

Background Materials for October 08, 2015

Agenda Items #1 through #7

Agenda Item #1 – Minutes

I am working on a draft of the September 21, 2015 Planning Board meeting and public hearing minutes. I hope to have them to you by Wednesday morning.

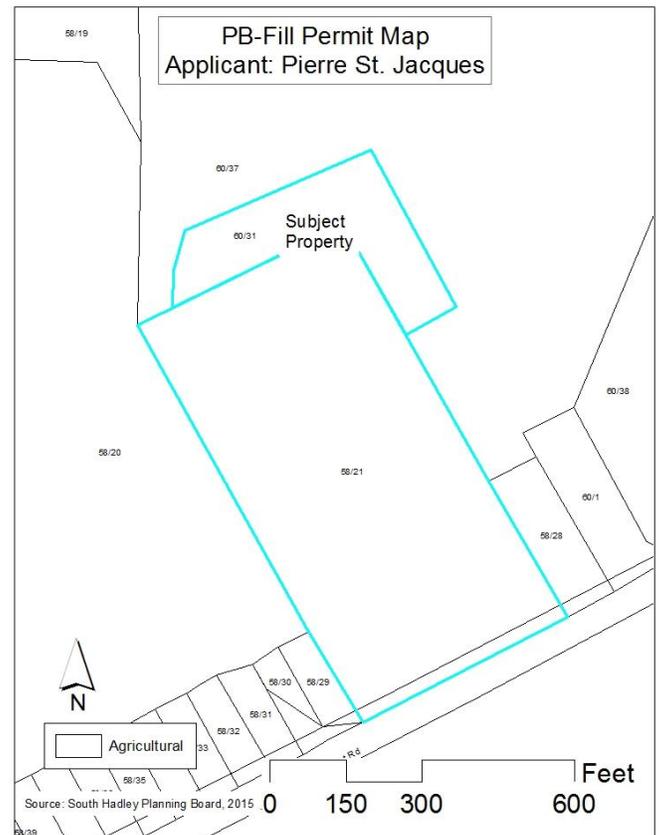
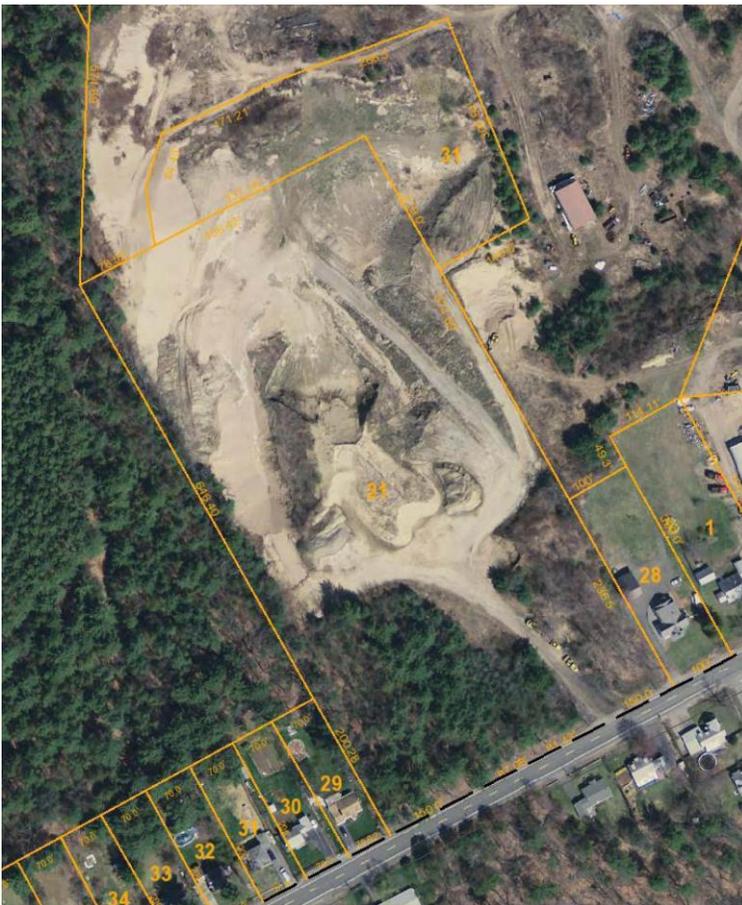
ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #2 – Bills and Correspondence

A list of the bills and correspondence are attached – at this time the only bill ready to be paid is for Fuss & O’Neill for the Peer Review of the Quality Fleet Service, Inc. Stormwater Management plan.

Agenda Item #3 – Major Earth Fill Request – Amherst Road – Pete St. Jacques

In July 1997, the Planning Board granted an excavation permit approval to Pete St. Jacques to excavate sand from this site subject to various conditions. This work was completed and the Board granted a refund of the Performance Guarantee last year. The tract consists of two parcels totaling 11.4 acres located on the north side of Amherst Road and is zoned Agricultural (see map and aerial photo below) .



Mr. Pete St. Jacques has submitted a letter expressing his intent to add 15,000 cubic yards of clean fill to the existing site. This additional fill would allow the bottom of the pit to be raised by approximately 10 feet with the final result being a shallower pit with shorter slopes and graded and stabilized site (see attached letter).

Since the original permit was granted, the Zoning Bylaw has been amended to require that “Major Earth Removal, Excavation, and/or Fill Activities” be approved by Special Permit. Such activities are described as involving “the removal, excavation, and/or addition of 5,000 or more cubic yards of material for use on parcels of land other than the parcel(s) from which the materials were removed or extracted.” Further, the 2001 amendment prohibits such Major activity “in the area bounded as follows: on the south by Route 47, Pearl Street, and Route 116; on the east by Route 116 and the Granby Town Line; on the north by the Amherst and Hadley Town Lines; and on the west by Route 47 and the Hadley Town Line.”

Mr. St. Jacques’ proposed site lies within the prohibited area. However, as the person who drafted that amendment, it was never envisioned as prohibiting the filling in of a previously closed excavation pit. At the time, the Board and I were looking to control excavation activities. In a sense, what Mr. St. Jacques is seeking to do is to continue the reclamation of the previously excavated sand pit. If the permit had not been “closed” last year, in my opinion, he would have been allowed to continue to fill the site with clean fill up to the contour of the site prior to its excavation.

The question is whether a Special Permit should be required or whether the provision of the Zoning Bylaw should be interpreted as prohibiting filling in of a closed sand pit.

I will be consulting with the Building Commissioner on this matter prior to the meeting to ascertain her opinion on the reasonable interpretation of the Zoning Bylaw in this instance.

ACTION NEEDED: Determine whether the new provisions of Section 8(E) should strictly apply to this instance.

Agenda Item #4 – Know Your Town Forum

Arrangements have been made for Know Your Town to put on a forum regarding the Planning Board plans and proposals. I think it would be helpful for the Board to discuss the forum – particularly in light of some of the promotional emails which have suggested topics that the Board has never discussed and incorrectly portrayed the Conversion of 1-family to 2-family proposed Bylaw amendment.

I think the KYT forum will give the Board an opportunity to briefly outline what the Planning Board is proposing to undertake over the next year – the Housing Studies, the 40R District amendments, 43D Expedited Permitting, and the Conversion amendment – and review the opportunities the public will have to participate in the discussion of these items. I am not posting the KYT meeting as a Planning Board meeting for a variety of reasons – not the least of which is that we may not even have a quorum of the Board at KYT. Thus, discussion of policy issues would be inappropriate. Given the October 19th public hearing scheduled for the amendments and the two scheduled meetings between October 19th and the Special Town Meeting, it would

seem there will be plenty of time to discuss the pending amendments at posted Planning Board meetings.

ACTION NEEDED: No particular action is needed, but the Board may wish to review the amendment proposals and the various project schedules.

Agenda Item #5 – Proposed Warrant Articles

I have advertised a October 19th Public Hearing on articles regarding the following amendments/Town Meeting Warrant Articles:

- a. South Hadley Falls 40R District
- b. 43D Priority Development Districts – Expedited Permitting
- c. Conversion of Single-Family to Two-Family

We have received the Preliminary Approval on the South Hadley Falls 40R District. I have posted on the Town website the materials which the State has approved at the following link: <http://ma-southhadley.civicplus.com/726/Planning-Board-Town-Meeting-Articles>

I will have copies of the 40R District materials at the meeting on Wednesday.

As the Board discussed at the last meeting, I made some revisions to the discussion draft of the Conversion Bylaw amendment and posted the public hearing draft on the website at: <http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1794>

I am in the process of compiling the research on the specific properties which would potentially qualify under the draft amendment. This information will be available at the meeting – if not before.

As noted previously, I researched the locations which the Zoning Bylaw would allow for a Professional Business or Bed & Breakfast Special Permit as a basis for the Conversion Bylaw amendment. Generally, the areas related to Route 116 are as follows:

Professional Business:

Route 116 west side: From Connecticut River to 830 feet south of Leahey Avenue

Route 116 east side: From Connecticut River to 1,115 south of Burnett Avenue

Bed & Breakfast Home (up to three rooms): All roadways as long as zoning district allows

Bed & Breakfast Inn (up to 5 rooms):

Route 116: From Route 202 to the limits of sewer on Amherst Road

(Note: south of Route 202 lies within the South Hadley Falls Overlay District in which Bed & Breakfast Inns of up to 10 rooms may be permitted.)

(I have requested that the DPW verify the current limits of sewer on Route 116 as well as Routes 33 and 202, but have not yet obtained a response.)

ACTION NEEDED: While no action is required at this point, it would be a good opportunity to provide some feedback as to the content of the proposed amendment and additional information materials you would like compiled.

Agenda Item #6 - Development Update and Planner's Report

I will provide a report on the following items:

a. *Development Report*

- *Annafield Estates Subdivision*
- *34 Bridge Street*
- *One Canal Street and 27 Bardwell Street*
- *Mountainbrook Street Acceptances*
- *Rivercrest Condominiums*
- *Ethan Circle*
- *19 Woodbridge Street*
- *Commercial Developments*

b. *Housing Studies*

c. *Special Town Meeting*

The Special Town Meeting is scheduled for November 18, 2015. Deadlines for the articles are:

- October 19th (preferably earlier): Submittal of articles in final form for Town Meeting consideration
- November 9th (or thereabouts): Pre-Town Meeting forum on articles

d. *Other Projects*

- *South Hadley 43D Expedited Permitting District.*
- *MassWorks Application.*
- *Permitting Guide.*
- *General Code.*

e. *Professional Development Day – Was held on September 11, 2015; however, I was on vacation. Use of the Town's website was apparently the focus of the session.*

f. *Workshops/Training Opportunities*

CPTC Fall 2015 Workshops are beginning in early October and run through part of December. Some of these workshops are held in Western Mass. Registration for each of the workshops is \$30 per person. Several workshops being held in Western Mass may be useful for us – Site Plan Review, Special Permits & Variances, and Writing Reasonable and Defensible Decisions. Therefore, I have copied the information for the workshops being held at the PVPC (Springfield), Franklin COG (Greenfield), and the Berkshire Regional Planning Commission (Pittsfield) offices:

Site Plan Review

The Zoning Act does not contain any provisions for the review of site plans; however the process can be a very effective tool for a board to review the details, aesthetics and impacts of a potential project. This course explains the difference between site plan approval and special permits; the review process; the types of conditions a board may impose; reasons for disapproval; the appeal process and the types of information a town can require to be shown on a site plan. MIIA credit

- *Course #1. Site Plan Review, 10/8/15, 6:45 pm at PVPC, 60 Congress Street, 2nd Floor, Springfield. Sponsor; Pioneer Valley Planning Commission*
- *Course #3. Site Plan Review, 10/14/15, 6:00 pm at FRCOG, 12 Olive Street, 1st Floor Conference Room, Greenfield. Sponsor; Franklin Regional Council of Governments*

Special Permits and Variances

Participants will hear the difference between special permits and variances; the issues and criteria for decision-making; timeliness; and procedural requirements. MIIA credit, Certificate II

- *Course #21. Special Permits & Variances, 11/12/2015, 7:00 pm at BRPC, 1 Fenn Street, Suite 201 Pittsfield. Sponsor; Berkshire Regional Planning Association*

Writing Reasonable and Defensible Decisions

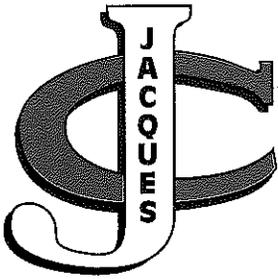
This course covers some key points that will assist boards in writing clear and defensible decisions. It describes criteria that should be contained in local zoning regulations and how these regulations relate to the types of conditions a board may impose when approving a special permit or variance application. MIIA credit, Certificate I

- *Course#16. Writing Reasonable & Defensible Decisions, 11/4/2015, 6:00 pm at FRCOG, 12 Olive Street, 1st Floor Conference Room, Greenfield. Sponsor; Franklin Regional Council of Governments*
- *Course #27. Writing Reasonable & Defensible Decisions, 12/10/2015, 7:00 pm at BRPC, 1 Fenn Street, Suite 201 Pittsfield. Sponsor; Berkshire Regional Planning Agency*

I will plan to attend the Site Plan Review workshop and possibly the Writing Reasonable and Defensible Decisions workshop in Greenfield.

Agenda Item #7 – Other New Business

I have included this agenda item for Board members to bring up new items (for discussion and future consideration) that are not on the agenda and which the Chair could not reasonably expect to be discussed/considered as of the date which the agenda was posted.



JACQUES CONSTRUCTION, INC.

**2 INDUSTRIAL DRIVE
(413) 539-9331**

**SOUTH HADLEY, MASS. 01075
FAX: (413) 539-9378**

Oct. 2, 2015

South Hadley Planning Board
Town Hall
116 Main St.
South Hadley, MA. 01075

RE: Land on Rt. 116

In regard to the above mentioned property, I am notifying the Town of South Hadley of my intent to place additional fill and re-grade the property in an effort to improve the slopes and raise the elevation of the floor.

Currently, the entire area is stabilized with vegetative cover and appropriate slope grading. Generally, the slopes extend to the bottom of the former pit floor.

The plan is to import approximately 15,000 cubic yards of clean fill. This quantity would allow the elevation of the pit floor to be raised approximately 10 feet above the existing elevation. Access to the lower elevation would be gained utilizing former haul roads within the pit limits, so disturbance to the area would be minimal.

Upon installation of the fill, all areas would be graded and stabilized in a manner similar to existing conditions. Seed on all areas for permanent cover and stabilization where disturbed.

The overall intent is to raise the elevation of the floor of the former pit, which results in a shallower hole and reduces the length of the slopes. A firm, stabilized area, similar to the current state of the property, will be the final condition.

Thank you for your consideration in this matter.

Sincerely,

Pete St. Jacques

- Commercial and Industrial Buildings
- Roads and Utilities

- Complete Site Development
- Equipment Rental