

Mark Pruhenski  
Town Manager

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## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

### SELECTBOARD'S MEETING AGENDA (VIA ZOOM)

CONFERENCE DATE: WEDNESDAY, MAY 13, 2020

**6:30 PM** – REGULAR SESSION

LOCATION: ZOOM VIDEO

TOWN HALL, 334 MAIN STREET

### ORDER OF AGENDA

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82618839069?pwd=Z0RUNi82SjdNWHB1dTRPV0ZhWndidz09>

Webinar ID: 826 1883 9069

Password: 335511

Dial in: (929) 205 6099

Webinar ID: 826 1883 9069

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](http://www.townofgb.org). For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See 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\*\*\*\*\*

**5:30 PM** – SITE VISIT for 438-446 Monterey Road, Special Permit Application.

## **6:30 PM - OPEN MEETING**

### **1. CALL TO ORDER:**

### **2. APPROVAL OF MINUTES:**

February 24, 2020 Regular Meeting.

March 9, 2020 Regular Meeting.

### **3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

A. General Comments by the Board.

### **4. TOWN MANAGER'S REPORT:**

A. Department Updates

B. Project Updates

## **6:30 PM**

### **5. PUBLIC HEARINGS:**

A. **Continuation** of Special Permit Application from MRI Investments, LLC for a medically supervised substance abuse detoxification facility at 438-446 Monterey Road, Great Barrington per Sections 3.1.4 B (10) and 10.4 of the Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

b. Explanation of Project

c. Speak in Favor/Opposition

d. Motion to Close or Continue Public Hearing

e. Motion re: Findings

f. Motion re: Approval/Denial/Table

### **6. LICENSES OR PERMITS:**

A. Michael Murphy/Adams Budz VFW Post 8183 re: Memorial Day services – Discussion.

B. Bob Norris – Application for a Driveway Permit at 70 Sumner Street, Great Barrington.  
(Discussion/Vote)

C. Hanna Jensen/The Sweetish Baker LLC – Application for 2020 Common Victualler License at 258 Stockbridge Road. (Discussion/Vote)

### **7. NEW BUSINESS:**

A. SB – To Approve a Grant of Conservation Restriction granted by Myrin Institute, Inc. to New England Forestry Foundation, Inc. of 216.13 acres on Monument Valley Road.  
(Discussion/Vote)

B. SB – Local Economy Meeting – Post COVID 19 – Schedule date and time for a Special Meeting. (Discussion/Vote)

- C. SB – To Approve Waiver of Right of First Refusal of Abigail Haupt, LLC for property adjacent to Hurlburt and Alford Roads as shown on the Assessors Map 31, Parcel 12A (consisting of approximately 11 acres) and portions of Map 31, Parcels 12 and 13 (consisting of approximately 25 acres) for a total of 35.5 acres. (Discussion/Vote)
- D. SB – Letter of Support for Planning Assistance/Growing Better Great Barrington Grant. (Discussion/Vote)
- E. SB – Town Manager’s Performance Evaluation. (Discussion)

**8. CITIZEN SPEAK TIME:**

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

**9. SELECTBOARD’S TIME:**

**10. MEDIA TIME:**

**11. ADJOURNMENT:**

/s/ Mark Pruhenski  
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 also be brought up for discussion to the extent permitted by law.*

## TOWN OF GREAT BARRINGTON

### NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, April 13, 2020 at 7:00 pm at Town Hall, 334 Main Street, Great Barrington, to act on the Special Permit application from MRI Investments, LLC, 6613 N. Scottsdale Road, Suite 200, Scottsdale, AZ 85250 for a medically supervised substance abuse detoxification facility, at 438 - 446 Monterey Road, Great Barrington per Sections 3.1.4 B(10) and 10.4 of the Zoning Bylaw. A copy of the application is on file with the Town Clerk.

Stephen Bannon, Chair

Please publish March 13 and March 20, 2020

Berkshire Record

- Continued to April 27/20
- Continued to May 13/20





TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

PLANNING BOARD

May 9, 2020

Selectboard  
Town Hall  
334 Main Street  
Great Barrington, MA 01230

Re: Special Permit: 438-446 Monterey Road

Dear Members of the Selectboard:

At its meeting of April 23, 2020, the Planning Board voted to send a positive recommendation on the special permit application submitted on behalf of MRI Investments, LLC for a medically supervised substance abuse detoxification facility at 438-446 Monterey Road.

The Board had several comments for the Selectboard's consideration. The Board wanted the Selectboard to be aware that the Planning Board has not received information including: information about the water and septic systems for the site, an agreement allowing the applicant the right to use the parking lot, the dumpster location and screening, site lighting, the plans need to show downward directed lighting and the light temperature, number of parking spaces, loading spaces for deliveries and a landscaping plan.

The Board also recommends that the residents on Birch Lane be notified of the application and use.  
Thank you for the opportunity to comment.

Sincerely,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary

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

Shepley Evans  
Conservation Agent

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



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Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### CONSERVATION COMMISSION

#### MEMORANDUM

To: Great Barrington Selectboard

Fm: Shepley Evans, Conservation Agent

Date: February 26, 2020

Copy: Chris Rembold, Asst. Town Manager, Town Planner

Re: Special Permit application #907-20

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The Conservation Commission has reviewed Special Permit application #907-20 from MRI Investments, LLC for a medically supervised substance abuse detoxification facility, at 438 / 446 Monterey Road, Great Barrington per Sections 3.1.4 B(10) and 10.4 of the Zoning Bylaw.

The Commission notes that the property includes no Wetland Resource Areas and is outside of various Scenic Mountain Areas. As such, the entire property is non-jurisdictional and the Commission therefore has no comment or recommendation to offer on this application.

Thank you.

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Phone: 413-528-0680  
Fax: 413-528-3064

TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

BOARD OF HEALTH

May 11, 2020

**Special Permit #907-20:** Special Permit Application for MRI Investments, LLC, for a medically supervised substance abuse detoxification facility, at 438/446 Monterey Road, Great Barrington per Section 3.1.4 B(10) and 10.4 of the Zoning Bylaw

Dear Selectboard,

The Health Department reviewed Special Permit application #907-20 at the March 12, 2020 Board of Health meeting. Attorney Nicholas Arienti presented the special permit application to the Board of Health and they reviewed a recent Title V inspection report by the Health Agent. The Health Agent explained that while there was no observable failure, the functionality and capacity of the system needs further evaluation by an engineer or registered sanitarian.

**MOTION:** Peter Stanton motioned to recommend Special Permit #907-20 to the Selectboard.

**SECOND:** Dr. Ruby Chang

**VOTE:** 3-0

Sincerely,

Rebecca Jurczyk  
GB BOH Agent

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

TOWN CLERK  
GREAT BARRINGTON  
FEB 25 2020 PM 12:2

FORM SP-1  
REV. 11-2013

FOR OFFICE USE ONLY

Number Assigned 907-20 Date Received 2/25/20  
Special Permit Granting Authority SB  
Copy to Recommending Boards 2/27/20  
Advertised 3/13 & 3/20  
Public Hearing 4/13/20  
Fee: \$150.00 Paid:

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

MAP 42 LOT 12; 12.A; 13.A BOOK 2416 PAGE 293 ZONING DISTRICT(S) R 2

Site Address: 438/446 Monterey Road, Great Barrington

Date of Application: February 24, 2020

Applicant's name and complete mailing address: MRI Investments, LLC c/o C. Nicholas Arienti, Esq., Hellman Shearn & Arienti, LLP, 342 Main Street, Great Barrington, MA 01230

Applicant's phone number (413) 528-4800 Applicant's email address: narienti@hellmanshearn.com

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

Pittsfield Cooperative Bank, 70 South Street, Pittsfield, MA 01201-6109

I (we) request a Special Permit for: MRI Investments, LLC, hereby requests a special permit to create a detoxification center specializing in medically supervised detox programing to assist people who are suffering from substance abuse and ready to begin recovery.

Under Section (s) 3.1.4.B.10 and 10.4 of the Great Barrington Zoning Bylaws.

APPLICANTS MUST READ AND COMPLY WITH THE FOLLOWING:

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

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



7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations or expert analysis of the plan.
8. Landscaping Plan drawn to scale and showing existing and proposed landscaping.
9. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

**SPECIFICS:**

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

  
 \_\_\_\_\_  
 Signature of Applicant, Attorney for Applicant



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

\*\*\*\*\*

**PLEASE READ AND SIGN BELOW**

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

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

Signature  \_\_\_\_\_  
 Signature of Co-Applicant (e.g. Property Owner)  \_\_\_\_\_  
 Date 2/24/2020 \_\_\_\_\_



Town of Great Barrington
Planning Board

PB SPR 1
Rev. Aug 2011

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

INSTRUCTIONS

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

FOR OFFICE USE ONLY

Filing Date: \_\_\_\_\_ Decision due: \_\_\_\_\_
Number Assigned: \_\_\_\_\_ Paid? \_\_\_\_\_
[ ] Original and seven (7) copies received
[ ] Original filed with and stamped by Town Clerk
[ ] Copy to Town Planner
[ ] Six (6) copies to Planning Board

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

A. SITE LOCATION

Site Address 438/446 Monterey Road, Great Barrington
Map 42 Lot 12; 12.A; 13 Deed Book 2416 Deed Page 293
Zoning District R2 One-acre Res. Overlay District (if any)

B. APPLICANT AND PROPERTY OWNER

Applicant's
Information

Name (please print) MRI Investments, LLC
Street Address 6613 N. Scottsdale Road, Suite 200
City, State, Zip Code Scottsdale, AZ 85250
Phone (area code first) 413-528-4800 Email Address: narienti@hellmanshearn.com
Signature [Handwritten Signature]

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

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

Property
Owner's
Information

Name (please print) Pittsfield Cooperative Bank
Street Address 70 South Street
City, State, Zip Code Pittsfield, MA 01207
Phone (area code first) 413-629-1602 Email Address: JAnderson@pittsfieldcoop.com
Signature [Handwritten Signature]

**C. DESCRIPTION** Briefly describe your project, and indicate how it complies with the Master Plan and the Design Guidelines Workbook. If additional space is needed, please submit on additional sheet(s) as required.  
MRI Investments, LLC, hereby requests a special permit to create a detoxification center specializing in medically supervised detox programming to assist people who are suffering from substance abuse and ready to begin recovery. See attached Memorandum for additional information.

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- D. APPLICABILITY:** Check the reason(s) for your Application (choose all that apply)
- 1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure.
  - 2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or use involving more than six spaces.
  - 3. Grading or clearing of more than 10 % of a lot or 10,000 square feet, whichever is the lesser (except as provided in 10.5.1, of the Zoning Bylaw).
  - 4. Other, as required by the Zoning Bylaw. (Please specify: Section(s) \_\_\_\_\_)

**E. SPECIAL PERMITS AND OTHER REGULATIONS**

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

**F. FEE**

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

**G. REQUIREMENTS**

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

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

**H. APPROVAL**

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

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

MEMORANDUM IN SUPPORT OF SPECIAL PERMIT APPLICATION

BY GREAT BARRINGTON REAL ESTATE LLC

The applicant, MRI Investments, LLC (“MRI”), submits this memorandum in support of its application for a special permit at 438/446 Monterey Road, Great Barrington, Massachusetts (the “Site”), pursuant to the Great Barrington Zoning Bylaws (the “Bylaws”) Sections 3.1.4.B (10) and 10.4.

Zoning Status

The Site is located in the R 2 Residential zoning district (see **Exhibit 1** attached hereto).

Recent History

The current owner of the Site, Pittsfield Cooperative Bank, took title to the Site from prior owner, GB North Star Realty, Inc., in May of 2017, which operated the Site as part of the former Eagleton School.

The existing structure on the Site was originally constructed in 1966 and was renovated and likely expanded in 1984 according to the Great Barrington Assessor’s records (see **Exhibit 2** attached hereto). The current structure in total comprises approximately 5,166 square feet between the first-floor level, which is at street grade, and the basement level below, which is fully exposed at the rear of the building and which serves as the primary point of access. The building was most recently used by the Eagleton School as both a student residence and for administrative offices and meeting rooms, but has been vacant since the School’s closing in 2016. Current owner Pittsfield Cooperative Bank has not used the building or the Site since it took title in 2017.

Proposal

MRI Investments, LLC is currently under contract to purchase the Site from the Pittsfield Cooperative Bank, contingent on MRI’s receipt of necessary use permits. While MRI plans to take title to the Site pursuant to its contract for purchase and sale, the business operation/use contemplated by this special permit application will be most likely be performed by a related entity named Desert Mountain Health (“DMH”), which currently provides these services at its Scottsdale, Arizona, location. While DMH is a detoxification center based in Scottsdale it has ownership roots based in Berkshire County.

MRI proposes to operate a detoxification and treatment center specializing in medically supervised detox programming to assist people who are suffering from substance abuse and ready to begin the recovery process. This proposal is filed pursuant to section 3.1.4.B(10), ‘Hospital,



sanitarium, nursing or convalescent home...’ of the Great Barrington Zoning Bylaws, which requires grant of a special permit from the Great Barrington Selectboard.

The proposed use at the Site is intended to include inpatient medical detox and related medical services, individual and group therapy, family programs and aftercare planning. The Site will be used to house clients of the program during the detox and recovery period, and will also be used for clinical medical and therapeutic purposes, for counseling and meetings, and for administrative space for the staff. The staff will be comprised of various medical professionals, therapists and administrative staffers, and will provide required services and staffing at the Site at all hours.

The proposed use at the Site does not contemplate any expansion of the existing building or its footprint, but will require renovation of the interior of the structure to accommodate the proposed use. Accordingly, the Site is not anticipated to be modified for the proposed use. A site plan is attached hereto as **Exhibit 3**. Please note that the Site is currently comprised of three separate lots under a single deed, but the lots are intended to be combined into a single parcel as illustrated on **Exhibit 3** in conjunction with MRI’s purchase of the property.

In order to grant the requested special permit, the Great Barrington Board of Selectmen, as the Special Permit Granting Authority (the “SPGA”) pursuant to Section 10.4 of the Bylaw, are required to consider each of the following factors in determining that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town of Great Barrington or the neighborhood in view of the particular characteristics of the site, and of the proposal in relation to that site:

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

MRI respectfully suggests that this proposal meets the above listed requirements, as follows:

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

Grant of the special permit will serve the immediate needs of the local and surrounding Berkshire County community by offering specialized medically supervised detox programming and therapy to assist people who are suffering from substance abuse, both alcohol and drugs, and ready to begin recovery. Currently the options for substance abuse treatment, including detox, therapy and aftercare planning, are severely lacking particularly in southern Berkshire County despite the fact that the local need for such treatment and care is incredibly high. DMH's high level of care and expertise, as demonstrated by their existing facility in Scottsdale, will benefit the surrounding community and beyond by providing an additional option for substance abuse treatment here in southern Berkshire County. DMH's number one concern is the care of their clients and their success in achieving long-term sobriety, a goal that will benefit our community by helping those in need find a healthier and happier way of living.

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

Traffic flow will not be altered whatsoever by this proposal as compared to the use by prior owner Eagleton School, and will likely be less intense as related to the Site. There is anticipated to be sporadic low impact traffic flow to and from the Site generated by the staff arriving to and departing from their shifts, and any traffic flows generated by MRI/DMH's clients will be particularly sporadic and minimal as there are no standard arrival or departure times.

3. Adequacy of utilities and other public services;

There will be very limited impact to utilities and other public services because there are no changes proposed to the Site or the existing footprint of the structure. Additionally, because of the broad and comprehensive services that will be offered by MRI/DMH staff, including medical services, it is not anticipated that medical or emergency services will be impacted in a significant way if at all.

4. Neighborhood character and social structures;

The proposed use will not significantly alter the existing character of the neighborhood or social structures in any tangible manner because MRI/DMH will use the Site in a manner similar to that of prior owner Eagleton School, which use was ongoing for many years until recently. In fact the use proposed is likely to be

5. Impacts on the natural environment; and

There will be very limited if any change at all to the existing conditions as it relates to this requirement because there is no expansion of the existing building or construction impacting the Site.

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

The local fiscal impact will be reflected by numerous benefits as a result of the Board's grant of this proposal. MRI's purchase of the Site will unquestionably lead to an increase in assessed value following completion of required improvements to the existing building, increasing local real estate tax revenue generated on an annual basis. Additionally, MRI will employ skilled staff from the local area to serve its clients at various levels of expertise, experience and income, including doctors, nurses, therapists and administrative staff. The proposed use does not contemplate any negative impact on town services whatsoever.

MRI submits for Site Plan Review the plan attached at **Exhibit 3** which includes an accurate representation of the existing conditions at the Site. However, because the instant application does not contemplate any exterior modification of the existing building, contemplates little or no impact on the existing conditions at the Site, and is a far less intense use than the prior longtime owner Eagleton School, MRI hereby requests a waiver of Sections 10.5.3.1.j (drainage) and k (stormwater management), and 10.5.3.3 (Traffic Impact Assessment) of the Bylaw pursuant to Section 10.5.4, Waiver of Submittal Compliance.

Finally, the proposal is harmony with various elements of the Community Master Plan. Specifically, the proposal is consistent with Economic Development Goal 3 and Land Use Goal 6 because it will redevelop an existing site that has been entirely underutilized since 2016, through renovation of the existing structure which will aid in preservation of the natural resources in their existing state at this rural location.

For the reasons stated above, MRI Investments, LLC, respectfully requests that the Town of Great Barrington Board of Selectmen grant the requested special permit.

MRI Investments, LLC

By its attorney,

A handwritten signature in black ink, appearing to read "C. Nicholas Arienti", written over a horizontal line.

C. Nicholas Arienti

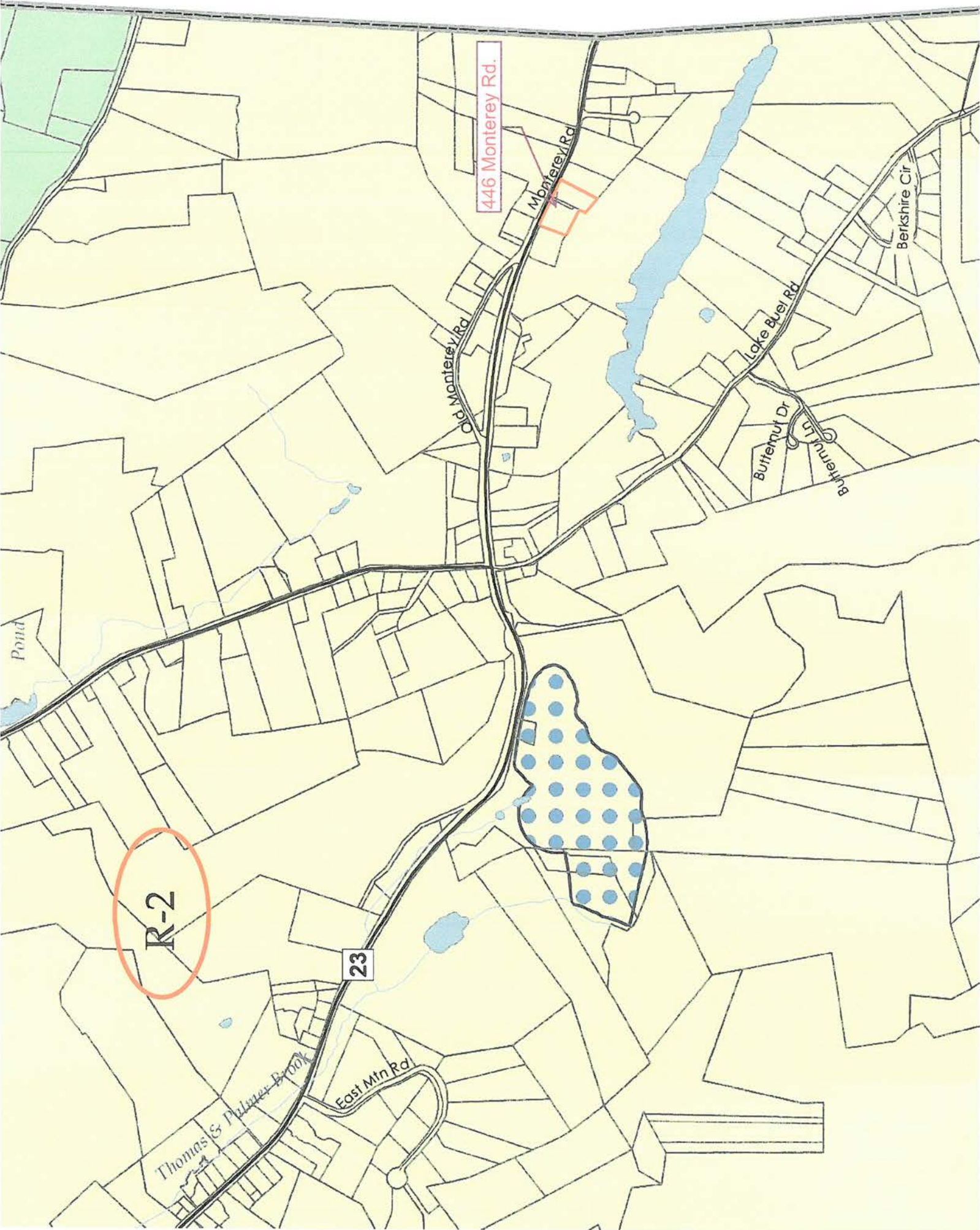
Hellman Shearn & Arienti LLP

342 Main Street

Great Barrington, MA 01230

(413) 528-4800





R-2

446 Monterey Rd.

Monterey Rd

Old Monterey Rd

Berkshire Cir

Lake Blue Rd

Butternut Dr

Butternut Ln

23

East Mtn Rd

Thomas & Palmer Brook



**Residential Property Record Card**

Parcel ID: 113/042.0-0000-0013.A MAP: 042.0 BLOCK: 0000 LOT: 0013.A Parcel Address: 446 MONTEREY RD FY: 2019

**PARCEL INFORMATION**  
 Owner: PITTSFIELD COOPERATIVE BANK  
 Address: 70 SOUTH ST  
 PITTSFIELD MA 01201-6109

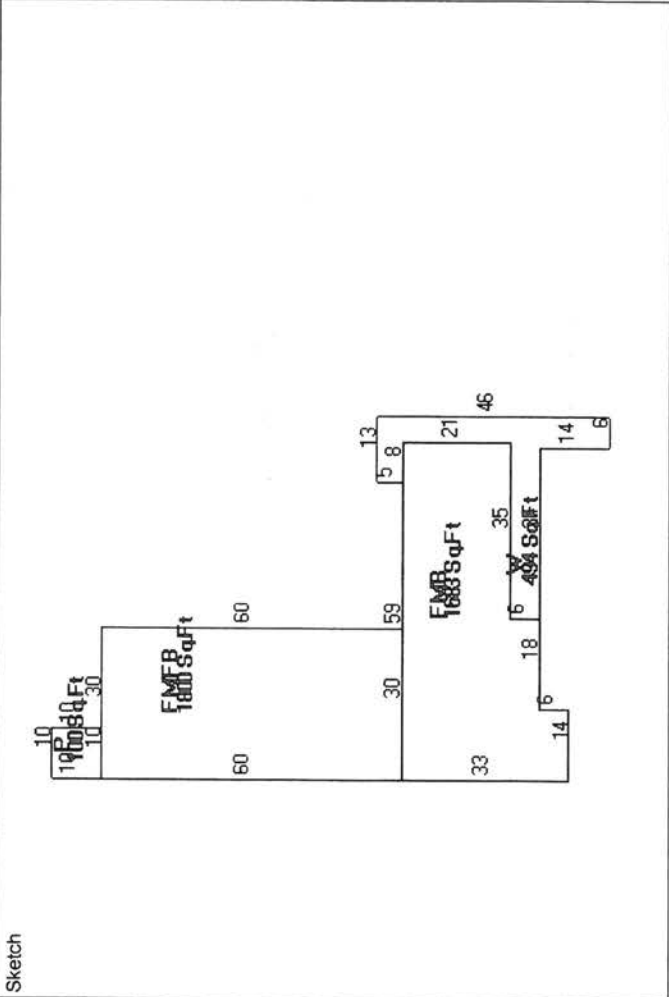
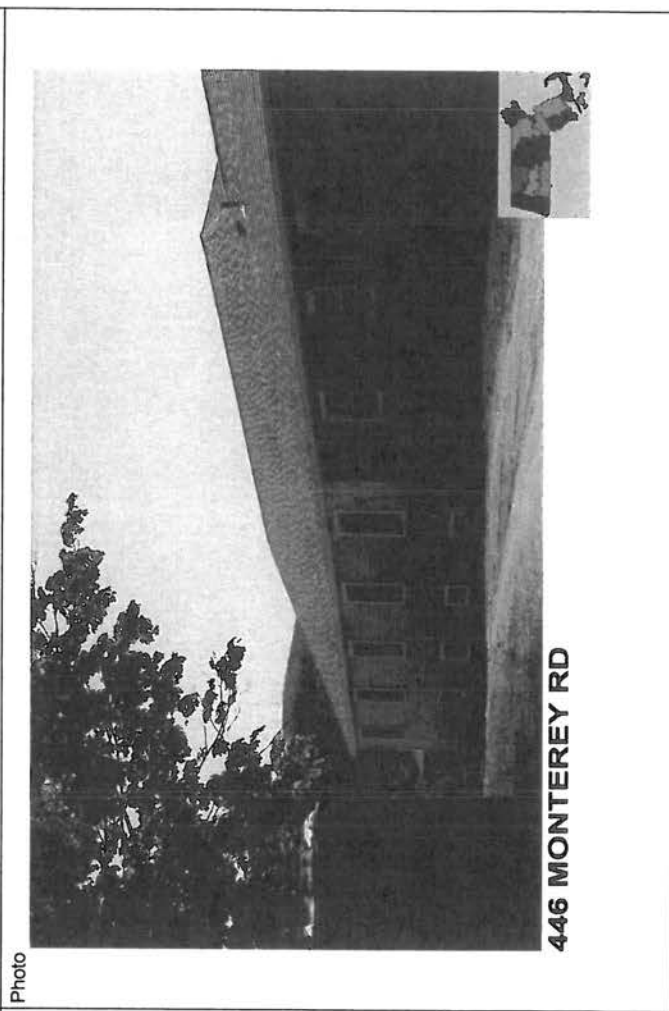
Use-Code: 101  
 Tax Class: T  
 Tot Fin Area: 3483  
 Tot Land Area: 1.720  
 Sewer: GB NORTH STAR RLTY  
 Exempt-B/L% 0/0

Sale Price: 2416  
 Sale Date: 05/19/2017  
 Sale Type: P  
 Sale Valid: L  
 Grantor: 100/100  
 Resid-B/L% 0/0

Road Type: 2416  
 Rd Condition: 294  
 Traffic: L  
 Water: L  
 Sewer: 0/0  
 Indust-B/L% 0/0

Inspect Date: 03/23/2011  
 Meas Date:  
 Entrance: X  
 Collect Id: CL  
 Inspect Reas: P  
 Open Sp-B/L% 0/0

RESIDENCE INFORMATION				LAND INFORMATION			
Style:	RN	Tot Rooms:	6	Main Fn Area:	3483	NBHD CODE:	2
Story Height:	1.00	Bedrooms:	2	Up Fn Area:		Method	A
Roof:	G	Full Baths:	2	Add Fn Area:	945	Code	101
Ext Wall:	WS	Half Baths:	1	Unfin Area:		Type	P
Masonry Trim:	T	Ext Bath Fix:	340090	Tot Fin Area:	3483	Msr-1	1
Bath Qual:	T	RCNLD:	HW	Kitch Qual:	T	Msr-2	2002
Mkt Adj:		Heat Type:	O	Ext Kitch:	1966	E-YR-Blt	A
Sound Value:		Fuel Type:		Year Built:	1966	Grade	A
Fireplace:	2	Bsmt Gar Cap:		Cost Bldg:	340,100	Cond	A
Central AC:	Y	Bsmt Gar SF:		Att Str Val1:		%Good P/F/E/R	//94
Att Gar SF:		%Good P/F/E/R:	//78	Att Str Val2:		Cost	1,000
Porch Type	P	Porch Area		Porch Grade Factor		MktLnd:	87,600
W		Porch Area	100			MktLnd:	87,600
			494				



**Property Record Card**

Parcel ID: 113042.0-0000-0012.0 MAP: 130 042.0 BLOCK: 0000 LOT: 1 0012.0 Parcel Address: 438 MONTEREY RD 2019 FY: 2019

**PARCEL INFORMATION**  
 Owner: PITTSFIELD COOPERATIVE BANK  
 Address: 70 SOUTH ST  
 PITTSFIELD MA 01201-6109

Use-Code: 130 Sale Price: 0  
 Tax Class: T Sale Date: 05/19/2017 Page: 294  
 Tot Fin Area: 0 Sale Type: L Cert/Doc: 294  
 Tot Land Area: 2.294 Sale Valid: L  
 Sewer: GB NORTH STAR RLTY  
 Exempt-B/L% 0/0 Resid-B/L% 0/0 Comm-B/L% 0/0 Indust-B/L% 0/0

Road Type: T Inspect Date: 04/19/2017  
 Rd Condition: P Meas Date:  
 Traffic: L Entrance:  
 Water: Collect Id:  
 Sewer: Inspect Reas:  
 Indust-B/L% 0/0 Open Sp-B/L% 0/0

LAND INFORMATION								
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-YN	Value	Class
1	P	130	A	87120	2.000	N	90,000	
2	R	130	A	12807	0.294	N	1,323	
VALUATION INFORMATION								
Current Total:			Bldg:	0	Land:	91,300	MktLnd:	91,300
Prior Total:			Bldg:	0	Land:	91,300	MktLnd:	91,300

Sketch

# No Sketch Available

Photo

# No Picture Available

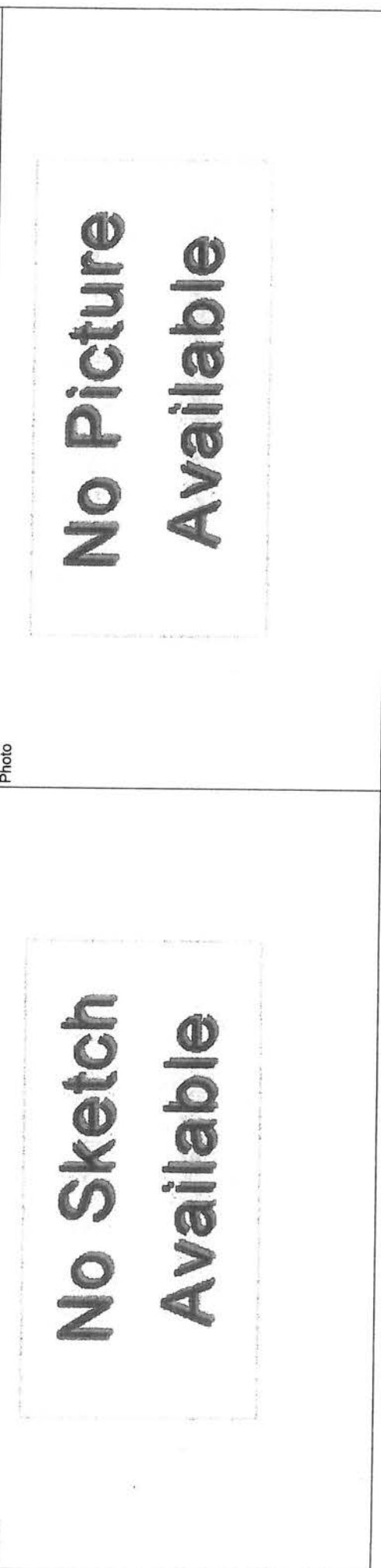
**Property Record Card**

Parcel ID: 113/042.0-0000-0012-A MAP: 042.0 BLOCK: 0000 LOT: 0012.A Parcel Address: 0 MONTEREY RD FY: 2019

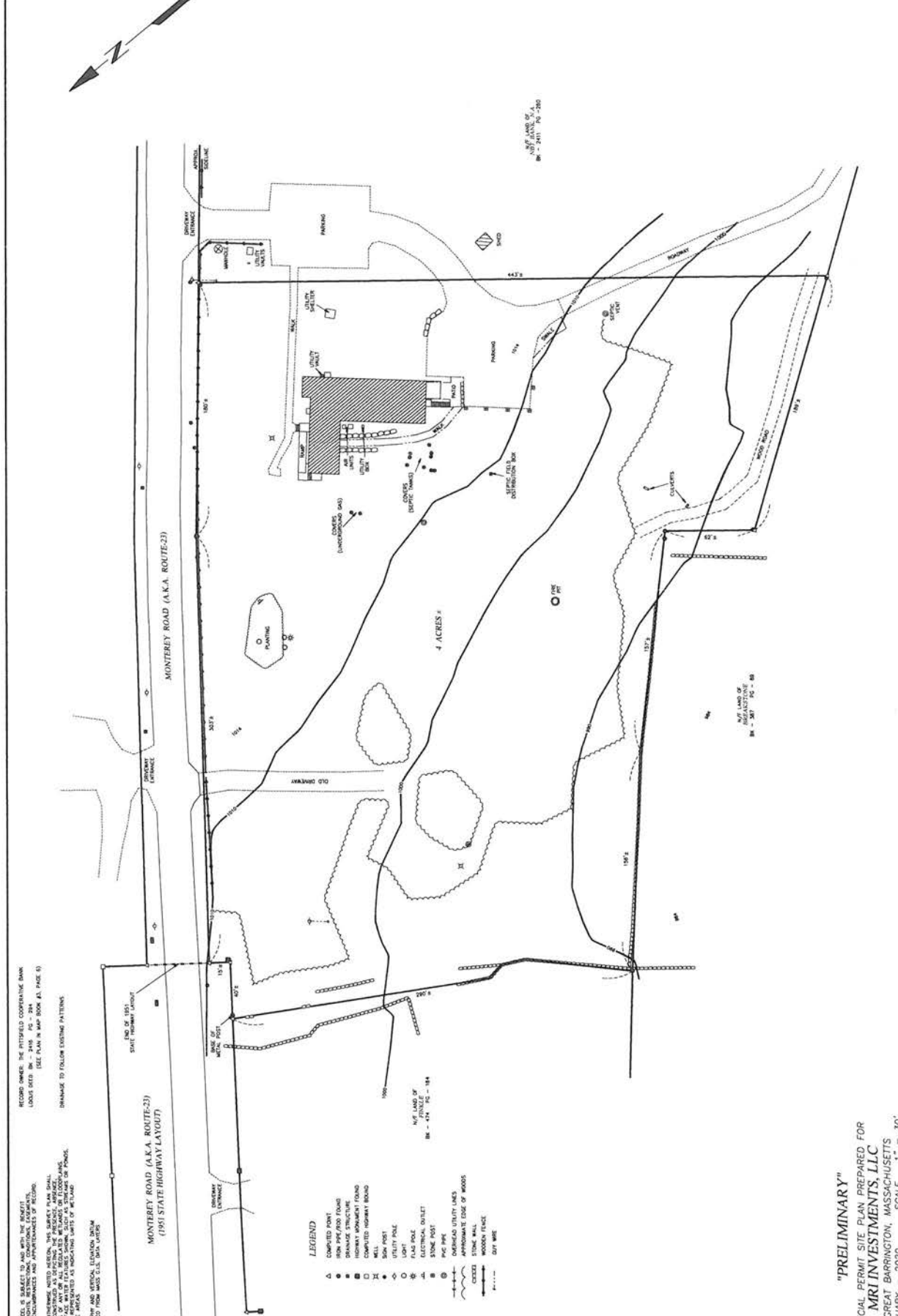
**PARCEL INFORMATION**  
 Owner: PITTSFIELD COOPERATIVE BANK  
 Address: 70 SOUTH ST  
 PITTSFIELD MA 01201-6109

Use-Code: 132 Sale Price: 2416 Book: 2416 Road Type: T Inspect Date:  
 Tax Class: T Sale Date: 05/19/2017 Page: 294 Rd Condition: P Meas Date:  
 Tot Fin Area: 0 Sale Type: L Cert/Doc: H Entrance:  
 Tot Land Area: 0.086 Sale Valid: L Grantor: GB NORTH STAR RLTY Collect Id:  
 Sewer: Resid-B/L% 0/0 Comm-B/L% 0/0 Indust-B/L% 0/0 Inspect Reas:  
 Exempt-B/L% 0/0

LAND INFORMATION			
Seg	Type	Code	Zone
1	R	132	R2
VALUATION INFORMATION			
Current Total:	Bldg:	0	Land: 400
Prior Total:	Bldg:	0	Land: 400
		MktLnd:	400
		MktLnd:	400







THIS PLAN IS SUBJECT TO AND WITH THE RESERVE OF ALL RIGHTS, RESERVATIONS, CONDITIONS, LIMITATIONS, EXEMPTIONS AND APPOINTMENTS OF RECORD. (SEE PLAN IN MAP BOOK A, PAGE 5)

RECORD OWNER: THE PITTSFIELD COOPERATIVE BANK  
 LOCUS DEED BK - 2440 PG - 294

DRAINAGE TO FOLLOW EXISTING PATTERNS.

TOPOGRAPHY AND SPECIAL ELEVATION DATA PROMOTED FROM MASS D.L.S. DATA LAYERS

- LEGEND**
- ▲ COMPUTED POINT
  - DRAINAGE STRUCTURE
  - ▣ HIGHWAY MONUMENT FOUND
  - ▤ COMPUTED HIGHWAY BOUND
  - ⊙ WELL
  - ⊙ SIGN POST
  - ⊙ UTILITY POLE
  - ⊙ LIGHT
  - ⊙ FLAS POLE
  - ⊙ ELECTRICAL OUTLET
  - ⊙ SIGN POST
  - ⊙ SIGN POST
  - OVERHEAD UTILITY LINES
  - APPROXIMATE EDGE OF WOODS
  - CEMENT STONE WALL
  - WOODEN FENCE
  - GUY WIRE

**"PRELIMINARY"**

SPECIAL PERMIT SITE PLAN PREPARED FOR  
**MRI INVESTMENTS, LLC**  
 GREAT BARRINGTON, MASSACHUSETTS  
 FEBRUARY - 2020 SCALE 1" = 30'  
 KELLY, GRANGER, PARKSONS & ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
 100 STATE STREET, SUITE 200  
 GREAT BARRINGTON, MASSACHUSETTS 01930  
 TEL: 413-528-3300 FAX: 413-528-3304  
 WWW.KGPA.COM



Produced by  
 in cooperation  
 Public Work  
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CONVERSION TA

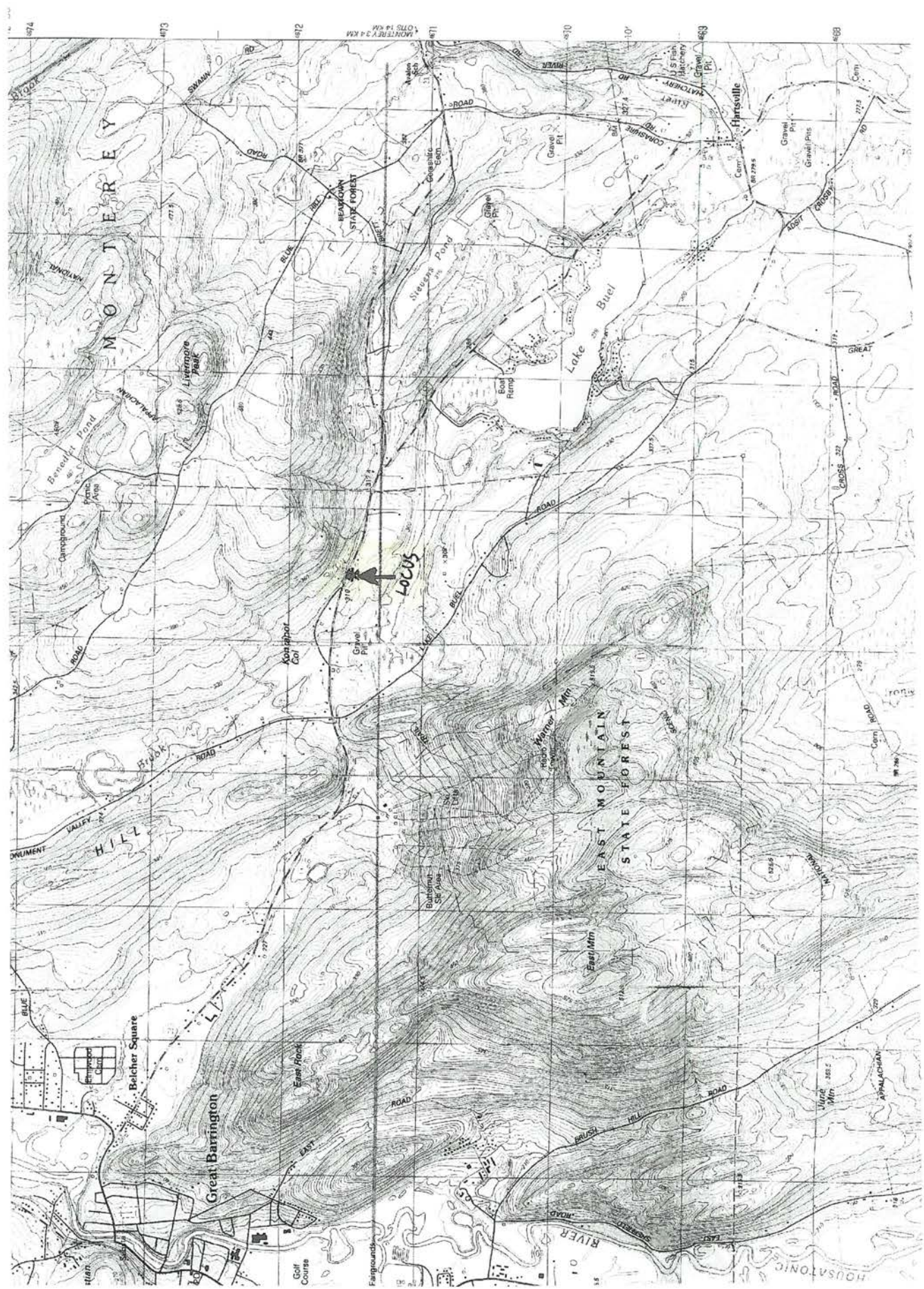
Meters	Ft
1	3.28
2	6.56
3	9.84
4	13.12
5	16.40
6	19.68
7	22.96
8	26.24
9	29.52
10	32.80

To convert meters to  
 multiply by 3.2808  
 To convert feet to m  
 multiply by 0.3048

FO  
 DENVER, I

# Topogi

Primary highway, bar  
 Secondary highway, h  
 Light-duty road, bar  
 Unimproved road, tra  
 Route marker, interes  
 Railroad, standard ga  
 Bridge, standard  
 Footbridge, overpass,  
 Built-up area only se  
 House, barn, church,  
 Boundary:  
 National, with mon  
 State  
 County, perch





Bruce Firger, Assessor  
John Katz, Assessor

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

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### ASSESSORS' OFFICE

February 10, 2020

ABUTTERS TO PROPERTY OF: PITTSFIELD COOPERATIVE BANK

438 Monterey Road, Map 42 Lots 12,12A, Book 2416 Pg. 294

446 Monterey Road, Map 42 Lot 13A, Book 2416 Pg. 294

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
42	10	Barbara Breakstone, 50 Van Etten Blvd., New Rochelle, NY 10804-2320
42	11	Dale B. & Jo-Ann Finkle, 434 Monterey Rd., Gt. Barrington, MA 01230-1454
42	13	Matthew J. Merritt III, 99 New Lenox Rd., Lenox, MA 01240-2237
42/13H,41/38,37,39,40		NBT Bank NA, 52 Broad St., Norwich, NY 13815-1646
41	25C	Commonwealth of Massachusetts, Dept. of Environmental Mangement, 251 Causeway St. #700, Boston, MA 02114-2154

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

Sincerely,

  
Shaun McHugh  
Principal Assessor

**LAZAN GLOVER & PUCILOSKI LLP**  
BOSTON • GREAT BARRINGTON

DAVID M. LAZAN\*  
PETER L. PUCILOSKI  
ALEXANDRA H. GLOVER  
ADRIENNE L. ARNOLD

OF COUNSEL  
SCOTT A. SANES<sup>◇</sup>  
JAMES B. MCLINDON

785 MAIN STREET  
GREAT BARRINGTON, MA 01230  
TELEPHONE 413-644-0200  
FAX 413-644-0201  
www.lazanlaw.com

Alexandra H. Glover  
Email [glover@lazanlaw.com](mailto:glover@lazanlaw.com)

April 27, 2020

By Facsimile (413) 528-2290 and First-Class Mail

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

Re: Special Permit Application of MRI Investments, LLC

Dear Chair Bannon and Selectboard Members:

I represent Matthew Merritt, who owns property abutting the above-referenced project. First, please be advised that Mr. Merritt never received notice of this Special Permit Application, which is on the agenda for tonight's Selectboard Meeting, or of any hearings related to the project. I have reason to believe that at least two other abutters did not receive notice. Mr. Merritt found out about the Application through happenstance and was only able to retain counsel this afternoon. Thus, the public hearing on the Special Permit must be re-noticed and re-published in compliance with M.G.L. c. 40A, §11.

I am informed by the Applicant's attorney, C. Nicholas Arienti, that the hearing is not going forward tonight and that no representative of the Applicant will be present. I am relying on Attorney Arienti's representation that the Application is not being heard by the Selectboard tonight.

Very truly yours,



Alexandra H. Glover

cc: Christopher Rembold, Town of Great Barrington (by email)  
C. Nicholas Arienti, Esq. (by email)

174371

\*Also admitted in Florida  
◇Also admitted in Texas

RECEIVED  
TOWN OF GREAT BARRINGTON  
MAY 5 2020  
SELECTBOARD &  
TOWN MANAGER'S OFFICE

Mailed to  
abutters 4/27/20

## TOWN OF GREAT BARRINGTON

### NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Wednesday, May 13, 2020 at 6:30 pm at Town Hall, 334 Main Street, Great Barrington, to act on the Special Permit application from MRI Investments, LLC, for a medically supervised substance abuse detoxification facility, at 438 - 446 Monterey Road, Great Barrington per Sections 3.1.4 B(10) and 10.4 of the Zoning Bylaw.

A copy of the application is on file with the Town Clerk or an electronic version may be requested by emailing the Town Planner at [crembold@townogb.org](mailto:crembold@townogb.org).

If Governor Baker's COVID-19 related emergency orders regarding the limitation on public gatherings is still in place on May 13, then the meeting will be held via remote teleconference rather than in-person. The instructions for participating in the meeting will be listed on the Selectboard's May 13, 2020 agenda, which will appear on the Town's website, [www.townofgb.org](http://www.townofgb.org), at least 48 hours prior to the meeting.

Stephen Bannon, Chair

## Helen Kuziemko

---

**From:** Mark Pruhenski  
**Sent:** Monday, May 11, 2020 2:51 PM  
**To:** Chris Rembold  
**Cc:** Helen Kuziemko  
**Subject:** RE: 446 Monterey Road, Great Barrington - special permit application

Sure. Copying Helen.

**From:** Chris Rembold  
**Sent:** Monday, May 11, 2020 2:19 PM  
**To:** Mark Pruhenski <MPruhenski@Townofgb.org>  
**Subject:** FW: 446 Monterey Road, Great Barrington - special permit application

Mark, can this be included in the SB packet?

**From:** Nick Arienti <NArienti@hellmanshearn.com>  
**Sent:** Monday, May 11, 2020 2:02 PM  
**To:** Chris Rembold <crembold@Townofgb.org>  
**Subject:** FW: 446 Monterey Road, Great Barrington - special permit application

Chris- following up my prior email; See Chief Burger's response to my email below- no issues. I did also let him know that the applicant is aware that they very likely will need to install a sprinkler system for grant of a C of O, and he was pleased that they knew of this potential issue this early in the process.

Again- do I need something more from Chief Burger?

Nick

C. Nicholas Arienti | Hellman Shearn & Arienti LLP  
342 Main Street | Great Barrington, MA 01230  
o(413) 528-4800 | d(413) 449-5044 | [NArienti@hellmanshearn.com](mailto:NArienti@hellmanshearn.com) | [www.hellmanshearn.com](http://www.hellmanshearn.com)

**From:** Charles Burger <cburger@Townofgb.org>  
**Sent:** Saturday, May 9, 2020 1:13 PM  
**To:** Nick Arienti <NArienti@hellmanshearn.com>; William Walsh <WWalsh@Townofgb.org>  
**Subject:** RE: 446 Monterey Road, Great Barrington - special permit application

Nick,

There are no access issues at 446 Monterey Road for the fire department. I would be interested in talking to you about fire protection. With the change of use the building will be required to be sprinklered, I believe. Have a good weekend.





**Charles Burger**

Fire Chief

413-528-0788 ex 101  
[cburger@townofgb.org](mailto:cburger@townofgb.org)

Town of Great Barrington  
Fire Department  
37 State Road  
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:** Nick Arienti <[NArienti@hellmanshearn.com](mailto:NArienti@hellmanshearn.com)>

**Sent:** Friday, May 8, 2020 4:59 PM

**To:** Charles Burger <[cburger@Townofgb.org](mailto:cburger@Townofgb.org)>; William Walsh <[WWalsh@Townofgb.org](mailto:WWalsh@Townofgb.org)>

**Subject:** 446 Monterey Road, Great Barrington - special permit application

Good afternoon Chiefs Walsh and Burger:

I hope you're both healthy and managing to cope reasonably well with the challenges we're all facing related to Covid. I'm sure it has made your jobs in particular a lot harder so hopefully we can get on a track back to 'normal' soon.

I'm attorney for an applicant applying for special use permit at a part of the former Eagleton School property, 446 Monterey Rd., Great Barrington. A copy of the Special Permit application I filed with the Town at the end of February is attached, as well as a copy of the site plan of the property.

This is the site of the former administrative offices (and student dorm rooms) for Eagleton, the first property on the right side of the road heading east on Monterey Rd. It has been vacant since the school was shuttered, and is now owned by Pittsfield Coop Bank, through foreclosure.

My client, named MRI Investments, LLC, is an entity owned by Desert Mountain Health/Desert Mountain Detox, located principally in Phoenix, Arizona. You can review the memo. attached to the Application for more detail. However it is worth noting that one of the principal owners of this business is named Justin Dufour, who is originally from Dalton. I have included a short letter that he has distributed to abutters of the site that tells about the proposed use and just a bit about who he is. Justin's family still lives in Dalton and they run the Dufour bus company. Justin's brother Jeff, who actually lives in Great Barrington, is also a part of the ownership team.

This group is proposing to open a medical detox facility at the site, for up to 16 bedrooms/patients. This facility is not 'open' to any outpatient treatment whatsoever, so the public will not be visiting this site. This is not akin a methadone clinic, for example. The treatment they perform is the initial 'detox' treatment, and typical stays are 21-28 days. Once patients have completed this initial treatment they leave the facility for transitional counselling elsewhere.

The specific reason I'm emailing you is to get your feedback about emergency access to the site. During a recent hearing before the Planning Board they requested input about access by emergency services, so I hope you can help us out. You may be familiar with the site, but if not the access road is paved and curves around the rear of the building.

When you each have a moment can you please visit the site and then provide me some feedback relative to Police/Fire/EMS access?

Thank you very much for your time and attention to this matter. In addition to the contact info. below, my cell phone number is (339) 222-1692.

Be well-

Nick

**C. Nicholas Arienti**

---

**Hellman Shearn & Arienti LLP**

342 Main Street | Great Barrington, MA 01230

o(413) 528-4800 | d(413) 449-5044 | f(413) 528-9988

[NArienti@hellmanshearn.com](mailto:NArienti@hellmanshearn.com) | [www.hellmanshearn.com](http://www.hellmanshearn.com)

**NOTICE**

This e-mail message and any attachments are confidential and may be privileged and exempt from disclosure under applicable law. If you are not the intended recipient, you may not review, copy or distribute this message. If you have received this message in error, please notify Hellman Shearn & Arienti immediately by replying to this message or by sending a message to [lawyers@hellmanshearn.com](mailto:lawyers@hellmanshearn.com) and destroy all copies of this message and any attachments. Thank you.

Pursuant to IRS Circular 230, please be advised that, to the extent this communication (and any attachments) contains any tax advice, it is not intended to be, and cannot be used, for purposes of avoiding penalties under the Internal Revenue Code.

LEAP Email Reference [F:86610666-cae7-4b4c-b4a5-5e87280eee32|M:26a72269-f9b0-f442-9463-6e441e537a03] (Please do not delete)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



## Helen Kuziemko

---

**From:** Mark Pruhenski  
**Sent:** Monday, May 11, 2020 2:51 PM  
**To:** Chris Rembold  
**Cc:** Helen Kuziemko  
**Subject:** RE: 446 Monterey Road, Great Barrington - special permit application

Also for the packet.

-----Original Message-----

From: Chris Rembold  
Sent: Monday, May 11, 2020 2:20 PM  
To: Mark Pruhenski <MPruhenski@Townofgb.org>  
Subject: RE: 446 Monterey Road, Great Barrington - special permit application

Also this one?

-----Original Message-----

From: Nick Arienti <NArienti@hellmanshearn.com>  
Sent: Monday, May 11, 2020 1:48 PM  
To: Chris Rembold <crembold@Townofgb.org>  
Subject: FW: 446 Monterey Road, Great Barrington - special permit application

Chris- below is the response to Chief Walsh to my email to him (and Chief Burger) on Friday. I'll forward the response from Chief Burger also, which included my email too.

Question- do I need to present something additional from the Chiefs? Or is the email correspondence sufficient?

Thanks

Nick

C. Nicholas Arienti | Hellman Shearn & Arienti LLP  
342 Main Street | Great Barrington, MA 01230  
o(413) 528-4800 | d(413) 449-5044 | NArienti@hellmanshearn.com | www.hellmanshearn.com

-----Original Message-----

From: William Walsh <WWalsh@Townofgb.org>  
Sent: Sunday, May 10, 2020 3:18 PM  
To: Nick Arienti <NArienti@hellmanshearn.com>  
Subject: Re: 446 Monterey Road, Great Barrington - special permit application

No issues, Nick

> On May 8, 2020, at 4:59 PM, Nick Arienti <NArienti@hellmanshearn.com> wrote:

>

Board of Selectman

Town of Great Barrington

April 5, 2020

Members of The Adams Budz VFW Post 8183 will be conducting a private Memorial Day service at the The Housatonic Veterans War Memorial Center, The Cemetary and Town Hall. The service will consist of lowering the flag, reciting the memorial day prayer, rifel volley, the playing of taps, and returning the flag back to full staff (each stop less than five minutes).

Sincerely,

Michael A. Murphy

Officer Of The Day

Adams Budz VFW Post 8183

Housatonic, Massachusetts

Town of Great Barrington

Form date: June 2011

Board of Selectmen

Check #: 1720  
Paid

Fee \$50.00

Application for Access to a Public Way / Driveway Permit

Number \_\_\_\_\_

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 4/7/2020

Name of Applicant / Property Owner Bob Norris

Mailing address 20 Prospect St Great Barrington MA 01230

Phone number (413) 528 1529

Location of proposed driveway / highway entrance 70 Summer St. Great Barrington, M

Contractor who will perform the work Wood to Stone LLC / Brian HAZELTON  
(413) 464 3362

Address & phone number of contractor 17 MAHAWE ST GREAT BARRINGTON, MA 01230

Proposed construction date 6/1/2020

Type of driveway (gravel, asphalt, etc.) Gravel

Brian's  
BRIAN C WOOD TO STONE LLC

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: [Signature]

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:		
	Received	Conditions Recommended	Other Permits Required
Conservation:	( )	( )	( )
Fire Chief:	( )	( )	( )
Planning:	( )	( )	( )

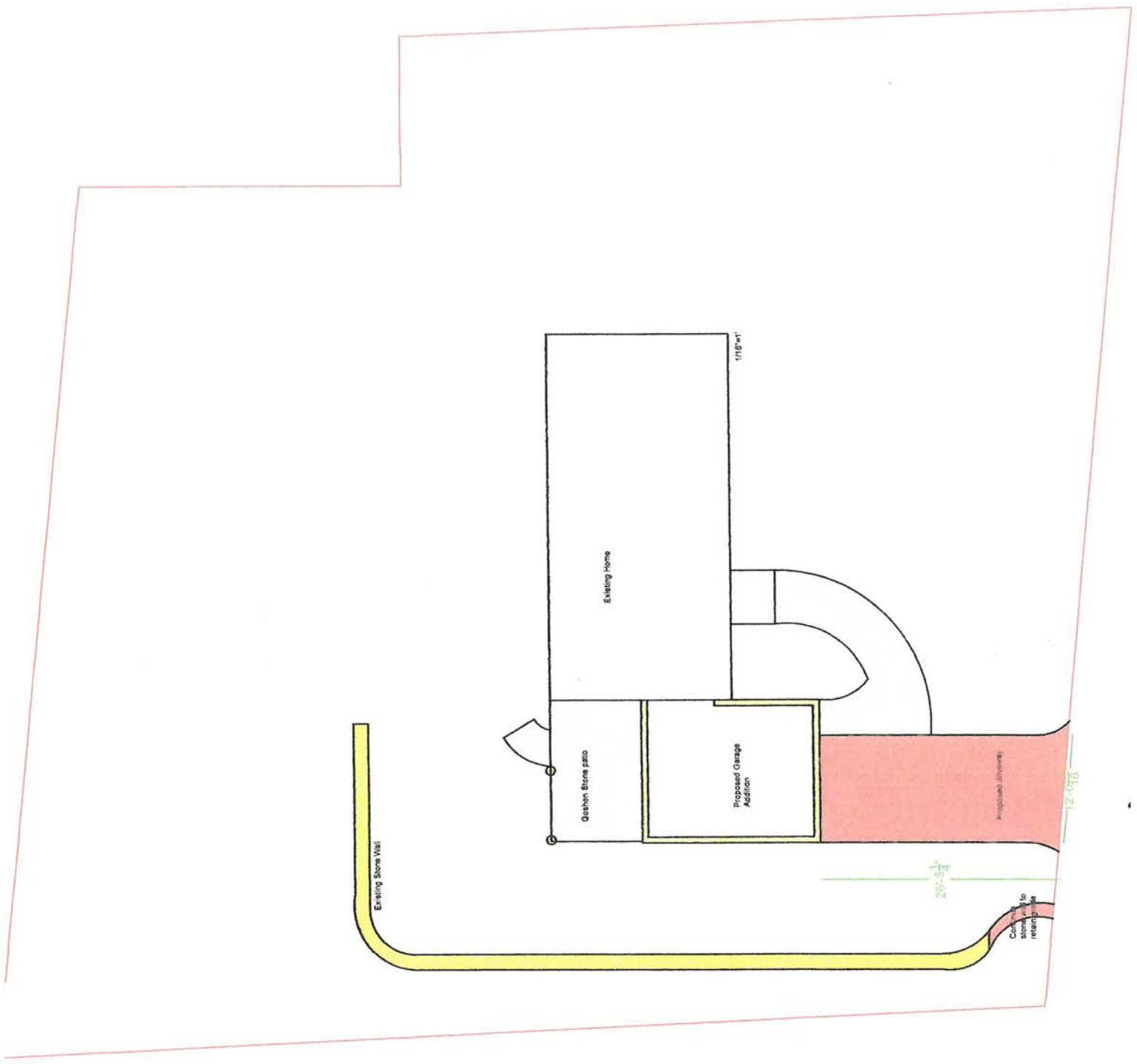
PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

Pursuant to its vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, at its meeting on \_\_\_\_\_, the Great Barrington Board of Selectmen 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 Selectmen: \_\_\_\_\_, its \_\_\_\_\_, \_\_\_\_\_  
(signature) (title) (date)







## Jackie Dawson

---

**From:** Pete Soules  
**Sent:** Friday, May 1, 2020 11:47 AM  
**To:** Jackie Dawson; Sean Van Deusen  
**Subject:** Driveway Permit  
**Attachments:** 70 Sumner st - Conditions.doc; 70 Sumner St - photos.doc; SKM\_654e20042316320.pdf

Sean,

I don't see any Issues with 70 Sumner St  
See attached Conditions

Chris had a question if they were going to remove the existing driveway

Pete Soules  
Highway-Facilities Superintendent

E-mail: [psoules@townofgb.org](mailto:psoules@townofgb.org)  
[www.townofgb.org](http://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: Bob Norris  
Location: 70 Sumner Street  
From: Pete Soules Highway Superintendent  
Date: May 1, 2020

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.

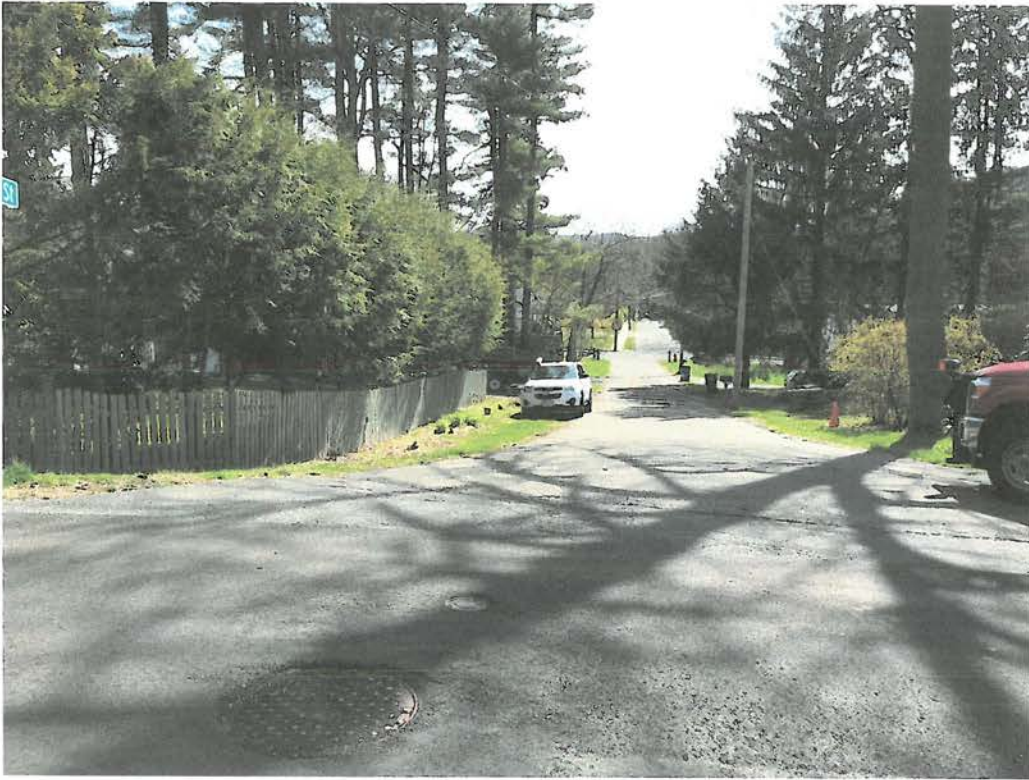
- I. Driveway width shall not be less than 8-feet or more than 16-feet within the town right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
  - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property 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.





70 Sumner Street  
Looking East



70 Sumner Street  
Looking West

## Jackie Dawson

---

**From:** Charles Burger  
**Sent:** Tuesday, April 28, 2020 12:26 PM  
**To:** Jackie Dawson; Pete Soules; Chris Rembold; Great Barrington Conservation Commission  
**Subject:** RE: Driveway Application for 70 Sumner Street

No issues for the FD.



**Charles Burger**

Fire Chief

413-528-0788 ex 101  
cburger@townofgb.org

Town of Great Barrington  
Fire Department  
37 State Road  
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:** Tuesday, April 28, 2020 12:15 PM  
**To:** Pete Soules <PSoules@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>  
**Subject:** Driveway Application for 70 Sumner Street

Please see attached memo and corresponding documents.



**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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**From:** Chris Rembold  
**Sent:** Tuesday, April 28, 2020 4:43 PM  
**To:** Jackie Dawson; Pete Soules; Charles Burger; Great Barrington Conservation Commission  
**Subject:** RE: Driveway Application for 70 Sumner Street

Planning Dept has no issues. I would like to know if the existing driveway at this property will be retained, or discontinued?

Thank you,  
Chris



### Christopher Rembold, AICP

Assistant Town Manager  
Director of Planning and  
Community Development  
413-528-1619 ext. 108  
[crembold@townofgb.org](mailto:crembold@townofgb.org)

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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

**From:** Jackie Dawson <[jdawson@Townofgb.org](mailto:jdawson@Townofgb.org)>  
**Sent:** Tuesday, April 28, 2020 12:15 PM  
**To:** Pete Soules <[PSoules@Townofgb.org](mailto:PSoules@Townofgb.org)>; Chris Rembold <[crembold@Townofgb.org](mailto:crembold@Townofgb.org)>; Charles Burger <[cburger@Townofgb.org](mailto:cburger@Townofgb.org)>; Great Barrington Conservation Commission <[conservation@townofgb.org](mailto:conservation@townofgb.org)>  
**Subject:** Driveway Application for 70 Sumner Street

Please see attached memo and corresponding documents.



### Jackie Dawson

Administrative Assistant  
413-528-0867  
[jdawson@townofgb.org](mailto:jdawson@townofgb.org)

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



## Helen Kuziemko

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**From:** Jackie Dawson  
**Sent:** Friday, May 8, 2020 1:02 PM  
**To:** Helen Kuziemko  
**Subject:** Fw: Driveway Application for 70 Sumner Street

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**From:** Great Barrington Conservation Commission  
**Sent:** Friday, May 8, 2020 1:00 PM  
**To:** Jackie Dawson; Pete Soules; Chris Rembold; Charles Burger  
**Subject:** RE: Driveway Application for 70 Sumner Street

No jurisdictional issues for Conservation.



**Shepley W. Evans**  
Conservation Agent  
Animal Control Officer  
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:** Tuesday, April 28, 2020 12:15 PM  
**To:** Pete Soules <PSoules@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>  
**Subject:** Driveway Application for 70 Sumner Street

Please see attached memo and corresponding documents.



2020

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF GREAT BARRINGTON  
APPLICATION FOR COMMON VICTUALLER LICENSE**

RECEIVED  
TOWN OF GREAT BARRINGTON  
APR 24 2020  
SELECTBOARD &  
TOWN MANAGER'S OFFICE

**FEE:** \$25.00 (Payable to the Town of Great Barrington) **DATE:** 04/10/20

**NOTICE:**

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

**TO THE LICENSING AUTHORITY:**

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

**OWNER(S) NAME:** Hanna Jensen

**NAME OF BUSINESS:** The Sweetish Baker LLC

**D/B/A (if applicable):** The Sweetish Baker

**BUSINESS MAILING ADDRESS:** 258 Stockbridge Rd Gt Barrington, MA 01230

**BUSINESS TELEPHONE:** 413.429.5997 **HOME TELEPHONE:** 413.429.5997

**LOCATION WHERE LICENSE IS TO BE USED:** 258 Stockbridge Rd  
Gt Barrington, MA 01230

**DAYS OF OPERATION:** Sunday - Saturday

**HOURS OF OPERATION:** M-S: 7:30 - 2:30, Sunday 8-2

**DESCRIPTION OF PREMISES:** Retail Bakery

email = the.sweetish.baker@gmail.com

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.

Hanna Jensen  
Signature of Individual or Corporate Name

By: \_\_\_\_\_  
Corporate Officer (if applicable)

SS# 00000 or FID# 04-3545636



**GRANTOR:** Myrin Institute, Inc.  
**GRANTEE:** New England Forestry Foundation, Inc.  
**ADDRESS OF PREMISES:** Monument Valley Road  
and Blue Hill Road, Great Barrington, MA  
**FOR GRANTOR'S TITLE SEE:** Berkshire County  
Southern District Registry of Deeds at:  
Book 503, Page 55; Book 722, Page 168;  
Book 2393, Page 173; and Book \_\_\_\_, Page \_\_\_\_.  
**Consideration:** \$300,000.00

SB 4/13 ?

**CONSERVATION RESTRICTION**

**MYRIN INSTITUTE, INC.**, a private operating foundation created under the laws of the State of Delaware and authorized to do business under the laws of the Commonwealth of Massachusetts, with a mailing address of 187 Main Street, Great Barrington, Massachusetts 01230, being the sole owner, and for its successors and assigns ("Grantor"), hereby grants to the **NEW ENGLAND FORESTRY FOUNDATION, INC.**, a nonprofit corporation operating under the laws of Massachusetts and qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code, with its principal office at 32 Foster Street, P.O. Box 1346, Littleton, Massachusetts 01460, and its successors and assigns ("Grantee"), for consideration of Three Hundred Thousand Dollars (\$300,000.00), with QUITCLAIM COVENANTS and IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on a 216.13 acre portion (the "Premises") of a 219.35 acre property located in Great Barrington, County of Berkshire, and Commonwealth of Massachusetts as described in Exhibit A and shown on the sketch plan in Exhibit B-1.

**I. PURPOSES:**

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws of the Commonwealth of Massachusetts and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("Conservation Values").

**The Conservation Values include the following:**

- 1) Open Space Protection. The Premises is integral to the Monument Valley's scenic and natural character. Protecting the Premises enhances the Monument Valley's and nearby conserved lands' open-space values, including: (i) the Massachusetts Department of Conservation & Recreation's 12,000-acre Beartown State Forest, 2,195-acre East Mountain State Forest, and 243-acre Fountain Pond Park; (ii) The Trustees of Reservations' 503-acre Monument Mountain Reservation; (iii) the Berkshire Natural Resources Council's 115-acre Three Mile Hill Reserve and 219-acre Thomas & Palmer Brook Reserve, and over 300 acres of land along Monument Valley Road subject to a conservation restriction held by the Berkshire Natural Resources Council. A significant portion of the Premises is subject to the

Berkshire Scenic Mountains Act (G.L. c. 131 §39A) that protects scenic highlands and slopes from clearing and development that might harm its scenic qualities, cause erosion, and adversely impact water and wetland resources.

- 2) Scenic Protection: The Premises consist of open space valuable for its scenic beauty, and is visible to the public from over 1,780 feet of road frontage on Monument Valley Road and over 3,000 feet of road frontage on the unmaintained portion of Blue Hill Road, both public ways of rural setting and character offering numerous scenic vistas of and across the Premises. Protecting the Premises will contribute to the public enjoyment of Great Barrington's rural character and these public ways' scenic qualities.
- 3) Flood Plain Protection. A significant portion of the Premises lies within the 100-year floodplain of Muddy Brook. Protecting this floodplain ensures its continued availability for floodwater storage during major storm events.
- 4) Protection of Wildlife Habitat. The Premises includes over 63 acres designated as "Priority Habitats of Rare Species" (PH 1128) and an approximately ¼-acre vernal pool certified by the Massachusetts Natural Heritage & Endangered Species Program (NHESP), the protection of which aligns with NHESP's wildlife and habitat protection objectives. Protecting the Premises supports: (i) the objectives noted in Great Barrington's Open Space and Recreation Plan (2013)<sup>1</sup> and (ii) long-range strategies and efforts to create a protected wildlife corridor in the Monument Valley that begins with the Premises and runs northward to Ice Glen Road in Stockbridge. Monument Valley is also located in between Beartown State Forest (a short distance to the east and northeast) and East Mountain State Forest (to the southwest) owned by the Massachusetts Department of Conservation & Recreation (DCR), and protecting the Premises and surrounding area will enhance wildlife connectivity between the State Forests and adjacent protected lands in Monterey, Great Barrington, and Sheffield.
- 5) Other public benefits. Grantor may: (i) provide public access for educational activities in connection with local schools and colleges, birding, hiking, and horseback riding, passive outdoor recreation, scientific study, and nature study, and (ii) provide a public trail linkage to Beartown State Forest through the Premises and adjacent unrestricted lands.
- 6) BioMap2. The Premises includes 41 acres of Core Habitat and the entirety of the Premises is defined as Critical Natural Landscape by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural

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<sup>1</sup> Page 48: "Konkapot Brook and Muddy Brook: These brooks east of Monument Valley Road flow north out of Beartown State Forest, eventually reaching the Housatonic River in Stockbridge. The wetlands are core habitat for rare, threatened, and endangered species. Development is naturally limited due to wetlands, topography, soil characteristics. Several large tracts have been conserved in the last five years, including the Berle property by the Berkshire Natural Resources Council, but vast areas remain unprotected. The School District has embraced the open spaces as educational and recreation areas. It has held its "people in the environment" classes here every year for over three decades."

communities, and a diversity of ecosystems. BioMap2 also includes habitats and species of conservation concern identified in the State Wildlife Action Plan.

- Core Components
    - 3.7 acres are identified as habitat for a Species of Conservation Concern, meaning it contains habitat for a species protected under the Massachusetts Endangered Species Act (MESA).
    - 8.9 acres are identified as Aquatic Core, which delineates integrated and functional ecosystems for fish and other aquatic Species of Conservation Concern under MESA.
    - 41 acres are designated as BioMap 2 Wetlands.
  - Critical Natural Landscape Components
    - 17.5 acres are defined as Upland Buffer of Aquatic Core, the most intact upland areas around wetlands and rivers.
    - The entire Premises lies within a Landscape Block, defined as large areas of intact predominantly natural vegetation, consisting of contiguous forests, wetlands, rivers, lakes, and ponds.
- 7) Water Quality Protection. Protecting the Premises will help maintain water quality within the Muddy Brook and Konkapot Brook drainages by limiting development and other detrimental uses.
- 8) Working Forest Land. Approximately 75.3 acres is classified as ‘Prime 1’ forest land, the highest designation on GIS layers produced by MassGIS and approximately 54.3 acres is classified as ‘Prime 2’ and ‘Prime 3’ forest land. Prime forest land is defined as lands of varying potential timber productivity. This Conservation Restriction will ensure these areas are permanently available for forestry in accordance with a Management Plan (defined in section B. 14) that is consistent with the Conservation Values.
- 9) Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy:
- Protecting the Premises is consistent with the State Wildlife Action Plan (SWAP), to protect the confirmed habitat of a ‘Species in Greatest Need of Conservation’ (NHESP status, ‘Threatened’) and the SWAP indicates ‘Proactive Habitat Protection’ as a high priority.
  - Protecting the Premises advances the ‘Conservation Framework’ strategy in the Berkshire Regional Planning Commission’s 2014 ‘Sustainable Berkshires’ Plan, which “...aims to identify those areas which will offer the most benefit to the region in terms of protecting habitat and biodiversity while also considering priority resource areas and connections for outdoor recreation.”
  - Protecting the Premises furthers the Town of Great Barrington’s 2013 Community Master Plan, Goal OSR 9, “Protect biodiversity, habitat, and natural resources,” and Strategy OSR 9.2, “Protect, preserve, and connect habitat areas to one another. Open

space conservation should prioritize lands and waters that will connect and increase vital habitat areas.”

- 10) Massachusetts Scenic Landscape Inventory. The Premises is identified in the Massachusetts Department of Conservation and Recreation’s Scenic Landscape Inventory, identifying landscapes that should be protected to conserve and protect natural, cultural, and recreational resources across the Commonwealth. The Premises is within an area identified as “Distinctive (areas of highest visual quality), typically consists of openness, low population density, high relative relief, historical structures and land uses, agriculture, surface water, significant vegetation, important geological features, and lack of contemporary development.” In addition, the Premises is visible from the Appalachian National Scenic Trail.

These and other conservation values, as well as the Premises’ current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report is (i) acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, and (ii) intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

## **II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES**

### **A. Prohibited Acts and Uses**

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;



- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles;
- (7) The Premises is currently comprised of all or portions of six (6) parcels, all owned by the Grantor. Grantor shall maintain the parcels comprising the Premises and all interests therein under common ownership, as though a single legal parcel. No subdivision of any of said parcels, recording of a subdivision plan, partition of any of said parcels, use of the Premises toward building requirements on this or any other parcel, or any other attempt to divide the Premises into two or more parcels, shall be permitted without the Grantee's written approval, which shall have sole discretion in granting such approval. Any such division shall not unreasonably increase the responsibilities of, or complicate the ability of, the Grantee to exercise its rights and responsibilities pursuant to this Conservation Restriction. Further, any such division that might be permitted shall not allow use of the Premises, or any portion of the Premises, in a manner contrary to the Purposes and provisions of this Conservation Restriction. All conveyances of all or any portion of the Premises will remain subject to this Conservation Restriction. This section should not be construed to prohibit agreements to resolve bona fide boundary disputes or ambiguities, with the prior written consent of the Grantee, which consent shall not be unreasonably withheld;
- (8) The disruption, removal, or destruction of the stone walls or granite fence posts;
- (9) Purposefully introducing plants and animals that pose a substantial risk of being invasive or otherwise detrimental to the native plant and animal species and plant communities on the Premises, as determined by the Grantee. The Baseline Report includes a list of plant species deemed to be invasive at the time of this grant; and
- (10) Any industrial, residential, or other use or activity which is inconsistent with the Purposes or which would impair the Conservation Values.

#### **B. Reserved Rights and Exceptions**

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the Conservation Values or Purposes.

- (1) Vegetation Management. The selective, minimal removing of brush, annual mowing of fields, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas, woods roads, fence lines, trails, and meadows;



- (2) Visitor Area. The following reserved rights apply only to the area shown and identified as “Area of Overall Parcel Reserved for Visitor Area, 2.047 Acres” on the plan included in Exhibit B-2 and as further described in Exhibit C:
  - a. Public Visitation Facilities: To facilitate access and use by the public, to construct, repair, replace, and use structures and facilities, including without limitation, a visitor center with associated bathrooms, temporary toilets, a shade pavilion, septic systems, utilities, parking areas, and structures for equipment storage, office use, staff briefings, and meetings.
  - b. Storage: To store materials and vehicles used on the Premises for agricultural, horticultural, or forestry purposes as described in Sections II.B. (13) and (14), to operate a natural preserve, and for the general maintenance of the Premises.
  - c. Grantor shall install adequate natural stormwater infrastructure such as swales, tree filters, rain gardens, and other natural barriers, to ensure that stormwater runoff from these structures, facilities, and uses shall not impair the Conservation Values or Purposes.
- (3) Non-native or nuisance species. To remove non-native or invasive species, interplant native species, and control nuisance species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (4) Composting. To stockpile and compost stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where they will not impair the Conservation Values (including scenic values). No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
- (5) Wildlife Habitat Improvement. With Grantee’s written approval, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
- (6) Archaeological Investigations. To conduct archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan to and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
- (7) Signs. To erect, maintain and replace signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected Conservation Values;
- (8) Privacy. To prohibit and regulate public access and uses, including the right to prohibit hunting and trapping, and fishing.

- (9) Outdoor Passive Recreational and Educational Activities. Hiking, jogging, snowshoeing, hunting, fishing, canoeing, boating, swimming, bicycling, skiing, nature studies, horseback-riding, and other similar forms of non-motorized recreation and activities that expand human knowledge and appreciation of wildlife, forest management, and the natural world, do not materially alter the landscape, and do not degrade environmental quality or Conservation Values.
- (10) Outdoor Educational and Recreational Structures. To construct, maintain, repair, and replace: (i) structures and other improvements to facilitate educational and passive outdoor recreational opportunities, such as but not limited to interpretive kiosks and exhibits, benches, wildlife blinds, portable toilets, composting toilets and/or unheated picnic and skiing shelters, provided that no such structures or improvements have permanent foundations, that no structure or improvement's floor area shall exceed 500 square feet in area, and that the aggregate footprint of all structures and improvements shall not exceed 1,500 square feet in area, and (ii) fences, ~~and further~~ provided they will not impair the Conservation Values. The Grantor must provide notice to the Grantee before constructing any structures with a footprint exceeding 100 square feet.
- (11) Trails. Following notice to Grantee, to construct, maintain, relocate, and mark unpaved trails and associated boardwalks and footbridges that do not exceed eight (8) feet in width.
- (12) Woods Roads and Stone Walls. To construct, maintain, relocate, and use woods roads, cart roads, gates, and fences to facilitate permitted uses. Also, to widen or to make new openings in existing stone walls so long as no such opening exceeds 12 (twelve) feet in width and the stones removed remain on the Premises. All such openings and widenings shall be subject to Grantee's review and approval. Such roads shall be surfaced only with pervious materials, except that highly erodible portions of such roads may be paved with Grantee's prior written approval.
- (13) Agriculture.
- a. Conducting normally accepted, ecologically sound and sustainable agricultural management practices, including the raising of crops, maintenance of fields and fencing, and grazing of livestock in a manner that protects the Conservation Values including, without limitation, water quality, water features, agricultural soils, scenic views, and wildlife habitat, provided that no soils are removed from the Premises and such activities are conducted in accordance with Best Management Practices as defined in Paragraph II(B)(20) below.
  - b. Requirement of a Farm Plan. Any agricultural activities occurring on greater than two (2) acres in aggregate at any one time shall be done in accordance with a Farm Conservation Plan ("Farm Plan") prepared by a qualified person, such as a USDA Natural Resources Conservation Service (NRCS) Conservation Plan. The Farm Plan shall, at a minimum:
    - i. provide a description of planned activities and the required area to accomplish such activities;



- ii. describe best management practices designed to maintain or improve soil health, such as no-till, cover-cropping, and soil testing to guide the application of any soil amendments that may be necessary;
  - iii. be submitted to the Grantee for approval pursuant to Paragraph II(C);
  - iv. include a certification that the Farm Plan complies with the terms of this Conservation Restriction; and
  - v. be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if continued or additional agricultural activities are desired.
- (14) Forestry and Cutting. The right to conduct, or permit others to conduct, sound silvicultural uses of the Premises, including the right to commercially harvest forest products, conduct maple sugaring operations, and conduct related or similar forest product operations provided they are conducted, if at all, in accordance with a Forest Management Plan (hereinafter the "Management Plan"). The Management Plan shall be prepared in accordance with the Guidelines and Plan Elements attached hereto as Exhibit D. The Management Plan shall be prepared by a professional forester licensed to practice forestry in Massachusetts. The preparer of the Management Plan shall certify in writing that the Management Plan and all amendments and updates comply with the terms of this Conservation Restriction. The Management Plan also shall provide for management of the Premises in a manner consistent with generally accepted Best Management Practices as defined in Paragraph II(B)(20), and in a manner not wasteful of soil resources, detrimental to water quality or conservation, and that avoids or minimizes damage to stone structures and historical and cultural resources. The Management Plan may be updated periodically, particularly if new information or new knowledge is obtained that promotes or enhances the conservation values and sound silvicultural management. The Management Plan, and subsequent updates or amendments, shall be submitted to Grantee. A Management Plan shall be completed before any harvest of forest products occurs on the Premises. The Grantor shall update the Management Plan at least every ten years thereafter to the extent that the Grantor desires to continue to conduct forestry activities on the Premises. All commercial cutting operations shall be supervised by a licensed forester.
- (15) Compost and Manure. To store and spread compost, manure, or other fertilizer following sound agricultural practices; and, pursuant to a Farm Plan or Management Plan as provided in Sections II(B)(13) and (14), to use *de minimis* amounts of earth materials to improve woods roads and to leave slash after harvesting timber;
- (16) Barbieri Pond. Following written notice to Grantee, to use, maintain, repair, renovate, replace, and remove the dam on Barbieri Pond and to manage the pond to improve its ecological, scenic and recreational values, including dredging and invasive vegetation control. Grantor may use motorized vehicles and equipment as necessary for these activities.
- (17) Other Acts and Uses. With Grantee's written approval, Grantor may engage in other non-prohibited activities and uses provided the Grantee, in giving its approval, finds that

such activities are consistent with the Purposes, Reserved Rights, and do not impair the Conservation Values or, as applicable, are included in a Farm Plan or Management Plan, and, when feasible, result in a net gain in conservation value. Such written approvals shall be kept on file at the Grantee's office.

- (18) Site Restoration. All activities, uses, and structures shall minimize disturbance to the Conservation Values and the Premises' natural features, including Muddy Brook and other connected waterways that may be impacted. Upon completion of any site work, all disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.
- (19) Permits, Regulations, Laws. The exercise of any right reserved herein shall comply with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
- (20) Best Management Practices. The exercise of any right reserved herein shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

**C. Notice and Approval.**

1. Procedure for Notice and Approval. Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.
2. Subject to any applicable law or regulation, failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not impair the Conservation Values or purposes of this Conservation Restriction. This Paragraph II(C)(2) shall not apply to Paragraph II(B)(17),

in which case failure of Grantee to respond in writing within 60 days shall be deemed to constitute a denial by Grantee of the request as submitted.

### **III. LEGAL REMEDIES OF THE GRANTEE**

#### **A. Legal and Injunctive Relief.**

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the Conservation Values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including attorneys' fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

#### **B. Non-Waiver.**

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

#### **C. Disclaimer of Liability**

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

#### **D. Acts Beyond the Grantor's Control**

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to



prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

#### IV. ACCESS

Grantee, or its duly authorized agents or representatives, has the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines as needed. **This Conservation Restriction does not grant any rights of access to the general public.**

#### V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the granting of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the grant, bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

#### VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against any person or entity holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor hereby appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor shall execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the Purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

## **VII. SUBSEQUENT TRANSFERS**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## **VIII. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction. Grantor must pay all expenses related to this request, including Grantee's staff time and attorney fees.

## **IX. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

## **X. AMENDMENT**

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net beneficial or neutral effect on Conservation Values. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the Purposes and Conservation Values of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs, and if applicable, shall comply with Article 97 of the Amendments to the Massachusetts Constitution. Any amendment shall be recorded.

## **XI. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Berkshire County Southern District Registry of Deeds.

## **XII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor:  
Myrin Institute, Inc.  
Attn: President  
  
187 Main Street  
Great Barrington, MA 01230  
Telephone: 413-528-4422

To Grantee:  
New England Forestry Foundation, Inc.  
Attn: Conservation Easement Manager  
P.O. Box 1346 – 32 Foster Street  
Littleton, MA 01460-4346  
Telephone: 978-952-6856  
Facsimile: 978-952-6356



or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

### **XIII. GENERAL PROVISIONS**

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Chapter 184, Sections 31, 32, and 33 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

### **XIV. MISCELLANEOUS**

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Chapter 184, Section 32 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination.  
The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:



Grantor  
Grantee Acceptance  
Approval by Town of Great Barrington Selectboard  
Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

- Exhibit A: Legal Description of Premises
- Exhibit B-1: Reduced Sketch Plan of Premises
- Exhibit B-2: Reduced Plan showing Visitor Area
- Exhibit C: Visitor Area Property Description
- Exhibit D: Forest Management Plan Guidelines and Required Plan Elements

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_ 2020

Grantor: MYRIN INSTITUTE, INC.

\_\_\_\_\_  
Name: Marion Gilliam  
Title: President, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss:

On this \_\_\_\_ day of \_\_\_\_\_ 2020, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**ACCEPTANCE OF GRANT**

This Conservation Restriction from the Myrin Institute, Inc, was accepted by New England Forestry Foundation, Inc., this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
By: Robert Perschel  
Its: Executive Director, duly authorized

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me, the undersigned notary public, personally appeared Robert Perschel, known to me personally to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF TOWN OF GREAT BARRINGTON SELECTBOARD**

We, the undersigned, being a majority of the Selectboard of the Town of Great Barrington, Massachusetts, hereby certify that at a public meeting duly held on \_\_\_\_\_, 2020, the Selectboard voted to approve the foregoing Conservation Restriction from Myrin Institute, Inc. to the New England Forestry Foundation, Inc., in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

TOWN OF GREAT BARRINGTON  
SELECTBOARD:

\_\_\_\_\_  
Stephen Bannon

\_\_\_\_\_  
Edward Abrahams

\_\_\_\_\_  
Kate F. Burke

\_\_\_\_\_  
Bill Cooke

\_\_\_\_\_  
Leigh S. Davis

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me, the undersigned notary public, personally appeared Stephen Bannon, Edward Abrahams, Kate F. Burke, Bill Cooke, and Leigh S. Davis, known to me personally to be the persons whose name are signed above, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Myrin Institute, Inc. to the New England Forestry Foundation, Inc. has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_  
KATHLEEN A. THEOHARIDES  
Secretary of Energy and Environmental Affairs

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**Exhibit A**  
**Property Description**  
**Approximately 216.13 acres of land located off**  
**Monument Valley Road and Blue Hill Road in Great Barrington.**

The Premises includes the lands located in the Town of Great Barrington, Berkshire County, Commonwealth of Massachusetts, containing approximately 216.13 acres and described as follows:

[Note: This running property description relies upon several recorded survey plans and deeds, with the point the description moves to a subsequent plan or deed noted by sequential numbers in [brackets] and beginning and ending on the same plan (i.e. with [1]).]

[1] As shown on the survey plan entitled "Survey of Land in Great Barrington, Massachusetts prepared for The Myrin institute, Inc." dated August 21, 2019 and recorded on [\_\_\_\_\_] as Plat File [\_\_\_\_\_]:

Beginning at an iron pipe on the east side of Monument Valley Road and being the southwest corner of the Premises, thence

N 06° 08' 32" W	One hundred fifty one and 00/100 (151.00) feet to a point;
N 86° 38' 36" E	Two hundred and 00/100 (200.00) feet along Lot 1B to a point;
N 09° 11' 47" W	Two hundred seventy six and 38/100 (276.38) feet along Lot 1B to a point;
N 81° 53' 03" E	One hundred fifty eight and 67/100 (158.67) feet along Lot 1A to a point;
N 29° 05' 19" W	Three hundred twenty and 12/100 (320.12) feet along Lot 1A to a point;
S 71° 25' 50" W	Two hundred eighty and 00/100 (280.00) feet along Lot 1A to a point at the east side of Monument Valley Road;
N 21° 38' 05" W	One hundred seventy and 50/100 (170.50) feet to a point;
N 25° 45' 47" W	One hundred twelve and 10/100 (112.10) feet to an iron pin;
N 71° 25' 50" E	Four hundred ninety four and 48/100 (494.48) feet to a point;
S 85° 02' 43" E	Eighty seven and 69/100 (87.69) feet to a point;
S 76° 23' 15" E	Two hundred twenty and 10/100 (220.10) feet to an iron pin;

Thence

[2] As shown on the survey plan entitled "Plan of Land surveyed for The Myrin Institute for Adult Education" Great Barrington, Massachusetts dated September 1983 and recorded on November 16, 1983 in Plan Book 6, Page 183:

N 14° 30' 41" W	Four hundred sixty four and 85/100 (464.85) feet to an iron pin;
-----------------	--

N 08° 53' 52" W Three hundred twenty nine and 90/100 (329.90) feet to an iron pin;  
 N 87° 17' 54" W Sixty eight and 58/100 (68.58) feet to an iron pin;  
 N 87° 17' 54" W Six hundred thirty four and 79/100 (634.79) feet to an iron pin at the high water elevation of Barbieri's Pond;  
 Thence Heading generally southerly and westerly along Barbieri's Pond high water elevation, by the following 12 courses (note: intending to include the entirety of Barbieri's Pond<sup>2</sup>):  
 S 00° 42' 19" W Twenty One and 99/100 (21.99) feet to a point (course "M" as shown on this plan);  
 S 28° 50' 37" E One hundred thirty and 76/100 (130.76) feet to a point (course "L");  
 S 42° 07' 01" W One hundred six and 04/100 (106.04) feet to a point (course "K");  
 S 35° 19' 02" E Eighty five and 47/100 (85.47) feet to a point (course "J");  
 N 33° 43' 36" E Forty nine and 36/100 (49.36) feet to a point (course "H");  
 S 29° 24' 08" E Forty five and 29/100 (45.29) feet to a point (course "G");  
 S 40° 38' 44" W Forty one and 81/100 (41.81) feet to a point (course "F");  
 S 78° 22' 14" W Fifty eight and 37/100 (58.37) feet to a point (course "E");  
 N 50° 11' 41" W One hundred nineteen and 21/100 (119.21) feet to a point (course "D");  
 N 02° 59' 11" W Fifty two and 49/100 (52.49) feet to a point (course "C");  
 N 38° 23' 44" W One hundred thirty one and 21/100 (131.21) feet to a point (course "B");  
 and  
 N 11° 07' 13" W One hundred six and 21/100 (106.21) feet to a point (course "A");

Thence

[3] As shown on the survey plan entitled "Plan of Land surveyed for The Myrin Institute for Adult Education" Great Barrington, Massachusetts dated January 1983 and recorded on March 11, 1983 in Plan Book 6, Page 156:

Continuing along Barbieri's Pond high water elevation heading generally northerly, by the following 22 courses (note: intending to include the entirety of Barbieri's Pond):

N 03° 21' 26" W Twenty two and 69/100 (22.69) feet to a point;

---

<sup>2</sup> Barbieri's Pond, approximately 15 acres in size, is not a Great Pond as defined in G.L. c. 91 and 310 CMR 9.00:02 because: (i) it is formed by an impoundment placed across Muddy Brook in 1968 and (ii) USGS topographical maps from 1948 show only a stream in this area.

N 83° 44' 54" W      Seventy eight and 80/100 (78.80) feet along Parcel B to an iron pin at land n/f of Vansant & Doores, said iron pin being N 27° 50' 22" W one hundred feet (100.00) from an iron pin that marks the southern end of the boundary line described next;

Thence

[4] As shown on the survey plan entitled "Plan of Land prepared for Nancy M. Hahn, Monument Valley Road, Great Barrington, MA" dated December 12, 2002 and recorded on April 24, 2003 as Plat File L-164:

N 25° 48' 46" E      Fifty Five and 37/100 (55.37) feet to an iron pin (note 1: the entirety of this line as shown on this plan is not part of the bounds for this property description; see last course from the plan recorded at Plan Book 6, Page 156; note 2: this point is the southern terminus of a tie course bearing S 04° 24' 11" E from a later described iron pin);

S 84° 16' 57" W      Fifty seven and 00/100 (57.00) feet to the center line of Muddy Brook;

Thence                Seven hundred ninety six and 00/100 (796.00) along the center line of Muddy Brook to a point;

N 76° 04' 08" W      Three hundred forty one and 00/100 (341.00) feet to an iron rod (note: this iron rod is the northern terminus of a tie course bearing N 04° 24' 11" W noted above);

N 76° 04' 08" W      Six hundred nine and 16/100 (609.16) feet to an iron rod,

N 76° 04' 08" W      Two hundred twenty and 29/100 (220.29) feet to a fence post on the easterly side of Monument Valley Road,

Thence

[5] As shown on the survey plan entitled "Survey of Land in Great Barrington, Massachusetts, prepared for Myrin Institute, Inc." dated September 18, 2019 and recorded on [\_\_\_\_\_ ] as Plat File [\_\_\_\_\_]:

N 11° 34' 21" W      Three hundred ninety three and 07/100 (393.07) feet along the easterly side of Monument Valley Road to an iron pipe;

N 04° 57' 28" E      Three hundred twelve and 43/100 (312.43) feet along Monument Valley Road to an iron pipe;



N 04° 57' 28" E Three hundred eighty five and 00/100 (385.00) feet along Monument Valley Road to an iron pin near the intersection of Monument Valley Road and Blue Hill Road;

N 65° 02' 49" E Thirty two and 15/100 (32.15) feet along a "broken asphalt" roadway that connects Monument Valley Road to Blue Hill Road;

S 73° 36' 31" E One hundred ninety six and 02/100 (196.02) feet along the southerly side of Blue Hill Road to an iron pipe;

Easterly Six hundred sixty five and 00/100 (665.00) along the south side of Blue Hill Road to a point (being an iron pin not shown on this plan);

[6] Thence, continuing:

Easterly Approximately two thousand one hundred feet (2,100) along the south side of Blue Hill Road to a point at land n/f of Marion G. H. Gilliam located approximately one thousand eighty feet (1,080) from the west side of Stony Brook Road; thence turning and running

Southerly Approximately seven hundred fifty five (755) feet along an ancient barbed wire fence and land n/f of Marion G. H. Gilliam to a point, thence turning and running;

Easterly Eight hundred seventy five (875) feet along an ancient barbed wire fence and land n/f of Marion G. H. Gilliam to an iron pin at corner of walls and land n/f of Richard P. Giles and Pamela Z. Giles located 650 feet from an iron pin on the west side of Blue Hill Road as described in the deed to Richard P. Giles and Pamela Z. Giles recorded on February 19, 1975 at Book 398, Page 397;

[7] Thence, as described in said deed to Richard P. Giles and Pamela Z. Giles recorded on February 19, 1975 at Book 398, Page 397:

S 7.25° W Eight hundred fifty (850) feet along a stone wall to an iron pin at land n/f of Thomas and Ruth Kirch and being the point where a stone wall meets a wire fence as shown on the following described plan ([8]);

Thence

[8] As shown on the survey plan entitled “Land in Great Barrington, Massachusetts land owned by Irene Gould 22.2 acres” dated January 26, 1968 and recorded on February 21, 1968 as Plat File D47/4:

S 77° 25' E            One hundred seventy seven and 95/100 (177.95) feet from an iron pipe found, then running along a wire fence and land formerly of L. Barbieri to an iron pipe;

S 16° 25' W            Nine hundred eleven and 21/100 (911.21) feet along a wire fence and land formerly of L. Barbieri to a point [this line may instead be S 10.25° W, nine hundred sixteen and 00/100 (916.00) feet as also stated on this plan] along a wire fence and land formerly of L. Barbieri to an iron pipe at land n/f of Susan E. Ray and others identified as “Lot 2A 16.363 acres” on the plan recorded on August 14, 2019 in Plat File D-D9;

Thence

[1] As shown on the survey plan entitled “Survey of Land in Great Barrington, Massachusetts prepared for The Myrin institute, Inc.” dated August 21, 2019 and recorded on [\_\_\_\_\_] as Plat File [\_\_\_\_\_]:

S 76° 29' 52 E            Five hundred sixty nine and 15/100 (569.15) feet to an iron pin at an intersection of stone walls at lands n/f of Ruth Kirch and Blue Hill, LLC;

S 03° 04' 10 W            Four hundred fifty seven and 19/100 (457.19) feet along land n/f of Blue Hill, LLC to an iron pin at Lot 2B;

S 02° 17' 24 W            Nine hundred fifty three and 49/100 (953.49) feet along Lot 2B to an iron pin;

S 87° 57' 27 W            Four hundred twelve and 71/100 (412.71) feet to an iron pin; and

S 86° 38' 35 W            One thousand three hundred sixty and 00/100 (1,360.00) feet along land n/f of Michele Waldman to Monument Valley Road and being the point of beginning.

Said described Premises containing approximately 216.13 acres of land, more or less.

For Grantor’s title, see deeds recorded in Berkshire County Southern District Registry of Deeds at (Parcel references to parcels shown on the plan attached as Exhibit B-1):

- 1) Book 503, Page 55 (Parcel I, II remainder, III, and IV;
- 2) Book 722, Page 168 (Parcel 2);
- 3) Book 2393, Page 173 (Part of Lot 1C); and

4) Book \_\_\_\_\_, Page \_\_\_\_\_ (Part of  
Lot 1C).

*Conservation Restriction: Myria Inst. to New England Forestry Foundation.*

**er: Great Barrington, MA**  
Web Site

**MUNICIPAL**  
EOTSS  
**MAPPER**

Search for a location

**Available Data Layers**  
Search data layers

- Great Barrington Local Data
- Tiled Layers
- Layers for Query
- Assessors Parcels
- Buildings
- Conservation
- Regulatory Areas
- Municipal and Other Boundar
- Water Related

**Active Data Layers**  
Check all | Uncheck all

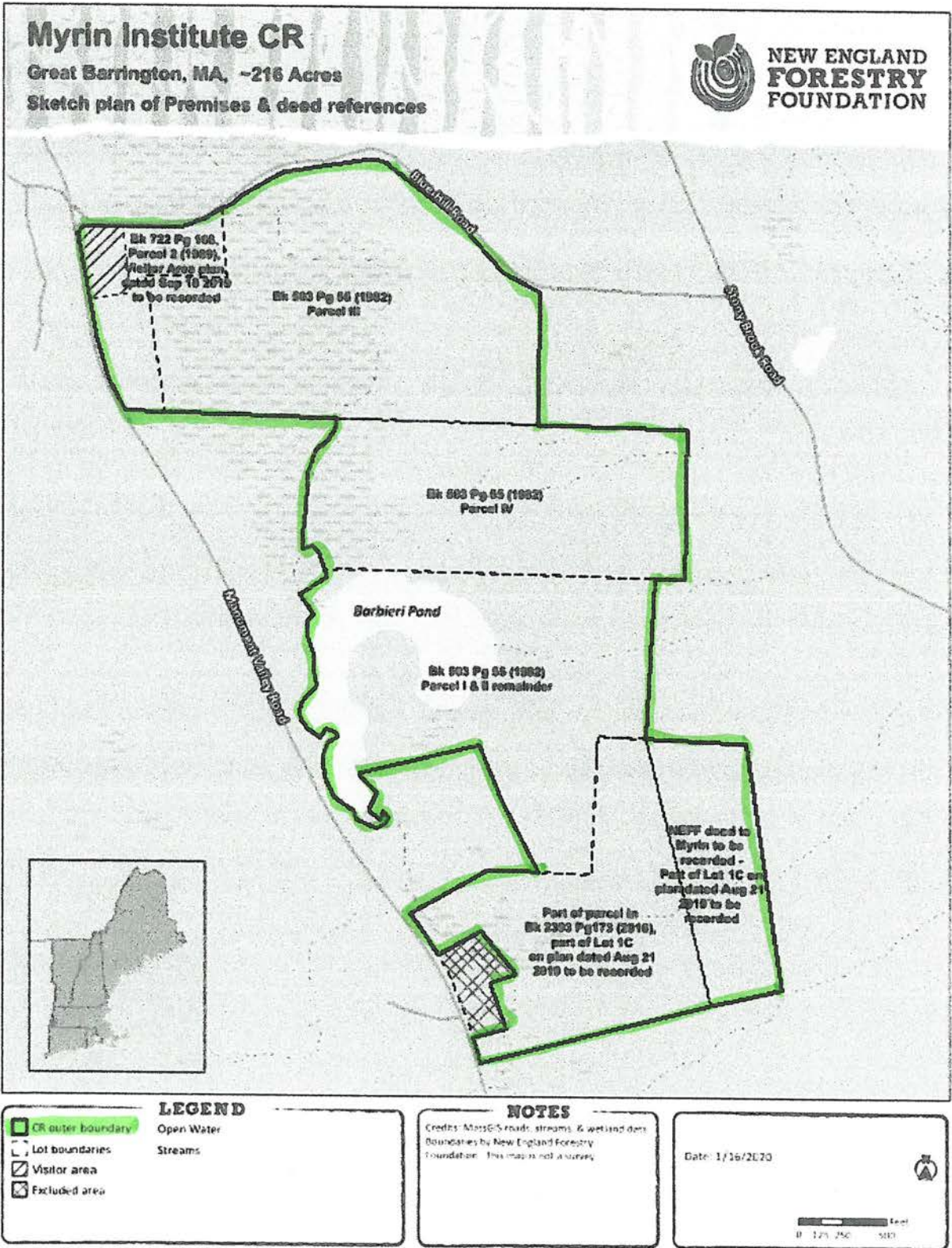
- Tax Parcels for Query
- Detailed Features
- Tax Parcels for Display
- Structures

**Legend**  
Tax Parcels for Query

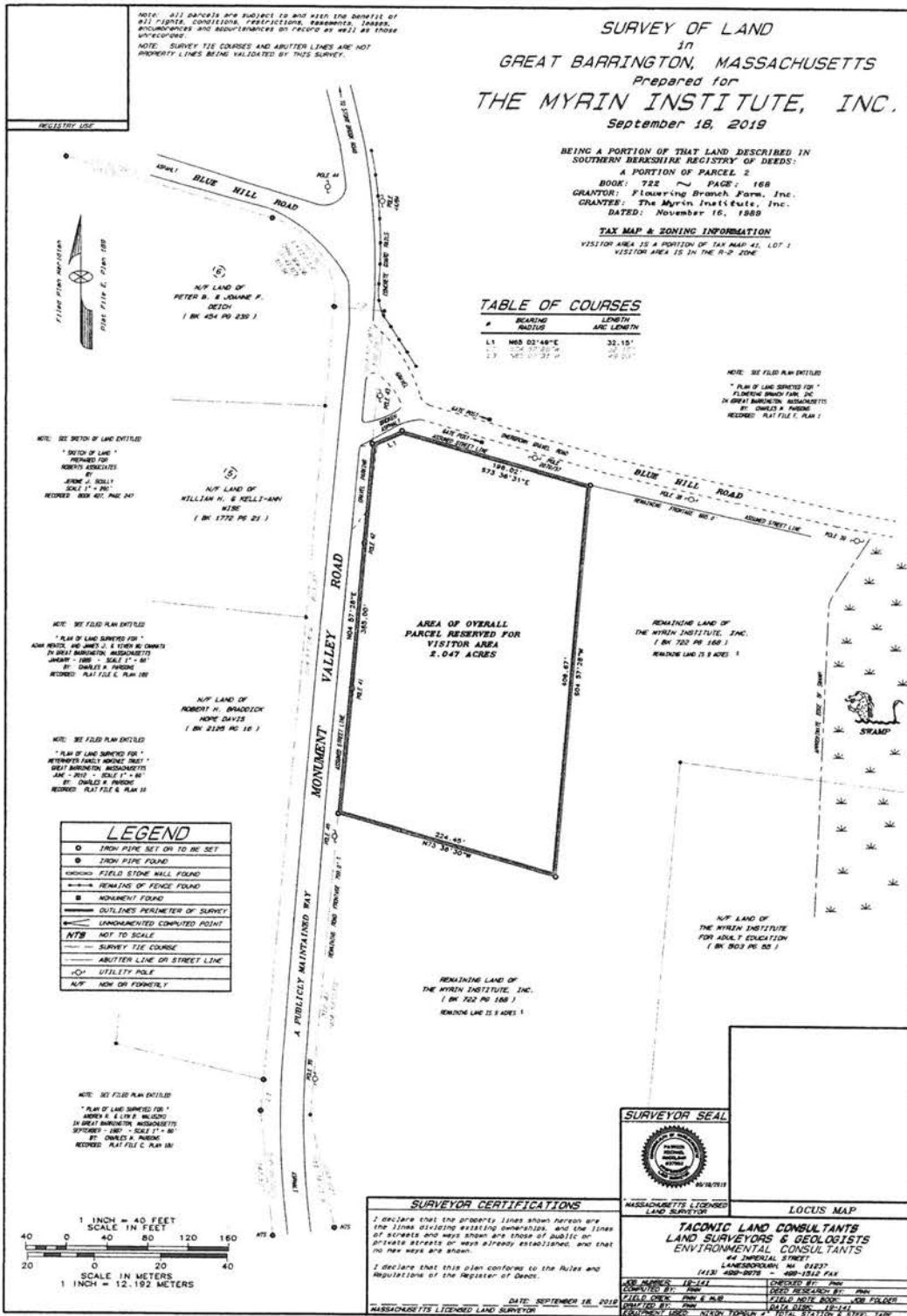
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49,565.24m 584,602.48m  
MassGIS Topographic Features Basemap



**EXHIBIT B-1**  
Reduced Sketch Plan of Premises



**EXHIBIT B-2**  
**Reduced Plan showing Visitor Area**  
**Recorded on [ ] as Plat File [ ]**



**EXHIBIT C**

**Visitor Area**

Property Description

Approximately 2 acres of land at intersection of  
Monument Valley Road and Blue Hill Road

The Visitor Area is the area shown and described as “Area of Overall Parcel Reserved for Visitor Area, 2.047 Acres” on the survey plan entitled “Survey of Land in Great Barrington, Massachusetts, prepared for Myrin Institute, Inc.” dated September 18, 2019 and recorded on [\_\_\_\_\_] as Plat File [\_\_\_\_\_].

Beginning at an iron pin set near the intersection of Blue Hill Road and Monument Valley Road, thence heading:

- S 73° 36' 31" E      One hundred ninety six and 02/100 (196.02) feet along the southerly side of Blue Hill Road to an iron pipe;
- S 04° 57' 28" W      Four hundred six and 67/100 (406.67) feet along remaining land of the Myrin Institute, Inc. to an iron pipe;
- N 73° 36' 30" W      Two hundred twenty four and 45/100 (224.45) feet along remaining land of the Myrin Institute, Inc. to an iron pin on the easterly side of Monument Valley Road;
- N 04° 57' 28" E      Three hundred eighty five and 00/100 (385.00) feet along the easterly side of Monument Valley Road to an iron pin near the intersection of Blue Hill Road and Monument Valley Road;
- N 65° 02' 49" E      Thirty two and 15/100 (32.15) feet along a “broken asphalt” roadway that connects Monument Valley Road to Blue Hill Road to the point of beginning.



## Exhibit D

### Forest Management Plan Guidelines and Required Plan Elements

#### I. Guidelines

The goal is to practice sustainable forest management on the Premises, which recognizes the importance of all ecological components and values and incorporates them into management policies, plans, and decisions. The following subsections are components to be considered when practicing sustainable forest management.

The parties recognize that their understanding of forest ecosystems and how they function is incomplete. It is important to periodically incorporate relevant advances in scientific knowledge into the sustainable forest management program.

#### Sustainable Timber Production

Grantor will use silvicultural systems, which enhance or maintain the value of the timber asset and provide for a sustained yield of forest products while recognizing that ecological, aesthetic, wildlife, and other non-timber values are important components of the forest. Silvicultural prescriptions should be based on sound scientific knowledge and tailored to individual stand conditions. They will strive to maintain stands in a well-stocked, productive condition and promote the diversity of natural forests in both species and structure. The full range of silvicultural prescriptions are available for use on the property where appropriate, and include even-aged and uneven-aged systems such as seed tree, shelterwood, clearcut, individual selection and group selection harvest systems. Management of the timber resource shall not eliminate key ecosystem elements.

#### Forest Diversity

Grantor's goal is to generate sustained yields of forest products from the forest in an economical manner over time while maintaining forest diversity. Sustainable forestry requires that structural and compositional components be maintained in a vigorous and productive condition. The forest management plan will identify areas of unique importance and employ means for assuring their retention.

#### Riparian Habitats

The Grantor's goal is to maintain functional watercourses, wetlands and wildlife habitat with the retention of riparian ecosystems. Best management practices shall be employed to minimize impacts to these areas.

#### Wildlife Management

The Grantor's goal is to generate sustainable yields of forest products in an economical manner while maintaining healthy wildlife habitat. Wildlife management practices are routinely incorporated into timber management activities to retain or create desirable features including riparian habitat, wildlife cavity trees, mast availability, logs and brush for shelter, promoting vertical and horizontal diversity, vernal pools, coarse woody debris and featured species



management. Wildlife management considers all species of wildlife, beyond game and socially important species.

#### Unique or Fragile Natural Areas

The Grantor's goal is to maintain functional ecosystems that include unique or fragile natural areas. Certain conservation agencies that monitor rare, threatened, endangered, or special concern species are valuable partners in this effort and may help identify these locations and provide technical advice about management practices.

#### Pesticide and Herbicide Use

The Grantor's goal is to implement management practices designed to minimize or eliminate use of pesticides. In all cases the use of pesticides or herbicides will be conducted in compliance with all local, state and federal laws and regulations.

#### Invasive species

The Grantor's goal is to reduce or eliminate these species from the property where appropriate and possible. Mechanical and chemical means of control are viable tools to reduce the threat of invasive species. The introduction and spread of non-native plants with invasive tendencies is a current and growing concern.

#### Aesthetic Resources

The Grantor's goal is to maintain aesthetic quality in order to maintain or enhance the value of the Property. Aesthetic quality is important to maintaining the value of the forest asset.

## **II. Required Plan Elements**

The Management Plan shall include, at a minimum, the following elements:

- (1) The Premises' current owner(s), including their then current mailing address and telephone number(s);
- (2) The tax assessor's map number and lot/parcel number of the Premises, the total acreage of the Premises, and acreage subject to this or any other restriction or easement;
- (3) The deed book and deed page to the fee in the Premises and to this Conservation Restriction as recorded in the Middlesex Southern District Registry of Deeds, and reference to any approved or pending survey plan, subdivision plan, or any other division of the property's ownership interests;
- (4) A history of the Premises and its management, including forestry or agricultural activities engaged in during the previous ten years;
- (5) An inventory of forest resources, including: species, quality, age class distributions, growth rates, potential harvest volumes and values;
- (6) A forest type map, an appropriately scaled and accurate map, which shall delineate: the property's boundaries, forest types, estimated locations of any threatened or endangered

animal and plant species, unique (geological, hydrological, historical, and cultural) features, existing roads and other access to the property, soil types, topography, and aspect;

(7) A description of the Premises' abutters and any other protected land(s), including areas protected for natural, scenic, forested, agricultural, historical, open space, conservation, or wildlife purposes within a reasonable distance of this property; and

(8) A description of the owner's management objectives and practices for the following ten (10) year period, which shall provide for the maintenance and improvement of the overall quality of the timber resource, the maintenance or improvement of soil productivity and the conservation of water quality.

**EXECUTIVE SUMMARY**

**TITLE:** Right of First Refusal on Chapter 61A Land


**BACKGROUND:** As the Selectboard may recall, on January 27, 2020, the Selectboard voted to waive its right of first refusal pursuant to MGL c. 61A on a piece of land owned by Abigail Haupt LLC, after acceptance of a purchase offer in the amount of \$617,500 for 35.5 acres between Alford and Hurlburt Road. That sale did not close.

A new purchase and sale agreement has been accepted for the exact same 35.5 acres in the amount of \$565,000. The sale is scheduled to close on May 15, 2020.

Since the terms of the deal have slightly changed, in particular the price, it seemed prudent to inform the Board and seek a new waiver of the right of first refusal, if the Board so desires.

As stated at your January meeting, this is a rather unique transaction in that much of the land (more than half of the 36 acres) will remain under a permanent Conservation Restriction. Approximately 11 acres of the 36 is not in the CR. The CR was executed in 2000. It conserves this and other lands in the vicinity, and it is held by the Berkshire Natural Resources Council. The CR allows for a 5-acre house parcel somewhere in the CR area.

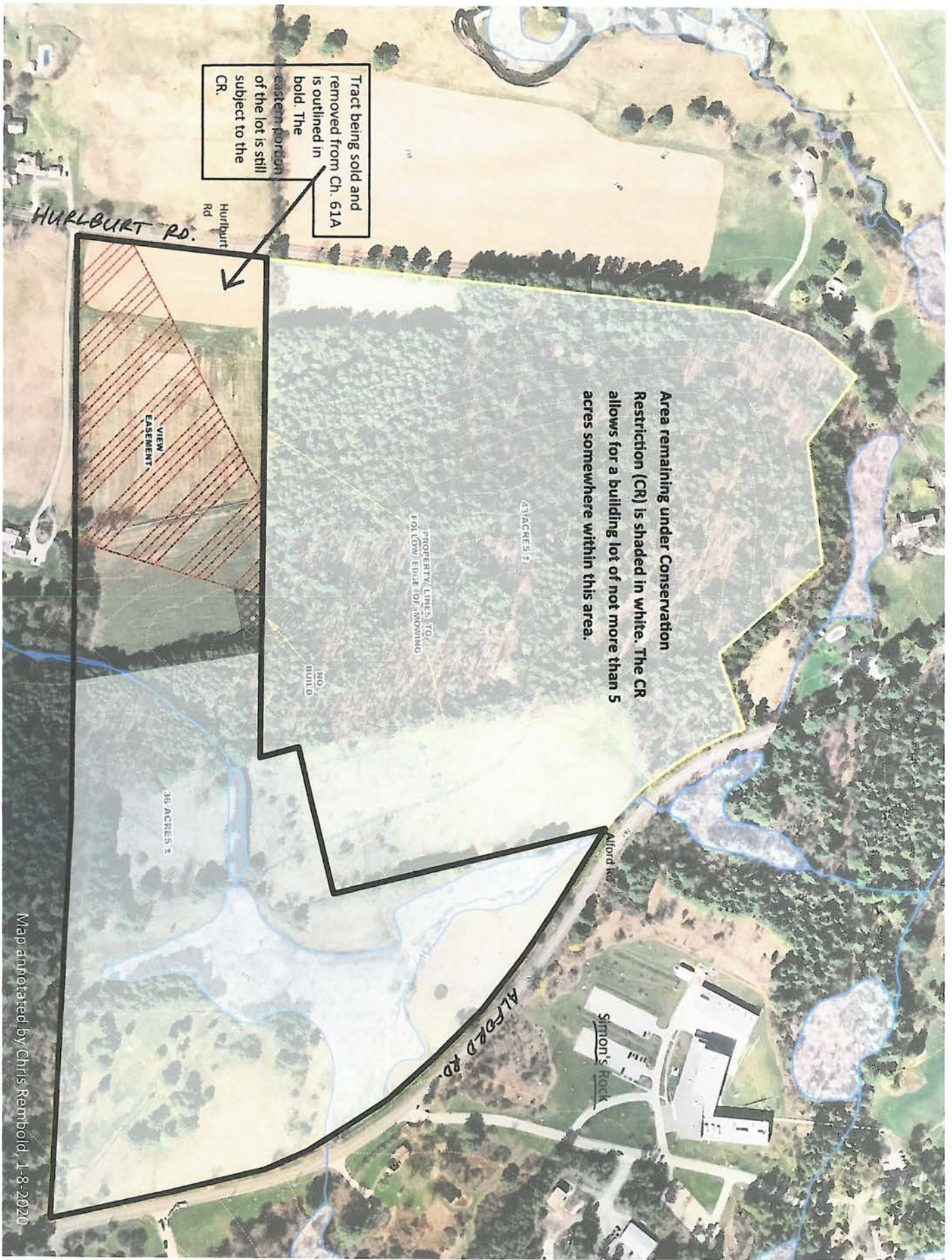
**RECOMMENDATION:** The Selectboard vote to not exercise its right of first refusal, and to authorize the Chair and Vice Chair to execute on behalf of the Selectboard the required release form.

**WRITTEN BY:**  **DATE:** 5/7/20  
Assistant Town Manager /  
Director of Planning and Community Development

**APPROVED BY:**  **DATE:** 5-7-20  
Town Manager







Tract being sold and removed from Ch. 61A is outlined in bold. The eastern portion of the lot is still subject to the CR.

Area remaining under Conservation Restriction (CR) is shaded in white. The CR allows for a building lot of not more than 5 acres somewhere within this area.

HURLBURT RD.  
Hurlburt Rd  
VIEW EASEMENT

PROPERTY LINES TO FOLLOW EDGE OF FLOWING

43 ACRES 5

NO OUTLET

36 ACRES 2

ALFOLD RD.

Simon's Rock

Hurlburt and Alford Roads, Great Barrington

WAIVER OF RIGHT OF FIRST REFUSAL

We, being a majority of the members of the Selectboard of the Town of Great Barrington, Massachusetts, having been notified of a purchase agreement for the proposed conveyance of certain land of Abigail Haupt, LLC, presently taxed under MGL c.61A (see lien recorded in Book 1269, Page 206) being Assessors Map 31, Parcel 12A (consisting of approximately 11 acres) and portions of Map 31 Parcels 12 and 13 (consisting of approximately 25 acres) for a total of approximately 35.5 acres, said land being adjacent to Hurlburt and Alford Roads in Great Barrington, hereby waive any rights which the town may have to purchase said land pursuant to MGL c. 61A, upon the same terms contained in the purchase agreement dated April 1, 2020, and hereby designate either the Chair or the Vice-Chair to execute this Waiver on our behalf.

\_\_\_\_\_  
Stephen C. Bannon, Chair

\_\_\_\_\_  
Edward Abrahams, Vice Chair

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss. \_\_\_\_\_, 2020

Then personally appeared before me the above-named \_\_\_\_\_ of the Selectboard and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person(s) whose name(s) is signed above and acknowledged to me that he/she/they signed it voluntarily on behalf of the Selectboard for the Town of Great Barrington, for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



Mark Pruhenski  
Town Manager

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

May 13, 2020

Kurt Gaertner  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114

RE: Planning Assistance Grant, BD-20-1042-ENV-ENV01-50044,  
*Growing Better Great Barrington: A Food System Plan for Climate Resilience, Environmental Sustainability, and Community Food Security*

Dear Mr. Gaertner:

I am pleased to offer my strong support for the Town of Great Barrington's grant application for *Growing Better Great Barrington* food system plan ("GB Food Plan").

This project supports and aligns with our current planning work including our *Open Space and Recreation Plan* update and our *Municipal Vulnerability Plan*, which in turn are implementing our award-winning *Community Master Plan*. The food system plan project also supports the previous planning project sponsored by the Town, the *Great Barrington Pollinator Action Plan*.

Our Selectboard has voted to write a letter of support and commit Town staff time worth at least \$2,500 to support this project. To that end, I and my staff, including my Assistant Town Manager / Director of Planning and Community Development, Superintendent of Public Works, and Conservation Agent, stand ready and willing to work on this project. In coordination with my professional staff, citizen chairpersons of the Agricultural Commission and other town committees also intend to engage their committees in developing the GB Food Plan.

The Town appreciates the Executive Office of Energy and Environmental Affairs' commitment to assisting local governments in planning for our future, and I hope you will give your strong and favorable consideration to this application. A robust local food system will help Great Barrington's response to public health crises, increase jobs, and sustain our agricultural lands.

Sincerely,

Mark Pruhenski  
Town Manager

STEPHEN BANNON  
EDWARD ABRAHAMAS  
WILLIAM COOKE  
KATE BURKE  
LEIGH DAVIS



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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Fax: (413) 528-2290  
website: [www.townofgb.org](http://www.townofgb.org)

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### SELECTBOARD

May 13, 2020

Kurt Gaertner  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114

RE: Planning Assistance Grant, BD-20-1042-ENV-ENV01-50044,  
*Growing Better Great Barrington: A Food System Plan for Climate Resilience, Environmental Sustainability, and Community Food Security*

Dear Mr. Gaertner:

The purpose of this letter is to state the Town of Great Barrington's support for the grant application for *Growing Better Great Barrington* food system plan ("GB Food Plan"). The Town appreciates the Executive Office of Energy and Environmental Affairs' commitment to assisting local governments in planning for our future.

We support this GB Food Plan project because it meshes well with our current planning work including our *Open Space and Recreation Plan* update and our *Municipal Vulnerability Plan*, which in turn are implementing our award-winning *Community Master Plan*. The food system plan project also supports the previous planning project sponsored by the Town, the *Great Barrington Pollinator Action Plan*, a widely distributed and heralded example of how communities can come together and improve their environment and quality of life.

Our Selectboard has voted to approve this letter of support, with the following acknowledged:

- We understand that this is a reimbursable grant for the amount of \$10,000, with the Town's match contribution of \$2,500, met using paid Town staff hours, for a total project cost of \$12,500.
- We understand that the timeline for the project is to begin with the Town's Core Team meeting in the fall of 2020, followed by the bulk of the work completed through a contract with the Conway School of Landscape Design from January through March 2021. The final product is anticipated to be ready for sharing and submission by July 2021.
- We understand that this project will serve as an example of how small communities can strengthen their resilience through planning to improve future outcomes.
- We acknowledge the requirement to share the completed food system plan and will engage in publicity savvy outreach and networking, as we did for the *GB Pollinator Action Plan*.

In the wake of COVID-19, communities are seeing the weaknesses of food systems and are seeking strategies on how to make them more resilient to climate change impacts, food supply chain breakdowns,



and other land-based challenges. Planning requires an in-depth analysis of land uses and how they can be changed or integrated into a robust local food system.

The project goal of the *Growing Better Great Barrington* project is to develop a food system plan with practical recommendations to enhance climate resilience, environmental sustainability and community food security. The Great Barrington plan will also serve as a model for mitigating climate impacts and food system vulnerability in other Massachusetts municipalities.

This project will provide strategies, best practices, and recommendations to:

- Lower greenhouse gas emissions by reducing “food miles” and fossil-fuel inputs,
- Improve productivity and resilience to weather extremes through soil carbon restoration,
- Advance food security and safe access to food in emergencies,
- Increase the number and type of green jobs locally,
- Boost workforce housing sustainability and food justice by including community gardens, and
- Enhance the potential for integrating more diverse, and biodiverse, land uses.

After you review how this application applies the Evaluation Criteria and the *Massachusetts Sustainable Development Principles*, we hope you will agree that this will be an inspiring, innovative, and timely project.

Thank you again for supporting town planning projects, and, if you have any questions or concerns, please contact Christopher Rembold, Assistant Town Manager/Director of Planning and Community Development, at 413-528-1619, 7.

Sincerely,

Stephen Bannon, Chair



Town of Great Barrington

Town Manager Performance Evaluation

Evaluation period of June 2019 through May 2020

Selectboard Member's Name

Each member of the Selectboard should complete this evaluation form, sign it in the space below, and return it to the Selectboard Chair. The deadline for submitting this performance evaluation is Friday May 1, 2020. Evaluations will be summarized and included on the agenda for discussion at the Selectboard meeting on Wednesday May 13, 2020.

Selectboard Member's Signature

Date Submitted

*MOSTER*

## INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the Town manager's performance.

- 5 = Excellent (almost always exceeds the performance standard)
- 4 = Above average (generally exceeds the performance standard)
- 3 = Average (generally meets the performance standard)
- 2 = Below average (usually does not meet the performance standard)
- 1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the Selectboard to the Town manager as part of the agenda for the meeting indicated on the cover page.

## PERFORMANCE CATEGORY SCORING

### I. INDIVIDUAL CHARACTERISTICS

Diligent and thorough in the discharge of duties, "self-starter"

Exercises good judgment

Displays enthusiasm, cooperation, and will to adapt

Mental and physical stamina appropriate for the position

Exhibits composure, appearance and attitude appropriate for executive position

**Add the values from above and enter the subtotal**      0      ÷ 5 =      0.00      **score for this category**

4.72

## 2. PROFESSIONAL SKILLS AND STATUS

Maintains knowledge of current developments affecting the practice of local government management

Demonstrates a capacity for innovation and creativity

Anticipates and analyzes problems to develop effective approaches for solving them

Willing to try new ideas proposed by Selectboard members and/or staff

Sets a professional example by handling affairs of the public office in a fair and impartial manner

**Add the values from above and enter the subtotal**      0      ÷ 5 =      0.00      **score for this category**

4.85 (4 members answered)

## 3. RELATIONS WITH ELECTED MEMBERS OF THE SELECTBOARD

Carries out directives of the body as a whole as opposed to those of any one member or minority group

Sets meeting agendas that reflect the guidance of the Selectboard and avoids unnecessary involvement in administrative actions

Disseminates complete and accurate information equally to all members in a timely manner

Assists by facilitating decision making without usurping authority

Responds well to requests, advice, and constructive criticism

**Add the values from above and enter the subtotal**      0      ÷ 5 =      0.00      **score for this category**

4.4

## 4. POLICY EXECUTION

Implements Selectboard actions in accordance with the intent of council

Supports the actions of the Selectboard after a decision has been reached, both inside and outside the organization

Understands, supports, and enforces local government's laws, policies, and ordinances

Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness

Offers workable alternatives to the Selectboard for changes in law or policy when an existing policy or ordinance is no longer practical

**Add the values from above and enter the subtotal**      0      ÷ 5 =      0.00      **score for this category**

4.56



5. REPORTING

Provides regular information and reports to the Selectboard concerning matters of importance to the local government, using the Town charter as guide

Responds in a timely manner to requests from the Selectboard for special reports

Takes the initiative to provide information, advice, and recommendations to the Selectboard on matters that are non-routine and not administrative in nature

Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience

Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

**Add the values from above and enter the subtotal** 0 ÷ 5 = 0.00 **score for this category**

4.68

6. CITIZEN RELATIONS

Responsive to requests from citizens

Demonstrates a dedication to service to the community and its citizens

Maintains a nonpartisan approach in dealing with the news media

Meets with and listens to members of the community to discuss their concerns and strives to understand their interests

Gives an appropriate effort to maintain citizen satisfaction with Town services

**Add the values from above and enter the subtotal** 0 ÷ 5 = 0.00 **score for this category**

4.76

7. STAFFING

Recruits and retains competent personnel for staff positions

Applies an appropriate level of supervision to improve any areas of substandard performance

Stays accurately informed and appropriately concerned about employee relations

Professionally manages the compensation and benefits plan

Promotes training and development opportunities for employees at all levels of the organization

**Add the values from above and enter the subtotal** 0 ÷ 5 = 0.00 **score for this category**

4.68

8. SUPERVISION

Encourages heads of departments to make decisions within their jurisdictions with minimal Town manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff

Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level

Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the Town manager's office

Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback

Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal 0 ÷ 5 = 0.00 score for this category

4.77 (3 members answered)

9. FISCAL MANAGEMENT

Prepares a balanced budget to provide services at a level directed by council

Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively

Prepares a budget and budgetary recommendations in an intelligent and accessible format

Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability

Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal 0 ÷ 5 = 0.00 score for this category

4.8

10. COMMUNITY

Shares responsibility for addressing the difficult issues facing the Town

Avoids unnecessary controversy

Cooperates with neighboring communities and the county

Helps the council address future needs and develop adequate plans to address long term trends

Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal 0 ÷ 5 = 0.00 score for this category

4.44

## NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period?

What performance area(s) would you identify as most critical for improvement?

What constructive suggestions or assistance can you offer the manager to enhance performance?

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period?