

## **Great Barrington Planning Board**

DATE: January 8, 2015

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Malcolm Fick  
Chris Rembold, Town Planner

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

Michele Loubert, a member of the audience, announced that she would be recording the meeting.

### **FORM A's:**

Fredrick Haley was present with a Form A application on behalf of Mark and Sarah Formel to convey four tenths of an acre of land to an abutter. The parcel is located off of Mountain Street in Risingdale and is not to be considered a separate building lot.

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

### **MINUTES: NOVEMBER 13, 2014 & DECEMBER 11, 2014**

Ms. Fowle made a motion to approve the minutes of November 13, 2014 as amended, Mr. Fick seconded, all in favor.

Mr. Fick made a motion to approve the minutes of December 11, 2014 as amended, Mr. Musgrove seconded, all in favor.

Mr. Fick made a motion to approve minutes of November 10, 2014 as amended, Ms. Fowle seconded, all in favor. These were minutes from a joint meeting with the Select Board.

### **HOUSATONIC ZONING:**

Mr. Rembold handed out a draft of the zoning amendments titled Draft Zoning Amendments for 2015 Town Meeting v. 4 for 1/9/15.

Mr. Rembold said there are six items for discussion. Mr. Rembold went through the draft. He said there are no changes since the last meeting. He went through the draft for members of the audience who had not attended the previous meeting.

Mr. Rembold said the Housatonic Village Center (HVC) is intended to promote a mixed village center.

Mr. Hankin said the zone is not designed to change the village center but to reflect what is there.

Mr. Musgrove said all the properties in the HVC are non-conforming meaning that anyone who wants to do something to their property has to go through the ZBA for permission.

Chris Stevens, owner of Country Carpets, asked what the difference is between the B-2 and B-1 districts. He said he is concerned about having his property changed from B-2 to B-1.

Mr. Rembold said the B-2 zone is a highly commercial highway zone. Stockbridge Road is in the B-2 zone. He said the zone is intended for automobile oriented commercial area. It is not intended for residential areas. The zone is intended to encourage business and discourage residential. In the Housatonic Village Center the B-2 zone does not make sense.

Ms. Loubert asked what type of business would go into the R-2 zone.

Mr. Rembold went through the Table of Uses to go over what would be allowed in the zone.

Ms. Loubert was concerned about large scale commercial development in the area of the Brick House Pub. She had questions about the ownership of the road between the Brick House Pub and the railroad tracks. The ownership is unknown so Mr. Rembold was asked to try to determine who owns the road.

Mr. Rembold discussed the Housatonic Village Overlay District (HVOD). He said this zoning would allow for some flexibility for the parcels in that zone.

Mr. Hankin said we are anticipating revitalization of the Village core. This zone would allow for mixed use. It tries to anticipate potential future needs.

Mr. Rembold asked if there are specific special permit needs that should be considered. The Planning Board needs to think about the residential character and perhaps specific findings the Select Board would need to issue a special permit in that area.

Mr. Hankin said he thought the general findings are fine. There may need to be changes made at some point but we don't know enough about the future needs.

Eileen Mooney asked if a small restaurant would be allowed in the HVOD.

Mr. Rembold said no.

Mr. Rembold said the B-1 zone is proposed for the North Plain Road area that is currently B-2. He said he did not know the intention of creating the B-2 zone in that area in the 1950's and 1960's. Four out of five parcels are residential and non-conforming. There is an overwhelming residential character in this area with the exception of Country Carpets. The Risingdale Café property on Park Street will also be made part of the B-1 zone. The parcel was originally intended to be in the B-1 zone but a hand drawn map did not include the parcel so we want to fix that error. It is clear that the intention was to include that parcel.

Mr. Rembold said the proposed changes to the B-1 zone would allow the residential multi-family and business uses to continue. The current B-1 zone allows retail establishments up to 20,000 square feet by right. The change would not allow retail businesses of that size by-right. A business of that size is not appropriate in a residential zone. It is proposed that a business use 6500 square feet or less would be allowed by-right. Less than 10,000 square feet could be allowed by special permit, over 10,000 square feet would not be allowed.

Mr. Hankin commented to Mr. and Mrs. Stevens that it was the intent of the Board to make sure that their business would not be made non-conforming by the zoning change.

Ms. Fowle asked that there be a footnote for the HVC limiting floor area.

Mr. Hankin said there needs to be concern for the school building that is 8,000 square feet per floor for three floors. We want to encourage reuse of that building. What if someone wanted to do a boutique shopping mall of locally owned shops selling locally produced products? We do not want to preclude any viable use of that structure.

Ms. Fowle said the goal is promote mixed use. She said she would not want the entire structure to be retail space.

Mr. Hankin said there is a potential it would be mixed use with some retail but the reuse could be an anchor for the village.

Ms. Fowle said she could not imagine 20,000 square feet of retail space surviving in that area. She said she would expect there to be office and housing mixed in.

Mr. Rembold said the proposal for North Plain Road would be the same as the Risingdale area. The revised B-1 zone would allow up to 6500 square feet of retail use by-right. He said there would also be tweaks for the residential uses. He said the minimum lot size would be reduced from 10,000 square feet to 5,000 square feet. He said he is not sure if this lot size would be viable without town sewer. He said he did not expect there to be that kind of density.

Mr. Hankin said it is a good reason to look at the B-1 zone on Park Street and what is reflected there. These two areas are two different fabrics with a similar goal.

Mr. Rembold addressed the balance of the Housatonic Village. He said the zoning is R-1-B. Many lots in the zone are non-conforming. They are too small for the zone but the fabric-density-is very similar to other areas. It is proposed to make the R-1-B zone into the R-3 zone. The proposed R-3 would bring some, but not all, of the existing lots into conformance.

Mr. Hankin said Housatonic was developed prior to zoning. Zoning was imposed upon the village. We are trying to make the zoning conform to the original development.

Mr. Musgrove asked to return to discussion of the school.

Mr. Rembold said the parcel is 31,000 square feet. The building footprint is about 7,000 square feet. He said zoning should reflect what the Town wants. The special permit process is the discretionary action that can allow a use or not. There needs to be a reason to approve a special permit, not deny it.

Mr. Musgrove said there needs to be a footnote for the HVC that is similar to the one created for the B-1 zone that grants special status to the school. The school needs special dispensation to allow for redevelopment.

Mr. Rembold said there is a simple way to do it. Allow 6,500 square feet of retail and up to 20,000 square feet by special permit.

Mr. Hankin said he would prefer to have something referring to a historic designation thrown in.

Mr. Musgrove said 10,000 square feet belongs with the special designation for the school.

Mr. Hankin suggested using similar language that was developed to allow hotels in historic buildings.

Mr. Rembold said for redevelopment of historic structures or structures designated as historic. It allows the Select Board to consider allowing retail of up to 20,000 square feet. He said he could put the test into a new footnote.

Mr. Rembold said the only other zoning change is for Pothul Drive. Two lots have been created similar to all other lots on Pothul, but were mistakenly zoned R-2. The change to R-1-A will amend the zoning map and zone the parcels the same as the rest of the street.

Mr. Hankin said he wanted to discuss another potential zoning article for the height and definition of accessory structures. He said the bylaws limit accessory buildings to 15 feet in height in all districts (height is measured to the mid point of the gable). The height restriction allows for a one story building which does not allow for a carriage house type of structure. He said he could possibly understand the restriction in a dense neighborhood, but there are a lot of 5 acre parcels or more, where there is an exception for the height of the primary structure to 40 feet and three stories that still would not be allowed to build an accessory building higher than 15 feet. He said he is not sure where the 15 foot restriction came from but if the goal is to provide affordable housing we should rethink so that an accessory building could potentially have an apartment above a garage, similar to the many historic carriage barns in town.

Ms. Fowle said she hesitates to add another warrant article. The zoning articles for Housatonic require a lot of explaining. We had decided earlier in our discussions not to add any more articles so we could focus on Housatonic.

Mr. Hankin said he felt this fix was more a clarification that would be simple and not require a lot of explaining. He said he thought it should be looked at.

Mr. Musgrove said any property five acres or more should be allowed to have a taller accessory building.

Mr. Hankin said he would like to be able to allow a two story structure so there could be a dwelling unit above.

Mr. Fick said he thought there should be a little more research.

Mr. Hankin said it would still need to be subordinate to a house. The height could be allowed up to 25 feet. He said this does not have to be decided tonight.

Mr. Fick said he agreed with Ms. Fowle. We should not add any other articles.

Mr. Hankin said it is not complicated. He said the other issue is that the accessory building is required to be located on the same lot as the principal house. He said if someone has two lots with a house on one they would not be able to put an accessory building on the other lot.

Mr. Rembold said he would look at what other towns have for zoning on this issue.

Mr. Rembold said the Board needs to make a motion to send the zoning articles to the Select Board to allow them to be included on the Town Meeting warrant.

Mr. Musgrove asked that language be sent for the new footnote capping retail in the HVC and language that excepts the school. He made a motion to send the zoning articles to the Select Board, Ms. Fowle seconded, all in favor.

Mr. Rembold suggested setting the public hearing for Thursday, February 26 at the Housatonic Community Center.

Mrs. Mooney said there is a school committee meeting that night.

Mr. Hankin suggested the public hearing be held on March 12<sup>th</sup>. It was agreed.

**TOWN PLANNER'S REPORT:**

Mr. Rembold reminded the Board that the annual town report is due and it will be discussed at the next meeting.

Mr. Rembold said Lynn Hutchinson is appealing another order issued by the Building Inspector. He suggested the Board might want to review the application at the next meeting and make a recommendation to the ZBA.

Ms. Fowle said she would like to support the Building Inspector.

**OTHER ISSUES & CONCERNS:**

Mr. Rembold confirmed that the Select Board has the associate member on their meeting agenda for Monday night. Also the Select Board will discuss special municipal employee status for all board and committee members.

Mr. Hankin said he is advocating that all committee and board members be designated special municipal employees.

Having concluded their business, Mr. Hankin adjourned the meeting without objection at 9:11 P.M.

Respectfully submitted,

Kimberly L. Shaw  
Planning Board Secretary

Materials Distributed at the Meeting:

Formel Form A

Proposed Draft Zoning Map dated 12/11/14

Draft of the zoning amendments titled Draft Zoning Amendments for 2015 Town Meeting v. 4 for 1/9/15.