

Background Materials for January 26, 2015

Agenda Items #1 through #6

Agenda Item #1 – Minutes

I have distributed draft copies of the following minutes for your consideration:

- 1) 01-12-2015 Planning Board Meeting
- 2) 05-27-2014 Planning Board Meeting
- 3) 05-27-2014 Public Hearing on Zoning Bylaw Amendments
- 4) 05-27-2014 Public Hearing on Site Plan Review Regulations Amendment
- 5) 04-10-2014 Planning Board Meeting
- 6) 04-07-2014 Planning Board Meeting
- 7) 04-07-2014 Public Hearing on Rivercrest Special Permit

I am working on drafts of several sets of minutes from March and February 2014 and may be forwarding some minutes on or before Monday.

ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #2 – Bills and Correspondence

A list of the bills and correspondence are attached – at this time we do not have any new bills.

Agenda Item #3 – Minor Site Plan Review – PVPA Project

The Berkshire Design Group, on behalf of their client, has submitted an application for a Minor Site Plan Review for construction of a new 7,300+ square foot addition to the south side of the building to serve as performance space for their students. According to their submittal, there would not be any need for additional parking spaces and the addition would meet all the dimensional requirements/limits within the Zoning Bylaw. At the last meeting, the Board agreed that the project met the requirements for a Minor Site Plan Review.

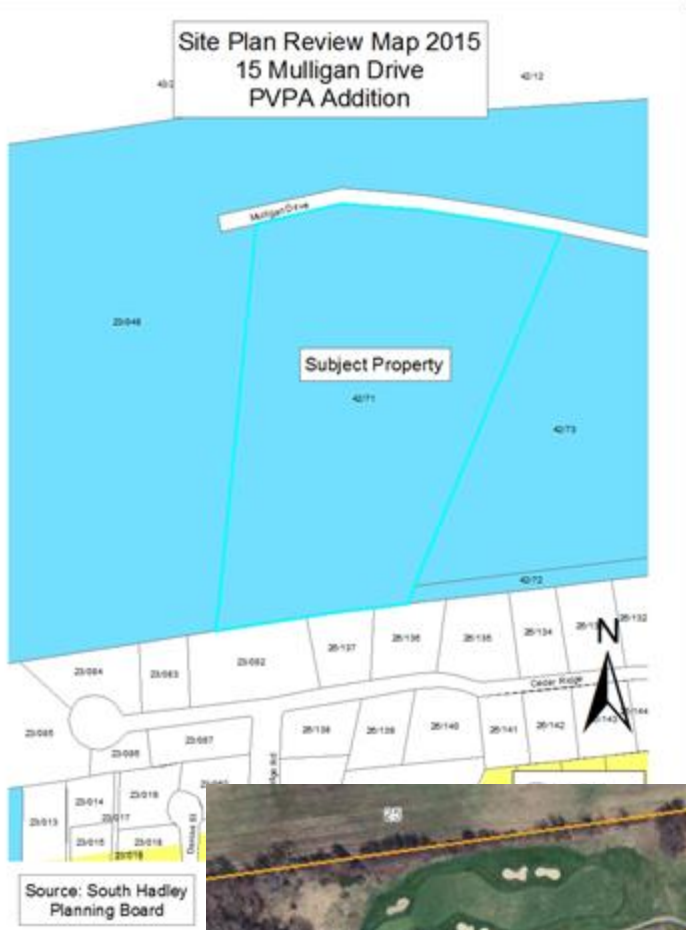
Non-Profit Educational Status

It is clear in my opinion that this project qualifies as a private, nonprofit educationally exempt project under MGL Chapter 40A, Section 3. The Town Counsel has also provided a response to an inquiry from myself and the Town Administrator that the project proponent “is a non-profit educational institution entitled to the reasonable exemptions under MGL 40 A, Sec 3”.

The site is approximately 17-1/2 acres situated on the southside of Mulligan Drive with Cedar Ridge to the south and Alvord Street to the east. Currently, the property is zoned Industrial Garden District. (See map and aerial photo on the following page) Prior to the building being converted into the Pioneer Valley Performing Arts Charter School, it was occupied as a Research and Development facility for Rexam Graphics.

Since this project is “exempt” from the Zoning Bylaw under Mass. General Laws, it is only subject to “reasonable regulation” concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. Strict

adherence to the specifications in the Zoning Bylaw may not be considered “reasonable” in all instances.



I have solicited comments from the various departments pursuant to the Planning Board's Rules and Regulations. To date, comments/responses have been received (either via email or the ViewPermit program) from the Director of Public Health, DPW Superintendent, Fire Department, Gas & Plumbing Inspector, and Police Chief. Their comments (if any) and responses are below:

- Public Health Director Sharon Hart has stated that the Health Department would like to see a dust control plan.
- DPW Superintendent Jim Reidy approved the submittal with the following comments:
 1. Recommend the proponent video inspect the 12" vitreous clay drainage pipe that heads west from DMH 1.
 2. Recommend the outfall of the 12" pipe (mentioned above) is located and inspected. Any necessary major improvements to the outfall should be included in the project scope.
- Conservation Commission Administrator Janice Stone stated that the Commission needs to see the distance from the limit of proposed work (building and gravel access) to the trees/possible swale to the south. Is it more than 100 feet? She indicated she could not determine the distance from the digital plans and descriptions and made arrangements to visit the site with representatives of Berkshire Design Group.

In a subsequent email dated January 14, 2015 Ms. Stone reported that

She met with representatives on the site that date and determined that there does not appear to be any wetland or drainage channel; thus, there is no need to file with the Conservation Commission for the addition.

However, she also mentioned her concern about the inadequate stormwater management system on the site. Since the school has reused an old building the matter of stormwater management did not come up, but with a new structure being added on it does.

The Conservation Commission has been aware for some time that there are several manholes and catch basins (mostly in the parking lot) that connect to pipes that discharge the stormwater directly onto the undeveloped land on the other side of the parking lot, with no treatment, detention etc. The area has become scoured out over time so the school has put up fencing to keep the students away. The water travels through this channel to the Ledges cart path, where it flows over the path (and maybe through a pipe under the path) to the wetland on the other side. She indicated that she does not know if there is any jurisdictional wetland on the school's side of the cart path from the discharge pipes to the path, but there may not be. She attached a portion of the Ledges wetland mapping that shows the wetland on their side of the cart path for your info.

The MA Wetlands Protection Act and Regulations do not require a filing for the stormwater management if the new work uses the same existing pipes (no new discharge point within wetlands or 100 feet of wetlands). But it does state that if stormwater discharge from a new project outside jurisdiction alters a wetland, then there is a violation and the issuing authority (the Conservation Commission) may issue an Enforcement Order and/or require filing of a Notice of Intent and shall impose such conditions on the activity as it deems necessary to contribute to the protection of the wetland.

She requested that the school and designers at least take a look at a way to slow down the flow coming out of those pipes that does flow into the wetland on the golf course. Whether there is room for a detention basin, or at least perhaps some armoring of the channel to prevent further erosion of the channel area and probably sediment in the wetland.

- Plumbing & Gas Inspector and Chief of Police have approved the submittal without any comments.
- Fire District #1 Lieutenant Jason Houle (Fire Inspector FPO-I and Fire Prevention & Code Enforcement) has indicated in an email dated January 21, 2015 that he has reviewed the reviewed the plans for this project and spoken with the Architect regarding a few concerns in respect to the fire hydrant location and a post indicator valve in the rear of the building. The Architect has provided the following proposed changes which Lieutenant Houle has approved:
 1. The new Fire Hydrant location will be 20 feet from the existing driveway on the right hand side of the new Fire Lane.
 2. The post indicator valve (PIV) will be removed and replaced with a gate valve box. (Water Department approval required)
 3. The storage sheds at the rear of the new addition will be placed 20 feet from the back of the building instead of 15 feet as previously noted.
- In emails and telephone conversation dated January 22, 2015, Fire District #1 Water Superintendent Jeff Cyr conveyed that they have no objections to the project and conveyed the following comments to modify the plan approved by the Fire Department:
 1. The original intent was to just remove the post indicator off the existing valve and install a regular gate box and add on to the existing line and install a fire hydrant at the end.
 2. The water main was modified and now will be installed behind the sheds with a fire hydrant installed 20 ft. off the end of the fire line.
 3. The new water main will remain at the 8" size.
 4. The question remains on what size the actual existing valve is 6" or 8"? Someone will need to exercise the valve and count turns to verify. Plan I sent previously is vague.
 5. If the valve is 8", it can remain as a regular valve (post removed and gate box installed) if there is the ability to connect the new main to it. The risk in this scenario is performing a pressure test against and old valve.

6. Recommend installing a new 8” gate valve to eliminate possible pressure testing failure and having to re-excavate and install one later.
7. If the valve is a 6”, it will need to be replaced with an 8” valve to keep consistent sizing. Better chance of a successful pressure test.
8. The valve will remain a regular gate valve with a gate box installed for access. There will be no need for a post indicator at all considering it will be connected to a fire hydrant and not a fire suppression system for the building.

To date, no response has been received from the Building Commissioner or SHELD Manager.

“Reasonable Regulations” Review.

Since we don’t have any other standards, I reviewed the project in light of the Zoning Bylaw standards below:

- *Height.* The Industrial Garden District has a height limitation of 3 stories or 40 feet. The proposed addition is to be one story and approximately 33 feet in height.
- *Setbacks.* The Industrial Garden District requires front, rear, and side setbacks of 75, 50, and 50, respectively.
 - a) *Front:* The existing building is far in excess of 500 feet from Mulligan Drive. Since the addition is behind the existing building, it will far exceed the minimum front setback distance.
 - b) *Side:* The existing building is far in excess of 300 feet from the westerly side lot line and 200 feet from the easterly side lot line. Given the width of the addition is approximately 100 feet, the addition will also far exceed the minimum required side setback distance.
 - c) *Rear:* The existing building is far in excess of 300 feet from the rear lot line. With the depth of the addition being approximately 76 feet, the addition will still be in excess of 200 feet from the rear lot line.
- *Lot Area.* The Industrial Garden District has a minimum lot size of 75,000 square feet. The parcel is approximately 17.67 acres and this project will not change the parcel size.
- *Open Space.* The Industrial Garden District requires no less than 2/3’s of the “front yard and side yard areas of any building shall be provided with grass lawns, shrubbery or other appropriate landscaping”. That presently exists at this site and this project will not change that status although it may reduce the existing proportion slightly.
- *Parking.* The Zoning Bylaw has some provisional parking standards. For “Restaurants, theaters, and other places of public assembly”, this standard calls for 1 space for every three seats. However, the Zoning Bylaw also allows the Board to “modify” these standards but to ensure that the parking is sufficient to satisfy at least 85% of the anticipated peak demand.

The project narrative states that the “new addition has a seating capacity of 400, per code review the max capacity of the space of standing occupants is 488. There are no fixed seats planned, just open floor area.” Additionally, it states that the project consultant understands “that all performances will be scheduled after school hours so as not to conflict with existing school parking, access, and circulation.”

Therefore, the application makes no provision for additions to the parking lots. At present, immediately to the west of the proposed addition is a lot consisting of approximately 1.9 acres of pavement and approximately 125 marked parking spaces. There is also a smaller parking area in front of the building consisting of 26 marked parking spaces. The aerial photo on the town's on-line mapping program depicts much of the westerly parking lot empty while the front parking areas were largely full – but there is no means by which to determine the day or time of the photo. However, there have not been, to the best of my knowledge, any complaints of inadequate parking on the site – people parking in Mulligan Drive or on the grass areas, for example.

If the performances and use of the addition is scheduled such that the school parking lot is not in use, then the number of parking spaces available should reasonably accommodate the demand.

- *Building Coverage.* The Industrial Garden District limits building coverage to 35% and the recent Zoning Bylaw amendment limits the impervious surface to 80%. With a total of 17.67 acres and a current building footprint of less than 24,000 square feet, the existing building coverage is only approximately 3%. Similarly, using the Town's GIS program for calculation of the total impervious surfaces, it appears that no more than 4.2 acres of the parcel is impervious which translates into no more than 24% impervious. With the addition of 7,363 square feet, the maximum impervious surface on this site will remain less than 25%

ACTION NEEDED: The Board could conduct and conclude the public review. While we do not have comments from two departments, the scope of the Board's review is limited by Statute such that I do not believe those departments could alter the findings or conclusions.

Agenda Item #4 – Master Plan Matrixes

At the last meeting, members of the Master Plan Implementation Committee (MPIC) and the Board discussed the status – in general terms – of the Recommended Actions in the Master Plan. It was noted that many recommendations are being implemented while others are not. Reasons for non-implementation vary from the responsible board/committee/department not being interested in do so to the recommendation no longer being relevant. Additionally, the discussion included consideration of updating the plan. As the first step to developing the scope for an eventual update of the plan (probably 4-5 years from now), the Board agreed that it would be appropriate to review the Implementation Matrixes and determine which Recommended Actions should be revised – rewording or assigning to a more interested or relevant department or board/commission and which ones should be deleted. To begin this effort, Ann Eaton of the MPIC has provided some current versions of some of the Implementation Matrixes:

- Agricultural Commission
- Conservation Commission
- Cultural Council
- Fair Housing
- Golf Commission

- Historic Commission
- Housing Trust

These Matrixes are attached to the email transmitting the Agenda and Background Materials.

I will be meeting with representatives of MPIC on Tuesday to discuss the matrixes further.

ACTION NEEDED: No definitive action is required at this time; however, the Board needs to be begin reviewing each of the Recommended Actions on these matrixes.

Agenda Item #5 - Development Update and Planner's Report

I will provide a report on the following items:

a. *Development Report*

Mountainbrook Subdivision: I have not received any Request for Release of the Performance Guarantee.

Annafield Estates Subdivision: This project is moving towards final completion very shortly.

Chatham Estates Subdivision: I have not heard anything further regarding the Engineer's Certificate of Completion.

b. *Pioneer Valley Planning Commission*

Housing Plan. I have had discussions with representatives of the PVPC regarding a possible PATH grant as well as a DLTA grant. If both of these grants were awarded to the Town, we would update the Housing Production Plan (part of the Housing Chapter of the Master Plan) as well as undertake the multifamily development study.

c. *Meeting Schedule through June 2015*

This is to recap the meeting schedule that the Board accepted at the last meeting:

- a) December 15, 2014
- b) January 12, 2015
- c) January 26, 2015
- d) February 9, 2015
- e) February 25, 2015
- f) March 3, 2015 (cancelled if February 25th and March 9th are to be held)
- g) March 9, 2015
- h) March 23, 2015
- i) April 13, 2015
- j) April 27, 2015
- k) May 11, 2015
- l) May 25, 2015 (Memorial Day)
- m) June 8, 2015
- n) June 22, 2015

The Meeting Calendar on the website and the Meeting Schedule on the Planning Board's web page have been updated to reflect these meeting dates.

I would anticipate that we would not need to meet on e, f, and g above but likely only one or two of those nights – unless something very surprising occurs. While no replacement date for Memorial Day was determined, I would like to suggest that it not be during the period of May 21st through May 27th.

- d. Professional Development Day – January 9, 2015*
- e. OnLine Permitting Program*
- f. New Town Website*

Agenda Item #6 – Other New Business

I have included this agenda item for Board members to bring up new items (for discussion and future consideration) that are not on the agenda and which the Chair could not reasonably expect to be discussed/considered as of the date which the agenda was posted.