

**TOWN OF GREAT BARRINGTON
SELECTBOARD'S MEETING
MINUTES
MONDAY, JANUARY 25, 2016
7:00 P.M. - REGULAR SESSION
TOWN HALL**

PRESENT: ED ABRAHAMS
DANIEL BAILLY
STEPHEN BANNON
BILL COOKE
SEAN STANTON

JENNIFER TABAKIN, TOWN MANAGER

7:00 PM – OPEN MEETING

1. CALL TO ORDER: Chairman, Sean Stanton called the meeting to order.

2. APPROVAL OF MINUTES:

January 11, 2016 Regular Meeting.

MOTION: Steve Bannon to approve the January 11, 2016 minutes as amended

SECOND: Dan Bailly

VOTE: 5-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. SB – To Sign Water Pollution Abatement Bond of \$4,210,000 for Phase 1 of the Wastewater Treatment Plant Upgrade.

All members of the Selectboard signed.

B. Citizen Petition Submittal:

Opens January 25, 2016 @ 8:30 am; Closes February 5, 2016 @ 4:00 pm.

Sean announced this information.

C. Discussion of upcoming meeting calendar.

The budget meeting dates have been proposed: 2/29/16, 3/7/16, 3/8/16, 3/9/16, and 3/23/16.

These dates need to be proposed to the Finance Committee.

D. DPU's Public Hearing on January 27, 2016 @ 7:00 pm - Housatonic Water Works Company's petition for water rate increase.

The public hearing details were announced for public information.

The Town Manager recommended that the Selectboard submit testimony to the public hearing emphasizing affordable rates to be balanced with up-keep of the water system.

MOTION: Steve Bannon to send a letter to the Department of Public Works concerning questions that the Town Manager has raised.

SECOND: Dan Bailly

VOTE: 5-0

4. TOWN MANAGER'S REPORT:

Town Manager, Jennifer Tabakin, reported that interviews for treasurer/collector are ongoing.

The town manager attended the MMA conference and will share information from the conference soon.

The CodeRed system is up and running and the first test call was launched today. The call asked all to sign up.

Jennifer thanked Deputy Chief McCormick and the Fire Department for hosting the CPR class. Jennifer also thanked Adam Meade for his 16 years of service and Capt. Mark Palumbo for his 15 years of dedicated service on the Fire Department and wished them well.

5. PUBLIC HEARINGS:

A. Fairgrounds Realty LLC, 1554 Boardman Street, Sheffield, MA, to modify Special Permit #831-14 granted to Fair Ground Community Redevelopment Project, Inc, 659 Main Street, Great Barrington, to correct the grantee's name and to include the mortgage holder and parties claiming through them as grantees under the permit, in accordance with Section 10.4 of the Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

MOTION: Steve Bannon to open the public hearing

SECOND: Dan Bailly

VOTE: 5-0

b. Explanation of Project – Jeff Macel, representing Loadstar, said that Fairground Community Redevelopment, Inc. is a not-for-profit so it can't take advantage of investment tax credits. As a result, the nonprofit split off a piece of the larger fairgrounds property and will transfer it into the mortgage holder's name. (Fairgrounds Realty LLC)

c. Speak in Favor/Opposition – None

d. Motion to Close Public Hearing

MOTION: Steve Bannon to close the public hearing

SECOND: Dan Bailly

VOTE: 5-0

e. Motion re: Findings:

MOTION: Steve Bannon to approve the findings of fact as submitted and referenced in

EXHIBIT A

FINDINGS OF FACT

Re: Special Permit #850-15

Applicant(s): Fairgrounds Realty LLC

A. Introduction

The Special Permit application was filed on December 11, 2015 by Fairgrounds Realty LLC, 1554 Boardman Street, Sheffield, MA, to modify Special Permit # 831-14, B, which, together with Special Permit #831-14, A, was granted on July 1, 2014 to Fair Ground Community Redevelopment Project, Inc, 659 Main Street, Great Barrington. The application requests removal of condition #6 from #831-14, B, so that all parties

including the mortgage holder and parties claiming through them will be included as grantees under the permit.

In order to amend or modify a previously-granted special permit, a new special permit application and public hearing process is required. Nothing else about the previously granted Special Permit #831-14 (A or B) is being changed. This application is filed pursuant to Section 10.4 of the Zoning Bylaw.

B. General Findings

The subject property for permit #831-14, A and B, included the entire site known as the Fairgrounds property. It includes the 57 acres shown on the 2013 Assessor's Map 25 as Lot 5 and Map 38 as Lot 12A.

A community center in a B-2 zone was permitted by #831-14, A, and work in the floodplain was permitted by #831-14, B.

Work proposed in #831-14, A and B included renovation of the grandstand, a dog park, and other planned improvements including a commercial solar photovoltaic array to be located north of the existing grandstand. The Planning Board also granted Site Plan approval of all proposed uses and their general locations as shown in that Special Permit application.

Subsequently, a 9.48 acre lot was created from the Map 25, Lot 5, and this is the property where the solar panel array will be built. The proposed solar array has received necessary permits from the Conservation Commission.

The current application seeks to modify Special Permit #831-14, B. That permit was written with a condition (#6) that stated the permit was valid for "Fair Ground Community Development Project, Inc." only. This is an obstacle to the proposed solar panel array for two reasons. First is that the proper name of the entity is Fair Ground Community Redevelopment Project, Inc. (underlined added for emphasis). Second is that the parcel where the solar array will be constructed will be owned by a slightly different entity, a for-profit corporation, though with the same board and directors as the nonprofit Fair Ground Community Redevelopment Project, Inc.

C. Floodplain Overlay District Criteria and Specific Findings

There are no floodplain-specific findings required for this application. They were previously made in the granting of Special Permit 831-14, B and they remain valid and unchanged in this decision.

D. General Special Permit Criteria and Specific Findings

Per Section 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 #850-15:

1. The community's needs are served by a renewable energy project. It will in turn financially support redevelopment of the former fairgrounds, a project previously supported by the Selectboard and in accordance with the Town's Master Plan.
2. Access to the solar site will be via the existing fairgrounds entrance just north of Reed Street, and through the fairgrounds site. Construction vehicles and future operational/maintenance vehicles will enter and exit at that location. The location is adequate and safe for this use.
3. There are no town utilities or services required to serve the solar use.
4. The proposed solar array will be located in a relatively unobtrusive location and will not alter the neighborhood character. Since construction activity can be loud and intrusive, the hours of construction should be limited.
5. The proposed solar array has no detrimental impacts on the environment. The project has received all necessary environmental permits.
6. The proposal will increase the town's tax base without requiring town services.

Finding:

In consideration of the above Findings, this Board finds that the benefits of the proposed modification of the conditions Special Permit #831-14, B, specifically to remove condition #6, outweigh any possible detrimental impacts.

E. Proposed Conditions

1. There shall be no construction activity related to the solar array on Sundays or between the hours of 8:00 PM and 7:00 AM.
2. All other conditions of SP 831-14, B remain as applicable.

SECOND: Dan Bailly

VOTE: 5-0

f. Motion re: Approval/Denial/Table

MOTION: Steve Bannon - In view of the approved Findings of Fact, move to approve Special Permit #850 -15 which will modify the conditions of Special Permit #831-14, B by removing condition #6. The following condition is hereby added:

1. There shall be no construction activity related to the solar array between the hours of 8:00 PM and 7:00 AM, or at any time on Sundays.
All other conditions of SP #831-14, B remain as applicable.

SECOND: Dan Bailly

ROLL CALL VOTE:

ED ABRAHAMAS – yes

DANIEL BAILLY – yes

STEPHEN BANNON – yes

BILL COOKE – yes

SEAN STANTON – yes

VOTE: 5-0

6. LICENSES OR PERMITS:

- A. **Continuation** - Karen Clark/Unitarian Universalist Meeting of South Berkshire for 2016 Annual Weekday Entertainment License at 1089 Main Street, Housatonic.
(Discussion/Vote)

MOTION: Steve Bannon to approve the license

SECOND: Dan Bailly

VOTE: 5-0

- B. The Brick House Pub, Inc., 425 Park Street North, Housatonic for a Change of Manager from John J. Flynn to Mark Caiola. (Discussion/Vote)

MOTION: Steve Bannon to approve the change of manager

SECOND: Dan Bailly

VOTE: 5-0

- C. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for February 13, 2016 from 11:00 am – 7:00 pm at 338 Long Pond Road.
(Discussion/Vote)

MOTION: Steve Bannon to approve the license

SECOND: Dan Bailly

VOTE: 5-0

- D. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for every Sunday from February 21 – March 20, 2016 (total of 5) from 11:00 am – 7:00 pm at 338 Long Pond Road. (Discussion/Vote)

MOTION: Steve Bannon to approve the licenses

SECOND: Dan Bailly

VOTE: 5-0

- E. Caroline Wheeler/Sisters for Peace for One Day Beer and Wine Liquor License for February 12, 2016 from 7:00 pm – 12:00 pm at Guthrie Center, 2 Van Deusenville Road.
(Discussion/Vote)

MOTION: Steve Bannon to approve the license

SECOND: Dan Bailly

VOTE: 5-0

F. Jenise Lucey/Berkshire South Regional Community Center for One Day Beer and Wine Liquor License for February 12, 2016 from 7:00 pm – 9:00 pm at 15 Crissey Road. (Discussion/Vote)

Request by the applicant to Withdraw – Approved.

G. National Grid for permission to install one new solely-owned pole 51-84 in order for cables to go around large tree that will not be removed. Beginning at a point approximately 30 feet east of the centerline of the intersection of William St. and Van Deusenville Road. National Grid will no longer need poles 46-84 and 41-84 as requested on previous petition. (Discussion/Vote)

MOTION: Steve Bannon to grant permission

SECOND: Dan Bailly

VOTE: 5-0

7. OLD BUSINESS:

A. SB – **Continuation to February 8, 2016** of Recommendation to ZBA on the Comprehensive Permit Application for “100 Bridge Street” submitted by Community Development Corporation of South Berkshire at 100 Bridge Street (the former New England Log Homes property), Great Barrington, MA. (Discussion/Vote)

MOTION: Steve Bannon to continue the public hearing until 2/8/16 at 7:00 PM at Town Hall.

SECOND: Dan Bailly

VOTE: 5-0

8. NEW BUSINESS:

A. SB – To authorize the Town Manager to submit letter to the Mass Historical Commission re: National Register Eligibility of the Housatonic Grammar School. (Discussion/Vote) Jennifer Tabakin explained that this will ask if the property is eligible for National Register Eligibility. This does not say that the town will choose this path, it is merely seeking options.

MOTION: Steve Bannon to authorize Town Manager to submit letter to Mass Historical Commission.

SECOND: Dan Bailly

VOTE: 5-0

9. CITIZEN SPEAK TIME:

David Magadini said that he feels that he was excluded from the Searles public hearing at Monument Mountain High School since there is no transportation. He said that the school is not part of the Town of Great Barrington; the school is a separate entity.

He feels that this location also deprives people of input and participation for Town Meeting.

Mr. Magadini said that the Searles auditorium should be preserved for Town Meeting.

10. SELECTBOARD’S TIME: None

11. MEDIA TIME: None

12. ADJOURNMENT:

On a motion by Steve Bannon, seconded by Dan Bailly, the Board adjourned its meeting at 8:00 P.M.

Respectfully submitted,

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

Cara Becker
Recording Secretary