

PLANNING BOARD MINUTES

DATE: January 31, 2013
TIME: 6:00 P.M.
PLACE: Large Meeting Room
FOR: Special Meeting for Continued Public Hearing
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. Dohoney had not yet arrived.
Mr. Hankin elevated Ms. Nelson to a voting member.

FORM A'S:

There were no Form A's presented.

MINUTES: JANUARY 24, 2013

Mr. Musgrove made a motion to approve the minutes of January 24, 2013 as amended, Ms. Schroeder seconded, all in favor.

SPECIAL PERMIT: STUDIO ONE CONTINUED PUBLIC HEARING

Mr. Musgrove made a motion to reopen the public hearing, Ms. Schroeder seconded, all in favor.
The public hearing was reopened at 6:01 P.M.

Mr. Hankin announced the public hearing was being recorded. He said the special permit is for a single family dwelling unit at 410 Park Street, Housatonic.

Present on behalf of the applicant were attorney Lori Robbins, Nick Anderson from Berkshire Engineering and architect Grigori Fateyev.

Mr. Anderson presented the Board with a revised plan based on comments from the last meeting. He said the zoning chart had been corrected to accurately reflect the numbers on the plan. He said the LP gas tanks had been relocated to the courtyard area. He said the site work that would have to be accessed from Grove Street had been eliminated. He said the gas tank would be one large tank instead of two so the setback requirements would not be an issue.

Mr. Anderson said there would be a handicap accessible entrance from the parking lot to the building. He said the roof would be constructed to collect rain water that will be put into a drainage system under the patio. The water would be treated before being put through the mechanics for the water feature and the on site irrigation system.

Mr. Dohoney arrived.

Mr. Fateyev said a six foot high fence would wrap around the property line.

Mr. Rembold said a fence in the front yard is highly regulated. There is less regulation for the side and back yards but the fences in the side or back yards can not exceed six feet.

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Mr. Anderson commented that the DPW switch out would have to reviewed and approved.

Mr. Hankin said the site plan does not show the extent of the turf block.

Mr. Anderson said the entirety of the yard except what is a vegetated garden would have turf block.

Mr. Hankin said there are no dimensions on the plans for the floor plans or the footprint. He referred to the chart for the break down of each floor and elevator shaft but there was not total.

Mr. Musgrove said the property is non-conforming, is the non-conformity being extended?

Mr. Anderson said the non-conformity is not being extended. He said the elevator tower would be 21.2 feet from the property line.

Mr. Hankin asked about the proposed plantings.

Mr. Anderson said the plants haven't been specified yet. He said a landscaper associated with Project Native has been consulted.

Mr. Fateyev discussed the lighting scheme. He presented a schematic for the building and the patio area. He said the lights would be LED and downward directed. He said there would be benches in the patio area that would have small step lights in them. The patio doors would have a strip of LED, 10 watts, in the soffit. He said there would be similar elements to light the stairs. All of the lighting would be downward directed. He said each landing would have downward directed sconces. He said the sconces would also be in the patio area and on the exterior in various locations. All of the lights would be downward directed and shielded so the light grazes the surface of the wall. There would be a series of bollards leading to the entrance along with another canopy light at the entrance. A sconce will be located at the entrance to the accessory dwelling unit.

Mr. Musgrove said no light will leave the site.

Mr. Fateyev said no light will leave the site.

Ms. Nelson asked if there would be any light modeling.

Mr. Fateyev said no but we are working with a light specialist.

Ms. Nelson said the plan should specify 0 light at the property lines.

Mr. Fateyev said there may be a small low intensity light to up-light one of the trees.

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Mr. Hankin objected to uplighting and said the tree could be lit with down lights.

Mr. Fateyev said downlighting would only work if it were used in a big tree.

Ms. Nelson asked if there was a plan to bring in a big tree.

Mr. Fateyev said there may be some big trees and a series of small bushes. He said the lights would be tailored to the tasks they are being used for.

Ms. Nelson asked if the lights would be on all night.

Mr. Fateyev said not all night.

Ms. Nelson said the lights should not be on all night.

Mr. Hankin said the stairway screening shown on the renderings does not appear on any of the plans or elevations.

Mr. Fateyev said the plans are still a work in progress.

Mr. Hankin said it is not unreasonable to ask for the drawings to be co-ordinated, if we are going on vote on the plan. He said it is not clear what new work is being done in the elevator/lobby area. He said it looks like the first floor is being pushed out.

Mr. Fateyev said yes it is being pushed out about three feet.

Mr. Hankin said there are no dimensions for the floor plans. He asked for the dimension of the elevator car.

Mr. Fateyev said it is 9x10, a large elevator.

Mr. Anderson said it meets all of the codes for building and ASME. We designed it big not knowing what future uses it may have.

Mr. Hankin said there are no specific plantings shown on the plan.

Mr. Fateyev said the patio outside would have a vegetated area with trees and other plantings.

Mr. Hankin said it doesn't make sense to plant trees where you expect to have a truck delivering gas and requiring access to the proposed mechanical area at the northeast corner of the building.

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Ms. Robbins said this is a renovation of an adaptive reuse of an old mill building. There are substantial renovations proposed. The renovation will not be substantially detrimental. It is intended to be in keeping with the neighborhood.

Ms. Robbins pointed out that a previous concern over the rusted look of the elevator tower was considered but looking at other areas in the vicinity such as the rusty water tower, the original proposal was not changed.

Ms. Robbins said there would be an increase in the tax base, less traffic impact than the previous use and minimal impact on the water and sewer systems. There would be no negative impact on the environment. Zoning does not require interior dimensions. The special permit is for a single-family use that may be adapted for a future commercial use.

Mr. Fateyev said he had a sample of Cor-Ten. He said it is a contemporary material that appears old and weathered. He said the natural patina of the material is a good match with the brick. He said the strategy is to purchase the material in advance to let it pre-weather so it would be ready when it is time to put it in place. He demonstrated that there are grooves for interlocking the panels.

Mr. Hankin said he has concerns about the material because the goal is revitalize the area. This material highlights the rust belt part of New England. He said he drove around Housatonic and found that except for the water tower and the bracketing on the train station there was no rust visible.

Mr. Fateyev said the material is native to that vernacular. Cor-Ten has been used for 25 years. It is an interesting and exciting material that is used from residences to museums. He said it has a long history with artists for many years.

Ms. Robbins said the material compliments the brick. It does not project decay but rather revitalization.

Mr. Hankin said he is not sure it does.

Dale Culleton from 212 North Plain Road was present in the audience. Mr. Culleton said he is the construction manager for the project. He said he is not feeling strongly that Cor-Ten is used or another type of steel. He said the point of Cor-Ten is that it is a surviving steel not a deteriorating steel shell with a color. He said he will be looking at it as he is an abutter of the north and west boundaries.

Mr. Musgrove said he likes it better in person than the rendering.

Mr. Fateyev said the color changes a little depending on the light.

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Ms. Schroeder said the design shows a lot of thought and sensitivity which is all we can ask for as a board. She said she does not feel the need for the board to micro-manage the colors.

Mr. Musgrove agreed. He said it is a matter of taste.

Mr. Hankin asked if there were any other comments from the audience. There were none. Mr. Hankin read an e-mail dated January 20, 2013 from Holly Harmon into the record. The e-mail was supportive of the application except for the sound studio on the first floor.

Mr. Fateyev said an attempt is being made to deal with the sound levels. He said the sound had been measured and it does push the limit for day time decibels. The town's sound standards for the evening hours are even stricter. He said there is no way to insulate the building to limit the sound. He said the plan is to turn it down. He said there is no plan to have a professional sound studio in the building.

Ted Piontek was in the audience. He said the problem is they start playing at 10 or 11 at night. The time they are playing is the concern. He said it is not as loud as it had been.

Mr. Musgrove said if the noise is bothering the abutters they should call the police. That is the advice from the Police Department. Mr. Musgrove said it was explained to him that if the abutters call, the police will respond and measure the decibels with a meter they have in their cars. If the sound level exceeds the acceptable level, the police will tell the offenders to turn the noise down. The second time they will be told to turn the noise off, and the third time they will be arrested. Mr. Musgrove said there is no excuse for there to be loud music at 10 PM in that area.

Charles Ferris was in the audience. He commented that it is amazing that this building would be rehabilitated. He said it is a dramatic use of the space and wonderful for the Town. He said the debate over the surface material is concerning as the Town should not be able to impose aesthetic choices. He said this is a positive project for Housatonic.

Mr. Hankin said he wants to see the screen for the stairway on the drawing. He said none of the drawings before us have been stamped. He said there is a requirement in the bylaws for the plans to be stamped. He said the complete plans need to be submitted while the public hearing is open because nothing new can be submitted after the public hearing has been closed. He said he wants an accurate reflection of the proposal.

Mr. Fateyev said he would take care of it.

Mr. Culleton asked what the function of the Board is. He said there is an understanding of what the vertical element is doing, why do we have to wait a month to be able to move forward?

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Mr. Hankin said he wants to know what he is voting on. He said he thinks there are a lot of holes in the drawings. He said he is open to continuing the public hearing to a later time tonight. He said it is not anyone's goal to hold up the project. He said he just wants to see everything agree. Mr. Hankin said there is another matter that needs to be dealt with before Mr. Dohoney has to leave at 7:45 P.M.

Mr. Musgrove made a motion to continue the public hearing to 7:30 P.M., Ms. Schroeder seconded, all in favor. Mr. Dohoney abstained. The public hearing was continued at 7:15 P.M.

BARRINGTON BROOK:

The Board had a new draft of the decision with the amendments suggested by Ms. Schroeder dated 1-24-13 SFS edits 1-28-13.

The Board reviewed the draft with Ms. Schroeder's edits page by page, by line. There was extensive discussion of the document and language. Ms. Schroeder had specific concerns about the wording of the document. She wanted to make sure the language reflected the Board's intent and did not convey something else. She wanted it made clear that the Board's support of the open space was not so much because there was a considerable amount of open space being protected, but rather more open space would be protected with this plan than with a conventional subdivision plan.

Ms. Schroeder was concerned about the maintenance of the open space especially if the home owners association were to fail. After some discussion Mr. Musgrove suggested that we need to see a maintenance plan during the definitive plan discussion.

Ms. Schroeder also had strong concerns about the language referring to wildlife habitat. She said there was not evidence submitted to support that habitat had been delineated or that it was being protected.

Ms. Schroeder had ongoing concerns about the traffic impact from this development. The Board shared her concerns but the majority felt that the traffic/pedestrian issues on Lake Mansfield and Christian Hill Roads were existing and perhaps more traffic on these roads could make the Town aware of the need to make the necessary upgrades.

Mr. Rembold said the developer had proposed to contribute a small amount of money that could be used to calm the conditions on Lake Mansfield Road.

There was more discussion of ecological integrity and the lack of findings submitted by the applicant to support the claims. The Board agreed that there was a lack of supporting

information, but ultimately it needed to be made clear that for many of the issues the OSRD is a better plan than a conventional subdivision.

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After going through each of Ms. Schroeder's suggested amendments the Board went back through the document to make some minor grammatical and clarifying changes. The Board agreed on the language and the substance of the document. In an effort to make a motion on the decision they agreed to approve the document and to sign the document subject to the final language.

Mr. Musgrove made a motion to grant the special permit for an Open Space Residential Development plan based on the findings in the document as discussed and amended tonight, Mr. Dohoney seconded.

Mr. Dohoney said the guiding factor in this decision is the comparison to a conventional subdivision.

Mr. Hankin said this is in no way a perfect plan. The bylaw was written to encourage this form of development. He said the project is served by town water and sewer and it is physically isolated. He said there are many reasons to have this development here.

Ms. Schroeder said she appreciated the clustering of the OSRD and the project may be better than a conventional subdivision. She said she does not have confidence in the open space management being managed wisely.

Ms. Nelson said she appreciated the diverse view points.

Mr. Hankin called for a roll call vote on the motion:

Ms. Nelson aye

Mr. Dohoney aye

Mr. Musgrove aye

Ms. Schroeder nay

Mr. Hankin aye

The motion passed 4-1.

Mr. Dohoney made a motion to reopen the public hearing for Studio One, Mr. Musgrove seconded, all in favor. The public hearing was reopened at 9:04 P.M.

Mr. Fateyev presented revised set of drawings showing the dimensions and the stairway with screening on the north elevation with call outs on the plans.

Mr. Hankin said the plans have to be stamped prior to approval.

Mr. Fateyev said he would return tomorrow and sign the revised plans.

Mr. Culleton said he has been a builder for 30 years. He said it is a fluke that someone came along and took this project on. People will struggle to make the renovations of these mills economically viable. He said he is thrilled that someone came along and is willing to improve this mill to this extent. Mr. Culleton said he welcomes the change and improvement.

Mr. Hankin asked if there were any additional comments. There were none.

Mr. Musgrove made a motion to close the public hearing, Ms. Schroeder seconded, all in favor. Mr. Dohoney abstained. The public hearing was closed at 9:20 P.M.

Mr. Hankin said he wanted to do the findings for this special permit along the same model as what we just did with Barrington Brook. He said he thinks this Bobrowski model is a good model and we should use it.

Ms. Nelson said she had gone through the draft finding prepared by Mr. Rembold and they seemed acceptable.

Mr. Rembold said there are three waivers being requested one for the lot area for a residential use, one for the maximum height of the elevator tower and one for the maximum lot coverage.

Mr. Hankin said he agreed on the substance of the draft findings but he wanted to take a crack at the final language. He said a vote could be taken subject to the final draft of the finding. He said he would like to restructure and run by Town Counsel.

Mr. Rembold said he thought it might be premature to vote.

Ms. Robbins said the applicant would be agreeable to specific language limiting the use to what has been proposed.

Ms. Nelson said she would like to vote tonight.

Mr. Hankin said he supports the findings in hand, but it is not what he wants to vote on.

Mr. Musgrove said you want to change the format.

Mr. Hankin said yes. He said he wants a document that would be defensible.

Ms. Nelson said substantively it won't change. Why can't we vote on it?

Mr. Musgrove agreed that he too wanted to vote.

Ms. Schroeder agreed there had been a lot of work it wouldn't be fair to make them wait until February 28th.

Mr. Musgrove said he didn't have a problem with the draft being in a different format he was prepared to vote on it.

Mr. Musgrove made a motion to approve the special permit according to the findings and conditions discussed tonight in EXHIBIT A Special Permit Findings SP#804-12 for Studio One LLC under HMROD, Ms. Schroeder seconded.

Ms. Nelson Aye
Mr. Musgrove Aye
Ms. Fowle-Schroeder Aye
Mr. Hankin Aye
Mr. Dohoney Abstained

SPECIAL PERMIT:

The Board reviewed a special permit application submitted on behalf of Jan Wojcik to build a carport at 1 Roger Road. The special permit is before the ZBA for a pre-existing non-conforming use. After review the Board determined the application was incomplete and they were not able to make a recommendation.

Mr. Dohoney made a motion that we can't make a recommendation because the application is incomplete, Mr. Musgrove seconded all in favor.

Ms. Schroeder needed to leave so the Board briefly discussed the next meeting. Mr. Musgrove and Ms. Schroeder will not be able to attend on February 14th. Ms. Nelson and Mr. Dohoney said they could attend. The meeting will be held at 6:00 P.M. at Town Hall on February 14th. Ms. Schroeder left at 10:15 P.M.

TOWN PLANNER'S REPORT:

Mr. Rembold said there is a special permit recommendation and site plan review for Verizon at the next meeting. The Board set a site visit for 5:30 P.M. meeting across from the Berkshire Co-Op Market.

Mr. Rembold asked about zoning issues for the Annual Town Meeting.

Mr. Dohoney suggested adopting the Mullin Rule for the Planning Board to allow a member to be able to vote on an application if a portion of a public hearing is missed, but the recording is listened to and all materials submitted in the public hearing are reviewed.

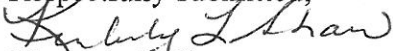
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Mr. Musgrove made a motion to forward the Design Advisory Committee amendment submitted by Mr. Hankin to the Board of Selectmen for the warrant, Ms. Nelson seconded, all in favor.

Mr. Musgrove made a motion to adjourn, Ms. Nelson seconded, all in favor. There being no further business the business was adjourned at 10:25 P.M.

Respectfully submitted,



Kimberly L. Shaw

Planning Board Secretary