

SELECTBOARD DRAFT MINUTES – NOV 09, 2021 06:00pm

Members Present: Leigh Davis, Steve Bannon, Ed Abrahams, Bill Cooke

1. Called to order at 6:04pm by Steve
 - a. (8b - moved) Motion to continue Special Permit by Coastal Cultivars to November 23. Motion by Ed, seconded by Bill. Unanimous by roll call.
2. Motion to approve minutes from 18 May & 08 June
 - a. Motion by Ed, seconded by Bill. Minutes approved as amended – unanimous.
3. Selectboard Announcements/Statements
 - a. Leigh noted that the CPC will be hearing presentations tomorrow night and on November 17 for applications.
 - b. Leigh followed up on control box for GB Bushes Lights. Request for painting the control box by artist. Steve will have Mark look into who has control over that.
4. Town Manager's Report
 - a. HWW Updates: Corrosion control process. Town received study by Cornwall Engineering on discolored water assessment. DEP responded by email, but reluctant to comment as of yet; need to review. Created tab on website with reports for residents and customers of HWW. 2 main reasons: elevated manganese, hydraulic disturbances. HWW will hold a public info meeting via Zoom on Thursday.
 - b. Traffic Lights: Reset lights downtown – flashing mode during overnight hours? Triggered by sensors instead of flashing now. Sensor should be triggered immediately, turning from red to green. Safety enhancement. Can revert if board wishes. Board wishes to keep status quo.
 - c. COVID Sidewalk Stencil update: A dozen additional stencils were painted downtown last weekend.
 - d. Virtual Coffee Meetings: Every other week or so. 10am 1st Wednesday of each month going forward. Mark apologized to all who may have been in attendance for the coordinated effort to sabotage a previous meeting. Security has been tightened up, transitioning to webinar format. Meetings are very productive otherwise.
5. Licenses and/or Permits
 - a. Elise Abrams for a driveway permit for 548 Egremont Road
 - i. Ed moved to approve the permit, seconded by Bill. Roll call vote. Unanimous.
6. New Business
 - a. Regarding Ch. 61A Waiving Right of First Refusal for Abigail Haupt, LLC: motion by Ed to continue to future meeting; Bill seconded.
 - i. Ira Kaplan requests this not be continued. Sent letter to Selectboard on October 8th, copied Conservation Commission, Planning Board. Does not see any benefit for waiting—2nd lot being sold by same client. Already covered by Conservation restriction. Risk of development is low. Chris Rembold noted that what Ira said is correct; Town has 120 days. BNRC is

already involved. The Conservation Commission requested that the Selectboard wait until they review the project.

- ii. Ed withdrew motion to continue, Bill withdrew his second. Explanation of project by Ira. Two new owners (across from Simon's Rock)—each able to build a house & guest house. Leigh inquired as to why the Conservation Commission wanted to wait. Chris responded that there is no red flag, just a typical procedure.
- iii. Ed moved to waive the Town's right of first refusal, Bill seconded. Bill remarked that we do not have enough to buy the property ourselves. Roll call vote. Unanimous.
- b. Agricultural Preservation Restriction: Commonwealth purchasing Agricultural Preservation Restriction.
 - i. Ira said that a month ago they were told this would not occur until May 2022, however they would like to move forward now. Ed moved to reduce the notification period from 120 days to 60 days. Bill seconded. Roll call vote. Unanimous.

7. Old Business

- a. Zoom Meeting Format Continued
 - i. Steve mentioned that there are 56 attendees tonight.
 - ii. Mark recommends that the Board continue with the Webinar format with the chat function disabled. He does not see this as a transparency issue.
 - iii. Nan Wile said that the AG office stated that the Chat function was not a violation of OML. She hopes the Selectboard reconsiders in the future.
 - iv. Motion by Ed to continue Board meetings in Webinar format. Bill seconded. Leigh thanked Nan for her continued engagement and participation. Steve agreed. Roll call vote. Unanimous.

8. Public Hearings

- a. Special permit application from Berkshire Aviation Enterprises, LLC
 - i. Can a Special Permit be more restrictive with our findings versus saying "No" and letting the project proceed as is? Discussion began. Leigh wanted to know the height of these hangers. Ed would like to add specific words to noise complaints: "[louder airplanes, civilian and] military helicopters" (p2). A few additional minor edits were also proposed by Leigh, Steve, Bill and Ed and approved [See revised findings report]. David Doneski (Town Counsel) noted we closed public comment periods. The findings were not posted prior to the meeting, so Mark attempted to post at this point during the meeting (6:43pm).
 - ii. Steve asked what limitations we can impose. Ed thinks that the benefits of a Special Permit do not outweigh the detriments. Bill agreed. Steve asked if we can add conditions to control. Bill replied that he doesn't think so; Ed agreed. Steve asked if we should continue with the special permit—we would have some control as opposed to no control at the moment. Bill said he doesn't know if this would be helpful, because we

cannot anticipate the future. Steve said that we can place some limitations on runway, etc. He said that we can't control the number of flights, et cetera. Ed said that there is not really anything we can further control. Steve inquired if we still need to get into the conditions if we are not going to approve the special permit. Chris stated that we should have a cleaned-up version prior to voting. Town Counsel concurred. The item was tabled, since the Selectboard found that the benefits do not outweigh the detriments.

9. Citizen Speak Time:

- a. Nan Wile: Requests that the Selectboard meeting format be put to bed for the present; else, she would have had a rebuttal. Steve responded that many things they do are for the present.

10. Selectboard's Time:

- a. Nothing.

11. Media Time:

- a. Nothing.

12. Unanimous consent: adjourned (44 attendees).

Respectfully submitted by Tate Coleman, Temporary Board Clerk. 10/04/2021.