

Mark Pruhenski  
Town Manager

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### OFFICE OF THE TOWN MANAGER

Selectboard Meeting via Zoom  
Order of Agenda for Monday, February 14, 2022, at 6:00 PM

Please click the link below to join the webinar:

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

Webinar ID: 84727797185

Passcode: 528528

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

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's June 16, 2021 Revised Order extending remote participation by all members in any meeting of a public body, 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.

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

1. CALL TO ORDER SELECTBOARD REGULAR MEETING
2. APPROVAL OF MINUTES
  - a. January 18, 2022
  - b. January 31, 2022
  - c. February 1, 2022-Joint Budget Meeting
  - d. February 2, 2022-Joint Budget Meeting
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
4. TOWN MANAGER'S REPORT
  - a. HWW
  - b. Bill Ingram Retirement-WWTP Superintendent
5. LICENSES AND PERMITS
  - a. Timothy and Janet Lee for a driveway permit at 10 Pothul Drive
  - b. Barbara & Robert Watkins for a driveway permit at 38 Kalliste Hill Great Barrington
  - c. Kevin Schmitz of the Marketplace Specialty Food Shop for an Annual Common Victualler at 265 Stockbridge Road

6. PUBLIC HEARINGS

- a. Jeffrey Neil, Manager for a new All Alcoholic Liquor License for Gruppo Ulmus, LLC d/b/a/ The Elm Railroad Street, 20 Railroad Street
- b. Kevin Schmitz, Manager for a new Wine and Malt package store licenses for the Great Barrington Marketplace Inc. d/b/a Marketplace Specialty Food Shop at 265 Stockbridge Road Great Barrington

7. PREVIOUS BUSINESS

- a. Annual Town Meeting calendar- SB to review May and June options.
- b. Continued discussion on the proposed Short Term Rental bylaw.

8. NEW BUSINESS

- a. Recommendation to the Planning Board on the application from Shay Alster, IS REAL TEAM, LLC, 21 South End Ave, New York, NY 10280, for a Special Permit to create a Rear Lot in an R-2 zone, at 183 Division Street, Great Barrington, in accordance with Sections 4.3 and 10.4 of the Zoning Bylaw.
- b. Referral of any proposed zoning amendments to the Planning Board for a public hearing
- c. Celebrating National Black History Month – Proclamation
- d. Selectboard meeting dates in March, discussion.

9. CITIZEN SPEAK TIME

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

10. SELECTBOARD’S TIME


11. MEDIA TIME

12. ADJOURNMENT

NEXT SELECTBOARD MEETING

February 28, 2022	March 7, 2022	March 28, 2022	April 11, 2022
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Finance Committee Public Budget Hearing March 1, 2022



Mark Pruhenski, Town Manager

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

Selectboard Meeting Minutes Status  
as of January 28, 2022

Date	Meeting Type	Minutes Status
July 12, 2021	Regular Meeting	Approved & Posted
July 26, 2021	Regular Meeting	Approved & Posted
August 3, 2021	Special Meeting–Housatonic Community	Approved & Posted
August 9, 2021	Regular Meeting	Approved & Posted
August 23, 2021	Regular Meeting	Approved & Posted
August 27, 2021	Special Meeting–Executive Session	To be reviewed
September 13, 2021	Regular Meeting	Approved & Posted
September 27, 2021	Regular Meeting & Executive Session	Approved & Posted
October 4, 2021	Regular Meeting	Approved & Posted
October 12, 2021	Special Meeting–Housatonic Water Works	Approved & Posted
October 25, 2021	Regular Meeting	Approved & Posted
November 1, 2021	Special Meeting–ARPA Input	Approved & Posted
November 8, 2021	Regular Meeting	Approved & Posted
November 15, 2021	Special Meeting–Executive Session	To be Reviewed
November 22, 2021	Regular Meeting	Approved & Posted
November 29, 2021	Special Meeting Joint w/Planning Board	Approved & Posted
December 13, 2021	Regular Meeting	Approved & Posted
December 20, 2021	Regular Meeting	Approved & Posted
January 10, 2022	Regular Meeting	Approved & Posted
January 18, 2022	Special Meeting	To be approved 2/14
January 24, 2022	Regular Meeting	In Process
January 31, 2022	Special Priority Planning Meeting	To be approved 2/14
February 1, 2022	First Joint Budget Meeting w/Finance Committee	To be approved 2/14
February 2, 2022	Second Joint Budget Meeting w/Finance Committee	To be approved 2/14

Town of Great Barrington

Form date: August 2015

Selectboard

Fee \$50.00

Application for Access to a Public Way / Driveway Permit

Number \_\_\_\_\_

**INSTRUCTIONS**

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

Application Date 1/14/2022

Name of Applicant / Property Owner TIMOTHY AND JANET LEE

Mailing address Box 570, STOCKBRIDGE MA 01262

Phone number (413) 429-1018

Location of proposed driveway / highway entrance 10 POTHUL DRIVE

Contractor who will perform the work ROUGH DRIVEWAY: J. WILKINSON, FINISH DW: TBD

Address & phone number of contractor 1551 BOARDMAN, SHEFFIELD 413 229-7711

Proposed construction date ROUGH: LATE MARCH 2022 FINAL: AUGUST 2022

Type of driveway (gravel, asphalt, etc.) ASPHALT APRON, GRAVEL (COMPACTED) REMAINDER

Print Form

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

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

Applicant's Signature: [Signature]

**FOR STAFF USE ONLY**

**RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT**

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be:

( ) approved as submitted

( ) approved with conditions attached

( ) disapproved for reasons attached

( ) resubmitted with changes suggested per attached

Staff Reviews Received:

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

**PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY**

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

For the Selectboard: \_\_\_\_\_, its \_\_\_\_\_  
(signature) (title) (date)



John Malumphy  
Highway-Facilities Superintendent

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



20 East Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works  
Highway Division

### Conditions on Application for Access to Public Way

Applicant: Timothy And Janet Lee  
Location: 10 Pothul Drive  
From: John Malumphy Highway Superintendent/Sean VanDeusen, Public Works Director  
Date: February 11, 2022

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

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

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

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

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







## Amy Pulver

---

**From:** Chris Rembold  
**Sent:** Tuesday, January 18, 2022 8:55 AM  
**To:** Charles Burger; Amy Pulver; Sean Van Deusen; Great Barrington Conservation Commission; John Malumphy  
**Cc:** Lisa Richards; Peters, Joan  
**Subject:** RE: New Driveway Application for 10 Pothul Drive

I see no Planning issues with this proposal.

Chris



### Christopher Rembold, AICP

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

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230

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

**From:** Charles Burger <cburger@Townofgb.org>  
**Sent:** Friday, January 14, 2022 5:07 PM  
**To:** Amy Pulver <apulver@Townofgb.org>; Sean Van Deusen <svandeuken@townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>; Chris Rembold <crembold@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>  
**Cc:** Lisa Richards <LRichards@Townofgb.org>; Peters, Joan <JPeters@Townofgb.org>  
**Subject:** RE: New Driveway Application for 10 Pothul Drive

It is close to the road. No need for FD access. I'm all set.



### Charles Burger

Fire Chief  
413-528-0788 ex 4  
[cburger@townofgb.org](mailto:cburger@townofgb.org)

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



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**Amy Pulver**

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**From:** Great Barrington Conservation Commission  
**Sent:** Tuesday, January 18, 2022 11:37 AM  
**To:** Amy Pulver; Sean Van Deusen; Charles Burger; Chris Rembold; John Malumphy  
**Cc:** Lisa Richards; Peters, Joan  
**Subject:** RE: New Driveway Application for 10 Pothul Drive

No Conservation Issues.  
-Shep



**Shepley W. Evans**  
Conservation Agent  
Animal Control Officer  
Animal Inspector  
413-528-1619 ex 122  
conservation@townofgb.org  
  
Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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**From:** Amy Pulver <apulver@Townofgb.org>  
**Sent:** Friday, January 14, 2022 4:41 PM  
**To:** Sean Van Deusen <svandeusen@townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>; Charles Burger <cburger@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>  
**Cc:** Lisa Richards <LRichards@Townofgb.org>; Peters, Joan <JPeters@Townofgb.org>  
**Subject:** New Driveway Application for 10 Pothul Drive

Please find attached a driveway application for Timothy and Janet Lee at 10 Pothul Drive. This has tentatively been scheduled for the Selectboard's February 14<sup>th</sup> meeting. I need all comments back by February 9, 2022.

Best,  
Amy

## Amy Pulver

---

**From:** Charles Burger  
**Sent:** Friday, January 14, 2022 5:07 PM  
**To:** Amy Pulver; Sean Van Deusen; Great Barrington Conservation Commission; Chris Rembold; John Malumphy  
**Cc:** Lisa Richards; Peters, Joan  
**Subject:** RE: New Driveway Application for 10 Pothul Drive

It is close to the road. No need for FD access. I'm all set.



**Charles Burger**

Fire Chief

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

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



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**To:** Sean Van Deusen <svandeusen@townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>; Charles Burger <cburger@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>  
**Cc:** Lisa Richards <LRichards@Townofgb.org>; Peters, Joan <JPeters@Townofgb.org>  
**Subject:** New Driveway Application for 10 Pothul Drive

Please find attached a driveway application for Timothy and Janet Lee at 10 Pothul Drive. This has tentatively been scheduled for the Selectboard's February 14<sup>th</sup> meeting. I need all comments back by February 9, 2022.

Best,  
Amy



**Amy Pulver**

Office Administrator  
IT Coordinator

413-528-1619 ex 2900  
[apulver@townofgb.org](mailto:apulver@townofgb.org)

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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Selectboard

Fee \$50.00

Application for Access to a Public Way / Driveway Permit

Number 1613  
Pd. 2/1/22

**INSTRUCTIONS**

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

Application Date 1/20/22  
Name of Applicant / Property Owner Barbara + Robert Watkins  
Mailing address PO 694 Gt. Barrington, MA 01230  
Phone number 413-329-8326  
Location of proposed driveway / highway entrance 38 Kalliste Hill  
Contractor who will perform the work Hemeyer Construction  
Address & phone number of contractor 21 Hemlock Hill Gt. Barrington  
Proposed construction date June 2022  
Type of driveway (gravel, asphalt, etc.) gravel

Print Form

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

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

Applicant's Signature: [Signature]

**FOR STAFF USE ONLY**

**RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT**

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

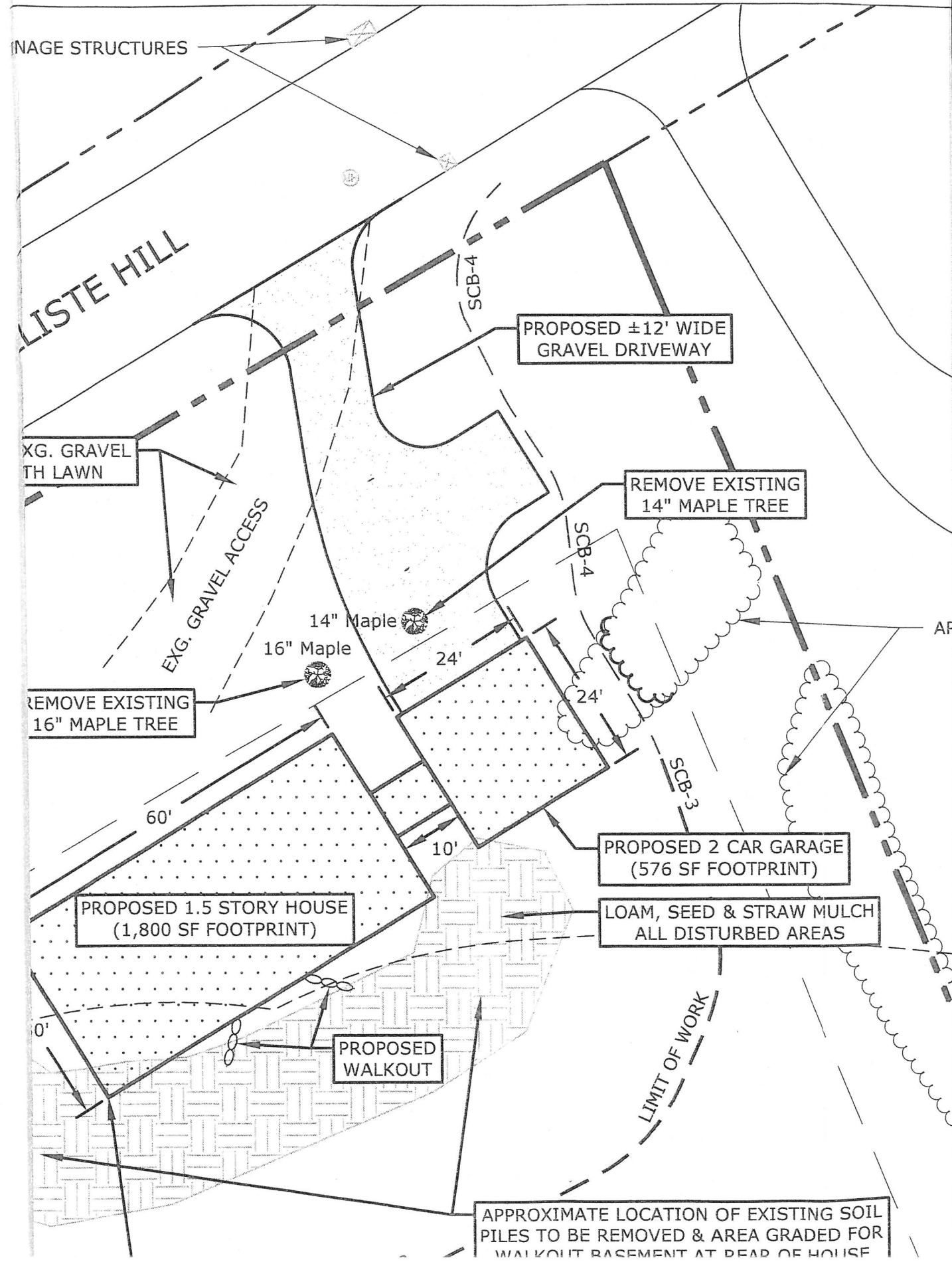
Staff Reviews Received:

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

**PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY**

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

For the Selectboard: \_\_\_\_\_, its \_\_\_\_\_  
(signature) (title) (date)



AREA	BANK RUN GRAV. SUBBASE	PROC. GRAV. BASE COURSE	SURFACE COURSE
GRAVEL DRIVEWAY/PARKING AREA AS PER PLAN	8"	4"	N/A

TRAVELLED WAY WIDTH VARIES (SEE PLAN)

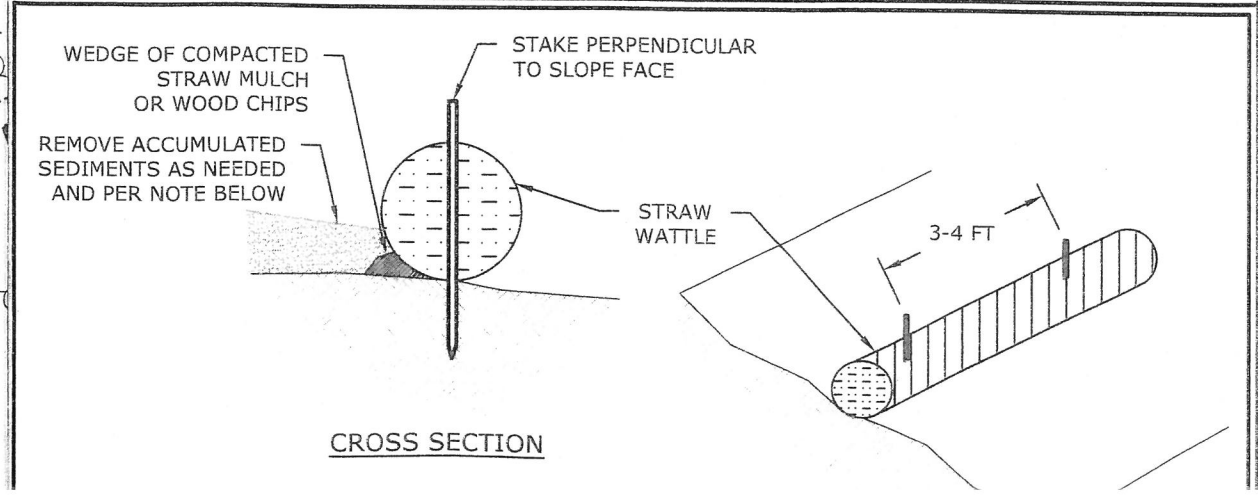
CROWN AND SLOPE PER PLANS (2% MIN. CROSS PITCH U.N.O.)

NOTES:

1. PREPARE SUBGRADE; REMOVE AND REPLACE ANY UNSUITABLE MATERIAL; PROFFROLL IN PRESENCE OF ENGINEER; COMPACT.
2. INSTALL GEOTEXTILE WHERE DIRECTED BY ENGINEER.

**TYPICAL GRAVEL DRIVEWAY SECTION**

36048A  
REV# 0



John Malumphy  
Highway-Facilities Superintendent

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



20 East Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works  
Highway Division

### Conditions on Application for Access to Public Way

Applicant: Barbara+Robert Watkins  
Location: 38 Kaliste hill Road  
From: John Malumphy Highway Superintendent/Sean VanDeusen, Public Works Director  
Date: February 10, 2022

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

Selectboard Meeting Packet for February 14, 2022  
Item 5. b. Driveway for 38 Kalliste Hill





Selectboard Meeting Packet for February 14, 2022  
Item 5. b. Driveway for 38 Kalliste Hill



Selectboard Meeting Packet for February 14, 2022  
Item 5. b. Driveway for 38 Kalliste Hill

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

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

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

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

## Carmen Morales

---

**From:** Great Barrington Conservation Commission  
**Sent:** Tuesday, February 1, 2022 3:50 PM  
**To:** Carmen Morales  
**Subject:** RE: Application for Access to a Public Way/Driveway Permit

Carmen:

No Conservation issues with wetlands or scenic mountains regulations.  
Looks good.

-Shep



**Shepley W. Evans**

Conservation Agent  
Animal Control Officer  
Animal Inspector  
413-528-1619 ex 122  
conservation@townofgb.org

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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

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**From:** Carmen Morales <CMorales@Townofgb.org>  
**Sent:** Tuesday, February 1, 2022 11:52 AM  
**To:** Chris Rembold <crembold@Townofgb.org>; Paul Storti <PStorti@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Sean Van Deusen <svandeusen@townofgb.org>; Edwin May <EMay@Townofgb.org>; Conservation Commission <ConCom@Townofgb.org>; Rebecca Jurczyk <RJurczyk@Townofgb.org>  
**Cc:** Amy Pulver <apulver@Townofgb.org>  
**Subject:** Application for Access to a Public Way/Driveway Permit

Please see attached application for your review.

Best,

## Carmen Morales

---

**From:** Chris Rembold  
**Sent:** Tuesday, February 1, 2022 3:19 PM  
**To:** Charles Burger; Carmen Morales; Paul Storti; Sean Van Deusen; Edwin May; Conservation Commission; Rebecca Jurczyk  
**Cc:** Amy Pulver  
**Subject:** RE: Application for Access to a Public Way/Driveway Permit

Looks fine to me. No Planning issues.

Chris



**Christopher Rembold, AICP**

Assistant Town Manager  
Director of Planning and  
Community Development  
413-528-1619, x. 2401  
[crembold@townofgb.org](mailto:crembold@townofgb.org)

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230

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---

**From:** Charles Burger <[cburger@Townofgb.org](mailto:cburger@Townofgb.org)>  
**Sent:** Tuesday, February 1, 2022 11:54 AM  
**To:** Carmen Morales <[CMorales@Townofgb.org](mailto:CMorales@Townofgb.org)>; Chris Rembold <[crembold@Townofgb.org](mailto:crembold@Townofgb.org)>; Paul Storti <[PStorti@Townofgb.org](mailto:PStorti@Townofgb.org)>; Sean Van Deusen <[svandeusen@townofgb.org](mailto:svandeusen@townofgb.org)>; Edwin May <[EMay@Townofgb.org](mailto:EMay@Townofgb.org)>; Conservation Commission <[ConCom@Townofgb.org](mailto:ConCom@Townofgb.org)>; Rebecca Jurczyk <[RJurczyk@Townofgb.org](mailto:RJurczyk@Townofgb.org)>  
**Cc:** Amy Pulver <[apulver@Townofgb.org](mailto:apulver@Townofgb.org)>  
**Subject:** RE: Application for Access to a Public Way/Driveway Permit

No issues for the FD. The house is less than 100' from the road.



**Charles Burger**

Fire Chief  
413-528-0788 ex 4  
[cburger@townofgb.org](mailto:cburger@townofgb.org)

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



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## Carmen Morales

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**From:** Charles Burger  
**Sent:** Tuesday, February 1, 2022 11:54 AM  
**To:** Carmen Morales; Chris Rembold; Paul Storti; Sean Van Deusen; Edwin May; Conservation Commission; Rebecca Jurczyk  
**Cc:** Amy Pulver  
**Subject:** RE: Application for Access to a Public Way/Driveway Permit

No issues for the FD. The house is less than 100' from the road.



**Charles Burger**

Fire Chief

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

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



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

---

**From:** Carmen Morales <CMorales@Townofgb.org>  
**Sent:** Tuesday, February 1, 2022 11:52 AM  
**To:** Chris Rembold <crembold@Townofgb.org>; Paul Storti <PStorti@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Sean Van Deusen <svandeusen@townofgb.org>; Edwin May <EMay@Townofgb.org>; Conservation Commission <ConCom@Townofgb.org>; Rebecca Jurczyk <RJurczyk@Townofgb.org>  
**Cc:** Amy Pulver <apulver@Townofgb.org>  
**Subject:** Application for Access to a Public Way/Driveway Permit

Please see attached application for your review.

Best,



**Carmen Morales**

Administrative Assistant  
To the Town Manager

413-528-1619 ex 2901  
cmorales@townofgb.org

"Do the best you can until you know better. Then when you know better, do better." ~Maya Angelou~

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 1/31/22

**NOTICE:**

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

**TO THE LICENSING AUTHORITY:**

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

OWNER(S) NAME: Kevin Schmitz

NAME OF BUSINESS: Great Barrington Marketplace Inc

D/B/A (if applicable): Marketplace Specialty Food Shop

BUSINESS MAILING ADDRESS: Box 518, 18 Elm Court Sheffield MA 01257

BUSINESS TELEPHONE: 413-248-5040 HOME TELEPHONE: 413-329-3140

LOCATION WHERE LICENSE IS TO BE USED: 265 Stockbridge Rd.

Great Barrington MA 01230

DAYS OF OPERATION: Monday - Sunday

HOURS OF OPERATION: 9:00 am - 7:00 pm

DESCRIPTION OF PREMISES: Specialty Food Store

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

Great Barrington Marketplace Inc.  
Signature of Individual or Corporate Name

By: [Signature]  
Corporate Officer (if applicable)

SS# \_\_\_\_\_ or FID# \_\_\_\_\_

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

The Selectboard will hold a public hearing on Monday, February 14, 2022 at 6:00 PM, via Zoom to act on the application of Gruppo Ulmus, LLC d/b/a The Elm Railroad Street, Jeffrey Neil, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License at 20 Railroad Street Great Barrington MA 01230.

Stephen Bannon  
Chair

PLEASE PUBLISH Thursday January 13, 2022

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



**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

**APPLICATION FOR A NEW LICENSE**

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

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

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

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

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

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

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

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





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

APPLICATION FOR A NEW LICENSE

Municipality

**1. LICENSE CLASSIFICATION INFORMATION**

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

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

New liquor license for purchase of existing restaurant space. Restaurant and bar in operation since the late 19th century on Railroad Street in central Great Barrington, Massachusetts. The Elm Railroad Street will be a casual fine dining restaurant with a focus on seasonal local ingredients, a comprehensive wine list with a bar program of local and domestic beers, classic cocktails, innovative new cocktails made of fresh, seasonal ingredients.

Is this license application pursuant to special legislation?  Yes  No Chapter  Acts of

**2. BUSINESS ENTITY INFORMATION**

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

Entity Name	<input type="text" value="Gruppo Ulmus, LLC"/>	FEIN	<input type="text"/>
DBA	<input type="text" value="The Elm Railroad Street"/>	Manager of Record	<input type="text" value="Jeffrey R. Neil"/>
Street Address	<input type="text" value="20 Railroad St, Great Barrington MA"/>		
Phone	<input type="text" value="413.528.9345"/>	Email	<input type="text" value="jeff.neil@gruppoulmus.com"/>
Alternative Phone	<input type="text"/>	Website	<input type="text"/>

**3. DESCRIPTION OF PREMISES**

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

The premises is a restaurant and bar in operation since the late 19th century on Railroad Street in central Great Barrington, Massachusetts. The restaurant is approximately 3,500 square feet and includes a full kitchen, 14-seat bar, dining room, three restrooms on the ground floor as well as office space and storage on the second floor and storage in the basement.

Total Square Footage:	<input type="text" value="3500"/>	Number of Entrances:	<input type="text" value="4"/>	Seating Capacity:	<input type="text" value="86"/>
Number of Floors:	<input type="text" value="2"/>	Number of Exits:	<input type="text" value="4"/>	Occupancy Number:	<input type="text" value="86"/>

**4. APPLICATION CONTACT**

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

Name:	<input type="text" value="Matthew Mozian"/>	Phone:	<input type="text" value="413.443.6485"/>
Title:	<input type="text" value="Attorney"/>	Email:	<input type="text" value="MMozian@CampoliLaw.com"/>

**APPLICATION FOR A NEW LICENSE**

**5. CORPORATE STRUCTURE**

Entity Legal Structure	LLC	Date of Incorporation	11/8/2021
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

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

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

Name of Principal	Residential Address	SSN	DOB
Jeffrey R. Neil			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Manager/Equity Owner	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Adrian B. Misacango Gutai			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Equity Owner	50	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

**CRIMINAL HISTORY**

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

Selectboard Meeting Packet for February 14, 2022  
 Item 6. a. New All Alcoholic Restaurant License for The Elm at 20 Railroad Street  
**APPLICATION FOR A NEW LICENSE**

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

**7. OCCUPANCY OF PREMISES**

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes  No

Selectboard Meeting Packet for February 14, 2022  
 Item 6. a. New All Alcoholic Restaurant License for The Elm at 20 Railroad Street  
**APPLICATION FOR A NEW LICENSE**

**8. FINANCIAL DISCLOSURE**

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	\$130,000
C. Other * (Please specify below)	\$25,000
D. Total Cost	\$155,000

\*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

**SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Adrian B. Misacango Gutama	\$105,000
Jeffrey R. Neil	\$50,000
<b>Total:</b>	<b>\$155,000</b>

**SOURCE OF FINANCING**

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

**FINANCIAL INFORMATION**

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

The funding for the costs outlined above is from cash contributions from Mr. Neil and Mr. Misacango.

The \$25,000 is start-up capital for expenses associated with opening a restaurant.

**9. PLEDGE INFORMATION**

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?

**10. MANAGER APPLICATION**

**A. MANAGER INFORMATION**

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

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

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

**B. CITIZENSHIP/BACKGROUND INFORMATION**

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

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

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

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

Date	Municipality	Charge	Disposition

**C. EMPLOYMENT INFORMATION**

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

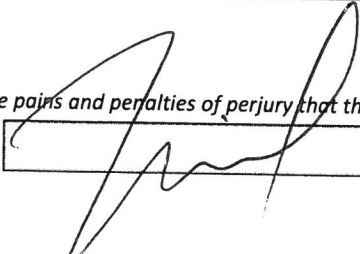
Start Date	End Date	Position	Employer	Supervisor Name
12/11	Present	Partner	Basalt Infrastructure Partners	Rob Gregor
08/05	11/11	Investment Manager	AMP Capital Investors	Rob Gregor
10/02	08/05	Consultant	Matrix-C Limited	Self Employed
09/01	10/02	Originator	Duke Energy International	Alfred Sorenson

**D. PRIOR DISCIPLINARY ACTION**

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

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

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

Manager's Signature  Date

**11. MANAGEMENT AGREEMENT**

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

Yes  No

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

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

**11A. MANAGEMENT ENTITY**

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

Entity Name	Address	Phone		
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

**CRIMINAL HISTORY**

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
 If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

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

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

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

Name	License Type	License Name	Municipality

**11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

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

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

Name	License Type	License Name	Municipality

**11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

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

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

Licensee Name	License Type	Municipality	Date(s) of Agreement

**11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

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

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

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

**11F. TERMS OF AGREEMENT**

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

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

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

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

**ABCC Licensee Officer/LLC Manager**

Signature:   
 Title:   
 Date:

**Management Agreement Entity Officer/LLC Manager**

Signature:   
 Title:   
 Date:

**ENTITY VOTE**

The Board of Directors or LLC Managers of  Entity Name

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

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on   
Date of Meeting

For the following transactions (Check all that apply):

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

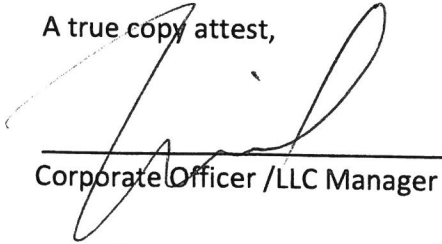
"VOTED: To authorize   
Name of Person

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

"VOTED: To appoint   
Name of Liquor License Manager

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

A true copy attest,



Corporate Officer / LLC Manager Signature

Jeffrey Neil  
(Print Name)

For Corporations ONLY

A true copy attest,

\_\_\_\_\_  
Corporation Clerk's Signature

\_\_\_\_\_  
(Print Name)



**ADDITIONAL INFORMATION**

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

List Of Exhibits

Exhibit A: Certificate of Organization

Exhibit B: CORI Authorization Forms

Exhibit C: Proof of Citizenship

Exhibit D: Supporting Financial Records

Exhibit E: Legal Right to Occupy (Lease)

Exhibit F: Floor Plan

Exhibit G: Abutter's notification

Exhibit H: Asset Purchase Agreement

Selectboard Meeting Packet for February 14, 2022  
Item 6. a. New All Alcoholic Restaurant License for The Elm at 20 Railroad Street  
**APPLICANT'S STATEMENT**

I, Jeffrey R. Neil the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

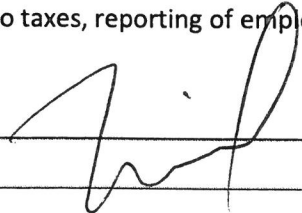
of Gruppo Ulmus, LLC  
Name of the Entity/Corporation

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

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

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

Signature:



Date:

01/06/2022

Title:

Manager/Equity Partner

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

The Selectboard will hold a public hearing on Monday, February 14, 2022 at 6:00 PM, via Zoom to act on the application of Great Barrington Marketplace Inc. d/b/a Marketplace Specialty Food Shop at 265 Stockbridge Road for a Wine and Malt Package Store License, Keven Schmitz Manager.

Stephen Bannon  
Chair



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

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

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

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

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

ENTITY/ LICENSEE NAME The Great Barrington Marketplace

ADDRESS 18 Elm Court P.O. Box 518

CITY/TOWN Sheffield

STATE MA

ZIP CODE 01257

For the following transactions (Check all that apply):

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

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

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



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

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

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

Is this license application pursuant to special legislation?  Yes  No Chapter  Acts of

2. BUSINESS ENTITY INFORMATION

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

Entity Name  FEIN

DBA  Manager of Record

Street Address

Phone  Email

Alternative Phone  Website

3. DESCRIPTION OF PREMISES

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

Total Square Footage:  Number of Entrances:  Seating Capacity:

Number of Floors:  Number of Exits:  Occupancy Number:

4. APPLICATION CONTACT

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

Name:  Phone:

Title:  Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure Corporation Date of Incorporation 3/03/93 State of Incorporation Massachusetts Is the Corporation publicly traded? No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal Kevin Schmitz Residential Address SSN DOB

Title and or Position Vice President and Treasurer Percentage of Ownership 25 Director/ LLC Manager US Citizen MA Resident

Name of Principal David Renner Residential Address SSN DOB

Title and or Position President and Secretary Percentage of Ownership 25 Director/ LLC Manager US Citizen MA Resident

Name of Principal Douglas Luf Residential Address SSN DOB

Title and or Position Vice President Percentage of Ownership 25 Director/ LLC Manager US Citizen MA Resident

Name of Principal Christopher Brooks Residential Address SSN DOB

Title and or Position Vice President Percentage of Ownership 25 Director/ LLC Manager US Citizen MA Resident

Name of Principal Residential Address SSN DOB

Title and or Position Percentage of Ownership Director/ LLC Manager US Citizen MA Resident

Additional pages attached? No

CRIMINAL HISTORY

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

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Kevin Schmitz	s12	The Marketplace Cafe	Sheffield
David Renner	s12	Schmaltz and Pfeffer	Great Barrington

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

**7. OCCUPANCY OF PREMISES**

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes  No

**APPLICATION FOR A NEW LICENSE**

**8. FINANCIAL DISCLOSURE**

A. Purchase Price for Real Estate	0
B. Purchase Price for Business Assets	0
C. Other * (Please specify below)	150,000
D. Total Cost	150,000

\*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

**SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
The Great Barrington Marketplace	150,000
Total:	

**SOURCE OF FINANCING**

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input checked="" type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input checked="" type="radio"/> No

**FINANCIAL INFORMATION**

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

**9. PLEDGE INFORMATION**

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?



**10. MANAGER APPLICATION**

**A. MANAGER INFORMATION**

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

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

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

**B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?\*  Yes  No \*Manager must be a U.S. Citizen  
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No  
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**C. EMPLOYMENT INFORMATION**

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

Start Date	End Date	Position	Employer	Supervisor Name

**D. PRIOR DISCIPLINARY ACTION**

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

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

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

Manager's Signature  Date

**11. MANAGEMENT AGREEMENT**

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

Yes  No

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

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

**11A. MANAGEMENT ENTITY**

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

Entity Name	Address	Phone		
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

**CRIMINAL HISTORY**

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
 If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

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

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

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

Name	License Type	License Name	Municipality

**11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

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

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

Name	License Type	License Name	Municipality

**11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

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

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

Licensee Name	License Type	Municipality	Date(s) of Agreement

**11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

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

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

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

**11F. TERMS OF AGREEMENT**

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

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

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

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

**ABCC Licensee Officer/LLC Manager**

Signature:

Title:

Date:

**Management Agreement Entity Officer/LLC Manager**

Signature:

Title:

Date:



**2022 Annual Town Meeting Calendar**  
**(May date)**

Planning Board to have completed all Public Hearings by this date	Thursday, March 24, 2022
Selectboard approves Final Warrant	Monday, April 11, 2022
Last Day to register to vote (until 8:00 pm)	Tuesday, April 12, 2022
Last Day to have warrants printed	Wednesday, April 20, 2022
Last Date to post Warrant	Monday, April 25, 2022
Town Meeting @ Monument Mountain 6:00 pm	<b>Monday, May 2, 2022</b>
Town Meeting @ Monument Mountain 6:00 pm (Night 2 if needed)	<b>Thursday, May 5, 2022</b>
Town Election 8:00 am- 8:00 pm	Tuesday, May 10, 2022

**2022 Annual Town Meeting Calendar**  
**(June date)**

Planning Board to have completed all Public Hearings by this date Thursday, April 14, 2022

Selectboard approves Final Warrant Monday, April 25, 2022

Town Election Tuesday, May 10, 2022  
8:00 am- 8:00 pm

Last Day to register to vote (until 8:00 pm) For Annual Town Meeting Tuesday, May 17, 2022

Last Day to have warrants printed Friday, May 20, 2022

Last Date to post ATM Warrant (Monday May 30<sup>th</sup> is a holiday so warrant needs to be posted on May 27<sup>th</sup>) Friday, May 27, 2022

Town Meeting @ Monument Mountain 6:00 pm **Monday, June 6, 2022**

Town Meeting @ Monument Mountain 6:00 pm (Night 2 if needed) **Thursday, June 9, 2022**

\*\*\*\*\*

The following dates need to be revised for the Annual Town Election if a June Annual Town Meeting is selected as separate warrants will be posted for each event:

Last Day to Register to Vote for Annual Town Election: **Wednesday, April 20, 2022**

Last Day to Post Warrant: **Tuesday, May 3, 2022**

**Draft for 1/31/22 SB meeting**  
*Updated for 2/14/22 meeting based on 1/31/22 discussion*

**SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES**

*Voted 1/31/22 to be a general as opposed to zoning bylaw, intention to treat all zones the same*

**Purpose and Intent.** Pursuant to the authority of G.L. c.64G, the Town establishes these regulations in order to balance private, neighborhood, and municipal interest, including:

- enabling residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community; [CR Comment: question at last meeting about the term “residents”? Choose that term if you allow tenants to STR their units / or use “property owners” instead if you will not allow tenants to STR their units]
- minimizing public safety and health risks; and,
- deterring commercial interests from buying housing to use primarily as short-term rental businesses.

**Definitions.** For this Bylaw, the following terms shall have the definitions indicated.

~~Booking Agent.~~ Any person or entity that facilitates reservations or collects payment for a Short Term Rental on behalf of or for an Operator. [CR Comment: Proposed for deletion. I don’t think it is needed since this is not discussing or regulating the booking agents.]

*Inspector.* The Building Inspector of the Town of Great Barrington or his or her designee.

*Operator.* An owner [, or their legal designee,] of a Residential Unit who seeks to offer said Residential Unit as a Short-Term Rental.

*Definition suggested on 1/31/22:*

**Owner.** Any Person, who alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

*[CR comment: legal designee above may be too vague. I might suggest the definition include the owner’s “spouse or an immediate family member” which are easily verified by typical official documents.]*

~~Primary Residence.~~ A Residential Unit in which an Operator resides for at least six months out of a twelve month period. [CR Comment: Proposed for deletion. It’s not needed if there is no distinction between primary and second homes.]

~~Proof of Primary Residence.~~ A copy of the deed, driver’s license, or state issued identification, as well as one other document showing residency at the Residential Unit for the Short Term rental, such as utility bill, motor vehicle or voter registration. [CR Comment: Proposed for deletion. It’s not needed if there is no distinction between primary and second homes.]

*Residential Unit.* A dwelling unit or a secondary dwelling unit located on the same tax parcel as the principal dwelling, classified under the Building Code as residential use.

*Secondary Unit:* An additional, self-contained dwelling unit located in the same structure or on the same

tax parcel as the Operator's residence and owned by the same unique owner. [CR Comment: This definition would include ADUs on the same parcel or in the same structure as Operator's Residential Unit. And it would include the extra apartment in a two or three family house (i.e., Operator lives in upstairs in one, and STRs another unit in the building).]

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

### **Rules and Regulations.**

1. The following shall be prohibited from being offered as Short Term Rentals: [CR Comment: Stockbridge uses prohibitions a. and b. below. Do you want to add another, to prohibit tenants from subleasing as STRs? I'm not sure what that would accomplish. It go against the first bullet above in Purpose. If you do not prohibit tenant STRs, then if a tenant registers an STR with the Town we should ensure they have Owner's permission]
  - a. Residential premises owned by a corporation, other than an LLC;
  - b. Residential premises designated as affordable or otherwise income restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
  - c. *Voted on 1/31/22 to not permit subleasing for short term rentals, so should add the prohibition here*
2. Short Term Rentals shall not be rented for more than a total of \_\_\_\_\_ nights per calendar year when the Operator is not residing on premises. When the Operator is residing on premises, there shall be no such limit. If more than one dwelling unit exists on a single parcel, the \_\_\_\_\_ nights applies to the parcel as a whole, not to each unit. *[1/31/22 meeting - no agreement on #for an annual cap]*

[CR Comment: Items 3, 4, and 5 below are intended to capture the following items the SB has previously discussed:

How many parties at once?

How many total people?

Can multiple dwellings on one parcel be used?

Also, I have eliminated the limitation based on people per bedroom, and just made it a max of 10 in a party on one premises.]

3. A Short-Term Rental shall be rented to only one party of short-term renters at a time, not rented as separate units, bedrooms, beds, or spaces to separate parties.
4. A Short-Term Rental shall be limited to a maximum of 10 guests.
5. A Secondary Unit may be offered as a Short-Term Rental. However, only one Residential Unit per parcel at a time shall be offered as a Short-Term Rental, unless the same party of short-term renters rents multiple units on the same parcel at the same time under the same contract, parcel, multiple units may be utilized as Short Term Rentals, subject to all other limitations of this Chapter including the total number of nights per year and the total number of renters.
6. A Short-Term Rental shall not utilize the premises for holding commercial events or gatherings. Tents and amplified music shall be prohibited.



7. A Residential Unit offered as a Short-Term Rental shall provide all necessary parking on-site.
8. No sign shall be posted on the exterior of the premises to advertise the availability of the Short-Term Rental to the public.
9. All exterior trash and recycling areas shall be screened from view from the street and abutting properties residentially used or zoned.
10. Renting for an hourly rate or for rental durations of fewer than ten consecutive hours shall be prohibited.
11. Smoke Detectors and Carbon Monoxide Alarms. Each unit offered as a Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. The Operator shall also provide and maintain one 2.5 lb. multi-purpose fire extinguisher in all dwelling units that are offered as a Short-Term Rentals. Extinguishers shall be maintained or replaced in accordance with the manufacturer's specifications. Operators shall test and perform maintenance on every smoke detector, carbon monoxide alarm upon renewal of the Short Term Rental Registration. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The **Occupant(s)** shall be notified to report faulty or inoperative smoke detector unit(s) and carbon monoxide alarm(s) to, first, the Operator and, second, the Inspector. The above requirements shall be the minimum, and all Short Term Rentals shall comply with applicable building, fire, and other applicable life safety and health codes. [CR Comment: Does the term "occupants" mean the short term renters? There shouldn't be renters there if the detectors are not operable or are defective]
12. The Inspector shall be permitted entry to conduct inspections, at the owner's expense, as may be required under local and state building, fire, health and safety codes.
13. No Outstanding Violations. The Residential Unit offered as a Short-Term Rental shall not have any outstanding building, sanitary, or fire code violations, orders of abatement, stop-work orders, or other requirements, laws, or regulations that prohibit the Operator from offering the Residential Unit as a Short-Term Rental. If a violation or other order is issued, upon notice of said violation or order Short-Term Rental use shall be terminated until the violation has been cured or otherwise resolved.
14. Three or More Violations in a Six-Month Period. Should a property receive three or more violations within a six-month period under this article, or of any municipal ordinance, state law, or building code, any Residential Unit within the property shall be ineligible to be used as a Short Term Rental for six months from the third or subsequent violation.
15. Compliance and Interaction with Other Laws. Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, GL c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application to the Inspector prior to occupancy.
16. Retention of Records. The Operator shall retain and make available to the Inspector, upon written request records to demonstrate compliance with this Bylaw, including but not limited to: records demonstrating the number of months that the Operator has resided or will reside in the Residential Unit, if applicable, and records demonstrating the number of days per year that the Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for as long as he or she desires to use the Residential Unit as a Short-Term Rental.

17. Notifications. The Operator shall post and maintain a sign on the inside of the Short-Term Rental on the entry-level, visible to and reasonably likely to be readily accessed by individuals utilizing the Short Term Rental, with the following information:

- (1) proof of registration;
- (2) evacuation plan for the unit showing emergency exit routes and fire extinguisher location;
- (3) instructions for recycling and the disposal of waste;
- (4) information regarding the Town's parking regulations, if applicable, including but not limited to on-street parking limitations and overnight ban of on-street parking during winter months;
- (5) local noise ordinances of the Town;
- (6) contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period. Contact information must include a telephone number that is available twenty-four hours per day, seven days a week to tenants;
- (7) the maximum number of occupants permitted in the unit.

**Registration Required:**

All Operators of Short Term Rentals shall register annually with the Selectboard. The Selectboard shall have the authority to set registration fees and require additional information as it deems necessary. At a minimum, the following information shall be provided with each registration:

[CR Comment: Obviously the Board should add or subtract registration items if desired.

I suggest the registration be with the Selectboard, as that is where Innholders must register.

I also suggest requirement to sign up for the Code Red system too so at least the operator is aware of public emergencies.]

- a. Owner Name:
  - i. If owned by natural persons, the names and contact information of all natural persons.
  - ii. If owned by a Trust, the Trustee and Beneficiary Name and contact information.
  - iii. If owned by an LLC, the members of the LLC and their contact information.
- b. Primary Contact person: For instances when the Owner is not in residence, the name and contact information of the responsible person who will respond within 30 minutes in the event of any problem, complaint or emergency.
- c. Copy of the certificate of registration with the Massachusetts Department of Revenue.
- d. Attestation that the Owner and Primary Contact Persons, if any, are signed up with the Town of Great Barrington's Code-Red "reverse 911" emergency notification system.
- e. Registrant(s) shall attest under the penalties of perjury to the following:
  - i. compliance with all local and state requirements for health and safety;
  - ii. that they have posted instructions at the rental for recycling, waste disposal, parking, and that they have posted the phone, cell phone, and email contact information of the Owner and/or the Primary Contact Person.

**Penalties; Enforcement; Complaints.**

No person or entity may offer a Residential Unit as a Short Term Rental in violation of this Bylaw. All violations of this Bylaw shall be penalized by a noncriminal disposition as provided for in G.L. c. 40, s.

21D and shall be subject to a fine of \$300 per day. Each day on which a violation exists shall be deemed a separate and distinct offense. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

(a) Complaints. A complaint alleging that a Short-Term Rental is in violation of this Bylaw or any applicable law, code, or regulation may be filed with the Inspector. The complaint must contain the Residential Unit's address, unit number, date and nature of the alleged violation(s), and name and contact information of the complainant.

(b) Review of Complaint. Within thirty (30) days after receipt of a complaint, the Inspector shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Inspector shall not make a determination of a violation under any bylaw, regulation, or law vested within another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw. Upon a finding of a potential violation, the Inspector, or its designee, shall serve notice of the violation upon the Operator of the Short-Term Rental at issue, if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

(c) Right to Hearing. A person upon whom a notice of violation has been served under this bylaw may request a hearing from the Inspector by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Inspector shall render a decision within a reasonable time after the close of the hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Inspector issues his/her decision.

(d) Violations, Suspensions, and Fines.

Any person who offers a Residential Unit as a Short-Term Rentals, where such premises or unit is not an eligible Residential Unit, or offers otherwise eligible premises or units but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Short-Term Rentals found to be in violation of this Bylaw, or which are found to have any outstanding building, sanitary, or fire code violations, orders of abatement, or stop-work orders, or other requirements, laws, or regulations that prohibit the operation of the premises as a short-term rental, shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.

The Inspector may enter into agreements with Booking Agents or any other third parties for assistance in enforcing the provisions of this Bylaw.

#### **Additional Regulations.**

The Inspector shall have the authority to promulgate regulations to carry out the provisions of this Bylaw.

#### **Severability.**

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

#### **Effective Date.**

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

[for previous versions, see: [1/24/22 packet pp.15-32](#)]



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

PLANNING BOARD

SPECIAL PERMIT # 925-22

NAME, ADDRESS, AND PROJECT: Application from Shay Alster, IS REAL TEAM, LLC, 21 South End Ave, New York, NY 10280, for a Special Permit to create a Rear Lot in an R-2 zone, at 183 Division Street, Great Barrington, in accordance with Sections 4.3 and 10.4 of the Zoning Bylaw.

REVIEW MEETINGS

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

BOARD OF HEALTH	<u>Thursday, February 3, 2022, 6:30 PM, via Zoom</u>
<b>SELECTBOARD</b>	<u>Monday, February 14, 2022, 6:00 PM, via Zoom</u>
CONSERVATION COMMISSION	<u>Wednesday, February 23, 2021, 6:30 PM, via Zoom</u>

SPECIAL PERMIT PUBLIC HEARING

The **PUBLIC HEARING** before the **PLANNING BOARD** is scheduled for Thursday, March 10, 2022, at 6:00 PM, via Zoom video/teleconference meeting.

The Planning Board will arrange to make a site visit on the day of the hearing.

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## Special Permit Application – Planning Board Proposed Rear Lot & Common Driveway Great Barrington, MA

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**Property Location:**

*183 Division Street  
Map 32, Lot 5A  
Great Barrington, MA 01230*

**Property Owner:**

*IS REAL TEAM, LLC  
21 South End Ave #340  
New York, NY 10280*

**Applicant:**

*Shay Alster  
IS REAL TEAM, LLC  
21 South End Ave #340  
New York, NY 10280*

**Civil Engineer:**

*Foresight Land Services, Inc.  
1496 West Housatonic Street  
Pittsfield, MA 01201*

**January 2022**

FLS Project# E2946

**FORESIGHT**  
LAND SERVICES

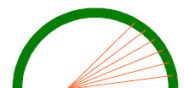


TABLE OF CONTENTS

1. Application for Special Permit
2. Certified Abutters List
3. Project Narrative
4. Figures:
  - Exhibit A-1 USGS Locus Map
  - Exhibit A-2 Assessor's Map
  - Exhibit A-3 Zoning Map
  - Exhibit A-4 Aerial Photo
5. Property Deed
6. Plan

Plan of Land Prepared for Shay Alster, January 11, 2022, by Foresight Land Services, Inc.

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

FORM SP-1  
REV. 12-2020

FOR OFFICE USE ONLY

Number Assigned \_\_\_\_\_ Date Received \_\_\_\_\_  
Special Permit Granting Authority \_\_\_\_\_  
Copy to Recommending Boards \_\_\_\_\_  
Advertised \_\_\_\_\_ & \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Fee: \$300.00 Paid: \_\_\_\_\_

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

MAP 32 LOT 5A BOOK 2659 PAGE 39 ZONING DISTRICT(S) R2

Site Address: 183 Division St., Great Barrington, MA 01230

Date of Application 1/11/2022

Applicant's name and complete mailing address Shay Alster of IS REAL TEAM, LLC  
21 South End Ave #340, New York, NY 10280

Applicant's phone number (917)678-3831 Applicant's email address: shay@gf55.com

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

IS REAL TEAM, LLC  
21 South End Ave #340, New York, NY 10280

I (we) request a Special Permit for: Creation of a Rear Lot out of property  
located at 183 Division St., Great Barrington, MA (Map 32, Lot 5A)

Under Section(s) 4.3 and 10.4 of the Great Barrington Zoning Bylaws.

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

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

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




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

**SPECIFICS:**

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

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


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

\*\*\*\*\*

**PLEASE READ AND SIGN BELOW**

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

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

Signature  \_\_\_\_\_

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

Date 1-10-2022 \_\_\_\_\_

Bruce Firger, Assessor  
John Katz, Assessor  
Ross A. Vivori, MAA, Principal Assessor  
E-mail: rvivori@townofgb.org

Carol Strommer  
Administrative Assessor  
E-mail: cstrommer@townofgb.org



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 x 3  
Fax: (413) 528-1026

**TOWN OF GREAT BARRINGTON  
MASSACHUSETTS  
BOARD OF ASSESSORS**

January 14, 2022

ABUTTERS TO PROPERTY OF: IS REAL TEAM LLC, 183 DIVISION ST  
MAP 32 LOT 5A, BOOK 2659 PAGE 39

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
32	5B	Daniel R. & Carol A/ Bersaw, 181 Division St., Gt. Barrington, MA 01230-1179
32	5J	Jessie R. & Teresa F. Reynolds, 181B Division St., Gt. Barrington, MA 01230-1046
32	5C	Berkshire Farm Partnership 35 Huntington St., New Haven, CT 06511-1332
32	3	Lynn B. Barbieri, 168 Division St., Gt. Barrington, MA 01230-1179
33	40.9	Jordan & Emily Macintosh, 19 Sackville St. #1, Charlestown, MA 02129-2040
33	40.9A	James O. Lyness, 4 Hoyt St., South Salem, NY 10590-1320
33	40.7B	Estate of Lawrence Barbieri, 220 Division St., Gt. Barrington, MA 01230-1119
33	40.7	Kari Amdahl, 174 Division St., Gt. Barrington, MA 01230-1179
33	40P	Peter Adels, Trustee, 182 Division St., Gt. Barrington, MA 01230-1179
33	40.12	Gary P. & Jennifer A. Storti, 6 Muddy Brook Cr., Gt. Barrington, MA 01230-1421

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

Sincerely,

Ross Vivori, MAA  
Principal Assessor

GREAT BARRINGTON SPECIAL PERMIT APPLICATION  
FOR REAR LOT  
**PROJECT NARRATIVE**  
183 DIVISION STREET, MAP 32, LOT 5A, GREAT BARRINGTON, MA

**General**

IS REAL TEAM, LLC proposes a rear lot approval with the construction of a common driveway located at 183 Division Street (Map 32, Lot 5A). The proposed rear lot and common driveway meet all requirements as specified in the Great Barrington Zoning Bylaws and Town Code.

**Criteria for Rear Lots (Great Barrington Zoning Bylaw Section 4.3)**

*4.3.1 General. Rear lots shall be allowed only by special permit of the Planning Board in the Residence Districts. To be eligible for a rear lot, the original lot must have the minimum frontage required for the zoning district plus at least 40 feet. The rear lot may be created provided that all of the following conditions can be met for the rear lot:*

- 1. The area of said rear lot is at least one and one-half (150%) the minimum area required in the district.*

The property is in R2 zoning requiring a 43,560 sq. ft. (1 acre) area. The proposed rear lot is 124,581 sq. ft. or 2.86 acres. Greater than the 150% or 65,340 sq. ft. (1.5 acres) required. The remaining lot will have 2.18 acres.

- 2. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in the district.*

The building line is designated on the plan. The lot width at the line is 311 feet, which is greater than the 150 feet required.

- 3. The width of the rear lot is at no point less than 40 feet, and its frontage is not less than 40 feet.*

The minimum width of the proposed rear lot is 45 feet, which is greater than the 40 feet required. The frontage of the rear is proposed at 50 feet.

- 4. At the time of the creation of the rear lot, it shall be held in common and contiguous ownership with the front lot.*

At the creation of the rear lot the lot will be held by the same ownership as the existing lot.

- 5. The front, rear, and side yards shall equal or exceed those required in the district.*

The existing structure setbacks exceed those required. The proposed side setback to the

new property line is 36 feet north of the existing house, being greater than the 20 feet side setback required. The front setback for the existing house does not change at 265 feet. The rear setback, to the new rear proposed lot line is 107 feet, greater than the required rear setback of 30 feet.

6. *The rear lot and its parent lot shall share a common driveway, approved as part of this special permit application.*

The rear lot and the parent lot propose to share a common driveway.

*4.3.2 Limitation. Not more than one (1) rear lot shall be created from a property, or a set of contiguous properties held in common ownership as of May 3, 2010. In order to be eligible for a rear lot, such property or set of contiguous properties held in common ownership as of May 3, 2010 shall not have been divided after such date. No further division of said property or properties shall be permitted after the creation of a rear lot. Documentation to this effect shall be submitted to the Building Commissioner. The Building Commissioner shall not issue a building permit for any rear lot without first establishing that compliance with this provision has been determined by the Planning Board.*

Acknowledged. Only one rear lot is proposed and the entire property is under the same ownership.

**Criteria for Common Driveways (Town Code Chapter 153, Articles II (applicable sections) & III)**

- A. *Permits. Any abutting property owner(s) desiring to gain access to a way by means of a common driveway that serves no more than three dwelling units may do so only in accordance with the provisions of a permit issued by the Planning Board. A fee shall be paid to the Town of Great Barrington when the application is submitted to the Planning Board, and the permit shall include all applicable aspects of a permit under Article II of this chapter;*

The project proposes to divide an existing lot per Rear Lots provision, Section 4.3.1.6 of the Zoning Bylaws which requires the parcels to share a common driveway.

- B. *Number of units accessed. A common driveway shall provide access to no more than three dwelling units;*

The common drive is proposed to access two dwellings, one existing and one proposed.

- C. *Frontage. Frontage on a common driveway may not be used to satisfy zoning frontage requirements. Each lot passed by the common driveway shall have access on a way acceptable to the Planning Board;*

Each lot has access to Division Street.

*D. Design requirements. Design requirements for common driveways shall be the same as those for driveways under § 153-14A through K of the Subdivision Rules and Regulations of the Great Barrington Planning Board. The design shall, in the opinion of the Board of Selectmen and the Highway Superintendent, assure adequate safety and access for emergency vehicles;*

*a. The Highway Superintendent shall consider the requirements of the State Department of Public Works Manual on Uniform Traffic Control Devices, but shall modify these to accord with:*

- 1. Local conditions*
- 2. Compatibility with local road design.*
- 3. Size of the proposed project.*

Acknowledged.

*b. Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. Unless conditions require it, a driveway should not be located at the extreme edge of a property.*

The driveway is proposed to access Division Street at the existing drive/curb cut. The drive is at near 90 degrees from the street and slopes down away from the road.

*c. No more than two driveways shall normally be allowed for any property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.*

Only one access is proposed.

*d. Driveways shall not normally be approved at intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.*

The drive is not located at an intersection or signalized location.

*e. Culverts taking the place of roadside ditches shall have a diameter of not less than 15 inches. A larger diameter may be required.*

The existing drive/access slopes down away from the road. There is no drainage build up at the road.

*f. The elevation of driveways at the point of entry into the public right-of-way should be no more than the elevation of the shoulder of the road.*

The existing drive slopes down away from Division Street.

- g. *Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.*

Water drains away from and does not drain onto Division Street.

- h. *In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.*

The existing drive entrance does not conflict with the flow of surface water runoff.

- i. *Individual driveways should not be less than eight feet nor more than 16 feet in width within the Town right-of-way. Any curb at the entrance shall be rounded off with a radius of three feet.*

It is proposed to use the existing curb entrance at 183 Division Street that is greater than 8 feet and less than 16 feet.

- j. *Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the side line of the Town right-of-way with a pitch of at least 1/4 inch per foot. From the side line the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one inch per foot unless adequate provisions have been made and approved by the Highway Superintendent for the diversion of driveway surface runoff away from the roadway. The Highway Superintendent may require methods of diversion for driveways having a pitch of less than one inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.*

The existing drive is pitched downward from Division Street.

- k. *Driveways should be located to the best advantage with respect to alignment with the way, profile, sight distance conditions and the like. In no instance shall a driveway intersect the way at less than a sixty-degree angle. Unless there is no other alternative, a driveway should not be located within a required side yard.*

The proposed access is the existing curb cut access at 183 Division Street. The existing access is near 90 degrees to the street.

- E. *Origin or driveway. A common driveway must originate on approved frontage and must observe a twenty-five-foot setback from the side line between the lot of origin and a lot not served by the common driveway;*

The common drive proposes to use the existing curb cut off Division Street. The drive is

set back from the abutting parcel by approximately 92 ± feet.

*F. Minimum width. The traveled way shall have a minimum width of 14 feet.*

The minimum width of the common drive is 14 feet.

*G. Easements. The application for a common driveway must be accompanied by a declaration of covenants, easements and restrictions for the use and maintenance of said common drives.*

Acknowledged.

*H. The sale of lots and/or the erection of buildings is prohibited until such time as the common driveway has been constructed in accordance with the permit approval plan and until the Board of Selectmen has written verification that all covenants, easements and restrictions have been recorded in the Southern Berkshire Registry of Deeds.*

There is an existing building on the existing main lot. The proposed building on the back lot will not be constructed until the covenants, easements and restrictions have been recorded.

**GENERAL NOTES**

1. This Plan of Land is intended solely to represent the boundary lines of the subject property.
2. Unless otherwise noted hereon, this survey plan shall not be construed as depicting the presence, absence, or limits of any or all regulated wetlands or floodplains. Any surface water features shown, such as streams or ponds, are not represented as indicating limits of wetland resource areas.
3. No other permits, approvals, uses, site conditions or suitability are expressed or implied hereby, either directly or by omission.
4. All parcels are subject to and with the benefit of all rights, restrictions, conditions, easements, leases, encumbrances and appurtenances of record.
5. Endorsement does not imply compliance with Wetlands Protection Act or zoning.
6. This survey was prepared without the benefit of an attorney's abstract of title and/or title report and is subject to any statement of facts such abstract or report would have revealed. This property was surveyed by the possession lines found at the time the survey was made.
7. Horizontal datum is based upon Plan entitled "Lands of: Lot 182 Total Area 10.031 ACR., Reginald & Joan M. Nettleton, Town of Great Barrington, Berkshire County, Massachusetts" on file in the Southern District Registry of Deeds in Map Book 7 Page 142.

APPROVAL NOT REQUIRED UNDER  
 SUBDIVISION CONTROL LAW

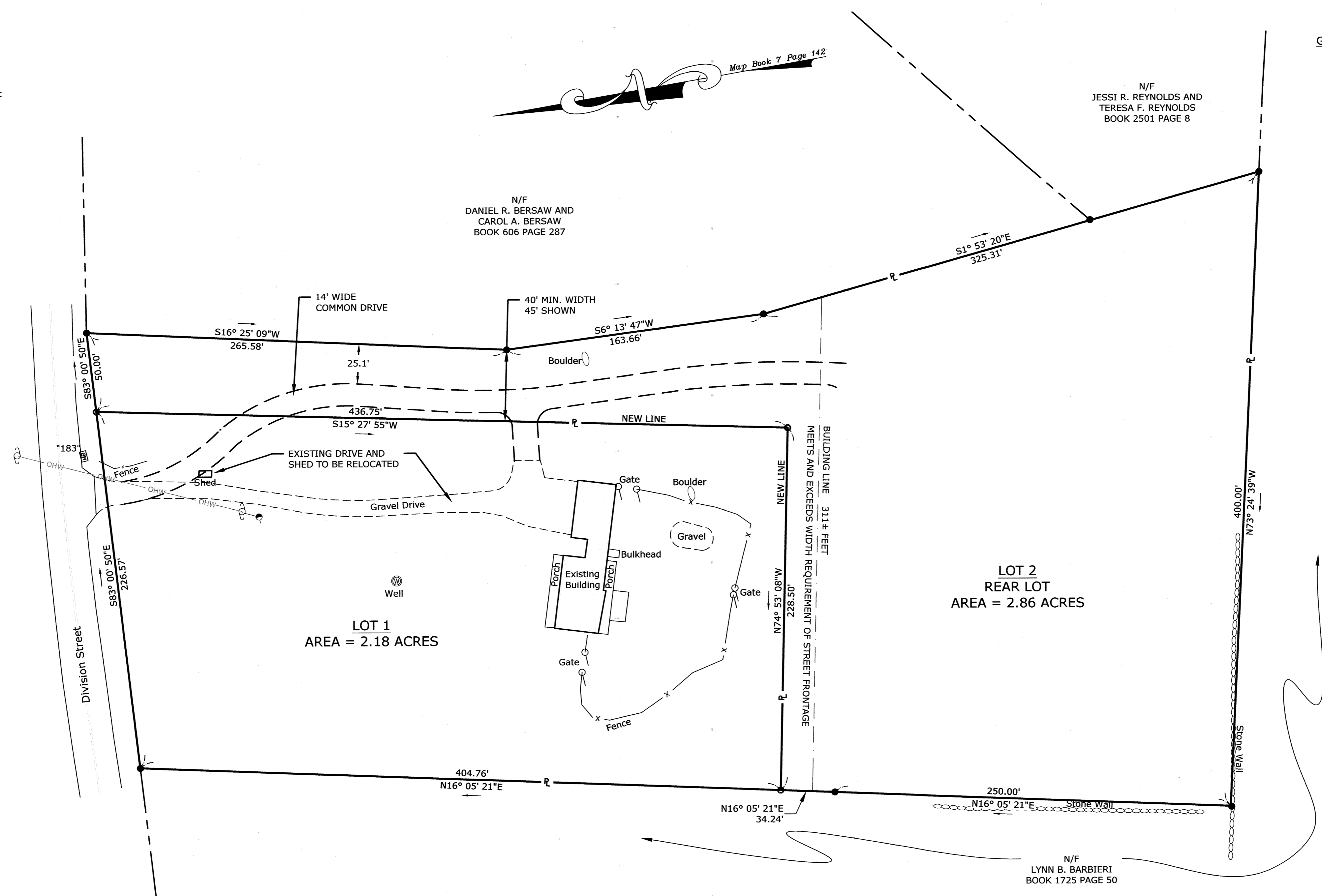
GREAT BARRINGTON PLANNING BOARD

DATE: \_\_\_\_\_

Town of Great Barrington, MA Planning Board Endorsement Does Not Imply That The Lots or Parcels Shown Hereon Are Building Lots, Nor That They Comply With Zoning Ordinances, Wetlands Regulations, Title 5, or Other Local, State or Federal Regulations.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

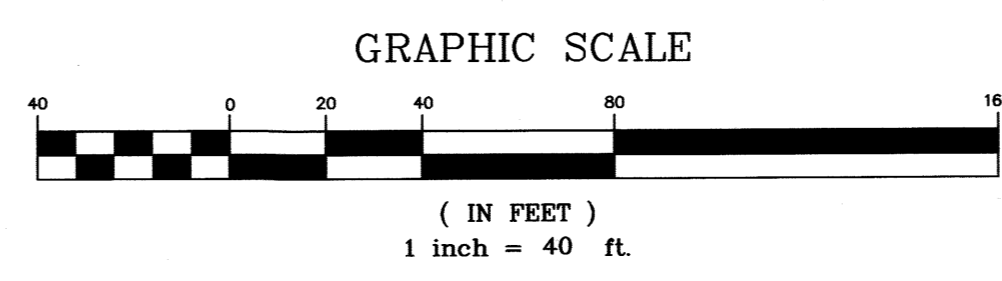
*Frederick S. Haley*  
 DATE: *January 11, 2022*



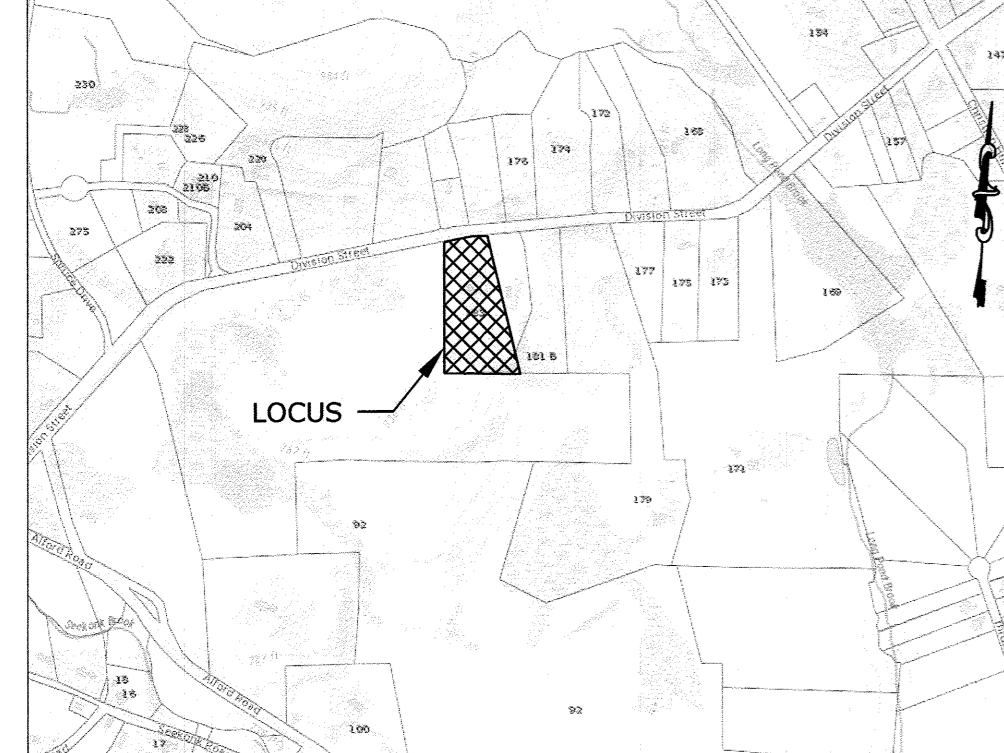
**LEGEND**

- IRON PIPE FOUND
- IRON PIPE TO BE SET
- GATE POST
- Ⓜ MAILBOX
- Ⓢ UTILITY POLE
- ⊕ WELL
- EDGE OF GRAVEL
- EDGE OF PAVEMENT
- x- FENCE
- OHW- OVER HEAD WIRE
- PROPERTY LINE
- BUILDING LINE
- APPROXIMATE PROPERTY LINE
- ○ ○ ○ ○ STONEWALL
- ▭ EXISTING BUILDING

RECORD OWNER  
 IS REAL TEAM LLC  
 BOOK 2659 PAGE 39  
 PARCEL ID: 113/032.0-0000-0005.A



VICINITY MAP APPROXIMATE SCALE: 1" = 1000'



**SITE DATA**

Data provided by Town of Great Barrington, MA  
 Zoning Bylaw Amended: May, 2019  
 Zone: R2 Acreage Residential  
 Dimensional Requirements:  
 Min. Lot Dimensions  
 Area = 43,560 SQ. FT. = 65,340 SQ.FT.  
 Min. Lot Width = 150 FT = 40 FT  
 building line = 150 FT  
 Min. Setbacks:  
 Front = 50 FT  
 Side = 20 FT  
 Rear = 30 FT  
 Max. Building Stories = 2½  
 Height = 35 FT  
 Max. Coverage by Buildings = 20%

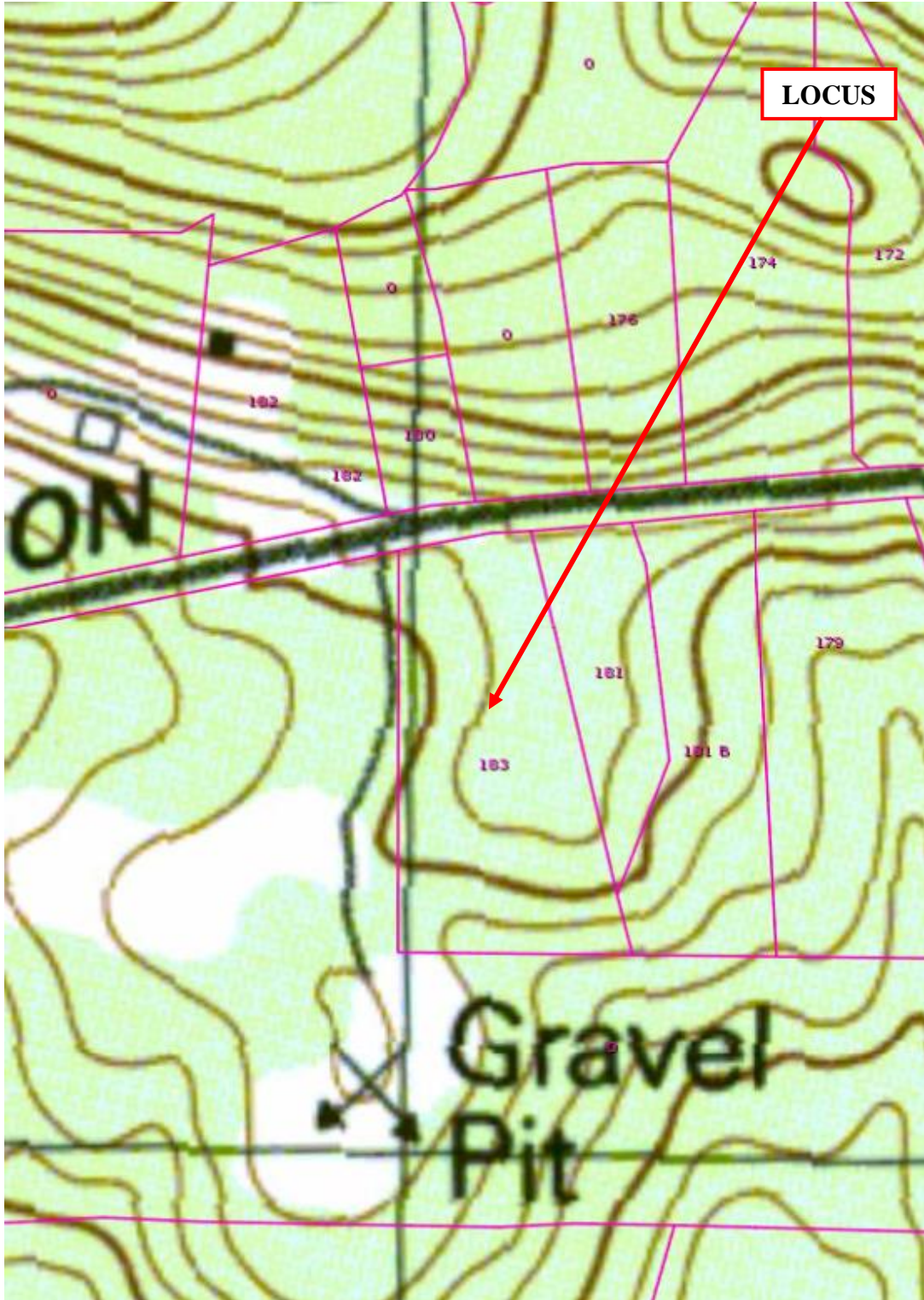
PLAN OF LAND  
 Prepared For  
**SHAY ALSTER**  
 183 DIVISION STREET  
 GREAT BARRINGTON, MA.

**FORESIGHT LAND SERVICES** ENGINEERING SURVEYING PLANNING  
 FORESIGHT LAND SERVICES, INC.  
 1426 WEST HOUSTON STREET - PITTSFIELD, MA 01201  
 TEL: (413) 499-1560 FAX: (413) 499-3307 WWW.FORESIGHTLAND.COM

SCALE: 1" = 40'	DWN. BY: DMW	CHK. BY:
DATE: January 11, 2022	DWG. NO. E2946W01	
JOB NO. E2946	Layout Tab: W01	



UNITED STATES GEOLOGICAL SURVEY MAP



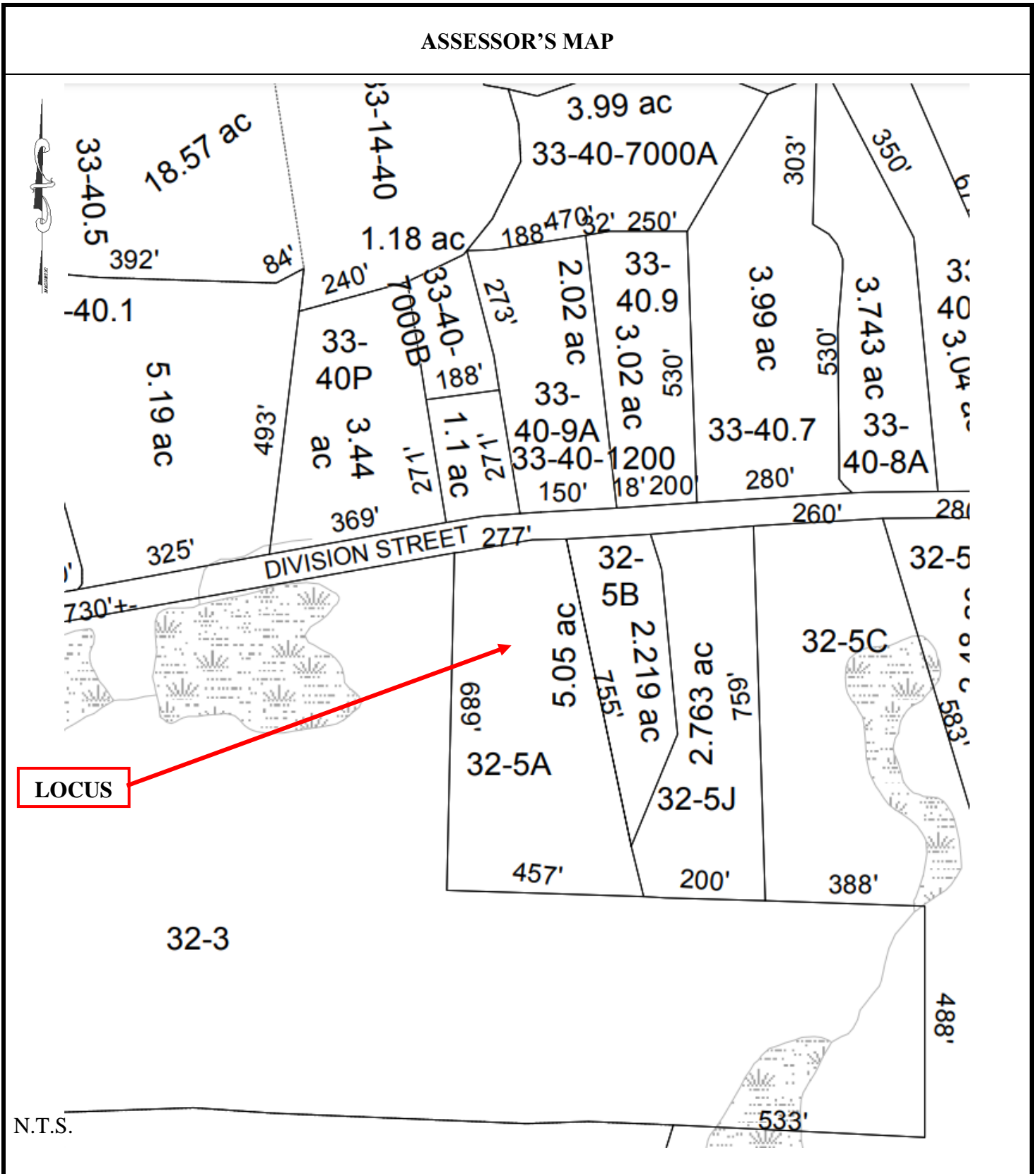
N.T.S.

**FORESIGHT LAND SERVICES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1496 West Housatonic Street  
Pittsfield, MA 01201

**Exhibit A-1**  
**USGS Egremont QUAD, 1987 ed.**  
Source MASSGIS

Map 32, Lot 5A  
183 Division Street  
Great Barrington, MA

ASSESSOR'S MAP

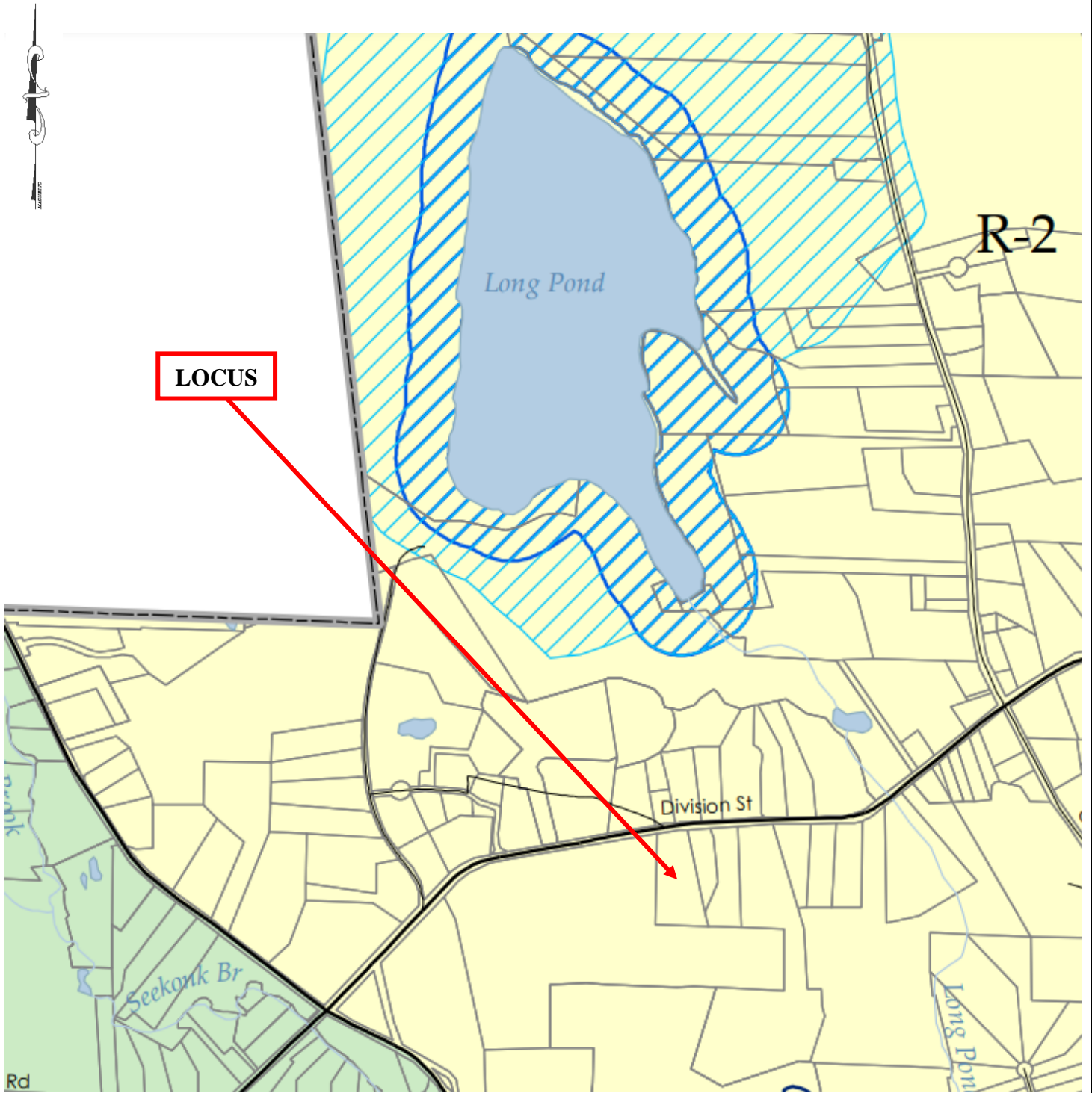


**FORESIGHT LAND SERVICES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1496 West Housatonic Street  
Pittsfield, MA 01201

**Exhibit A-2**  
**Great Barrington**  
**Map #32, Lot #5A**  
Source: Great Barrington Assessor's Map

183 Division Street  
Great Barrington, MA

### GREAT BARRINGTON ZONING MAP



N.T.S.

**FORESIGHT LAND SERVICES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1496 West Housatonic Street  
Pittsfield, MA 01201

**Exhibit A-3**  
**Great Barrington Zoning Map**  
Source: Great Barrington Zoning Map

Map 32, Lot 5A  
183 Division Street  
Great Barrington, MA

### AERIAL PHOTO



N.T.S.

**FORESIGHT LAND SERVICES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1496 West Housatonic Street  
Pittsfield, MA 01201

**Exhibit A-4**  
**Aerial Photo**  
Source: Google Maps

Map 32, Lot 5A  
183 Division Street  
Great Barrington, MA



Bk: 2659 Pg: 39 Doc: DEED  
Page: 1 of 5 01/22/2021 02:50 PM

MASSACHUSETTS EXCISE TAX  
Southern Berkshire ROD 001  
Date: 01/22/2021 02:50 PM  
Ctrl# 012139 13316 Doc# 00262488  
Fee: \$2,216.16 Cons: \$486,000.00

## QUITCLAIM DEED

LOCUS: 183 Division Street, Great Barrington, MA

We, **LINDA WATERMAN, KAREN MALLORY and CATHERINE MALLORY**, Trustees of the **THOMAS G. MALLORY AND CAROL R. MALLORY 2013 IRREVOCABLE TRUST**, under Declaration of October 11, 2013 Trust (see Trustee Certificate recorded in the Berkshire Southern District Registry of Deeds herewith), of Gorham, Maine, for consideration paid in the amount of **FOUR HUNDRED EIGHTY SIX THOUSAND DOLLARS AND 00/100 (\$486,000.00)**, grant to **IS REAL TEAM LLC**, a Massachusetts Limited Liability Company with a mailing address of 21 South End Ave #340, New York, NY 10280, with **QUITCLAIM COVENANTS**, the land and building(s) situated in the Town of Great Barrington, Berkshire County, Commonwealth of Massachusetts, bounded and described as follows:

DOWNING & LANE, LLP  
ATTORNEYS AT LAW  
623 MAIN STREET  
SUITE 1  
GREAT BARRINGTON, MA  
01230

Beginning at an iron pipe in the southerly sideline of Division Street at the northwest corner of this parcel and at the northeast corner of land now or formerly of Barbieri Lumber Company, Inc.; running thence South 83 degrees 00 minutes 50 seconds East in said Division Street sideline a distance of 276.57 feet to an iron pipe at the northeast corner of this parcel and at the northwest corner of other land now or formerly of Reginald and Joan M. Nettleton, running thence the following three courses and distances along other land of said Nettleton: South 16 degrees 25 minutes 09 seconds West 265.58 feet to an iron pipe; South 06 degrees 13 minutes 47 seconds West 163.66 feet to an iron pipe and South 01 degrees 53 minutes 20 seconds East 325.31 feet to an iron pipe at the southeast corner of this parcel; running thence North 73 degrees 24 minutes 39 seconds West along land of Barbieri Lumber Company, Inc. a distance of 400 feet to an iron pipe at the southwest corner of this parcel; running thence along said Barbieri Lumber Company, Inc. land North 16 degrees 05 minutes 21 seconds East a distance of 689 feet, passing through an iron pipe at a distance of 250 feet, to an iron pipe at the point and place of beginning.

This parcel contains 5.049 acres by survey measurement and is shown as Lot 1 on a survey plan prepared for Reginald and Joan M. Nettleton by Lane Land Surveys, Inc. dated May 25, 1986 and recorded in the Southern Berkshire Registry of Deeds in Map Book 7, Page 142.

Subject to an Easement granted to Massachusetts Electric and Verizon New England, Inc. recorded on May 24, 2002 in said Registry of Deeds in Book 1323, Page 178.

Being all and the same premises conveyed to the grantors herein, Linda Waterman, Karen Mallory and Catherine Mallory, as Trustees of the Thomas G. Mallory and Carol R. Mallory 2013 Irrevocable Trust by deed of Thomas Mallory and Carol Mallory dated October 11, 2013 and recorded on November 14, 2013 in the Berkshire Southern District Registry of Deeds in Book 2227, Page 33.

The Grantors hereby release all rights of homestead for the benefit of the beneficiaries Thomas G. Mallory and Carol R. Mallory and other interest in the premises and states there is no other person(s) entitled to any homestead rights.

DOWNING & LANE, LLP  
ATTORNEYS AT LAW  
623 MAIN STREET  
SUITE 1  
GREAT BARRINGTON, MA  
01230

WITNESS my hand and seal this 15 day of January 2021.

*Catherine R. Mallory*  
**CATHERINE MALLORY, Trustee**

**STATE OF MAINE**

COUNTY OF: *Cumberland*

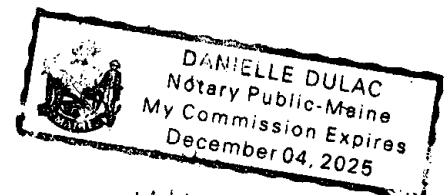
On this 15 day of January 2021, before me, the undersigned notary public, personally appeared the above **CATHERINE MALLORY, Trustee**, proved to me through satisfactory identification, being Maine ID of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

*Danielle Dulac*

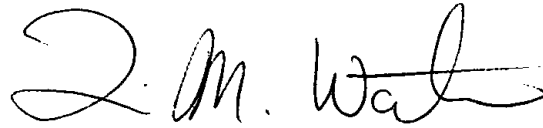
Notary Public

My Commission Expires:

*12/04/2025*



WITNESS my hand and seal this 15<sup>th</sup> day of January 2021.

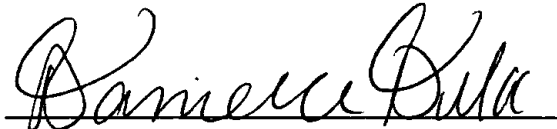


**LINDA WATERMAN, Trustee**

**STATE OF MAINE**

COUNTY OF: Cumberland

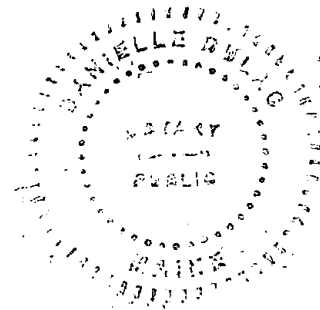
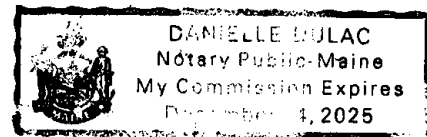
On this 15 day of January 2021, before me, the undersigned notary public, personally appeared the above **LINDA WATERMAN, Trustee**, proved to me through satisfactory identification, being Maine ID of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public

My Commission Expires:

12/04/2025



DOWNING & LANE, LLP  
ATTORNEYS AT LAW  
623 MAIN STREET  
SUITE 1  
GREAT BARRINGTON, MA  
01230



WITNESS my hand and seal this 15 day of January 2021.

Karen Mallory  
**KAREN MALLORY, Trustee**

**STATE OF MAINE**

COUNTY OF: Cumberland

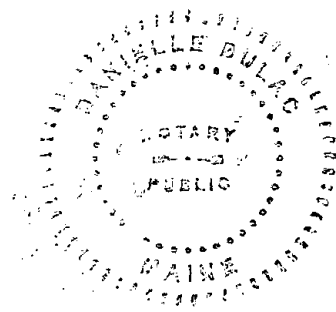
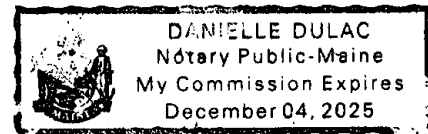
On this 15 day of January 2021, before me, the undersigned notary public, personally appeared the above **KAREN MALLORY, Trustee**, proved to me through satisfactory identification, being Maine ID of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Danielle Dulac

Notary Public

My Commission Expires:

10/04/2025



ATTEST: Berkshire South Michelle Laramee-Jenny Register

DOWNING & LANE, LLP  
ATTORNEYS AT LAW  
623 MAIN STREET  
SUITE 1  
GREAT BARRINGTON, MA  
01230

February 11, 2022

Stephen Bannon, Chair  
Great Barrington Selectboard

Re: Planning Board's Proposed Bylaw Amendments for the 2022 Annual Town Meeting

Dear Steve:

Enclosed please find the Planning Board's proposed zoning amendments for the next Annual Town Meeting. There are three proposed articles, pertaining to the floodplain overlay district, accessory dwelling units, and clerical changes to the tourist home/lodging house section.

We ask the Selectboard to refer these zoning amendments back to the Planning Board for a public hearing in accordance with MGL Ch. 40A, s.5, and to place these proposals on the Annual Town Meeting warrant. The Planning Board's public hearing is scheduled for Thursday, March 10, 2022 at 6:00 PM. At that time the will consider input on each of the zoning amendments and will vote whether or not to recommend them to Town Meeting.

Sincerely,



Brandee K. Nelson, Chair

cc: Mark Pruhenski, Town Manager  
Jennifer Messina, Town Clerk  
Chris Rembold, Assistant Town Manager  
Edwin May, Building Inspector

## Article \_\_\_\_: Floodplain Overlay District

*Purpose of the Amendments:* These amendments are proposed in order to ensure the Town's local zoning regulations reflect at least the minimum requirements of the National Flood Insurance Program (NFIP) so that the community can continue to participate in the program.

To see if the Town will vote to amend Section 9.1, Floodplain Overlay District, and Section 11.0, Definitions, of the Zoning Bylaw, as set forth in this article.

Proposed deletions of existing text are ~~struck through~~  
Proposed insertions are underlined

Amend Section 9.1 as follows:

**9.1.1 Purpose.** The Flood Plain Overlay District (FPOD) has been established to provide that lands in the town subject to seasonal or periodic flooding shall not be used for residential or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or of the public, and to assure the continuation of the natural flow pattern of the watercourses within the town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation. It is further intended to protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the town.

**9.1.2 Definitions.** Pertinent definitions of flood zones delineated in Great Barrington (e.g., Zone A, Zone A1-30, etc.) may be found in the US Code of Federal Regulations, Title 44, Part 64.3. Additional terms applicable to the FPOD are found in Section 11 of this Bylaw and US Code of Federal Regulations, Title 44, Part 59.

**9.1.23 Location.** The general boundaries of the FPOD are shown on the Great Barrington Flood Insurance Rate Map (FIRM), dated July 19, 1982, as Zones A and A-1-30 to indicate the one-hundred-year floodplain. The exact boundaries of the district are defined by the flood profiles contained in the Flood Insurance Study, dated July 19, 1982. The floodway boundaries are delineated on the Great Barrington Flood Boundary and Floodway Maps (FBFM), dated July 19, 1982, and further defined by the floodway data tables contained in the Flood Insurance Study. These two maps, as well as the accompanying study, are incorporated in this Bylaw by reference and are on file with the Town Clerk, Planning Board, Inspector of Buildings and Board of Health.

In A Zones, in the absence of FEMA Base Flood Elevation data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

The two above-referenced maps and related study cover specifically the Housatonic River, Green River, Williams River and Alford Brook and related wetlands. There are other inland wetlands that are covered and are shown generally on a map prepared by Robert G. Brown & Associates, Inc.,

and entitled "Delineation and Description of the Green, Williams and Housatonic River Flood Plain and the Inland Wetlands in the Town of Great Barrington, Massachusetts," dated 1974. In cases of conflict between the Robert G. Brown and Associates, Inc., and FIRM and FBFM maps, the latter two maps shall govern.

~~**9.1.3 Zone A.** Within Zone A, where the one hundred year flood elevation is not provided on the FIRM, the developer/applicant shall obtain all existing flood elevation data, and they shall be reviewed by the Planning Board. If the data are sufficiently detailed and accurate, they shall be relied upon to require compliance with this Bylaw and the State Building Code. These two referenced maps and related study cover specifically the Housatonic River, Green River, Williams River and Alford Brook and related wetlands. There are other inland wetlands that are covered and are shown generally on a map prepared by Robert G. Brown & Associates, Inc., and entitled "Delineation and Description of the Green, Williams and Housatonic River Flood Plain and the Inland Wetlands in the Town of Great Barrington, Massachusetts," dated 1974. In cases of conflict between the Robert G. Brown and Associates, Inc., and FIRM and FBFM maps, the latter two maps shall govern. The base (one hundred year) flood elevations at any given point between any two successive control points (cross sections) as shown on the floodplain maps have been determined using topographic maps at a scale of 1:4,800, with a contour interval of five feet, this forming the flood boundary shown for the entire length of the Housatonic River, Green River, Williams River and Alford Brook on the series of Flood Boundary and Floodway Maps.~~

**9.1.4 Floodways.** All encroachments, including fill, new construction, substantial improvements to existing structures and other developments in the floodway are prohibited unless certification by a professional engineer registered and licensed in the Commonwealth of Massachusetts is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

In A Zones along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**9.1.45 Special Permit Required.** Any person desiring to establish any permitted use in a FPOD involving or requiring the erection of new structures and/or alteration or moving of existing structures or dumping, filling, transfer, relocation or excavation of earth materials or storage of materials or equipment, or parking of recreational vehicles, shall submit an application for a special permit to the Special Permit Granting Authority (SPGA) ~~Selectboard~~ in accordance with the provisions of Section 10.4. The Selectboard shall be the SPGA for floodplain special permits.

Such special permit application shall describe in detail the proposed use of the property and the work to be performed and shall be accompanied by plans as specified therein. In addition to the information required thereby, such plans shall also include boundaries and dimensions of the lot, existing and proposed drainage easements, all existing and proposed fill, existing and proposed sewage disposal facilities, means of access and mean sea-level elevation, with contour separation of two feet or less, of the existing and proposed land surface, cellar floor and first floor. All plans shall be prepared and certified by a professional engineer registered and licensed in the Commonwealth of Massachusetts.

The special permit application shall include a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the FPOD. The applicant must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired prior to issuance of any permit by the Building Inspector.

**9.1.5 Submittals.** ~~The SPGA shall ensure that the applicant provides sufficient information to determine:~~

- ~~1. That the floor level of areas to be occupied by human beings as living or working space shall be at a safe elevation;~~
- ~~2. That furnaces and utilities are protected from the effects of flooding and that the structure will withstand the effects of flooding in accordance with the State Building Code;~~
- ~~3. That the proposed construction, use or change of grade will not obstruct or divert the flood flow, reduce natural water storage or increase stormwater runoff so that water levels on other land are substantially raised or danger from flooding increased;~~
- ~~4. That safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding; and~~
- ~~5. That the proposed methods of drainage and sewage disposal are approved by the Board of Health and will not cause pollution or otherwise endanger health in the event of flooding.~~

**9.1.6 Decision.** The SPGA may issue a special permit in compliance with all applicable provisions of this Bylaw, for establishment or alteration of a permitted use in a FPOD, provided that the Selectboard determines the following. Such findings shall be in addition to the findings required by Section 10.4.

1. The use would otherwise be permitted if such land were not, by operation of this section, in the FPOD;
2. The use of such land for the proposed purpose will not interfere with the general purpose for which such FPODs have been established;
3. That the floor level of areas to be occupied by human beings as living or working space shall be at an elevation in accordance with the State Building Code;
4. That furnaces and utilities are protected from the effects of flooding and that the structure will withstand the effects of flooding in accordance with the State Building Code;
5. That the proposed construction, use or change of grade will not obstruct or divert the flood flow, reduce natural water storage or increase stormwater runoff so that water levels on other land are substantially raised or danger from flooding increased;
6. That safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding; and
7. That the proposed methods of drainage and sewage disposal are approved by the Board of Health and will not cause pollution or otherwise endanger health in the event of flooding.

8. If Zones AO and AH exist on the applicable FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**9.1.7 Conditions.** Special permits issued under this section may be subject to such conditions as the Selectboard deems necessary in the interests of the public health, safety and welfare. The burden of proving that the proposed use will not endanger the health and safety of the occupants or the public shall rest upon the applicant, who shall provide such engineering, ecological and hydrological data as may be required by the SPGA or any state or federal agency.

~~**9.1.8 Encroachment.** All encroachments, including fill, new construction, substantial improvements to existing structures and other developments in the floodway are prohibited unless certification by a professional engineer registered and licensed in the Commonwealth of Massachusetts is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred year flood. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.~~

**9.1.8. Subdivisions.** All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that: (1) Such proposals minimize flood damage; (2) Public utilities and facilities are located & constructed so as to minimize flood damage; and (3) Adequate drainage is provided. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

~~**9.1.9 Effect.** Granting of a special permit under this section by the SPGA does not in any way indicate compliance with the provisions of the Wetlands Protection Act, G.L. c. 131, s. 40, which provides, among other things, that no person shall remove, fill, dredge or alter any swamp, creek, river, stream, pond or lake or any land subject to flooding, except with a written permit from the Conservation Commission.~~

**9.1.9. Recreational Vehicles.** If otherwise permitted in accordance with this Zoning Bylaw, in A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

**9.1.10 Community Floodplain Administrator.** The Town of Great Barrington hereby designates the Building Inspector to be the official floodplain administrator for the Town.

**9.1.11 Variances from Building Code Floodplain standards.** Should a proponent be granted a Building Code Variance by the Commonwealth, the proponent shall notify the Building Inspector in writing, and the Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood

level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

**9.1.12. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP).** The Zoning Board of Appeals may issue a variance from these floodplain bylaws in accordance with the requirements set out by State law, and may only be granted if:

- 1) Good and sufficient cause and exceptional non-financial hardship exist;
- 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- 3) the variance is the minimum action necessary to afford relief.

**9.1.13 Limitations.** The floodplain management regulations found in this section shall take precedence over any less restrictive conflicting local laws, ordinances or codes. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection. Granting of a special permit under this section by the Selectboard does not in any way indicate compliance with the provisions of the Wetlands Protection Act, G.L. c. 131, s. 40, which provides, among other things, that no person shall remove, fill, dredge or alter any swamp, creek, river, stream, pond or lake or any land subject to flooding, except with a written permit from the Conservation Commission.

**9.1.14 Watercourse alterations and New data.** In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8th floor  
Boston, MA 02114
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.)

Notification shall be submitted to:  
FEMA Region I Risk Analysis Branch Chief  
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:  
Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

Amend Section 11.0 by adding the following definitions under a new entry FLOODPLAIN OVERLAY DISTRICT:

**FLOODPLAIN OVERLAY DISTRICT:** The following definitions shall apply in the FPOD. Reference is also made to 44 CFR §59.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted



by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

START OF CONSTRUCTION. The date of issuance of a permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3 is presumed to be in violation until such time as that documentation is provided.

## **ARTICLE \_\_\_\_\_: Accessory Dwelling Units (ADU)**

*Purpose of the Amendments:* This amendment will ensure the zoning bylaw requirement regarding ADU size utilizes a measurement consistent with other portions of the zoning bylaw; instead of measuring by gross square footage, the ADU will be measured by net usable square feet. This will also serve to clarify and distinguish an ADU's living area from what might be other areas, of an accessory building, such as utility or garage areas.

To see if the Town will vote to amend Section 8.2.3, item 2, as follows:

Proposed deletions of existing text are struck through  
Proposed insertions are underlined

Amend 8.2.3, item 2, as follows:

2. An ADU may not in any case be larger than 900 ~~gross-square feet~~ of net usable floor area. If a dwelling unit greater than 900 ~~gross-square feet~~ of net usable floor area is created within a single-family home, the residence will be considered a two-family dwelling and will be subject to the requirements of Section 8.1 of this Bylaw.

## **ARTICLE \_\_\_\_\_: Lodging Houses and Tourist Homes for Transient Guests**

*Purpose of the Amendments:* This amendment will ensure the zoning bylaw references to these uses are consistent and defined. The two terms mean the same thing, but the existing title of section 7.16 and the existing definitions are not clear on this point.

To see if the Town will vote to amend the Zoning Bylaw as follows:

Proposed deletions of existing text are struck through

Proposed insertions are underlined

Amend the title of Section 7.16 as follows:

7.16 LODGING HOUSES OR TOURIST HOMES FOR TRANSIENT GUESTS

And, amend Section 11.0, Definitions, by adding a new definition for Lodging Houses, as follows:

LODGING HOUSE: See Tourist Home.

## PROCLAMATION

### Celebrating National Black History Month

#### Town of Great Barrington, Massachusetts

- Whereas,** Black History Month is observed annually across the United States in February to celebrate African-American achievements, to recognize the crucial role they have played in U.S. history, and to honor the generations of black Americans who struggled through adversity to achieve full citizenship in our society; and
- Whereas,** Black History Month grew out of the establishment, in 1926, of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and
- Whereas,** the 2022 national theme for the observance is “Black Health and Wellness”, takes a look at how American healthcare has often underserved the African-American community; and
- Whereas,** the observance of Black History Month calls our attention to the continued need to battle racism and build a society that lives up to its democratic ideals; and
- Whereas,** the Town of Great Barrington continues to work toward becoming an inclusive community in which all citizens -past, present, and future- are respected and recognized for their contributions and potential contributions to our community, the state, the country, and the world; and
- Whereas,** the Town of Great Barrington is proud to honor the history and contributions of African Americans in our community, throughout our state, and nation.

**Now, therefore be it resolved that the Selectboard of the Town of Great Barrington, do hereby encourage the citizens of Berkshire County to join us in celebrating National Black History Month.**

IN WITNESS THEREOF, We have hereunto set on this      day of February, 2022

## Selectboard's 2022 Regular Meeting Schedule

*Approved 9/27/2021*

January 10	Second Monday
January 24	Fourth Monday
February 14	Second Monday
February 28	Fourth Monday
March 7	First Monday
March 28	Fourth Monday
April 11	Second Monday
April 25	Fourth Monday
May 2	Annual Town Meeting
May 5	Possible Continuation of Town Meeting
May 11	Second Wednesday <i>(Reorganization)</i>
May 23	Fourth Monday
June 13	Second Monday
June 27	Fourth Monday
July 11	Second Monday
July 25	Fourth Monday
August 8	Second Monday
August 22	Fourth Monday
September 12	Second Monday
September 19	Third Monday
October 3	First Monday
October 24	Fourth Monday
November 7	First Monday
November 21	Third Monday
December 5	First Monday
December 19	Third Monday