

SELECTBOARD MEETING AGENDA

MONDAY, FEBRUARY 24, 2020, 7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER, Chairman S. Bannon called the meeting to order at 7 pm. Those present at the meeting where, L. Davis, K. Burke, B. Cooke, E. Abrahams, and Town Manager M. Pruhenski.
2. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS:
 - A. General Comments by the Board. L. Davis began with an explanation of her absence on the stage at the Rest of River Meeting; she said she recused herself due to her employment. K. Burke reminded everyone of the availability of early voting, 8:30- 4:30. She mentioned that there would be more information for the Rest of River next Selectboard Meeting. E. Abrahams asked Town Manager for a list of shared Town services currently to see if the services are billed appropriately, M. Pruhenski replied he would get that information to the Board.
3. TOWN MANAGER’S REPORT:

Department Updates

- Police Department /Chief Walsh – Accreditation. Chief Walsh spoke of the Accreditation Award the Great Barrington Police Department had earned this Winter 2020. He explained the accreditation process and the standards the Department was required to adhere to in order to be eligible for the award. Representing the Department in the award ceremony was Sgt. Storti and Executive Administrator, C. Becker. Chief Walsh said that it was an honor to receive this award, and thanked C. Becker for her organization and thoroughness. The process is rigorous and very in-depth. This award is for three years. He presented the award to the Selectboard, and the award will be displayed in the Selectboard meeting room. Sgt. P. Storti explained the new drop off procedure at the Monument Mountain Regional High School. Where the parents would drop off students at the far end of the Muddy Brook Elementary School parking lot and students walk up the path to the school, parents exit on Monument Valley Road to Route 7, north and south, at the traffic light.

- Open Meeting Law (OML) Training, Wednesday, April 15, 5 - 8 pm., at the Claire Teague Center, Great Barrington, through the AG's office in Boston.

B. Project Updates

- Updated Parking Map - Assistant Town Manager C. Rembold and Town Intern, J. Grochmal completed an updated parking handout. The map is colored and double sided.
- Crosswalk Safety Improvements - A study was done by Beta Group Inc. of the preliminary review of the crosswalks and safety in Town. The study will be available for the Board at their next meeting, March 23, 2020.
- Housatonic Improvement Committee –M. Pruhenski has gone through the applications and he will make the announcement who he will appoint to the Committee at the Selectboard March 9th meeting. Committee's first meeting will be at end of March at the House dome.

4. PUBLIC HEARINGS Continued:

- A. Continuation from January 13, 2020 and February 10, 2020 Special Permit Application from School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington, MA. (Discussion/Vote)
 - a. Open Public Hearing; E. Abrahams made motion to Open the Public hearing, B. Cooke seconded, Roll Call Vote, L. Davis yes, K. Burke yes, B. Cooke yes, E. Abrahams yes, S. Bannon yes, Vote 5-0.
 - b. Explanation of Project - Matthew Puntin, SKI Group, updated the Board. He said that Tom's Toys has an agreement with them and its official. The other abutters are still in negotiation. He asked for another continuance to March 9, 2020. He said that they need to return to the Planning Board. S. Bannon asked about the parking for the public. Mr. Puntin said the agreement still stands for weekends and nights.
 - c. Speak in Favor/Opposition.
None
 - d. Motion to Close Public Hearing - E. Abrahams made a motion to continue the public hearing to March 23, 2020 at 6 pm., at Town Hall, B. Cooke seconded, Roll Call Vote, L. Davis yes, K. Burke yes, B. Cooke yes, E. Abrahams yes, S. Bannon yes, All in Favor, 5-0.

B. Special Permit Application from Randy Mills, Town Square Media, 211 Jason Street, Pittsfield, for a new satellite dish for Berkshire Broadcasting Co. at 425 Stockbridge Road, Great Barrington, MA. (Discussion/Vote)

- a. Open Public Hearing, E. Abrahams recused himself due to his hosting a radio show. W. Cooke made motion to Open the Public Hearing, K. Burke, seconded; Roll Call Vote, L. Davis yes; K. Burke yes, B. Cooke yes; and S. Bannon yes. Vote 4-0 (1 abstention).
- b. Explanation of Project- Randy Mills spoke on the project, from Town Square Media, for a new 3.8 meter dish, to new content and use. WSBS would have their own dish to use.
- c. Speak in Favor/Opposition- none
- d. Motion to Close Public Hearing- B. Cooke moved to close the public hearing; K. Burke seconded; Roll Call Vote, L. Davis yes, K. Burke yes, B. Cooke yes and S. Bannon yes. Vote 4-0 (1 abstention).
- e. Motion re: Findings- K. Burke made motion to accept the findings for the Special Permit application #906-20, as outlined in Exhibit A, W. Cooke, seconded; Roll Call Vote, L. Davis yes, K. Burke yes, B. Cooke yes and S. Bannon yes. Vote 4-0 (1 abstention).

EXHIBIT A

FINDINGS OF FACT AND BASIS FOR DECISION

Re: Special Permit #906-20, 425 Stockbridge Road

A. Introduction

This Special Permit application was filed on January 23, 2020 Randy Mills of Town Square Media, 211 Jason Street, Pittsfield, on behalf of Berkshire Broadcasting Co.. The application seeks permission to install a new satellite dish at 425 Stockbridge Road, in accordance with Sections 7.1 and 10.4 of the Great Barrington Zoning Bylaw.

B. General Findings

The site is in the B-2 (General Business) zoning district. Most of the site, except for the existing developed portion along Stockbridge Road, is in the 100-year floodplain of the Housatonic River (approximately 691 feet above sea level). The proposal seeks to utilize a portion of the already developed area, just south of the existing radio station building. The developed portion of the site also includes parking lot and a deck on which cellular communications equipment is installed. This area is approximately 694 to 695 feet above sea level, and is not in the floodplain.

The proposed satellite dish will be over three meters (over 12 feet) in diameter and mounted on a post seven feet tall. The dish will face southwest, with the back of the dish facing towards Stockbridge Road. The installation consists of installing a concrete base in the existing paved area, and there are no proposed changes to drainage patterns onsite.

The Planning Board reviewed the special permit application on February 13 and made a positive recommendation to the Selectboard.

The Conservation Commission will be reviewing a Request for Determinations at its February 26, 2020 meeting, since the proposal is within the Buffer Zone of a Bordering Vegetated Wetland.

The Board of Health determined that the proposal is non-jurisdictional.

C. Special Permit Criteria and 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 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 #906-20:

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

The Board finds that the proposal will meet community needs because it will allow the radio station to bring more programming to the community.

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

The Board finds that the proposed location will require the relocation of the existing dumpster, which may impact safe parking and maneuvering of vehicles on the property, but since there is a wide shoulder of the highway in this location, there is sufficient room for safe vehicular access to and from the site.

Criterion 3. Adequacy of utilities and other public services.

The Board finds that the site is in a previously developed area served by adequate public utilities and services for the proposed use.

Criterion 4. Neighborhood character and social structures.

The Board finds that the communications dish is in keeping with the character of the existing site.

Criterion 5. Impacts on the natural environment.

The Board finds that the proposal will have no negative impacts on the environment, but may be subject to further Conservation Commission permitting.

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

The Board finds that the proposal will have little noticeable impact on the tax base, services, or employment.

Finding:

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

- e. Motion re: Approval/Denial/Table, K. Burke made motion to approve the Special Permit of Town Square Media, B. Cooke, seconded, Roll Call Vote, L. Davis yes; K. Burke yes; B. Cooke yes; and S. Bannon yes. Vote 4-0 (1 abstension).

5. NEW BUSINESS:

- A. Alison Dixon/Housatonic Valley Association – Presentation re: Road –Stream Crossing Management Plan for the Town. Ms. Dixon, Berkshire Outreach Manager, for the Housatonic Valley Association, updated the Board of the work they are doing to study the road stream crossings and culverts. They began work in 2010, using University of Massachusetts protocols. She brought a fact sheet, concerned about aquatic life and climate change affects and culvert failure. Making a list of the culverts and crossings for ones that at most vulnerable to flood damage. Wants to work with local DPW, when list is prioritized to be most effective to ensure that there is the likelihood of preservation of aquatic conservation in these streams. Sent the information to the University of Connecticut to finish the analysis of data collected. She would like to set up a workshop when recommendations are received back. Wants to get this information and to get this document tied to the Municipal Disaster Planning. She has been in contact with Carolyn Massa from the Berkshire Regional Planning Commission. C. Rembold said that at the March 9th Selectboard meeting, they

would present the next step of Municipal Vulnerability Planning Project on climate resilience strategies, culvert crossings, and rank climate change strategies. There will be action grants available for this work.

- B. SB – Open Meeting Law Complaint from Michael Kernan. E. Abrahams made motion to approve the draft response presented, B. Cooke, seconded, All in Favor 5 - 0. M. Pruhenski stated that the document will be signed by the Board Chair and sent to the Attorney General's office.
- C. Appointment of Temporary Parking Clerk. M. Pruhenski spoke of the absence of Parking Clerk since March 2019. He asked the Selectboard to appoint Town Manager as the temporary Parking Clerk for up to 90 days with without any compensation in order to process the backlog of parking tickets. Once the backlog is up to date, then a new appointment can be made. E. Abrahams made motion to appoint the Town Manager as the Temporary Parking Clerk, B. Cooke seconded, Vote 5-0.

6. CITIZEN SPEAK TIME:

A. S. Farina, Railroad Street, talked about Masterplan from 2013 and asked about the lost parking spots in Town?

B. C. Weiersen, 48 Blue Hill Road had three issues: Street lights- why are they not flashing at 3 am?; Divison Street Bridge - could it be one lane?; and Route 183, by Thornwood Inn - icy water runs downhill and freezes up.

C. Barbara Matz, 22 Mahaiwe Street sent email to Selectboard and read a detailed letter concerning her experience with the Building Inspector/ E. May and his colleague/M. Kollmer. She had email each Selectboard member about this on February 11, 2020. She described her experience in getting a building permit for 546 Mahaiwe Street. She said she made an appointment with E. May, but was seen by. M. Kollmer on Friday, January 31 at 1:00 o'clock in the afternoon. About an hour later that afternoon, she dropped off a citizens petition on the density amendment (after her meeting with Mr. M. Kollmer). Consequently, the building permit was granted an hour after dropping off the density amendment petition. She feels dismissed at this and feels as if there was an inappropriate conversation took place because the permit was to take several days, but was approved in one hour after her citizens petition was dropped off.

D. Micheal Kernan, 12 Mahaiwe Street said that this zoning article passed at the Annual Town Meeting, but it didn't become law. On May 2, 2019, at the Planning Board Meeting, C. Rembold said that there had not been proper notice of the topic on changes to 8.4, and apologized for the oversight. M. Kernan continued with the MXD use requirements. He wants an independent study done on this issue and the required 2500 square feet around Maple Avenue to be like in other areas. He has currently two lawsuits pending on this topic. He feels that year round residents are being affected. He wants to

know why the permit was rushed through. He doesn't want to file a lawsuit. He wants to keep the character of a neighborhood(s), and the accolades of the Town intact.

7. SELECTBOARD'S TIME: No
8. MEDIA TIME: No
9. ADJOURNMENT: E. Abrahams made a motion to adjourn the meeting, B Cooke seconded, Vote 5-0. The meeting adjourned at 7:53 pm.

Respectfully submitted,

Jamie M. Minacci

Recording Secretary