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## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

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

CONFERENCE DATE: MONDAY, APRIL 27, 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/87433555115?pwd=cWpKbXdTVmlHYk5sLzBCUkN4Nm1ydz09>

Password: 998855

Or Telephone:

Dial in: (929) 205-6099

Webinar ID: 874 3355 5115

Password: 998855

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\*\*\*\*\*

**6:30 PM - OPEN MEETING**

**1. CALL TO ORDER:**

**2. APPROVAL OF MINUTES:**

- January 15, 2020 Special Meeting.
- February 10, 2020 Regular Meeting.
- April 13, 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
  
- C. Dr. Adrian Elliott/Fairview Hospital – Update on services.

**7:00 PM**

**5. PUBLIC HEARINGS:**

- A. **Continuation** of Special Permit Application for School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington, MA. (Discussion/Vote)
  - a. Deliberation as to Findings
  - b. Motion re: Approval/Denial/Table
  
- B. **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. Saskia Carlisle/Nine Pin Ciderworks LLC for Farmer's Winery License to Sell at GB Farmer's Market from May 16, 2020 – November 14, 2020 from 9:00 am – 1:00 pm. (Discussion/Vote)
  
- B. Robert Coyle, Esq./Valkyrie Cannabis Inc. – Discussion re: Host Community Agreement (HCA) and Update on Waiver from the CCC for Community Outreach Meeting. (Discussion/Vote)
  
- C. Bridgette Stone/Market Manager/Great Barrington Farmers Market for permission to close Church Street to thru traffic during the market season from May 16, 2020 to November 14,

2020. (Discussion/Vote)

D. Kathleen McCormick/Fastback Motors Application re: 2020 Annual Class II Auto License at 20 Castle Street. (Discussion/Vote)

**7. NEW BUSINESS:**

A. SB – Review and Approval of Bond Anticipation Note (BAN) Results. (Discussion/Vote)

**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.*

**Warrant Summary**  
**March 25,2020 - April 22,2020**

**Accounts Payable Warrants:**

<u>Warrant #</u>	<u>Date</u>	<u>Total</u>
W20-36	3/25/2020	194,154.73
W20-36W	3/31/2020	4,420,819.12
W20-37	4/1/2020	139,419.57
W20-38	4/8/2020	154,710.64
W20-39	4/15/2020	116,781.69
W20-40	4/22/2020	73,795.16
		\$5,099,680.91

<u>Department</u>	<u>W20-36</u> <u>3/25/2020</u>	<u>W20-36W</u> <u>3/31/2020</u>	<u>W20-37</u> <u>4/1/2020</u>	<u>W20-38</u> <u>4/8/2020</u>	<u>W20-39</u> <u>4/15/2020</u>	<u>W20-40</u> <u>4/22/2020</u>
Selectboard/Town Manager	-	-	-	18,487.99	-	5,000.00
Technology	-	-	-	-	-	-
Assessors	-	-	85.00	-	-	-
Collector/Treasurer	133.50	-	308.62	-	-	-
Town Clerk	715.43	-	200.00	-	-	1,320.00
Conservation	-	-	-	-	-	4,872.88
Planning/Community Development	-	-	-	-	-	606.51
Public Buildings	13,373.67	-	-	22,352.93	3,902.56	14,785.41
Police Department	8,932.04	-	-	234.26	692.96	2,783.56
Fire Department	3,775.84	-	-	23,159.66	4,018.66	1,690.82
Building Inspector	244.39	-	235.43	-	-	251.18
School Assessment	-	4,182,540.25	-	-	-	-
Highway	39,424.78	-	-	35,902.90	16,394.48	22,952.79
Health Department	-	-	-	-	2,823.50	-
Council on Aging	67.47	-	237.62	44.00	33.00	-
Veteran Affairs	-	-	-	-	-	6,572.04
Libraries	3,274.35	-	968.78	-	1,772.79	2,297.30
Parks & Recreation	909.90	-	-	-	-	-
Debt Service	-	-	-	-	-	-
Insurance	-	140,740.50	-	-	-	-
Covid-19	-	-	-	-	-	1,003.02
Community Preservation Fund	-	-	100,000.00	-	-	4,571.00
Capital Projects	110,960.48	-	23,572.40	40,954.95	4,969.50	-
Grants	1,134.87	-	8,998.71	1,287.75	1,975.00	-
Other Special Revenue Funds	723.00	-	1,825.43	-	300.00	2,265.04
Wastewater	-	-	-	12,286.20	74,755.23	2,823.61
P/R Deductions	10,485.01	97,538.37	2,987.58	-	5,144.01	-
	\$ 194,154.73	\$ 4,420,819.12	\$ 139,419.57	\$ 154,710.64	\$ 116,781.69	\$ 73,795.16

Footnotes

W20-36: Street Improvement payments for \$104k

W20-36W March wire transfer warrant

**Payroll Warrants:**

<u>Warrant #</u>	<u>Date</u>	<u>Total</u>
PR2019	4/8/2020	137,165.38
PR2020	4/22/2020	128,136.27
		\$ 265,301.65

Link to submitted documents:

<https://www.dropbox.com/s/s8uczllk3yre361/11 School Street - Special Permit.pdf?dl=0>

## TOWN OF GREAT BARRINGTON

### NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, January 13, 2020 at 5:30 pm at the Claire Teague Senior Center, 917 Main Street, Great Barrington, MA, to act on the Special Permit application from School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application is filed in accordance with Sections 3.1.4 C(19), 9.2, and 10.4 of the Zoning Bylaw. A copy of the application is on file with the Town Clerk.

Stephen Bannon, Chair

\* Continued to February 10, 2020

\* Continued to February 24, 2020

\* Continued to March 23, 2020

\* **Applicant requests continuance to April 13, 2020 @ 6:00 pm**

• *Continued to April 27, 2020 @ 7:00 pm*

**EXHIBIT A**

**FINDINGS OF FACT AND BASIS FOR DECISION**

**Re: Special Permit #895-19, 11 School Street**

**A. Introduction**

This Special Permit application was filed on November 25, 2019 by School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield (“Applicant”), to construct and operate a commercial parking lot in a B-3 Downtown Business Mixed Use zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application includes a narrative and plans prepared by SK Design Group, Inc. The plans are dated November 11, 2019.

**B. General Findings**

The site is in the B-3 (Downtown Mixed-Use) zoning district. The entire site is also within Zone II of the Water Quality Protection Overlay District.

The eastern end of the site has frontage on School Street. To the north is a private residence and gardens, to the south is the Verizon telephone station building, and to the west are private parking lots associated with, and/or owned by, buildings fronting on Main Street. Across School Street is the former Searles School, which has special permits to be redeveloped as a hotel, as well an office building, in the redeveloped former Bryant School.

The site is approximately 0.35 acres and is improved with an existing two story building. The ground floor of the building is a laundromat, and the second floor has two apartments, currently vacant. The western end and the southern edge of the site are gravel parking and driveway areas. The northern edge between the building and the property line is lawn. The site slopes relatively steeply from west down to the east towards School Street, and from north down to south.

As described in the narrative and as shown on the accompanying plans, the Applicant seeks to demolish the existing building and regrade the site to install a 38-space paved parking lot. The primary user of the parking lot will be tenants of the commercial building at 321 Main Street.

The parking lot will be graded in keeping with the existing topography in order to shed stormwater to a series of catch basins within the parking lot. The water will then be directed into an underground stormwater detention and infiltration system. The parking lot will have lighting along the sides, and new landscaping installed on the north and south sides of the parking lot. An electronic gate will control vehicular access into the lot from an entrance off of School Street. An electronic gate is also proposed at an entrance to the lot from the private parking lot to the west, though there is no formal easement from the other property owner allowing cars or pedestrians to use this entrance.

The Conservation Commission has reviewed the proposal and has determined it has no jurisdictional interest in the property.

The Board of Health determined that it has no health concerns with the proposal.

The Planning Board reviewed the special permit application and made a unanimous negative recommendation to the Selectboard, stating that the Board is opposed to trading housing and community services for a parking lot, and that the use neither serves economic or community needs

ORIGINAL DRAFT FINDINGS

nor is in keeping with the intent of the B-3 zoning.

### C. Water Quality Protection Overlay District Criteria and Specific Findings

Per Section 9.2.12 of the WQPOD, the proposal requires a special permit because it increases the impervious area of a lot by more than 15% or 2,500 square feet. The special permit requirements of the WQPOD ensure that a project provides a method(s) to capture, treat, and infiltrate stormwater into the underlying aquifer, so that the development of impervious surface does not degrade the quality or quantity of water entering into and recharging the groundwater aquifer.

The proposal will render approximately 69%, or 10,500 square feet of the lot, impervious. This is a negligible reduction of the existing impervious surface coverage. The project proposes a stormwater detention and infiltration system underground in order to ensure that adequate quantity and quality of water can be recharged in to the aquifer. The Applicant's Engineer calculates that 219 cubic feet of recharge volume is required in order to balance out the proposed impervious surface. The Applicant proposes recharge volume of 942 cubic feet.

In Section 9.2.13, Procedures for Issuance of a Special Permit, item 3 states that the Selectboard may grant the special permit if it finds the standards of 9.2.8 (Prohibited Uses), 9.2.9 (Prohibited Uses, Inner Zone), and the following two standards, are met: (a.) [the project will] in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the WQPOD; and (b.) [the project] be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

The Selectboard hereby finds that the proposal complies with the WQPOD as follows:

1. The proposal complies with Sections 9.2.8 and 9.2.9.
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site.

### D. Special Permit Criteria and Findings

Section 10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority "that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." This determination shall include consideration of the following criteria:

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

Consideration of the Criteria in relation to SP #895-19:

Per Section 10.4.2 of the Zoning Bylaw, granting of any special permit requires a determination by the Special Permit Granting Authority "that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular

characteristics of the site, and of the proposal in relation to that site.”

The Board’s considerations in relation each of the six special permit criteria are set forth below.

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

The Board finds as follows: The proposed parking lot will benefit the tenants of 321 Main Street. The proposed private parking lot will benefit the community only in an indirect way, by providing an amenity to the tenants of 321 Main Street, and by reducing parking pressures by office tenants on public parking lots elsewhere downtown. The proposal demolishes two apartments and a business that serves community. The proposal is not in keeping with the intent of the B-3 zoning district. The proposal does result in a mixed use building but rather demolishes one. The proposal does not utilize infill development or redevelopment of a building but rather demolishes one. The proposal does not promote shared parking but rather restricts parking to the private tenants. The proposal does not maintain or increase the supply of affordable dwelling units.

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

The Board finds no traffic, parking, or loading concerns. School Street can adequately accommodate the cars into and out of the proposed parking lot. The Board also finds that there is no formal pedestrian connection directly from the proposed parking lot to the 321 Main Street building whose tenants will be using the lot.

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

The Board finds that the site is in a previously developed area served by adequate public utilities and services for the proposed use.

*Criterion 4. Neighborhood character and social structures.*

The Board finds that the mixed-use commercial / residential character of the area is not served by this proposal and that a gated parking lot, however nicely landscaped, does not contribute to a pedestrian oriented environment. Furthermore, the area surrounding the site is characterized by redeveloped buildings, not by demolition of existing buildings.

*Criterion 5. Impacts on the natural environment.*

The Board finds that the proposal will have no negative impacts on the environment. It is an already developed site, without proper stormwater mitigation. The proposed stormwater detention and infiltration system is properly designed to protect the underlying aquifer.

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

The Board finds that a parking lot is unlikely to provide a higher level of tax base than a mixed use building, and the proposal does not provide employment.

Finding:

In consideration of the above Findings, the Board finds that possible benefits of the proposal do not outweigh possible detrimental impacts of the proposal.



**EXHIBIT A**

**FINDINGS OF FACT AND BASIS FOR DECISION**

**Re: Special Permit #895-19, 11 School Street**

**A. Introduction**

This Special Permit application was filed on November 25, 2019 by School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield (“Applicant”), to construct and operate a commercial parking lot in a B-3 Downtown Business Mixed Use zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application includes a narrative and plans prepared by SK Design Group, Inc. The plans are dated November 11, 2019.

**B. General Findings**

The site is in the B-3 (Downtown Mixed-Use) zoning district. The entire site is also within Zone II of the Water Quality Protection Overlay District.

The eastern end of the site has frontage on School Street. To the north is a private residence and gardens, to the south is the Verizon telephone station building, and to the west are private parking lots associated with, and/or owned by, buildings fronting on Main Street. Across School Street is the former Searles School, which has special permits to be redeveloped as a hotel, as well an office building, in the redeveloped former Bryant School.

The site is approximately 0.35 acres and is improved with an existing two story building. The ground floor of the building is a laundromat, and the second floor has two apartments, currently vacant. The western end and the southern edge of the site are gravel parking and driveway areas. The northern edge between the building and the property line is lawn. The site slopes relatively steeply from west down to the east towards School Street, and from north down to south.

As described in the narrative and as shown on the accompanying plans, the Applicant seeks to demolish the existing building and regrade the site to install a 38-space paved parking lot. The parking lot will be graded in keeping with the existing topography in order to shed stormwater to a series of catch basins within the parking lot. The stormwater will then be directed into an underground stormwater detention and infiltration system. The parking lot will have lighting and new landscaping installed along the north and south sides of the parking lot. An electronic gate will control vehicular access into the lot from an entrance off of School Street. An electronic gate is also proposed at an entrance to the lot from the private parking lot to the west (which is a portion of the 293 Main Street property, known as Tom’s Toys.)

The primary-Applicant has stated that the exclusive user of the proposed parking lot will be tenants of the commercial building at 321 Main Street, a retail and office building owned by an affiliate of the Applicant. The upper two floors of 321 Main have been renovated after years of vacancy and will be new offices. The Applicant also owns, through a different affiliate, the parking lot formerly known as the “Foster’s Lot,” identified on Assessor’s Map 19 as Parcel 135, and situated roughly between 11 School Street and 321 Main Street. -The Applicant has stated that it will allow the Foster’s Lot to be used by the public on nights and weekends.

The Applicant has stated that they and the owner of 293 Main Street have come to an agreement to though there is no formal easement from the other property owner allowing cars or pedestrians to

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use theis western entrance of the 11 School Street lot, and to cross the 293 Main Street parking lot between 11 School Street and the "Foster's Lot."

Another abutter, Raifstanger LLC, at 35 Bridge Street, asserted that it has access rights to the rear (the north) of its building through the 11 School Street and 293 Main Street properties. The Applicant has stated that they have come to an agreement with Raifstanger LLC to formalize this access agreement.

The Conservation Commission has reviewed the proposal and has determined it has no jurisdictional interest in the property.

The Board of Health determined that it has no health concerns with the proposal.

The Planning Board reviewed the special permit application and made a unanimous negative recommendation to the Selectboard, stating that the Board is opposed to trading housing and community services for a parking lot, and that the use neither serves economic or community needs nor is in keeping with the intent of the B-3 zoning.

C. Water Quality Protection Overlay District Criteria and Specific Findings

Per Section 9.2.12 of the WQPOD, the proposal requires a special permit because it increases the impervious area of a lot by more than 15% or 2,500 square feet. The special permit requirements of the WQPOD ensure that a project provides a method(s) to capture, treat, and infiltrate stormwater into the underlying aquifer, so that the development of impervious surface does not degrade the quality or quantity of water entering into and recharging the groundwater aquifer.

The proposal will render approximately 69%, or 10,500 square feet of the lot, impervious. This is a negligible reduction of the existing impervious surface coverage. The project proposes a stormwater detention and infiltration system underground in order to ensure that adequate quantity and quality of water can be recharged in to the aquifer. The Applicant's Engineer calculates that 219 cubic feet of recharge volume is required in order to balance out the proposed impervious surface. The Applicant proposes recharge volume of 942 cubic feet.

In Section 9.2.13, Procedures for Issuance of a Special Permit, item 3 states that the Selectboard may grant the special permit if it finds the standards of 9.2.8 (Prohibited Uses), 9.2.9 (Prohibited Uses, Inner Zone), and the following two standards, are met: (a.) [the project will] in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the WQPOD; and (b.) [the project] be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

The Selectboard hereby finds that the proposal complies with the WQPOD as follows:

1. The proposal complies with Sections 9.2.8 and 9.2.9.
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site.

D. Special Permit Criteria and Findings

Section 10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination

STAFF REVISIONS TO FINDINGS, FOR DISCUSSION 4/27/20

by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” This determination shall include consideration of the following criteria:

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

Consideration of the Criteria in relation to SP #895-19:

Per Section 10.4.2 of the Zoning Bylaw, granting of any special permit requires a determination by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.”

The Board’s considerations in relation each of the six special permit criteria are set forth below.

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

The Board finds both potential detriments and potential benefits as follows:

The proposal demolishes a building with two vacant apartments and a business that serves community. The proposal is not in keeping with some the intentions of the B-3 zoning district which are to create. ~~The proposal does result in a mixed use buildings but rather than demolishing existing buildingses one.~~ The proposal does not utilize infill development or redevelopment of a building but rather demolishes onea building. ~~The proposal does not promote shared parking but rather restricts parking to the private tenants.~~ The proposal does not maintain or increase the supply of affordable dwelling units.

The proposal will have benefits for both benefit the tenants of 321 Main Street. ~~The proposed private parking lot will benefit and the downtown community, only in an indirect way, by As an amenity to the tenants of 321 Main Street, parking will, increase the marketability and occupancy of the office at 321 Main, buttressing the local tax base. and With dedicated parking, the new office tenants of 321 Main will not need to park in spaces that the public or other buildings useby reduceing, therefore reducing parking pressures by office tenants on public and quasi-public parking lots elsewhere downtown. Finally, the Applicant’s willingness to allow public parking on nights and weekends at the Foster’s Lot will serve community parking needs; however, the Board finds that a special permit approval, if granted, should be appropriately conditioned so as to ensure this benefit.~~

In these ways, the proposal enhances the viability of the downtown core of the Town, which is in keeping with other purposes of the B-3 zoning district. The proposal provides needed commercial and public parking areas behind buildings, maintaining a positive pedestrian environment in the downtown.

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

The Board finds no traffic, parking, or loading concerns. School Street can adequately

accommodate the cars into and out of the proposed parking lot. The Board also finds that while there is no formal pedestrian connection directly from the proposed parking lot to the 321 Main Street building whose tenants will be using the lot, the Applicant has reached an agreement to allow for passage over and through that area.

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

The Board finds that the site is in a previously developed area served by adequate public utilities and services for the proposed use.

*Criterion 4. Neighborhood character and social structures.*

The Board finds that the mixed-use commercial / residential character of the area is not served by this proposal and that a gated parking lot, however nicely landscaped, does not contribute to a pedestrian oriented environment. Furthermore, the area surrounding the site is characterized by redeveloped buildings, not by demolition of existing buildings.

*Criterion 5. Impacts on the natural environment.*

The Board finds that the proposal will have no negative impacts on the environment. It is an already developed site, without proper stormwater mitigation. The proposed stormwater detention and infiltration system is properly designed to protect the underlying aquifer.

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

The Board finds that, generally, an individual parking lot is unlikely to provide a higher level of tax base than a mixed use building nor would it, and the proposal does not provide employment. The Board finds in this case that the proposed parking lot will benefit the public by buttressing the tax base provided by the offices at 321 Main and by attracting employees to those offices and to downtown generally. In addition to tax base and employment benefits, the proposal to allow public parking on nights and weekends at the Foster's Lot provides a service to the Town.

Finding:

In consideration of the ~~above Findings~~ discussion of the above criteria, the Board finds that ~~possible~~ benefits of the proposal, considered in its relation to the town and the neighborhood, and subject to conditions which ensure parking benefits will actually accrue to the public, do not outweigh ~~possible~~ detrimental impacts of the proposal.

Proposed Condition(s):

1. Prior to grant of any demolition permit for 11 School Street, Applicant must file with the Registry of Deeds and with the Town the executed agreements it has made to formalize access with its abutters Tom's Toys and Raifstanger LLC.
2. Prior to the grant of any demolition permit for 11 School Street, Applicant must draft an agreement with the Town of Great Barrington, subject to review and approval by Town Counsel, to allow public parking nights and weekends at the Foster's Lot. Not later than one calendar year of the issuance of the demolition permit, said agreement must be executed and be recorded with the Registry of Deeds and with the Town.
3. During construction the Applicant must report on construction and the installation of the water

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quality protection district measures. Post construction, Applicant must provide to the Town: as-built plans of the stormwater detention/infiltration system, a certification by a Massachusetts licensed Engineer that system was installed per plan, and the Operations and Maintenance plan for the system which the Owner will perform on a not less than annual basis.

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**EXHIBIT A**

**FINDINGS OF FACT AND BASIS FOR DECISION**

**Re: Special Permit #895-19, 11 School Street**

A. Introduction

This Special Permit application was filed on November 25, 2019 by School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield (“Applicant”), to construct and operate a commercial parking lot in a B-3 Downtown Business Mixed Use zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application includes a narrative and plans prepared by SK Design Group, Inc. The plans are dated November 11, 2019.

B. General Findings

The site is in the B-3 (Downtown Mixed-Use) zoning district. The entire site is also within Zone II of the Water Quality Protection Overlay District.

The eastern end of the site has frontage on School Street. To the north is a private residence and gardens, to the south is the Verizon telephone station building, and to the west are private parking lots associated with, and/or owned by, buildings fronting on Main Street. Across School Street is the former Searles School, which has special permits to be redeveloped as a hotel, as well an office building, in the redeveloped former Bryant School.

The site is approximately 0.35 acres and is improved with an existing two story building. The ground floor of the building is a laundromat, and the second floor has two apartments, currently vacant. The western end and the southern edge of the site are gravel parking and driveway areas. The northern edge between the building and the property line is lawn. The site slopes relatively steeply from west down to the east towards School Street, and from north down to south.

As described in the narrative and as shown on the accompanying plans, the Applicant seeks to demolish the existing building and regrade the site to install a 38-space paved parking lot. The parking lot will be graded in keeping with the existing topography in order to shed stormwater to a series of catch basins within the parking lot. The stormwater will then be directed into an underground stormwater detention and infiltration system. The parking lot will have lighting and new landscaping installed along the north and south sides of the parking lot. An electronic gate will control vehicular access into the lot from an entrance off of School Street. An electronic gate is also proposed at an entrance to the lot from the private parking lot to the west (which is a portion of the 293 Main Street property, known as Tom’s Toys.)

The Applicant has stated that the exclusive user of the proposed parking lot will be tenants of the commercial building at 321 Main Street, a retail and office building owned by an affiliate of the Applicant. The upper two floors of 321 Main have been renovated after years of vacancy and will be new offices. The Applicant also owns, through a different affiliate, the parking lot formerly known as the “Foster’s Lot,” identified on Assessor’s Map 19 as Parcel 135, and situated roughly between 11 School Street and 321 Main Street. The Applicant has stated that it will allow the Foster’s Lot to be used by the public on nights and weekends.

The Applicant has stated that they and the owner of 293 Main Street have come to an agreement to allow cars or pedestrians to use the western entrance of the 11 School Street lot, and to cross the

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293 Main Street parking lot between 11 School Street and the "Foster's Lot."

Another abutter, Raifstanger LLC, at 35 Bridge Street, asserted that it has access rights to the rear (the north) of its building through the 11 School Street and 293 Main Street properties. The Applicant has stated that they have come to an agreement with Raifstanger LLC to formalize this access agreement.

The Conservation Commission has reviewed the proposal and has determined it has no jurisdictional interest in the property.

The Board of Health determined that it has no health concerns with the proposal.

The Planning Board reviewed the special permit application and made a unanimous negative recommendation to the Selectboard, stating that the Board is opposed to trading housing and community services for a parking lot, and that the use neither serves economic or community needs nor is in keeping with the intent of the B-3 zoning.

C. Water Quality Protection Overlay District Criteria and Specific Findings

Per Section 9.2.12 of the WQPOD, the proposal requires a special permit because it increases the impervious area of a lot by more than 15% or 2,500 square feet. The special permit requirements of the WQPOD ensure that a project provides a method(s) to capture, treat, and infiltrate stormwater into the underlying aquifer, so that the development of impervious surface does not degrade the quality or quantity of water entering into and recharging the groundwater aquifer.

The proposal will render approximately 69%, or 10,500 square feet of the lot, impervious. This is a negligible reduction of the existing impervious surface coverage. The project proposes a stormwater detention and infiltration system underground in order to ensure that adequate quantity and quality of water can be recharged in to the aquifer. The Applicant's Engineer calculates that 219 cubic feet of recharge volume is required in order to balance out the proposed impervious surface. The Applicant proposes recharge volume of 942 cubic feet.

In Section 9.2.13, Procedures for Issuance of a Special Permit, item 3 states that the Selectboard may grant the special permit if it finds the standards of 9.2.8 (Prohibited Uses), 9.2.9 (Prohibited Uses, Inner Zone), and the following two standards, are met: (a.) [the project will] in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the WQPOD; and (b.) [the project] be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

The Selectboard hereby finds that the proposal complies with the WQPOD as follows:

1. The proposal complies with Sections 9.2.8 and 9.2.9.
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site.

D. Special Permit Criteria and Findings

Section 10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority "that the adverse effects of the proposed use will not

CLEAN VERSION WITH STAFF REVISIONS ACCEPTED

CLEAN VERSION WITH STAFF REVISIONS ACCEPTED

outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” This determination shall include consideration of the following criteria:

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

Consideration of the Criteria in relation to SP #895-19:

Per Section 10.4.2 of the Zoning Bylaw, granting of any special permit requires a determination by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.”

The Board’s considerations in relation each of the six special permit criteria are set forth below.

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

The Board finds both potential detriments and potential benefits as follows:

The proposal demolishes a building with two vacant apartments and a business that serves community. The proposal is not in keeping with some intentions of the B-3 zoning district which are to create mixed use buildings rather than demolishing existing buildings. The proposal does not utilize infill development or redevelopment of a building but rather demolishes a building. The proposal does not maintain or increase the supply of affordable dwelling units.

The proposal will have benefits for both the tenants of 321 Main Street and the downtown community. As an amenity to the tenants of 321 Main Street, parking will increase the marketability and occupancy of the office at 321 Main, buttressing the local tax base. With dedicated parking, the new office tenants of 321 Main will not need to park in spaces that the public or other buildings use, therefore reducing parking pressures on public and quasi-public parking lots elsewhere downtown. Finally, the Applicant’s willingness to allow public parking on nights and weekends at the Foster’s Lot will serve community parking needs; however, the Board finds that a special permit approval, if granted, should be appropriately conditioned so as to ensure this benefit.

In these ways, the proposal enhances the viability of the downtown core of the Town, which is in keeping with other purposes of the B-3 zoning district. The proposal provides needed commercial and public parking areas behind buildings, maintaining a positive pedestrian environment in the downtown.

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

The Board finds no traffic, parking, or loading concerns. School Street can adequately accommodate the cars into and out of the proposed parking lot. The Board also finds that while there is no formal pedestrian connection directly from the proposed parking lot to the 321 Main Street building whose tenants will be using the lot, the Applicant has reached



an agreement to allow for passage over and through that area.

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

The Board finds that the site is in a previously developed area served by adequate public utilities and services for the proposed use.

*Criterion 4. Neighborhood character and social structures.*

The Board finds that the mixed-use commercial / residential character of the area is not served by this proposal and that a gated parking lot, however nicely landscaped, does not contribute to a pedestrian oriented environment. Furthermore, the area surrounding the site is characterized by redeveloped buildings, not by demolition of existing buildings.

*Criterion 5. Impacts on the natural environment.*

The Board finds that the proposal will have no negative impacts on the environment. It is an already developed site, without proper stormwater mitigation. The proposed stormwater detention and infiltration system is properly designed to protect the underlying aquifer.

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

The Board finds that, generally, an individual parking lot is unlikely to provide a higher level of tax base than a mixed use building nor would it provide employment. The Board finds in this case that the proposed parking lot will benefit the public by buttressing the tax base provided by the offices at 321 Main and by attracting employees to those offices and to downtown generally. In addition to tax base and employment benefits, the proposal to allow public parking on nights and weekends at the Foster's Lot provides a service to the Town.

Finding:

In consideration of the discussion of the above criteria, the Board finds that benefits of the proposal, considered in its relation to the town and the neighborhood, and subject to conditions which ensure parking benefits will actually accrue to the public, outweigh detrimental impacts of the proposal.

Proposed Condition(s):

1. Prior to grant of any demolition permit for 11 School Street, Applicant must file with the Registry of Deeds and with the Town the executed agreements it has made to formalize access with its abutters Tom's Toys and Raifstanger LLC.
2. Prior to the grant of any demolition permit for 11 School Street, Applicant must draft an agreement with the Town of Great Barrington, subject to review and approval by Town Counsel, to allow public parking nights and weekends at the Foster's Lot. Not later than one calendar year of the issuance of the demolition permit, said agreement must be executed and be recorded with the Registry of Deeds and with the Town.
3. During construction the Applicant must report on construction and the installation of the water quality protection district measures. Post construction, Applicant must provide to the Town: as-built plans of the stormwater detention/infiltration system, a certification by a Massachusetts licensed Engineer that system was installed per plan, and the Operations and Maintenance plan for the system which the Owner will perform on a not less than annual basis.

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

51B

FORM SP-1  
REV. 11-2013

**FOR OFFICE USE ONLY**

Number Assigned 895-19 Date Received \_\_\_\_\_  
Special Permit Granting Authority \_\_\_\_\_  
Copy to Recommending Boards \_\_\_\_\_  
Advertised \_\_\_\_\_ & \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Fee: \$150.00 Paid: \_\_\_\_\_

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

MAP 19 LOT 130 BOOK 703 PAGE 287 ZONING DISTRICT(S) B-3

Site Address: 11 School Street, Great Barrington, MA

Date of Application November 18, 2019

Applicant's name and complete mailing address Glenn Langenback  
School Street Parking, LLC., C/O Philips  
International Holding Corp., 5 Cheshire Road, Suite 60, Pittsfield, MA 01201

Applicant's phone number (413) 236-5957 Applicant's email address: glenn@pihc.com

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

Mountain Realty Trust, Victorine J.G. Torrico & Cathy M. Torrico, Trustees  
11 School Street, Great Barrington, MA 01230

I (we) request a Special Permit for: construction of a commercial parking lot  
and work within the Water Quality Protection Overlay District.

Under Section(s) 3.1.4(c) 19 & 9.2 and 10.4 of the Great Barrington Zoning Bylaws.

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

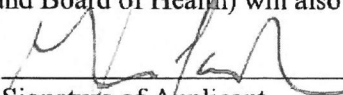
One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:

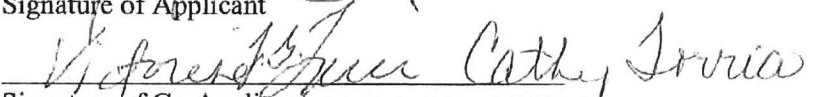
1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)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

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

**SPECIFICS:**

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

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

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

\*\*\*\*\*


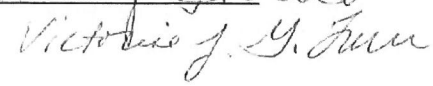
**PLEASE READ AND SIGN BELOW**

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

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

Signature  \_\_\_\_\_

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

Date 11/19/19 \_\_\_\_\_



Town of Great Barrington  
 Planning Board

Application to the Planning Board for  
 Site Plan Review

in accordance with Section 10.5 of the Zoning Bylaw

**INSTRUCTIONS TO APPLICANTS**

Read Section 10.5.1 of the Zoning Bylaw. If you believe any requirements should be waived, you must formally request waivers from the Board. This may be done in your cover letter. Fill in all applicable information on this form. Submit one (1) original and three (3) copies, along with your payment, site plan, and other required information to the Town Planner. At least one set of the site plans must be full sized. Collate the information so that all four packets are identical, except for the original signature. Submit one (1) PDF of the entire packet including any and all plans and specifications. The PDF must be clear and scalable. Call the Town Planner at (413) 528-1619 ext. 7 if you have any questions.

**FOR OFFICE USE ONLY**

SPR number: \_\_\_\_\_  
 Paid? \_\_\_\_\_  
 Filing Date: \_\_\_\_\_  
 Initial PB meeting date: \_\_\_\_\_  
 Decision due: \_\_\_\_\_  
 \_\_\_\_\_ Original and three copies received  
 \_\_\_\_\_ PDF received  
 \_\_\_\_\_ Original filed with Town Clerk

**\*\* DEADLINE \*\*** Applications including all copies and PDFs must be received by 4:00 PM one week before a Planning Board meeting in order to be considered at that meeting. Materials received after the deadline will be scheduled for a future meeting.

**TIMELINE:** In accordance with the Zoning Bylaw, 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: 11 School Street

Map: 19 Lot: 130 Deed Book: 703 Deed page: 287

Zoning District: B-3 Zoning Overlay District(s) (if any): WQPOD

**B. APPLICANT AND PROPERTY OWNER**

Applicant's Information Name (please print) School Street Parking, LLC C/O Phillips International Holding Corp. - Glenn Langenback  
 Street Address 5 Cheshire Road - Suite 80  
 City, State, Zip Code Pittsfield, MA 01201  
 Phone (area code first) (413) 236-5357 Email Address: glenn@pihc.com  
 Signature [Handwritten Signature]

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

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

Property Owner's Information Name (please print) Mountain Realty Trust, Victorine J.G. Torrico & Cathy M. Torrico, Trustees  
 Street Address 11 School Street  
 City, State, Zip Code Great Barrington, MA 01230  
 Phone (area code first) \_\_\_\_\_ Email Address: \_\_\_\_\_  
 Owner's Signature [Handwritten Signatures]

**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.

Construction of a commercial parking lot in the B-3 Zone. Please see attached narrative for additional information.

**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 Permits? Yes  No   
If yes, have you applied for and/or received those Special Permits? Yes  No  Applied for concurrently
- 2. You acknowledge that Planning Board 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 or Scenic Mountains 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 and has an Order of Conditions been issued? 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**

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. ABUTTER NOTIFICATION**

Have you discussed your proposed plans with the neighbors of this site? Yes  No

**I. 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.

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

Bruce Finger, Assessor  
John Katz, Assessor

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

November 15, 2019

ABUTTERS TO PROPERTY OF: MOUNTAIN REALTY TRUST  
VICTORINE J. G. TORRICO & CATHY M. TORRICO, TRUSTEES  
11 School Street, Map 19 Lot 130, Book 703 Page 287

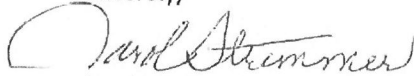
<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
19	139	79 Bridge Street Realty LLC, 247 Stockbridge Rd., Gt. Barrington, MA 01230-1297
19	137,138	New England Telephone Co., c/o Duff & Phelps, PO Box 2749, Addison, TX 75001-2749
19	125	Drucker Family LLC, 15 Highland Dr., Gt. Barrington, MA 01230-1536
19	129	Tom's Toys Building LLC, 297 Main St., Gt. Barrington, MA 01230-1608
19	131,132	Mickey & Jac LLC, 85 Main St., Gt. Barrington, MA 01230-1307
19	133	Jean P. Andrews, PO Box 419, Gt. Barrington, MA 01230-0419
19	134	Great Barrington Owner LLC, c/o Philips International, 295 Madison Ave. 2 <sup>nd</sup> Floor, New York, NY 10017-7766
19	135	GB Parking LLC, c/o Philips International, 295 Madison Ave. 2 <sup>nd</sup> Floor, New York, NY 10017-7766
19	136,135A,138A	Raifstanger LLC, 35 Bridge St., Gt. Barrington, MA 01230-1310
19	142A,144	Powerhouse Square I LLC, 312 Main St. #2, Gt. Barrington, MA 01230-1682
19	152B,144A	Powerhouse Square II LLC, 312 Main St. #2, Gt. Barrington, MA 01230-1682
19	143	Wheeler & Taylor Inc., 333 Main St., Gt. Barrington, MA 01230-1813
19	114	Dean Amidon & Claudia Schmltz, Trustees, 271 Main Street Nominee Realty Trust, PO Box 660, Gt. Barrington, MA 01230-0660
19	118	John Henderson, PO Box 1273, Stockbridge, MA 01262-1273
19	119	Robin R. L. Hyman, 29 Church St. #101, Gt. Barrington, MA 01230-1381
19	120	David C. & Kathie H. Thomas, Gt. Barrington, MA 01230-1314
19	122	James M. Cavanaugh, Trustee, 719 North Main St., Sheffield, MA 01257-9503
19	128,121	Jane iredale, 28 Church St., Gt. Barrington, MA 01230-1315
19	127,121A	Enfield Realty Holdings LLC, 28 Church St., Gt. Barrington, MA 01230-1315
19	139A	ERH-Bryant LLC, 28 Church St., Gt. Barrington, MA 01230-1315
19	134A	Harland B. Foster Inc., 15 Bridge St. #1, Gt. Barrington, MA 01230-1398
19	124	Berkshire Pleasure LLC, 281 Main St., Gt. Barrington, MA 01230-1746
19	U1A,2A	Lee Bank, 75 Park St., Lee, MA 01238-1701
19	U 3A	Lance & Cara Vermeulen, PO Box 178, South Egremont, MA 01258-0178
19	U 5A	James A. Mercer, Trustee, Westgood Realty Trust, 80 Maple Ave. #1, Gt. Barrington, MA 01230-1953
19	U 4A	Eden Rock Group LLC, 285 Main St., Gt. Barrington, MA 01230-1608
19	U 1B	Martha Klein, PO Box 542, Norfolk, CT 06058-0542
19	U 2B	Robert W. Finley III, 570 Westminster Rd. #D16, Brooklyn, NY 11230-1456

TORRICO/MOUNTAIN REALTY TRUST  
11 SCHOOL STREET

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
19 U 3B	124	Christy Allison Smith, 26 Lockwood St., Rochester, NY 6502
19 U 4B	124	Damien Flores & Susannah H. Miskell, 124 Green River Valley Rd., Gt. Barrington, MA 01230-2400
19 U 5B	124	Ann Canning, 102 Stevens Lake Rd., Gt. Barrington, MA 01230-8429
19 U 6B	124	Karen Waddell, 100 Riverside Dr. #12A, New York, NY 10024-4822
19 U 7B	124	Rahul Chandra Shekhar, 8 Museum Way #1503, Cambridge, MA 02141-1881
19 U 8B	124	Robert & Alba Tutnauer, Trustees, PO Box 629, Otis, MA 01253-0629
19 U 9B	124	G. Thomas Mullany Jr. & Helen Mullany, 281 Main St. #9, Gt. Barrington, MA 01230-1617
19	145	Town of Great Barrington, 334 Main St. Rm 208, Gt. Barrington, MA 01230-1832

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

Sincerely,



Carol Strommer  
Administrative Assessor



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

**Proposed Commercial Parking Lot**  
**11 School Street**  
**Great Barrington, Massachusetts**

**A. Project Overview**

This Impact Report and Project Narrative has been prepared in support of a Special Permit Application and Site Plan Review for the construction of a commercial parking lot located at 11 School Street in Great Barrington, Massachusetts. The application is submitted in accordance with the Town of Great Barrington Zoning By-laws.

**Existing Site Description**

The property is a 0.35-acre parcel of land located on the west side of School Street. The site is currently a mixed-use property with a commercial laundromat on the first floor and residential apartments on the second floor. The property is accessed by a gravel driveway located south of the building. A gravel parking area is located to the rear of the building and paved head-in parking is located off School Street. Much of the remainder of the property is mowed lawn, with trees located along the northern and southern property lines. The building is connected to town sewer and water and additionally private electric and natural gas. Stormwater on the site is untreated and unmitigated. The site flows from west to east and discharges into School Street. A catch basin located near the intersection of School Street and Bridge Street collects run-off from the site and the road.

The property is further described by the Town of Great Barrington Assessor's Maps as Map 19, Lot 130.

The project site is bordered to the east by School Street and across the street by the former Searles Bryant School and Jane Iredale, to the south by Verizon, to the west by a commercial parking lot associated with 293 Main Street and to the north by a Jane Iredale Building.

**Zoning Districts**

The parcel is located entirely within the B-3 Downtown Business Mixed Use zoning district. The following is a listing of the Dimensional Requirements per the Town of Great Barrington Zoning By-laws:



Town of Great Barrington  
 Table of Dimensional Requirements for the B-3 Zone District

	Minimum Area (Square Feet)	Lot Frontage (Feet)	Yard Minimum				Maximum Building Height (Feet)	Max. Coverage by Bldgs. (%)
			Front	Side	Rear	Stories		
Required	5,000	50	10	10	10	4	40	75%
Existing	15,680	86'±	12'±	17'±	67'±	2	<40	23%±

The existing building is proposed to be demolished. No new buildings are proposed as a part of this application.

The entire property is also located within the Zone II boundary of the *Water Quality Protection Overlay District (WQPOD)* as seen on the Great Barrington Zoning Map, dated May 9, 2016, which requires compliance with By-law Section 9.2.

**Proposed Development**

The proposed development includes the demolition of the existing building, existing driveway and parking areas for the construction of a new paved (38) space commercial parking lot. The parking lot will be centered on the lot to provide adequate room for grading, landscaping and lighting. A 24-foot wide driveway will access the parking area off of School Street and a connecting driveway will access the parking lot to the north. The parking spaces will be 9'x18' as required by zoning. The parking area will be fenced off allowing gated access to the patrons and residents of The Berkshire Block at 321 Main Street, Great Barrington. No municipal utilities are required for the construction of a commercial parking lot. All existing service connections will be discontinued in accordance with Department of Public Works Standards. A new electrical service will be required for the lights and gates.

The project will manage stormwater on-site. The parking lot will sheet flow into from west to east and collected in swales and catch basins. These catch basins will discharge into an underground stormwater infiltration and detention system. This system may overflow in large storm events into School Street, mimicking existing conditions. Additional stormwater information can be seen in Section C below.

The construction of a commercial parking lot requires a Special Permit in accordance with the Table of Use Regulations, Section 3.1.4 (c) 19. In addition, the property is located within the Zone II boundary of the *Water Quality Protection Overlay District (WQPOD)* as noted on the Great Barrington Zoning Map, dated May 9, 2016. Work in the overlay district requires a Special Permit and compliance with Section 9.2. Also, because the development requires a Special Permit, in addition to meeting the applicability requirements outlined in *Section 10.5.1*, the proposed project

is also required to file for a Site Plan Review under Section 10.5. Compliance with all the above zoning regulations is outlined below.

## **B. Zoning Compliance**

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

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

#### ***9.2 Water Quality Protection Overlay District (WQPOD)***

According to the Town of Great Barrington Zoning Map, the property is within the Water Quality Protection Overlay District, Zone II classification. Special Permits are required for work within the WQPOD that meet the following conditions outlined in Section 9.2.12:

1. *Enlargement or alteration of existing uses that do not conform to the WQPOD; In accordance with Section 9.2.7(6), the use is permitted in the underlying Zoning District by Special Permit, therefore it is a permitted use in the WQPOD.*
  
2. *Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning district (except as prohibited hereunder). Such activities shall require a special permit to prevent contamination of groundwater;*  
**Not Applicable.**
  
3. *Any use that will render impervious more than 15% of any lot or parcel or 2,500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner. Special permits for nonresidential uses as described in this subsection are not allowed in the Surface Water Source Protection Zones A and B.*  
**The existing lot is 69% impervious (10,526 square feet). This impervious cover is from the existing building, gravel parking lots, paved parking apron and concrete.**

The proposed development will render the same 69% or 10,500 square feet of the lot impervious. Even though the development is a slight reduction in the amount of impervious cover, more than 15% of the lot/2,500 square feet of the lot will be rendered impervious, requiring a permit in accordance with Section 9.2.

The project proposes groundwater infiltration generally in accordance with the Stormwater Management Standards regulated under the Wetlands Protection Act, although these standards do not apply at this site. Infiltration occurs through collection from all impervious areas and discharging to underground chambers. Stormwater management standards outline criteria for calculating the required recharge volume. The volume is equal to the target depth factor multiplied by the impervious area. The amount of new impervious area for the development is as follows:

**Proposed Impervious Area:**

0.24 acres (10,500 square feet). The required recharge volume is calculated to be:

“C” Soils = 10,500 square feet x 0.25 inches = 219 cubic feet required

The entire parking lot will be captured in a series of catch basins which will discharge to an underground infiltrator chamber detention bed. The catch basins in conjunction with the isolator row on the infiltration bed will provide adequate treatment of stormwater prior to infiltration.

The infiltrator bed provides 942 cubic feet of storage, over 4 times the amount required. This requirement is met.

#### **10.4 Special Permits**

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

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

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

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

**Parking is in demand within the Downtown Great Barrington Main Street corridor. There are several on-street parking spaces along Main Street, however, they are cannot adequately service all the shops, restaurants and businesses currently operational. The owner of the Berkshire Block located at 321 Main Street in Great Barrington desires to construct a parking lot for it tenants, which will help alleviate some of the parking demands in the area.**

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

**The site has been carefully designed to take into consideration safe vehicular access and traffic flows. The driveway is wide enough to accommodate (2) way traffic. Parking spaces are designed to meet all zoning requirements. The parking lot connects to both School Street and the abutting parking lot to provide safe traffic flow. There is a sidewalk along School Street to provide safe pedestrian access. No loading spaces are required for this project.**

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

**The existing sewer, water and gas will be disconnected from the building upon demolition. These are not required for the parking lot. A new electric service will be run underground from a utility pole onto the site for site lighting and gates. Compared to the laundromat use with residences, the proposed project should be a low use generator for the electric company.**

*4. Neighborhood character and social structures;*

**The neighborhood the property is in is largely commercial and retail buildings with several parking lots. This development enhances the current need for lack of parking in the downtown, especially for storefronts within 321 Main Street/Berkshire Block. The project is in harmony with the zoning and surrounding neighborhood.**

*5. Impacts on the natural environment; and*

**The existing site is fully development. A main building is accessed by a gravel driveway with both paved and gravel parking. Small areas of lawn can be seen surrounding the building and some woody vegetation is located along both the northern and southern property boundaries. The site is in downtown Great Barrington, which is widely developed.**

**The proposed project will allow for a slight reduction in the amount of impervious area and allow for the planting of trees and shrubs and more grassed areas. This is an improvement over existing condition with no negative**

**impact on the natural environment. Additionally, groundwater recharge is proposed.**

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

**The development will not have an impact on the town sewer and water. Stormwater will be treated, mitigated and infiltrated prior to entering the towns drainage system to avoid overtaxing of the drainage infrastructure. The parcel will still provide a tax base to the town. The project will be a benefit to the employees within the Berkshire Block building.**

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

**No Comment Required.**

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

**No Comment Required.**

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

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

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

**No Comment Required.**

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

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

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

**No Comment Required.**

## **10.5 Site Plan Review**

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

- 1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multifamily structure;*
- 2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multifamily structure or purpose involving more than six spaces;*
- 3. Grading or clearing more than 10% of a lot or 10,000 square feet, whichever is the lesser, except for the following: landscaping on a lot with an existing structure or a proposed single- or two-family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan, or work pursuant to an earth removal permit.*
- 4. Any other instance required by this bylaw.*

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

### *10.5.2 Procedures.*

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

**No response required.**

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

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

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

**No response required.**

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

**Acknowledged.**

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

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

**All of the above listed information can be seen herein, on the attached project plans, Parking Lot Design prepared for School Street Parking, LLC.**

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

**The application is signed by both the applicant and the property owner.**

*3. Traffic impact assessment.*

**It is suggested that a traffic impact assessment is required for this application. The existing site contains approximately 14 parking spaces. The proposed project contains 38 parking spaces, an increase of 24 spaces. The additional 24 spaces is less than the threshold of 30 spaces outlined in 10.5.3.3.**

**The new parking lot will be used by the tenants/employees at Berkshire Block. The traffic generated as a part of this project are already accounted for in Downtown and along Main Street. Further, the laundromat and residential apartment in the existing building are high generators for vehicle trips per day. This traffic is not expected to be anymore detrimental to the neighborhood then existing.**

**The property is not located on nor has access on a numbered highway.**

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

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

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



*of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, in order to:*

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

**Most of the site is currently developed with buildings, parking and lawn area. There are no wetlands and minimal amount of natural vegetation. The existing building will be demolished, along with the driveway and parking areas. The site will be uniformly graded to provide a safe parking area for vehicles. This will require cuts and fills, however, they will be minimized. The site will include provisions for stormwater management which improves stormwater treatment and mitigates peak storm events.**

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

**The site provides adequate access from School Street and allows access to adjoining properties. Parking spaces are designed to meet all zoning requirements.**

**A sidewalk is located along the north side of Bridge Street and along the east side of School Street. This provides safe pedestrian access from 321 Main Street to the parking lot.**

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

**The entrance of the project will be improved by eliminating on-street parking and installing mowed lawn areas along the project frontage. A wooden guardrail will be installed along the front of the parking area, with a gated access. To the rear of the parcel is another commercial parking lot. There are no scenic views from School Street looking towards the subject parcel.**

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

**There are no know residential uscs or zones near the subject parcel. The eastern and western property lines will be screened with proposed landscaping. The northern and southern property lines will be screened with a wooden guardrail. In addition, the parking lot will be lower than both adjacent properties, minimizing views.**

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

**Site lighting will be limited to (4) 12-foot high pole lights, required for safety. These light fixtures will be downcast light in accordance with dark sky requirements. The lights will be installed along the parking lot, providing a buffer of approximately 10**

feet from abutting properties. The lights can be installed with shields to prevent overspill into adjacent properties, however, it is not expected.

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

**There are no buildings proposed as a part of this application.**

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

**The project does not propose an on-site wastewater disposal system, nor does it contain any hazardous substances.**

**Stormwater will be treated prior to infiltration to minimize contamination.**

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

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

### **C. Other Impacts**

#### *Fire Protection*

There are hydrants located at the corner of School Street and Bridge Street and School Street and Church Street. The project site is located less than 200 feet from a hydrant at either location. This should be more than adequate in case of a fire at the parking lot. If necessary, a fire truck can enter the site and pull through to the northern parking lot to exit. The fire department will be provided access to the gated entrance.

#### *Stormwater Management*

Stormwater Management under the Wetlands Protection Act is not required for this project. However, the site falls within the Water Quality Protection Overlay District and this requires infiltration. Treatment of stormwater prior to infiltration is a good engineering practice. The Stormwater Management Standards were used as guidance for the Stormwater Design of the proposed development.

#### *Mitigation*

Stormwater for the proposed development shall be equal to, or less than what currently exists. The site is a slight reduction of impervious area. In addition, the entire site will be collected in a series of catch basins and discharged into an underground stormwater detention and infiltration bed. This bed will overflow to the towns drainage system.

Calculations were completed to determine stormwater run-off flows for pre and post development for the 2-, 10-, 25- and 100-year storm events.

	2-year	10-year	25-year	100-year
Existing	0.92	1.56	2.05	3.05
Proposed	0.19	1.16	2.02	2.89

As seen above, stormwater run-off from the proposed development does not exceed existing conditions.

#### Treatment

Prior to infiltration and discharge off site, run-off shall be treated to a minimum of 80% TSS removal. An infiltration bed with an isolator row provides 80% removal. A drain manhole is located at each end of the isolator row for maintenance and removal of sediment. In addition, there are sumps proposed in the catch basins which will collect sediments.

#### Infiltration

Test pits were conducted at the project site. These locations can be seen on the attached project plans. Soils were determined to be a mix of sand, silt and gravel across the site. These are typical of "C" soils. No groundwater was encountered to a depth of 6-7 feet. Infiltration is proposed based upon the proposed amount of impervious area and the infiltration rate of the soils. This is also explained in 9.2.3 above.

#### Proposed Impervious Area:

0.24 (10,500 square feet). The required recharge volume is calculated to be:

"C" Soils = 10,500 square feet x 0.25 inches = 219 cubic feet required

The entire parking lot will be captured in a series of catch basins which will discharge to an underground infiltrator chamber detention bed. The catch basins in conjunction with the isolator row on the infiltration bed will provide adequate treatment of stormwater prior to infiltration.

The infiltrator bed provides 942 cubic feet of storage, over 4 times the amount required. This requirement is met.

### *Lighting*

Lighting is necessary for security purposes. The parking lot will be lit with (4) free-standing pole lights, approximately 12 feet tall. These will be of a bronze or black color. The light fixture will be dark sky compliant and downcast onto the parking lot. The temperature of the light will be 3000K.

The proposed light fixture is similar to the lighting on the Berkshire Hotel Development to remain in harmony with the neighborhood.

### *Landscaping*

The proposed development is more vegetated than the existing site. A total of (5) new trees and (12) shrubs will be planted on both sides of the parking lot. The remaining are will be maintained lawn and used for snow storage during winter months. No plantings are proposed along School Street to keep the line of sight unobstructed.

### *Snow Removal*

The parking lot will be plowed utilizing the grass areas on both the east and west of the lot. These areas will be collected in the drainage system to provide for adequate treatment and mitigation before discharging to the Town's drainage infrastructure.

## **D. Conclusion**

As outlined above, the project, as proposed, meets the design goals of the petitioner and the intent of the Great Barrington Zoning By-Laws. The proposed project is the construction of a commercial parking lot for use by the residents and tenants of the Berkshire Block located at 321 Main Street in Great Barrington. Parking in the downtown is in high demand. This private parking lot will open up spaces to be utilized by visitors to the retail shops, restaurants and businesses. The development use municipal utilities and will not negatively impact traffic patterns in the neighborhood.

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

Item # 5B.

SB SP # 907-20

MRI Investments, LLC

**MOTION:**

**Move to continue the Public Hearing until Wednesday, May 13, 2020 at 6:30 PM.**

**Background:**

While the hearing notice was properly published twice in the newspaper, it appears that we failed to mail the hearing notification to abutters. Therefore, staff recommends not to open the hearing on Monday April 27, and instead continue it to May 13.

Chris

## **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, 2020**

**Request to Continue to May 13, 2020**

APPLICATION BY A FARMER WINERY FOR LICENSE TO SELL AT A  
FARMER'S MARKET  
(CH.13B, \$15F)

YEAR 20 20

Fee \$50.00

**1. Licensee Information:**

Name of Applicant: Nine Pin Ciderworks LLC ABCC License Number: (If Existing Licensee) NY 2194986

Mailing Address: 22 Park Row Business Name (d/b/a if different):

Manager of Record: Sonya del Peral City/Town: Chatham State NY Zip 12037

Other Phone: 518.449.9999 Email: Sonya@ninepin cider.com Website: www.ninepin cider.com

Phone Number of Premises: 518.392.4267

Contact Person concerning this application (attorney if applicable):

Name: Sonya del Peral City/Town: Chatham State NY Zip 12037

Address: 22 Park Row Email: Sonya@ninepin cider.com

Contact Number: 518.392.4267 Fax Number:

**2. Event Information:**

A. Farmer's Market licenses are only permitted at events that the Department of Agriculture has certified as Agricultural Events.  
Please attach document from Department of Agricultural Resources certifying that this is an agricultural event.

Date(s) of Event: May 18th - November 14th 9am - 1pm Saturday's

B. Contact person for applicant during event:

Name: Saskia Carlisle

Phone number of contact: 518 929 8322

C. Description of the premises within the Farmer's Market:

Address of Premises for the Sale of Wine: 18 Church St

City/Town: Great Barrington State MA Zip 01730 Phone Number of Premises: 518 929 8322

Describe Area to be Licensed:

10' x 20' instant canopy, folding tables

**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A  
FARMER'S MARKET  
(CH.138, §15F)**

**3. Existing License(s) to Manufacture, Export and Sell at Retail:**

List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers. (Attach a copy of each license)

Name	License Type	License Address
Nine Pin Ciderworks LLC	US Basic Permit Wine Premises	929 Broadway Albany, NY 12207
Nine Pin Ciderworks LLC	New York Farm Cider	929 Broadway Albany, NY 12207

**4. Are you providing, without charge, samples of wine to prospective customers?**

Yes  No

Section 15F specifically requires that "all samples of wine shall be served by an agent, representative or solicitor of the licensee."

**A. If yes, please provide names and addresses of all agents, representatives and solicitors:**

Name	Address	ABCC License Number

**B. Proof of Age for Sale to Consumers:**

Please identify all methods by which you will obtain proof of age before providing samples or making any sales of wine to consumers :

Picture ID check

**5. Transportation and Delivery:**

Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, §22 that will be making any delivery of wine on your behalf to the Farmer's Market in Massachusetts.

Samascott Orchards LLC 5 Sunset Ave Kinderhook NY 12106

\*If additional space is needed, please use last page



**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A  
FARMER'S MARKET  
(CH.138, §15F)**

**6. Safety and Tax Registration:**

Has the Farmer's Market registered with the Food and Drug Administration? Yes  No  Registration Date: October 28, 2015

**7. Disclosure of License Disciplinary Action:**

Have any of the your licenses to sell alcoholic beverages ever been suspended, revoked or cancelled? Yes  No   
If yes, list said interest below:

Date	License	Reason why license was Suspended, Revoked or Cancelled

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, I have filed all state tax returns and paid all state taxes required under law. I further understand that each representation in this application is material to the determination of the application and state under penalty of perjury that all statements and representations therein are true.

*Note: The LLA may require additional information*

Signature *Gmya du Perad*  
 Title *Manager*  
 Date *3/26/20*

FARM CIDERY LICENSE  
SERIAL #: 2194986  
COUNTY: ALBANY

EFFECTIVE DATE: 12/03/2019  
EXPIRATION DATE: 1/31/2023  
CERTIFICATE #: 922737

# NEW YORK STATE LIQUOR AUTHORITY

THE LICENSEE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRAFFIC IN ALCOHOLIC BEVERAGE PURSUANT TO THE TYPE OF LICENSE INDICATED IN THE UPPER LEFT HAND CORNER OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERETO.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER PREMISES OR TO ANY OTHER PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES; IT SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW  
**METHOD OF OPERATION**

FARM CIDERY

sidewalk cafe

NINE PIN CIDERWORKS LLC

929 BROADWAY  
ALBANY

NY 12207

FILING FEE \$100.00  
LICENSE FEE \$225.00



Vincent G. Bradley  
Chairman

BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE WOOD OR METAL FRAME, HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING SUCH PLACE MAY READILY SEE THE SAME

Certificate No. 60922737

FOLD AND TEAR HERE

FOLD AND TEAR HERE

DEPARTMENT OF THE TREASURY - ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

**BASIC PERMIT**

(Under Federal Alcohol Administration Act)

1. PERMIT NUMBER  
NY-W-21031

2. DATE OF PERMIT

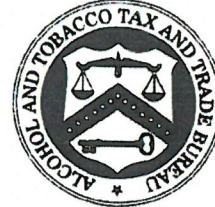
08/30/2013

5. NAME AND ADDRESS OF PERMITTEE (Number and street, city or town, State and Zip Code)  
NINE PIN CIDERWORKS LLC

3. REGISTRY NUMBER (if applicable)  
BWN-NY-21028

4. DATE OF APPLICATION 05/22/2013

929 BROADWAY  
ALBANY, NY 12207-0000



6. TRADE NAMES AUTHORIZED BY THIS PERMIT (Trade name approval does not constitute approval as a brand name for labeling purposes. If needed, list on reverse or use continuation sheet.)

\*Used for Contract Bottling or Packaging/Branding Purposes

7. PERMIT GRANTED FOR (ONE TYPE OF OPERATION ONLY)

Pursuant to the application of the date indicated in item 4, you are authorized and permitted to engage, at the above address, in the business of:

- a.  Distilled Spirits -  distiller  rectifier (processor)  warehouseman and/or  warehouseman and bottler and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the distilled spirits so distilled or rectified, or warehoused and bottled, or the wines so rectified.
- b.  Wine -  producer and blender  blender and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the wine so produced or blended.
- c.  Importer - importing into the United States the following alcoholic beverages:  
while so engaged, to sell, offer to deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so imported.
- d.  Wholesaler - Purchasing for resale at wholesale the following alcoholic beverages:  
while so engaged, to receive or to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so purchased.

This Permit is conditioned upon your compliance with the Federal Alcohol Administration Act; the Twenty-first Amendment and laws relating to its enforcement; all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect to them, the Federal Water Pollution Control Act; and, all applicable regulations made pursuant to law which are now, or may hereafter be, in force.

This basic permit is effective from the date shown above and will remain in force until suspended, revoked, annulled, voluntarily surrendered, or automatically terminated.

THIS PERMIT WILL AUTOMATICALLY TERMINATE THIRTY DAYS AFTER ANY CHANGE IN PROPRIETORSHIP OR CONTROL OF THE BUSINESS, unless an application for a new basic permit is made by the transferee or permittee within the thirty day period. If an application for a new basic permit is timely filed, the outstanding basic permit will continue in effect until the application is acted on by the District Director, Alcohol and Tobacco Tax and Trade Bureau.

THIS PERMIT IS NOT TRANSFERABLE. ANY CHANGE IN THE TRADE NAME, CORPORATE NAME, MANAGEMENT OR ADDRESS OF THE BUSINESS COVERED BY THIS PERMIT, OR ANY CHANGE IN STOCK OWNERSHIP (MORE THAN 10%) MUST BE REPORTED TO THE NATIONAL REVENUE CENTER OR PUERTO RICO OPERATIONS OFFICE WITHOUT DELAY.

THIS IS AN

ORIGINAL PERMIT

AMENDED PERMIT

REASON FOR AMENDMENT

DATE OF AMENDMENT

SIGNATURE AND TITLE OF AUTHORIZED TTB OFFICIAL

FOR JOHN J. MANFREDA, ADMINISTRATOR



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: Samascott Orchards LLC

Address: 5 Sunset Ave

City/State/Zip: Kinderhook NY 12106 Phone #: 518 758 7224

Are you an employer? Check the appropriate box:

- 1.  I am an employer with 50 employees (full and/or part-time).\*
- 2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3.  We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
- 4.  We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5.  Retail
- 6.  Restaurant/Bar/Eating Establishment
- 7.  Office and/or Sales (incl. real estate, auto, etc.)
- 8.  Non-profit
- 9.  Entertainment
- 10.  Manufacturing
- 11.  Health Care
- 12.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: NYS Insurance Fund

Insurer's Address: 199 Church St.

City/State/Zip: New York, NY 10007

Policy # or Self-ins. Lic. # 2661800-3 Expiration Date: 12/31/2020

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 3/30/2020

Phone #: 518 330 5649

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

- 1. Board of Health
- 2. Building Department
- 3. City/Town Clerk
- 4. Licensing Board
- 5. Selectmen's Office
- 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



**Application for Certification of an Agricultural Event for the Sale of Wine  
Pursuant to M.G.L. c. 138, Section 15F**

\*To be completed by the licensed farm-winery and returned to:

**By Mail:** Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

**By Email:** [Katelyn.Rozenas@mass.gov](mailto:Katelyn.Rozenas@mass.gov) with the subject line "Agricultural Event Certification"

(A separate application must be completed for each event)

**In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.**

- Signed and dated application with farm-winery license number
- List of vendors with brief descriptions of products **for current year/season**
- Event operational guidelines or rules **for current year/season**
- Resume of event manager **or** description of experience
- Plan depicting the premises and specific location where the license will be exercised. **See Template 1.**
- Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. **See Template 2.**

**1. Applicant Information**

Name of Licensed Farm-Winery		Nine Pin Ciderworks LLC			
Farm-Winery License Number		2194986	State of Issue	New York	
Contact Person		Sonya dei Peral			
Address		22 Park Row			
City		Chatham	State	New York	Zip 12037
Phone Number		518-392-4267	Email	sonya@ninepincider.com; gabby@ninepincider.com	
Correspondence preference		<input type="checkbox"/> Regular Mail		<input checked="" type="checkbox"/> Email	
<i>Note: Approval/denial letters will be sent regular mail.</i>					
Do you intend to sell, sample, or both? Check all that apply.					
<input checked="" type="checkbox"/> Sell		<input checked="" type="checkbox"/> Sample			

**2. Event Information**

Name of Agricultural Event		Great Barrington Farmers' Market			
Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy)	<input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy)	<input type="checkbox"/> Other Agricultural Event		
If you selected "Other Agricultural Event", how does this event promote local agriculture?					
Event Address		18 Church Street			
City		Great Barrington	State	MA	Zip 01230
Event Phone Number		413.822.6072	Event Website		www.greatbarringtonfarmersmarket.org

<b>3. Event Description</b>		
What are the date(s) and time(s) of the event?		
Start date	05 / 09 / 2020	End date 11 / 14 / 2020 Time 9am to 1pm
Month	Day	Year
If this is a weekly event, on what day of the week does the event occur? <b>Yes, Saturdays</b>		
If the event is an agricultural fair, does the event include competitive agriculture?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, identify: <b>Great Barrington Farmers Market</b>	

<b>4. Event Management</b>			
Name of Event Manager	Kate Burke		
Email Address	gbfmmanager@gmail.com	Phone Number	413.822.6072
Is this person the on-site manager?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, identify on-site manager (include contact information):			
If there are multiple managers, list them and include contact information: Bridgette Stone, co-manager (802)881-8410			
Attach on-site manager(s) resume(s) <u>or</u> list any credentials or training of the on-site manager(s): <i>Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.</i>			
Kate Burke, market manager since 2017. Previously worked as a cheesemonger promoting New England dairy production. Kate is also a town SelectBoard member and sits on the agricultural commission of GB. Kate has attended multiple trainings from state and local organizations regarding farming practices and market management.			
Bridgette Stone, market manager since 2017. Bridgette is currently the education director at the Berkshire Botanical Gardens. She has previously worked as a farmer throughout the are recieving extensive knowledge about best practices. Bridgette has CPR and first aid training as well as training on market management.			

**5. General**

Attach or provide in the space below a plan depicting the premises and the specific location where the license will be exercised. See template for necessary elements to include.

See attached market map.

<u>Nine Pin Ciderworks LLC by Sonya del Peral</u> Signature of Applicant	<u>3/13/20</u> Date
<u>Nine Pin Ciderworks LLC by Sonya del Peral</u> Name (please print)	<u>Manager</u> Title (please print)
<u>2194986</u> Farm-Winery License Number	<u>New York</u> State

**FOR DEPARTMENT USE ONLY**

**APPROVAL**

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.

<u>John Rebeaf</u> Signature	<u>March 24, 2020</u> Date
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**DENIAL**

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

_____ Signature	_____ Date
--------------------	---------------

*Item 6C.*

April 19, 2020

Dear SelectBoard and Town Manager,

The Great Barrington Farmers Market, along with its sister market the Great Barrington Arts Market is asking for approval of the closure of Church Street to through traffic from Main Street to School Street during market set-up, operational hours, and clean up (7am to 3pm) on Saturdays during market season.

After speaking with DRT board on Tuesday April 14th, it was agreed that the market can barricade the road east of the Lee Bank Parking lot and west of the TD Bank parking lot exit on Church Street to make room for the Arts Market to occur safely. We will also put signs and cones out to mark no parking zones and high foot traffic areas.

The market also spoke with DRT about its plans for operation during the state of emergency due to COVID-19. A farmers market is deemed an essential business by the Governor of MA and it is and remains a key source for nutrition assistance for our community members. We will be taking significant safety measures adapted from suggestions by the Mass Department of Agriculture, Mass Farmers Markets Best Practice for COVID-19 guides, Grocery Store protocol put out by the Towns Health Agent and others to ensure that all customers, vendors, and market staff will be safe while shopping at the markets. If at any time the market feels unsafe to continue you will cease and start again when the time is right. We will remain in close contact with town safety officials throughout the season.

The market season typically runs Mothers' day weekend to Mid November, we have yet to pick a start date but plan to in the next few weeks; most likely beginning May 16th or 23rd. The Art's Market will not start until all non-essential businesses are allowed to reopen. This is the Great Barrington Farmers Market's 30th season. We are one of the few markets in the state to have grown in the last few years and we are so grateful to the town of Great Barrington for being so supportive of this market all of these years. We feel strongly that we play an important role in driving business downtown during our season and we will continue to support our community and the town that supports us for years to come.

Sincerely,

The Great Barrington Farmers' Market Steering Committee  
18 Church Street, Great Barrington MA 01230  
gbfmmanager@gmail.com





**TOWN OF GREAT BARRINGTON**  
License # 10  
**2020 Annual Class II Auto License**  
**To buy and sell second-hand motor vehicles**

License Fee \$50.00

*pd.*

Is granted in accordance with the provisions of Massachusetts General Laws, Ch.140 with amendments thereto:

**Name:**

Ross Pierce Cameron

**Name of Business:**

Fastback Motors, LLC

**D/B/A (if applicable):**

**Business Location:**

20 Castle Street Great Barrington MA 01230

**Mailing Address (if different than above):**

8690 South Maryland Parkway Suite 220 Las Vegas NV 89123


**Described Premises:**

A maximum of up to 10 cars will be located inside the rear portion of the building.

**Conditions:**

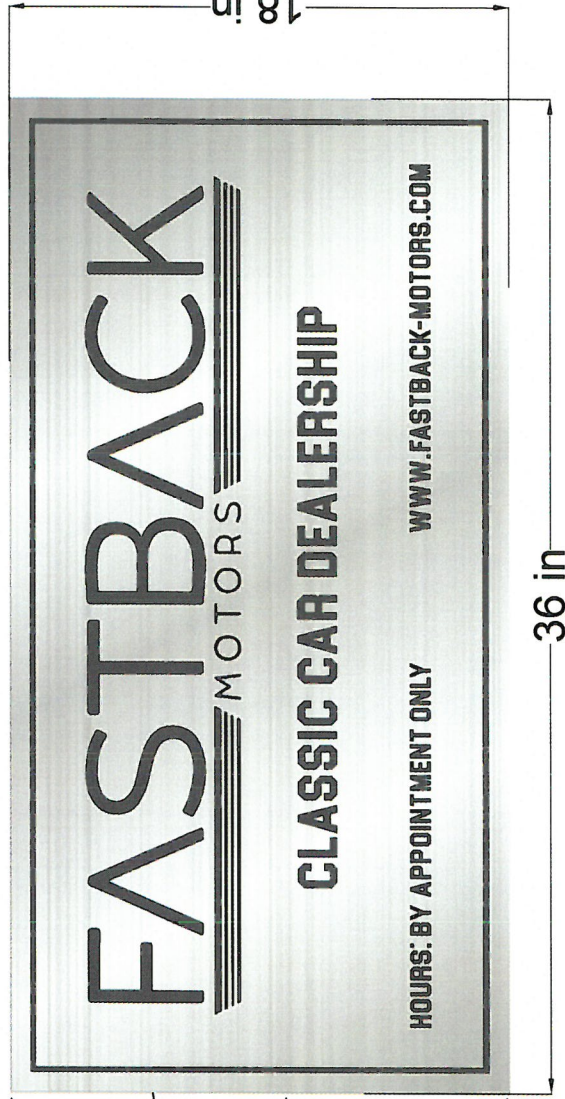
There is to be no signage on the property, and no outside storage.

License granted by SELECTBOARD:

  
\_\_\_\_\_  
*William F. Cooke*  
\_\_\_\_\_  
\_\_\_\_\_

**Expiration Date:**

December 31, 2020



Brushed Alum. with Nimbus Grey lettering

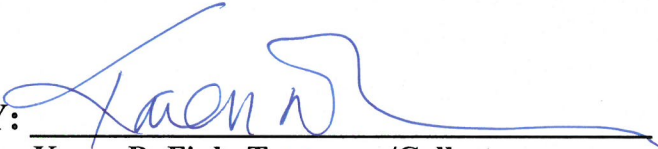
## EXECUTIVE SUMMARY

**TITLE:** Inform the Selectboard of the results of the bids to issue a temporary bond anticipation note (BAN) in the amount of \$5,613,971 for Capital Projects as authorized by the Selectboard, Finance Committee and Town Meeting.

**BACKGROUND:** The Selectboard, Finance Committee and Town Meeting have approved capital projects to be funded by borrowing authorizations as recommended in the budget process for the general fund and the wastewater enterprise fund. In order to meet the dates of the expected contractual payments of these projects, money is being borrowed on a temporary basis and will be replaced with a permanent borrowing in the future by issuing bonds. This temporary borrowing consists of \$3,215,990 renewal from the BAN issued in May of 2019, and new borrowing of \$2,397,981 for projects and equipment authorized at the Annual Town Meeting in May 2019 Sewer upgrades and, which are listed in detail on the attached sheet.

**FISCAL IMPACT:** The interest rate on the BAN was determined by a competitive bid process on Tuesday, April 21, 2020. We received five (5) bids in total- three (3) bids were received for the full amount of the BAN, and two (2) bids were on a partial amount. The winning bid, with a net interest cost of 1.34% was made by and awarded to Piper Sandler & Company. The note will have a due date of January 27, 2021. At that time it will then be determined whether temporary or long term borrowing will be issued, based on the needs of the Town.

**RECOMMENDATION:** No Board action is necessary; however the Board needs to sign the note.

**PREPARED BY:**   
Karen D. Fink, Treasurer/Collector

**DATE:** 4/24/2020

**Approved:**   
Mark Pruhenski, Town Manager

<b>Purpose</b>	<b>June 2018 BAN</b>	<b>May 2019 BAN</b>	<b>May 2020 New Money</b>
FY16 Hwy Storage Facility	210,000	-	-
FY19 Hwy Storage Facility		65,000	-
FY18 Building Improvements	75,000		
FY18 Police Cruisers	92,000		-
FY18 Hwy Dump Truck	178,090		-
FY18 Cemetery Dump Truck	63,000		-
FY18 Hwy Skid Steer	53,900		-
FY18 Fiber Optic	-	50,000	-
FY18 IT Upgrades	100,000	36,000	-
FY18 Road Improvements	1,000,000	430,000	-
FY18 Engineering	-		-
FY18 Olympian Meadow Improv	30,000		-
FY19 Building Improvements			
- Housatonic Fire Roof		15,000	
FY19 Police Cruisers		52,800	-
FY19 Highway Dump Truck		180,000	-
FY19 Highway Service Truck		47,500	
FY19 Cemetery Mower		15,200	
FY19 Cemetery Leaf Blower		7,500	
FY19 Parks & Open Space		10,000	
FY20 Portable Radios(6)			44,981
FY20 Police Cruisers (2)			111,000
FY20 Turnout Gear			70,000
FY20 F-550 Dump Trucks (3)			330,000
FY20 Police Stn Roof Rprs/Bld Imprv			200,000
FY20 Engineering			300,000
FY20 Division St Bridge Repairs			250,000
FY20 Street Improvements			500,000
FY20 Parks Improvements			42,000
FY20 Telecommunication Upgrades			25,000
FY15 Sewer System Improvements	305,000	200,000	525,000
	<b>2,106,990</b>	<b>1,109,000</b>	<b>2,397,981</b>

renewal	<b>3,215,990</b>
new	<b>2,397,981</b>
	<b>5,613,971</b>

## VOTE OF THE SELECTBOARD

I, the Clerk of the Selectboard of the Town of Great Barrington, Massachusetts, certify that at a meeting of the board held April 27, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of a \$5,613,971 2.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated May 15, 2020, and payable January 27, 2021, to Piper Sandler & Co. at par and accrued interest plus a premium of \$25,936.55.

Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 16, 2020, and a final Official Statement dated April 21, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Selectboard be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Note and to comply with relevant securities laws.

Further Voted: that each member of the Selectboard, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance

with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b) at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: April 27, 2020

\_\_\_\_\_  
Clerk of the Selectboard