

Jennifer Tabakin
Town Manager

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www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Revised

SELECTBOARD'S MEETING AGENDA

MONDAY, MARCH 26, 2018

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

February 12, 2018 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board

4. TOWN MANAGER'S REPORT:

A. Department Updates.

B. Project Updates.

5. PUBLIC HEARINGS:

A. Selectboard sitting as Sewer Commissioners to set Wastewater Impact Fees (Facility Connection Charge) based on: \$15/gallon per day(GPD) of Stated Title-5 flow rates for all construction to be connected to the Town sewer system: a Charge of \$7.50/GPD for any redevelopment and/or change in use of any properties, that result in an increase of flow to Title-5 flow rates, which were previously connected to the Town sewer system; and an increase the septic disposal fee of ten (10%) per cent from \$100 per thousand gallons to \$110 per thousand gallons. A copy of the fee schedule is on file in the office and Town Clerk. (Discussion/Vote)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

6. LICENSES OR PERMITS:

- A. Pat Hollenbeck/Board of Library Trustees for One Day Beer and Wine Liquor License for May 5, 2018 from 7:00 pm – 10:00 pm at Mason Library, 231 Main Street (Discussion/Vote)

7. OLD BUSINESS:

- A. Randy Weinstein/WEB DuBois Center – Update on the 150 celebration.

8. NEW BUSINESS:

- A. SB – Recommendation to the ZBA on the appeal of Marc Fasteau, Anne Fredericks and Joe Krummel of the Zoning Enforcement Officer's response to a request to enforce the Great Barrington Zoning Bylaw regarding the Great Barrington Airport at 70 Egremont Plain Road, specifically regarding installation of a new underground fuel storage tank. (Discussion/Vote)
- B. SB – to support Berkshire Regional Planning Commission in seeking the designation of Berkshire County as an Economic Development District (EDD). (Discussion/Vote)
- C. SB – Review of the 2018 Warrant Articles. (Discussion)

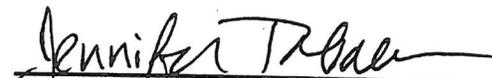
9. CITIZEN SPEAK TIME:

10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD'S MEETING: Monday, April 9, 2018, 7:00 P.M.


Jennifer Tabakin, Town Manager

Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Selectboard sitting as Sewer Commissioners, will hold a public hearing on March 26, 2018 at 7:00 pm at the Town Hall, 334 Main Street, Great Barrington, MA 01230 for the purpose of setting Wastewater Impact Fees (Facility Connection Charge) based on: \$15/gallon per day(GPD) of Stated Title-5 flow rates for all construction to be connected to the Town sewer system: a Charge of \$7.50/GPD for any redevelopment and/or change in use of any properties, that result in an increase of flow to Title-5 flow rates, which were previously connected to the Town sewer system; and an increase the septic disposal fee of ten (10%) per cent from \$100 per thousand gallons to \$110 per thousand gallons. A copy of the fee schedule is on file in the office and Town Clerk..

Sean Stanton
Chair

PLEASE PUBLISH March 16, 2018. — *Berkshire Record*



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

TITLE: Department of Public Works –Wastewater Impact Fees (Facility Connection Charge)

BACKGROUND: The Town of Great Barrington does not currently have a Facility Connection Charge.

FISCAL IMPACT: The new Facility Connection Charges will help fund future capital costs of the Wastewater Treatment Facility and the Collection System.

RECOMMENDATION: The Sewer Commissioners approve this request to implement a Facility Connection Charge based on \$15/GPD of Stated Title 5 flow rates for all new commercial and residential construction and a Charge of \$7.50/GPD for any redevelopment and/or change in use of any properties, that result in an increase of flow to Title-5 flow rates, which were previously connected to the Town sewer system. Below is a comparison of other Facility Connection Charges locally.

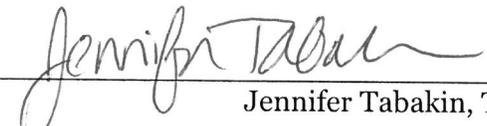
Deerfield \$10/gpd (Title 5)
Lenox \$15/gpd (Title 5)
Lee \$16/gpd (Title 5)
Stockbridge \$450 per Bedroom

PREPARED AND REVIEWED BY: _____


Sean VanDeusen, DPW Superintendent

DATE: 3/22/2018

APPROVED: _____


Jennifer Tabakin, Town Manager

DATE: 3/22/2018

15.203. System Sewage Flow Design Criteria

(1) Each component of an on-site subsurface sewage disposal system shall be designed to treat sanitary sewage discharged from all buildings to be served by the system using the System Sewage Flow Design flows set forth at 310 CMR 15.203(2) through (5), except as provided in 310 CMR 15.203(6). Actual water meter data shall not be substituted for the design flow criteria for the activities listed below unless pursuant to 310 CMR 15.416. Design flow is equivalent to estimated generated flow for the proposed use plus a factor representing flow variations.

TYPE OF ESTABLISHMENT UNIT	GALLONS PER DAY
(2) RESIDENTIAL	
Bed & Breakfast	per bedroom 110
Bed & Breakfast with restaurant open to public add	per bedroom 110
Camp, resident, mess hall	per seat 35
washroom and toilets	per person* 35
Camp, day, washroom and toilets	per person 10
Camp, day, mess hall, washroom and toilets	per person 13
Campground, showers and toilets	per site 90
Family Dwelling, Single including, but not limited to, single family condominiums & cooperatives	per bedroom 110 **
Family Dwelling, Multiple	per mobile home 300
Family Mobile Home Park	per bedroom 110
Motel, Hotel, Boarding House	per site 150
Retirement Mobile Home Park	per one or two bedroom unit 150****
Housing for the Elderly	per person 50
Work or Construction Camp	
(3) COMMERCIAL	
Airport	per passenger 5
Barber Shop/Beauty Salon	per chair 100
Bowling Alley	per alley 100
Country Club, dining room	per seat 10
Country Club, snack bar or lunch room	per seat 10
Country Club, lockers and Showers	per locker 20
Doctor Office	per doctor 250
Dentist Office	per dentist 200
Factory, industrial Plant, Warehouse, or Dry Storage Space without cafeteria	per person 15
Factory, industrial Plant, Warehouse or Dry Storage Space with cafeteria	per person 20
Gasoline Station	per island***** 75
with service bays	per bay 125
***** Plus flows for bays, if any	
Kennel	per kennel 50
Lounge, Tavern	per seat 20

Marina	per slip	10
Movie Theater	per seat	5
Non-single family / automatic clothes washer machine	per washing	400
Office building	per 1000 sq. ft.	75
Retail Store (except supermarkets)	per 1000 sq.ft.	50
Restaurant	per seat	35
Restaurant, thruway service area	per seat	150
Restaurant, Fast Food	per seat	20
Restaurant, kitchen flow [for sizing of grease trap only]	per seat	15
Service Station [no gas]	per bay	150
Skating Rink	per seat	5
Supermarkets	per 1000 sq.ft.	97
Swimming Pool	per person	10
Tennis Club	per court	250
Theater, Auditorium	per seat	3
Trailer, dump station	per trailer	75
(4) INSTITUTIONAL		
Place of worship without kitchen with kitchen	per seat	3
Correctional Facility	per seat	6
Function Hall	per bed	200
Gymnasium	per seat	15
Gymnasium	per participant	25
Hospital	per spectator	3
Nursing Home/Rest Home	per bed	200
Public Park, toilet, waste only	per bed	150
Public Park, bathhouse, showers and flush toilets	per person	5
Day care facility	per person	10
	per person	10
(5) SCHOOLS*****		
Elementary School, without cafeteria, gymnasium or showers	per person	5
Elementary School, with cafeteria but no gymnasium with showers	per person	8
Elementary School, with cafeteria, gymnasium and showers	per person	10
Secondary/Middle School, without cafeteria, gymnasium or showers	per person	10
Secondary/Middle School, with cafeteria but no gymnasium or showers	per person	15
Secondary/Middle School, with cafeteria, gymnasium and showers	per person	20
Boarding Schools, Colleges	per person	65

* Person in the context of 310 CMR 15.203 means an individual.

** A system may be designed for flows of not less than 220 gpd, if a deed restriction essentially identical to the model Grant of Title 5 Bedroom Count Deed Restriction developed by the Department, is provided that limits the dwelling to two bed rooms as the term "bedroom" is defined in 310 CMR 15.002. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.

*** The number of bedrooms in a condominium shall be as specified in the Master Deed. Establishment of bedrooms in excess of the specified number shall be considered an increase in design flow. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.

**** Housing for the elderly exceeding two bedrooms per unit shall be designed based on 110 gallons per day per bedroom.

***** All schools to be served by an alternative technology approved pursuant to 310 CMR 15.280 through 15.288 shall have an equalization basin as part of the system design and have it installed prior to the treatment device.

(6) Facilities other than those listed above, and nonresidential facilities with unique design features that result in significantly different design flows than those listed above may apply to the Department for a determination of design flow using actual meter readings of established flows from existing or similar installations without the need for a variance pursuant to 310 CMR 15.410 or 15.416. Prior to making a determination the Department will consult with the local Approving Authority. For state and federal facilities, the Department may also establish system design flows other than those listed above using actual meter readings of established flows from existing or similar installations. Any design flow established by the Department pursuant to 310 CMR 15.203(6), shall be based on 200% of average water meter readings in order to assimilate maximum daily flows or on other methods determined to be appropriate by the Department.

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Pat Hollenbeck

Organization Name: Board of Library Trustees

Applicant's Address: 231 Main St, G.B. MA

Telephone Number: 413-528-2403

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: First Saturday Free Film

Date: 5/5/18 Start Time: 7:00 pm End Time: 10:00 pm

Event Address: 231 Main St, G.B. (MASON LIBRARY)

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- OK 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- MA 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- MA 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Pat Hollenbeck
Signature of Applicant

3/17/18
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

ZBA #878-18

**Zoning Board of Appeals
Town of Great Barrington**

NOTICE OF PUBLIC HEARINGS

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, April 3, 2018, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on an appeal filed by Marc Fasteau, Anne Fredericks and Joe Krummel of the Zoning Enforcement Officer's response to a request to enforce the Great Barrington Zoning Bylaw regarding the Great Barrington Airport at 70 Egremont Plain Road, specifically regarding installation of a new underground fuel storage tank. A copy of the application is on file at the Town Clerk's office, Town Hall. Zoning Board of Appeals members will make a site visit at 5:30 p.m. that same date.

Ron Majdalany, Chairman

Please publish on March 23 and 30, 2018 -- *Berkshire Record*



Town of Great Barrington Massachusetts

Application to the Zoning Board of Appeals

RECEIVED TOWN MANAGER

FEB 14 2018

ZBA-1 Rev. July 2013

BOARD OF SELECTMEN GREAT BARRINGTON, MA

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date: Received and checked for completeness by: Number Assigned: Date filed with the Town Clerk: FOR ZBA USE: Advertising dates: Public hearing date:

TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.

A. WHAT ARE YOU SEEKING? B. SITE / PROPERTY INFORMATION

C. APPLICANT AND OWNER INFORMATION

D. VARIANCES If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

1) From which Section(s) of the Zoning Bylaw do you request a variance?

2) What will the requested variance(s) enable you to do?

3) If the variance(s) is not granted, what hardship will that cause you?

4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?

5) Explain why your special circumstances are not a result of your own actions.

6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?

7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

E. SPECIAL PERMITS If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

1) A special permit is being requested in order to (please describe project):

2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)

<input type="checkbox"/> Section 5.2	<input type="checkbox"/> Section 5.3	<input type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4

3) Reason(s) that this property is not in conformance with the Zoning Bylaw

4) Are there any previous Special Permits or Variances for this property? No Yes
If yes, provide date(s), and name of issuing Board

F. APPEALS If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

1) This application is to appeal the decision of Building Inspector Planning Board Board of Selectmen

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps--one USGS survey map and one current zoning map-- illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619, x. 5.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

H. APPLICATION FEE

Application fees are calculated at \$150 per request. (For example, if one box in **A.** is checked, the fee is \$150. For two boxes, the fee is \$300.)

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

I. TECHNICAL REVIEW FEES

The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. Please also sign here: Richard M. Dohoney

J. ADDITIONAL INFORMATION

Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

Applicant's Signature: "I have read and understand all of the information on this application."

Richard M. Dohoney (signed) 2/11/2017 (date)
Richard M. Dohoney, Esq., Attorney-in-Fact for Marc Fasteau,
Anne Fredericks and
Joe Krummel

Print Form

Need Help? Just call us.

Town Planner: (413) 528-1619, x.7

Building Inspector / Zoning Enforcement Officer:
(413) 528-3206

ZBA Secretary: (413) 528-4953

For bylaws, regulations, maps, and other useful information, visit us online at www.townofgb.org



TOWN OF GREAT BARRINGTON
MASSACHUSETTS
ASSESSORS' OFFICE

February 7, 2018

ABUTTERS TO PROPERTY OF: BERKSHIRE AVIATION ENTERPRISES

70 Egremont Plain Road, Map 31 Lots 67, 49, 76 Book 280 Pg. 14

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
31	74,75	Robert E. Parrish, PO Box 742, Gt. Barrington, MA 01230-0742
31	73	Lana Israel, Trustee, Lana Israel Revocable Trust 2006, 54 Egremont Plain Rd., Gt. Barrington, MA 01230-1691
31	72	Stephen R. & Lucie M. Kass, 425 East 79 th St. #3N, New York, NY 10075-1005
31	68A	Daniel J. Bell and Claudia J. Shapiro, 78 Egremont Plain Rd., Gt. Barrington, MA 01230-1551
31	68	Stanley M. Silver & Melissa S. Glassman, 80 Egremont Plain Rd., Gt. Barrington, MA 01230-1551
31	47F	Jonathan B. Hankin and Barbara Zheutlin, 43 West Plain Rd., Gt. Barrington, MA 01230-1573
31	47B,48	Arthur J. Coons & Robert A. Coons, Trustees, West Plain Road Farm Nominee Trust, 20 West Plain Rd., Gt. Barrington, MA 01230-1573
31	50	Robert A. Coons, 20 West Plain Rd., Gt. Barrington, MA 01230-1573
31	47A	Great Barrington Rudolf Steiner School Inc., 35 West Plain Rd., Gt Barrington, MA 01230-1573
31	51A,51B,51C,51D	Evelyn Shapiro, PO Box 66, South Egremont, MA 01258-0665
31	51	Joanne L. Sheron, 95 Seekonk Cross Rd., Gt. Barrington, MA 01230-1565
31	63	Holly Hamer, 99 Seekonk Cross Rd, Gt. Barrington, MA 01230-1565
31	64	Hilda Louise Tangrady, 49 Creamery Rd., Gt. Barrington, MA 01230-8521
31	65	Peter W. & Catherine M. Gray, PO Box 595, South Egremont, MA 01258-0595
31	66	Joseph Krummel & Rachel Shapiro, 109 Seekonk Cross Rd., Gt. Barrington, MA 01230-1572
31	85	Riverhill Farm Properties LLC, 615 South Egremont Rd., Gt. Barrington, MA 01230-1931
30	1	Richard & Connie Tollner, 75 Salisbury Ave., Garden City, NY 11530-3940
30	2	Frederick W. Beinecke II, 99 Park Ave. Suite 2200, New York, NY 10016-1601
30	2C	Jonathan Shapiro, PO Box 283, Gt. Barrington, MA 01230-0283
30	2A	Hilda Banks Shapiro, 81 Egremont Plain Rd., Gt. Barrington, MA 01230-1732
31	78	Thomas J. Vigneron, Edward Ivas, John Guarnieri, & Richard Solan, PO Box 179, Gt. Barrington, MA 01230-0179
31	77	Berkshire Aviation Enterprises (applicant)

The above list of abutters to the subject property is correct according to the latest records of this office.

Sincerely,

Christopher Lamarre
Principal Assessor



**DONOVAN O'CONNOR
& DODIG, LLP**

ATTORNEYS AND COUNSELORS AT LAW

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FAX: 413.443.1894

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STEPHEN F. NAREY ‡ GREGORY P. HOWARD ‡
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ANGELA W. HAYLON
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OTHER OFFICES:

1330 MASS MOCA WAY
NORTH ADAMS, MA 01247
413.663.3200

**ALSO ADMITTED NY
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EIN 04-2198966

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1331 MAIN STREET, 2ND FLOOR
SPRINGFIELD, MA 01103
413.747.3992

116 SOUTH STREET
BENNINGTON, VT 05201
802.442.3233

January 9, 2018

Edwin May, Zoning Enforcement Officer
Town of Great Barrington
20 Castle Street
(Old Fire Station- 2nd Floor)
Great Barrington, MA 01230
VIA Email: EMay@Townofgb.org

Re: **REQUEST FOR ENFORCEMENT PURSUANT TO
M.G.L. ch. 40A, § 7** regarding 70 Egremont Plain Road

Dear Mr. May:

Please be advised that this firm represents Marc Fasteau and Anne Fredericks of 77 Seekonk Crossroad and Joe Krummel of 109 Seekonk Crossroad. This letter is a request for enforcement of the Town of Great Barrington Zoning By-Law with regard to the premises known as 70 Egremont Plain Road (the "Airport") on behalf of my clients for the reasons set forth below.

Currently, a new underground fuel storage tank is being installed at the Airport. We understand that the existing tank has been or will be removed. The Airport has not applied for nor received a special permit under 9.2.12 of the Zoning Bylaw. My clients hereby request enforcement action, including but not limited to an order prohibiting the installation or use of the new underground fuel storage tank without a Special Permit under 9.2.12 of the Zoning Bylaw.

The Airport is located within the Water Quality Protection Overlay District ("WQPOD"). Section 9.2.12.1 requires a Special Permit for "enlargement or alteration of existing uses that do not conform to the WQPOD." While underground fuel storage tanks are prohibited in the WQPOD, the existing underground storage tank preexisted enactment of the WQPOD. Replacing it with a different tank, however, constitutes an alteration requiring a special permit. Please note that while Section 9.2.11.2 authorizes the replacement of underground fuel storage tanks under certain conditions, it does not negate the need for a Special Permit under Section 9.2.12.1.

As you know, Massachusetts General Laws ch. 40A, § 7 states:

If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person

January 9, 2018

Page 2

allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

Please direct your response to this request for enforcement to my attention. Also, please accept this letter as a request pursuant to Massachusetts General Laws ch. 66, § 10 for any enforcement orders or communications of any kind issued or to be issued with regard to the Airport.

Very truly yours,

DONOVAN O'CONNOR & DODIG, LLP



Richard M. Dohoney

RMD:hms

Edwin A. May
Inspector of Buildings

E-mail: emay@townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-3206
Fax: (413) 528-3064

**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

OFFICE OF THE INSPECTOR OF BUILDINGS

January 23, 2018

Richard M. Dohoney, Esq.
Donovan O'Connor & Dodig, LLP
2 South Street, Ste. 115
Pittsfield, MA 01201

Re: Zoning Enforcement Request dated 1/9/18, 70 Egremont Plain Road

Dear Mr. Dohoney:

Please accept this as a formal response to your enforcement request letter dated January 9, 2018 (received January 12), regarding installation of an underground fuel storage tank at the airport property known as 70 Egremont Plain Road. For the reason described below, I find no violations have occurred that must be enforced at this time.

The issue of the underground storage tank has been reviewed by the Planning Department and I have also reviewed Section 9.2 of the Zoning Bylaw - Water Quality Protection Overlay District (WQPOD). As you know, the airport is a preexisting conforming use, located in a Residential (R4) zoning district. Your letter notes that the existing underground storage tank preexisted enactment of the WQPOD zoning provisions.

Subsection 9.2.11 specifically addresses legally preexisting nonconforming underground fuel tanks. It allows for replacement of an existing tank, subject to several conditions. The language reads as follows:

Continuation of a legally preexisting nonconforming use shall be allowed, provided that:

1. The nonconformity shall not be increased or expanded.

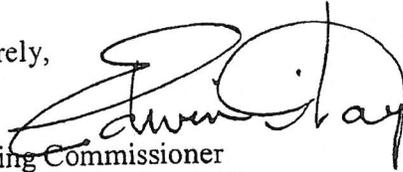
2. The replacement of any underground fuel storage tanks shall conform to the following:

- a. The total capacity of the replaced tanks shall not be exceeded.
- b. The replacement tanks shall be of noncorroding, double-walled construction and shall conform to all applicable state and federal regulations in effect at the time of replacement.
- c. A leak-detection system shall be installed in the void between the walls of the tank. All records of leak tests and/or alarms shall be kept on site and shall be available for inspection by the Building Inspector, Fire Department, Board of Health or any of their authorized agents.
- d. The replacement tanks and piping shall be installed within a secondary containment system that shall conform to all applicable state and federal regulations in effect at the time of the installation.
- e. All inventory records and tank testing records maintained for fuel oil and chemical storage tanks shall be made available to the Building Inspector, Fire Department, and Board of Health upon request during normal business hours.
- f. Any application, along with drawings submitted with the application, for a Town permit for the installation, removal, or replacement of underground storage tanks within the Water Quality Protection District shall be forwarded to the Planning Board. The Planning Board shall review the application within 21 days of receipt for conformity with this section. If the Planning Board finds the application does not conform to the requirements of this section, it shall inform the issuing authority who shall withhold such permit until the Planning Board has confirmed in writing that the application conforms to the requirements of this section.
- g. Any and all state and federal requirements and permits shall be met and obtained as required, including, specifically, those established or required by 527 CMR 9.00 (Tanks and Containers, Board of Fire Prevention Regulations).

The language in subsection 9.2.12 regarding a special permit for "enlargement or alteration of existing uses that do not conform to the WQPOD" states a general requirement for existing uses. However, Subsection 9.2.11 deals with underground fuel storage tanks in particular, and allows for replacement as long as the several conditions are met. In such an instance, the more specific provision of the Zoning Bylaw will control. My information is that the required conditions have been met for the fuel tank replacement at the airport. Therefore, it is my determination that subsection 9.2.11 of the Zoning Bylaw allows for replacement of the underground fuel storage tank without a special permit from the Selectboard under subsection 9.2.12.

Regarding your request for copies of any enforcement orders or communications to the airport, I have not issued any such orders.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Gray". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

Building Commissioner
Zoning Enforcement Officer

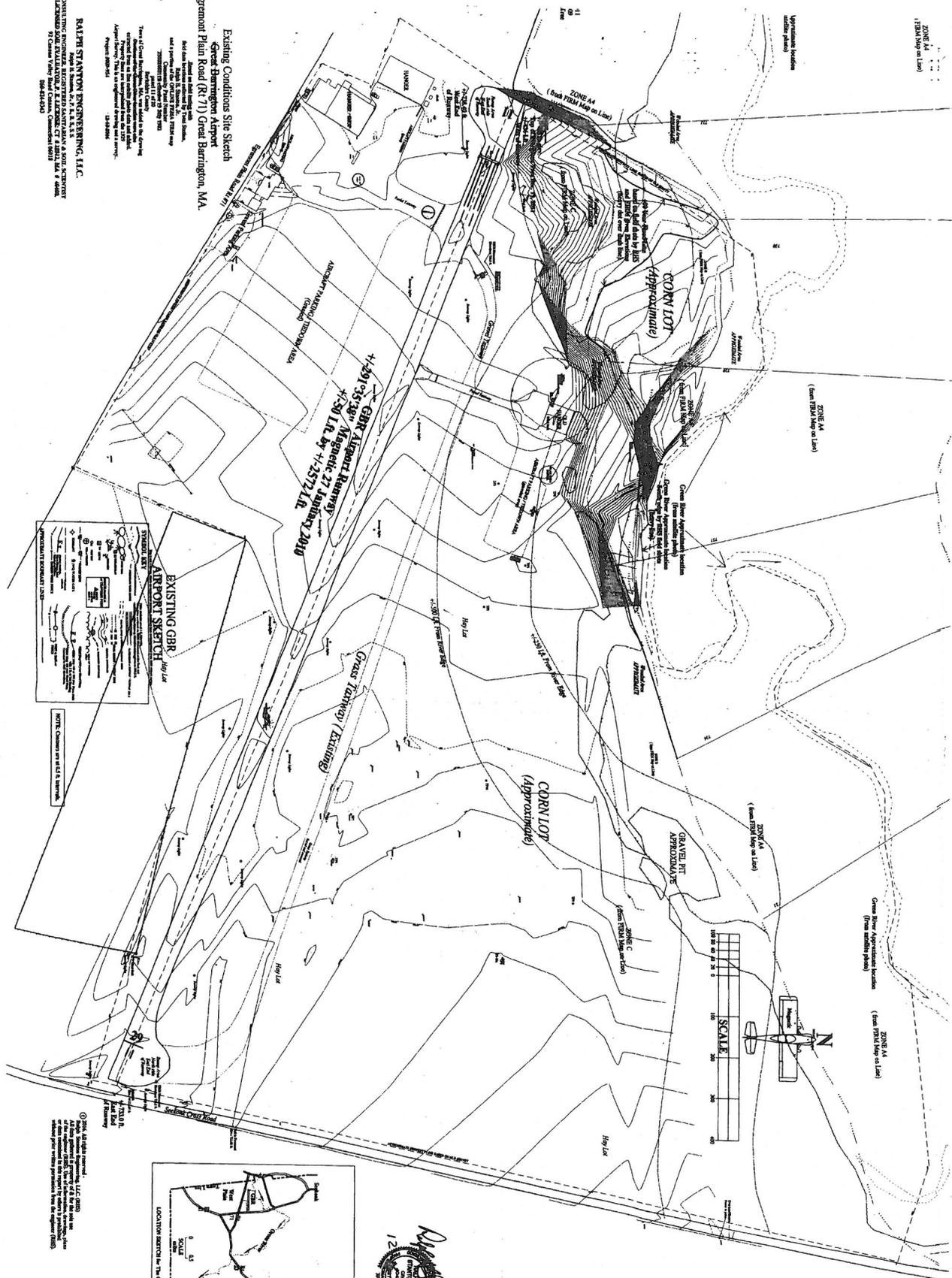
cc: Town Manager
Town Planner
Town Counsel

ZONE M4
(From T25M Map on Lot)

ZONE M4
(From T25M Map on Lot)

ZONE M4
(From T25M Map on Lot)

Approximate boundary
shown in pink



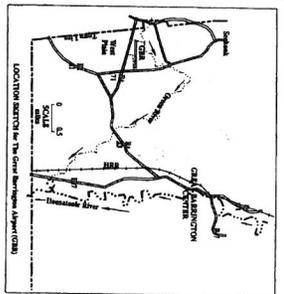
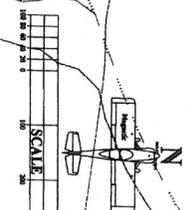
Existing Conditions Site Sketch
Great Barrington Airport
 70 Eggenmont Plain Road (Rt 71) Great Barrington, MA

Based on field notes by
 and data furnished by the
 and a portion of the
 1982-1983
 1982-1983
 1982-1983
 1982-1983

RAJESH STANTON ENGINEERING, LLC
 CONSULTING ENGINEER REGISTERED LAND SURVEYOR IN THE STATE OF MASSACHUSETTS
 1000 N. Main St., 7th Fl., N.E. 1
 02459
 508-253-1234

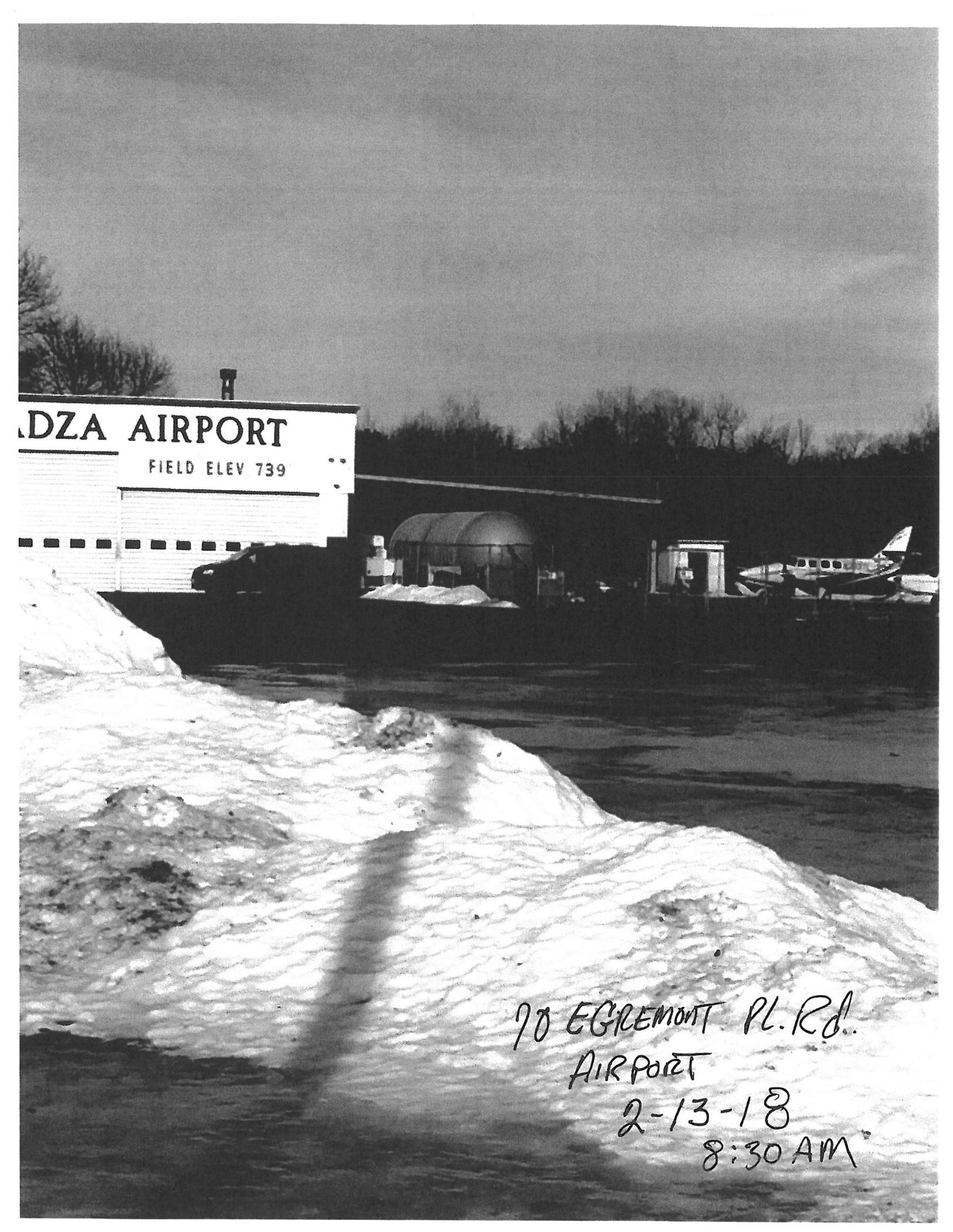


NOTE: Contours are at 5' intervals



© 2014. All rights reserved. 11-17-2014
 All data provided is for the use of the client only and is not to be used for any other purpose without the written consent of the engineer (RSE).
 No warranty is made for any other purpose.

Signature
 12/16



DZA AIRPORT

FIELD ELEV 739

70 EGREMONT PL. RD.
AIRPORT

2-13-18

8:30 AM

Jennifer Tabakin
Town Manager

E-mail: jtabakin@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

March 27, 2018

Ms. Debra Beavin
Economic Development Representative, Massachusetts Representative
U.S. Department of Commerce-EDA
Philadelphia Regional Office
900 Market Street, Room 602
Philadelphia, PA 19107

RE: Economic Development District in Berkshire County

Dear Ms. Beavin:

I am writing to indicate the Town of Great Barrington's support for the designation of Berkshire County as an Economic Development District (EDD) by your agency. We support the Berkshire Regional Planning Commission (BRPC) in seeking this designation, understanding that Great Barrington and the entire region will benefit from EDD status and the work that BRPC and the EDD governing board will do to implement Berkshire County's Comprehensive Economic Development Strategy (CEDS) priorities.

At a duly noticed public meeting held on March 26, 2018, the Great Barrington Selectboard voted to support the establishment of an Economic Development District.

As a region we submitted our second 5-year Comprehensive Economic Development Strategy (CEDS) to EDA in 2017. This submission has been certified effective December 30, 2017. The BRPC, as the regional planning agency for Berkshire County, will continue to coordinate and submit annual updates to the CEDS in each intervening year. The Town of Great Barrington will continue to actively serve on the CEDS committee and look forward to supporting the EDD.

Sincerely,

Jennifer Tabakin
Town Manager

From: Laura Brennan [mailto:lbrennan@berkshireplanning.org]
Sent: Sunday, March 11, 2018 3:18 PM
To: Jennifer Tabakin; Chris Rembold
Subject: EDD designation support

Hi Jennifer and Chris,

Attached is a draft letter of support we request from Great Barrington in regard to BRPC's pursuit of Economic Development District status with the EDA. I've also attached a Frequently Asked Questions document and a PowerPoint file that walks interested parties through what we are asking them to support.

Chris will be very familiar with this through his participation in the CEDS Committee. We appreciate your leadership in securing Great Barrington's support for this, it will certainly be a great example for us to point to with other municipalities who may be less familiar with the program and its benefits.

The draft assumes that the support letter follows a Select Board meeting and is signed by the select board president. However, the guidelines do not specifically require this, and read simply:

(d) Obtains commitments from at least a majority of the counties or other areas within the proposed District, as determined by EDA, to support the economic development activities of the District;

More info can be found here: <https://www.law.cornell.edu/cfr/text/13/304.1>

In the example I have from Cape Cod's application, most letters are signed by select board presidents, but one is signed by the Town Manager. If that is the case, the wording provided would need to be adjusted accordingly.

Please let me know if you have any questions. Thank you again!

Best,
Laura

Laura Brennan
Senior Planner – Community & Economic Development
Berkshire Regional Planning Commission
1 Fenn St., Pittsfield, MA 01201
413.442.1521 x14

-----Frequently Asked Questions-----

What is an Economic Development District (EDD)?

An EDD and its governing board is an entity that meets certain federal requirements whose main purpose is to implement the economic development activities identified in the region’s Comprehensive Economic Development Strategy (CEDS).

Are there any other EDDs located in Massachusetts?

Yes, Berkshire County is one of the few regions remaining that has not been designated as an EDD. Currently there are 8 EDDs in Massachusetts and most are administered by the regional planning agency for the region.

- | |
|---|
| <ul style="list-style-type: none"> # Franklin Regional Council of Governments # Merrimack Valley Planning Commission # Metropolitan Area Planning Commission # Montachusett Regional Planning Commission # Old Colony Planning Council # Pioneer Valley Planning Commission # Southeastern Regional Planning & Economic Development District # Cape Cod Economic Development District |
|---|

What are the advantages and disadvantages of establishing an EDD?

-  Increases the economic development resources in the region. EDA provides each EDD with annual grant funds to implement the activities set forth in the CEDS; however, there may be a waiting list for new EDDs to receive funding. For example, FRCOG (Franklin Regional Council of Governments) received \$70,000 from EDA last federal fiscal year.
-  Increases the number of municipalities eligible to apply for EDA Public Works Assistance grants in a region that does not meet the economic distress criteria for eligibility, so long as a substantial benefit can be shown to unemployed or low-income residents of distressed areas within that larger region. *(Note: Berkshire County taken as a whole does not meet the economic distress criteria in terms of Unemployment Rates and Per Capita Income levels, but specific municipalities and census tracts within Berkshire County do).*
-  Establishes an on-going working relationship with EDA staff. The EDA grant process allows for extensive collaboration between EDA and applicants during the writing of grants so an established relationship is quite beneficial.
-  Administrative work... reporting... accounting... audit... etc. on the part of BRPC.
-  Annual EDD grant funds require a 1:1 local match. For example, FRCOG uses a combination of local assessment funds, DLTA and other state contracts to meet the match requirement. Municipalities are NOT required to contribute to this match, it is the responsibility of BRPC.

How is an EDD established?

BRPC, as the District Organization, must obtain “commitments from at least a majority of the counties or areas within the proposed District to support the economic development activities of the District.” Thus, BRPC must obtain written commitments from at least 17 of the 32 municipalities in the region to support the activities of the EDD.

Is an EDD a separate legal entity that will be created?

No, BRPC will serve as the District Organization for the EDD; however, the composition of BRPC does not meet the federal requirements that the EDD’s governing body represent the main economic interests of the region. To meet this requirement, an EDD governing board be designated to oversee the activities of the EDD.

Who will be on the governing board and how will they be selected?

BRPC has latitude in designating the governing board; however, oversight must broadly represent the principal economic interests of the region, including the private sector, public officials, community leaders, representatives of workforce development boards, institutions of higher education, minority and labor groups and private individuals. This description reflects the makeup of the CEDS Committee for Berkshire County.

What will the governing board be responsible for?

The main charge of the governing board is to provide guidance to EDD staff (i.e. BRPC staff) on implementing the economic development activities contained in the CEDS. Staff’s current vision is that the EDD would meet approximately twice a year, concurrent with CEDS Committee meetings, and approve a work plan for the upcoming year.

How is the EDD governing board’s responsibility different from that of the already established CEDS Committee?

The purpose of the CEDS Committee is to develop the CEDS for the region on a 5-year cycle, with annual updates during intervening years. The role of the EDD and its governing board is to implement the economic development activities identified in the most recent CEDS. Berkshire County’s most recent CEDS was certified in December of 2017, and is available at www.berkshireplanning.org.

Establishing an Economic Development District in the Berkshires

BRPC | 2018



ACTION NEEDED

BRPC SEEKS THE APPROVAL MUNICIPALITIES IN THE BERKSHIRES TO PURSUE THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT DISTRICT IN BERKSHIRE COUNTY.

ECONOMIC DEVELOPMENT DISTRICT

AN ECONOMIC DEVELOPMENT DISTRICT (“EDD”) IS A DESIGNATION GIVEN BY THE FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION (“EDA”) TO A GEOGRAPHIC AREA THAT MEETS THE REQUIREMENTS OF 13 CFR 304.

- ✓ THE GEOGRAPHIC AREA MUST CONTAIN AT LEAST ONE ECONOMICALLY DISTRESSED AREA
- ✓ MUST BE OF SUFFICIENT GEOGRAPHIC SIZE
- ✓ MUST HAVE AN EDA-APPROVED COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (“CEDS”)
- MUST OBTAIN THE COMMITMENT OF AT LEAST A MAJORITY OF THE AREAS IN THE GEOGRAPHIC AREA
- MUST OBTAIN THE CONCURRENCE OF THE STATE IN THE DESIGNATION

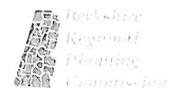


EDDs IN MASSACHUSETTS

THERE ARE EIGHT (8) EDDs IN MASSACHUSETTS AND MOST ARE ADMINISTERED BY THE REGIONAL PLANNING AGENCY FOR THAT PARTICULAR REGION.

- ✓ FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS
- ✓ PIONEER VALLEY PLANNING COMMISSION
- ✓ MERRIMACK VALLEY PLANNING COMMISSION
- ✓ MONTACHUSETTS REGIONAL PLANNING COMMISSION
- ✓ METROPOLITAN AREA PLANNING COMMISSION
- ✓ SOUTHEASTERN REGIONAL PLANNING & ECONOMIC DEVELOPMENT DISTRICT
- ✓ OLD COLONY PLANNING COUNCIL
- ✓ CAPE COD ECONOMIC DEVELOPMENT DISTRICT

- BERKSHIRE REGIONAL PLANNING COMMISSION



ADVANTAGES OF AN EDD

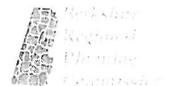
- INCREASES THE AMOUNT OF ECONOMIC DEVELOPMENT RESOURCES IN THE COUNTY
 - EDDs may apply for annual grant funding from EDA to implement economic development activities.
 - FRCOG (Franklin Regional Council of Governments) receives approximately \$70,000 each year in annual grant funds.
- INCREASES THE NUMBER OF MUNICIPALITIES ELIGIBLE FOR EDA GRANT ASSISTANCE
- ESTABLISHES AN ON-GOING RELATIONSHIP WITH EDA STAFF

CONSIDERATIONS

- ONCE THE EDD IS ESTABLISHED AND ORGANIZED THERE WILL BE ADDITIONAL ADMINISTRATIVE WORK FOR BRPC (E.G. REPORTING, ACCOUNTING, AUDITS, ETC.)
- ANNUAL EDA GRANT FUNDING REQUIRES A 1:1 LOCAL MATCH, TO BE ARRANGED BY BERKSHIRE REGIONAL PLANNING COMMISSION (MUNICIPALITIES ARE NOT RESPONSIBLE)
- IT MAY TAKE SEVERAL YEARS TO RECEIVE ANNUAL GRANT FUNDING FROM EDA

NUTS & BOLTS OF AN EDD

- THE EDD IS ADMINISTERED BY A DISTRICT ORGANIZATION. BRPC QUALIFIES AS A DISTRICT ORGANIZATION UNDER 13 CFR 304.
- A GOVERNING BOARD MEETING THE REQUIREMENTS OF 13 CFR 304 IS RESPONSIBLE FOR OVERSEEING THE ACTIVITIES OF THE EDD.
 - An EDD must demonstrate that its governing body is broadly representative of the principal economic interests of the Region, which may include the private sector, public officials, community leaders, representatives of workforce development boards, institutions of higher education, minority and labor groups, and private individuals.
- THE COMPOSITION OF BRPC DOES NOT MEET THE REQUIREMENTS OF 13 CFR 304, THUS DESIGNATION OF AN EDD GOVERNING BOARD IN COMPLIANCE WITH 13 CFR 304 WILL BE NECESSARY.



NUTS & BOLTS OF AN EDD

- THE ADMINISTRATION AND WORK OF THE EDD WILL BE COMPLETED BY BRPC STAFF AT THE DIRECTION OF THE EDD GOVERNING BOARD.
- THE PRIMARY PURPOSE OF THE EDD IS TO IMPLEMENT THE ECONOMIC DEVELOPMENT ACTIVITIES SET FORTH IN THE COUNTY'S CEDS (MOST RECENT VERSION APPROVED DECEMBER 2017).

NEXT STEPS

- (1) COORDINATE WITH EDA ON THE REQUIRED SUBMITTALS
- (2) CONDUCT OUTREACH TO THE 32 MUNICIPALITIES IN BERKSHIRE COUNTY TO SECURE THE REQUIRED COMMITMENTS FROM AT LEAST A MAJORITY OF THE MUNICIPALITIES
- (3) OBTAIN THE CONCURRENCE OF THE COMMONWEALTH IN THE DESIGNATION



FINAL THOUGHTS

- BERKSHIRE COUNTY IS ONE OF THE FEW REMAINING AREAS IN THE COMMONWEALTH NOT INCLUDED IN AN ECONOMIC DEVELOPMENT DISTRICT.
- THE COMMITMENT OF SUPPORT FROM THE MUNICIPALITIES IS *NOT* A MONETARY COMMITMENT. IT IS A GENERAL ASSURANCE OF SUPPORT.
- THE REGION NEEDS MORE ECONOMIC DEVELOPMENT RESOURCES TO HELP GROW ITS ECONOMY.
- THE ANNUAL GRANT FUNDING DELAY IS A WAIT LIST SITUATION – THE SOONER WE CAN GET ON THE LIST THE SOONER WE CAN RECEIVE ANNUAL GRANT FUNDING.

TOWN OF GREAT BARRINGTON
2018 ANNUAL TOWN MEETING, MAY 7, 2018

INDEX OF WARRANT ARTICLES

2018 ANNUAL TOWN MEETING

1. **FINANCIAL ARTICLES** (To Be Provided by the Accountant)
2. **NON FINANCIAL ARTICLES**
3. Marijuana / Cannabis: Accept certain state law to impose a 3% local tax on marijuana sales.
4. Temporary Moratorium on Marijuana Cultivation.
5. Authorize the Selectboard to acquire certain permanent easements and temporary easements, in order to implement downtown street improvements on Bridge Street, Bentley Road, Elm Street, Railroad Street, and School Street, as shown on plans ____
6. Authorize the Selectboard to acquire certain permanent easements and temporary easements on Knob Hill Road, as shown on plans ____
7. Authorize the Selectboard to transfer or gift the property totaling approximately 8.34 acres on East Mountain to the Commonwealth of Massachusetts, as shown _____. [NB: this is a parcel the town foreclosed on several years ago and we now own outright. The Mass DCR would like to add it to the adjacent State Forest. Does the Town Meeting first have to declare it surplus property? Does it have to get an appraisal or do an RFP, etc??]
8. Authorize the Selectboard to grant a Natural Area and Trail Use Agreement in perpetuity to the Great Barrington Land Conservancy in connection with the construction, use, and maintenance of a recreation trail, as shown on plans ____
9. Vote to discontinue as a town way that portion of Manville Street as shown on plans ____
10. Zoning: Rezone State Road between the Housatonic River and Belcher Square.
11. Zoning: Revise the Bylaw to Regulate Marijuana Establishments including Marijuana Retail Stores.
12. Authorize Special Tax Agreement in Lieu of Taxes (PILOT) for the Ground Mounted Solar Photovoltaic Installation(s).
13. Authorize to Ban Wipes.....
14. Amend the Polystyrene Bylaw and Include the Polypropylene Plastic to the Restricted Products.
15. Citizen Petition: To Consider Political Activity and Political Activism are an Essential and Necessary Elements of the Democratic Process.
16. Citizen Petition: To Approve the Following Principle and Article: Homeless Persons are Entitled to Equal Civil Rights with other groups designated as Protected Classes to Prevent Discrimination against them under Existing Laws and Regulations of the Commonwealth of Massachusetts and the United State of America.
17. Citizen Petition: It shall be Unlawful to Sell Non-Sparkling, Unflavored Drinking Water in Single-serve Containers of 1 liter (34 ounces) or less in the Town of Great Barrington on or after January 1, 2019, and to Amend Chapter 1-5.1, Noncriminal Disposition Bylaw.
18. Citizen Petition: To Amend and Add the following to the Great Barrington Bylaw: The Acceptance Period of Citizen Petitions will be No Less than Thirty (30) days.
19. Citizen Petition: To Vote and Approve the following Resolution: To Invite Brief Questions and Comments on Specific Agenda Items Throughout the Meetings.