

PLANNING BOARD

DATE: October 2, 2012

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting/Continued Public Hearing

PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Jack Musgrove;
Ethan Culleton; Richard Dohoney
Brandee Nelson, Associate Member
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:02 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: SEPTEMBER 27, 2012

Mr. Musgrove made a motion to approve the minutes of September 27, 2012 as amended, Mr. Dohoney seconded, all in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Planning Board has a special permit to consider as the special permit granting authority. The application is for a freestanding sign in a residential district for Project Native at 342 North Plain Road Housatonic.

The Board scheduled a site visit for 5:30 P.M. on October 25.

OTHER ISSUES AND CONCERNS:

There were no issues or concerns.

**PUBLIC HEARING: CONTINUED FROM SEPTEMBER 12, 2012
BARRINGTON BROOK**

Mr. Hankin advised that the meeting would be recorded. He said this will be a continuation of a public hearing and it is a formal proceeding.

Mr. Musgrove made a motion to reopen the public hearing for Barrington Brook, Ms. Schroeder seconded, all in favor. The public hearing was reopened at 7:15 P.M. Mr. Culleton can not vote as he missed one of the public hearings.

Mr. Hankin began the meeting asking if Barbara Elder, Suzette Prigmore, Dana Coleman, Kate Pichard, Dana Dapolito or Karen Christenson authors of a letter sent to Sean Stanton, chairman of the Board of Selectmen, were present.

Ms. Dapolito indicated she was in attendance.

Mr. Hankin asked Ms. Dapolito if she wanted to ask him any questions.

Ms. Dapolito said no.

Mr. Hankin said he was surprised by that and asked Ms. Dapolito to read into the record the letter that had been sent to Sean Stanton, Chairman of the Board of Selectmen, dated September 28, 2012.

Ms. Dapolito read the letter into the record that called for Mr. Hankin to recuse himself as the Planning Board chairman due to a conflict of interest perceived by the authors of the letter. Ms. Dapolito said that the Selectmen refused to act on the request so the issue was moot.

Mr. Hankin stated that he has no conflict of interest. He said it was curious that in the letter the authors suggested that even if there was no specific conflict of interest that it was morally wrong for him to continue.

Ms. Gregory said by the time ethics comes into play the permit would be issued.

Mr. Hankin said, by that standard, everyone could potentially have a conflict of issue. Ms. Nelson is an engineer, Mr. Dohoney is a lawyer, and Ms. Schroeder is a wildlife biologist. All taxpayers would benefit from the tax revenue generated from this project. He said he finds it a crazy line of reasoning to suggest that the people who were elected to this Board and who are charged with faithfully enforcing the bylaws of the Town would do anything but what they have sworn to do. Mr. Hankin said he didn't appreciate the insinuation that that he is immoral. He made it clear that at this point the Planning Board is gathering information, no decisions have been made.

Ms. Schroeder asked Mr. Hankin if he could state what his involvement with this project is outside of the Planning Board.

Mr. Hankin said there is none.

Mr. Musgrove asked if anyone on the Board had a relationship with anyone involved with the project. No one has any involvement outside of the Planning Board.

Ms. Gregory argued that she had an eyewitness who claims that Mr. Hankin had shown property at Burning Tree.

Mr. Hankin said he did not know what she was talking about and said this is a dead issue.

Mr. Musgrove said whenever there is any inkling of a conflict of interest the member writes a letter to the Ethics Commission prior to proceeding. This is a small town. If we had to recuse ourselves for every little thing no one would be able to serve on a board or committee. Mr. Musgrove said he is outraged by the accusations.

Mr. Hankin said we are moving on.

Applicants Edward McCormick and Joe Wilkinson were present along with developer Dave Ward and Jim Scalise engineer from SK Design Group.

Mr. Scalise said he done a sketch plan in pencil with some notes. He asked if it would be appropriate to show it in an effort to move the project forward.

The Board agreed to see the sketch plan.

Mr. Scalise gave an outline to follow Barrington Brook dated 10/2/12.

Mr. Scalise said he created more distinct clusters by putting the buildings closer together. Previously there were 6 clusters; the revised proposal would have 10 distinct clusters of units. It was determined that Phase III was not appropriate so the revised proposal would have Phase I with 32 units and Phase II with 23 units. The proposed plan would have three types of housing: clustered, single family homes on 3.5 acres and Estate lots of 7+acres. Overlook Road would be eliminated and all the roads would comply with the subdivision standards. The plan showed two smaller lots being created out of the parcels of Klemp and Epstein. Mr. Scalise acknowledged he did not have permission from the owners to even suggest this.

Mr. Scalise said there is a minimum of a 300 foot buffer for the Epstein lot and a transition lot adjacent to the Klemp lot. We have tried to create a transition space for lots not part of the development in an effort to create an improved feel for the neighbors.

Mr. Scalise said the impervious area has been reduced that will help minimize storm water issues. The water pressure issue has been eliminated by eliminating Overlook Road. The open space has been increased by 20 acres.

Mr. Musgrove said the density is closer together so you have been able to create more open space.

Mr. Scalise said yes.

Mr. Rembold asked how the applicants were addressing the concerns of having the units closer together.

Mr. Scalise said they would work with the insurance carrier to get 13D insurance. He said this has been done before.

Mr. Scalise said there are no changes related to the sewer or traffic. He concluded his summary.

Mr. Musgrove said there would be no changes with the traffic concerns.

Mr. Scalise said the traffic study indicates that there is adequate capacity from a traffic standpoint. The public perception is negative. He said there will be a noticeable change

on the roads but from an engineer's perspective, the roads have adequate capacity to handle the additional traffic.

Mr. Musgrove said the project would increase traffic by approximately 600 trips per day.

Mr. Scalise said 600 is not an amount that is shocking to an engineer. That increase would not create a failure issue on these roads. Mr. Scalise said there are currently 2,000 trips less going over the Brown Bridge (State Road onto Main Street) than there were in 2000. He said most people don't even realize there is a reduction.

Mr. Rembold said in 2011 Christian Hill Road averaged 1,087 trips daily.

Mr. Musgrove said so overall there are approximately 1,000 trips, some go toward Lake Mansfield Road some go toward Division Street. The project could increase the traffic by approximately 600 more trips.

Mr. Hankin asked Mr. Scalise to speak to the standards for trip ends per day.

Mr. Scalise said the Institute of Traffic Engineers take data gathered from an area and put it on a graph. They draw a line then pick a trip generation rate.

Mr. Hankin asked if Mr. Scalise had a sense of how these numbers would extrapolate for our community.

Mr. Scalise said there is seasonal traffic that is not considered. The project would be geared toward older group of people 55 and up. There is an expectation that there would not be a lot of children in the development, a group that tend to generate more activity. Mr. Scalise said that retirement communities generally fall into a different traffic category generally generating 6-10 trip ends a day.

Mr. Rembold said a study done by BRPC in June of 2011 showed there were 629 trips on Lake Mansfield Road between Christian Hill Road and Castle Hill.

Sharon Gregory from 32 Hollenbeck Avenue asked how the seasonality and weekend traffic was factored in.

Mr. Scalise said the counts were done in the fall.

Ms. Nelson said typically traffic studies are done on week days.

Mr. Hankin added, the traffic study does not measure seasonal or weekend traffic.

Mr. Musgrove said he read in the traffic study that 24% of the traffic turns off on Lake Mansfield Road and 24% turn left.

Enid Michaelman from 105 Christian Hill Road asked if any of the Board members had walked on Christian Hill Road. She said she walks it everyday and it would not be very pleasant to walk with an additional 500 cars. She suggested people take a walk on the road.

Ms. Michaelman asked Mr. Scalise if it would be possible to do an overlay of the two plans. She said it looks like what was proposed tonight is an improvement but it would be helpful to see the plans together.

Mr. Scalise said he can do that. He said he would like to refine the sketch plan as it was intended as an internal document.

Ms. Dapolito said the railroad underpass at the bottom of Christian Hill road would be a safety hazard for people walking into town. She asked who would pay to fix it. She said she would expect it would fall on the taxpayers of Great Barrington. Ms. Dapolito said the traffic would be noticeable, not just from a quality of life stand point but also from a safety stand point.

Mr. Scalise said he agreed there would be a change but did not agree it would be unsafe.

Carol Holiday from 10 Welcome Street said there are always pieces of cars under the underpass. She said the roads in the development are more than half again as wide as Christian Hill Road.

Mr. Scalise said the travelled way is not that wide.

Attorney Charles Ferris asked if he could make a presentation on behalf of his Mr. and Mrs. Epstein and Mr. Klemp and Ms. Sebastian.

Mr. Hankin said yes. Mr. Ferris provided the Board with a copy of his presentation dated October 1, 2012. Mr. Hankin said this, as all correspondence, would be forwarded to the Town Clerk.

Mr. Ferris said the Planning Board rejected a larger development for this site in 2004. The approved development was limited to 15 houses. There would be 121 acres of open space mostly connected. Under the approved plan only 22.5 acres of land would have been cleared. The subdivision covenants and restrictions are valid for 30 years with renewals for 20 year periods thereafter. This is restricted property that is being discussed as if it were unrestricted. In 2008 the Planning Board looked into a new way to conserve open space and at the Annual Town Meeting in 2009 the Open Space Residential Development bylaw was approved. The bylaw was intended to preserve open space and is being used for this project that is not preserving open space but using 26 acres of open space already protected by subdivision covenants.

Mr. Ferris said the traffic does not take into consideration weekend or seasonal rates so it is not accurate. He said the Planning Board might not have enough information to make a decision.

Mr. Hankin said a point of clarification is that as approved with 15 dwelling units we assume the subdivision would generate 150 vehicle trips, so the additional traffic would not be 600, but 450..

Mr. Ferris said he is addressing the feeling of people now as compared to post development.

Mr. Hankin said the Planning Board put covenants on the subdivision and they are binding. Part of the purpose of the covenants is to make sure the plan is built as approved. The conditions can be amended through a revised definitive subdivision plan. The Planning Board conditions have nothing to do with the homeowner's deeds. We are sympathetic to the homeowners, but the Planning Board issues are separate.

Mr. Ferris said the Planning Board adopted the bylaw to protect open space and this developer is asking to reduce open space using a bylaw designed to preserve it.

Mr. Musgrove said the OSRD was designed to create public open space. What exists are 15 private lots with open space that is not available to the public.

Mr. Ferris said the bylaw was also created to protect agricultural land.

Mr. Musgrove said if this were a farm we wouldn't be talking about it.

Richard Evans from 7 Fern Hill said we have a need for affordable housing, do any of these units meet affordable housing requirements.

Mr. Hankin said no.

Deborah Salem from 7 Berkshire Heights said 600 cars is alarming. There would be an increased risk for injury and death. There are too many houses proposed. The sewer department says they can handle the increase but pollution would be generated in all areas. She said she is strongly opposed to this development and appreciated Mr. Ferris' report.

Nina Evans from 7 Fern Hill said she is a member of the Lake Mansfield Improvement Task Force Committee. She said the committee is charged with a mandate for Lake Mansfield's sustainability. She read a letter from the committee dated September 11, 2012.

Ms. Schroeder noted that she is a member of that committee, but she was not present at the September 10, 2012 meeting when that letter was generated.

Karen Christianson from 120 Castle Street asked if the developers were present. She asked who would benefit from the project. We have heard who would be harmed, but who would benefit.

Mr. Hankin said the questions should be directed to the Chairman and answered the question by referring to letter from Linda Miller who is very much in favor of the project as the units would provide housing for people who want to stay in the community without the responsibilities of home ownership. She stated in her letter that there is very little available condominium stock.

Ms. Christianson asked Mr. Hankin his opinion on if there is evidence to suggest there is significant interest in this type of development.

Mr. Hankin said the question is inappropriate.

Ms. Christianson said she can't see where there would be any benefit.

Mr. Hankin said the Planning Board will determine if the required findings are met.

Ms. Christianson said terrific.

Susan Petty from 173 Castle Street said Lake Mansfield Road is in poor condition. She said the condition of the road does not allow for people to go fast. She suggested the road be made one way.

Mr. Hankin said that is a very complicated issue that is beyond our scope.

George Klemp from 119 Hurlburt Road read into the record a letter dated October 2, 2012 from Matthew Nemerson Managing Partner of Berkshire Farm Partnership.

Richard Epstein from 11 Londonderry Drive in the Burning Tree Subdivision addressed the applicants saying how dare you think you can take a piece of my property and put another house on it. He said the Planning Board has a difficult job and he does not envy them. Their job is to try to keep Great Barrington the #1 small town in America. The Board is charged to do what is best for the community and the goal is to keep Great Barrington what it is, not turn it into Pittsfield. He said he does not want to sell his house. He said it is currently worth a few million dollars but it will be worth 50% less if box houses go in. He said he knows what it is to maintain integrity of the community through the bylaws. He said the spirit of the OSRD was to preserve open space not just public open space.

Mr. Epstein said there would be more traffic that would have an impact on the safety. He said he understands that the applicants need to make money but the subdivision was not marketed well. If it had been done properly they would have sold the lots and we would have people like me who would write a check for \$30,000 to pay their taxes. He said we don't want the demographic who will pay \$500,000 for homes. They won't shop in our

Town or eat in our restaurants. He said the only benefit from this development would be for the developer, no one else.

Mr. Epstein said the developer has never put in road signs to identify the roads in the development. He has not abided by the covenants or restrictions. He asked the Board if they want a developer that passes the buck to the builder.

Ms. Gregory said there is no evidence these units would sell. There are no condos or clustered units selling within this price range. She said the demographics are changing. There is strong evidence that people want to be close to Town, there is little evidence there is a market for second homes on the outskirts of Town. Ms. Gregory said the Board should not allow more than the 15 approved lots.

Mr. Hankin pointed out that there would be no new lots created by the OSRD. He suggested the market research you are trying to do has already been done by Mr. Ward. He suggested there are different buyers for condo units than those who would buy on the hill.

Ms. Gregory said there is a high probability for failure. She said she would like to see the market research.

Patricia Ryan from 14 Oak Street said she had not planned to be at the meeting but read a letter she had submitted dated September 3, 2012.

Mike McGuire from 115 Hollenbeck Avenue asked if the required findings outlined by Mr. Ferris were accurate.

Mr. Hankin said yes.

Ms. Dapolito asked if the units would be condominiums or free-standing houses.

Mr. Hankin said both. They would be single family detached homes that would be condos.

Ms. Dapolito asked what happens if this one fails. Do they come back again and try to go for the original 80 units.

Mr. Hankin said he is not sure what would happen. As a town we won't do anything. The developer has stated that he won't build a unit until it has been sold.

Mr. Musgrove said a person who owns a piece of land has a right to do what he wants with it. If the land is turned into a subdivision that does not work they can try something else. They can try to get what use they can out of it. The Town is not telling them what to do with their land. The Planning Board writes the bylaw to allow for use of the land. We are not advocating for the development. We have not begun to tell them what we like

and what we don't like. We did not write the bylaw for them we wrote it for the Town. We think it is a good bylaw and it is up to them to tell us what they will do for the Town.

Ms. Evans asked what the developer is telling the Planning Board would be the benefit.

Mr. Musgrove said everything we are hearing is being said during the public hearing. We are hearing what you are hearing. They will be submitting more information that is what the process is about.

Jeff Sexton from 139 Christian Hill Road said the plan has been changing.

Mr. Hankin said we can only receive new information while the public hearing is open. When we close it we can deliberate on what we have received but nothing new.

Ms. Schroeder said we can not deliberate while the public hearing is open.

Mr. Sexton said there is no definitive plan at this point.

Mr. Hankin said no. He said a definitive subdivision plan would be submitted if the special permit is approved.

Mr. Dohoney said the applicant has submitted some draft findings but more will be submitted.

Mr. Hankin said everything is on file with the Town Clerk and on the website.

Mr. Hankin asked Mr. McCormick if he would like the public hearing to be continued.

Mr. McCormick said yes.

Ms. Schroeder said she would like to see the language to protect the open space in perpetuity.

Ms. Scalise said he is working on the language, but it is not there yet. He said he would like to hear what the Board thinks about the cluster plan.

Mr. Rembold asked if the applicant expected to submit the plan discussed at this meeting.

Mr. McCormick said they are looking for Board's reaction to determine if we are moving in the right direction. We tried to show that we heard what you said at the last meeting.

Mr. Hankin said he thought it was a step in the right direction. He said he is not sure you have arrived, but a step in the right direction.

Mr. Musgrove agreed saying more clustering is important.

Mr. Dohoney said removing Overlook Road was a good step.

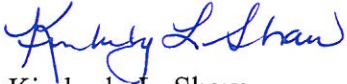
There was discussion over continuing the public hearing. Mr. McCormick and Mr. Wilkinson will not be able to attend the Planning Board meeting on November 8 the next regular meeting without a Master Plan meeting at 7:30. It was agreed to continue the public hearing to December 13, 2012.

Ms. Schroeder made a motion to continue the public hearing to December 13, 2012 at 6:00 P.M. at the Town Hall, Mr. Musgrove seconded, all in favor.

Mr. Musgrove made a motion to cancel the regular meeting scheduled for October 11, 2012, Ms. Schroeder seconded, all in favor.

Without objection Mr. Hankin adjourned the meeting at 9:30 P.M.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kimberly L. Shaw". The signature is written in a cursive style with a large initial "K".

Kimberly L. Shaw
Planning Board Secretary