

AMHERST PLANNING BOARD
Wednesday, November 7, 2007 – 5: 15 PM
Home Economics Room, Regional Middle School
MINUTES

PRESENT: Aaron Hayden, Chair; Richard Howland, Denise Barberet, Jonathan O’Keeffe, Eduardo Suarez, Ludmilla Pavlova-Gillham, Kathleen Anderson (5:37 PM), Susan Pynchon (5:40 PM), Jonathan Shefftz (5:47 PM)

ABSENT: No One

STAFF: Jonathan Tucker, Director; Christine Brestrup, Senior Planner; Sue Krzanowski, Management Assistant

Mr. Hayden opened the meeting at 5:26 PM.

I. MINUTES – Meeting of October 17, 2007

Ms. Barberet noted that on page 4 the names of the streets were incorrect in the paragraph about traffic analyses in the Larkspur Drive area.

Mr. Howland MOVED: to accept the Minutes of October 17, 2007 as corrected. Mr. O’Keeffe seconded, and the Motion passed 6-0.

II. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION

SPR 2008-00001, Belchertown Road – John Kinchla

Mr. Hayden read the preamble and opened the public hearing for this request for Site Plan Review approval to construct a barn to serve as a farm stand with parking. (Map 18A/Parcel 4; R-N & R-LD zones)

Mr. John Kinchla, applicant, appeared before the Board to present his request. The property is more than 15 acres in size. The area to be covered by the proposed development is not large and the development will be minimal. He currently grows nursery stock in Sunderland and Charlemont and would like to have a local place to grow plants. The barn will likely be a little smaller than what is shown on the plan, perhaps about 28’ x 48’. There will be two cold frames which will be temporary structures used to over-winter nursery stock. The parking area will be in front of the building. There are two parking areas shown on the plan. One is shown in a solid line and will be built right away. Another is shown in a dotted line and is intended for future expansion. Mr. Kinchla asked that the Board approve the larger footprint, including the area shown in dotted lines, so that he will be able to expand in the future.

The land is part of the APR (Agricultural Preservation Restriction) program. Mr. Kinchla said that he plans to install TRG (Trap Rock Gravel) or “hardpack” as the surface for the parking lot and driveways. This will provide a permeable surface. He will scrape off some of the loam, but he is exploring the possibility of leaving a layer of loam and covering it with a permeable fabric and then placing the hardpack on top of that. He would like to

avoid disturbing the site as much as possible. He would like to have enough space for a viable operation but he does not wish to cover too much of the land.

Mr. Hayden observed that the applicant is applying to construct a Class I farm stand, in accordance with the Bylaw.

Mr. Tucker also noted that there are other Class I farm stands in town and he referred to Annie's Garden Center in North Amherst. Mr. Tucker noted that Mr. Kinchla's application was the first one to be filed under the newly-revised regulations.

Mr. Kinchla stated that the entire parcel of land is under an APR restriction.

Mr. O'Keeffe reviewed the Site Visit Report and stated that the report captures the observations made by Mr. O'Keeffe and Mr. Shefftz during the site visit.

Mr. Suarez referred to the Comprehensive Planning Committee's work on developing a Comprehensive Plan for the Town. He asked if the petitioner had considered locating the parking lot behind the building. He suggested that the petitioner should consider installing solar panels and he noted that the state has rebates for solar installations.

Mr. Howland expressed concern that the proposed driveways would be located opposite the driveways that serve the houses across the street and that this could be a problem, given the traffic on Belchertown Road (Route 9). He also stated that the parking lot's location in front of the building is customary for this type of business and he did not object to it. He suggested enlarging the parking lot, stating that customers might need more circulation room. He suggested a right-turn-only exit, and he noted that customers could turn around at Stanley Street after exiting to the right.

Mr. Tucker stated that the sight lines in both directions had influenced the placement of the driveways, which are located approximately midway along the frontage. He also noted that the drive aisle in the parking lot appeared to be quite tight on the plan.

Ms. Brestrup stated that the parking spaces were proposed to be the standard size (9' x 18') and that the drive aisle between the spaces was proposed to be 24 feet, which is the standard size for drive aisles in parking lots.

Ms. Anderson stated that there is a potential problem with the idea of the right-turn-only exit, which is that drivers might make U-turns on Stanley Street.

Ms. Barberet stated that she has walked and driven the road in front of the farm stand property and that traffic comes in pulses along that stretch of Route 9. The locations of the driveways are acceptable to her as shown on the plan.

Mr. Vincent O'Connor of Summer Street made the suggestion that the Board should consider the recommendations of staff, as expressed in the Development Application Report, with regard to lighting. He also asked where the deer would be coming from [that would be blocked by the deer fence].

Ms. Barberet stated that the deer would come from the west, from Amherst College property, and Mr. Tucker stated that the interior of the block, defined by Stanley Street, South East Street, and Route 9, provides habitat for wildlife.

Ms. Barberet stated that the view across the field is very picturesque and she noted that the building will be like an old New England barn. It appears that the plan as currently proposed will maintain much of the view.

Mr. Kinchla stated that the wood for the siding will come from pines cut from his property in Charlemont and will be milled locally.

Mr. Kinchla stated that most of his products will be grown by himself in Charlemont or Sunderland. He noted that he has already planted Christmas trees and Arborvitae on the site. He would like to move some nursery stock from Charlemont and Sunderland to the field on Belchertown Road. Regarding the sale of produce, he will “stick within the guidelines” of the Zoning Bylaw. He stated that friends of his who grow produce locally might wish to sell some of their products at his farm stand. Mr. Kinchla stated that he had never engaged in retail sales before and that he intended to take things slowly with regard to retail.

Ms. Pavlova-Gillham asked about the drainage ditch along the front of the property. She also asked about the need for a soil erosion control plan and about increased storm water runoff from the building.

Mr. Kinchla stated that the land around the building would be graded away from the building and that pea stone gravel would be installed around the building. He noted that the soil on the parcel is porous and that if the land is graded properly then runoff should not be a problem. Mr. Hayden noted that storm water leaving the property after the building is constructed would need to leave the site at the same rate as it does today. Mr. Tucker stated that keeping water out of the building can be accomplished by raising the building up on a higher grade and that water running in the direction of Belchertown Road would end up in the roadside ditch.

Mr. Kinchla commented that the roadside ditch was excavated by the previous owner to prevent people from driving onto the field. Mr. Kinchla also noted that the APR designation limits how much of the property can be covered by buildings or other hard surfaces.

Ms. Pavlova-Gillham asked if the applicant had considered any of the new “green building” technologies. She suggested the use of cisterns to catch stormwater so that the water can be used on-site. Mr. Suarez noted that the UMass School of Architecture will assist people who wish to build green buildings. He also noted that the Conway School of Landscape Design would be a good source of information for green technologies.

Mr. Hayden reviewed the Development Application Report. He noted that three waivers had been requested, a waiver of the lighting plan, a waiver of the soil erosion plan and a waiver of the traffic impact statement.

Mr. Hayden stated that the applicant had submitted a Lighting Plan as part of the Site Plan, showing lights in the front corners of the building and a light on the rear of the building, so a

waiver of the Lighting Plan would not be necessary. He asked how the lights would work vis-à-vis the new Dark Skies recommendations.

Mr. Kinchla stated that the lights will be on motion sensors for security. He would like to be able to have the light at the rear of the building turned on during dark hours, when the business is not open, so that he can work on fixing equipment. The lights in front of the building will only be on during business hours to greet customers.

Mr. Hayden stated that the Site Plan shows three (3) existing trees along the front property line and four (4) proposed trees. Ms. Barberet noted that the existing trees were apple trees and that they were in poor condition.

Mr. Kinchla stated that the existing trees blocked sight lines for those entering and exiting the site and that the utility poles have vines growing on them, also blocking the sight lines. He would like to remove the existing trees and replace them with Sugar Maples, Red Maples and/or Crabapples and also cut down the vines on the utility poles. He will plant the new trees at some distance back from the road. He would also like to clear the brush along the road to improve sight distance.

Mr. Howland noted that, given the nature of the business, the landscaping as shown will likely be fine.

Mr. Tucker stated that if Sugar Maple, Red Maple or Red Oak trees are planted along the road they will replicate the rural roadside landscape of New England.

Mr. Hayden asked about the Site Management Plan. Ms. Barberet stated that the principal use would be a nursery/farm stand and asked about the landscaping business. Mr. Tucker stated that the farm stand was the principal use.

Mr. Howland asked about the proposed sign, stating that the sign should not be placed to interfere with sight lines.

Mr. Hayden noted that the proposed sign was too large, according to the Zoning Bylaw because it was larger than twelve (12) square feet. Mr. Kinchla showed the Board a smaller sign and asked if it could be approved as part of the Site Plan Approval process.

Ms. Pavlova-Gillham stated that a smaller sign could become a feature with the proper lighting and landscaping. Ms. Anderson noted that the applicant was also proposing a sign on the building.

Mr. Suarez explained that a Class I farm stand could operate all year round. He questioned why the applicant was limiting his business to the months of April through November, plus December for Christmas tree sales. Mr. Suarez commented that the barn is a large space and it would be unfortunate if it were not used.

Mr. Kinchla stated that he does not wish to engage in greenhouse production and that his business is so busy during the growing season that he likes to have some time off in the winter.

Mr. Hayden noted that the new sign presented by Mr. Kinchla does not meet the Zoning Bylaw either because it is over twelve (12) square feet. The applicant needs to bring back a sign that meets the Bylaw or bring an oversized sign to the Zoning Board of Appeals for a Special Permit.

Mr. Suarez asked if there would be big trailers parked in the parking lot when the farm stand is not in business.

Mr. Kinchla stated that there would be no big trailers parked in the parking lot. The barn will have a shed attached to it. The trailers will be stored under the shed or on his property in Sunderland. The barn will provide a good structure for repairing equipment.

Mr. Hayden stated that he agreed with the waiver of the Traffic Impact Statement, noting that the road is straight at the point where the driveways will enter and that the farm stand will not add much to the traffic on Belchertown Road. Mr. Hayden also agreed with the waiver of the Soil Erosion Plan, because the lot is relatively flat and erosion should not be a problem.

There was discussion about the roadside ditch. Mr. Hayden acknowledged receipt of a letter from an environmental consultant stating that the ditch was not a wetland resource area. The Town of Amherst Wetlands Administrator has concurred that the ditch is not a wetland resource area. Mr. Tucker noted that the Town Engineer will review the curb cut application.

Mr. Howland asked if the parking lot should be widened and stated that he was concerned about circulation.

Mr. Kinchla stated that in the future he would like his customers to be able to drive around the building, pick up their plants in back and exit the property, without having to turn their vehicles around in the parking lot. This will keep large equipment and vehicles out of the parking lot traffic pattern.

Mr. Hayden asked about the proposed deer fence. Mr. Tucker stated that an eight (8) foot height is reasonably effective in keeping out deer. Mr. Kinchla stated that he already has an eight-foot high deer fence on his property in Charlemont and that it is effective. He will put yellow flags on it to alert the deer that the fence is there.

Mr. Kinchla stated that the dumpster will have a lid.

Mr. Howland MOVED: to close the public hearing. Ms. Pynchon seconded and the vote was 9-0.

Mr. Howland MOVED: to approve the application as presented. Mr. Suarez seconded.

Following discussion the Board voted 9-0 to approve this Site Plan Review application, SPR 2008-00001, to construct a barn to serve as a farm stand with parking (Section 3.3120 of the Zoning Bylaw), at Belchertown Road (Map 18A, Parcel 4, R-N and R-LD/FC Zoning Districts), subject to the following waivers and conditions.

Waivers

- 1) Traffic Impact Statement
- 2) Soil Erosion Plan

Conditions

- 1) The site lighting, as illustrated on the Site Plan, shall be installed as shown; if there is a deviation from the lighting shown on the Site Plan, the applicant shall submit a revised Site Plan showing revised site lighting to the Planning Board for approval at a public meeting;
- 2) The signs shall be lit from above and the light shall project downward onto the signs rather than upward from the ground.
- 3) The main free-standing sign and the sign on the barn shall conform to the Zoning Bylaw requirements for the R-N and R-LD Zoning Districts or, alternatively, the proposed signs shall be submitted to the Zoning Board of Appeals for a Special Permit for approval as oversized directional or informational signs.
- 4) The proposed landscaping shall be installed and continuously maintained.
- 5) Four (4) copies of the final revised plans shall be submitted to the Planning Department.
- 6) This approval will expire in two (2) years if substantial construction has not begun.

III. PUBLIC HEARING – ZONING AMENDMENT

A-7-08, College/South East Street & Belchertown Road Rezoning (petition)

Mr. Hayden read the preamble and opened the public hearing for this proposal to see if the Town will amend the Official Zoning Map to change the zoning designation for the following parcels, all on Assessor's Map 15C:

Parcel 47 – Rezone the portion of the parcel currently zoned R-N to COM

Parcel 7 – Rezone the portions of the parcel currently zoned COM and R-N to B-VC

Parcel 8 – Rezone from R-N to B-VC

Parcels 3, 4, 9 and 41 – Rezone from R-N to R-VC

Parcel 42 – Rezone from COM and R-N to R-VC

Parcels 16 and 17 – Rezone the portions of each parcel currently zoned COM to R-N

Mr. Jim Oldham, representing CSN (the Coalition for Sustainable Neighborhoods) and Precinct 5 presented this proposal to the Board. Mr. Oldham noted that he is also a member of the Comprehensive Planning Committee, but is not representing the Comprehensive Planning Committee.

Mr. Oldham said that this article (Article 17) is an alternative to the one being proposed by the Planning Board (Article 16). This article only addresses Parcels 3, 4, 9 and 41 which would be rezoned from the current R-N to R-VC instead of B-VC. Everything else is the same, he said. This proposal would create a walkable village center and preserve affordable housing, he said. It promotes the possibility of development, but allows more intensive residential uses. The B-VC allows many uses that might not be wanted in the future or envisioned in the master plan.

Mr. Suarez, for the Zoning Subcommittee, said that there is not a major difference between the proposals, and this one has a lot of merit.

Mr. Hayden summarized the background of the original article and said that the original petitioner had met with the Zoning Subcommittee and requested that his property (Map 15C/Parcel 7) be rezoned to Commercial. After reviewing the proposal, the Zoning Subcommittee decided that B-VC would be more appropriate. It would better support infrastructure improvements and honors the buffer zone, he said.

Mr. Tucker explained a chart which compares the varying uses and which included comparative dimensional regulations.

The discussion continued with Mr. Oldham expressing concern that B-VC (instead of R-VC) could spread the commercial strip from College Street around the corner to South East Street. Appropriate uses for village centers, adequate buffers, affordable housing, mixed uses, and whether or not the area is residential or commercial and which properties should be rezoned, or not, were discussed.

Ms. Mary Streeter spoke in support of the proposal.

There was no additional public comment.

Ms. Pavlova-Gillham MOVED: to close the hearing. Mr. Hayden seconded, and the Motion passed 9-0.

The Board discussed the article and debated the R-VC/B-VC zones and which would be most appropriate for this area of Town. There were suggestions that the bylaw be amended so that desirable uses would be allowed.

Mr. Howland MOVED: that the Board recommend that Town Meeting not adopt the Coalition for Sustainable Neighborhood's proposal (Article 17). Mr. O'Keeffe seconded, and the Motion passed 6-3 (Barberet, Pynchon, Suarez opposed).

IV. NEW BUSINESS

Mr. Tucker noted that there were materials from the Zoning Board of Appeals (ZBA) which were related to the Planning Board's position on Town Meeting articles and which he wanted to bring to the Planning Board's attention.

Members of the Board noted that it was too late to consider materials which arrived at the last minute, and that it was highly unusual for the ZBA to report to Town Meeting on zoning articles.

Mr. Howland stepped down from the Board at 7:50 PM.

The Board agreed that there was not enough time to respond to the ZBA's position on the zoning articles.

Ms. Pavlova-Gillham MOVED: to adjourn this meeting at 7:55 PM. Ms. Anderson seconded, and the Motion passed 8-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____