

## PLANNING BOARD

DATE: May 22, 2014

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle, Jack Musgrove; Brandee Nelson;  
Malcolm Fick  
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:07 P.M.

### **REORGANIZE:**

Ms. Nelson made a motion for Mr. Hankin to be the Chairman, Mr. Musgrove seconded. Vote 4-0, Mr. Hankin abstained.

Mr. Musgrove made a motion for Ms. Fowle to be the Vice Chairman, Mr. Hankin seconded, all in favor.

Mr. Musgrove made a motion for Mr. Fick to be the Clerk, Ms. Fowle seconded, all in favor.

Mr. Hankin made a motion for Mr. Fick to be the Planning Board delegate to BRPC, Mr. Musgrove seconded, all in favor.

Mr. Hankin made a motion for Mr. Rembold to be the Board's alternate to BRPC, Ms. Fowle seconded, all in favor.

Mr. Fick made a motion for Mr. Hankin to be the Planning Board representative to the Design Advisory Committee, Mr. Musgrove seconded, all in favor.

Mr. Musgrove made a motion for Mr. Fick to be the Board's alternate to the Design Advisory Committee, Ms. Nelson seconded, all in favor.

Mr. Musgrove made a motion for Ms. Nelson to be the Planning Board representative to the Lake Mansfield Improvement Task Force, Ms. Fowle seconded, all in favor.

### **FORM A's:**

There were no Form A's presented.

### **MINUTES: MAY 8, 2014**

The Board postponed approval of the May 8 minutes to the next meeting on June 12, 2014.

### **SITE PLAN REVIEW: 1078 MAIN STREET HOUSATONIC**

Diego Gutierrez was present on behalf of Howard and Jane Jacobs for Site Plan Review for an accessory dwelling unit within a non-conforming single family house at 1078 Main Street Housatonic. The applicant has a demolition permit for the project that is being done in phases.

The ADU is proposed to be 350 square feet and is to be located on the first floor. There is currently encroachment into the side yard setback. The proposed exterior stair and deck will project into the side yard setback but it would be no closer to the property line than the existing house.

Mr. Hankin asked why go with an ADU and not a two-family use.

Mr. Gutierrez said the ADU is by-right.

Mr. Hankin said the two-family use is also by-right as it was approved at the Annual Town Meeting.

Mr. Hankin said he was curious about how zoning impacts people's actions.

Mr. Rembold said the ADU requires one less parking space than the two-family use.

Mr. Hankin asked if there would be any change to the exterior lighting.

Mr. Gutierrez said there would be no change in lighting.

Mr. Musgrove read through the Site Plan Review criteria.

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

**SPECIAL PERMIT & SITE PLAN REVIEW: ST. JAMES PLACE 352 MAIN STREET**

The Board reviewed the special permit application and site plan review application for St. James Place at 352 Main Street for a community center use, exterior changes to a structure within the Village Center Overlay District and a parking waiver. The Board will make a recommendation to the Board of Selectmen on those items. The Board will do site plan review for the change of use and parking lot.

Fred and Sally Harris, applicants, were present to discuss the applications. Mr. Harris said the mission and vision is for reuse of the building that is no longer a church. The building is proposed to have performance space and office space. We are primarily looking for people who perform but have no specific venue. They just need performance space. Mr. Harris said they have received a grant from the Massachusetts Cultural Council to conduct a survey to determine the need.

Mr. Harris said the building was purchased with extensive financing. All the drawings are complete in order to apply for the necessary permits. The drawings were done by Nick Anderson from Berkshire Engineering. There are detailed engineered drawings.

Mr. Harris said the building had been condemned by the Town because a wall was collapsing. The building is safe and stable at this time.

Mr. Harris referred to the Town's Master Plan saying the building makes a historical contribution to the Town. The building was built with the same dolomite stone used in Searles Castle and the Congregational Church.

Mr. Harris said there has been a healthy revision of the sanctuary for performance space. The 180 year old Maple on the corner will be saved. There will be benches for outdoor seating on the property. Space for the People's Pantry will be provided rent free. There is a shared driveway with the adjacent lawyer's office in the old rectory. There will be fifteen parking spaces created and three performance spaces created. There will be three full time positions created.

Mr. Harris introduced Nick Anderson to discuss the engineering aspect of the project. Mr. Anderson said the project has been integrated into the Main Street renovation project. The driveway entrance will be widened to 18 feet which will continue through the existing shared driveway. The existing sidewalk will be regraded. All entrances will be at grade, no ramps will be required. The south side will have a new daylight entrance put in for the basement area where the People's Pantry will be located. The entrance will be put in on the south side of the building with a paved driveway. There will be two handicap spaces near the back door. There will be one handicap space for the lawyers' offices. The garage will remain, as it is considered historic, and the slope will be graded to make it less steep. The Red Maple will be preserved.

Mr. Anderson said the storm management system will consist of four catch basins to be added to the site. The system will be integrated into the Town's reconstructed storm drainage system. There will be a 6 inch fire flow main and a two inch potable water line.

Mr. Anderson said most of the vegetation will be maintained with the exception of a couple of trees. A vegetated swale will be added for drainage.

Mr. Anderson said the dumpster will be located on the north side of the property. He said there is very little lighting on the building. There will be a couple of pole lights added to the parking lot. All lighting will remain within the footprint of the property.

Mr. Musgrove suggested any lighting will have full cut offs and be downward directed.

Mr. Anderson agreed.

Mr. Hankin asked if the level of lighting from the street lamps is adequate for the new sidewalk to the front door.

Mr. Anderson said he believes there will be adequate lighting from the street. He said he did not expect to add bollard lights.

Mr. Musgrove asked if the 18 ft. wide driveway is adequate for two-way travel.

Mr. Anderson said it is adequate. He said he is confident it will serve the site.

Ms. Nelson said she is concerned about a site plan review approval for a property that has not made an application to us—the lawyers' building.

Mr. Hankin mentioned that in an informal discussion with Ken Shearn earlier in the week he indicated that there are no issues.

Ms. Nelson said it is a shared driveway.

Mr. Musgrove said we can suggest that the Board of Selectmen require a signed agreement with 342 Main Street.

Mr. Hankin said the parking spaces for the lawyers' offices are already existing.

Town Manager, Jennifer Tabakin, asked if parking could be coordinated with parking at Town Hall so people could walk from one to the other.

Mr. Harris said he thought that was possible.

Mr. Anderson said there are no grade issues.

Mr. Rembold said there had been discussion between the Applicant and the DPW about the possibility of circulation, but it would cross the lawyer's property. Right now we are working with what we have control over.

Ms. Fowle said currently there are foot paths between the properties. It would make sense to designate where people can walk through. Designated foot paths would prevent trampling of the vegetation.

Mr. Hankin asked if the parking configuration is accurate.

Mr. Anderson said yes. The spaces are generously sized.

Mr. Hankin asked about deliveries to the People's Pantry.

Mr. Anderson said a three axle box truck would make the deliveries and it will be able to back up to the space then drive out.

Mr. Hankin asked if it is totally impractical for the truck to use the parking lot and use the elevator.

Mr. Anderson said they could do that.

Mr. Hankin said a street tree will be lost to put that driveway in on the south side. A lot of work is being proposed to accommodate this use when there may be another way.

Mr. Harris said more review and redesign would be required. The space is laid out so the clients can go directly into a waiting area on the lowest level then be brought into the Pantry.

Mr. Hankin asked if this is the main entrance to the People's Pantry?

Mr. Anderson said yes.

Ms. Nelson said there is a large amount of soil that would have to be moved. We are trying to determine if there is a way to use existing doors.

Mr. Rembold said the Design Review Team looked at having 2 or 3 parallel parking spaces on St. James Place. There were compelling reasons not to put those spaces in.

Mr. Rembold said the basement area would also be required to have a second means of egress.

Mr. Musgrove said even if a second egress is needed it doesn't have to be 18 feet wide. If there doesn't need to be an area for a truck to back in it doesn't need to be 18 feet wide. It is like walking through a valley.

Sally Harris said it wasn't expected that every person using the People's Pantry would use the elevator.

Mr. Rembold said the DPW could look at it again. He said the previous proposal was impactful to the street. Currently there is no parking on the street.

Ms. Nelson said she would like to see if there could be on street parking/loading carved out so the proposed walkway could be narrowed and the driveway function eliminated.

Mr. Musgrove said the plans should be redrawn.

Mr. Hankin we should look at the rest of the package. He said there are three performance venues. He asked if more than one venue would be used at one time.

Mr. Harris said there is limited parking making it difficult for all three to be going at the same time. He said our objective is to not have conflicting times with the Mahaiwe.

Ms. Nelson said there are too many parking spaces proposed.

Mr. Fick asked if we want to create more office space downtown with no parking.

Ms. Nelson asked how much space was dedicated to office use.

Mr. Rembold said 1400 square feet.

Ms. Nelson said she would like to see less parking on the site and more green space.

Mr. Fick said it would be best to try to accommodate the parking needs.

There was continued discussion of the parking issues. There was discussion of the grade for some of the parking spaces.

Mr. Hankin said he thinks what is proposed for the reuse of the building is wonderful. This discussion and the ideas offered may seem overwhelming.

Mr. Rembold there are a lot of ideas to work out. He suggested another discussion with the applicant and lawyers should be considered. The public hearing is scheduled for June 9 but the applicant can request a continuance.

Mr. Hankin said the change of use is ok. The issues are with the parking and the Peoples' Pantry entrance, which are part of Site Plan Review.

Mr. Rembold said the Board would have to make a finding on the parking for the performance space.

Mr. Hankin said the Board could vote on the change of use from a church to a community center.

Mrs. Harris said we have an agreement with the lawyers based on this plan. We don't want to offer another plan.

Mr. Harris said we could remove 4-5 parking spaces at the top and add them near the building.

Mr. Anderson said any input would be helpful.

Mr. Musgrove said the spaces could be reduced and the parking could be closer to the building.

Mrs. Harris said we need some parking spaces we can't use the spaces dedicated to the lawyers' office.

Ms. Nelson asked how many spaces are needed.

Mrs. Harris said 8-10 spaces.

Ms. Nelson suggested eliminating the last six spaces and the site work associated with them.

Mr. Hankin asked if the hard surface proposed impact the maple tree.

Mr. Anderson said the work will not disturb the tree.

Mr. Musgrove said spaces 20-25 could be eliminated.

Mr. Harris said ok.

Mr. Musgrove said the plans for the front need to be redesigned.

Mr. Hankin suggested we are ok with cutting off parking at space #19 if you can pick up a couple spaces near the garage. Everyone agreed.

The applicant will return to the June 12 meeting.

Ms. Fowle made a motion to send a positive recommendation to the Select Board for the special permit for the change of use from a church to the community center, Mr. Musgrove seconded, all in favor.

### **SPECIAL PERMIT & SITE PLAN REVIEW: 659 MAIN STREET**

Ms. Fowle disclosed that she has done pro bono work at the Fairgrounds. She has received no money and does not expect to receive money therefore she doesn't have a conflict of interest.

Janet & Bart Elsbach, applicants for the Fairgrounds Community Redevelopment Project, were present to discuss the application for a special permit for work in the floodplain and for a change of use to a community center and the application for site plan review for the change of use.

Ms. Elsbach said the existing cow shed structure would be replaced with a timber frame structure in the same footprint. A workshop will be held to reconstruct the building.

Mr. Hankin said there appear to be several phases for this project. We are dealing with the cowshed, dog park and gazebo.

Mr. Elsbach encouraged the Board to include all aspects of the project as they will all take place even though it will be over a period of time.

Ms. Elsbach said we want to get the first part of the project successfully completed so we can fund the other aspects of the project.

Mr. Hankin said we can make a recommendation to the Board of Selectmen on the change of use and floodplain special permit. The site plan submitted for the site plan review is not what we are used to seeing. We know there is parking but we would like to see it on the plan.

Mr. Elsbach said most businesses have parking needs on a day to day basis based on the business. We need parking for specific events such as the Farmers' Market or special events similar to the previous fairgrounds use. Five hundred cars can be accommodated on the south side of the property. If the property is fully used we can accommodate 750 cars. The paved area on the west side of the property can be used for larger events.

Ms. Nelson said there is no issue that there is adequate parking.

Mr. Musgrove asked if any paving would be done.

Mr. Elsbach said there is no intention to increase the impervious surface.

Ms. Tabakin said there are issues with moving from the Farmers' Market to Guido's but we have had meetings with applicants and the police to ensure that emergency vehicles can access if they need it. She said everything is working well.

Mr. Hankin asked if the special permit for the community center is granted would there be additional permits required for specific events?

Ms. Tabakin said yes there would, but it doesn't fall neatly into any category.

Ms. Nelson asked if they can get a baseline approval, then come back for significant changes.

Mr. Hankin suggested the change of use could be approved. The site plan review could be approved for the first 3 phases, but the approval can be limited.

Mr. Rembold said if they should do a commercial solar array, they would have to come back. He recommended the approval should be restricted to the first phase.

Mr. Fick asked why they would come back.

Mr. Rembold said the approval would be for substantial compliance. Building in the floodplain triggers special permit and site plan review processes. We have some information but not all.

Mr. Elsbach said he would like to understand the questions so they can be answered. He said he hoped to get approval at this meeting. He said the Dog Park #5 on the plan would have airlock gates. It would cover 20,000 square feet with a five foot chain link fence. There would be a number of compartments to confine the dogs.

Ms. Tabakin asked how many acres would be preserved.

Mr. Elsbach said there is a riparian buffer and floodplain forest along the river. He said ultimately we plan to connect with the existing River Walk.

Ms. Fowle said we need to condition any approval regarding the fencing based on what the Conservation Commission requires. The Dog Park is a small area that will not impact the turtles.

Mr. Musgrove asked for confirmation that the gazebo, #9, has a fixed floor raised up on stone piers with a roof. It will be above the floodplain. The cowshed, #1, will not have a floor at all.

Mr. Elsbach said there would be a net reduction to any compensatory storage required in the future since the existing structure has a floor.

Mr. Elsbach said #7, removal of the bathroom. It is a cinderblock building that will be removed. It is currently five feet closer to the river than it was originally due to erosion. There is net gain for compensatory storage because the gazebo's footprint is smaller than the bathroom.

Mr. Hankin asked if the net gain can be used somewhere else on the property.

Mr. Rembold said those issues are addressed with the Conservation Commission through the Notice of Intent.

Mr. Hankin recommended that the removal of any structures be documented very carefully for future reference.

There was additional discussion of #6, raised garden beds for community gardens. The gardens also impact the floodplain.

Mr. Musgrove made a motion to send a positive recommendation to the Board of Selectmen for the change of use to a community center, including the cowshed renovation, the dog park, community garden, bathroom and gazebo and for work within the floodplain, Ms. Fowle seconded, all in favor.

Mr. Hankin thanked the applicants for the work they have done.

Mr. Musgrove read site plan review. The Board made a condition that for pedestrian and vehicular safety the applicant will coordinate with the Town for special events.

Mr. Musgrove made a motion to approve site plan review with the above condition, Ms. Nelson seconded, all in favor.

### **HOUSATONIC SOLAR 1: 49 VANDEUSENVILLE ROAD**

Kirt Mayland was present to continue discussion of the proposal for a commercial solar site at 49 VanDeusenville Road.

Mr. Rembold said the applicant had submitted a set of full size plans. He said the special permit before the ZBA had been withdrawn so the Board was only dealing with the application for Site Plan Review.

Mr. Mayland introduced his engineer, Wes Flis, who was present to discuss the engineering aspect of the project.

Mr. Flis said there is a corrective action plan to clean up the property and remove what needed to be removed, and then grade it. He pointed out that there are non-regulated wetlands in the south east corner and the north east corner. Those areas will not be disturbed.

Mr. Flis said the panels will be on piers. The drainage will be improved. A grass/clover mix will be planted under the panels. In the southern portion of the site the grass area will be a benefit. In the north portion of the site the tree removal will create drainage issues that will be addressed.

Mr. Flis said some panels will have posts that are either screwed into the ground or pounded into the ground.

Mr. Mayland said there is a lot of rock but it can be drilled through.

Mr. Hankin asked how deep will you have to go to meet the clean up requirements.

Mr. Mayland said all the surface waste and buried waste will be removed no matter how deep it is. He said this has been a controversial site. He said he does not think the waste is buried too deep.

Mr. Flis said the existing entrance off of VanDeusenville Road would be used 4-6 times a year for basic check ups. There will be no traffic except during construction. Once the trees have been cleared the work will move quickly. There will be a fence around the entire site. There will be four gate openings. There will be full cut off lights at the entrance.

Mr. Mayland said the site is limited to 9.1 acres for the placement of the panels, based on the extent of the landfill area.

Mr. Hankin asked if the panels are shown stepping down the slope.

Mr. Flis said yes. We have shown the maximum for approval. Mr. Mayland needs approval to move forward with funding.

Mr. Mayland said the general concept is to put in as m, the panels will go across the slope. We have shown the maximum.

Mr. Rembold suggested approval could be conditioned subject to the final grading plan after the cleanup.

Mr. Mayland said he will be required to do a detailed grading plan for the installers.

Mr. Hankin asked about decommissioning the site.

Mr. Mayland said he sent a letter to Mr. Rembold regarding the decommissioning. He said a condition of the approval could be a decommissioning bond be put in place prior to construction.

Mr. Hankin pointed out the decommissioning of the site would not be with us but with the property owner.

Mr. Rembold said it would protect against potential abandonment of a commercial use in a residential zone.

Ms. Nelson made a motion to approve Site Plan Review with conditions that the board would receive a final grading plan after the corrective action plan; the hours of construction would be from 7 AM to 7 PM Monday through Friday. There will be no work on Saturdays or Sundays or holidays and the maximum extent of panels to be installed would be as shown on the plans dated April 22, 2014 subject to the Board's acceptance of a decommissioning bond prior to

construction or some other type of surety acceptable to the Board, Mr. Musgrove seconded, all in favor.

**HOUSATONIC SOLAR 1: 0 PARK STREET HOUSATONIC**

The engineer for the Rising Paper site was not able to make the meeting. This discussion will be scheduled for the June 12 meeting.

Without objection Mr. Hankin adjourned the meeting at 10:45 PM.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary

