

**Town of Montague
Planning Board**

PROJECT APPLICATION REPORT

Dated September 25, 2023

Applicant:	Zaharia Nichita 46 Randall Wood Drive Montague, MA 01351
Property Owner:	Z and K Estate Inc. 46 Randall Wood Drive Montague, MA 01351
Project Address:	Property Identified as Millers Falls Road (Parcel #23-0-31)
Nature of Request:	Request a Site Plan Review approval to construct a 5,000 square foot, 1 story building with 17 parking spaces for an auto sales and repair business, under Sections 9.1.2(a), 9.1.2(b), and 7.2.6 of the Zoning Bylaw
Map/Parcel:	23/31
Zoning:	General Business Zoning District
Board members:	Ron Sicard – Chair, Elizabeth Irving, George Cooke, Bob Obear, and Samuel Guerin
Staff members:	Maureen Pollock, Town Planner

Bold/Italic text indicates new information submitted to the Planning Board in updated Project Application Report, dated September 25, 2023.

August 22, 2023 – The Planning Board opened the public meeting at its August 22, 2023 meeting. The Board read into the record submitted materials and took public comments. The Planning Board requested the applicant to update plans with the following information:

- ***update site plan to show:***
 - ***have site plan surveyed by PLS;***
 - ***proposed limit of work;***
 - ***proposed limit of gravel areas(s);***
 - ***existing and proposed contours at 1 foot intervals;***
 - ***proposed temporary shed;***
 - ***Label intermittent stream and 50 feet buffer;***
 - ***Consider planting shade trees between the parking area and public right-of-way in order to meet Section 7.2.6;***
 - ***Indicate fence height and provide stock photo or cut sheet;***
 - ***Show light fixture locations and provide stock photo or cut sheet;***
 - ***Provide planting plan and planting list that indicates the plant species name, number of planting by species type, size at planting, and size at maturity;***

- *Describe and show how the stormwater will be managed coming off the roof and parking areas; The stormwater plan should be prepared by a licensed professional engineer.*

The applicant agreed to update the plans and to continue the public meeting until the Planning Board's September 26, 2023 meeting.

As of September 25, 2023, the updated materials have not been submitted to the Planning Board.

Planning Department Recommendations:

Based on site observations and discussions with the applicant on August, 17, 2023, the Planning Department recommends the Planning Board to continue this public meeting until an updated site plan has been submitted, including, but not limited to:

- Show the proposed limit of work;
- Show the proposed limit of gravel areas(s);
- Show existing and proposed contours;
- Show proposed temporary shed;
- Label intermittent stream and 50 feet buffer;
- Consider planting shade trees between the parking area and public right-of-way in order to meet Section 7.2.6;
- Indicate fence height and provide stock photo or cut sheet;
- Show light fixture locations and provide stock photo or cut sheet;
- Provide planting plan and planting list that indicates the plant species name, number of planting by species type, size at planting, and size at maturity;
- Describe and show how the stormwater will be managed coming off the roof and parking areas;

SUBMISSIONS:

Application Submissions:

1. Planning Board 2023-01 Site Plan Review (SPR) Application
2. Management Plan
3. Plan Set, Signed and Stamped by Joseph P Mattei, AIA
 - a. Site Plan, dated 7/17/2023
 - b. A1 Floor Plan, dated 7/20/2023
 - c. A2 Elevations, dated 7/20/2023
 - d. A3 Elevations, dated 7/20/2023
 - e. A5 Life Safety, dated 7/20/2023
 - f. A6 Electrical, dated 7/20/2023
 - g. A7 Foundation Plan, dated 7/20/2023
 - h. A8 Trench Drain & Plumbing, dated 7/20/2023

Staff Submissions:

1. *Project Application Report, dated September 25, 2023*
2. Project Application Report, dated August 21, 2023
3. Zoning Map
4. Aerial Map
5. NHESP Priority Habitat for Endangered Species Map

Public Comments:

1. Email from Gina Govoni, Executive Director of Franklin County Regional Housing and Redevelopment Authority (HRA), dated August 19, 2023;

2. *Email from Gina Govoni, Executive Director of Franklin County Regional Housing and Redevelopment Authority (HRA), dated August 22, 2023;*
3. *Email Marla Tobin, Trustee to the Arlene V Johnis Revocable Trust, dated August 22, 2023;*
4. *Oral public comments provided at the August 22, 2023 Planning Board meeting:*
 - a. *Doug Smith of Doug's Auto Body, located in Gill MA*
 - b. *Gary Bourbeau of Gill, MA*

SITE VISIT:

Planning Board members and project representatives conducted a site visit at the subject property, at 4:30PM on Monday, August 21, 2023.

BACKGROUND:

The subject property, Parcel #23-0-31, was conveyed to Z and K Estate Inc. from JOHNIS ARLENE V TRUSTEE & ARLENE V JOHNIS REVOCABLE TR on June 7, 2023, as evidenced by property deed recorded at the Franklin County Registry of Deeds (Book 08175, Page 4). The subject property is 2.713 acres. The property is vacant with no use. The property is wooded, with an intermittent stream running along the rear of the property.

PERMIT HISTORY:

- Planning Board & Zoning Board of Appeals: There are known land use permits on file for this property.
- Conservation Commission: Any removal, fill, dredging or altering of land within 50 feet of the intermittent stream is subject to the MA Wetlands Protection Act. On August 17, 2023, the Conservation Agent observed tree clearing up to the top of bank to the intermittent stream and informed the applicant to stop all work within 50 feet of the intermittent stream until any filing made to the Conservation Commission has been approved. Additionally, the Conservation Agent has informed the applicant that the subject property is located within NHESP Priority Habitat for Endangered Species; therefore, a MESA filing with the State is required.

PROPOSAL:

The applicant, Zaharia Nichita, wishes to construct a 5,000 square foot, 1 story building with 17 parking spaces with the intention of operating an auto sales and repair business.

Parking: The proposal provides 17 parking spaces, including 1 ADA complaint parking space.

Dumpster: The site plan shows a dumpster to be located in the auto body yard, with an evergreen hedge to screen from the side (east) property line, and fence to partially screen from the front (south) property line. It is unclear what is the plant species, size at planting, and size at maturity. The Board may wish to ask the applicant. It is unclear what is the height of the proposed fence and what it will look like. The Board may wish to ask the applicant.

Signage: the site plan shows a business sign to be located 5 feet from the front property line. The proposal does not provide the proposed dimensions or design layout. Any proposed sign needs to meet Section 7.1 under the Zoning Bylaw. The Board may wish to see the placement of signs on adjacent properties and consider making a condition of approval that the sign shall align other signs located on adjacent properties.

Landscape Maintenance & Snow Removal: According to the submitted Management Plan, the applicant will provide all landscape maintenance for the property. It is unclear who will maintain snow removal. The site plan shows 3 snow storage area on the subject property.

Stormwater: It is unclear how the stormwater is managed. The Board may wish to ask the applicant.

Lighting: According to the submitted Management Plan, exterior lighting will be attached to the building.

Management Plan: Additional Information Required for Non-Residential Uses:

- Type of business: retail sales and service
- Number of employees: 2
- Hours of operation: 40 hours per week. Hours per day is not specified – the Board may wish to ask the applicant to clarify the hours of operation per day.
- Deliveries to the site: Not specified – the Board may wish to ask the applicant to clarify.
- Equipment used/noise generated: Not specified – the Board may wish to ask the applicant to clarify.
- Material and equipment storage: Not specified – the Board may wish to ask the applicant to clarify.

ZONING BYLAW REVIEW:

9.1 Site Plan Review

9.1.1 Purpose - *The purpose of the Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character, infrastructure, and natural resources of the Town of Montague.*

9.1.2 Applicability -

The following activities and uses are subject to site plan review:

- a. All uses that involve the construction or expansion or change of use of over 3,000 square feet of floor area.**
- b. All uses that involve the development of over 130,680 square feet (3 acres) of land.**
- c. Any new structure, group of new structures, changes of use, or additions which result in an increase of 500 or more vehicle trips per day, as proposed in an applicant's business plan acceptable to the reviewing authority or estimated by a professional engineer.**
- d. All uses that involve the construction or expansion of a parking area that creates ten (10) or more new parking spaces, per §7.2.6**
- e. Specific Uses identified elsewhere in this bylaw:**
 - *Accessory Apartments within existing single family homes, per §8.5*
 - *Self-storage facilities, per §8.9*
 - *Solar energy and battery energy storage facilities, per §8.9*
 - *Medical Marijuana Treatment Center or Marijuana retailer, cultivation, production, research or testing, per §8.10*
 - *Open Space Residential Development, per §8.11*
 - *Planned Unit Development, per §8.12*

- **Staff Review:** The applicant's proposal triggers Site Plan Review as it (1) involves the construction of over 3,000ft² of floor area – the proposal includes a 5,000ft² new building; and (2) because it involves the construction of a parking area that creates 10 or more new parking spaces – the proposal includes 17 parking spaces.

5.2.7 – Uses Permitted in the General Business Zoning District:

5.2.7(a)ii. “Retail sales and services that involve up to 5,000 square feet of floor area” is a permitted use by-right.

- **Staff Review:** The proposed use “Retail sales and services that involve up to 5,000 square feet of floor area” is permitted by right. The applicant’s proposal triggers Site Plan Review as it involves the construction of over 3,000ft² of floor area – the proposal includes a 5,000ft² new building; and because it involves the construction of a parking area that creates 10 or more new parking spaces – the proposal includes 17 parking spaces.

7.2.5 Parking Design Standards.

Parking areas shall be subject to the following requirements but are not applicable to driveways serving Single or Two-Family Dwellings:

(a) Parking areas shall be designed so that their use does not require backing onto a public way.

- **Staff Review:** the proposal meets this requirement.

(b) Parking areas shall not be permitted in the required street line setback or closer than ten (10) feet to the front lot line, whichever is greater.

- **Staff Review:** The parking area is 25 feet from the front property line. Therefore, this proposal meets this requirement.

(c) Individual space dimensions shall comply with generally accepted engineering practices and shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.

- **Staff Review:** The following condition of approval is recommended: “Individual parking spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.”

(d) Handicapped parking spaces shall be provided in accordance with the Rules and Regulations of the Architectural Access Board of the Commonwealth of Massachusetts Department of Public Safety, as amended.

- **Staff Review:** The proposal provides 1 ADA accessible parking space which meets 521 CMR 23.2.1. Therefore, this proposal meets this requirement.

(e) The minimum width of entrance and exit driveways shall be 10 feet for one-way use and 18 feet for two-way use. There shall be not more than two (2) driveway openings onto any street from any single premises. No driveway opening shall be located within fifty (50) feet of the street line of an intersecting way.

- **Staff Review:** The proposal includes one 24 foot wide 2-way entrance; and one 24 foot 1-way entrance. The proposal meets this requirement.

(f) All parking areas and driveways shall be maintained with a dust free all-weather surface properly drained to dispose of all surface water accumulating within the area. Where soil conditions allow, permeable or porous paving may be used for parking stalls to infiltrate stormwater.

- **Staff Review:** The following condition of approval is recommended: “All parking areas shall be clearly delineated and shall be provided with a permanent dust free surface and adequate drainage.”

(g) The layout of parking areas shall allow sufficient space for the storage of plowed snow unless removal from the site is provided.

- **Staff Review:** The proposal provides 3 snow storage area on the subject property.

(h) Adequate lighting shall be provided for all parking areas to be used at night. All exterior lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light pollution onto any street or abutting property.

- **Staff Review:** The following condition of approval is recommended: “All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.”

7.2.6 Parking Design Standards for Lots With 10 or More Spaces

All uses that involve the construction or expansion of a parking area that creates 10 or more new parking spaces is subject to Site Plan Review. The following standards apply to new parking areas with 10 or more parking spaces, in addition to the standards in § 7.2.5. Waivers to standards in this section may be granted by the Site Plan Review Authority.

(a) Non-residential parking areas adjacent to a residential property shall be set back from the property line by at least 10 feet and shall have a continuous border of dense plantings or fencing at least 5 feet high, maintained to provide an effective visual screen.

- **Staff Review:** The standard is not applicable to this proposal.

(b) A minimum of 10 percent of the total parking area (exclusive of perimeter landscaped buffer strips) shall be landscaped open space. Internal landscaping shall be distributed throughout the lot for maximum shading and aesthetic improvement.

- **Staff Review:** It is unclear whether the proposal meets this standard. The Board may wish to ask the applicant.

(c) Parking areas shall be separated from the street line by a landscaped area including shade trees (at least three-inch caliper at a point 6 inches above the ground) planted every 20 feet on center.

- **Staff Review:** The Board may wish to ask the applicant to separate the parking area from the street line by a landscaped area including shade trees (at least three-inch caliper at a point 6 inches above the ground) planted every 20 feet on center.

(d) One shade tree (at least three-inch caliper at a point 6 inches above the ground) shall be planted for every 10 parking spaces. Preservation of existing trees is desirable and may be substituted for planted trees. Parking spaces covered by solar photovoltaic canopies shall not count towards the shade tree requirement.

- **Staff Review:** It is unclear whether the proposal meets this standard. The Board may wish to ask the applicant.

(e) Landscaped islands a minimum of 8 feet in width shall be used to break up rows of parking with 15 or more parking spaces in single or double bays. Each island shall incorporate at least 2 shade trees. A sidewalk a minimum of 5 feet in width may be located within islands, and shall connect to public sidewalks, if applicable.

- **Staff Review:** It is unclear whether the proposal meets this standard. The Board may wish to ask the applicant.

(f) To the maximum extent possible, trees and other plant materials shall be native species. Trees, shrubs, ground covers and perennials used within parking lots should be of species able to withstand the harsh conditions and runoff of a parking lot. Any trees and shrubs that do not survive one year after planting shall be replaced in accordance with the requirements of this bylaw.

- **Staff Review:** It is unclear whether the proposal meets this standard. The Board may wish to ask the applicant. The following condition of approved is recommended: “Any trees and shrubs that does not survive one year after planting shall be replaced.”

(g) Low Impact Development (LID) features identified in the Massachusetts DEP Stormwater Management Manual such as swales, filter strips, structural soils, and bioretention areas that capture, treat, and infiltrate

runoff from the parking area are encouraged and may be located within internal landscaping, landscaped islands, buffer strips and setbacks.

- **Staff Review:** The Board may wish to ask the applicant how the stormwater is managed on the subject property and the Board may wish to encourage the applicant to apply LID features.

(h) Bicycle parking shall be provided. The design, location, and number of bike racks shall be approved by the Site Plan Review Authority.

- **Staff Review:** The proposal does not provide bicycle parking on the subject property.

7.3 Loading Requirements

Adequate off-street loading facilities and space must be provided to service all needs created by new structures or uses, additions to existing structures or uses, or change of use. Facilities shall be so sized and arranged so that no trucks need to back onto or off of a public way, or be parked on a public way while loading, or unloading, or waiting to do so. Loading facilities in the Central Business and Neighborhood Business Districts should maximize the use of existing alley ways. Loading docks may not face a public way unless said public way is considered an alley by the Department of Public Works, or a special permit is granted by the Special Permit Granting Authority for the Zoning District in which the principal use to which the loading dock relates is to be located.

- **Staff Review:** It appears that this proposal meets this requirement.

7.4 Lot Access

7.4.1 Driveway Requirements - *All new driveways connecting to public way require a driveway permit from the Montague Department of Public Works. The minimum side yard setback for a new driveway shall be at least 5 feet.*

- **Staff Review:** The proposal meets this requirement.

9.1.6 Evaluation Guidelines

In reviewing the Site Plan, the following shall be considered:

(a) Compliance with the Montague Zoning Bylaws.

(b) Impacts to municipal infrastructure and services.

(c) Safety and adequacy of vehicular and pedestrian movement.

(d) Design features that integrate the proposed development into the existing landscape, maintain neighborhood character, enhance natural and aesthetic assets and screen objectionable features from neighbors and roadways.

- **Staff Review:** The Planning Department recommends the Board to postpone reviewing Section 9.1.6 Evaluation Guidelines and making a decision on this application until additional information has been satisfactorily provided by the applicant.

POSSIBLE CONDITIONS:

1. The project shall be built and maintained according to the approved plans and application package. Any changes shall be reviewed by the Building Inspector to determine if submission to the Planning Board is necessary. Said changes may be reviewed and/or approved by the Planning Board at a public meeting. The approved plans include: **xyz**.

2. The approved Management Plan shall be followed by the applicant and any changes to this plan shall return to the Planning Board at a public meeting.
3. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.
4. Parking shall occur on improved surfaces only. The parking areas shall be maintained, as needed.
5. All parking areas shall be clearly delineated and shall be provided with a permanent dust free surface and adequate drainage.
6. Individual parking spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.
7. Property shall be free of litter and debris.
8. Any trees and shrubs that does not survive one year after planting shall be replaced.