



CITY OF NORTH ADAMS, MASSACHUSETTS

Planning Board

REGULAR MEETING

MINUTES

October 5, 2020

Call to order 6:00 p.m.

Chair statement for virtual public hearing

Chairman Leary read the following statement: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the North Adams Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress via teleconference. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by teleconference.

Members present virtually Chairman Michael Leary, Lisa Blackmer, Lynette Ritland Bond, Robert Burdick, Kyle Hanlon, Kayla Hollins, Brian Miksic, Paul Senecal, and Larry Taft

Members absent

Others present virtually 529323, Shannon Cahill, Andrew Casteel, Julia Daly, Tammy Daniels – iBerkshires, John Dupras, Ciara Fragale Music, Roger Gibboni, William Meranti – Building Inspector, David Moresi, Elaine Nickerson, William Preite, Dennis Rebelo, and Jessica Sweeney

Public hearings old business

- **Case No: SPA2020-24** Application of William A. Preite for property located at 401 Curran Highway. Special permit requested for a change of use to operate a sporting goods retail store in a B-2 zone.

Chairman Leary stated that the board received a communication from the building owner that was the outstanding section that was missing for this permit.

Chairman Leary requested questions from the board. Member Ritland Bond noted that the owner stated that work would not be able to begin on the building for about six months and the building as it stands does not lend to the attractiveness of the area. She inquired about Mr. Preite's time frame. Mr. Preite stated that he needed permission from the board first and then he will have to reapply for his FFL card. Chairman Leary clarified that the question was about the exterior improvements and inquired about whether the landlord had indicated a timeframe other than what was stated in the communication provided. Mr. Preite stated that the landlord did not say anything to him. Member Miksic stated that it is extremely difficult to get work done as a contractor at this time and the six-month timeline is not unrealistic. Chairman Leary agreed.

Chairman Leary requested a motion to close the public hearing. Member Blackmer made a motion to close the public hearing. Member Taft seconded the motion. All in favor. Motion carried.

Public hearings new business

- **Case No: SPA2020-29** Application of Jessica Sweeney d/b/a Common Folk Artist Collective for property located at 12 Holden Street (67-71 Main Street). Special permit requested for a change of use to operate a retail, gallery, and performance space business in a CBD zone.

Chairman Leary opened the hearing to Jessica Sweeney. Ms. Sweeney explained that they had to relocate the business due to loss of revenue. She noted that she used the word performance in the original application but wanted to clarify that the business is retail focused and will not be a music venue. The shared studio space will be open to artists and they will have gallery openings. A performance will only look like a singer/songwriter sitting on a couch with an unamplified instrument.

Chairman Leary requested questions from the board. Member Burdick inquired about the number of people expected to attend a performance. Ms. Sweeney explained that in the previous space that was much larger the average was 15. She expects the new space to accommodate no more than ten. Member Burdick inquired about how essential the music performance portion was to the business. Ms. Sweeney explained that the business model has been scaled back and to eliminate that portion would cut out a section of their membership. That is not a revenue generator for their business.

Member Miksic clarified that if the business needed a performance space, they have a space at HiLo twice a month as opposed to playing a guitar at a gallery opening.

Chairman Leary inquired about time limits on the performances. Ms. Sweeney stated that in the previous space the performance would end by 9:30 p.m. and everyone would be out of the building by 10:00 p.m. That was in a larger space.

Member Hanlon inquired about how it is that the Planning Board is the arbiter of these things in this particular building. He understands the nuisance, detriment to the neighborhood...Chairman Leary stated that the city Planning Board is not bound, nor should it be considering the bylaws of a condominium association. The board is bound by the ordinances of the City of North Adams. That is what the board is required to make decision on. The board is not a party to those bylaws. If there is a dispute on those bylaws between the condominium owners and the retail owners that will need to be arbitrated by the landlord.

Chairman Leary requested questions from the board. No questions. Chairman Leary requested questions from the gallery or the general public.

Dr. Dennis Rebelo of 14 Holden Street stated that he lives directly above the new Common Folk space and he is a trustee. He wanted to ask Ms. Sweeney a clarifying question and that was an inquiry of the number of members in the collective. Ms. Sweeney stated that they have 47 members but not all members utilize the space at the same time. Dr. Rebelo clarified that it is a mixture of music makers and gallery retail. Ms. Sweeney confirmed that there are visual artists, about five musicians; primarily there are retail focused artists. Dr. Rebelo inquired about shared resources. Ms. Sweeney confirmed and clarified that they have emerging artists so there are not a lot of resources available to share. Dr. Rebelo inquired about the artists' available access to the studio. Ms. Sweeney explained that there is a lock box with a key code that members have access to. They had a 24/7 availability previously but no one utilized the space after 10:00 p.m. Dr. Rebelo proposed bracketing the music portion of the business and setting it aside to keep the harmony. Chairman Leary inquired about whether Dr. Rebelo had a similar conversation with the landlord. Dr. Rebelo confirmed that he had spoken to Mr. Carver several times. Chairman Leary inquired about Mr. Carver's views on whether the bylaws are binding on the commercial space. Dr. Rebelo confirmed that Mr. Carver assured him that Ms. Sweeney is aware of the bylaws. Dr. Rebelo also wanted to point out that there would now be a lot of people with access to the back of the building and he stated his concern about the extra traffic. Dr. Rebelo offered two recommendations: one would be to consider the hours and two to put stipulations and limit the performance piece. Ms. Sweeney explained that most people would be entering through the front door where the lock box would be. She also inquired about the fact that people frequent and gather in downtown all the time and requested clarification on where Dr. Rebelo propose that should happen. Dr. Rebelo started to say that there were a vast amount of real estate locations downtown and Chairman Leary ended the discussion stated that this is not a negotiation and the vote is on this location that is proposed.

Elaine Nickerson of 30 Holden Street and a trustee of the trust with all of the unit owners explained that there are 10 residential and 9 commercial units in the association. Ms. Nickerson clarified that David Carver does not own the building but does own the commercial space proposed. She understands that it is not up to the Planning Board to manage their bylaws but she would like everyone to recognize that they have a declaration of trust that is tied to each owner's master deed. To answer Ms. Sweeney's question about how this building is different from the others in the city, they all bought their space knowing they had the protection of the legal entity of the Holden Street Condominium Trust. There are bylaws and rules and regulations about peace and enjoyment. The entire trust was built by David Carver, however, it was transferred to a volunteer board.

Roger Gibboni expressed concern about the discrepancies in the application about the frequency of performances. He noted that her website states that there is a rock band scheduled to perform in the near future and that is not a performance venue. He feels that is the wrong place for the music portion of this business. Ms. Sweeney explained that there is no rock band scheduled to play and she did not know where he was looking at that information. Ms. Sweeney clarified that they only plan to have one to two acoustic performances per month. She would also be willing to notify people in advance if they would like.

Ms. Nickerson noted that the discussion of amplified versus unamplified is the same discussion that was had with Ms. Sweeney and the prior board regarding noise complaints. Their bylaws in the declaration of trust specify musical instruments.

Julia Daly of 45 Blackinton Street stated that she has lived in North Adams for almost seven years and is not a stranger to noise. People choosing to live on Main Street or surrounding streets making complaints about an artist collective that has done nothing but good things for the city is very frustrating.

Member Miksic reaffirmed that what the condominium agreement says is not in the purview of the board, the job of the board is to determine if the business before the board is a good fit for the city. People should not live in downtown North Adams if they do not want noise. That is where the commerce of the city lives. The area is specifically zoned for commerce. Ms. Sweeney is proposing the perfect type of business for the location.

Mr. Gibboni requested permission to accept for the record the iBerkshire's article where Ms. Sweeney referenced the rock band that is scheduled. Chairman Leary stated the Mr. Gibboni could submit the article to the city for the record.

Member Miksic made a motion to close the public hearing. Member Blackmer seconded the motion. All in favor. Motion carried.

- **Case No: SPA2020-30** Application of Andrew Casteel for property located at 189 Beaver Street. Special permit requested for a change of use to operate an online clothing business in a B-2 zone.

Chairman Leary opened the hearing the Andrew Casteel. Mr. Casteel explained that he and his partner Sarah operate a clothing business called WallaSauce. They upcycle clothing. They have been using their apartment for about two years and since COVID they are trying to go full time. They've acquired the machinery necessary. All sales are online, there is no retail space.

Chairman Leary requested questions from the board. Member Senecal inquired about the hours of the business. Mr. Casteel stated that the hours are typically 10:00 a.m. to 6:30 p.m. but occasionally may need to expand the hours to finish projects.

Member Hanlon expressed that he feels this business is a great fit for the mill.

Member Ritland Bond inquired about signage. Mr. Casteel stated that there is no plan for signage at this time.

Member Burdick requested clarification on what Mr. Casteel meant in his narrative in regard to being mostly online. Mr. Casteel explained that occasionally friends will stop by to pick up orders in person but there is no plan to make it a commercial space.

Chairman Leary requested questions from the board or gallery. No questions.

Chairman Leary requested a motion to close the public hearing. Member Blackmer made a motion to close the public hearing. Member Taft seconded the motion. All in favor. Motion carried.

- **Case No: SPA2020-31** Application of Julia Daly for property located at 55 Union Street. Special permit requested for a change of use to operate a restaurant in an I-1 zone.

Chairman Leary opened the hearing to Julia Daly. Member Miksic stated that he would be abstaining from this case and would be entering the gallery to answer any questions as the building owner. Ms. Daly explained that the Parlor Café was formerly located on Ashland Street and they were forced out because the building owner turned the space in to an Airbnb. They would like to open with the same model at the HiLo space offering coffee, tea, soup, sandwiches, salad, etc. In the future they plan to open when HiLo is allowed to reopen for shows but for now the business is open as normal operations for Wednesday through Sunday.

Member Hanlon inquired about the exterior of the building to the landlord due to the loss of revenue. Mr. Miksic explained that some painting was done over the summer as well as refacing the north side of the building. They are trying to get some work done on the Union Street side. The building is expected to be finished in the spring with the new revenue of the proposed business.

Chairman Leary requested questions from the board or gallery. No questions.

Chairman Leary requested a motion to close the public hearing. Member Blackmer made a motion to close the public hearing. Member Hanlon seconded the motion. All in favor. Member Miksic abstained. Motion carried.

- **Case No: SPA2020-32** Application of Trinity Engineering and Technical Services, LLC for property located at 26 Union Street. Special permit requested for a change of use to operate a professional office in an I-1 zone.

Chairman Leary opened the public hearing to John Dupras from Trinity Engineering. Mr. Dupras explained that the business is a civil and environmental engineering firm that has been in business since 1997. They were previously located in Stamford, Vermont and serve primarily Berkshire and Franklin counties in Massachusetts as well as Windham and Bennington counties in Vermont. They have grown significantly over the years and were looking for a central location for the business.

Chairman Leary requested questions from the board. Member Burdick inquired about the hours of the business. Mr. Dupras explained that the business hours are primarily 7:30 a.m. to 5:00 p.m. with additional hours needed occasionally for meetings and paperwork. Chairman Leary explained that he did not feel the board should regulate past the formal hours and Member Miksic agreed.

Chairman Leary requested questions from the board or gallery. No questions.

Chairman Leary requested a motion to close the public hearing. Member Blackmer made a motion to close the public hearing. Member Ritland Bond seconded the motion. All in favor. Motion carried.

Approval of minutes

- Planning public hearing – September 14, 2020

Chairman Leary requested a motion to approve the minutes of the Planning public hearing for September 14, 2020. Member Hanlon made a motion to approve the minutes. Member Blackmer seconded the motion. All in favor. Chairman Leary abstained. Motion carried.

- Regular meeting – September 14, 2020

Chairman Leary requested a motion to approve the minutes of the Planning regular meeting for September 14, 2020. Member Hanlon made a motion to approve the minutes. Member Blackmer seconded the motion. All in favor. Chairman Leary abstained. Motion carried.

Old business

- **Case No: SPA2020-24** Application of William A. Preite for property located at 401 Curran Highway. Special permit requested for a change of use to operate a sporting goods retail store in a B-2 zone.

Chairman Leary requested a motion from the board. Member Miksic made a motion to approve. Member Senecal seconded the motion and requested conditions be added.

Chairman Leary requested that the narrative from the building owner on the exterior work on the building be added to the file.

Member Senecal requested that there be bars added to all of the windows.

Member Ritland Bond made a motion to postpone citing there is not enough information on the parking and the exterior of the building. Chairman Leary requested a second to the motion of postponing. Hearing no second, the motion failed but there was already a motion on the table to approve with conditions.

Member Blackmer made a motion to add bars to the windows as a security measure before the business can open. Member Ritland Bond seconded the condition. Member Hanlon was opposed. All others in favor. Motion carried.

Chairman Leary requested a vote on the motion to approve. All in favor. Member Ritland Bond was opposed. Motion carried.

New business

- **Case No: SPA2020-29** Application of Jessica Sweeney d/b/a Common Folk Artist Collective for property located at 12 Holden Street (67-71 Main Street). Special permit requested for a change of use to operate a retail, gallery, and performance space business in a CBD zone.

Chairman Leary requested a motion. Member Miksic made a motion to approve. Member Blackmer seconded the motion. Discussion of adding a condition in regard to music hours. Member Miksic and Member Ritland Bond stated that the hours noted in the narrative are in good faith. Chairman Leary requested a motion to add the condition of the hours noted in the narrative in regard to summer hours being Monday – closed, Tuesday and Wednesday – 12:00 p.m. – 5:00 p.m., Thursday 12:00 p.m. – 8:00 p.m., Friday and Saturday – 10:00 a.m. – 9:00 p.m., and Sunday 12:00 p.m. – 6:00 p.m. be added to the permit. Member Miksic made a motion to add the condition. Member Taft seconded the motion. All in favor. Motion carried.

Chairman Leary requested a vote on the motion to approve. All in favor. Motion carried.

- **Case No: SPA2020-30** Application of Andrew Casteel for property located at 189 Beaver Street. Special permit requested for a change of use to operate an online clothing business in a B-2 zone.

Chairman Leary requested a motion to approve. Member Blackmer made a motion to approve. Member Taft seconded the motion. All in favor. Motion carried.

- **Case No: SPA2020-31** Application of Julia Daly for property located at 55 Union Street. Special permit requested for a change of use to operate a restaurant in an I-1 zone.

Chairman Leary requested a motion to approve. Member Blackmer made a motion to approve. Member Taft seconded the motion. Member Miksic abstained. All in favor. Motion carried.

- **Case No: SPA2020-32** Application of Trinity Engineering and Technical Services, LLC for property located at 26 Union Street. Special permit requested for a change of use to operate a professional office in an I-1 zone.

Chairman Leary requested a motion to approve. Member Hanlon made a motion to approve. Member Blackmer seconded the motion. All in favor. Motion carried.

Other business

- Compliance

Member Burdick expressed concern about the weeds overtaking the front of TOURISTS. Member Miksic inquired about the plantings to Eric Kerns and he explained that it is a native wildflower mix and it is a drainage swale to not send water from the parking lot to the sewage system and the river similar to the wildflowers at Sunshine Park.

Member Burdick stated that it is quite an eyesore and has had several remarks on it. Member Ritland Bond stated that it is in the eye of the beholder and she likes it.

Chairman Leary clarified with Member Miksic that the plantings used were the original plantings noted in the plan and any further changes would have to come before the board with a formal vote to change the permit and that cannot be done at the current meeting.

Member Senecal stated that his concern is the encroachment of the vegetation on to the sidewalk. Member Miksic agreed. He explained that Sunshine Park cuts six to eight inches periodically and that could make a difference.

Chairman Leary requested that Inspector Meranti request that the sidewalk be cleaned up.

Member Hanlon noted that the original plan was to deemphasize that side of the building.

Member Burdick made the comparison to Wal-Mart and Chairman Leary clarified that Wal-Mart did not use the plantings specified in the original plan.

Member Ritland Bond inquired about updates for cleaning up Odds and Ends. Inspector Meranti stated that Mr. Perry indicated that he planned to close the business. Inspector Meranti stated that he would follow up.

Adjournment Motion to adjourn 7:03 p.m.

Respectfully submitted,



Michelle Ells
Planning Board Secretary