

PLANNING BOARD

DATE: July 8, 2021

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting/Public Hearing

PRESENT: Brandee Nelson, Chair; 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 read the opening statement, revised by Governor Baker on June 16, 2021, from the agenda. She called for roll call attendance:

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

FORMS A:

No applications were submitted.

MINUTES: JUNE 24, 2021

Mr. Hankin made a motion to approve the minutes of June 24, 2021 as amended, Mr. Pachano seconded.

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

COMMON DRIVEWAY REGULATIONS & STANDARDS:

The Board began discussion and possible revisions of Chapter 153-19 of the Town Code, including but not limited to, the number of units that can be served by a common driveway.

Mr. Rembold said at a previous meeting Mr. Hankin brought up a good point that the bylaws allow three units to be served by a common driveway. He said he reviewed bylaws from other towns finding that many towns tie the number of units to the common driveway not lots.

Mr. Rembold said Town Counsel has been consulted. It is Town Counsel's opinion that a Town Meeting vote is required to make changes to the regulation. The change can't be made by a vote of the Planning Board. He said the application that has led to this discussion has a deeded right of way for both properties. He said at this point there is no hardship at this time so the change can be made at the next ATM. He said the condition on the application is moot.

Ms. Nelson agreed that it is moot.

Mr. Hankin said the access is a deeded right of way not a common driveway.

Mr. Rembold said yes.

Mr. Hankin said the right of way looked narrower than a common driveway.

Mr. Rembold said it is 15.23 feet wide.

Ms. Nelson said the width looks adequate. She asked Mr. Rembold to check with Town Counsel.

Mr. Rembold said yes.

Ms. Nelson asked if the Board wants to take this to the ATM.

Mr. Hankin and Mr. Pachano said absolutely.

Ms. Nelson said the number of dwellings could be considered. The adequacy of the driveway has to provide for passing or emergency access. If we are going to have more than 6 units on a common driveway we will need more robust standards.

Mr. Hankin said a small lane is allowed to have up to 50 trip ends.

Ms. Nelson said 5 units would generate 50 trips.

Mr. Hankin said he didn't want to make any changes to the small lane bylaw. He said we have to assume there can be three units on a lot. He suggested that anything over a certain number of units would have to come to the Planning Board. He said the Planning Board is the permitting authority. He said he thinks the maximum of 3 lots should be kept so non-conformities are not created.

Mr. Hankin added that rear lots create a common driveway. Two lots can result in 6 units so it might be reasonable to set the threshold at 6. Any more than 6 units would come to the Planning Board. We might also require a wider driveway when more than 6 units will be served.

Mr. Pachano said he doesn't understand the issues with a shared driveway.

Ms. Nelson said design dimensions for a single home driveway is 14 feet which would not be adequate for vehicles to pass. A driveway serving more units needs to be wider. Additionally there could be drainage issues and emergency access issues. More traffic loads can result in deterioration of the surface. There needs to be a legal maintenance agreement in place.

Mr. Pachano suggested a threshold of design standards for the number of units that will use the driveway.

Ms. Nelson said there could be a tiered approach.

Mr. Hankin said he is fine with that.

Ms. Nelson said a driveway serving three units would follow the Chapter 153. Six units would be required to comply with more robust conditions and nine units could fall under the small lane requirements.

Mr. Hankin said the small lane currently applies to up to five units.

Ms. Nelson said perhaps the language could be for five or more units.

Mr. Hankin said one driveway can serve one lot with three units is technically a common driveway but it doesn't come before the Board.

Mr. Pachano said if the threshold is not beyond three units it is not an issue.

Mr. Hankin said it is not an issue just something for discussion.

Ms. Nelson asked what the benefits are.

Mr. Hankin said common driveways benefit the Town environmentally. He said we want to encourage them.

Mr. Pachano said it benefits any landowner who wants to have housing for an in-law, son or daughter.

Mr. Rembold said any multi-family lot is essentially served by a common driveway but it is not necessarily thought of that way.

Ms. Nelson asked if the tiered approach will work.

Mr. Rembold said yes up to nine units.

Mr. Hankin said we have to tier it because we allow three units in one building.

Ms. Nelson said up to five units for a small lane.

Mr. Rembold said a driveway serving six to nine units could be considered a minor way.

Ms. Nelson said a minor lane should be wide enough to accommodate more cars.

Mr. Hankin said depending on the length there could be pull outs.

Mr. Rembold said he will follow up with the right of way at 227 East Street with the right of way and pre-existing driveways that don't meet any standards. He said he will come back with something to consider.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Hankin said there are some housekeeping edits he would like to address. He said under Section 11, definitions there is still reference to the Stream and Lakes Protection Zone which was removed when the Water Quality Protection District was created.

Mr. Rembold said he had a discussion with the Conservation Commission agent. Rivers and Streams will be struck from Town Code. He asked to discuss the items listed on agenda item 4. He said we will have technical assistance from BRPC for the Stockbridge Road overlay. He said the required floodplain overlay is straight forward. We can discuss affordable housing.

Ms. Nelson asked what can be done that we haven't already done.

Mr. Hankin said incentives could be provided such as freezing assessments for a period of years when an ADU is added. Another idea would be to waive sewer hookup fees for affordable housing.

Mr. Rembold said a small task force might work on incentives.

Mr. Pachano said Selectboard members Garfield Reed and Leigh Davis will be on the sub-committee with Mr. Hankin and me. We have not scheduled a meeting but we are working on it. He said he agreed with Mr. Hankin that we may need to push something to the Selectboard.

Ms. Nelson asked if BRPC can be engaged soon to start on the Stockbridge Road overlay.

Mr. Rembold said everyone is short staffed but he will discuss it soon.

Ms. Nelson said it would be good to show graphically an overlay by September.

Mr. Hankin said the financing mechanism for the Affordable Housing Trust is an issue. He said there is a focus on 40+ units to get funding from the States or feds. He suggested asking for a modification to get a mix of affordable and market rate so we are not building ghettos.

Mr. Pachano said Tom from BRPC is working on the issue. He said it has been brought to their attention.

Mr. Rembold said funding from the State is better in that regard than the federal funding.

Ms. Nelson said this is something for the Housing Trust.

Mr. Rembold said the guidelines will be reviewed. He said the Selectboard has put a high priority on affordable housing. He said not a lot of land is available. He said a lot of money is needed to build.

Mr. Pachano said it would be a good idea to get the State to loosen up the Affordable Housing Trust funds so they can use the money more effectively. The Trust has to have possession in order to provide funds. He said housing in general should be a discussion. Not just the neediest need assistance.

Mr. Higa agreed. He said people don't like the term "affordable".

Mr. Pachano said real incentives need to be given to developers and builders. He said we have done a good job with zoning. We need to get creative to think about incentives. It is a hard subject. We need to engage the community to increase units incrementally.

Mr. Higa said one unit a year can be done through the Trust.

Mr. Pachano said the Trust can't give money if they don't have possession of the building.

Mr. Higa said CPA funds can be used.

Mr. Rembold said the state regulations on CPA funding are the problem. He said there are a lot of good heads around. We can continue discussion over the next few months.

Mr. Pachano said Nantucket was able to use 100% of CPA funds for three years.

Mr. Higa said only 80% of the funds can be used each year, as state law requires at least 10% be dedicated to each of the other two categories.

Mr. Pachano said the CPC should get permission.

Mr. Higa said the CPC board wouldn't do it.

Ms. Nelson asked Mr. Pachano to get the sub-committee together and get back to us soon.

Mr. Rembold said the National Flood Insurance Flood program won't be changed. There will be a language change.

There was discussion of the Stockbridge Road overlay.

Mr. Pachano said the more infill the better the area will function as a main street.

Ms. Nelson said she agreed it would be a more walkable area.

Mr. Pachano said there are multiple opportunities in that area but different things apply to different areas. It might be good to target different sections of the road.

Ms. Nelson said she thought we had addressed some areas with allowing ADUs.

Mr. Higa said we allow two-family by-right.

Mr. Pachano said smaller pockets might allow for quicker development. We should think about targeted development with incentives such as the SMART Growth overlay. It might make for good policy. He said we can start in areas that are under developed like Housatonic.

Mr. Hankin noted that there is no infrastructure (natural gas, fiber, good water) in Housatonic.

Ms. Nelson said we need to look at what we already have. We have encouraged growth so we can look at where it can be applied. She said maybe we don't need any more zoning changes but rather separate standalone guidelines for how to develop.

Mr. Pachano said that is not a bad idea; something to show what we have and how to use it.

Mr. Hankin asked Mr. Rembold about having a discussion with the local banks about how to finance ADUs. He said he doesn't think banks will finance them.

Mr. Rembold said he hasn't talked with any of the banks. He said the issue is with their underwriting and commercial mortgage rates. He said it doesn't make sense that a bank won't lend for improving a property.

Ms. Nelson said she will inquire with her bank and update next time.

TOWN PLANNER'S REPORT:

Mr. Rembold said there is an application for an ADU on South Street for the next meeting. He asked if the Board wanted to conduct a site visit.

Ms. Nelson said yes.

Mr. Rembold set the site visit for 5:30 on July 22.

CITIZEN'S SPEAK:

Kate McTeigue from Great Barrington said the banks don't want anything to do with tiny homes. She said tiny homes will work in Town. She said she sent a letter to the owner of the Fairgrounds suggesting allowing tiny homes on the property. She said each owner could spend 10 hours a month working on the property. She said people think anything at the Fairgrounds is too noisy. She suggested a wall could be put up.

Ms. Nelson said the Fairgrounds has a lot limitations. She said it is a complicated piece of property. She said a piece of property with infrastructure would be better.

There were no other comments.

Having concluded their business, Ms. Nelson adjourned without objection at 7:11 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary