

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING
MINUTES OF JULY 22, 2019
As Approved**

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

Chair Cavanaugh called the meeting into order 6:02 PM.

Agenda Item #1 --- Minutes

The regular meeting minutes and the public hearing minutes from the June 17, 2019 meeting had been previously transmitted to the Board for their review.

Motion: Ms. Mulvaney moved to approve the Regular Meeting Minutes of June 17, 2019 Planning Board Meeting. Ms. Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

A grammatical error was noted in the Public Hearing minutes for '*The Application for Site Plan Review and Stormwater Management Permit for proposed South Hadley Dog Park*'

Motion: Ms. Mulvaney moved to approve the Public Hearing minutes for '*The Application for Site Plan Review and Stormwater Management Permit for proposed South Hadley Dog Park*' as amended. Ms. Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

A grammatical error was noted in the Public Hearing minutes for the '*Proposed Newton Street Smart Growth District Design Standards*'.

Motion: Ms. Mulvaney moved to approve the Public Hearing minutes for the '*Proposed Newton Street Smart Growth District Design Standards*' as amended. Ms. Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Motion: Ms. Mulvaney moved to approve the Public Hearing minutes for the '*Proposed Smart Growth Districts Administrative Regulations*'. Ms. Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Agenda Item #2 --- Correspondence

The list of correspondences had been previously transmitted to the Board for their review. Additional correspondences had been received and the list of additional correspondences was placed in front of each member's chair. Mr. Harris referenced a correspondence from Rudy Ternbach, Town Representative Precinct B, with a letter from a UMass - Amherst professor regarding a proposed hydrological assessment of the Drybrook Hill well. Consideration for the proposed study will be incorporated in a future meeting discussion.

Agenda Item #3 --- Consider Endorsement of Approval Not Required Plan submitted by Kemp Realty, LLC c/o John Pettingill. Property Location: 460 Newton Street, 47-49 Camden Street, and 102- 104 Lyman Street - (Assessor's Map #28 – Parcels #267 and #269).

Mr. Harris addressed the Board. He explained that the Approval Not Required (ANR) Plan before the Board would eliminate the development of additional building lots and would effectively create on contiguous residential parcel divided away from the business lot. The plan satisfied the requirements for an ANR Plan.

Motion: Ms. Mulvaney moved to endorse the ANR Plan submitted by Kemp Realty, LLC c/o John Pettingill for the property located at 460 Newton Street, 47-49 Camden Street, and 102-104 Lyman Street. Mr. Hutchinson seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

The ANR Plan was signed by Chair Cavanaugh, Ms. Mulvaney and Mr. Hutchison

Agenda Item #4 --- Consider Endorsement of Approval Not Required Plan submitted by Berkshire Hills Music Academy, Inc. and James & Kathryn Watkins. Property Location: 48 Woodbridge Street& 13 Sycamore Park (Assessor's Map #53 - Parcels #180 and #52).

Mr. Harris addressed the Board. He explained that the Approval Not Required (ANR) Plan before the Board would carve out a portion of the property owned by the Berkshire Hills Academy, Inc. and would transfer ownership to an adjoining property owned by James and Kathryn Watkins. The ANR plan did not create additional building lots as the added parcel did not have frontage.

Motion: Ms. Mulvaney moved to endorse the ANR Plan submitted by Berkshire Hills Music Academy, Inc. and James & Kathryn Watkins for the property located at 48 Woodbridge Street and 13 Sycamore Park. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

The ANR Plan was signed by Chair Cavanaugh, Ms. Mulvaney and Mr. Hutchison.

Agenda Item #5 --- Set amount and form of Performance Guarantee for fencing and landscaping for the ITW Wireless Communications Tower. Property Location: West side of Hadley Street (aka State Route 47) - (Assessor's Map #56 – Parcel #119).

Mr. Harris opened with background. He explained that in August 2018 the Planning Board approved a Special Permit to install a wireless communications tower on Hadley Street. The Special Permit included the requirement for a performance guarantee which would ensure that the proposed landscaping was installed to the approved specifications. Landscaping requirements included the installation of a fence and the planting of a series of Eastern Red Cedars. The performance guarantee would allow the Town to take over installation responsibilities in the event that applicant did not do so. Additionally, the applicant would be financial responsible for

the cost. Mr. Harris explained that the set amount for the performance guarantee is not typically the estimated cost of installation. In the event the Town took over the project, as a public entity, a procurement process would be entered. Therefore, the cost of the work would exceed the amount a private entity would incur. Mr. Harris recommended the set amount be \$42,000; double the estimated cost. Separate from the amount, the ‘form’ of the amount need to be stipulated. Mr. Harris explained that the ‘form’ of the guarantee needed to be readily available; as in the form of cash or credit for example.

Ms. Mulvaney inquired about the two year survival requirement for plantings. Mr. Harris explained that the planted trees needed to survive two years after planting for the Performance Guarantee to be refunded.

Ms. Brown inquired about the location of the tower relative to the parcel it would be on. Mr. Harris explained that tower was located as far set back from the street as possible. The fencing and trees would function as screening from street view.

Motion: Ms. Mulvaney moved to set the amount of the Performance Guarantee at **\$42,000** in the form of **cash** for fencing and landscaping at the ITW Wireless Communications Tower located at the west side of Hadley Street. Vice-Chair O’Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion

Agenda Item #5a --- Set amount and form of Performance Guarantee for the Library Commons multifamily development. Property Location: 1 Canal Street (Assessor’s Map #4D as Parcel #15)

Mr. Harris explained that the agenda item was not ready to be discussed at the night’s meeting. The Town’s consulting engineer, Fuss and O’Neil, reviewed the cost estimate submitted by the applicant and noticed errors. Consulting attorneys needed to resolve the inaccuracies prior to the Board’s consideration of a Performance Guarantee.

Agenda Item #6 --- Consider Letter of Support for Proposed MassWorks Grant Application to make infrastructure improvements within/along Lyman, Newton, Fulton, and Dayton Streets.

Mr. Harris shared that the Town was pursuing a MassWorks Grant for infrastructure improvements to Lyman, Newton, Fulton and Dayton Streets; streets included within the *Newton Street Smart Growth District*. Street improvements would dually benefit existing and potential future conditions of the District. Improved infrastructure would help incentivized businesses activity in the district while ensuring that the district had the capacity to manage that increased activity. Fire District 1 Board of Water Commissioners and the Bike Walk Committee, among other town and municipal organizations, had already submitted statements of endorsement. The endorsement of the Planning Board would greatly benefit the Towns application for grant funding.

Ms. Brown noted the importance of investigating updated technological design in pedestrian systems. Mr. Harris explained if and when funding was awarded, budget and design of the implemented improvements would be discussed further.

Motion: Vice-Chair O'Brien moved to endorse a letter of support for the Town's application for a MassWorks Grant to make infrastructure improvements within/along Lyman, Newton, Fulton, and Dayton Streets. Mr. Hutchison seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Chair Cavanaugh signed the letter of support.

Agenda Item #7 --- Consider comments/recommendations regarding proposed Local Historic District.

Frank DeToma and Pauline Casey, members of the Historic District Study Committee, were present at the meeting. Additionally, Leo LeBonte was present at the meeting as he performed historic research of the South Hadley Falls area where his mother currently resides.

Mr. Harris explained that Frank DeToma and Anne Capra, Conservation Administrator/Planner, had worked together in mapping the proposed South Hadley Falls Historic District. He invited Frank DeToma to address the Board.

Frank DeToma offered updates on progress made regarding the proposed South Hadley Falls Historic District. He explained that within the draft design standards, an allowance was made for vinyl siding within the proposed district as not create unaffordable standards. He wanted to allow the working class culture of the Falls to thrive amidst the potential historic designation. Mr. Hutchison remarked that there were affordable alternatives to vinyl that could potential be used.

Ms. Brown inquired about public outreach to residents within the proposed district. Pauline Casey and Leo LeBonte responded that they visited every home in the district and did not receive negative feedback.

Mr. Harris explained that the Planning Board's role, relative to the proposed Historic District, was to make recommendations and to verify that the proposed district was consistent with the Town's Master Plan. Considerations regarding the proposed historic district will be ongoing and will be entering the public hearing process in September.

Agenda Item #8 --- SCHEDULED PUBLIC HEARING: Application for Site Plan Review and Stormwater Management Permit for proposed South Hadley Dog Park. Property Location: 18 Mulligan Drive (Assessor's Map #23 – Parcel #48). (Continued from June 17, 2019)

Chair Cavanaugh called the Public Meeting back into order at 6:50 PM (See Public Hearing Minutes)

The meeting reconvened at 7:03 PM.

Agenda Item #9 --- CONSIDER DECISIONS: Application for Site Plan Review and Stormwater Management Permit for proposed South Hadley Dog Park. Property Location: 18 Mulligan Drive (Assessor’s Map #23 – Parcel #48)

Motion: Ms. Mulvaney moved to 1) approve Site Plan Review of the proposed South Hadley Dog Park and 2) approve the Stormwater Management Permit for the proposed South Hadley Dog Park subject to the condition that, ‘the town shall be held accountable for systems and operations of this dog park under the authority of the Selectboard per the operations and maintenance plan’. Vice-Chair O’Brien seconded the motion. Five (5) of out of five (5) members voted in favor of the motion.

Agenda Item #12 --- Development Update and Planner’s Report

a. Development Report

- North Pole Estates Preliminary Subdivision Plan – No change was noted.
- Bridge Street Mixed Use Development – No change was noted. However, the applicant is working with the Conservation Administrator/Planner to streamline the application process.
- Newton Street Smart Growth Zoning District – No change was noted.

b. Bylaw Amendments

- Bylaw Amendments for 2019 – No change was noted.
- Water Supply Protection District Revisions - Mr. Harris explained that the Working Group had their second meeting. The Group would be working through the summer to develop proposals for respective boards to consider and for Town Meeting action at a Special Town Meeting this fall.
- Outdoor Sculptures- Mr. Harris explained that a sculptor approached the department about the possibility of an “outdoor” display/for sale use of a parcel of land in the agricultural zoning district. The sculptor indicated that these are large (25+ ton) sculptures and he is looking for up to 50 acres of land which would preclude just about any of the business or industrial zoned parcels in town. Mr. Harris advised that such a use is not allowed in the non-business/industrial zones. The sculptor asked about the possibility of a bylaw amendment or relief to allow such a use. Board members expressed interest in hearing more but had reservations about the possibility. Mr. Harris will include this topic on a future meeting agenda.

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority – Mr. Harris explained that the State had granted preliminary approval. The Planning Board endorsed the draft plan in 2017. It was recommended that the Planning Board review that draft again to consider new findings and to consider ratifying its previous decision. Considerations will be at a future meeting.
- MassWorks Grant – Gaylord Street: Mr. Harris explained that all the work had been completed and the final reimbursement request had been submitted.
- Complete Streets Program Participation: Mr. Harris explained that the contractor had begun work

- Open Space & Recreation Plan and Master Plan Updates: Mr. Harris explained that the consultants provided staff with a draft of the Open Space & Recreation Plan (OSRP). Staff had reviewed the draft and offered comments. The Master Plan Update Advisory Committee will meet July 24, 2019.

Agenda Item #10 --- SCHEDULED PUBLIC HEARING: Application for Special Permit and Stormwater Management Permit for proposed Skinner Woods Flexible Development. Property Location: north side of Amherst Road (Assessor's Map #58 – Parcel #21 and Assessor's Map #60 – Parcel #31).

Chair Cavanaugh called the Public Hearing into order at 7:16 PM. (See Public Hearing Minutes)

The meeting reconvened at 9:01 PM

Agenda Item #11--- CONSIDER DECISIONS: Application for Special Permit and Stormwater Management Permit for proposed Skinner Woods Flexible Development. Property Location: north side of Amherst Road (Assessor's Map #58 – Parcel #21 and Assessor's Map #60 – Parcel #31).

No decisions were considered at the meeting as the Public Hearing was continued to August 19, 2019.

Agenda Item #13 --- Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

Rudy Ternbach, Town Representative of Precinct B, delivered a copy of the digitally transmitted correspondence as mentioned under agenda item #2.

Agenda Item #14 --- Adjournment

Chair Cavanaugh entertained a motion to adjourn.

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

The meeting was adjourned at 9:03 PM

Respectfully Submitted,
As Approved
Colleen Canning, Recorder

Appendix

Document	Document Location
Proposed Drybrook Hill Aquifer Study- Submitted by Rudy Ternbach	Planning Files
ANR Plan for 460 Newton Street, 47-49 Camden Street, and 102- 104 Lyman Street	Planning Files
ANR Plan for 48 Woodbridge Street& 13 Sycamore Park	Planning Files
Submitted Comments regarding proposed Skinner Woods Development from Dr. Stephen Franz	Planning Files
Planning Board Letter of Endorsement for MassWorks Application	Planning Files

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING

Proposed Site Plan and Stormwater Management Permit for South Hadley Dog Park

MINUTES OF JULY 22, 2019

As Approved

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

Chair Cavanaugh called the Public Hearing back into order at 6:50 PM.

Jeff Squire, Landscape Architect from Berkshire Design Group, was present at the meeting.

Mr. Harris offered background information. He explained that since the last hearing date, a conference call was shared between the project designer, the town's consulting engineer and town staff. The conference call allowed comments within the consulting engineer's peer-review to be addressed effectively. Following the call, the consulting engineer drafted an updated comment letter which highlighted the steps needed to be implemented during the construction of the park that would keep the project in compliance with the Town's Stormwater Bylaw.

Jeff Squire addressed the Board. He explained that tests pits would be performed at the time of construction. In the event that ground water was higher than anticipated, Berkshire Design would redesign to the park. Additionally, the requirement for a *Stormwater Pollution Prevention Plan* would be developed by the responsible party for construction of the park

Ms. Brown inquired about a maintenance agreement and asked if the Selectboard had endorsed one yet. Mr. Harris explained that the maintenance agreement was within the purview of the Selectboard. He added that, in this case, the Town owns the property so the requirement for that type of agreement appeared redundant even though the bylaw requires one. Ms. Mulvaney recommended including language in the Planning Board's decision to reference the maintenance agreement.

Chair Cavanaugh opened the Public Hearing to public comment.

Lucia Foley, Shadow Brook Estates, addressed the Board. She asked if the town needed to acquire additional liability insurance to operate the dog park. Mr. Harris explained that questions regarding liability insurance could be forwarded to the Selectboard.

Jerry Blackwood, 12 Summit Street, asked what the rules and guidelines would be for use of the Dog Park. Mr. Harris explained that questions regarding rules and guidelines could be forwarded to the Selectboard.

Ms. Brown advocated for the use of non-harmful chemicals for the abatement of poison ivy and other such nuisance plants.

As there was not further information to gather, the Public Hearing closed at 7:03 PM

Respectfully Submitted,
As Approved
Colleen Canning, Recorder

Appendix

Document	Document Location
Fuss & O’Neil Comment letter dated 7/12/19	Planning Files