

## PLANNING BOARD

DATE: January 14, 2021

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting/Continued 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 from the agenda. She announced that the meeting was being recorded.

Due to some technical difficulties, there was no video for the meeting.

Ms. Nelson called the meeting to order at 6:14 P.M.

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

### **FORM A'S: 443-445 MONTEREY ROAD**

Michael Parsons was present from Kelly, Granger, Parsons and Associates, with a Form A application on behalf of NBT Bank for a parcel of land located on the north side of Monterey Road. Mr. Parsons said the Parcel A is being taken from the gym parcel to be added to 443 Monterey Road. The septic system failed on 443 Monterey Road so this parcel will be added to accommodate the septic system for 443 Monterey Road.

Parcel A contains 0.55 acres of land. Parcel A is not to be considered a separate building lot. The remaining land of 445 Monterey Road contains 1.737 acres of land.

Mr. Hankin asked if the remaining land at 445 Monterey Road meets the zoning minimum.

Mr. Parsons said the zone is R-2 which has a minimum of one acre.

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

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

Mr. Parsons presented a Form A on behalf of The Estate of Julia Ramirez for a parcel located at 70 Brush Hill Road. The owner wants to increase the size of the lot to 3.590 acres. The road frontage will not be impacted. The remaining land of Ramirez will be over 4 acres.

Mr. Hankin said the existing lot, that is being added to, is not obvious..

Mr. Parsons said the lot is expanding to the west to give it 3.590 acres.

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

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

Mr. Rembold request the Board to authorize the extension for himself or Ms. Nelson to endorse plans on behalf of the Board. The Board authorized Mr. Rembold and Ms. Nelson to endorse plans on behalf of the Board. The authorization expired on December 31, 2020. Due to Covid 19 continuing and no in person meetings the extension is being requested.

Mr. Hankin made a motion to extend the signing authority of Mr. Rembold and Ms. Nelson until 12/31/21. Mr. Higa seconded.

Mr. Fick suggested the letter be revised by removing 03/26/20.

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

#### **MINUTES: DECEMBER 10, 2020**

Mr. Hankin made a motion to approve the minutes of December 10, 2020 as amended, Mr. Fick seconded.

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

#### **SPECIAL PERMIT: 73 CASTLE HILL AVENUE**

Mr. Reed recused himself as he is an abutter.

Attorney David Shrair was present with the applicants Frank and Ruthanne Mirchin; Craig Okerstrom-Lang, Landscape Architect and David Potter.

The special permit application is for the expansion of a non-conforming structure. Mr. Shrair said the house is 11.2 feet from the sideline rather than the required 20 feet. He said the house was built between 1901-1904 so it predates the zoning enacted in 1932. He said at the time it was constructed it was legal.

Mr. Shrair said 5.3 allows the ZBA to grant a special permit if the expansion is not substantially more detrimental than what exists. He said the expansion would increase the square footage by 68%. He said it will fit in nicely with the neighborhood. He asked Mr. Potter to speak about the specifics.

Mr. Potter said the addition will not be within the setback. The structure will cover 19.9% of the lot that is 0.329 acres. He said the structure complies with zoning with the exception of the north side line.

Mr. Hankin asked if the pool is calculated into the lot coverage.

Mr. Potter said he had included the pool.

Mr. Okerstrom-Lang said the pool is usually counted.

Mr. Pachano said the definition in the bylaws states that anything below the finish grade should not be included in lot coverage.

Mr. Potter said there will be two full stories in the addition with nice detailing replicated in a smaller form. There is a slope in the back that creates 3 levels of the addition. The lowest level will house the mechanicals for the house and the pool. The master bedroom suite is on the ground level, effectively the middle level, and a home office will be on the second floor.

Mr. Fick said the porch should be shown at 11 feet 2 inches not at 11.2 inches. He said it appears that the house is 14 feet from the sideline.

Mr. Hankin said he is curious about the finished space in the basement. Why is it only accessible from across the lawn and not from inside?

Mr. Potter said the owners didn't want stairs in the house.

Mr. Hankin said the parking in the back is right on the property line.

Mr. Okerstrom-Lang said it could be shifted closer to the house. He said there is a 36-inch fence that will remain and there is landscaping proposed for that boundary.

Ms. Nelson said she shared Mr. Hankin's concern.

Mr. Hankin said it looks like cars will have to be backed out of the driveway.

Mr. Okerstrom-Lang said a car can be maneuvered to drive out.

Mr. Nelson said currently the cars have to back out.

Mr. Okerstrom-Lang said the driveway can be shifted closer to the house and a landscape strip can be added.

Mr. Hankin said that would be more neighbor friendly.

Mr. Okerstrom-Lang said the stockade fence will be removed so a small fence can be put in to keep dogs and children in.

Mr. Rembold thanked Mr. Okerstrom-Lang for offering to shift the parking. He said it will up to the ZBA to see if they want to take the Planning Board up on their recommendation.

Mr. Pachano said it appears the pool is encroaching on the setback. He asked that the measurements be checked. He asked about the 22 square feet of porches.

Mr. Potter said the front porch steps will be removed and be replaced with landscape material.

Mr. Pachano asked if the stairs should be included in the lot coverage.

Mr. Potter said dry laid stone will be used. There won't be any concrete, no structure, just landscape.

Mr. Higa said he is concerned about how close the addition is to the lot lines and setbacks.

Mr. Okerstrom-Lang said the setback lines are staked out.

Mr. Pachano recommended being very careful in the northwest corner.

Mr. Potter said he will make sure it is within the setback.

Mr. Hankin made a motion to send a positive recommendation to the ZBA for the expansion of a pre-existing non-conforming structure at 73 Castle Hill Avenue with the recommendation of screening along the west property line and shifting of the parking closer to the house to allow for additional landscaping. The Board will waive the traffic impact study. Mr. Fick seconded. Roll call vote: Mr. Fick, aye; Mr. Hankin, aye; Mr. Higa, aye; Mr. Pachano, aye; Ms. Nelson, aye

#### **PUBLIC HEARING: 148 MAPLE AVENUE**

Mr. Hankin made a motion to re-open the public hearing for 148 Maple Avenue, Mr. Fick seconded.

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

The public hearing was opened at 6:46 P.M.

Attorney Charles Ferris was present. He said he was present with a status report and to request to continue the public hearing to the Board's February 11 meeting. He said the traffic study has not been completed and it has been determined that the building can not exceed the 2.5 stories. He said we thought the plan was in compliance, but it can't exceed, so the architectural plans are being redesigned. He said the new plans and the traffic study will be presented in February.

Mr. Pachano asked that the applicant have updated plans to the Board at least a week before the meeting.

Mr. Ferris said he would try to provide in ample time.

Mr. Hankin made a motion to continue the public hearing to 6:00 P.M. on February 11, 2021, Mr. Fick seconded.

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

Mr. Rembold told the people in the audience that he can be contacted to receive updated plans.

**ZONING AMENDMENT: B-3**

Ms. Nelson said Mr. Rembold circulated revisions as discussed from the last meeting. She asked the Board if there were any questions. There were none.

Mr. Hankin made a motion to forward the draft B-3 bylaw to the Selectboard, Mr. Fick seconded. Discussion

Mr. Fick said he has concerns with parking, 9.4.5.

Ms. Nelson said the issue had not been resolved but it can be discussed.

Mr. Rembold said the issue can be discussed at the public hearing.

Ms. Nelson asked Mr. Rembold to make a redline edit about Mr. Fick's concern.

Mr. Higa asked if the Selectboard would get the redline version.

Mr. Rembold said the Selectboard would see the version with the strike outs. The Planning Board can further mark up the bylaw during the public hearing.

Mr. Higa asked if the Selectboard will be warned that the Planning Board will be addressing parking.

Mr. Rembold said not necessarily. He said the section will be addressed in its entirety.

Mr. Fick said he is not concerned about his issues being addressed.

Ms. Nelson called for a vote on the motion.

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

Ms. Nelson suggested the public hearing could be set for March 11, 2021 at 6:00 P.M.

Mr. Pachano said the citizen petitions will be heard too.

Mr. Higa asked if the citizens have to resubmit.

Mr. Rembold said no. It was voted at the ATM that the petitions would go to the next ATM.

Mr. Hankin made a motion to hold the public hearing for the zoning petitions on March 11, 2021 at 6:00 P.M., Mr. Fick seconded.

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

**TOWN PLANNER'S REPORT:**

Mr. Rembold said the date for the ATM has not yet been set. He said the Selectboard may determine the date at their next meeting. He said the ATM may be held in May as usual.

Mr. Rembold said the zoning approved at the ATM in September is still before the Attorney General who has requested a 90 day extension. The Town agreed to a 60 day extension, giving them until March 12, 2021. He said we will see if the delay impacts the next public hearing for 148 Maple Avenue.

Mr. Hankin asked if the request for an extension is specific to Great Barrington.

Mr. Rembold said he didn't know but many offices are short staffed.

Mr. Rembold said the Board might have a special permit to review at its first meeting in February. He said he would have the Form A ready to sign next week. He said anyone can stop to sign it.

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

Mr. Fick said BRPC meets next Thursday. He said they may address changes made by the State to reduce votes on zoning amendments from 2/3 vote to simple majority.

Mr. Higa said the CPC will meet next Tuesday potentially to finalize recommendations to the ATM. He said the CPC is deciding how to allocate the funds.

Mr. Pachano asked Mr. Rembold what type of study needed to be done for the MHX. He said a precedent has been set to allow three story buildings on Stockbridge Road. The MHX overlay would only kick in if someone opted in providing amenities to the Town in the form of senior housing, affordable housing or child care.

Mr. Rembold said the Board discussed the zoning at the last meeting. There was a consensus to have more outreach. He said the outreach should be done this year to work out the kinks to have the bylaw will be ready for the 2022 ATM.

Ms. Nelson and Mr. Fick agreed.

Mr. Fick said he wants to have the draft ready to test in order to build a consensus. He said he wants to find any loopholes. He said it is a desirable change but a major change.

Mr. Pachano said the precedent has already been set. He said if the Board doesn't look at it the draft can't be completed.

Ms. Nelson said we will have the bylaw on our agenda going forward. She said we will get feedback from the residential neighborhoods.

Mr. Higa asked if we can take up the discussion before the ATM instead of after.

Ms. Nelson said yes as we have room. She said parcel aggregation is where we run into issues.

Mr. Pachano said he has thought about it. He said it is not a drastic change along a major highway. If it is not being looked at, it is not being developed.

Ms. Nelson said it will be on a future agenda.

Mr. Pachano asked what type of outreach has been done with other proposals.

Ms. Nelson said we are trying to learn from the past. We need to be more proactive. We need to put a public outreach program together.

Mr. Higa said it could be an agenda item at the end for an open discussion with the public about housing.

Ms. Nelson said this is a proper item. We have many items focusing on housing. She said we had a nice discussion at the last meeting discussing ideas about young design students being involved to describing bulk requirements.

Mr. Pachano said he doesn't think zoning is by committee is the way to address outreach. He said outreach should be discussion of collective ideas of the Board for the development and future of the Town. He said explaining why we need important amenities is more valuable than discussion of zoning articles.

Mr. Higa agreed.

Ms. Nelson agreed but she said we can't present intangibles. We can't have a coffee hour on why we need housing in Great Barrington. Workshops about what is being proposed is more useful.

Mr. Pachano said we can agree to disagree.

Ms. Nelson moved the discussion saying the Lake Mansfield Improvement Task Force is working on a design.

#### **CITIZEN'S SPEAK:**

Royce Jones, 135 Maple Avenue, said he is an abutter to 148 Maple Avenue. He asked about the discussion of the proposal for 148 Maple Avenue.

Ms. Nelson said the applicant requested a continuance of the public hearing. The public hearing has been set for February 11, 2021. The applicant intends to present a traffic study and modifications.

Mr. Jones asked why the Attorney General's office asked to delay the bylaw for 148 Maple Avenue.

Mr. Rembold said the Attorney General's office requested an extension for their review of the Town's bylaws approved at the September ATM. They requested a 90 day extension we talked them back to 60 days for all the bylaw changes approved at the September 20, 2020 ATM. A bylaw change to allow development of former nursing homes is included. The bylaw is not specific to 148 Maple Avenue.

Mr. Jones thanked Mr. Rembold for the explanation.

Having concluded their business, Ms. Nelson adjourned without objection at 7:20 P.M.

Respectfully submitted,

*Kimberly L. Shaw*

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Planning Board Secretary