



Town of Southwick
Planning Board
Meeting Minutes
November 6, 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. Worked with Denis Gaido on an assessment of the condition of the wet detention basin located on the Sunnyside Ranch Estates property opposite 114 Sunnyside Road. The Operation and Maintenance Plan dated June 1997 requires annual inspection and maintenance of the stormwater management facilities by David Hall. Denis has sent a letter to the Planning Board on this matter.
2. Contacted Jeff Neese regarding revision of the draft Erosion and Sediment Control for Stormwater Management bylaw based on comments received at the September 4 and October 30 hearings held by the Planning Board. Jeff and I will discuss these comments with Anne Capra from PVPC.
3. Mailed Wellhead Protection District bylaws and map approved at the May 15, 2007 Town Meeting to the Western Regional Office of the Massachusetts Department of Environmental Protection as follow-up to their March 6, 2007 letter for compliance with Massachusetts Drinking Water Regulations.
4. Researched zoning of property located from 662 to 664 College Highway for future rezoning. Currently, the property at 662A (Bruno) is zoned IR, the property at 662 (King) is zoned BR, and the property at 664 (Alliance Bank) is zoned IR.
5. Received a Definitive Subdivision application from Ralph DePalma for Williamsburg Estates, a 40 lot subdivision off of Sunnyside Rd. connecting to Meadow Lane. A review of the application fee, subdivision plans and requested waivers is needed.
6. Prepared an Information Memorandum on 20 Depot St. for the Planning Board.

PUBLIC COMMENTS 7:10 p.m.

Floor opened to public comments

Ruth Preston asked of the Board if the minutes could be mailed out to the different departments via email there by saving both time and paper. Roz suggested that Ruth make the request of each department. Marcus will also discuss this at the department head meeting.

Larry Bannish, Sunnyside Road, Westfield MA. owns the property behind 114 Sunny Side Road. He said that it is his intention, in the next few weeks, to clean out the water way and open the channel so the water would flow freely. Mr. Phelps inquired if Jeff Neece from DPW knew that he was doing this work. Mr. Bannish replied yes. He also has permission from the Southwick Conservation Commission to proceed.



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Mr. Moglin referred to a memo from Mr. Gaido, the Building Inspector, to the Board saying that he wants the Board to request a schedule of inspections and maintenance from Mr. Hall at Sunnyside Ranch. which will help with Mr. Brannish's problem. The Board agreed that since they do not have any enforcement powers that Mr. Gaido should write the letter. Mr. Moglin wrote a note to the Building Inspector to address the issue.

Mr. Moglin said the Board received a letter from the Fire Chief regarding a neighbor of 107 South Loomis who has apparently brought on his property an entire aircraft including a jet engine and a portion of a fuselage. Mr. Moglin states that it is within the Building Inspectors purview to determine if that is an allowable use in an R40 Zone.

APPOINTMENTS

7:15 20 Depot St – Informal Discussion

Richard A. Sypek, and Rob Levesque, representing Phelps of Southwick Realty Trust, presented plans for a project on 20 Depot Street on 24.6 acres of land that has a single family historic structure and various accessory structures on the premises and is currently zoned R 20 A. This zoning bylaw allows for condominiums which means they could build at least 144 unrestricted condominiums. The Client intends to build a project of 64 units. These condominiums would be age restricted to 55 and over by deed restriction. Initially they planned to request a zoning bylaw change to a R20 B Zone. However, their research indicated that they could put a self imposed restriction on the project. Rob Levesque has researched with the State Attorney General's office and concluded that they are able to develop the Condominiums with a Special Permit instead of requesting a zoning change. The two plans were shown to the Planning Board, one with the 144 unrestricted condominiums and the other with the 64 age restricted condominiums. Richard Sypek said that the 64 units would not hook onto the Town of Southwick sewer system. Mr. Chunglo asked if someone could claim discrimination because of the age restriction. Rob Levesque responded that Chapter 151B deals with the discrimination issue relative to age restriction as long as it is mandated through the special permitting process. Mr. Moglin stated that the difference between 20 B and 20 A is that the enforcement remedies would be a civil. Mrs. Terry question if it is legal to place a restriction in a 20A zoning. Rob Levesque stated that they were not asking for the Board to require the age restriction. This project would self impose the age restriction. Mr. Moglin asked if the parcel was assessed a betterment by the Sewer Implementation Committee as a single family or as a parcel with the potential for 144 units. No one was sure of how the betterment was figured. Mr. Chunglo inquired if the road going out to Southwick Hill was a primary entrance. Richard A. Sypek replied that the primary entrance will be Depot Street. Mrs. Terry expressed concern about traffic increase out to College Highway.

Barbara MacEwan, from the Historical Commission, has met with Rob Levesque and feels this is a good project to protect the historical house. The historical house that is located on this land is the Laflan Phelps Homestead which includes the out buildings and the house. Mr. Moglin asked if there was a use planned for this structure. Rob Levesque said that there are a couple of considerations such as a community room or to make the house into condominiums. Barbara MacEwan said that there **will be a** restriction for preservation **placed** on the deed. She stated that the **Historical** Commission is comfortable with the proposal. Rob Levesque also stated that the project is planned to be constructed in 3 or 4 phases depending on the market over 3 to 5 years. The Planning Board will continue the discussion on November 13, 2007 during a work session.

7:55 25 Industrial Road – Site Plan Review

Jim Leonard, John Dziengelewski, and Ron Hout presented the site plan for review. The applicant plans to construct a 60' x 80' building with parking and a retention area, septic system and paved parking area. The Planning Board reviewed a zoning map of the area. The property is zoned for Agriculture and Conservation and a section of the property is in the flood zone. The site plan structure is not located in the flood zone. Mr. Moglin sited that the uses permitted in this zone is Agriculture which includes farms, lumbering, stables, commercial green houses and kennels. JIM Leonard said that the land originally was not zoned for Agriculture. The Board asked Jim Leonard to locate the dates on the subdivision of the lots. The Planning Board will continue the discussion at the work session on November 13, 2007.



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8:10 pm 389 North Loomis Street – CHO

- Ms. Nora Marks plans to run a Marks Realty business out of her residence at 389 North Loomis St.
- No heavy equipment or vehicles to be stored on site.
- No customer traffic.
- No signs; no deliveries.
- Letter supplied by Building Inspector that property complies with the bylaw.

Mrs. Terry made **A MOTION** to accept the Marks Realty CHO. It was seconded by Mr. Chunglo. The vote was unanimous

ROUTINE BUSINESS 8:15

Jered Estates

The DPW recommended that Jared Estates Road be scheduled for road acceptance hearing with the Board of Selectmen. The board said the bond must be released first. The bond calculation has not been figured. The Board said they need a separate letter requesting the bond release. The Board will address this at a later date.

114 North Longyard Road ANR

Mr. Phelps said the ANR had been reviewed and it meets all requirements. Mrs. Terry made **A MOTION** to accept the ANR for Robert J. & Barbara A. Polverari on 114 North Longyard Road. The motion was seconded by Mr. Chunglo. The vote was unanimous.

38 Foster Road ANR

Mr. Moglin recused himself. Vice Chair Mrs. Terry chaired the discussion and vote. Mr. Phelps said the ANR for Kaydub, Jaydub and KKQB on 38 Foster Road have submitted one set of plans. The Board felt one set of plans worked. The plans have been reviewed and it meets all requirements. Mr. Johnson made **A MOTION** to accept the ANR. The motion was seconded by Mr. Chunglo. The vote was 4 in favor, with none opposed, and one abstention (DM).

Minutes – October 23, 2007

Mrs. Terry made **A MOTION** to accept the October 23, 2007 minutes as corrected. The motion was seconded by Mr. Chunglo. The vote was unanimous.

Mr. Moglin instructed the Board members to read the following to prepare for the work session on November 13, 2007:

Yellow Book, Chapter 185 to look for any changes.

R20 A & R20 B

R20 A, 1. a.



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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