

**TOWN OF GREAT BARRINGTON  
SELECTBOARD'S MEETING  
MINUTES  
WEDNESDAY, SEPTEMBER 16, 2015  
7:00 P.M. - REGULAR SESSION  
TOWN HALL**

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

JENNIFER TABAKIN, TOWN MANAGER

**1. CALL TO ORDER.**

Chairman, Sean Stanton, called the meeting to order at 7:00 PM.

**2. APPROVAL OF MINUTES:**

August 18, 2015 Regular Meeting.

**MOTION:** Steve Bannon to approve August 18, 2015 minutes.

**SECOND:** Dan Bailly

**VOTE: 5-0**

August 24, 2015 Regular Meeting.

**MOTION:** Steve Bannon to approve August 24, 2015 minutes.

**SECOND:** Dan Bailly

**VOTE: 5-0**

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

Sean Stanton said that Route 41 underpass seems to be a constant problem with trucks getting stuck. He said that he would like research to be done regarding alternatives to this, especially with the Housatonic bridge construction traffic being routed this way in the future.

The Selectboard agree that Sean should speak to Joe Sokul about this.

The Community Conversation Meeting is set for October 6<sup>th</sup> at 6:30 at the Senior Center.

Dan Bailly suggested looking back at past meetings to see what the hot button topics would be and then determine a focus for the meeting.

The Town Manager and Dan Bailly will talk about this further.

**4. TOWN MANAGER'S REPORT:**

**A. INFORM THE SB OF THE RESULTS OF THE BIDS TO ISSUE TEMPORARY BOND ANTICIPATION NOTES (BANS) FOR 2016 CAPITAL EQUIPMENT PROJECTS.**

The Town Manager presented the BANS for 2016 Capital Equipment Projects. She said that the rates were low and the due date on the note is 3/5/16.

The Selectboard signed.

**B. INFORMATION ON ESTABLISHING A MUNICIPAL AFFORDABLE HOUSING TRUST FUND.**

Jennifer Tabakin said that she is looking to create a working session about the proposal on the affordable housing trust fund.

Bill Cooke volunteered to be part of the group.

The Town Manager asked the Selectboard to appoint Rich Dohoney to represent the ZBA in the Shapiro appeal.

**MOTION:** Steve Bannon to appoint Rich Dohoney as special counsel to represent the ZBA in the Shapiro appeal and in any cases involving this matter in the future.

**SECOND:** Dan Bailly

**VOTE: 5-0**

The Town Manager said that she is working with the Blue Hill Rd. group regarding a sewer extension. There will be a 'betterment agreement' created that will go to the Annual Town Meeting for approval. More information is to come.

Dan Bailly suggested contacting Berkshire Gas to extend the line while the trench is open.

A meeting will be scheduled to discuss the results of the sewer rate study.

Meeting agendas will no longer be posted at the Police Department. There is a 24 hour access bulletin board at Town Hall located at the side entrance.

## **5. PUBLIC HEARINGS:**

A. LINDA HODDY AND JOHN TRACY SPECIAL PERMIT APPLICATION FOR WORK IN THE 300 FOOT STREAM AND LAKE PROTECTION ZONE OF THE WILLIAMS RIVER AT 224 NORTH PLAIN ROAD IN ACCORDANCE WITH SECTIONS 9.2.9, 9.2.14 AND 10.4 OF THE GREAT BARRINGTON ZONING BY LAW. (DISCUSSION/VOTE)

a. Open Public Hearing

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

**SECOND:** Dan Bailly

**VOTE: 5-0**

b. Explanation of Project

Diego Gutierrez explained the project. There will be no disturbance to the soil. There will be a garden wall created to help with noise control. There will be a porch renovation, however, this will be within the current footprint.

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**

## **EXHIBIT A**

### **SPECIAL PERMIT FINDINGS OF FACT**

**Re: SP #846-15**

**Applicant(s): Linda Hoddy & John Tracy**

#### **A. Introduction**

Special Permit #846-15 was filed by Housatonic Architectural Services, on behalf of property owners John Tracy and Linda Hoddy, to construct a new deck between the existing single family house and garage within the Stream and Lake Protection Zone of the Water Quality Protection Overlay District (WQPOD), at 224 North Plain Road. The application was filed in accordance with Sections 9.2 (WQPOD) and 10.4 (Special Permits) of the Zoning Bylaw.

#### **B. General Findings**

This proposal will add a deck to the existing house to make the house accessible and screen some of the noise from North Plain Road. The deck piers will be screwed into the ground, obviating the need for extensive excavation to prepare and pour footings. The deck will include a vegetated garden wall on the western side to screen road noise.

Land within 300 feet of the Williams River is defined in the WQPOD as a Stream and Lake Protection Zone. The majority of the site, 95%, is within 300 feet of the river, including the existing house and garage. The house has been in this location since at least the 1870s.

This proposal requires a special permit from the Selectboard because it would violate WQPOD Section 9.2.9, 1. That section prohibits expansion of existing structures in the Stream and Lake Protection Zone by more than 10% unless the Selectboard grants a special permit per Section 9.2.14. The proposal will add about 21% to the existing area of the house and garage.

The site is in an R2 zoning district. It is approximately 1.8 acres in size, with approximately 300 feet of frontage on North Plain Road. The site is improved with an existing single family home and garage, well, and septic system. The site slopes gently down towards the Williams River which is its northern boundary. The railroad forms the eastern boundary of the property.

It is noted that the existing house and garage are preexisting nonconforming structures, within the required 50-foot front yard setback. The subject proposal thus required a Special Permit from the Zoning Board Appeals to alter a preexisting nonconforming structure. The ZBA granted that permit on September 9, 2015.

The Planning Board and Board of Health have made positive recommendations to the Selectboard. The Conservation Commission has reviewed the project and issued a negative determination with standard conditions, thus permitting the work from a wetlands protection perspective.

### C. Special Permit Criteria and Specific Findings

In the Stream and Lake Protection Zone, per §9.2.9, expansion of existing structures by more than 10% is prohibited, except by special permit as provided for in §9.2.14 if the Granting Authority determines “that there is no practicable and substantially equivalent economic alternative and that there shall be no significant adverse impact.”

Specific Findings for SP #846-15:

1. Since over 95% of the site, including the existing house and garage between which the proposed deck will be built, is within the Stream and Lake Protection Zone, it is not possible to build outside of the zone; and,
2. Erosion controls and related measures included in the Conservation Commission’s standard conditions will ensure that there is no significant adverse impact to river during construction or thereafter. The construction of the deck piers using helical screws instead of concrete footings avoids substantial disturbance of soils, drainage and related characteristics.

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 #846-15:

1. The proposal improves an existing home in a residential area.
2. The proposal itself has no impact on traffic flow and safety. Other site work to improve the parking area with an area to turnaround will improve traffic safety.
3. Services are adequate and there is no change caused by the proposal.
4. The proposal is residential in character and in keeping with a residential area.
5. The proposal has no negative impact on the natural environment. The work in the riverfront area has been permitted by the Conservation Commission.
6. Fiscal impact is positive: the proposal will increase the value of the property but will not demand an increase in town services.

Specific Finding:

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

#### D. Proposed Conditions

There are no conditions proposed on this special permit.

e. Motion re: Findings

1. **MOTION:** Steve Bannon to approve the Findings of Fact for Special Permit #846-15, as submitted and referenced as Exhibit A, and to make the following findings per Section 9.2.14:

3. Since over 95% of the site, including the existing house and garage between which the deck will be built, is within the Stream and Lake Protection Zone, it is not possible to build outside of the zone; and,
4. Erosion controls and related measures included in the Conservation Commission's standard conditions will ensure that there is no significant adverse impact to river during construction or thereafter. The construction of the deck piers using helical screws instead of concrete footings avoids substantial disturbance of soils, drainage and related characteristics.

and to make the following findings per Section 10.4:

1. The proposal improves an existing home in a residential area.
2. The proposal itself has no impact on traffic flow and safety. Other site work to improve the parking area with an area to turnaround will improve traffic safety.
3. Services are adequate and there is no change caused by the proposal.
4. The proposal is residential in character and in keeping with a residential area.

5. The proposal has no negative impact on the natural environment. The work in the riverfront area has been permitted by the Conservation Commission.
6. Fiscal impact is positive: the proposal will increase the value of the property but will not demand an increase in town services.

**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**

f. Motion re: Approval/Denial/Table

2. **MOTION:** Steve Bannon that in view of the approved Findings, move to approve Special Permit #846-15 for Housatonic Architectural Services on behalf of property owners Linda Hoddy and John Tracy, 224 North Plain Road, Great Barrington, for work in the 300-foot Stream and Lake Protection Zone of the Williams River, at 224 North Plain Road, in accordance with Sections 9.2.9, 9.2.14, and 10.4 of the Great Barrington 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. ANDREW BERNAL APPLICATION FOR A DRIVEWAY PERMIT AT 131 MONUMENT VALLEY ROAD. (DISCUSSION/VOTE)

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

**SECOND:** Dan Bailly

**VOTE: 5-0**

B NATIONAL GRID AND VERIZON NEW ENGLAND FOR PERMISSION TO INSTALL TWO NEW POLES (93-50 & 96-50) IN ORDER TO SHORTEN THE DISTANCE BETWEEN EXISTING SPANS. THE LOCATION BEGINS AT A POINT APPROXIMATELY 1,465 FEET NORTHERLY OF THE CENTERLINE OF THE INTERSECTION OF SEEKONK ROAD AND CONTINUES APPROXIMATELY 925 FEET IN A NORTHERLY DIRECTION.  
(DISCUSSION/VOTE)

**MOTION:** Steve Bannon to grant permission

**SECOND:** Dan Bailly

**VOTE: 5-0**

C. DAVID BARRETT/THE MAHAIWE PERFORMING ARTS CENTER FOR ANNUAL GALA ON SUNDAY, OCTOBER 11, 2015 FOR PERMISSION:

- TO PUT UP TEMPORARY DECORATIONS IN THE PEDESTRIAN TUNNEL  
(DISCUSSION/VOTE)
- AND
- TO RESERVE 40 PARKING SPACES IN THE TOWN HALL LOT FROM

4:00 PM – MIDNIGHT. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to grant permission

**SECOND:** Dan Bailly

**VOTE: 5-0**

D. DAVID BARRETT/THE MAHAIWE PERFORMING ARTS CENTER FOR TEMPORARY ONE DAY SUNDAY ENTERTAINMENT LICENSE FOR OCTOBER 11, 2015 FROM 5:30 PM – 10:00 PM AT 14 CASTLE STREET. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to approve license

**SECOND:** Dan Bailly

**VOTE: 5-0**

E. DAVID BARRETT/THE MAHAIWE PERFORMING ARTS CENTER FOR TEMPORARY ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR OCTOBER 11, 2015 FROM 5:30 PM – 8:00 PM AT THE OLD TRAIN STATION, CASTLE STREET. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to approve license subject to town receiving letter of approval from owner.

**SECOND:** Dan Bailly

**VOTE: 5-0**

F. LAUREN SMITH/FAIRVIEW HOSPITAL FOR PERMISSION TO RESERVE 35 PARKING SPACES IN THE BACK AND SIDE OF THE TOWN HALL FROM NOON UNTIL 10:30 PM ON SATURDAY, SEPTEMBER 26, 2015 FOR THE 2015 FAIRVIEW GALA. (DISCUSSION/VOTE)

**MOTION:** Dan Bailly to grant permission

**SECOND:** Ed Abrahams

**VOTE: 4-0-1 Steve Bannon recused**

G. AMY RUDNICK/FAIRVIEW HOSPITAL FOR ONE DAY TEMPORARY WEEKDAY ENTERTAINMENT LICENSE FOR SATURDAY, SEPTEMBER 26, 2015 FROM 5:00 PM – 7:30 PM AT THE GAZEBO, TOWN GREEN FOR THE 2015 FAIRVIEW GALA. (DISCUSSION/VOTE)

**MOTION:** Dan Bailly to approve license

**SECOND:** Ed Abrahams

**VOTE: 4-0-1 Steve Bannon recused**

H. LAUREN SMITH/AMY RUDNICK/FAIRVIEW HOSPITAL FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR SEPTEMBER 26, 2015 FROM 5:00 PM – 7:30 PM IN THE TENT BEHIND TOWN HALL FOR THE 2015 FAIRVIEW GALA. (DISCUSSION/VOTE)

**MOTION:** Dan Bailly to approve license

**SECOND:** Ed Abrahams

**VOTE: 4-0-1 Steve Bannon recused**

I. ROBIN VICKERY/GREAT BARRINGTON FISH AND GAME FOR TEN (10) ONE DAY BEER AND WINE LIQUOR LICENSES EVERY SUNDAY FROM SEPTEMBER 20, 2015 – NOVEMBER 22, 2015 FROM 11:00 AM – 7:00 PM AT 338 LONG POND ROAD. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to approve license

**SECOND:** Dan Bailly

**VOTE: 5-0**

J. ROBIN VICKERY/GREAT BARRINGTON FISH AND GAME FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR NOVEMBER 29, 2015 FROM 11:00 AM – 7:00 PM AT 338 LONG POND ROAD. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to approve license

**SECOND:** Dan Bailly

**VOTE: 5-0**

- K. CARA DAVIS/CONSTRUCT FOR PERMISSION TO HOLD ANNUAL WALK TO PREVENT HOMELESSNESS ON SUNDAY, OCTOBER 18, 2015 AT 1:00 PM, START POINT AT SKI BUTTERNUT AND END AT THE GREAT BARRINGTON FAIRGROUNDS.  
(DISCUSSION/VOTE)

**MOTION:** Steve Bannon to grant permission

**SECOND:** Dan Bailly

**VOTE: 5-0**

- L. VICKI COONS/FAIRVIEW HOSPITAL'S RECREATION ASSOCIATION FOR PERMISSION TO HOLD ANNUAL MONSTER DASH 5K RUNNING RACE/WALK AND 1 MILE WALK ON SATURDAY, OCTOBER 31, 2015 TO BEGIN AT 9:30 AM, STARTING AND FINISHING AT FAIRVIEW HOSPITAL'S OUT-PATIENT REHAB SERVICES, MAPLE AVENUE.  
(DISCUSSION/VOTE)

**MOTION:** Dan Bailly to grant permission

**SECOND:** Ed Abrahams

**VOTE: 4-0-1 Steve Bannon recused**

**7. NEW BUSINESS:**

- A. SB – DESIGNATION/APPOINTMENT OF SELECTBOARD REPRESENTATIVE TO THE BERKSHIRE METROPOLITAN PLANNING ORGANIZATION. (DISCUSSION/VOTE)

**MOTION:** Steve Bannon to appoint Dan Bailly to the Berkshire Metropolitan Planning Organization.

**SECOND:** Ed Abrahams

**VOTE: 5-0**

- B. SB – RECOMMENDATION TO TOWN MANAGER ON THE APPOINTMENT TO THE CONSERVATION COMMISSION. (DISCUSSION/VOTE)

William Boyer introduced himself.

**MOTION:** Steve Bannon to recommend to the Town Manager that William Boyer be appointed to the Conservation Commission.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- C. SB – TO ACCEPT COVENANT ON THE WHEELER FARMSTEAD PROPERTY PURSUANT TO THE CPA GRANT AGREEMENT. (DISCUSSION/VOTE)

**MOTION:** Bill Cooke to accept the covenant on the Wheeler Farmstead Property Pursuant to the CPA grant agreement.

**SECOND:** Ed Abrahams

**VOTE: 3-0-2 Steve Bannon and Dan Bailly recused**

**8. CITIZEN SPEAK TIME: None**

**9. SELECTBOARD'S TIME: None**

**10. MEDIA TIME:**

**11. ADJOURNMENT:**

On a motion by Steve Bannon, seconded by Dan Bailly, the Board adjourned its meeting at 7:45 P.M.

Respectfully submitted,

*Cara Becker*

Cara Becker

Recording Secretary