

**AMHERST PLANNING BOARD**  
**Wednesday, December 16, 2009 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Jonathan Shefftz, Chair; Jonathan O’Keeffe; Denise Barberet, David Webber, Ludmilla Pavlova-Gillham, Richard Roznoy, Stephen Schreiber, Bruce Carson and Rob Crowner

**ABSENT:** None

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

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Mr. Shefftz opened the meeting at 7:03 PM.

**I. MINUTES** Meeting of December 2, 2009

Mr. Shefftz and Ms. Barberet offered grammatical and substantive amendments to the Minutes of December 2, 2009.

Mr. Schreiber MOVED to approve the Minutes of December 2, 2009, as amended. Mr. Webber seconded and the vote was 8-0-1 (Crowner abstained).

**III. NEW BUSINESS**

Mr. Shefftz introduced new Planning Board member, Rob Crouner. Mr. Crouner, of 44 Spaulding Street, has lived in Amherst for 14 to 15 years. He has been a Town Meeting member, a member of the Comprehensive Planning Committee and is currently on the Save Our Stop Task Force. Mr. Shefftz noted that this is the first time since he has been on the Board that it has had a full complement of nine members.

**II. PUBLIC HEARING – SITE PLAN REVIEW**

**SPR2010-00006/M3877 - 65 High St., Margaret Bouvier**

Request approval to relocate fire escape to north side of building; new stairs to be partially enclosed. Existing building is two-family; one apartment w/2 bedrooms; one apartment w/4 bedrooms. (Map 14B/Parcel 90; R-G zoning district)

Mr. Shefftz read the preamble and opened the public hearing. Ms. Barberet asked for clarification of the term “abutter” and, after hearing the definition from Mr. Tucker, she disclosed that she may live within 300 feet of the property being considered; however, she stated that she is a renter and not a property owner, and the proximity of her house to 65 High Street will have no effect on her ability to make an impartial decision on the application. Mr. Schreiber stated that he also lives in the neighborhood, but believes that his property is more than 300 feet from the property under consideration.

Margaret Bouvier, owner of the property at 65 High Street, presented the application, along with her contractor, Michael Fitzgerald of Teagno Construction. She would like permission to move the staircase to the north side of the house, for reasons of safety and because it will be more aesthetically appealing.

The existing staircase on the south side of the house is steep, not covered and difficult to clear of ice and snow. The applicant would like to install a new covered staircase on the north side that is less steep, to lead directly to the driveway and laundry area in the basement of the house. The new staircase can be covered to protect it from the elements, without blocking the light to any windows.

Mr. Fitzgerald stated that there is a zoning requirement for four parking spaces. The driveway and garage can accommodate the number of cars that are needed. There is also adequate space in the rear of the driveway for cars to turn around so that they do not need to back out onto the street.

Mr. Shefftz summarized the Site Visit Report, noting that the site visit had occurred on Tuesday, December 15<sup>th</sup>.

Mr. O’Keeffe asked if the staircase would provide access to the apartment in general or if it would only be used as a fire escape. There was discussion about the term “fire escape” and the term “second means of egress”, and Mr. Schreiber, an architect, explained that the terms are used synonymously. Ms. Bouvier stated that the primary access to the apartment will be the front stairway, but the new staircase will have more direct access for tenants to the laundry and the driveway.

Ms. Bouvier confirmed that the new staircase would reach only to the second floor and would not reach the third floor.

The materials will consist of pressure-treated lumber, painted white to match the house, exterior panels of cement board, also painted white, and a clear, corrugated, Lexan roof. The stair treads will be made of cedar-colored synthetic decking material, which will not be seen from the street or adjacent properties. The structure will be supported by columns from below.

Marjorie Babb of 92 High Street stated that there are often cars parked on the street in the vicinity of 65 High Street and asserted that the property needs more parking. She did not believe that the garage was used for parking.

Mr. Shefftz stated that the relocation of the staircase did not appear to affect the parking arrangement on the property.

Mr. Schreiber noted that on-street parking was allowed on the west side of High Street, but not on the east side. This house is on the east side. The parking on the street is not clearly associated with this house.

Mr. Fitzgerald stated that the driveway is approximately 18 feet wide, the building is 8 feet from the driveway and the stairs will only project about 38 inches from the house.

Ms. Barberet asked about the plan that showed parking on the site and stated that the stairway does not appear to intrude into the driveway. Mr. Tucker pointed out that there are three spaces along the driveway and three spaces in the garage.

Ms. Brestrup clarified a point regarding parking requirements, stating that Section 7.101 of the Zoning Bylaw, which requires parking spaces to be at least 8 feet from a building wall, does not apply to residential uses of four units or fewer.

Mr. O’Keeffe stated that during the site visit the Board members had observed the location of the cars parked on the property and that one parking space in the garage was currently being used to store materials that would be used to construct the staircase.

Ms. Bouvier asserted that she and her tenants never parked on High Street. When there is a need to park on the street, they park on Taylor Street.

Mr. Tucker asked about the cement board materials that would be used to construct the staircase and suggested that the materials of the house itself (such as clapboards) might be more appropriately used on the staircase. Mr. Fitzgerald pointed out that it would be difficult to use clapboards on the exterior of the staircase because of the angle of the exterior panels. Clapboards would need to be cut on an angle. He noted that the option of totally enclosing the staircase and installing windows had been rejected for monetary reasons.

Mr. Tucker suggested that vertical elements might be applied to the exterior of the stairwell wall to reflect the details of the building. Mr. Fitzgerald agreed to try to incorporate vertical elements on the outside of the staircase to break up the unrelieved flatness of the panels.

Mr. Schreiber commented on the size of the columns, which were shown on the drawings as 4 x 4's, and suggested that larger columns be used, even if only for visual effect. Mr. Fitzgerald stated that 6 x 6 columns would be used. Board members encouraged Mr. Fitzgerald to look at the columns on the porch in front of the building for reference.

Ms. Babb expressed concern that the stairway would not be entirely enclosed and that snow would be blown in through the space between the roof and the paneling. Because the stairs will be on the north side they are more likely to be icy and slippery. Ms. Pavlova-Gillham suggested that there should be a maintenance plan for the stairs. Mr. Tucker noted that the Management Plan states who will be responsible for snow plowing and suggested that the person responsible for plowing could be asked to keep the stairs clear of snow.

Mr. O'Keefe MOVED to close the public hearing. Mr. Roznoy seconded and the vote was 9-0.

The Board found, under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw;
- 11.2401 – Town amenities and abutting properties will be protected because there is a condition requiring the submission of revised plans showing details of the staircase to make it more compatible with the architecture of the house and the neighborhood, and there is adequate parking on the site, which will alleviate the need for on-street parking;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics because the review process has carefully considered aspects of the project such as detailing of the staircase and the arrangement of parking;
- 11.2403 – N/A
- 11.2410 – Unique or historic features of the property will be protected because the architectural features of the historic house will not be altered and the new staircase will be detailed and painted to be compatible with the existing house;
- 11.2411 – N/A
- 11.2412 – N/A
- 11.2413 – N/A
- 11.2414 – N/A
- 11.2415 – N/A
- 11.2416 – N/A
- 11.2417 – The adjacent properties will be protected by minimizing the intrusion of lighting because conditions of the permit will require that all lighting shall be downcast and shall not shine onto adjacent properties or streets;
- 11.2418 – N/A
- 11.2419 – N/A
- 11.2420 – N/A
- 11.2421 – The development is consistent (with respect to setbacks, placement of parking, landscaping and entrances and exits) with surrounding buildings and development, because the only entrance that is changing is the new door being created in place of a window on the second floor; other houses in the neighborhood have exterior staircases leading to upper floor doors, and there are no setback, parking or landscaping issues.
- 11.2422 – N/A
- 11.2423 – N/A
- 11.2424 – N/A

11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties, because there was extensive discussion of parking and vehicular movement in the Development Application Report, the issue was studied during the site visit and Board members determined that the existing conditions were adequate, except that a condition of the permit will require that a new site plan be submitted to show a paved connection between the bottom of the new staircase and the driveway.

Ms. Bouvier observed that the driveway is oil and stone and that there is almost no space between the bottom of the stairs and the edge of the driveway.

11.2431 – N/A

11.2432 – N/A

11.2433 – N/A

11.2434 – N/A

11.2435 – N/A

11.2436 – N/A

11.2437 – N/A – Mr. O’Keeffe noted that the Board has been asked to waive the requirement for a Traffic Impact Statement.

Mr. Shefftz reviewed the issues outlined in the Development Application Report. He noted the waivers that had been requested, as follows:

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Sign Plan
- Traffic Impact Statement.

Mr. Shefftz observed that there will be a condition that will require that all new lights shall be downcast.

Ms. Barberet asked if there is an apartment in the garage. Ms. Bouvier stated that there is none.

In accordance with Section 3.321 of the Zoning Bylaw the Board reviewed the provisions of Section 3.2040 and 3.2041, Design Review Principles and Standards, with respect to this application.

Section 3.2040, Design Review Principles:

- 1) The distinguishing original qualities of the building will be preserved because the staircase will be relatively small and the only change in the existing building will be the substitution of a new door for an existing window and the removal of an exterior stair on the south side.
- 2) The new staircase will be a design of the current era and will not seek to create an earlier appearance, but it will reflect the vertical detailing and proportions of the existing house.
- 3) Stylistic features of the existing building have been preserved.
- 4) The new staircase will be of contemporary design, although the detailing will reflect the details of the existing building. This will be shown on the final drawings to be submitted to the Board.
- 5) The design of the staircase will improve the quality, appearance and usability of the existing building because it will provide a new, safer, more easily maintained egress for the second floor apartment.

Section 3.2041, Design Review Standards:

- 1) Height – The height of the stairway is compatible with the style and character of the building and that of the surroundings because it is relatively small and will only reach the second floor.
- 2) Proportions – The proportions and relationships of height to width are compatible because the new staircase will not change the existing architectural elements of the building, with the

- exception of a new door being added to the second floor and there will be a condition requiring that revised details be submitted to the Board for review.
- 3) Relation of Structures and Spaces – The relation of the staircase to the open space and to adjoining structures is compatible with relations in the surroundings because it is a relatively small addition to the building and will not intrude significantly on the open space.
  - 4) Shape – The shape of roofs, windows, doors and other design elements will be compatible with the architectural style and character of the building and the surroundings because the applicant has been asked to add detailing to the façade of the staircase to reflect the detailing of the house, and revised drawings will be submitted to the Board for review and approval which will include information on the elevation of the staircase and the new door.
  - 5) Landscape – There will be no changes to the landscape.
  - 6) Scale – The scale of the staircase will be compatible with that of the house because it has been reduced from the original proposal for a staircase that would go to the third floor, and it will reflect the architectural detailing and sizes of openings on the existing house, and revised drawings will be submitted for the Board’s review and approval.
  - 7) Directional Expression – Building facades and other architectural elements will be compatible with those of others in the surrounding area with regard to the dominant vertical or horizontal expression, because vertical elements will be added to the façade of the staircase to reflect the vertical elements on the existing building.
  - 8) Architectural and Site Details – Architectural and site details will be compatible with the original architecture of the structure, because they will use detailing and scale that reflect those of the existing building.
  - 9) Signs – There will be no signs.

Mr. Webber MOVED to approve the Site Plan Review application with the following waivers and conditions:

Waivers

- 1) Landscape Plan
- 2) Lighting Plan
- 3) Soil Erosion Plan
- 4) Sign Plan
- 5) Traffic Impact Statement;

Conditions

- 1) Final design drawings shall be submitted, including a site plan showing a paved connection between the bottom of the stairs and the edge of the driveway and details of doors, posts and exterior panels of the new staircase, for review and approval by the Planning Board;
- 2) All new exterior lighting shall be downcast.

Mr. O’Keeffe seconded. Mr. Schreiber asked that a condition be added to the motion to allow the applicant to begin construction of the structure, since the fundamental construction was not associated with the details that will be reviewed by the Planning Board. Mr. Webber accepted that addition, and the vote was 9-0 to approve the amended motion.

**SPR2010-00007/M3954 – 178 N. Pleasant St., Jason Brown**

Request approval for a Class 1 restaurant on the first floor with seating for 44 indoors and 20 outside on a new patio. (Map 11C/Parcel 231; B-L zoning district)

Mr. Shefftz read the preamble and opened the public hearing.

John Kuhn of Kuhn Riddle Architects presented the application for Jason Brown. Barry Roberts, owner of the property, was also present as was Mr. Brown's partner, Devon Kenison.

Mr. Kuhn stated that the house has been in Mr. Roberts' family for a long time. Mr. Brown wishes to open a seafood restaurant in the large first floor space that had been a tattoo parlor. The building is adjacent to Henion Bakery and Knowles Flower Shop. There are no plans to do anything to the site in the rear of the building. The proposed work will be in front. The work includes the addition of a ramp, steps and an outdoor dining area which will be paved to match the public sidewalk. The building will be painted gray with blue shutters and white trim. There will be a sign above the existing windows which will stand a few inches off the wall. There will also be a post sign, four feet wide and eight feet high. Both signs will say "Clearwater" and "seafood & grille". A light (sconce) will be mounted on either side of the large windows and a post light will be mounted on posts at each front corner of the outdoor dining area. The lights will be white and triangular or wedge-shaped and will be downcast.

The applicant has requested two waivers:

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

The Site Plan Review application for the restaurant has been filed under Section 3.352 of the Zoning Bylaw, for a Class I restaurant, not to be open past 11:30 p.m. The total occupancy will be 49, because if the occupancy is over 50 the use becomes an assembly use, under the Building Code, and this triggers a requirement to sprinkler the entire building.

Mr. Kuhn reviewed the Site Plan Review Criteria under Section 11.24 of the Zoning Bylaw. He noted that there is an existing dumpster in the corner of the parking lot that will remain. Sewer and water are provided by connections to the town systems. There will be no change in the storm drainage system. Regarding landscaping, a plan from 1995 had shown proposed landscaping that was never installed.

Mr. Roberts stated that the landscaping plan had been prepared for the original project, permitted in 1995-1996. The rear of the lot had been undeveloped at that time, and there was no parking lot there. Once the parking lot was developed it became clear that the neighbor to the south dumps snow on the property and the plants originally proposed would not be appropriate. Mr. Roberts indicated that he is willing to install plants that will be able to withstand the snow.

Mr. Kuhn stated that all of the new lighting on the property will be downcast. He also noted, in support of the waiver of the Traffic Impact Statement, that there would be no changes to traffic or parking as a result of this project. In addition, the location of the proposed freestanding sign will not impose on the "clear sight triangle" [as outlined in Section 6.27 of the Zoning Bylaw].

Mr. Kuhn stated that the Design Review Board had reviewed the proposed development and had recommended approval. The applicant plans to return to the Design Review Board for review of the pavers for the outdoor dining area, and other details related to the patio.

With regard to the location of the free-standing sign, it is proposed to be in the same location as a previous sign. The location is within the front setback and thus requires a Special Permit. Mr. Kuhn recommended that the Zoning Subcommittee of the Planning Board look at the section of the Zoning Bylaw regarding setbacks for signs in the B-L district, because the requirements are unclear. He stated that the applicant had not been told early enough about the setback requirement and therefore could not apply for the Special Permit concurrently with the Site Plan Review application. For this reason, Mr. Kuhn requested a fee waiver for the Special Permit application.

Mr. Tucker stated that the Special Permit would be sought from the Planning Board since the Board is the body granting the principle permit for the use.

Mr. Shefftz summarized the Site Visit Report for the site visit that occurred on Tuesday, December 15<sup>th</sup>. He noted that Board members had been surprised at how far back the property extended. In his

opinion, this is the most northern “walk-up” business on the west side of North Pleasant Street and is, therefore, an important spot in the downtown.

Ms. Barberet asked why this application had been filed as a Site Plan Review and not a Special Permit given the non-conforming features of the site. Mr. Tucker stated that the Site Plan Review application was for the use, which is allowed by Site Plan Review, that changes to the building are not being proposed, and no part of the proposal would affect the existing non-conformities.

Mr. Roznoy asked about the new system of recycling and trash disposal that had been mentioned at the site visit. He also noted that the emergency rear exit was blocked by recyclables.

Mr. Roberts explained that some of the current tenants were doing their own recycling and that they store recycling materials near the back doors. There will be a new system for storage and disposal of recyclables that will accommodate the needs of all of the tenants. The storage area will be established near the walk-in cooler, behind Henion’s Bakery. Amherst Trucking will be hired to take care of the recycling.

Ms. Barberet asked what is on the second floor. Mr. Roberts stated that there is a psychiatrist’s office on the second floor.

Ann Sterling Bush of 57 North Prospect Street spoke of her concerns about this property. She noted concerns about the size and condition of the parking lot, winter conditions in the parking lot, control of the numbers of people entering the establishment and the security of the post sign.

Mr. Tucker noted that this property is located within the Municipal Parking District. Parking requirements are not in question here.

Mr. Shefftz noted that the property and the parking lot are owned by one owner and the property contains four businesses.

Mr. O’Keeffe reiterated that since the property is in the Municipal Parking District it is not required to have off-street parking. However, if it were required to have parking, it would be required to have 11 spaces to serve 44 seats. He also noted that the allowed maximum occupancy of the restaurant will be posted and enforced.

Michael Pill, of Shutesbury, was present as the attorney for another applicant. He stated that he had never had a problem finding short-term parking in this area. He noted that it was better to have a thriving business in the space than a vacant store.

Tony Maroulis, of the Chamber of Commerce at 28 Amity Street, who lives at 4 Bray Court in Pelham, stated that the restaurant will be the perfect use for the space. There are other long-term parking lots within easy walking distance of the property, including the CVS lot and the Boltwood Walk parking garage. The restaurant business will have peak hours of operation which will not conflict with parking demand for Knowles Flower Shop and Henion Bakery.

Ms. Pavlova-Gillham MOVED to close the public hearing. Mr. Schreiber seconded and the vote was 9-0.

The Board members reviewed the Site Plan Review criteria of Section 11.24 of the Zoning Bylaw.

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw, with the exception of the pre-existing non-conformities which are not affected by this change of use;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions because the restaurant will close by 11:30 p.m., the property is in the Municipal Parking District and therefore on-site parking is not required; a condition of the project will be that all exterior lighting shall be downcast;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use because all exterior lighting will be downcast;

- 11.2403 – N/A
- 11.2410 – Unique or important historic features of the property will be protected because the architectural features of the historic building will not be altered;
- 11.2411 – Proposed methods of refuse disposal will be adequate because there is an existing dumpster at the northwest corner of the parking lot which will continue to be used by tenants, the property owner has stated that frequency of pick-up of refuse will be increased if necessary, and a new recycling storage facility will be installed near the walk-in cooler, behind Henion's Bakery, where it will be screened by the cooler;
- 11.2412 – N/A
- 11.2413 – The drainage system within the site is adequate to handle the runoff resulting from the development because the new development will occur at the front of the site and runoff will be handled by the town's storm drainage system in North Pleasant Street; the rear parking lot area will not be changed; the Town Engineer has not identified any problems with the drainage system in the parking lot.

In response to Ms. Bush's concerns, Ms. Pavlova-Gillham noted that no real problems with the parking lot have been brought to the Board's attention. There is a certain amount of discomfort that people in this area learn to live with during the winter. She further noted that the parking lot is not fully paved, which allows some infiltration of stormwater into the ground. The current situation is accepting of the natural state of the property. If the property were to be rebuilt in the future and the parking lot were to be paved, then the Board might be inclined to pay more attention to drainage and other conditions in the parking lot.

- 11.2414 – Adequate landscaping will be provided because a condition of the permit will require the applicant to submit a revised landscape plan and to install and maintain the plantings;
  - 11.2415 – N/A - The requirement for a Soil Erosion Plan will be waived because the site is flat and erosion is not expected.
  - 11.2416 – N/A
  - 11.2417 – The adjacent properties will be protected by minimizing the intrusion of lighting because conditions of the permit will require that all lighting be downcast and not shine onto adjacent properties or streets;
  - 11.2418 – N/A
  - 11.2419 – N/A
  - 11.2420 – The project was reviewed by the Design Review Board (DRB) on November 17, 2009, and the DRB memorandum has addressed the issues outlined in Sections 3.2040 and 3.2041 of the Zoning Bylaw;
  - 11.2421 – The development is consistent (with respect to setbacks, placement of parking, landscaping and entrances and exits) with surrounding buildings and development, because the development is confined to the front of the building and other businesses in the downtown area have ramps and stairs in front of the buildings to provide access; the pavers on the patio will be compatible with those of the public sidewalk; and a Special Permit will be required for the placement of the sign within the front setback;
  - 11.2422 – N/A
  - 11.2423 – N/A – There are no changes being proposed that will affect the relationship of the buildings on the site to one another;
  - 11.2424 – Screening will be provided for the new recycling storage area behind the existing walk-in cooler and the existing dumpster will remain in its current location at the northwest corner of the parking lot, not visible from the street, behind the small accessory structure that houses Mystery Train;
  - 11.2430 through 11.2435 – There are no changes that affect the issues addressed in these criteria.
- Ms. Pavlova-Gillham noted that there is a bicycle rack in front of Henion Bakery.



11.2436 – N/A – The requirement for a Traffic Impact Report will be waived because, although there may be more traffic as a result of this project, the property is located in the downtown area where there is already significant traffic;

11.2437 – N/A

The Board members reviewed the issues outlined in the Development Application Report.

Mr. Roznoy MOVED to approve the Site Plan Review application with the following waivers and conditions:

Waivers

1. Soil Erosion Plan
2. Traffic Impact Statement

Conditions

1. The recommendations of the Design Review Board, as described in Memorandum #2009-12, dated November 30, 2009, shall be incorporated and adopted into this decision regarding the outdoor patio, stairs, ramp, the painting of the building, the materials of the ramp and stairs and the attached sign.
2. The revised Landscape Plan shall be submitted to the Board for review and approval.
3. The exterior lighting shall be downcast.
4. Recycling containers shall be consolidated and the rear egress shall be cleared for emergency exit.
5. The Planning Board waives the Special Permit application fee if a Special Permit is determined to be required for the free-standing post sign.
6. The landscaping, shown on the revised Landscaping Plan referred to in Condition #2, shall be installed and continually maintained.
7. This Site Plan Review approval shall expire in two years if not implemented.
8. Four (4) sets of final plans shall be submitted to the Planning Department.

Mr. Carson seconded and the vote was 9-0.

**SPR2010-00003/M3408 – Amherst Enterprise Park – Meadow Street  
Climate-controlled Storage Building – Andrews & LaVerdiere – (continued from December 2,  
2009)**

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)

Ron LaVerdiere presented the application for Leigh Andrews and Don LaVerdiere. He clarified the request, stating that it was for a three-story building with a footprint of 24,700 square feet and a total floor area of 74,100 square feet. Questions had arisen at the previous public hearing session on December 2<sup>nd</sup> regarding the flood plain, noise from air conditioning equipment and traffic impact. Mr. LaVerdiere stated that he had also been asked to provide a floor plan for the building and another elevation.

Mr. LaVerdiere stated that this building will not consist of a lot of small storage units, which is indicated by the fact that there will be one hallway down the middle of the building, to access larger storage units. In addition, he foresees that there will be an attendant on-site who will search for documents for clients, scan them and transfer them electronically, thus cutting down on vehicular trips to the site. Clients who rent space at a high cost per square foot (\$50 per square foot in New York City, for example) would be inclined to rent space from Mr. LaVerdiere for a substantially lower cost (\$10 to \$11 per square foot). There will be an office in the building where the attendant

will work. There may be a need for the attendant to be bonded, given the sensitivity of some of the materials that may be stored, such as legal documents.

Mr. LaVerdiere presented information about the heights of the buildings on J & J Farms, which is adjacent to the site. Randy Izer of Harold L. Eaton Associates, land surveyors, took photographs of the property and, using surveying equipment, estimated the heights of the buildings. The estimated heights are as follows:

House	30 feet
White barn	28 feet
Tobacco barn	27 feet.

Mr. LaVerdiere noted that the proposed building will be 36 feet high.

Mr. LaVerdiere confirmed that the floor plans had been prepared by Bill Gillen [an Architect who is registered in Massachusetts], in consultation with Mr. LaVerdiere.

Bill Garrity of Garrity and Tripp reviewed previously-presented information about the site. There will be two lots instead of three. The storage building will be built on a 9.3-acre parcel, 85% of which will remain as open space. The project meets the dimensional requirements of the Zoning Bylaw. The project will connect to the existing utilities in Meadow Street. There is a sanitary sewer line on site which needs repair. This work will be done in consultation with the Department of Public Works. The project has received an Order of Conditions from the Conservation Commission. The applicant has asked for waivers from four requirements, as follows:

- 1) Width of the driveway opening;
- 2) Parking in a zoning district (FPC) other than that of the building (LD);
- 3) Submission of a Traffic Impact Statement;
- 4) Landscaped islands in the parking lot.

The parking lot will have 41 spaces. The increased width of the driveway is needed to accommodate large trucks and emergency vehicles. The Fire Department had no problems with the access shown on the plans. The lighting of the site will be on the east and north sides of the building, away from the adjacent farmhouse and barns. The intensity of the lights has been downsized from the previous application. There will be no lighting on the driveway. Solid waste will be stored in the dumpster. Part of the parking lot will be in the 100-year flood plain. The depth of the flooding in the parking lot will be 6" to 8" and will taper to 0" at the 100-year flood line.

Rob Sonnichsen of Waldo Associates, a Registered Professional Engineer, spoke about the flooding issues. He had previously worked with FEMA (Federal Emergency Management Agency). He has been working on issues related to the flooding of the Mill River for several years. There was a Letter of Map Revision from FEMA that established the flood elevation on this property. The Commonwealth of Massachusetts has agreed with the elevation established by this letter. The building will be above the flood elevation.

Mr. Sonnichsen stated that there will be shallow flooding in the parking lot during a 100-year flood event. In commercial areas this is not considered to be a problem, since the sites are not usually in use by customers during flood conditions. There will not be activity on this site during the 100-year flood event. Mr. Sonnichsen participated in the design of the stormwater management system for this site. The Town Engineer has stated that he is satisfied with the drainage system as designed.

Mr. Sonnichsen presented a plan of the Mill River basin. He refuted a statement made at the last public hearing session regarding backwater flooding from the downstream area of the Mill River. He presented a plan and profile of a section of the Mill River. The channel is very flat downstream of the Amherst/Hadley corporate boundary line. Above that line the slope increases. Downstream of the town line the area could fill up like a lake in a flood condition. Upstream of the boundary line there would be no "ponding" effect. The area above the town line would not be affected by

downstream ponding. The culvert under Route 116 has been cleaned out. The hydraulics of the culvert are now working as they should be. There are portions of the Meadow Street property that are “flood free” and it is these areas that are being developed.

Mr. Garrity stated that the culverts were cleaned in October 2008. Mr. Sonnichsen stated that the culverts [adjacent to the property] might not previously have been cleaned since they were installed. Culverts are usually inspected and cleaned regularly.

Mr. Shefftz asked how much water would be needed to carry a vehicle away. Mr. Sonnichsen stated that it would depend on the depth and velocity of the water. A person can stand in water that is moving at up to 5 feet per second. If the water is moving faster, a person would have trouble walking. Once the water gets to a point that is over the wheel wells on a vehicle there would be buoyancy. During a 100-year flood event, there would only be 6” of water in this parking lot and the velocity would be very slow – on the order of 1 to 1 ½ feet per second, because this area is part of the floodplain rather than being within the floodway. This would not be enough to move vehicles.

Mr. Sonnichsen stated that a 100-year storm has a 1% chance of happening in any given year. There is essentially no potential that vehicles could become buoyant and float on this site.

Ms. Barberet commented that the contents of the building might be a problem in a flood. Mr. Sonnichsen stated that the floor elevation of the building will be 3 ½ feet above the flood level and therefore the contents of the building would not be in jeopardy.

Tim Gochinski of Pioneer Heating and Cooling and Evan Gilbert of Carrier presented information about the proposed air-handling system. Mr. Gochinski has worked full-time for Mr. LaVerdiere since 2000. He stated that Carrier is a leader in HVAC technologies.

Mr. Gilbert presented product data about the proposed air-conditioning units that will be used on the storage building. A number of small residential units will be installed because the many zones of the building need to be treated differently with respect to temperature. The fan blades of the units are specially designed to be quiet. The units will sit on 2” rubber grommets. The sound emanating from the units will be as low as 67 dBA.

Mr. Gilbert gave the following examples of measurements of noise levels:

Older refrigerator	70 dBA
Whisper	50 dBA
Rock concert	100 dBA.

Mr. Gilbert stated that noise measurements for the air-conditioning units are taken right on top of the units. The measurement for a commercial unit would be 80 dBA. There will be 20 to 30 units on top of this building. The units will be in the center of the building, about 60 feet from the edge. A person will not be able to hear the units at a distance of 100 feet from the building.

Ms. Barberet asked why the air-conditioning units at UMass were so noisy. Mr. Gilbert stated that they are probably old units. There was further discussion about the larger size of the units at UMass, low bidders doing the work, possible defective work and a lack of maintenance, all of which may contribute to the loudness of the UMass units.

Mr. Gochinski noted that the units on this building would not all be operating at once. The central storage areas will be kept at a constant temperature if the exterior areas are cooled.

Mr. LaVerdiere stated that there will be a central corridor with exits at each end of the building. One-third of the cost to clients will be in how they select the level of heating and cooling that they require. Those willing to have greater ranges in temperature will pay less. The building will not be able to offer a range of temperatures if only one air-conditioning unit is used.

Ms. Barberet asked how the large areas of the building would be divided. Mr. LaVerdiere stated that the developers will block off areas with walls to satisfy the needs of the clients. This will be a prefabricated building. Units will be divided using sheetrock and steel studs.

Mr. Tucker noted that the Board's original purpose for requesting the information on noise was to evaluate sound impacts produced by the building on livestock and people. He referred to research conducted by staff and provided by the Cooperative Extension service on the effect of sound on livestock, noting that it doesn't seem as if what is being proposed would have significant sound impacts. The Board could require screening on the roof to direct the sound upward.

Mr. Gilbert stated that the fans draw air in through the sides of the units and discharge the sound upward in any event. Putting a buffering wall around the units would have minimal impact.

John Dietrich of Fuss and O'Neill stated that he is a Senior Traffic Engineer. He had reviewed the letter on trip generation from traffic engineer, Dan Dulaski, which had been previously submitted. The estimates in Mr. Dulaski's letter were realistic and reasonable if one used the Institute of Transportation Engineers (ITE) reference materials. Mr. Dietrich had analyzed the Amherst College facility at the Notch and had called the Facilities Department at the college. The Notch facility experiences about 16 to 18 trips per day. Mr. Shefftz noted that Amherst College is able to coordinate its trips since it is a single entity.

Mr. Dietrich stated that he could not give a definitive estimate for this building until he knows who the users of the facility would be, but stated that it would be a "low-traffic generation facility".

Ms. Barberet noted that the Amherst College facility houses books and not documents.

Mr. Dietrich stated that the Amherst College facility is multi-purpose. It houses a Five-College book depository, provides an extension of the library stacks at Amherst College, houses items from the Geology and Art Departments and materials from the Physical Plant, and serves the other libraries in town.

Mr. Tucker suggested that the proposed storage building might be more like an ITE "mini-warehouse", with clients including individuals, professionals and other people who might store things prior to shipping them.

Mr. Dietrich stated that a mini-warehouse might have 90 to 93 trips per day in the "worst case". The number of trips would go down to about 20 to 30 per day for an Amherst-College-type of use. The peak hours would be between 4 and 6 p.m. In the "worst case" for this building there might be 18 vehicle trips (9 in and 9 out) during the peak hour.

Mr. O'Keefe asked about the current Level of Service (LOS) on Meadow Street.

Mr. Dietrich stated that he had observed the road on Friday in the afternoon. It was working well and was not overloaded at that time. It was well under capacity during peak hours.

Mr. O'Keefe asked what would move the road to the next [lower] category of LOS. Mr. Dietrich stated that it would take 400 to 500 more cars per hour to do that.

Mr. Shefftz asked about harvest time when there would be slow-moving farm vehicles on the road. Mr. Dietrich stated that any use would encounter problems with farm vehicles. Mr. Dietrich also stated that there will be no significant difference in the LOS as a result of this project and that it will not be a significant safety factor.

Mr. Shefftz stated that the same property owners were planning to propose an office building nearby. Mr. Dietrich declined to render an opinion at this time on the proposed office building.

Mr. Webber asked if there were 200 more vehicles per hour, would that be a problem? Mr. Dietrich stated that a typical MacDonald's has about 160 to 180 vehicles per hour on a good day. In his opinion, 200 vehicles per hour would cause an increase in traffic on this roadway.

Ms. Pavlova-Gillham asked about the aesthetic appeal of this building and whether it was contrary to its surroundings. Mr. LaVerdiere stated that Massachusetts Building Codes will not allow a wood building of this size for this type of use. He suggested that planting street trees along Meadow Street might break up the façade. The developers chose split block as the façade material to improve the look of the large wall.

Mr. Pill stated that Town Meeting has zoned this property "Industrial" and that the applicant is proposing a qualifying use.

Ms. Barberet asked about the Fire Department's comment on the mixed-use aspect of the building, with the caretaker apartment. Mr. Tucker clarified that this comment referred to Fire Code issues and not to zoning.

Mr. Shefftz asked about the sewer line. Mr. Garrity stated that the DPW has concerns about the existing line. It may be infiltrated by storm water. The DPW has required that, prior to the project connecting to the sewer line, it needs to be repaired. The DPW has agreed to participate in a study to determine what the problem is and how to repair it. Mr. LaVerdiere stated that the developer will pay for the repairs. The town will contribute staff time, but no consultants or construction work for the repair project.

Mr. Garrity stated that the 8" sanitary sewer line has a capacity to carry sewage for 300 single-family houses. Currently it only serves the auction barn on Meadow Street. The proposed building will have bathrooms for clients and water and a sewer hook-up for the caretaker's apartment.

Ms. Brestrup noted that the caretaker's apartment is considered an accessory use under Section 5.016 of the Zoning Bylaw.

Vince O'Connor distributed copies of the Conservation Commission's Preliminary Funding Proposal to the Community Preservation Act Committee. Among the priorities listed was acquisition of some interest in this property. He asked the Planning Board to "keep the process open" in deference to the Conservation Commission and recommended that the Board hire a consultant to evaluate statements of the applicant about noise levels and how they will affect farmers and cows. He recommended that the Board require elevations of all sides of the building. He questioned the testimony given about flood levels and asserted that empirical observation was sometimes better than scientific, theoretical calculations. He asserted that flood levels during Hurricane Floyd exceeded the elevation established by FEMA's letter.

Rob Kusner of 49 Van Meter Drive distributed a letter to the Board and recommended that there be a study done of the acoustic properties of the HVAC system. He asserted that a two-ton vehicle would float in 12" to 18" of water and that unattended vehicles will float away. He asserted that the flood levels of 1999 exceeded one foot in the area of the parking lot.

Mr. Sonnichsen stated that several inches of water above the floor board of a car would cause buoyancy and 12" to 18" is a good estimate. However, water in this area will not be moving. He asserted that there is no empirical evidence that Hurricane Floyd exceeded the 100-year flood levels.

Mr. Pill noted that the culvert was blocked at the time of the flood.

Joe Waskiewicz, an abutter to the project, stated that the culvert had been cleaned in 1988. He had given testimony about where the flood level was during Hurricane Floyd. He expressed concern about the new building being visible from Meadow Street. He asked who will be responsible for the sewer line east of Route 116.

Carol Gray spoke in opposition to the project as it is designed. She noted that Town Hall doors had been locked late in the evening [about 10:00 p.m.], possibly discouraging members of the public from attending this hearing. She encouraged the Board to keep the public hearing open to allow people to give testimony. She spoke in opposition to the three-story building in the midst of

farmland and encouraged the Board to limit the building to two stories. She encouraged the planting of street trees and asserted that some of the Site Plan Review criteria were not being met by this proposal.

Sally Fitz of 550 Station Road, on behalf of the Agricultural Commission, encouraged the Board to consider the unique natural, historic and scenic features of the area and submitted a new and revised letter from the Commission. She asked to see views of the building from all angles and encouraged the Board to assume the greatest use and impact.

Tony Maroulis spoke in support of the project. He reiterated that the property is zoned Light Industrial and that there will be at most 100 car trips per day. He stated that the Board needed to think about the economic needs of the town and to look on this project favorably.

Tanya Cushman, a resident of Leverett, who is affiliated with J & J Farms, stated that farms are also an important economic engine in Amherst that need to be protected. She referred to a letter that she had submitted and talked about the products that J & J Farms produces. Ms. Barberet commented that these products are sold locally.

Mr. O’Keeffe MOVED to continue the public hearing to Wednesday, January 6, 2010, at 8:00 p.m. Mr. Schreiber seconded.

Mr. O’Keeffe expressed gratitude to the applicants for the information that they had presented. He asked that they return with more detailed elevations showing the building from various points of view. Ms. Pavlova-Gillham referred to submittals for the property behind Judie’s, which is also being developed. She encouraged the applicants to use similar graphic techniques to depict this proposed building, if possible, since those techniques made it easier for the Planning Board to come to a decision with confidence. She asked for views from Meadow Street. Ms. Barberet asked to see the building in context.

The vote was 6-0-3 (Carson, Crowner and Barberet abstained) to continue the hearing.

**IV. OLD BUSINESS**

There was no Old Business.

**V. FORM A (ANR) SUBDIVISION APPLICATIONS**

There were no Form A applications.

**VI. UPCOMING ZBA APPLICATIONS**

No upcoming ZBA applications were noted.

**VII. UPCOMING SPP/SPR/SUB APPLICATIONS**

No upcoming SPP/SPR/SUB applications were noted.

**VIII. PLANNING BOARD SUBCOMMITTEE REPORTS**

- A. Zoning
- B. Master Plan

There were no Subcommittee Reports.

**IX. PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission
- B. Community Preservation Act Committee
- C. Agricultural Commission

D. Save Our Stop Committee  
There were no committee reports.

**X. REPORT OF THE CHAIR**

There was no report of the Chair.

**XI. REPORT OF THE DIRECTOR**

There was no report of the Director.

**XII. ADJOURNMENT**

The meeting was adjourned at 11:13 p.m.

Respectfully submitted:

\_\_\_\_\_  
Christine M. Brestrup, Senior Planner

Approved:

\_\_\_\_\_  
Jonathan Shefftz, Chair

DATE: \_\_\_\_\_