

PLANNING BOARD

DATE: June 23, 2022

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting

PRESENT: Pedro Pachano, Vice-Chair; Jonathan Hankin; Malcom Fick; Jeremy Higa
Chris Rembold, Assistant Town Manager/Director of Planning and Development

Mr. Pachano called the meeting to order at 6:00 P.M. He read the opening statement, revised by Governor Baker on February 12, 2022, from the agenda. He said the meeting was being recorded. Mr. Pachano also read Section 241-1 of the Town Code.

He called for roll call attendance:

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

FORMS A:

No Forms A were presented.

MINUTES: MAY 26, 2022

Mr. Hankin made a motion to approve the minutes of May 26, 2022 as amended, Mr. Fick seconded.

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

SITE PLAN REVIEW: 302 STOCKBRIDGE ROAD

Randy Bebout from Bohler Engineering was present on behalf of the McDonald's Corporation to discuss the SPR for planned changes to the drive-thru lanes and parking lot at McDonald's at 302 Stockbridge Road.

Mr. Bebout said there are currently 52 parking spaces on the site. The parking will be reduced to 42 spaces. Twenty five spaces are required. He said the parking spaces on the east side of the building will be removed. A green space with three maple trees will be put in that area.

Mr. Bebout said a second drive-thru lane will be added. He said the existing inside lane is 12 feet wide. The new outside lane will be 10 feet wide. The lanes will merge. The side by side lanes add 3 cars. He said the stacking is more efficient. He said a yellow line will be painted on the outside lane.

Mr. Pachano asked about landscaping section 6.2 that requires trees to be planted.

Mr. Bebout said he hadn't seen the section but it was brought to his attention so he reviewed it. He said trees would be added. He asked that a condition for the trees be part of the approval.

Mr. Pachano referred to Mr. Rembold about the tree requirement that was part of the last permit but the condition wasn't met. He asked how to proceed.

Mr. Rembold said the special permit from 2017 to renovate the site required landscaping along Stockbridge Road in the grass strip. He said the requirement was not met at the time or since so the Board can reiterate the original condition or impose a different requirement. He said he missed section 6.2 because he was focused on the east side of the property when reviewing the application. He said there will be trees added to the east side of the property but there are no proposed changes to the west side of the property.

Mr. Hankin suggested the application be resubmitted with the trees. He said it is clear the original condition didn't work.

Mr. Fick said any way we proceed we have to depend on the applicant to follow through. He said the applicant will have to put the trees in.

Mr. Pachano said the applicant should not have been allowed to get the Certificate of Occupancy until they have complied. He said we could send an extra note to the Building Inspector to ensure the trees are planted before the drive-thru opens.

Mr. Rembold said there is no C/O with the SPR. He said the conditions will be listed. He said he will bring it to the attention of the Building Inspector. He said he doesn't know when the work is planned but planting season is in the fall.

Mr. Bebout said the start date will be August/September.

Mr. Rembold said if that is the case he thinks there is time for the applicant to submit a compliant plan before approving.

Mr. Higa asked if we put a deadline on the plantings would the applicant be able to do the work.

Mr. Hankin said the work could be done but we could hold up allowing the second drive-thru to open until the trees are planted.

Mr. Fick said it is sticky because the applicant ignored the condition last time.

Mr. Pachano asked if there are other concerns

Mr. Fick said the trash enclosure is not moving. He asked if there is enough room for the cars to drive by.

Mr. Bebout said there is enough room for the cars to get by the trash enclosure so it will not be moved. He said there is 15 feet between the enclosure and the drive-thru.

Mr. Higa said the design is smart. He said it is good to remove the parking on the east side.

Mr. Hankin asked with the Sycamore in front of the property can there be relief from the number of trees to be planted.

Mr. Rembold said the Selectboard condition was to work with the Tree Committee to determine what should be planted.

Mr. Hankin said why not meet with the Tree Committee then come back with a plan and a revised site plan.

Mr. Rembold said the deadline for a decision on the SPR is August 8.

Mr. Hankin said that is plenty of time.

Mr. Rembold said if the Tree Committee convenes the applicant can meet Mr. Hankin's request. He said the applicant can come back to the July 28 meeting.

Mr. Hankin said we can give the applicant feedback but we want a complete site plan. He said he doesn't have any other comments.

Mr. Pachano read through SPR.

The Board had not discussed lighting. Mr. Pachano said canopy lights are downward directed. He asked if the back light in the menu board adjusts to the night sky.

Mr. Bebout said the menu board is already in place.

Mr. Higa asked if the color temperature for the canopy lights should be specified.

Mr. Fick said we specify 3000k or less with other applicants.

Mr. Pachano said the lighting information can be included in the revised SPR. He said the canopy lights need to be shown with a light temperature of 3000k or less.

Mr. Hankin said he doesn't see the canopy on the plans.

Mr. Bebout said page 7 of the plans show the canopy.

Mr. Hankin said typically a sign over a side walk has to be 10 feet above the side walk.

Mr. Bebout said the canopy is 9 feet high.

Mr. Pachano said the requirement of 10 feet above the side walk is in the sign bylaw. He said it doesn't apply here.

Mr. Hankin said he was just pointing it out.

Mr. Pachano asked how to advise the applicant.

Mr. Hankin advised the applicant to meet with the Tree Committee as required by the special permit. He said the applicant is to come back with a revised plan with the trees as approved by the Tree Committee. The Board agreed.

SITE PLAN REVIEW: 316 NORTH PLAIN ROAD

Kathleen McCormick was present to discuss a two-family use on a single lot at 316 North Plain Road. Ms. McCormick said she is not representing anyone for this application. She said she purchased the property in 2020. She said the property is 8.5 acres with a cape style house that has been restored and renovated. She said the Board approved a Form A creating two parcels consisting of 1.141 acres and 7.13 acres.

Ms. McCormick said the zone is R-2. She said a two-family use is allowed in the R-2 zone under sections 8.1 and 4.2.1. The use is allowed by-right with SPR.

Ms. McCormick said she plans to construct a residence for her aging parents. She said the plans comply with the Master Plan as it addresses the lack of senior housing. She said the dwelling will be one floor with two bedrooms and a two-car garage. The house will be served by Housatonic Water and a new septic tank that will use the existing leach fields. The Board of Health agreed with the plan.

Ms. McCormick said the parking conforms as there are currently two parking spaces and a new two car garage will provide two more parking spaces. She said this is a simple residential plan she asked that the traffic study be waived.

Mr. Hankin asked if a leach field has to be added for the two additional bedrooms.

Ms. McCormick said the additional tank size is enough.

Mr. Fick said 4.2.1 is a recent bylaw change. Do you need to wait until the bylaw has been approved by the Attorney General?

Ms. McCormick said she is willing to proceed. She said she thinks the AG will approve.

Mr. Fick asked if the permit should be conditioned on the approval by the AG.

Mr. Rembold said the approval from the AG is expected in mid-August.

Ms. McCormick said she is willing to proceed at her own risk.

Mr. Fick said a building permit may not be issued until the bylaw has been approved.

Ms. McCormick said if the AG doesn't approve the bylaw she will do another Form A to increase the smaller lot to comply with the current bylaw.

Mr. Fick asked Ms. McCormick if she would do another Form A.

Ms. McCormick said yes if the AG doesn't approve the bylaw. She said there is plenty of acreage so she would be willing to have a condition about the approval of the bylaw.

Mr. Fick said he doesn't know how she can proceed without approval.

Ms. McCormick said there is double the required area and the frontage can be reduced because the lot is served by Town Water.

Mr. Rembold said the existing bylaw reads that two times the frontage is required which was the reason for the revised language approved at the ATM in June. He said he thinks the Board can approve the SPR. He said he is not sure how it effects getting a building permit.

Ms. McCormick said she thinks she can move forward at her own risk. She said the issue can be corrected if the AG doesn't approve the bylaw.

Mr. Pachano asked if there were any other comments.

Mr. Pachano read through SPR criteria.

Mr. Pachano asked if any trees will be removed.

Ms. McCormick said yes, a few.

Mr. Hankin said the balance of the site is wooded.

Ms. McCormick said there are acres of woods. She said the back area is flat. She said there will be a four foot grade change that will even out the site. She said an existing tractor road is to be converted into the driveway. There will be minimal impact.

Ms. McCormick said the driveway will be shared.

Mr. Rembold said the driveway is a shared driveway and not a common driveway as it is owned by one person.

The Board agreed to a condition that the permit comply with the bylaw. If the AG doesn't approve the revised bylaw the applicant will return with a revised SPR and Form A.

Mr. Pachano asked if there was any public comment. No one commented.

Mr. Hankin made a motion to approve the SPR with the condition discussed, Mr. Higa seconded. Roll call vote: Mr. Hankin, aye; Mr. Fick, aye; Mr. Higa, aye; Mr. Pachano, aye

SITE PLAN REVIEW: 4 GIDDINGS STREET

Applicant, Philip Morrison, was present to discuss the SPR to authorize the two-family use with an ADU at 4 Giddings Street.

Mr. Morrison said he bought the three family property in 2021. He said he fixed the property up then decided to sell it. He said the buyer went to the Building Inspector where he found out that the use was not legal. He said the intent of the SPR is to make the two-family use with one ADU legal. He said the ADU is 433 square feet. He said there are no changes proposed. The intent is to have the property recognized for what it is. He said there are two driveways, each wide enough for two cars. He said there is parking for 7 cars.

Mr. Hankin said it looks like the property is non-conforming because of the side yard setback. He said there are no changes to the footprint, but questioned if it is a concern.

Mr. Rembold said clearly the structure is pre-existing non-conforming. He said the SPR is simply addressing the use. He said any future alterations could trigger a building permit but that is not before you tonight.

Mr. Higa asked if the parking is non-conforming.

Mr. Rembold said there is enough parking for the use. Five parking spaces are required for the use. Five cars will fit on the site.

Mr. Hankin said there is plenty of parking.

Mr. Pachano went through the SPR criteria.

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

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

Mr. Pachano asked if there were any comments from the public. There were none.

HOUSING STRATEGIES:

Mr. Pachano said Ms. Nelson asked that discussion on housing strategies be held off as she would like to participate. He said we will bring the topic up for future discussion.

Mr. Higa said the last application was interesting. He said it was a relatively painless process to make the use conforming. He said he would like to hear how this goes. He said it is great.

Mr. Pachano said it was an existing use and met zoning with the exception of the setback.

Mr. Pachano said the building code has a sprinkler requirement for one and two family homes over 14,000 square feet. He said people are exempt if doing a renovation. He said the State amended the code for one and two-family. He said it is the only code under review for the adoption of the 2021 code. He said there is going to be a public hearing that he will try to attend to get involved and bring the requirement to their attention because of housing problems.

Mr. Higa said it is an interesting point. He said a two-family is by-right with an ADU. He said the sprinkler requirement could be a limiting factor. He said he would like to see the trigger beyond three units.

Mr. Pachano said he would like to see the trigger up to eight units. He said he would like to have the square footage trigger reduced to 8,000 square feet.

Mr. Fick said this is part of State law.

Mr. Pachano said yes, the State Building Code.

Mr. Rembold said it is not a law set by the Legislature but set by the BBR.

Mr. Higa asked if Mr. Pachano was looking for something from the Board or the Town.

Mr. Pachano said he doesn't know yet. He said he is trying to figure out how to proceed as he is entering the game a little late.

Mr. Rembold said he is working with BRPC on housing strategies, zoning on regulatory strategies and tax strategies. He said BRPC is working on the strategies to determine how to proceed. He said there are a number of strategies to look at for discussion at the July meetings.

Mr. Hankin said there is a tiny house company that is offering free hearings in towns to help people navigate the requirements for ADUs. He is hopeful that the Town could host such a meeting. Also the American Tiny House Association is talking to the Town about funding mechanisms to assist home owners who would like to accommodate an MTH.

Mr. Higa said the Great Barrington Housing Trust and Selectboard or Housing Sub-Committee could be consulted for coordination and strategies. He said it could be helpful to have the Housing Trust meet with us or the Selectboard or Housing Sub- Committee. He said the Housing Trust is overly questioned by the CPC about what they are trying to do.

Mr. Pachano said it would be nice if the chair of the Housing Trust would come to us.

Mr. Hankin said they prefer to go to the Selectboard, per the comments of Mr. Clark, chair, arguing against the Planning Board being the SPGA for a PURD at the ATM.

Mr. Higa said it would be helpful to have a meeting.

Mr. Rembold said the Housing Trust is meeting now. He said he is the liaison between all the boards. He said everyone has a lot to do. He said he will continue to talk to the chairs of all the boards.

Mr. Pachano asked that this comment be shared with the Housing Trust. Zoning information could help their discussions.

BOARD & SUB-COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Higa said the CPC will meet on July 21 to review the CPA plan. He said he will send the plan around for the Board's comments; individually or collectively.

TOWN PLANNER'S REPORT:

Mr. Rembold said at this time there are no pending applications. He said the next meeting could focus on housing issues and strategies.

Mr. Fick said BRPC is meeting that night at 5:30 to elect the board. He asked if the Planning Board meeting could be pushed back half an hour. He said he would appreciate if Mr. Rembold could discuss the possible time change with Ms. Nelson.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded its business, Mr. Pachano adjourned without objection at 7:37 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary