

SELECT BOARD MEETING MINUTES

MONDAY, JANUARY 29, 2018

7:00 PM

TOWN OFFICES, 50 MAIN STREET

Present:

Don Chabon, Chuck Cardillo, Terry Flynn, Danielle Fillio

Call to Order:

Don welcomed everyone to the meeting.

Announcements:

Don briefly reviewed the agenda items.

The Ice jam has dissipated and the water level is down.

Don asked for Veterans to contact the Selectmen or Harold French if they would like to participate in the Memorial Day Parade.

On February 6th at 6:30 there is a Planning Board Hearing on the 37 Interlaken/DeSisto property.

On February 9th there is a Sock Hop fund raiser for the Waldorf High School in the Town Hall gymnasium.

Point to Order:

Don noted that there has been discussion about Select Board meetings styles.

He reviewed that agendas are properly posted as required. Agenda subjects are listed succinctly providing an idea of what will be discussed. All requests to be included on the agenda are considered. All meetings are televised. Executive sessions are only conducted when required. In keeping with prior practices we encourage participation and allow comment on everything. When a subject elicits active participation we tend to allow it to play out. Participation and comments are welcome.

Special Town Meeting - Follow-up reports:

Marijuana: It was suggested that the Select Board have a hearing to make recommendations for a bylaw proposal for the May meeting.

Collector-Treasurer: The language was approved by House Counsel and was officially filed with the House Clerk's office on Friday to begin the process to be passed by the House and Senate.

Highway Garage: The Engineer provided a schedule: Motion of Intent from Conservation to be filed by February 15th to cover work on the edge of the 100 year flood plain; Special Permit with the Planning Board to be filed by February 15th; Finalized design and bidding documents done by March 15th; Release for bids April 1st, pending Planning Board and Conservation Commission permitting. Complete demolition of existing garage done between April 15th and May 15th; Complete abatement and contamination of soils done between May 15th and May 30th; Planned construction commencement June 15th, should take about 4 months with estimated completion date of November 15th.

Citizen Involvement and Activism - Report and comment: Don said they had 133 citizens at the Special Town Meeting although the meeting was lengthy for only four articles. He noted that this was a great turnout as they hardly get over 50 citizens for Special Town Meetings.

Appointments, Commissions and Committees: Don said that volunteerism has been great and they currently do not have any openings. Don would like to encourage younger citizens to be involved.

Solicitations in Town and on Town Property - Policy considerations, discussion and decision:

Due to recent solicitation requests regarding handouts for meetings Don contacted Town Counsel to discuss a policy. The Board agreed to have Counsel review Don's draft and to check to see if restrictions similar to elections should be enforced.

Elections: Nomination papers will be available from the Town Clerk on February 1st. The last day to obtain them is Friday, March 30th and they must be returned by 5:00PM, Tuesday, April 3rd.

The following Offices are up for reelection: Moderator for 3 years; Tree Warden for 3 years; one Selectmen for 3 years; one Board of Assessors for 3 years; one Board of Health for 3 years; one Parks and Rec. for 3 years; one Sewer and Water Commission for 3 years; one Planning Board for 5 years.

37 Interlaken/DeSisto Bylaw Proposal - Upcoming Hearing - Select Board discussion:

Planning Board Hearing set for Tuesday February 6th, 6:30PM in the gymnasium to review a proposed new zoning bylaw for the Cottage Era Estates.

Gary Pitney, Planning Board chair, said the public hearing will start at 6:30 with an introduction, a brief timeline of the Cottage Era Bylaw, allow 10 minutes for the proponents of the bylaw, 10 minutes for the opponents of the bylaw to present, open it to the floor for comments, close that part of the hearing and the Board will either ask questions or deliberate amongst themselves to decide what to do next; do nothing, recommend, not recommend, or anything in between. Town Counsel will attend.

Don asked that the Select Board to be concerned with certain parts: Liability to the Town, Infrastructure Impact, Collateral Damage, Commitment and Ownership, Sociological Impact on the Town, Site visits. Other things mentioned are: Environmental and Aesthetic Impact, Financial Benefit, Jobs, Farm, Contribute to affordable Housing, Cost of units, effect on neighborhoods, effect on housing costs and other visions.

Gary stated that the Planning Board Hearing is focused on the Bylaw, not the project.

Jonathan Silverstein, representing Patrick Sheehan, the owner of the property, spoke to some of the issues presented. He said that they would be willing to speak to the Board of Selectmen and address their concerns. Terry Flynn said that he was opposed. Mr. Silverstein said that their intention was to have had these discussions before the bylaw was proposed but time ran out to get it to Town Meeting. He said that the bylaw was proposed as they were not able to get input from Town boards, but they recognize that discussions can still happen before Town Meeting. Terry said that the Select Board's leverage was eliminated by this bylaw and again said that discussion cannot happen before Town meeting. Mr. Silverstein said that this is the Board's decision. Mr. Silverstein responded to Don's points and said that the Planning Board does have the authority to suggest changes to the proposal and they are welcomed; they would welcome recommendations from the Selectmen as well. He said that he has no issues having procedural discussions with Town Counsel. As far as liability to the Town, this is easily resolved by the Planning Board imposing a surety bond as a part of site plan approval; also the Conservation Commission could include it as a part of their approval. With respect to infrastructure impact, it would be specifically reviewed under the proposed bylaw but are happy to have those discussions. Commitment to ownership of the project could be discussed. Site visits are welcomed. Concerning sociological, he was not clear what that would entail but if it means whether the development fits so to speak, they are willing to have that discussion. He added that there is always

room for discussion, very open to them and welcomes them. Don felt the need to go through the Planning Board process first.

Terry added that this is all taking place in the context of an appointed Zoning Bylaw Review committee who is reviewing the zoning bylaws and that this committees' process should be allowed and time for them to come forward with their recommendations on the Cottage Era Bylaw.

Don said that a bylaw consultant was budgeted for.

Mr. Silverstein responded to some public comments. He said to make negotiations to be binding, it is common to have a host community agreement; a binding contract, and if the developer says this is what we are going to build and no more, it is more protective than a permit condition. This type of contract would be binding and enforceable and they encourage the board to consider having that type of negotiation. Mr. Silverstein was not involved during 2016 when suggested bylaws were submitted and his understanding is that his client had never before submitted a proposed bylaw, nor were they submitted at their request, or in consultation, nor had any knowledge of bylaws being submitted. When he spoke to having the opportunity to have discussions; it was their request a few months back to have direct negotiations with the Board of Selectmen and it seemed to them that they were not going to have that opportunity and certainly not in time for them to have something before Town Meeting in May so that is what drove their timing. He noted that it is said that there is no project with definitive plans that has been brought before boards and he said that no developer would spend the amount of money to prepare definitive plans for a project that is out right prohibited by current zoning. They would be willing to commit by contract to prove that they were not going to propose one thing and do another. He stated that they attended the Zoning Bylaw Review Committee's first meeting and requested that the Cottage Era Bylaw provisions be advanced and they were told they could not. He acknowledged the importance of the process but noted the time that it would involve. He did not feel in fairness that his client should be told not to do anything for two years as in terms of asking for a bylaw change that would allow for development that is economically viable on that property. There had been suggestion that they were trying to circumvent the negotiations with the Board of Selectmen and they absolutely were not; they had been asking for it and had been ready for it. Also that they were circumventing the Zoning Bylaw Review Committee and they absolutely were not; they went to them and were told that they were not willing to advance it for reasons that he understands. They have not gone to the Conservation Commission and will not do that level of detailed analysis while the project is prohibited by current bylaws. They are ready to do all the hard work and negotiate but need to be in the position where the project has some viability.

Terry questioned if they were ready to withdraw their amendment. Mr. Silverstein said that at that time he was not authorized to do that. He said currently there is a level playing field and that they have four months before the Town Meeting to have discussions and if productive and it made sense to withdraw the amendment at that point, then it is something on the table but he felt that when efforts to date to have those negotiations before they submitted the warrant were not reciprocated, he thought it was not something that would happen.

Terry felt that Zoning allows for the Town to have leveraged and the process should be respected. Terry also felt that the Zoning Review Committee might be willing to find way to look at the Cottage Era earlier.

Terry said that if approved, conditions can be altered as to how things are done but not what is going to be allowed.

Don said that they are committed to the hearing next week and they would proceed from there.

Crosswalks:

Mary Green, Lincoln Lane, wanted to speak on the safety of Town crosswalks and said that drivers do not stop. She spoke briefly to Chief Fennelly who has a few recommendations. She listed some options: LED solar powered lights along cross walks, (issues are poor lighting and poor paint jobs), blinking cross walk signs, reflecting lights set into the pavement, creating lining, reflective paint, policing/ticketing, and having bright red flags in containers that the pedestrians carry across the road with them. Don asked to reschedule this discussion for the next Wednesday morning meeting when Police and Highway can be present.

Upcoming Select Board Topics - Announcement and comment:

Don mentioned the following upcoming Topics:

- Recreational Marijuana discussion**
- Stockbridge Initiative - Population Growth and Balance**
- Other housing considerations**
- Air B&B's, ADU's, Protecting our Hospitality Industry**
- Planning Board work load, budgeted planner**
- PILOT Committee**
- Tourism Committee, Business Development**
- Bridges and roads update report**
- Budgets**

Other Business:

Denny Alsop, 3 Main Street, suggested that the Town do an aquifer study on the bedrock around our watershed. Denny said that there is an aquifer there but the State does not have it on their list. He suggested that the Town engage a hydrogeologist to advise the Town. Water and Sewer will be contacted.

Adjournment:

With no further business, Don made a motion to adjourn; Chuck seconded; the vote was unanimous.