

**TOWN OF GREAT BARRINGTON
BOARD OF SELECTMEN
SPECIAL AND REGULAR MEETING MINUTES
MONUMENT MOUNTAIN REGIONAL HIGH SCHOOL
February 22, 2016**

PRESENT:

SELECTBOARD

SEAN STANTON
STEPHEN C. BANNON
DANIEL BAILLY
ED ABRAHAMS
BILL COOKE

TOWN MANAGER JENNIFER TABAKIN
TOWN PLANNER CHRIS REMBOLD
TOWN COUNSEL DAVID DONESKI

1. CALL TO ORDER:

Mr. Stanton called the meeting to order at 6 p.m.

2. LICENSES

Cherri Sanes briefly explained her business, **Extra Special Teas**, 2 Elm St., and her request for a common victualler license. On a motion by Mr. Bannon, seconded by Mr. Bailly, and voted unanimously, the Board approved the application. Ms. Sanes said she plans a March 15 opening.

3. PUBLIC HEARING

Mr. Stanton said the Board had further business in its public hearing on the application of **79 Bridge Street Realty, LLC**, 247 Stockbridge Road, Great Barrington, for a hotel use in a B3 zone; more than 45 hotel rooms; redevelopment in excess of 20,000 square feet in the B3 zone; work in the Floodplain Overlay District; and work in the Water Quality Protection Overlay District Zone II, in accordance with Sections 3.1.4, C(8), 7.10.2, 9.4.9, 9.1, and 9.2.12, respectively, and Section 10.4 of the Great Barrington Zoning Bylaw, at 79 Bridge Street, Great Barrington. The Selectboard had convened the hearing Nov. 8, 2015, and continued it to Dec. 16, 2015, and Jan. 20, 2016, and then this date.

On a motion by Mr. Bannon, seconded by Mr. Bailly and voted unanimously by the Selectboard, the Chair reopened the public hearing at 6:03 p.m.

J. Gavin Cockfield of Davis, Malm & D'Agostine, representing the applicant, said he had submitted a letter detailing changes made in the newest and last plan submissions.

The applicant had no further comment.

The Board was in receipt of a Feb. 22, 2016, letter from Carol Diehl of Housatonic.

In public comment, Diego Gutierrez of Housatonic submitted and read a letter in which he said the newest plan is a good compromise and the only proposal that addresses the most issues presented by the site.

Jeremia Pollard, attorney, of Lee, representing unspecified townspeople, urged the board to look at the legal matter of *Buccaneer v. Planning Board of Lenox*, and to specify in its expected decision specific plans to be adhered to by the applicant.

Mr. Bannon read an abbreviated list of findings for the project, as follows:

The Special Permit Application from 79 Bridge Street Realty LLC requests the following special permits in connection with a proposed redevelopment of the Searles School building as an 88 room hotel with associated restaurant, pool and meeting rooms:

1. Section 3.1.4, C (8) – Hotel use in a B3 zone, in excess of 45 rooms per Section 7.10.2.3 (SP #848-15, A);
2. Section 9.1 – Floodplain Overlay District (FPOD) (SP #848-15, B);
3. Section 9.2.13 – Water Quality Protection Overlay District (WQPOD), Zone II (SP #848-15, C)
4. Section 9.4.9 – Development in excess of 20,000 square feet in a B3 zone (SP #848-15, D)
5. Section 6.1.9 – Deviation from loading requirements (SP #848-15, E)

which are collectively referred to hereafter as the “Requested Special Permits.”

After consideration of all of the submittals and evidence presented during the public hearing process, including the Revised Plans submitted January 20, the Selectboard hereby makes those findings which are set forth in detail in the Draft Findings of Fact, referenced as Exhibit A.

Relevant findings include but are not limited to:

1. With regards to the special permit #848-15 A, the 88-room hotel:

The Great Barrington Historical Commission, at its meeting of June 1, 2015, designated the property to be historically, culturally, and architecturally significant to the Town. The Commission’s June 5, 2015 letter to the Selectboard also includes a list of the architectural features that contribute to the building’s significance and which the Commission recommends be retained.

The Selectboard finds that the Great Barrington Historical Commission’s vote qualifies the project for consideration of the room limit deviation authorized by Section 7.10.2.3.

The Selectboard finds that per the Revised Plans the proposal will preserve significant historical and architectural elements of the structure in such a way as to qualify for an exemption to the 45-room limit. On the exterior of the existing main building, the distinctive features, finishes, and construction techniques, or examples of craftsmanship that characterize this historic building, will be preserved.

The proposal will preserve and renovate the exterior of the main building (the former Searles school), including architectural features determined by the Historical Commission to be significant.

The Selectboard finds that the proposal as depicted and described in the Revised Plans will give the former school building and the site a new use, and that in turn will require a level of change to some aspects of the existing buildings, materials, and features of the site. Notwithstanding, the Selectboard will impose conditions on the Special Permit to ensure that significant existing architectural details and materials shall remain and be rehabilitated, restored, or reconstructed using accepted standards for the treatment of historic properties after the development is accomplished.

Given the complexity inherent in a historic renovation project of this scope, and given the need and desire to preserve certain historical elements of the former Searles school, building including the main building itself, the Selectboard also finds that it desires an assurance that the Applicant will have the appropriate level of regional or national expertise in projects of similar scope and scale on its project team. Therefore the Selectboard will impose a condition on this Special Permit that the Applicant notifies the Selectboard as to who on its team provides this expertise to guide the design and construction work.

2. With regards to Special Permit #848-15, B (floodplain)

The proposed use, a hotel, is otherwise permitted in a B3 District by Special Permit.

The proposed hotel does not interfere with the general purpose of the FPOD because the work in the floodplain includes parking improvements, grading, landscaping and storm water features that do not interfere with the purpose of the FPOD

3. With regards to Special Permit 848-15, C (water quality)

The Selectboard finds that the proposed storm water infiltration plan complies with the requirements of this section and the development complies with the standards set forth in sections 9.2.7, 9.2.8 and 9.2.9.

The Selectboard finds that given the design and amount of proposed recharge, the project will not diminish the quantity or quality of water available in the Water Quality Protection Overlay District. Because this is a redevelopment of an already developed site and because the footprints of the proposed structures are not significantly increasing, the proposed redevelopment avoids substantial disturbance of soils, changes in topography, drainage, vegetation and other water-related natural characteristics of the site. The proposed storm water system will substantially improve the existing storm water management system on the property.

4. With regards to Special Permit 848-15, D (B-3 zone)

The proposal supports the purpose of, and meets all applicable requirements of, the B-3 district.

5. With regards to Special Permit 848-15, E (parking and loading)

The Selectboard hereby finds that 88 spaces are required on-site. The on-site parking as proposed satisfies the Zoning Bylaw requirement and will be adequate for the proposed use. The restaurant and the meeting rooms are accessory to the hotel use and do not require parking spaces in addition to those of the hotel.

The Selectboard finds that the proposed supplemental off-site parking is not necessarily required by the Zoning Bylaw. Therefore, the Selectboard will impose a condition to review, after a period of years of hotel operation, whether any off-site parking is still needed to serve the use.

The Planning Board found that one loading space is all that is practically needed and recommended the Selectboard grant a Special Permit to deviate from the loading requirements by providing only one loading space. The Selectboard hereby also finds that only one loading space is needed to serve the proposed use.

6. With regards to the Special Permit criteria of Section 10.4 of the zoning bylaw:

1. Social, economic, or community needs which are served by the proposal:
The Selectboard finds that social, economic, or community needs will be served by the proposal
2. Traffic flow and safety, including parking and loading:
The Selectboard finds that there will be minimal adverse traffic flow issues, no safety issues and that parking and loading are adequate as proposed.
Notwithstanding, the Selectboard also finds that possible increased traffic onto Church Street and River Street may negatively impact those streets and adjacent residential areas. Therefore, the Selectboard will impose a condition on this Special Permit that requires the Applicant or Owner to use directional signage to direct its guests to exit onto Bridge Street, rather than Church Street or River Street.
3. Adequacy of utilities and other public services:
The Selectboard finds that utilities and other public services are adequate for the proposed use.
4. Neighborhood character and social structures:
The Selectboard finds that neighborhood character and social structures are not harmed by the proposed use and that the project will have beneficial impacts on neighborhood character and social structure.
5. Impacts on the natural environment:
The Selectboard finds that there are no negative impacts on the natural environment.
[This was changed at Mr. Stanton's direction to "No locally significant impacts on the natural environment."] The Selectboard finds that limits on phosphates are desired,

however, to benefit the environment and limit impacts on the wastewater treatment plant. The Selectboard also finds that the Applicant should take appropriate measures to protect and retain the Red Oak tree at the southeastern driveway entrance, including locating the sewer connection outside of its drip line.

6. Potential fiscal impact, including impact on town services, tax base, and employment: The Selectboard finds that there will be an overall positive fiscal impact for the Town.

In view of the forgoing considerations, the Selectboard finds that the benefits of the proposal outweigh possible negative impacts of the proposal. To further ensure said benefits of the proposal and forestall possible negative impacts, the Board proposes to impose those conditions set forth in detail in the Draft Findings of Fact.

Ms. Tabakin said the full 13 pages of findings will be attached to the decision.

Eileen Mooney of Housatonic asked who had drafted the findings, when Board members received copies and whether, as Mr. Pollard requested, it made stipulations about plans. Mr. Stanton said Board members received copies of the proposed findings Friday and they do cite the last plans presented, though it does not reference construction plans, as they have yet to be drawn. There is provision that the Selectboard see construction plans at the time of the building permit process. He said they were drafted by the Town Planner and reviewed by Town Counsel.

In the long version of findings, Mr. Stanton said, the word “abandoned” should be removed from the description of the former Searles High School building as it is vacant, but has not been abandoned. There was further discussion with Mr. Pollard as to reference to specific building plans. Mr. Cockfield said the draft decision lists all submissions and revised plans presented during the hearing process. Mr. Abrahams said, in reference to an earlier comment by Mr. Pollard that the applicant’s first submission didn’t meet the requirements of the bylaw, that the Selectboard had not made that determination. The Selectboard, he said, was only looking at the most recent set of plans. After further exchange, Mr. Doneski said the plans reflect the building to be preserved and any construction plans will have to reflect the submissions and special permit conditions. The building inspector will have to confirm this during the building permit process. Ms. Tabakin said the Selectboard and Town Manager can review the construction drawings.

Mr. Stanton said the Historical Commission has requested access to the structure before any demolition work begins in order to document with photography or by other means what’s there. The Commission also asks for any unwanted artifacts or fragments. Mr. Cockfield said that’s fine.

Mr. Abrahams noted there are 40 contracted off-site parking spaces and asked if there could be a review of their need sooner than three years after the hotel opens, as (and the applicant’s counsel confirmed) they will not be available for others wishing to park downtown. After discussion, Mr. Mahida said he would bring the matter to the board a year after the hotel begins operation.

On a motion by Mr. Bannon, seconded by Mr. Bailly and voted unanimously, the Selectboard closed the hearing at 6:50 p.m.

The Chairman then went through the motions for findings and decisions:

Special Permits #848-15, A – E, for 79 Bridge Street Realty , 247 Stockbridge Road, Great Barrington, to permit at 79 Bridge Street, Great Barrington, a hotel use in a B3 zone, more than 45 hotel rooms, redevelopment in excess of 20,000 square feet in the B3 zone, and work in the Floodplain Overlay District and the Water Quality Protection Overlay District Zone II, and deviation from loading requirements, in accordance with Sections 3.1.4, C(8), 7.10.2, 9.4.9, 9.1, 9.2.12, and 6.1, respectively, of the Great Barrington Zoning Bylaw.

VOTE ON FINDINGS

Mr. Bannon moved to approve the Findings of Fact for Special Permits #848-15 A - E as amended, and referenced as Exhibit A. Mr. Bailly seconded.

Roll call vote: Cooke Yes
Abrahams Yes
Bailly Yes
Bannon Yes
Stanton Yes

VOTE ON HOTEL SPECIAL PERMIT

In view of the approved Findings of Fact, Mr. Bannon moved to approve Special Permit #848-15, A for a hotel use of 88 rooms at 79 Bridge Street per Sections 3.1.4 C(8), 7.10.2.3, and 10.4 of the Zoning Bylaw, and to impose the conditions as amended and included in Exhibit A, the Findings of Fact. Mr. Bailly seconded.

Roll call vote: Cooke Yes
Abrahams Yes
Bailly Yes
Bannon Yes
Stanton Yes

VOTE ON FLOODPLAIN SPECIAL PERMIT

Motion: In view of the approved Findings of Fact, Mr. Bannon moved to approve Special Permit #848-15, B for work in the floodplain at 79 Bridge Street per Sections 9.1 and 10.4 of the Zoning Bylaw. Mr. Bailly seconded.

Roll call vote: Cooke Yes
Abrahams Yes
Bailly Yes
Bannon Yes
Stanton Yes

VOTE ON WATER QUALITY PROTECTION DISTRICT SPECIAL PERMIT

In view of the approved Findings of Fact, Mr. Bannon moved to approve Special Permit #848-15, C for work in the Water Quality Protection District at 79 Bridge Street per Sections 9.2 and 10.4 of the Zoning Bylaw. Mr. Bailly seconded.

Roll call vote: Cooke Yes
Abrahams Yes
Bailly Yes
Bannon Yes
Stanton Yes

VOTE ON B-3 ZONE SPECIAL PERMIT

In view of the approved Findings of Fact, Mr. Bannon moved to approve Special Permit #848-15, D for development of greater than 20,000 square feet in the B3 zone at 79 Bridge Street per Sections 9.4 and 10.4 of the Zoning Bylaw. Mr. Bailly seconded.

Roll call vote: Cooke Yes
Abrahams Yes
Bailly Yes
Bannon Yes
Stanton Yes

VOTE ON LOADING SPECIAL PERMIT

In view of the approved Findings of Fact, Mr. Bannon moved to approve Special Permit #848-15, E for deviation from loading requirements at 79 Bridge Street per Sections 6.1 and 10.4 of the Zoning Bylaw. Mr. Bailly seconded.

Roll call vote: Cooke Yes
Abrahams Yes
Bailly Yes
Bannon Yes
Stanton Yes

4. TOWN MANAGER'S REPORT

Ms. Tabakin noted that the Berkshire Hills Regional School District and the Town's budget meetings will begin within the week.

She said she has appointed Karen Fink as treasurer/collector. She thanked interim Treasurer/Collector J. Edward Sporn, who will return to his role as management consultant.

And she said she has retained John Guilfoil as media consultant to help with police, fire and other departmental and town news releases.

5. SELECTBOARD COMMENTS

Mr. Cooke said there will be a third Lake Mansfield public hearing on March 2.

Mr. Abrahams said the latest Ramsdell Library Sunday program drew 75 people.

6. ADJOURNMENT:

The meeting adjourned at 7:13 p.m. on a motion by Mr. Bannon, seconded by Mr. Bailly and voted without dissent.



Bernard A. Drew
Recording Secretary