

Zoning Board of Appeals Minutes
January 9, 2007
7:00pm
Sunderland Elementary School

Present: Steve Krol, Chair; Tom Herrick, Clerk; Jim Bernotas; Barre Tozloski; Jim Williams; Stuart Beckley, Associate; Todd Nuerminger, Associate.

Absent: Steve Schneider, Associate.

VHB Consultants: Matt Chase, Juliette Locke.

Town Counsel: Jason Talerma

Applicant: Joel Kahn; Consultant, Scott Nielsen; Applicant, Bruce Hillson; Traffic Consultant

Steve Krol reopened hearing for continuation of comprehensive permit hearing for Sugarbush Meadows, LLC at 7:08 pm.

Mr. Krol noted this hearing was basically going to be a Traffic Study Peer Review. Mr. Krol asked the Board if there were any outstanding issues from the December 14th hearing.

Mr. Talerma: The only issue, that we discussed that is still open is, I had some questions relative to the last transaction into the application, the applicant's attorney said that that's going to be forthcoming the next time he's before us. He couldn't make it tonight. Still curious but we can certainly wait until the next session.

Mr. Kahn: Mr. Levine apologizes for not being here.

Mr. Krol introduced the next item. He would suggest we post draft minutes and certain documents on the Town's web site for easy access for the town.

Board voted unanimously to post on the Town's website.

Mr. Krol stated, now we're onto our main event which is the traffic peer study. Back on November 16th the applicant and his traffic engineer gave an overview of their traffic study. It was a good session, prompted a lot of questions, input from the public; where we are now is that our hired traffic peer study consultant has had a chance to review the study and will be here today. I would like to introduce to you Matt Chase from VHB Inc., and Juliette Locke. The way we're going to do this is that we're going to give the floor to VHB to make a presentation on their review of the applicants' traffic study. When they're done, the Board will ask any questions of VHB that may come to mind for clarification or whatever. Then the applicant will have a chance to respond to VHB's traffic study and offer any new data or information they may have. I will then ask to hear

from the Fire Chief & Police Chief, and then once we've done that, we'll open it up for public comments and questions. I ask you to be patient, the audience will get their chance, but I'd like to do this in an orderly format. Unless there is any question or issues I'm going to turn it over to Matthew and Juliette for their presentation.

Mr. Chase: Thank you very much, again, my name is Matt Chase, I'm with VHB. I'm with Juliette Locke here also from VHB, our offices in Springfield. I'm a registered professional engineer in the State of Massachusetts and we were hired by the Town to conduct a peer review of the Sugarbush Meadows traffic study. As a part of the review we look at two things that were provided to us, a conceptual site plan that was dated August 30, 2006, and then a traffic impact study that was also dated in August of 2006. So, our review is based on those two items. I'd just like to thank the Board for selecting us in performing this peer review. I'm going to turn it over to Juliette and she's going to run over a quick overview of some of the details of the findings of our report and then open it up to discussion to the Board and we can go from there.

Ms. Locke: Thank you Matt. Again, my name is Juliette Locke, with VHB in Springfield. Thank you Chair and the Board for having us here. VHB first wants to start out and note that the traffic impact study prepared by Traffic Engineering Solutions was professionally prepared and is technically accurate in all the methods that were used. I know you have received a copy of our memorandum; we do have extra copies if anyone is interested afterwards. Rather than reading word for word, I am going to summarize each point that was made. The format that we used was to go through each section of the applicant's traffic report and briefly summarize our comments and or recommendations for the town. So I will start out with the existing conditions section in the traffic study. Traffic counts were collected in November of 2005; it is practiced when you're doing a traffic engineering study to gather counts and then to also gather historic counts to compare, to make sure that the counts you collected were collected accurately and are corresponding to a typical average day. VHB contacted Franklin Regional Council of Governments to obtain historic traffic counts that were collected along Route 116 during the years of 2001 and 2006. When comparing these counts to the applicant's counts the applicant's counts are slightly lower and that could be due to any number of things, from weather conditions. It's not huge deal but it's recommended that the applicant review their traffic data and adjust necessary and possibly revise their analysis. The project generated traffic section of the report identified an ITE Land Use Code of 220 apartments as the most appropriate conservative method for generating site traffic, VHB does agree with that. VHB also agrees with the build year 2011 that was utilized and with the 2% growth factor that was also utilized. As part of the capacity analysis it was noticed that the applicant assumed that 150% of traffic would be generated by the development as opposed to the typical 100% and while this is a very conservative approach it's not understood why this was done and should be clarified for the Town so the Town understands. VHB also would like to see clarification given to the Town concerning the TRIP distribution section of the report as stated in our memorandum. TRIP distribution can be estimated multiple different ways and it depends highly on what the use of the development is and who the development is marketed to; however, the applicant did their TRIP distribution based solely on the traffic exiting Plumtree Rd. in particular the split

was 90% to the south towards Amherst and back in the afternoon and 10% to and from the north if you compare that, for example, to the splits along Route 116 based on their traffic count collected it's closer to a 70-30% split so it should be looked at a little bit and it honestly could go either way; it's up to the applicant to determine if that will have a negative effect on safety operations at the proposed main site driveway, or if it will have a positive effect. Site distance measurements at the proposed site driveways were measured by the applicant and are accurate, we do agree with those; however, we just want to note that the required site lines should be shown on the site plan and evidence should be given that the applicant must maintain these site lines in the future. For example, if it was noted that some brush removal would need to be done clearing to maintain the sight lines and that should be shown, the extent of that it should be the applicant's responsibility. Also, any hard objects such as signs should also be proposed to be relocated. There was also evidence and safety concerns expressed from the Town based on discussions that I had concerning the intersection of Plumtree Rd. and Route 116; it is therefore requested that the applicant also measure site lines at this intersection. Going on, to the site plan, it should demonstrate pedestrian accessibility throughout the entire site, crosswalks, sidewalks, handicap accessible ramps, etc., should be shown throughout the whole site. In addition pedestrian accommodations will need to be considered along Route 116 and the main vicinity of the site driveway. The applicant should work with the Town of Sunderland and/or Mass Highway since it is under Mass Highway jurisdiction, to provide pedestrian accommodations and enhancements to ensure pedestrian safety, crosswalks, and sidewalks should all be considered. We would also request that the location of the existing UMASS transit service bus stop be reviewed and the safety of that bus stop in reference to the proposed development, as if the development were to be constructed and pedestrians needed to access the bus stop they would have to walk a distance along a very high speed roadway. The site plan should also demonstrate that trucks, whether they be delivery trucks, moving trucks, and emergency vehicles, such as fire trucks, can safely enter and exit the proposed site driveways, as well as circulate throughout the entire site safely. The necessary length of a designed vehicle should be coordinated throughout, the proper town officials to determine the length that's designed for. Also, the by-laws for Sunderland should be examined to ensure the site is meeting minimum intersection corner curb radius and meeting roadway widths. The dimensions should be illustrated on the site plan and with the site plan we were given we also noticed that the parking spaces fall short according to town by-laws. The applicant should demonstrate that the provided parking will be adequate for those people accessing the site. This is miscellaneous was not included as part of the traffic study, but VHB requests that the warrant analysis be performed for the intersection of Plumtree Rd. and Route 116 as it appears that warrants will be met under future conditions and/or on existing conditions if the traffic counts were to be adjusted. One final note the applicant will be responsible for coordinating with Mass Highway if a highway access permit would be required. That is our quick summary; again, we do have our memo if anyone would like additional copies. Thank you.

Mr. Krol: Board members, any questions about the report? I did send them the report ahead of time so they had a chance to review it prior to the meeting. You did clarify one question I had on your capacity analysis. Your analysis said that applicant assumed there

would be 50% more traffic generated by the site. You state 150%. I couldn't figure out what you meant.

Ms. Locke: yes, it's 50% above the normal

Mr. Krol: That is a question to the applicant. I guess if we don't have any questions from the members of the Board, Tom...

Mr. Herrick: You refer to access permits, 116 and Plumtree, what are those? Is that State-required stop lights or what?

Ms. Locke: The access permit would be for the main site driveway. I'm not positive one will be required since there is an existing driveway there. One would possibly be required if the driveway were to be widened since it is tying into a state highway, but it has nothing to do with the intersection on Plumtree Rd. I apologize if I stated that.

Mr. Talerman: I have a few if the Board members are done. First, moreso for the benefit of everyone here just so everyone in the audience knows what you're talking about, can you just explain what warrant analysis is?

Ms. Locke: Of course, yes, I apologize; warrant analysis can be done for an existing unsignalized intersection or a proposed intersection, for example, the site driveway, although I know the site driveway is not going to meet warrants, but there are a number of warrants, eight in total, they range from peak hour traffic to four hour traffic, eight hour traffic volumes and there are all these thresholds that need to be met at an intersection that in order to justify the installation of a traffic signal, other warrants, besides traffic warrants are pedestrian, if there in the vicinity of a school crossing, number of accidents, there's a number of warrants that will need to be met to justify.

Mr. Talerman: Next question I had, in the capacity analysis, at the end of the 2nd paragraph you mention supplemental counts at similar facilities could be performed in order to provide more accurate representation of the amount of traffic. This kind of dovetails with some of the difficulties that the Board is having trying to figure out what we have here.

Ms. Locke: Sure

Mr. Talerman: If the code is apartments, then I think there is a lot of data out there for what it is, both from Trip Generation and parking requirements too, but if it's student housing, obviously it's a little bit more difficult to assess and there's some feeling that this is likely to be an attractive area for students and the applicant, to his credit, said we can't quite fit anything in that box. It seems to me what your suggesting here is more, just like getting out there to some of the other area student apartments. Brandywine, Pufton Village, Rolling Green, Cliffside, whatever it may be and actually sitting there measuring the amount of parking spaces or cars on lot versus the number of apartments

or bedrooms in those as well as the trip generation stuff, empirical data that doesn't exist in the books so to speak. Is that a suggestion that I...? (Interrupted)

Mr. Chase: I think I can answer that as well. I think the comment is, yes, it is something similar to that extent; however, we noticed in their analysis they used that extra 50% of traffic generation at the site driveway, so we weren't exactly sure if they were trying to over estimate traffic, thinking it would generate more traffic than a typical apartment use. The data that they used was from the Institute of Transportation Engineers, it's a three volume book that's about 2-3 inches thick, each book, the data is pretty well documented and collected as far as the apartment and land use code that they used is a conservative from a traffic standpoint, whether or not it fits the characteristics of, like you say, a typical apartment unit that might be driven by UMASS, so to speak. I can't say with confidence that's worked into as part of this. In my eyes, I could see that being more highly transit oriented development where there might be more transit than typical apartments, which could drive the trips down in a typical apartment complex just because some kids or students do not own vehicles. So we were just a little bit unclear on what they used in their analysis; they kind of overestimated their traffic they used a conservative amount in their analysis; we were looking for a better description. If they were thinking that traffic was going to be generated on a higher level for this particular project than what they used, then we would like to see some sort of comparative data to go along with that.

Mr. Talerman: I've seen anecdotal information that suggests that either there will be commuters with less cars, or if they're students, I've seen other data that says a two bedroom house might have four students in it, so you might see four cars rather than 1.8. I guess that the question is, would you guys suggest, why don't you go out and measure some of these complexes out and see what they yield?

Mr. Chase: It certainly can't hurt and there are some good examples of some apartment complexes in town that are near to this facility; I would leave that up to the Board to decide. If that is something you would want them to do I think that is something that could be used as a comparable for similar type apartments in the area that might be oriented towards UMASS.

Mr. Talerman: The last question is, and I don't know quite how it fits in, I recently had the opportunity to go through that incredibly long Mass Highway. The new...

Mr. Chase: highway manual.

Mr. Talerman: It's pretty long and has about a million sections and did you guys have an opportunity to run this project through some of the requirements there? It seems to be really a compendium of things that you would always apply anyway, but they have a lot of requirements that are fairly conservative.

Mr. Chase: Typically, the standard information that we use is along the lines of either town by law or Mass Highway type standards. I would say rule of thumb, industry of

standard is to kind of follow guidelines from either Mass Highway or from other sources that are well documented. As far as Mass Highway in that last paragraph discussing about access, typically, if a project intersects state highway, and Route 116, is actually State highway, but it is also State highway that is operated and maintained by Mass Highway. We're not exactly sure how the new access, the new intersection to 116, what kind of coordination would be needed with Mass Highway. Typically, if you put in a new access or a new curb cut onto State property or State owned roadway you have to file an access permit with the State and they have a set of criteria they kind of go through and review as part of that. It's typically to kind of tie in that curb line into their State highway layout. Now there is an existing curb cut out there today, but I haven't seen how the two overlay and I don't know if the applicant has done any coordination with Mass Highway to date.

Mr. Krol: Board members are you all set for now? Joel?

Mr. Kahn: I have a couple of opening comments I would like to make and, of course, we have our traffic consultant from our team here as well to respond more specifically to it. First, I'd like to thank VHB for their efforts. I have occasionally been a peer reviewer, believe it or not, as well on the other side and I find the task sometimes to be interesting as you have to go through other peoples work and challenge it. I appreciate the efforts they did and the comments they made whether I agree with all or not. So, the Board understands I think an issue, an approach we had to this project that has to be really understood clearly at this point and time. It was our instructions to Mr. Hillson that he take as much of a conservative approach as he could and analyze the impact. I think you heard me use in an earlier meeting the fact that I have told our consultants all along in time, from our standpoints your designs all have to be "bulletproof," that is a crazy description I understand, but the intent here is that I really want a conservative line held for that reason. Bruce's use of 150% was not a statement of, oh we believe that this student housing we told you all along this is housing being applied to under 40B. Yes, there could be some students here, but that was not our intent... was done in effort to say, "Hey listen, that sure you can't ever tell what's going to be in the future; take an estimate as say it's 1½ times what the numbers would tell you and then build your models off of that." I think is extremely conservative position. On top of that there has been a discussion over the question over parking, as an example, we proposed 1.8 the bylaw says 2. Well, even at 2 spaces per unit and by the way, I went home after the last meeting and I talked to our engineers and we can chat about and sure, of course, we can add and make it 2 spaces would only provide for 300, two cars per unit, well you want to know something you know at 150% of anything we have done in the past is a higher number then the amount of cars that would be allowed under current zoning to reside on the property 300. We took a conservative approach because we didn't want to come in here and make you all uncomfortable that we are trying to sneak something and in fact we have projected more cars than cars could even be put on this pursuant to the zoning you require currently within your by law so when you say we should go study other people how do you do that in a town in this particular market were there hasn't been a new product built in twenty years. There are no alternatives for families to be built and define conditions that are ideal. I think our assumption was conservative, I think it was

reasonable and I think it address any concerns. Being said that there are other questions raised about turning movements and I will let Bruce sort of address that in his comments. There have been questions raised and raised to our engineers last week as well about things like making sure it was safe for fire, the applicant Mr. Nielsen recently met with the Fire Chief who I understand tonight will be giving a report to the Board. They talked about auto turn, auto turn has already being done behind the scenes will be provided we indicated that as such. As a matter of fact the Fire Chief, as I understand the conversation although I was not there, indicated he wanted that to be done based on a hook and ladder truck, yes we of course will comply, those particular types of requirements. What I would like to do is let Bruce sort of go through some points that we have in there and then work hopefully with Board on some requests in here. What are those that are reasonable and that we can do of course we have to go back and do homework, I would expect to come back to this Board at our next meeting and be able to provide and hopefully have some closures on the issues of traffic and we work together in addressing some of the comments made by VHB in their efforts. Comments like State Highway access we are subject under Chapter 40B regardless of what waivers we might request from local zoning to make sure we comply with all State regulations of course that's the process but as these projects are in their infancy of discussion with you all it's something we of course would not do at this time something of course do as process continued and it became appropriate and we of course without question will always follow the particular regulations. The State is very specific about the requirements it has. Even in the discussion of the traffic signal. I was once involved recent in a project were the neighborhood wanted the traffic light, the applicant was willing to put the traffic light in and the State turned around and said, "I'm sorry, it doesn't meet the requirements, we're not letting you put the traffic light in." The State is the defining force there and we certainly will be looking to the State as we continue working in a cooperative fashion towards this and with that I like to turn it over for Bruce for a few minutes so I think we'll go back through, I might jump in a couple of more times along the way with some comments made through out the peer review. Thank you.

Mr. Krol: Joel before you do....

Mr. Kahn: Yes

Mr. Krol: I would like to just a question about something you said. As you know I voiced concerns about not enough parking being available on the site and I don't know what the magic number is either but I think if you're going to try to get two cars per unit certainly a step in the right direction. I find it interesting that you said something to the effect that we can't put more cars than zoning allows. I think part of this whole process is that you're getting relief from zoning, your seeking relief from zoning, a whole bunch of zoning by laws to construct this property so I just thought that comment struck me as kind of odd.

Mr. Kahn: Except that your town and yes we're asking for relief. Relief is a question of usually something less that the zoning would require. Zoning by laws are created based on historical data through out the State dictates out parking requirements that are fair for

a particular types of development. You build a shopping center with an anchored supermarket and the supermarket will tell you I want 5 per thousand with an X amount spaces within my store. I want 4 per thousand for office buildings and these are all done and it's your zoning regulations have been passed that say an apartment complex requires two per unit and that what really what the reference was and not to have both sides of the coin, there's a power greater that have studied this much longer than I have as to what is statistically the appropriate number. In balancing I might just add impervious area was you know not you know in trying to make sure it was done correctly.

Mr. Hillson: Good evening Mr. Chairman, commission members. For the record I am Bruce Hillson, Traffic Engineering Solutions. I received a copy of VHB's, January 5th letter or memorandum summarizing findings of their peer review. What I would like to tonight is focus on one of the sections which I think I can shed a little light on this evening and then there are several items they have brought up throughout the memorandum which Joel and I will discuss later this evening with you folks and we will then identify specifically those items which we will come back with additional information in the future. There has been a fair amount of discussion this evening about the 50% more traffic that we've used in our impact study. Joel has indicated that he asked us to be very conservative in our analysis and I can tell you that as a matter of fact that I typically in all the traffic studies that I do regardless of the type of development unless it's a huge shopping center which generates thousands of a trips a day but for most residential, small commercial, small office buildings things of that nature I always use a TRIP Distribution that totals more than 100%. Typically 133%-150% sometimes even double the number. There are a couple of reasons for that, one reason specifically that is that TRIP Distribution of the site trips is always an area that anyone can have an opinion on, if you talk to anyone in the audience tonight they would say that with this development we think that 30% of the trips would go to the north and 70% to the south and reading VHB's memorandum here it says that in discussions with town staff and Franklin County Council of Governments and other people that they find that residents or people who want to go north who live on Plumtree Road go in the opposite direction. The distribution that we used for this particular development assigning all of the site trips or site traffic 100% of it to our main access out to Route 116 and then another 50% out to Plumtree Road acknowledges that there is going to be some discussions and some differences of opinion as to where traffic is going to go. The realization based upon our turning movement counts is that people do not like to turn left from Plumtree Road to go north they find a different approach hence we took a far portion of our traffic and assigned it to Plumtree Road going out in the opposite direction to acknowledge that fact. The reality is that if we did a fine tuned home to work analysis or gravity model analysis and these are types of things that are typically done for much larger developments but in any rate if we did that then the bottom line we would have less of our site traffic coming out the main access to Route 116 and the remainder going out to Plumtree we would have less than the 100% that we used in our analysis the bottom line is that our TRIP Generation Methodology as acknowledged by VHB is the accepted method to determine the number of trips generated by this type of development and secondly our distribution accounts for a worse case scenario and that results in capacity analysis that give you a worse case evaluation of what you could expect for operating conditions at our driveways

and the intersection of Plumtree Road and Route 116 and also our site access to Plumtree Road. I'll go on to say that the levels of service at the intersection of our site drive and Plumtree Road at the very good end and even adding all of our traffic to that driveway it would still be a very good level of service so we've taken all of our sight traffic and put it into the worst possible position that you could find that being directly to Route 116 and we told you what our level of service would be. You take traffic away from that and the resulting levels of service could be better. You put more traffic onto the Plumtree access drive and it's not going to noticeably change the levels of service. We've given you a worse case scenario and we think that the approach we use is extremely conservative we think it accounts for any type of use that these apartments may be used for but we believe in our hearts that's going to be your typical apartment complex, it's not being proposed and it's not being developed as a "University student housing development" that's not the intent. The intent is that this is an apartment complex with 150 units and the methodology that we used for determining the trips and the capacity analyzes are within professional standards.

Mr. Kahn: If I may Mr. Chairman go back through very quickly report there were several items of recommendation. I would like to maybe spend a moment and address each one individually, maybe I could pause and we could have a conversation as to any response to it. I think the first comment falls under existing conditions under page 2 where it was requested we take a review of seeing whether there was any seasonal data that might have impacted the analysis at the time it taken. I think we have had that discussion and you know I've said to Bruce certainly if you can go find some additional information he'll check with Franklin Regional Council to find in fact whether or not any particular data would be out there that would cause us to think that there should be some adjustments made again. We think we have been taking a count with a plus minus margin of error because I agree it could be a cloudy day and the traffic's different from a sunny day everything changes slightly though it was done at a time when there was students in the area we were not foolish enough to do on Thanksgiving recess we understood the implication so certainly we will be glad to go back and check and see if additional data that would impact that. Under capacity analysis we again feel that the methodology in Bruce's approach to deal with the fact that it's very difficult to know with a 100% certainty know for sure that when you take a data set and you go ahead and rip it apart and look at traffic movement and you rip apart that the fact that the one thing you can always be assured there are some margin of error there wrong and I do a lot of consulting for clients and a lot of Proforma's and I tell people as I'm projecting out these numbers I can guarantee you I'm wrong the question is only by how much. Certainly the reason why I'm still in business, thank goodness, is my margin of error has always been within an acceptable realm. I think that again because of the fact that this is not in the City of Boston what have you that we have taken into account by over estimating the number of vehicles and that additional work really is not required as it relates to specifically in the third paragraph on distribution as an example that there was questions raised last time about whether 90-10 was correct, 90-10 is what we found when we did the turning movements at the time. Okay, so it's been raised well maybe it's 70-30 and certainly we can look and say what happens if it's different but to be quite honest at 150% capacity with 100% leaving the main driveway 50% leaving Plumtree and additional 50% which

is half of those will move back towards 116 again it's really not 10% we have moving north we've taken into account a great traffic flow in that regard so certainly it can be tweaked another 10% if the Board wishes to see it but I do want just to point out that in fact that has been taken into account, the fact that one Wednesday to another could change one year to a Wednesday to another could change as in any situation. On site access we would quite, without question, recognize the fact that the sight lines at the driveway will of course have to be properly maintained and vegetation removed and there's no argument to that we're not ever going to ever propose a situation that would be an unsafe condition especially one that can be remedied through proper maintenance so that comments are well appreciated by VHB and certainly would be adhered to and could be incorporated as part of any decision. We don't really believe that we're impacting the intersection of 116 and Plumtree and so analyzing that for sight lines while we disagree certainly I'm not going squabble on whether not it's something that can be added and enhanced to take a look at what the conditions are currently today and if the Board wishes that to be done we would certainly agree to that. Relative to pedestrian accommodations and I'm going to cover a really couple of comments in their site plan review and additional comments later is that we recognize without question that within our property we've said to you before we have visions of paths throughout the property and without question would be adding pathways for safe pedestrian access. We believe that in looking towards the issues raised by the Commonwealth for Smart Growth that one of them was access to buses, that's what Smart Growth is about to Mass. Transportation and we are fortunate that on Route 116 we do have Mass transportation and without question we would provide safe passage for anybody using that. It's not good for business to have our pedestrians within the project picked off by cars coming in and out so we of course, we would be looking to that and incorporating that as the plan would be matured from the conceptual plan that has been presented to the Board to date and with that it was pointed at that we should have discussion with the bus company about whether or not they would turn in and loop around and come back in all honesty it's a little to early for that until we can talk about scope and other turning movements, certainly would have no problem in approaching them at the appropriate time to explore in fact whether or not and how they wish to create a safe place in which they can pick up people at the project when you have a number of residents who will use Mass. Transportation. It is certainly in our best interest to create a safe environment in which they can discharge and pick up passengers as also it is not terribly good business for them as well, too. The auto turn analysis, I indicated is in process and will be presented at a later time. We touched upon the by-law issue of that corner radius's and minimum road way width. Those are all issues that of course will be addressed at engineering peer review. The parking spaces I've touched upon already. Warrant analysis again it's the State that mandates the control, they have control of the road and we will provide information based on the traffic counts that have been provided relative to issue to warrants and be glad to provide that as a supplemental report to what we provided already. Let's see, I already touched upon the fact that we would be working with State as we will be working with them in other areas. I think I've tried to go through highlight the points made and suggestions by VHB in their peer review and certainly in cooperation we will continue to work with them as the in presenting a final report to you and reaching conclusions similar both for those found by your peer reviewer and our consultants as well, with that I'll be quiet.

Mr. Krol: Any comments from VHB on any of that?

Mr. Chase: I agree that we weren't aware of the approach that Bruce had taken with his trip generation, wasn't under that assumption. He assumes a higher conservative rate for his trip generation. We do agree that his trip generation is conservative; however on the trip distribution we still think the applicant should go back and take a look at the characteristics of Route 116 and the area assigning traffic based on turning movement counts at the Plumtree Road intersection where it's been kind of rumored as a poor sight distance intersection and people are avoiding left turns at that intersection and they might be going in opposite directions if that is the fact, if somebody is coming out of a new driveway we're just concerned that somebody might not exit the new driveway that they're proposing south of Plumtree Road at the same characteristics that are being observed at the Plumtree intersection. We would just recommend if he could just go back and look at more of the characteristics and that 70-30 that you Juliette mentioned was more of the northbound, southbound travel flow movements during the commuter peaks on Route 116 so that's where those numbers came from that's all that I ask is that be considered as part of the next round.

Mr. Kahn: If you could stand for a sec we might have a question back. Again, I quickly chatted with Bruce and the answer is we will go out again and identify additional data points that would help to substantiate what that proper stretch to be, no argument about it. The only thing I would say is I want to be cautious is that while 150% was conservative because we thought that addressed many of it then we go back and due level of service analysis, we want to be cautious that we don't over estimate and exasperate on top of that to create a picture that's not realistic so what I suggest is if it's acceptable to have our consultant to have a discussion with you as that empirical data is obtained and agreement as to what a distribution might look like that they'll agree upon also as to what volume that also should be dealt with so in fact that it creates a fair picture of what might look like and I hope that would be acceptable to you as well.

Mr. Chase: That's fine with us, if it is fine with the Board.

Mr. Krol: Any questions....Jim

Mr. Williams: It seems to me trip analysis is out going traffic, what about coming back is there any analysis done on traffic coming back?

Mr. Hillson: That was included in the original analysis. It contained in the August 2006, Traffic Impact Study.

Mr. Williams: 90% goes south, 90% comes back that's what you're saying?

Mr. Hillson: That's right.

Mr. Kahn: But of course it should be noted if it was greater than 30% that was coming from the north it is a right hand turn movement into the property. That's okay; we'll take the 30% at night and 10% _____...

Mr. Williams: It just seemed the more traumatic situation is the return trip, not the exiting as far as impact on safety because you're crossing lanes.

Mr. Kahn: I understand and again our consultant, I'm instructing him to work with VHB and to work out that model as they get additional data to address that, no argument.

Mr. Krol: Unless there are any further questions from the Board I would like to go to the next point on the agenda which would be to ask for town officials, to hear from the Fire Chief or Police Chief at this point.

Chief Ahearn: Chief Ahearn, Fire Chief in Sunderland. I did have a meeting with Mr. Nielsen a week or so ago and I think that meeting went well. We did talk quite a bit about turning radius's and apparatus and yes we did talk about a as you call it a hook and ladder truck. What I need to stress upon the Board is that currently the Town of Sunderland does not have a ladder truck and three story buildings under current laws are not allowed in Sunderland so we do not have the proper fire apparatus to safely fight the fire there. Neighboring towns do, Amherst right down the street does have ladder trucks but they're not responsible for the Town of Sunderland and they may be out to another call, they're a very busy department as you know, both of you have worked with the Town of Amherst and it's not their responsibility to cover us. When they're available they'll come and I just need to stress that to the Zoning Board here, that's why we gave you those radius's we want to feel comfortable when they do come to town so they'll have proper access. You talk about worse case scenarios, if you want to take the middle of February with two feet of snow, if we ever get snow again, that ladder truck has got to set up, be a certain distance away from the building so they get the greatest accessibility to the building. Those are some things we have to work on here and life safety issues are my problem and I'm going to share those problems with you.

Mr. Talerman: Assuming for a second that town meeting doesn't step up and buy you a brand new ladder truck - we know how expensive they are - if a three story building was built and Amherst wasn't available to supply their ladder truck how would you go about trying to fight a fire on the third story?

Chief Ahearn: Gaining access through the inside would be one area, bringing hoses up there. These buildings are sprinklered. There's other towns that's got ladders but each town is further and further away whether they come from Hadley which they've got a call department, the next closest town would be either Turners Falls or Greenfield. They've got full time departments which again if they're available they would come. Just on that related subject just a week ago in Georgetown MA which is a pretty good size town next to Boston they just put in a three story building apartment complexes they had just had a terrible fire on the third floor it started on the balcony and this is a town that normally does have a ladder that happened to be out of service. With the population around their

area they had a long delay getting a ladder there. They also had water pressure problems which doesn't directly concern me tonight but at some point we got to have those discussions with Water District whether we increase the sprinkler in this building to put pump systems, other avenues to look as far as fight fires in a tall building like that.

Mr. Kahn: The Chief has made some excellent points tonight and the only thing I like to say is there is no question about it we are going to have some lengthy discussions. I know safety issues are a paramount concern to this Board. Tonight's focus really though is in part on traffic peer review not life safety peer reviews. While I am not at all trying to discount it things like turning radius and access to buildings and working with our engineers to make sure we've maintained it and water flow tests which are part in part what needs to be done as part of this process to adequately design. Make sure we have what is required. Those are all things I believe will take place in further discussions. I appreciate very much the comments and I know Mr. Nielson has a comment he would like to add tonight as well and I hope a lot of this will take place at a later date when they should take place.

Mr. Krol: Certainly it's understood that this is going to carry over a bit. Chief could I could just ask you a quick question? What size ladder truck would be appropriate to service a facility like they're suggesting?

Chief Ahearn: The minimum size would be I think the smallest size ladder truck they make is 75 foot so that's going to give you a minimum access because you got to figure the set up in the parking lot which then you've got some green way between the parking lot and there unless you've got complete access right up to the buildings edge, 75' is the minimum which would get you up there.

Mr. Krol: Rough and tough what does a reasonable equipped 75 footer run these days?

Chief Ahearn: Probably minimum of \$500,000.00

Mr. Talerman: Chief if I could keep you there for a second. If you had a ladder there and best to my knowledge just having been through this a little bit before, is it correct the ladder truck stays there and then you have other trucks. The ladder truck goes and you have stabilizers down, that's your main fire fighting apparatus but also have pumpers and everything else that have to have clear....

Chief Ahearn: Clear access and would be a couple of pumpers to along with that. One pumper would just supply the ladder truck and the other pumper would be doing other fire fighting suppression duties, at least three.

Mr. Talerman: Okay, I recently worked on a project where the town was concerned about access either to the front and one side or a side and the back and the developer put in what they call grasscrete or grass rings a kind of subsurface solid base for a truck to be able to get around the building a little bit. Do you recommend something like that if you have to get around to have some clearance or a mountable curb or anything?

Chief Ahearn: That would be preferable. Some of our apartment buildings currently which we know are old. You've noted that earlier in a meeting and some of them already have access others don't. Again that would be our worse case scenario where we would say definitely we want access to the back of the building which that's where we do our best fire fighting if we don't have to drudge through 2 feet in the snow, if you want to go with worse case scenarios.

Mr. Talerman: Thank you,

Mr. Krol: Any other questions for our Chief?

Mr. Nielsen: I also wanted to reiterate we had a cooperative meeting. The issues are clear; we will continue to work together on those. Both the Chief and I had spoken to Amherst Fire Department. There was a recent fire in Amherst, right next to our site which Amherst responded to and we don't expect our building heights to be much different than what is allowed in town now. I just want to, as the landowner, reiterate we'll continue this cooperation with auto turn to make sure that those things are available, those kinds of details.

Chief Gilbert: Chief Gilbert with the Sunderland Police. I have quite a few concerns but I'm going to keep mine to traffic, instead of student housing which I see that becoming. That is not the issue here tonight. The issue is traffic. Route 116 itself is an extremely dangerous road. My concern is the amount of traffic that is going to be added to that. The amount of traffic turning left onto Plumtree. It's my understanding that it was suggested while people are turning left onto Plumtree, use the breakdown lane. You don't want to do that especially if we're out there, it's against the law. It's not really enforced, people do it all the time, they do it thousands of times a day but if there's an accident which I foresee that happening quite often here, you would be responsible because you went around the right of the vehicle. What is this driveway also that keeps being mentioned? Is that the one that used to be the auction house? Isn't that now private property?

Mr. Nielsen: We own that area.

Chief Gilbert: You do. My concern about coming out of there also is that the 7-11 almost across from there, you're going to have competing traffic. You're going to have people wanting to turn into 7-11, people wanting to turn into the driveway, your access driveway and/or coming out. My biggest concern also is the amount of apartments that are going in there and the amount of people living there. They're going to want to cross 116 to go to Bub's. They're going to want to go across street to the 7-11. Crossing 116 is a dangerous thing to do. It doesn't matter pick any day of the week anytime of the day, it's dangerous and it's a concern. I don't know if Mass Highway would give you a light at that intersection of 116 and Plumtree. I don't think they will. They might give you crosswalk but that's not going to stop the amount of cars going as fast as they're going to be going and people wanting to cross that road so the concern for us in the Police

Department and for the Fire Department, bottom line is the safety of everyone. With the significant amount of people being in there it's going to be a safety issue.

Mr. Tozloski: Can you tell me what the speed limit is in front of the driveway?

Chief Gilbert: Right in that section its 50 mph.

Mr. Tozloski: What is it in front of the other 7-11?

Chief Gilbert: 45mph, currently 45 it was just reduced to 40 mph because of the two pedestrians that we've had hit there. Mass Highway did lower it. I don't know if they would lower, I don't think they will, I don't think they will lower it to 40 there; they'll keep it at 50 right now. I can't say what Mass highway would do. A 50 mile an hour zone right now you're getting cars go through there 55-60 a lot. We try to and of course decrease that, we're out there doing traffic enforcement of course we can't stop all the cars speeding so that also is a concern the speed limit itself in that area. Someone doing 55-60 mph while someone is slowing down and or stopping to turn left onto Plumtree, while someone goes flying by them, any questions?

Mr. Kahn: I would like to thank the Chief. I also understand we just received it the other day a rather extensive stack of accident reports along the area. I've asked Bruce to look at it. I think he identified eight that were general proximity of it, knock on wood, thank goodness. We didn't note any were there was severe injury or damage and some of them were unfortunate poor driving decisions that prompted those and certainly we will be going through those and be able to discuss those better with the Board come the next meeting but do appreciate any efforts your department made in putting those together.

Mr. Talerman: Chief, I have a question. In terms of enforcement of violations. There are a number of apartment complexes obviously in Sunderland, what role does the Police Department have where people are parked in aisles were they shouldn't be, is that all private or does the Police Chief or Police Department get called in to ticket or enforce there?

Chief Gilbert: Not usually with those places like that they're private property. They can tell what the registrations are. The management of the complex and or the towing company can contact us. If there are disputes or incidences, we have to respond to and calm them down.

Mr. Talerman: Thanks.

Mr. Krol: Thank you Chief. I guess we've gotten through the first four parts of category four here. Next I think we'll open up the floor to members of the audience for comments and Dana you can bat lead off.

Mr. Roscoe: Dana Roscoe, Chairman of the Planning Board. I spoke the last time we talked about traffic. About this 90-10 split that's been talked about and really kind of

obfuscated tonight. I would say if we just get back to the original proposal that was submitted. We see that they are proposing 90% of the traffic goes south, 10% of the traffic goes north from the main driveway, then we see the other 50% of the traffic coming out of Plumtree Road, according to their diagram 25% goes east and 25% goes west. If you take the 25% going east how much of it goes south? 22 ½ %, 2.5% going north so what have we done by using a 150% instead of 100%? We've increased the northbound traffic from 10% to 12 ½ %, that's not the 30-70 split that characteristic of the road and I think the reason that this is important is this development is going to have an impact on this intersection, this Plumtree Road, 116 intersection, where we already have a fairly good number of accidents occurring. These warrants have to be looked at; this warrant analysis has to be done. I think you guys really have to insist on this intersection be a key part of this project. Thank you.

Mr. Krol: Who does these warrants? Is this a study that we request from the State? You're mentioning warrants and trying to achieve a criteria that would determine whether a traffic light is needed or not or a signal is needed or not. What is the process for? I assume the State makes that determination.

Mr. Kahn: That's correct. I'll let the guru's tell you what the process is but the only thing I'll say first is that as we work through this additional data turning movements, we'll work with them to determine what in fact the flows are and come in agreement with the traffic peer reviewers and apply the State standards and Bruce you can just as easily talk about the process, how the State goes through it.

Mr. Hillson: Earlier this evening Juliette I think mentioned there were eight warrants that are reviewed to determine whether a traffic signal should be installed. These warrants are published or contained in what is known as the Manual on Uniformed Traffic Control Devices, MUTCD. Typically in an area such as this, the warrants that are looked at are the traffic flowing warrants, we don't have a school crossing here, and we do not have heavy pedestrian movements here, 50-60 pedestrians an hour or something of that nature. We do not have traffic signals in the immediate area that would lend themselves to coordination through this area. There are 1 or 2 other warrants that also would not apply. Traffic volume warrants would be those that we would look at. Typically the 8 hour warrants are those which are used by Mass Highway and other states in the northeast to determine whether a traffic signal should be installed. As you could well imagine the shorter the time period that you look at the higher the traffic volumes are, particularly on a side street that would trigger the need for a traffic signal. The volumes on Plumtree Road are not to the extent that the shorter time period warrants would be triggered so we would be looking at the 8 hour time period for this. Having said that, there are four combinations of volumes that you could use actually many more than that but two sets are based on the speed of traffic on the main street, if it's 40 mph or less than you use one set of numbers, if it's more than 40 mph, you use a different set of numbers in this case we're dealing with speeds on 116 that are greater than 40 mph so we would use volumes that are appropriate for speeds of that nature and in fact those traffic volumes are 70% of what the other traffic volumes are so if you were to use speeds that are less than 40 mph you might need to have 500 cars per hour on Route 116. If you used speeds that

are greater than 40 mph than all you need is 350 cars an hour and than those numbers vary depending on the number of lanes you have on the main street or the side street so we will look at the machine counts that we have we will summarize those in tabular form and we will highlight those hours which meet or exceed minimum traffic volumes required in the MUTCD for warranting a traffic signal and then we'll share that with VHB and with this commission.

Mr. Krol: Is it safe to say that another word for warrant would be threshold.

Mr. Hillson: Threshold or justification or whatever, they're called warrants their named that.

Mr. Chase: In our memorandum, we did state that traffic volume warrants where the ultimate warrants that we requested be reviewed and Bruce's explanation was perfectly explained. I think we're, he's willing to cooperate coordinate with us and willing to review the traffic warrants as he specified.

Mr. Krol: I think if my memory serves me right, recently we've asked the State to take a look at that intersection and we didn't approach the thresholds. I don't know if this was several years ago but I guess we asked them to investigate that intersection at that time. We were unable to achieve those warrants.

Mr. Hillson: There is one other warrant we will also look at and that's in response to the comments we just heard about the accident situation there perhaps being such that a traffic signal might be warranted. We'll also look at the accident warrant and determine whether or not there have been sufficient accidents of the type that would be remedied by a traffic signal that would justify installation of a signal.

Mr. Zinan: I'm Marc Zinan. I'm interested, when are we going to get a copy of this report? When is it going to become available?

Mr. Krol: Of our consultant's report?

Mr. Zinan: Yes, the latest one.

Mr. Krol: It's readily available we'll give you a copy at the end of the hearing.

Mr. Zinan: I would ask the consultants here if you want to take a closer look at college students and number of cars, I can show you a few places where we have farmhouses, we probably have 13 students in them each one of them has a vehicle. I think times have changed, everybody has a vehicle. I live off Plumtree, I notice some people take the bus but it's very few. Most people drive, college students drive. I can only reiterate what Chief Gilbert said, people are going to cross the road to Bub's, the 7-11, and it's very dangerous. I don't know how you're going to address that. One last thing, it's not going to impact anything but I think quality of life issue for the town, I walk around a lot, if you're going to add 250-300 vehicles your going to see a heck of a lot more of trash on

the side of the roads, just a quality of life issue. I just want to make note of it, put it on the record. When walk around I see a lot of beer bottles, a lot of Popov vodka plastic bottles. We know where they're coming from, it's just going to increase. I know you can't address trash that's going to be generated by this project but it's just another issue, that's it. Thank you.

Mr. Broussard: Joe Broussard, South Plain Road. I think you're going to have a terrible back up of people turning left off 116 onto Plumtree Road. I know now 3 or 4 cars, if you and put all of them people there you're going to be backing up to Bub's Barbeque. Those people come 50 mph there, you look in your rearview mirror and you're hoping they pull off to the right so I think that's something you definitely have to look at.

Mr. Duby: Bob Duby, South Plain Road. Two things, the auction gallery has just been sold as everyone knows and it's going to have a rather intense use and the question becomes even though Sugarbush Meadow owns the right of way, I don't what the stipulations are in the easement from the auction gallery or the church now, has anybody looked at the impact of the traffic that's going to be generated by that use on overloading of the easement? I believe there is something having been involved in it, a tussle one time something called overloading an easement, are there going to be some issues brought up at that point? The second one is that I hear that 50% of the cars are going to exit by via Plumtree Road and the 25% going to go east and 25% are going to go west. Well, if one looks at the design of the apartments and some of the verbiage that was used to justify their development, it's almost word for word on what the design of the new dormitories at the University are. So that would lead me to believe that there's going to be a large number of students in there and it's not going to take long for these students to figure out that, I can avoid 116 by turning left and heading down South Plain and I can get to campus that way because there's going to be a lot less traffic. South Plain certainly is a road that is not well designed for an additional load of traffic so I think that we're going to look at problems there. The third thing is that if I look at the drawings and I look at the road that comes off the loop road I can draw the analogy in our zoning by laws that that is very similar to a flag lot. A flag lot in our town I don't believe can have a length greater than either 900 or 1200 feet and that's for one house. Here we have a driveway that's going to have 30, 60, 90 dwelling units on it and I guess I'm wondering what the difference is here between a flag lot and what we're seeing on that spur that goes done in there. I haven't heard much tonight about movement of traffic within the complex. It seems that the traffic is always going out or coming in but not moving around once it gets there. Given the type of folks that are going to live there, which is primarily students, which is my belief, then there's going to be a lot of traffic in and out of there. When it comes time for the safety issues that we're going to discuss later that's going to create a problem on those roadways as well, so I like to have the Board take these comments under consideration as you evaluate whether or not some of the issues that they're seeking relief from can be made. Thank you.

Mr. Kahn: Me first, I appreciate that. Some of the comments and I'm respectful of everybody and their views on this project you know the comments we made before we're designing family housing, it's 20% one bedrooms, only 20% three bedrooms if you're

building student housing today you build quads or go to four bedrooms and you load them up. That's not the intent at all. I've said that many of times. As to the church issue, first off that is new news and don't know much about who they are. The number of people who attend but typically and these traffic guru's on either side of me will certainly share that their use of the facility generally work to off hours, not prime hours. Obviously Sundays are a primary day when it's not work traffic out there and a lot of times evenings which again is not necessarily time, so no we haven't looked at it and I don't even know enough to even project how many families they're even proposing even if I could anyway at this point in time. Lastly you know we have been careful in our internal design to make sure there's proper two means of egress through this project and circulation and we're confident that the circulation in fact provides for safe movements within the project and that there are other than entry drive coming in on either side but once you get within the project there are no long street stretches that pose a terrible problem and that we are confident with sidewalks that we created a safe environment for the families that will be living there.

Mr. Talerman: Mr. Chairman, one theme that keeps coming up is the difference between or if there is a difference and I don't think there's been enough study of it, between the parking and traffic pattern of student housing versus the parking and traffic patterns for family housing. From the first hearing and from the application materials, too. I appreciate that it's always been the intent for family housing so to separate itself to a different type of housing need. For Sunderland, the market comparisons that you have in your application are all student housing, that's what's out there so we're proceeding on parallel tracks and I think it's going to be incumbent upon you even if you don't want to, I think you have should go out right now because the complexes we have out there are for students and you can't be discriminating against potential tenants just because they happen to be students. I think it's important to do some analysis with respect to parking and traffic patterns on some of these comps that you have, see what they have for parking perhaps go to UMASS see what they have for studies as well and the number of their students that have cars, you could probably track on some level or you're going to have to provide some kind of market analysis to indicate that you can fill a goodly chunk of these 150 units with families alone. I'm not trying to say you can't, I just don't know. I'm just saying all the analyses indicate it's going to be students because there are no comps that say otherwise. If it is all going to be all students I think that the Board may wish let's get out there and start counting cars and let's see you studied Brandywine and Pufton and Rolling Green and some of those other ones. I don't think that's a particularly weighty task either, I'm not trying to give you an overly cumbersome task but I think it's something that should be done. I think parking especially and maybe even study it on a Saturday night, should be looked at because you don't have a lot of visitor spaces here. It could be an issue. We heard both the Fire Chief and Police Chief talk about access issues but I think the parking issue is going to have to get resolved to see whether it corresponds with 1.8 per or whether or not you need more spaces or a different kind of space. I don't know the answers to those but I think it's something you have to study until you can demonstrate this isn't going to be student housing.

Mr. Kahn: Well, you know sometimes during this process that we will sometimes agree to disagree and you know the data that was presented was just a view of what was available and what it showed was is the fact that there was no project that did not have and which you know as I know through you're work throughout the State that there is a dramatic need for housing for families in the workforce in the market. I feel we provided the data required that this not intended to be loaded with a two bedroom unit to put four people in. Its four adults in that particular environment and we've made our position fairly clear in that and I'm sure we'll have this discussion as we continue on.

Mr. Krol: Just for the record there is a ton of copies of the VHB's traffic report for anyone that wants one afterwards.

Ms. Halloran: Joel, I just have a question for you. We've heard many times that the intent is not have this be student housing. When you say anything enough you may actually believe that. I don't know in here anybody that believes it. When you look at all the apartment complexes within a ten mile radius of UMASS is there anyway to get any data on how many of these units are occupied by students? They don't even fill out a census.

Mr. Kahn: We did, to be honest with you I know you don't know me for anything you only hear my words week after month after month we sit here. There was a time in this process there's not question when Mr. Nielsen approached me and we discussed the project. There was a discussion wouldn't this be appropriate for student housing? As the work progressed further and we looked at the fact that there was a gap in the market for something that didn't exist. The answer is, you know we don't have to take guarantees if you don't justify the income to live there and afford it you don't have to live there. There's a major investment being made by this particular man in your community whether or not you like or dislike or like the project. These are very important decisions when you're spending tens of millions of dollars to ensure your investment is protected not just for one year but for a period time. You don't know if you're successful or not until 5-10 years out before you can look back and say this works. We really believe I'm serious, your right this isn't there hasn't been a new project built in 20 years in this particular area and so if you're a young couple that wants to sit there and have it and can't afford a house in today's environment you have very little choice in the market. We want to create the choice for them. We think it's an excellent location to allow them join the work force and have a place they can live and start families, no question as their families grow they'll probably move out into houses. I hope they can. Then there's the other side of the coin to is what are the alternatives when people grow old and don't want to maintain their own houses anymore? We think this is an excellent opportunity for people there tofor another place...be safe and live. We think it's a model that makes a lot sense and sometimes you fill the void and those are the best projects you can have and what's going to dictate it? In part dollars and cents of what the project is in order to be able to make the numbers work today you have to charge a certain amount of money in a market to be able to justify it. You don't get of course what Boston charges and you don't get what other cities may charge but it cost a lot of money and it's not appropriate for everybody and it is appropriate for the people who have jobs and even seniors, it

within a reason you sell an asset or live in it, you design your...so we think it's a niche, we're very happy with it.

Ms. Halloran: I hear what you're saying and I hear that you believe that's your intent. I firmly believe you believe that, which is unfathomable to me, totally unfathomable for many reasons. Number one, what elderly person is going to move out of their home to live on a second or third floor okay so they move on the first and then they have students living on top of them this makes no sense, strike one. Strike two, you have nothing, all these apartments around here, they're full of students. I have my own home on South Plain Road, I also have 2 two family houses within ten miles of here. My highest rent on a 4 bedroom is \$730.00 and that's got a family in it. I could get a lot more if I rented to students because they are the people with the money because their parents are forking up that \$400. or \$500. a month per kid. Those are the people that are going to be able to afford to live there, not families. I know what families can pay for rent because I rent to them and it's not what you're charging. This is not low income housing. The only people that are going to be able to afford to live here maybe well, grad. student teachers aren't going to be able to afford to live here, their stipends is too small. Professors own their own homes; they make enough money they don't need to live here. Who does that leave? Why do we think all these apartments are filled with students it's precisely for that reason, they're the only ones that can afford to live in them. I believe you believe that I believe it, I think it makes no sense.

Ms. Moulton: I'm Louise Mouton and I had a question for you. I was wondering in your studies when you were talking about the traffic and everything and you were looking at other apartments in Amherst area. I'm wondering did you look at the Cliffside and Squire Village? Watch them coming in and out of that area to see the traffic flow that was happening there?

Mr. Kahn: When you do a traffic study you look at the turning movements and traffic volumes as it relates to your project and what will happen in no build, build scenarios both in current and projected volumes. So the answer is that what happens 3 miles away or 4 miles away is not necessarily the data points relevance in analyzing the study that doesn't tell you necessarily anything about what should happen in front of your project whether or not it's a commercial building or whether or not it is an apartment complex.

Ms. Moulton: Well I think it's important because I drive that 116 route all the time and you're talking where you entrance is coming is going to be out onto 116, there are going to be five different exits coming off of there and entrances going into 7-11 which is very high volume business, you've got Bub's Barbeque there you've got two roads coming in from both directions on 116 and now your adding you. That adds the same, I would think as a person traveling that road as the same dimension as if you went up the road three mile to where the other 7-11 is where Squire Village, Lantern Court and all of that traffic is coming in and out. I would hope that we could move to a direction that that be studied because I think that's very important because we did have a young lady that died on that highway and you know one too many is enough. Kids will go across that street and if you are renting to families their kids are going to want to across that road to 7-11 to buy

their little munchies or whatever it be and would hate to be reading in the paper that a little kid died because they were going over to the store across there. These things really need to be addressed because it's very important and as a person that lives in Sunderland like I said I would not want to be reading it in the paper because we allowed a business to come in here that was going to be having that much people in one area and I know driving that when you've got all those entrances and exits out as a driver you have a lot to look at if you add a pedestrian to that that's going to make even worse. I would also like it if maybe the Police Chief could please also tell us if your driving at 50 mph and you need to stop suddenly how long will that take you from 50 mph to stop if somebody comes out at you? I would like that question answered as well.

Mr. Kahn: And while the Police Chief is coming up, I would really do respect the compassion and issues at hand and in honesty and that's why even at our expense the ZBA hired separate and independent peer review to look at that information and to take that into account through their expertise, no question.

Chief Gilbert: Yea, you took a lot of words right out of my mouth. I was going to say to the Board, I really hope that you hear my concerns about the safety of Route 116 and not only the people driving on 116 but the people who could be possibly crossing 116. We had that really tragic loss two Decembers ago. We had a gentleman hit the day after Christmas on 116, it's a big concern of mine, the safety issue and I just hope that is heard and taken into consideration. As far as traveling at 50 mph and having to stop it's approximately 300 feet. It's a long distance to have to stop for someone. You're talking about having families in here. I'm not here to argue about whose going to be living there. Again, a huge concern for me would be having to respond to a child who crossed 116 and got hit by a car or cars who are having to get in on a head on collision to avoid hitting the child that is living at this complex. Again the concern is the safety of everyone but again having to cross 116 as a pedestrian is extremely dangerous. I don't know what Mass Highway would do if anything of course you'll probably going to have to meet with them. They might change the entire road and I don't know if their willing to do that and how much that would cost.

Stanley Kozlakowski: I live on South Plain Road and I did get hit on 116 trying to get into Plumtree Road back 1995 so it's been bad right along.

Mr. Hawkowl: Davis Hawkowl from Plumtree Road. I appreciate the conservative numbers for the traffic pattern studies but to me the real question is the parking because moving from 1.8 to 2.0 cars per unit increases your traffic flow by about 12% and I don't know when the by laws were created that set the threshold of two cars per apartment but I know over the last ten years car ownership has grown quite a bit and a lot more students are bringing cars with them to school so if the parking is undersized that's going to give a low estimate for the traffic impacts and so that's an area that I keep coming back to the is the parking are calculations for the number of cars that are really going to need to be housed at this location accurate. The other thing is that I take the bus four days a week so I get on and off at the stops. The return in the evening is across the street from this entry point, it was moved from further up. That was a good thing because there was a lot of

people when someone got to take the left turn people would cut by on the break down land and that's where the bus stop was and even though I was on the grass it was a pretty hairy spot. Now where it is at 5:00 or 5:30 when I get off the bus it can take sometime five minutes to get a safe opening when those cars are doing 50-60 mph and their fairly tight together. It's hairy to try to judge the distances so in terms of safety there I'd love to see an island or some kind island or some kind of safe zone if you only get half way across and I understand, yea maybe a bullet proof plexi-glass around it and whatever else but seriously if this development does get built how to make that area safe is a big question. The last thing is that when looking at 1.8 cars per unit, what kinds of apartment complexes in eastern Mass. They may have more public transportation they may assume that's for a place where 25% of the people use public transportation here it's pretty unlikely that the target audience would be using much public transportation and so that may raise the estimates of the number of cars that would be involved in this project.

Mr. Hillson: Mr. Chairman, may we respond to one of the item raised.

Mr. Krol: Sure

Mr. Hillson: Regarding the TRIP Generation for the apartment complex. The generation numbers as indicated in the August 2006, Traffic Impact Study were based upon the 150 apartment units and not on the number of parking spaces within the complex so increasing the parking by whatever the percentage is from 1.8 to 2 spaces per unit is not going to change the calculations that we used to determine the number of trips.

Mr. Zimnowski: Tom Zimnowski, I live over on Hepburn Drive. Couple of things I picked up here and I just want to go back to, you're saying that the developer owns the right of ways by the old auction house, correct? That's the right away he owns?

Mr. Kahn: Yes

Mr. Zimnowski: It seems coincidental that a few months ago when the auction house was sold and we heard that there was a church that bought it, you wonder what is a church going to do with such a large place. Coincidence working for the Town of Sunderland we got a memo or something or some other paper work that came through that said a place that was looking to come into the Sunderland, they purchased a large building or whatever and it has a lot open space for other community or recreation use. Add one and one together and you come up with the Pioneer Auction House which also used to be an athletic place, correct? They have tennis courts and I can almost foresee if they are already looking around for other community organizations to possibly use their space or rent their space, you're thinking once again hmm sports you're thinking teams, you're thinking of youth activities you're thinking indoor soccer, tennis. I thought they had some squash courts or something in there so when you're talking about the traffic going in and out on a Sunday church service, you're now talking about possibility of them using the space for other community and or recreational purpose, correct? I would imagine so who has priority to take and use that right of way? So if the building is there first for the church can they take and use that right a way for anything that they require?

Like a sporting event or an indoor concert or something like that or does the priority go to this apartment complex that's going in? Something that is floating out there that I thought I would bring to your attention that this building here from Pioneer Auction's, I don't think is going to be used primarily for church services on a Sunday morning when we know the students will be sleeping, well maybe they'll attend the church service, I don't know. It's just something to keep in the back of your mind regarding the use of Pioneer Auction building.

Mr. Krol: I remember that that facility had been before us before and when it was I think the athletic operation and they had some parking off of that road of access and for some of the rear buildings there. Now this right of way or easement that you have...

Mr. Nielsen: We own the right of way.

Mr. Krol: Okay, will that prohibit the parking; I believe that is there now off of that roadway?

Mr. Kahn: They have their own parking lot.

Mr. Krol: Well there's a parking lot in front of the building but there's also parking along that access road there.

Mr. Kahn: I would presume and again I don't know the history of this building to know enough but I would presume if a new use were to come into that building that they must come in front of the Planning Board through process and if their use was as such that there was concern by the Planning Board of their traffic generation that they would be required and my traffic consultants experts on either side can attest to this to also follow process and to do further studies as to what they would impact as well too so we're all guessing at this point what their intentions are. I think that's not necessarily fair to do until such time they proclaim what their doing.

Mr. Krol: But certainly depending on what the use is and what permits they may need that remains to be seen. I just know that there was parking back there at one time off of that road.

Mr. Nielsen: We own that road.

Mr. Krol: But the comment that Tom made about extra uses of that facility and traffic right adjacent to it, going in and out of a parking lot certainly is a fair statement.

Ms. Halloran: The name of the athletic facility was "The Club." I was a member, I used to walk from my house through the land where going to build it we called it the swamp, swampland, Sunderland to get to The Club were I worked out. If I recall correctly the parking spots in the front are minimal maybe a dozen or something there was parking area in the back but we could park there because we would have to get towed out of the mud behind the building because after all we're in the swampland, we used to have to

park on the side, the access side because that's the only place we could park and even then we wore goulashes because it's so muddy there, it's so wet so there the only decent parking spots for that entire building were in the front. Now that's back when it was The Club. I never visited the auction house. I don't know whether anything back there has changed in terms of parking but when it was The Club you couldn't park back there without getting towed in mud season.

Mr. Krol: Any other questions from the public?

Mr. Boyden: My name is John Boyden and I'm at 601 Amherst Road. This traffic thing is a growing problem whether you like it or not, it gets bigger and it's going to get bigger by a great big number. When I go to turn left into my driveway it can be a little scary, when you see cars coming up behind you at 50 or 60 mph. I'm a Chiropractor with a home office. When a patient lives on Plumtree they may already not come out and turn left to come up the street 100 yards, they'll go the other way and up Silver Lane and all the way around so they can turn right when going into my driveway. If we take a look at Cliffside and that area we now see the road's been widened with bus stops with a lighted crosswalk. Today I saw speed limit signs dropping to 40 mph, more lights going up. They're dealing with things after the fact; you have a chance now to deal with things before. If you've got apartment dwellers shooting across to 7-11, you've got 90% of them turning right to leave because they can't turn left. People leave my driveway and turn right because they can't turn left and then they either have to find a way around which is Plumtree, one of your biggest residential streets is now getting inundated with high speed traffic. Maybe not high speed but now when you have a complex you're going to have all the safety vehicles racing down it to answer a call so the rural nature of Plumtree is being sacrificed. You've got a lot of things going on here, if the lesson of the Cliffside area and the accidents the State seems to respond to the forensics of the situation. Counting accidents and the number of people injured. To do a left turn into this complex is going to need a wider road with a middle island to turn left out of. If the bus stop is moved down there because it's up the road a bit and people would have to walk a ways up if it's moved down there the road got to be wider, and probably land taking. There would have to be a crosswalk to increase safety for the people from the complex to get across the street to get the bus heading north so you've got all these things looking at you and if they're aren't addressed now they're going to be addressed after the damages are done when enough people are injured and then the count gets high enough so Mass Highway will react. I think there needs to be a lot of conditions on this that address safety before, not after, when you're adding up the damages. This is a very big project that people in this town don't want. I think almost everybody and most of us think it's in the wrong place and too big. But the traffic has got to be addressed because these things are going to happen. Sit out there in the middle and do a left turn into that driveway, any of you at about four in the afternoon or when UMASS is in so the students are heading north too. See how you feel sitting out there in the breeze. If there isn't a center lane to turn from its inherently dangerous and I think it should be required before anything goes forward. These things have got to be addressed or you're going to counting up the damages after. Thank you for listening.

Mr. Krol: Any other comments, questions, thank you. Next steps, would we normally be looking at a refined traffic study? Let me come out with some points that I gleaned from this discussion so far. Even though I think there's some resistance by the applicant to consider that this is highly likely that this will be is student living quarters, I think it would be beneficial to the Board and beneficial to the audience to see a study of certain traffic aspects of apartment complexes that are on Route 116 right now. I think we would maybe get a better idea of that 90/10 split or where ever that split would be; number of units versus parking, number of handicap spots that kind of thing. I think that is a study that I don't think would be hard to do, I don't think it would be all that time consuming. I think its something that this Board could relate to. I think it's something the audience could relate to. Rationalizing 1.8 parking spots per unit, whatever the magic number is, I think it would help to know based on existing apartment complexes that are in town, specifically the ones right on 116 would be useful information. I would also like to see, we talk about the other driveways the high volume driveways that are close to proximity to where this entrance on 116 is going to be. You talk about Bub's, you talk about 7-11 you talk about the insurance place who knows what's going to happen with church properties, athletic property there you have another business that's between this access way and Plumtree Road. How does that factor into traffic and cars entering and leaving through there and how's that work out? I think another thing that came across out loud and clear is pedestrian concerns; one thing we don't have there all that much right now is people crossing 116 to get to 7-11 or Bub's. Certainly if this project goes forward as planned, there is going to be pedestrian traffic there and you can see the current problems that we're wrestling with on 116 further north of here that is much better lit. The speed limit is much slower and the road actually has some designs with pedestrian safety in mind hand and we're still having problems there. One other thing I would like to see have a closer look at is traffic going on Plumtree Road from your project and either heading west on Plumtree or cutting through North Plain Road. I don't think that's been adequately looked at. Those are the things I'm hearing and those are the questions I still have. At this point would we be looking at a second traffic study? What is the appropriate....

Mr. Talerman: As we discussed before, it's responses, I care less about the form of it. Just the fact that the questions are answered and that our consultants have a chance to review those and comment on to the extent that tonight's conversation causes our consultants to go back to the office and raise even additional questions. It's just a matter by the next hearing of the applicant being able to respond to the variety of issues that are out there, not just the ones you mention off the top of their head but there are a lot of comments out here by both Chiefs and a lot of the members of the public and the applicant has been thoughtful to date. I expect that they'll bring back a lot of information in response to your questions, our consultant's questions and everything else that's out there.

Mr. Krol: Would it be reasonable to search for closure at the next hearing as far as traffic? I know some issues are intertwined but as far as the main topic of traffic.

Mr. Talerman: I think it's reasonable to suggest that these issues kind of take on a life of their own; don't foreclose the issue; there may still be a few questions for example the applicant or our consultant could try to glean some information from either their comparables or UMASS or Mass Highway with respect to Cliffside and just not be able to round out their research by next time but certainly I think we can narrow it that much further by the next session.

Mr. Krol: Is that a reasonable approach?

Mr. Kahn: Well I'm not sure at the moment. I have to think of some of the items on your list as to whether or not I think they're reasonable fair or whether I think their outside, I think reasonable boundaries but I certainly did come away tonight with a list of things certainly issues that clearly are scope issues that your traffic peer review and ours can work and certainly there would be much more information that can be brought forth as I understand we're shooting not for February due to vacations of yet I have not received my ticket for that, that we're shooting for March. I think at that point additional information will be brought forth to the peer reviewer and in addition have a chance for him to respond and work out any other back and forth they may have so when we come back they'll be a lot more information to this Board to consider.

Mr. Krol: Board members, I've done a lot of talking ... anything that you'd like to see some more light shed upon -- question, any questions?

Mr. Tozloski: I think you've got it.

Mr. Krol: I guess that outlines the task for the next hearing, any further comments from the experts on the traffic?

Mr. Duby: Date of the next hearing?

Mr. Krol: It's going to be in late March. I guess we can move on to the next item on our agenda to get done tonight. The Zoning Board did receive proposals from four different firms in regards to civil engineering peer reviews and I do have a few extra copies. I sent all four proposals to all my Board members so they could take a look at them ahead of time. Today was the first time that we've actually conducted a peer review so it's been a learning experience for the Board. Board members, do you have any comments in regards to the four proposals? The four proposals came from VHB, Coler and Colantonio, Fuss and O'Neill and Tighe and Bond. I'm curious on how the Board felt that VHB did in this peer review. I could see some advantages, for continuity purposes, to keeping the same consultant firm for the civil engineering peer review. I could also see an argument that perhaps different set of eyes might be advantageous. I would say personally that I was quite satisfied with the traffic report done by VHB. The prices from the four firms varied anywhere from a low of \$5,600.00 up to \$7,500.00, \$8,000.00 maybe up to \$10,000.00 under certain circumstances. Any comments from the Board as far as the proposals, you guys are going to make me do all the talking? I had personally

rated the four proposals, from one through four and I had actually given VHB my top rating even before tonight's hearing with Fuss and O'Neil a close second.

Mr. Bernotas: As I reviewed the VHB one, I thought it was just a little more comprehensive than the other ones. Just my thoughts on looking them over, I didn't rate them one to four but as I look at this one I thought it was of the top ones.

Mr. Krol: Any other comments?

Mr. Kahn: Excuse me Mr. Chair, can I chime in here for a second, especially since it's our check.

Mr. Krol: Yes

Mr. Kahn: We don't have a problem with VHB and certainly appreciate the work they've done. I read in here as you went through a proposal and a revised proposal an expansion of scope in two areas that I have a concern. I know there was a conversation between Mr. Levine and Mr. Talerman regarding this issue and I'd like to ask as part of a motion that we make sure we define what those two are. Item number one, it was very hard to read exactly what was being referred to in one of the revised proposals implied that there was going to be a review of the delineation and it had already been approved by your own Conservation Commission. I don't think that that was the intent in discussion but only really as it related to some other....if we were to propose some other delineation during our process with you of course I would expect you to go to peer review and I'd hope that this Board would really request that the scope would pertain to any additional investigation not be to challenge the decision to Conservation Commission or what happens subsequent in the appeal process through the State so that was one concern I had. The second one is the documentation of peer review goes to the concept of reviewing what obviously submissions are provided. There was discussion and expansion of scope as it relates to waste water treatment facilities and I know we've had several discussions on jurisdictional issues and D.E.P.'s process and the State being the ultimate benchmark and certainly the applicant has no problem if this is a cursory kind of review what their talking about generally feasible in that area subject to State permitting process and documentation and not another dual track of review process. I would ask that the Board also instruct peer review to stay within those bounds and being fair and reasonable to what we're trying to accomplish here.

Mr. Talerman: Mr. Chairman, VHB has been informed as to the waste water treatment plant that we're looking more to the baseline feasibility rather than intricate details that DEP is going to go through. Just trying to make sure it's going to work. As for the wetland delineation are concerned, when I spoke to Attorney Levine I don't know the status right now of the appeal of the wetlands delineation and where that is to the extent that it's unresolved. I wouldn't expect that they have to reinvent the wheel there but they may want to check in briefly if it's unresolved, if it's resolved and the original delineation doesn't address what may be some more local jurisdiction under the wetlands protection by law than those issues would have to be addressed obviously but the wetlands work is

more in tune towards performance that it is to the delineation itself and I think Mr. Levine understands that and VHB does as well.

Mr. Kahn: Okay, the appeal has been....the State has rendered a decision.

Mr. Talerman: I just know if that's been appealed in and of itself.

Mr. Kahn: We have not received any notice of appeal.

Mr. Talerman: Okay

Mr. Nielsen: Ten days have passed.

Mr. Krol: That being noted do we want to move forward and make a motion or recommendation on who we want to hire? Do I hear a motion from anybody?

Mr. Tozloski: Motion to hire VHB to be the civil engineer peer review consultant for us.

Mr. Williams: Second

No Discussion

Roll call vote was taken and all members: Mr. Williams, Mr. Tozloski, Mr. Herrick, Mr. Bernotas and Mr. Krol voted in favor of hiring VHB as the civil engineer consultant.

Mr. Krol: By unanimous vote the Board selected VHB to be the civil engineer peer review study consultant for us. I'm sure we'll go through a contract negotiation session with the Board of Selectmen like we did last time.

Mr. Kahn: And it should hopefully go a little bit easier this time since it...

Mr. Krol: We've been down this road once before so it should go a little smoother.

Mr. Kahn: Absolutely

Mr. Krol: We're getting close to the end of our agenda. It's come to my attention via our Board of Health that Land Solutions has been prohibited or whatever from doing soil studies/soil testing for us due to past issues. It looks like Land Solutions did a lot of the soil condition reports for this project up to this point. It was the subject of discussion at the last hearing. We asked your representative from Berkshire Design about the soil studies and testing that had been on the site and he mentioned that Land Solutions had done some testing and he thought maybe there were some tests performed by other firms, but he didn't have all the information on hand. Since then it's come to my attention that the Town's Board of Health has some serious issues with Land Solutions conducting these kinds of perc tests. The data that we have received from you to date seems to suggest that a large amount of the testing was done indeed by Land Solutions. Also at the

last hearing there was a question about the dates of testing that was done and whether testing was still current or whether in fact those testing results have gone stale.

Mr. Kahn: Mr. Chair, just to help you along on this.

Mr. Krol: yes

Mr. Kahn: In order to do our DEP approval for the waste water treatment facility there will be additional mounding study and tests that will need to be provided that are unique and distinct. We provided you at the time and we will provide you more when they become available, the test that we had in our possession and there are more that are being assembled and so if you are asking whether we're relying on the Land Solutions testing for development for our waste water treatment facility the answer is no we are not. There are other testing that will be done that are more current and I don't think this will become an issue. We just provided you for record what tests have been done and what's in our possession.

Mr. Krol: We didn't expect to solve it today and that is a step in the right direction. Certainly the Board does want to take a look at the feasibility of the waste water system. Certainly the soil testing in that regards is a big part.

Mr. Kahn: Absolutely. We need to do as you know is a hydrological study that deals with that issue and that requires more current testing and other processes that DEP requires on today's standards those are the standards that we are adhering to. Witnessing what is required as part of that process will be done pursuant to DEP standards. Absolutely this is not something we take lightly nor will we do anything to circumvent having the information that is appropriate in order to base our decision and our presentation to the State.

Mr. Nielsen: These types of test are not appropriate to this type of facility.

Mr. Kahn: We just gave them because we had them.

Mr. Tozloski: Was Land Solution any part of the wetland delineation?

Mr. Nielsen: Absolutely not.

Mr. Krol: It's more with perc testing and determining ...

Mr. Kahn: They were obviously involved when it once was going to be considered for an alternative use.

Mr. Nielsen: Excuse me; they were never ever hired by this land owner. They were part of the previous land owner and we made our decisions based on what we thought was appropriate again we provided as part of the public record Board of Health tests we have

to do other things that Land Solutions has not been involved or hired by me and will not be involved or hired by me.

Mr. Kahn: I think that's pretty emphatic.

Mr. Krol: That fairly emphatically stated.

Mr. Kahn: And later I can hear the gossip of what's happened.

Mr. Krol: Don't need to hear gossip.

Mr. Nielsen: We're very clear.

Mr. Krol: Yes

Mr. Krol: Jason are you satisfied with that?

Mr. Talerman: Yes, we're going to be getting more data and more data is good. I'd like to also put something in your to do list. That is to see in one of the next couple of meetings we can get an update of where we stand with water capacity.

Mr. Kahn: I've asked the engineers to process that forward, everything we have discussed in the past and we put into process. It's just we haven't been able to do it yet especially during the holidays, it's just been a short time.

Mr. Talerman: Obviously the answers to those questions are probably going to be best answered by the Water District so if your engineers can get a hold of the Water District and see what they can get out of it that would be great.

Mr. Kahn: We will come with documentation, everything and deal with those issues. Water is an important part of the project.

Mr. Krol: Okay, I just wanted to raise that knowing that it wasn't part of the traffic study but I wanted to bring that to your attention.

Mr. Kahn: I've been curious for a couple hours why it was on the agenda. I'm glad I understand now.

Mr. Krol discussed a date for the continuance of the hearing it was agreed that the hearing date would be March 20, 2007, 7:00pm at the Sunderland Elementary School.

Mr. Krol discussed topics for the next agenda; an update on traffic and the Chair will determine other items as work progresses and is ready to be presented by the consultants.

Hearing adjourned at 9:25pm.