

PLANNING BOARD

DATE: March 10, 2016
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting/Public Hearing
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Brandee Nelson
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: FEBRUARY 25, 2016

Mr. Musgrove made a motion to approve the minutes of February 25, 2016 as amended, Ms. Fowle seconded, all in favor.

PUBLIC HEARING: ZONING AMENDMENTS

Mr. Hankin read the public hearing notice. He said the notice was posted in the Berkshire Record on February 12 and February 19, 2016. The nine abutting towns were notified and the notice was posted at the Town Hall.

Mr. Hankin announced that the public hearing was being recorded.

At 7:03 Mr. Musgrove made a motion to open the public hearing, Ms. Fowle seconded, all in favor.

Mr. Rembold read through each of the articles. He read from a prepared handout dated March 10, 2016 as well as displayed a power point of the handout.

Mr. Rembold read the first proposed amendment for housekeeping matters. Sections 2.1,2.2, 7.12 and 11 would be amended to reflect amendments previously enacted by Town Meeting.

There were no comments.

Mr. Rembold read the next amendment for changes to Section 5.7 regarding reconstruction of non-conforming structures. The proposal would open up the opportunity for the ZBA to allow reconstruction of all types of structures including legally non-conforming structures after a catastrophe or demolition. Currently the bylaw only allows this relief to single family residences.

There was a brief discussion of the proposal. There were no comments.

Mr. Rembold read the proposed amendment of Section 8.2 regarding accessory dwelling units. The proposal would eliminate the requirement to notify abutters for the addition of an Accessory Dwelling Unit.

There were no comments.

Mr. Rembold read the proposed amendment of Section 7.10.2 to increase hotel room limits in the B-2 A zone from 30 to 45. This would be consistent with the room limits in the rest of the zones.

Mary Beth Merritt asked if there is room to build another hotel between the Thornewood Inn and the Holiday Inn.

Mr. Rembold said there is a large amount of farm land between the two hotels.

Mr. Hankin said the zone in that area is B-2 on both sides of the road.

Mr. Rembold said he can-not say that a hotel couldn't be built but there are environmental and land challenges in that area.

There were no other comments or discussions.

Mr. Rembold read the proposed amendment of Sections 3.14, 8.3 and 8.3.3 to allow multi-family dwellings up to 8 units by special permit in certain zones.

Dennis Downing asked why multi-family would not be allowed in the R-4 zone.

Mr. Rembold said the R-4 zone does not have water and sewer available. He said much of the land in the R-4 zone is environmentally protected. The zone is 2 acre residential; multi-family is not in keeping with the character of the zone.

Ms. Merritt said she has concerns about a jumble of different buildings all over the place. There is a certain character that the Town appreciates.

~~Mr. Hankin said we can revisit it at another time.~~

Mr. Rembold read the proposal to amend Section 11 to add helipads to the definition of hospital to allow a helipad for emergency use.

Mr. Hankin asked if the helipad would be at the hospital or could it be at the hospital's rehabilitation facility on Maple Avenue.

Ms. Gabrielle Senza said that considering the ambiguity with the hotel bylaw the language should be clear.

There was a short discussion of the proposal with Mr. Hankin saying that the special permit process would provide the necessary oversight.

There were no other comments.

Mr. Rembold read the proposal to amend the zoning bylaw and the zoning map to add a new Mixed Use zone (MXD) to replace the B-2 zone from the Police Station south to Silver Street and from the Police Station west along Maple Avenue to the railroad tracks. He said there are a couple of properties on the east side of Route 7 across from the cemetery that are also included.

Mr. Rembold read through the text.

Eileen Mooney asked if several parcels were purchased to build a chain store up to 7,999 square feet, would it be allowed.

Mr. Rembold said yes it would be allowed but there are requirements that would have to be met.

There was discussion of parking. It was suggested to make clear that no waivers would be allowed for parking locations.

Mr. Rembold said there are certain controls in place. The Planning Board would be required to have a positive finding and approve Site Plan Review.

Mr. Rembold was going to ask about the sequencing of this article as well as the multi-family article.

Tom Doyle of TOPA Enterprises LLC, owner of 546 South Main Street commended the Board ~~on their hard~~ for this zoning amendment. He said he wanted to make one last appeal for infill development where it can be maximized. He suggested that the lot size should dictate how much development can be done. He said the Town encourages infill, the benefits are clear.

Mr. Doyle said his issue is that his approved special permit has the capacity for more than 8 dwelling units. He said he has already spent \$100,000 to get the special permit he has. The special permit process is a prohibitive process. He said he has plenty of parking. He said the abutter has 9 dwelling units in a non-conforming building.

Mr. Doyle said he hates to see an arbitrary number of units trip the special permit process. He requested that the acreage of the lot be the determining factor of what can be built.

Mr. Hankin said with the proposed new zone the lot could be divided allowing for more by right units.

Ms. Nelson stated that the maximum number was not arbitrary. The ultimate stop is that build out is 75% coverage of the lot.

Mr. Rembold said to build what fits the requirements is not just an arbitrary number. We put a control on the number to let the special permit process determine what is adequate. We have looked at the zoning and in some areas we have taken away the special permit requirement. Mr.

Rembold said the Board needs to determine if it wants the control of the special permit process on nine or more dwelling units in a development.

Mr. Hankin said what we have proposed is what is in keeping with what is there. He said he is concerned about building with nine or more units being in keeping with the scale of the neighborhood.

Mr. Rembold said with a mixed use development there would be no limit on the number of dwelling units.

Ms. Mooney asked if an ugly building could be built with 15 dwelling units without a special permit.

Mr. Rembold said this proposal accomplishes what the Board wants. There is always the opportunity for something to be ugly but overall the proposal resolves more problems than it creates.

There were no other comments.

Mr. Rembold read the proposal to amend 9.2 the Water Quality Protection Overlay District. The primary reason for the amendment is the existing regulation doubles up on the Conservation Commission's regulations. The Stream and Lake Protection zone is an added burden for applicants and owners.

Ms. Merritt asked for an example of the burden.

Mr. Hankin said there is a 3 acre parcel that is entirely within 500 feet of Alford Brook. The original bylaw prohibited the owner from doing anything on the property. The proposed WQPOD bylaw relaxes some of the restrictions making it possible for the owner to do something with the property with a special permit.

Ms. Merritt asked how the Housatonic would be treated by the amendment.

Mr. Rembold said the State Rivers Protection Act regulates activity within 200 feet of rivers and streams.

Mr. Hankin said emphasized the amendment would not lessen any protections for drinking water.

Mr. Rembold said the amendment was submitted to the Department of Environmental Protection for review. DEP indicated the amendment was in compliance.

There were no other comments.

Ms. Senza asked if the Board would be addressing the Demolition Delay bylaw.

| Mr. Hankin said the Historic Commission ~~is~~may be bringing it to the Annual Town Meeting.

| Mr. Rembold said it ~~is~~would not be part of the zoning bylaws; it would be part of the Town Code.

Ms. Senza asked if the Board is going to address setting a cap on hotel rooms in historical structures.

Mr. Hankin said it would not be addressed this year.

Mr. Musgrove made a motion to close the public hearing, Ms. Fowle seconded, all in favor. The public hearing was closed at 9:10 P.M.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on the miscellaneous clean up amendment, Ms. Fowle seconded, all in favor.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on amending Section 5.7 to allow for reconstruction after a catastrophe or demolition, Ms. Fowle seconded, all in favor.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on amending Section 8.2.2 to allow Accessory Dwelling Units by right, Ms. Fowle seconded, all in favor.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on amending Section 7.10.2 to increase the hotel room limit in the B-2-A zone from 30-45, Ms. Fowle seconded, all in favor.

| Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on amending Section 8.3, 8.3.3 and 3.14 to allow multi-family uses in designated zones, Ms. Fowle seconded, all in favor.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on amending the definition of hospital to allow a helipad for emergency use, Ms. Fowle seconded, all in favor.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on amending the zoning bylaw by adding Section 9.1, Mixed Use Transitional Zone, MXD, Ms. Fowle seconded, all in favor.

Mr. Musgrove made a motion to send a positive recommendation to the Annual Town Meeting on the amendment to the Water Quality Overlay Protection District/Stream & Protection Zone, Ms. Fowle seconded, all in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold said it is budget season. He said the Finance Committee will hold a public hearing on March 23.

| Mr. Rembold said there is back and forth between GE and the ~~EAP~~EPA on the River Cleanup. The EPA has given their recommendation on the final permit which includes dredging Rising Pond and removing what has been dredged. GE will appeal the proposal.

Mr. Rembold said more information can be found on the Rest of River website.

BOARD & COMMITTEE UPDATES:

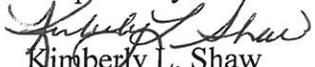
There were no updates.

CITIZEN'S SPEAK TIME:

There were no comments.

Having concluded their business, Mr. Hankin adjourned the meeting without objection at 9:23 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

Material Submitted at the Meeting:

--Planning Board's Proposed Zoning Amendments for 2016 Town Meeting Draft for March 10, 2016 meeting