

## **Background Materials – September 13, 2021 – Planning Board Meeting**

Anne Capra, Director of Planning and Conservation, 9/10/21

### **Channel 15 Streaming**

Cable Studio staff has indicated that this meeting will be viewable on Channel 15.

### **Questions and Comments**

During the meeting, persons who are not joining the meeting but watching via the online streaming may submit questions or comments via the Google Form (link on the posted agenda) or the dedicated email address: [SHPlanBoard@southhadleyma.gov](mailto:SHPlanBoard@southhadleyma.gov)

### **AGENDA ITEM #1 Open Comment Period**

This 10-minute period is set aside for the public to offer comments on items not on the posted agenda, in accordance with the adopted policy posted on the Town of South Hadley Planning and Conservation Department webpage:

<https://www.southhadley.org/DocumentCenter/View/8160/Policy-on-Open-Comment-Period--As-Adopted-2021-03-08>

**Action Needed:** Allow members of the public to offer comments.

### **AGENDA ITEM #2 Approval of Minutes**

Senior Clerk Colleen Canning will be sending out the August 16, 2021 Planning Board Regular Meeting minutes for your review.

**Action needed:** The Board needs to vote to approve the minutes as submitted, or approve with edits.

### **AGENDA ITEM #3 Correspondence**

A list of correspondence is attached.

**Action needed:** No action needed.

### **AGENDA ITEM #4 10 Bartlett Street ANR (Map 11, Parcel 5)**

Project plans online here: <https://www.southhadley.org/DocumentCenter/View/8724/Bartlett-Street-10-ANR---August-2021>

I have requested a review by Town Council Attorney Mead on this ANR. Her response supports my opinion that increasing a non-conformity can be cause for denial of an ANR. The applicant is proposing to create two new non-conforming lots from a single non-conforming lot on a private way with an illegal second dwelling on it. Nothing presented by the applicant provided justification for the second residential structure and nothing would allow the endorsement and division of land which creates more non-conformities. Please see her attached legal opinion. Attorney Mead will be present to represent the Town at this meeting.

The proposed ANR does not meet the standards for endorsement of Approval Not Required under Subdivision Control Law MGL Chapter 41, sec 81L, specifically related to standard #2:

1. *Type of way* – Bartlett Street is not a town accepted road, but the DPW does maintain it. There appears to be a water main easement, according to the property owner's surveyor. There also don't appear to be any subdivision plans creating the road, but there is a presumption that the lot pre-dates the subdivision regulations.
2. *Minimum frontage requirements for zoning district* – The existing lot is non-conforming in the Agricultural Zoning District where the minimum lot size is 30,000sq.ft. The existing lot size is 23,085SF; and, minimum lot frontage is 150'. Currently Bartlett Street bisects the existing lot, creating 66' of frontage and the other side of the street has 75' of frontage, so neither are the minimum of 150'. However, there is some presumption that the lot was created pre-zoning code adoption.

Additionally, in the proposed 2-lot ANR, a portion of the existing parcel has been fully omitted from the ANR, which is the portion that includes the private way and some shoulder associated with it. This is completely problematic.

3. *Vital access* – Bartlett Street provides practical access to the lot frontage.

On the existing property, there are two dwellings on one parcel which is illegal. The applicant contends that the garage/dwelling was legally permitted via an issued building permit by the Building Department (now called Inspectional Services). According to the Building Commissioner, there isn't a permit for a second dwelling, and at the time of the construction of that building, as well as now, such use would have required a variance from the ZBA and we have no record of that happening. So, the proposed creation of the second lot is particularly problematic as it would create a lot with two dwellings which is prohibited in this zoning district.

**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, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board's behalf consistent with the Board's vote on July 20, 2020.

**AGENDA ITEM #5 Public Hearing Continuance for Special Permit Application – McKinley Ave, Anthony Wheeler (Map 27, Parcel 179)**

Application and materials are posted at bottom of page at the following link:  
<https://southhadley.org/316/Project-Plans-M-through-Z>

The Public Hearing was opened on 5/24/21 and continued on 7/19/21. Anthony Wheeler submitted an application for a Special Permit for a new, two-family dwelling on a lot which appears to be a pre-existing non-conforming lot on McKinley Avenue. The project site is



The proposed front yard setback is 26'. To derive this setback, the applicant used the setback for the adjacent property to the east at 17 McKinley Ave which is 37' and calculated 70% of that which is 26'. I have consulted with the Building Commissioner for an interpretation of footnote b, and we agree the applicant's interpretation is reasonable due to the fact that 17 McKinley is within the same zoning district. The adjacent property to the west at 383 Newton Street is within the Business A zoning district and thus not used for determining the minimum front yard setback required.

- *Verification that the proposed grade of the site and height of the dwelling conform to local regulations*

Revised elevations submitted 7/29 show a 35' peak with a 12/5 pitch, which is reduced from the previous height of 36'4" with a 12/6 pitch. The revised plans meet the RA2 maximum height dimensional standards of 35'.

The proposed grading plan has been revised to create a more level area around the front of the building and in the driveway. A "yard drain" has been added in the southwest corner of the yard to capture and infiltrate surface runoff on site. Roof leader downspouts at all four corners of the house are plumbed into subsurface infiltration chambers to capture and infiltrate roof runoff on site.

- *Confirmation that the proposed project layout conformed to maximum impervious surface standards*

Maximum impervious coverage in RA2 is 65%. The proposed building is 1,520 SF (38'x40') plus another 800SF for the two driveways equals 2,320 SF of impervious coverage. The lot is 5,625 SF (75'x75') so total proposed impervious coverage is 41.2%, which meets the RA2 maximum impervious coverage standard.

- *Consideration for the comments received from the public*

The Board shall decide if the public comments have been addressed through the revisions presented.

- *No rendering would be required*

Revised renderings have been submitted which appear to reflect the revised grading plan, as well as a rear door to the garage.

Minutes of the 7/19/21 Public Hearing are posted online here:

<https://www.southhadley.org/AgendaCenter/ViewFile/Minutes/07192021-4296>

In response to comments at the public hearing, Mr. Wheeler submitted revised plans on 7/29/21 (as described above) via email with the following notes (verbatim) regarding revisions:

"Setback adjusted to town standards

Water absorption plan

Driveway modifications as discussed

This set back has been adjusted for no concerns. Meets all requirements. This is copy I would like presented at meeting.

A exterior visual for board members to view to see different grades on all sides of house.  
Elevation to code, pitch adjusted to eliminate any concern with height  
Deck made smaller to allow for setbacks request  
Have made all adjustments with sight and plan above and beyond what is required”

Revised plans, elevations, and renderings are posted to the website here:

<https://www.southhadley.org/DocumentCenter/View/8691/McKinley-Avenue-SP---Duplex---2021-07-29-Revised-Plans>

<https://www.southhadley.org/DocumentCenter/View/8693/McKinley-Avenue-SP---Duplex---2021-07-29-Revised-Plans-Elevations>

<https://www.southhadley.org/DocumentCenter/View/8692/McKinley-Avenue-SP---Duplex---2021-07-29-Revised-Plans-Renderings>

Note- The date of these documents as listed on the website (inclusive of the web link) is the date I received them. Each of the plans has a different date, and none of them identify whether it is a revision. I requested that the plans include revision dates and revision numbers (i.e. Rev #1, 7/28/21) since there is a box in the title bar for such information but Mr. Wheeler stated that the he would like the plans presented as submitted.

Approval of a Special Permit requires an affirmative vote of at least 4 Planning Board members – the Associate Member may participate in the vote if a Regular Member is unable to do so.

#### *Review Criteria – Special Permit*

The review criteria for Special Permits are detailed in Section 255-129 of the Zoning Bylaw

<https://ecode360.com/30053888>

*Requests to speak: None received to date.*

*Google Form Responses and Emails – Comments: None received to date.*

The public hearing continuation was properly noticed at the May 24, 2021 meeting for July 19, 2021 at 6:45 p.m., and on July 19<sup>th</sup> for September 13<sup>th</sup>. Abutters were mailed notice of the May 24<sup>th</sup> hearing.

**Agenda Item #6 Action Needed:** Decision on Special Permit application filed by Anthony Wheeler for a proposed new two-family dwelling located along the southside of McKinley Avenue approximately 151 feet east of its intersection with Newton Street (Map 27, Parcel 179)

**AGENDA ITEM #7 25 Wood Avenue and 0 Foch Lane ANR (Map 25, Parcels 66 and 67)**

Project plans are online here:

<https://www.southhadley.org/DocumentCenter/View/8722/Wood-Avenue-25-ANR-Plan---August-2021>)

The applicant is proposing to combine two existing lots at Map 25, Parcels 66 and 67 into one lot that meets all standards for endorsement of Approval Not Required under Subdivision Control Law MGL Chapter 41, sec 81L as follows:

1. Type of way – Wood Ave is a town-owned road.
2. Minimum frontage requirements for zoning district –  
Zoning is RA-2 and frontage requirement is 100' and 12,500 sq.ft. minimum lot area.  
The proposed ANR will have 215.43' of frontage on Wood Avenue and increase the total lot area to 50,796 sq.ft.
3. Vital access – Wood Ave provides practical access to the lot 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, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board's behalf consistent with the Board's vote on July 20, 2020.

**AGENDA ITEM #8 67 Boynton Avenue and 0 Hildreth Avenue ANR (Map 30, Parcels 51, 52, 68, and 151)**

Project plans online here: [www.southhadley.org/DocumentCenter/View/8723/Boynton -Ave-67-ANR-Plan--August-2021](http://www.southhadley.org/DocumentCenter/View/8723/Boynton-Ave-67-ANR-Plan--August-2021))

The applicant is proposing to combine four existing lots at Map 30, Parcels 51, 52, 68 and 151 into one lot that meets all standards for endorsement of Approval Not Required under Subdivision Control Law MGL Chapter 41, sec 81L as follows:

1. Type of way – Boynton and Hildreth Avenues are town-owned roads.
2. Minimum frontage requirements for zoning district – Zoning is RA-2; frontage requirement is 100'; and, 12,500 sq.ft. minimum lot area. The proposed ANR will have 125' of frontage on Boynton Avenue, and 150' frontage on Hildreth Avenue, and increase the total lot area to 25,000 sq.ft, thereby eliminating four non-conforming lots, and creating one lot that conforms to RA-2 dimensional zoning standards.
3. Vital access – Both Boynton and Hildreth Avenues provide practical access to the lot 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, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board’s behalf consistent with the Board’s vote on July 20, 2020.

**AGENDA ITEM #9 Decision Route 33 and 202 Corridor Study Final Community Meeting – In Person or Virtual**

This project was undertaken in 2019 and 2020, with a final draft plan released in February 2021. At that time, due to COVID, in person public meetings were not (and still are not) being held, and the Board agreed to wait until an in person public meeting about the final draft plan could be held before finalizing the plan. I recently explored options for holding an outdoor public meeting for this project, however Town Administration has stated that is not permissible at this time due to the continued presence of COVID in South Hadley and the region. Thus, I would like the Board to consider whether or not hosting a virtual meeting to present the final draft plan is something you would like to schedule.

Because this plan has not been finalized, it has held up decision making regarding proposed zoning changes along the corridor. I'm also concerned that the longer the plan sits on the shelf, the less likely it will be to get finalized. The project consultant Emily Innes is no longer with Harriman Associates, the firm that was hired to develop the plan, but has agreed to deliver the final presentation and any outstanding edits. Funding for this work has been encumbered in the FY22 budget but will not be carried over to FY23. Therefore, we do need to hold the community meeting and allow time for Emily to incorporate comments, etc. into the final plan before June 30, 2022,

Draft Route 33 and 202 Corridor Plan here:

[Route-202Route-33-Corridor-Study---2021-02-16-Draft---pending-in-person-public-meeting \(southhadley.org\)](https://www.southhadley.org/Route-202Route-33-Corridor-Study---2021-02-16-Draft---pending-in-person-public-meeting)

*Recommended Action:* I recommend the Board take a vote as to whether or not to hold a virtual community meeting in the next month or two so that the plan can be finalized.

**AGENDA ITEM #10 Planning & Conservation Department Report on Planning Projects and Development Updates**

**Lyman Street Infrastructure Improvement Project MassWorks Grant** – A contract for construction has been executed with Ludlow Construction Company valued at \$2.4M. Work is anticipated to begin this Fall.

**AGENDA ITEM #11 Other New Business**

No new business had been submitted to me as of today.