



Town of Southwick
Planning Board
Meeting Minutes
October 30, 2007



MEMBERS IN ATTENDANCE: Doug Moglin, Chairman
Roz Terry, Vice Chairman
Robert Johnson
Sam Santaniello
Richard Utzinger, Associate

ABSENT Cal Chunglo

OTHER: Marcus Phelps, Town Planner

The regularly scheduled meeting of the Planning Board was called to order at 7:00 p.m. by Mr. Moglin.

TOWN PLANNER'S REPORT 7:00 p.m.

1. Developed a list of consultants that the Planning Board can reference when requiring an applicant to use an outside consultant for project review under Town of Southwick bylaw 315-10.1. **See Attached List.**
2. On Oct. 24 met with Patty Gambarini of the PVPC, along with Jeff Neece, Dennis Clark and Denis Gaido on completion of Southwick's Local Natural Hazards Mitigation Plan and responding to comments from the U.S. Federal Emergency Management Agency (FEMA.)
3. Attended a Local Emergency Planning Committee meeting on Oct. 25 and heard a presentation on the Westfield Water Department's drinking water treatment plant located on Reservoir Rd. in Southwick. This plant treats water from their reservoir in Granville and provides about 50% of Westfield's drinking water and serves 60 customers in Southwick. Safety issues discussed were the earthen dam built in 1929 and chemicals stored at the treatment plant.
4. Attended the Board of Selectmen meeting on Oct. 29 for introduction of Ruth Preston, Planning Board Secretary. During the meeting, Matt Seklecki of 114 Sunnyside Rd. expressed concerns about flooding and requested that the Board of Selectmen have the DPW clean out the drainage swale located on his property. Also, he stated that there seems to be additional water flowing from the Sunnyside Estates detention basin through the culvert. The Board of Selectmen agreed to look into the matter and requested Town staff to make recommendations on a course of action.
5. Met with Karl Stinehart along with Jeff Neece, Dennis Clark and Denis Gaido on Oct. 30 to discuss the water flow issues at 114 Sunnyside Rd. Jeff and Dennis will work on the drainage problem on the north side of the road, and Denis and I will look at the design and maintenance of the stormwater detention basin located on the south side of the road.

PUBLIC COMMENTS 7:10 p.m.

Floor opened to public comments. No comments were made.

APPOINTMENTS

7:10 p.m. - Robert Polverari, 114 N. Longyard — Informal ANR

The Planning Board reviewed the plans for 144 North Longyard Road. Mr. Phelps said he looked it over said it met all the requirements. Mr. Polverari was given a pre-approval slip for the creation of an ANR lot.

7:20 p. m. Pattijoe Real Estate, LLC. 90 Point Grove Rd. – ANR



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The Planning Board reviewed the plans for 90 Point Grove Road. Mr. Phelps stated that the property meets all the requirements. **A MOTION** was made by Mr. Johnson and seconded by Mrs. Terry that the ANR be accepted. The vote was unanimous.

7:25 p.m. - Roland G. Lamoureux, 142 Granville Rd. – ANR

The Planning Board reviewed the plans for 142 Granville Road. Mr. Phelps said he looked it over said it met all the requirements. **A MOTION** was made by Mr. Johnson and seconded by Mr. Santaniello to accept the ANR. The vote was unanimous.

7:30 p.m. Continuation of Public Hearing on the Proposed Erosion and Sediment Control for Stormwater Management Bylaw

The public hearing for the Stormwater Bylaw was continued from September 4th, 2007.

Mr. Phelps stated that the Planning Board will have to schedule a work session to change some wording in the bylaw. Art Pinel had questions about the document.

Art Pinel said that the definition of a hydrology model is not clear and needs to be reworded.

Robert Lévesque explained that a hydrology model is a computer program that will compare the pre-existing and the post development water flow and is approved by the Southwick Conservation Commission.

Art Pinel questioned what type of development will be subject to the bylaw. His concern is that the commercial properties are held to a higher standard than single homes, multifamily homes and small businesses. Mrs. Terry explained that a commercial business usually blacktops a large area. Blacktop impacts the flow of water and the distribution of that water. Where as, a residential area does not.

Mr. Moglin explained that the bylaw was put forward by DPW and Pioneer Valley and directed to the Planning Board as a zoning bylaw. The purpose of the bylaw is to bring the Town into compliance with the Federal Stormwater Management Act. The Town needs to have this completed by December 31st. There is a federal mandate to have the Town in compliance with the Federal Stormwater Management Act.

Art Pinel asked about agriculture as being one of the exceptions to this bylaw. However, he feels that it should read that agriculture is exempt and the remaining wording be removed. He mentioned Mass General Law Chapter 48 sections 3 has specific language about how you can approach agriculture with laws and bylaws. The purpose is to keep hands off agriculture. Mr. Moglin read the Mass. General Law which states that no such ordinance or bylaw prohibit, unreasonably regulate or require a Special Permit. Does this text in the stormwater bylaw prohibit, unreasonably regulate or require a Special Permit for the use of land?

Art Pinel also asked about logging. He feels that the statement should just say that logging is exempt and the extra language be removed. Mr. Moglin said that logging is regulated by the Conservation Commission who regulates the forest cutting plan and they approve harvesting activities. More discussion followed regarding the language of the Stormwater Bylaw. Mr. Santaniello made **A MOTION** to continue the hearing on December 11, 2007 at 7:45. Mrs. Terry seconded the motion. The vote was unanimous. Mr. Phelps will review the Stormwater Bylaw that other towns have written. The revised bylaw will be sent to all Planning Board members prior the December 11, 2007 for review.

8:00 p.m. - Public Hearing on the Proposed Amendment to the Zoning Violations and Penalties Bylaw

Mr. Moglin read the Hearing Notice.. The proposed Bylaw will increase the fine for zoning violations from not more than \$50 to not more than \$300 for each offense. Mr. Moglin read a note from Bacon & Wilson, Town Council, which stated that the Town needs to have a public meeting to approve the Zoning Bylaw change. This would bring the Town of Southwick Bylaw into compliance with the fines proposed in the previous Bylaw proposal and State Bylaw. Mr. Phelps said this would apply to all violations under zoning. **A MOTION** was made by Mr. Santaniello to not pass the Bylaw. It was seconded by Mr. Johnson. There were 2 votes yes and 2 votes no. There will be no recommendation to the Selectmen from the Planning Board on this Bylaw.

8:15 JAYDUB, LLC, 485 College Hwy. – Informal ANR

Mr. Moglin recused himself from the vote. Mrs. Terry presided. JAYDUB was represented by Rob Leveque and Steve Salvin. The Planning Board reviewed the plans for 485 College Highway. Mr. Phelps said he looked it over and said it met all the requirements. They were given pre-approval slips for KAYDUB and



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JAYDUB for the creation of two ANR lots.

ROUTINE BUSINESS 8:15

Jered Estates Road Acceptance Request

A letter from Jeffery Neece, DPW Director, recommended that Jared Estates be scheduled for a road acceptance hearing with the Board of Selectmen. The bond is \$20,684.00. The Planning Board asked for a request from the developer for a bond release. The board agreed to postpone the decision until November 6th, 2007

Amberleaf Bond Release

The Planning Board received a letter from Jeff Neece, DPW Director, recommending a bond release to Amberleaf in the amount of \$47,500.00. The bond to be retained is \$82,121.00. Mrs. Terry made **A MOTION** to release the partial bond of \$47,500 to the developer of Amberleaf. Mr. Santaniello seconded the motion. The vote was unanimous.

20 Depot Street – 65 day Waiver Request

The Planning Board received a letter from Ross & Ross requesting that the Board waives the 65 day Public Hearing requirement for the purpose of the zone change request.

A MOTION was made by Mr. Santaniello and seconded by Mr. Johnson to approve the October 16, 2007 minutes amended. The vote was unanimous.

Accessory Apartment Bylaw

Mr. Terry made **A MOTION** that the Accessory Apartment Bylaw be withdrawn from the Town Warrant of Southwick Zoning. The motion was seconded by Mr. Johnson. The vote was unanimous. The Board of Selectman will be notified of this Planning Board action.

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Santaniello and seconded by Mr. Johnson to adjourn at 8:30 p.m. Vote was unanimous,

Doug Moglin _____
Chairman

Roz Terry _____
Vice-Chairman

Cal Chunglo _____

Sam Santaniello _____

Bob Johnson _____

Richard Utzinger _____
Associate

Respectfully submitted,

Ruth Preston
Recording Secretary