

PLANNING BOARD

DATE: August 8, 2019

TIME: 6:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

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

Mr. Fick called the meeting to order at 6:03 P.M. Mr. Higa and Mr. Pachano had not yet arrived. Mr. Fick elevated Mr. Reed to a voting member.

FORM As:

Al Thorpe from Accord Engineering was present with a Form A on behalf of Mary Pat Akers for three parcels of land located on the east side of Christian Hill Road. Parcel A contains 1.389 acres of land. Parcel B contains 2.616 acres of land. Parcel C contains 15.074 acres of land. All parcels comply with R-2 zoning, the zone they are located in.

Mr. Hankin disclosed that the property is listed for sale with Berkshire Property Agents. Mr. Hankin is a realtor with Berkshire Property Agents but he has no financial interest in the parcels.

Mr. Pachano arrived at 6:07 P.M.

Mr. Hankin made a motion to endorse the plan, Mr. Reed seconded, all in favor. Mr. Pachano abstained.

Mr. Higa arrived at 6:10 P.M.

MINUTES: JULY 25, 2019

Mr. Hankin made a motion to approve the minutes of July 25, 2019 as amended, Mr. Reed seconded, all in favor. Mr. Pachano abstained.

SITE PLAN REVIEW: 420 STOCKBRIDGE ROAD

The Board conducted a site visit prior to the meeting.

Stephan Green, Architect from Clark and Green, was present with Glenn Goble to discuss the application.

Mr. Green said the Community Access to the Arts, CATA, is moving into the space previously occupied by Renaissance Art School. CATA is dedicated to the arts for people with disabilities, both physical and emotional. CATA will provide both visual and performing art classes. CATA is currently located on Railroad Street.

Mr. Green said the new space on Stockbridge Road will consist of two floors each about 3,000 square feet.

Mr. Goble said CATA is proposing a core entrance. Once inside the floor space will be divided into four quadrants.

Mr. Goble said users of the building have previously had difficulty finding buildings that accommodate their needs. There will not be railings as that can add to the stigma of disabilities. The space is designed to be accessible to everyone. The ramp will have a gentle rise. As the ramp gets closer to the entrance there will be awareness rails for assistance.

Mr. Green said the lower level will be used for visual arts and the upper floor will be used for performing arts. Additionally, there will be offices on the first floor to accommodate the 10 staff at the site. There will be a small office on the second floor as well as a conference room. A dormer will be added to the second floor to create 900 square feet of additional space.

Mr. Green said there will be an elevator tower adjacent to the entry and a stairway at the far end of the corridor. The space will have small performances with 25-30 people. There can be a crowd of people so having the elevator and the stairs a distance apart will allow for easier movement of people.

Mr. Pachano asked about garbage collection.

Mr. Goble said there will be little change from the previous use.

Mr. Goble went over the site plan. He said there is parking close to CATA. He said the hope is to develop a garden in space that is available on the north side of the parking. He said there is parking on the north side of the building as well as the south side of the building.

Mr. Goble said there will be a landing at the foot of the entrance path that will be created. There will be two handicap spaces on either side of the landing. He said the path will not exceed 5% grade so there will be no need for railings. At the bridge that goes into the building there will be awareness rails to prevent a wheelchair from rolling off.

Mr. Goble said there will be second egress from the first floor on the west side of the building. There will be a gentle access path leading to the parking lot on the south side.

Mr. Rembold asked for the purpose of the bridge.

Mr. Goble said it helps with the drainage and helps with a steep area on the site.

Mr. Green added that it also looks nice.

Mr. Goble briefly discussed drainage that will be managed with a catch basin and an existing dry well.

Mr. Goble said he didn't want to create a new dry well because the area is significant and there is a tree that he doesn't want disturbed.

Mr. Rembold asked about site lighting.

Mr. Goble said there will be low bollard lighting along the path. There are existing light poles in the parking lot. There are recessed lights in the overhang to light the entrance.

Mr. Hankin said all lighting will have to be downward directed with horizontal cutoffs.

Mr. Rembold asked about parking demands.

Mr. Green said most people come in vans. He said there will be 10 spaces for staff. He said he would expect the use to require 12-15 parking spaces. He said vans will park in the two dedicated handicap spaces on either side of the path. He said there is no dedicated parking on the site.

Mr. Hankin asked what the peak hours will be.

Mr. Goble said the hours will be 10 A.M. to 3 P.M.

Mr. Higa suggested providing an area for bikes racks.

Mr. Hankin read through Site Plan Review.

The Board discussed the zoning change that requires 1 tree for every 25 feet of frontage.

Mr. Rembold said there is 10-15 feet between the building and the property line. There are three existing trees. He said he didn't think there is an issue with trees.

Mr. Hankin made a motion to approve SPR, Mr. Higa seconded, all in favor.

WIRELESS COMMUNICATIONS FACILITY:

The Board continues review of the wireless facility on the roof of Fairview Hospital. Comments and questions from the last meeting were sent by Mr. Rembold to the applicants. The applicants were asked to be at the meeting but no one was available to attend.

Mr. Rembold said he had an e-mail from the applicant's attorney saying he wouldn't be able to attend the meeting. The attorney said three antennae will be added to the existing six for a total of 9 antennae.

Mr. Rembold said the applicants have provided all of the required information. He said the Board can comment to the Building Inspector that all of the information has been provided.

Mr. Hankin said he is disappointed that there is no one present to answer questions.. He said he is concerned with the danger represented by the output from the antennae. He said he would like clarification about the amount of output on the roof and on the ground. He said he has concerns about the health of the people who live 250 feet away.

Mr. Rembold said if the Board shares Mr. Hankin's concerns, they can be conveyed to the Building Inspector. He said there are 3, possibly 4, houses within 500 feet of the hospital.

Mr. Fick said the Board still has no say.

Mr. Rembold said that is correct.

Mr. Hankin asked if the applicant has an obligation to provide the information about what they are installing.

Mr. Pachano said he doesn't see what the total output for the facility.

Mr. Rembold said there is a full antennae inventory on page 8 of the application.

Mr. Pachano said it the information shows that the impacts are above what is allowed. Can the applicant be required to put up barriers or signage?

Mr. Hankin asked what ground level refers to, at the foot of the hospital or so many feet away from the hospital.

Mr. Rembold said he reads the information that if someone is within 8 feet of antennae they will be exposed to the level acceptable to the FCC. He said the applicant is proposing signage in those areas.

Mr. Reed asked if the concerns expressed by Mr. Taylor, an abutter, were addressed.

Mr. Rembold said he is not sure if those concerns were addressed.

Mr. Hankin said there is no explanation of what ground level is. He said the information shows 17.6% output from their equipment alone.

Mr. Fick said Verizon contributes over 75% of the emissions.

Mr. Pachano said 840.1% seems like it is over 100%.

Mr. Higa said the information implies that people aren't going to be in the areas where the emissions are that high but there isn't information about what the levels will be where people will be or for people who are 200 feet away.

Mr. Pachano said at the top of page 9 it shows the output is 840.1% of the FCC allowable limit.

Mr. Fick said that is at 0 feet.

Mr. Pachano said yes at 0 feet but what is it at 200 feet.

Mr. Hankin said that is why we asked the applicant to be present.

Mr. Pachano said he can't see where there would be an adverse economic impact on the Town.

Mr. Fick said the information provided still doesn't address the concerns expressed at the last meeting.

Mr. Pachano said the applicant is required to submit information on how to reduce emissions and bring the emission levels into compliance when they are in excess of what is allowed. He asked if that information was provided.

Mr. Fick said that is what the signs and barriers are for.

Mr. Hankin said there is a chart that was in color but when copied is in black and white making it difficult to read. He said the chart is on pages 10, 11 and 12.

Mr. Higa said he thinks it is fair to get the emission levels at the property line.

Mr. Pachano said there is no shielding shown.

Mr. Fick said there is shielding information on page 4. He said if we are going to ask for anything else it has to be in the bylaw.

Mr. Pachano said there is reference to a bulletin in 9.3.19 of the bylaws.

Mr. Fick said he doesn't know what the bulletin is.

Mr. Hankin said that is why we need someone here to explain.

Mr. Rembold said the comment period ends soon.

Mr. Fick said the supplemental information was just received.

Mr. Rembold said you can determine that the submittal was incomplete and ask again for someone to attend the meeting. You must be explicit. He suggested that comments be sent to the Building Inspector in case the comment period expires.

Mr. Rembold suggested sending a comment to the Building Inspector saying that the information was received but there are concerns about the excess emissions. There is no clear plan to reduce the emissions as per 9.3.19 of the bylaws, particularly regarding the residents within 500 feet of the facility.

Mr. Hankin said at the very least information should be provided to show that the emissions are not dangerous to the residents. We are not trying to establish a new standard we just want the applicant to be in compliance with the existing bylaws.

Mr. Fick said the applicant should tell us if there are excessive emissions at the property line. He said the bulletin does address exposure to residents. He said they need to understand we are concerned about the residents.

Mr. Rembold suggested making a comment to the Building Inspector with the concerns about excessive emission levels. He said the Board can request a delay in issuing the permit until the applicant provides additional information required by 9.3.19 of the bylaws.

Mr. Rembold said a copy of the letter can be sent to the applicant so they are on notice.

Mr. Pachano said he agreed with Mr. Rembold's suggestion. He said he would like to require a plan for how the emissions will be reduced.

Mr. Pachano made a motion to recommend sending comments to the Building Inspector and request a delay of the permit and to ask the applicant to come to a Planning Board meeting with the information requested, Mr. Hankin seconded, all in favor.

DISCUSSION OF 0 NORTH PLAIN ROAD:

Mr. Hankin said there is a parcel of land on North Plain Road that is primarily flat gravel with few trees. The parcel consists of about 7.25 acres of land. There is a Town Sewer connection approximately 900 feet from the parcel. The estimate to make the connection is between \$30,000 and \$40,000.

Mr. Hankin said the parcel is on the market for \$189,000 and it has been on the market for a number of years. He said the Great Barrington Affordable Housing Trust is interested in the property to create affordable housing and perhaps a small market rate development.

Mr. Hankin said the owners did a preliminary subdivision plan several years ago. He said the parcel could be developed in a number of ways perhaps even as a 40B project.

Mr. Rembold said the Town will be at or above the 10% affordable housing threshold that protect from 40B projects. The 10% number includes units being built and not built out.

Mr. Hankin said then “friendly” 40B could be proposed. He said the GBAHT would like to get the parcel under contract and apply to the CPC for some funds. Additionally the Trust would like to enter into discussions with organizations that would be able to generate additional funds to build the project. He said at this point the Trust does not know whom they will partner with.

Mr. Higa said he thinks it would be a good idea to go to the CPC with a partner in place. He said he thinks that would be a better way to get CPC approval.

Mr. Rembold said he thinks that the CPC would support with a good plan for development and a partner.

Mr. Hankin said the Trust would not develop the site. The Trust would work to secure the land.

Mr. Fick asked what the purpose of this discussion is.

Mr. Hankin said he thinks this would be a good location for an affordable housing development and from a planning standpoint a good use of the site. He asked if it makes sense to look at the PURD bylaw to revise it. It is outdated, requiring 9,000 sf of lot area and 5,000 sf of open space not including roads and parking per dwelling unit which is 24% of the density allowed by right in the R1A district, and it might be a good tool for this site.

Mr. Hankin asked the Board for any other ideas.

Mr. Higa asked if we could walk the site.

Mr. Hankin said it is flat. It is easy to look at on Google Earth. He said we need to consider transportation for people in affordable units.

The Board briefly discussed the PURD bylaw. Mr. Higa said he didn’t think it would be a good idea to go to the Annual Town Meeting with something that is going to create more density.

Mr. Rembold suggested that the Trust figures out who it might partner with and the cost for the infrastructure.

TOWN PLANNER’S REPORT:

Mr. Rembold said the Attorney General, by letter dated August 6, 2019, has approved most of the zoning amendments from the Annual Town Meeting. He said Article 23 and Article 22 were

approved. Article 21 requires more clarification regarding the density trigger in a mixed use development. The AG requested and was granted another 30 days to review the language.

Mr. Rembold said an appeal of the proposed mixed use zoning has been filed by Mr. Doyle's attorney.

Mr. Rembold said the zoning change regarding an electronic marquis has been approved.

Mr. Rembold said a special permit application and a SPR application for Fulcrum Enterprises at 22 VanDeusenville Road will be on the Board's next agenda. He suggested a site visit at 5:30 P.M. and for the meeting to start at 6:00 P.M.

Mr. Rembold reminded the Board that a joint meeting with the Selectboard is scheduled for August 29.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Pachano said the Open Space Committee wants help with the open space survey.

Mr. Rembold said the Open Space Committee is seeking input for what questions should be included. He told the Board not to reply all when sending comments, the comments need to go directly to Mr. Pachano.

Mr. Higa said the Selectboard has asked the Economic Development Committee to comment on the Housatonic School. The Selectboard will hold a community outreach in Housatonic to get input about the school. He said the meeting will be held on September 10.

Mr. Fick said as part of the proposed zoning amendments that did not pass the ATM, there was a change in the Design Advisory Committee section of the bylaw. One change had to do with sign applications that would go to the Historic District Commission that has binding approval.

Mr. Hankin said the DAC sign application was changed to require signs that would go to the HDC to go to the DAC first, since the DAC only makes suggestions that are in no way binding.

Mr. Pachano said the change has been applied.

Mr. Fick said that a member of the HDC wants to create a bylaw so the DAC won't review.

Mr. Pachano said the concern was when the HDC reviewed first then went to the DAC. The applicants will go to the DAC prior to going to the HDC.

Mr. Hankin asked when discussion of zoning amendments will begin.

Mr. Pachano said we should decide what we want as a Board and put the discussion on the next agenda.

Mr. Hankin said there were a number of items taken out or condensed prior to or at the ATM Those items should be looked at as well as the PURD bylaw.

Mr. Rembold said he would work on a list.

Mr. Pachano said there should be something to incentivize the creation of housing density bonuses. We need to think outside the box.

CITIZEN'S SPEAK TIME:

There was no one present to speak.

Having concluded their business, Mr. Fick adjourned without objection at 8:14 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kimberly L. Shaw".

Kimberly L. Shaw

Planning Board Secretary

