

DATE: June 23, 2011  
TIME: 6:00 P.M.  
PLACE: Fire Station  
FOR: Regular Meeting  
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Richard Dohoney;  
Ethan Culleton  
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 6:03 P.M.

**FORM A'S:**

There were no Form A's presented.

**MINUTES:**

Ms. Schroeder made a motion to approve the minutes of June 9, 2011? as amended, Mr. Dohoney seconded, all in favor.

**ASSOCIATE MEMBER:**

Malcolm Fick was present to meet the Board regarding his interest in the Associate Member position. Mr. Fick said he is a homeowner in Great Barrington for the last five years. He is now making his permanent residence here. He said he liked this area because there is more land than people. He said he understands the nature of the work the Planning Board is involved with and feels he is in a position to help. He said he would like to be part of the changes happening in the Town.

There were no questions from the Board.

Brandee Nelson was present to discuss her interest in the Associate Member position. She said she has lived at Barrington Place for 13 years. She said she wanted to be involved with the energy of the Board. Ms. Nelson said she is in environmental engineering and she is also a civil engineer and involved in planning. She said she works in Hudson NY and would love to participate on the Planning Board. She said she has two small children and is a business owner.

Mr. Hankin asked if she anticipated any conflicts.

Ms. Nelson said she does not have a Massachusetts license and most of her work is done in the lower Hudson Valley.

Mr. Hankin said that the Associate Member usually moves into a permanent seat on the Board. We expect there will be an opening next year. Both candidates indicated they would be interested in serving as a full member.

Ms. Schroeder said if we could take both of the candidates we would. She said the civil engineering of Ms. Nelson would be a benefit to the Board.

Mr. Dohoney said it is a flip of the coin but he would choose Ms. Nelson because she has lived in Great Barrington for 13 years.

Mr. Culleton said he would like to have both candidates on the Board but he agreed that it would be good to have a professional engineer on the Board.

Mr. Dohoney asked Mr. Fick if his application could be kept on file to reactivate when an opening comes.

Mr. Fick said yes.

Ms. Schroeder made a motion to recommend that Brandee Nelson be appointed the Associate Member to the Planning Board and recommend that the Board of Selectmen also approve Ms. Nelson, Mr. Culleton seconded, all in favor.

**DEFINITIVE SUBDIVISION: KINO LANE**

Mr. Hankin said the meeting is being recorded. Mr. Dohoney made a motion to reopen the continued public hearing, Mr. Culleton seconded, all in favor.

The meeting was reopened at 6:23 P.M.

Michael Parsons and Chris Tryon from Kelly, Granger, Parsons and Associates were present with the applicant Tyler Malik.

Mr. Parsons said everything had been discussed at the previous meetings except for the final landscaping plan which we submitted prior to the meeting for the Board's review. Mr. Parsons also gave the Board the covenants and road maintenance agreement to be submitted to Town Counsel for review. He said he would submit the easement and maintenance agreement.

Mr. Hankin asked if Ms. Malik would be responsible for the road maintenance.

Ms. Malik said yes she is taking responsibility.

Mr. Rembold said the landscaping plan took the Board's recommendations and applied them to the plan. They seem to provide all the information requested by the Board.

Mr. Hankin said the landscaping plan is the minimum amount of planting required. The applicant can plant as much as she wants but this will be required. The rest has nothing to do with the Planning Board.

Ms. Schroeder said she has no comments about the plan —it is ok even though she is not in favor of the project.

Mr. Culleton had no comments.

Mr. Dohoney said the landscaping plan is acceptable. He said it is the best case scenario and therefore he is willing to waive the street tree requirement.

Mr. Hankin said he feels the landscaping plan is adequate and done. He said this project has been beaten to death and asked if there were any further comments before closing the public hearing.

Nicholas Sotis an abutter read a letter dated 6-16-11. He requested the location of the house be changed.

Mr. Hankin said that is not part of our jurisdiction.

Mr. Sotis said he is offended at the length of the road being 666 feet. He said there is satanic basis in that number.

Mr. Hankin said although he respects the work of Mr. Parsons and Mr. Tryon he did not expect that the road would be exactly 666 feet in length.

Mr. Parsons said there was no satanic intent when the road was measured.

Mr. Hankin asked if there were any other comments.

Judy Waldman from 114 Hurlburt Road said her main concern is the water and she hoped the Planning Board would retest the water to confirm if the water is clean as Mr. Sotis has detected e coli. There is too much at stake.

Seth Stockwell from 140 Hurlburt Road asked if the Planning Board had the authority to request further testing.

Mr. Hankin said that is the responsibility of the Board of Health and the Conservation Commission. The Board of Health heard the neighbors concerns at a recent meeting and they found nothing to change their positive recommendation.

Mr. Dohoney said the water issues are not within our purview. Any information regarding pollution issues should be directed to DEP and the Board of Health.

Helen Stockwell asked if the Board could delay their vote until it has been reviewed by the Board of Health.

Mr. Hankin said there is a statutory deadline that we are close to; we are going to vote tonight.

Mr. Stockwell said if my well is in jeopardy I want to know what I can do.

Mr. Parsons said the applicant has been through two meetings with the Conservation Commission and two with the Board of Health. The current septic system passed the inspection and there are no Board of Health or Conservation Commission issues. These concerns do not belong here.

Mr. Hankin said there is an appeal process of 20 days once the decision is filed. The decision can be appealed to Superior Court. He said this is not a recommendation just informational.

Mr. Dohoney made a motion to close the public hearing, Ms. Schroeder seconded, all in favor. The public hearing was closed at 6:38 P.M.

Mr. Rembold had presented the Board with a draft of a possible decision the draft had been distributed to the Board. The draft was dated 6-23-11.

Mr. Hankin asked for comments from the Board.

Mr. Dohoney made a motion to approve the definitive subdivision plan for Kino Lane subject to the conditions in the draft dated 6-23-11, Ms. Schroeder seconded.

Ms. Schroeder addressed the abutters saying the Board really cares about maintaining agricultural land. The initial problem with this plan was the original division. It is unfortunate that an OSRD had not been considered. She said perhaps the Board should look at the bylaws to see if the Town can adopt some type of zoning to protect agricultural land.

Mr. Hankin said he did not know if an OSRD plan can be mandated by law.

Mr. Rembold said perhaps it could be changed from a special permit process to a bylaw.

Ms. Schroeder said she would suggest the Board consider a conversation on the topic.

Mr. Culleton said the look of this project will soften over time and fit in with the nature of Hurlburt Road. Over time it won't seem so abrupt. He said he hopes that in time the neighbors will be happy.

Mr. Dohoney said the environmental and water quality concerns are legitimate but not within our purview. We have letters from the Board of Health and Conservation Commission advising us that they have no issues. The plan conforms, so it is our duty to approve it. The planning for this land is terrible and it would be good to find ways to close the loop holes that allow this type of development and keep it from happening to other parcels of land.

Mr. Hankin said that as difficult as this has been at times he liked that the neighbors have attended the meetings and contributed their comments and concerns. He encouraged them to continue to be involved in the preservation of farm lands.

Mr. Hankin called for a vote on the motion to approve the definitive plan. All in favor.

**TOWN PLANNER'S REPORT:**

Mr. Rembold said there will be two workshops at the Fire Station. One on July 13 put on by BRPC and the other on July 14 to discuss the Master Plan. Both meetings will start at 7:00 P.M.

**MASTER PLAN MEMBER AT LARGE:**

Barbara Bailey was present as the interested citizen to participate as the Master Plan member at large.

Mr. Dohoney made a motion to appoint Ms. Bailey as the Master Plan Member at Large, Ms. Schroeder seconded, all in favor.

**OTHER ISSUES AND CONCERNS:**

The Board briefly discussed a site plan review application for Aegean Breeze on Stockbridge Road. The application is to put a roof over an existing loading dock in the back of the building.

Mr. Rembold said this is the extension of an existing commercial use that is the trigger for the application but it seems to be such a simple issue that it could be addressed at the next meeting even though the Board has until the end of August to make a decision.

Ms. Schroeder said it does not seem that the Board needs to do a site visit for this application. The rest of the Board agreed. As this application for site plan review was not received in time to make it on the agenda, no action was taken.

The Board set a site visit for the special permit application for Verizon Wireless for the expansion of a preexisting non-conforming use at 29 Lewis Avenue, Fairview Hospital for July 14, 2011 at 5:15 P.M.

Planning Board  
June 23, 2011  
Page 6

Mr. Dohoney said he would not be present at the site visit or vote on the application as he is a board member for Berkshire Health Systems.

Mr. Dohoney made a motion to adjourn, Ms. Schroeder seconded, all in favor. There being no further business the meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Kimberly L. Shaw  
Planning Board Secretary