

PLANNING BOARD

DATE: January 12, 2023

TIME: 6:00 P.M.

PLACE: Hybrid In-Person/Zoom Virtual Meeting

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Pedro Pachano; Jonathan Hankin; Malcolm Fick;
Jeremy Higa
Associate Member Jackie Kain
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.

Ms. Nelson called for roll call attendance:

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

FORM A's:

There were no Form A's presented.

MINUTES: DECEMBER 8 2022

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

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

SPECIAL PERMIT PUBLIC HEARING: 148 MAPLE AVENUE

Mr. Rembold said the applicant requested that the hearing be continued to the next meeting.

Mr. Hankin made a motion to continue the public hearing to January 26, 2023 at 6:00 PM at the Town Hall, Mr. Fick seconded.

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

BARRINGTON BROOK SPECIAL PERMIT PUBLIC HEARING:

Mr. Hankin made a motion to reopen the public hearing for Barrington Brook, Mr. Fick seconded.

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

Jim Scalise, engineer from SK Design Group, was present to continue discussion of the modification of the Open Space Residential Development. Mr. Scalise said a dwelling unit will

be put on Lot 1 to keep the number of dwellings previously approved. He said there will be some changes in the open space within the development. He said there will be changes in small amounts of open space as it relates to the overall amount of open space. He said open space will be taken from other areas of open space in the project. He said the open space will exceed what is required. He said the total open space will be 63%. He said 50% is required.

Mr. Scalise said there is a restoration landscape plan for the area behind Lot 4. He said there is more open space behind Lot 5. He said there is some cleared space behind Lot 15. He said the goal is to have more open space behind Lot 15.

Mr. Scalise said Mr. Brown, an abutter, had concerns about cleaning up Lot 15. He said there will be boulders set along the property line of Lot 15 and Mr. Brown's property. He said if the plan is approved the boundary lines will be reset. He said the owner is committed to doing the work that was approved in 2012.

Mr. Scalise said Lot 1 will be served by a common driveway to protect the forested land. He said there won't be any other cutting of the forest. He said the building will be located where fill and material have been dumped. He said a retaining wall will be built so the storm drainage will work easily. He said this plan will satisfy the concerns of the neighbors. He said he has worked hard on the plan to minimize the impact.

Mr. Scalise said 11 trees will be planted along with a wildflower mix.

Mr. Scalise said he wanted it on the record that we are committed to landscaping around the pool. It will get done. He said the project goals will get done.

Mr. Scalise said the neighbors don't want street lights at the intersection as they feel the road is more like an access driveway to the neighborhood.

Ms. Nelson asked about the style of light and mounting height.

Mr. Scalise said light would be a colonial style head on a 12-14 foot light pole. He said the lighting would be residential style.

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

Mr. Hankin asked if there are lights at Christian Hill Road.

Mr. Scalise said there are lights at Christian Hill Road but that is a different topic.

Mr. Rembold said there is a light integrated into the stone monument.

Ms. Nelson said the fixture is there but she said she didn't know if it is energized. She said she went by this morning. She said the south entrance is illuminated but too bright. She said she didn't know if the pillars are illuminated.

The neighbors in the audience said the pillars are illuminated.

Mr. Scalise asked if the discussion could stay on the open space. He said he is not making any changes to anything else that was originally approved.

Mr. Hankin said there are 150 acres. The Open Space Residential Development was created to preserve open space as opposed to a traditional subdivision. He said the developer owes the Town to preserve the open space.

Ms. Nelson said the applicant came to us for the modification of a lot line.

Mr. Hankin said the developer can get more money for a house on a bigger lot.

Mr. Scalise said a hardship was created when one house was put on lot 12. He said due to the slope a walkout basement was forced compromising a potential building on Lot 11.

Mr. Hankin said a different style of house should have been built.

Mr. Scalise agreed.

Mr. Hankin asked how many certificates of occupancy are being held by the Town.

Mr. Scalise said ten. He said he is requesting the COs be released.

Mr. Hankin asked if there is a list of what is left to be done.

Mr. Rembold said the paving, utilities and drainage have all been installed. He said the landscaping and lighting remain to be done. He said the big items are done.

Ms. Nelson said she has a minor comment. She said there are a lot of deer in the area. She asked that deer protection be installed around the new plantings for at least the first year around Lot 1 and Lot 1A. She said this will give the plants a chance to survive.

Mr. Rembold said there is good landscaping proposed.

Ms. Nelson asked if there were any comments from the public.

Mr. Rembold said he received a letter of support from Stan Brown, dated January 10, 2023. He said other letters of support were received from Prescott Winter, Steven White and others. All are in favor of the plan.

Diane Gittleman said there has been a lot of frustration about getting the development done. She said it behooves us to get it done.

Mr. Pachano asked about the lot lines for Lots 10 & 11.

Mr. Pachano said the plans will be amended. He said the lot line between Lots 10 & 11 will go away.

Mr. Rembold said building lot plan can be submitted for recording.

There were no other comments.

Mr. Fick said he agreed with Mr. Hankin that they made the choice to build the house on Lot 12 the way they did. He said they have made a good effort to make the plan work with the same number of buildings.

Ms. Nelson said the points discussed include a revised building lot plan, landscaping to be done by the pool, deer protection around the newly planted vegetation and markers for open space adjusted with the newly filed plan.

Mr. Pachano said in the future this Board, when given this much responsibility, needs to request that any deviation should be met with some sort of fine.

Ms. Nelson said that is not within the power of this Board.

Mr. Fick said he wasn't sure there was a deviation of the plan. The numbers of approved units were not exceeded.

Mr. Scalise said he agreed that we should have come to the Board.

Mr. Hankin said everyone wants the project done. He said the project is dragging on because of the developer not because of the Board or the Town. He said you have come in with the revisions in exchange for the C of Os. He said it is the choice of the developer that the project isn't done. He said it all feels bogus.

Ms. Nelson said she hears what Mr. Hankin is saying but the developer did pave the road. She said the project looks better than it has in a long time. She said it is moving in a positive direction.

Mr. Hankin made a motion to close the public hearing, Mr. Pachano seconded.

Roll call vote: Mr. Higa aye; Mr. Fick, aye; Mr. Hankin, aye; Mr. Pachano, aye; Ms. Nelson, aye
The public hearing was closed at 6:30 PM.

Mr. Rembold suggested the Board review the findings of section 10.4. He said there are 6 findings.

Ms. Nelson read through the findings.

Mr. Fick made a motion to grant the revision to the special permit with four conditions, a revised building lot plan, landscaping to be done by the pool, deer protection around the newly planted vegetation and markers for open space adjusted with the newly filed plan, Mr. Pachano seconded.

Roll call vote: Mr. Higa aye; Mr. Fick, aye; Mr. Hankin, nay; Mr. Pachano, aye; Ms. Nelson, aye
The motion passed 4-1.

Mr. Scalise said he brought a partial release of the C of Os to the meeting of November 10. He said there are ten existing. He asked that five be released. There are four houses built and one marketing unit to be built. He said he has witnessed over a million dollars of work done. He said that is a significant amount. He asked the Board to consider releasing five lots.

Ms. Nelson said the value of the five remaining lots exceeds the work for lighting and landscaping.

The item was not listed on the agenda for discussion or vote. The Board will take up this item at the next meeting.

ZONING AMENDMENTS FOR MAY 2023 ANNUAL TOWN MEETING:

Mr. Rembold said he would put together a letter for the next meeting to transmit the proposals to the Selectboard. He said he isn't sure if the Board wants to proceed with 5B, Stockbridge Road zoning. He said he hasn't worked enough on 5C, multi-family dwelling.

Ms. Nelson said she thought 1-5 were ok. She said they can be transmitted to the Selectboard.

Mr. Rembold said the Selectboard will refer the zoning back to the Board for a public hearing.

Mr. Hankin asked what happened with the driveway bylaw to allow more than two curb cuts on one property.

Mr. Rembold said that bylaw is part of general code. He said he didn't think it was sent to the Selectboard.

Mr. Hankin said it is part of general code. He said it can be submitted at any time.

Mr. Rembold said the Board could vote to transmit it to the Selectboard or it could be submitted as a citizen's petition.

Mr. Hankin said he would like to refer the language the Board discussed.

Mr. Rembold said ok.

Ms. Nelson said the Board will look at the information about the performance standards submitted by Mr. Pachano that would apply to the B2X zoning.

Mr. Fick said he would like to look at the language one more time.

Ms. Nelson said we will look at it but we need to send it the Selectboard.

Mr. Hankin suggested a community meeting in addition to a public hearing.

Ms. Nelson said she thought we would just go through the public hearing. She said she would work with Ms. Kain to put a letter together to send to the community. She said items 1-5A (1-4) can be transmitted. There are small administrative changes to be made. She said the performance standards can be further reviewed.

Mr. Fick said Mr. Pachano proposed 8 for the performance standards. He said they seem straight forward.

Ms. Nelson said we can revisit the Stockbridge Road zoning and the multi-unit dwellings. She said we can prepare a letter for the community. Ms. Nelson said she has stated her concerns about the multi-unit dwelling language.

Mr. Pachano said he has the definition for multi-unit dwellings from the Building Code. He said it is alternative living arrangements to single family or condo housing.

TOWN PLANNER'S REPORT:

Ms. Nelson asked what will be on the next agenda.

Mr. Rembold said the continued public hearing for 148 Maple Avenue would be on the agenda along with the release of the certificates of occupancy for Barrington Brook, an extension of SPR for 82 Railroad Street and a recommendation to the Selectboard on a special permit application for the airport.

Mr. Rembold said February 23 would be the last date to transmit zoning to the Selectboard. He said the Board could use two meeting to transmit the proposals.

Ms. Nelson said she would like to try to transmit the zoning at the next meeting.

Mr. Pachano suggested two public hearings one for the Stockbridge Road zoning and one for everything else.

Ms. Nelson asked if a community meeting should be scheduled.

Mr. Rembold said he didn't think a meeting needed to be scheduled right now.

BOARD & SUBCOMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Pachano said he wonders how AMI will work in our community. He said this pertains to the Stockbridge Road proposed zoning. He said incomes haven't gone up but the cost of housing has increased. He said AMI could be considered at 140-160%. He said incentives could be considered for market rate units. He said if AMI is set at 60-80% a huge part of the community will be left out because of second homeowners.

Ms. Kain asked where, for example, first responders would fall for AMI.

Mr. Pachano said 140% AMI.

Mr. Hankin said a citizens' petition to amend STR to allow renters to short term rent their homes was sent to the Selectboard.

Mr. Higa said the CPC voted to send recommendations to the Annual Town Meeting.

CITIZEN'S SPEAK TIME:

No citizens spoke.

Having concluded its business, Ms. Nelson adjourned at 7:05 PM.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary