

SELECTBOARD'S MEETING MINUTES

MONDAY, MAY 15, 2017

6:30 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

PRESENT:

Sean Stanton

Dan Bailly

Ed Abrahams

Bill Cooke

Steve Bannon- Absent

6:30 PM - OPEN MEETING

1. CALL TO ORDER

Town Manager Jennifer Tabakin called the meeting to order at 6:30PM.

2. REORGANIZATION:

A. Welcome and Congratulations to Newly Elected Selectboard.
Congratulations to Ed Abrahams who won the recent Town Official elections.

B. Election of Chair and Vice Chair.

Motion: Dan Bailly moved to appoint Sean Stanton as Chair and Steve Bannon as Vice Chair

Second: Ed Abrahams

Vote: 4-0

3. BOARD OF SEWER COMMISSIONERS: Sewer Abatements

(July 1 – December 31, 2016) (Discussion/Vote)

Motion: Dan Bailly motioned to convene as the Board of Sewer Commissioners

Second: Ed Abrahams

Vote: 4-0

Sean VanDeusen informed that he and Wastewater Treatment Plant Superintendent Tim Drumm went through the list of those that applied for the sewer abatements. The list presented is of those that Mr. VanDeusen and Mr. Drumm approved for abatements.

Motion: Dan Bailly motioned to approve the list of sewer abatements that were submitted.

Second: Ed Abrahams

Vote: 4-0

Sean Stanton mentioned an upcoming meeting with Mr. Drumm regarding flushable wipes and asked Mr. Van Deusen to speak on the issue. The DPW Superintendent said that “flushable wipes” should not be flushed, they cause clogging and infrastructure failure. Mr. Stanton said that they are going to continue the discussion and include surrounding towns to hopefully initiate a change.

Motion: Dan Bailly motioned to reconvene as the Selectboard

Second: Ed Abrahams

Vote: 4-0

4. APPROVAL OF MINUTES:

April 19, 2017 Special Meeting.

Motion: Dan Bailly motioned to approve the April 19, Special Meeting Minutes

Second: Ed Abrahams

Vote: 4-0

April 26, 2017 Special Meeting.

Motion: Dan Bailly motioned to approve the April 26 Special Meeting Minutes

Second: Bill Cooke

Vote: 4-0

April 24, 2017 Regular Meeting.

Motion: Dan Bailly motioned to approve the April 24 Regular Meeting Minutes

Second: Bill Cooke

Vote: 4-0

May 1, 2017 Special Meeting.

Motion: Dan Bailly motioned to approve the May 1, 2017 Special Meeting Minutes

Second: Ed Abrahams

Vote: 4-0

5. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

- Ed Abrahams informed the Board that he has tweaked the Town Manager evaluation process and he intends to bring the revisions before the Board at the next meeting for a formal vote.
- Dan Bailly asked why the Town’s flags are at half-staff. The Town Manager said that it was in honor of a police memorial day.
- Sean Stanton congratulated the Police Department on achieving the full accreditation. Mr. Stanton also thanked the Police Department on their successful efforts in locating a lost child.

B. Review Boards/Commissions/Committees Openings for FY18.

The Town Manager said the Selectboard intends to review the openings for Boards and Commissions. The Selectboard will reappoint members who wish to serve another term at the June 12 meeting. If there are still vacancies the Selectboard will make additional appointments at the June 26th meeting. The Board is going to advertise for all positions that are available including those that are up for re-election.

6. TOWN MANAGER’S REPORT:

A. Department Updates.

- The Memorial Day Parade is organized and ready for Memorial Day.
- Sunday, May 21st is Truck Day. Location: Butternut Basin. Truck Day is a great activity for families.

- The Housatonic School RFP has been released. The deadline to request a copy is June 2nd, the deadline to submit questions is June 15th, the deadline to issue the RFP is June 23rd, responses are due June 30th at 2:00PM.
- Town Manager welcomes some new employees; Matt Kollmer, assistant building inspector. Jackie Dawson, Administrative Assistant for the Planning Department and the Department of Public Works. The State has contracted with the Town to fill the vacancy for the Sealer of Weights and Measures position. Ted Nappo, the Town Manager's summer intern. Joseph Grochmal, Town Manager's Intern. Chris Peretti, Planning Department Intern. Shep Evans has been assigned as the Affordable Housing Administrative Assistant.

B. Project Updates.

7. PUBLIC HEARINGS:

A. **Continuation** of Blackwater Realty Trust Special Permit Application for work in Zone II of the Water Quality Protection Overlay District in accordance with Sections 9.2 and 10.4 of the Great Barrington Zoning Bylaw. The project involves construction of a new commercial office and retail Building with associated parking lot. The site is a vacant parcel of land on Maple Avenue (Route 23) located immediately east of the railroad tracks and identified as Parcel 41A on Assessor's Map 22. (Discussion/Vote)

a. Open Public Hearing

Motion: Dan Bailly motioned to open the Public Hearing

Second: Ed Abrahams

Vote: 4-0

b. Explanation of Project

Nick Anderson of Berkshire Engineering spoke on behalf of the Blackwater Realty Trust Special Permit. The new commercial space will serve as office space and as retail space for a kitchen design business as well as local contracting firm. Bio retention cells are proposed for the site. No removal of woody vegetation on the site will occur. Mr. Anderson informed the Board that there are twelve parking spaces proposed, two will be handicap accessible spaces.

c. Speak in Favor/Opposition

d. Motion to Close Public Hearing

Motion: Dan Bailly motioned to close the public hearing.

Second: Ed Abrahams

Vote: 4-0

d. Motion re: Findings

EXHIBIT A: FINDINGS OF FACT

Re: Special Permit #871-17

Applicant(s): Blackwater Realty Trust

Site: 0 Maple Ave (Map 22, Lot 41A)

A. Introduction

The Special Permit application to the Selectboard was filed on February 24, 2017 by Applicant Blackwater Realty Trust. The Applicant seeks a Special Permit for work in Zone II of the Water Quality Protection Overlay District (WQPOD), in accordance with Sections 9.2 and 10.4 of the Zoning Bylaw.

The Applicant requires the Special Permit in order to add impervious surface in an amount

above the by-right threshold allowed within the WQPOD, per 9.12.2 of the Zoning Bylaw, which states that any use that will render impervious more than 15% of any lot or parcel or 2,500 square feet, whichever is greater, requires a special permit. The proposed development renders 45% of the lot (10,500 square feet) impervious. The impervious surface will consist of a new commercial office and retail building with associated parking lot.

B. General Findings

The development site is a 24,359 square foot (0.56 acre) vacant parcel with 186 feet of frontage on Maple Avenue (Route 23), Great Barrington, identified as Parcel 41A on Assessor's Map 22, and located immediately east of the railroad tracks, on the north side of the road. Surrounding land uses include a mix of commercial buildings fronting on Maple Avenue. The site is in the MXD zone, and the MXD zone allows retail stores by-right up to 9,000 square feet, and office uses by-right.

The proposed structure is a three and one-half story building (when measured from the street line) with gable roof. Floor plans and renderings prepared by Creative Building Solutions were included with the application, and updated on April 13, 2017, to respond to comments from the Planning Board. These revised plans show the street-facing side has a walk out ground floor level built into the slope of the hill, and which may house retail and storage space. The main floor, appearing as the second floor when viewed from the street side, is level with the proposed rear parking lot, and is proposed to house retail space. The upper floor, one flight up from the proposed rear parking lot, is primarily for office use.

Site plans prepared by Berkshire Engineering, Inc., were submitted with the application and revised April 13, 2017 to respond to comments from the Planning Board. The site plans illustrate the existing site conditions, proposed site work, including driveway, parking, utilities, landscaping, and the proposed building. Since the site is currently not developed, there is little impervious surface coverage. The proposed building, parking lot, driveways, and sidewalks in the development will result in a lot with approximately 45% of the lot being impervious surface. (The driveways and parking lot are not proposed to be paved, though they may be in the future, and therefore are included as impervious surface for these calculations).

The revised April 13 site plans include twelve proposed parking spaces, including two handicapped spaces, which is in excess of the eight total spaces required by the MXD zone. The development will generate an estimated 7 to 15 vehicle trips per peak hour, a negligible increase above the existing traffic level (7,000 trips per day) on Maple Avenue, and well below the thresholds required for a full traffic impact study.

The building will be served by municipal water and sanitary sewer. The proposed stormwater system is designed to capture, filter, and infiltrate all stormwater on site by a series of swales and retention areas. These details are described in the site plans and the application package.

Landscaping and site lighting are detailed on the site plans. Exterior lighting is limited to one light on the western end of the building near the proposed exterior landscape stairs, and to where they may be required to illuminate building entrances. All proposed lights are to be full-cutoff LED fixtures. A detail for proposed dumpster screening is also provided on the site plans.

The proposed project received positive recommendations from the Board of Health and Planning Board. The Conservation Commission stated that there are no Wetlands or Scenic Mountains concerns with this project. The Planning Board has approved the Site Plan application per Section 10.5 of the bylaw.

C. Water Quality Protection District Criteria and Specific Findings

Section 9.2.12 and 9.2.13 of the Zoning Bylaw outline the requirements for a special permit under the WQPOD regulations.

Specifically, 9.2.12, item 3 states: “Any use that will render impervious more than 15% of any lot or parcel or 2,500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.”

And, 9.2.13, item 3 states: “The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in 9.2.8 and 9.2.9 and any regulations or guidelines adopted by the SPGA. The proposed use must: (a.) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Quality Protection District; and (b.) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.”

The application renders 45% of the lot (10,500 square feet) impervious and therefore this section applies to the proposed development. A robust system groundwater recharge is proposed which includes appropriately sized vegetated swales and basins that will remove potential contamination prior to infiltration. Proposed stormwater system maintenance activities and inspections as detailed in the special permit application are adequate to ensure the system will continue to perform as designed.

The project has been designed to ensure that no adverse impact on the existing or potential quality or quantity of water available in the WQPOD. Building siting, access driveways, parking, and accessible routes have all been designed to complement the natural terrain of the site and the proposed building will be depressed into the natural contour of the site, allowing for accessible access to both the north and south faces of the building, while also reducing the need for extensive excavation. The proposed design has been formulated to limit the required cut/ fill volumes and make use of existing drainage patterns where practical. The existing limited vegetated nature of the site precludes the need for extensive removal of woody vegetation. Limited vegetation disturbance outside of the work area is proposed. All disturbed area will receive topsoil, seed, and mulch, or other suitable stabilization methods at the conclusion of construction activities.

Findings, per 9.12.3, #3: The proposal will in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the WQPOD. The project is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site.

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 #871-17:

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 project facilitates the development of office and retail space in a commercial/mixed-use area with adequate infrastructure to serve the proposed use. It is in harmony with the Master Plan in that it redevelops an underutilized site in a smart growth and walkable location in order to limit sprawl into environmentally sensitive and scenic areas.

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

Finding 2: The project provides sufficient parking and loading in a manner that allows for safe pedestrian and vehicular circulation on the site, as well as accessing and exiting the site.

3. Adequacy of utilities and other public services.

Finding 3: There are adequate utilities and public services for the proposed development.

4. Neighborhood character and social structures.

Finding 4: The proposal is a commercial building designed in keeping with the surrounding character. Parking is proposed in the rear of the building in order to screen it from view.

5. Impacts on the natural environment.

Finding 5: The proposal includes adequate stormwater capture, treatment, and infiltration systems to ensure the protection of the quality of groundwater, and on balance has little to

no negative local environmental impact.

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

Finding 6: The proposed development will add to the tax base, add rate payers to the utilities, and provide space for additional businesses to provide employment and services.

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:

No special conditions.

Motion: Dan Bailly moved to approve the Findings of Fact for Special Permit #871-17 for Blackwater Realty Trust, as submitted and referenced as Exhibit A.

Second: Ed Abrahams

Roll call vote: Cooke: Yes Abrahams: Yes Bailly: Yes Stanton: Yes

e. Motion re: Approval/Denial/Table

Motion: Dan Bailly motioned to approve, in view of the approved Findings of Fact, Special Permit #871-17 for Blackwater Realty Trust for work in Zone II of the Water Quality Protection Overlay District on a parcel on Maple Avenue, Great Barrington, identified as Parcel 41A on Assessor's Map 22, and located immediately east of the railroad tracks, in accordance with Sections 9.2 and 10.4 of the Zoning Bylaw.

Second: Ed Abrahams

Roll call vote: Cooke: Yes Abrahams: Yes Bailly: Yes Stanton: Yes

B. **Continuation** of Berkshire Aviation Enterprises Inc. Special Permit Application for aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, in accordance with 3.1.4 E(1), 7.2 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

Motion: Dan Bailly motioned to reopen the Public Hearing

Second: Ed Abrahams

Vote: 4-0

b. Explanation of Project

Lori Robbins, the attorney representing Berkshire Aviation Enterprise. Ms. Robbins submitted a business plan as requested to the Selectboard and Town Manager detailing the cost benefit of the proposed hangars. B.A.E intends to charge \$400.00 per plane per month for usage of the hangar. With this additional income the hangars could be paid off in about five years and thus become an additional source of income for the airport. The water supply gallery is located a mile away from the proposed hangars. Ms. Robbins said that the proposed hangars pose no environmental threat to the water supply. Ed Abrahams asked Ms. Robbins how

many tie downs are around the clam shell hangar. Ms. Robbins said there are currently eight tie downs near the hangar. Town Planner, Chris Rembold advised the Board to include a condition that Berkshire Aviation must apply for an additional special permit to build within a water quality district.

Jim Jacobs, an owner of the airport spoke on behalf of the special permit. Mr. Jacobs said that the Walter J. Koladza has given back to the community for many years. Bill Cooke asked for an average number of planes owned by Great Barrington residents. Mr. Jacobs estimated about 90% of planes stored at the airport are owned by local residents. Chairman Stanton asked Mr. Jacobs if the reason why the airport is applying for a special permit now is due to wanting to build additional hangars. Mr. Jacobs said that he is not in favor of the special permit application and he is fine continuing the operation in the same manner. Mr. Jacobs responded that the reason for the hangars is to protect the planes from the elements and to keep the personal property safe.

Chairman Stanton clarified that the reason for the special permit is so that existing usage of the airport is permitted in a conforming manner. Without this permit the building of additional hangars might be denied. The Chairman said that continuing with the special permit would be the ideal route for the airport to take.

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

Motion: Dan Bailly motioned to continue the Public Hearing until June 12, 2017

Second: Ed Abrahams

Vote: 4-0

8. LICENSES OR PERMITS:

A. 2017 May License Renewals. (Discussion/Vote)

- Real Estate Signs
- Coin Operated Soft Drink and Food Machines

Motion: Dan Bailly motioned to approve the list of Real Estate sign license renewals as submitted.

Second: Ed Abrahams

Vote: 4-0

Motion: Dan Bailly motioned to approve the list of coin operated soft drink and food machine license renewals as submitted.

Second: Ed Abrahams

Vote: 4-0

B. American Legion Murphy – Leary Post 298 for permission to hold a Poppy Boot Drive on Main Street (between Gas House Lane and the entrance to JB Hull Oil) on Saturday, May 20, 2017 (Rain date May 27) from 10:00 am – 2:00 pm. (Discussion/Vote)

Motion: Dan Bailly motioned to approve the Boot Drive Event on Main Street.

Second: Ed Abrahams

Vote: 4-0

C. Sally Harris/Saint James Place for 2017 Annual Weekday Entertainment License Monday – Friday from 10:00 am – 1:00 am and Saturday from 10:00 am – 11:59 pm at 352 Main Street. (Discussion/Vote)

Motion: Dan Bailly motioned to approve the Annual Weekday Entertainment License

Second: Ed Abrahams

Vote: 4-0

D. Sally Harris/Saint James Place for 2017 Annual Sunday Entertainment Licenses from 1:00 pm – 11:59 pm at 352 Main Street. (Discussion/Vote)

Motion: Dan Bailly motioned to approve the Annual Sunday Entertainment License

Second: Ed Abrahams

Vote: 4-0

- E. Robin Vickery/Great Barrington Fish and Game for Four (4) One Day Beer and Wine Liquor Licenses at 338 Long Pond Road, as follows: (Discussion/Vote)

- for May 20, 2017 from 2:00 pm – 11:00 pm

- for June 4, 2017 from 12:00 Noon – 6:00 pm

- for June 18, 2017 from 11:00 am – 6:00 pm

- for June 24, 2017 from 6:00 pm – Midnight

Motion: Dan Bailly motioned to approve the Great Barrington Fish and Game for four One Day Beer and Wine Liquor Licenses.

Second: Ed Abrahams

Vote: 4-0

- F. George Laye/The Guthrie Foundation for Twenty-nine (29) One Day Beer and Wine Liquor Licenses from May 26, 2017 – September 3, 2017 (as per list attached) from 6:00 pm – 12:00 pm at 2 VanDeusenville Road. (Discussion/Vote)

Motion: Dan Bailly motioned to approve the 29 One Day Beer and Wine Liquor Licenses

Second: Ed Abrahams

Vote: 4-0

- G. George Laye/The Guthrie Center for Three (3) One Day Beer and Wine Liquor Licenses for June 2, 3 and 4, 2017 from 6:00 pm – 12:00 pm at 2 VanDeusenville Road. (Discussion/Vote)

Motion: Dan Bailly motioned to approve the 3 One Day Beer and Wine Liquor Licenses.

Second: Ed Abrahams

Vote: 4-0

- H. Mara Simon-Jones/Simons Catering for One Day All Alcoholic Liquor License for June 9, 2017 from 7:00 pm – 11:00 pm at Saint James Place, 352 Main Street for Berkshire Playwright Lab 10th Anniversary Celebration. (Discussion/Vote)

Motion: Dan Bailly motioned to approve the One Day All Alcoholic Liquor License

Second: Ed Abrahams

Vote: 4-0

- I. Caroline Becker/Mulberry Hair Company for One Day Beer and Wine Liquor License for May 18, 2017 from 5:00 pm – 8:00 pm at 27 ½ Rosseter Street. (Discussion/Vote)

Ed Abrahams disclosed that he is going to participate in this event as the bar tender. Caroline Becker said that this pop up shop is a fundraiser, 20% of earnings will go to Railroad Street Youth Project.

Motion: Dan Bailly motioned to approve the One Day Beer and Wine Liquor License.

Second: Ed Abrahams

Vote: 4-0

9. NEW BUSINESS:

- A. SB – Arbor Day Proclamation April 29, 2017. (Discussion/Vote)
Dan Bailly read the Arbor Day Proclamation.

10. CITIZEN SPEAK TIME:

None.

11. SELECTBOARD'S TIME:

Dan Bailly encouraged residents to attend the Memorial Day Parade in support of the veterans who have served our country.

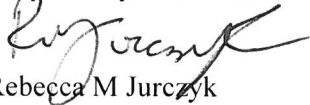
12. MEDIA TIME:

None.

13. ADJOURNMENT:

On a motion made by Dan Bailly, seconded by Ed Abrahams, with a unanimous vote the meeting was adjourned at 8:05PM.

Respectfully Submitted



Rebecca M Jurczyk
Recording Secretary