

PLANNING BOARD

DATE: January 25, 2018
TIME: 7:00 P.M.
PLACE: Great Barrington Fire Station
FOR: Regular Meeting
PRESENT: Brandee Nelson, Chair; Jonathan Hankin; Jack Musgrove; Jeremy Higa
Pedro Pachano, Associate Member
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:00 P.M. Mr. Higa had not yet arrived.

FORM A'S:

There were no Form A's presented.

MINUTES: JANUARY 11, 2018

Mr. Musgrove made a motion to approve the minutes of January 11, 2018 as amended, Mr. Hankin seconded, all in favor.

STATE ROAD ZONING AMENDMENTS:

Mr. Rembold thanked those present in the audience. He said the Planning Board has been working on the zoning for State Road for a few years in order to bring it up to the goals of the Master Plan. One of the primary goals is to fix the zoning that was imposed on the area in 1960. The zoning in 1960 didn't address the patterns in existence. The original zoning made some areas and some structures non-conforming. State Road is a high traffic strip suitable for retail but the current zoning discourages residences and mixed use.

The Planning Board in their pursuit to meet the goals of the Master Plan proposes to change the B-2 zoning designation, which is purely a business zone, and replace it with the B-2-X zone that will eliminate many of the non-conformities of some of the properties and encourage business, residential and mixed uses. Existing businesses and properties will not be adversely affected by the changes. Those existing properties will not be required to make changes that are part of the new zone.

Mr. Higa arrived at 7:04 P.M.

Mr. Rembold said Belcher Square businesses that are in the residential zone, under the proposed zoning, would be allowed as legal uses. There will no longer be lots split by a zoning line. Some lots that are currently zoned for business will be zoned residential-specifically the lots on Avery Lane and North Street. Some residential properties on Gilmore that are currently zoned for business will be rezoned residential. The goal is to keep business on the frontage of State Road and keep the neighborhoods residential.

Ms. Nelson said this is not a public hearing but the Board is interested in comments.

Ray Almori, owner of Plaza Package and the adjacent empty lot, asked about the zoning for the vacant lot. He said it is currently zoned for business.

Ms. Nelson said if the amendment passes the property would be zoned B-2-X. The goal is to reduce non-conforming features.

Mr. Musgrove said the zoning change would not impact the current Plaza Package building.

Mr. Almori said the parking requirements make it difficult to put in a new building or to expand the existing building. Currently the existing building requires 31 parking spaces.

Ms. Nelson said the parking requirements have been reworked. That amount of parking would not be required with the B-2-X zone.

Mr. Almori said many of the businesses along State Road have cars in and out. He added that getting a curb cut from the State can be difficult as they are very strict. He said parking is a big thing. He added that the more successful business we have in Town the better it is for everyone.

Ms. Nelson said the new zone would require half the number of parking spaces required by the current zoning. She said one parking space would be required for each dwelling unit.

Mr. Musgrove said if Mr. Almori were building his store today he would only be required to have 16 parking spaces.

Mr. Rembold added that if an applicant didn't think they would need the number of parking spaces required they could request a special permit for less.

Mr. Musgrove said the parking requirements are substantially reduced.

Mr. Almori said many people ask about putting a building on the vacant lot but the parking requirements make it too difficult.

Mr. Hankin asked if a building were put up on the vacant lot next to Mr. Almori's existing business with 31 parking spaces would the new building be able to use some of the existing parking.

Mr. Rembold said he thinks yes. Shared parking would be allowed. The new bylaw would not require the excess parking to be maintained.

A member of the audience asked if there would be an impact on the taxes for a residential property.

Mr. Rembold said he hadn't had a detailed discussion with the Assessor's office regarding impact on real estate taxes. He said the rezoning would not raise or lower taxes. Taxes are based on what is happening around your area. If rezoning creates more activity and makes the area more desirable, there could be a tax increase when the properties are reassessed.

Mr. Musgrove said making properties conforming will make it easier to make changes and improvements because a property owner would be able to get a building permit for a conforming property.

Another member of the audience said the hope is to improve the area.

Mr. Rembold said your area is zoned business but it has more of a residential character. The Board thinks the residential areas should be zoned residential.

The audience member said that takes away the possibility of having a business use on the property.

Mr. Rembold said a home occupation would be allowed.

The audience member said the zone will take away having businesses and residences together.

Mr. Rembold said some areas will be separate, but on State Road there can be a mix of the uses.

The audience member said the possibility of having a business should not be taken away. She didn't understand why it would be taken away.

Mr. Rembold explained that currently the house is non-conforming which is a detriment to her, the property owner. The goal is to have zoning reflect the character of the neighborhood.

The Board began discussion of three properties on the north side of State Road just before the bridge. The parcels are currently zoned residential. The discussion included having some of the properties on Avery Lane part of the rezoning. The zoning for the parcels would be changed to R-3 if the zoning were changed to the B-2-X the buildings could be mixed use, business or multi-family. The Board was leaning toward more flexibility for the parcels that front State Road and there would be no detriment to the current homeowners.

Mr. Rembold said the issue could be settled at this meeting or at the public hearing.

Mr. Almori said more business add to the traffic issues that exist.

Holly Hamer asked if a specific business on Hillside Avenue would still be zoned for business or would it be residential. She asked if the plan is thinking far enough ahead.

Mr. Rembold said the referenced business would be part of the B-2-X.

The Board returned to the discussion of the three parcels on State Road and Avery Lane. Mr. Hankin and Mr. Pachano agreed that the two lots on the east side of Avery Lane fronting State Road should be included in the B-2-X zone.

Mr. Rembold said Avery Lane is a very narrow street. It would be difficult to get in and out of if we encouraged business use on that street. He said the river, and its 200' Riverfront Area regulations, limits where something could be built.

Mr. Pachano said the properties fronting Avery Lane should be part of the B-2-X. The goal is to promote walkability.

Everyone was in agreement that no lot should be split with a zoning line. It was also agreed to include lot 19 on the east side of Avery Lane and to leave lot 0 and lot 1 out.

Mr. Pachano said he is willing to pass over making a multi-family 9 unit residential by right. He said the building code now allows for 70 square foot units so it is possible to have multi-family units in excess of nine.

Ms. Nelson said she understands what the Building Code says but she doesn't think it is practical. The parking requirements make it self-regulating.

Mr. Pachano asked why a special permit is required for the multi-family use. Requiring a special permit gives the perception that something can't be done.

Ms. Nelson said the comment is valid. Low density use to a high density use requires a special permit based on the impact that the higher density use might have on the neighborhood. It is a mechanism to manage the concerns of neighbors.

Mr. Pachano also had questions about how fast food is defined in the bylaw and fuel storage. He said if a gas station is in compliance it should be allowed to apply for a permit.

Mr. Rembold said at the last meeting the change was made to not allow fuel storage and sales. C-14 on the Table of Uses allows for an electric car charging station by special permit.

Mr. Higa asked why kennels are not allowed in some zones and other zones by special permit.

Mr. Rembold said there have been no changes to kennels. He said that discussion can take place at another time.

Mr. Hankin asked if they are necessary in the B-2-X zone.

Ms. Nelson said she thought it should be left as a special permit so each application can be evaluated on its own merit.

Mr. Pachano asked why a restaurant needs a special permit.

Mr. Rembold said there is a potential for a restaurant to have more than a moderate impact on a neighborhood therefore it should be left to the discretion of a special permit.

Mr. Pachano said it is costly for people to go through the special permit process.

Mr. Higa said if there are less than 16 seats they don't have to get a special permit.

Ms. Nelson asked if there was any further discussion on uses not previously discussed. There were none so the B-2-X discussion concluded.

Mr. Rembold handed out a draft of the Marijuana zoning bylaw. The handout is titled *PB draft Zoning Amendments 1/12/18 per changes @ PB meeting at 1/11/18*.

Mr. Rembold said he thought the cultivation element could be left out of the Table of Use. Only the retail use will be addressed.

Mr. Rembold said the manufacturing of cannabis products would be allowed in the Industrial zones, permitted in accordance with the appropriate use category. Discussion of cultivation in the text is confusing in the Use Table.

Mr. Hankin suggested clarifying cultivation by where it is allowed.

Holly Hamer said she is in favor of the marijuana bylaw. She wondered about having 10,000 square foot metal buildings going up in the R-2 and R-4 residential zones. Five acre lots in those zones need more direction in not impinging on neighbors.

Ms. Nelson asked Ms. Hamer if she is asking for different types of buffers.

Ms. Hamer said yes. There should be clear proof that the building would not be a detriment.

Ms. Nelson asked if Ms. Hamer wanted a special permit process for those areas instead of Site Plan Review.

Ms. Hamer said yes, or at least some additional oversight.

Mr. Musgrove said he thinks SPR is adequate. The people have voted to allow the use. Let it be allowed.

Mr. Rembold said if the Board is not confident that SPR is enough make it by special permit in the R-2 and R-4 zones. Start more conservatively. The language can be revisited.

Mr. Hankin said it is likely that a building would go on an existing farm. We want to be farm friendly. He said he does not want to put farmers through the special permit process.

Mr. Pachano said extensive security is required for the use. The potential impact of security lights might be the only concern.

Ms. Nelson said she is comfortable with SPR.

Mr. Abrahams asked about consumption on premises.

Mr. Musgrove said that issue has to go before a Town Meeting vote. We will have time to address it.

Attorney Kate McCormick asked if SPR is required for everything coming under this bylaw such as a change of requirements.

Mr. Rembold said waivers can be applied for.

Mr. Pachano asked if a marijuana retail store cannot be located within 200 feet of a school what happens if a school goes into a space on State Road and there is a retail store in place.

Mr. Hankin said we cannot regulate schools. The bylaw is specific to existing schools. If a new school wants to go in the existing store would be allowed to stay.

Mr. Rembold said schools can go anywhere as they are an exempt use.

Ms. Nelson said it would be determined by who was there first.

TOWN PLANNER'S REPORT:

Mr. Rembold said the next meeting will be at the Town Hall. The Board will discuss the Downtown side streets rezoning.

Mr. Rembold said the Supreme Judicial Court has ruled that towns have the ability to regulate aviation land uses. Towns do not need DOT approval.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

There were no updates, issues or concerns.

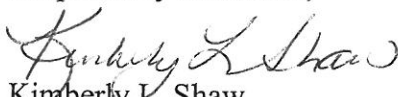
CITIZEN'S SPEAK TIME:

Mr. Abrahams asked if Section 7 of our bylaw regarding aviation still applies.

Mr. Rembold said yes it was left in.

Having concluded their business, Ms. Nelson adjourned without objection at 8:47 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary