

PLANNING BOARD

DATE: August 27, 2020

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa; Pedro Pachano
Garfield Reed, Associate Member

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

Ms. Nelson called the meeting to order at 6:00 P.M. after reading the opening statement regarding the virtual meeting. The meeting was recorded. Ms. Nelson asked for a roll call of those members present. Roll call: Mr. Hankin, present; Mr. Pachano, present; Mr. Fick, present; Mr. Higa, present; Mr. Reed, present; Ms. Nelson, present

Present in the audience at the start of the meeting; Matthew Puntin; Al Thorpe; Bruce Firger; Sharon Gregory; Michelle Loubert; Eileen Mooney

FORM A'S: 300 BLUE HILL ROAD

Al Thorpe was present from Accord Engineering with at Form A plan on behalf of Bruce Firger and Randy Austin for parcel of land located on the south side of Blue Hill Road. Parcel A contains 0.395 acres of land and is not to be considered a separate building lot. Mr. Thorpe said the parcel would be conveyed to the Parcel One.

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

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

MINUTES: AUGUST 13, 2020

Mr. Hankin made a motion to approve the minutes of August 13, 2020 as amended, Mr. Fick seconded.

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

SITE PLAN REVIEW: 760-770 MAIN STREET

Mr. Higa recused himself from the discussion. He muted his audio and turned off his video.

Matthew Puntin from SK Design Group was present to continue discussion of the SPR for Guido's Fresh Marketplace. He updated the Board saying that a sidewalk will be installed running from east to west along the building connecting the rear parking lot to the front entrance. He said the Conservation Commission approved the plan last night requiring trees to be planted in the back. The Selectboard approved the special permit on Monday adding more trees in the front.

Ms. Nelson asked the Board if they had any other comments.

Mr. Hankin asked if there would be an Oak tree planted in the front.

Mr. Puntin said there will be one more Oak planted in the middle of the wall island out front.

There were no additional comments. Ms. Nelson said SPR criteria had been reviewed at the last meeting.

Mr. Fick made a motion to approve Site Plan Review as amended by the additional landscaping approved by the Selectboard and the Conservation Commission and consistent with the plan dated August 20, 2020, Mr. Hankin seconded.

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

Mr. Higa rejoined the meeting.

ZONING DISCUSSION:

The Board resumed discussion of the B-3 zone. Prior to the meeting the Board members walked the B-3 zone to have a good sense of what currently exists.

Mr. Rembold pulled up the redlined B-3 language with some proposed changes.

Mr. Rembold shared the document on screen.

Mr. Hankin said the geography of the zone and the zoning map were discussed during the walk.

Mr. Rembold said the area was created to be a transition zone between the commercial zone and residential zone. He said there are large parcels in the zone such as the former Searles School building, the former New England log homes property and the Verizon property. There are smaller parcels on the north side of the zone along Church Street. He said the area was previously an industrial area, that is being redeveloped with some residential. The former Dolby property has been redeveloped with residences. He said that parcel might be considered to be absorbed into the residential zone because the property will not have a mixed use component.

Ms. Nelson said it is a good point to consider if the Dolby property would be better suited to be included in the adjacent R-1-B residential zone. She said she wondered if that property fits into the B-3 zone. She said we need to make sure the change would not create non-conformity.

The Board was satisfied with the B-3 zone shown on the zoning map.

Mr. Rembold suggested going through the language. He said the intent for the B-3 zone is to allow transition from the commercial core by mixing business uses with residential uses and affordable housing uses. He said the zone has not been successful so far. There are large campus sites that have taken a path that does not include mixed uses. There exists a mix of uses, parcels sizes and building types. He said the character is hard to wrap our heads around. The Board needs to consider how site plan review will play a role in the redevelopment of the parcels.

Mr. Hankin said he suggested deleting incentives that complicated the B-3 zone. He said the incentives have not worked so they need to be reconsidered.

The Board read through the deletions.

Mr. Fick said he is in favor of the deletions. He wondered if the section should be deleted all together. The zone makes sense but maybe there doesn't need to be a special district. The dimensional requirements would remain.

Mr. Hankin said 9.4 addresses parking. Parking would be addressed in SPR.

Mr. Rembold said the B-2X zone, 9.14, is a relatively brief section covers the essentials. Maybe an abbreviated section is your suggestion.

Mr. Fick said it would be very abbreviated.

Mr. Pachano asked if any development would require SPR.

Mr. Rembold said single family and two-family would not require SPR.

Mr. Hankin said he thinks SPR is not a bad idea.

Mr. Fick agreed.

Mr. Pachano asked if it would be terrible if a single family or two-family didn't come in for SPR.

Mr. Hankin said he didn't think it is a bad idea to require SPR.

Mr. Fick said parking requirements are for residential, not commercial.

Mr. Rembold said the MXD and B-2X zones have a special section for commercial-mixed use parking.

Ms. Nelson said the intent of that is flexibility.

Mr. Rembold said yes.

Mr. Pachano said language could be added to section 6.1.

Mr. Fick said if we keep section 9.4.6 language could be added for sharing parking for mixed uses.

Mr. Higa asked about the "Purpose" section. He asked if that language is there to inform people at the Annual Town Meeting or is it used by developers.

Mr. Hankin said it is intended to guide developers.

Mr. Rembold said it also guides boards as well.

Mr. Higa said if the entire section is not taken out other boards won't know.

Ms. Nelson said there is not a Purpose section for every section.

Mr. Higa said it might be instructive for people living in the district.

Mr. Pachano agreed that the Purpose section should be kept and parking language should be added.

Mr. Higa said it is difficult to come up with design standards for the whole area. He asked if design standards help or stop development.

Mr. Pachano said he feels it stops development.

Mr. Fick asked if it is desirable to preserve the character of Church Street without making it onerous for the rest of the area.

Ms. Nelson said she would support having consistency with character but it is too difficult to create language for design standards.

Mr. Reed supported maintaining character.

Ms. Nelson said this goes to the Purpose section.

Mr. Fick said the purpose of the B-3 is a bridge zone with mixed use. It would be in Town infill. Maybe the B-3 zone would be the next area to be developed commercially.

Mr. Higa said he likes the mixed use option.

Mr. Rembold said there are a number of ways to talk about character. He said all of the buildings on Church Street have a pattern that people enjoy. He said that can be promoted and preserved. He said in the MXD front yard setbacks would have to be respected in new development.

Ms. Nelson said she thinks we need to discuss dimensions. There is a precedent with the setbacks in the MXD.

Mr. Hankin said he has a problem with replicating architecture. He said he doesn't have a problem with setbacks. He said we can't require people to replicate existing architecture.

Mr. Reed disagreed.

Mr. Hankin said if a house burns down it won't look exactly as it did before.

Mr. Reed said he wasn't considering when a house might burn down.

Mr. Pachano said with restrictions a certain percentage of the population is eliminated.

Mr. Reed asked how do you know.

Ms. Nelson said everyone has a different idea of character. She said we can discuss character again.

Mr. Rembold went through the deletions suggested for 9.4. He said the incentive section is confusing so it should be deleted. He said there shouldn't be a need for the dimensional requirement section. The other section to discuss is Affordable Housing. He said it has been left in because it is not clear if a stand-alone section will be created.

Mr. Hankin said the plan is to write a stand-alone section that would apply to all zones. He said he likes the idea of inclusionary zoning but it doesn't seem to work.

Mr. Higa the idea is to get some affordable housing with some market rate but it isn't working that way.

Mr. Pachano said there is not enough development in Town for inclusionary housing. Developers get a return on development with higher demand. When creating new housing, other housing frees up. There hasn't been development in the B-3 because of the restrictions. That is the reason to eliminate the restrictions.

Mr. Rembold said new construction costs are so high that it is impossible for builders to build affordable units because of the restrictions.

Mr. Fick said tax incentives are needed for builders to build affordable housing.

Ms. Nelson said we will have further discussion before eliminating 9.4.11.

Mr. Pachano said he thinks the incentives are more like disincentives. He thinks it should be taken out.

Mr. Rembold said the incentives complicate the zone. If nothing happens because of the incentives then why keep them.

Ms. Nelson said the majority thinks they are disincentives so they should be taken out.

Mr. Hankin said there is interest from developers in some areas but not this area.

Mr. Rembold said we can strike the language and circle back in a couple of months to put something together for the 2021 Annual Town Meeting.

The Board transitioned into the Affordable Housing discussion. Mr. Pachano put language together for a new section to be added to the bylaws.

Mr. Pachano said the section would be added to support density in all areas in Town such as State Road, Stockbridge Road and South Main Street. For talking purposes he suggested that more intense incentives be proposed. He suggested designating areas in Town that the proposed language would best apply to. He said he doesn't think it is a bad idea to create an incentive program that would apply to entire Town or language that would target single family zones.

Mr. Rembold said a property tax incentive could be an incentive to provide small housing units.

Mr. Hankin said the sewer connection fee should be waived.

Mr. Pachano said he sent out a model bylaw that could be discussed at the next meeting. It would allow for creation of a separate affordable unit.

Mr. Hankin said we have ADUs.

Mr. Pachano said the property can't be divided. The proposed language would allow 2-3 units to be created per year.

Mr. Fick said he feels that we are getting more than 3 a year with Construct, Bostwick Gardens and 100 Bridge Street.

Mr. Higa said they are rentals not ownership units.

Mr. Fick said it is not a question of housing but affording the housing.

Ms. Nelson said we are not going to be able to solve the challenge of people being able to afford housing.

Mr. Pachano said the biggest problem with people affording housing is they make too much money to qualify for affordable housing. He said he has discussed this with people from Construct.

Mr. Reed added that they don't make enough to afford a \$350,000 house in Great Barrington.

Ms. Nelson said we need to schedule a joint meeting with the Selectboard. She said she was hoping the affordable housing study would be ready prior to the meeting to help inform and contextualize the discussion.

Mr. Rembold said it may take a little longer to get the study as there are difficulties with some data collection. The study might not be ready until the end of September or October.

Mr. Reed suggested inviting the Housing Trust Committee to the meeting.

Mr. Pachano said he showed the proposed language to June Wolfe from Construct. He said she had a positive response. He said he would like to work through it some more before going to the Selectboard with it.

Ms. Nelson said we can take it up at our second meeting in September. She suggested thinking about how the proposal would work in both Great Barrington and Housatonic. She said she would try to get a joint meeting set up.

The Board tabled the discussion of a Starter Home District to the next meeting.

Ms. Nelson said she has an educational Power Point for lighting. She said there is nothing comprehensive in the bylaw to address lighting. We always require lighting to be downward directed with full cut off but there isn't any enforcement mechanism. There are increased lighting issues in Town. She said this could be discussed at the joint meeting. It might be better to put the language in the Town Code instead of zoning.

Mr. Hankin said if it goes into Town Code there won't be any grandfathering. Lighting issues could be brought into conformance.

Mr. Pachano said the Sustainability Committee discussed lighting. Vivian Orlowski from the Agricultural Committee has interest in how lighting impacts pollinators. Maybe other boards and committees could have an opportunity to comment as well.

Mr. Hankin said it shouldn't be difficult to draft language as there are lots of Dark Sky ordinances.

Ms. Nelson said she has information. It has not been updated for LED lights. The Dark Sky ordinances changed the bulbs but there is glare from LEDs as well as back light and up glow. There are different

colors of LED lights that effect how well you see. She said she would try to cut through all of the information to see what can be put together and help with enforcement.

Mr. Fick said he supports putting the language in Town Code where it can be enforced.

Ms. Nelson said she will make it an action item and set up a joint meeting.

TOWN PLANNER'S REPORT:

Mr. Rembold said he would like to discuss who will discuss each article and present the report. Articles 11-24 are Planning Board proposals. Article 25 is a Selectboard proposal. Articles 26-28 are Citizen Petitions.

Mr. Rembold said the Planning Board reports will deal with all articles. Different members can present different articles.

Mr. Hankin asked about the Citizen's Petitions.

Mr. Rembold said the petitioners usually make the motion and the second. The Planning Board will present their report.

Ms. Nelson asked if anyone does not want to participate.

Mr. Rembold said members can do one article or more than one.

Mr. Reed said he would do one.

Mr. Rembold said he would send assignments and reports out for the members.

Ms. Nelson said we can go through everything at the next meeting and fine tune.

Mr. Rembold said that would be good. He reminded the Board that there won't be any slide shows. The Board will just be presenting the reports.

Ms. Nelson said there could be some brief discussion if the public needs clarification.

Mr. Pachano said he didn't think the language for the Water Quality Protection District was going to the ATM.

Mr. Rembold said yes. A motion to pass over will be made. It wasn't supposed to be included.

Mr. Rembold said the special permit discussion for the airport has been continued to the September 14 Selectboard meeting. The earliest they will return to the Planning Board will be the second meeting in September.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Pachano said he sent language out for the Board to review. The language deals with a tax incentive proposal to apply to the zoning article for the reuse of nursing homes. Also included is the revised zoning map and dimensional requirements.

There were no other updates from the other Board members.

CITIZEN'S SPEAK TIME:

Sharon Gregory from Hollenbeck Avenue asked if there would be some review of the items being presented at the upcoming ATM. She said it would be really helpful to have a Zoom meeting to go through the articles in laymen's terms. She said the parking lot meeting format is not conducive to discussion. If something could be done a week or so before the meeting people might be more inclined to attend and have a sense of the items you have put a lot of work into.

Mr. Rembold suggested he might be able to arrange a coffee hour discussion.

Ms. Gregory asked what time of day would that be.

Ms. Nelson said we would have to work that out and get back to you.

Ms. Gregory asked to be notified so she could pass the information along.

Michelle Loubert from Division Street said she would like a copy of the drafted Planning Board reports if they are available to the public.

Mr. Rembold said he could send it out. He said he would like to have the reports printed with the warrant.

Ms. Loubert said she would like to have the draft copy now. She said she submitted one of the Citizen's Petitions and she would like the opportunity to give a report. She said if there is a coffee hour meeting it would be helpful to have when working people can attend.

Ms. Nelson said the citizen petitioners will present their petitions.

Ms. Loubert asked if something will be presented at the next Planning Board meeting.

Ms. Nelson said no.

Ms. Loubert said she wants to be able to present.

Mr. Rembold said if there is a coffee hour discussion it will not be at a Planning Board meeting.

There were no other comments from citizens.

Having concluded their business, Ms. Nelson adjourned without objection at 7:55 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

