

PLANNING BOARD MINUTES for meeting on Feb. 22, 2022.
Approved on March 22, 2022

In attendance: Pam Kueber, chair (PK), Tom Delasco, vice chair (TD), Jim Harwood (JH), Sue Lyman (SL)

Absent with notice: Kate McNulty-Vaughan

Also attending: Town Planner and Land Use Director Gwen Miller (GM), Land Use Clerk Jes Cote (JC), Heather Brown (HB), and Rodney Galton (RG),

Documents:

- February 22, 2022 PB Agenda, Housing amendments.pdf, Stamped Form A Mylar, Form A Application, ECOS Energy Info.pdf, Lenox Planning Board DLTAs Requests 2022, Planning Board Annual Town Report
- Joel Bard email dated 2/2/22
- Bylaw 2.2.4 "Split Lots"

The meeting was recorded by the Town.

Updates:

1. Wireless Communications Master Plan –

GM: we received one proposal, somewhat but not entirely responsive, refers to 'economic arrangement' that would underwrite cost of plan as long as at the end they would be responsible for any of the wireless infrastructure. TD – business development for them; some useful info in their response. GM -- worth our while to get actual price quote from three business, go with some one who doesn't have so much skin in the game. TD – Diamond Communications is tower owner and infrastructure developer; typically want qualifications then we negotiate a fee; would be nice to have a consultant from an engineering standpoint not someone who wants to build infrastructure. PK – need to read the whole thing, concern/bias don't want a company that makes its business installing facilities, we're not necessarily of a mind that we want a lot of them, want someone who is very neutral about all the technologies, don't make money from prescribing them.

Next steps -- GM – will get back to Diamond and ask for a price proposal, but will reach out to three different firms to do this work and ask them for a price proposal. Question re why Cityscape did not apply, GM – don't know why and will ask them to provide a price quote if they are interested. JH – Scott Barrow had a different company in mind, GM will reach out to him; PK – Believe they are speaking of Campanelli firm. GM – will ask Scott for person's contact ask if they do wireless master plans, if so submit per rfq, if not we also can ask them if they know of other firms that do master plans. PK – have on list re possible second legal opinion in the future, but let's take it one step at a time.

2. **Housing Related Amendments** – Areas to explore came from Master Plan and other discussions, GM will start doing grant writing to get consultant to create proposed new bylaw language etc. SL – asked about tiny housing zoning, GM – is not related to housing size, that has been removed from zbl / aligns with building code requirements; PK – tiny houses classified as mobile homes; GM – today our very definition of dwelling unit excludes mobile homes, creating additional permitting burden for existing mobile homes. Tiny houses – we can consider where, density, sometimes on wheels, some require municipal water or sewer, some not; standards to meet etc – Adams manufacturer -- asked them how big they could go -- could go up to something like 950 s.f. PK – also whether to require r-15 sized lot, more than one on a lot, GB or W'town may have bylaws to compare.

JH – discussed inclusionary zoning; tiny houses – we also have accessory dwelling units. What we want to identify are ways to incentivize or even require affordable housing and ways to incentivize or accommodate market rate housing – say ‘affordable’ and ‘workforce’ housing. One way to make room for workforce housing and provide incentive – allow more ADUs; Lenox existing inclusionary zoning bylaw is sensible approach used in lots of places successfully, issue is ZBA wrapping their minds around the requirements, has concerns saying that existing code is unworkable, reluctant to see a complete rewrite. PK – subdivisions not included in current bylaw – JH does not create a disincentive to create one- and two-family dwelling units. PK – make bylaw more clear what’s in or not? TD – table with more tiers, remove or clean up waiver. PK – KMV had suggested we look at other models, leave it on there as a point we must resolve, also have some specific questions from ZBA (Shawn Leary Considine). JH – things are starting to get done in Lenox, GB within a few years will create 100 units.

Next steps -- PK – keep language but make it about reviewing rather than doing away with; GM can then write grant request asking for consultant help.

3. Niagara Mill; DLTA due March 4 – no update since last meeting. Have sent owner emails, will send registered letter. JH – will pursue back channel and get back to GM.
4. Two DLTA requests (Solar and Niagara Mill) – if you have comments get them to GM, applications due March 4.

ANR – Review and vote whether to endorse application for Approval Not Required (ANR) under the Subdivision Control Act for property at 383 Housatonic Street (Assessors Map 8 parcel 141); applicant ECOS Energy; owner PLH Vineyard Sky LLC.

Heather Brown (HB) of Foresight and Rodney Galton (RG), Ecos Energy, on hand to present application. HB -- Looking to divide the lot into two parcels. TD – asked about access in I zone – HB says they have been accessing parcel from there. TD – before, there was access through cemetery, HB -- but not granted to current owners.

Most discussion centered on whether Lot 1 had adequate frontage, and on the proper application of ZBL

PLANNING BOARD MINUTES for meeting on Feb. 22, 2022.
Approved on March 22, 2022

2.2.4 “Split Lot” provision relative to how applicable zone should be applied. PK – does not believe this in an ANR because proposed frontage for Lot #1 is 154’, whereas required frontage 200’. Applicant proposed that frontage be based on R-1A zone; referred to discussion at meeting two weeks ago on another ANR application. HB and Board discussed how ZBL 2.2.4. “Split Lots” should be applied: 30’ “spillover” referred to in 2.2.4. relates to Use of the land in a split lot – not to the frontage requirement (unless the spillover [from the zoning line] is within 30’ of the frontage; on Lot #1, I-zone frontage is approx.. 600’ from R-3A zoning line.) Discussion occurred while looking at the plans onscreen with in-progress highlighting taking place to clarify boundaries and dimensions as all spoke. PK read Town Counsel Joel Bard email; in his opinion location of structure determines dimensional requirement. JH – but Use doesn’t matter – we look at three key questions: adequate frontage, on public private way, real access; proposed frontage is in I-zoning district and does not meet zoning requirement; reminded that whatever Use they might say they want now could be changed in the future. SL asked what was intention for land; HB said she did not have that info; PK reminded this is not in the Board’s purview. PK – agree that is why disagree with what Town Counsel said, said we had tried to reach him to discuss further but had not been able to connect.

TD moved to endorse ANR as presented, JH – second. No further discussions. PK no, TD no, JH no, SL no. (Motion failed and ANR was not endorsed.)

RG asked if he could have everyone state their name and reason for denial. Pam Kueber – Lot #1 does not have adequate frontage on Willow Creek per requirement of Industrial Zone where it is located; Tom Delasco – we feel does not meet minimum requirement along Willow Creek Road, which is 200’ in Industrial zone; Jim Harwood – in agreement with PK and TD; Sue Lyman – agree that the parcel in question is in the Industrial zone, which has a 200’ frontage requirement, which you don’t have in that particular parcel and therefore it’s not an ANR.

Annual report to Town – Board approved draft with one minor amendment. Discussion that format was fine as is. Consensus agreement.

Respectfully submitted,
Pam Kueber
March 7, 2022