

PLANNING BOARD

DATE: July 14, 2022

TIME: 6:30 P.M.

PLACE: Zoom Virtual Meeting

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Pedro Pachano; Jonathan Hankin; Malcom Fick;
Jeremy Higa

Chris Rembold, Assistant Town Manager/Director of Planning and Development

Ms. Nelson called the meeting to order at 6:30 P.M. She read the opening statement, revised by Governor Baker on February 12, 2022, from the agenda. She said the meeting was being recorded. Ms. Nelson also read Section 241-1 of the Town Code.

She called for roll call attendance:

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

FORM As: 0 PARK STREET

Mr. Rembold presented a Form A for a parcel at 0 Park Street in Housatonic for a parcel of land on the east bank of Rising Pond. He said he is representing the Town for the application that was prepared by Foresight Land Services for one parcel of land. Parcel 1 contains 2,228 square feet. Mr. Rembold said the land is being acquired from GE. The parcel is not to be considered a separate building lot. The parcel will be conveyed to the Town and combined with a parcel that is the site of the Housatonic pump station.

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

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

MINUTES: JUNE 23, 2022

Mr. Hankin made a motion to approve the minutes of June 23, 2022 as amended, Mr. Fick seconded.

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

SITE PLAN REVIEW: 84 ALFORD ROAD

Philip Morrison and Peter Cornell were present on behalf of Simon's Rock College for a one year extension of the SPR granted to build a dormitory at 84 Alford Road.

Mr. Morrison explained that pre-pandemic the school had 541 students enrolled. Since the pandemic the enrollment is down to 348 students. He said we don't need to build a dorm when we don't have students to fill it.

Mr. Hankin made a motion to extend the Site Plan approval for one year, Mr. Fick seconded. Roll call vote: Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye; Mr. Hankin, aye; Ms. Nelson, aye

SITE PLAN REVIEW: 116 BRUSH HILL ROAD

Michael Parsons was present on behalf of Deborah Mars and William Ryan for a two-family residential use and grading and clearing more than 10,000 square feet of land at 116 Brush Hill Road.

Mr. Parsons said the parcel is just over 11 acres of land located on the Great Barrington/Sheffield line at 116 Brush Hill Road. He said currently there is a single family home on the land. The applicants want to put a second home on the property in front of the existing house. He said the house will be 175 feet from the edge of the travelled way.

Mr. Parsons said the house will be a single family house with a one car garage. He said the applicant received a curb cut from the Town. He said there is a well to serve the new house and an approved septic system. He said 15,600 square feet have been cleared. A little more clearing may be done along the driveway.

Mr. Parsons said there will be screening planned on the south end of the house. He said there won't be much more clearing beyond what has been done.

Mr. Parsons said he suggested turning the house clockwise because of the contours of the land. He said there is a 6-7 foot drop that will be mitigated with cut and fill. He said the house will be built on either a slab or a crawl space.

Ms. Nelson asked if there were questions from the Board.

Mr. Pachano said he didn't have any question but he said, it would be a good idea to rotate the house as the house would get more sun. He said he would have liked to talk to the owners about the roof design of a vapor barrier and ventilated roof.

Mr. Parsons said he can't see who is in the audience. He said he thought the builder, Mark Rosengren, planned to attend.

Ms. Nelson said she seconds Mr. Pachano's suggestion to rotate the house. She said the site is not flat but it shows that way on the plans. She said it could be a better condition.

Mr. Parsons said he doesn't have any insight into the plans. He said it is up to the builder. He said he alerted the builder to the issue of the grade. Mr. Parsons said the builder responded that he would get creative.

Ms. Nelson recommended diversion drainage on the south end of the building.

Mr. Parsons said there will be a crawl space under the house or a slab. He said it won't be a full basement.

Mr. Fick asked if this project would be covered by the zoning change that is before the Attorney General for approval.

Ms. Nelson said the existing bylaw that was changed at the Town Meeting, gives the impression that the lot size would have to be double to build a second dwelling. She said this property provides enough lot size.

Mr. Hankin said in this climate it is not preferable to build on a north/south axis. He said it is better to build east/west. He said it is crazy to build as it is shown. The building should be rotated 90 degrees.

Mark Rosengren joined the meeting. He said there is a porch roof with planned solar facing south.

Ms. Nelson said she is not so concerned with the solar. She said the contours show a five foot grade change. She asked if the house could be rotated so it is parallel with the contours.

Mr. Rosengren said this is a bizarre request. He said he doesn't know how to answer the request without changing the plan.

Ms. Nelson said it isn't really bizarre. She said part of the SPR is minimizing the cut and fill.

Mr. Rosengren said there is a lot of space to lower the elevation on the south side if the house has to be lowered. He said there can be a swale on the south end. He said he would have to work with Mr. Parsons on how to work it out.

Ms. Nelson said there is a lot of grade going through this house.

Mr. Rembold said the elevation change is five feet from the front corner of the garage, contour 896, to the south corner, contour 901. He said house could be dropped down and balanced to be level with the garage. A retaining wall on the south end could be put in place to raise the grade for the garage to level it all out.

Ms. Nelson said if there are no other comments we can go through SPR 10.4.

--Ms. Nelson said she doesn't think the application gives the Board a good grasp of the amount of cut & fill. She said she would like to have more information. Mr. Fick agreed.

--The Board said any lighting to be installed must be night sky compliant, downward directed and have a color temperature of 3,000k or less.

There were no other issues with the review.

Ms. Nelson asked if the Board wanted additional information on the amount of cut and fill or a condition on the permit.

Mr. Fick said he would like to have a complete plan with the amount of cut and fill.

Ms. Nelson agreed saying the Board should have a grading plan.

Mr. Hankin said he hopes the applicant will consider rotating the building.

Mr. Pachano said he agrees with the idea of rotating the house not just for grade but also to take advantage of heat the sun will provide in the winter by orienting toward the sun. He said he understands the grading problems too and emphasized the request for the earthwork as part of the SPR which is the bigger issue.

Ms. Nelson suggested that the applicant work with the design team to show a grading plan that will be consistent with the bylaw then to come back to the next meeting on July 28.

Mr. Rosengren said he will see what we can put together.

HOUSING STRATEGIES:

Ms. Nelson said Mr. Pachano sent a narrative for consideration.

Mr. Pachano said he has introduced the draft. He asked if the discussion could go on the next agenda as a specific agenda item.

Mr. Rembold said the Board has discussed regulatory zoning to help provide more housing. He said different types of housing will be easier to produce. He said Chris Brown from BRPC is

present to join the discussion. He said the Town has received a grant to incentivize housing. BRPC will provide assistance.

Ms. Nelson asked that Mr. Brown be introduced and that specific items be placed on future agendas.

Mr. Pachano said an applicant has to go through SPR to put a second home on a property. He said the previous discussion is an example of the review resulting in an applicant having to come back before the Board for something the applicant should have to take responsibility for. He said he is not sure why we have to bring them back. He said we have bylaws in place to allow ADUs. He said he is not sure why an applicant has to come before the Board for an ADU that the bylaw allows by-right. He said he is not suggesting waiving SPR for multi-family uses but for by-right uses. He said he is not sure why we have this arbitrary review. He said SPR should be waived for by-right single-family and two-family uses including ADUs.

Mr. Higa added that waiving SPR goes to equity as the process could be an impediment for the creation of additional housing.

Mr. Pachano said the bylaw that was just passed (short term rental) is going to create conflict in the bylaws.

Ms. Nelson agreed. She said that will be an item for the Town Meeting list. She invited Mr. Brown to present his ideas for housing strategies.

Mr. Brown presented a brief Power Point for discussion on the transfer of density rights. (The Power Point will be included with minutes).

Ms. Nelson asked if there were examples of this in Massachusetts.

Mr. Brown said he hadn't seen any examples but they are out there. He said no one has tried yet.

Ms. Nelson said she is aware of something in Dutchess County. She said she has seen only one project built there.

There was discussion of land credits conservation easement and the concept of preserving open space. These were a couple of items in a long list of items that could be discussed. The Board said this item should be on a future agenda to see how it might apply to Great Barrington.

Ms. Nelson said she would contact Steve Bannon to set up a joint meeting with the Selectboard to discuss housing strategies. She said we will try to narrow the discussion to the most important items due to capacity issues.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Fick said he heard that Mr. Pachano left the Housing Subcommittee.

Mr. Pachano said yes. He said it was a good time to step away.

Mr. Fick said he would like to fill that seat.

Mr. Rembold said there will need to be a vote for that. He said that will be put on the agenda as a specific item.

Mr. Fick said he attended the BRPC organization meeting. He said he is still the vice-chair.

Mr. Higa said he sent around the CPC plan. He said the plan will be discussed at the CPC meeting next week. He said he will appreciate anyone who wants to comment.

TOWN PLANNER'S REPORT:

Mr. Remold said the authorization for full remote meetings is expiring tomorrow. He said the Legislature should be voting on it.

Mr. Fick said he just received notice that the Legislature passed extending the order allowing remote meetings until 2023.

Mr. Pachano asked if the meetings would be remote or hybrid.

Mr. Fick said allowing a remote meeting doesn't mean everyone has to be remote.

Mr. Rembold said the meeting room has been set up for hybrid meetings.

Mr. Rembold said the Selectboard at its meeting on Wednesday will open the proposals for the Housatonic School. He said the review will be public when opened.

Mr. Rembold said the SPR for McDonald's is expected to be ready for the next meeting. He said the applicant is working with the Tree Committee regarding the questions about the trees.

Ms. Nelson said it would be nice to engage applicants and the Tree Committee for successful plantings of trees. She said it would be good to develop a partnership that could provide watering bags for trees as well as oversight of the trees.

Mr. Rembold said that sounds nice and suggested there be more discussion.

Mr. Fick said he thought the bylaw should go back to plantings every 50 feet instead of 25 feet. He said he thinks 25 feet is overkill.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 7:59 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

Great Barrington

Planning Ahead for Housing

CHRIS BROWN, BERKSHIRE REGIONAL PLANNING COMMISSION

OVERVIEW

- ▶ FINANCIAL INCENTIVES
- ▶ DEVELOPMENT PROGRAMS
- ▶ PLANNING & ZONING

FINANCIAL INCENTIVES

► TAX ABATEMENT FOR LANDLORDS

- Provides a tax exemption for portions of a property used for affordable housing
 - For example; a property with a 2000 sqf primary residence and 500 sqf ADU would pay no tax for the ADU (whether attached or detached)
- No Deed Restriction Required
 - Participation in the program is conducted via a year-to-year exemption application
- Only Year Round Rentals May Be Considered
- Requires a Home Rule Petition
 - *Example program: Provincetown, MA, Chapter 408 of the Housing Acts of 2002*

DEVELOPMENT PROGRAMS

- ▶ **STARTER HOME OVERLAY DISTRICT (SHODs)**
 - ▶ Requires 3 contiguous acres of developable land
 - ▶ This area would be designated as the Overlay District
 - ▶ Starter homes are defined as dwellings up to and including 1850 sqf
 - ▶ An ADU (up to 600 sqf) is also allowed
 - ▶ Municipalities receive bonus payments from the state
 - ▶ Similar to adopting other 40R provisions, such as zoning and permitting
 - ▶ *New Legislation – Location*
 - ▶ *Currently, SHODs are subject to 40R site location requirements; this looks to be easing*

STARTER HOME COSTS



40R Starter Homes

Sample* Maximum Sale Prices

HUD Region	100% AMI	Sample Max Sale Price	HUD Region	100% AMI	Sample Max Sale Price
Barnstable	\$86,200	\$240,400	Prov.-Fall River	\$80,300	\$222,500
Boston	\$107,800	\$305,700	Taunt-Mnsfld-Nrton	\$88,600	\$247,600
Brockton	\$84,100	\$234,000	Springfield	\$80,700	\$223,800
Lawrence	\$95,000	\$267,000	E. Worcester	\$112,300	\$319,300
Lowell	\$105,400	\$298,400	Ftchbrg-Leomnstr	\$80,700	\$223,800
Berkshire	\$80,700	\$223,800	W. Worcester	\$80,700	\$223,800
Pittsfield	\$80,700	\$223,800	Dukes	\$92,700	\$260,000
Eastn-Rynhm	\$115,000	\$327,500	Franklin	\$80,700	\$223,800
New Bedford	\$70,200	\$192,000	Nantucket	\$110,900	\$315,000

(*for sample purposes only; based on various assumptions including 5.01% interest rate, \$14.67 tax rate)

DEVELOPMENT PROGRAM

- ▶ TRANSFER OF DEVELOPMENT RIGHTS
 - ▶ Creates 'Sending' and 'Receiving' Districts
 - ▶ Most commonly created using overlays
 - ▶ Can be used for Protection and Stimulus
 - ▶ GB would benefit from the Stimulus approach
 - ▶ Rights can be transferred between localities
 - ▶ Inter-municipal agreements allow for development in regional downtown cores
 - ▶ Rights can be held in a 'TDR Bank' as credits
 - ▶ Allows access to development rights when projects are ready

PLANNING & ZONING

- ▶ THREE-UNIT HOUSING
 - ▶ Adding this definition is consistent with the state's definition
 - ▶ Triplexes can be placed in same Use Table category as two-unit (family)
 - ▶ Triplexes are often indistinguishable from one- and two-unit (family) properties

THREE-UNIT IN PITTSFIELD



PLANNING & ZONING

▶ PERMIT-READY ADU PROGRAM

- ▶ Plans already reviewed and approved by the Building Permit department; do not require a second review
 - ▶ Would still require *Site Plan* review as per current zoning
- ▶ Can be tailored for all types of allowable ADUs
- ▶ Reduce uncertainty, construction costs and timelines
- ▶ Incentivizes homeowners and developers