

PLANNING BOARD

DATE: August 10, 2017
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Malcolm Fick, Vice-Chair; Jonathan Hankin; Jack Musgrove; Jeremy Higa
Pedro Pachano, Associate Member
Chris Rembold, Town Planner

Mr. Fick called the meeting to order at 7:00 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: JULY 27, 2017

Mr. Hankin made a motion to approve the minutes of July 27, 2017 as amended, Mr. Musgrove seconded, all in favor.

SITE PLAN REVIEW: 314 STATE ROAD

Brent White, engineer, from White Engineering was present on behalf of Construct Inc. for a new driveway and parking area at 314 State Road. Present for Construct were Jane Ralph and June Wolfe.

Mr. White said the property at 314 State Road was divided creating 316 State Road where an affordable housing development is being constructed. The original property had two curb cuts which now are confusing. The special permit granted in 2015 required a new curb cut for 314 State Road.

Mr. White said the location for the parking lot was decided upon as it is the maximum distance from the parking lot that serves 316 State Road, the location preserves trees along the front and it provides handicap access to the rear of the building while providing a green space for the tenants.

Mr. White said there are good soils on the property. There is a detention pond for the underlying soils. He said 8 foot light poles will light the parking lot. There will be just enough light to provide safety on the site. The foot candles will be well within the site.

Mr. Hankin asked if the State had issued a permit for the curb cut.

Mr. White said no. He said a contractor has to be in place in order to have the permit issued. It is the intent that Allegrone will be chosen as the contractor as they are working on 316 State Road.

Mr. Hankin asked if 10 parking spaces were necessary.

Ms. Wolfe said yes they are necessary.

Ms. Ralph agreed saying the spaces are necessary for the staff.

Mr. Rembold asked what color temperature is proposed for the lighting.

Mr. White said the same color as approved in the Comprehensive Permit so there will be consistency between the sites. He said he didn't have an objection to having a requirement that the lighting matches.

Mr. Pachano asked if there is a plan to plant new trees to replace the ones being removed.

Mr. White said there is no plan to replace the trees being removed. He said we will commit to the number of plants required by SPR approval. He added that there is a no cut zone behind 316 State Road.

Mr. Musgrove said he drove to the site. He said it looked like the trees that will be removed are almost dead. He commented that the parking area could be turned.

Ms. Wolfe said the parking lot is configured like it is to preserve some open space for the tenants.

Mr. Musgrove said it would be nice to have a new tree on the lawn. He said he understands that there are limited resources.

There was discussion of the proposed driveway location that was chosen because it would be between the two driveways across the street.

Mr. Musgrove read through SPR criteria. There was brief discussion of the criteria.

Mr. Musgrove made a motion to approve the Site Plan Review with the condition that the color temperature of the lights match the color temperature of the lighting approved for 316 State Road, Mr. Hankin seconded, all in favor.

BARRINGTON BROOK:

Developer Dave Ward was present to discuss the amendments he would like to make to his permit.

Mr. Rembold one of the unit owners wants to add on to their house but it encroaches into the open space. He said he took a look at the area and it is a lot of rocks. It is not open space for the purpose of habitat it is just a designated area where nothing can be built. Mr. Rembold said he advised Mr. Ward to find another area to swap out the open space.

Mr. Rembold said he found two more areas where the open space had been encroached on.

Mr. Musgrove said he went out and looked at the area and he said he couldn't find any reason not to do it. He suggested that a new mylar be submitted to the Registry of Deeds to make everything clean.

Mr. Rembold said the open space boundary is shown on the definitive plan so a new plan needs to be submitted.

Mr. Musgrove made a motion to approve the change to the open space designated area shown on a plan dated July 27, 2017. A mylar will be signed at a future date. Mr. Higa seconded, all in favor.

Mrs. Mooney asked if there is a change in the amount of open space.

Mr. Musgrove said yes, there will be slightly more open space than previously approved.

Mr. Rembold said Mr. Ward would like to have part of the covenants on Phase 2 of the project released. A cost estimate has been submitted for the work remaining to complete the infrastructure in Phase 2.

Mr. Ward said there are 10 lots that are held in the covenant. None of them can be sold until all the improvements have been completed. SK Design estimates it will cost approximately \$420,000 to complete the work on the three roads.

Mr. Ward said the lots will sell for approximately \$175,000. The bank expects the buyer to purchase the lot for cash then take out a construction loan on the house. He said he would like to have 6 lots released and 4 lots would remain under the covenant.

Mr. Musgrove asked if Mr. Ward would build the houses.

Mr. Ward said yes they have to use us as builders.

Mr. Musgrove asked if there will be any spec houses.

Mr. Ward said no. He said currently 33 houses out of 44 have been sold.

Mr. Rembold said he believes it is a simple vote to release the covenant on certain lots.

Mr. Hankin said he does not feel comfortable doing this with out Ms. Nelson present.

Mr. Rembold agreed. He said the DPW and I need to go through the numbers and the plan. He said it appears the costs are conservative.

Mr. Hankin asked Mr. Ward, why, if you sold over \$14 million in real estate, did you push the infrastructure work to the end?

There was no reply.

Mr. Musgrove said he wanted to know what the legal conveyance would be. He said he is sympathetic to holding no more than we need.

Mr. Rembold recommended comments from the staff agreeing with the assessment numbers and the cost estimate. To make the conveyance a Form E covenant release would need to be voted on, signed and notarized.

Mr. Rembold said it would seem that the homeowners would want a completed road.

Mr. Ward said yes but they won't move in until some time next year.

Mr. Fick said we will wait for Ms. Nelson and comments from the staff.

ZONING ITEMS FOR THE 2018 ANNUAL TOWN MEETING:

Mr. Fick said the Board did a walk around the Town prior to the meeting to look at the B-3 zone. He said the R-1-B zone was also looked at. He said the MXD may have a better feel for the area and it would bring properties into compliance.

Mr. Musgrove said he did not think many of the properties would meet the setbacks. He said there is not enough area.

Mr. Fick said the MXD had better language than the B-3 zone language.

Mr. Pachano asked why not change all of the B-3 to MXD.

Mr. Hankin said it would be too complicated to change all of it. The B-3 is intended for larger parcels.

Mr. Pachano said the B-3 zone is intended for larger lots than those on Church Street. He said the B-3 zone is not dense enough to be a transition zone. He said the B-3 zone has many flaws. The minimal incentives hardly make a difference.

Mr. Rembold said the existing small lots do not meet the zoning and therefore it prohibits development.

Mr. Fick said South Main Street has large lots to make the MXD work.

Mr. Musgrove said if all of the B-3 were changed to MXD it would make the light industrial area non-conforming such as the Iredale and plumbing business on River Street.

Mr. Pachano said it would require a special permit, paperwork.

Mr. Musgrove said he didn't like it.

Mr. Pachano said the advantage is the MXD would allow more development.

Mr. Rembold suggest an analysis of looking at the existing non-conforming nature of the B-3 then apply the MXD to see what it would get us on Church Street. He said a comparison could be made. He suggested another meeting to get more analysis and detail.

Mr. Hankin said we should also look at what the MXD would do to the light industrial areas as well.

Mr. Rembold said we need to look at goals. Do you want to keep the existing context? Do you want affordable housing in the area and/or mixed use? How many housing units should be allowed by right?

Mr. Fick asked if we want to keep industrial uses in the downtown area forever.

Mr. Higa said we don't want to limit an existing business from growing.

Mr. Fick said the Selectboard would have to weigh in as well.

Mr. Hankin said the MXD was developed specifically for the South Main Street area for its specific character. The I-Zone on River Street does not fit into the MXD.

Mr. Musgrove said the zoning should match what is on the ground. In this case the conditions are similar to Housatonic.

Mr. Fick said we will continue this discussion when we have more information.

TOWN PLANNER'S REPORT:

Mr. Rembold reminded the Board that there will be an update on the Marijuana law on August 31 in Lenox Town Hall.

The Board decided to do a walking tour of the State Road area prior to the next meeting at 6:00 P.M. on August 24. The meeting will be held at the Fire Station.

BOARD & COMMITTEE UPDATES & OTHER CONCERNS:

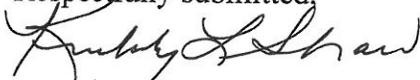
There were no updates or concerns.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Mr. Fick adjourned without objection.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

