

## PLANNING BOARD

DATE: November 12, 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 & Development

Ms. Nelson read the opening statement from the agenda. She announced that the meeting was being recorded.

Ms. Nelson called the meeting to order at 6:00 P.M.

Roll call attendance Mr. Pachano, present; Mr. Hankin, present; Mr. Higa, present; Mr. Fick, present; Mr. Reed, present; Ms. Nelson, present

Mr. Rembold explained that a new webinar format is used because of security issues. He said we will not be able to see the people attending but they will be able to see the Board.

### **FORM A's:**

Mr. Hankin recused himself from the discussion.

Michael Parsons from Kelly, Granger, Parsons and Associates was present with a Form A application on behalf of Robin Scheman and Yigal Litvin for a revision of a previously approved plan for property located on the west side of Knob Lane. The plan shows the western boundary line moved 37 ½ feet off the back of the house. Lot 1 contains 0.347 acres of land. Lot 2 contains 0.757 acres of land.

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

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

Mr. Hankin rejoined the meeting.

Mr. Parsons presented a Form A plan for Peter and Geri Rybacki for a parcel of land located on the west side of Monument Valley Road. The parcel, containing 3.175 acres of land, is to be conveyed to an abutter and is not to be considered a separate building lot.

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

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

**MINUTES: OCTOBER 22, 2020**

Mr. Hankin made a motion to approve the minutes of October 22, 2020 as amended, Mr. Fick seconded.

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

**MODIFICATION OF EXISTING WIRELESS TELECOM FACILITY:**

Allison Hebel was present to discuss the application for the modification of an existing wireless facility at 425 Stockbridge Road. The Board will comment on the application to the Building Inspector per Section 9.3.11 of the Zoning Bylaw. The building permit application was submitted by New Cingular Wireless PCS, LLC for collocation of equipment at the existing wireless telecommunications tower at 425 Stockbridge Road.

Mr. Hankin asked Ms. Hebel to clarify that there are no health issues.

Ms. Hebel said the application follows all guidelines of the FCC.

Ms. Nelson asked if there is a signed copy of the application Radio Frequency report..

Mr. Rembold said no just the printed name on the RF report. He asked Ms. Hebel to sign the report and send it to him.

Ms. Hebel said absolutely.

Mr. Fick asked if the Board can deliberate based on section 6409. He said the Board reviewed different requirements for previous submissions.

Mr. Rembold said this is the first submission from someone other than an attorney. He said previous submissions cited federal law. He said all applications have provided what the bylaw requires.

Mr. Fick said he had no comments or objections.

Ms. Nelson asked for a recommendation to the Building Inspector.

Mr. Fick made a motion that the Board has reviewed the application with the only comment being the request for a signature on the Radio Frequency report, Mr. Hankin seconded.

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

### **COMMON DRIVEWAY: ALFORD ROAD**

The Board continued its discussion from October 8, 2020 of the common driveway application for a driveway to be located on the west side of Alford Road.

Jack Magnotti and Michael Parsons were present on behalf of the applicant.

Mr. Parsons said the driveway location was set up when Ms. Abigail Haupt sold half of the property to Ms. Jennie Reins.

Mr. Rembold said the Conservation Commission has reviewed the application with no comments. He said the Board requested that the application be updated to accurately reflect the owner of the property and that pull outs be shown on the plan to allow for vehicles to safely pass. He said these items have been completed and submitted.

Mr. Hankin made a motion to approve the common driveway as shown on the plans dated November 2020, Mr. Fick seconded.

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

### **SITE PLAN REVIEW: 623 MAIN STREET**

The Board continued its discussion of the SPR for Courtney Lane who has requested a change of use from residential to commercial at 623 Main Street. Ms. Lane was present.

Ms. Nelson said the Board previously requested revisions and a sketch plan for the property. She said these items have been provided.

Mr. Rembold said there were questions about the apple tree in the back of the property, parking in the back that was not shown, Route 7 landscaping per the bylaw and details about lighting.

Ms. Lane said the apple tree will be removed. She said there is an existing Japanese Maple that can be moved to the front of the property. She said Chris Blair tried to show the trees on the entire property.

Ms. Nelson said she feels it is a nice compromise to move the tree to the front. She said there is no need to move other trees closer.

Mr. Rembold said the trees technically meet the requirement.

Mr. Hankin asked about the 3 existing parking space.

Ms. Lane there are 3 parking spaces near the garage.

Mr. Hankin asked if any parking spaces will be lost.

Ms. Lane said no. There are 3 parking spaces behind the garage and clients park where we have been parking.

Mr. Reed asked if the tree will be replaced if it doesn't survive being transplanted.

Ms. Lane said that tree will be more protected in the front than it was in the back.

He asked what if it doesn't take?

Ms. Nelson said it is a decent size tree to relocate. She said if it dies it will have to be replaced.

Ms. Lane said she will get a local tree person to transplant it properly.

Mr. Higa asked if the Board needs to make a note on the SPR that if the tree dies it must be replaced.

Ms. Nelson said yes. She said the Board went through SPR at the last meeting. She asked if there are any other questions or comments.

Mr. Higa said the lighting needs to be downcast. The existing light is pointing out not down.

Mr. Pachano suggested that it might be more economical to plant a new tree with a 1 ½ inch caliper rather than transplant.

Mr. Fick said we don't have to be specific about the tree. We can be flexible saying that a tree must be planted in that spot.

Mr. Pachano said that sounds good.

Mr. Hankin made a motion to approve SPR with one additional tree in front consistent with the Route 7 landscaping requirement and lights will be downward directed and shielded, Mr. Fick seconded.

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

#### **SITE PLAN REVIEW: 454 MAIN STREET**

The Board continued discussion of the SPR application submitted by Coastal Cultivators, LLC for a retail marijuana establishment at 454 Main Street. Attorney Peter Puciloski was present along with Walter McTiegie, Krishma Gandhi and Jarred Glennon.

Ms. Nelson said supplemental information was provided.

Mr. Puciloski said there will be 5 employees. There are 21 existing parking spaces, 19 are paved. There is space to provide 10 additional parking spaces.

Mr. Puciloski said the traffic information includes 25 vehicles in and 25 vehicles out during the peak hour. Most of the traffic will come from the west and depart in the same direction. The level of service would have a B rating in the evening hour. He said the level of surface is not expected to be impacted.

Mr. Puciloski said the property has 13 trees. He said he believes the property will be in compliance with the Route 7 landscaping requirements.

Mr. Puciloski said that the calculation of the distance to Dewey Academy was reduced by 200 feet. He said the school is leaving the location. He said he expects the school to relocate prior to the opening of the store.

Ms. Nelson asked if the special permit is still pending.

Mr. Puciloski said yes.

Ms. Nelson said customarily the Planning Board waits until the special permit is approved prior to approving SPR. She said we can give you feedback. She asked the Board members if there were any comments or questions.

Mr. Higa asked if there will be a covered area for bicycle parking.

Mr. Puciloski said we would be happy to add. He said the Planning Board is not meeting again until December. He said not having SPR approval will delay the application. He said it would be appreciated if a decision could be made.

Mr. Rembold said if the Selectboard approves the special permit on November 23 there would be a 20 day appeal period that the next Planning Board meeting would fall within.

Ms. Nelson said this is our procedure. We don't proceed with SPR until the special permit has been approved. The procedure is helpful to ensure there isn't a conflict with conditions. She said we will stick with our procedural practice.

Ms. Nelson said the application will be on the next agenda on December 10.

### **ZONING AMENDMENTS:**

Mr. Rembold said he hopes to be able to have the B-3 and MXD language together for the meeting on December 10. He suggested that the MXD zoning for Stockbridge Road might be considered as a Smart Growth overlay district similar to what is in place in Housatonic. He said he will investigate the SGOD to see if it would be a good fit for this area. He said the Town gets paid by the state for a Smart Growth project. He said he will investigate to see what advantages there are for 40R zoning.

Mr. Fick said it might be a good way to do it. He said Mr. Pachano has suggested financial incentives may be a good way to do it.

Mr. Hankin said the first time we discussed 40R zoning Mark Malloy was involved. He asked if we need to have a discussion with him.

Mr. Rembold said he would like to work with BRPC to identify units that can be under 40R. He said previously we couldn't limit some units so we need to go through what is there.

Mr. Higa asked if it would work on small lots.

Mr. Rembold said he thinks it will work on small lots. He said there is a requirement of 80% or less of the median income. He said he will look into it to how it would work.

Mr. Higa said part of Mr. Pachano's proposal was great.

Mr. Pachano said he doesn't mind the proposal except requiring 80% of the median income is very restrictive when we have a greater need of 120% of the median income. He said he doesn't have a strong opinion that it will work. He said he does like that it would allow the use by-right and that it would bring funds to the Town.

Mr. Higa said developers are looking for by-right use that way they know in the beginning what they are dealing with.

Mr. Pachano said the problem is if it goes as a straight overlay there might not be any by-right uses.

#### **TOWN PLANNER'S REPORT:**

Mr. Rembold asked if the Board would hold an extra meeting next week on Wednesday, November 18 at 6:00 P.M. to consider one item, the Site Plan Review application for a small addition at 394 Stockbridge Road, Theory Wellness. The Board agreed to the meeting.

Mr. Rembold said there will be a public hearing at the next meeting on December 10 for a housing proposal for the former nursing home on Maple Avenue. The plans will be sent out to the Board members.

Mr. Rembold asked if a site visit is necessary.

Ms. Nelson said the Board could meet together with social distancing or each member could go on their own. She noted that it is dark at 4:30.

The Board members agreed to go on their own.

Ms. Nelson encouraged the members to look at the back of the building and the proximity to the neighbors. She asked if there is anything back from the Attorney General on the recent zoning amendments.

Mr. Rembold said no. He said the public hearing can be kept open. He said the agenda is potentially busy.

Mr. Pachano asked if there were any comments after the joint meeting with the Selectboard about parking.

Mr. Rembold said there are no comments.

Mr. Pachano said he would like more information on the Town's investigation into parking.

Mr. Rembold said he would talk to the Town Manager and send something out.

#### **BOARD & COMMITTEE ISSUES & CONCERNS:**

Mr. Hankin said that 26 Manville Street is on the market ending the Manville Place project.

Mr. Higa said the CPC reviewed the historic applications.

Mr. Fick said BRPC is requesting a note be sent to Senator Hinds to support DLTA funding which funds BRPC.

Mr. Rembold said Great Barrington relies on DLTA funding for 40R and assistance with mapping, GIS and open space. He said the funding is critical for BRPC to function as on call consultants.

Ms. Nelson said the Lake Mansfield Improvement Task Force reviewed plans for the road and parking lot. She said they discussed public outreach.

Mr. Rembold said we will begin public outreach through a combination of Zoom meetings and information.

Ms. Nelson said the road will be closed but will provide access to the three existing properties. The area is designated as a walking path. There will be reclamation for bank restoration.

**CITIZEN'S SPEAK:**

No one spoke

Having concluded their business, Ms. Nelson adjourned the meeting without objection at 7:10 P.M.

Respectfully submitted,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary