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Town Planner's Review
Wednesday, February 17, 2021

IV. **Public Hearing - 19-21 Main Street – Parking Lot**. Formal application for site plan and conditional use for parking lot on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 5, Lots 1-9, 1-10, 1-15, and 1-16. Church Hill District.

➤ I recommend that the board discuss the project and continue the public hearing to March 10.

Please note the following:

- 1) Revised plans. Revised plans are included in the packets and on the website. Mike Sievert can explain the changes.
- 2) Conditional use criteria. It would be very useful to focus on the conditional use criteria in detail at this meeting. See my notes at the bottom of this review. I suggest that the board dig into this discussion covering one criterion at a time.

Related to this topic and to the discussion in Process, below, it would be helpful for board members to also share their overall view of the project at this point: *What concerns do board members have? Are there general changes that should be considered? Is the proposed scale of the project appropriate? What needs to be done to move the review process forward?*

- 3) Process. With large complex projects it is helpful at the appropriate time for the board to provide a set of suggested revisions to the plans for each pertinent issue. The applicant then submits one revised set of plans for the final deliberations. At the appropriate time the board should discuss each pertinent element of the plans where there is any question: Is it acceptable as presented? Should the element be modified? If so, how? Is more information needed?
- 4) Traffic review. We spoke with two traffic engineers and will select one early next week to review the traffic study. We can arrange for the engineer to attend the next board meeting to discuss their conclusions.
- 5) Stormwater review. We spoke with two engineers and will select one early next week to review the drainage study. We can arrange for the engineer to attend the next board meeting to discuss their conclusions.

- 6) Front entrance. The Historic District Commission approved the project, i.e. those limited elements of the project subject to HDC review, including the front entrance. The board will need to determine if the revised design is acceptable.
- 7) Side setbacks and buffers. Are the side setbacks and proposed buffers appropriate?
- 8) Visibility. We will need more information to see how visible the parking lot would be from neighboring residences. The landscaping plan includes significant evergreen plantings around the periphery of the lot. The lot must be screened from neighboring residential properties. What additional information or renderings would be helpful to see how the parking lot will be visible from neighboring properties? Annmarie Harris, a resident of the Faculty Road neighborhood, asked at the site walk about viewing the property from Chesley Drive. However, the board determined to hold the walk on the subject lot.
- 9) Snow storage. The applicant said they would provide a machine for melting snow which would then be placed into the underground stormwater system. Is this workable?
- 10) Vehicle impacts. Are there impacts from vehicular use upon neighbors that need to be addressed? Noise, lights, dust, etc.
- 11) Construction. There would be around 17,000 cubic yards of fill requiring about 1,100 dump trucks, depending on size. What concerns does the board have with this?
- 12) Screening. Here is the excerpt from the Site Plan regulations referred to above about Screening. Is the plan sufficient?

Section 5.9 Screening

- 5.9.1 Where nonresidential uses and/or off-street parking facilities abut a vacant lot in a residential zone or an existing residential use, the perimeter shall be screened to provide physical and visual separation from the residential zone or use.
- 5.9.2 Screening measures composed of trees, shrubs, berms, walls, and/or fences shall be installed to a height of 6 feet, or higher, when appropriate, as specified by the Planning Board. A wall or fence shall be placed on the exterior side of any landscaping unless otherwise approved by the Planning Board. The more attractive finished side of the fence shall face abutters, unless otherwise approved by the Planning Board.
- 5.9.3 When natural vegetation is used, it shall consist of evergreen shrubs and/or trees planted in a line to form a continuous screen that will grow to a minimum height of 6 feet within 3 years. Additional evergreen shrubs/trees may be planted in a second, staggered line to form a screen together with the first line.
- 5.9.4 All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.

5.9.6 The Planning Board may stipulate additional buffers due to unusual impacts generated, including odor, noise, glare, dirt, dust, vibration, etc.

Conditional use discussion. For large complex projects that are allowed by conditional use, we have seen that it can be beneficial to talk about the conditional use criteria early so that they are not reviewed for the first time during final deliberations. If there are potential issues related to the criteria this early discussion will give the applicant an opportunity to address them prior to final deliberations.

***It would be helpful if every Planning Board member, including alternates, could review the eight criteria below and be prepared to share comments at the meeting.** The application is to create a parking lot as a principal use, meaning that it could be used by any party (unless the board included any limitations as part of the conditional use). This use is allowed by conditional use. A parking lot that exclusively serves the users of a building on site is an accessory use and is allowed by right.

Here are the eight criteria. All of them must be met for the granting of a conditional use.

175-23. Approval Criteria.

...C. ***Criteria Required for Consideration of a Conditional Use Permit.*** A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application):

1. **Site suitability:** The site is suitable for the proposed use. This includes:
 - a. Adequate vehicular and pedestrian access for the intended use.
 - b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
 - c. The absence of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.
 - d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.
2. **External impacts:** The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

3. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.
5. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.
6. Impact on property values: The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.
7. Availability of Public Services & Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.
8. Fiscal impacts: The proposed use will not have a negative fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.