

PLANNING BOARD

DATE: January 22, 2015  
TIME: 7:00 P.M.  
PLACE: Large Meeting Room  
FOR: Regular Meeting  
PRESENT: Jonathan Hankin, Chairman; Brandee Nelson; Malcolm Fick  
Jeremy Higa, Associate Member  
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:00 P.M. He welcomed Mr. Higa as the new Associate Member.

**FORM A's:**

There were no Form A's submitted.

**MINUTES: JANUARY 8, 2015**

Mr. Fick made a motion to accept the minutes of January 8, 2015 as amended, Ms. Nelson seconded, all in favor.

**ANNUAL REPORT:**

Mr. Fick made a motion to accept the Annual Report submitted by Mr. Hankin, Ms. Nelson seconded, all in favor.

**ZONING AMENDMENT:**

The Board discussed amending the accessory use part of the zoning bylaws.

Ms. Nelson said if a lot is split with the accessory use on one of the lots it would create non-conformity. She said she wanted to be able to think it through to see where it would be applied where we might not have anticipated.

Mr. Hankin said the bylaw would still limit the building with lot coverage requirement.

Mr. Fick said even on a separate lot.

Ms. Nelson said she was struggling with an accessory building on a separate lot.

Mr. Hankin said he has a house on a lot and owns an adjacent lot containing 31 acres. He would like to build a garage on the adjacent lot but he is not able to do that.

Ms. Nelson said the two lots should be tied together in perpetuity if an accessory building is built on it. She said she has read a lot of zoning codes and hasn't seen this. She said it doesn't sit well with her. She said she agreed with the comments made at the last meeting. This proposal is too much too fast.

Mr. Rembold pointed out that nothing would prevent a lot from being split via Form A with an accessory building on it.

Mr. Hankin said the current bylaw seems overly restrictive. If the goal is to create affordable housing as recommended in the Master Plan something needs to change because it can't be done with a 15 foot height restriction. That restriction precludes apartments in accessory building.

The Board discussed a recommendation submitted by Mr. Musgrove that "recommend an accessory building in a non-residence district shall not exceed 50% of the permitted height of the principal structure and it shall not be located nearer than 10ft. to the principal building or occupy more than 10% of the total area".

Mr. Hankin said he did not understand where Mr. Musgrove was coming from with the recommendation. He said this language would make the bylaw more restrictive when the goal is to make it less restrictive.

Mr. Hankin suggested the definition of Accessory Buildings should have "common ownership" added in.

Ms. Nelson said she doesn't like the change. She said keeping the accessory building on one lot keeps it neat and tidy. She is concerned that changing the bylaw could create a lot of problems in the future.

Mr. Hankin said he does not understand why we are using zoning to keep people from investing in their property.

Ms. Nelson said she thinks the proposal makes the zoning messy.

Mr. Hankin asked about changing the height restriction.

Ms. Nelson said she doesn't have as much issue with changing the height. She said she does not understand what Mr. Musgrove was getting at with his recommendation.

Mr. Fick said he does think there would be consensus at the Annual Town Meeting.

Ms. Nelson said she does not like it but would vote with the majority of the Board.

Mr. Rembold said the full Board should be present to get a consensus.

Mr. Hankin said there isn't time.

Mr. Fick asked if there could be further discussion.

Mr. Hankin said yes at a public hearing.

Mr. Fick said in the interest of keeping the process moving we should vote on it tonight to move forward and still have an opportunity for further discussion.

Mr. Fick made a motion to send the zoning proposals to the Select Board for consideration section 11 zoning amendment for accessory use and accessory buildings as proposed and amended 3.2 accessory uses as proposed by Mr. Hankin, not accepting Mr. Musgrove's suggestion, and amendment to 4.2.8 as proposed by Mr. Hankin, Ms. Nelson seconded, all in favor.

Mr. Rembold said there was not confusion regarding the Housatonic Village Center district. He suggests that uses of 10,000 square feet be by-right but up to 20,000 square feet if the reuse is of a historic structure. The Board agreed.

#### **HUTCHINSON APPEAL: RECOMMENDATION TO THE ZBA**

Mr. Rembold said the ZBA will hold a public hearing regarding the latest appeal of the Building Inspector's Cease and Desist order of cutting within the Water Quality Protection Overlay District by Lynn Hutchinson of 263 Long Pond Road. He said Ms. Hutchinson has hired a licensed forester who has prepared a forest cutting plan. The plan has been filed and approved by the State. He said the forest cutting plan allows forestry plans to go forward with out the Conservation Commission being involved. It does not require a Notice of Intent, just the use of best practices. The process does not address zoning, which is still in force.

The Building Inspector has issued an order against the forest cutting plan as a violation of zoning for the WQPOD. There is also a violation of the previous order issued by the ZBA.

Ms. Nelson said she has concerns about impacts on the water supply. She made a motion to strongly encourage the ZBA to support the Building Inspector and apply the zoning as written, Mr. Fick seconded, all in favor.

#### **TOWN PLANNER'S REPORT:**

Mr. Rembold said the Main Street contractor is going over the schedule for the next construction season. He said soon there should be information about when they will resume construction.

Mr. Hankin said the Select Board has approved the Special Municipal Employee status for all the Town boards and committees. The School Board has not yet received full approval of the status as the other two member towns need to agree.

Mr. Fick thanked Mr. Hankin for his efforts in getting this before the Select Board. He said the Town is very lucky to have professionals willing to participate on local boards and committees. They should not be penalized for their participation.

Ms. Nelson said the Energy Committee has been working with Joe Sokul, the Highway Superintendent, to spend Green Energy Funds on Town buildings. The money has to be completely spent from the first grant before applying for another. There has been an estimate submitted for LED lighting in Town buildings' interior and exterior. She said the Fire Station will be the first to get LED light. She said this lighting is different in intensity from what the

Board is used to. She suggested there might need to be some attention given to the lighting requirements in the Town Code. She said the intensity of the light may be of concern, as it does not dissipate as quickly as light from other sources.

Mr. Hankin asked if the quality of the light is different.

Ms. Nelson said the light does not cast the same way high pressure sodium does.

Ms. Nelson said the Lake Mansfield Improvement Task Force is putting together a request for professional help with the comprehensive plan for the roadway and the parking. The work from the last 8 years will be put into the plan that could be implemented in the next 5 to 7 years. The volunteers on the Task Force have done as much as they can do.

Without objection, Mr. Hankin adjourned the meeting at 8:22 P.M.

Respectfully submitted,



Kimberly L. Shaw  
Planning Board Secretary