

PLANNING BOARD

DATE: January 14, 2016
TIME: 6:30 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
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 6:30. Ms. Fowle, Ms. Nelson and Mr. Higa had not yet arrived.

FORM A'S:

There were no Form A's presented.

MINUTES: DECEMBER 10, 2015

Mr. Musgrove made a motion to approve the minutes of December 10, 2015 as amended, Mr. Fick seconded, all in favor.

SPECIAL PERMIT: FAIRGROUNDS REALTY, LLC

Jeff Macel was present to discuss the special permit application for Fairgrounds Realty, LLC. The application is for a name change on special permit for the purposes of the mortgage. There were no changes to the submitted for the previously approved plan.

Mr. Higa arrived at 6:33 P.M.

Mr. Musgrove made a motion to send a favorable recommendation to the Selectboard, Mr. Fick seconded, all in favor.

SITE PLAN REVIEW: 79 BRIDGE STREET

Mr. Hankin said the discussion of 79 Bridge Street will be continued to January 28, 2016 per the request of the applicant.

Mr. Fick said he had seen the new plans. He said the applicant had done a nice job. He said he is concerned about the parking if the conference center is not considered an accessory use. He said the applicant may need to apply for another special permit to waive the required parking.

COMPREHENSIVE PERMIT: 100 BRIDGE STREET

Tim Geller and Larry Boudreau were present to discuss the Comprehensive Permit for 100 Bridge Street.

Mr. Hankin asked if the Traffic Study had been submitted.

Mr. Boudreau said no it would not be available for a couple of weeks.

Mr. Geller said this is a continuation of the discussion from the last meeting. He said he hoped the Board had had time to review the plans.

Mr. Fick suggested the Planning Board go through the Site Plan Review criteria.

Mr. Hankin said he would like to go through the application first.

Ms. Nelson arrived at 6:40 P.M.

Mr. Geller said there would be 30,000 square feet of retail space with approximately 6,500 square feet of that used for office space.

Mr. Hankin said his reading of the project overview provided by the applicant is that there would be 28,000 square feet of retail space with 7,000 square feet of office space. Mr. Hankin said there are other inconsistencies and contradictions in the application. He said if the permit is going to be issued the application should be accurate and correct.

Mr. Geller said the information on the plans is accurate. (Note for the record: plans indicate in the commercial building 23,700 SF of retail and 6,500 SF of office, plus two additional retail spaces in the buildings on Bentley of 3,500 SF each, for a total of 30,700 SF of retail and 6,500 SF of office space.)

Mr. Hankin said the narrative should be corrected.

Mr. Geller said there are places where the gross square footage and retail square footage is slightly different.

Mr. Hankin said it would be helpful to have footprints with the total square footage. He asked that the total square footage be added to the narrative.

Mr. Geller said it is important to mention that from the Comprehensive Permit standpoint that this is not a commercial project with housing but rather a housing project with a commercial space.

Mr. Hankin asked for a breakdown of the affordable housing units by the number of bedrooms.

Mr. Geller said there will be 12 one bedroom apartments, 21 two bedroom apartments and 12 three bedroom apartments.

Mr. Hankin said the eligibility approval letter from the DHCD shows 13 three bedroom apartments and 11 one bedroom apartments.

Mr. Geller said that is a mistake. He said there are minor mistakes that won't impact the project.

Mr. Musgrove asked if the project would be viable without commercial space.

Mr. Boudreau said it is important to know that the Mass Works Grant is dependent on the creation of jobs therefore the commercial space is important to this project.

Mr. Geller said we really want a lively day time use on the site, otherwise it is just a housing project.

Mr. Hankin asked if the elevations shown for the housing on Bentley Avenue are accurate. The plan shows two story buildings. Mr. Hankin said he thought those units were going to be two and a half stories.

Mr. Geller said it would be more accurate to call them two and a half stories.

Mr. Hankin said item 15 MEP in Kuhn - Riddle Architects' overview indicates there are ground mounted photo voltaic panels. He said he does not see them on the plan.

Mr. Geller said they have been discussed but they have not been designed.

A member of the audience asked if there is a demand for retail space and condominiums.

Mr. Hankin said there is a proven demand for market rate condominiums.

Mr. Geller said the commercial market is soft but that is not to say that there shouldn't be expansion where it is right to expand. He said this area will provide a live, work, walk development.

The audience member said she does not understand how it can be viable.

Mr. Musgrove said the commercial/retail component is necessary to get the grant money to redevelop Bridge Street. The development of jobs is a necessary component for funding for the project.

Ms. Nelson asked Mr. Geller to go through the pieces of the project.

Mr. Musgrove asked that the potential sequence of development and funding be discussed, as well. He said there appears to be a fair amount of infrastructure to prepare prior to development.

Ms. Fowle arrived at 7:01 P.M.

Mr. Geller said capping of the site has to be done prior to building. The capping can be done as each Phase is to be built. He said the market pieces are market driven.

Mr. Boudreau said Phase 1 is the affordable component. Work along the river would also be part of Phase 1.

Mr. Hankin questioned the zoning analysis, Exhibit 14. He said the analysis indicates that the project is in compliance both in regard to the location of the affordable units as being no less desirable than the market rate units and their integration with the market rate units. Mr. Hankin was not sure that the project would be in compliance as designed, which would be worth discussion by the ZBA..

Mr. Geller said if the ZBA does not give a waiver for the Town Bylaws, requiring that 25% of the affordable units come on line simultaneously or before the market rate units, we would be required to build the affordable housing first. He said the DACD only funds completed projects.

Mr. Fick said it in order for the project to be a true 40B there has to be affordable units.

Mr. Hankin said correct.

Mr. Fick said he would recommend to the ZBA that the affordable component be built first.

Mr. Hankin said the location of the affordable housing should be in the same areas as the market rate units. The affordable units about the Waste Water Treatment Plant

Mr. Geller said the WWTP is not an issue for this site.

Ms. Nelson said any smell from the WWTP would be the same anywhere on the site.

Ms. Fowle said there is also visual impact.

Ms. Nelson said as much you are trying to buffer the units from the WWTP what if you ran the units through the central green space. It would provide more of a buffer.

Ms. Fowle said she had gone on a field trip to the WWTP and there is considerable smell.

Ms. Nelson said it is a sewage plant. There will be smell from time to time.

Mr. Hankin said there may be a question of why the affordable units were put in that location and not the market rate. He said the affordable should be integrated with the market rate units.

A member of the audience said she lives on Warren Avenue where she can see and hear the WWTP. She said properties 100 feet from my home are a more desirable location.

Ms. Nelson said there is a patchwork of funding it would be helpful to know what the triggers are for the funding.

Mr. Hankin said he does not think there is any funding for the market rate units.

Mr. Higa added except for the capping of the land where the market rate units will go.

Mr. Musgrove asked if the 40B could consist of just the affordable housing units.

Mr. Geller said yes.

Mr. Musgrove asked if the affordable units could be co-mingled with the market rate units.

Mr. Geller said they could but he does not see a problem with the layout. We are developing a neighborhood.

Mr. Musgrove said he thinks the layout is acceptable.

Mr. Fick asked if the DHCD is responsible for policing the configurations.

Mr. Geller said yes, they have policies.

There was some discussion of reconfiguring the locations and the type of ownership.

Mr. Geller said he could not get funding for a home ownership project. There has been no funding for ownership projects since 2007. He said mixing and matching affordable (rental) and market rate (ownership) is virtually impossible when considering the funding.

Mr. Hankin said yesterday you voluntarily attended a Design Advisory Committee meeting. It was suggested at that meeting that the 3 affordable housing units be turned to face the south east. He said turning the buildings would minimize the impact of the WWTP. The units would get sun in the morning when it is needed. He said he thinks it would be better to have the units facing the southeast instead of the proposed southwest orientation.

Mr. Geller said the goal was to have a view of East Mountain.

Mr. Hankin said there should be less focus on the view and more on the "green" aspect.

Mr. Geller said it would be interesting to do an energy model to see if they would be more "green" if facing south east.

Mr. Hankin said he does not like the floor plan of the affordable units. He said they could be more efficient.

Ms. Nelson asked if the Board would go through Site Plan Review.

Mr. Hankin said we do not have the traffic study.

Mr. Boudreau said the traffic study and the lighting plans will be ready the first week in February.

Mr. Fick suggested going through the list to give the applicant a good sense of what is required.

Mr. Rembold asked about water and sewer for the project.

Mr. Boudreau said the plans are done.

Ms. Nelson asked for a hard copy of the sewer plan.

Mr. Boudreau said he would send it to Mr. Rembold next week along with the photometric plan.

The Board continued discussion of the project to their meeting of February 11, 2016.

ZONING AMENDMENTS:

David Thorne was present to discuss his request to change Section 7.10.2 of the zoning bylaws to allow 45 hotel rooms in the B-2-A zone. He said he would like to have parity with the rest of the hotels in the community.

Mr. Fick asked why this zone is different.

Mr. Musgrove said because it is a transition zone.

Mr. Thorne said originally he was limited to 10 rooms then it was increased to 30 rooms.

Mr. Hankin said although currently the B-2-A zone is located in one area there is the potential to create other transitions zones elsewhere in Town.

Mr. Thorne said he is not asking for the elimination of the B-2-A zone just an increase in the room limit.

Ms. Nelson said it seems like this could be considered spot zoning. Wouldn't it be a correction of the bylaw?

Mr. Thorne said he currently has 12 rooms but intends to expand by creating separate buildings so as not to create a monster building.

Ms. Fowle asked why bigger is more competitive.

Mr. Thorne said the economy wants amenities such as an indoor pool. The bigger hotels took away the winter business by providing amenities attractive to families. He said he is trying to meet the demands of what the client is looking for. We want to provide amenities that will bring our customers back.

Mr. Fick said he thinks it is wrong to single out that property with a lower room limit than the other hotels.

Mr. Musgrove asked Mr. Thorne if he is asking the Planning Board to submit the revision.

Mr. Thorne said yes.

Mr. Musgrove asked if Mr. Thorne would submit the article by petition if the Board does not agree to submit it.

Mr. Thorne said he is not sure.

Mr. Musgrove asked if anyone thinks this is a bad idea.

Ms. Fowle said she thinks there is homework to do for the greater vision of the Town. She said this property should not be singled out but all potential transition zones should be looked at.

Mr. Musgrove said he is sympathetic to Mr. Thorne.

Ms. Nelson said she thinks it should be allowed. It is more of a housekeeping issue.

Mr. Fick said he agrees with Ms. Nelson. He thinks this should be a correction to the B-2-A zone.

Mr. Thorne said we will enhance our property. We would not be tearing anything down.

Mr. Musgrove said he thinks the Board should bring this to the Annual Town Meeting.

Mr. Hankin said he would like to work through all the zoning amendments before voting.

Mr. Thorne thanked the Board.

Attorney Richard Dohoney was present with Joe Toole with a request to allow more than 45 rooms on environmentally contaminated sites.

Mr. Musgrove asked if there is an intention to replace the commercial space at 100 Bridge Street with a hotel.

Mr. Dohoney said not necessarily. Perhaps both could be incorporated.

Mr. Hankin said the suggestion is open ended. There are potentially many brownfield sites we do not even know about.

Mr. Fick said given what we have been through the last few months would it be a good idea for the Planning Board to go forward with this.

Mr. Dohoney said he thinks so. He said his client has wanted to build a hotel here for a long time. If you think this is a good idea you should support it.

Ms. Fowle said your client could do a 45 room hotel. Explain why that won't work.

Mr. Toole said the cost of the infrastructure requires more rooms to make it economically viable.

Mr. Dohoney said he thinks there should not be a prohibition on anything. Control should be through special permits.

Mr. Fick said if this was presented at the Town Meeting right now he would vote against it.

Mr. Dohoney said there is no ambiguity on the sites that this would be allowed on.

Mr. Fick said he does not trust the concept.

Mr. Musgrove said we need to make changes in other language for historical buildings. This could take the same direction.

Ms. Nelson said that has to do with a building. This proposal has to do with the site.

Mr. Hankin said he does not want to get behind this proposal at this year's Town Meeting. He said you have the right to bring it forward as a petition but it would be better to do with a unanimous Planning Board. He said he would want to see a comprehensive list of the brownfield sites.

Ms. Fowle said she does not want to bring this to Town Meeting. She said she respects Mr. Dohoney's work, but we work on a vision level. She said she does not feel the needs of hotel developers should drive our vision—that is the tail wagging the dog. The Board operates best when we see the vision. This is a small town that is not a small town. We have huge decisions that might require us to get some outside economic expertise to help us with these hotel issues. She said we need to proceed carefully.

Mr. Toole said he appreciates the concerns of the Board. He said he would be required to secure private money to build the project. He said no one is going to do the heavy lifting without the support of the Town. He said if the Planning Board could give a nod to the theory, people might be willing to put up money to develop the project.

Mr. Musgrove said there is no consensus from the Board. You are able to go forward as a citizen. He said it would be interesting to see how it would be received at the Town Meeting.

Mr. Dohoney asked if they would have the Board's support.

Mr. Fick said we have several proposed bylaw changes. We do not want to risk not getting anything passed.

Mr. Higa said he thinks now is the time to discuss it.

Mr. Abrahams said if it goes forward the terms should be defined and not trusted to be defined by the SPGA.

The Board took a 5 minute break before continuing at 8:46 P.M.

MIXED USE ZONING:

Mr. Rembold gave an overview of the proposal. He said the idea is to recognize the character of the buildings near the lot lines. Single and two-family non-conforming mixed uses and multi-family non-conforming exist. The current zoning has nothing to do with what is there. The new zoning would encourage the uses we want to see in these areas. The MXD would replace the B-2 zone. It would regulate and prohibit what we don't want.

The Board had discussion of the proposed zone going through the text and editing the language to make it as clear as possible.

Mr. Hankin said the character of State Road and South Main Street is radically different. He said he is not sure one zone can address both areas. He said the proposed draft seems to be directed toward South Main Street.

The Board concluded their discussion of the Mixed Use Zone. They decided to review the other zoning proposals at the next meeting.

BOARD & COMMITTEE UPDATES:

The Board briefly discussed the Demolition Delay Bylaw that may be proposed by the Historic Commission. Mr. Fick said the purpose is to preserve historic buildings by delaying demolition for a period of time.

Mr. Hankin asked what defines historic.

Mr. Fick said a building over 50 years old could be considered historic. It is agreed that a historical inventory would be a benefit for the bylaw.

Mr. Hankin said his concern is that the proposal would take away property owner's rights with no compensation.

Mr. Fick said he thinks the public's overriding benefit to protect historic buildings is worth the consideration. He said he would send the text around.

TOWN PLANNER'S REPORT:

Mr. Rembold asked the Board members to go to the Town's website and find the Code Red link to register for emergency notifications.

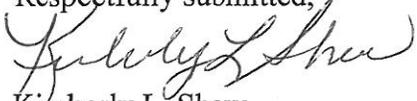
Mr. Rembold said there is a survey for the Lake Mansfield committee that is available on the website.

Mr. Rembold said the Town received a grant from BRPC for further discussion of Smart Growth zoning.

Mr. Rembold said there will be an open house for discussion of the Bridge Street infrastructure works. He said the Board should contact him for more information.

Having concluded their business, Mr. Hankin adjourned the meeting at 10:12 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kimberly L. Shaw".

Kimberly L. Shaw
Planning Board Secretary

Material Presented at the meeting:

- Memo from Mr. Rembold dated January 12, 2016
- Presentation from CDC for 100 Bridge Street