

Great Barrington Zoning Board of Appeals

Minutes August 15, 2016

Attending the meeting at Great Barrington Town Hall were Chairman Ron Majdalany, Vice-Chairman Carolyn Ivory, member Michael Wise and alternates Don Hagberg and John Katz. Town Planner Chris Rembold attended, as did Town Counsel David Doneski.

Dr. Majdalany opened the meeting at 7:30 p.m., for continuation of the **100 Bridge Street/CDC** Comprehensive Permit hearing. The chairman read a statement, in part: "The town planner and town counsel prepared a draft decision and have shared it with the board and the Applicant. Board members have not discussed this draft amongst themselves nor have they discussed it with the applicant. Tonight the board will deliberate on the draft decision, including the list of conditions.

"As the public hearing is closed, new evidence and testimony will not be entertained, and any letters or emails submitted to the board or town staff members after the time the hearing was closed are not part of the official Record of this application. For the same reason, the board will not receive any further comments from the audience.

"However, as part of tonight's deliberation on the decision, the board is able to discuss items of the draft decision with the Applicant in order to assist the board in its deliberation. I would ask for the sake of decorum that members of the public please refrain from comments unless recognized by the chair. This is a complicated process and the board must be allowed to focus on the matter at hand."

The chairman asked alternate members Hagberg and Katz to participate in the deliberations and final vote.

Mr. Wise asked that clarification be made to what is referred to as the Property and what is the actual parcel for affordable housing. Mr. Doneski said Property should refer to the entire 8-acre piece of land, and Project Site for the 2.2-acre portion designated for affordable housing.

Timothy Geller, CDC executive director, and attorney and CDC board member Peter Puciloski responded to ZBA questions as the board went through a draft decision.

- Section III No. 2, Mr. Wise suggested using the word "compatible" instead of "mutually exclusive."

- Section III No. 5, Mr. Wise noted an additional concern of neighbors regarding the mass and placement of buildings along the street as out of proportion with neighboring dwellings. Mr. Hagberg said the board found there was a lack of open space.

- Section IV No. 10, Ms. Ivory suggested the applicant should provide a copy of the final remediation plan to the ZBA.

- Section IV No. 11a, Mr. Wise expressed concern that a construction fence very close to new buildings, before the rest of the project is finished, could constrict and isolate occupants of the new apartments. There was some discussion, but Mr. Geller presented the board with a map, Conceptual Site Plan 2, that showed a 50-foot buffer on the north side of the 2.2-acre parcel for fencing, until the remainder of the parcel is completed.

- Section IV No. 11c, Mr. Wise moved to delete 45 units and replace it with 38 units, per the town zoning bylaw. He said he made his suggestion based on his reading of financial information that had been provided. Mr. Geller said the project could not proceed with 28 units. No one seconded Mr. Wise's motion.

Section IV No. 12. In answer to a question, Mr. Geller said the CDC had withdrawn its offer to allow a wastewater treatment plant easement for a new pipeline across the property, as the ZBA had denied its request for a waiver of building permit and sewer hookup fees. Mr. Wise moved to reconsider the board's acceptance of No. 12. Ms. Ivory seconded and all were in favor. After discussion, Mr. Wise moved and Ms. Ivory seconded to waive the sewer hookup fee (estimated \$27,000) and the board approved unanimously. Mr. Puciloski said the CDC would

allow the 12-inch pipe easement from a manhole on Bridge Street through the property to the wwtp. The decision will include wording to the effect the applicant will cause to be constructed a line per a letter included with the June 7 materials submitted for a revised application.

* Section IV No. 13, Mr. Puciloski suggested 60 percent is the current figure, but state regulations could change. Mr. Doneski suggested combining the wording in some fashion.

• Section IV No. 14, Ms. Ivory asked who the monitoring agent represented. Mr. Puciloski said the agent would be an agent of the Massachusetts Department of Housing and Community Development, possibly someone from Mass. Housing Partnership.

• Section IV No. 18a. Mr. Doneski said the original document was for the entire 8-acre parcel. He said he asked the applicant for a new map, which the ZBA could consider to better define the proposal. The new map, Conceptual Site Plan 2, has a red line that shows what area will be cleaned first. The map shows the 2.2 acres dedicated to affordable housing, and red-lined .47 acres as a buffer to the north and 1.08 acres along the riverfront. Mr. Geller said 3.75 acres will be remediated first, subject to Department of Environmental Protection approval. Mr. Wise said he would like to return to original language, that the entire site be remediated first. No one seconded him. Mr. Wise said he wanted to avoid the prospect of there buildings standing alone for several years before the rest of the site is remediated and developed. Mr. Wise said he had determined a \$900,000 price tag for remediation. Mr. Geller countered with higher numbers. Chairman Majdalany said the condition could be prohibitive for the applicant. Ms. Ivory seconded Mr. Wise. There was discussion of the DEP being responsible for health and safety issues related to the property. Mr. Doneski said the board could oblige the applicant to seek a cleanup plan and timeline from DEP, and provide it to the board. In a vote, Dr. Majdalany, Mr. Hagberg and Mr. Katz favored the altered wording, Mr. Wise and Ms. Ivory favored work be done first on the entire site. The motion failed.

Section IV No. 19. Mr. Puciloski asked if there could be a firm standard. After discussion, and review of the applicant's lighting consultant's report, suggested wording about "in keeping with Dark Skies organization's guidelines."

With the review completed, Ms. Ivory moved that the board grant a Comprehensive Permit to the applicant for the proposed project, subject to conditions spelled out in the decision. Mr. Katz seconded. Dr. Majdalany, Ms. Ivory, Mr. Katz and Mr. Hagberg voted in favor, Mr. Wise voted against.

The chairman designated Mr. Wise as temporary clerk to sign the Record of Proceedings in the absence of the regular clerk.

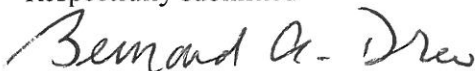
Mr. Rembold and Mr. Doneski explained to the audience that the public hearing had closed at the June 26 meeting and the board therefore could not accept new written or oral testimony during the deliberations.

During Citizen Speak, Don Ward of Sheffield urged the board to share information about DEP and water quality; David Magadini said the affordable housing would not benefit needy people in Great Barrington; Nick Stanton asked if open areas on the site would be open to the public, and an unidentified woman complained that the public at these hearings was never allowed to speak until late in the evening.

In other business, the board on a motion by Mr. Wise, seconded by Mr. Katz, voted unanimously to approve the minutes of the June 28, 2016, meeting with corrections offered by Mr. Wise.

The meeting adjourned at 9 p.m.

Respectfully submitted



Bernard A. Drew