

Deerfield Planning Board
April 14, 2008
Minutes

CONTINUATION OF PUBLIC HEARING on Proposed Amendment to Zoning Map for Assessor's Map 168, Parcel 68 and Parcel 69 from District C3 to District C2, called to order in Deerfield Municipal Offices at 7:20 p.m.

Members Present: Peter LaBarbera/Chair, Lynn Rose, Elizabeth Schmitt, John Waite
Members Absent: John Baronas, James Pasiesnik, Roger Sadowski
Others Present: John Paciorek, Sharon Paciorek, Attorney Donna MacNicol, Michael Frisbie & Andrew Henson (from Pearson Acquisitions)

Mr. LaBarbera reported that the Town attorney had advised that the Board could create a Development Agreement (DA) with the Pacioreks in which Site Plan Approval by the Board is a condition of rezoning or the Board could pursue the establishment of a new district for which the Board could specify design criteria.

Attorney MacNicol stated that the Developers are uncomfortable with the concept of a new zoning district and prefer to proceed with a DA with clear parameters. Mr. LaBarbera stated that he would like to begin with a discussion of potential uses.

Mr. Frisbie stated that he understands that it is important to the Board that it exercises Architectural Review and is willing to accept such review. Mr. Waite clarified that the Board was concerned about more than Architectural Review. Mr. LaBarbera stated that he is concerned about the palette of uses and wants the DA to narrow the scope of uses. Mr. Frisbie stated that Architectural Review would necessarily narrow the scope of uses, because using the style of Habitat and Yankee Candles Retail Facility as guide would preclude many development options.

Ms. Schmitt asked if the Developers are still planning on a development with mixed uses and Mr. Frisbie stated that they are not sure. The Developers presented a draft DA which the Board discussed. Mr. LaBarbera expressed the desire to front load the Board's influence on the design process rather than to rely on the Site Plan Review. Mr. Frisbie stated that the C2 District is more restrictive than C3 and that he left the meeting on April 7, 2008 not expecting to get into design criteria for Site Plan Approval during this meeting. Mr. LaBarbera stated that a DA would give greater legal teeth to Site Plan Approval.

Attorney MacNicol stated that given the limits of the property and given architectural limitations, it is pretty clear how big the building can be and how it will look. It is not clear what other enforcement mechanisms the Board needs. Mr. Waite stated that the property is very visible and an important parcel for Town. He and Ms. Schmitt expressed concerns about landscape design and maintenance. Mr. Frisbie allowed that they would accept Landscape Review and Architectural Review. He said that they want it to be a first class facility and that they are going to 'do it right'.

Mr. LaBarbera stated that he personally would not want parking adjacent to the West or North lot lines. He would want to see the building between the road and parking spaces. Mr. Frisbie said that they could not agree on this limitation without knowing the final use. Attorney MacNicol said that she understood the concern, but discouraged placing restrictions on parking this early in the process. Mr. Frisbie stated that grading issues might result in parking being out of sight. Mr. LaBarbera stated that

one benefit of a new zoning district would be that the Board would be allowed to relax certain restrictions. Ms. MacNicol reiterated that the Developers prefer to not pursue the new zoning district.

Mr. LaBarbera reiterated his concerns about landscaping and Mr. Frisbie stated that they are landowners and that they will do it right and continue to do it right. Mr. Waite stated that the Board needs to think 50 years down the road.

The Board identified major areas of concern: Signage, Lighting, Noise, and Architecture. Attorney MacNicol stated that Architectural Review would encompass lighting and overall impression of the site. Mr. LaBarbera reiterated his preference to specify Site Plan Approval as a condition in the DA.

MOTION: Mr. Waite moved that the Planning Board recommend that Town Meeting approve the proposed zoning bylaw change based on the Planning Board and the Developers finalizing the Development Agreement, proposed and amended with parameters and use restrictions agreed upon this evening by the Planning Board and the Developers and approved by Town Counsel and Counsel for the Developers. Ms. Schmitt seconded the motion.
The Board unanimously approved the motion.

The Board and the Developers continued the discussion of possible uses under the Development Agreement and compiled the following list of Use Restrictions:

- Piggery
- Earth Removal
- Nonprofit Event
- ATM not within or upon banking premises
- Motor vehicle service station
- Motor vehicle repair shop
- Nursing home
- Junkyard
- Car wash
- Truck, bus or freight terminal
- Self-storage warehouse
- Sawmill
- Contractor's yard
- Wholesale warehouse or distribution center
- Landscaping

Mr. LaBarbera asked the Developers to pay for consultation with Town attorney. Attorney MacNicol consented, with a cap of \$1000.

Ms. Schmitt moved to adjourn at 9:50 p.m.