

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, SEPTEMBER 13, 2010
6:00 P.M. – CLOSED SESSION
7:00 P.M. – PUBLIC SESSION – BOARD ROOM**

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

PRESENT: PRUDENTIAL COMMITTEE MEMBERS
MORTIMER CAVANAUGH
WALTER ATWOOD
JAMES CAVANAUGH
ROBERT AVERY
KENNETH SCHUMACHER

1. CALL TO ORDER:

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

2. APPROVAL OF MINUTES:

MOTION: Stephen Bannon: To accept the minutes from August 23, 2010 – Regular Meeting

SECOND: Bud Atwood

VOTE: 5-0

3. SELECTMEN'S ANNOUNCEMENTS/ STATEMENTS:

Alana Chernila stated that there is a misprint in the Eagle that states that voting will take place in the Searles/Bryant building. Derek Gentile said that the mistake was corrected.

Deb Phillips said that the Great Barrington Walk-About was successful with 45 people attending. She thanked all that were involved and helped to make it happen; Kevin O'Donnell and the Town staff, the Police, the DPW, etc....

4. TOWN MANAGER'S REPORT:

Kevin O'Donnell said that DVD's of Selectmen's meetings will now be available at the Mason Library in the GB display case. The budget, municipal plan and other documents are also available for viewing at both Mason and Ramsdell Libraries. The DVD's will not be available at the Ramsdell Library.

5. CITIZEN SPEAK TIME:

Robby Baier: Project Housatonic – He read a statement from the members of ‘Project Housatonic’ regarding the public meeting held on Sept. 7 to hear proposals for the Housatonic School from the two bidders and the public. They recommend that neither bid be accepted. They are asking that the Board explore other options to return vitality to the village.

Carol Bosco-Baumann – Housatonic the Beautiful – she read a statement about the sale of the Housatonic School. They believe that neither proposal for sale will benefit the community. They feel that the property should be kept for public use as either a building or as a green space. They stated that Housatonic has few local businesses and many families. They feel that the Town needs a vibrancy that the school once brought. They asked that the Board think ‘beyond our lifetime’ and toward the sustainability of the Town.

Rebecca Tamol-Kaye – 221 Prospect St. – She feels that the RFP came in on the sly and it doesn’t seem to be focused on the school. She stated that 8 years of research has been done and when the people agreed to hand over the school to the Selectmen, they hoped that they would do what is right for the Town. She asked that they talk to the people and see what they think and how they feel.

Keith Gerard – 211 Highland St. – He acknowledged that Great Barrington has been thrust into the role of the developer. He feels that the building can manage itself or by an entity. He suggests that if the Town releases another RFP that they require demonstration of viability of the bidder. He asked that the Board think about the legacy of the Town.

Nick Sotis – on behalf of CDC shared that he cares for a handicapped person that would not have housing if not for the Hillside Ave. property developed by the CDC. He said that he understands the worry in regards to affordable housing, but he said that the children bring something special to the area. He feels that the CDC and Construct are very good builders and that there is a good screening process in place in regards to the families selected.

Arian Blanchard – She stated that she has lived in Housatonic for 6 years and said what the building needs is a lot of work and big investors. She agreed that more affordable housing is needed in Housatonic but not in this spot. She feels that BRIDGE’s ideas conform to what Housatonic the Beautiful is looking for. She said that there is a school in North Adams that underwent the same process that was successful. She invites the Board to go and look at this spot to see how it can work for our school as well. She believes that the building should be open for public use and town services.

Sarah Hudson- Peoples Pantry – She stated that they are looking for a new place for the pantry and asks the community for their help in finding one.

6. PUBLIC HEARING:

A. BOS and Prudential Committee of the Great Barrington Fire District for a tax classification hearing to determine the tax rates for FY 2011 for the Town of Great Barrington and the Great Barrington Fire District.

a. Open Public Hearing

MOTION: Bud Atwood to open the public hearing

SECOND: Deb Phillips

Vote – 5-0

b. Explanation of Project –

Kevin O'Donnell said that the Board of Assessors have finished their review and the total valuation of the Town of GB is \$1,392,020,846. This years FY 2011 tax rate is \$12.16 which represents an increase of .64 from last years FY 2010 tax rate of \$11.52. The tax rate of the fire district is \$1.12 per thousand of valuation. This is an increase of \$.32 over last year FY 2010 tax rate of .80. The Board of Assessors recommend a single tax rate for all classes of property in GB of \$12.16 as discussed during the 2011 budget process this past spring.

c. Speak in favor/opposition- None

d. Motion to Close Public Hearing -

MOTION: Bud Atwood to close public hearing

SECOND: Stephen Bannon

Vote – 5-0

e. Motion re: Findings

MOTION: Bud Atwood to approve rate of \$12.16 for the Town

SECOND: Stephen Bannon

Roll Call Vote

WALTER ATWOOD - yes

STEPHEN BANNON – yes

ALANA CHERNILA - yes

SEAN STANTON - yes

MOTION CARRIED – 5-0

MOTION: PRUDENTIAL COMMITTEE MEMBERS: JAMES CAVANAUGH to approve the tax rate for the Fire District of \$1.12; SECOND: ROBERT AVERY;

VOTE: MORTIMER CAVANAUGH, WALTER ATWOOD, JAMES

CAVANAUGH, ROBERT AVERY AND KENNETH SCHUMACHER – all yes

MOTION CARRIED: 5-0

Town Accountant, Lauren Sartori thanked Karen Avalle for her tireless work without pay to get the Towns value and get it approved by the State.

Kevin O'Donnell thanked her as well saying she is a true professional!

B. Special Permit Application of Robert and Jane Holcomb, DBA Apex Automotive for a motor vehicle repair facility at 9 Crissey Rd., Great Barrington. Bud Atwood noted that the public hearing was advertised and notice was sent to abutters.

a. Open Public Hearing -

MOTION: Bud Atwood to open public hearing

SECOND: Stephen Bannon

Vote – 5-0

b. Explanation of Project –

Bob and Jane Holcomb asked the Board to approve their new location for business at 9 Crissey Road.

Jim Clark (construction consultant) presented visuals about the project and said that the Conservation Commission, Board of Health and the Planning Board have accepted the plans.

c. Speak in favor/opposition- None

d. Motion to Close Public Hearing -

MOTION: Bud Atwood to close public hearing

SECOND: Deb Phillips

Vote – 5-0

e. Motion re: Findings

MOTION: Bud Atwood to accept findings of fact for Special Permit 783-10 for Robert and Jane Holcomb dba Apex Automotive as submitted and referenced in Exhibit A

SECOND: Deb Phillips

Roll Call Vote – 5-0

WALTER ATWOOD – yes

STEPHEN BANNON- yes

ALANA CHERNILA - yes

SEAN STANTON - yes

MOTION CARRIED – 5-0

EXHIBIT A

SPECIAL PERMIT FINDINGS OF FACT

Re: SP #783-10
Applicant(s): Robert and Jane Holcomb, dba Apex Automotive

A. Introduction

A Special Permit application has been filed by Robert and Jane Holcomb, dba Apex Automotive, 691 Stockbridge Road, Great Barrington, to construct and operate a motor vehicle repair facility at 9 Crissey Road, Great Barrington. The application has been filed in accordance with Sections 3.1.4, C(14) and 10.4 of the Great Barrington Zoning Bylaw.

The Applicants have purchased the subject property with the intention of moving their current business from 691 Stockbridge Road to the subject property.

B. General Findings

The subject Site is identified as Lot 3C on Assessor's Map 9. The Site and is 0.70 acres (30,774 square feet) in size. It is triangular in shape, and it is currently a vacant gravel-surfaced lot. In the recent past it was used by Pete's Ford as a parking/storage area for automobiles for sale. 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 in a business and industrial area off of Stockbridge Road. Abutting commercial uses include the vacant car dealership, a plumbing and bath showroom, a granola bakery facility, a Verizon station, antiques businesses and Jenifer House Commons, and a hotel. Community uses in the neighborhood include the Berkshire South Community Center and the worship house of the Living God Fellowship.

The I and B2 zoning district boundary line splits the Site, but the majority of the Site, and the building itself, is within the B2 zone. The motor vehicle repair use is allowed by special permit from the Board of Selectmen per §3.1.4, the Table of Use Regulations, item C(14).

The proposed building will be 5,690 square feet and has been designed to comply with the B2 district regulations. Storage sheds are planned towards the rear of the Site. A total of 28 parking spaces and one loading space are provided, as required for a retail/general sales and service establishment. The proposed development complies with all of the dimensional and parking requirements of the Bylaw.

The Site is approximately 60 feet from a wetland, located to the south across Crissey Road. Stormwater runoff from the building will be directed into an underground infiltrator on the left (west) side of the building. Stormwater runoff from the gravel parking lot will be conveyed into rain gardens on the site.

The application has been reviewed by the staff Development Review Team, as well as by the Board of Health, Conservation Commission, and the Planning Board. The Board of Health has voted in favor of the Special Permit, noting no health issues. The Conservation Commission has reviewed the Special Permit and recommended its approval; however, per wetland regulations, a

Request for Determination of Applicability (RDA) has been filed and will be heard on September 22. The Planning Board recommended in favor of the Special Permit, and proposed two conditions. The Planning Board also approved the Site Plan, per §10.5 of the Zoning Bylaw and imposed conditions specific to the site plan (see SPR 03-10, approved August 26, 2010).

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 ensure that a local business providing an important service to the community remains within the Town, and that it is located in a more appropriate location in a commercial area. It will revive a vacant commercial parcel, providing for increased tax revenues. It is in a location where customers can walk to, and easily patronize, other businesses and facilities in the neighborhood.
2. The proposed use will not have a detrimental impact on traffic flow, safety, parking, or loading in the neighborhood. The proposed use will generate a moderate amount of new traffic in the neighborhood, up to 70 trips per day, or less than 6 (six) per hour of operation. This is well within the capacity of the road and in keeping with the context of the general area. It is also more appropriate to this Site than its current location on the high-speed section of Stockbridge Road at the northern gateway of Town.
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 fits within the commercial character of the neighborhood. The proposed building design is in keeping with adjacent uses. The landscaping, parking, and lighting plans have been designed appropriately for the area and to minimize adverse impacts on the neighborhood. The proposed use will support existing businesses in the area by bringing more customers to the area. The conditions imposed in the Planning Board’s Site Plan Approval, and the two conditions imposed by this Special Permit will further protect community character.
5. The proposed use will not have detrimental impacts on the natural environment. While it is within the wetlands jurisdictional area, all runoff will be contained on site and treated in rain gardens or infiltration systems.
6. The proposed use and the requested special permit will have a beneficial fiscal impact by

utilizing an existing vacant site, providing new customers to the area for adjacent businesses, and ensuring a local business remains in Town.

Specific Finding:

Any potential adverse impacts—this Board finds none—will not outweigh the significant benefits of the proposed motor vehicle repair facility at 9 Crissey Road.

D. Proposed Conditions

The Special Permit be granted with the following conditions:

1. There shall be no long-term storage of vehicles on the site.
2. The hours of operation shall be within the hours of 6:00AM to 6:00PM Monday through Saturday.

f. Motion re: Approval/Denial/table

MOTION: Bud Atwood to approve Special Permit #783-10 for Robert and Jane Holcomb, dba Apex Automotive for a motor vehicle repair facility at 9 Crissey Rd., Great Barrington, in accordance with sections 3.1.4, C(14) and 10.4 of the Great Barrington Zoning Bylaw, and in view of the approved Findings of Fact, and to impose the special terms and conditions.

1. There shall be no long-term storage of vehicles on the site.
2. The hours of operation shall be within the hours of 6:00 A.M. to 6:00 P.M. Monday through Saturday.

SECOND: Deb Phillips

Roll Call Vote – 5-0

WALTER ATWOOD – yes

STEPHEN BANNON- yes

ALANA CHERNILA - yes

SEAN STANTON - yes

MOTION CARRIED – 5-0

7. LICENSES OR PERMITS:

A. NATIONAL GRID AND VERIZON NEW ENGLAND, INC. FOR PERMISSION TO INSTALL ONE (1) JO POLE ON NORTH PLAIN ROAD BEGINNING AT A POINT APPROXIMATELY 406 FEET S. EASTERLY OF THE CENTERLINE OF THE INTERSECTION OF CRIMSON LANE. (DISCUSSION/VOTE)

MOTION: Bud Atwood to approve pole installation

SECOND: Deb Phillips

Vote- 5-0

B. NICHOLAS SOTIS -APPLICATION FOR A DRIVEWAY PERMIT AT 139 HURLBURT ROAD. (DISCUSSION/VOTE)

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

SECOND: Deb Phillips

Vote – 5-0

C. JOSH AND AMANDA SEILE – APPLICATION FOR A DRIVEWAY PERMIT AT 126 LAKE BUEL ROAD. (DISCUSSION/VOTE)

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

SECOND: Alana Chernila

Vote – 5-0

D. LEE ROGERS/BARD COLLEGE AT SIMON'S ROCK FOR ONE DAY BEER AND WINE LICENSE FOR OCTOBER 1, 2010 FROM 5:00 – 9:00 PM AT LIEBOWITZ GALLERY, BARD COLLEGE AT SIMON'S ROCK, 84 ALFORD ROAD. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the One Day Beer and Wine license.

SECOND: Bud Atwood

Vote – 5-0

E. BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER FOR ONE DAY BEER AND WINE LICENSE FOR SEPTEMBER 23, 2010 FROM 6:00 – 8:00 PM AT 15 CRISSEY ROAD. *FEE WAIVER REQUESTED* (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the One Day Beer and Wine license with a fee waiver

SECOND: Stephen Bannon

Vote – 5-0

F. BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR OCTOBER 23, 2010 FROM 5:00 PM TO MIDNIGHT AT 15 CRISSEY ROAD. *FEE WAIVER REQUESTED* (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the One Day All Alcoholic license with fee a waiver

SECOND: Bud Atwood

Vote – 5-0

G. BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER FOR ONE DAY BEER AND WINE LICENSE FOR NOVEMBER 6, 2010 FROM 5:30 – 8:30 PM AT 15 CRISSEY ROAD. *FEE WAIVER REQUESTED* (DISCUSSION/VOTE)

MOTION: Stephen Bannon to approve the One Day Beer and Wine license with fee a waiver

SECOND: Alana Chernila

Vote – 5-0

H. GREAT BARRINGTON FISH AND GAME FOR ONE DAY BEER AND WINE LICENSE FOR SEPTEMBER 19, 2010 FROM 11:00 AM – 7:00 PM AT LONG POND ROAD. *FEE WAIVER REQUESTED.* (DISCUSSION/VOTE)

MOTION: Bud Atwood to approve the One Day Beer and Wine license with a fee waiver

SECOND: Alana Chernila

Vote – 5-0

I. GREAT BARRINGTON FISH AND GAME FOR ONE DAY BEER AND WINE LICENSE FOR SEPTEMBER 26, 2010 FROM 11:00 AM – 4:00 PM AT LONG POND ROAD. *FEE WAIVER REQUESTED.* (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the One Day Beer and Wine license with a fee waiver

SECOND: Bud Atwood

Vote – 5-0

J. CONSTRUCT, INC. – FOR PERMISSION TO HOLD ANNUAL WALK TO PREVENT HOMELESSNESS ON SUNDAY, OCTOBER 17, 2010 AT 1:00 PM STARTING AT SKI BUTTERNUT AND ENDING AT CONSTRUCT, INC. (41 MAHAWE STREET). (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the Annual Walk for Sunday, October 17, 2010

SECOND: Bud Atwood

Vote – 5-0

K. APRIL BURCH/DAN ALDEN/CONSTRUCT, INC. OF EVIL PINKY INC. FOR ONE DAY WEEKDAY ENTERTAINMENT LICENSE FOR SATURDAY, OCTOBER 16, 2010 FROM 6:00 – 8:00 PM AT THE TOWN BANDSTAND/GREEN. *FEE WAIVER REQUESTED.* (DISCUSSION/VOTE)

WITHDRAWN

L. VICKI COONS/FAIRVIEW HOSPITAL'S RECREATION ASSOCIATION TO HOLD ANNUAL MONSTER DASH 5K RUNNING RACE ON SATURDAY, OCTOBER 30, 2010 STARTING AND ENDING AT 9:30 AM AT THE FAIRVIEW HOSPITAL'S OUT-PATIENT REHABILITATION SERVICES (THE OLD CONDOR CHEVROLET SITE). (DISCUSSION/VOTE)

MOTION: Bud Atwood to approve the Annual Monster Dash for Fairview Hospital Recreation Association

SECOND: Deb Philips

Vote – 4-0-1

(Stephen Bannon recused himself since he is an employee of the Hospital)

8. NEW BUSINESS:

A. BOS – Appointments to Town's Energy Committee

This is a 7 member committee with 6 interested applicants. One of the duties of the committee is to help promote the Town's possible designation in the State "Green Communities Act."

MOTION: Deb Phillips to approve the appointment of applicants as listed with the terms as stated in the executive summary attached.

Diego Gutierrez

Nancy Maurice Rogers

Christopher Vlcek

Brandee Nelson

Beth Moser

Alana Chernila, Select Board Member

SECOND: Bud Atwood

Vote – 5-0

B. Housatonic School RFP (Discussion/Vote)

-Presentations by Bridge and CDC

Mark Siegers – Board of Directors of BRIDGE

Mr. Siegers spoke to the proposed use of the Housatonic School. He stated that Bridge's proposal conforms to the Town's vision. He stated that use of the building will be sustainable and will be built on the notion of "village common." He believes that they could work with Berkshire Child Care to provide them a new home and would like to buddy with 2 businesses to create a business center. They would like to work with the community to figure out what to do with the space long term, while making money for Bridge and the community. He believes the idea could be 'flushed out' in 5 years. At that point, the Town can retain options of sale or re-lease.

CDC made a presentation based on their vision of the use of the school.

Stephan Green presented plans for the project and said that he feels firmly that by keeping the structure, they can get a historic tax credit. He stated that they would like to have affordable housing as well as 6,000 additional sq feet of multiple uses.

Alana Chernila said that vitality is needed and she is gauging the plan based on that. She asked what the process is to determine what the 6,000 sq feet is going to become.

Tim Geller said that they would like to have Bridge join in the space as well as the Daycare Center.

Stephen Bannon said that he is not ready to commit to demolition but is not comfortable with either offer. He said that he would love to see more dialogue between the two groups and would like to continue moving ahead.

Bud Atwood would like to obtain the last piece of information, which is the cost of demolition before he decides.

Sean Stanton stated that the Board is charged with this decision so they need more time and suggested that the two groups come back with a joint proposal.

9. SELECTMENS TIME:

Bud Atwood thanked the Great Barrington Fire Dept. Support Group for a great breakfast over the weekend.

10. MEDIA TIME:

None

11. ADJOURNMENT:

On a motion by Bud Atwood, seconded by Deb Phillips, the Board adjourned its meeting at 9:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cara Becker".

Cara Becker
Recording Secretary

EXECUTIVE SUMMARY

TITLE: Appointments to Energy Committee

BACKGROUND: The Town Selectmen recently created an Energy Committee. Advertisement of the openings was conducted. Thus far six individuals have expressed an interest in serving. The committee shall comprise 7 members. One of the duties of the committee is to help participate and promote the Town's possible designation in the State "Green Communities Act". The sooner the committee can start working the better since Town Meeting approval will be necessary as part of the "Green Communities" designation. Moving forward with the six (6) of the seven (7) appointments now may encourage a seventh resident to come forward to volunteer their services: Three (3) for initial 1 year; two (2) for an initial 2 year term; (2) for initial 3 year term. Thereafter terms shall be for three (3) years.

The six applicants are:

Diego Gutierrez
Nancy Maurice Rogers
Christopher Vlcek
Brandee Nelson
Beth Moser
Alana Chernila, Select Board Member

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: The Board of Selectmen appoint the six residents named above as members of the Energy Committee and determined which terms they shall fill initially and continue recruitment efforts for a seventh member.

PREPARED AND REVIEWED BY:


Kevin O'Donnell, Town Manager

DATE: 9-9-10