

## PLANNING BOARD

DATE: June 13, 2019

TIME: 6:00 P.M.

FOR: Regular Meeting

PLACE: Large Meeting Room

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;  
Pedro Pachano  
Garfield Reed, Associate Member  
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 6:00 P.M. Neither Mr. Higa nor Mr. Reed had arrived.

### **FORM A'S:**

There were no Form A's presented.

### **MINUTES: MAY 23, 2019**

Mr. Hankin made a motion to approve the minutes of May 23, 2019 as amended, Mr. Fick seconded, all in favor.

### **SITE VISIT: 783 MAIN STREET**

Ms. Nelson recused herself from the discussion and left the table. Mr. Fick assumed the Chair.

Attorney Peter Puciloski was present on behalf of Community Growth Partners for a retail marijuana establishment at 783 Main Street. Jack Magnotti from Kelly, Granger, Parsons and Associates was also present. Mr. Puciloski had previously submitted a revised Site Plan based on discussion at the last meeting.

Mr. Puciloski said the parking in the northeast corner was eliminated. The handicap parking in the north east corner was moved closer to the building. The curb cut was reduced to 30 feet. Four parking spaces behind the house were repositioned to be perpendicular to the road. There are 14 parking spaces shown on the plan. The trees to be removed are indicated on the plan as well as the trees to be added including 2 deciduous trees. The dumpster has been moved to where the north east parking had been. The dumpster is a small dumpster and it will be fenced. Downward direct lighting will replace the existing lights.

Mr. Higa arrived at 6:03.

Mr. Puciloski said there will be additional impervious surface depicted on the plan by the hatched areas. The areas will have airport mix surface instead of the existing grass area. Additionally, wheel stops will be installed to delineate parking spaces.

Mr. Hankin said the plan looks better. He asked if there is an issue with the dumpster in the setback.

Mr. Rembold said there is no issue. There is a taller fence on the property line of the business to the north.

Mr. Fick said he thinks all of the issues raised at the last meeting have been addressed.

Mr. Hankin asked how tall the fence proposed for Main Street will be.

Mr. Magnotti said the fence will be 6 feet tall with openings as noted.

Mr. Pachano said a condition should be that the handicap accessibility has to meet the Building Code requirements. There must be a suitable surface.

Mr. Rembold asked Mr. Pachano if he is referring to the parking area or the ramp.

Mr. Pachano said both need to conform to the Building Code.

Mr. Rembold asked if the Board would be ok if it is determined that the handicap parking has to be paved.

Mr. Hankin said yes.

Mr. Fick asked for the conditions:

- The fence will be a maximum of 6 feet in height
- Handicap parking should conform to the requirements of the Building Code
- The applicant will provide a copy of the license issued by the CCC when it is received prior to beginning operations.

Mr. Fick read through SPR.

Mr. Pachano made a motion to approve SPR with the three conditions discussed, Mr. Hankin seconded, all in favor.

Ms. Nelson returned.

#### **SITE PLAN REVIEW: 63 STATE ROAD**

Architect Diego Gutierrez was present to discuss revised plans for 63 State Road.

Ms. Nelson said the revised plan incorporates landscaping and a modified façade. There is a path from the sidewalk to the back of the building. There is a terrace in the front that will be accessible by a seasonal entrance. There will be flower boxes for a border around the terrace that will work as a control. The exit from the store will be out the back.

Mr. Gutierrez said the main issue from the last meeting was to create an inviting entrance from State Road and to provide a marked handicap parking space. In addition a landscaping plan has been submitted.

Ms. Nelson asked if there will be any illumination along the path that goes from the front sidewalk to the back. She said a street light is in the area that may provide good lighting.

Mr. Gutierrez said there will be downward directed lighting on a bar on the building.

Ms. Nelson asked about the path.

Mr. Gutierrez said he expected to have low bollard lights along the path. He said there will be some screening along the east side of the path along the property line.

Ms. Nelson asked what the mounting height will be for the bollards.

Mr. Gutierrez said they would be 24 inches in height. He said there may also be one small downward directed light on the building on the east side.

Mr. Hankin asked if both the path lighting and a light on the building would be necessary.

Mr. Gutierrez said probably not.

Mr. Fick read through Site Plan Review.

Mr. Hankin made a motion to approve the SPR with the condition that all lighting be downward directed, Mr. Higa seconded, all in favor

Mr. Pachano pointed out that this is the first project in the new B2X zone. Having a door in the front of the building will be good because the area will become a pedestrian area. He said this is a great project. It is a good example of what we wanted to have in the zone.

#### **SOLAR FARM: 671 STOCKBRIDGE ROAD**

Kirt Mayland was present to discuss the solar farm project at 671 Stockbridge Road that the Board approved a few weeks ago. He said after receiving the Board's approval the land owner read the plans more closely resulting in him wanting to adjust the area of the project.

Mr. Mayland said there is a slight adjustment of the fence line that will increase the project by 114 solar panels. He said typically we would go ahead and build because the project is substantially in conformance with the approved plans. The project has not been started so we decided to bring it to the Board to determine that the project is substantially in conformance.

Mr. Rembold said that neither he nor the Building Inspector thought there is a substantial difference but we wanted the Board to look at it to make a determination. If the Board determines that the plan is substantially different, Mr. Mayland will have to file a special permit to modify the previous approval.

Mr. Rembold said there is a 1.6% increase in the number of panels and .2% increase in the acreage.

Mr. Pachano made a motion that the alteration to the solar project is substantially in conformance with the special permit previously granted, Mr. Higa seconded, all in favor.

**SELECTION OF DATE & TOPICS FOR THE JOINT MEETING WITH THE SELECTBOARD:**

Mr. Rembold suggested that the topics for the joint meeting with the Selectboard should include the Master Plan, housing opportunities, inclusionary zoning and marijuana regulations. The Board was in agreement.

The Board discussed having the meeting prior to the Planning Board's regular meeting on June 27.

Mr. Rembold said he will not have a Master Plan update ready that quickly.

Ms. Nelson said we will probably have to have a couple of meetings.

Mr. Higa said his impression was that the Selectboard might want more input into zoning. He suggested that a subcommittee might be established to discuss.

Ms. Nelson said that has already been discussed. She said she does not want a new task force when there are already committees in place.

The Board set the joint meeting for June 27 at 5:30-7:00 PM.

Mr. Higa said if we are speaking about housing can we speak about economic development. Any time we have a meeting with the Selectboard to talk about housing we should talk about development.

Mr. Hankin said as part of the agenda we should be able to discuss issues and concerns.

Ms. Nelson suggested that the Board members e-mail their issues then the agenda can be built from those comments.

Mr. Pachano asked Mr. Higa what he wants to talk about.

Mr. Higa said he wants to discuss housing and economic development.

Ms. Nelson said that is a broad topic. She asked Mr. Higa to send an e-mail narrowing the topic.

**BOARD OF HEALTH MARIJUANA REGULATIONS:**

Michelle Loubert said she would be recording this portion of the meeting.

Ms. Nelson said the Board of Health wants to pass some regulations on marijuana. They are asking if what is proposed by the State regulations is in conflict with their regulations.

Mr. Rembold said the Board of Health is using a standard model that includes a distance from schools of 500 feet. The Town's regulation has a distance of 200 feet.

Mr. Hankin said the Town regulation was legally modified to 200 feet. That can't be changed.

Ms. Nelson agreed. She said we may need to seek advice from Town Counsel.

Ms. Nelson said the Board of Health would like to have a representative from the Planning Board attend their meeting in August. She said their meeting will be the first Thursday in August.

Selectman Ed Abrahams said the CCC's opinions have left little room for local Health Boards to comment.

Mr. Rembold said he thinks it is best to wait for Town Counsel to give an opinion. He said the item can stay on the agenda and he will provide information when it is available.

Mr. Hankin asked what they want to regulate.

Mr. Rembold said he is not sure.

Mr. Pachano said one of their suggestions is that the marijuana establishments be locally owned.

Ms. Nelson said we will keep this as an agenda item.

#### **TOWN PLANNER'S REPORT:**

Mr. Rembold said he went to the Massachusetts Housing Partnerships Conference where the Town of Great Barrington was recognized for its work with the CDC, Housing Partnership and zoning. The Town received the Housing Hero Award. It is a fantastic honor.

Ms. Nelson thanked Mr. Rembold for his hard work.

Mr. Hankin asked how many of the awards were given out.

Mr. Rembold said there were two given out. The other one went to Salem.

Mr. Rembold said the Board will have two recommendations at the next meeting. He said there will be a special permit recommendation to the Selectboard for 100 Bridge Street and recommendation to the ZBA for a change to a pre-existing non-conforming use at 57 VanDeusenville Road.

Mr. Reed arrived at 7:00 PM.

**BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:**

Mr. Rembold said the Board needs to choose a member to be on the Economic Development Committee and an alternate to the Design Advisory Committee.

Mr. Fick said he would like to be the alternate to the DAC.

Mr. Pachano made a motion for Mr. Fick to be the alternate to the DAC and for Mr. Higa to represent the Board on the Economic Development Committee, Mr. Hankin seconded, all in favor.

Mr. Hankin said he has been receiving e-mails regarding a potential solar project at the Egremont Country Club. He said people in Egremont are opposed to the project. He said the project would most likely go on the property visible from Route 23, land that is located in Great Barrington. He said the Conservation Commission will be discussing delineation of wetlands in an upcoming meeting.

Mr. Fick said that BRPC is having a meeting on July 11, the same night as our regular meeting. He asked if there is any sense of what will be on the agenda for that meeting.

Mr. Rembold said not yet.

Ms. Nelson asked Mr. Fick to please attend the BRPC meeting as it is an important meeting for him to attend.

Mr. Higa said the CPC every year goes over their plan and update it. He said there is 65% of the money up for grabs. He said if the Board has any suggestions he would be happy to take them to the CPC. He asked for any suggestions to be submitted to him at the next meeting.

Mr. Rembold said that can be a topic for the July 11 meeting.

Ms. Nelson asked that Mr. Higa send what needs to be read.

Mr. Higa said the plans are on the website.

Ms. Nelson asked the Board to please read the CPC information.

Mr. Higa said the CPC is hesitant to over commit to any particular area.

Mr. Rembold suggested that after the joint meeting the Board will have more information to work with.

Mr. Higa said he would like to have the Board nominate something.

Mr. Reed said he does not have much to report from the Transportation Committee. He said he doesn't have a good sense of it yet as they had his old e-mail address.

Mr. Reed said he still has an issue with the bus stop so close to the 783 Main Street marijuana store proposal. He said he looked at the laws that say an area where children congregate. He said it is terrible that children will be exposed to that.

Mr. Hankin said that was original language in the CCC regulations for medical marijuana dispensaries but that has been struck for recreational marijuana. Now the language is specific to the distance from schools.

Mr. Reed said he sent a comment to the Commission.

Mr. Pachano said DAC still needs another member. He said he is going to ask for a review of the Design Standards to have the Town clarify the idea of what "character" means.

Mr. Reed said he is going to attend the New Board Member training at BRPC on June 27.

Mr. Hankin said the Town will be inspecting 49 Grove Street. The Town may be taking the property for taxes. He said the Affordable Housing Trust has been invited to attend the inspection. He invited other Board members. Mr. Rembold cautioned about creating a quorum. He said if more than three members plan to attend the meeting might need to be posted.

Mr. Hankin said it would be like a site visit. He said he didn't think that would need to be posted as it is just informational.

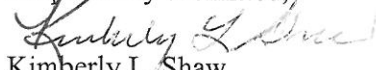
Ms. Nelson said that on June 24<sup>th</sup> the Lake Mansfield Informational Task Force will be making a recommendation to the Selectboard. She said everyone is invited to participate. She said she is hoping the Selectboard will make a decision on either Option 1 or 2.

**CITIZEN'S SPEAK TIME:**

Eileen Mooney said she attended a Regional Economic Development meeting at Mass MoCA where there was discussion of public transportation. She said it was interesting but the public transportation in the city is very different from more rural areas.

Having concluded their business, Ms. Nelson adjourned without objection at 7:28 PM.

Respectfully submitted,

  
Kimberly L. Shaw  
Planning Board Secretary

