

APPROVED

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday April 10, 2019 – 6:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Roger Manzolini, Selectman; Mr. Alan Hanson, Selectman; Mr. Mark Pruhenski, Town Administrator;

ABSENT:

GUESTS: Mr. Tom Grizey, Wiring Inspector; Mr. Ron Veillette, Chair of the Conservation Commission; Mr. Christian Hanson by conference call

Mr. Pilson opened the meeting at 6:00 PM.

Conservation Commission Appointments – Ron Veillette/Conservation Co-Chair: Mr. Veillette proposed that Mr. Shep Evans be moved from full membership to the Associate Member level and that Mr. Dan Scorpa be appointed as a full member of the Con. Com. Mr. Manzolini moved that the Board appoint Mr. Dan Scorpa as a full member of the Conservation Commission. The motion was seconded by Mr. Hanson and approved by unanimous vote. Mr. Manzolini then moved that the Board move Mr. Shep Evans from full membership to associate member status of the Con. Com. the motion was seconded by Mr. Pilson and adopted by unanimous vote.

Public Hearing/Special Permit Application by Primadonna LLC/Balderdash Cellars: Mr. Pilson opened the public hearing on an application by Balderdash Cellars, located at 81 State Road, for Farm Functions in accordance with Zoning Bylaw Section 4.8B 16

Mr. Mark Pruhenski, Town Administrator, read the posting to establish the validity of this meeting. Notification of this Special Permit, along with a copy of this Special Permit, was sent to all Board Chairs on February 22, 2019. Notification of this public hearing was posted on Town boards on February 25, 2019; abutters' notifications were mailed on February 25, 2019 and this public hearing was posted in the Berkshire Eagle in two editions; March 6, 2019 and March 13, 2019 as required by the Town's bylaws.

Mr. Pilson assured everyone present that they will be given opportunities to speak. Mr. Pilson noted that there are some issues needing consideration and review relating to the definition of "Farm Function" and the definition of "Farm." This is the first hearing that this Board is conducting under the new Farm Function Bylaw and it may be that the issue will not be resolved at this meeting.

Mr. Pilson felt that the first step would be to hear from the applicant. Mr. Christian Hanson (attending via telephone conference call) a Richmond resident, addressed the issue of 81 State Road Lot 2, which is the property in question. A winery was established at that location under the bylaws of the Town, a Certificate of Occupancy was obtained to operate as a winery and to do tastings and host people inside the winery. It is not clear if that includes having people on the patio outside of the winery.

Issue number one: The owners are asking for approval to hold regular hours at the winery on Thursdays through Sundays from during afternoon hours. That would involve wine tastings inside the winery and the hope is that it would also allow people to go out to the patio area and walk around towards the lake. There may be some amplified music during those hours, which they would be diligent in controlling in terms of loudness. It is anticipated that there might be small celebrations such as weddings during those afternoon hours, as well.

The second issue was for events outside of normal hours, that might include weddings with tents that could number 100 to 150 or so people for which music and noise are the issues that should be discussed, as well as possible crowd control. The anticipated occurrence of events outside of normal hours will be minimal – perhaps once or twice a month.

The third issue was the possibility of public events that might not conform with tasting room hours. These might start before the tasting room hours, such as a road race, which would have people coming in at 7:00 or 8:00 AM – run the race and return to the winery. Another possible event outside of regular hours would be a concert in the early evening, also outside of normal winery hours. The intention is to attempt these kinds of public events once or twice to see if they work. If they do not work, they will stop doing them. Mr. Christian Hanson noted that Balderdash Cellars has a vested interest in being good neighbors and good citizens of the Town and as such are more than willing to modify their plans as needed.

Mr. C. Hanson responded to questions from the Board about details of Balderdash's plans. In the case of the anticipated hours that the winery would operate, it was noted that there needs to be more specification than the Monday through Sunday, 9:00 AM to 6:00 PM that is listed on the application. There was concern expressed about issuing a blanket permission and having the operator make the decisions as to dates and hours of operation.

Mr. C. Hanson explained that the vague and general nature of the operating schedule in the permit was deliberate in order to build in some flexibility. If things did not go well, the Board could step in and dictate the allowable operating schedule. There was some question of whether the Board would be able to function in that way. An alternative thought was offered that if Balderdash wanted to expand their hours of operation or have a special event, they would apply to the Board for a Special Permit.

Ms. Ariel Fabiano, a resident of Richmond and an employee of Balderdash Cellars, offered an expansion of Mr. C. Hanson's intent at clarification of the parameters of the Certificate of Occupancy as regards to having events that would include use of the outdoor patio.

Mr. C. Hanson was asked whether he is requesting a permit for a specific function at a definite date and time or is Balderdash requesting that the Board issue a permit that does not identify dates of specific events. Mr. Pruhenski responded that the Special Permit would not identify a specific event, because it will be filed with the Deed to the property. The Board could attach conditions to the permit to have it expire within a year and other conditions as they see fit.

About the third issue, public events, Mr. C. Hanson said this was about events not part of the winery's business, nor a major income source but might be for promotion of the town. Public events such as an early morning road race or perhaps a small public evening concert. The expectation would be for maybe one or two road races a year; maybe three or four dinners a year and maybe a six summer evening concert series outdoors. Those public events raise other issues such as traffic control and the Board would have to discuss approval of those more thoroughly.

Mr. Pilson then turned to the audience for additional comments either pro or con.

Mr. Jeffrey Cook, a lawyer representing the Messrs. Joseph and Tom Rich, sons of Betty Rich who lives in the house directly south of the Balderdash Winery, raised several areas of concern that his clients have, among them the location of the parking lot, screening of the property from the abutting lands, hours of operation, noise abatement, etc. Those issues were discussed with Mr. C. Hanson, Mrs. Hanson and an employee of Balderdash in an effort to clarify their position on those issues.

Mr. Ken Kelly, President of the Richmond Pond Association, approached the Board to report on the position of the Executive Board of the Pond Association. They are asking that the Selectmen set conditions as follows: that any loudspeakers used for an event be faced away from the pond (which the Hansons have already agreed to); that the 6:00 AM to 9:00 PM period be eliminated from the allowable parameters as it conflicts with the new zoning bylaws which only allow amplified sound from 10:00 AM to 11:00 PM. An exception could be made for starting and finishing announcements for races. They suggested that the evening restriction be changed to 9:00 PM for Sunday through Thursday nights and that fireworks not be permitted. Mr. Kelly noted that the Association is supportive of Balderdash as an entity, and an exciting addition to the community. Mr. Pilson asked if the Association has a point of view on lighting. They have not discussed that issue with the Hansons, but there is an existing Outside Lighting Bylaw which is quite restrictive. Compliance with that bylaw, should eliminate any problem with lighting.

Mr. Ron Veillette asked whether there were any plans in place to do anything within a 200-foot buffer zone near the wetlands. Mr. C. Hanson assured Mr. Veillette that there were no plans of that kind.

Ms. Jennifer Morse spoke in support of the Hansons, whose business has been in operation now for six months and has generated only one complaint about sound coming across the Pond at 2:00 PM, which is not a lot.

Mr. Pilson asked about the area north of the Hanson property and whether there were plans for the use of that property for agriculture. Mr. C. Hanson replied that they were planning on planting pumpkins for sale and grapes that will mature in a few years. The Hansons were advised to continue agriculture on that property to allow it to remain a farm.

Mr. Pilson noted that the current parking lot on the south end of the property would appear to be too small for some of the planned events. He asked if Mr. C. Hanson would consider placing the parking lot on the northern end of the property, which is wide open and does not abut any other property, or consider the use of screening of the lot on the south side or any other solution that would eliminate a

source of concern on the part of the Rich family, whose home abuts that area. Mr. Hanson spoke with Mr. Joseph Rich and has committed to doing plantings between the two properties and is willing to use a fence if that will help with the light issue. Having an additional parking lot on the north side of the property would not pose any problem but moving all the parking to the northern end of the property would be problematic in terms of cost. He certainly intends to put overflow parking on the north lot in order to eliminate any excessive traffic in the present lot.

Another audience member spoke to the fact that the Special Permit being discussed here will be attached to the Deed. In general, the Town needs to be careful with Special Permits because if the property is sold in the future, those conditions will attach to the property. He urged the Board not to grant overly large conditions as a matter of fact and reiterated something the Planning Board originally came up with, which was to have Limited Time Special Permits. Giving the Special Permit a year to operate will make it possible to determine what the problems are and what needs to be renegotiated. He also noted that the Town has a Special Event Permit for other public events, which the Board could require as part of the Special Permit. That would allow them to decide what special restrictions may be imposed when considering something large and public.

The distinction between the Special Permitting Bylaw vs the "Extraordinary Event" Permit was outlined by Mr. Pruhenski as follows: Before this Bylaw, there was no legal path for farm functions to occur. The Special Event Permit Application, that has existed for many years, is really an opportunity for the Board to address events that impact the public and public safety (road races, bicycle races, etc.) on a one-time only basis. It would be conceivable that for the events enumerated in Mr. C. Hanson's third issue, the Board could also issue a Special Event Permit, which needs only about two weeks prior notice for the Board to place the issue on their meeting agenda.

Mr. Daniel Scorpa, a resident, expressed his main concern as involving response time for ambulances. If Richmond's Volunteer Ambulance Corps is not available and County Ambulance has to be called, it could take 25-30 minutes or more to arrive. Also, Richmond does not have a patrol officer at night to deal with possible overtime of events. Mr. Pilson noted that the property is located on a State highway and help will have to come from State Troopers and in the event of an emergency, Pittsfield would probably be able to help. Whenever large numbers of people are involved there are concerns that must be addressed.

A member of the audience wondered exactly what was meant by "large numbers" and whether there should be limits set. Mr. C. Hanson responded that during a normal tasting event, the maximum he could anticipate would be 150 people coming and going throughout the day – over a four to five-hour period. For a wedding, perhaps 200 people or less. For a concert, maybe up to 300 and maybe for some other annual events also 300 people.

It was noted that over the course of the winter, the winery has held tastings that had up to 150 people coming and going throughout the day and there has been no feedback from the community about issues of traffic or noise.

Mr. Pilson asked that the responses from the other Boards and Committee be read into the record: Mr. Pruhenski read comments from the Board of Health, Conservation Commission, the Planning Board and the Richmond Pond Association (see attached).

Mr. Pilson raised the issue of the possible use of tents with Mr. Hanson. He was advised that there is a large slope of land on the East side of the winery which could house a tent. That would make it completely hidden from the Rich's property and should provide some level of noise control as sound would be directed West into the building and down the slope. The one exception would be the Grand Opening or an Annual Kick-Off where the tent would be on the patio area, but that is a daytime activity.

Mr. Pilson noted that the Board would like time to look at the minutes of this meeting and the documents submitted, and review the statements made in order to create an opinion, which would be a topic for discussion at the next Selectboard meeting. Mr. Pruhenski said that comments have been received from Town Counsel who has also offered to attend the Selectboard meeting on April 24th.

Mr. Manzolini commented that Attorney Cook was very accurate in his comment that the finding that would be the most difficult for the Board to make will be what the detriment to the neighborhood will be. He suggested that, in order for the permit to be approved, the Board would have to find that there is no detrimental impact to the neighborhood and the Board will only know that if the screening on the South side of the property, along the Rich's property line, and the steps taken for noise abatement are adequate. Mr. Manzolini asked Attorney Cook to name any other conditions the Rich family would like to see imposed. The following were enumerated: relocation of the parking lot, screening of the property line and noise-monitoring devices to indicate the decibel levels reaching outside the property. Mr. Manzolini asked if the Rich's were willing to negotiate the issue of relocating the existing parking lot, but it was decided to defer that question until the next meeting.

Mr. Pilson suggested to Attorney Cook and Mr. Hanson that if they were able to work together towards an agreement on the issues that they could present to the Board, that would be the most desirable outcome.

Hearing no further comments on the application hearing at this time, Mr. Pilson moved that the Public hearing be continued at the next Selectboard meeting of April 24th. The motion was seconded and approved by unanimous consent. The public hearing was adjourned.

Richmond Runaround – Application for 5K Road Race on 6-1-19: The application was distributed along with a map of the route and the notification that was sent to abutters. Mr. Rich Saupe, a member of the Richmond Recreation Cte., assured the Board that the neighborhood had been made aware of the event and that the only concerns he has heard in response were about traffic and parking issues. He said that parking should be able to be accommodated within Colonial Acres if the cars are parked single-file on the right side of the entry to the development. He anticipated no more than 50 cars; traffic would not be cut off and people would continue to be able to come and go as usual. The event begins with registration at 8:30 AM, the races begin at 9:00 AM and the entire event should be cleared out by 10:30 or 11:00 AM.

Mr. Pilson moved that the permit be approved. The motion was seconded by Mr. Manzolini and carried by unanimous vote. Mr. Pruhenski suggested that Mr. Saupe reach out to the Fire and Ambulance departments to alert them to this event.

DEP Small Town Environmental Partnership – Update: Mr. Pruhenski reminded the Board that several years ago the Town agreed to participate in a voluntary program, which has representatives of the DEP come to Richmond and inspect Town buildings and other properties in order to discern issues such as improperly stored chemicals, release of gasoline or oils, etc. A letter was received from the DEP that states that the Town has received recognition for its voluntary participation in the DEP Small Town Environmental Partnership Initiative and a certificate was included that states that any and all issues that arose during that inspection were addressed.

Mr. Tom Grizey noted that on the day the DEP was going to sign the letter and send it to Richmond, he received a call saying that there was another connection they were not informed about in the Interprint area – the new winery. The caller was advised that there is no connection to Richmond. That was a private transaction between the winery and the City of Pittsfield, which satisfied him.

Approval of the Minutes of March 27, 2019 and April 3, 2019: Mr. Manzolini moved that the minutes of March 27, 2019 and April 3, 2019 be approved. Mr. Pilson seconded the motion and it was carried by unanimous consent.

The Richmond Telephone Book – Update: Mr. Pruhenski reported that Ms. Claudia Ryan has finally tracked down the right person at Magna V, who informed her that they had produced a 2017-2018 version of the phone book, but apparently never distributed it. Ms. Ryan is working with Magna V to update the information in the phone book and we are expecting a 2019 – 2020 version very shortly. There will be an opportunity to review and correct it before it goes to print. Mr. Pilson thanked Mr. Pruhenski and Ms. Ryan for shepherding the project through.

Town Administrator Position – Review Ad and Discuss Next Steps: Mr. Pruhenski distributed copies of the Richmond Town Administrator ad and a Town Administrator Search Committee ad. The Search Committee ad will go into the e-newsletter, the Town Administrator ad will be posted on FaceBook, on the Town’s website, the Mass. Municipal website and the Berkshires Managers Group. Mr. Pruhenski noted that an ad has also been posted for seasonal boat ramp monitors.

Mr. Pilson asked about the makeup of the Search Committee as advised in the ad. The decision was to advertise for a five to seven-member committee, who will choose the top three candidates for submission to the Selectmen. Mr. Pruhenski advised the Board that he has left it open for employees of the town to be included in the Search Committee and they agreed that it would be useful to have that unique perspective on the Committee.

There was a discussion of the exact wording to be placed in the ad for the Richmond Town Administrator that resulted in the addition of the following: “Candidates could be considered for a shared services arrangement with the neighboring town of West Stockbridge at a higher salary.” It was

decided that the base salary being offered would be \$75,000. per year. The deadline for applications will be noted in the ad as May 8th, however, the position will remain open until filled.

Town Meeting Warrant – Review and Approval: Mr. Pruhenski advised the Board that the warrant has not been reviewed by the Town’s Council, but he will ask them to sign it at this meeting in any case. He outlined the changes/additions that will be made; in the Revolving Fund section – funding limits need to be approved this year. The wording, referencing the law needs to be updated and the Attorney is working on that. In Article 30 – a date for Steve Traver’s appointment needs to be inserted and Mr. Pruhenski is waiting for Legal Counsel to advise how far out it can go – perhaps to the age of 70. Articles 31 and 32 are place holders for zoning bylaws, already approved by the Planning Board, that need to be plugged in. There is also a Noise Bylaw placeholder in the document. The Warrant was duly signed.

Mail/Sign Warrants: were signed as appropriate.

Sewer Matters: Mr. Tom Grizey advised the Board that an annual cleaning process had been done.

Town Administrator Updates: Mr. Pruhenski reported that a question was raised concerning single-stream recycling; and whether the Town is moving toward that system. Mr. Pruhenski confirmed with Republic Services that the observation was not at all accurate.

Mr. Pruhenski noted that 12 applications have been received for the open DPW position. Review of applications will begin, and Mr. Pruhenski will remove himself from that process and have Mr. Peter Beckwith deal with it as Mr. Pruhenski has a conflict, but Mr. Beckwith does not.

A request from the Board of Assessors to sign their FY’20 CAI contract, which starts on July 1st for \$2,400. The amount is budgeted for every year. Two copies of the contract were signed.

Selectmen’s Matters:

Next Board of Selectmen’s Meetings: April 24, 2019 and May 8, 2019: Mr. Pilson noted that the April 24th meeting will be a continuation of the Public Hearing and commended Mr. Pruhenski for the excellent way the public hearing was run. Mr. Pruhenski asked to meet with Mr. Pilson in advance of the meeting on April 24th to discuss the issue around Farm definition. Mr. Pilson agreed and added that the Town’s Attorney should be included via phone conference call. Mr. Manzolini noted that he will not be available for either of the next meeting dates and will not be back until sometime late in May, which means he will also miss the Annual Town Meeting.

Mr. Pilson noted that he will be at a meeting in New York City during the day on May 8th and would like to change the meeting time on that day to 7:00 PM to ensure his returning in time. That was agreed.

Selectmen’s Matters: Mr. Manzolini asked to flip the Master of Ceremonies role with Mr. Alan Hanson so that he need not be concerned about getting back in time to organize the Memorial Day Parade. That was agreed upon.

Mr. Pilson raised the issue of the possible need for an Interim Town Administrator, which he suggested be discussed at the next meeting. If it is not possible to hire an Administrator to begin slightly before Mr. Pruhenski leaves, there are several possible candidates for an Interim Administrator for a limited time. Mr. Pruhenski has some names that could be discussed at the next meeting.

Mr. Manzolini asked whether the solar array being installed on the roof of the school has been completed. All the work has been completed. the Town is now waiting for the authority to operate the system.

Mr. Manzolini asked whether the work on the school playground has been completed. Mr. Pruhenski reported that Mr. Beckwith and he inspected the work and were satisfied that it had been done very well.

Mr. Pilson asked that Mr. Beckwith be asked to prepare a plan for assessing the road situation and use of the millings to do repair in some of the gravel roads that were particularly hard hit this past spring. He will be asked to attend the next Board meeting. There was a discussion of the millings from the work on Route 41 and how they will be utilized.

There being no further business before the Board, Mr. Manzolini moved that the meeting be adjourned. He was seconded by Mr. Pilson and the motion was adopted by unanimous vote.

The meeting was adjourned at 8:25 PM.

Signed:

Mr. Neal Pilson

Chair, Board of Selectmen


