

PLANNING BOARD MINUTES

DATE: February 28, 2013
TIME: 6:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle Schroeder; Jack Musgrove;
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: JANUARY 31, 2013 & FEBRUARY 14, 2013

Mr. Musgrove made a motion to approve the minutes of January 31, 2013 as amended, Ms. Schroeder seconded, all in favor.

Ms. Nelson made a motion to approve the minutes of February 14, 2013 as amended, Mr. Hankin seconded, all in favor.

REVIEW OF OPEN SPACE RESIDENTIAL DEVELOPMENT BYLAW:

Tom Matuszko and Brian Domina from Berkshire Regional Planning Commission were present to discuss the OSRD bylaw.

Mr. Hankin asked if any other towns had the OSRD.

Mr. Matuszko said yes Dalton has it and they are very happy with it. A developer used it to create a development behind Burgner's Farm.

Mr. Hankin said it was the same developer for the project we had. Mr. Hankin explained the project saying it was a previously approved subdivision that had originally had a cluster development proposed. When the previous cluster bylaw did not work they came back with a fifteen lot subdivision. They sold 3 out of the 15 lots. There is a covenant in place that limits the number of dwelling units to 15. They applied that restriction to the deed then sold the parcels with the idea that there would be no more than 15 dwellings.

Mr. Hankin said the owners came in over a year ago to see what they would be able to do to get some return from the property. He said he is not sure why they went through the OSRD as they did not take the bonus.

Mr. Hankin said there was an issue over what qualifies as developable land.

Mr. Matuszko said he thought that had been addressed when they were drafting the OSRD bylaw.

Mr. Hankin said it was addressed but there are grey areas such as the inner and outer riparian zones and the buffer zone.

Mr. Matuszko said the Conservation Commission would be the final arbitrator on that issue.

Ms. Schroeder said the wetlands were flagged but they put the 100 foot buffer in the developable land. The bylaw didn't address the buffer, which is technically buildable.

Mr. Rembold said the goal of the bylaw is to get the developer to be more sensitive in the placement and to exclude the buffer zone.

Mr. Matuszko said the mathematical determination of yield is the starting point.

Mr. Musgrove said they designed the homes with individual driveways and two car garages, just like the Florida developments.

Ms. Nelson said they had a lot of topography to deal with.

Mr. Hankin said the bylaw was written to encourage a developer to be sensitive and gives the developer a lot of leeway. The bylaw does not mandate good design. We ended up better than what we started with and better than a conventional subdivision would have been.

Ms. Schroeder said the bylaw has no teeth regarding the maintenance of open space.

Mr. Matuszko said the goal of the bylaw was to write it to give the Planning Board as much discretion as possible to determine open space.

Ms. Schroeder said when we asked about open space maintenance the applicant didn't propose a specific plan.

Mr. Rembold said the designated open space was based on what was left over. In this project the developer was working with an existing road and utility layout. At some point they had to fit lots in and the open space was the residual land.

Mr. Musgrove said Ms. Schroeder kept asking them how they planned to maintain the open space.

Mr. Hankin said it was decided to put a covenant on the deed for the Homeowners Association. The possibility of a conservation restriction was discussed, but there were no likely holders. .

Mr. Rembold said the land was not valuable enough for a conservation restriction. It was decided that the OSRD was better than a conventional subdivision.

Mr. Matuszko said this plan already had so much money invested in the infrastructure there wasn't a lot of room for negotiation. We struggled with the balance between the design and clustering so it wouldn't be too onerous. To demand more design standards could make it too onerous.

Mr. Hankin said we don't want to discourage anyone, we want to encourage development. Perhaps this development will be successful and the developer would rethink his development approach.

Mr. Matuszko said perhaps the Board could come up with some samples of design guidelines. Work on getting what you want through an educational approach.

Ms. Nelson said if the process is made longer and more engineering is required it would not be cost effective. She said we need specificity but she said she is not sure how comfortable she would be telling a developer exactly what has to be done.

Mr. Matuszko said maybe getting some schematics, voluntary design guidelines showing courtyard designs and driveway designs would be helpful. These items could be for discussion purposes not for inclusion in the bylaw. He asked if the Board could come up with common/mutual aesthetics.

Ms. Nelson said no.

Mr. Matuszko suggested the Board work on some functional design elements.

Mr. Rembold said at a recent BRPC dinner meeting there was a discussion about how to do OSRD's. He suggested going over the notes to see if any of it could work. He said mandating clusters would require some tweaking of the bylaw, but it could address specific land types.

Mr. Domina suggested that the applicant could be required to conduct an analysis of inventory on the site.

Mr. Matuszko said the original discussion started there but then got away from it.

Ms. Nelson said there could be a tiered approach to get the bonus.

Ms. Schroeder asked what the inventory would be of. She said ranking habitat would be difficult..

Mr. Matuszko said there could be provision in the bylaw to charge the HOA with dealing with 8.7.12 3.

Ms. Schroeder said at a minimum the bylaw should require eradicating invasive plant species.

Mr. Rembold said the argument was that it would cost too much to make that requirement.

Mr. Hankin said we still have to go through the definitive plan process. There are things that are still on the table.

Mr. Matuszko said he did not think the bylaw was insufficient. 8.3.13 gives the Board the leverage they need to require what you want.

Mr. Hankin said he thinks the requirements should be included at the beginning of the bylaw and discussion so the applicants know what we expect.

Mr. Matuszko said there is a Form B-1, Inventory of Constraints and Opportunities. He said this is page 56 of the bylaw. He said the requirement to eradicate invasive species could be included. He said he thinks the Board did the best they could do with the project since it was already under development.

Mr. Domina said the Board could consider special permit vs. by-right. There needs to be a way to deleverage the conventional subdivision and find a way to tip the scale more in Town's favor. OSRD could be the default.

Mr. Rembold said it would be good to find a way to preserve what the Town considers valuable.

Mr. Matuszko asked if the Board wanted to increase density in areas that provide no benefit to the Town.

Mr. Musgrove said we would rather have density in areas that are not valuable.

Mr. Matuszko said it would be beneficial to look at the parcels that would be candidates for OSRD and how many could accommodate a subdivision.

Mr. Rembold said one third of the Town's land is permanently protected and another third is in agricultural preservation.

Mr. Matuszko suggested using the GIS to identify potential parcels.

Mr. Hankin said he likes the idea of tying the value in the land to the potential bonus.

Ms. Schroeder went back to the discussion of property inventory. She said it might be good to have a property owner/developer to look at wildlife in ways that fit the season, such as mammal tracking in winter, audio amphibian surveys in spring..

Mr. Matuszko said you don't want to drag out creating an inventory over many months. Perhaps the Town would have someone to inventory potential parcels or change the subdivision regulations to make it mandatory.

Mr. Rembold said the OSRD is inherently unpredictable. If a developer wants to get through the process quickly they will not want to go through OSRD.

Mr. Musgrove asked if we couldn't get some value statements for land and require anything of value to come in for an OSRD and if it can't be made to work then they could go forward with a conventional subdivision.

Mr. Hankin said he didn't think Great Barrington is over developed. He said he is concerned about creating too many restrictions that would discourage development in our town.

Mr. Matuszko said the goal of the OSRD was not to be overly onerous. The project you just dealt with was an anomaly.

Ms. Nelson pointed out that Mr. Ward had come in for a potential project on Lake Buel Road. It was determined fairly quickly that the OSRD would not work in that location.

Mr. Hankin agreed that was a good point.

Mr. Matuszko said there could be discussion in the Master Plan that OSRD would be mandatory.

Mr. Rembold said he would look at the plan to see how it is addressed.

Mr. Matuszko said he could have Mr. Domina look at the zoning bylaws and subdivision regulations to see what might need to be changed and redefined.

Mr. Hankin said the Inventory and Constraints form would be a good place to start. He said he had planned to put some time into it then didn't get it done. He said it might be a good place to put our energy.

Mr. Hankin thanked Mr. Matuszko and Mr. Domina for attending the meeting and participating in the discussion, it was very helpful.

TOWN PLANNER'S REPORT:

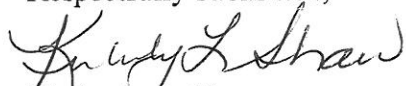
Mr. Rembold said the public hearing for the proposed zoning amendment to amend the Design Advisory portion of the bylaw would be held on March 28, 2013 at 6:00 P.M. at the Fire Department.

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Mr. Rembold said the Historic District Commission is proposing a historic sign program for property within the Historic District. He said it would be a standard plaque that would be the responsibility of the HDC.

Mr. Musgrove made a motion to adjourn, Ms. Schroeder seconded, all in favor. There being no further business, the meeting was adjourned at 7:31 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary