



TOWN OF GREAT BARRINGTON MASSACHUSETTS

Selectboard Regular Meeting Monday November 23, 2020 via Zoom.

1. CALL TO ORDER

Chairman Bannon opened the meeting at 6:00 pm, those “present” via zoom: Ed Abrahams, Kate Burke, Leigh Davis, Bill Cooke, and Town Manager, Mark Pruhenski.

2. APPROVAL OF MINUTES

- a. June 11, 2020
- b. June 23, 2020

E. Abrahams made a motion to approve the minutes of the June 11 and June 23, 2020 meetings; L. Davis seconded; Roll Call Vote; L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 5-0.

3. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS

4. TOWN MANAGER’S REPORT

- a. HWW Updates—executed contracts for phase 2 and appraisal. (Aecom/DPC)
Work will take about 4 months to complete.
- b. Winter Parking Ban
In effect until March 31st, 2021.
- c. Received a resignation from Great Barrington Housing Authority. Seat is available on board until an appointment is made. Any interested parties can contact the office of the town manager.

5. LICENSES OR PERMITS

- a. Laura Stephen for a driveway permit at 23 Sumner Street.
Jim Waldman attended the meeting to represent L. Stephen.

E. Abrahams made a motion to approve the driveway permit for 23 Sumner Street; B. Cooke seconded; Roll Call Vote; L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 5-0.

6. NEW BUSINESS

- a. Temporary lifting of downtown parking time limits during (Discussion/Vote)
Kate Burke explained that in 2019, the town lifted the downtown parking time limits during the holiday season to promote downtown businesses.

E. Abrahams made a motion to lift the downtown parking limits from November 23rd, 2020 through the end of the year; K. Burke seconded; Roll Call Vote; L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 5-0.

- b. Appointments to the Cultural Council
 - i. Milena Cerna

- ii. Stacy Ostrow
- iii. Sherry Stiener

E. Abrahams made a motion to appoint Milena Cerna, Stacy Ostrow, and Sherry Stiener to the Cultural Council; B. Cooke seconded; Roll Call Vote; L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 5-0.

- c. Review and Comment to the Building Inspector, per Zoning Section 9.3.11, on the building permit application from New Cingular Wireless PCS, LLC (AT&T) for collocation of equipment at the existing wireless telecommunications tower located at 425 Stockbridge Road.

E. Abrahams made a motion to send this request to the building inspector with no objections; B. Cooke seconded; Roll Call Vote; L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 5-0.

- d. Police Re-Imagination- Review of Policies. Chief Walsh

Chief Walsh presented Re-Imagination for the Great Barrington Police Department. The program’s action items came from three main documents, the US Conference of Mayor’s report on Police Reform and Racial Justice, and the two police reform bills in front of Massachusetts Legislature, the house bill and the senate bill. A good majority of the action items that the reports and bills are suggesting, are things that the GBPD are already doing. All of the PD’s policies can be found on their website.

L. Davis asked Chief Walsh to discuss the presence of ICE Agents. Chief Walsh said if there is involvement of ICE agents that is known, he will let the Slectboard know. Chief Walsh stated that ICE Agents are around, but do not involve the PD a lot of the time.

K. Burke will compare the old Use of Force policy to the updated policy. K. Burke would like to review the Hate Crime Policy, and reminded the board that it is important for them to give input on Police policies.

7. PUBLIC HEARINGS

- a. Special Permit application from Berkshire Aviation Enterprises, Inc., for a an aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, per Sections 3.1.4 E(1) and 10.4 of the Zoning Bylaw. (Continued from August 10, August 24, September 14, September 21, October 5, October 26 and November 9, 2020) (Discussion/Vote)
 - i. Selectboard Deliberation

K. Burke has recused herself from this discussion.

A revised set of findings has been prepared for the board. This version includes feedback from the board at the prior meeting, as well as changes suggested from counsel.
 - ii. Motion re: Findings

E. Abrahams made a motion to approve the Findings of Fact as amended for Special Permit application 909-20 from Berkshire Aviation Enterprises, Inc.; B. Cooke seconded; Roll Call Vote; L. Davis, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 4-0.

- iii. Motion re: Approval/Denial/Table

E. Abrahams made a motion to deny the Special Permit application 909-20 from Berkshire Aviation Enterprises, Inc.; B. Cooke seconded; Roll Call Vote; L. Davis, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 4-0.

E. Abrahams highlighted that this decision was made because the adverse effects outweighed the benefits of this special permit. There were many objections from citizens, both neighbors and not, regarding this special permit request. S. Bannon added that this has been a more complicated special permit request that the board has reviewed.

- b. Special Permit application from Coastal Cultivars, LLC, 399 Boylston Street, Boston, MA, to locate a retail marijuana establishment at 454 Main Street, Great Barrington, closer than 200 feet to the property of a private school. The special permit application is filed per Sections 7.18.4.3 and 10.4 of the Zoning Bylaw. (Continued from November 9, 2020 meeting.)

(Discussion/Vote)

- i. Open Public Hearing

E. Abrahams made a motion to open the public hearing; B. Cooke seconded; Roll Call Vote; L. Davis, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; All in Favor, 4-0.

- ii. Explanation of Project

Peter Puciloski explained that Coastal Cultivars LLC would like to establish a retail marijuana establishment within 200 feet to Dewey Academy. The school building itself is more than 800 feet away. P. Puciloski explained that Dewey Academy purchased property in Monterey and plans to move there in the near future. Coastal Cultivars needs this special permit before they can receive approval from the CCC.

- iii. Speak in Favor/Opposition

- 1. Trevor Forbes, of North Plain Road, explained that he feels the regulations are in place for a reason, and that the board should not make one-off exceptions.
 - 2. Michelle Loubert, of Division Street, agreed that if the Selectboard grants this special permit, the board will be setting a bad precedent. She explained that most regulations require 500 feet, and that 200 feet is lenient.
 - 3. James Bailey, of Housatonic, agreed with Mr. Forbes and Ms. Loubert. He raised the point that even though Dewey Academy may be moving, another school could move into that building.
 - 4. Denise Forbes, of North Plain Road, agreed with all previous opposition.
 - 5. Jeffrey House, of Hurlburt Road, raised his concern with the number of marijuana facilities already established in Great Barrington.
 - 6. P. Puciloski stated that the Town Meeting has already spoken on the number of marijuana facilities, when they turned down the proposition to limit the number of establishments. He said that this is a unique request, as this is the only proposal Mr. McTeigue has received that does not include demolishing the building.
 - 7. E. Abrahams pointed out that there is a large stone wall and a road separating the school and the proposed marijuana establishment. He stated that the Board must just consider if the establishment is going to be too close the school.
 - 8. L. Davis is wondering if the proposed marijuana establishment will hinder new tenants for the old Dewey Academy. She also agrees that the granting of this special permit will set a bad precedent.

9. B. Cooke believes that this permit will not set a bad precedent, that this is a special situation.
10. S. Bannon reminded the board that they cannot use the reason that there are too many marijuana establishments to deny this special permit request. S. Bannon stated that he feels that even though Dewey Academy's property is 200 feet away from the proposed marijuana establishment, it is a good distance away door-to-door. S. Bannon also would rather see the building used for this purpose rather than demolished.
11. K. Burke pointed out that this would be a lease deal, so the building would still be owned by Mr. McTeigue. K. Burke feels that the building itself should have some sort of historical preservation.
12. P. Puciloski said its very tough to guarantee preservation of a building.
13. W. McTeigue said the building was in severe need of restoration work when they bought it. The McTeigues made the restoration using their own funds. They researched historic preservation, but if the building is historically preserved it will lower its value. Because there is a mortgage on the property, the collateral value must remain. Other than two big box-stores, Coastal Cultivars has been the only interest they have received in the building. Coastal Cultivars would engage in a 10-year lease. Once the ten years is up, W. McTeigue will have a lot less debt on it and hopefully more options.
14. Mr. Garfield, of Castle Hill, agrees that the granting of this special permit will set a bad precedent.

iv. Motion to Close or Continue Public Hearing

E. Abrahams made a motion to close the public hearing; B. Cooke seconded; Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5-0.

v. Motion re: Findings

E. Abrahams recognized the fact that if a marijuana establishment goes into the building, the town will receive additional tax revenue that they would not receive with another type of retail store. S. Bannon would like to add to the findings that the owner is interested in preserving the building historically.

E. Abrahams made a motion to approve the findings of fact for the Special Permit Application for Coastal Cultivars, LLC; B. Cooke seconded; Roll Call Vote; L. Davis, "no"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; Motion Passed, 4-1.

vi. Motion re: Approval/Denial/Table

E. Abrahams made a motion to approve the Special Permit Application for Coastal Cultivars, LLC; B. Cooke seconded; Roll Call Vote; L. Davis, "no"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; Motion Passed, 4-1.

8. CITIZEN SPEAK TIME

- a. Trevor Forbes is disappointed in the Board's decision to approve the Special Permit Application for Coastal Cultivars, LLC.
- b. Pedro Pachano, of Abby Hill, asked for a status update on the parking situation he previously presented to the Board.
- c. Michelle Loubert, of Division Street, feels like the citizens did not get a voice on the matter of the limitations of marijuana establishments.
- d. James Bailly is also disappointed in the Board's decision to approve the Special Permit Application for Coastal Cultivar's LLC. Mr. Bailly also asked who is responsible for

travel restrictions in Great Barrington. Mr. Bannon answered that the Board of Health and the Health Agent are responsible of that matter. Mr. Bailly asked if they have been monitoring hotel registers to see if travel restrictions are being upheld. Mr. Bannon said he would have to look into that.

- e. Denise Forbes is also disappointed in the Board's decision to approve the Special Permit Application for Coastal Cultivars LLC.

9. SELECTBOARD'S TIME

The meeting had 55 attendees and 9 panelists present.

10. MEDIA TIME

11. ADJOURNMENT Chairman Bannon adjourned meeting by unanimous consent at 8:14 p.m.

Respectfully submitted,

Brooke M. Morehouse
Recording Clerk