

PLANNING BOARD

DATE: September 12, 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 7:04 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: AUGUST 23, 2012

Mr. Musgrove made a motion to approve the minutes of August 23, 2012 as approved, Ms. Schroeder seconded, all in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold advised the Board that the State has approved the Permit Extension Act allowing all permits to be extended by four years. In 2010 all permits received a two year extension. This revised Act allows permits to be extended by four years.

Mr. Rembold made the Board aware of a proposed joint meeting between the Selectmen, Agricultural Committee and the Energy Committee tentatively scheduled for October 1.

Mr. Rembold said the Board of Selectmen approved the special permit for Cumberland Farms with a change to the Planning Board's approved Site Plan Review. He asked what level of change the Board would like to see so it can be addressed at the next meeting.

Mr. Musgrove asked if the Board could see the changes prior to the next meeting so it can be determined if we want them to come back.

Mr. Dohoney suggested we get the revised plan but waive the requirement for them to come back when we review it.

The Board agreed.

BARRINGTON BROOK CONTINUED PUBLIC HEARING:

Mr. Musgrove made a motion to continue the public hearing for Barrington Brook OSRD special permit, Ms. Schroeder seconded, all in favor. The continued public hearing began at 7:15 P.M.

Present for the applicants were Edward McCormick and Joe Wilkinson, Jim Scalise engineer from SK Design Group, Kathleen McCormick and Dave Ward.

Mr. Hankin, noted that this was being recorded and requested that any questions during the public hearing be directed to the Chairman. He asked Mr. McCormick about the draft for the findings.

Mr. McCormick said he had submitted it to Mr. Rembold.

Mr. Rembold said he had not forwarded it to the Board as he thought it was a draft and a final version would be coming prior to the meeting.

Mr. Scalise agreed to walk the board through the response, which was distributed to the Board. Mr. Scalise said he wanted to remind the Board of the discussion with the Board last fall regarding the mathematical calculations. He said the project had been designed to avoid infringing on the open space maintaining 63% of the open space within the project. He began discussing the findings outlined in his draft. It was noted that the plans projected had been modified from the original submittal. They have not been formally submitted to the Board.

Mr. Hankin asked if what you call open space does not include the wetlands.

Mr. Scalise said the wetlands can be included in the calculations. He said there is one area of steep slopes that was avoided, there is no Federal open space adjacent to this area.

Mr. Hankin asked about the suggestion of a link between the project and the trail system at Simon's Rock.

Mr. Scalise said he is not aware of a specific trail system but there is a liability concern because this project is private property which is subject to liability unlike government lands.

Mr. Scalise briefly addressed the potential for a Conservation Restriction on the open space saying it is a very detailed and onerous process and it would be expensive for the land owners.

Mr. Dohoney asked if a survey wouldn't be needed if the land is to be protected as open space in perpetuity.

Mr. Scalise said yes but it is very expensive. The land would be protected for 100 years.

Mr. Musgrove said he thought perpetuity meant forever.

Mr. Scalise said a restriction can be spelled out in the Home Owners' Association agreement.

Mr. McCormick said a covenant can be placed on the land that would be filed in the Registry of Deeds.

Ms. Schroeder remarked there may be a cost for a Conservation Restriction, but isn't there a savings in taxes?

Mr. Scalise said we give up the development right but he is not sure if the configuration of the property would allow for any release of development rights.

Mr. Musgrove said the math calculations said the development could theoretically contain 94 units. It seems that foregoing development would be an argument for the Conservation Restriction.

Mr. Scalise said from a practical standpoint it would be very difficult to put in that many units. He said the density fits but we are not talking about doing it.

Mr. Musgrove said if you were to put in 94 units there would be a greater tax benefit.

Mr. Scalise said he didn't think the tax reduction would outweigh the cost of the Conservation Restriction.

Mr. Musgrove said the Board wants the land protected in perpetuity meaning it would never be built on ever. He said access to the land is important to me and the Town.

Mr. McCormick said as long as we keep it in perpetuity that should be the most important point. Liability insurance may be required to protect the public who go onto the property.

Mr. Dohoney said an insurance policy would be required anyway as there will be a pool.

Mr. McCormick said that is correct.

Mr. Scalise said the proposed project consumes less than what could go in. He said he did not think the Board should be comparing this project to the approved subdivision.

Mr. Rembold asked if there would be more waivers for the definitive subdivision aspect of this project.

Mr. Scalise said there would be no more waivers.

Mr. Scalise said this plan is denser and would minimize the total land disturbance.

Ms. Schroeder asked if the islands of land between the roads were counted as part of the open spaces. She said that land should not be counted.

Mr. Scalise said even without it figured in, the open space exceeds what is required.

Ms. Nelson asked if a shared wall such as a garage wall had been considered in order to increase the open space.

Mr. Scalise said people want detached single-family homes with garages.

Ms. Schroeder said that the marketing studies that have been done have been based on the developments in Pittsfield. Those studies might not apply in Great Barrington.

Mr. Scalise said we look at what people are buying in all areas of the county.

Ms. Schroeder said Pittsfield is very different from Great Barrington.

Ms. Nelson commented that sometimes people say what they want based on what they see. It might be good to have different options.

Mr. Scalise said this project is desirable based on sales info.

Mr. McCormick said he and Attorney Ferris, who represents the Epsteins and the Klemps, are working on the issues. He said there may be some changes to Phase 1.

Mr. Hankin said the reason for #8 of the finding is to attempt to have more architectural diversity and affordable housing.

Mr. McCormick said the neighbors want to keep the "upper level" type housing.

Ms. Nelson said neighborhoods in village areas are very diverse in price point and types of housing.

Mr. Musgrove said diversity makes it more of a neighborhood. He said the intent of #8 was for diversity within the OSRD to attract more types of people.

Mr. Dohoney said that is not how he reads it.

Mr. Scalise said it was intended to be more global. We find a medium market and affordable are better than the high end market.

Mr. Scalise said there are additional comments that speak to special permits in general he said he would not go through those comments.

Mr. Hankin asked what would the project look like without any waivers.

Mr. Scalise said there would be some reduction in the number of units. The roadway in Phase I would require more of an S curve to make the grade, if it were to continue down to Burning Tree. A very large amount of fill would be required to reconstruct Burning Tree at a higher grade to make this connection feasible.

Mr. Musgrove said there is a waiver not to build a loop road.

Mr. Scalise said there is a good balance between a reasonable number of units to make the project work. We would lose about 5 units to move the road back to meet the required road length.

Mr. Scalise pointed out that the engineers from Tighe and Bond mentioned nothing about the dead-end road lengths. He asked them why and was told they had no problem with the road length.

Mr. Scalise said without the waivers for Thrushwood if the cul-de-sac were pulled back and the bump outs taken out of the road they would lose about 12 units.

Mr. Hankin said Burning Tree has a road off of it to the east with 7 units, which seems to replicate the existing road at significant cost with little benefit.

Mr. Scalise said we thought it would reduce traffic.

Mr. Hankin said that does not feel clustered.

Mr. Scalise said he would look at it.

Mr. Musgrove said he felt the loop road was unnecessary there.

Ms. Schroeder said it is not clear that there is no development in the buffer zone. She said she wants it clarified that the 100 foot buffer zone is not part of the developable area.

Mr. Scalise said he had followed the bylaw and the bylaws protect the wetlands.

Ms. Schroeder said she wanted it clear that nothing was going to be cut or put in the buffer zone. She said it is part of the calculations for developable land. She said even areas that look like green space are not part of a healthy eco-system when there is that much invasive species.

Mr. Scalise said he needs a direction from the Board.

Mr. Musgrove said he thought one driveway could serve 2-3 houses. More clusters with fewer driveways.

Mr. Hankin asked if the developers had looked at Long Lake in Ancramdale.

They had not.

Mr. Hankin suggested it would be worth looking at as that was a development the Planning Board had visited and liked.

Mr. Scalise said the topography at the Barrington Brook site was much tougher. He said he drew a cluster development in Pittsfield that the Board would love because there was more green space. He said open space is more valuable if it is not broken up.

Ms. Schroeder said Mr. Scalise was making it sound more limited than it is. She suggested he needed to use more creativity. She said each unit does not have to be free standing.

Mr. Scalise said we have to have it free standing. It is not marketable if it is not free standing.

Mr. Hankin suggested looking at Long Lake.

Ms. Nelson said in fairness to Mr. Scalise, Long Lake is a flat site very different from Barrington Brook.

Mr. Hankin said maybe it is not possible but it is something to strive for. You have a better site but the architecture there is more imaginative. He suggested there needs to be more diversity.

Mr. Hankin asked if there were any further comments from the Planning Board.

There were not. Mr. Hankin read through a list of the additional correspondence received since the last meeting. He said all of the correspondence is on file.

Mr. Rembold said he will forward what he has received to the Board and print it out to file with the Town Clerk.

Mr. McCormick said he met with Mr. Marks from the Prudential Committee to discuss the preference the Water Department has in the materials used. In a letter date September 12, 2012 the Committee stated that they had no preference in the material used provided the Fire District will never be responsible for repair, maintenance and/or replacement of the pipes.

Mr. Wilkinson said Town DPW Superintendent, Joe Sokul, was to send a letter of support for the use of the Waste Water Treatment Plant.

David Ryel from 85 Christian Hill Road said he is basically in favor of the development and he doesn't want to see short cuts taken. He said the Town needs the increased revenue. Christian Hill Road can not handle 610 more vehicle trips. He asked who would pay for the upgrade to road from the heavy use.

Mr. Ryel suggested that a 3-way stop sign be put at Lake Mansfield and Christian Hill Road. He said the traffic travels past his house at 45mph even though the posted speed limit is 35mph. He said there is no shoulder or sidewalk; it is just a disaster waiting to

happen. Mr. Ryel said he brought the issue up in 2002. He said there is a huge liability issue but nothing has been done.

Mr. Hankin said this sounds like a speed enforcement issue.

Mr. Ryel asked if the Town can afford a lawsuit.

Mr. Hankin said two traffic engineers agree that the road can handle the additional traffic.

Ms. Nelson said the traffic engineers indicated that technically the road capacity and level of service meet criteria, but the percent increase in traffic from existing is appreciable.

George Klemp brought a letter from Richard Epstein who was not able to attend the meeting. He gave the Board members copies for their consideration.

Mr. Hankin asked if there were any other comments.

Ms. Nelson asked if revised plans would be submitted.

Mr. Hankin said the next meeting on September 27 would be in Housatonic and would be followed by a Master Plan Committee meeting at 7:30 P.M.

Mr. Dohoney said it wouldn't be likely to accomplish anything productive during a short meeting.

The applicants agreed they would prefer to have an entire meeting to work with.

Ms. Schroeder stated she would like more clarification on keeping the land in perpetuity. She suggested talking to a land trust about how valuable the land might be for open space.

Mr. Dohoney said he would like specificity of what will be done in the open space. He said the value of the land is not that there is no building but that it is maintained as a natural habitat.

Mr. Klemp said there has been vandalism on his property and cautioned the Board about making the land to accessible to the public.


Mr. Hankin said having people living in the development would make it less isolated and provide some protection.

Mr. McCormick asked if the Board might consider holding the next meeting on October 4 as there was some conflict with the first meeting in October. It was decided by to hold the first meeting in October on the 2nd at 7:00 P.M.

Mr. Musgrove made a motion to continue the public hearing to Tuesday, October 2, 2012 at 7:15 P.M. at the Town Hall, Ms. Schroeder seconded, all in favor

Without objection Mr. Hankin adjourned the meeting at 9:01 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

Reference Material:

Letters submitted since the September 12, 2012 meeting
Draft of the Findings read by Mr. Scalise