

PLANNING BOARD

DATE: September 22, 2022
TIME: 6:00 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 6:00 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. Pachano, present; Mr. Hankin, present; Mr. Fick, present; Mr. Higa, present; Ms. Nelson, present

FORM A's:

There were no Form A's

MINUTES: SEPTEMBER 8, 2022

Mr. Hankin made a motion to approve the minutes of September 8, 2022 as amended, Mr. Fick seconded.

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

WIRELESS TELECOMMUNICATIONS FACILITY: 425 STOCKBRIDGE ROAD

Elizabeth Jamieson was present to discuss the application for a building permit to make upgrades to the existing wireless telecommunications facility at 425 Stockbridge Road.

Mr. Rembold said there is no change in a remarkable way. He said the Selectboard didn't have any comments. The Planning Board is allowed, by the bylaw, to comment to the Building Inspector.

Ms. Jamieson said T Mobile intends to swap 6 existing antennae and install three more. She said there won't be any increase to the tower.

Ms. Nelson said she thought there were 15 pieces of equipment to be installed.

Ms. Jamieson said there will be 6 RUs installed and 9 antennae. She said all six antennae will be changed out then 3 will be added.

Mr. Fick asked about environmental impacts.

Ms. Jamieson said there are details for the antennae. She said she could try to share the entire document on screen. She said the document might satisfy some of the questions.

Mr. Rembold asked if it is ok to share the entire document. He said it will become part of the public record.

Ms. Jamieson said it can be shared. She said it provides the antennae information.

Mr. Hankin asked if this is a 5G installation.

Ms. Jamieson said yes. She said the antennae are smaller.

Mr. Fick said the information shared gives enough information. He said he is satisfied.

Ms. Nelson said the structural analysis should be provided prior to development as the equipment looks larger.

Ms. Jamieson said it will be provided.

Ms. Nelson asked if there were any questions from the public. There were none.

Mr. Fick made a motion that the administrative requirements of the bylaw have been met. He said this is an administratively complete application. Mr. Hankin seconded.

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

ZBA SPECIAL PERMIT: 110 CHRISTIAN HILL ROAD

Dana Bixby, architect for the project, was present to discuss the project to add an 1800 square foot addition to an existing 2,000 square foot pre-existing non-conforming single unit residence at 110 Christian Hill Road. A portion of the addition will be in the front setback. Ms. Bixby said she does not think the addition will be more detrimental than what exists.

Mr. Rembold said the addition will be on the left side of the residence and it will be 40' 9" from the road. He said there is a small part of the addition which would be non-conforming. He said the ZBA will decide if the addition is more detrimental.

Mr. Hankin made a motion to send a positive recommendation to the ZBA, Mr. Fick seconded.

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

STRATEGIES TO INCREASE HOUSING OPPORTUNITIES—DISCUSSION WITH BRPC STAFF

Chris Brown from BRPC was present to talk about different strategies for increased housing opportunities.

Mr. Brown discussed tax abatement and exemption programs for housing. He said it is possible for homes with rental units to get assessed lower. He said there is a petition for a State program similar to the Community Preservation Act that towns could opt into.

Ms. Nelson said Provincetown has a program for properties.

Mr. Brown said the Landlord Tax Abatement has income qualifiers but would allow for 25% of a property not to be taxed. He said the property has to be the primary residence for the owner to qualify.

Mr. Higa asked how long Provincetown has had the program.

Mr. Brown said there is a 9 month Home Rule process. He said they also have a short term rental buy out. He said Colorado has a program that deals with local landlords and local business that provide housing for employees of the businesses. He said Winter Park has 800 residents and 2500 seasonal units; Great Barrington has 7,000 residents and 700 seasonal units.

Mr. Pachano asked if the property owner signs a lease with the Town.

Mr. Brown said the property owner signs a lease with the employer.

Mr. Pachano asked if there are rents are subsidized.

Mr. Brown said yes.

Mr. Higa asked if Winter Park is heavy on the business side.

Mr. Brown said yes. He said 800 residents couldn't support the businesses.

Mr. Higa said CPA funds were used for Construct to provide rental assistance. He said the CPA funds could be used, but likely to be a hard sell.

Ms. Nelson said the CPA funds are more in our control. She said other legislative actions are with the State.

Mr. Higa said it is a good tool for our community to have. He said there are a lot of asks for CPA funds. He said the Planning Board and Selectboard should make a recommendation to the CPC for a larger portion of the CPA funds to go to housing.

Mr. Brown said Land Value Capture deals with large public infrastructure tax increment protection. He said Stockbridge Road can be upzoned for developers. He said parcels could be looked at for what the current assessment is and what it will be after being developed. He said the tax would gradually go up 8% for a certain number of years that it is capped.

The Board decided to skip the Stockbridge Road discussion.

Mr. Brown said the State Home legislation did not pass.

Mr. Rembold said that legislation that was looked at was similar to the SMART Growth zoning.

Mr. Rembold said Mr. Brown has concluded his discussion. He said the other items we have discussed.

The Board thanked Mr. Brown for attending the meeting.

Mr. Rembold said he didn't have any additional information for the SPR and review standards discussion.

Ms. Nelson asked if there are any examples of bylaws or dormitories or shared housing.

Mr. Pachano said he knows Ms. Nelson's concerns about the downside of this type of housing. He said the housing is not uncommon.

Ms. Nelson said she know it is not uncommon. She said she does not know if it is equitable. She said one person or family in a confined space can have unintended consequences. She said it is not as equitable as permanent housing.

Mr. Higa said it could happen regardless. He said it could be good.

Ms. Nelson said there are a variety of issues. She said she has concerns based on her own research.

Mr. Higa said more types of housing makes our community more inclusive. He said zoning is for the privileged and maintains the privilege.

Ms. Nelson said she is not totally opposed but she has concerns.

Mr. Fick said the building code doesn't allow for tenements.

Mr. Pachano suggested equitable needs to be added to the conversation.

Ms. Nelson said maybe opportunities can be created for equity.

Mr. Fick said the Building Inspector has a lot to do as far as projects go. He doesn't need to go door to door to check for occupancy.

Mr. Pachano said this has been discussed before. He said we need to find a way to enforce.

Ms. Nelson said maybe we should have a joint meeting with the Selectboard for further discussion.

Ms. Nelson brought up single room occupancy housing.

Mr. Fick asked if that would be a rooming house.

Mr. Pachano suggested it would be transient housing or a lodging house.

Ms. Nelson said it implies an owner-occupied scenario with a limited number of rooms.

Mr. Pachano said lodging houses are defined in the Building Code but a tourist home is not. He said he will discuss this with Mr. Rembold.

Mr. Rembold said he and Mr. Hankin had discussed the revised driveway bylaw, 153-14 C of Town Code. He shared the screen with the revised language he and Mr. Hankin discussed. He said the term "clear necessity" was removed. He said if the Board is comfortable with the language it will go to the Selectboard with a recommendation.

Mr. Pachano asked if there will be a special permit from the Selectboard.

Mr. Hankin said no. He said the permit would be for a curb cut.

Mr. Rembold said Mr. Fick made a good suggestion about an applicant providing a beneficial reason for the driveway.

Ms. Nelson asked if there was any public comment. Selectboard member Leigh Davis asked for clarification of community benefit.

Ms. Nelson said the current language states “clear necessity” so it has been changed to benefit.

Ms. Davis asked if someone could ask for a curb cut for a short term rental.

Ms. Nelson said the language will be forwarded to the Selectboard. The Selectboard can add or change the text.

Mr. Pachano made a motion to forward the language to the Selectboard for their consideration, Mr. Higa seconded.

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

BOARD & SUBCOMMITTEE UPDATES/ISSUES & CONCERNS:

Ms. Nelson said Mr. Pachano sent a draft letter to ask the Selectboard for updates regarding Housatonic Water Works. Ms. Nelson shared the draft from Mr. Pachano dated 9/17/22. She asked how the Board feels about weighing in on an issue for which the Board has no jurisdiction.

Mr. Fick said he would like the letter if it didn’t offer solutions but rather offered to help.

Ms. Nelson asked if we need a monthly update. She said she is concerned about the work load of staff. She suggested the Board members can take it upon ourselves to look at the website.

Ms. Hankin said there is a lot happening in executive session.

Mr. Higa said he doesn’t know if is already on the website.

Mr. Fick said the residents of Housatonic would probably want monthly updates.

Ms. Nelson said she does not want to send this letter. She said it could be reworked.

Mr. Pachano said he finds out things that are not on the website. He said there is information missing. He said most of the information is about health and the color of the water. He said the situation impacts the ability to develop in Housatonic.

Mr. Pachano said if there were a plan in place now to replace all of the pipes and filtration systems it would be a 10-15 year project.

Ms. Nelson added it would be 10's of millions of dollars. She said we will discuss this further with Mr. Pachano.

Mr. Fick said the Housing Subcommittee created a spreadsheet of all of the initiatives for creating housing. He said the subcommittee will be inviting people from outside the group to discuss issues.

Mr. Higa said at the next CPC meeting there will be discussion of 343 Main Street. He said the step 1 applications are due on October 28 at 4:00 PM. He said the step 2 applications are due on December 2 at 4:00 PM.

TOWN PLANNERS REPORT:

Mr. Rembold said the three zoning bylaws presented to the Town Meeting have been approved by the Attorney General.

Mr. Rembold said agenda items for the next meeting include the Common Driveway Bylaw and 343 Main Street.

Mr. Higa asked if there could be discussion of a sidewalk from Housatonic along Route 183 to Route 7.

Ms. Nelson said that is not in our purview.

Mr. Higa said we can make a recommendation to the Selectboard. He said he wants it on the agenda.

Ms. Nelson said she will discuss it with Mr. Rembold.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded its business, Ms. Nelson adjourned the meeting at 7:37 PM.

Respectfully submitted,

Kimberly L. Shaw

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Planning Board Secretary