

Background Materials for February 10, 2016

Agenda Items #1 through #9

Agenda Item #1 – Public Forum on Natural Hazards Mitigation Plan Update

As we discussed at the last meeting, the Town is engaged in updating the Natural Hazards Mitigation Plan using a grant received by the Pioneer Valley Planning Commission and a consultant retained by the Commission. As part of this planning process, a committee comprised of representatives of various municipal agencies and departments have been working with the consultant to identify natural hazards, critical facilities, and mitigation needs. The following persons have been serving on this committee:

- Sharon Hart, Public Health/Emergency Management Director
- Jim Reidy, DPW Superintendent
- David Labrie, Police Chief
- Janice Stone, Conservation Commission Administrator
- Richard Harris, Town Planner
- Jason Houle, Fire District #1 Lieutenant
- David Keefe, Fire District #2 Fire Chief
- Scott Brady, Fire District #2
- Todd Calkins, Fire District #2 Assistant Fire Chief/Water Operator
- Jeff Cyr, Fire District #1 Water Superintendent
- Mark Aiken, Fire District #2 Water Superintendent
- Bruce Mailhott, School Dept. Facilities Director
- Andy Orr, SHELD Engineer
- Erika Faginski –Stark, School Department

This process requires, in addition to the staff committee input, that two public forums be held. The first of these forums, which you agreed to hold, is set for February 10th as the first part of the Planning Board meeting, will solicit community input in identifying the natural hazards that are critical. A second forum, the date for which has not been set, will be to solicit community input as to the proposed remedies and action plan.

Jamie Caplan of Jamie Caplan Consulting LLC, will review the background of the study and the results to date at the meeting. Various members of the committee will also be present to answer any questions you or the general public may have.

ACTION NEEDED: Conduct the public forum, solicit comments on the issue of critical Natural Hazards.

Agenda Item #2 – Minutes

I have distributed the minutes of the January 25, 2016 Planning Board meeting and public hearing.

ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #3 – Bills and Correspondence

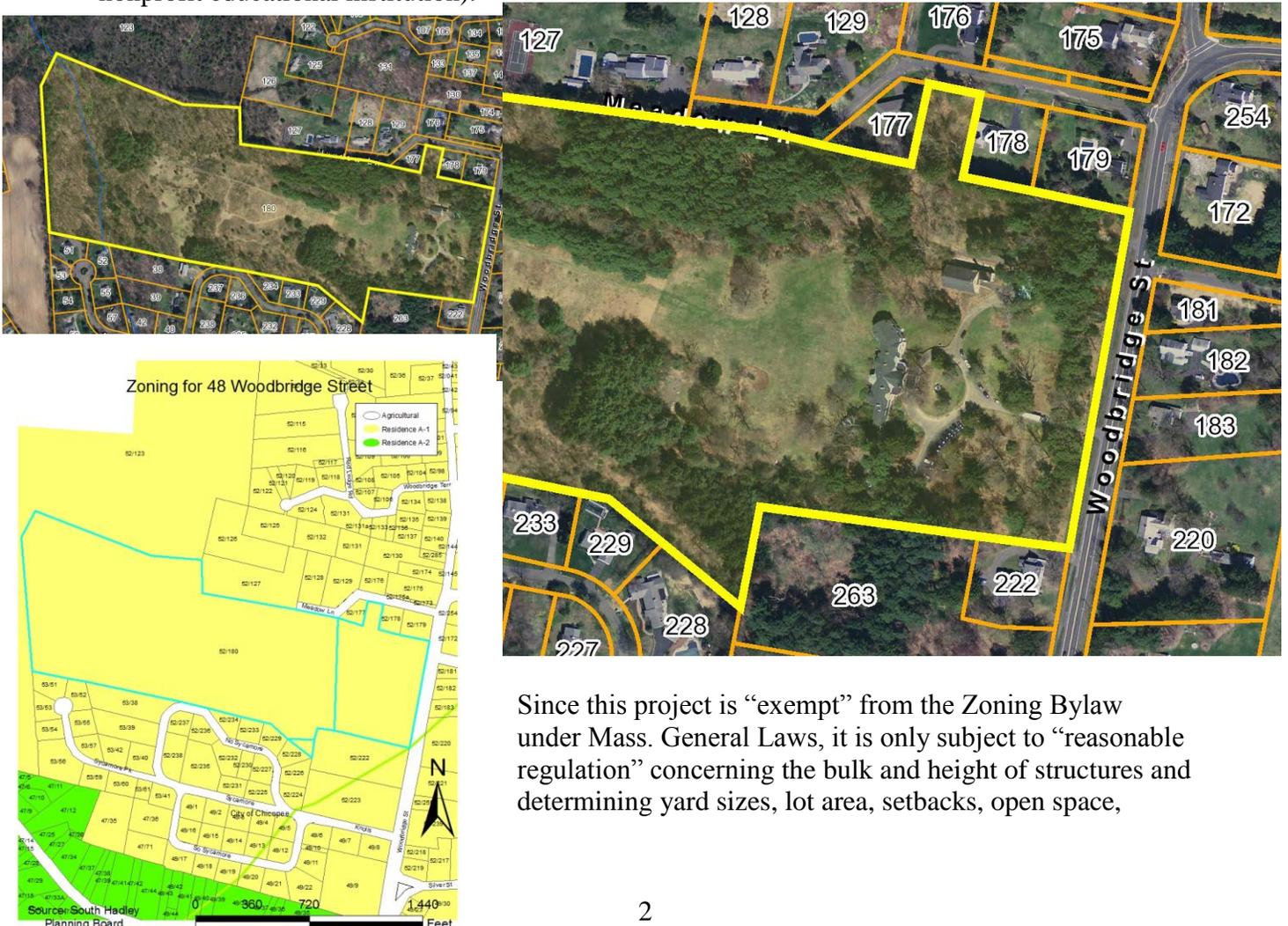
A list of the bills and correspondence are attached – there are no bills to be paid at this time.

ACTION NEEDED: Review the list of correspondence.

Agenda Item #4 – Minor Site Plan Review – Berkshire Hills Music Academy Expansion

Berkshire Hills Music Academy has submitted an application for a Minor Site Plan Review for construction of a new 7,400+ square foot building to be placed on the northside of their property somewhat behind the existing building. This new building is to serve as performance space and classrooms for their students as well as have some offices. The application narrative and plans provide for inclusion of parking space for the new building – principally for guests who come to see performances but also to alleviate existing parking issues. This project falls under the Minor Site Plan Review category because 1) it is a private non-profit educational institution which is exempt from zoning under MGL 40A, Section 3 and 2) the proposed building is at least 300 feet from any residential dwelling located on adjoining properties.

The site is approximately 48 acres situated on the west side of Woodbridge Street with Meadow Lane to the north and Sycamore Parc North to the south. Currently, the property is zoned Residence A-1. (See aerial photos below) Prior to the building being converted into the Berkshire Hills Music Academy, it was utilized by Mount Holyoke College (also a private, nonprofit educational institution).



Since this project is “exempt” from the Zoning Bylaw under Mass. General Laws, it is only subject to “reasonable regulation” concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space,

parking and building coverage requirements. Strict adherence to the specifications in the Zoning Bylaw may not be considered “reasonable” in all instances.

Comments have been solicited from the various departments pursuant to the Planning Board’s Rules and Regulations. To date, comments/responses have been received via the ViewPermit program from the Conservation Commission Administrator, Police Chief, and Fire Department. There comments (if any) and responses are below:

- Conservation Commission Administrator Janice Stone approved the submittal without comments.
- Police Chief David Labrie approved the submittal without comments.
- Fire District #2 Captain Scott Brady approved the submittal and provided the following comments:

We believe an additional fire hydrant will be required near the new building when the fire protection system is designed. We would recommend that the property owners and building designers ensure that accommodations be made to discuss the location of the hydrant with the fire department prior to design implementation.

Since the project proposes to disturb more than one acre of land, a Stormwater Management Permit is also required. The applicant has submitted the required plans and report for such a permit along with an addendum as to how the project conforms to the Town’s Bylaw. A public hearing on that application is scheduled for Monday, February 29, 2016.

“Reasonable Regulations” Review.

Since we don’t have any other standards, the project should be reviewed in light of the Zoning Bylaw standards below:

- Height. Residence A-1 zoning district limits the height to 3 stories or 35 feet.
- Setbacks. The Residence A-1 zoning district limits requires front, rear, and side setbacks of 40, 20, and 25 feet, respectively.
- Lot Area. The Residence A-1 zoning district has a minimum lot size of 22,500 square feet.
- Open Space. The Residence A-1 zoning district does not have an open space requirement but limits the impervious surface to 60% of the site.
- Parking. The Zoning Bylaw has some provisional parking standards. For “Restaurants, theaters, and other places of public assembly”, this standard calls for 1 space for every three seats. However, the Zoning Bylaw also allows the Board to “modify” these standards but to ensure that the parking is sufficient to satisfy at least 85% of the anticipated peak demand.
- Building Coverage. The Residence A-1 zoning district limits principal building coverage to 30% and the recent Zoning Bylaw amendment limits the impervious surface to 80%.

Incorporation of Departmental Comments

Due to the applicability of Chapter 40A, Section 3 of Mass General Laws to this project, while the departments have raised some good points and concerns, the scope of the Board’s review is

limited by State law such that the departmental comments cannot be made conditions of the review. Thus, the departmental comments can, and should, be incorporated into the Board's decision for informational purposes, but cannot be a condition of approval since they fall outside of the limited scope of this review. I have provided the applicant's consultant with the comments and they are working to address those concerns through the other permitting processes.

Relationship of Site Plan Review to Stormwater Management Permit

Given that a Stormwater Management Permit is required for this project, the intent of the February 10th review is to see if there are issues which the Board feels warrant revisions to the Site Plan which might impact the Stormwater Management Plan.

Plan Submittals

The various applications and plans have been posted on the Town's website at the following links:

Cover Letter

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1936>

Project Summary Narrative

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1937>

Project Summary - Site Photos

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1938>

Site Plan Application Form

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1939>

Stormwater Application Form

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1940>

Set of Architectural Plans

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1941>

Lighting Details

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1942>

Permit Drawings

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1943>

Stormwater Report

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1944>

ACTION NEEDED: No definitive decision is needed on February 10th; however some input as to whether any significant changes to the Site Plan which might impact the Stormwater Management Plan should be provided to the applicant.

Agenda Item #5 – Ratify Written Decision to Approve Special Permit – 27 Bardwell Street

At the last meeting, the Board concluded the public hearing on the Special Permit application by Orange Park Management, LLC to convert the former library into 6 multifamily dwellings. The Board also approved findings and the Special Permit application.

Based on the Board’s decisions at the January 25th meeting, I have drafted a decision for the Board to ratify. This draft was previously distributed to the Board and the applicant. I have been notified that the applicant believes it reflects his understanding of the Board’s January 25th decision but noted a typographical error which I have corrected. The corrected draft is attached to this packet.

ACTION NEEDED: Review the draft decision to determine that the draft accurately reflects the Board’s decision of January 25th, make edits as necessary, and ratify the decision.

Agenda Item #6 – South Hadley Falls Design Review Guidelines

The Town has received the Attorney General Office’ approval of the Zoning Bylaw amendments creating the South Hadley Falls Smart Growth District. We are now awaiting final DHCD approval of the District – likely to occur before the next scheduled meeting. Accordingly, we need to finalize the Design Review Guidelines. At a prior meeting, the Board indicated that they would like to make a few changes in the draft. I reviewed these with the DHCD staff and they indicated concern regarding one issue.

Section 6.1.2 of the draft Guidelines requires that floors of a multi-story building be stepped back. We had questioned whether this is always necessary and had discussed making the section read as follows:

Section 6.1.2 Building Step-Back Requirements

The building height of all buildings must be scaled to the pedestrian as appropriate. This may involve stepping back the front and rear facades of multi-story buildings from the primary building face at either the second or fourth floor levels over 50% of their length or other appropriate methods.

Where buildings abut a residential use, the building envelope needs to be such that it does not overshadow or overly dominate the adjoining residential use. Accordingly, the side yard stepback should be such that the maximum building envelope is bounded by a line projected from the property line at a 1 to 2 ratio (63.4 degrees).

The DHCD staff provided the following response to this draft revision:

As you know our responsibility in terms of the Design Standards is to ensure that they do not “unduly restrict” development and are clear enough in terms of the meaning of the language such that the PB/PAA and applicants can reasonably agree on what it takes to satisfy a particular requirement/standard. To that end, where possible/practical, we encourage standards that can be quantified or objectively measured. The second part of 6.1.2. is a great example of that where a building envelope that “does not overshadow or overly dominate the adjoining residential use” is clearly defined as one with “a side yard

stepback... such that the maximum building envelope is bounded by a line projected from the property line at a 1 to 2 ratio (63.4 degrees).”

While we have no issue with the intent, the first portion of 6.1.2 seems a little less clear/measurable with respect to what constitutes “scaled to the pedestrian”. For one thing, wonder if you might replace the word “height” with “massing” as that seems to be really what’s at issue here or alternatively building height at the front and rear setback. The reference to the second and fourth floor levels is clear enough but seems less clear what the minimum depth of the setback must be. Same ratio as applies to side setback or could it be a shallower setback? Not to complicate further but It would seem to me that front façades will typically front on a street/inherent buffer as opposed to another structure whereas the rear façade could face an alley or perhaps in some cases an older adjacent structure where you might want a setback more analogous to the side yard setback.

Also do you want to see setback over exactly 50% of the length of the front/rear façade or over at least 50% of the length of the front/rear façade. If the latter, may want to insert “at least” before “50%”. In any event, assuming the front/rear massing/height setback portion of 6.1.2 can be made a bit more measurable/objective, giving the applicant at least one clear way to respond to the concern, then the subsequent vagueness of “other appropriate methods” will be less of a concern too; however, would suggest inserting before that phrase “at the discretion of the PAA”. Otherwise, it seems unclear who has the authority to decide (the PAA or the applicant) which approach (setback or “other appropriate methods”) should be selected in a given circumstance. If it is too difficult to reduce this portion of 6.1.2 to a more quantifiable formula, then another option is to insert graphics of two relevant side-by-side examples that would visually illustrate both acceptable and unacceptable designs.

Thus, we may want to revise the language in this section or go with the original draft. I would like to proceed to a public hearing on February 29th or March 14th with the intent to have the Guidelines adopted by mid-March.

The draft Design Guidelines remain on the Town’s website at the following link:
<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/697>

ACTION NEEDED: Make final preliminary revisions to the Design Guidelines and set the date for the public hearing on the proposal Design Guidelines.

Agenda Item #7 – Master Plan Implementation Matrices

A memo has been submitted to the Planning Board (attached to this document) from the Master Plan Implementation Committee inquiring as to the following issues:

- What is the mechanism for feedback about the Planning Board’s 5-year priorities and various Boards’ reactions?
- Is any official action or acknowledgement needed when entities have completed all their Master Plan tasks?

- How are new town committees to be involved with the Master Plan Implementation tasks?
- How are tasks involving multiple entities to be managed?
- What is the process for “convincing” the “responsible entity to make progress on a task which has been “assigned” to them?

The MPIC chair and other members have indicated they would like the Board to provide a response to these concerns.

I am working to complete the Implementation Matrix 5-year priorities for the other committees/boards as the Board had discussed. These, hopefully, will be completed by early Wednesday and I will send them to you and to MPIC and post them on the website.

ACTION NEEDED: Provide response to MPIC’s questions/concerns and confirm the 5-year priorities.

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

I will provide a report on the following items:

a. Development Report

- ***Annafield Estates Subdivision*** (no change - the District #1 Water Superintendent and the SHELD Engineer have approved the draft “As-Built” plan but the DPW Superintendent noted some missing or vague data that needs to be corrected/clarified – I am waiting for the surveyor to correct the plan)
- ***Adam & Eve Subdivision – Apple Road*** (The District #1 Water Superintendent, DPW Superintendent, and the SHELD Engineer have approved the draft “As-Built” plan. Therefore, the surveyor and owner need to provide the hard copies along with the Engineer’s Certificate of Completion. I will put the matter of Release of the Performance Guarantee on the February 29th agenda)
- ***One Canal Street*** (no change)
- ***Mountainbrook Street Acceptances*** (no change - I have had a meeting with the lender and their attorney regarding Phase 2 and the issue with Phase 1; a principal in the development has also contacted me regarding these matters)
- ***Rivercrest Condominiums*** (no change)
- ***Ethan Circle*** (no change)
- ***Mount Holyoke College Dining Hall development project*** (no change - Application for Site Plan Review and Stormwater Management Permit anticipated to be submitted by March 1st)
- ***Stonybrook Commercial Site*** (I met with Rob Levesque and we reviewed a preliminary concept of a revised site plan. It appears that they can readily revise the project to meet the Town’s Zoning Bylaw amendments with minimal increase in cost. I have suggested that we could waive the Site Plan Review application fee – that is for the Board to decide. If the application is received by February 16 or so, the public hearing will be held March 14th.)

b. Other Projects

- Participating in the effort to update the Town’s Hazard Mitigation Plan – this plan will qualify the Town for FEMA grants.
- Mount Holyoke College Intern Opportunity (a student intern from the Environmental Sciences department is to undertake some work for us. She will be working approximately 3 hours per week next semester – primarily on a GIS project related to creating shape files necessary to make the online zoning map complete.)
- Permitting Guide.
- General Code.
- **Trees and Plantings.** I have provided Mike Lamontagne with Mr. Squire’s comments and suggestions. The Tree Committee is to revisit their recommended new list of Trees and Plantings.

c. Grants

- We received notice on Thursday January 21st that our application for a Health Impact Assessment grant to undertake work related to the Falls Design Guidelines and Subdivision Regulations has been approved by the Massachusetts Association of Health Boards in the amount of \$12,500. The PVPC has drafted a contract for the project. We need to decide how we wish to proceed on this project. My inclination is a technical committee undertake most of the work.

d. Workshops/Training Opportunities

I attended the following workshop:

- “DHCD Downtown Technical Assistance Workshop: Design Guidelines and Lighting in Your Downtown” in Brockton, January 27th.

I am scheduled to attend the following workshops/conferences/webinars:

- “Baystate Roads Program - Complete Streets Workshop” at the PVPC in Springfield, February 10th.

Agenda Item #9 – 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.

SOUTH HADLEY PLANNING BOARD REGULAR MEETING

MINUTES OF JANUARY 25, 2016

- *DRAFT – DRAFT* -

Present: Jeff Squire, Chair; Mark Cavanaugh (arrived 6:35 p.m.), Vice-Chair; Helen Fantini, Clerk (arrived 6:37 p.m.); Joan Rosner, Member; Melissa O'Brien, Member; Dan Dodge, Associate Member; and Richard Harris, Town Planner

Mr. Squire called the meeting into session at 6:32 p.m.

1. Minutes

a. *January 11, 2016 Planning Board meeting minutes*

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

Motion - Ms. Rosner moved and Ms. O'Brien seconded the motion to approve the January 11, 2016 Planning Board Meeting minutes as submitted. The Board voted **Three** (3) out of **Three** (3) members present in favor of the motion.

2. Bills and Correspondence

Mr. Harris referenced the list of correspondence. He stated that there were no bills ready for payment at this time.

3. Development Update and Planner's Report

Mr. Harris reviewed the status of various developments and recent Planning Department activities:

a. *Development Report*

- Annafield Estates Subdivision (The District #1 Water Superintendent and the SHEL D Engineer have approved the draft "As-Built" plan but the DPW Superintendent noted some missing or vague data that needs to be corrected/clarified – we are waiting for the surveyor to correct the plan)
- One Canal Street (no change)
- Mountainbrook Street Acceptances (Mr. Harris has met with the lender and their attorney regarding Phase 2 and the issue with Phase 1; a principal in the development has also contacted Mr. Harris regarding these matters)
- Rivercrest Condominiums (no change – one foundation has been installed)
- Ethan Circle (no change)
- Berkshire Hills Music Academy proposed expansion (application for Site Plan Review and Stormwater Management Permit was submitted January 22, 2016 and the Site Plan Review will likely occur on February 10th depending on the Stormwater plan)
- Mount Holyoke College Dining Hall development project (no change - Application for Site Plan Review and Stormwater Management Permit anticipated to be submitted)

February 17th with the actual stormwater plan to be received by February 23rd. The initial site plan review meeting is likely to be February 29th but the final review will likely be sometime in March – possible on March 14th depending on the Stormwater Plan and Conservation Commission)

b. Other Projects

- Mr. Harris stated he is participating in the effort to update the Town's Hazard Mitigation Plan – this plan will qualify the Town for FEMA grants. A public meeting is being planned to be held as part of the Planning Board's February 10, 2016 meeting – an item he is noted is to be discussed later in the meeting.
- Mount Holyoke College Intern Opportunity (Mr. Harris is waiting to hear back from the student. He noted she will be working approximately 3 hours per week next semester – primarily on a GIS project related to inventorying and mapping available developable land)
- Mr. Harris is continuing to work on the Permitting Guide and monitor the work on the General Code codification project.
- Wetlands Bylaw Appeal Committee. Mr. Harris reviewed the background and purpose of the Wetlands Bylaw Appeal Committee. He noted that the Committee was envisioned to be a functioning appeal body; however, the way the Wetlands Bylaw structured the Committee, it has no authority and merely advises the Commission as to whether they erred and the Commission has authority to determine whether or not it erred. He noted that the Planning Board is supposed to have two representatives on this committee. When it was first formed, Mark Cavanaugh and Ralph Blank were appointed. Board members noted that the Committee does not serve a function and it would seem better to do away with the Committee. In absence of the Committee's elimination, Mr. Squire stated he would be willing to serve with Mr. Cavanaugh – the other members concurred.
- Trees and Plantings. Mr. Harris stated that Mike Lamontagne submitted a new list of Trees and Plantings to be included as "Appendix Three" of the "Planning Board Bylaws as approved by the Tree Committee and the Tree Warden at the Jan 21, 2016 Tree Committee Meeting". It appears that the "Bylaws" to which Mr. Lamontagne is referring is the "Subdivision Regulations". Mr. Harris stated he informed Mr. Lamontagne that the listing cannot take effect unless/until the Planning Board approves it – this would require an amendment to the Subdivision Regulations and the Board can take the revised list as a "recommendation" from the Tree Committee and Tree Warden. Mr. Squire stated he had reviewed the list and made some comments edits on a copy which he would provide to Mr. Harris.

c. Grants

- Mr. Harris stated that the Town received notice on Thursday January 21st that the application for a Health Impact Assessment grant to undertake work related to the Falls Design Guidelines and Subdivision Regulations has been approved by the Massachusetts Association of Health Boards in the amount of \$12,480.

d. Workshops/Training Opportunities

Mr. Harris stated he attended “MAPD Luncheon – Fair Housing: Foundations and Looking Ahead” held in Quincy on January 15th. He is scheduled to attend the following:

- “DHCD Downtown Technical Assistance Workshop: Design Guidelines and Lighting in Your Downtown” in Brockton, January 27th.
- “Baystate Roads Program - Complete Streets Workshop” at the PVPC in Springfield, February 10th.

Mr. Squire recessed the meeting for the public hearing at 6:45 p.m.

4. 6:45 PM – PUBLIC HEARING: Special Permit – Proposed Multi-family development (former library conversion) – Orange Park Management, LLC. Property Location: 27 Bardwell Street (Assessor’s Map Number #5A - Parcel #24). (CONTINUED FROM DECEMBER 14, 2015)

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

The meeting reconvened at 7:37p.m.

5. DECISION: Special Permit – Proposed Multi-family development (former library conversion) – Orange Park Management, LLC. Property Location: 27 Bardwell Street (Assessor’s Map Number #5A - Parcel #24).

Mr. Squire noted that the Board had reviewed the Special Permit Standards during the public hearing and inquired if there were a motion to approve or deny the application.

Motion - Mr. Cavanaugh moved and Ms. Rosner seconded the motion that the Planning Board make the Special Permit findings previously discussed during the public hearing and vote to grant a Special Permit for the project at 27 Bardwell Street subject to ratifying a written decision with conditions consistent with the Planning Board’s discussion during this evening’s public hearing including the following:

- 1). Snow Removal is to be carried out as described by the applicant.
- 2). Trash disposal locations are to be provided as described by the applicant with the provision that the Board may waive the requirement for a Special Permit to alter a nonconforming structure as long as the alteration does not result in an encroachment on the setback any more than any of the existing building.
- 3). Entrance to the basement is also to be provided as described by the applicant with the provision that the Board may waive the requirement for a Special Permit to alter a nonconforming structure as long as the alteration does not result in an encroachment on the setback any more than any of the existing building.
- 4). All signage is to be limited to the two types of signs which are to be installed as described during this evening’s public hearing.
- 5). Landscaping is to be installed and maintained by the applicant and their successors.

The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

Mr. Harris stated that he will draft the decision for the Board to ratify at their February 10th meeting.

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

Joy Binder asked to address the board. She noted that she was in an accident coming out of her apartment parking lot at Village Green Apartments. There are often cars and large trucks parallel parked outside of a restaurant, which makes it very difficult to see cars coming through the nearby intersection, and makes turning left hazardous. She would like the town to install a mirror that makes it possible to see incoming traffic to prevent accidents such as this in the future.

Board members indicated that this is a matter for the Selectboard and the DPW. The Planning Board does not have authority over this type of issue. Mr. Harris suggested Ms. Binder contact Jim Reidy with the DPW and gave her Mr. Reidy's office telephone number.

6. Consider the status of the Site Plan Review for the Commercial site at Stonybrook Village Condominium development. Property Location: East side of Newton Street and north side of Stonybrook Way (Assessor's Map #28 – Parcel #246)

Rob Levesque of Rob Levesque Associates, representing the property owner, reviewed the background of the site. He stated that this project had been approved by Special Permit/Site Plan Review. In reliance on this approval in 2006, the developers installed drainage, graded the site, and installed the driveway.

Mr. Harris commented that the Planning Board has no authority to rule on the status of the Site Plan Review. He noted that only the Building Commissioner has that administrative role as the Zoning Enforcement Officer.

Mr. Harris stated that the Special Permit did not apply to the commercial site. The Site Plan Review was limited to the commercial site and is precedent to a building permit. He noted that the owners never sought nor obtained a building permit. Much of the work undertaken on this site was joint with the condo development.

Attorney Mike Labrie, also representing the property owner, asserted that the owners had spent over \$100,000 in making improvements to the site in reliance on the Special Permit/Site Plan Review approval.

Mr. Harris suggested that if Attorney Mike Labrie wishes to submit a legal opinion detailing why/how the 2006 Site Plan Review is still valid, that could be submitted to Special Counsel for their review. This approach may take a while to work through the system.

Mr. Harris noted that State law does not recognize Site Plan Review. He also reviewed the portions of Chapter 40A, Section 6 of MGL which relate to grandfathering rights of various plans and permits and opined that the property owners are seeking to have the Site Plan

Review be deemed valid in perpetuity. He questioned whether the owners would consider it valid 20 years from now if the buyer did not construct on the site. Attorney Mike Labrie indicated they were not seeking to have it in perpetuity but he did not say for what time frame it would be valid. Craig Authier stated the Site Plan Review would be valid 20 years from now.

Mr. Harris commented that the requirement for Site Plan Review had not been raised when previous purchasers were before the Board. He also noted that the Big Y Plaza on Route 33 was approved by Site Plan Review with buildings for each outparcel. The entire plaza was not constructed and each building on the outparcels – for which utility stubs, parking in the plaza, grading, and drainage had been undertaken – had been required to go through Site Plan Review. He questioned, if the Newton Street 2006 Site Plan Review is still valid, would the 1997-1998 Site Plan Review for the Big Y plaza still be considered valid for new buildings.

There was continued discussion as to the role of the Site Plan Review and the Special Permit. Questions were raised as to what impact the Zoning Bylaw amendments since 2006 would have on this site.

Rob Levesque stated that they would have to move the building to within 10 feet of the front property line and change the parking locations and layout. Attorney Mike Labrie suggested that it is in the Town's best interest to have this development go forward.

Mr. Dodge (echoed by other Board members and Mr. Harris) indicated that it is in the Town's interest to have the site commercially developed. However, he stated it is also in the Town's interest and the Board's duty to have the Town's regulations and procedures followed.

There was discussion as to what latitude the Board would have to modify the Zoning Bylaw requirements. It was stated by several persons that the Board cannot "vary" the requirements. However, it was also stated that it would be reasonable to modify their application to some degree during the Site Plan Review process to fit the circumstances and the needs of the site. For instance, it was noted that the fire protection requirement might require some of the access and parking not be located to the rear. Mr. Harris opined that given the interrelationship of the condos with the site, the fire access could be another reason to view this site as a transitional site where the regulations are adapted to the site and not necessarily applied rigidly.

Mr. Squire stated that the Board will work with the applicant and their consultant. Mr. Harris noted that he had made a similar comment in an email to Rob Levesque and others representing the owner several weeks earlier and reiterated such comments to reasonably apply the requirements. Mr. Harris outlined a timetable whereby the Site Plan Review for the new building could be carried out on March 28th and building could begin in May/June. Attorney Mike Labrie suggested that such an approach would be quicker than attempting to validate the 2006 Site Plan Review.

7. Discussion with Larry Smith from the PVPC regarding Housing Studies (Housing Production Plan and Multifamily Development)

Larry Smith of the Pioneer Valley Planning Commission was present to discuss the housing studies which are being undertaken by the PVPC. He noted that there have been personnel changes which have shifted responsibility for some projects. He is currently responsible for both housing studies.

Regarding the Housing Production Plan, Larry Smith distributed a summary of the survey results and a rough draft of the first few chapters which had been prepared by David Elven. A few of the results of the survey were discussed. Joanna Brown commented that there could have been a better survey strategy which would have resulted in better results. Larry Smith noted that they could have spent the entire grant on the survey but there were a number of other tasks to be done. There were suggestions that the public forums and other means may be employed to make up for the lack of representation in the survey respondents.

Regarding the Multifamily Development study, Larry Smith commented that they have been looking at various areas of the community and began with a “development constraints map” and distributed a copy of the map. He explained the methodology as to how the map was developed including that it relied heavily on availability of utilities. It was noted that the “areas” identified as potential multifamily areas are just conceptual or generalized, no properties have been identified – just general areas.

Larry Smith stated that he generally thinks overlay districts are overused. But, he thought that such districts may be an appropriate means for the multifamily development regulation – possibly using 40R or the Compact Neighborhood Development tool from DHCD. He also suggested that there would need to be some Design Guidelines and he has done some research on such an approach for multifamily development and distributed an outline for such a regulation in South Hadley.

There was some discussion about the map and the timeframe for pursuing Zoning Bylaw or other Bylaw amendments. Generally, it was suggested that it is unlikely the Board would be ready for this Fall Special Town Meeting but possibly the 2017 Fall Special Town Meeting – or the Annual Town Meeting or another Special Town Meeting.

8. Discussion of Hazard Mitigation Plan – Public Meeting for February 10, 2016

Mr. Harris noted that he is working with other departments to develop an update on the Town’s Natural Hazards Mitigation Plan. Two public forums need to be conducted during this process – one early on to solicit public input in identifying the hazards and the second one a month later to solicit input into the recommendations and strategies.

Since this topic is closely related to the issues which the Planning Board must routinely address, it was suggested by the consultant that the first one be held by the Planning Board at one of their meetings and the second one by the Selectboard at one of their meetings. Accordingly, Mr. Harris suggested holding the forum at the February 10th Planning Board meeting. To accommodate the Board’s business, he proposed having the meeting begin at

6:00 p.m. with the forum being held during the first part of the meeting. All members indicated that they concurred with the suggestion.

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

There was no new business.

10. Adjournment

Motion – Ms. Rosner moved and Ms. O’Brien seconded the motion to adjourn. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

DRAFT

Richard Harris, Recorder

DRAFT

Attachment A

List of Documents Reviewed in January 25, 2016 Planning Board Meeting

<u>Document</u>	<u>Record Location</u>
Planning Board Meeting Agenda and Background Information	Planning Board Agenda Packet Files
Zoning Bylaw	Planning Board Files
South Hadley Master Plan	Planning Board Files
Application submittal and plans and Comments regarding 27 Bardwell Street Special Permit	Planning Board Project Files
Revised plans and responses regarding 27 Bardwell Street Special Permit	Planning Board Project Files
Stonybrook Village Commercial Site – request For consideration of status of 2006 Site Plan Review and plans	Planning Board Project Files
Housing Production Plan Survey Results and Draft chapters	Planning Board Files
Multifamily Development Study – Development Constraints map and draft outline of Design Guidelines	Planning Board Files

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING

ON SPECIAL PERMIT APPLICATION FOR MULTIFAMILY DWELLINGS AT 27 BARDWELL STREET BY ORANGE PARK MANAGEMENT, LLC

MINUTES OF JANUARY 25, 2016

Draft - Draft

Present: Jeff Squire, Chair; Mark Cavanaugh, Vice-Chair; Helen Fantini, clerk; Joan Rosner, Member; Melissa O'Brien, Member; Dan Dodge, Associate Member; and Richard Harris, Town Planner

Mr. Squire called the public hearing to order at 6:45 p.m. He noted that this was a continuation of the public hearing begun in November.

Ray Hervieux, architect representing the applicant, reviewed the changes in the site plan using a copy of the revised plan submitted to the Planning Board. Among the items he noted were:

- The HVAC units would be ground mounted and screened to block noise emissions and sight
- Each dwelling unit's main entrance will have a "patio" of approximately 100 square feet
- A trash enclosure to accommodate two bins for each dwelling is proposed for the Bardwell Street side. This would be landscaped. However, he was informed that it could not have roof and be placed in its proposed location.
- More landscaping detail is provided

Regarding the trash enclosure, Ray Hervieux stated he would prefer to have roofs on the enclosure – possibly move it up against the building so it would be an extension of the building. He stated, if moved against the building, the extension would be no nearer to the roadway than the existing building. There was discussion regarding the enclosure.

Mr. Harris suggested that, under Section 2(F) of the Zoning Bylaw, the Planning Board could grant a separate Special Permit for alteration/extension of a nonconforming structure – if it made appropriate findings that the extension would not be more detrimental to the neighborhood. The Board could waive the Section 2(F) Special Permit requirement with appropriate findings – they have done so for a number of projects, mostly single-family homes. Such an option could be reflected in the Board's decision on this application if they vote to approve the application.

Ray Hervieux, architect representing the applicant, reviewed the comments/questions raised by the Board and the various departments particularly noting:

- Using a copy of the building elevations, he illustrated how they have softened the transition of the older and newer sections of the building and where windows are to be inserted.

- The Fire Department concerns have been addressed by increasing the turning radius of the driveways
- A detailed code compliance report has been provided
- The building is exempt from being required to provide any handicapped accessible units
- In terms of density, the project needs the 6 units to be feasible and if it is not feasible, the building will not be renovated
- Snow storage areas have been identified – the condo association will be responsible for having the snow removed from the site if it becomes necessary

Mr. Squire asked about the location of new curbs, landscaping, and signage plans. Ray Hervieux identified the few locations where curb will be provided. It will not be provided where there would be interference with plowing operations. The only signage planned is for the entrance and exit of the parking lot/driveway – those may be small signs or painted on the driveway. The proposed arbor vitae will be six feet in height – the six inch on the plan was a typo.

Mr. Squire stated that some plantings will not survive in areas proposed. The applicant may want to revisit some of the plantings or just plan on replacing the plants on a regular basis.

Ms. Fantini queried as to the size of the units and lights and windows. Ray Hervieux stated that each unit will be approximately 1,200 square feet plus have 200 square feet of storage allocated in the basement. Some of the windows will be new; they may not be replacing all of the windows. The locations of windows have been identified to meet the code requirements.

Mr. Harris noted, in terms of density, that he had reviewed the abutting properties and they average approximately 10.04 units per acre compared to the proposed 10.91 units per acre of this project. By comparison, while the applicant is proposing 6 units, the recently adopted Smart Growth District would allow 13 units by right – no Special Permit would be required but would have design review. He reviewed the mix of housing in the area – single-family to four-family.

Mr. Squire asked about the ramps and retaining walls; noting that some units have steps up to the units. Ray Hervieux described the path of access to the units.

Ms. O'Brien indicated that one of the existing gables appears to be boarded up. Ray Hervieux stated that is actually plaster.

Mr. Cavanaugh asked Mr. Harris if the Building Commissioner had responded to or weighed in on the Code Report. Mr. Harris responded that she was provided with a copy of the report but had not provided any comments. This is a matter which will be addressed during the building permit process.

Ken Vautrin, 30 Bardwell Street stated that he had presented the Board with a petition against the project. However, he commented that the project looks really nice and his objection is not against the project although he still believes it is too many units. However, he expressed concern that the six units will become a rental block as opposed to being owner occupied. He commented that the other rental buildings in the area all have an owner residing in the buildings. He inquired if something can be done to preclude the units from becoming all rental.

Mr. Squire and Mr. Harris stated that the short answer is “no”. Zoning does not regulate tenancy.

Ken Vautrin, 30 Bardwell Street, further asked if something could be inserted into the Special Permit to preclude all of the units from becoming rental.

Mr. Squire responded “no”.

Patrick _____, representing the applicant, responded that, with the investment being put into the building, if they were rental units, they would be “high level” rentals commanding significant rents.

Ms. Rosner stated that the owner occupancy is a risky requirement due to the nature of the real estate market. She noted that some projects in which this requirement was a problem

Ken Vautrin, 30 Bardwell Street, noted that Riverboat Village has been a problem since it was built and the Town fought that project. He also noted a block in the Falls which sits vacant as the owner can’t rent them.

Gill Woods, representing the applicant, noted his experience in renting condo units. He commented that only 2 of the 36 units in Shadowbrook (the most recent phase) were rental.

Joanna Brown, Charon Terrace asked about the Fire separation required by the Building Commissioner and the Siamese connection noted in the Water Department’s comments. Ray Hervieux responded that the separation required by code is provided and the units will be fully sprinkled. He also stated that the water services have been approved as designed.

Joanna Brown, Charon Terrace also asked about the windows, snow removal, and whether the provisions can be written into the condo approval. Ray Hervieux reviewed the plans for the windows – the requirements of the code are met and stated that the snow removal will rely on the condo association.

Mr. Squire stated that the snow removal will be written into the decision.

Ken Vautrin, 30 Bardwell Street stated he is not happy with the trash arrangements. He expressed concern that the bins will cause the section of Bardwell Street to be smelly. Mr. Harris stated that the trash management arrangement has been approved by the DPW and suggested that the trash could be managed by the association not allowing residents to put the trash out till the morning of trash pick-up. Mr. Squire stated he likes the idea of having the trash enclosure and barrels against the building.

There was discussion as to the number of barrels and recycling bins.

Frank DeToma, _____ stated that the architect and developer have shown creativity in their design efforts and willingness to take a chance on an area that has not had significant residential investment in many years.

Ms. Fantini asked if the architect had double checked on the historical significance. Ray Hervieux responded that he had not researched that issue but noted that they are not disturbing any historical elements.

Mr. Harris suggested that the Board review the Special Permit standards.

Mr. Squire read through each of the standards and the board noted the following:

- 1. Comply with all applicable land use district, overlay district, and other specific requirements of this and other bylaws and regulations, and be consistent with the purpose and intent of this bylaw and of the land use district in which it is located.***

The Board determined that the Zoning Bylaw provides that the purpose of the zoning districts applicable to this property is to provide for residential uses. The proposed use is a form of residential land use which is allowed by Special Permit. The proposed development will comply with the Zoning Bylaw dimensional requirements, parking, fencing, and other requirements. Therefore, the Board found that the proposal as revised meets Special Permit Standard 1.

- 2. Be suitable to the surrounding neighborhood and the “Land Use Area” in which it is located. Land Use Areas are identified and described in the section of South Hadley’s Master Plan entitled “Land Use Area Vision Statements” (pages 1-10 through 1-19). In making this determination the Planning Board shall take into consideration any guidance provided by the Land Use Goals articulated in South Hadley’s Master Plan, goals articulated in South Hadley’s Open Space and Recreation Plan, and input from relevant Boards, town officials, and the public.***

The Board determined this standard is specific to the “Land Use Area” defined in the Master Plan and the “Land Use Area Vision” statement applicable is for the Falls area. This is a mixed used area and the applicant is proposing to repurpose the former library into a medium density residential use. This will help strengthen the revitalization of the Falls neighborhood. The proposal’s density is in line with the overall density of the abutting properties. Revitalization of the Falls and the density is compatible with the Land Use Area Vision statement for the Falls. Therefore, the Board found that the proposal meets Special Permit Standard 2.

- 3. Be compatible with existing uses and uses allowed by-right in the neighborhood, Land Use Area, and zoning district.***

The recently adopted Smart Growth District would allow the property to have a much higher density by right. The surrounding properties are residential but as one is closer to Main Street, the uses become more varied – within a block or so of the proposal’s site. Therefore, the Board found that the proposal meets Special Permit Standard 3.

- 4. Be compatible with the existing character of the neighborhood and Land Use Area, and/or zoning district. “Character” shall be understood to include prevalent patterns of: site design; setbacks from property lines; amount and location of parking; amount, type, location and quality of open spaces and landscaped areas; amount, type, and location of***

impervious surfaces; distances and relationships between buildings; density of building(s) relative to land area; building massing; architectural style and detailing; materials; buffering from adjacent uses; traffic volume and timing; noise; odors; and light.

The Falls neighborhood is a mixed use area with a range of medium to high density residential. The proposal involves repurposing an established building in the heart of the area at a medium density. As such, the building setbacks are not a consideration and the proposal involve landscaping and other means of buffering as well as providing more than the required amount of off-street parking. Given the previous use of the building, the traffic resulting from the proposed reuse of the building is likely to be less than previously experienced. Therefore, the Board found that the proposal meets Special Permit Standard 4.

- 5. Be suitable for the property on which it is proposed, considering the properties, scenic, cultural and historic significance, and its ability to be buffered or screened from neighboring properties and public roads.***

The applicant is proposing to retain the structure and modifications will be undertaken keeping in character with the historical and more recent addition to the building. Screening will be provided from neighboring properties to the extent appropriate and viable. Therefore, the Board found that the proposal meets Special Permit Standard 5.

- 6. Provide safe access for fire, police, and other emergency vehicles.***

The Police Chief indicated no public safety concerns. District One Fire Department has indicated approval of the proposed reuse. The applicant has proposed to modify the driveway radii to ensure fire apparatus access and the building will be fully sprinkled. Thus, there no apparent public safety issues and the property will be readily accessible for emergency vehicles and personnel. Therefore, the Board found that the proposal meets Special Permit Standard 6.

- 7. Provide adequate water, drainage and waste disposal systems without causing significant harm to any natural water system or overloading any public water, drainage, or sewer system, or any other municipal facility.***

The applicant has designed the water services to meet the District One requirements. Minimal alteration of the natural site is being proposed. The DPW and District One Water Departments have signed off on the proposed modifications of sewer and water systems, respectively. Therefore, the Board found that the proposal meets Special Permit Standard 7.

- 8. Not cause significant traffic congestion, impair pedestrian or bicycle safety, or overload existing roads, sidewalks and trails, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.***

The proposed repurposing of this existing building is reasonably anticipated to generate no more – and possibly less – traffic than the previous use of the property. Thus, the proposal is unlikely to cause any traffic congestion, impair pedestrian or bicycle traffic, or overload any of the existing transportation network. Therefore, the Board found that the proposal meets Special Permit Standard 8.

- 9. Not result in excessive air, water, noise, or light pollution, or create any other public or private nuisance.***

Given the proposal's reuse of an existing building, plans to use smaller HVAC systems which will be ground mounted and screened, plans to limit outside lighting to standard residential lighting fixtures, the Board found no reason to believe that it would result in any nuisance. Therefore, the Board found that the proposal meets Special Permit Standard 9.

10. *Not degrade the scenic, rural, or historic character of the town with structures or other lot features which are deemed visually objectionable in light of prevailing community as reflected in the goals articulated in South Hadley's Master Plan.*

The proposal conforms to the Master Plan policies and will reuse and enhance an existing structure while supporting the revitalization of the neighborhood by making the largest residential investment in a long time. Therefore, the Board found that the proposal meets Special Permit Standard 10.

11. *Be consistent with the South Hadley Master Plan, provided that the Comprehensive Plan provides legally sufficient guidance and that the applicable provision of the Master Plan is not inconsistent with any specific provision of this Bylaw.*

The Board noted that the proposal furthers various recommendations in the Master Plan and will be consistent with the Land Use Area Vision for the Falls as provided in the Master Plan. Therefore, the Board found that the proposal meets Special Permit Standard 11.

12. *Comply with applicable criteria for site plans under Section 12E.*

Since this proposal largely repurposes an existing building many criteria would not be applicable. However, the screening, placement of HVAC, location of trash bins, etc. are in compliant with the applicable criteria. Therefore, the Board found that the proposal meets Special Permit Standard 12.

13. *For projects involving the removal of existing housing, not adversely affect the availability of affordable housing in the Town.*

The Board found Special Permit Standard 13 does not apply as the proposal does NOT involve removal of existing housing but adds to the housing supply.

14. *Not have an overall off-site impact that is significantly greater than the overall off-site impact that would be caused by full development of the property with uses permitted by right, considering relevant environmental, social, visual, and economic impacts.*

Under the Smart Growth District provisions, this site could be developed with 11-13 dwelling units by right. Such a development would likely result in demolition of the existing structure and erection of a multistory building with minimal off-street parking. Such a development would likely have significantly greater impacts – off-site and on-site - than the proposal. Therefore, the Board found that the proposal meets Special Permit Standard 14.

15. *The adequacy and configuration of off-street parking and loading areas, including their nuisance impact on adjoining properties and on properties generally in the district.*

The proposal involves constructing 1/3 more off-street parking spaces than required and the applicant has proposed to landscape and screen such areas. Therefore, the Board found that the proposal meets Special Permit Standard 15.

16. Harmony of signs and exterior lighting, if any, with surrounding properties.

The proposal involves only entrance/exit signs and residential lighting typical of residential properties in the area. Therefore, the Board found that the proposal meets Special Permit Standard 16.

17. The location of the site, and proposed buildings or structures thereon, with respect to flood plains and floodways of rivers or streams.

The Board found Special Permit Standard 17 does not apply as the proposal does NOT involve construction of any new buildings only minimal additions and there are no floodplains or floodway impacting or impacted by the site.

18. The absence of any other characteristic of the proposed use that will be hazardous, harmful, offensive or will otherwise adversely affect the environment or the value of the neighborhood or the community.

There are not characteristics of the proposed use that given reason to believe they would be hazardous, harmful, offensive, or otherwise adversely affect the environment nor the neighborhood or community. Therefore, the Board found that the proposal meets Special Permit Standard 18.

19. Provisions for energy conservation, for the use of renewable energy sources, and for protection of solar access.

The Board found that Special Permit Standard 19 does not apply to the proposal. However, the Board noted that the repurposing of the existing building is a demonstration of the proposal's sustainability.

Mr. Squire asked if there were further comments. There being no further public comment, with concurrence from the other members, Mr. Squire closed the hearing at 7:37 p.m.

Respectfully submitted,

DRAFT

Richard Harris, Recorder

SOUTH HADLEY PLANNING BOARD

BILLS & CORRESPONDENCE

February 10, 2016

BILLS PAYABLE

None.

Letters & Memos

- Recreational Trails Program 2016 Application
- Letter from Doucet & Associates dated February 4, 2016 regarding Criteria for Review of Stormwater Permit Berkshire Hill Music Academy – Bernon Music Center 48 Woodbridge Street

Town Department Comments on Pending Projects

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Town Department Agendas & Minutes

- Board of Commissioners Meeting Notice
- Selectboard Meeting Agenda for February 2, 2016

Legal Notices

Amherst

- Town of Amherst Zoning Board of Appeals Notice of Public Hearing on ZBA FY2016-00013 Special Permit to structurally alter, enlarge, and/or extend a pre-existing non-conforming single family dwelling by construction an approximately 100 square foot addition within a required side yard setback at 70 Taylor Street; ZBA FY2016-00014 Special Permit to modify Condition #1 of ZBA FY2014-00006 to remove the expiration upon change of ownership requirement at 286-288 Belchertown Road

Chicopee

- City of Chicopee Planning Board Notice of Public Hearing on Zone Change for approximately 1.2 acres of property from Business A to Business B to allow warehousing and storage uses at 840 & 856 Memorial Drive; Site Plan Informational Review for a 2 MW ground mounted photovoltaic array on an approximately 13.5 acre parcel, formerly the MT Sullivan Landfill on Burnett Road

Granby

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Hadley

- Town of Hadley Planning Board Notice of Decision to approve the Special Permit for an Accessory Apartment at 15 Aloha Drive

Holyoke

-

News Articles

- News article from MassLive.com dated February 2, 2016 entitled “South Hadley Selectboard to Discuss Payment in Lieu of Taxes Arrangement with Municipal Light Department

Publications

- American Planning Association, **Zoning Practice**. January 2016
- American Planning Association, **JAPA**. Autumn 2015
-

TOWN OF SOUTH HADLEY

JEFF SQUIRE
Chairman

MARK CAVANAUGH
Vice-Chairman

HELEN FANTINI
Clerk

JOAN ROSNER
Member

MELISSA O'BRIEN
Member

DAN DODGE
Associate Member



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NOTICE CERTIFICATE OF PLANNING BOARD DECISION APPROVING SPECIAL PERMIT APPLICATION

SUBMITTED BY:

APPLICANTS:

Orange Park Management, LLC
13 Center Street
Chicopee, MA 01014

DEVELOPMENT NAME:

27 Bardwell Street Condominiums
(Former South Hadley Library Condominiums)

LOCATION:

27 Bardwell Street
South Hadley, MA 01075
Assessor's Map #5A-Parcel #24

SURVEYORS & ENGINEERS:

Anderson Associates
375 Walnut Street Extension
Agawam, MA 01001

ARCHITECTS:

Hervieux Design
116 Arcadia Blvd.
Springfield, MA 01118

PUBLIC HEARING: A public hearing was opened on November 9, 2015, continued on December 14, 2015 and concluded on January 25, 2016 in accordance with the South Hadley Zoning By-Law and the Massachusetts General Laws.

This Certificate is filed in accordance with the provisions of Chapter 40A, Section 9 of the Massachusetts General Laws and Section 9 of the South Hadley Zoning Bylaw to show that the Planning Board at its regular meeting on January 25, 2016 by a vote of **Five (5)** out of **Five (5)** members present **APPROVED** the above-referenced Special Permit subject to the following conditions based on the findings specified herein.

Project Proposal Description:

The applicant proposed to renovate the former public library building into 6 multifamily dwellings on this 0.55-acre site.

Project Reviews – Departments/Agencies

The application and related materials were distributed to various municipal departments and agencies. Comments/responses were received from the following departments:

- Fire District 1 Fire Lieutenant Jason Houle
- Fire District 1 Water Superintendent Jeff Cyr
- Building Commissioner Charlene Baiardi
- DPW Superintendent Jim Reidy
- Conservation Commission Administrator Janice Stone
- Police Chief David Labrie
- Public Health Director Sharon Hart
- SHELD Engineer Andrew Orr

DPW Superintendent Jim Reidy, Conservation Commission Administrator Janice Stone, Police Chief David Labrie, Public Health Director Sharon Hart, and SHELD Engineer Andrew Orr indicated that they were satisfied with the information provided and offered no comments. However, initially comments/questions were received from the following as noted:

- ***Fire District 1 Fire Lieutenant Jason Houle***
 - 1). Initially expressed concerns about the ability of Fire Apparatus to access the building due to the turning radius of the parking lot entry and exit.
 - 2). The building will be required to be protected with a residential sprinkler system.
- ***Fire District 1 Water Superintendent Superintendent Jeff Cyr:***
 - 1). Indicated that fully sprinkling the building will require some water system work.
 - 2). The existing 1” domestic service would not be sufficient to service the six units which would need separate services.
 - 3). A water improvement fee would be required due to the changes proposed.
- ***Building Commissioner Charlene Baiardi***
 - 1). Noted the need for two egress' needed out of all apartments (sidewalks indicate this)
 - 2). Noted the need for clear indication of size of escape windows out of bedrooms, the location of the two required exits from every apartment, fire separation between apartments.
 - 3). A sprinkler system is required.
 - 4). Other code requirements including that all rooms must have at least 8% glass related to the square foot.

The applicant's consultants provided written responses to the departmental comments. They also made some plan revisions to address the departmental concerns and issues raised by the Board. These responses were made part of the public hearing record.

As a result of these responses and the revised plans, all of the departments/agencies raising questions or comments indicated their concerns had been addressed to the extent appropriate at this stage. Some of the comments/issues are addressed during the building permit process.

Public Comments

The Planning Board conducted three (3) sessions of public hearings lasting over 2-1/2 hours. Most of the comments were in opposition to the application. During these public hearings, the Board received numerous verbal comments. Additionally, a petition indicating opposition was also submitted. The petition was incorporated into and made part of the record of the public hearings. The Planning Board considered all of the comments made during the public hearings.

Revised Plans

During the course of the public hearings, the applicants revised the plans and submitted building elevation drawings.

Findings – Special Permit

As required by Section 9(C) of the South Hadley Zoning Bylaw, the Planning Board made the following findings in regard to the first twelve (the “Mandatory”) standards as well as two of the subsequent (the “optional”) standards.

A. Mandatory Standards

Standard 1 - Comply with all applicable land use district, overlay district, and other specific requirements of this and other bylaws and regulations, and be consistent with the purpose and intent of this bylaw and of the land use district in which it is located;

The Board determined that the Zoning Bylaw provides that the purpose of the zoning districts applicable to this property is to provide for residential uses. The proposed use is a form of residential land use which is allowed by Special Permit. The proposed development will comply with the Zoning Bylaw dimensional requirements, parking, fencing, and other requirements. Therefore, the Board found that the proposal as revised meets Special Permit Standard 1.

Standard 2 - Be suitable to the surrounding neighborhood and the “Land Use Area” in which it is located. Land Use Areas are identified and described in the section of South Hadley's Master Plan entitled “Land Use Area Vision Statements” (pages 1-10 through 1-19). In making this determination the Planning Board shall take into consideration any guidance provided by the Land Use Goals articulated in South Hadley's Master Plan, goals articulated in South Hadley's Open Space and Recreation Plan, and input from relevant Boards, town officials, and the public.

The Board determined this standard is specific to the “Land Use Area” defined in the Master Plan and the “Land Use Area Vision” statement applicable is for the Falls area. This is a mixed used area and the applicant is proposing to repurpose the former library into a medium density residential use. This will help strengthen the revitalization of the Falls neighborhood, The proposal's density is in line with the overall density of the abutting properties. Revitalization of the Falls and the density is

compatible with the Land Use Area Vision statement for the Falls. Therefore, the Board found that the proposal meets Special Permit Standard 2.

Standard 3 - Be compatible with existing uses and uses allowed by-right in the neighborhood, Land Use Area, and zoning district.

The recently adopted Smart Growth District would allow the property to have a much higher density by right. The surrounding properties are residential but as one is closer to Main Street, the uses become more varied – within a block or so of the proposal's site. Therefore, the Board found that the proposal meets Special Permit Standard 3.

Standard 4 - Be compatible with the existing character of the neighborhood and Land Use Area, and/or zoning district. "Character" shall be understood to include prevalent patterns of: site design; setbacks from property lines; amount and location of parking; amount, type, location and quality of open spaces and landscaped areas; amount, type, and location of impervious surfaces; distances and relationships between buildings; density of building(s) relative to land area; building massing; architectural style and detailing; materials; buffering from adjacent uses; traffic volume and timing; noise; odors; and light.

The Falls neighborhood is a mixed use area with a range of medium to high density residential. The proposal involves repurposing an established building in the heart of the area at a medium density. As such, the building setbacks are not a consideration and the proposal involve landscaping and other means of buffering as well as providing more than the required amount of off-street parking. Given the previous use of the building, the traffic resulting from the proposed reuse of the building is likely to be less than previously experienced. Therefore, the Board found that the proposal meets Special Permit Standard 4.

Standard 5 - Be suitable for the property on which it is proposed, considering the property's, scenic, cultural and historic significance, and its ability to be buffered or screened from neighboring properties and public roads.

The applicant is proposing to retain the structure and modifications will be undertaken keeping in character with the historical and more recent addition to the building. Screening will be provided from neighboring properties to the extent appropriate and viable. Therefore, the Board found that the proposal meets Special Permit Standard 5.

Standard 6 - Provide safe access for fire, police, and other emergency vehicles.

The Police Chief indicated no public safety concerns. District One Fire Department has indicated approval of the proposed reuse. The applicant has proposed to modify the driveway radii to ensure fire apparatus access and the building will be fully sprinkled. Thus, there no apparent public safety issues and the property will be readily accessible for emergency vehicles and personnel. Therefore, the Board found that the proposal meets Special Permit Standard 6.

Standard 7 - Provide adequate water, drainage and waste disposal systems without causing significant harm to any natural water system or overloading any public water, drainage, or sewer system, or any other municipal facility.

The applicant has designed the water services to meet the District One requirements. Minimal alteration of the natural site is being proposed. The DPW and District One Water Departments have signed off on the proposed modifications of sewer and water

systems, respectively. Therefore, the Board found that the proposal meets Special Permit Standard 7.

Standard 8 - Not cause significant traffic congestion, impair pedestrian or bicycle safety, or overload existing roads, sidewalks and trails, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

The proposed repurposing of this existing building is reasonably anticipated to generate no more – and possibly less – traffic than the previous use of the property. Thus, the proposal is unlikely to cause any traffic congestion, impair pedestrian or bicycle traffic, or overload any of the existing transportation network. Therefore, the Board found that the proposal meets Special Permit Standard 8.

Standard 9 - Not result in excessive air, water, noise, or light pollution, or create any other public or private nuisance;

Given the proposal's reuse of an existing building, plans to use smaller HVAC systems which will be ground mounted and screened, plans to limit outside lighting to standard residential lighting fixtures, the Board found no reason to believe that it would result in any nuisance. Therefore, the Board found that the proposal meets Special Permit Standard 9.

Standard 10 - Not degrade the scenic, rural, or historic character of the town with structures or other lot features which are deemed visually objectionable in light of prevailing community as reflected in the goals articulated in South Hadley's Master Plan;

The proposal conforms to the Master Plan policies and will reuse and enhance an existing structure while supporting the revitalization of the neighborhood by making the largest residential investment in a long time. Therefore, the Board found that the proposal meets Special Permit Standard 10.

Standard 11 - Be consistent with the South Hadley Master Plan, provided that the Comprehensive Plan provides legally sufficient guidance and that the applicable provision of the Master Plan is not inconsistent with any specific provision of this Bylaw;

The Board noted that the proposal furthers various recommendations in the Master Plan and will be consistent with the Land Use Area Vision for the Falls as provided in the Master Plan. Therefore, the Board found that the proposal meets Special Permit Standard 11.

Standard 12 - Comply with applicable criteria for site plans under Section 12E.

Since this proposal largely repurposes an existing building many criteria would not be applicable. However, the screening, placement of HVAC, location of trash bins, etc. are in compliant with the applicable criteria. Therefore, the Board found that the proposal meets Special Permit Standard 12.

B. Optional Standards

While Section 9(C) of the Zoning Bylaw does not require the Board to make any findings in regard to the seven (7) optional standards, the Board made the following findings in regards to the following four standards:

Standard 14 - Not have an overall off-site impact that is significantly greater than the overall off-site impact that would be caused by full development of the property with uses permitted by right, considering relevant environmental, social, visual, and economic impacts.

Under the Smart Growth District provisions, this site could be developed with 11-13 dwelling units by right. Such a development would likely result in demolition of the existing structure and erection of a multistory building with minimal off-street parking. Such a development would likely have significantly greater impacts – off-site and on-site - than the proposal. Therefore, the Board found that the proposal meets Special Permit Standard 14.

Standard 15 - The adequacy and configuration of off-street parking and loading areas, including their nuisance impact on adjoining properties and on properties generally in the district.

The proposal involves constructing 1/3 more off-street parking spaces than required and the applicant has proposed to landscape and screen such areas. Therefore, the Board found that the proposal meets Special Permit Standard 15.

Standard 16 - Harmony of signs and exterior lighting, if any, with surrounding properties.

The proposal involves only entrance/exit signs and residential lighting typical of residential properties in the area. Therefore, the Board found that the proposal meets Special Permit Standard 16.

Standard 18 - The absence of any other characteristic of the proposed use that will be hazardous, harmful, offensive or will otherwise adversely affect the environment or the value of the neighborhood or the community.

There are not characteristics of the proposed use that given reason to believe they would be hazardous, harmful, offensive, or otherwise adversely affect the environment nor the neighborhood or community. Therefore, the Board found that the proposal meets Special Permit Standard 18.

Based on these findings, the Planning Board voted 5-0 to grant a Special Permit for the conversion of 27 Bardwell Street Condominiums with conditions consistent with the Board's findings and discussion.

Conditions of Approval

In its vote to APPROVE the Special Permit for the above-referenced project, the Planning Board attached the following conditions:

1. Area Included in Plans and Limit on Number of Dwellings. The Condominium Development includes approximately 0.55 acres depicted and described on the Plans submitted with the application and as subsequently revised. The property is generally described as the property identified on Assessor's Map #**5A** as Parcel #**24**. The Plan is approved for no more than **SIX (6)** dwelling units to be located in the former public library structure located on the subject property.
2. Limits on Usage including Maximum Number of Dwellings and Principal Structures. This Special Permit is to allow for the conversion of the former library building located on the

subject property into and use of, the subject project location, for no more than **SIX** dwellings (subject to further conditions of this decision).

3. Parking Areas. The applicant is to construct the visitor parking areas as proposed..
4. Landscaping. The landscaping plan as presented to the Board is to be implemented prior to occupancy of any of the dwellings and is to be maintained by the owner(s) of the property.
 - a. Modification/Substitution. The Board may approve modifications to the landscaping plan where the applicant demonstrates a reasonable justification and the Board determines that the modification will not result in a diminishment of the benefits of the landscaping for the public or the abutters.
5. Snow Removal Plan. As stated by the applicant and/or the applicant's representative during the public hearings, snow removal plans entail removal of the snow from the premises. The snow shall be stockpiled on those portions of the site identified on the Site Plan and not in the parking spaces, driveways, or sidewalks and shall not be plowed or deposited in any public way. Additionally, the responsible party for managing the snow shall ensure that pile of snow does not impede the effective movement of emergency apparatus and personnel to all of the residences on the property. Therefore, the applicant is to take measures to implement the snow removal plans and to provide that their successor entity (the Condo Association) is aware of their ongoing responsibility to follow the snow removal plan.
6. Rubbish/Trash storage/removal. As stated by the applicant during the public hearings, trash removal is to be curbside along Bardwell Street. The applicant is to provide a trash/recycling bin storage area such that the trash and recycling containers are screened from public view along the public roadway and nearby residences.
 - a. "Alteration/Extension" of Non-conforming Structure. The structure proposed to enclose the trash/recycling bins on the most recent site plan does not conform to the Town's Zoning Bylaw since it would have a roof and therefore, it would involve constructing a "building" within the required setback area. However, the Board concurs that such a structure with a roof for an enclosure is a preferred screening approach. The Board further finds that relocating the proposed structure such that it is located adjacent to the existing building and would not extend further towards the roadway than the nearest point of the existing building is a reasonable approach to address concerns raised during the public hearing. Accordingly, the Board members have offered opinions that such a change is more than likely to meet the standard for a Special Permit or even a waiver of such a Special Permit required under Section 2(F) of the Zoning Bylaw for "Alteration/Extension" of a nonconforming structure. Therefore, the Applicant should request a waiver of a Special Permit to make an "Alteration/Extension" of the nonconforming structure. If such a request is made, the Board shall not charge any application fee and will promptly act on such a request.
7. Modifications of Special Permit Site Plan. The Planning Board may customarily approve minor modifications of a Special Permit Site Plan. However, such modifications shall not entail reductions in the extent of screening proposed for the benefit of the abutters nor reductions in the amount of parking to be provided..

8. Changes in the Plans. If changes in the Plans become necessary, the applicant must submit the revised plans to the Town Planner to determine if further Board review is warranted. Generally, the change will require further Planning Board review; however, if it does not substantively impact any of the buffers, building, or landscaping conditions or plans, the Board may determine that it is minor and not require a public hearing to modify or amend the Special Permit Decision.
9. Departmental Comments. All comments received from the various departments by the Planning Board as noted elsewhere in this Decision are incorporated into and made a part of this decision.
10. Minutes. Minutes of the following hearings and meetings regarding this project are also incorporated into and made part of this Decision:
 - a. Planning Board public hearings on Special Permit held on November 9, 2015, December 14, 2015, and January 25, 2016.
 - b. Planning Board meetings held January 25, 2016 and February 10, 2016.
11. Application Materials and Revisions Incorporated. Application Materials and Revisions Incorporated. All application materials (including subsequent revisions thereto) submitted to, and received by the Planning Board as part of the applicant's "Form SP – Application for Special Permit" dated October 15, 2015 and other materials submitted with the application as well as those referenced herein are hereby incorporated into and made part of this Decision. Said application and related materials specifically include, but are not limited to, the following:
 - a. Application Packet Submittal dated October 15, 2015.
 - b. Existing and Proposed Plan Sheets, titled "Site Plan in South Hadley for South Hadley Library Gaylord Street" prepared by Anderson Associates, Inc. dated September 2015 (and revised November 20, 2015).
 - c. Site Plan Sheet A-001, titled "Library Conversion Condominium Schematic Design" prepared by Hervieux Design dated January 13, 2016
 - d. Building Elevations Plan Sheet A-002, titled "Library Conversion Condominium Schematic Design" prepared by Hervieux Design dated January 13, 2016.
 - e. Email and Document prepared by Ron responding to departmental and Planning Board comments and received December 7, 2015.
 - f. Document prepared by Ray Hervieux dated January 13, 2016 responding to departmental and Planning Board comments.
12. Decision Appeal Period. This Special Permit shall not take effect until:
 - a. a copy of the decision bearing certification of the Town Clerk that twenty (20) days have elapsed is recorded in the Hampshire County Registry of Deeds within twenty (20) days following this certification of the Town Clerk.

13. Proof of Filing. Proof of this filing (Condition #41) must be submitted (1) to the Building Commissioner prior to obtaining a Certification of Occupancy, and (2) to the Planning Board.

This decision shall constitute an approved Special Permit for the above-described project with conditions set forth above. Copies of this decision have been filed with the Town Clerk, Building Commissioner, and Board of Selectmen. Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing of this NOTICE in the office of the Town Clerk.

The Special Permit shall expire if the work or change involved is not commenced within one (1) year of its taking effect, and if the work or change is not substantially completed within two (2) years. The Planning Board acting as the Special Permit Granting Authority may grant an extension of time for good cause.

Failure of the applicant to adhere to the provision of this Special Permit shall constitute a violation of the Zoning By-Law, and is punishable by a fine of up to \$200.00 for each violation. Each day that such violation continues shall constitute a separate offense.

ATTESTED AND AFFIRMED

S/

Jeff Squire, Chairman
South Hadley Planning Board

February 10, 2016

Date

Cc: Town Clerk (Date Filed: _____)
Selectboard
Building Commissioner
Orange Park Management, LLC
Fire District #1 Fire Chief
Fire District #1 Water Superintendent

To: Planning Board
Richard Harris, Town Planner

From: Master Plan Implementation Committee

Date: 1/28/2016

Re: Next Steps, for Discussion

Thank you so much for making time to discuss the Master Plan and our role in its implementation at the Planning Board's January 11 meeting. We found the discussion very helpful, and feel that it clarified our tasks going forward, as follows:

Neither the Planning Board nor the Master Plan Implementation Committee is conducting any sort of rolling update or revision of the Master Plan.

MPIC's role is to monitor progress on the tasks described in the Plan, and nothing else; and

When an entity has completed all of the tasks described in its matrix we should cease to monitor it.

We should continue to report our findings to The Planning Board, the Selectboard, Town Meeting and the Town Administrator.

The Planning Board matrix that Richard presented (reordering tasks to eliminate duplications, grouping related tasks, and reformatting to make it easier to enter comments) appears to be very useful. We understand that in regard to the other entities, he is pulling out of each matrix the actions that the PB sees as the priorities for the next five years.

At MPIC's most recent meeting we discussed how to go forward with the updated matrices, and we wanted to share our thoughts with you for possible discussion. First, we are assuming that the matrices will be sent out from the Planning Board to the various entities, with a brief explanation of how and why the priorities have been selected. MPIC can then follow up, as usual, to ascertain which tasks are completed, under way, or not being undertaken. We also assume that as the matrices go out we would be copied on them. It seems possible that at least some entities will raise questions about the selected priorities. What's the mechanism for feedback about this? MPIC can certainly relay comments back and forth, but direct discussion between the PB, Town Planner and the affected entity(ies) might well be needed.

Second, we wondered whether any official action or acknowledgement is needed when entities have completed all their Master Plan tasks. The Golf Commission, the South Hadley Public Library and the Board of Health all fall into this category. We

have noted this in our Report to Town Meeting, and perhaps that is sufficient, but we would appreciate your thoughts.

Third, new town committees have been formed to tackle some Master Plan tasks, such as the Redevelopment Authority (from CEDC) and Solid Waste and Bike/Walk (Sustainability and Energy Commission.) We have been assuming that in these cases MPIC should monitor their progress in regard to MP tasks. If the PB doesn't agree with this – if we should monitor only entities named in the MP - please let us know.

Fourth, one of our concerns has been the situations where a task requires the participation of multiple entities. For example, expanding transportation and connectivity is a goal of CEDC (now part of the Redevelopment Authority's goals) but requires substantial input from Recreation, Conservation, South Hadley Public Library, DPW, Bike/Walk, etc. etc. Designating a lead entity seems to us to be the first step, and not appropriate for MPIC; should this be a PB responsibility? After that, our concern is how best to enable the participation of the necessary other entities. Should this be the responsibility of the PB? The SB? The Town Administrator?

Fifth, in the past, when we've identified lack of progress on various tasks, we've been told that it's due to such factors as limited time, limited expertise, the feeling that the task shouldn't be this particular entity's responsibility, and/or lack of interested Board or Commission members. However, if there are some activities that the PB or SB think are crucial that are not currently being addressed, what is the process for convincing the responsible entity to take up the task? We believe that MPIC's role is limited to flagging such issues and, where possible, identifying the barriers to progress.

We look forward to further discussions with you all.

Respectfully submitted,

Judy Gooch Dobosh, Chair
Ann Eaton, Secretary
Margaret Jodoin
Michelle Wolfe