

PLANNING BOARD

DATE: October 18, 2018
TIME: 7:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting (Moved from the 4th Thursday)
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jeremy Higa; Pedro Pachano
Chris Rembold, Town Planner

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

FORM A'S:

There were no Form A's presented.

MINUTES: OCTOBER 11, 2018

Mr. Fick made a motion to approve the minutes of October 11, 2018 as amended, Mr. Pachano seconded, all in favor.

VARIANCE: 20 LAKE AVENUE

Jeffrey Homeyer was present to discuss the variance application submitted by Jeffrey and Samantha Homeyer for property at 20 Lake Avenue. The Board will make a recommendation to the ZBA on the application.

Mr. Homeyer said he is requesting a variance from the 10 foot setback requirement for an accessory building from a primary structure. His intention is to build a one car garage. He explained that the side yard slopes down. He staked out where the garage could be located by-right. The by-right area could be potentially slippery and dangerous in the winter. In addition the driveway would need to be extended about 40 feet creating additional impervious surface. It would also reduce the size of the back yard. He said he doesn't feel this would be the best use for the land.

Mr. Homeyer said the proposed location that requires the variance is 6 feet from the porch. He asked if the porch is considered the primary structure. He said the garage would be 12 feet from the house itself. He said this would be the best location. He said he hopes the Board will agree with him on the location and recommend favorably.

Ms. Nelson asked Mr. Homeyer if he has discussed the garage location with the Building Inspector.

Mr. Homeyer said yes. He said the Building Inspector advised that a variance would be required.

Mr. Rembold said the variance is for 4 feet as the proposed location is 6 feet from the house. He asked Mr. Homeyer if he had considered attaching the garage.

Mr. Homeyer said yes. He said he built the house to look like it had been there for 100 years. He said houses of that era did not have attached garages. Additionally, attaching the garage would require a lot more work because the garage would need to be removed but also we would be required to meet the 20 foot side yard setback if it were not an accessory building.

Mr. Pachano said he has noticed there is no clear definition of "primary structure" in the bylaw. Mr. Pachano said, in his opinion, the porch should not be considered part of the primary structure but the Building Inspector probably considers it to be.

Mr. Homeyer pointed out that the bylaw allows a front porch to extend into the front yard setback.

Mr. Pachano asked how high the garage is proposed to be.

Mr. Homeyer said the garage would be 14 feet in height, less than the 15 foot maximum. He said he had the height on the plan he brought to the Building Inspector but he didn't have it on the elevation before the Board. He said he would add it to the plan.

Mr. Pachano made a motion to send a positive recommendation to the ZBA, Mr. Higa seconded. The Board wanted included with their recommendation that the Board reviewed the compliant area that could present safety concerns. The Board discussed the possibility of attaching the garage however that option would not be in keeping with the historic nature of the structure. The Board said bylaw lacks clarity on how it defines "primary structure", if it is interpreted conservatively to include the porch, a four foot variance would be necessary. All in favor.

SITE PLAN REVIEW: 325 NORTH PLAIN ROAD

Attorney Kate McCormick was present with applicant Denise Forbes to discuss the site plan review application for the renovation of a house at 325 North Plain Road making the house into a two-family structure.

Ms. McCormick said a small apartment will be created for the applicant's daughter. The daughter currently lives at the house. The renovation will allow the second unit to have its own kitchen. She said the use is by-right but requires SPR.

Ms. McCormick said there will be no exterior alterations therefore we have requested a waiver of the traffic survey and the rendering of the elevation. She said a kitchenette will be the only change. She said there are four parking spaces. There won't be any changes to the drainage. She said the house is a pre-existing non-conforming structure.

The Board agreed that the waiver request for the traffic study and the rendering of the elevation was acceptable.

Mr. Fick suggested waiving the reading of SPR. The Board agreed.

Mr. Fick made a motion to approve the SPR for the application for 325 North Plain Road, Mr. Higa seconded, all in favor.

SITE PLAN REVIEW: 26 MANVILLE STREET

Mr. Pachano recused himself from the discussion as Alander Construction has been hired to construct a project of his design. Alander Construction is a co-applicant for 26 Manville Street.

Applicants Ian Rasch and Sam Nickerson, from Framework Properties, were present to continue discussion of the mixed-use development at 26 Manville Street.

Mr. Rasch said he provided the Board with an updated photometric plan showing additional lighting along the railroad tracks and walkways. A landscaping plan shows planting along the exterior perimeter. The northeast corner shows landscaping as well as along the railroad tracks. The plan also shows the stop sign and crosswalk as discussed at the last meeting and the addition of a "Slow Children" sign on Manville Street.

Ms. Nelson said we have had a thorough discussion of the application at previous meetings. The applicant has provided the additional information we requested.

Mr. Rembold said a fence has been proposed for the northeast corner and along the north property line.

Mr. Rasch said the fence is not proposed to be solid. There will be access points. There will be a lot of trees planted along the railroad tracks to fill in with what exist. He said all parking will point inward toward the courtyard.

Mr. Rasch said the northeast corner is proposed to have Maple trees planted along the fence. He said this should be adequate screening for 24 Manville Street.

Ms. Nelson read the landscaping requirements in the bylaw that requires deciduous trees to have a 2 inch caliper and evergreens to be a minimum of 8 feet in height.

Mr. Rasch said he expects to exceed the minimums with the plantings.

Mr. Fick said the provided documentation was intended to put on paper what we were told at the previous meeting. He said he is satisfied that the documentation is adequate.

Ms. Nelson said she still has concerns about light spilling onto 24 Manville Street. She said why not extend the fence to the property line.

Mr. Rasch said there is a substantial tree that exists along the property line. He said he does not want to get into the canopy of the tree and have a negative impact on the tree.

Ms. Nelson said there is a bollard in that area that spills onto the adjacent property. She said extending the fence in that area would take care of that light spillage.

Mr. Rasch said he would extend the fence as long as he doesn't get into the canopy of the tree.

Ms. Nelson said she thinks extending the fence an additional 10-12 feet would be sufficient to reduce the light spillage by half.

Mr. Higa suggested moving the bollard that creates the spillage.

Mr. Rasch said the bollards don't spill out a long way. He said he doesn't feel there is a lot of spillage.

After further discussion of the photometrics, Ms. Nelson said if the fence is extended 10-12 feet it would help reduce the spillage from the two bollards illuminating the handicap space.

Mr. Rembold said the landscaping is ok. He asked if the Board is ok with traffic signage shown on the plan.

Ms. Nelson said yes. She said documentation has been provided showing the signage as previously discussed.

The Board discussed and agreed upon the following conditions:

--Manville Street will be legally discontinued

--The lots will be combined prior to obtaining a building permit

--The two conditions outlined by Mr. White in his peer review will be part of the approval

Ms. Nelson said it is a moot point. We are not going to debate a by-right legally allowed use. She said we recognize your opinion.

Mr. Kruh said Manville Street has been “thrown under the bus” because of a poorly drafted bylaw.

Mr. Higa said he does not agree with Mr. Kruh framing the portion of the bylaw as a loophole. He said when the Board was working on the bylaw we looked at a larger context. We looked at the entire zone.

Ms. Nelson called for a vote on the motion to approve SPR with conditions, all in favor.

ZONING DISCUSSION:

Ms. Nelson asked if Mr. Rembold would prefer to set the zoning discussion aside.

Mr. Rembold said he would prefer to set it aside so he has time to prepare for the discussion. He said he would like to talk further with Mr. Hankin and Mr. Pachano about what they have found not to be working in the B-3 zone. He said he would also like to look more closely at the Stockbridge Road area.

Mr. Rembold said he would like to accomplish the B-3 amendments for the May Annual Town Meeting. If we are able to thoughtfully work on and complete other zoning issues that will be fine but we don't have to.

TOWN PLANNER'S REPORT:

Mr. Rembold said the next meeting on November 8th will include further discussion of 910 Main Street. He said the Board is required to hold a public hearing on the 40R application so that will take place on November 8th.

Mr. Rembold said there will be review of a special permit and recommendation to the Selectboard for Nolan drive.

Mr. Rembold reminded the Board there will be a second meeting in November on the 29th.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Higa said there was CPC training this week. He said he learned that CPC money could be used to remediate contamination and help to restore property to its original state.

Mr. Rembold said Mr. Higa is a good representative to the CPC.

Ms. Nelson said she is still trying to set a meeting with the Selectboard for review of the Master Plan. She said the meeting might be on November 15th. She said right now there is nothing certain but there is a small possibility we could meet on the 15th.

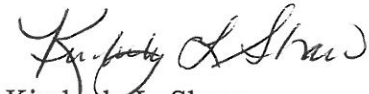
Ms. Nelson said Mr. Reed was appointed by the Selectboard as our Associate Member. She said due to this meeting being out of sequence Mr. Reed was not able to attend tonight's meeting. She said he has been reading the bylaws and the Master Plan and he looks forward to participating on the Board.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:16 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kimberly L. Shaw".

Kimberly L. Shaw

Planning Board Secretary