

AMHERST PLANNING BOARD
Wednesday, December 2, 2009 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan Shefftz, Chair; Jonathan O’Keeffe; Denise Barberet, David Webber, Ludmilla Pavlova-Gillham (7:20 p.m.), Richard Roznoy, Stephen Schreiber

ABSENT: Bruce Carson

STAFF: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner

Mr. Shefftz opened the meeting at 7:07 PM.

I. MINUTES Meeting of November 10, 2009

Ms. Barberet offered grammatical and substantive amendments to the Minutes of November 10, 2009.

Mr. Roznoy MOVED to approve the Minutes of November 10, 2009, as amended. Mr. Schreiber seconded and the vote was 5-0-1 (Shefftz abstained).

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR2010-00003/M3408 – Amherst Enterprise Park – Meadow Street, Climate-controlled Storage Building – Andrews & LaVerdiere

Request to construct a 24,700 s. f., three-story, masonry construction, climate-controlled storage facility with access drive and parking on 9.3 acres on Meadow Street (Map 4D, Parcels 1 & 2, LI and FPC zoning districts)

Mr. Shefftz read the preamble and opened the public hearing. He asked who had attended the first set of hearings for this proposed development [in 2008]. Mr. Shefftz, Mr. O’Keeffe and Ms. Barberet responded that they had attended those hearings. Mr. Shefftz reminded the Board members that this application would be considered from the beginning as a new application.

Bill Garrity of Garrity and Tripp presented the application. He stated that he is a Registered Landscape Architect in Massachusetts. He stated that this proposed development has been before the Board previously, but that the application was withdrawn without prejudice.

The major difference between this application and the previous one is that the lots have been reconfigured and easements have been added. He presented a plan showing the new lot configuration and the proposed easements and stated that the new lots have not been made final by an ANR. A Form A [ANR – Approval Not Required] plan showing two lots will be submitted to the Planning Board for its endorsement, to replace the three-lot plan that is now in effect. This will be done after the Site Plan Review application has been approved.

Mr. Garrity explained that the three-story climate-controlled storage building is proposed to be constructed on a 9.3-acre parcel of land carved out of a larger, 20.49-acre parcel. It is owned by Don LaVerdiere and Leigh Andrews.

Mr. Garrity presented plans that showed easements for compensatory storage, to compensate for areas of 100-year flood plain that are proposed to be filled. There will be two areas of compensatory storage for each new lot, for a total of four areas of compensatory storage. Mr. Garrity presented plans showing the zone line between the L-I (Light Industrial) District and the FPC (Flood Prone

Conservancy) District. These plans also show the bordering vegetated wetland line, the 100-foot wetland buffer zone line and the 100-year flood line (Elevation 152.8) as approved by FEMA [Federal Emergency Management Agency].

Mr. Garrity noted that on the 9.3-acre site, 85% of the site will be uncovered by building or pavement. Two areas of the 9.3-acre parcel will be designated for compensatory flood storage and one area will be a detention basin. There will be some fill in the parking lot and a small berm will be built around the detention basin. This fill needs to be compensated for, elevation by elevation, with compensatory flood storage.

The site has access to town water and is located close to two existing fire hydrants on Meadow Street. An 8" water line will be brought into the site to serve both domestic water and fire protection needs and a new fire hydrant will be located near the building. There is an existing sewer line that runs through the site. An easement will be granted to the town to allow access to this sewer line. The building will be served by a connection to the existing sewer line which also serves the auction barn, further north on Meadow Street.

Storm water will be directed to a detention basin. Catch basins along the driveway will pick up storm drainage and direct it to a "stormceptor" unit which will remove sediment from the stormwater. The stormwater will then enter a forebay which will further clean the water before it enters the detention basin. Water will be held in the detention basin, retained and slowly released. A perforated subdrain will be installed under the detention basin to recharge some of the stormwater to the ground, as required by DEP [Massachusetts Department of Environmental Protection]. This stormwater management system will take care of a storm up to the magnitude of the 100-year storm.

The stormwater on this site will pass through the drainage system before the peak flow from the Mill River reaches the site. Therefore it is not expected that the detention basin will need to both hold stormwater from the site and hold floodwater from the Mill River at the same time.

Mr. Garrity explained that there will be two easements granted to the Town of Amherst:

- 1) A 50-foot sewer easement for the existing sewer line that connects with the auction barn;
- 2) A 50-foot storm drainage easement for the existing drainage swale that passes through the site from west to east and drains the farm fields to the west of Meadow Street.

The parking lot has been designed to accommodate the needs of a building that will be used for storage of documents and archives and other types of storage that need a climate-controlled environment. The parking lot can accommodate vehicles ranging from a passenger car to a 75-foot trailer truck. The large area of pavement in the parking lot has been designed to allow large vehicles to back up and turn around. There will be nine doors for vehicle access to the rear of the building. People will be able to back their vehicles up to the doors and get a dolly to unload and transfer their materials to the storage spaces in the building.

There will be spaces for parking 41 vehicles, including two ADA universally accessible spaces.

A small, ground-mounted, lighted sign, is proposed near the entrance to the site, along the driveway. No lights are proposed along the driveway. Flood lights are proposed to be mounted on the rear of the building, to light the parking lot.

With reference to lawn areas, "landscape mowing" will be practiced within 20 feet of the building and driveway, and lawns will be mowed to a height of 2 ½ to 3" in this area. Beyond that "meadow mowing" will be practiced, with lawns being mowed periodically to a height of 6" to 10".

A solid waste dumpster will be installed in a screened area in the vicinity of the parking lot.

The building will have an office and accessory apartment for a caretaker in the southern section.

Mr. Garrity reported that the applicant has requested waivers from the requirements of the Zoning Bylaw, as follows:

- 1) Traffic Impact Study – A waiver of the Traffic Impact Study requirement has been requested. The applicant has had a review of the traffic impact prepared by a consultant, former Town Engineer, Dan Delaski. This has been presented to the Board along with the application. The review letter states that there will be less than a 2% increase in traffic on Meadow Street as a result of this project. Sight distance is 700 feet in both directions, north and south, from the proposed driveway entrance. Based on a recent site visit at 4:00 p.m., the peak traffic is not overwhelming and tends to be clustered in groupings of 5 or 6 cars.
- 2) Parking space location – The applicant has requested a waiver from the requirement that parking spaces be located in the same district as the principle use. The parking is proposed to be located primarily in the FPC zoning district, not in the LI zoning district. The location of the building has been moved back from the road to minimize the impact of a three-story building on the surrounding neighborhood. It will be located 360 feet from the adjacent Waskiewicz home.
- 3) Driveway width – The applicant has requested a waiver from the requirement that the entrance drive be a maximum of 24 feet at the Right-of-Way line. The driveway entrance has been designed with large radii to accommodate large vehicles (as well as fire trucks) that are expected to enter the site. These large radii necessitate a wider driveway at the property line.
- 4) Landscape islands – The applicant has requested a waiver from the requirement for landscaped islands in the parking lot. The installation of landscaped islands will cause difficulties for large vehicles maneuvering in the parking area.

Mr. Shefftz presented a summary of the Site Visit Report. Three board members visited the site on Monday, November 30th. They made the following observations: a stream of traffic passed by on Meadow Street, the vegetation on the site had grown considerably since the last site visit, garbage was strewn along the edge of the road, the drainage ditch has not been cleared, the barns at the Waskiewicz farm are in use, cows were visible and audible on the Waskiewicz farm, and the surrounding properties were being used for agricultural purposes. The traffic seemed to be traveling at the speed limit.

Ms. Pavlova-Gillham asked if the FPC zoning district was a district in which the town preferred not to have parking. Mr. Tucker responded that there are no strict guidelines, but that generally new buildings are not permitted in the FPC zoning district. Ms. Brestrup noted that it appears that the FPC zoning district was created in response to a FEMA requirement that towns wishing to be eligible for flood insurance needed to establish some controls over what was allowed to be built in flood zones. Mr. Tucker stated that the FPC zoning district follows state and federal regulations in regard to flooding, in that no construction should cause a worsening of the potential flood hazard.

Mr. Garrity noted that the proposed first floor elevation of the building is 156.5, several feet above the 100-year flood level of 152.8. He noted that only the north east portion of the parking lot will be flooded with between zero and 10" of water during the 100-year storm.

Mr. Roznoy asked how 18-wheeler trucks would maneuver in the parking lot when cars are parked there. Mr. Garrity explained that cars would be parked along the edges of the parking lot and he explained how trucks would maneuver in the middle of the parking area.

Mr. Roznoy asked about the request for a waiver of the Traffic Impact Statement and the discrepancy between the 14 to 16 vehicles per day estimated by the applicant and the 93 vehicles per day estimated by the traffic engineer.

Ron LaVerdiere of 433 West Street stated that Dan Dulaski visited standard storage facilities when he was preparing his analysis, that he based his analysis on the national average for storage facilities with more rental customers, and that he based his analysis on storage facilities in metropolitan areas. He asserted that most of the units in the proposed facility will be larger than those in standard storage facilities and that the traffic for the proposed facility will be lower than that for standard storage

facilities. He noted that Amherst College has 44,000 square feet of storage in its facility on the Notch. He stated that the University of Massachusetts has been requesting more storage space. He envisions that 18-wheeler trucks will come in for the initial loading of the spaces, but that after that people will come in passenger cars to search for documents.

Mr. Roznoy asked for an estimate of the number of users for the proposed facility.

Mr. LaVerdiere stated that users would include lawyers, as a result of recent legislation passed in Massachusetts, and that he estimates approximately 100 clients for the proposed storage building.

Mr. Roznoy noted that the number of vehicle trips per day had been estimated at between 16 and 93.

Mr. LaVerdiere asserted that the estimate of 16 was more realistic. He also did not envision that there would be many clients visiting the site during peak traffic hours.

Mr. Shefftz asked about whether food distributors would use the facility and whether the applicant would be willing to have a condition imposed that would prohibit food from being stored in the building. Mr. LaVerdiere stated that the building would not be cooled down to a refrigerated level and that he would be willing to have a condition that would prohibit food storage.

Mr. Shefftz asked about the possible conversion of this building to another use such as an office, as was discussed during the public hearing for the previous application. Mr. LaVerdiere stated that if any change in use were proposed the owner would need to come back to the Planning Board for a new permit. He stated that his goal is to create a storage facility on this parcel and that he is also proposing to build an office building on another part of the site.

Mr. Tucker clarified the type of office building that could be constructed in the LI zoning district and characterized it as one that would not permit a high visitation rate. Some types of offices would be prohibited [such as those providing services to the public in person on the premises] while others might be allowed with a Special Permit [such as technical or professional offices providing services predominantly by appointment] or others might be allowed by Site Plan Review [such as administrative offices not providing services to the general public in person].

Mr. Garrity noted that the building would have a footprint of 24,700 square feet and an overall square footage of floor space of 74,000 square feet on three floors.

Ms. Barberet asked why there was a need for 9 loading docks and noted the implication that there would be a lot of traffic if all 9 loading docks were used at the same time.

Mr. LaVerdiere stated that the loading docks were more like roll-up garage doors and there were 9 of them to allow several people to access their storage spaces at once, but that not all of them would have trucks. He noted that there would be ground floor storage areas associated with the garage doors and that someone might wish to store a boat or an antique car in one of the ground floor spaces.

Ms. Barberet noted that Amherst College primarily stores books in its facility at the Notch. She asked what other types of things would be stored in this facility. The answer would enable the Planning Board to assess the amount of traffic that might occur here. Mr. LaVerdiere referred to the site management document that contained a list of proposed clients. He listed antiques and other things of value that might need climate control and stated that this will be more than a 12 x 20 standard storage facility. There will be no food stored here.

Mr. Shefftz asked about the cost of this type of storage over the standard type and Mr. LaVerdiere stated that there would be approximately a 20% premium in the cost of storage here, but it would depend on the exact temperature and amount of humidity that a client wanted. More finely-tuned spaces would cost more.

Mr. Tucker stated that there might be a range of things stored in this facility, other than food, that could be delivered to the facility, stored, and then later transferred to other sites.

Mr. Shefftz asked how important 24-hour, 7-day-a-week access would be. Mr. LaVerdiere stated that the applicants do not envision a lot of traffic late at night and noted that the lack of food storage would limit the nighttime stocking. However, he would like the clients to be able to access the facility 24 hours a day.

Tanya Cushman, a resident of Leverett, stated that she was affiliated with J & J Farms and that the Planning Board should not grant a waiver from the requirement for a traffic impact study.

Mr. Tucker described the type of information that might come from a Traffic Impact Study, in terms of the Level of Service (LOS) grades given to nearby intersections. He stated that if the LOS were shown to be degraded by a certain amount based on a new development the town could require that intersection improvements be made. The mitigation requested would need to be tied to the degradation in the LOS.

Mr. Schreiber stated that it would be possible to place conditions on when the facility could be used.

Mr. Tucker stated that the Board could require that the facility be operated in such a manner as to mitigate problems with LOS. He also stated that the Board has discretion about when the Traffic Impact Study should be done.

Ms. Cushman stated that the Traffic Impact Study should be done during high summer when farmers are busy and tobacco is being harvested. There would be a lot of farm vehicles on the road then.

Mr. Shefftz noted that other traffic was likely to be lower during the summer.

Ms. Pavlova-Gillham stated that if a Traffic Impact Study is done, perhaps there could be a study of noise associated with traffic, both on the road and in the parking lot. She would like to see a study of the impact of the facility on the neighborhood.

Joe Waskiewicz of Meadow Street stated that he lives in the house just south of the property. He expressed concerns about the HVAC system and stated that he can hear the HVAC systems from UMass at certain times. He also noted that the new office building that is being proposed for another portion of the lot would generate more traffic than the storage building. He stated that there should be restrictions on what can be stored in the building.

Rob Kusner of 49 Van Meter Drive, noted that he is a former member of the Conservation Commission and the Select Board, and that he has worked with the applicant to find other sites for this facility. He asserted that the Mill River flooded extensively during the time that he was a Conservation Commission member. He asserted that the proposal did not meet the criteria required for Site Plan Review approval and he listed several of the criteria. He stated that the HVAC system would disturb nearby residents and animals. The air-handling equipment will run 24 hours a day. The site will be lighted until 10:00 p.m. which is in conflict with dairy farmers' schedules since they need to get up early. He noted that other properties zoned Light Industrial (farther north on Meadow Street) had been returned to farming. The Flood Prone Conservancy zoning district is not a good place for parking, nor is it a good place for compensatory storage. He asserted that vehicles might be carried away by storm water and that the placement of the detention basin would impede the flow of the river. He asserted that there was a discrepancy in the description of the sewer line and that he was concerned about its adequacy. He enumerated the Site Plan Review criteria, asserting that this proposal did not meet many of the criteria.

Mr. LaVerdiere stated that Don LaVerdiere and Leigh Andrews had owned this property for 30 years and that no one has ever offered to purchase the property from them.

Mr. Tucker noted that the property was recently appraised at a very high value. That, and the fact that the property was not a high priority as a farm parcel, explained why the Town had not sought to purchase the property.

Mr. LaVerdiere stated that there is a difference between flood plain and flood way and that the flood plain is really only standing water. The river current will never reach the parking lot.

Mr. Shefftz noted that the 100-year flood zone has a 1% chance of a flood occurring in any single year.

Mr. Tucker stated that there was substantial flooding during Hurricane Floyd, to the 100-year flood line, but that the culverts upstream and downstream of the site had been partially obstructed then. They have since been cleared.

There was some discussion about whether flood waters could ever reach the first floor of the building, but Mr. Garrity stated that the flood would have to greatly exceed the 100-year flood level of 152.8 to reach the first floor level of 156.5. He stated that the Conservation Commission had issued an Order of Conditions for the proposed development, with the oversight of DEP. He noted that the Town Engineer's report had required that the existing sanitary sewer line be evaluated and upgraded. He referred to the LOMAR letter issued by the federal agency that reviews flood elevations [FEMA] and stated that this letter supported the flood elevation of 152.8.

Ms. Barberet asked about previous statements by the applicant that he would start a conversation with the town about purchasing the property. Mr. LaVerdiere stated that the town does not have the money and does not consider this property a high priority for purchase. He reported that Tanya Cushman is trying to bring together funds to purchase the site and that there is still the possibility that the site will be purchased.

Mr. Tucker stated that open space acquisitions come to the Community Preservation Act Committee (CPAC) through the Conservation Commission and staff. This property does not have a high priority and the appraisal price is too high. However, others could put together an agreement to purchase the property and the town might participate.

Vince O'Connor of 179 Summer Street noted that he is the Vice-chair of the CPAC. He stated that CPAC priorities are voted on by members. He asserted that this area on Meadow Street, an area on North East Street and the Lawrence Swamp were considered high priorities by CPAC. The CPAC has recently supported an APR (Agricultural Preservation Restriction) on a nearby piece of land that was similarly zoned. He predicted that the CPAC would support this purchase if the pieces were all put together. He noted that the property has flooded several times in the last 25 years and that there had been several significant flooding events in this area. He asserted that a large area of flooding behind the apartment complexes on North Pleasant Street had caused the back-up of flood waters onto this property. He referred to a "lake" behind the apartment complexes.

Ruth Hazzard of 106 Logtown Road stated that she is Chair of the Agricultural Commission. The Agricultural Commission had discussed this proposal when it was previously before the Planning Board last year. They have similar concerns about the current proposal and they have submitted a letter to the Planning Board. Ms. Hazzard recommended that the Planning Board ask for elevations of all sides of the building because the visual impact of the building will be extremely detrimental to this area. She urged the Planning Board to consider the APR's around the site and stated that farmers whose lands are in APR are committed to farming in perpetuity. The uses allowed in the LI district should not hurt the APR land. She stated that the movement of air and wind will change with the addition of the new building, creating tunnels of air movement that will have an impact on soil, people and animals.

Mr. Tucker noted that the Board members had received a context plan that showed the surrounding farms and the location of the proposed building in relation to the existing buildings surrounding the site.

Mr. LaVerdiere stated that the proposed building was moved back on the site to lessen its impact and that the parking and lighting would all be on the opposite side of the building from J & J Farms.

Mr. LaVerdiere stated that there would be a 50-foot easement or right of way granted to the town along the drainage swale that drains 50 to 100 acres to the west. This will allow the town to go through the proper steps to clean up the swale. He also noted that the building is only proposed to be 36 feet high instead of the 50 feet that would normally be allowed in the LI zoning district.

Ms. Pavlova-Gillham asked Mr. Waskiewicz to describe his farming operation.

Mr. Waskiewicz stated that his farm had multiple operations, including the growing of vegetables and dairy farming. He stated that the cows' pasture was out behind the tobacco barn, that vegetable season was from April to November and that the farm had been in the family for 100 years.

Sarah Swartz of 11 Meadow Street stated that her family had been farming the land for 93 years. She urged the Board to think about what is appropriate and how it will affect family farms. She urged the Board to think about traffic flow in the summer when the farmers in the area rent each other's land and travel back and forth over the roads with farming equipment. She noted that there was a potential for injury as a result of conflicts between passenger vehicles, trucks and farm equipment.

Ms. Cushman stated there were problems with the sanitary sewer and that it needed to be tested and could be closed if there are too many leaks.

Mr. LaVerdiere stated that it is the applicants' responsibility to fix the sewer and that the town will work with the land owner to accomplish this.

Ruth Feldberg of 276 West Pomeroy Lane stated that the proposal is too noisy and too big and she had concerns about the 18-wheelers. She asked why the building needed to be operated 24 hours a day, 7 days a week and stated that there would be noise from the HVAC system. She asserted that this proposal is an intrusion on hard-working farmers and that it does not belong here.

Mr. LaVerdiere stated that the applicants had requested a waiver of the fees for this application because they had withdrawn their previous application as a result of there being a limited number of people on the Board who were eligible to vote on the project. The fee was paid twice, once for each application. Ms. Brestrup noted that the fee for this application was \$4,144.00.

Mr. O'Keeffe MOVED to waive 50% of the fee, noting that there was still a need for staff to work on the review. Ms. Pavlova-Gillham seconded and the vote was 7-0.

Ms. Pavlova-Gillham MOVED to continue the public hearing to December 16, 2009, at 8:30 p.m. Mr. O'Keeffe seconded and the vote was 7-0.

III. APPEARANCE

Design Review Board – Kathryn Grandonico

The Planning Board's representative on the Design Review Board, Kathryn Grandonico, gave a presentation on the Design Review Board's recent work. She stated that she works for Lincoln Real Estate in downtown Amherst. She gave a brief history of the Design Review Board and the reason for its establishment. She stated that the DRB advises the permit granting authorities, town staff and boards on design issues. She noted that the DRB tries to promote design creativity and not to stifle it. Ms. Grandonico then summarized some recent, particularly interesting, applications, including

the TD Bank signs, the scoreboard for the Stan Ziomek Diamond, the proposal for a Farmers' Market sign on the Town Common, the Archipelago Investments proposal for a new building in Boltwood Walk and the Pomeroy Village Intersection.

Ms. Grandonico described the qualifications of the members of the DRB, including her own graphic design and marketing background and noted that she had a business-owner's perspective. She also noted that two of the DRB members are architects, one is an art teacher and one is a history professor. It is a well-rounded group, she said.

Mr. O'Keeffe thanked Ms. Grandonico on behalf of the town and on behalf of the Planning Board and stated that the proposed building known as Boltwood Place had been improved as a result of the DRB's influence.

There was a brief discussion of the fact that the DRB is an advisory board and that whether the advice is followed depends on the Permit Granting Authority. Mr. Tucker noted that most of the time the DRB recommendations have a significant impact on proposals.

Ms. Pavlova-Gillham noted that the DRB has a good public-relations function and provides professional advice in a friendly manner and she termed their function a fantastic service to the community.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed ANR 2010-00003, 14 and 38 Gray Street, for Hills House LLC.

VI. OLD BUSINESS – Signing of Decisions

The Board signed the following Site Plan Review and Special Permit decisions:

SPR2010-00004/M3410 and SPP2010-00001/M3411 – 43-51 North Pleasant St. – Boltwood Place – Archipelago Investments, LLC

IV. MASTER PLAN – Discussion

Mr. Tucker stated that it was not clear that there is any requirement in state law for a public hearing regarding approval of the Master Plan, but that he would recommend holding a public hearing prior to formal adoption, to obtain final public input.

Ms. Pavlova-Gillham MOVED to approve the draft of the Master Plan as proposed. Mr. Webber seconded.

Ms. Barberet stated that she had objections to the added language regarding directing development to "specific districts and neighborhoods". She expressed concern that it could refer to anywhere in town and that it was not in the original intent of the Master Plan. She also expressed concern that her objections would not be considered. She stated that the added language made the Master Plan a futile exercise and a waste of \$200,000.

Mr. O'Keeffe stated that Ms. Barberet's objections would be considered but that he didn't agree with her objections and that he and the Master Plan Subcommittee had listened to her concerns at length and had thought carefully about the issue. He thought that the added language clarified and improved the Master Plan and that the Master Plan as a whole contained useful thoughts and ideas about how to improve the town. He stated that the added language does not sabotage the Master Plan or waste the effort that has gone into developing it.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____