

## PLANNING BOARD

DATE: July 11, 2019  
TIME: 6:00 P.M.  
FOR: Regular Meeting  
PLACE: Large Meeting Room  
PRESENT: Brandee Nelson, Chair; Jonathan Hankin; Jeremy Higa; Pedro Pachano  
Garfield Reed, Associate Member  
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 6:03 P.M. Neither Mr. Higa nor Mr. Pachano had arrived. Ms. Nelson elevated Mr. Reed to a voting member to have a quorum.

### **FORM A'S:**

There were no Form A's presented.

### **MINUTES: JUNE 27, 2019**

Mr. Hankin made a motion to approve the minutes of the Planning Board meeting on June 27, 2019 as amended, Mr. Reed seconded, all in favor.

### **SPECIAL PERMIT: 170 TACONIC AVENUE**

Applicant Zachary Culbreth was present to discuss his application to alter a pre-existing non-conforming single family home located in the R-1-A zoning district.

Mr. Higa arrived at 6:07 P.M.

Mr. Hankin mentioned to Mr. Culbreth that if he modified the corner of the addition that is within the setback he wouldn't need to go through the special permit process.

Mr. Culbreth said originally there was a different proposal that would have required a variance. He said there is an underground pipe. There were many options discussed before deciding on this plan. He said there are a number of constraints but this plan allows for the bathroom and a mudroom entrance.

Mr. Nelson asked the Board if this plan is more detrimental to the neighborhood than what exists. She said the addition does not seem significant or detrimental. The rest of the Board agreed.

Mr. Hankin made a motion to send a favorable recommendation to the ZBA, Mr. Higa seconded, all in favor.

The Board returned to the discussion of the minutes. Mr. Hankin made a motion to approve the minutes of the joint meeting on June 27, 2019, Mr. Higa seconded, all in favor.

### **POTENTIAL ZONING AMENDMENTS REGARDING MARIJUANA:**

Ms. Nelson said the Selectboard would like discussion of regulating the number of retail marijuana establishments allowed in Town. She said voters at the Annual Town Meeting voted to explore setting limits.

Mr. Higa said he would like to see a cap.

Ms. Nelson said there are currently 5 Community Host Agreements for retail and 1 for manufacturing. There is one retail store operating. She asked the Board if there is interest in the Planning Board setting limits through zoning or should the Selectboard explore other ways to control the numbers.

Mr. Higa said this was discussed long ago and it was determined to let the process play out.

Ms. Nelson agreed. She said the State has a vetting process. She said not all Host Agreements will necessarily result in a store opening.

Mr. Reed asked if zoning is the only way of limiting, aesthetics can't be considered.

Ms. Nelson said zoning is the precedent that has been chosen. Town Counsel has said that because we have chosen to go through zoning originally that we need to use zoning.

Mr. Higa said there is a limit on the number of liquor stores.

Mr. Hankin said those limits are set by the State.

Mr. Rembold said at this point zoning controls have to go through this Board. He asked if the Board wants to create zoning with public input or do you want the Selectboard to do it. Ultimately it comes back to this Board.

Mr. Nelson read comments submitted by Mr. Pachano who suggested the Selectboard could hold public meetings to get input from the public. He said it is the Selectboard's issue as they have raised it.

Ms. Nelson said she received a comment from Mr. Fick who suggested a go slow approach. She said she agreed with Mr. Fick.

Mr. Hankin said both New York and Connecticut will eventually legalize it in their states so the crowds will disappear. He said right now Theory is doing great. He said it doesn't make sense that people are against a thriving business.

Mr. Higa said people are concerned about the character of Great Barrington as it is a hub. He said he agreed with Mr. Pachano. He said he is surprised that the Selectboard wants the Planning Board to handle this issue. He said he finds it hard to believe that the Selectboard will support what the Planning Board would come up with.

Ms. Nelson said they have asked us to consider the issue because it is zoning related. She said we will meet with them again in August.

Mr. Higa said he would rather have the Selectboard tell us what they want for a limit and work with that.

Ms. Nelson suggested looking at the locations of the existing Community Host Agreements. She said the Selectboard is looking into have marijuana establishments do an annual check in similar to what is required for liquor stores.

Mr. Reed said he would like to see a limit.

Mr. Higa said he would like to get clear direction from the Selectboard then we can throw a number at it.

Ms. Nelson said she does not want to set a number she would rather see a distance limit between establishments.

Mr. Rembold asked regardless of a numerical cap or distance, who will start the process? He said Selectman Abrahams may spearhead an outreach process then provide the Board with the information obtained in writing.

Mr. Higa said he wanted the Planning Board to write the language.

Mr. Reed, Mr. Hankin and Ms. Nelson wanted to wait to see what might come out of the outreach sessions but agreed that the Planning Board would write language if it is going to be in zoning.

Mr. Rembold said the Selectboard will be advised to hold their meetings, provide the info to the Planning Board and the Board will write the zoning.

Mr. Hankin has concerns about the outreach sessions as he feels only the NIMBYs will show up so it will be one sided.

Mr. Pachano arrived at 6:42. Ms. Nelson gave him a brief recap of the discussion.

#### **PLANNING BOARD RULES & REGULATIONS:**

Ms. Nelson said she would like applicants to submit their applications & plans at least a week prior to the meeting they are scheduled to attend.

Mr. Rembold said the Rules & Regs govern membership and conduct which is not governed anywhere else. If there is nothing in MA General Law then you get to decide what is submitted, how it is submitted, what the size will be, what the fees will be, etc. He said he would suggest making the change in Section 5, Meetings and Hearings. The change would set the deadline for supplemental information to be the Thursday or Friday before the meeting. Mr. Rembold suggested 4 PM on the Thursday before. The Board agreed.

Mr. Rembold discussed the Site Plan Review process. There has been discussion of notifying abutters. He said SPR does not require a public hearing or a site visit. He said the intent of the SPR was that it would not be an onerous process just an extra check for the Town for a by-right project.

Mr. Hankin said the Board can't deny a SPR only impose reasonable conditions.

Mr. Rembold said it was designed to encourage investment in Town but with some review especially for by-right uses that could be impactful.

Mr. Hankin said abutter notification implies that public input is encouraged. If people are not allowed to speak during the process it is frustrating.

There was discussion of possibly holding citizen speak at the start of the meeting prior to discussions of permits and SPRs.

The Board also discussed adding a box to the SPR application that encourages applicants to have discussions with their neighbors.

Ms. Nelson said the least onerous approach would be for people to talk to their neighbors.

Mr. Pachano agreed that a box should be added to the application and moving citizen's speak to the beginning of the meeting.

Mr. Hankin said citizen's speak could still be listed at the end but moved at the Chair's discretion.

Mr. Pachano asked that 2 full size drawings and a scalable PDF be submitted with any application. He said he would like to reduce paper.

Mr. Rembold asked who would prefer electronic submissions or who would prefer paper submissions.

Mr. Hankin and Mr. Reed said they would prefer paper plans.

Mr. Rembold said the special permit process requires that an original and 14 hard copies be submitted for distribution. That is more difficult to change so the change would be for SPR only.

Mr. Higa returned to abutter notifications stating that the notifications could be a way to say to the public that we are not closed minded. He said we have a public relations problem.

Mr. Hankin disagreed that the Board has a public relations problem.

Mr. Higa said it's the public's perception

Mr. Pachano said there are just as many people who support and encourage this Board.

Ms. Nelson said Mr. Rembold will make the changes discussed to the Rules & Regs and bring the revisions to the next meeting.

Mr. Reed said if there are a handful of people who have an issue with this Board we need to look at it. He said he thinks there is more than a handful.

Ms. Nelson said everyone is encouraged to comment. She said she is not under the impression that everyone can be satisfied, we go down the middle and try to satisfy the majority.

Mr. Pachano said he has been on this Board for three and a half years. He said he has never seen any form of discrimination. People who are not satisfied should be encouraged to attend meetings.

**TOWN PLANNER'S REPORT:**

Mr. Rembold did not have anything to report.

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

Mr. Higa asked the Board for comments regarding the Community Preservation Committee's plans.

Mr. Rembold said the CPC has a public hearing at the beginning of August. They will discuss how to prioritize the applications.

Mr. Higa said the CPC meets August 5 at 5:30 place to be determined. The step 1 meeting will be September 30 and the step 2 meeting will be on November 4. He said the CPC would like to see a housing study showing stock, need and rentals. An application for a study would be favorably received.

Mr. Pachano said he arrived late because he was at a BRPC meeting. He said there are four committees that deal with housing and land issue in the county. He said they would be happy for participation.

Mr. Rembold said he is on two of the committees.

Mr. Pachano said he would send a link for the committees and he will send it to the Selectboard members as well.

Mr. Hankin said he met with Mr. Mahida regarding the renovation of the Searles School. Mr. Mahida is planning to modify the plans that were approved for his special permit so he will be back before the Board.

Mr. Rembold said he would notify the Board and send all materials prior to having the applicant at a meeting.

**CITIZEN'S SPEAK:**

Mr. Abrahams asked to be put on the list for BRPC information. He asked for and was provided a brief summary of the marijuana discussion.

Having concluded their business, Ms. Nelson adjourned without objection at 7:37 P.M.

Respectfully submitted,

Kimberly L. Shaw  
Planning Board Secretary