

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, JANUARY 24, 2011
6:00 P.M. – EXECUTIVE SESSION
7:00 P.M. – REGULAR SESSION – BOARD ROOM**

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

6:00 P.M. – EXECUTIVE SESSION –TOWN MANAGER CONFERENCE ROOM
-Tax Increment Financing (TIF) CH. 30A, SEC. 21(6).

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:

MOTION: Deb Phillips: To accept the minutes from January 10, 2011 Regular Meeting

SECOND: Bud Atwood

VOTE: 5-0

3. SELECTMEN'S ANNOUNCEMENTS/ STATEMENTS:

A. Discussion Re: Vacant/ Underused buildings

Deb Phillips spoke in regards to Searles/Bryant and Housatonic schools, and the old Fire Station in terms of policy. She stated that when the buildings were vacated, they had a Certificate of Occupancy for the purpose for which they had been used. Thereafter, other events were held in these buildings. She stated that there isn't a coherent policy of how to handle/manage vacant buildings and asked that the Board discuss this topic.

-Stephen Bannon said that it is a matter of logic: 1) Do we want a tenant between the sale of the buildings? 2) Does it meet building regulations?

He stated that the Town should not deal with bringing the buildings to code, but the building Inspector should continue to work within the regulations.

-Deb Phillips asked if there was a change of use from the original C. of O. for these 3 buildings.

Kevin O'Donnell answered that he will give a report of the use of the 3 buildings and a historic perspective as to how we got to this point.

-Alana Chernila stated that we should set policies as to the use certain buildings.

B. Update from Energy Committee Re: Stretch Code

Chris Vlcek, Chair of the Energy Committee stated that the Committee has had 4 meetings in which they are focusing on the Stretch Energy Code to be used with the Green Communities Act. He stated that 64 communities in Massachusetts have adopted the code, including Pittsfield and Lenox. He would like to bring it to the 2011 May Annual Town Meeting. He feels that it would make good economic sense by having the owners invest in better windows for air tightness and better insulation, they would reduce energy costs. Also, Great Barrington will receive grants for being part of Green Communities. It also has a positive environmental impact and he stated that historic buildings and some commercial buildings are exempt. The committee is looking to have an informational meeting in March or April. They ask the Board to show support and show leadership in this topic and ask that it be put on the warrant for the May Annual Town Meeting. (He submitted a brochure with facts about the Stretch Energy Code) Kevin O'Donnell stated that the Board will be reviewing the warrant articles (April 11 meeting) before they are placed on the warrant for May Annual Town Meeting. Sean Stanton suggested that this should be discussed during a meeting before this time.

4. TOWN MANAGER'S REPORT:

Nothing to Report

5. CITIZEN SPEAK TIME:

No Comments

6. PUBLIC HEARINGS:

A. Broken Hill Inc. for a Special Permit to operate a Bed and Breakfast lodging establishment on the third floor of 281 Main Street, Great Barrington, per sections 3.1.4, A (6), 7.16, 9.6, and 10.4 of the Zoning By Law.

a. Open Public Hearing

MOTION: Bud Atwood to open public hearing

SECOND: Deb Phillips

VOTE: 5-0

Mr. Stanton read the application and advised that the notice of public hearing was advertised and abutters were notified. Letters with favorable recommendations were received from the Planning Board, Board of Health and Conservation Commission.

b. Explanation of Project: Michael Farmer and Gaetan Lachance stated that they would like to operate a Bed and Breakfast on the third (3) floor of the building located on the corner of Main and Church Streets. It is 7,000 sq feet with no utilities; it is raw space; the building is comprised of Commercial use on the first floor, residents on the 2nd floor and raw space on the 3rd floor, which is the desired space for the project. The project shows 7 guest room suites with approximately 2200 sq feet per unit. The units will be suites with a bedroom, bathroom, dining area and lounge area. There will be no communal dining room and breakfast only will be prepared and brought to the rooms. The project will also include putting in their own water supply, sprinklers to the whole floor, and an upgrade to the fire alarm system. It is critical to have an elevator, so it was proposed that an elevator

be put in on the back of the building. It will be open from the back parking lot to the 2nd and 3rd floors. The elevator will be 'card access' only so the resident on the 2nd floor will only be able to utilize the elevator to their floor and the B&B guests to only the 3rd floor. A rear stairway will be put next to the elevator as another egress. They will be adding 3 windows to the rear of the building and 1 on the Church Street side, which will line up with the windows already present. The applicants feel that they are bringing in new business, increasing mixed usage downtown, and by developing unused space, they are bringing more people into downtown. Mr. Lachance stated that they have received favorable responses from all Boards. He asked that the Board of Selectmen look favorably on this project.

Sean Stanton read a letter from Craig Okerstrom-Lang in favor of the project.

c. Speak in Favor or Opposition – No comments

d. Motion to close Public Hearing

MOTION: Bud Atwood to close public Hearing

SECOND: Deb Phillips

VOTE: 5-0

e. Motion re: Findings

MOTION: Deb Phillips to approve Findings of Fact for Special Permit 787-10, for Broken Hill, Inc. as submitted and referenced as Exhibit A, and with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

EXHIBIT A

A. Introduction

A Special Permit application was filed on November 29, 2010, by Broken Hill, Inc., PO Box 1429, Sheffield, MA, for a special permit to operate a bed and breakfast lodging establishment at 281 Main Street, Great Barrington. Specifically, the proposal will entail the renovation of the existing vacant third floor of the building as well as constructing an elevator on the rear of the building. The Special Permit application has been filed in accordance with Sections 3.1.4 A(6), 7.16, 9.6, and 10.4 of the Great Barrington Zoning Bylaw.

B. General Findings

The Site is located on Main Street in downtown Great Barrington, on the southeast corner of Church Street. It is located in the Downtown Business (B) zone and within the Village Center Overlay District (VCOD). The VCOD permits mixed-uses by right, and allows for shared parking. The site is within a Zone II of the Water Quality Protection Overlay District (WQPOD), but the proposed activities do not require a Special Permit.

The surrounding uses in downtown are mixed use in character—retail and office spaces comprise first floors, with offices and residential units on upper floors. The building itself will complement this character. The building currently contains: (1) on the first floor: a total of 7,100 square feet comprised of Lee Bank (3,550 square feet), Lance Vermeulen Real Estate (1,775 square feet) and Harlan Ross Pianos (1,775 square feet); (2) on the

second floor: nine residential units; and (3) on the third floor, vacant space, to be renovated for this proposed use.

Applicable Permits: The applicant seeks to utilize the third floor of the building as a bed and breakfast establishment (“tourist homes for transient guests,” see §7.16). This use requires a Special Permit from the Selectmen. Seven (7) guest units are proposed along with an apartment for the owners. In addition to renovating the third floor, the applicant seeks to add an elevator entrance on the back of the building (the easterly side, in the parking lot). This proposed exterior change requires a Special Permit under the Village Center Overlay District.

Parking: Per §9.6.11, governing parking requirements in the VCOD and B districts, this proposal requires no additional parking spaces. At present there are approximately 18 parking spaces in the rear lot. Per this proposal, 17 standard parking spaces will remain (one will be lost in order to add the elevator). Again, while parking is not required in this district, the proposal does provide enough parking for the proposed bed and breakfast to meet its own maximum needs of one parking space per room, plus a space for the owners, and nine spaces to serve the commercial and residential uses.

Tourist Home: The proposal complies with the requirements of §7.16.

Design Review and Historic Significance: The downtown Design Advisory Committee (DAC) has reviewed and recommended the project, as required under the B district regulations. The building is not within the Local Historic District.

Development Review Team Comments: The DRT reviewed a preliminary proposal in August 2010 and then later drafts in October. Concerns at that time included proper ingress and egress, particularly the front stairwell and the proposed rear elevator. There were also questions regarding adequacy of water lines to serve required sprinklers. There are no concerns regarding the adequacy of sewer or other utilities, parking, or traffic impacts. The application was refined to address all DRT concerns, and the proposal before the Selectmen is satisfactory to the DRT.

Furthermore, the Planning Board approved the Site Plan application and made a positive recommendation on the Special Permit at its meeting of December 9, 2010. The Board of Health recommended in favor of the Special Permit, noting no health issues. The Conservation Commission recommended in favor of the Special Permit, noting no conservation issues.

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 #787-10:

1. The proposal provides an opportunity for a new business to be added to the economic base and does not negatively impact social or community needs. The proposal fits the goals of the Great Barrington Master Plan by developing an existing building without adding burdens on town infrastructure, parking, or traffic.
2. The proposal is a small business and is not expected to generate any significant traffic. Driveways are adequate and sight lines will not be blocked by signage or parked vehicles. There is sufficient parking available on the site, at the rear of the building. There will not be a detrimental impact on traffic flow, safety, parking, or loading.
3. The proposal will improve fire alarms and call stations in the building, and will upgrade the water service and electrical services. With these improvements included, the proposal thus will not have an impact on utilities and other public services.
4. The proposal fits within the intent of the Great Barrington downtown district. It involves redevelopment in an existing mixed-use building, in keeping with the surrounding uses on Main Street. Its design has been recommended by the Design Advisory Committee and its site plan was approved by the Planning Board.
5. The proposal will not have detrimental impacts on the natural environment. It will not impact wetlands, floodplains, or water quality areas.
6. The proposal will have a positive fiscal impact by adding a business to the tax base in what is currently an unused space in downtown. The establishment will also contribute new revenue in the form of room taxes. The proposal will support downtown vitality and the pedestrian atmosphere, and foster economic development by bringing visitors to support the commercial, cultural, and recreational activities in the region.

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

There are no conditions proposed on this special permit.

SECOND: Stephen Bannon
ROLL CALL VOTE

BUD ATWOOD - yes
STEPHEN BANNON- yes
ALANA CHERNILA - yes
DEB PHILLIPS-yes
SEAN STANTON- yes
VOTE: 5-0

f. Motion re: Approval/Denial/Table

MOTION: Deb Phillips, in view of the approved Findings of Fact, move to approve Special Permit 787-10 for Broken Hill, Inc. for a Bed and Breakfast lodging establishment at 281 Main St., Great Barrington, in accordance with sections 3.1.4. A (6), 7.16, 9.6, and 10.4 of the Great Barrington Zoning By-Law.

SECOND: Bud Atwood

ROLL CALL VOTE

BUD ATWOOD - yes
STEPHEN BANNON- yes
ALANA CHERNILA - yes
DEB PHILLIPS-yes
SEAN STANTON- yes
VOTE: 5-0

7. LICENSES OR PERMITS:

A. Great Barrington Fish and Game for one day beer and wine liquor license for February 12, 2011 from 11:00 AM – 7:00 PM at Long Pond Rd.

Fee Waiver Requested

MOTION: Deb Phillips to approve the one day beer and wine liquor license with fee waiver as requested.

SECOND: Bud Atwood

VOTE: 5-0

B. Great Barrington Fish and Game for one day beer and wine liquor license for every Sunday from February 13, 2011 – April 17, 2011 from 11:00 AM – 4:00 PM at Long Pond Rd.

Fee Waiver Requested

MOTION: Deb Phillips to approve the one day beer and wine liquor license with fee waiver as requested.

SECOND: Bud Atwood

VOTE: 5-0

8. OLD BUSINESS:

A. Review of Selectmen's Policies and Procedures.

Kevin O'Donnell stated that he incorporated changes into the Policy and Procedures as discussed, and reviewed the changes.

MOTION: Stephen Bannon to approve the revised Board of Selectmen Policy and Procedures dated January 24, 2011

SECOND: Deb Phillips

VOTE: 5-0

B. Review of Main Street Project Fact Sheet.

Kevin O'Donnell presented the fact sheet that he and the Vice Chair had been working on since the last meeting and requested the approval to be disseminated at the Special Meeting on Wednesday, January 26, 2011.

Stephen Bannon spoke about staging and said that more information was received. He asked if the document should be more specific about staging and what will be done if they fall behind in their work. Will there be penalties?

Kevin O'Donnell stated that the specific staging areas designated were mapped and presented to the DOT.

Stephen Bannon said that this information should be stated under "How long will construction take" and there should be a mention that the plans that were submitted do have staging included.

Kevin O'Donnell stated that he would put such language in.

Alana Chernila said that there is a lot of controversy about taking out right hand turn lanes but there has been a turn lane added at Bridge Street and Taconic Avenue that will be very beneficial. She suggested that it is written under ('What is the project') that we are working on intersections that had failing grades and are improving the flow of traffic by adding right hand turn lanes and light synchronization.

Sean Stanton said that bicycle safety is a concern and it should be mentioned.

Alana Chernila stated that this project is to increase all vehicle safety; car, bicycle, wheelchair and people.

Stephen Bannon asked that it be stated that the staging is part of the 25 % plan, but not the order of construction.

Deb Phillips said that when people ask why this project can't be done in pieces over a number of years, it is because we won't be able to address 'grade.' She also stated that this is a process that requires time.

Alana Chernila said that under 'How did we get here...' the 4th bullet point from the bottom is unclear. She volunteered to re-write it. She said also that under 'can the Town do the project on its own?', the third paragraph uses 'would likely cost more.' She suggested that 'would likely' be replaced with 'will.'

Stephen Bannon suggested that an estimate of piece-meal cost be put in at this point.

Alana Chernila said to add under 'concern of merchants' that a parking task is being set up to compensate for parking losses and to deal with the issue of it over the Long Term. Alana Chernila said that she has been talking to other Towns who have completed construction projects and they are amazed that 2-way traffic will continue. She suggested that this be put in BOLD as a benefit.

Sean Stanton asked that the Public Works Superintendent be added to page 5 under 'how will communication be handled?'

Chris Rembold made the correction under 'roads and sidewalks' that there are 90 miles of roads and 30 miles of sidewalks.

Sean Stanton also asked that the 'Commonly asked questions' area on the website be updated.

Deb Phillips asked if the supervisory structure can be explained on the fact sheet.

MOTION: Stephen Bannon to accept changes and give the Town Manager the go ahead to continue to work on this project.

SECOND: Bud Atwood

VOTE: 5-0

Sean Stanton stated that he would like to speak at the Special Board of Selectmen's Wednesday, January 26, 2011 meeting about the process going forward, not what has been done. He said that it will be important to have the design sheet on the wall and he will go through it. He asked that the other members of the Board express their feelings about the project.

Deb Phillips said that it will be very important to answer people's questions.

Michael Ballon- Castle Street Cafe asked if any economic analysis was done on this. What is the economic impact of the plan?

Kevin O'Donnell responded that it is very difficult to quantify.

9. NEW BUSINESS:

A. Review of Special Town Meeting Warrant Articles

Kevin O'Donnell stated that the warrant articles are such:

-Wired West – speaking to the municipal lighting plant and its use

-Petition Article regarding Main Street Reconstruction project - taken verbatim from the petition

MOTION: Stephen Bannon to accept warrant articles as written for the 2011 Special Town Meeting

SECOND: Deb Phillips

VOTE: 5-0

Bud Atwood stated that under the 2nd article – take out the words 'as necessary' and 'available funding allows' so that it has to be done.

Kevin O'Donnell said that this would be an appropriate point to bring out during discussion, but a petition article has to be accepted as written.

Kevin O'Donnell stated that Bob O'Haver will make a 5 minute presentation on the topic of Wired West.

Alana Chernila asked if there is any possibility to go over anything outstanding before the next meeting.

Sean Stanton said that the Board will meet 45 minutes before the next meeting to discuss anything outstanding.

Steve Donaldson – 1 Cypress Street stated that he is in favor of the project. He asked the following:

1. Has anyone spoken to the merchants and done a survey to see if they are in favor of the project – why/why not?
2. Has there been a survey of the people in Town?
3. Has there been a cost/benefit analysis done in regards to after the project?
4. In contracting phase – there should be incentives to contractors to perform quicker or ahead of schedule.

Sean Stanton that bonus and penalties have been discussed and is on the table.

B. Resolution Creating Downtown Parking Task Force

Kevin O'Donnell presented a Resolution for the Downtown Parking Task force. He said that he will also include a 2005 parking study that was completed. The Board is looking to appoint 9 residents.

Deb Phillips asked if there can be a provision so that the Board can hear from the Task Force before the year.

Kevin O'Donnell replied that the Task Force will be required to take minutes, so the Board will be able to see what progress is being made.

He also stated that he will modify the Resolution to say, "residents, business owners, or property owners."

MOTION: Bud Atwood to adapt the Resolution creating the Downtown Parking Task Force.

SECOND: Deb Phillips

VOTE: 5-0

10. SELECTMENS TIME:

Alana Chernila announced that she will be holding office hours every Monday at the Berkshire Co-op Café from 3-6. Eileen Mooney will send out a message if Alana needs to cancel. She is open and willing to talk about anything. She asked that everyone spreads the word.

Bud Atwood said that Bob Berry passed away. He was the Town's Board of Health Agent for man years and will be missed.

11. MEDIA TIME:

None

12. ADJOURNMENT:

On a motion by Deb Phillips, seconded by Stephen Bannon, the Board adjourned its meeting at 8:25 p.m.

Respectfully submitted,


Cara Becker

Recording Secretary