PLANNING BOARD

DATE: January 9, 2020
TIME: 6:00 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, Assistant Town Manager

Ms. Nelson called the meeting to order at 6:00 P.M.

FORM A's:
There were no Form A's presented.

MINUTES: DECEMBER 12, 2019 & DECEMBER 20, 2019
Mr. Hankin made a motion to approve the minutes of December 12, 2019 as amended, Mr. Fick seconded, all in favor.
Mr. Hankin made a motion to approve the minutes of December 20, 2019 as amended, Mr. Fick seconded, all in favor.

SITE PLAN REVIEW: 525 MAIN STREET
Robin Berthet was present to discuss the SPR for property at 525 Main Street.

Mr. Hankin said the firm he works for represented the seller of the property. He said he had no involvement.

Mr. Berthet said the property is a pre-existing two-family residence. There is a building in the rear that was a carriage barn, previously used as an antique store; it does not meet the side yard requirement for the zoning district. He said his intent is to make it into another residence with two bedrooms and 2 bathrooms. The building has two egresses and there is plenty of parking.

Ms. Nelson asked if there would be any exterior changes.

Mr. Berthet said no, only interior changes.

Ms. Nelson said she didn't think it was necessary to read through SPR as this is a very straight forward project.

Mr. Fick made a motion to approve SPR, Mr. Hankin seconded, all in favor.

SITE PLAN REVIEW: 22 VANDEUSENVILLE ROAD
Attorney Kate McCormick was present along with applicant John Heck and Jim Scalise from SK Design.

Ms. Nelson said this is not a public hearing. She said the Board will take information. She said a decision may not be made at this meeting.

Mr. Reed recused himself and sat in the audience.

Mr. Scalise provided a handout dated January 9, 2020. He said he would go through the site plan review for your consideration. He said he would demonstrate why this project is worthy of your approval.

Mr. Scalise said there is a large pile of soil in the middle of the project area that would be used to fill in from the railroad tracks east. He said there would be no cut and fill just spreading out the soil.

Mr. Scalise said three things have changed. He said the proposed green houses have been rotated so they now face east and west. The greenhouses would be rotated to mitigate the noise and the odor. He said there would be only one exhaust fan in each greenhouse that would discharge air to the east away from VanDeusenville Road to reduce the noise. The total area of the greenhouses would be reduced from 80,000 square feet to 58,500 square feet.

Mr. Scalise said the primary access would be along Nolan Drive. He said there is no plan for pedestrian access. He said there is a loop road for emergency access.

Mr. Scalise said the green houses are lower than the road. He said there will be screening around the greenhouses. He said there will be a detailed landscape plan with trees and understory. He said the greenhouses won't be invisible but they will be difficult to see.

Ms. Nelson asked for an elevation of the greenhouses. She asked for a horizontal cross section from VanDeusenville Road. She asked if the setback has been increased.

Mr. Scalise said he didn't have an answer but he said the setback is not any less. He said he is not sure if it was increased.

Mr. Hankin asked about the head house that will connect to the greenhouses, which did not appear to be in the site cross section.

Mr. Scalise said the head house is 8 feet wide and runs along the western edge of the greenhouses.

Mr. Scalise continued to go through the handout going over the lighting outlined on page 5 of the handout. An addition would be grow lights in the greenhouses but there would be curtains over the greenhouses to block out the light.

Ms. McCormick said the greenhouses would be fully covered.

Mr. Scalise discussed the size of the buildings as shown on page 6 of the handout. He said the scale of the building is smaller than what would be allowed by-right.

Mr. Scalise discussed the pre-fab building shown on page 7 of the handout. He said it is a pre-fab laboratory that would produce less waste water than a residential use. Mr. Scalise commented that the largest container for the lab use would be an 80 lb. butane tank.

Mr. Scalise discussed landscaping shown on page 7 of the handout. He said there would be 7 parking spaces provided but only 5 parking spaces are required.

Mr. Scalise discussed the discussed the drainage. He said the water will infiltrate into ground. He said the project is respectful of the strict regulations. He said there would be 2-3 feet of fill over the site that will cover 2 feet of naturally occurring soil. He said the ground water would be 5 feet below naturally occurring soil. He said that only roof water would drain from the site. There would be no other discharge.

Page 9 of the handout outlines some of the drainage system.

Mr. Hankin said there are changes to the orientation of the buildings, the size of the buildings and the addition of lighting inside the greenhouses. He said there is also heat shown that wasn't part of the previous plan.

Mr. Scalise said the heating does not change the impacts. He said the addition of the heat allows for a longer grow season.

Ms. Nelson asked what the fuel source would be for the heating units.

Mr. Scalise said it would be propane. A 2,000 lb. tank outside of the fenced area would provide the fuel.

Mr. Hankin asked what type of heat would be used.

Mr. Scalise said forced hot air.

Mr. Hankin asked if there was anything else that was missed that should be discussed.

Mr. Scalise said the project would be dark sky compliant. He said he didn't think some of the items would be considered part of site plan review.

Mr. Hankin asked if there would be doors or windows in the head house.

Mr. Heck said he didn't know.

Ms. McCormick said the goal would be that the building be opaque. The building is intended to transport product without being seen.

Mr. Hankin asked what the purpose of the gravel road is if there is no access to the greenhouses through the head house.

Mr. Scalise said it is intended for delivery of products. He said that he would expect there to be doors at the ends of the head house.

Ms. McCormick said we can clarify when we return. She said it is specific in the narrative that it is intended to block the view but we will clarify it.

Ms. Nelson asked if emergency services have reviewed the revised plan.

Ms. McCormick said the police have seen the plan. She said Chief Burger looked at it previously. He didn't have any comments about the greenhouses in that previous review.

Ms. Nelson said now there is propane going to heaters in the greenhouses.

Ms. McCormick said she would have him review it.

Mr. Hankin asked how the Board can sort out the odor report from the two engineers as they are dramatically opposed.

Mr. Pachano said they don't compare apples and apples because they each use a different method.

Ms. Nelson said no decision will be made tonight. We can get more information about what the experts concluded.
Ms. Nelson offered to move Citizen's Speak Time to the end of the discussion so that people who have comments about this project won't have to wait until the end of the meeting.

Mr. Heck said the interior lights for the greenhouses would be metal halide bulbs, 4,000K in light blue.

Ms. McCormick said there will be fitted curtains over the greenhouse. The lighting will not be visible.

Mr. Higa said the light might seep out through the seams in the curtains.

Ms. McCormick said she will make sure that the curtains contain all of the light.

The discussion concluded. Ms. Nelson opened Citizen's Speak.

CITIZEN'S SPEAK TIME:
Mitch Greenwald, attorney for the Forbes and Loubert families submitted a letter dated January 9, 2020. The letter outlined concerns of his clients. He said there are concerns about the ground water from the substances in the odor control. He said this should be examined as part of the SPR.

Trevor Forbes from 325 North Plain Road said the site is not the appropriate location for the facility. He said the plan is not in keeping with the Master Plan as in the Master Plan VanDeusenville Road is intended to be residential. He said the plume of odor would extend across the Housatonic River according to the odor report and toward the proposed drug rehab facility on Route 183. He said lights and heat are now proposed for a longer growing season. They reduced the size of the greenhouses but now propose to grow longer so they can produce the same amount of product.

Maureen Quigley said it is important to consider the traffic on the road. She asked if there will be wells on the property or will the project be served by the Housatonic Water Company.

Ms. Nelson said she didn't think they were using wells.

Ms. Quigley said they propose to mitigate the odor with a chemical that would be forced out of the greenhouses. She said where does that chemical go? She said we are trying to improve the Housatonic River and the wildlife but she said she is not sure how using the chemical would improve the safety of the area or the people.

Ms. Quigley said the proposal is now for a longer growing season. She said a volatile chemical will be on the property, the butane. She asked if there is any information about a fire safety plan. Can the Fire Department handle a chemical fire?

Ms. Quigley asked how far the river is from the end of the building.

Mr. Scalise was allowed to reply. He said it is 400 feet to the river from the end of the property.

Ms. Quigley asked who would enforce the rules for the chemicals. She said the project was downsized but there may be room to expand.

Mr. Scalise said 58,000 square feet of building is all that will fit with the east west orientation.

Rachel Kelly from 213 Oak Street asked how many grow cycles will be proposed. It is now an industrial growing business. That is a big difference. She said the water will be going into the ground from the operation. She said each growing cycle will have its own growing issues. She said the growing operation needs to be looked at because it is a whole new project with lights and curtains.

Garfield Reed said he has concerns about the addition of lights and heat in the greenhouses. He said he doesn't feel that the Board is seeing full transparency. He said he is concerned about the chemicals in the air. He said a lot of people have turned out to oppose the project and the changes that are proposed are not changing what it is. He said this is very disturbing.

A resident from VanDeusenville Road said he hadn't seen any information about the noise. He said it should be determined if the fans will be a way for the light to escape. He said the screening for the solar panels is inadequate and said the landscaping should be looked at for adequacy. He said the houses across the street are higher than the site. There will be a detrimental impact on the neighborhood. He said if the Town wants to draw young families to the area, this is not the way to go. He said the Planning Board needs to see past the quick buck.

Michael Kernan from 12 Manville Street said it should be determined how much chemical will be consumed over a period of time. He questioned providing 5 parking spaces for 10 employees.

Kristabel Vargas from 31 VanDeusenville Road said the initial plan was for natural lighting for a season of growing. Now it is not seasonal anymore. She asked if generators would be used if the power goes off. She asked the Board to consider all of the changes and how the project will impact the community.

Ms. Quigley aggressively asked Mr. Hankin if he had a conflict of interest with the project. She said his attitude at the outreach meeting was not appreciated.

Mr. Hankin said he has no conflict of interest.

Mr. Fick explained to the audience that the SPR process is designed for the Board to comment on projects. SPR cannot be denied. Conditions can be imposed but the permit cannot be denied. He said the Selectboard's public hearing is where approval or denial of the special permit will happen.

Susan Lord asked what recourse would there be, if there are problems with the project.

Ms. Nelson said she will be at the public hearing and ask questions at that time.

There were no further comments from the public. Ms. Nelson suggested a 3 minute break at 7:30 P.M. The meeting resumed at 7:34 P.M.

ZONING AMENDMENTS FOR THE ATM:
Mr. Rembold provided a handout *Possible Zoning Amendments for Discussion Purposes 1/9/20.*

Mr. Rembold said if the Board wants to hold a public hearing on the zoning amendments in February they would need to finalize the language at this meeting. He said if the Board wants to hold the public hearing in March they have the rest of the month to finalize. He suggested having the public hearing on March 12.

Mr. Rembold went through the handout saying that the amendments that had been previously discussed and the language agreed upon have a notation that the article is essentially ready to go to the Selectboard so they can refer the articles back to the Planning Board to hold a public hearing. Articles 1-9 in the handout were listed as agreed.

Mr. Rembold asked about the language for Article 10 dealing with swimming pools.

Mr. Hankin said he thinks the language is good and brings it together.

It was agreed to move forward with the language of Article 10.

The Board discussed Article 11 which deals with residential uses in the Table of Use and changing the SPGA for residential uses to the Planning Board.

There was discussion of allowing three-family uses by-right in more districts.

Ms. Nelson said she is opposed to single family uses by-right in the I-zone.

Mr. Fick said he would like this discussed with the Selectboard at next week's joint meeting so no one is blind-sided by the proposal.

The Board discussed the changes line by line.

Mr. Pachano said that most farmers are in the R-4 zone. He said they would have an option to do a PURD but not a 3-4 family building. He asked if there would be any relief from that.

Ms. Nelson said some codes have farm workers housing that wouldn't be part of a housing complex. She said perhaps there should be a way to allow for worker housing as an accessory use to a farm.

Mr. Rembold said a line could be added for farm worker housing under accessory use to a farm use.

Mr. Pachano said he would do some research for the next meeting.

Mr. Rembold asked Mr. Pachano to determine if worker housing is customary or incidental to a farm.

The Board discussed adding contractor yards in some residential zones. After some discussion the Board decided to table the proposal.

Article 13, Water Quality Protection District was discussed. Mr. Hankin said the language clarifies the portion of the bylaw for replacing an underground tank.

Mr. Rembold said it is hard to explain but he thinks the language is clear. He said there are no changes to the permissions.

The Board agreed that the article is ready to go to the Selectboard.
The Board was satisfied with the language for Article 14.

The Board discussed the article that was not numbered. The proposal amended an area on Maple Avenue by including in the MXD. Mr. Hankin suggested that a change should follow lot lines and not split lots. There seemed to be a general consensus that MXD is a good fit for the north side of Maple Avenue. There was concern, however, for the triangle formed by Maple Avenue, Silver Street and the railroad tracks that is quite fully developed with single and two family residential. The Board decided to put a hold on that article for further discussion.

Mr. Pachano said he created an overlay the Maple Avenue area and the Stockbridge Road area.

Ms. Nelson said she saw the proposal and said she appreciates the work Mr. Pachano did.

Mr. Pachano said the overlay would be more comprehensive but he said he wasn't sure if it could be ready for the ATM.

Mr. Fick said he doesn't want to do something that would create unintended consequences.

Mr. Rembold said he would investigate the overlay with Mr. Pachano. He suggested tabling the discussion for now.

Mr. Hankin said he supported Mr. Pachano's work.

Ms. Nelson said the Board would discuss the overlay at the next meeting.

Mr. Rembold said a map change would be the fastest way to address the change but it might not be straight forward enough. He said he will revise the handout for the next meeting.

TOWN PLANNER'S REPORT:
Mr. Rembold said there is nothing pending for the next meeting. He said perhaps the zoning articles can be finalized.

Mr. Rembold reminded the Board that they have a joint meeting with the Selectboard on Thursday, January 16 at 5:30 in the meeting room.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:
Mr. Pachano asked everyone to take the survey for open space.

Mr. Higa said the Town boards need to do more work on affordable housing.

Mr. Fick said the BRPC 5th Thursday meeting will discuss electric cars and charging stations.

Mr. Pachano said an application to fill the last vacancy on DAC has been submitted.

Mr. Hankin said the Great Barrington Affordable Housing Trust had some controversy over the land on North Plain Road. He said he wrote a letter hopefully to help correct misconceptions and clarify the goals.

Ms. Nelson said the Lake Mansfield Road has been made one way from the boat launch northbound to the beach..

Having concluded their business, Ms. Nelson adjourned without objection at 8:52 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary