

February 22, 2021 Regular Selectboard Meeting via Zoom

1. CALL TO ORDER - Chairman Bannon opened the meeting at 6:05pm; those present via zoom: Ed Abrahams, Kate Burke, Bill Cooke, Leigh Davis. Town Manager Mark Pruhenski; Assistant Town Manager Chris Rembold.

Chairman Bannon noted there were 6 panelists and 40 attendees.

2. APPROVAL OF MINUTES

a. September 21, 2020

- i. E. Abrahams noted two changes to the minutes of September 21, 2020 meeting – under new business f., recommendation comes back to the Selectboard for further discussion and under public hearing, the attorney’s last name is Heuer.

E. Abrahams made a motion to approve the September 21, 2020 minutes with changes; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “aye.” All in favor, 5-0.

b. October 5, 2020

E. Abrahams made a motion to approve the October 3, 2020 minutes; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “aye.” All in favor, 5-0.

3. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS

- a. E. Abrahams requested that for special hearings on tree removal the Tree Commission be part of the process.

4. TOWN MANAGER’S REPORT

- a. Housatonic Water Works – Updates – M. Pruhenski stated that there are weekly meetings with the engineers and he expects a presentation in the spring on Phase II study/appraisal.
- b. Housatonic Improvement Committee – Updates - M. Pruhenski introduced Dan Bailly and Eric Gabriel to provide an update. D. Bailly reported slow progress, but good discussion with residents and the committee that highlighted pressing issues including water quality, housing needs, sidewalks and library accessibility. Regarding the school, he reported there would be a design charrette scheduled in the next month with architects to help imagine potential for the school.
 - i. E. Abrahams thanked the Committee for its work and asked about design cost estimates. D. Bailly stated there would be cost estimates for each design.
 - ii. E. Mooney asked what would be considered from the previous plan? D. Bailey stated the architects would have the plan to use as appropriate. E. Gabriel added that the point of the charrette is to get fresh eyes/ideas on the project
 - iii. Trevor Forbes asked what was being done about the deterioration of the building? S. Bannon stated that was a question for Sean VanDeusen and would be discussed at the next Selectboard meeting.
 - iv. Michelle Loubert asked what is being done to secure the building especially windows and roof? D. Bailly agreed there has been deterioration and repair is needed. S. Bannon again stated it would be on next meeting agenda.
 - v. L. Davis stated the first priority is to stabilize the building.
 - vi. K. Burke asked what the Selectboard can do to help the HIC? D. Bailly asked for help finding additional members. He also clarified that the School is a Town-owned building and repairs are in its purview.
 - vii. M. Pruhenski stated that Sean VanDeusen does monitor the building for damage. The

roof is not in a condition where it can be safely tarped and there was no budget at this time to do extensive work.

- c. Current Board/Committee Vacancies – M. Pruhenski stated there continue to be vacancies on Town Boards/Committees and encouraged residents to apply and reach out to the Town Manager’s Office. He listed all vacancies. He also stated the nomination papers for elected positions are available at the Town Clerk’s Office and the last day to submit is March 23, 2020.
- d. Fairgrounds – Updates – M. Pruhenski stated that he had met with representatives of the Fairgrounds board and are in the process of hiring an appraiser to inform further discussion in executive session about Town’s potential role and available funding.
- e. Memorial Field Improvements – M. Pruhenski stated that the Town is making improvements installing a backstop, dugout, bleachers and ADA compliance. Work will be completed over the next season with existing funds.
- f. Main Street Bus Shelters – M. Pruhenski reported there are two new bus shelters northbound near BCC offices and southbound near Town Hall. The cost is \$2500 plus site work. He thanked those involved for great work.
- g. Signage Updates – Lover’s Lane, Taconic Ave/North Plain Road Underpasses – M. Pruhenski stated that there will be new signs at these two locations alerting drivers to potential hazards.

5. LICENSES AND PERMITS

- a. Sandra Mathews, The Coffee Bar GB LLC d/b/a Two Flower for an annual Common Victualler License at 34 Railroad Street.

E. Abrahams made a motion to approve the annual Common Victualler License at 34 Railroad Street for The Coffee Bar GB LLC d/b/a Two Flower; L. Davis seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “aye.” All in favor, 5-0.

- b. Recommendation to the Zoning Board of Appeals on special permit application #918-21 from 17 Mahaiwe Group, LLC, c/o Brian Hazelton, for the expansion of a nonconforming structure at 17 Mahaiwe Street.

Chairman Bannon stated 5b would be combined with 6a public hearing.

6. PUBLIC HEARINGS

- a. Special Permit application from 17 Mahaiwe Group LLC, c/o Brian Hazelton, Great Barrington, MA for a mixed-use development at 17 Mahaiwe Street consisting of a single family home and a contractor’s yard, per Zoning Bylaw section 3.1.4, F(1), and for an increase in impervious surface in the Water Quality Protection Overlay District per Zoning Bylaw section 9.2.

i. Open Public Hearing - E. Abrahams made a motion to open the Public Hearing; B. Cooke seconded. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “aye.” All in favor, 5-0.

ii. Explanation of Project – Dennis Egan, Esq. of Cohen Kinne Valicenti & Cook LLC provided an overview of the project including descriptions of the contractor’s yard, barn and shed to be used in the applicant, Brian Hazelton’s business, Wood to Stone. He explained in depth the proposed specific activities/uses for the property and restrictions/conditions to be imposed under the special permit. Included was renovation/construction of the barn/office and storage shed on the property. D. Egan covered the limitations on the types of activities and equipment on the property including provisions for offsite storage of construction vehicles/ trailers, fabrication, and building materials - as well as limits on dust, noise and employee activity. D. Egan stated that the impacts/findings showed that the project provided community, redevelopment and employment value.

Brent White of White Engineering addressed stormwater management measures due to increases in impervious area that would ensure good water quality/quantity and groundwater infiltration. He stated this would add to overall improvement to the property. He also noted that invasive trees and a damaged evergreen would be removed, and new trees will be added as a visual screen.

iii. Speak in Favor/Opposition

- David Soles, 29 Mahaiwe Street, commented that there have been ongoing issues at 15 Mahaiwe Street with deliveries, tractor trailers/large vehicles, noise from employees and general disruption. He stated Mr. Hazelton violated the previously issued Cease and Desist order and is likely to do so again under a special permit. Overall, he noted it is akin to an active construction site that has negatively impacted and transformed the neighborhood.
- Robert Norris stated he is a customer of Brian Hazelton and had worked on their home. He found him to be an honest, hard-working manager and employer. He also highlighted the importance of supporting employers and small businesses in the Town which improves quality of life.
- Joe Bozza, 97 Castle Street, was a partner and employee of Brian Hazelton's and stated that he is a good employer and cares about the impact he makes on the neighborhood. He thought the proposal addressed the neighbors' concerns and the business would have a low impact on the neighborhood go forward
- Dan Bailly, 207 North Street, stated it is important to encourage and develop small businesses like this in GB. He thought the activity on the property would be controlled effectively and the efforts to repurpose the barn and protect water/run off were especially positive aspects of the project.
- Michelle Loubert, 70 Division Street, stated that the contractor's yard is different than other businesses on the street. Approving this permit might open the door to other similar businesses in residential areas. She noted the importance of preserving the character of the neighborhood.
- Barbara Matz, 22 Mahaiwe Street, stated a contractor's yard does not belong in the neighborhood. She also raised concern about perceived ambiguities in the permit language that might allow changes in property use overtime. She offered that contractor business should be moved offsite except his office. Overall, she took issue with the findings of fact.
- Tom Doyle, 32 Mahaiwe Street, noted this is a B2 zone and there is a long history of similar businesses on the street. He stated that adaptive reuse and purposing of property/buildings is good. He shared a map from 1800s showing the street was not all traditional residences.
- Eli Matz, 27 Mahaiwe Street stated there are fumes emanating from the property from burning improper materials.
- B. Hazelton spoke on his own behalf noting he needs a contractor's yard for his business and that the purpose of the stipulations is to address neighbors' concerns. He read two letters of support - from a neighbor stating they were comfortable with his proposal and from a client attesting to his character and commitment to the community and the environment.

L. Davis stated that she is an employee of an abutter of this property and would recuse.

The Selectboard engaged in a dialogue/Q&A with the applicant to confirm key details of conditions/restrictions including limiting deliveries, offsite storage of large equipment, and prescribed hours of operation. They also discussed historical use/issues on the property, standards for a contractor's yard, items to be stored on the premises, employee presence at the property and wood stove burning materials and other points raised by neighborhood residents. The Selectboard considered whether the conditions/restrictions from the findings were acceptable. Upon further discussion, additional specifications were added to the conditions. General consensus was the conditions addressed neighborhood concerns and B. Hazelton had worked well with the Town on restrictions, limits and nuisance factors.

iv. Motion to Close or Continue Public Hearing

E. Abrahams made a motion to close the public hearing; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “recused.” All in favor, 4-0.

v. Motion re: Findings

It was noted that a super majority vote was required for this motion to pass.

E. Abrahams made a motion to approve the findings of fact for Special Permit application 919-21 A and B as written and referenced in Exhibit A (attached); B. Cooke seconded.

S. Bannon asked if any discussion – Selectboard members noted there were some changes to the conditions E. Abrahams withdrew his motion; B. Cooke withdrew his second.

E. Abrahams made a motion to approve the findings of fact for Special Permit 919-21 A and B as written and referenced in Exhibit A (attached) with the following changes (in italics):

Condition #2 – add to contractor’s yard activities: *and limited to storage, client meetings, storage of wheeled equipment as limited elsewhere* shall be confined to the barn, new shed and parking area of the property.

Condition #8 – Rewritten: Employees, other than the owner, will not arrive on site earlier than *8:30am*. No contractor’s yard vehicles can be moved earlier than *8:30am nor later than 5:30pm including weekends*.

Condition #10 – Rewritten: These conditions do not apply to the materials, trucks or deliveries associated with the proposed *or future permitted* building and site improvements; B. Cooke seconded.

Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “recused.” All in favor, 4-0.

vi. Motion re: Approval/Denial/Table

E. Abrahams made a motion in view of the approved findings of fact to approve Special Permit 919-21 A, for a mixed-use development at 17 Mahaiwe Street consisting of a single-family home and contractor’s yard with conditions as noted and amended in the findings; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “recused.” All in favor, 4-0.

E. Abrahams made a motion in view of the approved findings of fact to approve special permit 919-21 B, for an increase in impervious surface in the Water Quality Protection Overlay District; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “recused.” All in favor, 4-0.

E. Abrahams made a motion to send a positive recommendation to the ZBA; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “recused.” All in favor, 4-0.

7. NEW BUSINESS

- a. Strategic Sustainability and Livability Committee- composting and food waste diversion – Mark Phillips presented on behalf of the Committee re: recommendations for Town/resident composting and food waste diversion. The recommendations, coming out of stakeholder and Committee discussions/research, included – adding food waste diversion and processing strategies to Transfer Station engineering study; Town participation in existing State Sustainable Materials Recovery and Recyclable Dividend Fund as well as south county food waste diversion programs; and promoting existing composting enterprises such as Stanton House and Berkshire Compost.

- i. S. Bannon thanked the presenter and Committee and asked for an Executive Summary on

the recommendations for discussion/approval.

- ii. E. Abrahams stated that he would recuse as a former and potential future employee of Stanton House.

b. Agricultural Committee Appointments

E. Abrahams made a motion to appoint to the Agricultural Commission Luke Pryjma for a term expiring 2021 and Christopher Royer for a term expiring 2023; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “aye.” All in favor, 5-0.

c. Continuation of Town Meeting discussion on Police operations – M. Pruhenski noted this was a forum to follow up on the idea raised at Town Meeting of cutting the Police Department budget. The Selectboard asked to broaden the discussion to focus on what are current and potential future objectives and needs to determine what we want to and should accomplish as a community – apart from the budget question.

S. Bannon opened the discussion and stated Chief Sorti joined to speak to future operations of the PD. He also noted there were 10 panelists and 55 attendees.

- Erica Mielke, 13 East Street stated that a separate police oversight board is important and should have a diverse/broad membership. Cultural competencies and bias training is also important for the PD and Town employees.
- Jeff Lowenstein, 1066 Main Street stated he appreciated the Selectboard’s framing of the conversation around what we want to accomplish. He noted that building trust is important and to have a process that includes all stakeholders – PD, residents, NPOs, etc. to promote transparency and safety. He also noted at the Town Meeting there was discussion about police taking on roles they were not trained for – there should be open dialogue about how to redirect to local agencies/services.
- Lily Swartz, 115 East Street, stated that process is important and to think in broad, inclusive terms. She also noted the Police Citizens Academy is a great program and should be expanded. Also, police should attend community meetings/programs to integrate better.
- Daniel Neilson of Monterey, echoed his support for the Citizens Academy as a way to better understand police work.
- Police Chief Sorti stated that he appreciated the input and suggestions. He is open to continuing the conversation and emphasized the importance of the Police Department understanding of needs and concerns in the community that are not being addressed. He stated it is a priority of the PD to build existing and new relationships and encouraged residents to reach out to him.
- William Walsh, 15 Park Street, stated he was supportive of the process and ideas discussed.

d. Endorse grant application(s) to the Berkshire Regional Planning Commission for 2021 District Local Technical Assistance – C. Rembold presented a request to the Selectboard to approve the BRPC annual grant which the Town relies on for expertise for Town planning work – master plan, open spaces, zoning and studies. This year the focus is on analysis of Stockbridge Road and writing regulations to encourage housing and community services.

E. Abrahams made a motion to endorse the grant application to BRPC and authorizes Steve Bannon to sign; B. Cooke seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” K. Burke, “aye,” B. Cooke, “aye,” L. Davis, “aye.” All in favor, 5-0.

8. CITIZEN SPEAK TIME

- Dan Bailly commended the Selectboard for its actions at the meeting and for thoughtful consideration and decisions. He stated that perhaps the Town should consider creating an industrial

park to encourage more business development. He also opined that maybe Boards/Committees should be merged or transitioned.

- Barbara Matz, 22 Mahaiwe Street took exception to the Selectboard decision regarding 17 Mahaiwe Street special permit and asked what is her recourse? S. Bannon stated that if there is a violation she should contact the Inspector's Office.
- Michelle Loubert stated that there are many sensitivities around where to put commercial properties and can result in pitting neighborhoods against each other.

9. SELECTBOARD'S TIME

- a. L. Davis thanked residents who spoke on policing. She recently had a good conversation with Chief Sorti and encouraged others to reach out.

10. MEDIA TIME

11. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 9:12pm.

Respectfully submitted,

Stacy Ostrow
Recording Clerk

Exhibit A

Finding and Proposed Conditions:

After consideration of the above, the Board finds that possible benefits of the proposal outweigh possible detrimental impacts of the proposal only if certain conditions are imposed to secure the benefits and mitigate potential negative impacts:

1. The contractor's yard use shall be limited to the current Owner / Applicant, as follows: The contractor's yard shall be permitted only for the activities of the business known as Wood to Stone, or its successor names, and only as long as Brian Hazelton is both the sole proprietor of the business and a resident of the home on premises.
2. The contractor's yard activities shall be confined to the barn, new shed, and parking area of the property.
3. No heavy machinery shall be stored on site.
4. No fabrication of stone or carpentry projects shall occur on site.
5. The barn and proposed shed shall be used as an office and dry storage only.
6. No major construction vehicles such as dump trucks, excavators, skid steers, and the trailers associated with these machines, shall be stored on site. The only business related vehicles that may be continually on site are not more than four domestic sized vehicles including, for example, a pickup truck not larger than an F250, a passenger vehicle used for estimating trips, and a service minivan.
7. No trailers, enclosed or otherwise, larger than 6' x 8' shall be stored on site.
8. Employees, other than the resident Owner of the contractor's yard, shall not arrive on site earlier than 8:00 AM. No contractor's yard vehicles or equipment may be moved earlier than 8:00 AM or later than 6:00 PM.
9. The above conditions may be modified by the Selectboard only through a new special permit.
10. These conditions do not apply to the materials, trucks or deliveries associated with the proposed building and site improvements.