

PLANNING BOARD

DATE: March 25, 2021

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting/Public Hearing

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;

Pedro Pachano

Garfield Reed, Associate Member

Chris Rembold, Assistant Town Manager/Director of Planning and Development

Ms. Nelson called the meeting to order at 6:00 P.M. She read the opening statement from the agenda and announced that the meeting is being recorded.

Ms. Nelson called for a roll call of those present:

Mr. Fick, present; Mr. Hankin, present; Mr. Pachano, present; Mr. Higa, present; Ms. Nelson, present

Mr. Reed had not yet joined the meeting.

MINUTES: MARCH 11, 2021

Mr. Hankin made a motion to approve the minutes as amended, Mr. Fick seconded.

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

PUBLIC HEARING FOR ZONING AMENDMENTS:

Mr. Hankin made a motion to open the zoning public hearing, Mr. Fick, second.

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

The public hearing was opened at 6:02 P.M.

Mr. Reed joined the meeting at 6:03 P.M.

Mr. Rembold summarized the public hearing reading from the memo, *Planning Board Town of Great Barrington Public Hearing March 25, 2021*.

Mr. Rembold said there are 17 people in attendance.

Ms. Nelson said she would like the petitioners for the Citizen Petitions to give a brief explanation of the proposed bylaw amendment.

The first petition for the amendment of 7.18 to regulate marijuana establishments was presented by Michelle Loubert from 70 Division Street.

Ms. Loubert said the submitted petition is the work of a group of people. The petition to amend 7.18 was presented at the March 2020 public hearing. She said the language has been slightly amended from that hearing. She said the article was not allowed to be presented at the Annual Town Meetings held last year.

Ms. Loubert said many adjacent towns are working to create marijuana bylaws. She said the intent is for 7.18 to align with the Town's Master Plan. She said the revised language would protect neighborhoods from odor, glare, noise and other impacts associated with the commercial marijuana activity. She said the Planning Board reduced the setback distance from schools, playground and other areas where children congregate from 500 feet to 200 feet as was part of the State bylaw.

Ms. Loubert commented that one Planning Board member wrote a letter to the Town of Egremont in opposition of a proposed project.

Ms. Loubert said the revised 7.18 will protect neighborhoods by not allowing outdoor commercial cultivation within 200 feet of a property line and no residential cultivation within 50 feet of a property line. She said, don't all residents get to enjoy their property, the Master Plan says so.

Ms. Nelson asked if there were comments from the public.

Denise Forbes, 325 North Plain Road, said she agrees with the amendment and she wants to see it go through.

Trevor Forbes, 325 North Plain Road, said he supports the amendment. He said given the letter sent to Egremont he hopes there will be support for the amendment.

Terese Gasparro Hobart, 325 North Plain Road, said she supports the amendment.

Larissa Yapple, 15 Castle Hill Avenue, requested the Board to positively recommend for the amendment at the Annual Town Meeting. She encouraged the citizens to vote for the amendment.

Anna Stanton, 69 Division Street said she supports the amendment.

Michael Kernan, 12 Manville Street, said marijuana cultivation does not belong in residential areas. He asked the Board to do all they can to protect residential districts.

Mr. Rembold said there is a written comment from Susan Lord, 203 Highland Street, saying she supports the amendment. Mr. Rembold read the letter into the record.

There were no other comments from the public. Ms. Nelson asked if there were comments from the Board.

Mr. Reed said he is fully behind and endorses the petition. He said the Planning Board needs to learn the word no. He said we need to push forward to bring things back the way they should be.

Mr. Fick said 7.18.5 says there won't be any marijuana where it will create a nuisance to abutters. He asked what a "nuisance" is and what makes an "abutter".

Ms. Loubert said she looked at bylaws from other communities and there is a lot of vagueness. She said there are a lot of places in the bylaws that are vague with no explanation. She said there is no definition of nuisance in the bylaws.

Mr. Fick asked how many abutters have to be impacted. He said if one abutter is impacted does it invalidate the use.

Ms. Loubert said the applicant would have to go before the SPGA.

Mr. Fick said the use won't be allowed if it creates a nuisance.

Ms. Loubert said yes.

Mr. Fick said this amended bylaw would prohibit marijuana not limit it. He said 500 feet from any facility where children congregate could include a home.

Ms. Loubert said the Cannabis Control Commission explains. She said a residence is not a facility. She said if you look at the CCC regulations it will provide the details. She said a bus stop is not considered in the 500 feet setback because a bus stop can change from year to year.

Ms. Nelson asked Ms. Loubert if she had looked at what areas would be left for marijuana use.

Ms. Loubert said she has a full time job in addition to spending time doing things for the Town of Great Barrington. She said she doesn't have the time or the means to figure out where

marijuana would be allowed. She said that the Board adopted the 200 foot setback so marijuana could be allowed in Great Barrington. She said Kate Burke said that at a Selectboard meeting.

Mr. Fick said there was no effort to see if there would be areas available.

Ms. Loubert said the Planning Board is wrong to put a citizen on the spot.

Mr. Fick apologized.

Ms. Nelson said the question was not intended to be inflammatory. She explained that the Planning Board went through the exercise prior to putting the bylaw into place.

Ms. Loubert said the Board didn't do it in reverse, to see what areas would be impacted.

Ms. Nelson said the Board did.

Mr. Pachano said he looked at the areas where marijuana could be allowed if the amendment is adopted. He said it would be allowed in a small area near Theory Wellness and two or three blocks on South Main Street. He said those would be the only areas in Town. He said the amendment would still allow for a marijuana use on VanDeusenville Road.

Ms. Loubert said the amendment is not specific to an area, it is Town wide. She said she hopes the Planning Board doesn't construct bylaws to a specific area. This isn't intended for a specific area. She said it wouldn't shut down anything existing.

Mr. Forbes said he endorses the comments made by Ms. Loubert. He said the special permit process remains and they can grandfather what has already been allowed. He said the amendment is not intended to prohibit dispensaries.. He said the guidelines are in line with the CCC guideline and many other towns have adopted these guidelines.

Ed Abrahams, Selectboard member, said there is a dance school across the street from Theory Wellness. He said that would zone Theory out of business. He said it would have to be voted out with a ballot as it was voted in.

Mr. Pachano said how do we define nuisance odor and noise. He said there is a noise ordinance in Town so a noise complaint would be evaluated according to that ordinance.

Mr. Higa said he was opposed to the legalization of marijuana. He said he was very vocal at the time. He said now we are backtracking to not allow the use in Town. He said no one wanted to

pursue it before but now it will be pursued with zoning. He said he doesn't like using zoning to not allow a business.

Ms. Nelson asked 7.18.5 8 and 9 how was the setback for outdoor cultivation developed?

Ms. Loubert said out of the Fulcrum project. She said there is one home directly across the street. She said 200 feet is a safe measurement from the residence.

Ms. Nelson asked about home cultivation.

Ms. Loubert said general cultivation would have a 50 foot setback so that was left for residential. She said she didn't think home cultivation should fall under the 200 foot setback.

Mr. Forbes said for clarification a lot of people in Great Barrington want to cultivate at their homes. Lots are different sizes and shapes. This proposal would still allow them to cultivate.

Ms. Nelson said there are many areas where the 50 foot setbacks could not be achieved. She said it is a big exclusionary statement that is problematic for me.

Mr. Hankin said Ms. Loubert indicted me for writing a letter to Egremont. The proposed use in Egremont was proposed in a residential zone at the end of a cul-de-sac. The facility was proposed to be a 135,000 square feet full time growing facility. He said that would be larger than all of the Big Y plaza. He said his objection was that it was at the end of a residential subdivision. He said the proposed use would employ 70 employees. He said Fulcrum would have employed 4 employees.

Mr. Hankin said the proposed amendment would not allow a marijuana establishment in a residential zone. He said the physical requirements would be impossible to enforce and very subjective. He said this is an emotional issue that is not enforceable. He said 200 feet from the property line would rule out Fulcrum. No one has brought up that Fulcrum was proposed in an Industrial zone. He said a 50 foot setback for home cultivation would exclude most lots even in the R-1-A zone as many of those lots are only 100 feet wide so grow would not be allowed on a conforming lot. He said it doesn't make sense.

Mr. Reed said he wants to speak to the morality. He said Theory did a fine job but they are not in downtown. He said he is not saying we don't want to put in other establishments but somewhere like the location of Theory.

Mr. Fick said we just said Theory wouldn't be allowed.

Ms. Nelson said if this is a question of morality this is not the place for the discussion.

Mr. Higa said there was a statement that this is not about cultivation but effectively it is.

Mr. Fick said #4 says no odors detected. He said he assumes that means at the exterior of the building. He said that is extreme. The proposal would not allow the use on a 50 acre property. He said he is opposed because it is a back door way to prohibit the use. He said the language goes far beyond the CCC regulations. He said if the proposal is approved at the Annual Town Meeting he will be ok with it but it needs to be voted on. He said the proposal is a prohibition.

Mr. Hankin said four stores are open and there are two others with Host Community Agreements. He asked if those two would be protected by a Host Community Agreement and filing with the CCC or only if they file for a building permit.

Mr. Rembold said they would only be protected when the building permit has been issued.

Mr. Hankin said people who have spent upwards of 1 million dollars would be prohibited to proceed. He said the physical issues only apply to Fulcrum. No other sites/dispensaries are having issues. The proposal is about Fulcrum but it will apply to all.

Ms. Loubert responded that Mr. Hankin is bitter over Fulcrum. She said she spoke to a lot of people in other towns. This is not about Fulcrum. She said the language for the proposal comes from bylaws in other communities. She said this is not about residential zones but about residential areas. She said with Mr. Hankin size matters. She said we have a right to enjoy our properties. She said the proposal will go to the Annual Town Meeting and hopefully we will have the ability to present it. She said she sat for hours going over bylaws and constantly reviewing and amending to be a fair group of citizens.

Mr. Forbes said he has an issue with the way this is being discussed. He said the reasons for the bylaws is to control odors and noise. He asked if PB response has to do with them going against the Master Plan.

Ms. Nelson said she would appreciate not having comments made about other people.

Ms. Forbes said if there are seven stores, great. The bylaw is intended to keep cultivation out of peoples back yards.

Ms. Nelson said when the Board worked on the original bylaw the 500 foot setback was considered for applicability to our Town. The setback was reduced to 200 feet during that original process. She said this process will run its course. She thanked the citizens for presenting the petition. She said there is a special permit process in place that allows the boards the opportunity to to ask for more information.

Mr. Reed asked why we need seven marijuana stores but we can't have a big box store. The proposed store on Railroad Street will exacerbate the existing parking problem.

Ms. Nelson said we are not going to mix in parking issues.

Mr. Reed said he has a right to his opinion.

Mr. Higa said that in the Table of Uses retail use is on a different line. The buffer doesn't have to be for all three uses.

Ms. Nelson said any amendments have to take place on Town Meeting floor. She said she wants people to understand that Town Meeting floor is the place to amend the petition.

Doug Stephenson from North Plain Road said Mr. Hankin has it in his mind that this is a fight against Fulcrum.

Ms. Nelson said she would only take comments about the amendment not about Board members.

Mr. Stephenson said there are multiple people in multiple states with multiple years of experience. He said research shows that 200 feet is not enough for a setback. He said not everybody can be wrong. Everyone says a 500 foot setback is the right number but Great Barrington says 200 feet is the number. He said the Board needs to get over their pride of authorship and listen to the people who have been through this and learn from other people's mistakes.

Ms. Nelson asked if there were further comments. There were none so she moved to petition #2 for marijuana manufacturing in the I-2 zone. No one present to discuss so she said the item would be returned to.

Ms. Nelson said item #3 for a change to the MXD zone.

Michael Kernan from 12 Mahaiwe Street was present to discuss the proposed amendment. He said the amendment was submitted to the ATM in 2020 but it was voted against. He asked the

Planning Board to resubmit the language for the overturned bylaw. He said the proposal was rejected in 2020 because of complex legal language that was difficult to read and probably drafted by an expert. He said the amendment is being resubmitted because the R-3 zone is the best residential zone for the Mahaiwe Triangle that includes Mahaiwe Street, Pope Street and Manville Street. He said he wants to stop expansion of the MXD in those areas. He said a contractor's yard was recently granted a special permit on Mahaiwe Street which is questionable because this petition was originally published in March of 2020. He said the proposal separates the residential use from the commercial use. He said the request is to remove Mahaiwe Street, Pope Street and Manville Street from the MXD.

Ms. Nelson asked if the language has changed from what was prepared for last year's ATM.

Mr. Kernan said no.

Ms. Nelson asked if there were any comments from the public.

Ms. Loubert asked if this proposal was already approved by voters

Mr. Kernan said no.

Barbara Matz, 22 Mahaiwe Street, said she supports the proposal. She said she hasn't had to question projects in the neighborhood. She said the Master Plan recommends preserving the residential open space. She said the MXD has opened a Pandora's Box of changes. She said the neighborhood is changed. She asked that the Board to pull back the MXD and change the zone to R-3 to provide balance and honor the Master Plan.

There were no other comments from the public. Ms. Nelson asked for comments from the Board.

Mr. Higa said he is concerned about changing to R-3 because the Table of Use doesn't allow for mixed use. He said it created concerns about 3-8 unit multi-family uses being subject to special permit. He said his main concern is changing the streets to R-3.

Mr. Fick said he didn't have any comments.

Mr. Hankin said it is a bad idea to make the change because it is not in keeping with the development and what exists now.

Mr. Pachano said the neighbors have a complaint with mixed use but it is already dotted throughout the streets. He said prior to his joining the Board they determined that mixed use was already there.

Ms. Nelson said the Board did a lot of research walking the area and determined that the area lent itself to the mixed use designation.

Mr. Kernan said Ward's Nursery is not part of the proposal. He said Pope Street, Mahaiwe Street and Manville Street are residential. He said there are 14 residential properties on Maple Avenue. He said Mahaiwe Street has Construct and the contractor's yard the rest is residential. The lawyer's office is grandfathered. He said keep the commercial uses out of the residential areas. We are bordered by commercial not mixed use.

Ms. Matz asked what kind of multi-family housing is allowed in the R-3 zone.

Mr. Pachano said multi-family with 8 units is allowed more are allowed with a special permit.

Ms. Nelson asked if there were any other comments. There were none. She said the next article to discuss is the B-3 amendment proposed by the Planning Board.

Mr. Rembold provided a summary of the amendment. He said the Planning Board began discussing the B-3 zone in the summer of 2020. The zone included the downtown area, Bridge Street east of School Street, the former New England Log Homes site, Humphrey, Church Street and the west side of River Street. He said the zone was previously industrial before it was changed to the B-3 in an effort to stimulate development of the two large lots, New England Log Homes and Searles School. He said the zoning was well intentioned but it hasn't been used for its intended purpose.

Mr. Rembold said there are onerous parking requirements wrapped into a special permit process. The lots on Church Street and School Street are not large enough to accomplish the goal of the B-3 zone. He said the site of the laundromat was proposed to be torn down for a parking lot use that prompted the Board to go through a process to determine what could go on that lot. It was determined that only 5-6 housing units could go on the lot. He said the B-3 zone is so restrictive that it cancels redevelopment of the lot. He said now, 15 years after the zone was put in place, the New England Log Homes site and the Searles School site have moved forward not because of the B-3 zone but despite it.

The Board went through the the redline version of the bylaw as discussed and agreed to forward to the Selectboard for referral back to the Planning Board for a public hearing. Mr. Rembold shared his screen with the redline version previously discussed summarizing the revisions.

Ms. Nelson asked if there were questions from the public.

Eve Shatz, 4 Pleasant Court, said she appreciates the finer aspects of the proposed changes. She said please keep in mind that Church Street and parts of Bridge Street are historic and racially diverse. She said River Street, Pleasant Street and Pleasant Court have 10,000 square foot buildings that don't require special permits. She said buildings can be destroyed, lots combined and warehouses could go in. She said something like that could be devastating to the character and lifestyle of School Street and Church Street. She said the streets are very narrow. Two cars can't pass if there is parking on the road. She said the proposal becomes difficult when the changes on Bridge Street encroach on established neighborhoods of the community. She said if the Searles property isn't built with a hotel it could be razed and a 10,000 square foot alternative building erected. She asked the Board to consider if an improvement like that is better than what exists especially if it changes the entire look of Great Barrington's downtown. She said people came here because of the look of the downtown. She said B-3 is a residential area please consider this perspective.

Mr. Kernan asked what the density requirement is.

Mr. Rembold said there is no density requirement.

Mr. Kernan said the B-3 zone is similar to the MXD. He said he would urge a vote against it for that reason.

Ms. Nelson said the area is challenging space. She said the redevelopment between 2007 and now has been subject to SPR.

Mr. Rembold said right now all development over 10,000 square feet is reviewed by SPR. Over 20,000 square feet is by special permit. He said the language could be removed and allow the Table of Use to govern.

Mr. Pachano said Mr. Kernan is correct there is no density for the MXD but there are density restrictions for multi-family.

Mr. Higa said a lot of discussion of the Church Street area where there are 2 residential uses and professional offices. School Street has business uses. Bridge Street is mixed use. He said the character is currently mixed use. We are not introducing anything new. He said the bylaws

don't prevent people from tearing down buildings and combining lots. He said zoning needs to be open enough for redevelopment. If zoning is too narrow we won't get Searles and if nothing happens at the Searles site it could become a danger to the public. If zoning is too restrictive there is no development.

Mr. Fick said he is opposed to the 1 parking space requirement because it is way below the standard of parking requirements. He said providing for more housing can't create a parking issue for the Town. Parking on the streets outside of Bridge Street would create a parking problem. He said he is strongly opposed otherwise it is a good bylaw. He said he would oppose it at the ATM with the parking as proposed.

Ms. Nelson said it was one parking space. She said we stayed with the same.

Mr. Fick said that is correct but 1.5 parking spaces would be about right but still a conservative number.

Mr. Pachano said we can create zoning that is too punitive for development which is what we have. He said the proposal tries to eliminate aspects of the zone that make it punitive. If there was a fire in a house only a single family house could be built back. The goal is to allow options to build more. He said we are not trying to change the neighborhood but make it viable. The zone would make redevelopment for the current homeowners to create more units in the existing neighborhood.

Mr. Pachano asked about the commercial amusement use that is allowed. He questioned why we would want a circus or fairground in the zone.

Ms. Shatz said the B-3 encouraged Searles and Jane Iredale's renovation. She said a 10,000 square foot building leaves the door open for large redevelopment. What is being proposed to protect the area? The laundromat had multiple rentals. There is a potential for changes that will dramatically change the character of the neighborhood. She said it is not what we imagine but how a developer will look at it.

Ms. Nelson said she appreciated how much Ms. Shatz has looked at the bylaw. She asked if there is a specific example.

Ms. Shatz said the 10,000 square feet is excessive as is a circus or fairground.

Mr. Rembold said currently the B-3 requires site plan review of any building 10,000 square feet or larger. The amendment provides site plan review of everything.

Mr. Pachano said a developer will look at lot coverage and setbacks to see how big a development can be. He said we are trying to take away some of the restrictions. He said lots are a certain size, there needs to be room for parking and open space. The open space requirement will be eliminated to allow for a little bigger building but the lot coverage dictates what could be built in the B-3 zone. The 75% lot coverage currently allowed doesn't change we are just taking away the open space requirement.

Mr. Nelson said the area is too small to be developed with open space.

Ms. Shatz asked what proposals the Board anticipates.

Mr. Fick said currently there are no new uses allowed. The commercial uses were already there.

Ms. Shatz asked if there would be hotels and motels.

Ms. Nelson said that is existing.

Ms. Shatz said it is sad indeed to think of downtown becoming hotels and motels.

Mr. Pachano said the intent is to develop more housing. Wouldn't it be better to have more people?

Ms. Shatz said yes but it is open to interpretation. She said more work and review needs to be done.

There were no additional comments. Ms. Nelson asked if anyone was present to discuss item #2.

Michael Gilmore was present. He said the proposal is to change the Table of Use from NO to SP for marijuana establishment or manufacturing in the I-2 zone.

Ms. Nelson asked if there were any questions from the public. There were none. She asked if there were questions from the Board.

Mr. Hankin said he wanted to clarify that the I-2 zone was formerly an I zone. The I-2 zone was created to allow for housing to be developed.

Ms. Nelson said we are not rezoning or changing the uses. The change is to allow the use by special permit.

Mr. Higa said it is for a manufacturing use.

Mr. Gilmore said yes

Mr. Reed asked if a small scale Fulcrum would be able to be created.

Mr. Rembold said the change is not for growing it is for manufactuating and processing only by special permit.

Mr. Reed said he is opposed.

Mr. Higa said marijuana establishment and manufacturing is not clear in the wording of the petition. He said maybe it can be changed on the Town Meeting Floor.

Mr. Hankin suggested striking “and”.

Mr. Rembold said the petitioner can make that change on the Town Meeting floor.

Having heard all comments, Mr. Hankin made a motion to close the public hearing, Mr. Higa seconded,

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

The public hearing was closed at 8:13 P.M.

The Board discussed item #1 to amend 7.18 regulating marijuana.

Mr. Higa made a motion to send a positive recommendation to the ATM. There was no second. The motion was withdrawn.

Mr. Higa made a motion to send a negative recommendation for the proposed bylaw to ATM, Mr. Hankin seconded.

Mr. Higa said he is not in favor of the proposal as written. He said he would vote no at the ATM but the vote could change depending on how it might be changed at ATM. He said he would more likely support the proposal if the three categories of marijuana uses were differentiated. He said said the bylaw should also be adjusted to show where the use would be acceptable and allowed.

Mr. Fick said the bylaw amendment would prohibit the use anywhere in Town. He said he would vote against it.

Mr. Hankin echoes Mr. Fick's comment.

Mr. Pachano said the amendment reads like a referendum on marijuana. He said he doesn't want to give a negative or positive comment.

Mr. Reed said he doesn't have a vote but he would stand behind a positive recommendation. He said money is money. It can work somewhere else.

Ms. Nelson called for a roll call vote on the motion for a negative recommendation.

Mr. Higa said Mr Pachano said it better. This doesn't belong in zoning.

Mr. Reed said it isn't a referendum. He said there is no problem selling it in Great Barrington but just in certain areas. He said he wouldn't be opposed to places on the outskirts like Theory.

Mr. Fick said the amendment doesn't say that. He said the amendment is poorly written.

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, abstain; Mr. Higa, aye; Ms. Nelson aye

Motion passes 4-1

Ms. Nelson asked for discussion of item #2.

Mr. Hankin made a motion to send a positive recommendation to the ATM, Mr. Fick seconded.

Mr. Reed said his decision is to throw up his hands.

Ms. Nelson said the petition does not authorize the use it allows for a special permit process that is a very arduous process. It is not SPR it would be by special permit.

Mr. Reed said in the last three years I have been on this Board there hasn't been much opposed.

Mr. Pachano pointed out that the Fulcrum special permit didn't happen. Allowing a citizen to submit a petition is allowing the Town democracy process to function.

Mr. Higa said the retail is on main routes. It would be better to have the manufacturing off the main routes. He said he has some concerns.

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, nay; Ms. Nelson, aye

Motion passes 4-1

Ms. Nelson asked for discussion of item#3.

Mr. Hankin made a motion to send a negative recommendation to the ATM, Mr. Fick seconded.

Mr. Higa said he wouldn't vote for it on the Town Meeting floor in its current form. He said he could change his vote if it were edited on the Town Meeting floor.

Mr. Nelson said she doesn't support primarily because it is counter to the Board's efforts to reduce the non-conformity and balance of the neighborhood to maintain the fabric. The MXD has been doing its job. The R-3 zoning is inconsistent with the neighborhood.

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

Motion passes 5-0

Ms. Nelson asked for discussion of the B-3 zoning amendment.

Mr. Rembold said the Board could amend the proposal before voting.

Mr. Fick said if a motion is made now the amendment would be part of that motion.

Ms. Nelson agreed. She said she can't remember why the changes were made.

Mr. Rembold said the Board discussed what uses would be allowed. He said the commercial amusements were granted to the fairgrounds and St. James Place. During the discussion process uses were narrowed down.

Mr. Hankin said the uses would be allowed by special permit. He said 100 Bridge Street is a six acre site he said he wouldn't want to rule out a possible use.

Mr. Rembold said there are two acres for riverfront park.

Mr. Pachano said he didn't think we want to encourage a commercial amusement use in an area where we want to promote housing.

Mr. Higa asked about having a definition.

Mr. Rembold said changing a definition is another discussion. He said fairgrounds are not in the mixed use by-right list.

Mr. Rembold said he was sorry as both the fairgrounds and St. James Place came under community centers.

Mr. Hankin said there is no need for fairgrounds. That use hasn't been used in 20 years.

Mr. Pachano said it would be best to be specific. He said why would we allow something we don't want?

Mr. Fick made a motion to change the bylaw Table of Use under commercial amusement from SB back to No, Mr. Higa seconded.

Mr. Fick said he charges the Board with looking at commercial amusements.

Roll call vote: Mr. Fick, aye; Mr. Hankin, nay; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

Motion passes 4-1

Ms. Nelson asked about the family day care use.

Mr. Higa made a motion to reflect under the Table of Use Item G #7 for the use in B-3 to be shown as Yes and not struck through, Mr. Fick seconded.

Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

Mr. Pachano said large scale commercial development # C 11.

Mr. Rembold said allowed by special permit, no change proposed.

Mr. Pachano said is this what we want to see in our downtown. He said he is not sure if there is space but in any case if someone bought enough lots it could be done.

Ms. Nelson said it was left in because the CoOp was going in to be an anchor at 100 Bridge Street. At the time it was amenable to the Board. The Board said let the special permit process play out.

Mr. Pachano said he doesn't like it.

Mr. Higa said he is concerned about a large scale building. The CoOp is 14,000 square feet.

Mr. Hankin said the first floor over the market is also 14,000 square feet wouldn't that be over.

Mr. Pachano said no because it is residential.

Mr. Hankin said the second floor is residential the first floor is retail.

Mr. Higa said the first floor is mostly unoccupied.

Mr. Pachano made a motion to strike out large scale commercial C 11, then make C 23 SB, Mr. Higa seconded.

Mr. Hankin said the change would make all commercial uses by special permit. He said it is a terrible idea.

Mr. Pachano withdrew his motion, Mr. Higa withdrew his second.

Mr. Pachano made a motion to change C 11 large scale commercial to No, Mr. Higa seconded.

Mr. Fick asked if it would be good to make the change in order to sell the amendment. He said large scale commercial development is scary.

Ms. Nelson said her only concern is we can get mixed use. She said she would rather use the special permit.

Mr. Pachano said not mixed use. He said why would we want anything bigger than that.

Roll call vote: Mr. Fick, aye; Mr. Hankin, nay; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

Motion passes 4-1

Mr. Pachano said green houses and garden centers are allowed by-right. He asked what are we trying to encourage. He said commercial green houses are different.

Ms. Nelson said what if I want a green house.

Mr. Pachano asked about viability in these areas.

Ms. Nelson said we are ruling out 100 Bridge Street.

Mr. Pachano asked if it could at least be changed to a special permit.

Ms. Nelson said we have been through this at least two times.

Mr. Pachano said he brought it up before. He said greenhouses need a heating plant.

Ms. Nelson said she is not inclined to support. Dolby Florist was there for years.

Mr. Pachano said he is concerned about a Ward's on a 4,000 square foot lot. He said it doesn't make sense.

Ms. Nelson said it has been there and hasn't been used.

Mr. Pachano asked why not make it by special permit.

Mr. Pachano made a motion to change C 5 and C 7 to special permit, Mr. Higa seconded.

Roll call vote: Mr. Fick, nay; Mr. Hankin, nay; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, nay

Motion fails 3-2

Ms. Nelson said Mr. Fick is concerned about parking being more aligned.

Mr. Fick said reducing the parking is overboard. He said he would hate to create a parking problem for residents. He said he would like to change the requirement from 1 parking space to 1.5.

Ms. Nelson said the intent of 9.4.5 was to simplify.

Mr. Fick said it doesn't simplify.

Mr. Rembold said in mixed use parking is allowed to be cut in half on the commercial side.

Mr. Fick said he would like to support this if the parking should change. He said he would like to have 4 A changed to 1.5 parking spaces.

Mr. Higa asked how this would impact small lots. He said we have had many discussions about walkability and downtown, some people don't have cars. He said he is not sure about the change.

Ms. Nelson said parking can be waived with a special permit.

Mr. Pachano said adding more parking spaces could make open space disappear.

Mr. Hankin said there is no parking requirement in the downtown B-district. This area is the most pedestrian friendly district near downtown. He said every time parking is added residential development is reduced.

Mr. Fick said he didn't think it is either or. He said you can't have housing without parking. He said he doesn't think housing is sacrificed for housing. One parking space is not sufficient.

Ms. Nelson said the requirement for one parking space has been in place since 2007. She asked if we have seen any problems or are we creating something that will potentially be a problem in the future.

Mr. Fick said there hasn't been any new housing in that area.

Mr. Pachano said the zoning failed because it was too onerous. There was too much open space required to put in parking spaces. The more spaces we make to park cars the more impact there is on the space for living. He said there hasn't been an issue since 2007. Our transportation planners have told us we need to rethink parking. Some communities have eliminated parking. He said he thinks it should be left alone. Don't fix what isn't broken.

Ms. Nelson said there is nothing to prohibit someone from creating more parking.

Mr. Fick said if 148 Maple Avenue had been permitted with one parking space requirement there would have been a problem.

Mr. Pachano encouraged people to look at Beach Tree commons on Silver Street. That development required 2 parking spaces per unit. There is plenty of parking that is never used.

Mr. Fick made a motion to amend 9.4.5 #2 and #4 from one parking space to 1.5 parking spaces and eliminate #3 all together, Mr. Higa seconded.

Mr. Pachano asked if the motion could be split.

Mr. Fick amended his motion removing the elimination of #3, Mr. Higa agreed.

Roll call vote: Mr. Fick, aye; Mr. Hankin, nay; Mr. Pachano, nay; Mr. Higa, aye; Ms. Nelson, nay

Motion failed 2-3

Mr. Hankin made a motion to send a positive recommendation for the B-3 zoning to the Annual Town Meeting, Mr. Pachano seconded.

Roll call vote: Mr. Fick, nay; Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Ms. Nelson, aye

Motion passed 4-1

TOWN PLANNER'S REPORT:

Mr. Rembold did not have a report.

BOARD & COMMITTEE UPDATES & CONCERNS:

Mr. Hankin asked Mr. Rembold about the software available for the field cards in the Assessors office. He said it is out of commission. He asked if Mr. Rembold could talk to someone to make them aware there is an issue and to find out what is wrong with the link.

Mr. Rembold said he would look into it.

Mr. Pachano said the housing group with BRPC said there is a housing inspector in Williamstown to see who is using their homes as short term rentals. Maybe something for Great Barrington to look into.

CITIZEN'S SPEAK:

Denise Forbes asked about the approved plans for 100 Bridge Street. She said the property should not be rented until the remediation is done. She said the Planning Board should be concerned.

Ms. Nelson said the Planning Board has no jurisdiction.

Ms. Forbes said for the 7.18 petition, how can the Board ask private citizens to determine where the business will go.

Ms. Loubert said the special permit process is expensive. She said the Planning Board is contradictory. Why risk allowing a use that you don't want. She said she is inspired by Ms. Shatz who is concerned about the character of her neighborhood. She said other areas don't get the same option. She said she is angry with the Board and their attitude toward the citizens.

Ms. Nelson said we are concerned about all citizens. The Board is doing what it thinks is best for the community. There have been a number of good suggestions. She said we are not able to amend your petition.

There were no other citizen comments. Ms. Nelson thanked everyone for hanging in for another long meeting. Having concluded its business, Ms. Nelson adjourned without objection at 9:36 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary