

**TOWN OF GREAT BARRINGTON
SELECTBOARD'S MEETING
MINUTES
MONDAY, SEPTEMBER 28, 2015
6:30 P.M – EXECUTIVE SESSION
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 6:35 PM.

2. Executive Session – Town Manager's Conference Room

- re: non Union Personnel (MGL c 30A, sec 21 #2)

MOTION: Steve Bannon to go into executive session and return to public session.

SECOND: Dan Bailly

ROLL CALL VOTE:

ED ABRAHAMS – yes
DANIEL BAILLY – yes
STEPHEN BANNON – yes
SEAN STANTON – yes

VOTE: 4-0 Bill Cooke not yet present

Motion Passed

7:00 PM - Return to Public Session – Board Room

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

Selectboard's photoshoot. (Done at the end of the meeting)

Bill Cooke reported that the Lake Mansfield Task Force will have "Celebrate Lake Mansfield Day" on October 17th. There will also be an open discussion about the plans for the road on November 4th at Crissey Farm.

Dan Bailly reported that he would like to set a date for a community conversation. He suggested the focus be on the small businesses in Great Barrington; how the town can help them and how to be more business friendly. October 28th at 6:30 at the Fire Station was suggested.

4. TOWN MANAGER'S REPORT:

The Selectboard agreed to schedule a FY 17 Financial Policy meeting with the Finance Committee on November 2nd at 6:00 PM.

There will also be a sewer rate study meeting on October 19th at 6:00 PM at Town Hall.

The Town Manager spoke about the property on 220 Highland Street in Housatonic. She said that there are 2 options for the property: to put out an RFP and designate the property as affordable housing or put the property up for auction. The Town manager recommended that latter.

The Town Manager gave a full construction review of upcoming projects including the Wastewater Treatment Plant, the Alford Rd. paving program, the Housatonic Bridge, the Bridge St. bridge and the Front Street Drainage project.

5. PUBLIC HEARINGS:

- A. Scott and Cherri Sanes, 1448 South Undermountain Road, Sheffield, MA 01257 for a Restaurant in a B-2 Zone at 2 Elm Street, Great Barrington and for Deviation from Parking Requirements, in accordance with Sections 3.1.4 C (22), 6.1.9 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: Cherri Sanes presented the project. She expressed the need for vocational opportunities for those with autism. This tea house will provide that opportunity with the help of state funding. Ms. Sanes showed a video.

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

EXHIBIT A: FINDINGS OF FACT

Re: Special Permit #847-15, A and 847-15, B

Applicant(s): Scott and Cherri Sanes

Site: 2 Elm Street, Great Barrington

A. Introduction

The Special Permit application was filed on August 27, 2015 by Scott and Cherri Sanes, lessees of 2 Elm Street, with the permission of the property owner. The applicant seeks to convert the existing vacant building into a teahouse. The application seeks from the Selectboard special permits for a restaurant in a B-2 zone, per Sections 3.1.4 C(22) and 10.4 of the Zoning Bylaw; and to deviate from parking requirements, per Sections 6.1 and 10.4 of the Zoning Bylaw.

B. General Findings

The Applicant is proposing to convert the existing vacant building (former Studio Day Spa) to provide a teahouse, which will offer tea service and snacks to guests. Food will be cooked elsewhere and delivered to the site to be reheated. The establishment will provide employment and vocational opportunities for young adults with autism and special needs.

The proposal will reuse a turn-of-the-century Victorian building with no changes to the exterior except a lift for handicapped people to reach the raised first floor. The space will accommodate up to 17 seats on the first floor and 17 seats on the second floor for a total of 34 seats, maximum. Trash and recycling will be taken care of behind the building. Deliveries will be from small trucks or vans parked on the street.

The site is in a B-2 zone. The use qualifies as a restaurant under the zoning code and thus requires a special permit in this zone. The site is also in the Village Center Overlay District (VCOD) and Water Quality Protection Overlay District, but the regulations of those districts are not triggered by this proposal.

The proposed project has received positive recommendations from the Board of Health and Planning Board. The project is not in the Conservation Commissions jurisdiction. The Planning Board also made a specific finding per Section 6.1 that the parking deviation special permit is appropriate.

C. Parking Deviation Criteria and Specific Findings

Applicable to 847-15, B

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 September 10, 2015 discussed the parking and the requested waiver, and finds the waiver is appropriate. The Planning Board determined there is adequate parking available on-street and in public lots, that the adjacent zoning district does not require parking and that the VCOD would not require additional parking in this instance, that there is handicapped parking available on-street, and that most patrons will arrive at the site as pedestrians having already parked in town.

Findings: The Selectboard finds that dedicated off-street parking is neither necessary nor possible for the proposed restaurant 2 Elm Street.

D. Special Permit Criteria and Specific Findings

Applicable to 847-15, A and B

§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 #847-15, A and B:

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.

Finding 1: The proposal serves the community's needs by preserving and restoring a historic building in downtown and providing new vocational and employment opportunities particularly for those with special needs and providing restroom amenity. By reusing an existing building and reinforcing the fabric of the downtown, the proposal is in harmony with the Master Plan.

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

Finding 2: Traffic flow into and out of the site will be unchanged. Deliveries and trash removal can be accomplished from the street.

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.

4. Neighborhood character and social structures.

Finding 4: The proposal maintains the neighborhood character by reusing a building. The proposed use is in keeping with the downtowns business district.

5. Impacts on the natural environment.

Finding 5: The proposal will have no negative impacts on the natural environment.

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

Finding 6: The proposal will have no demand for new services and place little if any burden on fire, police, and school services. The restaurant use will generate meals taxes. The project will provide employment for special needs populations.

Section 10.4 Finding:

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

E. Proposed Conditions: None

MOTION: Steve Bannon to approve the Findings of Fact for Special Permits #847-15, A and B as submitted and referenced as Exhibit A.

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

MOTION: Steve Bannon that in view of the approved Findings of Fact, move to approve Special Permit #847-15, A for a restaurant use at 2 Elm Street per Sections 3.1.4 C(22) and 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

MOTION: Steve Bannon that in view of the approved Findings of Fact, move to approve Special Permit #847-15, B for a parking waiver at 2 Elm Street per Sections 6.1.9 and 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. Jenise Lucey/Berkshire South Regional Community Center for Temporary One Day Beer and Wine Liquor License for October 17, 2015 from 1:00 PM – 5:00 PM at 15 Crissey Road.

(Discussion/Vote)

MOTION: Steve Bannon to approve license

SECOND: Dan Bailly

VOTE: 5-0

B. Matt Linick/Running Away Inc., for the 7th Annual Memorial Day Races as well as SummerSound, at Butternut Ski Area, as follows:

- for permission to use Town roads on May 29, 2016 to begin at 8:00 AM and to be completed by 2:00 PM, with placement of cones at 5:00 AM. (Discussion/Vote)
- for Temporary One Day Weekday Entertainment License for May 28, 2016 from 10:00 AM – 10:00 PM. (Discussion/Vote)
- for Temporary One Day Sunday Entertainment License for May 29, 2016 from 10:00 AM – 5:00 PM. (Discussion/Vote)

Chris Rembold presented this project.

Police details will be present.

MOTION: Steve Bannon to approve all of the above

SECOND: Dan Bailly

VOTE: 5-0

7. NEW BUSINESS: None

8. CITIZEN SPEAK TIME:

Michelle Gilligan asked the Selectboard what their role is in regards to the Great Barrington Housing Authority. She also asked what resources are available to assist them. Ms. Gilligan said that a number of residents have approached her about problems with mold and non-functioning equipment in one of the locations.

Jennifer Tabakin responded that town workers do not work there and that the Housing Authority has their own contracts. The Town Manager added that she is aware of these issues and would like them to get the support that they need.

Steve Bannon asked for a full report on this at the next meeting.

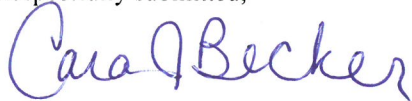
9. SELECTBOARD'S TIME:

10. MEDIA TIME: None

11. ADJOURNMENT:

On a motion by Steve Bannon, seconded by Dan Bailly, the Board adjourned its meeting at 7:55 P.M.

Respectfully submitted,



Cara Becker
Recording Secretary