

## PLANNING BOARD

DATE: September 28, 2023

TIME: 6:00 P.M.

PLACE: Zoom Meeting

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Pedro Pachano; Jonathan Hankin; Malcolm Fick  
Jeremy Higa via Zoon

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

### **FORM A PLANS: 688 MAIN STREET**

Michael Parsons from Kelly, Granger, Parsons and Associates was present with a Form A application on behalf of Delmore Kinney and Georgette Asher-Kinney for two parcels of land located at 688 Main Street. The applicants have a contract to purchase the entire area. They intend to convey parcel 2 to the abutter to the south and combine Lot 1 with the parcel to the north.

Lot 1 contains 0.343 acres of land. Parcel 2 contains 0.207 acres of land and is not to be considered a separate building lot.

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

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

### **MINUTES: SEPTEMBER 14, 2023**

Mr. Hankin made a motion to approve the minutes of September 14, 2023 as amended, Mr. Fick seconded.

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

### **MASTER PLAN REVIEW:**

Ms. Nelson said the Board looked at the actionable items list at the last meeting. She said we looked at what tasks had been assigned to what boards or committees then each Board member

was assigned a board or committee whose meeting will be attended to discuss the tasks assigned and what progress has been made.

Mr. Fick said to Mr. Rembold that he should be proud to have created the document with all of the information and that it is still relevant.

Mr. Rembold thanked Mr. Fick for his comment. He said there were many people involved at the time who assisted.

Ms. Nelson said the Board agreed that the tasks assigned to Staff would be under Mr. Rembold's purview. She asked Mr. Rembold for feedback about how to reach out to staff to take on work of committees that are no longer in existence like the Sustainability Committee.

Mr. Rembold said he will discuss with staff and check into the tasks. He said some old items might be relevant and other might not be relevant any more.

Ms. Nelson asked what the best approach would be to contact chairs.

Mr. Rembold suggested drafting a letter that can be sent via email with regular mails as a back up. He suggested making the board or committee aware of the Master Plan review and that the Planning Board is interested in where they are in their process with assigned tasks.

Mr. Fick said he would send a copy of the letter he prepared for the Historic District Committee.

Ms. Nelson said that would be great then we can have a uniform letter for all. She asked when the Board would get to the assigned meeting and report back. She asked about the first meeting in November.

Ms. Kain asked if the Planning Board will have time to review the tasks in its purview. She said she looked over the list and there is a lot of work.

Ms. Nelson said if the next meeting isn't too busy the Board can review its tasks at that meeting, October 12.

Mr. Pachano said the Tree Committee is a new committee since the Master Plan was done. He said he planned to attend the meeting anyway.

Ms. Nelson said the goal will be to have a report for the December 14 meeting. She said it appears that there are 10 new committees since the Master Plan was last completed. She said we should be dealing with boards and committees that deal with policy implementation first.

Mr. Fick said the new committees can be addressed during the next phase of the process.

Ms. Nelson said the Tree Committee doesn't implement policy.

In an effort to establish when the Master Plan was completed Mr. Rembold asked Ms. Loubert to look at the plaque located near where she was sitting. She said the date was 2012.

Ms. Nelson said the new committees can be addressed in January and February. Then there will be public outreach after that.

Ms. Kain asked if we can discuss climate change when we attend the assigned meetings.

Ms. Nelson said yes.

Mr. Rembold asked if the Board expected to meet with the Selectboard.

Ms. Nelson said she planned to have another joint meeting with the Selectboard.

#### **INDUSTRIAL ZONES:**

Ms. Nelson said she had this on the agenda from the last meeting so the Board could discuss it with Mr. Rembold. She said the Board does not want to create non-conformities by eliminating the zones however there are inconsistencies that should be addressed. She said we do want an I zone in place but the uses might need to be adjusted. Maybe it is time to rethink the I zone. She said we are questioning if the I zone is relevant.

Mr. Rembold said there are two types of I zones. He said the I zone doesn't allow for residential use. The I-2 zone allows residential uses by special permit.

Mr. Hankin said a 2-family use is allowed.

Mr. Fick said a single-family use is not allowed.

Mr. Rembold agreed that it doesn't make sense. He said the I-2 zone is part of an area that would allow an industrial use with housing. It allows a mixed use.

Mr. Pachano said it doesn't have to be an industrial use.

Mr. Rembold agreed.

Ms. Nelson said the Board looked at the I zone area by area. She said some area the zone is irrelevant such as the area on North Plain Road that is now in an APR. She said some I zone areas are resource areas, should those areas be changed to R-4.

Mr. Rembold said there I zone areas that are limited because they are not able to be developed. He said the North Plain Road area has no frontage because of the railroad tracks. He said that site is limited as well by the SPR. He said the zone in that area is irrelevant.

Mr. Pachano said if that land were needed for a toxic dump the State could make it happen because it is an I zone.

Mr. Rembold said if a toxic dump was driven by the State or the Federal government it could go in regardless of the zone.

Mr. Hankin asked about the APR.

Mr. Rembold said the APR is permanent. The building rights have been sold to the State.

Mr. Pachano said he still thinks a toxic dump could go in just like it has gone in in Lee.

Mr. Rembold said ok.

Mr. Pachano said part of his concern is that all of the I zones are surrounded by residential zones. He said it doesn't make any sense that there isn't a transition zone between the I zones and residential zones.

Ms. Nelson said she is not a fan of getting rid of the I zone. She said the I zone could be available for different types of economic development. She said we have to look at each application case by case to consider potential impacts. She said we can't anticipate all impacts right now.

Mr. Pachano said there are four uses allowed. He said the light industrial uses are the most concerning.

Mr. Fick asked about existing businesses in the I zone.

Mr. Pachano said those uses would be grandfathered.

Mr. Hankin said grandfathering creates bigger problems. He said we need jobs.

Mr. Pachano said jobs can be created in other areas. He said housing should be allowed. He said he would be open to further discussion.

Ms. Nelson said there is a historic development pattern with mills and houses.

Mr. Rembold said there are provisions in place to allow multi-family housing. He said overlay districts could make sense and allowances can exist.

Mr. Pachano said it could create inconsistencies.

Mr. Nelson said she has a strong feeling for making amendments to the I zone.

Mr. Higa said we should address that there aren't any transition zones. He said we have had two marijuana projects proposed near residential zones. There should be consideration of a transition zone.

Ms. Nelson said we can look at the existing fabric but she said she didn't think it is practical. She said we have the special permit process to help manage applications.

Mr. Hankin said if a three-family unit is allowed by-right then it should be allowed by-right.

Mr. Fick said 2 & 3 multi-family units are allowed by-right in the I and I-2 zones.

Ms. Nelson asked that the I zone discussion be left on the agenda.

Mr. Pachano asked why a single family isn't allowed by-right.

Mr. Fick said it is inconsistent.

Mr. Rembold said he thought there was discussion of density and multi-family housing was preferable to single family housing which would be a waste of land use. He said he thought that was the thinking. He said in the past single family uses required an acre of land.

Ms. Nelson said we will revisit the Table of Uses to narrow the discussion.

Mr. Fick said yes. He said why have a big I zone where there is no possibility for industrial uses. He said the zoning map should be changed.

Ms. Nelson said Mr. Pachano previously provided a draft for congregate housing.

Mr. Pachano said he didn't put a draft together but he can. He said he sent an article around with information about the problem with this type of housing. He said we can have a non-profit develop this type of housing.

Mr. Hankin said it doesn't have to be a non-profit. He said there could be a deed restriction.

Ms. Nelson asked Mr. Rembold if he was aware of concerns about the quality of living in congregate housing. She said she didn't find positive information. She suggested the Board discuss the topic in a way that the housing wouldn't be sub-standard.

Mr. Pachano said rules could be put in the bylaw that address the fears and that control of a congregate living development be by a non-profit.

Mr. Fick said the Thornwood Inn is going to be used as congregate housing.

Mr. Pachano said yes. They will require renewal of the each month of the rented units. He said it would be better to have a bylaw that allows the use.

Ms. Nelson said it is a concern to require people to renew every month as it created insecurities. She asked if we are addressing a problem that doesn't exist.

Mr. Higa asked how easy would it be to develop congregate living from scratch. He asked whether the permitting process would be easy or difficult. He asked about allowing it in the mills.

Mr. Pachano said there is no process.

Mr. Higa there are kinds of things this could fit. He said we need to figure out how to allow congregate housing as there is more interest.

Eileen Mooney asked why a lodging house considered congregate living.

Ms. Nelson said we are trying to align what we have with the building code.

Mr. Pachano said a lodging house is different as it allows 5 or fewer people to live there.

Mr. Hankin said a tourist home is for transient people.

Ms. Nelson said there are three definitions that we are trying to reconcile with the Massachusetts Building Code. She said we are trying to figure it out.

Ms. Kain said lodging sounds friendlier than the other types of housing.

Ms. Nelson said there are inconsistencies and lack of compatibility with the building code.

Ms. Kain asked if there is an idea of what scale is needed here.

Ms. Nelson said she didn't know.

Mr. Pachano said the Thornewood Inn has 11 units with 3 more to be added. He said they are already full.

Mr. Higa suggested bringing developers in to say what they are looking for. He said he would like to hear the developers' side. He said the Housing Sub-Committee won't get this on its agenda until mid-December. He suggested the Planning Board invite developers in. He said their side is a hole in what we need to know.

Ms. Nelson asked Mr. Pachano to share the language to discuss at the next meeting so we can determine if we will take something to the Annual Town Meeting.

Mr. Pachano said the Board could add a definition for a lodging house.

Mr. Hankin said we need to look at all of the definitions and add to a category. He said he would work with Mr. Pachano.

Mr. Pachano asked that cottage housing be taken off the next agenda.

Mr. Hankin said cottage housing is how a PURD should be developed.

Ms. Nelsons said it will be taken out.

#### **BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:**

Mr. Higa said the CPC recommended 3 of 4 applications to the special town meeting. He said the Marble Block application didn't make this cut.

Mr. Higa said the Housing Sub-Committee is planning to have members of the Housing Trust Committee to speak. He said private developers will speak to the Sub-Committee after members of the Trust speak. He said the Sub-Committee will meet October 25, November 8 and December 13. The meetings will be on Wednesdays at 5:30.

Mr. Hankin said he tried to attend Conservation Commission meeting via Zoom but although it was listed for Zoom participation it wasn't available. He wondered if that was legal.

Eileen Mooney said she asked the Division of Open Government who responded that is all of the members were present in the room the meeting is legal.

Ms. Kain said she and Steve Dietemann met with Mr. Rembold to discuss DAC. She said DAC is trying to rethink and refocus on its purpose.

Mr. Fick said BRPC is having its annual dinner next week. He said he hoped members of the Board will attend.

Ms. Nelson said the Lake Mansfield Improvement Task Force received a grant after hard work by Mr. Rembold. She congratulated on getting the grant for the LMITF. She said there will be a community meeting on October 5 at 6:30 via Zoom.

Ms. Nelson acknowledged the Town for making progress on sidewalks on West Avenue to Maple Avenue. She said work has started on the former nursing home on Maple Avenue.

Mr. Rembold said there will be a special town meeting on Monday October 23.

**CITIZEN'S SPEAK TIME:**

No one spoke.

Having concluded its business, Ms. Nelson adjourned without objection at 7:31 P.M.

Respectfully submitted,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary