

Mark Pruhenski
Town Manager

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2900
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Meeting via Zoom and in person at 334 Main Street Great Barrington MA
Order of Agenda for Monday, March 27, 2023, at 6:00 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84727797185?pwd=NDFRUjFITE12eDN3bE5LaTNBQ0RmZz09>

Webinar ID: 84727797185

Dial-in, audio-only: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's July 16, 2022 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Selectboard will be conducted both in-person and via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public and committee members may attend the meeting in person, or, for those who wish to do so remotely may by following the instructions at the top of this agenda. For those who are not in-person every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

1. CALL TO ORDER SELECTBOARD REGULAR MEETING
2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
3. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Earth Day roadside clean-up event
 - c. Monument Mountain Regional High School–Entrance/Exit Work
4. LICENSES AND PERMITS
 - a. Annual Renewal of Wyantenuck Country Club's Seasonal All Alcoholic Liquor License for 2023
 - b. Berkshire Busk–Railroad Street Road Closure Request for the 2023 Summer Season
 - c. Lauren Clark/Library Board of Trustees requesting a one day Liquor License for an event on Wednesday, April 19, 2023 from 4PM to 6:30PM at the Mason Library 231 Main Street Great Barrington

- d. Dennis Iodice Market Manager for the Great Barrington Farmers' Market and Kristen Kanter and Molly de St Andre of the Great Barrington Arts Market requesting the closure of Church Street to through traffic from Main Street to School on Saturdays beginning May 6 through November 11 beginning with set up at 7AM and ending at 3PM with clean up
- e. Kelley Vickery/Lauren Ferin of Berkshire International Film Festival requesting two-one Day liquor Licenses for June 1 and June 3 from 5PM to 11PM for events at the Park behind Town Hall, 334 Main Street
- f. Kelley Vickery/Lauren Ferin of Berkshire International Film Festival requesting two-Weekday Entertainment Licenses for Thursday, June 1 and Saturday, June 3 from 5PM to 11PM for events at the Park behind Town Hall, 334 Main Street
- g. Kelley Vickery/Lauren Ferin of Berkshire International Film Festival requesting a permission to hang banners along Main Street between Bridge and Pleasant, 3 poles on Bridge Street and Railroad Street. The Banners would be on display from April 24, 2023 to June 12, 2023
- h. Kelley Vickery/Lauren Ferin of Berkshire International Film Festival requesting a moratorium for parking limits during the event from June 1 to June 4, 2023

5. PUBLIC HEARINGS

- a. Nick Arienti for Price Chopper Operating Co. d/b/a Market 32 for reconsideration of a Wine and Malt Package Store License application for 300 Stockbridge Road, James Collins Manager
 - i. Open Public Hearing
 - ii. Explanation
 - iii. Public comments; speak in favor or opposition
 - iv. Close Public Hearing
 - v. Selectboard discussion
 - vi. Motion; decision
- b. Continued from March 6–Special Permit application from the Great Barrington Affordable Housing Trust, c/o White Engineering, Inc., with Central Berkshire Habitat for Humanity, for a Planned Unit Residential Development of new residential homes at 0 North Plain Road, Map 26, Lot 53A, per Sections 3.1.4 A(9), 8.5 and 10.4 of the Zoning Bylaw.
 - i. Reopen Public Hearing
 - ii. Present Revised Plans
 - iii. Public comments; speak in favor or opposition
 - iv. Close Public Hearing
 - v. Selectboard discussion
 - vi. Motion; decision

6. NEW BUSINESS

- a. SB vote to appoint Christopher Wiltshire and Devan Arnold to the Agricultural Commission
- b. Open Meeting Law Violation and Response (OML 2023-32)

7. CITIZEN SPEAK TIME

Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.

8. SELECTBOARD'S TIME

9. MEDIA TIME

10. ADJOURNMENT

NEXT SELECTBOARD MEETING

Selectboard Special Meeting April 3, 2023

Selectboard Regular Meeting April 10, 2023

Selectboard Regular Meeting April 24, 2023

Town Meeting Monday May 1 @ 6:00PM

Town Meeting Second Night Thursday May 4 @6:00 PM, if needed



Mark Pruhenski, Town Manager

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



Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.
Commission Chairman

2023
Retail License Renewal

License Number: 00032-CL-0464	Municipality: GREAT BARRINGTON
License Name : Wyantenuck Country Club	License Class: Seasonal
DBA :	License Type: Club
Premise Address: 46 West Sheffield Road Great Barrington, MA 01230	License Category: All Alcoholic Beverages
Manager: Jennie Vandeusen	

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Jennie Vandeusen
Signature
Jennie Vandeusen
Printed Name

3/16/23
Date
General Manager
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.



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: Patrick Hollenbeck

Organization Name: G.B. Libraries Trustees

Applicant's Address: 1075 Main St Housatonic

Telephone Number: (617) 212-9840

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

Event: Press Conference Du Bois Statue

Date: 4/17 Start Time: 5 pm End Time: 6:30

Event Address: Mason Library

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. *ED Abrahams*
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.

Patrick Hollenbeck
Signature of Applicant

ED 3/23/23
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____



March 6, 2023

Dear Select Board and Town Manager,

The Great Barrington Arts Market (GBAM) along with our sister market Great Barrington Farmers Market (GBFM) is asking for approval of the closure of Church Street to through traffic from Main Street to School Street during market set-up, operational hours, clean up (7am-3pm) Saturdays during market season. The market opens May 6th and will run every Saturday through November 11, 2023.

As in years past we will barricade the road east of the Lee Bank parking lot and west of the TD Bank parking lot to make room for the Arts Market to operate safely. Signage will be posted to designate no parking zones, accessible parking areas and high foot traffic areas. It will remain the responsibility of both markets to post signage at the beginning of the market day (7am) and remove all signage after market clean up (3pm).

The GB Arts Market and GB Farmers Market will work together to ensure all safety measures are in place to maintain all customers, vendors and market staff are safe while shopping at both markets. Both the Arts Market and the Farmers Market will maintain close contact with town safety officials during the market season.

We greatly appreciate the continued support of the Town and look forward to hosting a safe and enjoyable market this season.

Sincerely,
Kristen Kanter & Molly de St Andre
Managers, Great Barrington Arts Market (GBAM)
gbartsmarket@gmail.com
413 429 6830



March 7, 2023

Dear SelectBoard and Town Manager,

The Great Barrington Farmers Market (GBFM), along with its sister market the Great Barrington Arts Market (GBAM) is asking for approval of the closure of Church Street to through traffic from Main Street to School Street during market set-up, operational hours, and clean up (7am to 3pm) on Saturdays during market season. The market begins May 6th, 2023 and runs every Saturday until November 11th, 2023.

The market will barricade the road east of the Lee Bank Parking lot and west of the TD Bank parking lot exit on Church Street to make room for the Arts Market to occur safely. We will also put signs and cones out to mark no parking zones and high foot traffic areas. It will continue to be the responsibility of the market to place the road closure signs at intersections of Church and Main as well as Church and School at the time of closure (7am) and remove said signs at the markets end clean up (3pm). This is the same procedure that has been done for the past seven years (since the market has been at its current location) and has worked very well to ensure safety to all market patrons and town goers.

Entering our 33rd season, we are one of the few markets in the state to have grown in the last few years and we are so grateful to the town of Great Barrington for being so supportive of us over the years. We feel strongly that we play an important role in driving business downtown during our season and we will continue to support our community and the town that supports us for years to come.

Sincerely,

Dennis Iodice
Market Manager
Great Barrington Farmers' Market
and
The Great Barrington Farmers' Market Steering Committee

18 Church Street, Great Barrington MA 01230
gbfmmanager@gmail.com
(413) 645-4685

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: Kelley Vickery / Lauren Ferin

Organization Name: Berkshire International Film Festival

Applicant's Address: 40 Railroad St. Suite 5-7, 6B

Telephone Number: 413.528.8030

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

Event: OPENING NIGHT

Date: June 1 Start Time: 5pm End Time: 11pm

Event Address: Behind Town Hall under tent

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.

Kelley Vickery
Signature of Applicant

3.9.23
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

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: Kelley Vickery / Lauren Ferin
Organization Name: Berkshire International Film Festival
Applicant's Address: 40 Railroad St. Suite 5-7, 6B
Telephone Number: 413.528.9030

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

Event: TRIBUTE EVENT

Date: June 3 Start Time: 5pm End Time: 11 pm

Event Address: Behind Town Hall under tent

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.

Kelley Vickery
Signature of Applicant

3.9.23
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____



TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: Kelley Vickery / Lauren Ferin
Business/Organization: Berkshire International Film Festival
D/B/A (if applicable): _____
Address: 40 Railroad St. Suite 5-7, 6B
Mailing Address: PO BOX 237, 6B
Phone Number: 413.528.8030
Email: kelley@biffma.org Lauren@biffma.org

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to ___ pieces, including singers Public Show
 Other (please explain) _____

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox
 Other (please explain) _____

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

___ YES NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): _____

Date(s) of Entertainment*: Thursday June 1, 2023
*Does not include SUNDAY

Start & End Times of Entertainment: 5-11 pm

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
- Electrical Permits Building Permits Police Traffic Details Street Closures

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Kelley Vickery
Signature of Individual or
Corporate Officer

3.9.23
Date

E145907
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT has reviewed and has no concerns. Applicant must coordinate parking spaces at Town Hall lot with DPW at least one week prior to event.

APPROVAL DATE: _____

LICENSE # _____



TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: Kelley Vickery / Lauren Ferin
Business/Organization: Berkshire International Film Festival
D/B/A (if applicable): _____
Address: 40 Railroad St. Suite 5-7, 6B
Mailing Address: PO BOX 237, 6B
Phone Number: 413.528.9030
Email: Kelley@biffma.org, lauren@biffma.org

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to 10 pieces, including singers Public Show
 Other (please explain) _____

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox
 Other (please explain) _____

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

___ YES NO

Please circle: **INDOOR** or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): _____

Date(s) of Entertainment*: SATURDAY June 3, 2023
*Does not include SUNDAY

Start & End Times of Entertainment: 5pm-11pm

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
- Electrical Permits Building Permits Police Traffic Details Street Closures

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Kelley Vickery
Signature of Individual or
Corporate Officer

3.9.23
Date

SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT has reviewed and has no concerns. Applicant must coordinate parking spaces at Town Hall lot with DPW at least one week prior to event.

APPROVAL DATE: _____

LICENSE # _____

Feb. 21, 2023

Name: Kelley Vickery

Address: 40 Railroad Street, Suite 5-7 Great Barrington, MA 01230

Re: Use of poles for hanging decorative banners

Dear Kelley:

Massachusetts Electric Company ("Mass. Electric") understands that you wish to install certain types of decorative banners, flags, or single pole fixtures on our poles along public ways. Mass. Electric will allow Berkshire International Film Festival ("Customer") to install banners (Fixtures") on our poles along Main Street between Pleasant and Bridge Street and 3 poles on Bridge Street in Great Barrington ("Municipality") for the period of April 24 to June 12 in accordance with the following requirements:

- 1) Prior to installing any Fixtures, Customer must obtain Verizon's approval for installation on any poles that Mass. Electric jointly owns with Verizon and must provide Mass. Electric with written documentation that Municipality approves the installation.
- 2) Customer shall be responsible for the proper installation, maintenance, and future removal of the Fixtures.
- 3) Fixtures may be attached individually on a single pole along the side of the road (not across a roadway) as long as the vertical clearance from the Fixtures to the ground is a minimum of 13 feet over pedestrian walkways, and 16 feet over streets, driveways, loading docks, and anywhere else that there is motorized traffic. Fixtures must be installed below the lowest telephone cables on the pole. Note that this requirement may make the height of the Fixtures less than the minimum required in places, and bar installation at those places unless the size of the fixture is decreased. Fixtures may not be installed between two wooden or aluminum poles along or across a roadway.
- 4) The maximum size of any Fixtures is 30" x 36", with a maximum weight not to exceed 5 pounds. Customer shall not use any Fixtures that require electric service or batteries to operate.
- 5) Customer shall use band clamps to install the Fixtures and may not drill into the poles.
- 6) Customer or its contractor shall install the Fixtures at the Customer's expense.
- 7) Mass. Electric reserves the right to remove the Fixtures at any time Mass. Electric deems it necessary for the maintenance or operation of its poles. If Mass. Electric determines, in its sole discretion, that a pole is damaged for any reason and must be replaced, Mass. Electric will remove the pole and may dispose of any Fixtures on that pole. In all instances, Mass. Electric shall have no responsibility to replace the Fixtures or reimburse Customer for them.
- 8) Customer agrees to remove any Fixtures at Mass. Electric's request if, in Mass. Electric's opinion, the Fixtures begin to deteriorate or are deemed offensive or a safety hazard to any residents or public officials.

9) Customer warrants that it is an association, institution, non-profit organization, or other entity operating for the public good, and not a commercial entity. Customer agrees not to install any commercial advertising on the Fixtures. Customer may, however, put up to two sponsor logos in the lower corner of the Fixture, if they take up less than 1/10 of the Fixtures' area.

10) The Customer will provide an insurance certificate naming Mass. Electric as an additional insured in the amount of \$2 million.

11) Mass. Electric shall not be liable to the Customer, its officers, employees, agents or contractors under any legal or equitable theory for any claims for direct, indirect, consequential, or other damages of any nature including, but not limited to, damages for personal injury, property damage, or lost profits connected with the installation of the Fixtures.

12) Customer agrees to indemnify and save harmless Mass. Electric, its affiliates, and their employees or agents or any of them from and against any and all liabilities, damages, loss, costs, expenses (including any and all attorneys' fees and expenses of), causes of action, suits, claims, demands or judgments of any nature whatsoever arising from or related to the installation of Fixtures including, without limiting the generality of the foregoing, claims for or resulting from (i) injury to, or the death of, persons or damage to property; or (ii) violation of this agreement or of any applicable federal, state or municipal laws, regulations, codes and ordinances..

If you agree with the terms of this letter, please sign below and return this letter to me. Thank you very much.

Kind regards,

Joanne DeRose
MEC Director

Joanne DeRose
February 22, 2023

Acknowledged and agreed:



Name: Kelley Vickery

Title: Artistic Director

Organization: Berkshire International Film Festival



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

MEMORANDUM

TO: Select Board
FROM: Edwin May C B O
DATE: 3/23/23
COPY: file
SUBJECT: Main St - BIFF Flags

I find the event banner application to be complete and correct as per the following checklist of requirements for Banners c.146-6 (1);

App. Complete	OK
Attachment engineering	OK (sign manufacture's specifications – OK)
Insurance Bond	OK
Size	OK (height above grade should not be less than 13 ft)
Length of time	? Days
Number of banners	13
Permit from BOS	Pending
Zoning district	B

Install Sign Permit
 Selectboard Meeting Packet for March 27, 2023
 Item 4. g. Kelley Vicker, Lauren Ferin Biff Banner Agreement



Town of Great Barrington
 334 Main Street
 Great Barrington,
 Great Barrington, MA 01230
 Phone: 413-528-1619
 Fax: 413-528-2290

APPLICATION TO SIGN PERMIT

Please fill out completely all applicable areas - Please use link

Sign Permit Number		Date		Date Issued	
Estimated Cost (\$)	700				
Date:	3/23/2023				
Property Address:	65 MAIN ST				
Owner's Name:	TOWN OF GREAT BARRINGTON				
Owner's Address:	334 MAIN ST RM 208 GT BARRINGTON MA 01230-1832				
Map	014.0	Block	0000	Lot	0006.0
Location of Sign(s) of Property:					Zoning District: B2
# of Signs on Property:					
Type of Sign:	<input type="checkbox"/> Temporary Sign <input type="checkbox"/> Wall <input type="checkbox"/> Ground <input checked="" type="checkbox"/> Free Standing <input type="checkbox"/> Other :				
How many days?	Will Sign(s) be Illuminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO Dates the sign will be used : From To				
Lower Edge will be	Feet	Feet/Inches Above Public Way			
Upper Edge will be	Feet	Feet/Inches Above Public Way			
Face Area	7.5	Square Feet			
Face of Building or Pole is					Feet Feet/Inches Back From Street Line
Sign will extend					Feet Above Grade
Materials used to construct sign:	Frame	Face			
Foundation Materials:					Size
Electrician Required:					<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Brief Description Of Proposed Work:					See Drawing Attached

Contractor Information

<input checked="" type="checkbox"/> I am the Contractor.					
Name	Ryan Larkin		License #	Type	Expiration Date :
Business Name	Larkin LTD		License #	Type	Expiration Date :
Telephone No.	413 - 528 - 8908		Alt. Tel. No.		
Address	974 Main St STE 1				
City	Great Barrington				
Email:	ryan@larkinltd.com	State	MA	Zip	01230

The undersigned assumes responsibility for compliance with the state building code and all other applicable codes.

Owner/ Licensee:

If there are any changes made in the installation of this application after inspection is made this permit becomes null and void.

Submit Scaled Plan of Sign(s) and Plot Plan with Permit Application.

Note: Roof Signs are Prohibited

WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.L. c. 152 B 25C(6))

Workers Compensation Insurance affidavit must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the issuance of the permit.

Signed Affidavit Attached Yes No



CERTIFICATE OF LIABILITY INSURANCE

Selectboard Meeting Packet for March 27, 2023

Item # 1g. Kelley Vicker/ Lauren Farrel/Biff Bammer Agreement

BINTE-1

OP ID: SJ

DATE (MM/DD/YYYY)

02/01/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
LV Toole - Lee
195 Main Street
Lee, MA 01238
John E. Toole CIC, LIA

413-243-0089

CONTACT NAME: John E. Toole CIC, LIA

PHONE (A/C, No, Ext): 413-243-0089

FAX (A/C, No): 413-243-0467

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

INSURER	NAIC #
INSURER A : West American Insurance	44393
INSURER B : Ohio Casualty Insurance Co.	24074
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Berkshire Int'l Film Festival
PO Box 237
Great Barrington, MA 01230

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC OTHER:	Y		*BLW2358503529	05/03/2022	05/03/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10000			*USO2358503529	05/03/2022	05/03/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		*XWO58503529	05/03/2022	05/03/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	HOST LIQUOR LIAB			*BLW2358503529	05/03/2022	05/03/2023	PER OCCUR \$ 1,000,000 AGGREGATE \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The below certificate holder is an additional insured for general liability when required by written contract

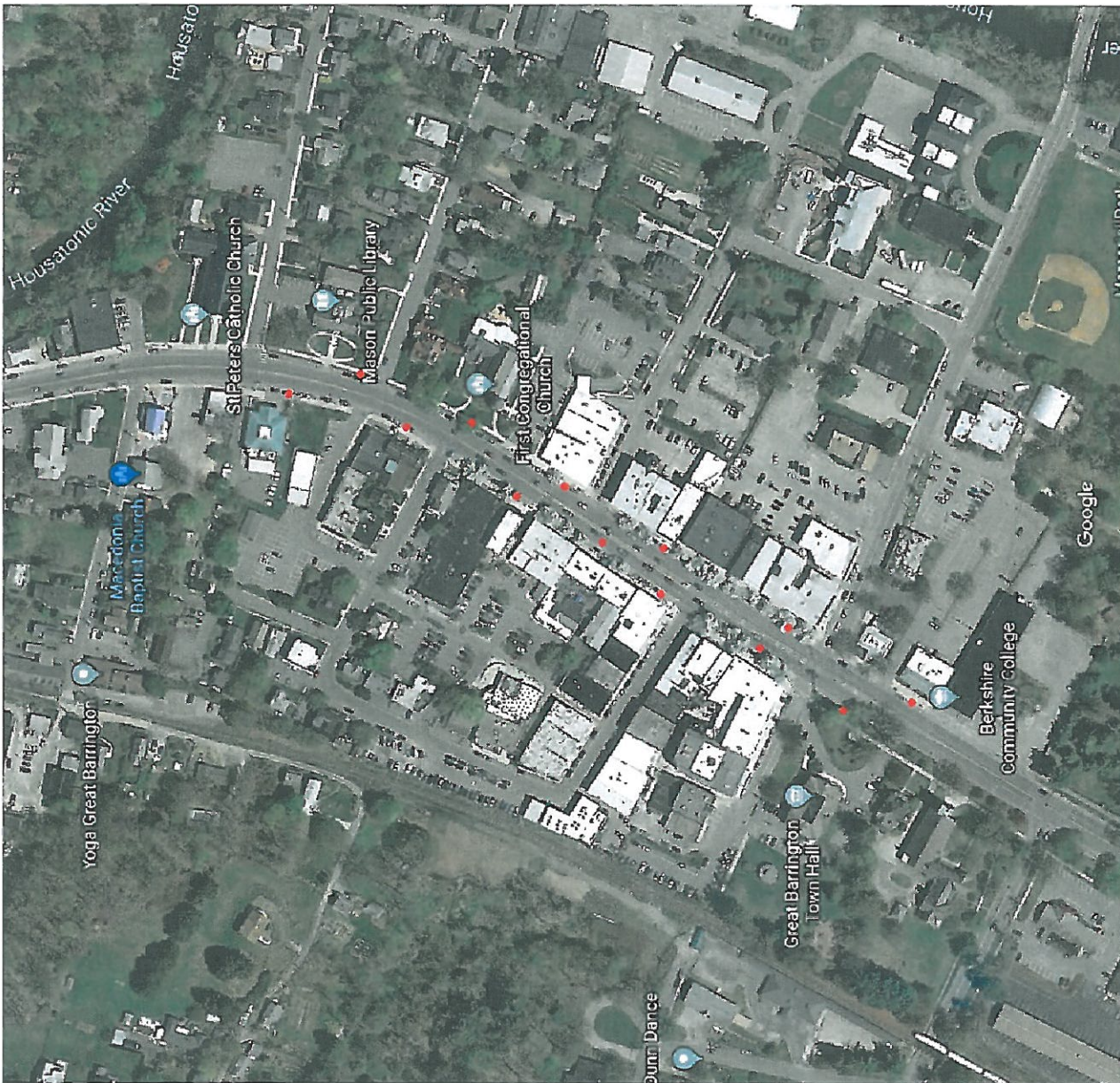
CERTIFICATE HOLDER

TOWN OF GREAT BARRINGTON
334 MAIN ST
GREAT BARRINGTON, MA 01201

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
John E. Toole CIC, LIA



13 Red Dots Are Location for Banners

Phone: 413-528-8908
Fax: 413-528-8906
Email: Ryan@LarkinLD.com
Address: 974 Main St STE 1
Great Barrington, MA 01230

Phone #:

Proofed By:

Estimated Cost:

Project Name:

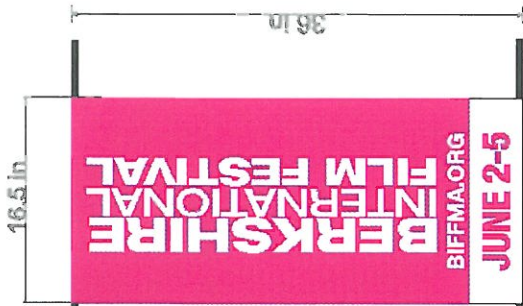
Scale: As Noted

Date:





Aluminum Lamp Post



Project Name:

Phone #:

Proofed By:

Estimated Cost:

Phone: 413-528-8908
 Fax: 413-528-8906
 Email: Ryan@LarkinLTD.com
 Address: 974 Main St STE 1
 Great Barrington, MA 01230



berkshire international film festival

BOARD OF TRUSTEES

Kelley Vickery,
Founder and Artistic Director
Pat Fili-Krushel,
Chair
Fern Portnoy,
Vice-Chair
Richard Stanley,
Treasurer
Ronald Frohne,
Secretary
Karen Allen
Shani Ankori
Veronica Beach
David Fenkel
Marcia Feuer,
Advisory Board Liaison
Bob Harper
Eric Haythorne
Peter Herbst
Lillian Lennox,
Festival Programmer
Daniel Mathieu
Kate Morris
Mary Mott
Sheila Nevins
Jeryl Oristaglio
Irving Smokler
Kevin Sprague

ADVISORY BOARD

Elizabeth Aspenlieder
Harry Chotiner
Andy Clayman
Joe Corcoran
Alejandro de Onis
Emily Gabriel
Michael Haley
Carol Haythorne
Bobby Houston
Maureen Jerome
Nicholas Ma
Julia Mintz
Elissa Myers
Seth Nash
Maria Nation
Barbara Newman
Lisa Newmann
Neil M. O'Brien
Laura Palmer
Sarah Patrick
Pops Peterson
Greg Rhem
Fred Seibert
Jacqueline Togut
John Valente
Cynthia Wade
Suky Werman
Tom Werman
Cynthia Wick
Shelley Williams

Lauren Ferin,
Executive Assistant
Carolyn Lancaster,
Filmmaker Summit Producer

BOARD EMERITI

Gary Hill
Ken Regan
Annie Selke
Tania Walker

March 8, 2023

Selectboard
Town Hall
334 Main Street
Great Barrington, MA 01230

Dear Selectboard Members:

The Berkshire International Film Festival will be celebrating 17 years in the Berkshires and will take place June 1-4 in Great Barrington. With every festival, we are deeply appreciative of the support and cooperation of the town, businesses, and community.

We are submitting applications for entertainment and liquor permits for the various events we will host in the tent behind the Town Hall. We would like to propose that the Selectboard grant a moratorium to lift the parking laws for the weekend of the BIFF to eliminate the inconvenience and stress for patrons having to move their vehicles to different locations due to the time constraints of the parking and receiving parking tickets while they attend the festival. The Selectboard has graciously granted this request in the past, and we hope to receive permission once again.

We would also like permission to occupy three parking spaces behind the Town Hall for the purpose of placing a storage unit to hold rentals, provide access for caterers to get to the tent and VIP parking etc. that we need to have during the BIFF weekend. These spaces would be occupied beginning late on Wednesday, May 31st and will be vacated by Monday morning, June 5th.

The BIFF hopes to continue bringing the best in film, exciting events and foster good will within the community.

We thank you for your time and attention regarding all BIFF matters and appreciate the Town and Boards' partnership and support in our efforts.

Kind regards,



Kelley Vickery
Founder and Artistic Director
Berkshire International Film Festival

ARIENTI + KLEPETAR LLP
ATTORNEYS AT LAW

C. Nicholas Arienti
Ethan S. Klepetar

342 Main Street
Great Barrington, Massachusetts 01230
Telephone (413) 528-4800
Facsimile (413) 528-9988
www.ak-lawyers.com

VIA HAND DELIVERY

March 23, 2023

Ms. Jennifer L. Messina
Great Barrington Town Clerk
334 Main Street
Great Barrington, MA 01230

RE: Request for Reconsideration by Price Chopper Operating Co. of Massachusetts, Inc., for New Section 15 Annual Wine & Malt Liquor License
300 Stockbridge Road, Great Barrington, MA

Dear Ms. Messina:

Price Chopper Operating Co. of Massachusetts, Inc. ("Price Chopper") submits this correspondence and attached documentation in conjunction with its request for reconsideration for a New Section 15 Annual Wine & Malt Liquor License, to the Great Barrington Selectboard.

In conjunction with Price Chopper's request for reconsideration, attached to this letter you will find updated Floor Plans (4 sheets entitled "EQ01") clearly illustrating the floor area that is proposed be used to display and store beer and wine inventory, as well as a plan of the existing floor layout for comparison entitled "EQD1". The updated Floor Plans illustrate not only the limited and largely enclosed nature of the proposed layout, but explicitly include notations that the aisle ends encompassing the proposed floor area will not include beer or wine products, and will instead be stocked with other typical retail items. You will also find attached a sheet including plans for the folding gate that will be installed at the ends of the proposed beer and wine aisle, also illustrated on the Floor Plans, to secure this entire area during non-beer and wine sales periods. Additionally, you will find representative photographs of typical display cases and shelving units that Price Chopper intends to install at the Great Barrington store.

Price Chopper's request for reconsideration is predicated on its forthrightness in approaching this process with absolute transparency by demonstrating that it understands the concerns of the

following conditions to grant of a Wine and Malt license if the Selectboard is so inclined:

- The floor area depicted on the Floor Plans for the dedicated wine/beer aisle will NOT expand unless approved by modification of the liquor license.
- There will NOT be any advertising or merchandising of wine/beer outside the dedicated wine/beer aisle.
- There will NOT be any advertising or end of aisle merchandising of wine/beer in the 4 ends of the dedicated wine/beer aisle.
- There will be lockable security gate installed at both ends of the dedicated wine/beer aisle which will prevent customers from reaching any wine/beer products within the dedicated aisle during times when sales are not allowed per State Law.

In addition, if the Selectboard elects to grant the Wine and Malt license, Price Chopper agrees to file a withdrawal of its appeal filed with the Alcohol and Beverages Control Commission, terminating the appeal process.

Price Chopper would like to make clear that it has long-standing experience selling alcoholic beverages in other of its stores in Massachusetts. There are currently 8 Price Chopper stores in Massachusetts that operate with liquor licenses, including in Pittsfield, Worcester, Shrewsbury, Lenox, Webster, Sutton, Gardner and Marlborough. Price Chopper has held package store licenses cumulatively for decades in Massachusetts with no prior disciplinary actions, no record of sales to minors and no record of sales to intoxicated individuals.

The potential addition of beer and wine sales to the Great Barrington store facilitates the opportunity to bring the Market 32 brand to the Great Barrington community. This would result in a substantial renovation to the store including an expanded produce department with added variety, new offerings in prepared foods and specialty cheese sections as well as an enhanced lineup of products in our meat, seafood and bakery departments. Additionally, new fixtures will enable Price Chopper/M32 to offer an expanded variety of specialty and natural organic grocery items. The addition of a beer and wine department would create a one-stop shopping experience that benefits the store's loyal customer base.

Price Chopper/Market 32 are prepared to invest approximately \$3.5 million in the renovation described above, including approximately \$200,000 for the Wine and Beer portion. It is anticipated that construction completion and re-opening of the Market 32 Renovation would be approximately 6 months after the start of construction.

Price Chopper looks forward to the opportunity to present their request at the Selectboard meeting on Monday, March 27, 2023.

Please do not hesitate to contact me with any questions regarding this application.

Very truly yours,

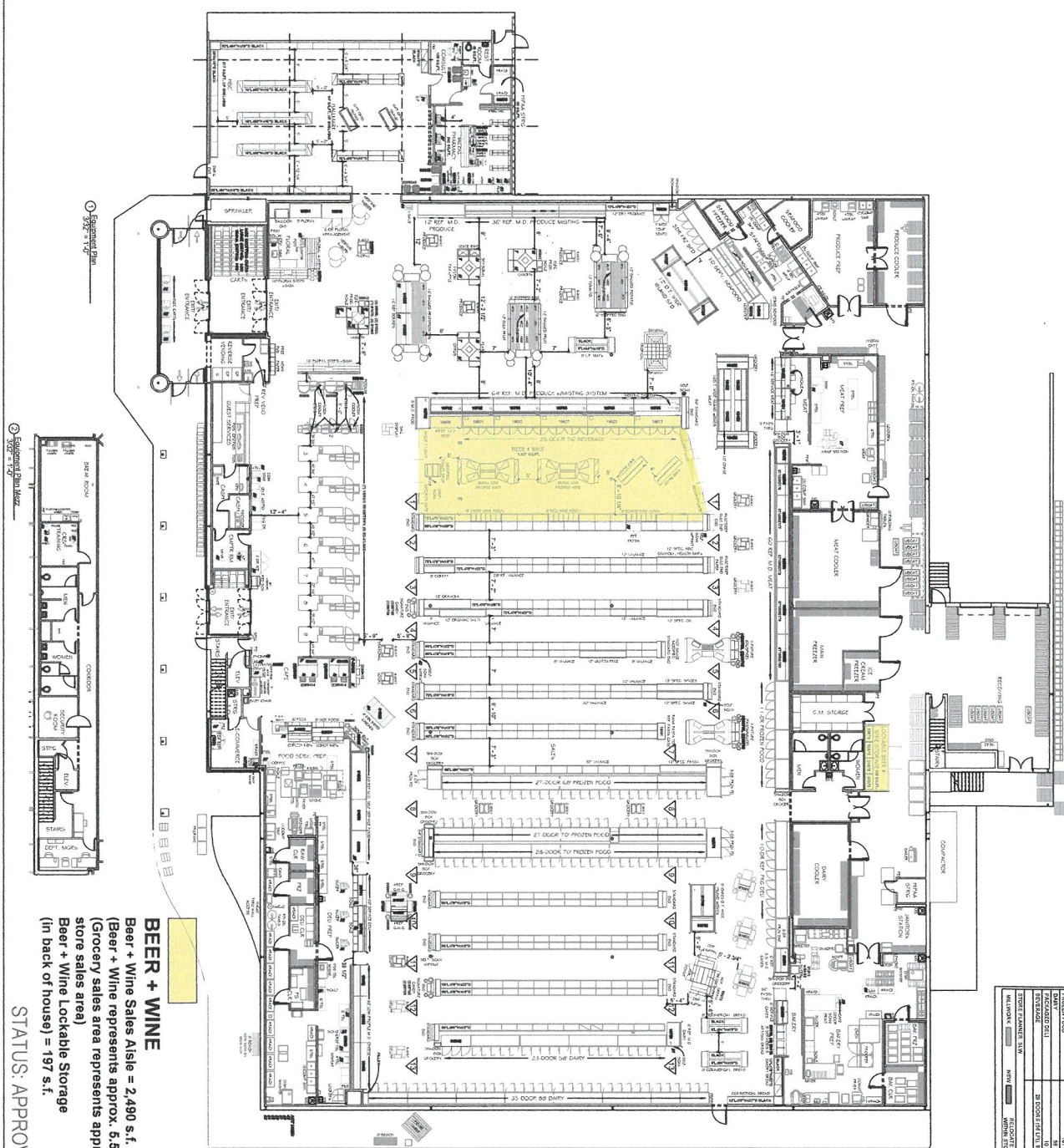
ARIENTI + KLEPETAR, LLP



C. Nicholas Arienti

Enclosures

Cc: Mark Pruhenski, Great Barrington Town Manager
Blaine Bringhurst, Price Chopper/Market 32
Tom Hayden, Price Chopper/Market 32
Tom Fitzgerald, Price Chopper/Market 32



BEER + WINE
 Beer + Wine Sales Aisle = 2,490 s.f.
 (Beer + Wine represents approx. 5.5% of the total store sales area)
 (Grocery sales area represents approximately 94.5% of the total store sales area)
 Beer + Wine Lockable Storage
 (in back of house) = 197 s.f.

STATUS: APPROVED - DATE: 1.27.2022

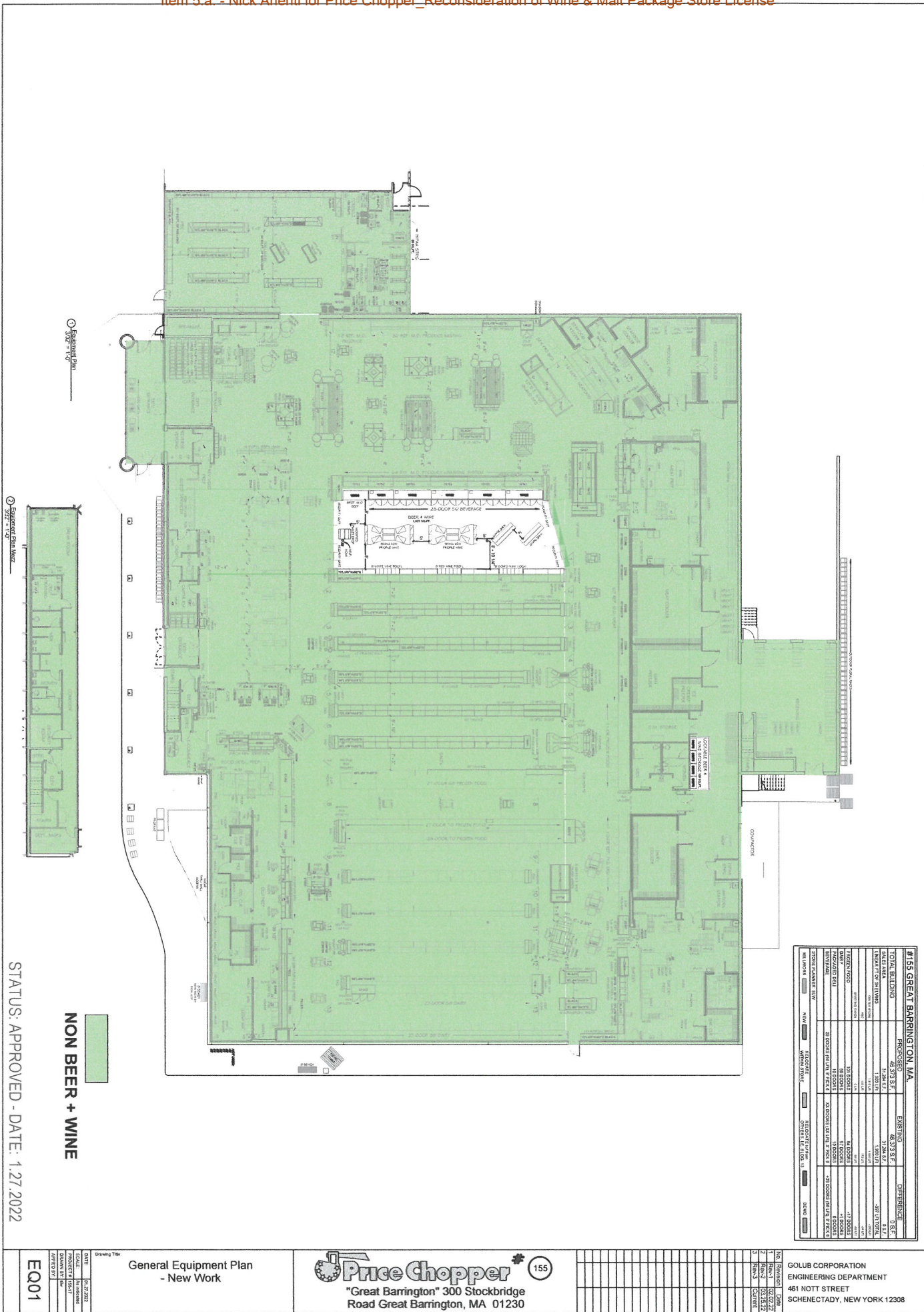
#155 GREAT BARRINGTON, MA			
	EXISTING	PROPOSED	DIFFERENCE
TOTAL BUILDING	46,373 S.F.	46,373 S.F.	0 S.F.
TOTAL FLOOR BUILDING	21,180 S.F.	21,180 S.F.	-257 S.F.
TOTAL MERCHANDISE	11,800 S.F.	11,800 S.F.	0 S.F.
STOCK ROOM	11,800 S.F.	11,800 S.F.	0 S.F.
RESTROOMS	400 S.F.	400 S.F.	0 S.F.
STAIRS	400 S.F.	400 S.F.	0 S.F.
KITCHEN	1,000 S.F.	1,000 S.F.	0 S.F.
OFFICE	1,000 S.F.	1,000 S.F.	0 S.F.
STORAGE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR LOADING DOCK	1,000 S.F.	1,000 S.F.	0 S.F.
REAR OFFICE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR STAIRS	1,000 S.F.	1,000 S.F.	0 S.F.
REAR RESTROOMS	1,000 S.F.	1,000 S.F.	0 S.F.
REAR STORAGE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR SERVICE AREA	1,000 S.F.	1,000 S.F.	0 S.F.
REAR MECHANICAL	1,000 S.F.	1,000 S.F.	0 S.F.
REAR ELECTRICAL	1,000 S.F.	1,000 S.F.	0 S.F.
REAR PLUMBING	1,000 S.F.	1,000 S.F.	0 S.F.
REAR ROOFING	1,000 S.F.	1,000 S.F.	0 S.F.
REAR EXTERIOR	1,000 S.F.	1,000 S.F.	0 S.F.
REAR LANDSCAPE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR FURNITURE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR SIGNAGE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR UTILITIES	1,000 S.F.	1,000 S.F.	0 S.F.
REAR SECURITY	1,000 S.F.	1,000 S.F.	0 S.F.
REAR ACCESSIBILITY	1,000 S.F.	1,000 S.F.	0 S.F.
REAR COMPLIANCE	1,000 S.F.	1,000 S.F.	0 S.F.
REAR OTHER	1,000 S.F.	1,000 S.F.	0 S.F.
TOTAL FURNISHED FLOOR	21,180 S.F.	21,180 S.F.	0 S.F.
TOTAL MERCHANDISE	11,800 S.F.	11,800 S.F.	0 S.F.
TOTAL STORE	21,180 S.F.	21,180 S.F.	0 S.F.

General Equipment Plan
 - New Work

EQ01

Price Chopper 155
 "Great Barrington" 300 Stockbridge
 Road Great Barrington, MA 01230

GOLUB CORPORATION
 ENGINEERING DEPARTMENT
 461 NOTT STREET
 SCHENECTADY, NEW YORK 12308



Equipment Pin	3027 - 10'
Equipment Pin	3027 - 10'
Equipment Pin	3027 - 10'

NON BEER + WINE

STATUS: APPROVED - DATE: 1.27.2022

EQ01

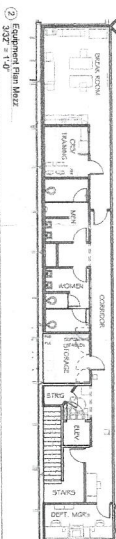
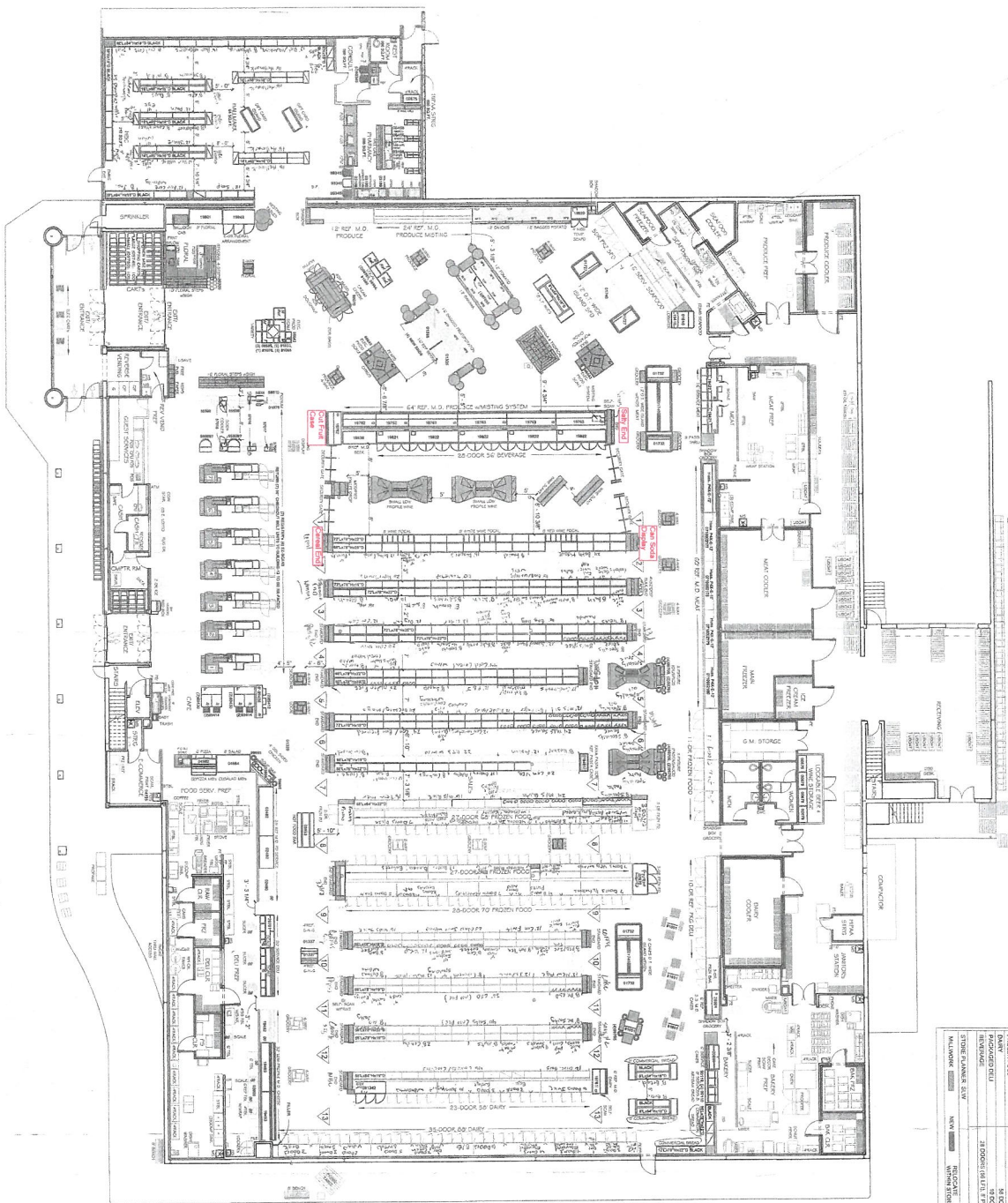
#155 GREAT BARRINGTON, MA	
EXISTING	DIFFERENCE
TOTAL BUILDING	46,373 S.F.
EXISTING BUILDING	46,373 S.F.
TOTAL FLOOR AREA	1,582 S.F.
EXISTING FLOOR AREA	1,582 S.F.
DIFFERENCE	-427 S.F.
EXISTING	1,582 S.F.
NEW	1,582 S.F.
DIFFERENCE	0 S.F.
TOTAL FLOOR AREA	1,582 S.F.
EXISTING FLOOR AREA	1,582 S.F.
DIFFERENCE	0 S.F.
EXISTING	1,582 S.F.
NEW	1,582 S.F.
DIFFERENCE	0 S.F.
EXISTING	1,582 S.F.
NEW	1,582 S.F.
DIFFERENCE	0 S.F.

General Equipment Plan
 - New Work



GOLUB CORPORATION
 ENGINEERING DEPARTMENT
 461 NOTT STREET
 SCHENECTADY, NEW YORK 12308

NO.	Revised	DATE
1	Rev-1	02.07.22
2	Rev-2	03.25.22
3	Rev-3	CURRENT



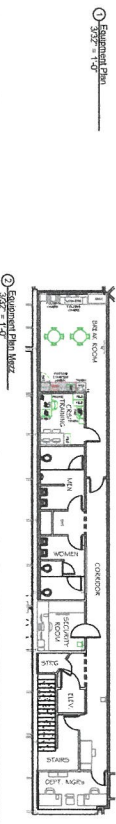
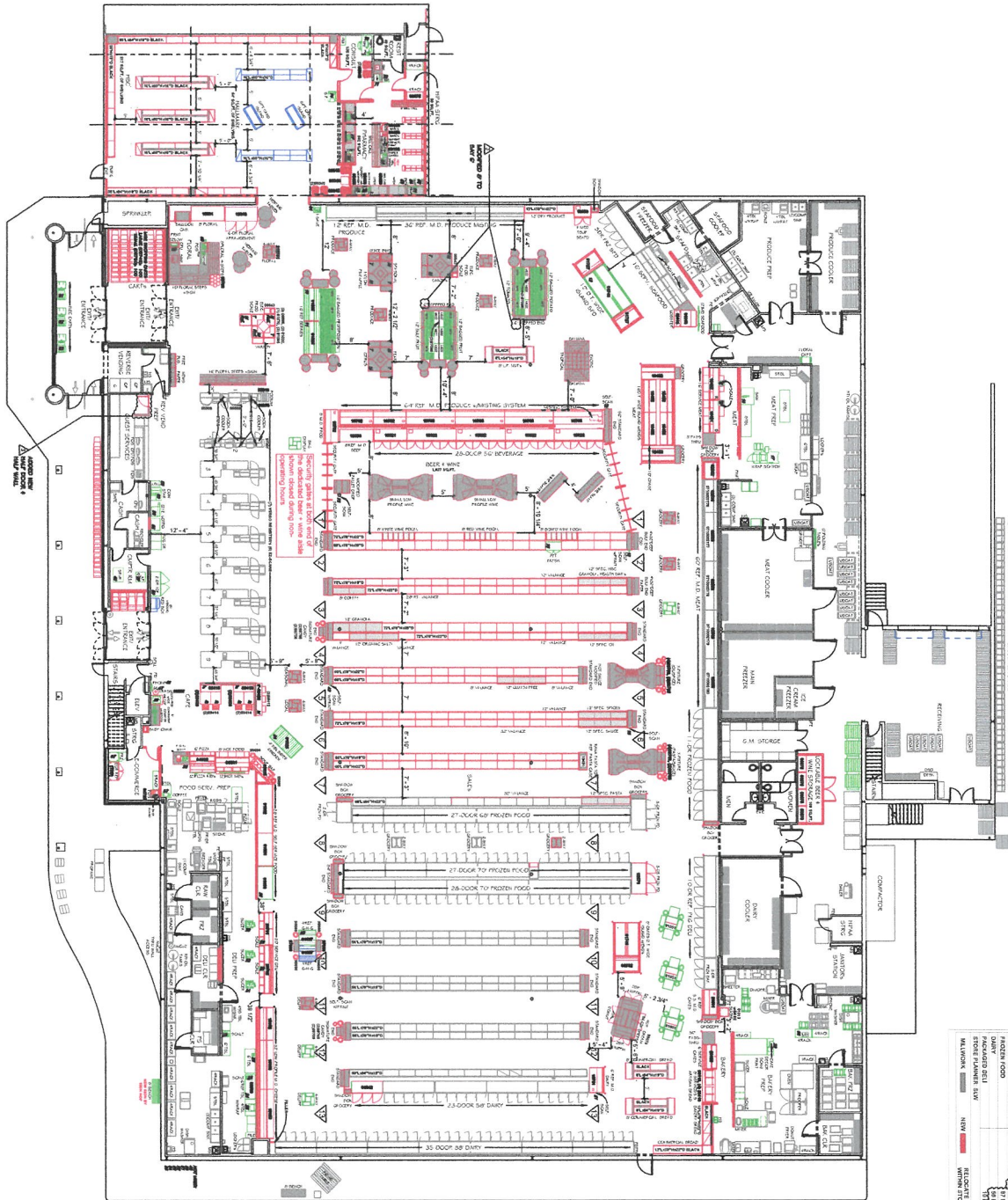
# 155 GREAT BARRINGTON, MA		EXISTING	DIFFERENCE
TOTAL BUILDING	46,531 S.F.	46,531 S.F.	0 S.F.
LABORATORY BUILDING	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.
MEZZANINE	1,500 S.F.	1,500 S.F.	0 S.F.

OPTION-7A
 REVIEW-3
 STATUS: PENDING - DATE: 11.03.2021

General Equipment Plan
 New Work
 PROPOSED - NOT FOR CONSTRUCTION

155
 "Great Barrington" 300 Stockbridge Road Great Barrington, MA 01230

GOLUB CORPORATION
 ENGINEERING DEPARTMENT
 481 NOTT STREET
 SCHENECTADY, NEW YORK 12308



STATUS: APPROVED - DATE: 1.27.2022

#155 GREAT BARRINGTON, MA

PROPOSED	EXISTING	DIFFERENCE
TOTAL BUILDING	46,373 S.F.	46,373 S.F.
SALES AREA	33,881 S.F.	33,881 S.F.
LANDSCAPE/PAVING	3,128 S.F.	3,128 S.F.
LANDSCAPE/PAVING	1,000 S.F.	1,000 S.F.
RESTROOMS	1,000 S.F.	1,000 S.F.
OFFICE/STORAGE	1,000 S.F.	1,000 S.F.
EXISTING	46,373 S.F.	46,373 S.F.
PROPOSED	1,200 S.F.	1,200 S.F.
DEMOLITION	-1,200 S.F.	-1,200 S.F.

Drawing Title
General Equipment Plan
 - New Work

EQ01

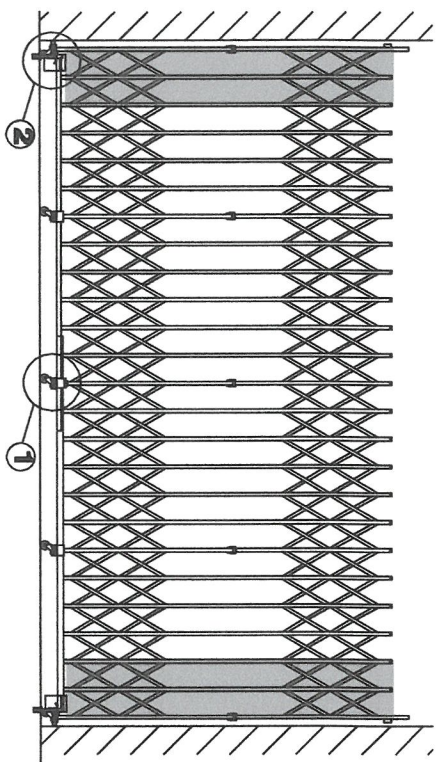


"Great Barrington" 300 Stockbridge Road Great Barrington, MA 01230

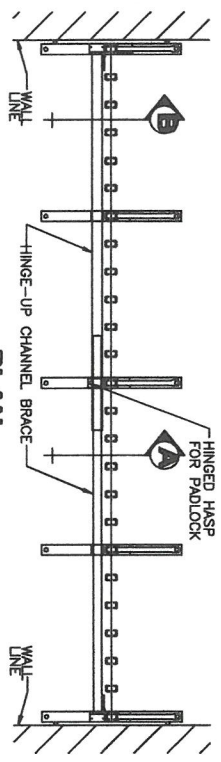
GOLUB CORPORATION
 ENGINEERING DEPARTMENT
 461 NOTT STREET
 SCHENECTADY, NEW YORK 12308

7-12' W GATES WITH HINGED DOWN HASP

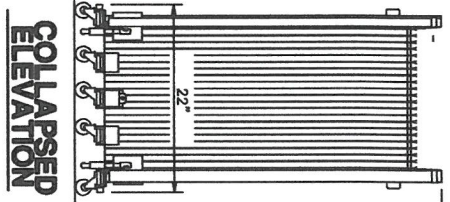
Powder coat black



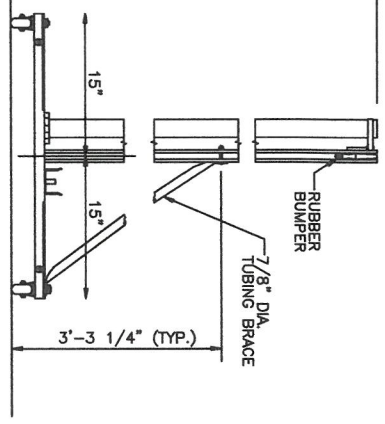
ELEVATION



PLAN



COLLAPSED ELEVATION



END ELEVATION

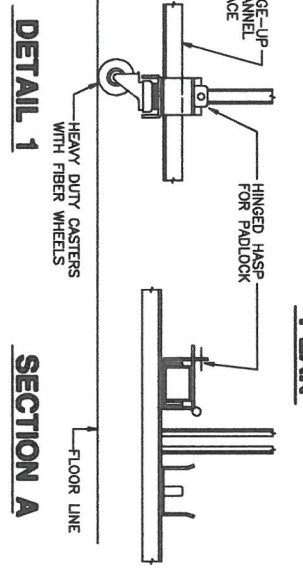
SPECIFICATIONS

ACORN 57P PORTABLE FOLDING GATE

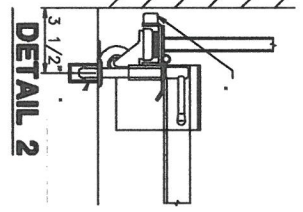
- VERTICAL MEMBERS ARE TWO 3/4" X 3/8" COLD ROLLED CHANNELS SPACED NOT OVER 6" ON CENTER.
- LATTICE BARS ARE 5/8" X 3/16" COLD ROLLED FLAT STEEL.
- TWO ROWS OF LATTICE FOR GATES.
- ALL MOVING PARTS ARE FITTED WITH ROLLERS.
- PLATFORM FRAMES SHALL BE 2-1/4" X 1" COLD ROLLED CHANNEL.
- PLATFORM BRACES SHALL BE 7/8" 1/4 GAUGE TUBING, SECURELY BOLTED THROUGH GATE AND PLATFORM.
- DISTANCE BETWEEN LATTICE BARS PLUS SPEAR TOPS ON GATE PREVENT CLIMBING.

GATE SHALL BE EQUIPPED WITH HASP FOR PADLOCK.
PADLOCK BY: OTHERS

THIS DRAWING IN DESIGN AND DETAIL IS OUR PROPERTY, AND MUST NOT BE USED EXCEPT IN CONNECTION WITH OUR WORK. ALL RIGHTS OF DESIGN OR INVENTION ARE RESERVED.

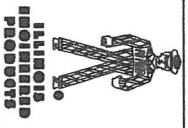


SECTION A

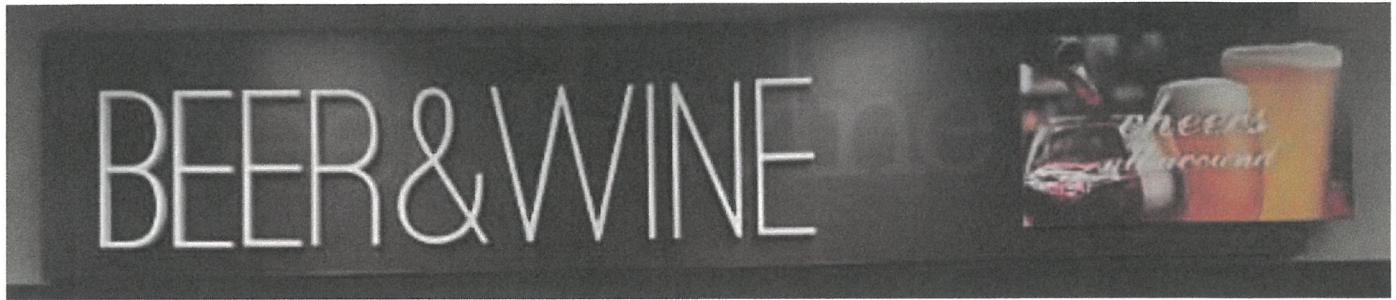


SECTION B

Dealer:	Illinois Engineered Products
Contact:	2035 S. Racine Ave. Chicago, IL 60608
Phone:	Phone: (312) 850-3710
Fax:	Fax: (312) 850-4736
Approved By:	
Sign:	
Date:	



155 Great Barrington Market 32 Renovation



Beer + Wine Aisle



Proposed Millwork Wine Focal Unit within Dedicated Beer + Wine Aisle

155 Great Barrington Market 32 Renovation



Proposed Millwork Wine Slant Rack within Dedicated Beer + Wine Aisle



Proposed Low Profile Millwork Wine Fixture
within Dedicated Beer + Wine Aisle

155 Great Barrington Market 32 Renovation



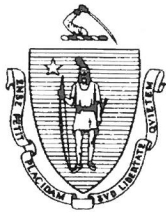
Proposed Millwork Pallet Drops and Refrigerated Beer Cases
within Dedicated Beer + Wine Aisle

**TOWN OF GREAT BARRINGTON
NOTICE OF PUBLIC HEARING**

The Selectboard will hold a public hearing on Monday, April 25, 2022 at 6:00 PM, via Zoom to act on the application of Price Chopper Operating Co. of Massachusetts, Inc. d/b/a Market 32 by Price Chopper at 300 Stockbridge Road for a Wine and Malt Package Store License, James Collins Manager.

Stephen Bannon
Chair

Continued to May 11, 2022



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

Great Barrington

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

Off-Premises-15

§15 Package Store

Wines and Malt Beverages

Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

This is an application for a New Section 15 Annual Wines and Malt Liquor License to be exercised at 300 Stockbridge Road, Great Barrington.

Is this license application pursuant to special legislation?



Yes



No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

Price Chopper Operating Co. of Massachusetts, Inc.

FEIN

14-1454167

DBA

Market 32 by Price Chopper

Manager of Record

James Collins

Street Address

300 Stockbridge Road, Great Barrington, MA 01230

Phone

518-379-1421

Email

legal461nott@pricechopper.com

Alternative Phone

Website

www.pricechopper.com

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

In whole of said premises, totaling +/- 46,373 sq ft with two (2) entrances and two (2) exits, main sales floor and mezzanine, and storage in the rear.

Total Square Footage: 46,373

Number of Entrances: 2

Seating Capacity:

11

Number of Floors: 1 + mezzanine

Number of Exits: 2

Occupancy Number:

639

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Eugene Richard

Phone:

781-817-4444

Title:

Attorney

Email:

generichard@hrsllp.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

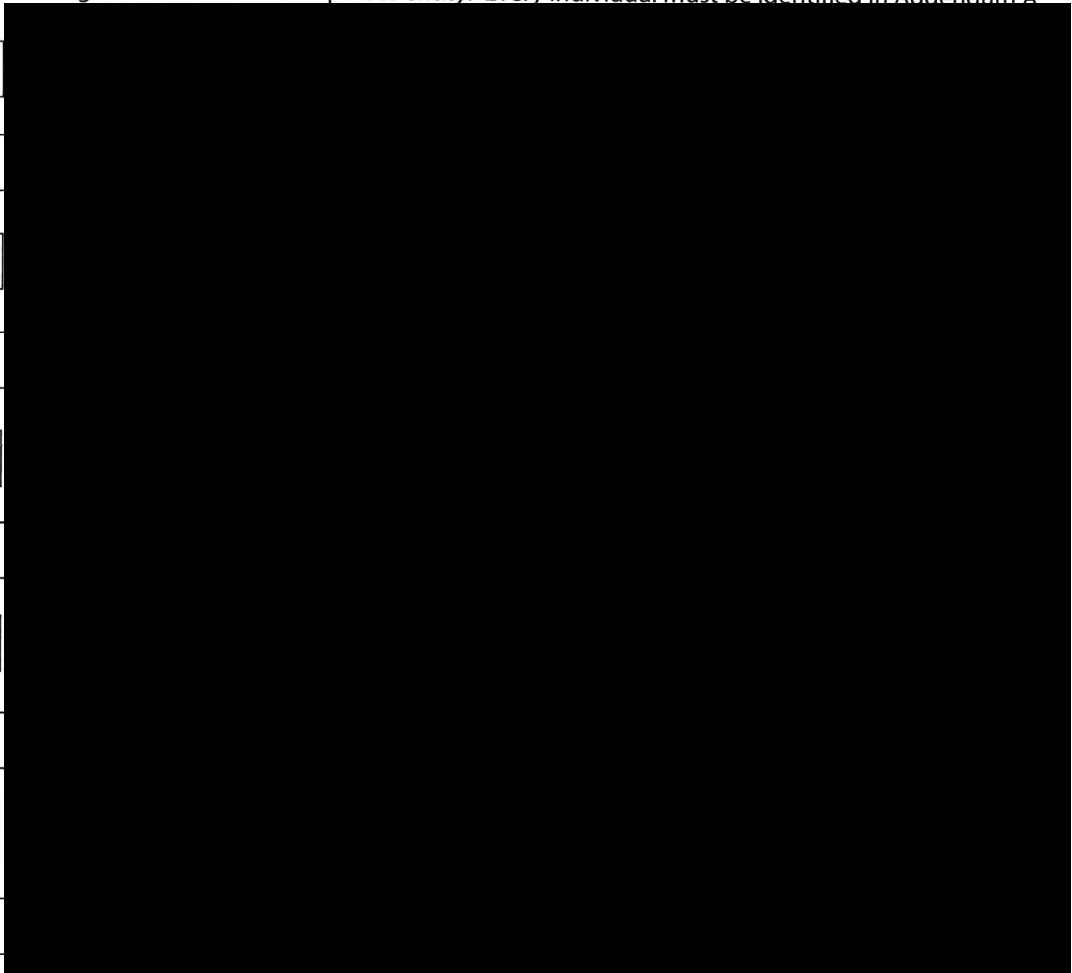
Entity Legal Structure	Corporation	Date of Incorporation	09-21-1959
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	The Golub Corporation
Title and or Position	owner
Name of Principal	Blaine R. Bringhurst
Title and or Position	President
Name of Principal	Jody J. Plonski
Title and or Position	Vice President
Name of Principal	James H. Peterson
Title and or Position	Treasurer
Name of Principal	Carrie A. Terraferma
Title and or Position	Secretary



Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

STEPHEN BANNON
CHAIR

LEIGH S. DAVIS
EDWARD ABRAHAMAS
GARFIELD C. REED
ERIC GABRIEL



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

SPECIAL PERMIT # 933-23

NAME, ADDRESS, AND PROJECT: Special Permit application from the Great Barrington Affordable Housing Trust, c/o White Engineering, Inc., with Central Berkshire Habitat for Humanity, to permit a Planned Unit Residential Development of new residential homes at 0 North Plain Road, Map 26, Lot 53A, in accordance with Sections 3.1.4 A(9), 8.5 and 10.4 of the Zoning Bylaw.

REVIEW MEETINGS

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

PLANNING BOARD Thursday, February 9, 2023, 6:00 PM
Applicant must attend

CONSERVATION COMMISSION Wednesday, February 22, 2023, 6:30 PM
Applicant should call the Conservation Agent in advance of the meeting to see if you should attend.

BOARD OF HEALTH Thursday, March 2, 2023, 6:30 PM
Applicant should call the Health Agent in advance of the meeting to see if you should attend.

SPECIAL PERMIT PUBLIC HEARING

The **PUBLIC HEARING** before the **SELECTBOARD** will be Monday, March 6, 2023, at 6:00 PM,
Applicant must attend.

continued to March 27, 2023

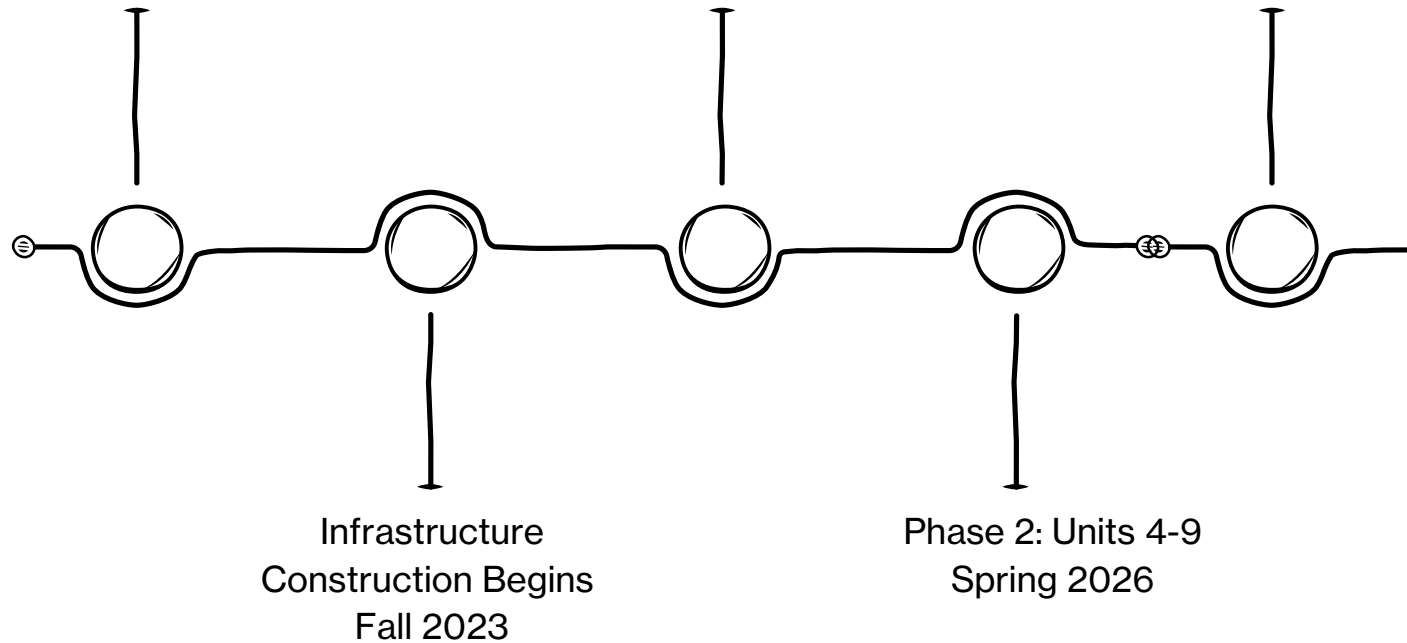
North Plain Road Community Timeline

If Select Board Approves Special Permit Application on 3/27/23

Infrastructure Permitting,
RFP Process Advertising,
Contracting & Award
Summer 2023

Phase 1: Construction Begins
Units 10-16
Early Spring 2024

Phase 3: Units 1-3,
17-20
Spring 2028



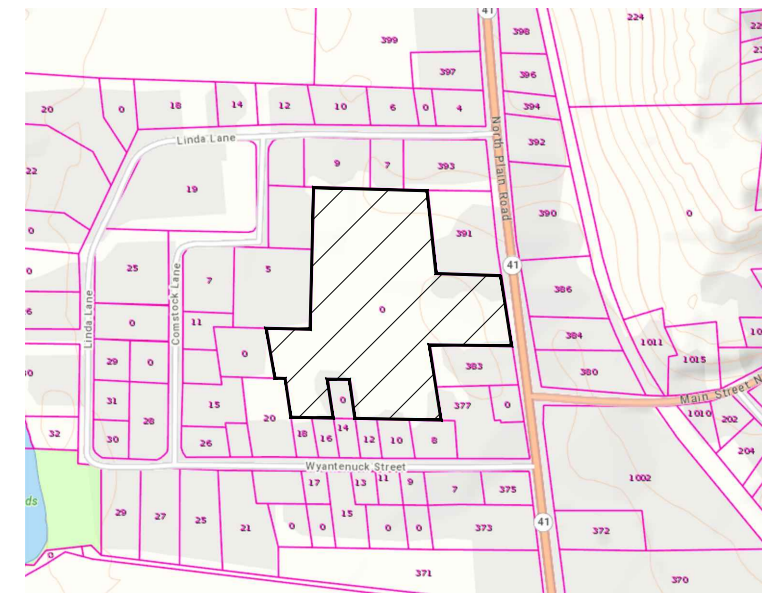
NOTE: Homes phase construction: 1.5-2 years per phase

North Plain Road Community Unit Count

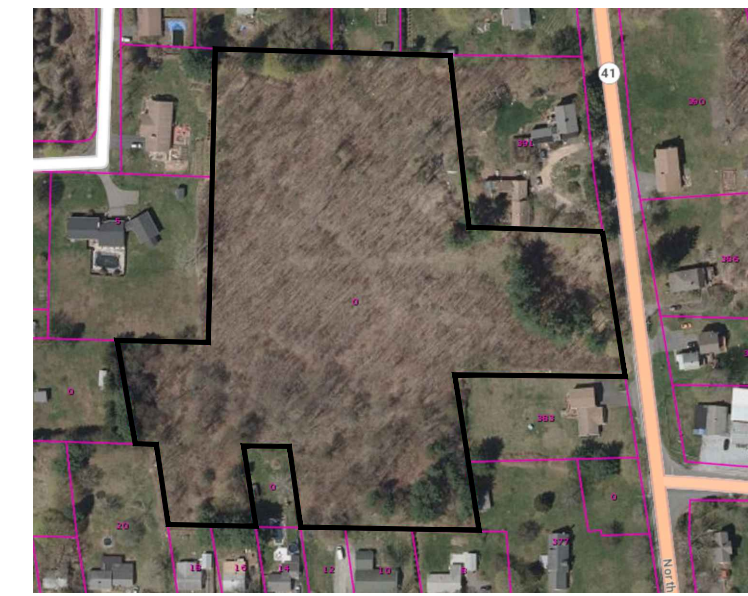
2 to 3-Bedroom	900-1,200 SF	16 - 18 units
4-Bedroom	1,400 SF	up to 4 units

Area Median Incomes will be between 60% and 100% AMI

PLAN SET FOR TOWN OF GREAT BARRINGTON



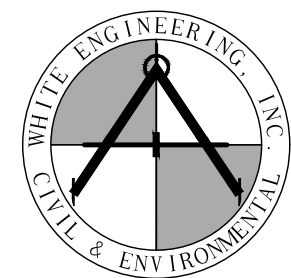
KEY MAP



LOCUS MAP

LOCATED
AT
0 NORTH PLAIN ROAD (AKA ROUTE 41) MAP 26, PARCEL 53A, GREAT BARRINGTON, MA

PROJECT TEAM



WHITE ENGINEERING INC.

CIVIL & ENVIRONMENTAL

55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201

PHONE: (413) 443-8011

WEB: WHITEENG.COM

FAX: (413) 443-8012

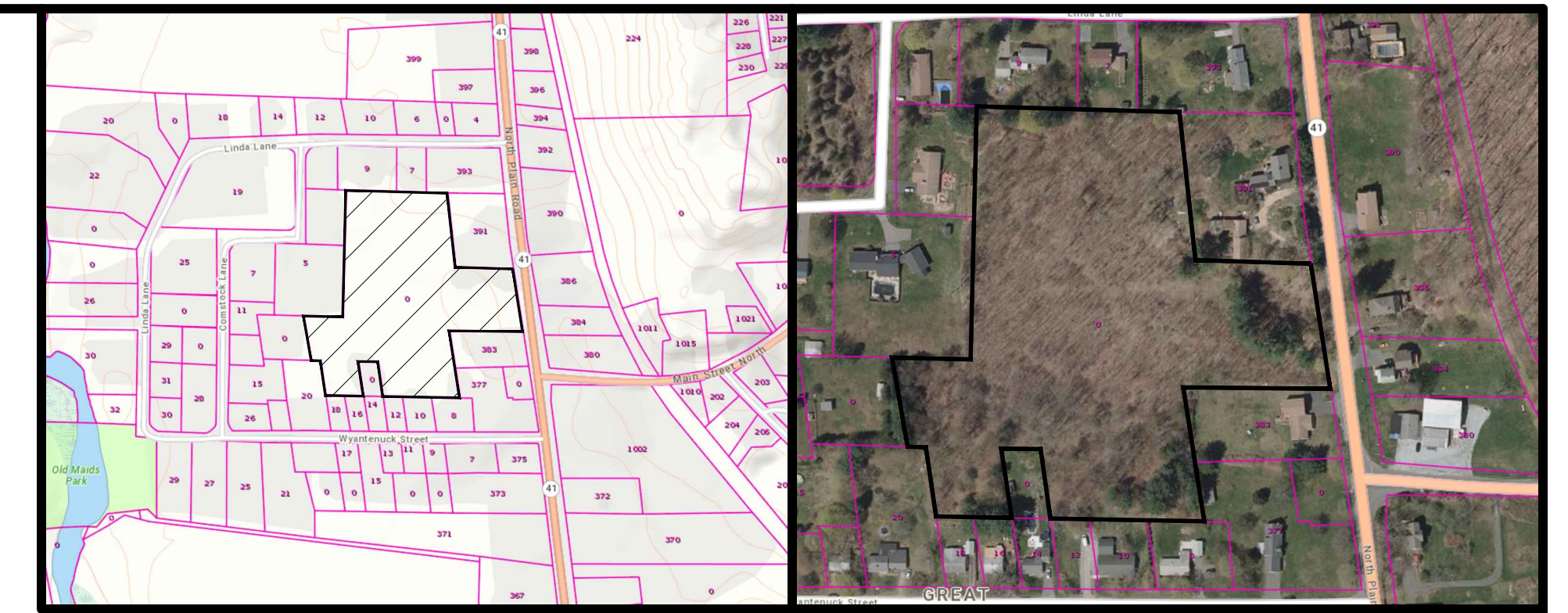
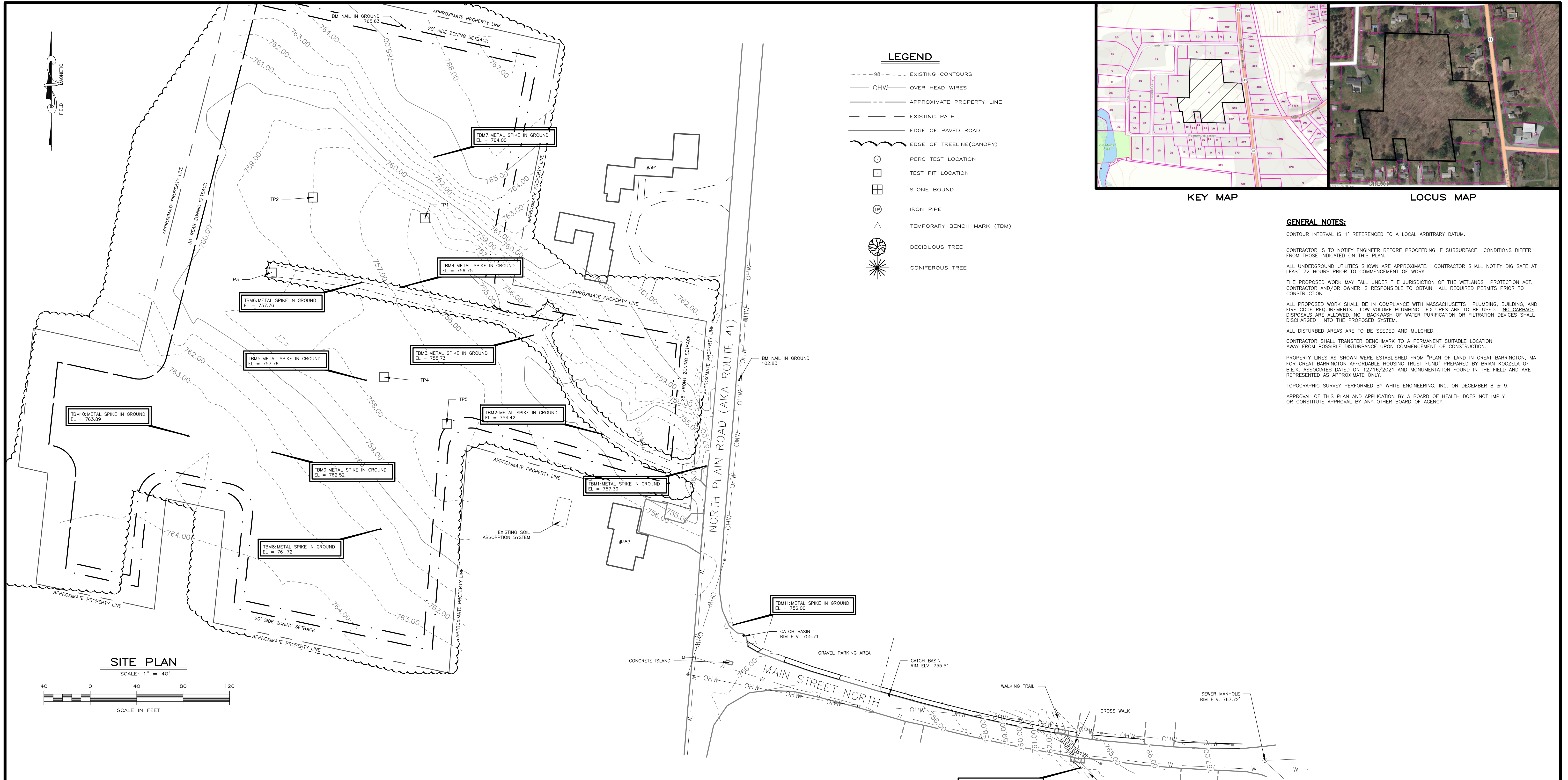
LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

TOWN OF GREAT BARRINGTON
HOUSING TRUST FUND C/O PLANNING DEPARTMENT
334 MAIN STREET
GREAT BARRINGTON, MA 01230

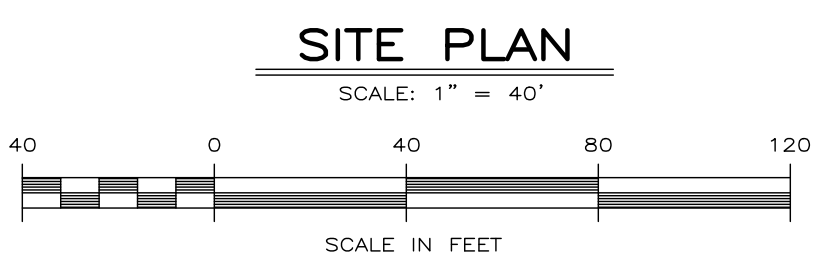
CENTRAL BERKSHIRE HABITAT FOR HUMANITY
314 COLUMBUS AVE
PITTSFIELD, MA 01201

DRAWING INDEX

COVER SHEET	T1
EXISTING OVERALL CONDITIONS	EC 1 OF 1
PROPOSED OVERALL SITE DEVELOPMENT PLAN	1 OF 9
PROPOSED SITE DEVELOPMENT PLAN	2 OF 9
PROPOSED OVERALL SEWER AND WATER PLANS	3 OF 9
PROPOSED OVERALL STORMWATER MANAGEMENT	4 OF 9
PROPOSED LANDSCAPE & GRADING	5 OF 9
PROPOSED OPEN SPACE	6 OF 9
PROPOSED LIGHTING PLAN	7 OF 9
PROPOSED EROSION & SEDIMENT CONTROL	8 OF 9
DETAIL SHEET	9 OF 9



KEY MAP LOCUS MAP



GENERAL NOTES:

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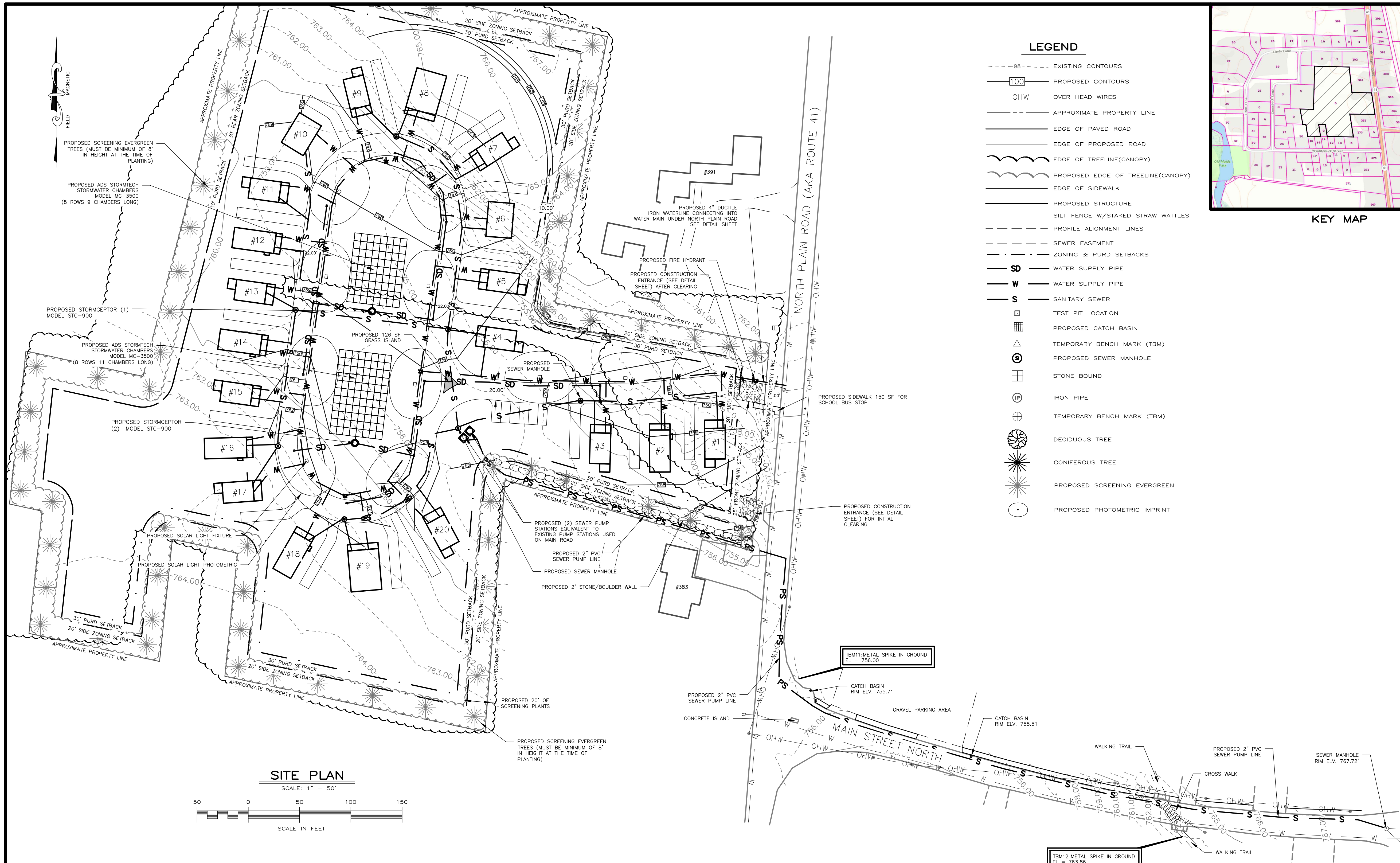
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TOPOGRAPHIC SURVEY PERFORMED BY WHITE ENGINEERING, INC. ON DECEMBER 8 & 9.

APPROVAL OF THIS PLAN AND APPLICATION BY A BOARD OF HEALTH DOES NOT IMPLY OR CONSTITUTE APPROVAL BY ANY OTHER BOARD OF AGENCY.

EXISTING CONDITIONS PLAN for TOWN OF GREAT BARRINGTON			
2	NORTH PLAIN ROAD	MAP #26, LOT #53A	GREAT BARRINGTON, MA
2	REDUCED NUMBER OF HOUSES FROM 30 TO 20, ADJUSTED LIGHTING FIXTURES	AJB	3/20/2023
1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK,	AJB	2/28/2023
	EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023		
NO.	REVISION:	BY:	DATE:
 WHITE ENGINEERING INC. CIVIL & ENVIRONMENTAL 55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201 PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT			
DATE:	FEBRUARY 2, 2023	DRN:	AJB
DESIGN:	BMW	CHKD:	BMW/CJM
APVD:	BMW	SCALE:	AS NOTED
OWS NO.:	21-07-09B		
	SHEET 1 OF 1		



- ### LEGEND
- - - - - 98 - - - - - EXISTING CONTOURS
 - 100 - - - - - PROPOSED CONTOURS
 - OHW - - - - - OVER HEAD WIRES
 - - - - - APPROXIMATE PROPERTY LINE
 - ===== EDGE OF PAVED ROAD
 - ===== EDGE OF PROPOSED ROAD
 - ===== EDGE OF TREELINE(CANOPY)
 - ===== PROPOSED EDGE OF TREELINE(CANOPY)
 - ===== EDGE OF SIDEWALK
 - ===== PROPOSED STRUCTURE
 - ===== SILT FENCE W/STAKED STRAW WATTLES
 - PROFILE ALIGNMENT LINES
 - SEWER EASEMENT
 - ZONING & PURD SETBACKS
 - SD - - - - - WATER SUPPLY PIPE
 - W - - - - - WATER SUPPLY PIPE
 - S - - - - - SANITARY SEWER
 - - - - - - TEST PIT LOCATION
 - ▣ - - - - - PROPOSED CATCH BASIN
 - △ - - - - - TEMPORARY BENCH MARK (TBM)
 - ⊙ - - - - - PROPOSED SEWER MANHOLE
 - ⊕ - - - - - STONE BOUND
 - ⊙ - - - - - IRON PIPE
 - ⊕ - - - - - TEMPORARY BENCH MARK (TBM)
 - ⊙ - - - - - DECIDUOUS TREE
 - ⊙ - - - - - CONIFEROUS TREE
 - ⊙ - - - - - PROPOSED SCREENING EVERGREEN
 - ⊙ - - - - - PROPOSED PHOTOMETRIC IMPRINT



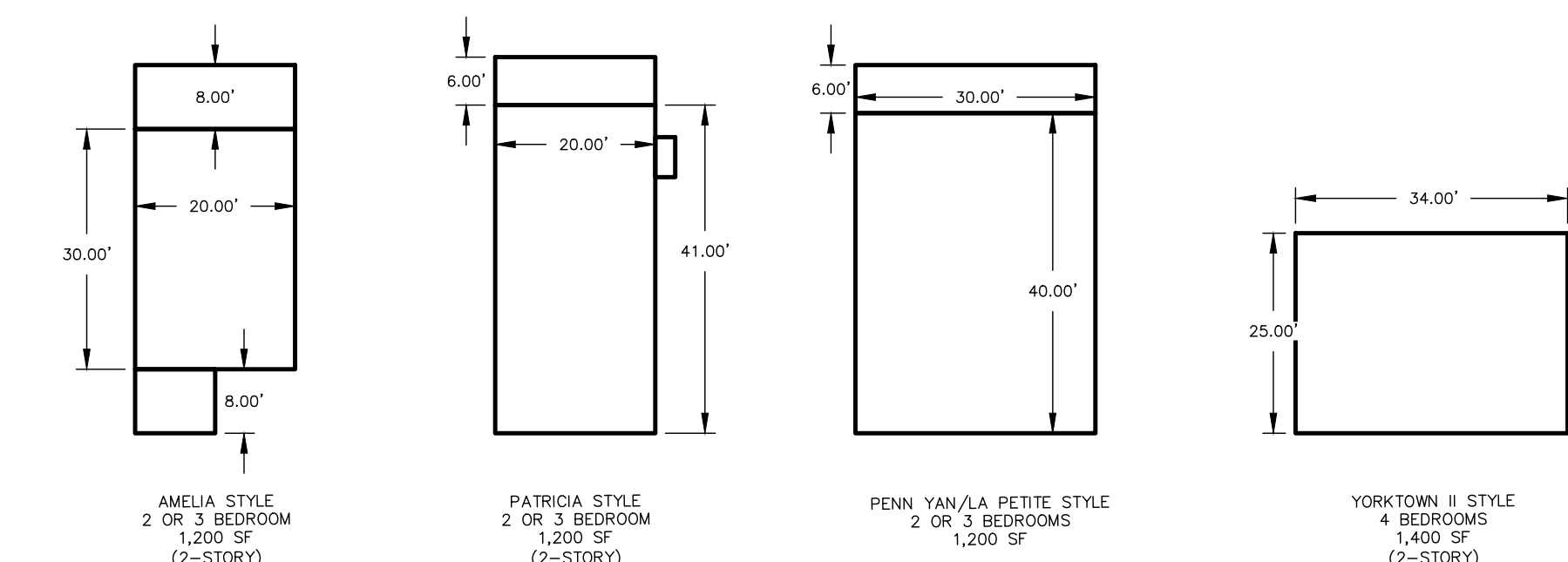
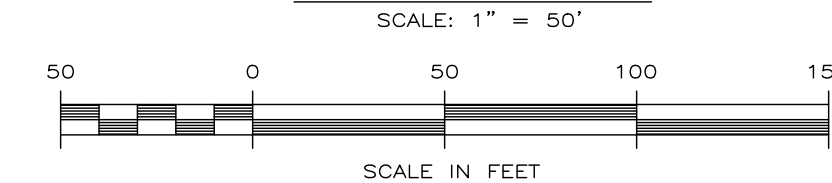
KEY MAP LOCUS MAP

GENERAL NOTES:
 CONTOUR INTERVAL IS 1' REFERENCED TO A LOCAL ARBITRARY DATUM.
 CONTRACTOR IS TO NOTIFY ENGINEER BEFORE PROCEEDING IF SUBSURFACE CONDITIONS DIFFER FROM THOSE INDICATED ON THIS PLAN.
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 TOPOGRAPHIC SURVEY PERFORMED BY WHITE ENGINEERING, INC. ON DECEMBER 8 & 9.
 APPROVAL OF THIS PLAN AND APPLICATION BY A BOARD OF HEALTH DOES NOT IMPLY OR CONSTITUTE APPROVAL BY ANY OTHER BOARD OF AGENCY.

ZONING & PURD BYLAWS				
ZONE	R1A	PURD	EXISTING	PROPOSED
FRONT SETBACK	25	30	25	30
SIDE SETBACK	20	30	20	30
REAR SETBACK	30	30	30	30
LOT COVERAGE	20%	-	-	5.69%
MINIMUM AREA (SF)	10000 SF	2500 SF PER UNIT	316518'	-
OPEN SPACE		50%		62.3%
AREA DEVELOPED				37.7%

TOTAL SQUARE FOOTAGE	
AMELIA HOUSE	9,240 S.F.
PATRICIA HOUSE	4,700 S.F.
RANCH HOUSE	2,400 S.F.
YORKTOWN HOUSE	1,700 S.F.
TOTAL HOUSE AREA	18,040 S.F.
ROAD	26,490 S.F.
DRIVEWAY	14,780 S.F.
SIDEWALK	150 S.F.
TOTAL S.F.	59,460 S.F.
IMPERVIOUS AREA	44,680 S.F.
LOT AREA	316518 S.F.
LOT COVERAGE	5.69%
OPEN SPACE USED	37.70%

SITE PLAN



PROPOSED HOUSE DESIGNS NTS

DCHD SF REQUIREMENTS	
STUDIO	250 S.F.
1 BEDROOM UNIT	700 S.F.
2 BEDROOM UNITS	900 S.F.
3 BEDROOM UNITS	1,200 S.F.
4 BEDROOM UNITS	1,400 S.F.

PROPOSED OVERALL SITE PLAN

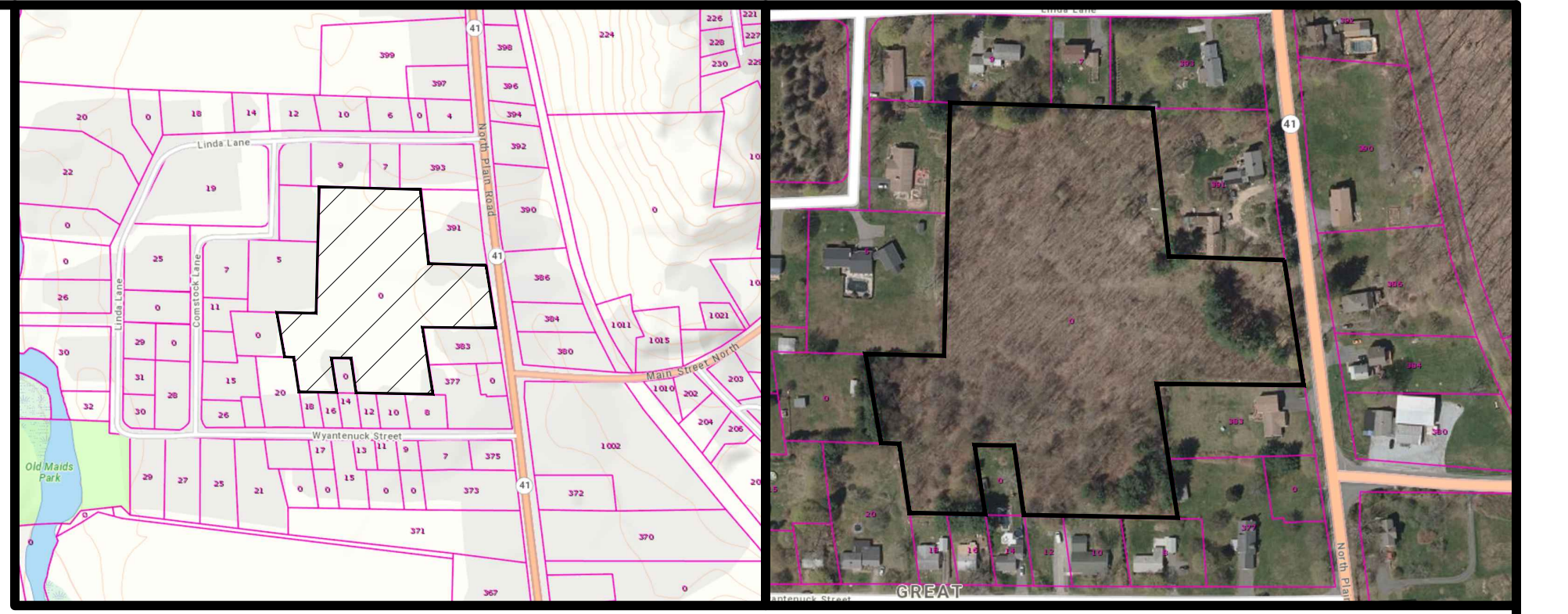
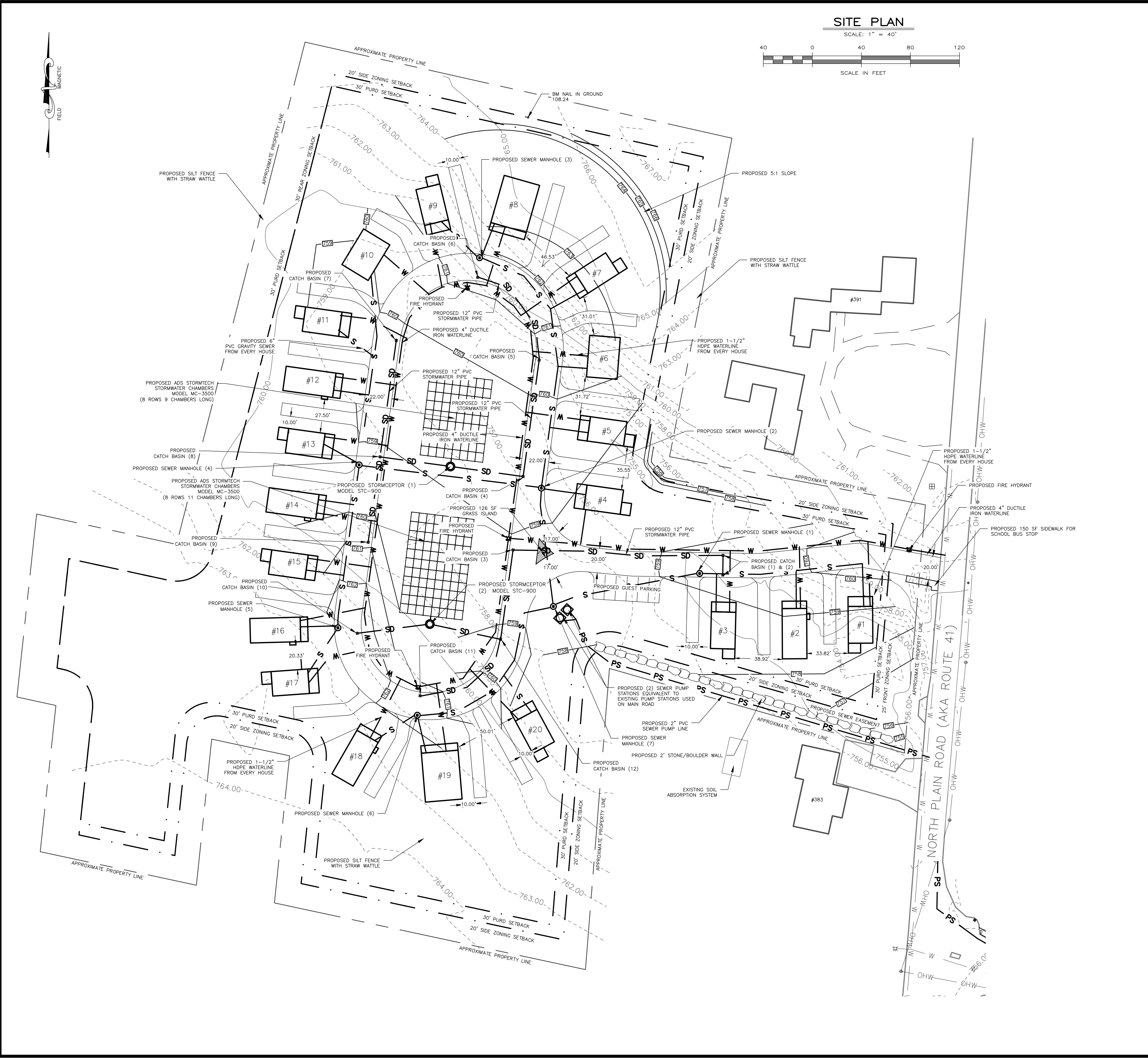
for
TOWN OF GREAT BARRINGTON

2 NORTH PLAIN ROAD MAP #26, LOT #53A GREAT BARRINGTON, MA

NO.	DESCRIPTION	REVISION	DATE
2	REDUCED NUMBER OF HOUSES FROM 30 TO 20, ADJUSTED LIGHTING FIXTURES	AJB	3/20/2023
1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK.	AJB	2/28/2023
	EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023		

WHITE ENGINEERING INC.
 CIVIL & ENVIRONMENTAL
 55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201
 PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012
 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

DATE: FEBRUARY 2, 2023	DRN: AJB	APVD: BMW	OWS NO: 21-07-09B
DSGN: BMW	CHD: BMW/CJM	SCALE: AS NOTED	SHEET 1 OF 9



LEGEND

- - - - - EXISTING CONTOURS
- 100 PROPOSED CONTOURS
- OHW OVER HEAD WIRES
- - - - - APPROXIMATE PROPERTY LINE
- EDGE OF PAVED ROAD
- EDGE OF PROPOSED ROAD
- EDGE OF TREELINE(CANOPY)
- EDGE OF SIDEWALK
- PROPOSED STRUCTURE
- - - - - PROFILE ALIGNMENT LINES
- - - - - SEWER EASEMENT
- - - - - ZONING & PURD SETBACKS
- SD WATER SUPPLY PIPE
- W WATER SUPPLY PIPE
- S SANITARY SEWER
- SILT FENCE W/STAKED STRAW WATTLES
- TEST PIT LOCATION
- ▣ PROPOSED CATCH BASIN
- ⊙ IRON PIPE
- ⊙ PROPOSED SEWER MANHOLE
- ⊕ STONE BOUND
- ⊕ IRON PIPE
- ⊕ TEMPORARY BENCH MARK (TBM)
- ☼ DECIDUOUS TREE
- ☼ CONIFEROUS TREE

GENERAL NOTES:

CONTOUR INTERVAL IS 1" REFERENCED TO A USGS DATUM. ELEVATION REFERENCE IN PLAN "MAIN STREET" - SIDE EXTENSION AND RELATED WORK" FOR MAIN STREET VILLAGE OF HOUSATONIC, MA BY FORESIGHT LAND SERVICES DATED JANUARY 31ST, 2020.

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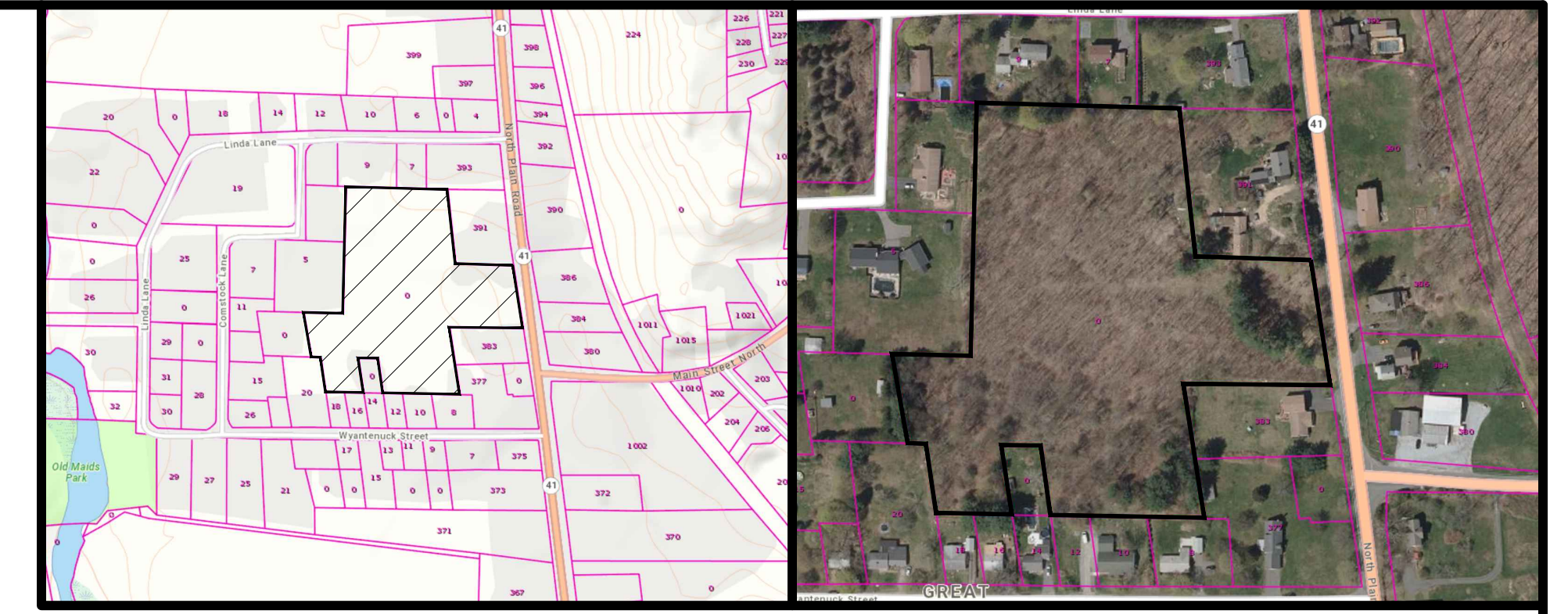
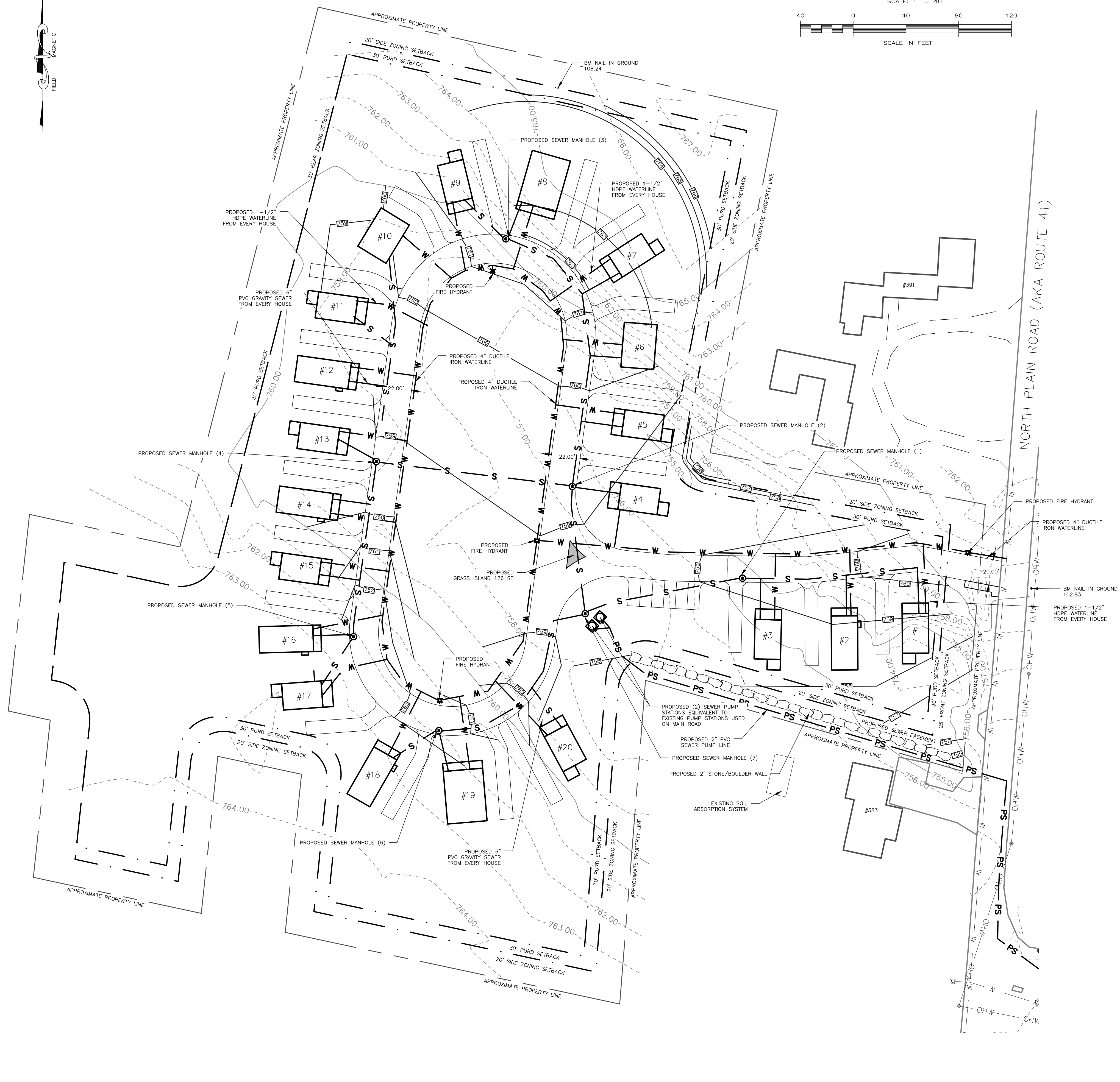
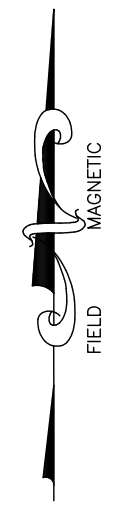
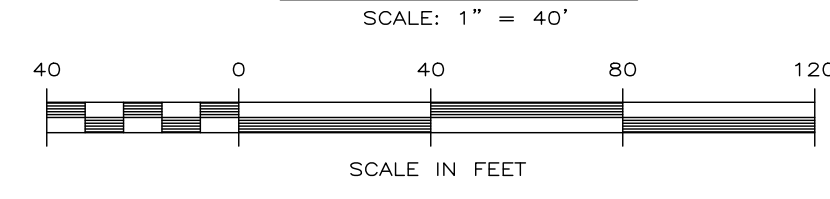
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TOPOGRAPHIC SURVEY PERFORMED BY WHITE ENGINEERING, INC. ON DECEMBER 8 & 9.

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PROPOSED SITE DEVELOPMENT PLAN			
for			
TOWN OF GREAT BARRINGTON			
20 NORTH PLAIN ROAD		MAP #26, LOT #53A	GREAT BARRINGTON, MA
2	REDUCED NUMBER OF HOUSES FROM 30 TO 20, ADJUSTED LIGHTING FIXTURES	AJB	3/20/2023
1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK, EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023	AJB	2/28/2023
NO.	REVISION	BY	DATE
		WHITE ENGINEERING INC. CIVIL & ENVIRONMENTAL 55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201 PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT	
DATE: FEBRUARY 2, 2023	DRN: AJB	APVD: BMW	OWS NO: 21-07-09B
DSGN: BMW	CRD: BMW/CJM	SCALE: AS NOTED	SHEET 2 OF 8

SITE PLAN



KEY MAP

LOCUS MAP

LEGEND

- - - - - 98 - - - - - EXISTING CONTOURS
- 100 — PROPOSED CONTOURS
- OHW — OVER HEAD WIRES
- - - - - APPROXIMATE PROPERTY LINE
- — — — — EDGE OF PAVED ROAD
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- — — — — EDGE OF SIDEWALK
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- - - - - SEWER EASEMENT
- - - - - ZONING & PURD SETBACKS
- SD — WATER SUPPLY PIPE
- W — WATER SUPPLY PIPE
- S — SANITARY SEWER
- TEST PIT LOCATION
- PROPOSED CATCH BASIN
- ⊕ IRON PIPE
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- ⊕ STONE BOUND
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PROPOSED SEWER & WATER PLAN
for
TOWN OF GREAT BARRINGTON

2 NORTH PLAIN ROAD MAP #26, LOT #53A GREAT BARRINGTON, MA

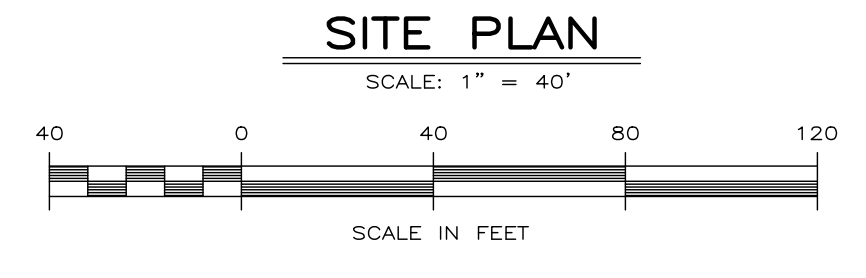
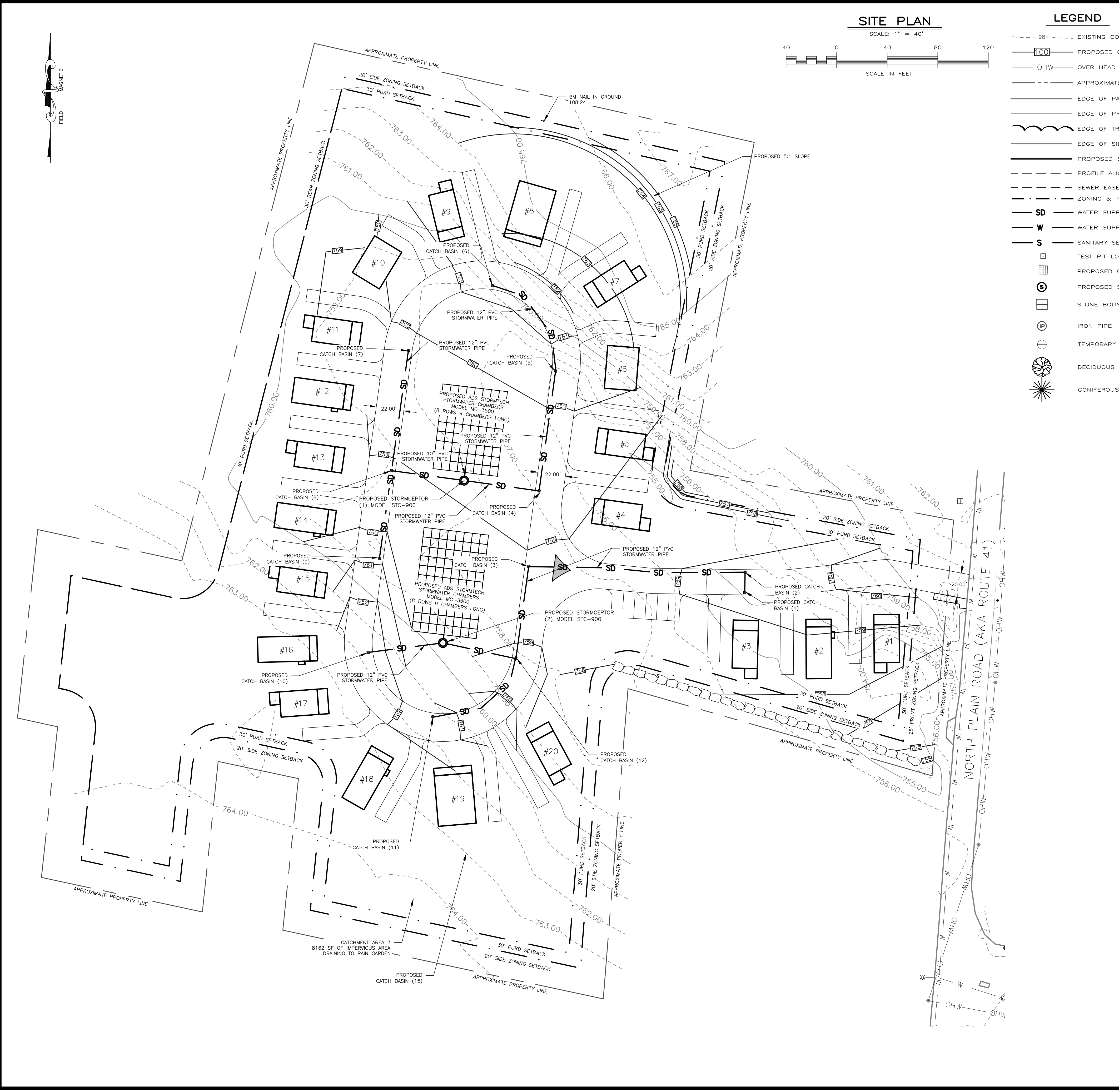
NO.	REVISION	BY	DATE
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1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK, EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023	AJB	2/28/2023



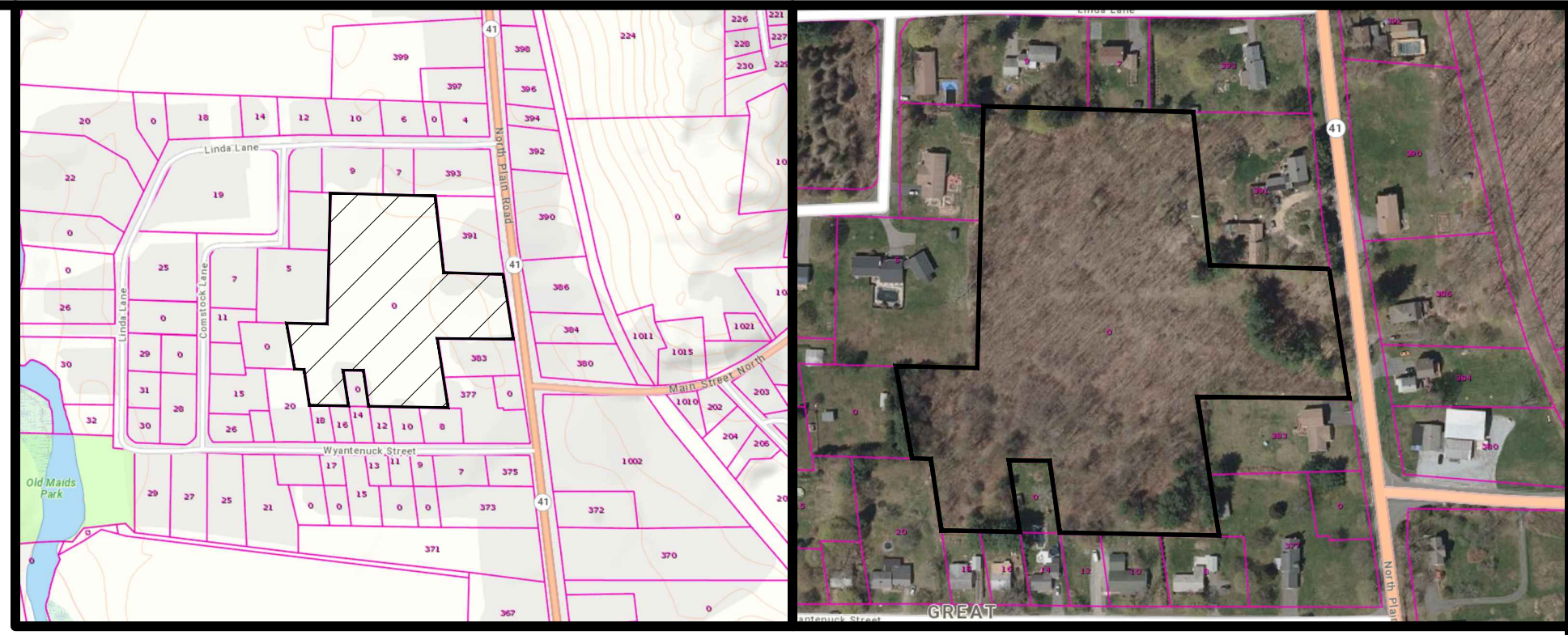
WHITE ENGINEERING INC.
CIVIL & ENVIRONMENTAL
55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201

PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012
LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

DATE: FEBRUARY 2, 2023	DRN: AJB	APVD: BMW	OWS NO: 21-07-09B
DSGN: BMW	CRD: BMW/CJM	SCALE: AS NOTED	SHEET 3 OF 9



- LEGEND**
- - - - - EXISTING CONTOURS
 - 100 PROPOSED CONTOURS
 - OHW OVER HEAD WIRES
 - - - - - APPROXIMATE PROPERTY LINE
 - EDGE OF PAVED ROAD
 - EDGE OF PROPOSED ROAD
 - EDGE OF TREELINE(CANOPY)
 - EDGE OF SIDEWALK
 - PROPOSED STRUCTURE
 - PROFILE ALIGNMENT LINES
 - - - - - SEWER EASEMENT
 - - - - - ZONING & PURD SETBACKS
 - SD WATER SUPPLY PIPE
 - W WATER SUPPLY PIPE
 - S SANITARY SEWER
 - TEST PIT LOCATION
 - PROPOSED CATCH BASIN
 - PROPOSED SEWER MANHOLE
 - STONE BOUND
 - IRON PIPE
 - TEMPORARY BENCH MARK (TBM)
 - DECIDUOUS TREE
 - CONIFEROUS TREE



KEY MAP LOCUS MAP

GENERAL NOTES:
 CONTOUR INTERVAL IS 1' REFERENCED TO A LOCAL ARBITRARY DATUM.
 CONTRACTOR IS TO NOTIFY ENGINEER BEFORE PROCEEDING IF SUBSURFACE CONDITIONS DIFFER FROM THOSE INDICATED ON THIS PLAN.
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 PROPERTY LINES AS SHOWN WERE ESTABLISHED FROM "PLAN OF LAND IN GREAT BARRINGTON, MA FOR GREAT BARRINGTON AFFORDABLE HOUSING TRUST FUND" PREPARED BY BRIAN KOZCELA OF B.E.K. ASSOCIATES DATED ON 12/16/2021 AND MONUMENTATION FOUND IN THE FIELD AND ARE REPRESENTED AS APPROXIMATE ONLY.
 TOPOGRAPHIC SURVEY PERFORMED BY WHITE ENGINEERING, INC. ON DECEMBER 8 & 9.
 APPROVAL OF THIS PLAN AND APPLICATION BY A BOARD OF HEALTH DOES NOT IMPLY OR CONSTITUTE APPROVAL BY ANY OTHER BOARD OF AGENCY.

ACCEPTABLE FILL MATERIALS: STORMTECH MC-3500 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	ASHOTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	FINAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLESHLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'C' LAYER.	ANY SOLIDROCK MATERIALS, NATIVE SOILS, OR PER ENGINEERS PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A
C	INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDED STONE (B LAYERS) TO 2" (50mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	GRANULAR WELL-GRADED SOIL-AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE. OR ASHOTO M40' A1, A2, A3 OR ASHOTO M40' 3, 305' 4, 407' 5, 503' 6, 609' 7, 718' 8, 824' 9, 10	BEGIN COMPACTIONS AFTER 3" (75mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 1" (25mm) INCREMENTS TO A MIN. 90% PROCTOR DENSITY FOR WELL-GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS.
B	EMBODIMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE (A LAYER) TO THE 'C' LAYER ABOVE.	CLEAN, CRUSHED, ANGULAR STONE ASHOTO M40' 3, 4	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBBASE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE ASHOTO M40' 3, 4	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. ¹

PLEASE NOTE:
 1. THE LISTED ASHOTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR AN STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (ASHOTO M40) STONE".
 2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR A LOCATION WITH A 12" (305mm) MIN. COVER WITH A VIBRATORY COMPACTION. FOR SPECIAL LOAD DESIGNER, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.
 3. WHEEL ROLL ON SURFACE MAY BE COMPLETED BY CONTRACTOR, FOR STANDARD DESIGN LOAD CONDITIONS. A FLAT SURFACE SHALL BE ACHIEVED WITH A VIBRATORY COMPACTION.
 4. ONCE LAYER 'C' IS PLACED, ANY SOLIDROCK CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.

ASPHOTO DESIGNATIONS ARE NOT TO BE USED TO REPLACE ALL AROUND CLEAN CRUSHED ANGULAR STONE IN A & B LAYERS.

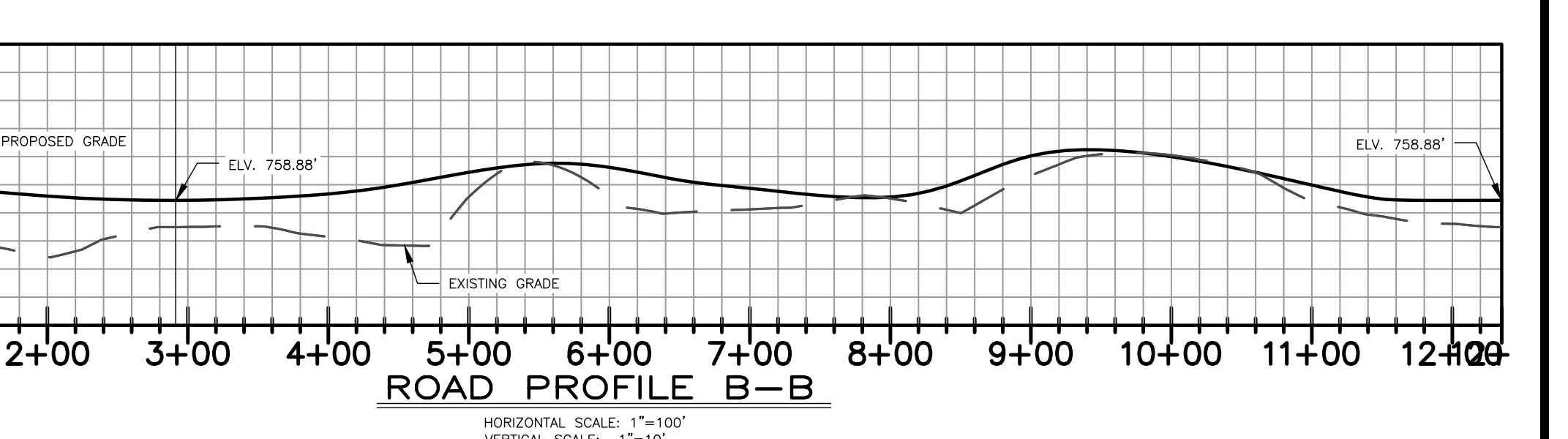
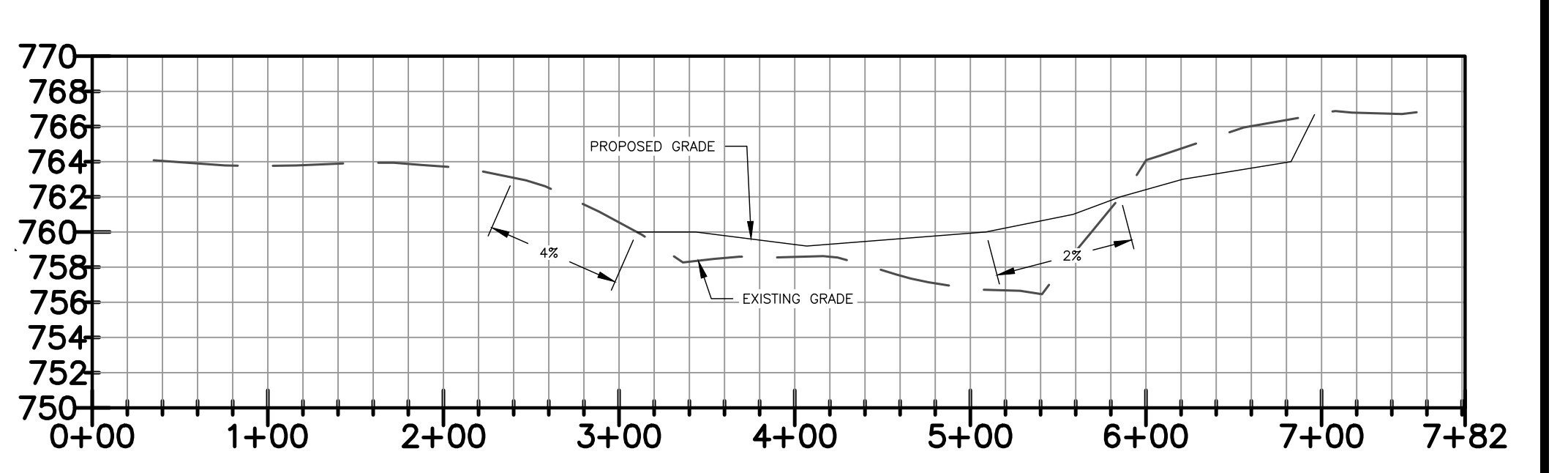
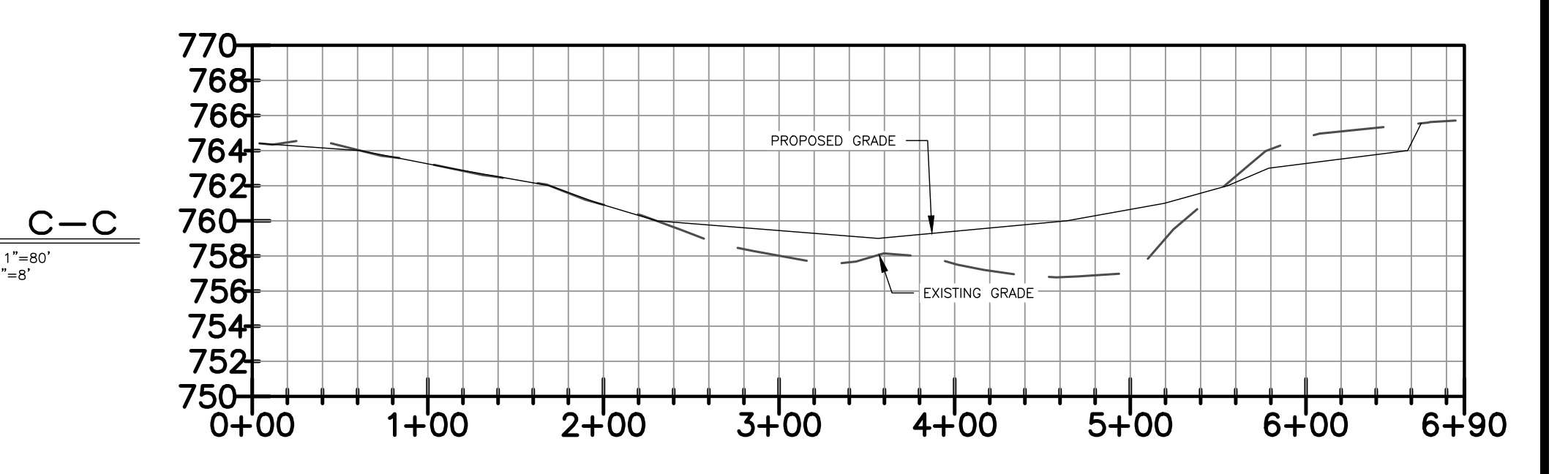
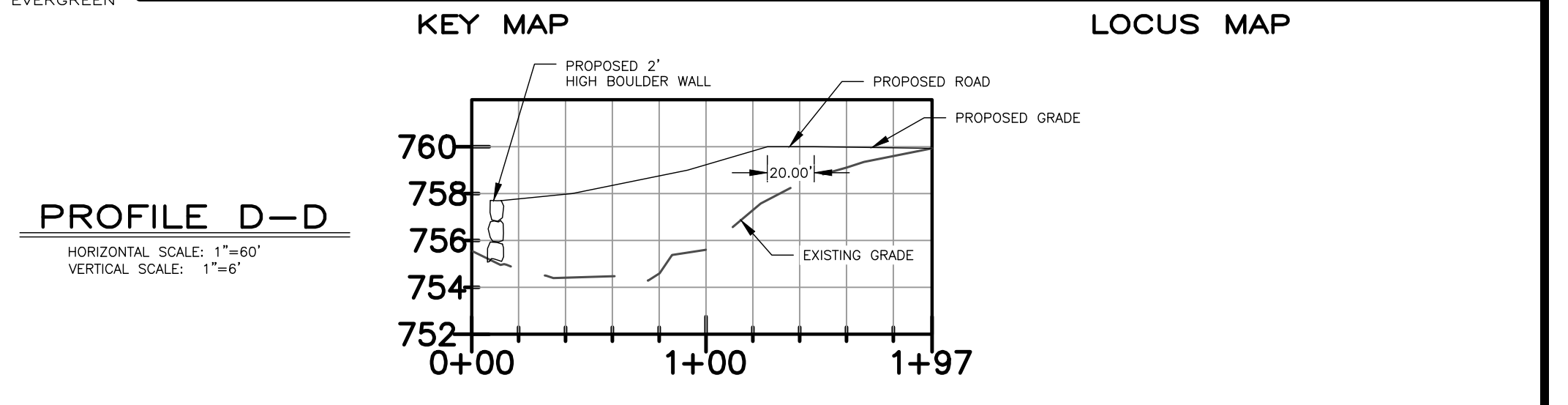
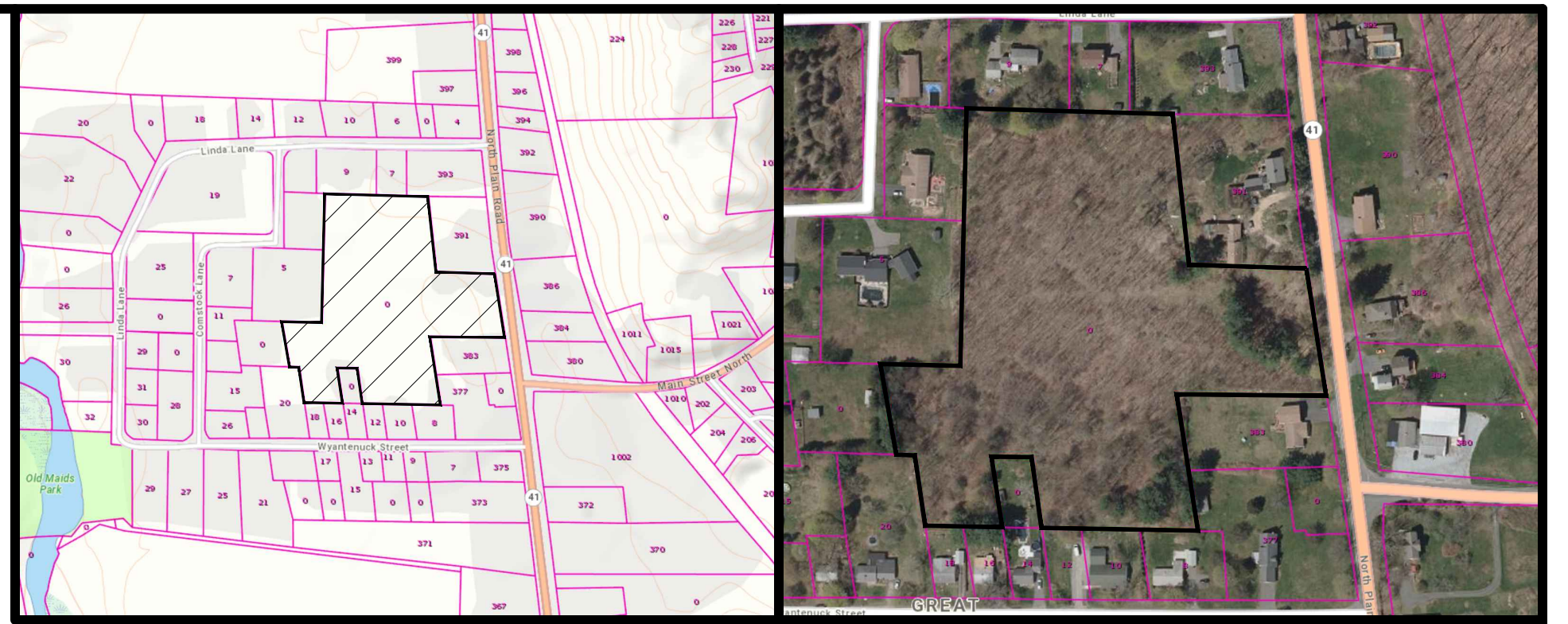
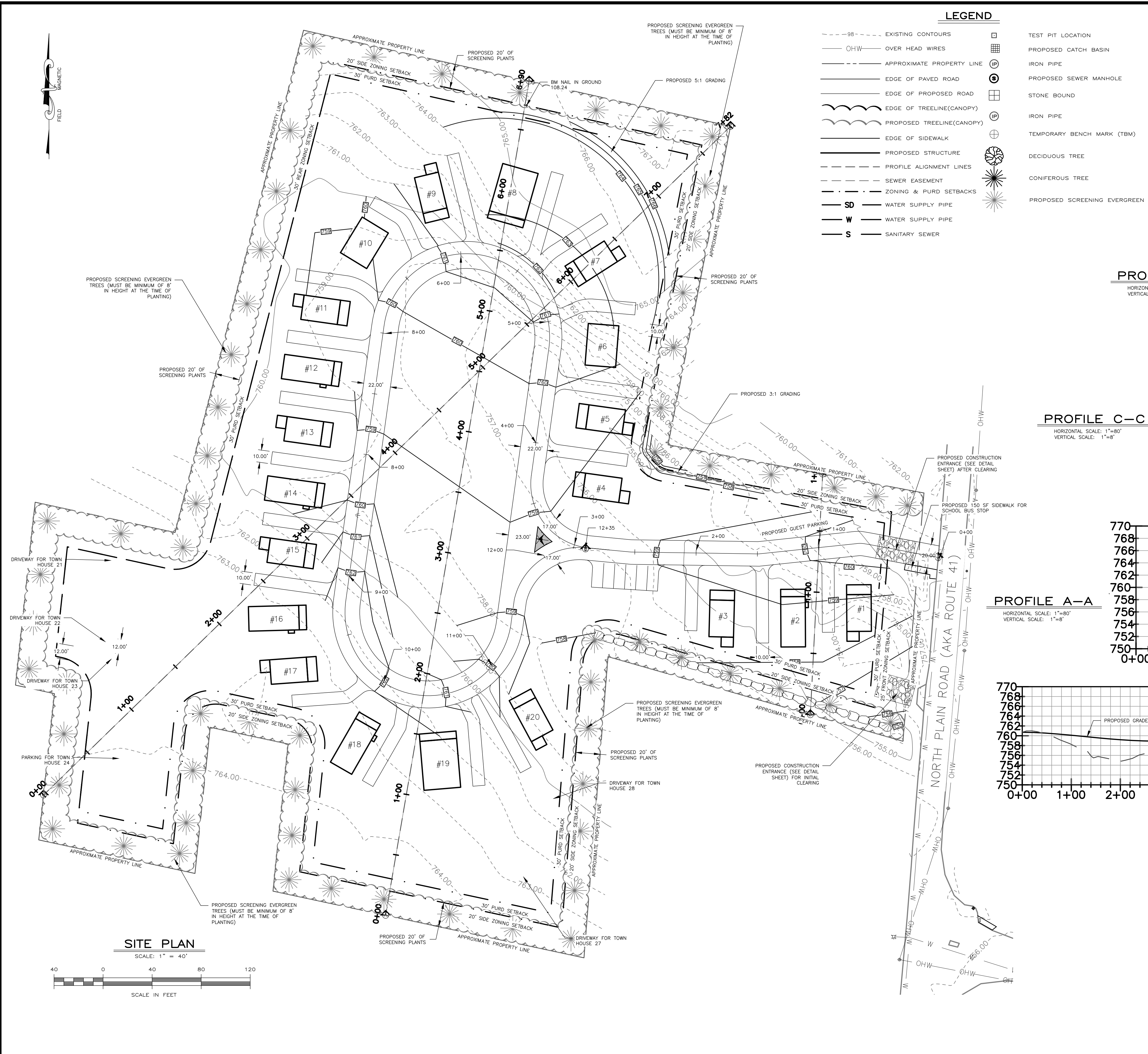
NOTES:
 1. CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2714, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
 2. CHAMBER CLASSIFICATION 454E DESIGNATION IS.
 3. MC-3500 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2714 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THE BEMPO-LATEX CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
 4. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
 5. PERIMETER STONE MUST BE EXTENDED HORIZONTAL TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
 6. REQUIREMENTS FOR HANDLING AND INSTALLATION:
 • TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTERSTITIAL INTERLOCKING STACKING LOGS.
 • TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 7".
 • TO INSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, THE ARCH STRESS CONTACT AS DEFINED IN SECTION 3.2.2 OF ASTM F2714 SHALL BE GREATER THAN OR EQUAL TO 300 LBS/FT².
 AND) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES ABOVE 70° F (21° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORES.

PROPOSED STORMWATER MANAGEMENT PLAN
 for
TOWN OF GREAT BARRINGTON
 20 NORTH PLAIN ROAD MAP #26, LOT #53A GREAT BARRINGTON, MA

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1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK, EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023	AJB	2/28/2023

DATE: FEBRUARY 2, 2023 DRN: AJB APVD: BMW DWS NO: 21-07-09B
 DESIG: BMW CHD: BMW/CJM SCALE: AS NOTED SHEET 4 OF 8

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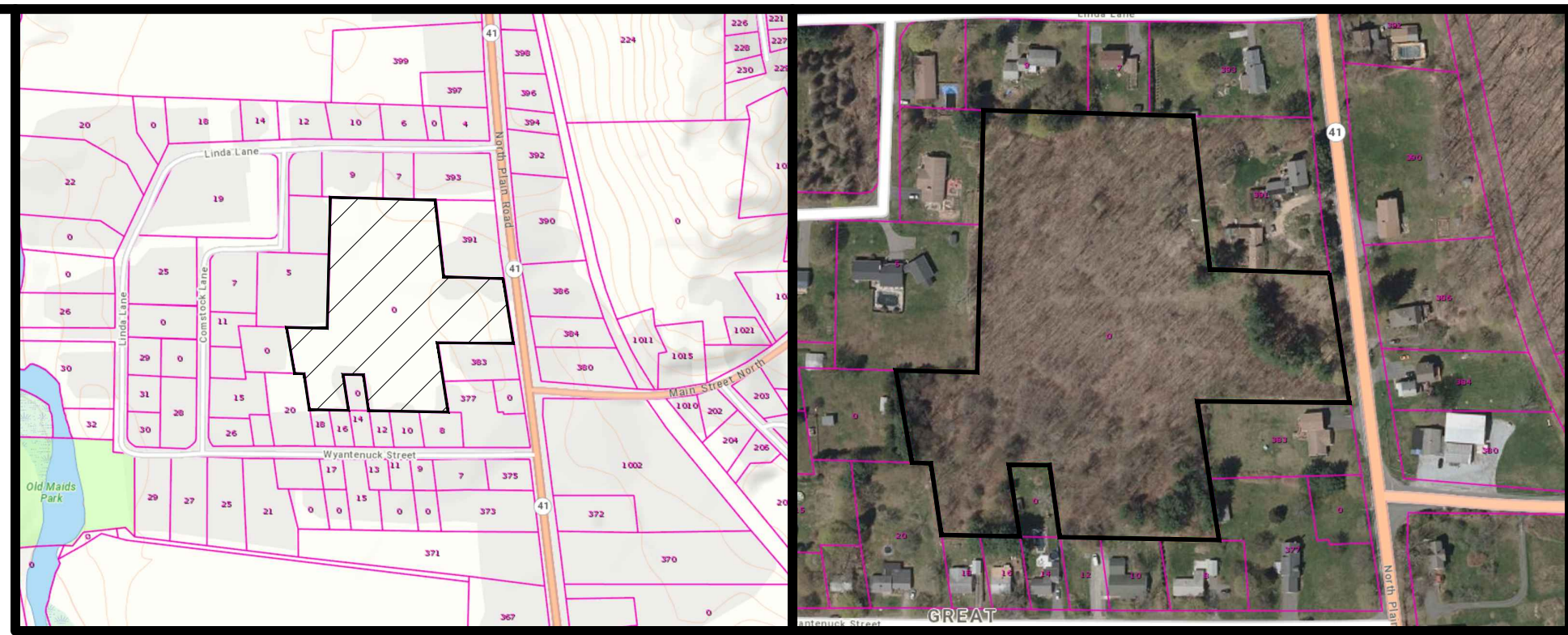
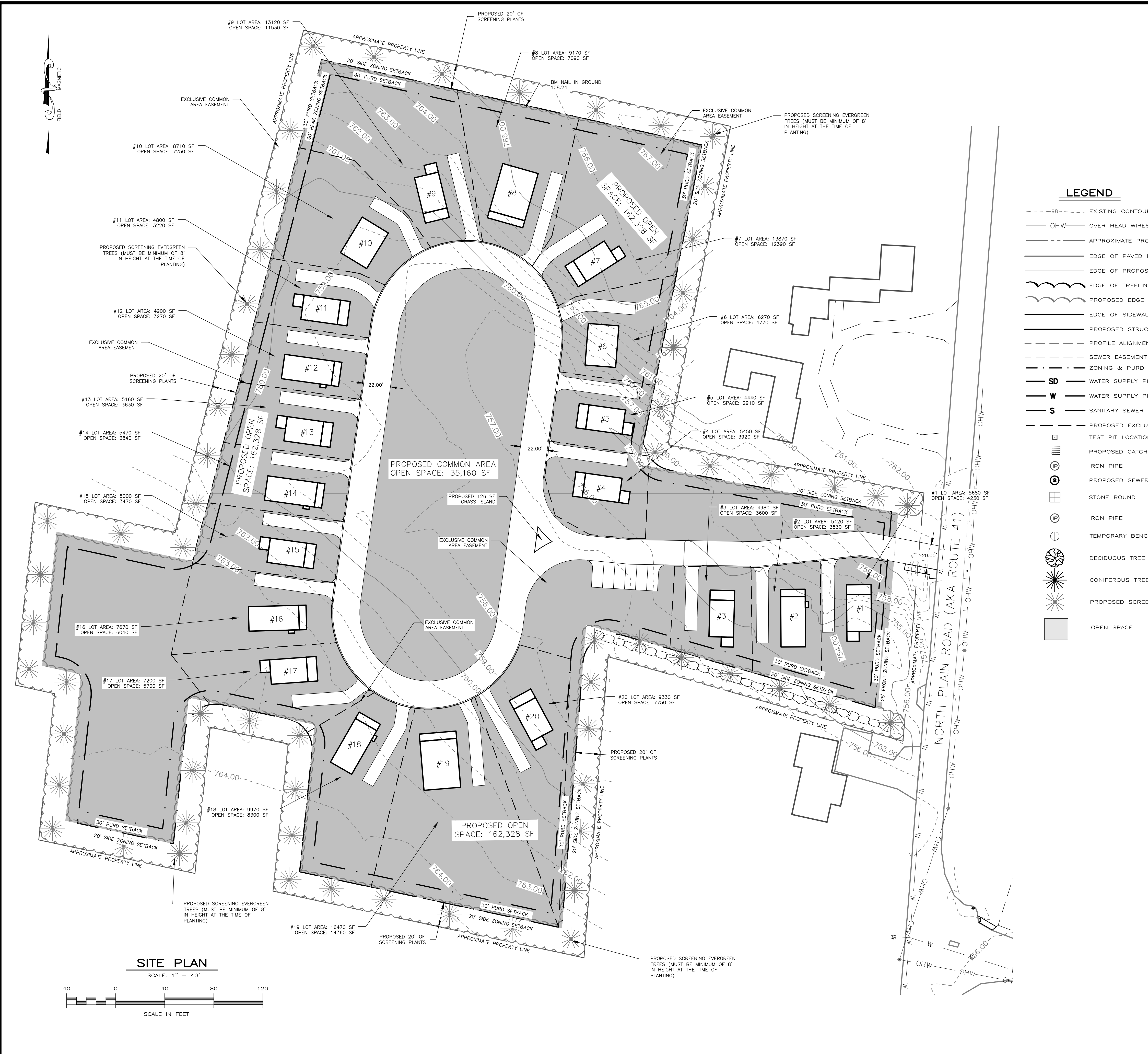
PROPOSED LANDSCAPE & GRADING PLAN
 for
TOWN OF GREAT BARRINGTON

2 NORTH PLAIN ROAD MAP #26, LOT #53A GREAT BARRINGTON, MA

NO.	REVISION	BY	DATE
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 DESGN: BMW CHD: BMW/CJM SCALE: AS NOTED SHEET 5 OF 9



LEGEND

- 98--- EXISTING CONTOURS
- OHW — OVER HEAD WIRES
- APPROXIMATE PROPERTY LINE
- EDGE OF PAVED ROAD
- EDGE OF PROPOSED ROAD
- EDGE OF TREELINE(CANOPY)
- PROPOSED EDGE OF TREELINE(CANOPY)
- EDGE OF SIDEWALK
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- ZONING & PURD SETBACKS
- SD — WATER SUPPLY PIPE
- W — WATER SUPPLY PIPE
- S — SANITARY SEWER
- PROPOSED EXCLUSIVE COMMON AREA EASMENT
- TEST PIT LOCATION
- ⊕ PROPOSED CATCH BASIN
- ⊙ PROPOSED SEWER MANHOLE
- ⊞ STONE BOUND
- ⊕ IRON PIPE
- ⊕ TEMPORARY BENCH MARK (TBM)
- ⊕ DECIDUOUS TREE
- ⊕ CONIFEROUS TREE
- ⊕ PROPOSED SCREENING EVERGREEN
- OPEN SPACE

KEY MAP

LOCUS MAP

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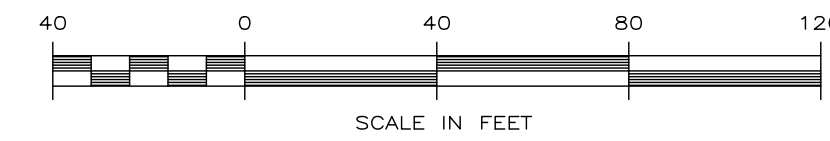
TOPOGRAPHIC SURVEY PERFORMED BY WHITE ENGINEERING, INC. ON DECEMBER 8 & 9.

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ZONING & PURD BYLAWS				
ZONE	R1A	PURD	EXISTING	PROPOSED
FRONT SETBACK	25	30	25	30
SIDE SETBACK	20	30	20	30
REAR SETBACK	30	30	30	30
LOT COVERAGE	20%	—	—	8.75%
MINIMUM AREA (SF)	10000 SF	2500 SF	316518'	—
OPEN SPACE		50%		62.3%
AREA DEVELOPED				37.7%

SITE PLAN

SCALE: 1" = 40'



PROPOSED OPEN SPACE PLAN
for
TOWN OF GREAT BARRINGTON

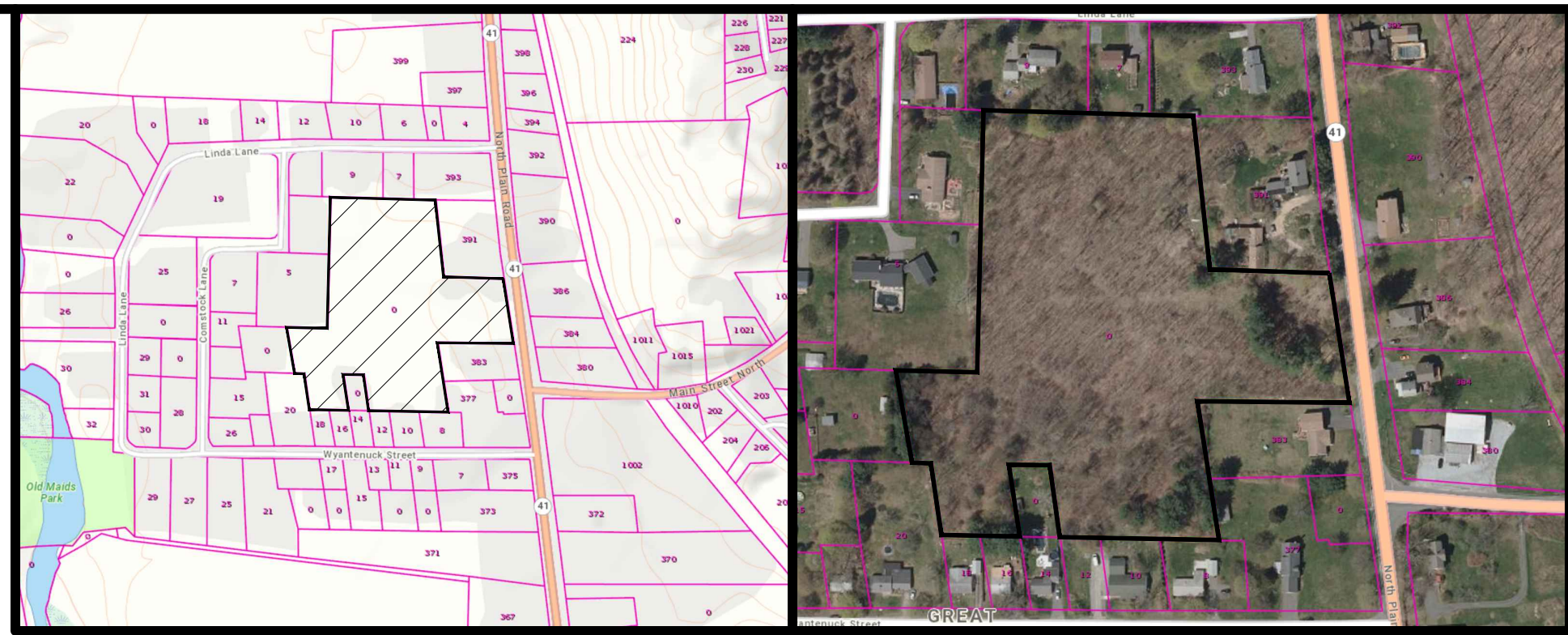
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THE PROPOSED LIGHT FIXTURES TO HAVE BULBS UNDER 30,000 LUMENS AND A COLOR TEMPERATURE 3000K OR LESS. FIXTURES CAN BE THE PROPOSED MODEL OR EQUIVALENT.



KEY MAP

LOCUS MAP

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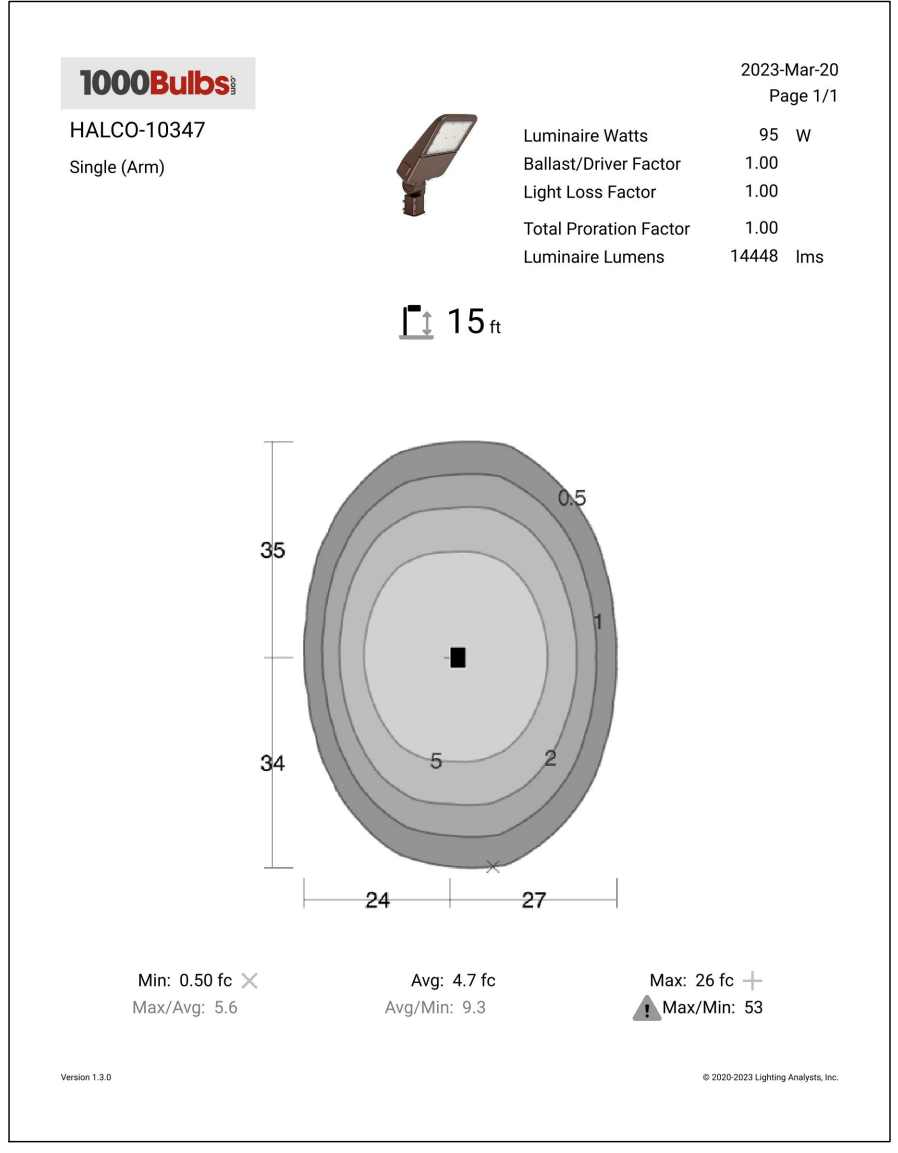
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[Symbol] PROPOSED SCREENING EVERGREEN
[Symbol] PROPOSED PHOTOMETRIC IMPRINT

ProLED® Select Flood Series
Field Selectable Color Temperature

Specification Table with columns for Luminaire Watts, Ballast/Driver Factor, Light Loss Factor, Total Preparation Factor, and Luminaire Lumens. Includes a Scaled Performance table below.

CUT SHEET



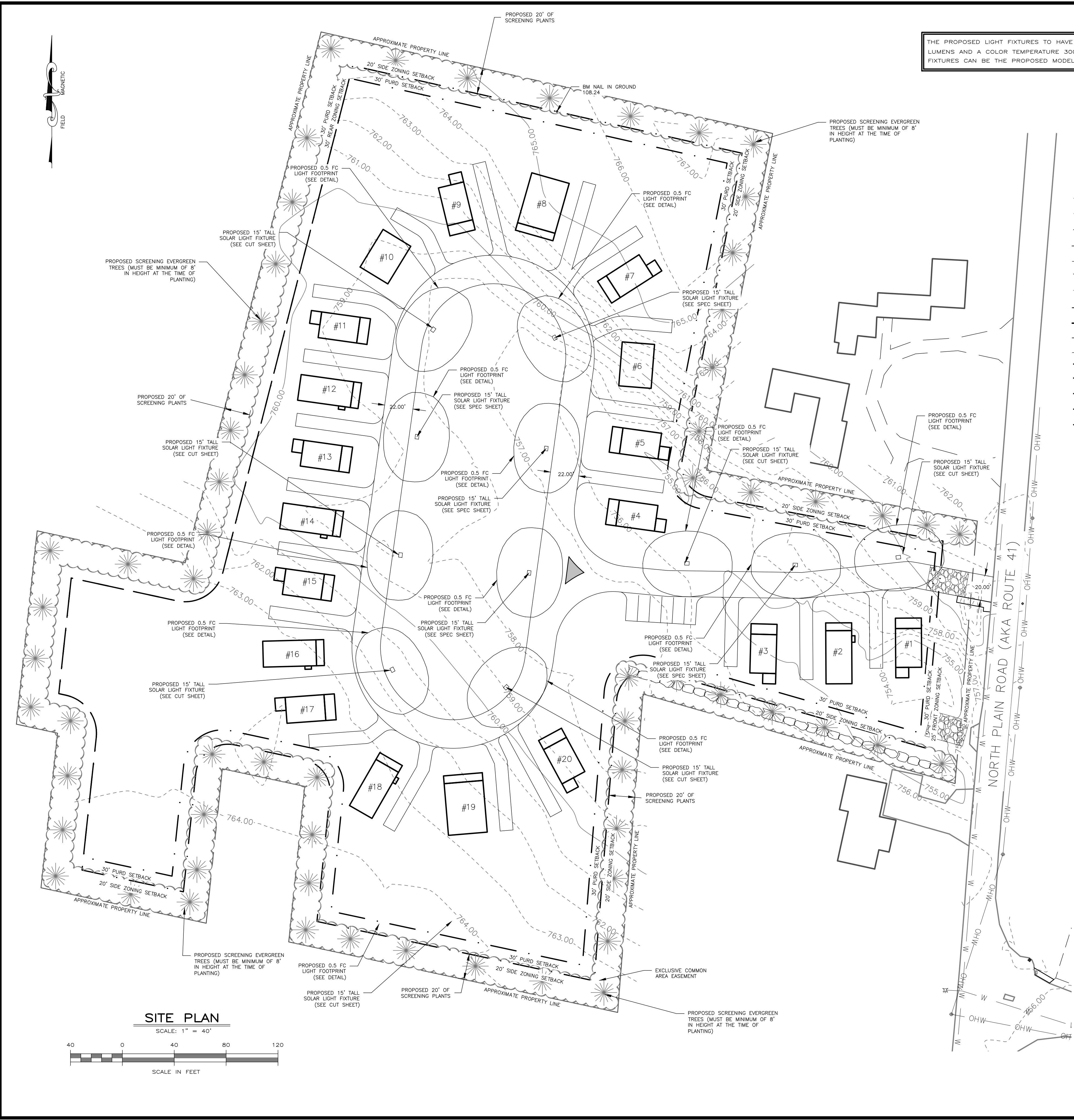
PHOTOMETRIC DETAIL N.T.S.

PROPOSED LIGHTING PLAN for TOWN OF GREAT BARRINGTON. Table with columns for NO., DESCRIPTION, REVISION, and DATE. Includes project location: NORTH PLAIN ROAD, MAP #26, LOT #53A, GREAT BARRINGTON, MA.

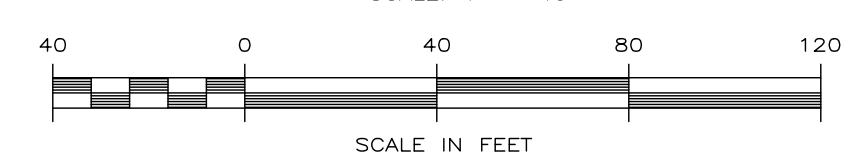


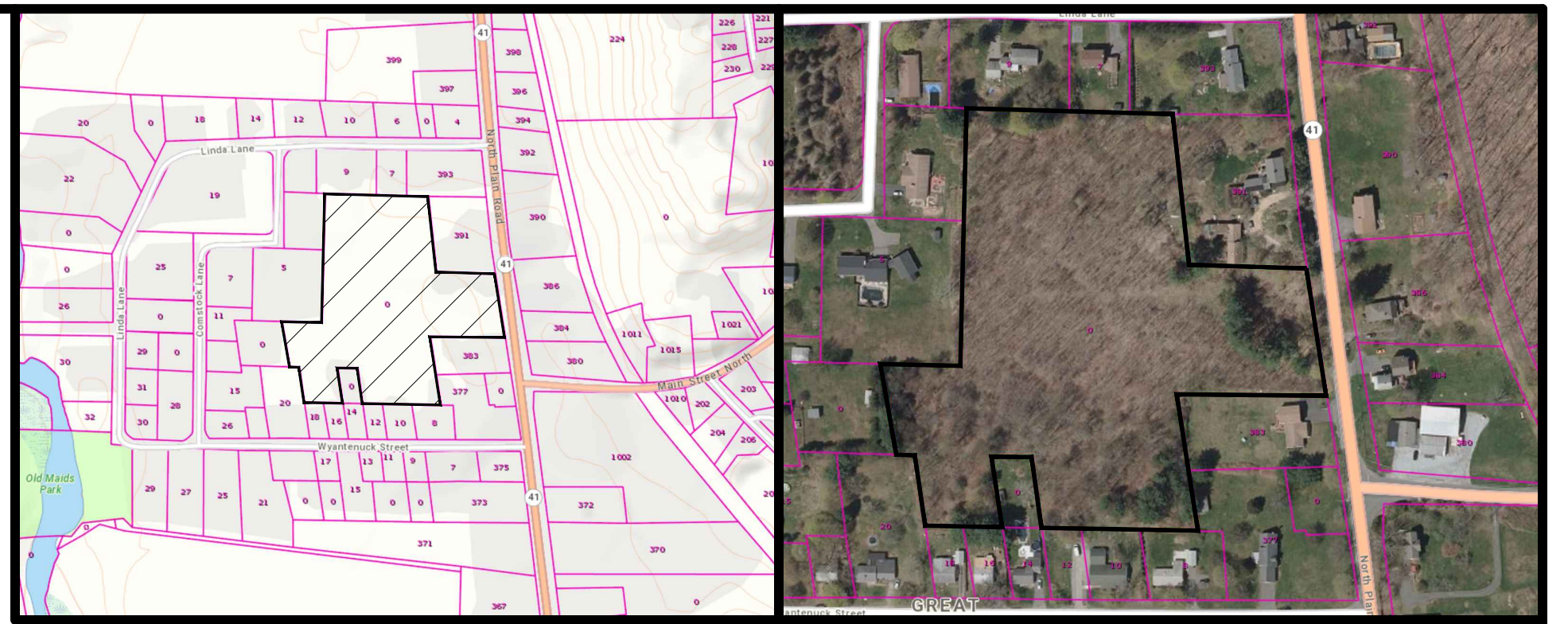
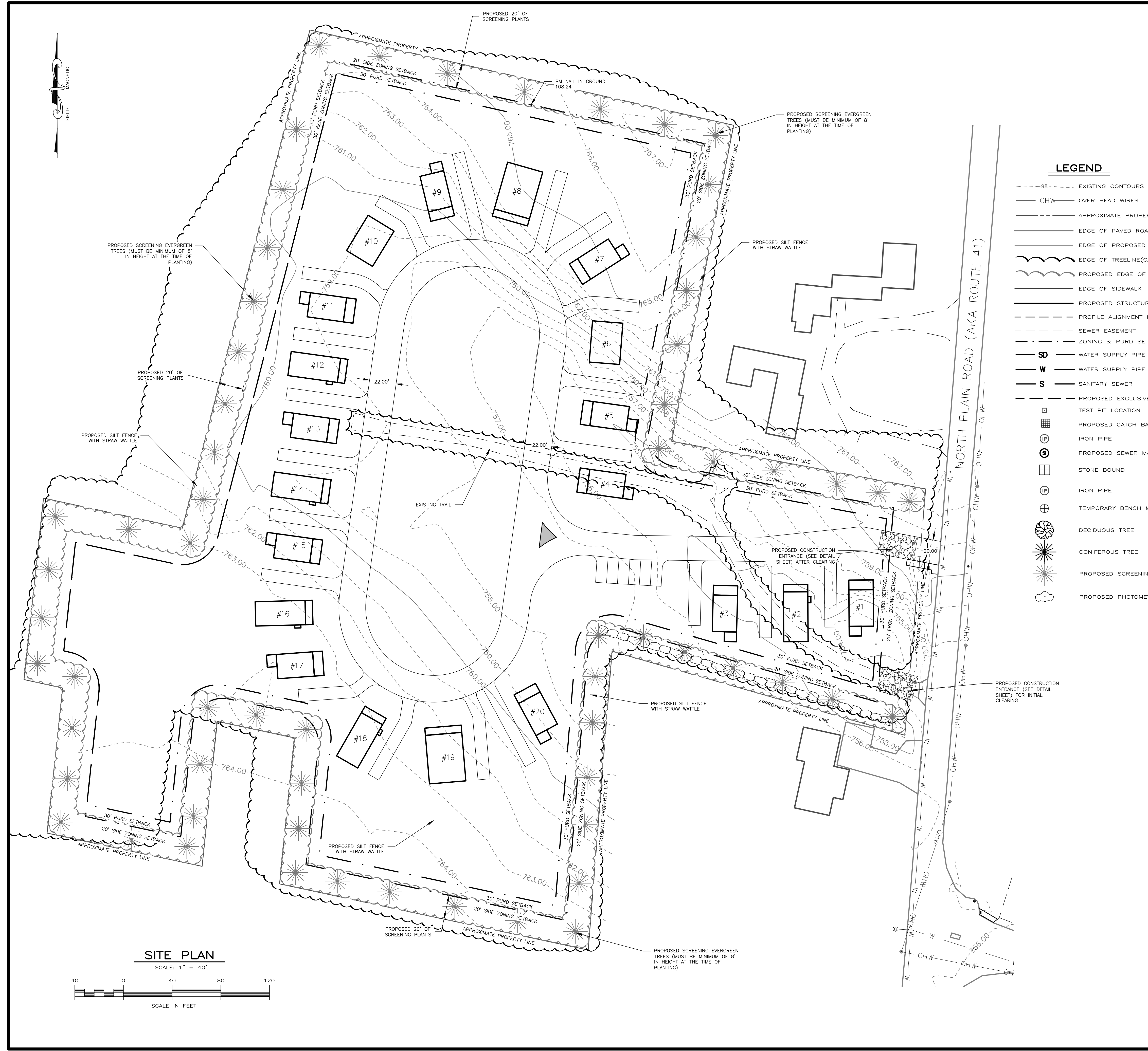
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DATE: FEBRUARY 2, 2023 DRN: AJB APVD: BMW DWS NO: 21-07-09B
BY: BMW/CJM SCALE: AS NOTED SHEET 7 OF 9



SITE PLAN





- LEGEND**
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 - ⊕ PROPOSED PHOTOMETRIC IMPRINT

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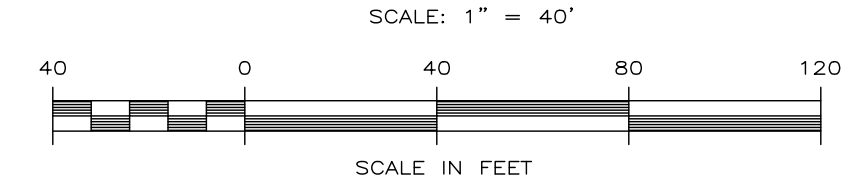
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APPROVAL OF THIS PLAN AND APPLICATION BY A BOARD OF HEALTH DOES NOT IMPLY OR CONSTITUTE APPROVAL BY ANY OTHER BOARD OF AGENCY.

SITE PLAN



PROPOSED EROSION & SEDIMENT CONTROL PLAN
for
TOWN OF GREAT BARRINGTON

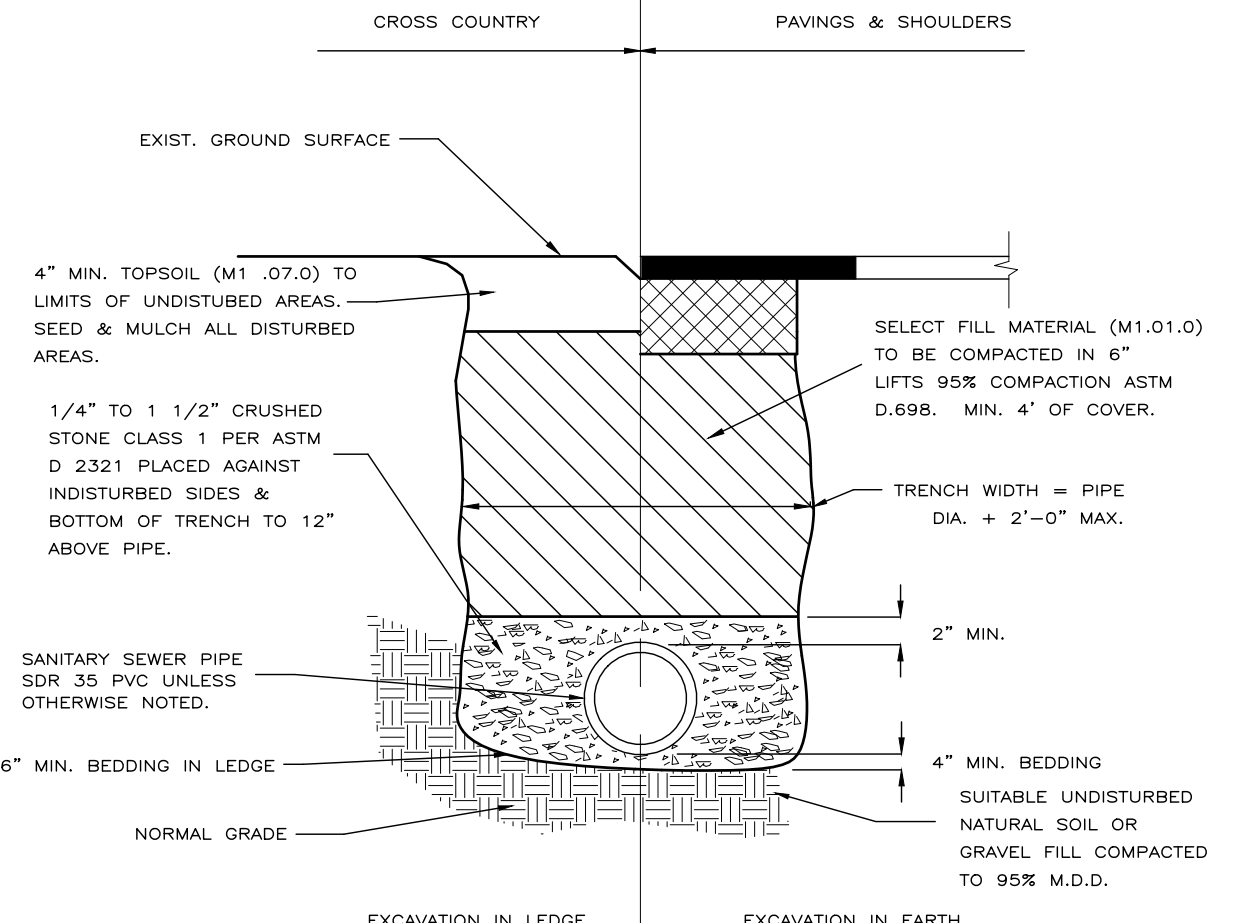
2 NORTH PLAIN ROAD MAP #26, LOT #53A GREAT BARRINGTON, MA

NO.	DESCRIPTION	BY	DATE
2	REDUCED NUMBER OF HOUSES FROM 30 TO 20, ADJUSTED LIGHTING FIXTURES	AJB	3/20/2023
1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK, EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023	AJB	2/28/2023

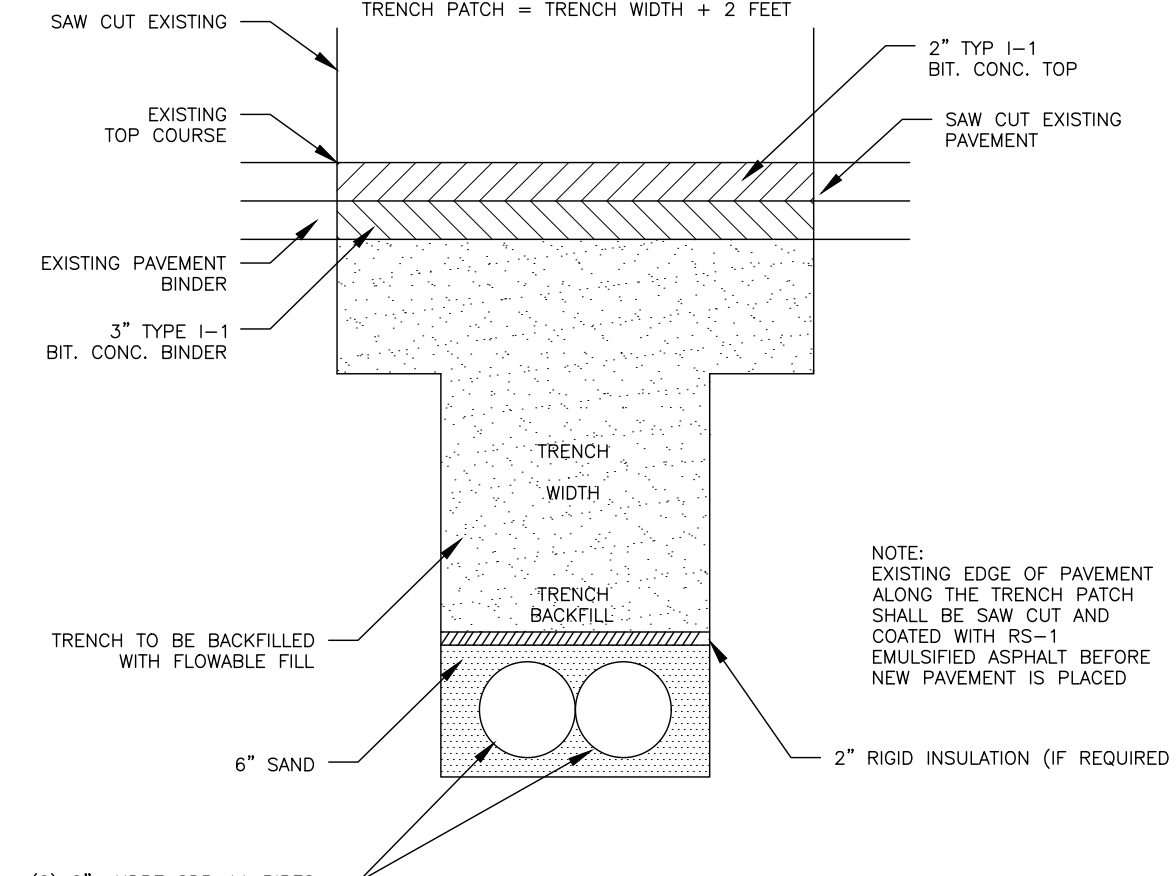
NO. _____ REVISION: _____ BY: _____ DATE: _____

WHITE ENGINEERING INC.
CIVIL & ENVIRONMENTAL
55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201
PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012
LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

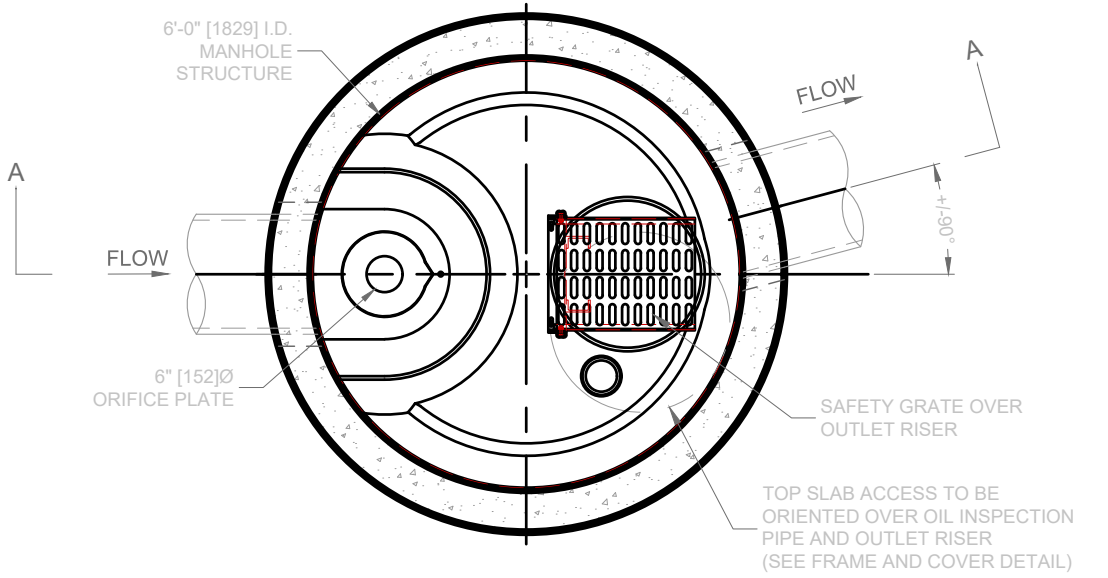
DATE: FEBRUARY 2, 2023 DRN: AJB APVD: BMW DWS NO: 21-07-09B
DSGN: BMW CHD: BMW/CJM SCALE: AS NOTED SHEET 8 OF 9



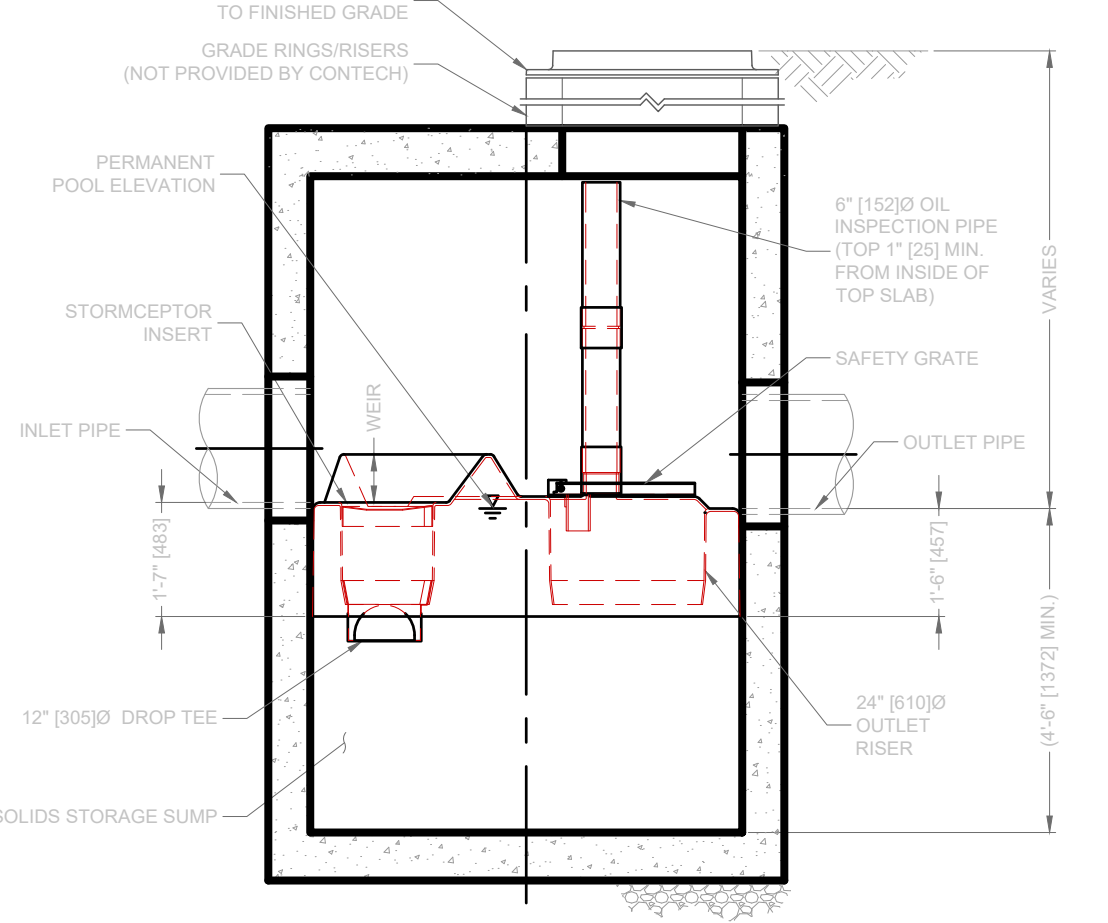
SEWER TRENCH DETAIL
N.T.S.



PAVEMENT TRENCH PATCH
N.T.S.



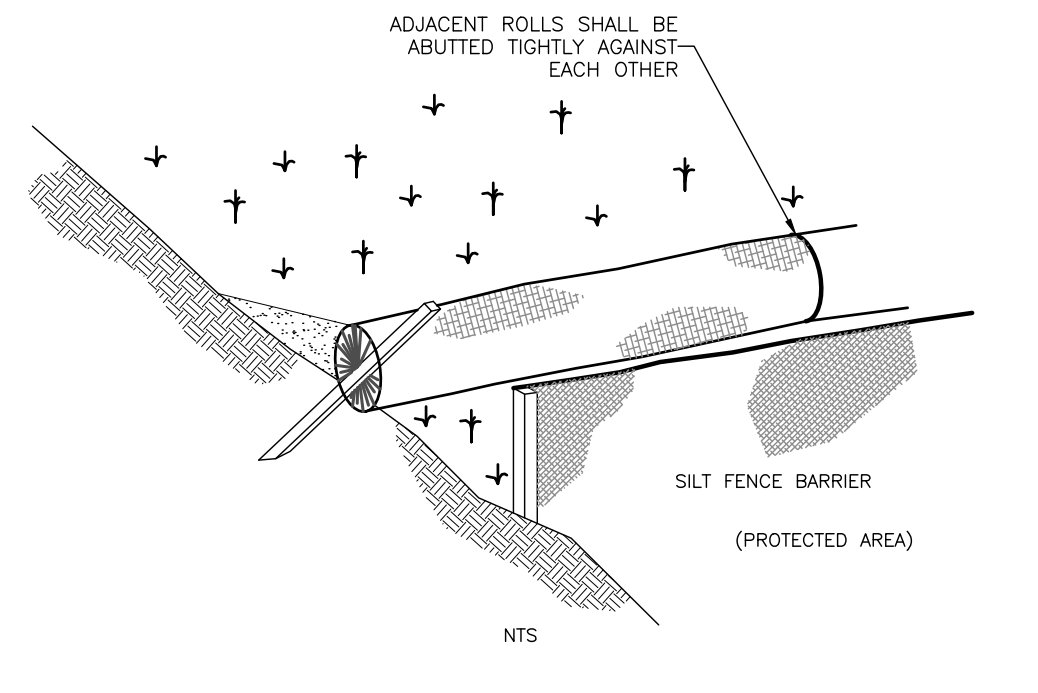
PLAN VIEW
TOP SLAB NOT SHOWN



SECTION A-A

Stormceptor®

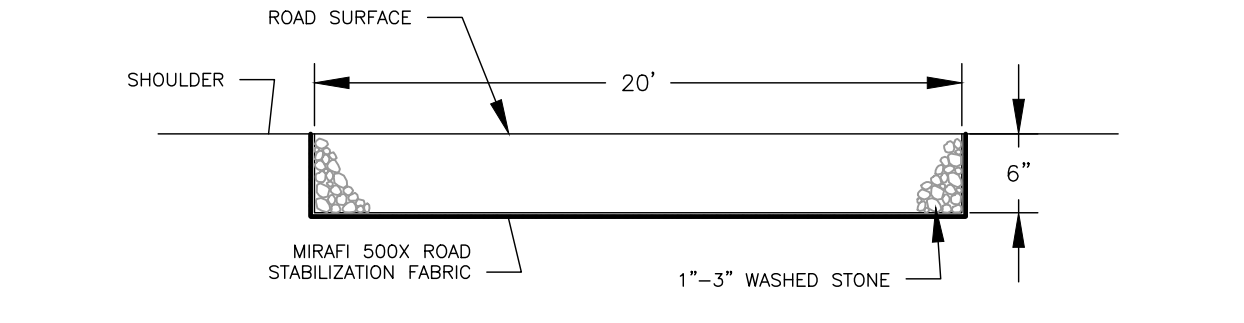
- GENERAL NOTES:**
- CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
 - FOR SITE SPECIFIC DRAWINGS WITH DETAILED STRUCTURE DIMENSIONS AND WEIGHT, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE: www.contechES.com
 - STORMCEPTOR WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING. CONTRACTOR TO CONFIRM STRUCTURE MEETS REQUIREMENTS OF PROJECT.
 - STORMCEPTOR STRUCTURE SHALL MEET AASHTO M302 LOAD RATING, ASSUMING EARTH COVER OF 0' - 2' (810) AND GROUNDWATER ELEVATION AT OR BELOW THE OUTLET PIPE INVERT ELEVATION. ENGINEER OF RECORD TO CONFIRM ACTUAL GROUNDWATER ELEVATION. CASTINGS SHALL MEET AASHTO M306 AND BE CAST WITH THE CONTECH LOGO.
 - STORMCEPTOR STRUCTURE SHALL BE PRECAST CONFORMING TO ASTM C478 AND AASHTO LOAD FACTOR DESIGN METHOD.
 - ALTERNATE UNITS ARE SHOWN IN MILLIMETERS (mm).
- INSTALLATION NOTES:**
- ANY SUB-BASE, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
 - CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE STORMCEPTOR MANHOLE STRUCTURE.
 - CONTRACTOR TO INSTALL JOINT SEALANT BETWEEN ALL STRUCTURE SECTIONS AND ASSEMBLE STRUCTURE.
 - CONTRACTOR TO PROVIDE, INSTALL, AND GROUT INLET AND OUTLET PIPES. MATCH PIPE INVERTS WITH ELEVATIONS SHOWN. ALL PIPE CENTERLINES TO MATCH PIPE OPENING CENTERLINES.
 - CONTRACTOR TO TAKE APPROPRIATE MEASURES TO ASSURE UNIT IS WATER TIGHT, HOLDING WATER TO FLOWLINE INVERT MINIMUM. IT IS SUGGESTED THAT ALL JOINTS BELOW PIPE INVERTS ARE GROUTED.



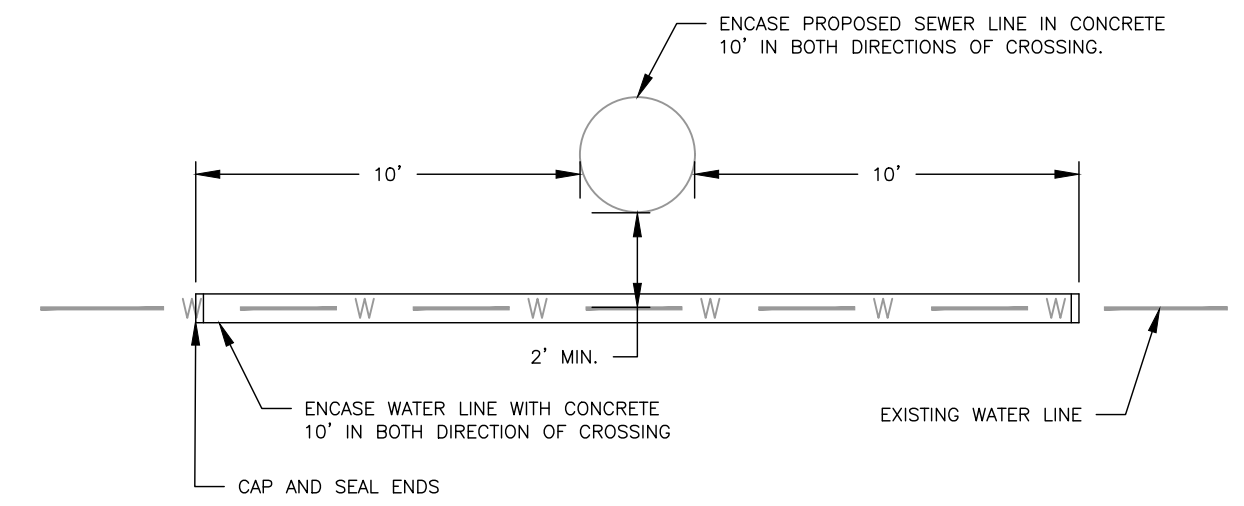
STRAW WATTLE SILT FENCE BARRIER DETAIL
(NO SCALE)

CONSTRUCTION NOTES:

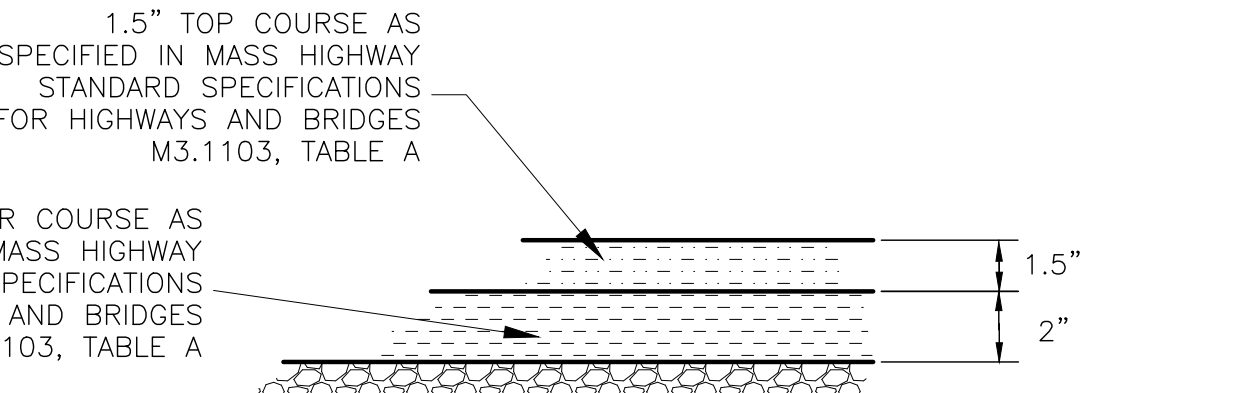
- EROSION CONTROL SILTFENCE TO BE INSTALLED AND MAINTAINED BY CONTRACTOR PRIOR TO THE START OF WORK.
- EROSION CONTROL SILTFENCE TO REMAIN IN PLACE UNTIL SITE HAS STABILIZED AND VEGETATION HAS BECOME ESTABLISHED.
- ALL DISTURBED AREAS ARE TO BE REGRADED, SEEDED AND MULCHED AT THE COMPLETION OF WORK IN THAT AREA.
- ALL MATERIALS AND EQUIPMENT ARE TO BE STORED WITHIN THE LIMITS OF THE SILTFENCE.
- SILTFENCE TO SERVE AS THE LIMIT OF WORK AREA.
- NO EQUIPMENT IS TO BE FUELED OR FUEL STORED WITHIN 100'-FT. OF RESOURCE AREA WITHOUT PRIOR CONSENT FROM CONSERVATION COMMISSION.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE MASSACHUSETTS WETLANDS PROTECTION ACT AND ALL APPLICABLE STATE AND LOCAL BY-LAWS.
- ALL MATERIALS TO BE STOCKPILED ON SITE OVERNIGHT SHALL BE TARPED OR COVERED BY OTHER APPROVED METHOD.



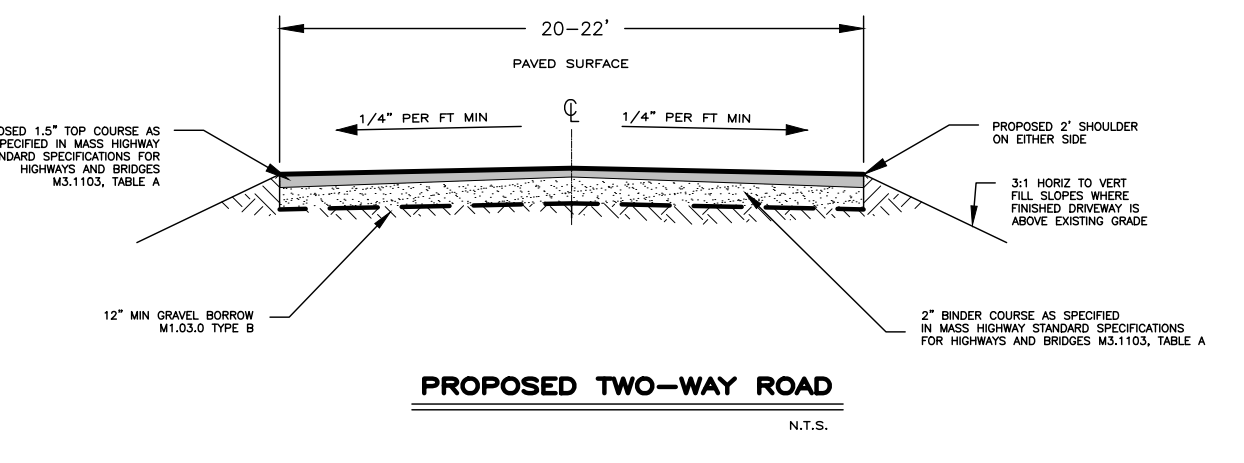
CONSTRUCTION ENTRANCE DETAIL
N.T.S.



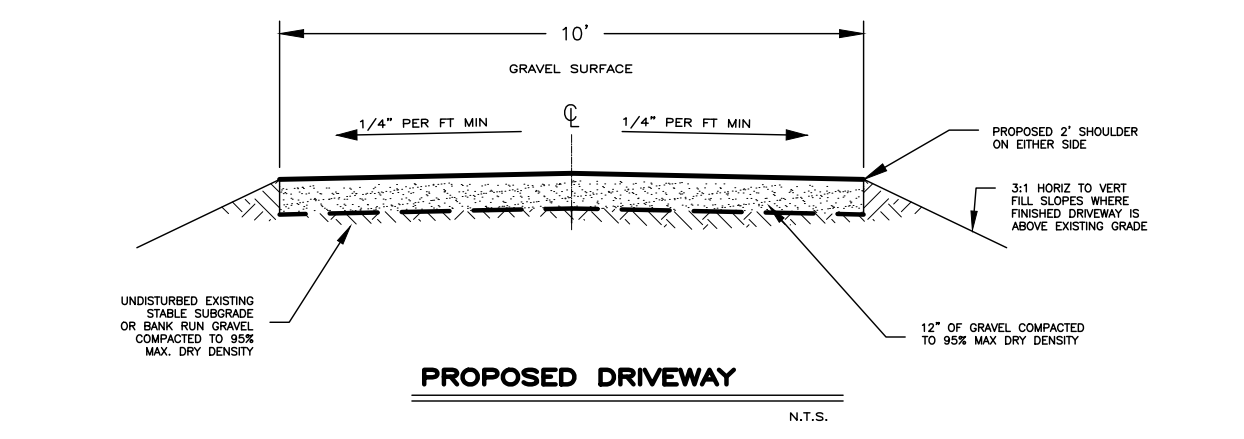
WATER LINE/SEWER CROSSING DETAIL
N.T.S.



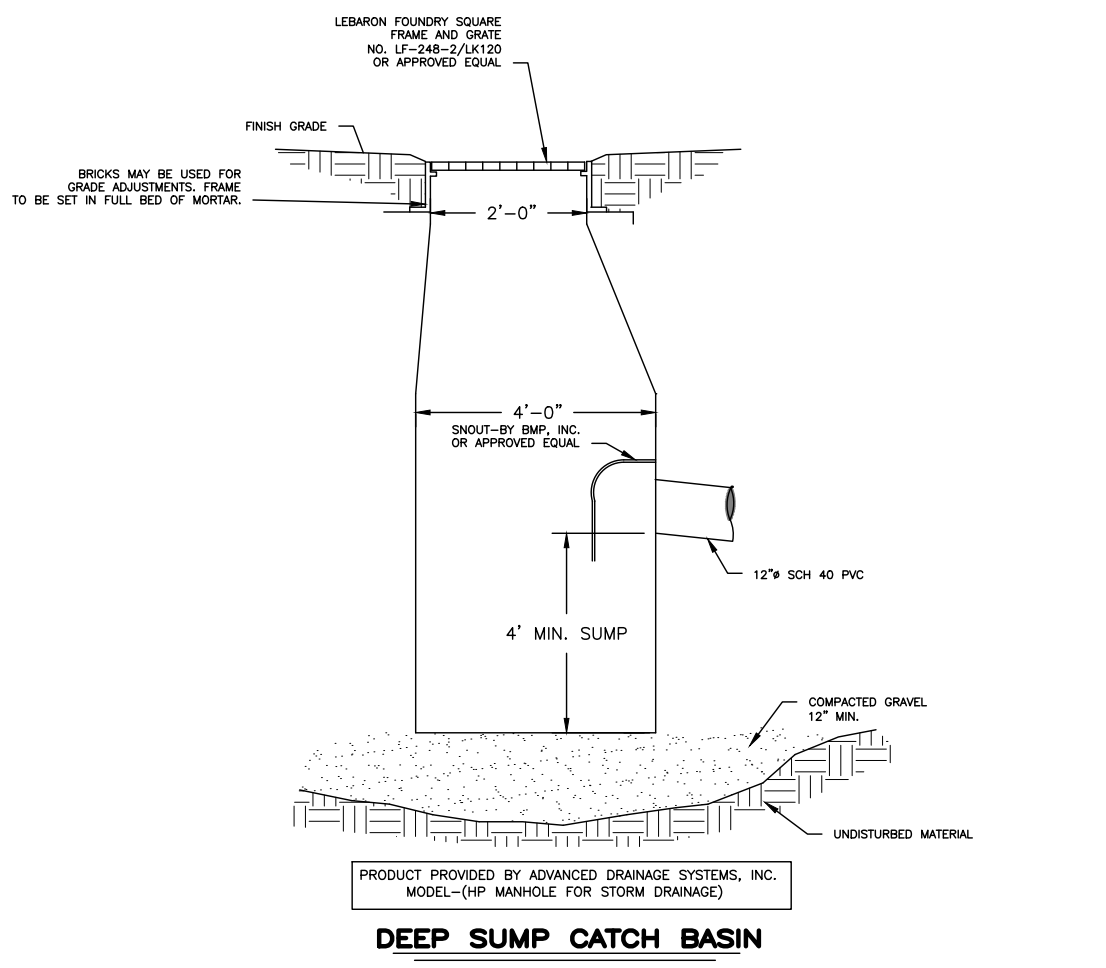
PAVEMENT DETAIL
N.T.S.



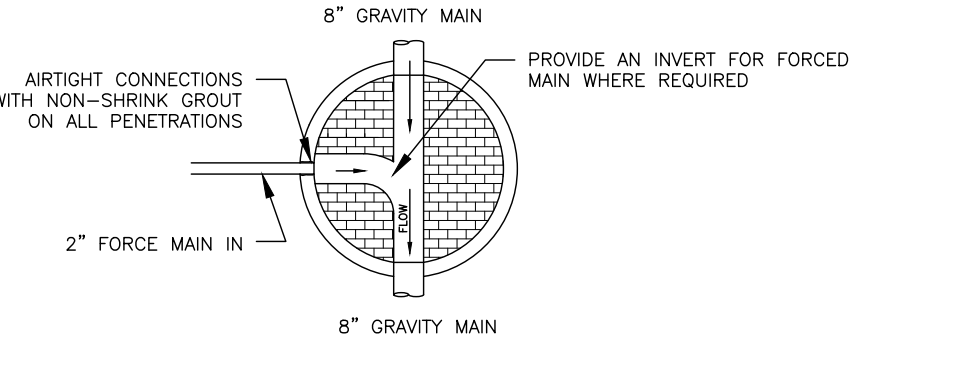
PROPOSED TWO-WAY ROAD
N.T.S.



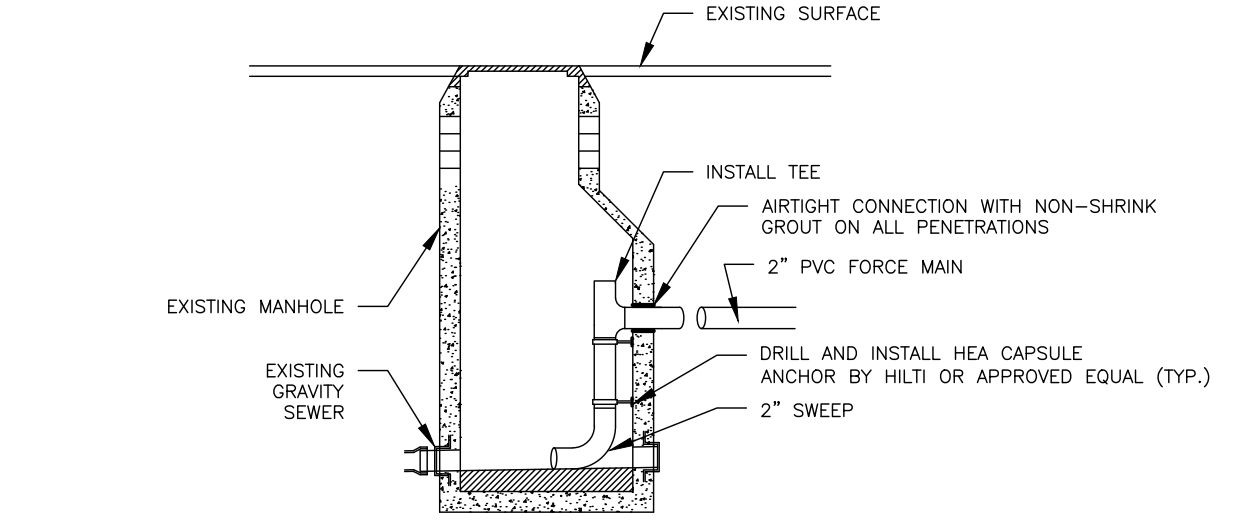
PROPOSED DRIVEWAY
N.T.S.



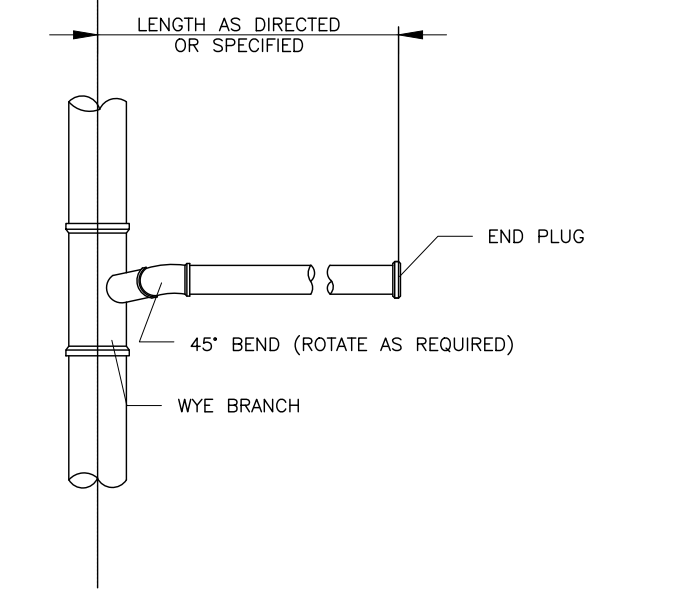
DEEP SUMP CATCH BASIN
N.T.S.



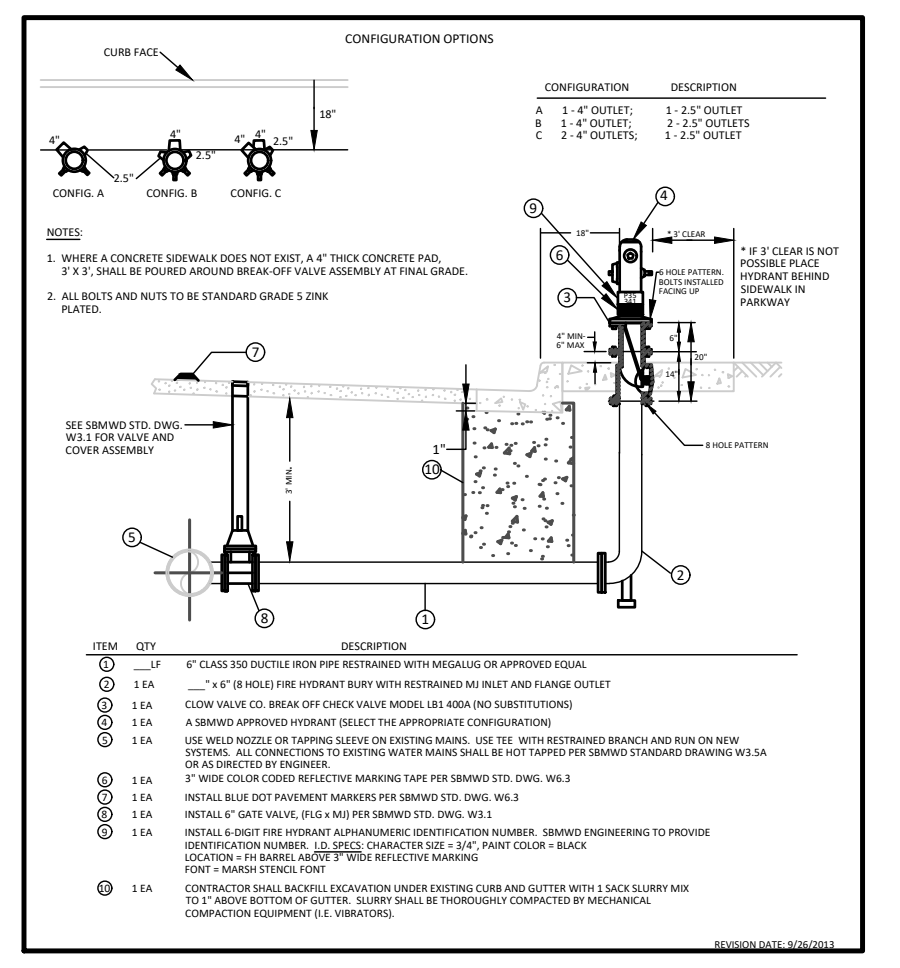
MANHOLE PENETRATION DETAIL
N.T.S.



WATER LINE CONNECTION
N.T.S.



CONNECTION/STUB DETAIL



DETAIL SHEET
for
TOWN OF GREAT BARRINGTON

2 NORTH PLAIN ROAD MAP #26, LOT #53A GREAT BARRINGTON, MA

2	REDUCED NUMBER OF HOUSES FROM 30 TO 20, ADJUSTED LIGHTING FIXTURES	AJB	3/20/2023
1	ADDED GRASS ISLAND, RELOCATED NORTHERN HOUSES, ELIMINATED SIDEWALK, EXPANDED ROAD WIDTH ACCORDING TO PLANNING BOARD COMMENTS FEB. 2023	AJB	2/28/2023

NO. _____ REVISION: _____ BY: _____ DATE: _____

WHITE ENGINEERING INC.
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PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012
LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

DATE: FEBRUARY 2, 2023 DRN: AJB APVD: BMW DWS NO: 21-07-09B
DSGN: BMW CHD: BMW/CJM SCALE: AS NOTED SHEET 9 OF 9

EXHIBIT A

FINDINGS OF FACT AND BASIS FOR DECISION

DRAFT

**Re: Special Permit #933-23
0 North Plain Road, Map 26, Lot 53A**

A. Introduction

The Special Permit application for this project was filed on February 9, 2023 by Town of Great Barrington's Affordable Housing Trust Fund (the "Trust"), with Central Berkshire Habitat for Humanity ("Habitat") and White Engineering. The application seeks a permit for a 20-unit Planned Unit Residential Development ("PURD") at the subject site from the Great Barrington Selectboard in accordance with Sections 3.1.4, A(9), 8.5, and 10.4 of the Zoning Bylaw. The Trust is the landowner, Habitat is the Trust's designated developer for this project, and White Engineering is the Town's engineer for this project.

The special permit application includes a narrative description of the project as well as site plans showing a 30-unit layout, prepared for the Applicant by civil engineering firm White Engineering, Inc. of Pittsfield, MA dated February 2, 2023. Revised plans showing a 20-unit layout were submitted after the first session of the public hearing and show a revision date of March 20, 2023. The application materials also include discussions of stormwater, traffic, and utility impacts and provisions therefore. House floor plans, elevation views, and a phasing schedule and timeline are also included.

B. General Findings

The property is in an R1A zone, in which PURD is allowable by Special Permit from the Selectboard per Section 8.5 of the Zoning Bylaw.

As described in the application and as shown on the accompanying plans the proposed work involves the construction of a new cluster of 20 homes on a 7.25-acre undeveloped site. Construction will also include a new entrance/exit roadway with a loop road the serves each home, and the installation municipal utilities including sewer and water. Stormwater control and drainage infrastructure will be installed, and trees will be planted around the site.

Not more than 20 new homes will be constructed under this permit, and they will be grouped around the central loop road and its green space. Each home will be on its own condominium lot, to be owned that homeowner. The lots will vary in size, depending on location. The homes will be part of a condominium or homeowners association, which will maintain the open space in perpetuity, and will be responsible for the lighting and stormwater and other site maintenance. The road will be turned over to the Town.

Approximately 14 of the homes the homes will be affordable to households earning not more than 80% of Area Median Income and 6 will be affordable to households earning not more than 100% of Area Median Income. The homes will be a variety of two-, three-, and four-bedroom homes, to be sold for homeownership. All homes will be subject to a permanent affordability deed restriction because the site was purchased by the Trust using Community Preservation Act funds.

The initial proposal, showing 30 homes, was reviewed by the Board of Health, the Conservation

Commission, and the Planning Board. The Board of Health made recommendations to the Selectboard regarding water filtration costs and water system impact. The Conservation Commission determined it does not have any jurisdiction and made no other comments. The Planning Board encouraged more than 20 homes and, based on the 30 unit plan, forwarded a positive recommendation to the Selectboard.

C. Planned Unit Residential Development (PURD) Criteria and Findings

Section 8.5 of the Zoning Bylaw sets forth the purpose and requirements for a PURD. Each applicable subsection heading is *italicized* below, followed by the Selectboard's discussion and findings.

8.5.1 Purpose: The proposal uses the PURD in order to cluster homes around a central green space and served by one small roadway. Compared to the setback, frontage, and lot area regulations of the conventional underlying zoning, the layout reduces the amount of road that would otherwise be required. The clustered design also reduces road cost, increases land available for common open space, and allows the homes to be located closer together and closer to the central common open space. Therefore the Board finds that this proposal is in keeping with and serves the purposes of the PURD regulations.

8.5.3 Permitted Uses: The proposal is to build single-family dwellings, which are permitted.

8.5.4 Density: The proposal meets the regulations of this subsection. The proposal is to build 20 units; therefore, it meets the minimum of 10 units but does not exceed the maximum of 60 units. There are no other PURDs in this area; therefore, this PURD is not contiguous with any other PURD. The minimum land area is 3,300 square feet per unit. This site contains over 300,000 square feet of land area, or 15,790 square feet of land area per unit, so the land area minimum is met. The proposal provides over 162,000 square feet of useable open space and common land, or 8,100 square feet per unit, more than meeting the minimum per unit open space requirement. Finally, the total land area covered by buildings will be approximately 24,800 square feet (1,200 to 1,400 square feet per home) or less than 10 percent of the lot area, which is less than the maximum allowable coverage of 20 percent.

8.5.5 Requirements: The proposal meets the regulations of this subsection. All parking, height, setback, and other requirements of this section are met, as shown on the plans. The Police Chief and DPW verified it is located to not cause traffic safety or congestion. The appropriate utilities have verified the capacities of the water and sewer are adequate. The infrastructure will be built with a grant already awarded to the Town, so the Board finds that a financial guarantee is not required as it would be for a private developer.

8.5.6 Timeshares: Timeshares will not be offered.

8.5.7 Common Land. The land will be held in common by the homeowners association or a condominium association and the Applicant shall develop a restriction document to be reviewed by the Board at a later date. The Board will condition this permit on the recording of such a document, so that no construction can begin until the restriction is recorded.

8.5.8 Preliminary: A preliminary proposal was developed and reviewed by the Planning Board on September 8, 2022.

SP 933-23

Exhibit A: Findings of Fact

Page 3 of 4

8.5.9 Procedures: The plans submitted for this special permit are in substantial conformance with this subsection. The Board will require a definitive development plan to be submitted to the Planning Board in accordance with this subsection and the subdivision regulations.

8.5.10. Decision: The Board finds this proposal to be in harmony with the Town's Master Plan and meets the PURD purposes, requirements, and criteria. The proposal adds housing opportunities to the Town while not over developing the existing residential area or burdening the roads or municipal utilities. The development will increase housing opportunities by providing affordable homes for ownership, which will be affordable in perpetuity. The homes will be clustered in order to reduce impervious surfaces and there will be a vegetated buffer around the site. The proposal provides useable open space, in a central green as well as surrounding the homes, and the open space will assured and maintained in accordance with the bylaw. Finally the proposal includes a timeline of phasing as required by this subsection.

D. Special Permit Criteria and Findings

Section 10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority "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." This determination shall include consideration of the following six criteria:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and,
6. Potential fiscal impact, including impact on town services, tax base, and employment.

Consideration of the Criteria in relation to SP 933-23:

Per Section 10.4.2 of the Zoning Bylaw, granting of any special permit requires a determination by the Special Permit Granting Authority "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." The six criteria and the Board's considerations in relation each are detailed below:

1. *Social, economic, or community needs which are served by the proposal.*
The Selectboard finds that the project as proposed will provide much needed housing that will be affordable at levels attainable for households who work in the area and wish to be able to live in Great Barrington. Deed restrictions will ensure the homes are affordable in perpetuity.
2. *Traffic flow and safety, including parking and loading.*
The Selectboard finds that the proposal has been designed to provide a safe roadway in and out of the project site with sufficient parking provided on site for homeowners as well as guests. The project will have no negative impact on traffic flow or safety.
3. *Adequacy of utilities and other public services.*
The application has cited town professional studies documenting the adequate supply of

water in this portion of the Housatonic Water Works system. Sanitary sewer will be provided to the homes and it will be constructed in accordance with the Town's wastewater requirements. The Selectboard finds that the proposed use will have no detrimental impact on the public water or public sewer systems.

4. *Neighborhood character and social structures.*

The Selectboard finds the proposal supports and does not detract from character and social structures. The Affordable Housing Trust and its developer Habitat for Humanity has carefully planned the project incorporating the feedback from various meeting of the community and of town boards and town staff. The project proposes 20 home sites that comply with all PURD setback requirements and seeks to construct homes of size and scale for which there is a need and desire, and that are of a scale and design in keeping with surrounding homes. Open space on site can provide space for community gatherings, gardens, play areas, and other areas to support and enhance the neighborhood.

5. *Impacts on the natural environment.*

The Selectboard finds there will be no significant negative impacts on the natural environment. The site is designed according to the natural topography to the extent possible, to avoid excessive earth disturbance and to maintain existing drainage patterns. Through the connection to the sanitary sewer system there is no risk of contamination from or failure of private on-site septic systems. Stormwater management meeting the required storm volumes is provided, and the stormwater will be slowed and percolated into the ground to recharge groundwater. New trees will be planted providing habitat and a vegetated buffer around the site. The homes will be built to be solar ready if homeowners wish to install solar panels on rooftops.

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

The proposed project will have positive fiscal impacts for the Town. Twenty new households will be able to live in town while building equity in that home and paying residential real estate taxes and utility service fees. The project provides a meaningful increase in the tax base and employment base of the town.

Finding:

In consideration of the above Findings, this Selectboard finds that the benefits of the proposal outweigh any detrimental impacts, and several conditions will ensure requirements are met and certain benefits are realized.

E. Proposed Conditions

1. Prior to construction, a definitive plan shall be submitted to the Planning Board in accordance with the subdivision regulations and the PURD requirements.
2. Prior to construction, homeowner or condominium association documents that include provisions for the long term preservation and maintenance of the site's open space shall be provided to the Town for review. Prior to issuance of any certificate of occupancy the documents shall be recorded.

DRAFT MOTIONS

SP # 933-23

Special Permit application from the Great Barrington Affordable Housing Trust, c/o White Engineering, Inc., with Central Berkshire Habitat for Humanity, for a Planned Unit Residential Development of new residential homes at 0 North Plain Road, Map 26, Lot 53A, per Sections 3.1.4 A(9), 8.5 and 10.4 of the Zoning Bylaw.

DRAFT MOTIONS

(If the Board has amended the Findings based on the Public Hearing and its discussion, be sure to specify those changes and approve the findings "as amended.")

1. VOTE ON FINDINGS

I move to approve the Findings of Fact for Special Permit #933-23, as *written* / as *amended* and referenced as Exhibit A.

Second: _____

Roll call vote: Davis _____ Gabriel _____ Reed _____
Abrahams _____ Bannon _____

2. VOTE ON THE SPECIAL PERMIT

I move, in view of the approved Findings of Fact, to *approve* Special Permit #933-23 for Great Barrington Affordable Housing Trust for a Planned Unit Residential Development of 20 new residential homes at 0 North Plain Road, Map 26, Lot 53A, in substantial conformance with the plans submitted and the following conditions:

1. Prior to construction, a definitive plan shall be submitted to the Planning Board in accordance with the subdivision regulations and the PURD requirements.
2. Prior to construction, homeowner or condominium association documents that include provisions for the long term preservation and maintenance of the site's open space shall be provided to the Town for review. Prior to issuance of any certificate of occupancy the documents shall be recorded.

Second: _____

Roll call vote: Davis _____ Gabriel _____ Reed _____
Abrahams _____ Bannon _____

From: [Vivian Orłowski](#)
To: [Amy Pulver](#)
Cc: [Mark Pruhenski](#); [Devan Arnold](#); [Christopher Wiltshire](#)
Subject: Agricultural Commission recommends Selectboard appointment of two applicants
Date: Thursday, March 2, 2023 9:24:30 AM

****CAUTION:****
****This is an external email, be vigilant****
*****Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe*****

Hi Amy,

The Agricultural Commission has current vacancies and now two applicants are applying to serve as members. Yesterday, Christopher Wiltshire (residing at 39 South St.) copied me on his application for the term ending in 2024. This morning, former Ag Commission member Devan Arnold (residing at 59 Taconic Ave) copied me on his application for the term ending in 2025.

We are fortunate to have these two highly qualified applicants for the Ag Commission with impressive track records (in local agriculture, horticulture, ecological land care and education) who are committed to community service.

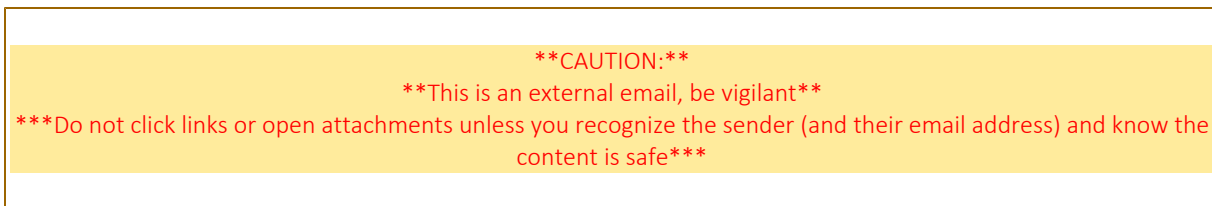
At our recent meeting on February 17, both these candidates met with the Agricultural Commission, which then enthusiastically recommended both Devan and Chris for appointment by the Selectboard.

Will it be possible for the Selectboard to consider these two appointments on the agenda for their upcoming March 6 meeting?

Thank you,
Vivian

Vivian Orłowski, Chair
Agricultural Commission
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
EcoMotiva@gmail.com

From: [Devan Arnold](#)
To: [Mark Pruhenski](#); [Amy Pulver](#)
Cc: [Vivian Orłowski](#)
Subject: Agricultural Commission Position
Date: Thursday, March 2, 2023 8:56:22 AM



To the Great Barrington Selectboard:

I have a long time interest in sustainable and holistic agriculture and am interested in rejoining the Great Barrington Agricultural Commission for the currently vacant term ending June 30, 2025. I have worked with the Commission as a member and as a volunteer advisor for the better part of a decade, have attended a great score of meetings, and am very familiar with the activities of the Ag Commission up to the current date.

I grew up in Great Barrington on the eastern side of Monument Mountain and since a very young age have had a deep connection to the local Great Barrington landscape (including its abundant agricultural tracts). I received my bachelors degree in 2011 from Prescott College with a major in Agro-ecology and sustainable food systems and in 2017 received my Masters degree in Ecological Design and Planning from the Conway School in Easthampton, MA.

During my Masters work I completed several projects for clients including a sustainable homestead design for a couple in Plainfield, MA, an Open Space and Recreation Plan update for the town of Pembroke, MA as well as a master-plan for Woven Roots Farm in Tyringham, MA, which is an outstanding no-till farm with a deep commitment to healthy, sustainable production as well as to education and environmental stewardship.

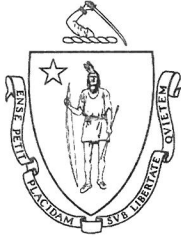
I currently run a small ecological land care company here in Great Barrington that focuses on responsible land stewardship and promotion of native perennials in the local landscape. My company (Sassafras Land Care LLC) has been very involved with the town's efforts to increase pollinator-supportive care of municipal lands. We designed and installed (and for several years maintained) the pollinator garden outside the Mason Library. I also designed the native pollinator underplantings for the Main Street tree planters, but this design was not followed when planted and maintained by non-Berkshire company). Through my work with the Great Barrington Land Conservancy (where I serve on the board) we designed and installed a pollinator supportive habitat planting at the base of Knob Hill across from the Lake Mansfield boat launch.

I appreciate your consideration for appointment to the Agricultural Commission of

Great Barrington. Thank you.

Sincerely,

Devan Arnold
59 Taconic Ave. Unit 2, Great Barrington, MA 01230



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

March 14, 2023

OML 2023 – 32

VIA EMAIL ONLY

David J. Doneski, Esq.
KP Law
ddoneski@k-plaw.com

RE: Open Meeting Law Complaint

Dear Attorney Doneski:

This office received two complaints—one from Antonio Segalla and one from Daniel Seitz—on August 16, 2022,¹ alleging that the Great Barrington Selectboard (the “Board”), and specifically its Chair and Vice Chair, violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Board on June 17, and you responded on behalf of the Board by letters dated July 8. The complaints allege that the Board created a subcommittee, and that the subcommittee failed to post notice of its meetings and held meetings that were not open to the public.

Following our review, we find that the Board created a subcommittee, and that the subcommittee violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaints, the Board’s responses, the requests for further review, video recordings of the Board’s March 7 and May 23 meetings,² and a July 5 email sent from Board member Ed Abrahams to complainant Daniel Seitz.

FACTS

We find the facts to be as follows. During the Board’s March 7 meeting Christopher Rembold, Assistant Town Manager and Director of Planning, presented a draft short-term rental bylaw to the Board. After a lengthy discussion of the proposed bylaw, the Board reached an

¹ All dates are in 2022, unless otherwise stated.

² Video recordings of the Board’s meetings may be found at https://www.youtube.com/playlist?list=PLiID8BG2vkq4AKFMObvrLi80M_9gg37sg.

impasse regarding certain provisions. At that point, the chair of the Board, Stephen Bannon, asked what the Board wanted to do to move forward on this matter. Mr. Rembold proposed that, if the Board wanted, he could work directly with two members on a new draft bylaw to bring back to the Board for further consideration.

Thereafter, the Board's vice chair, Leigh Davis, volunteered to work with Mr. Rembold and another Board member to revise the draft bylaw. Board member Ed Abrahams recommended that Chair Bannon be the second Board member to assist in this effort, and Chair Bannon agreed. After some additional discussion, as Chair Bannon began to turn to public comment, Vice Chair Davis asked what the Board had decided to do with respect to revising the draft bylaw. Chair Bannon responded, "Ed nominated me, you volunteered, and we [will] work with Chris to try to bring something back." Thereafter, the Board again discussed how many and which members of the Board should participate in the effort to revise the draft bylaw. From there the discussion turned to further disagreement regarding the substance of the draft bylaw until Chair Bannon stated "let's move ahead. Leigh and I will work with Chris on this, and let's move ahead."

During the Board's May 23 meeting it again discussed the proposed short-term rental bylaw. During this discussion, Mr. Rembold explained that he had left the Board's March 7 meeting with "a charge to work with the Chair and Vice Chair to develop a draft" bylaw based on the Board's March 7 discussion. Mr. Rembold then reviewed highlights from the revised draft bylaw and noted that the revised draft was the result of discussion between himself, the Town Manager Mark Pruhenski, Chair Bannon, and Vice Chair Davis.

In response to questions about the removal of a clause from previous drafts of the bylaw, Chair Bannon explained that "the Select Board, as Chris has pointed out, had asked Leigh and I, Chris and Mark, mainly Leigh and I, to come with a draft to bring back to the full Select Board." After further discussion, the Board voted to approve the draft bylaw, without further changes, for public comment. After hearing public comment regarding the short-term rental bylaw, the Board voted to include the bylaw on the warrant for the Town's upcoming Town Meeting. The bylaw was passed at the June 6 Annual Town Meeting.

DISCUSSION

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." Ghiglione v. School Board of Southbridge, 376 Mass. 70, 72 (1978). To that end, the Open Meeting Law requires "[e]xcept in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). Additionally, the Open Meeting Law requires that, unless lawfully convened in executive session, all meetings of a public body must be open to the public. G.L. c. 30A, § 20(a).

The Open Meeting Law applies only to public bodies. See G.L. c. 30A, §§ 18-25. The law defines "public body" as "a multiple-member board, commission, committee or subcommittee . . . however created, elected, appointed or otherwise constituted, established to serve a public purpose[.]" G.L. c. 30A, § 18. A subcommittee is a "multiple-member body

created to advise or make recommendations to a public body.” G.L. c. 30A, § 18. Whether a public body created a subcommittee is a fact-intensive inquiry and our analysis hinges on the public body’s actions and whether it intended to create a multiple-member body. Compare, e.g., OML 2017-111 (finding that no subcommittee was created where a single volunteer was sought to work on a matter and another board member thereafter, on their own initiative, volunteered to assist), with OML 2018-23 (finding that a subcommittee was created where multiple volunteers were sought to work on a matter and after two individuals volunteered, the public body, by consensus, formally agreed to the arrangement).³

The complaints allege that the Board created a subcommittee tasked with revising the draft short-term rental bylaw in order to present a new proposed bylaw to the Board for its consideration. The complaints further allege that this subcommittee did not post notice of its meetings or hold its meetings open to the public. The Board does not specifically deny that Chair Bannon, Vice Chair Davis, and Mr. Rembold met to review and revise the draft short-term rental bylaw, nor does the Board assert that any such meetings were properly posted and open to the public. Instead, the Board asserts that the group was not a subcommittee because during the Board’s March 7 meeting “[t]here was no vote of the Board[;] [t]here was no statement regarding creation of a subcommittee[;] and there was no delegation or grant of any authority to the chair and Selectwoman Davis.” Furthermore, the Board appears to assert that the group was not “created to advise or make recommendations to” the Board, stating that the draft bylaw presented to the Board on May 23 “was for the purpose of, and subject to, the Board’s discussion and approval; it was not a recommendation.” Finally, the Board compares the facts of the case at hand to the facts presented in OML 2017-111 in which we found a subcommittee had not been created where a single volunteer was sought to work on a matter and another board member thereafter, on their own initiative, volunteered to assist.

We disagree with the Board’s characterization of the events that took place during its March 7 meeting. Although the Board did not take a formal vote and did not use the word “subcommittee,” the Board discussed at length having two members work with Mr. Rembold to revise the proposed short-term rental bylaw and bring a new version of the bylaw to the Board for further consideration. After discussion of which and how many Board members should work with Mr. Rembold on this effort, the Board agreed that Chair Bannon and Vice Chair Davis would be the two members to do so. Although it may be the case that the Board did not literally intend to create a subcommittee, based on the facts presented in this case, we find that the Board’s actions during its March 7 meeting clearly created a subcommittee and that the subcommittee failed to post notice of its meetings or to hold its meetings open to the public. See OML 2019-93; OML 2018-23; OML 2021-78.

CONCLUSION

For the reasons stated above, we find that the Board created a subcommittee to revise a proposed short-term rental bylaw and that this subcommittee failed to comply with the Open Meeting Law. We order the Board’s and Subcommittee’s immediate and future compliance with the Open Meeting Law and caution that future similar violations may be considered evidence of

³ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

intent to violate the Law. With the understanding that any meetings of the Subcommittee occurred sometime ago, we order the Subcommittee to create minutes for any meetings it held, to the best of its ability, using any means available, including notes, records, and the recollections of those in attendance at such meetings. Although we order the Subcommittee to create minutes to the best of its ability, we acknowledge the potential infeasibility of accurately capturing the substance of discussions that occurred approximately one year ago during meetings that the Subcommittee mistakenly believed were not subject to the Open Meeting Law; we remind the Subcommittee that minutes must accurately capture what was actually discussed during a meeting. Within 30 days of receipt of this letter, the Subcommittee shall certify to our office that it has complied with this order by creating minutes for any meetings it held. If the Subcommittee is unable to create accurate minutes for its meetings, it must, within 30 days of receipt of this letter, explain to this office in writing what efforts it made to create meeting minutes. Furthermore, if the Subcommittee communicated via email regarding the short-term rental bylaw, we order the Subcommittee to publicly release all such emails, either by reading them aloud at an open meeting, or by attaching the emails to the minutes of an open meeting.

Finally, we decline to order the remedy requested in the complaints—nullifying the Board’s May 23 vote to include the short-term rental bylaw on the Annual Town Meeting warrant and thereby nullifying the action taken at the Annual Town Meeting. There is no suggestion that the Board’s May 23 meeting did not comply with the Open Meeting Law. Additionally, by the time the complaints were filed the Annual Town Meeting had already occurred. See OML 2013-195; OML 2013-92.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board, the Subcommittee, or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

cc: Stephen Bannon, Chair, Great Barrington Selectboard (via email:
sbannon@Townofgb.org)
Leigh S. Davis, Vice Chair, Great Barrington Selectboard (via e-mail:
LDavis@Townofgb.org)
Mark Pruhenski, Great Barrington Town Manager (via e-mail:
MPruhenski@townofgb.org)
Daniel Seitz (via e-mail: danseitz@verizon.net)
Antonio Segalla (via e-mail: tonysegalla@gmail.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Town of Great Barrington

Two Members of the Selectboard to discuss / draft Short-Term Rental bylaw

Minutes of Wednesday, March 23, 2022, 6:30 PM

Members Present: Stephen Bannon, Leigh Davis. None absent.

Staff Present: Town Manager Mark Pruhenski; Assistant Town Manager Chris Rembold

These notes represent staff's best efforts to recreate the meeting of March 23, 2022.

The group met via Zoom.

The group discussed the draft of the Short-Term Rental (STR) bylaw which was reviewed by the entire Selectboard on March 7, at which meeting Bannon and Davis had agreed to work on the bylaw with staff. Those present discussed revisions to the draft, which were ultimately reflected in a draft titled "DRAFT STR BYLAW for 3/20/22 SB Meeting" and which was distributed to the full Selectboard.

The March 7 and the March 30 drafts are attached here.

Also attached here are emails between the above four persons between March 7 and the March 23 zoom session.

Respectfully submitted,

Christopher Rembold

STEPHEN C. BANNON
CHAIR

LEIGH DAVIS
EDWARD ABRAHAMAS
ERIC GABRIEL
GARFIELD C. REED



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Great Barrington, MA 01230

(413) 528-1619 x2
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TOWN OF GREAT BARRINGTON
MASSACHUSETTS

SELECTBOARD

March 27, 2023

Office of the Attorney General
Attn: Elizabeth Carnes Flynn- AAG
One Ashburton Place
Boston, MA 02108

RE: Town Response to OML Complaint 2023-32

Dear Assistant Attorney General Flynn,

In response to your Open Meeting Law (OML) complaint letter dated March 14, 2023, the Selectboard Subcommittee that was created to develop a draft bylaw for Selectboard review on March 30, 2022, hereby certifies that it has created minutes that we believe accurately reflect the discussion that took place on March 23, 2022. Those minutes will be filed with the Town Clerk's office. A copy is also enclosed for your records.

If you have any questions related to this matter, please feel free to contact us directly.

Sincerely,

Stephen Bannon, Chairman
Great Barrington Selectboard

Town of Great Barrington

Two Members of the Selectboard to discuss / draft Short-Term Rental bylaw

Minutes of Wednesday, March 23, 2022, 6:30 PM

Members Present: Stephen Bannon, Leigh Davis. None absent.

Staff Present: Town Manager Mark Pruhenski; Assistant Town Manager Chris Rembold

These notes represent staff's best efforts to recreate the meeting of March 23, 2022.

The group met via Zoom.

The group discussed the draft of the Short-Term Rental (STR) bylaw which was reviewed by the entire Selectboard on March 7, at which meeting Bannon and Davis had agreed to work on the bylaw with staff. Those present discussed revisions to the draft, which were ultimately reflected in a draft titled "DRAFT STR BYLAW for 3/30/22 SB Meeting" and which was distributed to the full Selectboard.

The March 7 and the March 30 drafts are attached here.

Also attached here are emails between the above four persons between March 7 and the March 23 zoom session.

Respectfully submitted,

Christopher Rembold

DRAFT STR BYLAW for 3/30/22 SB meeting

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

Purpose and Intent.

Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests. These regulations are intended to:

1. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
2. Minimize public safety and health risks.
3. Deter commercial interests from buying housing to use primarily as short-term rental businesses.

Definitions.

For this Chapter, the following terms shall have the definitions indicated.

Owner. Any person whom alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the Operator, or the Host.

Short-Term Rental. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Regulations.

No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Great Barrington unless it is registered annually with the Town through an application process approved by the Selectboard and in accordance with this Chapter, and registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

An Owner may register to operate only one dwelling unit premises to two separate as a Short-Term Rental, if one of the premises can be proven to be their primary residence., unless an Owner had multiple Short-Term Rentals registered with the Commonwealth of Massachusetts in accordance with G.L. c. 64G as of January 1, 2022 and which can be documented as being used as Short-Term Rentals at any time between January 1, 2022 and January 1, 2023. Failure of an Owner to renew any such preexisting Short-Term Rental shall result in loss of that preexisting status. If a person owns two properties, or owns one and is listed as a manager or agent for a second that is owed by an LLC, for example, that person must choose one or the other to be registered as a Short-Term Rental. No person shall have more than one legal or equitable title or beneficial interest in any dwelling unit used for a Short-Term Rental except as provided for above. An Owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the Owner's name.

Up to two bedrooms in a dwelling unit or an entire secondary unit on the same parcel may be registered and rented as a Short-Term Rental by right. The registered Short-Term Rental may be rented for an unlimited number of days per year, provided that the Owner is residing in one of the dwelling units on

premises at the time of the rental. In cases where the Owner is not residing on premises at the time of the rental, no unit or portion thereof may be rented more than 150 days per year.

~~A Short Term Rental duly registered with the Town may be rented for an unlimited number days per calendar year.~~

Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

An Owner shall not register or offer a rental unit subject to a long term lease as a Short-Term Rental, nor shall a tenant offer his/her/their rental unit as a Short-Term Rental.

Requirements for Short-Term Rental Operations:

1. An Owner shall post in any Short-Term Rental unit the following information in a conspicuous place:
 - a. the Owner's certificate of registration with the Town;
 - b. Short-Term Rental street address;
 - c. Contact information for the Operator and whom to call in an emergency;
 - d. Instructions for recycling and waste disposal;
 - e. Notice that dogs must be leashed when outdoors if not in a securely fenced enclosure;
 - f. Notice that no excessive noise shall occur after 8:00 PM or earlier than 8:00 AM.
2. Each unit shall contain functional smoke detectors, carbon monoxide alarms, and a properly maintained and charged multi-purpose fire extinguisher.
3. A Short-Term Rental is not allowed on any property with outstanding violations of Building, Fire, Health codes, and/or Town Bylaws.
4. Events that include amplified music or tents which would customarily require a license or permit are prohibited.
5. Signs on the property advertising the Short-Term Rental are prohibited.

Inspection.

Short-Term Rentals may be subject to inspection by the Great Barrington Health Department, Fire Department, and/or the Building Inspector. Short-Term Rental Owners are required to provide access for the purpose of conducting safety inspections when necessary. Failure to provide access to an inspector upon request and after proper notice will invalidate the license to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the Department and/or the Town. Failure to comply with orders to correct deficiencies may result in fines or refusal to allow license renewal.

Owners can appeal a written violation within 21 days of notice in accordance with M. G. L. Ch. 40 § 21D.

In the event that there are three or more violations within a twelve-month period, Short-Term Rental Registrations may be revoked and permanently denied by a vote of the Selectboard.

Penalties.

If any Owner violates any provision of this bylaw, the Owner may be subject to a civil penalty in accordance with M. G. L. Ch. 40 § 21D, with the following:

\$100 1st Offense

\$200 2nd Offense

\$300 3rd Offense and each subsequent offense

Each day that a violation exists constitutes a separate offense.

Selectboard Authority. The Selectboard shall have the authority to create a registration application form, set registration fees, and adopt rules, regulations, policies or procedures to implement the provisions of this Chapter. The registration process shall require an Owner to include the address of the unit to be registered, to list the names of all organization members if owned by a legal entity, and to provide verifiable documentation of the owners or members of that legal entity.

Severability. If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Effective Date. The provisions of this Bylaw “Short-Term Rental of Residential Properties” shall take effect on January 1, 2023.

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

Purpose and Intent. Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests. These regulations will:

1. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
2. Minimize public safety and health risks.
3. **Deter commercial interests from buying housing to use primarily as short-term rental businesses.**

Commented [R1]: Discussion of what "commercial interests" means. Come to a clear understanding.

Definitions

Owner. Any person who alone, or severally with others, has legal or beneficial interest in any dwelling unit. An Owner can be a single person, a marital unit, a group of people, or an LLC or Trust.

Resident-Owner. Any Owner who resides greater than 183 days, in the aggregate, in the Town of Great Barrington.

Short-Term Rental. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

General Requirements For Short-Term Rentals:

1. Each unit shall post the following information in a conspicuous place: Short-Term Rental street address, instructions for recycling and waste disposal, **local noise and leash ordinances**, and contact information for a locally available contact.
2. Each unit shall contain functional smoke detectors, carbon monoxide alarms, and a properly maintained and charged multi-purpose fire extinguisher.
3. A Short-Term Rental is not allowed on any property with outstanding violations of Building, Fire, Health codes, and/or Town Bylaws.
4. An Owner shall expressly prohibit tenants from offering all or part of the dwelling unit for Short-Term Rental use.
5. Dwelling units owned by a corporation and offered as Short-Term Rentals are prohibited.
6. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant.
7. Short-Term Rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law. REVIEW WITH COUNSEL
8. Events that include amplified music or tents which would customarily require a license or permit are prohibited.
9. Signs advertising the Short-Term Rental are prohibited on the property.

Commented [R2]: Re-word so renters are respectful, no need to post the entire ordinance or have a decibel meter

Short-Term Rental of Rooms and Secondary Units.

Up to two bedrooms in a dwelling unit or a secondary unit on the same parcel may be rented year-round by right, provided that the Resident-Owner is occupying the dwelling unit at the time of the rental.

Short-Term Rental of Entire Dwelling Units.

An entire dwelling unit may be rented up to 90 days per calendar year by right.

Inspection.

Short Term Rentals may be subject to inspection by the Great Barrington Board of Health Department, Fire Department, and/or the Building Inspector.

Short Term Rental Owners are required to provide access for the purpose of conducting safety inspections when necessary. Failure to provide access to an inspector upon request and after proper notice will invalidate the license to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the Department and/or the Town. Failure to comply with orders to correct deficiencies may result in fines or refusal to allow license renewal.

Owners can appeal a written violation within 21 days of notice in accordance with M. G. L. Ch. 40 § 21D.

In the event that there are three or more violations within a twelve-month period, the right to renew a Short-Term Rental License may be denied by a vote of the Selectboard.

Registration.

By obtaining a Short-Term Rental license, a Resident-Owner can offer two separate entire dwelling units for Short-Term Rental use, providing one of the dwelling units is their primary residence. A non-resident or part-year resident can offer only one dwelling unit for Short-Term Rental use. All Owners shall register annually with the Selectboard to receive a Short-Term Rental License. A formatted application approved by the Selectboard will be available. Upon approval of an application, the applicant will be given a registration number to be displayed in all listings and at the Short-Term Rental property. An Owner may hire a property management company to list and manage Short-Term Rentals, provided the license is in the Owner's name. A married couple may have only one license. The licensing process requires an Owner to include the addresses of unit(s) to their license and list the names of all organization members if owned by a legal entity.

Commented [R3]: Notes: This distinguishes between second home and primary homes. Should be up in the regulations section. NB: the 90 days applies to either/all(?) STR is not banned in either case, just limited to 90 days

Adoption of Regulations.

The Selectboard may adopt and amend regulations in furtherance of the implementation of this bylaw.

Penalties.

If any Owner violates any provision of this bylaw, the Owner may be subject to a civil penalty in accordance with M. G. L. Ch. 40 § 21D, with the following: DISCUSSION OF HOW MANY DAYS TO CURE A VIOLATION. [IF A VIOLATION WHAT HAPPENS TO CURRENT OR PENDING BOOKINGS?]

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

Effective Date. The provisions of this Bylaw “Short-Term Rental of Residential Properties” shall take effect on January 1, 2023.

Chris Rembold

From: Leigh Davis
Sent: Monday, March 21, 2022 3:35 PM
To: Chris Rembold
Cc: Steve Bannon; Mark Pruhenski
Subject: Re: STR discussion next week?

I believe it was Jonathan Hankin who told me people have LLCs for other personal reasons(?) and it should be allowed in the bylaw (he said this while it was being discussed as part of housing subcommittee)- I never understood this though. I'm fine with no LLCs ! Pls change if it makes sense. (But trusts will still be allowed, yes ?)

On Mar 21, 2022, at 1:15 PM, Chris Rembold <crembold@townofgb.org> wrote:

No problem.

L

On another item, and we can discuss more on Wednesday, why we would allow LLCs? It seems to me the only reason to have an LLC is to separate investment risk and liability from one's personal life. To me an LLC seems to be a corporate interest, by definition.

By the way, about 10% of the 200+ STRs registered with the state are LLCs (not counting hotels and B&Bs).

Chris

<image003.jpg>

Christopher Rembold, AICP

Assistant Town Manager /
Director of Planning and
Community Development
413-528-1619, x. 2401
crembold@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Leigh Davis <LDavis@Townofgb.org>
Sent: Monday, March 21, 2022 11:19 AM
To: Chris Rembold <crembold@Townofgb.org>
Cc: Steve Bannon <sbannon@Townofgb.org>; Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: Re: STR discussion next week?

Ho Chris -

Thank you. I wasn't aware that a special permit can only be done via a zoning bylaw.

With that said, I would like to suggest revising section re: Registration to say instead one license =one STR (with clarification if needed as onlined in my the previous email) -delete two STR operation language and mention of distinction between full time and part time residents)

...and going up to from 90 to 120 days for unoccupied STR. (under section -**Short-Term Rental of Entire Dwelling Units.**) -

An entire dwelling unit may be rented up to 90 days per calendar year by right.

Also, to add language re: multifamily / adjacent unit) under: **Short-Term Rental of Rooms and Secondary Units.**)

Up to two bedrooms in a dwelling unit or a secondary unit on the same parcel may be rented **per room** by right, provided that the **tenant** is occupying the dwelling unit at the time of the rental.

Thank you!
Steve?

On Mar 21, 2022, at 10:42 AM, Chris Rembold <crembold@townofgb.org> wrote:

Thanks Leigh, I'll review all of these emails. As for a special permit, I strongly advise against this, UNLESS you want to make this a zoning bylaw (and that's too late for this year) like Lenox.

Chris

<[image001.jpg](#)>

Christopher Rembold, AICP

Assistant Town Manager /
Director of Planning and
Community Development
413-528-1619, x. 2401
crembold@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Leigh Davis <LDavis@Townofgb.org>

Sent: Sunday, March 20, 2022 1:30 PM

To: Chris Rembold <crembold@Townofgb.org>; Steve Bannon

<sbannon@Townofgb.org>; Mark Pruhenski <MPruhenski@Townofgb.org>

Subject: Re: STR discussion next week?

1. Add'l thoughts to discuss /consider :
2. Under special permit: do we note that someone who could show they had moved from another GB residence where they had lived for 5 + yrs (due to downsizing, moving closer to family etc) would still qualify for extension ?
3. Instead of a special permit granting an *unlimited* # of days, allow it to extend to ___ additional days (i.e. 180 days...or ___?_of days) - the thought being that an owner would be still expected to, in theory, keep some connection to GB - not use as a full time STR even if used now only as a retirement/2nd home. Thoughts?

On Mar 20, 2022, at 8:54 AM, Leigh Davis <LDavis@townofgb.org> wrote:

Good morning -

Here are some of my follow up thoughts + clarification for discussion -feel free to chime in please!

1. The license would allow someone to operate a STR in ONE property only (their primary residence whether they are present or not, OR a property they don't reside in) -not both - so, for example, if a primary resident also owns an 2nd investment property, they will need to chose one address - they can't rent out rooms in their primary residence AND also rent another separate property as a STR.
2. Anyone offering a STR in any form needs to get a license even if it is only a room in a "hosted property" (they live in house while offering STR).
3. Under special permit - I'm rethinking the option of (b) "receive a license for one additional property" - This could add unnecessary complications & confusion and may open up a new can of worms during STR deliberations; Also, if enacted, would encourage conversion from LTR to STR and deplete housing stock. I am thinking we eliminate this (b) option and only have the granting of a special permit allow for "an unlimited # of days on an existing STR license". This would allow long-time residents (both full and part time) to retire elsewhere yet benefit from their 5+ investment in the community. It's also more straightforward and doesn't increase # of STRs in GB.
4. Re: "owner must be able to DEMONSTRATE that they have LIVED in the property which they seek the special permit for, for at least five years": Question- How do we verify an owner actually lived in the property versus owned it as an absentee landlord /used it for solely as an investment? Can we ask an owner to submit, for example, proof of membership in a congregation, with Berkshire South, show they had a

child in a school, at a local camp etc?) Does this open us up to potential legal challenges/discrimination lawsuits or cries that we favor one group over another (which isn't a bad thing - we would be favoring individuals who have shown a tangible commitment to the community over absentee investors).

Should we seek legal advice ASAP /on Monday before going further into the possible special permit territory?

Will we need to know the exact criteria now before adding to the draft proposal or can we treat it as the license and say criteria to be determined by SB at later date ?

Would SB be the granting authority?

Chris-what do you think about drafting up possible criteria to see if this makes sense and is doable ? (and not too cumbersome before we consider adding to next draft proposal)

Will this special permit addition open us up to new cries of "making this up as we go? " (or is it a creative compromise? We can refer to the Lenox use of the special permit option for an additional 35 days)

5. I would like to advocate that we stick with the current 90 day annual limit - rather than changing it to 120 days- if we change it at the next meeting, it can appear we are backtracking and giving into a small and the vocal minority (?) with obvious vested interests, while also appearing that we are flip flopping/appearing to admit we were wrong with 90 days- which I don't think we were).

How about we see what happens at ATM rather than us changing it to 120 days and instead let residents amend if they want.

People against STR regulations are still going to balk whether its 3 or 4 months. Thoughts?

By adding the unlimited # of days special permit extension we are addressing the concerns of both "long-time" residents and 2nd homeowners who wish to retiree somewhere else yet deterring investors and conversion to STR with the 3 month limit (for unoccupied properties)

Don't forget people can rent all year round if they are present in the property.

Thoughts?

Thx !!

Leigh

On Mar 19, 2022, at 3:25 PM, Leigh Davis
<LDavis@townofgb.org> wrote:

Chris Rembold

From: Leigh Davis
Sent: Sunday, March 20, 2022 1:30 PM
To: Chris Rembold; Steve Bannon; Mark Pruhenski
Subject: Re: STR discussion next week?

1. Add'l thoughts to discuss /consider :
2. Under special permit: do we note that someone who could show they had moved from another GB residence where they had lived for 5 + yrs (due to downsizing, moving closer to family etc) would still qualify for extension ?
3. Instead of a special permit granting an *unlimited* # of days, allow it to extend to ____ additional days (i.e. 180 days...or ____?_of days) - the thought being that an owner would be still expected to, in theory, keep some connection to GB - not use as a full time STR even if used now only as a retirement/2nd home. Thoughts?

On Mar 20, 2022, at 8:54 AM, Leigh Davis <LDavis@townofgb.org> wrote:

Good morning -

Here are some of my follow up thoughts + clarification for discussion -feel free to chime in please!

1. The license would allow someone to operate a STR in ONE property only (their primary residence whether they are present or not, OR a property they don't reside in) -not both - so, for example, if a primary resident also owns an 2nd investment property, they will need to chose one address - they can't rent out rooms in their primary residence AND also rent another separate property as a STR.
2. Anyone offering a STR in any form needs to get a license even if it is only a room in a "hosted property" (they live in house while offering STR).
3. Under special permit - I'm rethinking the option of (b) "receive a license for one additional property" - This could add unnecessary complications & confusion and may open up a new can of worms during STR deliberations; Also, if enacted, would encourage conversion from LTR to STR and deplete housing stock. I am thinking we eliminate this (b) option and only have the granting of a special permit allow for "an unlimited # of days on an existing STR license". This would allow long-time residents (both full and part time) to retire elsewhere yet benefit from their 5+ investment in the community. It's also more straightforward and doesn't increase # of STRs in GB.
4. Re: "owner must be able to DEMONSTRATE that they have LIVED in the property which they seek the special permit for, for at least five years": Question- How do we verify an owner actually lived in the property versus owned it as an absentee landlord /used it for solely as an investment? Can we ask an owner to submit, for example, proof of membership in a congregation, with Berkshire South, show they had a child in a school, at a local camp etc?) Does this open us up to potential legal challenges/discrimination lawsuits or cries that we favor one group over another (which isn't a bad thing - we would be favoring individuals who have shown a tangible commitment to the community over absentee investors).

Should we seek legal advice ASAP /on Monday before going further into the possible special permit territory?

Will we need to know the exact criteria now before adding to the draft proposal or can we treat it as the license and say criteria to be determined by SB at later date ?

Would SB be the granting authority?

Chris-what do you think about drafting up possible criteria to see if this makes sense and is doable ? (and not too cumbersome before we consider adding to next draft proposal)

Will this special permit addition open us up to new cries of "making this up as we go?" (or is it a creative compromise? We can refer to the Lenox use of the special permit option for an additional 35 days)

5. I would like to advocate that we stick with the current 90 day annual limit - rather than changing it to 120 days- if we change it at the next meeting, it can appear we are backtracking and giving into a small and the vocal minority (?) with obvious vested interests, while also appearing that we are flip flopping/appearing to admit we were wrong with 90 days- which I don't think we were).

How about we see what happens at ATM rather than us changing it to 120 days and instead let residents amend if they want.

People against STR regulations are still going to balk whether its 3 or 4 months. Thoughts?

By adding the unlimited # of days special permit extension we are addressing the concerns of both "long-time" residents and 2nd homeowners who wish to retiree somewhere else yet deterring investors and conversion to STR with the 3 month limit (for unoccupied properties) .

Don't forget people can rent all year round if they are present in the property.

Thoughts?

Thx !!

Leigh

On Mar 19, 2022, at 3:25 PM, Leigh Davis <LDavis@townofgb.org> wrote:

Hey Chris -

I'm dictating this on my phone from a soccer field in Fitchburg so sorry for the grammar- (or lack of!)

Steve I spoke earlier today and would like us to please consider these possibilities below

Would you please incorporate this in your draft proposal and /or offer comments /point out strengths/weaknesses in these ideas-

- 1) An owner may only have one STR license
- 2) License allows up to 120 days of short term rental for one unoccupied entire home
- 3) If the owner occupies the property at the time of the short term rental, then they can short term rental up to two rooms OR an ADU, OR one adjacent unit on the same parcel (if multi-family, for example) by right.
- 4) By special permit - an owner can receive either: a) unlimited # of days on their existing STR license(bump up the time from the 120 day limit to unlimited) or; b) receive a license for one additional property to STR (which would be limited to the 120 days limit for unoccupied properties)

****Important caveat ****:

Criteria to APPLY for special permit:

1) owner must be able to demonstrate that they have lived in the property which they seek the special permit for, for at least five years 2) AND and have contributed meaningfully to the community (i.e. via volunteering , job, school etc) .

On Mar 17, 2022, at 12:32 PM, Chris Rembold
<crembold@townofgb.org> wrote:

Shall we say 6:00 or 6:30 Wed. by zoom then?

I will try to send something this weekend but cannot guarantee it.

<image001.jpg>

Christopher Rembold, AICP

Assistant Town Manager
Director of Planning and
Community Development
413-528-1619 ext. 2401
crembold@townofgb.org

Town of Great Barrington
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The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Steve Bannon <sbannon@Townofgb.org>
Sent: Thursday, March 17, 2022 11:08 AM
To: Leigh Davis <LDavis@Townofgb.org>
Cc: Chris Rembold <crembold@Townofgb.org>; Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: Re: STR discussion next week?

I will be available after 6 PM on Wednesday. We can do a phone /Zoom conversation if everyone else is available.

Sent from my iPhone
Stephen Bannon
413 -446 -6957

On Mar 17, 2022, at 10:57 AM, Leigh Davis
<LDavis@townofgb.org> wrote:

Wednesday from 6pm on I'm available but before then I will be traveling starting this Sunday morning. Would you

please send us something before then so we can begin the process of discussion ? I'm worried that we will run out of time for due diligence and we need to have some thing for the packet for next Friday. Thanks

On Mar 17, 2022, at 9:37 AM, Steve Bannon <sbannon@townofgb.org> wrote:

Wednesday is best for me. Otherwise Tuesday and Thursday would have to be after 4 PM

Sent from my iPhone
Stephen Bannon
413 -446 -6957

On Mar 17, 2022, at 9:18 AM, Chris Rembold <crembold@townofgb.org> wrote:

Hi Steve and Leigh, would you like to meet / Zoom next week Tuesday, Wednesday, Thursday?

I hope to be able to work on this on Monday, and send something to you by the end of Monday for consideration.

<[image001.jpg](#)>

Christopher Rembold, AICP

Assistant Town Manager /
Director of Planning and
Community Development
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