

BOARD OF SELECTMEN VIRTUAL MEETING

Wednesday, December 2, 2020 – 6:00 PM – via Zoom

PRESENT: Alan Hanson, Chair; Neal Pilson, Selectman; Roger Manzolini, Selectman; Danielle Fillio, Town Administrator; Elizabeth Goodman, Town Attorney

GUESTS: Allison C.; Faye Lessner; Christian Hanson, Balderdash; Carl Foote; Dennis Lamke; E.E. Winters; Dick & Holly Stover; Doug Bruce

Alan called the meeting to order at 6:00 PM and asked that Neal read the Executive Order from the Governor regarding changes to the Open Meeting Law during the COVID-19 pandemic.

552 East Rd. Chapter 61B Right of First Refusal: The owner wishes to sell his property, but 10 acres of the 14-acre parcel are under 61B, which requires that the Town has a Right of First Refusal. That is the issue before the Board. There was a discussion to determine if the Town has any interest in obtaining those 10 acres, either for itself or to turn over to the Land Trust. The Board was assured that the Land Trust has no interest in the property as it is land-locked lawn behind the house.

As there was no further discussion, Roger moved to have the Board exercise its power of refusal. He was seconded by Neal and the motion was carried by unanimous consent.

It was noted that the taxes that had not been paid during the last 10 years of 61B protection would come due now. The assessors are working with the seller's attorney on the closing and has advised the Town's Tax Collector of the amount due.

Balderdash Special Permit Amendment: Neal pointed out that the original Farm Function Permit included a yearly review clause. A new Farm Function Permit has been drafted and is the subject of review at this meeting. The public in attendance at this open hearing will be given ample opportunity to comment and, after the Board of Selectmen review the new draft, they will defer any decision until the public has had a chance to read and comment on it at the December 16, 2020 meeting.

At this point, Alan moved to open the hearing by reading the Notice of Public Hearing on a Special Permit (please see attached). Notices in the local newspaper of this meeting were published on October 18th and 25th of this year.

The basic change to the Permit is an amendment that would allow Balderdash to hold events in the refurbished barn. Christian noted that Balderdash would like to renovate the barn in order to move events into it or into the winery and eliminate outside events all together. The Board was unanimously in favor of that change.

A long and complex discussion covered what the new permit should include, what the legal definitions are for Farm Function and By-Right events and how that may affect the Permit language. There was exploration of the efforts at noise elimination that Balderdash has already put in place and others they are planning. Neal commented that the intent of this hearing is to find common ground that will allow Balderdash to prosper and resolve the objections from some of our residents.

Allen then opened the floor for public comment:

Miles Garfunkel, resident of Richmond Shores- residents will want to look at the changes to the Permit.

Mark & Faye Lessner – Last summer they hardly heard any noise from Balderdash.

E. E. Winters, 123 State Road next door to Balderdash – no problem with sound. Asked for copy of engineer’s noise evaluation, which Danielle will post on the Town website.

John & Valerie Reynolds, 42 Lake Rd. Ext. on the lake directly across from Balderdash. They hear the music, but it is not loud or obtrusive. The Christian Camp and the Boys & Girls Club were much louder when they held events and the noise of the jet skis is the most obnoxious sound.

Leslie Breeding pointed out that part of the issue with whether the noise is a problem has to do with directionality, so some people hear it very loud and intrusive and some don’t.

Susan Benner – spoke to the restrictions in the new version of the Permit which she felt were draconian and would lead to Balderdash going out of business. The Town needs to allow people to make a living and produce taxes.

Johnathon Ballon – supports Balderdash and believes it is a credit to Richmond. He agreed that some of the restrictions in the new Permit would eventually force Balderdash out of business.

Dennis Lamke, 37 Spruce Rd at Richmond Shores – also in favor of Balderdash and agrees that some of the restrictions are onerous.

Cindy Bartlett – as a business owner in Richmond and knowing Christian and Donna personally, she can attest to their genuine concern for Richmond. Placing more restrictions on businesses makes it more difficult for them to thrive and harder to attract new businesses who will generate taxes.

Joe Castellucio – Supports Balderdash and its owners. He believes that the restrictions included in the original Permit are sufficient to solve the problem.

Alison Cole – Noise from Balderdash goes straight to her yard and has changed the way she uses her property.

Paul ?, - Supports Balderdash and voices his concern that the restrictions in the new Permit will put them out of business.

Peter Miller, 314 Shore Rd. close as possible to Balderdash. Noise generated by Balderdash affects both outside and inside quality of life.

Alex Rosenblum, 311 Shore Rd. He hears the noise all the time and invites those who do not hear it to walk down to his property.

Kim Lopez – Strong Balderdash supporter

Dennis Lamke – Suggested that the people who have a problem with Balderdash visit the place and see what an asset it really is.

Roger said he wanted to negotiate new Permit language to mitigate the noise from Balderdash without resorting to onerous restrictions. Neal noted he was awaiting comments from Christian.

Christian asked for specific data to be made available so that he can take appropriate action.

Neal moved to continue the Public Hearing for the next scheduled meeting on December 16th. The motion was seconded by Alan and passed by unanimous vote.

Roger moved that the renovation of the barn be allowed to go forward and that the barn be included in the Farm Function Permit language to allow events to be held there. Alan seconded the motion, which was adopted by unanimous consent.

Town Administrator Report: Danielle reported that the Hazard Mitigation and Municipal Vulnerability project requires that meetings be held to determine what issues exist in Richmond. Stakeholders were invited to attend meetings on December 15, 16, 17, 2020 to discuss infrastructure, and community resilience.

The auction for the disposal of the town-owned properties is scheduled for January 13, 2021. Ron Veillette, Chair of the Con. Com., will come before the Board for authorization to impose Article 97 through the deed on the property by a vote at the Town Meeting. In response to Roger's question as to whether there are minimum bids posted, Danielle said there were not, but the Town is protected with the ability to refuse a too-low bid.

Green Burials. Danielle researched the old minutes and spoke with Steve Parsons, the Cemetery Superintendent. She discovered that there had not been a formal approval by the Board of Selectmen for green burials. The discussion for that approval needs to begin again. Some issues raised: State Regulations concerning green burials, the impact on ground water, considering that Richmond has only wells and advice from Steve as to increased costs. Danielle will speak to Shaun in Great Barrington on those issues. The item will be included in the next meeting's agenda.

The wood-processing complaint on Sleepy Hollow Road. The Town Attorney, Beth sent her determination to the Board. The next step is to ask the Zoning Board of Appeals for a formal determination. Neal asked the Board members to go by the site and see how massive the piles

of wood are. Beth has suggested, as a temporary fix, that the piles be moved back from the road by 5 feet.

The Building Inspector asked whether the Zoning Board of Appeals, the Planning Board and the Board of Selectmen would be willing to approve the creation of auxiliary housing on an existing property. The Board will explore that possibility.

Danielle asked the Board for permission to create a sick-time Bank so that time could be donated to a co-worker facing a crisis. The Board was unanimous in their approval of that idea.

Selectmen's Issues: There were none.

There being no further business before the Board, Alan moved to adjourn the meeting. The motion was seconded by Neal and approved by unanimous vote.

The meeting was adjourned at 8:30 PM

Signed:

Alan Hanson, Chair