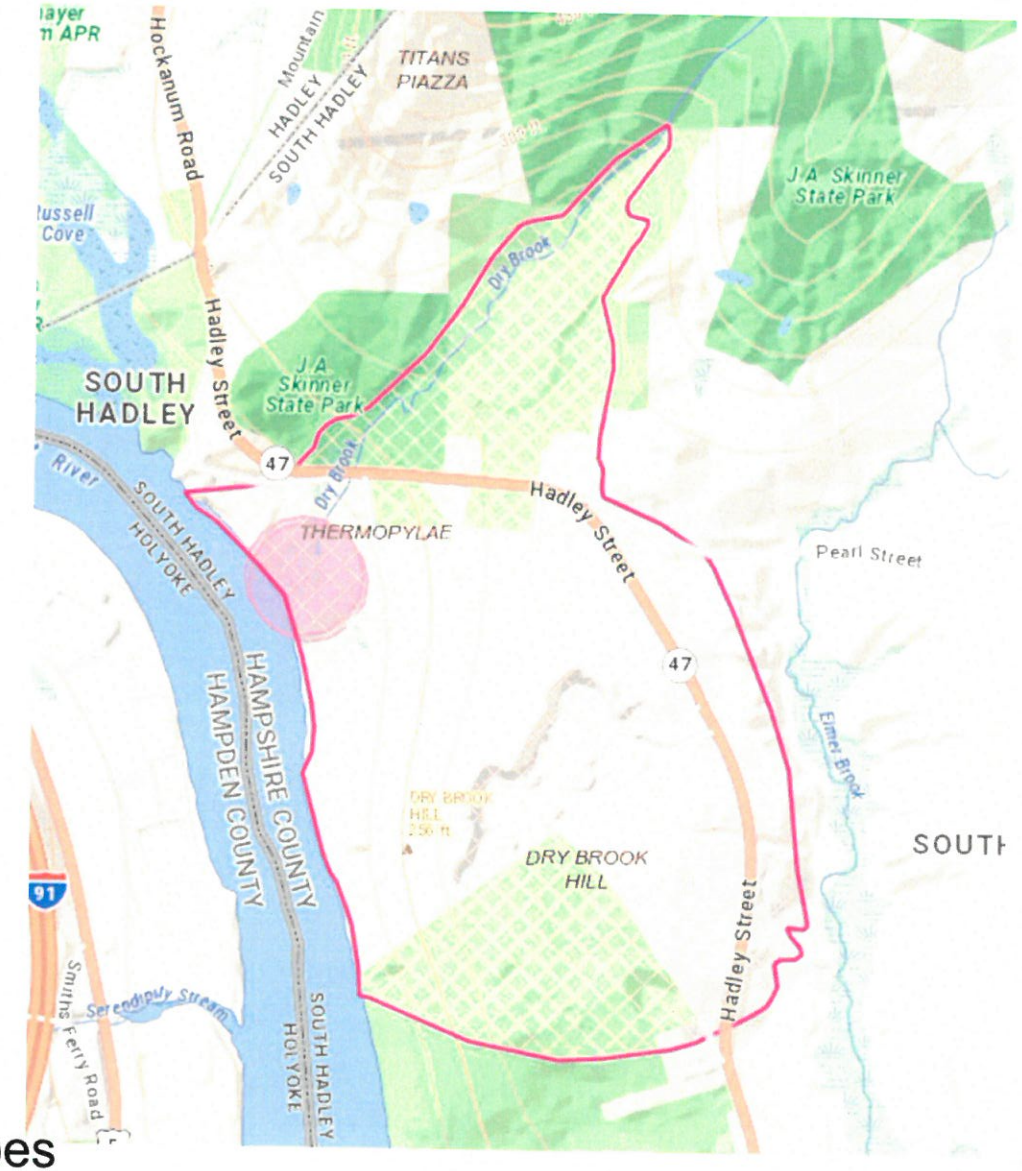
Any project proposed for DBH must provide a trustworthy evaluation of project's on the aquifer

Non compliance by CC for North Pole Estates (Westen and Sampson, Peer Review)

Septic systems increase risk of water contamination

Non compliance with General ByLaws, Chapter 45, restricting excavation

Non compliance: Frosty Lane "grading does not promote agriculture, forestry, recreation, or land conservation." (Westen and Sampson, Peer Review)



1994

Legend
Advanced Global Realty
Cat's Cradle
Dry Brook Hill
Untitled Map
Dry Brook Hill, 1995
47
Dry Brook Hill
Hadley St
Google Earth
Image U.S. Geological Survey
900 ft
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SOUTH HADLEY
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Dry Brook Hill 2011-12
South Hadley, MA
1 Inch = 278 Feet
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July 10, 2020
CAI Technologies
Index polygon
Street Names
ParcelText_Arrowheads
TaxmapText_Leaders

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South Hadley, MA
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July 10, 2020
CAI Technologies
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TaxmapText_Leaders

July 13, 2020 Public Hearing - North Pole Estates

This session of the Public Hearing will begin with a review of the Peer Review Report regarding the Definitive Plan Details. To the extent that time permits, this session of the Public Hearing is not limited to that topic. Please note that the hearing will be held virtually online and is intended to be Live Streamed and aired on Channel 15. Persons who signed up to speak for the June 22, 2020 public hearing will be scheduled for the July 13, 2020 public hearing. Any comments submitted for the June 22, 2020 public hearing will be incorporated into the public hearing record.

Email address *

frantzs@mac.com

Please note the Planning Board's Virtual Hearing Guidelines/Protocols posted at https://southhadley.org/1043/Virtual-Public-Hearing-Guidelines *

☑ Check an acknowledgement that this was noted.

Please State Your First and Last Name *

Stephen Frantz

Please State Your Street Address including City/State *

300 North Main St., South Hadley, MA 01075

Please State Your Email Address

frantzs@mac.com

Do you wish to speak at the public hearing on July 13, 2020 *

- (●) Yes
- ( ) No

You may also submit written comments and/or questions. Do you wish to submit written comments and/or questions at this time? *

- (●) Yes
- ( ) No

Please state any comments or questions you wish to submit at this time.

BOH Authority: land use matters of public health concern – North Pole Estates

Executive Summary:
In Massachusetts, Boards of Health (BOHs) have broad authority over matters that threaten public health. Concomitantly, a board's powers in the subdivision process, as established by case law, are extremely broad. Regarding drinking water, a BOH can and should lend its voice to the debate over safeguarding water supplies and may require more strict local regulation than the state's minimum standards. They may require precautions to avoid potential dangers as well as to restrict conditions proven to be harmful. Land use actions by BOHs are based on a solid relationship between said land use and health related issues. In the case of the SH BOH review of the North Pole Estates Subdivision Definitive Plan, the BOH has expressed significant concern regarding potential contamination of the SH Water District No. 2 public drinking water supply. Their objection is backed by abundant science-based evidence from local government, university research and federal study. In their objection, the BOH has urged the Planning Board to not pass the plan and to discontinue excavation permits for Dry Brook Hill land – all of which are contamination risks to drinking water for Water Dist. No. 2. Indeed, based on Mass subdivision control law, if a BOH disapproves a definitive subdivision plan or the applicant does not agree to modify the plan to conform to its modifications, then the planning board has no choice but to disapprove the plan. Hence, regarding the North Pole Estates Subdivision Definitive Plan, the Planning Board must not approve the Plan since it does not meet approval of the BOH.

Do you have any other comments, questions, or information that the Board should be aware of? *

- (●) Yes
- ( ) No

If "yes" to previous question, please provide such other comments, questions, or information below.

BOH Authority: land use matters of public health concern — North Pole Estates

BACKGROUND: In MA, Boards of Health (BOHs) have broad authority over matters that threaten public health. Regarding drinking water, "DEP recommends that each town and city adopt protective land use controls for all wellhead and surface water supply protection areas in the community."1 Preventing a water supply from becoming polluted is far easier and cheaper than cleaning up a contaminated supply after the fact. A BOH can and should lend its voice to the debate over where and how measures to safeguard water supplies are implemented locally1; and may require more strict local regulation than state regulations that are considered "minimum standards". Such actions may be prospective in nature. That is, boards of health may require precautions to avoid potential dangers as well as to restrict conditions proven to be harmful (Benes et al.1995).2 In fact, MGL Ch.111, § 31 authorizes BOHs to make reasonable rules and regulations to address health concerns upon a simple majority vote. No hearing is required prior to the vote. Activities of Planning Boards and BOHs can be interrelated, but different.

Appeals Court of Massachusetts/Bristol. 1996. Hamel v. Board of Health of Edgartown; see 423: Hamel v. Board of Health of Edgartown, 40 Mass. App. Ct. 420 | Casetext Search + Citator

Planning boards, through their power to approve road, sanitation, and drainage systems indirectly influence the use of land within the area of a subdivision. Reciprocally, the regulations that a board of health adopts under G.L.c. 111, § 31, may deal with land use if there is a solid connection between the use and a health related issue.

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1. Massachusetts BOH Guidebook, June 2014, Ch.10 - Drinking Water. p.4
https://www.mahb.org/wp-content/uploads/2016/01/gbook10.pdf

2. Massachusetts BOH Guidebook, May 1997, Ch. 2 - Legal Authority and Procedures. p.2-3.
https://www.mahb.org/wp-content/uploads/2016/01/gbook02.pdf

3. https://books.google.com/books?id=dOh1DwAAQBAJ&pg=SA19-PA19&lpg=SA19-PA19&dq=guidebook+for+massachusetts+board+of+health&source=bl&ots=ZUQiLiYGsn&sig=ACfU3U0wCJ6ez6lrX1zq6JRjkzr_aDmeSw&hl=en&sa=X&ved=2ahUKEwj53Jq5n77qAhUQkHIEHbbyAz8Q6AEwCHoECAkQAQ#v=onepage&q=guidebook%20for%20massachusetts%20board%20of%20health&f=false

In the case of their review of the North Pole Estates Subdivision Definitive Plan, the SH BOH has already expressed concern regarding potential contamination of the SH Water District No. 2 drinking water supply. See their 06/19/2020 letter to the Planning Board at:

https://www.southhadley.org/DocumentCenter/View/6682/North-Pole-Estates-Definitive-Plan---Letter-2020-06-19-from-Board-of-Health-2020-06-22

-In support of that concern for contamination, the BOH has firm science-based reasons from expert reports and testimonies of hydrogeologists and other relevant professionals. See five references that follow:

MA DEP Source Water Assessment and Protection (SWAP) Report for South Hadley Fire District No.2 - 2003
https://www.southhadley.org/DocumentCenter/View/3856/MassDEP-SWAP-Report-for-District-2---2003-from-District-2-2018-09-10-PDF?bidId=

-This report repeatedly notes the risks of contamination from sand and gravel mining/excavation sources that include spills and leaks from heavy equipment, fuel storage and clandestine dumping/abandoned vehicles. In addition, the SWAP "fact sheet" enumerates many sources that one would expect from a housing development: household hazardous waste (used oil, antifreeze, paints, etc.); septic systems (their list should include irresponsible disposal of medications and other pharmaceuticals); underground and aboveground fuel oil tanks and their distribution lines; car care (fuel, oil and other liquid leaks and/or irresponsible disposal); lawn care and landscaping (use/improper use of fertilizers, herbicides, insecticides, fungicides, and rodenticides); disinfectants (kiddie pools, toilet bowls, etc.) and pet waste. That report does not mention what we now call chemical contaminants of emerging concern that include, but are not limited to: carcinogens, endocrine disrupters, flame retardants and misc. pharmaceuticals. Most of these sources are nearly impossible to manage or regulate once a housing development exists.

Selkirk W. 2003. MAP: South Hadley Fire District No. 2, Dry Brook Well, 1275001-04G, South Hadley MA. Zone I / Zone II / Zone III Delineation & Potential Contamination Source Location.

-Indicated that gravel mining on Dry Brook Hill was a potential contamination source of the Dry Brook Well.
Garabedian, SP and JR Stone. 2004, Delineation of areas contributing to the Dry Brook public-supply well, South Hadley, MA. US Geological Survey Water-Resources Investigations Report 03-4320. 52pp.
https://pubs.usgs.gov/wri/wri034320/pdf/wrir034320.pdf

-Determined that all areas being mined at Dry Brook Hill were significant contributors to the Dry Brook Well, are vulnerable to contamination because of the permeable sandy soils and aquifer materials, and should be protected.

1st Annual South Hadley Conservancy Conference, 04/07/2019
https://vimeo.com/search?q=1st+south+hadley+conservancy+conference

-David Haines, Hydrologist, Haines Hydrogeologic & Chairman, Belchertown Conservation Commission: it takes thousands of years for a contaminated aquifer to clean itself up; and

considering the high quality of the water from the Dry Brook Well, it would be best to do everything possible to protect such water beyond the minimum MA-DEP standards. That assessment was echoed by other conference speakers, including: Dr. Garabedian, former U.S. Geological Survey (see 2004 study) and Dr. Werner, Professor of Geology, Mount Holyoke College/South Hadley.

2nd Annual South Hadley Conservancy Conference, 11/03/2019

-Dr. David Boutt, Prof. of Geosciences, UMass/Amherst, spoke on the use of environmental tracer methods to assess surface and groundwater connectivity to water supply wells such as Water Dist. No. 2. He presented preliminary data on the Water Dist. No. 2 water supply and answered questions about his proposed study of our aquifer using geochemical techniques.

3. Now we have newly discovered (to me) MGL material that clarifies that Planning Board approval for a Definitive Subdivision Plan cannot be granted if the BOH objects. The BOH has clearly stated their objection to the North Pole Estates plan and has urged the Planning Board to not pass this plan and to not permit any further excavation on Dry Brook Hill. The five references below support and clarify that a Planning Board must not approve a Plan if it does not meet approval of the BOH which is the case.

Approval, modification or disapproval of plan by board; prerequisites for decision; § 1 & 3:
https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81U

"If the report of the board of health or board or officer having like powers and duties shall so require, the approval by the planning board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such board of health or officer."

Dept. Housing & Community Dvlmpt. 2009; BOH Action, p. 34-35:
https://masscptc.org/docs/core-docs/overviewofthesubdivision.pdf

"A Planning Board cannot approve a plan that does not conform with the recommendations of the Board of Health. If the plan does not conform with the recommendations of the Board of Health, the Planning Board must modify and approve or disapprove the plan (Loring Hills Developers Trust v. Planning Board of Salem, 374 Mass. 343 (1978)).

Planning Board Resource Book. 2015; Permitting/Approvals, Step 4. Decision by Board of Health on Definitive Plan, p. 21-25.
http://berkshireplanning.org/images/uploads/documents/Planning_Board_Resource_Book_-_Fin

al_06_02_15.pdf

The board of health has 45 days from the date of submission to render a decision. The board of health decision should indicate its approval or disapproval and for disapprovals the board shall make specific findings as to which if any areas shown are not suitable for building sites and the reasons therefore. A planning board cannot approve a definitive plan that does not conform to the recommendations of the board of health.

Perry DC. nd. The Basics of Subdivision Control Law; II The Structure of the Law, § 4; and IV The Board of Health, C. § 1:
Article-The-Basics-of-Subdivision-Control-Law.pdf

§ 4 - The planning board must approve a plan that conforms to the board's regulations unless it does not comply with recommendations of the board of health, or violates the Zoning By Law.
§ 1 - The board of health's powers in the subdivision process, as established by case law, are extremely broad. Indeed, if the board disapproves the plan or the applicant does not agree to modify the plan to conform to its modifications, then the planning board has no choice but to disapprove the plan. The statute does not call for any procedural requirements in connection with the board of health action.

Overall MGL for study: from Submission of preliminary plan; approval or disapproval; recording to Final approval of plan; endorsements; certificate.
M.G.L. c. 41, ss. 81S-81V
(https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81S)

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