

PLANNING BOARD

DATE: April 11, 2019

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;
Pedro Pachano
Garfield Reed, Associate Member
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:00 P.M.

FORM A'S:

Mr. Hankin recused himself from the discussion.

Michael Parsons, from Kelly, Granger, Parsons and Associates, was present with a Form A application on behalf of Susan Segall for a parcel located at 263 Long Pond Road on the west side of Long Pond Road. Lot 1 contains 1.503 acres of land. Mr. Parsons said the parcel would be conveyed to the owners of the abutting parcel.

Mr. Pachano made a motion to endorse the application, Mr. Fick seconded, all in favor.

Mr. Hankin rejoined the discussion.

Mr. Parsons presented a perimeter survey for Wild Birds Community Growth Partners at 783 Main Street. Mr. Parsons said that endorsement of the survey states that the parcel is not regulated under subdivision control and affords the parcel, located on the east side of Main Street, zoning protection for a period of three years.

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

MINUTES: MARCH 14, 2019

Mr. Hankin made a motion to approve the minutes of March 14, 2019 as amended, Mr. Fick seconded, all in favor.

CHAPTER 61A: RIGHT OF FIRST REFUSAL

Mr. Rembold said the parcel on West Sheffield Road that was the subject of this item will not be coming out of the Chapter 61A program therefore there is no Right of First Refusal.

CHAPTER 61A: RIGHT OF FIRST REFUSAL

Mr. Hankin recused himself from the discussion as he is an abutter.

Mr. Rembold said showed the parcel being discussed on the projector. He said the 6 acre parcel being taken out of the 61A program is located on the north side West Plain Road. The parcel abuts a parcel that is a conservation parcel. Berkshire Natural Resources Council, which has a conservation restriction for the abutting parcel, had no interest in this parcel. He said the Board needs to provide input to the Selectboard regarding exercising the Town's Right of First Refusal.

Mr. Fick made a motion to recommend to the Selectboard that they do not exercise the Town's Right of First Refusal, Mr. Higa seconded, all in favor.

SITE PLAN REVIEW: 546 MAIN STREET

Tom Doyle, Manager Member of applicant TOPA Enterprises was present with Paula Doyle and engineer Brent White from White Engineering to continue discussion of the SPR application previously discussed in February.

Mr. White said he submitted revised plans earlier this week. Included is the updated supplemental site plans and photometric plans.

Mr. White said there are three trees proposed to be removed. Two in the center of the property and the maple tree on Mahaiwe Street are to be removed. The maple tree on Mahaiwe is on Town property so permission to remove will be needed from the Town.

Mr. White said there are 30 parking spaces proposed for the site. He said he didn't feel an additional traffic study is necessary, as one was done in 2007 for a similar proposal for the site.

Mr. White said there were different options considered to try to preserve the large maple tree. He said moving the parking to the rear of the lot was a plan rejected by the Fire Chief. There was discussion of enlarging the driveway on the west side of the property but that would result in more building on the root system. He said the last option is to remove the tree and plant 4 four trees along Mahaiwe Street. He asked the Board to support the last option and to make a recommendation to the Selectboard.

Mr. White said he feels the revised plan meets the requirements of the SPR. The light pollution has been reduced. There is a significant reduction in the light spillage from the original plan.

Mr. Hankin asked if there had been any consideration of moving a building along the west property line.

Mr. White said he didn't think moving the building to the west property line would allow for the necessary sweep for a fire truck. He said he thinks the site would be too congested.

Ms. Nelson said she is not sure she agrees.

Mr. White said locating the building along the west side of the property would give a clear view of the parking lot that would not be in keeping with the mixed use requirements.

Mr. Fick asked what the greatest risk to the tree is.

Mr. White said all the work on the site would disturb the root system. He said an arborist has been consulted.

Ms. Nelson said it is a significant street tree. We can address the tree as part of SPR.

Mr. Pachano said if the buildings were rotated there would not be adequate access to them.

Mr. Doyle said the tree's root system is so massive that virtually any work on the site will impact it. He said we are proposing to provide trees that will be there in the future. In addition, removing the tree will reduce the Town's liability as their arborist wrote, in an undated opinion, that there was delayed maintenance.

Ms. Nelson said she senses that there is no plan to keep the tree.

Mr. White said if there were a way to develop the parcel and keep the tree we would. The planting proposal is a good faith effort to provide trees for Mahaiwe Street.

Mr. Fick suggested moving the building back. He said we are dealing with the aesthetics of the MXD vs. the tree.

Mr. Pachano said we need to ask if we are going to allow the development of this site. Any earth movement on the lot will impact the tree.

Mr. Hankin said he disagrees. He said there are a number of options that have not been explored.

Mr. Pachano said the usable area of the lot would be reduced in an effort to save the tree. If the building is rotated where would the road be located? He said the question is whether we want this lot developed in lieu of saving the tree.

Mr. Rembold asked about the subsurface drainage.

Mr. White said there will be a full basement under the buildings with drainage to be installed at a depth of 5-7 feet.

Mr. Rembold said if the buildings are rotated there will still be significant disturbance of the earth to install the basements and the storm water management system required to meet the WQPD. He said the parking area could be made of a porous material but the drainage system still has to be installed.

Mr. Fick asked when the street was last done. The tree survived that process.

Ms. Nelson said it is difficult to process losing a significant tree but we do have the option of planting new trees.

Mr. Fick said he would like to see the tree saved.

Mr. Doyle said any development will impact the root system because it goes across a significant portion of the lot.

Ms. Nelson said the Planning Board rezoned the area MXD to allow for development on this parcel.

Mr. White said the proposed plan preserved the trees on Main Street and the trees on Mahaiwe Street closest to the Main Street. He said we are making an attempt. He said we are mindful of the impacts of the construction. We are making an attempt to provide additional trees.

Mr. Hankin said we know there will be impacts. Your arborist seems to say something different than the Town's Tree Warden. Mr. Hankin said the Town's Tree Warden is present. He asked him to speak.

Michael Peretti, the Tree Warden, said he had a meeting with Eric Haupt, from Haupt Tree Company, in March. Mr. Haupt said there are no serious issues with the tree. He said the health of the tree was good.

Mr. Peretti said the tree will be looked at again when it has leaves. He said the tree is a significant, special heritage tree. He said he feels bad for the developers. In May, another assessment will be done.

Ms. Nelson asked if Mr. Peretti had any tree survival experience during a construction project.

Mr. Peretti said during the St. James project there were trees that were taken care of during the construction. He said the Church Street project is aerating the trees as the excavating is taking place. He said there are options if the tree is healthy.

Mr. Doyle said St. James had no subsurface work.

Ms. Nelson agreed.

Mr. Fick said he is not sure he likes making a decision of this nature. He said he knows removing the tree is not within the Planning Board jurisdiction. He said the critical meeting will be when the Selectboard determines if it can be removed.

Ms. Nelson said she thinks we need a more robust planting plan. She said a two inch caliper tree is not big enough. New trees will grow around the development. She said the applicant's commitment to maintain the trees is important.

Mr. Rembold said there is a 60 day approval period for the SPR. The plan needs to be approved on or before April 16 or the applicant needs to request and be granted an extension to clarify concerns. He said you must be specific about what you are requesting.

Ms. Nelson said the last time there was a list of the issues that the engineer has addressed. She asked about the paths to the buildings.

Mr. White said there are paths throughout the project to access the buildings and the sidewalks.

Ms. Nelson asked if all the drainage would drain to the back corner.

Mr. White said yes. He said the system has been overdesigned so that even a 100 year storm would not exceed the system's capacity.

Ms. Nelson asked if the photometric plan has been revised.

Mr. White said yes. The area of concern along the western boundary has been addressed. He said there is a small area that spills onto the right of way. He said the cut sheets have been provided.

Ms. Nelson asked if the plan is night sky compliant.

Mr. White said yes.

Ms. Nelson asked if there are details of the garbage enclosure.

Mr. White said yes. The enclosure will be constructed with hardy plank. He said pavers will be used for the walk ways.

Ms. Nelson asked if the parking requirements meet code.

Mr. White said yes.

Ms. Nelson asked what will delineate the parking spaces on the gravel.

Mr. White said posts will be used.

Ms. Nelson said the parking spaces need to be delineated. She said the curbs will be flush.

Mr. White said yes to help with accessibility.

Mr. Hankin said he has a hard time going through plans when they are submitted at the meeting. He said he needs to see the plans prior to the meeting.

Ms. Nelson agreed.

Ms. Nelson asked that the landscaping plan be gone through.

Mr. White said there will be 4 shade trees planted along Mahaiwe Street and 3 shade trees planted along Main Street. He said he would like to have flexibility in choosing the species but will be in compliance with the approved tree list. He said there is no opposition to planting another tree in the southwest corner.

Ms. Nelson said Norway Maples are invasive and less valuable than the bigger tree. She said she does not want to endorse cutting them down but she said she is agreeable to making the landscaping the plan more robust.

Mr. Hankin asked what happens if the Selectboard does not allow the tree to be taken down.

Mr. Fick said the SPR should be conditioned upon the removal of the tree.

Mr. Doyle said we can build a by-right plan.

Mr. Hankin said the only way to save the tree is for them to want to save it.

Mr. Pachano agreed that a more robust vegetated plan for the site should be provided.

Mr. Fick said yes but what happens if they are not approved to remove the tree.

Ms. Nelson said there would also be an issue of who would pay to have it removed if allowed. She said we are reluctant to because of the size and age of the tree. She said we would want to see an assortment of native trees. She said she didn't know if there is any value in saving the Norway Maples.

Mr. White said the intent to keep was based on the Board wanted to keep them.

Mr. Rembold said the trees in the right of way can't be touched.

Mr. Pachano said if we have a plan to revegetate those trees should be taken into consideration as there will be impact on those trees.

Ms. Nelson she would want to minimum 4" caliper tree.

Mr. Pachano said he would recommend white oaks as it supports more species than any other tree in North America and they grow all over the country.

Mr. White said there will be shrubs and plantings along Main Street. He said there is possibly more opportunity for trees on Main Street.

Ms. Nelson suggested a white oak at the southeast corner.

Mr. Rembold said there are overhead wires there.

Ms. Nelson said the tree would have to remain under 25 feet to stay under the wires.

Mr. White said we want to keep the trees under 25 feet in height.

Ms. Nelson said it is not our job to design your project.

Mr. White said we are trying to meet the issues discussed in February.

Ms. Nelson said the minimum caliper for the shade trees will be 4 inches. The trees will be maintained for five to ten years and will be replaced if they die. Four trees are proposed for Mahaiwe Street. She asked the Board if they were comfortable with that number.

Mr. Higa asked if other trees will be replaced.

Mr. Pachano said yes if other trees are impacted by construction they should be replaced.

Ms. Nelson said she would rather specify what will be planted and maintained. She said we need to be practical.

Mr. Fick asked if planting 5 trees is too many.

Mr. Pachano said there is space.

Mr. Fick said he thinks planting some trees on Main Street would be good.

Mr. Pachano recommended replacing what is taken down.

Ms. Nelson asked when they go to the Town they should request taking down the Norway Maples too.

Mr. Pachano said yes.

Ms. Nelson said the recommendation can be that three trees will be planted on Main Street and five on Mahaiwe Street of a species recommended by the Tree Committee. The trees will have a caliper of at least 4" with a five year replacement requirement.

Mr. Higa said when we walked that area we talked about the trees and the character. We will be putting off the character.

Mr. Rembold asked if the existing tree canopy should ultimately be preserved for a period of time.

Ms. Nelson said she is not opposed to leaving it up to the applicants to make a decision.

Mr. White said the SPR can be conditioned with a minimum of six trees with a minimum 4" caliper as per the Tree Committee. If the other trees are removed we will add two more. There will be a five year maintenance and replacement period in kind as discussed.

Mr. Pachano suggested the Board could ask the applicant to redesign the project with the agreement that perhaps some parking would be waived to try to save the tree. Or there could be a reconsideration of bulk and height for the same purpose.

Mr. Rembold said waiving parking requires a special permit. This is a by-right plan.

Mr. White said reconsideration of the project gets into too many other issues.

Mr. Pachano said this is a viable use of the site for the applicant.

Ms. Nelson we zoned this parcel for development.

Mr. Hankin asked when the 60 day clock began. He said he doesn't think the clock should begin until there is a complete set of plans.

Mr. Rembold said the clock starts with the initial application. If the Board does not feel comfortable with the ability to review the proposal then the Board needs to ask the applicant for a time extension and grant the request. Any extension should be for a reasonable request.

Ms. Nelson said she would like to have a 30 day extension.

Mr. Hankin agreed. He said the plans are dated 2 days ago.

Mr. White said in fairness we had a lot of people to meet with since February.

Ms. Nelson said she understands. She said we are asking for another 30 days. The Board will appreciate the courtesy. She asked if they would be willing to grant that request.

Mr. Doyle said yes. He said he would have his attorney send a letter.

Ms. Nelson said she appreciated Mr. Doyle agreeing.

Mr. Rembold said the agreement needed to be written out tonight and signed.

Mr. Doyle said he would appreciate having a decision at the next meeting.

Ms. Nelson said she is reluctant to approve at the next meeting but we haven't had a chance to review the most recent plans. We won't have an opportunity to deliberate until the next meeting.

Mr. Fick said he would like to have a decision from the Selectboard on whether or not the tree can be removed prior to making a decision.

Ms. Nelson said the items to be discussed will be the landscaping, the bollards for parking delineation and the temperature of the lights.

Mr. Rembold wrote out the extension request and Mr. Doyle signed it.

Mr. Hankin made a motion to approve the extension request for 30 days, Mr. Fick seconded, all in favor.

The Board took a five minute break.

The meeting reconvened at 8:53 P.M.

19 PINE STREET:

Architect Anthony Barnaba was present to discuss the SPR for a current two-family use. The second floor apartment needs a second egress. The egress can be either off of the back or the front. The applicant prefers the egress to be located in the back.

Mr. Fick asked for the square footage of the second floor apartment.

Mr. Barnaba said 1800 square feet.

Ms. Nelson said the Board conducted a site visit prior to the meeting. She said we looked at the front yard and the rear yard location.

Mr. Rembold said the rear yard is 30 feet. He said certain permitted projections are allowed to go into the rear yard setback up to 4 feet. The stairs would project into the setback by 2 feet. He asked if any parking would be impacted.

Mr. Barnaba said no.

Mr. Hankin said there is plenty of parking.

Mr. Pachano asked why a SPR is necessary when everything is in compliance.

Mr. Rembold said there is an exterior alteration that triggers the SPR.

Mr. Pachano made a motion to waive 1,3,4,5,6,7 & 8 of SPR, Mr. Hankin seconded.

Mr. Rembold said SPR can't be waived. The submittal requirements can be waived but not the entire SPR.

The motion was withdrawn.

Mr. Pachano made a motion to approve exterior stair in the rear of the building projecting no more than four feet into the rear yard setback, Mr. Higa seconded, all in favor.

SITE PLAN REVIEW: 783 MAIN STREET

This item was passed over as no application was submitted.

SITE PLAN REVIEW: 126 MAIN STREET

Attorney Kate McCormick was present representing Highminded LLC along with applicant Alexander Farnsworth and Engineer Mike Kulig.

Ms. McCormick said there is a Host Community agreement in place and a security meeting was held with the Police Department.

Mr. Kulig said there will be no change to the building. The on-site parking will be relined and a handicap space delineated. He said there is no existing landscaping. There may be a three foot green strip on the south side of the building. There is no screening proposed. There are five lights shown on the plan that meet the bylaw. The foot candles will not exceed one. He said he does not have cut sheets.

Mr. Kulig said there are no schools within 200 feet. He said Gas House Lane is the closest cross street.

Mr. Kulig said the site is on a straight run along Main Street. There is no expansion of parking. The numbers show that the parking is adequate. There is expected to have 257 cars trips. Most people stopping will be on their way to somewhere when they stop. He said the increase in trips is a small percentage compared to the number of cars travelling through the Town. There are 30 parking spaces on the street.

Mr. Hankin asked if the curb cut would be modified.

Mr. Kulig said no.

Mr. Hankin suggested narrowing the curb cut from what is shown on the plan, as it includes the parking space. Mr. Hankin said he is also concerned about people crossing the street.

Ms. Nelson said she doesn't see security cameras. She asked that the site circulation and egresses be explained as well as where deliveries will be made.

Ms. McCormick said Sgt. Storti from the Great Barrington Police Department did not want us to discuss the interior security cameras.

Mr. Farnsworth said the entrance from the sidewalk goes into the secure hallway. He said he does not expect lines outside. The show room is in the rear of the building. The exit is from the show room into the parking lot. There are no new doors or windows. What is there will have the glass obscured.

Mr. Hankin asked about deliveries.

Mr. Farnsworth said the deliveries will be made after hours through the exit door.

Mr. Rembold said there is a step from the sidewalk into the building how will you accommodate handicap access.

Mr. Farnsworth said there is a side door into the hallway that is level with the parking lot or the exit door into the showroom is also at the parking lot level.

Mr. Pachano asked if buzzers would be used so people could leave the building.

Mr. Farnsworth said there may be an app set up. He said the hallway is an experience.

Mr. Reed asked about parking and people crossing the road.

Ms. McCormick said a traffic detail is the best option we have for crossing people from the east side of the road. She said it is hard to know what the volume will be. There is adequate parking.

Ms. Nelson disagreed with adequate parking. She asked where employees will park.

Ms. McCormick said we have parking on both sides of the road.

Mr. Rembold advised the Board to review 10.5. He said no decision should be made tonight because you are just seeing the application.

Ms. McCormick apologized for the late submittal. She said she is not expecting a decision tonight.

Ms. Nelson said we need a cut sheet for the lighting as well as the color temperature. We want to know where the exterior cameras are located and any elevations of exterior changes.

Ms. McCormick said there are no exterior changes.

Mr. Farnsworth said there are no changes to the front windows because there is no view into the showroom.

Mr. Rembold said there are no exterior changes. He asked if there will be any landscaping on the hill behind the building.

Mr. Farnsworth said the area behind the building will be returned to green.

Ms. Nelson asked about parking lot signage.

Mr. Farnsworth said the handicap space will be notated on the ground and movable planters will be used for the other parking spaces.

Mr. Pachano asked what type of vehicle will be used for deliveries.

Mr. Farnsworth said a small van will make deliveries before and after hours.

Mr. Pachano asked if the deliveries will be limited to after hours.

Mr. Farnsworth said yes.

Ms. McCormick said the hours of operation will be 8 AM to 8 PM seven days a week. She said there are two deliveries to be concerned about the deliveries of product and the pickup of cash.

Mr. Hankin asked if the occupancy is limited by the square footage.

Ms. McCormick said the hallway would have less than 50 people so it is not an issue with fire. She said she would find out about total occupancy based on the showroom and the hallway.

Ms. Nelson asked if the Board had any other questions.

Mr. Higa said he has concerns about people crossing the road and impacting the traffic flow.

Ms. McCormick said she will have more information at the next meeting.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Transportation Advisory Committee will have public outreach sessions to explain the new routes proposed by BRTA. He said the next session will be on Tuesday, April 16 at 4:40 and on April 19 at 4:30 both sessions will be at the Fire Station.

Mr. Rembold said the Board has a site visit scheduled for 5:00 P.M at 671 Stockbridge Road and 5:30 P.M. at 783 Main Street.

Ms. Nelson suggested everyone visit 126 Main Street the location just discussed.

Mr. Rembold said he has the solar packet. He asked everyone to pick one up.

Ms. Nelson said there will be a Lake Mansfield presentation on April 17 at 5:30 P.M.

BOARD & COMMITTEE ISSUES & CONCERNS:

Ms. Nelson said she would like to have applicants submit applications a minimum of one week prior to the meeting. She said no new material will be considered at a meeting. She said it is very difficult to review new material at a meeting.

Mr. Higa said he would like to have a discussion on the next agenda for abutter notices for SPR applications.

Mr. Rembold said we will discuss it.

Mr. Rembold will require initial copies and electronic submittals at least one week in advance.

Mr. Pachano suggested pulling the Buildable Area proposal from the ATM article because he doesn't think it accomplishes the goal. He said he doesn't think the language is clear enough.

Ms. Nelson said Mr. Rembold was working with him and Mr. Hankin on putting together the articles.

Mr. Pachano said that was done. He said the article would end up being amended on the Town Meeting floor and he feels it is a bad idea to amend on the floor.

Mr. Fick asked if this could be on the next agenda for Mr. Pachano to explain what he is talking about.

Mr. Rembold said he will send the final warrant. He said all of the amendments were grouped into three separate articles. He said there are sequenced items within the articles.

CITIZEN'S SPEAK TIME:

Ed Abrahams said in the interest of not putting restrictions on applicants he pointed out that there are no longer lines at Theory Wellness.

Bobby Houston said retail in the village center is not viable. There is not high tenancy. He encouraged the Board to think about the village core and be loyal to the village.

Having completed their agenda, Ms. Nelson adjourned without objection at 10:01 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary

