

PLANNING BOARD MINUTES

DATE: January 10, 2013
TIME: 6:00 P.M.
PLACE: Large Meeting Room, Town Hall
FOR: Regular Meeting/Continued Public Hearing for Barrington Brook
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Jack Musgrove; Richard Dohoney;
Brandee Nelson, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 6:00 P.M. Mr. Hankin elevated Ms. Nelson to a voting member.

FORM A'S:

There were no Form A's presented.

MINUTES: DECEMBER 13, 2012

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

SITE PLAN REVIEW:

Bob Coluccio of Web Engineering was present to discuss the site plan review for Amerigas, 69 Van Deusenville Road.

Mr. Coluccio said the request is to remove three tanks then replace them with two. The proposal meets the 50-foot setback of the Industrial zone. Amerigas will meet NFPA requirements and be reviewed by the local Fire Chief and State Fire Marshall. There will be fencing around the new tanks to secure the area and isolate public customers from the loading operations. There would be no increase in storage capacity over the current 60,000 gallons. The applicant will also install guardrails and crash barriers around the tanks. Trucks will enter and exit through the southern gate. Customers will enter and exit through the northern gate near the office.

Andy Moro 251 North Plain Road asked whether the Planning Board would require deluge guns and emergency shutoffs to be installed as fire protection.

Mr. Hankin said that is not our expertise and we will leave that to the Fire Marshall.

Mr. Musgrove made a motion to approve the application with the conditions that lights be not more than 20 feet high, that they have horizontal cutoffs, that no light leave the site, and that the light source not be metal halide, Ms. Schroeder seconded, all in favor.

PUBLIC HEARING FOR BARRINGTON BROOK CONTINUED FROM DECEMBER 13, 2012:

Mr. Musgrove made a motion to reopen the public hearing for the Barrington Brook Open Space Residential Plan, Ms Schroeder seconded, all in favor. The public hearing was reopened at 6:30 P.M.

Present on behalf of the applicant was Jim Scalise, engineer from SK Design Group, Attorney Kathleen McCormick, applicants Edward McCormick, David Ward and Matthew Ward.

Mr. Scalise made a slide show presentation comparing the 44-unit plan with a conventional subdivision on the site. He gave the Board print out of the presentation date January 10, 2013, a full sized set of plans, and a binder of additional information about the 44-unit plan.

Mr. Scalise said the current subdivision approved for the site has not worked. The 15 lot subdivision is being abandoned for the Open Space Residential Plan. The mathematical calculations were presented demonstrating that the land could mathematically support 67-82 units.

Mr. Musgrove said under the bylaw 67 units could be built.

Mr. Scalise said yes. The OSRD in its present configuration is for 44 units with 78 acres of open space. The density has been reduced from the first submission of 59 units with more diversity in the housing. A definitive subdivision plan will be submitted once the special permit has been approved.

Planning Board
January 10, 2013
Page 2

Mr. Scalise said 53% of the developable land has been protected exceeding the required 50%. Mr. Scalise said the setback area has been included in the open space numbers. He said it is at the discretion of the Board to allow the setbacks to be counted in the open space calculations. Without the setbacks included as open space the open space would be 48% of what is required.

Mr. Scalise said he had prepared one site plan set. He said the plan provides everything you need for consideration of the special permit including contour lines and building elevations. The original 59 units have been reduced to 28 clustered units and 16 small estate lots for a total of 44 units.

Mr. Scalise said he maintained a 300 foot setback from the Epstein property. The 300 foot setback also applies to the Navorino property. There is a 200 foot setback around Mr. Klemp's property.

Mr. Scalise said there are five different building styles proposed in an effort to create variety. There is a small scale set of elevations.

Mr. Hankin asked the Wards why there are no windows shown on the side elevations.

Matthew Ward said there are no windows on the sides because the houses are so close together.

Mr. Hankin said you are missing an opportunity for light and air in the house.

Mr. Scalise said there are many technical topics that are more relevant under the subdivision regulations. He said topography for the entire project would be discussed during the subdivision phase. The specificity of this project will shift to the subdivision portion. In general it has been established that the Town sewer system can handle the development and the issue of sufficient water pressure was eliminated when we eliminated the portion of road that created the issue. Booster pumps in the houses may be used to provide enough pressure for the second floors. We are confident this will work and Tighe and Bond agreed when it was discussed with them.

Mr. Scalise said he had not provided a revised storm water plan. He said existing retention basins would be reworked to handle drainage. This will be discussed in detail during the subdivision process.

Mr. Scalise said there was an issue raised at the last meeting regarding the steepness of one of the driveways. He said the first 40 feet would be at 2% grade then the grade goes to 9% before leveling out at the house site.

Mr. Scalise said the project does not meet the threshold to require MEPA review. He said there are no significant traffic issues. The thresholds for Conservation Restrictions are not met on this site. He said a letter from Forester James Wilson Kelly dated 1-9-13 supported protecting the open space in this project.

Mr. Scalise concluded his presentation.

Mr. Hankin said it is a new proposal to split the OSRD from the subdivision. The project can not be built without receiving subdivision approval. At this stage the applicant is proposing that the detailed engineering would be deferred to the subdivision portion of the process.

Ms. Nelson agreed that there is more engineering needed but it is not required for the OSRD.

Mr. Scalise suggested the Board in their recommendations use minimums and maximums such as a maximum of 44 units would be approved and a minimum of 50% open space would be required. This leaves a little flexibility in the design.

Ms. McCormick reviewed the proposed findings for approval and the proposed conditions for approval, both documents dated January 10, 2013. Ms. McCormick also referred to the letter from James Wilson Kelly date January 9, 2013 saying that the Barrington Brook property does not tie into a trail system but the forest is linked to adjacent forests providing for a healthy wildlife habitat.

Mr. Hankin asked who would be responsible for the overall maintenance of the property prior to the completion of the build out.

Planning Board
January 10, 2013
Page 3

David Ward replied that the developer would be responsible for maintenance until all the units have been sold.

Mr. Dohoney said a plan for maintaining the open space might be better prepared after approval of the OSRD.

Mr. Scalise said it would make sense to prepare that plan in the spring when the weather improves.

#9 of the conditions states that an open space plan would be completed.

Mr. Musgrove said the plan will be completed and approved by the Planning Board.

Ms. McCormick agreed. She concluded her review of the findings and conditions.

Mr. Scalise said he thinks the project as proposed meets the special permit requirements. He said the application is complete and asked the Board to accept it for deliberation.

Attorney Charles Ferris who arrived after the discussion began asked if there had been changes from the plan presented at the last meeting.

Mr. Scalise said there was a little change in Phase II of the project but that the distance from the Epstein property had been maintained. Mr. Scalise was clear that the setback from the Epstein property would be maintained regardless of any other changes.

Mr. Hankin asked the Board if they had any questions. There were none. He asked the audience if there were any questions there were none.

Mr. Rembold gave a summary of two letter received. A letter was received from Dana Dapolito dated January 7, 2013 and one from Richard Epstein dated January 10, 2013. Both letters expressed continued opposition to the project. The letters are on file in the Town Clerk's office.

Mr. Hankin explained that there may be some confusion because there is an approved 15-lot subdivision for the property. The developer has a right to file for a new project. If that project were to be submitted in compliance with the subdivision regulations and with no waiver requests the project would be able to receive rubber stamp approval.

Mr. Hankin asked if there were any additional comments.

Mr. Ferris suggested the project be limited to 40 units as Mr. Epstein had said he would not litigate should that number be approved.

Mr. Hankin said the most recent letter received from Mr. Epstein did not state that.

Mr. Ferris said he had not been copied on that letter.

Mr. Dohoney asked what the difference was between 40 and 44 units. He asked if Mr. Epstein had some planning reason for the number of units.

Mr. Ferris said both are more than the 15 originally approved.

Mr. Dohoney said there is no planning rationale.

Mr. Ferris said if the Town wants to get this project done it may be made easier with the minimum of 40 units.

Mr. Hankin said condition #10 is written that there would not be more than 44 units. The developer may decide to have less than 44 but they will not exceed that many.

Planning Board
January 10, 2013
Page 4

Mr. Dohoney asked Mr. Scalise if he anticipated requesting waivers for the subdivision.

Mr. Scalise said he did anticipate waiver requests for road width and sidewalks.

Mr. Rembold asked the Board if they wanted to keep the hearing open in the event there were proposed changes in the conditions.

Mr. Hankin said the Board does not need to negotiate its decision. The hearing does not need to remain open, if we have all the information.

Ms. McCormick agreed saying the applicant is happy with the submittal.

Mr. Musgrove made a motion to close the public hearing, Mr. Dohoney seconded. Roll call vote:

Ms. Nelson yes

Mr. Dohoney yes

Mr. Musgrove yes

Ms. Schroeder yes

Mr. Hankin yes

The motion passed 5-0. The public hearing was closed at 7:50 P.M.

Mr. Hankin asked if everyone would be at the next meeting to deliberate. It appeared that everyone would be present but it was also determined that because everyone was present for the public hearings that remote participation would be available if someone was not able to attend.

Mr. Musgrove, Mr. Dohoney and Ms. Schroeder will not be available for the February 14 meeting. The deliberation will be scheduled to begin at the January 24th meeting with further discussion of attendance at that meeting.

Mr. Hankin said there is a requirement for the decision to be made within 60 days of closing the public hearing. He said the Board would make a decision as expeditiously as possible.

Mr. Rembold corrected that the decision had to be made within 90 days of closing the public hearing.

Mr. Hankin said there is a joint meeting with the Selectmen, Energy Committee, Agricultural Committee and Planning Board to discuss sustainability on January 30 at the Fire Station starting at 7:00 P.M. The Board could consider holding a meeting at 6:00 on that date to vote if necessary.

TOWN PLANNER'S REPORT:

Mr. Rembold told the Board there will be a 5th Thursday dinner meeting at BRPC on January 31. He said he and Mr. May would be attending and if any Board members would like to attend to let him know so a reservation could be made.

Mr. Rembold said BRPC has concluded their Village Center analysis for Housatonic. The analysis will be discussed at a future meeting.

There was a brief discussion of a solar bylaw. Mr. Hankin said the Board had considered a bylaw but determined that it was not practical.

Ms. Nelson, who is also a member of the Energy Committee, said the Town should have some standards in place, we should not be silent on the issue.

It was determined that this topic would be discussed at a future meeting.

Mr. Rembold said he would draft some findings for Barrington Brook for the Board's consideration.

Mr. Dohoney said the finding should be submitted to Town Counsel prior to the Board's approval.

Planning Board
January 10, 2013
Page 5

Mr. Hankin said there was concern expressed about construction traffic. He said there could be a condition to limit access from Division Street and not North Plain Road.
The Board decided this would be a condition for subdivision approval.

Mr. Musgrove made a motion to adjourn, Mr. Dohoney seconded, all in favor. The meeting adjourned at 8:20 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

Additional Information:

- Barrington Brook Open Space Residential Development handout dated January 10, 2013
- Proposed Conditions of Approval for Stone Path Development, Inc. D/B/A Barrington Brook OSRD Special Permit dated January 10, 2013
- Proposed Findings for Stone Path Development, Inc. D/B/A Barrington Brook OSRD Special Permit Findings dated January 10, 2013
- Letter from James Wilson Kelly dated January 9, 2013
- Letter from Dana Dapolito dated January 7, 2013
- Letter from Richard Epstein date January 10, 2013

