

PLANNING BOARD

DATE: January 10, 2019

TIME: 6:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

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

Ms. Nelson called the meeting to order at 6:01 P.M.

FORM A'S:

Mark Reynolds from Kelly, Granger, Parsons and Associates was present with a Form A plan on behalf of Kathleen Sinico for two parcels of land located on the east side of Stockbridge Road and the south side of Cooper Road. The property was divided in May 2017. This plan adjusts the lot line between the business parcel and the residential parcel by 4 feet. Both parcels meet zoning minimums.

Lot1 contains .0333 acres of land. Lot 2 contains 0.500 acres of land.

Mr. Fick made a motion to approve the plan as submitted, Mr. Hankin seconded, all in favor.

MINUTES: DECEMBER 13, 2018

Mr. Hankin made a motion to approve the minutes of December 13, 2018 as amended, Mr. Fick seconded, all in favor.

ZONING DISCUSSION

Mr. Rembold prepared a memo *Proposed Zoning Amendments for May 6, 2019 Town Meeting Draft 1 for PB Meeting January 10, 2019.*

Mr. Pachano asked if item e of the agenda, Section 9.4 regarding the Design Advisory Committee, could be discussed first.

Ms. Nelson agreed to discuss item e. She said Mr. Pachano is the Chair of the Design Advisory Committee, DAC.

Mr. Rembold said there was some change to the language in 9.5 regarding DAC review and membership.

Mr. Pachano said the language as drafted is acceptable. He asked that under 9.5.2, Applicability, that the second to the last sentence remove part of the sentence that refers to the Local Historic District. The last sentence will read, **Changes subject to review by the Historic District Commission shall not require review by the Design Advisory Committee.**

The Board was in agreement that this article will move forward.

The Board discussed *Dimensional Requirements and Density Controls*.

Mr. Hankin said he thought the rear yard setback was going to be the same as the side yard setbacks, 10 feet.

Mr. Rembold said he didn't recall that discussion. He said in some areas the rear yard setback is 10 feet.

Mr. Pachano said if the side yard setback is 10 feet then the back yard setback can be 10 feet.

Mr. Hankin asked if the setback could be 10 feet everywhere or match the side yard setback.

Ms. Nelson said she has no issue with the 10 foot setback. She said a fence can be installed on the property line.

Mr. Pachano said the rear yard could match the side yard setbacks in each district.

The Board discussed the Net Buildable Area.

Mr. Hankin said the change would remove the penalty applied to small lots by the maximum coverage portion of the zoning..

Mrs. Mooney said the language is very confusing.

Ms. Nelson said a lot of the amendments are housekeeping items, they are not new items.

Mr. Rembold said there is a graphic that makes the language make sense. He said he did not have it available.

Mrs. Mooney asked if the graphic could be included in the bylaw.

Ms. Nelson said she would have to check into it.

Mr. Fick and Mr. Hankin had a discussion about the language as it was not making sense to Mr. Fick. Ms. Nelson tabled the discussion to the next meeting when the graphic would be available.

The Board discussed *Special Permit Granting Authority for Residential Uses*. The amendment would make the Planning Board the SPGA for all residential uses. The Board agreed that this amendment should move forward.

The Board discussed *Two-Family Housing*.

Mr. Fick said he does not like the one parking space requirement. He said if we adopt the change to require one parking space per dwelling unit we will have the lowest parking space requirement in the county. He said that he thinks jumping from requiring two parking spaces to requiring one parking space is extreme. We don't allow on-street parking in the winter. He said he thinks an issue will be created by adopting the change.

Mr. Fick said if we put the requirement for 1 parking space in the bylaw we will not have the option to require more than 1. He asked if there is a way to reduce the number of parking spaces on a case by case basis without a special permit.

Mr. Rembold said no. There is no way for parking space requirements to be discretionary.

Mr. Hankin said he doesn't want parking space requirements to get in the way of someone converting a one-family house into a two-family house.

Mr. Fick asked what the problem is we are trying to solve.

Mr. Hankin said we are trying to increase housing because we are having a housing crisis. The goal is to eliminate the hoops that people have to jump through.

Ms. Nelson said she is ok with a two-family use having one parking space.

Mr. Fick said it is impractical for adults in the Berkshires not to have two cars.

Ms. Nelson said if we leave the two-family proposal in place, we can make changes if we have feedback at the public hearing.

Mr. Fick said he thinks it is irresponsible.

Ms. Nelson said she doesn't see an issue for a two-family. She said she would like to move the language forward as written and discuss the next topic, *Multi-Family Housing*. She said everyone else is ok with one parking space for the two-family use except Mr. Fick whose objections are noted.

The Board discussed *Multi-Family Use*.

Mr. Rembold said the change to 8.3.1 is just cleaning up the existing language.

Mr. Rembold said 8.3.3(1) does not promote multi-family housing as it is currently written. This proposal reduces the lot area per unit from 5,000 square feet to 2,500 square feet.

Mr. Rembold said 8.3.3 (2) allows more area of the lot to be used.

Mr. Hankin said the lot area could be reduced to 15% permeable surface to be consistent with the language for two families.

Ms. Nelson said she has concerns about the impact of reducing the permeable surface on town services.

Mr. Rembold said 5-9 of 8.3.3 have been struck because they are redundant as they are part of Site Plan Review.

Mr. Hankin said that 8.3.3(4) addresses parking. We might need to amend 6.1 to make it consistent. The citation of 10.4 as the standards for special permitting should be replaced with 6.1.9 which deals specifically with parking and also alludes to 10.4.

Mr. Rembold said 8.3.6 is a house keeping item.

Ms. Nelson said this is good. It can move forward.

The Board discussed *Accessory Structures and Accessory Dwelling Units*.

Mr. Rembold said there is a difference between accessory structures and accessory dwelling units, ADU. Accessory buildings can be up to 10' from the lot lines. Accessory dwelling units have to maintain the setbacks. An applicant would be required to go to the ZBA to have an ADU

in an accessory structure that is closer to the property line than that required of primary structures.

Mr. Rembold said 8.2.2 is intended to clean up the language.

Mr. Rembold said 8.2.3 increases the square footage of an ADU from 650 square feet to 800 square feet.

Mr. Hankin said he doesn't know why we have such restrictions. An ADU with two bedrooms would be very difficult in 800 square feet. He said why not increase it to 1,000 square feet.

Mr. Fick asked if 1,000 square feet is too big to allow in the setback area.

Mr. Hankin said 800 square feet doesn't get us to where we want to be.

Mr. Pachano said a two bedroom could go in 800 square feet but the bigger the better.

Mr. Hankin said 900 square feet would be reasonable.

Mrs. Mooney asked what the difference is between an ADU and a two-family.

Mr. Rembold said just the size.

Ms. Nelson said ADUs are intended to be over a garage or in a small structure.

Mrs. Mooney said it is difficult to tell which is which. She said she has no bias she is just thinking about someone reading the bylaw and being confused.

Mr. Rembold said there is a presumption that there is an existing dwelling unit so an ADU can be added. If the dwelling unit is a two-family use then the ADU would create a three-family use.

Mr. Pachano asked if an accessory building is an ADU.

Mr. Hankin said maybe or maybe not.

Ms. Nelson said all ADUs are accessory structures. She referred to the definition.

Mr. Hankin said an ADU could be in an existing structure.

Mr. Pachano said there needs to be a distinction. An accessory building might not be an ADU.

Mr. Rembold said a definition can be added to clarify.

Mr. Hankin asked why there is an ownership restriction on ADUs.

Mr. Rembold said across the country developers say in order to have people utilize the ADU law the ownership restriction should be removed. He said it is often considered that the bylaw would not pass town meeting without the ownership restriction.

Mr. Hankin pointed out that we do not require common ownership for two or three family properties.

Mr. Fick asked why there would be a restriction on ADUs but not on a multi-family.

Ms. Nelson said this proposal will have a definition added to clarify accessory buildings and remove the ownership requirement for ADUs.

The Board discussed *Tiny Houses as Accessory Dwelling Units*.

Mr. Rembold said a definition has been provided for a Movable Tiny House.

Mr. Hankin said the language has been adopted from places in California as a way of addressing a housing crisis. If we adopt this bylaw we will be only the fourth municipality in the country to allow Mobile Tiny Houses.

Mr. Fick asked how it is not just a trailer.

Mr. Rembold said the tiny house can be put on a foundation or the chassis would be concealed and hooked up to utilities, it is then considered an ADU.

Ms. Nelson asked if they will be allowed if not connected to utilities.

Mr. Hankin said no.

Mr. Rembold said if we allow them they will be required to be connected.

Ms. Nelson asked why we need to have this if we have ADUs.

Mr. Hankin said because we need it. We can add language about architecture.

Mr. Fick said he has concerns. He said if you can put as many ADUs on a lot as you can then we have something like a trailer park.

Mr. Hankin said the phenomenon of tiny houses is sweeping across the country as affordable housing becomes a national problem. We should address it now. They will be constructed in compliance with ANSI 119.5 until Massachusetts adopts Appendix Q of the International Residential Code, IRC most likely within the next three years.

Mr. Pachano, expressing concerns about energy efficiency, said they are not required to comply with IRC.

Mr. Hankin said we can't expect them to conform to IRC if we haven't adopted IRC.

Mr. Rembold asked if there should be a cap on how many can be allowed on a lot.

Ms. Nelson said it should be considered. We can discuss it at a future meeting.

Mr. Pachano said we do need to think about lot coverage on larger lots.

Mrs. Mooney asked why multiple units on a lot would not be considered a subdivision.

Mr. Rembold said because it would be a single lot instead of multiple lots that would have to meet frontage requirements.

This proposal will be discussed further.

The Board discussed B-3 *Downtown Mixed-Use District*.

Mr. Rembold said this proposal would double allowable density and reduces parking. The SPGA would be designated in the Table of Use.

The Board discussed *Mixed Use Development*.

Mr. Rembold pointed out that we have discussed over the last few years what can be considered mixed-use and what can be allowed by-right. He said we are proposing to change it again. The change is proposed in 8.4.1 General.

The Board agreed that 8.4.2 is okay with the requirement for 75% of street-level floor space being reserved for nonresidential use in the VCOD and 25% of street-level floor space outside the VCOD being reserved for nonresidential use.

Tom Doyle was present in the audience. He said it is a tough world for retail space right now.

Ms. Nelson said nonresidential could mean office space or any other non-residential use.

Mr. Doyle asked if the nonresidential percentage could be limited to the primary address side of the building if the building is located on a corner.

Mr. Fick said that could reduce the actual percentage if the entire street-level is not considered.

Ms. Nelson said we don't dictate what side in the bylaw now. She said she is inclined to leave that alone.

Mr. Pachano agreed. He said there is no requirement for mixed use. The entire building could be residential.

Mr. Rembold said all the items on the agenda can be included on a future agenda. Nothing discussed tonight is set in stone. There will still be a public hearing.

Mr. Rembold said he is not ready to discuss the small changes to the Use Table for 3 (d) of the agenda. The item was skipped over.

The Board discussed *Marijuana Establishments*.

Mr. Rembold said the amendment would allow for cannabis related manufacturing as an accessory use to cultivation of marijuana in R-2 and R-4.

Mr. Hankin said the use already requires a special permit, why require another special permit for the accessory use.

Ms. Nelson said if conditions of the special permit are changed the applicant would have to come back to amend the special permit.

Mr. Rembold said it is ok to have 2 special permits. The permits can be done at the same time. It controls an unanticipated future use to require separate special permits.

Ms. Nelson said at this time marijuana is a use we don't fully understand. There may be ramifications we haven't anticipated.

Mr. Pachano asked if there will be additional fees for each special permit.

Mr. Rembold said there will be only one fee for the applications when the permits are requested at the same time.

The Board discussed the *Stockbridge Road Corridor*.

Mr. Rembold said the language has been previously discussed.

Ms. Nelson said she likes the language. She said she likes the parking behind the buildings as well as the landscape buffer for the residential uses along the back of the commercial zone.

Mr. Hankin said if we are going through SPR why do we need the language.

Mr. Rembold said the language makes it clear.

Ms. Nelson said it is important to prevent light spillage and landscaping.

Mr. Rembold said it is important to make clear the requirements. He said right now the standard for lighting is to prevent "glare". He said he will add section 6.2 to reflect this discussion.

Mr. Hankin asked if the elimination of the industrial zone on Crissey Road changes will have an impact on existing uses. He was concerned that existing uses might become non-conforming.

Mr. Rembold said they would be legal pre-existing uses.

Ed Abrahams asked if cannabis manufacturing will be allowed in the B-2 zone.

Mr. Rembold said yes by special permit. He said any marijuana use, apart from retail, will require a special permit.

Mr. Reed asked if where cultivation of marijuana is allowed near homes will people have the opportunity to comment. He said the odor could upset people.

Mr. Rembold said the use requires a special permit. The Selectboard would have the opportunity to address the concern.

Mr. Hankin pointed out that light manufacturing, a by right use in the industrial zone, is not allowed in the B-2 zone. This would affect a business such as Bola Granola.

Mr. Fick said it is proposed to be allowed by special permit.

Ms. Nelson said should anything we have discussed be tabled or should it all be forwarded to be included at the Annual Town Meeting.

Mr. Hankin clarified that, having been presented with explanatory diagrams, Mr. Fick no longer objected to the proposed changes to lot coverage and Net Buildable Area.

The Board agreed that everything should be forwarded.

Ms. Nelson thanked Mr. Rembold for grouping everything in a logical way.

Mr. Rembold said at the next meeting the language can be approved and the Board can vote to refer it to the Selectboard.

Ms. Nelson said we will craft the final language, send it to the Selectboard and set a public hearing.

Mr. Rembold said realistically the public hearing will be at the end of February or beginning of March.

TOWN PLANNER'S REPORT:

Mr. Rembold said every year BRPC puts out a solicitation for technical assistance applications. The Planning Board applied for assistance to update the Town's Open Space and Recreational plan. Our plan is expired so they will help to get it updated, hopefully at the end of the year. He said a committee will be put together. He said he expected that there will be a representative from the Planning Board on the Committee.

Mr. Hankin asked about studying the housing need.

Mr. Rembold said we can gather the data ourselves for this year.

Mr. Pachano asked about an economic development study.

Mr. Rembold said the Selectboard is setting up a committee. He said there are more surveys expected for downtown businesses.

Mr. Hankin asked, in light of a new state law having been passed, if short term rentals are a zoning issue or a Selectboard issue.

Mr. Rembold said he is planning a discussion with two members of the Selectboard in the coming week.

Mr. Rembold said we are entering the budget season. He said there will be Finance Committee meetings for the next 3 Tuesdays. He said the Board should be aware.

Mr. Rembold said Google Earth has been updated with information from September 2018. He said much of the recent developments including solar fields are now visible.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Hankin said they are three houses constructed in Barrington Brook. Two more houses are under construction. He said only one sale has been recorded. He said he is very concerned that the Town is going to be stuck with three lots in exchange for finishing the roads.

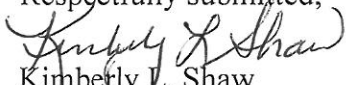
CITIZEN'S SPEAK TIME:

Mrs. Mooney asked if the next meeting will begin at 6:00 or 7:00 P.M.

Ms. Nelson said the meeting of January 24 will start at 7:00 P.M.

Having concluded their business, Ms. Nelson adjourned without objection at 8:17 P.M

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

