

Background Materials – February 7, 2022 – Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 2/4/22

Cable Access Channel 15 – Cable Access Channel 15 – The Cable Studio has indicated that this meeting will be live streamed on Channel 15.

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 here: [Policy-on-Open-Comment-Period---As-Adopted-2021-03-08](https://www.southhadley.org/Policy-on-Open-Comment-Period---As-Adopted-2021-03-08) ([southhadley.org](https://www.southhadley.org))

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

AGENDA ITEM #2 Minutes

Senior Clerk Colleen Canning forward the minutes of the 1/24/22 meeting on 2/4/22.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3 Correspondence

A list of correspondence received is attached.

Action Needed: No action needed.

AGENDA ITEM #4 Special Permit and Stormwater Management Public Hearing – Expansion of Elnk Corporation, 7 Gaylord Street

Project plans are online here: <https://www.southhadley.org/1164/11004/Gaylord-Street-7---Redevelopment-2022?activeLiveTab=widgets>

I recommend that the Board open the hearing, allow the applicant to make a short presentation about the project, and the Board then vote to continue the public hearing until 2/28/22 to allow for further review of the plans.

Coordinated Municipal Review and Peer Review

On 2/1/22 I convened a meeting with the applicant and their design team at BSC Group, District 1 Fire Captain Jay Houle and Chief Bob Authier, Building Commissioner Dave Gardner, DPW Director Chris Bouchard, Conservation Administrator Rebekah Cornell, and myself to review the plans and discuss a multitude of questions regarding the proposed project and ensure tight coordination between all relevant municipal review entities. As a result of that meeting, the applicant will be revising the plans submitted to date. I also informed the applicant that I am requesting that the Planning Board and Conservation Commission engage a peer review consultant to review the site plans, stormwater report, and proposed chemical handling and storage for the new facility. The Conservation Commission voted at their 2/2/22 meeting to hire peer review. Thus, I am requesting the Planning Board vote to engage peer

review as well. I have solicited quotes and currently of the four companies requested, Weston and Sampson has provided a proposal and is able to perform the services.

Suggested Motion:

“Motion pursuant to Massachusetts General Laws Chapter 44, Section 53G, Chapter 42, Section 81Q, and Chapter 40A, Section 9, that the Director of Planning and Conservation, on behalf of the Planning Board, engage a qualified peer review consultant to evaluate the application materials and render findings to the Board regarding the project’s compliance with relevant Town bylaws and regulations.”

Project Description

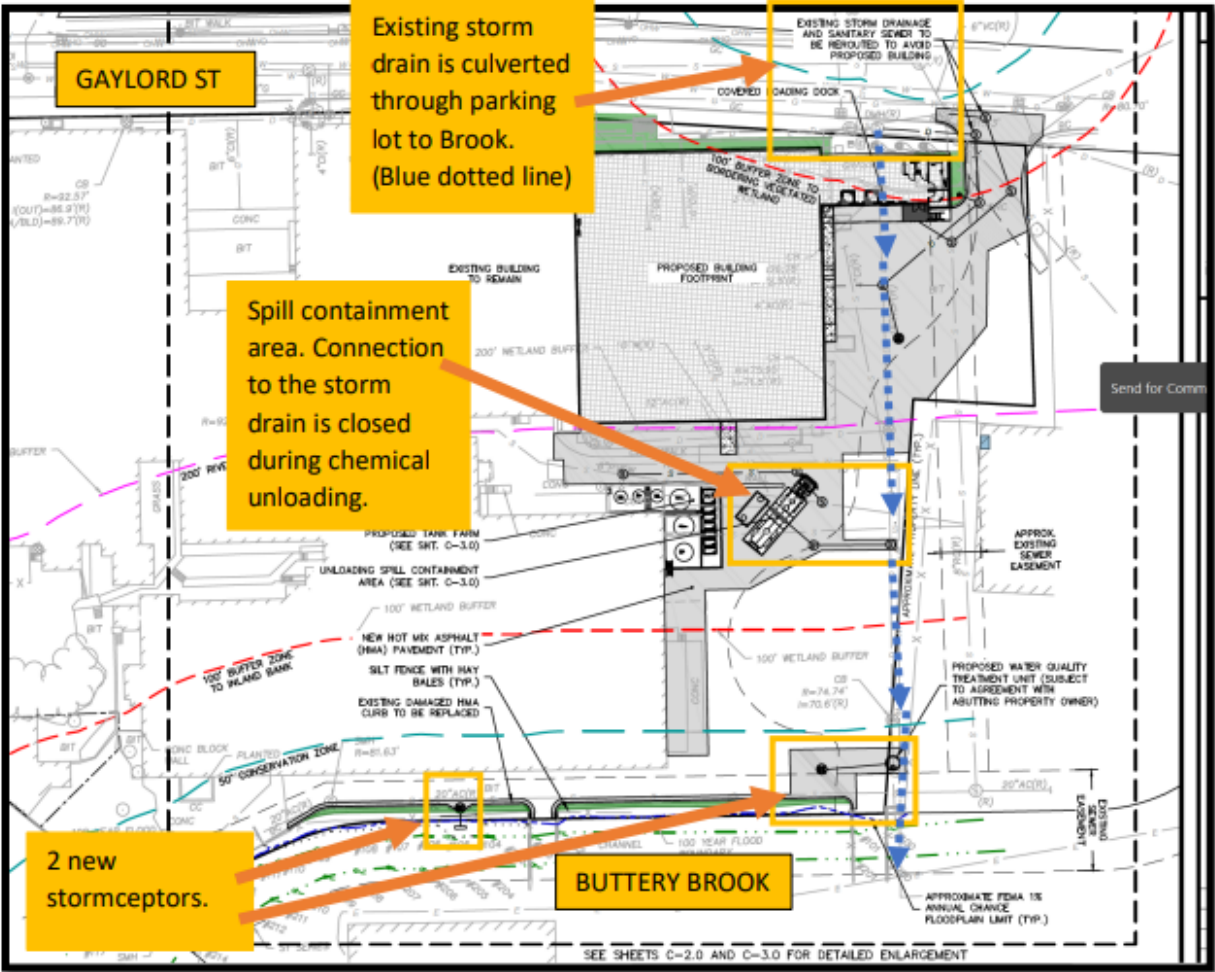
The proposed project includes the demolition and reconstruction of the northern portion of an existing building (the old “Admin Building” at 7 Gaylord St), the addition of a stormwater management system, curb replacements along the southeastern perimeter of the Project limits, installation of storage tanks and associated containment pits, and the conversion of previously paved areas to grassy permeable surface. The Applicant is proposing to demolish portions of their existing facility and replace them with new facilities in the same footprint. New facility spaces will be added onto the existing building. Sections of the current paved areas northeast of the building will be re-paved with asphalt to accommodate truck traffic to and from the building. Approximately 17,500 square foot footprint of the east end of the existing facility will be demolished and replaced with a new 17,900 square foot facility and loading dock within the same location on the east end of the facility.

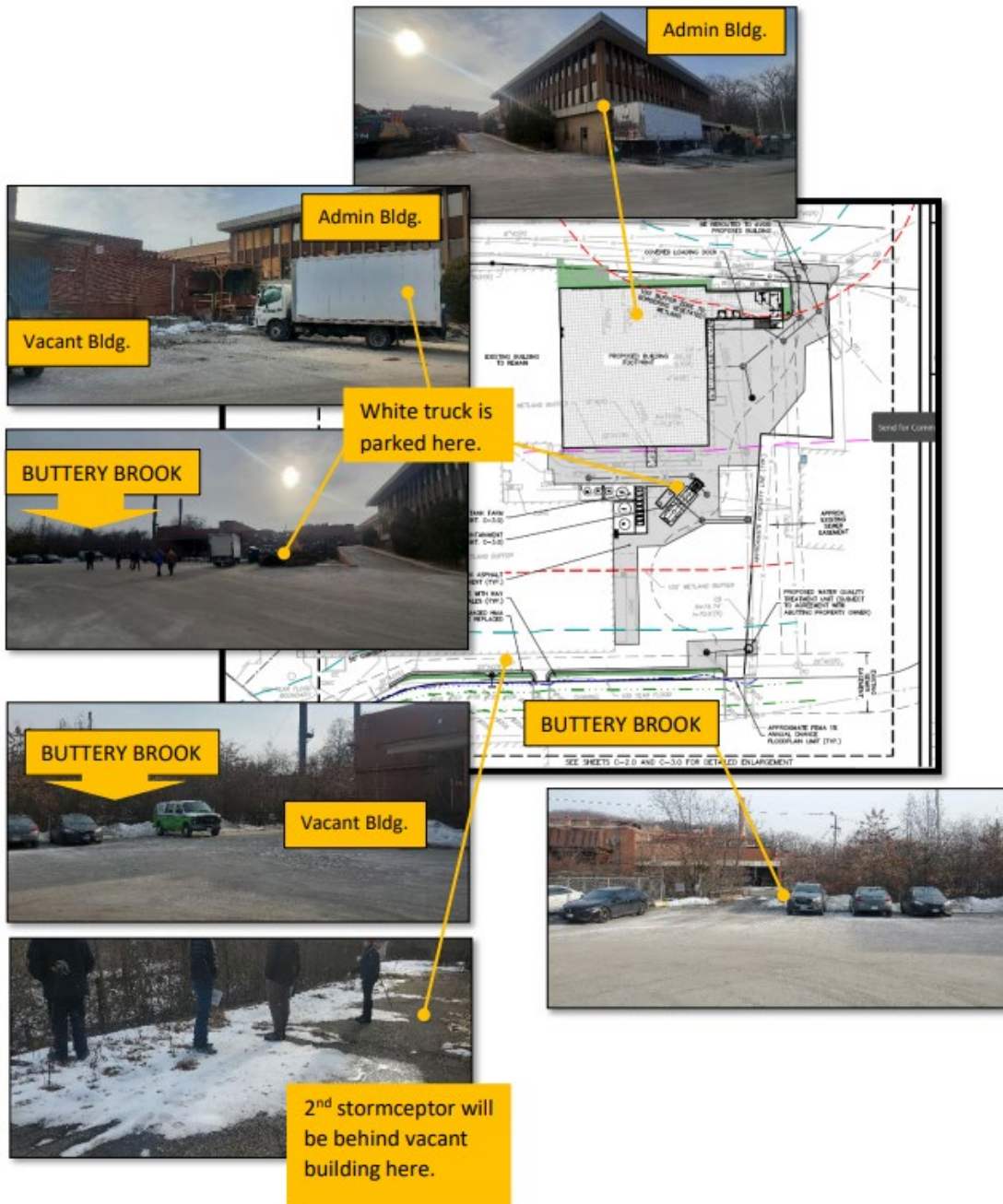
Fluid material storage tanks (“tank farm”) and an associated spill containment area are proposed southeast of the proposed building demolition. The tank farm will be comprised of ink material storage tanks & an associated spill containment area. The tank farm must meet industry standards & fire code requirements for safety & spill containment measures. These plans are currently being reviewed by the local fire chiefs and the state fire marshal.

As part of this Project, the existing stormwater management system serving the Project area will be upgraded. Deep sump hooded catch basins will be cleaned 4x a year. Two stormceptors will be installed adjacent Buttery Brook. One is behind an existing vacant building. The other is proposed to be connected into the existing storm drain that leads from Gaylord St to an outlet at Buttery Brook. Below is a site plan with my annotations of parts of the project. Site photos are to help orient you are on the following page.

Action Needed:

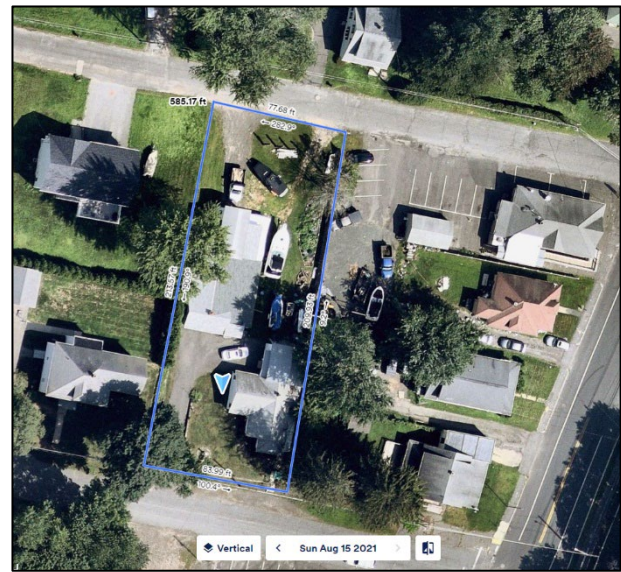
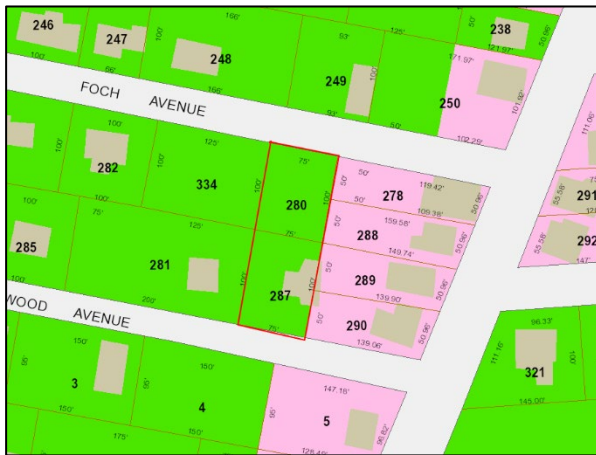
Open the Public Hearing. Motion to continue the public hearing until 2/28/22 at 6:30 PM.
Make a motion to hire peer review, as provided above.





AGENDA ITEM #5 Special Permit Public Hearing – 1 Wood Ave Expansion of Pre-existing Nonconforming Use and Structure

The applicant, Edward Courchesne, has submitted an application for a Special Permit from the Planning Board for the expansion of a preexisting nonconforming use at 1 Wood Ave. The parcels subject to this Special Permit application include two abutting parcels: 1 Wood Ave (Map 27, Parcel 287) and 0 Foch Ave (Map 27, Parcel 280). The application also lists another noncontiguous parcel on Foch Ave (Map 25, Parcel 66) previously owned by Mr. Courchesne, but has since been sold and it is my understanding that it is no longer part of this application. Both of the subject parcels (1 Wood Ave and 0 Foch Ave) are within the Residence A-2 zoning district. Marinas, wholesale sales and warehousing, automotive repair, retail sales, and most other business uses are prohibited in the RA-2 zoning district (green in map below). Parcels abutting to the east are in Business A zoning district (pink in map below). Parcels abutting to the north, west and south are also in the RA-2 zoning district.



The property owner currently operates a repair shop for boats at this location which is in violation of the zoning code. Because of this, the South Hadley Building Commissioner, acting as the Zoning Code Enforcement Officer issued a Cease and Desist Order on May 27, 2021. In response to this Order, the applicant submitted an Administrative Appeal to the Zoning Board of Appeals (ZBA) on July 2, 2021. On September 14, 2021, the ZBA denied the relief requested in the Administrative Appeal. In response to this denial by the ZBA, the applicant filed an appeal in the District Court of Eastern Hampshire County which is currently pending. Concurrent to the applicant's pending appeal in District Court, he has filed the Special Permit for the expansion of a preexisting nonconforming use, as allowed under MGL Chapter 40A, Section 6 and South Hadley Zoning Bylaw Chapter 255-7(B)(1). Town Counsel has advised that it is appropriate for the Board to take action on this application while the court appeal is pending.

The applicant contends that his use of the property as a repair shop is in fact a preexisting nonconforming use and, has submitted materials in support of this claim which are partially described within his application for a Special Permit, and provided as exhibits to his Administrative Appeal to the ZBA.

Special Permit Application: <https://www.southhadley.org/1165/11009/Wood-Ave-1---2022?activeLiveTab=widgets>

ZBA Appeal Decision and background materials are online here: [Wood Ave \(1\) | South Hadley, MA - Official Website](#)

ZBA Public Hearing video (minutes are not posted as of yet): [Zoning Board of Appeals: 8/23/2021 on Vimeo](#)

Ownership of Record: In addition to materials submitted by the applicant for the ZBA appeal, I have conducted research with the Assessor and Registry of Deeds and identified the following:

- The subject parcels were part of the original Liberty Gardens subdivision from 1918.
- Deed April 6, 1946 Dupuis to Oscar and Yvonne Courchesne – Lot 319
- Deed January 15, 1946 to Oscar and Yvonne Courchesne via auction by the Town of South Hadley – Lots 320 and 321
- Certificate Releasing Mass Estate Tax Lien to Florence Courchesne, date unknown (date of death of Oscar Courchesne 8/9/79) — attempting to demonstrate inheritance of Lots 319, 320, 321, 326, 327, 328
Includes partial reference to a deed dated 10/2/1930 to Oscar and Yvonne Courchesne??
- Deed July 13, 2011 Florence Courchesne McGaughey to Edward Courchesne – Lots 319, 320, 321, 326, 327, 328
- Based on these deeds, partial deeds, and death certificate tax lien release, it appears the Wood Ave lots (Liberty Garden lots 326, 327, and 328) may have been acquired by Oscar and Yvonne Courchesne on 10/2/1930. In January and April of 1946, Oscar and Yvonne Courchesne, then acquired the Foch Ave lots (Liberty Garden lots 319, 320, 321). Upon Oscar Courchesne’s death, dated 8/9/79, Florence Courchesne inherited all six lots. Florence Courchesne McGaughey transferred ownership of these lots to Edward Courchesne (applicant) on July 13, 2011.

Preexisting Nonconforming Use and Dimensions:

The subject parcels appear to be both preexisting nonconforming for both use and dimension.

To be determined a pre-existing nonconforming use, the use must have been in existence prior to the adoption of the zoning prohibition and, remained in continuous use since then. Uses or structures abandoned for a period of two years or more may be regulated under current zoning. Also, a preexisting nonconforming use carries with the land; a transfer of ownership has no relevance.

The first Zoning Bylaw for the Town of South Hadley was adopted August 5, 1946. Such business uses have always been prohibited. Mr. Courchesne claims that the boat repair and warehouse business has been operated on this site for “35 years” which would be 1986; and that his grandfather operated such a business for “60 years” prior which would be 1926. Based on the ownership of record information presented above, only the 1 Wood Ave parcel is presumed to have been owned by the Courchesne family since 1930. The Foch Ave lots appears to have been acquired by the Courchesne family in January and April of 1946, which pre-dates adoption of the first zoning code in South Hadley on August 5, 1946. Within Mass General Laws, under the “merger doctrine”, a nonconforming lot that is held in common ownership with an adjoining lot may be deemed “merged” with the adjoining lot to the extent necessary to reduce or eliminate the nonconformity.

Preexisting Use – The applicant has submitted materials to the ZBA for documentation of the use of the property as a repair shop including machine manuals and the like dating back to the 1930s and 40s.

[SKM_C450i22020115401 \(southhadley.org\)](#)

Dimensional Standards – The merged lots are 75’ x 200’ = 15,000 SF. Thus, they do not meet frontage standards but do meet minimum lot area standards.

The existing house appears to be 2,023 SF and the existing garage appears to be 2,749 SF (as measured by aerial photos on Assessor’s GIS viewer). The house conforms to the minimum coverage standards (14%); the garage as an accessory use exceeds the maximum building coverage (18%). The garage also does not appear to meet the zoning code standard for an accessory structure per 255-24.

255-24 Accessory Uses and Structures -

“An accessory use of land or structure is a use for a purpose customarily incidental to the main or principal use permitted in the district. An accessory building or structure is unattached to, subordinate in size to, and used for a purpose incidental to a principal use or building.” The existing garage is larger than the principal use (house).

Zoning District - Requirement	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Maximum Building Coverage (%)	Maximum Impervious Coverage	Minimum Yard Setback (feet)			Maximum Height	
					Front	Side	Rear	Stories	Feet
Residence A-2 Zoning District									
Basic requirements:				65%					
Principal uses	12,500	100/a	40		25/b	10/c	20	3	35
Accessory uses	—	—	10		25/b	10/c	10/d	2	25/e

Standard for Special Permit Approval

For approval, the Board must find that the expansion or alteration of the nonconformity *shall not be substantially more detrimental than the existing nonconforming use to the neighborhood*. The applicant has submitted three letters from his neighbors in support of his claims that the shop has been operated for many years to no harm of anyone in the neighborhood.

Action Needed: Hold the Public Hearing. If the Board closes the Public Hearing, a Decision must be made within 90 days and filed with the Town Clerk.

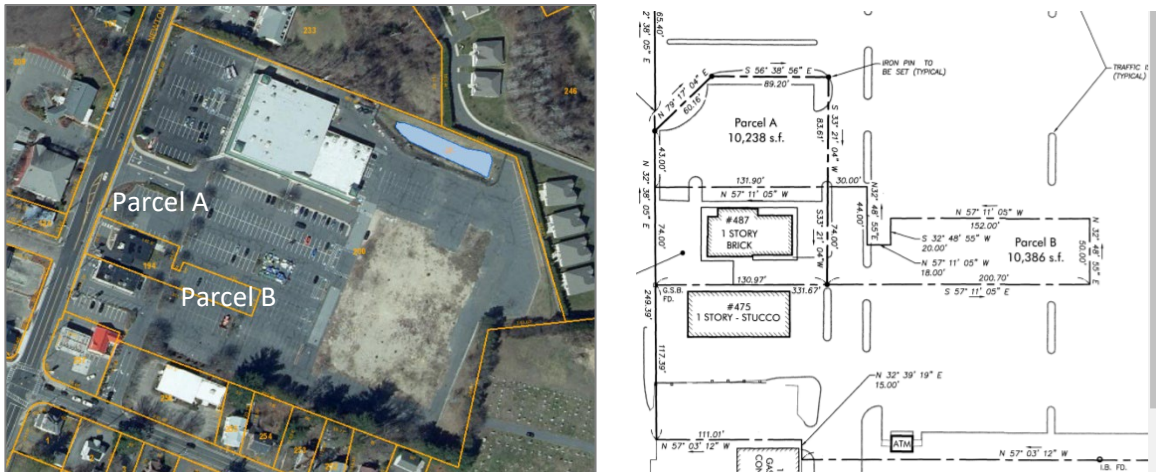
AGENDA ITEM #6 487 & 497 Newton Street ANR, South Hadley Plaza LLC and Greenfield cooperative Bank

<https://southhadley.org/DocumentCenter/View/9145/Newton-Street-487--497--ANR---2022>

The ANR involves a land swap between Greenfield Cooperative Bank and South Hadley Plaza LLC to reconfigure the parcel boundaries to enable the planned development of the 60-unit affordable housing Plaza Apartments project.

487 Newton St	Map 28 Parcel 194	Greenfield Cooperative Bank (GCB)	Prcel B 10,386SF being transferred to SHP to merge with 501 Newton Street
501 Newton Street	Map 28 Parcel 200	South Hadley Plaza LLC (SHP)	Parcel A 10,238 SF being transferred to GCB to merge with 487 Newton Street

Background Materials – February 7, 2022 Planning Board Meeting



ANR Standards for Approval

1. Type of Way: Newton Street/Route 116 is owned and operated by MassDOT and is therefore a public way.
2. Minimum frontage requirements for zoning district: The subject parcels are within the Newton Street Smart Growth Overlay Zoning District, and as such, the dimensional standards within 255-23 (B)(C)(3) apply. There are no minimum or maximum frontage requirements for this district.
3. Vital access: As a state-owned roadway, Newton Street/Route 116 meets the vital access standard.

Therefore, the proposed ANR meets the three standards for ANR endorsement.

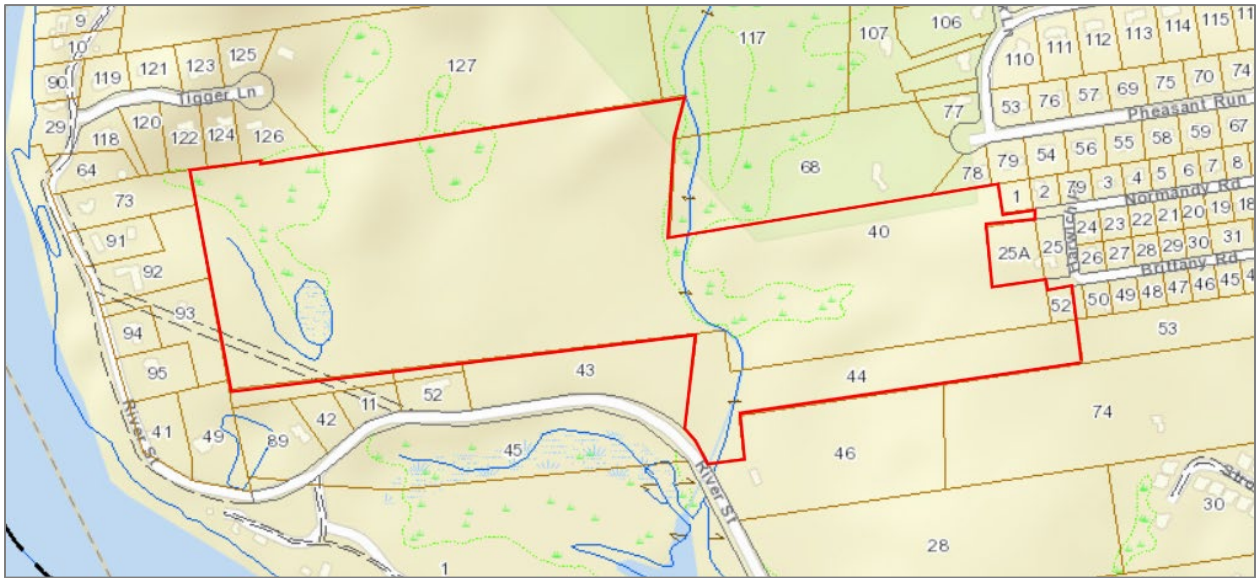
Action Needed: The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board’s behalf.

AGENDA ITEM #7 River Road ANR, Paul Boudreau

<https://southhadley.org/DocumentCenter/View/9152/River-Road---ANR-Plan-2022>

Paul Boudreau has submitted an ANR plan to reconfigure three parcels on River, Brittany and Normandy Roads. The proposed ANR would result in two new lots: Lot 1 (37.9 acres) and Lot 2 (19.2 acres), and would meet the standards for Approval Not Required under the Subdivision Control Law as follows:

Parcel	Street Address	Current Frontage	Zoning District
24-52	Brittany Road	100’	RA1
23-40	Brittany Road	50’ on Normandy Road & 50’ on Brittany Road	Agricultural
23-44	River Road	120.87’	Agricultural



1. Type of Way: River, Brittany and Normandy Roads are all Town owned and maintained roadways, therefore meeting the definition of a public way.
2. Minimum frontage requirements for zoning district: Lot 1 will only 120.87' on river Road in the Agricultural District. The minimum frontage requirement for this district is 150'. Lot 2 is within the RA-1 zoning district (minimum frontage requirement is 125') and the Agricultural zoning district (minimum frontage requirement is 150'). Lot 2 does not meet the frontage requirements for either zoning district. However, as advised by Town Counsel Attorney Mead, the addition of the notation on the plan "Lot is not buildable without further zoning relief" on both lots is considered suitable for addressing the frontage inadequacies.
3. Vital access: River, Brittany and Normandy Roads are Town owned and maintained roadways, therefore the standard for vital access is met.

Therefore, the plan as submitted is suitable for endorsement.

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.

AGENDA ITEM #8 Planning & Conservation Department Report on Planning Projects and Development Updates

SAVE THE DATE - CPTC webinar on Vested Rights and Nonconforming Uses and Structures 2/24/22 at 6:30 PM

ZBA Chair Martha Terry has requested that all Planning Board members attend this upcoming virtual training which Martha has arranged for ZBA members as well. Registration is not yet open but, I will send all of you a link as soon as it is available.

Schedule Master Plan Public Hearing

Given the upcoming meeting dates below, I recommend the Board schedule the Master Plan public hearing for either 3/28 or 4/11. Thereafter, the Board will schedule to vote on adoption of the plan. Once the Board adopts the plan, we will submit a Warrant Article to Town Meeting for endorsement of the plan.

Schedule Route 33/202 Corridor Study Public Hearing

Given the upcoming meeting dates below, I recommend the Board schedule a public hearing for either 4/11 or 4/25. Thereafter, the Board will schedule to vote to endorse the plan or not. This plan will not be submitted to Town Meeting.

Upcoming Meetings

2/28

3/14

3/28

4/11

4/25

5/9

5/23

6/13

6/27

AGENDA ITEM #9 Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

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

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
FEBRUARY 7, 2022**

Letters & Memos

- Approval Not Required (ANR) plan received from South Hadley Plaza LLC and Greenfield Cooperative Bank to transfer portions of abutting property owned by each entity at Newton Street 487 & 497 Newton Street, Assessor's Map 28 Parcels 194 & 200.

Legal Notices

Amherst

- Notice of decision received from the Amherst Planning Board for special permit amendment to change site plan to accommodate a driveway connection between 446 and 462 Main Street.

Chicopee

- Notice received from the Chicopee Planning Board for a public hearing on February 3, 2022 to consider a 'new annual all alcohol restaurant license' for the Chicopee Falls Polish Home Association located at 27 Grove Street.

Granby

- Notice of decision received from the Granby Planning Board for approval of site plan for workshop/storage building at 81 Pleasant Street.

Hadley

- Notice of decision received from the Hadley Planning Board for the following decisions: 1) site plan approval with special permits for construction of a climate-controlled facility/warehouse on South Maple Street; 2) site plan approval for Hadley Garage Redevelopment at 97 Russell Street; and 3) special permit approval for driveway access to service 50 Moody Ridge Road.

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Publications

- **Zoning Practice** February 2022 *Issue Number 2 - Practice Adaptive Reuse*
- **JAPA** The Journal of the American Planning Association *Vol.88 No.1 2022*