

## PLANNING BOARD

DATE: March 12, 2015  
TIME: 7:00 P.M.  
PLACE: Large Meeting Room  
FOR: Regular Meeting/Public Hearing  
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Brandee Nelson;  
Malcolm Fick  
Jeremy Higa, Associate Member  
Chris Rembold, Town Planner

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

Local cable TV, CTSB, was present recording the meeting for future broadcast.

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

There were no Form A's submitted.

### **MINUTES: FEBRUARY 26, 2015**

Ms. Fowle made a motion to approve the minutes of February 26, 2015 as amended, Ms. Nelson seconded, all in favor.

### **SITE PLAN REVIEW: 241 MONUMENT VALLEY ROAD**

Eric Zahn was present with the applicants Steven and Amy Bronstein to discuss their site plan review application for two single family dwellings on a single lot. There will be a single family home with two bedrooms and two bathrooms and a garage with a small apartment with a kitchen and a bathroom.

Mr. Rembold said the apartment is the size of an accessory dwelling unit.

Mr. Musgrove read the site plan criteria. There was brief discussion regarding removal of trees. Mr. Zahn said there may be a few trees removed for the septic tank installation.

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

Mr. Hankin announced the meeting was being recorded.

### **PUBLIC HEARING: ZONING ARTICLES**

Mr. Hankin read the public hearing notice. The notice was published in the Berkshire Record on February 13 and February 20, 2014. Notices were sent to the nine towns abutting Great Barrington, BRPC and Town Counsel. The notices were posted at the Town Hall, Mason Library, Ramsdell Library, the Town of Great Barrington website and the Police Department.

Ms. Fowle made a motion to open the public hearing, Mr. Musgrove seconded, all in favor. The public hearing was opened at 7:19 P.M.

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Mr. Hankin announced that he was disclosing that there could be the appearance of a conflict of interest because he owns property in Housatonic which is currently non-conforming, but which may become conforming if the zoning is changed. He said that he does not believe the proposed zoning changes would affect the value of the property but he consulted with the State Ethics Commission and the disclosure notice will be filed with the Town Clerk.

Zoning amendment #1 proposes to create a new Housatonic Village Center (HVC) District and amend the zoning map to rezone the center of Housatonic Village from B2 General Business to HVC.

Mr. Rembold presented a power point for the zoning proposals going through each proposal one by one.

Mr. Rembold said he had not received any written comments on the proposals.

Mr. Rembold went through the proposal to create the new HVC. Mr. Hankin commented that the zone is very pedestrian oriented and scaled with a single zone. He asked if there were any comments or questions regarding the proposal.

Michele Loubert, 386 Park Street Housatonic, was present. She thanked Mr. Rembold for recently holding hours at the Ramsdell Library to discuss the zoning proposals. Ms. Loubert asked for clarification about if River Street is a Town owned road.

Mr. Rembold said River Street is owned by the Town. He said the parking lot at the end of the road is part of River Street.

Ms. Loubert said she wants to be sure that this is Town property. The Brick House Pub uses the parking lot as its own.

Mr. Rembold said in order to determine the property line a survey would have to be done. The road is owned by the Town.

Mr. Hankin said this discussion might be more appropriate with the Selectboard and the DPW Superintendent.

Ms. Loubert said that her concern is that a remote pumping station with 24/7 access could be put in this location. She said at one point there had been some discussion of a remote station that would be located on Town property. If the service were deemed essential it is possible that this site could be used.

Mr. Hankin asked how a pumping station would relate to the zoning discussion we are having.

Mr. Rembold explained that several years ago there was a comprehensive Waste Water Treatment Plan done that suggested that the Town could possibly generate revenue by receiving septage from private haulers. Currently the haulers can only dump at the treatment plant when it

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is open. To date nothing has been done. There is no design, discussion or potential location. Mr. Rembold said he would not consider it an essential service which would need to be the designation to allow it in any zone. Mr. Rembold said the potential is worth considering but at this time it would not seem likely that this service would be allowed in this area regardless of the zone.

Eileen Mooney said that if the Town considered a dumping service it would require money which would require Town Meeting approval.

Mr. Rembold agreed. He said unless it were considered an essential service zoning would apply and not be allowed in this zone which is being proposed.

Mr. Rembold briefly discussed comments from Town Counsel. Comments were for clarification.

Mr. Hankin asked if there were any other comments or questions. There was none.

Zoning proposal #2. To create a new Housatonic Village Overlay District (HVOD) for parcels fronting on parts of Main Street, Meadow Street and Depot Street in Housatonic Village.

Mr. Rembold went through the power point presentation as it applied to proposal #2. He discussed Town Counsel's comments made for clarification.

Mr. Hankin said this is the most long range zoning change for the village. If the HVC is adopted and the core of the village is revitalized, perhaps in association with the mills, only then might it be likely that HVOD would come into play, allowing mixed use by special permit.

He noted that the goal of all zoning changes is to follow boundary lines.

Mr. Hankin asked if there were any comments or questions. There was none.

Zoning Proposal #3. The proposal is to amend the zoning map to rezone the R-1-B one-family high density residential areas of Housatonic to R3, another high density residential zone, which also allows multi-family use.

Mr. Rembold went through the power point presentation as it applied to proposal #3. He discussed Town Counsel's comments made for clarification.

Mr. Hankin asked if there were any comments or questions. There was none.

Zoning Proposal #4. The proposal is to revise the existing B1 neighborhood business regulations and amend the zoning map to rezone the North Plain Road B2 zone to B1 and to expand the existing B-1 area to include the Risingdale Café and a few of the neighboring properties.

Mr. Rembold went through the power point presentation as it applied to proposal #4. He discussed Town Counsel's comments for clarification.

Mr. Hankin asked if there were any comments or questions. There was none.

Zoning Proposal #5. The proposal is to amend the zoning map to change two lots on Pothul Drive at Castle Hill Avenue from R2 to R1A to bring them into conformance with the rest of the street.

Mr. Rembold went through the power point presentation as it applied to proposal #5. He said the parcels should have been zoned R1A like the rest of the parcels in the development. It makes sense to have all the parcels zoned the same. It is a good map correction. Mr. Rembold discussed Town Counsel's comments for clarification.

Mr. Hankin asked if there were any comments or questions. There was none.

Zoning Proposal #6. The proposal is to amend the height regulations and definitions of accessory buildings and accessory uses in order to allow for construction of garages or barns with accessory dwelling units and the construction of accessory buildings on adjacent lots in common ownership.

Mr. Rembold went through the power point presentation as it applied to proposal #6. Mr. Rembold discussed Town Counsel's comments for clarification.

Mr. Hankin pointed out that 8.2.3 (6) needs to be amended in order for the proposed zoning changes to take effect. The second sentence would need to be deleted.

Mr. Hankin asked if there were any comments or questions. There was none.

Mr. Musgrove made a motion to close the public hearing, Ms. Nelson seconded, all in favor. The public hearing was closed at 8:43 P.M.

The Board went through each proposal.

Mr. Musgrove made a motion to send a favorable recommendation to the Town Meeting on the proposed article for the Housatonic Village Center as amended by Town Counsel at the public hearing, Ms. Fowle seconded.

Ms. Fowle addressed Ms. Loubert saying that she did not feel the proposed zoning changes were pertinent to Ms. Loubert's concerns.

Ms. Nelson said any projects proposed would be judged on their merit.

Mr. Fick said he does not feel that a dumping station belongs in any neighborhood. He said he did not feel the proposal would allow or encourage a dumping use.

Mr. Hankin called for a vote on the motion:

Mr. Musgrove aye

Ms. Nelson aye  
Ms. Fowle aye  
Mr. Fick aye  
Mr. Hankin aye  
All in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Town Meeting on the proposed article for the Housatonic Village Overlay District as amended by Town Counsel at the public hearing, Ms. Nelson seconded.

Mr. Hankin called for a vote on the motion:

Mr. Musgrove aye  
Ms. Nelson aye  
Ms. Fowle aye  
Mr. Fick aye  
Mr. Hankin aye  
All in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Town Meeting on the proposed article to rezone the R1B zone in Housatonic to R3 as amended by Town Counsel at the public hearing, Ms. Fowle seconded.

Mr. Hankin called for a vote on the motion:

Mr. Musgrove aye  
Ms. Nelson aye  
Ms. Fowle aye  
Mr. Fick aye  
Mr. Hankin aye  
All in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Town Meeting on the proposed article to revise the existing B1 regulations and zoning map to rezone North Plain Road B2 zone to B1 and rezone the Risingdale Café area to B1 as amended by Town Counsel at the public hearing, Ms. Fowle seconded.

Mr. Hankin called for a vote on the motion:

Mr. Musgrove aye  
Ms. Nelson aye  
Ms. Fowle aye  
Mr. Fick aye  
Mr. Hankin aye  
All in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Town Meeting on the proposed article to amend the zoning map to change two parcels on Pothul Drive from R2 to R1A as amended by Town Counsel at the public hearing, Ms. Fowle seconded.

Mr. Hankin called for a vote on the motion:

Mr. Musgrove aye  
Ms. Nelson aye

Ms. Fowle aye  
Mr. Fick aye  
Mr. Hankin aye  
All in favor.

Mr. Musgrove made a motion to send a favorable recommendation to the Town Meeting on the proposed article to amend the height regulations and definitions of accessory buildings and accessory uses in order to allow for construction of garages or barns with accessory dwelling units and the construction of accessory buildings on adjacent lots in common ownership as amended by Town Counsel at the public hearing and the deletion of the last sentence of 8.2.3(6).

Mr. Rembold said he would confirm with Town Counsel that the change to 8.2.3(6) is not a substantive change to the proposed, advertised, proposal.

Mr. Fick said the change would allow the change in the height restriction. He said if it were not allowed to be amended it would negate part of the proposal.

Mr. Musgrove said it would negate a part of it but there are other parts that would not be affected. It would not make sense to pass over the entire article.

Ms. Nelson said this was a good catch that needs to be corrected. She said she doesn't think enough time was spent on this proposal.

Mr. Rembold recommended the vote on this article be as clear as possible.

Ms. Nelson asked why units would be allowed on adjacent lots.

Mr. Hankin said there are two issues but they both involve accessory buildings. Maybe it would have been clearer to deal with the height restriction for accessory buildings and allowing accessory buildings on adjacent lots separately.

Ms. Nelson said this type of use is not consistently defined in other towns. She said she would prefer to do due diligence before going ahead with the proposal. She said the proposal might increase disorderly development.

Ms. Fowle said we have not turned over every stone on this topic.

Mr. Fick said he feels this has been discussed for weeks and weeks. He said he started out opposed to it but it has been talked through.

Ms. Nelson asked if there would be required setbacks from primary structures.

Mr. Hankin said yes.

Mr. Rembold said that would be a building code issue that would be addressed by the Building Inspector.

Ms. Nelson said she has not seen this as part of common practice. She said she does not feel the issues have been flushed out enough. She said she does not have an issue with most of proposal just allowing an accessory use on the adjacent lot. Ms. Nelson said it seems inconsistent with standard practice.

Ms. Fowle said she agreed with Ms. Nelson and is reluctant to vote for it. She said she felt from the start that it was too late to add another warrant article into what had been a very thoughtful and painstaking process with the other articles.

Mr. Rembold said the Board could hold off to the next meeting to vote on the proposal. He said if the Board makes a positive recommendation to Town Meeting and the article does not pass it could be taken up again the next year. Without a positive recommendation it would have to wait 2 years to be reconsidered.

Ms. Nelson asked if the adjacent lot portion of the article could be taken out.

Mr. Musgrove said it is possible to make the proposal less restrictive.

Ms. Nelson made a motion to amend agenda item #4 (6) to include the correction in 8.2.3(6) by deleting the second sentence and allow an increase in the height for accessory buildings but not include accessory buildings on adjacent lots, Ms. Fowle seconded.

Mr. Musgrove, no; Mr. Fick, no; Mr. Hankin, no; Ms. Fowle, aye; Ms. Nelson, aye; the motion failed.

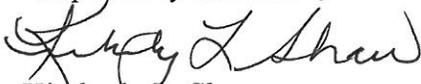
Mr. Fick made a motion to delete the last sentence of 8.2.3(6), Mr. Musgrove seconded, and amended the motion to have Town Counsel review article with the amendment and discuss it again at the next meeting on March 26 in an effort to go to Town Meeting with a consensus of the Board, all in favor.

#### **TOWN PLANNER'S REPORT;**

Mr. Rembold reminded the Board that they have a site visit before the next meeting.

Having concluded their business, Mr. Hankin adjourned without objection at 9:40 P.M.

Respectfully submitted,

  
Kimberly L. Shaw  
Planning Board Secretary

#### **Material Distributed at the Meeting:**

- Email from Town Planner to Planning Board, dated March 10, 201
- Draft minutes of February 26, 2015 meeting

- Site Plan Review application for 241 Monument Valley Road
- PowerPoint presentation re: proposed zoning amendments, dated March 12, 2015
- Proposed zoning amendments draft for public hearing, dated January 28, 2015
- Town Counsel's comments on proposed zoning amendments