

**SELECTBOARD'S MEETING AGENDA**

**MONDAY, NOVEMBER 28, 2016**

**7:00 PM – REGULAR SESSION**

**TOWN HALL, 334 MAIN STREET**

**PRESENT:**

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

TOWN MANAGER, JENNIFER TABAKIN.

**7:00 PM - OPEN MEETING**

**1. CALL TO ORDER**

Chairman Sean Stanton calls meeting to order at 7:00 PM

**2. APPROVAL OF MINUTES:**

November 15, 2016 Regular Meeting.

**Motion:** Steve Bannon moved to approve the November 15, 2016 Regular Meeting Minutes

**Second:** Dan Bailly

**Vote: 5-0**

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

A. General Comments by the Board.

**Motion:** Steve Bannon moved to convene as the Board of Sewer Commissioners

**Second:** Dan Bailly

**Vote: 5-0**

**Motion:** Steve Bannon moved to approve the remaining abatement for 39 Humphrey Street between January 1<sup>st</sup> to June 30<sup>th</sup> 2016.

**Second:** Dan Bailly

**Vote: 5-0**

**Motion:** Steve Bannon moved to return to the Selectboard Regular Session.

**Second:** Dan Bailly

**Vote: 5-0**

B. Discussion of 2017 Meeting Calendar

Steve Bannon suggested rescheduling the March 13<sup>th</sup> meeting to March 20<sup>th</sup>. The Vice Chair will be out of town on March 13<sup>th</sup>.

C. Superintendent Peter Dillion/ Berkshire Hills Regional School District (BHRSD)  
-Regional School District Agreement.

Dr. Peter Dillion would like the Selectboard to approve and schedule a Special Town Meeting on January 26, 2017 in order to vote on the revised Regional Agreement. The most significant change in the revised agreement is that the capital assessment will be determined by Equalized Evaluation rather than per pupil. Meaning, towns like Stockbridge will be responsible for paying a greater percentage towards the school district. This figure is independently determined by the Department of Revenue. For Great Barrington, this is a much better agreement.

Dr. Dillion notes that if the region expands and another town joins the school district the percentages paid by each community will then be reevaluated.

Dan Bailly asked Dr. Dillion how much this Special Town Meeting is going to cost the Town. The meeting will be held at the High School (no charge for the venue) however, Dr. Dillion estimated the total to be around \$2,000. Dan Bailly asked for clarification on why this issue needs a separate meeting as opposed to placing it on the agenda for the annual Town Meeting where it will cost taxpayers no additional money. Dr. Dillion anticipates this to be a disputed topic and foresees a lengthy discussion. If this were brought to the regular Town Meeting it might not get the attention and analyzing it deserves. Dr. Dillion stated that having this addressed outside of the regular Town Meeting thoughtfully is worth the cost.

**Motion:** Steve Bannon moved to hold the Special Town Meeting as requested by the School District on Thursday, January 26<sup>th</sup>, 2017 at 6:00 PM at Monument High School, provided that the Town Moderator is in agreement with that date.

**Second:** Ed Abrahams.

**Vote: 4-1,** Dan Bailly opposed.

### 3. TOWN MANAGER'S REPORT:

Town Manager Tabakin announced that the Great Barrington Police Department has been awarded, after years of effort, full accreditation from the Massachusetts Police Accreditation. This award reflects years of police department compliance with professional law enforcement standards and best practices with administration and operation. The ceremony will be in the near future.

Chief Walsh thanked the entire Great Barrington Police Force as well as the civilian staff for all the hard work invested in the accreditation process.

The Selectboard congratulated the Chief and the men and women in the Police Department and said that that this was a huge honor for the Town.

Ms. Tabakin announced that the Police Department participated in the 21<sup>st</sup> Century Policing Task Force, Chief Walsh attended a meeting at the White House where the importance of police/community relations and how to enhance the public trust and competence in the justice system while maintaining public safety was discussed. The goal of this meeting was to foster strong collaborative relations between local law enforcement and the communities they protect. The report produced from this task force will be posted on the Great Barrington Police Department's website.

The Town Manager requested that the Selectboard endorse a statement and the role of community relations and the role of the local police. Chairman Stanton read statement.

**Motion:** Steve Bannon moved to endorse this resolution.

**Second:** Dan Bailly

**Vote: 5-0**

Ms. Tabakin announced that the Town has hired a new Town Accountant, Bob Patterson. A second staff announcement is the new DPW Superintendent, Sean VanDeusen will start with the Town the week of January 1<sup>st</sup>.

David Magadini filed an open meeting law complaint. However, the description does not cite any specific violation with the open meeting law.

**Motion:** Steve Bannon moved to instruct the Town Manager to respond to the State Attorney General's office indicating that the Selectboard does not feel that there is an open meeting law violation and therefore there is no remedy.

**Second:** Dan Bailly

**Vote: 5-0**

The performers for an upcoming concert at the Mahaiwe on December 9<sup>th</sup> have requested to use Town Hall parking spaces to park the bus from 4:00 PM December 8<sup>th</sup> to Saturday, December 10<sup>th</sup> at 2:00 PM.

**Motion:** Steve Bannon moved to approve this request.

**Second:** Dan Bailly

**Vote: 5-0**

## 5. PUBLIC HEARINGS:

- A. Special Permit application of Mary F. Rivers, 278 Great Barrington Road, Housatonic MA 01236 for a 3-unit residential dwelling at 137 Bridge Street, Great Barrington, MA in accordance with Sections 3.1.4 (A)3, 8.3 and 10.4 of the Great Barrington Zoning Bylaw.

(Discussion/ Vote)

- a. Open Public Hearing

**Motion:** Steve Bannon moved to open the Public Hearing

**Second:** Dan Bailly

**Vote: 5-0**

- b. Explanation of the Project

Nick Arienti representing Mary Rivers. The owner does not intend to make any changes to the building. They are requesting the Special Permit in order to have the existing use comply with Great Barrington Zoning Bylaw.

- c. Speak in Favor/Opposition

- d. Motion to Close Public Hearing

**Motion:** Steve Bannon moved to close the Public Hearing.

**Second:** Dan Bailly

**Vote: 5-0**

- e. Motion re: Findings

## EXHIBIT A

### FINDINGS OF FACT AND BASIS FOR DECISION

**Re:** Special Permit #861-16

**Applicant(s):** Mary Rivers

#### A. Introduction

This Special Permit application was filed on October 20, 2016 by Mary F. Rivers (Applicant/Owner), for the property located at 137 Bridge Street, Great Barrington, MA. The application seeks permission from the Selectboard to allow a multifamily use, for a total of six residential apartment

units. The application has been filed in accordance with Sections 3.1.4, 8.3 and 10.4 Great Barrington Zoning Bylaw.

The Applicant is represented by Attorney C. Nicholas Arienti of Hellman Shearn & Arienti LLP. The application includes a Site Plan dated October 2016 prepared by Kelly, Granger, Parsons, & Associates as well as photographs of the existing site and building thereon.

#### B. General Findings

The property is located in an R-1-B zoning district on Bridge Street, between Humphrey and East Streets. The property consists of two structures, the main dwelling and a 2-car garage. The main house dates from the mid-1800s. At some point the main house was converted to a three-family dwelling. In addition to the garage, there is room on the lot for four parking spaces.

The Zoning Bylaw, per amendments recently passed at the 2016 Town Meeting and subsequently approved by the Attorney General, allows the possibility of up to eight dwellings units on a single property in this zone, if authorized by a Special Permit from the Selectboard. Without a special permit, two dwelling units and one accessory dwelling unit would be the maximum allowed on a property in this zone. The Applicant is requesting the Special Permit in order to come into compliance with the zoning bylaw. Without a Special Permit, the property will be noncompliant and future repairs or renovations may not be possible, as a Building Permit could not be granted.

There are no physical proposed changes to the buildings or the site.

The Planning Board made positive recommendations on the proposal. The Conservation Commission concluded they have no jurisdiction and did not make a recommendation. The Board of Health reviewed it but did not make a recommendation.

#### C. Specific Multifamily Dwellings Criteria and Findings

§8.3.3 of the Zoning Bylaw sets forth certain requirements for new multifamily dwellings. These are listed below in italics. In this case, as a dwelling in existence prior to the enactment of these regulations, the Applicant is seeking waivers from some of these standards that would otherwise be required. Specifically the Applicant is requesting waivers of subsection 1-4, 7, and 9. The requirements are listed below. To grant any of these waivers, the Selectboard must make specific findings relative thereto.

*1. In a multifamily development, more than one principal building may be permitted on a lot, provided that such lot meets the minimum lot width requirements for the respective zoning district as set forth in Section 4.0, and further provided that there shall be at least 3,500 square feet of lot area for each dwelling unit in a development of three units or four units, regardless of the number of principal buildings on the lot, and 5,000 square feet of lot area for each dwelling unit in a development of five or more units.*

Finding: The strict application of this regulation would require a total lot size of 10,500 square feet for the three units. This is 1,788 square feet more than the actual lot size that exists (8,712 square feet, or 0.2 acre). The structures and the lot are already in existence, and there is no additional lot area available for the proposed use. There is no room to expand the lot in any direction. Therefore, a strict application of this regulation would be onerous and would have the detrimental impact of reducing the current three units to only two, causing the loss of a rental apartment in an in-town location.

2. *Permeable open space on the lot, including lawn and/or garden area but exclusive of structures, driveways, walkways and parking spaces, shall be no less than 50% of the total area of the property.*

Finding: Currently permeable open space totals approximately 40% of the lot area. The structures, dwellings and the lot are already in existence and there is no additional room on the lot to accommodate the permeable open space requirement. Strict application of this regulation would require / cause a loss of parking and dwelling units, which is undesirable.

3. *No portion of any enclosing wall of any building and no portion of any other permissible structure shall be nearer than 25 feet to any street line, 10 feet to any side lot line and 30 feet to the rear lot line.*

Finding: The dwelling preexists this regulation and is nonconforming in all respects strict application of this standard is impractical.

4. *Two off-street parking spaces shall be provided for each dwelling unit. No space shall be considered available for parking if such space reduces the effective width of a driveway providing access to more than one dwelling unit to less than 16 feet. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed.*

Finding: Four parking spaces are provided for three dwelling units. As this is an existing use with no known issues related to parking or vehicular safety, the strict application of this standard is not required.

5. *Within the development, vehicular and pedestrian circulation shall provide for safe and convenient use to the satisfaction of the Planning Board.*

Finding: A waiver from this requirement is not requested. The Planning Board reviewed the proposal and found the circulation adequate and safe.

6. *Front yards and all open areas shall be suitably landscaped and maintained with grass, trees, flowers, shrubs and/or walks. Such landscaping shall be specified in detail on the site plan and shall be made a condition of the special permit.*

Finding: A waiver from this requirement is not requested. The front lawn and open areas already consist of landscaped lawn.

7. *The proposed development shall be located with respect to major thoroughfares and uses outside the development as not to create traffic hazards or congestion. Before issuance of a special permit by the Board of Selectmen, the Chief of Police and the Highway Superintendent shall give their written approval of said location.*

Finding: Formal written approvals have not been obtained, but this use is preexisting and there are no known traffic hazards or congestion caused by this use. The strict application of this standard is not required.

8. *Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of each building, shall not be located on any building wall facing a street.*

Finding: A waiver from this requirement is not requested. There are no stairs located on the front.

9. *Drainage controls as deemed necessary shall be specifically described as an added condition of the special permit.*

Finding: There are no known drainage issues. Additional drainage controls are neither proposed nor required in this case.

#### D. 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 #861-16:

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 proposed will allow an existing three-family rental apartment use to continue to serve the housing needs of the town. The proposal is in keeping with the vision and goals of the Master Plan in that it allows for a diversity of housing options, in this case rental apartments, in in-fill locations.
2. Traffic flow and safety, including parking and loading.
  - The use already exists and there are no concerns in this regard. Adequate and safe parking and traffic flow exist.
3. Adequacy of utilities and other public services.
  - The use already exists and there are no concerns in this regard.
4. Neighborhood character and social structures.

- The use already exists and there are no concerns in this regard.
5. Impacts on the natural environment.
    - The use already exists and there are no concerns in this regard.
  6. Potential fiscal impact, including impact on town services, tax base, and employment.
    - The use already exists and there are no concerns in this regard. Retaining the existing multifamily use is a benefit to maintaining a diversity of housing stock.

Finding:

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

E. Proposed Conditions

1. No special conditions proposed.
- f. Motion re: Approval/Denial/Table  
**SP # 861-16**

Special Permit #861-16 for Mary F. Rivers for a 3-unit residential dwelling at 137 Bridge Street, Great Barrington, MA, in accordance with Sections 3.1.4 A(3), 8.3 and 10.4 of the Great Barrington Zoning Bylaw.

**DRAFT MOTIONS**

**VOTE ON FINDINGS**

*(If the Board has amended the Findings based on the Public Hearing and its discussion, be sure to specify those changes and approve the findings "as amended.")*

**Motion:** Steve Bannon moved to approve the Findings of Fact for Special Permit #861-16 for Mary Rivers, as *submitted* and referenced as Exhibit A.

**Second:** Dan Bailly

**Roll call vote:** Cooke: Yes, Abrahams: Yes, Bailly: Yes Bannon: Yes, Stanton: Yes

**VOTE ON SPECIAL PERMIT**

**Motion:** Steve Bannon moved to approve, in view of the approved Findings of Fact, Special Permit #861-16 for Mary F. Rivers for a 3-unit residential dwelling at 137 Bridge Street, Great Barrington, MA, in accordance with Sections 3.1.4 A(3), 8.3 and 10.4 of the Great Barrington Zoning Bylaw and to grant the requested waivers from requirements 1-4, 7, and 9 of Section 8.3.

**Second:** Dan Bailly.

**Roll call vote:** Cooke: Yes, Abrahams: Yes, Bailly: Yes, Bannon: Yes, Stanton: Yes.

A. Special Permit Application of KIMCO Great Barrington 609, Inc., to modify existing Special Permit 538-96 to allow the renovation of the front of the Kmart building, at 300 Stockbridge Road, Great Barrington, MA, to allow for up to 3 businesses in existing space, and to permit mounted signs for each business, with allowable size based on the lesser of 10% of the surface area of the business' façade or 150 square feet, in accordance with Sections 3.1.4 C(11), 7.12 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

**Motion:** Steve Bannon moved to open the Public Hearing.

**Second:** Dan Bailly

**Vote: 5-0**

b. Explanation of Project

Nick Arienti presented on behalf of KIMCO Realty Trust as well as Patrick Christie, Director of Construction, and Chris Siminelo, Associate Director of Development. Marshalls is the intended tenant of the building and a condition of the lease is to renovate the façade of the storefront.

Dan Bailly asked why the deadline to renovate was set by the Great Barrington Planning Board for 2019. Siminelo explained that the other stores remain vacant and the 2 year deadline gives additional time to fill those spaces before changing the storefront. Chairman Stanton thought it to be unnecessary to set a deadline in the event that KIMCO does not find tenants to occupy the spaces.

Stanton also pointed out that this is an optimal location for solar panels and the installation of solar panels should be a strong consideration. Jennifer Tabakin asked the presenters how many jobs these new businesses are intended to create. Siminelo could not speak on the behalf of Marshalls but assumed both full and part time opportunities will be made available. Throughout the renovation of the building construction jobs will be created.

c. Speak in Favor/ Opposition

David Magadini, 334 Main Street, "I am opposed to Kmart leaving Great Barrington.

Darren Lockland, Cooper Road. Darren informed the Board that KIMCO is possibly violating the previous Special Permit which specified no flush mounted lights shall be lit and the pole lights in the plaza parking will be permanently shielded.

d. Motion to Close Public Hearing

**Motion:** Steve Bannon moved to close the Public Hearing.

**Second:** Dan Bailly

**Vote: 5-0**

e. Motion re: Findings

## **EXHIBIT A**

### **FINDINGS OF FACT AND BASIS FOR DECISION**

**Re: Special Permit #862-16**

**Applicant(s): KIMCO Great Barrington**

#### **F. Introduction**

This Special Permit application was filed on October 27, 2016 by KIMCO Great Barrington 609, Inc. (Applicant/Owner), for the property located at 300 Stockbridge Road, Great Barrington, MA. The application seeks permission from the Selectboard to modify previously granted special permit, SP 538-96, in order to allow for the renovation of the Kmart building's façade and to allow for additional signage on that facade. The application has been filed in accordance with Sections 3.1.4 C(11), 7.12, and 10.4 of the Great Barrington Zoning Bylaw.



The Applicant is represented by Attorney C. Nicholas Arienti of the law firm Hellman Shearn & Arienti LLP. The application includes an application to the Planning Board for Site Plan Review, a summary letter from the Attorney, colored elevation drawings of the proposed façade, photos of the existing Kmart façade and the adjacent arm of the plaza, as well as site plans and color marketing materials with more details about the shopping plaza.

#### G. General Findings

The property is located primarily in an I (Industrial) zoning district on Stockbridge Road (Route 7), between Cooper Road and Crissey Road. The property consists of a large retail plaza, totaling approximately 136,000 square feet, as well as parking lots in the front and rear of the buildings. The existing retail plaza use was permitted, and the appearance of some of the plaza was altered, in accordance with previously granted special permits, including SP 538-96, which set certain design requirements on the façade of the Kmart building. Traffic to and from the plaza is controlled by a traffic signal at the entrance on Stockbridge Road.

This application pertains specifically to the existing Kmart building, the eastern-most building on the property, whose primary customer entrance faces west into the existing parking lot. The other arm of the plaza, which includes Price Chopper and whose primary customer entrances face north into the existing parking lot, was last remodeled in 2008 and is not a subject of this application.

This application requests permission to alter the existing Kmart façade to prepare the space for up to three new tenants, as shown in the colored elevation drawings included with this application. The proposed facades include a two-unit configuration and a three-unit configuration. The proposed materials include brick, stone, and horizontal siding, with vertical elements and larger signboard areas on the building wall above each store entrance, which serve to modulate the height and depth of the building façade. The store entrances have canopies above. Examples of wall-mounted lighting are shown on the concept drawings. Except for the store entrances, the proposed alterations do not include adding windows.

The proposed building mounted signs for the new tenants would be placed on large signboard areas directly above the entrance canopies. The Applicant is requesting that individual building mounted signs for each business on this west-facing façade be the lesser of 10% of the surface area of the business' façade or 150 square feet.

In this application, there is no proposed change of use, no proposed increase in overall size, and no increase in parking demand or traffic generation. Therefore the applicant has requested waivers from a number of the technical submittal requirements (e.g., traffic study, updated site plan, and stormwater plan) usually required by the Zoning Bylaw for large scale commercial development. Furthermore, there are no known existing site or traffic problems that warrant revisiting the parking, traffic, or stormwater impacts.

§§7.9 and 7.12 of the Zoning Bylaw set forth certain submittal requirements for new high impact commercial uses and large scale commercial uses. This application is not establishing a new high impact or large scale commercial use; therefore, these sections of the bylaw do not strictly apply to this proposal. However, the Design Guidelines of §7.12.3 should be applied, since alterations are proposed to an existing large scale commercial use.

The Conservation Commission concluded they have no jurisdiction and did not make a recommendation. The Board of Health reviewed it but did not make a recommendation. The

Planning Board made a positive recommendation on the proposal. It has not completed its detailed Site Plan Review, through which it expects to require some improvements to the parking lot landscaping in the vicinity of the Kmart building.

#### H. 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:

7. Social, economic, or community needs which are served by the proposal;
8. Traffic flow and safety, including parking and loading;
9. Adequacy of utilities and other public services;
10. Neighborhood character and social structures;
11. Impacts on the natural environment; and,
12. Potential fiscal impact, including impact on town services, tax base, and employment.

Consideration of the Criteria in relation to SP #862-16:

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:

7. Social, economic, or community needs which are served by the proposal.
  - The proposal will allow an existing commercial shopping plaza to update its façade and signage to attract and retain new tenants, which will help maintain access to affordable retail goods for the town and surrounding communities, and which will help maintain employment. The proposal is in keeping with the vision and goals of the Master Plan in that it helps retain taxable real estate in developed locations, provides for a variety of business and employment opportunities, and helps maintain Stockbridge Road as a commercial corridor.
8. Traffic flow and safety, including parking and loading.
  1. The use already exists. There are no existing concerns in this regard, and there are no proposed changes.
9. Adequacy of utilities and other public services.
  - The use already exists. There are no existing concerns in this regard, and there are no proposed changes.
10. Neighborhood character and social structures.
  - The use already exists, and there are existing controls to screen adjacent residential uses. The proposed sign improvements, including proposed size of the building mounted signs, is in keeping with the rest of the shopping plaza and reflects the distance of this portion of the plaza from the main road, Stockbridge Road. Larger signs would not be appropriate, however, on the rest of the shopping plaza.

- However, the proposed façade improvements do not adequately reflect the existing facades of the rest of the plaza or the recommendations of the Great Barrington Design Guidelines Workbook. Specifically, the proposed façade improvements include few windows, except around the store entrances, while the rest of the plaza includes storefront windows for each tenant. The Design Guidelines recommends that storefronts in this area of town be 50 percent transparent. The subject proposal is approximately 15 percent transparent in the three-store design and 10 percent transparent in the two-store design.
- The Applicant has represented that one tenant, Marshall's has been secured and will occupy approximately one-third of the space vacated by Kmart, but the other space is not yet leased. To ensure the proposed façade improvements do not result in a blank wall with no other storefronts, and do not result in a long period of construction, the Selectboard finds the need to impose a condition requiring project completion within a set time period.

11. Impacts on the natural environment.

- The use already exists. There are no existing concerns in this regard, and there are no proposed changes.

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

- The local fiscal impact will be reflected by numerous benefits as a result of this proposal by ensuring in the immediate future that the existing business unit will continue to employ local residents and serve the community, while likely increasing employment opportunities and services in the future, and all the while maintaining existing impacts on town services.

Finding:

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

I. Proposed Conditions

1. Only the stores on the subject portion of the plaza, i.e., that portion which faces west, shall be permitted to have a building mounted sign whose size is 10 percent of the surface area of the business' façade or 150 square feet, whichever is less. No store may have building mounted signage, in one or more signs, which totals more than 10 percent of the surface area of the business' façade or 150 square feet, whichever is less.
2. The proposed façade improvements, either Option 1 (three stores) or Option 2 (two stores) shall be completed by February 1, 2019.

**f.** Motion re: Approval/Denial/Table

**SP # 862-16**

Special Permit #862-16 for KIMCO Great Barrington 609, Inc., to modify existing Special Permit 538-96 to allow the renovation of the front of the Kmart building, at 300 Stockbridge Road, Great Barrington, MA, to allow for up to 3 businesses in the existing space, and to permit building mounted signs for each business, with allowable size based on the lesser of 10% of the surface area of the business' façade or 150 square feet, in accordance with Sections 3.1.4 C(11), 7.12 and 10.4 of the Great Barrington Zoning Bylaw.

## VOTE ON FINDINGS

*(If the Board has amended the Findings based on the Public Hearing and its discussion, be sure to specify those changes and approve the findings "as amended.")*

**Motion:** Steve Bannon moved to approve the Findings of Fact for Special Permit #862-16 for KIMCO Great Barrington, as *submitted* and referenced as Exhibit A.

**Second:** Dan Bailly

**Roll call vote:** Cooke: Yes, Abrahams: Yes, Bailly: Yes, Bannon: Yes, Stanton: Yes.

## VOTE ON SPECIAL PERMIT

**Motion:** Steven Bannon moved to approve, in view of the approved Findings of Fact, Special Permit #862-16 for KIMCO Great Barrington 609, Inc., to modify existing Special Permit 538-96 to allow the renovation of the front of the Kmart building, at 300 Stockbridge Road, Great Barrington, MA, per the application materials submitted, to allow for up to 3 businesses in the existing space, in accordance with Sections 3.1.4 C(11), 7.12 and 10.4 of the Great Barrington Zoning Bylaw, and to permit building mounted signs for each business, with allowable size of each sign based on the lesser of 10% of the surface area of each business façade or 150 square feet, with the following conditions:

3. Only the stores on the subject portion of the plaza, i.e., that portion which faces west, shall be permitted to have a building mounted sign whose size is 10 percent of the surface area of the business' façade or 150 square feet, whichever is less. No store may have building mounted signage, in one or more signs, which totals 10 percent of the surface area of the business' façade or 150 square feet, whichever is less.
4. The proposed façade improvements, either Option 1 (three stores) or Option 2 (two stores) shall be completed by February 1, 2019.

**Second:** Dan Bailly

**Roll call vote:** Cooke: Yes, Abrahams: Yes, Bailly: Yes, Bannon: Yes, Stanton: Yes.

## 6. LICENSES OR PERMITS:

- A. Betsy Andrus/So. Berkshire Chamber of Commerce for the 8<sup>th</sup> Annual Holiday, Shop, Sip, and Stroll on Saturday, December 10, 2016 from 12:00 Noon to 8:00 PM as follows:

(Discussion/ Vote)

- Temporary One Day Entertainment License from 2:00 pm – 8:00 pm
- Permission to use the sidewalk on Main Street in front of TP Saddleblanket
- Permission to use four (4) parking spots on the left side of Railroad Street up to SoCo and the parking spaces in front of Extra Special Teas on Elm Street.
- Use of Town Hall front lawn and the parking spaces on the right side front walkway
- Use of Railroad Street Sidewalk next to Kimball Building
- Block off entry from Main Street into TD Bank parking lot.

**Motion:** Steve Bannon moved to approve the One Day Entertainment License from 2:00 PM- 8:00 PM, use of four (4) parking spots on the left side of Railroad Street up to SoCo and the parking

spaces in front of Extra Special Teas on Elm Street, usage of the sidewalk on Main Street in front of TP Saddleblanket, usage of Town Hall front lawn and the parking spaces on the right side front walkway, usage of Railroad Street Sidewalk next to Kimball Building, and to Block off entry from Main Street into the TD Bank parking lot.

**Second:** Dan Bailly

**Vote: 5-0**

- A. Robin Curletti/ FMST, LLC d/b/a Fuel for 2016 Weekday Entertainment License at 239 Main Street, Great Barrington, MA 01230. (Discussion/ Vote)

**Motion:** Steve Bannon moved to approve the Weekday Entertainment License.

**Second:** Dan Bailly

**Vote: 5-0**

- B. Robin Curletti/ FMST, LLC d/b/a Fuel for 2016 Sunday Entertainment License at 293 Main Street, Great Barrington, MA 01230. (Discussion/ Vote)

**Motion:** Steve Bannon moved to approve the Sunday Entertainment License.

**Second:** Dan Bailly

**Vote: 5-0**

#### **7. NEW BUSINESS:**

- A. Veterans of Foreign Wars U.S. James Modolo Post #8348 (VFW) for a Change of Manager from Raymond J Choquette to Stephen P. Blackwell, Sr. on the Club All Alcoholic Liquor License at 800 South Main Street, Great Barrington, MA 01230. (Discussion/ Vote).

**Motion:** Steve Bannon moved to approve the Change of Manager from Raymond J Choquette to Stephen P. Blackwell on the Club All Alcoholic Liquor License.

**Second:** Dan Bailly

**Vote: 5-0**

- C. SB/ BOH – Joint Appointment of Member to the Board of Health. (Discussion/ Vote)

Ruby Chang is a local pediatrician and has been a resident of Great Barrington for the past 5 years. Issues she would like to address as a member of the Board of Health are substance abuse, lead in older buildings, and environmental health issues like water quality.

**Motion:** Steve Bannon moved to nominate Ruby Chang as the new Board of Health Member.

**Second:** Ed Abrahams.

**Vote: 4-1** Dan Bailly opposed.

#### **8. CITIZEN SPEAK TIME:**

**None.**

#### **9. SELECTBOARD'S TIME:**

**None.**

#### **10. MEDIA TIME:**

Eileen Mooney, The Newsletter, asked what the National Register status for the Housatonic School was? Jennifer Tabakin responded by recommending that no decision on nominating the Housatonic School for the National Registry be made at this time.

Eoin Higgins, The Berkshire Eagle asked if the Town was allowing KIMCO to make the sign for the new tenant bigger. Chairman Stanton responded that they are not allowing a bigger sign.

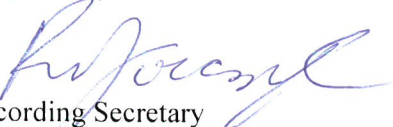
**11. ADJOURNMENT:**

**Motion:** Steve Bannon moved to adjourn the Town Meeting at 8:45 PM.

**Second:** Dan Bailly

**Vote:** 5-0

Respectfully submitted,

 1/9/17

Recording Secretary  
Rebecca Jurczyk