

SOUTH HADLEY PLANNING BOARD REGULAR MEETING

MINUTES OF AUGUST 15, 2016

As Approved September 12, 2016

Present: Jeff Squire, Chair; Mark Cavanaugh, Vice-Chair; Brad Hutchison, Member; Melissa O'Brien, Member; and Richard Harris, Town Planner

Mr. Squire called the meeting into session at 6:01 p.m.

Mr. Squire recessed the meeting for the public hearing at 6:01 p.m.

1. **PUBLIC HEARING: Proposed removal of trees along Alvord Street – a designated scenic roadway**

The Public Hearing was held. (See minutes of Public Hearing.)

The meeting reconvened at 6:20 p.m.

2. **Consider Release of Performance Guarantee for Jacobs Edge Condominiums**

Mr. Harris explained that the Town held a Performance Guarantee for drainage work at this development – a standard practice. The terms of the guarantee provide that it could not be released until at least 75% of the units were completed. The development is now well beyond that limit as all of the buildings have been constructed though the interior work has not been completed on all of the units. Therefore, the developer has requested the letter of Credit be released and Mr. Harris recommended that the Board release the Letter of Credit for this development.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to find that the conditions for granting the release of the Performance Guarantee for Jacob's Edge condominiums have been satisfied and to release the Performance Guarantee as requested.

The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

3. **Consider Release of Performance Guarantee for Stonybrook Village Condominiums**

Mr. Harris explained that, as with Jacob's Edge, the Town held a Performance Guarantee for drainage work at this development – a standard practice. The terms of the guarantee provide that it could not be released until at least 75% of the units were completed. The development is now well beyond that limit as all of the buildings have been constructed though the interior work has not been completed on all of the units. Therefore, the developer has requested the letter of Credit be released and Mr. Harris recommended that the Board release the Letter of Credit for this development.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to find that the conditions for granting the release of the Performance Guarantee for Stonybrook Village condominiums have been satisfied and to release the Performance Guarantee as requested.

The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

4. Consider Status of Lawrence Avenue

Mr. Harris provided background to this issue noting:

- The Town auctioned off the last lot on Lawrence Avenue to a builder seeking to construct a residence on the lot.
- However, the status of Lawrence Avenue has been called into question – the Hillcrest Park Condominiums holds an easement across the subject lot but has refused to release the easement on advice of their counsel due to the status of Lawrence Avenue
- On October 21, 1952, Town Meeting voted unanimously to accept Lawrence Avenue from Granby Road for a distance of 600 feet, as a public street.
- While the Warrant Article included the words “plus or minus” after “600 feet”, the action motion at Town Meeting did not include “plus or minus”; therefore, only the first 600 feet is considered “accepted”.
- The distance or length of Lawrence Avenue to the Hillcrest Park Condominiums is approximately 635-650 feet (depending on how it is measured).

Mr. Harris noted, for the record, that he owns and resides in a condominium in Hillcrest Park. Therefore, he is not providing the Board a recommendation but has discussed the matter with the Town Counsel and Town Administrator and is conveying to the Board the Town Counsel's recommendation.

Town Counsel Ed Ryan has suggested that, given the language of the 1952 Town Meeting motion, the Board does not have a basis for saying that all of Lawrence Avenue was accepted. However, Town Counsel Ryan has suggested that the Board could take a vote to indicate if it would support the acceptance of Lawrence Avenue at the next Town Meeting.

Mr. Cavanaugh inquired if this was an issue because the lot that was sold by the Town lacks adequate frontage. Mr. Harris responded that was not the case. The subject lot has more than the required frontage but the easement held by Hillcrest Park Condominiums precludes erecting the house that is being proposed.

Motion - Mr. Cavanaugh moved and Ms. O'Brien seconded the motion to state that the Planning Board would support the acceptance of the balance of Lawrence Avenue from the Hillcrest Park condominiums property to the present “accepted end” of Lawrence Avenue. The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

5. Consider request to reduce the Stormwater Management Performance Guarantee for the Rivercrest Condominiums development off Ferry Street

Mr. Harris reviewed the background of this issue. He noted that when this development was approved, in accordance with the Board's practice and the Zoning Bylaw, the Board required

a Performance Guarantee for the Rivercrest project to cover stormwater management. The developers have requested a reduction in the amount of the Performance Guarantee. He reviewed the portion of the Special Permit conditions of particular relevance to the request noting they are not asking to be “released” from the Guarantee but to have the amount reduced.

Mr. Harris noted that the amount of the Performance Guarantee, \$350,000, was set by the Board based on the original estimate for completing the Stormwater related improvements plus a contingency factor including installation of the catch basins, manholes, and piping of the entire roadway (driveway).

Mr. Harris noted that the developer has previously reported and Mr. Harris has reviewed the site and verified the work, currently have 11 of the 29 units are more than framed and two more units are being built (foundation is in and they are being framed). Excavation has also occurred for several more foundations. With the roadway constructed and nearly half of the building "structures" in place, a significant portion of the post development drainage is occurring – when we have rain.

Mr. Harris stated that the purpose of the Performance Guarantee is to ensure there are funds necessary to correct any drainage issue which arises because the system does not perform as designed. At present, there is no indication that is occurring. Further, if something were to not function, it would most likely require work on the Stormtech or the basin – not the catch basins, manholes, etc.

Given the above conditions, Mr. Harris suggested that it would be reasonable to assume that, if the Performance Guarantee were to be established today, the catch basins, etc. would not be included in the cost for the Performance Guarantee (thus eliminating the \$138,593 item). Therefore, the, the basis for the amount of the guarantee would be approximately \$169,184. This would likely result in Performance Guarantee being set at \$175,000 to \$200,000 - which would include a contingency.

Mr. Squire commented that he did not have a real issue with a reduction as is being requested. But, asked if others had any comments.

Ms. O'Brien inquired if other developers with the same type of guarantee have submitted requests for reductions. Mr. Harris responded that he was not aware of any such requests. However, given the same circumstances as this development, he would recommend reductions if they did make such a request.

Mr. Cavanaugh noted the wording of the Decision leaves a significant security for the Town – the developer has to maintain the amount of the guarantee even if the Town seeks to use a portion.

Mr. Harris stated that the likely scenario is that we would never have to use the Guarantee. He noted that a similar Guarantee was in place for Mountainbrook Subdivision. There was an issue with a basin there and the Planning Board expressed interest in using the Guarantee.

However, the developer provided funds for a Peer Review and then used their funds to remedy the problem. The last thing a developer wants is a Town contacting a guarantor and seeking funds.

Ms. O'Brien expressed concern about setting a precedent with this reduction.

Mr. Hutchison indicated he was comfortable with the request in general.

Mr. Cavanaugh noted that he has been to the site and the work is going forward very well.

Mr. Squire asked if reducing the Guarantee to \$200,000 instead of \$150,000 or \$175,000 would be more acceptable.

Ms. O'Brien indicated that a lesser reduction may be better.

Motion - Mr. Hutchison moved and Mr. Cavanaugh seconded the motion to reduce the amount of the Performance Guarantee for Rivercrest Condominiums to \$200,000 from its current \$150,000. The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

6. Discussion of the South Hadley Urban Renewal Plan

Frank DeToma, Chair of the Redevelopment Authority, introduced the various members of the Authority who were present as well as their consultant – Kathy McCabe. He stated that they had received comments on the draft plan and valued those comments. To the extent possible and appropriate, they have incorporated those comments and suggestions into the revised plan. He stressed that they need good working relationships with various Boards and Departments including the Planning Board for them to be successful. Accordingly, they are intending to slow down the adoption process as this will provide more time for consultation with the various Boards, Departments, and the public.

Kathy McCabe provided a PowerPoint which detailed the Redevelopment Plan process including the roles of the various Boards particularly the Planning Board and Selectboard. She reviewed the timeframes for the process but also noted that the Redevelopment Plan is a work in progress.

Given that the revised plan was only received recently by the Board, Frank DeToma suggested that the Authority would be back at the September 12th meeting to discuss the details of the plan further.

There was discussion about the financial “piece” is still being worked on.

Mr. Squire thanked Kathy McCabe and the members of the Authority for attending tonight's meeting.

7. Discussion of the Housing Production Plan and Multifamily Study with PVPC staff.

Shawn Rairigh, Senior Planner with the Pioneer Valley Planning Commission was present to review the draft Housing Production Plan. He noted that it was sent out Friday which was not enough time to have the Board members review before tonight. He highlighted key findings which included the need for more rental housing, smaller houses, and the significantly growing share of the housing market by elderly and their changing housing needs. To meet the annual goals for “affordable” housing, the Town needs to have 35 units added to the (Subsidized Housing Inventory (SHI) each year. If the Town achieves this goal, it has a 1 year “safe harbor” under Chapter 40B. If 70 units are completed in a year, the Town would have a 2 year “safe harbor” period.

There was discussion as to how the Town can achieve the goals. It was noted that “group homes” add to the SHI. In a group home, each “client” or “resident” of the home counts as a separate “unit” on the SHI. All or a portion of units created by the 40R program count towards the SHI – depending on whether they are rental or owner-occupied. Some of the other strategies recommended in the plan were also reviewed.

One of the recommendations was regarding an Affordable Housing Trust (AHT). Mr. Harris noted that Town Meeting had created the AHT and the Selectboard had appointed the Redevelopment Authority members as the AHT. Linda Young, 15 Westbrook Road, inquired about changing the appointment to a separate board or committee.

There were various suggestions and comments made regarding Linda Young’s inquiry. It was suggested that a “partnership” including HAP, Inc., the Housing Authority, and a few other specific entities could serve the purpose but not have the legal authority of the AHT. Mr. Harris suggested that if, there is a desire to have a “partnership” replace the Authority as the AHT, then there should be a specific proposal with commitments from the participating entities presented to the Town Administrator and Selectboard.

As the discussion concluded, it was suggested that the Planning Board members provide Mr. Harris with any comments on the draft plan by August 29th so that the plan can be revised and considered at the next Planning Board meeting.

Mr. Squire thanked Shawn Rairigh and members of the public for attending and participating.

8. Discussion of Professional Business at 2078 Memorial Drive.

Mr. Harris provided some background on the property and the issue noting that 2078 Memorial Drive is zoned Residence A-1 but is located in an area in which Professional Business may be permitted by Special Permit. The property was approved for use as a Professional Business for the Demers Family Wireless business but has been vacant for a while. Spectrum Crafts of Bohemia, NY has expressed interest in using the space for their Research & Development operations.

Mr. Harris provided a portion of an email which described how the proposed would be used. Essentially, it would be the sales, marketing, and design staff of the corporation but all production would be undertaken elsewhere. He suggested that, if this were a consulting firm

which contracted with one or more manufacturing entities there would be no doubt that it would qualify. However, he wanted to receive feedback from the Board on this issue. In doing so, he suggested that the Board separate it from the property but focus on the “policy” issue of whether this type of operation could fit into a “Professional Business” Special Permit use.

Members discussed the issue. Mr. Squire opined that he did not see any problem with this fitting into the “Professional Business” Special Permit use. Mr. Cavanaugh noted that there is usually level of “production” associated with design and marketing but it wouldn’t seem to reach level of “manufacturing”. All four members indicated they could approve a “Professional Business” Special Permit for this type of use in the appropriate location.

Mr. Harris stated he would convey that to the prospective business and indicate they can proceed with a Special Permit application.

9. Execute Performance Bond Agreement for Ethan Circle Subdivision

Mr. Harris noted that the Board had agreed to Release the Covenant Agreement if an acceptable Financial Guarantee was provided. The developer has provided cash security which has been deposited with the Town Treasurer. The Board needs to execute the Performance Bond Agreement which secures the Financial Security. The four members present, signed the Agreement.

10. Discussion of Bylaw amendments for Fall Special Town Meeting

Mr. Harris stated that he would anticipate the Special Town Meeting to be held in November as that has been the month in which it has been often held. Therefore, the Board only has the rest of August, September and October to complete drafting articles, holding the public hearing, etc.

At this point, he suggested that it is unlikely that there would be any articles ready regarding the housing studies, design review, or signs. He identified the following as potential warrant articles:

- Domesticated pets – Zoning
- Solar Energy Amendment to address solar farms – Zoning
- Application Requirements for the Stormwater Management Bylaw – General Bylaw

He also suggested that he could have some amendments as “short-term fixes” for the Zoning Bylaw. For example, under the sign regulations, he noted that developments in residential and agricultural zoning districts are not permitted to have signs. However, many such developments (Stonegate/San Souci, various multifamily developments, etc.) have such signs. They were likely installed as temporary construction signs and morphed into the permanent, attractive monument signs.

The Solar amendment could be controversial as it will allow for installation of solar fields in selected areas – by right in some cases. Several members suggested it would be appropriate to start a conversation about the solar energy amendment.

11. Set Meeting Schedule for October, November, and December 2016

Mr. Harris reviewed the meeting schedule for the last 3 months of this calendar year and noted holiday and other conflicts and asked the Board to set meeting dates for these 3 months.

After discussing the various options, all members present indicated that the following dates would work: October 17, October 24, November 14, December 5, and December 12.

However, it was noted that October 24 and December 12 would only be used if necessary and the November 28th meeting would be cancelled.

12. Minutes

a. July 18, 2016 Planning Board meeting minutes

Mr. Harris referenced the draft minutes which he distributed. The Board members reviewed the draft minutes.

Motion - Ms. O'Brien moved and Mr. Cavanaugh seconded the motion to approve the July 18, 2016 Planning Board Meeting minutes as submitted. The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

13. Bills and Correspondence

Mr. Harris noted that he previously distributed a list of correspondence and referred to a list of Additional Correspondence. He noted that the only bill to be approved is for payment to Turley Publications for the Public Hearing Notice in the Town Reminder (for tonight's hearing). The total bill is for \$ 107.76. Due to the timing of the bill and the meeting, the bill has been processed for payment but the Board's ratification of the payment is needed.

Motion - Mr. Cavanaugh moved and Mr. Hutchison seconded the motion to ratify payment of the Turley Publications bill in the amount of \$107.76. The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

14. Development Update and Planner's Report

Mr. Harris reported on the following developments and activities:

a. Development Report

- One Canal Street – He noted he has reviewed and commented on a draft of the application narrative. They have submitted a revised draft which is currently being reviewed and is anticipating submittal of an application during August.
- Newton Street Duplex (383 Newton Street) – He stated he has also reviewed and commented on a draft of the plans and application narrative for this project. An application is anticipated to be submitted very shortly.
- Single-family Conversion on Brockway Lane – (No change)
- The Castle – Mr. Harris was notified that an application for a Flag Lot Special Permit is being prepared for submittal involving this property.
- Mountainbrook Street Acceptances (no change)
- Rivercrest Condominiums - (discussed previously)
- Ethan Circle – (discussed previously)

- Orchard's Golf Course and Club House – (no change)
- Potential Subdivisions – He stated that he has had discussions with several persons who are considering purchasing property in district 2 for residential subdivisions.
- Western Mass Yacht Club (no change)
- Zoning for small domesticated pets – pot belly pigs, miniature goats, etc. – (no change)
- Potential additional 40R district(s) – As an outgrowth of the Housing Production Plan and discussions with others, I am exploring the creation of additional 40R district(s) which could help us stimulate the business development while also meeting our 10% housing goal. Due to the nature of the 40R program, these areas would be in areas of concentrated development already served by the PVTA.

b. Other Projects

- Urban Renewal Plan and Redevelopment Authority. (discussed previously)
- Housing Studies. (discussed previously)
- Complete Streets Program. Mr. Harris stated that he is working with the PVPC to develop a scope of work so that we can submit the Town's request for Complete Streets funding to develop the Town's Prioritization Plan.
- MassWorks 2016 Application. Mr. Harris is working on filing the 2016 MassWorks Grant application which will, again, focus on improvements in the Falls supporting the Smart Growth District and Redevelopment Plan
- Chapter 43D Expedited Permitting Program. Mr. Harris stated he is working on the application and anticipates submitting the application to the State for approval shortly.
- Participating in the Regional Valley Bike Share planning process with the Town Administrator
- Participating with the Bike/Ped planning process.
- Mount Holyoke College Intern Opportunity
- Permitting Guide.
- General Code.
- Health Impact Assessment. PVPC staff are scheduled to meet with the Board in September on this project.

c. Workshops/Training Opportunities

Mr. Harris stated he is planning to attend the following:

- "The "2016 Moving Together Conference - MassDOT's Annual Statewide Healthy Transportation Conference" to be held September 29, 2016
- "2016 Southern New England American Planning Association Chapter Conference" scheduled for October 20-21, 2016.

15. Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

Ms. O'Brien inquired about the Associate Member position. Mr. Harris stated he has not heard thing but will inquire. If any members know someone who would be interested and good in the position, they should encourage the person to apply.

16. Adjournment

Motion – Ms. O’Brien moved and Mr. Cavanaugh seconded the motion to adjourn. The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

AS APPROVED

Richard Harris, Recorder

Attachment A

List of Documents Reviewed in August 15, 2016 Planning Board Meeting

Document

Record Location

Planning Board Meeting Agenda and Background Information	Planning Board Agenda Packet Files
Zoning Bylaw	Planning Board Files
South Hadley Master Plan	Planning Board Files
Hand out on Redevelopment Plan	Planning Board Files
Draft Housing Production Plan	Planning Board Files
Jacobs Edge Condominiums Request	Planning Board Project Files
Stonybrook Village Condominiums Request	Planning Board Project Files
Rivercrest Condominiums Request	Planning Board Project Files
2078 Memorial Drive Decision/Request	Planning Board Project Files

SOUTH HADLEY PLANNING BOARD & TREE WARDEN JOINT PUBLIC HEARING

REQUEST TO REMOVE TREES ON A SCENIC ROADWAY (ALVORD STREET) BY SOUTH HADLEY DPW

MINUTES OF AUGUST 15, 2016

As Approved September 12, 2016

Present: Jeff Squire, Chair; Brad Hutchison, Member; Melissa O'Brien, Member; Chris Ryan, Tree Warden; and Richard Harris, Town Planner

Mr. Squire called the public hearing to order at 6:00 p.m.

In the absence of the Clerk, Mr. Harris read the notice of the Planning Board public hearing:

The South Hadley Planning Board AND South Hadley Tree Warden, in accordance with the provisions of Chapter 40, Section 15C, Massachusetts General Laws, will hold a joint public hearing on Monday, August 15, 2016 at 6:00 p.m. in the Selectboard Meeting Room of the Town Hall to discuss the proposed removal of 10 trees along Alvord Street as part of the proposed roadway improvement to Alvord Street. The 10 trees which are the subject of this hearing are described as follows:

1. One Tree – Across from #18 Alvord Street
2. Eight Trees – North of #31 Alvord Street
3. One Tree – North of River Lodge Road

Any person interested or wishing to be heard regarding this request should appear at the time and place designated.

Joan Rosner, Clerk
South Hadley Planning Board

Published: Friday, July 29, 2016
Friday, August 5, 2016

Vivian Price, DPW Operations Manager reviewed what is being proposed noting that the DPW is planning to widen Alvord Street by a couple of feet – ultimate width of 26 feet plus a berm which would make it 28 feet in total. The DPW Superintendent, Jim Reidy, has stated that the speed limit is intended to remain the same as it is presently.

Vivian Prices added that most of the subject trees are either in the road or are damaged by the road. In response to a question from Ms. O'Brien, he stated that the subject trees have

been marked. Mr. Cavanaugh stated he saw the trees and they appear to be right behind the roadway.

Chris Ryan, Tree Warden, commented that he has reviewed the trees and believes they would not have a chance to survive with the proposed road project. He described the policy to replace trees that are removed and reviewed the species of the replacement options.

Linda Young, 15 Westbrook Road, stated that for the good of the Town the trees should be taken down. She further suggested that replacement trees should be planted in the same vicinity and bicyclists will benefit from the roadway project.

Maryanne Millard, _____ stated she concurred with Linda Young's comments. She added that she would like to see a multi-use path.

Chris Ryan described the policy on tree setbacks.

_____ inquired as to the size of the trees that exist and potential replacements.

Mr. Squire asked if there were plans for replacement. Vivian Price responded that there are such plans.

Mr. Squire asked if there were further comments. There being none, he asked if there was a motion regarding this matter.

Motion – Ms. O'Brien moved and Mr. Cavanaugh seconded the motion to approve the request to remove the specified trees for this roadway project. The Board voted **Four (4)** out of **Four (4)** members present in favor of the motion.

Mr. Squire closed the public hearing.

Respectfully submitted,

AS APPROVED

Richard Harris, Recorder