PLANNING BOARD

DATE:    July 12, 2018
TIME:    7:00 P.M.
PLACE:   Large Meeting Room
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 7:01 P.M.

FORM A’S:
There were no Form A’s presented.

MINUTES: JUNE 28, 2018
Mr. Hankin made a motion to approve the minutes of June 28, 2018 as amended, Mr. Pachano
seconded, all in favor.

Mr. Fick delayed CPA discussion as Mr. Higa had stepped out of the room. He asked Mr.
Rembold if he could give part of his Town Planner’s report.

TOWN PLANNER’S REPORT:
Mr. Rembold said he did not have anything ready for the Master Plan discussion. He said he
expected that there would be Open Space and Recreation updates at the end of this year or the
beginning of next year. He said there needs to be a broad discussion of the Master Plan.

Mr. Hankin said we don’t need to do the whole thing.

Mr. Fick said we can look at certain areas of the plan.

Mr. Rembold said maybe it could be a discussion with the Selectboard. The Board might
consider focusing on the economic development and housing section. He said he would prepare
a memo.

REVIEW COMMUNITY PRESERVATION COMMITTEE PLAN (CPC):
Mr. Higa said he had some notes from the last meeting. He asked if the Planning Board would
want to submit an application to the CPC for a housing study.

Mr. Higa said discussion at the last meeting suggested that the CPC change their purposes to
three instead of four, combining open space and recreation as in the legislation.

Mr. Rembold said the CPC plan includes as a priority to target housing funds to households
earning up to 80% of the median income. The Board suggested changing that to 100%.

Mr. Fick said Mr. Hankin had brought up having the Great Barrington Affordable Housing Trust
have a representative on the CPC.
Mr. Hankin said he is concerned that there would be a conflict with having a representative and requesting funds.

Mr. Higa said he didn’t think a Trust member would be able to act on any of the applications.

Mr. Rembold said it could be ok if the Trust member is acting as a citizen at large. If not personally involved that member would be able to vote. He pointed out that the CPC would have to lose a member to get another member, since it is already at the maximum of 9 members.

Mr. Abrahams said he was a member of the Selectboard and a Library Trustee and he was able to vote as a citizen as he had no personal involvement.

Mr. Rembold said a request would have to be submitted to the Selectboard to change the membership, and Town Meeting would have to approve the new Bylaw.

Mr. Hankin said at the last meeting of the Affordable Housing Trust it was said that CPA funds could not be used for rehabilitation of homes.

Mr. Rembold said the Trust can lend money for rehab of housing units only if the house was first acquired using CPA funds. He said that is a State regulation.

Mr. Rembold said he is asking Town Counsel and the DOR what counts as acquisition and if CPA funds can be used for rehab if there is only a lien held by the Town.

Mr. Hankin said it leaves the Trust in a difficult position when people don’t have 20% for a down payment, even with assistance, and they can’t get money for rehab.

Mr. Rembold said the Trust can be more effective when it has more money to work with. It is difficult when more money needs to be spent than is available.

Mr. Hankin said the CPC needs to know that 80% of Area Median Income doesn’t cut it as a cap for down payment assistance since those people typically cannot find a home that they can afford even with down payment assistance.

Mr. Rembold said the CPC may need some guidance to use the funds at that level.

Mr. Hankin said it is his experience that the CPC is unfriendly to that guidance.

Mr. Higa suggested something formal in writing.

Mr. Fick said the Great Barrington is not the only town in the country that has an affordable housing issue. Most people need to rent. Can CPA funds be used for rental assistance?

Mr. Hankin said there are organizations in Town, such as Construct, that assist with rentals.
Mr. Fick said people can’t afford to buy homes so they are forced to rent. Perhaps rental assistance could help people stay in their homes during emergency situations.

Mr. Higa said the CPC is not interested in using that much money for affordable housing. It might get there but not yet.

Mr. Hankin said, based on last year’s CPC funding recommendations, it more important to have trails. Mr. Rembold said it depends on the type and quality of applications the CPC receives.

Mr. Higa said the Williamstown Trust is very robust.

Mr. Fick said he has figures that the affordable housing constructed by Construct and Bostwick Gardens costs $225,000 per unit. How much was contributed by CPA funds?

Mr. Rembold said out of a $13+million project the CPA funds contributed about $200,000.

Mr. Fick said the funds for those projects are leveraged from other sources. Do we want to use $500,000 to leverage more funds?

Mr. Hankin said it is different to leverage funds to build something than to try to leverage funds to get down payment assistance.

Mr. Rembold agreed but said it is still leverage. He said the Trust has had discussions before. Instead of building new get people into existing units. He said the Trust doesn’t need to compete with affordable housing efforts.

Mr. Hankin said the Trust goal might be to buy a foreclosure then sell it with an affordability lien.

Mr. Rembold said it could take years to find a site and build new. He said there can be 10 year gaps between big projects. It might be a good goal to add 1-2 units every year or two. Mr. Fick said the Town can go to a bank to borrow money.

Mr. Rembold said the Trust can borrow money. They were created to be an agent for the Town.

Mr. Hankin said the Trust can’t incur debt.

Mr. Rembold said if you have funds.

Mr. Hankin said yes but the Trust can’t borrow.

Mr. Rembold said with a Town Meeting vote the Trust could borrow a small amount.

Mr. Higa said he hopes the Trust will get more robust to help the housing issue. He asked if the Board would take a vote so send something to the CPC.
Mr. Fick said he would prefer to have Mr. Higa take the information to the CPC.

Mr. Higa said he would bring the following items to the CPC; change 80% to 100%; provide funds for community linkages for non-vehicular commuting; think about a housing specialist or advocate.

Mr. Pachano said Selectboard in Nantucket applied to their CPC to do a housing study and out of that came the role of the housing specialist. He suggested taking a first step to apply for funds for a housing study and come up with ideas that are specific to Great Barrington.

Mr. Fick asked how much the last housing study cost.

Mr. Rembold said he is not sure of the exact amount. The money came from a grant with three other towns.

Mr. Fick asked Mr. Rembold if he could get a ball park figure for the cost.

Mr. Rembold said he would get a figure.

Mr. Pachano said if the Planning Board applies for the funds we could have some input into who is hired.

Mr. Hankin said it is important to clarify that the CPA funds go to 3 categories, not four as is suggested by their governing text.

Mr. Rembold said the text can be clarified to be less confusing. The current chart is from the DOR.

Mr. Higa said the Manville Street presentation earlier this week was interesting. He said the monthly rentals would be $1650-$1850 per month.

Mr. Hankin said they will be rentals, not condos.

Mr. Higa concurred.

**ZONING AMENDMENTS:**

Mr. Fick said the Board met with the Selectboard on Monday. There were no specific recommendations regarding limiting retail marijuana stores. Ms. Nelson concluded we would look at again in September.

Mr. Higa asked Mr. Abrahams if the Selectboard had additional discussion after the Planning Board left.

Mr. Abrahams said there was not further discussion about limits. The discussion was about the Host Community Agreement.
Mr. Higa asked if there had been any discussion about setting a minimum distance between stores.

Mr. Abrahams said it wasn’t discussed. He noted that all of the applicants thought there should be a distance between stores.

Mr. Fick suggested that between now and September there could be some consideration of limits.

Mr. Higa said liquor licenses have a value. He encouraged the Selectboard not to allow a value to the marijuana licenses.

Mr. Rembold said the licenses are issued by the Cannabis Control Commission. If they have an issue with transference of ownership they can require a new Host Community Agreement.

Mr. Fick asked if there is a limit on the number of licenses one entity can have from the State.

Mr. Abrahams said yes.

Mr. Pachano said the Host Community Agreement should not be transferable. 
Mr. Abrahams said it is not transferable. He said the Host Community Agreement is still evolving.

Mr. Rembold suggested that impacts such as traffic and parking might be considered in Site Plan Review. The last applicant, Theory Wellness, brought in hard data about parking and traffic. The parking supply should be addressed in depth especially in the downtown area.

Mr. Hankin said there are no parking requirements in the downtown area.

Mr. Rembold agreed but the potential impacts should be looked at when considering new establishments.

Mr. Higa suggested elevations be submitted for new projects.

Mr. Rembold said that it is reasonable to ask for even for existing structures.

**PROMOTING HOUSING OPPORTUNITIES:**
Mr. Rembold said Mr. Pachano submitted information at the last meeting on possible zoning changes that could promote housing opportunities.

Mr. Pachano said he pointed out areas of the bylaw that seem restrictive. He said the bylaw is not just restrictive for affordable housing but for housing in general. He said if there is some way to move forward with zoning changes to incentivize people toward affordable housing then the Board should look at the zoning. He said the B-3 zone could be changed to incentivize affordable housing. He referred to the Nantucket bylaws that allow land to be divided so that affordable dwellings can be built.
Mr. Rembold said it similar to the rear lot bylaw.

Mr. Pachano said there were more than 70 units constructed in Nantucket over 10 years. It is zoning that works toward allowing for housing development.

Mr. Hankin said he looked at minimum lot sizes, setbacks and lot coverage. He said lot coverage is more restrictive than setbacks. He questioned why the bylaw requires both.

Mr. Higa said he would think lot coverage would apply to larger lots and setbacks more for smaller lots.

Mr. Pachano said he would think the bylaw has both to keep consistency in neighborhoods.

Mr. Fick suggested the Board look at the bylaws to determine how restrictive they are toward housing development, look at the Nantucket bylaw, look at lot coverage and look at short term rentals.

Mr. Pachano suggested creating a stand-alone section in the bylaw for affordable housing.

Mr. Pachano suggested doing something with the density requirements in the Downtown (east of Main to the river) B-3 and R-1-B to allow for additional housing on existing lots.

Mr. Rembold said the B-3 uses are ok, density is the issue. He said the R-1-B zone has residential uses which seem ok but there are problems because of setbacks. There is a 25 foot setback requirement but existing properties have 12 foot setbacks or less. Neighborhood residents are concerned that uses other than residential would lead to more on street parking.

Mr. Hankin said non-conformity leads to deterioration because people can’t get building permits.

Mr. Higa said when the quality goes up the rental cost goes up.

Mr. Rembold said he would want to send letters to the neighbors before taking the discussion too much further.

Mr. Higa said we need to discuss uses in the B-3 zone.

Mr. Higa said no one knows what is allowed in their neighborhoods.

Mr. Rembold said maybe at one of the August or September meetings we can invite the neighbors. The Board can think about what will make the most sense, a formal meeting or for me to meet with the neighbors for a discussion.

Mr. Fick said we will look at it again to see what would be desirable to make the properties conform without changing the character of the neighborhood.

Mr. Pachano said he was thinking about doctor offices.
Ms. Eve Shatz, a resident in the area being discussed, said they already exist. She said she doesn’t want anything that would take housing away.

Mr. Pachano said it wouldn’t take housing away. The offices would be on the first floor and apartments would be above.

Ms. Shatz said it more important to combine commercial and residential on Main Street and Bridge Street. This area is more residential. There is a lot to think about.

Mr. Fick said there will be further discussion at a future meeting.

**TOWN PLANNER’S REPORT:**
Mr. Rembold said the Complete Streets plan is nearing the end of the planning process. A draft plan is being finalized.

Mr. Rembold said at the next meeting the developers for the Manville Street project may come in for an informal introduction of the project. He said there may be a Site Plan Review application for 82 Railroad Street.

**BOARD & COMMITTEE UPDATES/ ISSUES & CONCERNS:**
Mr. Pachano said Mr. May brought an update to the Design Advisory Committee meeting for 198 Main Street. The changes have been made to the north façade.

Mr. Hankin said the original plans submitted to the DAC are different from the building set.

Mr. Pachano said the DAC did not see the building set.

Mr. Fick said he is now a member of the executive committee for BRPC.

Mr. Pachano said a BRPC intern from Waltham put together an investment tracking system that has documented the last 5-8 years showing there have been massive amounts of investment in the county. It shows that Great Barrington has development investments of $24.6 million over 25 years.

Mr. Pachano said nominations for the Kusik award are being accepted. The award is given for planning and development in the county.

**CITIZEN’S SPEAK TIME:**
Mr. Abrahams said on behalf of the citizens who know very little about zoning he would like to understand how a nine unit apartment building would require a special permit but if a coffee shop is added no special permit is required. He asked the Board to keep in mind that people don’t understand what the zoning changes mean to them.

Mr. Pachano said with MXD, marijuana, B2X, etc., why do they only think of the bad things that could happen.
Mr. Abrahams said he is not criticizing just making a comment.

Mr. Pachano asked what would be recommended to make people aware.

Mr. Abrahams said community meetings and more information on the website.

Mr. Pachano said he hears the point Mr. Abrahams is making. He said he thinks the Board is very sensitive to the community.

Mr. Abrahams said the point is that even if they attend the meetings they might not get it.

Mrs. Mooney asked if anyone had applied for the associate member position.

Mr. Higa said we are trying to encourage people we know to apply.

Having completed their business, Mr. Fick adjourned without objection at 8:41 P.M.

Respectfully submitted,

[Signature]
Kimberly L. Shaw
Planning Board Secretary