

SELECTBOARD'S MEETING MINUTES

MONDAY, DECEMBER 11, 2017

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

PRESENT:

Sean Stanton
Steve Bannon
Ed Abrahams
Bill Cooke
-Town Manager, Jennifer Tabakin

7:00 PM - OPEN MEETING

1. CALL TO ORDER

Chairman Sean Stanton motioned to open the meeting.

2. APPROVAL OF MINUTES:

October 16, 2017 Regular Meeting.

MOTION: Steve Bannon motioned to approve the October 16, 2017 Meeting Minutes

SECOND: Ed Abrahams

VOTE: 4-0

October 30, 2017 Regular Meeting.

MOTION: Steve Bannon motioned to approve the October 30, 2017 Meeting Minutes

SECOND: Ed Abrahams

VOTE: 4-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

Ed Abrahams announced that local Historian David Rutstein has written a book on the History of Searles School. Mr. Rutstein will present his book Tuesday, December 19, 2017 at The Senior Center.

4. TOWN MANAGER'S REPORT:

A. Department Updates.

Thank you to the Chamber of Commerce for organizing the Holiday Stroll. Thank you to the Rotary Club for putting up the lights downtown prior to the event. Thank you to Haupt Tree Co. for providing the bucket truck so that we could hang the lights in front of the Town Hall.

B. Project Updates.

The Town Hall Roof project was awarded and work will begin Spring 2018. The Police Station Roof contract was awarded and will also begin in the Spring of 2018. The Ramsdell floor contract was awarded and work there will begin in February 2018.

The Town Manager announced that the new website is up and viewable, however the process of updating all the published information is a work in progress. The Town Manager gave a summary of the EPA conference she attended in Pittsburg last week.

5. LICENSES OR PERMITS:

- A. Stephen Graham Jr./Graham Farmhouse, LLC for Three (3) One Day Beer and Wine Liquor Licenses for December 15, 16 and 17, 2017 from 5:00 pm – 7:00 pm on the 15th and from 10:00 am – 5:00 pm on the 16th at St. James Place, 352 Main Street.
(Discussion/Vote)

MOTION: Steve Bannon motioned to approve the Three One Day Beer and Wine Liquor Licenses.

SECOND: Ed Abrahams

VOTE: 4-0

- B. Angela Barbieri/Angie's Place LLC d/b/a Risingdale Café for 2018 Annual Common Victualler License at 290 Park Street, Great Barrington. (Discussion/Vote)

MOTION: Steve Bannon motioned to approve the Common Victualler License for 290 Park Street.

SECOND: Ed Abrahams

VOTE: 4-0

6. NEW BUSINESS:

- A. SB – Discussion of 2018 Meeting Calendar.

The Board made no comments regarding the 2018 Meeting Calendar.

- B. SB – Discussion of Local Zoning Regulations re: Recreational Marijuana Establishments. Chris Rembold, Town Planner spoke on behalf of the Planning Board's recommendations. The Planning Board has suggested including language for recreational marijuana facilities within Great Barrington's Local Zoning Regulations for medical marijuana facilities. The Planning Board would like to get a proposed bylaw on the warrant for the next Town Meeting. Ed Abrahams asked if the timeline of creating our bylaw will prevent future applicants adhering to the Planning Board's zoning regulations. The State will release their regulations prior to our regulations passing in May. Chris Rembold said that piece of this process is still unclear. Bill Cooke suggested editing Section 7.18.4 number 1.

MOTION: Bill Cooke motioned to suggest ending the sentence in Section 7.18.4 number 1 at "School" and delete the language of "*any place where minors may congregate.*"

SECOND: Steve Bannon

VOTE: 4-0

Ed Abrahams asked if the Board should recommend that the hours of operation are consistent with local liquor stores. The Board agreed with hours of operation seven days a week.

MOTION: Ed Abrahams motioned to suggest eliminating the Section 7.18.6 number 1

SECOND: Steve Bannon

VOTE: 4-0

Steve Bannon said that he is not in favor of allowing marijuana cultivation in residential zones, in particular because of the level of security involved in growing marijuana. Steve Bannon also said that he would like to see host and tax agreements set in place for all recreational marijuana facilities.

7. CITIZEN SPEAK TIME:

Roger Belanger, 43 Fairview Terrace commented on the O'Brien Trucking recent Cease and Desist order that was issued by the Building Inspector. Roger said that the business is continuing to operate as usual. Ms. Takabin said that if the recipient is in disagreement with the Order they have the right to appeal to the Zoning Board of Appeals, and they have a certain timeframe in which they can do so.

Michael Andelman, 17 Blue Hill Road, also commented on the O'Brien Trucking company near his home. Mr. Andelman noted the excessive noise from the trucks early in the morning in a residential zone. Mr. Andelman noted that O'Brien trucking has been issued a fine but it was a one-time fine.

Paul Jones, 19 Blue Hill Road. Mr. Jones said that he has watched the police allow the trucks go past while speeding and not observing the stop signs. Mr. Jones said the noise from the trucks is inescapable and it is now an industrial park in a residential zone.

Dr. Ruby Chang, 1 Rogers Road. Dr. Chang commented on the carcinogenic effects of the diesel fuel emissions from the trucks constantly going up and down the road.

Ms. Tabakin said that the ZBA's previous ruling regarding O'Brien trucking did not prohibit the trucks utilizing the residential road. The ZBA ruled that the business is a pre-existing, non-conforming use, however the business has grown since that ruling and it is probably time for the ZBA to address it again. The Town Manager suggested that the Selectboard vote to request that the ZBA address this issue. Sean Stanton said he would like more information regarding zoning violation fines.

MOTION: Steve Bannon motioned to request that the Town Manager present to the Board a preliminary report regarding O'Brien Trucking at the Selectboard meeting next Monday, December 18, 2017.

SECOND: Ed Abrahams

VOTE: 4-0

Joe Krummel, 109 Seekonk Cross Road, Mr. Krummel spoke about the Great Barrington Airport's use of fuel trucks as temporary fueling stations. Mr. Krummel said that the airport is in a water quality protection district and that any chemical spill would reach the aquifer in a few hours. Mr. Krummel also said that he does not think underground storage tanks should be installed in a water quality district.

Pedro Pachano, 5 Abbey Hill Road, Mr. Pachano read from the Zoning Bylaw that any use of toxic substances in the Water Quality Protection Overlay District would require the user to apply for a special permit. Mr. Pachano said that any alteration made within a WQPOD should be reviewed by the Selectboard, Board of Health, Town Engineer (DPW), Conservation Commission, Fire Department, and the Planning Board.

Ed Abrahams, can we request that Airport come to us for a Special Permit? Ms. Tabakin said that the Airport has not applied for anything yet. Mr. Abrahams said he believes that the removal of the underground storage tank would have required a special permit granted by the Selectboard, I think they are already in violation. "We should let the Airport know we expect them to come before us," Ed Abrahams.

Mr. Pachano said that the Selectboard should advise the Building Inspector to advise the airport that they need to apply for a special permit. Ms. Tabakin said that as a town we should not advise anyone on how or when they should apply for a special permit.

Mr. Krummel said that the airport has altered the method of use from the underground storage tanks to the above ground fuel tanks; this alteration is enough to require a special permit.

Motion: Steve Bannon moved to require the Town Manager to come back to the next meeting with an update on what work requires a special permit application in the Water Quality Protection Overlay District.

Second: Ed Abrahams

Vote: 4-0

Jonathan Hankin, Mr. Hankin clarified that anyone in violation of a zoning regulation can be subjected to a \$300.00 fine per day.

8. SELECTBOARD'S TIME:

9. MEDIA TIME:

Heather Bellow, Berkshire Eagle. Ms. Bellow asked when the last ZBA ruling was made regarding O'Brien Trucking. The Selectboard thought it was sometime in 2011.

10. ADJOURNMENT:

On a motion made by Steve Bannon, seconded by Ed Abrahams, and with a unanimous vote, the meeting was adjourned at 8:45PM.

Respectfully Submitted,



Rebecca M. Jurczyk
Recording Secretary