

PLANNING BOARD

DATE: March 28, 2024

TIME: 6:00 P.M.

PLACE: Large Meeting Room/Zoom

FOR: Regular Meeting/Public Hearings

PRESENT: Brandee Nelson, Chair; Pedro Pachano; Jonathan Hankin; Malcolm Fick;
Jeremy Higa
Jackie Kain, 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. She said the meeting was being recorded. Ms. Nelson also read Section 241-1 of the Town Code.

FORM A PLANS:

There were no Form As.

MINUTES: MARCH 14, 2024

Mr. Hankin made a motion to approve as amended, the minutes of March 14, 2024, Mr. Fick seconded, all in favor.

BARRINGTON BROOK:

Jim Scalise from SK Design Group was present to discuss the request to release three of the five lots on Thrushwood Lane from the covenant.

Mr. Scalise said there are nine residences that are occupied on Thrushwood Lane. There are four building permits and certificates of occupancy being held. He said there are two expired building permits for lots 14 and 15. He asked that those two building permits be reissued for lots 1 and 9. The building permits were issued but never acted on so they expired. He asked for two COs to be released.

Mr. Scalise said there is still work to be done but a lot of work has been done. We ran out of the season last year. There are boulders to be moved out soon. The landscaping around the pool needs to be done.

Mr. Scalise said two houses are built and they need the COs released. There are two modular homes that are coming soon.

Mr. Hankin said there are no stop signs or street signs.

Mr. Scalise said they are on his list.

Ms. Kain asked if there is an issue with the pool.

Mr. Scalise said the residents are debating back and forth about what they want around the pool. If the HOA determines that they don't want the approved landscaping we will return to the Board. Otherwise the plants will go in.

Mr. Fick said it feels like the end is in sight.

Mr. Scalise said it has been good working with this owner. He said he thinks holding the remaining building permits and COs will be enough to make sure the work will be done.

Mr. Fick made a motion to release COs on 3 lots; lot 15, lot 14 and lot 6, Mr. Pachano seconded.

Mr. Hankin said we are giving away our purview for the lots that haven't been built on. He said he is ok with releasing the lots but not the COs. Let them move ahead but don't give up the COs.

Mr. Fick said he didn't agree with Mr. Hankin because we still hold 4 building permits and 4 COs.

Ms. Nelson said her opinion is that we still have substantial value being held. They are building quickly so it would good to release what has been requested so that Mr. Scalise is not back in 3 months.

Mr. Scalise said the houses will arrive in May or June. He said he expected to be back in July unless there is a drastic change. He said his client is acting in good faith.

Mr. Pachano asked if the client is preselling houses.

Mr. Scalise said we don't have the building permits. He said his client made a significant investment so he is anxious to build.

Eileen Mooney said she is confused about transferring building permits that have expired.

Mr. Rembold said the permits were not acted on.

Mrs. Mooney asked if the permits were still valid.

Mr. Rembold said no.

Mr. Scalise said the request is to transfer permission to get new permits.

Mr. Hankin said he appreciated the skill and honesty of Mr. Scalise, but someone from the Town needs to go through the documents to make sure everything has been done.

Mr. Scalise said he has to return to the Board for the release of the covenant. He said he will go through the project as you are saying, before coming back for the covenant release.

Ms. Nelson said Mr. Hankin made a valid point.

Mr. Hankin said someone from the Town needs to sign off on the final improvements.

Ms. Nelson said she doesn't think the Town needs to hold 10x the value of the improvements.

Ms. Nelson called for a vote on the motion. All in favor, Mr. Hankin opposed.

ZONING AMENDMENTS:

The Board discussed the proposed zoning amendments for the Annual Town Meeting.

Ms. Nelson asked if the language for the coliving bylaw allows enough flexibility or does there need to be a change in the language.

The Board discussed the other residential uses that could be on the same property as a coliving use. Mr. Rembold clarified that other residential uses may be permitted on a coliving development site to the extent they are permitted in the underlying district. This language was to be added to the zoning proposal as the second sentence under 8.11.2. The sentence referring to site plan review moves to the end of that section.

The Board discussed 8.11.3 3, common bathrooms. The proposed language was amended to clarify when an additional bathroom would be required. The language reads, *Common bathrooms shall contain at least a) one water closet for eight occupants on the floor, b) one lavatory for up to eight occupants on the floor, and c) one bath or shower for up to eight occupants on the floor.*

The Board discussed the Table of Use to make sure it was correct.

The Board concluded the discussion. Mr. Higa made a motion to recommend the bylaw change to the ATM, Mr. Fick seconded, all in favor.

The Board briefly discussed the Table of Use for by-right housing. There were a couple of errors that were amended. The Board was in agreement with the Table of Use.

Mr. Higa made a motion to send a positive recommendation to the ATM, Mr. Fick seconded, all in favor.

There was no discussion over the proposed amendment regarding landscaping and trees.

Mr. Higa made a motion to send a positive recommendation to the ATM for landscaping and trees, Mr. Fick seconded, all in favor.

The Board discussed the Citizen's Petition for a change from R2 to MXD on Silver Street. The Board decided to leave the petition as a Citizen's Petition.

Mr. Fick said he is not in favor of the MXD zone for that site.

Mr. Pachano made a motion to forward the proposal to the ATM, Mr. Higa seconded, all in favor.

The Board stayed neutral on the petition.

TOWN PLANNER'S REPORT:

Mr. Rembold said staff is looking at raising fees to cover the costs of the permitting process. He said the current fee of \$300 barely covers the mailings for a special permit. The Board will set the fees. Subdivision fees have to be set in a public hearing.

Mr. Rembold said the SPR for Timberlyn Heights might be on the next agenda as well as a fee schedule and a Form A.

Ms. Nelson asked that a Master Plan update item be added to the next agenda.

BOARD & COMMITTEE/ISSUES & CONCERNS

Mr. Higa asked if there could be an agenda item to discuss a Planning Board housing subcommittee.

Ms. Nelson asked if there could be some direction for the agenda item.

Mr. Higa said he is interested in continuing work started by the Housing Sub-Committee that is puttering out. He said he would like to have a meeting with a developer to discuss affordable housing issues.

Ms. Nelson said more will be needed if Mr. Higa is suggesting creating a new sub-committee.

Ms. Kain said she would like to receive the members' action or strategies on the Master Plan update. She said the Board identified 9 items deemed relevant. Now, we need to determine if the items are actionable.

Ms. Kain said she would like to discuss the Master Plan process at the next meeting. She asked that reports be submitted to her so they can be pulled together.

Mr. Pachano said an industrially zoned piece of property was recently purchased by Jane Iredale preventing it from becoming a gravel bed.

Mr. Pachano said BRPC will have a 5th Thursday meeting at the end of May to discuss Micro Transit. He asked Board members to attend.

Mr. Higa said the CPC will meet on April 2 at 5:00 PM.

Ms. Nelson said the process for the recent housing project was very frustrating. She said the Board should work on recommending a better process. There needs to be better communication. The Board could engage more and be a more constructive part of the process. She said she would like to sit with the Selectboard to discuss the process and how to improve it. She said she would also like to communicate with the Great Barrington Affordable Housing Trust to make them aware that we can be a resource.

Mr. Pachano said planning a development can be problematic.

Mr. Fick said agreements were in place that we weren't a part of.

Mr. Pachano said he thinks the bylaw is flawed.

Ms. Nelson said she is not happy with the PURD bylaw.

Mr. Pachano said the PURD has potential but design guidelines need to be part of it. He suggested the Planning Board should be in the meeting when the Selectboard discuss a definitive subdivision and the associated special permit.

Ms. Nelson suggested that in the next round of bylaw amendments the Board should discuss the Open Space and PURD bylaws.

Mr. Rembold said you all have ideas about what good design ideas are. He suggested encoding those ideas into a working bylaw.

Ms. Kain said she would like to have visuals of subdivisions and PURDS.

Ms. Nelson said we don't have a graphically strong code. She said we will think about this topic and bring it up again this year.

CITIZEN'S SPEAK TIME:

No one spoke

Having concluded its business, Ms. Nelson adjourned without objection at 7:35 PM.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary