

## Great Barrington Zoning Board of Appeals

Minutes of March 10, 2015, executive session.

Attending were Chairman Ron Majdalany, Vice Chairman Carolyn Ivory, Kathy Kotleski, Michael Wise and alternate Don Hagberg. Discussion opened at 7:40 p.m. at Great Barrington Town Hall. Special Counsel Richard Dohoney and Town Planner Chris Rembold attended.

Mr. Wise, the board's representative to Town Counsel Brian Winner and David Doneski, Kopelman and Paige, in the **Daniel Bell/Claudia Shapiro** lawsuit against the board in the issuance of a deck and disabled access special permit for Berkshire Aviation Enterprises/Great Barrington Airport, told the board he, Chairman Majdalany and the recording secretary had met with Town Manager Jennifer Tabakin on Feb. 27 to discuss a discovery demand. On March 4 he and Ms. Tabakin, with the recording secretary present, made a conference call to Mr. Doneski to try to arrange to set up a motion to dismiss the case and obviate the need to respond to the need to respond to the motion for discovery. If this fails, then Mr. Wise will need to speak with board members and Mr. Rembold to collect some requested information. He will also identify certain documents for submittal.

(There is a second Shapiro lawsuit regarding the board's failure to hold a hearing on her appeal in Superior Court of a Selectboard-issued entertainment license to the airport. Mr. Winner made an appearance last week.)

Mr. Dohoney reported that that day he and the board had received notice of a second Lynn Hutchinson appeal, of a forestry plan, from the Feb. 10, 2015, hearing. He said there is nothing in the filing that was not said at the public hearing Feb. 10. He will verify the filing meets requirements and respond within the designated 20 days. He said he anticipates a motion to consolidate this and an earlier Land Court appeal, which would not necessarily hurt the town's case. He said he will make sure the judge is aware of different details in the cases. He said he feels good about the board's position, but noted there is a lot of case law involving agricultural exceptions, including some that work in the town's favor. He said he is urging Housatonic Water Works to file as an intervenor, and represent the public interest in protecting Long Pond as a drinking water source.

The board adjourned at 7:50 p.m.

Respectfully submitted

Bernard A. Drew, Secretary

