

**TOWN OF GREAT BARRINGTON  
SELECTMEN'S MEETING  
MINUTES  
MONDAY, APRIL 22, 2013  
7:00 P.M. – TOWN HALL**

**PRESENT:**           STEPHEN BANNON  
                  ANDREW BLECHMAN  
                  ALANA CHERNILA  
                  DEB PHILLIPS  
                  SEAN STANTON  
                  KEVIN O'DONNELL, TOWN MANAGER

**6:15 PM – SITE VISIT AT 314 STATE ROAD ON THE CONSTRUCT, INC. SPECIAL PERMIT  
7:00 PM – PUBLIC SESSION – BOARD ROOM**

**1. CALL TO ORDER**

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

**2. BOARD OF SEWER COMMISSIONERS: SEWER ABATEMENTS (July 1-December 31, 2012)**

**MOTION:** Steve Bannon to approve the sewer abatements as presented.

**SECOND:** Alana Chernila

**VOTE:** 4-0-1 Sean Stanton recused himself.

**MOTION:** Steve Bannon to deny the request of Peter Simigan because the unit is being used.

**SECOND:** Andrew Blechman

**VOTE:** 5-0

**3. APPROVAL OF MINUTES:**

April 8, 2013 Regular Meeting.

**MOTION:** Deb Phillips to approve the April 8, 2013 minutes

**SECOND:** Steve Bannon

**VOTE:** 5-0

**4. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**

**A. GENERAL COMMENTS BY THE BOARD.**

Andrew Blechman spoke about the 'save the date' cards that were sent to residents about Town Meeting and elections. He said that he would like the text to be larger next year.

Alana Chernila said that it has been an honor to serve on the Selectboard and thanked Kevin O'Donnell and the Selectboard. She said that it has been a great 3 years.

Deb Phillips thanked Alana Chernila for her service to the town. She thanked Kevin O'Donnell for his service and wished him the best in his future endeavors.

Sean Stanton thanked Kevin O'Donnell for his service to the town and wished him good luck.

**B. DISCUSSION OF UPCOMING MEETING CALENDAR.**

**5. TOWN MANAGER'S REPORT:**

Kevin O'Donnell said some final words as Town Manager.

**6. CITIZEN SPEAK TIME:**

Andy Moro thanked Kevin O'Donnell for his duty to the town. He said that Kevin did a tremendous job cleaning up the 'back-log'. He noted that he was speaking on behalf of the silent majority.

Jenny Clark said that the parking task force needs a few more members.

Kevin O'Donnell said that it will be advertised when formal resignations are received.

Bud Atwood thanked Kevin O'Donnell for doing a wonderful job for the town.

John Breasted thanked the Board of Selectman for trying something new with the town meeting to create participation and interest. He also commended the Selectboard for finding a search firm that was not expensive and said the search and interview process was well designed.

John said to Kevin O'Donnell that he learned a lot from him. He appreciates the clarity in his presentation of the budget. He said that it is too bad Great Barrington is losing Kevin O'Donnell's technical skills.

**7. PUBLIC HEARINGS:**

- A. CONSTRUCT, INC., 41 MAHAIWE STREET, GREAT BARRINGTON, MA FOR A SPECIAL PERMIT FOR THE TWO-FAMILY RESIDENTIAL USE OF A SINGLE LOT AT 314 STATE ROAD, GREAT BARRINGTON, MA IN ACCORDANCE WITH SECTIONS 3.1.4 A (2), 8.1, AND 10.4 OF THE GREAT BARRINGTON ZONING BYLAW. (DISCUSSION/VOTE)

- a. Open Public Hearing

**MOTION:** Deb Phillips to open the public hearing

**SECOND:** Steve Bannon

**VOTE: 5-0**

**Roll Call Vote:**

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

Alana Chernila – yes

- b. Explanation of Project – Cara Davis explained that there is an existing in-law guest quarters that she would like to turn into a one bedroom unit with a new access.

- c. Speak in Favor/Opposition – None

- d. Motion to Close Public Hearing

**MOTION:** Deb Phillips to close the public hearing

**SECOND:** Steve Bannon

**Roll Call Vote:**

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

Alana Chernila – yes

**VOTE: 5-0**

- e. Motion re: Findings

**MOTION:** Deb Phillips to approve the findings for Special Permit #807-13 for Construct, Inc. as submitted and referenced as Exhibit A, with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

**SECOND:** Steve Bannon

**Roll Call Vote:**

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

Alana Chernila – yes

**VOTE: 5-0**

f. Motion re: Approval/Denial/Table

**MOTION:** Deb Phillips, in view of the approved findings, move to approve the Special Permit #807-13 for Construct, Inc., to allow a two-family use of a single lot at 314 State Road, Great Barrington, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw, and with the following conditions as required by Section 8.1:

1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.
2. There shall be separate toilet, bath and kitchen facilities for each family.
3. Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building, shall not be located on any building wall facing a street and shall comply with Section 4.2.3, Permitted Projections into Yards.
4. Two off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon permanent easement or deed.
5. Drainage controls as deemed necessary by the SPGA shall be specifically described as an added condition of the special permit.
6. New construction of any two-family residence shall conform to all dimensional requirements of Section 4.0.

**SECOND:** Steve Bannon

**Roll Call Vote:**

Steve Bannon – yes

Andrew Blechman – yes

Deb Phillips – yes

Sean Stanton – yes

Alana Chernila – yes

**VOTE: 5-0**

**EXHIBIT A**                      **SPECIAL PERMIT  
FINDINGS**

**Re:**                      **SP #807-13**  
**Applicant(s):**      **Construct, Inc.**  
**Site:**                    **314 State Road, Great Barrington, MA**

**A. Introduction**

Special Permit #807-13 was filed by Construct, Inc. to convert the existing residence at 314 State Road to a two-family residence, in an R2 zone. The application is made for a two-family residential use per Sections 3.1.4, A(2), 8.1 and 10.4 of the Great Barrington Zoning Bylaw.

**B. General Findings**

The Applicant owns the site. The site is in the R2 zoning district. The site consists of a relatively large complex of interconnected buildings that once housed High Fidelity Magazine, including its offices and printing complex. No new buildings are proposed.

The Applicant purchased the site and has already renovated the front building, a three-story gambrel-roofed building, into a one-family dwelling unit. It is currently occupied by 5 individuals served by Construct's housing assistance program. Construct wishes to house more than 5 individuals on the site, but to do so will require permission for a second dwelling unit (a "family" can be up to 5 unrelated individuals living together).

The only proposed changes are to a portion of the interior of the rear addition nearest the front house. There are no proposed changes to landscaping, drainage, lighting, or to the exterior materials or dimensions of the building.

The site and the building are more than large enough to meet the requirements set forth in Section 8.1 of the zoning bylaw, including having more than twice the minimum lot area and having at least two parking spaces per unit. The site is served by municipal sewer and water service and will not present any capacity issues.

The Planning Board approved, without conditions, the site plan for this proposal, per Section 8.1 and 10.5, and made a favorable recommendation on this special permit application. 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 Development Review Team has no concerns with this application.

**C. Special Permit Criteria and Specific Findings**

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 housing needs of the community.
2. Traffic flow and safety, including parking and loading.

- There will be no detrimental impact to traffic safety. This is a residential use in a residential zone.
3. Adequacy of utilities and other public services
    - There are no detrimental impacts on other utilities or public services.
  4. Neighborhood character and social structures.
    - The proposal will improve character by reusing a historic building.
  5. Impacts on the natural environment.
    - The proposal has no substantial impacts on the environment.
  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. The site owner is a non-profit but will pay for municipal utilities.

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

As required by Section 8.1 of the Zoning Bylaw, this special permit approval is issued with the following conditions:

1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.
2. There shall be separate toilet, bath and kitchen facilities for each family.
3. Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building, shall not be located on any building wall facing a street and shall comply with Section 4.2.3, Permitted Projections into Yards.
4. Two off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon permanent easement or deed.
5. Drainage controls as deemed necessary by the SPGA shall be specifically described as an added condition of the special permit.
6. New construction of any two-family residence shall conform to all dimensional requirements of Section 4.0.
7. Any other conditions specified by the SPGA.

**8. LICENSES OR PERMITS:**

- A. LAUREN SMITH/FAIRVIEW HOSPITAL FOR PERMISSION TO CLOSE THE TOWN HALL PARKING LOT ON SATURDAY, SEPTEMBER 28, 2013 FROM NOON UNTIL 8 PM.

(DISCUSSION/VOTE)

**MOTION:** Deb Phillips to grant permission to close town hall parking lot from Noon until 8:00 pm.

**SECOND:** Alana Chernila

**VOTE:** 4-0-1 Steve Bannon recuses himself.

- B. LAUREN SMITH/FAIRVIEW HOSPITAL FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR SATURDAY, SEPTEMBER 28, 2013 FROM 5:30 PM - 7:30 PM AT THE BANDSTAND GREEN BEHIND TOWN HALL. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Alana Chernila

**VOTE:** 4-0-1 Steve Bannon recuses himself.

- C. LAUREN SMITH/FAIRVIEW HOSPITAL FOR ONE DAY TEMPORARY WEEKDAY ENTERTAINMENT LICENSE FOR SATURDAY, SEPTEMBER 28, 2013 FROM 5:30 PM-8:00 PM AT THE BANDSTAND GREEN BEHIND TOWN HALL.

(DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Alana Chernila

**VOTE:** 4-0-1 Steve Bannon recuses himself.

- D. GREAT BARRINGTON FISH AND GAME FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR APRIL 28, 2013 FROM 11:00 AM – 7:00 PM AT 338 LONG POND ROAD, GREAT BARRINGTON. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE:** 5-0

- E. GREAT BARRINGTON FISH AND GAME FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR MAY 4, 2013 FROM 3:00 PM – 11:00 PM AT 338 LONG POND ROAD, GREAT BARRINGTON. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE:** 5-0

- F. GREAT BARRINGTON FISH AND GAME FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR MAY 18, 2013 FROM 4:00 PM – 12:00 PM AT 338 LONG POND ROAD, GREAT BARRINGTON. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE:** 5-0

- G. PIERRE CUM/MEGJAKE INC. FOR AN AMENDED 2013 COMMON VICTUALLER LICENSE FROM 7:00 AM – 9:00 PM TO INCLUDE OUTSIDE SEATING (2 TABLES AND 4 CHAIRS) AT 282 MAIN STREET, GREAT BARRINGTON. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE:** 5-0

- H. MAY 1, 2013 LICENSE RENEWALS (VOTE)

- REAL ESTATE SIGNS.

**MOTION:** Deb Phillips to approve the May 1, 2013 Real Estate Sign licenses as submitted

**SECOND:** Steve Bannon

**VOTE: 5-0**

- COIN-OPERATED SOFT DRINK AND FOOD MACHINES.

**MOTION:** Deb Phillips to approve the licenses as submitted

**SECOND:** Alana Chernila

**VOTE: 4-0-1** Steve Bannon recused himself.

Alana Chernila said that it may be helpful in the future to know who owns what machines and why.

- I. HELEN MULLANY/HELEN MULLANY REAL ESTATE, LLC FOR 2013 REAL ESTATE SIGN LICENSE. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE: 5-0**

- J. JEFF WILKINSON/SOUTHERN BERKSHIRE REALTY FOR 2013 REAL ESTATE SIGN LICENSE. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE: 5-0**

- K. CAROLYN FUGERE/WILLIAM PITT SOTHEBY'S REALTY FOR 2013 REAL ESTATE SIGN LICENSE. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE: 5-0**

- L. L. CHAPIN FISH/WM. BROCKMAN REAL ESTATE FOR 2013 REAL ESTATE SIGN LICENSE. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the license

**SECOND:** Steve Bannon

**VOTE: 5-0**

#### **9. NEW BUSINESS:**

- A. BOS – LETTER OF SUPPORT FOR BERKSHIRE PULSE TO ARCHITECTURAL ACCESS BOARD. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the letter of support

**SECOND:** Steve Bannon

**VOTE: 5-0**

- B. BOS – RECOMMENDATION TO THE ZBA ON THE VARIANCE PETITION OF STEPHEN & SARAH DONALDSON FOR PROPERTY AT 1 CYPRESS STREET TO BUILD A DORMER IN R-1-A ZONE. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to make a positive recommendation

**SECOND:** Steve Bannon

**VOTE: 5-0**

- C. BOS – REVIEW FOR COMMENT ON THE DRAFT OPEN SPACE AND RECREATION PLAN. (DISCUSSION)

Chris Rembold, Town Planner, presented the preliminary final draft of the open space and recreation plan that was prepared in conjunction with the Master Plan. He asked that the Selectboard give formal comments. He said that there is no need for action at this point. He asked for comments by May 20<sup>th</sup>.

**10. OLD BUSINESS:**

**A. EXECUTIVE SUMMARY SUPPORTING GREAT BARRINGTON HOUSING AUTHORITY  
RE: GOVERNOR'S LEGISLATION TO ABOLISH LOCAL HOUSING AUTHORITIES.  
(DISCUSSION/VOTE)**

Sean Stanton said that he has been in communication with people in the Governors administration and he feels comfortable with moving ahead on this item.

**MOTION:** Deb Phillips to support the Great Barrington Housing Authority.

**SECOND:** Steve Bannon

**VOTE:** 5-0

**11. SELECTMEN'S TIME:**

Andrew Blechman thanked Alana Chernila for her service. He said that she brought integrity and made sure that the Board kept track of what their intentions are.

Steve Bannon wished Alana Chernila and Kevin O'Donnell good luck.

**12. MEDIA TIME:**

Eileen Mooney asked if there is a contract for the new Town Manager.

Sean Stanton responded that there is a contract but it has not been signed yet. The Selectboard needs to vote on it first.

**13. ADJOURNMENT:**

On a motion by Deb Phillips, seconded by Steve Bannon, the Board adjourned its meeting at 7:45 P.M.

Respectfully submitted,



Cara Becker  
Recording Secretary