

PLANNING BOARD

DATE: January 27, 2022

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

Ms. Nelson said the site visit scheduled for earlier was postponed to February 10. Item 4 on the agenda will be skipped over and taken up at the February 10 meeting.

FORMS A:

There were no Forms A presented.

MINUTES: JANUARY 13, 2022

Mr. Hankin made a motion to approve the minutes of January 13, 2022 as amended, Mr. Fick seconded.

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

SITE PLAN REVIEW: 205 NORTH PLAIN ROAD

The Board continued the review of an accessory solar energy system at 205 North Plain Road.

Mr. Stanton, the applicant, not available for this meeting. Present on Mr. Stanton's behalf was JP Monteau and Jason Allen.

Mr. Monteau said three trees will be planted along the roadway. He said evergreen shrubs will be planted around the equipment. He said every effort will be made to make the equipment color consistent with the evergreens to blend it in.

Mr. Hankin asked that the hoop houses be shown on the site plan as we don't know where they are.

Mr. Monteau said they should be shown on the left hand side of the drawing.

Mr. Hankin said the hoop houses are more offensive than the solar panels. He said the panels will largely block the hoop houses.

Mr. Monteau said that is correct.

The Board had questions about the placement and height of the equipment, transformers and inverters.

Mr. Monteau said the inverters are mounted on the racking so they won't be seen.

Mr. Hankin asked if there will be one pole for the power.

Mr. Monteau said that is up to National Grid but that is the intent.

Ms. Nelson asked if there will be intermediate poles.

Mr. Monteau said only one pole is planned as this is a small installation.

Ms. Nelson asked about fencing the equipment.

Mr. Monteau said there will be some form of fencing around the ground mounts for the goats.

Ms. Nelson said the fencing is not shown on the plan but it was mentioned.

Mr. Allen said goats will possibly be kept out of the area as well.

Mr. Hankin said there won't be any farm animals around the arrays.

Mr. Allen said there may be sheep but no goats.

Mr. Hankin asked about the type of trees.

Ms. Nelson said typically the trees are a species from the list produced by the Tree Committee. She said they are generally 1-1.5 inch caliper.

Mr. Rembold said we don't want trees that will get too big as they will block or shade the panels. He said general guidelines for the trees is a native species of deciduous tree.

Mr. Hankin asked if the trees would be planted in the right of way or on the Stanton property.

Mr. Monteau said the trees would be planted on the Stanton property along the fence.

Ms. Nelson read through the site plan criteria in 10.5. There were no issues.

Mr. Monteau said the equipment cabinets will be pointed west and mounted on a pedestal. The cabinets will be painted a color consistent with the evergreens. He said certain elements can be green but the cabinets will be consistent.

Mr. Pachano made a motion to approve Site Plan Review with the condition that three trees, selected from the Tree Committee list, be planted. The trees will have a two inch caliper, Mr. Fick seconded.

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

Mr. Rembold said the maintenance plan needs to be provided prior to the issuance of the certificate of occupancy.

Mr. Monteau said okay.

SITE PLAN REVIEW: 82 RAILROAD STREET

The Board received an application for SPR for a retail marijuana establishment at 82 Railroad Street. Applicant Jeremy Bromberg was present with architect Diego Gutierrez.

Mr. Gutierrez said a SPR application was previously approved for this site. The building permit for the site was issued but rescinded as the property has changed ownership. The process has to start over with the new owner.

Mr. Gutierrez said the plan has not changed in a substantial way. He said 300 square feet will be added to the building envelope on an existing slab. He said the main entrance to the building is through the courtyard surrounded by a protective gate. He said there are slight improvements to the plan. He said the wheel stops in front of the building will be separated from the building to provide better pedestrian access.

Mr. Gutierrez said there will be landscaping around the outside of the fence and the existing building. He said a native holly bush will be planted. He said the bush will be dense and grow to 5-6 feet.

Mr. Bromberg said the business is intended to be retail dispensary for adult use cannabis. He said he is based in Colorado but wants to open this dispensary in Massachusetts. He said he wants to be supportive of the community and the people who come to the dispensary. He said he wants to be a good neighbor and is 100% compliant with all regulations and rules. He said he wants to run a professional business that is in harmony with and acceptable to the community.

Ms. Nelson asked what the hours of operation would be.

Mr. Bromberg said the hours have not been set yet. He said he expects the hours to be 10:00 or 11:00 AM to 9:00 PM 7 days a week.

Ms. Nelson said the hours appear to be within the code requirements.

Mr. Hankin asked if the addition is in the rear. He said it looks like there is a full basement.

Mr. Gutierrez said no there is a slab on grade. The building that was on it was removed. He said there is no basement under the addition.

Mr. Hankin said the north wall looks like it is 10 feet high.

Mr. Rembold said there is an existing landscape wall that was built as part of the Taconic parking lot rebuild. He showed the elevations pages A2.1 and A2.2.

Mr. Gutierrez said the existing retaining wall will be stucco to make it look better.

Mr. Hankin suggested a mural be painted on the existing wall.

Mr. Gutierrez said maybe down the line.

Mr. Fick said he doesn't have any questions. He said many issues were addressed during the last discussion of the site.

Ms. Nelson asked Mr. Bromberg if he has site control as there is no documentation showing he has site control.

Mr. Bromberg said he is currently leasing the building but he has control. He said he is waiting for the license to be transferred then he will own the property.

Ms. Nelson asked that a copy of the license be submitted to the Town when it is issued. She asked that some evidence of site control be provided to Mr. Rembold. She asked if there will be a sign and if it will be lit.

Mr. Bromberg said he is working with graphics people on a low key sign. He said the sign will meet the sign requirements.

Ms. Nelson asked about cameras.

Mr. Bromberg said he using a different security vendor than the previous owner. He said there will be cameras on all side of the building and there will be security lighting.

Mr. Rembold said he is not sure it is within the Board's purview to weigh in on camera locations. He said that is up to the State and the local Police Department. He said he doesn't know how much can be disclosed.

Mr. Bromberg said that is correct. He said all sides will be covered.

Ms. Nelson said we don't need security details. She asked if the lighting will be Dark Sky compliant.

Mr. Gutierrez said yes.

Ms. Nelson asked that the color temperature be 3000K or less.

Mr. Gutierrez said we don't need the lighting super bright. He said the lighting can be kept under 3000k or a maximum of 3000k.

Mr. Rembold said the landscaping plan shows a green hedge of Barberry on the south side. He asked if the Barberry is invasive.

Mr. Gutierrez said it is a more friendly species. He said he will double check.

Ms. Nelson said the intent of an unfriendly species landscape buffer is to keep people out.

Mr. Gutierrez said yes. The buffer would be low and dense.

Ms. Nelson asked that Mr. Gutierrez check it again the invasive species list.

Mr. Rembold said the previous application provided parking for employees on a different site.

Mr. Bromberg said he is working with the person who provided the prior agreement for parking.

Ms. Nelson went through the SPR criteria. She said there will not be any invasive plants.

Mr. Hankin made a motion to approve SPR with the standard condition for the license to be provided to the Town, Mr. Fick seconded.

Mr. Fick asked if there should be conditions for lighting and invasive plantings.

Mr. Fick made a motion to add conditions for lighting to be 3000k or lower and no invasive plants as part of the landscaping, Mr. Pachano seconded.

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

Roll call vote on the original, now amended, motion to approve: Mr. Hankin, aye; Mr. Pachano, aye; Mr. Fick, aye; Mr. Higa, aye; Ms. Nelson aye

ZONING & TOWN CODE AMENDMENTS: STOCKBRIDGE ROAD INCENTIVE ZONING

Ken Walto, from BRPC, was present to discuss the Stockbridge Road Incentive zoning.

Mr. Rembold put the drawing on the screen. He said the mock up is intended to show the Board some possible developments; they are illustrative only. He said there are no discussions with property owners. The drawings are for discussion purposes only.

Mr. Walto said the incentives for providing affordable housing include requiring site plan review instead of a special permit and allowing 4-5 stories in the buildings. The structures could also have a mixed use component. He showed a drawing of 105-107-109 Stockbridge Road, Cove Bowling Lanes. He said a building could have 4 floors with 20 units per floor each unit 900-1000 square feet. He said there could be 5 floors with the first floor could be office or retail use. He said there would be 175 parking spaces in the back.

Mr. Rembold said this shows what could be developed. The building could be close to the road. It would require a lot of parking.

Mr. Walto went over other sites on Stockbridge Road. 109 Stockbridge Road, 12,000 square feet commercial could have 4 floors with 14 units per floor. Housing only could include 75 units, 8 would be affordable. This could include 75 parking spaces.

226 Stockbridge Road is a single family residence. The site could be 10,000 square foot structure, mixed use with 10 units of housing three of which would be affordable. The site could also have four floors with 10 units on each floor with 4 affordable units.

227 Stockbridge Road, the NAPA store site, could have housing on the back of the site. The commercial space would remain. A structure could have five floors with 10 units on each floor and 110 parking spaces. It could also have two structures with 110 units with 11 affordable units. 232 Stockbridge Road could have three floors, two floors with 4 units each and a third floor with 2 units for a total of 10 units, one unit would be affordable.

Ms. Nelson said the west side of Stockbridge Road consistently has more commercial. The east side has more mixed use and it abuts residential zones. She said this is very helpful, it shows the mass of what could be there.

Mr. Rembold said there are parking constraints. Since 232 Stockbridge Road is so small, if an affordable unit was a goal, then you'd have to build so many residential units that there wouldn't be room on the site for commercial, precluding a mixed use building.

Mr. Pachano asked how we got to inclusionary housing and 5 stories.

Mr. Rembold said he went through the minutes from previous meetings.

Mr. Walto said this is an experiment. He said he doesn't know how realistic it would be. He said each unit would be at least \$350,000 and need to sell for \$425,000 and the affordable unit would sell for \$225,000.

Ms. Nelson thanked Mr. Walto for his work and attending the meeting.

Mr. Rembold asked the Board how they want to move forward.

Ms. Nelson said to pull the language to refresh our memories.

Mr. Hankin said he would like to review the B2X and Mr. Pachano's proposal.

Mr. Rembold said expansion of the B2X is more straight forward.

Mr. Pachano said he thinks it is great to carry the ideas through. He said two things were not included in Mr. Walto's discussion, the inclusion of day cares and senior housing. He said that is the intention to incentivize more housing. He said it wasn't his intent to force affordable housing. He said he can see Stockbridge Road as the next great place for expansion.

Ms. Nelson said the test cases show more conclusively that commercial uses drive more parking. Mixed use development not exclusively residential could share parking.

Ms. Nelson asked if there are any public comments.

Jim Valencia from 84 North Plain Road asked about dispensaries. He said there are now quite a few and now there will be another. He asked at what point will there be saturation. He said he is concerned about parking and traffic at the Railroad Street site and the traffic issues at other dispensaries.

Mr. Valencia said the minimum parking requirement of 1 parking space per unit is too little if there are 2-3 bedrooms in a unit. He said developers only want to maximize development.

There were no other public comments at this time.

Ms. Nelson said she wants to look at parking. There is lots of discussion trying to strike a balance between cars and walking. She said there are a number of reasons not to no create seas of parking.

Ms. Nelson said she would like to stick with the B2X language. She said she is not sure if we have had enough time to consider childcare and senior requirements. She said she isn't sure if there is enough time to get the language to the annual town meeting. She asked if the Board should take time to modify the language before putting on the warrant.

Mr. Hankin said he would like to put it on the warrant.

Mr. Fick said he doesn't know if we can come to an agreement but if we can it would be good to move forward.

Ms. Nelson said we are down to housekeeping items.

Mr. Rembold said he can assist if the Board wants to move the zoning forward.

Mr. Pachano said he doesn't want to create more inclusionary housing. He said he would rather wait to include child care and senior housing.

Mr. Rembold said he can confirm with Mr. Walto how he did the calculations.

Mr. Pachano said inclusionary housing can have an effect on the variety of what is created. A development without affordable units could allow for bigger units.

Mr. Hankin said he agrees with Mr. Pachano. He said he would rather see affordable housing as an incentive rather than a requirement.

Mr. Pachano said the more you build the cheaper the units get. He said we should define what we want for affordable housing and include middle income families. He said he doesn't want to use the State's definition of affordable housing.

Ms. Nelson said she thinks it needs more discussion. It is not ready yet.

Mr. Rembold said there could be more discussion on February 10.

Mr. Higa said he agrees with Mr. Pachano. He said he doesn't think inclusionary housing is a good idea. He said the incentive ideas are very interesting. He said he is interested in getting this to the annual town meeting if we can get the incentives in.

Ms. Nelson asked the Board to look at the language and send comments to Mr. Rembold.

Mr. Higa asked if market rate units would sell.

Mr. Rembold said if the market isn't there the developer won't build.

Mr. Higa said he understands that. He wondered where the market is and if there is a market for units at the price discussed. He asked if we are creating something that won't work.

Mr. Hankin said it is difficult to build anything at \$250 per square foot. It is more likely more.

Mr. Higa said the Board needs to consider how to support the Town for building housing.

Ms. Nelson said that the sub-committee can work on how to support. The Planning Board makes the tools for the ability to build.

Mr. Higa said it is valuable to create tools. He said we have seen that the tools help. We need to provide more support to the Town entities such as the Housing Trust, so they can be more effective.

Ms. Nelson said we are limited by what the charge is for our Board.

Mr. Pachano said if you have ideas please get them to me.

Mr. Rembold said there is a list of tools available through zoning and other things that are being done. He said there can be a discussion with the Selectboard with a list of the tools.

Ms. Nelson asked the Board to look at the B2X and suggest edits based on what we have seen. She asked that comments be sent to Mr. Rembold by next week.

Ms. Nelson said the next topic is the moratorium on special permits and site plan review for rental housing creation.

Mr. Rembold said he would take ideas discussed to create a new sub-section that would apply to certain types of housing. He said it wouldn't apply to property in the floodplain. He said there are a lot of questions that need to be discussed.

Mr. Fick said he has a problem suspending special permits and site plan review. He said he would rather waive the permits in some cases or forgive the fee or some submittal requirements. He said site plan review allows the Town to say if an application adheres to the bylaws.

Mr. Hankin said the building permit process makes sure the application adheres too.

Mr. Fick said he would have to be convinced on a case by case basis to waive.

Ms. Nelson said she agrees with Mr. Fick about waiving. She said the intention is to consider creating relief for developers to avoid legal challenges.

Mr. Fick said he wants to keep SPR.

Mr. Hankin said the Mahaiwe project underwent site plan review and was legally challenged on that basis.

Mr. Fick said we have zoning for a reason. People can sue for any reason.

Mr. Higa said it can be a limiting factor for a developer.

Mr. Pachano said it would give relief but also certainty that their investments would be seen through.

Mr. Fick said we wouldn't be able to address landscaping and lighting.

Ms. Nelson said she agrees with Mr. Fick. She said she also agrees with Mr. Pachano's statement about certainty.

Mr. Pachano said the language is good. He said it is not intended for all types of development. The language is targeted at the most needed development.

Ms. Nelson said she is hesitant to give up SPR.

Mr. Pachano said the bylaws are pretty strong. He said lighting would be my only concern.

Ms. Nelson said she has concerns about lighting, landscaping and setbacks.

Mr. Pachano said landscaping and setbacks are part of the bylaws. A developer would have to conform to whatever zone the building is in. Setbacks, height limits, lot coverage, everything has to be in conformance. He said we can work on lighting by putting it in the bylaw or sending a memo to the Building Inspector with criteria we want met.

Mr. Fick said he agrees but SPR makes sure the application meets the requirements. He said some plans have been on the table for months of discussion.

Mr. Pachano said projects have to conform to the building code. The Building Inspector makes sure the project complies.

Ms. Nelson asked if there is a moratorium like this anywhere else.

Mr. Rembold said the idea is unique. He is not aware of a moratorium like this. He said usually a moratorium suspends building for review of bylaws. He said he thinks the special permit process is more discretionary. He said site plan review of projects allowed by-right is still appealable. He said there may be less risk with SPR because it addresses by-right uses.

Ms. Nelson asked what the Board was thinking about the proposal.

Mr. Pachano said he would like to move forward to the warrant.

Ms. Nelson said she would like to table it until 2023 so there is more time to discuss. She said we haven't taken enough time with this.

Mr. Hankin said some special permits go before the Selectboard. He said the Selectboard has to be party to this proposal as well as the Housing Sub-Committee.

Mr. Higa said he is interested to see more. He agreed there needs to be a sign off from the Selectboard. He said he is interested to have the proposal on this year's warrant.

Ms. Nelson said the reason she would like to hold this up is because we haven't thought it through.

Mr. Higa said it could be pulled after public comment. He said he would like more participation from the public during these meeting. He said public comment would be valuable.

Mr. Fick said even if SPR is conservative it is what we have. He said this is the first time he has seen the proposal. He said he is not in favor of it going forward. He said he wants to talk about it at the next meeting.

Ms. Nelson suggested reading through the language with more particulars.

Mr. Higa said people need to get comfortable with the idea. He said we need more housing and how we need to get it. He said people have to understand the need for more density.

Ms. Nelson said there needs to be thought about what triggers special permit and SPR now and what zones they occur in. We have not given this enough thought to communicate what it would do.

Mr. Pachano said there is no by-right multi-family housing. He said the proposal would allow a certain type of by-right development. He said this is not intended for the building of mansions.

Ms. Nelson said each of us needs to take a section under 7.2.2 to think about where those projects could happen. She said the question is do we trust our zoning.

Ed Abrahams asked if there could be more specificity for exemption to SPR.

Mr. Nelson said that could be one concept.

Mr. Valencia suggested consideration of traffic and the number of people coming into Town.

Ms. Nelson said there can be continued discussion at the February 10 meeting.

Mr. Rembold agreed discussion can be held on February 10. It will be a fast turnaround to get to the Selectboard for them to refer the zoning back to this Board for a public hearing but it can work.

He said the floodplain bylaw discussed a couple of months ago should be ready to go. The language brings the bylaw into compliance. He said everyone agreed on the change in how to measure the usable floor area of accessory dwelling units. He said the title of Tourist Homes and Lodging home is appropriate.

Ms. Nelson said those all look good. There shouldn't need to be further adjustments.

Mr. Rembold said he would put the Stockbridge Road bylaw and the moratorium will be on the next agenda.

Mr. Higa said he wants to make a general comment about traffic. He asked how much traffic is created by housing. He said we live on a corridor for travel. He said commercial traffic studies say the same thing.

Mr. Fick said he doesn't see the traffic impact coming from housing.

He said all the cars on his road are going to the bank not coming from the housing.

Mr. Rembold said he can compile a list of what has been achieved to promote housing for the Planning Board, Selectboard, Housing Sub-Committee and the Affordable Housing Trust. He said there is infrastructure to support the tools. He said we have discussed some things and other things were dropped from the list. He said he will compile the list for discussion at a future meeting.

BOARD & COMMITTEE ISSUES & CONCERNS:

Mr. Higa said at the CPC meeting all projects at the step 2 level were approved to send to the annual town meeting.

Mr. Pachano said he would like the Board's support to recommend to the Selectboard to explore installing a crosswalk in front of Farnsworth's on Main Street.

Ms. Nelson said she would like to have a crosswalk from Mahaiwe Street to Olympian Meadows.

Mr. Pachano agreed he said it is not safe for crossing.

Mr. Rembold said letters from the Board should be reviewed a public meeting.

TOWN PLANNER'S REPORT:

Mr. Rembold said the budget meetings start next week on February 1st and 2nd and the following week on February 8th and 9th.

Mr. Rembold said there will be a SPR at the next meeting. He suggested a site visit.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:24 PM.

Respectively submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary