

PLANNING BOARD

DATE: November 18, 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

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 said the meeting was being recorded. She called for roll call attendance:

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

FORMS A:

Michael Parsons from Kelly, Granger, Parsons and Associates, was present with a Form A on behalf of Matthew Merritt III for a parcel of land located on the southwest side of Monterey Road. Lot 1 contains 3.247 acres of land. The remaining land of Merritt contains 4.07 acres of land.

Ms. Nelson asked about the configuration.

Mr. Parsons said the applicant requested the lines to be like this.

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

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

MINUTES: OCTOBER 28, 2021

Mr. Hankin made a motion to approve the minutes of October 28, 2021 as amended, Mr. Fick seconded.

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

JOINT MEETING: NOVEMBER 8, 2021

Mr. Hankin made a motion to approve the minutes of the joint meeting with the Selectboard on November 8, 2021 as amended, Mr. Fick seconded.

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

SITE PLAN REVIEW: 48 STATE ROAD

The Board considered the Site Plan Review application for 48 State Road from 48 State Road LLC for the renovation of and addition to the existing commercial building at 48 State Road.

Matthew Puntin was present from SK Design with architect Dana Bixby and applicant Dr. Basil Michaels.

Mr. Puntin began the discussion saying there will be work on the exterior of the building; parking spaces will be added as well as an addition. He said the building was built like a house. It is in the B2X zone. There are commercial uses on either side of the building. Mr. Puntin said the addition will be on the right side of the building and the driveway will be on the left side building.

Mr. Puntin said there will be 14 parking spaces behind the building. He said the parking is more than what is required but the applicant anticipates the need for the parking. He said there will be some grading on the site. There is no storm management as most of the water will stay on the site. He said there is drainage in the road. He said there will be a catch basin in the middle of the parking lot that will drain into underground chambers. He said everything will be managed on site including the roof runoff.

Mr. Puntin said there will be a minor increase in the sewer flow. There are no concerns from the water company about an increase in water usage.

Mr. Puntin said the addition will be 2 feet closer to the road as encouraged by the B2X zoning. He said the existing building is 16 feet from the road. He said the addition is in keeping with the other building.

Mr. Puntin said there will be landscaping in front of the building and in the rear of the building. There is a fence around the perimeter in the rear of the building.

Ms. Bixby said the landscaping is in conformance with screening from the residential properties. Flowering trees and evergreens are proposed. She said the rear buffer is 20 feet but could be reduced by special permit. She said we would like SPR approval then possibly come back for a special permit. She said currently the application complies with zoning. She said the fence exists and is currently well screened from the residential uses to the south. She said the lighting is within an acceptable range. The pole lights will be 15 feet in height. She said the lights are night sky compliant and downward directed.

Ms. Nelson asked if the front step will be demolished.

Ms. Bixby said the front entrance will be removed and relocated to the south side of the building. She said all existing out buildings will be removed. She said the intent is to clean up the building. The building will be painted gray with dark windows. She said it is a much nicer building. She said the clients want to get up and running to provide dermatology and cosmetic surgery to the community. She said it is a great business that will serve a need.

Ms. Nelson said she appreciates that the photometric plan was submitted for the proposed lighting and she thanked the applicant for putting in electric charging stations. She said the foot candles are high. Some areas show foot candles of 7. Ms. Nelson asked if it would be possible to cut down the lighting intensity possibly by have one less pole.

Ms. Bixby said she will discuss the suggestion with Dr. Michaels.

Ms. Nelson asked about spacing for parking.

Mr. Puntin said it is a tight fit but feasible. He said some parking will be for compact cars. He said he doesn't know how to regulate vehicles but he said he hopes some will be smaller.

Ms. Nelson said the sign should not have up-lighting. She asked if the sign needs to be lit.

Ms. Bixby said yes the sign needs to lit for the clients that come in the winter at night.

Ms. Nelson said there are other options for lighting the sign.

Mr. Pachano thanked the applicant for the electric charging station. He asked if 25 foot light poles were necessary.

Ms. Bixby said the light poles are 15 feet.

Mr. Pachano suggested shorter light poles.

Ms. Bixby said she would be happy to revisit the light poles.

Ms. Nelson said she honestly thinks the southernmost lights could be removed. She suggested shifting the other two light poles. She said there only needs to be 1 foot candle in the parking area.

Ms. Bixby said we can definitely get to where you want it to be.

Mr. Hankin said he is not sure where the 20 foot buffer is in the bylaw.

Mr. Rembold said 6.3.2 1. He said there is a clause in section 6 that says the buffer can be waived via special permit.

Mr. Fick asked how big the sign will be. He said the limit is 24 square feet.

Ms. Bixby said the sign will be the same size as the existing. She asked if we can keep the existing sign.

Mr. Rembold said the sign is 20 square feet.

Ms. Bixby said we would like to use the existing sign.

Mr. Fick said if the sign is changed it will have to comply with the bylaw.

Mr. Rembold said SPR can be approved without including the sign or the sign placement.

Mr. Hankin said the sign bylaw is part of Town Code.

Mr. Rembold said 136.14 of the sign bylaw says that a noncompliant sign that is improved or replaced, a substantial change, has to be brought into conformance with size and location.

Ms. Bixby said the height and size are ok but it only 8 feet from the traveled way. She said it can be moved to be 10 feet from the traveled way.

Mr. Rembold said he agreed that moving the sign back to be 10 feet from the road would bring it into conformance. He said that the Planning Board went through a previous approval that addressed a sign but there was confusion. He said that is why the Board wants this sign discussion to be clear.

Mr. Fick said he wants it to be clear in case the Building Inspector says it has to be replaced.

Ms. Bixby said we will put in a nice new sign that will be 10 feet from the road. She said we would appreciate having SPR approved without approving the sign.

Mr. Higa echoed the lighting concerns. He said the lighting intensity should be lower. He said the neighbors should be considered.

Ms. Nelson said there is a request to waive the 20 foot setback from the street.

Mr. Rembold said the zoning allows a zero setback with a maximum setback of 12 foot. He said the existing building is behind the maximum setback. He said there are buildings on either side that are in line with the existing building that creates a contextual street wall, as allowed under section 4.2.4. He said therefore he doesn't think a waiver is needed.

Ms. Nelson asked if we need another lighting plan presented to us or do we let the applicant bring the lighting into compliance.

Ms. Bixby said we will lower the lighting level to meet your request.

Ms. Nelson read through SPR criteria.

Ms. Nelson asked if there would be a way for pedestrians to access the building. Will there be a sidewalk.

Mr. Puntin said the building is a tight fit on the site. He said the neighbors building is actually on our property.

Mr. Rembold said there was similar discussion when the Book Loft went in across the street. He said they didn't even have a driveway off the front. He said this is slightly different.

Ms. Bixby said people can walk down the driveway.

Ms. Nelson said she would like to see a meaningful sidewalk making the connection to the door in the back. She said she understands the site constraints.

Mr. Higa said people will walk down the driveway. He suggested signage to direct people to the entrance.

Dr. Michaels said the building is in a residential area. He said there needs to be adequate lighting to walk from the sidewalk in the front to the back.

Ms. Nelson said one foot candle is all that is needed on the site.

Ms. Bixby said one foot candle is enough with half a foot candle at the edge. She said we want good safe lighting.

Ms. Nelson said typically there is zero foot candles at the edge. She said we are trying not to over illuminate. She said the vendor can tone the lighting down.

Mr. Rembold said a taller light with a wider spread could achieve the goal.

Ms. Bixby said we will work with the vendor to meet the guidance you give.

Mr. Higa asked if the lights will be on all night.

Ms. Bixby said no the lights will be a on a timer.

Dr. Michaels said the lights will only be on when people are in the parking lot and they will only be on for five minutes.

Ms. Nelson said she thinks there are only two conditions that pertain to lighting. Lighting on the sign will be changed from upward directed to downward directed and the average lumens on the site will be no more than 1.5 foot candles.

Mr. Puntin said the lighting and hot spots are the issue. You want us to establish an average.

Ms. Nelson said yes. She said get it down to 1.5 foot candles. No more than 1.5 foot candles.

Mr. Pachano said the language for SPR does not approve signs.

Mr. Pachano made a motion to approve SPR. SPR approval does not include approval for the sign. The approval will include two lighting conditions, lighting on the sign will be changed from upward directed to downward directed and the average illumines on the site will be no more than 1.5 foot candles. Mr. Fick seconded.

Roll call vote: Mr. Pachano, aye; Fick, aye; Mr. Higa, aye; Ms. Nelson, aye (Mr. Hankin left the meeting at 7:00 prior to the end of the discussion and the vote).

ZONING:

Ms. Nelson said she didn't think the Board would be able to have a meaningful discussion of zoning at this meeting. She said the Board will have a joint meeting with the Selectboard on November 29 dedicated to the discussion of Short Term Rentals.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Higa said the Community Preservation Committee will review Step 2 applications on January 6 and January 11.

Ms. Nelson said the Board is looking for an alternate member. She said we would love to have new people on the Board and it would be great to have someone from Housatonic.

Ms. Nelson reminded the Board members to get their Open Meeting Law training certificates in to the Town Clerk.

Ms. Nelson said there will be a meeting on December 6 at 6:00 regarding Lake Mansfield Road. She said there is information on the Town's website.

TOWN PLANNER'S REPORT:

Mr. Rembold reminded the Board about the American Rescue Plan Act Survey. He asked everyone to do the survey.

Mr. Rembold said the Board may see a site plan review application for a solar project at the next meeting. He said a site visit might be necessary.

Mr. Rembold said BRPC is working on the Stockbridge Road bylaw. He said it might be ready to be discussed at the December meeting.

Ms. Nelson asked the Board members if they would be willing to have the second meeting in December. She asked the Board to consider it.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 7:12 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary