Background Materials for September 21, 2015

Agenda Items #1 through #8

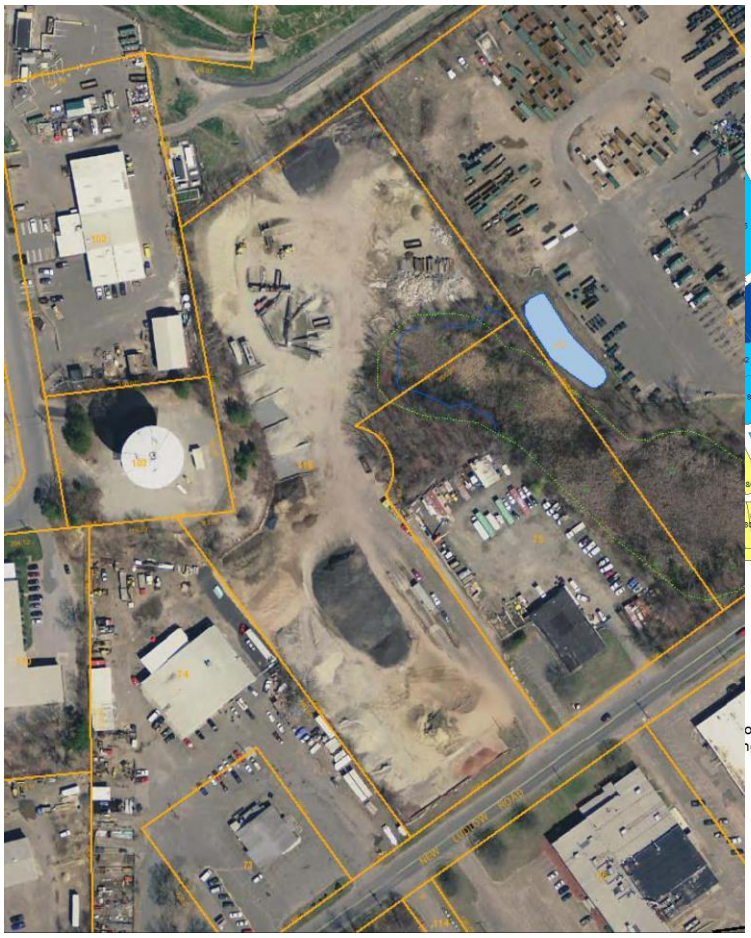
Agenda Item #1 – Minutes
I have attached draft copies of the following minutes to the email transmittal for your consideration (these were previously transmitted to the members)

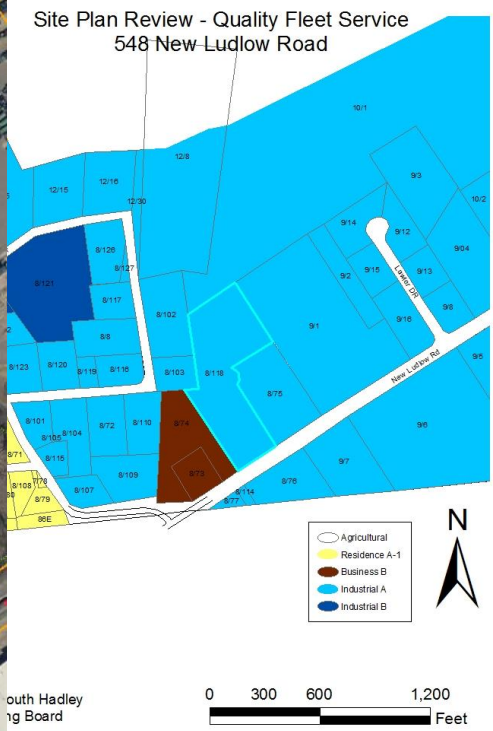
1). August 31, 2015 Planning Board Meeting

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 there are no bills to be paid.

Agenda Item #3 – Public Hearing – Quality Fleet Service, Inc. 6:45 p.m.
Quality Fleet Service, Inc. has submitted applications for Site Plan Review and a Stormwater Management Permit to construct a 14,580 square foot commercial facility to be used for vehicle maintenance. Other elements of the project include provision of 61 parking spaces, stormwater management, utilities, landscaping, and related improvements. The site has previously been used by St. Jacques for sand and gravel storage and related operations. The subject property consists of a 6.72 acre parcel located off the north side of New Ludlow Road at 548 New Ludlow Road and is presently zoned Industrial A (see map and aerial photo below) .





Below is an excerpt from the company's website to provide some background:

> *Since 2005, Quality Fleet Service Inc. has grown from a small one mechanic shop to a 5,000 square foot full-service garage with a fleet of four service trucks equipped to perform any of your on-site repair or maintenance needs.*
>
> *At Quality Fleet Service, Inc. we specialize in forestry and utility equipment, with our services ranging from both light duty trucks to heavy equipment. As a Perkins, Kolher Diesel and Kubota factory authorized parts and repair facility, our services also include anything from performing preventative maintenance to complete hydraulic or engine rebuilding of gas and diesel machines.*

In a subsequent narrative submittal, the applicant explained that 4,800 square feet of the proposed building is to be used for a secondary tenant – cellulose insulation installer. Over a longer term, the applicant may occupy all of the proposed building. Parking calculations were made based on the joint occupancy of the property by the applicant and his rental tenant.

A copy of the application submittals have been posted on the Town's website at the following link: http://ma-southhadley.civicplus.com/316/Project-Plans-M-Z look for "Quality Fleet Service" – four separate files containing the submittals:

> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1656
> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1657
> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1658
> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1659

Fuss & O'Neill – engineers were retained to conduct a Peer Review of the Stormwater and wetlands submittals.

> Their review was completed and submitted on August 5, 2015 and posted on the website at the following link:
> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1689
>
> The report was forwarded to the applicant's consultant who reviewed the report and made revisions to the application materials as necessary. Subsequent to the August 24th meeting, Fuss & O'Neill reviewed the revised materials and submitted a review August 28, 2015 which is posted at the following link:
> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1754
>
> In response to changes made by the applicants, the firm submitted the Final Peer Review which indicated all issues have been addressed and noted that the remaining item involves a request for a waiver from the Planning Board. This Final Review is posted at the following link:
> http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1752

The revised materials (revised prior to August 24th) – in response to the initial Stormwater Management peer review are also posted on the Town's website at the following links:

http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1692
http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1691

Revised materials submitted subsequent to the August 28th Peer Review Report are posted at the following link:
http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1746

I should note that the Final Peer Review is dated August 31st and was based on materials submitted to the Town September 1st by the applicant but had been submitted directly to Fuss & O'Neill previously.

Comments have been solicited from the various departments pursuant to the Planning Board's Rules and Regulations. The deadline for comments was July 28, 2015. To date, comments/responses have been received (either via email and/or the ViewPermit program) as noted below:

- Police Chief David Labrie stated that there do not appear to be any public safety concerns with the site plan submitted for 548 New Ludlow Road.

- Conservation Commission Administrator noted that the project is undergoing third-party review for stormwater management. The Conservation Commission continued their hearing until September 2, 2015.

- Fire District #1 Fire Department offered the following comments:
  1). Would like to verify that there is full access around the building for Fire Apparatus.

  2). Move proposed fire hydrant closer to or past front corner of building as long as it is within 50 feet of FDC. The current location would put our apparatus inside the 30ft alleyway, which is too close to the building.

  3). Fire Sprinkler and Fire Alarm requirements will be determined by use group of building (Possible mixed use) as required by Building Code.

- Director of Public Health Sharon Hart initially offered the following comments in July:
  1). The stormwater detention must be empty within 72 hours of any storm event - that is also in the Stormwater Management Bylaw
  2). She did not witness any test pits or perc tests for the detention site. It is our practice to have the Department witness such tests. In the past, we had several cases in which the engineers relied upon nearby results or the general soils information and the detention basins did not work as intended which resulted in standing water or worse.

  <u>However,</u> in August, Ms. Hart updated her comments as follows:
  1). Perc and soils tests were witnessed by BOH representative. The Perc test was successful at the detention basin location.

2). Stormwater by law and BOH regulations, no standing water after 72 hours.

- Fire District #1 – Water Department Water Superintendent Jeff Cyr noted his approval of the project in August but added the following comments:
  1). Considering the Proposed Water Main will be serving both Fire and domestic service, the size will need to be increased to 8" D.I. That is the minimum size the District accepts.
  2). Due to the fact that the domestic service will be coming directly off of the Water main, a 30- foot wide easement will need to be conveyed to the District (15 feet on each side of the water main). All costs associated with producing and recording that easement will be the responsibility of the developer. Said easement must be reviewed by the Districts' legal counsel prior to recording.
  3). The District can perform the 8" Tap for the Tapping sleeve and valve for a fee.
  4). Only District Personnel are allowed to operate gate valves within the distribution system.
  5). All materials and all practices relative to the installation of the proposed water main must be in compliance with the Districts' Rules and Regulations for development. Those can be found on our Website.

No comments were received from the Building Commissioner, SHELD Manager, or DPW Superintendent. However, given that Fuss & O'Neill serve as the Town's consulting engineer, I believe the DPW Superintendent was deferring to the firm for their comments.

The August 24th Public Hearing was continued for the sole purposes of giving the Conservation Commission an opportunity to determine whether more revisions are required and to allow Fuss & O'Neill to complete the Peer Review process. The Conservation Commission closed their hearing and approved the project based on the latest revisions and the Peer Review Final Report. An Order of Conditions and Special Conditions were issued by the Conservation Commission on September 15, 2015.

The remaining issue is in regards to Section 16-4.6.D that the applicant provide a full TV inspection of the drainage pipes installed. The Peer Review Report noted that they agree with the applicant that there are few pipes to be installed and all are to be maintained privately; however, this is a matter for the Planning Board to act upon.

ACTION NEEDED: The public hearing should be closed if the Board is satisfied with the Site Plan and the Stormwater Management Plan. In regard to the latter, the Board needs to decide whether or not to grant a waiver of the Bylaw's requirement in regards to the full TV inspection.

Agenda Item #4 – Decisions – Quality Fleet Services
If the public hearing is closed, the Board needs to act on the Site Plan Review and Stormwater Management permit applications and render a decision – including the request for a waiver under the Stormwater Management Bylaw.

ACTION NEEDED: If the Board closes the public hearing, the Board should review the various criteria and render decisions on both applications.

Agenda Item #5 – Site Plan Review Approval Extension – Willimansett Street
On September 16, 2013, the Planning Board granted Site Plan Review Approval (subject to conditions) for a proposed 6,000 square foot retail/office building on Willimansett Street. Under Section 12(G)b of the Zoning Bylaw, Site Plan Review lapses after one year if work is not commenced:

> *b. Site plan approval issued under this section shall lapse at the end of one (1) year after approval if work has not commenced, except where an extension of time for good cause has been granted by the Planning Board.*

This language has always been interpreted as "site work"; however an argument could be made that working on the building plans and leasing efforts constitutes a certain level of work. Last year, the applicant submitted a request for a one year extension which was granted on September 8, 2014. The applicant's representative has submitted a letter making a request for a similar extension this year. He has also forwarded a pdf of the building plans which were recently completed (see attached letter which includes an explanation for the late building plans).

I do not believe any Zoning Bylaw provisions have been changed since the original approval which would cause nonconformity if construction followed the original plans.

ACTION NEEDED: Determine if the request for an extension is based on "good cause". If so, the Board needs to vote to grant an extension – it should be for only one year.

Agenda Item #6 – Possible Bylaw Amendments
I included this item in the event we have time to discuss possible bylaw amendments (General and Zoning) for this coming Fall Special Town Meeting. At this point, I am working on the following matters which may or may not be ready for the Fall Special Town Meeting:

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

We are still waiting for the Preliminary Approval on the South Hadley Falls 40R District. However, we have received an email notice that it appears everything is in order and we may receive the Preliminary Letter by the end of next week. Therefore, I plan to advertise for a public hearing to be held on October 7, 2015.

In regards to creation of 43D Districts, the primary Zoning Bylaw consideration relates to changes in the Zoning Bylaw which are necessary to implement expedited permitting. I don't believe the Zoning Bylaw has any procedural impediments but this is a matter which I am still exploring.

I have 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 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

Route 33: From Route 202 to Chicopee City Limit

Route 202: From Route 33 to Granby Town Line

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

Bed & Breakfast Inn (up to 5 rooms):

Route 202: From Holyoke City Limit to Granby Town Line
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.)

It is my suggestion that we apply the following limitations on any conversion to be covered by this amendment – Residence A-1:

1. The parcel must have frontage on either Route 116, Route 33, or Route 202
2. The parcel may not have access onto any road other than Route 116, Route 33, or Route 202
3. The footprint of the building may not be expanded except for possible installation of safety required items
4. The footprint of the building may not be expanded by more than 5%.
5. The exterior facade shall not be altered other than to restore its original exterior condition
6. Historical properties including buildings constructed prior to 1965 shall be eligible for conversion
7. The dwellings must be served by the Town's sanitary sewer system
8. A Special Permit shall be required

The amendment should eliminate a neighbor's ability to veto an application from being considered for approval – at least for those requests involving lots which meet the above standards. And, in my opinion, any "neighbor veto" provision should require some explanation for the objection by the neighbor reflecting one or more standards required for the issuance of a Special Permit.

I have drafted and forward to you an amendment which incorporates the above ideas.

ACTION NEEDED: While no action is required at this point, some feedback as to the content of the proposed amendment would be helpful.

Agenda Item #7 - 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***

b. *Pioneer Valley Planning Commission*

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

- October 2nd: Submittal of draft articles to Town Administrator to create a "place holder".
- 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 at the PVPC and possibly the Writing Reasonable and Defensible Decisions workshop in Greenfield.

Following a brief visit with family, I will be attending the ICMA conference September 27-30 and will be back in the office October 1st.

Agenda Item #8 – 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.

Section 12

SITE PLAN REVIEW

(As Amended through June 19, 2013 STM.)

(E) Site Plan Review Criteria

(As Amended June 19, 2013 STM.)

The Planning Board shall review the site plan and supporting data taking into consideration whether the proposed site plan reasonably fulfills the following objectives (as used in this subsection E, the word "shall" is mandatory and the words "should" and "may" are recommended but optional):

1. Compliance with all requirements of this bylaw, all other applicable regulations and bylaws, and consistency with the South Hadley Master Plan.

2. Integration of the site into the existing terrain, surrounding landscape and built environment so as to minimize disruptions to natural processes, existing land forms, architectural character, and significant vistas.

3. Site design that, to the extent feasible:
   a. avoids wetlands, wetland buffers, rivers, river resource areas, vernal pools, sensitive habitats, steep slopes, floodplains, and hilltops;
   b. minimizes obstruction of scenic views from publicly accessible locations;
   c. preserves unique natural, scenic, cultural, or historical features;
   d. minimizes tree, vegetation and soil removal and grade changes;
   e. provides open space with a scale and character that is appropriate to the surrounding area; and
   f. screens objectionable features from neighboring properties and roadways.

4. If the proposal requires a special permit, it must also conform to the special permit requirements in Section 9 of this By-Law.

5. Structures shall be compatible with the character and scale of structures in the neighborhood and zoning district.
   a. Proposed structures shall be compatible in character and scale through the use of appropriate massing, roof and wall lines, façade proportions and detailing, fenestration, ornamentation, and other architectural techniques
   b. Proposed building or buildings shall relate harmoniously to neighboring buildings and each other with adequate light, and air circulation and separation between buildings.
   c. Where appropriate, buildings shall be arranged so as to define outdoor spaces, including streets and plazas.
   d. The Planning Board may consider whether the location, size, and style of entrances are compatible with the neighborhood's character.
   e. Buildings shall be designed to avoid large expanses of undifferentiated facades, and long plain wall sections.

f. The Planning Board shall consider whether fenestration is consistent with the neighborhood's and/or Town's character. The Planning Board may consider window type (double hung, casement, etc.), alignment, proportions, percent of glazing, and proportion to façade, but may not regulate building materials.
g. Electrical and mechanical equipment (whether rooftop, ground level, or wall-mounted) shall be screened from public view using materials harmonious with the building or shall be located where they are not visible from any public way.
h. Applicants are encouraged to locate and design buildings such that they maximize solar access during cooler months and control solar gain during warmer months.

6. Landscaping shall be an integral part of the proposed site design, and shall enhance the design and arrangement of structures, define usable public and private outdoor spaces, integrate the site into the surrounding landscape, as appropriate, and provide buffering from objectionable or noxious elements both within the site between the site and the surrounding area.
   a. Landscape plantings and other landscape elements shall be encouraged to create pedestrian scale spaces and to maintain landscape continuity within the community.
   b. The need for irrigation, fertilization, and/or use of pesticides should be minimized through the selection of vegetation that thrives under the site's proposed conditions, including temperature, light, moisture, air circulation, soil type and quality, and stress from salt.
   c. The preservation of mature plant species, hedgerows, and woodlots shall be encouraged and included as a design element in the development of the site and to serve as natural buffer.
   d. Landscape buffers shall be provided between parking lots and public streets and between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland, or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses, and their location on the property and nature of buffer composition, unless this bylaw indicates that specific widths are required for a particular situation. Where excessive noise contributes to the incompatibility, sound barrier fencing may be required.
   e. Screening shall be required for loading docks, storage areas, dumpsters, utility buildings and similar features. Screening may include planted trees and shrubs, hedgerows, berms, existing vegetation, and fences.
   f. The Planning Board may require that shade trees at least six feet tall and two-inch caliper be planted and maintained at 20- to 40-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.
   g. The Planning Board may require that at least 30% of a new parking area be shaded by tree and vegetation canopies upon their full growth.

h. Where appropriate, planting areas should be designed to capture, use and infiltrate storm water runoff.

7. Site designs shall provide for the convenience and safety of vehicular, bicycle, and pedestrian movement within the site and should provide connections, wherever feasible and appropriate, to adjoining public ways and properties.
   a. The Planning Board shall encourage vehicular and pedestrian connections between adjacent sites, streets, bikepaths, and walkways to facilitate pedestrian use and to minimize traffic entering existing roads.
   b. Where appropriate, the Planning Board may require bicycle parking spaces and racks in an area that does not conflict with vehicle circulation or parking.
   c. Curb cuts shall be minimized to the extent practical. Sites should be limited to one curb cut, unless safe and effective traffic management requires multiple curb cuts or unusual hardship exists. Curb cuts shall be located so as to minimize hazardous entrances and exits and turning movements.
   d. The project, including any road and intersection improvements, shall not decrease the level of service (LOS) of adjacent roads or intersections below the existing conditions when the project is proposed. The Planning Board may consider the incremental nature of development and cumulative impacts on the LOS. This requirement to maintain LOS shall not apply to development within the South Hadley Falls Overlay District. The project proponent must demonstrate that all cumulative and incremental traffic impacts have been mitigated.

8. The site design shall provide for adequate measures to prevent pollution of surface or ground water, to minimize erosion and sedimentation, and to prevent changes in ground water levels, increased run-off and potential for flooding.

9. The site design shall minimize and/or mitigate adverse impacts on the town's services and infrastructure.

10. The site design shall minimize intrusion of light into adjacent properties and shall minimize excessive night-sky lighting while ensuring adequate light for safe use of the property.

11. The site design shall place electric, telephone, cable tv, and other utilities underground where physically and environmentally feasible.

12. Drainage of the site shall recharge ground water to the extent practical. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads or increase turbidity of water flowing off-site.

13. In order to create more walkable and pedestrian-friendly developments, minimum frontage occupancy requirements apply in certain locations to create a sense of enclosure in the streetscape. As used herein, "frontage occupancy" means the percentage of the lot width at the front of the building that must be occupied by the façade of a building.
    a. Minimum frontage occupancy requirements apply to the following use categories as shown on the Use Table in Section 5E:
        i. Business
        ii. Public and Institutional
        iii. Multi-family dwellings
    b. A minimum frontage occupancy of 80% is required in the South Hadley Falls area along Main Street from Carew Street to Pleasant Street and along Bridge Street from one parcel Main Street to Lamb Street.
    c. A minimum frontage occupancy of 50% is required along Route 116, from Boynton Street to Camden Street and along Route 33 from Route 202 to the Chicopee Town Line
    d. A minimum frontage occupancy of 50% is required along Route 116 from Camden Street to Route 202 and along Route 202 (Granby Road) from Easy Street to East St.

Before approval of a site plan, the Planning Board may require that the applicant make modifications in the proposed design of the project to ensure that the above objectives are fulfilled.

AVR
Realty Company, LLC

September 15, 2015

Mr. Richard L. Harris, AICP
Town Planner
Town of South Hadley
116 Main Street, Room 204
South Hadley, MA 01075-2896

Re: South Hadley Square
Assessor's Map #14 – Parcel #66

Dear Mr. Harris:

I am writing to request an extension of time for the Site Plan approval for the 6,000sf pad at the above location. The Planning Board's original approval was on September 16, 2013 and the Board granted a one year extension on September 8, 2014.

Last year when the extension was granted our building plans were 90% complete and we were preparing to seek bids. Unfortunately, I did not receive the completed plans until April and those plans contained errors in the Accessible Compliance Sheets for Commercial and Multiple Dwelling Occupancies. I did not receive the corrected plans until June. We now have complete sets of plans for both building and site work and anticipate going out to bid shortly. I will be happy to provide you with those plans along with the names of the companies on the bid list for your review.

Part of the fault for the delay in moving forward rests with me. My son has been facing some serious health issues which have required my full attention. As a result I failed to follow up with the Architect as I usually would have and have taken more time compiling the bid list.

Based on the above I respectfully request an extension of our site plan approval. We are prepared to seek bids on this project this year. Please feel free to call me at 516-381-8433 if you have any questions or require any additional information.

Very truly yours,

Brian Ferruggiari
AVR-South Hadley, LLC

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