

PLANNING BOARD MINUTES

DATE: August 23, 2012

TIME: 6:00 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 6:01 P.M. Mr. Dohoney had not yet arrived.

MINUTES: AUGUST 9, 2012

Mr. Musgrove made a motion to approve the minutes of August 9, 2012 as amended, Ms. Schroeder seconded, all in favor.

HOUSATONIC VILLAGE ZONING ANALYSIS:

Mackenzie Greer was present from Berkshire Regional Planning Commission to discuss the Housatonic Village Zoning Analysis. Ms. Greer went through the analysis.

Mr. Rembold said the analysis concentrates on the commercial core of the village that is west of the river.

Ms. Greer explained the first part of the analysis was the inventory of the parcel acreage, parcel frontage, setbacks and zoning. She said the village is somewhat in compliance with the acreage requirement. Most parcels conform with the frontage requirement and approximately 70% of the parcels conform to both acreage and frontage requirement. She said that is a fairly high percentage. She said the dwellings located in the B-2 zone have a low percentage of compliance with the zoning requirements.

Ms. Greer said in summary 71.7% of the area conforms to acreage and frontage requirements.

Ms. Greer said 12% of the lots meet the 25 foot front setback. A full study of the residential parcels showed that 58% of the parcels meet the 25 foot setback.

Mr. Dohoney arrived.

Ms. Greer said the permitted land use in Housatonic is primarily single-family residential. Commercial uses are only allowed in the B-2 District that might restrict future commercial opportunities. Mixed use is not allowed in the R-1-B or R-3 and only allowed by special permit in the B-2 zone.

Ms. Greer said the next step is to determine the answers to a couple of questions. Is the B-2 zoning district too tightly circumscribed for the village's commercial activity? Is the mixed use too tightly restricted in the B-2 zone?

Ms. Greer said a recommendation will be made on how to improve the zoning in the village. We will determine if there are financial incentives that would be applicable to Housatonic. These items will be covered in the final report.

Mr. Hankin said the B-2 zone is a highway commercial zoning district where we put shopping malls and gas stations. We are not too attached to the zone for Housatonic where it doesn't really fit. He said it would be better to have something with more mixed use.

Ms. Schroeder asked how the Housatonic Walkability Study would be folded into this analysis

Ms. Greer said the walkability component is necessary to bring the village together and harmonize the good there.

Mr. Hankin asked when the Board would receive the final report.

Ms. Greer said the report would be done by the end of December.

Mr. Hankin asked if there would be suggested zoning changes that could be worked on in time for the Annual Town Meeting.

Ms. Greer said not from the final report.

Mr. Rembold said to tie the zoning to the walkability the B-2 zone will need to be changed.

Mr. Musgrove encouraged Ms. Greer to read the Village Center Overlay District bylaw to see what might apply in Housatonic.

Mr. Rembold said at the BRPC dinner there was talk about zoning in village centers. Highway zones split up street walls, context and walkability. We need to promote uses the Board wants to see in the village.

Mr. Hankin asked if form based zoning might be a place to start?

Mr. Rembold said there is redevelopment on the horizon mainly in the school and mill building.

Mr. Musgrove said mixed use would be the most useful.

Mr. Hankin said he didn't want to knock out the commercial zone for the mill buildings. There may be a use for the commercial zone during the redevelopment. We need to keep an open mind about what could happen there.

Mr. Dohoney said we need to understand and anticipate that by right uses for businesses could be right next to residences.

Ms. Greer suggested a new district might be crafted instead of an overlay district.

Mr. Musgrove agreed that a new zone with some of the same criteria found in the VCOD may be a good choice.

Ms. Greer concluded her presentation. The Board thanked her for attending the meeting.

FORM A's:

John Campetti from Foresight Land Services was present with a Form A application on behalf of Bernardo Mejia for two parcels of land located on the west side of North Plain Road and the east side Christian Hill Road. Lot 1 contains 0.60 acres of land. Lot 2 has 0.34 acres of land.

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

OTHER ISSUES AND CONCERNS:

Mr. Rembold told the Board that the Annual Town Meeting at been set for May 6, 2013 at the Mahaiwe.

Mr. Hankin said he had attended the Open Meeting seminar put on by Kopelman and Paige. He said basically we are doing things right. He said he asked if we have Form A's on the agenda with nothing specific listed can an application be acted on if submitted. He was advised that if it is not urgent it should be put off until the next meeting when it can be listed on the agenda with the required identifying information. If required, and the Chair could not have reasonably anticipated it, it can be acted upon.

Mr. Dohoney said it generally is not an issue anyway.

Mr. Hankin agreed. Mr. Hankin said he thinks the town should adopt the "Mullin Rule". He said the depth the Board goes into it would seem that a member who misses a meeting should be able to listen to a recording of the meeting and read the material and have sufficient information to be able to vote at the next meeting. He suggested bringing the question to the Annual Town Meeting to be adopted.

Mr. Dohoney said it could be board specific.

Mr. Hankin said yes. He said we could have used it for our discussion of Barrington Brook. Mr. Culleton missed one meeting now he is not eligible to participate. He advised the Board that the Attorney General's office will be putting on another seminar on the Open meeting Law in Lenox.

Mr. Musgrove said when he was on the phone for one of the meeting it was ok but it won't make a quorum. Can it be used for a public hearing?

Mr. Hankin said it can be used for a public hearing as long as it is only one time.

Mr. Rembold said the remote participation can be used as long as there is a quorum in the room and, he corrected, there is no limit on how many times it can be done.

Mr. Dohoney said he does not think it applies to public hearings only regular meetings.

Mr. Rembold said he did not think it was distinguished in the law.

Mr. Musgrove asked if there was any way to get the Housatonic zoning to the Annual Town Meeting.

Mr. Rembold said we want to give it enough time. We don't want to rush it.

The Board took a 15 minute break before starting the continued public hearing.

The Board returned to the meeting at 7:15 P.M. Mr. Hankin said the Board would continue the public hearing from August 9, 2012 for Barrington Brook OSRD special permit. The meeting is recorded and all comments will be directed to the chairman.

Mr. Hankin said representatives are present from Tighe & Bond to provide the Board with technical review of the application.

Mr. Musgrove made a motion to reopen the public hearing, Ms. Schroeder seconded, all in favor. The public hearing was reopened at 7:15 P.M. Mr. Hankin elevated Ms. Nelson to a voting member as she was during the previous session of the public hearing, and Mr. Culleton did not participate, since he had missed a previous portion of the public hearing.

Zachariah Chornyak and David Loring were present from Tighe & Bond to discuss the design review. Mr. Chornyak began the discussion reading through the firm's comments dated August 20, 2012, that had been submitted to the Planning Board and made part of the public record. Mr. Chornyak said the review was conducted on the conceptual design. It was not specific to technical designs.

Mr. Chornyak began saying the sewer project needs to be updated to reflect units with the potential for five bedrooms. He recommended individual grinder pumps per home. The current plan is designed with one pump per five homes.

Mr. Chornyak addressed #5 of the Sewer System Design. He said they are not concerned about the pressure rating on the pipes. The lesser weight pipe is not a concern with the higher pressure.

Mr. Chornyak said, as designed, there is not adequate storage to hold sewage for a 24 hour period during a power outage. He recommended a 550 gallon storage tank per home.

Mr. Chornyak referred to #9 of the Sewer System Design and advised that additional information be provided during the definitive subdivision phase.

Mr. Chornyak concluded with #6 of the Water System Design section saying there is a lack of detail for determining sufficient water system design.

Mr. Loring addressed the Traffic Study. He said the traffic study submitted seemed adequate. He said no significant impact would result from the proposed plan.

Mr. Rembold said he sent the traffic studies to Tighe & Bond and the applicant from Lake Mansfield Road and Christian Hill Road. He asked Mr. Loring if had found the same decrease in the traffic on those roads.

Mr. Loring said yes. He said a development will increase traffic on the roads but the function and capacity of the road will not be negatively impacted. The level of service that currently exists will be maintained after development. There would no significant increase at the intersections.

Mr. Musgrove asked if a new traffic study would show anything different than what is being stated.

Mr. Loring concluded his report by saying a new traffic study would not change what has been presented or submitted.

Mr. Hankin said this may seem a little confusing because we are dealing with a special permit but there is still a definitive plan to come before us.

Mr. Loring agreed. He said he would not have expected more detail at this level.

Mr. Scalise said he appreciated the review as it can only make the project better.

Mr. Hankin asked Mr. Scalise if he wanted to respond to any of the review. He said he heard, listened and will comment on what was presented in the review. He said he would comment on a few of the comments.

Mr. Scalise said he had understood the comment about the grinder pumps for each house but he had found that tying homes into the grinder pump made the system better specifically because the majority of residents are seasonal. He said at this point in time he hadn't heard of complaints about odor in the other developments but there is a plan if it becomes a problem.

Mr. Scalise said there is the potential for a water pressure problem on Overlook Drive so there are some provisions being worked on to boost the pressure. He said there had been discussions with the Fire Department.

Mr. Scalise said he had looked at the storm water drainage very carefully. There is underground storage and there is adequate setback, 300-500 feet, from Long Pond Brook. He said he, too, would have determined there was not enough detail had he been doing the review. He said the comments are legitimate but he is confident that with proper construction management everything proposed will work. Mr. Scalise said he had not done test pits in Phase II and at this stage there is no need to disturb the area. He said if it proves necessary to do test pits they will be done prior to starting that part of the project.

Mr. Scalise said there is a goal to avoid installing more curbing and catch basins so he will address those comments in more detail.

Edward McCormick suggested that Mr. Scalise meet with the engineers from Tighe and Bond to go over some of the details.

Mr. Hankin said he is aware there is a tight budget for this and he expected that the budget would not be exceeded.

Mr. McCormick said he thought a lot could be accomplished with a meeting or even a conference call.

Joe Wilkinson said there were a lot of flaws in the original subdivision plans that were fixed because of him. He said he would build something that will work and look good.

Mr. Musgrove asked if Mr. Rembold should be included in the engineer's discussions.

Mr. Rembold said he would like to be included.

Patricia Ryan from 14 Oak Street asked the engineers if they had driven on the roads.

Mr. Chornyak said yes, to perform the site visit.

Ms. Ryan asked what the road capacity is.

Mr. Loring said the road capacity is the number of vehicles per given unit of time that the road can handle safely.

Ms. Ryan said this is about safety not about clogging the roads.

Mr. Loring said safety is the volume of traffic that can travel the road.

Ms. Ryan said she can not conceive that 610 additional trips per day won't clog the roads.

Mr. Loring said the traffic study determined that the additional traffic will not significantly increase delays.

Richard Epstein from 11 Londonderry Drive suggested it could be said with certainty that a weekend/seasonal community would increase the traffic on weekends. He asked if there had been any traffic evaluations done on weekends.

Mr. Scalise said traffic counts are not done on Saturdays. The traffic studies are not specific to any day. The study determined that there is adequate capacity to handle the traffic.

Mr. Musgrove said at two intersections the grade of service decreased.

Mr. Loring said at two intersections there will be increases in movement delays. That is not to say that there will be a decrease in the level of service.

Mr. Epstein asked if the roads within the development were evaluated.

Mr. Chornyak said there was discussion of the dead end roads.

Mr. Loring said in general we did not look at individual roadways. We did not get into that level of detail.

Mr. Epstein asked if the Town would take the roads over if the home owners association goes under.

Mr. Hankin said no, that would require a vote to accept them by the Annual Town Meeting.

Dale Abrams from 6 Lake Mansfield Road said the current level of traffic should be used as a comparison. He said it is too abstract to say there would be no impact.

Mr. Hankin pointed out that no one had said there would be no impact.

Mr. Abrams said he would like to know what the basis is for the study and how 610 additional trips would impact the traffic.

Mr. Hankin said the traffic study is available in the Town Clerk's office.

Mr. Abrams said he is concerned about the volume and would like to know the base line number.

Mr. Loring said the study done in 2011 showed an increase, but distributed over a 24 hour period, there is no increase in required capacity.

Enid Michaelman from Christian Hill Road asked if there had been consideration of construction vehicles going under the underpass.

Mr. Hankin said that would not be considered in the traffic study.

Mr. Hankin said there have been several letters submitted with comments and concerns. He read a summary of the letters, as he was not going to read each in its entirety. The letters are on file and include:

Dale Abrams dated 8/9/2012
Ken Schumacher dated 8/11/2012
Dana Dapolito dated 8/11/2012
Kate Pichard dated 8/12/2012
Barbara Reitman dated 8/12/12
Ernest Helmke dated 8/14/12
Joe Valens 8/17/12
Susan Pettee 8/17/12
Betsy McTiernan and Hal Sussman dated 8/14/12
Patricia and Nick Navarino, dated 8/14/12
Mary Beth Merritt dated 8/13/12
Joan Weinstein dated 8/20/12
Patricia Hoffman dated 8/21/12
Joe & Dana Coleman 8/21/12
Nick Micozzi dated 8/22/12
Kevin and Cecilia Kavanah received 8/23/12
Mary Beth Merritt and Ray Crowley dated 8/23/12

Mr. Hankin asked if there was anyone present who wanted to speak in favor of the project. No one spoke.

Mr. Hankin asked if there was anyone present who wanted to speak against the project. No one spoke.

Mr. Hankin asked Mr. Ward about information received that LD Builders had been fined on two previous projects.

Mr. Ward said in both cases the construction company caused the error resulting in the fine. He said he was the owner so he was the one fined. The contractors paid the fines which settled the matter. Mr. Ward said it costs huge money to fight fines so it is easier to pay the fines.

Mr. Hankin thanked Mr. Ward for the information.

Arlene Simmons asked if she could speak. She said she was from Otis. She said she is sympathetic to the concerns over the increased traffic. She said she is excited about the project because of the community it is in. She said Otis is far away from many things.

She said she wants to stay in this area and decided a condo makes more sense because the maintenance is taken care of. She said she is not a second homeowner and she supports local businesses. She thanked the Board for the opportunity to comment in an effort to bring another perspective.

Robert Avery was present on behalf of the Fire District/Water Department/Prudential Committee to support the project. He said the District supports the project because it would bring more money into the Town. He said there would be no problem supplying water for domestic use or fire protection.

Jeff Sexton from 139 Christian Hill Road said he is opposed to the project. He said enough had been said about the traffic issue. He said the project does not affect valuable farm land or impact forest or woodlands. He said Phase II would affect a seasonal spot of land. He said the area is a valuable wildlife corridor. Since the beginning of the subdivision development there have been fewer deer and owls. The Jefferson Salamander lives in the area so there is impact on the sensitive and valuable woodland resource.

Mr. Sexton said he not opposed to the development but the long term view or 70+ year old people purchasing the property and turning into 85+ year old people. What will become of it? He said he is offended by the "country club" aesthetic as it implies exclusiveness. He said diversity is very important. He said there are single family homes on cul-de-sacs and dead ends without community contact. He suggested a family style nursing care development that would include lower income levels as well as upper income. He said we need projects that represent something of the future, something with vision. He said there is no vision presented and it doesn't represent the diversity of Great Barrington.

Mr. Hankin asked if there were any other comments. There were none. Mr. Hankin reminded Mr. McCormick that at the last two meetings requests were made for justification for findings to grant the special permit, but we haven't received anything yet.

Mr. McCormick said it should be ready early next week.

Mr. Hankin said the next normally scheduled meeting date is not acceptable to either the applicant or Mr. Dohoney. The next meeting was rescheduled for Wednesday September 12, 2012 at 7:00 P.M. at Town Hall. The public hearing was scheduled for 7:15 P.M.

Mr. Musgrove made a motion to continue the public hearing to Wednesday, September 12, 2012 at 7:15 P.M., Ms. Schroeder seconded, all in favor.

Mr. Musgrove made a motion to cancel the regular meeting of September 13, 2012 and hold it on September 12, 2012, Ms. Schroeder seconded, all in favor.

Without objection Mr. Hankin adjourned the meeting at 8:59 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary

Materials distributed or presented for this meeting:

- Great Barrington Housatonic Village Dimensional analysis from Berkshire Regional Planning Commission, dated August 20, 2012
- Letter from Tighe & Bond dated August 20, 2012, re: Barrington Brook OSRD technical review comments