

DATE: March 31, 2011  
TIME: 7:00 P.M.  
PLACE: Selectmen's Meeting Room  
FOR: Special Meeting for Public Hearing  
PRESENT: Donald Goranson, Chairman; Jonathan Hankin; Suzanne Fowle Schroeder;  
Richard Dohoney  
Ethan Culleton, Associate Member  
Chris Rembold, Town Planner

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

**SITE PLAN REVIEW: VAN WAGNER**

Mr. Goranson said that three members of the Planning Board conducted a site visit at 531 South Main Street at 6:15 P.M.

John Van Wagner, the applicant was present.

An application for site plan review was submitted by Mr. Van Wagner for 531 South Main Street. Mr. Van Wagner intends to change the use of the building from a two-family dwelling to a professional office for one professional.

Mr. Hankin asked what lighting there would be.

Mr. Van Wagner said there are two flood lights on the garage and a light on the side of the building. He said the lights currently exist.

Mr. Hankin asked what type of sign would be put up and where it would be located.

Mr. Van Wagner said he planned to put in a wooden sign on a post in the front.

Mr. Hankin asked Mr. Van Wagner if he intended to pave the driveway.

Mr. Van Wagner said he planned to remove the existing asphalt and replace it with airport mix. He said he might repave it but it would be a year or two before that would be done.

Mr. Hankin asked if he had a plan for snow removal. He said this year the snow was pushed onto the abutting property.

Mr. Van Wagner said he intended to use a snow blower to clear the driveway. He said if there were another winter like this past winter he would make arrangements to have the snow hauled away.

Mr. Hankin strongly suggested that Mr. Van Wagner talk to his neighbor behind him to find out if they want some vegetated screening of the parking area. The neighbor to the south didn't care but the other neighbor should be contacted. He told Mr. Van Wagner

that he has to be sensitive to light spilling onto the abutting property. Any lighting would require horizontal cut-offs and downward directed lighting.

Mr. Goranson read through the site plan review checklist.

Mr. Hankin made a motion to approve site plan review with the following conditions, that the project be built in substantial conformance with the plans submitted, the site lighting be in conformance with zoning and accommodations as necessary be reached with the neighbor to the east, Ms. Schroeder seconded, all in favor.

**MINUTES: MARCH 24, 2011**

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

**PUBLIC HEARING: HOUSATONIC MILLS REDEVELOPMENT OVERLAY DISTRICT (HMROD)**

Mr. Hankin made a motion to open the public hearing for the Housatonic Mill Redevelopment Overlay District, Ms. Schroeder seconded, all in favor. The public hearing was opened at 7:15 P.M.

Mr. Goranson announced that the meeting was being recorded. He read the public hearing notice into the record. The meeting notice was published in the Berkshire Record on March 11 and March 18, 2011. It was posted in the Town Hall and the Police Department. Notices were mailed to the nine towns abutting Great Barrington and BRPC.

Mr. Hankin said that when zoning was first adopted the Planning Board looked at the fabric of the area in order to impose zoning to reflect what is there. Today there are factories that are unused. There are no longer industrial uses to use them and Housatonic needs a shot in the arm. The current zoning is industrial that will not accommodate many other types of uses. It is unlikely that an industrial use will come around so zoning needs to be in place to accommodate future unknown uses. In response to two suggested uses we have come up with zoning that will accommodate any use with the exception of bulk fuel storage. Except for by-right uses all other uses would be allowed by special permit which would allow for redevelopment with oversight by the Planning Board. The special permit process requires a public hearing that gives abutters the opportunity to comment. At the conclusion of this public hearing we will vote to send this to the Annual Town meeting or not. The article would require two-thirds majority vote to pass at the Annual Town Meeting.

Mr. Goranson said this bylaw would allow for permitted industrial uses to continue in conjunction with other non-industrial uses.

Attorney Kate McCormick from McCormick, Murtagh & Marcus said she was representing one of the potential developers. At this time the project is on hold but she said she had worked with the Planning Board to help prepare the bylaw. She saluted the Planning Board for their hard work to create a bylaw with an open structure that can allow anyone to utilize the property.

Ms. McCormick said the Planning Board took a hard look at the mills with their large floor space and no land space. This bylaw will allow the Planning Board to work with owners to create uses that work for the buildings. She said she expected there would be some nervousness about changes to downtown Housatonic but this is a good open way to accommodate the needs.

Ms. McCormick said each day it becomes more challenging to resurrect the mills and keep them viable. The overlay district makes sense as it includes the mills and also some of the area south of Route 183 including the Brick House Pub. There are many zoning issues in the area and this bylaw does not solve them all but it is a start by encouraging and allowing redevelopment and revitalization.

Mr. Rembold went through the zoning draft attached to the letter sent to Sean Stanton chairman of the Board of Selectmen dated March 8, 2011.

A member of the audience, Ronnie Cunningham, from 1051 Main Street, asked about razing the structures. She said one of the structures is nothing more than walls, will it be taken down?

Mr. Hankin said that mill had been purchased by an artist who is using it as a studio. He said he did not know if it would be taken down, although he did think that when last he had seen it, it made a remarkable forecourt.

Ms. Cunningham said there is a statewide formula for affordable housing. She said people need to realize that there is a poorer population in Housatonic that needs to be taken into consideration. She said she has concerns that the residents of Housatonic won't be able to afford to live there.

Mr. Rembold said the affordability of the area is defined by the county based on median income. For a household of 2 the maximum income level is \$54,000.

Carol Diehl of 224 Grove Street in Housatonic, said the proposed plans for redevelopment of the mills would overwhelm Housatonic. She said we don't want to see big development that would overwhelm Housatonic. It would change the character.

How could the practical nature of the community be sustained? She said she was concerned that housing would be built that there would be no demand for.

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Ms. Diehl said it might not be in the best interest of Housatonic to have the permitting process streamlined to one board. The more boards that look at a project provide greater protection. This bylaw would make it easier for a developer but it is not necessarily in the best interest of Housatonic. Any change, no matter how small, will be a big change for the community. She asked if there is any way to measure what the people in Housatonic want.

Mr. Dohoney said the bylaw would have to be passed at the Annual Town Meeting. He said it is up to the residents to show up and vote.

Mr. Goranson said there is also a special permit process that allows abutters to attend a public hearing to comment. All of Housatonic needs the zoning to be reevaluated; we felt we could accomplish a great deal with this initial proposal. He said we did feel that dealing with one board would be the easiest approach but perhaps it would be better to have other boards involved.

Mr. Hankin said the special permit process requires input from other boards. The other Boards would look at smaller specific portions of each plan. The Planning Board would look at the big picture.

Ms. Diehl said she would like to see affordable live-work space. She said she does not want to see big scale multi-family developments.

Mr. Hankin said we can not dictate how the properties get developed.

Ms. Diehl said how many people from Housatonic will go to the Annual Town Meeting? It is an intimate community so any change makes a big difference so we need input into what happens to us.

Mr. Hankin said we have tried to get the community involved but we only have a few people here.

Ms. Diehl said the people are not looking at the details or the impact. They want uses for the mills. The education needs to go on to get an informed voter.

Edward McCormick said he had lived in Housatonic (I think he said Great Barrington – please check) his entire life. The town has evolved during my lifetime. In the mid 1960's the mill properties fell into disrepair. Some entrepreneurs took steps to bring the mills back to usable condition and it brought people into Housatonic. The community

became more vibrant. We had a client come in with a grandiose plan to revitalize the mills. His plan could not happen under the current zoning. If something doesn't happen the mills will not be used, the area will become blighted.

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Mr. McCormick said this community is part of Great Barrington. It is all one town. It is no more of a community than downtown Great Barrington. The Planning Board has done a great job providing a framework to allow redevelopment. It is not a rubber stamp. This approach has worked in other communities with many similar characteristics. This bylaw gives the Town the ability to take a chance.

Robby Baier said there is a chance that there would be a big impact on the community if something happens to the mills but there is an equally great impact on the area if nothing happens because the mills will continue to deteriorate.

Mr. Rembold said there would be no impact on the ground any time soon. The process proposed would be more flexible for someone to utilize. The mills couldn't be rebuilt under the current zoning. The mills are gorgeous structures. The intent of the bylaw is to preserve the mills if at all possible. If someone wants to restore the mills or add on to them this bylaw allows that possibility.

Mr. Rembold said the special permit granting authority, SPGA, will look at all the impacts a project would have on the area and community. The SPGA would depend on the abutters to tell what impacts there might be. Mr. Rembold said he would be willing hold office hours in Housatonic between now and the Annual Town Meeting to help educate anyone who may be interested.

Ms. Diehl said she did not think the residents of Housatonic were up to speed enough to make that offer worthwhile. She said she did not want the Board to think she didn't want redevelopment. She said she just does not want to see the tiny character of Housatonic changed. She said she did not think more housing in Housatonic was a good idea.

Eileen Mooney pointed out that the Conservation Commission would not be exempt from an applicant applying for a special permit.

Mr. Dohoney said that is correct. When attempting to streamline the process not all permitting authority would be exempt only zoning authority. Environmental authorities would not be exempt.

Mr. Goranson read a letter from the Board of Selectmen dated March 15, 2011 into the record. The Selectmen support the proposal with the exception of the Planning Board as the SPGA. The Selectmen felt the SPGA should be the Selectmen as it is with some other special permits.

Ms. Schroeder said she did not understand the Selectmen's reasoning for the recommendation. There was no explanation and no one from the Board of Selectmen was present.

Mr. Rembold said for the sake of discussion it makes sense for the Selectmen to be the SPGA. This bylaw promotes major development that could create jobs. Developers could seek economic and financial incentives that would come under the purview of the Selectmen. A large scale development would add to the tax base.

Mr. Rembold said it also makes sense for the Planning Board to be the SPGA as the Planning Board is able to look at the larger picture beyond what the plans show. A change of use would trigger the site plan review that would need approval by the Planning Board so it makes sense to streamline the process by having the site plan review authority and the SPGA be the same board. It would help to make sure there is no conflict with conditions and maintain consistency. Mr. Rembold said from a planning perspective he would prefer to have the Planning Board be the SPGA.

Mr. McCormick commented that it is irrelevant who the SPGA is. The Planning Board looks at the nuts and bolts of all the special permits. The Planning Board table is where things happen, by the time it gets to the Selectmen everything is already established because the Planning Board is so thorough.

Mr. Dohoney agreed saying that in a practical sense it doesn't make a difference but the Planning Board should be the SPGA.

Mr. Goranson said he is disappointed that no one from the Board of Selectmen is present to discuss this or brought it up for discussion. He said he has tried to reach out to the Selectmen but there is no communication. He said he did not want to have this be an issue at the Annual Town Meeting without the support of the Selectmen. This is a major issue.

Mr. Dohoney said they have consistently maintained that they want to be the SPGA for all special permits.

Mr. McCormick said it would be best to resolve the issue prior to the town meeting.

Mr. Goranson asked if there were further comments. There were none.

Mr. Hankin made a motion to close the public hearing, Mr. Dohoney seconded, all in favor. The public hearing was closed at 8:35 P.M.

Mr. Dohoney said he would make a motion for the purpose of discussion. He made a motion to amend 9.8.3 to change the SPGA to the Board of Selectmen.

Mr. Hankin said he would second the motion for the purpose of discussion.

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Mr. Dohoney said the Selectmen have made a legitimate recommendation but it would be best for the Planning Board to be the SPGA and perhaps make a shift toward the Planning Board being the SPGA for more of the permits.

Mr. Hankin said some of the special permits have shifted back to the Planning Board after the recodification of the bylaws. This bylaw deals with specific planning issues. It would be good to encourage the Selectmen to look more closely at the issues and provide input to us in an advisory role.

Mr. Goranson said the key point is to encourage discussion and more input in recommendations. The Planning Board is the proper board for this authority.

Ms. Schroeder said she agreed with everyone. She said the letter from the Selectmen is brief with no discussion of their position and no one is here to discuss the issue or convey their understanding of HMROD's intent.

Mr. Goranson called on a vote of the motion to make the Selectmen the SPGA. The vote was 0-4. The motion failed.

Mr. Dohoney made a motion to send a favorable recommendation to the Annual Town Meeting on the proposed bylaw with the edits as discussed, Mr. Hankin seconded.

#### Discussion

Ms. Schroeder said there is some risk in having an open overlay district but there is greater risk not having the bylaw and allowing the buildings to continue to deteriorate. She said not everyone is going to love the potential for change but it is worth taking the risk and opening up the opportunity for good change.

Mr. Goranson agreed, there is more risk in doing nothing.

Mr. Dohoney said he appreciates the concern about risk but the risk is very low. The special permit process is a very effective tool that will be in place.

Mr. Goranson called for vote on the motion, all in favor.

Mr. Hankin made a motion to adjourn, Ms. Schroeder seconded, all in favor.

Respectfully submitted,

Kimberly L. Shaw  
Planning Board Secretary