

Town of Sandisfield

Select Board

Minutes for Select Board meeting held on Tuesday, October 10, 2023 at 6:30PM at the Town Hall, 66 Sandisfield Road, Sandisfield, MA

Members present: Steve Seddon, John Field (remote), Robert Fedell, Jonathan Sylbert

Participants: Rob Akroyd, Barbara Cormier, Douglas Miner, Brigitte Ruthman, Melissa Bye, Carl Nett, Larry Dwyer, Ron Pachulski

1. Call to order: Note that the meeting is being recorded

2. Special Permit Hearing for South Branch Farm LLC, 40 Viets Rd

Steve Seddon reads the notice of the Special Permit Public Hearing. A Special Permit has been requested for zoning relief in accordance with Section 5 of the Sandisfield Zoning Bylaws for a proposed addition to the existing structure at 40 Viets Road.

Rob Akroyd of Greylock Design Associates is serving as the owners, Kurt and Aviva Will's representative. There is currently a pre-existing non-conforming structure at 40 Viets Rd. The home sits about 26ft off the front property line; however, Sandisfield's bylaws require 30ft. Kurt and Aviva would like to make some modifications to the existing structure, all of which are claimed not to encroach any further on the setback than the current structure already does. It's also noted that Kurt and Aviva own the abutting property directly across from 40 Viets Rd. Rob also notes that he would like to discuss the condition of this portion of Viets Rd, as the Select Board has not taken the necessary actions to abandon the road, but claims it is being treated as such.

Steve notes that there are many roads in Town that have experienced washouts, and abandonment of a road is likely not the solution. He goes on to question Rob's claim that the construction plans do not encroach any further on the setback, as permanent pier structures appear to be going into the covered porch on the front side of the structure. Rob says the front porch is pre-existing. Steve asks for clarification on the purpose of the seven permanent piers going across the main addition. Rob clarifies this would be extension of the front porch, which Steve confirms would in fact be increasing the non-conformity of the structure by 8.3ft.

No abutters, nor residents choose to speak on the matter. Barbara Cormier, Planning Board Chair, reports her Board does not support the applicant's project and recommends they alter the plan not to encroach on the setbacks.

Steve explains the Select Board has the authority to grant a Special Permit should the plans not increase the non-conformity. However, in this case, the non-conformity is

being increased. Rob will ask his clients if they would be willing not to extend the porch in order to avoid an increase in non-conformity.

Rob notes that the Select Board has the ability to approve the special permit based on the idea that the porch is not detrimental to the community, claiming the porch is more detrimental not being there. Steve explains that MGL is very clear about not increasing non-conformity and raises additional concerns that when he drove by the property it was obvious that construction work was already being done despite not having a building permit. At this time Steve suggests granting a continuance on the Special Permit Hearing to allow Rob to review or alter his plans. He also informs Rob that construction on the property must stop immediately and cannot continue until a building permit is issued.

John Field reports that he works with Rob often, and excuses himself from the conversation to avoid a conflict of interest.

Property owner Kurt Will asks if it would be possible to move the road further away from the house by granting the Town some of his own property on the opposite side of the road. Rob notes that the right of way can move without affecting the travel way. Jonathan is unsure if this is allowed and questions whose responsibility it would be to find out. Douglas Miner notes that if the Town were to abandon the road altogether the right of way would not be an issue, as the road would become the responsibility of the property owner as a driveway.

A motion was made, seconded and so voted to continue the Special Permit Public Hearing to next Monday, 10/16.

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

3. Joint meeting with Town Charter Committee

Town Charter Committee votes to open their meeting

• Town Charter Committee Presentation of Draft Charter

Steve reviews a few questions regarding the draft Charter, including the precedence that a Select Board member cannot serve as a town employee or an elected/appointed officer, regardless of whether compensation is received as written in Section 8-7-3. Steve believes in an emergency situation, Select Board members should be given the opportunity to step in, but agrees compensation should not be received. Douglas

confirms the Town Charter Committee agreed to change the wording to allow this option without compensation at their last meeting.

Section 2-1-2 requires “Two town meetings shall be held annually, each to be conducted as an annual town meeting under Massachusetts General Law.” Robert Fedell questions the purpose of this. It’s explained that the Town typically has at least one Special Town Meeting in the fall regardless, and this will help avoid holding multiple STMs for one article throughout the fiscal year. Douglas must confirm whether this would be written as two Annual Town Meetings, or one would still need to be titled a Special Town Meeting.

Larry Dwyer expresses concerns that the draft Charter includes too much detail, as it appears to be an operating plan rather than a “foundation document.” He examples the amount of committee members shouldn’t be included in the Charter, instead only in the Sandisfield Bylaws. Additionally, any changes the Town may wish to make to the Charter could take up to two years to be approved.

Larry goes on to note that the Special Act creating and assigning the authority of the Select Board and Town Manager passed at the November 2022 STM still has not passed through the legislature. This raises concern that, for instance, if the Town Clerk chose not to run again and no one else runs, the Select Board will not have the authority to appoint someone to the position. He suggests when the charter mentions committees, it should state “appointed or elected as per the bylaws,” without making too many specifications.

Melissa Bye explains the amount of members to be elected/appointed to a particular committee is established by MGL, not the Town Charter Committee. Jonathan goes on to confirm that the Collin’s Center has followed along with every proposition of the Town Charter Committee and subsequently approved everything.

Carl Nett recommends the Select Board and Town Charter Committee look into including more enforcement and regulations regarding criminal and unethical activity. He notes it should be explicitly written in the Charter that when there is probable cause and suspicion of unethical or criminal behavior, the Select Board is obligated to report it to the appropriate authorities. The Select Board can decide from there whether an investigation is necessary.

Carl also notes that in the past the Town has not addressed the suggestions that come from an audit. He strongly recommends the Charter include language that makes the Town Manager responsible for addressing the audit findings.

4. Green Committee Appointment

A motion was made, seconded and so voted to appoint Jaye Mascariello and Paul Adams to the Green Committee.

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

5. Discuss Changing Town's Official Posting Place

A motion was made, seconded and so voted to change the Town's official posting place to the Town Website, www.sandisfieldma.gov

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

6. Town Manager Updates/Project List

The DPW positions will be posted in the newspaper tomorrow. Positions include Laborer, Grader Operator/Laborer and Working Foreman. The DPW is only hiring two positions to fill the current vacancies.

Sandisfield's Hazardous Mitigation Plan is overdue. A grant for this project is opening soon. However, there is a 5-10% balance that will need to be paid by the Town. This will be included on an upcoming Town Meeting warrant.

7. Select Board Updates

8. Future Agenda Items

9. Topics Not Anticipated

10. Public Comment

11. Review and vote to approve minutes of meetings

12. Review and sign purchase orders, warrants, and mail

13. Adjourn Meeting

Meeting adjourned at 7:37pm

Steve Seddon

John Field

Robert Fedell