   Also present: Town Manager Mark Pruhenski, Assistant Town Manager Chris Rembold

2. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS – There were none.

3. TOWN MANAGER’S REPORT – There was none.

4. PUBLIC HEARINGS
   a. Continued from March 13th, 2023: Special Permit application from Berkshire Aviation Enterprises, Inc., 70 Egremont Plain Road, Great Barrington, to permit the airport in an R4 zone, in accordance with Sections 3.1.4 E(1), 7.2 and 10.4 of the Zoning Bylaw.
      S. Bannon stated the applicant will present new materials as requested and the Selectboard will review draft findings and conditions. He noted public comment is closed.
      i. Reopen Public Hearing
      ii. Selectboard review and discuss draft findings
         • Dennis Egan, attorney for the applicant, provided a 2019 DOT Aeronautics Division Economic Impact Report and a brochure for the underground storage tank.
         • S. Bannon stated the process will be to review findings and conditions - if questions come up, they can be addressed and additional matters not covered can be added.
         • E. Abrahams asked about a deadline – C. Rembold replied there is no deadline just so the hearing is open and active. He added the only practical deadline is due to the make-up of the Selectboard at the time of election.
         • E. Abrahams stated in the 2020 application and findings for the Airport Special Permit, there was a September 23, 2020 email from MassDOT to C. Rembold stating what conditions are permitted or not and where the FAA/DOT supersedes the local authority. He also alerted the applicant that Berkshire Edge articles are in the record.
         • S. Bannon stated he would like to conclude the hearing in the next week.
         • C. Rembold stated he would present draft findings of fact and criteria for decision-making and proposed conditions – and noted the draft is based on evidence submitted and can be accepted, edited or set aside by the Selectboard.
            o C. Rembold summarized the nature of the request for the Special Permit; the location of the airfield and applicable zoning; written and verbal feedback from the community. E. Abrahams asked to add there was a petition with signatures of abutters and others opposing the Special Permit – the Selectboard members agreed.
            o C. Rembold covered General Findings including the location/setting of the Airport; major site features/improvements; and description of the runway and safety areas.
He noted the applicant is not proposing a change to the layout of the site. Regarding uses, he highlighted the Airport does not have records of the number of flights though he noted articles in the Berkshire Edge about the number of flight operations. He added the Selectboard has little control over those operations and that the application includes limits to reduce flight impacts. He covered maintenance, fueling and hazardous material controls, water supply and traffic congestion. He noted part of the property is Chapter 61A agricultural and subject to lower tax rates.

- E. Abrahams asked in reference to events, to add private parties - it was agreed to clarify/add this is not a principal use. The lack of flight records was discussed and it was agreed the statement in the findings that information is not available is sufficient. E. Abrahams asked to add to flight school instructors that the applicant did not know how many students used the school in the past year – the Selectboard agreed. Regarding leaded fuel, E. Abrahams asked to add pumps are operational 24 hours even when no employees are at the Airport – Selectboard agreed. It was also agreed to add prior to statement on leaded fuel - while all leaded airplane fuel does pollute the air.

- E. Abrahams ask for Board of Health input be added to the findings or conditions. C. Rembold clarified its recommendations – consider assessment protection program where the Airport was listed; light and noise pollution; and requesting Airport continuously monitor for environmental health hazards related to aquifer. It was confirmed that recommendations from reviewing boards are part of the record.

- E. Abrahams asked regarding the SWAP Report identifying airports as a threat to the water supply – to add as does the Town Master Plan and to change language to read have caused in reference to plane-car collisions. It was clarified the findings include that MassDOT advised what can and cannot be regulated by the Town.

- The Selectboard discussed that although the applicant has agreed to abide by all conditions, how that would impact future owners considering they are beyond the Special Permit granting authority’s purview. David Doneski, Town Counsel, advised that there should be a record of the conditions the applicant has agreed to and the Town would like to enforce – he noted in the future, new owners would potentially present a different position and analysis. It was agreed to add to Section B. – The applicant states to abide by all conditions of the Special Permit granting authority even if conditions are beyond the authority of the Special Permit granting authority (SPGA) that are usually the domain of the FAA or MassDOT. However, future owners may have the legal right to ignore conditions beyond the legal authority of the SPGA.

- E. Gabriel asked about having a map of the property including the agricultural zone. C. Rembold replied and it was agreed that the Selectboard require the landowners to have a map of agricultural land certified by a surveyor and filed with the Assessor.

- C. Rembold described findings related to Section 7.2 of the Zoning Bylaw and stated the application does not propose to change/expand use or activities other than those volunteered by the applicant – and there is no finding of objectional conditions. E. Abrahams asked to add on Counsel’s advice regarding the
application of 7.2. The Selectboard discussed and agreed to add to add to no objectionable conditions - other than those created by anticipated natural changes. S. Bannon stated the findings are a rationale for conditions and not definitive. It was agreed to take out the word nevertheless regarding Selectboard consideration of conditions to mitigate noise.

o Regarding the six Special Permit criteria the Selectboard agreed to note there has been feedback from residents for and against the Airport’s impact on the neighborhood and Town. Several points from the 2020 findings were discussed as fact or opinion and concern was expressed about applying those findings to the current application. It was agreed regarding the Town’s land use goals – to add that the Town’s Master Plan specifically states any activity, growth or development here must be regulated - and the Selectboard will consider conditions to regulate it.

Regarding soil testing, it was agreed that there would be testing within 6 months and every five years thereafter. It was also agreed that there will be an alarm system that provides immediate notification of a fuel leak and protocols for handling leaks will be submitted – and as required, the Fire Department/Town would handle notification to the surrounding impacted area.

o Regarding proposed conditions for the Special Permit – E. Abrahams suggested and it was agreed that allowed and prohibited uses should be addressed – and so no change in footprint including height would be added. Timing for continuous takeoffs/landings and run ups was discussed as terminating at 5:00pm – and it was agreed that there would be no flight school held on Memorial Day and 4th of July. It was agreed to not permit drones other than as required by law for inspection. E. Abrahams suggested limiting the number of events and closing the Airport due to runway light shutoffs – it was discussed and not added. Regarding Chapter 61A agricultural land, it was discussed and agreed to add land currently agricultural will remain open space as a condition of this permit. It was also agreed that the Airport will list policies/procedures for pilots on its website. Reporting of Airport incidents was discussed and it was agreed to add that FAA/MassDOT regulations would be followed for all reportable incidents. Tracking the number of flights was discussed and it was determined there is not a practical/reliable way to do so. It was also clarified that the Airport would share with the Town all reports submitted to the DEP/EPA regarding soil testing for hazardous/toxic substances. It was discussed and advised by D. Doneski that part of the decision could be that all of the conditions are essential and failure of one would be fatal to the Special Permit and the applicant agreed that the Special Permit could be made personal to the current Airport owner. Putting a time limit on the Special Permit due to water quality concerns was discussed and it was agreed it is not warranted. Regarding the creation of new technology for environmental protection, tracking flights, noise, etc. D. Doneski advised it could be added that the applicant is to provide information updates on a periodic basis as it becomes more accessible/available – and D. Doneski stated he would craft language to that effect. It was also agreed that the footprint of the Airport marking buildings and key locations would be submitted.

iii. Close Public Hearing

iv. Selectboard discussion
v. Vote on findings
vi. Vote on special permit

S. Bannon stated there were 84 attendees at the meeting.

5. CITIZEN SPEAK TIME
   a. Josh Bloom, Lee asked to speak – S. Bannon stated speakers are GB residents, property owners and business owners only – and noted others can contact the Selectboard via email.

6. SELECTBOARD’S TIME – No members asked to speak.

7. MEDIA TIME – No media asked to speak.

8. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 8:28pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk