

SELECTBOARD'S MEETING AGENDA  
MONDAY, SEPTEMBER 9, 2019  
7:00 PM - REGULAR SESSION  
CLAIRE TEAGUE SENIOR CENTER, 917 MAIN STREET  
ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER:
2. APPROVAL OF MINUTES:
  - A. August 12, 2019 Regular Meeting.
  - B. August 26, 2019 Regular Meeting
3. 3.SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:
  - A. General Comments by the Board.
4. 4.TOWN MANAGER'S REPORT:
  - A. Department Updates
    - a. GBPD
      1. Traffic enforcement/safety.
      2. Introduction of Bradley Lupiani to the Board.
  - B. Project Updates
5. PUBLIC HEARING
  - A. Special Permit application from Fulcrum Enterprises, LLC, for a marijuana cultivation and marijuana manufacturing establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, in accordance with Section 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw. (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. Nicole Blum/Carrs Cider for a special Farmer's Winery License to sell on September 22, 2019 at the Berkshire Fermentation Festival held at 380 State Road, Great Barrington from 10:00 AM to 5:00 PM. (Discussion/Vote)
  - B. John Bevan/Clarion Concerts for (2) One Day Beer and Wine Liquor License for Saturday September 21, 2019 at Saint James Place, 352 Main Street Great Barrington from 5:00 PM to 8:00 PM. (Discussion/Vote)
7. OLD BUSINESS:
  - A. \*CONTINUATION\*  
Fulcrum Enterprises LLC Host Community Agreement (HCA) for Marijuana Cultivation and Manufacturing establishment in an industrial zone at 22 Van Deusenville Road.  
(Discussion/Vote)
  - B. SB's 2020 Regular Meeting Schedule. (Discussion/Vote)

8. NEW BUSINESS:

- A. Selectboard recommendation to the Planning Board on the Special Permit application from Donna and Robert Boyer to create a rear lot (a new building lot) in the R1A zone at 85 Castle Hill Avenue, in accordance with Section 4.3 and 10.4 of the Zoning Bylaw. (Discussion/Vote)

9. CITIZEN SPEAK TIME:

10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD'S MEETINGS:

- Tuesday, September 10, 2019 7:00 PM SB Special Meeting @ Housatonic Community Center
- Monday, September 16, 2019 6:00 PM SB Special Meeting @ Claire Teague Senior Center:
  - 6:00 PM — Tax Rate
  - 6:30 PM —Cottage Street
  - 7:30 PM — Grove Street
- Monday, September 23, 2019 7:00 PM SB Regular Meeting location TBD
- Monday, October 7, 2019 7:00 PM SB Regular Meeting location TBD
- Thursday October 10, 2019 6:00 PM SB Special Joint Meeting with the PB @ Town Hall

*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  
SELECTBOARD**

**NOTICE TO ABUTTERS  
OF A  
CHANGE OF LOCATION  
OF A PUBLIC HEARING**

This is a notice of a CHANGE IN LOCATION of the Great Barrington Selectboard public hearing that is scheduled for Monday, September 9, 2019, at 7:00 PM, regarding the Special Permit application from Fulcrum Enterprises, LLC for a marijuana cultivation and marijuana manufacturing establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, in accordance with Sections 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw. The hearing will not be at Town Hall. The hearing will instead be held at the Senior Center, at 917 Main Street, Great Barrington.

A copy of the application is on file with the Town Clerk.

## **TOWN OF GREAT BARRINGTON**

### **NOTICE OF PUBLIC HEARING**

The Great Barrington Selectboard will hold a public hearing on Monday, September 9, 2019 at 7:00 pm at Town Hall, 334 Main Street, Great Barrington, MA 01230, to act on the Special Permit application from Fulcrum Enterprises, LLC for a marijuana cultivation and marijuana manufacturing establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, in accordance with Sections 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw.

A copy of the application is on file with the Town Clerk.

Please publish August 9 and August 16, 2019

Berkshire Record



STEPHEN C. BANNON  
CHAIR

ED ABRAHAMAS  
BILL COOKE  
KATE BURKE  
LEIGH DAVIS



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619, x2  
Fax: (413) 528-2290  
[www.townofgb.org](http://www.townofgb.org)

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### SELECTBOARD

SPECIAL PERMIT # 895-19

NAME, ADDRESS, AND PROJECT:

Special Permit application from Fulcrum Enterprises, LLC for a marijuana cultivation and marijuana manufacturing establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, in accordance with Sections 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw.

### REVIEW MEETINGS

These Boards and Commissions will hold meetings on the following dates to consider the application and make a recommendation to the Selectboard (dates may be subject to change):

PLANNING BOARD Thursday, August 22, 2019, 6:00 PM, at Town Hall

CONSERVATION COMMISSION Wednesday, August 28, 2019, 6:30 PM, at Town Hall

BOARD OF HEALTH Thursday, September 5, 2019, 6:30 PM, at Town Hall

### SPECIAL PERMIT PUBLIC HEARING

The **PUBLIC HEARING** before the **SELECTBOARD** is scheduled for Monday, September 9, 2019 at 7:00 PM at Town Hall, 334 Main Street, 2<sup>nd</sup> Floor, in the meeting room.

The applicant and/or representatives must attend each meeting, as well as the public hearing.

To schedule site visits, Board or Commission representatives should contact:

*Kate McCormick, Attorney for the applicant 528-0630*

# **Special Permit Application Site Plan Approval**

For

***Fulcrum Enterprises, LLC***  
**A Marijuana Cultivation and Manufacturing Facility**

For Property Located at

22 Van Deusenville Road  
Great Barrington, Massachusetts

*Prepared by:*



July 2019

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Site Plan Approval  
Of  
Fulcrum Enterprises, LLC  
Located At  
22 Van Deusenville Road  
Great Barrington, Massachusetts**

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  - Site Plan Review Application
  - Certified Abutters List
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Dated July 2019

July 24, 2019

Mr. Stephen Bannon, Chairperson  
Great Barrington Selectboard  
Town Hall – 334 Main Street  
Great Barrington, MA 01230

Ms. Brandee Nelson, Chairperson  
Great Barrington Planning Board  
Town Hall – 334 Main Street  
Great Barrington, MA 01230

**RE:** Special Permit Application  
Site Plan Approval  
Fulcrum Enterprises, LLC  
22 Van Deusenville Road  
Great Barrington, Massachusetts

Dear Chairpersons and Board Members;

Enclosed please find the required fourteen (14) copies of a Special Permit and seven (7) copies of a Site Plan Review Application prepared for Fulcrum Enterprises, LLC and property located at 22 Van Deusenville Road, Great Barrington (Map 27, Lot 2.6). This application is prepared under Section 7.18, 10.4 and 10.5 of the Town of Great Barrington Zoning Bylaws.

The property is a 5.7± acre parcel located in the Nolan Drive Industrial Park, adjacent to a large ground-mounted solar array, the Housatonic Railroad, a construction company and other developed lots in the industrial park. The property contains a single-family home formerly used as a farmhouse prior to the development of the industrial park.

The application includes the construction of an 80,000 square foot marijuana cultivation and manufacturing facility. A detailed project narrative along with supporting documents and project plans can be seen attached.

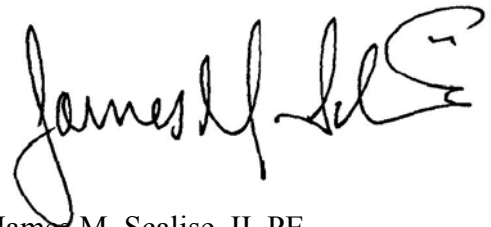
The project requests the following permits and approvals

- Special Permit from the Board of Selectman in Accordance with Section 7.18 – Marijuana Establishment and Medical Marijuana Treatment Centers
- Site Plan Review from the Planning Board in Accordance with Section 10.4

We look forward to discussing the application with you. If you should have any questions or concerns, or require additional information, please do not hesitate to contact the office.

Sincerely,

SK DESIGN GROUP, INC.

A handwritten signature in black ink, appearing to read "James M. Scalise, II". The signature is fluid and cursive, with a large initial "J" and a stylized "S" at the end.

James M. Scalise, II, PE  
President

Attachments

Cc: John Heck  
Bill Heck  
Jerad Lauzier  
David Ross  
Kate McCormick, Attorney  
File

G:\SK DESIGN GROUP\2019\190043 Peters & Assoc-22 VanDeusenville Rd, GB-Outdoor Cultivation Facility\Documents\Word\SP  
SPR\02 Cover Letter.docx

## Special Permit Application

**TOWN OF GREAT BARRINGTON**  
**Application for a Special Permit**  
**to the Board of Selectmen or Planning Board**

FORM SP-1  
REV. 11-2013

**FOR OFFICE USE ONLY**

Number Assigned \_\_\_\_\_ Date Received \_\_\_\_\_  
Special Permit Granting Authority \_\_\_\_\_  
Copy to Recommending Boards \_\_\_\_\_  
Advertised \_\_\_\_\_ & \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Fee: \$150.00 Paid: \_\_\_\_\_

APPLICATION FOR SPECIAL  
PERMIT UNDER TOWN ZONING  
BYLAWS FOR TOWN OF  
GREAT BARRINGTON,  
MASSACHUSETTS

MAP 27 LOT 2.8 BOOK 638 PAGE 304 ZONING DISTRICT(s) Industrial

Site Address: 22 Van Deusenville Road

Date of Application 7/25/19

Applicant's name and complete mailing address Fulcrum Enterprises, LLC

390 Main Street, Suite 2, Great Barrington, MA 01230

Applicant's phone number (914 )263-6627 Applicant's email address: generalpushing@gmail.com

Name and Address of Owner of land exactly as it appears on most recent tax bill:

William F. Nolan, Trustee, Nolan Realty Trust

PO Box 346, West Stockbridge, MA 01266-0346

I (we) request a Special Permit for: Marijuana Establishment Cultivation and Marijuana Establishment  
Manufacturing

Under Section(s) 3.1.4.c.13 & 7.18 and 10.4 of the Great Barrington Zoning Bylaws.

**APPLICANTS MUST READ AND COMPLY WITH THE FOLLOWING:**

One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:

1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)
3. Site Plan, drawn to scale, applicable to the site and the proposed use of said site for which this special permit is requested.
4. Any other specifications necessary to further describe the site or proposed use for which a special permit is requested. At least one copy of any maps being submitted shall be no larger than 11" X 17". Plans should show all existing and proposed structures, property lines and dimensions, driveways, walkways and parking areas. All proposed landscaping, parking, loading, and similar improvements must be in compliance with the applicable sections of the Zoning Bylaw.
5. Certified list of abutters within 300' on the Assessors Maps to the subject property, including map and lot number. List must be obtained from the Assessors' Office.

6. Zoning Map designating the zoning district(s) and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location within the Town.
7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations or expert analysis of the plan.
8. Landscaping Plan drawn to scale and showing existing and proposed landscaping.
9. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

**SPECIFICS:**

1. All site plans and specifications must be signed and dated by the preparer.
2. **ALL OWNERS** of property must also sign the application.
3. A copy of special permit procedures is available upon request.
4. Fee for application is \$150.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest. If the cost exceeds \$150.00, the applicant shall pay the balance due upon notification from the Granting Authority.
5. Once all the necessary papers, maps, etc. are compiled into the required Original and Fourteen sets, call the Town Planner's office at 413-528-1619 ext. 7 to arrange an appointment to file your application. The application will be reviewed for completeness and a date for a public hearing before the Board of Selectmen or Planning Board will be scheduled. Meetings of recommending boards (e.g. Planning Board, Conservation Commission and Board of Health) will also be arranged at this time.

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Co-Applicant (e.g. Property Owner, if different)

\*\*\*\*\*  
**PLEASE READ AND SIGN BELOW**

ALL COSTS INCURRED BY THE TOWN FOR THE EMPLOYMENT OF EXPERTS OR CONSULTANTS REQUIRED BY ANY TOWN BOARD, AND APPROVED BY THE BOARD OF SELECTMEN, FOR THE PURPOSE OF ANALYZING OR EVALUATING ANY PROJECT THAT IS A SUBJECT OF A SPECIAL PERMIT APPLICATION SHALL BE ASSESSED TO THE APPLICANT AND SHALL CONSTITUTE PART OF THE APPLICATION FEE. A COPY OF THIS REGULATION SHALL BE PROVIDED TO THE APPLICANT IF REQUESTED.

I have read the above regulation and agree to be bound by it.

Signature  \_\_\_\_\_

Signature of Co-Applicant (e.g. Property Owner)  \_\_\_\_\_

Date 7/25/19 \_\_\_\_\_



## Site Plan Review Application



**Town of Great Barrington  
Planning Board**

PB SPR 1  
Rev Aug 2011

**Application to the Planning Board for  
Site Plan Review  
in accordance with Section 10.5 of the Zoning Bylaw**

**INSTRUCTIONS**

Please fill in all applicable information on this form.  
If you believe any requirements should be waived, you must formally request waivers from the Board.  
You may download and save this form, and fill it in electronically.  
Save and print the form.  
Submit an original and seven (7) copies to the Town Planner's office along with your payment, site plan, and other required information.  
Call the Town Planner at (413) 528-1619 ext. 7 if you have any questions.

**FOR OFFICE USE ONLY**

Filing Date: \_\_\_\_\_ Decision due: \_\_\_\_\_

Number Assigned: \_\_\_\_\_ Paid? \_\_\_\_\_

- ☐ Original and seven (7) copies received  
☐ Original filed with and stamped by Town Clerk  
☐ Copy to Town Planner  
☐ Six (6) copies to Planning Board

*ESTIMATED TIMELINE: The Planning Board must review and act upon the site plan within 60 days of receipt of the application, unless the time limits are extended after the applicant's written request.*

**A. SITE LOCATION**

Site Address 22 Van Deusenville Road

Map 27 Lot 2.8 Deed Book 638 Deed Page 304

Zoning District I Light Industry Overlay District (if any) \_\_\_\_\_

**B. APPLICANT AND PROPERTY OWNER**

Applicant's  
Information

Name (please print) Fulcrum Enterprises, LLC

Street Address 390 Main Street, Suite 2

City, State, Zip Code Great Barrington, MA, 01230

Phone (area code first) (914) 263-6627 Email Address: generalpushing@gmail.com

Signature [Signature]

- ☐ Check here if Applicant and Property Owner are the same, and skip to step C., Description.  
☒ Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Property Owner must sign this form indicating permission to file this Application.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.

Property  
Owner's  
Information

Name (please print) William F. Nolan, Trustee, Nolan Realty Trust

Street Address PO Box 346

City, State, Zip Code West Stockbridge, MA 01266-0346

Phone (area code first) \_\_\_\_\_ Email Address: bnolan.inc@gmail.com

Signature [Signature: William F. Nolan]

**C. DESCRIPTION** Briefly describe your project, and indicate how it complies with the Master Plan and the Design Guidelines Workbook. If additional space is needed, please submit on additional sheet(s) as required.

Fulcrum Enterprises, LLC intends to develop a vacant, stripped lot in an Industrial Zone. Fulcrum Enterprises plans to implement a regenerative design, which will bring back native species and make the lot ecologically diverse and healthy. Fulcrum Enterprises will create revenue for the Town and job opportunities. See additional information attached.

**D. APPLICABILITY:** Check the reason(s) for your Application (choose all that apply)

- ☐ 1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure.
- ☐ 2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or use involving more than six spaces.
- ☐ 3. Grading or clearing of more than 10 % of a lot or 10,000 square feet, whichever is the lesser (except as provided in 10.5.1, of the Zoning Bylaw).
- ☒ 4. Other, as required by the Zoning Bylaw. (Please specify: Section(s) 7.18.3 and 10.5)

**E. SPECIAL PERMITS AND OTHER REGULATIONS**

1. Does your project require any Special Permit(s)? Yes ☒ No ☐  
If yes, have you applied for any required Special Permit(s)? Yes ☐ No ☒ If yes, SP #: \_\_\_\_\_
2. Site Plan Approval does not imply approval of any Special Permits or compliance with other regulations, including, but not limited to, the Wetlands Protection Act. Check here to acknowledge. ☒
3. Does your project require filing of a Notice of Intent (NOI)? Yes ☐ No ☒  
If yes, has NOI been filed? Yes ☐ No ☐ If yes, has NOI been approved? Yes ☐ No ☐
4. Does your project fall within Estimated Habitat or Priority Habitat of endangered species? Yes ☐ No ☒  
If yes, has NHESP compliance been received? Yes ☐ No ☐

**F. FEE**

Submitted with Special Permit Application - fee is waived

- ☐ Check here to confirm that your check of \$75 per application is enclosed. Make checks payable to Town of Great Barrington.

**G. REQUIREMENTS**

Applicant acknowledges that this application is accompanied by those items detailed in Section 10.5.3 of the Zoning Bylaw, including: (Check items 1. and 2. at a minimum. Check item 3. if it is required by the Planning Board. Check item 4 if applicable to your project.)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> 1. Plot Plan of the entire tract, signed by a licensed surveyor or engineer, and including details noted in Section 10.5.3, item #1, of the Zoning Bylaw | <input checked="" type="checkbox"/> 3. Traffic impact assessment, if required, as noted in Section 10.5.3, item #3, of the Zoning Bylaw  |
| <input checked="" type="checkbox"/> 2. Signatures, letters, and fees as noted in Section 10.5.3, item #2, of the Zoning Bylaw  | <input checked="" type="checkbox"/> 4. If project involves construction, exterior alteration or expansion, or change of use, this application must also contain floor plans and elevations of the building |

**H. APPROVAL**

APPLICANT SHOULD BE FAMILIAR WITH THE REQUIREMENTS OF SITE PLAN REVIEW PER SECTION 10.5 OF THE ZONING BYLAW AND SHOULD ENSURE THAT THE APPLICATION COMPLIES. FAILURE TO COMPLY MAY RESULT IN DENIAL OF THE APPLICATION. PLEASE CALL THE TOWN PLANNER IF YOU HAVE ANY QUESTIONS.

APPLICANT SHOULD BE FAMILIAR WITH THE APPROVAL CRITERIA PER SECTION 10.5.3 OF THE ZONING BYLAW.

## Certified Abutters List

Bruce Firger, Assessor  
John Katz, Assessor

Shaun McHugh, Principal Assessor  
E-mail: [smchugh@townofgb.org](mailto:smchugh@townofgb.org)

Carol Strommer  
Administrative Assessor  
E-mail: [cstrommer@townofgb.org](mailto:cstrommer@townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-2220 x 5  
Fax: (413) 528-1026

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### ASSESSORS' OFFICE

April 29, 2019

ABUTTERS TO PROPERTY OF: WILLIAM F. NOLAN, TRUSTEE, NOLAN REALTY TRUST  
22 Van Deusenville Road, Map 27 Lot 2.6, Book 638 Pg. 304

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
27	2.3	Nuisance Fee LLC, 6 Nolan Dr., Gt. Barrington, MA 01230-1362
27	2.7	Uncle Ernie, 6 Nolan Dr., Gt. Barrington, MA 01230-1362
27	2.4	Massini Bus Co., Inc., 199 Ashley Falls Rd., Sheffield, MA 01257-9637
27	14	Mark Formel, PO Box 278, Housatonic, MA 01236-0278
27	17	Sarah Gayle Formel, PO Box 278, Housatonic, MA 01236-0278
27	14A	Brian D. Formel, 25 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27	20	Joseph F. & Barbara A. Radice, Trustees, 44 Oak Hill Rd., Pittsfield, MA 01201-1714
27	13.1	Stephen & Liliane Heller, 27 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27	13.2	Christopher J. Beacco & Susan Kinne Beacco, 29 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27	13.3	Juan C. Guete & Kristabel T. Vargas, 31 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27	13.4	Matthew O'Brien & Nazan Akyavas, 33 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27	2.5	William F. Nolan, Trustee, Nolan Realty Trust, applicant

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

Sincerely,

Carol Strommer  
Administrative Assessor

## Project Narrative



## **IMPACT REPORT & PROJECT NARRATIVE** **SPECIAL PERMIT APPLICATION AND SITE PLAN REVIEW**

**Fulcrum Enterprises, LLC**  
**22 Van Deusenville Road**  
**Great Barrington, MA**

### **A. Project Overview**

This Impact Report and Project Narrative has been prepared in support of a Special Permit Application and Site Plan Review for Fulcrum Enterprises, LLC and their development of a marijuana cultivation and manufacturing facility on property located at 22 Van Deusenville Road in Great Barrington, Massachusetts. The application is submitted in accordance with the Town of Great Barrington Zoning By-laws.

### **Site Description**

The property is a 5.78-acre parcel located at 22 Van Deusenville Road in an Industrial Zoning District. It contains an old farmhouse/single-family home which, according to assessors' cards, was constructed in 1916, prior to the development of the industrial park in the 1990's. The site is accessed by a gravel driveway off Van Deusenville Road in addition to a shared driveway off of Nolan Drive. The site is mostly a gravel yard currently used as a soil material storage area. Some woody vegetation is located on the south end of the property. The house is currently serviced by municipal water, public electric and a private septic system. An access and utility easement bisects the southeast corner of the property to provide access to the large ground mounted solar array and abutting construction company. The property is further defined on the town of Great Barrington Assessors' maps as Map 27, Lot 2.6. Some of the drainage work for the property will occur on the abutting parcel, Map 27, Lot 2.5. Both parcels are owned by Nolan Realty Trust.

The site is located in an Industrial Park and is bordered to the north by a large ground-mounted solar array, to the east by a construction/electric company, to the south by other developed industrial lots within the industrial park and to the west by the Housatonic Railroad and Van Deusenville Road. Opposite Van Deusenville Road are single family homes and an auto storage/salvage yard. The span of Van Deuseville Road also includes other industrial and commercial uses including a gas company, solar arrays, contractor yards and a welding company to name a few.

A culvert collecting road drainage from Van Deusenville Road discharges under the railroad tracks onto the subject lot. An existing swale collects & conveys road run-off around the project site. No

other stormwater features or improvements are located on the subject lot. The remaining land sheet flows west to east. There are no wetland resource areas located on or within 100 feet of the property. The Housatonic River is located over 350 feet away from the property.

### **Zoning Districts**

The subject lot is located entirely within the I – Industrial Zone District. The following is a listing of the Dimensional Requirements per the Town of Great Barrington Zoning Regulations, other permitted uses heading:

**Town of Great Barrington  
Table of Dimensional Requirements (Other Permitted Uses)**

District	Minimum Area (S.F.)	Width (Feet)	Yard Minimum (Feet)		Max. Building Height		Max. Coverage by Buildings (%)
I			<i>Front</i>	<i>Side and Rear</i>	<i>Feet</i>	<i>Stories</i>	
Required	5,000	50	50	10	40	3	75%
Existing	250,900	192'±	198	25	20'±	2	1%
Proposed	250,900	192'±	51	25	20'±	2	3%

A single-family dwelling is allowed by Special Permit in an Industrial Zone. However, the house was constructed prior to zoning, and the development of the Industrial Park, therefore is pre-existing & non-conforming.

### **Proposed Development**

The proposed project is the construction of an 80,000 square foot marijuana cultivation and manufacturing facility.

The existing house will remain as a single-family house with a corresponding residential use.

A new 50'x100' pre-fabricated steel building will be constructed on the southern portion of the property. This building will contain offices, restrooms, a vault and drying space for product. Also, within this building will be a no larger than 16'x26' FlexLab C1D1 manufacturing extraction lab (by FlexMOD or similar manufacturer). The preliminary building floor plan can be seen in Attachment A and information regarding the lab can be seen in Attachment B. This building will be connected to the municipal water service within the utility easement abutting the property, electric, cable and phone. A private septic system will be designed and installed on-site. This building will be accessed by using the existing common gravel driveways from Nolan Drive to a proposed gravel parking containing (7) spaces. Secondary access will be through the project's frontage and existing gravel driveway along Van Deusenville Road which will also be used as a loading area. A dumpster enclosure will be located at the end of the parking area and will be emptied by a local rubbish hauling company. The material in the dumpster will not contain any



marijuana or related marijuana products. Waste material from the cultivation facility will be handled as seen below.

The proposed cultivation fields will be constructed in several enclosed greenhouses, totaling approximately 80,000 square feet. These greenhouses will be a semi-gable greenhouse structure. This is a steel column building that will be covered with an opaque material that will pass sunlight for natural light growth of plants while obscuring visibility. The greenhouses have the ability to open to allow for more natural sunlight to enter the space. Members of the applicant have used Hortitech Greenhouses on other various outdoor grow facilities they were associated with across the country. Inside each greenhouse will be a single layer of raised beds used for cultivation. The material used in the beds will be of a specialize formulated plant-based soil and compost imported to the site. The ground surface surrounding the bed will be gravel. Gravel access will be located around the perimeter of the project to allow for vehicle access to all greenhouses. These greenhouses will be self-sufficient; therefore, the site will have little demand on lighting, heating or other utilities. The greenhouses will be screened from Van Deusenville Road and the abutters with a privacy fence and buffer plantings. Proposed plant species include native and indigenous plants that will provide a visual buffer in addition to aid in the growth of the cultivation facility. The entire cultivation facility will be surrounded with a security fence, lighting and 24/7 video surveillance as required by the Massachusetts Cannabis Control Commission (CCC) and 935 CMR 500.

Irrigation for the plants will be done with drip line dispersal in conjunction with hand watering with hoses. Discussions with the Housatonic Water Works Company have concluded that adequate pressure and demand will be available for the facility. The water will be metered as required by the water department.

Odor control for the facility will be handled by NCM Environmental Solutions in a very detailed plan that can be seen in Attachment C.

Below is an indicated timeline and operations for the facility. Since the plants will be grown with natural sun-light and the operation is dependent on the weather, the timeline may require adjustment.

*May-weather warms up for the season. A team of four people are on site doing prep work in and around the greenhouses. checking equipment, amending the soil beds with compost and other sources of fertilizer. Seeds are germinated in the smallest greenhouse, within 10 days they are about 6 inches tall and ready to transplant into two "medium" sized greenhouses.*

*June-plants are established in their 1-gallon pots in the medium sized greenhouses and are ready to be transplanted into the raised beds in the large greenhouses. This will require the help of ten people for a week to get everything planted in a timely manner. After planting, the full-time labor force drops back down to four people. Monthly delivery of one or two pallets of fertilizer/materials to be expected.*

*July-plants are well established in the raised beds. Daily plant maintenance such as pruning, scouting for bugs, topdressing fertilizer, plant support, etc. will happen with the four trained employees. Monthly delivery of one or two pallets of fertilizer/materials to be expected. In the small greenhouses, plants are strategically pollinated to produce a seed stock for the upcoming years.*

*August-plants are well established in the raised beds. Daily plant maintenance such as pruning, scouting for bugs, topdressing fertilizer, plant support, etc. will happen with the four trained employees. Monthly delivery of one or two pallets of fertilizer/materials to be expected. Towards the end of the month the plants will begin to go into their flowering stage.*

*September- Plants are all flowering, some varieties will be further along due to their quick flowering genetics- this helps us stagger the dates of our harvest, thus reliving pressure on the harvest crew, dry barn effectiveness, and also allows us to harvest at the exact time of maturity, not late or rushed. Monthly delivery of one or two pallets of fertilizer/materials to be expected.*

*October- Plants will omit their fragrance for their final few weeks of flowering. Harvesting will begin mid-month and run into the first week of November. A team of Ten people will come in to help harvest and will be staffed for about a month until all of the wet material is hung to dry and the dry material is stripped off the stem and transferred on site to the manufacturing license to be extracted into concentrate oils.*

*November- All plants are cut down and brought into the Steel building for drying. The team of ten people are still on site until mid-month. Extraction of concentrate oils has begun.*

*December/April-No plants are alive on site. All genetics are preserved through the seed stock created over the previous summer. Manufacturing of concentrate oils is being performed by the full-time team of four people. Wholesale shipments are going out as they are sold. At this point the product has been concentrated so far that the shipments going out would be a few gallon mason jars of oils. These shipments will be picked up by a third party, CCC authorized transport service in an unmarked "sprinter" van.*

*Waste from the facility will be managed as follows:*

*During the growing season (May-October), excess plant material will be removed from the greenhouses. Each day, fresh plant material will be deposited into the composting pits located within our secured growing area under video surveillance.*

*During the flowering period (Sept-Oct) the material will contain small buds with THC. At the end of each day the material deposited into the same composting pits and will be turned with the existing compost to render it unusable and undesirable to potential thieves.*

*Dry waste from the manufacturing process will be added to the compost pits as well. This material has been stripped of all usable THC through the extraction process.*

Stormwater will be managed on-site. The road drainage from Van Deusenville Road under the railroad tracks will be collected in a by-pass drain, underneath the planted berm and outlet to daylight near the northeast corner of the property. A rip-rap swale will be constructed along the northern property line and will connect into the existing swale. A majority of the remaining site is disturbed surface either with stored piles of soil materials or stripped of topsoil. A small area of woods is located on the southern portion of the property. The greenhouses are open-bottomed, and the sides of the greenhouses will have the ability to be rolled up and open to air. There is no impervious cover proposed because of the greenhouse construction type. In between each greenhouse will be a linear rain garden, planted with a variety of species that are found in the design guidance of rain gardens/bioretention cells in the Stormwater Management Standards handbook as well as complement the cultivation facility. These rain gardens will promote infiltration, while revegetating the site. The entire site has been designed to mimic existing conditions, and sheet flow at a 2% grade from west to east. A planted buffer will be installed along the western property line to provide screening and further revegetation of the site. For security purposes much of the fence line both inside and outside the facility must remain free and clear. However, additional plantings are property along the eastern property line.

## **B. Zoning Compliance**

The proposed marijuana cultivation and manufacturing facility is allowed by Special Permit from the Great Barrington Selectboard in accordance with the Table of Use Regulations and Section 7.18. The development requires a Special Permit, in addition to meeting the applicability requirements outlined in *Section 10.5.1*, the proposed project is also required to file for a Site Plan Review under *Section 7.18.3* and *Section 10.5*. Compliance with all the above zoning regulations is outlined below.

## **Town of Great Barrington Zoning By-Laws**

Each section of the zoning is outlined below, along with how the proposed development complies with that section.

## **6.1 Off-Street Parking and Loading**

*6.1.1 Applicability. No new building designated or intended to be used for any of the uses referred to below shall be constructed in any district unless accessory parking spaces are provided and maintained on the premises in the amount specified below and in accordance with the other requirements of this Section.*

**Parking for the proposed building expansion is provided in accordance with the criteria outlined below.**

*6.1.2 Table of Parking Requirements. The following requirements shall apply; provided however that in Zoning District B, there shall be no off-street parking required for permitted uses in existing buildings which are remodeled but not substantially expanded, as defined in Section 9.5.2:*

**The project site falls within a I-zone district and there is no specific parking space requirement for the principal use of agriculture or marijuana; therefore, the following requirements shall apply:**

Industrial uses	One parking space for each two employees, computed on the basis of the estimated maximum number of employees at any one time.
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**As seen above, the maximum number of employees during any given year shall be approximately 10 people. Typically, 4 employees will occupy the facility. The parking has been designed to accommodate the busy season**

**Total Number of Employees = 10 / 2 = 5 parking spaces required**

**A proposed gravel parking area located south of the proposed building will contain (7) spaces. This requirement is met.**

*6.1.3 Location. Any parking area of more than five spaces providing off-street parking under the provisions of this Bylaw for any nonresidential use in a residence district shall not be located in the required front yard and shall be at least 10 feet from any side or rear lot line. If a nonresidential use in a residence district is located on a corner lot, no parking area of more than five spaces shall be located within the designated front yard nor closer to the street line than twice the required setback for residences within that district in side and rear yards. In the B2 zone, no parking spaces provided for new or replacement structures shall be located between the structure and the front lot line.*

**The project is not a “nonresidential use in a residential district.”, therefore this requirement is not applicable. However, there is no parking proposed in the front yard or within 10 feet of the side or rear yards.**

*6.1.4 Size of Parking Space. The net area of each parking space, exclusive of access and maneuvering area, shall not be less than 180 square feet and the width of each parking berth shall not be less than nine feet, and shall be delineated on site. Up to 20 percent of the required parking spaces may be designed as compact car spaces. Any compact car spaces must be clearly designated as such on the site plan, and appropriate markings and signage must be installed onsite. Handicap parking spaces must meet Commonwealth of Massachusetts and American Disabilities Act requirements.*

**Parking spaces are proposed at 9’x20’, or 180 square feet. This requirement is met.**

*6.1.5 Interpretation of Fractional Space. When the application of a unit of measurement for parking spaces to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded, and fractions of 1/2 or over shall be counted as one parking space.*

**The total parking required calculates to an even 5 parking spaces. The project proposes a total of 7 parking spaces. This parking is met.**

*6.1.6 Table of Loading Requirements. No new building designed or intended to be used for any of the uses referred to below shall be constructed in any district unless accessory loading space is provided in accordance with the following requirements:*

*Table of Loading Requirements*

PRINCIPAL USE	LOADING REQUIREMENT
Any retail or service establishment, office building or hotel with 5,000 to 8,000 square feet of gross floor area devoted to any such uses	One loading space
Same, with 8,000 to 20,000 square feet gross floor area devoted to any such uses	Two loading spaces
Same, each additional 20,000 square feet of gross floor area devoted to any such uses	One additional loading space
Any manufacturing, industrial or storage establishment with over 5,000 square feet of gross floor area	Loading space adequate, in the opinion of the Inspector of Buildings, to accommodate the normal demands incidental to the proposed use of the premises.

**No loading spaces are required as the principal use is not retail, service establishment, office building or hotel. However, as noted above, the facility will need materials and products delivered to the site and finished products will need to be shipped off-site. The delivery truck**

**anticipated for this facility will be a 30' box truck. The delivery truck can access the site through Nolan Drive and a shared gravel driveway and exit the site by the site driveway off of Van Deusenville Road. (1) Loading space is proposed. Any deliveries in vehicles larger than a box truck will be completed by parking on Nolan Drive and transporting materials to the site.**

*6.1.7 Size of Loading Berth. The area of each loading berth shall be not less than 200 square feet, and it shall have a minimum clear height, including access to it from a street, of 14 feet.*

**The designated loading space will be a minimum of 10'x20' with unlimited clear height. This requirement is met.**

*6.1.8 Joint Facilities. Accessory parking spaces or loading spaces for commercial and manufacturing uses may be provided in facilities designed to serve jointly two or more buildings or uses, provided that the number of berths in such joint facilities shall not be less than the total required under the provisions of this Section.*

**There is no joint parking proposed under this application.**

*6.1.9 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any parking or loading requirement set forth in this Section 6.1. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.*

**A Special Permit is not required. All parking requirements are met.**

### **6.3 General Landscaping Requirements**

*6.3.1 Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings except as governed by Section 6.3.*

**The project is an agricultural project; therefore, this section does apply.**

*6.3.2 Landscaping Requirements. Some combination of planting, screening, or fencing shall be installed at the following locations:*

- 1. Property line(s) which also bound residential districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential purposes. No part of any building or structure or paved space intended for or use as parking area may be located within the buffer area. Planted buffer areas along property lines which also bound residential districts or uses shall be a minimum depth of 20 feet.*

**The subject project does not directly abut a residential district. However, a residential district and residences are located on the west side of Van Deusenville Road. The project proposes to install a planted buffer in addition to a privacy fence, to provide a visual buffer between the greenhouses and the road. There are no structures located within the 50-foot no build zone along the western property line.**

*2. Any accessory receptacle or structure with a holding capacity of at least one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be screened, in accordance with this Section, from all adjacent premises and streets from which it would otherwise be visible.*

**The enclosed dumpster is located at the end of the parking area. This will be screened from public ways with fencing and vegetation that will remain along Van Deusenville Road. This requirement is met.**

*3. Any HVAC equipment or other electrical equipment placed on the ground level shall be screened, in accordance with this Section, from all adjacent premises and streets from which it would otherwise be visible.*

**The HVAC equipment will be installed on the east side of the building. The building screens it from a public way. Shrubs will be installed surrounding the pad to further obscure visibility from abutting properties. This requirement is met.**

*6.3.3 Planted Area Requirements. Planted areas shall contain an appropriate mix of the following types of plants. Plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions and native species are encouraged. Invasive species, as identified by Massachusetts Division of Fisheries and Wildlife, shall be prohibited. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.*

*1. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting and have a spread of at least 18 inches.*

*2. Grass is preferable to mulch where practical.*

*3. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.*

*4. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting.*

**The proposed planting areas will meet the above criteria. These include the proposed rain gardens and the planted buffers.**

*6.3.4 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.*

**Landscaping details have been included with the project plans.**

*6.3.5 Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section and shall have a continuing obligation to comply with the provisions set forth herein. All plant materials required by this Bylaw shall be maintained in a healthful condition.*

**The project use is an agricultural use, a marijuana cultivation facility. The plants will be kept and maintained properly.**

*6.3.6 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.3. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.3.*

**A Special Permit is not required. All parking requirements are met.**

## ***7.18 Marijuana Establishments and Medical Marijuana Treatment Centers***

*7.18.1 Purposes. To provide for the placement of Marijuana Establishments and Medical Marijuana Treatment Centers in recognition of and accordance with G.L c.94I, Medical Use Of Marijuana, and G.L. c.94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, in suitable locations in Great Barrington, in order to minimize potential adverse impacts of such facilities.*

**No response required.**

*7.18.2 Definitions. Terms are defined in Section 11 and in the applicable governing statutes and regulations, including said chapters 94I and 94G of the General Laws and the regulations of the Cannabis Control Commission.*

**No response required.**

*7.18.3 Site Plan Review Required. All proposed Marijuana Establishments and Medical Marijuana Treatment Centers shall be subject to Planning Board Site Plan Review as set forth in Section 10.5.*

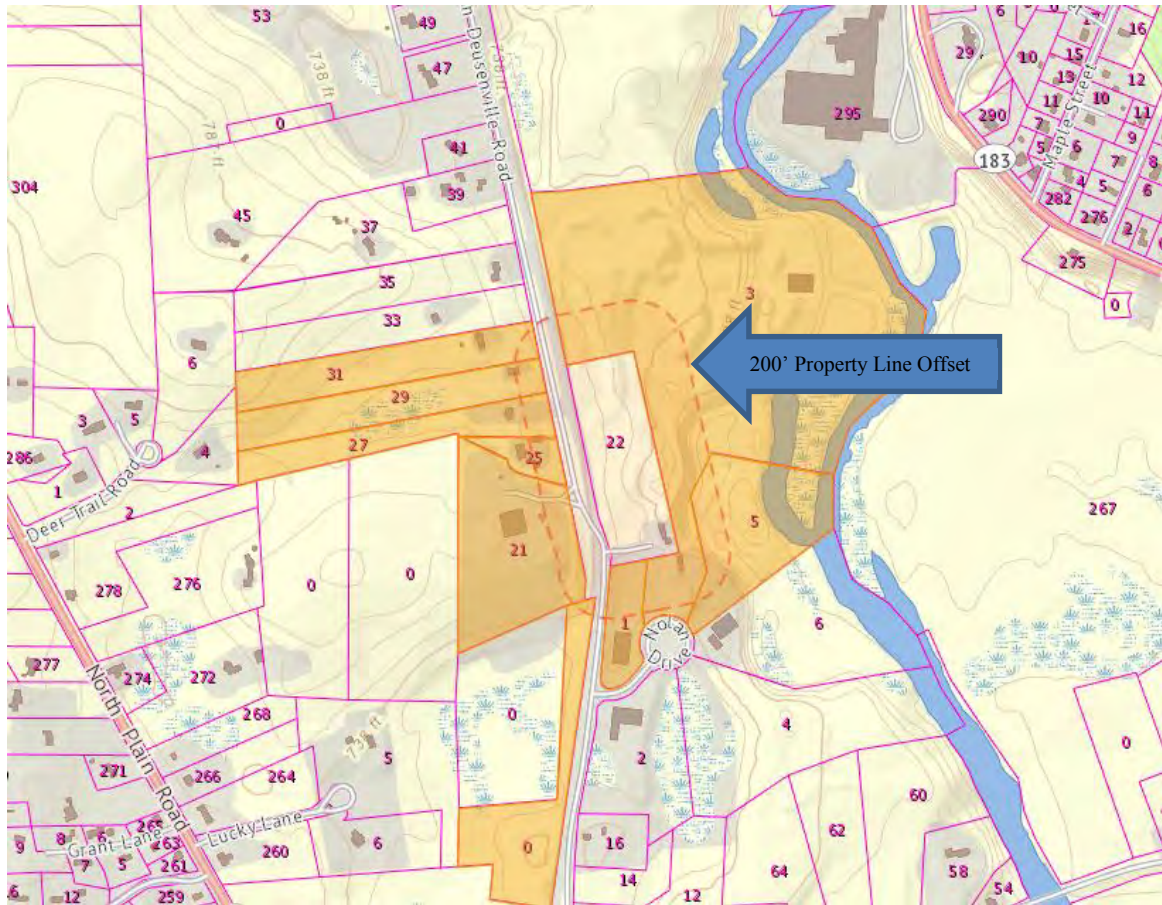
**An application for Site Plan Review is submitted concurrently with this application.**



7.18.4 *Locational Requirements. Marijuana Establishments may be located in accordance with Section 3.1.4, Table of Use Regulations, except as follows:*

1. *No Marijuana Establishment or Medical Marijuana Treatment Center may be located closer than 200 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.*

**The proposed marijuana cultivation and manufacturing facility is not located within 200 feet from a public or private school.**



2. *The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed Marijuana Establishment or Medical Marijuana Treatment Center and the nearest point of the property line of the protected uses stated above in paragraph 1.*

**Figure representing this can be seen above.**

3. *The Selectboard may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds the Marijuana Establishment or Medical Marijuana Treatment Center will not be detrimental to a protected use.*

**A Special Permit is not required. The distance requirement is met.**

*4. Other types of marijuana establishments licensed by the Massachusetts Cannabis Control Commission may be permitted in accordance with the appropriate use category in the Table of Use Regulations.*

**Cultivation and manufacturing are licensed by the Cannabis Control Commission and allowed by Special Permit in accordance with the Table of Use Regulations.**

*7.18.5 Physical Requirements. In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission, Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following:*

*1. All aspects of a Marijuana Establishment or Medical Marijuana Treatment Center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building or fenced area dedicated to the cultivation of marijuana and shall not be visible from the exterior of the business.*

**The entire operation will be within a secure, enclosed building or fenced-in secure area. This requirement is met.**

*2. No unprotected storage of marijuana, related supplies, or educational materials is permitted.*

**Storage of marijuana, related supplies or educational materials will be within a secure, enclosed building or fenced-in secure area. This requirement is met.**

*3. Marijuana not grown inside a securable structure shall be enclosed within a six (6) foot fence, and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.*

**Marijuana will be cultivated in greenhouses with opaque material, which obscures the visibility of the plants. However, they will not be a securable structure. A 6'-0" high privacy fence with privacy screen will be installed around the perimeter of the facility.**

*4. No outdoor cultivation of marijuana shall be allowed within fifty (50) feet of any property line.*

**As seen on the site plan, no cultivation of marijuana is proposed within 50 feet of the property line.**

*7.18.6 Use Regulations. In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission, Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following:*

*1. Uses under this Section may only consist of the uses and activities permitted by their definition as limited by state law.*

**Cultivation and manufacturing are a use permitted by state law definition.**

*2. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises, unless specifically authorized by the Town pursuant to G.L. 94G.*

**No marijuana product will be smoked, eaten or consumed on-site. This requirement is met.**

*3. Retail sales of marijuana products and opening of the premises to the public shall not occur earlier than 8:00 AM or later than 11:00 PM.*

**No retail sales are proposed as a part of this application. This requirement is met.**

*4. Additional regulations may be imposed as Site Plan Review or Special Permit conditions.*

**No Comment**

*7.18.7 Submittal Requirements. Above and beyond the standard application for Site Plan Review, an application under this section shall include the following:*

*1. Copies of all required Marijuana Establishment or Medical Marijuana Treatment Center licenses or registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;*

**Once obtained, these licenses and registrations will be submitted to the Town.**

*2. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed, valid lease, or purchase and sale agreement, and a signed statement from the property owner;*

**In Attachment D, please see the signed purchase and sales agreement and a signed statement from the property owner.**

*3. In addition to what is normally required in a site plan pursuant to Section 10.5, submittal shall also include details showing all signage, exterior proposed security measures for the premises, including cameras, lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.*  
**This site plan review application includes details showing fencing, gates and lighting. Signage will be proposed in accordance with 935 CMR 500.00 and will include signs mounted to the privacy fence and building similar to “No Trespassing”, “Restricted Access” “No Onsite Consumption of Marijuana”. These signs will be no larger than 12”x18”. There will be no building sign or freestanding sign advertising the building use or location. Security will be reviewed at the meeting, however, due to safety**

**concerns, will not be submitted for public consumption. The facility will be monitored by 24/7 video surveillance by (2) separate, independent companies as required by 935 CMR 500.**

#### *7.18.8 Discontinuance of Use*

*1. Any Marijuana Establishment or Medical Marijuana Treatment Center permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with implementing regulations of the Cannabis Control Commission prior to expiration of its operating license or permit issued by the Commonwealth of Massachusetts or immediately following revocation or voiding of such license or permit.*

**As per Cannabis Control Commission regs, we will be posting a bond to cover the dismantling and destruction of any cannabis related materials.**

#### **10.4 Special Permits**

*10.4.1 Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Selectmen shall act as the Special Permit Granting Authority.*

**The Special Permit Granting Authority is the Board of Selectman for all requested permits.**

*10.4.2 Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:*

*1. Social, economic, or community needs which are served by the proposal;*

**The location for this proposal, 22 Van Deusenville Road, is a bare parcel of land in an Industrial Zone. This lot is bound adjacent to railroad tracks along its westerly border and is bound on all other sides by the Nolan Industrial Park, including a five-acre ground mounted Solar Array to its north. Currently, the lot is used as storage for gravel material and has little to no plant growth. Fulcrum Enterprises intends to implement a regenerative design, therefore bringing back native, noninvasive species and making the lot ecologically diverse and healthy.**

**Fulcrum Enterprises will create job and career opportunities. Fulcrum will be hiring an initial full-time staff of approximately four employees and additional part-time staff, creating an estimated \$300,000 of new payroll and benefits.**

**Fulcrum Enterprises will enter into a Host Community Agreement (“HCA”) with the Town of Great Barrington which shall set forth the percentage the Town will earn from sales on Fulcrum’s products. In addition, Fulcrum Enterprises will be contributing to the Town via property taxes. Fulcrum will create revenues to the Town in accordance with the HCA all while having little impact on Town resources.**

*2. Traffic flow and safety, including parking and loading;*

**Parking has been provided in accordance with the by-law and loading exceeds any requirements. Traffic for the site will be minimal, expecting approximately 10 employees during the peak demands of the season. Typically, 4 people will be employed and during the winter, little to no activity is proposed. There is no provision for pedestrian access to the site as the use is a private business with an added emphasis on security. The public is not encouraged to the site.**

*3. Adequacy of utilities and other public services;*

**Preliminary discussions between the applicant and the Housatonic Water Works Company (HWC) have commenced. It has been determined that HW has more than enough supply to meet the project goals. The building will be serviced by a private septic system that will be designed in accordance with all Title V Regulations and approved by the Board of Health. Electricity will be needed for the building which is modest. National Grid can accommodate these demands.**

*4. Neighborhood character and social structures;*

**This use will be a minimally impactful use in comparison to other By-Right uses in an Industrial Zone. The railroad tracks adds an additional buffer. Though including some residences, the general character of Van Deusenville Road is commercial. Fulcrum's location is close to Formel Motor Co. Inc., Housatonic Welding Co., two solar arrays and AmeriGas Propane.**

*5. Impacts on the natural environment; and*

**Most of the site has been disturbed. Large piles of stockpiled soil are stored along the eastern portion of the property. Most of the rest of the property has been stripped of topsoil. A few trees remain along the railroad tracks. Some woody vegetation is located along the southern portion of the site. The proposed greenhouse development, with a planting buffer, rain gardens and other supplemental plantings will improve site conditions.**

*6. Potential fiscal impact, including impact on town services, tax base, and employment.*

**Fulcrum Enterprises will enter into a Host Community Agreement ("HCA") with the Town of Great Barrington which shall set forth the percentage the Town will earn from sales on Fulcrum's products. In addition, Fulcrum Enterprises will be contributing to the Town via property taxes. Fulcrum will be hiring an initial full-time staff of approximately four employees and additional part-time staff, creating an estimated \$300,000± of new payroll and benefits.**

*10.4.3 Procedures. An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.*

**No Comment Required.**

*10.4.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw. Such conditions, safeguards or limitations may include, but are not limited to, the following:*

**No Comment Required.**

*10.4.5 Plans. Unless otherwise provided the rule or regulation of the Special Permit Granting Authority, an applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 10.5.3, herein.*

**Plans have been prepared in accordance with Section 10.5.3.**

*10.4.6 Regulations. The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.*

**No Comment Required.**

*10.4.7 Fees. The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits, which shall be filed in the office of the Town Clerk.*

**The filing fee check in the amount of \$150.00 has been included with this application.**

*10.4.8 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.*

**No Comment Required.**

## **10.5 Site Plan Review**

*10.5.1 Applicability. The following types of activities and uses require site plan review by the Planning Board:*

- 1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multifamily structure;*
- 2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multifamily structure or purpose involving more than six spaces;*
- 3. Grading or clearing more than 10% of a lot or 10,000 square feet, whichever is the lesser, except for the following: landscaping on a lot with an existing structure*

*or a proposed single- or two-family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan, or work pursuant to an earth removal permit.*

*4. Any other instance required by this bylaw.*

**The proposed development is required to file for a Site Plan Review with the Planning Board for applicability with 1, 2 and 3 above, and because the project is required to obtain a Special Permit.**

#### *10.5.2 Procedures.*

*1. Use, structure, or activity available as of right. An application for a building permit to perform work as set forth herein available as of right shall be accompanied by an approved site plan. Prior to the commencement of any activity set forth herein available as of right, the project proponent shall obtain site plan approval from the Board. Applications shall be submitted as set forth in the Planning Board's rules and regulations. The Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within 60 days of its receipt, and notify the applicant of its decision. The decision of the Board shall be upon a majority of the Board as constituted and shall be in writing. No building permit shall be issued by the Building Inspector without the written approval of the site plan by the Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Board.*

**No response required.**

*2. An application for site plan approval shall be accompanied by a fee, as set forth in the Board's Rules and Regulations.*

**The project is submitting for a Special Permit in addition to Site Plan Review, therefore the filing fee for the Site Plan Review application is waived.**

*3. The applicant may request, and the Board may grant by majority vote, an extension of the time limits set forth herein.*

**No response required.**

*4. No deviation from an approved site plan shall be permitted without modification thereof.*

**The applicant is aware of this requirement.**

*10.5.3 Submittal requirements. When specific requirements are not provided elsewhere in this bylaw, the following general submittal requirements apply unless waived by the Planning Board.*

1. *Plot plan of the entire tract, signed by a licensed surveyor or engineer, drawn to a scale adequate to represent all features of the property, clearly portraying the following:*
  - a. *Lot layout and dimensions.*
  - b. *Access road locations and widths and all intersections and driveways located within 200 feet of any portion of the tract.*
  - c. *Open space locations and dimensions.*
  - d. *Location of major site features, such as existing stone walls, fences, large trees and rock outcroppings.*
  - e. *All existing and proposed structures on the property.*
  - f. *All existing and proposed driveways, walkways and parking areas.*
  - g. *All bordering streets and/or highways; contours of elevation at intervals of no more than two feet.*
  - h. *All existing and proposed wells and septic systems.*
  - i. *Existing and proposed drainage patterns and stormwater drainage calculations.*
  - j. *All proposed stormwater management devices, including but not limited to inlets, pipes, swales, and infiltration, retention and detention devices.*
  - k. *Existing and proposed landscaping; limits of clearing; erosion and sediment control to be used during construction.*
  - l. *Existing and proposed lighting, including heights, fixtures, and types of lighting.*
  - m. *Other physical and topographical features of the property, including but not limited to streams, ponds, floodplains and wetlands.*
  - n. *An arrow indicating magnetic North.*
  - o. *Two locus maps showing the location of the property. One shall be an enlarged section of a United States Geological Survey Map, and the other shall be a copy of the current Great Barrington Zoning Map, each indicating the location of the property by arrow or other suitable mark.*

**All of the above listed information can be seen herein, on the attached project plans, Plans to Accompany Permit Applications prepared for Fulcrum Enterprises, LLC (Attachment G)**

2. *The application shall be signed by the owner or owners of the property in question or, if the applicant is other than the owner of the property, shall be signed by the applicant and shall be accompanied by a letter from the owner authorizing the applicant to apply for the building permit or special permit. Said application shall also be accompanied by all appropriate fees. For the purposes of this section, an "owner" shall be defined as a person, corporation, partnership or other legal entity having a legal or equitable interest in the property.*



**The application is signed by the applicant and the land owner.**

*3. Traffic Impact Assessment. The purpose of a traffic impact assessment is to document existing traffic conditions (both vehicular and pedestrian) in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic. The Planning Board may request a traffic study for any project. A traffic study may be required upon request for all projects with one or more of the following characteristics: Projects that propose 30 or more parking spaces pursuant to Section 6.1; or, Projects expected to generate 100 trip-ends or more per day; or Projects containing frontage and/or access on a numbered highway. The traffic impact assessment shall be performed by a certified traffic engineer in accordance with Massachusetts Executive Office of Energy and Environmental Affairs, Division of Transportation Guidelines for Traffic Impact Assessments and shall contain the following:*

**The proposed project is the construction of a marijuana cultivation and manufacturing facility. This is similar to an agricultural or farm use. The project does not propose more than 30 parking spaces, will not generate more than 100-trip ends per day and does not have access on a numbered highway, therefore a traffic study may not be required. However, below traffic for the proposed facility was evaluated.**

**Traffic Impact Assessments utilize the Institute of Transportation Engineers (ITE), Trip Generation Manual. The most up to date version is the 10<sup>th</sup> addition.**

**The site currently is a gravel storage yard with a vacant single-family home. Occasionally there are construction equipment from abutting properties on the subject lot moving or placing material but typically this does not generate vehicle trips per day on and off site. When occupied, the single-family home can generate up to 10 vehicle trips per day during the week or weekend. This will remain unchanged during proposed conditions.**

**There is no specific use outlined in ITE for agriculture or marijuana cultivation. Similar uses to the proposed facility can include:**

***Manufacturing: Manufacturing facilities are areas where the primary activity is the conversion of raw materials or parts into finished projects.***

***Average 2.13 Vehicle Trips per Day per Employee (Weekday)***

***Single Tenant Office Building: A single tenant office building generally contains offices, meeting rooms and space for file storage and data processing of a single***

*business or company and possibly other service functions including a restaurant or cafeteria.*

***Average 3.70 Vehicle Trips per Day per Employee (Weekday)***

**The maximum number of employees is expected to be 10. Using the more conservative approach for land uses above, the vehicle trips per day for the development are as follows:**

$$10 \text{ employees} * 3.70 \text{ VTD/employee} = 37 \text{ Vehicle Trips per day}$$

**In total, the site will produce less than 50 Vehicle Trips per day on Van Deusenville Road. This is an insignificant traffic volume.**

*10.5.4 Waiver of submittal compliance. The Board may, upon written request of the applicant, waive any of the submittal requirements of Section 10.5.3 where the project involves relatively simple development plans or constitutes a minor site plan.*

**No waivers of Section 10.5.3 are requested as a part of this application**

*10.5.5 Approval. Site plan approval shall be granted upon determination by the Board that the plan meets the following objectives. The Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alterations shall be designed with consideration of the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, in order to:*

- 1. Minimize the volume of cut and fill, the number of removed trees six inches' caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution.*

**This site is an historical altered site, used most recently for the storage of construction materials. The ground is mainly stripped of topsoil and gravel with patches of grass and weeds growing through. The southern portion of the site contains some tall, mature trees with minimal understory. Along the railroad tracks are intermittent trees with shrubbery. The disturbance to natural vegetation is minimal.**

**There will be no stonewalls removed, no wetlands are located on the project site and the development will be properly surrounded with erosion control measures during construction.**

**The large soil material piles will be removed, and the site will be graded at a uniform 2% slope from west to east.**

2. *Maximize pedestrian and vehicular safety, both on the site and accessing and exiting the site.*

The site will mainly be accessed by a common gravel driveway from Nolan Drive that extends past the project site for the ground-mounted solar array and construction company. A secondary means of egress is provided off a gravel driveway directly on Van Deusenville Road. This will allow for the safe entrance and exit of delivery vehicles and employees. Large vehicle deliveries (greater than a box truck) will be accommodated for along Nolan Drive and transported to the project site. This way the vehicles may safely enter and exit the premises from the main road.

No pedestrian access is proposed from any main traveled way. There are no sidewalks along Van Deusenville Road and the road is narrow. Further, the proposed cultivation and manufacturing facility will remain private (not open to the public) and does not want to encourage the public or pedestrians to the site for security purposes.

3. *Minimize obstruction of scenic views from publicly accessible locations.*

The project will be screened from public view, from a public place by the installation of a 6'-0" high screened privacy fence and planted buffer. Further, the canopy (or tarps) used to cover the greenhouses will be opaque, to allow for the passage of light but provide visual screening of plants. Screening of the product is required in accordance with state regulations (935 CMR 500.00).

4. *Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.*

The proposed parking area will be screened by using natural and proposed vegetation. As noted above the greenhouses will be screened with a planted buffer with a privacy fence. The greenhouses will be visible from public ways, however, the product will be screened.

5. *Minimize glare from headlights, minimize light glare into the night sky, and minimize overspill into adjacent properties.*

Existing driveways to the site will shine headlights directly on the building or onto Van Deusenville Road. No light spillage of headlights onto abutting properties is proposed under this application.

The proposed lighting for the facility is proposed in conjunction with 935 CMR 500.00 for security purposes. However, lights will be downcast or shielded as to limit spillage over the property line.

Please refer to Attachment E for the Lighting Plan.

6. *Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.*

**The proposed 50'x100' prefabricated manufactured steel building will be similar to other buildings constructed in the industrial subdivision. There is no unreasonable departure of the character, materials and scale of buildings in the vicinity.**

7. *Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.*

**Butane and ethanol are used during the manufacturing / extraction process. These hazardous materials will be contained in an approved fire-rated, explosive proof unit located within the steel building. Details and specifications on this unit can be seen in Attachment B.**

**A septic system will be installed for the office space in the new building. This system will only receive wastewater from the proposed restrooms. The system will be designed in accordance with all Title V regulations and reviewed and approved by the Great Barrington Board of Health.**

8. *Ensure compliance with the provisions of this zoning bylaw, including parking and landscaping.*

**The proposed design meets the provisions of the by-law, including but not limited to parking, setbacks, coverage and landscaping. Refer to supporting documentation enclosed herein.**

## **C. MUNICIPAL IMPACTS**

### *Sewer*

The existing sewer for the existing farmhouse is a 1,000-gallon tank to a drywell, according to the land owner. As a part of this application, no improvements, modifications or alterations are proposed to the house or septic system

The proposed building will contain offices and will require a septic system. Percolation tests and deep holes were completed on the site in July 2019. It was determined the soils are suitable for a subsurface system. Within Title V Regulations there is no specific use/type of establishment for greenhouses or marijuana cultivation and manufacturing. Uses similar include:

*Factory, Industrial Plant, Warehouse or Dry Storage Space without Cafeteria = 15 gpd/person  
Office building = 75 gpd/1,000 s.f. (200-gallon min)*

There are expected to be a maximum of 10 employees during the busy season. Under the *Factory Use*, proposed flows from the development would be:

$$10 \text{ employees} * 15 \text{ gpd/employee} = 150 \text{ gallons per day}$$

The proposed building is 5,000 square feet, with a 200 square foot office space within. Under the *Office Building* use, proposed flows from the development would be:

$$5,000 \text{ s.f.} * 75 \text{ gpd per 1,000 s.f.} = 375 \text{ gallons per day}$$

Conservatively the application will design the leach field for 375 gallons per day.

#### *Water*

A 10" water main bisects the abutting property, over a utility easement, adjacent to the existing farmhouse. This water main is owned by the Housatonic Water Works Company. The existing farmhouse is connected to this water main.

The proposed building will use approximately 375 gallons per day as the anticipated water demand will be equivalent to the expected sewerage flows.

The proposed greenhouses will require watering as they will be under cover. A combination of drip irrigation and hand watering. Water usage for the proposed development can be anywhere upwards of 2,000,000 million gallons per year, with a maximum demand during the growing season.

This project has been discussed with Jim Mercer, CEO of HWC on a conceptual basis. It was determined that HWC has more than adequate supply available for a project of this scale and will service the facility. The applicant will work with the HWC for all proper design, permits and construction details.

#### *Fire Protection*

The proposed building will not be required to have an automatic sprinkler system due to its small size. The use, agricultural/greenhouses, does not require sprinklers.

The C1D1 extraction lab is a self-contained unit that will be constructed inside the proposed building with a dry chemical suppression unit. The lab adequately meets Mass Building and Fire Code as seen in the attached information.

#### *Stormwater Management*

Stormwater for the development will be managed on-site.

As noted above, the existing culvert under the railroad tracks that collects roadside drainage discharges onto the subject lot. Currently, this is directed to the east by using a rip-rap channel. After construction, the roadside drainage will be collected in a drop inlet structure and will bypass the site with a 24" culvert. The culvert will discharge to the rip-rap channel north of the subject lot.

The existing site is a gravel yard, used for storage of materials and mainly stripped of topsoil. A small area of woody vegetation is located on the southern portion of the site. A single-family home is located on the southeast corner of the lot. The planting mound associated with the ground mounted solar array extends onto the northern portion, along with trees and brushy vegetation along the tracks. The site flows west to east, from the tracks off the subject lot. 75% of the existing lot is non-vegetated. Test pits and observation holes associated with percolation tests were performed on the site and determined that the soils are consistent with what is outlined in the USDA Soil Survey. These results can be seen in Attachment F.

The proposed development includes the construction of a 5,000 square foot building, gravel parking area and the construction of an 80,000 square foot marijuana cultivation and manufacturing facility. The roof will be collected in a stone drip edge located around the perimeter of the building. This will capture and infiltrate clean rooftop runoff. The remaining site will be graded and leveled off at an approximate 2% slope from west to east, mimicking existing sheet flow conditions. A planting buffer will be constructed along the railroad tracks to serve as a buffer for abutting properties in addition to providing plants that will supplement the growth of the facility. In between the greenhouses long, linear rain gardens are proposed to collect runoff from the roofs of the greenhouses. However, the sides of the greenhouses can roll up and the ground under the greenhouse will be gravel, therefore no impervious cover is created as a part of the greenhouse construction. A planted buffer is proposed along the eastern property line. This will provide vegetation that will supplement the outdoor grow facility. A gravel access is proposed around the greenhouses to allow access for access. Under proposed conditions, more of the site is planted, therefore the non-vegetated cover is reduced to 69% (16,500 square feet).

No municipal impacts, off-site flooding or impacts to abutting public or private lands are proposed under this application.

#### *Erosion Control*

Straw wattles will be installed on the downgradient limit of work to prevent erosion on abutting properties. Most of the site is currently gravel and proposed to be gravel, therefore the potential for erosion is minimal. The site is relatively flat, which minimizes erosion potential.

#### *Solid Waste Disposal*

There is a solid waste disposal enclosure located at the west end of the proposed parking area. This area will collect solid waste only (no marijuana product) and will be removed by a licensed solid waste hauler agreement.

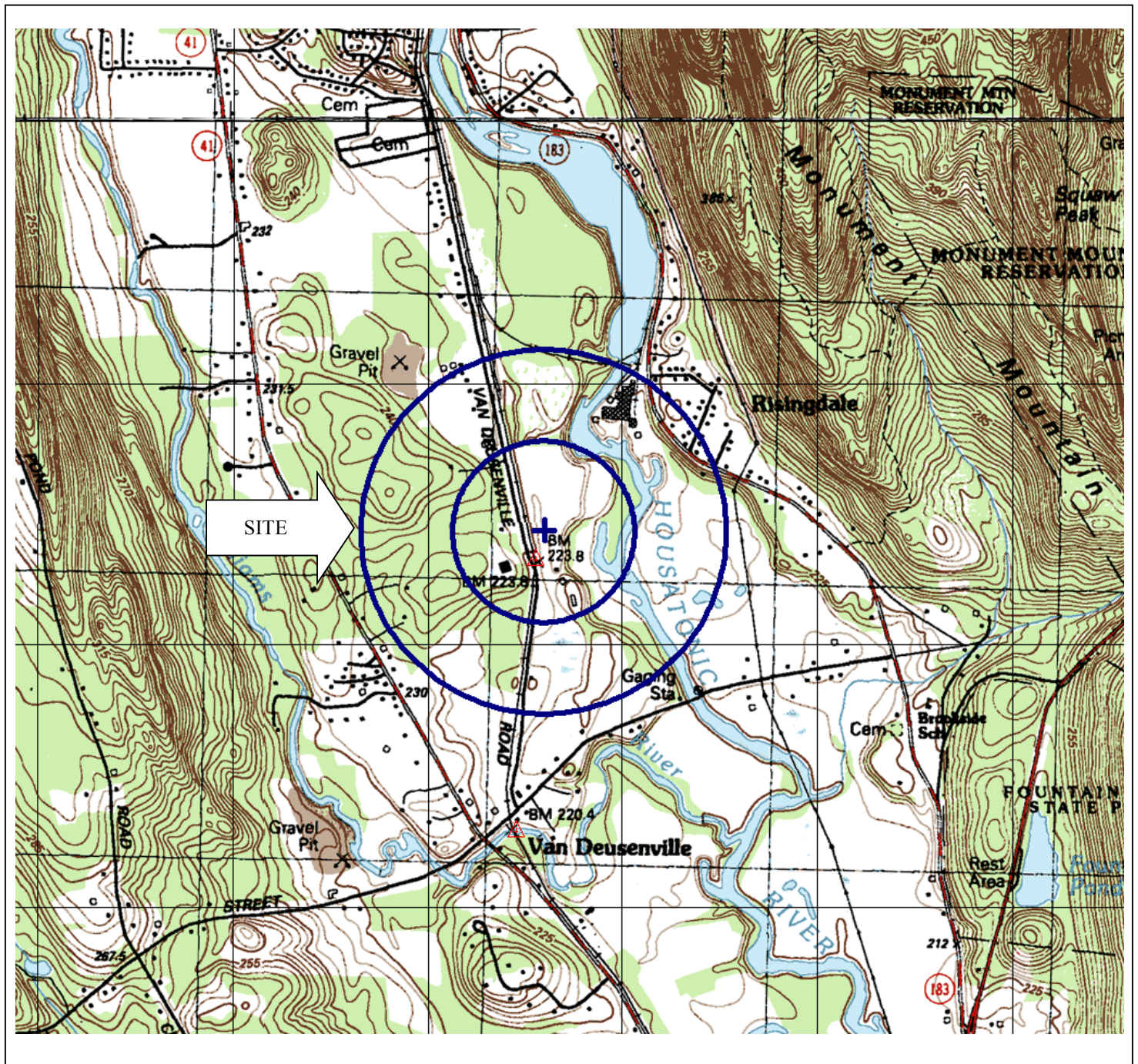
#### **D. Conclusion**

As outlined above, the project, as proposed, meets the design goals of the petitioner and the intent of the Great Barrington Zoning By-Laws. The proposed 80,000 square foot marijuana cultivation and manufacturing facility is proposed in a safe, secure site, visually obscured from public ways and abutting properties. The project has adequate parking, utilities and provides plantings to naturally revegetate a historically disturbed site. The criteria of Site Plan Review and Special Permit have been met.

Based upon the design and supporting materials included herein, all design objectives have been met. We look forward to discussing the project with the board.

## Figures





Source: U.S.G.S. Map

**FIGURE #1**

**U.S.G.S. Map**  
22 Van Deusenville Road  
Great Barrington, MA

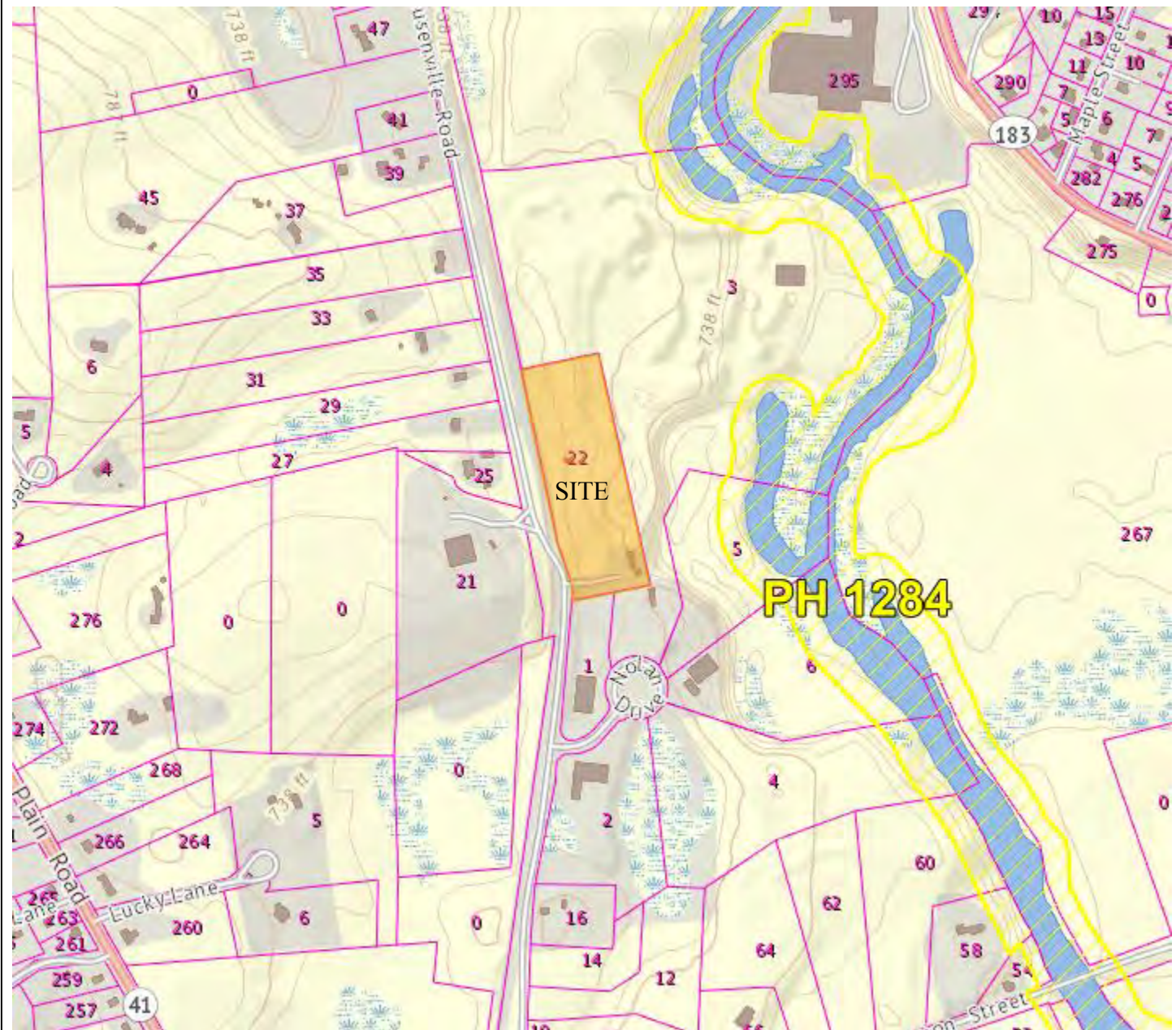


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# **PRIORITY & ESTIMATED HABITAT**

Source: Great Barrington MuniMapper Online Maps

**FIGURE #2**

## **N.H.E.S.P. MAP**

22 Van Deusenville Road  
Great Barrington, MA

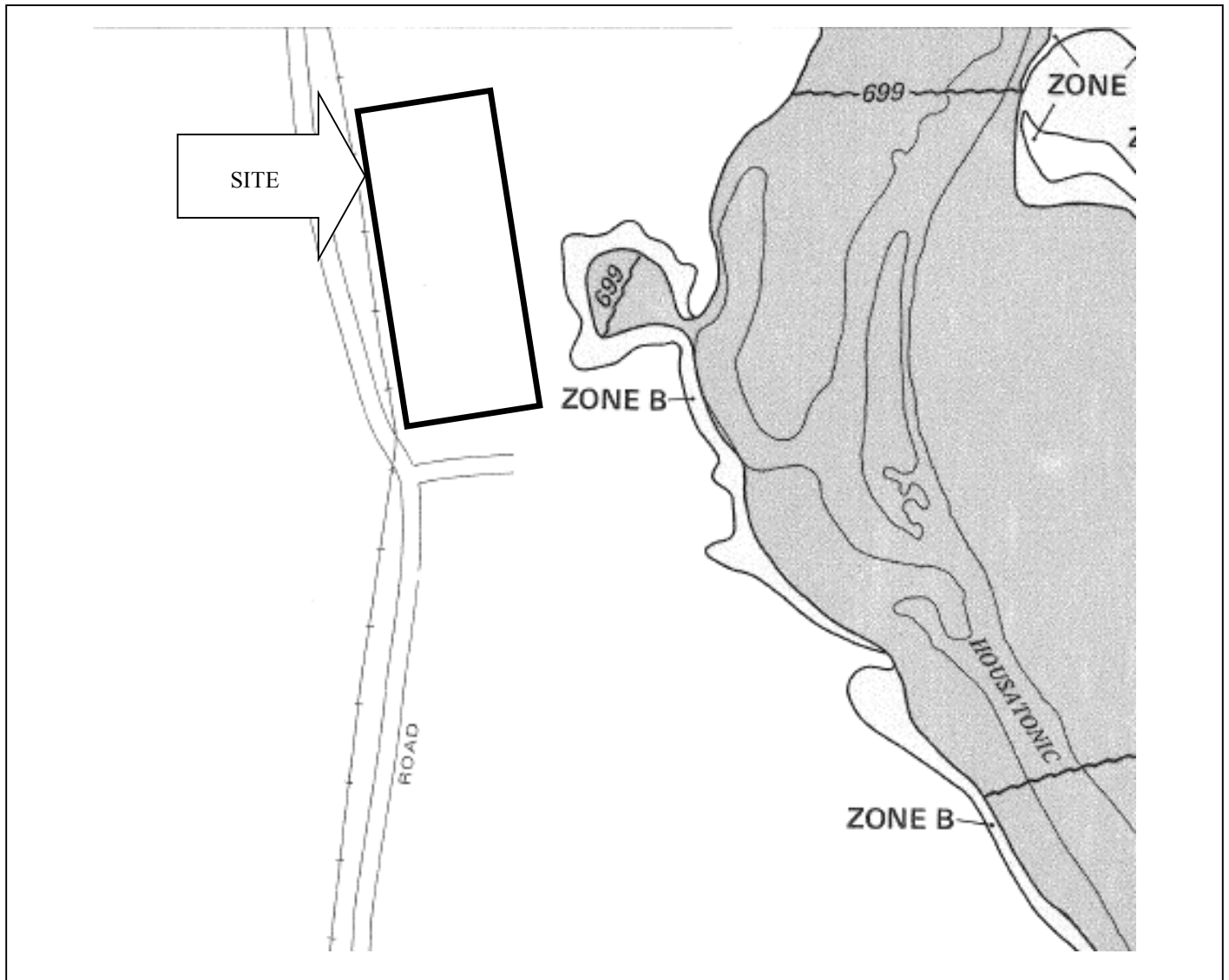


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Source: [www.msc.fema.gov](http://www.msc.fema.gov)

**FIGURE #3**

**FEMA Floodplain Map**

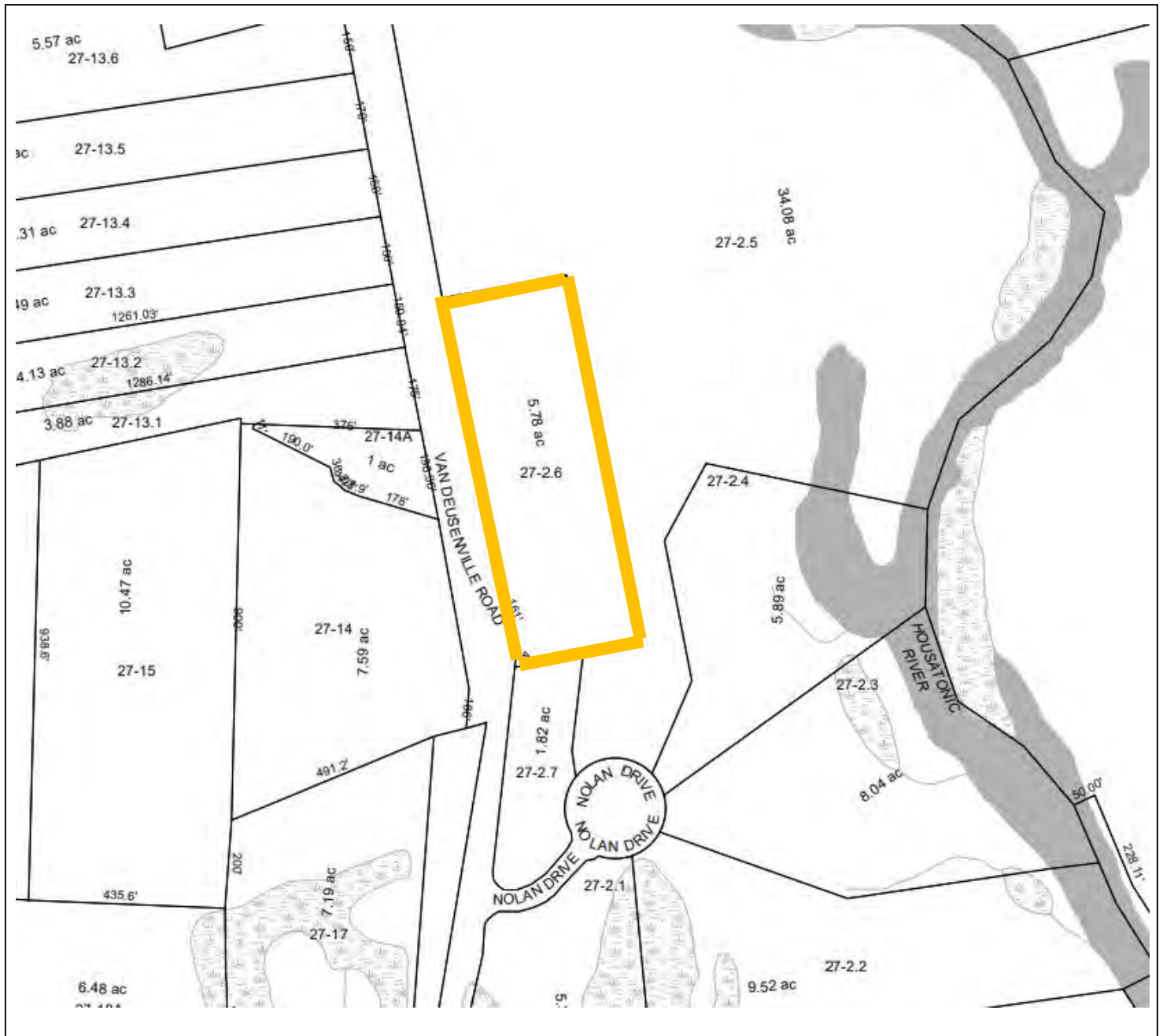
22 Van Deusenville Road  
Great Barrington, MA



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Source: Town of Great Barrington Assessor's Map

**FIGURE #4**

**Town of Great Barrington Map**  
 22 Van Deusenville Road  
 Great Barrington, MA  
 (Map 27, Lot 2.6)

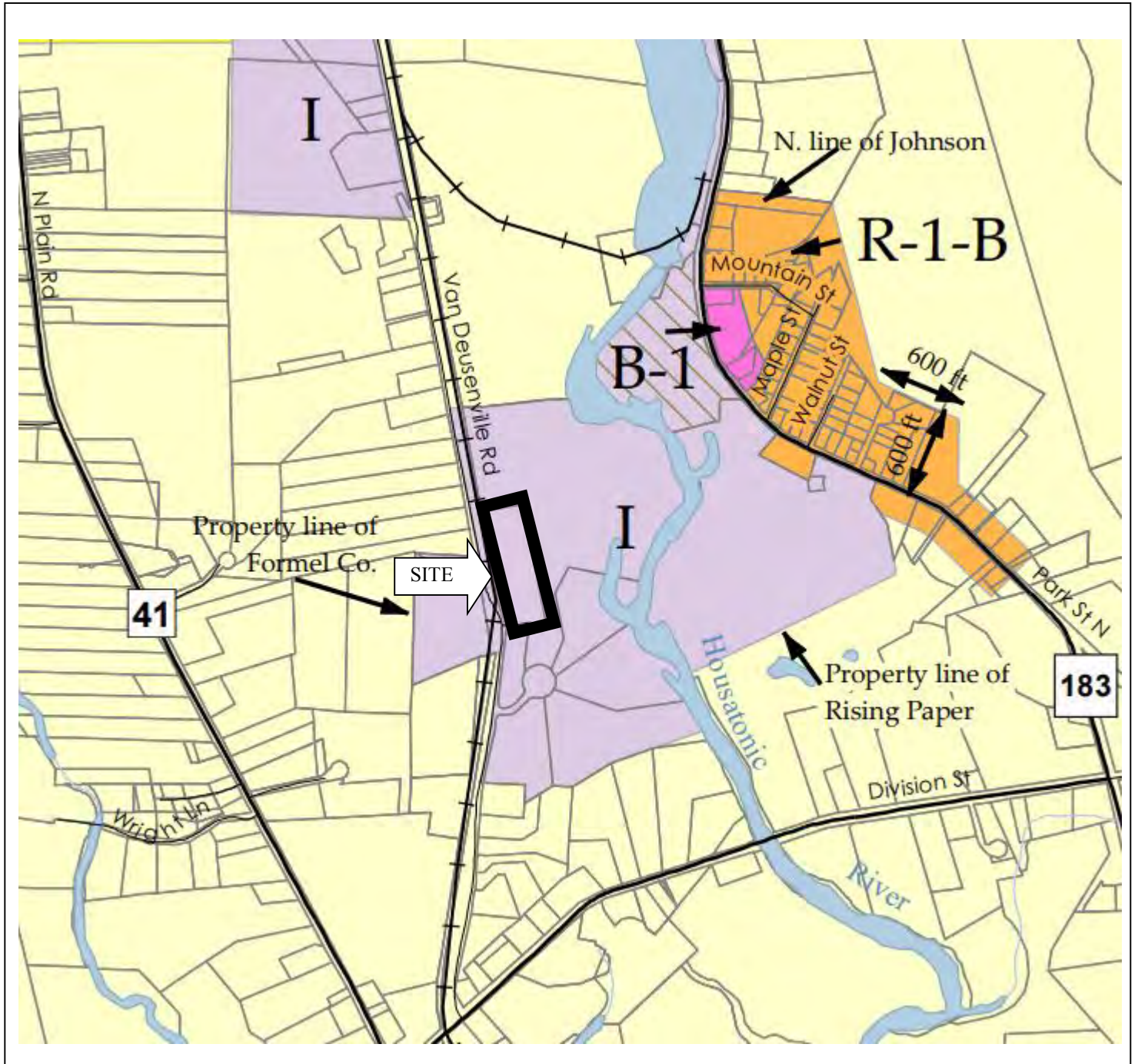


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Source: Town of Great Barrington Zoning Map

**FIGURE #5**

**Great Barrington Zoning Map**  
 22 Van Deusenville Road  
 Great Barrington, MA

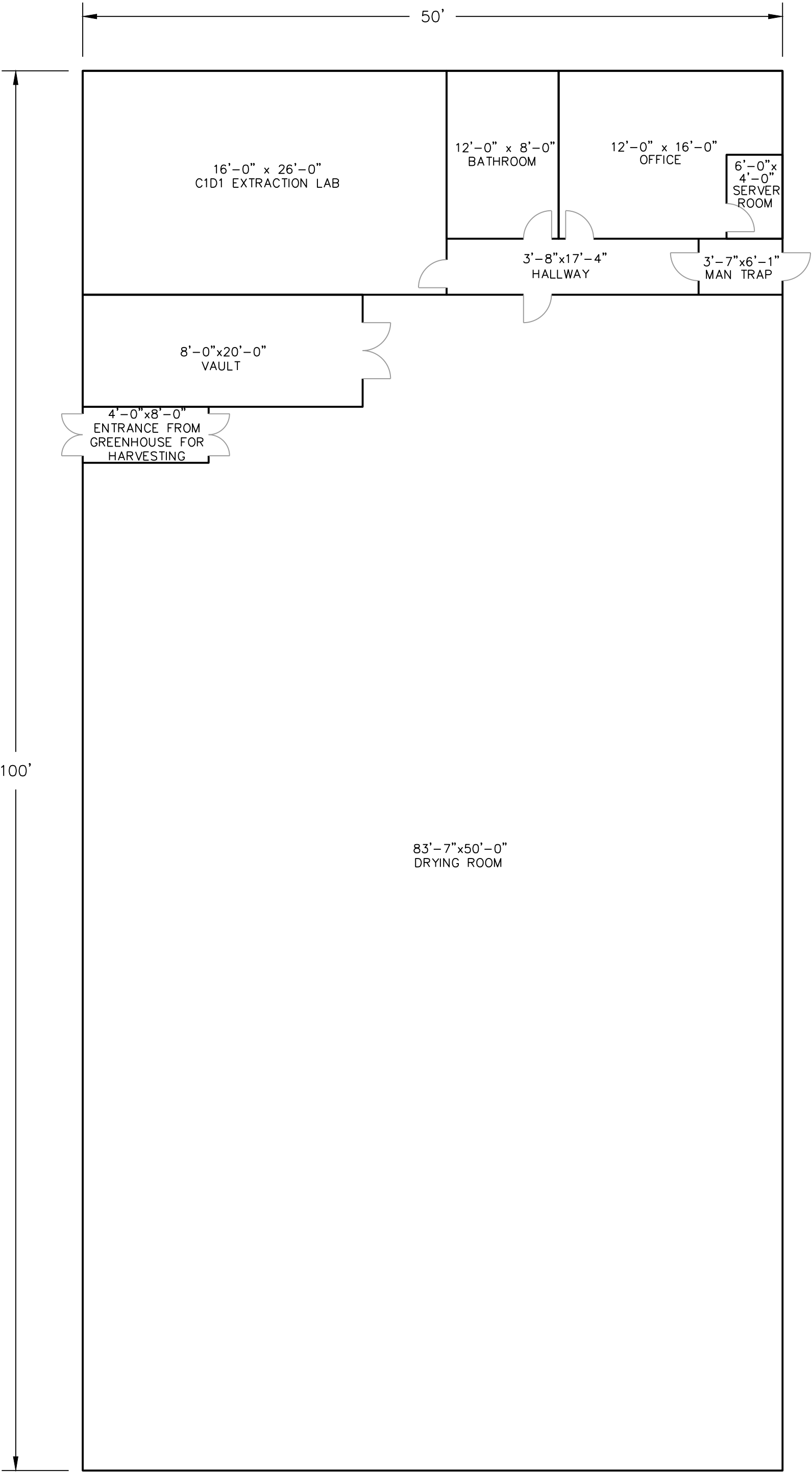


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Attachment A  
Conceptual Floor Plan



PRELIMINARY FLOOR PLAN

Attachment B  
C1D1 Manufacturing Lab Information



July 25, 2019



Mr. John Heck,

This letter is to review the different ways we can approach C1D1 environments for extraction.

1. Containerized Labs:

We engineer C1D1 environments from intermodal shipping containers. Our container line comes in a multitude of footprints ranging from 8x20 (smallest) to 12x40 (largest). Our container labs also come in two different configurations; what we refer to as our Wind Tunnel (full C1D1 environment) as well as our Combination Lab (both non-classified/C1D1 in one module).

2. Build-In-Place:

In instances where our clients have equipment exceeding the envelope of our container labs and/or desire a container of a particular dimension, but have an entry door not large enough for pass-through, we facilitate what we refer to internally as *Build-In-Place* labs. Rather than a container (which is built to 1hr fire rating), we would simply erect our 1hr fire-rated modular wall/ceiling system as the envelope. The components that give our container labs their functionality would be the same or similar for Build-In-Place type projects as well. This option allows for a value-engineered approach whereby we can tailor the envelope dimension based on our client's equipment selection.

Thank you for the opportunity to be of service!

Jason Krautter  
FlexMOD Solutions

*Jason Krautter*

FlexMod, LLC

100 Fillmore Street 5<sup>th</sup> Floor Denver, CO 80206 Ph: 800-869-9798 Fax: 866-205-2808

email: [info@flexmod.com](mailto:info@flexmod.com)

[www.flexmod.com](http://www.flexmod.com)



March 20, 2019

RE: Engineering Peer Review 201604027-02 Revision 3

Dear FlexMod Solutions Customer,

The design of FlexMod Solutions models **FlexLab CID1 Windtunnel; FL820WT; FL840WT; FL1220WT; FL1240WT; BIP-1010; BIP-1020; BIP-1030; & BIP-1040** have been evaluated by a Professional Engineer (AZ/CA/CO/FL/HI/ID/MA/MD/ME/MI/MN/ND/NV/NY/OH/OK/OR/PA/SC/TN/TX/WA) and found suitable for use, providing:

1. At installation, the equipment is successfully field verified by PSI to confirm the equipment is installed in accordance with Engineering Peer Review 201604027-02 Revision 3 (IFC 2018/NFPA1 2018)

The FlexLab CID1 Windtunnel; FL820WT; FL840WT; FL1220WT; FL1240WT; BIP-1010; BIP-1020; BIP-1030; & BIP-1040 have been reviewed using the following codes and standards:

- Arizona Fire Code, 2016 Edition (Based upon IFC 2012)
- California Fire Code, 2016 Edition (Based upon IFC 2015)
- International Fire Code, 2018 Edition
- New York State Uniform Fire Prevention and Building Code 2017
- Oregon Fire Code 2014 (Based upon IFC 2012)
- Washington Fire Code, 2015 Edition (WAC 51-54A, Based upon IFC 2015)
- NFPA 1 Fire Code, 2018 Edition
- NFPA 58, Liquefied Petroleum Gas Code, 2017 Edition
- NFPA 70 National Electric Code, 2014 Edition

Please direct all technical questions to FlexMod Solutions.

**This is not a field verification letter** and therefore **does not include a serial number or installation address** for the equipment.

Chris J. Witherell, PE AZ/CA/CO/FL/HI/MA/ME/MI/MN/NV/OH/OR/WA

**Chris Witherell**

Digitally signed by Chris Witherell  
DN: cn=Chris Witherell, o=Pressure Safety Inspectors,  
ou=CEO, email=chris@psinspectors.com, c=US  
Date: 2019.03.20 12:32:52 -06'00'

John Andrzejczak, PE CA/CO/ID/MD/ND/NY/OK/PA/SC/TN/TX/WA

**John Andrzejczak**

Digitally signed by John Andrzejczak  
DN: cn=John Andrzejczak, o=Pressure Safety Inspectors, LLC,  
ou=Founding Partner, email=john@psinspectors.com, c=US  
Date: 2019.03.20 09:50:14 -06'00'

**THIS IS NOT A FIELD VERIFICATION LETTER**





## **How Your C1D1 Lab Works to Protect Your Property and Employees**

A **C1D1 (Class 1 Division 1) Extraction Lab** provides an environment designed for the constant presence of flammable gasses. All of the equipment you install inside the C1D1 room should also be rated for use in a C1D1 environment.

### **Structure**

The enclosure consists of 1-hour rated walls and ceilings, per code requirements. One common misconception is that the unit be rated "explosion proof" or "blast rated", but this is not necessary. The ventilation and electrical systems have been designed to eliminate the possibility of an explosion.

### **Ventilation**

The ventilation system has been designed to create a linear flow of air through the room to quickly evacuate any flammable gasses that might accidentally be released in the room. Code requires the gas concentration remain below 25% of the LEL (Lower Explosive Limit). The LEL is the minimum gas concentration to allow conflagration, so 25% is only 1/4 of what is required for ignition. We've held ourselves to a higher standard and have our LEL set point at 10% for ventilation.

There are two stages to our ventilation system: primary and secondary. The primary system includes the HVAC unit and a primary fan. It will remain on any time the lights are turned on, as required to maintain the temperature setting on the thermostat, and when signaled by the gas detector. The secondary system includes a motorized damper and a secondary fan that will engage starting at 10% LEL. It's designed to quickly evacuate and replace the air to ensure the gas levels remain below the code required amounts. All exhaust air evacuates directly outdoors and all intake air comes from an outdoor location.

### **Gas Detection**

A gas detector has been installed that will control the ventilation and notify occupants of the room in the event of a gas release inside the room. Once gas levels reach 10% LEL the secondary ventilation system will engage and a visual indicator on the gas detector will be illuminated, so action can be taken to remedy the situation. If the gas levels continue to rise to 20% LEL an alarm will sound and the receptacles powering the extraction equipment will be powered down. Once the gas has been cleared the alarms will cease and the secondary ventilation will power down. If, for some reason, the gas detector stops functioning the receptacles and lights will be powered down and emergency lighting will engage to facilitate egress from the module, but ventilation will continue uninterrupted. After a fault condition the breaker controlling the receptacles must be manually flipped to restore power.

### **Electrical**

All of the electrical equipment installed inside the C1D1 area will be rated for C1D1 use and UL listed; including, but not limited to: the lights, receptacles, switches, and gas detector. This means that they are sealed and/or intrinsically safe. Even in the event that the room atmosphere reaches 100% LEL or above, there is no chance of an ignition from the electrical components.

There is a single enclosure with a disconnect switch on the exterior of the module where the main power is connected, this will function as the main "kill switch". All wiring inside the module will be completed up to this enclosure, but any remotely located devices will need to be wired separately.

### **Fire Suppression**

If you've opted to have our fire suppression system supplied, one or more dry chemical suppressant units will need to be installed on the module ceiling. These units are individually heat initiated and come ready for use from the manufacturer. The pressurized bottles are considered a hazardous load and will be shipped directly to your site for field installation to the factory installed mounting hardware in the FlexLab. This is a very simple install, just screw the bottle onto the provided mounting base.

### **Additional Systems**

The module's PLC has the ability to signal other devices such as flow valves for your solvent system and alarm panels, but FlexMOD does not currently cover these items in our scope. If you will be connecting to any ancillary systems please let FlexMOD know, so we can help facilitate a seamless integration and provide you with the appropriate support.

# **FIELD VERIFICATION OF EQUIPMENT AT INSTALL IS REQUIRED!**

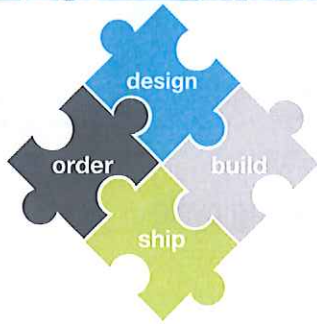
**Field verifications of equipment installations are required as required by IFC 2018 and NFPA 1, 2018 for all instances that PSI's engineering peer review is used to gain approval from an Authority Having Jurisdiction (AHJ).**

**The design of this equipment has been found suitable for use provided that the equipment is fabricated and assembled using the components listed on the design documentation provided for the engineering peer review.**

**The engineering peer reviews offers conditional approval of the equipment design only.**

**At installation, the equipment must be successfully field verified by PSI to confirm the equipment was supplied and installed in accordance with this report in accordance with (IFC 3904.4) and (NFPA 1: 38.6.1.5.6.1).**





Grow**MODS** | Extraction**LABS**

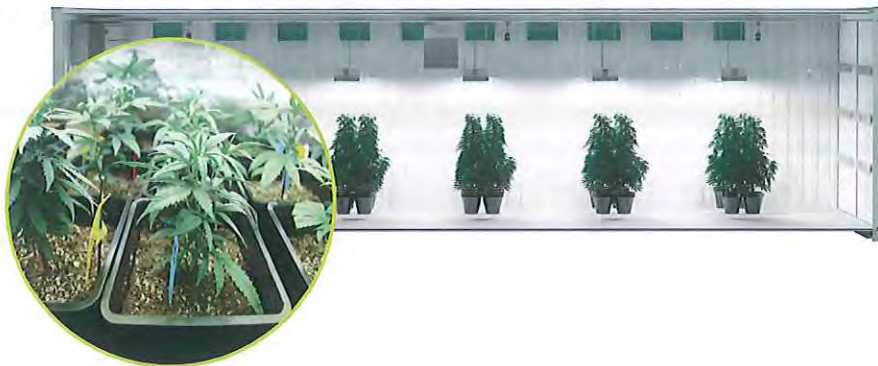




# GROW

*See our GrowMod  
models & prices started at  
page 26*

Built Off Site  
Delivered to  
Your Door



## Designed by industry experts

FlexMOD CultivationMODs streamline the start-up process so you can generate revenue in as little time as possible. Begin with our starter package and customize your own GrowMOD. Call us today for more info!

## Speed to Market

### Prepackaged Models

Optimize your yield in every growing cycle

- Bloom**MOD**
- Veg**MOD**
- Clone**MOD**
- Mother**MOD**



## Leasing Options

If it's financing you need, we have LEASING TERMS AVAILABLE TO INTERESTED PARTIES!! Leasing is a great way to go as it fits into almost any budget and gets your business on track sooner rather than later. Call us today to submit an easy application for leasing by calling **800-869-9798**.







# EX-TRACT

See our **ExtractionMod** models & prices starting on **page 14**

Built Off Site  
Delivered to  
Your Door

## Certifications

**Designed by certified engineers and industry experts**

FlexMOD is proud to work with the premier provider of third party independent design verification (otherwise referred to as an engineering peer review) of solvent based extraction equipment. Pressure Safety Inspectors, or PSI, has performed reviews for over dozens of original equipment manufacturers (OEMs). PSI has developed internal procedures that provide the most comprehensive engineering peer review available for solvent-based extraction equipment. Our reports are sealed by engineers licensed in almost all states with legalized medical and/or recreational cannabis.



FlexLAB can be relocated, therefore, you get the tax advantage of 7 year depreciation as opposed to 39 years required with conventional construction. Check with your financial advisor.

## Certifications

See **page 6-7**

## Extraction Lab Design Services

See **page 9**

## Equipment Options

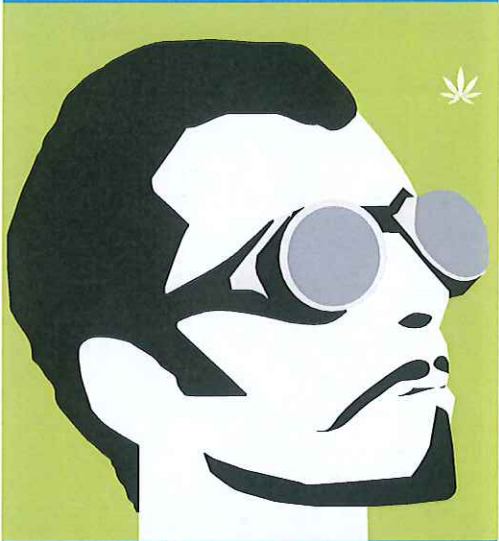
See **page 24-25**



# EX-TRACT



## FLEXMOD SOLUTIONS



We build peace  
of mind into every  
Extraction Lab  
we manufacture.

### Cleanroom Solutions

At FlexMOD all of our Labs are built Clean! Our interfacing walls, floors, ceilings and mechanical components will provide a contaminate free environment & effectively allow control of air flow, pressure, & temperature.



*Ready for your equipment*





# Advantages to using FlexMOD Solutions



**Extraction Labs by FlexMOD.** FlexMOD has invested a significant amount of time and effort in securing the right equipment, at the right price with a greatly reduced time to build, putting your business on track significantly sooner than a conventional build model.

Our team has many years of experience in the cannabis industry. We can guide you through the process of setting up and outfitting a compliant extraction laboratory.

Class 1 Division 1 Extraction Labs meet all requirements of the NEC, OSHA, MED and NFPA . Our extraction labs are delivered fully assembled and ready to go, or can be assembled on-site inside a facility.

## Best in Class Systems

At FlexMOD we are constantly on the lookout for the best components and equipment for our customers. Each piece of equipment is evaluated on quality, ease of use, dependability of the manufacturer and cost, to name a few. We do all the work so you are able to focus on running your business. Today's options in equipment for cannabis growing is fast paced and changing constantly, so we work hard to offer the best in class at any given time.



# Built Off Site | Delivered To Your Door



## Certifications

FlexMOD is proud to work with the premier provider of third party independent design verification (otherwise referred to as an engineering peer review) of solvent based extraction equipment. Pressure Safety Inspectors, or PSI, has performed reviews for dozens of original equipment manufacturers (OEMs). PSI has developed internal procedures that provide the most comprehensive engineering peer review available for solvent-based extraction equipment. Our reports are sealed by engineers licensed in almost all states with legalized medical and/or recreational cannabis.





# Compliant | Turn-Key Extraction Labs

Designed by certified engineers and industry experts.



Pressure Safety Inspectors LLC

January 13, 2017

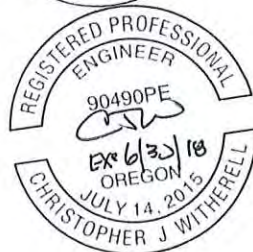
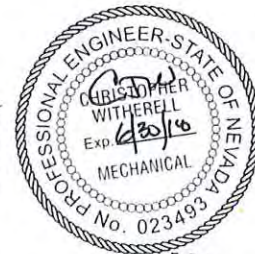
RE: Engineering Peer Review 201604027-02 Revision 1

Dear Flexmod Solutions Customer,

Flexmod Solutions model FlexLab CID1 Windtunnel has been evaluated by a Professional Engineer and has been found suitable for use. The FlexLab CID1 Windtunnel was reviewed using the following internationally recognized codes and standards:

- International Fire Code, 2015
- National Fire Protection Association (NFPA) 58, Liquefied Petroleum Gas Code, 2014
- NFPA 70 National Electric Code 2014

Please direct all technical questions to Flexmod Solutions.



THIS IS NOT A FIELD VERIFICATION LETTER

CA/CO/MD/NV/OR/PA/WA

5460 Montana Vista Way, Suite 101  
Castle Rock, CO 80108  
303-317-6877 • info@psinspectors.com •  
www.psinspectors.com



# Extraction Lab Models



C1D1 | WT



C1D1 | WT



C1D1 | Combination Unit



C02

## C1D1 | Wind Tunnel

FlexLAB Wind Tunnel: (True Class 1 Division 1 extraction lab for high production) This lab will accommodate multiple working environments because the entire unit is a Class 1 Division 1 environment. Built like a wind tunnel, you can set up your workstations virtually anywhere in this lab. Designed for high production using multiple workstations. Compliant and versatile, it is perfect for a large-scale operation where a true Class 1 Division 1 working environment is needed. All components in this lab are built to be spark-proof and blast-proof.

*See page 12-15 for more information and options.*

## C1D1 | Combination Unit

Designed for efficiency, this highly functional and versatile unit provides the best of both worlds -- a compliant Class 1 Division 1 environment with a separate non-classified work area in one modular unit. In the C1D1 area, all components are built to be spark-proof and blast-proof to meet hazardous area requirements, creating a safe and compliant environment for the operators. In the non-classified section of the lab, you can set up your workstations virtually anywhere. The barrier wall that separates these two compartments will allow you to operate roto vapes, ovens and other non-classified equipment without the presence of dangerous gases. *See page 16-19 for more information and options.*

## C02 | Extraction Lab

In this non-combustible lab configuration, you have the benefit of a clean room environment combined with safety features to limit exposure to excessive CO<sub>2</sub>. Labs are outfitted with CO<sub>2</sub> detection monitors to meet safety requirements while assuring optimal air circulation. The FlexLAB CO<sub>2</sub> is the ideal solution for your CO<sub>2</sub> extractions. *See page 20-23 for more information and options.*





# Design Services

## Custom Extraction Lab Configurations



*Let FlexMOD design and build all of your laboratories and clean rooms.*

Don't have an existing facility that will accommodate the mobile extraction lab? FlexMOD can build an extraction lab within your warehouse space that has all the same features, benefits and advantages of our stand-alone lab. With the same clean room environment and Class 1 Division 1 options available, you get the high quality, streamlined and compliant extraction lab that you need to successfully set up an efficient workflow for extractions. With three models available to choose from, whatever type of extraction lab you need, FlexMOD can provide it right inside your existing space.





# Air Handling Packages Models



## *Standard Airflow Package*

The Standard version of the lab is less expensive and its equipment occupies less space than the Precision unit.

This package utilizes a smaller HVAC unit that conditions incoming air to provide a working area that is more comfortable than the ambient temperature. The exhaust fans operate on a primary-auxiliary relationship. The primary fan will remain on at all times to provide a constant flow of air through the lab. When the gas detector senses heightened gas levels, the auxiliary fan will initiate and open a damper that will quickly flush the lab with unconditioned air. We have designed the lab to reduce the cost of conversion if you decide to upgrade to the Precision Airflow Package in the future.



- Most economical airflow package
- Hazardous location fixtures and hazardous gas detection ensure operator safety
- Can be converted to a Precision Airflow Package in the future







# Precision Airflow Package

Class1 Division1

**The Precision Airflow** version of the lab utilizes the most advanced equipment which allows for more precise temperature control.

The HVAC unit and exhaust fans remain at full capacity at all times during use. This provides a constant high volume of conditioned air through the module regardless of gas detector readings. This version is the pinnacle of FlexLAB design and the consistent airflow provided is already a requirement for compliance in some jurisdictions.

- Required for compliance in certain jurisdictions
- Constant airflow over equipment



**Precision  
Temperature  
Control**

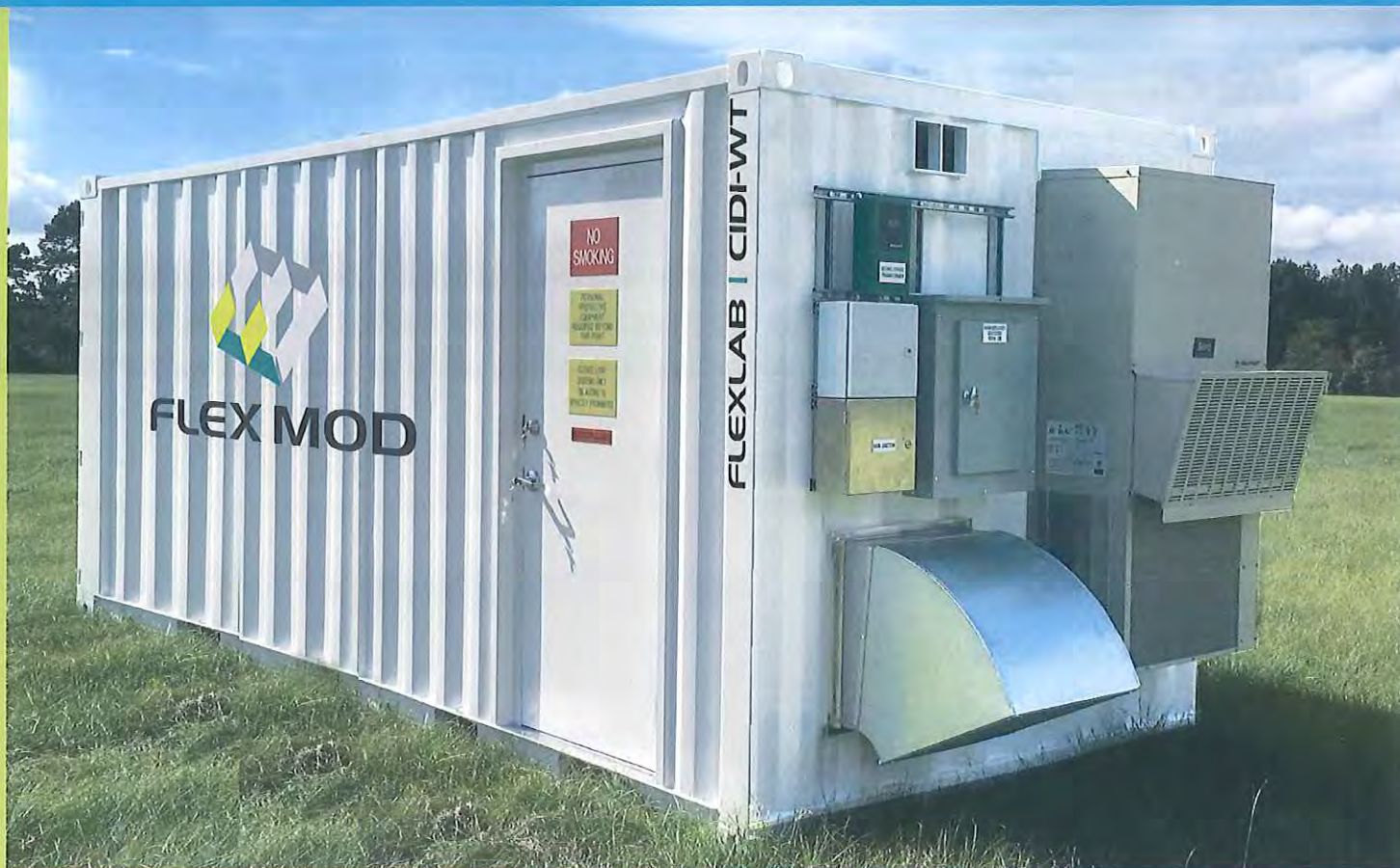


**LEL adjustable  
from 1-99%**





# C1D1 | FlexLAB Wind Tunnel



All Labs Available in 4 sizes: 8' x 20', 8' x 40' | 12' x 20', and 12' x 40'

**FlexLAB Wind Tunnel:** True Class 1 Division 1 extraction lab for high production. This lab will accommodate multiple working environments because the entire unit is a Class 1 Division 1 environment. Built like a wind tunnel, you can set up your workstations virtually anywhere in this lab. Designed for high production using multiple workstations. Compliant and versatile, this is perfect for a large-scale operation where a true Class 1 Division 1 working environment is needed. All components in this lab are built to be spark-proof and blast-proof.

## Key Features:

- Class 1 division 1 area meets all MED, NEC, OSHA and NFPA
- International fire code 2015
- National Fire Protection Association (NFPA) 58, Liquefied Petroleum Gas Code 2014
- NFPA 70 National Electric Code 2014
- 100% ETL-Listed and PE certified equipment
- Hazardous location fixtures and hazardous location fixtures and hazardous gas detection ensures operator safety.
- Standard laboratories will fit multiple extraction units and technicians





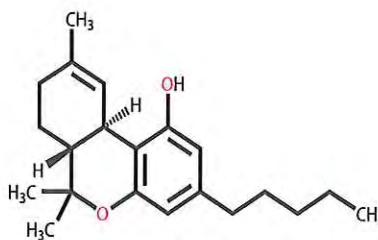
# True Class 1 Division 1

Extraction Lab for High Production



## Details:

- All interior light fixtures, electrical outlets, and switches are spark-proof and meet Class 1 Division 1 hazardous area requirements.
- The spark-proof exhaust fans, in conjunction with the temperature controlled makeup air unit, use 100% outside fresh air to provide the required air flow rate over your equipment. The system provides a slightly negative pressure within the lab to prevent hazardous gasses from leaking into surrounding areas. If there is no need for temperature control in your location, the makeup air unit can be replaced with a pleated filtration intake for a nice cost reduction.
- The module is equipped with a gas detection alarm system that will initiate an audible and visible alarm inside the module when hazardous gas begins to be detected. If the gas levels continue to rise, the system will activate an audible alarm and shut down power to the equipment inside the room well before dangerous levels are reached.
- The weatherproof main electrical distribution panel is located on the exterior of the module, outside of the hazardous area and out of the way. The entry door is of steel construction and equipped with an automatic closer, a panic exit device, a safety window, and weather seals. The optional sink is of quality stainless steel construction and equipped with a gooseneck faucet to accommodate large canisters or vessels.





# Extraction Lab Models



## C1D1 | Wind Tunnel

FlexLAB Wind Tunnel: (True Class 1 Division 1 extraction lab for high production) This lab will accommodate multiple working environments because the entire unit is a Class 1 Division 1 environment. You can set up your workstations virtually anywhere in this lab. Designed for high production using multiple workstations. Compliant and versatile, it is perfect for a large-scale operation where a true Class 1 Division 1 working environment is needed. All components in this lab are built to be spark-proof and blast-proof.

### FlexLAB C1D1 WindTunnel LPG



**FRP/Clean Room Walls**  
R-13 Insulation 1 hr Fire Rated

Standard Series	Lab Price
8' X 20'	\$104,900
8' X 40'	\$121,900
Wide Body Series	Lab Price
12' X 20'	\$119,500
12' X 40'	\$145,500

*\*Systems and pricing subject to change.*

#### ***Need to add the HVAC stacks for outdoor use:***

C1D1 containers: \$3,500 | CO2 containers: \$1,750



# C1D1 | FlexLAB Wind Tunnel

## Main Systems

### FlexLAB C1D1 WindTunnel *Main Systems*



	Standard	Standard	Wide Body	Wide Body
	20'X8'	40'X8'	20'X12'	40'X12'
HVAC - Bard Unit	1	1	1	1
CFM Spark- Proof Exhaust Fan	2	2	2	2
Indoor C1D1 combination visual & audible alarm	1	1	1	1
Intake Motorized Shutter	1	1	1	1
C1D1 48" 2-Bulb Fluorescent Light	2	3	2	3
Distribution Panel	1	1	1	1
C1D1 Single Pole Switch	1	1	1	1
Single CIDI 125V Receptacle (additional outlets available)	1	1	1	1
Eye Wash Station	1	1	1	1
Fire Extinguisher	2	2	2	2
C1D1 Gas Detection Unit	1	1	1	1
Phenolic Tags	1 set	1 set	1 set	1 set

*Shown with Standard Airflow Package \*Systems subject to change*



***True Class 1 Division 1  
Extraction Lab for High Production***



# C1D1 | FlexLAB Combination Unit



## C1D1 | Combination Unit

Designed for efficiency, this highly functional and versatile lab provides the best of both worlds -- a Compliant Class 1 Division 1 environment with a separate non-classified work area in one modular unit. In the C1D1 area, all components are built to be spark-proof and blast-proof to meet hazardous area requirements, creating a safe and compliant environment for the operators. In the non-classified section of the lab, you can set up your workstations virtually anywhere. The barrier wall that separates these two compartments will allow you to operate roto vapes, ovens and other non-classified equipment without the presence of dangerous gases.



### Key Features:

- Class 1 Division 1 area meets all MED, NEC, OSHA AND NFPA
- International fire code, 2015
- National Fire Protection Association (NFPA) 58, Liquefied Petroleum Gas Code, 2014
- NFPA 70 National Electric Code 2014
- 100% ETL-Listed and PE Certified Equipment
- Standard Laboratories Will Fit Multiple Extraction Units and Tech Technicians
- Two compartments will allow you to operate roto vapes, ovens and other non-classified equipment without the presence of dangerous gases.





## True Class 1 Division 1 Extraction Lab and Non-Classified Area



### C1D1 | Combination Unit

#### Details:

- All interior light fixtures, electrical outlets, and switches are spark-proof and meet Class 1 Division 1 hazardous area requirements.
- The spark-proof exhaust fans, in conjunction with the temperature controlled makeup air unit, use 100% outside fresh air to provide the required air flow rate over your equipment. The system provides a slightly negative pressure within the lab to prevent hazardous gasses from leaking into surrounding areas. If there is no need for temperature control in your location, the makeup air unit can be replaced with a pleated filtration intake for a nice cost reduction.
- The module is equipped with a gas detection alarm system that will initiate an audible and visible alarm inside the module when hazardous gas begins to be detected. If the gas levels continue to rise, the system will activate an audible alarm and shut down power to the equipment inside the

room well before dangerous levels are reached the weatherproof main electrical distribution panel is located on the exterior of the module, outside of the hazardous area and out of the way. The entry door is of steel construction and equipped with an automatic closer, a panic exit device, a safety window, and weather seals. The optional sink is of quality stainless steel construction and equipped with a gooseneck faucet to accommodate large canisters or vessels.





# Extraction Lab Models



## C1D1 | Combination Unit



Designed for efficiency, this highly functional and versatile unit provides the best of both worlds -- a Compliant Class 1 Division 1 environment with a separate non-classified work area in one modular unit. In the C1D1 area, all components are built to be spark-proof and blast-proof to meet hazardous area requirements, creating a safe and compliant environment for the operators. In the non-classified section of the lab, you can set up your workstations virtually anywhere. The barrier wall that separates these two compartments will allow you to operate roto vapes, ovens and other non-classified equipment without the presence of dangerous gases.

### FlexLAB C1D1 Combination Unit

**FRP/Clean Room Walls**  
R-13 Insulation 1 hr Fire Rated

Standard Series	Lab Price
8' X 20'	\$104,900
8' X 40'	\$121,900
Wide Body Series	Lab Price
12' X 20'	\$119,500
12' X 40'	\$145,500

*\*Systems and pricing subject to change.*

***Need to add the HVAC stacks for outdoor use:***

C1D1 containers: \$3,500 | CO2 containers: \$1,750



# FlexLAB COMBINATION

## FlexLAB C1D1 Combination Unit **Main Systems**

	Standard	Standard	Wide Body	Wide Body
	8'X20'	8'X40'	12'X20'	12'X40'
HVAC - Bard Unit	1	1	1	1
CFM Spark- Proof Exhaust Fan	2	2	2	2
Indoor C1D1 combination visual & audible alarm	1	1	1	1
Intake Motorized Shutter	1	1	1	1
C1D1 48" 2-Bulb Fluorescent Light	1	2	1	2
Non-rated 48" 2-Bulb Fluorescent Light	1	2	1	2
Distribution Panel / Junction Box	1	1	1	1
C1D1 Single Pole Switch	1	1	1	1
Single CIDI 125V Receptacle (additional outlets available)	1	1	1	1
Eye Wash Station	1	1	1	1
Fire Extinguisher	2	2	2	2
C1D1 Gas Detection Unit	1	1	1	1
Phenolic Tags	1 set	1 set	1 set	1 set

*Shown with Standard Airflow Package \*Systems subject to change*





# FlexLAB CO2 Extraction Lab



## **CO2** | Extraction Lab

In this non-combustible lab configuration, you have the benefit of a clean room like environment combined with safety features to limit exposure to excessive CO2. Labs are outfitted with CO2 detection monitors to meet safety requirements while assuring optimal air circulation. The FlexLAB CO2 is the ideal solution for your CO2 extractions

### Key Features:

- Area meets all MED, NEC, OSHA AND NFPA requirements
- 100% ETL-LISTED and PE Certified Equipment
- Packaged HVAC unit Provides a comfortable atmosphere in any climate
- Reconfigurable CO2 venting wall penetration
- Optional surveillance system
- Standard Laboratories will fit multiple extraction units and technicians

Available in 4 sizes: 8'x20', 8'x40' / 12'x20', and 12'x40'





## Benefits of a Clean Room Environment Combined with Safety Features



### Details:

- All interior light fixtures, electrical outlets, and switches are of heavy duty industrial grade construction.
- The packaged HVAC unit provides an agreeable working environment and provides a fresh air supply for ventilation. It can be custom ordered to match your climate conditions if necessary.
- The adjustable and reconfigurable CO<sub>2</sub> venting port accommodates a multitude of tube or pipe sizes and can be easily configured to accept your off-gassing method.
- The weatherproof main electrical distribution panel is located on the exterior of the module, outside of the hazardous area and out of the way.
- The entry door is of steel construction and equipped with an automatic closer, a panic exit device, a safety window, and weather seals.
- The optional three compartment sink is of quality stainless steel construction and equipped with a gooseneck faucet to accommodate large canisters or vessels.
- The module can be mounted on a wheeled chassis (for ease of relocation), directly on a shop floor or foundation (inside a building or as a stand-alone building).

CO<sub>2</sub>

# Extraction Lab Models



**FLEX MOD**  
SOLUTIONS



## C02 | Extraction Lab

In this non-combustible lab configuration, you have the benefit of a clean room like environment combined with safety features to limit exposure to excessive CO2. Labs are outfitted with CO2 detection monitors to meet safety requirements while assuring optimal air circulation. The FlexLAB C02 is the ideal solution for your CO2 extractions.

  
FlexLAB  
C02

**Standard  
Package  
Gloss Enamel  
Finish**

Standard Series		Lab Price
8' X 20'		\$99,900
8' X 20'		\$109,900
Widebody Series		Lab Price
12' X 20'		\$109,900
12' X 40'		\$139,900
Unit Height		8'6" High OD

*\*Systems and price subject to change.*

***Need to add the HVAC stacks for outdoor use:***

C1D1 containers: \$3,500 | CO2 containers: \$1,750





# FlexLAB CO<sub>2</sub>

*Benefits of a Clean Room Like Environment Combined with Safety Features*



## FlexLAB CO<sub>2</sub>

### **Main Systems**

	Standard	Standard	Wide Body	Wide Body
	8'X20'	8'X40'	12'X20'	12'X40'
Bard Unit	1	1	1	1
Distribution Panel Junction Box	1	1	1	1
Indoor Alarm	1	1	1	1
Outlet-20 Amp Rated	6	10	6	10
Eye Wash Station	1	1	1	1
Fire Extinguisher	2	2	2	2
Sensor (CO <sub>2</sub> gas detector)	1	1	1	1
Phenolic Tags	1 set	1 set	1 set	1 set

*\*Systems subject to change*



# FlexLAB Optional Upgrades



## Precision AirFlow Package Upgrade

Call for pricing

*For more details, please contact your FlexMOD Representative*

The Precision Air Flow version of the lab utilizes more advanced equipment and allows greater and more precise temperature control. The HVAC unit and exhaust fans remain at full capacity at all times during use. This provides a constant high volume of conditioned air through the module regardless of gas detector readings. This version is the pinnacle of FlexLAB design and the consistent airflow provided is already a requirement for compliance in some jurisdictions.



### Additional Power Upgrades

Duplex 125V Receptacle	\$175
C1D1 Single 120V Receptacle	\$1,000
C1D1 Single 208V Receptacle	\$1,200
C1D1 Duplex 120V Receptacle	\$1,200
C1D1 Duplex 208V Receptacle	\$1,400
C1D1 48' 2-Bulb Fluorescent Light	\$1,245
Other Options	
Stainless Steel Sink (Plumbing Installation Package)	\$1,800





# FlexLAB Optional Upgrades

Fire Suppression System	Standard	Wide Body
	8'x 20'	12'x20'
FIRE SUPPRESSION SYSTEM WITH ACTUATOR	\$3,500	\$3,500

Fire Suppression System	Standard	Wide Body
	8'x 40'	12'x40'
FIRE SUPPRESSION SYSTEM WITH ACTUATOR	\$6,500	\$6,500

## FIRE SUPPRESSION SYSTEM FOR EXHAUST FAN DUCTS

Dry Chemical Fire Suppression System Unit With Pressure Switch CFP80LP. Used for ducts, Two included: one per exhaust fan on an indoor placed lab only.

\$1,795



Attachment C  
Odor Control Report



To Whom it May Concern,

This odor control plan, designed specifically for Fulcrum Enterprises LLC's site at 22 Van Deusenville Road in Great Barrington, is meant to ensure this Registered Marijuana Facility does not generate outside odors that could be deemed a nuisance.

We have coordinated our proposal with SK Design Group as well as the partners of Fulcrum Enterprises LLC and their other suppliers.

The proposed site will have 15 greenhouses with an estimated 25' between each row of greenhouses.

The property also proposes a privacy fence that will surround the greenhouses. Utilizing the design of the greenhouses and property layout the proposed cannabis operations odor abatement plan is to ensure:

- Operational plan is put in place to minimize odors.
- Cannabis odors are not consistently being detected off-site leading to a valid odor complaint.
- Odor control system will disperse odor control neutralizer that eliminates odor molecules through adsorption.
- The odor control neutralizer being used has SDS (MSDS) documentation
- The odor neutralizer being used has been tested using EPA guidelines for:

1. Acute Dermal Inhalation
2. Eye Irritation
3. Skin Touch
4. Consumption

- Policies & procedures the operation will take to respond to an odor complaint.
- Contingency measures if proposed odor control system is inadequate in fully preventing valid nuisance complaints.



How & Why NCM's odor control products and systems work:

For this project NCM designed a high pressure atomizing system designed to disperse an odor neutralizer that was scientifically designed to neutralize not mask odors. The high-pressure fog mist is achieved through an atomization process involving our specialty nozzles and custom designed system base. Billions of micron-sized droplets are produced every minute. As the droplets are suspended and carried into the air flow they effectively neutralize all the airborne malodors.

This process is achieved by injecting our odor neutralizer into the water that feeds the odor control system, users have the ability to increase or decrease the odor neutralizer based on needs at a particular moment.

Municipalities with the state of Massachusetts that currently use NCM products, systems and service:

- Springfield
- Leominster
- Marlboro
- Worcester
- Wareham
- Chicopee
- Roxbury
- Fall River

The following municipalities have approved odor abatement plans provided by NCM and cannabis projects:

- Holyoke
- Salisbury



NCM Environmental Solutions goal is to provide the cannabis industry with company that will aid our clients from seed to sale and/or planning to operating phases by providing state of the art modeling and consulting services to evaluate the localized impacts of odors generated at cannabis operating facilities.

NCM specializes in odor control. Our parent company has over 25 years experience in designing and manufacturing odor control neutralizers at our manufacturing plant. Our neutralizer has two active parts of the product that play key roles in the neutralization of the malodors, fragrance and Metazene®. Metazene® is an odor neutralizing compound that directly interacts with malodors. Typical malodors, such as 'cannabis', 'fishy', 'putrid', or 'rancid', are made up of highly volatile aromatic compounds, meaning they tend to be the first aromas that you smell. Metazene® reacts with these compounds to form a complex ion that acts like a net to surround and envelopes the malodor. This complex ion becomes 'heavy' and less volatile resulting in the neutralization of the malodor. The fragrance is an odor masker. It is made up of various essential oils and nature identical aroma chemicals as well as some solvents to increase tenacity and longevity.

NCM also custom designs, installs and services odor control dispersion systems designed to disperse our neutralizer & neutralize odors before they become a nuisance. In addition to manufacturing neutralizers and delivery systems NCM offers modeling & consulting services to evaluate the localized impacts of odors generated at cannabis growing operations as well as dispensaries and facilities handling cannabis.

By implanting the proposed modeling services, odor control system and neutralizer our clients and municipalities will ensure that it is taking state of the art measures once only available in the waste industry to identify the dispersion of odors and implement the best practices to neutralize them.

### Odor Control System Design:

- As detailed on the overhead maps each greenhouse will have a set of exhaust vents. Each exhaust vent will have odor control atomizing nozzles placed on the exit side of the exhaust vent.
- Site can select to have system in auto mode or manual. Auto mode will allow the system to turn on and off misters as the greenhouse exhaust vent(s) turn on and off. This will eliminate human interaction and ensure odor control is used when potential cannabis odors are being moved through the greenhouse.
- Each Greenhouse will act as its own zone. Some GH's have (2) fans those fans misters will be coordinate to turn on and off with the exhaust vent for that particular GH.
- The system base will be sized to handle if all zones are on at that same time.
- System control panel will be designed to control the speed of the pump if only certain zones are on at a time.
- The proposed system base location will be determined by the client to ensure we can get the proper power requirements to an ideal location.
- In order to maximize odor control coverage and minimize water usage a multi zone system is the best way to go.

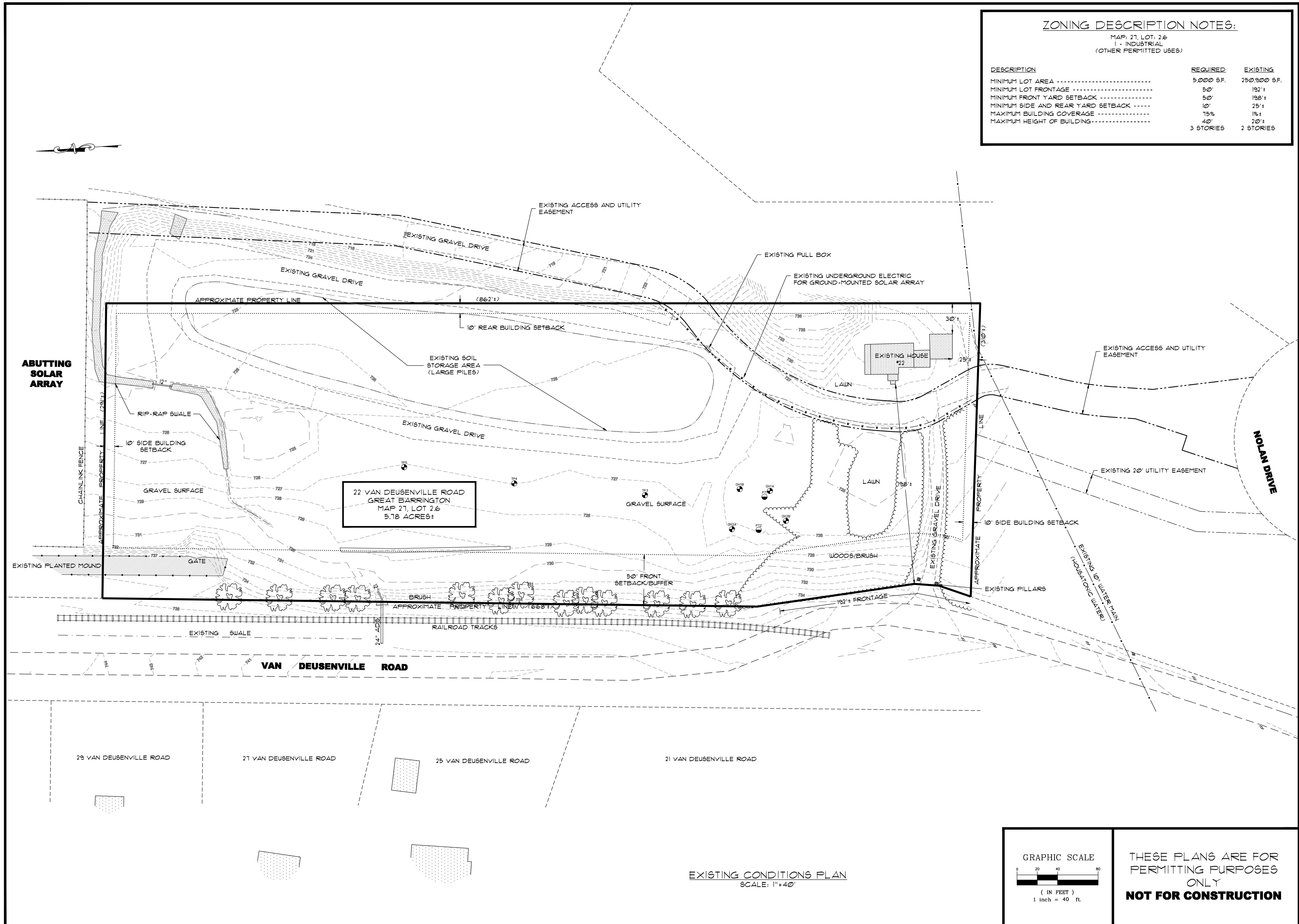
Summary of recommended policies & procedures the site will take to respond to an odor complaint:

1. Verify weather conditions. This is an important step in determining if conditions favor when complaints are likely.
2. Check if the air ventilation systems inside the facility are working properly.
3. Check if the odor control system is on. If system is off, turn it on. If system is on, check chemical injection pump to make sure it is working and injecting odor control neutralizer.
4. If odor control system is on, site can increase the amount of odor control neutralizer being used.
5. Site will take detailed notes on all the items above and have documentation ready if the County requires it.

Recommendation of contingency measures if proposed odor control system is inadequate to fully prevent nuisance conditions:

1. NCM will come out to evaluate the operations of the system.
2. NCM will focus on weather conditions when complaints have come in to see if they are valid.
3. Provide facility operators with alternative odor control options to increase coverage if needed.

U:\SK DESIGN GROUP\2019\190043 Peters & Assoc-22 VanDeusenville Rd, US-Outdoor Cultivation Facility\Drawings\Special Permit\190043SP2.dwg  
User: jking  
Date: July 16, 2019 - 8:27am



ZONING DESCRIPTION NOTES:

MAP: 21, LOT: 26  
1 - INDUSTRIAL  
(OTHER PERMITTED USES)

DESCRIPTION	REQUIRED	EXISTING
MINIMUM LOT AREA	5,000 SF.	250,900 SF.
MINIMUM LOT FRONTAGE	50'	192'±
MINIMUM FRONT YARD SETBACK	50'	198'±
MINIMUM SIDE AND REAR YARD SETBACK	10'	25'±
MAXIMUM BUILDING COVERAGE	15%	15%±
MAXIMUM HEIGHT OF BUILDING	40'	20'±
	3 STORIES	2 STORIES

PLANS TO ACCOMPANY PERMIT APPLICATIONS

PREPARED FOR:

FULCRUM ENTERPRISES, LLC

LOCATED AT:

22 VAN DEUSENVILLE ROAD  
GREAT BARRINGTON, MASSACHUSETTS

Design Group, Inc.

Civil Engineers • Surveyors • Consultants

1 FRANKLIN BLVD • PITTSFIELD, MASSACHUSETTS 01201 • 413-443-3537



EXISTING CONDITIONS PLAN

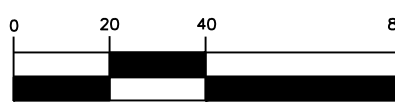
SK DESIGN GROUP PROJECT #:  
190043

JAMES M. SCAUSE II  
SK DESIGN GROUP PRESIDENT  
LICENSE #39863  
PROFESSIONAL OF RECORD  
PHONE: 413-443-3537

REVISION:

DRAWN BY: SMG	CHECKED BY: JMS II
DATE: JULY 1, 2019	SHEET NO. 2
ISSUED FOR: PERMIT	OF 6
SCALE: 1"=40'	

GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

EXISTING CONDITIONS PLAN  
SCALE: 1"=40'

THESE PLANS ARE FOR  
PERMITTING PURPOSES  
ONLY  
**NOT FOR CONSTRUCTION**



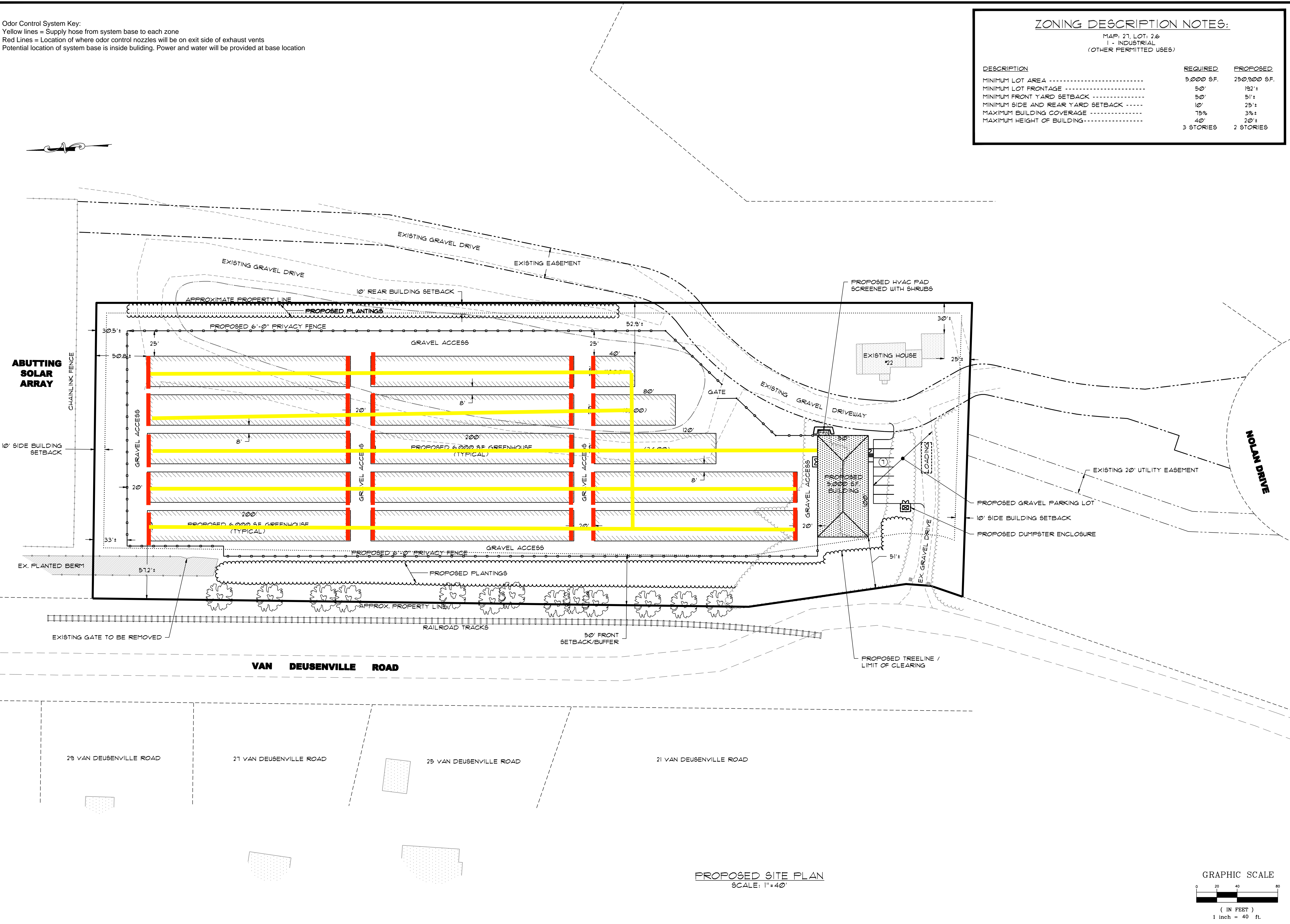


Odor Control System Key:  
Yellow lines = Supply hose from system base to each zone  
Red Lines = Location of where odor control nozzles will be on exit side of exhaust vents  
Potential location of system base is inside building. Power and water will be provided at base location

ZONING DESCRIPTION NOTES:

MAP: 27, LOT: 26  
1 - INDUSTRIAL  
(OTHER PERMITTED USES)

DESCRIPTION	REQUIRED	PROPOSED
MINIMUM LOT AREA -----	5,000 SF.	250,900 SF.
MINIMUM LOT FRONTAGE -----	50'	192'±
MINIMUM FRONT YARD SETBACK -----	50'	51'±
MINIMUM SIDE AND REAR YARD SETBACK -----	10'	25'±
MAXIMUM BUILDING COVERAGE -----	75%	3%±
MAXIMUM HEIGHT OF BUILDING -----	40'	20'±
	3 STORIES	2 STORIES



PLANS TO ACCOMPANY PERMIT APPLICATIONS

PREPARED FOR:

FULCRUM ENTERPRISES, LLC

LOCATED AT:

22 VAN DEUSENVILLE ROAD  
GREAT BARRINGTON, MASSACHUSETTS

Design Group, Inc.  
Civil Engineers • Surveyors • Consultants  
1 FRANKLIN BLVD • FRANKLIN, MASSACHUSETTS 01901 • (413) 443-3537



PROPOSED SITE PLAN

SK DESIGN GROUP PROJECT #:  
150043

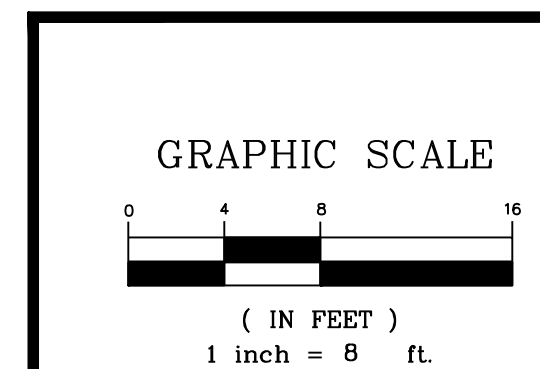
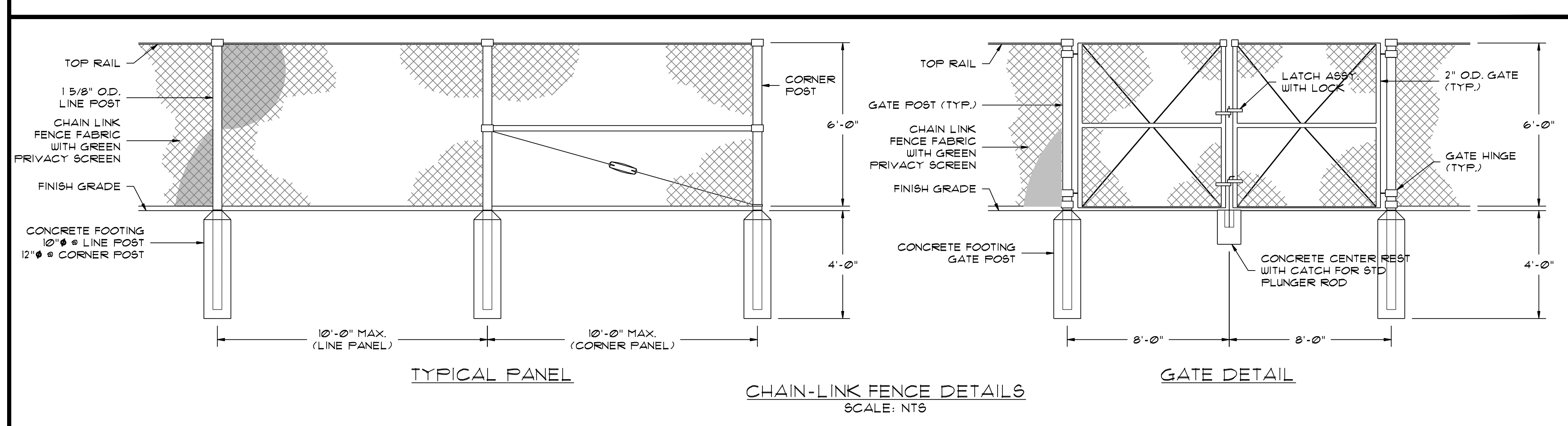
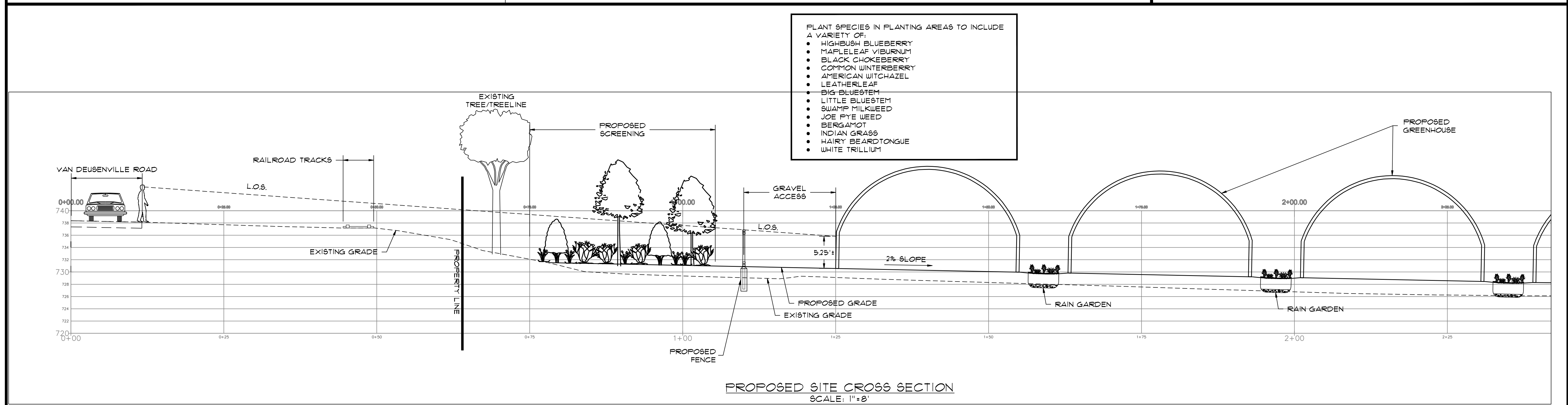
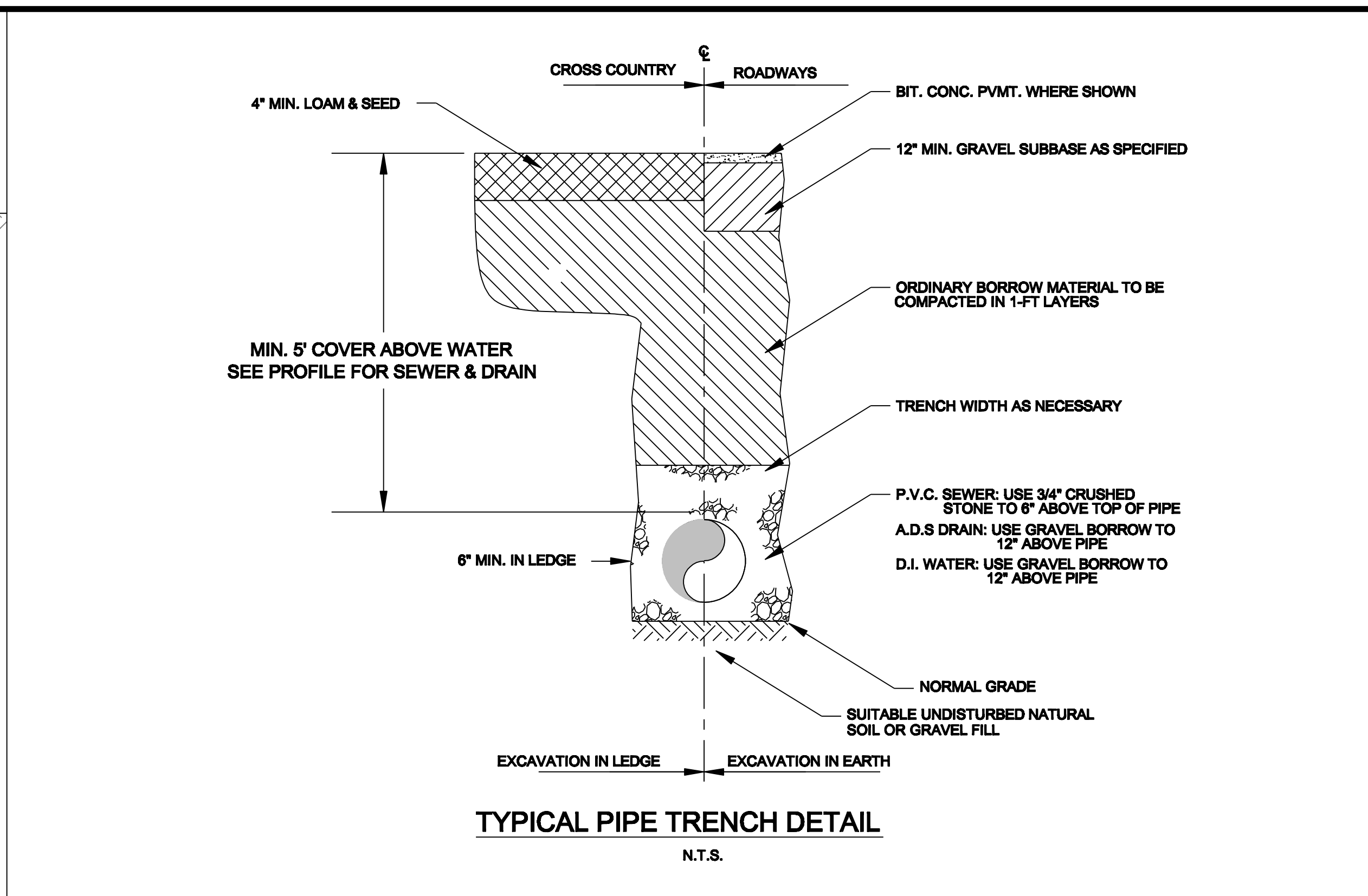
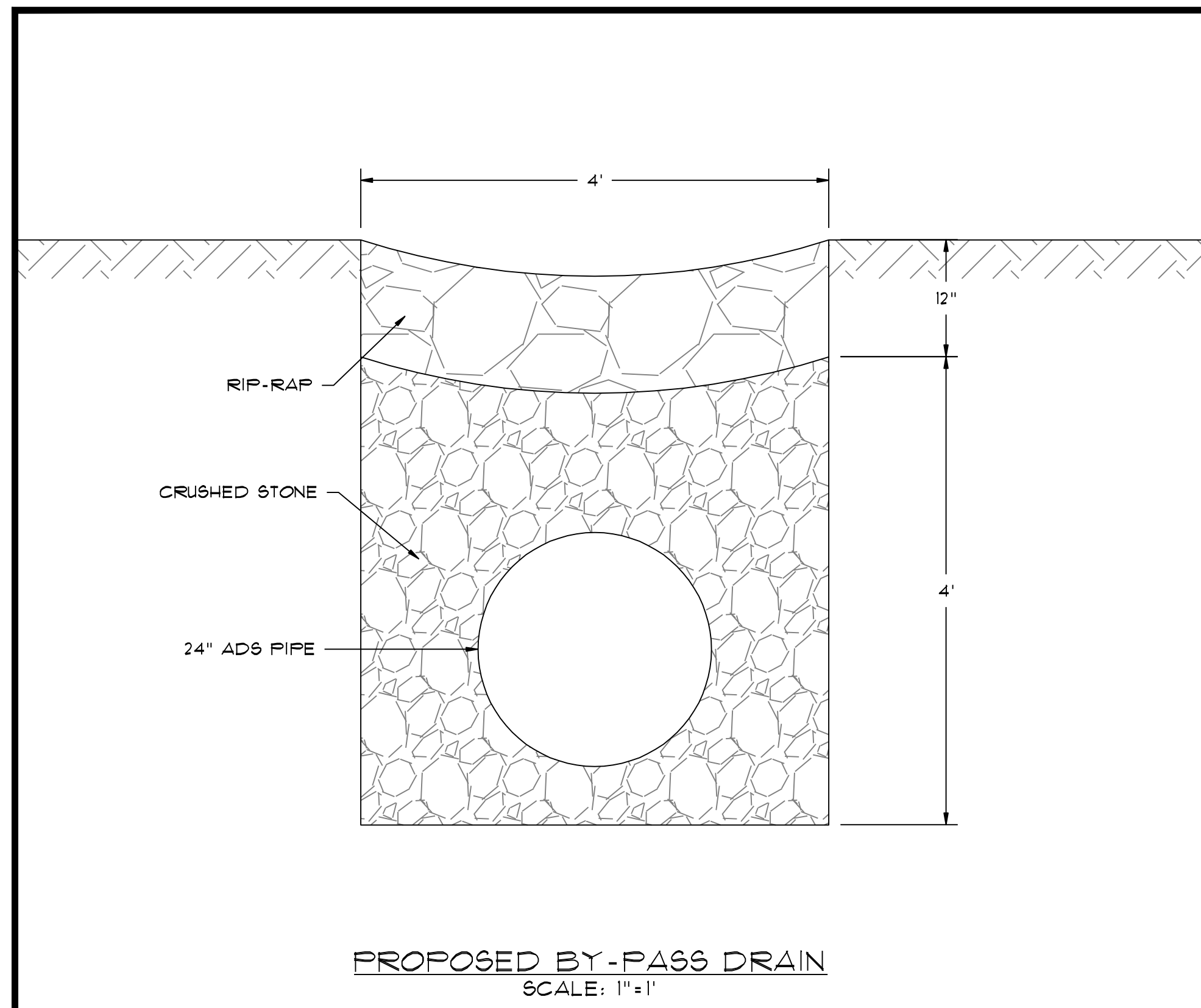
JAMES M. SCAUSE II  
SK DESIGN GROUP PRESIDENT  
LICENSE #39863  
PROFESSIONAL OF RECORD  
PHONE: 413-443-3537

REVISION:

DRAWN BY: **SMG**  
ORIG. DATE: **JULY 1, 2019**  
ISSUED FOR: **PERMIT**  
SCALE: **1"=40'**  
CHECKED BY: **JMS II**  
SHEET NO.: **3**  
OF **6**







THESE PLANS ARE FOR  
PERMITTING PURPOSES  
ONLY  
**NOT FOR CONSTRUCTION**

PLANS TO ACCOMPANY PERMIT APPLICATIONS  
PREPARED FOR:  
**FULCRUM ENTERPRISES, LLC**  
LOCATED AT:  
22 VAN DEUSENVILLE ROAD  
GREAT BARRINGTON, MASSACHUSETTS

**Design Group, Inc.**  
**Civil Engineers • Surveyors • Consultants**  
 2 FRANCIS DRIVE • WYTHEVILLE, MASSACHUSETTS 01971 • (413) 443-3377

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**SECTIONS AND DETAILS**

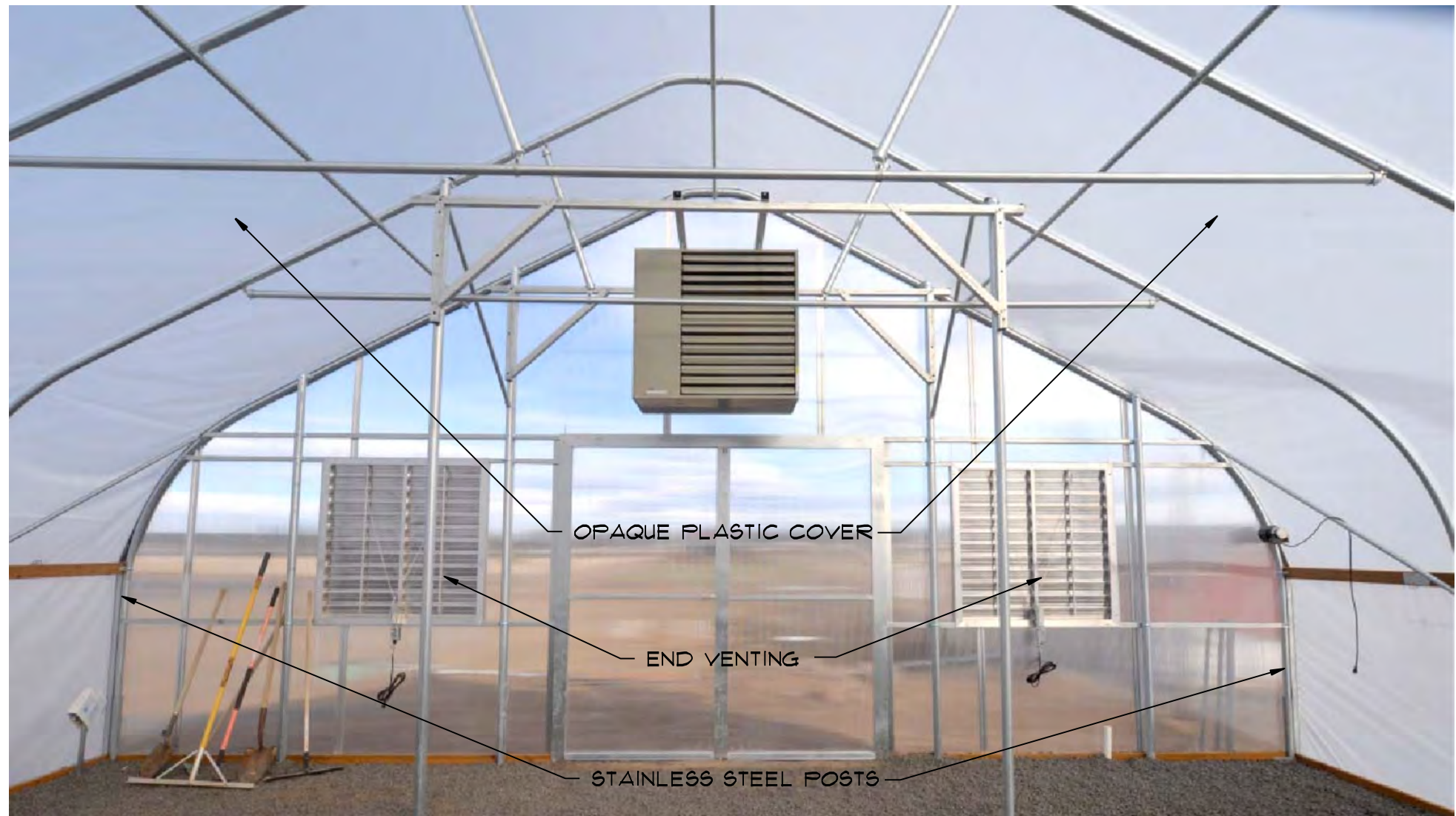
PLAN DESCRIPTION:

SK DESIGN GROUP PROJECT #:  
190043

JAMES M. SCALISE II  
SK DESIGN GROUP PRESIDENT  
LICENSE #39863  
PROFESSIONAL OF RECORD  
PHONE: 413-443-3537

[illegible]



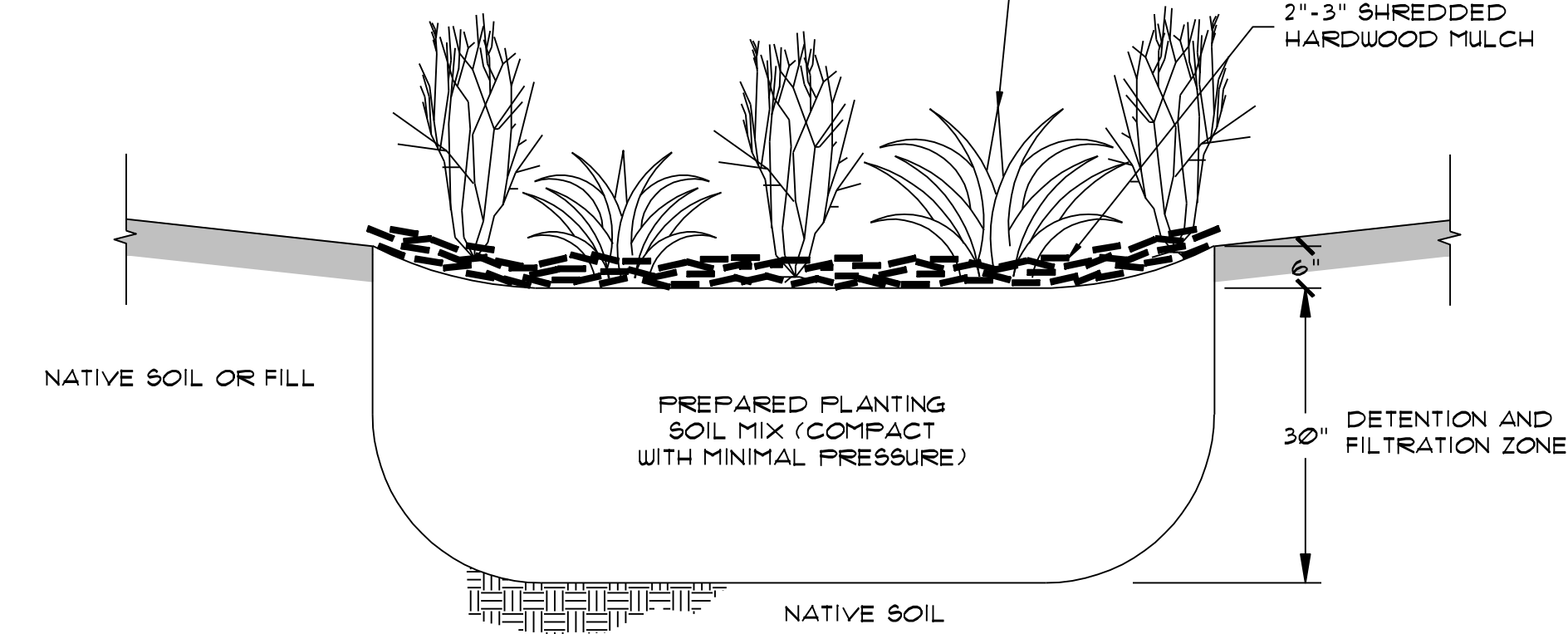


STORM SEMI GABLE GREENHOUSE  
BY HORTITECH GREENHOUSE  
SCALE: NOT TO SCALE

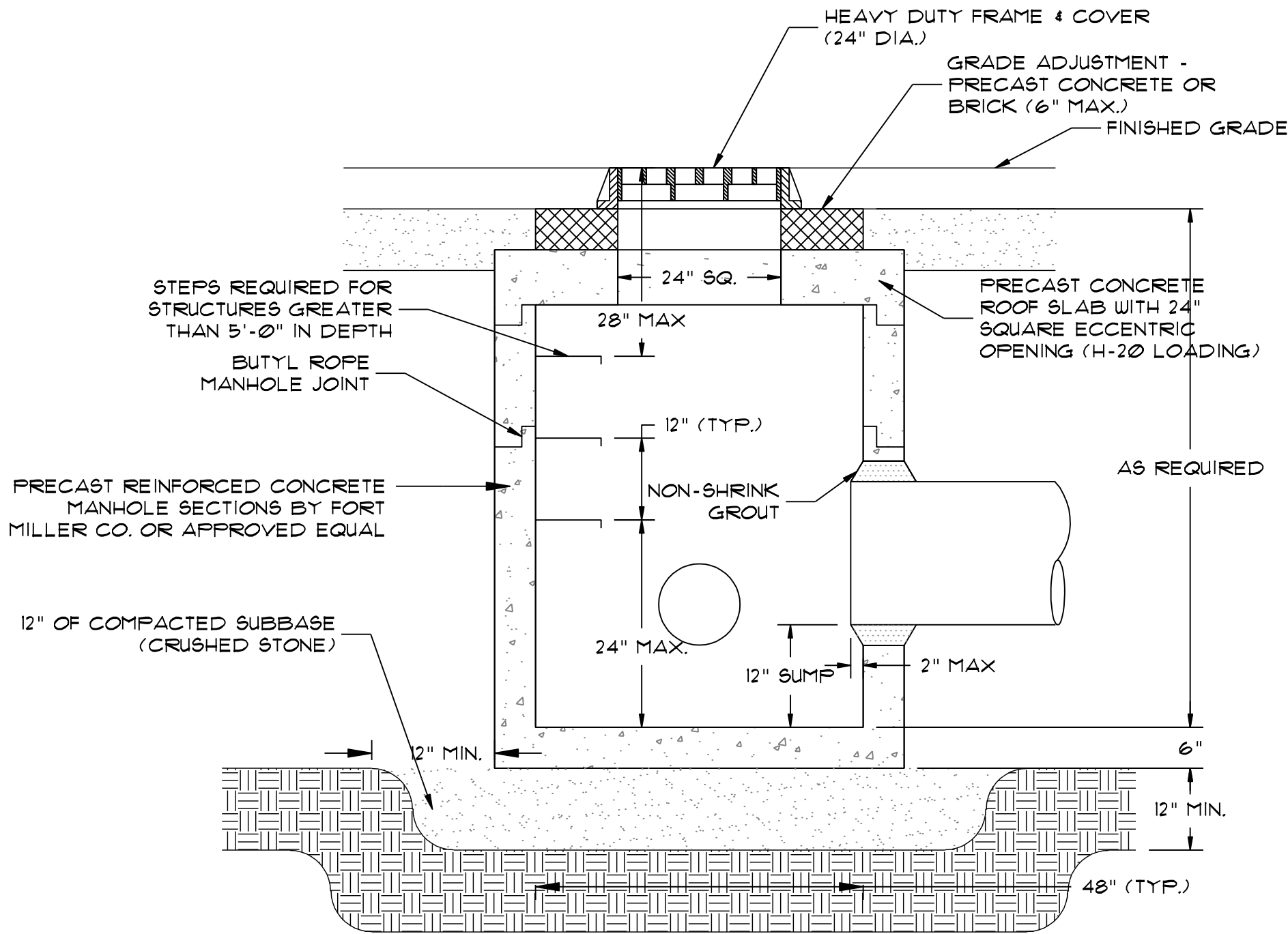
PLANTING SOIL MIX:  
40% SAND, 20-30% TOPSOIL, 30-40% COMPOST  
CLEAN SAND MEETING AASHTO M-6 OR ASTM C-33.  
TOPSOIL IS SANDY LOAM, LOAMY SAND, OR LOAM  
(USDA TEXTURE TRIANGLE)  
MAXIMUM CLAY CONTENT LESS THAN 5%  
PH RANGE 5.5 - 6.5  
UNIFORM MIX FREE OF STONES, ROOTS, ETC. GREATER THAN 2 INCHES

SELECTED NATIVE PLANTS TO INCLUDE:  
LITTLE BLUE STEM, NEW ENGLAND ASTER,  
SWEET FERN, BUTTON BUSH, MARGINAL  
WOOD-FERN, PENNSYLVANIA SEDGE,  
INDIAN GRASS, WILD BERGAMOT, LOW BUSH  
BLUEBERRY

IN ADDITION, SOME DYNAMIC ACCUMULATOR  
PLANTS SHOULD BE SUPPLEMENTED:  
COMFREY AND HORSETAIL

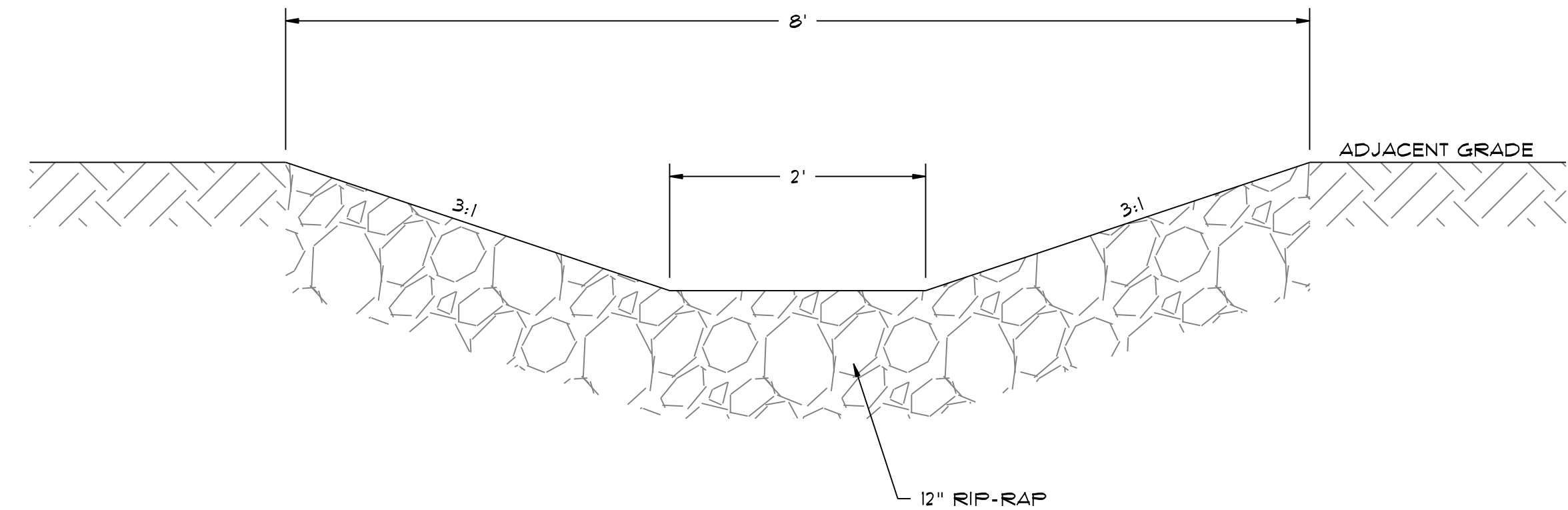


DETAIL - TYPICAL RAIN GARDEN  
SCALE: NTS

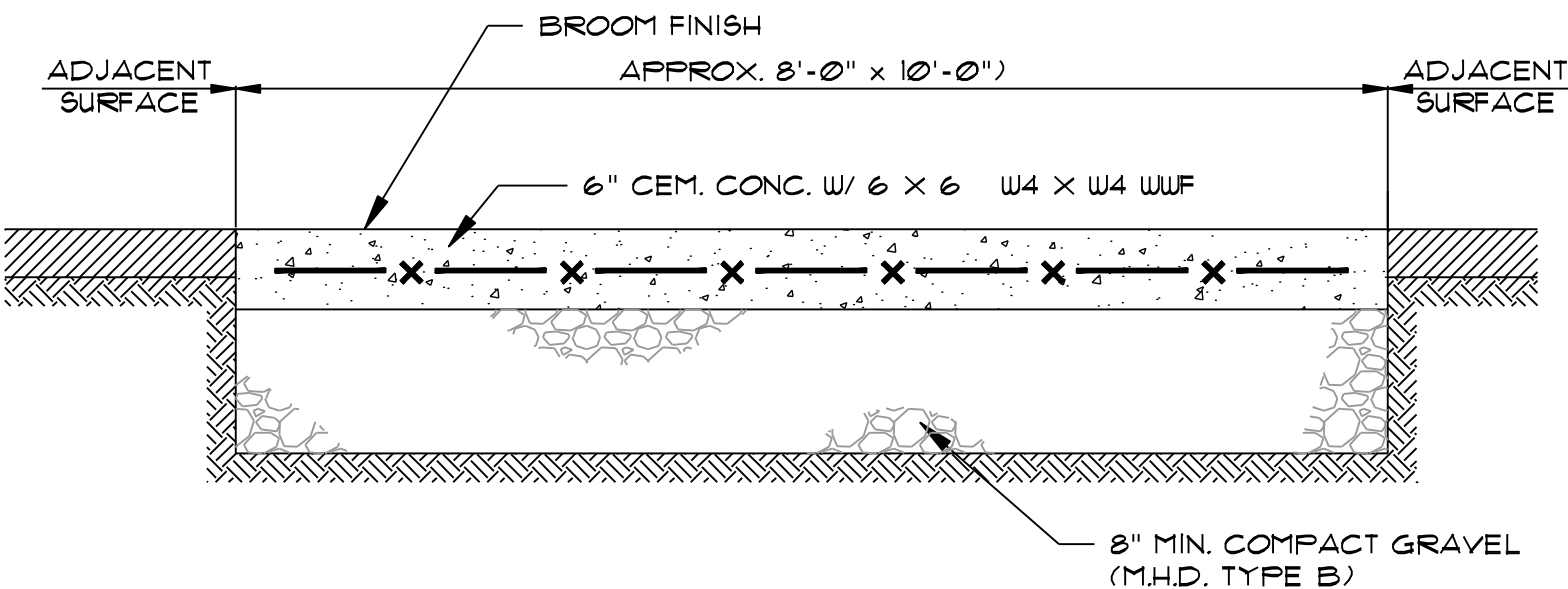


NOTE:  
1. FRAME AND GRATE/COVER FOR EACH STORM STRUCTURE SHALL BE SET IN MORTAR BED.

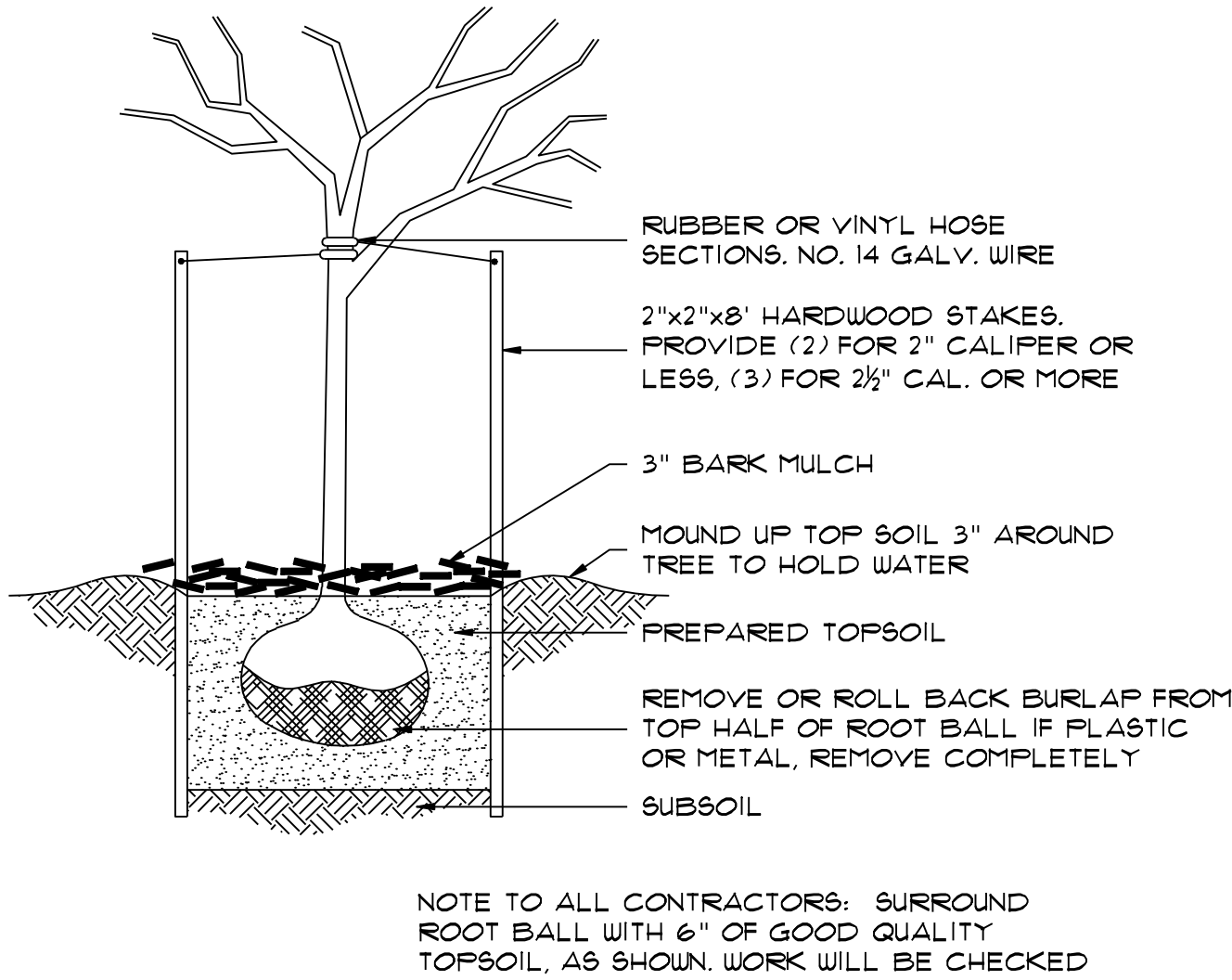
PRECAST DRAIN MANHOLE DETAIL  
SCALE: NTS



PROPOSED BY-PASS SWALE  
SCALE: 1"=1'

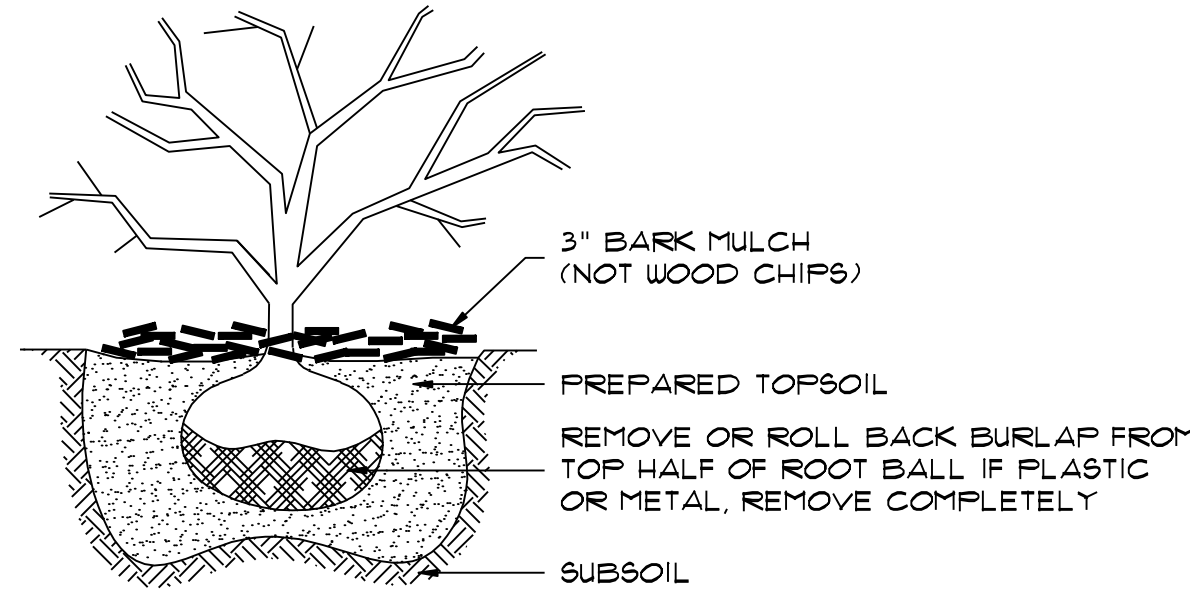


DETAIL - DUMPSTER PAD  
SCALE: N.T.S.



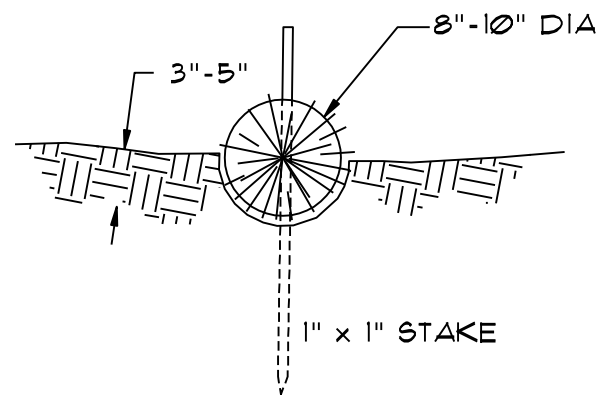
NOTE TO ALL CONTRACTORS: SURROUND ROOT BALL WITH 6" OF GOOD QUALITY TOPSOIL, AS SHOWN. WORK WILL BE CHECKED

DETAIL - TREE PLANTING & STAKING  
SCALE: NTS



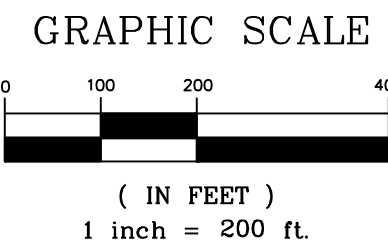
NOTE TO ALL CONTRACTORS: SURROUND ROOT BALL WITH 6" OF GOOD QUALITY TOPSOIL, AS SHOWN. WORK WILL BE CHECKED

DETAIL - SHRUB PLANTING  
SCALE: NTS



NOTE:  
1. STRAW ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3'-5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL.

DETAIL - STRAW WATTLE EROSION BARRIER  
SCALE: NTS.



THESE PLANS ARE FOR  
PERMITTING PURPOSES  
ONLY  
**NOT FOR CONSTRUCTION**

PLANS TO ACCOMPANY PERMIT APPLICATIONS

PREPARED FOR:

FULCRUM ENTERPRISES, LLC

LOCATED AT:

22 VAN DEUSENVILLE ROAD  
GREAT BARRINGTON, MASSACHUSETTS

Design Group, Inc.  
Civil Engineers & Surveyors & Consultants  
1 FRANKLIN BLVD. • FRANKLIN, MASSACHUSETTS 01420-1007  
PHONE: 413-443-3537

SK DESIGN GROUP PROJECT #:  
150043

JAMES M. SCAUSE II  
SK DESIGN GROUP PRESIDENT  
LICENSE #39863  
PROFESSIONAL OF RECORD  
PHONE: 413-443-3537

REVISION:

DRAWN BY: **SMG**  
ORIG. DATE: **JULY 1, 2019**  
ISSUED FOR: **PERMIT**  
SCALE: **1"=40'**

CHECKED BY: **JMS II**  
SHEET NO.: **6**  
OF **6**



## Attachment D

Purchase & Sales Agreement and  
Signed Statement from Property Owner

July 8, 2019

Stephen Bannon, Chair  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

Re: Fulcrum Enterprises, LLC Site Plan Review

Mr. Bannon,

I am the Trustee of Nolan Realty Trust. Nolan Realty Trust owns the property located at 22 Van Deusenville Road, Great Barrington. I hereby authorize Fulcrum Enterprises, LLC to apply for a Special Permit for this location.

Sincerely,

Nolan Realty Trust



---

William F. Nolan, Trustee

July 8, 2019

Town of Great Barrington  
Planning Board  
334 Main Street  
Great Barrington, MA 01230

Re: Fulcrum Enterprises, LLC Site Plan Review

Mr. Rembold,

I am the Trustee of Nolan Realty Trust. Nolan Realty Trust owns the property located at 22 Van Deusenville Road, Great Barrington. I authorize Fulcrum Enterprises, LLC to apply for Site Plan Review for this location.

Sincerely,

Nolan Realty Trust



William F. Nolan, Trustee



## **AGREEMENT**

AGREEMENT made this 24 day of July, 2019, by and between William F. Nolan, Trustee of Nolan Realty Trust u/d/t dated May 21, 1987 (hereinafter referred to as "SELLER"), and between G. William Heck, Manager of DBJ Real Estate, LLC, a Massachusetts limited liability company (hereinafter referred to as "PURCHASER"). Together, PURCHASER and SELLER are referred to herein as the "Parties".

### **PRELIMINARY STATEMENT**

SELLER desires to sell, and the PURCHASER desires to purchase, the real estate located at 22 Van Deusenville Road, Great Barrington, Berkshire County, Massachusetts as described in Schedule "A" hereto attached (hereinafter referred to as the "Premises").

NOW THEREFORE, IT IS MUTUALLY AND SEVERALLY AGREED AS FOLLOWS:

#### **A. Purchase and Sale**

SELLER agrees that, at the closing, it shall convey the Premises by Quitclaim Deed and sell, transfer and deliver to the PURCHASER, for the consideration hereinafter provided and subject to any exceptions hereinafter set forth. SELLER is selling the Premises "AS IS." Such sale shall be made free and clear of all liabilities, obligations, security interests and encumbrances, the title to the Premises to then be good, clear and marketable title, insurable at customary title insurance rates, subject only to the following:

- a. Real Estate Taxes assessed or to be assessed on the Premises to the extent that such taxes then are not yet due and payable;

- b. Federal, state and local laws, ordinances, by-laws and rules regulating the use of land, particularly environmental, building, zoning, health;
- c. Utility easements in the adjoining ways.

SELLER shall at the closing deliver to PURCHASER all existing keys to the Premises.

**B. Representations and Warranties**

SELLER represents and warrants as follows:

(a) To the best of SELLER'S knowledge and belief, there is not now and has never been in the Premises any urea formaldehyde foam insulation (UFFI), or asbestos, or unsafe concentrations of radon gas, but SELLER has not tested for UFFI, asbestos, lead paint or radon gas and SELLER is selling the Premises "AS IS".

(b) SELLER is the owner of and has good and marketable title free from all liens and encumbrances.

(c) There is no litigation or proceeding pending, or to the knowledge of SELLER, threatened against or relating to SELLER or its properties, nor does SELLER know of any basis for any such action, or of any governmental investigation relative to SELLER or its properties.

(d) SELLER has not entered into any contract to sell or mortgage all or any part of the premises.

(e) SELLER makes no representations or warranties regarding the structure or its systems located on the Premises and is selling "AS IS".

**C. Adjustments**

The Parties shall adjust at closing for any and all fees and expenses for which such adjustments are customary and appropriate, including real estate

taxes, water, and fuel. In the event there is a dispute, the Parties shall apply REBA practice standards.

**E. Closing**

The closing date shall be on or before thirty (30) days from the issuance of the Provisional License by the Cannabis Control Commission and all local approvals by the Town of Great Barrington ("Closing Date"), at 10:00 A.M. at the office of McCormick, Murtagh, & Marcus, Great Barrington, Massachusetts, at which time all executed documentation specified in this Agreement shall be delivered.

**F. Nonassignability; Successors and Assigns**

Neither this Agreement nor any interest therein shall be assignable by the PURCHASER without the prior written consent of the SELLER and shall not apply to the designation by PURCHASER of a nominee, corporate or otherwise, for the purpose of taking title to the assets that are the subject matter of this Agreement. Subject to the preceding sentence, the provisions of this Agreement shall inure to the benefit of and bind all parties and their respective assigns, executors, administrators and heirs.

**G. Survival of Representations**

All statements contained in any certificate or other instrument delivered by or on behalf of PURCHASER pursuant hereto, or in connection with the transactions contemplated hereby, shall be deemed representations and warranties by PURCHASER. All representations, warranties, and agreements made by SELLER, in this Agreement, or pursuant hereto, shall survive the closing.

**H. Conditions Precedent**

All obligations of the PURCHASER under this Agreement are subject to the fulfillment, prior to or at the closing, of each of the following conditions:



- (a) Representations and warranties contained in this agreement shall be true at the time of closing as though such representations and warranties were made at such time.
- (b) Performance SELLER shall have performed and complied with all agreements and conditions required by this Agreement to be performed or complied with by them prior to or at the closing.

**I. Purchase Price**

The total price to be paid by the PURCHASER for all items in subparagraphs (a) and (b) hereinafter described to be purchased hereunder shall be Six Hundred and Eighty Thousand AND NO/100 (\$680,000.00) DOLLARS.

The said purchase price is to be paid as follows:

- (a) \$50,000 shall be paid to Escrow Agent simultaneously with the execution of this Agreement ("Deposit")
- (b) \$630,000 shall be paid at closing.

(i) Escrow Agent: Kathleen M. McCormick, Esq.  
McCormick, Murtagh & Marcus  
Address: 390 Main Street, Suite 2  
Great Barrington, MA 01230

Deposit is to be held in a non-interest-bearing bank account.

- (ii) The Deposit made hereunder shall be held in escrow, subject to the terms of this Agreement and shall be duly accounted for at the time of performance of this Agreement.

The deposits may not be released from escrow without the assent of both PURCHASER and SELLER. The recording of the deed to the Premises shall constitute such assent. In the event of any disagreement, the Escrow Agent may retain the deposits pending written instruction by both the SELLER and PURCHASER, or by a court of competent jurisdiction. So long as Escrow Agent served in good faith, PURCHASER and SELLER each agree to hold harmless Escrow Agent from damages, losses or expenses arising out of this Agreement or any action or failure to act, including reasonable attorney's fees, related thereto.

PURCHASER and SELLER acknowledge that the Escrow Agent may be counsel to one of the parties and agree that Escrow Agent may continue to act as such counsel notwithstanding any dispute or litigation arising with respect to the deposits or Escrow Agent's duties.

**J. Existing Condition Site Work**

(a) For a sum, in addition to the Purchase Price, in the amount of \$50,000, ("Additional Sum") to be deposited in Escrow on or before August 1, 2019, SELLER shall remove the berm of stock pile gravel material and deliver the remainder of the site at current existing grade prior to June 15, 2020 ("Work"). The Additional Sum shall only be refundable to PURCHASER if PURCHASER 1) purchases the Premises on or before September 15, 2019 or 2) if Work is not completed by SELLER on or before June 15, 2020. PURCHASER shall confirm completion of Work and shall authorize the Escrow Agent to release Additional Sum. If

Parties fail to agree on if Work was completed on or before June 15, 2020, SK Design Group, Inc. ("SK") shall make said determination and Escrow Agent shall release funds in accordance with SK's determination.

(b) SELLER shall remove the gate currently used by SELLER to access the planted berm to the North of the site along the West of the solar field and replace with fencing while the SELLER is performing Work ("Work Period") at SELLER's sole cost.

**K. Future Site Work**

All excavating and site work for development of the Premises and construction of facilities for the cultivation and processing of marijuana ("Site Work") shall be performed exclusively by Nolan Trucking and Excavating, Inc. On or before closing, PURCHASER shall enter into a Time and Materials Contract which shall include a Guaranteed Maximum Price ("GMP") for Site Work with Nolan Trucking and Excavating, Inc. PURCHASER shall deliver a complete scope of work with quantities and a full set of Project Plans prepared by SK Design Group, Inc. (collectively "SK Plans"). If PURCHASER fails to deliver SK Plans, Nolan Trucking and Excavating, Inc. shall not be required to include a GMP in said Time and Materials Contract. This Paragraph K shall survive the closing.

**L. Holdback**

If Work defined in Paragraph J is not completed prior to Closing, the Parties agree to hold back \$100,000 of SELLER's closing proceeds in escrow by Escrow Agent to guarantee the performance of the Work identified in Paragraph J ("Holdback"). Holdback shall be released to SELLER upon completion of Work as outlined in Paragraph J. If SELLER fails to complete the Work as identified in Paragraph J, PURCHASER shall have the Work completed and Escrow Agent shall release funds to PURCHASER to pay for

completion of Work. The balance of funds shall be released to SELLER. Paragraph L shall survive the Closing.

**M. Risk of Loss/Insurance**

The SELLER shall assume all risk of loss, destruction or damage to the Premises and the business assets due to fire or other casualty and shall maintain the present insurance coverage up to the closing.

**N. Termination**

The PURCHASER shall have the right to terminate this Agreement if PURCHASER is unable to obtain a Provisional License from the Cannabis Control Commission in accordance with Paragraph T. The Escrow Agent shall forthwith refund the Deposit provided for in Paragraph I to PURCHASER.

**O. Business Interruptions**

If the loss, destruction or damage to the Premises due to fire or other casualty up to the closing is not of such nature as to substantially curtail or substantially interrupt the said business, at the election of the PURCHASER, the purchase price shall be adjusted to reflect such loss, destruction or damage, or SELLER may restore the condition that existed prior to closing.

If the PURCHASER and SELLER are unable to agree as to the amount of the adjustment, this Agreement may be terminated by mutual agreement of PURCHASER and SELLER, or if no mutual agreement is able to be obtained, the amount of the adjustment or the termination of this agreement shall be subject to binding arbitration, the cost of which shall be borne equally between the PURCHASER and SELLER.

**P. Additional Provisions Concerning Real Estate**

Full possession of the Premises free of all tenants and occupants shall be delivered at the Date and Time of Closing. The Premises then shall



(a) not be in violation of any of the matters in Paragraph A, (b) free of encroachments burdening the Premises and of improvements which encroach on adjoining property excluding previously granted easements, rights of ways and other matters of record at the Southern Berkshire Registry of Deeds, including buildings, fences, septic system, well and driveway and (c) have sufficient legal access to a public way.

At the Date and Time of Closing, the Premises shall be in the same condition as they now are (reasonable use or wear excepted).

SELLER may, if SELLER so desires, at the Closing, use all or part of the Purchase Price to clear the title of any encumbrances or interests provided that all instruments necessary for this purpose are recorded by and at the expense of SELLER simultaneously with the deed or at such later time as shall be reasonably acceptable to PURCHASER, and provided further, with respect to discharges of mortgages from insurance companies, banks and credit unions, such discharges may be recorded within a reasonable time after the recording of the deed.

If SELLER is unable to convey title or deliver possession of the Premises as required hereunder or the Premises do not comply with the requirements of the terms of this Paragraph, upon notice by either party, prior to the Date of Closing, this Agreement shall be automatically extended for 30 days (or if PURCHASER'S mortgage commitment sooner expires, to a date one business day before the expiration of such commitment). SELLER shall remove all mortgages, attachments and other encumbrances incurred or assumed by SELLER which secure the payment of money, provided the total amount thereof does not exceed the Purchase Price, and SELLER shall use reasonable efforts to remove other defects in title, or to deliver possession as provided herein, or to make the Premises conform to the provisions hereof.

At the end of the extended period, if all such defects have not been removed, or the SELLER is unable to deliver possession, or the Premises do not conform with the requirements of this Agreement, PURCHASER may elect to terminate this Agreement and to receive back all deposits, upon receipt of which all obligations of the parties hereto shall cease.

At the original or extended time for performance, PURCHASER may elect to proceed with the Closing upon payment of the full Purchase Price reduced by an amount sufficient to remove all mortgages, attachments and other encumbrances which secure the payment of money which have not been removed by SELLER but otherwise without deduction.

**Q. No Other Agreements, Warranties or Understandings**

All terms, covenants, and conditions of this Agreement are set forth herein and there are no warranties, agreements, or understandings, express or implied, except such as are expressly set forth herein.

**R. Counterparts**

This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

**S. Applicable Law**

This Agreement is to be governed by and construed under the laws of the Commonwealth of Massachusetts.

**T. Contingencies**

The PURCHASER'S performance hereunder is contingent upon the following:

1. PURCHASER obtaining required local permitting and a Host Community Agreement to operate as a Marijuana Cultivator and Marijuana

Product Manufacturer and a Provisional License from the Cannabis Control Commission for marijuana cultivation and marijuana product manufacturing.

If any of these contingencies are not satisfied prior to August 1, 2020, after the exercise by PURCHASER of reasonable, diligent, good faith efforts, either Party may void the contract without recourse upon written notice to the other Party prior to the expiration of this Contingency Period at which time all deposits shall be returned to PURCHASER.

**U. Miscellaneous**

(a) SELLER acknowledges PURCHASER's desire to relocate existing drainage swale crossing the Northerly portion of the Property from the railroad tracks to the Northeast corner of the Property as shown on the proposed Grading, Drainage and Utility Plan prepared by SK Design, Inc. dated July 1, 2019 attached as "Exhibit B" ("Swale Work") Parties agree to equally share the cost of the Swale Work. The cost of the Swale Work shall be determined by an Engineer's Estimate provided by SK Design, Inc. and added to Site Work billing. SELLER shall grant to PURCHASER an easement allowing existing drainage to enter property owned by SELLER located at 3 Nolan Drive, Great Barrington, Massachusetts in accordance with Exhibit B. SELLER shall retain the right to maintain easement area.

(b) The PURCHASER shall commence the local and state approval process within thirty (30) days of the execution of the Purchase and Sale Agreement by both Parties to the Agreement.

(c) SELLER shall agree to cooperate in all permitting and shall allow reasonable access to Premises to PURCHASER's consultants to allow for preparation of permitting, PURCHASERS shall notify SELLER when consultants will be accessing Premises.

(d) The PURCHASER shall notify SELLER upon receipt of Provisional License.

(e) SELLER shall provide PURCHASER with a copy of Solar array lease. PURCHASERS must comply with shade setbacks from Leased Area. This provision shall survive the Closing.

(f) Excluded from this sale is the current stock-pile of material identified for removal in Paragraph J and the roughly 50 cords of firewood located on the Premises.



EXECUTED as a sealed instrument this 24<sup>th</sup> day of July, 2019.

PURCHASER

  
\_\_\_\_\_  
G. William Heck, Manager  
DBJ Real Estate, LLC

SELLER

\_\_\_\_\_  
William F. Nolan, Trustee  
Nolan Realty Trust

EXECUTED as a sealed instrument this 24TH day of July, 2019.

PURCHASER

---

G. William Heck, Manager  
DBJ Real Estate, LLC

SELLER

---

*William F. Nolan*  
William F. Nolan, Trustee  
Nolan Realty Trust

**SCHEDULE "A" (Description of Premises)**

Lot 6 as shown on a Building Lot of Nolan Drive land laid out for Nolan Realty Trust, Great Barrington, MA dated November 14, 1989 revised May 24, 1995 by Scalise-Knysh Associates recorded in the Southern Berkshire Registry of Deeds in Plat File J-16.

Subject to an Access, Utilities and Communications Easement dated October 14, 2016 by and between William F. Nolan, Trustee of Nolan Realty Trust and LSE Crater, LLC and recorded in the Southern Berkshire Registry of Deeds in Book 2404, Page 266.

**Exhibit B**

**("Proposed Grading, Drainage and Utility Plan prepared by SK Design, Inc. dated  
July 1, 2019")**





# Attachment E

## Lighting Plan and Specifications



# D-Series Size 0 LED Area Luminaire

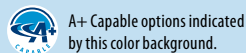
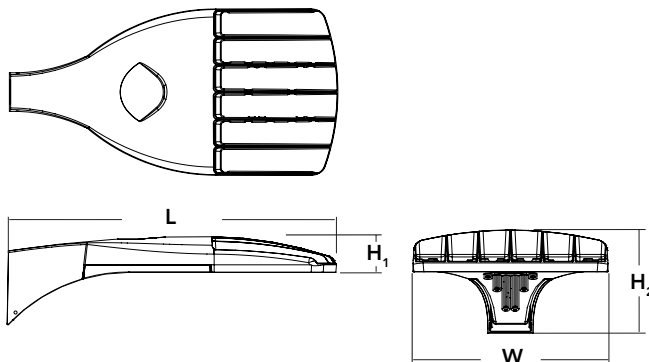


Catalog Number
Notes
Type

Hit the Tab key or mouse over the page to see all interactive elements.

## Specifications

EPA:	0.95 ft <sup>2</sup> (.09 m <sup>2</sup> )
Length:	26" (66.0 cm)
Width:	13" (33.0 cm)
Height <sub>1</sub> :	3" (7.62 cm)
Height <sub>2</sub> :	7" (17.8 cm)
Weight (max):	16 lbs (7.25 kg)



## Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 400W metal halide with typical energy savings of 70% and expected service life of over 100,000 hours.

## Ordering Information

**EXAMPLE:** DSX0 LED P6 40K T3M MVOLT SPA NLTAIR2 PIRHN DDBXD

DSX0 LED					
Series	LEDs	Color temperature	Distribution	Voltage	Mounting
DSX0 LED	<b>Forward optics</b> P1 P4 P7 P2 P5 P3 P6 <b>Rotated optics</b> P10' P12' P11' P13'	30K 3000 K 40K 4000 K 50K 5000 K	T1S Type I short T2S Type II short T2M Type II medium T3S Type III short T3M Type III medium T4M Type IV medium TFTM Forward throw medium T5VS Type V very short T5S Type V short T5M Type V medium T5W Type V wide BLC Backlight control <sup>2</sup> LCCO Left corner cutoff <sup>2</sup> RCCO Right corner cutoff <sup>2</sup>	MVOLT <sup>3,4</sup> 120 <sup>4</sup> 208 <sup>4</sup> 240 <sup>4</sup> 277 <sup>4</sup> 347 <sup>4,5</sup> 480 <sup>4,5</sup>	<b>Shipped included</b> SPA Square pole mounting RPA Round pole mounting WBA Wall bracket SPUMBA Square pole universal mounting adaptor <sup>6</sup> RPUMBA Round pole universal mounting adaptor <sup>6</sup> <b>Shipped separately</b> KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish) <sup>7</sup>

Control options	Other options	Finish (required)
<b>Shipped installed</b> NLTAIR2 nLight AIR generation 2 enabled <sup>8,9</sup> PIRHN Network, high/low motion/ambient sensor <sup>10</sup> PER NEMA twist-lock receptacle only (control ordered separate) <sup>11</sup> PER5 Five-pin receptacle only (control ordered separate) <sup>11,12</sup> PER7 Seven-pin receptacle only (leads exit fixture) (control ordered separate) <sup>11,12</sup> DMG 0-10V dimming extend out back of housing for external control (control ordered separate)	<b>Shipped installed</b> HS House-side shield <sup>16</sup> SF Single fuse (120, 277, 347V) <sup>4</sup> DF Double fuse (208, 240, 480V) <sup>4</sup> L90 Left rotated optics <sup>1</sup> R90 Right rotated optics <sup>1</sup> DDL Diffused drop lens <sup>16</sup> <b>Shipped separately</b> BS Bird spikes <sup>17</sup> EGS External glare shield <sup>17</sup>	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white



## Ordering Information

### Accessories

Ordered and shipped separately.

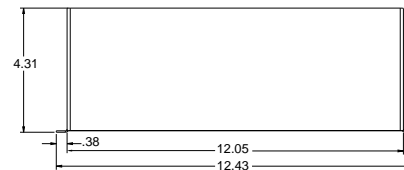
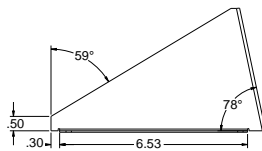
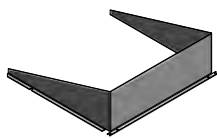
DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) <sup>18</sup>
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) <sup>18</sup>
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) <sup>18</sup>
DSHORT SBK U	Shorting cap <sup>18</sup>
DSX0HS 20C U	House-side shield for P1,P2,P3 and P4 <sup>16</sup>
DSX0HS 30C U	House-side shield for P10,P11,P12 and P13 <sup>16</sup>
DSX0HS 40C U	House-side shield for P5,P6 AND P7 <sup>16</sup>
DSX0DDL U	Diffused drop lens (polycarbonate) <sup>16</sup>
PUMBA DDBXD U*	Square and round pole universal mounting bracket adaptor (specify finish) <sup>19</sup>
KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish) <sup>19</sup>

For more control options, visit [DTL](#) and [ROAM](#) online.  
Link to [nLight Air 2](#)

### NOTES

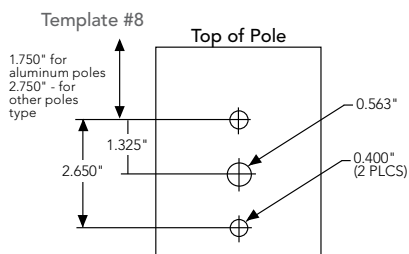
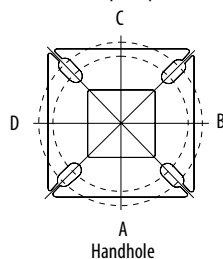
- 1 P10, P11, P12 and P13 and rotated options (L90 or R90) only available together.
- 2 Not available with HS or DDL.
- 3 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
- 4 Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
- 5 Not available in P4, P7 or P13. Not available with BL30, BL50 or PNMT options.
- 6 Universal mounting brackets intended for retrofit on existing pre-drilled poles only. 1.5 G vibration load rating per ANSI C136.31.
- 7 Must order fixture with SPA mounting. Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
- 8 Must be ordered with PIRHN.
- 9 Sensor cover available only in dark bronze, black, white and natural aluminum colors.
- 10 Must be ordered with NLTAIR2. For more information on nLight Air 2 visit [this link](#).
- 11 Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Shorting Cap included.
- 12 If ROAM<sup>®</sup> node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls. Shorting Cap included.
- 13 Reference Motion Sensor table on page 3.
- 14 Reference PER Table on page 3 to see functionality.
- 15 Not available with other dimming controls options.
- 16 Not available with BLC, LCCO and RCCO distribution.
- 17 Must be ordered with fixture for factory pre-drilling.
- 18 Requires luminaire to be specified with PER, PER5 or PER7 option. See PER Table on page 3.
- 19 For retrofit use only.

## EGS – External Glare Shield



## Drilling

### HANDHOLE ORIENTATION (from top of pole)



### Tenon Mounting Slipfitter

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

Mounting Option	Drilling Template	Single	2 @ 180	2 @ 90	3 @ 90	3 @ 120	4 @ 90
Head Location		Side B	Side B & D	Side B & C	Side B, C & D	Round Pole Only	Side A, B, C & D
Drill Nomenclature	#8	DM19AS	DM28AS	DM29AS	DM39AS	DM32AS	DM49AS
Minimum Acceptable Outside Pole Dimension							
SPA	#8	2-7/8"	2-7/8"	3.5"	3.5"		3.5"
RPA	#8	2-7/8"	2-7/8"	3.5"	3.5"	3"	3.5"
SPUMBA	#5	2-7/8"	3"	4"	4"		4"
RPUMBA	#5	2-7/8"	3.5"	5"	5"	3.5"	5"

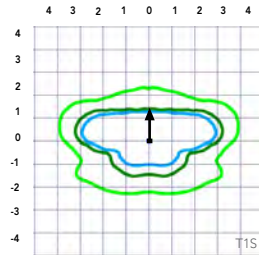
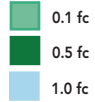


# Photometric Diagrams

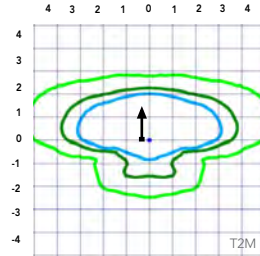
To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [D-Series Area Size 0 homepage](#).

Isofootcandle plots for the DSX0 LED 40C 1000 40K. Distances are in units of mounting height (20').

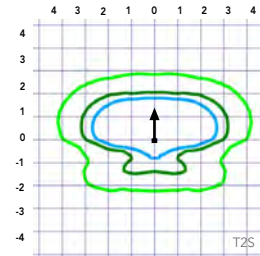
## LEGEND



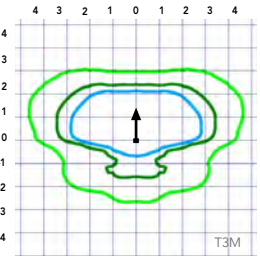
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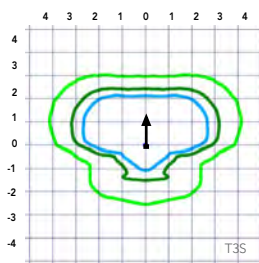
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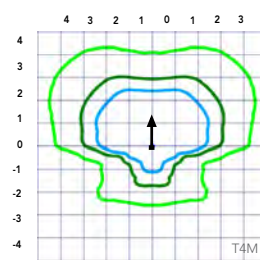
Test No. LTL23451P25 tested in accordance with IESNA LM-79-08.



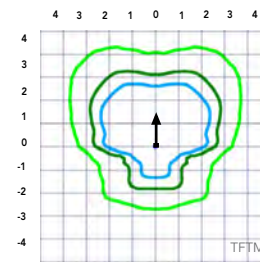
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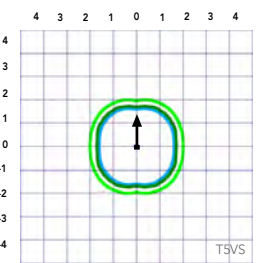
Test No. LTL23451P25 tested in accordance with IESNA LM-79-08.



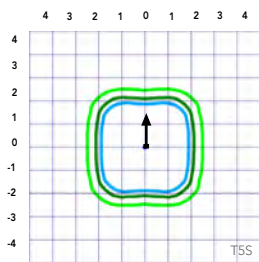
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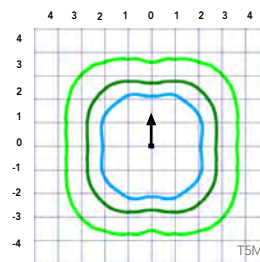
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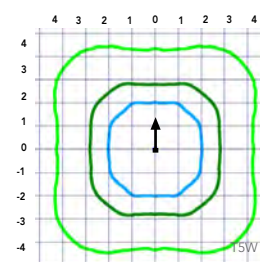
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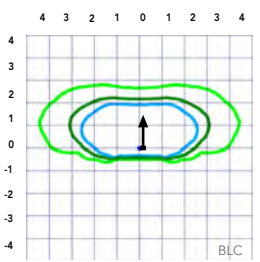
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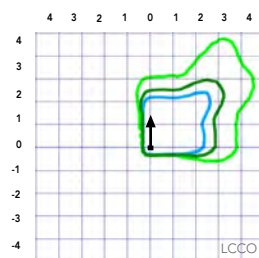
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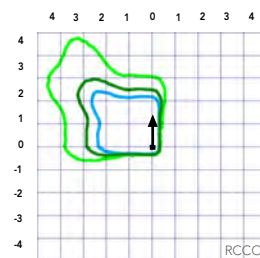
Test No. LTL23451P25 tested in accordance with IESNA LM-79-08.



Test No.



Test No.



Test No.

## Performance Data

### Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.04
5°C	41°F	1.04
10°C	50°F	1.03
15°C	59°F	1.02
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
35°C	95°F	0.98
40°C	104°F	0.97

### Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	Lumen Maintenance Factor
25,000	0.96
50,000	0.92
100,000	0.85

Motion Sensor Default Settings						
Option	Dimmed State	High Level (when triggered)	Photocell Operation	Dwell Time	Ramp-up Time	Ramp-down Time
PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	5 min	3 sec	5 min
*PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	5 min	3 sec	5 min

\*for use with separate Dusk to Dawn or timer.

### Electrical Load

					Current (A)					
	Performance Package	LED Count	Drive Current	Wattage	120	208	240	277	347	480
Forward Optics (Non-Rotated)	P1	20	530	38	0.32	0.18	0.15	0.15	0.10	0.08
	P2	20	700	49	0.41	0.23	0.20	0.19	0.14	0.11
	P3	20	1050	71	0.60	0.37	0.32	0.27	0.21	0.15
	P4	20	1400	92	0.77	0.45	0.39	0.35	0.28	0.20
	P5	40	700	89	0.74	0.43	0.38	0.34	0.26	0.20
	P6	40	1050	134	1.13	0.65	0.55	0.48	0.39	0.29
	P7	40	1300	166	1.38	0.80	0.69	0.60	0.50	0.37
Rotated Optics (Requires L90 or R90)	P10	30	530	53	0.45	0.26	0.23	0.21	0.16	0.12
	P11	30	700	72	0.60	0.35	0.30	0.27	0.20	0.16
	P12	30	1050	104	0.88	0.50	0.44	0.39	0.31	0.23
	P13	30	1300	128	1.08	0.62	0.54	0.48	0.37	0.27

### Controls Options

Nomenclature	Description	Functionality	Primary control device	Notes
FAO	Field adjustable output device installed inside the luminaire; wired to the driver dimming leads.	Allows the luminaire to be manually dimmed, effectively trimming the light output.	FAO device	Cannot be used with other controls options that need the 0-10V leads
DS	Drivers wired independently for 50/50 luminaire operation	The luminaire is wired to two separate circuits, allowing for 50/50 operation.	Independently wired drivers	Requires two separately switched circuits. Consider nLight AIR as a more cost effective alternative.
PERS or PER7	Twist-lock photocell receptacle	Compatible with standard twist-lock photocells for dusk to dawn operation, or advanced control nodes that provide 0-10V dimming signals.	Twist-lock photocells such as DLL Elite or advanced control nodes such as ROAM.	Pins 4 & 5 to dimming leads on driver, Pins 6 & 7 are capped inside luminaire
PIR or PIRH	Motion sensors with integral photocell. PIR for 8-15' mounting; PIRH for 15-30' mounting	Luminaires dim when no occupancy is detected.	Acuity Controls SBOR	Also available with PIRH1FC3V when the sensor photocell is used for dusk-to-dawn operation.
NLTAIR2 PIRHN	nLight AIR enabled luminaire for motion sensing, photocell and wireless communication.	Motion and ambient light sensing with group response. Scheduled dimming with motion sensor over-ride when wirelessly connected to the nLight Eclipse.	nLight Air rSDGR	nLight AIR sensors can be programmed and commissioned from the ground using the CIAIRity Pro app.

## Performance Data

### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

#### Forward Optics

Power Package	LED Count	Drive Current	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
P1	20	530	38W	T1S	4,369	1	0	1	115	4,706	1	0	1	124	4,766	1	0	1	125
				T2S	4,364	1	0	1	115	4,701	1	0	1	124	4,761	1	0	1	125
				T2M	4,387	1	0	1	115	4,726	1	0	1	124	4,785	1	0	1	126
				T3S	4,248	1	0	1	112	4,577	1	0	1	120	4,634	1	0	1	122
				T3M	4,376	1	0	1	115	4,714	1	0	1	124	4,774	1	0	1	126
				T4M	4,281	1	0	1	113	4,612	1	0	2	121	4,670	1	0	2	123
				TFTM	4,373	1	0	1	115	4,711	1	0	2	124	4,771	1	0	2	126
				TSVS	4,548	2	0	0	120	4,900	2	0	0	129	4,962	2	0	0	131
				TSS	4,552	2	0	0	120	4,904	2	0	0	129	4,966	2	0	0	131
				TSM	4,541	3	0	1	120	4,891	3	0	1	129	4,953	3	0	1	130
				TSW	4,576	3	0	2	120	4,929	3	0	2	130	4,992	3	0	2	131
				BLC	3,586	1	0	1	94	3,863	1	0	1	102	3,912	1	0	1	103
				LCCO	2,668	1	0	1	70	2,874	1	0	2	76	2,911	1	0	2	77
				RCCO	2,668	1	0	1	70	2,874	1	0	2	76	2,911	1	0	2	77
P2	20	700	49W	T1S	5,570	1	0	1	114	6,001	1	0	1	122	6,077	2	0	2	124
				T2S	5,564	1	0	2	114	5,994	1	0	2	122	6,070	2	0	2	124
				T2M	5,593	1	0	1	114	6,025	1	0	1	123	6,102	1	0	1	125
				T3S	5,417	1	0	2	111	5,835	1	0	2	119	5,909	2	0	2	121
				T3M	5,580	1	0	2	114	6,011	1	0	2	123	6,087	1	0	2	124
				T4M	5,458	1	0	2	111	5,880	1	0	2	120	5,955	1	0	2	122
				TFTM	5,576	1	0	2	114	6,007	1	0	2	123	6,083	1	0	2	124
				TSVS	5,799	2	0	0	118	6,247	2	0	0	127	6,327	2	0	0	129
				TSS	5,804	2	0	0	118	6,252	2	0	0	128	6,332	2	0	1	129
				TSM	5,789	3	0	1	118	6,237	3	0	1	127	6,316	3	0	1	129
				TSW	5,834	3	0	2	119	6,285	3	0	2	128	6,364	3	0	2	130
				BLC	4,572	1	0	1	93	4,925	1	0	1	101	4,987	1	0	1	102
				LCCO	3,402	1	0	2	69	3,665	1	0	2	75	3,711	1	0	2	76
				RCCO	3,402	1	0	2	69	3,665	1	0	2	75	3,711	1	0	2	76
P3	20	1050	71W	T1S	7,833	2	0	2	110	8,438	2	0	2	119	8,545	2	0	2	120
				T2S	7,825	2	0	2	110	8,429	2	0	2	119	8,536	2	0	2	120
				T2M	7,865	2	0	2	111	8,473	2	0	2	119	8,580	2	0	2	121
				T3S	7,617	2	0	2	107	8,205	2	0	2	116	8,309	2	0	2	117
				T3M	7,846	2	0	2	111	8,452	2	0	2	119	8,559	2	0	2	121
				T4M	7,675	2	0	2	108	8,269	2	0	2	116	8,373	2	0	2	118
				TFTM	7,841	2	0	2	110	8,447	2	0	2	119	8,554	2	0	2	120
				TSVS	8,155	3	0	0	115	8,785	3	0	0	124	8,896	3	0	0	125
				TSS	8,162	3	0	1	115	8,792	3	0	1	124	8,904	3	0	1	125
				TSM	8,141	3	0	2	115	8,770	3	0	2	124	8,881	3	0	2	125
				TSW	8,204	3	0	2	116	8,838	4	0	2	124	8,950	4	0	2	126
				BLC	6,429	1	0	2	91	6,926	1	0	2	98	7,013	1	0	2	99
				LCCO	4,784	1	0	2	67	5,153	1	0	2	73	5,218	1	0	2	73
				RCCO	4,784	1	0	2	67	5,153	1	0	2	73	5,218	1	0	2	73
P4	20	1400	92W	T1S	9,791	2	0	2	106	10,547	2	0	2	115	10,681	2	0	2	116
				T2S	9,780	2	0	2	106	10,536	2	0	2	115	10,669	2	0	2	116
				T2M	9,831	2	0	2	107	10,590	2	0	2	115	10,724	2	0	2	117
				T3S	9,521	2	0	2	103	10,256	2	0	2	111	10,386	2	0	2	113
				T3M	9,807	2	0	2	107	10,565	2	0	2	115	10,698	2	0	2	116
				T4M	9,594	2	0	2	104	10,335	2	0	3	112	10,466	2	0	3	114
				TFTM	9,801	2	0	2	107	10,558	2	0	2	115	10,692	2	0	2	116
				TSVS	10,193	3	0	1	111	10,981	3	0	1	119	11,120	3	0	1	121
				TSS	10,201	3	0	1	111	10,990	3	0	1	119	11,129	3	0	1	121
				TSM	10,176	4	0	2	111	10,962	4	0	2	119	11,101	4	0	2	121
				TSW	10,254	4	0	3	111	11,047	4	0	3	120	11,186	4	0	3	122
				BLC	8,036	1	0	2	87	8,656	1	0	2	94	8,766	1	0	2	95
				LCCO	5,979	1	0	2	65	6,441	1	0	2	70	6,523	1	0	3	71
					5,979	1	0	2	65	6,441	1	0	2	70	6,523	1	0	3	71

## Performance Data

### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

#### Forward Optics

Power Package	LED Count	Drive Current	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
P5	40	700	89W	T1S	10,831	2	0	2	122	11,668	2	0	2	131	11,816	2	0	2	133
				T2S	10,820	2	0	2	122	11,656	2	0	2	131	11,803	2	0	2	133
				T2M	10,876	2	0	2	122	11,716	2	0	2	132	11,864	2	0	2	133
				T3S	10,532	2	0	2	118	11,346	2	0	2	127	11,490	2	0	2	129
				T3M	10,849	2	0	2	122	11,687	2	0	2	131	11,835	2	0	2	133
				T4M	10,613	2	0	3	119	11,434	2	0	3	128	11,578	2	0	3	130
				TFTM	10,842	2	0	2	122	11,680	2	0	2	131	11,828	2	0	2	133
				TSVS	11,276	3	0	1	127	12,148	3	0	1	136	12,302	3	0	1	138
				TSS	11,286	3	0	1	127	12,158	3	0	1	137	12,312	3	0	1	138
				TSM	11,257	4	0	2	126	12,127	4	0	2	136	12,280	4	0	2	138
				TSW	11,344	4	0	3	127	12,221	4	0	3	137	12,375	4	0	3	139
				BLC	8,890	1	0	2	100	9,576	1	0	2	108	9,698	1	0	2	109
				LCCO	6,615	1	0	3	74	7,126	1	0	3	80	7,216	1	0	3	81
				RCCO	6,615	1	0	3	74	7,126	1	0	3	80	7,216	1	0	3	81
P6	40	1050	134W	T1S	14,805	3	0	3	110	15,949	3	0	3	119	16,151	3	0	3	121
				T2S	14,789	3	0	3	110	15,932	3	0	3	119	16,134	3	0	3	120
				T2M	14,865	3	0	3	111	16,014	3	0	3	120	16,217	3	0	3	121
				T3S	14,396	3	0	3	107	15,509	3	0	3	116	15,705	3	0	3	117
				T3M	14,829	2	0	3	111	15,975	3	0	3	119	16,177	3	0	3	121
				T4M	14,507	2	0	3	108	15,628	3	0	3	117	15,826	3	0	3	118
				TFTM	14,820	2	0	3	111	15,965	3	0	3	119	16,167	3	0	3	121
				TSVS	15,413	4	0	1	115	16,604	4	0	1	124	16,815	4	0	1	125
				TSS	15,426	3	0	1	115	16,618	4	0	1	124	16,828	4	0	1	126
				TSM	15,387	4	0	2	115	16,576	4	0	2	124	16,786	4	0	2	125
				TSW	15,506	4	0	3	116	16,704	4	0	3	125	16,915	4	0	3	126
				BLC	12,151	1	0	2	91	13,090	1	0	2	98	13,255	1	0	2	99
				LCCO	9,041	1	0	3	67	9,740	1	0	3	73	9,863	1	0	3	74
				RCCO	9,041	1	0	3	67	9,740	1	0	3	73	9,863	1	0	3	74
P7	40	1300	166W	T1S	17,023	3	0	3	103	18,338	3	0	3	110	18,570	3	0	3	112
				T2S	17,005	3	0	3	102	18,319	3	0	3	110	18,551	3	0	3	112
				T2M	17,092	3	0	3	103	18,413	3	0	3	111	18,646	3	0	3	112
				T3S	16,553	3	0	3	100	17,832	3	0	3	107	18,058	3	0	3	109
				T3M	17,051	3	0	3	103	18,369	3	0	3	111	18,601	3	0	3	112
				T4M	16,681	3	0	3	100	17,969	3	0	3	108	18,197	3	0	3	110
				TFTM	17,040	3	0	3	103	18,357	3	0	4	111	18,590	3	0	4	112
				TSVS	17,723	4	0	1	107	19,092	4	0	1	115	19,334	4	0	1	116
				TSS	17,737	4	0	2	107	19,108	4	0	2	115	19,349	4	0	2	117
				TSM	17,692	4	0	2	107	19,059	4	0	2	115	19,301	4	0	2	116
				TSW	17,829	5	0	3	107	19,207	5	0	3	116	19,450	5	0	3	117
				BLC	13,971	2	0	2	84	15,051	2	0	2	91	15,241	2	0	2	92
				LCCO	10,396	1	0	3	63	11,199	1	0	3	67	11,341	1	0	3	68
					10,396	1	0	3	63	11,199	1	0	3	67	11,341	1	0	3	68



## Performance Data

### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Rotated Optics																			
Power Package	LED Count	Drive Current	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
P10	30	530	53W	T1S	6,727	2	0	2	127	7,247	3	0	3	137	7,339	3	0	3	138
				T2S	6,689	3	0	3	126	7,205	3	0	3	136	7,297	3	0	3	138
				T2M	6,809	3	0	3	128	7,336	3	0	3	138	7,428	3	0	3	140
				T3S	6,585	3	0	3	124	7,094	3	0	3	134	7,183	3	0	3	136
				T3M	6,805	3	0	3	128	7,331	3	0	3	138	7,424	3	0	3	140
				T4M	6,677	3	0	3	126	7,193	3	0	3	136	7,284	3	0	3	137
				TFTM	6,850	3	0	3	129	7,379	3	0	3	139	7,472	3	0	3	141
				TSVS	6,898	3	0	0	130	7,431	3	0	0	140	7,525	3	0	0	142
				TSS	6,840	2	0	1	129	7,368	2	0	1	139	7,461	2	0	1	141
				TSM	6,838	3	0	1	129	7,366	3	0	2	139	7,460	3	0	2	141
				TSW	6,777	3	0	2	128	7,300	3	0	2	138	7,393	3	0	2	139
				BLC	5,626	2	0	2	106	6,060	2	0	2	114	6,137	2	0	2	116
				LCCO	4,018	1	0	2	76	4,328	1	0	2	82	4,383	1	0	2	83
				RCCO	4,013	3	0	3	76	4,323	3	0	3	82	4,377	3	0	3	83
P11	30	700	72W	T1S	8,594	3	0	3	119	9,258	3	0	3	129	9,376	3	0	3	130
				T2S	8,545	3	0	3	119	9,205	3	0	3	128	9,322	3	0	3	129
				T2M	8,699	3	0	3	121	9,371	3	0	3	130	9,490	3	0	3	132
				T3S	8,412	3	0	3	117	9,062	3	0	3	126	9,177	3	0	3	127
				T3M	8,694	3	0	3	121	9,366	3	0	3	130	9,484	3	0	3	132
				T4M	8,530	3	0	3	118	9,189	3	0	3	128	9,305	3	0	3	129
				TFTM	8,750	3	0	3	122	9,427	3	0	3	131	9,546	3	0	3	133
				TSVS	8,812	3	0	0	122	9,493	3	0	0	132	9,613	3	0	0	134
				TSS	8,738	3	0	1	121	9,413	3	0	1	131	9,532	3	0	1	132
				TSM	8,736	3	0	2	121	9,411	3	0	2	131	9,530	3	0	2	132
				TSW	8,657	4	0	2	120	9,326	4	0	2	130	9,444	4	0	2	131
				BLC	7,187	3	0	3	100	7,742	3	0	3	108	7,840	3	0	3	109
				LCCO	5,133	1	0	2	71	5,529	1	0	2	77	5,599	1	0	2	78
				RCCO	5,126	3	0	3	71	5,522	3	0	3	77	5,592	3	0	3	78
P12	30	1050	104W	T1S	12,149	3	0	3	117	13,088	3	0	3	126	13,253	3	0	3	127
				T2S	12,079	4	0	4	116	13,012	4	0	4	125	13,177	4	0	4	127
				T2M	12,297	3	0	3	118	13,247	3	0	3	127	13,415	3	0	3	129
				T3S	11,891	4	0	4	114	12,810	4	0	4	123	12,972	4	0	4	125
				T3M	12,290	3	0	3	118	13,239	4	0	4	127	13,407	4	0	4	129
				T4M	12,058	4	0	4	116	12,990	4	0	4	125	13,154	4	0	4	126
				TFTM	12,369	4	0	4	119	13,325	4	0	4	128	13,494	4	0	4	130
				TSVS	12,456	3	0	1	120	13,419	3	0	1	129	13,589	4	0	1	131
				TSS	12,351	3	0	1	119	13,306	3	0	1	128	13,474	3	0	1	130
				TSM	12,349	4	0	2	119	13,303	4	0	2	128	13,471	4	0	2	130
				TSW	12,238	4	0	3	118	13,183	4	0	3	127	13,350	4	0	3	128
				BLC	10,159	3	0	3	98	10,944	3	0	3	105	11,083	3	0	3	107
				LCCO	7,256	1	0	3	70	7,816	1	0	3	75	7,915	1	0	3	76
				RCCO	7,246	3	0	3	70	7,806	4	0	4	75	7,905	4	0	4	76
P13	30	1300	128W	T1S	14,438	3	0	3	113	15,554	3	0	3	122	15,751	3	0	3	123
				T2S	14,355	4	0	4	112	15,465	4	0	4	121	15,660	4	0	4	122
				T2M	14,614	3	0	3	114	15,744	4	0	4	123	15,943	4	0	4	125
				T3S	14,132	4	0	4	110	15,224	4	0	4	119	15,417	4	0	4	120
				T3M	14,606	4	0	4	114	15,735	4	0	4	123	15,934	4	0	4	124
				T4M	14,330	4	0	4	112	15,438	4	0	4	121	15,633	4	0	4	122
				TFTM	14,701	4	0	4	115	15,836	4	0	4	124	16,037	4	0	4	125
				TSVS	14,804	4	0	1	116	15,948	4	0	1	125	16,150	4	0	1	126
				TSS	14,679	3	0	1	115	15,814	3	0	1	124	16,014	3	0	1	125
				TSM	14,676	4	0	2	115	15,810	4	0	2	124	16,010	4	0	2	125
				TSW	14,544	4	0	3	114	15,668	4	0	3	122	15,866	4	0	3	124
				BLC	7,919	3	0	3	62	8,531	3	0	3	67	8,639	3	0	3	67
				LCCO	5,145	1	0	2	40	5,543	1	0	2	43	5,613	1	0	2	44
					5,139	3	0	3	40	5,536	3	0	3	43	5,606	3	0	3	44

## A+ Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL® controls marked by a [shaded background](#). DTL DLL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability<sup>1</sup>
- This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a [shaded background](#)<sup>1</sup>

To learn more about A+, visit [www.acuitybrands.com/aplus](http://www.acuitybrands.com/aplus).

1. See ordering tree for details.
2. A+ Certified Solutions for ROAM require the order of one ROAM node per luminaire.  
Sold Separately: [Link to Roam](#); [Link to DTL DLL](#)

## FEATURES & SPECIFICATIONS

### INTENDED USE

The sleek design of the D-Series Size 0 reflects the embedded high performance LED technology. It is ideal for many commercial and municipal applications, such as parking lots, plazas, campuses, and pedestrian areas.

### CONSTRUCTION

Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (0.95 ft<sup>2</sup>) for optimized pole wind loading.

### FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

### OPTICS

Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in 3000 K, 4000 K or 5000 K (70 CRI) configurations. The D-Series Size 0 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

### ELECTRICAL

Light engine(s) configurations consist of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L85/100,000 hours at 25°C). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily serviceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

### STANDARD CONTROLS

The DSX0 LED area luminaire has a number of control options. Dusk to dawn controls can be utilized via optional NEMA twist-lock photocell receptacles. Integrated motion sensors with on-board photocells feature field-adjustable programming and are suitable for mounting heights up to 30 feet.

### nLIGHT AIR CONTROLS

The DSX0 LED area luminaire is also available with nLight® AIR for the ultimate in wireless control. This powerful controls platform provides out-of-the-box basic motion sensing and photocontrol functionality and is suitable for mounting heights up to 40 feet. Once commissioned using a smartphone and the easy-to-use CLAIRITY app, nLight AIR equipped luminaires can be grouped, resulting in motion sensor and photocell group response without the need for additional equipment. Scheduled dimming with motion sensor over-ride can be achieved when used with the nLight Eclipse. Additional information about nLight Air can be found [here](#).

### INSTALLATION

Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 0 to withstand up to a 3.0 G vibration load rating per ANSI C136.31. The D-Series Size 0 utilizes the AERIS™ series pole drilling pattern (template #8). Optional terminal block and NEMA photocontrol receptacle are also available.

### LISTINGS

UL Listed for wet locations. Light engines are IP66 rated; luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D672,492 S. International patent pending.

DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at [www.designlights.org/QPL](http://www.designlights.org/QPL) to confirm which versions are qualified.

International Dark-Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature only.

### WARRANTY

5-year limited warranty. Complete warranty terms located at: [www.acuitybrands.com/resources/terms-and-conditions](http://www.acuitybrands.com/resources/terms-and-conditions)

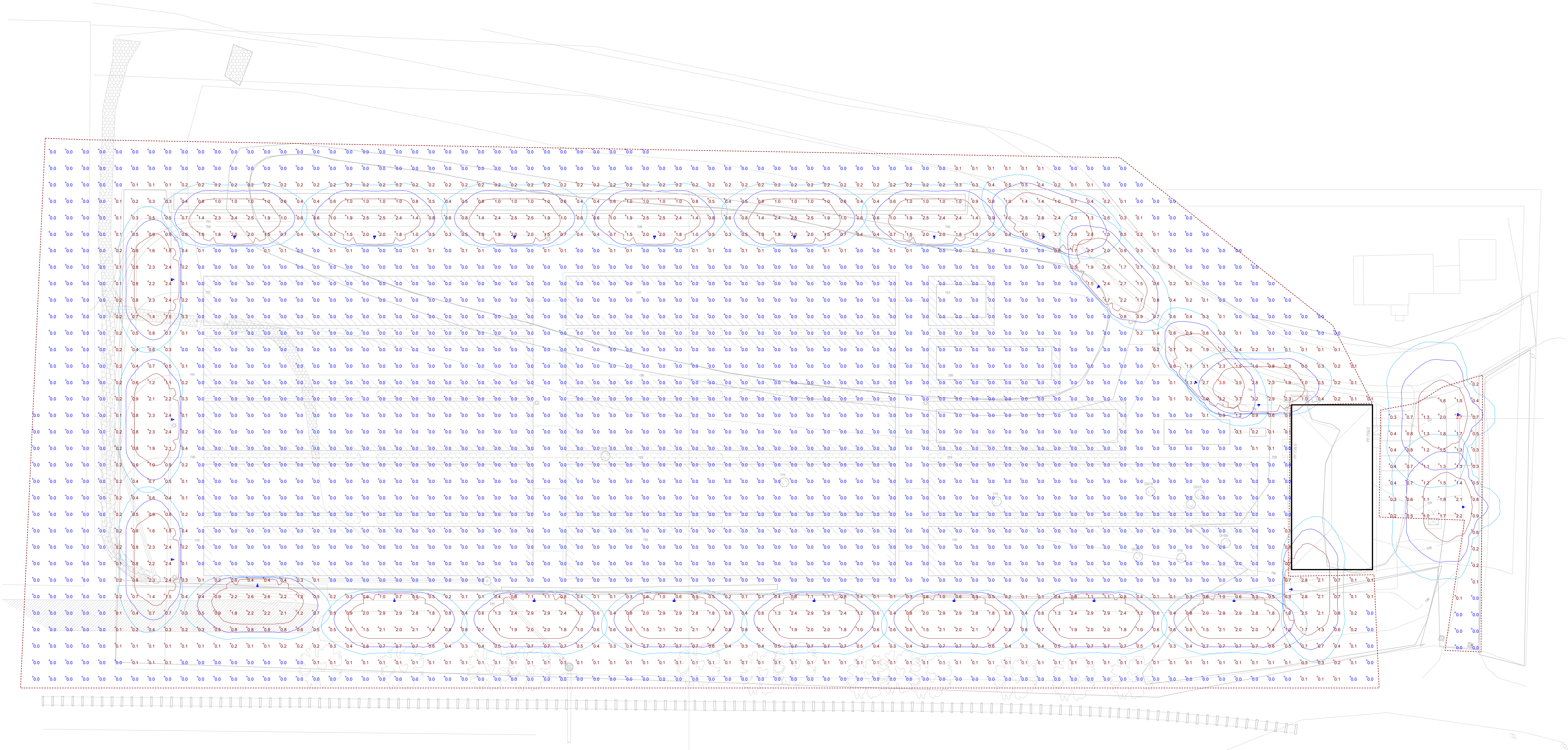
**Note:** Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

Schedule								
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Light Loss Factor	Wattage
<div><div></div><div></div></div>	SL1	22	Lithonia Lighting	DSX0 LED P1 40K BLC MVOLT SPA DOBXD SSS 15 4C DM19AS DOB	DSX0 LED P1 40K BLC MVOLT	LED	0.9	38
<div><div></div><div></div></div>	SL2	2	Lithonia Lighting	DSX0 LED P1 40K T4M MVOLT SPA DOBXD SSS 15 4C DM19AS DOBXD	DSX0 LED P1 40K T4M MVOLT	LED	0.9	38

**Note**  
1. FIXTURE TYPES SL1 AND SL2 ARE SHOWN POLE MOUNTED AT 15' ABOVE FINISHED GRADE.  
2. BLC OPTICS ARE CRITICAL FOR THIS CALCUALTION. ANY DIVIATION FROM THE OPTICS USED IN THE CALCULATION WILL RESULT IN UNACCEPTABLE LIGHT SPILL.



Plan View  
Scale - 1" = 30ft



CANNIBUS FARM  
SITE LIGHTING LAYOUT

Designer

Date

7/22/2019

Scale

Not to Scale

Drawing No.

Summary

# Attachment F

## Test Pits and Observation Logs



Commonwealth of Massachusetts  
Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

**1. Location:** 22 Van Deusenville Rd, Gt Barrington Map 27 Lot 2.6

Date: June 14, 2019

Weather: Cloudy, ~65° F

**2. Land Use:** undeveloped commercial    Stones: ~ every 50'

Landform: outwash/ablation till

**3. Distances From:**    Open Water: >200'    Drainage way: ~50'    Property Line: >50'    DW Well: >100'    Possible Wet Area: >100'

**4. Parent Material:** Ablation till/outwash

Groundwater:    Weeping    Standing    Redox

Deep Holes:	Time	Type	Weeping	Standing	Redox
	1:15 PM	TP-3	96"	None	~4'
	1:40 PM	TP-4	84"	100"	~4'

Slope: flat    Vegetation: grass/deciduous trees

Landscape Position: Footslope

Unsuitable Materials Present: Some surface fill

Depth (inches)	Soil Horizon/ Layer	Soil Matrix Color	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence	Comments
			Depth	Color	%		Gravel	Cobbles			
TP-3	Fill	2.5 Y 4/4	None			Very Gravelly Loamy Sand	35	5	Granular	Friable	
0-24											
24-40	Bw	10 YR 4/6	None			Gravelly Sand	20	5	Single Grain	Loose	
40-102	C	2.5 Y 5/3	~4'	7.5 YR 5/8 2.5 Y 6/2	15% 5%	Very Gravelly Fine Sand	25	10	Massive	Friable	Moist ~7'
TP-4	Fill	2.5 Y 4/4	None			Very Gravelly Loamy Sand	35	5	Granular	Friable	
0-24											
24-35	Bw	10 YR 4/3	None			Gravelly Loamy Sand	20	5	Massive	Friable	
35-102	C	2.5 Y 5/3	~4'	7.5 YR 5/8 2.5 Y 6/2	15% 5%	Gravelly Sandy Loam	15	5	Massive	Friable	Wet >6'

Commonwealth of Massachusetts  
Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

1. Location: 22 Van Deusenville Rd, Gt Barrington Map 27 Lot 2.6

Date: June 14, 2019

Weather: Cloudy, ~65° F

Groundwater:		Weeping	Standing	Redox	
Deep Holes:	2:00 PM	TP-5	60"	70"	~4'

2. Land Use: undeveloped commercial Stones: ~ every 50'

Slope: flat

Vegetation: grass/deciduous trees

Landform: outwash/ablation till

Landscape Position: Footslope

3. Distances From: Open Water: >200' Drainage way: ~50'

Property Line: >50'

DW Well: >100'

Possible Wet Area: >100'

4. Parent Material: Ablation till/outwash

Unsuitable Materials Present: Some surface fill

Depth (inches)	Soil Horizon/ Layer	Soil Matrix Color	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence	Comments
			Depth	Color	%		Gravel	Cobbles			
TP-5											
0-18	Fill	2.5 Y 4/4	None			Very Gravelly Loamy Sand	30	5	Granular	Friable	
18-32	Bw	10 YR 5/4	None			Gravelly Sandy Loam	15	10	Massive	Friable	
32-48	C1	10 YR 4/6	None			Very Gravelly Sand	35	5	Single Grain	Loose	
48-90	C2	2.5 Y 5/3	~4'	7.5 YR 5/8 2.5 Y 6/2	15% 5%	Gravelly Sandy Loam	20	5	Massive	Friable	Wet >6'

Additional Notes:

## Commonwealth of Massachusetts

**Form 11** (Soil Suitability Assessment for On-Site Sewage Disposal) and **Form 12** (Percolation Test)**A. Owner Information:**

Owner: Nolan Realty Trust (seller)/Fulcrum Enterprises (buyer) Map: **27**  
 Address: **22 Van Deusenville Road** Lot: **2.6**  
 Town: **Great Barrington** Contact: Matt Puntin, SK Design Group, Inc.

**B. Perc Test Results**

Date & Time:	6/14/19 9:45 AM	6/14/19 10:00 AM
Observation Hole:	<b>Perc -1</b>	<b>Perc-2</b>
Depth of Perc:	36"	40"
Start Pre-Soak:	10:00	10:06
End Pre-Soak:	10:01	10:21
Time @ 12":	10:15	10:21
Time @ 9":	10:17	10:23
Time @ 6":	10:20	10:28
Time (9"-6") minutes:	3 minutes	5 min
Rate:	<b>1 min/inch</b>	<b>1.7 min/inch</b>
Passed/Failed:	Pass	Pass

**C. Site Information and Soil Summary:**

System Type: **New Construction** Soil Mapping: **PvB**, Pittsfield Loam 3-8% slopes, extremely stoney  
 Soil Characteristics: **Moderately rapid permeability with groundwater generally 4' or more**  
 Floodplain: **Above 100-yr boundary**  
 Current Water Conditions: **Normal** Month/Year: **June 2019**  
 References: **MassGIS online mapping- Assessor's Lots, Soils, DEP Priority Resources, Wetlands**

Test Pit:	TP-1A	TP-1B	TP-2A	TP-2B
Depth to Redox/high GW:	<b>48"</b>	<b>48"</b>	<b>54"</b>	<b>52"</b>
Depth of Natural Soil (feet):	5.7	5.5	5.8	5.7
Upper Boundary (inches):	10	12	14	16
Lower Boundary (inches):	78	78	84	84

Comments: New construction for potential office building. Van Deusenville Rd served by Housatonic Water company. Status of septic for existing unoccupied 4-bedroom farmhouse on the property is unknown.

**D. Certification:**

Soil Evaluator: Scott T. McFarland License #: SE 2902 Date of SE Exam: 11/9/04

  
 Signature Date July 2, 2019

BOH Witness: Rebecca Jurczyk Town: Great Barrington

I certify that I am currently approved by the Department of Environmental Protection pursuant to 310 CMR 15.017 to conduct soil evaluations and that the above analysis has been performed by me consistent with the required training, expertise, and experience described in 310 CMR 15.017. I further certify that the results of my soil evaluation, as indicated on the attached soil evaluation form, are accurate and in accordance with 310 CMR 15.100 through 15.107.

Commonwealth of Massachusetts  
Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

**1. Location:** 22 Van Deusenville Rd, Gt Barrington Map 27 Lot 2.6

Date: June 14, 2019

Weather: Cloudy, ~65° F

**2. Land Use:** undeveloped commercial    Stones: ~ every 50'

Landform: outwash/ablation till

**3. Distances From:**    Open Water: >200'    Drainage way: >50'    Property Line: >25'    DW Well: >100'    Possible Wet Area: >100'

**4. Parent Material:** Ablation till/outwash

Groundwater:    Weeping    Standing    Redox

Deep Holes:					
9:30 AM	<b>TP-1A</b>	60"	60"	<b>48"</b>	
9:45 AM	<b>TP-1B</b>	64"	64"	<b>48"</b>	

Slope: flat    Vegetation: grass/deciduous trees

Landscape Position: Footslope

Unsuitable Materials Present: No

Depth (inches)	Soil Horizon/ Layer	Soil Matrix Color	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence	Comments
			Depth	Color	%		Gravel	Cobbles			
<b>TP-1A</b>											
0-10	A	10 YR 3/3	None			Sandy Loam	10	5	Granular	Friable	
10-36	Bw	10 YR 5/4	None			Gravelly Sandy Loam	15	5	Weak Sub-Angular blocky	Friable	
36-78	C	2.5 Y 4/3	<b>48"</b>	7.5 YR 5/8 2.5 Y 6/2	15% 5%	Very Gravelly Sand	35	10	Single Grain	Loose	Few roots to 48"
<b>TP-1B</b>											
0-12	A	10 YR 3/3	None			Sandy Loam	10	5	Granular	Friable	
12-26	Bw	10 YR 5/4	None			Gravelly Sandy Loam	15	5	Weak Sub-Angular blocky	Friable	
26-78	C	2.5 Y 4/3	<b>48"</b>	7.5 YR 5/8 2.5 Y 6/2	15% 5%	Gravelly Sandy Loam	20	5	Single Grain	Loose	Few roots to 50"

Additional Notes: .....



Commonwealth of Massachusetts  
Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

**1. Location:** 22 Van Deusenville Rd, Gt Barrington Map 27 Lot 2.6

Date: June 14, 2019

Weather: Cloudy, ~65° F

**2. Land Use:** undeveloped commercial    Stones: ~ every 50'

Landform: outwash/ablation till

**3. Distances From:**    Open Water: >200'    Drainage way: >50'    Property Line: >25'    DW Well: >100'    Possible Wet Area: >100'

**4. Parent Material:** Ablation till/outwash

Groundwater:    Weeping    Standing    Redox

Deep Holes:	Time	TP	Weeping	Standing	Redox
	10:00 AM	TP-2A	74"	74"	54"
	10:15 AM	TP-2B	68"	68"	52"

Slope: flat    Vegetation: grass/deciduous trees

Landscape Position: Footslope

Unsuitable Materials Present: No

Depth (inches)	Soil Horizon/ Layer	Soil Matrix Color	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence	Comments
			Depth	Color	%		Gravel	Cobbles			
TP-2A	A	10 YR 3/3	None			Sandy Loam	10	5	Granular	Friable	
0-14											
14-30	Bw	10 YR 5/4	None			Sandy Loam	10	5	Week Sub-Angular blocky	Friable	
30-84	C	2.5 Y 4/3	54"	7.5 YR 5/8	15%	Very Gravelly Loamy Sand	30	10	Single Grain	Loose	Few roots to 60"
TP-2B	A	10 YR 3/3	None			Sandy Loam	10	5	Granular	Friable	
0-16											
16-28	Bw	10 YR 5/4	None			Sandy Loam	10	5	Week Sub-Angular blocky	Friable	
28-84	C	2.5 Y 4/3	52"	7.5 YR 5/8	15%	Very Gravelly Loamy Sand	30	10	Single Grain	Loose	Few roots to 50"

Additional Notes: .....

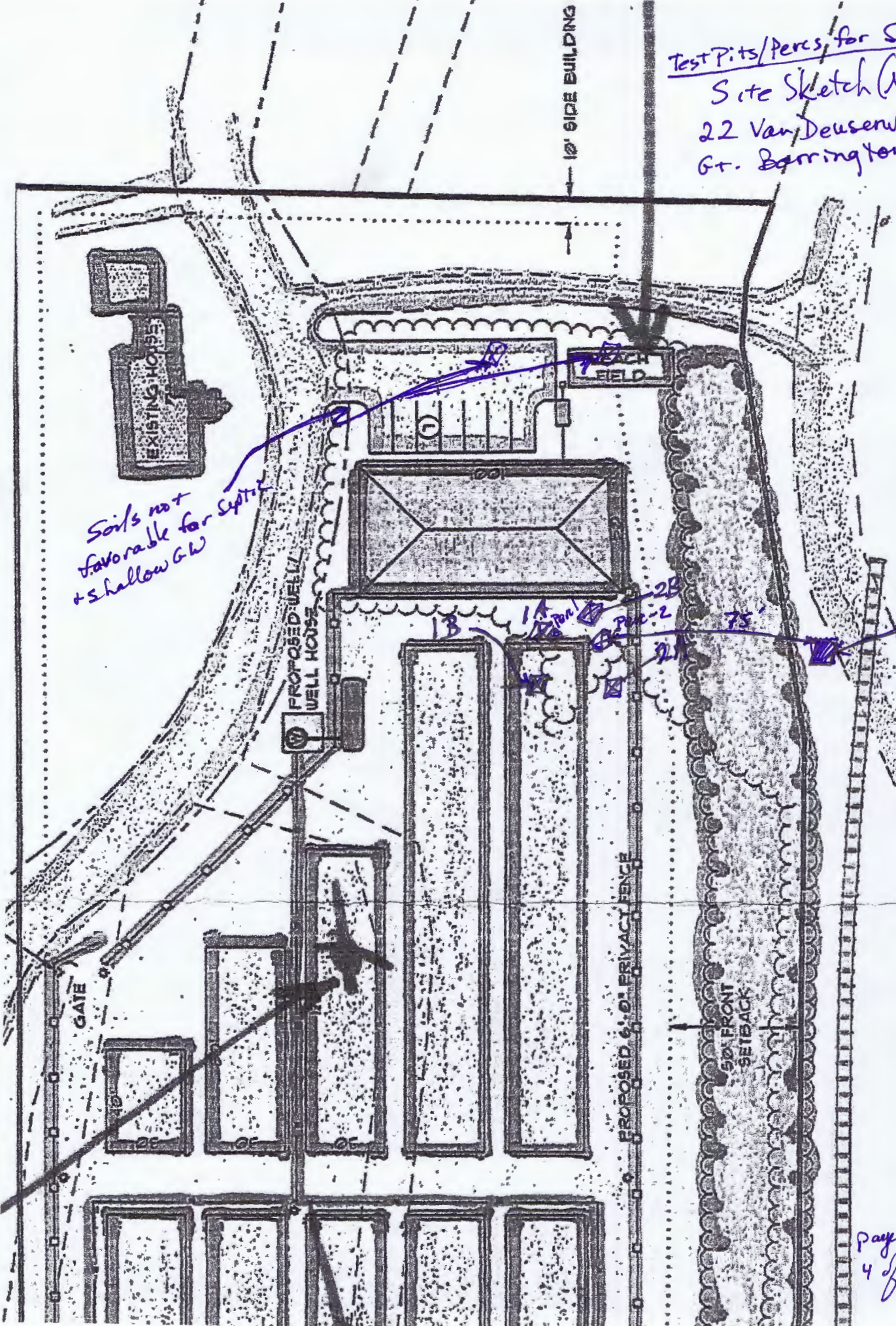


Test Pits/Percs for Septic  
 Site Sketch (Not To Scale)  
 22 Van Deusenville Rd  
 Gr. Barrington Map 27  
 Lot 2.6

Approximate  
 North  
 >

Soils not  
 favorable for Septic  
 + shallow G.W.

Electric  
 for RR  
 75' to  
 perc-2  
 105' perc-1





## Attachment G

Plans to Accompany  
Permit Applications

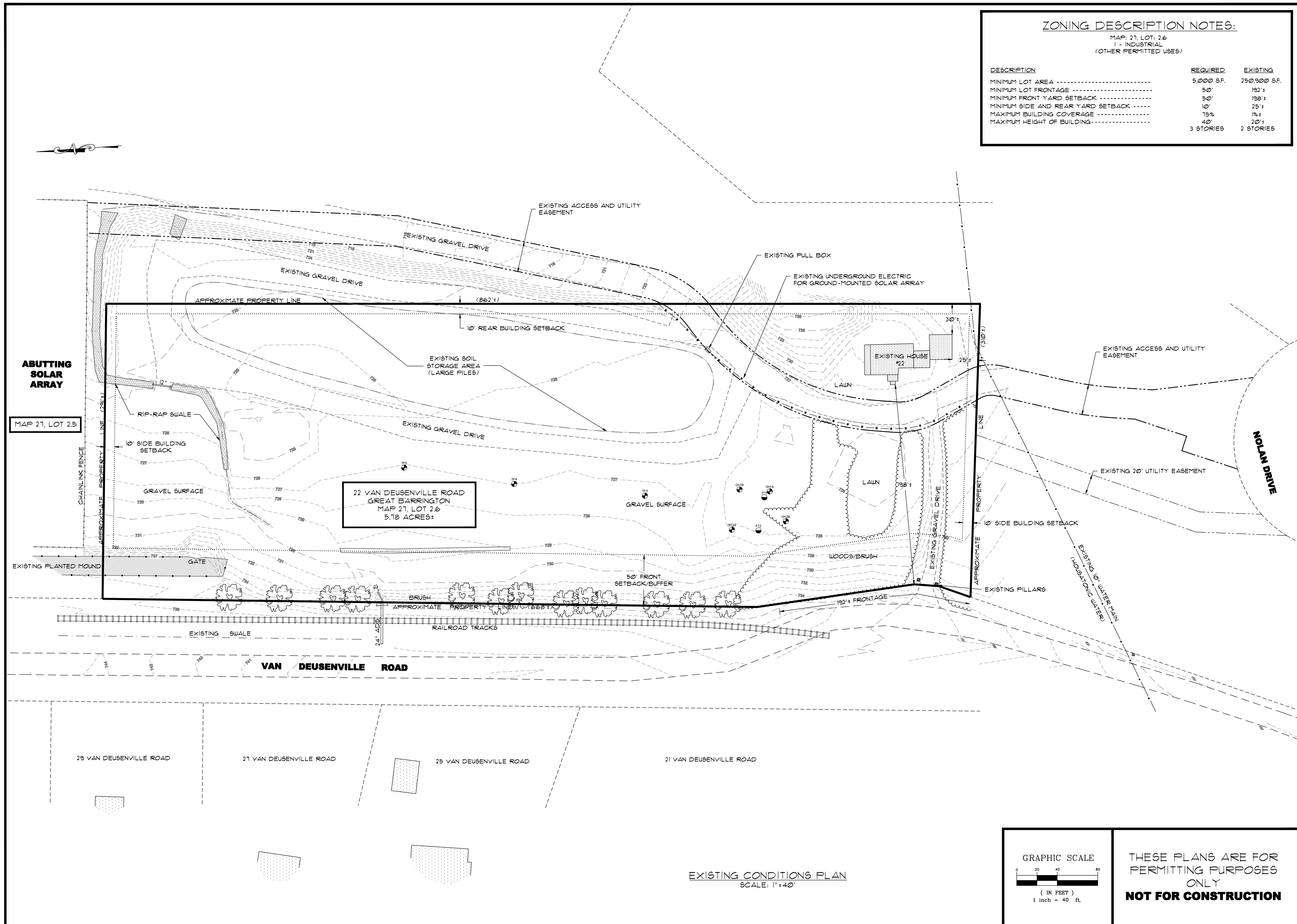
Prepared by  
SK Design Group, Inc.





DRAWN BY: <b>SMG</b>	CHECKED BY: <b>JMS II</b>
DATE: <b>JULY 1, 2019</b>	SHEET NO. <b>1</b>
USED FOR: <b>PERMIT</b>	OF <b>6</b>
SCALE: <b>1"=40'</b>	





<u>ZONING DESCRIPTION NOTES:</u>		
MAP: 27, LOT: 26		
I - INDUSTRIAL		
(OTHER PERMITTED USES)		
<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>EXISTING</u>
MINIMUM LOT AREA -----	5,000 SF.	250,900 SF.
MINIMUM LOT FRONTAGE -----	50'	192'±
MINIMUM FRONT YARD SETBACK -----	50'	198'±
MINIMUM SIDE AND REAR YARD SETBACK -----	10'	25'±
MAXIMUM BUILDING COVERAGE -----	75%	1%
MAXIMUM HEIGHT OF BUILDING-----	40'	20'±
	3 STORIES	2 STORIES

PLANS TO ACCOMPANY PERMIT APPLICATIONS  
PREPARED FOR:  
**FULCRUM ENTERPRISES, LLC**  
LOCATED AT:  
22 VAN DEUSENVILLE ROAD  
GREAT BARRINGTON, MASSACHUSETTS

**Design Group, Inc.**  
Civil Engineers • Surveyors • Consultants  
2 FRANKLIN DRIVE • PITTSFIELD, MASSACHUSETTS 01201 • (413) 443-3887

COMMONWEALTH OF MASSACHUSETTS  
JAMES M. SCALUSSE, II  
CIVIL  
No. 39983  
REGISTERED  
PROFESSIONAL ENGINEER

JAMES M. SCALUSSE II  
SK DESIGN GROUP PRESIDENT  
LICENSE #39983  
PROFESSIONAL OF RECORD  
PHONE: 413-443-3537

<b>REVISION:</b>	

DRAWN BY:  <div style="background-color: black; color: white; text-align: center; padding: 2px;"><b>SMG</b></div> ORIG. DATE: <b>JULY 1, 2019</b> <hr/> ISSUED FOR: <div style="background-color: black; color: white; text-align: center; padding: 2px;"><b>PERMIT</b></div> SCALE: <div style="background-color: black; color: white; text-align: center; padding: 2px;"><b>1"=40'</b></div>	CHECKED BY:  <div style="background-color: black; color: white; text-align: center; padding: 2px;"><b>JMS II</b></div> SHEET NO.  <div style="font-size: 4em; font-weight: bold; text-align: center;">2</div> <p style="text-align: center; margin-top: -10px;">OF</p> <div style="font-size: 6em; font-weight: bold; text-align: center;">6</div>
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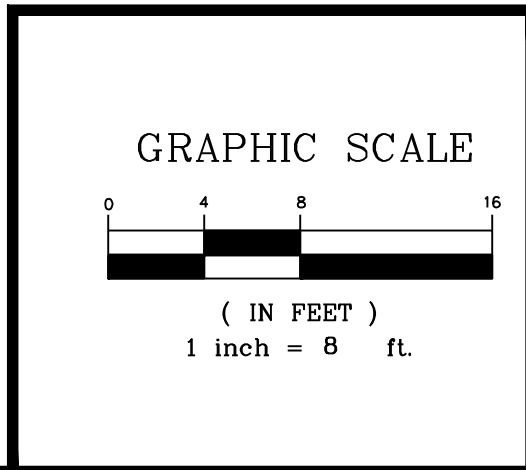
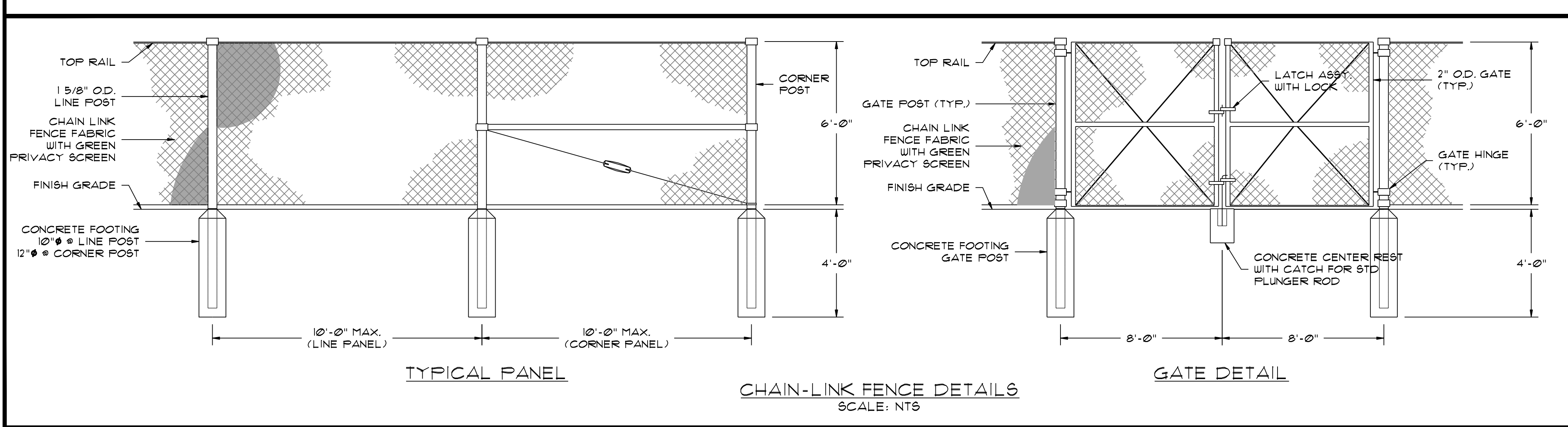
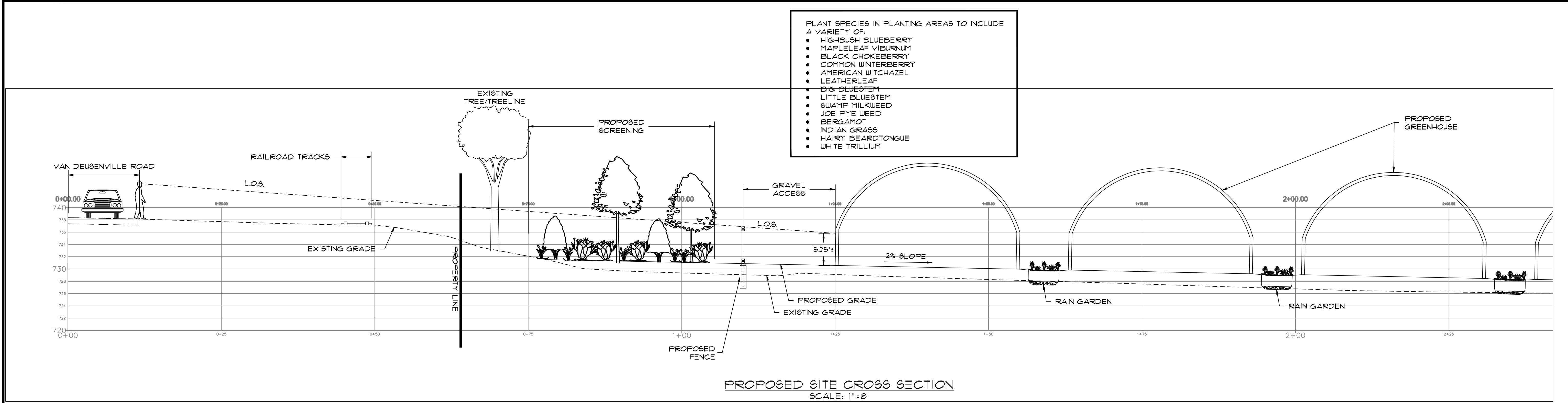
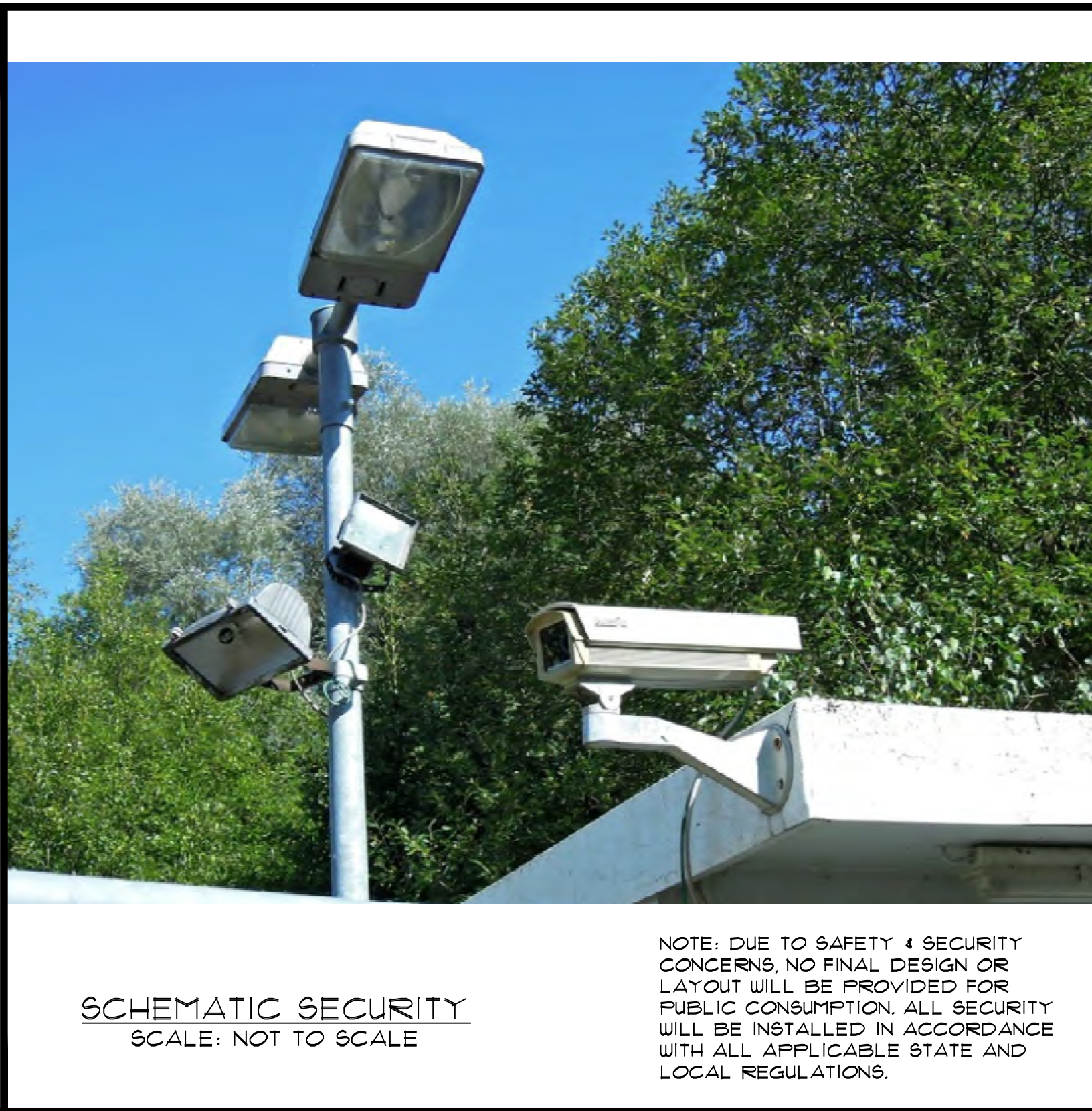
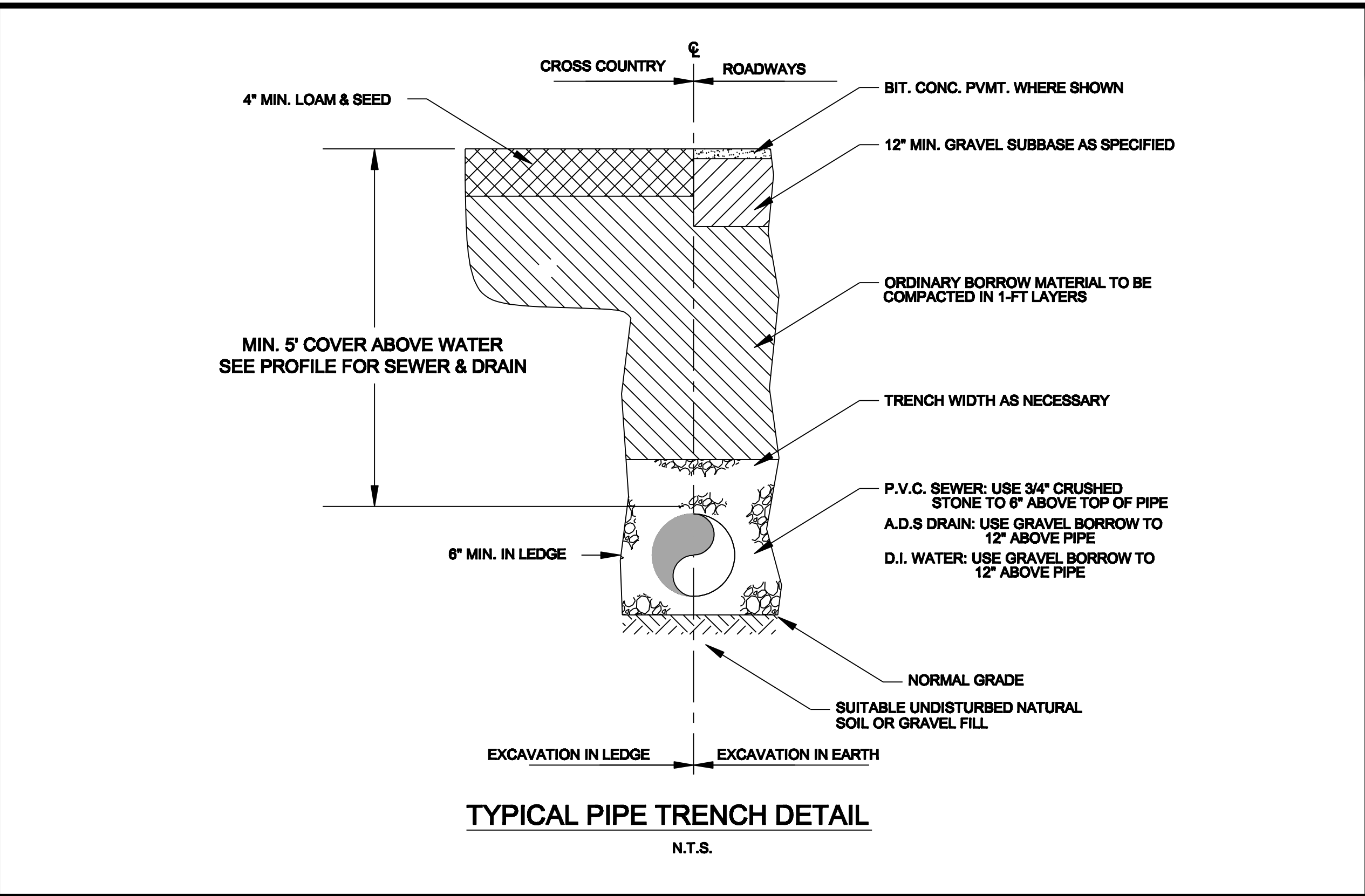
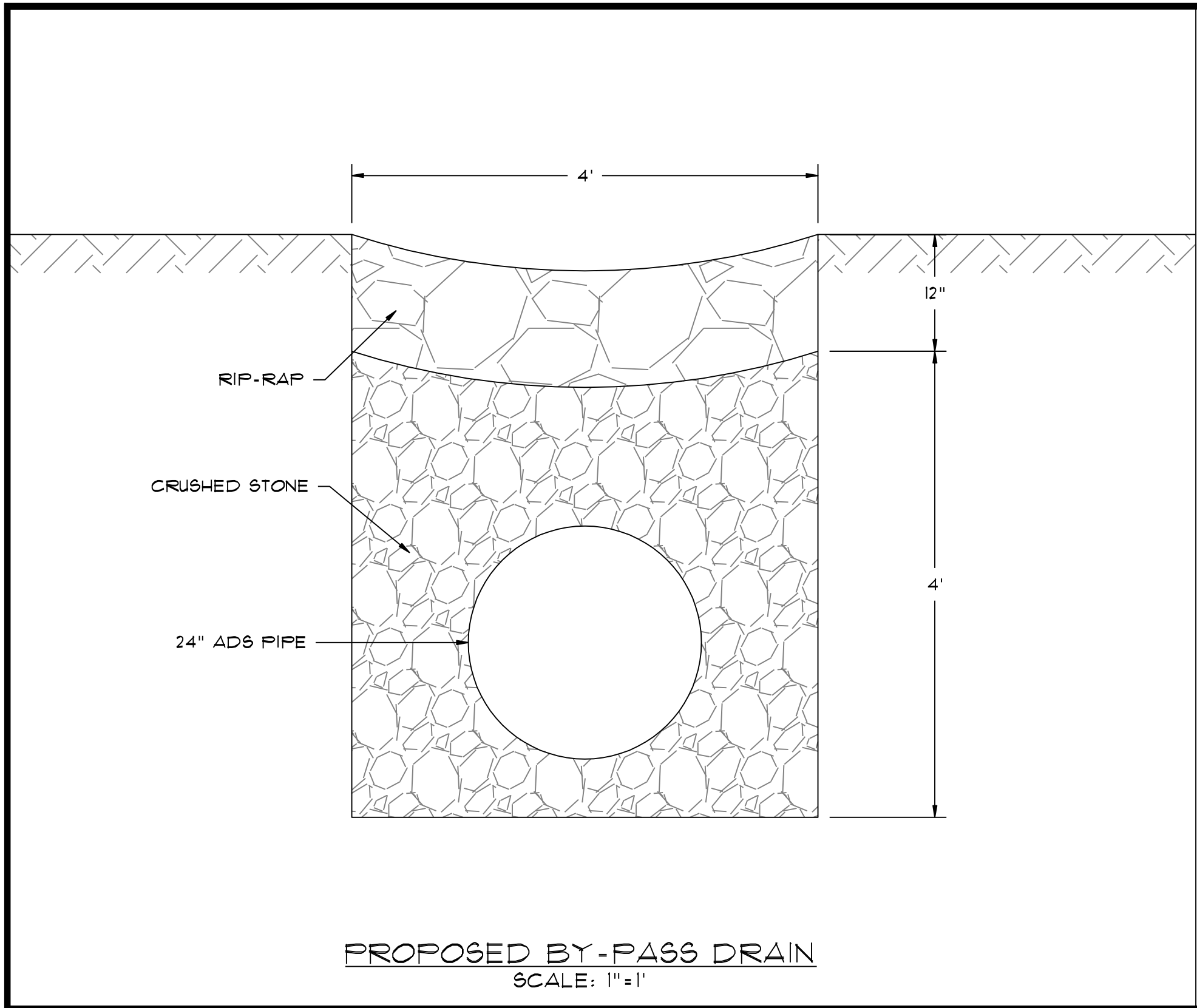






[illegible]





THESE PLANS ARE FOR  
PERMITTING PURPOSES  
ONLY  
**NOT FOR CONSTRUCTION**

PLANS TO ACCOMPANY PERMIT APPLICATIONS  
PREPARED FOR:  
**FULCRUM ENTERPRISES, LLC**  
LOCATED AT:  
22 VAN DEUSENVILLE ROAD  
GREAT BARRINGTON, MASSACHUSETTS

**Design Group, Inc.**  
Civil Engineers • Surveyors • Consultants  
17000 ROUTE 1 • PITTSFIELD, MASSACHUSETTS 01201 • (413) 443-3337

SK DESIGN GROUP PROJECT #:  
**130043**

COMMONWEALTH OF MASSACHUSETTS  
JAMES M. SKALISE, II  
CIVIL  
No. 39883  
REGISTERED PROFESSIONAL ENGINEER

REVISION:

DRAWN BY:	SMG	CHECKED BY:	JMS II
ORIG. DATE:	JULY 1, 2019	SHEET NO.	5
ISSUED FOR:	PERMIT	OF	6
SCALE:	1"=40'		





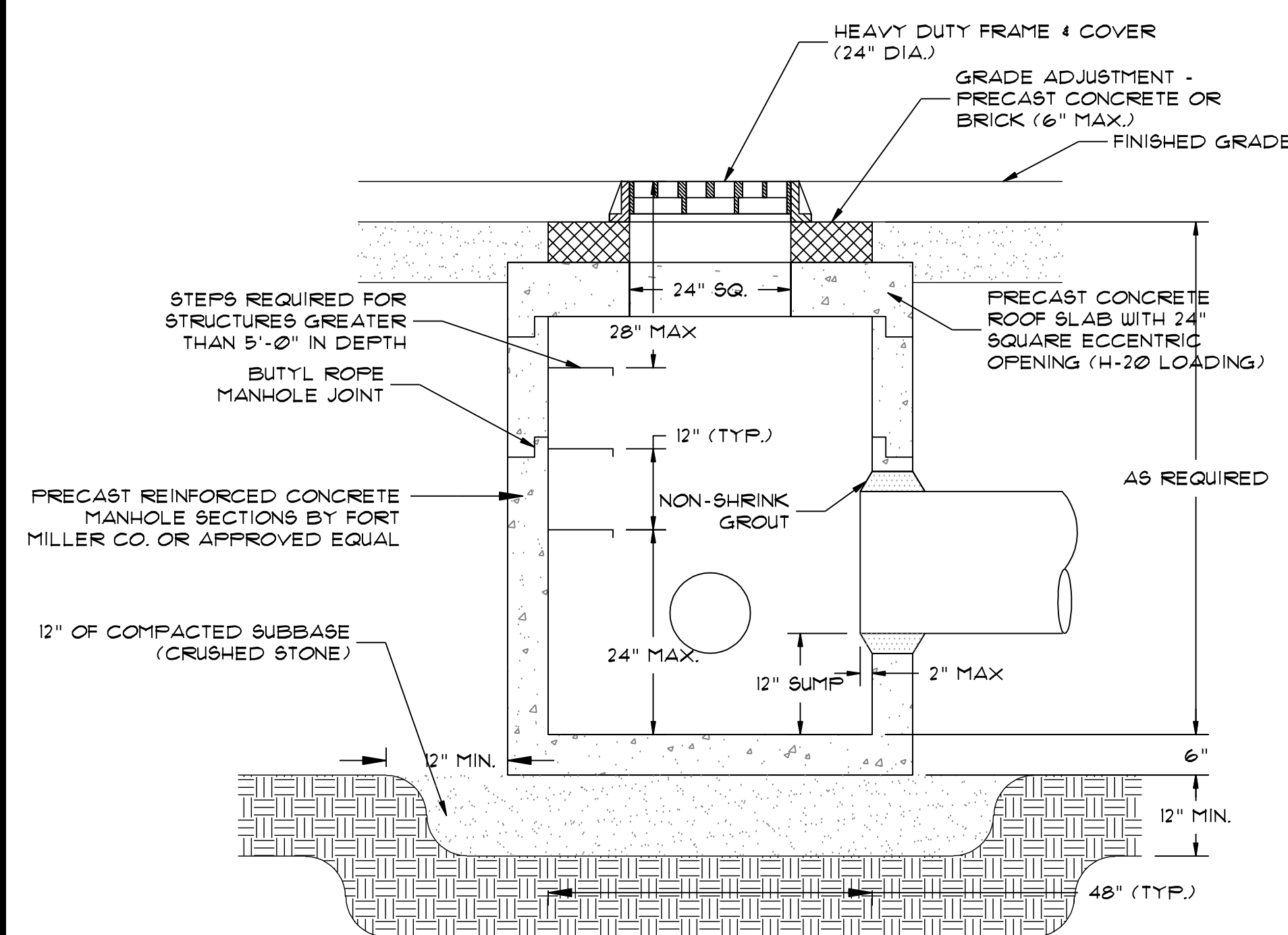
Diagram illustrating a tree planting method, showing a tree trunk and root ball within a wire cage structure. The diagram includes the following labels and components:

- RUBBER OR VINYL HOSE SECTIONS, NO. 14 GALV. WIRE
- 2"x2"x8" HARDWOOD STAKES. PROVIDE (2) FOR 2" CALIPER OR LESS, (3) FOR 2½" CAL. OR MORE
- 3" BARK MULCH
- MOUND UP TOP SOIL 3" AROUND TREE TO HOLD WATER
- PREPARED TOPSOIL
- REMOVE OR ROLL BACK BURLAP FROM TOP HALF OF ROOT BALL IF PLASTIC OR METAL, REMOVE COMPLETELY
- SUBSOIL

NOTE TO ALL CONTRACTORS: SURROUND ROOT BALL WITH 6" OF GOOD QUALITY TOPSOIL, AS SHOWN. WORK WILL BE CHECKED

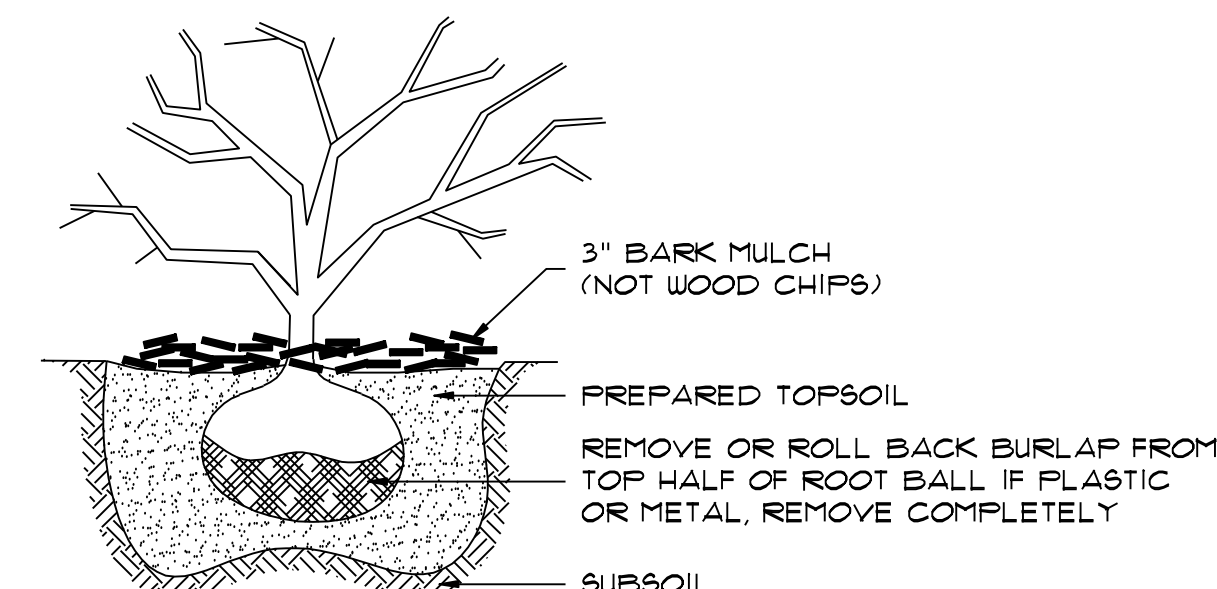
**PLANTING SOIL MIX:**  
40% SAND, 20-30% TOPSOIL, 30-40% COMPOST  
CLEAN SAND MEETING AASHTO 11-6 OR ASTM C-33.  
TOPSOIL IS SANDY/LOAMY SAND, OR LOAM  
(USDA TEXTURE TRIANGLE)  
MAXIMUM CLAY CONTENT LESS THAN 5%  
PH RANGE 5.5 - 6.5  
UNIFORM MIX FREE OF STONES, ROOTS, ETC. GREATER THAN 2 INCHES

IN ADDITION, SOME DYNAMIC ACCUMULATOR  
PLANTS SHOULD BE SUPPLEMENTED:  
COMFREY AND HORSETAIL



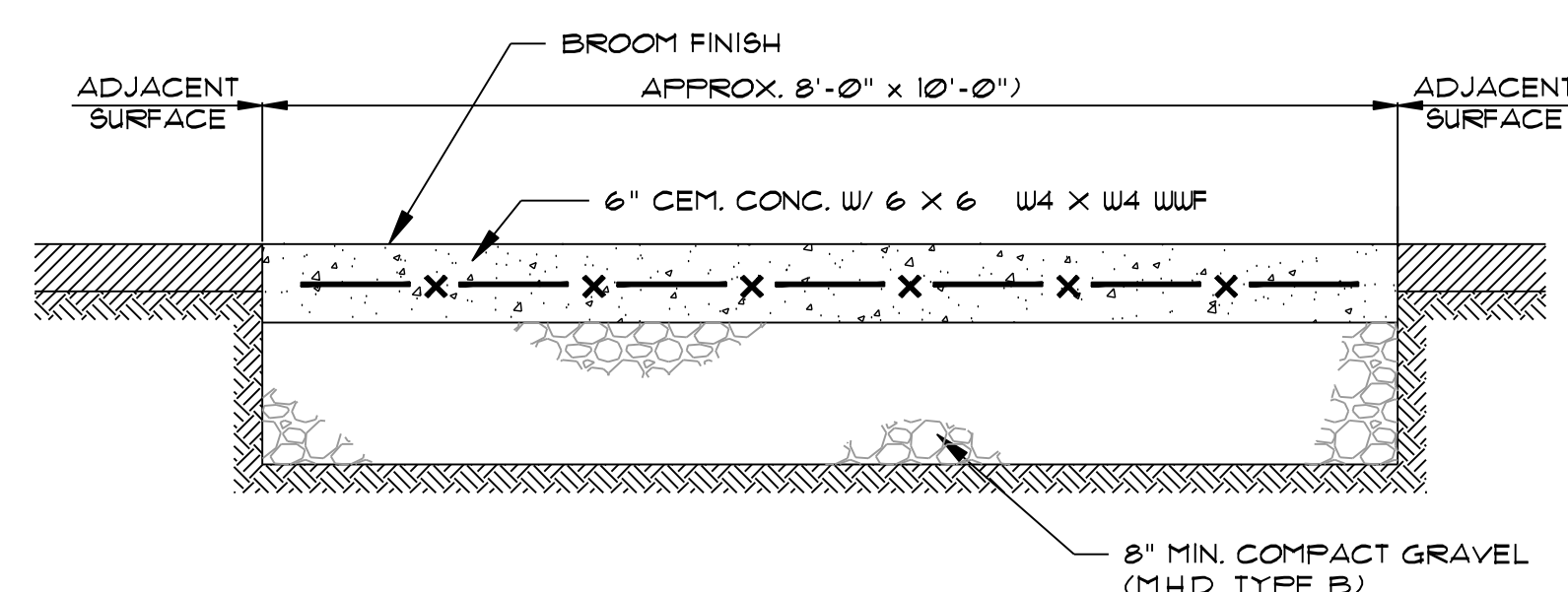
**NOTE:**  
1. FRAME AND GRATE/COVER FOR  
EACH STORM STRUCTURE SHALL BE SET IN MORTAR BED.

PRECAST DRAIN MANHOLE DETAIL  
SCALE: NTS

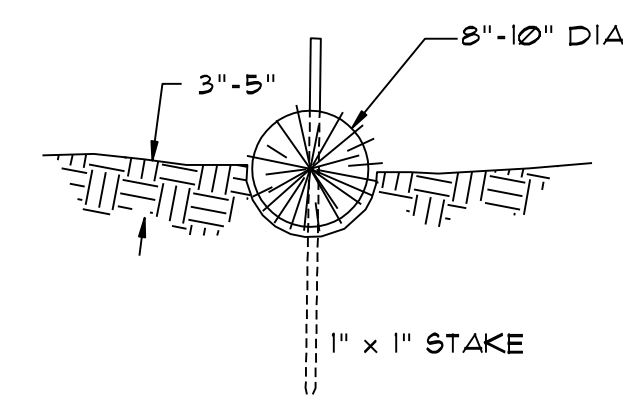


NOTE TO ALL CONTRACTORS: SURROUND  
ROOT BALL WITH 6" OF GOOD QUALITY  
TOPSOIL, AS SHOWN. WORK WILL BE CHECKED

DETAIL - SHRUB PLANTING  
SCALE: NTS

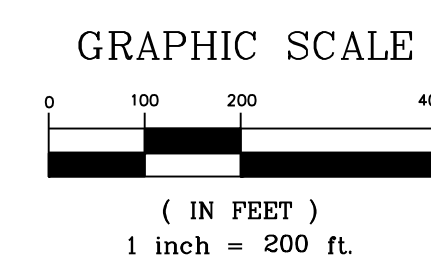


DETAIL - DUMPSTER PAD  
SCALE: N.T.S.



**NOTE:**  
1. STRAW ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3"-5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL.

DETAIL - STRAW WATTLE EROSION BARRIER



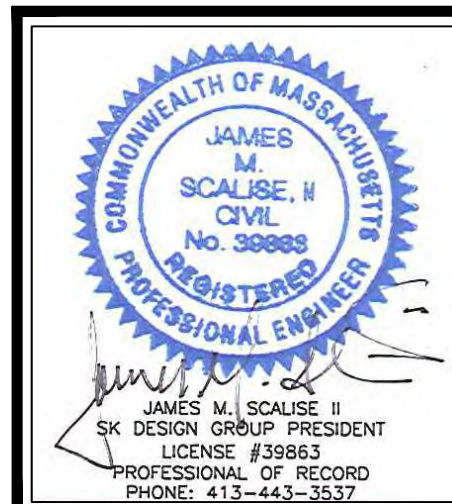
THESE PLANS ARE FOR  
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PLANS TO ACCOMPANY PERMIT APPLICATIONS  
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## SECTIONS AND DETAILS

SK DESIGN GROUP PROJECT #  
190043



REVISION:

DRAWN BY: <b>SMG</b>	CHECKED BY: <b>JMS II</b>
ORIG. DATE: <b>JULY 1, 2019</b>	SHEET NO. <b>6</b>
ISSUED FOR: <b>PERMIT</b>	OF
SCALE: <b>1"=40'</b>	



# Additional Material Fulcrum



RESILIENCE

## Site Plan Planting Alternatives

### Area 1 - Roadway Screening Mound

Here are three initial planting scenarios to consider and some thoughts on their suitability for this site. The two main resources used in narrowing these options are the Biodiversity Report from the State and the Pollinator Plan adopted by the Town. Selecting one of these should provide enough detail for the next level of site planning. A planting plan can then be developed later this month. All are good options for the Great Barrington site, but not all will work for the screening application on the planned mound.

- **Option 1 - Pitch Pine Scrub Oak Community OR Yellow Oak Dry Calcareous Forest**

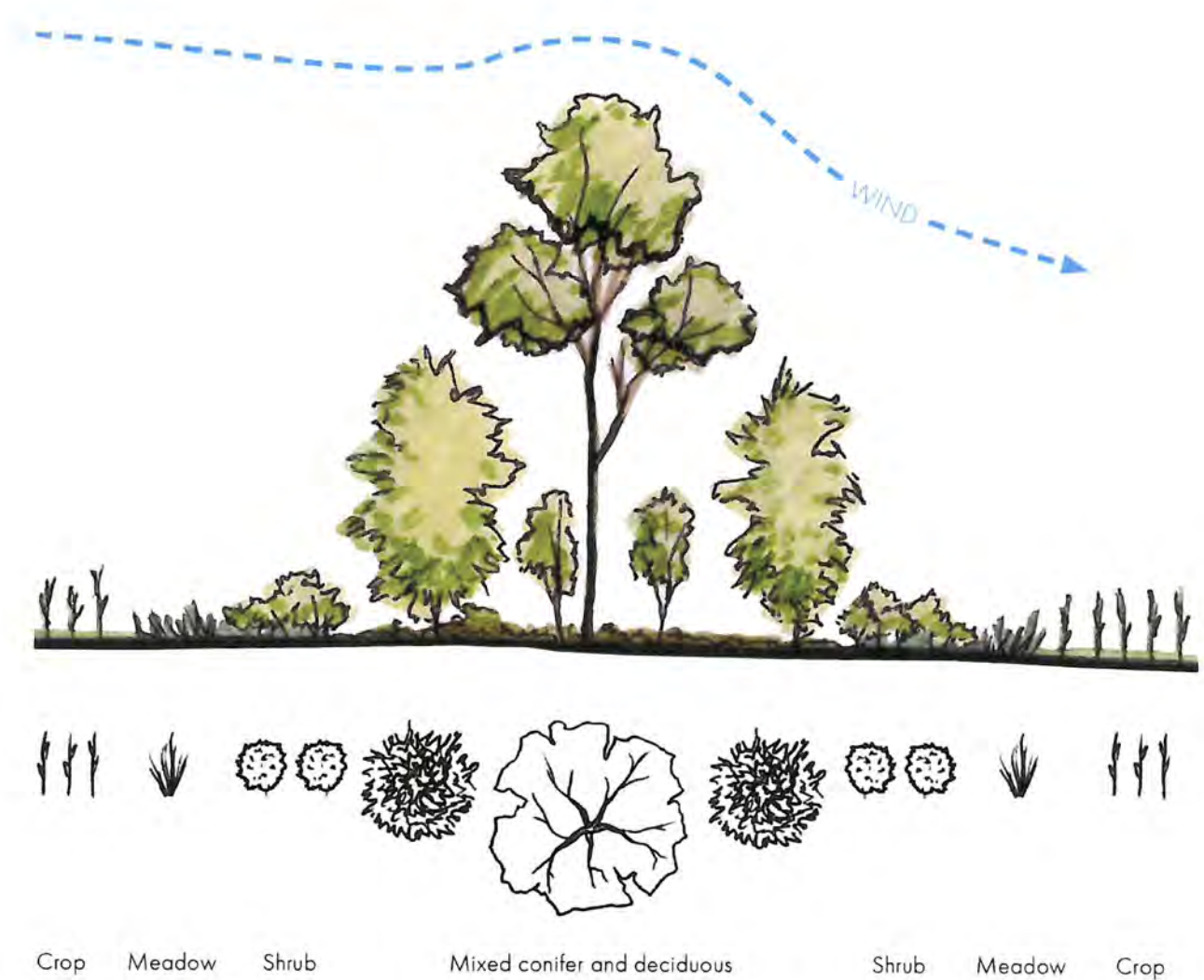
These are two of the priority natural communities identified in by the State of Massachusetts that could work on the mounded soil along the road. Of the two the pitch pine scrub oak community appears to be the most promising for screening purposes, but to be truly effective it should be managed using fire, and that seems like a poor fit for this site. The other natural communities are best suited to wetter environments, or include the hardwood – hemlock – white pine forest which has trees that may be too tall for this particular location.

- Source: the BioMap2 biodiversity report by the State of Massachusetts - <https://www.mass.gov/files/documents/2016/08/qe/great-barrington.pdf>

- **Option 2 – Pollinator Hedgerow Scenario**

"Pollinator hedgerows are diverse linear plantings of native flowering trees, shrubs, perennial wildflowers and grasses, designed to provide foraging and nesting habitat for pollinators. Throughout much of Great Barrington, agricultural parcels lack these long, contiguous bands of natural vegetation. Hedgerows defined by Merriam-Webster as "a row of shrubs or trees enclosing or separating fields," can act as wildlife corridors, allowing dispersal between isolated habitats. These physical barriers also serve as windbreaks, and can impede pesticide drift. Bumble bees are known to use hedgerows to guide their foraging activity. Many farms have cut into existing hedgerows, impeding habitat networks for pollinators.

As illustrated in the following image, this ecosystem would provide screening based on the mixed conifer and deciduous tree species assembled in the center. These species can be selected from a list of native plants and the maximum height at maturity will be a consideration during selection. The maintenance of this system would require little mowing annually



Source: Great Barrington Pollinator Action Plan -

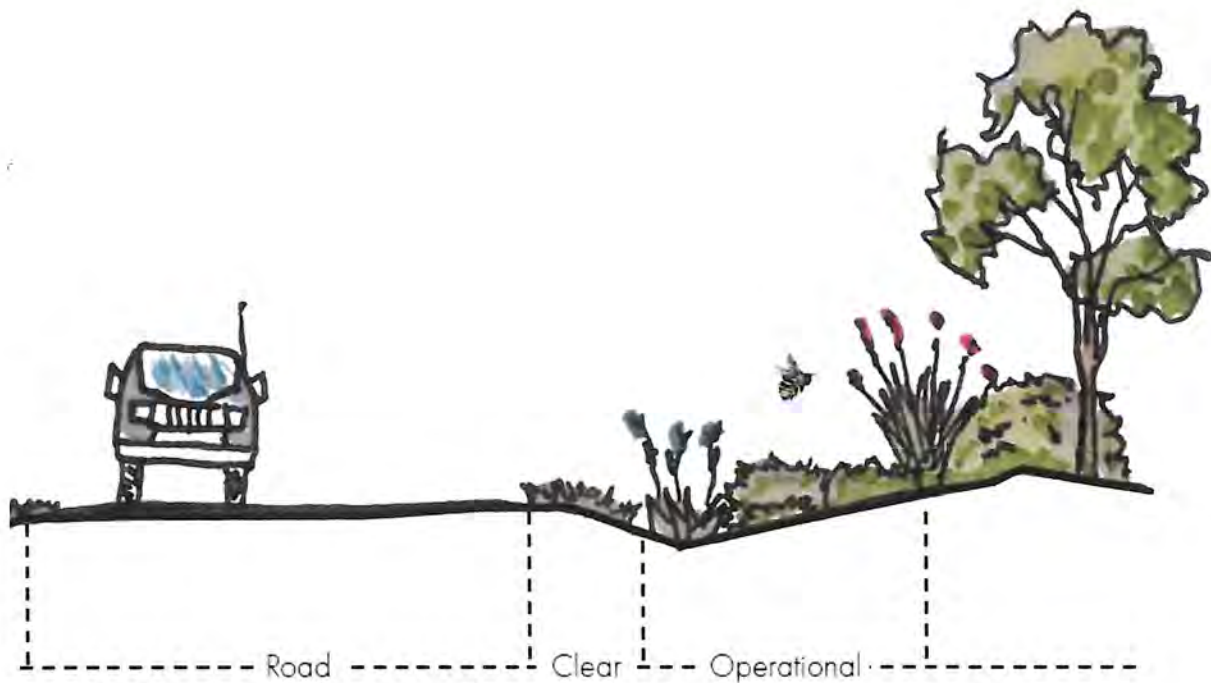
<https://www.townofgb.org/sites/greatbarringtonma/files/uploads/greatbarringtonpollinatoractionplan2018.pdf>

- **Option 3 – Pollinator Meadow and Tree Line Scenario– p.68**

Pollinator meadows are large, contiguous bands of flowering perennials and annuals, selected to attract pollinators throughout the growing season. Establishing such a meadow system on the planting mound with a tree line for screening behind may be the simplest planting scenario with the most straight forward annual maintenance. In many ways this design scenario is close to the roadside pollinator strip suggested in the Town's Pollinator Plan. As the Plan explains "roadsides can function as linear pollinator corridors of flowering vegetation. Some key benefits to roadside meadows are reduced mowing cost, stormwater infiltration with native plant species, and invasive species reduction." The tree species for the tree line can be selected from a list of native plants and the maximum height at maturity will be a consideration during selection. Some evergreen



species will need to be included and will certainly help with screening. The tree line scenario may also allow for better security monitoring between the tree line and security fence.



Some recommended plant species to select from during final design of the vegetated mound:

#### Wildflowers & Grasses

*Andropogon gerardii*: Big bluestem

*Asclepias tuberosa*: Butterfly weed

*Aquilegia canadensis*: Red columbine

*Asarum canadense*: Canadian wild ginger

*Asclepias incarnata*: Swamp milkweed

*Baptisia species*: False indigo

*Boltonia asteroides*: Thousand flowered aster



*Eupatorium fistulosum*: Joe Pye weed  
*Festuca longifolia*: Hard fescue  
*Festuca ovina*: Sheep fescue  
*Liatris species*: Blazingstar  
*Lobelia cardinalis*: Cardinal flower  
*Lobelia siphilitica*: Blue lobelia  
*Monarda fistulosa*: Bergamot  
*Schizacharium scoparium*: Little bluestem  
*Solidago species*: Goldenrod (*Do not use Solidago canadensis, as it overwhelms desired vegetation.*)  
*Sorghastrum nutans*: Indian grass  
*Vernonia novaboracensis*: Ironweed  
*Cardamine concatenata*: Cutleaf toothwort  
*Maianthemum racemosum*: Feathery false lily of the valley  
*Penstemon hirsutus*: Hairy beardtongue  
*Tiarella cordifolia*: Foamflower  
*Trillium grandiflorum*: White trillium  
*Uvularia grandiflora*: Large bellwort  
*Zizia aurea*: Golden zizia

### **Trees & Shrubs**

*Amelanchier stolonifera*: Running service berry  
*Chamaedaphne calyculata*: Leatherleaf  
*Diervilla lonicera*: Bush honeysuckle  
*Hamamelis virginiana*: American witchhazel  
*Ilex Verticillata*: Common winterberry  
*Photinia melanocarpa*: Black chokeberry  
*Vaccinium corymbosum*: Highbush blueberry  
*Viburnum acerifolium*: Mapleleaf viburnum

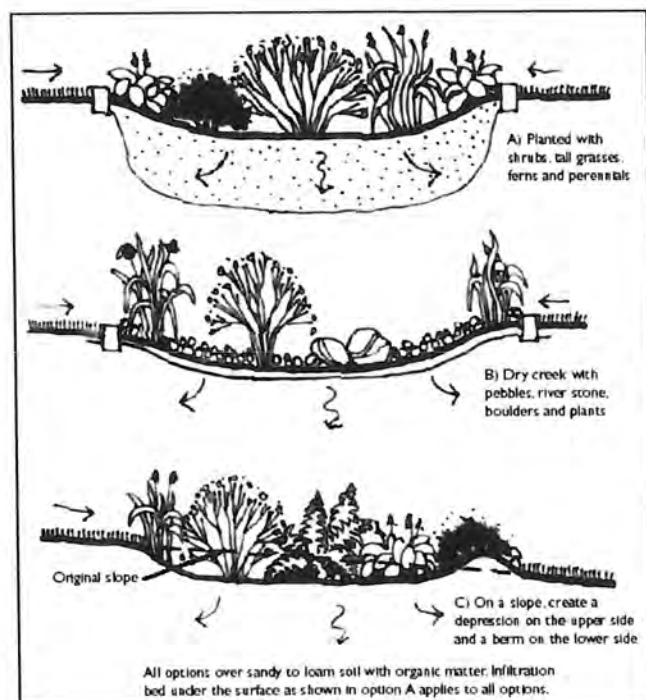
## Area 2 – Rain Gardens and Bioswales

This component of the site design includes a network of rain gardens that are located between the greenhouses, and a perimeter bioswale that will be capturing, slowing, infiltrating, and cleaning the stormwater on site.

The **rain gardens** need to include low growing plants to ensure that they do not restrict air flow into the greenhouses. The plant selection for these areas will be plants that can tolerate wet soil, provide habitat for beneficial insects, and when harvested add nutrients to the composting operation. The maintenance of these areas will likely require annual mowing and harvesting of the biomass for composting. The resources below include a long list of possible plants to be used. In addition to these rain garden appropriate species there should also be some dynamic accumulator plants that are really nutrient powerhouses.

These include:

- Lambs quarter
- Mullein
- Dandelion
- Borage
- Red Clover
- Feverfew
- Oregano
- Horsetail
- Yarrow
- Common Thyme
- Calendula
- Rhubarb
- Comfrey



The **bioswales** will be larger and can accommodate some shrubs as well to increase the stormwater management potential and habitat value.

### Resources:

Plant species for rain gardens and bioswale:

[https://extension.unh.edu/resources/files/Resource005899\\_Rep8265.pdf](https://extension.unh.edu/resources/files/Resource005899_Rep8265.pdf)

Woody shrubs for bioswale:

[http://www.hort.cornell.edu/uhi/outreach/pdfs/woody\\_shrubs\\_stormwater\\_hi\\_res.pdf](http://www.hort.cornell.edu/uhi/outreach/pdfs/woody_shrubs_stormwater_hi_res.pdf)

Other Massachusetts based resources:

[http://commonwaters.org/images/stories/pdfs/raingardn\\_gde.pdf](http://commonwaters.org/images/stories/pdfs/raingardn_gde.pdf)

[http://commonwaters.org/images/stories/pdfs/community\\_guide\\_greener\\_v5.pdf](http://commonwaters.org/images/stories/pdfs/community_guide_greener_v5.pdf)

<http://prj.geosyntec.com/npsmanual/bioretentionareasandraingardens.aspx>

<https://ag.umass.edu/landscape/fact-sheets/rain-gardens-way-to-improve-water-quality>







## FULCRUM ENTERPRISES\_PLANT LIST

Plant	Height	Growth Habit	Spread	Bloom Time
American Witchhazel	12-15 ft as shrub; 20-30 feet as tree	Small tree	15-20 ft	Sept-Nov
American Holly	15-30 ft	Small tree	10-20 ft	May
Common Winterberry	6-10 ft (can get larger)	Shrub	6-10 ft	June-July
Northern Bush Honeysuckle	2-3 ft	Small shrub	2-4 ft	June-July
Black Chokeberry	4-6 ft	Shrub	4-6 ft	May
Highbush Blueberry	6-12 ft	Shrub	6-12 ft	May
Black Elderberry	7-12 ft	Shrub	8-12 ft	June-July
Running Serviceberry	4-5 ft	Shrub	4-5 ft	April-June
False Blue Indigo	3-4 ft	Small shrub	4-5 ft	May-June
Maple-leaf Viburnum	4-6 ft	Shrub	3-4 ft	May-Aug

### Semi-Shade Wildflower Seed Mix (for Roadside Garden Bed)

SPECIES: Virginia Wildrye (*Elymus virginicus*), Canada Wild Rye (*Elymus canadensis*), Partridge Pea, (*Chamaecrista fasciculata*), Red Fescue, (*Festuca rubra*), Spiked Gayfeather/Marsh Blazing Star (*Liatris spicata*), Sensitive Fern (*Onoclea sensibilis*), Zigzag Aster (*Aster prenanthoides*/Symphyotrichum prenanthoide), Hollow-Stem Joe Pye Weed (*Eupatorium fistulosum*/Eutrochium fistulosum), White Avena, (*Geum canadense*), Eastern Columbine (*Aquilegia canadensis*), Path Rush (*Juncus tenuis*)

### Showy Wildflower Seed Mix (for Eastern Garden Bed & Rain Garden Strips)

SPECIES Little Bluestem (*Schizachyrium scoparium*), Red Fescue (*Festuca rubra*), Indian Grass (*Sorghastrum nutans*), Partridge Pea (*Chamaecrista fasciculata*), Canada Wild Rye (*Elymus canadensis*), Riverbank Wild Rye (*Elymus riparius*), Butterfly Milkweed (*Asclepias tuberosa*), Black Eyed Susan (*Rudbeckia hirta*), Lance Leaved Coreopsis (*Coreopsis lanceolata*), Ox Eye Sunflower (*Heliopsis helianthoides*), Common Sneezeweed (*Helenium autumnale*), Marsh Blazing Star (*Liatris spicata*), Blue Vervain (*Verbena hastata*), New England Aster (*Aster novae-angliae*), Wild Blue False Indigo (*Baptisia australis*), HollowStem Joe Pye Weed (*Eupatorium fistulosum*/ Eutrochium fistulosum), Early Goldenrod (*Solidago juncea*).

Shrubs/Trees





## Mark Pruhenski

---

**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, September 4, 2019 7:12 PM  
**To:** Ed Abrahams; Mark Pruhenski  
**Subject:** Fwd: Fulcrum Proposal

Sent from my iPhone  
Stephen Bannon  
413 -446 -6957

Begin forwarded message:

**From:** Angela Lomanto <[angela.lomanto@gmail.com](mailto:angela.lomanto@gmail.com)>  
**Date:** September 4, 2019 at 7:04:18 PM EDT  
**To:** [scbannon@gmail.com](mailto:scbannon@gmail.com), Grace Angela Henry <[edforbbg@gmail.com](mailto:edforbbg@gmail.com)>, [kateburke.528@gmail.com](mailto:kateburke.528@gmail.com), [billcooke.gb@gmail.com](mailto:billcooke.gb@gmail.com), LEIGH DAVIS <[leighdavis99@gmail.com](mailto:leighdavis99@gmail.com)>  
**Subject:** Fulcrum Proposal

Dear Selectboard member,

There is a lot of opposition for the proposed marijuana processing factory from residents of Housatonic, over 200 of whom have signed a statement. There will be quite a few more by the meeting on Monday.

Please consider an independent study for all facets of the production, not just noise and odors OR consider that hundreds of your constituents are not in favor of this kind of processing so near to homes and do not approve the request for a special permit. There must be a better location which will not affect the property values of nearby homes, children and families, and the overall quality of life in Great Barrington.

Thank you,  
Angela Lomanto and John Nelson  
326 N. Plain Road



## Mark Pruhenski

---

**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, September 4, 2019 1:52 PM  
**To:** Mark Pruhenski  
**Subject:** Fwd: [Great Barrington MA] Fulcrum Proposal (Sent by Susan Kinne Beacco, sbeacco2@gmail.com)

Sent from my iPhone  
Stephen Bannon  
413 -446 -6957

Begin forwarded message:

**From:** "Contact form at Great Barrington MA" <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
**Date:** September 4, 2019 at 11:36:11 AM EDT  
**To:** [scbannon@gmail.com](mailto:scbannon@gmail.com)  
**Subject:** [Great Barrington MA] Fulcrum Proposal (Sent by Susan Kinne Beacco, [sbeacco2@gmail.com](mailto:sbeacco2@gmail.com))  
**Reply-To:** [sbeacco2@gmail.com](mailto:sbeacco2@gmail.com)

Hello sbannon,

Susan Kinne Beacco ([sbeacco2@gmail.com](mailto:sbeacco2@gmail.com)) has sent you a message via your contact form (<https://www.townofgb.org/user/76/contact>) at Great Barrington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofgb.org/user/76/edit>.

Message:

Dear Mr. Bannon:

I am writing to urge you to vote against the application of Fulcrum, LLC to develop a proposed marijuana cultivation and processing facility at 22 VanDeusenville Road in Great Barrington (Tier 10 license application). As I am sure you are aware, this project is highly controversial and largely unwelcome in the Housatonic neighborhood where it is proposed to be placed. Although the neighborhood is technically zoned for industrial use, many of the parcels that abut the proposed site have residences, quite a few with young children.

I have many reservations about the project. My foremost concern is for the health and well-being of my family. I suffer from debilitating migraines and am extremely sensitive to smell. My children and husband suffer from asthma and environmental allergies. Having an open-air marijuana farm directly across from our home will have a harmful impact on our health.

Fulcrum has no proven method to control the noxious odor from this operation, nor do they provide definitive information on the environmental and health impacts of their “odor control system”. No other similar type of operation has been able to successfully contain the pervasive and offensive odor, so I’m not sure how Fulcrum thinks they will suddenly solve the problem with this project.

My second concern pertains to the aesthetics of this proposed project. This property is directly in front of my home, my “front yard”. It will sit next to an ugly solar array (which was erected without the knowledge of most abutters). The solar panels were put up with the promise that screening would be done – but the “screens” are actually tiny, five-foot tall shrubs which hide nothing, so you can see why I might be dubious of promises to provide screening of new projects. Fulcrum has plans for an 80,000 square foot operation, but has no concrete answers as to how the 24-7 perimeter security system and perimeter lighting might look. This is a concern to neighbors who will have to look at fencing, potential barbed wire, lights which may be triggered by wildlife all night, and invasive video surveillance.

Given all these concerns, my family has seriously considered trying to sell our home and move away. I do not want to do that since I grew up only a few miles from VanDeusenville Road. I believe that once this operation is in, the value of all abutters’ property will greatly decrease in value and become very difficult, if not impossible, to sell. My family will be trapped next to this property in an untenable situation.

I am not happy with the direction Great Barrington is taking in its approach to marijuana sale and cultivation but, if you feel this type of business is something appropriate for our town, it should be situated in an area where families will not be adversely affected and potentially harmed. I believe a project of this scale should be sited in closed-in buildings, in an area zoned ONLY for business, with no residences nearby. I urge you to please vote NO to this proposed project.

My family and I thank you for your consideration of our concerns.

Sincerely,

Susan Kinne Beacco

DENISE AND TREVOR FORBES  
325 NORTH PLAIN ROAD  
HOUSATONIC, MA 01236

Town Manager of Great Barrington

Attn: Mark Pruhenski

September 1, 2019

Dear Mark:

**This is the letter we have sent to all the members of the Select Board.**

**RE: Proposal to seek Special Permit for Fulcrum Enterprises**

My wife and I with our children moved to Housatonic from the UK ten years' ago. We chose Great Barrington and the quaint village of Housatonic for its rural charm, fresh air and, of course, the cultural amenities close by. We have established four successful businesses in the locality. For seven years we ran a (properly licensed) B&B, the English Hideaway. We attracted many return guests who also sought the same rural charm, fresh air and the cultural amenities. Our clients came to Great Barrington mainly from New York City and New Jersey. Many were wealthy and a number decided to make Great Barrington their second home and some eventually retired here. They, just like us, bought real estate, chose to pay the relatively high property taxes, which is a feature of living in Great Barrington, because they, like us, valued what the location brought to our lifestyles.

We were fortunate. We had the ability to choose Housatonic. Housatonic provides the same qualities we sought but for many at a price far less than other locations in South County. Many of our residents, simply just don't have a choice as parts of Housatonic provides affordable housing compared with other locations in South County.

I mention this to you, our elected official, because we all look to you to ensure Housatonic remains a suitable location for all its residents to live. That, after all, is the role of all the members of the town government of Great Barrington.

We now feel our lifestyle has been threatened by this proposal to put in a substantial marijuana production and processing factory in what is still a largely residential community. Our deep concerns are numerous:

**1) Location is wrong**

- a. Although there is this one patch of industrial land (debatable) this is still a very densely populated residential area. Housatonic is, after all, 'Thickly Settled'. Van Deusenville also has a substantial number of residences with a significant concentration close to the proposed site. Fulcrum are proposing a very substantial facility with potential nuisance and hazard that are more suited to a fully commercial industrial area. These tend to be away from residential locations and are more able to cope with typical industrial aspects such as odor and noise nuisance as well as being more suited to businesses employing



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volatile substances. 22 Van Deusenville is different. There are residences close by, many with young children.

2) **Odor**

- a. Whether Fulcrum say otherwise it is clear that the odor for a number of weeks a year will be strong and for many, overbearing. This odor will be very strong. The press is full of complaints and lawsuits in Colorado, Oregon, Florida and California where residents are attempting to live with the stench. In many documented cases, there appear to be health issues surrounding the strength of the odor including asthma.
- b. It is important for our elected officials to be informed. I am surprised that the town has relied solely on Fulcrum's 'expert on odor' to educate them on odor control. Surely, we should expect the various boards to seek independent verification. The NY Times had a great article about California residents being sick over this smell.
- c. Fulcrum, of course ensure us this will not be a problem because they have a proprietary chemical to be used as a mist to neutralize any odor. We have investigated this and the proprietary formula, SL 4000. My wife has also called and spoke to Jesse Levin who works with John O'Brien. She has also spoken to another individual from EnviroChem in New Jersey who's details she obtained from the fact sheet for SL 4000. He stated the product was a detergent that in his view was most unlikely to remove odor from a marijuana growing facility. He laughed saying this is really only used in trash facilities. The fact sheet was conveniently displayed on the NCM website but after she was able to get a copy downloaded, it disappeared and is now no longer on their website. I find this strange and rather disturbing. Perhaps you should be disturbed as well.
- d. In her conversation, Jesse Levin bragged about how he is attending the Sept 9<sup>th</sup> Select Board Meeting and also how he is hosting an Engineer that will be reporting back to Great Barrington. So, is this the independent verification you have been seeking? This does not sound very independent to me!
- e. Jesse Levin also touts how great his product is and how it is a mist that will have the odor dissipate. When asked about the safety of this chemical going into the ground, he said it would never go down into the ground as the molecules will take away the odor and never touch the ground. He also said it was impossible to go into the ground water. So, where do these molecules go that will be blown into the surrounding area by the powerful fans they need for the facility to function? She asked him if he could tell her of a satisfied client that was successful with this product and he said he could not reveal his clients. Usually you would give names as a reference, but apparently not in this case.
- f. All over the US, the odor problem exists. This is an area of considerable concern and debate within the cannabis industry and among those people affected by it. Apparently, only one marijuana facility has the answer and that is the Fulcrum plant in Bend, Oregon. Don't you find this strange? Surely if the anti-odor system was as effective as they appear to state, wouldn't this be used throughout the cannabis industry? If NCM's process was as good as they suggest, why don't they mention it on their website which is devoid of any reference they are involved in odor control in the marijuana industry? Again, don't you find this strange?

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- g. There are small children next to this proposed site, do you want to risk their health? The way to ensure no potential lawsuit is brought against the town of Great Barrington for being negligent is to have the appropriate independent verification and review carried out before allowing this facility to be established. Have we not learned from GE with their PCB's? This surely indicates how difficult it is to clear up a mess once it is established.

**3) Noise**

- a. The size of the proposed fans are huge and will be loud. In the summer, they will be on 100% of the time and they will switch on and off frequently all during the day and during the night. This is a time of the year when residents often like to sleep with windows open or maybe just enjoy sitting outside in their yard. This is a big concern and likely to be a particular nuisance during the quieter nighttime.

**4) Mold**

- a. Various forms of mold are associated with marijuana grown in an enclosed space. This can be a danger to employees working in the facility. Ventilation is the key to ensuring the risk of mold is kept to a minimum. However, this very process is surely likely to introduce spores into the immediate environment via the fans being used to create ventilation. In a normal industrial location, this may not be an issue but in Van Deusenville there are residences close by, some with young children. I am sure the Board of Health and the Select Board would want to know what precautions are proposed to ensure no mold is being introduced into the surrounding location. Specifically, what would be put in place to measure this aspect?

**5) Pest Control**

- a. Pests are likely to be ever present in the process of growing marijuana and from publications, rodents can be a particular issue. How is Fulcrum seeking to control pests? Will they be using rodenticides? If so, how will this be controlled from entering the ecosystem and who will monitor this?

**6) Use of Volatile Chemicals in the Processing**

- a. This is a very real concern. When extracting the THC and CBD oils, Butane and Propane are used with heat and pressure to extract the oils from the plants. This is clearly a highly volatile process and has been prone to significant safety issues. To have such a process so close to a residential area is dangerous. There are many children around. The school bus stops right across the street from this proposed site. Again, this is a process more suited to an established heavy industrial location not a largely residential area.

**7) Devaluation of property values**

- a. If you don't live or own a house in Housatonic, you may not care personally, but since you have been elected to have jurisdiction over the whole of Great Barrington, including Housatonic, you should care. If our property values depreciate, so do our taxes. Any property within range of the odor and especially those close to the facility itself should clearly abate their taxes. Many similar locations in California and in Florida have

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suffered from a sharp drop in property values. Again, what research has been carried out to assess the likely financial impact?

**8) Groundwater.**

- a. Another area of particular concern to all of us in Housatonic. This proposed factory sits over an aquifer. Fulcrum would have us believe that the 2 million gallons of water they will be using each year, somehow magically disappears. Do we know this will be an acceptably enclosed irrigation system with no possibility of leakage into the aquifer? We do know they will be using the GB town sewer for waste but according to Fulcrum this is just for effluent from the rest rooms at the facility. This seems highly unlikely but certainly worthy of independent verification. Strangely the Conservation Commission did not regard a consideration of groundwater as part of their remit. Yet on the GB Town website it clearly quotes as their function as stewards of the regulations: "The purpose of the Regulations is to protect public and private water supply, groundwater supply ". This seems very clear to me and suggests yet again how important it is for our public servants to fully understand their roles prior to making recommendations that affect a significant number of our citizens and voters.
- b. Do we know whether any of the substances being proposed to be a part of the Fulcrum process will find their way into the groundwater, We don't know the precise composition of substance SL 4000, but among the ingredients listed on the fact sheet we were able to secure, is propylene glycol, most commonly used as anti-freeze. This product breaks down in the air in 10 days and in the soil in up to a few weeks (I commend the following website for information: <https://www.atsdr.cdc.gov/ToxProfiles/tp96-c1.pdf>). The Agency for Toxic Substances and Disease Registry (ATSDR) suggests some health issues may be present at certain concentrations. Do we know what concentrations are likely to be projected into the surrounding air during the peak growing season? Do we know how far these will travel as there are residences with small children adjacent to the proposed factory? Do we know what happens to all the chemicals involved when they enter the soil? Is there an independent study showing us all this information?

**9) Water Supply**

- a. Apparently, Housatonic Water have been approached by Fulcrum indicating an annual requirement of 2 million gallons of water. Incidentally, this appeared to be news to the Town Planning Board. Jim Mercer, owner of Housatonic Water, has said, in answer to my wife's text messages, that Housatonic Water is well able to supply this. Her further questions was "in the event of a drought, who will get priority? Fulcrum or their residential customers?" The reply was a distinctly concerning - his reply: "?????" This discouraging reply suggests this aspect has not yet been evaluated. Surely this should be a matter of concern for the Board of Health and the Select Board especially as most of the 2 million gallons required by Fulcrum will be during the summer months growing season.



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- b. Housatonic Water supply their customers from Long Pond. Has there been an environmental impact study on the effect of withdrawing an extra 2 million gallons from this source during the summer months?

It appears to us that there should be a body of independently verifiable studies carried out as to the impact of Fulcrum's proposed marijuana growing and processing factory. Not least because this small area is zoned for 'Light Industrial' use, is in the middle of a residential district.

We are very concerned over the potential impact of this significant industrial development on the village of Housatonic and also parts of Great Barrington within a three mile radius of 22 Van Deusenville Road.

We look to you to consider all these aspects in detail before you carry out your duty as an elected official, advising the Town of Great Barrington on matters of great importance to all the population of Great Barrington including those of us in Housatonic.

Yours sincerely

Trevor & Denise Forbes

325 North Plain Road

Housatonic



## MEMORANDUM

**TO** : Great Barrington Select Board  
Great Barrington Planning Board  
Great Barrington Board of Health  
Great Barrington Conservation Commission

**FROM** : Michelle Loubert  
70 Division Street  
Great Barrington, MA 01230

**RE** : Fulcrum Enterprises, LLC  
Proposal for Marijuana Cultivation and Manufacturing  
**22 Van Deusenville Road**, Great Barrington (Housatonic), MA  
*Special Permit Application*

**DATE** : August 22, 2019 (via email to the office of the Town Clerk; Chair of the Select Board)

**Introduction:** As a resident of 70 Division Street, one street over from this proposed project, this is a very anxious time for my family. Since Fulcrum's community outreach May 28, 2019, I've conducted extensive research in order to educate myself on the rules, regulations, and laws (both state and local) that involve the marijuana industry. With this project in particular, I have numerous fears and concerns which the time allowed at a public hearing will be far too brief to express. Therefore, please accept this Memorandum as my public statement. Thank you.

\*\*\*\*\*

This memorandum is submitted in opposition to the special permit application of Fulcrum Enterprises, LLC. The proposed project is a Tier 10, 80,000 square foot cultivation and manufacturing facility. This will include 15 greenhouse structures as well as a "pre-fabricated steel building" (2). It is my understanding that this facility would have the ability to later expand to Tier 11. It has been stated that Great Barrington zoning designates this area as (light) industrial. Many years ago (late eighties and into the nineties) this zoning as well as the current industrial business that is currently present at this location met with fierce opposition by neighborhood residents. This (light) industrial area—once farmland—is embedded in a residential (R2) zone, mixing industry with neighborhoods comprised of numerous family homes many of which house children and senior citizens. The Fulcrum application makes little reference to the neighborhoods surrounding the proposed site focusing rather on the current businesses in the area. Any indication of the surrounding R2 zone on application attachments is noticeably absent.

**Of important note:** It has recently been discovered that Assessor's records (*Residential Property Record Card*) shows 22 Van Deusenville Road zoned as **R2 (residential)**.

The addition of this Tier 10 marijuana cultivation and manufacturing project will only compound what I believe to have been a somewhat misguided zoning decision by previous elected officials; this area is hardly a nod to *thoughtful* economic development. It is my opinion that if this project receives special permit approval, it will further degrade this area and the surrounding areas while diminishing residents' enjoyment of property, health and well-being.



Fulcrum Enterprises, LLC held two community outreach meetings; one of May 14, 2019 and a second on May 28, 2019. The May 14, 2019 community outreach was poorly publicized although it did meet legal requirements. However, because the town of Great Barrington's usual practice is to display notices of community outreach meetings on its website and did not in this instance, citizen concerns were raised which resulted in a second, better-publicized community outreach meeting on May 28. Unfortunately, the second community outreach meeting did not provide sufficient responses to attendees' questions. This raised concerns for me, so much so I communicated these concerns to the Cannabis Control Commission.

The Fulcrum application states, "the project use is an **agricultural use**, a marijuana cultivation facility" (Application, page 10 of 25). This is incorrect. According to current zoning and as confirmed by the Town Planner, "it's a commercial enterprise subject to Section 7.18 and a Special Permit." (Email 8/5/19). Therefore, the project would be required to adhere to the zoning, rules, and regulations for such use. To be best of my ability, knowledge, and experience, I referred to the following local and state regulations and guidance:

- 22 Van Deusenville Road is designated "I" under town zoning. This, per the town bylaws, is **Light Industry**.

Due to this "industrial" zone being embedded in an R2 residential area, I deferred to town zoning bylaw language as to Smart Growth Overlay Districts. Here, language references Light Industrial Use.

It appears that the SGOD was created to benefit residents, and "to benefit the general health and welfare of our residents and the region." Although 22 Van Deusenville Road is not SGOD, the residents in the area deserve to have their "general health and welfare" protected. Under this section of the zoning bylaws, under "**Light Industrial Use**" it reads, "Fabrication, finishing, packaging or assembly operation utilizing hand labor or quiet machinery and processes, that are free from agents disturbing to the neighborhood, including but not limited to odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration." This language should be taken into consideration when reviewing the Fulcrum Enterprises LLC proposal. As a matter of fact, the Rising Mill area is designated as SGOD and includes language as to Light Industrial Use; 22 Van Deusenville Road is simply on the other side of the Housatonic River; citizens of this neighborhood deserve similar protections.

- Great Barrington Zoning Bylaws 7.18: **Marijuana Establishments and Medical Marijuana Treatment Centers.**
- **935 CMR 500.000** (Note: 935 CMR 500 is currently being revised. Drafts for 935 CMR 500.000, Adult Use of Marijuana and 935 CMR 501.000, Medical Use of Marijuana (as of 7/5/19) are available on the CCC website. It is my understanding the revised regulations will be in effect in September.
- State template Regulation to **Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol** (Local review pending)
- **MA Cannabis Control Commission** (Guidance Documents; telephone communications)

- (As provided by the Great Barrington Board of Health), Title XVI, Chapter 111, Section 143:

As stated in this document:

“No trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public health, or may be attended by noisome and injurious odors shall be established in a city or town except in such a location as may be assigned by the board of health thereof after a public hearing has been held thereon, subject to the provisions of chapter forth A and such board of health may prohibit the exercise thereof within the limits of the city or town or in places not so assigned, in any event.”

### Opposition Points

#### Location, scope, and other concerns (security, lighting, noise, etc.)

The proposed project is an 80,000 square foot facility comprised of 15 greenhouses of opaque material, with a manufacturing building, directly across the street from residences as well as surrounded by other residences in the area (example, one street over is Division Street; another street over, North Plain Road; another street over is Park Street North, and the Housatonic village is in the middle).

This is a massive project to be located in a small, rural residential neighborhood. Although the current gravel business is visually unpleasant and has marred this once farmland, to allow another, equally invasive business into the area will only compound the degradation of this neighborhood. Recently, there has been the addition of a solar installation at this location. Screening of this installation is minimal at best and is not sensitive to the view experienced by residents across the street. As a matter of fact, residents have expressed an issue with the small trees used in the screening of the solar installation. The Fulcrum application states that the project “will be screened by using natural and proposed vegetation” (21). The height of the trees referenced in the application are the same height as those that were used for the solar project at this location and which some residents found inadequate for screening. The application reads, “Shrubs and hedges shall be at least 2.5 feet in height at the time of planting and have spread of at least 18 inches” (9). This is unacceptable.

Concerns as to security fencing and lighting were raised at the May 28 community outreach meeting. It was simply stated by Fulcrum and their attorney that there would not be barbed wire on the fencing and marijuana plants would not be visible. But what will be visible to the residents on Van Deusenville Road—a “great wall” of (6’ high) fencing? Application materials does not quiet concerns.

Application information as to Fulcrum greenhouse ventilation systems reveals massive fans for ventilation (intake and outtake). Will these fans generate disturbing noise? Will the fans be on 24/7 disrupting the quality of life of residents (some children) in the area? Will noxious odors be released into the area via the outtake?

In my opinion, lighting plan information is minimal. It states, “The proposed lighting for the facility is proposed in conjunction with 935 CMR 500.00 for security purposes. However, lights will be downcast

or shielded as to limit spillage over the property line” (22). Yet, my review of the lighting plan raises alarm and concern particularly as to the hours the lighting will be on—will lighting be on all night disrupting the area with bright lights? Will this area look like a shopping center, aglow with light all night, every night? Will it disturb the residents in the area not to mention the wildlife in the area?

In Cummington, MA, similar concerns have been raised as to lighting and more:

*“They’re talking about putting a Walmart-sized building, initially, back in the woods off a historic road surrounded by neighbors with families and kids,” said Elliot Ring, an architect who lives on State Road. The impact on the neighborhood will be immense, he added. Those gathered at the meeting said they were worried about light pollution, increased traffic, overuse of part of a dirt road, the effect the construction might have on wetlands and wildlife, and the potential for the project to substantially change the character of their neighborhood”* (June 24, 2019, Christenson).

Ditto.

### Children

In relation to the above is the Fulcrum project’s impact on children. The “buffer zone” under town zoning was reduced from 500 feet to 200 feet, a decision/vote that may warrant reconsideration; currently a citizen’s petition is in discussion to change this at a Special Town or Annual Town meeting.

Of current concern of many in our neighborhood are the residences across the street from the proposed facility some of which house school-age children; this is where children wait for their school bus, congregate, play, etc.

I’ve looked to Colorado for further information on the marijuana industry due to this state’s experience on this topic. Concerns discovered: “Hazards: Electrical, chemical, air quality, THC, Mold and Fungus.” Noted as an “injurious environment” was “cultivation aspects” (as posted on Colorado.gov).

Before parents and guardians put children at risk, clearly much more information, other than potential revenue, must be obtained by our town government.

Regulation 935 CMR 500.110 (3) is brief in its statement as it applies to buffer zones. Town zoning aligns with this regulation but can make changes (as it did with the buffer zone).

This topic may warrant further discussion, perhaps with input of parents and guardians of school-age children, to address fears and concerns as to health, safety, and more.

Now that the Van Deusenville neighborhood in particular as well as Housatonic as a whole realizes that a facility of the size and scope of the Fulcrum project can be located in close proximity to their homes, more questions are being asked as greater concerns are being expressed.

Some of the boards to which this Memorandum is directed will make a recommendation without citizen input. This, in my opinion, is unwise. It is my request that our boards listen to these questions and concerns—especially those from parents and those responsible for young children—as this application moves forward in the special permitting process.



## Odor

Marijuana production produces a strong, pungent odor that has been proven to be objectionable to those who reside in the area of such a facility.

Any comparison of the odor generated from marijuana cultivation to agricultural odors is irrelevant; as stated above, marijuana establishments, including cultivation and manufacturing, at this time, are not considered "agricultural" in Great Barrington.

It has been stated by Fulcrum that odor will be *at its strongest* 6 to 8 weeks a year (late summer and fall). This can be one of the most beautiful times of the year for Berkshirites. Does this mean that residents in proximity to this proposed facility will be unable to enjoy their properties at this time of year? Is this fair?

Also, such an odor may reduce property values. As a town that touts tourism and second homeownership, who will want to vacation or own a second home in an area where they cannot enjoy their investment?

The Cannabis Times (October 2018) states that "odor control is easiest to achieve in a well-constructed building" and "one way to control odor is to minimize the air that leaves the building." Fulcrum's proposal refers to greenhouse cultivation. An original proposal stated that the greenhouses will be open. At the May 28 community outreach, it was stated that the greenhouses will be enclosed (as now stated in the application). Still, the structures are just greenhouses using greenhouse plastic construction; hardly state of the art design. Air will be leaving (circulating) outside of the greenhouses and impacting the air space surrounding the facility.

The Cannabis Business Times issued a Special Report dated May 2019 by Byers Scientific & Manufacturing, Industrial Odor Management. As stated in the report, "as cannabis becomes increasingly integrated into communities throughout North America, odor control issues have made their way into courthouses in several high profile lawsuits as well as into state and local regulatory frameworks."

The International City/County Managers Association (September 2018) advises, "land use regulations permitting activities along the cannabis supply chain will almost certainly include stipulations about odor control, aiming to reduce the likelihood of a nuisance issue." Great Barrington must heed this advice.

Clearly, the "odor issue" has not been resolved. However, Fulcrum has presented in its application an odor control proposal by NCM Environmental Solutions. This company has done odor control management for such businesses as waste management; however, the company has little or no track record in the marijuana industry. An email (June 2019) conversation with a representative of this company references only proposals for Athol, MA, Salisbury, MA and Great Barrington, MA. Recently, I researched the statements contained in the Fulcrum application as to NCM projects in Salisbury, MA and Holyoke, MA. Responses I received from both communities have been provided to the Chair of the Select Board. In view of the application information, it seems to me that Van Deusenville will be the "test site" for NCM's odor control technology. Will this neighborhood (and surrounding neighborhoods) be put at risk for this purpose?

Also, I'm very concerned as to the "Summary of recommended policies & procedures the site will take to respond to an odor complaint" as contained in the application. This information provides little assurance with regard to odor control issues. What procedures will be in place to ensure enforcement of these

“policies & procedures” or will enforcement be “complaint-driven” as is now the case in Great Barrington? Will residents be encumbered by a lengthy complaint process that may require costly legal representation against a large company such as Fulcrum Enterprises, LLC?

What is the Town of Great Barrington’s role in this process? Will residents be left “holding the bag” when it comes to complaints or enforcement?

As stated previously, the greenhouses are to be enclosed. However, page 12 of the application raises a concern: “No outdoor cultivation of marijuana shall be allowed within fifty (50) feet of any property line.” Does this mean that Fulcrum is leaving the door open for outdoor cultivation as long as it isn’t “within fifty (50) feet of any property line? This is not the information conveyed at the May 28 community outreach. This is a concern.

A July 2, 2019 conversation with Attorney Doyle of the Cannabis Control Commission revealed that the CCC, drawing on the experiences of other states such as California and Colorado, is *currently* drafting regulations to address the highly controversial odor issue.

It seems to me that odor control technology is very new and is yet to be resolved. Massachusetts regulations pertaining to the odor issue are not yet in effect. Would it be wise for Great Barrington officials to delay this special permit until such regulations are in place? How will odor control regulations be enforced? How will odor be measured? Would it be wise for officials to wait until NCM’s odor technology is tested—and not on a residential neighborhood in a rural community?

The Special Permit Granting Authority should require a thorough analysis and information from Fulcrum on the question of odor control; this analysis and information should be made available to the public for careful review well before any public hearing. As a suggestion, maybe board members can visit a cultivation and/or manufacturing site nearby (such as in Sheffield) during the marijuana flowering season when its unique odor peaks (September and October). Smell first-hand what your Housatonic constituents will be subjected to before voting on this project.

### **Water and Waste Water Disposal**

Initially, Fulcrum presented that wells would be the water source for their business. However, at the May 28, 2019 community outreach, at which James Mercer of Housatonic Water Company was present, it was stated by Mr. Heck that conversations were being held with Housatonic Water regarding the possibility of using this private water company as the water source. The application now confirms this information. At the outreach, citizens raised concerns over Housatonic Water’s ability to provide the volume of water required for marijuana cultivation and manufacturing while fulfilling the needs of its current water users. In the Fulcrum application, it is stated that water usage could be “anywhere upwards of 2,000,000 (million) gallons per year, with a maximum demand during the growing season” (23). Our town officials are very aware of Housatonic Water customer concerns. Housatonic Water’s ability to meet water demands should be substantiated, in writing, by a credible, independent source. It would be unwise to simply take either company’s word for it. It should be noted that the Fulcrum application refers to the water source as “municipal” which it is not as Housatonic Water Works is a private company.

In the absence of any type of engineering report as to water use, concerns remain. Even the Cannabis Control Commission warns, “in the case of local municipal water, attention should be paid to whether the water supplier has enough capacity to supply the water both from a source and infrastructure perspective.”

Continuing, “depending on the watershed and the specific town the facility is located in, the additional volumes may not be available within the town’s registered or permitted amounts, or an Interbasin Transfer approval may be required.”

In the case of using wells, the Cannabis Control Commission states, “a marijuana cultivation facility could trigger the Water Management Act’s permitting requirements” depending on the volume of water it uses.

Regarding waste water disposal, according to the CCC, “recaptured water requires treatment if it is to be reapplied to plants to prevent the growth and spread of microbial pathogens and to reduce the amount of ionic and toxic elements that can be introduced to the water through the addition of nutrients.” Further, “water which is not reused must be discharged to a sewer or collected and stored in a certified holding tank for disposal at an approved facility.” It cannot “be discharged to an on-site septic system.”

State regulations as to water use and waste water disposal for this industry are overwhelming and should be carefully reviewed, preferably by experts in those fields; then considered and discussed before the granting of any special permit.

### **Waste Management**

Volatile chemicals are used in the manufacturing process. “Butane and ethanol are used during the manufacturing/extraction process” (22) Hazardous waste could include “spent lighting, pesticides, solvents, used oil, or other chemicals used in facility operation and maintenance” (Cannabis Control Commission). This is of high concern since this facility is in close proximity to homes, the Housatonic River, and an aquifer at the site, not to mention the wildlife that frequent this area.

Further review of CCC guidance on Waste Management Requirements reveals stringent rules as to the disposal of the waste generated by marijuana facilities.

No special permit should be granted until the SPGA is fully aware of these requirements.

### **Environmental Impact (including compliance with the Global Warming Solutions Act)**

Fulcrum states in its community outreach presentation that the project will be “greenhouse based, sunlight powered cultivation and manufacturing operation utilizing environmentally sound growing, harvesting and manufacturing practices” and the application states this as well. Although this sounds wonderful, little information has been presented as to possible environmental impacts. In order to make a responsible recommendation or vote, this topic should be investigated closely.

Cannabis Control Commissioner Kay Doyle stated in a WBUR article (June 29, 2018), “[w]e understand that marijuana cultivation and production manufacturing is one of the most energy-intense industries that there is right now.”

According to the CCC, projects such as this are required to comply with the Global Warming Solutions Action (August 2008) which “requires Massachusetts to cut greenhouse gas emissions by 80 percent by 2050 from 1990 levels” (WBUR June 29, 2018).



Equally concerning are the use of fertilizers in the cultivation process that could damage the area as well as the chemicals used in the manufacturing process (as pointed to above).

In a community that touts its environmental awareness and sustainability measures, this project's potential negative impact on our environment is unknown and, again, should be studied before a special permit is granted.

One may say that this site is already beaten up from an environmental perspective and certainly from an aesthetic one. But two wrongs don't make a right and adding to the damage (insult to injury) already there is not forward-thinking. Studying historical information on the site, including previous actions by previous boards, I came across an August 4, 1989 Berkshire Record article in which William Nolan's then-attorney Paul Feldman states:

*"this land would, in turn, be seeded and loamed, restored to an appropriate condition for 'its ultimate use' which Feldman said would be 'whatever is decided as best, whether it be a baseball field or homes or offices' (Devoti).*

It seems to me that we are moving in the wrong direction. To know where we are going as far as planning and economic development, shouldn't we familiarize ourselves with the historical information of this property? This historical information—including deeds (B. 638, P. 304, covenants (B. 1518, P. 295), protective restrictions (B. 1136, P. 198), and Assessor's records, past and present—gives a glimpse of what was in the forefront of consideration years ago but should also be considered today before allowing any other business to go into this location or elsewhere in Van Deusenville. At the least, this information should raise a red flag of the intent, years ago, for the use of this property.

### **Traffic impact**

This area (including Division Street and North Plain Road) is a heavily trafficked area with large trucks and excessive speed. As a matter of fact, historical information on the site presented a December 2000 letter from the Planning Board to the Selectmen states, "It has come to our attention that there is a great amount of truck traffic along Van Deusenville Road and Division Street." It is 2019 and the volume of traffic and speed have multiplied many times over.

I have contacted the Great Barrington Police Department numerous times and met with the Chief of Police regarding the high volume of commercial vehicles, speed of all vehicles, and other traffic concerns on Van Deusenville Road, North Plain Road, and Division Street.

Will the Fulcrum project make an already dangerous traffic situation worse? Will traffic generated by this new facility "tip the scales" in an already overburdened traffic area. The application states, "traffic for the site will be minimal" (15). This statement is insufficient and unquantifiable; it is merely an opinion. Keeping in mind the scope of this project—a Tier 10, 80,000 square foot marijuana cultivation and manufacturing facility—an *independent* traffic study must be done with regard to this Tier 10 project.

### **Property values**

Our properties—our homes—mean a lot to us. Mine is my family's homestead which my father built in 1958.

Equity in the value of one's home sometimes funds the education of our children. Sometimes, home value represents retirement security. For others it goes deeper; for me, my home means carrying on a family legacy and perhaps, passing the property on to my daughter. According The Sacramento Bee, "dozens of large scale pot growers are hoping to reap profits in the city of Sacramento soon, but their gains may mean losses for neighboring homeowners. The value of homes close to legal cannabis-growing operations could suffer, and sellers may be required to disclose to would-be buyers the presence of cannabis cultivation sites in their neighborhoods, some experts contend" (September 2017).

Is this yet another negative impact Van Deusenville neighborhood residents will face?

At a recent neighborhood meeting concerning this issue, two young families directly across the street were present expressing fear as to what will happen to their homes if this project is approved. One couple has already placed their home on the real estate market.

We live in a community that says it wants to attract young families to our area. We live in a community that uses Community Preservation funds and an Affordable Housing Trust to assist those without homes to obtain one. We live in a community that has been named a "Housing Hero." Why then would this same community create a situation where young families are put in a position where they feel they need to sell their homes?

Great Barrington can't have it both ways.

Lawsuits have been filed regarding the loss of property values in states such as Colorado; Massachusetts suits are sure to follow.

### Safety

As referenced above, volatile (explosive) chemicals are used in the manufacturing process. This is confirmed in the Fulcrum application.

According to the International City/County Managers Association, "[b]ecause of the volatile solvents used, the extraction process should only take place in regulated environments using proper equipment and safety precautions—otherwise, risk of explosion is high. This is enough to dissuade some local governments from wanting to allow such activities in their communities."

In a February 2019 article in Politico entitled, "New Problem for Legal Weed: Exploding Pot Factories" it is written, "most of the states where marijuana is legal offer no safety and health guidance for the new industry." The article continues, "labor unions complain that state governments are moving too swiftly to license producers, outpacing the states' ability to inspect production facilities for potential safety violations."

The SPGA must consider this risk before it allows a facility such as this marijuana cultivation and manufacturing facility in this neighborhood.

### Security

Page 14 of the Fulcrum application reads, "Security will be reviewed at the meeting, however, due to safety concerns, will not be submitted for public consumption." With little time to review information at

a public hearing, are residents to place a trust in a company they know little about? Security at the facility—its quality and extent—is relevant to the many residents in the area. I, for one, am not prepared to put the security (and safety) of my home and family at risk on brief comments made at a public meeting.

### **Enforcement**

Enforcement in our community is often a topic of discussion at public meetings. It is not unusual to hear that the manpower is not available to enforce some town bylaws. As recently as June 6, 2019 this concern was raised at a Board of Health meeting.

Assessing conditions to special permits is one thing; enforcing these conditions or having the ability to enforce these conditions is quite another.

What if noise is disturbing a neighbor's sleep? What if odor becomes unbearable? What if additional traffic poses a danger? Will enforcement take place? If the response to this question is unknown, no special permit should be granted. At a recent meeting on July 15, 2019, I was told that in our town, enforcement is "complaint" driven. This means it is up to the citizen/resident to file a complaint regarding an issue before the town will respond. In other words, enforcement is "reactive" versus proactive. This may be do'able with a small business but certainly not an 80,000 square foot, Tier 10 marijuana cultivation and manufacturing facility. For Great Barrington to designate citizens/residents as the "lookouts" for infractions is unacceptable in general; reckless as enforcement applies to large scale businesses.

**What else can go in at 22 Van Deusenville Road?** In opposition to this marijuana and manufacturing facility—something that I strongly feel will negatively impact the Van Deusenville neighborhood in particular and the Housatonic community in general, I've been asked by a few town officials, "what else can go in there?" I'm disheartened by this question—is the marijuana industry the best we can offer our community stakeholders? I think not.

In a report by the Environmental Project Agency, the EPA encourages protecting natural resources and reducing pollution in economic development efforts. "Communities that invest in their natural assets by protecting natural resources can better attract and retain residents, tourists, and businesses who value clean air and water and natural landscapes. Cleaning up and redeveloping polluted properties makes productive use of existing transportation, water, and utility infrastructure; increases the tax base and employment opportunities; removes environmental contamination, and helps spur investing in surrounding properties" (EPA, How Small Towns and Cities Can Use Local Assets to Rebuild Their Economies, May 2015).

This seems like a win/win to me—thoughtful economic development.

**Tiny House Construction:** At the May 2019 annual town meeting, zoning regarding tiny houses was presented. However, this zoning did not pass due to lack of a two-third majority vote. Regardless, at this time and to address housing and affordability concerns, tiny houses are very much in the housing market forefront. With a community concerned with the environment, sustainability, and affordable housing, a tiny house manufacturing company located in this area would be feasible.



Vocational/Technical Learning Center: Imagine this—a Vocational/Technical Learning Center where people can be trained to be carpenters, electricians, plumbers as well as designers, architects, engineers. This center would not only provide services to our youth about to embark onto careers after high school, but those citizens that require re-training in order to secure gainful employment. Additionally, forming partnerships with local educational institutions as well as MassHire, as an example, will cultivate long-lasting efforts to not only employ our youth but to re-employ the unemployed as well.

Again, seems like a win/win to me.

Innovation Center: The Berkshire Innovation Center will be a Pittsfield jewel. Such a center could be duplicated, perhaps in smaller scale, in South County. With our community's focus on environmental and sustainability challenges, such a center could, as its core mission, focus on those areas. With a solar array "next door" as well as one down the road, it would be my hope that this Innovation Center could guide Great Barrington in a more pleasing way to "do solar;" one that not only provides an environmental service but is aesthetically pleasing to residents as well as compatible with the beauty of the area.

... and last but certainly not least: what about (affordable) Housing?

Great Barrington, through the Affordable Housing Trust and the Community Preservation Act, has embarked on an initiative to provide affordable housing options to low and moderate income households. This area is an untapped housing resource.

\*\*\*\*\*

Conclusion: Although indicated as zoned (light) industrial, this area is embedded in an R2 area comprised of many new and older homes. It is centrally located to Great Barrington and to the village of Housatonic and allows easy access going north and south of the area. Tapping the Public Transportation Advisory Committee, developing a way for the BRTA to travel Van Deusenville Road would allow residents of 22 Van Deusenville Road to travel easily to their destinations for work, daily needs including medical and grocery shopping, education, and recreation. Our Master Plan also references this area as easy accessibility to passenger train service: "There are areas around Van Deusenville Road and Division Street that have space available for a "park and train" lot that offered basic ticketing but would be intended for longer term parking."

If housing can be proposed and developed for a brownfield site on Bridge Street, Great Barrington why not at 22 Van Deusenville Road, Housatonic?

Interestingly enough, in May 28, 1993 correspondence from the firm of Davis, Malm & D'Agostine regarding William F. Nolan, Trustee of Nolan Realty Trust v. Louison et al (Special Permit Appeal) it is said of the current gravel operation at this site, "**Bill Nolan believes that the highest and best use of the property is a carefully executed gravel removal operation with recreational and residential use thereafter.**" Residential use (affordable housing) is suggested above; a recreation area along the Housatonic River, is yet another suggestion. The Fulcrum proposal contradicts the statement made in this correspondence and actually elevates the industrial use of the property, a use that was heavily opposed by area residents in the eighties and nineties.

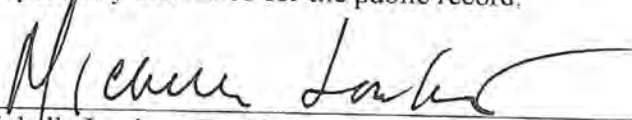
Regardless, the above provides only a few examples of "what else" can go in at 22 Van Deusenville Road and, in turn, aid in the revitalization of the Housatonic community.

In the meantime, however, and in the absence of independent, unbiased information, numerous concerns and fears have already surrounded this project and are increasing. The Special Permit Granting Authority must consider several factors including Traffic flow and safety, neighborhood character and social structures, as well as impacts on the natural environment (Great Barrington Zoning Bylaws, p. 134). It is my hope these decision-makers consider these factors carefully with residents in mind. Also, on August 26, 2019, the Select Board will discuss the Host Community Agreement for the Fulcrum Project. It was stated at the neighborhood meeting held August 15 that the community impact fee for this project may be less than 3%.

If this project is passed, a reduced community impact fee would be, for me, an insult. But, honestly, to lose the enjoyment of my property and investment for even the maximum of 3% is an insult.

After review of the historical information surrounding this property, it is clear to me that many years ago, despite the well-organized and exhaustive opposition efforts by area residents, town leadership failed the citizens of Van Deusenville. With the Fulcrum Enterprises, LLC proposal, it is imperative that the current SPGA not continue this legacy by approving this permit and further degrading this neighborhood. It is time to support our neighborhoods.

Respectfully submitted for the public record:



Michelle Loubert, Resident  
70 Division Street  
Great Barrington, MA 01230  
Tel. (413) 854-8185

cc: Mr. Mark Pruhenski, Great Barrington Town Manager  
Ms. Rebecca Jurczyk, Health Agent  
Mr. Christopher Rembold, Town Planner

**Great Barrington Master Plan:** *Our Vision for Great Barrington is that our small town continues its vibrant combination of rural landscapes and urban infrastructure. The **balance** between these two features, a legacy of our Town's agricultural origins and its industrialized history, serves our civic, cultural, economic, and social needs. Great Barrington thrives because of this legacy, and maintaining this balance will be the foundation of our Town's tomorrow.*

**APPLICATION BY A FARMER WINERY FOR LICENSE TO SELL AT A  
FARMER'S MARKET  
(CH.138, §15F)**

YEAR 20

**1. Licensee Information:**

Name of Applicant: <input type="text" value="Nicole Blum"/>		ABCC License Number: (If Existing Licensee) <input type="text" value="MA-65"/>
Mailing Address: <input type="text" value="295 River Drive"/>	Business Name (d/b/a if different): <input type="text" value="Carr's Ciderhouse"/>	
Manager of Record: <input type="text" value="Nicole Blum"/>	City/Town: <input type="text" value="Hadley"/>	State <input type="text" value="MA"/> Zip <input type="text" value="01035"/>
Phone Number of Premises: <input type="text"/>		
Other Phone: <input type="text" value="413.336.7363"/>	Email: <input type="text" value="nicole@carrsciderhouse.com"/>	Website: <input type="text" value="www.carrsciderhouse.com"/>

Contact Person concerning this application (attorney if applicable):

Name: <input type="text" value="same as above"/>	City/Town: <input type="text"/>	State <input type="text"/>	Zip <input type="text"/>
Address: <input type="text"/>	Email: <input type="text"/>		
Contact Number: <input type="text"/>	Fax Number: <input type="text"/>		

**2. Event Information:**

A. Farmer's Market licenses are only permitted at events that the Department of Agriculture has certified as Agricultural Events.

*Please attach document from Department of Agricultural Resources certifying that this is an agricultural event.*

Date(s) of Event:

B. Contact person for applicant during event:

Name:

Phone number of contact:

C. Description of the premises within the Farmer's Market:

Address of Premises for the Sale of Wine:

City/Town:  State  Zip  Phone Number of Premises:

Describe Area to be Licensed:

10x10 tent space



**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A  
FARMER'S MARKET  
(CH.138, §15F)**

**3. Existing License(s) to Manufacture, Export and Sell at Retail:**

List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers: (Attach a copy of each license)

Name	License Type	License Address
Carr's Ciderhouse	Farm Winery License MA 65	295 River Drive, Hadley, MA 01035

**4. Are you providing, without charge, samples of wine to prospective customers?**

Yes ☒ No ☐

*Section 15F specifically requires that "all samples of wine shall be served by an agent, representative or solicitor of the licensee."*

**A. If yes, please provide names and addresses of all agents, representatives and solicitors:**

Name	Address	ABCC License Number
Nicole Blum	295 River Drive, Hadley, MA 01035	FW MA 65

**B. Proof of Age for Sale to Consumers:**

Please identify all methods by which you will obtain proof of age before providing samples or making any sales of wine to consumers :

We ask for valid identification for samples as well as sales

**5. Transportation and Delivery:**

Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, §22 that will be making any delivery of wine on your behalf to the Farmer's Market in Massachusetts.

We transport all of our product in our own vehicle

**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A  
FARMER'S MARKET  
(CH.138, §15F)**

**6. Safety and Tax Registration:**

Has the Farmer's Market registered with the Food and Drug Administration? Yes ☐ No ☐ Registration Date:

**7. Disclosure of License Disciplinary Action:**

Have any of the your licenses to sell alcoholic beverages ever been suspended, revoked or cancelled?

Yes ☐ No ☒

If yes, list said interest below:

Date	License	Reason why license was Suspended, Revoked or Cancelled

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, I have filed all state tax returns and paid all state taxes required under law. I further understand that each representation in this application is material to the determination of the application and state under penalty of perjury that all statements and representations therein are true.

Note: The LLA may require additional information.

Signature



Title

owner

Date

07/31/19

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 [www.mass.gov/agr](http://www.mass.gov/agr)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

JOHN LEBEAUX  
Commissioner

August 19, 2019

Nicole Blum  
Carr's Ciderhouse  
295 River Dr.  
Hadley, MA 01035

Re: Berkshire Fermentational Festival

Dear Nicole Blum:

Please be advised that your application for certification of the Berkshire Fermentational Festival, on Sunday, September 22, 2019 10:00 am to 5:00 pm, as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved. In the future, we would like to see this event have more agricultural vendors. We would be happy to assist the event manager in recruiting more vendors, should they need it.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

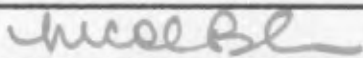
A handwritten signature in black ink, appearing to read "John Lebeaux", written in a cursive style.

John Lebeaux, Commissioner



### 5. General

Attach or provide in the space below a plan depicting the premises and the specific location where the license will be exercised. See template for necessary elements to include.



Signature of Applicant

NICOLE BLUM

Name (please print)

65

Farm-Winery License Number

AUG 1, 2019

Date

OWNER

Title (please print)

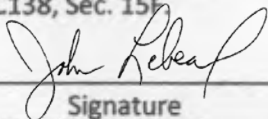
MA

State

### FOR DEPARTMENT USE ONLY

#### APPROVAL

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.

  
Signature

August 19, 2019

Date

#### DENIAL

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

Signature

Date

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: JOHN BEVAN

Organization Name: CLARION CONCERTS IN COLUMBIA COUNTY

Applicant's Address: 147 GREEN RIVER RD, ALFORD MA 01230

Telephone Number: 413-644-0007

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

Event: CHAMBER MUSIC CONCERT

Date: 9-21-2019 Start Time: 5pm. End Time: 8pm

Event Address: SAINT JAMES PLACE, 352 MAIN, GT. BARRINGTON

Is the Event on Town property? YES NO

**PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:**

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
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.)
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.

[Signature]  
Signature of Applicant

9-28-2019  
Date

FOR TOWN USE:

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_

9/9/19

**Host Community Agreement Application**

**Fulcrum Enterprises, LLC**

**Cultivation and Product Manufacturer**

**1. Name and contact info of license holder**

Fulcrum Enterprises, LLC  
22 Van Deusenville Road  
Great Barrington, MA 01230

Contact Person: John Heck  
[generalpushing@gmail.com](mailto:generalpushing@gmail.com)  
914-263-6627

**2. Name and contact info of application representative if different (person filling out this form)**

Kathleen M. McCormick, Esq.  
McCormick, Murtagh & Marcus  
390 Main Street, Suite 2  
Great Barrington, MA 01230  
(413)-528-0630  
[kmccormick@mccormicklegal.com](mailto:kmccormick@mccormicklegal.com)

**3. Name and contact info of person responsible for day-to-day operation (Store Manager, etc.)**

David Ross, Partner  
63176 Nels Anderson Road, Suite 150  
Bend, OR 97701

[centraloregongreenhouse@gmail.com](mailto:centraloregongreenhouse@gmail.com)  
Tel: 541-480-9392

**4. Employment history of store manager, past 5 years**

Hortitech Greenhouse  
2014-Present  
Owner/Business Consultant

David has worked in the cannabis industry for over 10 years and has experience as both an indoor and outdoor cultivator, a manufacturer and a consultant.



**5. List of all executives, managers or persons/entities having authority over the management, policies, security operations or cultivation operations of the establishment**

- a) John Heck, Manager of LLC
- b) G. William Heck, Manager of LLC
- c) Jerad Lauzier, Manager of LLC
- d) David Ross, Manager of LLC

**6. Has anyone on the list of participants (principals, investors, employees) ever held an alcohol license? Ever been cited for an ABCC violation?**

No.

**7. Name and address of owners, investors, and other capital resources available to this applicant for the purpose of establishing or operating the Marijuana Establishment**

- a. John Heck  
28 Priscilla Avenue  
Yonkers NY 10710-3606
- b. David Ross  
63176 Nels Anderson Road, Suite 150  
Bend, OR 97701
- c. G. William Heck  
6574 North State Road 7, #320  
Coconut Creek, FL 33073

**8. DBA and business structure.**

Fulcrum Enterprises, LLC is a Massachusetts limited liability company.

**9. Address of marijuana establishment and description of parts of the address to be used (Floor number, square footage, doors to be used by customers/staff)**

The Marijuana Establishment will be located at 22 Van Deusenville Road, a 5.78 acre parcel in an Industrial Zoning District. The proposed project is the construction of an 80,000 square foot marijuana cultivation and manufacturing facility. The proposed cultivation fields will be constructed in several enclosed

greenhouses. The existing house will remain as a single-family house with a corresponding residential use. A new 50' x 100' pre-fabricated steel building will be constructed on the southern portion of the property. This building will contain offices, restrooms, a vault and drying space for product. Also within this building will be a FlexLab C1D1 prefabricated manufacturing extraction lab.

**10. Description/drawing of view from the street, view from abutters.**

The project proposes to install a planted buffer in addition to a six (6) foot privacy fence, to provide a visual buffer between the greenhouses and the road. There will be no structures located within fifty (50) feet of the property line. Further, the canopy (or tarps) used to cover the greenhouses will be opaque, to allow for the passage of light but provide visual screening of product. The project will look like a typical, organic farm.

**11. How many other facilities do principals have/are applying for and where?**

The principals do not own and are not currently applying for additional facilities.

**12. Parking plan.**

This building will be accessed by using the existing common gravel driveways from Nolan Drive to a proposed gravel parking containing seven (7) spaces.

**13. Prevention of diversions.**

Fulcrum Enterprises, LLC will not be open to the public. Employees and Principals will have keycard access for entry to grow rooms, manufacturing spaces, storage areas and processing zones. There will be full perimeter and interior video surveillance 24/7 to detect any product diversion. There will be a six (6) foot privacy fence surrounding the property.

**14. Intended training and qualifications for staff.**

Cultivation

Basic landscaping skills will be required for the cultivation work. Staff will not be required to have marijuana specific experience. Jerad, Partner in Charge of Growing, will train the staff to complete daily plant maintenance tasks such as: planting, pruning, watering, fertilizing, pest control application, and harvesting techniques. Each employee will be required to possess a Marijuana Establishment Agent registration card as specified by the Cannabis Control Commission. All employees will undergo the standard background checks in

order to obtain the registration card. Every person working at the facility will be required to have their registration card in their possession at all times while working on the premises. The cultivation staff will follow OSHA safety protocols.

#### Manufacturing

The lead extraction technician will be required to have multiple years of extraction experience and at least one year of experience in a state with recreational marijuana program. They will be required to follow all OSHA and lab safety standard protocols. Training on processing equipment (assembly, cleaning, maintenance) will be provided by the equipment manufacturer. The lead technician will be responsible for training their staff. Appropriate employees will be trained on the maintenance and required data backup storage of the facility's video surveillance equipment.

#### **15. Date of Community Impact Meeting**

May 28, 2019

#### **16. Date you would like to appear before Selectboard?**

To be heard simultaneous with Special Permit Application for Marijuana Establishment (Cultivation and Manufacturing)



**TOWN OF GREAT BARRINGTON**

**AND**

**FULCRUM ENTERPRISES, LLC**

**HOST COMMUNITY AGREEMENT**

**FOR MARIJUANA CULTIVATION AND MANUFACTURING FACILITY**

THIS HOST COMMUNITY AGREEMENT ("AGREEMENT") is entered into this [ ] day of September, 2019 by and between Fulcrum Enterprises, LLC, a Massachusetts limited liability company and, any successor in interest with a principal office address of 22 VanDeusenville Road, Great Barrington, MA 01230 (the "Company"), and the Town of Great Barrington, acting by and through its Selectboard, in reliance upon all of the representations made herein, a Massachusetts municipal corporation with a principal address of 334 Main Street, Great Barrington, Massachusetts 01230 (the "Town").

WHEREAS, the Company wishes to cultivate and manufacture Marijuana for commercial production and wholesale distribution of marijuana for adult use (the "Establishment") at a facility with approximately 85,000 square feet – 80,000 square feet +/- for cultivation and 5,000 square feet +/- for manufacturing, located at 22 VanDeusenville Road, Great Barrington, as shown as Assessor's Map 27, Lot 2.6 (the "Facility"), in accordance with and pursuant to applicable state laws and regulations, including, but not limited to 935 CMR 500.00 and such approvals as may be issued by the Town in accordance with its Zoning Bylaws and other applicable local regulations; and

WHEREAS, the Company intends to provide certain benefits to the Town in the event that it receives the requisite licenses from the Cannabis Control Commission (the "CCC") or such other state licensing or monitoring authority, as the case may be, to operate the Establishment in Town and receives all required local permits and approvals from the Town; and

WHEREAS, the parties intend by this Agreement to satisfy the provisions of G.L. c.94G, Section 3(d), applicable to the operation of an Establishment, such activities to be only done in accordance with the applicable state and local laws and regulations in the Town;

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Company and the Town agree as follows:

## **1. Recitals**

The Parties agree that the above Recitals are true and accurate and that they are incorporated herein and made a part hereof.

## **2. Annual Payments**

In the event that the Company obtains the requisite licenses and/or approvals as may be required for the operation of a Cultivation and Manufacturing Establishment, and receives any and all necessary and required permits and licenses of the Town, and at the expiration of any final appeal period related thereto, said matter not being appealed further, which permits and/or licenses allow the Company to locate, occupy and operate the Facility in the Town, then the Company agrees to provide the following Annual Payments. If the Company fails to secure any such other license and/or approval as may be required, or any of the required municipal approvals, the Company shall reimburse the Town for its reasonable legal fees associated with the negotiation of this Agreement, provided the Town accounts for all such fees and said fees relate to the review and negotiation of the Agreement.

### **A. Community Impact Fee**

The Town anticipates that the Town will incur some additional expenses and impacts on account of the Facility, including with regard to Town infrastructure, law enforcement, fire protection services, inspectional services, public health and permitting and consulting services, as well as unforeseen impacts on the Town. Accordingly, in order to mitigate the financial impact on the Town and use of Town resources, the Company agrees to pay a community impact fee to the Town, under the terms provided herein (the "Annual Community Impact Fee").

1. Company shall pay an Annual Community Impact Fee in an amount equal to One and one half percent (1.5%) of the wholesale value of marketable product produced by cultivation and manufacturing operations at the Establishment which are not sold directly to consumers on-site, but are distributed to other off-site marijuana establishments. Wholesale Value shall be determined by arms-length wholesale sales made by the Establishment during the year and shall include all marijuana, marijuana infused products, paraphernalia and any other products produced and sold by the Establishment.
2. The Annual Community Impact Fee shall be made in quarterly increments per the Town's fiscal year (July 1 – June 30) and is payable no later than the twentieth (20<sup>th</sup>) day following the end of the quarter. The Annual Community Impact Fee payment obligation shall commence when the Company

commences sales of products as described in paragraph 1 above, and the fee for the Company's first quarter of operation shall be prorated if the Facility is open for a portion of that quarter. The Annual Community Impact Fee payment shall continue for a period of five (5) years. At the conclusion of that five-year period, the parties shall negotiate a new Annual Community Impact Fee.

3. The Town shall use the above referenced payments in its sole discretion but shall make a good faith effort to allocate said payments for infrastructure, law enforcement, fire protection services, inspectional services, public health and addiction services, and permitting and consulting services, as well as unforeseen impacts upon the Town.

#### B. Legal Fees

The Company understands that it is under no legal obligation to pay the Town's fees or costs in connection with the legal fees associated with the drafting and negotiating of this Agreement, however, understanding that the Town is incurring legal expenses associated with this Agreement, as a part of the Company's desire to foster a good relationship with the Town and its residents, as well as to independently affirm its status as a good corporate citizen and neighbor, the Company elects, in addition to the Annual Community Impact Fee, to reimburse the Town for legal expenses associated with the negotiation and execution of this Agreement.

#### C. Costs, Payments and Reimbursements

1. Permit and Connection Fees: The Company hereby acknowledges and accepts, and waives all rights to challenge, contest or appeal, the Town's building permit and other permit application fees, sewer and water connection fees, and all other local charges and fees generally applicable to other commercial developments in the Town.
2. Facility Consulting Fees and Costs: The Company shall reimburse the Town for any and all reasonable consulting costs and fees related to any land use applications concerning the Facility, negotiation of this and any other related agreements, and any review concerning the Facility, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates charged by the above-referenced consultants in relation to the Facility.
3. Other Costs: The Company shall reimburse the Town for the actual costs incurred by the Town in connection with holding public meetings and forums substantially devoted to discussing the Facility and/or reviewing the Facility and for any and all reasonable consulting costs and fees related



to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees.

4. Late Payment Penalty: The Company acknowledges that time is of the essence with respect to their timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made within ten (10) days of the date they are due, the Company shall be required to pay the Town a late payment penalty equal to five percent (5%) of such required payments.

#### D. Annual Charitable/Non-Profit Contributions

The Company, in addition to any funds specified herein, shall annually contribute to public local charities/non-profit organizations for health, wellness, and/or substance abuse education programs in the Town an amount equal to Ten Thousand Dollars (\$10,000) per year, said charities/non-profit organizations to be determined by the Company in its reasonable discretion (the "Annual Charitable/Non-Profit Contribution"). The Annual Charitable/Non-Profit Contribution shall be made annually beginning on the first anniversary following the commencement of operations, and shall continue for the term of this Agreement.

#### E. Annual Report for Host Community Impact Fees

The Company shall submit its most recent annual financial statements to the Town within thirty (30) days after June 30 of each year, the close of the Town's fiscal year, with a certification of its annual sales and production, including full details regarding production for wholesale distribution. The Company shall maintain books, financial records, and other compilations of data pertaining to the requirements of this Agreement in accordance with standard accounting practices and any applicable regulations or guidelines of the CCC. All records shall be kept for a period of at least seven (7) years. Upon request by the Town, the Company shall provide the Town with the same access to its financial records (to be treated as confidential, to the extent allowed by law) as it is required by the CCC and Department of Revenue for purposes of obtaining and maintaining a license for the Facility.

During the term of this Agreement and for three years following termination of the Agreement, the Company shall agree, upon request of the Town to produce its financial records to be examined, copied and audited by an Independent Financial Auditor, the expense of which shall be borne by the Company. The Independent Financial Auditor shall review the Company's financial records for the purposes of determining that the Annual Payments are in compliance with the terms of this Agreement. Such examination shall be made not less than thirty (30) days following written notice from the Town and shall occur only during normal business hours and at such place where said books,

financial record and accounts are maintained. The Independent Financial Audit shall include those parts of the Company's books and financial records which relate to the payment, and shall include a certification of itemized gross sales for the previous calendar year, and all other information required to ascertain compliance with the terms of this Agreement. The independent audit of such records shall be conducted in such a manner as to not interfere with the Company's normal business activities.

### **3. Local Vendors and Employment**

To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Company shall make every effort in a legal and non-discriminatory manner to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services called for in the construction, maintenance and continued operation of the Facility when such contractors and suppliers are properly qualified and price competitive and shall use good faith efforts to hire Town residents.

### **4. Local Taxes**

At all times during the Term of this Agreement, property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by the Company or by its landlord. Neither the Company nor its landlord shall object or otherwise challenge the taxability of such property and shall not seek a non-profit or agricultural exemption or reduction with respect to such taxes. Notwithstanding the foregoing, (i) if real or personal property owned, leased or operated by the Company is determined to be non-taxable or partially non-taxable, or (ii) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at fair cash value as defined in G.L. c. 59, §38, or (iii) if the Company is determined to be entitled or subject to exemption with the effect of reducing or eliminating the tax which would otherwise be due if not so exempted, then the Company shall pay to the Town an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption; this payment shall be in addition to the payment made by the Company under Section 2 (Annual Payments) of this Agreement.

### **5. Security**

To the extent requested by the Town's Police Department, and subject to the security and architectural review requirements of the CCC, or such other state licensing or monitoring authority as the case may be, the Company shall work with the Town's Police Department in determining the placement of exterior security cameras.

The Company agrees to cooperate with the Police Department, including but not limited to periodic meetings to review operations concerns, security, delivery schedule and procedures,

cooperation in investigations, and communications with the Police Department of any suspicious activities at or in the immediate vicinity of the Facility, and with regard to any anti-diversion procedures.

To the extent requested by the Town's Police Department, the Company shall work with the Police Department to implement a comprehensive diversion prevention plan to prevent diversion, such plan to be in place prior to the commencement of operations at the Facility.

The Company shall promptly report the discovery of the following to Town Police within 24 hours of the Company becoming aware of such event: diversion of marijuana; unusual discrepancies identified during inventory; theft; loss and any criminal action; unusual discrepancy in weight or inventory during transportation; any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport; any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person; unauthorized destruction of marijuana; any loss or unauthorized alteration of records related to marijuana, registered qualifying patients, personal caregivers, or dispensary agents; an alarm activation or other event that requires responses by public safety personnel; failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and any other breach of security.

#### **6. Community Impact Hearing Concerns**

The Company agrees to employ its best efforts to work collaboratively and cooperatively with its neighboring businesses and residents to establish written policies and procedures to address mitigation of any concerns or issues that may arise through its operation of the Facility, including, but not limited to any and all concerns or issues raised at the community impact hearing in Town relative to the operation of the Facility; said written policies and procedures, as may be amended from time to time, shall be reviewed and approved by the Town and shall be incorporated herein by reference and made a part of this Agreement, the same as if each were fully set forth herein.

#### **7. Additional Obligations**

The obligations of the Company and the Town recited herein are specifically contingent upon the Company obtaining a license for operation of the Facility in the Town, and the Company's receipt of any and all necessary local approvals to locate, occupy and operate the Facility in the Town.

This Agreement does not affect, limit, or control the authority of Town boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Bylaws of the Town, or applicable regulations of those boards, commissions, and departments or to enforce said statutes, bylaws and regulations. The Town, by



entering into this Agreement, is not thereby required or obligated to issue such permits and approvals as may be necessary for an Establishment to operate in the Town, or to refrain from enforcement action against the Company and/or its Facility for violation of the terms of said permits and approvals or said statutes, bylaws, and regulations.

#### **8. Electrical Usage and Renewable Energy Requirements**

The Company shall (a) satisfy all minimum energy efficiency and equipment standards established by the Cannabis Control Commission and meet all applicable environmental laws, regulations, permits, and other applicable approvals; (b) adopt and use best management practices as determined by the Cannabis Control Commission and reduce energy usage and consumption and engage in energy conservation; and (c) ensure that lighting power densities for cultivation spaces do not exceed an average of 36 watts per gross square foot of active and growing canopy.

The Company shall report to the Selectboard annually on its energy use and shall include in its annual report a summary of its ongoing strategies to further reduce electrical demand.

#### **9. Water Consumption**

The Company shall use best efforts to minimize water consumption at the Establishment. Water consumption techniques shall include: (a) a commitment to utilizing those watering techniques that will ensure plants only receive the minimum amount of water needed for each plant; (b) a commitment to not engaging in water intensive cultivation methods such as ebb and flood hydroponic cultivation

#### **10. Waste and Waste Water Controls, Pesticides, Extraction Chemicals**

The Company shall ensure that all recyclables and waste, including organic waste composed of or containing finished marijuana and marijuana products, shall be stored, secured, and managed in accordance with applicable state and local statutes, bylaws, and regulations. Liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with all applicable state and federal requirements, including but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L.c.21, §§26-53; 314 CMR 3.00: Surface Water Discharge Permit Program; 314 CMR 5.00: Groundwater Discharge Program; 314 CMR 12.00: Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers; the Federal Clean Water Act, 33 U.S.C. §1251 et seq.; the National Pollutant Discharge Elimination System Permit Regulations at 40 CFR Part 122; 314 CMR 7.00: Sewer System Extension and Connection Permit Program), or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: Industrial Wastewater Holding Tanks and Containers.

Any use or application of pesticides at the Facility shall, at a minimum, comply with M.G.L. c. 132B and the regulations of the Massachusetts Pesticide Board at 333 CMR. Pesticides shall not be used as the primary method of pest control. Pesticides shall be limited to those on or in conformance with the list of approved substances maintained by the Great Barrington Agricultural Commission.

Chemicals used for any cannabis extraction processes shall be stored, used and disposed of so as to prevent unauthorized release or discharge from the Facility and any damage to the environment.

#### **11. Odor Control Technology**

The Company shall ensure that odor from the Facility is not released so as to constitute a nuisance to surrounding properties. The Company shall develop an odor mitigation plan and submit the plan to the Town for approval, such approval not to be unreasonably withheld. At a minimum, the Company shall use enclosed greenhouses and manufacturing space with a vented odor control system. The Company shall employ odor control technology to remove odors and harmful volatile organic compounds (VOCs) from the Facility. Any chemicals used in the odor control and mitigation process shall be non-toxic and, to the extent possible, biodegradable. The Company shall ensure property maintenance of all odor mitigation equipment to ensure maximum efficiency. The Company acknowledges that odor mitigation will be addressed as part of the review of the Company's application for a Special Permit, as referenced in Section 28 of this Agreement, which may include a third party or peer review of the Company's odor mitigation plan; and the Company agrees that it shall comply with such specific measures and requirements for odor mitigation as may be included in any Special Permit issued by the Selectboard. The Company shall cooperate with the Town in the implementation of the finally approved odor mitigation plan.

#### **12. Re-Opener/Review**

The Company or any "controlling person" in the Company, as defined in 935 CMR 500.02, shall be required to provide to the Town notice and a copy of any other Host Community Agreement entered into for any Establishment in which the Company, or any controlling person in the Company, has any interest and which is licensed by the CCC as the same type of Establishment as the entity governed by this Agreement.

In the event the Company or any controlling person enters into a Host Community Agreement for an Establishment with another municipality in the Commonwealth that contains financial terms resulting in payments of a Community Impact Fee for the same type of Establishment greater than the Company agrees to provide the Town pursuant to this Agreement, then the

parties shall reopen this Agreement and negotiate an amendment resulting in financial benefits to the Town equivalent or superior to those provided to the other municipality.

### **13. Support**

The Town agrees to submit to the CCC, or such other state licensing or monitoring authority, as the case may be, the required certifications relating to the Company's application for a license to operate the Facility where such compliance has been properly met, but makes no representation or promises that it will act on any other license or permit request, including, but not limited to any zoning application submitted for the Facility, in any way other than by the Town's normal and regular course of conduct and in accordance with its rules and regulations and any statutory guidelines governing them.

### **14. Term**

Except as expressly provided herein, this Agreement shall take effect on the date set forth above, and shall be applicable for as long as the Company operates the Facility in the Town.

### **15. Successors/Assigns**

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent of the Town, not to be unreasonably withheld, and shall not assign any of the monies payable under this Agreement, except by and with the written consent of the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the Town nor the Company shall assign, sublet, or otherwise transfer any interest in the Agreement without the written consent of the other.

Events deemed an assignment include, without limitation: (i) Company's final and adjudicated bankruptcy whether voluntary or involuntary; (ii) the Company's takeover or merger by or with any other entity; (iii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iv) or any other change in ownership or status of the Company; (v) any assignment for the benefit of creditors; and/or (vi) any other assignment not approved in advance in writing by the Town.

### **16. Notices**

Any and all notices, consents, demands, requests, approvals or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, and shall be deemed given when so delivered by hand, if so mailed, when deposited with



the U.S. Postal Service, or, if sent by private overnight or other delivery service, when deposited with such delivery service.

To Town:      Town Manager  
                    334 Main Street  
                    Great Barrington, MA 01230

To Licensee: Fulcrum Enterprises, LLC  
                    22 VanDeusenville Road  
                    Great Barrington, MA 01230

With a copy to:

Kathleen M. McCormick, Esq.  
McCormick, Murtagh & Marcus  
390 Main Street, Suite 2  
Great Barrington, MA 01230

#### **17. Severability**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the Town would be substantially or materially prejudiced. Further, the Company agrees that it will not challenge, in any jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by the Company in a court of competent jurisdiction, the Company shall pay for all reasonable fees and costs incurred by the Town in enforcing this Agreement.

#### **18. Governing Law**

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, without regard to conflict of laws principles, and the Company submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

#### **19. Entire Agreement**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Company and the Town with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations and representations, either

written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

## **20. Amendments/Waiver**

Amendments, or waivers of any term, condition, covenant, duty or obligation contained in this Agreement may be made only by written amendment executed by all signatories to the original Agreement, prior to the effective date of the amendment.

## **21. Headings**

The article, section, and/or paragraph headings in this Agreement are for convenience of reference only, and shall in no way affect, modify, define or be used in interpreting the text of this Agreement.

## **22. Counterparts**

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any party hereto may execute this Agreement by signing one or more counterparts.

## **23. Signatures**

Facsimile signatures affixed to this Agreement shall have the same weight and authority as an original signature.

## **24. No Joint Venture**

The Parties hereto agree that nothing contained in this Agreement or any other documents executed in connection herewith is intended or shall be construed to establish the Town, or the Town and any other successor, affiliate or corporate entity as joint venturers or partners.

## **25. Nullity**

This Agreement shall be null and void in the event that the Company does not locate the Facility in the Town or relocates the Facility out of the Town. Further, in the case of any relocation out of the Town, the Company agrees that an adjustment of any and all annual payments due to the Town hereunder shall be calculated based upon the period of occupation of the Facility within the Town, but in no event shall the Town be responsible for the return of any funds provided to it by the Company.

## **26. Indemnification**

The Company shall indemnify, defend, and hold the Town harmless from and against any and all claims, demands, liabilities, actions, causes of action, defenses, proceedings and/or costs and expenses, including attorney's fees, brought against the Town, their agents, departments, officials, employees, insurers and/or successors, by any third party arising from or relating to the development of the Property and/or Facility excluding all matters relating to appeals from Town permitting decisions. Such indemnification shall include, but shall not be limited to, all reasonable fees and reasonable costs of attorneys and other reasonable consultant fees and all fees and costs (including but not limited to attorneys and consultant fees and costs) shall be charged at regular and customary municipal rates, of the Town's choosing incurred in defending such claims, actions, proceedings or demands. The Company agrees, within thirty (30) days of written notice by the Town, to reimburse the Town for any and all costs and fees incurred in defending itself with respect to any such claim, action, proceeding or demand.

## **27. Third-Parties**

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Town or the Company.

## **28. Special Permit**

This Agreement is subject to the Company obtaining a Special Permit issued by the Town's Selectboard for a Marijuana Establishment, Manufacturing and Cultivating, in an I zone in accordance with Section 3, Use Regulations of the Town of Great Barrington Zoning Bylaws prior to issuance of Final License from the Cannabis Control Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

TOWN OF GREAT BARRINGTON

FULCRUM ENTERPRISES, LLC

By:

\_\_\_\_\_  
Chair, Selectboard  
On behalf of the  
Town of Great Barrington

\_\_\_\_\_  
Name:  
Title:



# Selectboard's 2020 Regular Meeting Schedule

January 13	Second Monday
January 27	Fourth Monday
February 10	Second Monday
February 24	Fourth Monday
March 9	Second Monday
March 23	Fourth Monday
April 6	First Monday
April 20	Third Monday
May 4	Annual Town Meeting
May 13	Second Wednesday
May 18	Third Monday
June 8	Second Monday
June 22	Fourth Monday
July 13	Second Monday
July 27	Fourth Monday
August 10	Second Monday
August 24	Fourth Monday
September 14	Second Monday
September 21	Third Monday
October 5	First Monday
October 26	Third Monday
November 9	Second Monday
November 23	Fourth Monday
December 7	First Monday
December 21	Third Monday

## **TOWN OF GREAT BARRINGTON**

### **NOTICE OF PUBLIC HEARING**

The Great Barrington Selectboard will hold a public hearing on Monday, October 7, 2019 at 7:00 pm at Town Hall, 334 Main Street, Great Barrington, MA, to act on the Special Permit application from Green Houses Partners, LLC, 70 Rowe Road, Great Barrington, to install an in-ground swimming pool at 27 Humphrey Street, Great Barrington, in accordance with Sections 3.1.4 G(12) and 10.4 of the Great Barrington Zoning Bylaw. A copy of the application is on file with the Town Clerk.

Stephen Bannon, Chair

Please publish September 6 and September 13, 2019

Berkshire Record

“PH advert 898-19 green houses partners”

S:\All Departments\Special Permits\898-19, Green Houses Partners for swimming pool

**TOWN OF GREAT BARRINGTON**  
**Application for a Special Permit**  
**to the Board of Selectmen or Planning Board**

FORM SP-1  
REV. 11-2013

TOWN CLERK

GREAT BARRINGTON

AUG 29 2019 AM 11:21

**FOR OFFICE USE ONLY**

Number Assigned 898-19 Date Received 8/29/19  
Special Permit Granting Authority SB  
Copy to Recommending Boards 9/4  
Advertised 9/6 & 9/13  
Public Hearing 10/7/19  
Fee: \$150.00 Paid: 705

APPLICATION FOR SPECIAL  
PERMIT UNDER TOWN ZONING  
BYLAWS FOR TOWN OF  
GREAT BARRINGTON,  
MASSACHUSETTS

MAP 20 LOT 8/9 BOOK 2371 PAGE 294 ZONING DISTRICT(s) B-3

Site Address: 23-35 HUMPHREY ST, GB MA 01230

Date of Application 8-28-19

Applicant's name and complete mailing address GREEN HOUSES PARTNERS, LLC  
30 ROWE RD, GB MA. 01230

Applicant's phone number (914) 3193396 Applicant's email address: BOBBXHOUSTON  
@HOTMAIL.COM

Name and Address of Owner of land exactly as it appears on most recent tax bill:

GREEN HOUSES PARTNERS, LLC.  
30 ROWE RD, GREAT BARRINGTON, MA. 01230

I (we) request a Special Permit for: IN-GROUND SWIMMING POOL

Under Section(s) 7.1.4 G (12) and 10.4 of the Great Barrington Zoning Bylaws.

**APPLICANTS MUST READ AND COMPLY WITH THE FOLLOWING:**

One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:

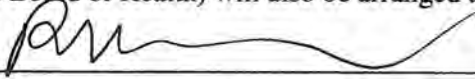
1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)
3. Site Plan, drawn to scale, applicable to the site and the proposed use of said site for which this special permit is requested.
4. Any other specifications necessary to further describe the site or proposed use for which a special permit is requested. At least one copy of any maps being submitted shall be no larger than 11" X 17". Plans should show all existing and proposed structures, property lines and dimensions, driveways, walkways and parking areas. All proposed landscaping, parking, loading, and similar improvements must be in compliance with the applicable sections of the Zoning Bylaw.
5. Certified list of abutters within 300' on the Assessors Maps to the subject property, including map and lot number. List must be obtained from the Assessors' Office.



6. Zoning Map designating the zoning district(s) and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location within the Town.
7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations or expert analysis of the plan.
8. Landscaping Plan drawn to scale and showing existing and proposed landscaping.
9. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

**SPECIFICS:**

1. All site plans and specifications must be signed and dated by the preparer.
2. **ALL OWNERS** of property must also sign the application.
3. A copy of special permit procedures is available upon request.
4. Fee for application is \$150.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest. If the cost exceeds \$150.00, the applicant shall pay the balance due upon notification from the Granting Authority.
5. Once all the necessary papers, maps, etc. are compiled into the required Original and Fourteen sets, call the Town Planner's office at 413-528-1619 ext. 7 to arrange an appointment to file your application. The application will be reviewed for completeness and a date for a public hearing before the Board of Selectmen or Planning Board will be scheduled. Meetings of recommending boards (e.g. Planning Board, Conservation Commission and Board of Health) will also be arranged at this time.

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-Applicant (e.g. Property Owner, if different)

\*\*\*\*\*

**PLEASE READ AND SIGN BELOW**

ALL COSTS INCURRED BY THE TOWN FOR THE EMPLOYMENT OF EXPERTS OR CONSULTANTS REQUIRED BY ANY TOWN BOARD, AND APPROVED BY THE BOARD OF SELECTMEN, FOR THE PURPOSE OF ANALYZING OR EVALUATING ANY PROJECT THAT IS A SUBJECT OF A SPECIAL PERMIT APPLICATION SHALL BE ASSESSED TO THE APPLICANT AND SHALL CONSTITUTE PART OF THE APPLICATION FEE. A COPY OF THIS REGULATION SHALL BE PROVIDED TO THE APPLICANT IF REQUESTED.

I have read the above regulation and agree to be bound by it.

Signature  \_\_\_\_\_

Signature of Co-Applicant (e.g. Property Owner) \_\_\_\_\_

Date \_\_\_\_\_

**GREEN HOUSES PARTNERS  
27 HUMPHREY ST  
GT BARRINGTON MA**

August 28, 2019

TO: Select Board of Gt Barrington

RE: Special Permit Application

Green Houses Partners are applying for a Special Permit to build an in-ground liner swimming pool as a common amenity to the newly completed redevelopment project at 23-35 Humphrey St, Gt Barrington, "The Green Houses."

The pool is intended as an exercise and visual asset, in a common space between the new homes at 23 and 25 Humphrey. The contractor is Imperial Pools from Pittsfield, Keith LaFrance owner. The pool will be 42' x 16' and 6' deep at its deepest. It will comply to all applicable codes.

We feel this amenity would be an asset to the project, which has been completed in full compliance with Zoning, Planning, ConCom and GB Master Plan.

Thank you for your consideration.

Sincerely,



Bobby Houston Beusman



Eric Shamie

Bruce Firger, Assessor  
John Katz, Assessor

Shaun McHugh, Principal Assessor  
E-mail: [smchugh@townofgb.org](mailto:smchugh@townofgb.org)

Carol Strommer  
Administrative Assessor  
E-mail: [cstrommer@townofgb.org](mailto:cstrommer@townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-2220 x 5  
Fax: (413) 528-1026

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

August 27, 2019

### ASSESSORS' OFFICE

ABUTTERS TO PROPERTY OF: GREEN HOUSES PARTNERS LLC

23, 25, 27, 29 Humphrey Street, Map 20 Lot 8, Book 2377 Page 294

35 Humphrey Street, Map 20 Lot 9, Book 2538 Page 205

MAP	LOT	ABUTTER
20	19	Kenneth N. Arce, 18 Humphrey St., Gt. Barrington, MA 01230-1428
20	26	Edward P. & Linda M. Pruhenski, 12 Humphrey St., Gt. Barrington, MA 01230-1436
20	12,8A	Thomas A. Cavanaugh, Trustee, Mahaiwe Nominee Realty Trust, 1 Pine St., Gt. Barrington, MA 01230-1415
20	12A	Kenneth R. Schumacher & Janice Seiger-Schumacher, 160 Castle St., Gt. Barrington, MA 01230-1541
20	28	Edward J. & Elizabeth A. Domaney, 327 State Rd., Gt. Barrington, MA 01230-1496
20	18	Helmuth K. & Ruth Ruthel, 22 Humphrey St., Gt. Barrington, MA 01230-1428
20	10,11	Alton E. Stalker, 39 Humphrey St., Gt. Barrington, MA 01230-1427
20	24	Werner Georg Kunz-Cho & Mimi Y. Cho-Kunz, PO Box 273, Gt. Barrington, MA 01230-0273
20	20	James H. Jennison, 40 Humphrey St., Gt. Barrington, MA 01230-1428
20	3,4	Carolyn Dunn, 194 East St., Gt. Barrington, MA 01230-1435
20	7	James G. & Kristine Stockfisch, 204 East St., Gt. Barrington, MA 01230-1435
20	33	Ann E. Merz Estate of, 49 Pearl St., Gt. Barrington, MA 01230-1242
20	38A	Juliet Bergan Emery, Trustee, 211 East St, Gt. Barrington, MA 01230-1434
20	39	Andrew G. Pramschufer, Trustee, 7050 Monza Place, Rancho Cucamongo, CA 91701-8531
20	40	Paul S. & Melissa A. P. Greene, Zoe Greene & Zachary Greene, PO Box 492, West Stockbridge, MA 01266-0492
20	36	Daniel R. Hemling & Kathleen M. Shelby, 203 East St., Gt. Barrington, MA 01230-1434
20	22	Dorothy J. Capasse, PO Box 1263, Sheffield, MA 01257-1263
20	38	Daniel J. Maloney & Robert A. Maloney, 215 East St., Gt. Barrington, MA 01230-1434
20	1	Peter R. & Annette S. Habicht,, Trustees, Falcon Residences Nominee Trust, 1985 South Undermountain Rd., Sheffield, MA 01257-9643
20	25	Michael R. & Stacy L. Bertelli, 238 East St., Gt. Barrington, MA 01230-1436
20	35	Anne Bei Reiss, Trustee, Anne Bei Reiss Revocable Trust, 199 East St., Gt. Barrington, MA 01230-1434
20	23	Justin J. & Krista J. Haley & Sandra Haley, 232 East St., Gt. Barrington, MA 01230-1436
20	32	185 East Street 01230 LLC, 101 Green River Rd., Gt. Barrington, MA 01230-8922
14	281	Joan I. Giummo, 176 East St., Gt. Barrington, MA 01230-1435
14	307	Mark Fay, PO Box 543, Sandisfield, MA 01255-0543
14	280	David P. Root, 174 East St., Gt. Barrington, MA 01230-1435
20	13	Bridge-Building LLC, 113 Bridge St., Gt. Barrington, MA 01230-1338
20	14	Evelyn Faye West, 115 1/2 Bridge St., Gt. Barrington, MA 01230-1338
20	15	Lisa Ann Lindel & Kent Daniel Milligan, 115 Bridge St., Gt. Barrington, MA 012301338
20	16	Glen A. & Anne E. Jost, 117 Bridge St., Gt. Barrington, MA 01230-1338
20	17	Benjamin E. Wohlfert, PO Box 1347, North Canaan, Ct 06018-1347
20	29	Laura A. Spucches, 128 Gt. Barrington Rd., West Stockbridge, MA 01266-9209
20	30	H & H Capital Management, PO Box 863, Gt. Barrington, MA 01230-0863
20	31	Mimi Perry, 143 Bridge St., Gt. Barrington, MA 01230-1339
19	122C,122	James M. Cavanaugh, Trustee, M & H Realty Trust of Great Barrington, PO Box 548, Gt. Barrington, MA 01230-0548
19	123,122B,122A	Berkshire Corporation, 21 River St., Gt. Barrington, MA 01230-1330
19	122D	Enfield Realty Holdings LLC, 28 Church St., Gt. Barrington, MA 01230-1315
19	139	79 Bridge Street Realty LLC, 247 Stockbridge Rd., Gt. Barrington, MA 01230-1297
14	306	Edwin E. Markham III, 179 East St., Gt. Barrington, MA 01230-1464
14	305	Eugene Gollogly, 177 East St., Gt. Barrington, MA 01230-1464
14	256	Andrea Krest, 55 Pleasant St., Gt. Barrington, MA 01230-1343
14	260	22 River LLC, 304 Park St. North, Gt. Barrington, MA 01230-11473



Green Houses Partners LLC, 20/8 & 9

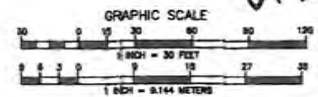
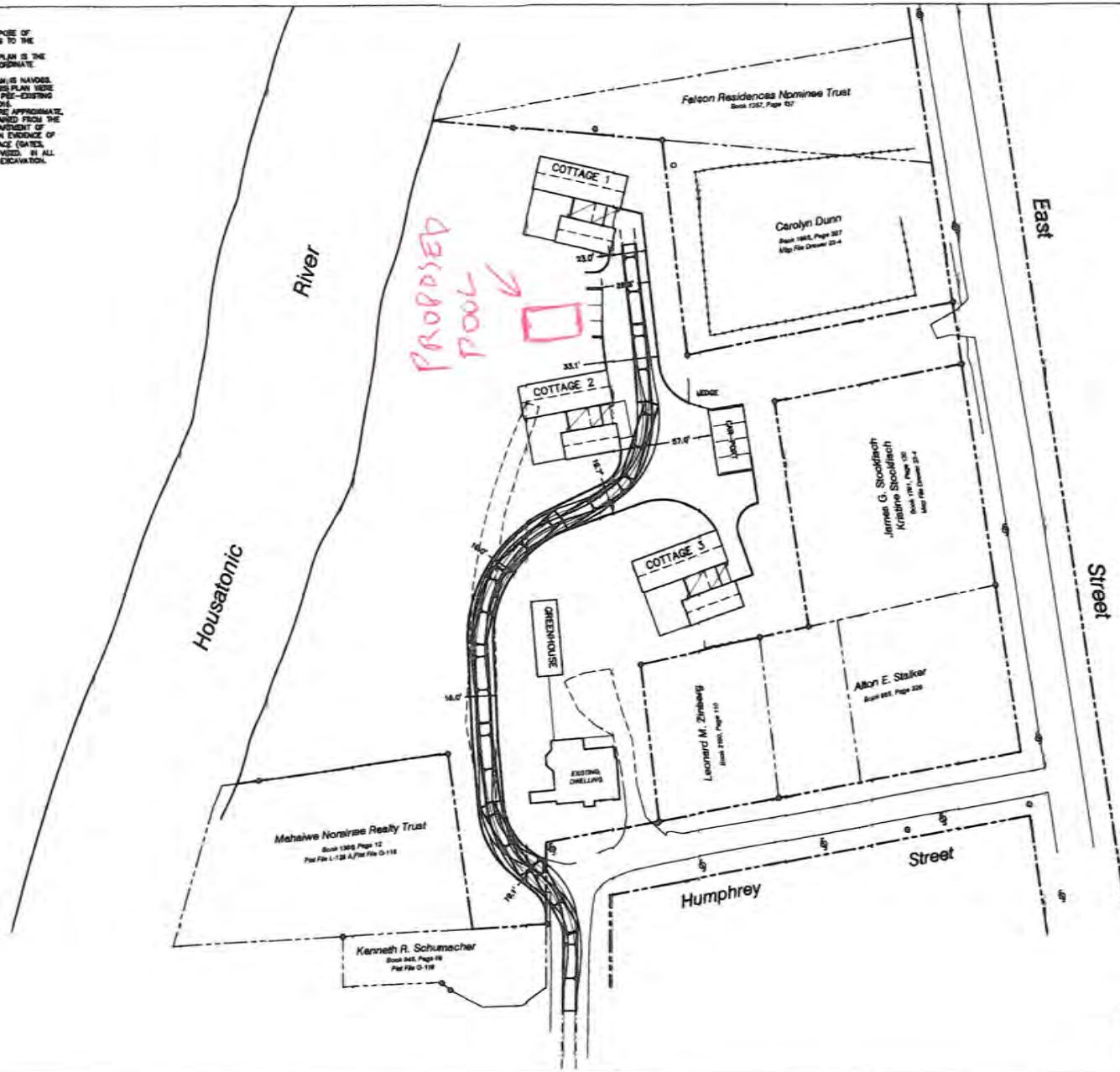
14	255	Ranakdevi & John Londoner, 185 East 85 <sup>th</sup> St. #4K, New York, NY 10028-8069
14	254	Margaret Parish, PO Box 273, Stockbridge, MA 01262-0273
14	259	Michael Goldberg & Melissa Raulson, 225 East 49 <sup>th</sup> St., New York, NY 10007-1536
20	37A	Gary J. & Linda R. Hutton, 20 Quarry St., Gt. Barrington, MA 01230-1422
20	38B,39A	Quarry Street Management Co. LLC, 302 Loudon Rd., Loudonville, NY 12211-2019
20	34,37	Keith Lowey, Trustee, Sixteen Quarry Street Realty Trust, 16 Quarry St., Gt. Barrington, MA 01230-1422
14	308	Judith A. Arienti, 10 Quarry St., Gt. Barrington, MA 01230-1422
14	309	Cynthia J. Guidi, 12 Quarry St., Gt. Barrington, MA 01230-1422
14	279A	Matthew J. & Julie C. Duffin, 150 East St., Gt. Barrington, MA 01230-1435
20	27	Timothy David Siok & Mariana D. Vivas Siok, 23 Park Court #87, Verona, NJ 07044-2453
20	44	Florence Anne Sasso, 231 East St., Gt. Barrington, MA 01230-1434

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

Sincerely,

  
Shaun McHugh  
Principal Assessor

- NOTES:
1. THIS PLAN IS MADE FOR THE PURPOSE OF SHOWING PROPOSED IMPROVEMENTS TO THE SUBJECT PROPERTY.
  2. THE HORIZONTAL DATUM OF THIS PLAN IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM.
  3. THE VERTICAL DATUM OF THIS PLAN IS NAVD83.
  4. EXISTING CONDUITS SHOWN ON THIS PLAN WERE UPDATED FOLLOWING REMOVAL OF PRE-CASTING STRUCTURES IN THE SPRING OF 2014.
  5. LOCATION OF EXISTING UTILITIES ARE APPROXIMATE, BASED IN PART UPON PLANS OBTAINED FROM THE TOWN OF GREAT BARRINGTON COMMISSIONER OF PUBLIC WORKS, AND IN PART UPON EVIDENCE OF UTILITIES OBSERVED ON THE SURFACE (DITCHES, MANHOLES, ETC.). CAUTION IS ADVISED. IN ALL CASES, CALL DIG-SAFE PRIOR TO EXCAVATION.



SITE/PLOT PLAN



DATE	REVISIONS
08.04.16	Logan, Fire Truck
04.16.16	Utility Details
03.22.16	Site Plan Review
03.08.16	Add driveway
03.01.16	Site Plan Review
04.13.17	Site Revisions
02.22.17	Utility Revisions
01.08.17	Utility Paving
12.25.16	DD_Paving
DATE	REVISIONS

STAMP

CONSULTANT  
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 601 Main Street, Suite 100  
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ARCHITECT  
**AF architecture**  
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 413.429.5302  
 faleyev@afacomic.net  
 www.grigoriyfaleyev.com

PROJECT

**GREEN HOUSES**  
 RESIDENTIAL DEVELOPMENT  
 27 Humphrey Street  
 Great Barrington, MA

SHEET TITLE  
 SHEET PATH  
 ANALYSIS

SHEET NUMBER

**C 04.05**



# HUMPHREY STREET, GREAT BARRINGTON

## Town of Great Barrington ZONING MAP

**RESIDENTIAL**  
 R-1-A One-Family Medium Density (10,000 sq ft)  
 R-1-B One-Family High Density (6,500 sq ft)  
 R-2 Average Residential (1 acre)  
 R-3 General Residential (5,000 sq ft)  
 R-4 Large Average Residential (2 acres)

**BUSINESS**  
 B-Downtown Business  
 B-1 Neighborhood Business  
 B-2 General Business  
 B-2-A Transitional Business  
 B-2N State Road Mixed Use  
 B-J Downtown Mixed Use  
 DBP Downtown Business Parking  
 HVC Housatonic Village Center  
 MXD Mixed Use Transitional

**INDUSTRIAL**  
 I-Light Industry  
 I-2 Industrial / Multi-Family

### OVERLAY DISTRICTS

V-CD Village Center Overlay District (see Section 9.6)  
 HMIROD Housatonic Mills Rehabilitation Overlay District (see Section 9.8)  
 H-VO Housatonic Village Overlay District (see Section 9.10)  
 WQPOD Water Quality Protection Overlay District (see Section 9.2)  
 SGOD Smart Growth Overlay District (see Section 9.13)

Adopted:  
 Ordinance 1997-10  
 Revised: 2000-01-01  
 2000-01-01  
 2000-01-01  
 2000-01-01

Refer to Zoning text for rules of interpretation on boundaries

### Legend

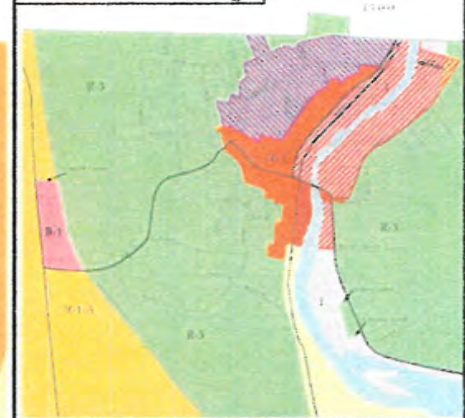
Lakes/Lands  
 Perennial Streams  
 Roadways

Zoning	B-2N	I	R-3	V-CD
B	B-3	I-2	R-4	WQPOD
B-1	DBP	R-1-A	HMIROD	Zone II
B-2	HVC	R-1-B	H-VO	Surface Water Zone A
B-2-A	MXD	R-2	SGOD	Surface Water Zone B

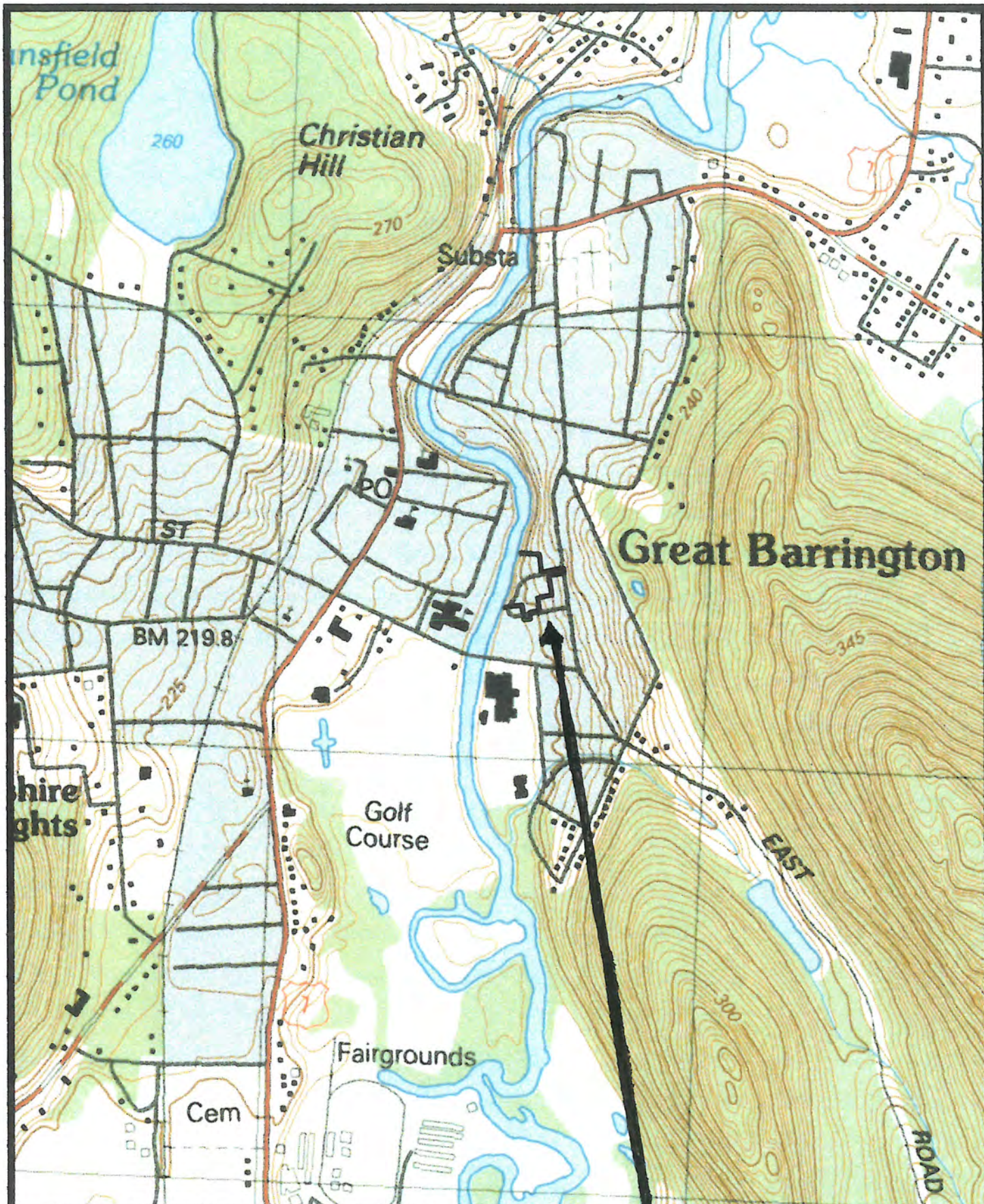
### Great Barrington Village



### Housatonic Village



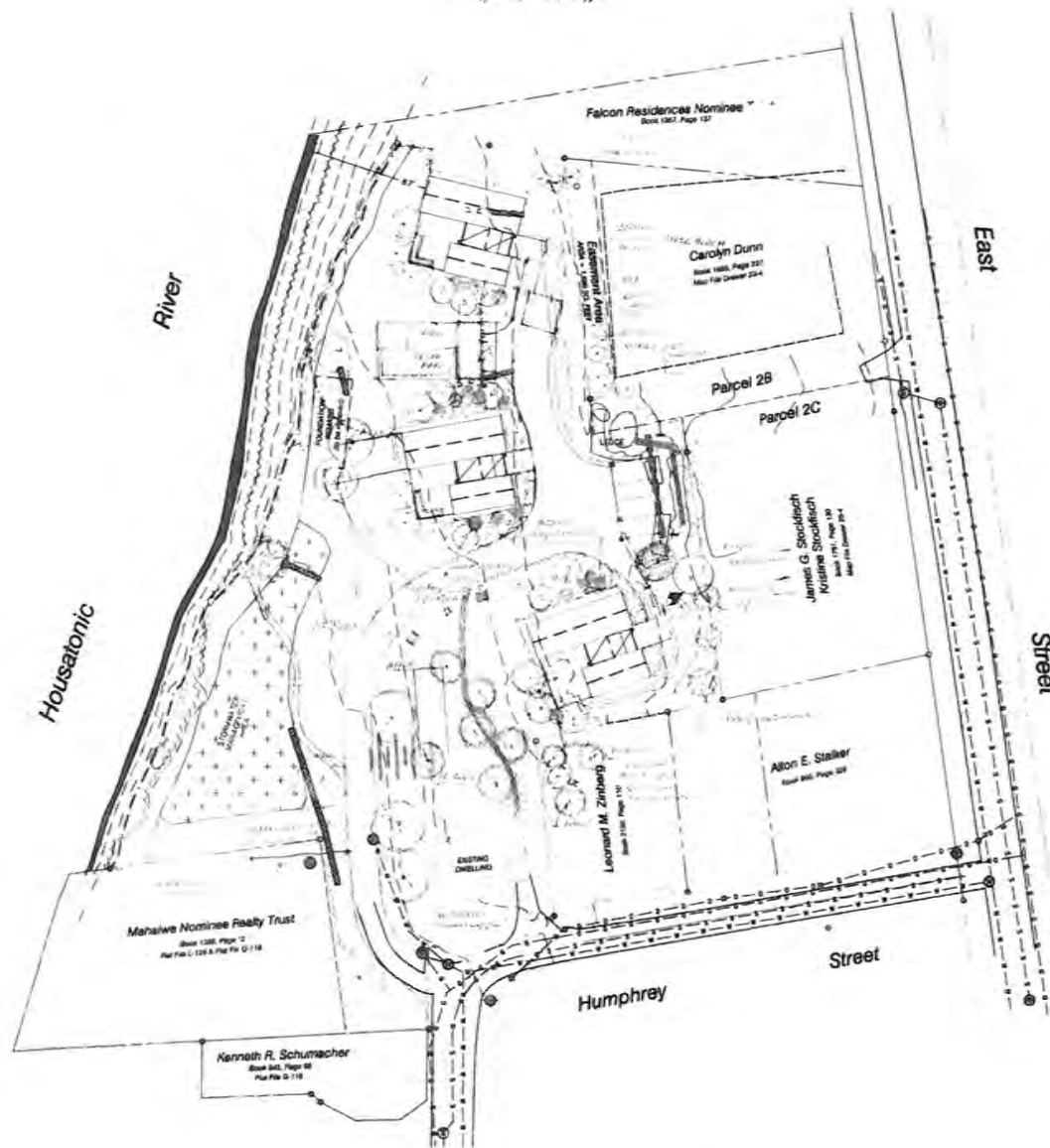




PREPARED FOR:  
**GREEN HOUSES PARTNERS, LLC**  
U.S.G.S TOPOGRAPHIC MAP  
SCALE 1" = 1000 FT.

BY: **ACCORD**  
ENGINEERING & SURVEYING, LLC  
(413) 528-8999  
FEBRUARY 28, 2018





# PLANTING PLAN

SCALE: 1/32" = 1'-0"

GRAPHIC SCALE



## LEGEND

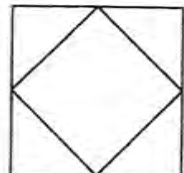
SYMBOL	DESCRIPTION
V.I.F.	Verify in Field
HB	Home Bldg.
(N)	New
(E)	Existing
EM	Existing Electric Meter
WM	Existing Water Meter
GM	Existing Gas Meter

## DRAWING STATUS

- ☐ INFORMATION DWGS. (NOT FOR CONSTRUCTION)
- ☐ PRELIMINARY DWGS. (NOT FOR CONSTRUCTION)
- ☐ DESIGN DEVELOP. DWGS. (NOT FOR CONSTRUCTION)
- ☐ CHECK SET (NOT FOR CONSTRUCTION)
- ☐ PLAN CHECK DWGS.
- ☐ BID SET DWGS.
- ☐ CONSTRUCTION DOCUMENTS
- ☐ OTHER \_\_\_\_\_



Green Houses



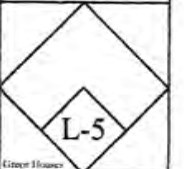
THE OFFICE OF  
JEFFREY F. CAMBONI  
LANDSCAPE ARCHITECTURE  
3012 PACIFIC AVENUE  
STOCKTON 95204  
209 948 6333

GREEN HOUSES  
27 Humfrey Street  
Great Barrington, MA

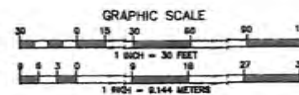
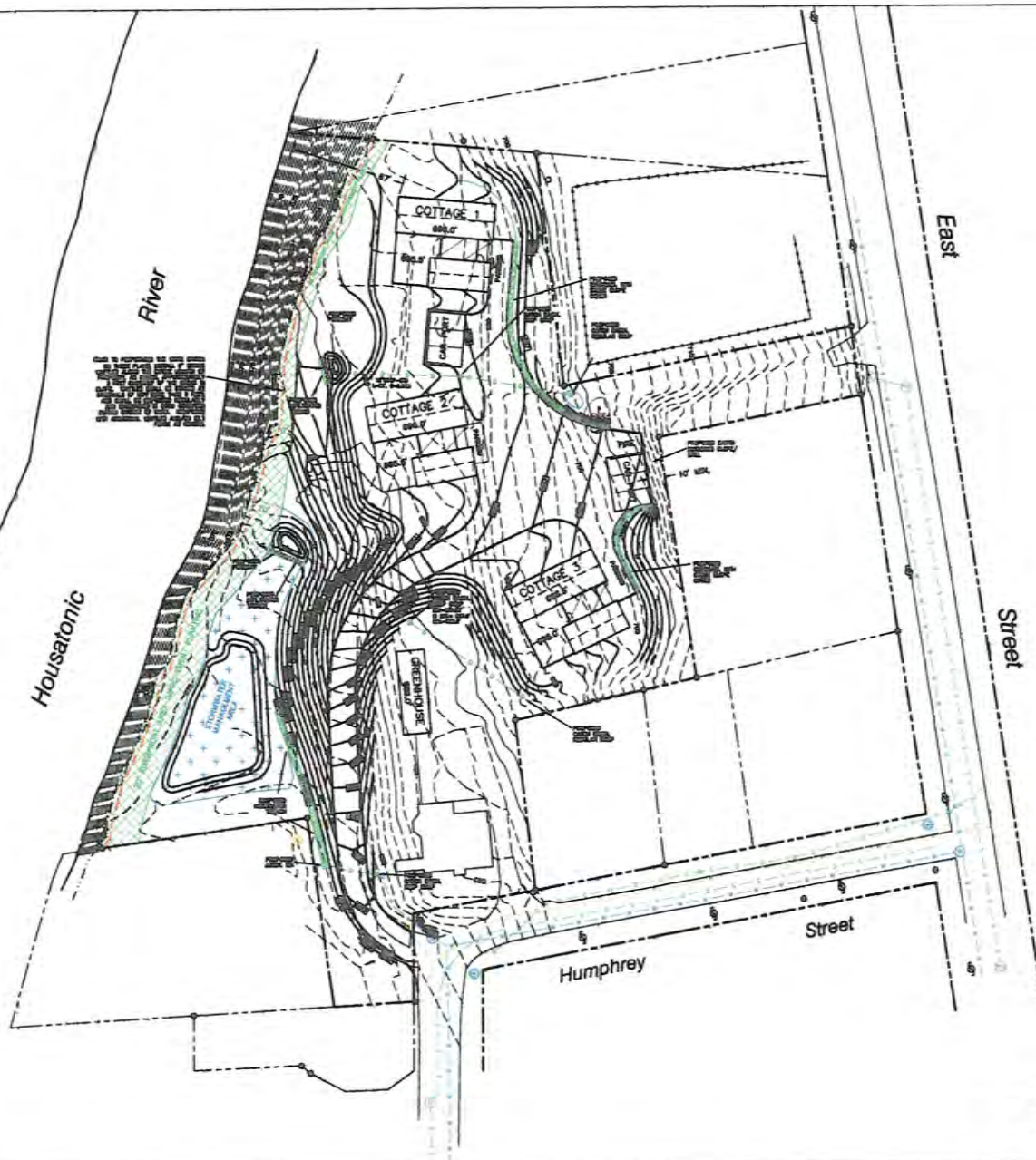
These drawings are not final and shall not be used for construction purposes until signed by Jeffrey F. Camboni, Landscape Architect. The plans and all construction documents are original, unreplicated work and may not be duplicated, published or used in whole or part without prior written consent by Jeffrey F. Camboni.

PLANTING PLAN

DATE	REVISION SET
DATE: 2/2/11	00-04-11
DRAWN BY: JFC	03
CHECKED BY: JFC	03
DATE: 2/2/11	00-04-11



- NOTES:
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# DRAINAGE PLAN



04/16/16	URS Design
05/22/16	Site Plan Review
05/26/16	Add drainage
05/21/16	Site Plan Review
04/13/17	Site Revisions
02/22/17	WPA Revisions
01/08/17	WPA Final
11/23/16	DD, Paving
04/16	REMARKS
STAMP	

CONSULTANT

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www.accord-engineering.com

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**AF architecture**  
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faleyev@afconic.net  
www.grigorifaleyev.com

PROJECT

**GREEN HOUSES**  
RESIDENTIAL DEVELOPMENT  
27 Humphrey Street  
Great Barrington, MA

PROJECT TITLE

GRADING AND DRAINAGE PLAN

PROJECT NUMBER

**C 04.01**



© SPRING OF 2016  
 ALL STUDIES ARE APPROXIMATE.  
 ON PLANS OBTAINED FROM THE  
 BARRINGTON DEPARTMENT OF  
 3 IN PART UPON EVIDENCE OF  
 3 ON THE SURFACE (GATES,  
 CAUTION IS ADVISED. BE SAFE  
 SAFE PRIOR TO EXCAVATION.

ABCON RECORDING & SURVEYING  
 BOOK 1187 PAGE 137



04.04.16	Layout Final
04.10.16	Utility Details
05.22.16	Site Plan Review
05.28.16	Asst. Change
05.31.16	Site Plan Review
06.11.17	Site Review
07.22.17	APR4 Revisions
08.16.17	APR4 Final
11.23.16	DD Printing
DATE	REVISIONS
BY	DATE

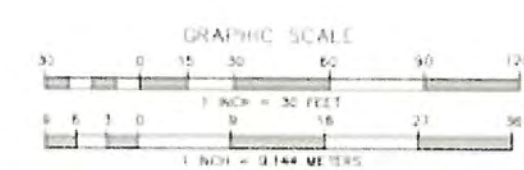
CONSENT, PLAN  
**ACCORD**  
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 faleyev@afacnec.net  
 www.grigorifaleyev.com

**GREEN HOUSES**  
 RESIDENTIAL DEVELOPMENT  
 27 Humphrey Street  
 Great Barrington, MA

SHEET TYPE  
 SWEEP PATH  
 ANALYSIS  
 SHEET NUMBER

C 04.05





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DATE	REMARKS
04.16.18	Utility Details
03.22.18	Site Plan Review
03.08.18	Add drainage
03.01.18	Site Plan Review
04.13.17	Site Revisions
02.22.17	WPA Revisions
01.06.17	WPA Filing
12.23.16	DD - Phong
DATE	REMARKS
STAMP	

CONSULTANT  
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fateyev@taconic.net  
www.grigorifateyev.com

PROJECT

**GREEN HOUSES**  
RESIDENTIAL DEVELOPMENT  
27 Humphrey Street  
Great Barrington, MA

SHEET TITLE  
GRADING AND  
DRAINAGE PLAN

SHEET NUMBER

**C 04.01**



# GREAT BARRINGTON HOUSING AUTHORITY

2 Bernard Gibbons Drive  
Great Barrington, MA 01230  
Phone: (413) 274-1142 || Fax: (413) 274-1143

August 7, 2019

Town of Great Barrington  
Board of Selectmen  
Town Hall, 334 Main Street  
Great Barrington, MA 01230

RECEIVED  
TOWN MANAGER

AUG 16 2019

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Re: Board Appointment

Dear Selectboard,

We are writing for your assistance and guidance to fill a position on the Great Barrington Housing Authority Board (GBHA).

Presently, four out of the five positions on the GBHA board are filled with elected representatives. The fifth position is to be held by a representative from the Local Tenant Organization (LTO) once the Commonwealth finalizes guidelines/rules for filling that position. With only four members presently, deadlocks have occurred and GBHA business has been hindered.

In a related matter, Dewey Court in Sheffield became part of the GBHA last year. There was no provision, however, in the merger documents to specifically provide for Sheffield representation on the GBHA board. We have been in contact with Representative Pignatelli and State Senator Hinds regarding this matter and they are willing to sponsor legislation to correct the oversight.

We realize that a legislative fixes like this take time. In the interim, we're reaching out to the Great Barrington Selectboard requesting a temporary appointment of a Sheffield resident to fill the vacant position, until the state acts to set forth procedure for appointing a member from the LTO. If for some reason you do not believe you have the authority or ability to appoint a Sheffield resident, please provide us with the Selectboard's reasoning so that we may otherwise address this pressing need.

We look forward to discussing this matter with you. Thank you.

Sincerely,



James J. Mercer  
Acting Chair  
Great Barrington Housing Authority

EQUAL HOUSING OPPORTUNITY