

DATE: January 27, 2011  
TIME: 6:00 P.M.  
PLACE: Selectmen's Meeting Room  
FOR: Regular Meeting  
PRESENT: Donald Goranson, Chairman; Jonathan Hankin; Suzanne Fowle Schroeder;  
Richard Dohoney; Ethan Culleton  
Chris Rembold, Town Planner

Mr. Goranson called the meeting to order at 6:02 P.M. Mr. Dohoney had not yet arrived.

**FORM A'S:**

There were no Form A's presented.

**MINUTES: JANUARY 13, 2011**

Mr. Hankin made a motion to approve the minutes of January 13, 2011 as amended, Ms. Schroeder seconded, all in favor.

**SITE PLAN REVIEW:**

The Board conducted a site visit at 115 Gas House Lane earlier in the day. Mr. Goranson said the Mr. Dohoney and Mr. Culleton did not attend the site visit as they feel there may be a conflict of interest. Neither plan to participate in the discussion or vote.

Chris Tryon from Kelly, Granger, Parsons and Associates was present with Mike Gilmore the applicant. The application is for additional parking on the site.

Mr. Hankin asked about the drainage swale. He said it appears that it would drain onto the abutting property.

Mr. Tryon said there is an existing 40 inch culvert. The drainage would not be increased from the site onto abutting property.

Mr. Dohoney arrived at 6:06 P.M.

Mr. Rembold said there were extensive discussions of the drainage. Although ideally all drainage would be addressed on site, the applicant has demonstrated that the drainage would not be increased or made worse than what exists.

Mr. Tryon said the flow of water off site would not be increased.

Mr. Rembold said the staff had reviewed the plan along with the DPW superintendent and the calculations were acceptable.

Mr. Hankin asked what the height of the retaining wall would be.

Mr. Tryon said the wall would vary in height with five feet being the highest point.

Mr. Hankin asked if the wall would be made out of boulders and rip rap.

Mr. Tryon said yes.

Mr. Hankin said parking spaces 13 and 15 were next to the drop off.

Mr. Tryon said there would be guardrail in place.

Mr. Hankin asked if there would be a foundation for the wall.

Mr. Tryon said no.

Mr. Hankin asked if there was a requirement for parking spaces.

Mr. Rembold said no the space would be supplementary to what exists to provide enough parking for the businesses. He said this site is within the Village Overlay District.

Ms. Schroeder said in general this is a fine location to put the parking. There is no real change. The parking would be tucked away except for the removal of the trees that would open up the site to the neighbors it seems like a good place to put the parking.

Mr. Hankin asked if airport mix would be used for the surface.

Mr. Tryon said yes.

Ms. Schroeder asked if there would be lighting.

Mr. Tryon said there is no proposed.

Mr. Gilmore said there are lights on the loading dock and a light on the Gilmore Heating building that floods the back. He said he does not want to add lighting because of the neighbors.

Mr. Goranson read through the site plan review checklist. He said the only negative impact would be the removal of the trees.

Mr. Hankin made a motion to approve the site plan review as the plan meets the site plan review objectives, Ms. Schroeder seconded, all in favor. Mr. Dohoney and Mr. Culleton abstained.

**ZONING ARTICLE FOR THE ANNUAL TOWN MEETING:**

Mr. Rembold went through his memo dated January 24, 2011 explaining that he had made revisions according to discussions from the last few meetings. The Board took up the discussion of fences.

Mr. Rembold said he didn't feel the Board had come to a resolution regarding fences. He said that the Building Inspector would be the "gate keeper" for fences and he was not sure the Building Inspector has time to police another zoning issue. Mr. Rembold said this may be a larger issue than can be resolved in time for this annual town meeting. He suggested putting it off until next year if a fairly quick agreement cannot be reached.

Mr. Hankin asked if site plan review could be used to issue fence permits instead of requiring a special permit.

Mr. Rembold said he thought site plan review could be used. He suggested that perhaps fences should go into Town Code instead of zoning like moving signs into the Town Code.

Mr. Hankin said there should be a way to waive the special permit requirement.

Mr. Dohoney said the Board cannot delegate the ability to waive the special permit requirement to the Building Inspector.

Mr. Rembold said there needs to be a process for applying somewhere. If the fence is below 6 feet it does not require a building permit.

Mr. Dohoney said the issue has to do with fences in the front yard. Fences in the back yard do not seem to be as much of an issue. Perhaps there could be criteria for requiring a special permit.

Mr. Goranson said he thought it should go into the Town Code. To make a change in the zoning bylaws creates much non-conformity.

Ms. Schroeder said she felt the Board needed to be proactive in regards to fences. It is too easy to put up a fence without getting a permit. The signs are there that more and more fences could be going up.

Mr. Rembold suggested seeking advice before moving forward with this issue. It would be better to fully explore the issue prior to going to town meeting. Information could be gathered from other towns including their enforcement mechanisms.

Mr. Culleton suggested looking at the fences that are a concern to figure out how they might be addressed in the future.

Mr. Rembold suggested tabling the discussion to gather more information.

Ms. Schroeder said she trusts Mr. Rembold's recommendation. She said she does not want to forget the issue. It needs to be addressed.

Mr. Hankin said the only reason to require a special permit would be if a proposed fence would exceed the regulations. It would be best to allow fences by-right unless it requires a building permit as determined by the building code.

Mr. Dohoney suggested language that fences that do not meet the criteria of paragraph 3 (in Mr. Rembold's memo) may be permitted by special permit by the Planning Board in accordance with section 10.4.

Mr. Rembold said this could be done if everyone agrees on the language. The Board agreed on the suggested language and left it to Mr. Rembold to revise prior to sending to the Board of Selectmen.

Mr. Rembold said he would revise language and prepare a letter of transmittal to the Board of Selectmen. He said he would go over it with Mr. Goranson prior to sending to the Selectmen.

The Board agreed.

#### **HOUSATONIC PCB's:**

Mr. Goranson had prepared a letter to send to the EPA regarding the dumping of PCB's in Great Barrington Housatonic area. The Board discussed the draft making some minor revisions. Mr. Goranson said he would send the letter out before the February 1 deadline.

**TOWN PLANNER'S REPORT:**

Mr. Rembold said the Berkshire Taconic Foundation has grant money for accessory dwelling units to be created. The Foundation is trying to extend the grant money to the towns of Great Barrington and Lenox. He said the Town has written a letter of support.

Mr. Rembold said the Great Barrington Energy Committee had a warrant article for the annual town meeting requesting the town to adopt the Stretch Code.

Mr. Rembold said the State Legislature is attempting to revise the Zoning Act Chapter 40A. BRPC will review and make a recommendation. He said he would provide more information at the next meeting.

Mr. Rembold said there will be a special town meeting on Wednesday, February 9. There is an article to support broadband accessibility in Great Barrington. The Selectmen have written a letter of support. There is another article submitted by citizen petition to stop the process for the Main Street Reconstruction.

**OTHER ISSUES AND CONCERNS:**

Tom Doyle was present to discuss his request to return the zoning for mixed use back to 50% for non-residential use on the first floor. Two years ago the language was changed from 50% to 75%. Mr. Doyle, who has a special permit being appealed in Land Court, feels the 75% requirement is too restrictive and would make his project more difficult to build.

The Board discussed the options with Mr. Doyle indicating that they had their articles ready for public hearings and that they might need a little time to consider the change. It was suggested to Mr. Doyle that he could submit an article as a land owner.

Mr. Doyle said he would prefer to have the article come from the Planning Board.

There was some discussion on if changing the parking requirements would help Mr. Doyle.

Mr. Doyle did not understand the reason for changing the requirement from 75% to 50%. He said the goal of mixed use is to encourage infill and lower the barriers for mixed use.

Mr. Hankin said he was not sure how to move forward with the request.

Mr. Doyle was advised that an article would have to be submitted to the Town Clerk no later than February 5. The Board felt that Mr. Doyle should submit the proposal. It would come before the Planning Board for a public hearing at which time the Board would make a recommendation to the annual town meeting.

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Mr. Doyle said he would prefer the article to be submitted by the Planning Board but he would put something together and try to get it submitted prior to February 5.

Having concluded their business, Mr. Hankin made a motion to adjourn, Mr. Dohoney seconded, all in favor.

The meeting was adjourned at 8:43 P.M.

Respectfully submitted,

Kimberly L. Shaw  
Planning Board Secretary