

Great Barrington Zoning Board of Appeals

Minutes Jan. 7, 2016

Attending the meeting at Town Hall were Chairman Ron Majdalany, Vice Chairman Carolyn Ivory, Madonna Meagher, Michael Wise and alternates John Katz and Don Hagberg. Also Town Planner Chris Rembold and Town Counsel David Doneski.

The chairman at 7:30 p.m. opened the public hearing on the Comprehensive Permit Application submitted by **Community Development Corporation of South Berkshire**. The site is the former New England Log Homes property. The application is for 45 affordable rental housing units, 36 market-rate condominiums, 30,700 square feet of commercial retail space and 6,500 square feet of commercial office space on an eight-acre site at 100 Bridge Street. Presenting the plan were Tim Geller, executive director, CDC of South Berkshire; Richard Klein, Berkshire Design Group; Charles Roberts, Kuhn-Riddle Architects; and Larry Boudreau, Chazen Companies.

The site was home to a textile mill for years, then a New England Log Homes factory. After the business closed, the ground was found to be contaminated. A fire destroyed the buildings in 2002. The ruins were demolished and removed in 2012 at a cost of \$1.2 million, Mr. Geller said.

The proposal for the site is in four parts:

- Affordable housing, 45 units in three four-story buildings at the south end of the site
- Thirty-six market-rate condominiums in two buildings near the river
- Eight market-rate units in two buildings on Bentley Avenue plus 3,500 square feet of commercial space in each building
- Two-story commercial building with 23,700 square feet of commercial space on the first floor, 6,500 of office space on the second

Mr. Geller said there will be 103,000 square feet of housing, 30,700 square feet of commercial space and 87,000 square feet of open space. He said the footprints of the proposed new buildings will not exceed the footprints of the previous buildings on the site. He also noted allocation of two acres of open/park space along the Housatonic River and in the center of the development parcel.

Mr. Geller said the Comprehensive Permit for the \$12 million project is driven by the affordable housing component. He said the mixed uses will result in a 24-hour-a-day site, thus a waiver is sought on parking requirements. He said confirmation of non-profit status and a site eligibility letter from the Massachusetts Department of Housing and Community Development (Massachusetts Housing Partnership) is in the application, though a clarification of the latter is coming. He said the 45 affordable housing units are important to the Town. He said the project could generate 90 jobs. He emphasized the open-space benefit to the Town.

Mr. Klein described the loop and straight roads inside the parcel, and the commercial building loading dock adjacent to Bridge Street, which would oblige truckers to pull into Humphrey Street then back up to approach the dock, much in the fashion truckers make deliveries to Berkshire Co-op Market on Bridge Street now. He said employees of the commercial tenants could use parking spaces in the affordable housing area. He said all buildings are at least 100 feet from the river.

Mr. Geller said the plan is contingent on an order of conditions from the Conservation Commission. In answer to a question by Ms. Ivory, he said the truncated smokestack from the old Riverdale Mills will be moved on the site and converted into some sort of feature near the public overlook area along the proposed riverfront walking path. He said CDC owns half an acre of land on the east side of Bentley Avenue, where a trail crosses a brook over a wrought-iron bridge to reach the Grove Street Park. This could ultimately provide a link from River Walk on the west side of the river with East Mountain.

Mr. Roberts said the parcel will have four “neighborhoods.” The affordable units in three buildings are skewed on the site, to maximize their exposure to sunshine. They will be four stories high, to echo mill architecture. They will be super insulated. The market-rate buildings will be the same height, the top floor recessed. The townhouses on Bentley Avenue will have two stories streetside. Because of the terrain, there will be three stories facing into the lot, the spaces intended for commercial use. The anchor tenant commercial building tentatively will have a modern look. The second floor, for offices, will have less square footage.

Mr. Boudreau said there will be angled parking on the north side of the lot, facing Bridge Street. He said there will also be parking off Bentley avenue. There will be a dedicated access way to reach the affordable housing units. There will be a loop to access the interior of the lot and parking in the interior of the lot, as well as a community park green area. There will be a service drive to the anchor commercial tenant, off Bridge Street. He said no contaminated material will leave the site. Contaminants are no deeper than 15 inches, he said, and the surface will either have buildings, parking lot pavement or new topsoil as a cap. Ditches or other means will be used to allow for planting trees. He said LED lighting will be on poles 14 to 18 feet high (as opposed to 30 feet for most streetlights) or on bollards. Light would average 0.9 foot candles on the entire site. Stormwater will be directed to a retention pond at the southwest corner of the lot. In answer to a question from Ms. Ivory, he said the design team favors underground electrical lines, but they would be part of the Town’s Bridge Street improvement project.

Mr. Geller said the development is “floodplain consumption neutral,” that is, it was not necessary to provide any compensatory flood storage for the proposal. He said the finished homes will be at an elevation 1.5 feet above the floodplain. In answer to a question from Mr. Hagberg, Mr. Geller said the Massachusetts Department of Environmental Protection halted a bioremediation project, but CDC will 100 percent comply with DEP’s requirement to cap the site. It will be monitored forever, he said. Specifications will be worked out with DEP.

Mr. Hagberg asked about health considerations with the adjacent town wastewater treatment plant. Mr. Geller said air was monitored during the bioremediation, and the only contaminants to show up came from the WWTP, which was then undergoing construction work. He said chlorine and other chemicals were tested for.

Ms. Ivory asked if the affordable housing would be built first. Mr. Geller said that was the idea, and with it, work on the riverside green belt. But if a commercial offer came through first, then that would be built first. It could take considerable time for affordable housing funds to come through. The CDC has also received Town approval for Community Preservation Act funds.

Mr. Geller said Construct, Inc. tentatively would manage the affordable housing units.

Mr. Geller described the waivers being sought:

- 258 parking spaces (114 residential and 144 non-residential), as opposed to 299 (124 residential and 175 non-residential) specified in B3 district (Zoning Bylaw sections 9.4.7 and 6.1.2)
- Phased build-out under Zoning Bylaw section 9.4.12.1, requiring construction of affordable units at same time as and in proportion to market rate units, (though CDC will assure affordable units are built)
 - Town not charge building a permit fee
 - Town sewer district not charge a hookup fee. (Mr. Geller asked some consideration as the Town has been offered the opportunity to place a 12-inch trunk sewer line direct to the plant, instead of the present line that goes beneath the river at the Bridge Street bridge, goes south, then crosses the river again to reach the plant.)
- Parking spaces 22 feet long, not 23 feet (Zoning Bylaw section 9.4.7)

- ZBA to perform site plan review and act as special permit granting authority for projects exceeding 20,000 square feet, instead of Planning Board under Zoning Bylaw sections 9.4.8 and 9.4.9 (the 40B application assumes this)
- requirements of the Flood Plain Overlay District (Zoning Bylaw section 9.1) and Water Quality Protection Overlay District (Zoning Bylaw section 9.2).

Mr. Wise asked about the affordable housing being placed closest to the wastewater treatment plant. Mr. Geller said there is a line of trees as a buffer, and there are no obnoxious odors, and that prevailing winds are west to east. Ms. Ivory asked about a traffic study. Mr. Boudreau said one would be started next week.

Ms. Ivory asked about the nature of prospective retail tenants. Mr. Geller said health and wellness, alternative medicine and that sort of business were considered, especially if Berkshire Co-op Market became the anchor tenant. Asked about business hours, Mr. Geller said he would picture some, such as a coffee shop, being open evenings. He said the businesses will open into the interior of the site, not to the neighborhood.

Mr. Wise asked if the project would work with lesser density. Mr. Geller said 45 units is at the lower end of what would appeal to the agency that issues low-income housing tax credits. He said 60 to 80 units is typical in an urban area. Because of the site contamination, there are extraordinary "soft costs," which need to be made up with market-rate housing and commercial units. He said it's more a market question than a density question. He said there's not a lot of margin.

The Board was in receipt of letters from the Board of Health (which made a favorable recommendation) and Conservation Commission (which explained its involvement in permitting under the Wetlands Protection Act and regulations regarding riverfront redevelopment).

The chairman opened the hearing to public comment. Jonathan Hankin, chairman of the Planning Board, asked what the developer would do should the mixed uses not provide necessary income. Mr. Geller said the ZBA is permitting a specific site plan, and if anything changes (such as a hotel seeking to use the site), CDC would return to the ZBA. Selectman Ed Abrahams said there may be data available from the recent traffic study done on behalf of a proposed hotel at the former Searles High School site. Mr. Boudreau said counts would be made at Bridge and Main, Bridge and Bentley and the neighboring intersections.

Janet Bouteiller said the streetside parking, from which motorists would back out onto Bridge Street or Bentley Avenue, would create a safety issue. Bentley Avenue, she said, is narrow. The actual parking spaces are on the site, Mr. Geller said. Mary Rivers voiced the same concern, not only of vehicles parking but of delivery trucks backing across and blocking the street. Jana Vilner said the previous demolition activity had been noisy, started at 7 in the morning and happened on Saturdays. Mr. Geller said he wasn't aware it took place on Saturdays. He said the ZBA could establish hours of construction.

J.B. Brodeur suggested the developer cut off the northeast corner of the lot, and allow traffic to enter the site there, rather than from Bentley Avenue. Mr. Geller said it probably wouldn't be allowed by state or Town regulations, as the entrance would be too near a corner. He said early conversations with the Planning Board pushed CDC in this direction. Mr. Boudreau said the traffic study should produce useful information.

Board members agreed on Jan. 13 at 3 p.m. for a site visit.

The Board on a motion by Mr. Wise, seconded by Ms. Ivory, unanimously voted to continue the public hearing to Feb. 17, 2016, at 7:30 p.m. at Town Hall.

Mr. Doneski said clarification of the scope of the DHCD site eligibility letter and traffic, as well as recommendations of the Board of Selectmen and Planning Board, will be needed before the Board closes the public hearing and votes on the application. Mr. Geller said he would be able to provide traffic data and Department of Housing and Community Development information a week before the continued hearing date.

In other business, the board unanimously approved the minutes of Sept. 9, 2015, on a motion by Ms. Ivory, seconded by Mr. Wise.

The meeting adjourned at 10 p.m.

Respectfully submitted

Bernard A. Drew, Secretary

A handwritten signature in cursive script that reads "Bernard A. Drew". The signature is written in dark ink and is positioned below the typed name.