

**TOWN OF GREAT BARRINGTON  
SELECTBOARD'S MEETING  
MINUTES  
MONDAY, APRIL 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 at 7:00 PM.

**2. APPROVAL OF MINUTES:**

April 11, 2016 Regular Meeting Minutes.

**MOTION:** Steve Bannon to approve the April 11, 2016 Regular Meeting minutes.

**SECOND:** Dan Bailly

**VOTE: 5-0**

**3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

A. General Comments by the Board

Ed Abrahams said that a discussion is needed about drug and opioid use. He asked that the following be addressed:

What is the status regarding the police department carrying Narcan?

Who is the 1<sup>st</sup> to arrive at the scene?

Drug Enforcement vs. Treatment

Good Samaritan Law; he reference the article written by May Whaley regarding alcohol use and the need for the Good Samaritan Law to include alcohol.

B. Discussion of Upcoming Meeting Calendar.

The calendar was presented for review.

**4. TOWN MANAGER'S REPORT: None**

**5. PUBLIC HEARINGS:**

A. Application of Bizalion's Fine Food, Ltd., Helen Bizalion, Manager to alter premises for the Common Victualler Restaurant Wine and Malt Liquor License to extend service of alcohol outside for five (5) tables with twelve (12) chairs at 684 South Main Street, Great Barrington, MA 01230. (Discussion/Vote)

a. Open Public Hearing

**MOTION:** Steve Bannon to open the public hearing

**SECOND:** Dan Bailly

**VOTE: 5-0**

b. Explanation of Project – This project is to expand the business by taking advantage of outdoor space and to serve alcohol.

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:

**FINDINGS OF FACT:**

Completed application was submitted to the Selectboard on March 29, 2016.

Public Hearing was properly advertised in the Berkshire Record for two (2) consecutive weeks on April 4 and April 15, 2016. Abutters were notified.

Public Hearing is scheduled for April 25, 2016 @ 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA 01230.

No impediments were disclosed as to the approval or denial on the Common Victualler Restaurant Wine and Malt Liquor License to extend service of alcohol outside for five (5) tables with twelve (12) chairs.

**MOTION:** Steve Bannon to approve the Findings of Fact to alter premises to extend service of alcohol outside for five (5) tables with twelve (12) chairs for the Common Victualler Wine and Malt Restaurant Liquor License of Bizalion's Fine Food, Ltd., Helen Bizalion, Manager at 684 South Main Street, Great Barrington, MA 01230 and with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

**SECOND:** Dan Bailly

**VOTE: 5-0**

f. Motion re: Approval/Denial/Table

**MOTION:** Steve Bannon to approve the license

**SECOND:** Dan Bailly

**ROLL CALL VOTE:**

ED ABRAHAMS – yes

DANIEL BAILLY – yes

STEPHEN BANNON – yes

BILL COOKE – yes

SEAN STANTON - yes

**VOTE: 5-0**

**MOTION PASSED**

B. Special Permit Application for TOPA Enterprises, LLC, Thomas and Paula Doyle, 147 East Road, Alford, MA 01266 for a two year extension of the period to exercise previously granted Special Permits 741-07, A and B, Special Permit 742-07, and Special Permit 743-07, for the project permitted at 546 Main Street, Great Barrington, MA 01230. (Discussion/Vote)

Open Public Hearing

**MOTION:** Steve Bannon to open the public hearing

**SECOND:** Dan Bailly

**VOTE: 5-0**

b. Explanation of Project – Tom Doyle explained that he wanted to develop a parcel of land where his wife was born. He went through the vetting process and was granted a special permit, however the poor economy at the time forced him to change his plans. Mr. Doyle said that the best use of the land at this point may be residential instead of commercial.

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:

**FINDINGS OF FACT:**

**A. Summary**

The Special Permit application was filed on March 14, 2016 by Tom Doyle of TOPA Enterprises LLC, owner of the subject property. The Applicant seeks to extend the previously granted special permits, 741-07 A and B, 742-07, and 743-07, for an additional two years.

Those special permits applied to a proposed three story mixed-use building with a footprint of 7,808 square feet, and consisting of seven residential units and 5,847 square feet of office space.

Those special permits allowed for a mixed use building in a B-2 zone, for multi-family development, for development in the water quality protection district Zone II, and for exceptions to the off street parking requirements, respectively.

All special permits expire within two years unless exercised or extended for good cause. Thus, this application is pursuant to Section 10.4.8 of the Zoning Bylaw, wherein the Special Permit Granting Authority (the Selectboard) may extend a special permit.

The special permits were approved by the Board of Selectmen in 2008, but the permits did not become active until 2014, when an appeal of the permits was finally dismissed by the courts.

The special permits were granted nearly eight years ago but an appeal took six years to resolve. The owner attempted to find somebody interested in accepting the previously existing building, but could not, and so demolished the structure as a way to prepare the site for development. The owner has marketed the site in an attempt to move the project forward and exercise the special permits, but has been unsuccessful.

This application includes the record of proceedings, findings, and votes that granted the previous special permits. A copy of the site plan, floor plans, and proposed elevation has been provided.

The Planning Board has reviewed this request and has made a favorable recommendation that the previous special permits be extended for two years.

## **B. Special Permit Criteria and Specific Findings**

§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 #853-16:

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.”

1. Social, economic, or community needs which are served by the proposal.

Finding 1: The proposal will provide additional time for the subject property to be developed in accordance with previously granted special permits, which were found to meet the needs of the town.

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

Finding 2: Neither the traffic flow, parking, and loading needs of the project changed, nor the background traffic conditions have changed since the previous special permits were granted. The findings of the previous special permit are upheld.

3. Adequacy of utilities and other public services.

Finding 3: There is adequate water and sewer service for the use. Public services including fire and emergency have adequate access to the buildings. The findings of the previous special permit are upheld.

4. Neighborhood character and social structures.

Finding 4: The proposal was previously found to be in harmony with the zoning bylaw and essential or desirable to the public at this location. Neither the proposal nor the neighborhood context has changed. The findings of the previous special permit are upheld.

5. Impacts on the natural environment.

Finding 5: Neither the proposal nor the environmental context have changed. The findings of the previous special permit are upheld.

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

Finding 6: The proposal will provide a positive impact to the town's tax base and will not negatively impact services.

The conditions of special permits 741-07 A and B, 742-07, and 743-07 are upheld and remain in place.

Section 10.4 Finding:

In consideration of the above findings, and with the imposition of the above listed conditions, this Board finds that the benefits of the proposal outweigh any possible detrimental impacts.

§10.4.8 of the Zoning Bylaw states that special permits shall lapse if a substantial use thereof of construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal...) with the Town Clerk.

Finding: The property owner has taken positive action to exercise the special permits, but given the current economic conditions the owner requires additional time to secure financing. There is sufficient good cause to extend these permits by two years.

**MOTION**: Steve Bannon to approve the Findings of Fact as submitted and referenced as Exhibit A.

**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 #853-16 for a two year extension of Special Permits 741-07, A and B, Special Permit 742-07, and Special Permit 743-07, together with the conditions imposed thereby, per Section 10.4 of the Zoning Bylaw.

**SECOND**: Dan Bailly

**ROLL CALL VOTE**:

ED ABRAHAMS – yes

DANIEL BAILLY – yes

STEPHEN BANNON – yes

BILL COOKE – yes

SEAN STANTON - yes

**VOTE: 5-0**

**MOTION PASSED**

**6. LICENSES OR PERMITS:**

- A. Jean-Francois & Helen Bizalio/Bizalio's Fine Food for an Amended 2016 Common Victualler License to add outdoor seating at 684 Main Street, Great Barrington, MA. (Discussion/Vote)

**MOTION:** Steve Bannon to approve the amended 2016 Common Victualler License.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- B. Hui Yong Zheng/Koii Asian Gourmet, Inc. d/b/a Koii Chinese Restaurant for 2016 Common Victualler License at 302 State Road, Great Barrington, MA. (Discussion/Vote)

**MOTION:** Steve Bannon to approve the license.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- C. Sikorsky Construction/Owner Joseph Coleman for a Driveway Permit at 40 Egremont Plain Road, Great Barrington, MA. (Discussion/Vote)

**MOTION:** Steve Bannon to approve the permit with conditions as attached.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- D. Michael Murphy/Adams-Budz VFW Post 8183/American Legion Post 127 and James Modolo VFW Post #8348 for permission to hold the Annual Memorial Day Parade Monday, May 30, 2016 in Housatonic at 9:00 AM and in Great Barrington at 11:00 AM. (Discussion/Vote)

**MOTION:** Steve Bannon to grant permission.

**SECOND:** Dan Bailly

**VOTE: 5-0**

**All agree to use the same sound system as last year.**

- E. Stephen Pearlman/Aston Magna Foundation for the Arts and Humanities and Larkin Ltd. for Temporary Banner over Railroad Street to install on May 10, 2016 and remove on July 9, 2016. (Discussion/Vote)

**MOTION:** Steve Bannon to approve temporary banner.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- F. Stephen Pearlman/Aston Magna Foundation for the Arts and Humanities for Three (3) One day Beer and Wine Liquor Licenses for 6/18, 6/25 and 7/2, 2016 from 5:00 PM – 8:00 PM at Simon's Rock, 84 Alford Road. (Discussion/Vote)

**MOTION:** Steve Bannon to approve the licenses.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- G. Kelley Vickery/Berkshire International Film Festival for permission to hang Temporary Banners/Flags at Main and Railroad Streets from Pleasant to Castle for 35 days. (Discussion/Vote)

Jennifer Tabakin said that she has tried to get a blanket lease on the brackets on the poles. This is a work in progress.

**MOTION:** Steve Bannon to approve the temporary banners/flags.

**SECOND:** Dan Bailly

**VOTE: 5-0**

H. Great Barrington Fish and Game for One Day Beer and Wine Liquor License for  
May 1, 2016 from 5:00 PM – 11:00 PM at 338 Long Pond Road. (Discussion/Vote)

**MOTION:** Steve Bannon to approve the license

**SECOND:** Dan Bailly

**VOTE: 5-0**

I. Continuation of 2016 May License Renewals. (Discussion/Vote)

**MOTION:** Steve Bannon to approve license renewals as presented.

**SECOND:** Dan Bailly

**VOTE: 5-0**

## **7. NEW BUSINESS:**

A. Narain Schroeder/Berkshire Natural Resources Council, Inc. to amend Conservation  
Restriction on a portion of property owned by John Studzinski on Monument Valley  
Cross Road aka Lover's Lane. (Discussion/Vote)

Narain explained that a Conservation Restriction was acquired on the property. An old gravel pit on the property was cleared and mounds were left. Mr. Studzinski would like to continue remediation in the area. Narain said that both the BNRC and GBLC decided that the work is within the scope of the restriction.

**MOTION:** Steve Bannon to approve

**SECOND:** Dan Bailly

**VOTE: 5-0**

B. Review of Selectboard's policy on Health Insurance Premium. (Discussion)

Sean Stanton expressed his appreciation that the town pays for most of the insurance but said that the other half is very expensive.

He feels that the choices are to increase the amount of money the town pays or change the amount that the Selectboard pays. He stated that the Selectboard currently pays 25% where other employees pay 20%.

Sean added that if the Selectboard didn't get a stipend, then they wouldn't be offered insurance. Sean said that affordability is very important along with being able to participate in government.

Steve Bannon said that it is not affordable for those with families to serve.

Michelle Loubert said that the Selectboard should be in line with other employees.

Dan Bailly said that this would not show up as a line item. Insurance comes out of free cash and is over compensated for every year.

Steve Bannon said that the stipend should be increased to a reasonable number and the insurance percentage should be adjusted. He added that a 'salary' change would have to go to town meeting.

**MOTION:** Steve Bannon to change the insurance as of 7/1/16 to 20% paid by Selectboard and 80% by town.

**SECOND:** Dan Bailly

**VOTE: 5-0**

C. SB - Medical Marijuana Dispensary Letter. (Discussion/Vote)

Item withdrawn

Sean Stanton said that the applicant has withdrawn the application and will find another location in Great Barrington. Sean stated that our by-laws are too relaxed and would like the Planning Board to take a look at where dispensaries are allowed to go.

**8. OLD BUSINESS: None**

**9. CITIZEN SPEAK TIME:** None

**10. SELECTBOARD'S TIME:** Dates for strategic plan meeting should be put on the next agenda.

**11. MEDIA TIME:** Eileen Mooney asked if the town departments located in the old fire house have been moved out yet.

Sean Stanton replied that there is no active plan to move them.

Steve Bannon replied that they are close to moving them but a strategic plan is needed.

**12. ADJOURNMENT:**

On a motion by Steve Bannon, seconded by Dan Bailly, the Board adjourned its meeting at 8:10 P.M.

Respectfully submitted,



Cara Becker  
Recording Secretary