

**SOUTH HADLEY PLANNING BOARD REGULAR MEETING
MINUTES OF FEBRUARY 10, 2020
As Approved**

Present: Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member; Richard Harris, Town Planner; Attorney Lisa Mead, Town Counsel; Anne Capra, Conservation Administrator/ Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Cavanaugh called the meeting into order at 6:01 PM.

Agenda Item #1 --- SCHEDULED PUBLIC HEARING: Application for Special Permit for proposed mixed use redevelopment. Property Location: 36 Bridge Street - north side of Bridge Street (aka State Route 116) (Assessor's Map Number #5C as Parcel #21)

Chair Cavanaugh called the Public Hearing into order at 6:02 PM. (See Public Hearing Minutes.)

The regular meeting reconvened at 6:34 PM.

Agenda Item #2 --- CONSIDER DECISION: Application for Special Permit for proposed mixed use redevelopment. Property Location: 36 Bridge Street - north side of Bridge Street (aka State Route 116) (Assessor's Map Number #5C as Parcel #21)

No decision was considered at this time as the Public Hearing was continued to/ re-advertised to open on February 24, 2020 at 6:30 PM.

Agenda Item #6 --- Minutes

Draft minutes of the January 27, 2020 regular meeting were transmitted for the Board for their review.

A spelling error was noted within the draft.

Motion: Clerk Mulvaney moved to approve the draft minutes of January 27, 2020 as amended. Vice-Chair O'Brien seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

Agenda Item #7 --- Correspondences

The correspondence folder was at the seat of the Chair.

Additional correspondences had been received which included a letter from a South Hadley resident relating to tonight's Public Hearing to consider the proposed North Pole Estates Subdivision.

Agenda Item #5 --- 2020 Census Update

Mr. Harris explained that the decennial Federal Census would be held soon. Accurate census numbers put the Town in the best position for grant funding, investments and accurate representation. He urged everyone on to “Stand Up and Be Counted” by submitting their census questionnaire upon receipt.

Agenda Item #8 --- Development Update and Planner’s Report

a. Development Report

- North Pole Estates Definitive Subdivision Plan –This item would be discussed under agenda items #3 and #4
- New SHELD Telecommunications Facilities on Old Lyman Road – Mr. Harris noted no change.
- Decision on Skinner Woods project – Mr. Harris noted no change. An appeal of the Board’s decision has been filed in Superior Court. The Board will be notified if there is a need for Board members to provide input for the Town’s response.
- Ethan Circle – Mr. Harris explained that the developer has been notified of the Board’s action and the concerns regarding the “real estate for sale sign”.
- Mountain Brook Subdivision – Phase 2 – Mr. Harris noted no change. He was waiting on a response from DPW
- 36 Bridge Street Mixed Use Development – This item was discussed under agenda items #1 and #2
- Newton Street Smart Growth Zoning District – Mr. Harris noted no change.
- Rivercrest Condominiums – Mr. Harris noted no change.
- Former Library conversion to condominiums – Mr. Harris noted no change. The developer has been notified via a letter as to the conditions attached to the extension
- Canal Street condominiums –Mr. Harris noted no change. Site work has started.
- ITW Cell Tower on Hadley Street – Mr. Harris explained that the two year “substantial completion” time limit for the Special Permit is August 8, 2020. The project’s representative has been notified. The site has been inspected. The developer has installed the foundation for the pole and the Building Commissioner has inspected the project. The project representative has stated that they “should be in good shape to meet the deadline”.

Clerk Mulvaney inquired if the Planning Board could be given an update on the project prior to the Special Permit expiration. Mr. Harris replied that he would ask the developer to do so.

b. Bylaw Amendments

- Bylaw Amendments for 2019: Mr. Harris noted no change.

c. Other Projects

- Urban Renewal Plan and Redevelopment Authority: Mr. Harris noted no change.
- Complete Streets Program Participation: Mr. Harris noted no change. The contractor is waiting for delivery of signal related equipment – now scheduled for late April 2020. The

delay is due to an equipment manufacturing delay which is apparently impacting all signal installation projects

- Valley Bike Share: Mr. Harris noted no change.
- Open Space & Recreation Plan and Master Plan Updates: Mr. Harris noted that the Conservation Administrator/Assistant Planner, Anne Capra, has been working on incorporating the revisions requested by various parties into the OSRP update. The Master Plan Update Committee is scheduled to meet again on March 19, 2020. Anne Capra gave a very good overview of the OSRP and Master Plan Update process to the South Hadley employees at the Professional Development Day on January 31st. MPIC has met with many department heads and boards to appraise them of and get their input into the updates. There should be no department heads or Boards indicating they did not have knowledge of or input into the updates.
- PVPC DLTA Submittals: Mr. Harris explained that PVPC regrettably did not approve technical assistance funding for development of Stormwater Bylaw updates or development of the Mount Holyoke Range Resource Area. He noted that considerations for development could be incorporated in the ongoing MVP (Municipal Vulnerability Preparedness) task development and future grant proposals relating to such.

d. Workshops /Training Opportunities

Mr. Harris explained that the Conservation Administrator/Assistant Planner, Anne Capra, and he would be attending the National Conference of the American Planning Association in late April.

Agenda Item #3 --- 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 Cavanaugh called the Public Hearing continuance to order at 6:45 PM. (See Public Hearing Minutes)

The regular meeting reconvened at 9:00 PM.

Agenda Item #4 --- CONSIDER DECISIONS: 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)

No decisions were considered at this time as the Public Hearing was continued to March 9, 2020 at 6:45 PM.

Agenda Item #9 --- Other New Business

Vice-Chair O'Brien invited everyone to a trek hosted by the Bike-Walk Committee at the Ledges Golf Course on February 23, 2020. Interested parties are to meet at the Club's Parking lot at 12:45 PM. Dogs are invited to attend.

Agenda Item #10 --- Adjournment

As there was no additional new business, Chair Cavanaugh inquired if there was a motion to adjourn the meeting.

Motion: Mr. Hutchison moved to adjourn the meeting at 9:02 PM. Clerk Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

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

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING:

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 FEBRUARY 10, 2020 As Approved

Present: Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member; Richard Harris, Town Planner; Attorney Lisa Mead, Town Counsel; Anne Capra, Conservation Administrator/ Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Cavanaugh called the Public Hearing continuance into order at 6:45 PM.

The applicant's consultant, Rob Levesque of R Levesque Associates Inc., was present at the meeting.

Mr. Harris opened the discussion by offering updates to the application's progress since the previous hearing date. Revised plan sets were submitted in late January and were posted on the Town's website. Some hours previous to tonight's hearing continuation, the applicant submitted payment for peer-review. Mr. Harris explained that peer-review of the septic requirements was eliminated from the peer-review work scope. As septic requirements were within the purview of the Board of Health, they would be the entity to determine if the septic needed to be peer-reviewed and execute a peer-review if appropriate.

Robert Schwartz, Fire District No. 2, addressed the Board. He expressed frustration as he felt he was not given adequate notice of hearing. Mr. Harris explained that notice was given pursuant to Massachusetts General Law. He added that tonight's hearing was a continuation of hearings which originally opened in November 2019.

Rob Levesque described the updates within the recently submitted plan sets and narrative. Enlarged portions of the full plan were provided to benefit review. Updates were made to the Operations and Maintenance Plan (O&M) relating to the construction of the subdivision. Full septic designs were submitted. The profile of the roadway was changed to utilize the existing percolation test. Percolation tests and septic designs were submitted to the Board of Health. Rob Levesque explained that the previous definitive subdivision plans reflected nine lots. The updated plans combined lot six and lot seven which now created an eight lot subdivision. The location of the stormwater basin was moved to lessen the impact of excavation. Parcel 43 was highlighted with an orange border to show the location of current earth removal activities.

Chair Cavanaugh inquired if the current mining operation was only within parcel 43. Rob Levesque confirmed that it was.

Chair Cavanaugh noted that the updated plan reflected removal of hundreds more cubic tons of material than that of the original submission. Rob Levesque responded that the updated plan utilized existing grades so the percolation tests already performed could be used. Significant grading would be required to the existing site to accommodate the required grade of the road per subdivision regulations.

Mr. Harris noted that the grade at the turn-around had dropped additional feet from the original submission. Rob Levesque responded that the profile changed since the original submission as the site is actively being mined.

Vice-Chair O'Brien commented that the existing grading on site was constantly changing which made review complicated.

Ms. Brown inquired how the newly approved general bylaw relating to incidental earth removal would affect the proposed project. Attorney Lisa Mead responded that general bylaws, like the one in question, were applicable to the project even if it was endorsed after submission of the application for development. The Zoning Bylaw and Subdivision Regulations froze at the time of original submission. If any laws or regulations were applicable to the project, the designated enforcement agency would act accordingly.

Mr. Hutchison noted that he did not require the applicant to relocate the placement of the stormwater system as the applicant implied previously. He only inquired how the system's placement was chosen.

Mr. Hutchison inquired how the ongoing mining operation would affect potential future residents of the Subdivision. Rob Levesque responded that performance standards exist. He explained that the existing O&M plan handles potential concerns like dust control. He added that there are current residences in proximity to the current mining operation and there had been no issues.

Vice-Chair O'Brien inquired why the Preliminary Plan and the Definitive Plan reflected different lot numbers. Attorney Lisa Mead responded that a Definitive Subdivision Plan needed to reflect the same area as the Preliminary but it need not reflect the same number of lots.

Ms. Brown inquired how the Building Commissioner's comments regarding earth removal associated with the subdivision's site work affected the Planning Board's decision on the application. Attorney Lisa Mead responded that following Planning Board approval of a Definitive Subdivision Plan, the Building Commissioner executes permits. A determination of the Planning Board would not negate an applicant from receiving applicable approval from other agencies.

Chair Cavanaugh asked if the elevation at the back of lot six had changed since the initial submission. Rob Levesque responded that he would need to review the original submission to accurately answer the question. Attorney Lisa Mead noted that existing grade within an approved Definitive Subdivision Plan would need to be achieved prior to site development even if the grade changed due to excavation after approval.

The hearing was open to public comments at 7:25 PM.

Susan _____, Precinct B, addressed the Board. She asked why the proposed lots were so spread out. Rob Levesque responded that all the lots met the minimum dimensional requirements. He explained that minimum dimensions could be exceeded which the applicant chose to do.

Robert Schwartz, Fire District No. 2, addressed the Board. He was concerned that the applicant had proposed more than 60 lots in previous submissions but was now proposing eight. He additionally addressed concerns for water quality and septic failure. Rob Levesque explained that the Subdivision application before the Board reflected Phase 1 of development inclusive of 8 lots. If the applicant chooses to continue build out with subsequent phases the applicant would need to receive Planning Board approval.

Winston Baldwin, 311 Hadley Street, addressed the Board. He expressed concerns for the impact of the septic systems and stormwater runoff to the aquifer beneath the proposed subdivision. Rob Levesque explained the stormwater mechanisms were built to satisfy the DEP's stormwater handbook. The stormwater management plan would be peer-reviewed by a third party agency. Septic designs were submitted for each lot proposed for development.

Robert Pleasure, Jewett Lane, addressed the Board. He commented that the plan reflected only roughly 10% of the possible build out of the site. Therefore, one could assume that the amount of proposed excavation was 10% of the potential. He inquired what was being done to protect the natural features of the area. Rob Levesque responded that open space would be protected near the wellhead, wetlands were being avoided and the viewshed would be protected from Hadley Street.

Kevin McCaffrey, Mount Holyoke College, addressed the Board. He asked if the concerns and questions raised by outside Town agencies would be addressed prior to the Planning Board's decision on the application. Mr. Harris responded that concerns would be answered to the extent of the Planning Board's authority. He added that the applicant would need to satisfy all applicable requirements of outside agencies.

Kathy Davis, 7 Saybrook Circle, addressed the Board. She advocated for the protection of the aquifer as the soil was very permeable at the location. Rob Levesque responded that a hydrogeological study was provided by the applicant and would be peer-reviewed.

Nate Therien, Precinct B, addressed the Board. He questioned the scope of the hydrogeological study as it was performed with the applicant's interest. He inquired if the Board would consider comment from a hydrological professional at a future hearing. Mr. Harris responded the Board would consider all comments made during the hearing in rendering a decision. Attorney Lisa Mead added that that peer-review will note any deficiencies within the study.

Neva Tolopko, San Souci Drive, addressed the Board. She noted that changes were made to the plan since the original submission. However, the figures in the hydrological study did not change. She asked if the applicant considered utilizing a different road pattern which would lead to lesser excavation. Rob Lévesque responded that there were multiple potential road concepts.

The proposed road pattern complied with the subdivision regulations which was all that was required.

Rudy Ternbach, Precinct D, addressed the Board. He noted that review of a Definitive Subdivision Plan requires a joint meeting with representatives of various Boards. Separately, he asked if the septic system design would be peer-reviewed. Mr. Harris responded that, in the past, department heads have met prior to a decision on a Definitive Subdivision Plan. He added that the Board of Health could require a septic peer-review if they deemed necessary.

Kathy Davis, 7 Saybrook Circle, addressed the Board. She inquired about the profile of the road. Rob Levesque responded that landscaping would extend up from one side of the road at a slope of 3:1.

Marilyn Gass, Precinct D, addressed the Board. She asked what the proposed lot sizes were. Rob Lévesque responded that sizes varied. The minimum required lot size was 40,000 square feet. However, some lots were over 10 acres.

Marion Pascone, 71 Hadley Street, addressed the Board. She expressed concern for water supply protection. Chemicals used by future homeowners could compromise the health of the water supply. Even though laws prohibit use of such chemicals within the Water Supply Protection District, it cannot be enforced. Rob Levesque responded that the developer is responsible for impacts during construction. When the lots get conveyed, the owner becomes the responsible party.

Rudy Ternbach, Precinct B, addressed the Board. He noted that climate change is creating unforeseeable future weather patterns. The site's well is an invaluable asset to the Town. The residents of the Town were being asked to assume potential risks. Rob Levesque noted that there would be at least 100 feet of separation.

Hattie Finkle, Precinct B, addressed the Board. She inquired if appropriate grading for the development could be achieved through fill rather than excavation. Rob Levesque responded that the houses, the road and the septic tanks would require construction on native soil. Filling the site would not be feasible.

Robert Schwartz, Fire District No. 2, addressed the Board. He shared that he felt less confident in the process now than prior to tonight's hearing. He did not see evidence that the water supply won't be affected.

Winston Baldwin, 311 Hadley Street, addressed the Board. He asked to review the profile of the road. Rob Levesque explained that the new road would extend from Hadley Street into the current mining pit where it would end as a cul-de-sac. The construction of the roadway would allow for potential future development. Winston Baldwin observed that the construction of the road afforded the applicant plenty of material to excavate.

Marianne Klemt, Fire District No. 2, addressed the Board. She advised the three dimensional model of the proposed project would be beneficial for review. Mr. Harris noted that the town

does not have three dimensional modeling software as the software is typically used for review of development in urban settings.

Carl Webber, Sycamore Knolls, addressed the Board. He asked if the Planning Board could deny the project if other Town departments observed egregious issues. Attorney Lisa Mead responded that it depended upon the issue and what the standards were. Mr. Harris added that Definitive Submission Applications do not afford the Planning Board as much authority as other applications, such as Special Permits.

Lisa Mead explained the legal perimeters for subdivision construction. The infrastructure would need to be installed within a time period specified by the Planning Board. The Board would secure that that infrastructure was installed to the specifications by securing a covenant over the subdivision which would prevent building permits from being filed or conveyance of any lots. She noted that once the road is constructed, the subdivision is considered built. The applicant would not be required to build any homes or convey the lots. As the Building Commissioner would execute permits, it would be at his discretion to determine if the subdivision was a ruse for a mining operation.

Carl Webber, Sycamore Knolls, addressed the Board. He expressed concern for the development's impact on the water supply as the Fire District No. 2 wellheads were in close proximity. Rob Levesque responded that the Town chose to install the wells near an active mining operation.

Joan Vol Hamilton, Precinct D, addressed the Board. She asked what type of security the developer needed to provide to ensure adequate construction of the subdivision. Mr. Harris noted that the security would be in the form of bond, covenant or cash. The amount would be set following input from agencies such as DPW, SHELD, and the Fire District No.2.

Mr. Hutchison inquired if the applicant was required to show the potential extension of the full roadway per *360-31: Streets and Ways* within the Subdivision Regulations. Mr. Harris explained that the requirement did not affect the proposed project as the subdivision created a road with houses on it.

As there were no further comments at this time, Chair Cavanaugh inquired if there was a motion to continue the meeting.

Motion: Clerk Mulvaney moved to continue the Public Hearing to March 9, 2020 at 6:45 PM. Mr. Hutchison seconded the motion. Five (5) out of five (5) members voted in favor of the motion.

The regular meeting reconvened at 9:00 PM.

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

Appendix

Document	Document Location
Hadley Street - North Pole Estates Definitive Plan - 2020-01-20 Revisions - Timeline	Planning Files
Hadley Street - North Pole Estates Definitive Plan - 2020-01-20 Revisions - Plans	Planning Files
Hadley Street - North Pole Estates Definitive Plan - 2020-01-20 Revisions – O&M Plan	Planning Files
Hadley Street - North Pole Estates Definitive Plan - Hydrogeologic Study - 2019-10-25	Planning Files