

PLANNING BOARD

DATE: April 28, 2022

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Special Meeting/Public Hearing

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

Mr. Fick called the meeting to order at 6:01 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. Fick also read Section 241-1 of the Town Code.

He called for roll call attendance:

Mr. Hankin, present; Mr. Pachano, present; Mr. Fick, present; Mr. Higa had not yet arrived

FORMS A:

No Forms A were presented.

MINUTES: APRIL 14, 2022

Mr. Hankin made a motion to approve the minutes of April 14, 2022 as amended, Mr. Pachano seconded.

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

CHAPTER 61/RIGHT OF FIRST REFUSAL:

Attorneys Vicki Donahue and Susan Smith were present to discuss the two properties to be removed from Chapter 61. The properties are located on Lake Buel Road. Parcel 38D consists of 0.492 acres and is owned by Bearman Nicifero Revocable Trust. Parcel 38.1 consists of 0.615 acres of land and is owned by Steven Weinberg.

Ms. Donahue said Parcel A(0.615 acres) is owned by Steven Weinberg. The intent is to swap the parcel with the Parcel B(0.492 acres) owned by Bearman Nicifero. The properties are subject to Chapter 61A restrictions. The two small parcels will be removed from Chapter 61A to allow the land swap.

Ms. Smith said the Town has right of first refusal when land is being taken out of Chapter 61A.

Mr. Rembold asked if the Conservation Commission reviewed the proposal.

Ms. Smith said they did and they have recommended the Town not exercise their right of first refusal.

Mr. Hankin said he would recommend that the Town waive its right.

Mr. Pachano made a motion to recommend that the Town waive its right of first refusal, Mr. Hankin seconded.

Mr. Fick asked if there were any comments from the public. There were none.
Roll call vote: Mr. Hankin, aye; Mr. Pachano, aye; Mr. Fick aye

SITE PLAN REVIEW: 946 MAIN STREET

The Board continued the discussion begun on March 24 for Meed Cannabis LLC for a change of use of an existing building at 946 Main Street. The new use would be a marijuana cultivation establishment. The applicant was granted special permit #927-22.

David Ullian was present on behalf of the applicant. He said the special permit was granted for the project. He said there are some updated plans.

Mr. Higa arrived at 6:14 PM.

Mr. Hankin asked if Town Counsel had commented on the setback question.

Mr. Rembold said yes. He said a small portion of the building on the west side was inside the rear setback. He said the building encroachment is very little. Town Counsel said the special permit was approved. He said the interior alterations did not rise to a level that would require ZBA review. Exterior alterations might trigger ZBA review.

Mr. Ullian said there are no exterior alterations. He said the windows have to be covered but that can be done from the interior.

Mr. Rembold said the interior alterations do not rise to the level of requiring a special permit by the ZBA. He shared the plans.

Jon Allard, from Fuss and O'Neil, said overall there is not a lot of site work to be done. A handicap space will be added in front of the building. A concrete walkway will be installed to go from the parking lot to the front entrance. Gravel will be added to expand the parking lot to 8 parking spaces. He said there will be a loading area on the north side of the building that will be screened with a six foot fence and the space will be locked. He said the dumpster will also be in a locked enclosure. He said concrete pads will be installed for the mechanical equipment on the west side of the building. He said those are the only changes on the site.

Mr. Allard said the lighting plan shows a fixture in the parking lot (SL4). The fixture is a full cut off downward directed light that is night sky compliant. He said the lights on the building are for security. Those lights are also full cut off downward directed night sky compliant lights.

Mr. Allard said the landscaping includes two trees to be planted on the site. He said access to the site is via a shared driveway. He said there is no place to plant the trees in the right of way. He said the trees can be planted elsewhere off site.

Mr. Rembold pointed out that the planting of the trees was addressed in the special permit.

Mr. Ullian said the cut sheet for the lighting is included in the packet.

Mr. Rembold said the issues discussed at the previous meeting included:

- the height of the fence that was 8 feet but now is 6 feet
- the trees were addressed during the special permit approval
- the non-conformity of encroachment of the rear setback has been addressed
- the lighting and submission of the cut sheet has been addressed

Mr. Hankin asked about the color temperature of the lights.

Mr. Rembold said the color was not specified. The Board can make that a condition.

Mr. Fick said the Board typically requires the light temperature to be 3000k or less. We will want to include the light temperature in the conditions.

Mr. Hankin asked what the height of the pole is in the parking lot.

Mr. Ullian said he thinks the pole is 25 feet high.

Mr. Hankin said he thinks 25 feet is too high. He said typically light poles are 12-15 feet high. He said if it can be justified we can consider it but there needs to be a reason for it to be that high.

Mr. Rembold said the pole has a dual head on it. He asked if two smaller light poles could be used.

Mr. Allard said we were trying to use one pole for the entire property. He said a lower pole could be used.

Mr. Hankin said the photometric plan shows light shedding off the property.

Mr. Allard said it does look like it spills onto the adjacent property.

Mr. Fick said yes, this supports the use of a lower pole.

Mr. Rembold said there should be less than 1 foot candle at the property line.

Mr. Hankin said that needs to be a condition.

Mr. Fick said the conditions include the light temperature to be 3000k or less; light at the property line to be 1 foot candle or less; and the light pole to be no higher than 15 feet.

Mr. Pachano made a motion to approve Site Plan Review with the conditions, Mr. Hankin, seconded.

Mr. Fick asked if there were any comments from the audience. There were none.

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

SITE PLAN REVIEW: 205 NORTH PLAIN ROAD

Peter Stanton was present to discuss the revised SPR for the installation of an accessory use ground mounted solar system. Mr. Stanton said the ground mounted array is proposed to be moved to the back of the property.

Mr. Hankin asked if the roof mounted solar will remain on the car port.

Mr. Stanton said yes.

Mr. Rembold said the roof top mount is allowed by-right. He said the change is to move the ground mounted array to the back.

Mr. Fick asked if there were any other changes.

Mr. Stanton said no. He said it was decided to move the array to the back of the property because the approved location in the front encroached on gardens.

Mr. Rembold recommended going through 10.5 SPR criteria.

Mr. Fick read through 10.5.

Mr. Rembold said the previous approval required that trees be planted along North Plain Road. He suggested revising this approval without that condition. He said the trees wouldn't be required because the panels are not up front.

Mr. Fick asked about the shrubs intended to screen the equipment.

Mr. Rembold said the shrubs would remain. Planting of the three trees would be up to the applicant.

Mr. Stanton said he would like to have the option to plant the trees.

Mr. Hankin made a motion to approve the application revising the previous approval with the planting of trees optional, Mr. Pachano seconded.

Mr. Fick asked if there were any comments from the audience. There were none.
Roll call vote: Mr. Hankin, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye

SITE PLAN REVIEW: 343 MAIN STREET

Ian Rasch was present to discuss the SPR application for the renovation and change of use of a commercial building at 343 Main Street. Exterior repairs and related site work will be discussed.

Mr. Rasch said his team consists of Michael Valenti, Matt Puntin, and Kyle Zick.

Mr. Puntin said the building was the location of the BCC South County Campus. He said the building is a two story building but only one story at street level. He said the building is located in the B-2 zone but also in the Water Quality Overlay Protection District and the Village Center Overlay District. The parcel is one acre. He said the building takes up most of the lot. The rest of the lot is a parking lot with 51 parking spaces.

Mr. Puntin said site changes include reducing the amount of paved parking and increasing the landscaping. He said the impervious surface will be reduced by 1600 square feet, eliminating 8-9 parking spaces. He said the project is required to have 40 parking spaces. He said 42 parking spaces will be provided.

Mr. Puntin said there is an easement off of Main Street. He said there is a second easement that provides access to the Co-op parking lot and Bridge Street. He said there is ample access in and out of the site.

Mr. Puntin said the grading will be changed by 6 to 12 inches to provide a flat surface for accessible parking. He said there is almost no drainage on the site. He said currently there is a

sheet flow pattern in the parking lot with no structures to catch the ground water or the surface water. He said the Town has a large storm drain that runs through an easement on the property. He said we would like to connect to that drain. We will need to get permission from the Town to make the connection. He said the remainder of the surface water will do what it does now but there will be a reduction in the impervious surface.

Mr. Zick discussed the landscaping for the site. He said the front of the building has three entrances. Low shrubs and perennials will be planted between walkways going to each of the entrances. He said the landscaping will be low as the windows around the doors are low.

Mr. Zick said there will be landscaping along the south side of the building to the east. He said plantings will include shrubs, low trees and plants. He said there will be space for exterior seating which will be a nice outdoor amenity. He said there will be landscaping around the perimeter with trees and shrubs. Additionally there will be three single headed 20 foot light poles. He said the poles and heights are similar to what is at the Co-op. The lights will have full cut-offs. He said the light temperature shows 4000k but we can change that to 3000k.

Mr. Puntin said that is the overview of the outside of the building. He asked if there were questions. There were none. He said Mr. Valenti will discuss the changes to the building.

Mr. Valenti said this is a historical building. The proposed plan maintains the historic character. We are trying to bring back the original nature of the building. He said the building was originally a car dealership. BCC maintained the three store fronts. There are sign bands over each of the entrances.

Mr. Valenti said there are egress stairs at the east end of the building that were added. Some of the windows were filled in. He said the infill will be removed and the stairs will be replaced with something more aesthetically pleasing. Doors and windows will be replaced on the north side of the building.

Mr. Valenti said the doors will be replaced in the front of the building and new side lights will be added. He said in the back the egress door will be replaced, as well as windows and a steel egress structure will be put in. He said all windows and doors will be replaced.

Mr. Valenti said there is a light over the entrances in the front. It is a barn type light that will be replaced with a similar light. The light will have full cut offs. The bulb is in at a 45 degree angle. The light temperature will be 2700k as shown on the spec sheet that has been provided. He said all lights on the building will be this type of light. There are 14 lights total.

Mr. Hankin said the spec sheet says the light is incandescent.

Mr. Valenti said an integrated LED bulb is what will be used. He said the spec sheet provided was all the light company had.

Mr. Rembold said revised plans were submitted showing the height of the light pole at 20 feet. He said there are no loading spaces shown.

Mr. Valenti said there are two extra parking spaces that can be used. He said loading spaces are 200 square feet. Regular parking spaces are 180 square feet. He said something can be made to work.

Mr. Rasch said the plan for the building is to use the first level for dental space for CHP. He said an apothecary for Berkshire Health Systems will be in one of the other store fronts. The lower level will be used for CHP offices. He said deliveries are generally made by a small truck or by CHP staff. He said expected deliveries to be made on Main Street.

Mr. Rembold said the Board could be flexible about the two loading spaces.

Mr. Hankin asked Mr. Rasch if he intends to buy the adjacent building to the south.

Mr. Rasch said he is waiting for the Town to take it over through a tax taking. He said he tried to have a conversation with the owner but it didn't go anywhere. He said he would be happy to make improvements to that property. He said he will be ready to talk when the Town takes the property.

Mr. Hankin asked about the contamination on the adjacent property.

Mr. Rasch said soil samples and boring were done. Testing had to be done to get financing for my building.

Mr. Rembold said the underground tanks leaked so there is some contamination. He said Mr. Rasch couldn't get financing without a straight forward 21E.

Mr. Pachano asked if the parking lot will be available to the public when not in use.

Mr. Rasch said the property is leased to CHP and Berkshire Health Systems. He said the offices close at 5:00. He said he doesn't think there will be an issue to use the parking after hours. He commented that the Wheeler and Taylor parking lot is massive. He said he has had a conversation with Wheeler and Taylor about the parking lot.

Mr. Higa asked if there is a plan for roof top solar.

Mr. Rasch said there will be a new roof structure with a new mechanical package. He said the mechanicals will be electrically based. The roof will be designed for a solar option.

Mr. Hankin said it would send a great message about the Town for people to see a solar array.

Mr. Higa asked if there is a plan for electric charging stations. He said they are very popular. There are a lot of electric cars. He said he works at the Co-op and sees those spaces used all the time.

Mr. Rasch said there is a large transformer at the east end of the property. He said it is big enough to serve this building and Wheeler and Taylor and Power House Square if it is built. He said charging stations haven't been discussed but it is a good idea.

Mr. Rembold said maybe Mr. Higa should recuse himself as he works at the Co-op, an abutter to the subject property.

Mr. Higa agreed.

Mr. Rasch asked Mr. Higa one more question. He asked if the Co-op should have put in more charging stations.

Mr. Higa said yes and they should have been put in a better location. He muted his audio and turned off his video/

Mr. Rasch asked if there are other charging stations in Town.

Mr. Rembold said there are two going in behind Carr Hardware and two going in at the Town Hall.

Mr. Fick said this is a great project at the gateway to Great Barrington.

Mr. Rembold said the proposed trees and light posts on the east end of the parking lot are within the Town's easement. He suggested making sure that legally they will be allowed. He said the drain going through the parking lot takes drainage from Castle Hill. He said it is a big drain. He said he thinks they should be able to connect into the drain. He said there needs to be a discussion with the DPW.

Mr. Rembold said there are trees shown along the north property line. He said it should be ensured that the trees will thrive in that area. He asked if there are catch basins on the north side of the building.

Mr. Puntin said the north property line is 2-3 feet off the north side of the building. He said there are catch basins but they are entirely in the Wheeler and Taylor parking lot.

Mr. Rembold asked about the chain link fence along the north side of the parking lot.

Mr. Rasch said the fence is coming down to create a vegetated buffer between the properties. He said Wheeler and Taylor is planning to redo their parking lot. They are planning to have vegetated islands to make the parking lot more attractive. They intend to have a green buffer along the north side of our building. He said that will be a substantial project.

Mr. Rembold asked if the National Grid transformer is part of the Benchmark property.

Mr. Rasch said the large transformer at the east end of the property, yes.

Mr. Rembold said he is still trying to understand the easements. He said Benchmark has parking in the parking at the east end of your lot.

Mr. Rasch said Powerhouse had an agreement that automatically renewed on May 1 of each year. He said he told them they agreement would not be renewed this year. The agreement is no longer in place. He said he and attorney Peter Puciloski have discussed the easements. He said he knows the Town has to have access. He will review the DPW and National Grid.

Mr. Rembold asked if there is a driveway out to Powerhouse to the east.

Mr. Rasch said the easement is to Bridge Street.

Mr. Rembold said the property is in the Water Quality Overlay Protection District zone. He said the property is a preexisting non-conforming that is not expanding so it won't trigger the WQOPD special permit requirement.

Mr. Fick said the non-conformity is being reduced.

Mr. Rembold said yes.

Mr. Fick we have discussed the easements, drainage, vehicles, light temperature and loading spaces.

Mr. Rembold said the tree details and parking lot plans also. He said the plans show the fence.

Mr. Puntin said his plans still show the fence but it is coming down.

Mr. Rembold said the height of the light poles is the same as approved for the Co-op and Powerhouse.

Mr. Hankin said if the abutting properties have the poles approved then there is no issue.

Mr. Fick asked if there needs to be a legal document to address vehicle easements.

Mr. Puntin said the survey plan shows the vehicle easement from Main Street and a separate right of way to Bridge Street. He said there is an agreement with Powerhouse.

Mr. Rasch said the easement is between Searles Castle and Bridge Street. He said it has been in use forever.

Mr. Fick asked if something legal is required.

Mr. Rembold said it is clear that not everything meets on the east side of the site. There is a guaranteed easement to Main Street. He said it is up to them if they want something legal to make everything clean.

Mr. Rembold said the trees and the lamp post are in the easement so the plan should be looked at.

Mr. Rasch said he will coordinate with the DPW about drainage. He said we will have to interact before we begin work.

Mr. Puntin agreed. We can have discussions with the DPW. He said he sent an email to Mr. VanDeusen but he hasn't received a reply. He said he understands that if something goes in and it is in the easement there is a possibility it could have to be removed.

Mr. Rembold said the good news is the soil in the easement is clean.

Mr. Hankin said is the easement for storm drainage.

Mr. Rembold said yes. The storm water drains through the pipe that goes through Memorial Field then into the river.

Mr. Fick reviewed the discussion:

--light temperature 3000k or less this was agreed to

--loading spaces, increase the size of two of the parking spaces, this was agreed to

--it was agreed that the chain link fence will be removed

--trees were discussed.

There was discussion of the type of tree chosen, a Princeton Elm. Mr. Rembold asked if the tree would be ok for the area.

Mr. Zick said he studied the area and chose the tree. He said it is resistant to the Dutch Elm disease.

Mr. Fick said the DPW will need to give approval for the trees and poles in the easement.

Mr. Rasch was asked about putting bike racks in. He said he would put bike racks in.

Mr. Fick read 10.5 SPR. There were no issues.

Mr. Pachano made a motion to approve site plan review with conditions as discussed, Mr. Hankin seconded.

Mr. Fick asked if there was comment from the audience.

Mr. Higa asked Mr. Rasch if he would consider a covered bike rack. He said it is great for people working in the community or going to appointments to have a place to protect the bikes.

Mr. Rasch said he was in favor of the idea.

Mr. Higa asked if the lighting in the parking lot will be on when the lot is not being used.

Mr. Rasch said he intends to put lights on timed sensors.

Mr. Valenti said they will be photometric sensors that have a cut off time in the evening. He said all egress lighting will be on sensors.

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

Mr. Higa rejoined the meeting

AFFORDABLE HOUSING:

Mr. Rembold said he didn't have any updates for affordable housing. He said the Town received the Technical Assistance Grant from BRPC. The money will be used to study creative ways to increase affordable housing. He said the Sustainability Committee discussed the housing crisis at their recent meeting. He said it was a good discussion because they are interested in the topic.

Mr. Pachano said he was at the Sustainability Committee meeting as was June Wolfe from Construct. He said it is clear the housing crisis is a large systemic issue. He said there are federal policies behind these great programs but we are spinning our wheels because of the financial situation in the country. He said he asks the question about why housing doesn't get done. He said the Town is going through and has been going through transformational change. He said it is incumbent on us to understand the developmental needs to keep up with the transformational change. He said the applications we reviewed today could be handled at the staff level. We deal with lighting and landscaping.

Mr. Fick said six professionals sat in on the meeting tonight. He said perhaps there could be a staff review and a memo to the Planning Board.

Mr. Pachano said it would be one way to have applicants show up at only one meeting. He said the review process is expensive. He said he thinks a lot could be done at the staff level but he said there would need to be more staff. He said it is important to look at the possibility that applicants could meet with Mr. Rembold, the Town Manager and the DPW. He said as citizens it behooves us all to help out and pay attention. He said we are in the place where transformational growth is happening in this country.

Mr. Higa said we can be leaders in South County. He said we need to add lighting to the bylaw because we always address it. We need to make it consistent. He suggested we revisit Mr. Pachano's idea of a moratorium on certain special permits. He said it is worth talking about.

Mr. Fick said it sounds like work for a task force. He said we need a mechanism to propose changes.

Mr. Pachano said joint meetings with the Selectboard are worthwhile for discussions. He said it doesn't make sense to him that developers don't build here. He said this is a desirable place to be.

Mr. Hankin said he had sent a flyer around from a manufacturer regarding ADUs. He said the flyer flags meetings in various towns and states that are about helping people through the process. He said it would be great to have the manufacturer host a meeting.

Mr. Rembold said a lot of people don't want to build. He said there might be a benefit to retain a consultant who would help identify where ADUs fit in and help people get through the process.

Mr. Hankin said there are also ways the Town could incentivize.

Mr. Higa said it would be good to have a resource to help split houses to provide more housing and allow seniors to stay in their houses.

Mr. Rembold said a consultant could assist with helping people through the process. He said legally it could be very complex.

Mr. Higa said we need housing now. He said it is important to utilize existing housing. He said Sheffield is considering acquiring land to create housing. He said there is land available. We can be more proactive.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Pachano said he is interested in getting subject matter for the next Housing Sub-Committee meeting.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Lake Mansfield Improvement Task Force will have a report ready soon. He said the Community Preservation Committee will meet next week.

Mr. Rembold said there are no pending applications for the next meeting. He said the head of the DPW is leaving the Town so staff is working to pick up the work. He asked that everyone bear with us.

Mr. Rembold reminded the Board that we still need an associate member.

CITIZEN'S SPEAK TIME:

James Garzone from 94 North Plain Road said he would like some help from the government to help citizens. He said he has tried to provide some housing but he said he is not able to get contractors to do the work. He said the cost is pricing people out of building. He said he wants to add to the community.

There were no other comments.

Having concluded their business, Mr. Fick adjourned without objection at 8:43 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary