

PLANNING BOARD

DATE: June 8, 2016
TIME: 7:00 P.M.
FOR: Regular Meeting/Continued Public Hearing
PLACE: Large Meeting Room
PRESENT: Brandee Nelson, Chair; Jonathan Hankin; Jack Musgrove; Malcolm Fick;
Jeremy Higa
Chris Rembold, Town Planner

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

FORM A'S:

There were no Form A's presented.

MINUTES: MAY 26, 2016

Mr. Musgrove made a motion to approve the minutes of May 26, 2016 as amended, Mr. Hankin seconded, all in favor.

SPECIAL PERMIT: 190 STATE ROAD CONTINUED PUBLIC HEARING

Mr. Hankin made a motion to reopen the public hearing, Mr. Fick seconded, all in favor. The public hearing was reopened at 7:01 P.M. Ms. Nelson announced the hearing was being recorded.

Ron Fortune from Consulting and Design LLC was present with revised plan. Mr. Fortune said the ground at the sign location is approximately 1 inch higher than the traveled way. He said the sign would be located 20 feet from the traveled way which would allow a sign 20 feet in height. The proposed sign is 18 feet high.

Mr. Fortune said the area where the sign will be located will be mulched. Cutting will be limited to within 15 feet from the property line. Three dwarf yews will be planted around the sign.

Ms. Nelson asked if anything else will be planted around the sign.

Mr. Fortune said no, the area will just be mulch.

Mr. Fortune said the pricing will be in LED lights.

Mr. Higa asked what hours the sign would be lit.

Mr. Fortune said during the hours of operation, 6 AM-10 PM.

Mr. Higa asked if there are any concerns from the abutter. He said the existing bushes offer screening that will be removed. He said he is concerned about the lighting from the sign affecting the abutter.

Ms. Nelson said there is some screening that will remain.

Mr. Fortune said the cutting is being limited to prevent the sign from bothering the abutter.

Ms. Nelson said the lights will also be turned off at 10.

Mr. Rembold said the hours the sign can be lit could be a condition of the permit.

Mr. Hankin said he would want the condition to be for the hours of operation not a set number of hours.

Ms. Nelson asked if the Board had any other questions. There were none.

Ms. Nelson asked if there were questions from the audience. There were none.

Mr. Hankin made a motion to close the public hearing, Mr. Musgrove seconded, all in favor. The public hearing was closed at 7:14 P.M.

Mr. Rembold recommended that the Board go through the criteria in 10.4.2.

Mr. Musgrove read through the criteria.

Mr. Musgrove made a motion to approve the special permit for the sign at 190 State Road. The adverse effects of the sign do not outweigh the beneficial impacts to the Town or the neighborhood. Conditions include: The sign will be illuminated during business hours only, there will be minimal disruption of the foliage that block the sign from the abutting house and mulch and low plantings will be used in the entire area to be cleared for the sign, Mr. Fick seconded.

Mr. Hankin said the sign bylaw need to be looked at going forward. He said the idea that the sign size, based on the amount of frontage as currently written, has been shown to be not a reasonable measure. He said that the bylaw is restrictive and doesn't work. He said he is sure the intention was good when the bylaw was written but it needs to be looked at when the bylaw is rewritten.

Ms. Nelson called for a vote on the motion. All in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold said there is a bill moving through the legislature. It is the Act for Development and Building in MA reform bill. He said the bill has been worked on for the last 2 years. There are many parts to the bill but one part would be to eliminate Form A's. Massachusetts is the only state with ANR plans.

Mr. Rembold read the part of the Summary of Zoning Reform Bill S. 122 dated July 8, 2015. He said there is a requirement for zoning to follow the Master Plan.

Mr. Rembold said ANR could be regulated as minor subdivisions by revising the zoning bylaws.

Mr. Rembold said there would be a new Ch. 40 Y established. Communities may opt in but there must be a growth goal of 5%, a goal that would be difficult for Great Barrington. He said rural communities might benefit from Natural Resource Protection as they would not qualify for the 5% growth goal.

Mr. Hankin said it seems that there would be a lot that would not pertain to Great Barrington. He said he didn't know what kind of impact there would be if we just keep the ANR.

Ms. Nelson said there is some ANR development we didn't like such as what we dealt with on Hurlburt Road a couple of years ago.

Mr. Rembold said OSRD clusters could be required of lots.

Ms. Nelson said surveyors often get caught between their clients and best practice.

Mr. Rembold said that he had a discussion with people at BRPC and the fear of not supporting the bill is that there will not be another opportunity for zoning reform for 10 years. Zoning reform is needed.

Mr. Hankin said it sounds as if the reform will generate more work for planning boards.

Mr. Rembold said some of the provisions will be up to the communities if they want to opt in.

Mr. Musgrove said this would go to the Annual Town Meeting and require a 2/3 majority vote to adopt.

Mr. Rembold said yes. The required vote could be changed to a simple majority. Having a 2/3 majority makes boards do their homework.

Ms. Nelson said there will be a period of review. We will need to stay updated so we will know what we need to do.

Mr. Rembold said there is a provision to allow for the transfer of density or development rights. A developer could buy an area to transfer building rights to a less sensitive area. He said the Natural Resource Protection zoning might make more sense for Great Barrington.

Mr. Hankin said it is important to note anything that is going to impact property values. A change in the ANR could impact property values.

Mr. Rembold said that is true but it could also be a positive change.

Mr. Rembold gave the Board an update on 100 Bridge Street. He said the ZBA will continue their review of the project at their meeting tomorrow at the Fire Station.

Mr. Hankin asked if they are changing the plan.

Mr. Rembold said yes. They are finding it too difficult to finance the entire project so they are focusing on the 2 acres where the 45 affordable housing units will be located. He said we should expect Flood Plain and Water Quality Protection applications for the entire site.

Ms. Nelson asked if they will be back before the Planning Board to create the 2 acre parcel.

Mr. Rembold said yes at some point they will need to do that.

Mr. Higa asked how the parking will be affected.

Mr. Rembold said there will be plenty of parking for the two acres. He said there may be a need for density waivers.

Mr. Fick said the rest of the development would no longer be a 40 B project.

Mr. Rembold said that is correct. It would need a special permit because it is in the B-3 zone.

Mr. Higa asked how it affects the Mass Works grant.

Mr. Rembold said he didn't think it would impact it.

Mr. Hankin asked if the undeveloped portion of land would be capped.

Mr. Rembold said there will be extensive earth moving. It might be more efficient to do the job once. He said he is not sure what the developer will do. He said it has been part of the discussion.

Mr. Hankin said the ZBA could deny the Comprehensive Permit for health and safety reasons if the entire site is not capped before occupancy of the affordable units.

Mr. Rembold agreed. He said the Bio Remediation is not going to happen. He said a key problem was capping for the market rate units. He said there are complicated issues.

BOARD & COMMITTEE UPDATES:

There were no updates.

CITIZEN SPEAK TIME:

Ed Abrahams said he has been asked about a new illuminated sign in the window of a business, Stone House Properties, on Railroad Street. He asked the Board about signs of that nature.

Mr. Hankin said if they are inside the window they are not subject to permitting.

Having concluded their business, Ms. Nelson adjourned without objection at 8:04 P.M.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary

