

## PLANNING BOARD

DATE: November 8, 2018  
TIME: 7:00 p.m.  
PLACE: Large Meeting Room  
FOR: Regular Meeting/Public Hearing  
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. Ms. Nelson acknowledged and welcomed the Board's new Associate Member, Garfield Reed.

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

There were no Form A's presented.

### **MINUTES: OCTOBER 18, 2018**

Mr. Hankin made a motion to approve the minutes of October 18, 2018 as amended, Mr. Pachano seconded, all in favor.

### **SPECIAL PERMIT: 1 NOLAN DRIVE**

Applicant Tajine Monjardo was present to discuss his application for Grande Furto Auto, LLC, a motor vehicle sales room to be located at 1 Nolan Drive.

Mr. Monjardo said he plans to operate a small used car company selling high end cars priced from \$75,000-\$200,000. He said his intention is to sell 2-5 cars a year. There will be no maintenance on site. The cars are purchased on line. There will be limited impact on the area.

Mr. Monjardo said there will be no employees. One bay in the existing building will be used for the cars.

Mr. Rembold said the location is in the I zone. A car sales business would require a special permit in any zone.

Ms. Nelson said the business would operate from within an existing building. There will be no exterior alterations.

Mr. Fick said this will be a low impact business. He asked if allowing the use would open the door for something we wouldn't want. He asked if we would have questions or concerns if the request were for 100 cars and 20 employees.

Mr. Pachano said there would be more implications if the request were for a larger operation.

Mr. Rembold said a condition on the size could be added to the recommendation. The Board needs to comment on the application in front of you. He said the Board could recommend a limit on the size and the current owner.

Mr. Fick said he is not opposed to the use he said he would like to make sure the approval does not open the door to something much bigger.

Ms. Nelson said the request is for use of a single bay. The information in the proposed application is generally in conformance.

Mr. Fick made a motion to send a positive recommendation to the Selectboard with the condition that the business has to be in general conformance with the application, Mr. Higa seconded.

Eileen Mooney asked what "general conformance" means. She said it is open to interpretation.

Ms. Nelson said the application is for the use of one bay and the expectation that 2-5 cars per year will be sold from the location. We wouldn't expect there to be 20-25 cars sold per year.

Ms. Nelson called for a vote on the motion, all in favor.

#### **PUBLIC HEARING: 910 MAIN STREET**

Ms. Nelson read the public hearing notice into the record. The notice was published in the Berkshire Record on October 19 and October 26, 2018. The notice was posted in the Town Hall and mailed to abutters. The application is submitted in accordance with Section 9.13 of the Zoning Bylaw, the Smart Growth Overlay District.

Mr. Hankin made a motion to open the public hearing, Mr. Fick seconded, all in favor. The meeting was opened at 7:14 P.M. The meeting was recorded.

Nick Elton, architect from Elton & Hampton Architects, was present with Brent White, engineer from White Engineering and Timothy Geller from the Community Development Corporation, CDC.

Mr. Elton gave an overview of the project. The site consists of an 8.7 acre parcel, 2.3 of which will be developed into a 49 unit affordable housing development. There will be 12 one-bedroom units, 24 two-bedroom units and 13 three-bedroom units. There will be a series of flat units that will be accessed from the ground level as well as town house units.

The north parking lot will have two accesses to accommodate fire trucks and garbage trucks. The south parking lot has room to turn around but a fire truck would have to back out.

There is a walkway through the site. There are 4 handicap accessible units with handicap parking spaces within 70 feet of the units.

Mr. Higa said he has concerns about the distance from the handicap parking spaces to the handicapped units.

Mr. Elton said 47 of the 49 units are visitable as required for the funding. The project has one more accessible unit than required by code.

Mr. Pachano said he thought the handicap unit in the south building could have a parking space closer.

Mr. Elton said he was attempting to save the large tree in that area. He said he does not want to encroach on the root system. He said he has been struggling to get all the parking spaces in and save the large trees on the property.

Mr. White said there was discussion with the Conservation Commission regarding tree conservation.

Mr. Elton said the building sites were moved to the east to accommodate the recommendations of the Conservation Commission. He said he could move one of the handicap parking spaces closer to the south handicap unit.

The Board was satisfied with the change. There was a brief discussion of the parking requirements. Forty-nine parking spaces are required for the development, one for each unit. The plan shows there are fifty-four parking spaces provided.

Ms. Nelson went over the items not in compliance with the zoning. There are five issues:

- The minimum front setback
- Height of the building. The height of building C exceeds the zoning by 2 feet. The Fire Chief didn't have an issue with the additional height.
- Parking in the front yard setback
- One storm drain on the Town property that returns to the applicant's property

Mr. Geller said the development has a mix of 40 affordable units and 9 market rate units. There is no physical difference in the affordable versus the market rate units. He said the plan might not be in compliance with distribution or percentage mix that is required. He will verify this. He asked that the plan be approved for a minimum of 40 affordable units. He said that there are no

subsidies for the market rate units. At a certain point it doesn't pay to have more affordable units. We want a threshold that is comfortable for the Board.

Mr. Higa asked if it is better for the development to have more market rate units.

Mr. Geller said all the units get to be counted in the Town's affordable unit inventory.

Mr. Pachano said the zone is intended for all types of housing units. This development excludes a large portion of the community.

Mr. Higa said maybe the diversity would benefit the development.

Ms. Nelson asked Mr. Geller if a certain amount of money needs to be secured to make this project happen.

Mr. Geller said yes. If the number of affordable housing units is too low it won't be feasible. He said his preference is for 40-45 affordable units.

Mr. Higa asked what the distance is between the two curb cuts on the north end of the property.

Mr. Elton said 50 feet.

Mr. Higa asked how tall the buildings at Bostwick Gardens are.

Mr. Elton said the structures are three stories but the roofs are higher.

Mr. Hankin asked if the project would be phased.

Mr. Geller said no. The project will be built all at one time.

Mr. White discussed the drainage. He said the site on the north end is made up of sand and gravel. The south end of the property is hard pack that has low permeability. There is more existing run off on the south side of the property. All of the roof and parking lot run off in the south end will be directed into catch basins in the south parking lot. The overflow to the west will be directed into footing drains. The Conservation Commission is requiring that the overflow to the west, into the wetlands, be limited.

Mr. White said there will be three pump stations in the northeast corner. A gravity connection won't work on the site. Storm water will go into the Town's storm system. Mr. White said the drainage has been discussed with the DPW Superintendent. The storm water management

system has been overbuilt so Mr. VanDeusen is comfortable that roof and parking run off into the Town's system will be minimal.

Ms. Nelson asked that a letter from Mr. VanDeusen be provided for the file.

There was some additional discussion of the drainage as outlined in the application.

Mr. Hankin asked about cut and fill in the project.

Mr. White said there will be cut and fill on the site. He said the net cut will be 4,000-5,000 cubic yards. Approximately 1,000-1,500 cubic yards will be reused on the site.

Ms. Nelson said she has some concerns about the traffic impact on the roads for that number of trucks removing earth from the site.

Mr. White said he would like to fill the back side of the site but the Conservation Commission gave an order to keep the buildings to the east. That limits the amount of fill that can be reused on the site.

Mr. Elton said none of the buildings are closer than 10 feet from the front property line. He said there will be a short retaining wall along the south property line. The wall will be between 2-5 feet in height. The Conservation Commission requires that we minimize the damage to the root systems in the wooded area on the slope. The Conservation Commission also set a requirement that for every tree with up to a 12" caliper removed a replacement tree with a 12" caliper will be planted. If the caliper of a tree removed is over 12" two trees will be planted to replace it.

Mr. White said the Conservation Commission is giving us some latitude by allowing two full growing seasons before issuing a notice of compliance. We will replace as necessary.

Mr. Fick asked if there is an estimate of the current run-off on the site.

Mr. White said yes. There will be less run-off after the project has been built.

Mr. Pachano asked if a maintenance plan or service plan is required for the pumps.

Mr. White said these are not high power pumps. A small portable generator will be enough to run them if necessary.

Ms. Nelson said an audio/visual alarm system is needed.

Mr. White said they are trying to figure out a fail safe overflow.

Ms. Nelson asked if the Town will have the right, not the obligation, to intervene in an emergency.

Mr. Pachano said the Town would have to be alerted to know they needed to intervene.

Mr. White said an alarm will be put in. He said Berkshire Housing Development Corporation will manage this property as well as Bostwick Gardens.

Mr. Elton said Bostwick has an audible alarm.

Mr. White said an audible alarm can be installed.

Mr. White said the proposed drainage system goes into the Town's right of way then back onto our property.

Ms. Nelson said an as built plan should be provided to the Town to see the drain.

Mr. Rembold said there is no detail about how and where the drain will connect.

Mr. White said everything will go to the sewer grinder or the gravity feed.

Ms. Nelson asked if the sewer connection has been laid out.

Mr. White said no.

Ms. Nelson asked about the sewer main.

Mr. White said it is roughly in the center of the road.

Ms. Nelson said she is concerned about the gravity sanitary sewer. She asked about the water main.

Mr. Elton said he has not talked to Peter Marks.

Mr. Rembold reminded the Board that before the Smart Growth districts were approved, the utility capacities were verified to accommodate the possible densities.

Ms. Nelson asked if the utilities will be part of the rent or each unit will be responsible for the utilities.

Mr. Geller said each unit will have its own utilities. The property owner will pay for the water and sewer.

Ms. Nelson asked about the lighting plan.

Mr. Elton said the lighting plan was discussed previously.

Ms. Nelson said she wanted to go through the design standards to see if we missed anything. She said the plan shows that the dumpster will be screened.

Mr. Higa asked about maintenance for plantings.

Ms. Nelson said that will be part of the property maintenance. She asked if snow will be removed from the site if required.

Mr. Hankin asked if the parking lot will be salted during the winter.

Mr. Elton said the preference would be to not use salt, only sand.

Mr. Geller agreed.

Ms. Nelson asked if there will be path lighting along south building A.

Mr. Elton said yes, there will be bollards along the path.

Ms. Nelson asked if the evergreens along the south are on the abutting property or on this property.

Mr. Elton said the vegetation is on the abutting property. We will add to it.

Ms. Nelson said it appears that there is light spillage on the abutting property, that can't be allowed. We will have a condition that there will be no spillage from the bollards.

Mr. Rembold said the sidewalk will need to be illuminated.

Mr. White said the bollards will have a shield on the back side to prevent spillage.

Mr. Rembold asked what type of light will be used.

Mr. Elton said the lights will be LED, 3,000K. The parking lot lights will be on 12 foot poles. Ms. Nelson said no spillage will be allowed on the north side.

Mr. Rembold asked why the existing building isn't being saved.

Mr. Geller said there are many different levels within the building. It would be very difficult and expensive to make it into apartments.

Mr. Elton said the building is in poor condition. There is structural damage and the foundation is in poor condition. It would be prohibitively expensive to adapt to this project.

Ms. Nelson said she is satisfied we have gone through the zoning.

There were no comments from the public.

Mr. Hankin made a motion to close the public hearing, Mr. Pachano seconded, all in favor. The public hearing was closed at 8:53 P.M.

The Board discussed the findings.

Mr. Hankin said this is a by-right use.

Mr. Rembold said 9.13 subsection 11 deals with plan approval.

Ms. Nelson read through the section.

Mr. Rembold said the Board must certify that the bedroom mix is in compliance with proportional bedroom sizes in 6.4. Then the Board should go through the waivers generally.

Mr. Geller said he did the math for the bedroom mix and we are in compliance.

Ms. Nelson asked that he provide the information in writing.

Mr. Pachano asked if there will be monitoring of the project.

Mr. Rembold said yes. The DHCD will monitor the project. They will look for the Board's approval.

Mr. Geller said there is no monitoring agent to see that we live up to the bylaw.

Mr. Hankin said it is the Planning Board's role to assign a monitoring agent.



Mr. Rembold said that is correct. He recommended that the Board make the DHCD the monitoring agent.

Ms. Nelson said the monitoring agent will deal with the affordability section.

Mr. Rembold said yes and the Building Inspector will deal with the building and the zoning aspects.

Ms. Nelson asked Mr. Geller to submit written certification on the bedroom to unit ratio and to certify that it meets the zoning bylaw. She said there was some confusion during the discussion so we want the certification.

Ms. Nelson listed the following waivers:

--Front yard setback waiver from the 25 foot requirement. The Board has had a discussion about why we are comfortable with waiving that requirement to enable better site design and fire access, because the property line is irregular and very far from the travelled way.

Mr. Hankin added that in fact it was the Board that suggested moving into the front yard setback.

--Waiver of the height requirement for building C. The proposed height would be 42 feet 1 inch. The tower component will be 4 stories. The Board found it was a favorable design component.

--The Board also found that parking in the front yard setback is acceptable, due to the site constraints and wanting to save existing trees.

Mr. Pachano made a motion to approve the waivers based on the findings made, Mr. Higa seconded, all in favor.

Mr. Hankin made a motion to appoint the DHCD as the monitoring agent, Mr. Pachano seconded, all in favor.

The Board discussed the following conditions for the project:

--Certification per 9.13.6.4 will be provided.

--No light spillage on the adjacent properties to the north and south.

--Storm water maintenance and operations with an external visual/audio alarm to the satisfaction of the DPW Superintendent

--Tracking pads will be used for the project construction period

--Construction hours will be consistent with the Town's ordinance

--As-built plans for all utilities including those in the public right of way will be provided

Mr. Hankin made a motion to approve the plan per 9.13.5.3 with the conditions as discussed, Mr. Fick seconded, all in favor.

Mr. Hankin made a motion to send a positive recommendation to the Selectboard for the Water Quality Protection District Zone II, Mr. Higa seconded, all in favor.

**ZONING DISCUSSION:**

The zoning discussion was tabled.

**TOWN PLANNER'S REPORT:**

There was no Town Planner's report.

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

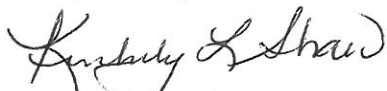
The Chair and the Selectboard Chair have agreed on a joint meeting on November 15, 2018 at 6:00 P.M. at the Town Hall. Neither Mr. Hankin nor Mr. Higa is available. The Master Plan and Stockbridge Road will be discussed.

**CITIZEN'S SPEAK TIME:**

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 9:24 P.M.

Respectively submitted,



Kimberly L. Shaw

Planning Board Secretary