



# *Town of Southwick*

## **Planning Board**

### MINUTES



**December 11, 2007**

**MEMBERS IN ATTENDANCE:** Doug Moglin, Chairman  
Roz Terry, Vice Chairman  
Bob Johnson  
Sam Santaniello  
Cal Chunglo  
Richard Utzinger, Associate

**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. Denis Gaido and I met with Ken Vincunas, Development Associates, developers and brokers of commercial properties to discuss current zoning in Southwick and potential locations for construction of buildings to serve business clients.
2. Attended the Board of Selectmen meeting on December 10 for the public meeting on the FY 2008 Community Development Strategy. Jim Mazik from the PVPC presented the strategy to the Board of Selectmen for discussion and explained that the state required this document to be in place when the Town applies for Community Development Block grants.
3. Met with Joe Scuderi and Atty. Tom Miranda regarding potential uses of the property to the rear of 90 Point Grove Road (former Brass Rail.) The property is zoned R-20 and is in the Flood Hazard Zone (185-20) and the Wellhead Protection District (185-22). Mr. Scuderi has an appointment to meet with the Planning Board on Dec. 18 to discuss the uses allowed and Special Permit requirements.
4. Issued ANR pre-approval forms for 31 and 37 Pineywood Road from D.L. Bean for the creation of two parcels and the cross conveyance of property. The plan will need to be signed at the Dec. 18 Planning Board meeting.

**PUBLIC COMMENTS:** 7:08 pm.

Richard Solek of the Conservation Commission said that he believed that the conservation wetlands indicated on the plans for Williamsburg Estates are not accurate. Mr. Moglin asked that the Conservation Commission submit their concerns in writing to the Planning Board prior to the Public Hearing scheduled for January 8, 2007. Richard Solek also mentioned that there is a difference between wetlands and open space. He wanted to be sure the Planning Board understood the difference when they approved plans. Mr. Moglin assured him they understood the difference



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#### APPOINTMENTS:

7:12 p.m. – 5 Rising Hill Road ANR

Mark Shute, D.L. Bean & Dan O'Sullivan owner of 43 acres of land on Rising Hill Road appeared before the Board to present plans for an ANR endorsement. The property is presently pre-existing nonconforming. He plans to retain one lot for a house. Mr. O'Sullivan indicated that Winding River Conservancy wants to purchase the remaining parcel of land for a walking trail with a 20 foot access with easement to get to the land. The Conservancy would want a small parking lot for 6 or 7 cars. Mr. Moglin said that there were three standards that must be met for entitlement for endorsement as an ANR: Must front on one of the three types of ways, must meet the minimum frontage requirements and The Planning Board's determination that the vital access to such lots as contemplated otherwise exists. Normally, when the Planning Board sees an ANR plan. It shows one or more existing lot or lots that would have access on a public way. This plan does not. It may be entitled to an ANR but the Planning Board will refer the plan to the Town Counsel.

7:25 p.m. – 866 Shaker Road Informal Discussion for Earth Excavation.

Dan Kotowitz & Mark French from Shaker Farms came before the Planning Board for an informal discussion for an Earth Excavation Project on 866 Shaker Rd. There are about 25 acres. Since there is an existing operation it made sense to extend the excavation on to the property. They have talked to Tilcon and they have expressed some interest in the property. The truck traffic would use Hudson Dr. The land is Zoned Industrial Restricted. After the excavation is finished the intentioned would be to continue to use the Industrial zoned land. Information on Earth Excavation can be found in 185-33. They will have to remain 30' above the Aquifer. The Planning Board told them that they would need two permits, one for the Wellhead Protection District and one for the Earth Excavation.

7:45 p.m. - Stormwater Bylaw Continued Public Hearing

Mr. Phelps informed the Board that there was no new information to add to the Stormwater Bylaw. Jeff Neece was asked if there was any information the Board should know. The Board and Mr. Neece had version dated June 13, 2007. Mr. Neece stated that there are certain requirements that every municipality has to adhere to for the Clean Water Act to be satisfied. DPW is sponsoring the Illicit Connections Bylaw which restricts certain discharges into the storm water system. These steps plus the Stormwater Bylaw go to adhering to the May 2008 deadline for the National Pollution Discharge Elimination System (NPDES). Mr. Phelps said that this allows the Town of Southwick to have a permit to discharge water into waters of the United States. Mrs. Terry asked that if permits are required from the Federal Government why should the Town require property owners to pay for an additional permit. Is the Town then doing the business for the Federal Government? Mr. Santaniello asked what would happen if the Town did not pass the Stormwater Bylaw. Jeff Neece replied that he was not sure. Mr. Phelps has been trying to get information from the EPA. He stated that the Town might be found in noncompliance and there might be some restriction on what the Town could do with Federal Funds. Mrs. Terry said she was concerned that the Town would be putting a huge law on the books which we did not have the expertise to enforce. If each applicant gets a NPDES permit and the Town Officials make sure the permit is in place before the issuance of a building permit that the Town would be covered. It is frustrating to not be able to find out if the Town would be penalized if they do not approve this bylaw.



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**A MOTION** was made by Mr. Johnson and seconded by Mrs. Terry that the Board make no recommendation to the Board of Selectmen on this bylaw. Motion passed with a 4-1 vote.  
The Planning Board also let stand a previous motion to not support the increase in fines of up to \$300. This was a vote related in the Stormwater Bylaw.

## **ROUTINE BUSINESS:**

8:10 p.m. \_\_\_\_\_ 373 College Highway CHO

Tyler Granfield applied for a CHO permit to have an office in his residence for "Tyler's Tree Service". He replied that there would be no customers on the premises, no business sign, no trucks or heavy duty equipment and no additional employees.

**A MOTION** was made by Mrs. Terry and seconded by Johnson to approve this application as reviewed. The vote was unanimous.

8:13 Minutes

**A MOTION** to pass the amended minutes of November 6 was made by Mr. Johnson and seconded by Mrs. Terry. The vote was unanimous.

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Johnson, **SECONDED** by Mr.Chunglo to adjourn at 8:15 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