

PLANNING BOARD

DATE: April 8, 2021

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting/Public Hearing

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;
Pedro Pachano

Chris Rembold, Assistant Town Manager/Director of Planning and Development

Ms. Nelson called the meeting to order at 6:00 P.M. She began reading the opening statement from the agenda then lost her connection. Mr. Rembold finished reading the statement. Mr. Rembold called for roll call attendance:

Mr. Higa, present; Mr. Hankin, present; Mr. Pachano, present; Mr. Fick, present

FORM A'S:

There were no Form A's presented.

MINUTES: MARCH 25, 2021

Mr. Hankin made a motion to approve the minutes as amended, Mr. Pachano seconded.

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

Ms. Nelson rejoined the meeting at 6:05 P.M.

SITE PLAN REVIEW: 29 STATE ROAD

Mario de Ris was present on behalf of Berkshire Bike and Board. He said the application is for the repurposing of some of the parking lot with a 1,000 square foot mercantile storage space. He said the parking will remain in front of the new building. The use requires 13-14 parking spaces. He said there are 17 parking spaces available.

Mr. de Ris said there is a shed roof on the back with a gutter system into a dry well. The front is 22 feet in height. The back is 14 feet in height. There will be an awning on the front that will stick out 6 feet. There will be illumination under the awning to make it easier for unloading deliveries. The building will be used for storage only.

Mr. Hankin asked how the building is entered.

Mr. de Ris said there is a door on the new building facing the side of the existing building. He said it is a small side door.

Mr. Hankin asked if there is an overhead door.

Mr. de Ris said no.

Mr. Hankin asked how the parking requirement was figured. He said the building is 3,840 square feet. He said the parking is based on 2,600 square feet.

Mr. de Ris said the 3,840 square feet is the entire building. The 2,600 square feet is the retail space.

Mr. Hankin asked if there is a shop that reduces the retail space.

Mr. de Ris said there are two doors on the building in front of the handicap spaces. Those two doors divide the retail space and the shop space.

Ms. Nelson asked if the dumpster is being relocated.

Mr. de Ris said it could be between the buildings or it could be at the rear of the building. He said there is also a clothes donation box.

Ms. Nelson said there won't be any conflict with parking in front of the new building.

Mr. de Ris said no.

Ms. Nelson said there is no change in use the building will just provide storage.

Mr. de Ris said there is no change in use. The goal is to increase inventory.

Mr. Higa said this might be a good application for faux windows on the awning side.

Mr. de Ris said if windows were put in they would have to be above the awning. He said there will be half a million dollars in inventory; there is no interest in windows.

Mr. Higa said no just faux windows for fun. He said he is thinking about the transition between the main building and the adjacent property.

Mr. de Ris said he appreciates the suggestion. He said the building will have outside brackets and roof timbers exposed. He said there will be enough details to break up the look.

Mr. Hankin asked if there will be wheel stops in front of the building.

Mr. de Ris said there will be seasonal bump stops and barriers on the asphalt.

Ms. Nelson read the SPR criteria.

Mr. Hankin made a motion to approve SPR, Mr. Fick seconded.

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

MANVILLE STREET:

Mr. Rembold said the Board needs to send a recommendation to the Selectboard regarding the request from 26 Manville LLC to reaccept the westerly portion of Manville Street that was discontinued at the Annual Town Meeting in 2018.

Attorney Sydney Smithers was present on behalf of 26 Manville LLC. He said Ian Rasch and a partner intended to build a housing development on the properties at the end of Manville Street. The development was denied. The houses will go back on the market so the proposed warrant article would allow for reacceptance of the discontinued portion of the road.

Mr. Rembold said Manville is not a thru street. The parcels were to be developed. The Town didn't have an easement to use as a public way in front of lot 2A, 3A, 5A and 6A.

Mr. Smithers said lots 1,2 & 3 have been sold based on a Form A dated April 20, 2020. He said there will be an easement if the portion of road is reaccepted.

Mr. Hankin asked where the snow plows will turn around.

Mr. Smithers said historically they turn around in the driveways.

Ms. Nelson asked about the manhole.

Mr. Smithers said the sewer was extended to serve #28 Manville.

Mr. Rembold said the manhole is not impacted whether the right of way is accepted or not.

Mr. Smithers said he contends that the Town has a responsibility to maintain the sewer lines.

Ms. Nelson said she thinks it is a good idea to reaccept the portion of the road.

Mr. Hankin made a motion to send a positive recommendation to the Selectboard to put the proposed warrant article on the Annual Town meeting warrant, Mr. Fick seconded.
Roll call vote: Mr. Hankin, aye; Mr. Pachano, aye; Mr. Fick, aye; Mr. Higa, aye; Ms. Nelson, aye

ZONING PUBLIC HEARING:

Ms. Nelson read the agenda item for the review of the Citizen's petition to amend the zoning bylaw as it pertains to the criteria the Planning Board uses to evaluate special permits.

Mr. Hankin made a motion to open the public hearing, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Mr. Pachano, aye; Mr. Fick, aye; Mr. Higa, aye; Ms. Nelson, aye
The public hearing was opened at 6:44 P.M.

Geoffrey Purcell was present to discuss the proposed amendment. He said the abutters are against over development. He said they are not against development they believe property should be developed properly. He said the proposal presented was overdeveloped.

Mr. Rembold said to be clear this is a zoning petition not specific to a proposed development.

Mr. Purcell said 148 Maple Avenue is the development. He said this is not just for 148 Maple Avenue but he asked that 148 Maple Avenue be kept in mind. He said the language is to protect our interests. We have the most to lose if it goes wrong.

Mr. Purcell said Mr. Pachano made a statement after the discussion of 148 Maple Avenue that we are not a welcoming bunch. He said that is not so.

Mr. Purcell said the special permit process is not written in a format that the Board needs. He said anyone who has encountered the problem would do what they could. He said terms like more detrimental, traffic impact and character are qualitative and should be replaced with language that is less qualitative. He said we feel that we are behind the 8 ball. He said the bylaw fails to address what putting 100 people into a neighborhood can do to it. He said our concerns are not addressed. He said this is a Town wide issue. People can go to court but there should be a better way to address it.

Ms. Nelson asked if there were any comments from the public.

Selectboard member Ed Abrahams said he is concerned that the proposed language could do the opposite of the intent. If the neighborhood doesn't have enough money for a traffic study that would be an impact.

Barbara Matz said she supports Mr. Purcell's amendment. She said ambiguity underlies why it is important for there to be more Town input from the beginning.

Michelle Loubert, 70 Division Street, said she supports the amendment. She said this is one more indicator of the dissatisfaction of our neighborhoods. She said she has spent thousands of dollars to protect my neighborhood. She said any amendment to level the playing field I support.

There were no other public comments. Ms. Nelson asked for comments from the Board.

Mr. Hankin asked where it would go in the bylaws.

Mr. Purcell said part of it would go in section 8 and part in section 10. He said the language seems to have been developed with 148 Maple Avenue precisely in mind. He said it would be a portion of the bylaw for abutters and citizens' rights.

Ms. Nelson said customarily an amendment to the zoning bylaw identifies what portion of the bylaw would be amended.

Mr. Purcell said he understands. He said there wasn't time to prepare.

Ms. Nelson asked if it would be better to mature the amendment a little, give it more time.

Mr. Purcell said yes.

Ms. Nelson asked if he would consider withdrawing the amendment.

Mr. Purcell said he would but he would have to discuss it with the other petitioners.

Mr. Rembold said all signatories would have to withdraw. The amendment will be printed in the warrant verbatim. It is not the Planning Board's responsibility to craft the amendment. The citizens can amend the warrant on the Town Meeting floor.

Mr. Purcell said he could draw up a letter with all the signatures and submit. He said it was not our goal to cause unnecessary trouble. Our goal is to heard.

Mr. Rembold said the Board will make a recommendation to the Annual Town Meeting. He said there isn't time to continue the public hearing.

Ms. Nelson said typically we start talking about amendments in the late summer. She said it is a multi-month process.

Mr. Purcell said he wants to proceed the best way possible. He said our issues with 148 Maple Avenue were never addressed.

Ms. Nelson said 148 Maple Avenue has a decision. It is not subject to this petition.

Mr. Pachano said the petition asks us to ignore experts in the field of development based on what an abutter thinks. He asked how the Board can be asked not to pay attention to the experts. He said there were many discussions about parking but we are accused of not providing adequate parking. He said the proposed amendment asks abutters and citizens to determine what is proper development. He said we have been accused of not including people in the process but we have a six month process every year. He said it isn't fair to say the Planning Board doesn't allow input.

Mr. Fick asked what happens if the proposal is passed at Town Meeting.

Mr. Hankin said it would go to the Attorney General.

Mr. Fick said it is not up to the Board to figure out how to fit it in the bylaw.

Mr. Rembold said no law has been adopted. He said the amendment is more advisory than a legal regulation. He said Town Counsel reviewed the language and agreed that it should go through the process. If it passes, Town Counsel didn't think anything specific would happen.

Mr. Fick said if it fails they would have to wait to bring back.

Mr. Rembold said if the Board recommends it, there wouldn't be a cooling off period. If the Board doesn't recommend it they would have to wait unless the amendment is substantially different.

Mr. Fick said a better proposal could be drafted for next year or they can wait two years to resubmit. He suggested some information could be provided to Mr. Purcell.

Mr. Higa said he has concerns about the character aspect. He said it is difficult for the Board to ascertain neighborhood character.

Mr. Hankin said the way it is written it seems like everyone's opinions are unsubstantiated unless you are a neighbor. How do you substantiate what will happen in the future? He said there are three special permit granting authorities. All of the SPGAs use the same criteria but this is targeted at the Planning Board.

Mr. Purcell said we are not saying just the neighbors and there is no lack of substantiation

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

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

The public hearing was closed at 7:23 P.M.

Mr. Fick made a motion to send a negative recommendation on the proposed amendment to the ATM, Mr. Hankin seconded

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

TOWN PLANNER'S REPORT:

Mr. Rembold said he typically drafts the Board's reports for the ATM. He said he will send the drafts to Ms. Nelson and Mr. Fick. He said as we get closer the Board can decide who will present the reports at Town Meeting.

Mr. Rembold the Town has received a Housing Choice Community designation for recognition of the Town's proactive work in regulations, funding and promoting housing, proactive steps and actual development of housing. He said we will receive bonus points for infrastructure grants such as the infrastructure development for the North Plain Road development.

Ms. Nelson asked if there would be funding for sidewalks where there are gaps.

Mr. Rembold said yes.

Mr. Rembold said the Town will receive a Rapid Recovery Grant to evaluate the impact of Covid 19 on the Downtown business district. The evaluation would help determine what might help the recovery and identify projects the Town can do to support the businesses in the downtown.

Mr. Hankin asked if the outdoor dining would be supported.

Mr. Pachano said it is on the survey.

Mr. Rembold said there is a current study for impacts and ideas. If we come up with a plan with 5 or 6 ideas we could come up with funding to assist. He said the survey is available through the Chamber of Commerce, flyers and social media.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Higa said the CPC met to discuss repurposing funds that were not used for acquisition by the Housing Trust. The amount is \$14,000 for site work.

CITIZEN'S SPEAK:

No one spoke.

Having concluded their business, Ms. Nelson adjourned the meeting without objection at 7:35 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary