

PLANNING BOARD

DATE: May 26, 2016
TIME: 7:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting/Public Hearing
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jack Musgrove;
Jeremy Higa. Also Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:00 P.M.

REORGANIZE:

Mr. Hankin made a motion for Ms. Nelson to be the Chair, Mr. Fick seconded, all in favor.

Mr. Musgrove made a motion for Mr. Fick to be Vice-Chair, Mr. Higa seconded, all in favor.

Mr. Musgrove made a motion for Mr. Fick to be Clerk, Mr. Higa seconded, all in favor

Mr. Musgrove made a motion for Mr. Fick to be the BRPC representative, Mr. Hankin seconded, all in favor.

Mr. Musgrove made a motion for Mr. Higa to be the BRPC alternate representative, Mr. Hankin seconded, all in favor.

Mr. Musgrove made a motion for Mr. Hankin to be the representative to the Design Advisory Committee, Mr. Fick seconded, all in favor.

Mr. Musgrove made a motion for Mr. Fick to be the alternate member to the Design Advisory Committee, Mr. Hankin seconded, all in favor.

Mr. Fick made a motion for Mr. Higa to be the representative to the Community Preservation Committee, Mr. Musgrove seconded, all in favor

Mr. Musgrove made a motion for Ms. Nelson to be the representative to the Lake Mansfield Improvement Task Force, Mr. Hankin seconded, all in favor.

FORM A'S:

Michael Parsons was present with a Form A application on behalf of Robert Beusman, aka Bobby Houston, for five parcels of land located on the Seekonk Cross Road. Lot 1 A contains 9.074 acres of land and Lot 1 B contains 7.558. Lots 1 A and 1 B are located on the west side of Seekonk Cross Road.

Lot 2 A contains 3.037 acres of land. Lot 2 B contains 10.757 acres of land and Lot 2 C contains 11.937 acres of land. Lots 2 A, 2 B and 2 C are located on the east side of Seekonk Cross Road.

Mr. Musgrove made a motion to approve the Form A application, Mr. Hankin seconded, all in favor.

MINUTES: MAY 12, 2016

Mr. Musgrove made a motion to approve the minutes of May 12, 2016 as amended, Mr. Hankin seconded, all in favor.

SPECIAL PERMIT: 106 HURLBURT ROAD

The Board conducted a site visit prior to the meeting at 106 Hurlburt Road for the special permit application submitted on behalf of Andrew and Marymar Ruggles to replace the foundation of an existing barn located in the flood plain.

Engineer, Nick Andersen was present to discuss the application on behalf of the applicants.

Mr. Andersen explained that the barn is located in the Flood Plain Overlay District. The foundation is in disrepair and needs to be replaced. He said the barn would be temporarily elevated. The barn will be approximately 18 inches higher when it is lowered back into place. There will be no net fill in the Flood Plain.

Mr. Andersen said there will be a gravity sewer line to a pump chamber that will serve two accessory structures. He said the application had been submitted to both the Conservation Commission and the Board of Health.

Mr. Andersen said there will be no change in the overall footprint. There is the potential to reconstruct an existing retaining wall that is anticipated to be damaged during construction.

Mr. Andersen said the barn is expected to be elevated 60-90 days. The existing barn height is 16 ½ feet. The expected height for the completion of the project is 18 feet or a little less. It is still below the zoning threshold for an accessory building.

Mr. Andersen said there is no change in use; it is to be used as a recreational/hobby space. It is not proposed to be a dwelling unit. There won't be any impact on municipal services. It is in keeping with the Master Plan.

Mr. Hankin asked about tree on the north side of the barn.

Mr. Andersen said to be safe the tree that has a 4-6 inch caliper will be removed. It is expected that removing the existing foundation will impact that tree.

Mr. Hankin said he thought the canopy of the tree was outside the foundation area.

Mr. Andersen said that might be. He said it might be possible to save the tree but the area was going to be used for compensatory storage.

Mr. Hankin said it is not necessary to provide compensatory storage, since there is no reduction in flood plain proposed. He said it seems to be a nice Ash tree.

Mr. Musgrove asked Mr. Andersen to save the tree if it can be saved.

Mr. Andersen said it would probably be best to move the tree. He said he will try to save it but he did not want to say it would be saved and have it die.

Mr. Fick said the tree does not appear on Google Maps. He said he does not think it is historic.

Mr. Musgrove said he does not think it needs to be a condition.

Mr. Hankin said it is a recommendation if it can be saved.

Mr. Hankin made a motion to send a favorable recommendation to the Selectboard and consider saving the tree if possible, Mr. Musgrove seconded, all in favor.

SPECIAL PERMIT: PUBLIC HEARING 190 STATE ROAD

The public hearing was recorded. The board made a site visit prior to the meeting.

Ms. Nelson read the public hearing notice into the record. The notice was published in the Berkshire Record on May 6 & May 13, 2016.

Mr. Hankin made a motion to open the public hearing, Mr. Musgrove seconded, all in favor. The public hearing was opened at 7:27 P.M.

Ronald Fortune was present from Consulting & Design, LLC to discuss the proposed sign for the Sunoco Gas Station located at 190 State Road. He explained that the previous sign was hit by a motorist. The previous sign was located in an area that it is not allowed. The proposed sign will be located at the east end of the property at least 10 feet from the property line. The previous sign was 43 square feet. The proposed sign would be 50.2 square feet and 18 feet 3 inches in height. The price sign is proposed to be an LED component and would be able to be changed from inside the store.

Ms. Nelson said the new sign does not meet the bylaw requirements.

Mr. Fortune said the old sign did not meet the requirements either.

Ms. Nelson asked why the requirements can't be met.

Mr. Fortune said the farther from the road the larger the sign needs to be to be visible.

Mr. Higa asked if the sign could be canopy mounted.

Mr. Hankin said he didn't think that would be realistic as the canopy area is too small.

There was discussion of the sign and its compliance with the bylaw.

Mr. Fortune said the sign is proposed to be 18.3 feet high.

Mr. Rembold noted the bottom of the sign as proposed is too close to the ground.

The sign is proposed to be 28 feet back from the property line. Mr. Rembold said the sign could be moved forward as it only needs to be 10 feet from the traveled way. If the sign is located 10 feet from the travelled way it can be 15 feet high. At 18 feet from the travelled way it can be 20 feet high.

Mr. Fick brought up the height of the traveled way and suggesting knowing how high the road is compared to the proposed location of the sign. If the road is higher than the proposed location it would make a difference in what the allowed height of the sign would be.

Mr. Rembold agreed that the elevation of the travelled way could make a difference.

Mr. Musgrove suggested determining an envelope in which the sign could be located.

Mr. Higa asked if the sign would obstruct the view of the walk signal at the intersection.

Mr. Hankin said there are houses between the sign and the intersection so there is room.

Ms. Musgrove asked if the sign has an animated message board.

Mr. Fortune said no.

Ms. Nelson said she remembered a similar discussion with a gas station sign located up the road. That sign was allowed. Mr. Rembold said those are LED price signs and not moving messages.

Mr. Musgrove asked if the sign would flash.

Mr. Fortune said the sign would have a medium light. It would not flash nor would there be a moving image. The price would be able to be changed from inside the store. The sign would not flash.

Mr. Rembold asked how many times a day would the sign change.

Mr. Fortune said that is a marketing decision but usually once every few days.

Mr. Musgrove asked if this is a business center sign.

Mr. Fortune said it is not.

There was discussion of the size of the sign.

Mr. Hankin said under the bylaw the sign would be allowed to be 24 square feet with only 48 feet of frontage. Since there is 187 feet of frontage, frontage is not an issue. He asked if the sign was allowed to be 24 square feet for the message on one side or both sides.

Mr. Rembold said the sign can be have the message on both sides, but only one side is measured.

Ms. Nelson asked if it is possible to achieve the message with a smaller sign.

Mr. Fortune said the previous sign was much bigger than what is now allowed. The loss of that sign, was beyond the applicant's control.

Mr. Musgrove asked if it could be smaller as it will be closer to the road than the original proposed location.

Mr. Fortune said he had prepared a smaller sign that would be 39 square feet.

The Board liked the smaller sign.

Ms. Nelson said the Burning Bush is going to be removed. Is there alternate landscaping proposed?

Mr. Fortune confirmed the bush would be removed. He was not sure what would be put in.

Mr. Musgrove said the smaller sign is still larger than what is allowed but he is happy with it.

Ms. Nelson agreed that the smaller sign is better. The illuminated portion of the sign is just over 20 square feet.

Mr. Musgrove asked if the applicant will be happy with the smaller sign.

Mr. Fortune said yes.

Mr. Musgrove said he thinks that will be a good solution.

Ms. Nelson asked if the Board had any other questions. There were none.

Ms. Nelson asked if there were questions from the public.

Ed Abrahams asked if the sign will have 2 sides.

Mr. Musgrove said yes.

Mr. Abrahams commented that the neighbors will have a big illuminated sign right near their property line.

Ms. Nelson said the applicant will be encouraged to keep as much of the buffer as possible.

Mr. Hankin pointed out that the abutters were notified of this public hearing. There are no abutters present. He asked Mr. Rembold if any abutters had made written comments.

Mr. Rembold said there were no comments from abutters. He said the Conservation Commission had commented that they have no jurisdiction and the Board of Health sent a favorable recommendation. He said the Selectboard also commented, sending a negative recommendation as the sign is not in compliance with the sign bylaw.

Ms. Nelson appreciated the comments. She said we have attempted to mitigate some of the non-conformity. She asked if there are any other comments.

Mr. Rembold said there are still some unknowns about the project such as the location of any underground pipes and landscaping. He suggested the public hearing be kept open to get revised plans to reflect comments from this meeting. He said the Board could vote on the permit at the next meeting after getting additional information.

Mr. Higa asked what the Selectboard's recommendation was based on.

Mr. Rembold said it was based on his memo.

Ms. Nelson asked Mr. Fortune to determine the elevation of the road and proposed location of the sign.

Mr. Musgrove said if the sign is 20 feet from the travelled way the bottom of the sign would have to be a minimum of 5 feet from the ground. He said he would like to have a minimum amount of disruption to the landscaping behind the sign.

Mr. Hankin said there is a burning bush that needs to be removed as it is an invasive species.

Ms. Nelson said the additional information needs to show what will be removed and any proposed landscaping.

Mr. Fick asked what the side setback is.

Mr. Musgrove said 10 feet from the property line.

Ms. Nelson asked if the vertical clearance is an issue.

Mr. Fortune said no.

Mr. Rembold said he has two meetings he must attend on the night of the next regularly scheduled meeting. He asked if the Board would consider rescheduling for a different night.

The Board agreed to meet on Wednesday, June 8 at 7:00 P.M.

Mr. Musgrove made a motion to continue the public hearing to Wednesday, June 8 at 7:00 P.M., Mr. Fick seconded, all in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold reminded the Board there will be a presentation on the Open Meeting Law given by Town Counsel on June 9 at 6:00 P.M. at the fire station. Also on June 9 at 7:30 there will be a ZBA meeting at the fire station regarding the 100 Bridge Street 40B application.

Mr. Rembold went over the Planning Board's "To Do List" for the next few months. He said the Board will need to do some work on a Complete Streets policy. The policy will prioritize streets subject to the Complete Streets work. He said the Board needs to think about a solar bylaw for farms in residential zones. The Board will need to revisit the 40R Smart Growth zoning with BRPC. The Selectboard will also need to be involved with the 40R discussion.

Mr. Hankin said the Sign Bylaw needs to be rewritten.

Mr. Rembold agreed it needs to be addressed, but it is time consuming and on his list.

Mr. Hankin said there was a case in Sheffield recently regarding a private air strip. A Cease and Desist order was issued by the Building Inspector that was eventually overturned by the State Supreme Court which ruled that while local zoning may regulate aviation but cannot prohibit private airfield unless the bylaw is also approved by the the Mass DOT Aeronautics Division. Mr. Hankin said he is not sure how much of an issue this is but it might be worth discussing.

Mr. Rembold said he did not think it should be considered. He said it would need significant research. The Board could get an opinion from Town Counsel, if it is deemed necessary.

Mr. Fick said it would be helpful to have an understanding of "private" as it pertains to air strips.

Mr. Musgrove said perhaps we could ask Town Counsel if what we have in place is good enough.

Ms. Nelson said it could be a topic for a meeting with a light agenda.

BOARD & COMMITTEE UPDATES:

Mr. Fick said Uber is expanding into Western Massachusetts. They have a service centered in Springfield but they are finding a need in the Berkshires so they are looking for drivers. There was discussion of this topic at a recent BRPC meeting. The Berkshires are transportation “starved” so it might be beneficial to have Uber in the Berkshires.

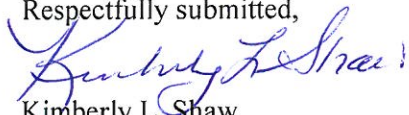
Mr. Hankin said Pedro Pachano, who was present, is interested in the Associate Member position. Mr. Pachano was advised to submit a letter of interest to the Selectboard.

CITIZEN SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:32 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

Materials Presented at the Meeting;

- Mr. Rembold’s memo dated May 25, 2016
- Special Permit application for 106 Hurlburt Road
- Special Permit application for 190 State Road

