

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, DECEMBER 10, 2012
7:00 P.M. – TOWN HALL**

PRESENT: STEPHEN BANNON
ANDREW BLECHMAN
ALANA CHERNILA
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:

A. October 11, 2012 Special Meeting.

MOTION: Deb Phillips to approve the October 11, 2012 special meeting minutes

SECOND: Steve Bannon

VOTE: 5-0

B. November 26, 2012 Regular Meeting.

MOTION: Deb Phillips to approve the November 26, 2012 Regular Meeting Minutes.

SECOND: Steve Bannon

VOTE: 5-0

3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

A. GENERAL COMMENTS BY THE BOARD.

Andrew Blechman congratulated the Berkshire Coop for choosing to take a brownfields site and make it a profitable commercial business area. Andrew expressed gratitude to them for re-locating within Great Barrington.

Andrew congratulated the Cove Bowling Alley on hosting a Massachusetts State Women's Bowling Tournament.

Alana Chernila thanked the Southern Berkshire Chamber of Commerce for a job well done; the Holiday Stroll is a great event and an addition to the town calendar.

Steve Bannon echoed Alana's statement and said that he enjoyed the stroll, as did many. He said that Betsy Andrus should be congratulated on this and the other events that she has put on in downtown Great Barrington.

Deb Phillips agreed with all of the previous statements about the Holiday Stroll.

Sean Stanton said that he received an E-mail from Iredale Mineral Cosmetics inviting the Selectboard to visit the construction of the Bryant offices. Sean said that he will schedule this as a meeting.

4. TOWN MANAGER'S REPORT:

A. Paul and Maureen Hickey – Donation to Ramsdell Library

Kevin O'Donnell said that Paul and Maureen Hickey made a generous donation of 600 art books to the Ramsdell Library. This will make the library an artist enclave. Kevin thanked Paul and Maureen for their donation.

Kevin said that a \$5000 donation was received as well.

Kate Deviny thanked the Hickey's for their donation and invited all to visit the library.

Kevin O'Donnell announced that there are still openings on the Agricultural Commission, Conservation Commission, Energy Committee, Tree Committee, Parking Task Force, and Design Advisory Committee. Anyone who is interested can call or e-mail the Town Manager.

Kevin O'Donnell said that Great Barrington is taking the lead with Sheffield and DOTA (which is a local technical assistance grant through BRPC) in doing a housing need assessment for both towns.

B. Report of Linda Miller/ Chair of the Five Town Cable Advisory Committee re: license renewal. Linda Miller explained that a sub-committee was created to deal with license renewals. The official negotiations began in 2011 and they are on schedule to meet the deadline of March for the renewal. Linda said that there has been great progress with only a few final details to be ironed out. A final document will be brought before the Selectboard in January for feedback.

5. CITIZEN SPEAK TIME: None

6. PUBLIC HEARING:

- A. JOEL AND KATHLEEN MILLONZI, 161 NEW HARTFORD ROAD, SANDISFIELD, MA TO MODIFY EXISTING SPECIAL PERMIT 679-07 TO REPLACE THE CONNECTOR TRELLIS WITH A PERMANENT ONE STORY CONNECTION BETWEEN THE TWO DWELLINGS AT 39 DRESSER AVENUE, GREAT BARRINGTON IN ACCORDANCE WITH SECTIONS 3.1.4 A(2), 8.1, AND 10.4 OF THE ZONING BYLAW. (DISCUSSION/VOTE)

- a. Open Public Hearing

MOTION: Deb Phillips to open the public hearing

SECOND: Steve Bannon

VOTE: 5-0

b. Explanation of Project: Dennis Downing; Attorney representing the home-owners, explained the project. They are asking to put a one story connector between the 2 structures on their property. They would need to remove the trellis in order to do so. The Conservation Commission issued an order of conditions. All other Boards involved gave a favorable recommendation.

- c. Speak in Favor/Opposition: None

- d. Motion to Close Public Hearing

MOTION: Deb Phillips to close the public hearing

SECOND: Steve Bannon

VOTE: 5-0

- e. Motion re: Findings

1. **Motion:** Deb Phillips to approve the Findings for Special Permit #802-12 for Joel and Kathleen Millonzi, 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

Roll Call Vote:

Steve Bannon – yes

Andrew Blechman – yes

Alana Chernila – yes

Deb Phillips – yes
Sean Stanton – yes
Vote – 5-0

f. Motion re: Approval/Denial/Table

2. **Motion:** Deb Phillips -In view of the approved Findings, move to approve Special Permit #802-12 for Joel and Kathleen Millonzi, to modify existing Special Permit 679-04 for 39 Dresser Avenue, Great Barrington, MA, Street, Great Barrington, MA, 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.
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. Any other conditions specified by the Conservation Commission and any other Boards.

Second: Steve Bannon

Roll Call Vote:

Steve Bannon – yes
Andrew Blechman – yes
Alana Chernila – yes
Deb Phillips – yes
Sean Stanton – yes
Vote – 5-0

EXHIBIT A

**SPECIAL PERMIT
FINDINGS OF FACT**

Re: SP #802-12
Applicant(s): Millonzi, 39 Dresser Avenue

A. Introduction

Special Permit #802-12 was filed by Joel and Kathleen Millonzi to modify an existing Special Permit, #679-04 at 39 Dresser Avenue, Great Barrington in accordance with 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 R1B zone. The entire site is within the 200-foot Riverfront area of the Housatonic River and thus is subject to Conservation Commission jurisdiction. The Conservation Commission has issued a Notice of Conditions for this proposed work through a Notice of Intent process.

The existing Special Permit authorized the two family use of a single residential lot, and the two single family dwellings were connected by a trellis. This was a specific condition of the Special Permit. The applicants wish to replace the existing connector trellis between the two single family dwellings by expanding the rear single family dwelling and physically connecting it to the back side of the front single family dwelling. Additionally, a garage will be added to the site and landscaping added where parking spaces currently exist.

The applicant is proposing to expand the rear single family dwelling by 862 square feet, making a new combined footprint 3,256 square feet. Added together with the garage, the total lot coverage of 3,816 square feet represents 22.6 percent of the lot, still less than the maximum lot coverage of 25 percent. The proposed addition meets all required setbacks.

The required number of four parking spaces will be provided on site. A 560 square foot garage will be constructed to house two cars.

Extensive landscaping with native shrubs, grasses, and wildflowers is proposed and approved by the Conservation Commission. Stormwater from the site will be drained into the town stormwater system. These stormwater controls have been reviewed and approved by the Conservation Commission and Department of Public Works. A street opening permit and trench permits will be necessary to complete the tie-in.

The Board of Health, Conservation Commission, and Planning Board have all made favorable recommendations on this Special Permit application. The staff Design 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 Applicant is improving a two-family residential use in a downtown location, without negative impact on erosion, runoff, parking, or traffic, and consistent with the goals of the Town’s Master Plan.
2. Traffic flow and safety, including parking and loading.
 - There is no increase in parking or traffic under this proposal.
3. Adequacy of utilities and other public services
 - The proposal incorporates a drainage plan that is approved by the Department of Public Works. There are no detrimental impacts on other utilities or public services.
4. Neighborhood character and social structures.
 - The proposed addition is in keeping with the character of the historic, dense, neighborhood.
5. Impacts on the natural environment.
 - The proposal adds impervious surface to the site, but adequately mitigates any environmental concerns through extensive new plantings of native species, a clear erosion control plan, and an approved stormwater plan.
6. Potential fiscal impact, including impact on town services, tax base, and employment.
 - The proposal is likely to increase the value of the property without negatively impacting the value of surrounding properties.

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

Per §8.1 of the Zoning Bylaw, every Special Permit for the two-family use of a single lot must 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.

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 other proposed conditions.

7. LICENSES OR PERMITS:

A. JUDY SMITH FOR A DRIVEWAY PERMIT AT 63 BROOKSIDE ROAD. (VOTE)

MOTION: Deb Phillips to approve permit

SECOND: Steve Bannon

VOTE: 5-0

B. BERKSHIRE SOUTH COMMUNITY CENTER/LAUREN PELLEGRINO FOR PERMISSION TO HOLD BERKSHIRE SOUTH FITNESS 5K RUN/WALK ON SUNDAY, APRIL 7, 2013 IN HOUSATONIC STARTING ON PLEASANT STREET AND CONTINUING ONTO FRONT AND VAN DEUSENVILLE STREETS BEGINNING AT 9:30 AM AND ENDING BY 11:30 AM.

(DISCUSSION/VOTE)

MOTION: Deb Phillips to grant permission

SECOND: Steve Bannon

VOTE: 5-0

Steve Bannon suggested that Lauren Pellegrino get in touch with the Police about this event.

C. **2013 ANNUAL LICENSE RENEWALS.** (DISCUSSION/VOTE)

- COMMON VICTUALLER RESTAURANT ALL ALCOHOLIC
- COMMON VICTUALLER RESTAURANT WINE AND MALT
- COMMON VICTUALLER WINE AND MALT WITHOUT FOOD
- PACKAGE STORE ALL ALCOHOLIC
- PACKAGE STORE WINE AND MALT
- CLUB ALL ALCOHOLIC
- COMMON VICTUALLER
- INNHOLDERS
- LODGING HOUSE
- AMUSEMENT
- BOWLING ALLEY
- MOTION PICTURE
- CLASS II AUTO
- CLASS III AUTO
- WEEKDAY ENTERTAINMENT
- SUNDAY ENTERTAINMENT

MOTION: Deb Phillips to approve license renewals as presented for 2013

SECOND: Steve Bannon

VOTE: 5-0

8. NEW BUSINESS:

A. BOS AND GB HOUSING AUTHORITY JOINT APPOINTMENT TO THE GB HOUSING AUTHORITY UNTIL THE NEXT 2013 ELECTION. (DISCUSSION/VOTE)

David Magadini and Anne Congden were under consideration.

David Magadini read a statement asking that the Selectboard appoint him to the Housing Authority.

Bill Drumm – Housing Authority- said that Anne Congden has been to their meetings and he nominated her for the position.

MOTION: Bill Drumm to appoint Anne Congden to the Great Barrington Housing Authority.

SECOND: Alana Chernila

VOTE: 7-0 (includes 2 votes from the Housing Authority (Mr. Drumm and Ms. Salem))

B. CONTINUED DISCUSSION RE: FOOD TRUCKS.

Kevin O'Donnell said that food trucks are allowed in town but the rules can be restrictive.

Mark Pruhenski said that State and Federal Food Code does allow food trucks, but there are many requirements. Mark said that he has no issue as Health Inspector, if they meet the requirements. Steve Bannon asked if they could make it easier for the applicants. Mark replied that there are State and Federal regulations; we can only make it harder.

There was discussion about where the food trucks would park. Steve Bannon spoke about the loss of income for business owners who pay taxes.

Deb Phillips said that she is concerned about the loss of parking due to truck parking. She said that location is significant in this discussion.

Kevin O'Donnell said that he will create a set of regulations and bring it back for the Boards review.

C. RECOMMENDATION TO ZBA ON THE SHARON STRASSFELD APPEAL OF A CEASE AND DESIST ORDER ISSUED BY THE GB ZONING ENFORCEMENT OFFICER REGARDING ENCROACHMENT ON A WATER PROTECTION OVERLAY DISTRICT AT 237 LONG POND ROAD. (DISCUSSION/VOTE)

All agree not to comment

Sean Stanton asked Ed May to let the Selectboard know if he needs counsel on the matter.

D. TREE COMMITTEE - ARBOR DAY PROCLAMATION FOR TREE CITY USA DESIGNATION. (DISCUSSION/VOTE)

Dennis Gibbons said that the Proclamation is a formality to receive the designation. It needs to be signed in order to meet standards. This will put Great Barrington in front line for grants and funds for tree services. The Proclamation will be dated 12/11/12.

Sean Stanton read the Arbor Day Proclamation.

MOTION: Deb Phillips to accept the Proclamation

SECOND: Steve Bannon

VOTE: 5-0

9. OLD BUSINESS:

A. CONTINUED DISCUSSION RE: SIGN REGULATIONS

Kevin O'Donnell said that the temporary signs regulations are to be 14 signs per event, 14 days prior to the event. Trees shall not be used to hold the signs.

MOTION: Steve Bannon to accept 146 -6-11

SECOND: Deb Phillips

VOTE: 4-1 Andrew Blechman against

Andrew Blechman said that 14/14 is 'too much' and recommended 10/10.

B. BUILDING MAINTENANCE OPERATING PROTOCOL.

Kevin O'Donnell said that he will send the new set of protocols to the Selectboard.

Alana Chernila said that this was to be created to see who and what in terms of use of buildings. However, there is still no mention of how to address wear and tear on buildings and staff.

Polly Mann, Council on Aging Director, said that she has met, in person, with all of the groups who have used the building. She said all issues have since been resolved.

Kevin O'Donnell added that the protocol specifies that the relationship can be terminated if the regulations are not met.

Holly Hamer suggested that the Selectboard table this topic because the Library Board of Trustees saw this document and feel that some are policies that need to be addressed. Holly said having the 2 buildings (Library and Senior Center) together is not appropriate since the Library is free. She added that the Library also has staffed events, where the Senior Center events are never staffed by employees.

Sean Stanton suggested that Holly Hamer bring her grievance to the Town Manager, if she does not agree.

Andrew Blechman asked when the Certificate of Insurance is requested. He said that the document should specify the seating space for each building.

C. GREAT BARRINGTON PROFILE FOR TOWN MANAGER SEARCH.

There was discussion about Simons Rock not being listed.

MOTION: Andrew Blechman to approve the document and move forward.

SECOND: Deb Phillips

VOTE: 5-0

9. SELECTMEN'S TIME: None

10. MEDIA TIME: Dave Coffey asked for a copy of the Great Barrington profile for the Berkshire Record.

11. ADJOURNMENT:

On a motion by Deb Phillips, seconded by Steve Bannon, the Board adjourned its meeting at 8:45 P.M.

Respectfully submitted,

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

Cara Becker
Recording Secretary