

PLANNING BOARD

DATE: February 25, 2021

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 and Development

Ms. Nelson called the meeting to order at 6:00 P.M. She read the opening statement from the agenda and announced that the meeting is being recorded.

Ms. Nelson called for a roll call of those present:

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

FORM A's

There were no Form A's presented.

MINUTES: FEBRUARY 11, 2021

Mr. Hankin made a motion to accept the minutes of February 11, 2021 as amended, Mr. Fick seconded.

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

SITE PLAN REVIEW: 35 WEST PLAIN ROAD

Mr. Hankin recused himself from the discussion as he is an abutter. He turned off his video and muted himself. Mr. Pachano said his son used to attend the school but no longer does.

The SPR application is for the construction of three outdoor play areas at the Berkshire Waldorf School located at 35 West Plain Road. Josh Fisher from Berkshire Waldorf School was present to discuss the application.

Mr. Fisher said the school hopes to build three outdoor pavilions around the elementary area. He said they would be three open wooden structures that would be an auxiliary part of the playground.

Mr. Rembold shared his screen showing an aerial view of location.

Mr. Fick asked if these structures will be similar to the outdoor classrooms.

Mr. Fisher said no. These will be a small lean to type structure.

Ms. Nelson asked if there will be pathways to the structures and if they will have a foundation or base underneath.

Mr. Fisher there will be concrete footings. There will be grass or woodchips for the base. He said there will be short tables for the children to gather around. This is for four to five year old children.

Ms. Nelson asked if there will be electricity.

Mr. Fisher said no.

Ms. Nelson said these are agricultural structures.

Mr. Fisher said yes.

Ms. Nelson asked if any vegetation or trees would be cleared.

Mr. Fisher said the area is open along the edge of the existing playground.

Ms. Nelson asked if there were any additional questions from the Board. There were none.

Mr. Fick read through the site plan review criteria. There were no concerns or conditions discussed.

Mr. Pachano made a motion to approve SPR for three covered area, Mr. Fick seconded.

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

SITE PLAN REVIEW: 17 MAHAIWE STREET

Ms. Nelson recused herself from the discussion. She turned off her video and muted herself.

Mr. Hankin said he had filed an appearance of conflict with the Town Clerk. He said he has no conflict.

Mr. Fick took over the meeting as the Vice-Chair.

Attorney Charles Ferris with Brian Hazelton, the applicant and Brian White, Engineer from White Engineering were present.

Mr. Fick said the Selectboard approved the special permits. He reviewed the conditions set by the Selectboard. He said the SPR can be considered now that the Selectboard and the ZBA approved the special permits. He explained that the SPR is the Board's opportunity to go through the criteria and identify any other conditions that might be appropriate. He said this is not a public hearing.

Mr. Hankin suggesting making it clear to those in the audience that SPR cannot be denied.

Mr. Fick said the use has been granted so only reasonable conditions for the use will be imposed.

Mr. White said the Board has the conditions for the approved special permits. He said the majority of the conditions address vehicles on the site. He said most of the conditions came from the Planning Board suggestions made at the last meeting. He said there are conditions regarding the materials, vehicles and hours of operation. He said he would be happy to answer any questions.

Mr. Rembold reminded the Board that at the last meeting there was discussion about location of lights and dumpster, screening to protect from headlight glare and for the dumpster and pool lighting.

Mr. Fick asked if the Board had any questions.

Mr. Hankin asked Mr. Hazelton if there is a wood burning furnace on the site.

Mr. Hazelton said there is a wood stove in the lower area of the barn where left over raw material are burned. He said he doesn't burn anything that has polyurethane on it. He said the stove has a full surround of masonry materials. He said the stove was legally installed.

Mr. Hankin said it is a wood stove, not a free standing wood furnace.

Mr. Hazelton said wood furnaces are usually hooked up to a boiler. He said this is a wood stove. He said he has only used it 3-4 times since Thanksgiving.

Mr. Hankin said the stove is no different than any wood stove allowed in any house.

Mr. Hazelton said that is correct. He said he only burns clean wood.

Mr. Fick asked if there were additional questions from the Board. There were none. He said he received a memo from abutter David Soles. He read through the recommendations from Mr. Soles.

- No parking in the front yard
- Does not meet the number of parking spaces allowed
- Use of pavers for parking area
- All activity with crew should be concentrated to the front of the barn
- Shed door should face the east
- Will there be automated garage doors
- There should be a 50 foot uninterrupted space on the side of the shed
- How will the conditions be enforced

The Board discussed each item of the memo.

Mr. Hazelton said he wants to address the concerns of neighbors. He said he wants to ensure there is enough parking on the property. He said he would consider grass pavers for one or two spaces but he said he would prefer to keep the area for snow or other cars. He said pavers make it difficult to plow snow. He said if the Board recommends the pavers he would accept the condition but he said he has issues with pavers.

Mr. Pachano said there is gravel in the area now.

Mr. White said correct. He said no parking is being created we are using what is in place. He said we made sure there is parking on the site to keep cars off the street.

Mr. Hankin asked if any parking is within the 15 feet front yard setback.

Mr. White said no.

Mr. Fick asked if there is concern about run off from the site.

Mr. Pachano said the site is flat.

Mr. White said there has been an increase in the impermeable area with the addition of roofs. There is a subsurface infiltration system that can handle a 100 year storm or a 24 hour rain event. The water can be infiltrated in seven hours.

Mr. Fick asked if most of the work would be done in the buildings.

Mr. Hazelton said most of the work would be inside the office. He said people will stop during the day to pick up materials. He said one guy stopped today for about 20 minutes.

Mr. Rembold said the construction can be kept in one area. He asked Mr. Hazelton to explain how the proposed shed will work including opening doors and windows at toward the rear of the property. He asked Mr. Hazleton to explain the operations with the structures including the comings and goings for people.

Mr. Hazelton said the north side of the existing barn has a garage door and a man door. There are stairs inside the barn that go to the second floor and on the outside that go to the second floor. He said a small packet of flooring could be stored on the second floor that could be carried up from the inside stairs. Larger items might have to go up the outside stairs.

Mr. Hazelton said the shed will be a storage area for ladders, scaffolding and 2x12 pressure treated boards used for concrete forms. He said the shed can house trailers overnight. He said trailers can be pulled into the shed to load tools needed on job sites. He said that wouldn't happen very often.

Mr. Rembold asked if there will be a door on the west or south side of the shed.

Mr. Hazelton said he would have to put in a sound and fire wall on the shed if work is going to be done in it. He said it makes access easier to bring equipment in and out on the side facing my building.

Mr. Pachano said there is no reason there can't be a door in the southeast corner.

Mr. Hazelton said he may put a door in each corner. He said he hopes to keep the door in the southeast corner. It would be easy to get rid of the door in the southwest corner.

Mr. Hankin said window on the west side of the shed might be neighbor friendly.

Mr. Hazelton the shed is on piers. It is not on a foundation. He said he doesn't plan to put windows in unless it is an aesthetic recommendation.

Mr. Pachano said it would be helpful to have light.

Mr. Hazelton said he is concerned about noise and light bothering the neighbors. He said he didn't draw windows intentionally to be more respectful to the neighbors.

Mr. Fick asked about the possibility of an overhead door that faces east.

Mr. Hazelton said the overhead door faces Mahaiwe Street. If the door faces east it eliminates the function of the shed. He said relocating to the east side is not practical. He said he doesn't

intend to put in an automatic door. He said that would be elaborate and it is unnecessary. He said it is not required by any commercial standards.

Mr. White said Mr. Hazelton's comments speak to the amount of door usage. He said there won't be any manufacturing on the site. The use will be primarily dry storage.

Mr. Fick said Mr. Sole's requested that the 50 foot span facing the west remain uninterrupted.

Mr. Hankin said Mr. Hazelton has talked with is neighbor. It seems he can work with the neighbor, we don't need to impose.

Mr. Hazelton said there are existing hemlocks along that side. He said a very small percentage of the building will be visible to the neighbor.

Mr. Higa asked if the west side of the shed could have non-functional decorative windows.

Mr. Pachano said there are 20 foot hemlocks along the side and a maple tree.

Mr. Higa said he is concerned about how the building can be more residential and less commercial looking.

Mr. Fick said the side won't be visible.

Mr. Hazelton said he is happy to discuss the issue with the neighbor. He said he would like to have hooks on that side of the shed to hang picks and ladders to keep the yard looking like a residence. He said he can discuss using antique windows.

Mr. Pachano said he didn't think the garage doors as shown were out of character with a residential use.

Mr. Fick said Mr. Soles asked how enforcement is handled.

Mr. Pachano said citizens need to protest in front of Town Hall to get the Selectboard to address the issue.

Mr. Fick said he had no answer regarding follow up.

Mr. Rembold said the Board could set a review of the conditions if they wanted to. He said the Selectboard has to deal with their conditions through staff and the Building Inspector.

Mr. Higa said the parking area surface is compacted.

Mr. White said there are dry wells in the south portion as we face the barn. The pool will be in the southeast corner. The driveway surface will be reduced overall. Drainage will infiltrate into the ground.

Mr. Rembold said there are infiltration chambers in front of the shed. He asked how that will back filled?

Mr. White said it will be done just as the detail shows except we will use gravel only no pavement.

Mr. Rembold said there won't be any asphalt.

Mr. White said correct.

Mr. Pachano said the impervious area will increase by 10% due to the addition on the house and the shed.

Mr. White said yes.

Mr. Higa said Mr. Soles requested some screening of the north side.

Mr. White said the parking area is screened along Mahaiwe Street. There will be fruit trees planted along the front. There will also be raised planting beds. He said the goal is to keep a residential look. We don't want to create an enforcement issue. He said screening on the west with a solid fence would be more beneficial for controlling light glare on the abutting property.

Mr. White said there will be a temporary dumpster on site during the renovation. There will be no need to screen it.

Mr. Hazelton said he has a small one yard dumpster. He said he has garbage picked up by a dump truck once a week. He said if he has to have it screened he will eliminate it and get recycle and trash bins.

Mr. Fick said this is not a public hearing but he will allow brief comments.

David Soles, an abutter, thanked the Board. He said he is pleased how everything is being considered. He said he agrees with Mr. Hazelton about the existing vegetation boundary to the west. Mr. Soles recommended that Mr. Hazelton look at a barn in Stockbridge. He said he

didn't realize the shed would be on piers. He said he is concerned about the garage door facing north. He said if the barn door faced the east it would improve the view from the street. He said it would be more beneficial to have a real vegetable garden instead of raised beds.

Michael Kernan said 10.5.3 requires a traffic study. He said that is an important assessment. He said there is a weight limit on the street that should be enforced. He said five mature trees will be removed that could impact soil erosion. He said there will be a tremendous increase in impervious area. He said the porch is much larger than what has been presented. He said enforcement is a problem. He said he would like to see enforcement of the violations.

Mr. Pachano said Mr. Hazelton has been running an operation at the site that wasn't allowed but he didn't realize it. He has acknowledged that he didn't realize it by applying for the special permit.

Mr. Pachano said the traffic impact comes into play when there are 30 parking spaces or more or 100+ trip ends.

Mr. Rembold said the Board could request a traffic study if it felt the guidelines warranted one.

Mr. Pachano said it is not warranted for this application.

Mr. Fick went through the SPR criteria. He said there will be removal of trees, Norway Maples that are invasive.

Mr. Pachano said they are invasive and they are dangerous.

Mr. Hankin said to minimize visual intrusion he suggested a condition that no raw material be stored in any of the setbacks.

Mr. Fick said there is a small dumpster on the site that could be replaced or screened if it stays.

Mr. Hankin said he has no concerns about screening the one yard dumpster.

Mr. Higa said it sounded like the dumpster was not there because of work being done. He agreed that it could stay.

Mr. Hazelton said the one yard dumpster has been on the site since before he bought the property in 2016. He said it was used by the previous owner. He said he kept it because it was more economical. He said he would prefer to keep it.

Mr. Pachano said it doesn't seem like a problem.

Mr. Fick said the next criterion has to do with minimizing light glare.

Mr. Pachano said vegetated screening could be a condition for the SPR. It seems to be agreeable to the neighbors.

Mr. Fick said the condition could be for vegetated screening if the method is agreeable to the neighbors.

Mr. Rembold said it is difficult to leave the condition completely open. Perhaps say fences compliant with the bylaw or vegetated screening. The Board could review the condition in six months to ensure satisfaction.

Mr. White said we would prefer to have a screen that is amenable to us and Mr. Soles. He said a solid fence would be the best solution.

Mr. Rembold said screening would be set at the setback line.

Mr. Hankin said they could put in a 4-6 foot fence between the west parking area and the west property line. It can be up to them to decide.

Mr. Fick said the next item is the scale.

Mr. Pachano said he sees Mr. Hazelton's point that putting the garage door on the east side would make the garage non-functional. He said he would lean toward the functional side.

Mr. Hankin said parking the trailers would be very difficult if the entrance is on the side.

Mr. Higa asked about screening if the opening is in the front.

Mr. White said the entire front of the property is screened with fruit trees.

Mr. Higa asked which two parking spaces were they thinking about using green pavers for.

Mr. White referred to the map pointing to the two parking spaces on the northwest side. He said they would be grass on gravel or pavers.

Mr. Higa asked if those two spaces would be used last.

Mr. White said that is correct. He said those spaces would be used when loading vehicles. Mr. Fick continued reading the criteria. He said for number eight, compliance with the zoning bylaws, parking and landscaping there are items to be included. He said no raw materials should be in the setbacks, the discussed fence and the grass on pavers for the northwest parking.

Mr. Hankin said he didn't think pavers are a good idea as they create problems when plowing.

Mr. Pachano agreed saying pavers get destroyed. He suggested changing from raw materials to storage of anything in the setback would not be allowed.

Mr. Fick said the conditions include: no materials on the outside are to be stored in the setbacks; a 4-6 foot fence will be installed in the west side property setback.

Mr. Rembold asked if the door on the southwest corner is acceptable.

Mr. Pachano said he had no problem with that door.

Mr. Hankin said he didn't have a problem with the south west door. He said access may be needed. He said it may be a pathway if materials can't be stored in the setback.

Mr. Fick asked about noise impact.

Mr. Hankin said he expected zero amount of noise.

Mr. Pachano said the building is being used for storage. He said storage doesn't make noise.

Mr. Fick encouraged Mr. Hazelton to work with Mr. Soles.

Mr. Pachano said he appreciated the comradery between these neighbors and the collaboration to satisfy each other's needs. We all need more neighborliness.

Mr. Hankin made a motion to approve SPR with the two conditions, no materials in the setbacks and a 4-6 foot fence along the west property line, Mr. Pachano seconded.

Mr. Higa wanted to make sure that materials in the barn are ok. The Board said yes. Roll call vote: Mr. Hankin, aye; Mr. Higa, aye; Mr. Pachano, aye; Mr. Fick, aye

Ms. Nelson rejoined the meeting at 7:46 P.M.

CONTINUED PUBLIC HEARING: 148 MAPLE AVENUE

Ms. Nelson said the Board will consider the application from the Barrington Development, LLC for the conversion of a former nursing home at 148 Maple Avenue to a multi-family use filed in accordance with Sections 8.10 and 10.4 of the zoning bylaw. Ms. Nelson said the Board will open the public hearing that was continued from January 14 and February 11, 2020.

Mr. Hankin made a motion to reopen the public hearing, Mr. Fick seconded.

Roll call vote: Mr. Higa, aye; Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Ms. Nelson aye
The public hearing was reopened at 7:48 P.M.

Attorney Charles Ferris was in attendance to discuss the application along with Nick Elton and Sam VanSant.

Ms. Nelson said updated material was provided to the Board.

Mr. Ferris began the presentation saying the parcel contains 4.2 acres of land. He said natural scenic conditions consisting of 2.5 acres of woodland and landscaping will be retained. He said the building is a 50 year old structure that is an abandoned nursing home. He said the renovation is a substantial improvement.

Mr. Ferris said the key points include increasing housing diversity in the Town. He said most of the new housing has been condominiums and luxury housing. The plan removes the commercial use and adds sustainable housing. He said mass transit is available to serve the site. He said there is Town water and sewer that serves the site.

Mr. Ferris said we thought the original plan that was presented met the height limits. The height was too high so there have been significant changes reducing the size to 2.5 stories. He said the abutters had issues with traffic, parking and landscaping. The revised plan reduced the number of units from 48 units to 30 units, most of them two bedroom apartments. He said there are 50 parking spaces for the 30 units. He said some units may have two cars but others might have one car. The reduced number of units takes the pressure off the parking.

Mr. Ferris said the landscaping will include dense rhododendron to screen the parking. There are some trees on the west side of the property. An additional 10-12 arborvitae will be planted to provide more screening for the western abutter.

Mr. Ferris said a traffic study was done by Fuss & O'Neil. The study took into consideration that the previous use was commercial. He said the study was done based on the original 48 units.

The traffic engineer was consulted about the reduction of units from 48 to 30 units. The engineer said the traffic would be reduced with fewer units.

Mr. Ferris said the traffic study compared the nursing home use with the proposed residential use. The study shows the residential use would be slightly less than the nursing home use. The study shows a 12% reduction in vehicle trips based on the 48 units.

Mr. Hankin remarked that nowhere in the traffic study was there any mention of the number of units it was based on. Mr. Rembold said he had had received separate confirmation from the traffic engineer that it was based on the original 48 units.

Mr. Ferris said there was an assessment of the safety of the site. He said the study shows there is 325-1,000 feet of stopping distance. He said there is ample sight distance. He said the sight distance from the intersection is 400-425 feet at 40 mph. He said the crash analysis shows there has been 1 automobile crash in a three year period. He said there are no safety concerns or hazardous conditions. He said he hopes the Board will find there are no traffic issues and there isn't a significant increase in traffic.

Mr. Ferris turned the discussion over to Mr. Elton and Mr. VanSant to go through the plans.

Mr. Elton said he would like to have Mr. VanSant assist with sharing his screen.

Mr. Elton went over building specifications as shown on the plans. He referred to drawing number L-1. He said the courtyard was developed on the north side of the building. He said pavers will be put in along with built in gas barbeques. The barbeques will be set up so that the gas will automatically turn off after 30 minutes. This is a safety measure.

Mr. Elton said there will be 12 raised planting beds for the residents to use.

Mr. Elton said the paved area has been reduced by 4%. He said areas around the building have been reduced. He said the driveway has been diverted so it doesn't pass too close to the building.

Mr. Elton referred to drawing number L-4 the landscape plan. Mr. Elton said much of the landscaping is identical to what was previously presented. He said there will be 11 6-7 foot arbovitae planted on the west side. They will grow to a height of 40-60 feet unless they are pruned. It should adequately shield the neighbor.

Mr. Elton said there will be three dogwood trees on the south side. These trees will be 20-40 feet in height when mature.

Mr. Elton said in the rear there will be raised planting beds near the patio. The beds will help to protect the neighbors on that side from the activity on the patio. He said there will be additional screening on the southwest and northwest corners.

Mr. Elton said there is no change to the previous lighting plan.

Mr. Elton referred to the A-1 lower level plan. He said the community spaces will include a dog grooming space, public bathrooms and a maintenance area. He said there are now 6 two-bedroom apartments on this floor. There is one handicap accessible apartment on this floor.

Mr. Elton went through the A-2 and A-3 plans for the layout of each of those floors. He said plan A-4 is the upper level showing the two story apartments with roof decks. He said people will not be able to walk out onto the roof. He said the bylaw allows for two and a half stories. This plan is significantly below the allowed height level.

Mr. Elton then went over plans A-7, A-08 and A-09, the elevations of the building's exterior.

Mr. Hankin asked if the brick siding would be changed.

Mr. Elton said there is no plan to change the brick.

Ms. Nelson asked if there is any additional information from the applicant. There was none. She asked the Board if there any comments or questions.

Mr. Fick said he didn't have anything at this time.

Mr. Hankin said this is a great improvement. He said he likes what has been done.

Mr. Pachano said some of the drawings in the presentation are different from what we received. He said that is disappointing.

Mr. Elton said he had provided the hard copies to Mr. Rembold on Monday. He said there was work done after he dropped the plans off.

Mr. Rembold said what was shared is not significantly different from plans provided to the Board.

Mr. Pachano said there are no rendering or elevations.

Ms. Nelson agreed with Mr. Pachano. She said drawing A-7 is there but not the elevation drawings A-5 and A-6.

Ms. Nelson said the function of the Board is to give you direction on providing revisions. She said we went through SPR criteria in December. She said she doesn't see SPR info. She asked if it will be presented at a later date.

Mr. Elton said he concentrated on the architectural.

Ms. Nelson said you can get a copy of the minutes from the previous meeting. There was an extensive list of items we asked for.

Mr. Hankin said the remoteness of the handicap parking spaces was discussed. He said there was no change in the handicap parking.

Mr. Reed asked if reducing the project to 30 units is driving the cost up. He asked what the rents will be.

Mr. VanSant said the goal is to limit an increase in rents. Mr. VanSant said the one-bedroom apartments will be \$1400 per month. The two-bedroom will be \$2300 per month. The two-bedroom duplex will be \$3300 per month.

Mr. Reed he is not pleased about the rents. He asked about handicap procedures for emergency exits. He said handicap people will use the elevator for access. He asked if they will be expected to stay in the building until specially trained people arrive. He said there needs to be a better escape plan. He said it is important to educate people about fire procedures.

Mr. Elton said there will be one handicap apartment on the garden level and one on the first level. He said there will be an alarm system and the building is fully sprinkled. He said there will be signage to direct residents to the closest egress. He said he believes only one person has died in a sprinkled building.

Mr. Reed said the residents need to be made aware.

Mr. Elton said a handbook can be made for all of the residents.

Mr. Reed asked if the dog grooming area will make the rent go up.

Ms. Nelson said she believes these units are market rate not low income.

Mr. VanSant said the rent is driven by construction cost.

Mr. Pachano said nothing is being added to the building but the gross square footage has increased.

Mr. Elton said there is a half level above but no increase in footprint.

Ms. Nelson said the public hearing is open to comments from the public.

Dr. Thomas Kinane, 155 Maple Avenue, said he lives across the road from the project. He said Silver Street is not 700 feet away. The traffic on Silver Street is a problem. He said the number of cars will not be reduced by much with fewer units. He said the increase in traffic is not going to make the problem on Silver Street any better. He said a traffic light is needed at the intersection of Maple Avenue and Silver Street. He said the height of the building is still out of context with the single family homes. He said there are still concerns that persist. He said the concerns have not been mitigated.

Amanda Hochler, 193 Maple Avenue, said the members of the neighborhood made a strong case at the previous meeting. He said few units with more bedrooms does not shrink the number of people. She said she has not heard if the dog grooming area would be open to the public. She asked what happens when people have guests. She said the scale of the proposal is more detrimental to the neighborhood than the previous plan. She said there has been testimony that the nursing home was never a bustling use. There is data to show that there weren't that many people at the nursing home. She said there was a piece of machinery in front of the nursing home that was part of the traffic study.

Ms. Nelson said she drives by there frequently. She said that is one of the Town's traffic control trailers.

Ms. Hochler said she made an assumption. She said there is more traffic going down Silver Street. She said the school costs should be considered. She said if the other two towns are not proportionate with Great Barrington there will be a lot of angry voters at the Annual Town Meeting. A much smaller version of this plan needs to be considered. If it is not economically feasible at a smaller scale it should be passed on. We should wait until other towns build more housing.

Geoffrey Purcell said he is an immediate abutter. He said there is too much traffic congestion that the traffic study does not reflect accurately what will be there. He said the traffic study doesn't represent who will be there. He said there were not many people living at the nursing home in the last few years. The traffic study can't address the concerns for those of us around here.

Mr. Purcell said the technical comments don't address the quality of life around here. The quality of life has to be taken into consideration because this is real to us who live here. He said he thinks this is a problem waiting to happen. He said it is irreversible once it is approved. If it fails it will fail on merit. He said please rethink the project.

Richard Shimmon, the abutter to the west, asked if the housing would be subsidized. He said there are cement slabs in the front near my house. He said there is an 8 foot grade. How do people get into the building, the lowest level with that grade? He said the windows in the basement went up to the ceiling and now they're in the window wells. He said he didn't know how that happens. He said he has questions about the runoff from the roof. He said the roof is pitched to my side. He asked where all the water will go.

Neil Elms from Stanley Drive asked about the size of the units. He said there are three different types of units how big will each be.

Ms. Nelson asked if there were any other questions. There were none. She allowed Mr. Ferris to address the questions.

Mr. Ferris responded to the concerns about the scale of the building being too large for the neighborhood. He said it sounds like the neighbors would like to have the building torn down.

Mr. Ferris noted a bylaw was approved to provide housing. The scale has been there for 50 years. The neighbors have been living next to a failing business. He said the building can't stay as it was. He said the proposal returns the building to a residential use.

Mr. Ferris said the dog grooming area is just for the residents.

Mr. Ferris said people speed. The sight distance is two to three times what is considered safe distances. He said there is a tremendous margin of safety.

Mr. Ferris said families living in the building would increase the school tax burden. That should not be a reason to restrict the project. He said the Town should be more family friendly not less.

Mr. Ferris said he thinks the parking is adequate. Even in a two bedroom apartment there may be a child who wouldn't drive or the second bedroom could be used as a home office. He said the traffic is not going to be substantial.

Mr. Elton said the concrete slabs will be used for electrical transformer. They will be shielded by the trees. He said the grade from the south will be changed. The outside of the building will

be changed. The outside stairs will be move inside the building. There was not a previous legal accessible entrance.

Mr. Elton said the roof runoff will be handled by rain diverters in the back of the flat roof. He said there will be gutters. He said all storm water will be handled by roof drains. There won't be any increase in roof drainage from what exists.

The square footage was also addressed. A one bedroom unit will be between 604 and 635 square feet. A two bedroom flat will be between 794 and 856 square feet. A three bedroom duplex will be between 1170-1234 square feet. The square footage of each unit is in the plans.

Mr. Reed said he is concerned about the high rents.

Ms. Nelson asked if the dog grooming area will be public.

Mr. Elton said it is common to provide a space for residents to wash their dogs. The space is for the residents.

Mr. Ferris said the grooming area is not a significant aspect of the construction budget. He said it is just an amenity.

Ms. Nelson said Mr. Purcell has an additional question.

Mr. Purcell said the original proposal can be judged relatively by different people. He said different people might think the project is not detrimental to the neighborhood. He said the numbers don't mean anything in terms of the concerns of the neighbors. He said our concerns can't be addressed in a technical sense. We have a quality of life. This is a living issue. He said the building should not be reused at this scale with these parameters

Ms. Nelson said the list from the December 10, 2020 meeting needs to be revisited. She said if we want more information we need to discuss it now.

Ms. Nelson said she is concerned that this Board made a conscious decision to put a zoning bylaw in place for this reuse. She said she is pleased to have a proposal under that new bylaw that was approved at the annual Town Meeting. She said the neighbors are concerned about the traffic but this is a State highway.

Mr. Pachano said the proposal causes him a lot of anxiety. He said he has been working to get more housing into Great Barrington. He said to Mr. Elton that this is another gateway project coming into Town. He said he doesn't understand the architecture of the building. He said the

building makes no sense architecturally. He said he has concerns about project at the gateway to our Town. He said the proposal reflects more of a suburban aesthetic than our Town presents. He said these types of buildings are seen in suburbs that go nowhere.

Ms. Nelson said character came up at the last meeting. She said the question of character still needs to be addressed.

Mr. Hankin said this was a huge ugly nursing home. That is the character of the neighborhood that we are dealing with. This plan is an improvement.

Mr. Higa said he has concerns with the rents for the units. He suggested there be a review of the market for the size and the prices.

Mr. Higa said he has some concerns about the Silver Street intersection. Not everyone will go to the store the same way or at the same time but it is a bad intersection.

Mr. Higa said other market rate housing will face similar objections unless it is out in the middle of a field away from neighbors. We have to answer or prospective developers have to answer the questions that come before the Board every time there is an application. The Town needs to take on the need for housing.

Ms. Nelson said we know we need housing. We need a more robust conversation about housing. We know we don't want to push out into other areas. She said your concerns are around economics.

Mr. Higa said he didn't think the applicants have made a case to the abutters at large. He asked how the conversations get bigger.

Ms. Nelson said we can't deal with that with this application.

Mr. Fick asked if this housing will be subsidized.

Ms. Nelson said no.

Mr. Fick said he has concerns about potential rents. He said he has sympathy for the changes in the neighborhood but there needs to be consideration of the building not being rebuilt and being abandoned like the Housatonic school.

Ms. Nelson said she wants information to provide to the applicant so we can move the application forward.

Mr. Reed said the rents put local residents out. People who might want to live there won't be able to because the rents are not affordable.

Ms. Nelson said it is not inexpensive to renovate a building. The cost of building materials has gone up significantly.

Mr. Reed said incentives need to be given to developers to keep the cost down.

Ms. Nelson asked the applicants to please look at the minutes of the December 10 meeting for a list of the items that were requested to be addressed.

Mr. Ferris said he would look at them.

Ms. Nelson said there are still items from the last meeting to be addressed as well as SPR. She asked that 10.5 criteria be looked at and addressed. She said the mounting height of lights is not clear. She said the plans show the lights at 16 feet in height but the code says 14 feet.

Mr. Ferris apologized for all of the items that were not addressed. He said he is at a loss as how to respond to character of the neighborhood questions. He said aesthetics are an opinion. The area is dealing with a monolithic brick structure.

Ms. Nelson said there are several existing masonry structures that have been renovated.

Mr. Pachano said there is a building at the top of Railroad Street. That project moved away from the brick. He said there are ways to deal with the brick. He said he never talks about this stuff but in this case we are the SPGA. He said he feels strongly about the look.

Mr. Pachano asked that the lighting be looked at. He said the lights appear that they will shine into windows.

Mr. Elton said there are ways to shield the lighting. We will look at the lights and adjust for the condition.

Ms. Nelson said there are no building mounted lights shown on the photometric plan. She asked the applicant if they plan to return to the March 11th meeting or the April 8th meeting.

Mr. Elton said the March 11th meeting.

Ms. Nelson said the revised information needs to be provided by March 8th.

Mr. Elton said he would make the effort to submit by that date.

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

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

Mr. Rembold said there aren't many items on the March 11th agenda.

Mr. Fick asked if the clock is ticking on the SPR.

Mr. Rembold said yes there should be agreement to continue SPR.

Ms. Nelson asked Mr. Ferris if the SPR timeline could be extended.

Mr. Ferris said yes the applicant agrees to extend the timeline for SPR.

At 9:42 P.M. the Board took a five minute break resuming the meeting at 9:47 P.M.

BARRINGTON BROOK SUBDIVISION:

Applicant David Margulies was present with David Ward and Charles Ferris to continue discussion of the release of five of ten lots held in covenant.

Ms. Nelson said Mr. Rembold has been working with Dr. Margulies to get the information that has been requested.

Mr. Rembold said he forwarded an e-mail from Mr. Margulies dated February 22. The e-mail has a brief description of the work to be done and estimates. He said the estimate to finish the work is \$195,000. He said the estimate includes finishing the water, sewer, and drainage, underground utilities on Thrushwood and a paving allowance. He said it will be great if the work can be done for the estimate. He said if the Board releases the lots for building permits they can hold the certificates of occupancy until the work is completed and as built plans are delivered. He said the discussion with Dr. Margulies was very positive.

Ms. Nelson we have enough information and leverage to release the lots from the covenant. The applicant will work with the Planning Board to finish the outstanding items.

Mr. Hankin said he is disappointed with the paving quote because the top coat is not included.

Mr. Ward said the quote for the top coat for Londonderry was provided.

Mr. Ferris said there were additional quotes.

Mr. Rembold said there has been a lot of e-mail traffic. He found one from February 24 that included Londonderry and the pool house parking.

Dr. Margulies said the quotes is all inclusive for all remaining surfaces including the top coat. The top coat quote is \$38,000.

Mr. Hankin said the Town has filed a taking for money owed. He said he didn't know if there is anything we can do.

Mr. Rembold said it is not one of the lots to be sold.

Dr. Margulies said all the taxes are paid on the property.

Mr. Ward said the taxes are owed by Stone Path.

Mr. Ferris said the property that the taking has been filed on is a privately owned property.

Ms. Nelson said it is the previous owner. If it is privately owned it has no bearing on this discussion.

Mr. Hankin said he would like to see proof.

Mr. Ferris said the property is separate from Barrington Brook. It is owned by the Stone Path Beneficial Trust.

Mr. Ward said that property was never part of Barrington Brook.

Ms. Nelson said one of the conditions will be that all taxes will be current prior to the issuance of the certificates of occupancy.

Mr. Rembold said that is fine. There won't be a problem providing proof of paid taxes.

Mr. Hankin said he has an ongoing concern about the numbers provided for the completion of the work. He said the numbers did not include all the work that is required by the subdivision approval. He said the residents have already been pressured by the developer into paying \$4500 to finish paving. He said they could have been pressured into writing the letter supporting this process. He said he would like to have an independent engineer tell us what has been done and what has not been done. He said he wants a comprehensive list.

Mr. Fick agreed but thought the lots would be released and in the spring we would get that list. He said sooner or later we need a list of what hasn't been done.

Ms. Nelson said Dr. Margulies has a licensed professional who will certify the work. Any respectable licensed professional will give an accurate list. She said we can require the comprehensive list by the second meeting in May. We have time to have a conversation with Dr. Margulies about the list.

Mr. Hankin said there is a faulty hypothesis about that the remaining lots would sell for what we would need to finish the work.

Mr. Fick said he didn't think it is a hypothesis. The Town would have houses.

Mr. Rembold said the Town would put a lien on the lots. He said he could look into what would happen.

Ms. Nelson said it is more beneficial to finish.

Mr. Higa said the work should get started.

Mr. Ferris said the covenant supersedes the mortgages. The builder would have to pay out for buildings that can't be closed on.

Dr. Margulies said he is too far into this to walk away. He said he appreciates that the Board is sensitive to getting this done. He said the project has almost failed. Right now the market is booming. When the asphalt plants open the roads will be paved.

Dr. Margulies said there is a consensus among the residents that a couple of items can be waived. The Board has control of the as built plans. This will allow the project to move forward.

Ms. Nelson said she would like to see if the Board is ready to entertain a motion to release five lots from the covenant and have Dr. Margulies come back on May 27th with an engineer's report on the status of the construction and an itemized list of what remains to be done in the permit set.

Mr. Rembold asked if any five lots can be released.

Ms. Nelson said any five lots can be released. No Certificates of Occupancy will issued until the work is done.

Mr. Pachano moved the motion as stated by Ms. Nelson, Mr. Fick seconded. Discussion

Mr. Pachano said to Dr. Margulies that he is concerned that the residents will have to pick up some of the bill on something that won't done.

Dr. Margulies said that will not happen. He said the moment of maximum leverage is right now. He said he accepts the structure created. He said he will work closely with Mr. Rembold. He said everything is clearly enumerated, there is no ambiguity.

Mr. Fick said he has a question about the motion about the phrase about the conditions of approval. He suggested that any five lots can be released for building permits and the completion of items in the definitive plan unless some items are released by the Board.

Mr. Hankin asked if the Town has been getting paid \$200 per unit when sold.

Mr. Rembold said yes. He said in May the Board will get a list of what needs to be done before they request the Certificates of Occupancy.

Ms. Nelson asked if Dr. Margulies can come in May.

Dr. Margulies said yes. He said we will request the Board to waive the items agreed upon by the community when we return in May. The request is crystal clear about what you want certified in May.

Mr. Hankin said from the engineer we want the price for everything approved in the definitive plan. He said he is not inclined to waive anything.

Dr. Margulies said if you know you won't waive anything then the project is failed. He said there won't be any sidewalks. He said the community has worked hard to agree on elements that won't be completed. Some will never be completed. He said he hopes the Board will authorize some of the items to be waived so we can complete the project. He said the economics are tight. He apologized for being direct.

Mr. Fick said he would be equally direct saying that sidewalks and light can be safety issues.

Dr. Margulies said he understands but there aren't sidewalks now and there won't be any when I am done. If I walk away the project won't be done.

Mr. Fick said you have an agreement with the homeowners. If the project is to be done it needs to be done right.

Mr. Ferris said he was under the impression at the last meeting that the Board was looking for a consensus about what would be waived. He said he thought the Board would give consensus.

Ms. Nelson said you shouldn't be surprised. We asked for a consensus from the community so we don't have conflicting information. We want to make sure they are not feeling pressured.

Ms. Nelson called a vote on the motion.

Mr. Fick said he needs to feel comfortable. He said he intends to meet Dr. Margulies halfway.

Dr. Margulies said he is comfortable. He said you are reasonable people. He said he hopes the Board knows he is a reasonable person. He said he will move forward.

Ms. Nelson restated the motion: Move to release for building permits any five of the remaining ten lots with the following condition: The developer will provide to the board, no later than 5/27/21, from a licensed professional engineer an itemized list of the conditions and work which remains outstanding on the definitive plan, the costs for completion of all outstanding items, and an engineering report describing the as built condition of site improvements and utilities certified by a licensed professional engineer in the state of MA. And that outstanding items be resolved or completed prior to the issuance of C of O on any of the building permits.

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

Mr. Rembold said he will talk with Mr. Ferris to make sure the legal paperwork is correct. He said he will get an affidavit signed to memorialize the vote on behalf of the Town.

Mr. Rembold said he will keep track of the building permits that are issued.

Dr. Margulies thanked the Board.

ZONING AMENDMENTS:

The Board agreed to pass over the zoning discussion.

TOWN PLANNER'S REPORT:

Mr. Rembold said he didn't have a report.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded its business, Ms. Nelson adjourned without objection at 10:38 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary