

PLANNING BOARD

DATE: June 23, 2016
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jack Musgrove;
Jeremy Higa
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:00 P.M.

FORM A's:

John Campetti from Foresight Land Services was present with a Form A application on behalf of Seekonk Round Hill Realty LLC for two parcels of land located on the north side of Round Hill Road. Lot 1 contains 29.99 acres of land. Lot 2 contains 21.02 acres of land. Lot 2 will be excluded from the APR.

Lot 3, containing 15.85 acres of land, is located on the south side of Round Hill Road.

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

Mr. Campetti had a plan previously approved by the Planning Board that he needed to record for the purposes of the APR. He said there are no new lines. He requested the Planning Board's signature on the plan.

There was brief discussion. The Board is able to sign the plan per MGL Chapter 41, section 81X.

Mr. Hankin made a motion to endorse the plan, Mr. Musgrove seconded, all in favor.

MINUTES: JUNE 8, 2016

Mr. Hankin made a motion to approve the minutes of June 8, 2016 as amended, Mr. Higa seconded, all in favor.

SITE PLAN REVIEW: GUIDO'S REALTY INC. 770 SOUTH MAIN STREET

The Board conducted a site visit prior to the meeting.

Engineer, Jim Scalise from SK Design Group, was present to discuss the Site Plan Review application for the installation of a ground-mounted solar array as an accessory use to the primary commercial use at 770 South Main Street. The application was submitted under zoning section 10.5.1.3 which deals with the grading or clearing of more than 10% of a lot or 10,000 square feet.

Mr. Scalise said they met with the Conservation Commission on May 25. The Conservation Commission approved an Order of Conditions for the project. A planting plan was approved at

the meeting last night (June 22, 2016). He said a chain link fence will be installed around the panels.

Mr. Scalise said the construction access will be through the abutting property, the driveway just south of the Guido's south driveway. Construction is anticipated to begin on September 22, 2016 with a completion date of December 8, 2016. He said there will be 10,000 square feet of land cleared for the project. He said the Water Quality Protection District applies to the project. He said there is no impervious surface proposed.

Mr. Scalise said this use is allowed by-right in this zone with Site Plan Review. He said the project has the necessary area and frontage. It is a passive use with no impact. The panels will be tucked behind the existing commercial building.

Mr. Scalise said there are proposed improvements to the property that will take about a year to finalize. He said this is a good project.

Mr. Musgrove asked about the trees that would be cleared.

Mr. Scalise said there is a lot of brush on the property. Mostly there are low shrubs and some trees. He said there are invasives on the property that will be cleared. The wetland will be enhanced.

Ms. Nelson asked about erosion and sediment control during construction.

Mr. Scalise there are proposed controls.

Ms. Nelson asked if there will be trenching for the installation.

Mr. Scalise said there will be some minor trenching.

Ms. Nelson asked if there will be a mowed path along the perimeter.

Mr. Scalise said he didn't think it would be necessary. He said he thinks there will be access along the edge.

Ms. Nelson said she has observed how tires can tear up the ground. She asked if there will be a silt fence.

Mr. Scalise said yes. There will be a silt fence as part of the Order of Conditions.

Mr. Fick asked if there would be a new curb cut.

Mr. Scalise said no because the access will be through the abutting property with an existing driveway. If there is a change for any reason the access will be through the Guido's parking lot.

John Perry from Dynamic Energy asked about restrictions on work hours. He said they prefer to work four ten hour days.

Mr. Rembold said there is no noise allowed between 8 PM and 8 AM.

Ms. Nelson said she has concerns about the amount of noise associated with driving the piles. She said that has been an issue with other solar projects.

Mr. Musgrove agreed with Ms. Nelson's concerns. He said the work can start at 7 AM but there can't be any noise until 8 AM.

Mr. Hankin voiced concerns about the removal of trees along the south side of the parking lot where dog owners often park on hot days. He asked if there is any way to salvage any of the trees along that south side.

Matt Masiero, the owner of Guido's, said that is a no parking zone. He said those trees will be removed.

Ms. Nelson said all of those trees will be removed anyway to accommodate future expansion of the building.

Mr. Rembold asked if trailer trucks with equipment can access the site.

Mr. Scalise said yes. They will come in after hours and enter the site from behind the market, unload at the staging area and exit the site.

Mr. Musgrove read through the Site Plan Review criteria.

Mr. Hankin asked about the invasive species.

Mr. Scalise said the invasive species will be eradicated. The area will be mowed and cleared. Work will continue along the edge for a 5-10 year period. We will be contracting with a licensed person to deal with the herbicides.

Mr. Musgrove said he would like to have a condition that access to the site during construction will be through the abutting property just south of Guido's and the hours of construction will be 7 AM-8 PM with no noise before 8 AM. There will be no pounding on Sunday's.

Sharon Gregory asked if the noise condition pertained only to the pounding of the pilings.

Mr. Musgrove said no. The condition is that quiet work can be done between 7 AM and 8 AM. There will be no noise before 8 AM.

Mr. Hankin asked if it is planned that the panels would be protected by steel mesh under the panels.

Mr. Perry said he was not aware of that requirement.

Mr. Hankin said he should expect it as the other solar projects were required to provide the protection. Perhaps there would be no such requirement if the installation is fenced.

Mr. Musgrove made a motion to approve Site Plan Review with the conditions regarding site access, hours of operation and no pounding on Sundays, Mr. Hankin seconded, all in favor.

ASSOCIATE MEMBER:

Mr. Rembold said the letters of interest for the Associate Member position were due yesterday. The Selectboard received one letter of interest from Pedro Pachano. Mr. Pachano was present as was another interested individual, Glen Goble.

Mr. Pachano was asked why he was interested in being the Associate Member to the Planning Board.

Mr. Pachano said he moved to Great Barrington last fall from New York City. He said he is an architect so he has a familiarity with the building code and zoning bylaws. He said he is a member of the Design Advisory Committee and he wants to be a part of the future of Town.

Mr. Fick said if he is working as an architect there might be times when he would have clients who would have projects before the Board. It would be a conflict of interest for you to present or be present for a project you or someone in your firm has worked on.

Mr. Rembold said no member of the Board can have a financial benefit of something presented.

Mr. Pachano acknowledged that he was aware of this potential conflict.

Ms. Nelson asked Mr. Pachano what your best attribute is that you would bring to the Board?

Mr. Pachano said he has a good ability to work well with people and he is open-minded.

The Board provided Mr. Goble an opportunity to speak. He said he loves living in Town. It is a unique place. He said he would like to preserve what makes the Town unique without squashing the growth. He said he thinks he has the temperament to make a good Associate Member. He said he studied architecture and moved here in 2000.

Mr. Hankin asked Mr. Goble where he works.

Mr. Goble said he works at Clark & Green. He said he had spoken with the Ethics Commission even though he is not a principal of the company. He said he would recuse himself if any work from Clark and Green were before the Board.

Mr. Hankin said he had only seen Mr. Goble at one meeting prior to this.

Mr. Goble said he had attended other meetings.

Ms. Nelson asked Mr. Goble why he hadn't submitted a letter of interest.

Mr. Goble said he didn't realize he needed to submit a letter.

Mr. Rembold said typically the Associate Member is the natural transition into a full time member when a vacancy occurs. He asked both Mr. Pachano and Mr. Goble if they had aspirations of filling a seat.

Both replied yes. Mr. Goble said he ran for a seat in the last election.

Mr. Fick said both of these individuals are qualified candidates. He said Mr. Goble has lived here for 16 years that, in his opinion, gave him a "leg up".

There was a brief discussion of this comment with the consensus that Mr. Pachano had submitted a letter of interest within the designated time frame as per the posted advertisement.

Mr. Hankin made a motion to have Mr. Pachano be the Associate Member to the Planning Board, Mr. Musgrove seconded. Mr. Fick and Mr. Higa voted against, Ms. Nelson in favor. The motion passed 3-2.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Town was successful in obtaining another Community Development Block Grant in the amount of \$924,000. He said this is the third grant in a row that the Town has received. The grant was obtained as a joint effort with the Town of Sheffield. Great Barrington's share of the money will be used for site plan engineering for the Housatonic School and the Housatonic Community Center as well as the parking lot, streetscape and drainage improvements.

BOARD & COMMITTEE UPDATES:

Mr. Higa said he had attended a CPA meeting. He said the committee wants to prioritize certain aspects of the process and will be asking various boards for their input in those areas where they may potentially have jurisdiction or experience.

Ms. Nelson said the Lake Mansfield Improvement Task Force has a final report from KZLA. The report is the culmination of 10 years analysis. The LMITF had a presentation of the report detailing four geographic areas (the boat launch, Lake Mansfield Road, the beach parking area, and the lake outlet) balanced with three use types (environmental stewardship, recreation and multimodal transportation). There were public forums and surveys during the process as well as public meetings and public outreach. Task Force members will go to individual boards and committees to ask for support for the recommendations in the report. Ultimately put a plan in place to make the improvements in a fiscally responsible way.

Mr. Rembold said he would send the report around.

Mr. Hankin noted the report recommends one scheme.

Ms. Nelson said yes, we had to make a decision.

Mr. Hankin remarked the bulk of the traffic comes from the Hill area yet the bulk of the parking is set up to be most convenient for cars coming from the north.

Ms. Nelson said the proposal will be to make a one way road travelling from south to north. The primary reason to make the road one way is to balance the environmental constraints and the need to access the lake. The existing road has to be stabilized. The lake can not be entered to stabilize the road. There is no option for moving the road to the east. Also a 5-6 foot pedestrian walk way has been added.

Mr. Higa asked if there is any way to keep the road 2-way.

Ms. Nelson said a two way road can not be accommodated as the road would be too narrow. There are too many forms of traffic to accommodate in that area. There will be six parking spaces provided along the road at the boat launch at the south end of the lake.

Ms. Nelson said there are two private driveways on the road. The homeowners have generally supported the plan.

Mr. Fick said a great deal of thought has gone into the process. He said the Task Force has done a great job.

Mr. Hankin asked why the work will start at the existing bank.

Ms. Nelson said there are water regulations that have to be met.

Mr. Rembold said he would send around the report. He said there will be a presentation to the Selectboard.

Ms. Nelson said she hopes the Board will support the plan. She asked that a vote be taken at the next meeting scheduled for July 14.

CITIZEN SPEAK TIME:

Donald Howe was present. He said he is an architect and a member of the Historical Commission and the Historic District Commission. He said he was present to discuss the Demolition Delay bylaw that was presented and defeated at the Town meeting in May. He said he would like some input into smoothing out rough edges.

Mr. Howe gave an example of how the bylaw could benefit the Town. He said that many years ago the Congregational Church on Main Street purchased the former Aldo's Supermarket just across the parking lot from the church. He said the building was purchased because it was going to be torn down. The Church purchased and renovated it resulting in a building that provides business space currently used by a bank and barber. He said the intent of the bylaw is to determine if a building is worth saving. He said it could take a year to work out details with a developer.

Mr. Musgrove asked who would pay the taxes while the determination is being made.

Mr. Howe said the owner.

Mr. Musgrove said that is why he would not vote for the bylaw. A year is too long for a property owner to be required to pay taxes on a building that has no value to that individual.

Ms. Nelson agreed that she is concerned about the speed of the process and the owner's rights to be able to do what they want with their property.

Mr. Fick said three quarters of the towns in the state that have a Demolition Delay bylaw have a one year delay.

Mr. Hankin said he is in support of the Historic District, which acts as a *de facto* demolition delay. The Historic District is largely contiguous, has been carefully vetted by the commission and approved by town meeting. He said he has less concern about a demolition of a house in a neighborhood than something on Main Street.

Mr. Howe thanked the Board for their time.

Eileen Mooney asked what is happening at Searles School.

Mr. Hankin said we are waiting for the work to begin.

Mr. Fick said he understands the windows have been removed at the request of the Historic District Commission.

Ms. Gregory said she would like the Board's thought about what can happen at the Housatonic School. She said nothing has been done. She said she would like the Board's thoughts to get a finding.

Having concluded their business, Ms. Nelson adjourned without objection at 8:55 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

