

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



**Meeting Minutes**

**Tuesday, June 7, 2022**

**Planning Board (Acting) Chair:** James Zarvis

**Planning Board Members:**

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

**Absent:** Jesse Belcher-Timme

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

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

**Assistant Planner:** Eli Bloch

**Guests:** *Hybrid meeting had in person and remote participants*

1. **Call to Order: 6:00pm JZ**
2. **Public Speak:**
  - None
3. **Planning Board Minutes:**
4. **Other Business:**
5. **Special Permit: (continued from 5/17/2022, 3/15/2022, 3/1/2022, 1/18/22, 12/18/21, 10/19/2021 and 8/17/2021) Eric Berzins** – seeking to amend a 2017 Special Permit under Section 12.7 of the Easthampton Zoning Ordinance to expand operations at Fort Hill Brewery. Property is located at 30 Fort Hill Road (Map 131, Lot 23.1) in the Industrial (I) zoning district.

Attorney Peter Lane (AL) was present in person representing the applicant. He explained that Herbert Singleton of Cross-Spectrum acoustics was in transit and requested to address issues other than sound first.

AL presented an updated stormwater plan and calculations done by engineer Gary Swanson which he updated to address the concerns of city engineer Dan Murphy. The stormwater retention basin was increased in size to accommodate increased rainfall projections due to climate change and would now be large enough to absorb enough water from a 100-year storm. AL stated that the City Engineer had seen the updated plans and found that his concerns were resolved.

AL presented plans for expanded parking and the area for storage containers. AL clarified that no containers would be more than double stacked. Robert Berzins (RB) the father of the applicant explained that the brewery has been required to order 6-9 months' worth of cans at one time per the minimum order size of the can manufacturers. He stated that they would not like to have as many containers as they do but that it is an exigency that unfortunately they have to deal with. JZ mentioned that this was consistent with what the applicant had stated previously and he had no problem with the number of containers. JB suggests a condition that includes securing them pursuant to any relevant codes.

AL presented the photometric plan created by Jeff Squire of Berkshire Design Group. The lighting plan included four posts in the parking area each being 15' high with two lamps with blinders. AL explained that this should illuminate the entire parking area but the blinders would prevent glare into neighboring properties. JZ and CC noted that the plans show the light stopping in the middle of the parking and only covering half the parking spots. DH clarified that the red area only showed a certain measure of light. JB asked about hours of illumination for the site. RB replied that staff parking is in a different area and that area was mostly used when there were a large number of patrons at the brewery essentially Friday and Saturday nights. He also stated that they did not want to give firm hours for lighting but assured the board they did want to minimize the amount of light that they use to avoid electricity costs and environmental pollution. The board deliberated about whether or not to put a condition on the hours of lighting and ultimately decided not to mostly due to the fact that other businesses do not have limited hours for lighting. All members of the board agreed with this.

AL asked if the Board had any comments on snow removal. The Board had none.

AL presented plans for sound mitigation measures including a band shell with sound dampening materials, orientation of speakers towards the brewery, insulating the brewery with sound dampening materials. He explained that these measures should reduce sound by 20 dB on Clapp street per the modeling of Mr. Singleton.

AL explained the inherent conflict of being in an Industrial zone neighboring a residential zone. AL stated that his client was motivated to reduce sound but could not be held to a standard that did not exist in Easthampton because there is no sound ordinance. He stated that his client is prepared to spend tens of thousands of dollars on the sound mitigation measures recommended by Mr. Singleton to accommodate neighbors.

AL summarized his recollection of the site visit and stated that the sound was barely perceptible at neighboring residences despite it being very loud at the brewery itself. He acknowledged that the type of music being only a solo artist playing guitar and harmonica was not necessarily representative of all groups playing at Fort Hill Brewery. He also stated that his client was committed to increasing vigilance of bands playing too loudly including by controlling the sound equipment.

JZ summarized the site visit to put public comment on record including that many residents complained that the music was not representative of typical performances. EB also added that someone had asked about the effect of foliage on how sound travels.

HS provided the following information:

- High frequency sounds such as violin or vocals would be blocked more by the band shell than low frequency such as drums or bass.
- Generally, at least 100 feet of dense foliage would be needed to significantly block sound.
- The wind was traveling towards Clapp Street during the site visit and that would have somewhat amplified the sound there.

JZ asked about the seasonality of live music. RB stated that outdoor music was a function of whether and could potentially go late into the fall if it was warm.

The board deliberated about how they perceived the sound on the site visit. Members of the board agreed that it was not loud during the site visit despite the fact that the music was very loud when observed at Fort Hill Brewery. Members of the board expressed some confusion that what they experienced was so different than resident testimony and videos of music in the past. The members of the Board all agreed that the level of music they heard would be okay and were hopeful that the noise mitigation measures and increased vigilance could keep noise at that level.

Public Speak:

Laura Fisher of 61 Clapp Street stated that the demonstration was not a promise that sound levels would stay at that level and that it was in no way representative of music she hears regularly. She stated that she was concerned that the proposed sound mitigation measures would not ameliorate the issue and that it was not accurate that the vast majority of performances were one or two artists with acoustic instruments as had been stated by the applicant. She stated that she was happy to hear that the proposal would ameliorate a lot of higher frequency sounds but was uncomfortable with the fact that the proposed measures would worsen the noise on Fort Street and that Fort Hill Brewery had strayed far from its original permit as a brewery it is now more of an outdoor performance venue and a bar. She also stated that the concept of nuisance predates the concept of a noise ordinance and thus the City did not need to have a noise ordinance to consider this to be an issue. She also stated that neither AL or RB are at Fort Hill Brewery regularly to control the noise.

Mellisa Knybel of 17 Fort Hill Road agreed that the music at the demonstration was not representative of the music they hear and if those were the levels played regularly it would not be an issue. She stated that Fort Hill Brewery was hostile to neighbors' complaints when they ask for the volume of music to be lower. She also stated that the applicant filled in a public swale along Fort Hill Road when they were taking down the bike mounds.

Rosanna Hayden – 19 Fort Hill Road stated her appreciation for Fort Hill Brewery leveling the mounds. She stated that she was concerned that the noise mitigation plan was too narrowly focused and did not focus enough on the distortion, reverberation, or echoing of sound by

bouncing sound off of the building. She stated that brewery should invest in sound engineering and managing the sound on a real level.

RB responded to previous comments by providing context for the location of Fort Hill Brewery specifically mentioning that this part of the City is particularly quiet with little development and is only noisy at certain times when the sound of route 91 is amplified. RB stated that the interest of the Brewery and residents are more parallel than they would think due to the fact that the patrons of the Brewery tend to be older and the issue is more that certain musicians play louder than they would like. He stated that he intends to empower and direct the staff to reduce the volume of music being played which he believed would be good for business. He also stated that Fort Hill Brewery has sacrificed a lot to reduce nuisance on neighbors by keeping activity to the back of the parcel where Mt. Tom is not visible.

JZ followed up with the concern that loud music was often occurring indoors and asked RB if they would apply the same attentiveness to indoor music. RB said he is even more motivated to encourage sociable levels of sound indoors at Fort Hill Brewery.

John Hayden of 19 Fort Hill Road stated that because noise mitigation measures would not reduce noise on Fort Hill Road he would like to see guidelines for managing sound rather than just a discussion at the meeting.

AL asked Mr. Singleton to address the issues brought up by the residents and board members. Mr. Singleton stated the following:

- The model they used was called “sound plan” and factors in reverberations, reflections, and refraction.
- They recommended adding a material such as sound seal to the brewery building to mitigate this issue of reverberation.
- Distortion makes things sound louder and thus if the sound system creates more distortion it would allow musicians to play at a lower level.
- Horn sounds will be dramatically reduced by the band shed.

The Board deliberated about the findings and conditions in the decision:

- The Board discussed whether or not the allowed hours should be from 3-7 PM or 2-8 PM as stated in the previous special permit. RB stated that in practice music happened between 3-7 but they would like the option to go from 2-8 PM. The Board ultimately decided that 2-8 PM would be allowed.
- The Board discussed the language of the condition related to the sound mitigation and if the Planning Board should review designs at a public meeting. The Board felt that it was unnecessary to review the plans at a public meeting and decided that the plans would be submitted to the Planning Department and that the Planning Department would decide if the plans differed enough from expectations that they warranted review by the Board.
- The Board discussed if larger bands should be allowed to play before the sound mitigation measures were in place. RB requested that they be allowed to have larger bands due to the fact that some were already scheduled but offered to limit volumes.

Ultimately it was decided that solo artists or acoustic groups with or without amplification would be allowed.

- The board, applicant, and JB discussed how long it would take to receive permits and build the shed. RB specified he knew an architect and could have the design work done quickly.
- JB stated the need to add language in that made it clear that this permit would not supersede any future noise ordinances. The Board agreed that this was important.
- DH suggested that Thursday and Sunday be permanently limited to solo or acoustic musicians. RB stated that this was often the case but it would not work for a number of reasons including the fact that Thursdays are often times a testing ground for the weekends. The Board discussed doing this then on just Sundays, but ultimately decided against putting in a condition for this.
- JB suggested putting the language about the special permit not superseding a future noise ordinance into the first finding related to conformance with provisions of the City Ordinances.
- The Board reviewed findings b. and c. and pointed out minor concerns with language.
- The Board discussed finding c. and HS pointed out that the applicant did not install reflectors at the entrance as they were required by the previous Special Permit. The Board realized a separate condition was already written to require compliance with previous special permits.
- The board discussed finding d) which needed to be updated to reflect the revised stormwater plans which increased the size of the retention basin such that it would no longer surcharge into the parking lot in the event of a 100-year storm.
- The board reviewed findings g., h., i., k, and l. and suggested no changes.

The Board discussed conditions:

- JB explained the reasoning behind condition 1a. both Board members and AL agreed it was reasonable.
- The Board pointed out a discrepancy between the numbers of parking spot in condition 1b. and the findings.
- The Board clarified language for condition 1c. and added language that stacked containers are secured pursuant to any building codes or any other regulations.
- The Board discussed condition 2b. and debated whether to allow additional special events. DH mentioned that other breweries had far more special events, JB mentioned that the zoning and location made other breweries more amenable to hosting events. Ultimately the Board decided to allow four special events per year rather than two.
- Eric Berzins the applicant called in to express concern about the liquor licensing committee requiring a \$100 permit for live music. JB stated that his understanding is that is true but would only require one permit annually not for each event. JZ specified the Planning Board had no say over this.
- The Board reviewed conditions 4,5, and 6 with no additional comments.

JB addressed the concern that Eric Berzins had and stated that if there is in the future a discrepancy between what is allowed in the special permit and any other city ordinance the applicant can come before the Board to discuss the issue at a public meeting.

*CC made a motion to approve the special permit with the conditions discussed. KL seconded. All voted in favor.*

JB discussed the timeline of next steps and stated that there is a 20-day appeal period as there is for any special permit. HS asked about how long the applicant had to begin complying with the special permit.

*CC made a motion to adjourn the meeting, DH seconded, all voted in favor and the meeting adjourned at 8:29 PM.*