

PLANNING BOARD

DATE: January 24, 2019

TIME: 7:00 P.M.

FOR: Regular Meeting

PLACE: Large Meeting Room

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; 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 submitted.

MINUTES: January 10, 2019

Mr. Hankin made a motion to approve the minutes of January 10, 2019 as amended, Mr. Fick seconded, all in favor.

ZONING:

Mr. Rembold handed out the revised zoning language *Proposed Zoning Amendments for May 6, 2019 town Meeting Draft 2, for PB meeting Jan. 24, 2019.*

Mr. Rembold said there is language to clarify the Water Quality Protection District, 9.2.2. The language clarifies that a special permit would not be required under 9.2.12 with reference to 9.2.11. He said it seems like a simple clarification.

Ms. Nelson asked Mr. Rembold if the Board needs to vote to forward each item to the Selectboard.

Mr. Rembold said yes.

Mr. Fick made a motion to forward this article 9.2 Water Quality Protection District to the Selectboard, Mr. Hankin seconded.

Mr. Pachano said he is not sure this is the right approach. He said people on the street will say 9.2.12 is still too restrictive.

Mr. Rembold said there are specific uses in 9.2.11. There is specific language for replacing buried fuel tanks in 9.2.11. If people pay attention they will understand they don't have to be under 9.2.12.

Mr. Pachano agreed. He said he could see that what is written is not substantially different than what he was suggesting.

Mr. Hankin said there is still time to discuss the amendments.

Ms. Nelson called for a vote on the motion to send the article to the Selectboard; all in favor.

Mr. Rembold began discussion of the Downtown B District. He said there are certain uses not allowed in the Downtown B District. He said the Village Center Overlay District was passed 10+ years ago. He said the VCOD would allow uses that were not allowed in the underlying district requiring the two parts of zoning to be read together.

The Board discussed the uses as outlined in the amendment language.

Mr. Rembold said personal services were separated from general services in 2012 to make the language more clear.

Ms. Nelson said general services could be more like light industrial. She said glass blowing might be an example of that.

Mr. Fick asked if there is something we would want to deny that should not be allowed by-right.

Mr. Hankin said it is worth talking about.

Ms. Nelson agreed. She said we need to recognize that bringing in a trades person there could be more construction type uses.

Mr. Fick said we would still require Site Plan Review.

Mr. Rembold said new commercial uses would probably trigger SPR but if the uses go from the same use to the same use there would not be SPR.

The Board agreed to allow general services by-right.

Mr. Hankin made a motion to refer the Downtown B District article to the Selectboard as amended, Mr. Fick seconded, all in favor.

Mr. Rembold began the discussion of Dimensional Requirements and Density Controls. He said the columns will be combined for the minimum side yard and rear yard setback. He said the biggest change is in the R-1-A zone where the rear yard setback goes from 30 feet to 20 feet and in the R-1-B where the rear yard setback goes from 30 feet to 10 feet. He said he doesn't feel that the changes are massive based on what exists on the ground.

Mr. Rembold went through the table in the handbook.

Mr. Hankin made a motion to refer the article for Dimensional Requirements and Density Controls to the Selectboard, Mr. Pachano seconded.

Holly Hamer asked if reducing the setback will make it more difficult for people to park in their yards.

Mr. Hankin said the change will only adjust the rear yard setback. He said he doesn't think it will have an impact.

The Board decided that both parts of the article need to be discussed prior to making a motion to forward it to the Selectboard. Mr. Hankin withdrew his motion.

The Board discussed Net Buildable area.

Mr. Fick said he objected to the language in this article at the last meeting. He said he now understands what the intent of the article is so he is now in favor of it.

Mr. Rembold said the net buildable area is specific to small lots.

Mr. Pachano said it will vary lot by lot.

Ed Abrahams said he is having trouble understanding how the net buildable area works. He said the Board needs to be clear in the explanation when the Selectboard reviews it as well as at Town Meeting.

Mr. Hankin said the setback requirements in certain zones create density. The lot coverage reduces the net buildable area on small lots. The buildable area gets bigger by changing the setback but the percentage of lot coverage stays the same.

Patricia Ryan said she is concerned about houses getting closer together.

Ms. Nelson said the change would allow building in the net buildable area on small lots up to a limit. The bigger lots would still have to meet the lot coverage percentage.

Mr. Hankin said the goal is to make it easier for people to build more units because we have a housing crisis.

Mr. Rembold asked the Board if they want to have the rear yard setback language separate from the confusing net buildable area language.

Mr. Hankin said it might be a good idea to separate, although the net buildable language is based on the rear setback change.

Mr. Fick said it is more likely that the net buildable portion would not pass because it is confusing.

Mr. Fick made a motion to separate the Dimensional Requirement changes from the Density Control language and to forward the Dimensional Requirement language to the Selectboard, Mr. Hankin seconded, all in favor.

Mr. Fick made a motion to send the Net Buildable language, including the amendment of a footnote, to the Selectboard, Mr. Hankin seconded.

Mr. Hankin said he can do sketches of the rear setback change. He said he doesn't want to see the article fail but there can be amendments on Town Meeting floor.

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

Mr. Rembold began the discussion of the Planning Board being the Special Permit Granting Authority for residential uses.

Mr. Pachano had several ideas and thoughts regarding how to present the change. He read through notes he had prepared outlining how the Selectboard came to be the SPGA. He said this has been a contentious item between the Board and the Selectboard. He suggested changing the language in the zoning to say that the Planning Board is the SPGA unless otherwise stated (10.4.1). He said any zoning activity should be the purview of this Board.

Mr. Hankin said he agrees but he said it needs to be done incrementally. He said starting with the residential zones seems like a good place to start.

Mr. Pachano said the Selectboard will have the same argument they had when we tried to be named the SPGA for marijuana establishments. He said the information he read has teeth because it is in the law.

Mr. Rembold said recently the Planning Board became more involved in land use and planning. In past years it wasn't like it is now.

Mr. Fick asked if we have language.

Mr. Pachano said one sentence in 10.4.1 would be changed from Selectboard to Planning Board. The new language would change the default to the Planning Board.

Mr. Fick said in his mind it has to do with site visits. The Selectboard doesn't have site visit standards. He said we all agree on this but at some point we have to convince people that what has happened historically needs to be changed.

Ms. Nelson said it seems like two separate issues because we want to change 3.1.4. How do we proceed? Would we group the SPGA together with 2 items?

Mr. Pachano said the question is what will convince them to give up their power.

Mr. Hankin said a separate warrant item would be necessary. He said we can discuss it at the next meeting and then forward to the Selectboard.

Mr. Hankin made a motion to forward the SPGA change in 3.1.4 to the Selectboard, Mr. Fick seconded, all in favor.

Mr. Rembold read the language for Two-Family Housing.

Mr. Hankin said to strike part 8.1.3.6 in its entirety.

Mr. Fick said he is not in favor of requiring only 1 parking space. He said the change should not be made without know what the impact will be.

Mr. Pachano said required parking increases the construction costs and decreases the buildable area.

Ms. Nelson suggested a compromise of requiring 1.5 parking spaces per unit. She said she had had conversations with people who think zoning is too generous regarding parking.

Mr. Higa said people will make less parking work.

Mr. Pachano said the parking discriminates against a population that does not have cars.

Ms. Nelson said if we only require one space we get enormous push back. She said we haven't been able to see if requiring one creates a problem.

Mr. Hankin if we go with 1.5 spaces we have the ability to reduce the requirement. If they need 2 spaces we will not be able to require that 2 are provided. It is important to require a minimum.

Mr. Fick said he is really reluctant.

Mr. Pachano said it can be done in the MXD.

Ms. Nelson said the goal is to refer this to the Selectboard. She said she would like to make notes about the issues. She said the amendment is still subject to a lot of discussion.

Mr. Fick made a motion to refer the article to the Selectboard with the amendments discussed and eliminating 8.1.3.6, Mr. Pachano seconded, all in favor.

Mr. Rembold began the discussion of Multi-Family Housing. He said there were no changes in 8.3.1 since the last meeting.

Mr. Rembold said in 8.3.3 the preamble has been changed to reduce the open space from 50% to 25%.

Mr. Hankin asked if this change applies to two-family as well. He said he doesn't understand the discrepancy.

Mr. Rembold said drainage controls can be better addressed with the multi-family.

There was a brief discussion of parking spaces. The Board agreed that when the required parking has a fraction it will be rounded down.

Mr. Fick said he thinks the HVC should be included in 8.3.6.

Ms. Nelson said it can be added for the purposes of getting the article forwarded to the Selectboard.

Mr. Hankin made a motion to forward the article as amended to the Selectboard, Mr. Pachano seconded, all in favor.

Mr. Rembold began discussion of Accessory Dwelling Units. He said there are no changes from the last discussion. He suggested there could be a cap on number of ADU's per lot, with more being allowed if they were "affordable."

Mr. Hankin said there would be no way to track these "affordable" housing units.

Mr. Fick said he thinks we need a cap on the number of ADUs that can be located on a lot before requiring a special permit.

Mr. Hankin said if developers are not building some affordable units they should have to contribute to the Affordable Housing Trust.

Ms. Nelson suggested that more than two ADUs should be subject to a special permit. She said she does not like aesthetics of small units with a large unit. She said multiple ADUs seem like substandard housing. It will look like a campground.

Mr. Hankin said setbacks and lot coverage still apply.

Ms. Nelson said she has been trying to find examples that enhance the character but she is unable to find it.

Mr. Pachano said it sounds like aesthetics.

Ms. Nelson said yes but character matters too. She said without architectural control there is impact on the character of the community.

Mr. Pachano said we are living in different times.

Ms. Nelson said she does not see this as being salable at the Annual Town Meeting. She said she is very supportive of ADUs but she said this may be going to far.

Mr. Higa asked if one would be acceptable.

Ms. Nelson said one would work, maybe two.

Mr. Fick said he is sympathetic to Ms. Nelson's point. He said we should create a limit then allow more by special permit.

Mr. Hankin said a homeowner wanting to build ADUs would be subjected to additional cost if required to apply for a special permit.

Mr. Rembold said the amended version increases the size of an ADU and removes the ownership requirement. He said it would be better to limit the changes.

Mr. Pachano said he likes the idea of living in a community that makes things possible. He said he wants to improve the community.

Mr. Fick said he is a little scared. Making too many changes could open the floodgates.

Mr. Hankin suggested allowing two ADUs by-right and allowing more by special permit and to strike the ownership requirement.

Mr. Pachano said we are working toward making the Town affordable.

Mr. Hankin made a motion to forward the amendments for the ADU article to the Selectboard, Mr. Fick seconded, all in favor.

Mr. Rembold read the language for the Tiny House article.

Mr. Hankin said he does not want to get into architectural restrictions.

Mr. Hankin made a motion to forward the Tiny House article to the Selectboard, Mr. Fick seconded, all in favor.

Mr. Pachano suggested adding ADUs to the definition of Accessory Uses.

Ms. Nelson said that would be a new item. It can be discussed at the next meeting.

The Board discussed the article for Downtown Mixed-Use B3 District.

Ms. Nelson said this will reduce the required square footage of lot area per dwelling unit.

Mr. Fick suggested that the parking requirement of 1.5 spaces be applied to this section.

Ms. Nelson said the downtown area is more walkable.

Mr. Rembold said he thinks one space is good for this zone.

Mr. Hankin pointed out that there are no parking requirements in the downtown zone.

Mr. Pachano said he would like to amend 9.4.1 by adding a separate section to the bylaw to incentivize more affordable housing.

Mr. Hankin said we don't have language for that amendment.

Ms. Nelson said that should be tabled for next year. We already have enough amendments.

Mr. Pachano made a motion to refer the article for the Downtown Mixed-Use B3 District to the Selectboard as it is, Mr. Higa seconded, all in favor.

Mr. Rembold began the discussion of the article for Mixed Use Development. He said the language is as was discussed at the last meeting.

Mr. Hankin said he has one edit, strike "however" in 8.4.1.

Mr. Fick asked if there is inconsistency with the overlay district.

Mr. Rembold said the Village Center Overlay District is the control.

Mr. Pachano said he has never heard of an overlay district having more control over the underlying zone. What are the differences between the VCOD and the B zone.

Mr. Rembold said VCOD allows mixed-uses by-right and reduces parking requirements. He said there is oversight on how things look.

Mr. Fick said he wants there to be consistency. If the VCOD trumps the underlying district it should be stated.

Mr. Pachano wondered if the change makes the VCOD ineffective.

Mr. Rembold said the underlying district applies unless the VCOD is triggered. He said he does not see a problem with the VCOD.

Mr. Hankin made a motion to forward the Mixed Use Development article with a small edit to the Selectboard, Mr. Higa seconded, all in favor.

The Board briefly discussed Marijuana Establishments. Mr. Pachano made a motion to table the article for further discussion, Mr. Higa seconded.

Mr. Fick asked why the article was being tabled. He said he thought it had been discussed.

Mr. Rembold said it was discussed and previously agreed that the language is ok as it is.

Ms. Nelson said there is a motion and a second to table the discussion.

Mr. Pachano said marijuana is treated differently. He questions why we would allow cannabis manufacturing in some zones where we wouldn't allow other types of manufacturing.

Ms. Nelson said processing on site is more efficient than having multiple locations and special permits. She said it is a unique topic. Everyone is trying to find their way. The use warrants special treatment.

Ms. Nelson called for a vote on the motion to table the discussion, Mr. Pachano in favor, Ms. Nelson, Mr. Hankin and Mr. Fick opposed. Mr. Higa abstained.

The Board discussed the manufacturing of marijuana as an accessory use that would be part of the special permit. If there is a change in the scope of the special permit then another special permit would be required.

Mr. Pachano asked if the Board would allow manufacturing in residential zones.

Mr. Hankin said it would only be allowed on parcels larger than 5 acres. He said you can have farm animals on more than 5 acres and process their milk into cheese on premises.

Mr. Pachano asked if slaughtering and processing the animals would be allowed.

Mr. Fick said the State Law treats marijuana different than an agricultural use so we need to treat it differently.

Mr. Pachano said he understands. The growing and processing of something that is not agriculture wouldn't be allowed in the residential zones. He said there are already so many regulations that it shouldn't be treated specially. It should not be allowed if it is not an agricultural use.

Mr. Higa said he agrees with Mr. Pachano. He said it shouldn't be treated like an agricultural use.

Mr. Pachano made a motion to send the article regarding Marijuana Establishment to the Selectboard, Mr. Hankin seconded, all in favor.

The discussion of the Design Advisory Committee article was that the changes are practical.

Mr. Hankin made a motion to forward the DAC article to the Selectboard, Mr. Pachano seconded, all in favor.

Mr. Rembold read through the language for the Stockbridge Road Corridor and B2 Zone Regulations.

Mr. Hankin said the parking requirements are extremely punitive. If there is parking in the driveway the parking is in the setback.

Ms. Nelson said the change is trying to be sensitive to the residential zone to the east.

Mr. Hankin said there is no specific language. He suggested discussing it at the next meeting.

Mr. Rembold said anything in 6.2 can be waived by special permit. He suggested holding parking, 6.1.3 for further discussion.

Mr. Hankin made a motion to hold 6.1.3 and send the balance of the article regarding the Stockbridge Road Corridor and B2 Zone Regulations to the Selectboard, Mr. Fick seconded, all in favor.

Mr. Hankin made a motion for Ms. Nelson to work with Mr. Rembold on a transmittal letter to the Selectboard, Mr. Higa seconded, all in favor.

The Board set a public hearing for the zoning amendments for March 7, 2019 at 6:00 P.M. The Board also decided to hold their regularly scheduled meeting on March 14 but to not meet on March 28.

TOWN PLANNER'S REPORT:


Mr. Rembold did not have a report.

CITIZENS SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 9:37 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary