

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, DECEMBER 9, 2013
7:00 P.M. – TOWN HALL**

PRESENT: DANIEL BAILLY
STEPHEN BANNON
ANDREW BLECHMAN
DEB PHILLIPS
SEAN STANTON

JENNIFER TABAKIN, TOWN MANAGER

1. 6:30 PM – PUBLIC SESSION – BOARD ROOM
2. GO INTO EXECUTIVE SESSION

MOTION: Deb Phillips to go into Executive Session and immediately return to public session

SECOND: Steve Bannon

ROLL CALL VOTE:

DANIEL BAILLY	-	YES
STEPHEN BANNON	-	YES
ANDREW BLECHMAN	-	YES
DEB PHILLIPS	-	YES
SEAN STANTON	-	YES

VOTE: 5-0 Motion Passed

- CONTRACT NEGOTIATIONS RE: SALE OF OLD FIRE STATION
(M.G.L. c. 30A, sec.21(a)(6).

3. IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RETURN TO PUBLIC SESSION
4. CALL TO ORDER

Sean Stanton reconvened the public session at 7:05 P.M.

5. APPROVAL OF MINUTES:

October 15, 2013 Regular Meeting

MOTION: Deb Phillips to approve the October 15, 2013 minutes

SECOND: Steve Bannon

VOTE: 5-0

November 25, 2013 Regular Meeting

MOTION: Deb Phillips to approve the November 25, 2013 minutes as amended

SECOND: Steven Bannon

VOTE: 5-0

6. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS

A. GENERAL COMMENTS BY THE BOARD.

Andrew Blechman spoke about his disappointment with the Berkshire Record. He read a statement written by the newspaper that included incorrect facts and spoke about 'widespread rumors.' He asked that they keep to the facts and asked that they be responsible.

7. TOWN MANAGER'S REPORT:

A. FOLLOW UP ITEMS.

- SOLARIZE MASS AWARD

Jennifer Tabakin reported that Great Barrington and Egremont were chosen to participate in the Solarize Mass. Program. The towns were welcomed into Round 2 of the program. Jennifer said that this program will do a lot of good for the community. More information is forthcoming.

Jennifer announced that the Town's Master Plan won the Massachusetts American Planning Association Award. She congratulated the Master Plan Committee and Town Planner, Chris Rembold for leading the way.

- BRPC – DISTRICT LOCAL TECHNICAL ASSISTANCE GRANT

Jennifer said that Great Barrington is applying for several categories within this grant. These funds would be used in specific areas such housing creation and preservation, for technical assistance in Housatonic River remediation, and mapping and technical assistance to develop an inventory of commercial and industrial sites.

MOTION: Deb Phillips to authorize Sean Stanton and Jennifer Tabakin to sign the application

SECOND: Steve Bannon

VOTE: 5-0

8. LICENSES OR PERMITS:

A. 185 EAST STREET 01230, LLC C/O RONALD AND NAOMI BLUMENTHAL, 101 GREEN RIVER ROAD, GREAT BARRINGTON FOR A TWO-FAMILY USE OF A SINGLE LOT AT 185 EAST STREET, GREAT BARRINGTON IN ACCORDANCE WITH SECTIONS 3.1.4 (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

b. Explanation of Project

Naomi Blumenthal explained that she would like to bring the house up to compliance as a 2 family. It is on the tax rolls as such.

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

MOTION: Deb Phillips to approve the findings of fact for Special Permit #822-13 for 185 East Street LLC, c/o Ronald and Naomi Blumenthal, as submitted and referenced as Exhibit A, and finding that the benefits of the proposal outweigh any possible detrimental impacts.

SECOND: Steve Bannon

ROLL CALL VOTE:

DANIEL BAILLY

STEPHEN BANNON

ANDREW BLECHMAN

DEB PHILLIPS

SEAN STANTON

VOTE: 5-0 Motion Passed

f. Motion re: Approval/Denial/Table

MOTION: Deb Phillips in view of the approved Findings, move to approve Special Permit #822-13 for 185 East Street LLC, c/o Ronald and Naomi Blumenthal, 101 Green River Road, Great Barrington, MA, for the two family use of a single lot at 185 East 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 condition:

1. The conditions of Section 8.1.4 of the zoning bylaw are included herein by reference, except that a minimum of three parking spaces shall be provided, and that the

exterior stair may be within the north side yard provided it does not extend further into the yard than the existing structure.

SECOND: Steve Bannon

ROLL CALL VOTE:

DANIEL BAILLY

STEPHEN BANNON

ANDREW BLECHMAN

DEB PHILLIPS

SEAN STANTON

VOTE: 5-0 Motion passed

**EXHIBIT A SPECIAL PERMIT
FINDINGS**

Re: SP #822-13
Applicant(s): 185 East Street, LLC, c/o Ronald and Naomi Blumenthal
Site: 185 East Street, Great Barrington, MA

A. Introduction

Special Permit application #822-13 was filed on October 25, 2013 by 185 East Street, LLC, c/o Ronald and Naomi Blumenthal for the two family use of a single lot at 185 East Street, Great Barrington, MA, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw. The structure is used as a two-family house currently, but there is nothing on file that legally permits the use under zoning. Applicants seek this special permit in order to come into compliance with the zoning bylaw; they intend to purchase the property and make aesthetic and safety improvements.

B. General Findings

The site is in an R-1-B zoning district. The property is on public water and sewer. Proposed exterior changes include a spiral stair as an emergency egress on the north side of the house as shown on the accompanying plans dated November 25, 2013. Parking area improvements and drainage improvements are also proposed and are reflected on the accompanying plans.

The Board of Health has made a favorable recommendation on the special permit. The Conservation Commission determined that it has no jurisdiction on this proposal. The Planning Board made a favorable recommendation on the special permit application. The Planning Board is reviewing the site plan details, regarding the parking area improvements, at its December 12, 2013 meeting.

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 #822-13:

Per §10.4.2 of the Zoning Bylaw, granting of any special permit requires a 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 serves the community’s needs by providing a housing opportunity.
2. Traffic flow and safety, including parking and loading.
 - There is no impact on traffic flow and safety. While Section 8.1.4 requires two parking spaces per dwelling unit, that requirement is hereby waived in order to reduce the paved or gravel portion of the parking area to improve aesthetics and rainwater infiltration. Three parking spaces are provided here while one additional space could be used in the front of the house if needed. The Board finds that the proposal is reasonable and provides adequate parking on the site, and also that the parking turnaround provides safe access in and out.
3. Adequacy of utilities and other public services.
 - The public water and sewer are adequate to serve the use. There will be no detrimental impacts on any other public services.
4. Neighborhood character and social structures.
 - The proposal is in keeping with the character of the neighborhood, a relatively dense neighborhood with a number of existing two-family uses in the immediate area. Landscaping and exterior improvements will enhance the appearance of the lot. The exterior spiral staircase proposed on the north side of the structure does not encroach any further into the side yard than the existing structure, and is *de minimus* relative the existing structure. Since the stair is also relatively hidden from view, it will not be a detriment to the neighborhood
5. Impacts on the natural environment.
 - The proposal has no detrimental impacts on the environment. Drainage and landscaping improvements will allow for water recharge into the soils. The smaller size of the parking area minimizes impervious surfaces and allows for landscaping or garden areas on the site, while also providing sufficient and safe parking.

6. Potential fiscal impact, including impact on town services, tax base, and employment.
 - The proposal has minimal impact on town services, tax base or employment.

Specific Finding:

In consideration of the above Findings, this Board finds that the benefits of the proposal outweigh any possible detrimental impacts.

D. Proposed Conditions

The conditions of Section 8.1.4 of the zoning bylaw are included herein by reference, except that a minimum of three parking spaces shall be provided, and that the exterior stair may be within the north side yard provided it does not extend further into the yard than the existing structure.

9. LICENSES OR PERMITS:

A. GAETAN LACHANCE AND MICHAEL FARMER/BROKEN HILL D/B/A THE BARRINGTON FOR 2014 INNHOLDERS LICENSE. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve the license

SECOND: Steve Bannon

VOTE: 5-0

B. **2014 ANNUAL LICENSE RENEWALS.** (DISCUSSION/VOTE)

- COMMON VICTUALLER RESTAURANT ALL ALCOHOLIC

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- COMMON VICTUALLER RESTAURANT WINE AND MALT

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- COMMON VICTUALLER WINE AND MALT WITHOUT FOOD

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- PACKAGE STORE ALL ALCOHOLIC

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- PACKAGE STORE WINE AND MALT

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- CLUB ALL ALCOHOLIC

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- COMMON VICTUALLER

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

Sean Stanton read a letter from David Magadini in which he request that the Xtra Mart Common Victualler License be denied.

- INNHOLDERS

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- LODGING HOUSE

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- AMUSEMENT

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- BOWLING ALLEY

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- MOTION PICTURE

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- CLASS II AUTO

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- CLASS III AUTO

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- WEEKDAY ENTERTAINMENT

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

- SUNDAY ENTERTAINMENT

MOTION: Deb Phillips to approve the listed licenses

SECOND: Steve Bannon

VOTE: 5-0

10. NEW BUSINESS:

A. COMMUNITY DEVELOPMENT STRATEGY (CDS)

- PUBLIC REVIEW AND COMMENT ON DRAFT CDS

- BOS REVIEW AND APPROVAL. (DISCUSSION/VOTE)

Town Planner Chris Rembold presented the draft Community Development Strategy which summarizes the Town's recent planning and development activities, and sets priorities for future community development work. Chris Rembold indicated that a CDS is required in order to apply for Community Development Block Grant funds. The CDS must be reviewed at a public meeting and approved by the Board of Selectmen.

The draft CDS has been available for public review for two weeks, in the libraries, Clerk's office, and on the Town website. A public forum was held on Wednesday December 4. Chris Rembold asked the Board to invite any public comment, then discuss the strategy and approve it with any amendments it feels is appropriate. Once approved by the Board, the CDS will be submitted to the Department of Housing and Community Development for state approval.

Andrew Blechman asked how much funding was available. Chris Rembold said maximum awards this coming year are about \$1 million. Regional applications and applications for more than one activity can be very competitive for those limited funds. The Town Manager asked if a local match is required. Chris Rembold said that there is no requirement, but often a match is part of the budget.

Chris Rembold explained that the draft CDS is based in large part on the Master Plan, which was just approved in October, and which itself had an extensive public participation process. The CDS has four priorities. The first is to expand housing opportunities, including affordable housing, through rehabilitation of existing housing and construction of new housing. The second is to support redevelopment projects in Housatonic by investing in public infrastructure. (This area is still designated a Slum and Blight area and is a good focus area for grant funds.) The third is to support redevelopment in downtown Great Barrington by investing in public infrastructure and the fourth is to improve quality of life town-wide through remediation and blight removal while supporting business activity.

Chris Rembold noted the CDS also shows how the Town's priorities are consistent with the Commonwealth's 10 Sustainable Development Principles.

He asked the Board to invite any public comment. There were no questions.

MOTION: Deb Phillips to approve the Community Development Strategy

SECOND: Steve Bannon

VOTE: 5-0

B. BOS – RECOMMENDATION TO THE ZBA ON THE VARIANCE PETITION OF STEPHEN BENNETT FOR PROPERTY ON LONG POND ROAD, GREAT BARRINGTON TO ALLOW CONSTRUCTION OF A TWO CAR GARAGE. (DISCUSSION/VOTE)

Sean Stanton requested that the owner come to the meeting on Wednesday. Jennifer Tabakin agreed to get in touch with them.

C. BOS – 2014 REGULAR MEETING CALENDAR. (DISCUSSION)
The Selectboard all agree to the meeting calendar.

11. OLD BUSINESS:

A. UPDATE – EASEMENT FOR CASTLE STREET FIRE STATION.

Jennifer Tabakin gave a presentation regarding the easement for the Castle Street Fire Station. She spoke about the specs of the building, the details of the easement and the objective of the easement. Jennifer showed graphics of the 'multi-use pathway' that has been planned for. The new owner will be paying for the construction of this path. Jennifer spoke about the delivery guidelines and enforcement.

Patricia Ryan – 114 Oak St; asked what the purpose of the retaining wall would be. Jennifer responded that the upper parking lot is at a different elevation. This wall will hold the area up, where lane space was gained.

Rob Navarino, owner of Chef's Shop – asked who would have the authority to determine if trucks can use the east alley or the access way.

Sean Stanton responded if the east alley is blocked, the west alley can be used.

Jennifer Tabakin said that the hope is that the owners will take the right action given the guidelines.

Mr. Navarino said that this easement states that the buyer 'agrees to consider special requests for additional deliveries to be made on Lane A...', which is not a binding statement. He asked that the document say, "Buyer agrees to reasonable special requests for deliveries" and the line saying that the 'buyer will consider' be removed.

Jennifer Tabakin responded that the buyer has been reasonable and willing to make this plan work.

Mr. Navarino read a prepared statement detailing his concerns as discussed above.

Ray Pieczarka said that as an owner of the Mahaiwe Block that is not compatible for what the town has chosen and it is affecting the business owners.

Alan Kalish – Vault Gallery – said that the biggest issue is that the sale was predicated on a mistake to begin with. He said that the sale makes no sense to the town. There will be 2 major constructions going on at 2 ends of the town and the man hours put into this is outrageous.

John Breasted – Bernard Gibbons Drive – stated that the Finance Committee voted 4-0 against accepting either offer at that time. He said that there was no mention of the right-of-way issue at that time.

The Selectboard will continue to discuss and vote on this matter at next Wednesday's meeting.

B. BOS – DRAFT OF MOBILE FOOD VEHICLE BYLAW. (DISCUSSION)

Health Agent, Mark Pruhenski presented information regarding a mobile food vehicle bylaw.

A 50 ft. radius outside existing restaurants was requested. Mark presented a map of this area. The areas that would be available for a mobile food vehicle would be in front of Town Hall and in front of the Mason Library. This would not block retail or restaurant frontage.

The bylaw would allow 2 permits per area with a \$500 fee.

The Selectboard would have final approval or denial.

Michael Ballon, owner of Castle St. Café, said that this is 'much to do about nothing.' He feels that this will have a small economic impact on current restaurants.

Keith Weller, owner of the Gypsy Joynt, said that this proposal is unfair to current restaurants. This would allow 4 trucks to take business away from them.

Marvin Lieberman, owner of the Great Barrington Bagel Co., said that more food is not needed in Great Barrington. He asked about Safe Serve and Emissions Control.

Mark Pruhenski replied that this would be regulated.

Mr. Lieberman said that a food truck employs 1 or 2 people. He would hate to lose employees due to this.

Martin Lewis, owner of Martin's Restaurant, said that Great Barrington does not have a large population like New York, which should be taken into consideration.

Paul Masiero, owner of Baba Louie's, said that his business (and others) struggle between October and April. He counts on the summer months to make business. He would hate to lose business and employees during the winter. He added that businesses pay rent and taxes.

Steve Bannon said that he would really need to be convinced to accept this bylaw. He would like to hear more public input.

Andrew Blechman feels that this could draw people downtown. He feels that the Selectboard should move cautiously.

C. CHARTER REVIEW – UPDATE. (VOTE)

This item was moved to the Wednesday agenda.

D. BOS - LOCATION OF TOWN MEETING. (DISCUSSION/VOTE)

Sean Stanton said that he and Jennifer Tabakin met with Marie Ryan and Ed McCormick. They agreed that Town Meeting should take place at the Mahaiwe again.

The Mahaiwe agreed to fix the concerns from last year.

Sean suggested that a banner be put up instead of sending out post cards.

Steve Bannon and Dan Bailly both felt that Marie Ryan and Ed McCormick should have been present at this meeting.

Susan McKay expressed that the High School has more room between the seats. She said last year her husbands' crutches were taken away; he was not able to keep them at his seat. This was very upsetting to her and her husband.

Deb Phillips expressed her concern about accessibility. She asked how to make sure that the appropriate seating is made available and make sure order is created getting to ballot boxes and back.

Beryl Jolly said they would hold more seats around the handicap seats for crutches, walkers, etc.

Beryl said that she will work with the Town Moderator about moving the ballot boxes. She feels adding more will be helpful. The cost this year will be \$180.

MOTION: Andrew Blechman to hold the Town Meeting at the Mahaiwe in 2014

SECOND: Deb Phillips

VOTE: 3-2 Steve Bannon and Dan Bailly against

12. CITIZEN SPEAK TIME

Patricia Ryan, representing the waste water rate setting committee, asked Jennifer Tabakin if she has heard anything back about the cost of doing a research study.

Jennifer Tabakin said that she has not and will follow up.

Patrick Fennell- 154 Main St. asked why employees are still in the old Fire House.

Sean Stanton replied that the old Fire House has not been sold yet and there is no plan to move them.

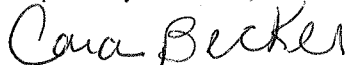
13. SELECTMEN'S TIME: None

14. MEDIA TIME: None

15. ADJOURNMENT

On a motion by Andrew Blechman, seconded by Steve Bannon, the Board adjourned its meeting at 9:25 P.M.

Respectfully submitted,



Cara Becker

Recording Secretary