

## Great Barrington Zoning Board of Appeals

Minutes of July 15, 2015, meeting

Attending were Chairman Ron Majdalany, Vice Chairman Carolyn Ivory, Kathy Kotleski, Madonna Meagher, Michael Wise and Alternate Don Hagberg. Also Town Counsel David J. Doneski of Kopelman & Paige.

The chairman opened the public hearing for the **Construct Inc. Comprehensive Permit** at 7:35 p.m. The secretary read the notice and stated it was mailed to abutters of record, was advertised in *The Berkshire Record* issues of June 26 and July 3, 2015, and posted with designated town sites. Tim Geller, executive director of Community Development Corp. of South Berkshire, made the main presentation, along with June Wolfe, Construct Inc.; Rikki SaNoguiera, associate project manager, CDC; Chris Novelli, architect, Studio One of Springfield; and Brent White and Kyle Mole, White Engineering of Pittsfield.

Ms. Wolfe said the plan is for 11 dwelling units in three buildings. Occupants will have annual incomes below 60 percent area median income. There will be disabled and sensory impaired units. There are already people of all ages on a waiting list. Mr. Geller said 100 percent of the units will be affordable. The purpose of the 40B application is primarily to allow for greater building density and to resolve a sideline issue created by Form A dividing the property to separate an existing building (that has five apartments for single men) from the new buildings. The subdivision was to satisfy funding sources. Mr. Geller said Great Barrington as of last December had 8 percent affordable housing. This project would raise the percentage to 8.3. He said the new buildings will connect with town water and sewer. He said there are no ledge issues on the site, nor flood plain issues. Highway site lines are good. The closest public transportation is on Route 7, though effort may be made to have the BRTA bus serve the complex. One existing curb cut will be removed. Entry to the new buildings will be from a curb cut at the east end of the new parcel. Another curb cut, drive and parking will be installed west of the old building, the one-time Hi-Fidelity office building.

The 12-acre property has steep Warner Mountain to the south. Proposed are four one-bedroom units, two three-bedroom and five two-bedroom. The building closest to the road will be one-story, the other two buildings two-story. There will be at least 19 residents. Mr. Geller said requested waivers are:

- To allow multi-family dwelling in an R2 zone (3.1.4, A(3))
- To allow 125-foot-wide lot where 150 feet is required (4.1.2)
- To allow 19 parking spaces where 22 are required (6.1.2)
- To allow a 5-foot-9-inch side yard where 20-foot side yard is required at building A and 1-foot-7-inches on the north side of building B (4.1.2)
- To allow a multi-family dwelling in an R2 zone
- To allow three principal buildings on a lot when two are allowed (4.2.1)
- To allow a small standalone sign with name and address ("Pinewoods, 316 State Road"), where none is permitted in an R2 zone (Ch. 146)
- To allow use of a shared driveway for 11 units, where the bylaw allows three maximum (Town Code Ch. 153-19)
- To waive Planning Board Site Plan Review (10.5.1, 1)

Mr. Geller asked additionally for: A PILOT program; a waiver of sewer hookup fees; a waiver of building permit fee; and a recommendation to the Fire District to waive the water hookup fee.

Mr. Novelli said buildings were skewed and located in a way to gain good solar access and to allow community space between buildings. Taller buildings are in the rear. Vegetative screening

will be at the front of the property. A mechanical room on building A has been moved, at the suggestion of the Planning Board, to the west end and now windows will be on the bedroom on the east end. He and the engineers and developers worked with the town's fire chief to assure adequate roads for the largest vehicle, the ladder truck, to maneuver. There is an extensive landscaping plan. There will be new plantings on the east border. There will be a rain garden, play area and shade trees. Building entries will have lighting. There will be eight 8-foot lamps with "dark sky" designation, also low bollards along paths. The buildings are meant to reflect traditional New England farmhouses.

Brent White said headlights of vehicles leaving the property after dark will shine on a fence across the street, and not into the house there. The property has been previously developed, he noted, and plans are to remove the very large paved parking lot. Mass. DOT has given preliminary approval to a new curb cut for the old building. A driveway originally planned for 24 feet has been reduced to 18 feet. There will be a new manhole near the highway for water connection. Some mountain runoff will be diverted to 314 State Road (the existing apartment building), some will be directed to a 2-foot-deep rain garden. Buildings B and C will send roof gutter water into dry wells. The expectation is the land will absorb much more water than now, White said. He said tree and plant species are listed on the newest version of the plan, dated 7/13/2015. There will be a 6-inch water main. There will be a hydrant on the property.

ZBA member Meagher asked about room for guest vehicles. Mr. White said temporary guests could park on State Road, Ms. Wolfe amending that to say during special events. She said not all tenants will have cars, and if they have a second car, it's probably time for them to move elsewhere. Mr. White said some vehicles could park on the grass along the driveway. Mr. Geller presented a list of requested waivers and clarified electrical service to the site will be above-ground, but on the site it will be underground. He said he had met with neighbors and some of their concerns (headlight glare, surface water management) had been addressed. The matter of density revolves around the whole purpose of the Comprehensive Permit — making it affordable to build the units. He said there will be some disruption of views. He said he had heard, not from neighbors but others, the observation the buildings are skewed and not flat to the highway.

The secretary described three letters from town boards, the Board of Health and Selectmen endorsing the project, the Planning Board supporting the project but suggesting the relocation of the mechanical room on building A. Mr. Geller in a handout at the start of the meeting distributed copies of a letter from Fire Chief Charles Burger stating his concerns about adequate parking in proper locations and allowing for snow storage and removal. This has been done, Mr. Geller said. Mr. Geller also distributed copies of an email from a Mass. DOT official giving informal approval of the curb cut request.

Mr. Wise asked if there would be any fencing on the property other than around the Dumpster container. No. He asked if the properties would ever be independent. Ms. Wolfe said they could be legally, but in practicality no, due to financing constraints. The new units will be affordable in perpetuity. The rear of No. 314 will be used for tenant storage, Mr. Geller said. Mr. Doneski asked if there is a planting profile. Mr. White said plant species are indicated on the latest map. Mr. Doneski asked about the size and capacity of the water structure and Mr. White answered. Mr. Doneski asked if the new buildings and the land beneath them would be owned by the same entity. Yes. Ms. Ivory asked to hear again about the lighting. Mr. Novelli described it, as earlier.

Neighbor Kathy Plungis said she thought there were too many buildings. Mari Lonano said she will see the buildings and lights from her home. She said the land will still be wet. She said the plants mentioned were invasive species. Mr. White responded they were not invasive species. Mr. White said the Conservation Commission found no jurisdictional wetlands on the property.

He said every house on State road has water issues, but these plans will mitigate at least some of the issue. He said a detention pond will be created at 314 State Road. Michelle Gilligan said she had drainage concerns, "State Road is a big dam." She said the state had put in some large culverts. Mr. White said the plan's goal is to absorb water on the property. Paula Hatch said this has been a dry year, but some years there is much more water. Mr. White said the rain garden is 2 feet deep. Christine Hagan said she was concerned about drainage.

Chairman Majdalany said the board needed to absorb what it heard. Ms. Ivory moved to continue the hearing to Aug. 5, 2015, at 7:30 p.m. at Town Hall. Ms. Kotleski seconded and all voted in favor.

New submissions from Mr. Geller at the beginning of the CP hearing: CDCSB agenda of its presentation; list of additional conditions; Exhibit 14, requested waivers; new maps from Studio One and White Engineering; Sources, Construction Estimates; funding sources; copies of letter from fire chief and from Mass. DOT individuals. Separately, July 10, 2015, memo from Chris Rembold, Town Planner, providing comments from Development Review Team.

Mr. Geller suggested the ZBA note a site plan review and Mass. DOT permit for the driveway/parking lot at 314 State Road are obtained; the signage meets Mass. DOT's approval (wood-painted sign, 1x2 feet maximum, no more than 3 feet high), and an easement has been filed with the South Berkshire Registry of Deeds that grants 316 State Road in perpetuity the right to access 314 State Road property along the eastern boundary of 314 State Road, to construct and maintain a driveway, parking spaces, trash container and any other required uses, including surface water management.

The secretary distributed to ZBA members copies of the 2006 CP decision for the Hillside Avenue affordable units, for use as a possible checklist.

In other business, the board without dissent reappointed Dr. Majdalany chairman, Ms. Ivory vice-chairman and Ms. Kotleski secretary. On a motion by Ms. Ivory and seconded by Ms. Kotleski, the board approved without dissent the minutes of the previous meeting, March 10, 2015.

Respectfully submitted

Bernard A. Drew, Secretary

