

SELECTBOARD'S MEETING MINUTES

MONDAY, OCTOBER 17, 2016

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

PRESENT:

Chairman, Sean Stanton
Stephen Bannon
Daniel Bailly
Edward Abrahams
William Cooke

Town Manager, Jennifer Tabakin

7:00 PM - OPEN MEETING

1. CALL TO ORDER

Chairman Stanton called the meeting to order at 7 P.M

2. APPROVAL OF MINUTES:

September 12, 2016 Regular Meeting.

Motion: Steve Bannon to approve the September 12, 2016 Meeting Minutes

Second: Dan Bailly

Vote: 5-0

September 26, 2016 Regular Meeting.

Motion: Steve Bannon to approve the September 26, 2016 Meeting Minutes

Second: Dan Bailly

Vote: 5-0

3. BOARD OF SEWER COMMISSIONERS: Sewer Abatements (January 1 - June 30, 2016). (Discussion/Vote)

Motion: Steve Bannon moved to convene as the Sewer Commissioners

Second: Dan Bailly

Vote: 5-0

Joe Sokul stated that the same monetary amount is going to be awarded this term as what was awarded in the past.

Motion: Steve Bannon to approve the Sewer Abatements from the period of January 1 – June 30 2016.

Second: Dan Bailly

Vote: 5-0

Motion: Steve Bannon moved to return to Regular Session.

Second: Dan Bailly

Vote: 5-0

4. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

Dan Bailly requested to set a date for the next Strategic Planning meeting at next Monday's meeting.

Steve Bannon requested for the Selectboard to review the Policies and Procedures document at the next meeting.

Paul Kleinwald wanted to construct an 8x10 ft. roof on a building he owns to prevent the blockage of the entryway from snow and ice. The Building Inspector told Paul that in order to construct this roof fire suppression would have to be installed as required by international building codes. Paul is requesting that the Selectboard waive certain International Building Codes in the Town of Great Barrington.

The Town Manager agrees to set up a meeting with Paul, his contractor, and the Building Inspector in order to reach an agreement on how to properly proceed with this specific project.

5. TOWN MANAGER'S REPORT:

- Congratulations to Christine Warner, she has been appointed to the library clerk position.
- DJ Marks has been appointed the new Full time Firefighter. DJ has over 20 years of experience with the Great Barrington Fire Dept.
- Amy Pulver has been appointed as the new Administrative Assistant in the Town Manager's office.
- Dan Sullivan is working as the interim Town Accountant until a permanent replacement is hired.
- Staff is focused on the roll out of the Municipal Modernization Finance and Government Act, the implementation of this Act will begin on November 7, 2016.
- All committees and departments are to submit annual reports from the prior fiscal year.
- MASS DOT gave notice of the completion of the Main Street project. We are working to schedule a ribbon cutting to celebrate the many hours of hard work and dedication that went into this project.
- Paving on Monument Valley Rd., Seekonk Rd., and Taconic Ave. is completed. Line striping will occur in the upcoming weeks.
- The Town is expecting to get an update soon on the progress of the Park Street bridge project, the utility work will start soon.
- Joe Sokul on the Town's Waste Water Treatment Plant. Phase One was completed on time and within budget. Phase Two, the design aspect of the project is underway. Jennifer Tabakin thanked all those involved in this project and stated that "sewer treatment is one of the more important public services."

6. PUBLIC HEARINGS:

A. 47 Railroad LLC, PO Box 628, Great Barrington, MA, for a special permit for the construction of a mixed use development in the Village Center Overlay District at 47 Railroad Street, in accordance with Sections 3.1.4 A (7), 8.4, 9.6 and 10.4 of the Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

Motion: Steve Bannon to open the Public Hearing.

Second: Dan Bailly

Vote: 5-0

b. Explanation of Project

Catherine Chester representing 47 Railroad LLC. The applicants wish to create 5 commercial spaces on the ground floor, 12 market rate apartments on the second and third floor, and a roof top terrace. Catherine stated that the project satisfies all aspects of the VCOD, it could really be the poster child for VCOD projects.” The applicants have met the requirements of including a minimum of 11 parking spaces by leasing 12 spaces in between the Barrington House and the Triplex Theater.

Jim Scalise, SK Design Group. The building is just under 11,000 sq. ft. The proposed project aims to construct an adapted reuse of the building by turning it into a mixed use property. Scalise plans to include some pervious pavers to reduce storm water runoff.

Michael Valenti, the architect for the project. The roof top terrace will have an installation of low profile solar voltaic panels that will be used to help power the elevator and electricity of the building. The exterior of the building will be renovated with corten steel which will rust to a certain point and then stop. The rust acts as a protective barrier to the steel and also will add aesthetics to the façade of the second floor of the building. With the introduction of new commercial spaces, rental spaces, and a renovated alleyway, Valenti sees this building as an ‘activator’ for the rest of the downtown area.

Chairman Stanton asked what the theory was behind removing the shutters.

Valenti replied that the shutters were part of the original building design.

Ian Rasch stated that part of his plan will include re-pitching and paving the walkway in between the back of the building. While this component of the project is under construction the alleyway will need to be blocked off and usage will be hindered temporarily. Ian Rasch said that the condition of the walkway and the drainage will be improved for the benefit of all other owners.

The Selectboard had a discussion surrounding the necessity of requiring the applicants to have 11 reserved spaces for the intended project.

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

Re: Special Permit #859-16
Applicant(s): 47 Railroad LLC
Site: 47 Railroad Street, Great Barrington

A. Introduction

The Special Permit application was filed on August 23, 2016, by the property owner, 47 Railroad LLC. The applicant seeks permission from the Selectboard to construct a mixed-use building in the Village Center Overlay District, per Sections 3.1.4, A(7), 8.4, 9.6, and 10.4 of the Zoning Bylaw. The applicant also seeks a deviation from the on-site parking requirements. The applicant plans to renovate the existing building and construct a new addition on the rear (south) side. The plans include ground floor commercial space and two upper floors of residential apartments.

Materials submitted with the application include:

- Project Narrative including an overview of the existing and proposed conditions, zoning compliance, and municipal impacts prepared by SK Design Group, Inc., Pittsfield, MA;
- Site Plans and engineering plans dated August 5, 2016 prepared by SK Design Group, Inc.;
- Revised Site Plans and engineering plans dated October 3, 2016 prepared by SK Design Group, Inc.;
- Lease agreement for off-site parking;
- Floor plans, elevations and perspective renderings dated August 11 and August 16, 2016 prepared by Incorporated, New York, NY.

B. General Findings

The existing property is an 8,528 square foot lot with a building that has a 4,860 square foot footprint and a total building area of 10,920 square feet. The current building's northern portion is three stories, and its southerly portion is two stories. The current building contains a restaurant, office space and storage. The existing site has parking and delivery in the back of the building, where a new addition is proposed to be located. There is an alley way on the property along the eastern side of the building, which is a required easement to the Fire District Water Department. It is not a public right-of-way for vehicles.

The property is in a B (Downtown Business) District, and it is within the Village Center Overlay District (VCOD). In the B District, mixed-uses require a Special Permit, unless the VCOD applies, in which case mixed-use is permitted by right. However, the VCOD requires a Special Permit for all proposed changes to the exterior of structures, new construction, replacement of an existing structure and any substantial structural change to an existing structure.

The proposed plans are for a mixed-use commercial/residential building with exterior and substantial structural changes and new construction. Therefore, the VCOD applies, and a VCOD Special Permit is required.

The proposed exterior alterations and substantial structural changes are detailed in the materials submitted with the application. Specifically, the applicant is proposing to

renovate a portion of the existing building, demolish the southern kitchen portion of the building, and construct a 2,950 square foot building addition for a total footprint of 6,285 square feet (18,430 square foot total). The proposed building will contain up to 12 residential dwelling units and 4,000 square feet of commercial space on the ground floor. The commercial space is planned to be retail; if a restaurant were to be included in the future, it would be by-right since this is a B District.

The applicant is requesting a waiver or deviation from the parking requirements. In the VCOD, no on-site parking is required for the residential uses, but on-site parking for the commercial space is required. The proposed commercial space would require 11 on-site parking spaces, which the applicant cannot accommodate on the small site.

The applicant has made a lease arrangement with a nearby property owner to use 12 parking spaces. The leased 12 spaces are within walking distance (approximately 300 feet) from the subject site. The lease term is 10 years with the provision for two additional 10-year terms.

The Selectboard may by Special Permit waive the required on-site parking pursuant to Sections 9.6.11, 3 and 6.1.9 of the Zoning Bylaw. The Planning Board, at its meeting of September 22, 2016, found that a deviation from the parking requirements is appropriate since the lease area is within walking distance of the site and the existing occupants of those 12 spaces are not likely to be displaced.

Municipal impacts, including projected traffic volume and utility (sewer, water) requirements are detailed in the application.

The Design Advisory Committee (DAC) reviewed the design as required per the VCOD bylaw, and has made a positive recommendation. The proposed project has received positive recommendations from other reviewing boards and commissions. The Planning Board finalized its site plan approval at its October 13 meeting. The Board made a positive recommendation on the special permits and, as noted above, a positive finding regarding the parking waiver request.

C. Village Center Overlay District Criteria and Specific Findings

Section 9.6.5 of the Zoning Bylaw requires a determination by the Special Permit Granting Authority that the proposed use meets the following criteria, to the extent practicable.

1. Improves village vitality and walkability;
2. Promotes mixed-use; and
3. Promotes economic revitalization.

Finding: By restoring and revitalizing a historic structure this proposal improves village vitality, enhances the walking environment, maintains a landmark of downtown, and provides a mixed-use destination in downtown. By including a mix of retail and residential space, this proposal promotes mixed-use. Through significant investment to restore a historic structure to provide needed uses, this proposal promotes economic revitalization. The project advances the purposes of the VCOD. The project has been reviewed by the Design Advisory Committee and meets the design standards of the VCOD. The Selectboard finds that this proposal meets the purposes, standards,

and criteria of the VCOD.

D. Parking Waiver Criteria and Specific Findings

Sections 9.6.11 and 6.1.9 of the Zoning Bylaw allow the Special Permit Granting Authority to waive the parking requirements of Section 6.1 and 9.6.11, in accord with a finding from the Planning Board. The Planning Board at its meeting of September 22, 2016 discussed the parking plan and the requested waiver, and finds the waiver is appropriate.

Findings: The Selectboard finds: (1) providing the required amount of parking on site would not be possible under the proposed development scenario and (2) to the extent customers and residential occupants desire parking, there is public parking provided on the street and in parking lots within walking distance of the site, as is common in a downtown setting.

E. Special Permit Criteria and Specific Findings

Section 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 #859-16:

Per Section 10.4.2 of the Zoning Bylaw, granting of any special permit requires a determination by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” The six criteria and the Board’s considerations in relation each are detailed below:

1. Social, economic, or community needs which are served by the proposal.

Finding 1: The proposal serves the community’s needs by preserving and restoring a prominent building in downtown, providing new employment and housing opportunities, and promoting mixed-use pedestrian friendly redevelopment in downtown. For these reasons the proposal is also in harmony with the Master Plan.

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

Finding 2: Traffic volume impacts from the proposed development will be less than the existing development. Delivery loading and unloading will be provided from the street which is common to downtown commercial properties. An Easement Agreement (attached hereto) pertaining to the property at 20 Castle Street allows for pedestrian access and deliveries to the alleys from Castle Street.

3. Adequacy of utilities and other public services.

Finding 3: There is adequate water and sewer service for the use. Public services including fire and emergency have adequate access to the buildings. Tenants of the buildings have adequate emergency egress. The Fire District easement along the alley way will remain. The existing public stormwater drain will be relocated on-site in accordance with the requirements and approval from the Department of Public Works.

4. Neighborhood character and social structures.

Finding 4: The proposal maintains the downtown character by reusing and restoring a historic structure. The new addition is appropriate to the historic downtown design and context. The project's proposed uses are in keeping with adjacent uses and the downtown's business district and the purposes of the Village Center Overlay District.

5. Impacts on the natural environment.

Finding 5: Stormwater will be effectively managed on-site. Site lighting is appropriately screened and directed downwards. A historic building is being reused which saves resources. The proposal has no negative impacts on the natural environment.

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

Finding 6: The proposal will have little demand for new services and place little if any burden on fire, police, and school services. The project will increase the property tax base. The smaller scale commercial spaces are likely to be more viable and marketable, and may result in additional economic activity and employment in downtown.

Section 10.4 Finding:

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

Exhibit to Findings of Fact:

Easement Agreement between 20 Castle Street, LLC and the Town of Great Barrington

f. Motion re: Approval/Denial/Table

1. VOTE ON FINDINGS

Steve Bannon moved to approve the Findings of Fact for Special Permit #859-16 as amended and referenced as Exhibit A and to include the 20 Castle Street easement with the Town as an exhibit.

Second: Dan Bailly

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

2. VOTE ON SPECIAL PERMIT

Steve Bannon moved to approve, in view of the approved Findings of Fact, Special Permit #859-16 for 47 Railroad LLC, PO Box 628, Great Barrington, MA, for the construction of a mixed use development in the Village Center Overlay District at 47 Railroad Street, in accordance with Sections 3.1.4 A (7), 8.4, 9.6 and 10.4 of the Great Barrington Zoning Bylaw, and to waive the requirement for on-site parking.

Second: Dan Bailly

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

B. FMST, LLC d/b/a Fuel, Robin A. Curletti, Manager for a new Common Victualler All Alcoholic Restaurant Liquor License with seasonal outdoor seating up to 18 seats at 293 Main Street, Great Barrington, MA 01230. (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

Atty. Catherine Chester said that Fuel has expanded their menu and is now offering table service for breakfast and lunch. They are asking for a new liquor license that would enable fuel to offer all alcoholic beverages. Proposed hours of operation are 7AM- 6PM Mondays and Tuesdays, 7AM-12PM Wednesday-Saturday, 8AM-6PM on Sundays.

c. Speak in Favor/Opposition

David Magadini, 334 Main Street said that he was opposed to this coffee house serving alcohol, it is a coffee shop and they should not serve alcohol. "I ask that the Selectboard promote the public good and deny Fuel a liquor license."

Richard Needleman, 9 Stanley Drive. "I am in favor of granting Fuel a liquor license, that location has served alcohol for many years."

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
- f. Motion re: Approval/Denial/Table

Motion: Steve Bannon moved to grant to FMST, LLC d/b/a Fuel All Alcoholic Restaurant Liquor License to Fuel.

Second: Dan Bailly

Vote: 5-0

7. LICENSES OR PERMITS:

- A. 20 Castle Street, LLC for a Driveway Permit at 20 Castle Street. (Discussion/Vote)

Motion: Steve Bannon moved to approve the Driveway Permit at 20 Castle Street.

Second: Dan Bailly

Vote: 5-0

- B. Richard Needelman/GB Council on Aging for One Day Beer and Wine Liquor License for October 23, 2016 from 12:00 Noon - 3:00 pm at the Claire Teague Senior Center, 917 Main Street for Ethnic Fair. *Fee Waiver Requested.* (Discussion/Vote)

Motion: Steve Bannon moves to approve the One Day Beer and Wine Liquor License for October 23, 2016.

Second: Dan Bailly

Vote: 5-0

- C. Thomas and Michelle McCarthy/Three is a Charm, Inc. d/b/a The Windflower Inn for - 2016 Innholders License at 684 South Egremont Road. (Discussion/Vote)

Motion: Steve Bannon moved to approve the 2016 Innholders License for 684 South Egremont Road.

Second: Dan Bailly

Vote: 5-0

- 2016 Common Victualler License at 684 South Egremont Road. (Discussion/Vote)

Motion: Steve Bannon moves to approve the 2016 Common Victualler License for 684 South Egremont Road.

Second: Dan Bailly

Vote: 5-0

8. NEW BUSINESS:

- A. Vets of Foreign Wars U.S. James A. Modolo Post #8348 Application for a Change of Manager from Raymond J. Choquette to Stephen P. Blackwell, Sr. on the Common Victualler All Alcohol Club Liquor License at 800 Main Street. (Discussion/Vote)

The Selectboard received an email from the applicant stating that they are no longer seeking approval for a change of manager on the Common Victualler All Alcohol Club Liquor License.

B. SB- Set Date and Time for Halloween. (Discussion/Vote)

Steve Bannon suggested that Selectboard intentionally leave out the year as to permanently set the date and time for Halloween.

Motion: Steve Bannon moved to designate October, 31st from 5:30 PM- 7:30 PM as Trick or Treat night in the Town of Great Barrington and only for the houses that have outside lights on. This should be added to Selectboard's policies.

Second: Dan Bailly

Vote: 5-0

C. Discussion on FY18 Financial Policy.

Motion: Steve Bannon moved to table this agenda item until the next SB's meeting of October 24, 2016.

Second: Dan Bailly

Vote: 5-0

9. CITIZEN SPEAK TIME:

None.

10. SELECTBOARD'S TIME:

None.

11. MEDIA TIME:

Berkshire Edge asked if there was an update on where the employees currently working in the Health and Building Department will be moved to.

The Town has not made any further decisions regarding the relocation of those offices.

12. ADJOURNMENT:

On a motion made by Steve Bannon, Seconded by Dan Bailly, the meeting was adjourned at 9 PM. Vote 5-0

Respectfully Submitted,



Rebecca M Jurezyk
Recording Secretary.