

SEP 23 2022 PM 2:26

## PLANNING BOARD

DATE: September 8, 2022  
TIME: 7:00 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 7:00 P.M. She read the opening statement, revised by Governor Baker on July 16, 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. Hankin, present; Mr. Fick, present; Mr. Pachano, present; Mr. Higa, present; Ms. Nelson, present

### FORM A's:

There were no Form A's

### MINUTES: AUGUST 25, 2022

Mr. Hankin made a motion to approve the minutes of August 25, 2022 as amended, Mr. Fick seconded.

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

### PRELIMINARY PLAN REVIEW OF HOUSATONIC HOMEOWNERSHIP HOUSING: NORTH PLAIN ROAD

Mr. Rembold introduced those involved in the housing project on North Plain Road as follows:  
Fred Clark, Great Barrington Affordable Housing Trust  
Carolyn Valli Central Berkshire Habitat for Humanity  
Erin O'Brien Central Berkshire Habitat for Humanity  
Brent White, Engineer from White Engineering

Mr. Rembold said the GBAHT identified the property as a potential site of housing. The property was purchased with funds from the CPA.

He reminded the Board that this is a preliminary review and not a permit set of plans although a lot of engineering has been done. He said he hopes there will be good constructive comments

from the Board. He said the proposal is for a PURD-Planned Unit Residential Development-that will go through the special permit process with the Selectboard.

Mr. White began the discussion explaining that a feasibility study was done in April of 2020 with Construct. He said there was a neighborhood meeting on August 11.

Mr. White said engineering has been done for the road, water, sewer and house sites.

Mr. White said the site is located on Route 41, northwest of the intersection with Main Street in Housatonic. He said currently there is a woods road on the site. It was determined that the woods road is not a good location for the curb cut for the new road so the road will be moved north to improve sight lines to and from Route 41 to the north of the property. The road will be a loop road that will accommodate a fire truck and any apparatus the Town has.

Mr. White said the parking spaces have been decentralized so they are not as close to the units or the buffer. There are 19 single homes proposed for the site. The site will be served by Housatonic Water Works and the Town sewer system.

Mr. White said the sewer system will be a low-pressure system that will collect the sewage in a grinder system that will pump into the Town's sewer system. The system will allow for additional connections.

Mr. White said the site has soil that will drain well. Deep sump catch basins will be installed on the site. The catch basins will infiltrate the water into the ground.

Mr. White said there is a central green area for open space. The mature trees on the site will be preserved. He said there is low value shrub brush to be removed but the larger trees will remain.

Ms. Nelson asked Mr. White to describe the physical site characteristics.

Mr. White said the property is an unusual shape. He said the road is shown brought in at an angle due to the grade on site.

Ms. Valli said what got us to this design is the meetings with the abutters. She said there is a lot of buffer. She said it was hoped to get 20 units on the site.

Ms. Valli said we also wanted the opportunity to tie into the sewer. She said the next meeting will be held to talk to people who work in Great Barrington, who, we hope, will be future buyers, to see what size houses they would like to have built. She said solar will be explored. She said

some people don't like the parking arrangements but it was important to have a common green area to encourage community.

Mr. White said the sewer is designed to accommodate the development septic system that falls under Title V. If the municipal sewer system is available the development will be entitled to connect. Neighbors will have the option to connect to the Town sewer but no one is forced to tie in.

Ms. Nelson asked Mr. White to describe how the system will work.

Mr. White said this is a gravity flow system from the houses to a collection area in the road to a low-pressure grinder pump station. He said this is a very successful system.

Mr. Clark said Habitat for Humanity has had a number of meetings discussing the green space and the buffer between the development and the adjacent neighborhood. He said there is hope that the proposed road will be accepted by the Town. He said the project goals were part of the RFP. He said the number of houses was not specified but the team has balanced the project goals with the limitations on the site.

Ms. Nelson asked if the density comparison as shown is similar to the existing neighborhood.

Mr. Clark said he isn't able to provide that information.

Mr. Hankin said the zoning is R-1-A, 10,000 SF lots.

Mr. Rembold said Mr. Hankin is correct. He said he is not sure if that is what exists. He said when doing the math, a great number of lots can be fit on the site. He said density fits the site but it is the amount of infrastructure that goes in and ultimately what can be sold.

Mr. White said he tried to attain density with the area available, the green space and open space required.

Ms. Nelson said the Board is traditionally supportive of housing efforts. She said some hoped for more houses. She said she is interested in the rationale for the proposed number of houses. She said she also questions the parking. She said it could be less impervious.

Mr. White said feedback is what resulted in the design. He said people wanted parking behind the units.

Ms. Valli said people didn't want a parking barrier between the community. She said it is possible carports could be added. She said the parking will be looked at.

Ms. Nelson said something more similar to what is between units 6 & 7 could potentially be done. She said we struggle as a board to find the balance between what is necessary and how to do that well.

Mr. White said there is some flexibility to adjust trying to find balance between what people want and to satisfy the requirements for the special permit.

Mr. Clark said he is not a fan of the parking courts. He said people like to park as close as they can for convenience.

Mr. Fick said the size of the impervious area is bigger than the house areas. He encouraged the parking to be redesigned and reduced.

Mr. Hankin asked why the PURD choice was made instead of a subdivision. He said this is suburban sprawl. He said this is a perfect site for affordable housing but the plan limits the units to 19 when there could 40 units. He said there are so many things wrong with the plan.

Mr. Hankin said kids have to cross the road to get to the common green. The parking is all headed in and there is no room for future development. He said the plan will not build community. He suggested the houses and the parking should all be on the inside of the loop road, with the parking spaces accessed directly from the road without driveways. The plan is missing an opportunity that does not come along very often.

Mr. White said the PURD provides the greater opportunity for density.

Mr. Hankin said the bylaws allow three units by-right on a 10,000 square foot lot.

Mr. Rembold said Habitat has experienced complications with selling two unit residences.

Mr. Hankin said two separate families could own a two family unit.

Mr. Rembold said Habitat has different models. He said Ms. Valli has done work to create the model that will work.

Ms. Valli said people who are buying for the first time have issues with who their neighbors will be. We have had negative experiences with two-family units. They are the hardest to sell because it is not a model people want. She said a duplex with a rental unit is an idea but the

neighborhood opposed this model. We are listening to the people. We are working on a plan based on what we hear.

Ms. Nelson asked if there could be a two-family shared through a carport. She said we are supportive of more density. The Board is addressing zoning hurdles for more density.

Ms. Valli said we have reached out to other Habitats for input. She said we didn't look at the carport option. She said we can query questions about two units. We could amend the plan based on the feedback. She said at the end of the day we need to be able to sell the units at an affordable price.

Ms. Nelson said we are not suggesting a duplex on all 19 lots. Maybe there could be a variation in the size and footprint.

Ms. Valli said we have minimums we have to meet. We will put out a questionnaire.

Mr. White said he can look into Mr. Hankin's questions. He said the topography of the land could create challenges with changing the interior road.

Mr. Pachano said he wanted to reiterate what Mr. Hankin's point. He said it is imperative to start to rethink how cars dominate our lives. He said 19 units on this parcel is minimum density. A subdivision would allow for more density. He asked how an owner would add an ADU under this plan.

Mr. Pachano said it might not be too smart connecting to Housatonic Water Works for the water supply.

Mr. Hankin said HWW may be Town water someday.

Ms. Nelson said it is a significant issue. She said it is challenging.

Mr. Pachano said if 19 units can fit on the parcel then there could be close to 60 units with a different plan. He said this is an opportunity that comes along once in a life time.

Mr. White said this is the type of plan our future homeowners want. He said the property sat on the market for a long time. He said there is a significant cost for the infrastructure. He said many subdivisions end up merging lots to reduce density.

Ms. Nelson said she understands. She asked Ms. Valli if there is a way not to preclude the future additions of ADUs. She said there might be an opportunity in the future. She said it is a lost opportunity for what some of us see this parcel having.

Mr. Pachano said the topography rises on both sides, why put the road to the north.

Ms. Nelson the entrance is from North Plain Road should be in proximity of the project.

Ms. Nelson said she received a text from an audience member who is experiencing an audio problem.

Eileen Mooney connected on the phone. She said her computer audio stopped. She said she can hear now on the phone.

Mr. Higa asked what the estimated fees will be for the Homeowners Association. He asked if the fees will be sustainable for continued maintenance of the site. He said if the road does not become a Town road it will be a lot of infrastructure to support in perpetuity.

Ms. Valli said she anticipates the Town will take the road over and maintain.

Mr. Higa said the parking as proposed is a lot to maintain. He asked if the HOA will maintain or the homeowners.

Ms. Valli said the HOA will vote on how it is done. Some HOAs have voted for the homeowners to maintain themselves.

Mr. Fick said there is tax on the property now. He asked who will own the property when the project is done.

Mr. Rembold said that has not been figured out. He said the a Land Trust model could own it or the Affordable Housing Trust could retain ownership.

Mr. Pachano said if a subdivision was built the Town would own the road.

Mr. Rembold said in either case, subdivision or PURD, the Town could own if the road is built to subdivision standards and voted to be accepted at the Town Meeting.

Mr. Rembold asked Ms. Valli if the road could be designed for 19 units or more. He asked if people are less willing to take on a lot or is there a preference for owning the footprint of the house and have the association own the land.

Ms. Valli said the Land Trust has been considered for owning the land. She said we are trying to make the housing affordable. If the land is in a land trust the homeowners will not pay tax on the land, only on the home. She said it is more costly with the land included. She said there could be consideration of building a garage or ADU in the future.

Mr. Rembold said if the Land Trust or a housing trust owns the master deed on each lot the homeowners essentially have a 99 year lease.

Mr. White said we are trying to learn from previous projects. He said we don't set projects up for failure. He said it is difficult for people to go from an apartment to a duplex. He said Habitat has had to help rectify past situations. He said they can explore options to see what parcels would look like. He said we will go through the exercise to decide what the final plan will be.

Ms. Nelson asked how people will handle a swing set or patio if they don't own the land.

Ms. Valli said part of the process is training people how to be part of an HOA and the rules they will live by. They go through the training so they have a voice and learn to uphold the rules they make and how to deal with people who don't follow the rules. She said she has learned a lot about this over the last 30 years.

Mr. Clark said there is an issue of affordability. He said he had investigated covenants about how the units could be resold. He said the units are to be perpetually affordable. The people will pay less tax. The taxes in Great Barrington are incredibly high so it is not easy to fit projects into an affordability model.

Mr. Rembold said there will be additional discussion of the comments to see what can be teased out and incorporated. He said neighborhood acceptance will be discussed.

Mr. Hankin said he thinks it is a mistake to preclude future expansion based on how difficult it is to buy land and to build affordable housing. He said neighbors have fear, once they see a well designed project that fosters community, the fear will go away. Expansion is precluded and that is a mistake.

Mr. Pachano thanked Ms. Valli and Mr. Clark for the work they are doing. He said at the end of the day you are providing housing for those who need it the most.

**DRIVEWAY REGULATIONS:**

Mr. Rembold said the existing regulations allow for two curb cuts per lot. He said under extraordinary circumstances more than one could be allowed by the Selectboard. He said the language to allow for more than two curb cuts requires "clear necessity" be demonstrated.

Mr. Rembold said Mr. Hankin wants to encourage people to build on their lots what zoning allows.

Mr. Rembold shared the language proposed by Mr. Hankin on the screen.

Mr. Fick asked what the mechanism is for having more driveways.

Mr. Rembold said there is no mechanism. He said no case has been made for "clear necessity" for the Selectboard to issue more than two curb cuts. He said one request was made but not allowed. He said there is no process for what is "clear necessity". The staff reviews and recommends to the Selectboard.

Ms. Nelson said there need to be clear parameters for "clear necessity".

Mr. Hankin said he can think of an example where three driveways would help create more housing. He said he has a parcel that has two curb cuts but he could provide additional housing with another curb cut. The third curb cut is necessary due to topography.

Ms. Nelson suggested for further defining of #2.

Mr. Hankin said everything we have done over the last two years is to facilitate housing.

Mr. Pachano asked how #1 of the proposed language meets "clear necessity".

Ms. Nelson said there needs to be criteria in place to lead toward "clear necessity".

Mr. Rembold said if the Board thinks this is something to consider, staff can take a look and come back with language.

Ms. Nelson said an approach would be to think about physical characteristics of a site to determine "clear necessity".

Mr. Rembold said adding an ADU or another unit but not being able to get to it without a third driveway could be an example of "clear necessity".

Mr. Fick said we are hung up on "clear necessity". He said it should be stated what that there is a clear benefit.

Ms. Nelson said if the Selectboard wants to take on the additional curb cut we would be recommending to them.

Mr. Hankin said he likes the word benefit. There should be a benefit to the Town.

Mr. Pachano asked if it matters who benefits. He said he would like to see more than two driveways allowed if you have certain things or you are trying to accomplish certain things.

Ms. Nelson said Mr. Rembold will work on the language.

#### **ZONING STRATEGIES TO INCREASE HOUSING OPPORTUNITIES:**

Mr. Rembold said he doesn't have anything new. He said he has been working on comments from the last discussion. He said maybe it can be discussed next time.

Mr. Rembold said he has been researching dormitory housing and shared living arrangements. He said he doesn't have anything ready. He said he may have Chris Brown from BRPC attend a meeting to discuss.

Ms. Nelson said she doesn't want to lose sight of the Stockbridge Road housing Mr. Pachano has worked on. She said perhaps it could be discussed at the next meeting if there isn't a lot on the agenda.

#### **TOWN PLANNER'S REPORT:**

Mr. Rembold said at the next meeting there will be a permit to modify existing wireless equipment at 425 Stockbridge Road. He said the Board has the ability to comment to the Building Inspector.

Mr. Rembold said there is a special permit application before the ZBA to modify a single family house on Christian Hill Road. The Board can review for a recommendation. He said possibly Chris Brown will attend and other items under item 5 of this agenda can be discussed.

Mr. Pachano said 5 C for residential types including dormitories and shared arrangements could be taken care of under the term congregate living. Congregate living provides sleeping facilities with shared facilities. He said the definition is from the Building Code. He said he would like to address this at some point.

Mr. Rembold he would contact Mr. Pachano for further discussion.

**BOARD & SUBCOMMITTEE UPDATES/ISSUES & CONCERNS:**

Mr. Pachano said he has concerns about Housatonic Water Works. He said it is abominable. He said it behooves us to have some say or involvement. He asked that it be considered to get updates from the Selectboard with information about what is happening. He said we need to be informed.

Ms. Nelson said a request would need to be framed in terms of our jurisdiction. She said we will talk about it.

Mr. Fick agreed that we need to be cautious. He said we need facts and evidence before us. It might be redundant for us to be involved in a bad situation.

Mr. Pachano said he is asking for updates so we know what is happening.

Ms. Nelson asked if there is information on the Town's website.

Mr. Rembold said yes.

Mr. Fick said the Housing Subcommittee meeting was pushed back to September 20 at 1:00 PM because of the State Primary.

Mr. Higa said the public hearing for the CPC's current cycle will be held on September 15 at 5:30 PM. He said there will be discussion about a sidewalk from Housatonic to Route 7.

Ms. Nelson said Mr. Rembold did a sidewalk survey.

Mr. Higa said Housatonic to Route 7 on Route 183. He said the goal is to get it high on the list.

**CITIZEN'S SPEAK TIME:**

Bill Shein requested having an opportunity to get documents for the meeting ahead of time. He asked if there could be a packet prepared.

Mr. Rembold said he will put Mr. Shein on the email list.

The Board had a brief discussion of resuming in person meetings in September. The meeting could be hybrid.

Having concluded its business, Ms. Nelson adjourned at 8:43 PM.

Respectfully submitted,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary

