TOWN OF GREAT BARRINGTON SELECTBOARD'S MEETING

MINUTES

MONDAY, APRIL 13, 2015 7:00 P.M. - REGULAR SESSION TOWN HALL

PRESENT: ED ABRAHAMS

DANIEL BAILLY STEPHEN BANNON DEB PHILLIPS SEAN STANTON

JENNIFER TABAKIN, TOWN MANAGER

1. CALL TO ORDER.

Deb Phillips called the meeting to order at 7:00 PM.

2. APPROVAL OF MINUTES:

February 4, 2015 Executive Session.

MOTION: Sean Stanton to approve the February 4, 2015 minutes

SECOND: Steve Bannon

VOTE: 5-0

March 30, 2015 Executive Session

MOTION: Dan Bailly to approve the March 30, 2015 executive session minutes as amended

SECOND: Steve Bannon

VOTE: 5-0

March 30, 2015 Regular Session

MOTION: Sean Stanton to approve the March 30, 2015 regular session minutes

SECOND: Steve Bannon

VOTE: 5-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. GENERAL COMMENTS BY THE BOARD

Ed Abrahams said that the Maximillian workers and the Police officers directing traffic are going above and beyond with politeness and courtesy helping pedestrians and store owners. He gave them a "thumbs up."

B. REVIEW COMMUNITY MEETING AGENDA

The Community meeting will be on 4/22/15 at 7:00 PM at Berkshire South Community Center. Deb Phillips said that this will be a community dialog. Rosa Zubizarreta will facilitate the meeting in order to move us toward collaboration. Deb invited all to come.

C. DISCUSION – FORMAT FOR THE MINI TOWN MEETING

The mini town meeting will take place at the GB Fire Station, 37 State Road on 4/25/15 at 6:00 PM. Deb Phillips said that this would be a walk thru of town meeting so the goal is to help those who are there to understand what will be at the Town Meeting.

The Selectboard decided to keep the format the same as in previous years.

Dan Bailly asked that the room be set up beforehand.

Jennifer Tabakin said that the camera staff needs to coordinate with her for more appropriate placement.

4. TOWN MANAGER'S REPORT:

Jennifer Tabakin introduced Holly Hamer.

Holly Hamer, Library Board of Trustees, discussed the desire to keep the Ramsdell Library open on Sundays.

Holly said that those libraries that have decided to remain open on Sundays (NYC public library and Worcester Library) say that it is their busiest day.

This could be a seasonal change or an annual change; they would support a PILOT program or test-run. Friends of the Library would help to support this attempt financially, since it is not in the budget.

Sean Stanton asked Holly if she had numbers from Sheffield being open on Sunday.

Holly said that she will get this information.

Deb Phillips asked what the hours would be and if activities would be offered.

Holly responded that they would consider being open for 4 hours beginning at 11:30, although this is still being discussed. Silent movies, refreshments, and lectures are being considered.

Jennifer Tabakin said that there is a Library union and there is collective bargaining for staff hours. This can be discussed in a theoretical way, but there must be collective bargaining with the Union before there are any policy changes.

Steve Bannon said that donations typically go into the general fund. He suggested checking this policy before making any decisions.

Deb Phillips agreed and said that they would need to find out how this money could be directed to this fund.

Jennifer Tabakin said that this could be a focus for the summer.

MOTION: Ed Abrahams to ask the Town manager to meet with the Selectboard to get parameters for union negotiations.

SECOND: Dan Bailly

VOTE: 4-0-1 Steve Bannon against

'Ce Schafler from the Elizabeth Freeman Center said that they would like to hold a rally on April 23 from 4-6 (in front of town hall) about sexual assault and domestic violence awareness. Staff and survivors will hold a placard at the rally.

The Elizabeth Freeman Center is now located between Naji's and Riverbend Café.

MOTION: Sean Stanton to approve the rally

SECOND: Steve Bannon

VOTE: 5-0

Jennifer Tabakin asked the Selectboard to give her approval to hire Hannon & Lerner to help with the sale of the Housatonic School. Two attorneys from this firm will help negotiate a sale.

MOTION: Sean Stanton to approve hiring Hannon & Lerner as special counsel for the sale of the

Housatonic School; amount spent not to exceed \$5000.

SECOND: Steve Bannon

VOTE: 5-0

Jennifer Tabakin said that historian, Norene Roberts, is extremely qualified to fill out form 'B' which is used to apply for Historic credits. This would be a part of the sale package.

MOTION: Sean Stanton to approve hiring Norene Roberts with the amount spent not to exceed \$2500.

SECOND: Steve Bannon

VOTE: 5-0

Jennifer Tabakin announced that MASS DOT will provide the funds needed to renovate the Bridge St. bridge. Jennifer read a portion of their response to our letter. MASS DOT will pay for and do the work. There is no schedule for this project yet. This item will no longer be in our capital budget.

BRTA responded to Selectboard's letter and questions regarding the new bus service. They said that a press release went out announcing the new service. The new schedule will begin on 4/16/15. BRTA will inform the Selectboard of any additional assessment costs when the time comes.

Jennifer Tabakin will e-mail a survey question to the Selectboard for their consideration. Answers will be discussed at the next meeting.

5. PUBLIC HEARING

FOR A SPECIAL PERMIT APPLICATION OF GB HISTORIC PRESERVATION LLC, C/O PAUL JOFFE, 390 TAMARIDGE ROAD, NEW MARLBOROUGH, MA 01244 FOR EXTERIOR ALTERATIONS AND STRUCTURAL CHANGES AT 198 MAIN STREET GREAT BARRINGTON IN THE VILLAGE CENTER OVERLAY DISTRICT, RESTAURANT AND DEVIATION FROM PARKING REQUIREMENTS PER SECTIONS 9.6, 3.1.4 C (22), 6.1 AND 10.4 OF THE GREAT BARRINGTON ZONING BYLAW.

a. Open Public Hearing

MOTION: Sean Stanton to open the public hearing

SECOND: Steve Bannon

VOTE: 5-0

b. Explanation of Project

Ed McCormick, representing GB Historic Preservation LLC, and Steve Mack, Foresight Land Services, explained the project.

The Church will be restored to become a restaurant, office, apartment and kiosk café with public restrooms. The neighboring building will be demolished and a parking lot will be created. A special permit is required for the restaurant, exterior alterations and deviation to parking requirements.

Ed McCormick read points to prove how this project will meet the requirements.

Steve Mack submitted plans detailing new drainage, lighting in the parking lot and landscaping.

This project has received favorable recommendations from appropriate Committees.

Ed Abrahams asked why there are no plantings in front.

Steve Mack replied that they want to keep it open. The Planning Board suggested low plantings in front which are intended.

Town Manager, Jennifer Tabakin asked about the public bathroom; who will clean and maintain.

Mr. McCormick replied that it is part of the kiosk and the owner's responsibility, not the Town responsibility. He said they think that it is an excellent public service.

Deb Phillips asked if the kiosk will be takeout only.

Steve Mack responded that there will be no seats inside.

Deb Phillips asked if there will be trash receptacles outside.

Mr. McCormick replied yes and the owner will maintain those daily also.

b. Speak in Favor/Opposition

Paula Hatch, abutter, said that she is enthusiastic about this project. She said that Paul Joffe is considerate and easy to work with. She said that there are pros and cons to blacktop versus gravel but feels confident with the choice that will be made.

Bettina Schwartz, owner of Prairie Whale, said that she has a large parking lot and asked what the responsibility will be of the new property owner to keep people from parking in her lot. Ed McCormick said that all involved will make this work. Signage can be put in place.

d. Motion to Close Public Hearing

MOTION: Sean Stanton to close the public hearing

SECOND: Steve Bannon

VOTE: 5-0

EXHIBIT A: FINDINGS OF FACT

Re: Special Permit #838-15, A, B, and C

Applicant(s): GB Historic Preservation LLC
Site: 198 Main Street, Great Barrington

A. Introduction

The Special Permit application was filed on February 23, 2015 by GB Historic Preservation, LLC, owners of 198 Main Street. The applicant seeks to renovate the former church building by raising it, rehabilitating it, and fitting it out for mixed-use purposes including office, retail, restaurant, and residential space. The vacant parsonage will be demolished. The plan also includes a parking lot, landscaping, site utility improvements, and a new kiosk near the street for café use.

The application seeks from the Selectboard the following:

838-15, A: Exterior alterations and substantial structural changes in the Village Center Overlay District (VCOD) per Sections 9.6 and 10.4 of the Zoning Bylaw;

838-15, B: A restaurant, per Sections 3.1.4 C(22) and 10.4 of the Zoning Bylaw; and

838-15, C: Deviation from parking requirements, per Sections 6.1 and 10.4 of the Zoning Bylaw.

The Selectboard must review each of the three requests, and make the appropriate findings, in order to act on the special permits. All three requests require findings per Section 10.4. Item A requires additional findings per Section 9.6. Item B does not require findings other than 10.4. Item C requires additional findings per Section 6.1. Findings for each are included herein.

Plans submitted with the application include:

- Site engineering plans dated October 20, 2014 prepared by Foresight Land Services, Pittsfield, MA;
- Architectural floor plans and elevations dated February 19, 2014 prepared by Clark and Green, Inc. Architecture;
- Revised architectural floor plans and elevations dated April 8, 2015 prepared by Clark and Green, Inc. Architecture and Housatonic Architectural Services.

B. General Findings

The Owner / Applicant is proposing to renovate the former Methodist Church and the property to provide a mixed use development that will include office, retail, restaurant, and residential uses. The church was built in approximately 1845, but it is not listed on the National Register of Historic Places or in a Local Historic District. The parsonage was built as a single family home at about the same time and later became the parsonage. Given its location at the top of a slight incline and on the curve of the road, the church building is a prominent structure. Together with St. Peter's Church across the street, it forms a northern gateway to the core of downtown Great Barrington.

Exterior alterations and substantial structural changes are detailed on the plans submitted with the application. These include demolition of the parsonage, raising the height of the church structure by approximately seven feet, expanding the church structure slightly in the front towards the front lot line, construction of a new structure—a small kiosk building—at the corner of the property at Main and Rosseter Streets, and the enlargement of the parking lot on the south side of the church along Rosseter Street. Because the site is within the VCOD, a special permit is required, per Section 9.6.3.

The uses proposed on site are permitted by-right in the VCOD, except for the restaurant use, which requires a special permit per the Table of Use Regulations, Section 3.1.4 C(22). The proposed restaurant use includes the 80 seat restaurant in the church building as well as the café in the proposed kiosk structure (which will not have interior seating), as shown on the plans.

The VCOD parking regulations serve to reduce the parking requirements by half (see Section 9.6.11.3). Using this calculation, the mixed-use development requires 25 parking spaces. However, the applicant has space to provide only 20 spaces in the new lot, so is seeking a special permit per Section 6.1.9 to deviate from the required 25 spaces. The Planning Board, at its March 26, 2015 meeting, found that a deviation from the parking requirements is appropriate since the proposed uses are complementary and can share parking, and the downtown area is walkable so some customers are likely to park elsewhere and walk to the site.

The proposed parking lot will be served by a new curb cut (driveway) from Main Street (which was authorized by the Selectboard at its February 9, 2015 meeting and is being coordinated with the Main Street reconstruction project). It will be an entrance only. Cars will exit via the existing curb cut on Rosseter Street. The parking lot is proposed to be gravel. Stormwater runoff will be managed via a series of retention basins, catch basins and swales as shown on the plans.

Proposed landscaping and signage is shown on the plans submitted with the application. The applicant proposes a mix of flowering crabapples and Bradford pear trees. The trees must be maintained and pruned in order to ensure the health and structural integrity. Proposed building and site lighting is also shown on the plans. Building lights are proposed to highlight the building but not spill into the night sky or adjacent properties. Parking lot lighting is also shielded and will not spill into the night sky or adjacent properties.

The proposed project has received positive recommendations from all reviewing boards and commissions. Since the work is in the Riverfront area, the Conservation Commission also reviewed a Notice of Intent and will issue an Order of Conditions for the work. The Design Advisory Committee (DAC) reviewed the design as required per the VCOD bylaw, and has made a positive recommendation.

The Planning Board has reviewed the plan and has offered several comments, to which the applicant has been receptive, relative to the handicapped ramp railing, site lighting, potential headlight glare, and the possible need for bird safe glass. The Board discussed that headlights in the parking lot might impact residents of the abutting property at 12 Rosseter Street, and recommended that the applicant provide screening if necessary. In response, the Applicant included in the revised site plans a fence between the properties

(see Sheet A0.2 dated April 8, 2015). The fence is shown as a solid wood fence extending along the western property line.

While the Planning Board will finalize its site plan review with possible conditions at its upcoming meeting, the Board did make a positive recommendation on the special permits and, as noted above, a positive finding regarding the parking waiver request.

C. Village Center Overlay District Criteria and Specific Findings

Applicable to 838-15, A

Section 9.6.5 of the Zoning Bylaw requires a determination by the Special Permit Granting Authority that the proposed use meets the following criteria, to the extent practicable.

- 1. Improves village vitality and walkability;
- 2. Promotes mixed-use; and
- 3. Promotes economic revitalization.

Finding: By restoring and revitalizing a historic structure this proposal improves village vitality, enhances the walking environment, maintains a landmark of downtown, and provides a new mixed-use destination in downtown. By including a mix of retail, restaurant, office space, and residential space, this proposal promotes mixed-use. By including a kiosk which will have a bathroom for public use during operating hours the project will provide an important amenity for pedestrians in downtown. Through significant investment to restore a historic structure to provide needed uses, this proposal promotes economic revitalization. The project advances the purposes of the VCOD. The project has been reviewed by the Design Advisory Committee and meets the design standards of the VCOD. The Selectboard finds that this proposal meets the purposes, standards and criteria of the VCOD.

D. Parking Waiver Criteria and Specific Findings

Applicable to 838-15, C

Section 6.1.9 of the Zoning Bylaw allows the Special Permit Granting Authority to waive the parking requirements of Section 6.1, in accord with a finding from the Planning Board. The Planning Board at its meeting of March 26, 2015 discussed the parking plan and the requested waiver, and finds the waiver is appropriate.

<u>Findings</u>: The Selectboard finds: (1) the maximum amount of parking that is practicable on site is being provided by this proposal; (2) the mixed-uses on site are likely to be able to share what parking is being provided on site (3) the building has been historically used for assembly uses with less parking than is now proposed; therefore this proposed use would not be more detrimental than the previous use.

E. Special Permit Criteria and Specific Findings

Applicable to 838-15, A, B, and C

§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 #838-15, A, B, and C:

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.

<u>Finding 1</u>: The proposal serves the community's needs by preserving and restoring a prominent building in downtown, providing new employment and housing opportunities, and providing restroom amenity. The proposal is in harmony with the Master Plan.

2. Traffic flow and safety, including parking and loading.

<u>Finding 2</u>: Traffic flow into and out of the site will be improved via a new driveway on Main Street, with all traffic exiting onto Rosseter Street. Delivery loading and unloading is adequately provided and sensitively sited relative to the neighboring properties. The proposed parking area is adequate for the mixed use building in a walkable location.

3. Adequacy of utilities and other public services.

<u>Finding 3</u>: There is adequate water and sewer service for the use. Public services including fire and emergency have adequate access to the buildings.

4. Neighborhood character and social structures.

<u>Finding 4</u>: The proposal maintains the neighborhood character by removing a dilapidated structure and preserving the historic church structure. The proposed kiosk minimizes visual impact of the parking area when viewed from the south, while not detracting from the prominence of the restored church. The project's proposed uses are in keeping with adjacent uses and the downtown's business district.

5. Impacts on the natural environment.

<u>Finding 5</u>: Stormwater will be effectively managed. New trees will be planted. Site lighting is appropriately screened and directed. A historic building is being reused and saves resources. The proposal has no negative impacts on the natural environment.

6. Potential fiscal impact, including impact on town services, tax base, and employment.

<u>Finding 6</u>: The proposal will have little demand for new services and place little if any burden on fire, police, and school services. The project will provide increase the property tax base by converting a nonprofit property to a taxpaying mixed use project. The restaurant use will generate meals taxes. The project will provide employment and housing, and it will continue the revitalization of this area of downtown.

Section 10.4 Finding:

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

F. Proposed Conditions: None

e. Motion re: Findings

MOTION: Sean Stanton to approve findings of fact for Special Permits #838-15, A, B, and C as

submitted and referenced as Exhibit A.

Second: Steve Bannon

Roll call vote: Abrahams yes Bailly yes

Bannon yes Stanton yes

Phillips yes

VOTE: 5-0 Motion Passed

VOTE ON VILLAGE CENTER SPECIAL PERMIT

Motion: Sean Stanton that in view of the approved Findings of Fact, move to approve Special Permit #838-15, A for exterior alterations and substantial structural changes in the Village Center Overlay District at 198 Main Street per Sections 9.6 and 10.4 of the Zoning Bylaw.

Second: Steve Bannon

Roll call vote: Abrahams yes Bailly yes

Bannon yes Stanton yes

Phillips yes

VOTE: 5-0 Motion Passed

VOTE ON RESTAURANT SPECIAL PERMIT

Motion: Sean Stanton that in view of the approved Findings of Fact, move to approve Special Permit #838-15, B for a restaurant use at 198 Main Street per Sections 3.1.4 C(22) and 10.4 of the Zoning Bylaw.

Second: Steve Bannon

Roll call vote: Abrahams yes Bailly yes

Bannon yes Stanton yes

Phillips yes

VOTE: 5-0 Motion Passed

VOTE ON PARKING WAIVER SPECIAL PERMIT

Motion: Sean Stanton that in view of the approved Findings of Fact, move to approve Special Permit #838-15, C for a parking waiver at 198 Main Street per Sections 6.1.9 and 10.4 of the Zoning Bylaw.

Second: Steve Bannon

Roll call vote: Abrahams yes Bailly yes

Bannon yes Stanton yes

Phillips yes

VOTE: 5-0 Motion Passed

f. Motion re: Approval/Denial/Table

MOTION: Sean Stanton to approve the special permit

SECOND: Steve Bannon

VOTE: 5-0

Roll call vote: Abrahams yes Bailly yes

Bannon yes Stanton yes

Phillips yes

VOTE: 5-0 Motion Passed

6. LICENSES OR PERMITS:

A. KELLEY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL AND LARKIN LTD. FOR TEMPORARY BANNER SIGN OVER RAILROAD STREET TO INSTALL ON MAY 1, 2015 AND REMOVE ON JUNE 1, 2015. (DISCUSSION/VOTE)

MOTION: Sean Stanton to approve

SECOND: Steve Bannon

VOTE: 5-0

B. STEPHEN PEARLMAN/ASTON MAGNA FOUNDATION FOR THE ARTS AND HUMANITIES AND LARKIN LTD. FOR TEMPORARY BANNER SIGN OVER RAILROAD STREET TO INSTALL ON JUNE 1, 2015 AND REMOVE ON JULY 20, 2015. (DISCUSSION/VOTE)

MOTION: Sean Stanton to approve

SECOND: Steve Bannon

VOTE: 5-0

C. STEPHEN PEARLMAN/ASTON MAGNA FOUNDATION FOR THE ARTS AND HUMANITIES FOR THREE (3) ONE DAY BEER AND WINE LIQUOR LICENSES FOR 6/20/15; 6/27/15 AND 7/4/15 FROM 3:00 PM-10:00 PM AT THE DANIEL ARTS CENTER/BARD COLLEGE AT SIMON'S ROCK, 84 ALFORD ROAD. (DISCUSSION/VOTE)

MOTION: Sean Stanton to approve

SECOND: Steve Bannon

VOTE: 5-0

D. 2015 MAY LICENSE RENEWALS. (VOTE)

- REAL ESTATE SIGN

MOTION: Sean Stanton to approve license renewals as listed

SECOND: Steve Bannon

VOTE: 5-0

- COIN OPERATED SOFT DRINK AND FOOD MACHINES
- 1. Holiday Inn Express
- 2. Berkshire Aviation Enterprises Inc.
- 3. Big Y Foods, Inc.
- 4. i.e. Inc.
- 5. Butternut Basin, Inc.
- 6. Wind in the Pines
- 7. Coca Cola Refreshments USA Inc. (For Kmart & Travelodge)
- 8. Berkshire South Regional Community Center
- 9. Bard College at Simon's Rock
- 10. Cove Bowling & Entertainment Inc.
- 11. Town of Great Barrington- Claire Teague Senior Center **Fee to be Waived**

MOTION: Sean Stanton to approve as listed

SECOND: Steve Bannon

VOTE: 5-0

MOTION: Sean Stanton to approve Fairview Hospital coin operated soft drink and food machines

SECOND: Dan Bailly

VOTE: 4-0-1 Steve Bannon recused

E. SETH KEYES/FAIRGROUND COMMUNITY REDEVELOPMENT PROJECT D/B/A GBFG FOR TWO WEEKDAY ENTERTAINMENT LICENSES FOR FRIDAY, JULY 17, 2015 FROM 7:00 PM – 9:00 PM AND SATURDAY, JULY 18, 2015 FROM 1:00 PM – 3:00 PM; 4:00 PM – 6:00 PM; 7:00 PM – 9:00 PM FOR ZOPPE FAMILY CIRCUS AT 659 MAIN STREET. (DISCUSSION/VOTE)

MOTION: Sean Stanton to approve

SECOND: Steve Bannon

VOTE: 5-0

F. SETH KEYES/FAIRGROUND COMMUNITY REDEVELOPMENT PROJECT D/B/A GBFG FOR SUNDAY ENTERTAINMENT LICENSE FOR JULY 19, 2015 FROM 2:00 PM - 4:00 PM AND FROM 5:00 PM - 7:00 PM FOR ZOPPE FAMILY CIRCUS AT 659 MAIN STREET.

(DISCUSSION/VOTE)

MOTION: Sean Stanton to approve

SECOND: Steve Bannon

VOTE: 5-0

6. NEW BUSINESS:

A. SB – ESTABLISHMENT/APPOINTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITIZEN ADVISORY COMMITTEE. (DISCUSSION/VOTE)

Jennifer Tabakin asked permission to set up a CDBG citizen advisory committee.

Sean Stanton read the document regarding such committee.

MOTION: Sean Stanton to grant permission to set up the CDBG citizen advisory committee.

SECOND: Steve Bannon

VOTE: 5-0

B. ARBOR DAY PROCLAMATION APRIL 24, 2015. (DISCUSSION/VOTE)

Dennis Gibbons presented the proclamation. A tree will be planted in the Mahaiwe Cemetery to celebrate Arbor Day.

MOTION: Sean Stanton to approve the Arbor Day Proclamation.

SECOND: Steve Bannon

VOTE: 5-0

7. CITIZEN SPEAK TIME: None

8. SELECTBOARD'S TIME: None

9. MEDIA TIME:

Eileen Mooney asked how many members will be on the CDBG advisory committee. Deb Phillis responded that there will be 5 (3 from Great Barrington and 2 from Sheffield) with 2 year terms .

10. ADJOURNMENT:

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

Respectfully submitted,

Cara Becker

Recording Secretary