



Deerfield Planning Board

Monday 6 March, 2023, 7:00 pm

8 Conway Street, South Deerfield MA 01373

This meeting will be held in a hybrid fashion with the opportunity for both in-person attendance and remote participation in accordance with Chapter 107 of the Acts of 2022 which extended the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c.30A § 20, until March 31, 2023. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. For purposes of in-person attendance, the Town of Deerfield will host the meeting in the Main Meeting Room of the Deerfield Municipal Offices, with remote participation details noted below:

<https://us06web.zoom.us/j/6200078930?pwd=Z2d6ZzNuMVhJMkJKVT2VUYW9yaFhCQT09>

Members Present: Denise Mason (vice-chair,) Kathy Sylvester, Kathy Watroba, Emily Gaylord, Rachel Blain, online Analee Wulfkuhle (chair, remote); absent: Andrea Leibson,

Also Present: Ken Comia, Pioneer Valley Planning Commission; John Furman VHB; Lucy Conley, Berkshire Design; Ken Bouquillon (Sunny Days)

1. Chair Wulfkuhle opened the meeting at 6:30^{SEP}

2. Review minutes: 12/5/2022, 1/14/2022, 2/6/2023

Motion to approve minutes of 12/5/2022, 1/14/2022, 2/6/2023 with corrections, Denise Mason, seconded, Kathy Sylvester^{SEP} Vote 6-0-0

Old Business^{SEP}

3. Public Hearing Continuation: Proposed Accessory Apartment bylaw

Sylvester, This proposed bylaw, replacing an expired bylaw, will require 2/3 vote at Town Meeting

Comments from the public:

Pam Predmore, 36 Graves Street. People in town who are "overhoused" and at risk of losing their homes. Care of older or younger disabled people. Rentals are few. Urges the town to

Lili Dwight, South Mill River Road, Chair of Ad Hoc Senior Housing committee. Endorses the detached ADU option. Needed for workforce housing.

Bob Decker, Offers historical perspective of development of this bylaw. Points out need for appeals process if requirements are not met. Suggests a proposed second article to extend the current bylaw if the 2/3 majority is not met. Looking for a comprehensive bylaw "book."

Mark Brennan, 66 Boynton Road, Appreciate the attention to housing needs and still being concerned about the look and feel of Deerfield. Non-conforming lots may pose a problem with setbacks.

Motion to close public comment for proposed Accessory Apartment bylaw, Rachel Blain, seconded, Denise Mason. Vote 6-0-0

Discussion: Sylvester. We have taken in the comment and tried to create regulations that move forward in steps, future changes are available. We cannot foresee all problems with this regulation.

Wulfkuhle. If this regulation does not pass in Annual Town Meeting, we will have time to present something new at a fall Special Town Meeting. We can make our recommendation pending Town council's recommendations about an appeal process.

Sylvester. This bylaw does not regulate legacy ADUs.

Blain. A shift in ownership may trigger these regulations if the ADU was not registered.

Motion to recommend to include Proposed Accessory Apartment bylaw on the Town Warrant pending council's review of appeals process, Analee Wulfkuhle, seconded, Rachel Blain. Vote 6-0-0

4. Public Hearing Continuation: VESH applications - Site Plan Review, Stormwater, Special Permit

Lucy Conley, Berkshire Design. The concerns of the peer review have been met except for the landscape plan. The lighting plan which was not submitted previously has been reviewed and meets the standards of the Deerfield bylaw.

Wulfkuhle. In the letter in reference to 5481, Limits to Site Disturbance, there is mention that a small portion of the embankment fill falls within the 100 foot buffer to a bordering vegetated wetland. Will you be filing a Notice of Intent with the Conservation Commission.

Furman. In discussion with the Assistant Town Administrator the area is about 75'-100' and we might be able to proceed with a request for determination of applicability, but the wetlands have not yet been verified so if the wetlands must be verified with peer review we will go ahead with the NOI, (Notice of Intent.)

Furman. Per the landscaping, future planning for expanding the campus makes a landscape plan impractical. There is no vegetation removed and there will be seeding of the embankment.

Blain. There is no removal of trees in the project.

Mason. We can put a condition in the decision that requires a landscaping plan in a determined period of time.

Gaylord. Will this be enough for parking and will we be going through this again in the near future?

Watroba. Will the new building require more parking?Comia. Reviews potential conditions. Waiver for landscaping requires discussion for the board.

Furman. Will send an Operations and Maintenance to town administration and the Board chair. Includes

inspection requirements.

Furman. Offers an overview of the lighting plan not previously included.

Motion to close public comment for VESH expansion Site Plan, Rachel Blain, seconded, Denise Mason. ^{SEP}Vote 6-0-0

Board discusses with Ken Comia the conditions to apply in this decision.

Motion to approve VESH expansion Site Plan and Special Permit with conditions as discussed, Denise Mason, seconded, Kathy Sylvester. Vote 6-0-0*

*In an effort to ensure and protect the health, safety, and well-being of all abutters, area residents, and the applicant, the approval of this Site Plan is contingent upon the satisfactory compliance with and completion of the following the conditions:

1. Any material change, extension or alteration of such use/structure shall require a new application, or a revision to this Special Permit. Unauthorized deviations from the approved Site Plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A. Applicant will bear the cost of any subsequent peer review triggered by any changes as noted above.
2. As stated in Letter from Berkshire Design Group, the Town's peer review engineer, dated February 23, 2023, a small portion of the embankment fill falls within the 100- foot buffer to a bordering vegetated wetland, requiring the filing of a Notice of Intent with the Conservation Commission and issuance of orders of conditions. This shall be satisfied prior to the construction of the expanded parking lot.
3. In accordance with the waiver request for this site plan approval, any future permitting of this site shall require a landscaping plan. If plans are not submitted to the Planning Board within two years of completion of construction, an updated landscape plan will be required to be submitted to the Planning Board.
4. The Applicant and the Planning Board shall jointly sign an Operations and Maintenance Agreement which include inspection

*Motion to approve Stormwater application, VESH expansion Stormwater Permit with conditions as discussed**, Kathy Sylvester, seconded, Rachel Blain. Vote 6-0-0*

**In an effort to ensure and protect the health, safety, and well-being of all abutters, area residents, and the applicant, the approval of this Stormwater application is contingent upon the satisfactory compliance with and completion of the following the conditions:

1. Any material change, extension or alteration of such use/structure shall require a new application, or a revision to this Special Permit. Unauthorized deviations from the approved Site Plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.

Applicant will bear the cost of any subsequent peer review triggered by any changes as noted above.

2. The Applicant and the Planning Board shall jointly sign an Operations and Maintenance Agreement which includes inspection requirements, maintenance, and yearly reporting to the Stormwater Authority.

5. Public Hearing Continuation: Sunny Days - Site Plan Review, Stormwater; site visit to be scheduled.

Lucy Conley. Satisfied with clarification on Site Plan review. The Stormwater application review is still under consideration from John Furman, VHB.

Discussion of traffic study. Question of fill. The applicant will be seeking waiver from the tree inventory. Discussion of the specifics of the detention basin. Bouquillon describes a project that seeks to move away from fossil fuels.

6. FRCOG Ch. 179 review: focus meeting: 3/27 6:30PM with Peggy Sloan on Zoom.

7. South Deerfield Fire Dept. Order of Notice to Cease and Desist further construction/operations until conditions of the site plan review are met at Old Frontier III solar installation 42 Settright Road. No response at this time from the owners/operator.

Next meeting 27 March 2023 at 6:30.

Regularly scheduled meeting 3 April,; 24 April Annual Town Meeting; regularly scheduled meeting May 8.

Motion to adjourn, Rachel Blain, seconded Denise Mason. Vote: 6-0-0^[SEP] Respectfully Submitted,

Rachel Blain, Planning Board Clerk