

## **SELECTBOARD MEETING MINUTES**

**Monday February 12, 2018, 7:00 PM – Regular Session**

**Selectboard Meeting Room, Town Hall, 334 Main Street**

### **PRESENT**

Sean Stanton- Chair

Steve Bannon –Vice Chair

Dan Bailly

Ed Abrahams

Bill Cooke

Town Manager- Jennifer Tabakin

#### **1. Call to Order**

Sean Stanton called the meeting to order at 7PM.

#### **2. Approval of Minutes:**

- a. December 18, 2017 regular meeting

**MOTION:** Steve Bannon motioned to approve the regular meeting minutes.

**SECOND:** Dan Bailly

**VOTE: 5-0**

#### **3. Selectboard's Announcements:**

- a. General Comments by the Board

Bill Cooke reported that the BRTA is making progress with the bus stop improvements.

- b. Air BNB regulations.

Ed Abrahams said other towns have begun to set regulations on AirBnB's and Great Barrington may want to consider a few things; the effect on neighborhood character, health and safety of the rooms, taxes, and the impact on the housing and rental market. The Board agreed to look into what other towns are passing for regulations and to re-visit the topic in a few weeks.

#### **4. Town Manager's Report:**

- a. Department Updates

The Town Manager asked that the Selectboard agree to place the on the next agenda the approval to reprogram the funding for the Mass Works Grant from the Bridge Street underground utilities to street and sidewalk work.

b. Project Updates

**5. Public Hearings:**

- a. Donaji Mexican Restaurant, Pascual Francisco, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 30 seats at 389 Stockbridge Road, Great Barrington MA 01230. (Discussion/Vote)

i. Open Public Hearing

**MOTION:** Steve Bannon motioned to open the public hearing.

**SECOND:** Dan Bailly

**VOTE: 5-0**

ii. Explanation of Project

Charles Farris, representing Pascual Francisco/Donaji's Mexican Restaurant.

iii. Speak in Favor/Opposition

iv. Motion to Close Public Hearing

**MOTION:** Steve Bannon motioned to close the public hearing.

**SECOND:** Dan Bailly

**VOTE: 5-0**

v. Motion re: Findings

The Selectboard will hold a public hearing on Monday, February 12, 2018 at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA to act on the application of Donaji Mexican Restaurant LLC d/b/a Donaji Mexican Restaurant, Pascual M. Francisco, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 30 seats at 389 Stockbridge Road, Great Barrington, MA 01230.

- |    |                    |   |                                |
|----|--------------------|---|--------------------------------|
| a. | Board              | - | Open Public Hearing            |
| b. | Applicant/Attorney | - | Explanation of Project         |
| c. | Board              | - | Motion to Close Public Hearing |
| d. | Board              | - | Motion re: Findings            |

**FINDINGS OF FACT:**

Completed application was submitted to the Selectboard on January 10, 2018.

Public Hearing was properly advertised in the Berkshire Record for two (2) consecutive weeks on January 26 and February 2, 2018. Notification was sent to abutters by Certified Mail.

Public Hearing is scheduled for February 12, 2018 @ 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA 01230.

No impediments were disclosed as to the approval or denial of a new Common Victualler Restaurant All Alcoholic Liquor License with outdoor seating.

**MOTION:** Steve Bannon motioned to approve the Findings of Fact for Donaji Mexican Restaurant, Pascual Francisco, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 30 seats at 389 Stockbridge Road, Great Barrington, MA 01230, with the condition that the benefits outweigh any possible detrimental impacts.

**SECOND:** Dan Bailly

**VOTE: 5-0**

vi. Motion re: Approval/Denial/Table

**MOTION:** Steve Bannon motioned to approve Donaji Mexican Restaurant, Pascual Francisco, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 30 seats at 389 Stockbridge Road, Great Barrington MA 01230.

**SECOND:** Dan Bailly

**VOTE: 5-0**

#### **6. Licenses or Permits:**

- a. Common Victualler Restaurant All Alcoholic Liquor License 2018 renewal Shiro Restaurant Inc. (Discussion/Vote)

**MOTION:** Steve Bannon motioned to approve.

**SECOND:** Dan Bailly

**VOTE: 5-0**

- b. Seasonal Club All Alcoholic Liquor License 2018 renewal Wyantenuck Country Club. (Discussion/Vote)

**MOTION:** Steve Bannon motioned to approve.

**SECOND:** Dan Bailly

**VOTE: 5-0**

#### **7. Old Business:**

- a. Update on high speed internet downtown
- b. Winter Parking Ban, review of regulation. (Discussion/Vote)

Jennifer Tabakin said this revised version of the Winter Parking Ban is consistent with the Winter Parking Bans of the towns surrounding Great Barrington and towns of similar size to Great Barrington. Steve Bannon said more and better signage of where overnight parking is allowed is needed in the downtown area. Sean Van Deusen, DPW Superintendent said that allowing parking overnight on a rotating street schedule would not work when it came time to remove the snow. Mr. Van Deusen said you want to be able to remove the snow as quickly as possible so it doesn't turn into ice. Holly Hammer, Seekonk Cross

Rd said there are many lots where parking is abused and cars are left indefinitely without getting ticketed. Benjamin Abelow- Mr. Abelow said that available space for parking and the time limits on each location is extremely confusing and a better system should be figured out. Mr. Abelow, "I've had to drive around to find these places and it is a big headache." Mr. Abelow said that the towing fees were outrageous and that he had to pay \$150.00 for his car when it was towed. Sean Stanton said that the town doesn't set the towing fees and does not have a contract with the towing companies in town. Sean Stanton said that day time parking has not changed but Town employees are working to clarify signage and maps.

**MOTION:** Steve Bannon motioned that from November 15 to March 30 overnight parking is prohibited from 1:00AM-6:00AM, violators will be ticketed and DPW will instruct the Police Department to tow vehicles and the owner's expense. In Addition, from November 1<sup>st</sup> to November 14<sup>th</sup> the beginning of the winter season warnings are issued, that signs are placed at the top of Railroad Street, Castle Street, Town Hall Parking lot, and Mason Library stating that overnight parking is allowed. In addition, Mr. Bannon motioned to restrict unrestricted parking lots to a time limit of 24 hours and to direct the Town Manager to begin investigation of the feasibility of issuing parking stickers to the residents of downtown Great Barrington.

**SECOND:** Dan Bailly

**VOTE: 5-0**

The Board agreed that this winter parking ban is to take effect immediately.

**8. New Business:**

- a. Selectboard recommendation to the ZBA on the act on the appeal filed December 28, 2017, by Gary O'Brien Property Services/GJO LLC, 11 Roger Road Great Barrington, of a Cease and Desist order issued by Town Zoning Enforcement. (Discussion/Vote)**

Don Dubendorf, the attorney appointed to represent the Town's Zoning Enforcement Officer in the Cease and Desist Order issued to Gary O'Brien Property Services.

**MOTION:** Steve Bannon motioned to recommend to the ZBA on the Gary O'Brien Property Services / GJO LLC, 11 Roger Road that they vote to uphold the Cease and Desist Order issued by the Town's Zoning Enforcement Officer.

**SECOND:** Dan Bailly

**VOTE: 5-0**

Michael Andelman, Blue Hill Rd, asked if the neighbors can hire an attorney to represent their own interests. The Selectboard said the neighbors have the right to hire an attorney to represent their specific interests.

- b. Selectboard referral of proposed zoning amendments to the Planning Board. (Discussion/Vote)**

**-Marijuana Regulations**

**-State Rd Re-Zoning**

**-Downtown Side Streets** – Planning Board decided to not move forward with this zoning amendment.

Town Planner, Chris Rembold said there were two proposed zoning amendments. The first proposal is to re-zone the Belcher Square area to a new use, new set-backs, as well as re-zone of some lots on side streets. The second proposal is to further regulate marijuana establishments and setting rules to where they can be located. Chris Rembold, on behalf of the Planning Board asked the Selectboard to pass on the proposed amendments to the Planning Board so they can vote on them at the Public Hearing scheduled for March 8, 2018.

The Board discussed concerns with growing operations in residential zones as well as indoor growing operations. The chair suggested that any indoor cultivation facility should go through the special permit process to be approved by the Selectboard.

**MOTION:** Steve Bannon motioned to refer the proposed zoning amendments to the Planning Board with the following recommendations; changing the special permit granting authority to the Selectboard, any cultivation facility is required to have a special permit and the special permit is to determine whether or not an indoor or outdoor facility is to be allowed.

**SECOND:** Dan Bailly

**VOTE: 5-0**

**MOTION:** Steve Bannon motioned to refer the State Road re-zoning to the Planning Board.

**SECOND:** Dan Bailly

**VOTE: 5-0**

**9. Citizen Speak Time:**

Paul Jones, Blue Hill Rd. Mr. Jones said that the ‘cannabis tourism’ will significantly impact real estate and increase the business for marijuana facilities in the area.

Holly Hammer, Seekonk Cross Road. Ms. Hammer said that until marijuana is able to be grown entirely in outdoor operations and the State of Massachusetts recognizes marijuana as an agricultural crop this type of operation should be restricted to industrial zones.

Benjamin Abelow asked the Selectboard for reimbursement for his car towing expenses. Mr. Abelow said that he feels there are many reasons that justify why he should be reimbursed.

**10. Selectboard Time:**

Bill Cooke said that there is new weight limit on Lake Mansfield Rd. and we should have more enforcement on the heavy trucks that drive on the road.

Ed Abrahams said there are still gas trucks sitting at the airport. The Buildings Commissioner agreed to check on the status of the fueling trucks.

**10. Media Time:**

Eileen Mooney, The Newsletter. Ms. Mooney asked if the strategic planning discussion will be on an upcoming agenda. Sean Stanton asked the Town Manager to come up with a date for the strategic planning meeting by their Wednesday administrative meeting.

**11. Adjournment:**

On a motion made by Steve Bannon, seconded by Dan Bailly, with a unanimous vote the meeting adjourned at 9:00PM.

Respectfully Submitted



Rebecca M. Jurczyk

Recording Secretary