

PLANNING BOARD

DATE: July 14, 2016
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:02 P.M.

FORM A's:

Michael Parsons from Kelly, Granger, Parsons and Associates was present with a Form A application on behalf of Project Native at 342 and 350 North Plain Road. Lot 1 contains 1.286 acres of land and is located on the east side of North Plain Road.

Mr. Hankin made a motion to approve the plan, Mr. Fick seconded, all in favor.

Jim Seidl from SK Design Group was present with a Form A application on behalf of Guido's Realty Inc., 770 South Main Street for two parcels located on the west side of South Main Street. Parcel A contains 5.05 acres and is not to be considered a separate building lot. Lot 1 contains .65 acres of land.

Mr. Hankin made a motion to approve the plan, Mr. Fick seconded, all in favor.

MINUTES: JUNE 23, 2016

Mr. Hankin made a motion to approve the minutes of June 23, 2016 as amended.

Mr. Fick had questions and a couple of amendments to the minutes. He questioned what Mr. Hankin had said during the discussion of the Demolition Delay Bylaw. Mr. Hankin confirmed what was written in the minutes. Mr. Fick briefly addressed points of clarification.

Mr. Higa seconded, all in favor.

LAKE MANSFIELD IMPROVEMENT TASK FORCE: ENGINEER'S REPORT

Christine Ward, chair of the Lake Mansfield Improvement Task Force, (LMITF) was present to give an overview of the engineer's report and the recommendation from LMITF to the Selectboard. Mr. Rembold will assist in the presentation that included maps in a power point.

Ms. Ward said there has been an ongoing process from last November to March to consider the important points regarding Lake Mansfield. The process specifically addressed the health and environmental management of the lake, pedestrian and vehicular access for recreational uses and safe access for the users of the lake.

Ms. Ward said there were three different surveys prepared for community input as well as public forums to provide information and receive information. The response to the surveys was great and very helpful. She turned the discussion over to Mr. Rembold.

Mr. Rembold said discussions will take place with the various boards represented on the LMITF to request their support of the plan that is going to the Selectboard on July 27, 2016. The goal is to receive favorable recommendations from the boards that the LMITF is going in the right direction based on an inclusive process. Support to continue in the direction we are headed will be appreciated.

Mr. Rembold said the road has been a major consideration. The road is falling into the lake creating major impacts on the water quality of the lake as well as the health of the lake and the wetlands. It is the recommendation of the LMITF that the road be made one-way with travel from south to north. There will be a boat launch area at the south end of the lake with 6 parking spaces and access to launch non-motorized boats. This area will have drainage included to catch the run off from the adjacent roads. The sedimentation from the road run off is a primary cause of the lake's diminishing health. Improvements to the boat launch area will be tied in with sediment control plans for Knob Hill.

Mr. Rembold said there were considerable discussions regarding keeping the road open as a two-way road. There would be considerable cost to keeping the road two-way. It would also require permits from the DEP that might not be granted even if the money were spent.

Mr. Rembold said the plan approved to go forward by the LMITF is a one-way road. The right of way is only 30 feet wide. That leaves room for 4-5 feet for the bank stabilization and 5-6 feet for a recreational trail. The one-way road would have a 12 foot travelled way. There are two driveways on the stretch of road that would be made one way. One is for a seasonal residence, the other for the pool club. The owners of several properties around the lake have been supportive of the plan and willing to change their circulation pattern.

Mr. Rembold said the LMITF agreed that it will take time to adapt to the change of a one-way street but it is recommended for the road to achieve the maximum benefit for the health of the lake, the environment and the safety of those using the area.

Mr. Rembold said the parking near the beach will shift into the wooded area to make a larger parking lot to accommodate 50 cars. This parking configuration will take the road away from the lake and also accommodate the one way road. The toilets and changing structures will be out of view. There will be more usable green space. Moving the parking into the woods will allow for accessible paths to the beach and trails. The road will remain two way from Christian Hill Road to the beach. The goal is figure out what can be permitted, technically feasible and how to fund the project.

Mr. Rembold said the work can be done independently in phases as the money is secured through grants or other means. The changes are not going to take place tomorrow. A few years of design engineering and permitting are ahead for the LMITF. This presentation is to provide information and seek support of the proposed direction.

Ms. Ward said the plan has been designed to accommodate both low volumes and high volumes of use. There were parking issues over the 4th of July requiring the police to enforce the parking signs. There were also issues with the use of the trails and litter. We understand that there is a lot of use of this area so our goal is to accommodate all of the uses. She said there is a green area within the parking lot that can be used to accommodate an additional 28 parking spaces.

Ms. Ward said she is aware that the Board members have a copy of the report. She said she would be happy to address any questions.

Mr. Hankin asked what the surface of the walking area would be.

Ms. Nelson said the design details have not yet been addressed but the preliminary recommendation is for a stabilized stone dust surface.

Mr. Hankin said he appreciates all the work done by the LMITF. He said he does not agree with the one way road. People will be driving faster. People on bicycles will be going against the traffic. It may be more difficult to reconcile the traffic going north with pedestrians and bikes travelling south.

Mr. Rembold said bicyclists are required to follow the rules of the road. Traffic controls can be put in place. He said the LMITF is aware of the by products of a one way road.

Mr. Hankin said the parking lot seems very convoluted. All northbound traffic is forced to drive behind diagonal spaces for the trail in order to get to a larger number of spaces for the beach. At the very least, he suggested, northbound traffic should be given the option of the middle road to avoid potential parking/driving conflicts.

Ms. Nelson said the concept that is being presented for endorsement has been worked on for over a decade. The goal is to bring closure to the study. Some people will like the plans some people will not. We need to get on a track to be able to make improvements to the lake edge.

Mr. Rembold said he understands Mr. Hankin's comments. He said he is not sure what to do about that concern but he understands.

Mr. Hankin said if the same group is chosen in response to the Request for Proposals, he fears they will stick to the same design.

Ms. Ward said this group has been great to work with. They are very flexible and not married to the design. They have brought unique ideas to the meeting. We understood that the road was falling apart but they explained what was happening and the interventions needed to stop the degradation of road.

Mr. Rembold said doing nothing is not a no-impact option.

Mr. Fick said this is going to cost two million dollars. Has there been any attempt to purchase property to keep the road two way.

Mr. Rembold said it is included in the report. It would be expensive.

Mr. Fick said it might be important to explain the cost for those who don't understand eliminating the two way road.

Mr. Rembold said it would cost at least a million dollars to keep the road two way. The proposal maximizes the recreational approach to keep grant money for the project.

Ms. Ward having a two way road is not an option. Also the Conservation Commission and the DEP support the plan.

Mr. Hankin asked why the boardwalk was removed from the plan.

Mr. Rembold said it isn't shown but it could be added.

Ms. Ward said we are trying to do the most we can with as little financial impact as possible. We are moving forward in a strategic and mindfully economic way.

Mr. Rembold said Lake Mansfield is a rare lake in Berkshire County as it does not have any structures.

Mr. Hankin said it is nice to walk on a boardwalk.

Ms. Ward said the lake is unique as it has a great deal of uninterrupted natural space. The lake is lined by trees. Its natural habitat is celebrated.

Ms. Nelson asked if there were any other questions from the Board.

There were none. She asked if there were questions from the audience.

A member of the audience asked about the direction of the one way road.

Ms. Ward said some people are already avoiding using the road. She said others use the proposed direction.

Mr. Rembold said traffic studies were done. There is negligible traffic impact on the adjacent roads. Behavior will change but there will not be a significant impact.

Ms. Ward said there are no concerns about the access for emergency services or for being able to provide services. Emergency vehicles will also be able to use the one lane road in a southbound direction.

An audience member said the surface material for the trails is important. It would be good to consider having trails that are not overly manicured.

Ms. Ward said the trails have different surfaces and different ratings for accessibility.

Selectman Ed Abrahams said he would like to hear more about the change from a two way to a one way road. Is the change due to it being very expensive or environmentally prohibitive?

Mr. Rembold said it would be very expensive to build and there would be no guarantee even with a land taking. He said he doesn't believe it would be feasible.

Ms. Ward said there is serious concern that even if we went through a land taking and engineering that it still would not be permitted.

Mr. Abrahams said the parking seems arbitrary by providing 50 spaces.

Mr. Rembold said it is not arbitrary.

Ms. Ward said the number was decided from current use and how the current use fills the beach area. We can't provide much more for peak use. We have used what we know to accommodate and balance the peak use.

Mr. Rembold said we could pave for 200 parking spaces but that would overwhelm the recreational use. Providing 50 parking spaces is adequate to manage the peak use.

Ms. Nelson said the parking area is coming out of a forested area owned by the Town.

Mr. Fick asked who will review and approve the project once the concept has been approved.

Mr. Rembold said the Conservation Commission will permit the wetlands. The Planning Board will have Site Plan Review for clearing and parking lot expansion. The Selectboard will permit the road. The Parks Commission will deal with the beach and park space. He said as we go forward Town staff will work with the LMITF to determine what should happen next.

Mr. Fick said any issues will come back before the boards.

Ms. Ward said yes this is just the concept phase. There will be further review.

Mr. Higa said he is concerned about pedestrians walking along the road.

Mr. Rembold said there will be a 12 foot wide vehicle lane and a 5 to 6 foot wide bike lane to accommodate the pedestrian and bike traffic.

Mr. Higa said people on bicycles need to be directed to walk bikes on the path when going the wrong way on it.

A member of the audience suggested that there could be two way bike traffic on the one way road when there is low traffic.

Ms. Ward said we will continue to keep people informed.

Ms. Nelson asked for a motion. Mr. Fick made a motion to send the Board's endorsement of the conceptual plan to the Selectboard, Mr. Higa seconded.

Mr. Fick said there is a petition going around to maintain the two way road. He said he had signed the petition but after this presentation he believes that the LMITF did a good job considering the option and this proposal is the best option for the space.

Ms. Nelson called for a vote on the motion, Mr. Fick, Mr. Higa and Ms. Nelson in favor. Mr. Hankin opposed. Motion passed 3-1.

COMMUNITY PRESERVATION COMMITTEE PLAN:

Mr. Higa said the Community Preservation Committee wants input from boards on the Committee's plan that is reviewed each year. There are specific areas the Committee would view favorably, such as the Housatonic Mills. There is some concern about naming specific sites as it might discourage possible applicants.

Ms. Nelson said the Committee is driven by the Master Plan. She said she didn't have any suggestions other than a focus on affordable housing.

Mr. Hankin said anything that can improve the Housatonic Mills is important. He said the Ried Cleaners building and the Getty Gas station would be good to clean up.

TOWN PLANNER'S REPORT:

Mr. Rembold said there will be a special permit application at the next meeting for the Barrington Brewery. The applicant wants to put in a solar array as an accessory use. It is proposed to be located in the flood plain.

The Board scheduled a site visit for 6:15 PM on July 28 at the Barrington Brewery.

Mr. Rembold said the Board will be making a recommendation on a special permit application for an existing 6 unit multi-family on Taconic Avenue. The special permit will bring the use into compliance, pending the Attorney General's approval of the amendments made to the Zoning Bylaw approved by Town Meeting. The special permit will be presented at the August 11 meeting. The Board scheduled a site visit at 6:30 on August 11.

BOARD & COMMITTEE UPDATES:

There were no updates.

COMPREHENSIVE PERMIT: 100 BRIDGE STREET

Tim Geller from the Community Development Corporation was present with attorney Peter Puciloski. Mr. Geller presented updated information, 100 Bridge Street Affordable Housing, dated July 14, 2016. He also had a power point presentation.

Mr. Geller said the geography of the plan for 100 Bridge Street has been changed. The changes will affect the waivers that will be requested. Mr. Geller went through the power point presentation. He said the original application was for the entire 8 acre site. The revised application is for the 2.2 acre affordable housing site. The project is the same but the permitting process has changed. There will be two permits instead of one. Financial constraints imposed by the 40B permit on the market rate units make it necessary to do the project under two permits.

Ms. Nelson said the Board received the revised application for review prior to the meeting.

Mr. Geller discussed the bio-remediation of the site saying that Massachusetts DEP is not interested in the bio-remediation. There are four alternatives for remediating the site. The four options were shown in the power point. The choice for the site will be to cap it. Scraping a foot or more of the dirty soil from an area, digging out a foot or more of clean soil, putting the dirty soil in where the clean soil was, placing a barrier over the dirty soil then covering it with the clean soil. This process will take the health risk to zero. The site will be monitored forever. Mr. Geller said he has heard concerns about poisoning from the site. He said he does not know where this came from as the point of this project is to have a clean site in the end.

There was extensive discussion of the capping process and monitoring by the DEP. Mr. Fick asked if the contaminants will move.

Mr. Geller said the contaminants are very stable. They cling to the dirt. They are not volatile. The contaminants are not migrating. We know this from years of testing. There will be a storm water management plan for the site. It is part of the comprehensive permit and already addressed.

Ms. Nelson asked if there is a schedule for submitting the cleaning up of the portion of the site near the affordable housing site and the riverfront.

Mr. Geller said he hopes to have an approved plan in a couple of months.

Mr. Fick asked if the entire site will be worked on.

Mr. Geller said most likely. All of the earth moving will be done at once during the first stage of construction. It is highly likely that more than one part of the project will be developed simultaneously.

Mr. Geller said the capping expense is expected to be paid for with State dollars and a portion of the site work budget for each part of the total development.

Mr. Hankin said the contaminants from the 2.2 acre parcel will be added to another part of the site.

Mr. Geller said they will be buried.

Mr. Hankin said it will still be added to another portion of the site just buried five feet down.

Mr. Geller said the top three feet will be clean dirt.

Mr. Hankin said he is concerned that the plans keep changing.

Mr. Geller said yes that is why we would want to do all the earth moving when we are ready to build. Our strategy will stay the same.

Mr. Hankin said the ZBA can regulate the plan based on health and safety concerns. He said he thinks the site will need to be remediated in total. He said he is concerned because this project is like a shifting puzzle. He said he does not know if the cost shown contemplates the capping expense.

Mr. Geller said it is calculated but it is a ball park figure.

Mr. Hankin said you are not going to know where the parking will be located until the building foundation locations are set.

Mr. Geller said we will know. He said the market rate units might happen before the affordable units. Every time something is moved something else has to move but we have to start somewhere. We will adjust our strategy to accommodate the changes.

There was a question about the safety of the site.

Mr. Geller said there will be 0% exposure on the site. He said we have done our homework. Housing is developed on contaminated sites all over the country. The S1 standards (set by the DEP) have to be met or we could be required to pay higher interest.

Ms. Nelson said the remediation is a complicated piece. She said the Board's review is the 40B, specifically the affordable housing units. She said she wanted to move forward with that discussion. She asked if a Form A will be submitted. What can we expect?

Mr. Geller said a Form A will be submitted when we get the permit.

Ms. Nelson asked Mr. Rembold if there is any obligation to review the plan as 45 housing units on 8 acres or 45 housing units on 2.2 acres.

Mr. Rembold said it is a complicated issue because the 2.2 acres parcel does not exist yet. He said the ZBA can't reference a specific book and page when it doesn't exist. Mr. Rembold said the Board can evaluate the density on 2.2 acres against what the zoning allows. The ZBA is being asked to grant waivers from the zoning requirements.

Ms. Nelson said one recommendation should be that a Form A will be submitted to create the 2.2 acre lot prior to construction of the housing.

Mr. Fick said this is more conceptual than actual.

Ms. Nelson said the plan is intended to be viewed as a mixed use development.

Mr. Geller suggested that a condition for the ZBA could be that the Form A be done before starting.

Mr. Rembold said the parcel will have to be created, the question is when is the best time to do it to avoid permitting issues.

Ms. Nelson asked what is different on the current plan as compared to the previous review completed by the Planning Board earlier in the year.

Mr. Geller said the architectural elevations have been changed. He said the look has changed from a mill appearance to more of a classic New England appearance. We looked at the Red Lion Inn in Stockbridge for the new look. He said the footprint remains the same.

Mr. Hankin said the building has a different shape how can the footprint be the same?

Mr. Geller said the new design fits inside the original footprint.

Mr. Hankin said it is a different shape. He said he doesn't know how it can fit.

Ms. Nelson said not having an ANR plan is a problem.

Mr. Geller said if the shape has been changed it is minor. The footprint might be slightly smaller. He said there is a change that will require a waiver from the setbacks. The first building, closest to Bentley Avenue, is only 3.5 feet from the line.

Mr. Geller suggested a condition that all of the things that the 2.2 acre parcel will share with the rest of the parcel will have cross easements between the 2 parcels. He said in some ways the line is artificial.

Mr. Rembold said the easement is important for financing purposes. Also we don't want to lose open space.

Mr. Geller said he is committed to the open space forever. There will be open space along the riverfront and a green space in the center.

Ms. Nelson asked for any new information. She asked if there are other layout considerations that have changed, like the parking layout.

Mr. Geller said there are no other changes.

Mr. Fick said the initial plan had employee parking and unrestricted parking in this area.

Mr. Geller said yes central to the plan was shared parking.

Mr. Hankin said under the B-3 zone the parking (1.5 spaces per dwelling unit (DU)) would be in compliance. Under the multi-family zone 2 parking spaces per unit would be required.

Mr. Rembold said the project will be reviewed under both zones.

Ms. Nelson said the waiver should be requested for the largest variance from the standard. She said she likes the idea of shared parking.

Mr. Hankin asked why the riverfront area isn't part of this submission.

Mr. Geller said the CDC will own the riverfront. It could have been included but the property would have had to be subdivided into an L shape. The structures will be in different ownership.

Mr. Hankin asked what will happen if the ZBA doesn't allow extra units.

Mr. Geller said that will be a problem. The development strategy is comprehensive. Easements will guarantee open space.

Ms. Nelson said she is hoping recommendations can be developed to send to the ZBA. The previous recommendations, for the entire project, should remain to the extent that they apply.

Mr. Fick said the Town allowed the B-3 zone to allow five story buildings in that zone. There is no requirement that the buildings be the same character only that they comply with density, parking and setbacks.

Ms. Nelson said 19 units would be allowed by-right under multi-family, they are requesting 45 units.

Mr. Hankin said they are affordable housing units that could be an incentive in the B-3.

Ms. Nelson asked if a waiver is being requested for 26 units.

Mr. Geller said that is interesting. He said the incentives allow more. He was uncertain about the waiver request.

Ms. Nelson said the waiver request should be for the most extreme. The request should be for a maximum of 26 units.

Mr. Hankin said ask for the biggest waiver then cut down.

Mr. Rembold said the entire 8 acres site if maxed out would allow 140 units. The maximum number of units being presented on the plans is 81. Shifting the plan to 2 acres with no mixed use does not allow for more density for the affordable housing.

Mr. Fick said the division of land is for financial reasons. The density is still less than what would be allowed.

Mr. Rembold said future development on the remaining 6 acres will be subject to other zoning and permits.

Mr. Higa said it is hard to look at this without considering the rest of the project.

Ms. Nelson said yes, it is a leap of faith.

The Board discussed their recommendation to the ZBA.

The Board recommends that the recommendations from the original plan discussed will remain in effect to the extent that they are applicable.

Density, in view of the overall scope of the project 19 units would be permitted by right in the multi-family zone and 38 by right in the B-3 zone. A maximum waiver of 26 units is recommended.

Mr. Hankin had concerns about setbacks as it is unknown what is being permitted. The design is conceptual. He said the building should be turned so the focus is not on the wastewater treatment plant (WWTP).

Ms. Nelson agreed the building should be turned.

The Board will recommend to the ZBA that the orientation of the building be south east instead of the proposed south west. This will enhance the view of the river and not the WWTP.

Mr. Hankin asked if the ZBA will see the complete plan.

Mr. Geller said no only the conceptual plan.

Ms. Nelson asked if the final plan will come back before the Board.

Mr. Rembold said no, only to the ZBA. He said it is common for a conceptual plan to go forward in this process. Overall the density and the key aspects of the plan stay the same.

The Board recommended that the final site plan be reviewed by the Planning Board.

The Board recommended that the waiver for the side yard setback of 6.5 feet be granted.

The Board recommended that the greatest parking waiver request be granted but to note that the B-3 parking space requirement of 1.5 spaces per dwelling unit was intended for this site.

The Board recommended that the cross easements be put in place with the adjacent parcel (once the 2.2 acre parcel is divided out) including the parking, storm water, open space and flood plain.

Mr. Hankin said we should consider a recommendation for the entire site to be remediated and accessible to the public. Once the affordable housing units get a certificate of occupancy we don't want a chain link fence up dividing it from the rest of the parcel that hasn't been remediated.

Mr. Rembold said it is great to ask for the site to be open to the public but it might not be possible. We don't know what use DEP will allow on soil caps. He said he is concerned about over reaching when it is controlled by DEP.

Mr. Hankin said health and safety are the issue. We don't want 10 more years of chain link fence around the property.

Mr. Rembold said it is possible that the DEP will not allow the parcel to be open to the public.

Mr. Higa asked if the river front and center section will be open space and open to the public.

Mr. Fick asked if the plan would be to remediate the entire site but not make it open to the public.

Mr. Geller said we can't put in a 6 acre park.

Mr. Fick asked if the river front can be done.

Mr. Geller said yes.

Mr. Higa said he likes the open space in the middle. He questioned whether it is a good idea to have children playing on the river bank.

The Board recommended that no certificate of occupancy be granted for the dwelling units until the entire 8 acre parcel is remediated according to the Remedial Implementation Plan (RIP).

Mr. Fick asked if a barrier will be put over the site.

Mr. Geller said yes. We intend for the entire 6 acres to be clean. What you are struggling with is the DEP's work.

Ms. Nelson suggested Mr. Geller have the specifics of the RIP before going to the ZBA. There may be fencing and even though it is not what we want to see it may be out of our control.

Mr. Fick asked if only the affordable housing is built will the entire site be capped.

Mr. Geller said it is unlikely that only the affordable housing will be built.

Ms. Nelson asked what open space will be provided.

Mr. Geller said the river front.

The Board recommended that no certificate of occupancy be granted until the river front portion of the 8 acres is remediated and accessible to the public.

The Board recommended that any temporary fencing placed between the 40B lot and the remaining 6 acres be a minimum of 25 feet north of the northerly lot line of the 40B parcel.

Ms. Nelson asked if there were comments about the architectural style.

Mr. Hankin said it is still subject to change. It is heading in a positive direction.

Mr. Hankin made a motion to send the formal recommendation as discussed to the ZBA, Mr. Fick seconded, all in favor.

CITIZEN SPEAK TIME:

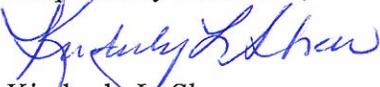
A resident from Warren Avenue said Mr. Geller has played down the impact on the adjacent neighborhood. The WWTP impacts the neighborhood with the odor and the noise. The project is supported but covering the WWTP should be considered by the Town.

Andrea Cohen said the WWTP is always noisy. The smell is a problem. There is a lot of light. She recommended a tree line to provide a buffer. She said she cares for a disabled woman who feels pain from the noise. The WWTP should be covered and trees should be planted.

A resident said the affordable housing is important but it is also important to maintain the character of the neighborhood. A four story building is inappropriate. Consider keeping a harmonious feeling.

Having concluded their business, Ms. Nelson adjourned without objection at 10:23 P.M.

Respectfully submitted,



Kimberly-L. Shaw
Planning Board Secretary

Materials presented or distributed for this meeting:

- Form A plan for 770 South Main St
- Form A plan for 342 North Plan Rd

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- Draft minutes of 6/23 meeting
- Lake Mansfield Recreation Area Comprehensive Improvement Plan
- Great Barrington Community Preservation Plan
- 100 Bridge Street: PowerPoint presentation from CDC; Multifamily zoning analysis table; Revised architectural designs; and, the Selectboard's recommendation to the ZBA.