

September 25, 2017

Selectmen's Meeting

7:00 p.m.

Present: Don Chabon, Chuck Cardillo, Terry Flynn and Danielle Fillio

Don welcomed everyone.

Don first mentioned that the next meeting will be October 11<sup>th</sup> at 9:00 AM where they will discuss Human Resources and department reviews. On October 16<sup>th</sup> at 7:00 PM they have several special permits. There is another special permit scheduled for October 30<sup>th</sup> at 7:00 PM.

The first item on the agenda is a continuation of Public Hearing on Special Permit for Raynor and Ranne Warner for property located at 19 Birch Lane owned by H and E Reinholt, LLC . The applicant has withdrawn their application.

Don made that motion to open the hearing for Raynor and Ranne Warner. Chuck seconded, all were in favor.

Don stated that they have a letter from the applicant stating that they have withdrawn their application. Don read the letter as follows:

Dear Board of Selectmen:

Unfortunately, Raynor M. Warner and Ranne P. Warner are withdrawing their application for a Special Permit to construct a new 2 story dwelling at 19 Birch Lane. Please accept this withdrawal without prejudice. I will not be able to attend the public hearing scheduled on this matter on 9/25/17, as I have a pre-existing obligation before the Great Barrington Board of Selectmen for another client, but Attorney Shawn Leary Considine will be presenting this request at the 9/25/17 public hearing.

Thank you for your attention to this matter.

Very truly yours,

Lori Robbins

HELLER & ROBBINS

Don moved to accept their letter of withdrawal without prejudice. Terry seconded, all were in favor. Next on the agenda was the continuation of Public Hearing on Special Permit for David and Sarah Lebwohl for property located at 24 Mahkeenac Shores.

Don made the motion to open the hearing for the Special Permit for the Lebwohls for property located at 24 Mahkeenac Shores. Chuck seconded, all were in favor.

Attorney Shawn Leary spoke in the place of Lori Robbins representing Sally and David Lebwohl. She stated that architect Steve Deitman was also present and continued by stating that the application is for a one story dwelling on a non-conforming lot in an R-2 zone. Mike Parsons did the plot plan for the project. The plans are to rebuild a two story structure with a reduction in foot print size. In addition to

the new foot print it will be set at 2.5 feet below the current grade, having a flat roof that steps down in the back, being sensitive to their uphill neighbors. Attorney Leary presented and reviewed the project drawings.

The Historic Commission accepted the taking down of the current house in June of this year. Becoming more concerned with the uphill neighbors' concerns the Lebwohls decided to further reduce the impact. There are new plans to be presented that evening having three changes. Don questioned the current plans and Attorney Leary said that they are hoping to amend the plans that evening and give them a new set of plans.

The first change was to move the chimney to the other side of the house. The second change was to do without the external access to the cellar. The last change was to move the retaining wall further to the west, away from the neighbors to better accommodate.

Steve Deitman presented the new plans to the Selectmen and went into further detail on the site and new house.

Sally Lebwohl spoke on the importance of the property to her and spoke on the community and neighborhood support she had. She said that they hope to have the Selectmen approve their permit.

Attorney Leary stated how the project complies with Section 6.1.2 of the Zoning Bylaws.

Attorney Alex Glove spoke representing neighbors Yasmine Tetenbaum and Robert Curtis. She said that her clients do not oppose the improvements. Their concern is the additional height of the structure which would block their view of the lake and their sunlight. She suggested that the work as it is now would be significantly and substantially more detrimental to the abutter. She requested that the Board hold a formal site visit with a balloon test showing the height change.

Don and Chuck had both been to the site but Terry had not. Terry said that he would go as soon as possible so to not create further delay. Chuck said that they are under the legal limit for height.

Terry commented that 35 foot height requirement is allowed and it is the context of the bylaws. Attorney said that the height is not the direct issue but that it is more detrimental to the neighbors.

Louisa Lebwohl spoke in support of her parent's application.

Emily Leigh, Mrs. Lebwohl's sister spoke in support of the project.

Anne Roy, whose parents owned the original cottage spoke in support of the Lebwohls.

Joy Roy also spoke in support.

Bill Lutrel, 18 Mahkeenac Shores Road, spoke in support of the application.

Mary Lou Glazer, 5 Mahkeenac Shores Road spoke in support of the plans and agenda.

Eve Shara spoke in support.

Steffi Lenchiner, 3 Mahkeenac Shores Road also spoke in support.

Yasmine Tetenbaum said that her and her husband would support the project if it were not going to adversely affect her house, especially shade her house. She said that she would like to know that everyone would be happy and that only her house is affected by it. She requested that the Board give them time to see the new plans.

Mr. Lebwohl stated that they have done their best to be accommodating.

Don mentioned that it is clear that the project is less non-conforming. The only question is if it is substantially more detrimental to the neighborhood.

Terri stated that there is a change to better accommodate the neighbors, but as he has not seen the property, to be as fair as he can, he would like to quickly do the site visit and meet again quickly to make the decision.

Terry wanted more information by doing a site visit.

Terry made a motion to continue the hearing for Wednesday, October 4<sup>th</sup> at 9:00AM. Chuck seconded, the vote was unanimous. Terry would set up a site visit.

Don made a motion to appoint Beth McCormack as a van driver for the Council on Aging. Chuck seconded, the vote was unanimous.

Don announced that the Water on Church Street will be turned off tomorrow from 9:00 a.m. – 12:00 p.m. while they tie into the main.

The Zoning review committee has had their first meeting and encouraged people to get involved.

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