

PLANNING BOARD

DATE: March 8, 2018
TIME: 6:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting/Public Hearing
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 6:00 P.M. Mr. Higa had not yet arrived.

FORM A'S:

There were no Form A's presented.

MINUTES: FEBRUARY 22, 2018

Mr. Hankin made a motion to approve the minutes of February 22, 2018, as amended, Mr. Musgrove seconded, all in favor.

PUBLIC HEARINGS: MARIJUANA BYLAW PROPOSAL & B2X BYLAW PROPOSALS:

Ms. Nelson read the public hearing notice. The notice was published in the Berkshire Record on February 16, 2018 and February 23, 2018. The notice was mailed to all abutters, the nine towns abutting Great Barrington, Berkshire Regional Planning Commission and the Department of Housing and Community and Development.

Mr. Higa arrived at 6:02 P.M.

Ms. Nelson announced that the public hearing was being recorded.

Mr. Musgrove made a motion to open the public hearing, Mr. Hankin seconded, all in favor. The public hearing was opened at 6:03P.M.

Ms. Nelson asked that anyone who wants to comment to please go to the podium and state their name and address.

Mr. Rembold went through a power point presentation titled *Planning Board 3/08/18*. The presentation went over the B2X zoning map for State Road. Mr. Rembold explained that the 2013 Master Plan addressed State Road as a transition zone for the Town. The proposed zoning would allow State Road to be the intended transition zone.

Mr. Rembold explained that a similar zoning was applied to South Main Street last year. State Road is a mixture of different size lots and frontage. Retail stores currently range in size from 5,000-8,000 square feet. The goal of the proposed zoning is to encourage mixed uses and multi-family uses, to maintain the fabric of the area and encourage walkability. The zoning for State Road was put in place in 1962. The proposal addresses what doesn't work on State Road and proposes to put into place something that works.

Mr. Hankin pointed out that many lots in the State Road area are split by the zoning line.

Mr. Rembold said the split zoning lines are very confusing to people. The proposal would create new zoning lines that would follow the property lines. He said some properties in East Street have been included in the new zone. The Planning Board accepted the proposal of a property owner to include that property. The map shows that property as part of the B2X zone. There is a property near Belcher Square that is still split by a zoning line and another at the end of Hillside Avenue that is a rock outcropping that has no possibility for development.

Ms. Nelson asked if anyone had any comments.

Leno Collari, 1 Avery Lane, said he would like to have his property zoned commercial because it would be worth more. He asked the Board to consider including his parcel in the new zone.

Holly Hamer, Seekonk Cross Road, said she is concerned about the property on Everett Street that abuts the property on the corner of East Street and Everett that has been included in the B2X. She said the property on Everett Street will have a different set of rules as it is in a different zone. She asked if spot zoning is being created.

Ms. Nelson said the Board has deliberated on the use characteristics, what currently exists and what we would like to see going forward.

Mr. Hankin said spot zoning would be isolating a parcel.

Mr. Musgrove said the property on Everett Street has the river behind it which limits what can happen on that property.

Ms. Nelson said it is always tricky when determining where to draw the line. She said 32 East Street and 1 Avery Lane were planned to be in the residential zone. The homeowner of 32 East Street convinced us to include that parcel in the B2X. We will consider the request of the property owner for 1 Avery Lane.

Ms. Hamer said the object appears to be to turn the area into windows on the street, retail on the street and to make the area walkable. She said reducing or eliminating front setbacks is worrisome. She said she is concerned that the lack of front yard area will discourage mixed use and retail.

Ms. Nelson said there are a variety of viewpoints about what people are willing to tolerate for mixed use. She pointed out that Main Street properties are right on the street.

Ms. Hamer said Main Street traffic moves more slowly.

Ms. Nelson said we hope reducing or eliminating the front yard will work as a calming measure for the street that will encourage the State to lower the speed limit.

Ms. Hamer asked if eliminating setbacks in the back and on the sides would allow people to build right up to the neighbor.

Ms. Nelson said yes.

Ms. Hamer said she has concerns about people being able to building right up to the neighbor.

Mr. Pachano said zero side setbacks are optional. People will be able to have more setbacks if they want them. The idea is to build a Main Street north. Build closer to the street and encourage a slower speed in the area.

Mr. Hankin said it is also an attempt to encourage additional affordable housing.

Ms. Hamer said she likes encouraging parking in the back and buildings on the street but it could be restrictive to people.

Ed Abrahams, 15 Pleasant Street, said the Table of Use allows 20,000 square feet of retail space.

Mr. Rembold said there is an existing Footnote 5 in the Table of Use. The text has not been provided for the public review. The Footnote limits the size of a retail store in a particular area.

Mr. Abrahams said the setback issue bothers him as well. He encouraged the Board to leave 1 Avery Lane out of the B2X and the property near the bike shop. He said he is very concerned about seeing one corrugated building after another, touching one another which would change the character of the neighborhood. He said it is a big concern for people who live there.

JB Broder, 2 Pine Street, said the owner of Plaza Package owns the adjacent empty lot. He is having a difficult time getting something on the property.

Mr. Hankin said the existing parking regulations are making it difficult for him to develop the property.

Sarah Steiner, 5 Hillside Avenue, said the proposed zoning is very desirable. She said she thinks 1 Avery Lane should be included.

There were no other comments.

Ms. Nelson went over the revised text with comments from Town Counsel titled *Version for 3/8/18 with Town Counsel's comments*.

Mr. Hankin went through the minor clarifications that he had offered.

Mr. Musgrove said the owner of Plaza Package spoke to the Board. Half of the parking that currently exists would not be required under the proposed zoning. We are trying to reduce the amount of parking in this area.

Mr. Abrahams asked if existing buildings would be able to reduce parking.

Mr. Hankin said yes.

Mr. Rembold said the number of parking spaces could be reduced.

Mr. Hankin said it was suggested to the owner of Plaza Package that he could use some of the existing parking for the adjacent lot.

Mr. Abrahams said he is reading a conflict in the Footnote and the Dimensional Requirements. He said #10 says the parking would be retained.

Mr. Rembold said the intention is to reduce the standards for existing and new properties.

Mr. Musgrove said the footnote was generated for the Downtown zone and it applies to the B-Zone. He said he does not think it applies to the B2X zone. It does not belong in the B2X zone.

There was discussion of Footnote 10.

Mr. Musgrove said the Footnote was created for the Downtown it should be struck from the B2X zone.

Mr. Hankin said the footnote does not make sense in the proposed zone.

Mr. Rembold said we have been dealing with setbacks not parking. The new zone deals with both.

Ms. Nelson said she thinks there is a typo in the current Schedule of Dimensional Requirements.

Mr. Musgrove said the reference to Footnote 10 should be deleted in both places in the Dimensional Requirements.

Ms. Nelson said the Board has had a number of hours of discussing the zero lot line question. In part, it was concluded that due to parking requirements and driveways the lot line issue would be self-limiting. One side yard or the other could have a zero lot line.

Mr. Hankin said or the neighbors could create a common right of way. He said we should keep the zero lot lines as discussed and proposed.

Mr. Rembold said Footnote 10 will be removed from the Dimensional Requirements for side and rear yards in the new B2X.

The Board went through the Table of Uses. The Board reviewed the Zoning Map.

Mr. Musgrove said he thinks both 1 Avery Lane and 32 East Street should be included in the B2X zone.

Mr. Hankin agreed that 1 Avery Lane should be included. He said traffic could be an issue for the site and because of the Housatonic River much of the site would not be able to be developed.

Mr. Rembold said there is a curb cut. Changing the use of the lot would require change of use approval by the State. Retail or mixed use would be by-right uses that would trigger Site Plan Review for site circulation. It is hard to imagine a new commercial use with impervious surface. The B2X zone could work for the lot, there are enough controls to make sure the site would not be over developed.

Mr. Higa suggested created a split lot with the zoning line.

The Board said no.

Mr. Musgrove moved the discussion to 32 East Street.

Ms. Nelson said the land owner gave compelling testimony to have the parcel included in the B2X zone. It makes sense to include. She said she would support including 1 Avery Lane as there are controls with Site Plan Review and the Conservation Commission.

Mr. Hankin said he agreed and the landowner is present to request that the lot be included. He agreed that there are controls in place.

There was a consensus to include 32 East Street and 1 Avery Lane in the B2X zone.

Mr. Rembold said there is a split lot at Belcher Square. Having the lot in 3 different zones does not create a problem in this area. There is significant buildable area. Mr. Hankin asked if the B2X could be extended southeast diagonally to Giddings and Ramsey Streets. Mr. Rembold said he thought that seemed to be too much of a change at this time but that area of the lot could be looked at in the future. He thought shifting the B2X forward or back would be ok to discuss. Ms. Nelson said all abutters were notified of the proposed zoning changes.

Mr. Rembold said yes and in fact this split was raised to his attention by the landowner. He said we held a meeting at the Fire Station where the split lot was discussed. He said the goal was for the entire buildable area to be in the B2X zone. Currently it is in the R-1-B.

Ms. Nelson said we are trying to capture the current business property.

Mr. Hankin suggested pushing the B2X zone back to the R-2 line.

Ms. Nelson said it is a long irregular piece. She said she has some concerns about the triangle with Giddings Street and Ramsey Avenue.

The Board agreed to push the B2X line further back, to eliminate any remaining R1B, so the lot would be split only into B2X and R2 zones.

Mrs. Mooney asked if the change has been sufficiently advertised.

Mr. Rembold said yes.

Mr. Pachano asked about Footnote 5. He said he thought the goal is to make a safer and denser area with mixed use and residential use. He said he is concerned about the scale of potential uses. He suggested considering limiting businesses to 6,500 square feet.

Mr. Hankin said limiting business uses to 6,500 square feet would create non-conformities.

Mr. Pachano said there will be non-conformities anyway. This would be specific to new buildings.

Mr. Hankin said he does not want to create any more non-conformities.

Ms. Nelson suggested keeping it at 9,000 square feet.

Mr. Pachano said it would be ok with him but a large building should not be allowed by a special permit from the Selectboard. Perhaps 6,500 square feet could be allowed with a cap of up to 9,000 square feet by special permit.

Ms. Nelson said we agreed on 9,000 square feet because it is below the big box threshold which is usually about 10,000.

Mr. Rembold said Mr. Pachano wants to set a lower by-right threshold.

Mr. Musgrove disagreed with Mr. Pachano.

Mr. Pachano asked again if the Board would limit it to 9,000.

Mr. Hankin said he does not want to create confusion with arbitrary numbers.

Mr. Pachano said he would rather have confusion than a 10,000 square foot box.

Mr. Hankin said we can't change B-1 and HVC as part of Footnote 5. It doesn't make sense to create another set of thresholds.

The majority of the Board was ok with the change to allow them up to 10,000 by special permit.

Mr. Pachano expressed concern about having bank(s) in the B2X zone. He said cars crossing sidewalks creates danger. He suggested making banks by special permit.

Mr. Rembold said a bank with a drive thru window has to go through special permit.

Mr. Pachano did not want garden centers or greenhouses included in the B2X zone.

Mr. Rembold said at a certain threshold they must be allowed.

Mr. Pachano said gravel pits should not be included.

Mr. Musgrove said it can be left. The possibility of it happening is too small to worry about.

Mr. Hankin agreed it should not be worried about.

Mr. Pachano said roof mounted solar of more than 750 square feet should be allowed. He said we need to look at how solar is defined or how commercial is defined.

Ms. Nelson said we can revisit the solar bylaw.

The discussion of the B2X zoning was concluded.

ZONING AMENDMENT: MARIJUANA BYLAW

Ms. Nelson said the Board has received comments from Town Counsel. We are working to align our bylaw with the State regulations.

Mr. Rembold said Town Counsel is separating retail regulations and medical marijuana bylaws for clarity. We will put them together but right now we don't know when they will be combined.

Ms. Nelson asked if Town Counsel was asked if the Medical Marijuana bylaw should be left in place and pulled out later.

Mr. Rembold said for now it stays in place. Town counsel has advised that the public hearing should be left open until the next meeting when more information will be available.

Mr. Rembold said there is a great deal of regulation at the State level. The Board has reduced the separation from schools from 500 feet to 200 feet. The reduction in distance is consistent with Town Meeting vote on the medical marijuana bylaw.

Mr. Rembold said the State regulations for recreational use requires several licenses including retail, cultivation, extraction, processing and packaging. The industrial use table will govern some of the uses such as processing and packaging.

Mr. Rembold said the Selectboard has commented on the bylaw in a letter dated February 13, 2018. The Selectboard wants to be the SPGA and they want cultivation to be allowed by special permit in the I, R-2 and R-4 zones on parcels not less than 5 acres. The Selectboard wants the SPGA to be able waive the requirement that cultivation be in a fully enclosed building.

Mr. Rembold went through the draft version of the proposal, 3-8-18 w/*Counsel Comments*.

There was discussion of 7.18.4 regarding the definition of separation distance as measurement from the edge of a building or occupied space to the edge of the building or occupied space. Mr. Hankin asked if there could be a universal definition. If there is a school abutting a 100 acre parcel, as defined, there is no place on that 100 acre parcel where marijuana could be grown. The intent was to allow it to be grown on a large parcel.

Mr. Higa suggested there could be a 200 foot buffer from the protected property line of the protected use to the edge of the building or occupied space.

Mr. Hankin said he thinks the Planning Board should be the SPGA as we look deeper into land use and zoning issues.

Mr. Rembold said the Selectboard was of the opinion that their meetings are more in the public eye than the review process of the Planning Board.

Mr. Abrahams said the suggestion was not that of the majority of the Selectboard but asked by the Town Manager. The Selectboard meetings are recorded and more accessible to the majority of the people.

Mr. Hankin asked that the Planning Board remain the SPGA.

Mr. Rembold said the Selectboard wants cultivation by special permit in the I zone and parcels less than 5 acres in the R-2 and R-4 zones.

Mr. Hankin said he disagrees. It takes a lengthy and expensive application to the State to be vetted. It is over kill to require a special permit. The Planning Board will have oversight with SPR.

Ms. Nelson said she disagrees with a special permit in the I zone. She said at this point she does not have a good handle on open cultivation.

Mr. Rembold said the Selectboard is concerned about industrial looking buildings in the residential areas. He said there will be regulations from the State to consider at the next meeting.

Mr. Higa said the Selectboard is asking for more control than we had envisioned.

Ms. Nelson and Mr. Musgrove said they are ok with the language proposed for 7.18.5.

Section 7.18.6 dealing with public consumption was left as is until there are State regulations to refer to.

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

Mr. Abrahams the last word in 7.8.1 is RMD. 7.18.5 #1 says distribution would be in a fixed location. He said it seems difficult to have distribution if fixed.

Mr. Musgrove said he thinks trucks would be loaded from a fixed location to take the product to a fixed location. The truck would not stop along the way to sell anything.

Mr. Rembold said that is the correct interpretation.

Mr. Abrahams said liquor stores are allowed to be open until 11 PM. He questioned why retail marijuana would not be allowed to be open until the same time.

Ms. Nelson said she agreed the times should be consistent.

Mr. Hankin also agreed.

Ms. Nelson said the hours of operation will be 8 AM-11 PM.

Ms. Hamer said she agreed that a special permit by the Selectboard should be required in the R-2 and R-4 zones. There is a possibility that a metal building with 24 hour security would degrade a residential neighborhood.

Mr. Pachano asked if Ms. Hamer thought a special permit should be allowed for open cultivation.

Ms. Hamer said she does not know how much open cultivation would impact a neighborhood. She said an unlimited building size is a concern.

Mr. Rembold said there is a lot coverage threshold.

Mr. Hankin said we don't regulate the size of a barn.

Ms. Hamer pointed out that marijuana is not Federally legal. She asked even if it were grown outdoors won't there need to be security.

Mr. Musgrove said on the other hand a dairy farm wouldn't have any review.

Mr. Rembold said the State has said marijuana cultivation will not have the same zoning exemption as a farm.

Mr. Musgrove said it doesn't make sense to put another process in front of the Town that has already been done in front of the State.

Mr. Hankin said an applicant could pay \$25,000 to go through the State permitting process then come before the Town and have two members of the Selectboard say no.

Alexander Farnsworth, from Monterey, asked what constitutes a church. (CORRECT SPELLING)

Mr. Musgrove said churches are not part of the retail marijuana bylaw.

Mr. Farnsworth said the State allows 10 hours of operation during the hours of 8 AM to 8 PM. He asked if Day Licensing will be part of the regulations or will that come later.

Ms. Nelson said social consumption will come later.

Mr. Farnsworth asked about the line addressing single buildings vs. buildings connected to each other.

Mr. Hankin said that has been deleted from the text of the original medical marijuana bylaw.

Mr. Rembold said the entire public hearing will be left open. He asked if the Board intended to discuss the B2X zone again.

Ms. Nelson said there will be no further discussion of the B2X zone.

Mr. Hankin made a motion to continue the public hearing to the Planning Board meeting on March 22, 2018 at 7:00 P.M. at Town Hall, Mr. Musgrove seconded, all in favor.

The Board returned to its regular meeting at 8:24 P.M.

The Board took a brief break. The meeting resumed at 8:29 P.M.

SITE PLAN REVIEW: 84 ALFORD ROAD

Mr. Fitzgerald from Solect Energy was present to discuss the project at Simon's Rock College of Bard at 84 Alford Road. He said the project is still in the development process. We are still

trying to get the utility company to allow the connection. There are roof top panels planned for 4 buildings at the college. The electrical system will have 1 meter that would supply their electrical load. The panels will supply 76% of the electricity for the college, including all electrical demands campus wide.

Mr. Fitzgerald said the agreement is to lease the roof space for 20 years. After 18 years the college can purchase the panels, replace them or renew the agreement. He said the panels function for 25 years or more.

Mr. Fitzgerald said there are full time project managers to work on the ONM plan. Staging areas have to report to OSHA on all projects and it must meet all safety requirements. The plan is to do the work during the summer when the students are not there. He said the roofs are pitched. The panels are flat. The roof will dictate the angle of the panels. The Fisher Science building has panels that are not in use. We have been asked to decommission those panels. We will make them go away.

Mr. Hankin asked if those panels would be replaced.

Mr. Fitzgerald said there will be a new system where the old ones were. The panels will produce DC power that will have to be converted to AC. The invertors will be mounted on the roof within 10 feet of the array. The invertors will have a flat low profile. Each invertor will handle a certain number of panels. The AC disconnect will be accessible to both the Fire Department and the utility company. A meeting will be set up with the Fire Department to make sure they are happy with how we comply. The meeting takes place during the building permit process. He said he likes to meet with the Fire Chief before the building permit process.

Ms. Nelson asked if meeting with the Fire Department is required by code.

Mr. Fitzgerald said the plans get stamped by the Fire Department during the permit process. The plans are stamped by the Fire Department to the Building Inspector. He said an electrical contractor will do the electrical permitting.

Mr. Hankin asked if the project is not net metered, won't the power go back to the grid when the college isn't using all the power that is produced?

Mr. Fitzgerald said it is not net metering. If at some point more energy is produced than what is used the college can use credits toward another electrical bill. There is a 50 page agreement dealing with a cap allocation.

Mr. Musgrove said if more power is produced in the summer than what is used, what will happen.

Mr. Fitzgerald said the credit can be applied to winter bills. He said it is in our interest to work efficiently and as proposed.

Mr. Musgrove read through 9.12.6, Site Plan Review Criteria.

Mr. Hankin asked if a dangerous situation is created when snow comes off the panels in a sheet. Will people walking by be in danger?

Mr. Fitzgerald said snow guards are installed especially near exits and egresses.

Ms. Nelson said the roofs already shed snow in huge sheets.

Mr. Hankin said it is just a concern.

Mr. Fitzgerald said there haven't been any incidents. He would like to discuss the issue during the permit process.

Mr. Rembold said it can be a condition of the approved SPR that the concern be discussed with the Building Inspector.

Mr. Musgrove made a motion to approve the Site Plan Review with the condition for the applicant to discuss the need for snow guards with the Building Inspector, Mr. Hankin seconded, all in favor.

SITE PLAN REVIEW: 27 HUMPHREY STREET

Bobby Houston from Greenhouse Partners was present to discuss the proposal for three houses at 27 Humphrey Street. Mr. Houston said he had previously visited on an informal basis. There have been many changes and revisions since that discussion. He said the Conservation Commission issued an Order of Conditions. We will go back to them as the project has been down sized since their review.

Mr. Houston said the project consists of three houses situated on the lot to catch as much sun as possible. He said Al Thorp, civil engineer from Accord Engineering, is here to discuss the site plans for the project.

Mr. Thorp: the proposal is for the construction of three residential dwelling units with amenities that include a greenhouse and garages. There will be a gravel driveway to accommodate the

largest fire truck owned by the Great Barrington Fire Department. There is no submission at this point but the road will be built according to bylaws.

Mr. Thorp went through the plans point by point explaining how they comply with the zoning bylaws. In addition the plan complies with the Master Plan and water management plans. He said there is an Order of Conditions from the Conservation Commission that was issued in May. The project was amended after the Conservation meeting therefore we did not go through the special permit process at that time.

Mr. Thorp said the Selectboard issued a special permit in March of 2017 to extend the B3 zoning to the east where it splits the lot. All proposed buildings are in the B-3 zone. There are 10 foot setbacks as required but all the buildings are situated so they are 25 feet from the setback.

Mr. Thorp said the project is well designed and provides needed housing in the downtown core. We ask for the Planning Board's approval.

Grigori Fateyev, the architect for the project, said each building will be 2100 square feet with a slab on grade foundation. There will be two gable ends. Each building will have a small patio.

Mr. Houston said the patios will be oriented toward the river.

Mr. Fateyev said the buildings will have weather stained siding. The roof will be 24 gauge sheet metal. All lighting will be downward directed. The lights will be 3,000 k LED lights. There will be one light at each entrance point of the buildings. There will be bollard lights at the end of the patios. The entrance faces east. Each house has a private terrace facing the river. Landscaping will consist of fruit trees and berry bushes. A limestone mixture will be used in the driveway. Pea stone will be used along the building foundations. There will be a pre-fabricated greenhouse with a metal frame and glass panels.

Ms. Nelson asked if the site will be served by Town water and sewer.

Mr. Thorp said yes.

Mr. Hankin asked why the project had been downsized.

Mr. Houston said we wanted all the living area on one floor. The original plan had five buildings which was too many. He said we want to preserve the meadow.

Ms. Nelson asked about the grading of the site.

Mr. Thorp said the calculations haven't been run. There will be some cut and fill to bring the road in at a safe grade.

Mr. Hankin asked if any fill would go into the flood plain.

Mr. Thorp said no.

Ms. Nelson asked about the ownership structure.

Mr. Houston said it will be owner in common.

Mr. Hankin said it looks like there will be a lot of driveway in front of all of the houses.

Mr. Houston said it is not negotiable as it is the area required for the fire trucks to turn around. The community land space will soften the area. There will be three parking spaces for each unit, three uncovered and 6 covered spaces.

Ms. Nelson said even emergency accommodations could be more aesthetically attractive.

Mr. Rembold said the plans may change a little. The Board has 60 days to act. You would have to take action by April 30th. There are some things in flux with the Conservation Commission.

Mr. Houston said it is just paperwork with the Conservation Commission.

Mr. Rembold said it is up to the Board.

Mr. Pachano said if you were able to build more densely would you do it?

Mr. Houston said no. The intention is to build for ourselves and like-minded people. This is what we want.

Mr. Thorp said we have continued to develop the plan.

Mr. Musgrove asked about the cut and fill.

Mr. Thorp said he does not have numbers for the cut and fill.

Ian Rasch from Greenhouse Partners said it is very close to a balanced site.

Ms. Nelson said minimizing the cutting would be less disruption to the neighborhood.

Ms. Nelson asked if there will be walking paths.

Mr. Houston said just the driveway.

Mr. Musgrove asked if any water would run into the street.

Mr. Thorp said all drainage will be handled on the site via catch basins into sub-surface chambers. There will be no drainage into the street.

Mr. Hankin asked where snow will be stored.

Mr. Houston said at the end of the parking lot. The East Street connection is a mystery. It can't be used but maybe it could be a snow reservoir.

Mr. Rembold said it could be of value. He suggested checking with the Fire Chief.

Ms. Nelson said she wants more time to review the plans.

Mr. Rembold suggested a site visit before the next meeting.

Mr. Houston said he wouldn't be able to attend but Mr. Thorp will be available.

The site visit was scheduled for 6:15 P.M. on March 22.

Mr. Houston said to park in a line along the work road.

TOWN PLANNER'S REPORT:

As the Board asked for the Town Planner's Report, a member of the audience asked if she could speak. Linda Shafiroff, developer for Blackwater Realty-Maple Avenue, said she has already received approval for the building on Maple Avenue. She asked if the building could be moved 10 feet closer to the street. That would be the only change.

Ms. Nelson asked if the change could be done administratively.

The Board decided the change was minimal enough to allow without a new set of plans being submitted. Mr. Hankin made a motion to amend the special permit previously approved for Blackwater Realty Trust, Assessors map 22, map 41A, to allow the site to be amended to construct the proposed two story building 10 feet closer to the front property line, Mr. Musgrove seconded, all in favor.

A memo will be sent to the Building Inspector.

Mr. Rembold said there is a notice from the Town of Egremont regarding a public hearing on March 19, 2018 for a recreational overlay district for parcels over 75 acres. He said he thinks the overlay would be for the Egremont Country Club. He said he would review the language and follow up on it.

Mr. Rembold said he received a letter dated March 3, 2018 from Dennis Downing, attorney for Robert Coons Trust to provide notice to convert 61A land out of Agricultural Preservation. He said the Board will look at this at their next meeting and provide comments to the Selectboard.

Mr. Rembold said the Fire Chief is in receipt of an application from Berkshire Aviation to remove a 4,000 gallon gasoline tank. The tank will not be replaced. This will be on the agenda for the next meeting.

Mr. Rembold said the Airport applied for removal of an underground aviation fuel tank and to replace it underground. Abutter(s) asked if a special permit is required to replace it. Mr. May said a special permit is not required. The abutters have appealed his decision. The ZBA has asked for comments. This will be on the agenda for the next meeting.

Mr. Rembold said nothing has been received from the Cell Tower applicants.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERS:

Mr. Musgrove said he will not be seeking re-election. He asked the Board to consider supporting him for the Associate Member.

Having concluded their business, Ms. Nelson adjourned without objection at 9:41 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

