

DATE: January 28, 2010  
TIME: 7:00 P.M.  
PLACE: Selectmen's Meeting Room  
FOR: Regular Meeting  
PRESENT: Donald Goranson, Chairman; Jonathan Hankin; Stephen Dietemann;  
Suzanne Fowle Schroeder  
Chris Rembold, Town Planner

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

**FORM A'S:**

Michael Parsons was present with a Form A application on behalf of Monument Valley LLC for three parcels of land located on the west side of Monument Valley Road. The Form A is to readjust lot lines for the lots. Lot 4 contains 4.737 acres of land. Lot 5 contains 5.014 acres of land. Lot 6 contains 4.026 acres of land. This plan amends a previously approved plan dated July 31, 2006.

Mr. Hankin made a motion to approve the plan, Mr. Dietemann seconded, all in favor.

Mr. Parsons presented a Form A on behalf of Kimada Realty LLC for one parcel on the west side of Main Street and the North side of Rosseter Street. Parcel A contains 0.074 of land and is not to be considered a separate building lot.

Mr. Hankin made a motion to approve the plan, Mr. Dietemann seconded, all in favor.

**MINUTES: JANUARY 14, 2010**

Mr. Hankin made a motion to approve the minutes of January 14, 2010 as amended, Mr. Dietemann seconded, all in favor.

**SPECIAL PERMIT: MONUMENT VALLEY LLC**

Dale Culleton the applicant was present with Jim Scalise from SK Design Group. The Board had previously discussed the application for work in the floodplain at 851 South Main Street. Mr. Scalise was present to answer questions from the Board.

Mr. Scalise said Mr. Culleton had gone through an extensive permitting process with Natural Heritage and DEP. He said the site consists of 8.7 acres. The proposed plan is the area that meets the restrictions imposed by DEP and Natural Heritage. The special permit process is to allow Mr. Culleton to work within the floodplain to prepare the land for by right uses. The two proposed buildings could each be as much as 70'x70' requiring 66 parking places. The proposed plan shows 67 parking spaces. The site would be served by town water and town sewer both of which would be out of the floodplain.

Mr. Scalise said the proposed plan meets all storm water drainage standards. The work proposed would be in the flood plain fringe. The work would not increase the elevation of the flood plain.

Ms. Schroeder asked how the Board can know this is the only viable alternative.

Mr. Scalise said an alternate analysis is not usually done. There were certain criteria under which the plan was developed. The buildable area had to be outside the flood plain. The area where retention and filtration basins are proposed is in the flood plain but outside of the wood turtle habitat that the Natural Heritage seeks to protect. The compensatory storage area is within the flood plain and the turtle habitat, but by lowering the elevation of the flood plain, the one time intervention would have no lasting deleterious effect on the habitat. Natural Heritage will require a Conservation Restriction on all land within 300' of the river.

Ms. Schroeder asked who would hold the Conservation Restriction.

Mr. Culleton said he was not sure, possibly the Great Barrington Land Conservancy or the Riverwalk. He said the decision had not yet been made.

Mr. Scalise said the proposed plan provides for recharge for more than what is required by the bylaw.

Mr. Hankin asked if the land to be preserved was allowed to be mowed.

Mr. Culleton said Natural Heritage allows the land to be mowed once a year. He said that when going through the other permitting processes both Natural Heritage and the Conservation Commission wanted us to show how we could use less of the land. This plan reflects what was presented and approved.

Mr. Culleton said this is a regulatory taking. He said he does not want to be involved with any litigation with Natural Heritage but their practices are questionable.

Mr. Goranson said at the last meeting we weren't sure any other plan had been considered. That question has been answered.

Mr. Hankin said the plan shows two buildings could be built but it might only be one.

Mr. Culleton said this plan shows how we could get the most out of the land. This is the full build out for the property, there could only be less.

Mr. Rembold said it appears all the Board's questions and concerns had been addressed.

Mr. Hankin made a motion to send a favorable recommendation to the Board of Selectmen, Mr. Dietemann seconded, all in favor.

Mr. Hankin made a motion to waive site plan review criteria, Mr. Dietemann seconded, all in favor.

**DRIVEWAY PERMIT APPLICATION: SARBID 324 LONG POND ROAD**

The Board will address the driveway permit application at their next meeting.

**SITE VISIT:**

The Board set a site visit for special permit application for Enrico Hinz and Alice Esteves, 373 North Plain Road for Thursday, February 25, 2010 at 5:30 P.M.

**TOWN PLANNER REPORT:**

Mr. Rembold said he had attended a Lake Mansfield Task Force meeting. The committee will be resubmitting their application for grant money. The application for the 319 grant will reflect suggestions made by DEP and will focus on addressing storm drainage issues on Castle Hill Avenue. A second grant, the 604B planning grant would be for engineering and design.

**ZONING DISCUSSION:**

Mr. Rembold said Mr. Bobrowski would draft the warrant articles. The final draft will not include the sign bylaw that is to be moved into the Town Code. The second warrant article will move the sign bylaws into the Town Code. Mr. Rembold suggested the Board set a date for the public hearing.

The Board considered several dates as per Mr. Bobrowski's schedule. They set the date for March 10, 2010 at 7:00 P.M.

Mr. Goranson said it would be helpful to provide the final draft to some of the professionals who work with the document on a regular basis for their comments.

Mr. Rembold said the draft could be sent out.

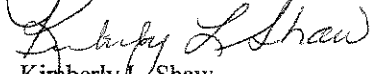
The Board began further discussion of some of the outstanding issues that need to be finalized.

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

The meeting was adjourned at 9:50 P.M.

Respectfully submitted,



Kimberly L. Shaw  
Planning Board Secretary

