

## **PLANNING BOARD:**

DATE: August 9, 2018

TIME: 7:00 P.M.

PLACE: Fire Station

FOR: Regular Meeting

PRESENT: Malcolm Fick, Vice-Chair; Jonathan Hankin; Jeremy Higa; Pedro Pachano  
Chris Rembold, Town Planner

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

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

Patrick McColgan from Taconic Land Consultants was present on behalf of the Myrin Institute with a Form A application for two lots located on the east side of Monument Valley Road. Lot 1 contains 32.27 acres of land. Lot 2 has 24.70 acres of land. Lot 2 is to be conveyed to an abutter and is not to be considered a separate building lot.

Mr. Hankin made a motion to approve the Form A, Mr. Pachano seconded, all in favor.

### **MINUTES: JULY 26, 2018**

Mr. Hankin made a motion to approve the minutes of July 26, 2018 as amended, Mr. Pachano seconded, all in favor.

### **PRELIMINARY SUBDIVISION PLAN:180-190 NORTH PLAIN ROAD**

Sean Stanton was present to discuss a preliminary subdivision plan for 180-190 North Plain Road. He asked for the Board's approval of the preliminary plan. He said a preliminary subdivision plan is not binding but it would allow him to move forward with getting APR designation for the property. He said there are 82 acres of land, all but 6 acres would be included in the APR.

Mr. Higa arrived at 7:07 P.M.

Mr. Stanton said he has the opportunity to purchase the property and preserve it for agricultural use forever. He said the State is meeting in September. Mr. Stanton said he needs to have an agreement in place by the end of the month to be able to proceed. He said the property is currently considered undevelopable because there is no access due to the railroad track that runs across the front of the property. If access can be demonstrated, the land would be considered developable making it possible for the building rights to be purchased by the State.

Mr. Stanton said he does not want to develop the land he simply needs to demonstrate that it can be developed. He said he is seeking approval of the preliminary plan. If the land were to be developed a definitive subdivision plan would have to be submitted.

Mr. Hankin said he would like to see the easement from the railroad.

Mr. Stanton said he doesn't have the easement or a letter at this point. He said he does not want a letter made a public document.

Mr. Hankin said he could find language for the easement in the deed, but he couldn't find that it had been granted.

Mr. Stanton said that is correct. He said he has it in principle.

Mr. Hankin said a single family could be built by special permit in the industrial zone.

Mr. Stanton said that is correct. He said there are currently units on the property that he would like to keep to continue providing affordable housing units.

Mr. Rembold said a definitive subdivision process would require a far more extensive list of requirements.

Mr. Fick asked if we are being asked to approve the preliminary plan.

Mr. Rembold said it is a conceptual plan. He said you can't give preliminary approval.

Mr. Fick asked Mr. Stanton if his intent is to get the preliminary approval then leave it dormant.

Mr. Stanton said he would prefer to not do a definitive plan. He said with the access shown to demonstrate that the property could be developed; the State might pay the seller \$1 million for the building rights. He said he would not be putting any money in his pocket the money would go to the seller. He said he wouldn't move forward with a definitive subdivision plan unless the State required it. He said even the installation of a gravel road would be expensive. He said he is not in a position to hire engineers and lawyers.

Mr. Rembold asked if the north residential lot and the south residential lot will be kept separate.

Mr. Stanton said no they will be combined. One 6 acre lot will be separate for a possible residential use.

Mr. Fick said we can review this preliminary plan and approve with a condition that the right of way be secured.

Mr. Rembold said the Board can have the discussion and make conditions then move forward with the preliminary approval if the applicant submits it in accordance with the Board's requirements. Preliminary approval could make a zoning freeze.

Mr. Stanton said maybe the Board could approve the concept so we can move forward with the formal preliminary submission. He said he would appreciate having the approval of the concept to go to the State. He said it would be a big help.

Mr. Rembold asked if the obstacle of the right of way could be overcome then theoretically you could move forward.

Mr. Stanton said we need a substantial easement. It is required to hold the insurance.

Mr. Fick asked if the grade crossing would require gates.

Mr. Stanton said there will not be gates. We would maintain the existing use. The number of vehicle trips won't be changed.

Mr. Hankin said there is an exemption under 81L that says if you can prove the structures predate the adoption of subdivision control, a lot can be created. The lot would have to be conforming except for frontage.

Mr. Stanton said there have been discussions regarding that exemption.

Mr. Hankin said a Form A could be used to create 4 lots instead of 6 lots.

Mr. Rembold asked if using the exemption would prove to the State that the lots are developable.

Mr. Pachano said there is nothing that says the lots are developable.

Mr. Hankin said the more you can show the lots are developable the more the State will pay for the development rights.

Mr. Stanton said the State's appraiser has said the lot is best as a single estate lot. The appraiser will recommend to the State. The State will only pay for development rights not for the structures.

There was further discussion of exemption 81L.

Mr. Stanton said we need to provide frontage to show the lots are developable.

Mr. Pachano asked if the requirements of the preliminary subdivision need to be met.

Mr. Rembold said yes.

Mr. Stanton said the State will pay between \$10,000-\$20,000 per acre. He said they rarely pay \$20,000.

Mr. Hankin said the value is 80 acres with frontage on the river. He said the frontage for the property could be shown via the easement.

Mr. Rembold said if there is access the subdivision approval can't be denied, if the definitive plan meets all of the Board's standard requirements.

Mr. Stanton said there is some confusion about what we need. He said he is trying to be clear about what we can do.

Mr. Hankin suggested making a cul-de-sac for frontage for the 80 acre lot.

Mr. Fick said he does not want to see him have to spend a lot of money for a definitive subdivision plan.

Mr. Stanton said if the money dries up we can't do the project. We need all of the APR money to make it work. The State is working with us. The railroad company is not working with us. He asked what the Planning Board would require for access for the subdivision road.

Mr. Rembold said a 40 foot right of way touching North Plan Road would be required.

Mr. Hankin asked if North Plain Road is a Town road or a State road.

Mr. Rembold said it is a Town road.

Mr. Stanton said he is thinking about coming back with a Form A.

Mr. Fick said you would only need the easement for the Form A.

Mr. Pachano suggested finding out if the State will accept the drawing.

Mr. Rembold said having the easement and a hammerhead road would be a rubber stamp for subdivision approval.

Mr. Rembold asked if a right of way for the south crossing is also being sought.

Mr. Stanton said yes.

Mr. Rembold said it is a question of what the State wants to see.

Mr. Stanton said there are still some questions but maybe we can go to Mass Resources to see what they will accept.

#### **PRELIMINARY PLAN REVIEW: 910 MAIN STREET**

Tim Geller from the Community Development Corporation was present with Nick Elton from Elton & Hampton Architects to discuss a preliminary review of the 910 Main Street affordable housing project.

Mr. Hankin asked why the property is not in the CDC's name. Why is it in a separate LLC?

Mr. Geller said because it is a tax credit project. He said he wants to put the ideas out for discussion as we have worked hard to make sure we can develop the project. He said he would like to show how we got to the plan we have.

Mr. Elton said the lot is 8.7 acres. There is an existing 5,000-6,000 square foot turn of the century house. He said there are wetlands. We have determined that we can develop to the 50 foot setback. There is no ledge on the property.

Mr. Geller said they started with what the zoning would allow. He said universal access is important. We are trying to get as many units as possible at grade level. They went through the original plan that was not the final plan because it was 8 feet above grade and expensive to build.

The subsequent plans had buildings of various sizes and heights. The final plan would consist of five buildings. The parking would be consolidated and accessible by wheel chair. There would be a community rooms also accessible by wheel chair. There would be a community garden. There would be 40 affordable units and 5 market rate units. All the units will be rentals.

Mr. Hankin asked if there will be a difference between the market rate units and the affordable units.

Mr. Geller said there will be no difference.

Mr. Pachano said you are trying to figure out how to integrate parking cars and living area. He suggested less formal parking lots.

Mr. Geller said it is important to have the parking spaces close to the units.

Mr. Rembold asked if it makes sense to put the parking under the units and go higher.

Mr. Geller said it makes the project too expensive.

Mr. Rembold asked if they are planning to excavate from the road to the property line.

Mr. Geller said yes.

Mr. Elton said excavating the mound in the front of the property is an important aspect of the project.

Mr. Rembold said there are engineering improvements being done from the Police Department to National Grid. Sidewalks are being talked about for that area.

Mr. Higa asked about the trees on the property.

Mr. Elton said there are some nice trees on the property. We are aware of the trees and trying to figure out how they can survive. We want to make every effort to preserve the trees.

Mr. Hankin asked if breaking up the front building had been considered.

Mr. Elton said we want the project to look interesting. He said we don't want just a straight building. We could make a space in the middle and push the buildings apart. It is something we can look at.

Mr. Hankin asked what the parking requirements are.

Mr. Rembold said 1 space per unit.

Mr. Hankin asked why the parking is being exceeded.

Mr. Elton said we are providing more parking to accommodate visitors.

Mr. Higa asked if the parking spaces would be assigned to the units.

Mr. Elton said that hasn't been done for previous projects.

Mrs. Mooney asked if there could be an area with airport mix for parking.

Mr. Geller said that can be tough to plow.

Mr. Pachano asked if there is a specific demand for a certain size units.

Mr. Geller said there is a mix. This project will have 12 one bedroom units, 25 two bedroom units and 12 three bedroom units.

Mr. Fick asked if this is a by-right project or is a special permit required.

Mr. Rembold said there are certain submittal requirements, dimensional requirements, density and design requirements. As long as the project meets the minimums of the SGOD zone the project would be by-right. He said the project is fairly straight forward. A special permit for the Water Quality Protection District for the aquifer would run concurrently.

Mr. Geller said he would run the special permit with the Notice of Intent with the Conservation Commission.

Mr. Rembold asked when the submittals will be made.

Mr. Elton said a packet will go to the State in October or November.

Mr. Hankin asked if the next step is floor plans and elevations.

Mr. Geller said storm water management. He said he is looking at the end of September with approval in late October or November. We need a permit in place to get invited to the funding round. He said the goal is to apply in February of 2019 to get funding in July 2019. It could happen but it is more likely we will get funding in 2020.

Mr. Higa asked if CPA funds would be applied for.

Mr. Geller said yes.

Mr. Rembold asked the Board what they need to work on.

Mr. Hankin said he thinks they need to diminish the parking and break up the front building.

Mr. Fick said he thinks there needs to be a business decision for no public parking. He didn't think the Board should decide that.

Mr. Rembold suggested the side setback to the south be increased to give the abutter more space. He suggested providing plenty of buffer either with distance between the buildings or vegetation.

Mr. Geller said he may try to be on the agenda for the second meeting in September.

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

Mr. Rembold said the Attorney General approved the B-2X zone for State Road. He said he would bring updated pages to the next meeting.

Mr. Rembold said the Open Space and Recreation Plan update will begin this fall. It was last updated in 2013. The plan needs to be current to get funding from the State. There will be community outreach and planning.

Mr. Hankin asked if a committee would be needed.

Mr. Rembold said not necessarily. He said last time it was part of the Master Plan process. He said it will be best to work directly with the Parks Commission and the Conservation Commission.

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

Mr. Hankin said the Coons solar array went live. He said we required there to be two rows of trees and vinyl slats in the fencing. He said the project is completely inoffensive as it is without either of those requirements.

Holly Hamer was present. She agreed with Mr. Hankin but she said the abutting soccer field is impacted.

Mr. Hankin said he didn't think the screening is necessary. He said the whole site is fenced. He said if the Steiner School wants the trees they could be put in.

Mr. Fick said he doesn't think it is up to the Board to say we don't need those buffers.

Mr. Rembold agreed. He said it is part of the plan. The applicant would have to come back for a modification to the plan. If they are not in compliance with the plan it is a zoning violation.



Mr. Fick announced that he is now on the Finance Committee for BRPC as well as being on their executive board.

Mr. Higa said the CPC will have their public hearing next Tuesday. He said a decision will be made if they are going to put 50% of the funds toward affordable housing. He said we need to see the data from BRPC to determine if we need a housing study.

**CITIZEN'S SPEAK TIME:**

Mrs. Mooney asked if the plans for Manville Street have been filed.

Mr. Rembold said no. They may be filed in a week or two.

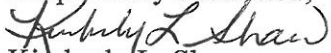
Mr. Hankin said two of the houses from Manville Street have been offered to Construct. They may be moved to Egremont.

Ms. Hamer said it looks like there is no intention of Mr. Coons to put the trees or vinyl slats in. Are they in violation if they don't install?

Mr. Rembold said he is not sure when they would need to be in by. If they are not put in at all they would be in violation.

Having concluded their business, Mr. Fick adjourned without objection at 9:17 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary