

Background Materials for September 12, 2016

Agenda Items #1 through #11

Agenda Item #1 – Discussion: Tree service as a Home Occupation?

Section 7(A) of the Zoning Bylaw creates two classes of Home Occupation.

- a) Home Occupation I (allowed by right as shown in the Schedule of Uses in Section 5(E))
- b) Home Occupation II (allowed subject to Site Plan Review as shown in the Schedule of Uses in Section 5(E))

A question has arisen as to whether a “tree service” can fit the definition criteria of a Home Occupation. A copy of that portion of the Zoning Bylaw is attached. One of the issues for this use is that the Zoning Bylaw provides that there shall be “No commercial vehicle other than Class 1 Commercial Vehicles, as defined by the Massachusetts Department of Transportation, at the DOT website”.

The business in question has been described by the owner as follows:

Business Information:

Description: Since 2010, Lyndon Tree Care & Landscaping has provided tree and landscape services for residential, municipal, and commercial clients along the I-91 corridor in western MA.

Equipment: 3 trucks (one is Class 1 commercial, two are Class 5 commercial), two small loaders, two trailers, and a wood chipper. Physical work and equipment operation is on clients’ properties; landscaping materials are delivered directly to client’s properties. Storage of equipment to be contained within the agricultural portion of the land, which abuts no houses.

Building plan: To store the equipment, we propose to build a 30’x50’ garage, set back more than 50’ from the rear conservation land, and approx. 20-30’ from the side property line (left side as facing property from street). Though visibility from the street is already limited, a privacy screen would be planted to maintain a green, agricultural aesthetic in keeping with the surroundings.

Traffic/signage: No clients to visit the site; no signage would indicate our location. We have one full-time employee and two part-time employees. At most we have had four employees; at least, one. Our company is small and has no plan to increase crew size.

Hours of operation: Mon - Fri, generally 7:30/8am, with vehicle(s) to exit by 8:30/9am. Vehicle(s) return anywhere from 2:30-6pm (most common return time is 3:30/4pm). No weekend work. The business is weather dependent and seasonal; peak season is mid-April to mid-November, with limited or no regular work Dec - Mar.

Noise: In reviewing the Home Occupation criteria, it seems that noise is the biggest concern. Our vehicles are Class 5 because both have dump bodies; however, they run no louder than the Class 1 vehicle (one of the trucks is a quiet-running diesel, so it is quieter than the Class 1) and have no air brakes. Given the farm surroundings of this particular property location, the noise level should not be in excess of the agricultural uses already common to the neighborhood, and

in fact is more limited in the amount of continuous time that any trucks are running to enter/exit the property. On this end of Ferry St, with larger parcels, a lower density of residents, the boathouse, and Brunelle's Marina & Restaurant a 30-second drive away, this activity would not be causing disturbances to the neighborhood.

ACTION NEEDED: Determine whether this type of business would fit the Home Occupation criteria – regardless of location.

Agenda Item #2 – Proposed South Hadley Redevelopment Plan

This is a follow-up to the discussion held at the last Planning Board meeting. As you will recall, shortly before the meeting, you were provided with a working draft of the revised plan.

The purpose of the discussion September 12th is to provide comments on the revised plan.

ACTION NEEDED: Provide comments – no formal action is required at this time.

Agenda Item #3 – Public Hearing – Flag Lot – 108 College Street

The applicant's attorney has submitted a letter requesting that this hearing be deferred until September 26th. The hearing was advertised and noticed for 6:45 p.m.

ACTION NEEDED: The hearing should not be called to order but the Board should vote to defer the hearing. The abutters have been sent letters indicating that a deferral of this hearing has been requested.

Agenda Item #4 – Public Hearing – Multifamily Special Permit – Canal Street

Orange Park Management, LLC has submitted an application for a Special Permit to construct a 12 unit multifamily development on the property at the corners of Canal, Main, and High Streets across from the new library.



The subject property is zoned Business B which allows multifamily by Special Permit. It is also within the South Hadley Falls Overlay District which exempts the use from the density restrictions outside of the district. It also lies within the South Hadley Falls Smart Growth District which could allow up to 24 units per acre (or approximately 23 units on this site) by right subject only to design review.

All of the plans and application submitted by the applicant have been posted on the Town's website at the following links:

Elevations:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2270>

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2271>

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2264>

Floor Plans:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2265>

Landscaping (and Details) and Site Plans:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2268>

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2266>

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2267>

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2269>

Roof Plan – shows the buildings connected:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2272>

Application and Narrative:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2256>

Comments have been requested from the various departments. To date, comments have been received from the following:

Building Commissioner:

Approved with questions/comments:

Will wait for full set of Construction drawings to do Plan review. (limited information on the construction of the building) Items to Code are: egress out of units adequate, minimal room measurements are met, requirement of sprinkler/fire suppression system is listed.

Questions: height of building needed, fit neighborhood / size of parking spaces are listed as 8ft, may have to be 9ft (checking Zoning), and amount of spaces are only 12 outside with 12 in garages (? is this correct by regulations) / important to have Police and Fire approve adequate visibility for the vehicles coming in and out and down street as related to building size, location / Definitely full use of site

SHELD Engineer:

The electric meter locations and the secondary/service design, as shown on S-001, is not acceptable to SHELD. The meter locations must be grouped by building, 4 locations per building. The secondary/service design will consist of 1 secondary riser from 1 pole, and 1 handhold, centrally located to service the 3 buildings.

Relocation of the 2 poles is possible. However, the pole closest to the library is a 3 phase primary riser, and will be costly to relocate, and will likely involve a new road crossing from the new pole location to the padmount transformer at the library. Furthermore, the new poles will need to be set by Verizon.

Plans conditionally approved pending re-design of the secondary/service system, and

Conservation Commission Administrator: Project is not applicable.

Water Department District #1: Approved.

Have not received comments from the following:

- DPW Superintendent Jim Reidy
- Police Department
- Fire District #1

ACTION NEEDED: Conduct the public hearing. If more information is needed or revisions required, specify what needs to be done and continue the public hearing to a date and time certain.

Agenda Item #5 – Housing Production Plan & Multifamily Study

This is a follow-up to the Board's last several meetings and the previous public forum. As the board members will recall, Shawn Rairigh, Senior Planner with the Pioneer Valley Planning Commission has presented several PowerPoints much of the data, issues, and goals regarding the Housing Production Plan at the May 23, June 16th, June 27th, and July 18th meetings. Copies of these PowerPoint presentations have been placed on the Town's website at the following link:

- May 23, 2016: <http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2156>
- June 16, 2016: <http://southhadleyma.gov/DocumentCenter/Home/View/2196>
- June 27, 2016: <http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2201>

Shawn Rairigh has provided a draft of the Housing Production Plan. I have posted the draft of the HPP on the Town's website at the following link:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/2237>

Shawn Rairigh, Senior Planner will be present to answer questions regarding the Housing Production Plan.

ACTION NEEDED: Review, and if ready to do so, approve the HPP for consideration by the Selectboard.

ACTION NEEDED: The Board needs to execute the Performance Bond Agreement acknowledging receipt of the original agreement and the cash deposit provided by Ethan Bagg.

Agenda Item #6 – Design Review Bylaw Discussion and Bylaw Amendments for Fall Special Town Meeting

This is a follow up to the last meeting regarding Zoning Bylaw amendments and previous meetings regarding Design Review. The Board needs to provide some guidance as to how it wants to proceed on the Design Review Bylaw. I hope to have more research on solar and domestic pets amendments for discussion.

ACTION NEEDED: No action required.

Agenda Item #7 – ANR Plan – 148 Woodbridge Street

Matthew McDonough has submitted an ANR Plan to add a little portion of property to his parcel at 148 Woodbridge Street. It would not create a building lot and would be appropriate for endorsement with the proper notations.

ACTION NEEDED: Endorsement of ANR Plan

Agenda Item #8 – Minutes

I have distributed the minutes of the August 15, 2016 Planning Board meeting. I hope to have the public hearing minutes out by Monday.

ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #9 – Bills and Correspondence

A list of the bills and correspondence will be provided. No bills are currently due for payment.

ACTION NEEDED: Review the list of correspondence.

Agenda Item #10 - Development Update and Planner's Report

I will provide a report on the following items:

a. Development Report

- ***Newton Street Duplex (383 Newton Street)*** – (no change – no application has been submitted).
- ***Mountainbrook Street Acceptances*** (no change)
- ***Rivercrest Condominiums*** – (no change)

b. Other Projects

- **Urban Renewal Plan and Redevelopment Authority.** (To be discussed under agenda item #2 above)
- **Housing Studies.** (To be discussed under agenda item #5 above)
- **Complete Streets Program Participation.** As stated last month, the Town's Complete Streets Policy has been approved by the State with a score of 100 points out of a possible 100 points (actually we received 101 due to bonus points but they don't score above 100.) DPW Director Jim Reidy drafted the policy. I am working with the PVPC to develop a scope of work so that we can submit the Town's request for Complete Streets funding to develop the Town's Prioritization Plan.
- **MassWorks 2016 Application.** An application was submitted September 1, 2016.
- **Chapter 43D Expedited Permitting Program.** The application for Gaylord Street Industrials property was submitted September 2, 2016.
- Participating in the Regional Valley Bike Share planning process with the Town Administrator
- Participating with the Bike/Ped planning process.
- Participating in the "Team Hampshire" economic development coordinating effort – an informal process among several of the cities and towns in Hampshire County
- Permitting Guide.
- General Code. We have received a revised draft of the proposed code. I am reviewing some Zoning Bylaw and Subdivision questions.
- **Health Impact Assessment.** A PVPC staff member is scheduled to attend the September 26th Planning Board meeting regarding this project and the final report. Town staff are currently reviewing the draft report and will be discussing/revising its recommendations later this month.

c. Workshops/Training Opportunities

I plan to attend the following:

- Workshop on Chapter 40B to be held September 19th
- The "2016 Moving Together Conference - MassDOT's Annual Statewide Healthy Transportation Conference" to be held September 29, 2016
- "2016 Southern New England American Planning Association Chapter Conference" scheduled for October 20-21, 2016.
- Public Hearing on CDBG Program Changes to be held September 14th.

Agenda Item #11 – 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.

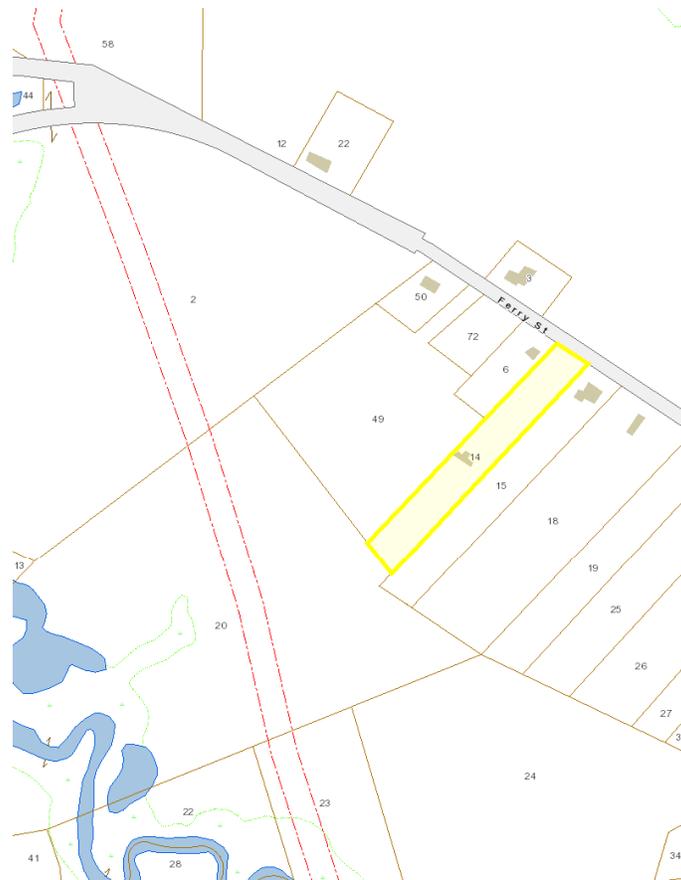
Narrative for Home Occupation at 146 Ferry St, S. Hadley

Business name: Lyndon Tree Care & Landscaping

Owners: Cory & Jennifer Lester

Property description: 2 acres with mixed zoning (the first 175ft is residential, rear 600+ft is agricultural)

Map: highlighted portion is 146 Ferry St; red lines are right-of-way. Three out of five abutters are conservation land or pasture. The two residential abutters have houses at the street, 1+ acre away from the proposed home occupation area at 146 Ferry. The abutter along the entire side of property (#15 on map) has a horse pasture and barn in the rear acre.



Business Information:

Description: Since 2010, Lyndon Tree Care & Landscaping has provided tree and landscape services for residential, municipal, and commercial clients along the I-91 corridor in western MA.

Equipment: 3 trucks (one is Class 1 commercial, two are Class 5 commercial), two small loaders, two trailers, and a wood chipper. Physical work and equipment operation is on clients' properties; landscaping materials are delivered directly to client's properties. Storage of equipment to be contained within the agricultural portion of the land, which abuts no houses.

Building plan: To store the equipment, we propose to build a 30'x50' garage, set back more than 50' from the rear conservation land, and approx. 20-30' from the side property line (left side as facing property from street). Though visibility from the street is already limited, a privacy screen would be planted to maintain a green, agricultural aesthetic in keeping with the surroundings.

Traffic/signage: No clients to visit the site; no signage would indicate our location. We have one full-time employee and two part-time employees. At most we have had four employees; at least, one. Our company is small and has no plan to increase crew size.

Hours of operation: Mon - Fri, generally 7:30/8am, with vehicle(s) to exit by 8:30/9am. Vehicle(s) return anywhere from 2:30-6pm (most common return time is 3:30/4pm). No weekend work. The business is weather dependent and seasonal; peak season is mid-April to mid-November, with limited or no regular work Dec - Mar.

Noise: In reviewing the Home Occupation criteria, it seems that noise is the biggest concern. Our vehicles are Class 5 because both have dump bodies; however, they run no louder than the Class 1 vehicle (one of the trucks is a quiet-running diesel, so it is quieter than the Class 1) and have no air brakes. Given the farm surroundings of this particular property location, the noise level should not be in excess of the agricultural uses already common to the neighborhood, and in fact is more limited in the amount of continuous time that any trucks are running to enter/exit the property. On this end of Ferry St, with larger parcels, a lower density of residents, the boathouse, and Brunelle's Marina & Restaurant a 30-second drive away, this activity would not be causing disturbances to the neighborhood.

Section 7**SUPPLEMENTAL DISTRICT REGULATIONS****(A) Home Occupations**

(As Amended Nov. 19, 2013 Special Town Mtg.)

1. Purpose and Intent

The conduct of small-scale low-impact business and professional uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

- a) Ensure the compatibility of home occupations with other uses;
- b) Maintain and preserve the rural, residential and historic character of those portions of the Town that are primarily residential in use; and
- c) Allow residents to engage in gainful employment on their properties, without undue permitting burdens, while avoiding excessive noise, traffic, nuisance, fire hazard, and other possible adverse effects of non-residential uses in residential areas.

2. Types/Categories of Home Occupations

There are two types of Home Occupations, as follows:

- a) Home Occupation I (allowed by right as shown in the Schedule of Uses in Section 5(E))
- b) Home Occupation II (allowed subject to Site Plan Review as shown in the Schedule of Uses in Section 5(E))

3. General Criteria and Standards

All Home Occupations, regardless of their type or category shall conform to the following criteria and standards:

- a) The home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units and does not alter the character of the neighborhood.
- b) More than one home occupation may be conducted on a lot, provided that the combined impact of all home occupations satisfies the criteria and standards enumerated for the appropriate level of home occupation.
- c) The home occupation is conducted only by residents of the dwelling unit but the business may employ other workers who do not engage in the work of the business at the site of the home occupation.

4. Home Occupation I (allowed by right)

A Home Occupation is allowed by right if it is carried out in compliance with the following criteria and standards:

- a) Conforms to the General Criteria and Standards applicable to all Home Occupations as provided in 7(A)3 above.
 - b) The home occupation is conducted only by residents of the dwelling unit.
 - c) All client and customer contacts are conducted via the internet or telephone or regular mail or at a site other than the location of the home occupation.
 - d) The types of businesses which are so conducted may vary widely but only utilize machinery and materials which are kept within the dwelling. Examples of permitted type/category I home occupations include, but are not limited to, artists with a home studio; web-developer who utilizes a computer, telephone, and similar small equipment; internet sales business; engineers, surveyors, architects who utilize a small portion of their residence as a home office; building contractors who utilize a small portion of their residence as a home office.
 - e) The home occupation shall not involve the repair or maintenance of client or customer property (including equipment or machinery) on the premises on which the home occupation is located.
 - f) All work associated with the home occupation is carried out within the dwelling unit in a space which shall be the lesser of 20% of the floor area of the dwelling unit or 500 square feet.
 - g) No signs denoting the conduct of the home occupation business shall be permitted or displayed on the property.
 - h) The home occupation shall not give the outward appearance of a business (the incidental appearance of a vehicle allowed under Section 8(G)6 of the Zoning Bylaw to be parked in a residential district with the owner's business name, etc. on said vehicle shall not be construed as giving the outward appearance of a business).
 - i) Persons intending to conduct a type/category I home occupation shall submit to the office of the Planning Board a signed acknowledgement that they are aware of and will comply with the conditions for such home occupation as specified in Section 7(A)4 of the Zoning Bylaw.
5. Home Occupation II (allowed subject to site plan review)
- A Home Occupation is allowed subject to site plan review (conducted in accordance with Section 12 of the Zoning Bylaw including, but not limited to, the conducting of the public hearing with prior notification of the certified abutters as provided in Section 12(D)) if it is carried out in compliance with the following criteria and standards:
- a) Conforms to the General Criteria and Standards applicable to all Home Occupations as provided in 7(A)3 above.
 - b) The home occupation may be conducted only by residents of the dwelling unit.

- c) The maximum area that may be occupied by the home occupation shall be the lesser of 20% of the floor area of the primary dwelling unit or 500 square feet.
- d) The home occupation shall not give the outward appearance of a business (signage, conducting of the business in accordance with these standards and criteria, and the incidental appearance of a vehicle allowed under Section 8(G)6 of the Zoning Bylaw to be parked in a residential district with the owner's business name, etc. on said vehicle shall not be construed as giving the outward appearance of a business).
- e) Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed one square foot and must be affixed to the residence and not be free-standing. The Planning Board may approve a small (up to 0.25 square feet) name plate to be affixed to a free-standing mailbox structure as a condition of the Site Plan Review.
- f) Parking shall be adequate for customers or clients.
- g) No commercial vehicle other than Class 1 Commercial Vehicles, as defined by the Massachusetts Department of Transportation, at the DOT website (<http://www.massdot.state.ma.us/highway/TrafficTravelResources/VehicleClassTypeClassifications.aspx>) may be parked on a property in connection with a home occupation.
- h) Automobile and truck traffic generated shall not be greater than the volume of traffic that would normally be generated by a residential use. As such, considering the property size, location, type of business, the Planning Board may establish maximum limits as to the number of client/customer visits which may be conducted during a set period of time as a condition of the Site Plan Review. The applicant must, as part of their application, provide information as to the volume of vehicular and pedestrian traffic which is expected to be associated with the home occupation at its peak level and on a routine basis.
- i) There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation.
- j) The home occupation shall be conducted in a manner that will not interfere with the enjoyment of abutting residential dwellings by reason of noise, vibration, smoke, electrical interference, dust, odors, or heat. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited. As such, the Planning Board may, as a condition of the Site Plan Review, establish limitations as to the hours of operation of the home occupation.

SOUTH HADLEY PLANNING BOARD REGULAR MEETING

MINUTES OF AUGUST 15, 2016

Draft – Draft

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

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

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

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

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

The meeting reconvened at 6:20 p.m.

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

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

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

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

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

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

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

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

4. Consider Status of Lawrence Avenue

Mr. Harris provided background to this issue noting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Discussion of the South Hadley Urban Renewal Plan

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

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

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

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

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

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

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

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

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

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

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

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

8. Discussion of Professional Business at 2078 Memorial Drive.

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

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

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

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

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

9. Execute Performance Bond Agreement for Ethan Circle Subdivision

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

10. Discussion of Bylaw amendments for Fall Special Town Meeting

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

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

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

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

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

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

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

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

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

12. Minutes

a. July 18, 2016 Planning Board meeting minutes

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

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

13. Bills and Correspondence

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

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

14. Development Update and Planner's Report

Mr. Harris reported on the following developments and activities:

a. Development Report

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

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

b. Other Projects

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

c. Workshops/Training Opportunities

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

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

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

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

16. Adjournment

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

Respectfully submitted,

DRAFT

Richard Harris, Recorder

Attachment A

List of Documents Reviewed in August 15, 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
Hand out on Redevelopment Plan	Planning Board Files
Draft Housing Production Plan	Planning Board Files
Jacobs Edge Condominiums Request	Planning Board Project Files
Stonybrook Village Condominiums Request	Planning Board Project Files
Rivercrest Condominiums Request	Planning Board Project Files
2078 Memorial Drive Decision/Request	Planning Board Project Files

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