



Town of Southwick

Planning Board

MINUTES



December 18, 2007

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

ABSENT: Roz Terry, Vice Chairman

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. Sent the ANR plan for 5 Rising Hill Road to Town Counsel for an opinion on the potential endorsement by the Planning Board. Received a letter from Atty. Beglane indicating that the plan meets the criteria for ANR endorsement.
2. PVPC meeting for Dec. 13 in Northampton, MA has been rescheduled to Dec. 20 due to last week's snowstorm.
3. Reviewed information on the proposed changes to Chapter 40B, Sections 20 to 23, Low and Moderate Income Housing. Provided copies of a newspaper article and website page for the Planning Board and prepared a reference folder.
4. John Clegg, Director of Assessments, provided information on acquiring a set of the new parcel maps. The estimated cost is \$398.75 for a complete set of 171 maps from Cartographic Associates.
5. Received an invitation from PVPC to join the Valley Development Council. It is a forum for planners to share ideas and experiences with implementing Smart Growth tools. The next monthly meeting will be Jan. 10 and will include a discussion about the proposed Chapter 40B regulation changes.
6. Received an email from Jocelyn Ayer, Senior Planner at PVPC, asking if the Planning Board is interested in having a presentation on Chapter 40R, Smart Growth Zoning and Housing Production. A copy of a Chapter 40R. fact sheet is provided to Board members.

PUBLIC COMMENTS: 7:10 pm.
There were no public comments.



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APPOINTMENTS:

7:10 p.m. 92 Bungalow Street CHO

Jeffery Murphy appeared before the Board with an application for an office in his residence for a business called Three Lakes Kitchens. He said 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 Mr. Chunglo and seconded by Mr. Johnson to endorse the CHO application as reviewed. The vote was unanimous.

ROUTINE BUSINESS:

7:15 p.m. Jared Estates Road Acceptance

Mr. Moglin spoke to Janice LaFrance on the phone prior to the meeting about the bond and the road. Mrs. La France brought a request to the Board for road acceptance of Jared Estates. She also brought in a one foot square piece of the road pavement for the Board to inspect. Mr. Moglin said that based on the length of time this has been unresolved, and that the Town consultant had signed off on that portion of the project he recommended that the Board should consider accepting the Road. The bond was actually a standby letter of credit. It is not renewable and neither is her insurance because all the lots have been sold.

A MOTION was made by Mr. Johnson and seconded by Mr. Santaniello to release the \$20,684 bond and recommended that the road be placed on the Town Meeting Warrant for acceptance... The vote was unanimous. Mr. Phelps will draft a letter to the Board of Selectmen and the Town Clerk.

7:25 p.m. Rising Hill (Corner) Rd ANR

Mr. Dan O'Sullivan, Mark Shute & D. L. Bean presented an application to the Board for an ANR for Rising Hill (Corner) Rd. The plan shows a lot and one parcel. Mr. Phelps indicated that the parcel has no access and no frontage. The application was received by the Town Counsel and recommended by the Planning Board. Mr. Phelps said that the Board has to determine that it is not a subdivision and approval is not required under the Subdivision Control Law. The notes on the plan must indicate that the parcel is not a building lot.

A MOTION was made by Mr. Chunglo and seconded by Mr. Johnson to endorse this application as an ANR. The vote was unanimous.

7:30 p.m. 90 Point Grove Rd. Informal ANR

Joe Scadari, Tom Miranda & Rick LaBarre appeared before the Board for an informal ANR discussion on 90 Point Grove Rd. They wanted to discuss the possibility of building a residence on the property. Originally the plan had been approved with the expectation of an individual purchasing part of the property. However, this is not happening. The plan was not recorded with the Registry of Deeds. Joe Scadari would like to take a 150' of frontage and create a lot to build a new residence. He would like to divide the property into two lots one for the business and one for a residence. There is a total of 297 ft. of frontage which leaves him 3 feet shy of the requirement for two lots. A large part of the property is located in the flood zone. They are seeking information on what would be required by the Board for a Special Permit. Mr. Phelps referred them to 185-20. There is sewer and water available to the property. New construction in the Flood Hazard District Zone must be built above the 100 year flood level and not displace the flood water. Mr. Moglin stated that the Board of Health and the Conservation Commission would have an opinion of what would be acceptable. Mr. Phelps indicated that the bylaw says that only 10% of the flood hazard area could be used for the 40,000 sq. ft required minimum lot area for the R-20 Zone. Mr. Moglin asked how much of this lot is in the flood hazard. Mr. Moglin explained they should consult with



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the Building Inspector if they are considering building on the existing foundation. They would have to apply to the Building Inspector. The Gazebo is located in the flood zone and is not considered a footprint for a building. The applicants were encouraged to do some more research into possibilities of use for the parcel based on zoning regulation for a flood zone. Another informal discussion is scheduled for January 8th at 7:15 p.m.

7:45 p.m. 31 & 37 Pineywood Rd ANR Lots
The applicant did not appear before the Board.

WORK SESSION 8:00 PM

Lexington Circle

Mr. Moglin stated that the Planning Board made a decision and filed it with the Town Clerk. The appeal period has past with no response from Mr. Williams. The drainage basins were not installed so the drainage system does not work. Mr. Phelps asked if the bond money could be used to install the drainage systems. Mr. Moglin replied that DPW be asked what they want to do about it. The Lexington Circle bond is secured by cash and capital. The Developer of Record is Mr. Williams and he is responsible for the bond. Mr. Phelps will talk with DPW and draft a letter to Mr. Williams for signature by the Board.

Conservation AC Zone

Mr. Moglin asked Mr. Phelps to give a copy of the revised AC Zone to the Planning Board. Mr. Phelps pointed out that single family homes are allowed in the AC Subdivision Zone by Special Permit. Each house has to get its own Special Permit. Why the Planning Board cannot issue a Special Permit for a subdivision up to four lots is a question that had been raised. Mr. Moglin said that this will be scheduled for the first work session in 2008.

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