

PLANNING BOARD

DATE: November 14, 2013
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Jonathan Hankin, Chairman, Suzanne Fowle; Ethan Culleton
Malcolm Fick, 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.

SPECIAL PERMIT: BLUMENTHAL

Naomi Blumenthal was present to discuss the special permit application for a two-family use on a single lot at 185 East Street. She said the house had been built as a two-family house and has been taxed as such but there needs to be certification that it actually is a two-family. She said she is planning to buy the property and fix it up.

Mr. Hankin said the Board would go through site plan review. He said he has concerns about the amount of asphalt proposed on the property as well as parking in front of the house.

Ms. Blumenthal said the driveway is very steep. If the driveway were gravel it would wash out. She pointed out that there are many properties on the street with parking in front of the house.

Mr. Rembold said at the staff meeting discussion went back and forth on this issue. He said there is not enough parking and the thought was that a turn around was needed. He said if it were property screened the parking arrangement in the front could be mitigated. Mr. Rembold said parking on the street is not regulated and many people park in the front yard. There was concern over drainage and runoff.

Ms. Blumenthal stated the driveway needs to be asphalt because of the grade. She said a drywell will be put in to help with drainage even though the ground seems to drain well. She said anything we do will be an improvement.

Mr. Hankin asked if it is level where the cars are shown on the plan.

Ms. Blumenthal said it is somewhat flat but not totally.

Mr. Hankin asked if the parking could be moved up the hill a little bit, then have the cars park tandem.

Ms. Blumenthal said that arrangement would not provide a turnaround. She said she plans to make the property beautiful.

Mr. Hankin said it looks like there is a flat area at the top of the driveway.

Ms. Blumenthal said yes it is flat. She said she would like to use the area for a garden. She said there is very little space for a garden.

Mr. Hankin said given the location and the fact that the location is within walking distance to town it might not be necessary to have four cars.

Mr. Rembold asked Ms. Blumenthal if she thinks it will be necessary to have four cars.

Ms. Blumenthal said she didn't know. There would be two two-bedroom apartments. She said it is a tough spot. She pointed out that the footprint of the building would not be changed except for a spiral staircase in the back.

Ms. Blumenthal said the house has a lot of problems and it going to be expensive to make livable. We are trying to make a beautiful property without too much expense. We have already spent a lot of money on the site plan.

Mr. Hankin asked if there is a walk way from the street to the front door.

Ms. Blumenthal said there was one. It is overgrown so it will be removed.

Mr. Rembold said maybe gravel could be used in the front instead of asphalt to mitigate the amount of asphalt.

Mr. Hankin suggested black airport mix might work and is significantly less expensive than blacktop.

Ms. Blumenthal said maybe the space in the front of the house could be made smaller and provide three parking spaces in the driveway. She said she would prefer to blacktop as little as possible.

Mr. Rembold suggested the Board could act on the special permit recommendation and take action on the site plan review at the next meeting.

Ms. Blumenthal said in order to meet the four car parking requirement there could be three cars parked in the driveway with a bump out turnaround that could be used for the fourth.

Mr. Hankin said he would like Ms. Blumenthal to look at doing some tandem parking, which would allow a landscape buffer at the south property line. It may not be ideal, but will help reduce the asphalt. He would like to see it refined and hopefully save you some money.

Mr. Rembold suggested that the plan needs to go to the Selectmen with four parking spaces otherwise the applicant would need another special permit from the Planning Board to waive the parking requirement.

Mr. Hankin said the plan should show the cars parked tandem with a small turn around. Reduce the blacktop. He asked her to come back for the site plan review to show what changes have been made.

Ms. Fowle made a motion to send a favorable recommendation to the Board of Selectmen for a two-family dwelling at 185 East Street, Mr. Culleton seconded, all in favor.

Mr. Hankin suggested asphalt could be maintained on the steep portion of the driveway with airport mix everywhere else.

Ms. Blumenthal will return to the next Planning Board meeting on December 12.

POSSIBLE ZONING AMENDMENTS:

Mr. Rembold suggested changing the parking waiver process.

Mr. Hankin said perhaps it could be done via site plan review.

Mr. Rembold said he would work on some language.

MEDICAL MARIJUANA FACILITY:

Mr. Hankin said the Humanitarian Use of Medical Marijuana Act allows for 35 registered medical marijuana dispensaries in the state. Up to five dispensaries may be allowed in any one county. He said he would expect Pittsfield to get at least one and he expected Great Barrington might get one. The way the zoning bylaws are set up is that any use not specifically permitted is prohibited. This is a new legalized use but the Building Inspector, Ed May, is not sure how to proceed as it is not specifically designated in the bylaws. There are two parties that have expressed interest in establishing a dispensary in Great Barrington. Mr. May is trying to figure how to permit the use.

Mr. Hankin said there are four functions the dispensary needs to perform, control the growth of the plant, manufacture the tincture or whatever form the product is dispensed in, sell it and educate the people.

Mr. Fick said an agricultural use can take place in any zoning district.

Mr. Rembold said the Board needs to figure out what to call it, agricultural or retail. Then the Board needs to determine how to permit it whether by right, special permit or site plan review. Once the Board makes those determinations we can work on writing a bylaw.

Mr. Fick asked what the most restrictive use under current zoning would be. That would be the place to start.

Mr. Rembold said manufacturing is the most restrictive use. It is the use that there is the least amount of area to perform the function.

Mr. Hankin said a dispensary needs to be put somewhere people can access easily. It could be in one building and it is possible, due to the high security requirements, no one would know what goes on in that building.

Ms. Fowle said from a planning standpoint it should be downtown. There are several reasons for it to be located in the downtown area.

Mr. Rembold said he would work to get a bylaw together for the Board to look at.

Mr. Fick said he did not think it is manufacturing. He asked that Mr. Rembold look at how to override the 500 foot setback.

Mr. Rembold said it could be a by-right use wherever retail is allowed.

Ms. Fowle suggested starting with a 200 foot setback and go from there.

Mr. Rembold said with a 250 foot setback the mill buildings in Housatonic would be able to be considered.

Mr. Hankin said he thinks the use would be more likely in Great Barrington village. He said there are very restrictive requirements for the use. We should be able to reduce the baselines and establish clear standards.

Mr. Rembold said he would give the Board something to work with.

An audience member asked if the Board has met with the interested parties.

Mr. Rembold said the Board has not met with the interested parties.

Mr. Hankin said two letters were apparently sent to the Board of Selectmen asking for their endorsement. He said he does not know whether those letters have been discussed by the Selectmen.

Mr. Rembold said neither interested party has asked the Selectmen for a vote.

Mr. Fick said it is part of the process for a letter to be sent to the Selectmen.

The Board will further consider the issue at another meeting with language for a draft bylaw.

TWO-FAMILY DWELLING:

Mr. Rembold said it is recommended by the Master Plan to allow two-family dwellings by-right to encourage creation of more housing and legalize existing illegal units. We have seen several special permits for two-family units, none of them has been denied. It doesn't make a lot of sense to make people go through the special permit process. Allowing two-family dwellings by-right would eliminate many non-conformities. He said he will move forward to implement the Master Plan recommendation.

Mr. Hankin cautioned if they become by-right, there will be people ranting about all the houses being turned into two-family units. He suggested, based on past experience, there may be opposition to this idea at the ATM.

ACCESSORY DWELLING UNITS:

Mr. Rembold said ADUs are only allowed in single family dwelling units. If two-family units are allowed by-right it would make sense to allow ADUs by-right in the same zones. Currently some ADUs are allowed by-right.

Mr. Hankin asked if the ADU bylaw should be revisited anyway. There haven't been many applications. The original goal was to provide a way to allow lower cost housing. It doesn't seem the bylaw has succeeded in encouraging people to utilize it.

Mr. Rembold said some people don't want to be landlords. There are any number of reasons why it hasn't been applied.

HOTEL ROOM LIMITS:

Mr. Rembold suggested revisiting the hotel/motel room limit.

Mr. Hankin said the reason the room limit was set was to keep chain hotels from coming into town. It had been determined that a chain hotel needed a minimum of 55 rooms to make it worth opening. We didn't want to see more chain hotels in Great Barrington. He said he is not in a hurry to get rid of the room limit but there are locations that might lend themselves to more rooms such as the former Searles High School, Searles Castle and the Housatonic Mills.

Mr. Fick suggested that a bylaw might be created for existing historic structures.

Ms. Fowle said the term "historic" puts limits on buildings. She suggested using the term "existing."

Mr. Hankin said the special permit process is rarely exercised as a control mechanism. He said he would like special permit oversight.

TOWN PLANNER'S REPORT:

Mr. Rembold reminded Mr. Hankin that the Annual Report is due by the end of December and the budget is due at the beginning of December.

Mr. Rembold said BRPC has a small grant program. It might be available for priority development areas, economic development or conservation development areas and others. He said he is not sure what areas to consider and asked the Board for any suggestions they might have.

Mr. Rembold said the CPA Committee had its first meeting in October. He said the next meeting would be on November 26.

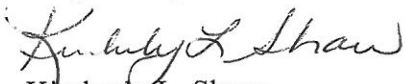
Mr. Rembold advised the Board that Pittsfield Cellular will swap out two panel antennas at their site on Stockbridge Road. They are swapping 2 for 2. If the Board feels a need to comment they have 30 days in which to do it.

Mr. Hankin suggested Mr. Musgrove should look at it.

Mr. Hankin said he has had communications with Tim Geller regarding the New England Log Home site. There are drawings for the project. Mr. Hankin said he had encouraged Mr. Geller to come to a Planning Board meeting to discuss the plans.

Having concluded the business, Mr. Hankin adjourned the meeting without objection.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

Materials received or distributed for the November 14, 2013 meeting:

- Town Planner's memo/e-mail to Planning Board dated November 12, 2013
- Draft minutes of October 25, 2013
- Special Permit application for 185 East Street
- Massachusetts Medical Marijuana Law and Regulations