

AMHERST PLANNING BOARD
Wednesday, December 16, 2015 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Stephen Schreiber, Rob Crowner, Bruce Carson, Greg Stutsman, Pari Riahi, and Christine Gray-Mullen

ABSENT: Richard Roznoy

STAFF: Christine Brestrup, Interim Planning Director

Mr. Webber opened the meeting at 7:05 PM.

I. MINUTES

Mr. Schreiber MOVED to approve the Minutes of December 02, 2015. Mr. Stutsman seconded and the vote was 6-0-1 (Carson abstained).

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR2016-00005 – Simple Gifts Farm – 1089 North Pleasant Street

Request Site Plan Review approval under Section 3.312 of the Zoning Bylaw to construct a single-story, wood-framed farmstand building with associated site improvements and to operate a Class I farmstand (Map 5C/21, R-N zoning district)

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

Mr. Schreiber disclosed that his daughter had been an employee of Simple Gifts Farm but is no longer employed there.

David Tepfer and Jeremy Barker Plotkin, co-owners of Simple Gifts Farm presented the application. Mr. Tepfer explained that the North Amherst Community Farm [NACF] property was purchased by a group of neighbors more than 10 years ago. Simple Gifts Farm, which leases the property, has raised food there to sell to people in the area for the past 10 years. The CSA [Community Supported Agriculture] is the core of the business. Production has more than doubled since the operation began. Fertility has improved and winter production has also increased. The farmers would like to sell more produce to people who live close to the farm. To do so they would like to build a farmstand. The building is proposed to be of post and beam construction, 24' x 36', the size of a three-car garage. It will be about 2/3 the size of the existing barn on the property, with an open porch on the south side. It will be closer to the road and more visible to the public and a little removed from the CSA distribution area.

Signs – There will be two signs, both proposed to be larger than is allowed in the R-N zoning district. The larger of the two signs will be for Simple Gifts Farm and the smaller sign will be for NACF. The property is large and needs a large sign. People passing by don't know where to turn in to the driveway.

Lighting – The site will be lit by the streetlight across the street along with new proposed lights installed in the ceiling of the porch and a small light pole installed at the edge of the parking area.

Parking – Six new parking spaces are proposed, including one handicapped space. The access aisle for the handicapped space is shown as 5 feet wide on the plans, but it can be widened to 8 feet wide, as required.

Site Visit Report – Ms. Gray-Mullen presented the Site Visit Report. Three Board members attended and observed the location of the proposed building, parking spaces and signs and the extent of grading that would be necessary to construct the building.

Agricultural Commission Review – Mr. Schreiber, the Planning Board's liaison to the Agricultural Commission, reported that (although the Ag Com did not have a quorum at its latest meeting) the Commission members who reviewed the application saw nothing of concern and expressed support for the application.

Driveway – Ms. Riahi asked whether the driveway would be widened. Mr. Tepfer stated that the driveway would be made a bit wider and a parking area would be added with six parking spaces, one of which would be handicapped accessible.

There was further discussion about site lighting. Mr. Webber stated that the Board requires that exterior lighting be downcast. The applicant distributed catalog cuts of the proposed light to be mounted on a post. It appeared that the light would be downcast. Mr. Tepfer reiterated that there is a street light across the street that lights the area pretty well and that there would also be recessed lights mounted on the porch ceiling that would shine down and light the porch area.

The Board discussed waivers and conditions. The applicant had requested waivers from the requirements for a Landscape Plan and a Traffic Impact Statement. The Board agreed to waive the requirement for a Traffic Impact Statement. They discussed whether a Landscape Plan should be required.

Public Comment

Kathleen Carroll of 11 Fisher Street, an abutter to the north, asked whether the site lighting would be kept on all night and whether the storm water runoff would drain into the brook at the north side of the property. She expressed concern that the additional runoff from the building and parking would adversely affect the brook and noted that two large trees had come down as a result of erosion in the brook. She also stated that this property has been subject to vandalism in the past, noting that the existing sign has been vandalized. She expressed concern that the farmstand would become a congregation area for students walking from the housing developments on Meadow Street, heading into town. She asked if wine would be sold there. Ms. Carroll asked that the Planning Board require that a Landscape Plan be submitted because the farmstand will be in the middle of a residential area. She asked that the applicants also attempt to minimize clutter on the site.

Mr. Tepfer stated that the site lighting, including the post light, would not be on all night. It will only be on during the hours of operation. He also noted that the porch is located on the south side of the building and therefore any lighting will not shine towards the north.

Ms. Gray-Mullen recommended that the applicants consider installing a motion sensor light that would deter students from congregating at the farmstand.

Mr. Tepfer stated that the post light will be about 8 feet tall. The post light isn't really needed for site lighting but it will help to indicate when the farmstand is open for business. There is no lighting on the existing barn.

The Board discussed whether there would be adequate lighting for the use and safety of the property. They asked if there were any existing security problems on site.

Mr. Barker-Plotkin stated that there had been problems with theft of produce and money from the existing barn, which has been more of a problem than people congregating on site. He stated that the new lockable farmstand building will improve the security situation on the site. The applicants have no intention of selling wine.

Mr. Webber asked the applicants if they would be planting anything between the new building and the street.

The applicants stated that there are several beds of perennial flowers along the road. They intend to maintain that area better than they have in the past and to offer cut flowers to customers. They would like to have an improved “public face” along the road and keep the working area back from the public front of the property.

Mr. Webber noted that the sidewalk along the road is overgrown and that maintenance of the sidewalk is the responsibility of the landowner.

The applicants stated that the condition of the property has improved since they have been caring for it and they intend to keep improving it.

Mr. Webber asked if the applicants had spoken with the Town Engineer about drainage, specifically with regard to the brook.

The applicants had not spoken with the Town Engineer about the drainage but they stated that there will be no substantial change in drainage. The drainage that falls on the parking area and the roof will be directed around the farmstand and will flow overland towards the brook. They acknowledged that the brook is a “complete disaster” but asserted that this is due to runoff from the subdivision upstream (the Van Meter and Harlow Drive development). When there is a heavy rain the brook runs full, causing scouring.

Mr. Webber suggested that the Board could make a finding that the runoff from the farmstand would have minimal impact compared to the current condition.

Ms. Carrol asked if there would be food prepared or processed on site and whether food would be served at the farmstand. She asked about the use of picnic tables, where garbage would be stored and whether the farmstand would operate during winter.

Mr. Webber noted that the Management Plan states that the dumpster would be picked up once a week. The dumpster will remain in its existing location at the southwest corner of the existing parking lot.

The applicants stated that they would eventually like to prepare food for sale and would eventually like to offer “take away food” and allow people to eat it at picnic tables on site.

Mr. Webber stated that, in order to do so, the applicants would need to request permission to offer seasonal outdoor dining. The applicants stated that for now this building would just be a farmstand.

The farmstand will operate from 8:00 a.m. to 8:00 p.m. year round.

The applicants would like to encourage the community to gather at the farm. Pick-up for CSA shares will occur at the farmstand.

The Board agreed that the applicants may leave the existing picnic tables that are located near the existing barn, providing that the Building Commissioner agrees.

Ms. Carroll expressed concern about security and worried that students would congregate at the picnic tables at night on weekends to sit and drink.

David Kastor of 161 Pine Street, a member of the Board of Directors of NACF, stated that he and the Board fully support this project. Simple Gifts Farm has brought positive physical changes to the farm. They have cleared overgrown vegetation and made other improvements to the property. This is a great development and is just what was hoped for when NACF was begun.

Mr. Crouner noted that seasonal outdoor dining may be permitted as a special use, by Special Permit, associated with a farmstand restaurant.

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 through minimizing detrimental or offensive actions; the issue of security will be addressed by the construction of a locked farmstand;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use because lights will not shine onto adjacent properties and the amount of additional storm water runoff from the new building and parking spaces entering the stream adjacent to the property will be minimal compared with the existing condition;
- 11.2403 – Adequate recreational facilities, open space and amenities will be provided because the site serves the community in many ways; it provides open space and the current operators of the farm have cleared tree lines and overgrown vegetation and created more open space; the farm also provides fresh vegetables to the community;
- 11.2410 – Unique or important natural, historic or scenic features will be protected because the North Amherst Community Farm and the farmers associated with Simple Gifts Farm have preserved the historical farm and its farming operation;
- 11.2411 – Methods of refuse disposal will be adequate; there is an existing dumpster located near the existing parking lot that will remain in place to serve the new farmstand; the dumpster has been in place for seven years; it will continue to be picked up once a week, in accordance with the Management Plan;
- 11.2412 – N/A;
- 11.2413 – The proposed drainage system within and adjacent to the site will be adequate to handle the small amount of increased runoff resulting from the construction of the farmstand and parking area; the parking area will be paved with gravel and the runoff from the farmstand's roof and from the parking area will be directed into swales on the east and west sides of the farmstand; the runoff will travel overland to the brook on the north side of the property; the Conservation Commission did not express concern about drainage;
- 11.2414 – Provision of adequate landscaping has been addressed; although a Landscape Plan will not be required the applicants have stated that they plan to improve the maintenance of the perennial flower beds on the front or west side of the farmstand; they will also be keeping the front of the property as neat as possible in order to present a more orderly image to passersby;
- 11.2415 – The soil erosion control methods shown on the Site Plan are considered adequate to control soil erosion both during and after construction; the Conservation Commission has approved the erosion control methods as proposed;
- 11.2416 – Adjacent properties will be protected by minimizing the intrusion of various nuisances; this is a working farm with the normal farming operations expected, but the farmstand will not produce air and water pollution, flood, noise, odor, dust and vibration;
- 11.2417 – Adjacent properties will be protected by minimizing the intrusion of lighting, because a condition of the Site Plan Review approval will require that the proposed lighting will be Dark Sky compliant or downcast and will not shine onto adjacent properties or streets;
- 11.2418 – N/A;

- 11.2419 – Wetlands will be protected in accordance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40, and the Amherst Wetlands Bylaw because the project has been approved by the Conservation Commission;
- 11.2420 – N/A;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development;
- 11.2422 – N/A;
- 11.2423 – The proposed building relates harmoniously to other buildings existing on the site;
- 11.2424 – There have been no complaints about the existing dumpster and the Board will not require screening;
- 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; the driveway will be widened to accommodate two-way traffic and to allow sufficient back-up space for the new parking spaces;
- 11.2431 – N/A; the location and number of curb cuts will not change substantially;
- 11.2432 – The location and design of parking spaces and drive aisles will be provided in a safe and convenient manner; the Board did not require the installation of a bike rack;
- 11.2433 – N/A;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The requirement for a Traffic Impact Statement will be waived;
- 11.2437 – N/A.

Ms. Carroll asked about the criteria for noise from refrigeration equipment. Ms. Brestrup stated that the Board typically requires that noise produced on site not exceed the ambient noise level at the property lines.

Mr. Webber asked the applicants about the location of the proposed refrigeration or climate control equipment.

The applicants stated that they planned to install a small walk-in cooler in the building. The heating and cooling equipment would be what is typically required for a building of this size. Mr. Tepfer noted that there is a large cooler in the existing barn and that no one has complained about the noise. The new cooler will be smaller.

Mr. Webber recommended that the applicants carefully consider the positioning of the new cooler and locate it on a side of the building so as to have a minimal impact on the neighbors. The applicant agreed to talk to town staff about the positioning of the compressor for the cooling equipment. Construction will likely begin in the spring.

The Board discussed waivers and conditions.

There was discussion about the proposed signs. The Board noted that the two proposed signs are each oversized. Section 8.101 of the Zoning Bylaw does not allow signs in the residential zoning districts to exceed 12 square feet without a Special Permit. However, Section 8.5 of the Zoning Bylaw allows the Board to waive or modify any section or subsection of Article 8, Sign Regulations, for compelling reasons of public convenience, public safety, aesthetics or site design.

Mr. Crouner stated that he has no problems with the proposed signs but he disagrees that Section 8.5 allows the Board to waive or modify the requirement for a Special Permit.

There was discussion about lighting of the signs. The signs will be lit by the streetlight across

the street. The Management Plan also states that the signs will be lit by small floodlights.

Mr. Webber stated that the lights for the signs should be mounted on top of the signs, shining down, so as not to shine up into the sky.

Mr. Webber acknowledged that Section 8.101 and Section 8.5 of the Zoning Bylaw appear to be in conflict. However, the Board has made use of Section 8.5 to waive or modify the sign requirements of Section 8.101 in the past for other applications.

After discussion the Board determined that since there were two proposed signs and both of them exceeded the allowed size of 12 square feet in a residential zoning district that, in this case, the Board would require a Special Permit for the proposed oversized signs. The total square footage of the signs will be almost triple the total allowed and the signs will be lit during business hours.

The applicants explained that the two signs were necessary – the larger one for Simple Gifts Farm and the smaller one for North Amherst Community Farm – because of the volume and speed of traffic along North Pleasant Street and because the driveway is not very visible.

Mr. Crouner recommended that the Board waive the fee for the Special Permit, although the applicants will be required to pay the fee for the legal ad.

Ms. Gray-Mullen noted that there was a third proposed sign (16” x 36”) that would be installed as an entrance sign by the driveway. There are two driveways to the property. One leads to the house and the other sign leads to the barns.

The Board agreed by consensus to waive the application fee for the Special Permit for the signs and to require that the fee for the legal ad be paid. The Board agreed that holding a new public hearing and seeing all three signs was the best way to proceed.

Waivers

- Landscape Plan
- Traffic Impact Statement

Conditions

1. Exterior lighting shall be Dark Sky compliant and/or downcast and shall not shine onto adjacent properties or streets;
2. The applicants shall consult with town staff about the location of the compressors for the cooling equipment so as to have a minimal effect on the neighbors;
3. The site shall be managed in accordance with the Management Plan submitted as part of the application;
4. The building and site improvements shall be constructed in accordance with the approved Site Plan.

Ms. Riahi MOVED to close the public hearing on the Site Plan Review application SPR2016-00005, to make the findings as discussed, to waive the application fee for the Special Permit for the signs and to approve the application as requested with the conditions and waivers as discussed. Mr. Stutsman seconded and the vote was 7-0-0.

SPR2016-00006 – Grace Episcopal Church – 14 Boltwood Avenue

Request Site Plan Review approval to install an exterior exhaust system for a kitchen (Map14A/264, B-G zoning district)

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

Jeffrey DeSantis, a member of the church, presented the application. He stated that the church was applying for approval of the exterior exhaust system that had been installed recently. They have installed a commercial stove and renovated the kitchen in the Parish Hall of the church. The kitchen is used by church members and it serves the public at least once a year. They needed to install a larger exhaust fan because the existing one would not serve the commercial stove. Mr. DeSantis had thought that the contractor had obtained the appropriate permits for the project prior to the installation.

Site Visit – Ms. Gray-Mullen reported on the site visit. It was attended by three Planning Board members. At the site visit the Board members met Mr. DeSantis and David Ulen, the church sexton. They viewed the exterior exhaust system that had been installed on the roof.

Mr. Webber asked if there had been any complaints about the exhaust system that had been installed. There had been no complaints. Mr. DeSantis reported that the new exhaust system is very quiet and “high tech”.

Waivers

- Landscape Plan
- Lighting Plan
- Sign Plan
- Erosion Control Plan
- Traffic Impact Statement

Mr. Schreiber MOVED to close the public hearing, to approve the application with waivers as requested and to find that the Site Plan Review application met all of the relevant criteria of Section 11.24 of the Zoning Bylaw. Mr. Stutsman seconded. The vote was 7-0-0.

Mr. Crowner noted that a memorandum had been received from Mike Roy of the Fire Department. Mr. Webber read the memorandum and noted that the Management Plan was satisfactory. Mr. DeSantis reported that the exhaust system would be tested “next week”.

SPR2016-00007 – Harry Auerbach for Agnoli Signs – Northampton Cooperative Bank a division of Greenfield Coop Bank – 253 Triangle Street

Request Site Plan Review approval to install a freestanding post and panel sign perpendicular to the road, in addition to the existing freestanding sign(s) on the property, under Section 8.5 of the Zoning Bylaw (Map11C/265, B-L zoning district)

Mr. Webber read the preamble and opened the public hearing. He disclosed that he participates in a professional network group with Mr. Auerbach but that this would not affect his review of the application. Mr. Carson disclosed that he has an account at the Northampton Cooperative Bank but that this would not affect his review of the application.

Harry Auerbach of Agnoli Sign presented the application. The bank is proposing a post and panel sign, non-illuminated. The site is a large one, owned by one property owner. It has a long frontage. Currently there are two other freestanding signs along the frontage. The Zoning Bylaw allows only one freestanding sign per frontage in the B-L zoning district.

Mr. Auerbach stated that he would like to install the sign perpendicular to the road. He described where it would be located, noting that there used to be a free-standing sign that was

illuminated in this location. Mr. Auerbach stated that the proposed sign had been presented to the Design Review Board and that they had recommended that the size of the sign be increased to 30" tall by 48" wide. The DRB wanted the sign to be readable from the roadway and they were concerned about the readability of the lettering with the smaller sized sign.

Mr. Webber acknowledged receipt of the DRB memorandum. He stated that a Management Plan had also been submitted by the applicant and he asked if the proposed sign would be illuminated.

Mr. Auerbach explained that the sign would not be illuminated since the bank closes at 7:00 p.m. Mr. Carson noted that new streetlights had been installed along Triangle Street and that the area was well-lit.

Site Visit Report – Ms. Gray-Mullen presented the Site Visit Report. Three Board members had attended. They observed the proposed location of the new sign and recommended that the sign be moved further towards the east, towards the center of the landscaped island.

Mr. Auerbach stated that he would like to move the sign to the recommended location at the center of the landscaped island and save the existing tree.

Section 6.27 of the Zoning Bylaw contains guidelines about the location of objects when they are located near an intersection of two streets, to prevent blocking the "clear sight triangle". In this case the sign would be located at the intersection of a street and a driveway. The Board members who attended the site visit observed that moving the sign to the center of the landscaped island would not block the view of vehicles entering or exiting the property.

Board members agreed that the sign could be located at the center of the landscaped island, but that its orientation in the north/south direction should remain the same.

Board members agreed to waive all of the submittal requirements except the Sign Plan and Management Plan, which have been submitted.

The Board found that this Site Plan Review application is in compliance with all of the relevant criteria of Section 11.24 of the Zoning Bylaw and that it is proposed for an appropriate location.

Waivers

- Landscape Plan
- Lighting Plan
- Erosion Control Plan
- Traffic Impact Statement

Mr. Stutsman MOVED to close the public hearing, to make the findings as discussed and to approve the Site Plan Review application SPR2016-00007 with the waivers as discussed. Mr. Carson seconded and the vote was 7-0-0.

III. ZONING

A. Zoning Subcommittee Report

Mr. Crouner presented the ZSC report. The ZSC will present a list of proposed zoning amendments to the Planning Board in January and the Planning Board can then decide which ones to propose for spring Annual Town Meeting.

He reported that the ZSC had discussed adding the B-L zoning district to Footnote "b", to remove the lot size requirement for dwelling units. There is a clear argument to be made to allow denser residential use in the B-L zoning district. The B-L district exists in three distinct locations around the B-G district in downtown Amherst and along

University Drive. There are some potential controversies associated with this proposed change: 1) that these B-L districts may be distinct from one another as to character and location, and 2) that the B-L districts around the downtown are in the Municipal Parking District and therefore no on-site parking is required for new residential uses. However, the ZSC is comfortable with this proposal regardless of those issues.

Mr. Crouner reported that the ZSC had received a brief presentation from people who are interested in rezoning a parcel of land on University Drive from OP (Office Park) to B-L (Limited Business). The parcel is located next to The Hangar's new location, formerly the location of the Amherst Brewing Company. This rezoning was proposed under the previous Town Manager, Larry Shaffer, but was defeated at Town Meeting. The developers did not present a plan for their proposal. They will make a presentation to the full Board in the near future. The Planning Board will need to decide if it wants to sponsor the rezoning, to recommend that the property owner or developer submit a petition or if the developer should pursue a "contract zoning" article on the Town Meeting warrant.

Mr. Crouner further reported that there may be two future zoning amendments that will require the help of consultants: 1) after the 100-year flood plain is confirmed by the production of new FIRM (Flood Insurance Rate) maps the town will need to adjust the FPC zoning district to reflect the new 100-year flood lines; 2) revisions to Article 8, Sign Regulations, in the Zoning Bylaw. The ZSC supports hiring a consultant to rewrite the Sign Regulations.

IV. OLD BUSINESS

- A.** North Amherst Village Center Intersection – Sunderland Road/Montague Road – debriefing on public forum #2 and discussion about next steps

Ms. Brestrup reported that the public forum on December 8th had been very successful. After presentations and discussion the members of the public who attended the forum coalesced around Concept D for the realignment of the Sunderland Road/Montague Road intersection.

Mr. Carson stated that it was helpful to have four concrete plans for the intersection and the interaction among the participants at the forum was constructive.

Mr. Crouner stated that Option D is the clear choice if the Village Center is to be confined to the area below the river. However, if the Village Center extends north of the river the choice is not so clear. He recommended that the Planning Board encourage the Public Works Committee not to isolate the Village Center below the river.

Mr. Webber stated that there was a clear consensus of support for Concept D. The forum worked well and everyone seemed pleased with the process.

- B.** Topics not reasonably anticipated 48 hours prior to the meeting – none

V. NEW BUSINESS

- A.** PVPC (Pioneer Valley Planning Commission) – Top Ten Resolves for 2016

Mr. Carson reported that the Top Ten Resolves for 2016 had been drafted and distributed to the Planning Board. He encouraged Board members to review and study the Resolves and to send comments to him or to Ms. Brestrup or bring them to the next Planning Board meeting. The Top Ten Resolves will be voted on by the PVPC at the February Commission meeting.

Mr. Carson reported that he and Ms. Brestrup had attended a recent PVPC meeting at which there had been a presentation from Kinder Morgan and from opponents of the proposed gas pipeline. He noted that there had been an interesting discussion and that PVPC will not be taking a public position on the issue.

Mr. Schreiber noted that Top Ten Resolve #6 was still on the list, promoting an Inland Route intercity passenger rail corridor to interconnect Boston-Worcester-Springfield-Hartford and New Haven and eventually establish a passenger rail link into Montreal.

He further noted that Mass DOT has recently established a new bus from Northampton, through Amherst and Orange, to Worcester.

B. Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS – none

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson – previously presented

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber – previously presented

Transportation Task Force – Rob Crowner – no report

Design Review Board – vacant

Housing and Sheltering Committee – Greg Stutsman – no report

Zoning Subcommittee – Rob Crowner, Bruce Carson, Greg Stutsman and Stephen Schreiber – previously given

UTAC (University and Town of Amherst Collaborative) – David Webber and Greg Stutsman – Mr. Webber reported that the Economic Development Subcommittee met on Monday. Mr. Stutsman reported that the Housing Subcommittee met and reviewed the Housing Production Plan and the Housing Market Study. They will meet again next week and study the UMass Master Plan.

X. REPORT OF THE CHAIR – no report

XI. REPORT OF STAFF – no report

XII. ADJOURNMENT

The meeting was adjourned at 9:10 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Interim Planning Director

David Webber, Chair

DATE: _____