

Selectboard and Planning Board Special Meeting  
Selectboard Regular Meeting  
Monday, December 9, 2019  
Town Hall, 334 Main Street

Meeting called to order at 6 pm, by B. Nelson, Chairperson. Those present, Selectboard members, S. Bannon, Chairperson, E. Abrahams, B. Cooke, K. Burke, L. Davis, Town Manager, M. Pruhenski, Assistant Town Manager, C. Rembold, Planning Board members, P. Pachano, J. Higa, M. Fick, and J. Hankin.

II. Selectboard & Planning Board:

A. Zoning for Marijuana Business in Downtown Business District -Discussion

Chair, S. Bannon, wanted to discuss this idea, or not,

L. Davis, wants to explore limiting retail shops in Downtown corridor.

-B. Nelson, there are three currently, 82 Railroad Street, S. Main Street and one by toy stores.

-L. Davis, wants clarification, if there will be numeric limits and lines.

Concerned over parking, lines, families out shopping,

-B. Nelson, doesn't feel Planning Board is in position to place numeric limits, on retail, there was a flurry of applications eighteen months ago. Are you asking for a moratorium on the number of retail shops?

- L. Davis, wants to " send a message" to potential applicants in town.

- B. Nelson, wants to wait a little longer, hasn't seen any new applications, since the initial four, applications have to come through the Pl Board's process.

- E. Abrahams, any changes have to go through Zoning.

- J. Higa asked if L. Davis is looking for numeric limits?

- S. Bannon, Chair, looking for two things, moratorium and numeric limits.

- B. Nelson said may the Selectboard can put it on their agenda to talk further.

B. Short Term Rentals: continued discussion: K. Burke

- B. Nelson, explained to the Public, that they are trying to quantify if short term rentals (Airbnb), are taking housing from rental use.

-K. Burke, reached out to the State, no information yet.

-B. Nelson, asked if it's still a priority to gather information

-C. Rembold, Assistant Town Manager, CBA is doing a housing study, the money can be paid with administrative funds and the study can then start soon. It would be great to get information from the State also.

- K. Burke, additionally, looking at the tax implications and the land use. Has information on short term/seasonal rental.

C. Housing Sub Committee: K. Burke

-K. Burke is meeting with Developers and Builders in town, there are certain areas that that special permits are difficult to obtain. If the " soft costs " could be cheaper, the other areas are a two tiered abatement. Room and Board tax, Airbnb, certain fees are to be allocated to town for affordable housing trust; wants room and board taxes to go 100% to the affordable housing trust.

-B. Nelson, asked for an outline so they could review and understand more fully how it will work.

-K. Burke, housing is needed, this could put additional revenue in the fund for the housing trust.

-B. Nelson, wanting planning board to make a positive recommendation for the support of this.

-J. Hankin asked how much money are you talking about annually

-C. Rembold said under a hundred thousand a year.

-J. Hankin, wants to talk about sewer hookups at a cost of \$1,650/bedroom. Came back with a presentation, from Affordable Housing Trust to CPC. Habitat for Humanity just built six houses for \$115,000 - 125,000, if you added the hookup fees it's more than 5%. We are asking new users to pay a penalty for the others already on sewer.

-B. Nelson, not opposed to hook up fees, perhaps a waiver for affordable housing units.

-K. Burke, didn't bring up, was waiting for a better idea altogether.

-B. Nelson asked M. Pruhenski, for numbers for the Planning Board to look over so it can be discussed at one of their meetings. Everyone feels supportive to allocation of money to Affordable Housing Trust.

D. Economic Development Committee: E. Abrahams

-Three vacancies, new Vice Chair, Tim Newman. Creating advisory committee, for more ideas. To allocate monies for a grant writer, economic development planner, and marketing. Will send the info to staff, when comes to the Selectboard, needs to see is this feasible, affordable.

-B. Nelson, wanted to know if business owners were contacted to see what they needed to be successful.

-L. Davis, not yet, was on the list of things to do.

-Next Meeting (Planning Board/Selectboard), January 16, 2020.

III. Citizen Speak Time: no comment

IV. Adjournment: J. Hankin made a motion to adjourn, J. Higa seconded (Vote 5-0). Meeting adjourned at 6:36 pm.

#### Selectboard Regular Meeting

a. Call to Order: Meeting called to order at 6:40 pm.

b. Approval of Minutes:

-November 13, 2019, correction, add B. Cooke

- MMRHS, car accident
- CDC not EDC
- Pignatelli and Hinds, State Representative and State Senator
- consulting (K. Burke)

-Vote to approve with corrections. All in favor (5 - 0)

November 18, 2019

- we were asked by Town Meeting to consider limits.

November 25, 2019: approved

c. Selectboard Announcements:

L. Davis, next meeting for the CPC step 2 applications are to be reviewed, January 6, 2020 at 5:30pm at the Fire Station.

K. Burke, Special Town Meeting, December 11, 6 pm., must register in the Town Hall, for child care, Kathy Roy has students to help.

d. Town Manager Report: Mark Pruhenski

Karen Fink, Treasurer/Tax Collector has started the process of foreclosure of six properties that on Town's inventory of foreclosed properties. Town paying insurance and up keep on these properties. Wants to either have an auction, by hiring an auction company to auction off the properties, do the advertising, buyer's premium will cover the costs to the auction company. The other way is thru the RFP process and/or to either use it for affordable housing.

List of fees and lost taxes will be generated.

-L. Davis asked if the Town can get the properties appraised.

- K. Fink said it would cost Town money to do it and doesn't know if it's worthwhile.

- S. Bannon, wants to get the properties back on the tax rolls.

E. Abrahams, motion to sell at auction, Fairview Terrace, map 12, Lot 28; Fairview Terrace, map 12, Lot 23, Brush Hill, Map 38, Lot 40a, 9 Railroad Ave, map 13, Lot 113. B. Cooke second, All in Favor, (5- 0).

-Grove Street: B. Cooke said there is a process to make it affordable, maybe give tax credits. E. Abrahams, sell and put proceeds into affordable housing trust. M. Pruhenski said the Town has a Lords of London vacancy policy, which is expensive. He would like to move the property quickly and put money in the housing trust.

S. Bannon said maybe a compromise would be, is to sell at it auction and proceeds go to the housing trust.

P. Ivory asked if this property is part of the Brooklyn Neighborhood and is on the Historical Register. He likes Bill's idea to strongly encourage to keep the architecture of the building, and the neighborhood.

D. Gueuer, Grove Street, wanted to know if town could use RFP process, as mentioned in September meeting, when it was still owned by the Town, for affordable Housing group.

B. Cooke said not able to do it, this is a Town meeting decision.

D. Gueuer, the money wasn't an issue, but neighborhood maintenance of the park.

E. Abrahams, made motion, to put 40 Grove Street, on auction list and any proceeds to go to the Affordable Housing Trust, B. Cooke second, all favor, (5 - 0).

T. Atchison, wants to know if the house could be built on half a lot.

E. Abrahams, can't put a restriction to any house for sale.

K. Fink, can tell the auctioneer where to start the price. It takes about two weeks to get started, January/ February could do it.

S. Bannon said East Sheffield Road lot is not buildable.

E. Abrahams said it would be good for park, dog park, flood plain, not buildable.

K. Fink whoever buys it, they need to know if it's buildable.

S. Bannon said to wait on South Main Street.

## 2. Fire Chief, Burger, Fire Department updates.

- Two new hires, Robert Gaughran and Justin Bona, EMT and Firefighters.

- Three firefighters are now 24 hours, working 16 hour shifts. Someone is always available. More flexibility in the department for training. Just signed an MOU with Sheffield with payments for FY 20 - \$1500, FY 21 - \$2400 for GB to do their inspections.

Better response times by fire department. Heading in a better direction.

L. Davis asked if there was an internship with MMRHS/ Vocational training?

Chief Burger said it's a challenge to get good interns. No payoff for Fire Department. Most candidates go to a program in Maine.

B. Project Updates: M. Pruhenski, announced that the dimmers and shields have been installed, to dim lights on Railroad Street.

The signage for the Lake Mansfield Road is on the way. The post to divide the road has arrived and when the weather is better, the markings can be put on the road.

S.Farnia, Railroad Street, thanked the Town for dimmers and shields. He would like to change the color of bulbs. M. Pruhenski said he would mention it to S. Van Deusen/DPW Superintendent about the bulbs.

Additionally, he mentioned the increase in public record requests has spiked. Understands that citizens have a right to file. He wanted to let the public know that the requests take time and have been broad in nature. This has slowed down the Town offices. Snow closures will be posted, if there is a weather emergency, otherwise someone will be at Town Hall. He thanked the DPW for snow removal this week. The Fairgrounds/ Horse Racing meeting Wednesday. Spoke of a public records request to get some historical information about the Fairgrounds and horse racing in the past. Will get back when has more information. Lastly, the bridge update, he met last week with Representative from Governor Baker's office about Division Street Bridge and the Brown Bridge, Main and State Road. He asked about expediting the repair of Division Street Bridge. Asked

for assistance from DOT and has an appointment with them next week, to talk about spring repairs to Brown bridge. Also has a meeting with Tighe and Bond, engineers, about the repairs process. Once he has an update from them, he will report back.

#### 5. Public Hearings:

A. Special Permit Application from Highminded, LLC to operate a marijuana establishment manufacturing at 126 Main Street, Great Barrington, in accordance with Section 3.1.4 (13), 7.18, and 10.4 of Zoning Bylaw. (Discussion/Vote)

E. Abrahams made a motion to open the public hearing, B. Cooke seconded.

a. Roll call vote K. Burke, yes; L. Davis, yes; B. Cooke, yes; E. Abrahams, yes; S. Bannon, yes; all in favor, (5 -0).

b. Explanation of the Project - K. McCormick, Esq., Alex Farnsworth and Brandon Farnsworth spoke. They have an original Adult Use Retail Permit, HDA, from January 16, 2019, modified in August 12, 2019. In B2 zone, district/ preexisting, " right to sell", needs special permit, limit to space of property, here to Accessory Use for manufacturing. Wants to have adult use retail business, they want to package and brand their own products for retail. They will need a manufacturing license from the CCC, this license is to comply with zoning bylaws, requires a special permit. Limited use by space and no kitchen, tabletop machine, no chemicals, for packaging. No changes to building interior. Here for 3.1.4(C), 7.18, 10.4, for the site plan was approved by the planning board. Will meet all the requirements of CCC, no eating of products on site. Will hire additional employees, to sell in store, no change in ownership. Will pay 1.5% impact fees to the town, if sells wholesale to another store. No traffic changes, parking, no impact on environment, no fiscal impacts.

#### c. Speak in Favor/ Opposition:

K. Burke, wanted to know how this brings additional employees. K. McCormick Esq, said it does seem misleading. A. Farnsworth, two licenses for one business. K. McCormick Esq. does not change the site plan, it's a paper transaction, so a metric transaction.

d. To Close Public Hearing: E. Abrahams made motion to Close the Public Hearing, B. Cooke, second, roll call vote, B. Cooke, yes; K. Burke, yes; L. Davis, yes; E. Abrahams, yes, and S. Bannon, yes; All in Favor, 5- 0.

e. Motion re: findings. E. Abrahams, made a motion to accept the Findings, as fact of Special Permit, Second, B. Cooke, All in Favor, L. Davis, yes; K. Burke, yes; B. Cooke, yes; E. Abrahams, yes, S. Bannon, yes, All in Favor, 5-0.

f. Motion re: Approve/ Denial/ Table: E. Abrahams, made a motion to approve the Special Permit application, at 126 Main Street, Great Barrington, in accordance with Section 3.1.4 (13), 7.18, and 10.4 of Zoning Bylaw, B. Cooke, second, Roll call vote, L. Davis, yes, K. Burke, yes, B. Cooke, yes, E. Abrahams, yes, S. Bannon, yes, All in Favor, 5-0.

#### 6. License or Permits:

A. Joe Wilkinson Excavating Inc./ Ken Drucker for a Driveway Permit at 102 Castle Hill Avenue. E. Abrahams, made a motion to approve, B. Cooke, second, all in Favor, (5 - 0).

#### 7. Old Business:

A. Design Advisory Committee (DAC)- recommendation to Selectboard on the color for State Road/ Main Street Bridge. (Discussion/ Vote).

P. Pachano, spoke of the color of the bridge and how the red color was chosen. He wants to go to Town Meeting, to label the bridge " Great Bridge". The color is similar to the Golden Gate Bridge color.

E. Abrahams made motion to approve the color choice, B. Cooke, second ( 4-1), K. Burke opposed. Motion carried.

B. SB - Continued discussion of Marijuana License Limits.

1. Other towns - Amherst 8, Springfield 15, Pittsfield 35, Northampton, 10.

2. Three options, presented by M. Pruhenski - one, choose number comfortable with or two, suggest Bylaw to be 20% of package store liquor licenses, or three, a bylaw to accept a number lower than 20%.

3. Recommendation – to have a community forum to see if 7 would work, same as package store liquor licenses. Public Forum in January 2020.

8. New Business:

A. SB- recommendation to the Planning Board on Special Permit Application from Highminded, LLC, seeking permission to deviate from the awning height requirements of section 146 - 6 of sign bylaws, for 126 Main Street. The application is filed in accordance with Section 146-20 of Sign bylaws.

Sign/ awning is 10 inches above grade. Black awning, no graphics, wants to deviate from the height of the awning.

E. Abrahams made motion for positive recommendation to accept the awning height, B. Cooke, made second, All in favor (5- 0).

B. SB discussion to Establish Housatonic Improvement Committee. J. Grochmal spoke of the need to create a new committee, 5 members, one town official, all from precinct B.

E. Abrahams made motion to establish the Housatonic Improvement Committee, B. Cooke second, All in Favor, (5 -0).

C. Appointment to the Economic Development Committee. Anne O' Dwyer's appointment, as a community member at large. E. Abrahams made motion to approve the appointment, B. Cooke second, All in favor,(5-0).

D. Re- schedule date / time for Strategic Planning/ Goal Setting meeting.

January 15, 2020, 6 pm., Town Hall, Great Barrington.

E. Authorize website as official posting location for town agendas.

E. Abrahams made motion to ask the Attorney General to approve the town website to be the official posting location, B. Cooke, second, (4-1), L. Davis, no.

Citizen, M. Kearns/Mahaiwe Street wants outside bulletin board to be maintained.

9. Citizen Speak:

S. Farnia, Railroad Street, concerned about marijuana limits moratorium in town.

M. Loubert likes the community forum. Feels that public record requests are a citizen's right as per State law.

S. Lord, Housatonic, retail stores and limits can be " rolled" out slowly. Concerned about the December 30th, with the holidays.

10. Selectboard time: None

11. Media Time:

Eileen Mooney, when will the report for Housatonic School be coming?

S. Bannon, next meeting.

12. Adjournment: 8:26 pm.

E. Abrahams made motion to adjourn, B. Cooke second, all in favor (5-0).

Respectfully submitted

Jamie Minacci  
Recording Secretary

