

## PLANNING BOARD

DATE: December 10, 2015  
TIME: 7:00 P.M.  
FOR: Regular Meeting  
PLACE: Large Meeting Room  
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 P.M.

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

Patrick McColgan from Taconic Land Consultants was present with a Form A application on behalf of Marion Gilliam for one lot on the east side of Blue Hill Road, just south of Stony Brook Road. Lot 1 contains 18.318 acres of land. Lot 2 contains 3.948 acres of land.

Mr. Musgrove made a motion to approve the application, Ms. Nelson seconded, all in favor.

Mark Reynolds from Kelly, Granger, Parsons and Associates was present. He said there was a typo on the Form A submitted for the Fairgrounds at the November meeting. He asked the Board to sign the corrected map. The Board agreed.

Mr. Reynolds presented a Form A on behalf of the Marguerite Gulick Estate to create Parcel A on the west side of South Main Street. The parcel is to be conveyed to an abutter and is not to be considered a separate building lot. Parcel A contains 0.202 acres of land.

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

### **MINUTES: NOVEMBER 12, 2015**

Ms. Fowle made a motion to approve the minutes of November 12, 2015 as amended, Ms. Nelson seconded, all in favor.

### **SITE PLAN REVIEW: 79 BRIDGE STREET**

The Board had a brief discussion regarding the letter Town Counsel sent regarding the Searles application. Mr. Musgrove said he would have voted differently if he had the letter prior to the vote taken by the Planning Board. He said he would have voted against the project.

Mr. Fick asked for the Board to take another vote on the recommendation to the Selectboard.

Mr. Musgrove said he did not feel it was necessary to vote again as the recommendation is advisory. Mr. Musgrove read his letter dated December 10, 2015 into the record.

Mr. Fick made a motion that the Planning Board revokes its previous approval to the Selectboard for the 79 Bridge Street application, Ms. Fowle seconded.

Mr. Hankin asked on what basis can we change our vote. There is no Planning Board procedure, regulation or Town Code to allow for a second vote. He asked if there is anything that would allow the Board to vote twice on an application. He said there is no vehicle for entertaining another vote.

Mr. Fick asked if Mr. Hankin felt the motion is out of order.

Mr. Hankin said yes.

Mr. Musgrove said he agreed with Mr. Hankin. He said he wished the Board had better access to Town Counsel. He said he supports Mr. Hankin's position on not allowing another vote.

Mr. Fick said he would like to know on what basis Mr. Hankin takes his position.

Mr. Hankin said it would discredit any vote the Board has taken if a second vote is allowed.

Mr. Fick said he feels the people in this room deserve to have the Board do what is right.

Mr. Hankin said the Board would have no integrity to allow another vote.

Mr. Fick said a wrong decision was made on the wrong information.

Ms. Nelson said she agrees that she would like to have had more information but agree that we should not take another vote.

Mr. Fick said he didn't think the motion is out of order.

Mr. Musgrove said the application has not changed. There is now an opinion that has been submitted. He said he feels that Site Plan Review should be voted on before voting on a recommendation for a special permit in the future.

Mr. Fick withdrew his motion.

Mr. Fick made a motion for Mr. Musgrove's letter to be sent to the Selectboard with the Planning Board's endorsement, Ms. Nelson seconded for discussion.

There was brief discussion of the motion. Mr. Fick withdrew the motion.

Mr. Hankin asked Mr. Musgrove to please forward his letter to the Selectboard.

Attorney Kate McCormick was present to continue discussion of the Site Plan Review for 79 Bridge Street. Also present for the applicant were Jim Scalise, Engineer from SK Design Group, applicant Vijay Mahida, Craig Okerstrom Lang, Landscape Architect and Dave Carpenter, Project Manager.

Ms. McCormick said a design will not be presented but the footprint is set in stone so the goal is to go through the Site Plan Review and ask for approval.

Mr. Scalise presented a Power Point presentation dated December 7, 2015 specific to the 8 factors of the Site Plan Review criteria. The architecture is not going to be addressed.

Mr. Scalise said the face of the proposed building approximately 22 feet closer to the street than the existing building. The gymnasium building would be approximately 20 feet closer than the existing building.

Mr. Scalise said the site would be pedestrian friendly. The building would have a connection to Bridge Street from the gym. There will be a sidewalk along the perimeter. There will be a paved terrace between the gymnasium building and the hotel building that will allow ADA compliant access to the porch. There will be walkways into the north entrance with a terrace along the northeast side of the building. There will be a walkway from Bridge Street to the front porch with one step up to the porch.

Mr. Scalise said there will be a crosswalk across the driveway to River Walk. There will be a break in the fence to allow a direct connection to the River Walk. Mr. Scalise said the Oak tree at the southeast corner of the driveway on Bridge Street will be saved. A pocket park will be located under the Oak tree. The driveway will be angled to protect the Oak.

Mr. Scalise said the emergency access was reviewed by the Town. The exit driveway was increased to 18 feet.

Mrs. Mooney asked if computer software was used to determine accessibility.

Mr. Scalise said yes.

Mr. Scalise said there are 104 parking spaces proposed. 95 parking spaces are required. He said there will be 1 loading space. Three loading spaces are required so a waiver is being requested to allow one. He said the handicap accessible parking has been relocated, there will be a curved wall along the west side of the parking lot and the circulation at the Porte Cochere has been improved.

Ms. Fowle asked how many parking spaces would be needed for the conference area.

Ms. McCormick said the parking is calculated for the hotel as per the bylaw.

Mr. Scalise said functioning hotels and what the use generates are looked at for parking requirements as well. He said one space per room is what is required. We have maximized the parking for this project.

Mr. Scalise said the landscaping and buffer areas of this project are an extension of the Iredale campus. We are working with River Walk to insure that invasive species are not part of the project. Mr. Scalise said there will be rain gardens on the site along with street trees along

Bridge and School Street. The site will be pedestrian friendly with sidewalks, terrace porch and River Walk access.

Mr. Hankin asked if the restaurant is an accessory use to the hotel.

Ms. McCormack said yes. It is included in the bylaw for a hotel.

Ms. Nelson said they are balancing what the code says with the bylaw requirements. She said we want shared uses. She said she likes that the impervious surface has been reduced. She said she does not want to require them to increase impervious surface when they have reduced it and still exceed the requirements of the bylaw.

Ms. Fowle said she would like to have a sense of what the meeting rooms will be used for.

Mr. Rembold said if the footprint has not changed there will be approximately 4,000 square feet of meeting space.

Mr. Carpenter said that is correct. The space will be able to be divided.

Mr. Rembold said the capacity would be determined by how the space is set up.

Mr. Fick said there will be a maximum capacity.

Mr. Scalise said yes. It is determined by building code.

Mr. Musgrove asked if there would be 100 people at a meeting.

Mr. Carpenter said that is a good question. He said it is possible. He said it would be determined by the configuration.

Mr. Rembold asked if there is an assumption about how many people attending would be staying at the hotel.

Mr. Scalise said there are parking studies that say 1 parking space per room is required.

Mr. Mahida said Ms. Iredale and Mr. Montgomery requested that this project have meeting space.

Ms. Nelson asked if there is an opportunity to have shared parking with Iredale's on weekends or when Iredale's is not operating.

Mr. Mahida thought that would be a possibility.

Mr. Fick said he is glad there is additional parking, but if Iredale's were sold there might be a problem.

Mr. Hankin said he would be delighted to see that parking lot full every single day.

Mr. Musgrove said he didn't think they would use all of the spaces regularly.

A member of the audience, Gabrielle Senza, said hotels are not usually in a tiny downtown space. The Town does not have enough parking spaces as it is. The traffic issues have not been properly addressed.

Mr. Hankin said the Mahawie Theater has 600-700 seats and the Town is able to accommodate those patrons.

Sharon Gregory said if there is a simultaneous event taking place there would be constraints.

Ms. Nelson said more information will help with our decision.

Mr. Scalise said the goal is to not have excessive parking. We are trying to do better by providing what is necessary. Mr. Scalise added that there will be charging stations for electric cars.

Craig Okerstrom Lang said rain gardens will be part of the project. They will collect runoff from the roofs. These rain gardens will be like the ones that are part of the Iredale landscape plan.

Mr. Okerstrom Lang said Climbing Hydrangea will be used on the wall. He said mixed native trees will be planted along Bridge Street. He said all but one tree planted along School Street would be native species.

Mr. Hankin said he wants the Tree Committee to review and approve the proposed planting plan.

Mr. Okerstrom Lang said yes we are waiting for official approval from the Tree Committee.

Rachel Fletcher said she too is waiting for comments to see if the concerns from River Walk have been met.

Mr. Scalise said DEP and Natural Heritage have commented on the mitigation both on and off the property. We are discussing species management as part of the mitigation with River Walk.

Ms. Fletcher said we want a figure for the future dollar value for reclamation of 20,000 square feet.

Mr. Scalise said it is an ongoing process.

Mr. Hankin said that the B-3 zoning requires 20% open space.

Mr. Scalise said yes. We meet the requirement. He said he does not have the information but it can be provided.

Mr. Rembold said the information was provided on page 10 of the original application. They are providing a little more than shown on the original plan. The plan showed 30,000 square feet of open space.

Mr. Okerstrom Lang said there are no changes to the lighting plan. There will be bollard lights along the porch and Bridge Street. The lighting will be downcast and meet the Dark Sky ordinance.

Mr. Okerstrom Lang said there will be 12 foot light poles in the north parking lot. All lighting will be downcast. The lighting will be the same as what is on the ground on the Iredale campus.

Mr. Hankin was concerned about lights at eye level on the wall on School Street.

Mr. Okerstrom Lang said there are currently no street lights on School Street.

Mr. Hankin asked if the light would be adjustable.

Mr. Okerstrom Lang said yes.

Mr. Scalise went through the storm water management portion of the Power Point presentation. He said there were no significant changes from the original presentation. He said the project meets full standards just like a new project would be required to do.

Mr. Scalise said there are no changes to the water and waste water systems.

He said there is no change to the signs previously discussed. The signs would be low ground mounted signs along Bridge Street. The dumpster will be enclosed and accessed from the north parking lot.

Mr. Carpenter said the size of the trash container will be determined based on what the hotel in Pittsfield uses. It is a similar size hotel.

Mr. Hankin said the generator location does not meet the sideyard setback requirement.

Ms. Nelson asked if the generator is on a pad? She asked if it is a structure?

Mr. Scalise said it is equipment. He said he would look into it.

Ms. Nelson said this was a good overview but there is more information necessary.

Mr. Scalise said he would get the information as quickly as possible.

Mr. Hankin requested a picture of the proposed guard rail along School Street.

Mr. Musgrove said he felt the Board had done all that could be done. He said the overview was very helpful.

Ms. McCormick said the architectural skins would be provided to the Selectboard on December 16. She said they will be provided to the Planning Board.

The Board concluded the discussion at 8:37 P.M. The discussion will continue at the next Planning Board meeting scheduled for January 14, 2016.

**COMPREHENSIVE PERMIT: 100 BRIDGE STREET**

Timothy Geller from the Community Development Committee (CDC) was present with Richard Klein from Berkshire Design Group. The architect was not present.

Mr. Geller said the application is being applied for under Chapter 40B and will be granted by the ZBA. He said it is a permitted design process that has to have a finding. A permit must be granted for a finding to be made. At this time the permit is for the entire site. We are asking for approval of the entire plan with details on the affordable housing piece. The pads will be located as proposed.

Mr. Hankin asked why the application is being presented as a whole.

Mr. Geller said the Town asked that the whole site be included as much as possible. We wouldn't want to permit piece by piece.

Mr. Rembold said this is true. There was discussion about permitting strategies several years ago. The 40B process was encouraged to allow the developer maximum flexibility under the law.

Mr. Hankin said the discussions for what will actually happen if the permit is granted for entire site will lock the plan in place. He said he does not see how that allows for maximum flexibility.

Mr. Rembold said the application is before you and that is what needs to be addressed.

Mr. Hankin asked if there is anything proposed that is not allowed by-right in the B-3 zone.

Mr. Rembold the project is in the flood zone. There are a lot of things the 40B can wrap up in on process.

Mr. Geller said that if there are changes that are more than 10% of what has been permitted we would have to return to the boards. He said he wants to quickly run through the program for the site. He said the Board is familiar with the plan from previous discussions. Mr. Geller said there are no surprises. The project will consist of a housing component and a commercial component.

Mr. Geller said there four components. There will be 3 housing units at the south end of the site. Each building will have 15 units for a total of 45 units. They will be affordable housing rentals. The parking will be adjacent to the units.

Mr. Geller said there will be market rate condominiums. There will be 14 condo units in each of two buildings along the river for a total of 28 units. A building on the east side of the site will have eight market rate townhomes facing Bentley with storefronts below, facing the central parking area. There will be a programmable open space in the middle of the site.

The fourth component will be a commercial building on the north end of the site on Bridge Street. The retail building will be approximately 30,000 square feet. There will be two floors. The first floor will be 23,000 square feet.

Mr. Geller said the site is 8 acres. There will be 2 acres of open space and public area. 1.3 acres of the open space will be along the river. There is a required conservation restriction on the riverfront property. He said there will be a town green that will be a grass activity area. He said this is seen as quintessential to the downtown area.

Ms. Fowle asked about the architecture of the buildings.

Mr. Klein said the buildings will have a view of the river and the mountain.

Ms. Fowle said her eye wants something different.

Mr. Hankin asked about the remediation of the site.

Mr. Geller said there is a detailed summary in the packet. He said it was decided by the DEP that the site will be capped. He said there is no place in the country that will take the dioxin contaminated soil so the site will be capped as the project is built. Remediation of the site will not hinder the development. We will be able to cap as necessary.

Mr. Geller explained that the process will consist of taking the top 12 inches of contaminated soil, excavating the next 12 inches of "clean" soil, putting the contaminated soil in the space the "clean" soil was removed from then putting the "clean" soil on top of the contaminated soil. He said the contaminants are very stable. They are not water soluble. They will cling to the dirt and stay put.

Mr. Hankin asked if there are use limitations on capped sites.

Mr. Geller said there were no limitations.

Mr. Hankin asked about the flood plain.

Mr. Geller said almost all of the site is in the flood plain. He said flood storage (footprints) has been banked from previous development.

Ms. Fowle asked if the area that is labeled town common is the property of the Town.

Mr. Geller said that is what is going to be called, but the Town will not be responsible for any of it.

There was discussion of the proposed buildings.

Ms. Fowle asked if green roofs had been considered.

Mr. Geller said there will be solar panels on the roofs.

Mr. Klein discussed the site and how vehicles would enter and exit. He said the goal is to get traffic flow through the site. He said there will be angle parking on Bridge Street.

Ms. Nelson asked if thought had been given to minimizing the impact on Bridge Street from delivery trucks.

Mr. Klein said there is a double loading dock that will be accessed from Bridge Street. The trucks would be required to back into the loading spaces.

Mr. Houston asked what the face of the building would look like.

The elevations were shown in the power point presentation.

Ms. Gregory said she is concerned about the loading area and the trucks backing out onto Bridge Street.

Mr. Klein went through the engineering portion of the project.

Ms. Fowle said it appears that there are many trees planted in areas where they won't get much sun because of the size of the buildings.

Mr. Klein said he is not concerned about the placement of the trees because the buildings are small in size.

Mr. Hankin commented that the buildings at the south end of the property, the affordable housing units, are backed up to the Waste Water Treatment Plant.

Mr. Gellar said he didn't expect there to be any impact.

Mr. Houston asked why there are so many units.

Mr. Geller said the project was trying to balance resources with the needs of the Town.

Mr. Houston asked for the total number of housing units.

Mr. Geller said there are 81 units proposed.

Mr. Rembold pointed out that calculations for the zoning would allow 104 units.

Mr. Fick asked if the Board should go through Site Plan Review.

Mr. Rembold said he would recommend going through Site Plan Review. He said there are several things that need to be presented such as the traffic study, the water service capacity to the server, the sewer service capacity to the server, fire hydrants and lighting and photometrics. He suggested continuing the discussion to the January 14 meeting.

Mr. Musgrove asked what the time frame would be for the project.

Mr. Geller said the pre-application for funding for the full application is due the first week in March with a decision sometime during the summer. He said it is entirely possible we might have to wait for the next round of funding. He said he believed they would get funded as the project hits every mark on the State's list. He said the important thing is getting to the front of the line.

A member of the audience asked if there are health concerns associated with the property.

Mr. Geller said the dust on the site has to be handled very carefully. The only way contamination can leave the site is on dirt which includes dust. He said there is an independent review process not covered by the 40B. He said the Conservation Commission will also have review of the project. Mr. Geller said the cap permit will be written with environmental conditions that have to be met.

The discussion concluded and will continue at the meeting of January 14, 2016.

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

Mr. Rembold said the Town will be applying for the Community Development Block Grant again. The application has been made the last few years with Sheffield. Sheffield has the lead this time. The money is used for engineering and housing rehabilitation. Mr. Rembold said there is an urgent need for the housing rehab program. There are currently 30-40 housing units on the waiting list for funds. Generally 15-16 units receive funding.

Mr. Hankin asked who determines who gets the money.

Mr. Rembold said there is a information on the Town website and a survey. He said the more people that take the survey the more competitive we become. Low to moderate income homeowners can be income qualified.

Mr. Hankin asked if all the money goes to either Great Barrington or Sheffield.

Mr. Rembold said the money is shared. The money received by Great Barrington is targeted to Housatonic because it is considered a blighted area. Mr. Rembold said he would appreciate the Board's endorsement for applying for the grant.

Mr. Fick made a motion to endorse the Town partnering with the Town of Sheffield to apply for the 2016 Community Development Block Grant, Ms. Nelson seconded.

Ms. Fowle asked if there has been discussion of tearing down the Housatonic School as part of the grant process.

Mr. Rembold said all options are considered.

Mr. Hankin called for a vote, all in favor.

Mr. Rembold updated the Board on Massachusetts Work Grant for Bridge Street. He said work will be done from Main Street to School Street. The work will begin in the spring and go into early summer. He said there will be a public meeting in January where plans will be available. The work is scheduled to be done in phases. At this time there is no plan for the lighting or tree planting. The first phase of the project will go from Main Street to School Street, the second phase will go from School Street to the bridge and the third phase will go from the bridge to Bentley and down Bentley. Work will include drainage, utilities and conduits. The plans are not complete at this point.

Mrs. Ivory asked why the project will not go all the way to East Street.

Mr. Rembold said because the funding is linked to redevelopment projects.

Mr. Rembold said BRPC is continuing to work on 40R zoning as well as the local economic development data.

#### **COMMITTEE UPDATES:**

Ms. Nelson said there will be a meeting of the Lake Mansfield Task Force on December 16 to go over the survey data. There are two other meetings scheduled, January 13 and March 2, 2016. She said the committee is hoping to reach other demographics.

Ms. Fowle said the Community Preservation Committee voted on the projects they propose to fund. There are 8 or 9 projects that were accepted. They will be presented to Town Meeting for approval. The final amount of money to be awarded is just under \$800,000.

Mr. Fick said the Historical Commission voted for the Selectboard to introduce a Demolition Delay Bylaw at the Annual Town Meeting. He said he would like to request that this be an item on the Board's next agenda. He said he would like the Board's endorsement of the bylaw.

#### **CITIZEN'S SPEAK TIME:**

Ron Blumenthal said he commended Mr. Musgrove for wanting to rescind his vote on the Searles project. He said there was no discussion of the building being knocked down. He said tonight's presentation was window dressing.

Gabrielle Senza asked if it is legal to tear Searles down.

Mr. Hankin said that question is only relevant to the special permit.

Ms. Senza asked if the Selectboard will vote on it at the meeting on December 16.

Mr. Hankin said the public hearing will be opened. He said he did not know if a vote would be taken.

Ms. Senza said she is concerned that all the information has not been presented. She said she has been unable to get the tax figures.

Mr. Rembold said information has been submitted to staff but not for the Board. It can be obtained as public information. The figures do not include room rates or occupancy levels.

Mr. Houston said he had requested the information and it was not provided.

Mr. Rembold said he did not know he had requested the information.

Mr. Houston said he felt Mr. Fick's motion should have been allowed. It was his opinion that the Board should have been allowed to change their opinion.

Having concluded their business, Mr. Hankin adjourned without objection.

Respectfully submitted,

  
Kimberly L. Shaw  
Planning Board Secretary

Information presented at the meeting:

- Letter from Mr. Musgrove dated December 10, 2015
- Power Point Presentation SK Design Group December 10, 2015 including revised site plan dated December 9, 2015 and Revised Lighting and Landscape Plans dated December 7, 2015
- Power Point Presentation from CDC for 100 Bridge Street