

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, AUGUST 9, 2010
7:00 P.M. – PUBLIC SESSION – BOARD ROOM**

PRESENT: WALTER ATWOOD
STEPHEN BANNON
ALANA CHERNILA
SEAN STANTON
KEVIN O'DONNELL, TOWN MANAGER

DEB PHILLIPS- ABSENT

1. CALL TO ORDER:

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

2. APPROVAL OF MINUTES:

MOTION: Bud Atwood: To accept the minutes from July 26, 2010 – Regular Meeting

SECOND: Stephen Bannon

VOTE: 4-0

3. SELECTMEN'S ANNOUNCEMENTS/ STATEMENTS:

Alana Chernila reminded everyone that the energy committee has been advertised for and if anyone is interested in being on this committee, please contact Kevin O'Donnell via e-mail.

Sean Stanton announced that the Selectman's packet is now available on the Town's website.

4. TOWN MANAGER'S REPORT:

A. Continuation – Consideration of use of Town Property by Commercial Enterprises
Kevin O'Donnell presented a proposal, which stated that Town Property could be used by Great Barrington vendors only and the vendors must get a Temporary Hawkers, Peddlers License for such use. Proof of residence must also be provided and alcohol is not permitted unless authorized by BOS.

MOTION: Bud Atwood to accept the policy for use of Town owned Property.

SECOND: Alana Chernila

VOTE: 4-0

Stephen Bannon asked how would we clarify the use of Town Hall property versus other areas? He asked if it would apply only to Town properties and events?

Mr. O'Donnell answered that it would apply to Great Barrington vendors for use of Town owned properties.

Stephen Bannon stated his concern that local businesses may bring in vendors from other Towns.

Kevin O'Donnell said that he would make note of this concern.

B. Town's Position Re: Health Insurance Plan Design

Kevin O'Donnell stated that due to the fiscal irresponsibility of the State, the Town of Great Barrington must seek home rule authority to make the necessary Health Care Plan Designs needed to maintain fiscal integrity.

Kevin O'Donnell stated that the estimated flex health care plan design could result in savings of 4-6 % or about \$89,000.

MOTION: Bud Atwood to accept the proposal for the Health Care Plan Design

SECOND: Stephen Bannon

VOTE: 4-0

5. CITIZEN SPEAK TIME:

David Magadini stated his concern that the elevator was out of service at the last meeting. As a result, he was unable to attend the meeting. He wants to know what was wrong with it and how much it cost to fix it.

He also feels that the Town should construct a small municipal building that is accessible 24 hours a day/everyday in order to be in accordance with the revised open meeting law. He believes that the current display case is too small.

Narian Schroeder – 40 Kirk St., Housatonic - spoke about the CDC's \$100,000 offer for the Housatonic School. He feels that it will be damaging to have low-income housing in the middle of Village. He said that the Town should focus on the development of green space or consider taking down the building. He asked if the Board can get a price for the removal of the building?

Sean Stanton responded that it would take a bit of work and it wasn't possible at this time.

6. PUBLIC HEARING:

a. Open Public Hearing

MOTION: Bud Atwood to open public hearing

SECOND: Alana Chernila

VOTE: 4-0

b. Explanation of Project –

Attorney Lucy Prashker presented a recap of the plans for the Searles/Bryant Building. She explained that the Bylaws don't explain how to measure the square feet of buildings in terms of whether you include the width of the walls. Therefore, the square feet exceeded the amount required and as a result a special permit was required.

c. Speak in favor/opposition- No one

d. Motion to Close Public Hearing

MOTION: Bud Atwood to close public hearing

SECOND: Stephen Bannon

VOTE: 4-0

e. Motion re: Findings

MOTION: Bud Atwood to approve the Findings of Fact for the Special Permit #782-10 for ERH -Bryant LLC as referenced in Exhibit A below.

SECOND: Stephen Bannon

Roll Call Vote

WALTER ATWOOD - yes

STEPHEN BANNON – yes

ALANA CHERNILA - yes

SEAN STANTON - yes

MOTION CARRIED 4-0

f. Motion re: Approval/Denial/table

MOTION: Bud Atwood to approve Special Permit 782-10 for ERH-Bryant, LLC. for redevelopment of a building in excess of 20,000 sq. ft., the former Bryant School at 50 Church Street, Great Barrington in accordance with Sections 9.4.9 and 10.4 of the Great Barrington Zoning By-law, and in view of the approved Findings of Fact, and to impose the following special terms and conditions:

1. This special permit shall become valid only upon legal transfer of the subject property to the applicant and the recording of the properly endorsed ANR plan of the subject property in the Southern Berkshire Registry of Deeds.

SECOND: Stephen Bannon

Roll Call Vote

WALTER ATWOOD – yes

STEPHEN BANNON- yes

ALANA CHERNILA - yes

SEAN STANTON - yes

MOTION CARRIED 4-0

EXHIBIT A

**SPECIAL PERMIT
FINDINGS OF FACT**

Re: SP #782-10

Applicant(s): ERH-Bryant, LLC

A. Introduction

A Special Permit application has been filed by ERH-Bryant, LLC, 28 Church Street, Great Barrington, to redevelop a building in excess of 20,000 square feet gross building area at 50 Church Street, Church and School Streets, the former Bryant School. The application has been filed in accordance with Sections 9.4.9 and 10.4 of the Great Barrington Zoning Bylaw.

The Applicant proposes to convert the former Bryant school into office space. A new enclosed stairwell and elevator would be added to the northeast corner, near the present exterior fire escape. The main entrance would be the north façade, where a covered pedestrian walkway would be added. The historic School Street entrance will be retained. A parking area for 24 cars, including compact cars and handicapped spaces, will be provided onsite. The balance of the required parking will be located off-site at 18 Church Street.

B. General Findings

The locus is identified as Lot 139 on Map 19, the 3.84-acre site containing the former Searles/Bryant school, Annex, and Gymnasium. The former Bryant School at the corner of Church Street and School Street is the subject of this application. It is not yet a separate lot, but it is referenced as “Lot 1” on the Form A plan endorsed by the Planning Board on May 27, 2010 (hereinafter referred to as the “Site”).

The Site is 0.75 acres (32,670 square feet) in size. It includes an asphalt parking area, a portion of the former playground, and the former school building itself. The area of the former school is 19,978 square feet of gross floor area. Total impervious surface amounts to 72 percent of the Site, or about 23,200 square feet.

The Site is located east of Main Street in downtown Great Barrington, adjacent to the Housatonic River. This is a mixed-use area where residential, business, and recreational uses (Memorial Field, the River Walk) converge. Commercial, office, and industrial uses are immediately adjacent to the site, across Church Street and across School Street. The Bryant school is a portion of the proposed mixed-use redevelopment of the former Searles/Bryant campus. Iredale Mineral Cosmetics (IMC) has its main operations in the area. IMC has expanded its operations in recent years by improving its buildings at 51 Church Street and 28 Church Street, and purchasing the parking lot at 18 Church Street. The Site is within walking distance of Main Street.

The Site is located in a B3 (Downtown Mixed Use) zoning district. The B3 zoning district is intended to support and promote mixed use. The office use itself is permitted by right (see C(19) of the §3.1.4, the Table of Use Regulations). However, because the gross square feet of the building, measured to the outside of the exterior walls, may exceed 20,000 square feet, a Special Permit from the Board of Selectmen, per §9.4.9 of the Zoning Bylaw is applicable.

The Site is in a Zone II of the Water Quality Protection Overlay District (WQPOD). However, the on-site parking area is smaller than the existing asphalt lot, and overall impervious surface will be reduced by 12 percent, to 60 percent. Because the proposed development does not increase existing impervious surface coverage, it does not require a Special Permit under §9.2.12.

The applicant has sought and received a Special Permit from the Planning Board to deviate from on-site parking and loading requirements (see Special Permit 781-10). Per this approval, 24 parking spaces will be on-site and 21 spaces off-site, at 18 Church Street.

The proposed development complies with all of the dimensional requirements of the Bylaw. It also complies with the minimum open space required by §9.4.6.

Developing the Site as a separate lot and separate phase than the balance of the Searles-Bryant site is not anticipated to affect the balance of the Riverschool Development proposal. That proposal has always anticipated that Bryant would be developed as at least 19,343 gross square feet of office space. Neither will this proposal for Bryant affect the residential density calculations, open space requirements, or development incentives for the rest of the site.

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.” This determination shall include consideration of the following six criteria:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and,
6. Potential fiscal impact, including impact on town services, tax base, and employment.”

Consideration of the Criteria:

1. The proposed use will: provide short and long term employment opportunities for the community; provide for social and community needs by redeveloping of a vacant and inactive site; put the site back on the tax rolls; improve the aesthetics of a prominent building and the neighborhood; respect the overall character of the neighborhood.
2. The proposed use and the requested special permit will not have a detrimental impact on traffic flow, safety, parking, or loading in the neighborhood.
3. The proposed use will not have a detrimental impact on utilities and other public services, including police and fire. All existing utilities are more than adequate to serve the use.
4. The proposed use will respect the neighborhood character by reusing the historic structure and renovating it in a manner in keeping with its historic appearance.
5. The proposed use and the requested special permit will have not detrimental impacts on the natural environment. It will increase pervious surfaces, reduce nonpoint source runoff pollution from the parking lot into the River Walk area and the Housatonic River, and will improve the quality of any runoff.
6. The proposed use and the requested special permit will have a beneficial fiscal impact by adding a new tax paying commercial office use to the Town tax base.

Specific Finding:

Any potential adverse impacts—this Board finds none—will not outweigh the significant benefits of the proposed redevelopment and reuse of the former Bryant School.

D. Proposed Conditions

The Special Permit be granted with the following condition:

- a. This special permit shall become valid only upon legal transfer of the subject property to the applicant and the recording of a properly endorsed ANR plan of the subject property in the Southern Berkshire Registry of Deeds.

7. LICENSES OR PERMITS:

A. National Grid and Verizon New England, Inc. for permission to Install One (1) JO Pole and anchor on Silver Street beginning at a point approximately 380 ft. east of the centerline of the intersection of Newsboy Monument Lane.

Donald Moulthrop, an abutter to the property where the pole is being erected stated his concern about the placement of the new pole. He feels that it is possible that it might be going on top of his water line. He asked if it could be moved further east or to the opposite side of the street?

Bud Atwood stated that the companies work to ensure that there are no lines underground before the pole is erected.

Dorothy Phillips – 36 Silver St. – Owner of the new house requiring the pole.

She would like to see the pole go somewhere else so that it does not obscure the view.

She is asking to see if there are any other options.

National Grid Representative suggested that the matter be tabled for now so that they can explore other options.

Kevin O'Donnell suggested that the Board should table the matter.

MOTION: Bud Atwood to table it to the next meeting the pole location matter

SECOND: Alana Chernila

VOTE: 4-0

B. Eugene Carr for a Driveway Permit at 6 Knob Hill Rd.

MOTION: Bud Atwood to approve driveway permit as per DPW Superintendent's recommendations.

SECOND: Stephen Bannon

VOTE: 4-0

C. The Great Josh Billings Runaround for permission to hold the 34th Annual Race on Sunday, September 12, 2010

MOTION: Bud Atwood to grant permission for the race

SECOND: Stephen Bannon

VOTE: 4-0

D. Sean Stanton for One Day Beer and Wine license for September 11, 2010 from

4:00 PM – 8:00 PM at 205 North Plain Rd. for an Annual Pig Roast.

MOTION: Bud Atwood to approve license

SECOND: Stephen Bannon

VOTE: 3-0-1

Sean Stanton recused himself

E. Kate Feuer / Community Health Organization for a Weekday Entertainment license for August 19, 2010 from 7:00 PM – 11:00 PM at Jacks Grill in Housatonic. (Fee Waiver Requested)

MOTION: Bud Atwood to approve the license with fee waiver

SECOND: Stephen Bannon

VOTE: 4-0

F. Richard Rockefeller/ Cool Dogs and Burgers for 2010 Annual Common Victualler License at 937 South Main St.

MOTION: Bud Atwood to approve the 2010 Annual Common Victualler license

SECOND: Stephen Bannon

VOTE: 4-0

8. NEW BUSINESS:

A. BOS – Appointments to the Ad Hoc 250th Anniversary Celebration Committee
Kevin O'Donnell stated that some of the members of the Ad Hoc Committee have resigned and there are some new appointments.

MOTION: Bud Atwood to approve the appointment of Chris Dolby, Pat Seward, and Michael Flower to the Ad Hoc 250th Anniversary Celebration Committee.

SECOND: Stephen Bannon

VOTE: 4-0

9. SELECTMENS TIME:

Alana Chernila thanked everyone who worked on the car show – she felt that it was a very “alive” moment for Great Barrington. Bud Atwood concurred.

10. MEDIA TIME:

None

11. ADJOURNMENT:

On a motion by Bud Atwood, seconded by Stephen Bannon, the Board adjourned its meeting at 7:45 p.m.

Respectfully submitted,



Cara Becker

Recording Secretary