

**TOWN OF GREAT BARRINGTON  
SELECTMEN'S MEETING  
MINUTES  
MONDAY, SEPTEMBER 12, 2011  
6:00 P.M. – REGULAR SESSION BOARD ROOM**

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

**6:00 P.M. – BOS MEETING WITH ZBA**  
**Dr, Ronald Majdalany – Chair of the ZBA**

**I. CALL TO ORDER:**

Sean Stanton called the meeting to order at 6:00 P.M.

Sean Stanton said that the Board wanted to meet with the ZBA in regards to the process and procedures of issues that have been coming to them for recommendation to the ZBA.

Ron Majdalany stated that the recommendation is done in an advisory capacity.

He said that there may be times when the Board has no comment and that is acceptable.

Steve Bannon asked if there is a way to write a comment without prejudice.

Ron said that the comment is just that and there would be no prejudice.

Sean Stanton suggested that it may not be appropriate to comment either way until they hear both sides of the story.

Ron Majdalany said that the appeal applicants go to the other Boards for discussion but not to the Select Board.

Sean said that he feels that this process should be put back into the zoning by-laws. If the ZBA grants the special permit, then there should be a requirement that the applicant make their case.

Steve Bannon suggested that they ask Chris Rembold why this has been changed and ask for a reversal.

Deb Phillips asked what goes before the Zoning Board of Appeals.

Ron responded – zoning appeals, appeals of building inspector enforcement and special permits for dimensional changes for zoning.

Sean Stanton reiterated that they need to talk to Chris Rembold about the zoning board recodification to understand the change.

Kevin O'Donnell said that he will schedule a meeting.

Alana Chernila said, taking the last situation as an example; giving the Board a chance to comment is different from giving them an opportunity to make a judgment. She said that they dealt with this particular situation for a while and it may have been the Boards place to talk about the history of the case and past decisions.

Ron Majdalany said that the history usually comes out in the hearings.

Deb Phillips said that the job of the Board is to look at the character of the town and neighborhoods and to look at these factors to make statements globally.

John MacGruer said that he supports the BOS making a comment in order to direct the conversation. This would also help in determining the thought process behind the votes.

### **6:30 P.M. – BOS WORKSHOP RE: COMMUNICATION POLICY**

Kevin O'Donnell presented the new communication policy to the Board.

Alana Chernila responded that they are further along but she feels that there is still one piece missing. She asked when communication is addressed to the entire select board, who responds to that person via E-mail that someone will get back to them. She said that this response should be given within 24 – 48 hours of receiving the message. She also said that it needs to be specified if the first responder is the Chair or the Town Manager.

Andrew Blechman asked if there could be an automated response back to the person.

Steve Bannon said that the turn around should be 2 business days.

Sean Stanton said if the Town Manager was addressed, he should respond and if the BOS is addressed, they should respond.

Kevin O'Donnell said if the BOS is addressed, the Chair should be the initial responder and can then ask another member to respond to the content of the E-mail.

Deb Phillips suggested that the clerk of the board (Deb Phillips) respond to the recipient.

Andrew Blechman clarified that individual e-mails to a Selectboard member should sometimes be forwarded to the Town Manager and Chair for their information.

Deb Phillips said if a BOS member gets an e-mail that they decide to forward to the Town Manger or Chair, that person sending it should be consulted about whether they want it to go to them or to be discussed at a meeting.

Kevin O'Donnell recapped the changes to be made as the following:

1. When communication is addressed to the entire board, the clerk should contact the individual within 2 business days to say they have received the E-mail.
2. The chair and Town Manager will discuss and determine the needs of the matter.
3. The individual members who receive E-mails may forward such correspondences to the Town Manager and Chair.

**MOTION:** Andrew Blechman to adopt policy revisions

**SECOND:** Deb Phillips

**VOTE:** 5-0

### **7:00 P.M. – PUBLIC SESSION – BOARD ROOM**

#### **1. CALL TO ORDER:**

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

#### **2. APPROVAL OF MINUTES**

August 22, 2011 BOS Regular Meeting.

**MOTION:** Deb Phillips to approve minutes from the August 22, 2011 as amended

**SECOND:** Steve Bannon

**VOTE:** 5-0

(Amendment is that Andrew Blechman voted against motion)

#### **3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**

Steve Bannon spoke about the status of the pedestrian underpass saying that they received an E-mail from the Historic District Commission about the proper way to care for it. He asked where they are with this and what type of action has to be taken to make sure that it is maintained.

He also said that there have been E-mails about the Newsboy statue and the Wing Victory statue. There have been questions about how to maintain them and asked for an update regarding this.

Sean Stanton said that he received a letter of thanks from the Rotary Club for the Air Show. He said that it was a great event and there are plans to try to do it as an annual event.

Steve Bannon said that there have been at least 3 community events that have been well attended and exceeded everyone's expectations. That result says something about what the community wants and what they are willing to support. He said that it has been great to be a part of these events.

#### **4. TOWN MANAGER'S REPORT:**

##### **A. UPDATE – Library Director Search**

Kevin O'Donnell said that there have been 10 to 15 applications received for the Library Directors position. Some of these applicants applied for the interim director position as well. This week, Kevin said that he will get out an outline to the interview panel as to the next steps and schedule interviews beginning when he returns from his conference.

Steve Bannon asked why there will be both permanent and interim interviews.

Alana Chernila said that she is concerned with the lack of leadership in the library. She said that the library is suffering without an interim director.

**MOTION:** Alana Chernila to allow the interview committee to convene immediately in order to make the process move along and to direct the Town Manager to appoint the Assistant Library Director as the interim director.

**SECOND:** Deb Phillips

**MOTION WITHDRAWN** by Alana Chernila and seconded by Deb Phillips

Kevin O'Donnell opposed the motion because they are directly telling him who to hire or not to hire and this is contradictory to the charter. He strongly objected to the Board telling him who not to hire.

Kevin responded that he has met with the staff and there are no issues; they are moving along.

Karin Beebe said that she is thankful to Alana for making the motion. She stated that Jessica Magelaner has done a phenomenal job and has been beyond professional. She suggested that the Board consider asking the Town Manager to allow the library trustees to take the direction of the interviews. She said that the trustees can choose the appropriate candidate for the position.

Alana Chernila responded to Kevin's earlier objection by saying that the process is taking too long. The library has been without a Director since early August. She said that they should support someone who is qualified to do the job.

Andrew Blechman asked if appointing the Assistant Library Director would affect her future.

Karin Beebe said that she was in touch with the labor representative who said that she could move up and then move back to the assistant position if she is not chosen to be the permanent Library Director.

**MOTION:** Alana Chernila to direct the Town Manager to direct the search committee to convene under the management of the Chair of the Library Board of Trustees so that they can convene, advertise, interview and make recommendations to the Town Manager.

**SECOND:** Deb Phillips

**VOTE:**

**MOTION WITHDRAWN** by Alana Chernila and seconded by Deb Phillips

Kevin O'Donnell replied that he is part of the interview panel that was created and the Library Trustees have 3 representatives on the panel. He said that the Library Trustees do not do the hiring.

Alana Chernila responded that she is asking the interview panel to make a recommendation to him.

Deb Phillips clarified that there is already a search committee and they should stick with that committee. She recommended that the Board of Trustees convene the meeting and get the process moving.

Sean Stanton said that Kevin O'Donnell should not remain on the search committee.

**MOTION:** Alana Chernila to direct the Town Manager to direct the search committee to convene on its own accord under the new direction of the Library Board of Trustees so that they can convene, advertise if they deem necessary, interview and make recommendations to the Town Manager for the hiring of the permanent Library Director.

**SECOND:** Deb Phillips

**MOTION AMMENDED AS BELOW**

**MOTION:** Alana Chernila to direct the Town Manager to direct the search committee to convene on its own accord under the new direction of the Library Board of Trustees so that they can convene, advertise if they deem necessary, interview and make recommendations to the Town Manager for the hiring of the permanent Library Director. The Town Manager will be removed from the search committee for the Library Director .

**SECOND:** Deb Phillips

**VOTE:** 5-0

**MOTION:** Alana Chernila to direct the Town Manager to elevate the current Assistant Mason Library Director to the position of Interim Library Director and to keep her position open while she is serving for her future employment as Assistant Library Director. The offer should be given by the end of the week.

**SECOND:** Deb Phillips

**VOTE:**

**MOTION WITHDRAWN** by Alana Chernila and seconded by Deb Phillips

Andrew Blechman said he is not comfortable with this motion.

Steve Bannon suggested that they direct the Town Manager to immediately hire an interim director without saying who it is.

Andrew said that he would feel better about not appointing someone specific.

**MOTION:** Alana Chernila to direct the Town Manager to offer the position of the Interim Library Director to the candidate by the end of the week.

**SECOND:** Steve Bannon

**VOTE:** 2-3 Deb Phillips, Andrew Blechman and Alana Chernila

**MOTION FAILED**

Karin Beebe said that the Board has gone from promoting Jessica to promoting 'a person.' She reminded the Board that the Trustees wrote a letter supporting the promotion of Jessica back in June. She asked why there is so much resistance to giving someone respect for what she is supposed to do.

**MOTION:** Deb Phillips to ask the Town Manager to offer the position of Interim Library Director to the Assistant Director of Mason Library.

**SECOND:** Alana Chernila

**VOTE:** 4-0-1 Andrew Blechman abstains

B. Kevin O'Donnell said that he has met, along with the Chair, with the members of 20 Castle St. LLC, on September 9. There is a meeting scheduled to continue discussions of the closure of the fire station.

C. Housatonic School Campus Task Force – Recommendations to BOS

Steve Bannon said that they spoke about forming another task force to do more studies on cost in order to move forward in a rapid fashion.

Deb Phillips agreed with convening a committee to address costs as long as it is done quickly.

Steve Bannon said the availability of grant or historic money should be pursued. He said that the task force did a great job and he has the utmost respect for their work.

Robby Baier said that the Town Manager may want to hire people to find grants and create proposals. He said that it would be better to appoint someone with qualifications to do so.

Kevin O'Donnell said that he is putting seed money in the FY13 budget to use for hiring professionals to do so.

Rebecca Tamol-Kay suggested getting graduate students to help in the process.

Sean Stanton said that the Town Planner should be the point person on this.

Kevin O'Donnell said that he can contact colleges about this option and will talk to the Town Planner, as well.

Dan Bailly said that putting the decision off for another year, puts the project off for another year. He said that next year, new Selectmen will be on the Board. He would like the Selectmen to make a decision in order to give the task force direction.

Deb Phillips said that giving a sense as to which way to go will save time and money.

Carol Bosco-Baumann asked the Selectmen to assign someone (she suggested Chris Rembold) to look at the funding options from the Dept of Economic Development or other federally funded agencies, as well as, to look at the options and decide which to go forward with. She added that they don't have much time before some funding expires.

Steve Bannon said that the Board should rank options or eliminate options at the next meeting.

Kevin O'Donnell said that he will also create a report as to how to move forward quickly.

#### **5. CITIZEN SPEAK TIME:**

Joe Sokul said that each year the Berkshire Hwy. Superintendent's Association has an annual drive for safety. There was a snow plow rodeo in which 2 GB teams entered and Great Barrington finished first and second. They will represent Great Barrington in the state finals.

#### **6. PUBLIC HEARINGS:**

A. AL AND LAURA DUPONT FOR A SPECIAL PERMIT FOR A TWO FAMILY RESIDENTIAL USE OF A SINGLE LOT AT 5 COMSTOCK LANE, HOUSATONIC, MA, PER SECTIONS 3.1.4. A (2), 8.1, AND 10.4 OF THE ZONING BY LAW. (DISCUSSION/VOTE)

a. Open Public Hearing

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

**SECOND:** Steve Bannon

**VOTE:** 5-0

b. Explanation of Project- Sarah from Creative Building Solutions explained that the Duponts want to build an in-law apartment. It is in an R-1-A zone with town water and private septic. She said that they have received favorable recommendations from all Boards.

c. Speak in Favor/Opposition – no comments

d. Motion to Close Public Hearing

**MOTION:** Steve Bannon to close the public hearing

**SECOND:** Deb Phillips

**VOTE:** 5-0

e. Motion re: Findings

**Motion:** Steve Bannon to approve the Findings of Fact for Special Permit #791-11 for Al and Laura DuPont, as submitted and referenced as Exhibit A, and with the finding that the benefits of the proposal outweigh any possible detrimental impacts.

**Second:** Deb Phillips

#### **Roll call vote:**

STEVE BANNON – yes

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS – yes

SEAN STANTON – yes

MOTION PASSED - 5-0

f. Motion re: Approval/Denial/ Table

**Motion:** Deb Phillips, in view of the approved Findings of Fact, move to approve Special Permit #791-11 for Al and Laura DuPont, to allow the two-family use of a single lot at 5 Comstock Lane, Housatonic, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw, and to impose 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.
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: There are no additional conditions proposed on this special permit.

**Second:** Steve Bannon

**ROLL CALL VOTE:**

STEVE BANNON – yes

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS – yes

SEAN STANTON – yes

MOTION PASSED - 5-0

## EXHIBIT A

### **SPECIAL PERMIT FINDINGS OF FACT**

**Re: SP #791-11**  
**Applicant(s): Al and Laura DuPont**

#### A. Introduction

A Special Permit application was filed on August 4, 2011, by Al and Laura DuPont, 5 Comstock Lane, Housatonic, MA, for a special permit to authorize the two-family use of a single lot in an R1A zone at 5 Comstock Lane, Housatonic. Specifically, the proposal entails building a 962 square foot “mother-in-law” apartment on the easterly side of the existing garage and house. The Special Permit application has been filed in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw.

#### B. General Findings

The Site is located on Comstock Lane in Housatonic, in a neighborhood of modestly sized residential lots, on the western side of North Plain Road. It is located in an R1A residential zone, where the minimum lot size is 0.25 acre. The subject lot is approximately 1.25 acres in area, more than meeting the requirement of twice the minimum lot size for a two-family use. The proposed addition is in compliance with all other setback and lot coverage requirements. A total of four parking spaces will be provided on the lot (two in the existing garage, two outside).

The two-family use of a single lot in this zoning district requires a Special Permit from the Board of Selectmen. This use also requires Site Plan Review by the Planning Board, which was approved without conditions on August 11, 2011.

The Planning Board has also sent a positive recommendation on the Special Permit to the Selectmen. The Board of Health recommended in favor of the Special Permit. The Conservation Agent attested that the Conservation Commission has no jurisdiction over this application.

The staff Development Review Team reviewed the proposal on August 9, 2011 and had no concerns.

#### 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 in relation to SP #791-11:

1. The proposal provides a low-cost housing opportunity for a senior and provides them ready access to the social support of family members. In no way does this negatively impact social or community needs. The proposal fits the goals of the Great Barrington Master Plan by infilling an existing residential neighborhood without adding burdens on town infrastructure, parking, or traffic.
2. The proposal is a small apartment, essentially, and is not expected to generate any significant traffic. There is sufficient parking proposed. There will not be a detrimental impact on pedestrian flow, or traffic flow and safety.
3. The site is served by Housatonic Water in capacity sufficient for this proposal. The existing private septic system will be improved per Board of Health approved plans to accommodate the new unit.
4. The proposal fits with the existing residential character of the neighborhood.
5. The proposal is utilizing existing lawn area in a residential neighborhood where there are no known environmental concerns or endangered species. This proposal will not have detrimental impacts on the natural environment.
6. The proposal will have a positive fiscal impact by modestly increasing the assessed value of a property in an already-served area.

Specific Finding:

In consideration of the above Findings, this Board finds that there are no adverse impacts and that the benefits of the proposal outweigh any possible detrimental impacts.

#### D. Proposed Conditions

Per §8.1.4 of the Zoning Bylaw, all Special Permits approving the two-family use of a single lot shall contain 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 such 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.  
There are no additional conditions proposed on this special permit.

#### **7. LICENSES OR PERMITS**

A. ALLEGRONE CONSTRUCTION INC. APPLICATION FOR A DRIVEWAY PERMIT AT 50 CHURCH STREET. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve driveway permit

**SECOND:** Steve Bannon

**VOTE:** 5-0

B. MASSACHUSETTS ELECTRIC COMPANY, D/B/A NATIONAL GRID AND VERIZON NEW ENGLAND, INC. FOR PERMISSION TO LOCATE A POLE ALONG AND ACROSS EAST SHEFFIELD ROAD, BEGINNING AT A POINT APPROXIMATELY 3350' SW OF THE CENTERLINE OF THE INTERSECTION OF BROOKSIDE ROAD. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to grant permission for pole location

**SECOND:** Deb Phillips

**VOTE:** 5-0

C. NATIONAL GRID AND VERIZON NEW ENGLAND, INC. FOR PERMISSION TO LOCATE A POLE ALONG MONUMENT VALLEY ROAD (1) 35' c 4 POLE BEGINNING AT A POINT APPROXIMATELY 1492 FEET SE OF THE CENTERLINE OF THE INTERSECTION OF LOVERS LANE AND CONTINUING APPROXIMATELY 0 FEET. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to grant permission for pole location

**SECOND:** Deb Phillips

**VOTE:** 5-0

D. CONSTRUCT, INC./CARA DAVIS FOR PERMISSION TO HOLD ANNUAL WALK TO PREVENT HOMELESSNESS ON SUNDAY, OCTOBER 16, 2011 BEGINNING AT 1:00 PM AT SKI BUTTERNUT AND END AT CONSTRUCT, INC. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to grant permission to hold annual walk

**SECOND:** Steve Bannon

**VOTE:** 5-0

E. GREAT BARRINGTON LAND CONSERVANCY/DALE ABRAMS FOR PERMISSION TO HOLD RUN FOR THE HILLS 5K RUN/WALK EVENT ON SUNDAY, OCTOBER 16, 2011. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to grant permission to hold run

**SECOND:** Andrew Blechman

**VOTE:** 5-0

F. NATIONAL MULTIPLE SCLEROSIS SOCIETY/LIZ STRAWN FOR AN ANNUAL BIKE MS RIDE ON SATURDAY, SEPTEMBER 24, 2011 BEGINNING AT 10:00 AM AND ENDING AT 3:30 PM. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve annual bike ride

**SECOND:** Steve Bannon

**VOTE:** 5-0

#### **8. New Business:**

A. TOWN CLERK'S REQUEST TO APPOINT TOWN ELECTION OFFICERS.

(DISCUSSION/VOTE)

**MOTION:** Steve Bannon to approve the Town Clerk's request to appoint town election officers

**SECOND:** Deb Phillips

**VOTE:** 5-0

B. BOS – APPOINTMENT OF MEMBER TO THE ENERGY COMMITTEE.

(DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve the appointment of Michele DiSimone to the energy committee

**SECOND:** Alana Chernila

**VOTE:** 5-0

C. BOS – PROCLAMATION DECLARING THE MONTH OF SEPTEMBER, HUNGER ACTION MONTH. (DISCUSSION/VOTE)

Sean Stanton read the proclamation

**MOTION:** Deb Phillips to adopt

**SECOND:** Steve Bannon

**VOTE:** 5-0

Alana Chernila asked the Board to reach out and see what else can be done to help.

D. BOS – PROCLAMATION RECOGNIZING OCTOBER 24TH, 2011 AS UNITED NATIONS DAY. (DISCUSSION/VOTE)

Sean Stanton read

**MOTION:** Steve Bannon to adopt

**SECOND:** Alana Chernila

**VOTE:** 5-0

Deb Phillips asked the media to promote the UN proclamation events. She also suggested that it be forwarded to the Superintendent and to the Libraries in hopes that they will participate.

#### **9. Selectmen's Time:**

Andrew Blechman said that he was sad to hear of the passing of Leon Siegal and his neighbor Irene Farrington.

Steve Bannon said that he had the privilege of participating in the 9/11 event. He said it was a quality event and something that the Town should be proud of.

**10. Media Time:** None

**11. ADJOURNMENT:**

On a motion by Steve Bannon, seconded by Deb Phillips, the Board adjourned its meeting at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Cara Becker". The signature is written in a cursive, flowing style.

Cara Becker  
Recording Secretary