

APPROVED MINUTES

Town of Tyringham

Planning Board Meeting

7:00 PM November 6, 2019

Town Hall, Tyringham, MA 01264

In Attendance: Mark Curtin, Ellen Slater Gonnello, and Pete Salinetti

Public in attendance: Paul & Evelyn Margus, Carol Harding Fanta, Lynn Bertelli, Alan Wilcox, Bill Bean, Nick Felix, William Roche, Ellen & Bob Freeman, Catherine Clucas, Robin Almgren, Celie Kittridge, Mary Pappenheimer, Tonio Palmer, Ann & Peter Herbst, Jim & Karen Consolati, Jeremia Pollard (Town Counsel)

ANRs, Courtesy Notices, Mail:

It was noted that mail and emails received regarding the Felix special permit application by the board will be attached to the meeting notes.

New Business:

Mark Granger & Parson, approval on plan from 128 & 132 Jerusalem Road. Mark made a motion to approve the plans. Pete seconded. No opposition.

Old Business:

The Town Plan

- Mark explained that a Town Plan has been on the agenda for a long time and that it would address some of the concerns brought up regarding the Felix special permit application. A Town Plan would require residents and town boards to come together and map out goals and strategies for the town. Mark encouraged those in attendance tonight to get involved in discussions about a town plan.
- Carol requested that the slideshow presented at a Saturday meeting be added to the town website for all to see.
- The slideshow, titled "Creating a Master Plan for Your Community" by Ralph Willmer will be attached to today's notes.

Special Permit application by Nicholas Felix / Cobble Farm LLC for the purpose of hosting events at 8 Webster Road, Tyringham, MA.

- Mark read 4.2.3 regarding Special Permits to address a question that was brought up about whether or not the Planning Board is the correct board to decide on the application.
- Pete expressed the importance of making a decision cautiously and if passed, restrictions are set to make abutters and neighbors feel comfortable.
- Ellen expressed that there is a lot of information and she needs more time to review before making a decision.
- Jeremia, Town Council, pointed out that the board cannot vote on the special permit tonight because it needs a supermajority. There are only 3 people here tonight. He confirmed that the Planning Board is the correct group, by the law, for the permit application process to go through.
- Concerns raised & points made:

- Someone said that due to 7.3.3. The permit application should not be allowed (7.3.3 mentions “public convenience or welfare” and “not be detrimental to ...”)
- Ann presented a packet of documents to the board which included a document showing that there were taxes due to the town on Oct 1st and are unpaid at this time for the 8 Webster Road property.
- Jim clarified that there has not been an inspection by the Board of Health. This would happen after approval (if approved).
- Traffic & noise concerns were discussed again.
- Al suggested that the board write restrictions to prevent potential issues with traffic and noise.
- Lynn asked if a business that does not own the property could apply for a special permit for use there.
- It was also brought up that the LLC on the permit is not registered.
- Concerns were raised about the financial ability to make abutters whole if damage occurred due to events.
- A document from Nicholas Felix titled “Cobble Farm operation and restrictions guidelines” that was submitted to the board was read aloud by Mark.
- Jeremia explained/suggested:
 - Each board member can make a decision for their own reasons. He brought up Buckaneer development against the town of Lenox as an example to review.
 - Confirmed that there is a bylaw saying that a permit may be denied if there are outstanding taxes due to the town.
 - A business that does not own a property can apply for a permit. Sometimes a person can’t register as an LLC without a permit to operate as a business. Furthermore, it is often not in the business’ best interest to spend time and money registering as an LLC before permits & other needs are in place.
 - Since the permit application is for “Nicholas Felix / Cobble Farm LLC” that is the only entity that would hold the permit. Therefore, the only entity that could operate under the guidelines of a special permit is “Nicholas Felix / Cobble Farm LLC.” So, if the permit is approved and if Cobble Farm LLC does not exist when it is time to operate, Nicholas cannot do so.
 - A liability policy for events would address the concern about coverage for potential damage to neighboring properties and could be a restriction on the permit.
 - Concerns voices and written would be more effective as requests to the board for restrictions on the permit.
 - The board has 90 days from the public hearing (which was 10/16/19) to make a decision and could make a motion to reopen the public hearing.

Marek made a motion to continue this meeting on Wednesday, November 20, 2019 at 7pm. Ellen seconded. No opposition.

Adjourning: 8:16 PM

Our next meeting will be Wednesday, November 20, 2019

Respectfully submitted, Ellen Slater Gonnello

Submit to tyrcc@bcn.net