

Great Barrington Zoning Board of Appeals

Minutes March 22, 2016

Attending the meeting at Town Hall were Chairman Ron Majdalany, Madonna Meagher, Michael Wise and alternates John Katz and Don Hagberg. Also Town Planner Chris Rembold.

The chairman at 7:30 p.m. resumed the continued public hearing on the 100 Bridge Street Comprehensive Permit Application submitted by **Community Development Corporation of South Berkshire**. Tim Geller, CDC executive director, asked for a continuance. The board on a motion by Ms. Meagher, seconded by Mr. Wise, continued the hearing to Monday, April 25, 2016, at 7:30 p.m. at the Great Barrington Fire Station on State Road. All voted in favor.

The chairman at 7:35 p.m. opened the public hearing for **Tune Street** (David Germain) for a special permit for a change of use for a pre-existing, non-conforming barn at 117 State Road. The property is owned by Linda Boone. Mr. Germain must obtain a second special permit from the Select Board for mixed use. The secretary read the notice for the hearing and attested it had been mailed to abutters, posted and advertised twice in The Berkshire Record. Members as a group or individually visited the site.

James Scalise, SK Design Group of Pittsfield, and Matthew Mosian, attorney, as well as Mr. Germain were at the hearing. Mr. Scalise said there is a duplex rental dwelling on the property. The carriage barn, which has been used as an art gallery, will become an office and display for Tune Street. The nonconformity is the barn is within the 10-foot sideline setback. Mr. Scalise provided copies of a map from a 1904 atlas showing the building was on the property at that time, predating the town's 1932 adoption of a zoning bylaw. He also provided a 1907 mortgage document for then-owner J.K. Larkin. He said eight parking spaces will be created. He said there will be interior improvements to the barn in lighting and there will be painting. Except for striping for an accessible parking space, there will be no exterior changes. Ms. Meagher asked about exterior lighting. Mr. Scalise said none is planned, as there are no anticipated evening hours.

The board received letters giving positive recommendation from the Planning Board, the town manager on behalf of the Select Board, the Conservation Commission and the Board of Health. On a motion by Mr. Wise, seconded by Ms. Meagher and voted unanimously, the board closed the public hearing at 7:41 p.m. The chairman asked Mr. Katz and Mr. Hagberg to sit in for Ms. Ivory and Ms. Kotleski. The chairman asked if members were satisfied the property is pre-existing, non-conforming and legal. All said yes. The chairman asked if members felt the proposal was more detrimental than what is there now. Members said there is virtually no change. The chairman went through criteria of 10.4.2:

- The proposal reuses an existing building in a commercial zone for a commercial use. The proposal will retain the existing two-family residential use on the property.
- The proposal has no significant change on traffic flow and safety. No new driveways are created. Existing sight distance is sufficient. There will be no significant increase in traffic generated by the proposed use.
- Utilities (municipal water and sewer) are adequate to serve the use.
- The proposal is mixed in character with commercial businesses on one side and residences on the other. A mixed use in property is in keeping with the context.
- The proposal has no negative impact on the natural environment.
- Fiscal impact is positive as it keeps jobs in town.

Mr. Wise moved to approve the special permit application, the decision to use language as prepared by the town planner (above). Ms. Meagher seconded and the vote was unanimous. Mr. Hagberg will write the decision. The chairman appointed Mr. Wise temporary clerk of the board to sign paperwork for the Record of Proceedings and Form 102.

Mr. Wise asked that "opened" be changed to "resumed" in the second paragraph of the minutes of the Zoning Board of Appeals meeting of Feb. 17. With that change, he moved to approve, Ms. Meagher seconded and all were in favor.

An omission from the Feb. 17, 2016, minutes: The board at that hearing, on a motion by Ms. Ivory, seconded by Ms. Meagher, voted unanimously to approve the minutes of Jan. 7, 2016.

On a motion by Mr. Wise, seconded by Ms. Meagher, the board voted unanimously to adjourn at 7:46 p.m.

Respectfully submitted

A handwritten signature in cursive script that reads "Bernard A. Drew".

Bernard A. Drew