

SELECTBOARD'S MEETING AGENDA

MONDAY, JANUARY 23, 2017

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

PRESENT:

STEPHEN C. BANNON
ED ABRAHAMS
WILLIAM COOKE --Absent
DAN BAILLY
SEAN STANTON- Chairman

TOWN MANAGER, JENNIFER TABAKIN

7:00 PM - OPEN MEETING

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES:

December 19, 2016 Regular Meeting.

MOTION: Steve Bannon motioned to approve the December 19, 2016 Regular Meeting Minutes.

SECOND: Dan Bailly

VOTE: 4- 0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

None.

B. Citizen Petition Submittal for May 1, 2017 Annual Town Meeting

- Opens January 23, 2017, 8:30 am

- Closes February 1, 2017, 4:00 pm

4. TOWN MANAGER'S REPORT:

A. Department Updates.

Jennifer Tabakin suggested adding another meeting to the February schedule to set dates for the upcoming budget season and discuss other important items. The Board added Monday, February 6, 2017 to the regular meeting schedule. This meeting will take place at 7:00 PM in the Town Hall meeting room.

The Great Barrington Police Department will hold an auction on January 26, 2017 to sell unclaimed property. Items to be auctioned will include, chainsaws, cell phones, GPS Devices, bicycles etc.

- B. Project Updates.
None.

5. PUBLIC HEARINGS:

- A. Application of 10 Castle Street Corp. d/b/a Castle Street Café, Michael L. Ballon, Manager for a Transfer of Common Victualler All Alcoholic Restaurant Liquor License to Berkshire Restaurant Group III, Inc. d/b/a Castle Street Café, Vern M. Kennedy, Manager and to include service outside at 10 Castle Street, Great Barrington, MA 01230. (Discussion/Vote)
 - a. Open Public Hearing

MOTION: Steve Bannon motioned to open the Public Hearing.

SECOND: Dan Bailly

VOTE: 4- 0

- b. Explanation of Project

No changes intended.

- c. Speak in Favor/Opposition
 - d. Motion to Close Public Hearing

MOTION: Steve Bannon motioned to close the Public Hearing.

SECOND: Dan Bailly

VOTE: 4- 0

- e. Motion re: Findings

MOTION: Steve Bannon motioned to approve the Facts and Findings for a Transfer of Common Victualler All Alcoholic Restaurant Liquor License to Berkshire Restaurant Group III, Inc. d/b/a Castle Street Café, Vern M. Kennedy, Manager to include service outside at 10 Castle Street, Great Barrington, MA 01230 and the proposal outweighs any detrimental impacts.

SECOND: Dan Bailly

VOTE: 4- 0

- f. Motion re: Approval/Denial/Table

MOTION: Steve Bannon motioned to approve the application of 10 Castle Street Corp. d/b/a Castle Street Café, Michael L. Ballon, Manager for a Transfer of Common Victualler All Alcoholic Restaurant Liquor License to Berkshire Restaurant Group III, Inc. d/b/a Castle Street Café, Vern M. Kennedy, Manager and to include service outside at 10 Castle Street, Great Barrington, MA 01230.

SECOND: Dan Bailly

VOTE: 4- 0

- B. Application of MSCGB, Inc. d/b/a The 528 Café, Theresa Sonsini, Manager for a Transfer of Common Victualler All Alcoholic Restaurant Liquor License with outdoor seating for 24 seats to Schmaltz and Pfeffer, LLC d/b/a The Marketplace Kitchen Table, David W. Renner, Manager at 240 Stockbridge Road, Great Barrington, MA 01230. (Discussion/Vote)
 - a. Open Public Hearing

MOTION: Steve Bannon motioned to open the Public Hearing.

SECOND: Dan Bailly

VOTE: 4- 0

b. Explanation of Project

The Marketplace is going to convert the existing restaurant into a café where breakfast, lunch, and dinner will be served. The intention is to have a similar style as the Sheffield Marketplace Café. The owners plan to have this new location open by March.

c. Speak in Favor/Opposition

d. Motion to Close Public Hearing

MOTION: Steve Bannon motioned to close the Public Hearing.

SECOND: Dan Bailly

VOTE: 4- 0

e. Motion re: Findings

MOTION: Steve Bannon motioned to approve the findings and facts to transfer a Common Victualler All Alcoholic Restaurant Liquor License with outdoor seating for 24 seats to Schmaltz and Pfeffer, LLC d/b/a The Marketplace Kitchen Table, David W. Renner, Manager at 240 Stockbridge Road, Great Barrington, MA and that the findings propose benefits that outweigh any possible detriment.

SECOND: Dan Bailly

VOTE: 4- 0

f. Motion re: Approval/Denial/Table

MOTION: Steve Bannon motioned to approve the application of MSCGB, Inc. d/b/a The 528 Café, Theresa Sonsini, Manager for a Transfer of Common Victualler All Alcoholic Restaurant Liquor License with outdoor seating for 24 seats to Schmaltz and Pfeffer, LLC d/b/a The Marketplace Kitchen Table, David W. Renner, Manager at 240 Stockbridge Road, Great Barrington, MA 01230.

SECOND: Dan Bailly

VOTE: 4- 0

- C. Special permit application of Berkshire Housing Development Corporation, for the construction of a 31-unit addition to Bostwick Gardens senior housing, and for in Zone II of the Water Quality Protection District, at 899 Main Street, Great Barrington, in accordance with Sections 3.1.4 A(10), 8.9, 9.2 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

MOTION: Steve Bannon motioned to open the Public Hearing

SECOND: Dan Bailly

VOTE: 4- 0

b. Explanation of Project

c. Speak in Favor/Opposition

Elton Ogden, President of Berkshire Housing Services. Nick Elton, project architect. Sara Gapinski, SK Design Group. Berkshire Housing Services described the need for more affordable senior housing in the Southern Berkshires as extreme, there is often a waiting list exceeding 75 applicants. This project will create 31 additional units, lessening the burden of home ownership for a greater number of local seniors. Bostwick Gardens is in an ideal location for seniors, it is walking distance to the Senior Center, medical offices, and grocery stores. Bostwick Gardens is also on a main bus route. These additional units will increase the Town's percentage of Low Income Housing, moving closer to the State's goal of 10% for each community. The current kitchen will be expanded so that all tenets can use the space for shared meals. The kitchen will operate as an occasional use kitchen, regular meals will not be served. Each floor of the new building will have ten units, arranged in clusters of five with a common sitting area. The clusters were designed to provide residents with an added sense of

community. Jennifer Tabakin asked whether there is going to be outdoor space for the residents. Nick Elton said the plan includes a shared outdoor space and each new first floor unit will have an entrance to a patio. Steve Bannon asked what will happen to the current tents while construction takes place. The presenters were undecided on where tents will be relocated to during the construction but were certain that they will be moved to temporary housing for 2-3 months. This project has been presented to the Highway Department, Police Department, Planning Department, and Board of Health. Jennifer Tabakin asked if SK Design or Berkshire Housing Services has collaborated with Mass Transit to gain better access to Bostwick Garden's entrance, especially when the weather is bad. Elton Ogden said that they will follow up with a conversation with Berkshire Regional Planning Commission in order to achieve better service from Mass Transit. Grace Zbell, a member of the Council on Aging, spoke about the need for the bus to come closer to the entrance of the Senior Center. Grace said that the Council on Aging has tried to reach out to Berkshire Regional Transit Authority, but has not received a good response. Sean Stanton suggested that Bill Cooke follow up with Berkshire Regional Transit Authority at the next meeting he attends.

d. Motion to Close Public Hearing

MOTION: Steve Bannon motioned to close the Public Hearing

SECOND: Dan Bailly

VOTE: 4- 0

e. Motion re: Findings

FINDINGS OF FACT AND BASIS FOR DECISION

Re: Special Permit #865-16

Applicant(s): Berkshire Housing Development Corporation

A. Introduction

Berkshire Housing Development Corporation (BHDC) filed this Special Permit application on December 22, 2016, for the property located at 899 Main Street, Great Barrington. The application seeks permission from the Selectboard to construct a 31-unit addition to the existing Bostwick Gardens senior affordable housing development, to modify previously granted special permits in order to renovate the existing building, and to do work in the Zone II of the Water Quality Protection District. The application has been filed in accordance with Sections 3.1.4 A(10), 8.9, 9.2, and 10.4 of the Great Barrington Zoning Bylaw.

The Applicant is represented by BHDC President Elton Ogden, Engineer Sarah Gapinski of SK Design Group, and Architect Nicholas Elton of Elton + Hampton Architects. The application includes an application to the Planning Board for Site Plan Review, a project narrative and municipal impact report prepared by the Engineer, existing and proposed site plans, existing and proposed floor plans, proposed site landscaping and site lighting, and elevation views of the proposed building.

B. General Findings

The property is located in a B-2 zoning district on Main Street south of downtown, between Reed Street and Brookside Road. The Great Barrington Senior Center and

Brookside Gardens affordable senior housing are adjacent to the south. The existing Bostwick Gardens affordable senior housing and the historic Wheeler Farmstead / town museum are adjacent to the west and north.

The property currently consists of two lots. The first lot, owned by St. James Community Housing Corp., is 1.66 acres and contains the current 29-unit Bostwick Housing building and parking lot. The second lot, adjacent and to the east, is a vacant 1.9 acre property. It will be combined with the first to create one parcel that totals 3.56 acres (approximately 156,000 square feet). There is an existing Conservation Restriction on the eastern portion of the property, which will be retained. A sewer easement for the Town also runs through this area.

Bostwick Gardens was constructed pursuant to Special Permit #282-86, issued in June 1986. It created the 29-unit building with a 28-space parking lot. The building was modified in 2009, pursuant to Special Permit #766-09, to add 250 square feet to the original building in order to house an elevator and community room.

The current application seeks to modify the previous special permits and their conditions, in order renovate the building, enlarge several studio units into one-bedroom units, make energy efficiency upgrades, and make changes to the roofline, siding, and windows.

The application also seeks permission to add 31 new units in an attached 12,250 square foot addition. The attached area will be a one-story lobby and entrance area, and the units will be in a three-story building as shown on the proposed plans. In total, the site will have 60 affordable apartment units for seniors, the maximum allowed under §8.9 of the Zoning Bylaw. The proposal also includes a new 32-space parking area, new driveway off of Brookside Road, and new utilities to serve the building.

The proposed development's ownership structure will be converted from the current non-profit owner to a taxable entity for development financing purposes. This allows funds to be raised through the low income housing tax credit program. BHDC will be a partner in the ownership entity.

The application includes an analysis of traffic impacts, based on existing and proposed conditions and expected traffic generation. There are no existing traffic safety or congestion concerns at this location, and it is estimated that only 50 additional trips per day will occur due to the proposed development. The development is located within close proximity to the public sidewalk network and bus transportation. A crosswalk is proposed to connect the development to Brookside Gardens and the Senior Center area.

The Applicant met with Town staff to develop the site plan and has included appropriate emergency access, landscaping, utility provisions, and stormwater treatment. The Board of Health reviewed the proposal and made a positive recommendation. The Conservation Agent reviewed the plan and concluded that while the Commission did not have jurisdiction. It is noted that while the development is not in violation of the Conservation Restriction, the proposal should be reviewed by the Natural Heritage Endangered Species Program. The Planning Board reviewed the entire proposal in accordance with its site plan review criteria, issued a positive recommendation, and approved the site plan with two conditions: (1) the Owner will install, DPW permission, crosswalk safety signs at the new proposed crosswalk and (2) the Owner will develop an operations and maintenance plan for the stormwater system.

C. Publicly Financed Nonprofit Age-restricted Housing

§8.9 of the Zoning Bylaw provides that such development may be allowed by Special Permit from the Selectboard in a B-2 zone, with certain requirements, set forth in §8.9.2, 1-20.

With respect to these requirements, the Selectboard finds the following:

1. There will not more than 60 units.
2. The project will be served by municipal sewer and water.
3. There is at least 1,700 square feet of lot area per unit.
4. The total lot area will be more than 1.5 acres.
5. The property has more than 150 feet of frontage.
6. The proposal meets all applicable yard/setback requirements.
7. Not applicable. The development is a single building.
8. The driveway and utilities will be constructed per standard. The Planning Board has approved Site Plan Review.
9. The proposed structure meets the applicable height requirements of the B-2 zone: 40 feet or 3 stories.
10. The development provides for safe and convenient vehicular and pedestrian safety. The Planning Board has approved Site Plan Review with a condition that crosswalk warning signs be placed at the proposed crosswalk across Brookside Road.
11. Suitable landscaping is proposed.
12. The development will not create traffic hazards or congestion.
13. Application requirements have been met.
14. Planning Board site plan approval has been granted.
15. Building Permits will be required.
16. All units will have their own facilities.
17. All fire stairs will be internal.
18. Proposed drainage and stormwater controls are adequate for the proposed development and site conditions.
19. There is one parking space provided per unit.
20. Straight wall and offset restrictions are met.

The Selectboard finds that each of the applicable requirements of §8.9 are met.

D. Water Quality Protection Overlay District Zone II

The property is within a Zone II area of the Water Quality Protection District. Per §9.2.12, the proposal requires a special permit because it is adding more than 2,500 square feet or 15% impervious surface. The new building is approximately 12,250 square feet and the new paved parking area is approximately 17,400 square feet.

The proposed development includes a system for groundwater recharge that includes rain gardens and stormwater collection, treatment, and infiltration systems. As detailed in the proposed plans, these are designed and sized appropriately for the amount of new impervious surface and the underlying soil types. The development and parking areas are located in such a way as to avoid substantial disturbance of the site soils and water-related characteristics of the site. Approximately one-third of the site will remain in its natural state and new landscaping is provided in areas that will be disturbed.

The Selectboard finds:

1. The required amount of recharge volume is provided and the proposed infiltration system complies with the standards of this section.
2. The project will not diminish the quantity or quality of water available in the Water Quality Protection Overlay District.
3. The project is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site.

E. General Special Permit Criteria and 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 #865-16:

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.
 - The preservation of 29 existing affordable units and the creation of 31 additional affordable housing units serves the documented need for elderly affordable housing in the community. The units will be affordable in perpetuity. The project will facilitate the creation of a long-planned riverfront trail. The project is in harmony with the land use, housing, and open space goals of the Master Plan.
2. Traffic flow and safety, including parking and loading.
 - The proposed use will have a negligible impact on traffic flow and safety. Adequate parking and loading areas are provided.
3. Adequacy of utilities and other public services.
 - There is adequate utility capacity to serve the proposed use.
4. Neighborhood character and social structures.
 - The proposed development fits into and enhances the existing character and

social structures of the neighborhood.

5. Impacts on the natural environment.
 - The use will have negligible impact on the natural environment. Existing conservation land will be protected, new non-invasive landscaping will be provided, and adequate provisions for stormwater and municipal utilities will be provided.
6. Potential fiscal impact, including impact on town services, tax base, and employment.
 - One additional employee is likely. Additional senior residents will have negligible impact on Town services and schools. The site, under for-profit ownership, will generate new property tax revenue for the Town.

Finding:

In consideration of the above Findings, this Selectboard finds that the benefits of the proposed project outweigh any possible detrimental impacts.

F. Proposed Conditions

No special conditions

MOTION: Steve Bannon motioned to approve the Findings and Facts from Special Permit # 865-16 submitted by Berkshire Housing Development Corporation as referenced in Exhibit A.

SECOND: Dan Bailly

Roll Call Vote: Ed Abrahams: Yes, Dan Bailly: Yes, Steve Bannon: Yes, Sean Stanton: Yes.

f. Motion re: Approval/Denial/Table

MOTION: Steve Bannon motioned to approve, in view of the approved Findings of Fact, Special Permit #865-16 for Berkshire Housing Development Corporation, and to modify Special Permits #282-86 and #766-09, to allow for the renovation of Bostwick Gardens, the construction a new addition with 31 new units of affordable senior housing, for a total of 60 units, and for work in Zone II of the Water Quality Protection District, at 899 Main Street, Great Barrington, in accordance with Sections 3.1.4 A(10), 8.9, 9.2 and 10.4 of the Great Barrington Zoning Bylaw.

SECOND: Dan Bailly

Roll Call Vote: Ed Abrahams: Yes, Dan Bailly: Yes, Steve Bannon: Yes, Sean Stanton: Yes.

6. LICENSES OR PERMITS:

A. Vern Kennedy/Berkshire Restaurant Group III d/b/a Castle Street Cafe for 2017 Common Victualler License at 10 Castle Street. (Discussion/Vote)

MOTION: Steve Bannon motioned to approve the Common Victualler License

SECOND: Dan Bailly

VOTE: 4- 0

B. Vern Kennedy/Berkshire Restaurant Group III d/b/a Castle Street Cafe for 2017 Annual Weekday Entertainment License at 10 Castle Street.

MOTION: Steve Bannon motioned to approve the Annual Weekday Entertainment License

SECOND: Dan Bailly
VOTE: 4- 0

- C. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for February 11, 2017 from 10:00 am – 7:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)

MOTION: Steve Bannon motioned to approve the Liquor License with the secondary date of February 18, 2017 in the event that the first date is canceled.

SECOND: Dan Bailly
VOTE: 4- 0

- D. Robin M. Vickery/Great Barrington Fish and Game for Eight (8) One Day Beer and Wine Liquor Licenses Every Sunday from February 19-April 8, 2017 from 11:00 am – 6:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road.(Discussion/Vote)

MOTION: Steve Bannon motioned to approve the (8) One Day Beer and Wine Liquor Licenses.

SECOND: Dan Bailly
VOTE: 4- 0

7. NEW BUSINESS:

- A. SB – Referral of Proposed Zoning Amendments to the Planning Board. (Discussion/Vote)

MOTION: Steve Bannon motioned to refer the four proposed Zoning Amendments to the Planning Board.

SECOND: Dan Bailly
VOTE: 4- 0

- B. SB – To Change Health Insurance Benefits under G.L.c 32B, §§21-23.

Berkshire Health Group voted to discontinue the plan that is currently offered to Town of Great Barrington employees. The Selectboard is asked to vote on whether they would like to move forward with the new plan offered or leave Berkshire Health Group and find alternate insurance. There are information sessions coming up to give employees the opportunity to learn and ask questions.

Jonathan Finnerty, the Town's Union Representative for the Police Department, said that he has spoken to other Town union reps and there seems to be a lack of understanding about the change in health insurance plans. Finnerty told the Town Manager and the Selectboard that this confusion is causing a lot of fear and anxiety among Town employees. Jennifer Tabakin responded to Finnerty's concern by stating that having the Board vote on moving forward was the first step in a formal process she had to follow. Tabakin said employees will be given many opportunities to learn about the new proposed health insurance plans.

MOTION: Steve Bannon motioned to invoke the rule of necessity.

SECOND: Dan Bailly
VOTE: 4- 0

MOTION: Steve Bannon motioned to engage in the process with the added caveat that we will keep the door open to explore different options.

SECOND: Dan Bailly
VOTE: 4- 0

- C. SB – Recommendation to the ZBA on the Special Permit Application of Berkshire Aviation Enterprises to build a deck and disabled access ramp on to the rear of the existing office building at 70 Egremont Road.

MOTION: Steve Bannon motioned to pass a positive recommendation to the ZBA.

SECOND: Dan Bailly

VOTE: 4- 0

- D. SB – Recommendation to the ZBA on the appeal of Kearsarge Energy LLP of the Building Inspector’s zoning interpretation that a commercial ground-mounted solar photovoltaic array is not by right use in R-4 Zoning District on 20 West Plain Road (Arthur J. & Robert A. Coons, Trustees).

Peter Puciloski, represented the Kearsarge Energy LLP. Peter reported that the power generated is intended to be sold to the Central Massachusetts Municipality. The solar panels will be enclosed with fencing and landscaping around the fence. Kearsarge Energy is intending to build this solar field in a region zoned for agricultural use.

Chris Rembold told the Selectboard that this project is legal so long as they follow the proposed timeline. The Town, at this point doesn’t have a bylaw preventing construction of a solar field in agricultural zoning. The Selectboard did not give any recommendation to the ZBA.

- E. SB and GB Housing Authority – Joint Appointment of member to the GB Housing Authority. (Discussion/Vote)

Nan Wile requested that this agenda item be moved to the meeting on February 6, 2017. The Selectboard agreed to move this appointment to the following meeting.

8. CITIZEN SPEAK TIME:

David Magadini reported to the Selectboard that the payphone by the Post Office is no longer working. The Town Manager said she will ask the owner of the payphone to either fix or remove it. David also made a formal complaint that the warrant article he proposed to the Selectboard was not included on the final warrant.

Erica Milkey said she and a number of her peers wanted clarification on the immigration resolution. Chairman Stanton suggested a citizen’s petition to go to annual Town Meeting. Annie Olkenstien asked the Board what can be done to further positive relationships with Great Barrington’s immigrant community. The Board suggested setting up a meeting with the Town Manager and the Chief of Police. Jennifer VanSant asked the Board if they were interested in cultural training. The Board responded that they are absolutely in favor of more cultural training but implementing such programs requires scheduling and budgeting. Steve Bannon said that the more education the better. Tim Lacarish asked the Board about a deportation in 2009 and how much involvement the Town had with the situation. Many of the Selectboard members did not serve in 2009 and the Chairman does not specifically remember that incident. The Selectboard is keeping the dialogue open with other towns about how they would handle such a situation.

9. SELECTBOARD’S TIME:

10. MEDIA TIME:

Eileen Mooney of The Newsletter asked if there has been any progress on an agreement regarding the Health Agent. The Town Manager said that she and the Board have a meeting scheduled this coming week.

Eoin Higgins of the Berkshire Eagle asked for an update on the Housatonic School. The Town Manager responded that at this point there is no update.

The Berkshire Record asked if Daniel Bartini is still on the Police Force, the Town Manager said that he is still an employee.

11. ADJOURNMENT:

On a motion made by Steve Bannon, seconded by Dan Bailly, the meeting was adjourned at 9:15 PM. Vote 4-0.

Respectfully submitted,

Rebecca Jurczyk
Recording Secretary

