

Planning Board Minutes

DATE: July 25, 2013
TIME: 6:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Ethan Culleton
Malcolm Fick, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 6:00 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: JULY 11, 2013

The approval of the minutes was postponed to the next meeting.

SPECIAL PERMIT: ALBERT

Attorney Kathleen Chester from Hellman & Shearn was present on behalf of Martin and Anne Albert for an addition at 3 Berkshire Heights Road. The application to the ZBA is for addition to a pre-existing non-conforming structure. The structure is L-shaped and the proposed addition would be within the L-shaped area. The addition is not increasing the non-conformity.

Ms. Chester said a building permit was issued on April 8, 2013 for a first floor kitchen and second floor bathroom. She said the Building Inspector noticed the construction was in the setback which would require a special permit. He did not make the Alberts stop construction but it was slowed down.

It was pointed out that because it is a corner lot the owner can choose which side for the frontage. If Taconic Avenue were chosen for the frontage instead of Berkshire Heights Road there would be no issue.

Ms. Chester said the applicants were aware of this but did not want to use Taconic for the frontage as they many want to put up a garage.

Mr. Rembold said what is being built does not increase the non-conformity.

Mr. Musgrove made a favorable recommendation to the Zoning Board of Appeals with apologies to the applicant for the error, Ms. Fowle seconded, all in favor.

SPECIAL PERMIT: BECKER

The Board reviewed a special permit application submitted by Aaron and Caroline Becker for an addition to a pre-existing non-conforming structure at 27 ½ Rosseter Street. Mr. Becker was present. He said the application is also for a change of use as they want to have a small hair

salon at the location. The property is in the B-2 zone. The use would change from residential to commercial. Mr. Becker said most of the structure would be rebuilt. The addition would not

Planning Board
July 25, 2013
Page 2

encroach anymore than what currently exists. Currently the building is 6 ½ feet into the side setback.

There will be a slight change; the encroachment is going from 6.4 feet to 6.7 feet.

Mr. Musgrove said the property is in the VCOD.

Mr. Rembold said Mr. Musgrove is correct the applicant will need to make an application for Site Plan Review.

Mr. Becker said he is proposing to have three parking spaces in the front yard and would need a waiver from four spaces to three.

Mr. Hankin said we need more information to show the configuration.

Mr. Rembold said the Board should just deal with the special permit for the ZBA and the applicant will come back to deal with the Site Plan Review.

Mr. Musgrove told Mr. Becker to include the traffic flow on the site in the Site Plan Review application.

Mr. Musgrove asked if part of the building would be torn down.

Mr. Becker said yes.

Mr. Musgrove said the building would be no closer to the property line than it currently is.

Mr. Becker said correct.

Mr. Musgrove said he is satisfied it fits the zoning. He made a motion to send a favorable recommendation to the ZBA as the non-conformity will not be further increased, Ms. Fowle seconded, all in favor.

SPECIAL PERMIT: DODDS

Matthew Dodds was present to discuss his application to build a garage at 65 Anderson Street. There was pre-existing non-conforming garage on the property that was torn down. The new garage would be slightly larger and about five feet up the driveway.

The Board did not feel that the garage was any more of a non-conformity than the previous structure.

Planning Board
July 25, 2013
Page 3

Mr. Musgrove made a motion to send a favorable recommendation to the ZBA, Mr. Culleton seconded, all in favor.

SITE PLAN REVIEW: SONSINI

Matthew Puntin from SK Design was present to discuss the Site Plan Review application for Joseph Sonsini for exterior alterations and site improvements at 240 Stockbridge Road. Mr. Puntin said the parking is more than adequate. There is a proposed exterior terrace that is the same level as the finished floor of the restaurant and one or two steps above the parking lot.

Mr. Puntin said there was a large tree removed from the north end of the property that is proposed to be replaced.

Mr. Hankin asked how many parking spaces there are.

Mr. Puntin said there are 54 existing. The parking lot will be restriped which may result in the loss of one space.

Mr. Hankin pointed out there needs to be a 22 or 24 foot driving aisle to access the handicapped parking space and the aisle shown on the plan is 17 ½ feet due to the new planter boxes. Mr. Puntin did not disagree.

Mr. Puntin said there are 96 seats proposed for the restaurant.

Mr. Musgrove said that would require 32 parking spaces.

Mr. Hankin said there is a sea of asphalt. It would be nice to reduce it some.

Mr. Puntin said he could remove a spot or two and add some landscaping. He said he could eliminate up to 6 parking spaces. He said parking is important to a restaurant but he could remove a few, he wasn't sure which ones he would remove.

Mr. Musgrove said there are three spaces in the front near the sign that could easily be removed.

Mr. Puntin said he could reconfigure the middle row of parking.

Ms. Fowle suggested the 6 spaces along the north property line. It would be easier to add some landscaping in that area and not be concerned about removing the large stump.

Mr. Culleton said landscaping the north property line could create a visual shield for cars traveling south.

Planning Board
July 25, 2013
Page 4

Mr. Hankin said the south entrance is a large curb cut with the new planters and concrete wall creating a hazard to traffic. He suggested it could be reduced.

Mr. Musgrove suggested the traffic flow could be directed in one way and out the other.

Mr. Puntin said it could be considered in conjunction with reconfiguring the parking.

Mr. Rembold said there are 28 seats proposed on the terrace.

Mr. Puntin said he did not know if is realistic to have that many seats on the terrace. He said in theory it would work based on the square footage. This number was used in the total number of seats when figuring the parking. He said he is happy to take six parking spaces out.

Mr. Hankin pointed out you could lose 22 parking spaces and still be in compliance.

Mr. Musgrove suggested making as many spaces green as possible. He suggested using angled parking and making the flow through the site one way.

Mr. Hankin said the south driveway is already built but it is a hazard. He suggested checking with Mass DOT to see if the curb cut could be reduced and the sidewalk extended. He said he would like to see the plans come back before voting on the application.

Mr. Puntin said he could come back.

Mr. Rembold said the next meeting is on August 8.

Mr. Hankin asked if there is a change in the lighting.

Mr. Puntin said the lighting plan is enclosed. There is no change to the site lighting.

Mr. Rembold said the lights are located according to an existing special permit.

Ms. Fowle asked if there would be a change in drainage.

Mr. Puntin said there is no change in the drainage. The existing area drain between the light standards would remain.

Mr. Hankin said the location of the dumpster should be taken into consideration when configuring the parking and traffic flow.

Mr. Puntin thanked the Board and asked if there would be anything else.

Planning Board
July 25, 2013
Page 5

Mr. Hankin suggested the planting of more street trees along the entire frontage should be considered.

The discussion concluded.

SPECIAL PERMIT: DELMOLINO

John Delmolino, the applicant and Diego Gutierrez, his architect, were present to discuss the special permit application and site plan review application for exterior alterations and renovations to an existing structure and for a restaurant use.

Mr. Gutierrez said Mr. Delmolino had obtained a selective demolition permit from the Building Inspector. It has been determined that the southernmost portion of the building is beyond repair. A demolition permit has been applied for to take down two structures and to renovate the corner structure. A new foundation will be constructed where the two buildings are removed. It is proposed to build some structure on the foundation for a restaurant use, but it is not shown on the drawings.

Mr. Gutierrez said at this point there will be minimal construction on the new foundation. The foundation will be fenced to keep people out. The proposed structure would be one story. Parking is not an issue as it is in the downtown district but there is also parking as Mr. Delmolino owns the lot to the south which extends all the way to the river. The other two lots behind the building are in separate ownership.

Mr. Musgrove said the site is crying out for a balcony or terrace overlooking the river. He asked if Mr. Delmolino had considered this amenity.

Mr. Gutierrez said yes, but it will ultimately depend on a potential client.

Mr. Musgrove asked why a two-story building was not being considered with a mixed use potential.

Mr. Delmolino said he is not interested in a mixed use.

Mr. Hankin stated the intent of the Village Center Overlay District appears to be to intensify uses. He suggested a single story building does not fit the intent of the district. He said he would like to see a two-story building on the site.

Mr. Delmolino said he does not want to put up a two story building.

Mr. Gutierrez said Mr. Delmolino is preparing the site for a potential client. Someone else could want something different.

Planning Board

July 25, 2013

Page 6

Mr. Delmolino said someone is interested in a restaurant. He said he is trying to accommodate that client.

Mr. Gutierrez said it is possible we could raise the height of the building.

Mr. Hankin said 150 feet of building that currently exists will not be there. A one-story structure on the corner is not much of a presence as a street wall.

Mr. Delmolino said he thinks it will look beautiful. He said it the project has to work on paper. It is necessary to be able to make a profit. The taxes in this town are too high to make a profit on apartments. He said the taxes are \$3800.00 per year. When costs are figured in it is not possible to break even if more is added.

Mr. Gutierrez said the sketches are conceptual. Height could be added to the building but this is the first step.

Mr. Fick asked if there are safety issues around building a foundation but no structure.

Mr. Delmolino said that is the reason for a fence around the foundation.

Ms. Fowle asked if the site plan review application is just for phase I of the project.

Mr. Hankin said he thinks the Board is looking at the entire site under the SPR application.

Mr. Rembold said exterior alterations might trigger another SPR application.

Mr. Hankin pointed out we are looking at the entire lot and endorsing an empty lot for an unknown amount of time.

Mr. Delmolino said this will clean up the north end of town. He said we are looking for potential clients.

Ms. Fowle asked what type of material would the fence would be of.

Mr. Delmolino said it would be painted plywood that would be bolted together.

Mr. Hankin said if this plan goes forward there would never be a two-story building on that corner.

Mr. Fick said the structures are being torn down so another special permit would be needed for new structures.

Planning Board
July 25, 2013
Page 7

Mr. Hankin said it antithetical to say this is what we want in the VCOD. This is not what I want.

Mr. Musgrove said it would be better to have something similar to what currently exists which is a two-story building.

Mr. Delmolino said he is putting money into this site. It is an improvement over what exists. He said he should be able to build what he wants.

Mr. Musgrove said there is no question that you should be able to build what you want but we need to try to steer you a little bit.

Mr. Delmolino said it is not financially feasible to build a two-story building.

Mr. Musgrove we do not have plans submitted for a restaurant.

Mr. Gutierrez said the proposed building would be 2200 square feet. If we go over 99 seats the building would have to be sprinkled so we will keep the seating at or below 99. Aesthetically we want to create a New England style.

Mr. Rembold said there are other one-story buildings in town.

Mr. Hankin said Mr. Delmolino is looking for a rubber stamp to do whatever they want including a restaurant.

Mr. Delmolino said this will be a phased project. He asked the Board to give him a chance to get the site cleaned up and a potential client a chance to open a business. He said this project would be good for the town.

Mr. Hankin asked Mr. Delmolino why he doesn't wait until there is a client.

Mr. Delmolino said he needs to get it fixed up for someone to come in.

Mr. Fick suggested the demolition and site work shown is not suitable for a restaurant. He said a permit for a restaurant is not necessary right now.

Mr. Musgrove said you can't get a special permit for a restaurant until there is a plan. You need to get the site plan review permit to continue with the demolition. Then you can get a special permit for a restaurant.

Mr. Musgrove went through the site plan review criteria.

Ms. Fowle asked about drainage for a flat roof.

Planning Board
July 25, 2013
Page 8

Mr. Gutierrez said there will be clean fill around the outside of the foundation. Gutters will drain into the gravel.

There was discussion of the fence. An 8' foot high fence is proposed. The board expressed concern about blocking the river view from the sidewalk that would be created by taking the structures down. A 42" fence is all that is required by the building code. Mr. Delmolino said he would prefer to have a 48" fence, so that he could reuse entire sheets of plywood. The Board was concerned about the view being blocked by the fence.

Mr. Delmolino said there will be a walking easement to the back of the building and to the river. Mr. Caligari owns one of the lots in the back and he has an easement onto Mr. Delmolino's separate property to the south.

Mr. Delmolino said he would like to keep the loading area along the north end of the property within the town right of way. It is the area that was used for years for a loading area.

Mr. Delmolino said he does not want the tree proposed by the Main Street Reconstruction project on the corner as it will block the loading area. He hopes it can go in the park across the street.

Mr. Hankin asked if it is possible to get a parking easement to park under the building.

Mr. Delmolino said no. He said he does not think it is a good idea to have vehicles under the building. The area under the building is valuable for storage and refrigeration for a prep kitchen.

Mr. Musgrove made a motion to approve site plan review with three conditions: to build the safety fence around the property no taller than 48", for the applicant to return to the Board within 12 months to extend the site plan review and that the plan be substantially in compliance with the plan submitted dated July 7, 2013 from Diego Gutierrez, Ms. Fowle seconded. Discussion.

Mr. Hankin said there are two special permits required.

Mr. Rembold said the special permit is for three sections of the bylaw, 10.4, 9.6 and 3.1.4 c(21)

Mr. Musgrove said the site plan review is for reconstruction of the building to the north and demolition of the other two building and reconstruction of the foundation.

Ms. Fowle said we want to approve the permit for some basic improvements to the infrastructure but not be locked into a specific use of the structure.

Planning Board
July 25, 2013
Page 9

Mr. Hankin said he wants to see Mr. Delmolino do something on the site but he doesn't feel the project meets the objective of the VCOD. He said the site plan review is the only mechanism by which we have any teeth.

Mr. Hankin asked if there was any further discussion. There being none he called for a vote on the motion for Site Plan Review.

Mr. Musgrove, Ms. Fowle and Mr. Culleton, aye, Mr. Hankin nay. Motion carried.

The Board went through the VCOD criteria 9.6. Although the plan does not promote mixed use it would improve village vitality and walkability and it promotes economic revitalization.

Mr. Musgrove made a motion to send a favorable recommendation to the Board of Selectmen on the 9.6 VCOD regarding the demolition suggesting that they encourage Mr. Delmolino to make the property a mixed use, Mr. Culleton seconded, all in favor.

Mr. Musgrove made a motion to send a negative recommendation to the Board of Selectmen for a special permit for restaurant use, as the application is incomplete, Ms. Fowle seconded. Mr. Musgrove, Ms. Fowle and Mr. Hankin aye, Mr. Culleton nay.

BARRINGTON BROOK:

David Ward and Matthew Ward were present. Dave Ward said the bank is waiting for something in writing before finalizing the financial arrangements.

Mr. Rembold summarized where we stand in the process. The decision has been written, the Chairman has read it and the applicant has reviewed it. At this point, the Home Owners Association documents have not yet been reviewed by Town Counsel. The Board will need the documents prior to signing the mylars, but there is no reason to think they won't be ready by then. The conservation easement will also have to be ready prior to signing the mylars. The Open Space Management plan has been reviewed and commented on by the applicant as per Ms. Fowle's comments.

There was a brief review of the decision. Ms. Nelson is the clerk but she won't be available to sign the document. Mr. Musgrove made a motion for Ms. Fowle to be able to sign the decision in place of the clerk, Mr. Culleton seconded, all in favor.

There was discussion of the Open Space Management Plan. Ms. Fowle recommended that the applicant get an air photo of the site to delineate in a general way the various species on the site to serve as a baseline for future management plans.

Dave Ward asked how much it would cost.

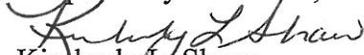
Planning Board
July 25, 2013
Page 10

Ms. Fowle said it would not be very expensive and it would not take a lot of time. She reminded Mr. Ward that this is not just a residential development but also an open space development. She said air photos would be the easiest, least expensive way to prepare land management plans. She said there are existing photos that would be sufficient. Any photos taken in the last five years will be fine.

Ms. Fowle said she would like to read the comments by Matt Ward to her comments and asked to have further discussion at the next meeting. There was agreement by all.

Without objection, Mr. Hankin adjourned the meeting at 9:01 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary