

TOWN OF GREAT BARINGTON
SELECTBOARD'S MEETING MINUTES

MONDAY, SEPTEMBER 12, 2016

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

PRESENT:

SEAN STANTON
ED ABRAHAMS
DAN BAILLY
STEVE BANNON
BILL COOKE

TOWN MANAGER, JENNIFER TABAKIN.

7:00 PM - OPEN MEETING

1. CALL TO ORDER- Chairman Sean Stanton called meeting to order at 7:00 PM.

2. APPROVAL OF MINUTES:

August 3, 2016 Special Meeting.

Ed Abrahams was not present for this Select Board meeting. He abstained from the vote.

MOTION: Steve Bannon to approve the August 3, 2016 Special Meeting Minutes.

SECOND: Dan Bailly

VOTE: 4-0 (Mr. Abrahams abstained)

August 22, 2016 Regular Meeting.

MOTION: Steve Bannon to approve the August 22, 2016 Regular Meeting Minutes.

SECOND: Dan Bailly

VOTE: 5-0

August 31, 2016 Special Meeting.

MOTION: Steve Bannon to approve the August 31, 2016 Special Meeting Minutes.

SECOND: Dan Bailly

VOTE: 5-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. No comments were made.

4. TOWN MANAGER'S REPORT:

Town Manager Tabakin made several announcements:

- Today the Town of Great Barrington made a decision to close Bridge Street bridge due to traffic control issues. MASS DOT is to address these issues the next day.
- The Town Manager requested that the Selectboard appoint a consultant to advise the Town on Police issues. The necessity of having a more specialized expertise than Town's Town Counsel was discussed by the Town Manager and the Board. Deutsch, Williams Brooks DeRensis and Holland PC out of Boston will be appointed as special counsel.
MOTION: Steve Bannon to approve.
SECOND: Dan Bailly
VOTE: 5-0
- Town Manager requested to hire an Economic Development Specialist. Berkshire Regional Planning Commission will hire the specialist and they will also pay for the benefits and retirement plan. Clarksburg, Hinsdale, Lanesboro, Great Barrington, and Adams are the 5 towns involved in this economic development plan. The specialist is going to be hired for 300-400 hrs. of work. Projects will include outreach and marketing to local businesses. The board recommends a task force or committee for the future to make economic development an ongoing project and utilize the knowledge of Great Barrington citizens.
MOTION: Steve Bannon to approve.
SECOND: Dan Bailly
VOTE: 5-0
- Lauren Satori is retiring at the end of October. The Town Manager discussed hiring an interterm accountant for about 1-2 days a week, short term until we can get a full time replacement.
- Continue work on database in Town in order to stream databases. The Town is still in data collection stages, scheduling and time sheets, and looking into each department's data bases to make sure all are merging efficiently with one another.
- Thank you to Steve Bannon for his work through Fairview Hospital, Jayne Smith, Board of Health Agent and Cara Becker from Police Department on opioid abuse. The Fire Department and Police Department are now carrying NARCAM. The Town Manager stated that this is an ongoing challenge the Town is working very hard to address. Ms. Tabakin wanted to extend a thank you for all the hard work invested in this issue.
- Monument Valley and Seekonk Road construction will begin very soon. Taconic Avenue paving will start after the Josh Billings. Bids for the widow walk project at Mason Library, DPW's new truck, and highway garage heating system will all be opened this week. MASS DOT and DPW met to discuss the Park Street bridge in Housatonic, work will begin in October.

5. PUBLIC HEARINGS:

A. Special Permit application of Dante Realty, LLC, c/o Lynch Scrimo Attorneys, PO Box 1787, Lenox, MA 01240 to legalize the existing nonconforming eight-unit multifamily residential dwelling at 16 South 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 to open the Public Hearing.

SECOND: Dan Bailly

VOTE: 5-0

b. Explanation of the project

The 8 unit multifamily residential dwelling is seeking a special permit to remain a multifamily unit. The building has a current and valid building inspection certificate. Seeking a waiver from the board to reduce the number of required parking spaces, there are 8 now and only room for 8 spaces and not 16 as required. Seeking a second waiver for the shed that is on the site. The shed is currently owned by the neighbor but the neighbor, the former owner of 16 South St., and the potential buyer are all in agreement that the shed should be included in the sale of 16 South Street.

c. Speak in Favor/Opposition - none.

d. Motion to Close Public Hearing

MOTION: Steve Bannon 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 #858-16

Applicant(s): Dante Realty, LLC

A. Introduction

This Special Permit application was filed on July 29, 2016 by Dante Realty, LLC, (Applicant/Owner), for the property located at 16 South Street, Great Barrington, MA. The application seeks permission from the Select Board to allow a multifamily use, for a total of eight residential apartment units, on the existing site, in the existing structure. 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 Jeffrey Lynch of c/o Lynch Scrimo Attorneys. The application includes a Site Plan dated July 2016 prepared by Kelly, Granger, Parsons, & Associates, as well as locational maps, a photograph of the existing building, assessor's card, and copies of recent inspection certificates.

The Selectboard conducted a site visit at the property, per §8.3.1 of the Zoning Bylaw, on August 15, 2016.

B. General Findings

The property is located in a B-2 zoning district on the north side of South Street, between the Railroad tracks and Main Street. The property consists of one main structure which contains eight apartments. The Site Plan shows that there is room for eight parking spaces, or one for each apartment.

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 Select Board. The Applicant is requesting this 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 has made a positive recommendation on the proposal. The Conservation Commission concluded they have no jurisdiction and did not make a recommendation. The Board of Health reported that there are no health issues.

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 from requirements of 8.3.3. The requirements are listed below. To grant any of these waivers, the Select board 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: Not applicable per 8.3.6. This is a B-2 zone.

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: Not applicable per 8.3.6. This is a B-2 zone.

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. A waiver of these requirements is granted however for the existing small shed.

Finding: The residential building meets these requirements.

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: One parking space is provided for each dwelling unit and this is sufficient. While space #4 may reduce the width to only 13 feet, this is still adequate to accommodate vehicular traffic and emergency needs. 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: The Planning Board reviewed the proposal and found the circulation adequate and safe. The Selectboard finds similarly.

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: The front lawn and open areas consist of suitable landscaping.

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: There are no known traffic hazards or congestion caused by this use. The strict application of this standard is not required. Nevertheless, the DPW Superintendent has given his approval of this location (see letter attached).

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. All fire escapes and exterior stairs are already located on the rear.

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

Finding: Current drainage flows from the parking and driveway into vegetated areas, and 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 #858-16:

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 multifamily rental apartment use to continue to serve the housing needs of the town. These are relatively lower cost units and they are in a walkable location. 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 walkable, 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 an overall benefit to the Town.

Finding:

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

E. Proposed Conditions

1. The property layout and parking shall be as shown on the Site Plan submitted with this application.

2. A maximum of eight dwelling units is permitted.
3. This special permit does not obviate compliance with any applicable requirements or codes enforceable by the Board of Health or Building Inspector.

Motion: Steve Bannon moved to approve the Findings of Fact for Special Permit #858-16 for Dante Realty, LLC, as *submitted* and referenced as Exhibit A.

Second: Dan Bailly

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

Bannon: Yes Stanton: Yes

f. Motion re: Approval/Denial/Table

Motion: Steve Bannon to approve, in view of the approved Findings of Fact, Special Permit #858-16 for Dante Realty, LLC, to legalize the existing nonconforming eight-unit multifamily residential dwelling at 16 South 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 as noted in the Findings, with the following conditions on this permit:

1. The property layout and parking shall be as shown on the Site Plan submitted with this application.
2. A maximum of eight dwelling units is permitted.
3. This special permit does not obviate compliance with any applicable requirements or codes enforceable by the Board of Health or Building Inspector.

Second: Dan Bailly

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

Bannon: Yes. Stanton: Yes.

6. LICENSES OR PERMITS:

A. Polly Mann Salenovich and Ed Abrahams/GB Council on Aging and Friends of the GB Libraries for three (3) One Day Beer and Wine Liquor Licenses for October 1, November 5 and December 3, 2016 from 7:00 pm – 10:00 pm at the Claire Teague Senior Center, 917 Main Street for a Documentary Film Series. ***Fee Waiver Requested.*** (Discussion/Vote)

Ed Abrahams recused because he is the President of Friends of the Library and the applicant. This is a three part film series and all admission is free.

MOTION: Steve Bannon to approve the (3) One Day Beer and Wine Liquor Licenses.

SECOND: Dan Bailly

VOTE: 5-0

B. Robin Vickery/Great Barrington Fish and Game for Eleven (11) One Day Beer and Wine Liquor Licenses every Sunday from September 18 to November 27, 2016 from 11:00 am – 7:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road for Annual Turkey Shoots and Christmas for Kids. (Discussion/Vote)

MOTION: Steve Bannon to approve the (11) One Day Beer and Wine Liquor Licenses.

SECOND: Dan Bailly

VOTE: 5-0

C. Charles Burger/GB Fire Department for permission to shut down a small portion of Mechanic Street on September 24, 2016 from 8:00 am – 3:00 pm for an Open House. (Discussion/Vote)

Charles Burger spoke on the event and said that this event will bring the public into the firehouse for informative demonstrations. He hopes to get more people interested in firefighting as a career.

They are seeking approval from the Board to close off a portion of Mechanic Street because there is not enough room for demonstrations. Chairman Stanton is in support of this initiative.

MOTION: Steve Bannon to approve.

SECOND: Dan Bailly

VOTE: 5-0

- D. Vicki Coons/Fairview Hospital for permission to use Town roads for the Annual Monster Dash 5K running race/walk on Saturday, October 29, 2016 starting at 9:30 am, start and finish at Fairview Hospital's Out-Patient Rehabilitation Services (the old Condor Chevrolet site). (Discussion/Vote)

Steve Bannon recused himself because he is an employee of Fairview Hospital.

MOTION: Dan Bailly to approve.

SECOND: Ed Abrahams

VOTE: 4-0 (Mr. Bannon abstained)

7. NEW BUSINESS:

- A. SB- To approve Town Meeting/Election Calendar 2017. (Discussion/Vote)

Steve Bannon stated that something different needs to be done in terms of advertising or getting the Town residents to come to these meetings. Sean Stanton suggested that we approve with the caveat that if it continues to not make sense to have these meetings we can cancel them.

MOTION: Steve Bannon to approve the Town Meeting/ Election Calendar for 2017 as amended.

SECOND: Dan Bailly

VOTE: 5-0

- B. SB – Appointment of Treasurer/Collector as Custodian of Properties acquired by Foreclosure of Tax Titles – MGL Chapter 60 Section 77B. (Discussion/Vote)

The Board discussed the appointment and requested more information specifically as how the MGL addresses this specific designation.

MOTION: Steve Bannon to table this agenda item until the Board receives more information on the language of the law.

SECOND: Dan Bailly

VOTE: 5-0

- C. SB – To authorize the Treasurer to borrow up to \$600,000 for a new Fire Truck as approved at the May 2016 Annual Town Meeting, Article 6. (Discussion/Vote)

Charles Burger, the Fire Chief is seeking approval from the Board to move forward with the process of obtaining the loan. He is not seeking the approval to borrow the \$600,000 on this date. Dan Bailly asked Charles to speak about the grant process. It is a two part evaluation process. First the applicant needs to meet all criteria and then the applicant is peer evaluated by fire professionals and scored based on high, medium, and low priority items.

MOTION: Steve Bannon to move forward to authorize the Treasurer to borrow up to \$600,000 for a new fire truck.

SECOND: Dan Bailly

VOTE: 5-0

- D. SB - To approve an Amendment to the Solar Tax Agreement with RT MA Solar, LLC

(Van Deusenville Road project) and RP MA Solar, LLC (Park Street Project). (Discussion/Vote)

RT MA Solar, LLC wants to change the tax agreement to coincide with Great Barrington's Tax Collection cycle.

MOTION: Steve Bannon motions to approve the Amendment to the Solar Tax Agreement.

SECOND: Dan Bailly

VOTE: 5-0

E. SB – Recommendation to the Planning Board on the Special Permit Application of Marcia Stamell and Arthur Yanoff to build a six-foot high fence within the front yard setback at 624 South Egremont Road in accordance with Sections 4.2.9 and 10.4 of the Zoning Bylaw. (Discussion/Vote)

Marcia Stamell spoke on behalf of her and her spouse Arthur Yanoff. They would like to put a fence to screen out the traffic noise. The fence would not interfere with drainage.

MOTION: Steve Bannon to send positive recommendation to the Planning Board.

SECOND: Dan Bailly

VOTE: 5-0

F. SB – Accept Covenant on the Unitarian Universalist property at 1089 Main Street, Housatonic Pursuant to the CPA Grant Agreement. (Discussion/Vote)

MOTION: Steve Bannon to accept and sign the covenant and direct the Town Manager or appropriate staff to record it with Registry of Deeds.

SECOND: Dan Bailly

VOTE: 5-0

8. CITIZEN SPEAK TIME:

Kingsley Little, Great Barrington. Father of a recovering opioid addict spoke on the initiatives the Town is taking to address heroin and other opioid addictions. He stated many times that this is the best small town in America. Little thinks we can do more to provide a stigma free rehabilitation facility.

Eileen Mooney, Great Barrington requested that the next Selectboard meeting has a shorter agenda that would allow the citizens to be home in time to watch the televised presidential debate.

9. SELECTBOARD'S TIME:

Bill Cooke discussed the complaint about Route 7. The lines should reflect that it is safe to pass on this flat stretch of road. Town Manager Tabakin reported that this complaint has been addressed.

10. MEDIA TIME:

Berkshire Eagle inquired about the average opioid related arrests in Great Barrington annually. The Selectboard instructed the reporter to follow up with the DA for exact statistics.

11. ADJOURNMENT: On a motion made by Mr. Bannon, Seconded by Mr. Bailly the meeting was adjourned at 8:40 PM.

Respectfully submitted,


Recording Secretary
Rebecca M. Jurczyk