PLANNING BOARD

DATE: February 13, 2020
TIME: 6:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Malcolm Fick, Vice-Chair; Jeremy Higa; Pedro Pachano
         Brandee Nelson via phone; Jonathan Hankin via phone
         Garfield Reed, Associate Member
         Chris Rembold, Assistant Town Planner

Mr. Fick read the language at the bottom of the agenda requesting notification by anyone
wishing to record the meeting. Michele Loubert raised her hand indicating that she would be
recording the meeting.
Mr. Fick called the meeting to order at 6:01 P.M. Mr. Higa had not arrived. Mr. Fick elevated
Mr. Reed to a voting member. Mr. Higa arrived immediately following Mr. Reed being
elevated. Mr. Fick announced that Ms. Nelson and Mr. Hankin would be participating remotely
via the telephone.

FORM A’S:
Mr. Fick briefly explained that Form A’s are a division of land that are not considered
subdivisions. He said the Board must approve an application for “Approval Not Required”,
ANR under the Subdivision Control Law.

Mr. Rembold added that certain plans are not defined as subdivisions. Surveyors present the
plan to the Planning Board that the division is not a subdivision therefore it can be endorsed.

Mike Parsons from Kelly, Granger, Parsons and Associates was present with a Form A
application on behalf of 26 Manville Street, LLC. Mr. Parsons said 26 Manville Street, LLC
owns three houses on three separate parcels at the end of Manville Street. The Town
discontinued the end of Manville Street to the west; not as far as the railroad tracks.

Mr. Parsons explained that the ownership of the discontinued section of road was divided
between the parcels. The plan shows the actual property lines of each parcel. There are no new
boundary lines being created.

Mr. Fick asked if properties were left without frontage.
Mr. Parsons said it is the position of 26 Manville, LLC that the parcels were not left without frontage. He said there is a right of way and the ownership goes to the center of the right of way. He said the parcel at the end never had any frontage. The Town previously maintained to the end of the blacktop. A way in existence maintained by the town is not subject to subdivision control.

Mr. Rembold said frontage is counted on a way in existence maintained by the town.

Mr. Pachano said the lots are not being redrawn the plan shows how the discontinuance of that portion of the road effects the three lots.

Mr. Parsons said the Board is endorsing the plan saying it is not a subdivision.

Mr. Rembold said if the Board does not consider this a subdivision they shall endorse.

Ms. Nelson said the Board saw a similar case a month or so ago. She said she has no objection.

Mr. Hankin said he has not objection.

Mr. Pachano made a motion to endorse the plan, Mr. Higa seconded, all in favor.

** Several votes were taken prior to Ms. Loubert making a point of order that a roll call vote be taken when there is remote participation. Mr. Fick went back to each motion for roll call votes that are recorded.

Mr. Fick called for a roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

Mr. Parsons presented a Form A plan on behalf of Abigail Haupt for two parcels of land on the east side of Hurlburt Road. Lot 1 contains 43.954 acres of land. Lot 2 contains 35.505 acres of land. Approximately 11 acres of Lot 2 will be unrestricted; the other approximately 24 acres have a Berkshire Natural Resources Council restriction.

Ms. Nelson said she has no issue with the plan.

Mr. Hankin said he doesn’t have any issue with the plan.

Mr. Pachano made a motion to endorse the plan, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

Mr. Parsons presented a Form A plan on behalf of Glenna Blackwell for two parcels of land located on the west side of Knob Lane. Lot 1 contains 0.653 acres of land. Lot 2 contains 0.450 acres of land.

Mr. Pachano made a motion to endorse the plan, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

Jim Seidl from SK Design Group presented a Perimeter Survey for Nolan Realty Trust for a parcel of land located on the east side of VanDeusenville Road. Mr. Seidl said the plan is being submitted under MGL 81X & 81P to freeze the zoning on the parcel for 3 years. Lot Six shown on the plan contains 5.78 acres of land. The parcel exceeds the I zone requirements.

Mr. Pachano made a motion to endorse the plan, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

Ms. Loubert called a point of order stating that Mr. Reed, at previous meetings, recused himself from discussions of this property. She wanted to know why he had not recused himself for this discussion.

Mr. Fick Mr. Reed does not need to recuse himself from any discussion. He said he had a conversation with Mr. Reed about his recusing himself from previous discussions. Mr. Fick said Mr. Reed is entitled to be opposed to a project without recusing himself.

Patrick McCollgan from Taconic Land Surveyors was present with a Form A plan on behalf of Kimberly Shaw for a parcel of land on the west side of Locust Street. Lot 1 contains 11,136 square feet of land. Lot 2 contains 14,963 acres of land.

Mr. Pachano made a motion to endorse the plan, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

MINUTES: JANUARY 23, 2020
Mr. Pachano made a motion to approve the minutes of January 23, 2020 as amended, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

SPECIAL PERMIT RECOMMENDATION: 425 STOCKBRIDGE ROAD
Mr. Pachano recused himself from the discussion. Mr. Reed, who was elevated at the start of the meeting, would vote on the recommendation.

Randy Mills from Town Square Media was present to discuss the special permit application for a satellite dish at 425 Stockbridge Road, WSBS Radio station. He said a 5x5 square concrete pad, four feet off the ground, will be installed on the northwest side of the property. The dish will face southwest so it will look less obtrusive.

Mr. Mills said installing the dish will allow WSBS to provide extra programming for the community. Currently WSBS is tied to Pittsfield. The installation of the dish will allow WSBS to be its own entity and have its own programming.

Mr. Fick went through 7.1 and 10.4.2 of the zoning bylaws

Mr. Mills offered to paint the back side of the dish any color the Board recommends.

Mr. Higa asked if anything could hit the dish in the proposed location.

Mr. Mills said no. He said if that is a concern pilings painted yellow or wheel stops could be installed.

Ms. Nelson asked if the location is beyond the wetland boundary.

Mr. Mills said it would be located on a paved concrete parking area.

Ms. Nelson thanked Mr. Mills for the clarification.

Mr. Fick asked if the Board had any other questions or comments. There were none.

Mr. Higa made a motion to send a positive recommendation to the Selectboard, Ms. Nelson seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Higa, aye; Mr. Reed, aye; Mr. Fick, aye. Motion passed.
SITE PLAN REVIEW: 671 STOCKBRIDGE ROAD
Mr. Pachano returned to the meeting.

Mr. Rembold said applicant for 671 Stockbridge Road could not be at this meeting. The applicant is requesting an extension of Site Plan Review for one year.

Mr. Pachano said nothing will change from what was approved.

Mr. Rembold said that is correct.

Ms. Nelson said this is an administrative action. She said she has no problem extending the SPR for one year.

Mr. Rembold read into the record a letter from the applicant LSE Lepus, LLC dated January 22, 2020 signed by Kirt Mayland. The letter explains that project is being delayed because it has been put into a 6-month “cluster study” by National Grid and ISO-NE.

Mr. Pachano said they could be some changes.

Ms. Nelson said the load of power may require and upgrade to the substation not necessarily the project. If there is a change to the project the applicant would be required to return to the Planning Board.

Mr. Fick said he thinks this is a reasonable reason to extend the SPR approval.

Mr. Pachano made a motion to extend the SPR approval for 671 Stockbridge Road as approved from April 25, 2020 to April 25, 2021, Mr. Higa seconded.
Roll call vote: Mr. Hankin, aye; Ms. Nelson, aye; Mr. Pachano, aye; Mr. Higa, aye; Mr. Fick, aye. Motion passed.

TOWN PLANNER’S REPORT:
Mr. Rembold said at the next meeting there will be a SPR application for the installation of 8 Tesla charging stations at Big Y. He suggested a site visit.

Ms. Nelson suggested an informal individual site visits. She recommended that everyone take a little time to sit in the parking lot to watch how the traffic moves through the site.

Mr. Rembold said the special permit for 11 School Street has been continued. He said the Planning Board will see the SPR application when the special permit has been granted.
Mr. Rembold said the five towns that are part of Rest of River have agreed to a settlement. There will be two public meetings one in Lee on February 19 and another at MMRHS on February 20. He said the settlement was done in executive session so the public has lots of questions. He said he expects the meetings to be long.

Ms. Nelson expressed her gratitude to Mr. Rembold for all of his efforts. She said this is a huge for Housatonic.

**BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:**
Mr. Hankin suggested everyone look at the citizen’s petitions to be ready for the public hearing on March 12.

Mr. Rembold said the meeting on March 12 will be long.

**CITIZEN’S SPEAK:**
Michele Loubert from 70 Division Street said she is disturbed Associate Member Reed did not recuse himself from the Form A discussion of 22 VanDeusenville Road. She said she would be filing a complaint for violation of the Open Meeting Law.

Mr. Rembold said the Form A was not presented by Fulcrum.

Mr. Fick said Mr. Reed does not need to recuse himself from a discussion because he is opposed.

Trevor Forbes from North Plain Road said the Nolan property is assessed as residential. He said he has been told this is a mistake but how long has it been this way. He said this should be of interest to the Planning Board.

Having concluded their business, Mr. Fick adjourned without objection at 7:13 P.M.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary