

Mark Pruhenski  
Town Manager

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## 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, September 11, 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 Governor Healey's March 29, 2023 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](http://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. APPROVAL OF MINUTES
  - a. May 15, 2023
  - b. August 21, 2023
  - c. August 29, 2023
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
4. TOWN MANAGER'S REPORT
  - a. Housatonic Water Works
  - b. Fire Chief Scott Turner- Welcome
5. LICENSES AND PERMITS
  - a. Shivadas Guthrie for the Guthrie Center's request for a One Day Beer and Wine License on September 22, 2023 from 8:00 PM to 11:00 PM for a concert event at 2 Van Deusenville Road Great Barrington.
6. PUBLIC HEARINGS
  - a. Special Permit: application from Michelle Maki, d/b/a Midori's Garden LLC, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an Industrial zone at 920 Main Street. The application is filed in accordance with Sections 3.1.4 C(13), 7.18 and 10.4 of the Zoning Bylaw.
    - i. Open Public Hearing
    - ii. Explanation of the Project
    - iii. Public comments, speak in favor or opposition
    - iv. Questions from the Selectboard

- v. Comments from other Boards
- vi. Close Public Hearing
- vii. Selectboard discussion
- viii. Findings
- ix. Motion to continue/deny/grant

7. NEW BUSINESS

- a. Selectboard vote to appoint member to the Historical Commission.
- b. Digital Equity and Internet for All: Presentation from Berkshire Regional Planning Commission staff about the State’s Internet Equity Planning for everyone to have access to high-quality and affordable internet service, devices, skills training, and digital support
- c. **Discussion and Vote: Housatonic Water Works–Temporary relief for residents/ customers**
- d. Discussion/Vote–Shared Building Department- Inter-municipal agreement with towns of Lee, Lenox, and Stockbridge
- e. Discussion/Vote 2024 Selectboard Meeting Schedule Vote

8. 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.*

9. SELECTBOARD’S TIME

10. MEDIA TIME

11. ADJOURNMENT

NEXT SELECTBOARD MEETING

September 13, 2023	September 18, 2023	October 2, 2023	October 23, 2023
November 6, 2023	November 20, 2023	December 4, 2023	December 18, 2023



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*

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: Shiradas Guthrie

Organization Name: The Guthrie Center

Applicant's Address: 2 Van Deusenville Rd GB MA 01230

Telephone Number: 413 528-1955

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

Event: Concert

Date: 9/22/23 Start Time: 8 pm End Time: 11 PM

Event Address: 2 Van Deusenville Rd Gt Barrington, MA 01230

Is the Event on Town property? YES (NO)

- PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:**
- 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
  - 2. Certificate of insurance showing proof of Liquor Liability coverage.  
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
  - 3. If the event is not on applicant's property, a letter of permission from the owner is required.

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

[Signature]  
Signature of Applicant

8/25/23  
Date

**FOR TOWN USE:**

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Postponed \_\_\_\_\_

STEPHEN BANNON  
CHAIR

LEIGH S. DAVIS  
GARFIELD C. REED  
ERIC GABRIEL  
BENJAMIN ELLIOTT



Selectboard Meeting Packet for September 11, 2023  
Item 6. a. Special Permit from Michelle Maki d/b/a Midori's Garden

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 # 937-23

NAME, ADDRESS, AND PROJECT: Special Permit application from Michelle Maki, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an Industrial zone at 920 Main Street, Great Barrington. Application is filed in accordance with Sections 3.1.4 C(13), 7.18 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):

CONSERVATION COMMISSION \* Wednesday, July 26, 2023, 6:30 PM

*\* Call the Conservation Agent in advance of the meeting to see if you should attend.*

PLANNING BOARD Thursday, July 27, 2023, 6:00 PM

*Applicant must attend*

BOARD OF HEALTH \*\* Thursday, August 10, 2023, 6:30 PM

*\*\* 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, September 11, 2023, at 6:00 PM.  
*Applicant must attend.*



GREAT BARRINGTON TOWN CLERK  
JUL 17 2023 9:43:57

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

FORM SP-1  
REV. 12-2020

**FOR OFFICE USE ONLY**

Number Assigned 937-23 Date Received 7/7/23  
Special Permit Granting Authority SB  
Copy to Recommending Boards 7/10/23  
Advertised TBD & TBD  
Public Hearing TBD  
Fee: \$300.00 Paid: 705

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

Parcel 30-50-B  
MAP \_\_\_\_\_ LOT \_\_\_\_\_ BOOK 02773 PAGE 91 ZONING DISTRICT(s) Light Industry

Site Address: 920 Main St

Date of Application 7/6/2023

Applicant's name and complete mailing address Michelle Maki  
920 Main St, Great Barrington, MA 01230

Applicant's phone number ( 216)235-4904 Applicant's email address: mickeyamaki@gmail.com

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

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

Under Section(s) 7.18 and 10.4 of the Great Barrington Zoning Bylaws.

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

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

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

FORM SP-1  
REV. 12-2020

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

**SPECIFICS:**

- 1. All site plans and specifications must be signed and dated by the preparer.
- 2. **ALL OWNERS** of property must also sign the application.
- 3. A copy of special permit procedures is available upon request.
- 4. Fee for application is \$300.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest.
- 5. Once all the necessary papers, maps, etc. are compiled into the required Original and Fourteen sets, call the Town Planner's office at 413-528-1619 ext. 7 to arrange an appointment to file your application. The application will be reviewed for completeness and a date for a public hearing before the Board of Selectmen or Planning Board will be scheduled. Meetings of recommending boards (e.g. Planning Board, Conservation Commission and Board of Health) will also be arranged at this time.

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

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

\*\*\*\*\*

**PLEASE READ AND SIGN BELOW**

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

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

Signature \_\_\_\_\_

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

Date \_\_\_\_\_

Page 1 of 2

**Date: July 6, 2023**

**To: Permit Review Committee and other Town Officials**

**From: Mickey Maki of Midori's Garden LLC**

**Subject: Special Permit Application – Midori's Garden LLC Alignment with Master Plan Goals**

I am thrilled to illustrate how Midori's Garden LLC perfectly aligns with the town's Master Plan. As a passionate resident of this town, I am dedicated to contributing to its prosperity while ensuring environmental responsibility.

**Background:**

The proposed business is Midori's Garden, a Tier 1-2 cannabis cultivator and manufacturer. Midori's Garden's mission is to use herbs to enhance the quality of life for our customers, workers, and community. We will achieve this mission by cultivating cannabis in environmentally ethical ways, modeling ethical and equitable treatment of workers, and providing quality craft products for local recreational cannabis customers who utilize cannabis for wellness purposes.

The proposed site for Midori's Garden is ~1/2 acre of outdoor growing space at Gathered Waters Farm. (Please review the "Plot and Site Plan Summary" for physical description of our plans.)

Gathered Waters is a new 17-acre family farm led by Joe and Mickey Maki, located at 920 Main Street in Great Barrington, Massachusetts. The Maki family farms medicinal herbs, produce, eggs, and honey. Gathered Waters' honey and herbs will be primarily sold to Midori's Garden LLC to be used as ingredients. Midori's Garden's premium craft cannabis products would then be sold wholesale to licensed retailers. Therefore, Midori's Garden is critical to ensuring we can afford to operate as a farm.

Midori's Garden LLC is 100% owned by Mickey Maki, a certified Social Equity Program participant (#SE303695). Midori's Garden is 100% woman and minority owned.

***Goal ED 1: Ensure regular, ongoing, and effective communication and coordination of business and government efforts.***

Despite being in the early stages of establishment, we have already demonstrated our commitment to effective communication with the town government. Upon considering different structures for our project, including greenhouses and steel buildings, a consultation with building inspector, Shep Evans, led us to the viability of high tunnels as our cultivation model.

***Goal ED 5: Attract, build, and retain a talented workforce.***

Our vision for a financially viable and successful cannabis business includes the creation of at least five full-time jobs offering a living wage. Moreover, our Positive Impact Plan, featuring support for worker power through a Labor Peace Agreement and initiatives to aid workers in starting worker-owned cooperatives, promises rewarding employment opportunities.

***Goal AG 1: Permanently preserve as much existing working farmland as possible.***

Respecting the town's rich agricultural heritage, Midori's Garden LLC is wholeheartedly committed to preserving the existing working farmland while establishing our cannabis cultivation site. Our cultivation methods, utilizing high tunnels and outdoor approaches, ensure minimal disruption to the natural landscape, actively contributing to farmland preservation. A viable business will provide the economic resources we need to set up our non-cannabis farm.

***Goal AG 3: Increase the economic viability of local agriculture.***

Farming is a difficult business to enter as a beginner farmer because it requires significant capital and labor for minimal profits. By establishing a *cannabis* farm within our farm, we have a pathway to being able to work the farm full-time because we can earn our livelihood from the cannabis while we establish other important, but less profitable crops. Cannabis is how our farm will be economically viable.

***Goal ENV 1: Promote energy conservation.***

Recognizing the energy-intensive nature of cannabis cultivation, we have designed our approach to conserve energy significantly. By growing during the outdoor season, we minimize the need for heating and supplemental lighting. During the off-season, we use a minimal amount of energy to maintain mother plants and cultivate clones. We are excited to share that we are currently installing a ground-mounted solar array which will enable us to be solar-powered for our off-season electricity usage!

Furthermore, our site plan emphasizes maintaining the character of our property.

We at Midori's Garden are eager to play our part in fulfilling the Great Barrington Master Plan! Thank you for considering our special permit application.

Best regards,

Mickey Maki

Midori's Garden LLC

[info@midorisgarden.com](mailto:info@midorisgarden.com)

## Plot and Site Plan Summary

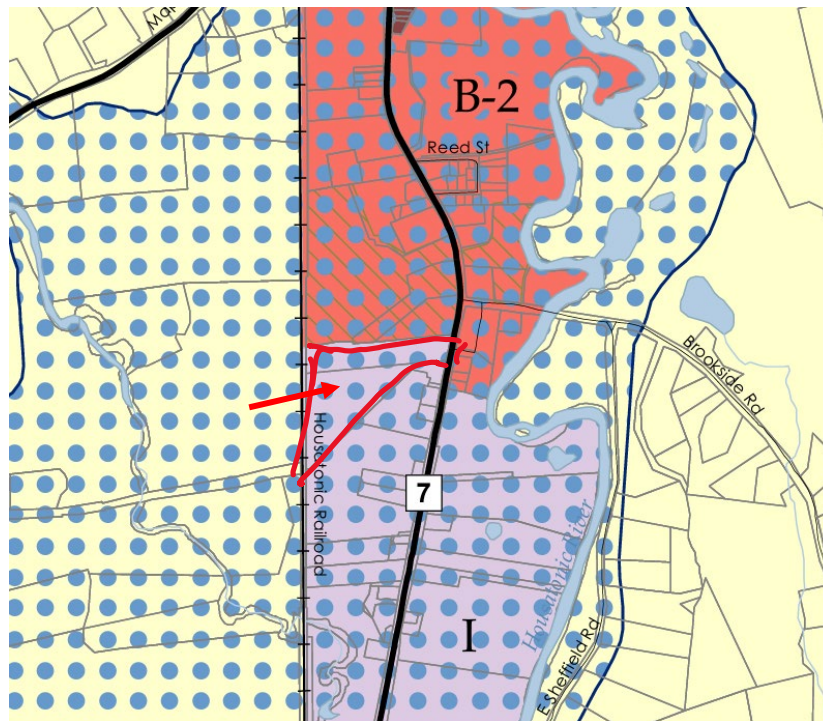
### Midori's Garden LLC

The purpose of this document is to describe the site where Midori's Garden is located and demonstrate compliance with Section 10.5 of the town of Great Barrington's Zoning Bylaws.

Pursuant to Section 10.5, a plot plan of the entire property, with features clearly portrayed, will be submitted for review by the Great Barrington Planning Board. The submitted plot and site plan shall also include representation of proposed exterior security measures. (*Section 7.18.3*)

Please see images and associated descriptions below. Full size versions of all images are available upon request.

### Great Barrington Zoning Map Section



920 Main St (or South Main St) is zoned as (I) Light Industry.

### Current Site and Use

This property is 17-acres located in the transitional corridor on Route 7, south of downtown. We are zoned Light Industry and the land has been and continues to be in agricultural use. The structures on the property consist of a single-family house (our permanent, full-time residence), a barn with 2 run-in shelters attached and a 3-season cabin. The structures are clustered towards Main Street, so the pasture and farmland behind are not visible from the road.



Our closest neighbors are the newly opened affordable housing development, Windrush Commons, The Pediatric Development Center (PDC), and the Brookside Manor senior housing development.

We acquired this property in 2022. We are in the process of establishing a medicinal herb and honey farm called Gathered Waters.

### **Our Vision for Site Development**

We love this land -- the beautiful meadows and wetlands. Therefore, we aim to minimize our impact on the landscape. Most of our land will remain as wildflower meadow for our honeybees. Some garden plots throughout will be dedicated for intentionally cultivating native medicinal herbs. Of course, the wetlands will remain untouched.

The Midori's Garden site will be located right in the middle a wildflower meadow. We intentionally designed the site to be small so it's manageable by a small team of employees we can trust and the site itself does not take over our home.

In alignment with our desire to minimize alterations to the land, we have opted for an outdoor cultivation site with only high tunnels and temporary structures such as small sheds and a shipping container for processing and storing. No permanent foundations will be used. Per state regulations, the site must be fenced in. We will utilize natural appearing fencing materials and cultivate native perennials alongside the exterior fence to maintain a pleasing aesthetic. Within the fence, the roof of the high tunnels will be visible, but the other temporary structures would not be visible.

Our outstanding "construction" to fully equip Midori's Garden is:

- Installing one more hoop house/high tunnel
- Acquiring 1 shipping container for storage, a freezer container, and one small processing shed
  - Ensure any runoff from rainwater on hoop house, containers or sheds is draining properly by grading surrounding land; ideally, we can collect it in rain harvesting barrels to use for irrigation.
- Acquiring portable bathrooms and eventually building a small, bathroom shed with composting toilet
- Installing a 6' security fence around the site perimeter – these are just fence posts that go a few feet into the ground.
- Planting aromatic medicinal herbs in and around the perimeter fence including climbing perennials alongside fencing
- Installing any posts for security cameras as needed
- Adding irrigation tank and laying irrigation

We are confident that this site design allows us to maintain or even improve the character of our property.

## **Drainage**

Proper drainage is critical to be good stewards of the land, good neighbors, and to ensure our plants aren't water logged. Due to our site design, we anticipate very minimal if any interruption to the flow of water. We have monitored the site for the last year and determined it to be suitable to allow for adequate draining. Additionally, we have accessed the ability to absorb additional water from irrigation by cultivating tomatoes and peppers in our high tunnel. We have not noticed any impact on drainage thus far.

We are taking on the following measures and considerations to ensure continued proper drainage:

1. Site selection- cultivation area was then strategically designed to work with the existing drainage system and avoid disrupting the natural flow of water.
2. High Tunnels and Outdoor Planting: High tunnels and outdoor planting directly into the ground can actually benefit drainage. High tunnels typically have open ends, allowing water to flow freely through the structure and minimize the risk of water accumulation within the growing area. The plants planted in the ground can further help absorb excess water, especially in a wet area.
3. Rainwater Harvesting: Rainwater harvesting (from the rooves of our hoophouse, shed and processing container) is part of our irrigation strategy. This practice can actually help alleviate pressure on the local drainage system. By collecting and using rainwater on-site, we reduce the amount of runoff entering the wetlands, which can be beneficial for the natural drainage of the area.
4. Monitored City Water Usage – If we must use city water for irrigation, it will be carefully controlled to avoid over-saturation of the soil and excessive runoff. This again is required for cannabis to grow successfully.
5. Retaining Natural Features: Since our changes to the land are so minimal, we are retaining the natural features like vegetation and soil types that contribute to the area's ability to absorb and channel water effectively.
6. Compliance with Regulations: Our cultivation plans will strictly adhere to all local and federal regulations concerning wetlands, floodplains, and drainage.
7. Regular Monitoring and Adaptation: Every season, we will monitor how the site is draining. Especially during heavy rainfall or extreme weather events. Any issues related to drainage will be addressed promptly, and we will make the necessary adjustments to the cultivation setup if required to maintain proper drainage.

## **Landscaping for Odor Mitigation**

Since we are a very small outdoor grow, the only period of the year where the cannabis plants will produce a noticeable smell is from the middle of the flowering period of the plant, until harvest. This is typically part of September and early October. Based on nearby outdoor grows that also use high tunnels (CannaProvisions and The Pass in Sheffield) and the very small size of

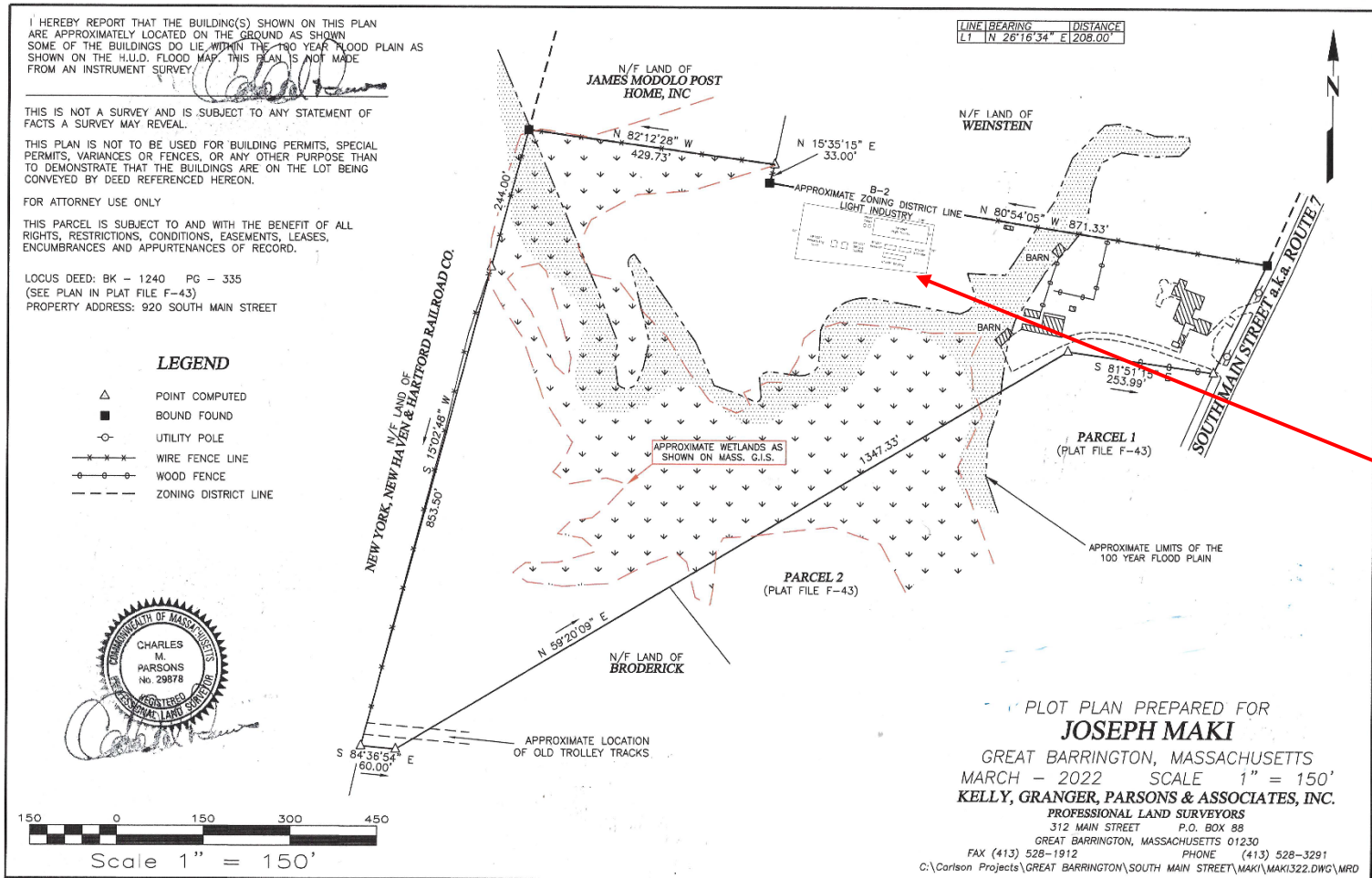


our grow, we DO NOT anticipate any abutters or anyone on the street will be able to notice the smell. (And the processing into a tincture does not produce a noticeable odor.)

However, to mitigate this risk and assure our community members, we have planned to leverage the other herbs and flowers we already cultivate on our farm. We will strategically plant our other aromatic herbs in the areas where their odor-producing terpenes will counter the cannabis' odor-producing terpenes. The strong aromatics of lavender, basil, lemon balm, chamomile and others together will reduce the cannabis scent. It may ultimately smell like a pleasant poppori! As a bonus, it will be visually beautiful.

Plot Plan - 920 South Main St. Great Barrington, MA

UPDATED 7/31/23

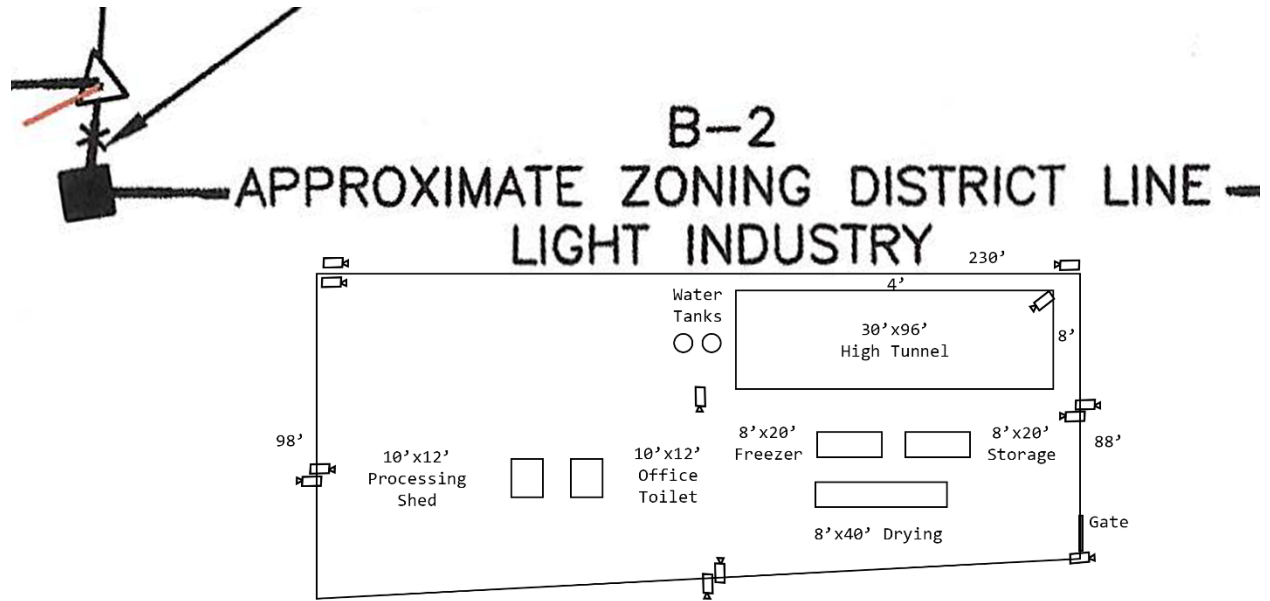


Midori's  
Garden  
Site

The site is located on land that is outside all identified wetlands and wetlands buffer areas (based on Plot Plan and GIS data). It is also positioned, behind our residence, in a way where is it not visible from the road.

Site Plan - Year 1

UPDATED 7/31/23

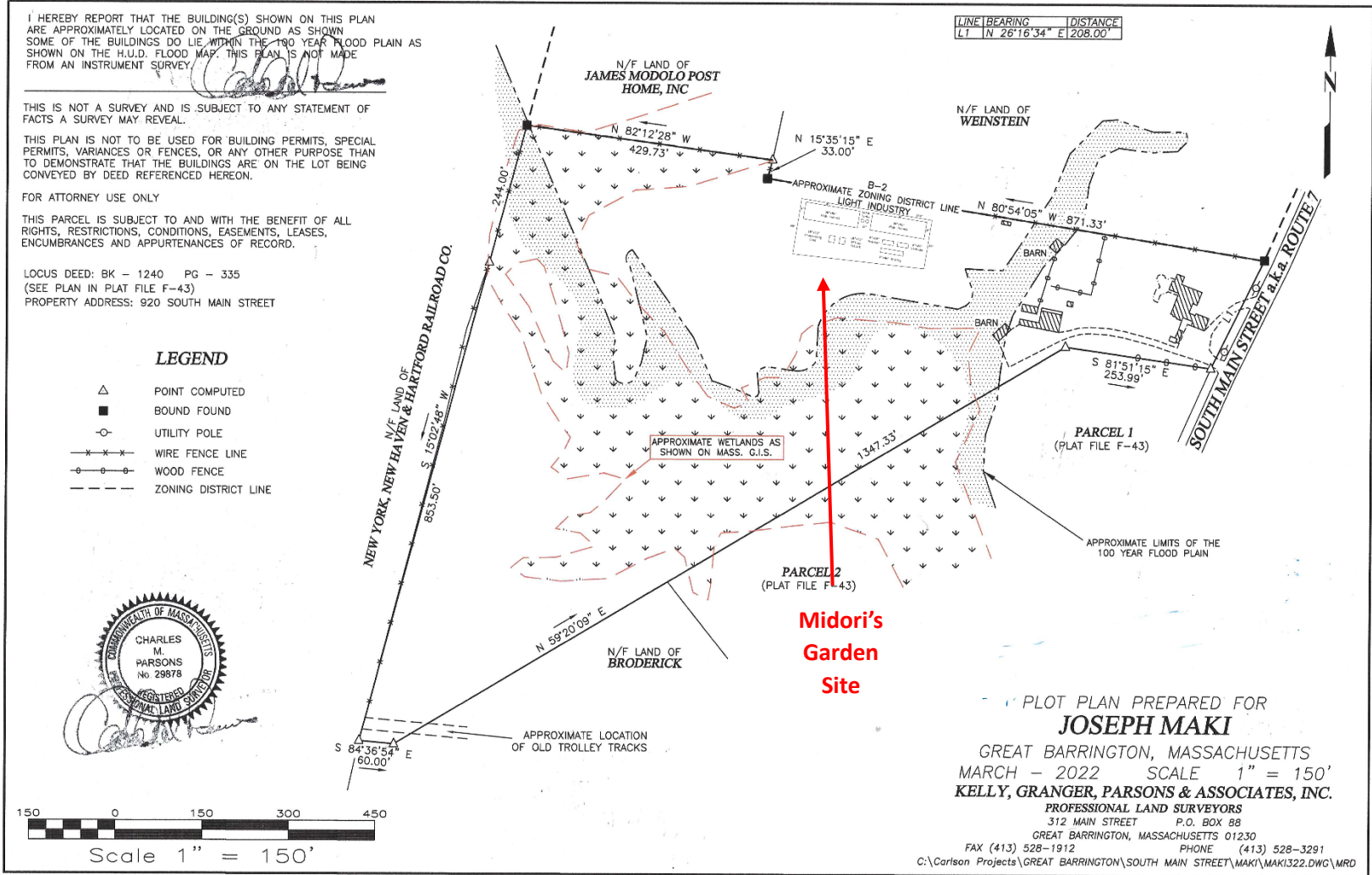


An area of 98 ft. by 230 ft will be fenced-in as the business site.

Security cameras will be installed as shown.

**Plot Plan**  
**(with Year 2 Site Plan)**

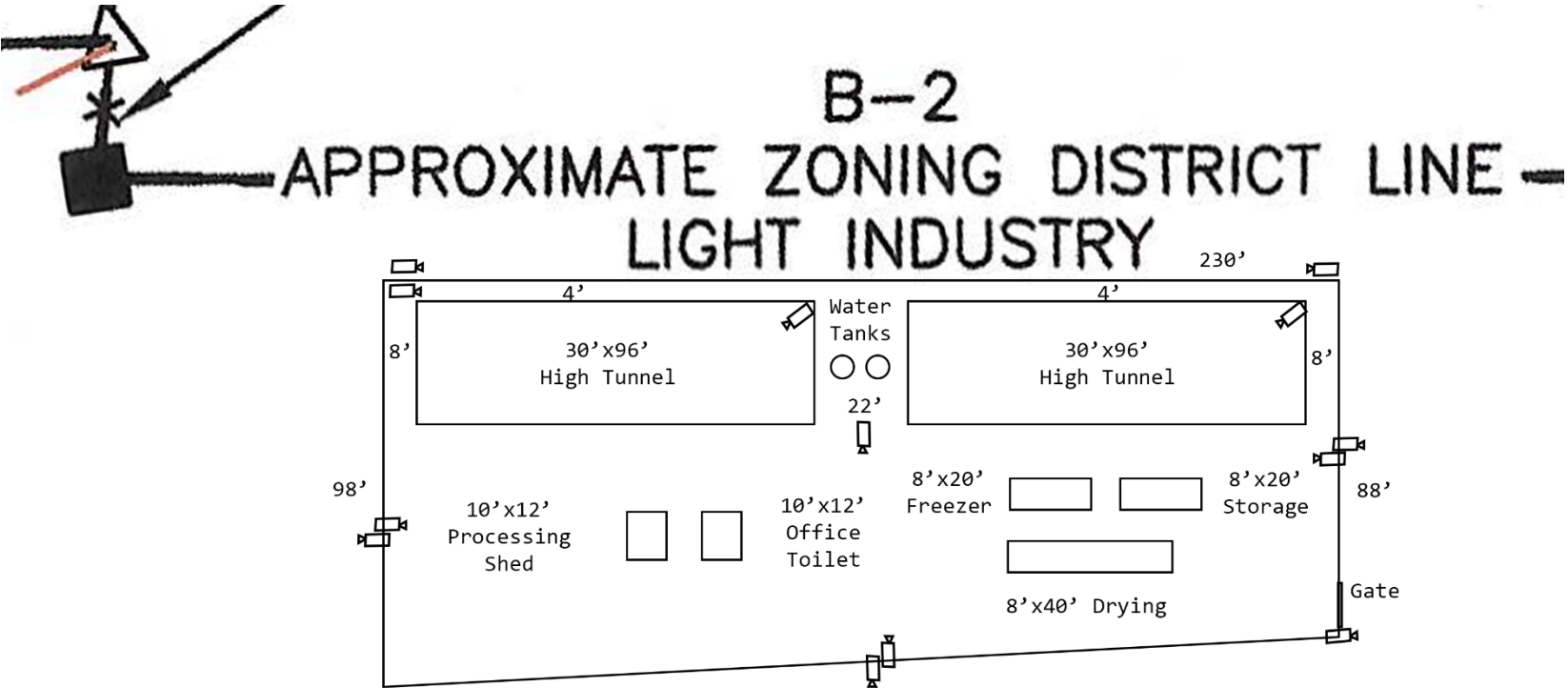
**UPDATED 7/31/23**



In Year 2, the site footprint will remain the same. A second high tunnel will be added.

Site Plan - Year 2 and beyond

UPDATED 7/31/23



Security cameras will be installed as shown.

In Year 3 and subsequent years, the overall footprint will remain the same with all plants grown inside high tunnels.



**Street view of property**



920 South Main St has ~200 ft of frontage. Our residence blocks the view into the rear of the property. Therefore, the proposed site is blocked from public view.



**Aerial view of site (facing Main St)**

**Our house**



This site is located ~500 ft from Main St. There is also wooded area to the North (left side in this image) which blocks the view from abutters.

The Midori's Garden site will be fenced in per state and local regulations, and all cannabis cultivation and processing will be done within that area. However, other herbs and livestock are grown throughout this property, as part of our family farm- Gathered Waters.



## Local Zoning Compliance Plan

### Midori's Garden LLC in the town of Great Barrington, Massachusetts

The purpose of this plan is to provide an overview of how Midori's Garden LLC, a Marijuana Cultivation (Tier 2) and Manufacturing Establishment, will remain compliant with all the town of Great Barrington's zoning bylaws, codes, and ordinances.

#### Background

In the Town of Great Barrington Zoning Bylaws, Section 3.1.4 "Table of Use Regulations– C.(13)", Marijuana Cultivation and Manufacturing are allowed in the Light Industry (I) zoning district with the issuance of a special permit from the Great Barrington Selectboard. Section 7.18 "Marijuana Establishments and Medical Marijuana Treatment Centers" regulates the time, place and manner of Marijuana Establishments.

The Midori's Garden team has thoroughly reviewed the bylaws and has developed a plan to comply with all requirements. Compliance efforts outlined below:

- Midori's Garden LLC is located at 920 Main Street, Great Barrington, Massachusetts. This is a 17-acre farm property that is zoned Light Industry (I). (*Section 3.1.4*)
- The location of 920 Main Street is not within 200 feet of any pre-existing K-12 school. (*Section 7.18.4*)
- All aspects of the business shall take place within a fenced-in ½ acre site and shall not be visible from the exterior of the business. Furthermore, the fenced-in site itself is not visible from the road. (*Section 7.18.5*)
- All marijuana and related supplies will be stored securely. (*Section 7.18.5*)
- The fence surrounding the site will be 6 feet tall, with a privacy screen. (*Section 7.18.5*)
- No outdoor cultivation of marijuana will occur within 50 feet of the property line. (*Section 7.18.5*)
- Midori's Garden LLC is owned by Michelle Maki, who is also the property owner of 920 Main Street, Great Barrington, MA and is listed on the deed. (*Section 7.18.7*)

As such, Midori's Garden LLC explicitly meets the criteria to receive a special permit from the Great Barrington Selectboard for the purposes of Marijuana Cultivation and Manufacturing.

#### Massachusetts Wetlands Protection Act / Great Barrington Wetlands Protection Bylaw

These state and local regulations are designed to protect wetlands, water resources, and adjoining land areas by controlling activities deemed likely to have a significant or cumulative effect upon resource area values.

Chapter 168 "Wetlands" states, "Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter wetland resource areas...or land within 100 feet of wetland resource areas."

Midori's Garden complies with these regulations:

- The cultivation site is not within 100 feet of a protected area.

While wetlands are present on the 17-acre parcel, Midori's Garden's ½ acre cultivation site is more than 100 feet away from protected areas. (See Plot and Site Plan Summary document.)

- Midori's Garden will not alter the land or conduct any activities which harm protected areas.

The Wetlands Protection Bylaw names several activities that are not permitted near protected areas. These activities include including filling, dredging, building upon, degrading, or otherwise altering of wetland resources areas. Due to the use of outdoor cultivation, high tunnels and other temporary structures, no prohibited activities are required to establish the outdoor growing site.

Therefore, none of our activities will have a significant effect on wetlands or require approval from the Great Barrington Conservation Commission.

### **Submittal and Site Plan Review**

We plan to immediately apply for a Special Permit from the Great Barrington Selectboard.

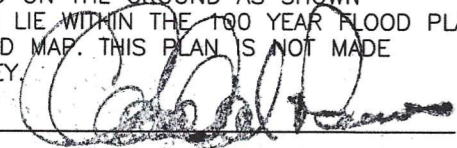
Pursuant to Section 10.5, a plot plan of the entire property, with features clearly portrayed, will be submitted for review by the Great Barrington Planning Board. The submitted plot and site plan shall also include representation of proposed exterior security measures. (*Section 7.18.3*)

Due to the small size of the business (0-4 employees plus the owner), Midori's Garden is not expected to have any adverse impact on traffic. Therefore, no Traffic Impact Assessment will be conducted. (*Section 10.5.3*)

### **Ongoing Compliance**

Midori's Garden is committed to remaining in compliance with all local codes, ordinances, and bylaws. The company's owner will remain in contact with municipal officials including the Town Clerk, Board of Selectmen, Planning Board, and other applicable officials to ensure that there is an open line of communication.

I HEREBY REPORT THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN. SOME OF THE BUILDINGS DO LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE H.U.D. FLOOD MAP. THIS PLAN IS NOT MADE FROM AN INSTRUMENT SURVEY.



THIS IS NOT A SURVEY AND IS SUBJECT TO ANY STATEMENT OF FACTS A SURVEY MAY REVEAL.




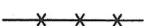
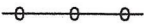

THIS PLAN IS NOT TO BE USED FOR BUILDING PERMITS, SPECIAL PERMITS, VARIANCES OR FENCES, OR ANY OTHER PURPOSE THAN TO DEMONSTRATE THAT THE BUILDINGS ARE ON THE LOT BEING CONVEYED BY DEED REFERENCED HEREON.

FOR ATTORNEY USE ONLY

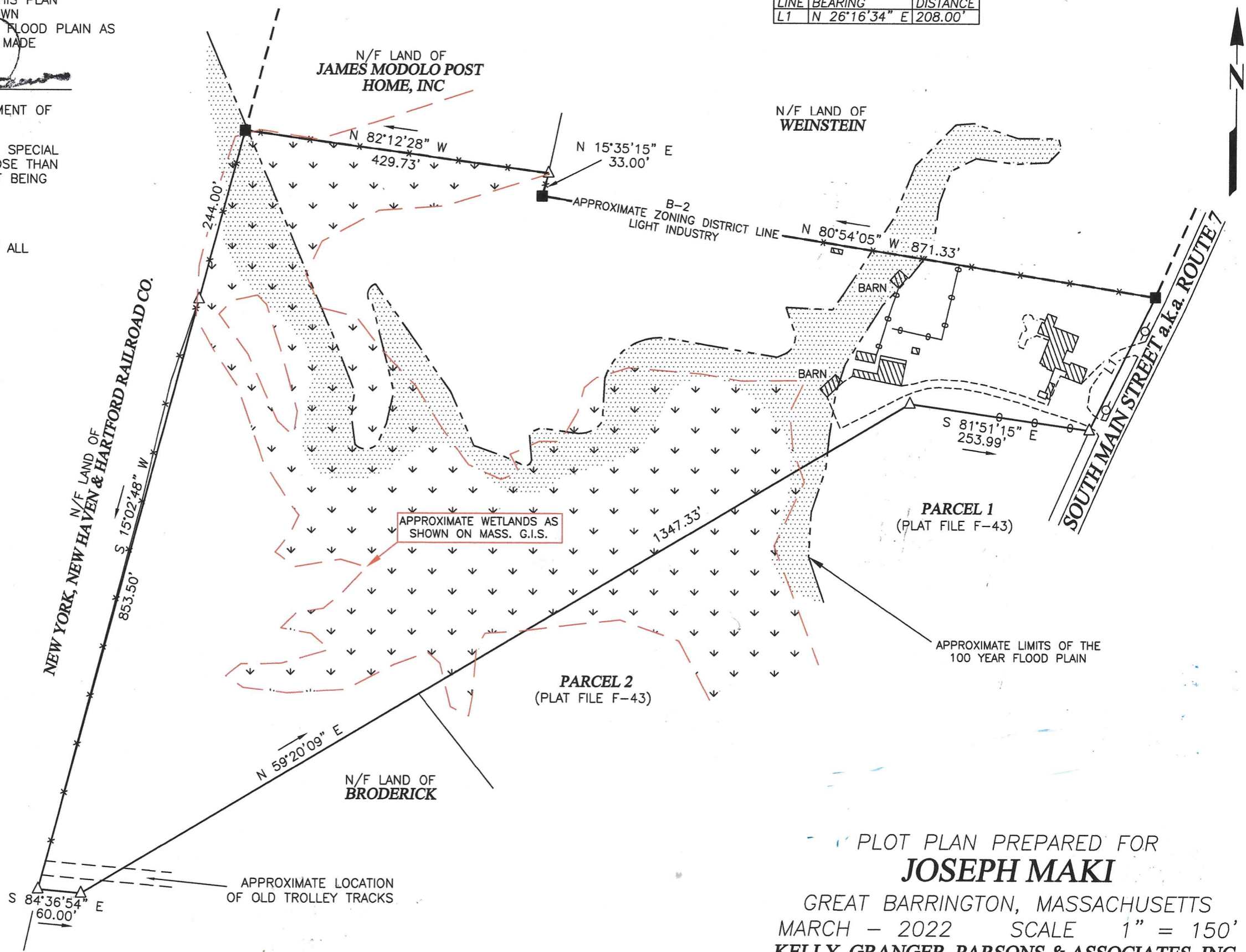
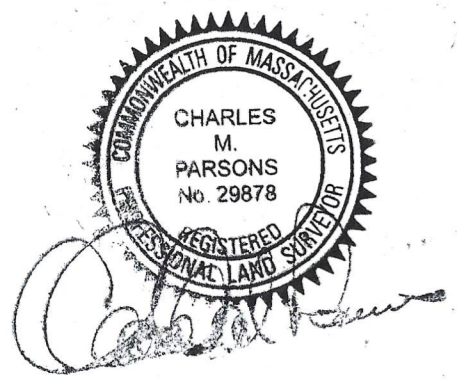
THIS PARCEL IS SUBJECT TO AND WITH THE BENEFIT OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS, LEASES, ENCUMBRANCES AND APPURTENANCES OF RECORD.

LOCUS DEED: BK - 1240 PG - 335  
 (SEE PLAN IN PLAT FILE F-43)  
 PROPERTY ADDRESS: 920 SOUTH MAIN STREET

**LEGEND**

-  POINT COMPUTED
-  BOUND FOUND
-  UTILITY POLE
-  WIRE FENCE LINE
-  WOOD FENCE
-  ZONING DISTRICT LINE

LINE	BEARING	DISTANCE
L1	N 26°16'34" E	208.00'

CHARLES M. PARSONS  
 No. 29878  
 REGISTERED PROFESSIONAL LAND SURVEYOR



Scale 1" = 150'

PLOT PLAN PREPARED FOR  
**JOSEPH MAKI**  
 GREAT BARRINGTON, MASSACHUSETTS  
 MARCH - 2022 SCALE 1" = 150'  
**KELLY, GRANGER, PARSONS & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 312 MAIN STREET P.O. BOX 88  
 GREAT BARRINGTON, MASSACHUSETTS 01230  
 FAX (413) 528-1912 PHONE (413) 528-3291  
 C:\Carlson Projects\GREAT BARRINGTON\SOUTH MAIN STREET\MAKI\MAKI322.DWG\MRD





# 300 foot Abutters List Report

Great Barrington, MA  
June 27, 2023

## Subject Property:

Parcel Number: 30-50-B  
CAMA Number: 30-50-B  
Property Address: 920 MAIN ST

Mailing Address: MAKI JOSEPH WALTER MAKI MICHELLE  
A  
920 MAIN ST  
GT BARRINGTON, MA 01230-2013

---

## Abutters:

Parcel Number: 30-46-0  
CAMA Number: 30-46-0  
Property Address: MAPLE AVE

Mailing Address: RIVERHILL FARM PROPERTIES LLC  
615 SOUTH EGREMONT RD  
GT BARRINGTON, MA 01230-1931

Parcel Number: 30-48-0  
CAMA Number: 30-48-0  
Property Address: 800 MAIN ST

Mailing Address: MODOLO POST HOME INC JAMES A  
800 MAIN ST  
GT BARRINGTON, MA 01230-2015

Parcel Number: 30-49-0  
CAMA Number: 30-49-0  
Property Address: 910 MAIN ST

Mailing Address: WINDRUSH COMMONS LIMITED  
PARTNERSHIP  
C/O WAY FINDERS 1780 MAIN ST  
SPRINGFIELD, MA 01103-1000

Parcel Number: 30-49-A  
CAMA Number: 30-49-A  
Property Address: MAIN ST

Mailing Address: WINDRUSH COMMONS LIMITED  
PARTNERSHIP  
C/O WAY FINDERS INC 1780 MAIN ST  
SPRINGFIELD, MA 01103-1000

Parcel Number: 30-50-0  
CAMA Number: 30-50-0  
Property Address: 924 MAIN ST

Mailing Address: PEDIATRIC DEVELOPMENT CENTER I  
388 COLUMBUS AVE  
PITTSFIELD, MA 01201-4903

Parcel Number: 30-50-C  
CAMA Number: 30-50-C  
Property Address: 926 MAIN ST

Mailing Address: LYDON DEVELOPMENTS LLC  
PO BOX 761  
GT BARRINGTON, MA 01230-0761

Parcel Number: 30-50-F  
CAMA Number: 30-50-F  
Property Address: 930 MAIN ST

Mailing Address: LYDON DOMINIC  
PO BOX 761  
GT BARRINGTON, MA 01230-0761

Parcel Number: 30-50-H  
CAMA Number: 30-50-H  
Property Address: MAIN ST

Mailing Address: LYDON DOMINIC  
PO BOX 761  
GT BARRINGTON, MA 01230-0761

Parcel Number: 30-50-I  
CAMA Number: 30-50-I  
Property Address: MAIN ST

Mailing Address: TOWN OF GREAT BARRINGTON  
334 MAIN ST  
GT BARRINGTON, MA 01230-1831

Parcel Number: 30-50-J  
CAMA Number: 30-50-J  
Property Address: MAIN ST

Mailing Address: LYDON DOMINIC  
PO BOX 761  
GT BARRINGTON, MA 01230-0761



www.cai-tech.com

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6/27/2023

Page 1 of 2



# 300 foot Abutters List Report

Great Barrington, MA  
June 27, 2023

Parcel Number: 30-81-0  
CAMA Number: 30-81-0  
Property Address: WEST SHEFFIELD RD

Mailing Address: WYANTENUCK COUNTRY CLUB INC  
P O BOX 338  
GT BARRINGTON, MA 01230-0338

Parcel Number: 30-86-0  
CAMA Number: 30-86-0  
Property Address: WEST SHEFFIELD RD

Mailing Address: WYANTENUCK COUNTRY CLUB INC  
P O BOX 338  
GT BARRINGTON, MA 01230-0338

Parcel Number: 38-19-0  
CAMA Number: 38-19-0  
Property Address: 911 MAIN ST

Mailing Address: VOGT KRAIG R & MARY S  
PO BOX 64  
GT BARRINGTON, MA 01230-0064

Parcel Number: 38-20-0  
CAMA Number: 38-20-0  
Property Address: 915 MAIN ST

Mailing Address: TORRESMARIN JHON FERLAIN  
GUTIERREZ CLAUDIA V VILAMIL  
915 MAIN ST  
GT BARRINGTON, MA 01230-2028

Parcel Number: 38-20-A  
CAMA Number: 38-20-A  
Property Address: 913 MAIN ST

Mailing Address: BARNUM MARY L  
913 MAIN ST  
GT BARRINGTON, MA 01230-2028

Parcel Number: 38-21-A  
CAMA Number: 38-21-A  
Property Address: 927 MAIN ST

Mailing Address: MASSACHUSETTS ELECTRIC CO  
PROPERTY TAX DEPT 40 SYLVAN RD  
WALTHAM, MA 02451-2286

Parcel Number: 38-21-B  
CAMA Number: 38-21-B  
Property Address: 909 MAIN ST

Mailing Address: GREAT BARRINGTON HOUSING AUTHO  
2 BERNARD GIBBONS DR STE 100  
GT BARRINGTON, MA 01230-1127

Parcel Number: 38-21-C  
CAMA Number: 38-21-C  
Property Address: 917 MAIN ST

Mailing Address: INHABITANTS OF THE TOWN OF GREAT  
BARRINGTON SENIOR C  
917 MAIN ST  
GT BARRINGTON, MA 01230-2028



www.cai-tech.com

6/27/2023

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Town Hall, 334 Main Street  
Great Barrington, MA 01230



Selectboard Meeting Packet for September 11, 2023  
Item 6. a. Special Permit from Michelle Maki d/b/a Midori's Garden

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

TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

PLANNING BOARD

July 31, 2023

Selectboard  
Town Hall 334 Main Street  
Great Barrington, MA 01230

Re: Special Permit:  
920 Main Street

Dear Members of the Selectboard:

At its meeting of July 26, 2023 the Planning Board voted to send a positive recommendation on the special permit application submitted by Michelle Maki for a marijuana cultivation and manufacturing establishment in the I-zone at 920 Main Street.

Thank you for your consideration of this recommendation.

Sincerely,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary

Cc: Chris Rembold, Assistant Town Manager/Director of Planning and Community  
Development

Michael Lanoue, Chair  
Peter Stanton, Vice Chair  
Ruby Chang, M.D.  
www.townofgb.org



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Phone: 413-528-0680  
rjurczyk@townofgb.org

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### BOARD OF HEALTH

September 6, 2023

**Special Permit #937-23;** Application from Michelle Maki, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an industrial zone at 920 Main Street, Great Barrington. Application is filed in accordance with Sections 3.1.4 C (13), 7.18 and 10.4 of the Zoning Bylaw

Dear Selectboard

The Board of Health reviewed this Special Permit application during the August 10, 2023 public meeting. The permit is not jurisdictional to the Board of Health so they are passing it on without a recommendation.

Sincerely,  
Rebecca Jurczyk  
GB BOH Agent



Shepley Evans  
Conservation Agent

E-mail: [conservation@townofgb.org](mailto:conservation@townofgb.org)  
[www.townofgb.org](http://www.townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 ext. 122  
Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### CONSERVATION COMMISSION

September 6, 2023

The Selectboard  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

Re: SPECIAL PERMIT APPLICATION  
of Joe & Michelle Maki for a relatively small-scale  
marijuana cultivation establishment at 920 Main Street.

Having reviewed Town maps and the Mass Geographic Information System, and having conducted a brief site visit at 920 Main Street, the Conservation Commission has noted that the proposed cultivation site is well outside any jurisdictional areas on the subject property. At its regularly scheduled July 26, 2023 meeting, the Commission voted unanimously by roll-call that the Maki's plan does not raise any wetland jurisdictional concerns or interests.

Respectfully,

A handwritten signature in blue ink that reads 'Shepley W. Evans'.

Shepley W. Evans  
Conservation Agent

CC: Chris Rembold



**TOWN OF GREAT BARRINGTON  
MASSACHUSETTS**

---

**PUBLIC HEARING**

**NOTICE TO ABUTTERS**

The Great Barrington Selectboard will hold a public hearing on Monday, September 11, 2023 at 6:00 pm, at Town Hall, 334 Main Street, 2<sup>nd</sup> floor, Great Barrington, MA 01230, to act on the Special Permit application from Special Permit application from Michelle Maki, dba Midori's Garden LLC, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an Industrial zone at 920 Main Street, Great Barrington. The application is filed in accordance with Sections 3.1.4 C(13), 7.18 and 10.4 of the Zoning Bylaw.

Parties may also attend the meeting via Zoom. The Zoom information will be on the agenda for this meeting, which is posted on the Town's website calendar [www.townofgb.org](http://www.townofgb.org).

The application may be viewed in Town Clerk's office during business hours; or, request an electronic copy via email to [crembold@townofgb.org](mailto:crembold@townofgb.org).



**Public Notices**

well as cleaning out the adjacent manhole and start up training for BCC's staff upon completion of the maintenance and repairs.

This project is being electronically bid and hard copy bids will not be accepted. Please review the instructions in the bid documents on how to register as an electronic bidder. Bids are to be prepared and submitted at [www.biddocs.com](http://www.biddocs.com). Tutorials and instructions on how to complete the electronic bid documents are available online (click on the "Tutorial" tab at the bottom footer.)

**This IFB will be available on 8/16/23 at 12:00 AM on [www.biddocs.com](http://www.biddocs.com).** Berkshire Community College Sewage Ejector Pumps Replacement Project #D23-NXNJ

**Electronic bids are due 8/31/23, by 2:00PM on [www.biddocs.com](http://www.biddocs.com).** Late bids will not be accepted. A contract will be awarded to the responsive and responsible bidder offering the lowest total price for the supplies/services specified in the IFB.

For further information contact: Chris Bodnar — Director of Procurement 413-236-3036 [cbodnar@berkshirecc.edu](mailto:cbodnar@berkshirecc.edu)

A pre-bid conference will be held at Berkshire Community College on 8/23/23 at 11:00AM at the Paterson Garage on the South side of the campus.

**Public Notices**

Berkshire Community College reserves the right to reject any or all proposals and to waive any informality in the proposal process if it be in the best interest of the College to do so.

AD# 78001  
08/16/2023

**Town of New Ashford Invitation to Bid Town Roads Snowplowing Contract**

The Town of New Ashford is accepting bids for plowing and sanding town roads from October 15, 2023 through May 15, 2025. Bid documents can be found at the New Ashford Town Hall, 188 Mallory Road, New Ashford, online at [www.newashford-ma.us](http://www.newashford-ma.us), and by e-mail at [treasurer@townofnewashford.com](mailto:treasurer@townofnewashford.com). Sealed bids shall be mailed to the Town Hall, c/o Lori Jayko, or hand delivered to the Town Hall on Tuesday, September 5, 2023 at 6:30PM, when they will be publicly opened. Bids submitted after the specified time will not be accepted. A 5% bid deposit in the form of a certified treasurer's or cashier's check payable to the Town of New Ashford is required with each bid. The New Ashford Select Board reserves the right to reject, for cause, any bid in part or whole, if it is judged by the Select Board that the best interests of the town will be served thereby.  
Ad# 78039  
08/16/2023

**Public Notices**

TOWN OF OTIS  
LEGAL NOTICE

**REQUEST FOR QUALIFICATIONS for PROFESSIONAL DESIGNER SERVICES for MUNICIPAL ANNEX BUILDING**  
Bid 23-03

Issue Date: Aug 01, 2023  
Submission Deadline: Tue Sep 12, 2023 at 2:00 p.m.  
Introduction Pursuant to the provisions of the Commonwealth's "Designer Selection Law" MGL c. 7C §§ 44-57, the Town of Otis, through the office of the Town Administrator, is requesting qualifications proposals from qualified professional architectural consulting firms to provide designer services for designing a municipal annex to Town Hall at 7 North Main Road. The Town has a budget of \$100,000 for the effort identified in the RFQ. Interested parties can acquire the Scope of Work by emailing [towndadmin@townofotisma.com](mailto:towndadmin@townofotisma.com).

Ad# 77704  
08/16/2023, 08/23/2023

**TOWN OF GREAT BARRINGTON PUBLIC HEARING**

The Great Barrington Selectboard will hold a public hearing on Monday, September 11, 2023 at 6:00 pm, at Town Hall, 334 Main Street, 2nd floor, Great Barrington, MA 01230, to act on the Special Permit application from Michelle

**Public Notices**

Maki, dba Midori's Garden LLC, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an industrial zone at 920 Main Street, Great Barrington. Parties may also attend the hearing via Zoom; the Zoom information will be on the agenda and posted on the Town website calendar at least 48 hours before the meeting. The application may be viewed in Town Clerk's office; or, request an electronic copy via email to [crembold@townofgb.org](mailto:crembold@townofgb.org).

Stephen Bannon, Chair

AD# 78011  
08/16/2023, 08/23/2023

**Announcements**

**Wahconah 1973 50th Class Reunion**

Sept 9th @  
Stationary Factory  
63 Flansburg Ave-Dalton  
4:00-9:00

For more info e-mail:  
[wahconahreunion1973@gmail.com](mailto:wahconahreunion1973@gmail.com)

**Lost**



**MAISEY is still missing!!** Please message or text with any info 413-446-5726. She needs to be found and returned to her family!! REWARD for safe return. Missing from Pittsfield MA

**Apartment Rentals**

**ALL RENTALS**

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Rental Housing Association  
of  
Berkshire County

**Vacation Rentals**

**PITTSFIELD. 3 bedroom, 2 bath** Cape. Great, quiet neighborhood. Pool, hot tub, garage, and much more. Close to all Berkshire amenities. \$3500 per month. Call for details, 413-655-8368.

**Help Wanted**

**First Congregational Church Of Hinsdale UCC Seeking Part-Time PASTOR**

Our historic New England Church, established 1795, is nestled in the beautiful hills of the Berkshires. Our church is a holy place to feel the gentle power and grace of God. We are a community-oriented congregation where all can grow in their faith and knowledge of Christ. We work to serve our neighbors and seek a greater understanding of God's purpose for us in a changing world.

If you are interested in more details please contact us by Facebook messenger, phone 413-655-2670 (leave message) or email [Hinsdalestcongchurch@gmail.com](mailto:Hinsdalestcongchurch@gmail.com)

**PITTSFIELD ROUTE OPEN**

127 pprs Daily  
172 pprs Saturday  
5 nights a week  
1.5 hours per night

Serious Inquiries only  
Contact: Eric Shuman  
413-496-6343

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Thursday, Friday, Saturday - Aug 17 - Aug 19, 2023

CASH ONLY.  
Address:  
401 South Street  
Dalton, MA 01226

**\$100 and Under**

**MEN'S MOUNTAIN BIKE**  
26 in. Hyper 7005  
Black/Green \$95 obo  
Ex. Cond. 413-464-7154

**\$100 and Under**

**WOMEN'S MONGOOSE BIKE**  
26 in. Switchback  
Great cond. blue, \$85  
413-464-7154

**10FT TALL MAPLE TREE.** \$100. 413-329-6970

**50 FT 5 SOCKET WORK LIGHT CORD,** new, \$50. 413-329-6970

**ANNE KLEIN LUGGAGE.** Duffel bag w/wheels, new condition, olive green. \$25. 413-652-9756, can text pic.

**BABY CRIB** color white, mattress and bumper pads. \$75. Call 413-822-5949.

**BARBIE ICE SKATERS.** Original Boxes. \$50 and under. (413) 499-7780.

**BEER SIGNS.** Clocks. Mirrors. \$25 and up. 413-499-0785, leave a message.

**BOLA TIE.** Black leather with a large turquoise stone. \$95. 518-658-2605

**CEILING FAN,** \$75. Call 413-441-2023.

**CENTRAL PNEUMATIC AIR COMPRESSOR.** 2 twin tanks, \$50. 413-358-3884

**CERAMIC JUGS** \$10 and up. Call 413-441-2023.

**CHILDREN'S KITCHEN** stove & refrigerator set. \$30. Call 413-822-5949.

**COMFORTERS,** brand new, \$20. More items. Call 413-441-2023.

**CORDLESS CIRCULAR SAW** 7.25", like new, \$50. 413-329-6970

**COUCH.** Beige, 3-person w/fold out bed. \$50. 413-329-3803

**CRIB** with mattress, like new condition, \$70. 413-446-3431

**DESK** - Steel Frame, Laminate top. 5 Drawer. 54"x24"x29" High. \$60. Call 413-663-1292

**DINNERWARE SET** (4) Better Homes, Bazaar. Attractive Abstract Design. Never Used. \$25. Text For Photo 413-212-0050

**DRESSER.** 9 drawers, medium brown wood, 70"Lx18.5"Dx31"H. \$50. 413-443-7688.

**FAUX SUEDE COUCH.** Solid wood frame. 76" L x 34 1/2" H x 25"D. Pick up @ door. \$50. Cash. 413-216-0279

**FREE: GULBRANSEN ELEC organ** w/bench. Perfect cond. Easy access out door, you move. Free: Antique Singer Sewing Machine, fair cond. Easy access to move. Free: Roofing Slate, all crated & ready to move. Text: 413-281-4353.

**GOLF CLUBS & BAGS** Left and right handed clubs for Kids/Mens/Womens. Prices negotiable. 413-499-0785. Leave a message.

**Gift Shop Associates**  
**Shrine of Divine Mercy Gift Shop**

The National Shrine of Divine Mercy Gift Shop in Stockbridge, MA is looking to fill several weekend, part-time sales associate positions. We are seeking candidates with strong interpersonal skills, basic computer skills, and ability to work weekends. Prior retail experience preferred yet not necessary. Duties include greeting pilgrims, stocking merchandise, running a register, and bagging. The abilities to lift, bend and occasionally use a ladder are required.

**Hours:** As needed during the Gift Shop's normal operating hours of 9:30 a.m. to 4:30 p.m. on Saturday and/or Sunday with room to grow for the right candidate!

**Qualified candidates please submit resume with cover letter to:**

Marian Service Corporation  
Human Resources Office  
P.O. Box 951  
Stockbridge, MA 01262

Or email to [humanresources@marian.org](mailto:humanresources@marian.org)  
Visit [Marian.org](http://Marian.org)



**PITTSFIELD COOPERATIVE BANK**

**Business Development and Cash Management Officer**

Join an award-winning commercial lending team!

Pittsfield Co-op seeks an experienced business development and cash management officer.

The right candidate will have 3-5 years of experience cultivating relationships with commercial customers across cash management services, deposits, real estate and non-real estate loans. Additionally, they should be technologically sophisticated and have a bachelor's degree in business or finance from an accredited college.

Go to [pittsfieldcoop.com/career-opportunities](http://pittsfieldcoop.com/career-opportunities) for complete job description and to apply.

Incorporated in 1889, Pittsfield Cooperative Bank has been proudly providing customer-focused banking and lending services for the Berkshire community for over 130 years. As an independent, full-service community bank, we have a deep history helping residents, regional businesses, the cultural arts and not-for-profit organizations. Pittsfield Co-op was named one of the 50 Fastest Growing Commercial Lenders in Massachusetts and the first of all banks headquartered in the Berkshires by Banker & Tradesman in 2022.



Equal Opportunity Employer / Affirmative Action



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Public Notices

L-05-004, Meadow Street over the Powder Mill Brook. The project will not significantly change the existing geometric layout of the roadway. However, the horizontal alignment will be slightly adjusted to improve the existing irregular roadway layout at the bridge and the vertical profile will be raised to accommodate the proposed bridge structure.

A secure right-of-way is necessary for this project. Acquisitions in fee and permanent or temporary easements may be required. The town is responsible for acquiring all needed rights in private or public lands. MassDOT's policy concerning land acquisitions will be presented in the hearing.

Project inquiries, written statements and other exhibits regarding the proposed undertaking may be submitted to Carrie E. Lavallee, P.E., Chief Engineer, via e-mail to m a s s d o t m a j o r p r o j e c t s @ d o t . s t a t e . m a . u s or via US Mail to Suite 7210, 10 Park Plaza, Boston, MA 02116.

This hearing is accessible to people with disabilities. MassDOT provides reasonable accommodations and/or language assistance free of charge upon request (e.g. interpreters in American Sign Language and languages other than English, live captioning, videos, assistive listening devices and alternate material formats), as available.

(MassDOT.CivilRights@dot.state.ma.us). Requests should be made as soon as possible and prior to the hearing, and for more difficult to arrange services including sign-language, CART or language translation or interpretation, requests should be made at least ten business days before the hearing.

This hearing will be hosted, or a cancellation announcement posted, on the internet at https://www.mass.gov/orgs/highway-division/events.

JONATHAN GULLIVER  
HIGHWAY ADMINISTRATOR  
CARRIE E. LAVALLEE, P.E.  
CHIEF ENGINEER

AD# 77852  
08/23/2023, 08/30/2023

Town of Lenox  
Zoning Board of Appeals  
6 Walker Street, Lenox, MA 01240  
Notice of Public Hearing  
Notice is hereby given that on September 6, 2023, at 7:00 p.m., the Lenox Zoning Board of Appeals will hear the petition of Canyon Ranch (165 Kemble Street/Map 7, Parcel 43) to modify an existing Special Permit under Section 8.10 and 8.2 of the Zoning Bylaw, and for a Variance from Section 8.2 and 8.10 of the Zoning Bylaw to permit the following:

To include property owned by the petitioner at 197 Kemble Street (Map 3, Parcel 47) and 215 Kemble Street (Map 3, Parcel 48) to the Estate Preservation Area and resort area as described in prior zoning decisions.  
To allow relief from the required 200-foot resort buffer of section 8.2.1(2) and Section 8.10.8(2) to allow for the inclusion of resort use for the properties at 197 Kemble Street and 215 Kemble Street into the Canyon Ranch Resort.  
A copy of the petition may be reviewed in the Clerk's Office during normal business hours and is also available on the Zoning Board of Appeals webpage. An agenda with Zoom information will be available at least forty-eight hours in advance of the hearing. Comments regarding this application may be submitted in advance to landuse@townoflenox.com or to the ZBA at 6 Walker Street, Lenox, MA 01240.

AD# 78285  
08/23/2023, 08/30/2023

Town of Lenox  
Zoning Board of Appeals  
6 Walker Street, Lenox, MA 01240  
Notice of Public Hearing  
Notice is hereby given that on September 6, 2023, at 7:00 p.m., the Lenox Zoning Board of Appeals will hear the petition of Canyon Ranch to modify an existing Special Permit under Section 8.10.8 in order to convert the Gatehouse into a dwelling for staff housing. It is currently used for administrative offices. The property is within the R-1A zoning district, located at 165 Kemble Street (Map 3, Parcel 43 in the Assessors' records). A copy of the petition may be reviewed in the Clerk's Office during normal business hours and is also available on the Zoning Board of Appeals webpage. An agenda with Zoom information will be available at least forty-eight hours in advance of the hearing. Comments regarding this application may be submitted in advance to landuse@townoflenox.com or to the ZBA at 6 Walker Street, Lenox, MA 01240.

AD# 78284  
08/23/2023, 08/30/2023

TOWN OF OTIS  
LEGAL NOTICE

REQUEST FOR QUALIFICATIONS for PROFESSIONAL DESIGNER SERVICES FOR MUNICIPAL ANNEX BUILDING

Issue Date: Aug 01, 2023  
Submission Deadline: Tue Sep 12, 2023 at 2:00 p.m.  
Introduction Pursuant to the provisions of the Commonwealth's "Designer Selection Law" MGL c. 7C §§ 44-57, the Town of Otis, through the office of the Town Administrator, is requesting qualifications proposals from

Public Notices

qualified professional architectural consulting firms to provide designer services for designing a municipal annex to Town Hall at 7 North Main Road. The Town has a budget of \$100,000 for the effort identified in the RFQ. Interested parties can acquire the Scope of Work by emailing townadmin@townofotisma.com.

AD# 77704  
08/16/2023, 08/23/2023

TOWN OF SHEFFIELD  
INVITATION FOR BIDS

The Town of Sheffield is seeking bids for sidewalk renovation in the Village Green. Bid prices shall include all labor, equipment, and material for a complete project.

All work is to be completed no later than December 1, 2023. Bid Documents and Specifications are available from the Select Board's office (413-229-7000, Ext. 152), Monday, Tuesday, Thursday and Friday from 9:00 AM to 4:00 PM, or by emailing jhughes@sheffieldma.gov.

Bids in sealed, opaque envelopes shall be marked "SIDEWALK RENOVATION" and delivered to the Town Administrator's Office, 21 Depot Square, Sheffield, MA 01257 by September 11, 2023 at 2:00 PM, at which time all bids will be publicly opened and read aloud.

Each general bid shall be accompanied by a security or bond in the amount of 5% (percent) of the bid price. The successful bidder must furnish a 100% performance bond and 100% payment bond. Wage rates are subject to the minimum wage rate as per M.G.L. Chapter 149 Section 26 to 27F, inclusive. No bidder may withdraw their bid for a period of thirty days, excluding Saturdays, Sundays and Holidays, after the actual date of opening of the bids.

The Town of Sheffield reserves the right to reject any and all bids, to waive minor informalities or irregularities in any bid, and to make an award in any manner consistent with the law and deemed to be in the best interests of the Town.

Rhonda LaBombard  
Town Administrator

AD# 78246  
08/23/2023

TOWN OF GREAT BARRINGTON  
PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, September 11, 2023 at 6:00 pm, at Town Hall, 334 Main Street, 2nd floor, Great Barrington, MA 01230, to act on the Special Permit application from Special Permit application from Michelle Maki, dba Midori's Garden LLC, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an Industrial zone at 920 Main Street, Great Barrington. Parties may also attend the hearing via Zoom; the Zoom information will be on the agenda and posted on the Town website calendar at least 48 hours before the meeting. The application may be viewed in Town Clerk's office; or, request an electronic copy via email to crembold@townofgb.org.

Stephen Bannon, Chair  
AD# 78011  
08/16/2023, 08/23/2023

TOWN OF WASHINGTON  
INVITATION TO BID  
HIGHWAY VEHICLE

The Town of Washington, acting through its Highway Department, invites sealed bids for a one ton, 4x4 dual chassis, 144.5 wheel base, heavy duty snow plow prep, dual alternators, diesel engine that is readily available.

Questions can be submitted by email request to: washingtondpw@gmail.com.

Sealed bids are due at The Town of Washington Town Hall, 8 Summit Hill Road, Washington MA 01223 by 7:30 PM on September 11, 2023, at which time they will be publicly opened and read aloud.

The Town of Washington reserves the right to accept or reject any and all bids, in whole or in part, to waive any informality in the bids received, and to accept the bid deemed to be most favorable to the best interest of the Town. Minority and woman-owned businesses are encouraged to submit bids. All bids will receive consideration without regard to race, color, religion, national origin, sex, age, sexual orientation, or disability. The Town of Washington is an Affirmative Action/Equal Opportunity Employer. The bidder agrees that its bid shall be good and not withdrawn for a period of thirty (30) days, Saturdays, Sundays, and legal holidays excluded, after the date of opening the bids.

Tom Johnson  
Washington Highway  
Superintendent  
Washington, MA 01223  
AD#78299  
08/23/2023

Found

FOUND 8/14. Personalized jewelry item at Donnybrook Country Club. To claim call 43-499-7888.

Apartment Rentals

ALL RENTALS  
www.rhbc.com  
by the  
Rental Housing Association  
of  
Berkshire County

Tag Sales

NORTHAMPTON:  
249 CRESCENT ST  
THE ESTATE SALE OF ELEANOR WAKIN, PASSIONATE COLLECTOR OF ARTWORK, ANTIQUES & FINE THINGS:  
FRI AUG 25, SAT AUG 26,  
SUN AUG 27 9AM-3 PM EACH DAY

Antiques, Vintage Woven Wire Loveseat & 2 Chairs, Scottish Tall Clock, Mantle Clocks, Inlaid Dining Table, Movie theater seats, Oak Hallsate, Chairs, Stands, Lighting, Quantity of hand done Oriental rugs, some Antique, Large quantity of quality Books, Photographs, Many Oil & W/C paintings, listed artists & local, Art Pottery, Roseville, Crocks, Furniture, Trunks, China & Glass, Sets of Dishes, Stewware, Quality Cookware, Prints, Mirrors, Frames, Household, Art supplies, brushes, oils, stains, w/c's, canvas & MUCH MORE!

Numbers will be issued at 7AM Friday

Sena's Auction Service  
Tel: 413-238-5813 MA Lic# 883  
SEE WESTERN MASS CRAIGSLIST!  
RAIN OR SHINE!!

TAG SALE - Saturday, 8/26, 9am - 1pm.  
45 Buxton Hill Rd, Williamstown.  
Great selection of furniture, household items and tools.

\$100 and Under

10FT TALL MAPLE TREE. \$100. 413-329-6970

50 FT 5 SOCKET WORK LIGHT CORD, new, \$50. 413-329-6970

AMERILUCK BATH/shower Suction Grab Bar 16.5in model 1290013. New \$10. 413-822-8803

BABY CRIB color white, mattress and bumper pads. \$75. Call 413-822-5949.

BARBIE DOLLS. 20 count, \$5 each. Get your pick 5 dolls for \$25 cash only. 413-441-4653

BARBIE ICE SKATERS. Original Boxes. \$50 and under. (413) 499-7780.

BELL BIKE RACK for 3 up to 3 bikes. This bike rack is for cars and mounts to the trunk of the vehicle. Used this bike rack for one season and then stored it in the basement. This bike rack has 4 clips on it to mount it to the trunk of any vehicle. There are no rips or tears in the straps and the bike rack is in excellent shape. Asking \$ 50 or best reasonable offer. Call (413) 446-3627 and leave a message.

BUG KILLER. Electronic, large, 2 bulbs, approx. 16" x 24 high. Cost over \$200, asking \$100 cash only. 413-441-4653

CANNON CANO COLOR Scanner 8800F, new in box \$50. 413-822-8803

CEILING FAN, \$75. Call 413-441-2023.

CENTRAL PNEUMATIC AIR COMPRESSOR. 2 twin tanks, \$50. 413-358-3884

CERAMIC JUGS \$10 and up. Call 413-441-2023.

CHILDREN'S KITCHEN stove & refrigerator set. \$30. Call 413-822-5949.

\$100 and Under

COMFORTERS, brand new, \$20. More items. Call 413-441-2023.

CORDLESS CIRCULAR SAW 7.25", like new, \$50. 413-329-6970

COUCH. Beige, 3-person w/fold out bed. \$50. 413-329-3803

DOG KENNEL. 6' x 12' x 12'. Free. You disassemble and take away. Free. 413-212-9483

DOG KENNEL: FREE. 6'X12'X12' Free. You disassemble and take away. 413-212-9483.

\$100 and Under

DOUBLE WHEEL BENCH GRINDER. Electric, 6", runs good. \$40 cash. 413-441-4653

DRESSER. 9 drawers, medium brown wood, 70"Lx18.5"Dx31"H. \$50. 413-443-7688.

DRILL PRESS. Floor model, 4 speed, good shape. \$75. Cash only. 413-441-4653

DRIVE TRANSPORT WHEELCHAIR. Steel 17" seat width x 16" d, 250 lbs capacity. Still in box unopened. \$75. 413-822-1812

\$100 and Under

ELECTRIC HOIST. 1/4T/with pendant & chain bag. CM Shopstar. \$100. 413-441-8185

FOLDING FENCE Black 18in x 8ft. 10 pkg \$1 per pkg. 413-822-8803.

FREE: GULBRANSEN ELEC organ w/bench. Perfect cond. Easy access out door, you move. Free: Antique Singer Sewing Machine, fair cond. Easy access to move. Free: Roofing Slate, all crated & ready to move. Text: 413-281-4353.



PLACE YOUR CLASSIFIED ADS 24/7!!!  
VISIT OUR SELF-SERVE PORTAL  
SCAN OUR QR CODE OR VISIT: BERKSHIREEAGLE.COM/MYAD

IMPORTANT: If pasting from any other source, use the Paste icon (red border) and select Paste Text from the drop-down selections.

Need to place an ad but our office is closed? MyAd allows you to place your classified ad anytime/anywhere

- MERCHANDISE ANNOUNCEMENTS
- \$100 AND UNDER AUTOMOTIVE
- MERCHANDISE ADS are PETS & SUPPLIES
- FREE, ads run 14 days, up to 8 ads per month REAL ESTATE
- PUBLIC NOTICES



413-496-6365  
Mon.-Fri. 8a.m.-5p.m.

The Berkshire Eagle  
classifieds@newenglandnewspapers.com

Primetime

Table with columns for time slots (7 PM, 7:30, 8 PM, 8:30, 9 PM, 9:30, 10 PM, 10:30, 11 PM, 11:30) and rows for various TV channels (WBZ, WSHM, WRGB, WCVB, WTEN, WNYT, WWLP, WGBY, WCWN, WMHT, WPIX, WNYA, WXXA, A&E, AMC, BET, BRAVO, CNBC, CNN, COMC, CSNNE, DISC, DISN, ESPN, ESPN2, FNC, FREE, FX, HBO, HIST, LIFE, MAX, MSNBC, NESN, NICK, POP, PRMT, SHOW, SYFY, TCM, TBS, TLC, TMC, TNT, USA) listing their respective programs.



Selectboard Meeting Packet for September 11, 2023  
Item 7. a. Selectboard vote to appoint memeber to the Historical Commission

**From:** [Abby Schroeder](#)  
**To:** [Amy Pulver](#)  
**Cc:** [Malcolm Fick](#); [Jennifer Messina](#); [Mark Pruhenski](#)  
**Subject:** Re: Appointment to Historical Commission  
**Date:** Friday, August 18, 2023 12:30:24 PM  
**Attachments:** [image004.png](#)

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**\*\*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\*\*\***

I am very much interested in serving on the Historical Commission. Thank you for your consideration.

Abby Schroeder

Selectboard Meeting Packet for September 11, 2023  
Item 7. a. Selectboard vote to appoint memeber to the Historical Commission

**From:** [Malcolm Fick](#)  
**To:** [Jennifer Messina](#)  
**Cc:** [Amy Pulver](#); [Mark Pruhenski](#); [Abby Schroeder](#)  
**Subject:** Re: Appointment to Historical Commission  
**Date:** Friday, August 18, 2023 8:15:57 AM

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**\*\*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 Jennifer. I endorse Abby for membership in the Historical Commission. Mark and Amy, can you please forward this request to the Selectboard?

Malcolm

**EXECUTIVE SUMMARY**  
**(REVISED 8-17-23 and 9-7-23)**

**TITLE:** Housatonic Water Works – Financial Relief for Housatonic Residents

**BACKGROUND:** The Housatonic Water Works Co. (HWW) is a privately owned utility, regulated by the Massachusetts Department of Public Utilities (DPU) and the Massachusetts Department of Environmental Protection (DEP). HWW serves roughly 1,400 residential and commercial customers through 849 service connections in the Village of Housatonic and portions of Stockbridge and West Stockbridge.

Thanks to the efforts of Representative Pignatelli and Senator Hinds, Great Barrington will receive a total of \$250,000 in relief funding that Chapter 268 of the Acts of 2022 included. In December of 2022, we submitted an application to DEP requesting a transfer of that funding and expect it to become available very soon.

While we await the arrival of this funding, the Selectboard should discuss how it would like to proceed with providing relief to HWW customers.

Staff considered a few options including providing 5-gallon water jugs to residents during the most challenging summer weeks/months when manganese levels tend to spike, purchasing and providing a water filling station for residents, and providing small grants to property owners for the installation of water filtration systems.

**RECOMMENDATION:** As a result of recent Selectboard discussions that included consideration of reimbursements for bottled water and laundry related expenses in addition to filtration devices, I recommend the following approach be considered:

Offer reimbursements of up to \$300 per Housatonic household for all documented costs related to the purchase of bottled water, laundry related expenses, and the purchase and/or installation of water filtration products (retroactive to January 1, 2018). This would allow us to provide funding to roughly 830 Housatonic households.

It's unclear how many households are directly impacted and how many will apply for reimbursements, so if after 6 months from program launch, funding remains available, the Selectboard should re-visit this discussion and consider providing additional funding to approved applicants.

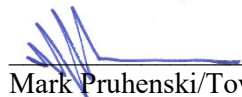
The program should remain in place until the funds are exhausted.

Applications would be reviewed by a small team of volunteers participating in the senior property tax abatement program.

**FISCAL IMPACT:** None. Funding was provided by the State of Massachusetts. Costs to local taxpayers are limited to staff time spent managing the program.

**PREPARED AND APPROVED BY:**

**DATE:**

  
\_\_\_\_\_  
Mark Pruhenski/Town Manager

9/7/2023



**INTERMUNICIPAL AGREEMENT FOR SHARED INSPECTIONAL AND  
ZONING ENFORCEMENT SERVICES  
AMONG THE TOWNS OF GREAT BARRINGTON, LEE, LENOX, AND  
STOCKBRIDGE, MASSACHUSETTS**

**Article 1. Purpose**

This Agreement is entered into pursuant to Massachusetts General Laws Chapter 40, Section 4A, by the Town of Great Barrington, a Massachusetts municipal corporation with a principal office at 334 Main Street, Great Barrington, MA 01230, and the Towns of Lee, Lenox, and Stockbridge, each Massachusetts municipal corporations with their respective principal offices at 32 Main Street, Lee, MA 01238; 6 Walker Street, Lenox, MA 01240; 50 Main Street, PO Box 417, Stockbridge, MA 01262 (each, a “Town” and collectively, the “Towns”), as authorized by a vote of the Select Board of each Town, to enable the Towns to join together to establish and administer a program of shared inspectional and enforcement services to meet the general needs of each Town and fulfill their requirements to the Commonwealth. Specifically, the Towns intend to share the services of one qualified person who will serve as a Building Commissioner as well as one or more local inspectors who shall collectively serve as staff for the Four Town Municipal Inspections Department (“Department”).

**Article 2. Term**

This Agreement shall take effect on the first day of October 2023, for a term running through June 30, 2026. The term may be extended for additional periods of such length as the Towns shall agree, acting through their respective Select Boards. Each Town shall give all Towns written notice of whether it wishes to extend the initial term at least ninety (90) days prior to the date of the expiration of the term, unless another notice date is mutually agreed upon by the parties in writing. A Town may withdraw from this Agreement by providing written notice to each other Town by January 1 prior to the end of the term, such termination to be effective as of 11:59 on the next following June 30th. A withdrawing Town shall remain responsible for any financial obligation incurred prior to June 30<sup>th</sup>.

**Article 3. Lead Town and Procedures**

The Town of Great Barrington shall act as "Lead Town" for the Towns, by employing a Building Commissioner (“Commissioner”) and one or more local inspectors. All four Towns shall provide adequate office space, equipment, physical resources, and coordination for the performance of inspectional services and zoning enforcement, as determined by the Commissioner with the unanimous concurrence of the town managers/administrators in the four Towns. The costs shall be included in the annual

assessment and allocated in accordance with Article 5. Staff in the Department shall be considered employees of the Town of Great Barrington and be accorded all applicable benefits enjoyed by other Great Barrington employees as they are or shall be established. Department staff shall be hired by Great Barrington, based upon procedures promulgated and unanimously agreed to by each of the Town's managers/administrators.

It is acknowledged and understood that the Department's base of operations will be in Great Barrington, but that the Commissioner will be available to each other Town both by virtual/remote platform connection and in-person when needed. Furthermore, it is acknowledged and understood that existing office space exists in Lee, Lenox, and Stockbridge that shall provide staff and public services substantially equivalent to expectations in existence prior to the commencement of this agreement. For that purpose, each Town shall provide such office space, physical resources, and administrative assistance as is/are necessary for the Commissioner and his/her staff to perform the services and duties of the Department. If a Town withdraws from the Agreement, resources shall be adjusted accordingly, subject to agreement of the remaining Towns, as per Article 2.

#### **Article 4. Shared Inspectional Services**

The shared inspectional services department shall provide such services as are necessary and/or appropriate to meet the state and local requirements of each of the Towns as they relate to building, zoning, and related matters of code enforcement. To that end, the Commissioner and inspectors will have enforcement jurisdiction in each Town concerning any applicable General Laws, building code, and general/zoning by-laws as may from time to time be in effect. Any hearings resulting from the actions of the Commissioner and/or inspectors shall be held by the Select Board or other appropriate authority in the community in which the action originated notwithstanding action by the Commonwealth. Similarly, any proceeds from enforcement action – such as fines or court-imposed fines or their penalties will be paid to the community in which the enforcement action took place. Any costs, such as legal fees will be paid by the community in which the enforcement action took place. Should complaints be received concerning the action of the Building Inspector/Zoning Enforcement Officer, the Town manager/administrator from the community in which the action took place will attempt to resolve the matter.

#### **Article 5. Funding Contributions**

The Towns agree to share the annual costs of all costs including, but not limited to, salary, group health insurance, workers' compensation insurance, life insurance, vacation, sick time, professional development, post-employment liability, and all other applicable benefits of a Great Barrington employee. The percentage cost allocation shall be based on each Town's percentage of permits issued in the most recent

fiscal year for which data is available, which for the remainder of the current fiscal year (FY24) shall be allocated as follows:

Great Barrington – 32%  
Lee – 24%  
Lenox – 26%  
Stockbridge – 18%

Great Barrington shall notify each Town, no later than February 1<sup>st</sup> of each year, the total annual assessment required by each Town, to allow an annual town meeting warrant for the costs of the commissioner for the next fiscal year. Great Barrington shall issue an invoice to each Town for its cost share for the upcoming fiscal year. The invoice shall include a breakdown of the annual costs of the commissioner in sufficient detail to allow the other Towns to know the cost categories and amounts for each category.

Lee, Lenox, and Stockbridge shall pay their respective cost shares to Great Barrington in four equal installments on or before July 15<sup>th</sup>, October 1<sup>st</sup>, January 1<sup>st</sup>, and April 1<sup>st</sup> of the applicable fiscal year. By written agreement, the Towns may amend or change the amount and manner of paying the funding contributions. Great Barrington shall keep accurate records of the annual costs of the Department and the payments, reimbursements and contributions received on account thereof, which shall be available to the other Towns.

If a Town withdraws from the Agreement and the term of the Agreement continues, the funding contribution percentages of the remaining Towns shall be adjusted to reflect each remaining Town's relative share of the annual costs of the Department, subject to Article 2.

#### **Article 6. Performance Evaluation**

On an annual basis, the Commissioner shall be appraised by each Town manager/administrator, the results of which should be provided to each of the four Towns. A copy will also be included in the Commissioner's personnel file (in Great Barrington).

#### **Article. 7 Liability, Indemnification**

Pursuant to G.L. c. 40, §4A, and subject to the provisions of this Article, each Town shall be liable for the acts and omissions of its own employees and not for the employees of any other Town or agency in the performance of this Agreement to the extent provided by the Massachusetts Tort Claims Act, G.L. c. 258. In the event that any claims, demands, suits, causes of action, costs, or expenses arise with respect to the Department's activities pursuant to the Agreement, and to the extent provided by said Chapter 258 and other applicable law, each Town agrees to indemnify, defend and hold harmless the other Towns from and against any such claims, demands, suits, causes of action, costs, and

expenses, including reasonable attorney's fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the Town from whom indemnification is sought, or its agents, servants or employees. By entering into this Agreement, no Town has waived any governmental immunity or limitations of damages which may be extended to it by operation of law. This Agreement is by and between the Towns which have executed it and each Town confirms that it is intended for their mutual benefit alone and is not intended to confer any express or implied benefits on any other person. This Agreement is not intended to confer third-party beneficiary status on any person.

#### **Article 8. Miscellaneous Provisions**

- a. Amendments: This Agreement may be amended only by vote of the Select Boards of all the Towns, and any such amendment must be in writing and signed by each Select Board (or Town Manager/Administrator acting on behalf of a Board).
- b. Entire Understanding: This Agreement represents the entire understanding of the Towns with respect to its subject matter.
- c. Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.
- d. Dispute Resolution: Any disputes arising under this Agreement shall be resolved through the following manner: Select Boards of each Town, shall appoint an authorized representative, within 30 business days of such written notice, to attempt to negotiate a resolution, and shall notify each other of such appointee and the date of appointment. If a resolution is not achieved within thirty (30) days of the last-appointed representative, the Towns may, by mutual agreement, submit the matter to mediation or such other non-judicial dispute resolution process to which they agree. If costs are involved, they shall be shared proportionally according to cost shares stated in Article 5. In the absence of a mediated or upon failure of a resolution sixty (60) days after the commencement of such a process, any Town may seek relief in a court of competent jurisdiction. If a Town elects to seek such relief, that Town shall bear all such costs.
- e. Binding Effect: The terms and provisions of this Agreement shall be binding on and ensure to the benefit of and be enforceable by the respective parties hereto, their successors and assigns.
- f. Maximum Financial Liability: The maximum extent of each Town's financial liability in connection with this Agreement shall not exceed the amount validly appropriated annually by each Town for said purpose.
- g. Cooperation: The Towns agree to fully cooperate and provide all reasonable assistance to each other in the implementation of this Agreement and performance of each Party's obligations hereunder, and to exercise all reasonable efforts to amicably resolve any disputes that may arise under this Agreement.

- h. Notice: Any notice required to be given hereunder shall be by hand delivery; USPS certified mail return receipt requested; or recognized overnight courier service, and addressed to the applicable Town at the address stated above. Notice by mail shall be deemed effective three (3) days after deposit with the Postal Service.
- i. Severability: If any provision of this Agreement is declared by a court of competent jurisdiction to be illegal, unenforceable, or void, then the Towns shall be relieved of all obligations under that provision provided, however, that if the remainder of the Agreement remains sufficient to accomplish the purposes of the Agreement as provided for herein, it shall be enforced to the fullest extent permitted by law.

**IN WITNESS WHEREOF, this Agreement is signed by each Town by its duly-authorized representative as of the date indicated by its signature,**

Town of Great Barrington

Town of Lee

By:

By:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

Title:

Title:

Town of Lenox

Town of Stockbridge

By:

By:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

Title:

Title:

## Selectboard's 2024 Regular Meeting Schedule

*As of 9/8/2023*

January 8	Second Monday
January 22	Fourth Monday
February 12	Second Monday
February 26	Fourth Monday
March 11	Second Monday
March 25	Fourth Monday
April 8	Second Monday
April 29	Fourth Monday
May 6	Annual Town Meeting
May 9	Possible Continuation of Town Meeting
May 15	Second Wednesday ( <i>Reorganization</i> )
May 20	Third Monday
June 3	First Monday
June 24	Fourth Monday
July 8	Second Monday
July 22	Fourth Monday
August 12	Second Monday
August 26	Fourth Monday
September 9	Second Monday
September 23	Third Monday
October 7	First Monday
October 21	Third Monday
November 4	First Monday
November 18	Third Monday
December 2	First Monday
December 16	Third Monday