

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 x2
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Regular Meeting

Order of Agenda for Monday, April 26, 2021, at 6:00 PM, Via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89122297110?pwd=dk1DOWkvZDJjdEJyaE9RNEVFNTNTQT09>

Webinar ID: 891 2229 7110

Passcode: 882244

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 March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Great Barrington Selectboard will be conducted 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 who wish to listen to the meeting may do so by following the instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

*****ALL VOTES ARE ROLL CALL*****

1. CALL TO ORDER SELECTBOARD REGUALR MEETING
2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
3. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Elderly Tax Deferral PILOT Program Update
 - c. Library Updates
 - d. Public Works–Spring/Summer Project Updates
4. LICENSES AND PERMITS
 - a. Spring Real Estate and Outdoor Coin-Operated License Renewals
 - i. Coin Operated Soft Drink
 1. Bard College at Simon's Rock
 2. Berkshire South Regional Community Center
 3. Cove Bowling and Entertainment
 4. Fairview Hospital
 - ii. Real Estate Sign Licenses
 1. Cohen & White Associates LLC
 2. Barnbrook Realty
 3. Berkshire Property Agents
 4. Great Barrington Owner, LLC
 5. Helen Mullany Real Estate, LLC

6. Lance Vermeulen Real Estate
7. MacCaro Real Estate
8. Roberts & Associates Realty
9. Stone House Properties
10. Wheeler & Taylor Realty
11. William Pitt Sotheby's Real Estate
12. Fairground Real Estate
13. Alden Country Real Estate Services

- b. Karen Beckwith of the Great Barrington Fish and Game Club 338 Long Pond Road, for a temporary One Day Beer & Wine License for their Father's Day Lobster and Clam Shoots on Sunday, June 20, 2021 from Noon to 6:00 PM
 - c. Great Barrington Art Market, c/o Molly de St Andre and Kristen Kanter, Managers and the Great Barrington Farmer's Market, for permission to close Church Street between Main Street and School Street, on Saturdays from 7:00 AM to 3:00 PM beginning May 8 to October 30, 2021
 - d. Nicholas Hall of Green Minded Events for a Temporary Entertainment License for Saturday, July 10, 2021 from 12:00 PM to 8:00 PM at the Great Barrington Fair Grounds, 659 Main Street
 - e. Andy Moro for the American Legion Murphy-Leary, Post 298 for permission to hand out Poppies for donations in Great Barrington and the Village of Housatonic during the month of May
 - f. Andy Moro for the Murphy-Leary American Legion Post 298 for permission to hold a Boot Drive between Gas House Lane and JB Hull Oil on Saturday May 22, 2021 with a rain date of Saturday May 29, 2021.
 - g. Bill Cooke & Deb Phillips for a driveway permit at 26 Dresser Ave.
5. PUBLIC HEARINGS
- a. DepartWine MA Retail LLC for a Wine and Malt Package Store License at 28 Railroad Street (Continued from the meeting on April 12 2021.) Discussion/Vote
 - b. The Coffee Bar LLC for an All Alcoholic Restaurant License at 34 Railroad Street (Continued from the meeting on April 12, 2021.) Discussion/Vote
6. NEW BUSINESS
- a. Convene as Sewer Commissioners--Sewer Abatements for July 1, 2020 to December 31, 2020.
 - b. Strategic Sustainability and Livability Committee (Appointment and Committee Size)
 - c. Cultural Council appointment--3 Members
 - d. Proposed Changes to the Selectboard Meeting Schedule for May and June 2021
 - e. Review of Sidewalk Agreement extension with Mooncloud at 47 Railroad Street

- f. Review the draft Annual Town Meeting Warrant and make recommendations to the Annual Town Meeting on the proposed budgets for Berkshire Hills Regional School District and the Great Barrington Wastewater Treatment Plant.

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

- Proposed Meeting May 10, 2021
- Reorganization Meeting May 12, 2021
- Regular Meeting May 17, 2021
(Proposed to move this to May 24)
- 1st night of the Annual Town Meeting June 7, 2021
- 2nd night of the Annual Town Meeting June 10, 2021



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.

4.a.

Spring Real Estate and Outdoor Coin-Operated License Renewals

- i. Coin Operated Soft Drink
 1. Bard College at Simon's Rock
 2. Berkshire South Regional Community Center
 3. Cove Bowling and Entertainment
 4. Fairview Hospital
 5. Wind in the Pines

- ii. Real Estate Sign Licenses
 1. Cohen & White Associates LLC
 2. Barnbrook Realty
 3. Berkshire Property Agents
 4. Great Barrington Owner, LLC
 5. Helen Mullany Real Estate, LLC
 6. Lance Vermeulen Real Estate
 7. MacCaro Real Estate
 8. Roberts & Associates Realty
 9. Stone House Properties
 10. Wheeler & Taylor Realty
 11. William Pitt Sotheby's Real Estate
 12. Fairground Real Estate
 13. Alden Country Real Estate Services

4.b.

Fee: \$25.00 (per day) paid OK # 6728



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: Karen Beckwith

Organization Name: Gt. Barrington Fish + Game Club

Applicant's Address: 338 Long Pond Rd, Hoosatic, MA 01236

Telephone Number: 413-528-9556 OR Karen's cell 413-854-1023

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

Event: Father's Day Lobster + Clam Shrots

Date: June 30, 2021 Start Time: 12 Noon End Time: 6 pm

Event Address: Same as above

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.

Karen Beckwith
Signature of Applicant

Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

Karen.Beckwith@yahoo.com

April 26 Meeting

4.C

Dear Select Board and Town Manager,

The Great Barrington Art Market and the Great Barrington Farmers Market 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.

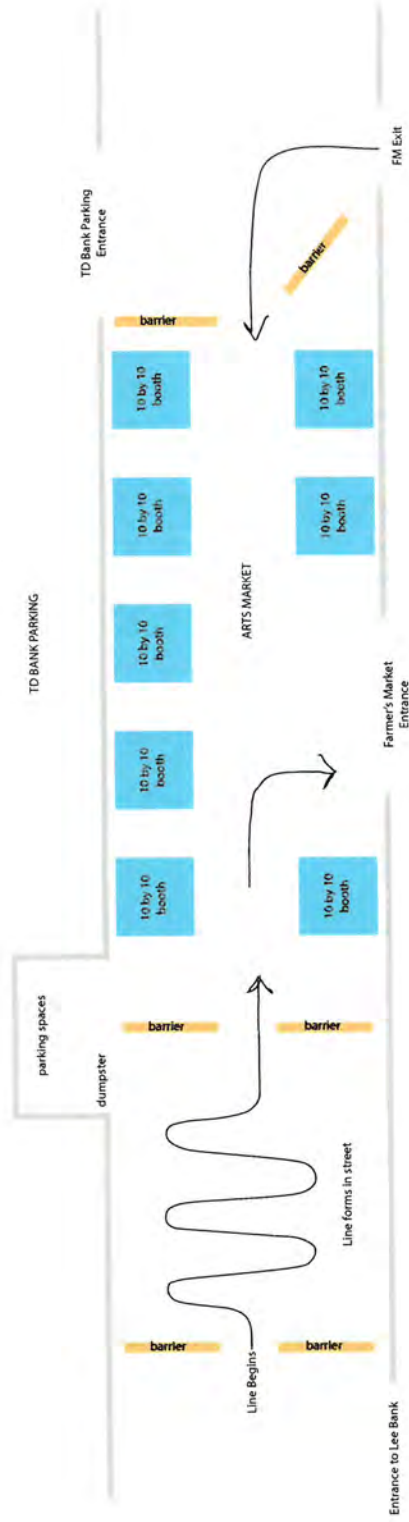
The Farmers Market manager spoke with DRT board and it was agreed the two coordinating markets could barricade the road east of the Lee Bank parking lot and west of the TD Bank parking lot to make room for the Arts Market to operate safely and to also safely allow customers to line up to enter both markets.

The Arts Market and 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.

The Arts Market season will run from May 8th - October 30th and the Farmers Market season will run from May 8th- November 13th. We greatly appreciate the continued support of the Town and look forward to hosting a safe and enjoyable market this season.

Sincerely,
Molly de St Andre & Kristen Kanter
Managers, Great Barrington Art Market

*DRT has reviewed the road closure and
has no issues. (CR) 4/20/21*



4-d.



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: Nicholas Hall

Business/Organization: Green mind events LLC

D/B/A (if applicable): _____

^{EVENT} Address: 684 S main St. Great Barrington, MA

Mailing Address: 7 Tea St ext. Charlemon t ma 01339

Phone Number: 413-475-2850

Email: dnick212@yahoo.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ

Live band with up to 6 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*: July 10 2021, Saturday
*Does not include SUNDAY

Start & End Times of Entertainment: 12:00 - 8:00 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.

D. J. [Signature] 3/1/21 _____
 Signature of Individual or Date SS# or FID#
 Corporate Officer

TOWN USE ONLY:

DRT Review with Conditions: _____

APPROVAL DATE: _____ LICENSE # _____

Road

Wet
lands

Entrance gate

Barlings

Building

Band
Lual
Lual
Lual

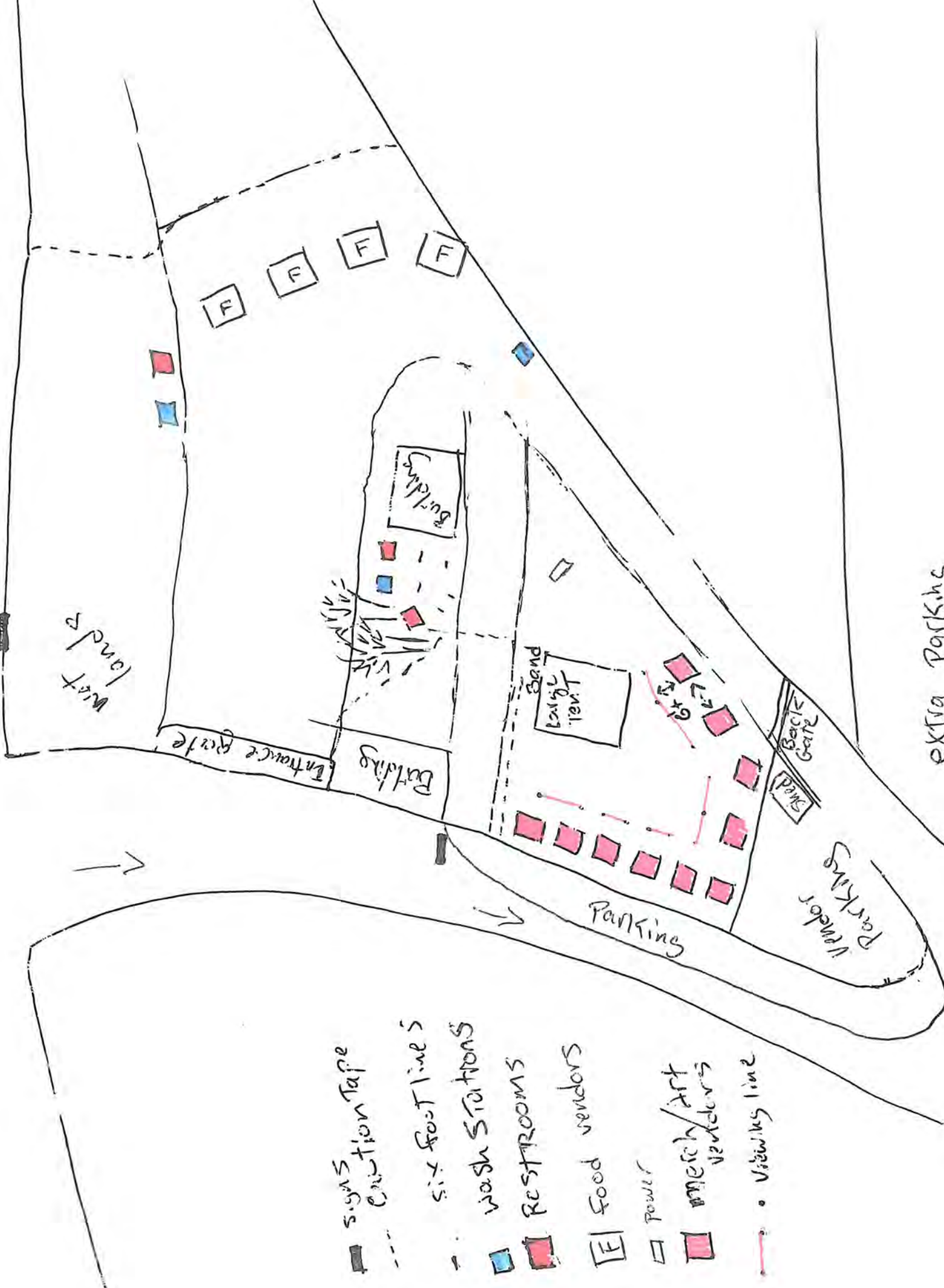
Parking

Back
Gate

Vendor
parking

extra parking

- sign
- - - caution tape
- - - six foot lines
- wash stations
- RESTROOMS
- [E] Food vendors
- Power
- merch/art vendors
- Viewing line





Bart Elsbach

to Me

Today, 3:47 PM



Hi Nick,

Sorry but my phone's been messed up.

Here's a letter of permission for town hall.

I, Bart Elsbach, hereby give permission for Nick Hall, as representative of Toasted Jam Events, to apply for permits for their July 10th 2021 event on site.

Show more



Reply



Reply all



More



Me Draft

Sent from Yahoo Mail on Android

[View message](#)

now



Delete



Archive



Move



Reply all



More

Chris Rembold

Subject: Green Mind Events, Sat. July 10, 2021

April 12, 2021

The above referenced event is proposed for July 10 event at the Fairgrounds. DRT staff has the following comments:

1. Event organizers are in touch with the Health Dept. regarding food permits, plans for potable water on site, and covid-related safety protocols.
2. Temporary event signs are allowed but must be permitted by the Building Dept.
3. Organizers should be aware that tents may require permitting through the Building Dept.
4. Any generators must be set up by licensed electricians and are subject to inspection by the Building Dept.
5. The Police Dept. requires two (2) detail officers, reserved in advance by the organizers with the Police Dept.
6. All dogs, if permitted by the organizers, must be on leash, and no pets are permitted to remain unattended inside cars.
7. No people or pets are allowed in the wetland areas, or in the grandstand or other hazardous buildings onsite.

Chris



Christopher Rembold, AICP

Assistant Town Manager
Director of Planning and
Community Development
413-528-1619 ext. 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.

4.e

**American Legion
Murphy – Leary, Post 298
Cone Avenue
Housatonic, Ma**

To: Select – Board and Town Manager

The Murphy – Leary Post 298 request permission to hand out Poppies for donations in Great Barrington and the Village of Housatonic during the month of May.

The American Legion adopted the Memorial Poppy in September 1920 in remembrance with the great lost of life during The Great War of 1914 – 1918. Money raised during the collection supports the welfare of local veterans.

I look forward to answering any concerns you may have.

Sincerely:

Andy Moro

Vice Commander

Post 298

413-770-3002

RECEIVED
TOWN OF GREAT BARRINGTON
APR 16 2021
SELECTBOARD &
TOWN MANAGER'S OFFICE

4.f.

**American Legion
Murphy – Leary Post 298
Cone Avenue
Housatonic, Ma**

April 12, 2021

To the: Select-Board and Town Manager

The Murphy – Leary Post 298 request permission to hold a Poppy Boot Drive on Main Street, Great Barrington. The boot drive will take place in the road between Gas House Lane and the entrance to JB Hull Oil Inc. Date requested Saturday May 22nd. Rain date May 29th.

hours 10 am – 2 pm.

The American Legion adopted the Memorial Poppy in September 1920 in remembrance with the great lost of life during The Great War of 1914 – 1918. Money raised during the collection supports the welfare of local veterans.

I look forward to attending your meeting to address any concerns you may have.

Sincerely:

Andy Moro

Vice Commander

Post 298

413-770-3002

CC. Chief Walsh, Superintendent VanDeusen

RECEIVED
TOWN OF GREAT BARRINGTON
APR 16 2021
SELECTBOARD &
TOWN MANAGER'S OFFICE

Selectboard

Fee \$50.00

Application for Access to a Public Way / Driveway Permit

Number _____

✓ Paid check # : 004017

INSTRUCTIONS

RETURN FIVE (5) COPIES OF THIS FORM AND ALL ACCOMPANYING PLANS, ALONG WITH THE \$50.00 FEE to the Department of Public Works office in Town Hall, 2nd Floor, 334 Main Street, Great Barrington, MA 01230. Plans must show the location of the driveway on the property and must also indicate all details needed in order to determine that driveway regulations are met, including paving material, width, grade, drainage, culverts, angle to street, etc. See Chapter 153 of the Town Code for driveway regulations.

Application Date 4-13-2021

Name of Applicant / Property Owner Bill Cooke, Deb Phillips

Mailing address 26 Dresser Ave Great Barrington MA 01230

Phone number 413-429-7988 e-mail: Dawn at -> kbwilk@hotmail.com

Location of proposed driveway / highway entrance 26 Dresser Ave

Contractor who will perform the work Keith Wilkinson Excavating & Son Inc.

Address & phone number of contractor 654 Campbell Falls Rd Southfield MA 01259

Proposed construction date 4-19-2021

Type of driveway (gravel, asphalt, etc.) Curb cut / driveway permit

Print Form

Submit five (5) copies of completed form and plans.

Applicant hereby agrees to notify the Great Barrington DPW Superintendent of the date and time of driveway construction at least 24 hours before construction is begun. Applicant further agrees to conform to all requirements of the Town of Great Barrington regulations governing access to public ways and to all conditions that may be placed on this permit. See Chapter 153 of the Town Code for regulations and design requirements.

Applicant's Signature: Keith Wilkinson

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be: () approved as submitted () approved with conditions attached () disapproved for reasons attached () resubmitted with changes suggested per attached

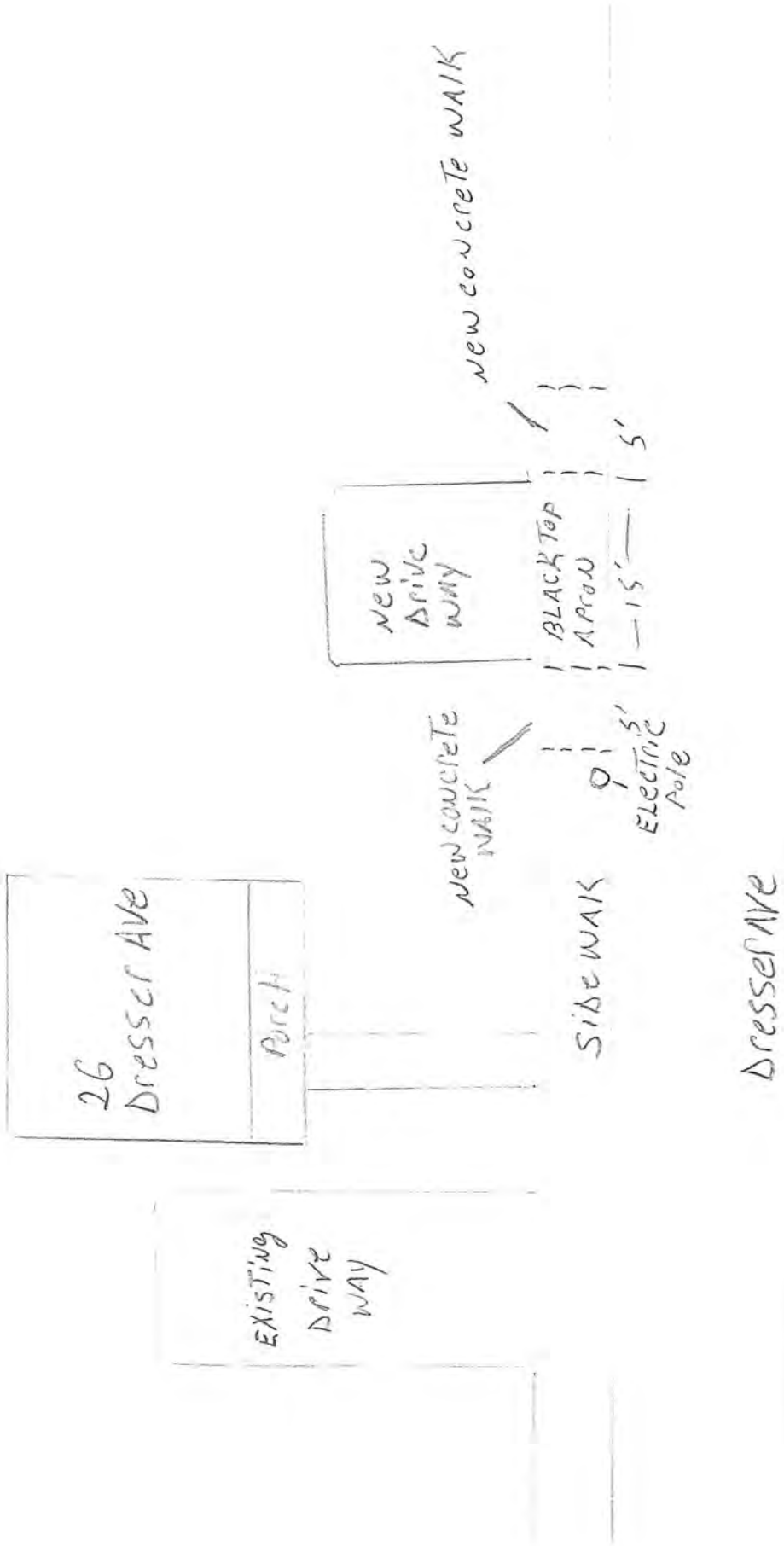
Staff Reviews Received:

Table with 4 columns: Received, Conditions Recommended, Other Permits Required. Rows: Conservation, Fire Chief, Planning.

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

Pursuant to its vote of _____ in favor and _____ opposed, at its meeting on _____, the Great Barrington Selectboard granted permission to construct or alter this access to a public way at the address and in the location indicated in this application, in accordance with the plans accompanying this application, and subject to any conditions attached.

For the Selectboard: _____ its _____ (signature) (title) (date)



John Malumphy
Highway-Facilities Superintendent

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



20 East Street
Great Barrington, MA 01230

Telephone: (413) 528-2500
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works
Highway Division

Conditions on Application for Access to Public Way

Applicant: Bill Cooke, Deb Phillips
Location: 26 dresser ave
From: John Malumphy Highway Superintendent/Sean VanDeusen, Public Works Director
Date: 4/15/21

1. The applicant shall construct the proposed access to conform to the following applicable criteria listed under **Section 153-14, Design requirements** of the Town of Great Barrington Code:
 - B. Driveway location as shown on the attached plan is acceptable, with regards to alignments with the way, profile, sight distance conditions and not located at the extreme edge of the property.
 - C. No more than two (2) driveways shall normally be allowed for any property, unless there is a clear necessity for more.
 - D. Driveways shall not normally be approved at intersections, because of potential safety hazards.
 - E. Culverts taking the place of roadside ditches shall have a diameter of not less than 15" (*A culvert is not required at this location*)
 - F. Entrance elevation at the point of entry into the public right-of-way shall be no more than the elevation of the shoulder of the road.
 - G. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.
 - H. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

- I. Driveway width. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
 - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property line.
 - K. Driveways should be located to the best advantage with respect to the alignment with the way, profile and sight distance conditions. In no instance shall a driveway intersect the way at less than a sixty degree angle. Unless there is no alternative, a driveway should not be located within a required side yard.
 - L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of ten percent (10%) above the road or street level until and unless the applicant submits plans to the Highway Superintendent showing that the driveway will be constructed in a such a way so as not to discharge water, stones or other materials onto any public street, road or highway.
2. Install a paved driveway apron in accordance with the following requirements:
 - A. Apron dimensions: Width = 22-feet maximum along the roadway which includes a 3-foot radius curb on each side. Length = 5-feet minimum from edge of roadway.
 - B. Place 3-inches of bituminous concrete on 12-inches of compacted gravel.
 - C. Place asphalt tack coat along the edge of the road where the apron meets the edge of the existing pavement.

The applicant agrees to notify the Highway Superintendent (528-2500) at least 48 hours prior to the installation of the paved apron.

3. Should there be, after completion of the driveway, discharges of water, stones, or silt onto the public way or onto property of any abutters or neighbors, the property owner shall take whatever steps are necessary to eliminate such discharges.
4. The applicant shall maintain the proposed access to conform to the following applicable condition listed under **Section 153-17, Continuing responsibility of owners**, of the Town of Great Barrington Code:

Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit.

Please note that when the old driveway is abandoned that new curbing will need to be added along the road edge.





Jackie Dawson

From: Great Barrington Conservation Commission
Sent: Friday, April 16, 2021 1:26 PM
To: Jackie Dawson; Chris Rembold; John Malumphy; Charles Burger
Subject: RE: Driveway Permit for 26 Dresser Avenue

No Conservation issues.

Shep



Shepley W. Evans

Conservation Agent
Animal Control Officer
Animal Inspector
413-528-1619 ex 122
conservation@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: Jackie Dawson <jdawson@Townofgb.org>
Sent: Thursday, April 15, 2021 11:10 AM
To: Chris Rembold <crembold@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>
Subject: Driveway Permit for 26 Dresser Avenue

Please see the attached documents for a driveway permit application. Comments are needed by Noon on Wednesday April 21, 2021.

Thank You!

Jackie



Jackie Dawson

Administrative Assistant

413-528-0867

jdawson@townofqb.org

Town of Great Barrington

334 Main Street

Great Barrington MA 01230



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Jackie Dawson

From: Chris Rembold
Sent: Thursday, April 15, 2021 1:05 PM
To: Charles Burger; Jackie Dawson; John Malumphy; Great Barrington Conservation Commission
Subject: RE: Driveway Permit for 26 Dresser Avenue

No planning department issues either. Thank you.



Christopher Rembold, AICP

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

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



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From: Charles Burger <cburger@Townofgb.org>
Sent: Thursday, April 15, 2021 12:12 PM
To: Jackie Dawson <jdawson@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>
Subject: RE: Driveway Permit for 26 Dresser Avenue

No issues for the FD.



Charles Burger

Fire Chief
413-528-0788 ex 4
cburger@townofgb.org

Town of Great Barrington
Fire Department
37 State Road
Great Barrington MA 01230



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Subject: Driveway Permit for 26 Dresser Avenue

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Jackie



Jackie Dawson

Administrative Assistant

413-528-0867

jdawson@townofgb.org

Town of Great Barrington

334 Main Street

Great Barrington MA 01230



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Jackie Dawson

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Sent: Thursday, April 15, 2021 12:12 PM
To: Jackie Dawson; Chris Rembold; John Malumphy; Great Barrington Conservation Commission
Subject: RE: Driveway Permit for 26 Dresser Avenue

No issues for the FD.



Charles Burger

Fire Chief

413-528-0788 ex 4
cburger@townofgb.org

Town of Great Barrington
Fire Department
37 State Road
Great Barrington MA 01230



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Subject: Driveway Permit for 26 Dresser Avenue

Please see the attached documents for a driveway permit application. Comments are needed by Noon on Wednesday April 21, 2021.

Thank You!

Jackie



Jackie Dawson

Administrative Assistant

413-528-0867
jdawson@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



TOWN OF GREAT BARRINGTON
NOTICE OF PUBLIC HEARING

The Selectboard will hold a public hearing on Monday, April 12, 2021 at 6:00 P.M. via Zoom to act on the application of Depart Wine MA Retail LLC d/b/a Depart Wine, David Bruno Manager for a new Wine and Malt Package Store License at 28 Railroad Street, Great Barrington MA 01230. Zoom information can be found at www.townofgb.org.

Stephen Bannon
Chair

Please publish April 3, 2021 and April 10, 2021



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

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="Off-Premises-15"/>	<input type="text" value="§15 Package Store"/>	<input type="text" value="Wines and Malt Beverages"/>	<input type="text" value="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.

Départ Wine will be a specialist shop selling only curated wine and beer selections at 28 Railroad Street. The company Départ Wine will also have a flagship location in New York City in Moynihan Train Hall opening late in 2021 as well as an online content and commerce website.

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	<input type="text" value="Départ Wine MA Retail LLC"/>	FEIN	<input type="text" value="86-1503103"/>
DBA	<input type="text" value="Départ Wine"/>	Manager of Record	<input type="text" value="David Bruno"/>
Street Address	<input type="text" value="28 Railroad Street, Great Barrington MA"/>		
Phone	<input type="text" value="REDACTED"/>	Email	<input type="text" value="db@departwine.com"/>
Alternative Phone	<input type="text" value="REDACTED"/>	Website	<input type="text" value="departwine.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.

Total Square Footage:	<input type="text" value="1100"/>	Number of Entrances:	<input type="text" value="2"/>	Seating Capacity:	<input type="text" value="0"/>
Number of Floors	<input type="text" value="1 1/2"/>	Number of Exits:	<input type="text" value="2"/>	Occupancy Number:	<input type="text" value="TBC"/>

4. APPLICATION CONTACT

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

Name:	<input type="text" value="David Bruno"/>	Phone:	<input type="text" value="REDACTED"/>
Title:	<input type="text" value="Owner"/>	Email:	<input type="text" value="db@departwine.com"/>

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure: LLC; Date of Incorporation: 2/18/21; State of Incorporation: Massachusetts; Is the Corporation publicly traded? 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: David Bruno; Residential Address: [Redacted]; SSN: [Redacted]; DOB: [Redacted]

Title and or Position: Owner; Percentage of Ownership: 100; Director/ LLC Manager US Citizen: Yes; MA Resident: Yes

Name of Principal: [Empty]; Residential Address: [Empty]; SSN: [Empty]; DOB: [Empty]

Title and or Position: [Empty]; Percentage of Ownership: [Empty]; Director/ LLC Manager US Citizen: No; MA Resident: No

Name of Principal: [Empty]; Residential Address: [Empty]; SSN: [Empty]; DOB: [Empty]

Title and or Position: [Empty]; Percentage of Ownership: [Empty]; Director/ LLC Manager US Citizen: No; MA Resident: No

Name of Principal: [Empty]; Residential Address: [Empty]; SSN: [Empty]; DOB: [Empty]

Title and or Position: [Empty]; Percentage of Ownership: [Empty]; Director/ LLC Manager US Citizen: No; MA Resident: No

Name of Principal: [Empty]; Residential Address: [Empty]; SSN: [Empty]; DOB: [Empty]

Title and or Position: [Empty]; Percentage of Ownership: [Empty]; Director/ LLC Manager US Citizen: No; MA Resident: No

Additional pages attached? No

CRIMINAL HISTORY: Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
11/30/20		Recs Specialist	Wine.com	Marcella Newhouse
2/1/19	1/15/21	Dir. Special Projects	SME Co., Inc.	Neil Raynor
07/04/16	11/1/2017	General Manager	New Jersey Beer Co.	Paul Silverman
12/1/17	2/1/19	Consultant	Self-employed	N/A

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
 If yes, please fill out section 11.

 Yes No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does **not** pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above 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

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee? Yes No
- b. Will the licensee retain control of the business finances? Yes No
- c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:
 Title:
 Date:

Management Agreement Entity Officer/LLC Manager

Signature:
 Title:
 Date:

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name

duly voted to apply to the Licensing Authority of and the City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

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

“VOTED: To authorize Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

“VOTED: To appoint Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

For Corporations ONLY
A true copy attest,


Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

DAVID BRUNO
(Print Name)

(Print Name)

APPLICANT'S STATEMENT

I, David Bruno the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Depart Wine MA Retail LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

3/12/2021

Title:

Principal

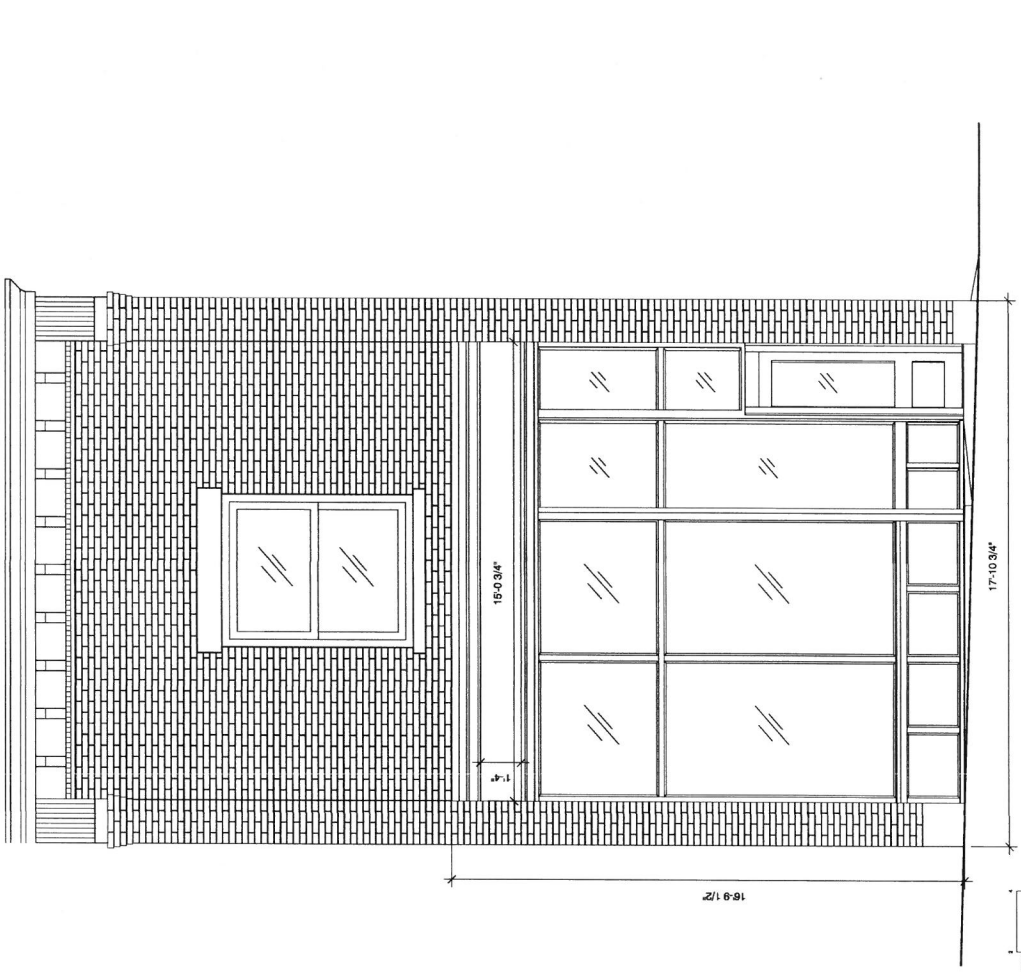
PROJECT/OB
DEPART
28 RAILROAD ST

LOCATION
GB, MA
ARCHITECT/DISIGNER
XXX
CONTRACTOR
XXX

DRAWING NAME:
ELEVATION

PROJECT NO. XXXX
DRAWN BY XX
DATE 03/02/2021
REVISION XX
SCALE SEE DRAWING
FORMAT 11x17
SHEET NO. 1 OF 1
DRAWING NO.

A-600
© TETZ-BACCON LLC



SOUTH FACADE
1/4" = 1'-0"
SK1

PROJECT/JOB

DEPART
28 RAILROAD ST.

LOCATION

GB, MA

ARCHITECT/DESIGNER

XXX

CONTRACTOR

XXX

DRAWING NAME:

FLOOR PLAN

PROJECT NO. XXXX

DRAWN BY XX

DATE 03/11/2021

REVISION XX

SCALE SEE DRAWING

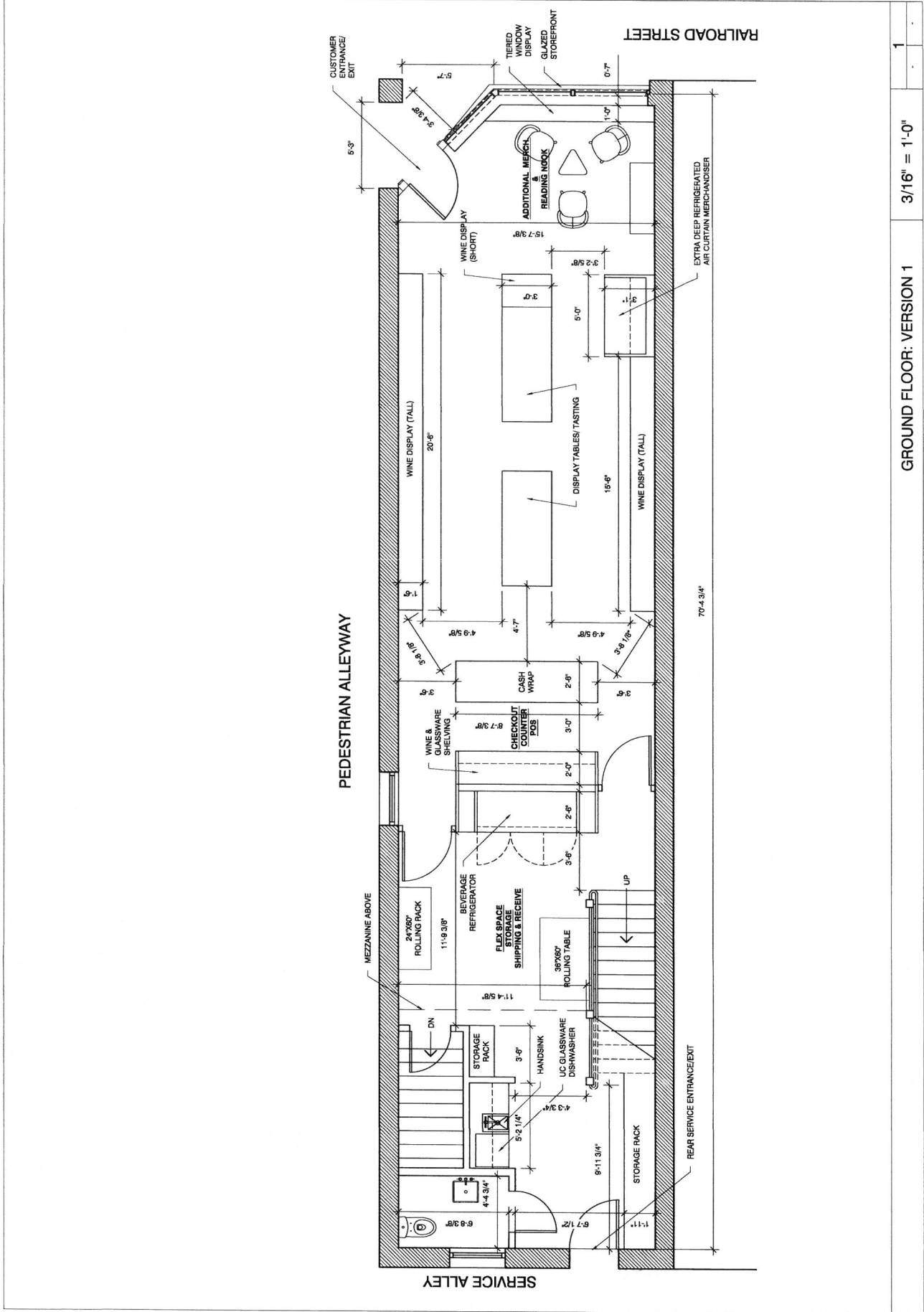
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SHEET NO. 1 OF 1

DRAWING NO.

SK-1.4

© TIETZ-BACCON LLC



GROUND FLOOR: VERSION 1

3/16" = 1'-0"

PROJECT/JOB
DEPART
28 RAILROAD ST.

LOCATION
GB, MA

ARCHITECT/DESIGNER
XXX

CONTRACTOR
XXX

DRAWING NAME:
FLOOR PLAN

PROJECT NO. **XXXX**

DRAWN BY **XX**

DATE **03/04/2021**

REVISION **XX**

SCALE **SEE DRAWING**

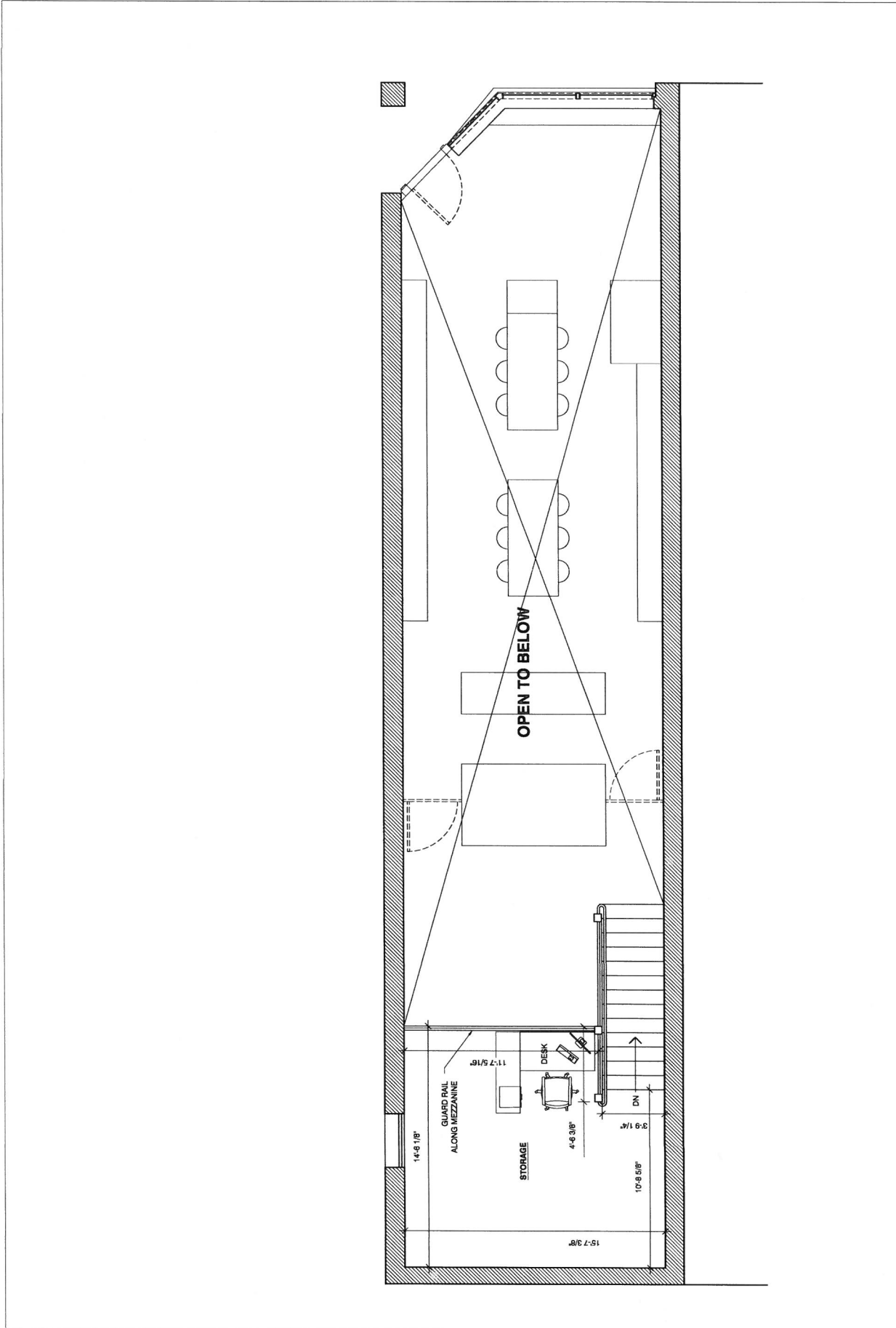
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SHEET NO. **1 OF 1**

DRAWING NO.

SK-2.2

© TIETZ-BACCON LLC



MEZZANINE: VERSION 1

3/16" = 1'-0"

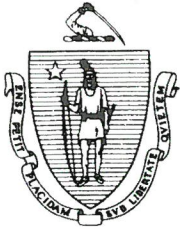
1

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

The Selectboard will hold a public hearing on Monday, April 12, 2021 at 6:00 PM, via Zoom, to act on the application of The Coffee Bar LLC d/b/a Twoflower Café, Sandra Mathews, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with outdoor seating capacity of 60 at 389 Stockbridge Road, Great Barrington, MA 01230. Zoom information can be found at www.townofgb.org.

Stephen Bannon
Chair

PLEASE PUBLISH April 3, 2021 and April 10, 2021



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

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="§12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="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.

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 FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

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.

Total Square Footage: <input type="text" value="1100"/>	Number of Entrances: <input type="text" value="2"/>	Seating Capacity: <input type="text" value="40"/>
Number of Floors: <input type="text" value="1"/>	Number of Exits: <input type="text" value="2"/>	Occupancy Number: <input type="text" value="40"/>

4. APPLICATION CONTACT

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

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="11/20/2020"/>
State of Incorporation	<input type="text" value="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	Residential Address	SSN	DOB
<input type="text" value="Sandra Mathews"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="Owner"/>	<input type="text" value="100"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

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

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2/1/2015	4/30/20	Manager	Drip Coffee	Rupert Jones

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

Yes No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

CORPORATE VOTE

The Board of Directors or LLC Managers of The Coffee Bar GB LLC
Entity Name

duly voted to apply to the Licensing Authority of Great Barrington and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on _____
Date of Meeting

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

"VOTED: To authorize Sandra L. Mathews
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint Sandra L. Mathews
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,
Sandra Mathews
Corporate Officer /LLC Manager Signature

Sandra L. Mathews
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

(Print Name)

ADDENDUM A

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

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.).

Entity Name	Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed)
<div style="border: 1px solid black; padding: 2px;">The Coffee Bar 6B LLC</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">N/A</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; padding: 2px;">Sandra Mathews</div>	<div style="border: 1px solid black; padding: 2px;">161 Beartown Mtn. Rd. Monterey, MA 01245</div>	<div style="border: 1px solid black; padding: 2px;">557-65-5205</div>	<div style="border: 1px solid black; padding: 2px;">11-26-1967</div>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<div style="border: 1px solid black; padding: 2px;">Principal / Owner</div>	<div style="border: 1px solid black; padding: 2px;">100%</div>	<div style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</div>
			MA Resident
			<div style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

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<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>	<div style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</div>

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes No

If yes, attach an affidavit providing the details of any and all convictions.

APPLICANT'S STATEMENT

I, the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

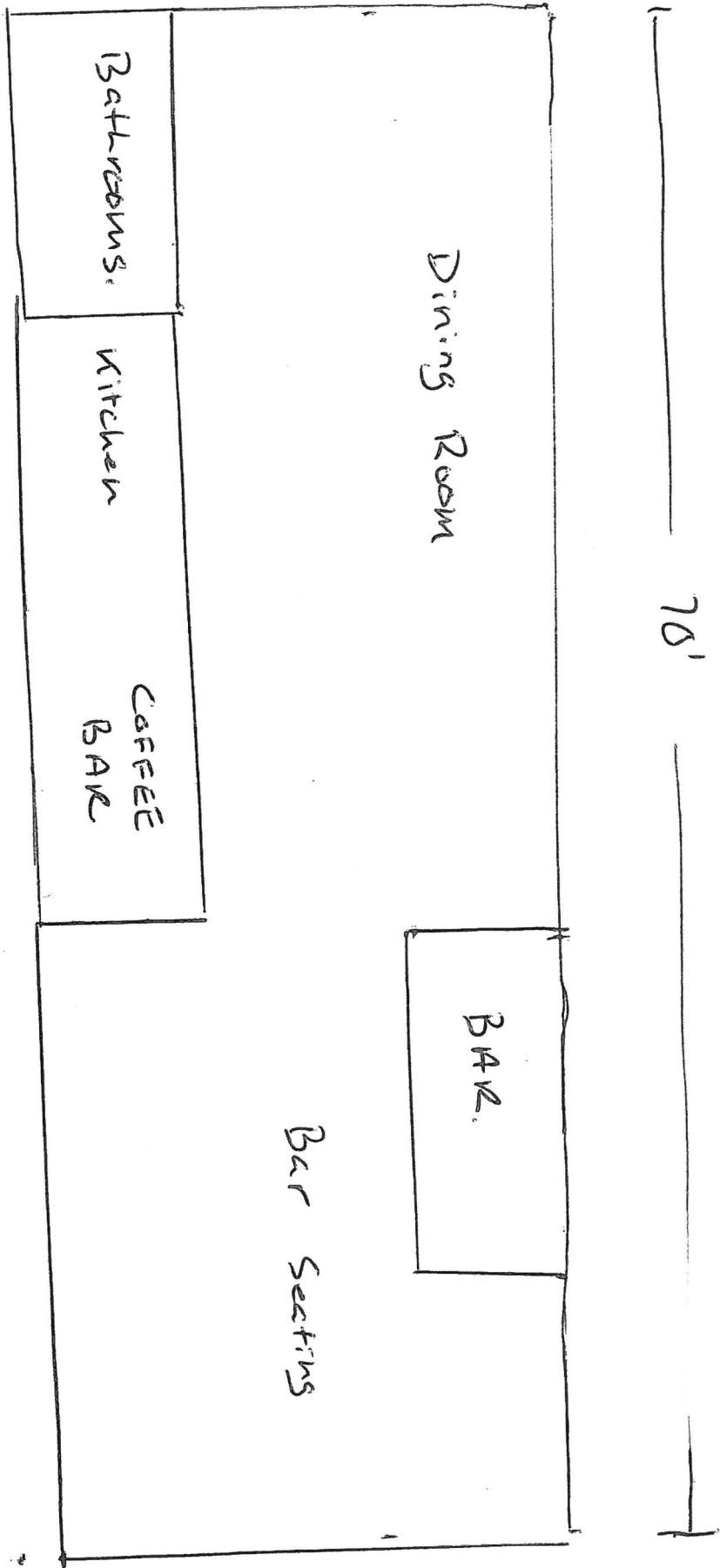
- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Date:

Title:

Patio



78'

Dining Room

Bathroom

Kitchen

COFFEE
BAR

BAR

Bar Seating

Railroad Street

TWO FOLDER SKETCH

6.a.

Town of Great Barrington
Sewer Abateements - 07/01/2020 through 12/31/2020

Applicant	Service Address	Current Billing	Abatement	Duration	Reason Provided
Victor Cella	90 Main Street	\$ 506.00	\$ 253.00	Temporary	Entire building used as a store, no apartment in use
Emmanuel and Pauline Dongala	255 State Road	\$ 506.00	\$ 126.50	Temporary	Apartment is vacant
John Fitzgerald	114 Cottage Street	\$ 253.00	\$ 126.50	Temporary	House is vacant, water is shut off
George Guerrero	127 - 129 Castle Hill Avenue	\$ 1,012.00	\$ 253.00	Temporary	Units 129 1&2 vacant - under renovation
Jeanne Holcomb	226 Prospect Street	\$ 506.00	\$ 126.50	Temporary	Apartment is vacant
Robert Holcomb	34-36 Cottage Street	\$ 506.00	\$ 126.50	Temporary	There are two units, only one is occupied
Charles Lord	7 High Street	\$ 506.00	\$ 126.50	Temporary	Apartment is vacant
Kimberly L. Shaw	5 Ramsey Avenue	\$ 253.00	\$ 126.50	Temporary	House not occupied until 10/30/20
Shirley Snyder	945 Main Street	\$ 253.00	\$ 126.50	Temporary	Building is only used for storage, no one works or lives there, water is off
Mahaive Triplex	70 Railroad Street	\$ 2,024.00	\$ 1,012.00	Temporary	Closed since 3/16/2020
Gary Storti	77 East Street	\$ 253.00	\$ 126.50	Temporary	House is vacant
Little Brook Farm, LLC	16 Depot Street	\$ 1,518.00	\$ 759.00	Temporary	Building is gutted
Clinton Church Restoration, Inc.	9 Elm Court	\$ 253.00	\$ 126.50	Temporary	Building is vacant, water is shut off
Mountain Realty Trust	11 School Street	\$ 2,783.00	\$ 1,391.50	Temporary	Laundry formerly (closed now). Two apartments are being renovated Oct. 20 (no tenants)
Lynn Stonebridge & Julian Koerner	23 Giddings Street	\$ 253.00	\$ 126.50	Temporary	Only in residence 5 months (mid may to mid october)
		\$ 11,385.00	\$ 4,933.50		

4/23/2021

Sean VanDeusen, DPW Superintendent

Date



Mark Prunęski, Town Manager

4/23/2021

Date

G.C

Amy Pulver

From: Ellen Shanahan <estitch03@verizon.net>
Sent: Tuesday, April 13, 2021 6:56 PM
To: Amy Pulver; Mark Pruhenski
Subject: Cultural Council recommends three new members

****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*****

Good evening:

At this evening's meeting, the Cultural Council voted to recommend the following three applicants as members of the Great Barrington Cultural Council; I believe all three have submitted letters of intent .

Erica Mielke
Allison Zivin
Elissa Haskins-Vaughan

Please let us know if you have any questions or concerns. Thanks!

Patrick Barrett and Ellen Shanahan, Co-Chairs

Amy Pulver

From: Mark Pruhenski
Sent: Tuesday, February 23, 2021 2:08 PM
To: Erica Mielke
Cc: Amy Pulver; Ellen Shanahan
Subject: RE: Cultural Council Committee

That's great....thanks Erica. I'm copying Ellen Shanahan, Chair of the Cultural Council, so she can include you on their next agenda. Once we receive their recommendation (just standard procedure), we'll include your appointment on the SB agenda for final approval and you're good to go.

Thanks for your interest in serving in this capacity. -m



Mark Pruhenski

Town Manager
413-528-1619 ex 2
mpruhenski@townofgb.org

Pronouns: he/him/his

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: Erica Mielke <ericamielke77@gmail.com>
Sent: Tuesday, February 23, 2021 12:49 PM
To: Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: Cultural Council Committee

****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*****

Good afternoon!

I'd like to join the Cultural Council for the Town of GB, if possible.

Thanks for all you do!

Amy Pulver

From: Ellen Shanahan <estitch03@verizon.net>
Sent: Friday, April 2, 2021 10:02 AM
To: Amy Pulver
Subject: Fw: Cultural Council

Follow Up Flag: Follow up
Flag Status: Flagged

****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*****

----- Forwarded Message -----

From: Allison Zivin <azivin1@gmail.com>
To: "estitch03@verizon.net" <estitch03@verizon.net>
Sent: Friday, April 2, 2021, 09:56:28 AM EDT
Subject: Cultural Council

Hi Ellen,

I saw your posting on the Facebook Community Board and would like to find out more about the Cultural Council and opportunities to get involved.

In the interest of full disclosure, we are second homeowners on Pixley Hill Road (taxes paid to West Stockbridge, mailing address in Housatonic) so I'm not sure if that disqualifies me. If it doesn't, it would be great to set up a time to talk.

Many thanks,
Allison Zivin

Sent from my iPhone

93 Van Deusenville Rd.
Great Barrington, MA 01230

April 8, 2021

Great Barrington Selectboard
Town Hall
334 Main St.
Great Barrington, MA 01230

To the Great Barrington Selectboard,

I am writing today to express my interest in joining the Great Barrington Cultural Council. I was made aware of vacancies on the Council through a notice on the Housatonic Neighbors Facebook page. I then had the opportunity to attend the Council's most recent meeting, held on April 6th, during which I learned more about the role of the Council in Great Barrington and the responsibilities of its members.

I have an extensive background in the arts and cultural sector in the Berkshires having worked in Development at Shakespeare & Company, Hancock Shaker Village and Jacob's Pillow over the last 13 years. Prior to that I was a social history curator in the United Kingdom, where I received my Master's Degree in Museum Studies. And earlier still I was heavily involved in the world of classical ballet.

In my current role as the Director of Development & Communications at Berkshire South, I have been involved with the Cultural Council as a grantee as we have received funding for our Berkshire Ukulele Band and Berkshire Sings! programs, and I would love the opportunity to be on the other side of the grant making process. I recognize the great privilege and the responsibility in determining what projects best meet the mission of the Cultural Council, and I know how powerful the arts can be in creating a sense of community and of place, in celebrating diversity, and in enriching the lives of the people who live here.

I would be happy to answer any questions that you have for me about my qualifications or interest in the Council. Please feel free to contact me at the phone number or email address below. Thank you for your time and consideration.

Sincerely,



Elissa Haskins-Vaughan

6.d

Selectboard's 2021 Regular Meeting Schedule

As previously approved

January 11	Second Monday
January 25	Fourth Monday
February 8	Second Monday
February 22	Fourth Monday
March 8	Second Monday
March 22	Fourth Monday
April 12	Second Monday
April 26	Fourth Monday
May 3	Annual Town Meeting
May 6	Possible Continuation of Town Meeting
May 12	Second Wednesday
May 17	Third Monday
June 7	Second Monday
June 21	Fourth Monday
July 12	Second Monday
July 26	Fourth Monday
August 9	Second Monday
August 23	Fourth Monday
September 13	Second Monday
September 27	Fourth Monday
October 4	First Monday
October 25	Fourth Monday
November 8	Second Monday
November 22	Fourth Monday
December 13	Second Monday
December 20	Third Monday

Selectboard's 2021 Regular Meeting Schedule

Proposed Changes, ~~deletions are struck through~~, additions are underlined

January 11	Second Monday
January 25	Fourth Monday
February 8	Second Monday
February 22	Fourth Monday
March 8	Second Monday
March 22	Fourth Monday
April 12	Second Monday
April 26	Fourth Monday
May 3	Annual Town Meeting
May 6	Possible Continuation of Town Meeting
May 10	Second Monday (Reorganization Only)
<u>May 12</u>	<u>Second Monday</u>
May 17	Third Monday
<u>May 24</u>	<u>Fourth Monday</u>
June 7	Second Monday
June 7	Annual Town Meeting Night 1
June 10	Annual Town Meeting Night 2
<u>June 14</u>	<u>Second Monday (Necessary?)</u>
June 21	Fourth Monday
June 28	Fourth Monday
July 12	Second Monday
July 26	Fourth Monday
August 9	Second Monday
August 23	Fourth Monday
September 13	Second Monday
September 27	Fourth Monday
October 4	First Monday
October 25	Fourth Monday
November 8	Second Monday
November 22	Fourth Monday
December 13	Second Monday
December 20	Third Monday

6.e.



**McCormick, Murtagh
& Marcus**

ATTORNEYS AND COUNSELORS AT LAW

William Cullen Bryant House
390 Main Street, Suite 2
Great Barrington, MA 01230

phone: 413.528.0630

fax: 413.528.5287

www.mccormicklegal.com

April 2, 2021

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

Kathleen M. McCormick, Esq.

Re: Mooncloud, LLC
Extension to Sidewalk License Agreement

Dear Mr. Bannon,

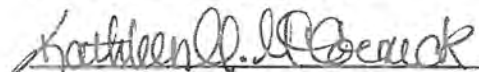
As you are aware, I represent Mooncloud, LLC d/b/a Mooncloud ("Mooncloud"). Mooncloud is trying to prepare itself for their season reopening and is requesting an extension from the Town for the Sidewalk License Agreement.

Mooncloud's current Sidewalk License Agreement (see Attachment A) was approved at the August 26, 2019 Selectboard Meeting and was amended at the June 8, 2020 Selectboard Meeting (see Attachment B) to allow for outdoor seating ("Agreement"). Mooncloud has received their Annual Common Victualler License and Liquor License Renewal including the sidewalk area for seating (see Attachment C). Included for your reference is Mooncloud's insurance policy covering said area (Attachment D). Mooncloud is requesting that the Agreement as Amended be extended to December 31, 2021. I have prepared an extension of the Agreement attached hereto (see Attachment E).

Thank you for your consideration.

Sincerely,

McCormick, Murtagh & Marcus


Kathleen M. McCormick

KMM/kmh

cc: Mooncloud, LLC, Amy Pulver

Enclosures

G:\CLIENTS\IRWIN, EMILY RACHEL\MOONCLOUD, LLC\LETTER TO BANNON JUNE 4.DOCX4/2/2021 10:03 AM



ATTACHMENT A
SIDEWALK LICENSE AGREEMENT

SIDEWALK LICENSE AGREEMENT

This License Agreement (the "Agreement") dated August 26, 2019 between The Town of Great Barrington, a municipality of the Commonwealth of Massachusetts, with a usual business and mailing address of 334 Main Street, Great Barrington, Massachusetts 01230 (the "Town") and 47 Railroad LLC a Domestic Limited Liability Company with a usual business address of 13 Pothul Drive, Great Barrington, Massachusetts, 01230 (the "Building Owner") and Mooncloud, LLC, a Massachusetts Limited Liability Company with a principal business address of the premises, 47 Railroad Street, Unit 1A, Great Barrington MA 0130, collectively (the "Licensee").

Background

The Town owns in fee the street known as Railroad Street, including the sidewalks adjacent thereto, in the Town of Great Barrington, including, without limitation, the portion thereof shown as the "Proposed License Area" on the sketch plan attached hereto as EXHIBIT A, entitled "Seating Layout", (the "Plan"). The Building Owner owns that certain land and the building thereon located immediately adjacent to the Proposed License Area and shown in part on the Plan (the "Licensee Property").

The Licensee shall operate a restaurant in and on the Licensee Property and proposes to place within the Proposed License Area tables, chairs and related furniture and furnishings for the purpose of providing seasonal outdoor seating to its restaurant patrons. Such proposed furniture and furnishings are to be located substantially as shown on the Plan, (together, the "Outdoor Furniture").

To permit the Licensee to offer seasonal outdoor seating within the Proposed License Area, the Licensee has requested of the Town, and the Town has agreed to provide to the Licensee, on the terms and conditions set forth herein, a license for the Licensee to place and install and thereafter to maintain the Outdoor Furniture within the Proposed License Area.

Agreement

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the receipt and sufficiency of such consideration being hereby acknowledged by the parties hereto, the Town and the Licensee hereby agree as follows:

1. License; License Area. The Town hereby grants to the Licensee a license (the "License") to place and install and thereafter maintain the Outdoor Furniture within the "Proposed License Area" (the "License Area"), and specifically, substantially as shown on the Plan. The rights of the Licensee hereunder shall be exercised, to the extent reasonably possible, subject to the rights of the Town, the inhabitants of the Town, and the general public to passage by foot and to passage by vehicle owned by the Town, over and through all portions of the License Area not occupied by the Outdoor Furniture, on

the terms and conditions more particularly set forth herein. The rights of the Licensee hereunder shall further be subject to the right of the Town, other public agencies, and public utilities to install and maintain subsurface and surface improvements and utilities within the License Area. The Licensee shall not place or install any of the Outdoor Furniture without first obtaining the approval of the Town for the specific location within the License Area, to be granted or withheld in the Town's sole and absolute discretion. The installation and placement of the Outdoor Furniture shall comply with all municipal, state, federal and other applicable requirements therefor, including requirements for accessibility to persons with physical disabilities. The Outdoor Furniture shall be designed and arranged to accommodate no more than 11 persons and the seating capacity within the License Area shall be limited to 11 persons.

2. **Term of License.** The term of the License shall commence simultaneously with the execution of this agreement and shall continue to December 31, 2020 (the "Expiration Date") or revocation of the License in writing upon seven (7) days' written notice by the Town to the Licensee. Licensee shall remove all outdoor furniture from the License Area between November 30, 2019 and April 1, 2020..

3. **Consideration.** The consideration for this Licensing Agreement shall be \$50.00 payable to the Town of Great Barrington upon execution of this Agreement, and future renewals not requiring changes would be \$50.00.

4. **Effect of Termination, No Estate Created.** Upon the effective date of revocation or expiration of this License, the Licensee shall have no further rights in or access to the License Area. The Licensee acknowledges that the Licensee has no property or possessory rights in and to the License Area except a revocable license for use of the License Area as described herein. Upon termination or expiration of the License as set forth herein, the Licensee shall cause all of the Outdoor Furniture to be removed from the License Area as soon as reasonably and safely practicable, and shall restore the License Area to the condition thereof prior to placement and installation of the Outdoor Furniture, all at the sole cost and expense of the Licensee.

5. **License Area Condition and Access.**
a. The License Area shall be provided to the Licensee in its "AS IS" condition and the Licensee acknowledges that the Town has made no representation or warranty regarding the fitness of the License Area. The Licensee agrees that the Town shall not be liable to Licensee, its contractors, agents, employees, and representatives for any injury or death to persons entering the License Area, or loss or damage to vehicles, equipment or other personal property of any nature whatsoever of the Licensee, or of anyone claiming by or through Licensee, that are brought upon the License Area pursuant to the License.

b. The License Area shall be surrendered to the Town on the date of revocation or expiration of this License in as good condition as on the date of this License (reasonable wear and tear excepted). Except as expressly herein provided, the Licensee shall make no alterations or improvements to the License Area without the Town's consent. The

Licensee shall permit the Town and its agents to enter and examine the License Area, and to use the License Area or perform work therein or thereon, at any time, as required by the Town, in the Town's sole and absolute discretion. The Licensee shall cooperate with the Town and the Town's contractors with respect to any work to be performed by or for the Town within or adjacent to the License Area.

6. **Conditions of License.** The Licensee agrees that the rights of the Licensee hereunder shall be expressly conditioned upon the following, without limitation:

a. **Maintenance.** The Licensee shall maintain the Outdoor Furniture and the full extent of the surface of the License Area for the entire term during which the License remains in effect. Without limitation, the Licensee shall properly maintain all the Outdoor Furniture within the License Area, and shall keep the License Area free of accumulations of water, snow and ice, and free from litter and debris of any kind, all at the sole cost and expense of the Licensee.

b. **Insurance.** Before entry into the License Area for purposes of the placement or installation of any of the Outdoor Furniture or use thereof as authorized hereunder, and at all times thereafter while the License remains in effect, the Licensee shall obtain and maintain, at the Licensee's expense, insurance coverage with limits and coverages acceptable to the Town. Without limitation, such insurance coverage shall provide for general liability and property damage insurance, with limits and coverages acceptable to the Town. The Licensee shall provide to the Town a certificate or certificates of insurance coverage, as required by the Town, naming the Town as a certificate holder and additional insured, with respect to placement, installation, and maintenance of the Outdoor Furniture and use of the License Area and all other activities conducted by the Licensee in the License Area.

c. **The Licensee's Indemnity of the Town.** The Building Owner and Licensee shall indemnify the Town against and hold the Town harmless from any loss, cost, fee, expense, damage, or liability arising from or related to the Licensee's use of the License Area or failure to comply with the terms of this License. Without limitation, in the event that any part of the License Area is damaged by any action or failure to act by the Licensee, the Licensee shall cause such damage to be repaired, at the sole cost and expense of the Licensee. The Licensee's obligation hereunder shall survive expiration or termination of the License.

d. **Removal and Replacement of Outdoor Furniture.** Subject to the prior approval of the Town, to be withheld or granted in the Town's sole and absolute discretion, the Licensee shall have the right from time to time after initial placement and installation of the Outdoor Furniture to remove, replace or relocate the Outdoor Furniture within the License Area, subject to municipal and other legal or regulatory requirements for any such placement or location.

e. **Compliance with Licenses.** The Licensee shall comply with all terms and conditions of its Common Victualler and All Alcoholic Restaurant Liquor Licenses governing the Licensee Property at 47 Railroad Street. This License does not constitute an amendment of those licenses.

7. **Successors and Assigns.** The Licensee's rights under this License are for the benefit only of the Licensee. The Licensee shall not assign, sublicense, or transfer any of its rights under this License.

8. **Miscellaneous.** Any notice given under or in connection with the License shall be effective only if given in writing and shall be deemed duly served if and when hand delivered or if and when mailed postage prepaid by certified mail (in either case, whether or not delivery is accepted) to the address given above for the party to receive such notice. This Agreement contains all the agreements between the parties with respect to use of the License Area by the Licensee, and may be amended only in writing by an instrument signed by all of the parties hereto. No provision of this Agreement shall be deemed to have been waived by any party unless such waiver is in writing and is signed by the party to be charged.

Building Owner:
47 RAILROAD STREET, LLC

THE TOWN OF GREAT BARRINGTON

By: _____
Samuel Nickerson

By:  _____
Stephen Bannon, Chair

Licensee:
Mooncloud, LLC

By:  _____
Emily Rachel Irwin, Authorized Signatory

e. Compliance with Licenses. The Licensee shall comply with all terms and conditions of its Common Victualler and All Alcoholic Restaurant Liquor Licenses governing the Licensee Property at 47 Railroad Street. This License does not constitute an amendment of those licenses.

7. Successors and Assigns. The Licensee's rights under this License are for the benefit only of the Licensee. The Licensee shall not assign, sublicense, or transfer any of its rights under this License.

8. Miscellaneous. Any notice given under or in connection with the License shall be effective only if given in writing and shall be deemed duly served if and when hand delivered or if and when mailed postage prepaid by certified mail (in either case, whether or not delivery is accepted) to the address given above for the party to receive such notice. This Agreement contains all the agreements between the parties with respect to use of the License Area by the Licensee, and may be amended only in writing by an instrument signed by all of the parties hereto. No provision of this Agreement shall be deemed to have been waived by any party unless such waiver is in writing and is signed by the party to be charged.

Building Owner:
47 RAILROAD STREET, LLC

By: Samuel B. Nickerson
Samuel Nickerson

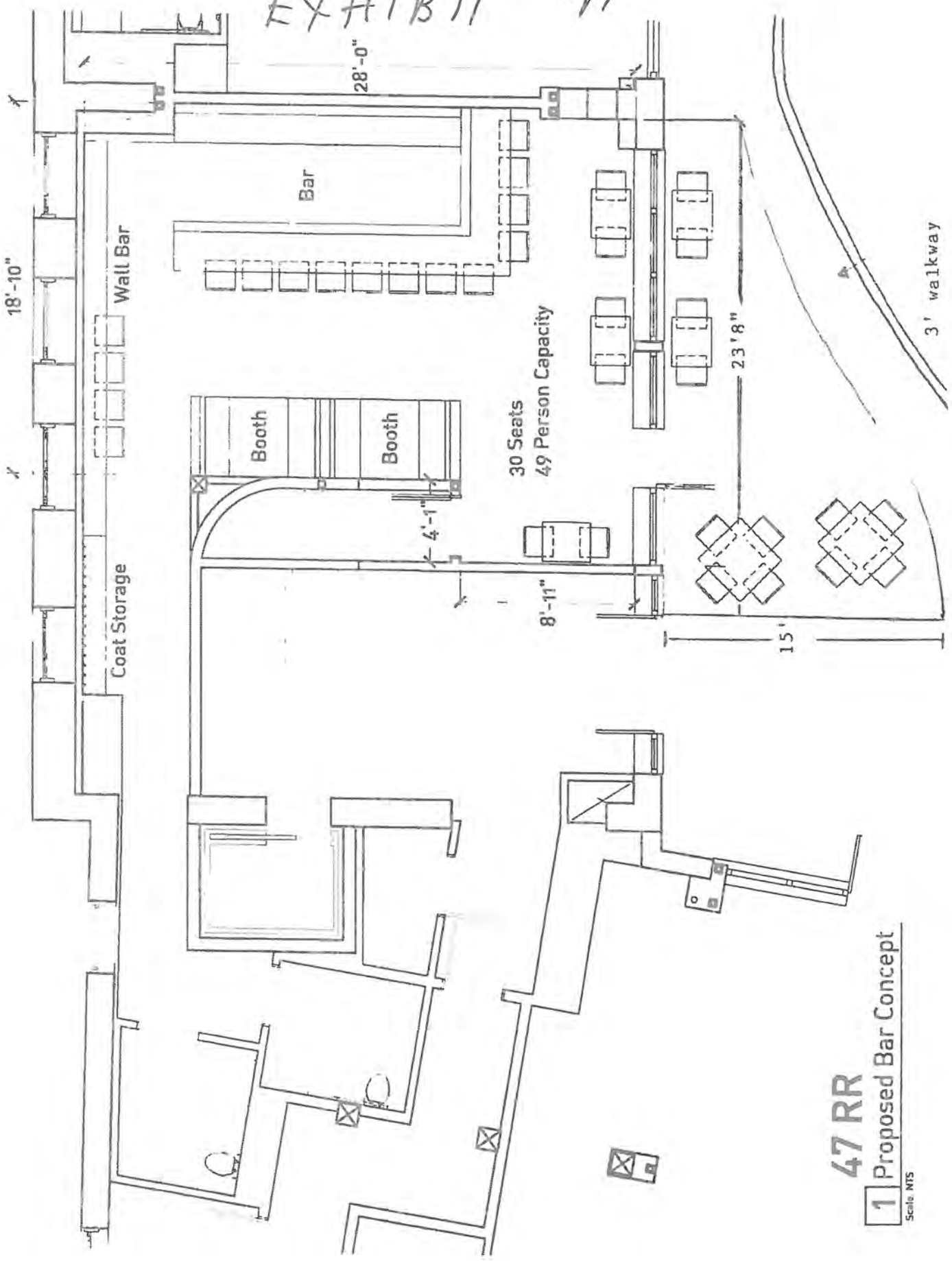
THE TOWN OF GREAT BARRINGTON

By: [Signature]
Stephen Bannon, Chair

Licensee:
Mooncloud, LLC

By: _____
Emily Rachel Irwin, Authorized Signatory

EXHIBIT "A"



47 RR

1 Proposed Bar Concept

Scale: NTS

ATTACHMENT B

FIRST AMENDMENT TO SIDEWALK LICENSE AGREEMENT

**FIRST AMENDMENT TO
SIDEWALK LICENSE AGREEMENT**

This Amendment ("Amendment") dated this 8th day of June, 2020 between the Town of Great Barrington, a municipality of the Commonwealth of Massachusetts, with a usual business and mailing address of 334 Main Street, Great Barrington, Massachusetts 01230 (the "Town") and 47 Railroad LLC, a Domestic Limited Liability Company with a usual business address of 13 Pothul Drive, Great Barrington, Massachusetts 01230 (the "Building Owner") and Mooncloud, LLC, a Massachusetts Limited Liability Company with a principal business address of the premises, 47 Railroad Street, Unit 1A, Great Barrington, MA 01230, collectively (the "Licensee").

WHEREAS, on August 26, 2019 the Town of Great Barrington Board of Selectmen approved Mooncloud's Sidewalk License Agreement ("Agreement");

WHEREAS, the term of the Agreement began on August 26, 2019 and expires on December 31, 2020;

WHEREAS, Mooncloud is seeking to expand the licensed area set forth in the Agreement;

NOW, THEREFORE, the Parties agree as follows:

1. The Town hereby grants to the Licensee an amended license (the "Amended License") to place and install and thereafter maintain outdoor furniture within the "Amended License Area", and specifically, substantially as shown on the plan attached hereto ("Plan"). The rights of the Licensee hereunder shall be exercised, to the extent reasonably possible, subject to the rights of the Town, the inhabitants of the Town, and the general public to passage by foot and to passage by vehicle owned by the Town, over and through all portions of the Amended License Area not occupied by outdoor furniture.

2. The outdoor furniture shall be designed and arranged to accommodate approximately 20 persons.

3. All other terms of the Agreement remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands and seals the day and year first above written.

Building Owner:
47 Railroad Street, LLC

By _____
Samuel Nickerson

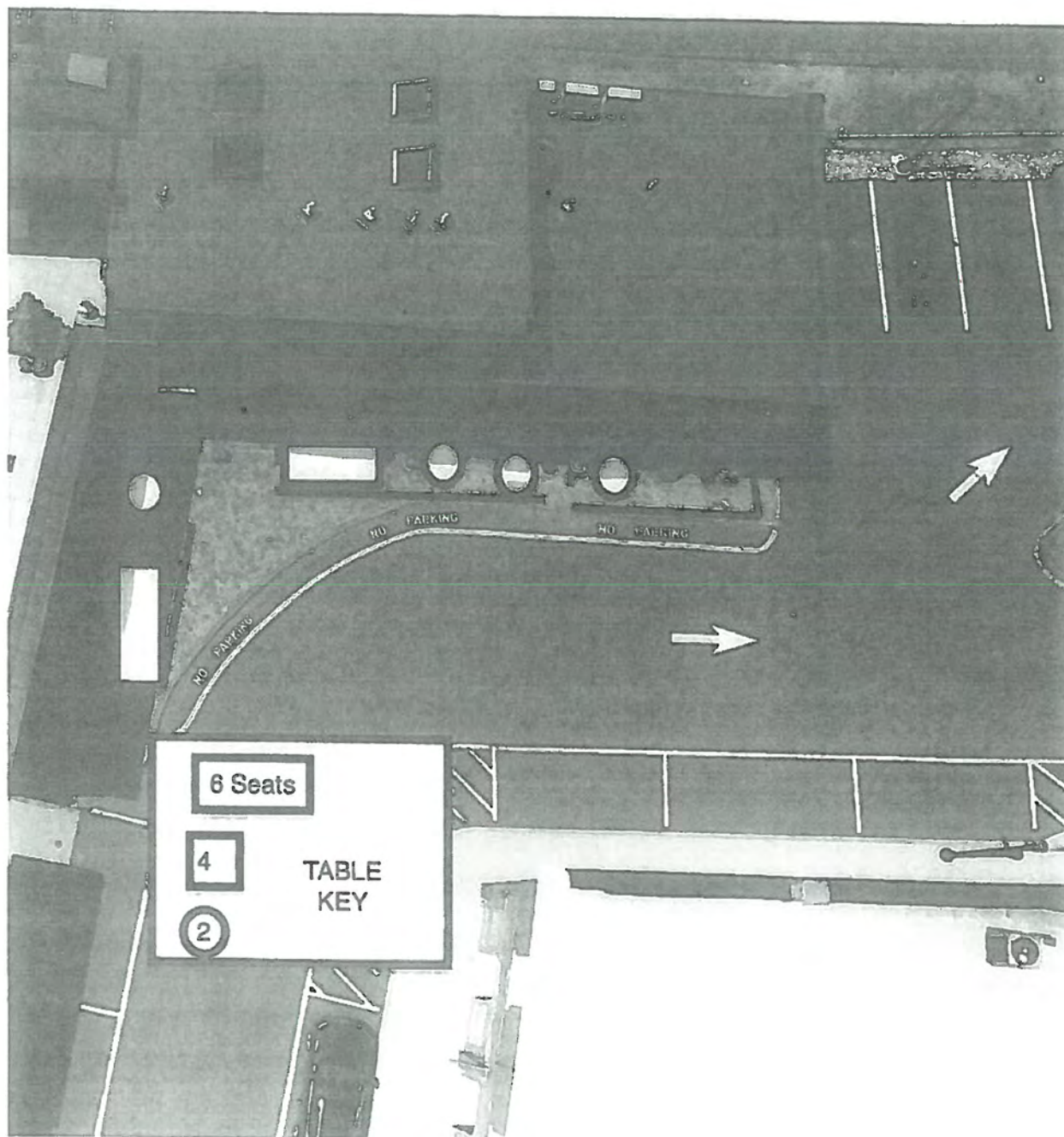
Licensee:
Mooncloud, LLC

By 
Emily Rachel Irwin, Manager

The Town of Great Barrington

By 
Stephen Bannon, Chair

PLAN



The Licensed Premises are shown above and can be described as the triangular portion of the sidewalk, excluding 36 inches around the perimeter for pedestrian walkways and similar exclusions for doorways.

ATTACHMENT C
COMMON VICTUALLER LICENSE
LIQUOR LICENSE RENEWAL

TOWN OF GREAT BARRINGTON
2021 Annual Common Victualler License
BRING YOUR OWN BOTTLE (BYOB) IS PROHIBITED
License Fee \$25

In accordance with the provisions of Massachusetts General Laws, Ch.140 § 183A amended,
Ch. 351, Sec. 85 of Acts of 1981 and Ch.140 Sec.181, LICENSE is hereby granted to:

Name:

William John Paul

Name of Business:

Mooncloud, LLC

D/B/A (if applicable):

Mooncloud

Business Location:

47 Railroad Street, Unit 1A Great Barrington MA 01230

Mailing Address (if different from above):

47 Railroad Street, Unit 1A Great Barrington MA 01230

Days of Operation

Wednesday - Sunday

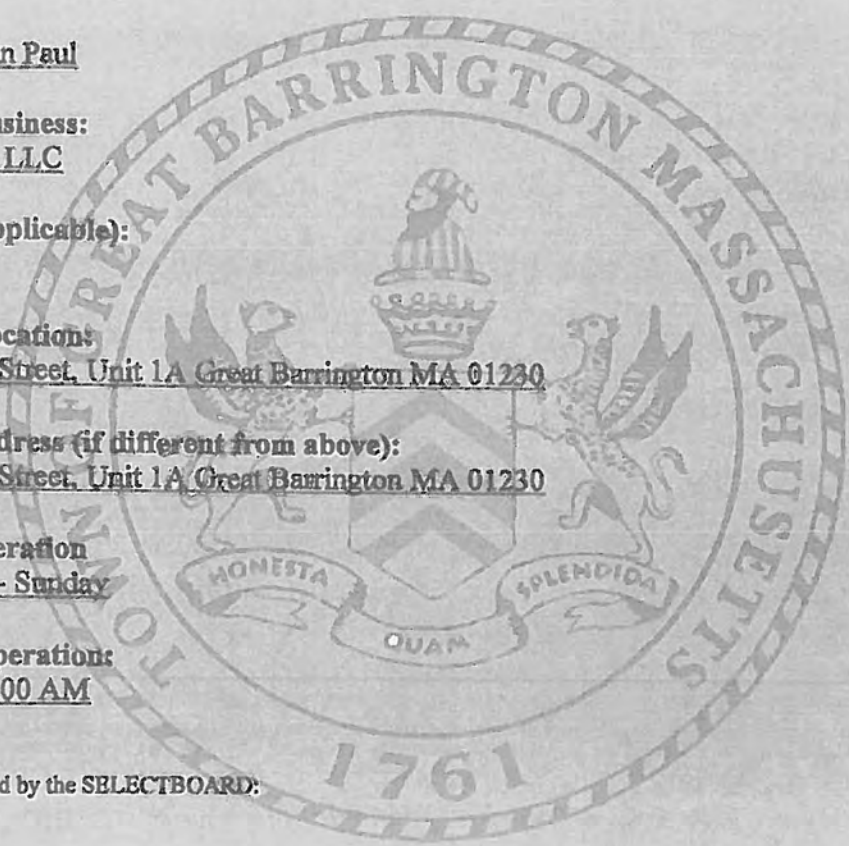
Hours of Operations:

3:00 PM - 1:00 AM

License approved by the SELECTBOARD:

Expiration Date:
December 31, 2021

This license is not valid for any other location/dates/times from what is listed above. This license may be suspended or revoked for violation of the laws of the Commonwealth of Massachusetts.



[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

License No. 05294-RS-0464
Fee: \$950.00

**LICENSE
ALCOHOLIC BEVERAGES
THE LICENSING BOARD OF
THE TOWN OF GREAT BARRINGTON
MASSACHUSETTS
HEREBY GRANTS A
COMMON VICTUALLER
License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages
To Be Drunk on the Premises**

To: Mooncloud LLC/Mooncloud
William John Paul, Manager

on the following described premises:
47 Railroad Street, Unit 1, Great Barrington, MA 01230

47 Railroad Street, Unit 1, ground floor consisting of 900 square feet including a bar area, two bathrooms and a hallway. Alcohol shall be stored in the locked cabinets under the bar. Basement consisting of 200 square feet shall house additional locked storage for alcohol. There will be an outdoor seasonal patio being approximately 335 square feet. There is 1 exit in the front exiting to Railroad Street.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31, 2021, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21st day of December, 2020.

The Hours during which Alcoholic Beverages may be sold are:
In accordance with Chapter 138 of the Mass. General Laws.

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN BE EASILY READ.

ATTACHMENT D
CERTIFICATE OF INSURANCE



MOONLLC-01

WRITE1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/26/2021

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 Wheeler & Taylor, Inc 333 Main St Great Barrington, MA 01230	CONTACT NAME: PHONE (A/C, No, Ext): (413) 528-1000 FAX (A/C, No): (413) 528-1008 E-MAIL ADDRESS: Insurance@wheelerandtaylor.com	
	INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: Hospitality Mutual Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED Mooncloud, LLC 47 Railroad Street, #1A 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 SUBR INSD WVR	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		00120330CP	11/20/2020	11/20/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000 LIQUOR LIABILITY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MA) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
For outdoor dining on Railroad Street, Great Barrington

CERTIFICATE HOLDER

CANCELLATION

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

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

Deborah Wright

ATTACHMENT E
EXTENSION OF SIDEWALK LICENSE AGREEMENT

**EXTENSION OF
SIDEWALK LICENSE AGREEMENT**

This Extension ("Extension") dated this ____ day of April, 2021 between the Town of Great Barrington, a municipality of the Commonwealth of Massachusetts, with a usual business and mailing address of 334 Main Street, Great Barrington, Massachusetts 01230 (the "Town") and 47 Railroad LLC, a Domestic Limited Liability Company with a usual business address of 13 Pothul Drive, Great Barrington, Massachusetts 01230 (the "Building Owner") and Mooncloud, LLC, a Massachusetts Limited Liability Company with a principal business address of the premises, 47 Railroad Street, Unit 1A, Great Barrington, MA 01230, collectively (the "Licensee").

WHEREAS, on August 26, 2019 the Town of Great Barrington Board of Selectmen approved Mooncloud's Sidewalk License Agreement and amended said Agreement on June 8, 2020 ("Agreement");

WHEREAS, the term of the Agreement began on August 26, 2019 and expired on December 31, 2020;

WHEREAS, Mooncloud is requesting to extend said Agreement through December 31, 2021;

NOW, THEREFORE, the Parties agree as follows:

1. The Town hereby grants an extension to the Agreement for a term to expire on December 31, 2021.
2. All other terms of the Agreement remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands and seals the day and year first above written.

Building Owner:
47 Railroad Street, LLC

By _____
Samuel Nickerson

Licensee:
Mooncloud, LLC

By _____
Emily Rachel Irwin, Manager

The Town of Great Barrington Selectboard

By _____
Stephen Bannon, Chair

INDEX OF WARRANT ARTICLES
2021 ANNUAL TOWN MEETING

1. Authorization to Establish new Revolving Fund
2. Authorize Revolving Fund Limits
3. Elected Officials' Salaries
4. MassDOT Chapter 90 Funds
5. FY22 Operating Budget
6. FY22 Wastewater Treatment Plant Budget
7. Borrowing Authorization for General Fund Capital Items
8. FY22 Regional School Assessment
9. Borrowing Authorization for Wastewater Capital Items
10. Authorize use of Free Cash to Reduce the Tax Levy
11. Authorize funding of Community Programs
12. Authorize funding to Southern Berkshire Ambulance
13. FY22 Out of District Vocational Tuition
14. Authorization to pay Prior Fiscal Year Invoices
15. Authorize funding to the Stabilization Account
16. Authorize funding to the Capital Stabilization Account
17. Borrowing Authorization for a Municipal Parking Lot
18. Community Preservation Fund Reserves/Appropriations
19. Community Preservation Projects
20. Revise Prior Appropriation of Community Preservation Funds to the Housing Trust Fund
21. Amend Chapter 91 of the Town Code, Schedule of Town Clerk Fees
22. Re-accept portion of Manville Street, discontinued May 7, 2018, as a public way
23. Tax Increment Financing (TIF) for 79 Bridge Street
24. Zoning: Amend Section 9.4, Downtown Mixed-Use B-3 District, and portions of Sections 3.1.4 (Table of Use Regulations) and 11 (Definitions)
25. Zoning, by citizen petition: Amend Section 9.11, Mixed Use Transitional Zone (MXD) and the Zoning Map
26. Zoning, by citizen petition: Amend Section 3.1.4, to Allow Marijuana Establishment by Special Permit in the I-2 Districts
27. Zoning, by citizen petition: Amend Section 7.18, Marijuana Establishment regulations
28. Zoning, by citizen petition: special permits
29. Modify Town Code Chapter 241-1, Citizen speaking time (by citizen petition)
30. Modify Town Code Chapter 189-1, Selectmen's Policies and Procedures (by citizen petition)
31. Resolution to prohibit hazardous and toxic waste storage, disposal, and dumping in Great Barrington (by citizen petition)
32. To close down and outlaw privately owned prisons for profit in Massachusetts (by citizen petition)

ARTICLE 1: (requires majority vote)

To see if the town will vote to amend the general by-laws of the town by adding a new section to establish and authorize a revolving fund for use by the Council on Aging under Massachusetts General Laws Chapter 44, Section 53E ½; or take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 2:

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2022 beginning on July 1, 2021 for the revolving funds as established in the towns' by-laws for certain departments, boards, committees, commissions, agencies or officers in accordance with M.G.L. Chapter 44, Section 53E ½; or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2022 Spending Limit
Plumbing Inspections	Building Department	\$15,000
Wiring Inspections	Building Department	\$55,000
Gas Inspections	Building Department	\$12,000
Cemetery	Public Works Department	\$ 5,000

Recommended by the Finance Committee and Selectboard

ARTICLE 3:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2021 to June 30, 2022 as indicated below:

Elected Officials Salaries:

Selectboard: \$23,500 (\$4,700 per Selectboard member)

Recommended by the Finance Committee and Selectboard

ARTICLE 4:

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (MassDOT), under the provisions of Chapter 90 of the Massachusetts General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of town ways and bridges; or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 5:

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

General Government

Town Manager/Selectboard	\$ 438,820
Finance Committee/Reserve Fund	160,300
Finance Director/Town Accountant	153,845
Technology	235,000
Assessors' Office	176,505
Treasurer/Collector	224,547
Town Clerk/Elections	129,801
Conservation Commission	31,847
Various Boards/Commission	22,970
Planning Board	5,350
Zoning Board of Appeals	1,300
Office of Planning/Community Development	138,910

Public Safety

Police Department	1,839,010
Fire Department	674,020
Communications/Emergency Management	21,005
Building Inspector	176,912
Animal Control	12,200

Department of Public Works

2,451,878

Public Health

Health Department	113,503
-------------------	---------

Community Services

Council on Aging	156,469
Veterans' Affairs	155,700
Human Services	30,000

Cultural/Recreation

Libraries	576,665
Parks/Recreation	118,000

Miscellaneous

Insurance	1,804,700
Debt Service	2,067,842
Retirement	999,289
Celebrations/Seasonal/Events/Band Programs	<u>12,500</u>

Total General Fund \$ **12,928,888**

Recommended by the Finance Committee and Selectboard

ARTICLE 6:

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

Wastewater Treatment Plant

Salaries	\$ 503,450
Expenses	743,400
Insurance/Benefits	319,950
Miscellaneous/Transfers	183,600
Debt Service	<u>664,100</u>
Total Wastewater Treatment Plant	\$2,414,500

Recommended by the Finance Committee and Selectboard

ARTICLE 7:

To see if the Town will vote to appropriate \$1,532,600 or any other sum of money, in the following approximate amounts and for the following purposes. And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Street and Bridge Improvements	\$ 720,000
Building Improvements	265,000
Police Cruiser	48,150
Police Portable Radios (3)	25,100
Laptop/Tablets for Cruisers (7)	32,100
Backhoe/Loader	145,450
Truck Lift	79,500
Sidewalk Plow and Sander	124,300
Transfer Station Ticket Kiosk	53,000
Parks Improvements	<u>40,000</u>
Total	\$1,532,600

Recommended by the Finance Committee and Selectboard

ARTICLE 8:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seventeen Million, Nine Hundred Twenty-Eight Thousand, Eight Hundred and Twelve Dollars (\$17,928,812) for the operating assessment, and Five Hundred Three Thousand, Five Hundred and Eighty-Six Dollars (\$503,586) for the capital assessment, for a total assessment of Eighteen Million, Four Hundred Thirty-Two Thousand, Three Hundred and Ninety-Eight Dollars (\$18,432,398) of the Berkshire Hills Regional School District; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 9:

To see if the Town will vote to appropriate \$405,500 or any other sum of money, for Wastewater capital improvements, in the following approximate amounts and for the following purposes. And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Sewer Manhole Rehabilitation	\$200,000
Sewer System Management/Maintenance Plan	185,500
Sewer Line Replacement	<u>20,000</u>
Total	\$405,500

Recommended by the Finance Committee and Selectboard

ARTICLE 10:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2022; or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 11:

To see if the Town will vote to appropriate from Free Cash a sum of money to fund various community programs in accordance with Cannabis Control Commission regulations; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 12:

To see if the Town will vote to raise and appropriate \$25,000 to subsidize Southern Berkshire Ambulance; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 13:

To see if the Town will vote to raise and appropriate \$65,000 to fund the Fiscal Year 2022 tuition and transportation for out of district vocational education, in accordance with Chapter 74 of Massachusetts General Laws; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 14:

To see if the Town will vote to authorize the payment of prior fiscal year invoices from the FY21 operating budgets of the Fire, Department of Public Works and Wastewater Departments; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 15:

To see if the Town will vote to appropriate from Free Cash a sum of money to the Stabilization Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 16:

To see if the Town will vote to appropriate from Free Cash a sum of money to the Capital Stabilization Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 17:

To see if the Town will vote to appropriate \$1,190,000 or any other sum of money, to purchase land for and construct a municipal parking lot. And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 18:

Community Preservation Fund Reserves & Appropriations

To see if the Town will vote to appropriate, or reserve for future appropriation, from the Community Preservation Fund, the following amounts recommended by the Community Preservation Committee for FY22, with each item considered a separate appropriation; or to take any other action relative thereto.

Reserves:

From FY22 revenues for historic resources reserve	\$ 60,000
From FY22 revenues for community housing reserve	\$ 60,000
From FY22 revenues for open space reserve	\$ 60,000

Appropriations:

From FY22 revenues for administrative expenses	\$ 20,000
Balance of FY22 revenues for FY22 budgeted reserve	\$ 345,000

Recommended by the Community Preservation Committee

ARTICLE 19:

Community Preservation Projects

To see if the Town will vote to appropriate from the Community Preservation Fund for FY22 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation; or to take any other action relative thereto.

		Source of Appropriation	
Project	Total Appropriation	FY22 Revenues	Fund Balance
<i>Affordable Housing</i>			
1 Construct, Inc., for a rental assistance program and a microloan program	\$50,000	\$50,000	
Subtotal, Affordable Housing	\$50,000		
<i>HISTORIC RESOURCES</i>			
2 Town, Historical Commission, for historic properties research and documentation	\$6,000		\$6,000
3 Town, for archeological study at the Ramsdell Library	\$9,800		\$9,800
4 First Congregational Church of Great Barrington, for restoration of stone and masonry walls at the Manse	\$240,859	\$240,859	
5 Mahaiwe Performing Arts Center, to replace emergency exit doors	\$15,000	\$15,000	
6 Clinton Church Restoration, Inc., for second phase of restoration work	\$200,000	\$200,000	
Subtotal, Historic Resources	\$471,659		
<i>OPEN SPACE & RECREATION</i>			
7 Town, for improvements to the Housatonic Rail Trail	\$30,000		\$30,000
8 Town, for Lake Mansfield water quality studies	\$70,000		\$70,000
9 Conservation Commission for the McAllister Wildlife Refuge preservation project	\$31,300	\$31,300	
Subtotal, Open Space & Recreation	\$131,300		
TOTAL	\$652,959	\$537,159	\$115,800

Recommended by the Community Preservation Committee

ARTICLE 20:

To see if the Town will vote to amend the vote taken under Article 19 of the Warrant for the Annual Town Meeting held on June 22, 2020, which approved the appropriation of \$185,000 from FY21 Community Preservation Act revenues to the Great Barrington Affordable Housing Trust Fund for the purpose of acquiring land for affordable housing, so as to permit the expenditure of the balance said appropriation for design, engineering or other predevelopment expenses for a project on the land so acquired; or to take any other action relative thereto.

Recommended by the Community Preservation Committee

ARTICLE 21:

Town Clerk Fees

To see if the Town will vote to amend Chapter 91 of the Great Barrington Code, Schedule of Town Clerk's Fees, as follows, with proposed deletions shown as ~~struck through~~ and proposed additions underlined, or to take any other action relative thereto:

The following are fees charged by the Town Clerk for licenses, permits, certified copies and other services, pursuant to the authority granted by MGL c. 262, § 34:

- (11) -For entering amendment of a record of the birth of child subsequently legitimized: \$25.
- (12) -For correcting errors in a record of birth: \$25.
- (13) -For furnishing certificate of birth: ~~\$2~~ \$10.
- (14) -For entering delayed record of birth: \$25.
- (20) -For filing certificate of a person conducting business under any title other than his real name: \$40.
- (21) -For filing, by a person conducting business under any title other than his real name, of a statement of change of his residence or of his discontinuance, retirement or withdrawal from or of a change of location of such business: \$10.
- (22) -For furnishing certified copy of certificate of person conducting business under any title other than his real name or of a statement by such person of his discontinuance, retirement or withdrawal from such business: \$10.
- (24) -For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth: \$20.
- (29) -For correcting errors in a record of death: \$25.
- (30) -For furnishing a certificate of death: ~~\$2~~ \$10.
- (31) -For issuing and recording pawnbrokers' licenses: \$150.
- (42) -For entering notice of intention of marriage: \$35.
- (43) -For entering certificate of marriage filed by persons married out of the commonwealth: \$10.
- (44) -For issuing certificate of marriage: ~~\$2~~ \$10.
- (45) -For correcting errors in a record of marriage: \$25.
- (57) -For recording certificate of registration granted to a person to engage in the practice of optometry or issuing a certified copy thereof: \$20.
- (58) -For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth: \$20.
- (62) -For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section 22 of Chapter 166, for each street or way included in such order: \$40.

(69) -For receiving and filing of a complete inventory of all items to be included in a closing-out sale, etc.: \$10 for the first page and \$2 for each additional page.

(75) -For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by MGL c. 182, § 2: \$20.

(76) -Recording any other documents: \$10 per first page, \$2 each additional page.

ARTICLE 22:

To see if the Town will vote to accept as a town way in Great Barrington that portion of Manville Street discontinued by Article 17 of the Warrant for the Annual Town Meeting held on May 7, 2018, that is, Lots 2A, 3A, 5A, and 6A as shown on a plan entitled "Plan of Land Surveyed for 26 Manville LLC Great Barrington, Massachusetts" and dated March - 2021, which is on file with the Town Clerk, and to accept easements for all the usual purposes of a public way in each of said lots from 26 Manville LLC, for no consideration; or to take any other action relative thereto.

Recommended by the Planning Board and the Selectboard

ARTICLE 23:

To see if the Town will vote to authorize the Selectboard to enter into a Tax Increment Financing (TIF) Agreement and Tax Increment Financing Plan with 79 Bridge Street Realty, LLC, or its Nominee, pursuant to the provisions of MGL Chapter 40, Section 59, in connection with the redevelopment of the property at 79 Bridge Street, Great Barrington; and to authorize the Selectboard to negotiate the final terms of and execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement the TIF Agreement and the TIF Plan pursuant to the provisions of MGL Ch. 40, § 59 or any other enabling authority, including submission of all necessary or required applications and documents to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts, or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 24:

To see if the Town will vote to amend Sections 9.4, 3.1.4 (Table of Use Regulations) and 11 (Definitions), of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: These amendments will update the B-3 zone, which was adopted in 2007 in order to stimulate development at two large, abandoned sites – the former Searles-Bryant school and the Log Homes property – both on Bridge Street.

While well intentioned and aspirational in nature, in fact, the B-3 zone has not served its primary purposes. The current regulations are a set of design controls, open space and affordable housing bonus provisions, and onerous parking requirements, all wrapped into a complicated special permit process. The B-3 zone also included several lots on Church and School Street, none of which is large enough to lend itself to the sort of transformative development that the B-3 was designed to encourage; unfortunately, the B-3 could be used in a way to demolish small existing buildings in order to build new.

Fifteen years since its passage, both of the key campus sites have been partially developed, and permits are in place that would enable more development to be completed. Bryant was saved and reused, and Searles is permitted to be

saved and reused as a hotel. Affordable housing was built on the Log Homes site and will be occupied by the time of the 2021 Annual Town Meeting, and riverfront open space has been preserved for public enjoyment on both sides of the River. The forward progress in this zone has come not because of the B-3 zone provisions but despite them.

The Planning Board proposes to update the regulations to clarify the purpose of the zone and significantly streamline the development process

Proposed additions are underlined
Proposed deletions are ~~struck through~~

Amend Section 9.4 as follows:

9.4 DOWNTOWN MIXED-USE B3 DISTRICT

9.4.1 Purpose. The Downtown Mixed-Use B3 District is a transitional area between the downtown business core and ~~the~~ residential neighborhoods. It is designed to protect the traditional character of these respective areas ~~and~~ to assist in revitalizing, ~~preserving, and expanding~~ the larger tracts of former industrial land in this area, and to allow parcels to contain a mix of uses, either vertically or horizontally, to promote a variety of housing and business opportunities. ~~character of the traditional downtown core. The district is designed to enhance the downtown by providing a pleasing mix of land uses that work together and result in a lively, prosperous town center, that serves as an attractive place to live, work, shop, and recreate. Mixed uses may occur vertically or horizontally. Development and redevelopment in the district is intended to respect the traditional scale, massing, and character of the downtown.~~ The district is intended to foster the redevelopment of existing buildings or redevelopment and create a positive pedestrian environment with active pedestrian amenities. Specific objectives of the Downtown Mixed-Use District are to:

1. Allow for different types of compatible land uses close together or in the same building to encourage pedestrian and public transit travel and reduce the use of personal automobiles;
2. Encourage infill and redevelopment of commercial, residential, and mixed-use development while preserving and enhancing the overall character of the district;
3. ~~Allow flexibility in development standards in recognition of the challenge of developing~~ Encourage the development of small scale mixed-use buildings;
4. Encourage shared parking to promote a compact walkable town center, maximize pedestrian safety, and minimize the number of curb cuts.
5. ~~Maintain or increase the supply of affordable dwelling units.~~

9.4.2 Location. The Downtown Mixed-Use B-3 District is shown on a map entitled "Proposed B3 District," which is hereby incorporated into the Zoning Bylaw, and includes the following land as shown on the 2006 Great Barrington Assessors' Maps:

Map 19	Parcels 118, 119, 120, 121, 127, 128, 130, 135A, 136, 137, 138, 138A, and 139
Map 20	Parcels 2, 5, 8, 8A, 12, 12A, 13, 14, 15, 16, 17, and 61

~~9.4.3 Definitions.~~ For the purposes of this Section, the terms defined in Section 11, “Downtown Mixed Use B3 District” shall apply.

9.4.43 Permitted Uses. Permitted uses in the Downtown Mixed-Use B3 District are enumerated in Section 3.1.4, the Table of Use Regulations. The permitted uses are intended to promote multifamily residential uses, mixed uses and compatibility between residential and nonresidential uses.

Projects that incorporate both multifamily residential uses or assisted living facilities with any of the following non-residential uses, where at least 25% of the street-level floor space is utilized for these non-residential uses, shall be considered Mixed Use for this district, and shall be permitted by-right, subject to Site Plan Review, notwithstanding the permissions set forth for any individual use in Section 3.1.4:

- (1) Offices, including medical offices
- (2) Retail stores, including banks, but excluding stores and establishments with drive-through windows
- (3) General service establishments and/or personal service establishments
- (4) Bakeries and/or artisan food or beverage producers
- (5) Restaurants and cafes, indoor or outdoor
- (6) Community, education, or recreational uses, including museums, parks, playgrounds, health clubs and gym/fitness centers
- (7) Municipal buildings and facilities.

9.4.54 Dimensional Requirements. Dimensional requirements in the Downtown Mixed-Use B3 District shall be as set forth in Section 4.0. ~~The dimensional requirements reflect the proximity to downtown.~~

- ~~1. The maximum number of dwelling units permitted by right shall be based on a minimum area of 2,500 square feet of land per dwelling unit, except that one two family dwelling may be permitted on a lot of at least 5,000 square feet. The minimum area of land required per dwelling unit may be reduced through incentives described in this section and granted by special permit.~~

~~9.4.6 Open Space.~~ The Minimum open space required shall be 20% of the total lot area, subject to reduced requirements earned through incentives described in this section and granted by special permit. For the purpose of this section, "open space" shall be defined as yards, playgrounds, walkways and other areas not covered by parking and driveways; such open space need not be accessible to the public.

~~9.4.75 Parking.~~ Parking requirements for residential dwelling units shall be one parking space for each unit. No parking space shall reduce the effective width of a driveway providing access to more than one dwelling unit to less than 12 feet. In the event the parking spaces cannot be provided on the property, deviation from this requirement may be permitted in accordance with Section 6.1.9. The off-street parking requirements in Section 6.1 shall not apply in the B-3 except as provided in this section. Off-street parking requirements in the B-3 shall be as follows:

1. For new buildings, required off-street parking spaces shall not be located within the front yard area.
2. Only one space shall be required for any dwelling unit, whether in residential-only or in mixed-use buildings.
3. For permitted uses in existing buildings (those in existence as of May 1, 2021) that are not substantially expanded, the existing parking spaces shall be retained, but no new spaces shall be required. A substantial expansion is defined, for the purpose of this section, as one which involves increasing the gross floor area of a structure by more than 25% or 500 square feet, whichever is less.
4. For permitted uses in new buildings or existing buildings that are substantially expanded, as defined in this section, or for any building greater than 5,000 square feet gross floor area, parking is required as follows:
 - (a) one parking space shall be required for each dwelling unit;

(b) the parking requirements for business or industrial uses in Section 6.1.2 through 6.1.6 shall be calculated as follows: the sum of the required parking for each use multiplied by 0.5 with the product rounded down to the nearest whole number, plus handicapped parking as may be required by law or building code (Example: 3 spaces required for retail, 4 spaces required for offices: $(3 + 4) \times 0.5 = 3.5$, so 3 spaces, + 1 handicapped space, = 4 spaces are required); and

5. The parking requirements of paragraphs 2, 3, or 4 of this section may be waived if the SPGA grants a special permit pursuant to section 6.1.9.

9.4.86 Site Plan Review. All redevelopment and development on a parcel or parcels in excess of 10,000 square feet of land shall be subject to site plan review by the Planning Board. No building permit for such a development shall be issued by the Building Inspector until the Planning Board has conducted site plan review in accordance with Section 10.5.

9.4.97 Special Permit. Uses indicated in the Table of Use Regulations, and any development or redevelopment in excess of 20,000 square feet of gross floor area, regardless of use, shall require a special permit. A special permit shall be required for any project seeking to use the density or open space incentives defined in this section. The Selectboard SPGA may grant a special permit in accordance with the provisions of Section 10.4.

9.4.10 Development Incentives. To encourage specific attributes of development beneficial to the Town, the following incentives are offered by special permit.

1. Incentives for mixed use. Due to the proximity of this B3 District to the downtown core, and to promote the public enjoyment of development in this district, the following incentives are offered to promote mixed use, affordable housing, community supporting activities, river appreciation and community open space. Uses may simultaneously qualify for one or more incentives defined in this subsection.
2. Density incentives reduce land area per dwelling unit as set forth in Section 9.4.5. The maximum density incentive is a 50% reduction in required land area per dwelling unit.
 - a. Mixed use: for each 1,000 square feet of nonresidential use, reduce the minimum land area required per unit by 1%.
 - b. Affordable housing: for each unit of affordable housing reduce the minimum land area required by 5%.
 - c. Density incentives are cumulative.
3. Open space incentives reduce total open space requirements as set forth in Section 9.4.7. The maximum open space incentive is a 50% reduction in total open space requirement.
 - a. Community supporting activity: for the first use that the SPGA certifies as a legitimate community supporting activity, reduce the minimum open space required per unit by 5%. For additional uses occupying at least 1,000 square feet that the SPGA certifies as a legitimate community supporting activity, reduce the minimum open space required per unit by 5% for each 1,000 square feet. For the purpose of this section, a "community supporting activity" is defined as use or ownership by either a nonprofit organization or an educational or arts organization which provides services to the community.
 - b. River appreciation: for a nonresidential use that facilitates the public enjoyment of the riverfront, as determined by the SPGA, reduce the minimum open space required per unit up to 15%.

~~_____ c. Community open space: for a nonresidential use that allows permanent public access to open space within the development, as determined by the SPGA, reduce the minimum open space required per unit up to 15%.~~

~~_____ d. Open space incentives are cumulative.~~

~~**9.4.11 Affordable Housing.** To promote the development of affordable housing units in the Town. All new residential development in this district containing more than four dwelling units shall contribute to affordable housing.~~

~~_____ 1. New construction of more than four and fewer than 10 dwelling units shall include either: A contribution to an established Municipal Affordable Housing Trust Fund to be used for the development of affordable housing in accordance with this Section; or construction and offering of at least one affordable unit within the development in accordance with this Section.~~

~~_____ 2. Any project of 10 or more dwelling units shall designate 10% of the units within the development as affordable units, and includes a contribution to the Municipal Affordable Housing Trust fund for fractional units as defined herein~~

~~The Building Inspector shall not issue a building permit or the SPGA shall deny any application for a special permit for development or redevelopment under this section if the applicant does not comply with the following requirements:~~

~~_____ 1. For construction of 10 units or any multiple of 10, one of each 10 units shall be an affordable unit. For each unit sold prior to provision of the required affordable housing units, a performance security, in the amount of 3.5% of the sales price of each unit, shall be placed in escrow to be held by the Municipal Affordable Housing Trust Fund. Such contributions to escrow shall be made at time of closing for each unit sold and shall be returned to the developer in proportion to the completion of the affordable housing units. For purposes of this section, "completion" means a certificate of occupancy under the State Building Code has been issued.~~

~~_____ 2. When the total number of units is not evenly divisible by 10, applicants under this section shall either:~~

- ~~a. Construct one additional affordable unit in addition to those required pursuant hereto; or~~
- ~~b. Contribute, at time of closing, 3.5% of the sales price of each fractional unit to the Municipal Affordable Housing Trust Fund. Fractional units are determined as follows:~~

~~_____ 1. For construction of more than four but less than 10 dwelling units, the number of fractional units is the total number of units.~~

~~_____ 2. For construction of more than 10 units or any multiple of 10, the number of fractional units is determined by subtracting the largest multiple of 10 from the total number of units.~~

~~_____ 3. Income and asset limits for purchasers or renters: To ensure that only eligible households purchase or rent affordable housing units, the purchaser or renter of an affordable unit shall be required to certify that his/her annual income does not exceed 80% of the area wide median household income adjusted for household size, as determined by the United States Department of Housing and Urban Development ("HUD") and using HUD's rules for attribution of income to assets, as may be revised from time to time.~~

- ~~4. The maximum housing cost for affordable units created under this section shall be as set forth in the Local Initiative Program Guidelines of the Massachusetts Department of Housing and Community Development ("DHCD"), dated November 2006, or as subsequently amended.~~
- ~~5. Preservation of affordability. Each affordable unit created in accordance with this section shall have limitations governing its resale. The purpose of these limitations is to preserve the long term affordability of the unit and to ensure its continued availability for low and moderate income households.~~
- ~~6. The developer or redeveloper of any project under this section shall execute and properly record a LIP Regulatory Agreement and Deed Rider in the form required under the Local Initiative Program Guidelines, which constitute "affordable housing restrictions" as defined in G.L. c. 184, s. 31, and provide for affordability in perpetuity.~~
- ~~7. The purchaser of any affordable unit under this section shall execute and properly record an Affordable Housing Deed Rider for Projects in Which Affordability Restrictions Survive Foreclosure, or as it may be subsequently amended, in the form used for so-called Local Action Unit (LAU) homeownership projects under the regulations of the DHCD. This deed rider establishes the formulas for maximum resale price, and provides an option to purchase to the municipality if an eligible purchaser cannot be found.~~

~~**9.4.12 Affordable Housing; Specific Requirements.** The purpose of this subsection is to provide for the development of affordable units in compliance with various initiative programs developed by state and local government. This subsection does not apply to construction of four or fewer dwelling units on the same lot. Provided that there are more than four dwelling units in a development subject to this Section, at least 10% of the units shall be established as affordable units:~~

- ~~1. Affordable housing units shall be constructed and made available for occupancy coincident with and in proportion to the development of market rate units.~~
- ~~2. All affordable units shall be situated within the development in no less desirable locations than market rate units in the development;~~
- ~~3. All affordable units shall be no less accessible to public amenities, such as open space, than the market rate units;~~
- ~~4. All affordable units shall be integrated with the rest of the development;~~
- ~~5. All affordable units shall be compatible in design, appearance, construction and quality of materials with other units; interior features of affordable units shall comply in all respects to the minimum design and construction standards set forth in Section III of the Local Initiative Program Guidelines cited below.~~

~~**9.4.13 Affordable Housing Units; Marketing Plan.** Applicants under this section shall submit a marketing plan to the Building Inspector or SPGA for approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants and shall comply with all applicable provisions of state law regarding marketing of, and tenants or buyer selection for, affordable units.~~

- ~~1. Local preference shall be given to the maximum extent permitted by law.~~

Amend the Column for the B3 district in Section 3.1.4, Table of Use Regulations, as follows:

Permitted Use		ZONING DISTRIC T
		B3
A. Residential uses		
(1)	Dwelling, Single family	Y
(2)	Dwelling, Two-family	Y ²
(3)	Dwelling, multifamily 3 to 8 units	Y
	9 units or more	Y
(4)	Assisted living residence	PB <u>Y</u>
(5)	Live/work units	Y
(6)	Lodging house or tourist home for transient guests	SB
(7)	Mixed use	SB <u>Y</u>
(8)	Open Space Residential Development	N
(9)	Planned unit residential development (PURD)	SB
(10)	Publicly Financed Nonprofit Age-Restricted Housing	SB <u>Y</u>
(11)	Trailer or mobile home	N
B. Community, educational, & recreational uses		
(1)	Camping facilities	N
(2)	Cemeteries	N
(3)	Child care center	Y
(4)	Clubhouses or fraternal lodges not conducted for profit	SB
(5)	Commercial amusements, fairgrounds	N
(6)	Community center operated by a municipal or private not-for-profit organization	SB
(7)	Educational use, exempt	Y
(8)	Educational use, nonexempt	SB
(9)	Golf or country clubs	N
(10)	Hospitals, sanitariums, nursing or convalescent homes or philanthropic institutions, provided that	SB

Permitted Use		ZONING DISTRIC T
		B3
	no principal building so used shall be within 50 feet of any lot line	
(11)	Municipal parks and playgrounds, including recreational buildings therein	Y
(12)	Public libraries, public museums, municipal buildings and facilities	Y
(13)	Riding stables on less than 5 acres, provided that any buildings or structures are set back not less than 50 feet from any lot line	N
(14)	Ski tows, provided that any buildings or structures are set back not less than 50 feet from any lot line	N
(15)	Summer camps operated for children on sites not less than 10 acres in area	N
(16)	Use of land or structures for religious purposes	Y
C. Office, retail and consumer service establishments		
(1)	Banks and other financial institutions	Y
(2)	Fast-food eating establishments	N
(3)	Fuel storage and sales, excluding motor vehicle fuel stations	N
(4)	Garages, public	SB
(5)	Garden centers, including associated landscaping services	Y
(6)	General service establishment	SB
(7)	Greenhouses, commercial, on less than 5 acres, provided that no heating plant for a greenhouse shall be within 50 feet from any side or rear lot line	Y
(8)	Hotels	SB

Permitted Use		ZONING DISTRIC T
		B3
(9)	Institutional administrative offices or planned professional office developments or research centers, provided that in R2 & R4 Districts such uses are subject to special requirements	SB
(10)	Kennel	SB
(11)	Large-scale commercial development	SB-N
(12)	Lumberyards	SB-N
(13)	Marijuana Establishment, Retail and Medical Marijuana Treatment Center	Y
	Marijuana Establishment, Cultivation *	N
	Marijuana Establishment, Manufacturing	SB
(14)	Motels or overnight cabins	SB
(15)	Motor vehicle fuel station	N
(16)	Motor vehicle general and body repair	N
(17)	Motor vehicle sales rooms including used car lots	N
(18)	Offices	Y
(19)	Parking lots, commercial	SB
(20)	Personal service establishment	Y
(21)	Professional offices	Y
(22)	Restaurants and other places for serving food, other than fast-food eating establishments	SB
(23)	Retail stores or centers and/or wholesale sales and service with total aggregate floor area less than or equal to 20,000 square feet	Y
(24)	Retail stores and shops for custom work or making of articles sold on the premises	Y
D. Agricultural uses		

Permitted Use		ZONING DISTRIC T
		B3
(1)	Agriculture, as defined by MGL c. 40A, s. 3, on tracts larger than 5 acres, including sales of products raised on premises on stands or structures erected in accordance with front yard setback requirements, provided that soil fertilizer shall be stored not less than 100 feet from any lot line, unless kept in air-tight containers	Y
E. Utilities, communication and transportation		
(1)	Aviation field, public or private	N
(2)	Essential services	Y
(3)	Freight terminals, truck or rail	N
(4)	Low-power FM broadcast radio licensed by FCC	
	a	Y
	b	SB
(5)	Passenger stations	SB
(6)	Personal wireless tower or structure as a principal (or accessory) use in the Overlay District, and the initial and any subsequent personal wireless service facility located upon that tower or structure (see Section 9.3 of this Bylaw)	
(7)	Solar Energy Systems:	
	Roof-mounted (any size)	Y
	Accessory use, up to 750 sf project area ⁶	Y
	Accessory use 750 sf project area or larger ⁶	Y
	Commercial scale	PB
F. Industrial, manufacturing and storage uses		
(1)	Contractor's and Landscaper's yards	N

Permitted Use		ZONING DISTRICT
		T
		B3
(2)	Gravel, loam, sand and stone removal for commercial purposes	N
(3)	Light manufacturing	SB
(4)	Saw (log) mill and manufacture of forest products, provided that any saw (log) mill shall be located at least 200 feet from any lot line, and no piles of sawdust or other refuse shall be maintained within 100 feet of any lot line	N
G Accessory uses		
(1)	Any structure or use customarily incidental and subordinate to the principal permitted use in the district	Y
(2)	Accessory Dwelling Unit	Y
(3)	Home occupation (low impact)	Y
(4)	Adult day care	PB
(5)	An accessory use to a by-right use, whether or not on the same parcel, which is necessary in conjunction with scientific research or development or related production, provided that the SPGA finds that the proposed accessory use does not substantially derogate from the public good	SB

Permitted Use		ZONING DISTRICT
		T
		B3
(6)	Drive-up or drive-through facilities	SB
(7)	Family day care (small)	SB -Y
(8)	Family day care (large)	SB
(9)	Home occupation (moderate impact)	SB
(10)	Incidental stripping of sod or removal of topsoil, gravel, loam, sand, stone or other earth materials	Y
(11)	Keeping of horses, for whatever purpose, subject to Board of Health regulations and only on lots of 5 acres or more	Y
(12)	Private garage or off-street parking for private automobiles registered at the premises	Y
(13)	Swimming pools, inground or aboveground. Pool must be equipped with safety covers, alarms, fencing, or other means of protection as required by the Building Code, so designed and built to restrain entry by unauthorized persons.	SB -Y
(14)	Wind Energy Generator	SB

Amend Section 11, Definitions, by deleting the following

~~DOWNTOWN B3 MIXED USE DISTRICT:~~ The following definitions apply in the Downtown Mixed Use B3 District:

~~AFFORDABLE UNITS:~~ Housing units that are affordable to and occupied by individuals and families whose annual income is less than 80% of the area-wide median income as determined by HUD, adjusted for household size and using HUD's rules for attribution of income to assets. Affordability shall be assured in perpetuity through the use of an affordable housing restriction as

~~defined in G.L. c. 184, s. 31. Affordable units shall 1) meet the standards set out in 760 CMR 45.03, Local Action Units, as set forth in 760 CMR 45.00, Local Initiative Program, and further described in the DHCD's Local Initiative Program Guidelines, dated November 2006, or as subsequently amended; or 2) be created as affordable units within an approved MGL c. 40B Comprehensive Permit application. Such units shall be created and restricted so as to be eligible for inclusion, as low or moderate income units, on the Town's Subsidized Housing Inventory as maintained by the DHCD.~~

~~**COMMUNITY SUPPORTING ACTIVITY:** Activity sponsored by a nonprofit or educational or arts organization that provides services to members of the community either directly (for example, by providing medical services at a reduced cost) or through programs available to community members (for example, by offering theater programs, or classes in which community members may participate).~~

~~**MUNICIPAL AFFORDABLE HOUSING TRUST FUND:** A trust fund established by the Town in accordance with G.L. c. 44, s.55C for the specific purpose of providing for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households.~~

~~**QUALIFIED PURCHASER:** An individual or family with household income that does not exceed 80% of the area median income, with adjustments for household size, as reported by HUD and the DHCD's Local Initiative Program.~~

~~**QUALIFIED TENANT:** An individual or family with household income that does not exceed 60% of the area median income, with adjustments for household size, as reported by HUD and the DHCD's Local Initiative Program.~~

Recommended by the Planning Board

ARTICLE 25: (by petition)

To ask Town residents to vote to amend Zoning Bylaw §9.11 as set forth below, and to amend the Zoning Map accordingly:

1. Amend a portion of Section 9.11, Mixed Use Traditional Zone (MXD) as follows:

9.11.2 Location. The MXD shall consist of the land shown on the ~~2015~~ 2016 Town of Great Barrington Assessors' Map 22 as Parcels 2, 3A, ~~4-13~~ 4-6, ~~18-63~~ 63, ~~66-88~~ 66-72, 81-88, 88A and on Map 25 as Parcels 1-4.

2. Amend the Zoning Map by placing the following parcels in a R3 zone, as follows: the land shown on the 2016 Town of Great Barrington Assessors' Map 22 as Parcels 7-13, 18-62, 73-80.

Purpose of the Amendment: At the 2016 Annual Town Meeting the Town Planning Board put through a proposal that created the MXD zone. The stated purpose of the 2016 proposal cites “the recommendations of the 2013 Master Plan to update the zoning in certain commercial areas within walking distance of a village center, to preserve and enhance the mix of residential and retail uses, and to reflect the context of the built fabric.” This MXD zone does not accomplish its stated purposes. It joins together two drastically different neighborhoods: the Mahaiwe Triangle (mostly residential parcels on Pope, Mahaiwe and Manville Streets, and 14 residential parcels along nearby Main Street) with commercial parcels west of Maple Avenue and south of Manville Street. The Mahaiwe Triangle is not a commercial area; it consists of one-family residences 60-120years old with a smattering of houses legally converted into two-family and professional space.

As two separate pending lawsuits are demonstrating, this MXD zone has created a loophole by which land developers are acting without any effective zoning regulations. By examining the Table of Use Regulations in Zoning Bylaw §4.1.2, it is appropriate to place the Mahaiwe Triangle in a R3 Zone.

	Min lot	Width	Front	Side	Rear	Bldg %	Story	Height
R3	5000	50	25	10	30	25	2.5	35
B2	43,560	50	50	20	30	25-40	2.5	35
MXD	5000	50	15	10	10	75	3.5	40

ARTICLE 26:(by Petition)

We the undersigned, seek a zoning change to the i2 zoning district.

Under use regulations 3.0c section 13(marijuana establishment and Manufacturing) in the i2 Zone. The current zoning is listed as a no. We would ask the planning board to change this to a SB zone.

ARTICLE 27:(by Petition)

We the undersigned submit this citizen's petition to the voters of the Town of Great Barrington:

To see if the Town will vote to amend sections 7.18.4 and 7.18.5 of the Great Barrington Zoning bylaw 7.18 Marijuana Establishments and Medical Marijuana Treatment Centers and modify section 3.1.4 Table of Uses accordingly or to take any other action relative thereto.

Purpose of the Amendment: The undersigned propose this amendment in response to the concerns expressed by some residents in numerous public meetings and forums as to the negative impacts of marijuana businesses in our community, particularly those located or proposed to be located in or near our residential neighborhoods. Our Master Plan states, "Great Barrington's vision includes protecting and enhancing our compact village centers, historic treasures, natural resources, farms, and open spaces, all of which contribute to Great Barrington's distinctive character. Our goals include directing development and growth into village centers, supporting existing residential neighborhoods, and ensuring that new developments in resource areas are sited and build it in a way that sustains our rural countryside and agricultural areas."

The Master Plan further states, "Residents expect and deserve quiet neighborhoods free from odor, glare, noise and other impacts of commercial activity. Proper buffering and design standards can help ensure business remains healthy and residential property values remain stable, while still encouraging concentration of development in the core areas." The undersigned bring forward the below changes to Zoning by law 7.18 in an effort to better align this bylaw and the Table of Uses with the goals and objectives of the Master Plan.

Proposed deletions of existing text are ~~struck through~~.

Proposed insertions are underlined.

1. Amend Portions of Section 7.18.4 as follows:

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

1. No marijuana establishment or medical marijuana treatment center may be located closer than ~~200~~ 500 feet from a preexisting public or private school providing education in Kindergarten or any of Grades 1 through 12 child care facility, including preschools and daycare centers, or any facility in which children commonly congregate, including, but not limited to, a public library, a playground or park, and athletic field or recreational facility, a place of worship, or a town-owned beach.

2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed marijuana establishment or medical marijuana treatment center and the nearest point of the property line of the protected uses stated above in paragraph 1.
3. The Selectboard may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds the marijuana establishment or medical marijuana treatment center will not be detrimental to a protected use.
4. No Marijuana Establishment of Medical Establishment of Medical Marijuana Treatment Center will be allowed in any Residential District as described in Section 2.0 of the Zoning Bylaws.
4. 5. Other types of marijuana establishments licensed by the Massachusetts Cannabis Control Commission may be permitted in accordance with the appropriate use category in the Table of Use Regulations.

2. *Amend portions of Section 7.18.5 as follows:*

7.18.5. Physical Requirements. In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission. Marijuana establishments and medical marijuana treatment centers shall comply with the following:

1. All aspects of a marijuana establishment or medical marijuana treatment center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building or fenced area dedicated to the cultivation of marijuana and shall not be visible from the exterior of the business.
2. No unprotected storage of marijuana, related supplies, or educational materials is permitted.
3. No use shall be allowed by a Marijuana Establishment of Medical Marijuana Treatment Center which creates a nuisance to abutters or the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the surrounding area.
4. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of a Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use of property.
5. No noise from the establishment of its operations, including but not limited to ventilation, can be detected by a person with unimpaired and otherwise normal hearing at the exterior of a Marijuana Establishment of Medical Marijuana Treatment Center or at any adjoining use or property.”
6. Marijuana Establishments or Medical Marijuana Treatment Centers with grow operations in a translucent building shall not illuminate grow operations between dusk and dawn.
3. 7. Marijuana not grown inside a securable structure shall be enclosed within a six-foot fence, and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.
- 4 8. No outdoor cultivation of marijuana shall be allowed within ~~fifty (50)~~ two hundred (200) feet of any property line.
9. No outdoor home cultivation of marijuana shall be allowed within (50) feet of any property line.

ARTICLE 28: (by Petition)

To forestall the chance that irreparable and irreversible harm be done to Town neighborhoods in which Special Permits for development may be awarded in possible error, we the undersigned ask that the Town put to a vote at a suitable time and place the following Bylaw Amendment:

A Town Bylaw Amendment to limit the role of unsubstantiated opinion as a factor in the award of Special Permits by the the Town Planning Board

"1. In voting on whether to grant Special Permits to development and/or business interests the members of the Planning Board in its capacity as sole Special Permit awarding authority must address abutters' specific quality of life concerns by reference to strict criteria and without recourse to vague, qualitative language elsewhere in the Bylaws which allow unsubstantiated claims as to the benign effect of a development on a neighborhood, to wit: claims by a developer that (A) a development 'will not be more detrimental than a previous use'; (B) as a standard for judging effects of increased traffic at a property proposed for a development (or change of use) words to the effect that 'proposed traffic will not be severely impacted by the [new] use'; (C) language currently in the bylaws and related to a development's proposed parking arrangement meet stringent standards (eg that a provision for not less than 1.5 parking slots per unit in a residential development be stipulated as a condition of award), standards moreover which realistically reflect the likelihood of the scale of vehicle ownership by tenants and users; (D) credible provision by the developer for such adequate parking specifically be made on published plans and in writing; (E) claims by a developer that a development is 'consistent with the neighborhood character' be deprioritized as a basis for awarding a Special Permit and replaced by a provision which requires the Planning Board to ascertain a 'neighborhood's character' before accepting assurances about what is, or is not, actually being changed, by whom and how much. To the extent that unsubstantiated claims by developers or their counsel or personnel on the basis of these above captioned Bylaw references occur they shall henceforth be adjudged inadequate as a standard for the award of Special Permits.

"2. The above-referenced 'strict criteria' for awarding Special Permits shall be the subject of review by the Selectboard as a basis for establishing public, Town-wide criteria for allowing fair and consistent Town development in which the views of all parties have equal weight in the outcomes that result from the award of Special Permits."

ARTICLE 29: (by petition)

To see if the residents of this Town will vote to amend Chapter 241 of the Town Code, Division 3 Miscellaneous Rules and Regulations, as set forth below:

*Amend Section 241-1 **Placement on Agenda**, as follows:*

Every Great Barrington committee or board, whether appointed or elected, shall place on their agenda of public meetings an item for citizen speak time. Except for procedural and housekeeping matters, Town residents shall have the right to address a Board on any item that requires a vote at a time before a Board votes on that item. Such residents will be allowed as much time as the proponent of an item is permitted to have.

Purpose of the Amendment: Under current law and procedure, residents have the right to speak at a public hearing or on a special permit or during Citizen Speak at the end of the evening's meeting or when recognized by the Chair of a Board. There are often items on the agenda of a public meeting for which a Board will have a discussion and vote. Each Board allows the proponent of an item to present its proposal and to present evidence and testimony relative to such proposal. During and after such presentation, a Board may ask questions of the proponent. Rarely does a Board allow residents the right to speak at that time, before a vote on the item. Residents may speak as of right during the Citizen Speak portion at the end of a meeting. But this may be of little consequence to the merits of a proposal as a vote has already been taken. There are often meetings where a Board member may commend a resident on their comment and how the comment was relevant to the proposal. Unfortunately, the vote had already been taken.

This amendment will give residents the right to speak on a particular item at a time when the discussion of an item is still a viable matter. That is, the right to speak and offer comment on matters that affect them, before a Board has voted. In this way, a Board will have the benefit of hearing more than one side of an issue, not just the proponent but also those affected by such proposal. A Board must listen to more than just the proponent of a proposal.

ARTICLE 30: (by petition)

To see if the residents of this Town will vote to amend Chapter 189 of the Town Code, Division 2 Selectmen's Regulations, as set forth below:

Amend Section 189-1 Meetings, subdivision C, paragraph (4), as follows

(4) Although the press and the public have the right to be present at any open meeting, they have no right to participate unless they are recognized by the Chairman. Except for procedural and housekeeping matters, Town residents shall have the right to address the Board on any item that requires a vote at a time before the Select Board votes on that item. Such residents will be allowed as much time as the proponent of an item is permitted to have.

Purpose of the Amendment: Under current law and procedure, residents have the right to speak at a public hearing or on a special permit or during Citizen Speak at the end of an evening's meeting or when recognized by the Chair of the Select Board. There are often items on the agenda of a public meeting for which the Select Board will have a discussion and vote. The Select Board allows the proponent of an item to present its proposal and to present evidence and testimony relative to such proposal. During and after such presentation, the Select Board may ask questions of the proponent. Rarely does the Select Board allow residents the right to speak at that time, before a vote on the item. Residents may speak as of right during the Citizen Speak portion at the end of a meeting. But this may be of little consequence to the merits of a proposal as a vote has already been taken. As an example there was a recent meeting where a Board member commended the resident on their commitment and how the comment was relevant to the proposal. Unfortunately, the vote has already been taken.

This Amendment will give residents the right to speak on a particular item at a time when the discussion of an item is still a viable matter. That is, the right to speak and offer comment on matters that affect them, before the Board has voted. In this way, the Board will have the benefit of hearing more than one side of an issue, not just the proponent but also those affected by such proposal. The Board must listen to more than just the proponent of a proposal.

ARTICLE 31: (by petition)

Resolution to Prohibit Hazardous and Toxic Waste Storage, Disposal, or Dumping in Great Barrington MA

To see if the Town of Great Barrington will vote to approve the following resolution:

Whereas the storage and disposal of hazardous and toxic waste, including PCB's from a variety of sources to include the "Rest of River" cleanup by GE is deleterious to the health of all life;

Whereas the storage and disposal of such waste is antithetical to the Food Sovereignty and Pollinator Friendly resolutions as adopted by the Town of Great Barrington;

Whereas we have sovereign rights as promulgated and protected under the Constitution of the United States of America, among them Life, Liberty and the Pursuit of Happiness. Without our health, healthy water, land and air, we are denied those inalienable rights;

Therefore, we, the citizens of the Town of Great Barrington, do here by adopt this resolution that prohibits the disposal, dumping or storage of hazardous and toxic waste from any source on the land or in the water in the Town of Great Barrington (including Housatonic) under any circumstances to ensure our rights and the rights of future generations to a healthy life.

ARTICLE 32: (by petition)

We sign this petition to close down and outlaw all privately owned "prisons-for-profit" state-wide in MA. These institutions are literally ruining the lives of countless inmates (and their loved ones), whereas properly run and supported State correctional facilities do help rehabilitate people giving them hop in the present, and futures they can look forward to, namely, the chance to contribute to society and live more and more meaningful lives for themselves and others.