

# *East Longmeadow Planning Board*

*60 Center Square*

*East Longmeadow, Massachusetts 01028*

*since 1894*

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*Ralph Page, chair*

*George Kingston, vice chair*

*Tyde Richards, clerk*

*Michael Carabetta*

*Deborah Bushnell*

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## Minutes of August 9, 2016

Present were: Chair, Ralph Page; Vice Chair, George Kingston; Clerk, Tyde Richards. Michael Carabetta and Deborah Bushnell were not present.

### Continuation Public Hearing – Dr. Kevin Coughlin, 250 North Main Street

Chair, Ralph Page continued the public hearing of Dr. Kevin Coughlin for 250 North Main Street. Tyde Richards read correspondence from the Fire Department into the record.

Chief, Paul Morrissette said to Gary Weiner in an e-mail that their fire apparatus has an average turning radius of 42' and the plan shows that they will be turning in to parked cars. He said that they can make it if they go into the exit lanes but that will interfere with exiting traffic.

Mr. Carabetta recused himself because he was not part of the original discussions.

Ms. Bushnell said in speaking with Chief Morrissette who had the overlay of the turning radius and the shrunken down scale said you can't actually see the turning radius on three different locations on the blue print. What was asked was to rescale the print to a size that the Fire Department was able to take their vehicle and see what the 42' vehicle was able to do and the turning radius. Ms. Bushnell said that the Chief took the overlay and put it on a group section and it was very tight. She said that Chief Morrissette didn't have a chance to properly review it as it was received so late in the day.

Mr. Page asked if the Police were able to look at the new plans. Ms. Macdonald said they did not.

Mr. Richards asked what changes were made on the new plan compared to the plan they looked at 2 weeks ago.

Charles Schmitt, Architect for the project and Dr. Kevin Coughlin, Owner of the site were present. Mr. Schmitt said the changes that were made meeting were the substitution of two trees and one parking space was taken away at the entrance so the radius could be enlarged. He said that they have now taken a second parking space and relocated it to the side to graduate the radius even further. Mr. Schmitt said that he thinks its 30 feet on the inside but that doesn't include the radius for the parking stall in

the straight section for the egress from the site. He thinks there is adequate room for relocating another space and would be more than happy to lay that out on the Fire Department grounds so that they can actually test it instead of trying to overlay the plans.

Mr. Page said he remembers during round table the Fire Department was concerned about the access road coming in the driveway being greater than 90 degree so literally you're coming back with it the same.

Mr. Schmitt said that the radius may be 95 degrees rather 90 but the loss of two spaces should mitigate that.

Mr. Page asked where are they losing parking spaces.

Mr. Schmitt said from the original plan they had 2 additional spaces and they have taken them out of the islands they had on the way down the hill.

Mr. Page asked Ms. Bushnell if she was able to bring herself up to speed by watching the last meeting. Ms. Bushnell said yes and currently the Police and Fire Departments have not had the opportunity to review the plan and make a recommendation. She would like to see it redone the way that the Fire Department is asking to the scale with the radius.

Mr. Schmitt asked what scale would that be. Ms. Bushnell said that she believes they can work with a 20 or 40 scale.

Mr. Kingston said that he likes the plan over all but really feels he can't vote on it until the Fire Department signs off on it because it's public safety issue.

Mr. Richards said his feelings are the same that the project looks great and said it's nice to see that property developed. He said since it's a safety issue he would like to have the Fire Department sign off on it. Mr. Richards said that he probably wouldn't mind approving it contingent upon their approval and getting things the why they need it to get it safe but he doesn't know if they want to mechanically go that route or not. He said he is fine with it provided that Chief Morrissette and Police are fine with it as well.

Mr. Schmitt said that he thinks they meet the standards and would be happy to either adjust or give them the overlay so that the Chief Morrissette can feel better. He said to create a second entrance is a whole different thing with a quite a bit of work and planning involved.

Ms. Bushnell said that she is in agreement with Mr. Kingston if the Fire Department can get the things they are asking for and have the ability to review it and say that they are okay with it she is all for it.

Mr. Schmitt said that he wants to be comfortable as well and not be on the edge. He said if it is necessary to relocate yet another space they would consider that as well. Mr. Schmitt said that they would like to have the spaces proximate to the entrance rather than no man's land between the first and second level.

Mr. Page said one of his concerns was traffic and believes there was a request for a waiver of the traffic study. He said the traffic is congested there and as far as waiving a traffic study that is one thing. Mr. Page said if there is any remediation based on adding another hundred vehicles he would be apt to waive the traffic study in lieu of a payment to the town so that the town can come up with a conceivable way to help out the area. It is something the Board should think about. Ms. Macdonald said that the applicant has offered \$8,500 for a mitigation fund but she doesn't have anything in writing and they have a specific agreement that needs to be written and signed. She said that it is acceptable to Mr. Peirent for the traffic light mediation that will be put into a fund that they already have. Mr. Page asked Ms. Macdonald if they have any numbers as far as what a traffic study would cost. Ms. Macdonald said that she talked to Mr. Weiner who said that he talked with a couple of companies and he provided the number of \$8,500.

Mr. Schmitt said that was the average of two and he wasn't sure what the scope was.

Mr. Kingston said that was acceptable to him and they are adding to the traffic but they aren't the only ones contributing to the traffic. He said all of the buildings there have done it and not to put an overdue burden on the last one in he thinks is not fair and if the \$8,500 is reasonable then that helps.

Ms. Bushnell said that she would be in agreement as well and the only thing she would like to see is the scope of the traffic study. She said her question would be what the scope is and if the scope is a large enough area and not monstrous, she doesn't see an undue burden.

Mr. Richards said that his feeling is that Mr. Peirent used to be a traffic engineer and is use to traffic studies and would trust any number he comes up with.

Mr. Page addressed the applicant for any questions.

Dr. Kevin Coughlin said when he purchased the property the previous owner said he had gone to the Planning Board and was approved for a 21,000 medical and bank building. He said when he and Mr. Schmitt looked at the site he did not feel he wanted the extra 3,000 square feet because he thought the parking was tight. Mr. Coughlin asked if he was misled or did he not understand because according to the previous owner he went through the same process.

Mr. Page said that he has been on the Board for 5 years and it was the first time the parcel came in front of him. Ms. Macdonald added that she has been there 20 years and in that time it's never come before the Board.

Dr. Coughlin said personally to be frank it almost seems like the \$8,500 is hush money. He said if he understands the concept is if there is a problem they will use it for the general fund, is that correct?

Mr. Page said it's not in the general fund that it's to remediate any traffic issues on that stretch of road to make the traffic better. Mr. Coughlin asked if the Board would be willing to say if there are traffic issues then they would pay money. Mr. Page said there

are already traffic problems there and the retiming of the lights would almost be a shoe in that has to be done in order to allow traffic. Otherwise they are going to have people sitting in their parking lot and never being able to get out.

Dr. Coughlin said that he has been in that building for 16 years and deals with the traffic every day. His question is if it's been like that other than timing on the lights what could they possibly do to remediate it. Dr. Coughlin said that they can't make the street bigger, they can't put in an extra lane.

Mr. Page said that is actually an option because the town owns additional property on the sides of the road. He just doesn't think it's practical to put in an extra lane because you're probably looking in the millions to do it.

Mr. Richards said another way of looking at it is do they want to spend \$8,500 to find out what they already know that it's pretty busy there as opposed to putting the \$8,500 into an account where it actually can do something.

Mr. Coughlin said for conversational purpose what if it comes to \$4,500 does he get reimbursed for the extra \$4,000. He said that they are just picking number and his point is maybe that number is low, maybe it's high but couldn't they just simply say if they are going to draw up the paperwork, they commit to \$8,500 and if the remediation cost \$6,500 they kick back the \$2,000. Dr. Coughlin said in other words why put it in the fund if it's not needed.

Mr. Page said that it's specifically just an account earmarked only for improvements on that corridor.

Dr. Coughlin said if those improvements are less than \$8,500 if they are going to draw up the paperwork he was wondering if they could add in there if it's less than \$8,500 they will refund the money.

Ms. Bushnell said if the town was to determine which they already know, that there is a traffic problem whatever they do to rectify it will cost grossly more than that.

Dr. Coughlin said they don't know what that would be other than that extra lane, in other words the town takes property from the existing buildings on either side. He said that he guesses anything is possible but it doesn't seem practical to him going up and down the street for 16 years and thought to himself they know it's a problem what solution is going to be realistic and reasonable.

Mr. Page said that they did a solution on Shaker Road where it is a right and left hand turn lane whichever way someone is coming.

Dr. Coughlin asked if there is enough room on North Main Street for that third lane. Mr. Page said that he is not a Traffic Engineer. Mr. Coughlin said that his gut feeling is on Shaker Road there is but not on that particular street unless they are taking property away and common sense tells you that there is not enough room for a third lane. He said that they know the problem but solutions are not practical in this particular case. Dr. Coughlin said his point is if they would even at least consider that if the money isn't

used to reimburse the person who put it in and in this particular case he doesn't see that money actually being used in total for it.

Ms. Macdonald said the funds that are there are one fund and it doesn't say that this amount was from Mr. X and this amount was from Mrs. Y. She said that it is a fund to remediate the corridor problems for all of the lights and everything once that money is there that's it. Dr. Coughlin said just North Main Street but any street in East Longmeadow. Ms. Macdonald said that it's North Main Street and his is North Main Street and they have another fund for Benton Drive & Chestnut Street and another for Shaker Road & Chestnut Street. Dr. Coughlin asked if the funds gather interest. Ms. Macdonald said that they gather interest for the town and once someone writes a check and signs the agreement the money belongs to the town. Mr. Page added that it can only be used to improved that particular corridor.

Dr. Coughlin said that he doesn't see where they are going to get any improvement because there is no more land. He said at the end of the \$8,500 check and he doesn't see any bang for his buck, they already know there are problems and they aren't going to get any better to his knowledge to be developed on that street. Dr. Coughlin said it's the last piece of property to be developed on that street to his knowledge and it sort of bothers him that he is putting up the \$8,500 which may short change the town if he could actually see a positive result from it, but he doesn't know where they are going with it. He said perhaps they could come to a compromise if the fire & police or the people who said that there is no room for a suicide lane and they are not going to take people's property, is it necessary to come up with the full \$8,500. Dr. Coughlin said if that fund is simply earmarked for North Main Street that corridor what is he getting for his \$8,500.

Mr. Page asked Ms. Macdonald when monies are used as far as Chestnut Street for an example and they put in an additional lane or whatever are the abutters notified what's being done. Ms. Macdonald said no but there's an accounting if they ever wanted an accounting of it and she would hate for the applicant to that he feels he is being railroaded by the Planning Board. She said just don't waive the traffic study and make that requirement and he doesn't have to pay any money to the town. Ms. Macdonald said that it was offered to the Board and is very important that the Board knows that she never said he had to do it.

Dr. Coughlin said in his opinion they are going to do a traffic study to find out they have a problem and they all understand there is a problem but they are looking for a solution.

Mr. Kingston said that he thinks the conversation about what that money would be spent on is a conversation they need to have with the Department of Public Works. Ms. Macdonald said that Mr. Peirent said that he can't give that answer because she has already talked with him about it. Mr. Kingston said if he can't give the answer then the Planning Board can't give the answer. He said when that money is spent it will be by the Department of Public Works and how they chose to spend it whether it's for timing the lights or doing counts or whatever the feel is necessary to do to try to improve the situation there it's going will be their decision on how it's spent.

Dr. Coughlin asked Ms. Macdonald if Mr. Peirent was saying that the people who can say how it's will be spent it are not willing to. Ms. Macdonald said that she is not saying at all that he is not willing to it's just at this particular time he can't give you an honest answer. She said that he doesn't want to say this is what they are going to do and then 6 months down the road find out that there's another avenue that he has to pursue and the money is used differently. Ms. Macdonald said that there are no strings attached either the applicant, who happens to be Dr. Coughlin offers to do in lieu of a traffic study or he can do his traffic study. She said that it's just part of the procedure for a Site Plan Review. Dr. Coughlin said that he doesn't want to waste their time and if they can't do it then he'll put up the \$8,500. Ms. Macdonald said that she doesn't want him to feel hostage that's not right. Dr. Coughlin said that it might not be right but they are in difficult spot and he is in difficult spot. He said his overall question is when the money is paid other than the timing of lights he doesn't see a logical practical answer to their problem and if changing the timing of the lights is \$8,500 they have other problems in the town. Ms. Macdonald said it much more than that according to DPW and said the she is sure Mr. Peirent would be happy to meet him to give him some more background information but to tell him explicitly today that the money would only be used for this a specific project he's not comfortable with that. She said that she has already asked beforehand. Dr. Coughlin said that he will make his best case and he will concede. Ms. Macdonald said that is not good. Dr. Coughlin said whether he pays Peter or Paul at the end of the day he is paying someone. He said the time and energy that the project is taking has been exhausting in his opinion but it's not an area he is an expert in and if that's what has to be done then that's what has to be done. Dr. Coughlin said that his main concern is that the property has been vacant, it's an eyesore and he thinks it's time to get it developed and use it. He said if writing a check for \$8,500 to alleviate traffic studies and perhaps help the traffic situation then that's life, they do it and they move on.

There being no further discussions and upon motion duly made by George Kingston and seconded by Deborah Bushnell the Board voted unanimously (4-0) to continue the public hearing to August 23, 2016 at 6:15 p.m.

Waivers of Site Plan Review Approved

Portico & Greenwich Services d/b/a Dragon Computers, 48 Greenwich Road

M. Scott Investment Service, Inc., 621 North Main Street

O'Sullivan Landscaping, 144 Smith Avenue

Request for Waiver of Site Plan – Subway, 24 Shaker Road

Clerk, Tyde Richards read a Request for Waiver of Site Plan Review from Subway, 24 Shaker Road.

Ms. Macdonald said that she had received the request late in day for a change of ownership for Subway and wanted to see what the Board wanted to do. Mr. Kingston asked if Subway was under Special Permit now. Ms. Macdonald said no because they do not prepare the food there or bake there they just serve to the public. She said that

they put all of the ingredients together for the customers and the Board determined that they didn't meet the criteria when they first came in. Mr. Kingston said that subway has places where people could eat on the premises and the Board made La Floreineina file under a restaurant. Ms. Macdonald said that they had about forty five tables and they baked there also and subway doesn't have a kitchen.

Mr. Page said because it was brought in late in the day and wasn't on the original agenda and suggested that they table it to their next meeting to give them time to do some review on it.

Ms. Macdonald said that they are just changing ownership and operating under a valid permit Waiver of site Plan Review now. She said everything is the same and if they had gotten their food permit licenses under Subway they wouldn't have to change it but unfortunately it's under the franchise person so all of their licenses have to match. Ms. Macdonald said they had to do a Waiver to bring the names into compliance but they were approved prior to.

Mr. Page said that he thinks in because it wasn't on the original agenda and having questions he suggested that they table it to their next meeting to give them time to do some review on it. Ms. Macdonald said that she can get the minutes from when the first approved.

Mr. Carabetta said that he would be apt to approve because there are plenty of businesses doing the exact same thing without any issues.

Mr. Page said normally he would agree with him except he has a problem with not being on the original agenda and being submitted that day. He said knowing that and there maybe questions and are better off under Open Meeting Law taking it up at their next meeting.

### Miscellaneous

Mr. Page said that they brought up at their last meeting possibly changing their meeting night but he had some concern that they were in direct conflict with the Town Council. He said that the Town Council is meeting on the second & fourth Tuesday of every month. Ms. Macdonald said that she did a press release anticipating changing their meeting schedule to the first & third Tuesday of every month.

Upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted unanimously (5-0) to change the Planning Board meetings to the First & Third Tuesday of every month.

### Minutes

The Board reviewed the minutes of July12, 2016 and upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted (5-0) to approve the minutes.

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

For the Board,

Tyde Richards, Clerk