

PLANNING BOARD

DATE: October 26, 2023

TIME: 6:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Pedro Pachano; Jonathan Hankin; Malcolm Fick
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. Pachano, present; Mr. Hankin, present; Mr. Fick, present; Ms. Nelson, present

FORM A PLANS: 20 PEARL STREET

Patrick McColgan from Taconic Land Consultants was present with a Form A application on behalf of Keith and Christine Pelletier for two parcels of land located just east of the intersection of George Street and Pearl Street. Lot 1 contains 19,977 square feet of land. Lot 2 contains 21,309 square feet of land. There is a house on Lot 1.

Mr. Hankin said the plan makes the house non-conforming.

Mr. McColgan said there is an extension on the house which will be removed.

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

MINUTES: OCTOBER 12, 2023

Mr. Hankin made a motion to approve the minutes of October 12, 2023 as amended, Mr. Pachano seconded, all in favor.

MASTER PLAN REVIEW:

Mr. Hankin said he hasn't heard back from the Council on Aging about being on their agenda.

Ms. Nelson said she is waiting to hear back from Parks & Recreation.

Mr. Pachano said he attended the Tree Committee meeting. He said the Committee will get back to him to schedule another time to attend. He said he is on the Conservation Commission agenda in November.

Mr. Fick said he met with the Historic District Commission. He said the HDC did not know they had any responsibilities in regards to the Master Plan. The HDC has discussed the Demolition Delay bylaw. He said it is not an action item. He recommended adding the bylaw as an action item.

Mr. Fick said he will be attending the Historical Commission meeting on November 6.

Ms. Nelson said we are on track for December. She said Ms. Kain is helping to put communications together. She said we will put together a conversation with new boards and committees after we meet with the other boards to discuss their responsibilities.

Mr. Fick asked if there will be a decision about whether or not we will modify the current Master Plan.

Ms. Nelson said right now we are in the review process. She said after we go through the process we will determine if we need to update.

Mr. Rembold said there is no prescribed process for updating the Master Plan or updating the data. He said there will be a good baseline after the updates are done. He said the updates can take whatever form the Board wants. Specific chapters can be updated or the Board might want to do the entire Master Plan.

Mr. Pachano asked if the 2013 Master Plan was updated or new.

Mr. Rembold said the 2013 Master Plan was a new document. He said there were many people involved. He said the 2013 Master Plan was developed to be a 10-15 year plan. He said if the Board looks at the policies in a technical way the update can go quickly but if the Board determines it is time to revisit the vision it will be a heavier lift and take a lot more time.

Mr. Fick said he hopes we don't have to start from scratch because it is a good document.

Mr. Rembold said 10 years ago we took stock to see how to proceed. He said the Board can take one step to update the Master Plan. He said if more needs to be done we can look into funding to work on a more extensive update next year.

Ms. Nelson said she is hoping to get through this plan by the first quarter of next year so we can update the Select Board. She said then we will move into the next process. We will leave the item as a standing topic on the agenda.

HOUSING OPPORTUNITIES:

Ms. Nelson said she would also like to keep this on the agenda as a standing item.

Ms. Nelson said she would like to have Mr. Pachano go over what he prepared for defining congregate living.

Mr. Rembold shared Mr. Pachano's document, *Congregate Living Definitions and Regulations October 2023* and the suggested edits prepared by Mr. Hankin.

Mr. Pachano said he researched congregate living and found 6 good bylaws and language. He said he combined the language. He said Great Barrington historically had many boarding houses. People would share the kitchen or bath or both. He said boarders would have their own bedroom. He said this type of housing can happen in a single family home. He said this housing is for people who need it. He said the Windflower and Thornewood Inns are converting to this type of housing. We don't currently have a way to allow the use without a special permit process. He said we are trying to find a way to legalize the use.

Ms. Nelson said we need to see if we want to make them legal and how to do it in our zoning.

Mr. Rembold said the language defines what congregate living is. We need to determine where to allow the use and how to allow it, either by-right or by special permit, parking requirements and Site Plan Review.

Ms. Nelson said any topical issues that might be non-starters should be carefully considered.

Mr. Fick said we can discuss how to fit in the Table of Use but he said he would only support with a special permit because the use could be abused. He said he is in favor of the use. He said we do have this type of living but it is restricted to seniors and individuals with disabilities.

Mr. Pachano said the state provides funding for those types of congregate facilities. He suggested a different name for what the Board puts in place.

Mrs. Mooney suggested changing the word "smaller" to compact.

Mr. Rembold suggested taking the word out altogether.

Ms. Nelson said this is a style of housing. She said the definition is specific about what a unit consists of. She said she has concerns about the sharing of a bathroom.

Mr. Rembold said Mr. Hankin's edits addressed some of my questions. He said Mr. Hankin's edits relaxes the specificity.

Ms. Nelson asked if the definitions would function at a building permit level. She asked how compliance would work.

Mr. Hankin said the projects before us are existing Bed & Breakfast uses. He said we don't want to put restraints on that use as it would make a currently functioning building non-conforming.

Mr. Pachano said he included the specificity because there were questions about abuse. He said this housing has had a bad history. He said the specificity was put in to limit or eliminate further review.

Mr. Fick said there are unscrupulous people. He said he didn't feel that zoning got rid of congregate living. He said congregate living was more of a middle class use. He said we are seeing a resurgence of housing styles that were evidence of poverty. He said it was a thing of the economic past. He said we have to protect against the evil of that past too. He said when he searches the use he comes up with slum lords and how to deal with them.

Ms. Nelson said she has come up with similar articles.

Mr. Fick said he thinks the specificity is good and Mr. Hankin's comments are good. He said both will make the special permit process easier. He said the process will make sure the applicant doesn't have an undue advantage.

Mr. Rembold said Mr. Hankin's edits are good.

Mr. Pachano said the rooms would be the size of a hotel room. He spoke with Jane at Construct. He said not everyone has cars.

Mr. Rembold said he objects to #8 of Mr. Pachano's version that requires the Planning Department to approve. He said that isn't possible.

Mr. Hankin said he doesn't agree with Mr. Fick requiring a special permit. He said he wants to make the process as easy as possible.

Ms. Nelson asked if there would be building staff or a building superintendent.

Mr. Pachano said with more than 9 units there is a requirement that someone maintain the building. He said the responsibility would fall to whomever owns the building. He said the common space is nice but it might not be viable.

Ms. Nelson said once we have a framework we will reach out to Construct for input.

Ms. Nelson said the Windflower is in the R-2 zoning district and Thornewood Inn is in the B-2 district.

Mr. Hankin said the use should be allowed in all zones. He said it could happen in more rural zones.

Ms. Nelson suggested looking at the Smart Growth overlay principle to apply to where congregate living can take place. For example, she said, the housing should be on a bus line. She said it should be located in certain areas.

Mr. Rembold asked how many locations.

Mr. Hankin said there are two projects converted to permanent housing for transient people.

Ms. Nelson said she would like input from Ms. Kain and Mr. Higa.

Mr. Rembold said the draft could be shared with housing people. Then we can ask them to attend a meeting for further discussion.

Mr. Pachano said Jane from Construct was only concerned with the management plan.

Mr. Hankin said the input would be informative for us.

Mr. Pachano said he will send to Construct, CDC and Berkshire Housing.

Ms. Nelson said the item will stay on the agenda.

TOWN PLANNER'S REPORT:

Mr. Rembold said the November 9 meeting will need to be in a different location. He suggested the Fire Station or Zoom only as there is a conflict with this room.

Mr. Rembold said the CPA applications are out. He said Step 1 applications are due next week.

Mr. Rembold said the Town has a contract for \$1 million for home improvement grants. Grants are typically for emergency issues, energy and handicap renovations. He said the program should be running in a couple of months.

Mr. Rembold said the Lake Mansfield road construction will begin next week with erosion control. He said clearing for the parking lot will begin on November 6. He said car and pedestrian traffic will be restricted or prohibited. He said there will be disruption and change between the boat launch and the beach.

Mr. Rembold said the Housatonic School is on the Select Board agenda for the signing of the Purchase and Sale agreement.

BOARD & SUB-COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Fick said the Housing Sub-Committee had a productive meeting with the Affordable Housing Trust; they will meet again in December.

Mr. Fick said BRPC will have a meeting to deal with regional issues around solar and new regulations. He said solar is proposed to be moved from brown fields and roof tops to green fields. He said the biggest impediment is the electric infrastructure. He said there is nothing to leverage National Grid or Eversource.

Ms. Nelson said there is nothing in our bylaw to address energy storage. She said they can look like storage units.

CITIZEN'S SPEAK TIME:

No one spoke

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary