

## PLANNING BOARD

DATE: January 23, 2020

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jeremy Higa; Pedro Pachano

Garfield Reed, Associate Member

Chris Rembold, Assistant Town Manager/Director of Planning and Community  
Development

Ms. Nelson called the meeting to order at 7:00 P.M. Mr. Higa had not yet arrived.

### **FORM A'S:**

There were no Form A's presented.

### **MINUTES: JANUARY 9, 2020 & JANUARY 16, 2020 JOINT MEETING**

Mr. Pachano made a motion to approve the minutes of January 9, 2020 as amended, Mr. Fick seconded, all in favor.

Mr. Pachano made a motion to approve the minutes of the January 16, 2020 meeting with the Selectboard as amended, Mr. Fick seconded, all in favor.

### **ZONING AMENDMENTS:**

David Gilmore owner of property at 15 Gas House Lane was present to discuss the possibility of amending the Table of Use to allow marijuana uses in the I-2 zone.

Mr. Higa arrived at 7:02 P.M.

Mr. Rembold said Mr. Gilmore owns property above Cumberland Farms. He said the property is within the I-2 zone. He said the request would be to change the Table of Use from "No" to "SB" (a special permit through the Selectboard). He said there is another section of I-2 zone along the river in the Front Street area. He said the I-2 zone is closer to dense residential neighborhoods.

Mr. Fick said the I-2 zone is near the downtown business area where marijuana is allowed by-right.

Ms. Nelson said she wasn't sure why it wasn't included. She said maybe it was a buffer issue because of the proximity to dense residential areas.

Mr. Pachano asked what the harm would be to allow the opportunity by special permit.

Ms. Nelson agreed that allowing with a special permit would give flexibility. Ms. Nelson asked Mr. Gilmore if they want retail or cultivation.

Mr. Gilmore said he would like to have some cultivation.

Mr. Fick said he didn't think the cultivation would pass the Town Meeting. He said there is a different attitude in Town from when marijuana was first discussed.

Mr. Rembold said there are a couple different ways the proposal can move forward. He said Mr. Gilmore could present the article as a property owner, the Planning Board could sponsor the article, the Selectboard could sponsor the article or the article could be submitted by a citizen's petition which would require a minimum of 10 signatures of registered voters.

Mr. Fick said he is not opposed to the change. He said he is opposed to the lighting rod topic.

Ms. Nelson said she generally supported the change. She said Mr. Gilmore needs to present the article and be diligent about supporting the change.

Mr. Rembold said all zoning articles will come to the Planning Board for a public hearing.

Mr. Gilmore asked if he could submit the article as the property owner.

Ms. Nelson said yes. She said we would support your article.

Mr. Rembold said the proposal would go to the Selectboard so that it can be referred back to the Planning Board for a public hearing.

Ms. Nelson said Mr. Gilmore get an abutters list from the assessors so the abutters can be notified of the proposal. It would help to have support of the abutters. She encouraged Mr. Gilmore to start working on the proposal.

There was a brief discussion about the submission time frame. Mr. Gilmore will contact the Town Clerk to confirm filing information.

Mr. Reed said he does not want to be included in the Board's support.

Mr. Higa said he was hesitant to make changes in this cycle.

The Board continued discussion of proposed zoning amendments. Mr. Rembold provided a revised memo titled *Possible Zoning Amendments PB Meeting 1-23-20*.

The Board discussed language for Farm Dwellings to allow more than one ADU for farm working housing.

Mr. Pachano said there is case law that allows exemptions for farm housing on farms. He said he had a conversation with Mr. May who said he would turn down an application for an ADU on a farm. He said he would advocate for language to allow a farmer to be allowed an ADU.

Mr. Fick said the intent is good but it is too broad.

Mr. Higa said the language doesn't seem specific.

Ms. Nelson said the intent is good. She said language could be added. Section 8.2 would not be waived but limits could be set.

Mr. Pachano said he asked farmers what they thought of the proposal. He said the conversation resulted in a suggestion of two units for five acres allowing another unit for every additional 2 acres of land up to 12 acres. He said farmers would not put a second unit on five acres because the land is need to farm.

Mr. Pachano said farmers are not going to encumber the farm land with too many ADUs.

Ms. Nelson said she hesitates to allow too many units.

Mr. Pachano said there are not a lot of big farms. There might not be a huge need.

Mr. Fick said it is a good idea. He said the language would have to limit the housing for people working on the farm.

Ms. Nelson said she generally supports the proposal. She said the language needs to be tightened up.

Mr. Rembold said if there is general agreement in the concept we can put out the article and tighten up the language at the public hearing.

Mr. Rembold moved through the articles that were previously discussed and agreed upon.

Mr. Pachano said he wanted to discuss the PURD language that was not part of the package.

Mr. Rembold said there was discussion at the December 20<sup>th</sup> meeting that dealt with density and the maximum of 60 dwelling units. He said he thought the language was agreed upon.

Mr. Pachano said one of the uses didn't make sense.

Mr. Rembold said he didn't think there were any major questions that couldn't be addressed at the public hearing.

Mr. Pachano asked if the Board would want a PURD in the B2X and MXD zones.

Ms. Nelson said she wouldn't have a problem with it.

Mr. Pachano said the B2X is in the down town corridor. The Zone would not support a PURD.

The Board continued going through the agreed upon articles.

Mr. Higa said he would like to rethink the definition for "live work" and "home occupation".

Ms. Nelson said she doesn't have anything in her notes about a decision having been made about the definition.

Mr. Fick said he thinks of a home occupation as an accessory use.

Mr. Rembold said a home occupation would be in a home that looks like a home. A live work use would be well defined as a work space. He said there is definitely a difference.

Ms. Nelson said a live work space might be for a cabinet maker or a glass blower. A home occupation would be a massage therapist or chiropractor type use.

Eileen Mooney suggested specific examples to define the uses.

Ms. Nelson said the language would not be part of the public hearing.

Mr. Rembold said he would clear out the highlighted text for the home occupation accessory use.

Mr. Rembold said there will be one sentence change to clarify the Water Quality Protection District bylaw.

Ms. Nelson confirmed that the proposed language for a contractor's yard would not be pursued.

The Board continued discussing extending the MXD.

Mr. Rembold said the east side of Town is dense while the west side of Town is more commercial. He said it was decided after the last meeting that more discussion was needed.

Mr. Pachano suggested an overlay of an MXH, Mixed Use Housing, leaving the underlying zone in place.

Mr. Rembold said we need to look at the issue at hand which is the closing of a nursing home. A nursing home is a fairly intense commercial use. The property on Maple Avenue is served by Town water and sewer. It is located in the R-2 zone that is low density residential.

Mr. Rembold said all 3 nursing homes are in the R-2 zone. Currently there are no viable uses allowed in the zone to allow for reuse. He said he would like to provide the opportunity for multi-family use when the existing use of a nursing home becomes defunct. The multi-family use would be less of an impact than the existing use. He said this is his proposal.

Mr. Pachano asked why the language would be limited to a nursing home. Why not allow for other unused buildings.

Mr. Fick said a warehouse in the I-2 zone would have other legal uses but nursing homes in the R-2 don't currently have any other legal uses.

Ms. Nelson said we are late in the process to discuss this change. She said she didn't want to broaden the area or the uses. She said maybe this proposal could be used as a patch until we have more time to work through potential impacts. She said she would support the language for a bridge technique.

Mr. Higa agreed this would be a good tool to bridge the gap.

Ms. Nelson said the MXH has a lot of meat that deserved more time than we have.

Mr. Pachano said patching things makes me nervous because we end up with holes later.

Ms. Nelson said this would just be a bridge technique.

Mr. Fick said he agreed with Mr. Pachano that there can be holes but once the use ends what happens. He said he is in favor of including the language.

Ms. Nelson asked if there was any further discussion, in support or not.

Mr. Pachano said he feels the overlay proposal is meaningless if it isn't moved on.

Mr. Reed said he liked Mr. Rembold's idea.

Ms. Nelson told Mr. Rembold to include the language he provided. She said to hold the MXH.

Mr. Rembold said he would work with Ms. Nelson to fill in the purpose language and a cover letter to transmit the articles to the Selectboard.

#### **TOWN PLANNER'S REPORT:**

Mr. Rembold said the Selectboard met about limiting marijuana retail facilities. They decided to limit the number to 7. Language will be drafted and forwarded to the Planning Board to be included in the public hearing.

Mr. Pachano said Ms. Davis made a motion to limit the number in the B zone but the motion wasn't seconded so the limit would be town wide.

Mr. Fick said the rationale was for the number was based on the number of liquor store licenses.

Mr. Rembold said Fulcrum Enterprises withdrew their application so the SPR is gone as well.

Ms. Nelson asked about the parking lot project on School Street.

Mr. Rembold said they requested a month long continuation from the Selectboard.

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

Mr. Pachano said Open Space and Rec forum will be held at Berkshire South next week on January 31.

Ms. Nelson asked about the responses to the survey.

Mr. Pachano said there are about 350 responses to the survey.

Mr. Pachano said Tom Matuszko from BRPC is really interested in a housing rehab program that would provide funding for people to stay in their homes.

Mr. Rembold said the Town voted to participate in a federal housing program if funding is approved.

Mr. Pachano said he is not sure it is the same thing. He wants to establish a program that would be specific to Berkshire County. He said 60% of the homes in the county were built before 1939. He said it would be a great program to preserve existing housing.

Ms. Nelsons said we had a Block grant a couple of years ago.

Mr. Rembold said the Town competes for Community Development Block Grant Funds. He said the paperwork is intense. The paperwork is ridiculous. He said maybe BRPC wants something with less paperwork for the county.

Ms. Nelson said she will be proposing to work on a new zoning item dealing with more guidance for lighting for next year's ATM. She said the lighting in Town is terrible. Lights need to be retrofitted with LEDs. She said we need specific regulations so it would great if we can take it on.

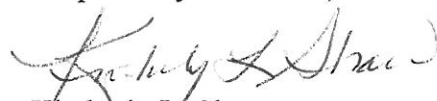
**CITIZEN'S SPEAK TIME:**

Mrs. Mooney asked if anything had been submitted for the airport.

Ms. Nelsons said no.

Having concluded their business, Ms. Nelson adjourned at 8:24 P.M.

Respectfully submitted,

  
Kimberly L. Shaw  
Planning Board Secretary

