

**TOWN OF GREAT BARRINGTON
SELECTBOARD'S MEETING
MINUTES
MONDAY, MARCH 14, 2016
7:00 P.M. - REGULAR SESSION
TOWN HALL**

PRESENT: ED ABRAHAMS
DANIEL BAILLY
STEPHEN BANNON – Not present
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.

2. APPROVAL OF MINUTES:

February 8, 2016 Regular Meeting.

MOTION: Dan Bailly to approve the February 8, 2016 minutes.

SECOND: Ed Abrahams

VOTE: 4-0

February 22, 2016 Special Permit Meeting

MOTION: Dan Bailly to approve the February 22, 2016 minutes.

SECOND: Ed Abrahams

VOTE: 4-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

Ed Abrahams said that this is the final Sunday in which the Ramsdell Library will be open as part of their Sunday pilot program.

4. TOWN MANAGER'S REPORT:

Town Manager, Jennifer Tabakin, recognized Officer Paul Montgomery for his 45 years of service to the Town. Chief Walsh thanked Officer Montgomery for his hard work and service to the Town and its residents. Sean Stanton presented Officer Montgomery with a certificate of appreciation.

Jennifer Tabakin asked the Selectboard to review a prepared statement regarding their position on the Housatonic River cleanup work.

Sean Stanton read the statement.

Bill Cooke suggested mentioning the other dumping sites, not only the ones locally.

Jennifer Tabakin encouraged all citizens to speak out in this matter.

The Town Manager announced that the Tree Committee received a grant in the amount of \$2000.

The Open Meeting Law seminar given by Kopelman and Paige will be held on 3/29/16 at 6:00 PM.

The Police Department is welcoming the Selectboard and the Finance Committee to tour their Communication Center over the next 2 days.

Jennifer Tabakin asked the Selectboard to vote on closing the Town Hall on 4/13/16 for an archive day.

MOTION: Dan Bailly to close town hall on 4/13/16 for archival work.

SECOND: Ed Abrahams

VOTE: 4-0

BCAC is still accepting applications for fuel assistance.

5. PUBLIC HEARINGS:

A. Special Permit application of Luke Germain, PO Box 890, Stockbridge, MA, for a mixed use project at 117 State Road, Great Barrington, MA, in accordance with Sections 3.1.4, A (7), 8.4, and 10.4 of the Great Barrington Zoning Bylaw.
(Discussion/Vote)

Open Public Hearing

MOTION: Dan Bailly to open the public hearing

SECOND: Ed Abrahams

VOTE: 4-0

b. Explanation of Project – Jim Scalise, SK Design, presented an aerial photo of the plan. Little physical improvements will be made. The rear building will be used as a studio, office, and display center. There are no environmental considerations. 14 parking spaces are required. 6 spaces are shown on impervious pavers on the commercial side of the building.

c. Speak in Favor/Opposition – None

d. Motion to Close Public Hearing

MOTION: Dan Bailly to close the public hearing

SECOND: Ed Abrahams

VOTE: 4-0

e. Motion re: Findings:

EXHIBIT A: FINDINGS OF FACT

Re: Special Permit Application #852-16

Applicant: Luke Germain

Site: 117 State Road, Great Barrington

A. Introduction

The Special Permit application was filed on February 18, 2016 by Luke Germain, with the permission of the property owner, Linda Boone. The Applicant seeks to reuse the existing barn on the premises as an office for his business, Tune Street, and to retain the existing two-family dwelling on the premises. As such, it will constitute a mixed use property. The plan also includes adding parking spaces and signage for the new business use.

The Applicant seeks from the Selectboard a special permit to allow mixed use in a B2 zone, per Sections 3.1.4 A (7), 8.4, and 10.4 of the Zoning Bylaw. In a separate

application to the Zoning Board of Appeals, the Applicant seeks a special permit to allow the conversion of the preexisting nonconforming barn structure.

The application includes: Special Permit Application and Site Plan Review application dated February 2016; a cover letter dated February 15, 2016; a Project Narrative; site photos; sign details; and, a Site Plan dated January 12, 2016, prepared by SK Design Group, Inc.

B. General Findings

The Applicant is proposing to permit a mixed-use property at 117 State Road, Great Barrington. The existing two-family dwelling on the property will remain. The existing barn will also remain, but will be reused for the Applicant's office. The barn will house a relocated business, Tune Street. A small parking area will be constructed and will be screened by landscaping and a fence.

The subject parcel is located within the B2 business zone. On the site there is a two-family house adjacent to the road and an accessory building at the rear of the property. It is our understanding that the rear building was most recently used as an art gallery. The proposed project would constitute a mixed use development, thus a special permit is required per Section 8.4 of the Zoning By-Laws. According to Section 8.4, at least 75% of the street level floor space must be nonresidential, but the Selectboard may reduce this requirement to 50% in zones outside of the Village Center Overlay District (VCOD). Since this property is outside of the VCOD and since the proposed street level floor space is only 51% nonresidential, the Applicant requests the Selectboard approve this reduced percentage.

Additionally the project will involve the construction of a small parking area (8 spaces) and use of several existing parking spaces, which will meet the requirements of Section 6.0. Stormwater from the existing and proposed paved areas will flow across the existing lawn rather than flow into the street or directly into the river.

The existing two-family house with its associated parking will remain unchanged. The change of use to mixed use and the construction of the parking area require Planning Board Site Plan Approval. The project meets the requirements of the Site Plan Review Section 10.5.

The site plan accompanying the application details the location of the existing structures, existing and proposed new parking, proposed fencing, landscaping, and signage.

The proposed project has received a positive recommendation from the Board of Health. The Conservation Commission also reviewed the plan and determined that no work will be taking place in a jurisdictional area.

The Planning Board also gave a positive recommendation and imposed several conditions on its Site Plan Approval. These are: (1) that the landscape screening of the new parking area would be no less than that shown on the application; (2) that any new lighting will not spill into adjacent properties and will be "dark sky" compliant, and (3) that the handicap parking space will not interfere with the loading area.

C. Mixed Use Development

Section 8.4 of the Zoning Bylaw requires the following:

8.4.2 Requirements.

1. When residential use is combined with other nonresidential permitted uses, the controlling dimensional requirements shall be the less restrictive.

Finding: The project meets the dimensional requirements for non-residential uses, except for the side yard setback of the existing barn structure. The applicant must obtain a special permit from the ZBA to permit the reuse of this preexisting nonconforming structure.

2. A minimum of 75% of street-level floor space shall be reserved for nonresidential use. Outside the Village Center Overlay District, the SPGA may reduce this requirement to a minimum of 50%.

Finding: The proposed project offers 51% non-residential and 49% residential uses as street level floor space. The Selectboard find that this percentage furthers the purpose of the zoning bylaw, will allow for the conversion of the barn into a commercial use, and will retain the existing two-family dwelling.

D. 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 #852-16:

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.” 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 will serve the community needs by allowing a Great Barrington-based business and its employees to remain in Great Barrington. The

proposal will reuse an existing site, retain existing historic buildings, and promote mixed use in an area envisioned for mixed use; therefore the proposal is in harmony with the Master Plan.

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

Finding 2: The business will not generate a significant amount of new traffic on State Road. The proposal reuses existing driveways that are safely located and adequate to serve the use. The proposal provides sufficient parking to serve all uses on the site.

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 exterior of the buildings will remain unchanged except for new signage, therefore the neighborhood character will remain the same. The proposal has no impact on social structures.

5. Impacts on the natural environment.

Finding 5: The proposal will have no locally significant negative impact on the natural environment. The Board will require a minimum of two of the new parking spaces be grass on gravel and the rest of the new spaces be permeable.

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

Finding 6: The proposal includes the relocation of an existing business and will have no negative fiscal, service, tax base, or employment impacts.

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: See finding #5 above.

MOTION: Dan Bailly to amend the Finding of Facts that a minimum of 2 spaces will be grass on gravel and with the proposed conditions as stated under 5.

SECOND: Ed Abrahams

ED ABRAHAMS – yes

DANIEL BAILLY – yes

SEAN STANTON – yes

BILL COOKE – yes

VOTE: 4-0

MOTION PASSED

MOTION: Dan Bailly to approve the Findings of Fact for Special Permit #852-16 as amended and read by the Selectboard and referenced as Exhibit A.

SECOND: Ed Abrahams

ROLL CALL VOTE:

ED ABRAHAMS – yes

DANIEL BAILLY – yes

SEAN STANTON – yes

BILL COOKE – yes

VOTE: 4-0

MOTION PASSED

f. Motion re: Approval/Denial/Table

MOTION: Dan Bailly: In view of the approved Findings of Fact, move to approve Special Permit #852-16 for a mixed use project at 117 State Road per Sections 3.1.4, A (7), 8.4, and 10.4 of the Zoning Bylaw and with the condition that two of the new parking spaces shall be grass on gravel and the others shall be permeable pavement

ROLL CALL VOTE:

ED ABRAHAMS – yes

DANIEL BAILLY – yes

SEAN STANTON – yes

BILL COOKE – yes

VOTE: 4-0

MOTION PASSED

B. SB – Recommendation to the ZBA on the Special Permit Application of Tune Street (Luke Germain) for a change of use for a pre-existing, non-conforming barn at 117 State Road, Great Barrington, MA. (Discussion/Vote)

MOTION: Dan Bailly to send a positive recommendation to the ZBA

SECOND: Ed Abrahams

VOTE: 4-0

C. Transfer of Common Victualler Restaurant All Alcoholic Liquor License from Van Huynh, Inc. d/b/a 20 Railroad, Huy Huynh, Manager to Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager at 20 Railroad Street, Great Barrington, MA 01230. (Discussion/Vote)

a. Open Public Hearing

MOTION: Dan Bailly to open the public hearing

SECOND: Ed Abrahams

VOTE: 4-0

b. Explanation of Project: This is a change of license. The present use will be kept the same.

c. Speak in Favor/Opposition – None

d. Motion to Close Public Hearing

MOTION: Dan Bailly to close the public hearing

SECOND: Ed Abrahams

VOTE: 4-0

e. Motion re: Findings

MOTION: Dan Bailly to approve the Findings of Fact.

SECOND: Ed Abrahams

ROLL CALL VOTE:

ED ABRAHAMS – yes

DANIEL BAILLY – yes

SEAN STANTON – yes

BILL COOKE – yes

VOTE: 4-0

MOTION PASSED

f. Motion re: Approval/Denial/Table

MOTION: Dan Bailly to approve the transfer of license

ROLL CALL VOTE:

ED ABRAHAMS – yes

DANIEL BAILLY – yes

SEAN STANTON – yes

BILL COOKE – yes

VOTE: 4-0

MOTION PASSED

6. LICENSES OR PERMITS:

A. Renewal of 2016 Wyantenuck Country Club Seasonal All Alcoholic Club Liquor License. (Discussion/Vote)

MOTION: Dan Bailly to renew the 2016 Wyantenuck Country Club Seasonal All Alcoholic Liquor License.

SECOND: Ed Abrahams

VOTE: 4-0

B. Benjamin D. Downing/Shackdown, Inc. d/b/a 20 Railroad Public House for 2016 Common Victualler License at 20 Railroad Street. (Discussion/Vote)

MOTION: Dan Bailly to approve the license

SECOND: Ed Abrahams

VOTE: 4-0

C. National Grid and Verizon New England, Inc. for permission to install a new midspan pole (2-50) 60' North of existing pole #1, on the side of road near 16 River Street in order to provide 3ph service to bldg. 51 Church Street. (Discussion/Vote)

MOTION: Dan Bailly to approve installation of a new midspan pole.

SECOND: Ed Abrahams

VOTE: 4-0

Christine Ward – GBLC – said that they have a pole inside the DuBois raingarden and asked if there is anyway the cluster can be removed.

Sandra Annus, representing National Grid, said that they can discuss if there are other options but added that the cost will have to go to someone.

D. Kelly Vickery/Berkshire International Film Festival (BIFF) for permission

- to reserve three (3) parking spaces behind the Town Hall from Wednesday, June 1, 2016 – Monday, June 6, 2016. (Discussion/Vote)
- to grant a Moratorium to lift the parking laws in Town for the BIFF weekend from Thursday, June 2, 2016 – Sunday, June 5, 2016. (Discussion/Vote)

MOTION: Dan Bailly to grant permission

SECOND: Ed Abrahams

VOTE: 4-0

Dan Bailly asked that the area be respected and cleaned up.

E. Kelly Vickery/Lauren Ferin/Berkshire International Film Festival (BIFF) for three (3) One Day All Alcoholic Liquor Licenses for June 2, 3 and 4, 2016 from 5:00 PM – 11:00 PM in the tent on the green behind the Town Hall, 334 Main Street. (Discussion/Vote)

MOTION: Dan Bailly to approve the licenses

SECOND: Ed Abrahams

VOTE: 4-0

F. Kelly Vickery/Lauren Ferin/Berkshire International Film Festival (BIFF) for three (3) Temporary Weekday Entertainment Licenses for June 2, 3 and 4, 2016 from 5:00 PM – 11:00 PM in the tent on the green behind the Town Hall, 334 Main Street. (Discussion/Vote)

MOTION: Dan Bailly to approve the licenses

SECOND: Ed Abrahams

VOTE: 4-0

G. Dave P. Ryel/Ski Butternut for One Day All Alcoholic Liquor License for Saturday, March 19, 2016 from 12:00 Noon to 8:00 PM at 380 State Road. (Discussion/Vote)

Withdrawn

7. NEW BUSINESS:

A. Intent to Participate in FY 2017 Household Hazardous Waste Collection Program. (Discussion/Vote)

MOTION: Dan Bailly to participate in the FY 2017 Household Hazardous Waste Collection Program.

SECOND: Ed Abrahams

VOTE: 4-0

B. SB - to approve the Western New England Greenway/US Bike Route 7 and give permission for the route to pass through Great Barrington on local and State roads. (Discussion/Vote)

Chris Rembold explained that bike routes are being established throughout the country. US Bike Route 7 would follow through our town. This would dovetail with the town's efforts to get a north/south bike lane through the Berkshires.

There would be no liability to the town.

MOTION: Dan Bailly to approve

SECOND: Ed Abrahams

VOTE: 4-0

- C. MA Department of Agricultural Resources (MDAR) – Notice of Proposed Acquisition of Seekonk Round Hill Realty, LLC property
- SB announcement of Notice of Proposed Acquisition by MDAR
 - SB to reduce the 120 day notification period to 60 days. (Discussion/Vote)

Sean Stanton announced the proposed acquisition.

MOTION: Dan Bailly to reduce the 120 day notification period to 60 days.

SECOND: Ed Abrahams

VOTE: 4-0

8. CITIZEN SPEAK TIME: None

9. SELECTBOARD'S TIME: Sean Stanton spoke about a proposed local gas tax. Smitty Pignatelli's office will send proposed language to allow a local gas tax. This item will be discussed at the next meeting.

10. MEDIA TIME: None

11. ADJOURNMENT:

On a motion by Dan Bailly, seconded by Ed Abrahams, the Board adjourned its meeting at 8:25 P.M.

Respectfully submitted,



Cara Becker
Recording Secretary