

STOCKBRIDGE SELECT BOARD MEETING MINUTES
Thursday, September 24, 2020
6:30 p.m.
TOWN OFFICES, 50 MAIN STREET

Present:

Chuck Cardillo, Roxanne McCaffrey, Patrick White and Mike Canales

Call to Order:

Chuck called the meeting to order.

First the Board took action on minutes from August 27, 2020. Chuck made a motion to accept the minutes of August 27th. Roxanne seconded; all were in favor.

Next was a special permit hearing for Sherrod L. Salsbury and Edward S. Bailey for property located at 20 Castle Hill Road.

Notice of Hearing:

BOARD OF SELECTMEN
TOWN OF STOCKBRIDGE
50 MAIN STREET
STOCKBRIDGE, MA 01262
SPECIAL PERMIT HEARING

Notice is hereby given that the Board of Selectmen, acting as a Special Permit Granting Authority, will hold a public hearing via Zoom Meeting, at 6:30 p.m. on Thursday, September 24, 2020 to consider the application of Sherrod L. Salsbury and Edward S. Bailey for property located at 20 Castle Hill Road. The applicant is requesting authorization, pursuant to Section 6.1.2 of the Zoning Bylaws to allow the extension, alteration reconstruction or change of use of a nonconforming single-family dwelling. The property is in an R-2 zone.

Consult the posted Agenda for instructions and access codes to Zoom Meeting. The application is filed in the Town Clerk's Office and the Selectmen's Office from where a digital copy of the application can be requested.

Ernest J. Cardillo,
Chairman

The Berkshire Eagle
September 2, 2020

The Berkshire Eagle
September 9, 2020

Ed stated that they wanted to take down their preexisting, non-conforming garage and build a new garage. It will be set back from the street at the legal setback but remain the same distance on the side. It will remain nonconforming to the side property line. With no public comment, Chuck made a motion to close the public hearing. Patrick seconded; all were in favor. With no further discussion, Chuck made a motion to accept the special permit for the garage for the Bailey's on 20 Castle Hill. Vote: Roxanne: I, Chuck: I, Patrick: I.

Next was the continuation of the special permit hearing for J.D. Realty Trust C/O Patricia Button for property at 9 Main Street. Pam Sandler shared screen and again gave an overview of plans for the proposed addition stating that the new addition will be no closer than the house exists right now at 1.5 feet. They are applying under Section 6.1.2 c. Pam said that they have received several letters from neighbors, have complied with the neighbors at 7 Main Street and sent them a registered survey from 1911 for the registry of deeds. They prepared an agreement with the owners of 7 Main Street but have not received a response. Pam said that they also meet with them on site. Basically, Pam feels the addition is architecturally in harmony with the neighbors and her client would like to get this permit so that he can enjoy his house year-round. Chuck asked how they were not making the house any more nonconforming when it is being extended further back on the property line. Pam said that this has always been accepted in the past for projects she has presented. When questioned Pam said that they would build it with not going on the neighbor's property if that is what they have to do; one-sided forms; pre building. Patrick said that he felt that Historic Preservation knows the most about the homes in Town and that they were very much in favor of this project because of the net benefit it would bring. Chuck said that he had no issue with the design but his issue was with them dealing with the neighbors. Pam asked if she could continue the hearing at this point to the next meeting. Pam said she could come back in two weeks. Chuck said he would like to have a better agreement with the neighbors and Pam said that the neighbors do not communicate. Roxanne said that when the plans were first seen, the addition was shorter and Pam said if this would make the difference, she was sure they would take off the five feet. Chuck made a motion to continue until October 8th.

Jennifer Carmichael, 7 Main Street, said that looking at the site map and the property line, the 9 Main Street house is across from their house, but when you get back to the garage, you get back to their backyard. To push the garage over to the property line; she felt that it is a detriment to their property and they lose a lot of their privacy. Pam disagreed and said that they agreed at site that they would put a privacy fence on the deck, plantings, hedge rows, whatever they want; definitely agreeing on a side railing. The tree on the property line was questioned and Pam said that they could keep it there, whatever they would like. Jennifer said in their letter of temporary access to the property, Pam said that they would cut the tree roots but not take the tree down. Pam said they will take it down at her client's expense if they want. Pam said the roots of the tree go under the client's property causing structural failure. Moving closer to the opposite property line was discussed and Pam said she could not. Chuck said that a motion was on the floor to continue the meeting. Chuck made a motion to continue until the October 8th at 6:30 p.m. Jennifer added that a copy of the certified survey was not yet received and Pam stated that Mike Considine handed a copy to their brother. Chuck asked if the stakes were in the ground where they belong. Chuck added that they have the survey plans but the property has never been surveyed. Pam said that it was surveyed. Jennifer stated that they were under the impression that the 9 Main

Street house sits on their property by about six inches and Pam said that it does not and referred to the submitted registered survey. Chuck asked if the map was mapped out on the property; steaked out marking those exact measurements. Pam said she would triple check and that they should be there. Chuck said that by the next meeting he would need that answer; that the property is surveyed out to the right markings. Chuck added that he would like to do a site visit. Pam said that the surveyor will come back and flag the markers. Chuck asked Pam to let Mike know once the survey is done so that they can set up a site visit time before October 8th. Chuck asked for a second to his motion. Roxanne seconded; all were in favor. I Roxanne, I Patrick, I Chuck.

Next the Board took action on One-Day Alcohol License applications for the Berkshire Botanical Garden at 5 West Stockbridge Road for October 3rd for 10 a.m. - 5 p.m., October 5th for 9 a.m. - 5 p.m., October 10th for 9 a.m. - 5 p.m., October 17th for 10 a.m. - 4 p.m., October 24th for 12:00 p.m. - 4:00 p.m., and October 31st for 10 a.m. - 3 p.m. Chuck noted that the Tri-Town Health Department approved the events. Seeing no comments, Chuck made a motion that the Board approve the alcohol licenses for those days mentioned. Patrick seconded; all were in favor.

The Board discussed extending outdoor alcohol table service for Once Upon a Table until 60 Days after the end of the state of emergency. Mike noted that the Governor put out this extension. Once Upon a Table does not have outdoor seating in their alcohol license but they were granted a temporary extension with an end date. This would extend their end date. Chuck made a motion to grant the 60 days after the end of the state of emergency date to Once Upon a Table. Roxanne seconded; all were in favor. Vote: I Roxanne, I Chuck, I Patrick.

Next discussed was the possible extension of outdoor seating past Columbus Day (10/12/2020). Following discussion, Chuck made a motion to not set a date, but while in the state of emergency, extend outdoor dining as long as the restaurants decides. Vote: I Roxanne, I Chuck, I Patrick.

The Board then discussed Yearly Appointments. Roxanne noted that currently they do not have a Select Board member on the Community Preservation Committee. Patrick asked if all the appointees had indicated a willingness to extend? Mike said that they will be contacted. Chuck questioned why some who have contracts are also appointed. Mike said that he will double check and table to the next meeting.

Next discussed was to set a weekend trash pick-up end date. Roxanne suggested Columbus Day weekend. Chuck suggested pick up on that weekend to be done on Sunday afternoon and Tuesday morning; with no holiday pick-up. Patrick said that he was just concerned of having overflowing garbage bins.

Chuck made a motion to have weekend garbage pickup end on October 11, 2020. Roxanne seconded; all were in favor.

Mike spoke on the Chamber of Commerce's request for rent reduction or forgiveness. He said that the Chamber submitted a letter for rent reduction/forgiveness and that the Board of Selectmen ultimately have to approve it, but they can appoint someone to negotiate it and bring a plan forward. The Board can authorize Mike to do this. Chuck stated that the Chamber's events have been impacted this year and that they enhance the Town. Chuck said that he felt they could forgive this year and negotiate for 2021. Mike suggested the tenant requests be addressed on a case by case basis. Roxanne made a motion to authorize Michael Canales to engage in negotiation with the Chamber of Commerce regarding rent reduction forgiveness and renegotiating leases; as well as any other tenants and he will report back to the Select Board. Chuck seconded. Patrick abstained. Vote: Roxanne: I, Chuck: I.

Next was the designation of a Responsible Employee - ADA Coordinator. Mike said that since 1990, every community is supposed to have a responsible employee or an ADA Coordinator (American Disabilities Act.) Part of it will be a Grievance Policy and Notice of Non-Discrimination Policy. Mike said this will allow us to apply for the ADA Grant that is currently out right now to assist with a transition plan and a self-evaluation. Every community is required to have one. Mike said that it does not have to be turned in but we should have one; a move in the right direction. The grant would allow for the development of a transition plan and then hire engineers look at the community and identify noncompliance. Even if not totally compliant, a transition plan shows that you are working towards compliance. Patrick made a motion to designate Mike Canales as the ADA Coordinator. Roxanne seconded; all were in favor. Vote: I Patrick, I Chuck, I Roxanne.

Patrick made a motion to accept the ADA Notice of Non-discrimination and the ADA Grievance Policy. Roxanne seconded; all were in favor.

Chuck asked about an update on the Red Lion Inn intersection. Mike said that he started today by meeting with Foresight on projects and will be bringing in VHB to review that project. Chuck said that if you follow the painted layout at the intersection, it works. Roxanne noticed that when coming from the south to make a left-hand turn, the island is tight. She would like to know if the size could be reduced there. Also, to keep people from doing the diagonal cross, Roxanne questioned if they are widening the fountain island enough. Chuck said that he was asked about where things stand with the Town Beach parking lot. What Parks last understood was that Len was going through Conservation and Chuck said that this project should have been done mid-summer. Roxanne said with the beach open over the summer the work wasn't on-going but could now possibly be started by the highway department. Mike said he would check on the current status. There was discussion of making

sure that plans were in place for Chris Marsden's leave with Scott Muir for Emergency Management coverage. Chuck felt that they had it covered. Roxanne added the need of a Continuity of operations plan.

Adjournment:

With no further business, Chuck adjourned the meeting.