

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
WEDNESDAY, MARCH 13, 2013
7:00 P.M. – TOWN HALL**

PRESENT: STEPHEN BANNON
ANDREW BLECHMAN
ALANA CHERNILA – not present
DEB PHILLIPS
SEAN STANTON
KEVIN O'DONNELL, TOWN MANAGER

7:00 PM – PUBLIC SESSION – BOARD ROOM

1. CALL TO ORDER

Sean Stanton called the meeting to order at 7:00 P.M.

2. APPROVAL OF MINUTES:

February 25, 2013 Regular Meeting.

MOTION: Deb Phillips to approve the February 25, 2013 minutes

SECOND: Steve Bannon

VOTE: 4-0

3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

A. GENERAL COMMENTS BY THE BOARD.

Andrew Blechman said that the W.E.B. Du Bois ceremony was great. The great-grandson was present and is looking forward to move visits to the area and more W.E.B. Du Bois events. Andrew said there was a lecture, a visit to the grave yard and a reception.

Deb Phillips asked for a moment of silence for Patrice Mullin who passed away last week. She did a lot of work with the Historical Society and behind the scenes for the Town of Great Barrington.

MOMENT OF SILENCE

4. TOWN MANAGER'S REPORT:

Kevin O'Donnell gave an 'Atta boy' to the fire department. He said that there was a fire on Brush Hill Rd and the fireman had to carry the hose up a long driveway, as well as shuttling water jugs up. The Fire Chief was happily surprised that they were able to save the structure. Kevin publically commended them.

5. CITIZEN SPEAK TIME:

A. BRUCE CASTINO – gave a written statement to the Board. He suggested that the construction in town be slowed. Mr. Castino also spoke about how to do sidewalk construction properly.

Mr. Castino also stated that his civil rights have been violated four times during the construction of the Fire Station. He added that a citizen tried to throw him out of Town Hall when he wanted to speak. He asked that people don't get upset with him.

6. PUBLIC HEARINGS:

**A CONTINUATION OF PUBLIC HEARING FOR VERIZON NEW ENGLAND, INC., PO BOX 152206, IRVING, TX TO EXPAND ITS PARKING AREA IN THE WATER QUALITY PROTECTION OVERLAY DISTRICT AT 9 SCHOOL STREET, GREAT BARRINGTON, MA IN ACCORDANCE WITH SECTIONS 9.2 AND 10.4 OF THE GREAT BARRINGTON ZONING BYLAW.
(DISCUSSION/VOTE)**

MOTION: Deb Phillips to re-open the public hearing

SECOND: Steve Bannon

VOTE: 4-0

Roll Call Vote:

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

Explanation of project

The project entails adding 7 parking spaces.

Dan Ambrosio – architect for the project – said that he wants to expand the parking area to the grassy area.

There will be a dumpster enclosed by fencing and trees/shrubs will screen the area from Bridge St. There will also be an upgrade to the drainage for water run-off.

There was discussion about the use of impervious surfaces.

Sean Stanton asked if there will be a maintenance plan for drainage.

Mr. Ambrosio responded that there will be.

Sean Stanton asked about the removal of a dead tree.

Mr. Ambrosio responded that the dead tree will be removed and they will plant a new one. The Planning Board agreed to send a list of appropriate trees to plant.

The dry-well that was requested was 10 ft. in diameter and Mr. Ambrosio proposes an 8 ft. diameter. He suggested an amendment to the draft decision.

No one spoke in favor or against the project

MOTION: Deb Phillips to close the public hearing

SECOND: Steve Bannon

VOTE: 4-0

Roll Call Vote:

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

MOTION: Deb Phillips to approve the Findings for Special Permit #806-13 for Verizon New England, as submitted and referenced as Exhibit A, and with the finding that the benefits of the proposal outweigh any possible detrimental impacts.

SECOND: Steve Bannon

VOTE: 4-0

Roll Call Vote:

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

MOTION: Deb Phillips, in view of the approved Findings, move to approve Special Permit #806-13 for Verizon New England, to expand and improve its parking area at 9 School Street, within the Water Quality Protection District (WQPD) Zone II, in accordance with Sections 9.2.12 and 10.4 of the Great Barrington Zoning Bylaw, and with the following condition:

The plan shall be constructed in substantial conformance with updated plans dated February 18, 2013 reflecting Planning Board site plan review conditions. All conditions of the Planning Board's site plan approval dated February 15, 2013 are incorporated into this special permit and shall be adhered to and with the amendment that the dimensions of the drywell are subject to the review of the planning board.

SECOND: Steve Bannon

VOTE: 4-0

Roll Call Vote:

Steve Bannon – yes
Andrew Blechman – yes
Deb Phillips – yes
Sean Stanton – yes

EXHIBIT A **SPECIAL PERMIT
FINDINGS**

Re: **SP #806-13**
Applicant(s): **Verizon New England**
Site: **9 School Street, Great Barrington, MA**

A. Introduction

Special Permit #806-13 was filed by Verizon New England to expand and improve its parking area at 9 School Street, within the Water Quality Protection District (WQPD) Zone II, in accordance with Sections 9.2.12 and 10.4 of the Great Barrington Zoning Bylaw.

B. General Findings

The applicant owns the site. The site is in the B3 Downtown Mixed Use zone. The use is classified as Essential Services and is by-right in all zones. The site is also in the WQPD Zone II, and the proposal triggers the need for a Special Permit from the Board of Selectmen (impervious surface greater than 15% or 2,500 square feet) in this zone.

The proposal will add seven parking spaces, a dumpster, and a shed to the site. It does not expand the existing building. The proposal will increase pavement by approximately 2,452 square feet. The total area of impervious surfaces on the site will total 12,555 square feet (existing building 5,849 + existing parking 4,254 + new parking 2,452 = 12,555 total) when the project is completed. This equals 49% of the total lot area, which is 25,597 square feet.

The proposal includes adequately sized water treatment units and drywells to capture, treat, and infiltrate the runoff from the site, as is required in a WQPD Zone II area. Landscaping improvements are proposed as noted on the plans.

The Planning Board approved, with conditions, the site plan for this proposal, per Section 10.5.1 (construction of a parking area six or more spaces), and made a favorable recommendation on this special permit application. Revised plans dated February 18, 2013 reflect the Planning Board's conditions. The Conservation Commission noted there are no wetlands near the proposed work and thus it is not in the Commission's jurisdiction. The Board of Health has made a favorable recommendation on this application. The staff Design Review Team has no concerns with this application.

C. Special Permit Criteria and Specific Findings

Per Section 9.2.13 of the Zoning Bylaw, granting of a special permit requires the Special Permit Granting Authority to determine that all criteria of the Water Quality Protection District are met, that the project will not adversely affect water quality or quantity, and

that the proposal be designed to avoid substantial disturbance of the soils, topography, drainage, and other water related natural characteristics of the site. The Board considerations of these requirements are detailed below:

1. The proposal meets all criteria of the Water Quality Protection District, including those of Section 9.2.12 requiring a system of groundwater recharge and maintenance plan.
2. The proposal improves water quality and quantity through its use of infiltration and water quality units.
3. The proposal avoids substantial disturbance to the water related natural characteristics of the site.

Per §10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” The six criteria and the Board’s considerations in relation each are detailed below:

1. Social, economic, or community needs which are served by the proposal.
 - The proposal allows for the use of the site to serve essential needs of the community.
2. Traffic flow and safety, including parking and loading.
 - There will be no detrimental impact to traffic safety. Increased traffic flow from the additional utility trucks will be substantially limited to normal business hours, and is appropriate to a business zone. Surrounding streets have sufficient capacity for the limited increase in traffic. Necessary parking and loading are accommodated on site and will not be a detriment to the street or neighbors.
3. Adequacy of utilities and other public services
 - The proposal incorporates a drainage plan that has been reviewed by the Department of Public Works, the staff Development Review team, and the Planning Board. There are no detrimental impacts on other utilities or public services. All utilities are adequate to serve the use.
4. Neighborhood character and social structures.
 - The proposal will improve the aesthetics of the site by new landscaping, including new trees. The dumpster and site lighting will be screened from view.
5. Impacts on the natural environment.
 - The proposal adds impervious surface to the site, but adequately mitigates any environmental concerns through a water quality control structure and groundwater recharge system. There are new plantings of noninvasive species and a clear erosion control plan.
6. Potential fiscal impact, including impact on town services, tax base, and employment.
 - The proposal will have little impact, positive or negative, on services, taxes and employment.

Specific Findings:

In consideration of the above Findings, this Board finds that the benefits of the proposal outweigh any possible detrimental impacts.

D. Proposed Conditions

The plan shall be constructed in substantial conformance with updated plans dated February 18, 2013 reflecting Planning Board site plan review conditions. All conditions of the Planning Board's site plan approval dated February 15, 2013 are incorporated into this special permit and shall be adhered to.

7. LICENSES OR PERMITS:

- A. RENEWAL OF 2013 WYANTENUCK COUNTRY CLUB SEASONAL ALL ALCOHOLIC CLUB LIQUOR LICENSE. (VOTE)

MOTION: Deb Phillips to approve the renewal of the license

SECOND: Steve Bannon

VOTE: 4-0

- B. ADAM ZIEMINSKI/AJZ HOLDINGS D/B/A CAFÉ ADAM **TO AMEND** THE 2013 COMMON VICTUALLER LICENSE TO RELOCATE FROM 325 STOCKBRIDGE ROAD, SUITE 4 TO JENIFER HOUSE COMMONS, 420 STOCKBRIDGE ROAD, UNIT 3. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the amendment to the license

SECOND: Steve Bannon

VOTE: 4-0

- C. MARY R. WHITE/ST. PETER'S CHURCH FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR MARCH 16, 2013 FROM 5:00 PM – 7:30 PM AT ST. PETER'S PARISH CENTER, 16 RUSSELL STREET. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

- D. TAMMY AND CHRIS MERENDA FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR AUTISM AWARENESS BENEFIT FOR APRIL 27, 2013 FROM 6:30 PM – 11:30 PM AT THE GUTHRIE CENTER, 2 VAN DEUSENVILLE ROAD. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

- E. DODY BRADY/LAURA BARAN/AMERICAN CANCER SOCIETY FOR TWO (2) TEMPORARY WEEKDAY ENTERTAINMENT LICENSES FOR JUNE 21 – 22, 2013 FROM 6:00 PM FRIDAY - 3:00 PM SATURDAY AT MONUMENT MOUNTAIN HIGH SCHOOL TRACK. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the licenses

SECOND: Steve Bannon

VOTE: 4-0

- F. JOHN BENEDICT/GREAT BARRINGTON ROTARY FOR PERMISSION TO USE TOWN ROADS FOR BIKE N FLY EVENT ON AUGUST 17, 2013 AT 9:00 AM STARTING AND ENDING AT THE GREAT BARRINGTON AIRPORT. (DISCUSSION/VOTE)

MOTION: Deb Phillips to give permission to use town roads

SECOND: Steve Bannon

VOTE: 4-0

Steve Bannon said that he is a member of rotary but did not recuse himself.

G. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR MAY 30, 2013 FROM 5:00 PM – 11:00 PM IN THE TENT ON THE GREEN BEHIND THE TOWN HALL. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

H. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR MAY 31, 2013 FROM 5:00 PM – 11:00 PM IN THE TENT ON THE GREEN BEHIND THE TOWN HALL. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

I. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR JUNE 1, 2013 FROM 5:00 PM – 11:00 PM IN THE TENT ON THE GREEN BEHIND THE TOWN HALL. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

J. KELLY VICKERY/LAUREN FERIN/ BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR TEMPORARY ONE DAY WEEKDAY ENTERTAINMENT LICENSE FOR THURSDAY, MAY 30, 2013 FROM 8:00 PM – 11:00 PM; FRIDAY, MAY 31, 2013 AND SATURDAY, JUNE 1, 2013 FROM 5:00 PM – 8:00 PM IN THE TENT ON THE GREEN BEHIND THE TOWN HALL. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

K. KELLY VICKERY/LAUREN FERIN/MATTHEW NOVICK/BERKSHIRE INTERNATIONAL FILM FESTIVAL AND BERKSHIRE CO-OP FOR TEMPORARY ONE DAY SUNDAY ENTERTAINMENT LICENSE FOR SUNDAY, JUNE 2, 2013 FROM 11:00 AM – 2:00 PM IN THE TENT ON THE GREEN BEHIND THE TOWN HALL. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 4-0

8. NEW BUSINESS: NONE

9. OLD BUSINESS:

A. MAIN STREET RECONSTRUCTION PROJECT – POSSIBLE CUTS. (DISCUSSION/VOTE)

It was reported that utilities are driving up the cost of the project. They are currently \$320,000. The Selectboard received a packet with non-participatory items highlighted for their information. The Holiday lighting, load center and recycling bins are the biggest non-participatory costs.

Joe Sokul suggested putting the conduits in during the construction so that there is the option to add the load center later, if so desired.

No action to be taken.

B. JIM STARK – REQUEST FOR AN UPDATED LETTER OF SUPPORT TO MASSACHUSETTS HISTORICAL COMMISSION FOR THE RAMSDELL LIBRARY NATIONAL REGISTER DESIGNATION. (VOTE)

MOTION: Deb Phillips to approve an updated letter with a date of today

SECOND: Steve Bannon

VOTE: 4-0

C. FOOD TRUCK DRAFT BYLAW – DISCUSSION.

Kevin O'Donnell said that his staff has been working on the draft bylaw. There was discussion about the pros and cons of having food trucks. Sean Stanton said that he does not want to take away from the restaurant owners. Kevin O'Donnell said that he will forward comments from the restaurant owners as they are received. Steve Bannon commented that the draft is a good start; as they receive responses from business owners, they can be rolled into it. Andrew Blechman said that only hearing from restaurant owners may be one-sided. Kevin O'Donnell said that he could send it to the other businesses to get a balanced view. Jan Seward – Amanda's Kitchen (mobile kitchen) – said that she is interested in this by-law being passed. She said that food trucks bring excitement and healthy eating at a lower price point. Food can be tailored to events. Ms. Seward said that they would like to be on the outskirts for those who enter or exit the town. She said that she would prefer to stay local than to have to go to Sheffield. Mark Pruhenski said that this must occur in an area that is zoned; which would be downtown. Outside of town would require a special permit. He said that this may need to be tweaked.

D. DRAFT TIME WARNER LICENSE RENEWAL AGREEMENT – DISCUSSION.

Linda Miller and Steven Moritz
Linda Miller said that they are at the final stage in the process. The agreement is currently at the attorney's office. There may be some final 'tweaking' after comments are received from all five towns. Ms. Miller said they worked hard to get what was best for subscribers. A full review of the contract will now take place on the third and sixth year.
The Selectboard thanked her and the committee for their hard work.

10. SELECTMEN'S TIME:

Andrew Blechman suggested that the topics of parking/traffic directing and childcare for Town Meeting be put on the agenda.

11. MEDIA TIME:

Eileen Mooney said that Deb Phillips has spoken about 'creativity' in town government and asked what that meant.
Deb Phillips responded that is looking at things from a less common perspective.

12. ADJOURNMENT:

On a motion by Steve Bannon, seconded by Deb Phillips, the Board adjourned its meeting at 8:40 P.M.

Respectfully submitted,



Cara Becker
Recording Secretary