

**CITY OF EASTHAMPTON PLANNING BOARD MINUTES**  
50 Payson Avenue, Easthampton, MA 01027



**Meeting Minutes**

**Tuesday, May 17, 2022**

**Planning Board Chair:** Jesse Belcher-Timme (JBT)

**Planning Board Members:**

<b>X</b>	Christopher Cockshaw (CC)	<b>X</b>	Harry Schumann (HS)	<b>X</b>	James Zarvis (JZ)
<b>X</b>	Daniel Hartman (DH)	<b>X</b>	Kenneth Iavecchia (KI)		

**Absent:**

**Recording Clerk:** Eli Bloch (EB)

**City Planner:** Jeff Bagg (JB)

**Assistant Planner:** Eli Bloch

**Guests:** Attendance taken through live Zoom meeting.

- 1. Call to Order: 6:00pm JBT**
- 2. Public Speak:**
  - None
- 3. Planning Board Minutes:**

January 18, 2022, March 15, 2022, April 19, 2022

- JZ made a motion to approve January 18th, minutes, CC seconded the motion. All voted in favor.
- JZ made a motion to approve March 15th, minutes, CC seconded the motion. All voted in favor.
- JZ made a motion to approve April 19th, minutes, CC seconded the motion. All voted in favor.

**4. Other Business:**

1. Ryan Nelson - Per condition #1 (c) of the Special Permit granted on November 24, 2020, for the Board to review Declaration of Restrictions and Covenants, at 69& 73 Loudville Road

JB reviewed the Declaration of Restrictions and Covenants and specified it covered the parts of the property not included in the limit of work.

*JZ made a motion to approve the Declaration of Restrictions and Covenants. CC seconded. All voted in favor.*

JB encouraged the Board to also address condition #1(b) which states "proof of vernal pool certification or application and/ or denial of said request shall be submitted". Joseph Kelly of Loudville Condominiums LLC stated that Ryan Nelson an Environmental Scientist for R. Levesque Associates had made visits to the site throughout the spring and did not see standing water or amphibian activity that would indicate a vernal pool.

Mr. Nelson was able to join the meeting by phone and stated his credentials and the reasons that he believed that there was no vernal pool on the property. Ryan Nelson also stated that because there is no vernal pool on the site there would be nothing to submit to receive a certification or denial.

*JZ made a motion to vote to approve that there is no vernal pool on the site. CC seconded. All voted in favor.*

2. Steplar Crossing – Per condition # 1 (a) of the Special Permit granted on November 24, 2020 for the Board to review a Declaration of Trust in place of required Homeowners Association, at 69 & 73 Loudville Road

Mr. Kelly spoke on behalf of the proposed change. The board discussed that the proposed language in the Condominium Trust which they believed would meet all the requirements the Board had intended for a Homeowners Association. The Board stated that they believed this to be a minor modification.

*JZ made a motion to vote to approve the minor modification for condition #1(a). CC seconded. All voted in favor.*

5. **Special Permit: Nickolas Dulude**- seeking a Special Permit for a "drive in or drive-thru restaurant", under section 12.7 and Table 5-1 (14) in an existing building with minor site changes. Property is located at 150 Northampton Street (Map 128, Lot 100) in the Highway Business (HB) zoning district.

Jodi Dulude presented on behalf of, and with, the applicant and stated briefly the Dulude family's intention to continue the Tasty Top business at a new location 150 Northampton Street where they would operate for the 2022 season after which they may choose to cease operations, rent for one more year, or purchase the property.

The applicant gave an overview of the business including the nature of it as takeout only, the hours of operation, and menu. The applicant also gave an overview of the site layout; including barriers and signage to direct traffic and prevent cars from driving up to the window.

The Board discussed the temporary nature of the special permit. The Board and applicant agreed that any special permit would be temporary. a new special permit process would be triggered if the applicants were to purchase the site for permanent use or significantly change the nature of the use (eg: adding indoor seating). The Board agreed that the permit if issued would last for two seasons and be valid only for the applicant's specific use.

The Board discussed parking:

- The Board asked about the total number of spaces at the site. The applicant explained there would be 10-12 parking spots for customers. The Board also asked if there were already painted spots, which the applicant confirmed.
- The Board asked about parking capacity and traffic at the previous Tasty Top location. The applicant replied that in their recollection the most people they ever had at a time in their last location was 10-15 standing at the window. The applicant also stated that the previous Tasty Top location had only 6 dedicated parking spots.
- DH also commented that he would like to see some sort of barrier to prevent vehicular traffic in the southwest corner between the designated parking and picnic tables.
- The Board asked if a parking analysis was done. JB explained that the “drive-in” use didn’t have a specified number of parking spots based on capacity. JB also stated that because the parking barriers are portable it would be possible to increase parking and that there was capacity on the side to allow for more parking.
- JBT specified they may need to amend the permit in the future if there are issues with parking but he and other members of the Board did not think that would be needed. He also pointed out that if there are issues with parking it would affect the Tasty Top business but not traffic safety beyond the site.

The Board discussed access to the north side of the building and the advantages to having public access there. JB explained that in his conversations with the property owner it was important to him that there would be no public access to the north side of the property due to past instances of vandalism.

The Board discussed trash pickup and supply deliveries. The applicant explained that they mostly brought supplies in their personal vehicle but did occasionally get deliveries. The Board agreed there was sufficient time before operating hours to receive deliveries and space to receive deliveries occasionally even during operating hours. The applicant also confirmed that the site would not generate any hazardous or noxious waste.

The Board discussed that snow removal was not relevant to this permit due to the seasonal nature of the business.

The Board asked about signage. The applicant replied they had not yet designed a sign but understood that any new signs would need to comply with the sign ordinance.

Members of the public were given an opportunity to speak. No members of the public chose to speak.

The Board discussed findings and conditions for the Temporary Special Permit

*JZ made a motion to approve the Temporary Special Permit for 150 Northampton Street. with conditions CC seconded the motion and all members of the Board voted in favor.*

**(continued from 3/15/2022, 3/1/2022, 1/18/22, 12/18/21,10/19/2021 and 8/17/2021) Eric Berzins** – seeking to amend a 2017 Special Permit under Section 12.7 of the Easthampton Zoning Ordinance to expand operations at Fort Hill Brewery. Property is located at 30 Fort Hill Road (Map 131, Lot 23.1) in the Industrial (I) zoning district.

JBT recused himself from this agenda item, JZ presided as the acting chair.

JZ stated that the applicant had brought Mr. Herbert Singleton a sound engineer from Cross Spectrum Acoustics who was working on the stage design. JZ stated that public speak would

have a different format so that members of the public could ask questions directly to Mr. Singleton.

Attorney Peter Lane was present and presented on behalf of the applicant.

Atty Lane stated that Birch Family Farm deeded over the Parcel adjacent to Fort Hill Brewery to the applicant and that all land considered under this Special Permit is now owned by the Applicant's company 1776 Brewing Company.

Atty Lane presented the lighting plan produced by Jeff Squire of Berkshire Design Group. Most members of the Board did not have time to review the Lighting Plan which was submitted the day of the meeting. Atty Lane stated that he believed the plan would satisfy 12.7.5.1 g of the zoning ordinance. The Board stated that the lighting plan would need to be reviewed at a later meeting.

Atty Lane presented the site plans related to the patio and associated parking area which included entrances, egresses, screening, and a stage. The Board discussed the walls around the patio and if the wall was discontinued in front of the stage. The Board also discussed screening around the patio. Atty Lane clarified that the stage would be elevated above the wall.

Atty Lane presented the storm water plans and calculations completed by Engineer Swanson. Atty Lane noted the most notable change which was a slightly smaller detention basin than had been shown on previous plans. The detention basin shown was equipped to handle runoff from 1776 Brewing but not adjacent properties. DH commented that in his opinion the basin was adequate due to the fact that it was only slightly smaller than the one in previous plans. JZ asked the board for further comment but stated that this would need to be revisited in a later meeting because the board did not have adequate time to review the plans prior to the meeting.

Atty Lane also summarized the snow removal plan which consists of four snow mounds. The board did not provide comment.

Atty Lane presented about parking at special events.

- Atty Lane specified that at each event overflow parking would be directed to the grassy area along Fort Hill Road and the brewery has done for years without complaint or issue according to the applicant.
- JZ asked about entrances and exits as well as how overflow traffic would be directed. Atty Lane confirmed that the driveway was the only means of entrance and egress and that overflow parking would be directed to not enter the driveway and go straight to the parking along Fort Hill Road.
- DH commented that he had attended a special event at the site and felt that their system worked well.
- The board asked about the number of events each year. Atty Lane confirmed that there were two special events each year.

JB stated the need to determine the exact amount of unmarked parking in the gravel area. He had counted 25 on each side but would need a final number. JB also asked about how the storage containers would be configured and the applicant answered that there would be stacked two high at most.

The board discussed the sound management plan:

- Atty Lane summarized the plan to test the sound at various locations at Clapp st and Fort Hill road before going forward with completion of a stage. Atty Lane requested to begin the discussion by being able to personally ask Mr. Singleton questions.
- Mr. Singleton introduced himself as a sound engineer and President and Co-Founder of Cross Spectrum Acoustics. He stated that he has a degree in mechanical engineering from Massachusetts Institute of Technology and is a licensed professional engineer as well as a board member of Institute of Noise Control Engineering.
- The Board asked about similar projects that Mr. Singleton has worked on. Mr. Singleton stated that he is currently working on a project in Rhode Island that is very similar and initial results of their testing have made him confident in the efficacy of his designs and models.
- JZ asked to describe the test conditions. Mr. Singleton stated that initial testing would be to demonstrate the current sound by playing music and then simply turning the sound down by 20 decibels so that people at Clapp street could hear the expected sound difference after the new stage and sound interventions are built.
- JZ asked about the noise increase on Fort Hill Road, Mr. Singleton specified that the speakers would now turn away from Clapp Street. to Fort Hill Road and create a slight increase of one decibel in noise level on Fort Hill road. He described one decibel as about equal to one tap of a TV remote.
- JZ asked about scheduling the test and asked if the board could attend. Atty Lane clarified that the board is invited to attend the test. JZ also clarified he would like for a condition that the shed is built to a spec design and additional testing is done after the shed is built.
- The board and attorney discussed the details of the noise testing plan including who needed to be in attendance. Ultimately, it was decided that Mr. Singleton, the Planning Board, and residents would all be present for the test outside of consenting residences on Fort Hill Road and Clapp Street within the next two weeks.
- HS asked if bands would be prompted to stop playing if the noise was too loud. Mr. Singleton clarified that the structure would be solely responsible for mitigating noise while the musical equipment produced the same amount of sound.

JZ opened the meeting to Public Comment and asked members of the public to state their willingness to participate in sound testing.

- Rosannah Hayden of 19 Fort Hill Road asked to re-frame the conversation to specify that even residents as far as the condos on East St. are bothered by the noise. She also stated that she is for live music and would like to see that use there. She expressed concern about phone apps not being useful, Mr. Singleton later replied that phone apps while not good at measuring absolute sound levels were very good at measuring the differences in sound levels. Ms. Hayden also expressed concern about reverberation and asked for clarification about how the structure

would address that and if there would be ongoing monitoring. Mr. Singleton also clarified that their modeling does account for reverberation and includes materials for both the stage and brewery building to mitigate reverberation.

- Laura Fisher of 61 Clapp Street volunteered to have sound testing at her residence. She stated that anecdotally it has been quiet but during concerts and the sound has been much less than outdoor music. She also asked about how sound levels will be measured and enforced in the future. JZ mentioned that there will be no decibel recorders and no enforcement from the Board so residents would need to call the police with complaints.
- John Knybel of 17 Fort Hill Road, expressed concern about the speakers facing Fort Hill and increasing the sound level going to Fort Hill Road. Mr. Singleton answered that the increase would be one decibel and reiterated that is equivalent to about one click on a remote control and impossible for most people to detect.
- Mr. Knybel also asked about the target decibel level leaving the property. DH stated that Mass General Law said that sound can be a maximum of 10 decibels leaving the property. Mr. Singleton specified that the law refers to 10 decibels above ambient levels. Mr. Singleton also specified that MassDEP noise laws do not apply to permitted uses but other laws still apply.
- Ms. Hayden spoke again to reiterate that they are in favor of live music and would like to see everyone get what they want. She asked about why the speakers wouldn't face the industrial land, and reiterated that from her own academic background she understands that decibels are not a linear scale and spoke to the hearing damage that happens from being exposed to 80 decibels for over an hour.
- Mr. Knybel re-iterated Ms. Haydens question about why the speakers wouldn't face the asphalt plant. CC expressed concern the noise would bounce off the trailers and come back. Atty Lane stated that it had been discussed but their main concern had been to cause the greatest reduction at Clapp Street while doing the least amount of increase to Fort Hill Road. Atty Lane also stated that Mr. Singletons opinion was that turning the speakers towards the storage containers and industrial would not lead to as great of a reduction on Clapp Street.
- Public Speak ended

The Board discussed their desire to vote on a decision at the next meeting and discussed conditions around sound and a follow up. JZ and JB discussed a report concerning sound roughly six months after the permit was issued. JZ asked about additional conditions other than sound related conditions. The board decided to continue the conversation about conditions into the next week.

The board discussed logistics of the site visit the following week. The Board decided the visit would be limited to Clapp Street and Fort Hill Road and would not include condos on East St which had been requested by Ms. Hayden. Both JB and Atty Lane expressed their preference to limit it to Fort Hill Road and Clapp St.

Atty Lane stated his feeling that the hearing had gone on for a very long time and felt the Board should try to end the public hearing at the next meeting. The board stated that they had hoped to finish a

decision at the current meeting but materials were submitted late, JZ said it was his expectation to finish in the next meeting.

*CC made a motion to continue the hearing on June 7<sup>th</sup>. DH seconded the motion. All voted in favor.*

JZ asked JB if there were any announcements or issues to discuss. There were none.

*CC made a motion to adjourn. KL seconded the motion. All voted in favor. Adjournment Time: 8:10 PM*

**Next Meeting:**

Tuesday, June 7, 2022 at 6pm

*The Board typically meets the 1st and 3rd Tuesday of each month*