

PLANNING BOARD

DATE: December 12, 2019

TIME: 6:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting/Special Permit

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Pedro Pachano
Garfield Reed, Associate Member
Chris Rembold, Assistant Town Manager
Joe Grochmal, Planning Intern via phone

Ms. Nelson called the meeting to order at 6:00 P.M. Ms. Nelson asked if anyone was recording the meeting. One person said they were recording.

FORM A'S:

Patrick McColgan from Taconic Land Surveyors was present with a Form A application on behalf of TOPA Enterprises for a plan to confirm boundaries for the property at 32 Mahaiwe Street. There are no changes to the existing parcel.

Mr. Hankin made a motion to endorse the plan, Mr. Fick seconded, all in favor.

MINUTES: NOVEMBER 14, 2019

Mr. Hankin made a motion to approve the minutes of November 14, 2019 as amended, Mr. Fick seconded, all in favor.

SITE PLAN REVIEW:

Architect Diego Gutierrez was present for an extension of the Site Plan approval for 307 Main Street for a retail marijuana use. There have been no changes since the approval last year.

Mr. Hankin made a motion to extend the Site Plan approval with no changes for 307 Main Street, Mr. Fick seconded, all in favor.

SITE PLAN REVIEW:

Architect Diego Gutierrez was present with applicant Thomas Tsamis to create a legal two-family residential unit at 48 Mechanic Street.

Mr. Hankin asked what changes are being suggested.

Mr. Gutierrez said the ground floor needs a 1- hour separation in the ceiling. A second means of egress for the second floor needs to be created.

Ms. Nelson asked if there are 2 bedrooms in the apartments.

Mr. Gutierrez said there are two bedrooms upstairs and a very small office area and two bedrooms downstairs. He said there are two parking spaces. One space per apartment is what is required in the B2X zone.

Ms. Nelson said that is correct.

Mr. Gutierrez said there is room to park an additional car in each of the parking spaces provided.

Ms. Nelson said there is a request to waive the survey plan.

Mr. Hankin said he didn't have a problem waiving that requirement. The rest of the Board agreed.

Mr. Fick read the Site Plan Review criteria.

Mr. Hankin made a motion to approve Site Plan Review, Mr. Fick seconded, all in favor.

PUBLIC HEARING: SPECIAL PERMIT 126 MAIN STREET

Ms. Nelson read the hearing notice.

Mr. Hankin made a motion to open the special permit for 126 Main Street, Mr. Pachano seconded, all in favor. The public hearing was opened at 6:15.

Attorney Kate McCormick was present with applicants Alexander Farnsworth, principal of Highminded LLC and Braden Farnsworth to discuss the special permit for deviation from the awning height requirement of the sign bylaw.

Ms. McCormick said the request is for relief from the sign bylaw to allow the proposed awnings for 126 Main Street. She said the structure is a stand-alone building. There will be no structural changes. There is nothing new shown on site plan from the previously submitted site plan. She said the awning issue came to our attention during the building permit process.

Ms. McCormick said that the applicant can't comply with the bylaw because the tops of the windows are too low. The awnings would be 7 feet above the ground on the parking lot side and 7 feet 10 inches above the sidewalk in the front and extend 4 feet over the sidewalk.

Ms. McCormick said the design is an integral part of the overall look of the building. The look will favorably impact the neighborhood. The addition of the awnings would not be detrimental to the neighborhood.

Mr. Hankin asked if there would be signage on the awnings.

Ms. McCormick said the name of the business might be put on the awnings but the plan shows a solid black awning for now. She said does not want to limit the possibilities.

Mr. Hankin asked why the awnings are tied to the top of the window.

Alexander Farnsworth said he doesn't want to disconnect from the height of the building. He said he doesn't want to raise the awnings because it would change the look of the building. He said the awnings will change the look and the feel of the building.

Mr. Hankin said he is concerned about vehicles hitting the awning on the parking lot side.

Ms. McCormick said planters could be put in to create a walkway for a line and to protect the people in the line. She said didn't think there would be people in that area.

Alexander Farnsworth said the plan shows five parking spaces but there are only four parking spaces.

Mr. Hankin said he is concerned about a vehicle backing into the awning.

Mr. Nelson said she is concerned that a handicap van could get caught under the second awning over the parking lot. She asked if the awnings would be fixed or retractable.

Alexander Farnsworth said the awnings are planned to be fixed but retractable could be considered.

Ms. Nelson suggested some type of barrier should be considered under the drip line. She pointed out on the plan where there could be a potential conflict between a vehicle and the awning.

Alexander Farnsworth said he understood the concern. He said he could measure the exact width of the awnings to see how far they overhang and the height of a vehicle.

Mr. Rembold said it seems as if this is a maintenance issue.

Mr. Fick said he thinks it is more of a safety issue.

Mr. Reed asked if the awnings are needed and asked if they could not be put up.

Ms. McCormick said they are not needed it has to do with aesthetics. She said if there is a maintenance issue it will be on the owners. If it is a liability issue it would be dealt with through the insurance company. She said if the Board wants the awnings to be retractable it can be considered.

Ms. McCormick pointed out that there is a lot of parking in the area. She said it is her position that it will be easier to park on the street than in the parking lot. She said the aesthetics are important.

Mr. Fick suggested moving the handicap parking space to the spot closest to the sidewalk.

Ms. McCormick said it is located where it is because of the location of the entrance to the building.

Alexander Farnsworth said there is an ADA compliant entrance on the parking lot side.

Mr. Pachano said he would suggest the awnings be installed higher on the building.

Ms. McCormick said they would be located at the roof line if they are higher than the window.

Mr. Pachano asked if the awnings could not be as wide as proposed.

Alexander Farnsworth said he thought that could be done.

Mr. Hankin said the Board's jurisdiction has to do with what is over the parking lot and the sidewalk.

Mr. Fick said we are providing advice for safety issues.

Mr. Rembold said anything under 10 feet above grade is within the Board's jurisdiction.

Mr. Hankin said the request is for relief from 13 feet in height to 7 feet. He said the awnings should be narrower than what is proposed.

Alexander Farnsworth said he plans to put planters along the building to protect the people lined up along the building.

Ms. McCormick said she is ok with the condition.

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

Ms. Nelson asked if there were any recommendations from other boards.

Mr. Rembold said the Selectboard in a letter dated December 9, 2019 sent a favorable recommendation.

Mr. Rembold said the Board of Health had no recommendation and the Conservation Commission said there are no jurisdictional issues.

Mr. Hankin made a motion to close the public hearing, Mr. Pachano seconded, all in favor. The public hearing was closed at 6:39 P.M.

Mr. Hankin said the awnings should not be over the parking lot.

Mr. Rembold suggest that the Board go through the sign bylaw criteria and 10.4 to find if the request is detrimental to the neighborhood.

Mr. Fick made a motion that the awnings would not be detrimental to the neighborhood, Mr. Pachano seconded, all in favor.

Mr. Hankin said the driveway shouldn't be under the awnings.

Ms. Nelson suggested a condition that the horizontal buffer along the building will be at least the equivalent depth of the awning.

Ms. Nelson asked if the sidewalk plow will fit under the front awning.

Mr. Rembold said yes.

Mr. Hankin made a motion to approve the permit with the condition as stated by Ms. Nelson, Mr. Fick seconded.

Mr. Pachano aye

Mr. Fick aye

Mr. Hankin aye

Ms. Nelson aye

The permit was approved with one condition.

SITE PLAN REVIEW: 11 SCHOOL STREET

Mr. Hankin said the SPR is contingent upon the granting of the special permit. He suggested waiting to see if the special permit is granted.

Mr. Rembold suggested that the Board's comments can be constructive to the applicant.

Matthew Puntin, from SK Design Group, was present on behalf of School Street Parking, LLC. He said a special permit is necessary for the use of the property as a parking lot and for the Water Quality Protection District.

Mr. Puntin said the property consists of a third of an acre of land located on the west side of School Street. The property travels uphill to the rear property line and there is a fair amount of impervious surface, over 10,000 square feet, that includes the building that would be removed.

Mr. Puntin said the proposed layout would eliminate the wide curb in the front and the creation of 38 parking spaces for use by the Berkshire Block building at 321 Main Street. The parking lot would be for tenants of the building. The parking would not be open to the public. A gate will close off the parking and it will require either a code or a key card to open.

Mr. Puntin provided a hand out addressed to Mr. Rembold on SK Design Group letterhead and dated December 12, 2019. The letter is in response to questions sent by Mr. Rembold.

Mr. Puntin discussed the drainage of the site. He said parking lot would be crowned from left to right with run off going into stone swales that would drain into 4 catch basins. The water would then go into underground chambers before percolating into the ground. He said there was some difficulty designing a system that would keep the water from leaving the site. He said that in a big storm the chambers could fill up and water could potentially run along the side of the street.

Mr. Hankin asked if the stone swale serves the Verizon building.

Mr. Puntin said no, it is for this property. He said there is grass and landscaping along the edge of the property. No work will be done on the abutting property.

Mr. Hankin asked if the flow would be reduced.

Mr. Puntin said yes. The flow/runoff is being reduced for the entire site.

Mr. Puntin discussed lighting. He said the lights would be similar to what is proposed for the hotel project. He said there would be four 12-foot lights that would be compliant with the Dark Sky ordinance. They would be shielded to protect spillage into abutting properties. He said the lights would be for security and safety of the people using the lot. There will be electronic gates at each end of the parking lot. The west end of the lot ties into the Tom's Toys parking lot as it currently does. Tom's Toys has tractor trailer units travel through the parcel to make deliveries.

Ms. Nelson said the tractor trailer information should be documented for the special permit. She said there should be lighting information included on the plan.

Mr. Puntin said there is 11,000 square feet of office space in the Berkshire Block and 5,500 square feet of retail space. He said the uses require 64 parking spaces. There are 37 parking spaces in the Foster parking lot so there would be a total of 75 parking spaces for the building, 64 spaces would normally be required for the uses, if not in the B district.

Ms. Nelson asked about pedestrian movement in the parking lots.

Mr. Puntin said there are no designated walking paths. People will walk through the abutting properties to get back and forth or there is access via sidewalks along School Street and Bridge Street.

Mr. Reed said the entrance will be done away with.

Mr. Puntin said the entrance is currently 80 feet wide, it would be reduced to 45 feet wide.

Ms. Nelson asked if there were additional questions. There were none. Ms. Nelson asked that that the Board go through SPR.

Mr. Hankin said he would rather send a recommendation to the Selectboard.

Mr. Fick said he thought they should go through SPR criteria.

Mr. Hankin asked if a poll could be taken on what recommendation should go to the Selectboard.

Mr. Fick said he is concerned about trading affordable housing for parking.

Mr. Pachano said there has been a study showing the need for affordable housing there is nothing showing the need for parking.

Mr. Hankin said this is the lowest and worst type of use for the property. He said the proposal would do away with a valuable retail use and housing. It is not a good use.

Ms. Nelson said she has concerns about losing the laundry business that serves 20-40 people a day.

Mr. Pachano said the proposal would take land away from the people and give it to cars.

Mr. Fick said he disagrees that there is not a need for parking. He said there is a need for parking but was not sure this was a good trade.

Mr. Hankin said the site is surrounded by parking lots.

Mr. Pachano pointed out empty parking lots.

Mr. Puntin said the existing apartments are not going to be rented any more.

Mr. Hankin said probably because the property is being sold.

Mr. Pachano said these comments are not directed toward Mr. Puntin.

Mr. Pachano made a motion to send a negative recommendation to the Selectboard on the application, Mr. Hankin seconded.

There was further comment that the trade of housing and a service business for a private parking lot does not serve the social or economic needs of the community. It is not in keeping with the intent of the zoning.

All in favor.

Mr. Fick said if this comes back to us are there other issues. Are the lighting and ground water issues the only issues?

Ms. Nelson said there are issues with the storm water run-off.

Mr. Puntin said the Town created a raised curb that will create a dam that will assist in directing the water into Town's storm drain about 200 feet down at the Bridge Street intersection. He said he tried to keep the water on site. He added that the Highway Superintendent had reviewed the plans. Updated plans were sent to Mr. VanDeusen on December 11, 2019.

Ms. Nelson asked about the slope on the north side of the property.

Mr. Puntin said there is a rip rap slope. The property being discussed is lower than the Iredale property to the north.

Ms. Nelson asked for a photometric plan.

Mr. Puntin said he would submit one.

Ms. Nelson said she has concerns about the pedestrian circulation. She asked Mr. Rembold if there were any plans to have sidewalks on the west side of School Street.

Mr. Rembold said no. There is not much pedestrian traffic to the site currently.

Ms. Nelson asked if one would be created.

Mr. Rembold said there is a substantial right of way, 15 feet. There is a significant grade. There might be room for sidewalk but the slope would make it difficult.

Mr. Rembold asked if there was consideration of a creating a rain garden in the Town's right of way.

Mr. Puntin said he didn't know if he could push the water up. He said there is still room for overflow. He said he would give it further thought.

Ms. Nelson asked about snow removal.

Mr. Puntin said there would be some snow management but a lot of snow would have to be trucked off site.

Mr. Hankin said he has concerns about the pedestrian movement as well. He said the proposal is an unreasonable departure from the existing character of the neighborhood.

The Board concluded their discussion. Mr. Puntin will return on January 24, 2020.

CHAPTER 61A RIGHT OF FIRST REFUSAL:

Ira Kaplan was present on behalf of Abigail Haupt to discuss a parcel of land to be removed from Chapter 61A. The land is located on Hurlburt Road and Alford Road. The property, map 31, a piece of 31-12, 31-13, 31-10. A total of 36 acres would be removed with the remainder of 31-12 being retained by the owner.

Mr. Pachano made a motion to send a recommendation to the Selectboard that they not exercise their right of first refusal, Mr. Fick seconded.

Mr. Rembold said the conservation restriction would remain on a portion of the land coming out of Chapter 61A. He said the land with frontage on Hurlburt Road was not under the restriction.

Mr. Kaplan said 31-12A can be built on. The acreage is not in the view easement. The building envelope is not being conveyed by the owner but the owner could give up the rights.

Mr. Rembold asked if BRNC has a right to say where the building envelope will be.

Mr. Kaplan said no.

Ms. Nelson called for a vote on Mr. Pachano's motion: Mr. Pachano aye; Mr. Fick aye; Ms. Nelson aye; Mr. Hankin no.

ZONING AMENDMENT: 54 CASTLE STREET

Heather Fisch was present to discuss the potential for getting a zoning change for 54 Castle Street. Ms. Fisch said she would like to operate an Arts and Wellness facility on the site that is currently zoned residential. She requested that the property be rezoned B-2.

Ms. Fisch had done extensive research of the property that had originally been used by the Visiting Nurses Association when it was no longer a residence then more recently by Community Health Plan. There has been no use of the property for several years.

Mr. Fick explained that changing the zoning of a single piece of property is not desirable. Additionally all uses in that zone would have to be considered in the event that the property were sold.

Mr. Pachano suggested going to the ZBA to see about reestablishing an abandoned pre-existing non-conforming use.

Ms. Nelson agreed that she liked that idea.

Mr. Reed said he doesn't see a need for the use or how it would benefit the locals.

Mr. Pachano said he thought anyone could benefit from the use.

Mr. Rembold said if three people agreed there could be a map change and she could move forward.

Mr. Pachano said he thought it would be a bad precedent to make a spot change and there are other uses that could be detrimental to the neighborhood.

Mr. Fick said he is not comfortable with making the change.

Mr. Rembold suggested to Ms. Fisch that she consider an application to the ZBA under section 5.6 of the Zoning Bylaw.

PLANNER'S REPORT:

Mr. Rembold said the Board will hold a workshop to discuss zoning amendments for the ATM on December 20 at 2:00 P.M. He said he would send out information.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Hankin said CPC had a favorable reception for the Affordable Housing Trust's acquisition of the Alden property.

CITIZEN'S SPEAK:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:31 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary