

East Longmeadow Planning Board

60 Center Square

East Longmeadow, Massachusetts 01028

since 1894

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George Kingston, vice chair

Tyde Richards, clerk

Michael Carabetta

Deborah Bushnell

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Minutes of July 12, 2016

Present were: Chair, Ralph Page; Vice Chair, George Kingston; Clerk, Tyde Richards, Michael Carabetta and Deborah Bushnell.

Public Hearing Site Plan Review – Charles Richard, Baldwin Street

Chair, Ralph Page opened the public hearing and Clerk, Tyde Richards read the legal notice and correspondence into the record.

Dan Murphy, P.E. Town Engineer wrote they have reviewed the proposed development on parcel 16-107-13 on Baldwin Street and have the following comments:

1. An existing 24 “reinforced concrete pipe is located about 5 feet inside the property along its southerly property line that extends all the way to Rogers Road and serves about 70 acres of property located north of Maple Street.

We recommend that the Planning Board condition any approval of the proposed project on the applicant providing a minimum of 15 feet wide maintenance easement located along the pipeline with no buildings, structures, fences or other barriers to access located within the easement. The 15 foot wide easement should be located so that it extends 10 feet north of the center line of the pipeline and 5 feet south of the pipeline. Normally the Department would require a 20 foot wide easement, centered on the pipeline however, the location of the pipeline near the property line does not allow this full width on the applicant’s property.

2. A one inch water line with $\frac{3}{4}$ inch meter is required.
3. Recommend improving turnaround area for parking spaces.
4. Consider joined/interlocking 2x2x6 blocks to reduce wall movement at north property line.

E-mail from Robyn Macdonald to Robert Peirent:

I have spoken with Gary Weiner, Engineer for the project for Charles Richard on Baldwin Street wherein DPW has requested a 15 foot easement for the storm water pipe maintenance. In order to provide this and meet the request of the DPW, Mr. Weiner has asked if you will be willing to support a 3 foot variance from the required side yard setback on the north side to enable the developer to keep the size of his building while providing you with the a15 foot easement that you are requesting.

Mr. Peirent replied that the DPW would support this request to the ZBA.

Mr. Page asked Mr. Weiner to explain to the Board what it is they would like to do.

Gary Weiner, P.E. representative for Charles Richard said that they are proposing to construct a warehouse building in the industrial zone on Baldwin Street. He said that the site is currently vacant and has been for a number of years and is about 7,000 square feet on the west side of Baldwin Street located between 38 & 42A. Mr. Weiner said that the building will be a 1,690 foot warehousing facility about 20 feet in height for Mr. Richard's construction company. He said that it will have large doorways at the entrance on Baldwin Street and a rear door way at the back along with a couple small access doorways on the southerly side on the easterly side of the site. Mr. Weiner said they are proposing 3 parking spaces, 1 space in the front and 2 spaces in the rear. He said that the roof drainage and the paved area would be taken up in a dry well at the rear of the building and then discharge into the 24" drain which runs along the southerly side. Mr. Weiner said lighting for the site will be walpacs on the building and shielded and there will be no large lighting fixtures on the site. He said parking and the rear entrance has been kept 25 feet off of the rear property line in accordance with zoning and there will be a grassed area along the westerly side.

Mr. Weiner said in order to make the grade transition from the site to the north they are proposing a 2x2 interlocking concrete block wall. He said currently the 24" drain is a town drain that services streets to the west of the site and no easement was ever taken for the drain. Currently what may be described as a prescriptive easement now exists based upon the fact the pie has been in the ground for over 20 years. Mr. Weiner said DPW ha asked for a 15 foot easement which would require the building to either be downsized or moved to the north in violation of the north zoning setback requirements. He said that they did offer to provide a 12 foot stormwater drain easement to the town for which then they could maintain. Mr. Weiner said under prescriptive rights for drainage generally it's been understood that the width of the easement is based upon the center line of the drain. He said so that in effect a 15 foot drain easement would be 7 ½ feet either side of the center line of the drain which would require impact on the southerly property line if the drain needed to be repaired. Mr. Weiner said that DPW has requested that all the 15 feet be placed on the property and he has had discussions both with Mr. Murphy and Mr. Peirent from the DPW through e-mail indicating that they felt the 12 feet was adequate in that they would be able to gain the additional footage on the southerly property. He said that DPW has indicated that they would prefer to have total 15 feet placed on Mr. Richard's property. Mr. Weiner said that creates a major

hardship because the building has been designed and setup under General Steel Company who has done the shop drawings is ready to provide the steel once the building moves forward. He said that the alternative is to go the Zoning Board of Appeals Board and ask them for a 3 foot variance which is somewhat problematic because there is no guarantee that the Zoning Board of Appeals is going to agree to that. He said if that was the case Mr. Richard would be left with a site not suitable for building what he wishes to build. Mr. Weiner said again they offered DPW a 12 foot easement which would provide him access to the stormwater drain and the southerly property is all paved area. He said when you get to the very rear of the property there is a garage on it that is somewhat ransacked and they would provide the additional 3 feet after they got by the building if they were holding to the 15 feet so they would not have to impact the garage. Mr. Weiner said that those are highlights of where they are and they are willing to provide the 12 feet and certainly do the work to have that put on file at the registry of deeds. That would prevent them to downsize the building or go to the ZBA.

Mr. Page addressed the Board for any questions. There being none Mr. Page addressed the audience for any questions.

Lillian Paschetto, 49 Edmund Street said that her property abuts the back of that lot and asked what a dry well is.

Mr. Weiner said that it would be a brand new dry well similar to a catch basin.

Ms. Paschetto asked what they are going to do with the bricks because a lot of them go down into her yard.

Mr. Weiner said that bricks would be cleaned up and the rear of the parcel just beyond the pavement behind the building will be landscaped with grass, loam and seeded and are proposing three red maple trees along the property line on Mr. Richard's property.

Ms. Paschetto said that she had a couple of questions with the survey that she didn't understand and brought pictures with her to show the Board. The Board viewed the pictures along with Mr. Weiner. Ms. Paschetto asked what the wooden stakes meant.

Mr. Weiner said that wooden stakes don't really mean anything if they are not next to a pin. He said a lot times what the surveyors will do is set survey random points and put a small square in the ground with a tack into it and that is not a corner the corners are marked by iron pins. Mr. Weiner said before any work starts the property line will show between her and Mr. Richard so that everybody knows where he is actually working.

Ms. Paschetto asked what the noise level will be with a warehouse building.

Mr. Weiner said that its warehousing establishment, trucks are going to go in and park during the normal operating hours as they are allowed to.

Ms. Paschetto said whatever Mr. Richard puts up will she have to look at parked cars.

Mr. Weiner said that she very well may because what happens is that there is 1 space for the building and 2 spaces that would be at the rear. He said that they are planting 3 shade trees along the back line but there are plans for a formal screening or a fence.

Mr. Page asked Mr. Weiner what the distance is in height from the parking area to the back of the lot.

Mr. Weiner said that the parking lot elevation is 101 feet and drops down to 98 feet roughly. He said that it gets a little worse on the north side and that is why the short wall is there.

Ms. Paschetto asked if she will still get the water runoff the driveway.

Mr. Weiner said whatever is runoff is coming off the lot not the driveway will be a lot less because right now most of it sheets towards her property but once the building is built it will be set up to go into the drain with an overflow and go into the drain. He said that only the landscaped area after it's graded out has the potential for giving her water which is a lot less then what she is getting now. Mr. Weiner said that they are not touching the driveway to the north at all.

Mr. Page asked if the block wall will be about 3 feet in height. Mr. Weiner said yes and in the far corner it's roughly about 5 ½ feet. Mr. Page asked Mr. Weiner if they are looking to do a guardrail so that any cars coming into park don't end up over the wall. Mr. Weiner said that they weren't only because the area where it gets steep is for employees not for the general public.

Amy Hebert, 20 Glendale Road said that she was under the impression that it is supposed to be a 50 foot setback from residential and they are saying 15 feet but will give them 12 feet.

Mr. Page said that is the side yard and it is the same district.

Ms. Hebert asked if they are requesting to get 12 feet closer to the residential side.

Mr. Weiner said that the 50 feet from the residents on the rear property line to the building proper and that is not changing at all and the building will be 50 feet away. He said that it is also required that there is 25 foot landscaped buffer between any residential area and industrial area and they are doing that. Mr. Weiner said the 12 feet right now is in compliance with the zoning on both side lines. He said that they why they have it setup currently they believe is that is compliance with the current zoning and they are not asking for any zoning variances that this point and time. Mr. Weiner said that the issue is that DPW has asked that they get 3 feet into where they are proposing the building and they believe at this point they have adequate capability to access the pipe not only on Mr. Richard's property but on the abutters as well.

Ms. Hebert said that Mr. Weiner said that they might hear the noise of trucks coming and going in the back and asked how they would here the noise from trucks if it is only employee parking back there.

Mr. Weiner said that there is an access door for delivery potentially where they would have to get in and it's very tight so they probably would have to back in in order to off load in there. He said if there were 2 employees parked in the space Mr. Richard would have to make accommodations for the truck but they would be coming down on the south side alongside of the building.

Ms. Hebert asked as far as the trees go they may look pretty but will do no good for the residents because once the trees mature they are going to stay low so a fence would be a much better blocker for the residents than trees.

Mr. Weiner said respectfully he would even think a 6 foot fence set 3 feet down only gives them 3 feet potential for visibility. He said that was why they were looking to plant some trees and in the winter time they are will be able to see through them.

Ms. Hebert said abutting it now nobody holds those industrial buildings to the code they should be held to. She said that the back of the buildings are horrific, they are run down they are never maintained by the town and they have complained multiple times. Ms. Hebert said her concern is to have to look at another building that will start out looking pretty and then an eyesore like the rest of them are. She asked Mr. Weiner if it is a 1 floor or 2 floor building and what of businesses would they consider being a warehouse and what are they looking to do as far as noise and chemical smell.

Mr. Weiner said chemical smell none and at this point there is nothing proposed that would be under a SIC classification or an industrial classification. He said however Mr. Richard is a contractor he could store potentially a small backhoe and construction supplies.

Ms. Paschetto asked is there would be any hazardous materials in there.

Mr. Weiner said hazardous material is governed by the Fire Department so at this point it is not planned.

Ms. Hebert asked the Board if there are any operating hours that are set in place for the industrial area.

Mr. Page said in the industrial zone there are no requirements.

Mr. Richards asked if people are going to be in building all day long or are they parking and driving away in another vehicle and if there is an office in the building.

Mr. Richard said there is no office and it is just for storage for construction equipment.

Ms. Bushnell said sometimes there will be nobody there. Mr. Richard said exactly.

Mr. Kingston asked what the distance is from the center line of the pipe and the side of the building as currently shown.

Mr. Weiner said right now they have 12 feet total and it is about 7 feet from center line to the face of the building. He said that they are talking about ½ foot they use the center line common used on restricted easements.

Ms. Paschetto asked what pipe they are talking about and whose land is it on.

Mr. Weiner said the pipe that takes drainage from Edmund Street and a number of streets to the west of the site and it brings it down behind the K of C along the property line and goes parallel out to Baldwin Street. He said that it is on a lot of people's land.

Ms. Hebert asked how that would the drainage be impacted with a heavy building on it.

Mr. Weiner said that it will not be on it that it will be off to the side of it.

Mr. Page addressed the Board for any further questions.

Mr. Kingston said that he doesn't think that DPW is being unreasonable with requesting 15 feet.

Ms. Macdonald said according to Mr. Peirent he said if it less than 15 feet it would be difficult to get equipment in and any digging would compromise the foundation of the building. She said that he said he would be willing to go in front of the ZBA.

Mr. Richards asked would that be a question to be answered by the ZBA as far as 12 feet versus 15 feet because that is a modification the ZBA would be granting. Mr. Page said no that is an easement.

Ms. Bushnell asked what was the answer to the question. Ms. Macdonald said 7 feet. Ms. Bushnell said currently Mr. Richard is missing a ½ foot. Ms. Macdonald said if you only go on his property and if you go the other way it is 7 feet on both sides and that would give the 15 feet. Mr. Richards added that is provided you have permission to go on the other side because it can be denied.

Mr. Weiner said not necessarily because the law has been pretty clear that prescriptive rights for drainage particularly where easements were not taken. The courts have ruled fairly consistently that the center line of the pipe becomes the width necessary. He said for example in Springfield a number of the old brick sewers ran through private properties and the city never took easements for them. Mr. Weiner said what they did was put the brook in the pipe and never bothered legally to take the easement and over the course of the years and they ruled regardless of the property line because in some cases you might have a line that goes directly down the center of a parcel and the pipe is 30 feet deep you obliterate the parcel. He said that they use the center line of that pipe to fair going in both directions to repair the pipe. Mr. Weiner said for the record he is not a lawyer but has done enough land work that they had many instances where they deal with the center line and distances off that. He said DPW probably didn't want to disturb the abutter but do potentially have the right to go 3 feet onto their property if they needed to repair it.

Mr. Carabetta said his thought is you've got the center line he doesn't see why the southernmost part of the next property can share some of that easement. He said that he thinks they should and doesn't think one person should be responsible for one person's mistake. Ms. Macdonald said it's over 50 years old and the town did record easements. Mr. Carabetta said that he would not have a problem with the easement as presented.

Ms. Bushnell said that she agrees if they are going to just take Mr. Richard's property which is 12 feet and she doesn't see why it's necessarily the property owner's responsibility.

Mr. Kingston said actually pass the back of the building they have the 15 feet and they are away from the garage. Ms. Macdonald said that she thinks that is what they have agreed to is to extend it to the 15 feet in the back. Mr. Kingston asked if there is a fence along that back property line. Ms. Macdonald said no.

Mr. Carabetta said so in essence they would be only encroaching on the other property the length of the proposed building, everything else could be 15 feet.

Mr. Richards said that it's probably fine but he would like to see it a defined easement. He said in other words it would be nice if they went to the property owner next door and said they have a driveway and if the pipe is broken they are going to have to go on their property anyways, they have the right to do that would you just give them a 15 foot wide easement and call it a day.

Mr. Page asked Ms. Macdonald if that would have to be the town that requests it and not the neighbor. Ms. Macdonald said yes because it is not his easement. Mr. Page asked Mr. Weiner with the 3 foot drop in elevation would an evergreen tree work better than a maple tree or are there additional trees that would work where shrubs or anything like that don't. Mr. Weiner said just on the corner of the property but everything else is wide open. He said that his thought was that people use their backyards in the Spring, Summer & Fall and the tree is going to give you the height to screen the building. Mr. Weiner said the tree with the canopy give somewhat of screening. Mr. Page said in his mind what he was thinking was if there is a driveway coming in and someone drives in especially in the evening the lights are going to shine straight across. He said if they were able to do evergreens to prevent that and granted that they will end seeing the top of the building rather than the lights.

Mr. Carabetta asked if they would be adverse to planting a couple arborvitaes in between the trees to try and appease everyone. Mr. Weiner said no they wouldn't be against that.

Ms. Paschetto asked if they could go out to the site before they vote on it to see all the bricks and the hole he left in her yard.

Mr. Page said that they have already gone out to the site and everything within Mr. Richard's borders he is going to take care of. He is going to do the 25 foot landscape buffer at the back, he is going to add the trees and clean up from property line to line.

There being no further discussion and upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the public hearing.

Mr. Page said that he would like to see some of the arborvitaes put in and asked if there are any waivers the Boards has to vote on in regard to the 10 foot landscape on the street line.

Mr. Weiner said that they would request that waiver and they also requested a waiver of the traffic study in their submittal.

Upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to waive the traffic study.

Upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to waive the landscaping at the front along Baldwin Street based on the other properties on the street that have no such landscaping. To require one lot to adhere to this requirement would be unfair.

Waivers of Site Plan Review Approved

Lennon Realty Advisors, 5 Wilder Lane
Parisi Management Group, LLC, 75 North Main Street
CMC Shades and Specialties, 135 Denslow Road
Salon Karma, 35 Harkness Avenue

Request for Signage – Starbucks, 66 Center Square

Clerk, Tyde Richards read a request for signage from Starbucks, 66 Center Square.

After review of the proposed signage and upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to approve replacement faces for the existing channel letters that are 14" green internally illuminated channel letters and will now be white as shown on the rendering submitted, to be placed on the building. The applicant is allowed to have two building signs for the two customer entrances one on North Main Street and one on Center Square, each sign will be 32.06 square feet in size and is conditioned upon the applicant obtaining a sign permit from the Building Inspector. Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (5-0) to deny the sign request for placement of the siren logo on the building consisting of a 36" illuminated siren which is not allowed as there are only two building signs allowed. The "siren" logo placed in the window previously is allowed but not on the building .

Beauty Times, 16 Maple Street

Ms. Macdonald said that Beauty Times is taking out some nail chairs and adding some pedicure chairs to the existing approved nail salon at 16 Maple Street.

Request for Temporary Signage – Premiere Source, 232 North Main Street

The Board reviewed the proposed temporary banner request from Bonnie Raymond, Premiere Source, 232 North Main Street.

Upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted unanimously (5-0) to approve the temporary signage for a promotion not to exceed 60 days. The sign is in the form of a banner with 24 square feet and will be hung at the front of the existing building, conditioned upon obtaining approval and a permit from the Building Inspector. The Board did not approve the requested ground signs.

Miscellaneous

Ms. Macdonald informed the Board that their meeting with the Longmeadow Planning Board for the follow evening has been cancelled. She said that they do have any finalization on the information they were looking for that project. Ms. Macdonald said that she and Ms. Bushnell have been looking at that the request for scope for the traffic study. She said that it is something that she really needs them to look at and has to be done ASAP because Bob Peirent and Steve Crane are also providing information. She needs the Boards input on what they would like have included in the traffic study and whether or not they are willing to let Fuss & O'Neil do it and then have a peer review of what Fuss & O'Neil does if necessary.

Ms. Bushnell said one of the big problems she has with the traffic study is that it is for 5 years and she takes serious issues with that.

Mr. Kingston said clearly one of the issues is at Carta Mundi when they have shift change half of them go up Benton Drive. He said one thing he thinks everyone is ignoring so far is the entrance to the project on Maple Street because when the High School is getting out Maple Street gets backed up past that entrance and when someone wants to take a left turn into there it backs up in their direction.

Ms. Macdonald said that she and Mr. Peirent had to mentioned to Mr. Crowley just in case it backs up to Westwood Avenue and Ms. Bushnell had brought forth the information at the 40 acres at the end of Denslow Road & Benton Drive intersection that will be developed. She said that they also brought to their attention the Chestnut Street and Shaker Road Gas Station project that has been approved and Mr. Peirent had questioned whether or not they should look into the possibility of the development of Plastipak Packaging.

Ms. Bushnell said Plastipak Packaging, expansion of Lenox and the ability for expansion on Industrial Drive and Denslow Road. She said all the office space for lease on Benton Drive that already exists, behind the Kinder Care and the Tennis Club.

Ms. Macdonald said the problem that the developer is having is that he will admit that he is part of the problem but he is not the cause of the problem. She said that he is questioning why should he be responsible for the possible future development of other

projects that are down further and if those projects are developed down the road, down the years why wouldn't they be responsible rather than his project. Ms. Bushnell said that she didn't see the word MGM mentioned in the first 18 pages. Ms. Macdonald said that she did mention that at the Administrative Meeting and according to Stephen Crane, Longmeadow Town Manager those intersections were not included in the MGM study. She said because they figured it would go down to Williams Street to Route 5 and down Route 5 so they didn't include this smaller area. Ms. Macdonald said that she agrees with Ms. Bushnell from East Longmeadow, from Somers, from Enfield it's going to come down to at least Maple Street, probably Chestnut Street down to and then around to Dwight Road and up Converse Street.

Mr. Page said they are looking at what intersections are going to be affected and should be included in the study and said that obviously Longmeadow will be looking at Longmeadow's study. Ms. Macdonald said that Longmeadow will be looking at the same study she provides for the Board, the scope of the study as soon as they finalize it which it hasn't been yet. She said the traffic study that was done was simply on the project in Longmeadow just that project. Ms. Macdonald said that they have agreed to increase the scope and they are looking to make sure they all agree on the increase in scope. Ms. Bushnell asked if they could increase the longevity. Ms. Macdonald said that she would be happy to mention that.

Mr. Page asked if Fuss & O'Neil needs a definitive from the Board. Ms. Macdonald said that she needs the definitive from them so that she can provide that to them and see what they will do with that. She said what they do with that is what they will present the both Boards together and said if they could let her know in the next few days that would be great.

Ms. Bushnell said right now they are looking for an area where they want the traffic study to be done and how long they want the traffic study for. Mr. Richard said when that is all done it's going to make recommendations and his question is who is going to pay for that. Ms. Macdonald said that the developer acknowledges they are making it worse but they refuse to take the responsibility for the entire cost.

Mr. Page said the first thing the Board should do is get the information back to Ms. Macdonald so she can forward it because there is going to be a tight time limit.

With no further business and upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted 5-0 to adjourn at 7:30 p.m.

For the Board,

Tyde Richards, Clerk