

Great Barrington Zoning Board of Appeals Minutes  
Town Hall, 334 Main Street, Great Barrington  
October 22, 2019

Present at meeting:

~Ron Majdalany, Chair  
~Madonna Meagher  
~Stephen McAlister  
~Carolyn Ivory  
~Michael Wise  
~John Katz, alternate  
~Donald Hagberg, alternate  
~Christoher Rembold, Assistant Town Manager

Meeting opened at 7:30 pm.

1. Public Hearing:

Application from Jenise and Mark Lucey, for special permit to alter a nonconforming residential structure at 415 Monterey Road, Great Barrington, in accordance with Sections 5.3 and 10.4 of Zoning Bylaws.

S. McAlister recused himself from this matter. Chair Majdalany appointed D. Hagberg to vote.

A. Open Public Hearing: Public notice was read that was published in the Berkshire Record, on October 4 and 11, 2019.

B. Explanation of Project: Jenise Lucey, showed an architectural drawing of her property and the proposed project. On drawing was the setback line and showing where it will be continued. They are wanting to add a bedroom to side of home. Home was built in 1876 per Mark Lucey.

C. Chair, R. Majdalany, wants to verify that home was legally built within this setback.

Motion made by C. Ivory, to pause hearing to locate documents needed to verify property, 2<sup>nd</sup>, M. Meagher, 2<sup>nd</sup>, All in Favor (5 - 0).

2. Public Hearing:

Application from Robert W. Brownson, 495 Home Road, Sheffield, for a special permit to extend a preexisting nonconforming use, to allow a solid waste hauler operation at 57 Van Deusenville Road, Great Barrington. This application is filed per Sections 5.2 and 10.4 of the Great Barrington Zoning Bylaw.

A. Open Public Hearing: Notice of Public Hearing was read. The notice was published in September 20 and 27, 2019 in the Berkshire Record.

B. Explanation of Project: Robert Brownson gave description of his waste hauling business. It has been at current location approximately 5 years, consisting of 7 trucks, for pick up of recycling and solid waste, 15 metal containers, several plastic customer totes. Hours of operation is 5 am. - 4 pm. (though can go as late as 7 pm.). There have not been any neighbor complaints, and a (hard) copy of signatures was produced of surrounding neighborhood.

C. Questions from Board:

- ~ How many trips a day, with trucks?  
Out and back.
  - ~ Are trucks stored overnight with garbage?  
No, emptied in 3 off site locations.
  - ~ Are trucks serviced on the property?  
No, at local mechanic's garage.
  - D. Comments from other Boards:
    - a. Board of Health: Gave approval
    - b. Selectboard: Favorable recommendation at October 7<sup>th</sup> meeting, wanted no expansion of vehicles, and this recommendation is given to R. Brownson, not if sold.
    - c. Planning Board: October 10, gave approval, only the 7 trucks.
    - d. Conservation Committee: no wetland concerns.
  - E. Comments from the Public:
    - ~ J. Bachetti, Van Deusenville Road, Housatonic; quieter than previous business (Bailey's).
    - ~ Richard Atwood, 57 Van Deusenville Road, Housatonic; trucks have historically been at property.
  - F. Vote to Close/ Continue Public Hearing: Motion made to Close Public hearing by M. Wise, 2<sup>nd</sup>, M. Meagher, All in Favor, (5 - 0).
  - G. Board Discussion: Question was if business was a trucking or wasting hauling business? Determined that trucks are driven out then returning empty to park for evening.
  - H. Vote to Approve/Approve with Conditions/Deny/Continue: Motion made for approval, by M. Wise, with conditions that only 7 (seven) trucks of comparable size (if replacement is needed), and 15 containers at 57 Van Deusenville Road, C. Ivory 2<sup>nd</sup> motion. All in Favor (5 - 0).
3. Public Hearing:
- Appeal of Building Inspector's Cease and Desist order, filed by Duncan Stafford, 200 Maple Avenue, Great Barrington, in accordance with MGL 40A, sections 8 & 15.
- A. Open Public Hearing: Notice of Public Hearing read, was published in Berkshire Record on September 20 & 27, 2019. M. Meagher recused herself from this matter. Chair Majdalany appointed J. Katz to vote.
  - B. Explanation of Appellant: D. Stafford, explained that he has been doing business about 15 ( fifteen ) years at the location, asking for 2 (two) years to secure a new location for his current business.
  - C. Questions from the Board:
    - ~ Is 2 years adequate time frame?  
Yes, two years is acceptable.  
M. Wise - It is a R-2 zone. You're saying it's not allowed, the Order is correct, you just want two year stay?  
Yes.
  - D. Comments from other Boards:
    - a. Selectboard: gave approval if no additional trucks and business was to the person, doing business, on October 7, 2019.
  - E. Comments/Questions from the public: ~D. Sharp, Great Barrington, neighbor, not a problem for him or his property.

- F. Vote to Close/Continue Public Hearing: Motion made to close public hearing, by M. Wise, D. Hagberg, 2<sup>nd</sup>, All in Favor (5 - 0).
  - G. Board Discussion: M. Wise thinks is reasonable.
  - H. Vote to Approve/Approve with Conditions/Deny/Continue: Motion made by S. McAlister, to uphold the Building Inspector's Cease and Desist Order, giving owner, D. Stafford, not more than two years from this date ( October 22, 2019), to find new location, M. Wise 2<sup>nd</sup>, All in Favor (5 - 0).
- 4. Approve Minutes: Minutes from July 23, 2019 were approved, by motion by M . Wise, 2<sup>nd</sup> M. Meagher, All in Favor, (5 - 0).
  - 5. Citizens Speak: no comments

\*Continuation of Lucey : C. Rembold found documents from 1876, W. Turner owned property. The layout of the road, had bend in it, the road was altered, in 1924.

F. Vote to Close Hearing: M. Wise made motion to close hearing, M. Meagher, 2<sup>nd</sup>, All in Favor (5 - 0).

G. Board Discussion: that there would not be any negative impact from this project.

H. Vote to Approve/ Approve with Conditions/ Deny/ Continue:

Motion made to grant permit, by M. Wise, M. Meagher 2<sup>nd</sup>, All in Favor, (5 - 0).

- 6. Adjournment was at 8:27 pm.  
Next meeting is set for November 19<sup>th</sup>, 2019, 7:30 pm.

Respectfully submitted,

*Jamie M. Minacci*