

PLANNING BOARD

TOWN OF GREENFIELD, MASSACHUSETTS
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GREENFIELD PLANNING BOARD Minutes of May 5, 2011 Planning/Veteran's Office, 114 Main Street

The meeting was called to order at 6:35 p.m. with the following members:

PRESENT: Roxann Wedegartner, Chair; Linda Smith, Vice-chair; Mary Newton, Clerk; Clayton Sibley; James Allen; and Alternate Joshua Parker

Also present were Mayor William Martin; Eric Twarog, Director of Planning and Development; GCTV; Anita Phillips of the Greenfield Recorder; Jeff Terrell of WHAI; and members of the public.

Approval of Minutes

MOTION: Moved by Sibley, seconded by Newton and voted 5-0 to approve the meeting minutes from April 21, 2011 as amended.

Wedegartner announced that the meeting is being recorded and asked if anyone else was recording the meeting. GCTV and WHAI responded yes.

ZBA Recommendations

- a. Application of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, for a modification of an existing special permit pursuant to Sections 200-4.2 (C13) and 200-8.3 of the Zoning Ordinance for an animal kennel to allow six (6) dogs instead of four (4) dogs allowed by the current animal kennel license.
- b. Application of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2 (C1) and 200-8.3 of the Zoning Ordinance to allow the keeping of four (4) neutered Dwarf Nigerian Goats as pets.

Board discussed both applications and made the following recommendation.

MOTION: Moved by Sibley, seconded by Newton, and voted 5-0 to forward a positive recommendation to the ZBA on the applications of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, for a modification of an existing special permit pursuant to Sections 200-4.2 (C1 & C13) and 200-8.3 of the Zoning Ordinance for an animal kennel to allow six (6) dogs instead of four (4) dogs allowed by the current animal kennel license and to allow the keeping of four (4) neutered Dwarf Nigerian Goats as pets.

- c. Application of Ilie Taraburca for property located at 38 French King Highway, which is located in the General Commercial (GC) Zoning District, for a special permit Sections 200-4.9 (C57), 200-5.3(E2), 200-8.3, and 200-8.4 of the Zoning Ordinance to allow: 1) a four-family dwelling within the General Commercial District, and 2) to allow a one (1) foot reduction of the required frontage from 100 feet to 99 feet.

Twarog explained that the applicant has since changed his request from a 4-unit dwelling to a duplex. Board discussed the application and made the following recommendation.

MOTION: Moved by Smith, seconded by Allen, and voted 3-2 (Newton and Sibley voted no) to forward a positive recommendation to the ZBA on the application of Ilie Taraburca for property located at 38 French King Highway, which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C7) and 200-8.3 of the Zoning Ordinance to allow a two-family dwelling within the General Commercial District.

d. Application of Jared and Sarah Winston for property located at 148 Montague City Road, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4 (C3 and C6) and 200-8.3 of the Zoning Ordinance to allow a four (4) unit multi-family dwelling and preschool at this location.

Twarog reviewed the recent history of the property to include a ZBA special permit issued a few years ago for a 10-unit bed and breakfast facility. Board discussed the application and made the following recommendation.

MOTION: Moved by Sibley, seconded by Newton, and voted 5-0 to forward a positive recommendation to the ZBA on the application of Jared and Sarah Winston for property located at 148 Montague City Road, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4 (C3 and C6) and 200-8.3 of the Zoning Ordinance to allow a four (4) unit multi-family dwelling and preschool at this location.

Site Plan Review/Approval

a. Application of Bill Goldfarb (Lefty's Brewing Company) for site plan approval for a micro brewing production facility at 301 Wells Street which is located within the General Industry (GI) Zoning District.

Bill Goldfarb of Lefty's Brewing Company presented his plans to the Board. Allen asked if there will be any retail sales. Mr. Goldfarb responded no, that it would only be a wholesale operation. Twarog read department review comments from the following departments: Public Health, Fire Department, Building Department, and the Department of Planning and Development. Allen inquired whether Mr. Goldfarb owns the property or leases. Mr. Goldfarb responded that he leases the property. Wedegartner asked if there will be any potential noise or smell issues. Mr. Goldfarb responded that the building is a two-story vented building so there will be not smell issues. He stated that there will be some pumps running but that they cannot be heard from the outside of the building. Newton inquired about truck deliveries to the property. Mr. Goldfarb responded that there will be one 53 foot truck delivery per month, one 28-30 foot truck delivery per month, and one 28-30 foot truck delivery every two months. Allen inquired about train deliveries. Mr. Goldfarb responded none at this time. Smith asked about production numbers. Mr. Goldfarb responded about 4,000 bottles per month.

MOTION: Moved by Sibley, seconded by Smith, and voted 5-0 to approve the application of Bill Goldfarb (Lefty's Brewing Company) for site plan approval for a micro brewing production facility at 301 Wells Street which is located within the General Industry (GI) Zoning District.

Action Items

a. Board Deliberation on Application of Greenfield Investor’s Property Development, LLC, Proposed 135,000 square foot retail store off French King Highway (Tax Map R04. Lot 44; Tax Map R05, Lot 23)

The following project proponents were present: Tim Sullivan of Goulston & Storrs; Michael Dupuis of VHB and Donna MacNicol of MacNicol & Tombs. Wedegartner addressed the audience requesting that they do not approach the table during the meeting. Mr. Sullivan handed out new perspectives to the Board. Wedegartner addressed the Board stating that their comments and input as well as input from residents and the proponents willingness to compromise has resulted in positive changes to the project. Wedegartner thanked the Board for their efforts. Wedegartner requested that the Board begin by reviewing the conditions within the decision. The Board concurred. Wedegartner stated that the Board has already extensively reviewed traffic mitigation as specified in Condition #2. Newton inquired about emergency access via Gill Road in terms of a crash gate or bollards. Mr. Sullivan stated that they have no issues with a crash gate but suggested that this be covered under Condition #16.

Condition #3

Newton read the condition. Board had no issues or concerns.

Condition #4

Smith read the condition. Wedegartner clarified that Condition #4(a) provides flexibility for the Board. Sibley asked if the Contingency fee of \$41,000 should be placed under this section of conditions. Board reached consensus that it should be a separate condition.

Condition #5

Newton read the condition. Board had no issues or concerns.

Condition #6

Smith read the condition. Board had no issues or concerns.

Condition #7

Wedegartner read the condition. Smith asked if the taxes are in addition to those in the fiscal impact statement. Twarog responded in addition to. Mr. Sullivan concurred.

Condition #8

Newton read the condition. Smith moved that the hours of operation be from 7:00 a.m. to 11:00 p.m., that there be no deliveries between 10:00 p.m. and 7:00 a.m., and that the delivery docks be enclosed. There being no second, the motion died. The Board discussed hours of operation and truck delivery hours. Smith expressed concerns about noise and light issues impacting the nearby residences. Allen stated that a store of this size will always be open in terms of employees working. Mr. Sullivan stated that they would request the hours of operation to be from 6:00 a.m. to 11:00 p.m. with some type of acknowledgement for extended hours during peak holiday seasons (1 hour before and 1 hour after normal hours of operation is standard). The Board continued to discuss hours of operation. Newton moved to amend Condition #8, seconded by Sibley and voted 4-1 (Allen abstained) so that it reads as follows:

- 8. The normal hours that the store will be open for business shall be between the hours of 7:00 a.m. and 11:00 p.m.; provided that between the hours of 11:00 p.m. and 6:00 a.m. (i) deliveries and pick-ups shall be prohibited; and (ii) truck or vehicle-mounted refrigeration equipment shall not be left running for a period of greater than five minutes. The parking lot lighting will be reduced to security lighting levels from one hour after the Project closes until one hour before the Project opens for business. Extended hours shall be by approval of the Greenfield Licensing Commission.**

Condition #9

Sibley read the condition. Wedegartner inquired if this condition is related to the Conservation Commission’s/MA DEP’s approval of the project. Mr. Sullivan responded yes. Board had no issues or concerns.

Condition #10

Newton read the condition. Board had no issues or concerns.

Condition #11

Smith read the condition. Newton suggested two years instead of one year. Smith suggested replacing the word “generally” with the word “substantially”. The Board discussed this issue. Smith moved to amend Condition #11, seconded by Newton , and voted 4-1 (Allen abstained) so that it reads as follows:

- 11. The Project landscaping shall be installed generally in accordance with sheet C-11 and C-12 of the Special Permit Plan Set. Subject to review and approval from the Department of Public Works, the Proponent agrees to install trees within the French King Highway right of way to further enhance the buffering and screening of the building, including Red Oak, Pine Oak, Norway Spruce, White Spruce, Atrovirens Giant Arborvitae, Fragrant Sumac and Virginia Rose. The plantings will be located, subject to review and approval from the Department of Public Works, along French King Highway behind the guardrail and at the top of the slope to increase screening from vehicles traveling on French King Highway and from the neighboring properties to the south. Any plant material required by this Special Permit/Site Plan Approval, including those planted as screening along French King Highway and in and around the parking lots shall be maintained and/or replaced by the owner of the property on an annual basis.**

Condition #12

Newton read the condition. Board had no issues or concerns.

Condition #13

Sibley read the condition. Newton inquired on screening. Mr. Dupuis reviewed screening with the Board. Sibley expressed concerns about setting policy for the future tenant. Smith moved to amend Condition #13, seconded by Newton, and voted 5-0 so that it reads as follows:

- 13. The Proponent shall be responsible at its sole cost for trash removal at the Project. A recycling program shall be established to include recycling or composting to the extent feasible of all permissible packaging materials, paper, plastic, glass and metal. It shall also include a program to insure that organic waste is composted to the extent feasible.**

Condition #14

Newton read the condition. Board had no issues or concerns.

Condition #15

Smith read the condition. Mr. Sullivan suggested that the issue of emergency access via Gill Road be added under Condition #15 and #16. Newton moved to amend Condition #15, seconded by Smith, and voted 5-0 so that it reads as follows:

- 15. Prior to commencement of site construction, the Proponent shall submit the final fire hydrant locations and, prior to the commencement of building construction, the Proponent shall submit alarm system specifications to the Fire Department for review to determine final hydrant location and location of the fire department connection based on the final building layout, and to make a final determination regarding the type of alarm system (hard wire versus wireless) to be used at the Project based on the compatibility with the Town’s infrastructure. The Proponent shall submit the design for emergency vehicle access to the site as specified under Condition #2b to the Fire Department for review and approval.**

Condition #16

Newton read the condition. Newton moved to amend Condition #16, seconded by Smith, and voted 5-0 so that it reads as follows:

16. Prior to commencement of construction, the Proponent shall work with the Police Department to incorporate the design/security recommendations contained in the report entitled “Report to the Greenfield Planning Board from the Greenfield Police Department on Cost Projections Big Box Project French King Highway” dated October 2010, or such alternative measures mutually satisfactory to the Department and the Proponent. The Proponent shall submit the design for emergency vehicle access to the site as specified under Condition #2b to the Police Department for review and approval.

Condition #17

Smith read the condition. Board had no issues or concerns.

Condition #18

Newton read the condition. Board had no issues or concerns.

Condition #19

Smith read the condition. Smith asked for clarification for this condition. Mr. Sullivan explained the condition to the Board. Smith asked if this condition includes materials. Twarog responded yes. Mr. Sullivan concurred. Smith suggested changing the word “generally” to “substantially”. Board discussed this. Smith recanted her suggestion. Smith suggested encouraging the use of real brick as opposed to “imitation concrete brick” because the project is within the Corridor Overlay District, it would look better and be more durable. Allen also recommended the use of real brick. Wedegartner read M.G.L. Chapter 40A, Section 3 to clarify to the board that they cannot regulate the use of building materials. Mr. Sullivan clarified that the proper name is “brick block”, not “imitation concrete brick”. Smith moved to amend Condition #19, seconded by Newton, and voted 5-0 so that it reads as follows:

19. The Building Elevations, Conceptual Interior Layout and Signage Elevations contained in Attachment 2 of the “Supplemental Information Package/MDR Response to Comments” filed with the Board on January 14, 2011 and listed on Exhibit A-1, subject to variations and adjustments requested by the Board and shown on sheets A1- A4, dated May 5, 2011 (the “Elevations”) are hereby approved in concept. The Proponent shall submit the final building elevations, interior layout and signage elevations to the Board for a consistency review prior to commencement of construction. The Board shall promptly review such submission to confirm that the same are generally in harmony with the findings, safeguards and conditions set forth in this Special Permit/Site Plan Approval and substantially consistent with the Elevations. The Board shall make such confirmation within thirty (30) days of such submission. In the event the Board fails to act, the plans shall be deemed consistent. The Board, to the extent it believes the plans require modifications, shall issue recommendations to the Proponent suggesting revisions to the final building elevations, provided that (i) such recommendations must be consistent with the Elevations, and (ii) in no event shall any such review require a public hearing or any such recommendation require the Proponent to obtain additional relief under the Zoning Ordinance. The Board encourages the use of real brick where feasible in areas where brick block is proposed on the front elevation.

Condition #20

Newton read the condition. Smith moved to amend Condition #20, seconded by Newton, and voted 5-0 so that it reads as follows:

20. No material changes to the Project shall be permitted, except as otherwise set forth in this Special Permit/Site Plan Approval, unless they are consistent with the Special Permit Plan Set. Requests for consistency determinations shall be subject to review and approval by the Director of Planning and Development but shall not require approval of the Board. When making a request for a consistency determination, the Proponent shall submit updated plans and a memorandum to the Director of Planning and Development demonstrating that such change(s) satisfy the following

Condition #21

Sibley read the condition. Smith moved to amend Condition #21, seconded by Newton, and voted 4-1 (Allen voted no) so that it reads as follows:

21. The Proponent shall submit to the Planning Board a final list of the Project's sustainable design measures for the Project prior to the issuance of the building permit including measures that have been incorporated to comply with the Stretch Energy Code to the Board. The roof of the building shall be either light in color, a "green" roof, or will provide solar panels to generate some of the energy used by the building or a combination thereof.

Condition #22

Newton read the condition. Board had no issues or concerns.

Condition #23

Smith read the condition. Board had no issues or concerns.

Condition #24

Newton read the condition. Board had no issues or concerns.

Condition #25

Sibley read the condition. Board had no issues or concerns.

Condition #26

Newton read the condition. Moved by Sibley, seconded by Newton, and voted 5-0 to include Condition #26 in the Planning Board's decision. Board discussed this condition and the legality of limiting retail types.

Condition #27

Smith read the condition. Moved by Newton, seconded by Sibley, and voted 5-0 to include Condition #27 in the Planning Board's decision. Newton expressed concerns about the timing of receiving these funds and the 2-year period. Newton moved to amend Condition #27, seconded by Sibley, and voted 5-0 so that it reads as follows:

Findings of Fact

Smith read #4 on Page 2 of the Decision and expressed concerns about Level of Service for some legs of the study area and stated that she does not agree with the language under #4. Wedegartner asked Smith why she is concerned about this language. Smith responded that she wants to be on record as disagreeing with this language and finding of fact. Smith read #10 on Page 3 of the Decision and stated that there has been no mention of the potential devaluation of residential properties in this area. Smith stated that she doesn't except this finding of fact. Newton stated that she disagrees with Smith's interpretation of the language as not taking residential values of surrounding properties into affect and therefore devaluing them. Newton stated that properties in mixed use areas with high volumes of traffic are assessed with these conditions factored in. Newton stated that she doesn't see how improvements to the former Mackin site will be detrimental to residential property values. Allen responded to Smith's concerns by stating that in his opinion, one of the worst properties in town now has the chance to be improved for the betterment of the Town and the County. Sibley stated that the Mackin site was a former Brownfields site that has now been

cleaned up. Smith read #11 on Page 3 and stated that she doesn't agree with this finding in terms of the character and scale of neighboring properties. Newton stated that she doesn't understand why Smith was willing to vote for a 125,000 square foot store but not a 135,000 square foot store as there is only a 10,000 square foot difference. Newton asked Smith what the difference is. Smith responded by stating that she was willing to vote for a 125,000 square foot store because she didn't see it getting any smaller. Smith read #14 on Page 3 and stated that she doesn't agree with this finding. Newton inquired whether there is a limit of such amenities as listed under #17 on Page 4 based on this finding. Mr. Sullivan responded no. Smith questioned the language under #22 on Page 4 "permit maximum use of passive solar". Smith stated that she doesn't agree with the findings listed under #28 and #30 on Page 5 of the Decision. Smith stated that she doesn't agree with the finding on Page 8 and stated that she believes that the Project has not complied with the requirements of the Corridor Overlay District. Newton inquired about interior lighting for the building. Mr. Sullivan responded that this type of lighting is typically tenant based. Sibley stated that new LED lighting could save the store lots of money.

MOTION: Moved by Allen, seconded by Sibley, and voted 4-1 (Smith voted no) that the Planning Board, based on all of the Findings of Fact set forth in the Board's Special Permit/Site Plan Approval Decision [as amended pursuant to the Board's discussion's at the April 21, 2011 Planning Board meeting and this meeting], grant the requested Special Permit/Site Plan Approval pursuant to Sections 200-4.16, 200-7.12, 200-8.3, and 200-8.4 of the Greenfield Zoning Ordinance for property identified as Parcels R04-44 and R05-23, which are located in the General Commercial and Corridor Overlay Zoning Districts, in order to allow a retail use that generates more than 1,000 vehicle trips per day and is in excess of 40,000 square feet subject to the conditions set forth in the decision.

PLEASE NOTE:

At their June 16, 2011 regular meeting, the Board voted to amend these meeting minutes by including specific comments made by Linda Smith on the Findings of Fact. These attached comments are hereby made a part of these meeting minutes.

Adjournment

MOTION: Moved by Newton, seconded by Smith, and voted 5-0 to adjourn the meeting at 10:02 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development