

Selectmen's minutes of meeting March 17, 2014

Members present: Jeffrey Gray, Patrick Barrett, Rosario Messina, Lisa Blackmer, Dolores Harasyko,

Meeting called to order at 7:02 p.m. Jonathan Silverstein, legal council from Kopleman and Paige present.

Noted that the meeting is being tape recorded.

Town Admin. Lisa Blackmer read for consideration the adoption of consultant fee regulation for zoning applications pursuant to G.L.c 41A sec 9 & 12 and G.L. c 44 sec. 53G.

Ralph Morrison asked if the town attorney had been contacted. Lisa contacted a lawyer specializing in the special permit process.

The adoption of this law will cover any cost the town would incur hiring any specialists or consultants. Otherwise the cost is passed onto the taxpayers.

Attn. Silverstein clarified it is a rule and does not require a bylaw.

Motion by Jeff to adopt G.L. c 41A sec 9 & 12 and G.L. c 44 sec 53G, second Patrick, passed unanimously.

Council Silverstein read the entire rule and will provide a copy in its entirety.

At 7:15 the public hearing for Kim Paspuletti DBA Joyce's Trading Post was opened.

Jeff asked that anyone with questions or comments state their name.

Lori Robbins council for Kim Paspuletti reviewed the application. She feels that they fulfilled all the requirements of the special permit process. They would like a variance on the sign requirements regarding the size and placement of the sign. They would also like a variance on the off street parking.

Kim Paspuletti reviewed her intentions of the store. They want to sell local products and be a true community store. They want to be the gateway to Sandisfield. She read her mission statement. They will have low impact lighting with the regard to the community consideration. They will offer space for farmers markets, trading post, lottery, atm, antiques, convenience store and eventually a package store. Proposed hours from 5 am to 7pm. Steve from Forsight Engineering reviewed the plans. A lot will be split out for the site, approx. 3 acres. Reviewed the well and septic plans.

John Kuzmech asked about the sign, whether it will block the site line onto Route 8.

Response was the sign will be 72" wide by 75" long.

Karlene Blass asked how far the entrance from M J Tuckers is, answer approx. 800 feet.

Eric Munson, Building Insp. asked about the access for trucks around the building, answer there will be ample space for trucks to turn around.

Flora Parisky asked about the visibility of the store from the road. Steve responded that you will be able to see the front of the buildings, it will be below the road and not fully visible.

Mr. Parisky asked where the 14" elevation falls, reviewed on the map. He asked about the states right of way, the state owns a large right of way that will not impact the building, 130 feet.

Mary Turek asked if there will be adequate parking for the farmers market. They have an agreement with M J Tuckers to use their overflow parking lot.

Happy Banga asked if there is more than one entrance. There is only one enter/exit.

Rosario Messian asked about site distances. They have allowed for ample site lines.

Mark Newman asked if the applicant owns the property and if not how can they apply for this. Attn. Silverstein responded that as long as the current owner has a purchase and sales agreement or a lease agreement or the current owner agrees with the applicants it can go forward. The purchase of this property is contingent on the approval of the special permit.

Ralph Morrison asked if they get all permits and Kim doesn't follow through does the next person have to re-apply. Per Council, not necessarily, it would be up to the selectmen's discretion.

Mr. Parisky asked about the tax impact. Lisa responded that the town hall staff will look into this. She reviewed the meal tax.

Mary Turek asked again about the parking at Tuckers. Kim said it is an additional goal to have the farmers market, not a priority. She will apply for that license when ready.

Victor Hryckvich asked about the special permit if the land is sold to someone else. The permit stays with the land. Any change will have to come before the board for re-consideration.

Lisa asked how long the board has to make a decision, Council Silverstein responded 90 days.

Happy Banga asked if this project will effect his property and application for a store/gas station. Lisa stated that this is a separate entity. It is up to the market to decide if it will work. Kim Paspuletti filed her application and the selectmen are acting on it within the guidelines. Mr. Banga has not submitted his application yet.

Lori Robbins presented prepared findings. Lisa suggested the selectmen take the time to review and set a date certain before making a decision.

Sandy Snyder stated that she has a farm on the other end of town. She has no concerns that this will take away from their business. She encourages the selectmen to grant the permit.

Patrick responded that the Paspuletti's have done everything correctly and would like the attorney to respond.

Attn. Silverstein responded that at this point the selectboard makes its findings, recommendations and conditions.

Donna Amenta stated that she feels this will be a great asset to the town.

Lisa asked about hours of operation, she suggested they ask for all possible hours of operation and not limit themselves and have to come back to modify the permit.

Jeff asked for stamped plans.

Ralph asked as fire chief that all plans be stamped certified.

John Kuzmech asked about future owners, if there are no conditions could future owners operate at any hours they choose.

Motion by Jeff to approve the special permit with the following conditions, hours of operation 5 am to 11 pm, variances as requested in the submission, as per application submitted pending stamped plans and escrow amount.

Roll call vote, Jeff Gray, yes, Patrick Barrett, yes, Rosario Messina, yes

Public Hearing adjourned at 8:20 p.m.

Regular selectmen's meeting resumed at 8:45 p.m.

Minutes of meetings reviewed and signed.

Discussed the "Resolution to Ban The Gas Pipeline" which was presented to the Town Clerk to be placed on the annual town warrant.

March 31, 2014 we will hold an executive session for a union contract strategy session.

Patrick reviewed his annual town report for the selectmen. All approved.

We will hold an all boards meeting on May 12, 2014 at 7:00 p.m. at the Old Town Hall.

Discussed the FY2015 budget. We do not need a prop. 2 ½ override. We are under the levy limit by \$11,000.

Rosario left the meeting at 9:00 p.m.

Kathy Jacobs asked how to handle the snow and ice overrun. Dolores explained that there are a couple options once we know how much the overrun will be.

Ralph asked why we did not use town council for the special permit hearing. Lisa and the selectboard chair were more confident in using a legal council that specializes only in the special permit process. We budgeted separately for this last year when anticipating the convenience store application.

Dolores commended Lisa's work on this project.

Lisa reviewed the Unrestricted General Govt. Aide. We received an additional \$800.

Mail Reviewed

Warrants reviewed and signed

Meeting adjourned 9:30 p.m.

Jeffrey Gray

Patrick Barrett

Rosario Messina