

## PLANNING BOARD

DATE: August 10, 2023

TIME: 6:00 P.M.

PLACE: Large Meeting Room/Via Zoom

FOR: Regular Meeting

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

Malcolm Fick, Via Zoom

Jackie Kain, Associate Member

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. She said the meeting was being recorded. Ms. Nelson also read Section 241-1 of the Town Code.

Roll call attendance: Mr. Fick, present; Mr. Pachano, present; Ms. Nelson, present; Mr. Hankin, present; Ms. Kain, present. Mr. Higa had not yet arrived.

### **FORM A PLANS: 140-146 WEST AVENUE**

Michael Parsons was present with a Form A application on behalf of Rees and Pamela Shad for two parcels of land located on the west side of West Avenue. Lot 1 contains 0.696 acres of land. Lot 2 contains 5.944 acres of land. There is a house on Lot 1.

Mr. Hankin said the lot complies with both R-1-A and R-2 zones.

The rear part of lot 2 is in the R-2 zone.

Mr. Higa arrived at 6:05 P.M.

Mr. Hankin made a motion to endorse the plan, Mr. Pachano seconded.

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

### **MINUTES: JULY 27, 2023**

Mr. Hankin made a motion to approve the minutes of July 27, 2023 as amended, Mr. Pachano seconded.

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

**INDUSTRIAL ZONE:**

Ms. Nelson said the Industrial Zone does not allow for single family residential use. She asked the Board if the I-Zone is some that should be allowed to continue in some way.

Mr. Pachano said the I-Zone allows for mixed use and multi-family use but no single family use.

Ms. Nelson said there are inconsistencies with the zone.

Mrs. Mooney was present via Zoom. She said it is difficult to understand what is being said.

Ms. Nelson said she would start over. She said the discussion is about the relevance of the I-Zone. She asked if the I-Zone serves a function. She said there are inconsistencies with not allowing single residences but allowing for multi-residences. She asked the Board if this is an issue that the Board wants to take up for the next Annual Town Meeting.

Mrs. Mooney said a long time ago the areas in the I-Zone were areas where there couldn't be any development. She said the areas were not areas where anyone would want to develop so they were safe.

Ms. Nelson said the intent was to prevent industry.

Mrs. Mooney said yes. The intent was for the land to remain undeveloped.

Mr. Pachano said we have seen incompatibilities of uses that can go in the I-Zone with abutting zones. He said he thinks the issue is worthy of a conversation. He said we saw the incompatibility last week with the marijuana manufacturing application for 920 Main Street.

Ms. Nelson said they I-Zones are relatively undevelopable areas. She said she didn't wasn't to exclude options. She asked if the Board wants to close that door.

Mr. Hankin said the history of uses in those zones include Rising Paper Company and Housatonic Mills.

Mr. Rembold said those areas were already developed with railroad and river access. He said in the 1940's the areas were all residential. In the 1950's and 1960's, when the I-Zone came in Housatonic the areas that were zoned industrial included the Housatonic Mills, Rising Paper, the Nolan property, the Amerigas property and the Formel property. He said in Great Barrington there is an industrial zone on Crissey Road, Kimball Oil, JB Hull's and the Magadini property on the back side of Main Street. He said the I-Zones were located where they were because of existing uses. Off of Bridge Street the Log Homes property was part of the I-Zone as well as the

Dolby Florist that was located across the street at the end of Humphrey Street. There is also an industrial area on River Street. He said in the 2000's the areas on Bridge Street were rezoned to B-3. Both, the Log Homes property and the former Searles School were in the B-3 zone. He added that the industrial zone runs along the railroad tracks downtown. He said residential uses were allowed in the industrial zone with 1 acre of land. He said the intent was to keep residential out.

Mrs. Mooney said she remembered the intent to restrict residential uses in the industrial zone.

Mr. Rembold said the Board remapped some of the I-Zone as there was recognition that industry was not what it was in the 1960's. He said business and residential uses could be combined in some ways in areas such as the Housatonic Mills.

Ms. Nelson said modifying the zone with more consistency for residential use types could be considered. She said it doesn't make sense not to allow single residences but allow for multi-residential uses.

Mr. Rembold said multi-unit use is more flexible and encourages housing. He said it is inconsistent but there was a rationale.

Ms. Nelson asked if the issue should be taken up as a zoning amendment.

Mr. Fick said it could be beneficial to have a reserved area for businesses. He said it is inconsistent to require a special permit for single family and not for multi-family. He suggested reviewing to see if we still want it.

Mr. Rembold said it felt beneficial to allow for multi-units in the Housatonic Mills. He said the special permit process allowed the Town to get benefits. He said the Smart Growth zoning in Housatonic allowed the units by-right if there was an affordable component.

Ms. Nelson suggested spending some time on the uses

Mr. Higa agreed that the Board should look at the uses. He said we don't need to get very deep.

Ms. Nelson said we can go through the table of uses.

Mr. Pachano said he is not a believer in the I-Zone. He said he can see the need for some manufacturing but from a homeowner's point of view, he wouldn't want to live next to manufacturing. He said manufacturing is not coming back like it was in the 1970's.

Mr. Hankin said the issue is worth looking at by reviewing the table of uses. He said he doesn't want to get rid of the zone in case someone wants to bring jobs to the community.

Ms. Kain agreed with Mr. Hankin's comments.

Mr. Rembold said there had been discussion of manufacturing coming back during the Master Plan review.

Ms. Nelson asked if there are notes from those meetings.

Mr. Rembold said he is not sure about notes but it is part of the Master Plan.

Mr. Pachano said the idea of the I-Zone would preclude development in precious resource areas. If the areas are for manufacturing uses that would create jobs it doesn't make sense.

Michele Loubert from 70 Division Street said she is glad the Board brought up the discussion. She said she was one of the lead people to address the last manufacturing use for marijuana on VanDeusenville Road. She said her uncle was against Nolan who was running a gravel bed on the property. She said she remembered the industrial land on VanDeusenville Road when it was beautiful farmland. She asked what could go in there. She said housing was brought up several times. She said it is not what is done but how it is done. She said residents are not protected. She said the reasoning that nothing else could be done on that property is the reason a gravel bed went in. She suggested that the Board read the history of that property. She said if they read the history they will ask how did we let this happen. She said she doesn't feel that the residents are protected by the special permit process. She said she doesn't want to see VanDeusenville Road get worse. She said the I-Zone was plopped in the middle of the residential zone.

Mr. Pachano pointed out that the State can put a dump in any I-Zone a town designates. He said that is a concern.

Ms. Nelson said the Board will look at the I-Zone at a future meeting.

#### **COMMUNITY PRESERVATION PLAN:**

Mr. Higa said that every year the CPC puts out an updated plan. He said anything this Board might want to see happen with CPA funds would be good to have for the CPC. He explained the breakdown of 10% for each of the three categories plus a 5% administration fee. He said the CPC has not been interested in affordable housing.

Mr. Higa said he tries to throw a lot of money toward housing. They feel that they don't want to limit any applications.

Mr. Rembold said this is the time of year the CPC asks what is out there.

Mr. Fick said when the proposal comes in that is the time to determine how much will be reserved. The reserve should be determined after the proposal comes in not before.

Mr. Higa said in theory that is a good idea. He said it is hard for individuals not to fund a proposal because we don't see it as a great need. He said once the applications come before the CPC it is hard to say no. He said the plan is only for one year. Every year the plan is reviewed. He said that if the Board feels there is a real need this is the time when it should be done.

Mr. Fick said if there is a real need wouldn't someone come in to ask for money.

Mr. Higa said applicants can be more optimistic when reserved. The CPC doesn't always fund when asked such as with the Great Barrington Affordable Housing Trust.

Ms. Nelson said we can make a recommendation but it would have to be voted on.

Mr. Rembold said the members could go to the public hearing as individuals and speak as individuals.

Mr. Higa said if the Selectboard has something they really want they could suggest it and push for it.

Ms. Kain said she thinks it is hard to weigh in without seeing a proposal.

Ms. Nelson agreed. She said we have leaned toward housing, not that other categories aren't important. She said we have just prioritized housing. She asked if anyone wanted to make a motion. She said we can theoretically discuss this for hours.

Ms. Kain said she has served on many committees. She said she doesn't like interference with committees. Ultimately we would want the committee to make the determination. She said they have complicated choices.

Ms. Nelson said we can recommend that housing be prioritized.

Mr. Pachano said what kind of project can the Town owned parks apply for, all projects.

Mr. Rembold said yes.

Mr. Fick said if there is no motion we can go to the public hearing on our own.

The Board agreed with Mr. Fick.

Mr. Fick had to leave the meeting. He left at 6:56 PM.

**TOWN PLANNER'S REPORT:**

Mr. Rembold said the Attorney General approved all of the Planning Board's zoning items. He said only the citizen's petition was still being reviewed. He said the driveway amendment was also approved as was the amendment to the STR bylaw.

Mr. Hankin asked when the driveway and STR amendment will go into Town Code. It is not currently available on the Town's website.

Mr. Rembolds said it is in effect now. He said it takes time for it to go into ecode. He said the bylaw has to be posted. There could still be an objection.

Mr. Rembold said the Historic District Commission is required to send applications to the Planning Board for review purposes only. They have sent a couple of applications.

Mr. Rembold said there is a conflict with the Planning Board meeting scheduled for September 14. He said the CPC also meets that day. He suggested rescheduling or taking the meeting off the calendar.

Ms. Nelson said she looked at the firehouse application sent by the HDC. She said she didn't understand the process.

Mr. Rembold said projects that alter historic buildings in the district must get a certificate of appropriateness.

Ms. Nelson asked if the certificate has been issued. She said she is concerned about the up-lighting. She said she is very excited about the project except for the up-lighting. She said she would like to send a recommendation for another form of lighting.

Mr. Hankin said he thinks that is a good idea for Ms. Nelson to do.

Mr. Rembold said the Board can't act on that recommendation because it isn't on the agenda.

Mr. Hankin asked if the Board could still meet on September 14 even though Mr. Rembold and Mr. Higa won't be present.

Mr. Rembold said yes.

Ms. Nelson said we will defer to the August 24 meeting.

**GENERAL HOUSING OPPORTUNITIES DISCUSSION:**

Ms. Nelson asked if there are ideas for the amendment discussions.

Mr. Pachano said he would like to discuss congregate living. He said Construct and the CDC use this type of transitional housing. We need to have a discussion. He said public housing is part of the NYC history.

Ms. Nelson asked if anyone from one of the organizations could attend a meeting to educate us.

Mr. Pachano said he would get someone here.

Ms. Nelson asked for someone to attend the second meeting in September.

Mr. Pachano said he would arrange it.

Mr. Higa asked if there could be a conversation with a developer or developers.

Ms. Nelson asked if Mr. Higa had anyone in mind.

Mr. Higa said Sam Nickerson who was developing in Town but is now developing in Lee. He said he would like to have a discussion about micro-homes. He said the community has trouble holding onto youth. There needs to be more housing and jobs.

Ms. Nelson said she is open to it if people want to talk to us. She said we are open to hearing people's opinions.

Mr. Pachano said he thinks that would be a good idea for the Housing Sub-Committee to consider.

Ms. Nelson said it would be a good idea to have a developer start with the Housing Sub-Committee then we could have a discussion if we need to discuss zoning.

Ms. Kain said tiny houses and bungalow housing around a common space could be considered. She said private, small cottage zoning would be user friendly and an affordable approach to housing.

Ms. Nelson said the PURD bylaw addressed that type of housing. She said Forrest Row was a PURD built many years ago but it has not been replicated since. She said the right infill parcel would need to be found to build a PURD.

Mr. Hankin said the right parcel was found in Housatonic. He said the Selectboard should not be the SPGA for these housing projects.

Ms. Nelson said the PURD could be used more effectively.

Mr. Pachano said each of us could do an assignment to find a piece of land and show how it could be developed. It would be a pre-approved project.

Mrs. Mooney said it was hard to hear again.

#### **BOARD & SUB-COMMITTEE ISSUES & CONCERNS:**

Mr. Hankin asked why the transfer tax is a good thing.

Mr. Higa said after Mr. Hankin sent the article around he started to rethink his position. He said he understands Ms. Loubert's concerns about it. He said it is now in the hands of the Selectboard.

Mr. Hankin said the Planning Board needed to weigh in on the proposal.

Ms. Nelson said she has not looked at it so she is not comfortable weighing in.

Ms. Kain said there should be more research.

Mr. Higa said he didn't think it was done.

Ms. Nelson said if there is going to be big discussion it needs to be on the agenda.

Mr. Higa said the Selectboard hasn't decided anything. He said there is a process. The proposal would have to go to an ATM then to the State. He said the Board should look at it.

Mr. Pachano said he would like to get the latest plan for an application at least three days before a meeting.

Mr. Higa said the senior tax abatement is more interesting. The Selectboard will be taking it up.



Ms. Nelson said she, with Ms. Kain and Mr. Rembold will create a strategy for a Master Plan discussion. She said the goal is find a way to broadly encourage the community in big issues. She said Ms. Kain will work on an outline.

Mr. Higa said there are things that are of interest to us but not what the Town will want.

Ms. Nelson asked for suggestions about how to get people engaged.

Ms. Loubert said if you want the people in Housatonic to be engaged you will need to be there to engage with them.

Mr. Pachano said we should look at the effect of housing on open space, parks and traffic circulation. He said the zoning bylaws are awesome. They can always be tweaked.

Mr. Rembold said zoning is a small way to meet goals. He said there are a lot of topics in the Master Plan that involve the Planning Board. He encouraged the Board to think broadly.

Ms. Nelson said Mr. Rembold provided a reference document showing what has been completed and the importance of items. She agreed with Mr. Rembold about thinking broadly.

Mr. Higa said he is super interested in sidewalks.

Ms. Nelson encouraged Mr. Higa to look at Complete Streets.

Neither Mr. Hankin nor Ms. Kain had anything to discuss.

Ms. Nelson said if anyone goes to Lake Mansfield it is worth noting that there is an eagle present early in the morning.

#### **CITIZEN'S SPEAK TIME:**

Ms. Loubert said people aren't engaged. She said there are people in the community who don't have clean water. She said there is a burned out garage down the road from where she lives. She said there was not enough water pressure to put the fire out. She said it isn't that people don't care about housing but some things feel threatening. She said we need to take care of what we have. She said she feels that Great Barrington is already reaching into my pocket and now there is a proposal for a real estate transfer tax.

Ms. Loubert said that the Planning Board image is that the Board is not approachable. She said community outreach is important for this Board. She asked the Board to take a step back to look at the difference between Housatonic community and the Great Barrington community.

Ms. Loubert said she still has questions about Cook's Garage, Reid's Cleaners and the building next to BCC.

Ms. Loubert said she is a senior citizen now. She said the hits are not as easy to take.

Having concluded its business, Ms. Nelson adjourned without objection at 7:43 PM.

Respectfully submitted,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary