

PLANNING BOARD

DATE: October 5, 2017
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa
Pedro Pachano, Associate Member
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:00 P.M. Mr. Higa had not yet arrived.

FORM A'S:

There were no Form A's presented.

MINUTES: SEPTEMBER 14, 2017

Mr. Hankin made a motion to approve the minutes as amended, Mr. Fick seconded, all in favor.

ZONING ITEMS FOR 2017 ANNUAL TOWN MEETING:

Mr. Rembold asked if the Board would begin the discussion with item 3 C, aviation. He said a comment was made during a previous meeting regarding the DOT's decision that Section 7.2 of the bylaw is vague and unenforceable therefore they wouldn't approve it. He asked the Board if they want to rewrite it or leave it as it is.

Mr. Higa arrived at 7:02 P.M.

Ms. Nelson said this came out of the legal action in Sheffield.

Mr. Rembold said yes, that is what made the DOT look at 7.2 and deem it irrelevant. He said going forward we wouldn't follow 7.2, we would follow the special permit requirements.

Mr. Fick asked if there are any sample bylaws to look at.

Mr. Rembold said he would look into it. He said the options for now would be to do nothing, to take out 7.2 or look at a DOT approved bylaw and adopt it.

Ms. Nelson said the FAA weighs in more than local regulations.

Mr. Rembold agreed saying airports tend to be governed by the FAA.

There was discussion over the bylaw and what might or might not be allowed. Ms. Nelson said the underlying zone would be in place and whatever the FAA commented would have to be followed. She said we could look at the bylaw next year with input from DOT.

Mr. Pachano asked what citizen's comment was to start the discussion.

Holly Hamer, a member of the audience, said Ed Abrahams suggested looking at it.

Ms. Nelson said it was her inclination to set it aside until next year.

Mr. Fick said he doesn't like having a bylaw that is unenforceable.

Ms. Nelson agreed but said we need to be pragmatic about what we are already dealing with for zoning amendments.

Mr. Fick said we should eliminate it if it can't be enforced.

Mr. Rembold said 7.2 was not approved by the DOT so it can not be enforced.

Mr. Fick said he would be in favor of eliminating the bylaw.

Ms. Nelson said we would have to answer many questions regarding eliminating the bylaw. She said she is not sure we have time to adequately research the issue to be able to answer the questions.

Mr. Hankin agreed with Ms. Nelson that the bylaw should be left for now and dealt with next year. Mr. Higa agreed as well.

RECREATIONAL MARIJUANA:

Mr. Fick suggested discussion of a moratorium.

Mr. Hankin said he had no inclination to support a moratorium.

Ms. Nelson said she reached out to three out of five Selectmen and tried to set up a conference call that didn't happen. She said she does not have a strong sense about a moratorium.

Ms. Nelson said as it is right now, the use is retail therefore it would be allowed where retail is allowed. She said if a moratorium is to be imposed before the State begins accepting applications in April there would need to be a special town meeting.

Ms. Nelson said the principal concern would be the potential number of shops that could open.

Mr. Higa said package stores are limited.

Mr. Rembold said he thinks the number of package stores is determined by the State and population of the town.

Ms. Nelson said perhaps the number of retail facilities could be capped.

Mr. Rembold said towns can not have less retail stores than the number of medical marijuana facilities allowed.

Ms. Nelson said she would like to see a cap on the number of retail shops. She said she did not appreciate the aesthetics of the shops she saw in Colorado last summer. She said it was not in keeping with the character of the community.

Mr. Higa said he is concerned about pushing out existing retail.

Mr. Hankin said he didn't think any businesses would be pushed out.

Ms. Nelson said she would expect Great Barrington to get a lot of stores because of our proximity to other states. She said she thinks we should get tax money.

Mr. Rembold said he expects the State regulations will default to the medical marijuana requirements. He assumed there will be a separation from schools and areas where children congregate, similar to the medical marijuana facilities.

Mr. Hankin said when determining the locations for medical marijuana facilities we found limited areas where they could be allowed.

Mr. Rembold said the Board should advocate for a special town meeting and a moratorium if there will be land control issues that would need to be studied. He asked if this item should be discussed at the next meeting.

Ms. Nelson said yes. She wanted to review notes from the meeting held in Lenox.

DOWNTOWN B DISTRICT:

Mr. Rembold the B zone permits mixed use only by special permit but the Village Center Overlay District, VCOD, allows mixed use by right. He said it is inconsistent.

Ms. Nelson said it makes sense to change.

WATER QUALITY PROTECTION DISTRICT:

Mr. Rembold said he is not ready to discuss the Water Quality Protection District.

Mr. Hankin said he doesn't think it is a difficult issue. He said the question is regarding non-conformity—is it as defined by the zoning code in general or defined by prohibited uses specific to the WQOPD.

This item will also be discussed at the next meeting.

DOWNTOWN B-3 and R-1-B DISTRICTS:

Mr. Rembold said the MXD and B-3 are similar in some ways but the B-3 zone has a 5,000 square foot lot requirement.

Mr. Pachano said the building code would allow a minimum dwelling unit of 720 square feet allowing for density in the B-3 zone. He asked if the Board would be willing to waive parking requirements.

Mr. Hankin said parking can be waived via a special permit.

Ms. Nelson said it is important to apply parking requirements consistently.

Mr. Pachano said parking is a privilege. He suggested waiving parking requirements to allow for more density.

Mr. Rembold began a Power Point presentation titled Transition/Mixed Use Zoning Districts for State Road and Down Town Side Streets 10-05-17.

There was discussion of the Downtown Revisions portion of the Power Point.

Mr. Rembold suggested eliminating the B-3 where it applies to small and medium properties.

The discussion continued with affordable housing and density. There were no concerns about applying MXD to these areas. Components to be considered are historical, maximum number of units and retail square footage.

Discussion will continue at a future meeting.

STATE ROAD B-2 DISTRICT:

Mr. Rembold said the zoning on State Road does not allow the area to meet the Master Plan recommendations. He asked what would an MXD for State Road look like.

Mr. Hankin suggested that the large lot on Gilmore be considered as part of the MXD to allow for more development.

Mr. Higa asked if we want to make it more developable as it matches the property across the street.

Mr. Hankin said it would not mandate that it be developed it just allows for the option.

Mr. Rembold continued with his presentation.

Mr. Higa said he does not want a zero front yard setback for properties on State Road.

Mr. Pachano said State Road is a giant missed opportunity. He said everyone likes Main Street. The zoning in place does not allow for a similar street to be built but with zoning changes State Road could be like Main Street. Zero setbacks would be part of making the area similar to Main Street. Mr. Pachano said he thinks State Road wants to be a "slow street". The road would have to be redesigned to slow the traffic down. He said State Road would be a good mixed use area.

Mr. Hankin said there are no parking requirements on Main Street. He said he didn't think State Road would be able to exist without parking.

Mr. Pachano said parking would be provided on the street.

Ms. Nelson said our goal is to identify what we don't want to have.

Mr. Higa said he wants to support affordable housing. Rents will go up as places are redeveloped.

Mr. Hankin said we can't control housing costs. Redevelopment will push up prices.

Ms. Nelson suggested working on either uses or dimensional requirements.

Mr. Hankin said mixed use should be allowed by-right and there should be no acreage requirement per housing unit.

Mr. Fick suggested going through the MXD to see if it makes sense for State Road.

Ms. Nelson said in general MXD uses appear agreeable to everyone. The goal should be to reduce non-conformities. If we apply the MXD we would create non-conformities. Are there uses we wouldn't want?

Mr. Pachano said part of the process would be determining what uses to allow is for us to decide what we want the area to be. He said he has an idea of what the area could be, but we should decide what we want to be there.

Mr. Fick disagreed. He said there are so many non-conformities because someone had an idea of what should be.

Mr. Nelson said we need to find a balance.

Mr. Rembold said he will adjust the Table of Uses for discussion at a future meeting.

The Board discussed dimensional requirements for State Road. There was discussion of the redesigning the road and sidewalk width.

Ms. Nelson said zero lot lines could push the State to look at and possibly redesign the street.

The Board discussed zero front yard setbacks with a maximum of five feet. Zero side yard and rear yard setbacks.

Ms. Nelson said the dimensional lot coverage in the B zone could be applied. We need to figure out the parking requirements.

Mr. Pachano said very few developers would have no parking in their developments.

Mr. Rembold said one parking space per unit could be required.

Discussion will continue at a future meeting.

PLANNER'S REPORT:

Mr. Rembold reminded the Board that BRPC will hold their annual meeting in a couple of weeks.

BOARD & COMMITTEE UPDATES/OTHER CONCERNS:

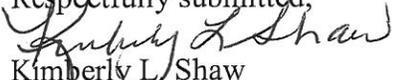
There were no updates or concerns.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 9:11 P.M.

Respectfully submitted,


Kimberly L Shaw
Planning Board Secretary