

## PLANNING BOARD

DATE: March 12, 2020

TIME: 6:00 P.M.

FOR: Regular Meeting/Public Hearing

PLACE: Large Meeting Room

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jeremy Higa; Pedro Pachano;

Jonathan Hankin, via phone

Garfield Reed, Associate Member

Chris Rembold, Assistant Town Manager/Director of Planning and Community  
Development

Ms. Nelson called the meeting to order at 6:00 P.M. Mr. Higa had not yet arrived. Ms. Nelson read notice requiring anyone wishing to record to notify the chair. Two people indicated they would be recording. CTSB was broadcasting the meeting live and recording for future broadcast.

Mr. Higa arrived at 6:01 P.M.

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

There were no Form A's presented.

### **MINUTES: FEBRUARY 27, 2020**

Mr. Pachano made a motion to approve the minutes of February 27, 2020, Mr. Fick seconded.

Roll call vote: Mr. Pachano, aye; Mr. Higa, aye; Mr. Hankin, aye; Mr. Fick, aye; Ms. Nelson, aye

### **SITE PLAN REVIEW: TESLA, INC 700 MAIN STREET**

Trevor Smith was on the phone (conference call as Mr. Hankin was participating via phone) to continue discussion of Site Plan Review for installation of 8 electric vehicle charging posts and 2 supercharger cabinets in the Big Y parking lot at 700 Main Street. Mr. Smith provided additional information requested by the Board after the discussion at the February 27 meeting. The Board received the information through a link provided by Mr. Rembold.

Mr. Rembold said Mr. Smith is on the phone. The information requested was submitted and made available to the Board.

Ms. Nelson said Mr. Smith provided information for the lighting levels, added details for the site lighting and landscape screening. She said the applicant made proposed improvements by

decreasing the amount of light proposed and decreasing the number of proposed lights and level of lighting.

Mr. Rembold said decommissioning of the units was also addressed.

Mr. Smith said work had been done with Big Y to insert a clause in the agreement to ensure that if the units are not operational for a year the equipment will be removed and the area will be restored to pre-installation condition.

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

Mr. Pachano made a motion to approve 10.5, Site Plan Review, with the amended plans, Mr. Fick seconded.

Roll call vote: Mr. Pachano, aye; Mr. Higa, aye; Mr. Hankin, aye; Mr. Fick, aye; Ms. Nelson, aye

**PUBLIC HEARING:**

Mr. Rembold said he was recording the public hearing.

Ms. Nelson said CTSB is broadcasting the Public Hearing. She said she would not close the hearing tonight in order to allow people who chose to watch the hearing instead of attending the meeting the opportunity to comment. She said anyone wishing to comment should provide written comments to Mr. Rembold prior to 6:00 P.M. on March 26, the date of the next meeting.

Mr. Pachano made a motion to open the public hearing, Mr. Higa seconded.

Roll call vote: Mr. Pachano, aye; Mr. Higa, aye; Mr. Hankin, aye; Mr. Fick, aye; Ms. Nelson, aye

The public hearing was opened at 6:11 P.M.

Michele Loubert, 70 Division Street, presented the first Citizen's Petition. She said she understands that the request is to keep the presentation to 5 minutes or less. She said she can present the petition in that time frame, however a more detailed report will be presented at the Annual Town Meeting (ATM).

Ms. Loubert said the petition is for a revision to the marijuana bylaw. She said the impacts of the marijuana businesses do not align with the Master Plan. She said the residents would like the zoning to better align with the goals of the Master Plan to protect the character of neighborhoods.

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

Trevor Forbes, North Plain Road, said he is part of the group that put the petition together with Ms. Loubert. He said he supports the petition.

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

Mr. Fick said he thinks there is discrepancy in the language. He said the petition says no odor at the exterior of the marijuana establishment or an adjoining property. Mr. Fick indicated there is big difference between the exterior of the building and at an adjoining property line.

Ms. Loubert said she would look at it. She continued saying that the law that provides the Town the ability to reduce the setback from schools from 500 feet to 250 feet allows them to expand the setbacks.

Mr. Fick said the law does not allow the Board to expand.

Ms. Loubert said the Selectboard reduced the setback because the proximity of Dewey Academy to Main Street.

Mr. Fick asked if Ms. Loubert had looked at what would be legally allowed in Great Barrington if the setback was increased.

Ms. Loubert said she had not.

Mr. Reed said he endorses the petition.

Mr. Pachano said section 7.18.5 (3) of the petition refers to “nuisance” to abutters or surrounding area. He said that is a broad term and suggested clarification. He said noise and smell can be subjective he suggested explaining how they will be measured.

Ms. Loubert said there is methodology to measure. She said, we (the petitioners) are not engineers, we are lay people. She said the language in the petition is a combination of bylaws from other towns.

Mr. Pachano said the proposal may be open to interpretation.

Ms. Loubert said we are lay people who are trying to protect our neighborhood. We are not going to know what piece of equipment would be required to measure odors or noise.

Ms. Nelson said quantitative measures could be helpful.

Ms. Loubert said she wouldn't be able to provide those measures. She said we didn't copy the language but rather crafted what we thought would work for our neighborhood. The Great Barrington zoning bylaws do not protect our neighborhood.

Mr. Forbes said the voters who vote for the Planning Board members expect you to maintain the environment that they live in. We are looking for guidance. There was skepticism from the neighbors that you would provide guidance. We are looking to you to do what is expected.

Ms. Nelson said regulations that were initially put in place were done so with a lot of work.

Mr. Forbes said we do appreciate the amount of time put into the bylaws. This is just what a group of people expect.

Ms. Loubert said you go through the amendments carefully but even with your level of experience things need to be tweaked. We are not experts and expect tweaking at the ATM.

Ms. Nelson asked if there were any other comments. There were none. She asked that additional comments be sent to Mr. Rembold.

David Gilmore was present to discuss the petition to allow a change to the I-2 zone to allow marijuana establishments and manufacturing by special permit.

Mr. Gilmore said he would like to have a small indoor grow facility at 115 Gas House Lane. He asked that the Table of Use be amended to allow the marijuana uses by special permit in the I-2 zone.

Mr. Rembold said he is getting e-mails from people who are trying to watch the hearing on television. There is some technical difficulty with the broadcast. He said the meeting will be shown at a later date.

Mr. Gilmore said they would like the ability to have a small indoor grow operation. No lights would be visible and filters would be installed to eliminate odor. He said they would produce approximately 5,000 lbs or less in a year.

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

Ed Abrahams, Pleasant Street, said when the marijuana zoning was created, the I-2 zone was not included because it was determined that the zone was too close to residential zones. He said it would require a special permit.

Sharon Gregory, Hollenbeck Avenue, asked if the zoning map could be projected so we can see where the I-2 zone is located.

Mr. Rembold projected the zoning map showing the I-2 zone runs from Castle Street behind Main Street on the West side, to Gas House Lane. There is a small section of the I-2 zone off of Church Street along River Street.

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

Mr. Higa said he has a similar recollection as Mr. Abrahams.

There were no additional comments.

Barbara Matz, 22 Manville Street, presented a petition for modifications to 8.4 of the zoning bylaw. She said the purpose of the petition is to restore the zoning article presented by the Planning Board at last year's ATM. She said the vote to approve the zoning amendment was overturned on procedure. She said the amendment is being submitted exactly as it was put forward by the Planning Board last year. There hasn't been any change to the language. She said we are presenting the article because the Planning Board is not bringing it to the ATM this year.

Ms. Matz said the Planning Board is presenting a change to 8.4.2.2. She said she doesn't understand why they are not addressing the density issue. She asked the Board to look at what they are presenting and to provide clarification to avoid confusion. She asked the Board to support the amendment to support the will of the Town's people.

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

Holly Hamer, 99 Seekonk Cross Road, asked if the Board will specifically address Ms. Matz's question. She said the Citizen's Petitions are being taken first during this hearing but they are generally at the end of the warrant so taken at the end of the ATM. She asked if the potential conflict will be addressed and dealt with by Town Counsel.

Ms. Nelson said she could not answer the question because we are just being made aware of the issue. She said we have not had an opportunity to deliberate.

Mr. Fick said the point is well made.

Ms. Hamer said she supports the amendment. She said it is important to put number on density. There needs to be some constraints.

Ms. Nelson asked if there were any comments from the Board. There were none.

Michael Kernan, Mahaiwe Street, presented an article to rezone a portion of the MXD to R-3. He said the two zones were lumped together but they are two different neighborhoods. Mr. Kernan referred to the area as the Mahaiwe Triangle. He said the homes in the neighborhood are 60-120 years old. He said the commercial area is located west of Maple Avenue and south of Manville Street. He said the MXD has been in place for less than four years and there are two lawsuits.

Mr. Kernan said the MXD invites lawlessness based on greed. The houses were in conformance since they were built. The previous zone was B-2 but R-3 seems more appropriate for the area. He said there are 14 residential houses that should be excluded from the MXD because they are residential.

Kernan said there is disregard for the character of the neighborhood. Manville Street is residential, Pope Street is residential and there are some offices on Mahaiwe Street that could be grandfathered.

Ms. Nelson asked if there was any public comment.

Sharon Gregory asked if the Board would be voting on the Citizen's petitions.

Ms. Nelson said voting will take place after we deliberate after the public hearing is closed at the next meeting.

Ms. Nelson asked if there were questions from the Board.

Ms. Nelson asked how the MXD and R-3 would be distinguished.

Mr. Kernan said the minimum lot size in the MXD is 5,000 square feet. He said all of the setbacks are too small for the current zoning. He went through the setback requirements for the two zones.

Ms. Nelson asked Mr. Kernan if he was party to one of the lawsuits.

Mr. Kernan said yes.

Mr. Higa said the differences in the two zones are not just dimensional there are different uses allowed in those zones.

Mr. Hankin was disconnected briefly but reconnected.

There were no further comments on the Citizen's petitions. The Board began discussion of the Selectboard's proposed amendment to section 7.18 to regulate the number of retail establishments.

Mr. Rembold said the Selectboard proposes to limit the number of retail marijuana establishments to 7. The number is based on the number of alcohol licenses for package stores. He said the limit must go in zoning; it is not part of general law. He said the limit is not specific to any zone it would be a town wide maximum of 7 retail establishments.

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

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

Mr. Fick asked how many Host Community Agreements have been presented to the Town.

Mr. Rembold said there are five Host Community Agreements.

Mr. Abrahams said there are five existing and an additional one that has advertised a meeting.

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

Maureen Quigley said she thinks the Selectboard decision was not well thought out. She said there should have been a conversation with Dr. Michaels at the Brien Center. They are the front line people. She said that allowing 7 retail establishments would provide 1 establishment for every 1,000 people. She said the Selectboard should have asked questions to see how this impacts our community.

Karen Pasmore, 317 North Plain Road, said people come from other states to buy marijuana here. She said she mostly sees out of state license plates. People are buying marijuana and taking it somewhere else. She said it would be good to have a doctor's opinion. She said her life and her children's lives have been severely impacted by cannabis. She said it is painful to see



the Town going in this direction. She said she would like no more than two in Town. She said Great Barrington is a Mecca. She said she finds it deeply insulting.

Sharon Gregory said many people compare marijuana to alcohol. She said we live in a social world. Alcohol is served but there is no pressure to drink. She said it is not the same with cannabis. She said she would prefer to see fewer outlets.

Maureen Quigley said there has been an increase in foot traffic but the restaurants are not being helped. The restaurant owners say it has been destructive to their businesses.

Mr. Reed said he agrees. He said we are not comparing apples to apples. He said 7 retail stores are too many. He said it is too much for our Town, it is too many.

Trevor Forbes, North Plain Road, said marijuana establishments have to be completely closed off in Great Barrington. He said people are intrigued having stores along Main Street. He said it is offensive to have a marijuana store between two toy stores.

Ms. Hamer said the other side should be spoken for. She said the marijuana stores are not being accurately spoken for. She said maybe the number of 7 is arbitrary because of the liquor stores. She said maybe there should be fewer she said she didn't know. She said the growing and selling are different issues. She said people are intimidated by emotional issues. Ms. Hamer said the fears are mostly ungrounded. She said she does not endorse the Selectboard's proposal. She said it should go back to how it was with no limit.

Ms. Nelson said the Selectboard worked on this proposal after a non-binding vote was taken at last year's ATM. The people asked that a limit be considered.

Jennifer Clark, Oak Street, said anyone can write an amendment from the Town Meeting floor and give it to the Moderator. She said the number could be amended.

Mr. Abrahams said the Selectboard made the comparison to alcohol. There are 54 places to buy alcohol in Great Barrington. There are 44 bars where people can consume alcohol. He said there are 5 places to buy opioids one is next to a church.

Rachel Kelly, Oak Street in Housatonic, said she has children ranging in age from 7-15. She said she voted for decriminalizing marijuana but she had no idea of the ramifications. She said all kinds of things have come with it. She said there has been an awakening with Fulcrum. She said there is so much more marijuana available. When my children go somewhere I tell them not to eat at someone else's house. It is a whole new thing to be careful with the children. The



exposure to cannabis is scary as a parent. As parents we need to protect our children from exposure to what is sold in retail locations.

Mr. Higa asked what the minimum could be.

Mr. Abrahams said possibly 1 or 2 that would be 20% of the alcohol licenses.

There were no additional comments.

The Board began going through their zoning amendments.

Mr. Rembold said the first article would specify that any reference to the SPGA would mean the Selectboard when no other board is specified.

Mr. Hankin said no the intent is to remove specific references in the text if its already listed in the Table of Uses, so the text would be changed to SPGA.

Ms. Nelson asked if there were any comments from the public. There were no comments.

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Mr. Pachano asked if there is a reason to keep the Selectboard for the SPGA.

There were not additional comments.

Ms. Nelson said article 2 is more of a housekeeping item.

Mr. Rembold said this item was presented at last year's ATM but it did not go through. He said the proposal is to amend the allowed uses in the Downtown B district. He said some things are not allowed or allowed by special permit. It said there are some things allowed that shouldn't be allowed. He said the amendment makes sure that the uses reflect the uses in the district.

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

Mr. Abrahams asked what “general service” refers to.

Ms. Nelson said craft people, small appliance repair.

There were no additional comments from the public or the Board.

Mr. Rembold said article 3 addresses height regulations. He said the article was discussed at the last ATM. He said the overall language was good.

Mr. Rembold explained that the current height limits may not allow for the ADUs or in-law apartments in accessory buildings. The increase in the height limit would allow for the additional uses on second floors.

Ms. Clark said she is in favor of greater density. She suggested visuals at the ATM would make the argument to allow more effective.

Ms. Hamer said she thinks there is a difference between an accessory building and an ADU.

Ms. Nelson said the setbacks exist, they are not changing.

Ms. Hamer said the height is changing from 15 feet to 25 feet.

Ms. Nelson said yes to allow an apartment over a garage.

Ms. Hamer said that is great to just be able to build over a garage.

Ms. Gregory said she is in favor of the intent. She asked how we separate affordable housing units from speculators and developers to put in multiple ADUs for seasonal rentals. She said she is not sure that can be accomplished without additional regulations. She said there are 3500 property owners. Some people own multiple properties. Great Barrington is an attraction. The liberalization of the bylaws needs to accomplish what we want it to. Rentals in Great Barrington are substantial. Could people subdivide to add the ADUs?

Ms. Nelson said subdivision can only happen with the appropriate amount of property.

Ms. Gregory said we don’t want people to find loopholes that would destroy the character of our neighborhoods.

Mr. Abrahams had a question about the last line of the amendment that would allow for a taller structure.

Ms. Nelson said the amendment does not penalize a taller structure.

Mr. Abrahams said the setbacks would stay the same.

Ms. Nelson said it is an existing development pattern.

Mr. Abrahams said he understood. He advised the Board that they will need to make the case at Town Meeting.

Mr. Pachano said the Planning Board and the Selectboard have a joint housing committee that is looking how the Town is dealing with short term rentals.

Ms. Gregory said it is not just short term rentals but rentals in general.

Mr. Higa said we can't make people stop buying properties.

There were no additional comments.

Mr. Rembold said article 4 allows for the amendment to the Table of Use. Currently ADUs are allowed in all zones but the Table of Use does not make specific reference to ADUs. A line will be added to the Table of Use to clarify where ADUs are allowed.

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

There were no comments from the Planning Board.

Mr. Rembold said Article 5 amends the ADU regulations in 8.2. This article was presented at last year's ATM. We are bringing this back with a few tweaks. He said #2 of the proposed bylaw deleted 8.2.3. This section deals with discretionary ownership. It would not allow condominium form or ownership. Additionally it would increase the allowed size of an ADU from 650 square feet to 900 square feet.

Mr. Rembold said #8 & #9 can be dealt with through Site Plan Review on a case by case basis.

Mr. Rembold said new item #10 allows farm dwellings for farm workers. This allows a less expensive option for farmers to house their workers.

Ms. Nelson said the item was added in response to local farmers who have trouble housing their workers.

Ms. Clark asked if height liberalization apply to this housing too.

Ms. Nelson said that is a good point that needs explanation.

Ms. Clark said three units are allowed on a lot.

Ms. Nelson said yes, two by-right units and an ADU.

Ms. Clark said this could be difficult for lay people to understand. She suggested a visual presentation at the ATM.

Eileen Mooney asked if a farmer wants 8 units would he have to follow subdivision bylaws.

Ms. Nelson said site plan review.

Ms. Mooney said not subdivision.

Mr. Rembold said no new lots are being created.

Ms. Nelson said the housing would be created for that farm.

Ms. Mooney said the units would stay in common ownership.

Mr. Fick said could the farmer sell to his employees. That is a good question that we can discuss.

Mr. Kernan asked if the items that failed last year and are being presented this year could be noted.

Ms. Nelson said there was a whole block that failed because they were grouped together.

Mr. Rembold said he doesn't have last year's vote in front of him. He said some portions of articles were presented and failed. He said #10 of this article is new. It was not presented last year.

Mr. Kernan said he would like clarification about what failed last year.

Ms. Nelson said all of the articles are new for this year. Last year's articles are not germane to this discussion.

Mr. Kernan said he thinks it is germane.

Ms. Hamer said she thinks this article failed last year because there is no requirement for abutter notification. That language is not in this new article. She said people are concerned about their properties. She asked the Board to consider taking up the idea of abutter notification.

Ms. Nelson said that concern was heard last year. The application has been amended to include the notification. It did not need to be part of the zoning bylaw.

Ms. Hamer said that needs to be explained at the ATM.

Ms. Nelson asked if there were any comments from the Board. There were none.

Ms. Nelson said article 6 is a definition that a movable tiny house is an ADU.

Mr. Rembold said the definition of movable tiny houses has been added to accommodate the trend for more affordable dwellings. He said the tiny houses are not trailers and, while technically movable, they are not effectively so due to the required hook ups.

Ms. Nelson asked if there were any public comments.

Ms. Clark said she would like some clarification about the ownership of the property the tiny home would be placed on. She asked who would pay the taxes for the property.

Mr. Rembold asked Ms. Clark to clarify.

Ms. Clark said the Board needs to make it clear to the public who will pay the property taxes. It needs to be clear that someone is not getting around paying property tax.

Mr. Rembold said most property owners pay taxes. Are you asking if there will be an increase in property tax with the addition of a tiny home?

Ms. Clark said yes. She said that should be clarified.

Mr. Rembold said property tax is paid by the owner of the property.

Ms. Gregory asked if additional ADUs would share a driveway.

Ms. Nelson said generally there is one ADU per property.

Mr. Rembold said the fine points of article 6 are being discussed with the Building Commissioner.

There were no additional comments.

Mr. Rembold said article 7 amends the language regarding lot coverage. He said this article was discussed at the last ATM but it was held back. He said the language has been clarified to make the intent more straight forward.

Mr. Rembold explained that in zoning districts with smaller lots the maximum lot coverage keeps the building area artificially small. The amended language allows smaller lots to be built out. Currently small lots are penalized for their size.

Mr. Rembold said this amendment will be presented with diagrams for clarification.

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

Ms. Gregory asked if ADUs could be split off then held in separate ownership.

Mr. Fick said the ADU discussion was article 5. We are on article 7.

Ms. Gregory said she has no objection to article 7.

There were no additional comments from the public or the Board.

Mr. Rembold said article 8 deals with design review. He said design review by the Design Advisory Committee has been encoded in the bylaw. The new language expands design review beyond the Downtown B zone. He said design review is proposed to be removed from section 9.5 and put into section 7.19. He said one of the changes in the language would reduce the membership of the Design Advisory Committee from 7 members to 5 members.

Mr. Pachano said reducing the membership will help to get a quorum. Additionally both the Planning Board and the Historic District Committee will have an alternate member.

Mr. Rembold said the revised language provides a cleaner procedure for design review.

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

Mr. Abrahams suggest changing the word “prevent” to “discourage” in 7.1.9.2(3).

There were no additional comments from the public or the Board.

Mr. Rembold said article 9 deals with Planned Unit Residential Development (PURD). He said the revised regulations are more current and in line with the underlying zoning. He said the PURD zoning has not been used extensively. He said the intent is to take a tract of land and encourage it to be developed with homes that are clustered together rather than spreading houses out across the land like a subdivision. The PURD language encourages open space. There are only a couple of PURDs in Great Barrington. The regulation is older and it has not been updated along with other regulation updates.

Mr. Rembold said the revised language is intended to update regulation to be consistent with underlying zoning language and to clarify what a PURD is intended to do.

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

Ms. Hamer said the language can also apply to assisted living residences not just residential uses. She said assisted living residences are businesses that can employ staff people so there can be a lot of traffic in and out. She said it doesn't fit into the purpose. She said it looks like the right thing but it is not. She requested that the assisted residential use not be allowed.

Ms. Gregory asked if Barrington Brook is a PURD.

Mr. Rembold said not that project was done as an Open Space Residential Development.

Ms. Gregory asked if the density would be different if it had been built as a PURD.

Mr. Fick said it was not built as a PURD.

Mr. Rembold said we are not able to know that. Each application is processed on a case by case basis.

Ms. Nelson said article 10 is a straight forward regulation to make the language in the bylaw consistent with the language in the Building Code that is a more restrictive regulation.



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

There were no comments from the public or the Board.

Mr. Rembold said article 11 is a change in the Table of Use changing the SPGA for most residential uses from the Selectboard to the Planning Board. He said there is a list included with the article showing where the changes would take place.

Mr. Pachano said the purpose of the change is to help streamline the permitting process. People feel the permitting process is onerous. All of the special permits that go to the Selectboard come to us for review. Making this change would allow applicants to have a one stop process. Site Plan Review often applies so two boards are part of the permitting process.

Mr. Rembold said all boards would still comment. The decision would be with one board instead of two. He said the Planning Board and the Selectboard have a joint housing task force that supports this change as does the Selectboard.

Mr. Abrahams said the Selectboard has not weighed in.

Mr. Rembold said they agreed at the last joint meeting.

Ms. Hamer said she has some issues with the changes such as the multi-family use.

Mr. Higa said this was discussed in a previous article.

Ms. Hamer said a 9 unit multi-family use would be before the Planning Board. She said there are so many changes.

Ms. Nelson said that is a good point. We will make clarification for the ATM.

Ms. Hamer said she remembers from last year that the SPGA change from Selectboard to Planning Board was not well received. She said the Planning Board is very precise in the regulation issues of a permit. The Planning Board does not hold the public hearing; you don't encourage comments from the public. The Selectboard is more geared to how people feel. The Selectboard is closer to the different issues in the neighborhoods. She said it would be hard to agree with the change. She said when it comes to homes and where people live it becomes emotional and financial. She supports the Selectboard to approve the permit. She said she would vote no on the article.

Mr. Hankin said during the public hearing process people have the opportunity to comment. The Planning Board would hold a public hearing if we are the SPGA.

Mr. Pachano said the SPR application can't be denied. The public hearing process is totally different.

Ms. Loubert said she agrees with Ms. Hamer. She said she supports the Selectboard as the SPGA. She said the Planning Board meetings are not televised. The Selectboard is more open to comment and more sensitive to residents of neighborhoods. She said she would oppose the article.

Ms. Gregory said she agrees with the televised process. She said she wished the Planning Board meetings were televised. She said she is a big proponent of people knowing what is happening. She said she understands streamlining.

Mr. Rembold said when there is a special permit application there is a public hearing. The decision making process is exactly the same. The board members, regardless of who they are, have to apply the regulations evenly. Regardless of whether the meeting is televised, people who care about an issue should attend the meeting. Public participation takes place at the meeting. He encouraged people to attend all meetings.

Ms. Loubert said it is difficult to attend all meetings when there is an overlap of different committees and boards. Televised meetings are valuable. She said she prefers the dual roles of the Planning Board and Selectboard.

There were no additional comments from the public or the Board.

Mr. Rembold said article 12 deals with clarification of language in the Water Quality Protection District (WQPD) bylaw. He said this article was presented at last year's ATM because the bylaw's language had proved to be confusing. The proposed language allows uses that don't conform to the WQPD to be brought up to the current standard. The revised language is clear. It allows for higher more restrictive standard to be applied.

Mr. Abrahams said he thinks the language is clear but it is going in the wrong direction. He said Town Council's interpretation was correct. It allowed the property owner to place the new tank where they wanted with no oversight from the Town. He said there was no question that the tank had to come out but there should have been oversight. He said this is codifying of Town Council's opinion.

Ms. Nelson said there is additional language.

Mr. Abrahams said it shouldn't be automatic. If we don't want it where it is proposed there should be a special permit process for review.

Ms. Nelson asked about the specific language.

Mr. Rembold said what is there can stay. He said it is unclear how it could be improved to better protect the water supply. He said he would like to revisit the bylaw to determine if non-conforming uses are allowed at all. He said it is a broad idea.

Mr. Abrahams said if it has to be removed it shouldn't be put back in.

Mr. Pachano said the special permit language is confusing—more restrictive does not apply.

Mr. Rembold said a special permit could be denied.

Ms. Nelson said we will take Mr. Abrahams comments under advisement and look at what we want to bring up to current code without revisiting the special permit issue.

Mr. Abrahams suggested putting it back in or putting it somewhere else.

Mr. Pachano said the owner is not the only one to make the determination of where it goes.

Mr. Fick said it could be denied.

Michael Wise said this is a particular case that you are discussing. He said he wrote the opinion and he thought the language was clear as applied to this specific issue. He said this might not come up again.

Ms. Hamer said it will come up again as there are 6 tanks on Hurlburt Road.

Mr. Rembold said that property is not in the WQPD.

Ms. Hamer said the language is the reverse of what she thought it would be. She said she agrees with Mr. Abrahams not Mr. Wise.

There were not additional comments from the public or the Board.

Mr. Rembold said article 13 addresses mixed use development. He said the current regulation does not have a minimum square footage requirement for an office or retail use. He said 8.4 will be amended to clarify the amount of non-residential uses in a mixed use development.

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

Barbara Matz said there could be issues between this article and the citizen's petition. She asked the Board to look at the inconsistency and amend to make the two articles coincide.

Ms. Nelson thanked Ms. Matz for bringing the inconsistency to our attention.

There were no additional comments from the public or the Board.

Mr. Rembold said article 14 is a new section to allow for the conversion of nursing homes for multi-family use. He said there are three nursing homes and they are all in the R-2 residential zones. He said the use would be allowed by a special permit from the Selectboard. The use would be strictly residential in nature. He said the nursing home use is well known as are the impacts of that use. Additionally there are impacts on the utilities.

Mr. Rembold said currently there is no way convert a nursing home use to a new use. The proposal would be to possibly convert the structure to a multi-family use by special permit.

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

Mr. Rembold read a letter of support from Charles Ferris dated March 9, 2020. He requested a change in wording to say for a current use in existence during the calendar year or prior to June 1, 2020.

Ms. Matz said she supports the article. She said it is a lovely building that fits with the character of the neighborhood. Multi-family would be a good reuse.

Mr. Abrahams said the allowed density is vague. He said he interprets the language to be that the Planning Board will figure out what works.

There were no additional comments from the public or the Board.

Mr. Higa made a motion to continue the public hearing to March 26, 2020 at 6:00 P.M., Mr. Fick seconded.

Roll call vote: Mr. Pachano, aye; Mr. Higa, aye; Mr. Hankin, aye; Mr. Fick, aye; Ms. Nelson, aye

The public hearing discussion concluded at 8:47 P.M. Ms. Nelson reminded the public that comments can be e-mailed to Mr. Rembold before the start of the next meeting.

**TOWN PLANNER'S REPORT:**

Mr. Rembold said the Town is postponing all non-essential meetings due to the Corona Virus. The meeting and the next will be held as they are considered essential.

Mr. Rembold said T-Mobile has submitted an application for a wireless antenna at Fairview Hospital, a pre-existing permitted facility.

Mr. Rembold said the Board will make a recommendation to the Selectboard for a special permit application for a medically supervised detox facility at 446 Monterey Road. The Board started to set a site visit but decided to do individual site visits.

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

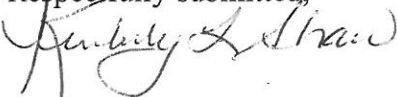
There were no updates.

**CITIZEN'S SPEAK TIME:**

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:52 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary