

Public Hearing, Report to the Select Board and the Town of Egremont

Public Hearing, March 19, 2018

The entire Planning Board was present as were twenty-four participants. The Planning Board chair gave an overview of the proposed amendment for a Recreational Overlay District. The chair of the *Ad Hoc* committee of the Select Board, George McGurn, made a brief presentation. Members of the Planning Board asked questions about the *ad hoc* committee. Written comments received by the Planning Board were summarized and made part of the record: detailed comments by Eileen Vining and by Alexandra Glover, Esq. were accepted, and the Planning Board has had a chance to review them. Finally citizens present made comments and gave input.

The Planning Board met again on March 21, 2018, to discuss and agree on recommendations and to write this report. The recommendations were passed by vote, 4 to 1.

Recommendations

The Planning Board agrees with the concept of a Recreational Overlay District, and it encourages and is willing to work with the ad hoc committee to improve this proposed amendment.

We do not support this proposal as written, because it would allow commercial changes to the Town of Egremont without review or input from abutters, adjoining towns, or other interested citizens, and without Special Permits that would enable the Town to set conditions on proposed developments that would mitigate damage to the neighborhood.

Some specific objections to the proposed Recreational Overlay District include:

The ROD map does not adequately describe the district as outlined in the text. A zoning map that clearly identifies the district is a requirement.

3.2.8 The ROD needs to be made up of parcels that are greater than 75 acres, and with road frontages on Route 23 or Egremont – Sheffield Road of at least 150 feet. These cannot be “connected parcels in the same name,” because it would be possible to sell off part of the originally eligible site(s) without permit or even knowledge of the Planning Board.

5.7.3, paragraph 3 Allowed Uses presumably are outdoor uses, but this paragraph does not say so. If allowed recreational uses are limited to outdoor ones, then indoor tennis, gymnasia, yoga studios, tai chi, climbing walls, etc. would not be allowed as primary uses.

“redevelopment of existing buildings” is too broad; it would allow expansions of existing buildings without Planning Board review.

5.7.4 Accessory Buildings This list is overly broad because phrases like “conference rooms,” “event areas,” “restaurants,” and “retail shopping”, allowed by right if deemed to be accessory, can be as large as 30,000 Gross Square Feet. This could magnify the impact of a development in the ROD by a large amount, a by-right expansion.

5.7.6 Setbacks The 100-foot setback applies also to driveways; this seems extreme.

5.7.7 Exterior lighting Should not exclude trails or outdoor recreational activities; while understanding the need for safety at night, there has been no demonstrated reason why these lights cannot be shielded to prevent light on the ground of adjacent properties. This is accomplished routinely in parking lots, stadia, etc.

5.7.8 Site Plan Review While site plan review is helpful in communicating and negotiating potential issues with development, it cannot be used to approve or deny a by-right use; therefore we feel that site plan review is not enough to protect neighborhoods and the environment. This amendment should require a Special Permit, as the Egremont Zoning Bylaw does for all other allowed commercial uses.

5.7.8 b) View impacts should not be limited to those from Route 23 and Egremont-Sheffield Road. They should be considered also from abutters.

d) Lighting design review should not be limited to accessory buildings, uses and structures.

The site plan review process should also include:

- Pedestrian and vehicular access to and egress from the site,
- Storm water management,
- Water and wastewater systems, and
- Refuse disposal.

5.7.9 Filing fees should include fees required for evaluation by independent consultants, if the Planning Board requires it; the applicant should pay these fees.

5.7.10 Application Site Plan should be prepared by a *Registered Architect*, a Professional Engineer or Registered Landscape Architect. [NB: Architect was unaccountably omitted]

Sound The proposal does not address sound, even though some of the allowed and accessory uses will produce sound that could be objectionable to neighbors. There should be a requirement for maximum sound decibel levels at the property boundaries. It should limit noise to an increase of no more than 10 decibels weighted for the ‘A’ scale [dB (A)] at the property line of the development, in accordance with Mass DEP Noise Control Regulation 310 CMR 7.10,