

GREAT BARRINGTON ZONING BOARD OF APPEALS

Tuesday, July 23, 2019
7:30 PM
Town Hall, 334 Main Street

MEETING MINUTES

Present: Ron Majdalany, Carolyn Ivory, Madonna Meagher, Steve McAlister, Michael Wise, Don Hagberg (Alternate), John Katz (Alternate)

Staff Present: Chris Rembold, Town Planner

Call to Order: Chair Majdalany called the meeting to order at 7:30PM.

Special Permit Public Hearing for A&A Memorials, Inc., 57 Van Deusenville Road

Rembold read the public hearing advertisement. He noted the Board made a site visit this evening before the meeting.

Ivory moved to open the public hearing. Wise seconded. All were in favor.

Richard Atwood, Owner of A&A Memorials was represented by Attorney Lori Robbins. Ms. Robbins presented the application which included a summary of the nonconforming use status of the property, which she said has light industrial uses including welding and metal fabrication since the 1970s, when the area was zoned Industrial. She also presented affidavits from previous site occupants and employees as to what types of uses operated at the site and when. She also presented an overview of the services Mr. Atwood's company provides at the site, including stone fabrication, and why these are in keeping with previous uses.

Meagher asked about other uses on the site and whether they were permitted on the site. Board members decided that the present discussion was only relevant to the applicant's proposal, and other businesses are not included in this decision.

Rembold noted the parcel also appears to be non-conforming with respect to frontage and setback from a property line, so future changes or additions to structures on it may require zoning relief. He said this decision about the use is distinct from the dimensional nonconformities.

Chair Majdalany called for public comment.

Michelle Loubert of Division Street said she does not have concerns about Mr. Atwood business but the Board should know that a garbage hauling business was also on the site.

Chair Majdalany asked for a motion to close the hearing.

Ivory moved to close the public hearing. Wise seconded. All were in favor.

Chair Majdalany asked the Board to make three required findings. First, whether or not the existing nonconforming use is legally preexisting. Second, whether or not the proposal is substantially more detrimental than the existing nonconforming use to the neighborhood. And third, whether or not the proposals benefits are not outweighed by adverse impacts.

McAlister stated it seems clear that the industrial use of the property is legally preexisting. All agreed.

Ivory stated that changing the use from metal to stone fabrication will not be substantially more detrimental than the existing nonconforming use to the neighborhood. All agreed.

The Board reviewed each of the special permit criteria of 10.4 and agreed that adverse impacts will not outweigh beneficial impacts.

Ivory moved, based on the findings, to grant the special permit. Meagher seconded.

Roll Call vote: Meagher – yes Wise – yes McAlister – yes
Ivory – yes Majdalany – yes

Special Permit Public Hearing for Zachary Culbreth, 170 Taconic Avenue

Rembold read the public hearing advertisement.

Wise recused himself since he is an abutter. Chair Majdalany appointed Katz to vote.

Ivory moved to open the public hearing. Meagher seconded. All were in favor.

Zachary Culbreth presented his plan to the Board. He said he proposes an addition but a small corner of the addition will not comply with the side yard setback. He said the addition is not further into the side setback than the main house already is.

There were no questions from the board or the public.

McAlister moved to close the public hearing. Meagher seconded. All were in favor.

Chair Majdalany asked the Board if they felt the house was legally preexisting nonconforming. Ivory stated that in a previous hearing that the Board determined it is. All agreed.

Chair Majdalany asked the Board whether the proposal is more detrimental than the existing nonconformity. The Board agreed it will not be.

Chair Majdalany asked for a motion to grant the special permit.

McAlister moved that the special permit benefits are not outweighed by adverse impacts and the permit should be greatened. Katz seconded.

Roll Call vote: Meagher – yes Katz – yes McAlister – yes
Ivory – yes Majdalany – yes

OTHER BUSINESS

Minutes:

Ivory moved to approve the minutes of April 10, 2019 meeting. Meagher seconded. All were in favor.

CDC 40B Comprehensive Permit, 100 Bridge Street:

McAlister recused himself.

Rembold presented his July 18, 2019 memo to the ZBA on this matter which stated his opinions that the final plans are in conformance with the Permit.

The CDC requested a six month extension of the deadline of the 40B permit, and also requested the ZBA approve a modified plan of the property as not a substantial change to the permit.

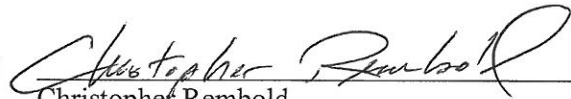
On motion by Ivory, second by Wise, the Board voted unanimously to:

1. Approve the six month extension of Permit;
2. Determine that the parcel boundaries as shown on Plat D-D4, recorded July 18, 2019, are not a substantial change from the boundaries approved by the Permit; and,
3. Determined that the Final Site Plans as submitted are in substantial conformance with the terms and conditions of the Permit and its subsequent plan revisions approved in April.

Citizen Speak: None

Adjourn: Hearing no further business, Chair Majdalany adjourned the meeting at 8:30 PM

Minutes prepared by:


Christopher Rembold