

SELECTBOARD'S SPECIAL MEETING MINUTES
MONDAY, OCTOBER 2, 2017
6:00 PM – TOWN HALL, 334 MAIN STREET

PRESENT

Sean Stanton
Steve Bannon
Dan Bailly
Ed Abrahams
Bill Cooke

Town Manager- Jennifer Tabakin

6:00 PM - OPEN MEETING

1. CALL TO ORDER

Chairman Sean Stanton called the meeting to order at 6:00PM

2. Continuation of Special Permit Application of Timeless Auto Sales, LLC, to permit a motor vehicle salesroom including used car lot at 109 Stockbridge Road, Great Barrington, in accordance with Sections 3.1.4 C (16) and 10.4 of the Zoning Bylaw. The applicant seeks to operate on a portion of the premises, both utilizing office space in a portion of the existing building and parking cars for sale in 14 spaces of the existing parking lot. (discussion/ vote)

a. Motion re: Findings

FINDINGS OF FACT AND BASIS FOR DECISION

Re: Special Permit #875-17

Applicant(s): Timeless Auto Sales

A. Introduction

This Special Permit application was filed on August 17, 2017 by Timeless Auto Sales, LLC for the property located at 109 Stockbridge Road, Great Barrington, MA. The application, with permission from the landowner, seeks a Special Permit from the Selectboard for a motor vehicle sales operation, per Section 3.1.4 C(16) of the Zoning Bylaw.

The applicant will sell used cars from the site and maintain a small office in the building. The applicant anticipates approximately 14 of the site's parking spaces will be used for the used car operations: there will be approximately six to 10 used cars on-site for sale at any one time, and the applicant anticipates needing another four parking spaces for employees and customers. The application packet also includes a site plan dated September 2017

prepared by Kelly Granger Parsons & Associates, which shows there is room for 102 standard sized parking spaces on the premises.

No service on the cars will be performed on the premises; a letter from the applicant indicates that all service will be at the company's location in Lenox.

B. General Findings

The property is located on the west side of Stockbridge Road (Route 7), across from the intersection with Blue Hill Road. It is in the B-2, General Business, zone and is the home of the Cove Lanes bowling alley and arcade. The existing uses in the building—the bowling, associated snack bar and pro shop, arcade and mini golf, and the U-Haul rental facility—will all remain on site. The car sales are proposed in addition to the existing uses. All of these uses are generally appropriate in the General Business zone, and are compatible with the surrounding commercial land uses, including antiques and retail stores and restaurants. The Applicant indicated that there are a total of 144 seats in the establishment (100 near the bowling lanes, 33 in the bar area, and 11 stools at the bar), and the office for Timeless will be less than 200 square feet.

The parking requirements of the zoning bylaw, in Section 6.1, are unclear for this mix of uses, but the most appropriate categories in Section 6.1 is restaurant (1 space for each 3 seats). Using this calculation yields a requirement for 48 parking spaces. The bylaw also indicates that the parking requirements for each use in a mixed use scenario shall be added together. For example, additional parking is needed for the two office spaces (U-Haul plus the Applicant), both of which require one space each. The total required parking is therefore 50 spaces.

The Planning Board, at its September 14 meeting, asked whether individual bowling lanes should also be provided with enough parking spaces, and if four spaces per lane (there are 24 lanes) might be the theoretical maximum parking required. The Planning Board did make a positive recommendation to the Selectboard on the special permit, finding that the use would be a positive addition to the Town, and the Planning Board recommended the Selectboard review the parking needs of the four businesses on the site and determined if the parking on site is adequate for the businesses, including traffic safety, parking, and loading requirements.

The Applicant indicates that the bowling alley use is busiest in the evenings, and that the used car office will be open from 9-5pm on weekdays and 9-4pm on Saturdays. Since the busy times for these two uses will not be simultaneous, the parking lot can be shared to extent necessary.

The Applicant has shown there is room for 102 parking spaces on the site. However 24 of these spaces are behind the building and are not visible from the main site entrance and not all of them are paved or clearly marked.

The Conservation Commission concluded they have no concerns or jurisdiction per the Wetlands Act or Scenic Mountains Act. The Board of Health reviewed the application and found it would pose no health risks, but the Board did not make a recommendation.

C. 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 #875-17:

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.
 - The proposal will meet the needs of the public by providing an additional used car sales location in town which will complement the offerings of the only other used car sales dealer in town. It will also provide additional business activity at the site, an already developed site with public utilities, and allow the existing business to diversify and remain in operation. 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.
2. Traffic flow and safety, including parking and loading.
 - Traffic flow and safety will not be altered by a low volume motor vehicle sales dealership such as this.
 - The applicant has demonstrated that there is sufficient parking available on site for all existing uses plus the proposed auto sales use, particularly since the peak times for the various uses are not simultaneous. However the Selectboard finds that the used car sales business hours and the number of cars for sale at this location should be limited, in order to ensure the shared parking can occur.
 - Since approximately one-quarter of the parking spaces are behind the building, the lack of visibility of these spaces would make them impractical for use during periods of heavy parking demand. The Selectboard finds that signage is necessary to direct patrons to additional parking in the rear of the building.
3. Adequacy of utilities and other public services.
 - There are adequate public utilities and the proposal will have no impact in this regard.
4. Neighborhood character and social structures.
 - The land use character of the area is commercial, and the proposal will fit in with the existing character.
 - Signage for the business will follow the Town’s sign regulations.
5. Impacts on the natural environment.

- The site is already developed and the lot is already paved. This proposal will not further develop it or have any noticeable impact on the natural environment.
6. Potential fiscal impact, including impact on town services, tax base, and employment.
- An investment in the property will benefit the town's tax base and retain the commercial use at this business location, without negatively impacting the surrounding tax base or town services.

Finding:

In consideration of the above Findings, this Selectboard finds that the overall benefits of the proposal outweigh any possible detrimental impacts, and that the following conditions are required to ensure this benefit:

D. Proposed Conditions

1. The hours of operation of the used car sales shall only be between 9-5 pm weekdays and 9-4 pm on Saturdays.
2. The total number of cars for sale on the premises may not be more than 10.
3. Signage be installed in the parking lot clearly indicating that additional customer parking is available in the rear of the building.

Motion: Steve Bannon moved to approve the Findings of Fact for Special Permit #875-17 for Timeless Auto Sales LLC , as *submitted* and referenced as Exhibit A.

Second: Dan Bailly

Roll call vote: Bill Cooke: **Yes** Ed Abrahams: **Yes** Dan Bailly: **Yes**
 Steve Bannon: **Yes** Sean Stanton: **Yes**

b. Motion re: Approval/ Denial/ Table

Motion: Steve Bannon moved to approve, in view of the approved Findings of Fact, Special Permit #875-17 for Timeless Auto Sales, LLC, application to the Selectboard to permit a motor vehicle salesroom including used car lot at 109 Stockbridge Road, Great Barrington, operating on a portion of the premises, utilizing office space in a portion of the existing building and parking cars for sale in 14 spaces of the existing parking lot, in accordance with Sections 3.1.4 C(16) and 10.4 of the Zoning Bylaw, with three special conditions:

1. The hours of operation of the used car sales shall only be between 9-5 pm weekdays and 9-4 pm on Saturdays.
2. The total number of cars for sale on the premises may not be more than 10.
3. Signage be installed in the parking lot clearly indicating that additional customer parking is available in the rear of the building.

Second: Dan Bailly

Roll call vote: Bill Cooke: **Yes** Ed Abrahams: **Yes** Dan Bailly: **Yes**
 Steve Bannon: **Yes** Sean Stanton: **Yes**

4. CITIZEN SPEAK TIME:

None.

5. ADJOURNMENT:

On a motion made by Steve Bannon, seconded by Dan Bailly, with a unanimous vote the meeting was adjourned at 6:15PM

Respectfully submitted,



Rebecca Jurczyk
Recording Secretary