

PLANNING BOARD

DATE: October 27, 2022

TIME: 6:00 P.M.

PLACE: Hybrid In-Person/Zoom Virtual Meeting

FOR: Regular Meeting

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

Ms. Nelson called the meeting to order at 6:01 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.

With the exception of Mr. Higa, who participated remotely, the Board and Ms. Shaw met in person at the Town Hall.

Ms. Nelson called for roll call attendance:

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

FORM A's:

There were no Form A's

MINUTES: OCTOBER 13, 2022

Mr. Hankin made a motion to approve the minutes of October 13, 2022 as amended, Mr. Fick seconded.

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

HOUSATONIC WATER WORKS:

The Planning Board discussed a letter to the Selectboard regarding Housatonic Water Works. Mr. Pachano originally drafted the letter. He and Ms. Nelson revised the letter that was being discussed. Mr. Rembold shared the letter on screen. The Board made a few clarifying edits.

Mr. Fick made a motion to send the letter as amended to the Selectboard, Mr. Pachano seconded. Roll call vote: Mr. Higa, aye; Mr. Hankin, aye; Mr. Fick aye; Mr. Pachano, aye; Ms. Nelson, aye

BOARD & SUBCOMMITTEE UPDATES/ISSUES & CONCERNS:

Ms. Nelson said the Board has received a letter of interest from Jackie Kain for the associate member position. Ms. Nelson said she met with Ms. Kain a couple of weeks ago to discuss the role of the associate member. Ms. Kain indicated to Ms. Nelson that she would be interested in the position and would like to engage with public output.

Mr. Higa said he doesn't know Ms. Kain but thought her idea about public outreach was great. He said that is an underutilized function the Board could have.

Mr. Fick made a motion to recommend to the Selectboard that Ms. Kain be appointed as the Associate Member to the Planning Board, Mr. Hankin seconded.

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

Mr. Fick said the Housing Sub-Committee met and advanced three pages of initiatives to prioritize goals and determine who is responsible for enforcement.

Ms. Nelson said Mr. Hankin stepped down from the Housing Sub-Committee. She said the vacancy needs to be filled.

Mr. Higa said he would be interested in serving a term.

Mr. Pachano made a motion to appoint Mr. Higa to the Housing Sub-Committee, Mr. Fick seconded.

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

Mr. Hankin said there was a sticky issue with the Sub-Committee regarding a tenant's inability to rent short term a room or home. He said he thinks the Planning Board should take up the issue.

Mr. Higa said he is aware of the issue and agrees with Mr. Hankin's position.

ZONING AMENDMENTS & STRATEGIES TO INCREASE HOUSING:

Mr. Rembold said he is involved with the Sub-Committee document on the back side. He said it is his task to keep the Selectboard up to date on what the Planning Board and the Sub-Committee is doing.

Mr. Rembold said the Town has received a \$3.2 million dollar grant from Mass Works for the infrastructure for the North Plain Road project. He said there will be at least 19 units in that project.

Ms. Mooney, attending via Zoom, said she was having trouble hearing.

Ms. Nelson summarized what Mr. Rembold said.

Mr. Rembold said the Stockbridge Road Incentive zoning, would allow for multi-family use, now covered by 8.3.3, with less land required for each unit and less parking. He said with some

creativity the bylaw could be opened up for cottage court or cluster style housing. He said it would be a way to encourage tight housing.

Mr. Hankin said 2500 square feet per unit, under 8.3.3, precludes building a two-family with an ADU or three-family. He said the bylaw already has setback requirements and lot coverage requirements. He said there doesn't need to be more requirements.

Mr. Rembold said we need to look at what we are proposing for housing and what would change in the bylaw to accommodate what is being proposed.

Mr. Rembold said Mr. Pachano provided a definition for congregate living arrangements. He said it is possible that the Lodging House and Tourist Home bylaws be converted and/or cleaned up depending on what the Board wants.

Ms. Nelson said the Stockbridge Road bylaw is what we have pushed the furthest. She said she thought that would be what would be pushed forward to the Annual Town Meeting.

Mr. Rembold said there has been a lot of work and there will need to be a lot of community engagement to get the information out for people to understand. He said there will need to be a community engagement strategy.

Ms. Nelson said she thought we had looked at specific parcels along Stockbridge Road that the bylaw would apply to.

Mr. Rembold said yes. He said the parcels were looked at not because development will happen on the sites but because development could happen on those parcels. He said the parcels that were considered was the parcel where the Cove is located, the parcel on the corner of Fairview Terrace and Stockbridge Road and the parcel on the corner of Blue Hill Road and Stockbridge Road. He said there were several parcels identified between Four Brothers and McDonald's.

Mr. Pachano said there was a study of how this could play out but we haven't talked about the B2X zone.

Mr. Rembold said the zoning would be the B2X zone with incentives. He said the cost of construction in general is very high and adding to it is interest rates of 7%. He said what should be considered is what the impacts of development will look like in the long term. He said the work is as important as ever. He said it should be considered what types of big box national chains could work in this market. He said if the goal is mixed use development with density such as a two-three story building it won't be feasible with current construction costs.

Mr. Pachano said there is no residential life in the Stockbridge Road corridor. He suggested the area could be a continuation of Main Street. He said this is the area we want to target and have development happen. He said the area is perfectly set up for development.

Ms. Nelson added that it already has access to public transportation.

Mr. Pachano said the walkability of the area is a bit of a problem.

Ms. Nelson said a new sidewalk was recently installed to help with walking the area.

Mr. Higa said the area was always able to be walked. He said it was unfortunate that some trees were lost. He said there is a path from Crissey Road to CHP that makes that area walkable. He added that it was unfortunate that the State isn't required to replace trees.

Mr. Rembold said that part of the housing work is to tally how much housing has been built and what is planned to be built. He said there needs to be lower to moderate income level housing. He said redevelopment of houses is extremely expensive in old buildings.

Mr. Fick said builders will build what they can make money on.

Ms. Nelson said the State threshold for grants is 32 to 33 units.

Mr. Higa asked if a per unit cost has been calculated.

Mr. Rembold said no but that is a good idea. He said he will try to get the calculations.

Mr. Rembold shared his screen with a map of the Stockbridge Road corridor. A diagram with a build out of a structure on the entire Cove site with a 5 story building, with 20 units per floor was show on the screen. He said each unit would be 1,000 square feet. It is possible the structure could be mixed use with retail on the first floor with a lot of parking. He said this is one scenario.

Mr. Rembold said a second scenario could be a 5 story building with 20 units per floor. This scenario could have less parking and less green space. This scenario could have 10 affordable units.

Mr. Rembold said if just the lot where the Cove is located were used there could be mixed use with 75 units in two building each 5 stories.

Mr. Rembold said the parcel on the corner of Stockbridge Road and Blue Hill Road could have a three story building with 10 units per floor. The building could be located close to the street. He said this lot could have 3 affordable units included. He said each unit would be 1,000 square feet.

He said these are approximations of what could be achieved. He said with parking controls and density there isn't much more that could be done.

Mr. Pachano asked about open space.

Mr. Rembold said he didn't know if open space applies. He said that the preface of 8.3 states that it doesn't apply in certain zones.

Mr. Rembold said NAPA site is a storage site. He said it is possible to put a five story building with 60 units.

Mr. Hankin said it could be possible if the storage units were taken out. He said that would be a tough sell.

Mr. Higa asked whether alternative parking structures could be feasible.

Ms. Nelson said it is very expensive, \$40K per parking space.

Mr. Higa asked how much does it cost to build a flat parking space.

Ms. Nelson said considerably less.

Mr. Rembold said the site on the corner of Fairview Terrace and Stockbridge Road could support only 10 units. He said the parking on the site creates density constraints. He said that is a quick review of some of the areas that could achieve a great number of units.

Mr. Hankin said the last lot had some setbacks. He said he thought setbacks would go away on the street side.

Ms. Nelson said she thought we would want setbacks on the east side of the road to buffer adjacent neighborhoods.

Mr. Rembold said the existing B2X zone has zero setbacks. He suggested that the Board not get too far into the weeds with the zoning as the intent of this discussion was to identify some concerns with the proposed language.

Mr. Pachano said the only difference from the B-2 zone is the setbacks. He said there should be a decision on what gets incentivized.

Mr. Rembold said the Board could discuss what development is appropriate and what uses would be incentivized and how much the incentive would be.

Mr. Pachano said he has suggested incentives for affordable housing, child care and senior housing.

Ms. Nelson said she is generally ok with the proposed zoning. She said 5 stories concern her. She said she thinks about what the imposition will be and if the community will accept it. She said that size may create concerns. She said she has more concern for the east side of Stockbridge Road.

Mr. Fick agreed. He asked what zero setback means. He asked where a building would be located in relation to the sidewalk or utility poles. He said when he thinks about the ideal location for increased density and housing it is important to look at what it would look like.

Mr. Higa said we have to ask what would be given up for more housing. He said this area needs to be shown to the public that more housing makes sense here. He said the presentation can't be sugar coated to say there won't be a cost. He said this housing would change the neighborhoods on the east side.

Mr. Hankin pointed out that the abutting neighborhoods are provided some measure of protection from out of scale buildings by 4.2.6.2.

Ms. Nelson said we have to be careful with lighting. She said there won't be natural vegetation along that road.

Mr. Fick said he thinks the zoning would have to be fleshed out more.

Mr. Pachano said the B2X is the closest zoning in place to duplicate the downtown area. He said it might help to envision what it would look like.

Mr. Fick said downtown has a historic character that can't be duplicated.

Mr. Pachano said the area would have urban growth with the same type of activity as downtown.

Ms. Nelson asked if design standards will be developed. She said she is not in favor of the aesthetics at the Windrush project. She said she understands that aesthetics are interpretive.

Mr. Pachano said he thinks about the Board trying agree on design standards.

Mr. Rembold said he will bring incentive language back for consideration. He said the language will include setbacks, mixed use, building close to the road etc. He said he will suggest ways to have a big building with landscaping that can mask some of the impact.

Mr. Fick said there needs to be some design standards or some type of review.

Ms. Nelson said a buffer is important for many reasons.

Mr. Hankin asked how you provide a buffer with zero setbacks.

Mr. Rembold said that has to be discussed.

Ms. Nelson said the zero setback is part of the B-2-X because that pattern already existed. She said that does not exist on Stockbridge Road. She said inclusion of Route 7 landscape requirements could be an incentive.

Mr. Higa asked if only the State could plant in the right of way.

Mr. Rembold said planting would not be prohibited but there are power lines on the west side.

Ms. Nelson said small trees could be planted. She said at the next meeting we could look at aerial imagery.

Mr. Rembold said 8.3 is a general regulation for multi-family dwellings. He said it can allow for development of what we want.

Mr. Higa said affordable housing and something else. He said workforce housing could be incentivized. He suggested a broader AMI limit.

Mr. Pachano suggested cottage style multi-family housing in multiple styles. He said with the 50% open space requirement half the lot would potentially be buildable and the rest unbuildable.

Ms. Nelson said green space is important to help with multiple impacts on town wide systems. She said we shouldn't be short sighted in the present climate.

Mr. Higa said there are other ways to deal with water flow and less green space.

Mr. Pachano said permeable driveways and walkways would mitigate water drainage impacts.

Ms. Nelson agreed that helps.

Mr. Pachano said building envelopes imposed on a site cut into how the lot might be developed. Without that requirement, there could be units the size allowed by zoning. He would like to target for conversation people who would like to have congregate housing/dormitories. He said the Town could benefit from that population.

Ms. Nelson asked if 8.3.3 should be removed.

Mr. Rembold said removing open space opens up to more people.

Mr. Higa said it keeps out a certain kind of people.

Mr. Rembold suggested thinking about the idea more. He said it could be sketched up. He said eliminating 8.3.1 would be a good thing because there already exists dimensional control. He said the permeable suggestion is a good point. He suggested the quality of open space should be considered. He suggested limiting parking to 1.5 parking spaces per unit.

Mr. Pachano said less parking for affordable housing could be based on public transit. Limiting the parking would allow a developer to build more if parking is taken out. He said maybe in the future there may be robust public transit.

Mr. Pachano asked if there could be discussion of Lodging Housing. He said there is already definitions and laws in MGL140. He said we could go by State Law.

Mr. Rembold said there will be confusion and conflict to adopt the State law definition.

Mr. Pachano said the bylaw also deals with tourist homes, transient guests and boarders. He said tourist homes allow the rental of 4-10 rooms. This can include inns, guest homes or the like. He said neither lodging homes nor tourist homes as we define them require the owner to live in the house. He said the uses are combined in our Table of Use and there are inconsistencies.

Mr. Hankin asked where are we with the new building code.

Mr. Pachano said short term rentals were removed from the new edition of the building code.

Mr. Fick asked if short term rentals will require a special permit.

Mr. Rembold said if using your home to rent to not more than three people it is ok. Rentals with 4-10 rooms, inns and bed and breakfast lodging can be done.

Mr. Pachano said the definitions are confusing. He said he would like to see lodging houses. He said he doesn't see the relevance for tourist homes. He said there are regulations for short term rentals so why do we need tourist home regulations.

Mr. Rembold said there are different tiers of uses for transient guest. He said B&Bs are allowed in all zones. He said lodging is a more inclusive term.

Mr. Pachano agreed. He said anything with less than 11 rooms is a lodging house. He said there is over regulation. He said lodging houses takes care of it and simplifies it.

Ms. Nelson asked in terms of urgency, do we need to take this up? She said there are a lot of places in the code that we would have to go through .

Mr. Fick said he thinks there is urgency to clean up the definition of tourist home and add rental rooms.

Ms. Nelson said if we make that change we will need to review the bylaws in terms of short term rentals. She said we looked at this a year and a half ago.

Mr. Fick said he is looking at it differently based on what Mr. Pachano is saying.

Ms. Nelson said there is more to it. She said we need to think about it.

Mr. Fick said his suggestion at a minimum would be to add rental rooms.

Mr. Rembold said from a staff perspective this is not a gray area so there is no urgency.

Ms. Nelson asked that the topic be left on the list for future objectives.

TOWN PLANNER'S REPORT:

Mr. Rembold said there will be a public hearing at the next meeting for amending the Barrington Brook special permit. He asked if the Board wanted to schedule a site visit. He said the amendment would allow for swapping some open space for building area.

The Board decided to do individual site visits.

Mr. Rembold said the Board scheduled a special meeting for November 22. He said that meeting will be dedicated to zoning.

Mr. Rembold said the Selectboard will be vetting two applicants for the redevelopment of the Housatonic School.

Mr. Rembold said there are designs for the homes in the North Plain Road project.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded its business, Ms. Nelson adjourned without objection at 8:24 PM.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary