

## PLANNING BOARD

DATE: December 12, 2013  
TIME: 7:00 P.M.  
PLACE: Large Meeting Room  
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 7:00 PM.

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

Michael Parsons and Jack Magnatti were present from Kelly, Granger, Parsons and Associates with a Form A application for Flag Rock LLC on Grove Street in Housatonic. Mr. Culleton recused himself from the discussion and left the room.

Mr. Parsons said parcels of land are being cut out from the larger piece of land to be conveyed to abutters. None of the parcels is to be considered separate building lots. Parcel A contains .068 acres of land. Parcel B contains .068 acres of land. Parcel C contains .405 acres of land. Parcel D contains .166 acres of land. Parcel E contains .065 acres of land. Parcel F contains .157 acres of land.

Mr. Musgrove made a motion to approve the plan, Ms. Fowle seconded, all in favor.

Mr. Parsons and Mr. Magnatti presented a Form A application on behalf of Marianne and Jerome Comcowich Trust for a parcel of land located on the west side of Route 23 aka South Egremont Road. The property, which has three houses on it, predates zoning. Mr. Parsons said the law allows for the division of land on which two or more structures stood prior to subdivision control law.

Lot 1 contains .515 acres of land. Lot 2 contains .398 acres of land. Lot 3 contains .519 acres of land.

Mr. Musgrove made a motion to approve the plan, Mr. Culleton seconded, all in favor.

Alexander Thorp from Accord Engineering and Surveying, LLC was present with a Form A application on behalf of Susan Godwin and John Lindquist for three parcels of land located on the south site of State Road. Parcel A contains 0.26 acres of land. Parcel B contains 0.15 acres of land. Parcel C contains 3 acres of land. Parcels B and C are not to be considered separate building lots.

Mr. Musgrove made a motion to approve the plan, Ms. Fowle seconded, all in favor.

### **MINUTES: NOVEMBER 14, 2013**

Ms. Fowle made a motion to approve the minutes as amended, Mr. Culleton seconded, all in favor.

### **SITE PLAN REVIEW: 185 EAST STREET**

Naomi Blumenthal was back to discuss the Site Plan Review application for 185 East Street. The Board had conducted a site visit prior to the meeting.

Ms. Blumenthal said she had incorporated most of the Boards suggestions and comments discussed at the last meeting. She said the amount of asphalt had been reduced and airport mix will be used on where applicable. She said asphalt will be used where there is a problem with runoff and airport mix where the grade is less steep. She said gravel will be used in the area where the cars will be parked. The area is 27 feet wide allowing for 3 cars to park side by side. There will be small turn around in front of the house that will be gravel with planting along the edge.

Mr. Rembold asked if the asphalt will be removed.

Ms. Blumenthal said the asphalt will remain and the grading will be to edge of it.

Mr. Hankin said Ms. Nelson was not able to attend the meeting but she did look at the site. She sent an e-mail with today's date. Mr. Hankin read the e-mail.

Ms. Blumenthal said she has addressed the asphalt driveway. She said the driveway is like a luge shoot for water. Anything we do on the site will be an improvement to the drainage. Snow will be pushed beyond the parking area.

Mr. Hankin said the impervious area is going to be increased.

Ms. Blumenthal said if the site is not functional with less impervious area what should we do? She said the blacktop has been reduced from the original plan.

Mr. Hankin said the impervious area is being tripled.

Mr. Musgrove asked where the water from the roof goes.

Ms. Blumenthal said there are goes that go into the ground. The gutters could be directed into the proposed drywell. She said there does not seem to be a drainage issue on the street.

Mr. Rembold said there is an attempt to catch some of the water before it hits the driveway. There is concern over an increase in the impervious surface.

Ms. Fowle asked if the snow could be piled south of the catch basin in the southeast corner.

Mr. Fick said there will be less storm water flow from the property but there will be an increase in the impervious surface. He said it seems as if the issue is balanced.

Mr. Musgrove said there is a decrease in the runoff even though there is an increase in the impervious surface. He said overall the property does not seem different from the rest of the properties in the neighborhood.

Mr. Hankin said he has a problem with parking next to the property line.

Mr. Musgrove said it seems like it is the nature of the neighborhood.

Mr. Hankin said it would be less offensive with tandem parking.

Ms. Blumenthal said she is very frustrated with the discussion. She said she has reduced the asphalt and adapted the parking. It is very difficult to park tandem. She said she feels that there is a lot of time being spent on a little driveway.

Mr. Hankin said there is grading taking place under the neighbor's tree. He said the grading will affect the roots and it is over the property line.

Ms. Blumenthal said the tree is at least 10 feet from the property line. She said she is a gardener and she understands how the plants would be impacted. She said she does not understand how to make any other improvements. She said she does not understand what you want us to do. She said the Board was not being supportive of moving forward with a plan to make this house functional.

Mr. Hankin said the parking area should be narrower and there should be grass between the parking and the house.

Ms. Blumenthal said she doesn't want a difficult parking situation; she wants it to be easily accessible. She said this plan is in keeping with the neighborhood. She said she feels this discussion is very picky.

Mr. Culleton said he is sympathetic to the efforts made by Ms. Blumenthal. He said the Board should move forward. She has returned with a different scenario. It is not ideal but it is a tough site. He said we should move forward.

Ms. Fowle asked Mr. Hankin if is addressing a specific area of the Site Plan Review.

Mr. Hankin said he is addressing zoning.

Ms. Fowle read through Site Plan Review.

Mr. Musgrove said he the storm water runoff is being improved even though there is an increase in the impervious area. He said it is a net net.

Ms. Fowle said if there is no storm water management on East Street then there is nothing to tie into to catch the water before it goes into the street.

Mr. Musgrove said the turnaround mitigates the parking. He said he feels they have done all they can do.

Mr. Musgrove made a motion to approve Site Plan Review, Mr. Culleton seconded. Ms. Fowley, Mr. Hankin nay. The motion passed 3-1.

#### **SITE PLAN REVIEW: 454 MAIN STREET**

Joe Lewis, the Construction Manager for Allegrone Construction, was present to discuss the Site Plan Review application on behalf of McTeigue and McClelland for a change of use at 454 Main Street. The applicant has a building permit but the Building Inspector determined that the applicant was required to have Site Plan Review from the Planning Board.

The Board conducted a site visit prior to the meeting.

Mr. Lewis said the parking area is in compliance with zoning. The parking will be decreased. There are no changes only shaping the area for accessibility.

Mr. Rembold asked what material would be used for the parking area.

Mr. Lewis said processed gravel.

Mr. Musgrove asked if there would be any asphalt.

Mr. Lewis said no.

Mr. Rembold asked if the parking or driveway would be regraded.

Mr. Lewis said yes. The area will be regraded for accessibility. The parking will be significantly reduced.

Mr. Fick asked if the parking would be delineated.

Mr. Lewis said currently it is not planned to be delineated.

Mr. Hankin said it appears that the project is going to be phased.

Mr. Lewis said this could be a five year project. Right now it is finance driven. He said the goal is to get into the building, meet the building code requirements and accessibility. He said landscaping and potentially blacktop for the driveway is down the road.

Mr. Musgrove asked if there is any obligation for the second floor.

Mr. Lewis said Stephan Green, the architect and Mr. May, the Building Inspector have reviewed what needs to be done to comply.

Mr. Hankin said he does not want to slow down the process but the site plan presented is not normal. It does not show the grade change.

Mr. Lewis said the reduction in the grade is shown.

Mr. Musgrove asked if there will be any exterior lighting

Mr. Lewis said nothing will be added. Any future light would be downward directed.

Mr. Musgrove asked if a change in the lighting would trigger further review.

Mr. Hankin asked when the applicant planned to be in the building.

Walter (McTeigue?), one of the applicants, was present. He said he planned to move in in the spring.

Mr. Rembold suggested the Board could put conditions on the Site Plan approval.

Mr. Musgrove said if there is a plan to pave or put in lighting we would want the applicant to come back for further site plan review.

Mr. Hankin said Ms. Nelson had visited the site and forwarded her comments. Mr. Hankin read the comments. He said Ms. Nelson has concerns about runoff from the site. Mr. Hankin said he has other concerns such as the lack of contour lines on the site plan. He said usually grading plans show the contours so it can be seen how the grade is reduced. He said he does not have what he needs to understand how the grading will be done.

There was further discussion of a contour plan with point elevations.

Mr. Musgrove said we could condition the approval to require the parking lot to slope onto your land. Bumpers will be installed along the edge of the parking area so a car can not drive over the bank. If there is any paving or added exterior lighting the applicant will return for further review. The lot will be graded so the water runs into the front yard area.

Mr. Hankin said landscaping has not been addressed.

Mr. (McTeigue?) said it has not been planned. We are working as we go.

Mr. Hankin said the driveway is being relocated.

Mr. Rembold said there is not request for a curb cut so it is not being changed.

Mr. (McTeigue) said the driveway is being made narrower but within the existing driveway.

Mr. Hankin pointed to the site plan.

Mr. Lewis said the plan should show the change for the driveway within the existing driveway. The drawing is incorrect.

Mr. Hankin asked if the driveway would direct water into the street.

Mr. Lewis said water does not currently run into the street. It goes into the low spot on the site and will continue to do so.

Mr. Musgrove said he does not want this applicant to come back. He said we need to condition the approval for what we want to see. The site does not currently drain into the street.

Mr. Hankin asked why trees are being cut.

Mr. (McTeigue) said there was a cedar tree that was a problem. There were some Norway Maples that were hanging over the road that were cut but there are some good specimens that we hope to save by thinning out the trees. The grounds are like a park.

Mr. Hankin asked if there is a blacktop apron where the driveway meets the road.

Mr. Lewis said no.

Mr. Rembold said there is no change in the driveway so the State won't review.

Mr. Hankin listed the following conditions:

There will be no runoff down the driveway into the street.

Wheel stops will be installed in the parking area along the abutting property to address safety concerns.

Outside lighting is forbidden. Any addition of exterior lighting, other than egress lighting, will require the applicant to return for site plan review approval. The egress lighting will be downward directed with horizontal cutoffs. There will be no uplighting.

The drainage will drain to the front yard, not into the street. Everything stays on the property.

Mr. Musgrove asked if there will be any runoff into the street.

Mr. Lewis said if there is any runoff it would only be the last 30 feet of the driveway and then only with a very heavy rain. He said nothing from the site will leave.

Mr. Lewis added a condition that there will be a 2% cross pitch away from the west property line. It could be more clearly shown on the plan.

Mr. Musgrove made a motion to approve Site Plan Review with the conditions discussed, Ms. Fowle seconded, all in favor.

#### **VARIANCE: LONG POND ROAD**

Mark Volk from Foresight Land Services was present to discuss a variance request on behalf of Stephen Bennett for property on Long Pond Road.

Mr. Hankin disclosed that he had represented the previous owner of the property but had no conflict of Interest with this applicant.

Mr. Volk said the proposal is for a garage to be built in the front yard setback. The area was originally zoned with a 25 foot setback then it was changed to 50 feet. The garage will be 25 feet from the property line. There is no other place to locate garage. The variance request is driven by the difficult site constraints.

Mr. Hankin said this seems like a perfectly reasonable request.

Mr. Musgrove made a motion to make a favorable recommendation to the ZBA for the variance for a garage on Long Pond Road, Mr. Culleton seconded, all in favor.

#### **ZONING AMENDMENTS:**

The Board discussed potential zoning amendments for the Annual Town Meeting. The first amendment has to do with deviation from parking and landscaping regulations. The intent would be to simplify the bylaw by allowing the permitting granting authority to waive the requirements instead of requiring a separate special permit to waive the requirements. In the event there is not a permitting authority the Planning Board would be the permitting authority.

Mr. Hankin said the Selectmen don't have a good grasp of parking or reading site plans.

Mr. Fick said the Planning Board would still be able to make recommendations.

Mr. Rembold said we owe it to potential applicants to give them a way to go through the process more easily.

Mr. Musgrove said it could be a joint special permit application.

Mr. Rembold said it would require a joint meeting otherwise there would have to be two public hearings and all the expense associated with the process.

Mr. Hankin said he wonders if there is another way to deal with this. He said he would like to discuss it again.

#### **HOTEL/MOTEL LIMITS:**

Mr. Rembold said the proposal would not change the cap that is currently in place. This proposal would be specific to redevelopment of historic structures. The Board of Selectmen would be the SPGA. They would be able to deviate from the room limit to make it possible for certain existing structures to have more rooms.

Ms. Fowle asked if we want hotels larger than what is allowed.

Mr. Fick said yes as it would attract new people to the area.

Mr. Hankin said yes, it would attract specific people.

Mr. Musgrove said he liked the proposal.

The Board agreed that this amendment could move on for a public hearing.

**ACCESSORY DWELLING UNIT:**

Mr. Hankin said ADUs have less of an impact on a neighborhood than a 2-family unit. We are considering making 2-family dwellings by-right. We should make ADUs by-right in all zones.

Everyone agreed they should be by-right in every zone. The process should be less onerous.

**TWO-FAMILY RESIDENTIAL:**

The proposal would allow two-family dwellings by-right where they are currently allowed by special permit and allow by special permit where they are currently not allowed.

Mr. Hankin said he is sympathetic to need to simplify this process but he suggested it might be advantageous to make this change incrementally. He suggested it might be easier to pass at town meeting if the change is made first in the R-1-B and R-3 zones. It may not pass if R-1-A is included.

Mr. Rembold said there are many two-family structures in the R-1-A zone where there are many large old structures.

Mr. Hankin said he understands the argument but he felt the people will oppose the proposal to keep it out of the R-1-A zone.

The Board decided to discuss this proposal more.

**STREAM AND LAKE PROTECTION:**

The Board briefly discussed the language presented. The determined there needed to be more work on the language. It will be discussed again.

**MEDICAL MARIJUANA TREATMENT/FACILITIES:**

Mr. Musgrove said he had one comment that the word "psychological" should not appear in the zoning bylaws. He suggested it be removed from page 7.

The Board had further discussion of the proposal and decided to discuss again.

**TOWN PLANNER'S REPORT:**

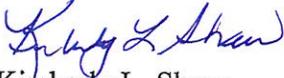
Mr. Rembold said the Building inspector has a building permit application that requires Site Plan Review for a Medical Marijuana Dispensary. The SPR would be for a change of use in the I-2 zone Gas House Lane. He said the SPR application would be on the agenda for the January 9 meeting. He suggested a site visit prior to the meeting at 6:30 P.M.

Mr. Rembold said Barrington Brook has submitted a final version of the Open Space easement. He recommended the Board of Selectmen sign the agreement with the Planning Board as co-signatures. He said the Conservation Commission has written to Dave Ward to encourage him to produce the storm water plans.

Mr. Hankin said he had sent the annual report around. He asked if there were any comment. There were none.

Without objection Mr. Hankin adjourned the meeting at 10:28 P.M.

Respectfully submitted,

  
Kimberly L. Shaw  
Planning Board Secretary

Materials Distributed or Presented for Tonight's Meeting:

Town Planner's memo/email to the Planning Board dated December 9, 2013

Draft Minutes of November 12, 2013

Revised Site Plan for 185 East Street

Site Plan application for 454 Main Street

Variance application for Long Pond Road, Bennett

Draft zoning amendments, v.2, dated 12/12/2013

E-Mail memo from Brandee Nelson dated 12/12/13

