

PLANNING BOARD

TOWN OF GREENFIELD, MASSACHUSETTS
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GREENFIELD PLANNING BOARD Minutes of January 6, 2011 Greenfield High School Cafeteria, 1 Lenox Avenue

The meeting was called to order at 7:06 p.m. with the following members:

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

Also present were Mayor William Martin; Eric Twarog, Director of Planning and Development; Greenfield Recorder; and members of the public.

ABSENT: Alternate Joshua Parker

Approval of Minutes

MOTION: Moved by Sibley, seconded by Allen and voted 5:0 to approve the meeting minutes from December 16, 2010 as amended by Smith.

Public Hearings

- a. **7:00 p.m.** – Citizen petition by Steven Andrews to re-zone a portion of Mohawk Trail (Route 2) from north of the intersection of Shelburne Road and Mohawk Trail (Route 2) to the Shelburne Town Line on the east side of the Mohawk Trail (Route 2) from Rural Residential (RC) to General Commercial (GC).

Wedegartner announced that this is a joint public hearing with the Economic Development Committee (EDC) and explained the rules of the public hearing process giving 3 minutes each for public comment. Wedegartner announced that the public hearing is being recorded and asked if anyone else was recording the meeting. Patricia Marcus announced that she will be recording the continued public hearing on the proposed retail store off French King Highway. The EDC opened their public hearing at 7:14 p.m. Wedegartner read the public hearing notice opening the public hearing for the Planning Board at 7:15 p.m. Steve Andrews was present and gave a presentation to the Board and EDC on his proposed re-zoning. Mr. Andrews stated that based on public comment he would like to amend his proposal to exclude the 3 large parcels north of his property (parcels R37-3A, R36-7A, and R36-10B). The question was asked when the area was re-zoned to residential as it is today. Dan Guin of the EDC stated that the area was re-zoned to residential in the 1970s because the Town was concerned about inappropriate development along Route 2. The EDC asked why the petition application states Limited Commercial (LC) as opposed to General Commercial (GC). Twarog stated that this was a mistake on Mr. Andrews part and that his intent all along based on conversations with the Department of Planning and Development was to re-zone to General Commercial as is stated in the public hearing notice. Mr. Andrews confirmed that this was his intent. Mr. Andrews handed out a zoning map of the Town of Shelburne showing commercial zoning all along Route 2 throughout town. Wedegartner asked what Mr. Andrews background is and what his plans are for the property. Mr. Andrews responded that he worked for the state as an engineer for over ten years who is now a small landlord who enjoys working on old buildings. His plans are to make the property into a restaurant as it once was. Wedegartner asked if the EDC or Board had any questions. Both responded no.

Public Comment Portion Opened at 7:33 p.m.

Dan Guin – 717 Lampblack Road/497 Mohawk Trail, Greenfield

Dan Guin of the EDC, who has recused himself from these proceedings as a property owner of one of the lots proposed to be re-zoned, stated that he came here tonight at the request of Councilor David Singer to give a history of zoning in the area and to answer any questions and that he is here as a property owner and resident. Mr. Guin stated that Steve Andrews was the first to contact him in 15 years with a professional plan for the property. Mr. Guin reviewed the history of zoning in the area and stated that he supports the re-zoning request as amended.

Maureen Mullaney – Franklin Regional Council of Governments (FRCOG)

Ms. Mullaney stated that she is not here to support or oppose the proposed re-zoning but is here to point out some issues. She stated that the Mohawk Trail is a designated Scenic Byway and a major transportation corridor with safety concerns. She stated that the FRCOG has been studying a climbing lane to address some of these safety concerns.

Wedegartner inquired as to the feasibility of a climbing lane. Ms. Mullaney responded that a climbing lane is feasible. Wedegartner asked if property will need to be taken for this climbing lane. Ms. Mullaney responded that she could not answer this technical question. Councilor Singer asked if other alternatives are possible as opposed to a climbing lane. Ms. Mullaney responded yes. Mayor Martin inquired if a feasibility study has been done for a climbing lane and whether it is in the TIP. Ms. Mullaney responded no to a feasibility study and that the 2030 Long-Range Transportation Plan does have this in it. Mr. Andrews responded that he checked with the state police and no accidents have been reported due to the former Scott Mist Restaurant. He asked if the speed limit could be reduced in this area. Ms. Mullaney responded that speed limits are established based in part on actual speeds occurring in an area so in this case the speed limit could actually go up. Councilor Devlin asked if zoning makes a difference in terms of a climbing lane. Ms. Mullaney stated that it would be based on safety concerns, not zoning.

Byron Caplice – 36 Sunset Square, Greenfield

Mr. Caplice expressed concerns about site lines and that the proposed re-zoning may compromise existing site lines. Does not support the proposed re-zoning.

Twarog clarified to the audience that the lower two parcels just north of Shelburne Road are currently bisected with two zoning districts, Rural Residential (RC) and Suburban Residential (RB) and that only the RC portion would change to GC.

Cheryl Carley – 79 Prospect Street/433 Mohawk Trail, Greenfield

Spoke against the proposed re-zoning. Concerned about views and potential commercial development.

Ronald Smith – 42 Sunset Square, Greenfield

Spoke against the proposed re-zoning. Concerned about residential property values and asked if they would increase or decrease. Twarog/Mayor Martin responded that the property values of the re-zoned properties would likely increase and those of the surrounding residential properties may or may not be affected.

Fay-Jean Smith – 42 Sunset Square, Greenfield

Spoke against the proposed re-zoning. Also concerned about property values.

Dan Guin pointed out that under existing residential zoning, unwanted residential uses such as a large condominium project could occur. Councilor Vicencio-Rasku stated that she is looking forward to the upcoming master planning process which could resolve many of the issues pointed out this evening.

The EDC closed their public hearing at 8:09 p.m. and adjourned at 8:09 p.m.

MOTION: Moved by Newton, seconded by Smith, and voted 5:0 to close the public hearing at 8:11 p.m.

Wedegartner announced that she would like the Board to deal with the two ZBA recommendations prior to continuing the public hearing on the proposed retail store.

ZBA Recommendations

- a. Application of Stuart R. Provost for property located at 36-38 High Street, which is located in the Semi-Residential (SR) Zoning District, for a special permit pursuant to Sections 200-4.5(C9) and 200-8.3 of the Zoning Ordinance in order to allow a forth (4th) dwelling unit.

Wedegartner stated that the proposed 4th unit is the former dentist office. Smith inquired on where the existing 3 units are. No one could answer the question. Twarog stated that the Board received all the information that the ZBA has received. Board discussed lack of information. Wedegartner stated that the Board in the past has required ZBA applicants to come before them for the Board to make a recommendation. This practice was stopped. Twarog suggested that the Board again require ZBA applicants to come before them so that the issue of “lack of information” would be resolved.

MOTION: Moved by Newton, seconded by Smith, and voted 5:0 to forward no recommendation to the ZBA due to lack of information.

- b. Application of Patricia Zagame for property located at 1357 Bernardston Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.1(C1) and 200-8.3 of the Zoning Ordinance in order to allow the change, extension or alteration of a legal non-conforming use.

Board discussed application.

MOTION: Moved by Newton, seconded by Smith, and voted 5:0 to forward a positive recommendation to the ZBA on the application of Patricia Zagame for property located at 1357 Bernardston Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.1(C1) and 200-8.3 of the Zoning Ordinance in order to allow the change, extension or alteration of a legal non-conforming use.

Public Hearings (Continued)

- b. (Continued from December 2, 2010) - 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)

Wedegartner continued the public hearing at 8:31 p.m. The following project proponents were present: Tim Sullivan of Goulston & Storrs; and Donna MacNicol of MacNicol & Tombs. Wedegartner announced the sign-up sheet and asked Mr. Norman, who is representing the abutters, to give his 20-minute presentation on fiscal impacts. Mr. Norman handed out a copy of his presentation to the Board, hereby made a part of the record. After Mr. Norman’s presentation, Mayor Martin stated that he would like to meet with Mr. Norman. Smith asked if the Board could get data directly from the Town Assessor. Wedegartner stated that assessors typically re-assess property when it is sold. Newton, an appraiser, confirmed this and stated that the re-assessment is done on the properties current state, not its future state. Newton stated that the Mackin property was assessed prior to the current zoning. Newton also stated that properties along High Street are currently being assessed lower to due existing volumes of traffic so that this project would not affect property values along High Street. Allen inquired if Mr. Norman is representing 100% of the abutters. Mr. Norman responded that if the question is 100% of abutters on the abutters list, then no. Allen asked how he is representing them (as a legal expert, fiscal expert, traffic expert, etc.). Mr. Norman responded that he is representing the abutters based on his 17 years experience in these matters. Smith asked if the numbers on

traffic are based in part on a grocery component for the proposed store. Wedegartner stated that this is a question for the project proponents. Wedegartner reviewed the MDR ordinance requirements with the audience which doesn't include a study of residential impacts. She also stated that during the Board's deliberation on the project, that they will factor in all issues brought forth to date and that they are well aware of their authority. Wedegartner asked if Tim Sullivan would like a rebuttal. Mr. Sullivan responded yes.

Tim Sullivan – Goulston & Storrs

Mr. Sullivan stated that the Town's Chief Assessor Audrey Murphy was consulted by both RKG Associates and Larry Koff Associates. Mr. Sullivan responded to the question on traffic numbers being based on a grocery component by stating that the land use code of "Shopping Center" does factor in a grocery component. Mr. Sullivan stated that Mr. Norman's report is neither a Fiscal Impact Report nor a peer review of a fiscal impact report, it is simply a self-induced critique of a fiscal impact report and a peer review of a fiscal impact report that does not follow accepted methodology of such reports and as such Mr. Norman's report is critically flawed.

Wedegartner stated that key departments do provide comments on all such projects. Police Chief Guilbault stated that people are welcome to contact him about his report.

Public Input Portion of Public Hearing:

Verne Sund – 47 Leyden Road, Greenfield

Submitted a written statement to the Board but chose not to speak.

David Moscaritolo – 63 Haywood Street, Greenfield

Supports the proposed project. Stated that he disagrees with Mr. Norman statement on "Green Alternative" as automobiles are the number 2 polluter in the world in terms of greenhouse gases. Stated that this store would reduce automobile traffic as people would not need to travel out of town for such goods. Stated that he also disagrees that the downtown will be hurt as a result of this project. It is his belief that the downtown will be impacted positively as a result of this store.

Bob Sunderland – 11 Linden Avenue, Greenfield

Supports the proposed project. Stated that it is easy to scare/confuse people with internet data and that 20-30 year old data from Iowa used for Mr. Norman's report is not relevant to Greenfield, MA. Stated that he has consulted with staff from Stop & Shop and they anticipate increased sales as a result of this project. Stated that this project is good for Greenfield and the county and that the Board needs to make the right decision to bring Greenfield's shoppers back home.

Larry Clark – 40 Peabody Lane, Greenfield

Spoke against the proposed project due to the potential negative fiscal impacts of the project. Pointed out a number of studies on police calls from such developments.

Newton asked if the data that Mr. Clark was quoting is from the Wal-Mart study. Mr. Clark responded yes. Police Chief Guilbault by reviewing his methodology for his report and stated that the Wal-Mart report methodology is flawed because it did not factor in a community's demographics.

Jason Deane – Co-Owner of Foster's Supermarket

Stated that he was asked to come hear to give his side of the story as the owner of a Foster's Supermarket. Mr. Deane reviewed full-time/part-time employment numbers, health insurance benefits, community charities, local markets utilized, as well as additions to the building and parking area over the years. Expressed concerns about loss of sales for his business as well as urban sprawl.

Patricia Marcus - 71 High Street, Greenfield

Stated that citizens have the right to express their opinions even if they have no formal education background on the topic. Stated that Section 200-8.3 of the Zoning Ordinance allows the Board to consider residential

impacts. Stated that the greatest impact of this proposed project will be traffic and so requests that a traffic simulation model be requested by the Board.

Nancy Hazard – 32 Spring Terrace

Thanked the Board and thanked the Chair for her “My Turn” article in the Greenfield Recorder on facts vs. opinions. Asked the Board to request of the peer reviewers an explanation of industry standards and how they apply to Greenfield. Stated that she appreciates Mr. Norman’s report. Expressed concerns about store operation at night and light pollution of the night skies. Asked if greenhouse gas emissions were factored in for the MEPA report.

Tim Mosher – 29 Cypress Street, Greenfield

Stated that the Board should only consider the peer reviewer’s reports. Stated that it is his belief that the store would anchor business in Greenfield not push it away. Asked if anyone has looked into potential ethics violations concerning Mr. Norman and if found to be a violation requests that all statements and correspondence from Mr. Norman be stricken from the record.

*** Copy can be viewed at the Department of Planning and Development located at 114 Main Street, Greenfield, MA.**

MOTION: Moved by Smith, seconded by Allen, and voted 5:0 to continue the public hearing on the application of Greenfield Investor’s Property Development, LLC to January 20, 2011 at 7:00 p.m. at the Greenfield High School Cafeteria.

Adjournment

MOTION: Moved by Sibley, seconded by Newton, and voted 5:0 to adjourn the meeting at 10:08 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development