

DIANE SUPCZAK-MULVANEY Chair
NATE THERIEN, Vice-Chair
JOANNA BROWN, Clerk
BRAD HUTCHISON, Member
ROB WATCHILLA, Member

ANNE CAPRA, Director of Planning & Conservation
acapra@southhadleyma.gov

**PLANNING BOARD VIRTUAL MEETING AGENDA
JULY 22, 2024 AT 6:30 PM.**

Broadcasting live on SHCTV Channel 15

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87806247742?pwd=dKMirPSbqNSgvXa7XQ7NBQ6O6nbkXF.1>

Webinar ID: 878 0624 7742

Passcode: 550735

Or Telephone: +1 309 205 3325

Comments or questions regarding items on the agenda can be submitted via a google form at the following link : <https://forms.gle/F43hUFqmHMhianjM6> or sent to the following email address: SHPlanBoard@southhadleyma.gov.

Background materials for this meeting will be posted on the Town's website here:
<https://www.southhadley.org/1274/Agenda-Background-Materials>

1. Open Comment Period (<https://www.southhadley.org/1286/11881/Planning-Board-Meeting-Policies?activeLiveTab=widget>)
2. Correspondence
3. **Approval Not Required (ANR) Plan** filed by Neal O'Meara and Paul Wanat for a land swap between 0 Lithia Springs Road (Map 58, Parcel 23) and 12 Lithia Springs Road (Map 58, Parcel 134) (<https://www.southhadley.org/DocumentCenter/View/13075/4LithiaSpringsRdANR2024?bidId=>)
4. Other New Business (Reports of representatives on various committees including the PVPC)
5. Adjournment

NOTE: Not all the topics listed in this notice may actually be reached for discussion. Additionally, the listed topics are the only items the Chair is reasonably prepared to discuss.

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
JULY 22, 2024 REGULAR MEETING**

Letters and Memos

- Notice from the Pioneer Valley Planning Commission (PVPC) with certificate of assessment for the PVPC for the FY25 fiscal year.

Legal Notices

Amherst

- Notice from the Amherst Zoning Board of Appeals for a public hearing on July 25th to consider a request to renew special permit issued to John S Lane & Sons for quarry operations at 150 West Street.
- Notice from the Amherst Planning Board for a public hearing on July 31 to consider an application for site plan review to amend and previously issued site plan to reflect updated site and building plans for the Jones Library at 42 Amity Street and 68 North Pleasant St.

Chicopee

- Notice from the Chicopee Planning Board for public hearings on August 1 to consider the following: 1) Modification of Site Plan for the expansion and re-design of parking and stormwater facilities at McKinstry Farm at 753 Montgomery St; 2) Zone Change from Business A to Residential B to allow construction of single family home at 1230 Montgomery St.; and 3) Site Plan with waiver for construction of a warehouse and manufacturing facility with associated site improvements.

Granby

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Hadley

- Notice from the Hadley Planning Board for filing the following decisions: 1) Site Plan approval with special permit for business use in the aquifer protection district for US Metal Roofing & Mr. Gutter Headquarters at 22 Russell Street; and 2) Site Plan approval with special permit for business use in aquifer protection district for Balise, SLS, LLC on Russell Street.

Holyoke

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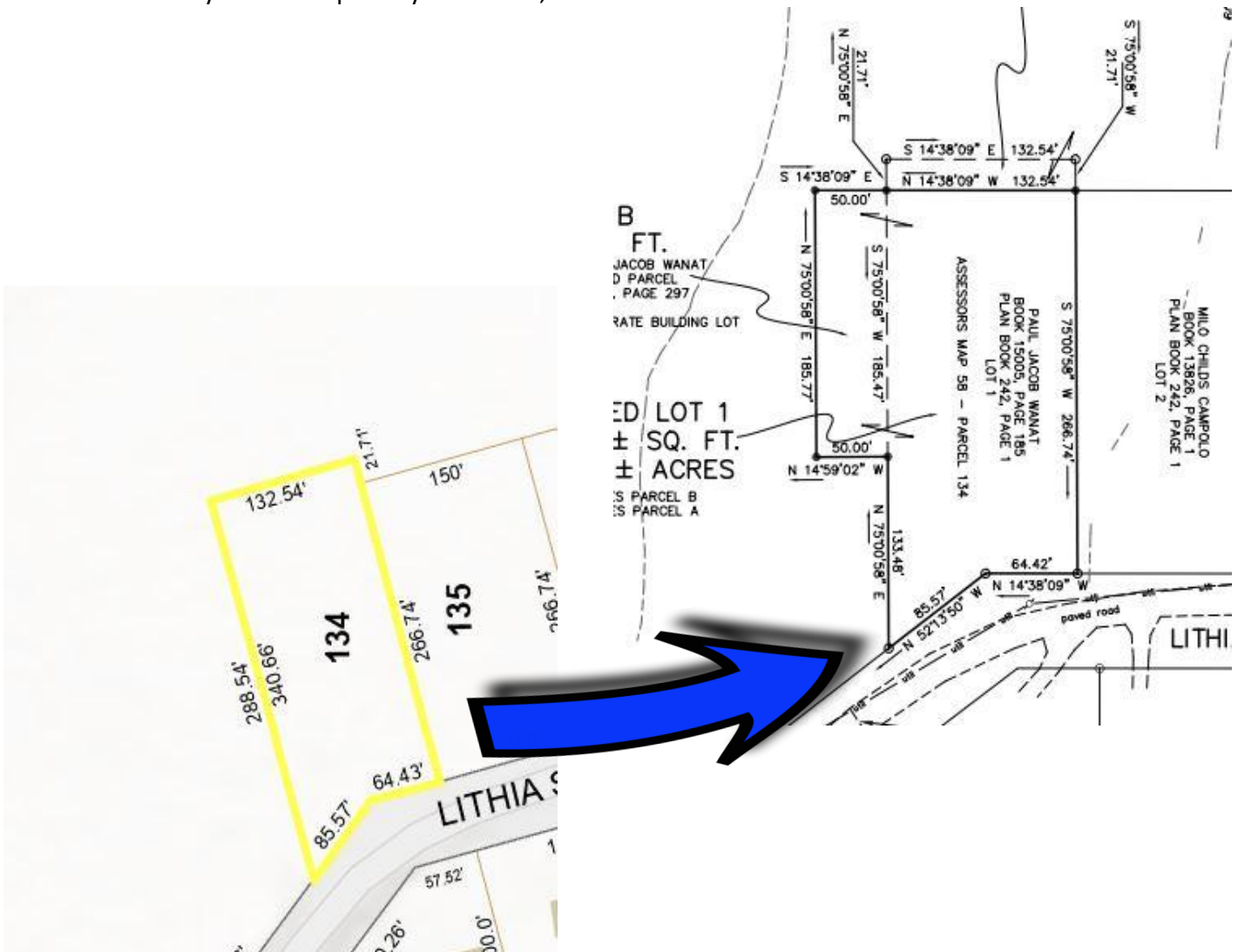
July 19, 2024

To: South Hadley Planning Board

From: Colleen Canning, Planning/Conservation Coordinator

RE: Approval Not Required (ANR) Plan for Lithia Springs Road Land Swap

An Approval Not Required (ANR) Plan has been filed to facilitate a land swap between 0 Lithia Springs Road (Map 58 Parcel 23) and 12 Lithia Springs Road (Map 58 Parcel 134). Here is a link to the Plan: [ANR](#). 12 Lithia Springs Road is an undeveloped building lot created through a 2018 ANR; along with three additional building lots along the eastern side of Lithia Springs Road. The ANR before the Board will allow the owner to develop a home with a preferred building footprint. No change in frontage is proposed and all lots will exceed minimum requirements of the Agricultural Zoning District and the Water Supply Protection Overlay District. Attached to this memo are background notes from the Board's 2018 meeting to endorse the ANR Plan which created the building lot at 12 Lithia Springs Road. As standards for ANR endorsement have already been accepted by the Board, I recommended the Board endorse the Plan.



The ANR was distributed to relevant Town Department and comments received are reflected below:

- **John Broderick, Director of Public Works** : DPW has no concerns, and no comments.
- **Melissa Couture Ribold, Associate Assessor**: From my perspective, pursuant to MGL Chapter 61A Section 14, it states in part, " Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use."

So in short, yes. If it is being converted to residential use the right of first refusal is needed.

There will also be a penalty tax assessed along with a release of lien that will need to be completed by my office

- **Donna Whiteley, Treasurer/Collector** : ... I have no comments or issues.
- **Jason Forge, Building Commissioner** : Has no impact on the zoning as you mention so no issues from me either.

As is indicated in the above comments from the Town Assessor, 0 Lithia Springs Road (aka the O'Meara Property) is enrolled in Chapter 61A tax classification. This program allows for reduced property taxes for land in agricultural use. When a Chapter 61A property is conveyed or its use is changed, the Town has the right of first refusal to acquire the property. This process has no bearing on zoning and cannot be used to deny an ANR. The Board saw a similar scenario in 2022 when an ANR was filed to carve off a property enrolled in Chapter 61A on Pearl Street. Here is a link to the Board's background notes which offer an in depth explanation about Chapter 61A and the implications for ANR endorsement : [8/8/22 Meeting - Background Materials](#) In short, any property transfer involving Chapter 61A property, without proper notification to the Town, is invalid. I have shared this with the applicant and they are working with an attorney to submit the appropriate notification. This process is outside the Board's scope of review for ANR endorsement but I wanted to offer some additional information and assurance.

Recommended Action: The Board should vote to endorse the ANR Plan or file notice of denial with the Town Clerk. If the Board chooses endorsement, at least 3 members will need to sign the Plan. This can be accomplished at the Board's joint meeting with MPIC and the Selectboard on August 6th.

Background Materials for April 9, 2018

Agenda Items #1 through #6

Agenda Item #1 –Minutes

I have distributed a draft of the March 26, 2018 Planning Board meeting and public hearing minutes for your review – a copy is also attached.

ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #2 –Correspondence

A list of the correspondence is attached.

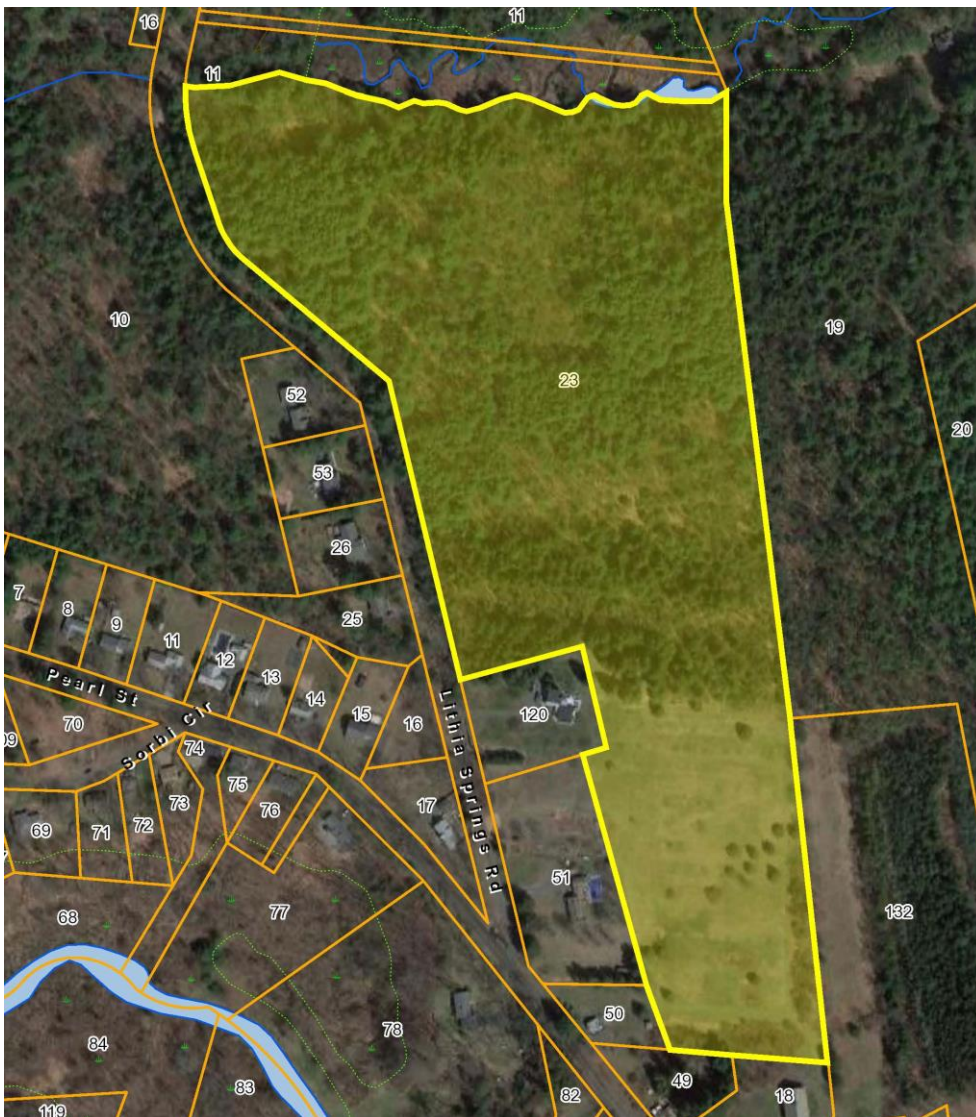
ACTION NEEDED: Review the list of correspondence.

Agenda Item #3 – ANR Plan – Lithia Springs Road

Last September, Barbara Smith & Mary E. O’Meara submitted an ANR Plan to divide their property into six lots (five new building lots). That plan was denied by the Planning Board and

they have have submitted a new ANR Plan which proposes to divide their property into five lots including four new building lots. The subject property is situated on the east side of Lithia Springs Road and north of Pearl Street and is in the Agricultural Zoning District and the Water Supply Protection Overlay District (see aerial photo to the left and the image of the proposed division on the following page).

Being in the Agricultural zoning district, the minimum lot frontage requirement is 150 feet. Additionally, the minimum lot area requirement is normally 30,000 square feet. However, since the property is also in the



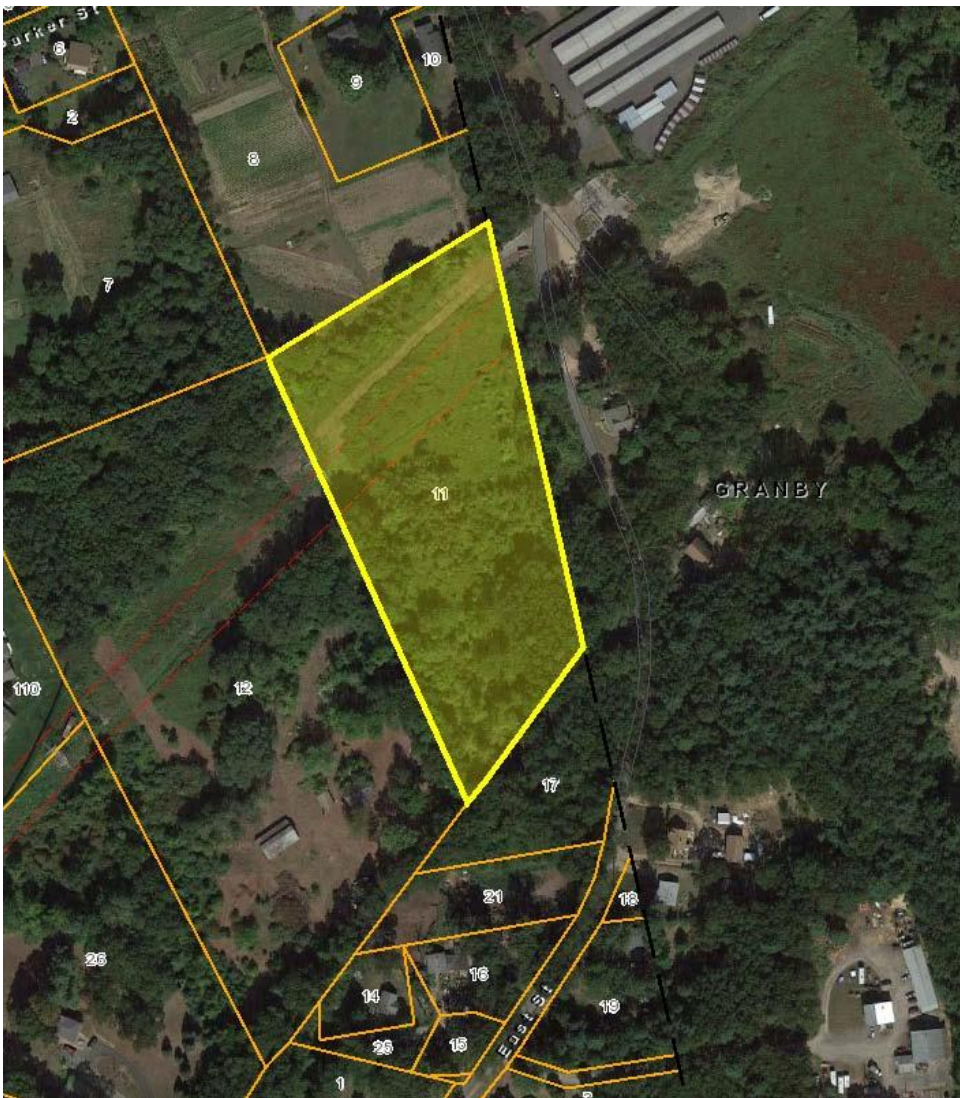
information, I believe the ANR Plan is appropriate for to endorsement under the definitions and provisions of Chapter 41, Section 81L and Section 81P of MGL.

The DPW Superintendent advised last September that the DPW does maintain a portion of Lithia Springs Road but only as far as the roadway is paved. Since the previously submitted ANR Plan proposed to create five new building lots, did not depict the end of pavement, and the Board determined that the end of pavement was southerly of the proposed fifth building lot (or at least not the full width of the lot), the Board denied the ANR Plan. The new plan depicts the end of pavement as being beyond the northernmost edge of the proposed new building lots. Therefore, it would appear that all of the proposed lots will meet the requirements for frontage.

ACTION NEEDED: The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, three members should sign the plan.

Agenda Item #4 ANR Plan - East Street aka Miller Road

Irene Simon owns a 5.5 acre parcel of property off East Street in common with another 0.84 acre parcel which lies between the 5.5 acre parcel and East Street aka Miller Road. The 5.5 acre parcel lies in South Hadley and the other parcel in Granby (see aerial photo below). She has



submitted an ANR Plan to divide the subject tract (the South Hadley and Granby parcels combined) into four lots which will front on East Street aka Miller Road with all access being through the portions lying in Granby (see the image of the proposed division on the following page).

Thus, the division of the property must be endorsed by both Town Planning Boards and conform to each respective Town's bylaws.

The portion of the property lying in South Hadley is in two zoning districts – Agricultural and Residence A-1 (see map on next page). Generally, the transmission line divides the zoning districts.