

PLANNING BOARD

DATE: June 25, 2015
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Malcolm Fick
Jeremy Higa, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:00 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: JUNE 11, 2015

Mr. Musgrove made a motion to approve the minutes of June 11, 2015 as amended, Ms. Fowle seconded, all in favor.

SPECIAL PERMIT: 148 MAPLE AVENUE

Attorney Peter Puciloski was present to discuss the special permit submitted on behalf of Ventas Realty for a nursing home use in a residential zone and a parking waiver.

Mr. Puciloski said there is an internal reorganization of the company taking place. The nursing home has been operating for many years without a special permit. Obtaining the permit is a house keeping item as part of the reorganization.

Mr. Rembold said the staff has discussed the permit and there are no issues. He said the Planning Board needs to make a finding regarding the parking waiver. There are 6 less parking spaces than required. The business has been operating without the parking spaces for all these years without a problem.

Mr. Musgrove made a motion to send a favorable recommendation on the nursing home use and to waive the 6 parking spaces they don't have as required by 6.1.9. Ms. Fowle seconded, all in favor.

SPECIAL PERMIT: CULBRETH, 170 TACONIC AVENUE

Zachary Culbreth was present to discuss his special permit to demolish a pre-existing non-conforming garage and rebuild a new garage about 10 feet east of where the existing garage is located. Mr. Culbreth also plans to build a stone retaining wall. In order to expand the house, the structure, which is in poor shape, needs to be moved. The proposed location would put it slightly farther from the property line and farther away from the non-conforming garage at 168 Taconic.

Mr. Hankin asked if the turn around shown would be in the Town right of way. One is definitely needed on the property or it would be necessary to back out into Taconic. This would not be in the purview of the ZBA.

Mr. Culbreth said yes. Alternatively, he felt there might be room for the turn around between the house and the edge of the right of way.

Mr. Rembold said there needs to be a discussion with the Highway Superintendant to work out the details for working in the right of way.

Mr. Hankin asked if the split rail fence is proposed to be in the right of way.

Mr. Culbreth said yes.

Mr. Musgrove made a motion to send a favorable recommendation to the ZBA to approve the demolition and reconstruction of the garage as it will not be more detrimental to the neighborhood, Ms. Fowle seconded, all in favor.

SMART GROWTH:

Mark Malloy and Brian Domina were present from Berkshire Regional Planning Commission to continue discussion of the Smart Growth Overlay Districts.

Mr. Malloy said the 40R law allows for higher residential density. The required formula is 20 units per acre of land in already densely developed areas. There are State financial incentives for the town when they can identify parcels of land that meet the criteria and adopt the zoning. There are further financial incentives when building permits are issued.

Mr. Rembold said the origin of the State law was based on cities and towns in the eastern part of the state that did not allow for multi-family residential development. The State said if you allow for multi-family developments, we will pay the communities for allowing the density. Mr. Rembold said the Board can maintain some control with design guidelines, but this will be a by right use. No site plan review. He said 25% of a development must be designated affordable.

Mr. Hankin said it is essentially a 40B.

Mr. Rembold said it is like a 40B in that it is multi-family zoning with an affordability requirement. But unlike 40B it is located in places that the Town wants it and the Town can control it with the design guidelines.

Mr. Hankin asked if we need to create zoning to accommodate the 40R.

Mr. Malloy said yes.

Mr. Rembold said the Planning Board and the Selectboard would have to say yes to the proposal in order to apply to the State. If the State allows the Town to go forward with the overlay zoning, the voters at the Annual Town Meeting would have final approval.

Mr. Malloy said Housatonic was looked at for potential overlay parcels, but the Planning Board requested that other areas be looked at including the former New England Log Homes site. It was determined that most of the downtown area could not support the 20 units per acre

requirement. There are a couple of areas in the South Main Street area that could meet the requirements but there was nothing in the Belcher Square or the triangle near Thornewood Inn that met the requirements. He said the Doyle property on South Main Street would qualify for the density. It could accommodate 13 units.

Mr. Hankin asked about parking.

Mr. Malloy said in his preliminary assessment, parking is not looked at too closely.

Mr. Domina said when the overlay is adopted, it will create new zoning requirements for the districts. The underlying district zoning will not apply to the overlay district.

Mr. Fick asked if the overlay district is adopted, is it required that a 40R be built.

Mr. Malloy said no. When the underlying zoning would allow for 1 unit to be built and the overlay zoning would allow for 13, it would be more appealing to a developer. A developer could build according to the underlying zoning, or could build higher density by right according to the smart growth zoning overlay.

Mr. Hankin asked how many towns are using this zoning.

Mr. Malloy said 30-40 towns are using it and most towns have built something.

Mr. Hankin asked if the 40R is more advantageous than a 40B that throws away zoning and the ZBA controls. The 40R does not waive setbacks. What is the advantage for a developer?

Mr. Malloy said a 40R is by-right. It wouldn't go through the ZBA.

Mr. Rembold said the 40B process includes lawyers, architects, and engineers and is longer.

Mr. Fick said BRPC is putting this together for us. He asked how the Board feels about the areas discussed in Great Barrington. We had discussed the areas in Housatonic and agreed those sites would be okay for the overlay district.

Mr. Rembold said zoning would have to be created to apply to the areas.

Mr. Musgrove said he thinks the entire B-2 should be included in the overlay district, Stockbridge Road and South Main Street.

Mr. Fick asked if the Board still likes the Housatonic area. He said that area lends itself to the 40R as it is already densely populated. He said the Board requested that BRPC go back and look at Great Barrington and they have done that. He said he is not sure if he agrees with the idea of taking the entire B-2 zone and equating it with a 40R.

Ms. Fowle said she likes Mr. Musgrove's thinking about taking the entire Town into consideration.

Mr. Musgrove said let me restate my proposed overlay boundaries for Barrington village: from Guido's north on South Main Street to the Castle, from the Newsboy Monument east on Maple Avenue to Route 7 and including the triangle formed by the Silver Street; as well as from the Brown Bridge North to the Brewery and State Road to Laurel Street. He said it would make sense to allow and encourage building tasteful multifamily units in these areas.

Mr. Fick said so with your suggestion all of the B-2 zone would be eligible for 40R development.

Mr. Malloy said areas that are under utilized could be considered. Active retail areas would be removed from the calculations.

Mr. Musgrove said underutilized property could be a candidate for 40R and receive the subsidy.

Mr. Hankin said the parcel would also need to have town water and sewer.

Mr. Malloy said yes.

Mr. Musgrove asked if a corridor could be created to include the entire area but only the under utilized or under developed parcels would be included in the calculations.

Mr. Malloy said yes.

Mr. Hankin said he thinks this has been a good start for the discussion. He suggested the Haddad parcel on Silver St. might be a good candidate. Mr. Malloy said he had not considered it in his preliminary look. We will look at areas to see if we see something else that could be included. The parcels should be developable, but currently undeveloped or underutilized in a densely developed area that is served by town water and sewer.

Mr. Domina gave the Board a sample bylaw. He said it is a fully inclusive bylaw. It is for a zoning overlay district allowing residential and mixed use.

Mr. Hankin said commercial use could be allowed in a residential zone.

Mr. Domina said yes if you allow it, residential is the important component.

Mr. Hankin said the underlying zoning would not apply to a commercial component.

Mr. Domino said not unless you cut and paste the commercial zoning for that area into the overlay zoning.

Mr. Hankin asked how the Town would get the money from the State.

Mr. Domino said there is a zoning incentive payment when the zoning is adopted. There is a density bonus payment when the town issues a building permit.

Ms. Fowle said she would not want the Housatonic School property built as a 40R. She said she would want to know what the Housatonic Task Force came up with for suggestions for that parcel before it could be considered for being included in the 40R zoning.

Mr. Rembold asked what BRPC has for a timeline and would you be able to come back again.

Mr. Hankin said the Board would look at other parcels.

Mr. Malloy said he would get back to Mr. Rembold.

The Board thanked Mr. Malloy and Mr. Domina for coming to the meeting.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Board will be making a recommendation on a 40B application for 316 State Road. He suggested a site visit.

The Board scheduled a site visit for July 9, 2015 at 6:15 P.M.

Mr. Rembold said the Attorney General approved the Zoning Bylaw amendments approved at the annual town meeting. He has provided the Board members with a PDF copy of the new bylaws effective May 2015 and also provided hard copies for those who wanted them.

Mr. Rembold said BRPC produced a resource book for the Planning Board. He provided a hard copy of that as well.

Mr. Rembold said Mr. Higa was confirmed by the BOS as the Associate Member for a three year term expiring at the end of June 2018.

COMMITTEE UPDATES AND CONFIRMS:

Nothing was presented.

CITIZEN SPEAK TIME:

No one spoke.

Having concluded their business, Mr. Hankin adjourned without objection at 8:40 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

MATERIALS PRESENTED:

- Mr. Rembold's Memo to the Planning Board dated June 23, 2015 (includes both special permit applications)
- BRPC handouts regarding the 40R zoning and the Planning Board resource booklet

—Zoning Bylaws effective May 2015

