

AMHERST PLANNING BOARD
Wednesday, April 21, 2010 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan Shefftz, Chair; Jonathan O’Keeffe, Denise Barberet, David Webber, Stephen Schreiber, Bruce Carson, Rob Crowner, Richard Roznoy and Sandra Anderson

ABSENT: None

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

Mr. Shefftz opened the meeting at 7:00 PM. He apologized for his inability to attend the warrant review meeting. He had gone to the wrong meeting location. Mr. Tucker had given the presentation instead.

I. MINUTES Meeting of: March 17, 2010

Ms. Barberet noted several substantive changes to page 6. Anne Maggs of 284 Harkness Road noted a correction to her address.

Mr. Schreiber MOVED to approve the Minutes of March 17, 2010, as amended. Mr. O’Keeffe seconded and the vote was 8-0-1 (Roznoy abstained).

II. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2010-00009/M4678 – 264 Harkness Road, Hampshire Mosque

Request approval to operate a non-profit religious institution (Hampshire Mosque) under Section 3.330 of the Zoning Bylaw (Map 18D, Parcel 100, R-N Zoning District) (*continued from April 7, 2010*)

Mr. Shefftz noted that on April 7th, the Planning Board had asked the Hampshire Mosque to come back with some additional information and noted that the Board had received several documents since the April 7th meeting. These documents are as follows:

- Letter from the Town of Pelham discussing concerns about traffic and parking and requesting that the Traffic Impact Statement not be waived and expressing concern about notification issues;
- Email from the Health Department regarding the septic system, stating that it is sufficient for the new use;
- Letter from Dr. Horowitz regarding traffic, following up on information that he had provided orally at the April 7th session and correcting a statement that had been made by Mr. Webber on April 7th regarding the number of trips per day and per hour;
- Email from the Planning Director, Jonathan Tucker, responding to a question from Planning Board member, Bruce Carson, regarding the number of trips estimated to be generated by the mosque compared to the number of trips that might be generated by the maximum number of single-family homes that could be built on the property. Mr. Shefftz quoted from Mr. Tucker’s email, which concluded that the number of trips per day estimated to be generated by the Mosque on a typical weekday would be similar to the number of trips that would be generated if the property were developed into lots for three single-family homes (around 30 trips per day).

Dr. Mohammed Ali Hazratji presented further information on behalf of the Hampshire Mosque. The Hampshire Mosque has contracted with an architect, Bill Gillen, to prepare floor and site plans,

develop occupancy loads and to give the details that were missing from previous submittals, including two ramps and properly laid-out parking. Based on the maximum occupancy of the building (around 65), the applicants are required to provide approximately 20 parking spaces, he said. They are proposing to provide 75% more than that. The septic system has been deemed to be adequate for an occupancy load of up to 200 people. The lighting problems will be addressed by adjusting the lights so that they shine downward. There are no noise issues. Regarding the traffic issue, the Mosque is not responsible for the pre-existing traffic problems which were described in detail at the last meeting. The hazards, curves, speeding and lack of sidewalks are not the responsibility of the Mosque. The congregants will not be speeding. The Mosque will put out signs during services to tell the public that there is a service in progress and that drivers should slow down, especially on Fridays.

Dr. Ali went on to say that the road is a rural road. He spent one hour there on Thursday and two cars passed. The road is a straight road, with little traffic, which may be the reason that people speed. The Mosque's community is small and the traffic volume generated by the Mosque will not be significant. There will be up to 20 cars on Friday for services and at most other times there will be about 5 cars. This number will not be a hazard. He tried to call Ms. Prothers [the neighbor to the south] to discuss what would satisfy her needs, but he was not successful in reaching her. The applicants have proposed a screen along the southern property line. They are looking for a place of worship and peace. The applicants want to find a solution to the problems and they will be good neighbors. They will need to look elsewhere for a place if people are opposed to the Mosque. They will try to address the concerns of the neighbors.

Mr. Shefftz noted that there were more documents that had been received by the Planning Board, including:

- Email from the Town Engineer regarding the setting of speed limits;
- Email from Jeff Weeks of Amherst Welding regarding the dangerous driving conditions on the road;
- Memo from the Interfaith Opportunity Network in support of the application;
- Letter from William Tobey, expressing opposition to the addition of businesses or institutions on Harkness Road and commenting on traffic.

Bill Gillen and Chris Jones of Ford Gillen Architects distributed revised plans and presented new information regarding the site. The new site plan shows a total of 34 parking spaces, including 3 in the garage and 14 overflow spaces. It also includes a second ramp at the front of the building, for a total of two ramps. In addition there will be screening, consisting of Norway Spruce and Yews along the southern property line. The floodlights will be adjusted to point down onto the site. There will be a new light pole installed at the front of the property, to replace the existing light that is mounted on the tree. Screening already exists on the north side of the property, so none is proposed there. The apron for the gravel driveway will be paved in accordance with the comments of the Town Engineer. Parking spaces 1 – 4 on the south side of the building will be paved, parking spaces 5 – 7 will be in the garage, spaces 8 – 20 in front of the building will be paved, and parking spaces 21 – 34 on the north side of the property will be gravel. There will be 2 handicapped spaces and a total of 34 spaces on the property.

Mr. Schreiber asked about the occupancy load of the building. Mr. Jones stated that the maximum occupancy load of the building is 62 people.

Mr. Gillen stated that, according to state building code, the number would be 62. The layout of the prayer rooms is based on the arrangement of the prayer mats and this determines how many people will be in these prayer rooms. For all other rooms the occupancy is based on 100 gross square feet per person.

Mr. Schreiber asked if these numbers took into account door swings. Mr. Gillen confirmed that these numbers were based on the appropriate door swings and noted that the doors will be changed to comply with Building Code.

Mr. Schreiber noted that for 62 people, the parking requirement would be 16 spaces. He asked why the applicant was proposing twice that number. Mr. Gillen stated that people felt that there should not be parking on the street.

Mr. Gillen confirmed that 49 would be the maximum number of prayer mats in the prayer rooms, based on the orientation and size of the mats. There was further discussion about how many people could occupy the other rooms in the building and whether they would be there at the same time that people were in the prayer rooms. Dr. Ali stated that when there is a congregational prayer service in session, everyone in the building will be required to join the prayer service.

Ms. Anderson asked about the curb cut at the northern driveway. Mr. Tucker stated that the curb cut exists and that the Town Engineer has asked that the apron for this gravel driveway be paved. Ms. Anderson stated that she had no problem with three curb cuts for this property. Mr. Tucker added that the Town Engineer did not see a problem with three curb cuts either.

Mr. Schreiber asked if the applicants had met with the Building Commissioner. Mr. Gillen responded that the architect and the applicant had met with the Building Commissioner and Planning Department.

Ms. Barberet asked about the waiver for the second ramp. Mr. Jones and Mr. Gillen stated that there would be no request for a waiver, since they planned to install a second ramp.

Mr. Schreiber asked if the number of 62 for maximum occupancy was acceptable for the Mosque. There was further discussion about occupancy. Dr. Ali noted that the calculations for occupancy of the prayer rooms had not included an imam, who stands in front of the assembly and leads the prayers. In order to be certain of the right number, it would be better to say 65 for maximum occupancy.

Mr. Shefftz stated that there are many ways to calculate the occupancy of the building:

- 1) Based on the number of parking spaces;
- 2) Based on the legal occupancy of the interior;
- 3) Based on the orientation and size of the prayer mats.

There was further discussion about occupancy. The conclusion was that there may be 50 people in the prayer rooms, including the imam, and there may be 13 people in the other rooms. Mr. Schreiber remarked that this total number (63) was much less than the number (120) that had been first presented [in a letter from Hampshire Mosque].

Mr. Shefftz noted that there had been concern expressed about traffic. He also acknowledged that the use was dissimilar to the surrounding uses, which is why there is a state requirement [to allow non-profit educational and religious uses in any zoning district]. Mr. Tucker stated that this is the result of a judicial decision, known as "the Dover Amendment". The use is permitted by right, but the Planning Board can regulate how the use is placed on the site.

Mr. Shefftz asked the Board members if they would like to waive the Traffic Impact Statement (TIS).

Ms. Barberet stated that the Board would not really learn much from a TIS and that the Mosque could not be asked to do anything about the two intersections [at either end of Harkness Road]. She acknowledged that there would be an increase in traffic. She did not want to require a TIS, if the result were that we would still not be able to address the traffic issues.

Mr. Tucker referred to the Zoning Bylaw's requirements regarding a TIS. He stated that the Board could ask for reasonable information about traffic. Mr. Shefftz suggested that the TIS could focus on

the interaction between traffic and pedestrians. Ms. Barberet suggested that the speed could be looked at. Mr. Shefftz noted that it was not the applicant's burden to fix the road.

Mr. Schreiber expressed support for a waiver of the TIS. He acknowledged that there are many problems that need to be addressed. It is obvious that certain things are missing [sidewalks, etc.] He did not think that 62 congregants would have a significant impact on the intersections at either end of Harkness Road.

Mr. Tucker advised the Board that there was no need to make a decision about the TIS at this point.

Mr. Shefftz acknowledged receiving a one-page flyer regarding a meeting of neighborhood residents about the project. He suggested that the public comments at the hearing should be focused on what the Planning Board can do. The comments should focus on the Site Plan Review criteria.

Joan Lindeman of 41 Fairfield Street (Amherst) stated that she is part of the Interfaith Opportunity Network (ION). The ION is a network of lay representatives of 11 congregations, including Hampshire Mosque. She read the ION's letter of support for the Hampshire Mosque's application, dated April 19, 2010, to relocate to 264 Harkness Road. The ION offered support to the Mosque as well as to the residents of Harkness Road.

Warren Hall, Chair of the Pelham Planning Board, and resident of 60 Harkness Road (Pelham) made the following comments:

- The Pelham Planning Board and Select Board had concerns about the notification process for the public hearing;
- The Pelham Select Board sent a letter to the Planning Director, Jonathan Tucker, regarding their concerns about notification and about the application; this letter has been copied and distributed to the Planning Board members;
- The residents of Pelham will experience a disproportionate impact as a result of any application that involves Harkness Road; more than $\frac{3}{4}$ of the homes on Harkness Road are located in Pelham;
- Mr. Tucker had stated on April 7th that the proposed use is by right, but the Planning Board must understand the rights of residents to voice their concerns;
- The Planning Board must exercise due diligence in processing the application;
- The Planning Board must not overburden the applicant but must make sure that standards are applied even-handedly to all applicants, without special treatment;
- The standards of public health, safety and quality of life must apply;
- Mr. Hall chairs the Pelham Planning Board and serves as Commissioner from Pelham on the Pioneer Valley Planning Commission;
- Pelham recently received a grant from PVPC to study traffic, access and quality of life in the Pelham village center;
- The amount and speed of traffic and the safety of pedestrians has changed over the past few years;
- Roads in the vicinity of the site (Amherst Road, Harkness Road and South Valley Road) require a detailed examination of vehicular traffic, pedestrian use, posted speed limits and methods of enforcement;
- Each road has unique sets of problems and potential solutions and should not be compared to other roads in other parts of town;

- Parking on this site poses very unique problems for applicants and abutters;
- There are potential risks to groundwater and septic system reserve areas that need to be assessed carefully.

Mr. Hall introduced Dana MacDonald, Chair of the Pelham Conservation Commission, and asked that he be heard to make a statement.

Mr. Shefftz acknowledged Mr. Hall's comments and agreed that the same standards need to apply to all applicants. He explained the meaning of "by-right" uses and stated that this use is a "not for profit educational institution". In this case the use is "by-right" but all else is subject to review.

Dana MacDonald, Chair of the Pelham Conservation Commission, and resident of 59 South Valley Road, submitted and summarized a letter, dated April 19, 2010, outlining statements, concerns and requests of the Conservation Commission, as follows:

- That a site impact study be conducted;
- That issues related to increased traffic be addressed;
- That Harkness Road area is connected to the Quabbin Reservoir via the Harkness Conservation Area;
- That this area is a wildlife corridor for a number of species of varying scales and is a migration area for reptiles;
- That this area is a "keystone" in the Pelham Open Space Plan;
- That there is a series of vernal pools nearby;
- That the specific concerns are the increased traffic on Harkness Road, passing through the wildlife movement area; increased traffic, disturbance and on-street parking near the Harkness Conservation Area and the effects of long-term parking on a porous surface and its subsequent effects on areas with shallow groundwater.

Linda Prothers of 256 Harkness Road made the following comments:

- She was taken aback by the tone of the previous public hearing and the suggestions that abutters harbored racist feelings;
- She is a teacher in the Amherst school system and works with multi-cultural groups of staff, children and families;
- She expressed concerns about the way the previous public hearing had been conducted;
- She assured the applicant that if other uses were proposed for this site the abutters would still be at the public hearing, voicing their concerns;
- She was concerned about evening and weekend uses, since she is used to a quiet neighborhood;
- The current owners, Sunbow, had been quiet;
- She has concerns about noise levels, comings and goings, screening and the fact that during the month of Ramadan there will be events every night;
- Her concerns are not about who uses the land but how the land is used;
- The impact on her property will be significant from pre-dawn until after sunset;
- Over the course of the month of Ramadan, there may be 1200 people coming to the property;

- She is concerned about nights and weekends and increased activity;
- The organization will grow;
- She encouraged the Planning Board to impose the same requirements on this application as they do on other applications;
- She asked that the Planning Board respect the needs of long-term residents;
- The abutters have a right to express concerns and to be treated with respect;
- She introduced Attorney Alan Seewald, who represents her and her husband.

Attorney Alan Seewald made the following comments:

- He has been an attorney in the area for 25 years and he represented the Town of Amherst and the Planning Board for 19 years;
- Currently he is representing the Prothers;
- The Planning Board needs to see that all of the requirements of the Site Plan Review process are met;
- His clients' house is 15 feet from the property line; there is no screening along that property line except for a small fence; there is a need for substantial screening along that property line, including an extension of the fence;
- The parking on the south side of the property should be moved to the north or eliminated;
- Impact studies are needed for this proposal;
- The Mosque has said that it will use carpooling, with 4 people per car; students will come by bus and van-pooling;
- There is too much parking proposed here; some of the parking proposed for the site should be eliminated and parking should be reduced to the minimum number that the Bylaw requires; by limiting the number of cars coming to the site, the number of people will also be limited;
- His office is next door to the Mosque, in downtown Amherst, and he has no problem with the Mosque; he is familiar with the comings and goings of the congregants in a downtown setting, but such activity will be different when it occurs on Harkness Road;
- Amherst, and every town, is constrained and required to allow, by right, an intensive use; the Planning Board needs to limit the intensity of the use and bring it down to a minimum;
- The town and the abutters do not want disorganized, haphazard parking; the Planning Board should limit the parking to 14 spaces and prohibit parking on the street; Pelham prohibits parking on the street.

Mr. Shefftz asked for clarification about whether Pelham was responsible for traffic enforcement on both sides of the road.

Mr. Tucker observed that the Pelham Police Chief had spoken at the last meeting about Pelham's enforcement with respect to the behavior of drivers. He further noted that posting "No Parking" signs and other traffic controls is under the jurisdiction of the Select Board. Currently there are no signs prohibiting parking on the west side of Harkness Road, he said.

Mr. Seewald recommended that more screening be added along the southern property line; trees are not enough to block headlights, given the proximity of the Prothers' house. He noted that the Prothers had reported to him that Sunbow had significant problems with water on the site, that there had not been an adequate water supply.

Mr. Seewald referred to one of the findings that the Planning Board would need to make regarding the availability of sufficient water to serve the proposed use (Section 11.2412 of the Zoning Bylaw). The Board should require a study of potable water quality and quantity at the site, he said.

Mr. Shefftz asked for clarification about the basis for concern about water.

Mr. Seewald said that Sunbow came to Mr. Prothers and asked about drilling another well, because their well was failing and it was not providing sufficient potable water.

Mr. Prothers stated that within the last two years the well had run dry “a couple of times.”

Mr. Seewald stated that spaces #1 through 4 should be eliminated and that a fence and trees should be installed along the property line, a fence on the Mosque side and the trees on the Prothers side so they can have the screening that they need.

Ms. Brestrup stated that the southern parking area would need to be slightly expanded to accommodate 4 cars. In addition the driveway would have to be widened slightly.

Ms. Barberet asked about Sunbow’s agricultural operations and whether they used the water to irrigate the crops. Ms. Prothers stated that Sunbow did not irrigate its crops. Mr. Seewald confirmed that the water was just used for drinking and residential use by the Sunbow Foundation.

Ann Maggs of 284 Harkness Road (Amherst), an abutter on the north of the Harkness Brook Conservation Area, expressed concern about the 20 parking spaces proposed to be on a gravel surface. Her well is close to her southern property line and she is concerned about how the quality of water in her well will be affected by a parking lot on gravel. She is also concerned about the effect of the parking lot on the path to the Conservation Area. She has lived on that property since 1967.

Tom Lindeman of Fairfield Street (Amherst) gave an example of a development of low-income housing that had been built at the end of his street and noted that expected problems did not come to pass. Mr. Lindeman is a former minister and is involved in inter-faith work. He spoke in support of the Mosque.

Paul Goulston of Harkness Road asked how many people would attend services on the larger holidays – the largest number of people who would be on-site at one time.

Mr. O’Keeffe noted that the number would vary based on the day of the week and the time of day.

Mr. Shefftz referred to the Minutes from the April 7th meeting regarding the number of people.

Mr. Goulston noted that the number was estimated to be about 65 people maximum. He asked what would happen if more people came to the property. He suggested that there may be times when the number of visitors and cars would exceed the number that could park on site. He expressed concern about the issues of parking and traffic. He also asked about what would happen when it snows and the snow takes up some of the parking spaces. He stated that the proposed use does not fit on the site, based on the numbers of people who are projected to come to the property.

Mohammed Ibrahim of 135 East Hadley Road stated that he has lived in Amherst since 1994 and is part of the Muslim community as well as a member of the Human Rights Committee. He assured people that the expected attendance of 2 to 5 people on a daily basis was correct. Out of 365 days in the year, the Mosque hopes to have 65 people attending services on two of those days. Students are busy with school and they have access to a place to pray on campus. They won’t come to Harkness Road on a daily basis. The Mosque will not be crowded and there will not be traffic problems. The building had previously been occupied by a commercial business. The Mosque will not be noisy. Even he will not be able to go to the Mosque often because he is working.

Jill Toller of 92 Harkness Road (Pelham) stated that she is a long-time resident. She has seen animals killed on the road. People speed more now than in the past. They will speed with or without the Mosque. The [future] volume of traffic concerns her. Traffic volume is not really a problem now. It is

irregular. She is excited about the idea of a Mosque across the street. She would like to see the neighborhood work with this group.

Vickie Kemper of 158 Old Bay Road is the pastor of the First Congregational Church (UCC) on Main Street. Her church doesn't have a steady stream of traffic. The occupants of the Mosque will not be there late in the evening. She encouraged neighbors to take advantage of the offer from the Interfaith Network for mediation services.

Jeff Kris of 202 Harkness Road (Amherst) stated that he openly accepts the Mosque but is concerned about how it will affect his household. He is concerned about his well-water. He asked for a written statement that there will not be more than 62 people in the Mosque and that there will be no parking on the street. He would like to have the application thoroughly investigated. He feels like this is a business moving into a neighborhood. Increased traffic will have an impact. The Mosque will grow and this building will not accommodate growth.

Mr. Kris stated that the road needs to be wider, it needs sidewalks and he would like to have speed-bumps installed.

Mr. Shefftz stated that, in addition to reviewing the Site Plan Review Criteria, the Planning Board often imposes conditions designed to address concerns of abutters.

Mr. Roznoy asked if Mr. Kris was concerned right now about the quality of his drinking water. Mr. Kris said that he was concerned and that the water is tested every quarter.

Mr. Kris stated that he has a shallow well. There is magnesium in the well water from salt on the roads. He is also concerned about the oil from cars seeping into his well.

Mr. Roznoy asked if there was some concern about the proposed Mosque building and its use of the groundwater. He also asked if the issue of the proximity to the landfill and the leachate from the landfill getting into the water has ever been raised.

Mr. Kris stated that his well water is tested every three months because of his proximity to the landfill.

Mr. Roznoy asked if Mr. Kris was at his house when the property [264 Harkness Road] was used as a school. Mr. Kris stated that he was not there at that time but he was there during the last use and observed very little activity at the property.

Mr. Shefftz stated that the Planning Board understands that this is a residential neighborhood and that a non-residential use is being proposed there. The Town of Amherst did not decide to allow this type of use. This was decided by the Dover Amendment. The use must be allowed and the Site Plan Review criteria will be applied, as they are in all Site Plan Review applications. The fact that this is a non-residential use in a residential neighborhood heightens the sensitivity with regard to the number of people and the number of cars.

Dr. Ali stated that mosques have, in the past, been refused permission to locate in other places. He apologized for any previous misuse of language and the possible inference that racism was involved in these proceedings.

There was discussion about whether a Traffic Impact Statement should be required and whether the public hearing should be closed.

Mr. Schreiber stated that there were many things that were still up in the air about this application, including the number of parking spaces to be installed on the site. The number of occupants of the building will be about 63. The Board has heard that the site should not be over-parked. The right amount of spaces is around 15.

Mr. Shefftz noted that the discussion of traffic and the discussion of parking overlap with one another. The number of comings and goings argues for more than the minimum number of parking spaces. The four spaces at the south end of the building can be eliminated.

Mr. Schreiber noted that there is a specific clause in the Bylaw that says that there can be four seats in an assembly building for each parking space.

Mr. Shefftz stated that a Traffic Impact Statement would deal with the number of trips generated.

Mr. Tucker noted that the applicant had offered ride-sharing alternatives. This could be a condition of the permit. In answer to a question, he added that there was no record that a traffic study had ever been done on Harkness Road.

Mr. Shefftz stated his strong impression that a TIS will say that there will be an increase in traffic, but that there will be no significant impact.

Mr. Tucker noted that a TIS will provide more information than we now have and that it will help the towns to determine what needs to be done. He further noted that a TIS is a requirement of the permit.

Mr. Shefftz cautioned that this would involve the applicant paying for a public policy statement.

Mr. Schreiber stated that the volume of traffic is related to the likeliness of find a parking space.

Mr. Tucker stated that the Select Board could prohibit parking along the road.

Mr. O’Keeffe supported the notion of prohibiting parking along the road and the notion of “right-sizing” the parking. The worst case is two holidays over the course of the year [when parking might exceed capacity]. The Mosque has offered to bring in police to help direct traffic. There will be only 2 to 5 people there on a regular basis. The number of over 60 people is only true for two days out of the year.

Mr. Shefftz noted that every Friday there would be 50 people attending at one time.

Warren Hall asked if a TIS was required for the Dayton Lane development and if other developments were allowed to have three curb cuts.

Mr. Tucker stated that Dayton Lane is a subdivision and that no TIS is required for residential subdivisions. The three curb cuts already exist at this site. They served the functions of the previous occupants [the farm]. The Town Engineer’s impression is that there is not a lot of traffic on the road.

Glen Brown of 62 Harkness Road (Pelham) requested that an impact study and a traffic study be done for this project.

Mr. Shefftz asked for clarification about what types of impact studies should be done. Mr. Tucker stated that environmental studies can be done. The Town of Amherst has been studying the groundwater in the vicinity of the landfill for years. This information may be available. Having fewer vehicles parked on gravel will make the issue of water quality less pressing.

Mr. Goulston stated that traffic is a problem on Harkness Road. However, imposing the requirement for a TIS would be a hardship. He suggested that 14 parking spaces may be enough for 50 people. He recommended that the town get more data on how much parking is needed.

Mr. Hall stated that a single curb cut is typical for new houses. The Town of Pelham does not allow any on-street parking. He asked who would enforce a “no parking” regulation.

Mr. Seewald stated that he is aware of another faith-based community that has held its larger events at another location. Even if the Town Engineer allows three curb cuts, the Board can “disallow” them. He recommended narrowing the parking, eliminating a curb cut and requiring that larger gatherings be held elsewhere.

There was further discussion about eliminating some parking spaces and eliminating one curb cut.

Mr. Roznoy asked why the area behind the building was not proposed to be used for parking. Mr. Tucker noted that there is a septic system behind the building.

Mr. Tucker recommended a compromise. Reconfigure the paved lot, extend it to the north and pave the new portion. Allow 20 to 22 parking spaces on a paved lot, since this makes it easier to handle stormwater runoff.

Mr. Shefftz agreed with this plan and summarized it as follows:

- Eliminate spaces 1 through 4 on the south side of the building;
- Maintain the southern driveway to access the garage;
- Eliminate the northern curb cut;
- Eliminate the western extension of the gravel parking lot;
- Extend the paved area to the north.

Ms. Anderson agreed with eliminating the northernmost curb cut, reducing spaces and recommended improving the screening along the southern property line by extending the fence and adding landscaping.

Mr. Webber asked about the request to waive the landscape plan.

Mr. Schreiber stated that the project needs a landscape plan, especially for the Harkness Road frontage. There have been a lot of comments about the disorganization of this site. It is a risk to property values and health, safety and welfare. The applicant needs to submit a landscape plan for the east side of the building.

Mr. O'Keefe agreed that the requirement for a landscape plan should not be waived.

Ms. Brestrup clarified that a landscape plan should show existing and proposed plants, and that they should be located and identified.

Mr. Webber stated that the landscape plan should focus on the southern boundary and the Harkness Road border. There are not a lot of concerns with landscaping on the rest of the site. He asked that the applicant submit a detailed Management Plan that addresses all of the issues normally addressed in a Management Plan.

Mr. Crowner stated that, if the paving on the north is to be extended, then screening should be added on the north side. He pointed out that parking along the road may act to calm traffic. He suggested that planting be added on the east side at the closed-off third driveway.

Mr. Shefftz further clarified what the Planning Board would like to see from the applicant:

- A new parking plan;
- A new landscape plan;
- A more specific Management Plan regarding how the Mosque will deal with each situation [type of service];
- A specific plan for limiting the number of cars that will come to the site.

Mr. Carson suggested allowing on-street parking for specific holidays.

Mr. Shefftz suggested that the Management Plan could contain a plan for contracting with a parking lot nearby for parking spaces and then having a shuttle service to bring people to the site. There should be no parking on the road.

There was further discussion about the exact number of parking spaces that should be provided.

Mr. Shefftz stated that there should be no more than 18 to 22 parking spaces on site, including the 3 in the garage. Eliminate parking spaces 1 through 4. All parking spaces should be paved.

Ms. Brestrup said that the Mosque can keep everything within the kitchen except the stove or other cooking device. They cannot cook, but they can serve food and they can have a refrigerator.

Mr. Webber asked that the applicant address the issue of cooking in the Management Plan, [since the applicant has said that there will be no cooking in the building]. Mr. Webber noted that there had been a request to waive the requirement for a Soil Erosion Plan. He would be inclined to grant this waiver.

Mr. Webber noted that there had been expressions of concern about groundwater. The issues of potable water and the issue of stormwater runoff should be addressed. Section 11.24 of the Bylaw addresses these issues and requires the Board to assess the ability of the sewage disposal system and the water supply systems within and adjacent to the site to serve the proposed use.

Mr. Tucker recommended that the applicant talk to the Board of Health about these issues and find out if they have potable water.

Mr. Webber asked if the seller had represented anything about the groundwater on site in their purchase and sell agreement.

Mr. Tucker said that the applicant and staff should look into these issues.

Ms. Barberet noted that the site had been used as a commercial kitchen in the past and that required a lot of water. What has changed between then and now?

Mr. Goulston said that the septic system had failed in the past.

Mr. Shefftz reminded the Board that the Board of Health has said that the current septic system is adequate to serve the proposed use.

Ms. Barberet asked why, in the past, there had been sufficient water and now it appears that there is not sufficient water. Has something happened with the groundwater? She referred to the poultry and chicken pie making business before 1987.

Mr. Webber gave the history of ownership and use of the site:

- From 1962 to 1987 it was operated as a chicken pie business;
- From 1987 to 1998 it was owned by the Harkness Road School;
- In 1998 it was sold to the Sunbow Foundation [which currently owns the property].

Ms. Barberet asked what has changed with regard to the supply of groundwater.

Mr. Hall stated that one of the things the Board needed to look at with regard to water use is peak loads on the supply. The water will be used for flushing toilets. There may be large numbers of people here occasionally. What is the recovery rate of the well that has run dry?

Mr. Roznoy stated that one thing that has changed is time. He asserted that the leachate from the landfill has been perking into the groundwater because this is a old-style landfill.

Mr. Goulston pointed out that there is a lot more demand from new houses on the groundwater supply.

Glen Brown of 62 Harkness Road stated that he was previously on the Board of Health in Pelham. He stated that there were two houses that hit salt when they drilled wells. To alleviate the problem, the Town of Amherst extended water lines to these houses.

Mr. Crowner asked about eliminating parking spaces 1 through 4 and suggested that the applicant install signs to indicate no parking in this location.

Mr. Tucker suggested that some of the pavement could be removed in this area, as long as there is adequate pavement remaining for cars to back out of the garage and to turn around.

Ms. Brestrup asked if the Board wished to make a decision about the requirement for the TIS so that the applicant could proceed with that prior to the next meeting if it were required.

Ms. Barberet stated that it depends on what the applicant and the Board can come up with regarding reduced parking. Mr. Shefftz stated that if the parking is limited to 18 to 22 parking spaces a traffic study may be of questionable use. Ms. Barberet reiterated her concern about what new information the Board would learn from a TIS.

Mr. Shefftz reminded the Board that a TIS would provide information to the two towns about how to make decisions about this road for the future. Although the result of the Traffic Impact Study may not require the applicant to “do anything”, it would provide the towns with information in exchange for the increased traffic load.

Ms. Brestrup pointed out that it would be helpful to the applicant to know if a TIS would be required so that the applicant could make the decision about whether or not to proceed with the project because of the cost or proceed with the TIS to get the Board the information that it needs.

Mr. Hall stated that he would report back to the Town of Pelham about the changes proposed for the site plan, limiting the number of cars to 18 to 22. The Pelham Planning Board may then waive its request for a TIS since the number of cars will be fewer. Mr. Hall stated that he would get back to the Board about the Town of Pelham’s decision on this matter.

Mr. O’Keeffe stated that the Planning Board was moving in the direction of not requiring a TIS, although it might change its mind, and he appreciated the fact that the Town of Pelham might also be moving in this direction.

Dana MacDonald, Chair of the Pelham Conservation Commission, agreed with Mr. Hall’s assessment that once the parking is constrained, the other issues will be ameliorated. If the parking is on an impervious surface the effects on groundwater will be lessened. He suggested that a small swale be added to the plan to handle stormwater runoff. He will discuss the changes to the plan with the Pelham Conservation Commission. He believes that they may retract their request for an impact statement and that they may support the changes proposed for the plan.

Mr. O’Keeffe-said that he was comfortable with letting the applicant know that a Traffic Impact Statement would probably not be required.

Mr. Kris reiterated his request to see a TIS and a water study.

Mr. O’Keeffe MOVED to continue the public hearing to June 2, 2010, at 7:05 p.m. Mr. Carson seconded and the vote was 8-0-1 (Roznoy abstained).

Mr. Shefftz noted that the applicant [Dr. Hazratji] had left in the midst of the public hearing and that the applicant may not have been aware that the Board expects applicants to stay for the public hearing. He was concerned that the applicant may have felt that aspects of the public hearing represented an attack on the application. On the contrary, he asserted that it provides an opportunity for the Board and the applicant to hear the neighbors’ concerns. The applicant can then modify the proposal to respond to the neighbors’ concerns and the Board can craft conditions accordingly.

III. OLD BUSINESS – None

IV. NEW BUSINESS

A. Town Meeting

- 1) Warrant Review – The Board discussed with staff the schedule for when zoning amendment articles would come before Town Meeting.
- 2) Movers and Speakers – The Board confirmed the list of Movers and Speakers for Spring Town Meeting that had been discussed previously at the Zoning Subcommittee meeting.
- 3) Upcoming Meeting Schedule – None

B. Subcommittees – Master Plan Subcommittee? – No discussion

C. Other – None

V. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board signed the ANR plans for ANR2010-00010, Town of Amherst DPW, for land takings associated with the realignment of Route 116 at Atkins Corner.

VI. UPCOMING ZBA APPLICATIONS – None

VII. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup noted that Atkins Farms Market had just submitted a Site Plan Review application to construct additions to its building and expand the parking lot in conjunction with the realignment of Route 116.

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS – None

Zoning

IX. PLANNING BOARD COMMITTEE REPORTS – None

- A. Pioneer Valley Planning Commission
- B. Community Preservation Act Committee
- C. Agricultural Commission
- D. Save Our Stop Committee
- E. Puffer's Pond 2020 Committee

X. REPORT OF THE CHAIR – None

XI. REPORT OF THE DIRECTOR – None

XII. ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____