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Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

AGENDA

**SELECTBOARD AND FINANCE COMMITTEE JOINT MEETING
AND
SELECTBOARD AND GB HOUSING AUTHORITY JOINT MEETING
AND
SELECTBOARD REGULAR MEETING IMMEDIATELY TO FOLLOW
WEDNESDAY, NOVEMBER 13, 2019; 6:30 PM
917 MAIN STREET, CLAIRE TEAGUE SENIOR CENTER**

ORDER OF AGENDA

6:30 PM – OPEN MEETING

- I. Call to Order.
- II. Selectboard and Finance Committee Joint Meeting
- Monument Mountain Regional High School Next Steps Committee – Presentation.
- III. Citizen Speak Time.
- IV. Adjournment of Joint Meeting.

SELECTBOARD REGULAR SESSION: - OPEN MEETING

1. CALL TO ORDER:

2. NEW BUSINESS:

- A. Economic Development Committee (EDC) – Recommendation to Selectboard on the Housatonic School Re-use. (Discussion/Vote)

3. APPROVAL OF MINUTES:

- October 10, 2019 Selectboard and Planning Board Joint Meeting.
- October 21, 2019 Special Meeting.
- October 28, 2019 Regular Meeting.

4. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

- A. General Comments by the Board.

**5. BOARD OF SEWER COMMISSIONERS:
SELECTBOARD TO CONVENE AS SEWER COMMISSIONERS**
- To Set 2020 Sewer Rates. (Discussion/Vote)

6. TOWN MANAGER'S REPORT:

A. Department Updates

B. Project Updates

7. OLD BUSINESS:

A. Continuation - SB – Approval of Revised 2020 Town Meeting/Election Calendar.
(Discussion/Vote)

B. Continuation – SB - Update Selectboard's Policies. (Discussion/Vote)

I. Call to Order.

II. Selectboard and GB Housing Authority Joint Meeting
a. Appointment of member to the GB Housing Authority.
Discussion
Roll Call Vote

III. Citizen Speak Time.

IV. Adjournment of Joint Meeting.

8. NEW BUSINESS Continued:

B. SB – Appointment of member to the GB Affordable Housing Trust. (Discussion/Vote)

C. SB – Appointment of members to serve on the Commission on Disability. (Discussion/Vote)

D. SB – Recommendation to the ZBA on the Special Permit Application from Berkhill 11, LLC to change an existing nonconforming use at 11 Crissey Road from a contractor's yard to a storage and warehouse use, in accordance with Sections 5.2 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

E. Request from Fulcrum Enterprises, LLC to consider Host Community Agreement (HCA) for Marijuana Cultivation and Manufacturing establishment in an Industrial Zone at 22 Van Deusenville Road separate from Special Permit. (Discussion) (*Vote Only to determine if the item is to be placed on future Selectboard Agenda*).

F. SB – Set Date, Time and Place for Special Town Meeting. (Discussion/Vote)

9. CITIZEN SPEAK TIME:


Citizen Speak Time is an opportunity for the Selectboard to listen to our residents. The Board will not engage in a conversation, and items of particular concern or importance may be placed on the Board's future agenda.

10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD MEETING: November 18, 2019 Regular Meeting,



Mark Pruhenski, Town Manager

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

TITLE: Recommendation by Economic Development Committee for Housatonic School Reuse

BACKGROUND: In July 2019, the Great Barrington Selectboard requested that the Economic Development Committee review potential reuse scenarios for the former Housatonic School and make a formal recommendation to the board. Over the course of the following three months, the EDC carried out a thorough due diligence process which included three EDC meetings, a site visit, attendance at a neighborhood meeting, and meetings with local residents, businesses, real estate developers, and town officials.

KEY OBSERVATIONS:

- The project is challenging for private developers on many levels, including:
 - Financial - High equity requirements, bank financing dependent on pre-leasing and site control, remediation funding tied to municipal grants, economic viability concerns.
 - Physical - The building is wedged in between two public spaces with environmental, ADA, code-compliance, parking, and infrastructure issues.
- Public Input:
 - The majority of Housatonic residents don't want the building razed.
 - Housatonic residents and stakeholders want to be engaged in the process.
 - The building should be used to help solve the needs of the community.
 - Many view this as an opportunity to kick-start growth and vibrancy in Housatonic.

RECOMMENDATION:

- The Town retains ownership of the building with no RFP issued.
- The Town allocates the appropriate resources to the project and seeks relevant grants.
- The Town submits a program for the building, a preliminary operating and development budget, and a preliminary building and site plan within eighteen months from funds appropriated at Annual or Special Town Meeting.
- Proposed building uses may include childcare (with direct access to the park), community services, and collaborative workspace/business incubator spaces.

CONCLUDING STATEMENT: We feel that this project will rejuvenate the economic well-being of Housatonic by encouraging new visitors and businesses to the village, while also providing much-needed services to the Town. This will also show that the Town listens to the citizens of Housatonic and cares about the future of all residents.

PREPARED AND REVIEWED BY:

Steve Picheny^{LP} Leigh Davis
Steve Picheny/Chair and Leigh Davis/Vice-Chair, EDC

10/31/19
DATE



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

TITLE: 2020 Sewer Rates

BACKGROUND: An updated sewer rate analysis which took into consideration current levels of debt, retained earnings, and the wastewater division's capital program was recently completed. It is proposed that with significant retained earnings in the enterprise system that there is no need for a sewer rate increase at this time. However, currently there are 4 new pump stations scheduled to be rebuilt in the summer of 2020 as well as a DEP mandated upgrade to the treatment facility on Bentley Avenue. These capital upgrades will come with a significant cost which will likely trigger the need for increased sewer rates in the coming years.

FISCAL IMPACT: There is currently no fiscal impact by staying with current billing rates.


RECOMMENDATION: The Selectboard votes to not alter the sewer rate for 2020.

PREPARED AND REVIEWED BY: _____


Sean VanDeusen, DPW Superintendent

DATE: 11-1-19

APPROVED: _____


Mark Pruhenski, Town Manager

DATE: 11-1-19

Town Meeting/Election Calendar 2020

Town Meeting on May 4th/7th and Election on May 12th

Selectboard Open Citizen Petition Time	Thursday, January 2, 2020
Selectboard Close Citizen petition Time	Friday, January 31, 2020
Nomination Papers Available in Clerk's Office	Monday, February 3, 2020
Planning Board to have completed all Public Hearings by this date	Friday, March 13, 2020
Last Date to obtain nomination papers	Friday, March 20, 2020
Selectboard approve Final Warrant	Monday, March 23, 2020
Last Date to submit nomination papers	Tuesday, March 24, 2020
Last Date to Object or Withdraw Nomination	Thursday, April 9, 2020
Last Day to send warrant to printers	Friday, April 10, 2020
Last Date to register to vote	Tuesday, April 14, 2020
Last date to mail out Warrant Postcards	Monday, April 20, 2020
Last Date to post Warrant	Monday, April 27, 2020
Town Meeting @ Monument Mountain 6:00 pm-8:00 pm Night 1 – Financial & Other Articles	Monday, May 4, 2020
Town Meeting @ Monument Mountain 6:00 pm-8:00 pm Night 2 – Zoning Articles	Thursday, May 7, 2020
Town Election 8:00 am- 8:00 pm	Tuesday, May 12, 2020

Amy Pulver

From: Mark Pruhenski
Sent: Friday, November 8, 2019 10:31 AM
To: Amy Pulver
Subject: Social Media Guidance from Town Counsel

Amy,

Please include the below guidance re: social media from Town Counsel in the board packet for Wednesday's meeting. Thank you. -m

Mark,

The concerns behind a policy regarding use of social media by board members are addressed in two publications available at the Attorney General's website: the Open Meeting Law Guide (Jan. 2018) and Frequently Asked Questions. I have included excerpts from each below. At bottom, the concern is not that a board member is prohibited by law from participating in social media but that such participation can come with substantial risk of violating the Open Meeting Law, especially in inadvertent ways.

With respect to matters which are the subject of a pending application and/or public hearing there is a heightened level of concern. Comments by a board member outside of a meeting of the board could be used as a basis for a later objection or complaint by the applicant that he/she was not given a fair hearing because one (or more) board members were evaluating, commenting on, etc. the application outside of the application or hearing process without an opportunity for the applicant to respond. The assertion would be that the applicant did not receive the due process protections applicable under the U.S. Constitution. In particular, a comment could form the basis for an assertion that a member had a predisposition on an application that is supposed to be reviewed and voted on based only on the evidence presented during the formal application process.

Open Meeting Law Guide

What constitutes a deliberation?

The Open Meeting Law defines deliberation as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." . . .

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a simple majority of the members of a public body. Thus, a communication among less than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a serial manner in order to evade the application of the law.

Note that the expression of an opinion on matters within the body's jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds. For example, if a member of a public body sends an email to a quorum of a public body expressing her opinion on a matter that could come before that body, this communication violates the law even if none of the recipients responds. (pp. 6-7)

Frequently Asked Questions

(available at <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law>)

May members of a public body communicate with the public through social media platforms such as Facebook, Twitter, and webpages?

Yes, members of public bodies may communicate with members of the public through any social media platform. However, members of public bodies must be careful not to engage in deliberation with the other members of the public body through such communications. If a member of a public body communicates directly with a quorum of the public body over social media platforms such as Facebook or Twitter, that communication may violate the Open Meeting Law. Public body members should proceed with caution when communicating via these platforms.

May members of a public body participate in a listserv?

It depends. A listserv is an electronic mailing list. A member of a public body may subscribe to a listserv. However, where a quorum of the members of a public body subscribe to a listserv, the public body risks unlawful deliberation. Where a quorum of the members of a public body belong to a listserv, public body members cannot participate in discussions which involve subject matter within the jurisdiction of the public body without engaging in unlawful deliberation. Therefore, we recommend that public body members use caution when joining or participating in listservs in which subject matters within the jurisdiction of their public body may be discussed.



Mark A. Pruhenski- Town Manager
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Selectboard Policies and Procedures

I. Selectboard Roles

Leadership, governance and oversight responsibilities: promote the town, serve as advisor to town manager, oversight of town operations, management and strategic planning, set outcomes, evaluate impacts, measure performance, review agenda for meetings.

A. Legal responsibilities:

1. chief executive branch of town government
2. coordinates with other town elected committees, "government by committee"
3. appointments on boards, committees, assignments
4. local licensing authority
5. local permitting authority
6. a special permit granting authority
7. set policy and propose bylaws/articles for town meeting warrant
8. oversee preparation of budget with finance committee and town manager
9. call for town meeting and approve all-warrant articles for warrantagenda
10. sets fees
11. create general rules and regulations for town operations
12. appoint town counsel and approve legal strategy
13. sign warrants to pay all town bills
14. serve as road commissioners
15. serve as sewer commissions
16. appoint town manager
17. conduct annual review of town manager
18. communications to public on issues and respond to citizen concerns

B. Annual Tasks

1. annual board organization: establish roles, responsibilities, and reassign liaisons as necessary
2. Selectboard appointments to boards and committees
3. Tax classification hearing – August
4. annual financial policy and budget plan
5. issue annual report
6. set policy and strategic direction
7. hold public "Goal Setting" meetings at least twice annually
8. coordinate with the activities of other boards
9. resolve problems that have not been settled at lower levels.
10. participate in the budget process
11. provide leadership in the development of the capital improvement program
12. identify town projects for CPA funding
13. set risk management policy
14. monitor financial performance of the town

15. sign payment of warrants / approve invoices
16. review budget policy establishing free cash and holding tax classification hearings
17. establish stabilization fund policy
18. review monthly and quarterly financial reporting
19. participate in audit process

II. Selectboard Responsibilities

- A. Liaison with Town Boards and Committees – individual members assigned to one or more of the Town Boards and/or Committees, to attend meetings and activities when considered appropriate and maintain current information to be passed on to the Select Board upon request or as per regular agenda item.
- B. Liaison with Town Departments – individual members assigned to one or more of the Town departments to serve as a policy liaison, to maintain overall information on the department status and operations and objectives, to assist Town Manager with resolution of issues and to advise the Town Manager on overall policy and strategy. Provide expertise to Selectboard on department area to guide general oversight, and provide regular public updates to the Board when appropriate.
- C. Liaison with Outside Groups – assigned to serve as liaison or member of outside committees, to represent the Selectboard and exchange information, and provide regular public updates to the Board when appropriate.
- D. Selectboard Subcommittees: - formed by the Chair or Board members to address specific issues, strategies or projects.
- E. Responsibilities to the Community: The primary responsibility of a Board member is to all citizens of Great Barrington. Therefore, each member should; recognize that the Board's function is policy-making and not administrative or executive; be mindful that he/she is one of a team and must abide by, and carry out, all Selectboard decisions once they are made; be well informed concerning the responsibilities of a Selectboard member and on issues affecting the Town, whether at a local, regional, or statewide level; remember that he/she represents the entire community at all times; treat the office of Selectboard member as one of public service and not as a means to derive personal benefit or conduct political activities.
- D.F. Responsibilities to Fellow Board Members and Others: In relations with fellow Selectboard members and other persons, a Board member shall; acknowledge differences of opinion as part of the democratic process; treat others with respect and act in a civil manner; refrain from personal criticism; respect that Board action at official meetings is binding and that he/she alone cannot bind the Selectboard outside such meetings; refrain from making statements or promises regarding how he/she will vote on matters that will come before the Selectboard; not withhold relevant information on Town matters either from other Selectboard members or from members of other Town bodies or departments whose duties relate to that information; make decisions only after all facts on an issue have been presented to and discussed by the Selectboard; cooperate with the Chair in the conduct of meetings.
- E.G. When access to legal counsel is necessary, the Chair or Board members shall communicate through the Town Manager. In the event that the required legal advice is related to contract negotiations with, or the performance of, the Town Manager, all communication shall be through the Chair.

III. The Officers of the Board

- A. The Chair: The Chair is chosen by fellow Selectboard members to serve a term of one year. The responsibilities of the Chair include: preparation of the agenda for all Selectboard meetings in coordination with the Town Manager, calling meetings of the Board, coordinating an annual evaluation of the Town Manager, presiding over all meetings and public hearings as per Robert's Rules of Order, recognizing others to speak during each meeting and encouraging complete discussion of all relevant issues before the Board. Being Chair does not mean the Chair forfeits the right to vote on any matter, the right to make a motion or the right to express himself herself as a Board member. The Chair of the Board shall sign all documents as required by law.
- B. Vice-Chair/Clerk: The Vice-Chair/Clerk is responsible for serving as Chair in the Chair's absence. Should the Chairman resign, the Vice-Chairman automatically succeeds him/her. The Clerk of the Board shall sign all documents as required by law.
- C. Designated Alternate: If the Vice Chair/ Chair are unable to perform their duties, the senior member of the board present at the time shall be designated to perform said duty.

IV. Meeting Schedule

- A. Regular Meetings: Regular meetings of the Selectboard shall be the second and fourth Mondays of the month. The Board shall not meet on days designated as legal holidays. When a meeting date is to be rescheduled because of a legal holiday, the Board shall agree on a date to reschedule. **Public comment(s) is addressed in Section VIII. Citizen Speak Procedures.
- B. Notice of Meetings: All meetings of the Selectboard shall be duly posted in compliance with MGL Open Meeting Law requirements. The Town Manager on behalf of the Chair is responsible for providing the Agenda to the Town Clerk in accordance with the Open Meeting Law for posting on the Town's website, notice board inside and outside of the Town Hall, and notifying the media.
- C. Meeting Procedures:
 - 1. Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. Robert's Rules of Order is used as a guide in matters requiring clarification or definition. Motions to reconsider must be made no later than the next regularly scheduled business meeting following the meeting at which the original vote was taken.
 - 2. A quorum shall consist of the majority ~~(3)~~ of the members of the board ~~(3)~~. At times when only three members are present, all three members must vote similarly for a majority vote. Approvals of Special Permits shall require a majority vote of four (4) members of the Board.
 - 3. Any rules or procedures as to functioning of the Board may be amended, repealed or otherwise acted upon by a majority vote, at a duly posted meeting of the Selectboard, provided a quorum of members is in attendance.
 - 4. In accordance with the Town bylaws, the Chair is encouraged to take public comment when appropriate. The press and the public have the right to be present at any open meeting, however they have no right to participate except during public hearings, citizen speak, or media time unless and until they are recognized by the Chair. All public inquiries shall be addressed to the Chair.
 - 5. Meeting participants shall conduct themselves in a professional manner. No demonstrations or signs will be allowed in the meeting room. Individuals shall refrain from verbal outbursts. Cell phones and pagers shall be silenced prior to the meeting.
 - 6. Anyone addressing the Board during the meeting, including citizen speak time, shall proceed to the lectern after being recognized by the Chair, and adhere to the Citizen Speak Procedure. Before speaking, they shall state their name and address. There

shall be a time limit of 3 minutes per speaker unless extended by the Chair.

V. Preparing the Agenda

- A. The responsibility for preparing the agenda for the Selectboard meetings shall be with the Chair, Vice Chair, and the Town Manager. Finalized agendas along with supporting background information shall normally be available no later than the close of business on the Friday of the week prior to the next scheduled meeting. Any Board member wishing to add an agenda item shall make the request in writing to the Chair. The deadline for having requested items on the agenda is 12:00 P.M. the Wednesday of the week prior to the next scheduled meeting. All information relevant to the agenda topic shall also be provided by this time. All information shall be provided to the office of the Town Manager to be included in the agenda packets.
- B. Any items requested by members of the at least three (3) board members, shall be placed on the agenda, however, the Chair, Vice Chair, and Town Manager will use discretion and may need to defer a topic to the next available meeting. Agenda items will be deferred to the next meeting if supporting documentation is received after the 12:00 PM deadline.
- C. Agenda items should include background information to be included with the agenda packets so that Board members can review and prepare for discussion prior to the meeting. This procedure does not limit an individual member of the Selectboard from raising a concern about an issue under "Selectboard Time". However, no formal action shall be taken by the Board until a future meeting.
- D. Before raising issues publicly at a meeting, Board members should first advise the Town Manager prior to the meeting of issues, concerns, or complaints so that an appropriate response or update can be provided.

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VI. Public Hearing Procedures

State law and various Town bylaws require the Selectboard to hold public hearings on certain issues before any action can be taken.

- A. The Board will schedule the dates for the hearings.
- B. The Chair will open the hearing by identifying the purpose of the hearing and the rules to be followed during the hearing. The Chair will ask for a motion to open the public hearing to be voted on by members of the Board.
- C. The Selectboard has the authority to subpoena a person or relevant information.
- D. The basic format of the hearing will be:
 - 1. Chair shall open the public hearing
 - 2. Explanation of project
 - 3. Speak in Favor/Opposition- Note if there are any letters submitted and if they were in favor or opposition
 - 4. Motion to close public hearing
 - 5. Motion re: findings of fact
 - 6. Motion re: approval/denial/table

VII. Approval of Licenses

- A. The applicant is strongly urged to appear at the Selectboard meeting when the license will be discussed. If no representative is present, the Board reserves its right to postpone the issue to the next business meeting of the Board or disapprove the application.
- B. If a license application is filed between Selectboard meetings, and failure to obtain the license, if not obtained before the next Selectboard meeting, would cause the applicant irreparable harm,

the Chair will have authority to call a special Selectboard meeting. As stated above in the Meeting Procedures section, a quorum will consist of at least three members.

VIII. Board and Committee Speak Procedures

All boards and committees have the right to request agenda time to address the Board members on matters related to the board or committee. Prior to the meeting, the chair of the board or committee shall provide background material on the matter(s) to be discussed along with the results of any board or committee vote(s) on the matter(s) being presented. All members of the board or committee shall be informed by its chair of said board or committee of the matter(s) that the matter will be presented to the Selectboard and shall be the responsibility of the chair. When a board or committee addresses the Selectboard, the chair of said board or committee should be in attendance. If the chair cannot attend, the chair shall include with the background material a statement as to who will be speaking on behalf of the board or committee.

IX. Citizen Speak Procedures

- A. All citizens shall have the right to speak for a period not to exceed ~~five~~^{three} (3) minutes after being recognized by the Chair unless a longer period of time is granted by the Chair.
- B. Citizens who choose to speak during Citizen Speak time shall have the opportunity to address the Selectboard once during each meeting.
- C. The speaker shall not engage in personal attacks against citizens or public officials and shall remain courteous and respectful at all times.
- D. Citizens shall speak for themselves and not speak on behalf of others who are not present unless specific permission is granted by the Chair. Generalized accusations and innuendoes will not be permitted.
- E. The Chair may rule the citizen out of order and the citizen will lose the right to speak, if the speaker fails to remain courteous and respectful.
- F. The Chair may respond to a citizen and put an item on a future agenda, but the Selectboard and chair are unable to problem solve or enter debate during Citizen Speak.
- F-G. Citizen Speak time shall not be used for comments or questions regarding a matter which is pending before or will be scheduled to come before the Selectboard as part of a public hearing. Comments and questions on such a matter may be presented during the hearing process.

Commented [DD2]: Per section IV.6 above

X. Minutes

- A. Regular Meeting: Minutes will be available to the public after review and approval by the Board.
 - 1. Draft meeting minutes are available in agenda packets, but are not considered public record until approved by the Board.
 - 2. Meeting minutes should be on the agenda of the next regularly scheduled meeting or by 30 days post meeting at the latest.
- B. Executive Session Meeting Minutes: Minutes of executive sessions should be reviewed at reasonable intervals to determine if the Open Meeting Law subject matter warrants continued non-disclosure under the Open Meeting Law.
 - 1. Minutes shall be released, once they have been approved in executive session by the Board.
 - 2. Upon request for minutes of an executive session, the law requires a two-stage review of minutes. First, to determine whether executive session purpose continues to warrant confidentiality and second, to determine whether the attorney-client privilege or one or more of the exemptions under the Public Records Law apply to withhold the minutes, or a portion thereof, from disclosure. After review, the Selectboard must respond to the requester and either make the minutes available or provide an explanation of what is

being withheld and why. Please refer to MASS M.G.L. c. 30A, § 22(f), (g)(2).

- C. All approved minutes are considered public record and will be available immediately. They will also be posted on the Town's website within 48 hrs.

XI: Town Manager Evaluations

The Selectboard is responsible for an annual evaluation of the Town Manager.

- A. The evaluation shall begin around April 1st and be completed no later than May 1st.
- B. Bi-annually (every other year) in lieu of a Selectboard evaluation, a comprehensive community evaluation will be conducted by a third party. Staff, press, elected officials, business owners, and residents will be selected at random to participate in the community evaluation.
- C. Copies of all Town Manager evaluations are public record.

XII. Selectboard Response ~~to~~ Received Communication and Member Communications

The Selectboard welcomes communication through whatever vehicle is chosen by its constituents, i.e. email, written letters, phone calls, personal contact. It is the intent to handle inquiries on a timely basis (within 24 business hours) when possible. Communication sent to the Town Hall shall be considered public documents. When communication is addressed to the ENTIRE Selectboard, the Town Manager will within 1 business day confirm receipt of inquiry to the individual and inform (CC) the rest of the Board when a response has been sent. The Chair and Town Manager shall review the matter as follows:

- A. Routine Matters: If the matter can be routinely handled by staff, the Town Manager shall, within 1 business day from receipt of the email, contact the individual providing adequate information on said matter. Appropriate staff should always be included in communication from Town Manager, where applicable.
- B. Non-Routine Matters: Should the matter not be a ~~non~~-routine administrative matter, the Chair and Town Manager shall arrange for the matter to be included on the agenda of the earliest occurring/most convenient Selectboard meeting. The Town Manager shall notify the individual when the item will be on the Selectboard agenda. The Selectboard shall discuss the matter publicly and may refer the matter to the Town Manager and/or an appropriate board/commission/committee for further investigation. Should the matter be acted upon by the Selectboard, the Town Manager shall so inform the individual. Alternatively a meeting may be scheduled between the Chair, Town Manager and appropriate staff when appropriate.
- C. Should the matter be referred, a report from the referral entity shall be submitted at a regular meeting of the Selectboard as soon as possible.

This procedure is not intended in any way to inhibit an individual Selectboard member from discussing any matter with his/her constituents. Individual members of the Selectboard may establish independent mechanisms for responding to inquiries including, but not limited to, forwarding the matter to the Town Manager for investigation and may forward to the Selectboard Chair also. However, those actions are the sole responsibility of the individual Selectboard member and should not be construed or conveyed to be the official policy of the Selectboard or Town of Great Barrington. Routine matters should always be sent to appropriate staff and include (CC) the Chair and Town Manager.

Selectboard members shall refrain from commenting outside of a Board meeting on matters which are pending before the Board or which are to be scheduled to come before the Board as part of a public hearing process. This includes comments on any form of social media. Members who are authorized to utilize any Town social media sites do so with the understanding that they are representing the Town and shall conduct themselves in accordance with the terms and spirit of

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these Policies and Procedures. When speaking or commenting on social media in such an official capacity, the member's name and title should be made available to maintain transparency and full disclosure.

Selectboard members are discouraged from using personal social media accounts to comment on or post information to any Town social media sites, and from posting information regarding official Town business on other social media sites. A post to social media from a personal social media account may be considered a public record if the post discusses, in any way or form, aspects of Town government or Town business. Given the nature of their office, Selectboard members should have no expectation of privacy regarding anything created, sent or received on social media sites.

XIII. Executive Sessions

All Executive Sessions shall conform to the requirements of the Open Meeting Law. There shall be no outside discussion of the content of matters addressed in Executive Session, unless and until the Selectboard determines it appropriate to discuss an item in a public session. Recording secretary may be asked to attend. There shall be no audio recording of executive sessions.

XIV. Confidential Information

To the extent permitted by law, information provided to the Board on confidential matters, including but not limited to personnel and public safety information, shall not be shared with the public and to the extent permitted by law, no Board member shall disclose via social media any information that may be confidential or exempt from disclosure under the Massachusetts Public Records Law, Open Meeting Law, or any other statute or regulation.

XV. Enforcement of Policies and Procedures

- A. The Selectboard shall enforce these Policies and Procedures.
- B. Any member who is found by the Board to have violated these Policies and Procedures may be removed from a committee or other assignment by the Chair, and may be subject to public censure by the Selectboard.

XVI. Protocol for Implementing Zoning Bylaw for Housatonic Mills Revitalization Overlay District (HMROD)

When the HMROD is utilized, the following set of procedures shall be adhered to for implementation of any of the components of section 9.8. This is to ensure a smooth open process enabling all boards/commissions, either elected or appointed, and the public to have the proper ability to participate.

- A. When an individual/developer wishes to invoke the HMROD process, the initial step shall involve a meeting of the Development Review Team (DRT), which will examine the scope of the proposal. Within 30 days after the initial submittal to the DRT, a joint meeting of the Selectboard and Planning Board shall be scheduled where the two boards will review the DRT initial report and hear a presentation from the developer. All other boards/commissions of the Town of Great Barrington shall be notified of the joint meeting. Should both the Selectboard and Planning Board find merit in the concept proposal submitted, additional review meetings shall commence with the DRT, Planning Board and the developer to enable the developer to formally submit a special permit application. Upon receipt of the formal special permit application, the required public hearing shall be held within 65 days from date of submittal.
- B. The developer shall identify at the earliest possible stage any potential infrastructure inclusive of, but not limited to, roadway or utility modifications desired, tax increment financing, property acquisition, and/or long term maintenance obligations to be borne by the Town of Great Barrington. These related matters will require concurrence of the Selectboard at the earliest opportunity and prior to the granting of any special permit by the Planning Board. A timeframe for development improvements inclusive of any improvements required by the Town of Great Barrington shall be subject to approval of the Selectboard and incorporated as necessary in the order of conditions ~~included in the issuance of a~~ special permit.
- C. Minutes and agendas from all meetings involving potential developers utilizing the HMROD shall be distributed to the Selectboard ~~and/or~~ Planning Board.
- D. In the Planning Board deliberations with developers utilizing the HMROD, the Planning Board shall take into account the fiscal impact for the Town of Great Barrington, inclusive of tax base revenues, ~~and~~ infrastructure capability, recognizing that various financial arrangements shall require Selectboard approval.
- E. This protocol for HMROD shall remain in full force and effect until modified by majority vote of both the Planning Board and Selectboard. This protocol shall be incorporated into the rules and regulations of the Planning Board, rules and regulations of the Selectboard and the permitting and development guidebook.

XVI. Special Permit Regulations

- A. Authority and Jurisdiction: These rules and regulations are established and promulgated by the Great Barrington Selectboard pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9 as amended, Chapter 593 of the Acts of 1989, and Section 10.4 of the Great Barrington Zoning Bylaw, and are intended to augment and complement said statutes and the Great Barrington Code.
- B. Effective Date: These rules and regulations shall take effect upon a majority vote of the Selectboard after a public hearing in a newspaper of general circulation in Great Barrington, said advertisement to be published not less than seven (7) days before the public hearing. They shall apply with the force of law to all special permit applications filed on or after the date of said vote.
- C. Applications: Applications for special permits shall be filed with the Town Clerk on either Form SP-1 (short form) or SP-2 (long form) according to the primary use as determined by the Town's Inspector of Buildings. At least one complete copy, including all maps, plans and other documentation, shall be on sheets no larger than 11 inches x 14 inches.
1. The long form (SP-2) shall be used for any special permit application under the following subsections of Section 3.1.4 of the Great Barrington Zoning Bylaw.
 - a. Subsection A (4) Assisted living residence A (8) Open space residential development A (9) Planned unit residential development (PURD) A (10) Publicly financed nonprofit age restricted housing
 - b. Subsection B (1) Camping facilities B (5) Commercial amusements B (8) Educational use, nonexempt B (9) Golf or country clubs B (10) Hospitals, sanitariums, nursing homes, convalescent homes or philanthropic institutions B (13) Riding stables B (14) Ski tows B (15) Summer camps
 - c. Subsection C (2) Fast food eating establishments C (3) Fuels storage and sales, excluding motor vehicle fuel stations C (4) Garages, public C (8) Hotels C (9) Institutional administrative offices or planned professional office developments or research centers C (10) Large scale commercial development C (11) Lumberyards C (12) Motels or overnight cabins C (13) Motor vehicle fuel stations
 - d. Subsection E (1) Aviation fields, public or private E(3)Freight terminals, truck or rail E (6) Personal wireless tower or structure
 - e. Subsection F (2) Gravel, loam, sand and stone removal for commercial purposes F (3) Light Manufacturing F (4) Sawmills and Manufacturing of Forest Products (Special provisions)
 2. All other special permit applications may be filed on Form SP-1 (short form) unless the Inspector of Buildings or the Special Permit Granting Authority (SPGA) by majority vote requires the filing of Form SP-2 (long form). Applications may be submitted to the Inspector of Buildings or a representative of the SPGA for review before filing with the Town Clerk.
 3. Elevation contours on plans submitted with any application filed under subsection F (2) of Section 3.1.4 shall be at intervals of no more than two (2) feet. Elevation contours on plans submitted with all other special permit applications may be at intervals of ten (10) feet, unless the SPGA shall require otherwise.

4. All plans submitted with special permit applications shall be drawn to scale and signed, sealed and dated by an engineer registered in Massachusetts. Specific scales on drawings and plans shall be as follows:
 - a. Site plan, parking plan, landscaping plan and drainage plan: one (1) inch shall equal forty (40) feet.
 - b. Separate plan showing general characteristics of land: one (1) inch shall equal a maximum of one hundred (100) feet.
 - c. Separate scaled drawing of the fully constructed building or change to the existing building shall be submitted. Any photos that are submitted shall be legible if reproduced.
5. Every application for a special permit shall be accompanied by a drainage plan demonstrating that all drainage is either accommodated on the property or directed to a drainage system approved by the SPGA. If post-development flows off the property will differ in any way from pre-development flows, the drainage system shall be designed by a civil engineer registered in Massachusetts and shall be reviewed and approved by the town's consulting engineer at the applicant's expense as provided by Section 9C of these Rules and Regulations.
6. Every application for a special permit shall be accompanied by a parking plan showing the specific locations of an adequate number of off street parking and loading places to comply with the provisions of Section 6.1 of the Great Barrington Zoning Bylaw and any additional requirements of the SPGA. Each parking space on the plan shall be numbered. Designated loading areas, employee parking and handicapped parking shall be labeled as such.

D. If requested by the Planning Board, an application for special permit shall be accompanied by a landscaping plan satisfactory to that Board, and the Planning Board shall certify in writing to the SPGA its approval of the plan before the SPGA acts on the application. Shall a continuance of the hearing be necessary to complete and certify such plan, it may be granted by the SPGA upon request of the Planning Board.

E. In the event of a continuance of the special permit hearing or decision beyond the statutory time limit set forth by MGL Ch. 40A, Sec. 9 is required for the purpose of completing any plan to the satisfaction of the SPGA, the Planning Board or any other Town Board or official, the applicant and the SPGA may agree in writing to such continuance.

F. Failure of the applicant to agree to such continuance shall be prima facie evidence that the applicant is not in compliance with all provisions and requirements of Section 10.4 the Great Barrington Zoning Bylaw and these Regulations, and shall be grounds for rejection of the special permit application.

G. Schedule of Fees

1. The minimum filing fee for a special permit shall be \$150. No special permit application shall be accepted without payment in full of the required filing fee. Notwithstanding the foregoing, the SPGA shall be empowered to waive all or part of any fee for applications submitted by municipal or charitable organizations.
2. All reasonable costs approved by the majority vote of the SPGA as necessary for the employment of experts or consultants by any board, agency or official of the Town for the purpose of analyzing or evaluating any project that is the subject of a special permit application shall be assessed to the applicant and shall constitute part of the filing fee. Such costs shall be determined to the satisfaction of the SPGA on the basis of estimates from professionals such as civil engineers, traffic engineers,

hydrologists, botanists, and the like, as well as the experience of Town boards, departments, agencies and officials derived from similar projects.

3. Upon determination by the SPGA of the monies required for evaluation or analysis, the SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or the consultants chosen to evaluate the project and the fees required for such evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage-prepaid, of the nature of the evaluation and the choice of consultant.
4. All required fees shall be paid by the applicant to the Town within ten (10) business days of receipt of such notification. Payment shall be by check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant, or the postmark thereon, if such postmark is a later date.
5. In the event additional evaluation of the project is requested by any board, agency or official of the Town after the initial deposit of funds, and if such additional evaluation is approved by a majority vote of the SPGA, the SPGA shall determine the additional monies required and shall require those amounts to be paid to the Town.
6. The SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or consultants chosen and the fees required for such additional evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage prepaid of the nature of the additional evaluation and the choice of consultant.
7. Such additional fees shall be paid within ten (10) business days of receipt of notification by the application. Payment shall be by a check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant or the postmark thereon, if such postmark is a later date.
8. All fees paid under the provisions of Section D (2) shall be deposited in a special account established by the Town Treasurer in the Town Treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the SPGA without further appropriation; provided, however, that such funds shall be expended only in connection with carrying out the responsibilities of such SPGA under law.
9. Any excess amount in the account attributable to a specific project, including any accrued interest at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest, and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. For the purposes of this regulation, a project shall be deemed complete upon issuance of a final Certificate of Occupancy by the Inspector of Buildings, or if no Certificate of Occupancy is required, by written certification by the Inspector of Buildings that the project has been completed to his satisfaction.
10. The Town Accountant shall submit annually to the Selectboard a report of such special account for their review. Said report shall be published in the annual town report, and the Town Accountant shall submit a copy of same annually to the director of the bureau of accounts.
11. Failure or refusal to pay any fee assessed to the applicant by the SPGA acting under the provisions of this regulation shall be grounds for summary denial of the special permit application.

G-H Administrative Appeal:

In the event any party in interest in a special permit proceeding is dissatisfied with any consultant selected by any board, agency or official of the Town to analyze or evaluate any project that is the subject of said permit application, that person may file with the Selectboard a written appeal of the selection.

1. Any such appeal shall be accompanied by a filing fee of fifty dollars (\$50) and shall be filed within ten (10) business days of the appellant's receipt of notification of the selection of the consultant. For the

purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification or the postmark thereon if said postmark is a later date.

2. Any appeal filed under this section shall be administrative in nature and shall be limited in its grounds to claims that the consultant selected has a conflict of interest or does not possess minimum qualifications consisting of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field.
3. The required time limits for action by the SPGA on the special permit application that is the subject of any such appeal shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Selectboard within the one month following the filing of the appeal, the selection of the consultant shall stand.
4. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

I. Severability:

The invalidity of any section or provision of these rules and regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any special permit previously issued, nor any proceeding previously conducted thereunder.

J. Filing of Record of Proceedings and Order of Conditions:

The Town Manager shall cause to be filed the Order of Conditions and the Record of Proceedings on any Special Permit with the Town Clerk within 30 days following the Selectboard's vote approving or denying the Special Permit, but in no case later than 90 days following the close of the public hearing.

Revised 9/5/95

Revised 8/25/05

Revised 2/12/07

Revised 7/23/07

Revised 1/24/11

Revised 4/25/11

Revised 9/12/11

Revised 10/11/11

Revised 3/26/12

Revised 10/24/16

Revised 8/25/18

Revised 1/14/19

Revised 7/22/19

Revised 10/21/19

**GREAT BARRINGTON HOUSING AUTHORITY AND
GREAT BARRINGTON SELECTBOARD JOINT MEETING**

Wednesday, November 13, 2019 6:30 p.m.

Claire Teague Senior Center

917 South Main Street, Great Barrington, MA 01230

AGENDA

- I CALL TO ORDER**
- II SELECTBOARD AND GB HOUSING AUTHORITY**
 - a. Appointment of member to the GB Housing Authority
 - Discussion
 - Roll Call Vote
- III CITIZEN SPEAK**
- IV ADJOURNMENT**

Pursuant to MA General Laws Chapter 30A, Section 20 (c) (f), meetings of the Great Barrington Housing Authority are regularly recorded. Any member of the public wishing to speak at the meeting must receive permission of the Chair. Listed agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

EXECUTIVE SUMMARY

TITLE: Appointment- Great Barrington Housing Authority (GBHA)

BACKGROUND: In 2014 the Massachusetts Legislature voted to amend Chapter 121B of the General Laws that govern housing authority membership. That amendment revised section 5 of the statute and added a new section 5A using language which suggests that one member of a housing authority be a tenant chosen by an "election" conducted among all of the authority's tenants. In particular section 5A states:

The Department (of Housing and Community Development/DHCD) shall promulgate regulations establishing election procedures for tenants to elect a tenant as a member of the housing authority in the town...The department shall provide regulations creating waiver of this section if federal law requires the town to maintain a tenant member as 1 of the 5 members or if a tenant has been elected under section 5.


However, as of the date of this executive summary, the DHCD has not adopted any such regulations and has not issued any formal guidance as to how to carry out such an election.

FISCAL IMPACT: N/A

RECOMMENDATION: After consulting with Undersecretary Chan of the DHCD, the DHCD attorney, and our own legal counsel, the unanimous advice provided was to fill this vacant seat as soon as possible, and that without regulations in place, no requirement currently exists for this seat to be held by a tenant. In addition, if and when regulations are drafted and passed by the department, we would qualify for a waiver as long as we have at least one (1) tenant elected under section 5 (by town election).

The Town Manager recommends the Selectboard and the Great Barrington Housing Authority, in joint session, consider appointing one interested applicant to fill this vacant seat as soon as possible so that a full board can represent and serve our tenants residing in GBHA units.

PREPARED BY:


Mark Przekanski/Town Manager

DATE:

11/03/2019

NOTICE

TOWN OF GREAT BARRINGTON

The Great Barrington Selectboard and the Great Barrington Housing Authority are accepting applications from residents to serve as a member of the Great Barrington Housing Authority until the next Town election. This will be a joint appointment of the Selectboard and the Housing Authority. All letters of interest must be submitted to Mark Pruhenski, Town Manager, Town Hall, 334 Main Street, Great Barrington, MA 01230 or email to hkuziemko@townofgb.org by October 15, 2019.

Stephen Bannon
Chair

- Shopper's Guide 10.2.19
- Town Website
- Facebook

August 23, 2019

413 397 0774

Select Board of Gt. Barrington

I am requesting to be on agenda in sept. for the purpose of swearing a tenet in on the board of gb housing board. it is imparitive this happens as the housing cant move forward with only 4 members we need 5 pepole at the least on this board the lto voted on a tenet from dewey court also if that cant be done we also have a resident of flag rock who is interested as a tempory. as it stands now with only 4 members votes on items are always a 2,2 vote.

Sincerly

Marlene Koloski president of LTO of GBHA

Marlene Koloski
wodena@aim.com

RECEIVED
TOWN MANAGER

AUG 23 2019

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

RECEIVED
TOWN MANAGER

OCT 2 2019

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

October 2, 2019

To the Selectboard:

I would like to be considered for the seat on the GBHA. I am a native Of Housatonic and feel I would like to contribute my time on this board.

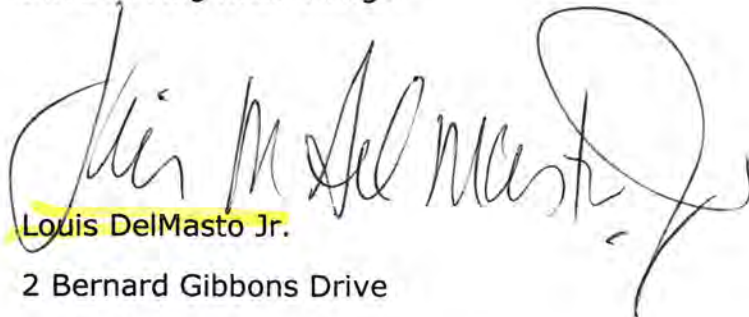
I'm a veteran who served in the USAF from 1963 to 1966. I belonged to the Berkshire County Umpires Association for 10 years and volunteered my services to the local basketball events as a referee, including CYO and many other local activities. I also was on the Housatonic War Memorial Committee.

I am a member of American Legion Post 0298.

I have an associate's degree in criminal justice from Berkshire Community College and completed a course of study in paralegal/legal assistance program there.

I was a bartender for 28 years and, after I received my degree from BCC, a supervisor at Kolburne School. I worked there for 11 years but was hurt and had to retire.

I live at Flag Rock Village.



Louis DelMasto Jr.

2 Bernard Gibbons Drive

Apartment 111

413-274-6522

Anthony Dapolito
12 Berkshire Heights Rd.
Great Barrington, MA 01230
(413) 429 1766 scadga@gmail.com

James Mercer, Chairman
Great Barrington Housing Authority
2 Bernard Gibbons Drive
Great Barrington, MA 01230

Dear Mr. Mercer

I understand from The Berkshire Record article the Authority is seeking new Board members. The objective of this letter is describing my qualifications.

I am a retired, CPA with 35 years' experience, specializing in not for profit organizations. In the past I served as a member and Chairman of the Town's Finance Committee and several other Town committees.

My limitation is, we are not in Great Barrington from Christmas to March 31.

Sincerely yours,


Anthony Dapolito

DCT 24 9:12:25

From: Cara Becker <cbecker@Townofgb.org>
Date: October 29, 2019 at 10:06:15 PM EDT
To: Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: resume

Mark,

I am interested in the vacancy on the Housing Authority Board.

I have attached my resume for your review.

Thank you for your consideration.

Cara

Cara J. Becker

home: 413-353-0006 | carabecker8@gmail.com

Accomplishments

Grant Procurement: Applied for and was awarded in excess of \$100,000 on behalf of the Great Barrington Police Department. Applied for and won several municipal and state grants for the direct benefit of Great Barrington community members in need on behalf of Community Health Programs (CHP).

Emergency Management: Assisted in updating the Comprehensive Emergency Management Plan (CEMP) for the Town of Great Barrington. Participated in meetings focused on Emergency Management such as Emergency Dispensing Sites & National Grid Zone Approach.

Community Resource Development: Researched, developed and distributed a complete social services resource list for all South County residents in need on behalf of Community Health Programs (CHP). Continue to maintain and update this list for the Town of Great Barrington.

Town, Community & Elected Official Interaction: Works continuously with all levels and is very involved in community interaction.

Office Administration: Database management, accounts receivable, accounts payable, customer service, payroll processing and web page creation,

Experience

Executive Assistant to the Chief of Police *Great Barrington, MA*

3/2015 – present

Responsible for grant acquisition and management, payroll in accordance with the Union Agreement, assist in the preparation and management of annual budget and management of capital projects including the procurement process. Responsible for the creation and maintenance of policies and procedures at the highest professional level in order to achieve full Police Accreditation; 1st in Berkshire County. Prepares and gives presentations to the community on behalf of the Police Chief. Co-creator of the new GBPD webpage along with weekly information and data updates. Assists in training users of the town emergency notification system (CodeRED) and issues CodeRED messages when needed.

Skills

Operations Management
Project Management
Budget Management
Time Management
Meeting Management
Team Collaboration
Problem Solving Skills
Strong Leadership Skills
Strong Work Ethic

Education

Adelphi University
Garden City, NY
Bachelor of Science
Business Administration,
1996

Community Liaison *Great Barrington, MA*

3/2017 – present

Responsible for providing information to community members on towns social service organizations, maintain information on resources that assist citizens with service needs related to special populations as well as regularly attend meetings of local groups. Assist with emergency communication and distribution of such information to the public.

Town of Great Barrington, Recording Secretary *Great Barrington, MA*

1/2010 – 3/2014

Official minute keeper of the Selectboard and Conservation Commission meetings.

Community Health Programs, Program Manager *Great Barrington, MA*

5/2010 – 6/2014

Responsible for creating and maintaining family service programs that benefitted families in South County. Applied for and won grants that paid for educational forums and family aid.

Lord & Taylor Department Stores, Manager of Executive Training/Department Manager

Garden City, NY

1/1997 - 4/2002

Created and implemented Executive training programs for the company nationwide. Managed a staff of 15 including departmental scheduling, inventory management, product merchandising of just under \$ 10,000,000 in annual sales.

Community Activities

Member of the Board of Directors; Community Development Corporation of the Southern Berkshires (CDCSB) 2016 - present

Berkshire Opioid Addiction Prevention Coalition (BOAPC) Steering Committee 2018 - present

South County Opioid Prevention Working Group 2016 - present

Berkshire Health Coalition - member and co-chair 2016 - present

Sole community member of the board of directors of Visiting Nurse Service of New York 2003-2005

Certificates

OSHA #7205 Health Hazard Awareness

MIIA 'When the Professional Becomes Personal.'

ICS100

MIIA Social Media in the Workplace

MIIA Discrimination Prevention Best Practices

Cultural Competency Training by Multi-Cultural Bridge

Invited to and attended "Responses to the Opioid Epidemic: Innovating Policy to Enhance Treatment and Community Response" opened by Gov. Baker and Secretary of Health and Human Services Marylou Sudders.

EXECUTIVE SUMMARY

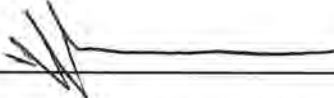
TITLE: Appointment of Trustee to the GB Affordable Housing Trust.

BACKGROUND: The Affordable Housing Trust Fund includes seven Trustees, appointed by the Selectboard for terms not to exceed two years. There are currently 6 Trustees and one vacancy. Lara (Larissa) Yaple has applied to be appointed.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: Appoint Lara (Larissa) Yaple for a term to expire June 30, 2020.

PREPARED AND REVIEWED BY: _____


Mark Pruhenski, Town Manager

DATE: 11-1-19

RECEIVED
TOWN MANAGER
OCT 17 2019
BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Wednesday, October 9, 2019

Dear Helen,

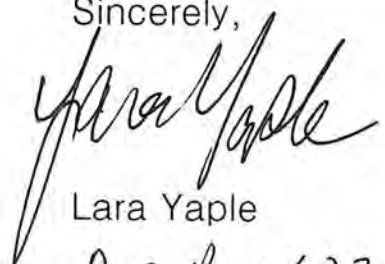
I would like to express my interest in becoming a board member with the Great Barrington Affordable Housing Trust.

I currently serve as a board member with the Berkshire Children's Chorus where I serve as the secretary and guide our social media & website campaigns & content. I also pursue sponsors, help write grants for local funding, organize fundraisers and help recruit board members. I have good leadership skills and I work well in group organizations.

In the past I have personally struggled with the ability to afford housing in Great Barrington and now that I am settled back here with my husband after some years away, I would like to help others be able to afford to live here as well as help new families get settled with the financial assistance that the board can offer.

Bill Cooke reached out to me a couple weeks ago for some assistance with social media to help get the word out about the Affordable Housing Trust in hopes that we could obtain some new applicants and ensure that the community knows about the trust and the funding it can provide. Upon consideration, I feel that I can contribute to the boards needs with my social media expertise, getting the word out about the program and assisting the board with any other needs I can help with.

Thank you for your consideration,
Sincerely,



Lara Yaple

P.O. Box 633
Housatonic, MA 01236

6 Friends Road



Fellow Selectboard members,

Larissa Yapple has attended the past 2 meetings of the Affordable Housing Trust Fund. She will bring considerable experience, in social media outreach, to the board. This will allow the board to expand its reach to potential participants in the Down Payment Assistance program.

I highly recommend that you appoint Larissa to the GBAHTF board.

Thank You.

Bill Cooke,

Chair, GBAHTF

Town of Great Barrington

Contact: Chris Rembold

Date Printed: November 01, 2019

Active Member Roster

AFFORDABLE HOUSING TRUST FUND BOARD

Original Appointment

Members: Position Sworn Date Term End Notes

FRED CLARK (413) 717-8687 Member 7/20/2019 6/30/2021

388 PARK ST NORTH (413) 274-0160

Great Barrington, MA 01230

fred3clark@yahoo.com#mailto:fred3clark@yaho

WILLIAM COOKE

4 highland dr

Great Barrington, MA 01230

Chair

9/10/2019 6/30/2021

JONATHAN HANKIN

41 West Plain Rd

Great Barrington, MA 01230

Member

8/15/2018 6/30/2020

SAMANTHA HOMEYER

20 LAKE AVE

Great Barrington, MA 01230

Member

8/10/2018 6/30/2020

JOHN KATZ

34 Kalliste HI

Great Barrington, MA 01230

johnkatz@cloud9.net#mailto:johnkatz@cloud9.n

Member

7/12/2019 6/30/2021

Town of Great Barrington

Contact: Chris Rembold

Date Printed: November 01, 2019

Active Member Roster

AFFORDABLE HOUSING TRUST FUND BOARD

Members:

GARFIELD REED

107 CASTLE HILL AVE

Great Barrington, MA 01230

greed@essentialbusprod.com#mailto:greed@ess

Original Appointment	Sworn Date	Term End	Notes
	7/16/2019	6/30/2021	

Position
Member

CHRISTOPHER REMBOLD

16 Castle hill ave

Great Barrington, MA 01230

crembold@townofgb.org#mailto:crembold@tow

Member-STAFF LIA

vacancies vacancies

Member

6/30/2020

Great Barrington, MA 01230

EXECUTIVE SUMMARY

TITLE: Appointments- Commission on Disability

BACKGROUND: On August 26, 2019, the Selectboard voted to establish a Commission on Disability consisting of five (5) members, in response to a May 2017 Annual Town Meeting vote. Three (3) shall be persons with disabilities, one (1) of which may be an immediate family member of someone with a disability, one (1) either be an elected or appointed town official, and one (1) member at-large.

The Board also voted to approve bylaws for the Commission on Disability at that same meeting to guide the Commission in organizing and carrying out its mission.

FISCAL IMPACT: N/A

RECOMMENDATION: The Town Manager recommends the Selectboard consider appointing all interested applicants to-date to one of the below categories:

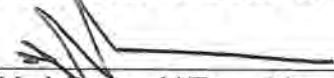
Three persons with disabilities (One of which may be an immediate family member of someone with a disability. (3-year term/2-year term/1-year term)

One appointed or elected town official (2-year term)

One member at-large (1-year term)

The Town Manager further recommends the Selectboard continue to advertise through our website and social media platforms until the remaining positions are filled.

PREPARED AND REVIEWED BY:



Mark Puhenski/Town Manager

DATE:

11/01/2019

NOTICE

TOWN OF GREAT BARRINGTON

The Selectboard seeks 5 interested individuals to serve on the newly formed Commission on Disability. Three members shall be persons with disabilities, one of which may be an immediate family member of someone with a disability; one appointed or elected town official; and one member at-large. The purpose of the Commission is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the Town of Great Barrington for people with disabilities. Please send letters of interest to Mark Pruhenski, 334 Main Street, Great Barrington, MA 01230 or email hkuziemko@townofgb.org by Friday, November 29, 2019.

Stephen Bannon
Chair

10/3/19 - emailed to Ellen Jahr
- for Town website & facebook

Helen Kuziemko

From: Richard Flach <richardflach@hotmail.com>
Sent: Thursday, October 17, 2019 11:01 AM
To: Helen Kuziemko
Subject: Disability Commission

Mr. Pruhenski:

I am a retired army veteran with over 25 years of service. I am a Great Barrington resident. I retired medically despite being eligible with over 20 years. I am currently rated by the VA at 90% disabled. I would like to get more information on the Disability Commission being formed with the intent of putting my name in to be considered for a place on the commission. I will admit I'm not any kind of expert on disabilities in the work place and other issues. Being retired I'm not challenged by the issues which may arise in the pursuit of employment; however, I would like to be an advocate for those who seek employment and integration but, as I understand it, we are not just talking employment but all aspects of life in and around Great Barrington which may be limited to those with disabilities.

Please let me know more about the commission and place my name in for consideration and I can provide you with any information about me you require.

Thank you for your time.

Richard Flach, SSG (USA Retired)

Sent from [Mail](#) for Windows 10

6 Chestnut Hill Rd,

413-822-3464

334 Main Street
Great Barrington, MA 01230
413-528-1619 x2
413-528-2290 Fax

From: patrick [mailto:PATORCH@msn.com]
Sent: Wednesday, October 23, 2019 10:52 PM
To: Helen Kuziemko <hkuziemko@Townofgb.org>
Subject: Accessibility Committee

Patrick Hollenbeck

Dear Helen,

I would be willing to serve on GB's newly forming committee on accessibility issues if the Town Manager wishes.

I had a stroke 10 years ago this month and was lucky to survive the ordeal. From that life changing event I have first hand experience of what being wheelchair bound really means. 50 % of my body, my right side from head to toe was paralyzed.

My recovery was even covered by CBS Morning News when I went back to work 3 years later. I don't know if the video is still online but here is my story.

<https://www.cbsnews.com/news/inside-the-boston-pops-patriotic-tradition/>



Inside the Boston Pops' patriotic tradition - CBS News

(CBS News) If a date on the calendar could have a soundtrack, July Fourth would have the Boston Pops Orchestra. The 127-year-old Pops have packed the esplanade along Boston's Charles River every ...

www.cbsnews.com

Sincerely,
Pat Hollenbeck

617-212-9840

(CBS News) If a date on the calendar could have a soundtrack, July Fourth would have the Boston Pops Orchestra.

The 127-year-old Pops have packed the esplanade along Boston's Charles River every Independence Day for 39 years. Mixing popular songs with patriotic ones, the 75 members of the Pops perform not far from where the first blood was shed in the fight for independence.

Actor and native-son Michael Chiklis has been a lifelong attendee. Wednesday night, he'll stand on-stage as host for the second consecutive year.

Chiklis says, "I actually remember having my first visceral feelings of patriotism at the esplanade. ... (The performance is) completely exhilarating - every hair on your body stands - and, with me, you can't necessarily see them - but every hair on my body stood on end - it's really a thrill."

The performance was conceived by legendary conductor Arthur Fiedler toward the end of his 50-year tenure with the Pops. John Williams kept up the tradition. Then, in 1995, the conductor's baton was passed along to Keith Lockhart, one of the most recognizable classical conductors living today. He's only the third conductor in the last 83 years of the Pops.

Lockhart says there's nothing like the July 4 concert. "When we're seen by millions of people across the nation ... there's no other performance like it - for any orchestra, there's no other performance like that. I mean, you think that, just the live audience - it's bigger than any other orchestra performs for in its entire year, combined."

Every year, 800,000 people pack the great lawn while millions more watch it on TV, but up on stage, for one performer this year - it's not only a tradition, but an emotional homecoming.

For 30 July Fourths, percussionist Pat Hollenbeck played with the Pops, until his stroke in 2009. He couldn't walk and had trouble reading music and striking his drum. A determined Hollenbeck told his doctor he'd recover to return for a July Fourth performance, and re-join a national celebration.

When asked about his first time back on stage after two years - and how it compares to 30 years ago when he started playing the event, Hollenbeck said, "In some ways, I feel like an 18-year-old kid - doing something for the first time, except ... I have 30 years of experience."

What will be on his mind on July 4? Hollenbeck said with a chuckle, "Trying not to screw up."

Helen Kuziemko

From: Jeanne Bachetti <jeanne@nejaimswine.com>
Sent: Thursday, October 10, 2019 12:30 PM
To: Helen Kuziemko
Subject: Commission on Disability

Good Afternoon Mark,

I am inquiring about the position to serve on the town's Commission on Disability. I would like a better idea of what this position involves and what the requirements are to serve in this position.

I currently live in Sheffield six months of the year and in Housatonic for six months of the year. I am a registered voter in Sheffield, not Great Barrington, but I was born and raised in Great Barrington. I own five houses in Housatonic. My 89 year old mother and 87 year old aunt live in one of the houses. This is where I reside for half of the year. My mother is legally blind, has trouble walking and is in constant need of care. Both her and my aunt no longer drive. I am always working to find ways to get the necessary help that they need. For example shopping, driving to doctor's appointments etc.

Because I vote in Sheffield and live there half of the year, I was wondering if I was eligible to serve on this committee?

Thank you for your attention to this matter.

Thank You,
Jeanne M. Bachetti

Office Manager
Nejaim's Wine Cellar in Stockbridge & Lenox Village
Bookkeeping Office
60 Main Street
Lenox, MA 01240

Cell: (413) 429-1555
Phone: (413) 637-2221
Fax: (413) 637-1941
jeanne@nejaimswine.com

Mark Pruhenski

From: Jane Berger <janeberger19@aol.com>
Sent: Wednesday, October 16, 2019 8:47 AM
To: Mark Pruhenski
Subject: Commission on Disability

Hi Mark-

I am interested in serving on the Commission on Disability.

From years of past professional and personal experience before the ADA, I believe I can help to improve the lives of persons with disabilities who live or visit Great Barrington.

Thank you for considering my application for a place on the Commission.

Best,

Jane Berger

Sent from [Mail](#) for Windows 10

83 Bresh Hill Rd

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, November 19, 2019 at 7:30 pm at Town Hall, 334 Main Street, Great Barrington, MA, to act on the Special Permit application from Berkhill 11, LLC to change an existing nonconforming use at 11 Crissey Road from a contractor's yard to a storage and warehouse use, in accordance with Sections 5.2 and 10.4 of the Great Barrington Zoning Bylaw.

Ron Majdalany, Chair

Please publish November 1 and 8, 2019

Berkshire Record

S:\All Departments\Special Permits\902-19, ZBA, 11 Crissey Road change nonconforming use

SB Recommendation

Nov. 4/19

SB copy

Town of Great Barrington
Massachusetts

ZBA-1
Rev. Apr 2019

Katherine Embeeline
for Susan & Jude Shoval

Application to the
Zoning Board of Appeals

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date: _____
Received and checked for completeness
by: _____
Number Assigned: 902-19
Date filed with the Town Clerk _____
FOR ZBA USE:
Advertising dates: _____ & _____
Public hearing date: 11/19/19

TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.

A. WHAT ARE YOU SEEKING?

Check all that apply. If you are unsure, please consult with the Town Planner, Building Inspector, or ZBA Secretary (413-528-4953)

- VARIANCE (exempts a property from some Zoning requirements)
You must complete portions A., B., C., D., G., H, I., and J. of this form.
- SPECIAL PERMIT (for changes to nonconforming uses, structures)
You must complete portions A., B., C., E., G., H, I., and J. of this form.
- APPEAL (to overturn a decision of Building Inspector or a Board)
You must complete portions A., B., C., F., G., H, I., and J. of this form.
- 40 B Comprehensive Permit (call ahead)

B. SITE / PROPERTY INFORMATION

Address of Subject Property 11 Crissey RD, GB, MA
Assessor's Map No. 36 Lot No. 29
Registry of Deeds Book No: 2165 Page: 222
Zoning District(s) B2 General Business
Overlay Districts (if any) _____

C. APPLICANT AND OWNER INFORMATION

Applicant's
Information

Name (please print) Berkhill 11, LLC Phone (area code first) 570 574 7587
Street Address 30 East Northampton St
City, State, Zip Code Wilkes-Barre, PA 18701
If Applicant is a corporation, provide name of contact person: Jude Shoval
Email Address jshoval@shovalbiz.com Signature [Signature]

- Check here if Applicant and Property Owner are the same, and skip to the next section.
- Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.

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

Property
Owner's
Information

Name (please print) _____ Phone (area code first) _____
Street Address _____
City, State, Zip Code _____
Email Address _____ Signature _____

D. VARIANCES If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

1) From which Section(s) of the Zoning Bylaw do you request a variance?

2) What will the requested variance(s) enable you to do?

3) If the variance(s) is not granted, what hardship will that cause you?

4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?

5) Explain why your special circumstances are not a result of your own actions.

6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?

7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

E. SPECIAL PERMITS If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

1) A special permit is being requested in order to (please describe project):

Warehouse Storage

2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)

<input checked="" type="checkbox"/> Section 5.2	<input type="checkbox"/> Section 5.3	<input type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4

3) Reason(s) that this property is not in conformance with the Zoning Bylaw

See Attached

4) Are there any previous Special Permits or Variances for this property?

No Yes
If yes, provide date(s), and name of issuing Board _____

F. APPEALS If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

1) This application is to appeal the decision of

Building Inspector Planning Board Board of Selectmen

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps—one USGS survey map and one current zoning map— illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619, x. 5.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

H. APPLICATION FEE

Application fees are calculated at \$150 per request. (For example, if one box in A. is checked, the fee is \$150. For two boxes, the fee is \$300.)

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

I. TECHNICAL REVIEW FEES

- The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. *Please also sign here:* _____

J. ADDITIONAL INFORMATION

Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

Applicant's Signature: "I have read and I understand all of the information on this application."

[Handwritten Signature] (signed) 10/11/19 (date)

Print Form

Need Help?

Town Planner: (413) 528-1619, x.7
 Building Inspector / Zoning Enforcement Officer:
 (413) 528-3206

For bylaws, regulations, maps, and other useful information, visit www.townofgb.org

Bruce Firger, Assessor
John Katz, Assessor

Shaun McHugh, Principal Assessor
E-mail: smchugh@townofgb.org

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

October 4, 2019

ASSESSORS' OFFICE

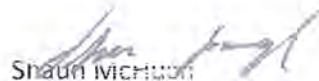
ABUTTERS TO PROPERTY OF: BERKHILL 11 LLC

11 Crissey Road, Map 36 Lot 29, Book 2277 Page 225

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
36	30.1	Great Barrington Land Conservancy Inc., PO Box 987, Gt. Barrington, MA 01230-0987
36	30.2,30.4,30.3,29A	Berkshire South Regional Community Center Inc., 15 Crissey Rd., Gt. Barrington, MA 01230-1299
36	30.3A	Great Barrington Real Estate LLC, c/o Paragon Management Group LLC, Att: John A. Nelson, 276 Post Road West #201, Westport, CT 06880-4703
9	3C	Robert F. & Jane A. Holcomb, 9 Crissey Rd., Gt. Barrington, MA 01230-1299
9	2	Shyamji Inc., 474 Pittsfield Rd., Lenox, MA 01240-2902
9	3	Crissey Road LLC, 2 Brainard Rd., Hartford, CT 06114-1604
9	U1A,2A	1 Community Access to the Arts Inc., 40 Railroad St., Gt. Barrington, MA 01230-1739
9	U2B	1 Wingate Realty LLC, 420 Stockbridge Rd. #1, Gt. Barrington, MA 01230-9512
9	U3A,9,11	1 Rhett H. Mundy, PO Box 295, Stockbridge, MA 01262-0295
9	U6	1 Harvey S. & Vivian Kimmelman, 107 Stockbridge Rd., Gt. Barrington, MA 01230-1227
9	U7	1 AVO Toast LLC, 420 Stockbridge Rd. #7, Gt. Barrington, MA 01230-9512
9	U8	1 Miller Realty Holdings LLC, 420 Stockbridge Rd. #5, Gt. Barrington, MA 01230-9512
9	U10	1 Living God Fellowship, PO Box 715, Gt. Barrington, MA 01230-0715
9	U4&5	1 G & A Holdings LLC, 424 Stockbridge Rd., Gt. Barrington, MA 01230-9513
36	30C	Hapman Holdings LLC, 424 Stockbridge Rd., Gt. Barrington, MA 01230-9513

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

Sincerely,


Shaun McHugh
Principal Assessor

11 Crissey Rd, Great Barrington, MA Special Permit photos 10/11/2019



New office entrance door to replace existing window. Engineering and Architecture being done by SK Engineering. Overhead Garage door to be framed in with new double doors. Front parking configuration being done by SK Engineers



East side of building remaining untouched.

11 Crissey Rd, Great Barrington, MA Special Permit photos 10/11/2019



Rear of building. Overhead garage door to be framed in with double doors.



All units to be constructed inside.

FLOOR PLAN



NOTES:
UNIT SIZES FIGURED NOMINALLY.
LAYOUT OF MATERIAL AND ACTUAL CONSTRUCTION MAY VARY.
TYPICAL HALLWAY WIDTH IS 5'-0" UNLESS SPECIFIED.

*** THESE DOORS ARE BY OTHERS ***



YELLOW AREA	RED AREA	
17	16	8'x6'8 Roll Up Door
11	22	3'x6'8 Roll Up Door
100 LF	8'	Tall Hall Panel
350 LF	50 LF	22' Liner Panel
40	500 LF	8' Partition Panel
13	33	(3) Pc Soffit Panel
	10	Corner Guards

APPROVAL COMMENTS
X SIGNATURE
X DATE
DATE 9/18/2019
SCALE NOT TO SCALE
REVISION A
DRAWN A

Shoval
Storage
11 Crissey RD
Great Barrington, MA



DOORS & BUILDING COMPONENTS
4645 TRIMMER ROAD
ROSELAND, MA 01067
TOLL FREE 800-542-2001
PHONE 413-462-2001
FAX 413-462-2001
www.dbcicompany.com
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INTENDED FOR CONSTRUCTION PURPOSES. THE DRAWING NUMBER IS 2019-09-18

Exhibit "A"

A special permit is being requested with respect to the property located at 11 Crissey Road (the "Property") under Section 5.2 of the Town of Great Barrington Zoning Bylaws (the "Zoning Bylaw") in order to change the existing non-conforming use – contractor's yard – to a new non-conforming use – storage and warehouse.

The project involves leasing a portion of the interior of the approximately 15,000 square foot, one-story building (the "Building") located at the Property for purpose of storage and warehouse space in accordance with the conceptual plan attached as Exhibit "B." The Property is not in conformance with the Zoning Bylaws because the current use is not allowed in the General Business (B-2) zoning district. To the best of our knowledge, there are no previous Special Permits or Variances for the Property. [I will confirm this with Chris Rembold.]

Pursuant to Section 5.2 of the Zoning Bylaws, the Great Barrington Zoning Board of Appeals (the "Board of Appeals") may award a special permit pursuant to Section 10.4 of the Zoning Bylaw to change a nonconforming use "only if it determines that such a change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood." Moreover, pursuant to Section 5.2.2 of the Zoning Bylaw, the Board of Appeals may consider changes of nonconforming from "one nonconforming use to another, less detrimental, nonconforming use."

In this case, the proposed nonconforming use is not only not substantially more detrimental than the existing nonconforming use, it is less detrimental than the existing nonconforming use. Specifically, exterior telephone pole storage racks have been removed, a structurally deficient loading dock has been removed and no changes will be made to the exterior of the structure. Moreover, the proposed storage and warehouse use is consistent with the character of the surrounding neighborhood.

Pursuant to Section 10.4.2 of the Zoning Bylaw, the Board of Appeals shall only grant a special permit upon its written determination that "the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." In determining whether to grant the special permit, the Board of Appeals shall consider the following characteristics: (1) social, economic, or community needs which are served by the proposal; (2) traffic flow and safety, including parking and loading; (3) adequacy of utilities and other public services; (4) neighborhood character and social structures; (5) impacts on the natural environment; and (6) potential fiscal impact, including impact on town services, tax base, and employment.

In this case, the proposed use will serve the economic and community needs because the Property will be put to its highest and best use, which will increase the tax revenue to the Town of Great Barrington while providing needed storage and warehouse space. Traffic flow and safety will not be negatively impacted as the anticipated traffic flow produced from the use will be limited to modest traffic twice per day. Moreover, the Property affords ample parking and loading and unloading will take place inside the Building. The Property is served by public utilities and services, which are adequate for the proposed use. The character of the surrounding neighborhood is consistent with industrial and business uses. While a portion of the property

contains wetlands, the proposed use will have no impact on the natural environment. Finally, the proposed use will have a positive fiscal impact because the Town of Great Barrington will receive additional tax revenue but town services will not be adversely impacted.

SITE DATA

NOTICE: ALL RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL RESEARCH OF THE PUBLIC RECORDS OF THE LOCAL ZONING AUTHORITY. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID DATA WITH RESPECT TO THE TIME IT IS NOT IN EFFECT IN THE JURISDICTION OF COMPLYING ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

	REQUIRED	EXISTING
1. ZONING	- B2	
MIN. LOT SIZE (SQ. FT.)	5,000	171,070
MIN. LOT WIDTH (FT.)	50	270
MIN. FRONT YARD (FT.)	25	*11.9
MIN. SIDE YARD (FT.)	10	*7.3
MIN. REAR YARD (FT.)	10	393.1
MAX. LOT COVERAGE BLDG.(%)	75	9
MAX. BLDG. HT. (STY.)	3	1
MAX. BLDG. HT. (FT.)	40	17
* STRUCTURE PREDATES ZONING		
EXISTING PARKING SPACES (STRIPED)		
CARS	19 (ON VERIZON LOT)	
CARS	63 (ON COMMUNITY CENTER EASE.)	
HANDICAP	2 (ON COMMUNITY CENTER EASE.)	

- 1. VERTICAL DATUM- NAVD 88
- 2. BENCHMARK- ON SET ON CONCRETE FOUNDING DOOR EL= 806.87

UTILITY COMPANIES

UTILITIES SHOWN ARE BASED ON LIMITED DATA. THERE IS NO GUARANTEE AS TO THEIR LOCATION OR SIZE. PLEASE CONTACT RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION. POSSIBLE CONFLICTS IN THIS AREA ARE:

ELECTRIC - MASS. ELECT. CO. WESTBOROUGH, MA 01581
 GAS - NICE ENERGY

PHONE - VERIZON NEW ENGLAND, INC. 125 HIGH STREET BOSTON, MA 02110
 WATER - TOWN OF GREAT BARRINGTON, MA 415-328-0867

SEWER - TOWN OF GREAT BARRINGTON, MA 415-328-0867

NOTES CORRESPONDING TO SCHEDULE B

FIRST AMERICAN TITLE INSURANCE CO. ALTA OWNER POLICY 1402.06 (06-17-06) ALTA LOAN POLICY 1056.06 (06-17-06)

SCH. B	SEC. II	REF.	BK.	PG.	STATUS
1-3	-	-	-	-	NONE OBSERVED
4,5	-	-	-	-	NA
6,7	-	-	-	-	AS PLOTTED
8	943	171			AS PLOTTED
9	1244	157			AS PLOTTED

BERKSHIRE COUNTY DEED & PLAN REF.

DEED BOOK	PAGE	FLAT FILE
1300	311	L-7
1253	337	K-157
1244	154,157	H-16
1193	122	F-183
843	171	J-125
1220	201	D CONDO A3 D CONDO 3-A F-19 A-110

LEGEND

- IR FND./SET - IRON ROD FOUND OR SET
- DR FND./SET - DRILL HOLE FOUND OR SET
- IP FND. - IRON PIPE FOUND
- HC - HANDICAP
- 13 - TITLE EXCEPTION NO.
- VGC - VERTICAL GRANITE CURB
- S - SEWER LINE
- W - WATER LINE
- C - GAS LINE
- D - DRAIN LINE
- EH - ELECTRIC HANDHOLE
- SM - SEWER MANHOLE
- DM - DRAIN MANHOLE
- UP - UTILITY POLE
- LP - LIGHT POLE
- HY - HYDRANT
- WGV - WATER GATE VALVE
- GSV - GAS GATE VALVE
- ESBT - ELECTRIC SERVICE BOX/TRANSFORMER
- OHU - OVERHEAD WIRE UTILITY LINE
- CMB - CATCH BASIN
- B - BOLLARD
- EU - UNDERGROUND ELECTRIC UTILITY LINE
- AM - ASSESSOR'S MAP
- OS - STRIPED PARKING SPACE

ALTA/ACSM LAND TITLE SURVEY

SURVEYOR'S CERTIFICATION

TO U.S. SURVEYOR, INC., VERIZON NEW ENGLAND, INC. AND FIRST AMERICAN LAND TITLE INSURANCE COMPANY: THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2-5, 7(c), 8-10, 11(b), 13, 17 & 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 7, 2011.

John A. Halnon

DATE: MARCH 3, 2011 JOHN A. HALNON, PLS MA REG. NO. 36360

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

"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN."



P.L.S. 03/14/11 DATE

For inquiries, questions or concerns about this survey contact inquiries@usurveyor.com or call 1-800-867-8783 ext. 209

U.S. SURVEYOR
 4920 Riverwind Pointe Drive
 Evansville, Indiana 47715
 "America's Land Surveyor"

1-800-TO SURV

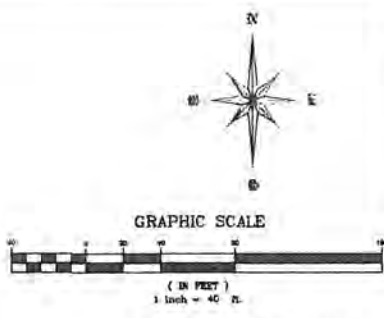
PREPARED FOR: VERIZON NEW ENGLAND, INC. 125 HIGH STREET BOSTON, MA 02110	PROJECT LOCATION: BERKSHIRE COUNTY, STATE OF MA. <hr/> PROJECT ADDRESS: 11 CRISSEY STREET GREAT BARRINGTON, MA 01230	PROJECT TYPE: ALTA/ACSM LAND TITLE SURVEY
--	--	--

ALTA/ACSM LAND TITLE SURVEY PLAN OF LAND IN GREAT BARRINGTON, MA VERIZON MAINTENANCE FACILITY 11 CRISSEY STREET GREAT BARRINGTON, MA DATE: MARCH 14, 2011 SCALE: 1"=40'	© COPYRIGHT 2008 U.S. SURVEYOR All other rights are reserved as granted by Copyright Law of the United States and as provided in Article 17, the written consent and permission of U.S. SURVEYOR, INC.
SHEET 1 OF 2	JOB NUMBER: SSN776LDWG_HLS

HALNON
 LAND SURVEYING, INC.
 34 CROSS STREET
 NORTON, MA 02766
 t. 508-285-3141 f. 508-285-3142

FLOOD DATA The property is in Zone B
 of the Flood Insurance Rate Map, Community Panel No. 250024 0004 B
 which has an effective date of JULY 10, 1987 and IS NOT in a Special
 Flood Hazard Area. Field surveying was not performed to determine this zone.
 An elevation certificate may be needed to verify this determination or apply
 for an amendment from the Federal Emergency Management Agency.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, WHETHER SHOWN ON THIS SURVEY OR NOT PRIOR TO COMMENCEMENT OF WORK. THIS SURVEY HAS BEEN PREPARED USING AVAILABLE UTILITY DATA. THIS SURVEYOR DOES NOT MAKE STATEMENTS OF ACCURACY BASED UPON MAPS AND UTILITY LOCATES OF OTHERS.



THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MASSACHUSETTS SURVEYING ACT OF 1982, AS AMENDED.

LEGAL DESCRIPTION

Real property in the City of Great Barrington, County of Berkshire, State of Massachusetts, described as follows:
 A certain parcel of land in Great Barrington, Berkshire South District County, Commonwealth of Massachusetts, being shown as "Remainder Lands of Verizon New England Inc. BK-1220 PG-201 SEE PLAN IN PLAT FILE K-167 EXCEEDS ZONING MINIMUMS 3,927 - ACRES," on a plan entitled, "Plan of Land Surveyed For Verizon New England Inc. in Great Barrington, Massachusetts," dated April - 2001, prepared by Kelly Granger Parsons and Associates, Inc., recorded with the Berkshire South District County Registry of Deeds in Plat File L-7.
 TOGETHER WITH the right of way described in the Deed of Farnham Realty Corporation to Great ALTA Condominium (6-17-06) Commitment Page 4
 Commitment Number: NCS-299581434-NY
 First American Title Insurance Company
 Barrington Realty Company, Inc., dated September 16, 1995, recorded with the Berkshire South District County Registry of Deeds in Book 943, Page 171, to use, in common with others, certain streets, ways and rights of way as appurtenant to the above-described premises.
 TOGETHER WITH the reserved rights set forth in the Deed from Verizon New England Inc. to Berkshire South Regional Community Center, Inc., dated June 15, 2001, recorded with the Berkshire South District County Registry of Deeds on June 15, 2001 in Book 1244, Page 154.
 TOGETHER WITH the rights and easements set forth in an Easement Agreement by and between Verizon New England Inc. and Berkshire South Regional Community Center, Inc., dated as of June 15, 2001, recorded with the Berkshire South District County Registry of Deeds on June 15, 2001 in Book 1244, Page 157.
 NOTE:
 Verizon New England Inc. originally took title to the parcel of land identified as "3,968 - Acres" on a plan entitled, "Plan of Land Surveyed For Great Barrington Realty Company, Inc. in Great Barrington, Massachusetts," dated March - 2000, prepared by Kelly Granger Parsons and Associates, Inc., recorded with the Berkshire South District County Registry of Deeds in Plat File K-167, by a Deed recorded with said Deeds in Book 1220, Page 201.
 Verizon New England Inc. conveyed out the parcel of land identified as "Parcel - 1 270000 Sq. Ft. = 0.062 Acres" on the plan recorded in Plat File L-7, by the Deed in Book 1244, Page 154.

IMPROVEMENT NOTES

THIS IS A LISTING OF IMPROVED IMPROVEMENTS THAT CROSS EXIST LIMITS. STATEMENT OF OWNERSHIP OF POSSESSION IS NOT THE INTENT OF THIS SURVEY.

- (A) AS SHOWN ON "LAND OF RECORD" - PLAT FILE L-7

SURVEYOR NOTES

THIS SURVEY IS SUBJECT TO ANY AND ALL EMPLOYABLE RESTRICTIONS, EASEMENTS.

- *ADDITIONAL UTILITY LINES, UTILITY STRUCTURES, PAVEMENT EDGES AND PARKING STRIPES MAY EXIST AND NOT BE SHOWN AS FIELD WORK WAS GREATLY IMPACTED BY SNOW COVER AND SNOW BANKS.
- TABLE A, ITEM 5: CONTOURS COULD NOT BE CREATED DUE TO DEEP SNOW COVER.
- TABLE A, ITEM 17: RECENT ROAD IMPROVEMENTS INCLUDE CONCRETE SIDEWALK AND UTILITIES EVIDENT.

BY PLS _____
 DATE REVIEWED: _____

INT. - _____
 RECORD CLOSURE 1:29:350 _____
 LEGAL DESCRIPTION REVIEWED BY:
 INT. - _____
 INT. - _____

CERTIFICATION IS ONLY TO THE PARTIES HEREIN NAMED.
 THIS SURVEY IS NOT VALID FOR ANY FUTURE TRANSACTIONS OF THIS PROPERTY.

DATE OF ORIGINAL: MARCH 3, 2011
 REVISION: USS TITLE BLOCK ADDED DATE: MARCH 14, 2011
 REVISION: _____ DATE: _____ 2011
 REVISION: _____ DATE: _____ 2011

199Jong 3/14/2011 12:06PM