

PLANNING BOARD

DATE: July 9, 2020

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting/Public Hearing

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;
Pedro Pachano
Garfield Reed, Associate Member
Chris Rembold, Assistant Town Manager/Director of Planning & Development

Ms. Nelson read the opening statement as printed on the Agenda. The meeting is being recorded.

Roll call vote of those present: Mr. Pachano, present; Mr. Hankin, present; Mr. Fick, present; Mr. Reed, present; Ms. Nelson, present.

Audience members joining the meeting were: Eileen Mooney, Joseph Radice, Ed Abrahams, Terri Coughlin, Valerie Locher and Michelle Loubert

Ms. Nelson called the meeting to order at 6:00 P.M. Mr. Higa had not yet arrived.

REORGANIZATION:

Mr. Hankin made a motion for Ms. Nelson to remain Chair, Mr. Fick seconded.

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

Mr. Reed made a motion for Mr. Fick to be the Vice Chair, Mr. Hankin seconded.

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

Mr. Higa arrived at 6:03 P.M.

Mr. Fick made a motion for Mr. Hankin to be the clerk, **Mr. Reed**(we need a different second or revote) seconded.

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

Mr. Pachano made a motion for Mr. Hankin to be the Board's representative to the Design Advisory Committee and for Mr. Fick to be the Board's alternate, Mr. Higa seconded.

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

Mr. Fick made a motion for Mr. Pachano to be the Board's representative to BRPC, Mr. Hankin seconded.

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

Mr. Reed made a motion for Ms. Nelson to be the Board's representative to the Lake Mansfield Improvement Task Force, Mr. Higa seconded.

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

Mr. Pachano made a motion for Mr. Higa to be the Board's representative to the Community Preservation Committee, Mr. Hankin seconded.

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

Mr. Pachano made a motion for Mr. Fick to be the Board's representative to the Economic Development Committee, Mr. Hankin seconded.

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

Ms. Nelson made a motion for Mr. Higa to be the Board's alternate to the Economic Development Committee, Mr. Hankin seconded.

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

Mr. Rembold said he will forward the Board's recommendations to the EDC to the Selectboard who appoints the members.

FORM A's:

There were no Form A's presented.

MINUTES: JUNE 11, 2020

Mr. Pachano made a motion to approve the minutes as amended, Mr. Hankin seconded.

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

ADMINISTRATIVE BUSINESS:

Mr. Hankin made a motion to authorize Mr. Rembold, under MGL Ch. 41 81L, to certify and endorse on behalf of the Planning Board until the end of the year, December 30, 2020, Mr. Higa seconded.

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

PUBLIC HEARING: 98 DIVISION STREET

Ms. Nelson read the notice from the agenda. The public hearing is for a special permit for a freestanding sign in a residential zone. The applicant requests to hang a new sign on the existing sign post.

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

Roll call vote: Mr. Pachano, aye; Mr. Hankin, aye; Mr. Fick, Mr. Higa, aye; Ms. Nelson, aye. The public hearing was opened at 6:15 P.M.

Terry Coughlin, the applicant, said the renovation of the house at 98 VanDeusenville Road has been completed. He said the house was originally called the Granville House. He said a lot of thought has gone into the sign including the appropriate period of the sign and the details of the house. He said he is very grateful for the opportunity to present the sign and for the Board's consideration.

Mr. Coughlin said the existing sign post is 12 feet from the pavement of the road. He asked for a deviation from the height requirement as the bottom of the sign would be less than 8 feet from the ground. He said there doesn't seem to be a sight issue at the corner. He said if the height requirement is not waived a new post will be constructed.

Ms. Nelson said the sign will have lettering on both sides. The sign will be 11 square feet. She said the sign is proposed to be perpendicular to the road and 82 inches above the ground. She asked if there would be lighting on the sign.

Mr. Coughlin said the sign will be lit. There is existing electricity to the sign. There will be one fixture with one light on each side.

Ms. Nelson said basically there will be a new double sided sign on an existing post. She asked what hours would the sign be illuminated.

Mr. Coughlin said he would be flexible with the hours the sign would be illuminated. He said he would go along with what is preferred by the Town.

Ms. Nelson said the waiver is for height less than 96 inches above grade. She said she was concerned about the sight line and the impact on traffic so she went to the site to see. She said it did not appear that the sign would impede the view.

Mr. Hankin said he also went to the site. He said he didn't think there would be any problems with the location of the sign.

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

Joe Radice said he lived in the house for many years. He said the proposed sign looks very nice. He said the sign he had was larger than what is proposed. He said he supports the applicant.

Valerie Locher, an abutter, congratulated the Coughlin's on the opening of their B&B. She said she has no objection to the placement or the size of the sign. She said her concern is about the duration of the lighting of the sign. She said she would like to have it turned off in the wee hours of the night.

Mr. Coughlin said that is a reasonable request. He said he has no issue with turning the light off late at night.

Ms. Nelson said the code requires the sign lighting to be turned off from 11 PM to 6 AM or the lighting would be screened.

Ms. Locher said the lighting faces down. She said she does not anticipate a glaring beam of light. She said she would like to preserve the dark sky. She said the placement is not a concern just the hours the sign would be lit.

Michelle Loubert said to the applicant that she loves what has been done with the property. She said it looks beautiful and the sign is beautiful. She said the intersection is very dangerous. She said she understands that it doesn't seem that there would be a problem with the sign placement but it is a very dangerous intersection. She said the Coughlins are very caring people.

Ms. Loubert said she is asking the Planning Board to make sure the sign isn't a danger. If the sign is fine that is fine. If an adjustment needs to be made, then request it to be made. She said her only concern is about the sight lines.

Ms. Locher said she has seen a lot of accidents with cars ending up in her yard and the Coughlin's yard. She said she doesn't think the sign will obstruct anyone's view. She said the road is the problem, the way Division Street enters North Plain Road.

Ms. Loubert said she agrees but she doesn't want to see the problem added to.

Ms. Locher said she respects Ms. Loubert's concerns. She said she doesn't think the small sign will add to the problem.

Ms. Nelson said the sign is behind the hydrant and behind the stop sign where Division Street intersects with North Plain Road. She said she agrees the curve of the road is the issue.

Mr. Higa agreed that the sign does not prevent the ability to see down the road.

Ms. Nelson asked if the Planning Board had any other comments. There were none.

Mr. Hankin made a motion to close the public hearing, Mr. Higa seconded.
Roll call vote: Mr. Pachano, aye; Mr. Hankin, aye; Mr. Fick, Mr. Higa, aye; Ms. Nelson, aye.
The public hearing was closed at 6:41 P.M.

Ms. Nelson asked if further deliberations are necessary. There were no further deliberations.

The Board discussed a motion for the application.

Mr. Hankin made a motion to approve the special permit for a free standing sign in a residential zone as the sign will not be more detrimental to the neighborhood. The special permit is approved with the requested waiver from the height requirement and the condition that the sign lighting will be turned off from 11 PM to 6 AM, Mr. Higa seconded.

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

Ms. Nelson said the finding of 10.4 must be reviewed as well. The Board went through the findings of 10.4 finding that sign wouldn't have any adverse impacts.

Mr. Pachano made a second motion to approve the special permit as there are no adverse finding under 10.4, Mr. Higa seconded.

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

ZONING PRELIMINARY DISCUSSION:

The Board began discussion of zoning issues for the next year.

Ms. Nelson clarified that the zoning discussion is for the Annual Town Meeting in May of 2021.

Mr. Rembold said that is correct. He said the Selectboard will meet next and discuss setting a date for the special town meeting where the zoning articles for this year's ATM will be presented.

Mr. Nelson said changes to the B-3 zone have been discussed previously. She said Mr. Pachano has worked on and outlined new language; including changes to the dimensional requirements.

Mr. Pachano said he and Mr. Hankin have had discussions and made changes to the original language.

Mr. Hankin said mostly deletions were made.

Ms. Nelson asked that the changes be gone over.

Mr. Pachano said historically the B-3 zone has addressed the larger parcels from School Street to Humphrey Street. Those parcels include the Searles School property and New England Log homes property. He said the zoning does not address properties on School Street or Church Street because they are much smaller parcels. He said the current dimensional requirements don't jive with the existing lots.

Mr. Hankin said it is clear from the lack of development that the zone is not successful. He said the zoning language was intended to revitalize the area. He said that with the exception of Jane Iredale's redevelopment of Bryant School, development has not happened. He said affordable housing has not happened.

Ms. Nelson asked that an outline be given out to the Board members.

Mr. Rembold asked for a summary of the work done. Mr. Rembold was able to share the revised document.

Mr. Hankin began review beginning with 9.4.1 going through each of the sections and the revisions in each.

Mr. Higa asked if the project at 100 Bridge Street would be impacted by changes to the zoning.

Mr. Pachano pointed out that 100 Bridge Street is a 40B Comprehensive Permit that is not subject to local zoning.

Mr. Hankin said the problem with the district is there are some very large parcels and some very small parcels.

Mr. Pachano suggested further discussion of the revisions at the next meeting. He said the district can be kept with restrictions that can be discussed.

Mr. Hankin said all development and redevelopment would be subject to Site Plan Review.

The Board went through the suggested revisions section by section. Section 9.4.11 that deals with affordable housing was briefly discussed. The suggestion is to create a separate section to address affordable housing with the goal to make it easier to build throughout the Town. The Board agreed that the affordable housing topic is broad requiring extensive discussion to address all of the issues that go along with revising an existing bylaw or creating a new one.

Ms. Nelson said she would like to use data from the housing study to assist with an affordable housing bylaw. She suggested the red lined B-3 bylaw be sent out to all Board members for their review.

Mr. Hankin brought up an issue he recently encountered with a six acre parcel of land that meets all land requirements for a two family use but lacked the frontage to allow for two dwellings. He suggested that the bylaw be reviewed along with existing undeveloped parcels

Mr. Rembold asked if the parcel would be a candidate for the rear lot bylaw.

Mr. Hankin said no because it lacks the required frontage.

Ms. Nelson said this is a topic for further discussion.

Mr. Rembold suggested clarifying the Board's goals for discussion. Ms. Nelson agreed.

Ms. Nelson said she would like to see something specific in the bylaw to address lighting. She said there is a higher concentration of LED lighting in Town resulting in over lighting. Many fixtures are not be shielded. She said we currently include recommendations about lighting into our comments to the Selectboard but there is no enforcement mechanism in place. Right now we are not getting quality lighting in Town.

Mr. Higa wondered if it belongs in the zoning bylaw.

Mr. Rembold said that might be a good question. Perhaps lighting should be part of the Town Bylaws like signs. He said he would work with Ms. Nelson on getting some language together then present it to the Board.

Ms. Nelson said she would like to have some egregious lighting corrected. She asked the Board to look around at some of the lighting in Town. She said she will work with Mr. Rembold.

TOWN PLANNER'S REPORT:

Mr. Rembold said the next meeting will be busy. He said there are 2 special permits to review for recommendations to the Selectboard and site plan review. He said the Great Barrington Airport has filed an application for legal aviation use.

Mr. Hankin asked if the goal is to bring it into conformance.

Mr. Rembold said yes. They propose to build three hangars and other improvements. He said it is a complicated application. The other special permit application is being submitted by Guido's for the expansion of the existing store and parking.

Mr. Hankin asked if they will be exceeding 20,000 square feet.

Mr. Rembold said yes. It is a large scale commercial development with an extensive Water Quality Protection District filing.

Ms. Nelson asked if the Town will hire a consultant to review the plan.

Mr. Rembold said that will be up to the Selectboard and the Planning Board. He suggested that the Board not include zoning discussion for the next agenda and focus on the special permit applications.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

There were no updates or concerns.

CITIZEN'S SPEAK:

Ms. Loubert said the sign discussion was good. She said she was disturbed by Mr. Hankin's comments about the property he referred to that wouldn't allow for a 2-family use. She suggested caution by Planning Board members when discussing something they have personal knowledge of. She said this rubbed her the wrong way and she hoped it wouldn't happen again.

Ms. Nelson said the Planning Board work is very theoretical. She said there is some need to discuss issues that are encountered through our jobs. She said it is helpful to apply practical elements to the zoning discussions.

Ms. Loubert countered that Mr. Hankin was too specific.

There were no further comments from the public.

Having concluded its business, Ms. Nelson adjourned without objection at 7:36 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

