

Mark Pruhenski  
Town Manager

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Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2  
Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

### SELECTBOARD'S MEETING AGENDA

MONDAY, JANUARY 13, 2020

5:30 PM - REGULAR SESSION

313 MONUMENT VALLEY ROAD

MONUMENT VALLEY REGIONAL MIDDLE SCHOOL

### ORDER OF AGENDA

#### 5:30 PM - OPEN MEETING

##### 1. CALL TO ORDER:

##### 2. APPROVAL OF MINUTES:

- December 9, 2019 SB & Pl Bd Joint Meeting and SB Regular Meeting.
- December 16, 2019 SB & Fin Com Joint Meeting and SB Regular Meeting.

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

- A. General Comments by the Board.

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

- A. Department Updates

- B. Project Updates

##### 5. PUBLIC HEARINGS Continued:

- A. Application of Karin Watkins/Mahaiwe Performing Arts Center, Inc. for a Change of Manager from Beryl Jolly to Janis M. Sagarin on the Common Victualler Wine and Malt Without Food Liquor License at 14 Castle Street, Great Barrington, MA.  
(Discussion/Vote)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

- B. Special Permit Application from School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3

zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington, MA. (Discussion/Vote)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

C. **Continuation of Fulcrum Enterprises, LLC Special Permit Application** from September 9, 2019, September 23, 2019, October 21, 2019 and November 18, 2019 for a Marijuana Cultivation and Manufacturing Establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, MA in accordance with Section 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

**6. LICENSES OR PERMITS:**

A. Tom Doyle/TOPA Enterprises, LLC for Two (2) Curb Cuts on southwest side of Mahaiwe and Main Streets. (Discussion/Vote)

**7. NEW BUSINESS:**

A. Alice Boyd/The Resource, Inc. - Presentation on Town's Participation in FY 20 Egremont Regional CDBG grant for Housing Rehabilitation. ((Discussion/Vote)

B. SB – Release of a Lien imposed by 1988 Regional Housing Rehabilitation Program for 4 Francis Avenue. (Discussion/Vote)

C. SB – Appointment of Real Estate Representative member to the Economic Development Committee. (Discussion/Vote)

D. SB – Appointment of Citizen at Large member to the Design Advisory Committee. (Discussion/Vote)

E. SB – Right of First Refusal Waiver of Ch 61A land of Abigail Haupt, LLC, approximately 36 acres on Hurlburt and Alford Roads (Assessor's Map 31, Parcel 12A). (Discussion/Vote)

**8. 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.*

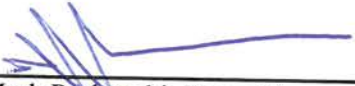
**9. SELECTBOARD'S TIME:**

**10. MEDIA TIME:**

**11. ADJOURNMENT:**

**NEXT SELECTBOARD MEETINGS: - January 15, 2020, 6:00 pm SB Goal Setting Meeting  
Town Hall**

- **January 16, 2020, 5:30 pm SB & Pl Bd Joint Meeting, Town Hall**
- **January 22, 2020, 6:00 pm SB Marijuana Public Forum Meeting, Town Hall**
- **January 27, 2020 SB, 7:00 pm Regular Meeting**



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Mark Pruhenski, Town Manager

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

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING**

The Selectboard will hold a public hearing on Monday, January 13, 2020 at 5:30 pm at the Claire Teague Senior Center, 917 Main Street, Great Barrington, MA 01230 to act on the application of Karin Watkins/Mahaiwe Performing Arts Center, Inc. for a Change of Manager from Beryl Jolly to Janis M. Sagarin on the Common Victualler Wine and Malt without food license at 14 Castle Street, Great Barrington, MA 01230.

Stephen Bannon  
Chair

**PLEASE PUBLISH December 20 and 27, 2019.**





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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM

**AMENDMENT-Change of Manager**

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

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

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

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

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN  STATE  ZIP CODE

For the following transactions (Check all that apply):

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

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

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



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

**AMENDMENT-Change of Manager**

**Change of License Manager**

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Mahaiwe Performing Arts Center, Inc.	Great Barrington	00089-GP-0464

**2. APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Karin Watkins	Dir, Fin & Admin	karin@mahaiwe.org	413-644-9040

**3A. MANAGER INFORMATION**

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

Proposed Manager Name	Janis M. Sagarin	Date of Birth	6/12/62	SSN	[REDACTED]
Residential Address	113 Egremont Plain Rd, Great Barrington, MA 01230				
Email	janis@mahaiwe.org	Phone	413-644-9040		
Please indicate how many hours per week you intend to be on the licensed premises	1-10	Last-Approved License Manager	Beryl Jolly		

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?  Yes  No \*Manager must be U.S. citizen  
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.  
 Have you ever been convicted of a state, federal, or military crime?  Yes  No  
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**3C. EMPLOYMENT INFORMATION**

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

Start Date	End Date	Position	Employer	Supervisor Name
2014	June 2017	VP, Institutional Advancemei	Lesley University	Jeffrey Weiss
1997	2014	Chief Advancement Officer	Miss Hall's School	Julia Heaton

**3D. PRIOR DISCIPLINARY ACTION**

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

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

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

Manager's Signature Janis M. Sagarin Date 12/16/19

**CORPORATE VOTE**

The Board of Directors or LLC Managers of

MAHAIWE PERFORMING ARTS CENTER, INC.  
Entity Name

duly voted to apply to the Licensing Authority of

GREAT BARRINGTON  
City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

DECEMBER 14, 2019  
Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

\_\_\_\_\_

"VOTED: To authorize

MARGARET DEUTSCH

Name of Person

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

"VOTED: To appoint

JANIS MARTINSON SAGARIN

Name of Liquor License Manager

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

A true copy attest,

Margaret Deutsch  
Corporate Officer / LLC Manager Signature

MARGARET DEUTSCH  
(Print Name)

For Corporations ONLY

A true copy attest,

Ronald Ashendorf  
Corporation Clerk's Signature

RONALD ASHENDORF  
(Print Name)

SB SP# 905-19

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING, CHANGE OF LOCATION**

This notice is to announce a CHANGE IN LOCATION of the Selectboard's public hearing that was scheduled for Monday, January 13, 2020, at 5:30 PM, regarding the Special Permit application from School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington.

The hearing will not be at the Senior Center as previously announced. The hearing will instead be at the **Monument Valley Middle School, 313 Monument Valley Road**, Great Barrington.

Copies of the application are on file with the Town Clerk.

Stephen Bannon, Chair

Please publish January 10, 2020

Berkshire Record



We recently attended a Planning Board meeting concerning our property at 11 School Street in Gt. Barrington. It involved the proposed parking area that P L Investments, LLC hopes to construct if the use is permitted so that the tenants in their building on Main St. can have a place to park their vehicles. It makes sense—if they have their own parking spaces, they won't be taking up much needed public parking spaces in town.

We must say we were quite surprised by the Planning Boards vote not to recommend this use. Our little neighborhood has seen a lot of growth in the last few years- the Iredale project, the Church St. parking area which also included removal of residential buildings, the Berkshire Coop Market tear down and their new space within what we would say is a largescale building ( for Gt. Barrington) that does not supply affordable housing, and also what may be happening with the 79 Bridge St. Realty, LLC project.

We purchased our property in 1989 and renovated the building/property for commercial and residential use. One of the concerns the Planning Board had at that time was there not being enough parking for our business and tenants. We were able with the help of our neighbors at Wheeler and Taylor to use several of their spaces for overflow if need be. Over thirty years ago and parking was a concern then! To this day our property is used for overflow parking during the Farmer's Market season and by folks who work on Main Street and have a hard time finding parking. We have said "yes" at no charge. Recently we approached several other business owners in town and asked them if they felt parking was a problem. They all agreed that it was. There was also concern on the board about the loss of the laundry facility and our two apartments. In conversations with several prospective buyers in the past it was made clear that their intention would be to not continue the properties current use. In regard to the rental aspect of our property currently, we gave our tenants plenty of notice and helped them to find new places to live, highly recommending them to their new landlords and telling them to contact us if they ever needed help in the future with other recommendations.

Now comes our time to make a change in our lives. While it may not seem ideal, this current potential buyer will be freeing up public parking by providing private parking for their tenants-a use that is needed. Our property is also in an area where there is other parking – similar use -not like wanting to plop it in the middle of a residential area. We have worked hard (three of us are natives of Gt. Barrington, the other is from Mount Washington) not only at our business on School St. but also owning and working at other local successful businesses and providing valuable services to those in the area. Additionally, several of our children also live and work locally, own rental properties that provide housing, and care deeply about our little corner of the commonwealth.

Thank you.

Tom, Cathy, Jim, and Vicki Torrico



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

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PLANNING BOARD

December 15, 2019

Selectboard  
334 Main Street  
Great Barrington, MA 01230

Re: Special Permit 905-19  
11 School Street

Dear Members of the Selectboard:

At its meeting of December 12, 2019, the Planning Board reviewed the special permit application submitted on behalf of School Street Parking, LLC for a commercial parking lot in the B-3 zone at 11 School Street.

The Planning Board unanimously voted to send a negative recommendation on the application. The Board is opposed to trading housing and community services for a private parking lot. The use does not serve the social or economic needs of the Town or community. Additionally, the Planning Board commented that the proposed use is not in keeping with the intent of the zoning.

Thank you for the opportunity to comment and your attention to this matter.

Sincerely,

*Kimberly L. Shaw*

Kimberly L. Shaw  
Planning Board Secretary

Shepley Evans  
Conservation Agent

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 ext. 122  
Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### CONSERVATION COMMISSION

December 10, 2019

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

Re: SPECIAL PERMIT # 905-19  
Application of School Street Parking LLC c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington.

Following a review of local maps and the MassGIS MuniMapper datalayers for Wetlands and Mapped Scenic Mountain Areas, and after a brief site visit to the property at 11 School Street, it has been determined that the Conservation Commission has no jurisdictional interest in the subject property. The Commission has no other comment or recommendation to offer at this time.

Respectfully,

Shepley W. Evans  
Conservation Agent

CC: Jeffrey Cohen, Conservation Commission Chairman  
Chris Rembold, Assistant Town Manager/ Director of Planning

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

BOARD OF HEALTH

December 10, 2019

To the Honorable Select Board:

Re: Special Permit # 905-19

The Board of Health reviewed the Special Permit application #905-19 submitted from School Street Parking, LLC, c/o Phillips International Holdings Corp., 5 Cheshire Road, Pittsfield, MA to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District at 11 School Street, Great Barrington, MA.

The Board voted, unanimously to pass it on as there are no health issues.

Very truly yours,

Locke Larkin  
Health Agent



# Special Permit Application Site Plan Approval

For a

## Commercial Parking Lot

For Property Located at

11 School Street  
Great Barrington, Massachusetts

*Prepared by:*



November 2019

November 18, 2019

Mr. Stephen Bannon, Chairperson  
Great Barrington Selectboard  
Town Hall – 334 Main Street  
Great Barrington, MA 01230

Ms. Brandee Nelson, Chairperson  
Great Barrington Planning Board  
Town Hall – 334 Main Street  
Great Barrington, MA 01230

**RE:** Special Permit Application  
Site Plan Approval  
School Street Parking, LLC  
11 School Street  
Great Barrington, Massachusetts

Dear Mr. Bannon, Ms. Nelson and respective Board Members;

Enclosed please find the required fourteen (14) copies of a Special Permit and Site Plan Review Application prepared for School Street Parking, LLC and property located at 11 School Street, Great Barrington (Map 19, Lot 130). The property is currently owned by Mountain Realty Trust. This application is prepared under Section 3.1.4(c)19, 9:2, 10.4 and 10.5 of the Town of Great Barrington Zoning Bylaws.

The project site is a 0.35-acre mixed-use lot which contains a 3,538 square foot building accessed by a gravel driveway along the west side of School Street. The existing building is mixed-use and contains a laundromat on the ground level and residential apartments on the second story. Parking for the property is head in parking along School Street and a gravel parking area to the rear of the building. The building is connected to municipal utilities.

The application includes the demolition of the existing building and all other site improvements and the construction of a new commercial paved parking lot. This parking lot will be primarily used by tenants of Berkshire Block at 321 Main Street. The site will be gated and constructed with the appropriate landscaping, lighting and stormwater infrastructure.

The project requests the following permits and approvals

- Special Permit from the Board of Selectman in Accordance with the Table of Use Regulations 3.1.4 (c) 19 – Parking lots, commercial
- Special Permit from the Board of Selectman in Accordance with Section 9.2 – Water Quality Protection Overlay District
- Site Plan Review from the Planning Board in Accordance with Section 10.4

We look forward to discussing the application with you. If you should have any questions or concerns, or require additional information, please do not hesitate to contact the office.

Sincerely,

SK DESIGN GROUP, INC.

A handwritten signature in black ink, appearing to read "Matthew D. Puntin". The signature is stylized and written in a cursive-like font.

Matthew D. Puntin, PE  
Senior Engineer

Attachments

Cc: School Street Parking, LLC  
Mountain Realty Trust  
File

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Site Plan Approval  
for  
Commercial Parking Lot  
Located At  
11 School Street  
Great Barrington, Massachusetts**

- **The Application**
  - Special Permit Application
  - Site Plan Review Application
  - Certified Abutters List
  
- **Project Narrative**
  - A. Project Overview
  - B. Zoning Compliance
  - C. Municipal Impacts
  - D. Conclusion
  
- **Figures:**
  - 1. USGS Map
  - 2. NHESP Map
  - 3. FEMA Floodplain Map
  - 4. Town of Great Barrington Assessor's Map
  - 5. Great Barrington Zoning Map
  
- **Attachments:**
  - A. Site Photos
  - B. Parking Lot Design prepared for School Street Parking, LLC, Dated November 11, 2019

# Special Permit Application

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

FORM SP-1  
REV. 11-2013

FOR OFFICE USE ONLY

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

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

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

Site Address: 11 School Street, Great Barrington, MA

Date of Application November 18, 2019

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

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

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

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

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

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

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

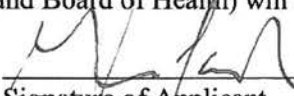
One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:

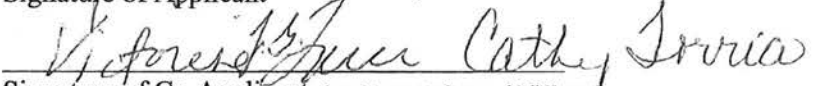
1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)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

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

**SPECIFICS:**

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

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

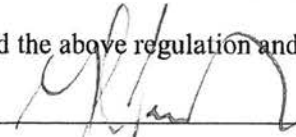
  
 \_\_\_\_\_  
 Signature of Co-Applicant (e.g. Property Owner, if different)

\*\*\*\*\*



**PLEASE READ AND SIGN BELOW**

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

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

Signature   
 \_\_\_\_\_

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

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

# Site Plan Review Application





**Town of Great Barrington  
Planning Board**

**Application to the Planning Board for  
Site Plan Review**

**in accordance with Section 10.5 of the Zoning Bylaw**

**INSTRUCTIONS TO APPLICANTS**

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

**FOR OFFICE USE ONLY**

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

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

**TIMELINE:** In accordance with the Zoning Bylaw, the Planning Board must review and act upon the site plan within 60 days of receipt of the application, unless the time limits are extended after the applicant's written request.

**A. SITE LOCATION**

Site Address: 11 School Street

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

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

**B. APPLICANT AND PROPERTY OWNER**

Applicant's Information Name (please print) School Street Parking, LLC C/O Phillips International Holding Corp. - Glenn Langenback  
Street Address 5 Cheshire Road - Suite 60  
City, State, Zip Code Pittsfield, MA 01201  
Phone (area code first) (413) 236-5157 Email Address: glenn@pihc.com  
Signature [Handwritten Signature]

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

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

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

**C. DESCRIPTION** Briefly describe your project, and indicate how it complies with the Master Plan and the Design Guidelines Workbook. If additional space is needed, please submit on additional sheet(s) as required.

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

**D. APPLICABILITY:** Check the reason(s) for your Application (choose all that apply)

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

**E. SPECIAL PERMITS AND OTHER REGULATIONS**

- 1. Does your project require any Special Permits? Yes  No   
If yes, have you applied for and/or received those Special Permits? Yes  No  Applied for concurrently
- 2. You acknowledge that Planning Board Site Plan Approval does not imply approval of any Special Permits or compliance with other regulations, including, but not limited to, the Wetlands Protection Act or Scenic Mountains Act. Check here to acknowledge
- 3. Does your project require filing of a Notice of Intent (NOI)? Yes  No   
If yes, has NOI been filed and has an Order of Conditions been issued? Yes  No

**F. FEE**

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

**G. REQUIREMENTS**

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

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

**H. ABUTTER NOTIFICATION**

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

**I. APPROVAL**

APPLICANT SHOULD BE FAMILIAR WITH THE REQUIREMENTS OF SITE PLAN REVIEW PER SECTION 10.5 OF THE ZONING BYLAW AND SHOULD ENSURE THAT THE APPLICATION COMPLIES. FAILURE TO COMPLY MAY RESULT IN DENIAL.

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

Certified Abutters List

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

### ASSESSORS' OFFICE

November 15, 2019

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

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

TORRICO/MOUNTAIN REALTY TRUST  
11 SCHOOL STREET

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

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

Sincerely,



Carol Strommer  
Administrative Assessor

## Project Narrative



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

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

**A. Project Overview**

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

**Existing Site Description**

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

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

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

**Zoning Districts**

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

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

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

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

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

**Proposed Development**

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

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

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



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

## **B. Zoning Compliance**

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

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

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

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

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

**The existing lot is 69% impervious (10,526 square feet). This impervious cover is from the existing building, gravel parking lots, paved parking apron and concrete.**

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

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

**Proposed Impervious Area:**

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

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

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

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

#### **10.4 Special Permits**

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

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

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

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

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

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

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

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

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

*4. Neighborhood character and social structures;*

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

*5. Impacts on the natural environment; and*

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

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

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

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

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

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

**No Comment Required.**

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

**No Comment Required.**

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

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

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

**No Comment Required.**

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

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

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

**No Comment Required.**



## **10.5 Site Plan Review**

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

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

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

### *10.5.2 Procedures.*

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

**No response required.**

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

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

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

**No response required.**

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

**Acknowledged.**

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

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

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

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

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

*3. Traffic impact assessment.*

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

### **C. Other Impacts**

#### *Fire Protection*

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

#### *Stormwater Management*

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

#### *Mitigation*

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

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

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

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

#### Treatment

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

#### Infiltration

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

#### Proposed Impervious Area:

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

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

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

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

### *Lighting*

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

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

### *Landscaping*

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

### *Snow Removal*

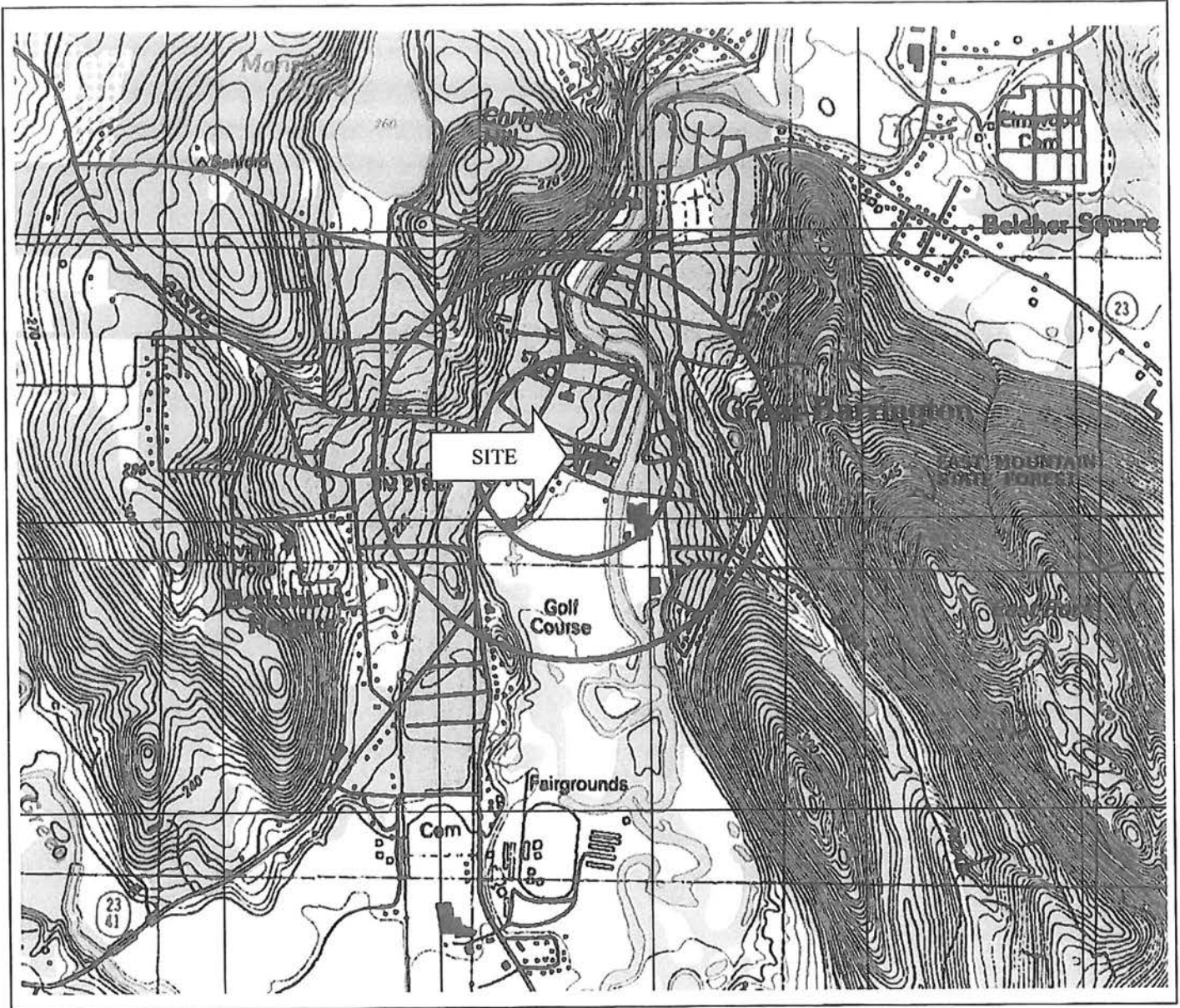
The parking lot will be plowed utilizing the grass areas on both the east and west of the lot. These areas will be collected in the drainage system to provide for adequate treatment and mitigation before discharging to the Town's drainage infrastructure.

## **D. Conclusion**

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

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

## Figures



Source: U.S.G.S. Map

**FIGURE #1**

**U.S.G.S. Map**  
11 School Street  
Great Barrington, Mass



**DESIGN GROUP, INC.**

CIVIL ENGINEERS - SURVEYORS - CONSULTANTS

2 FEDERICO DR., PITTSFIELD, MA 01201 (413) 443-3537





**PRIORITY & ESTIMATED HABITAT**

Source: NHESP Online Viewer

**FIGURE #2**

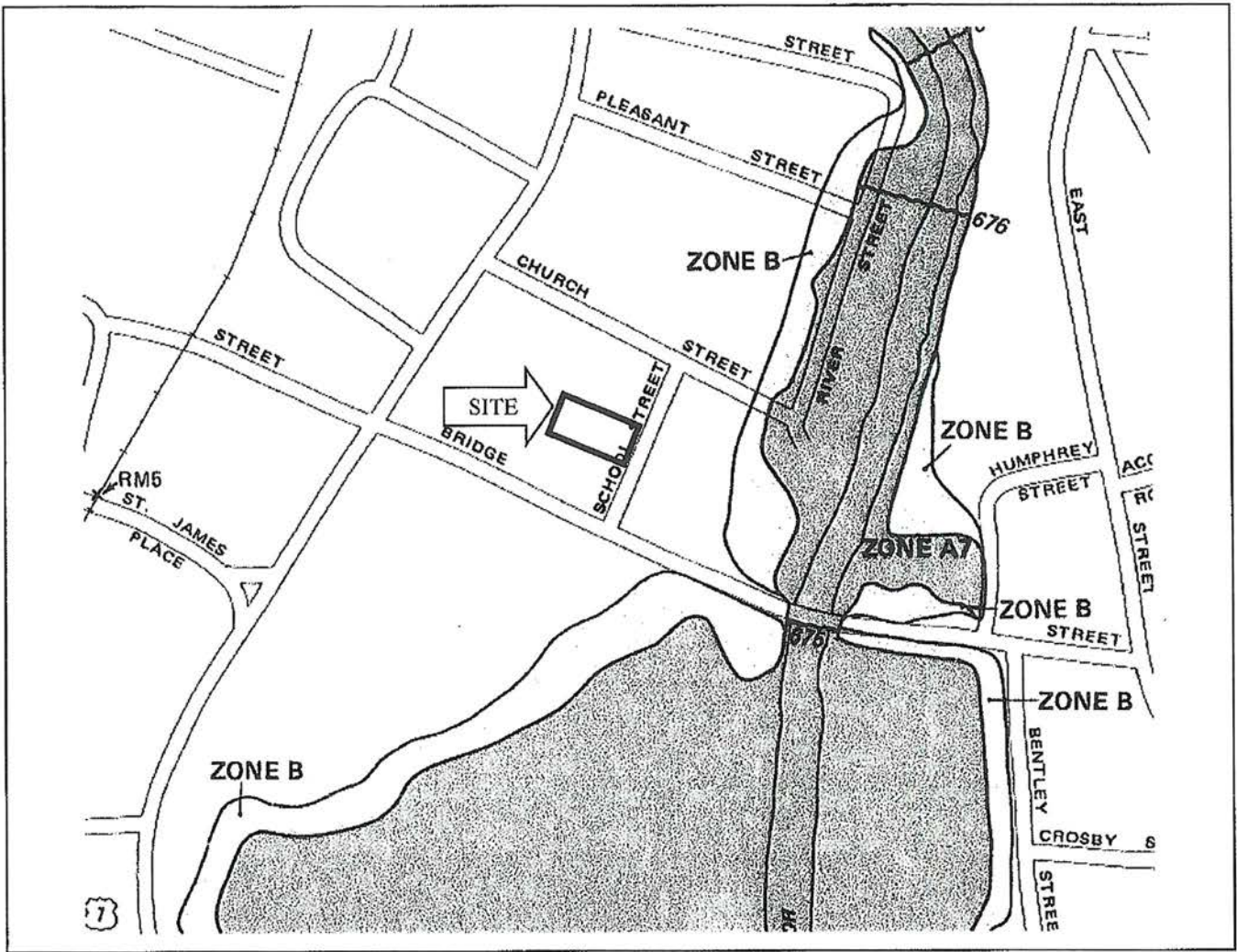
**N.H.E.S.P. MAP**  
 11 School Street  
 Great Barrington, Mass



**DESIGN GROUP, INC.**

CIVIL ENGINEERS - SURVEYORS - CONSULTANTS

2 FEDERICO DR., PITTSFIELD, MA 01201 (413) 443-3537



Source: [www.msc.fema.gov](http://www.msc.fema.gov)

**FIGURE #3**

**FEMA Floodplain Map**  
 11 School Street  
 Great Barrington, Mass

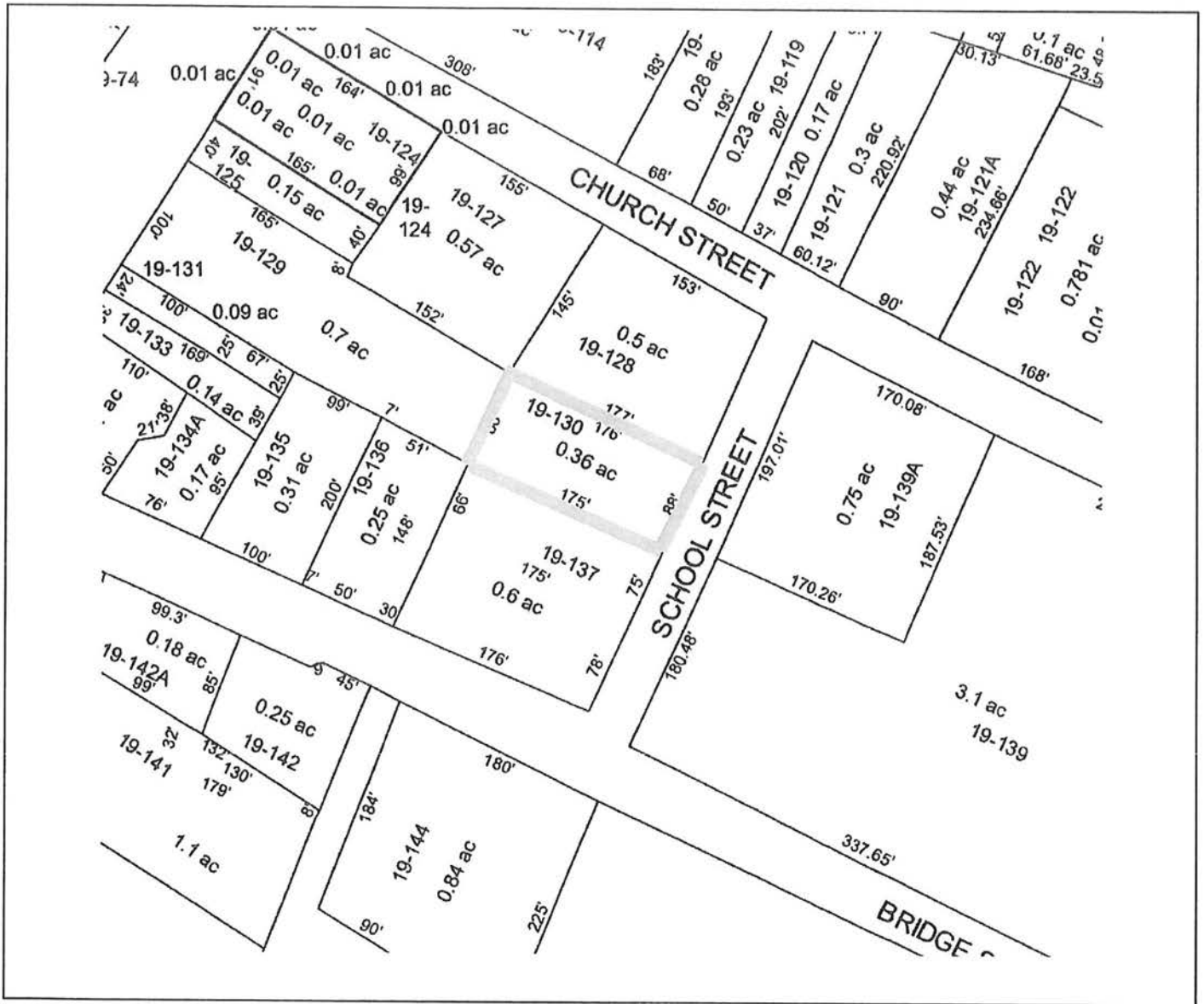


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CIVIL ENGINEERS - SURVEYORS - CONSULTANTS

2 FEDERICO DR., PITTSFIELD, MA 01201 (413) 443-3537





Source: Town of Great Barrington Assessor's Map

**FIGURE #4**

**Town of Great Barrington Map**

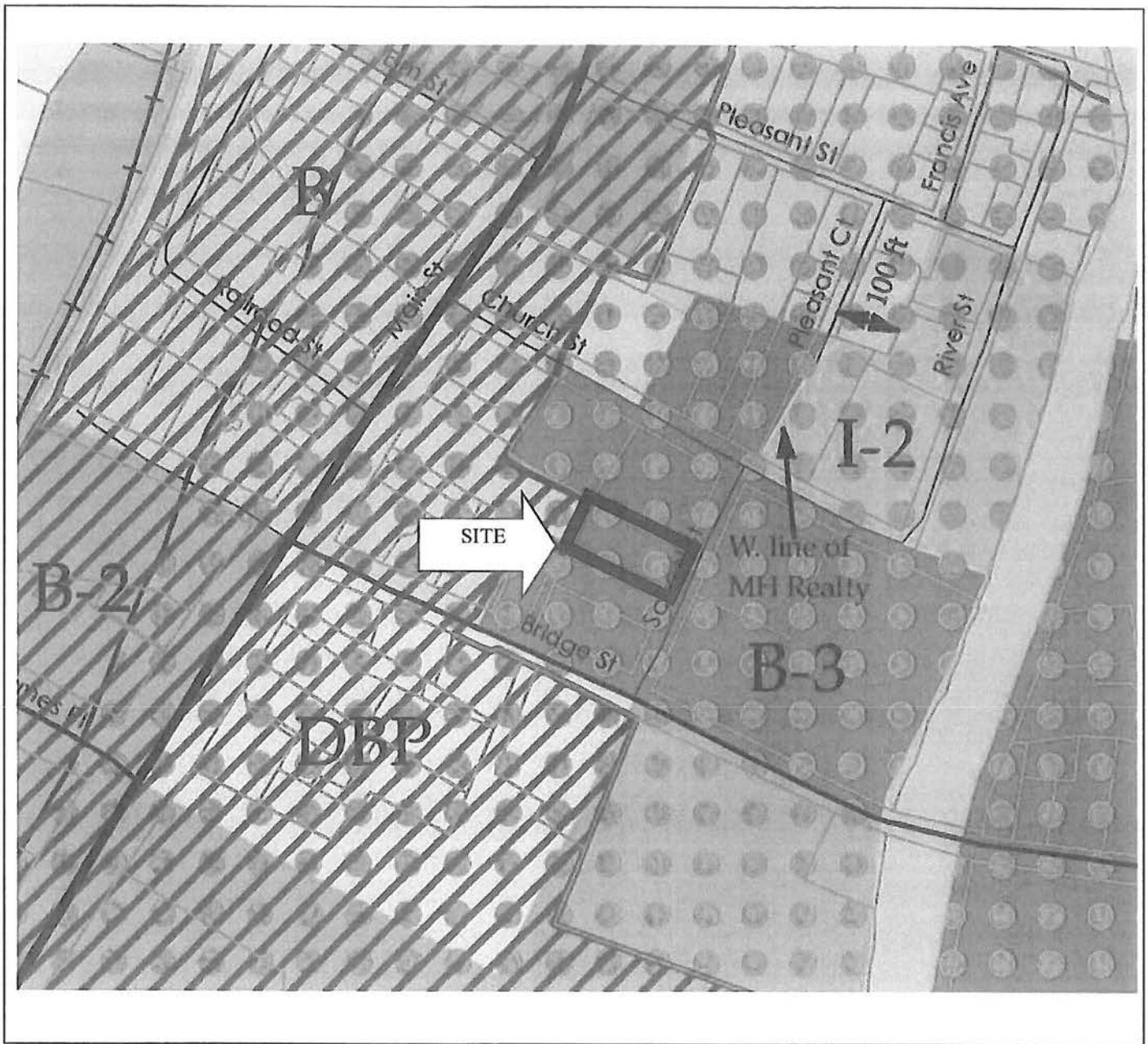
11 School Street  
 Great Barrington, Mass  
 (Map 19, Lot 130)



**DESIGN GROUP, INC.**

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2 FEDERICO DR., PITTSFIELD, MA 01201 (413) 443-3537



Source: Town of Great Barrington Zoning Map

**FIGURE #5**

**Great Barrington Zoning Map**

11 School Street  
Great Barrington, MA



**DESIGN GROUP, INC.**

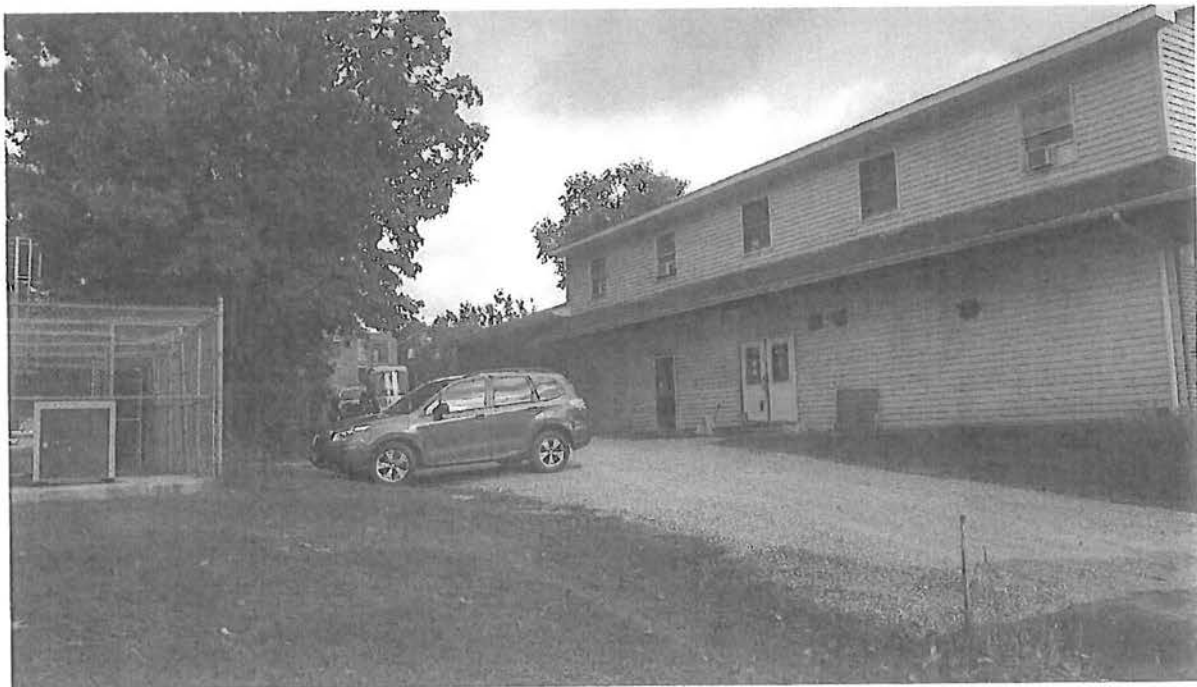
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Attachment A  
Site Photos



South Face of Building from School Street, existing paved parking area



West Side of Building, Gravel Driveway



North Side of Building, Gravel Parking Area

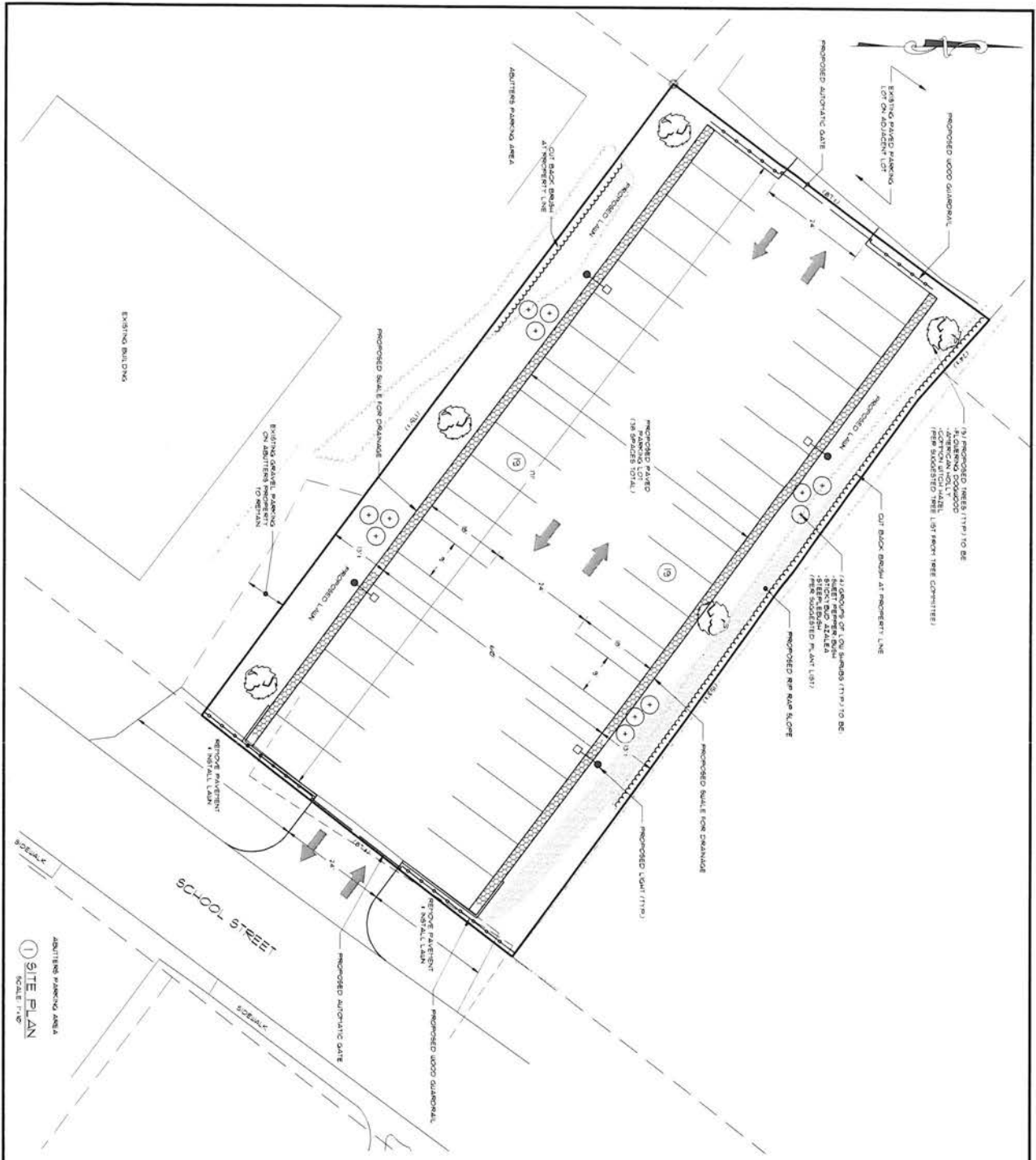


East Side of Building, lawn area and residential access

Attachment B  
Parking Lot Design  
Prepared by  
SK Design Group, Inc.







ADJUTERS PARKING AREA  
**1 SITE PLAN**  
 SCALE 1"=40'

**LEGEND**

	PROPOSED AUTOMATIC PROJECT LINE
	EXISTING CONTOUR
	EXISTING INLET / DRIVEWAY
	EXISTING UTILITY POLE
	EXISTING FENCE
	EXISTING STONE WALL
	EXISTING GATE LINE
	EXISTING LATER LINE
	PROPOSED CONTOUR
	PROPOSED GATE/DRIVEWAY
	PROPOSED DRAIN LINE
	PROPOSED UNDERGROUND ELECTRIC

GRAPHIC SCALE  
 0 5 10 20  
 FEET  
 1"=40 FEET

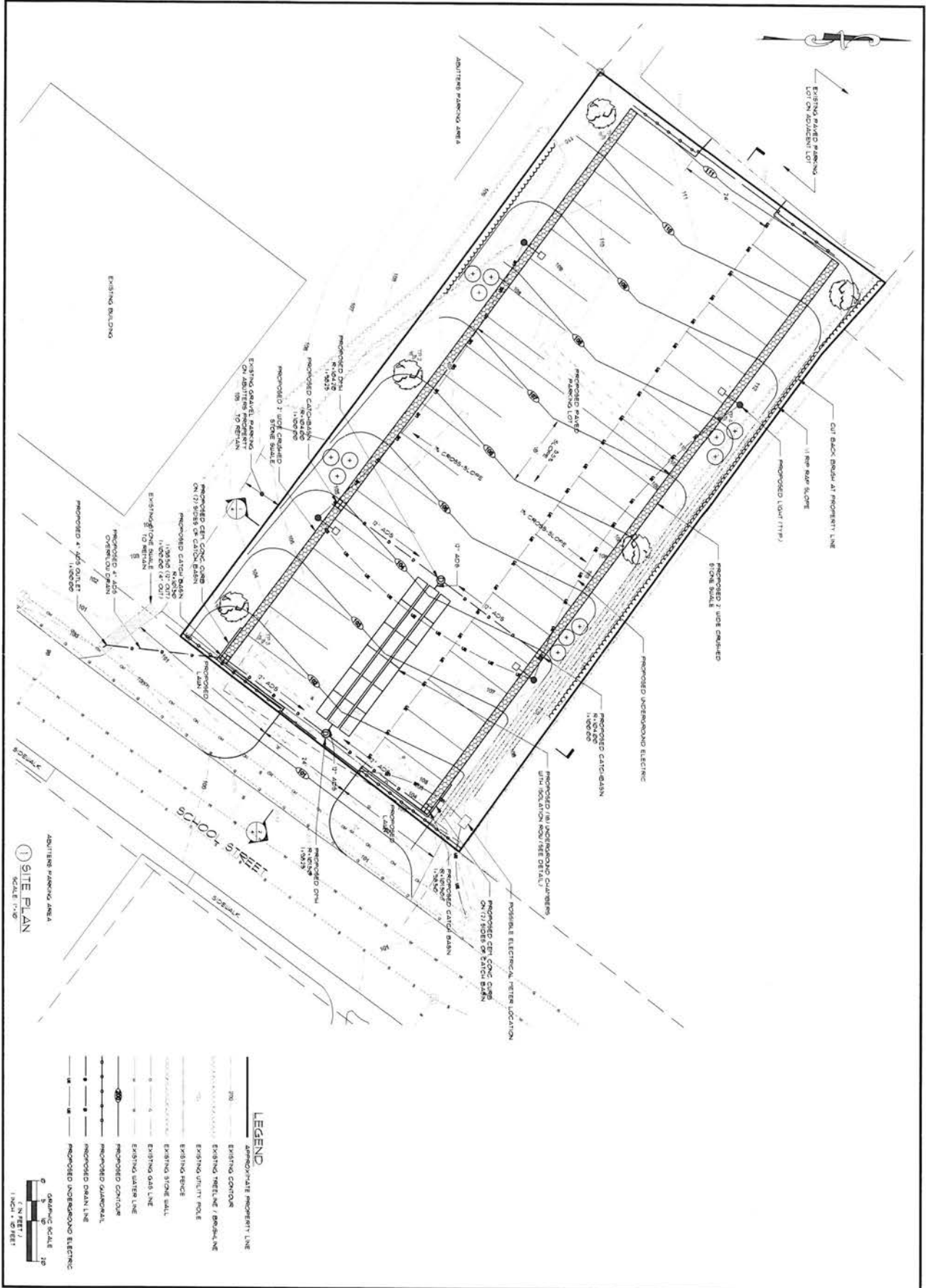
DATE	BY	SCALE
NOV 22 2019	JGUYON	1"=40'
NO. OF SHEETS	TOTAL SHEETS	
2	4	



**Design Group, Inc.**  
 Civil Engineers • Surveyors • Consultants  
 1000 STATE STREET, SUITE 200, WEST BARRINGTON, MASSACHUSETTS 01991-3000

PLAN DESCRIPTION  
**PROPOSED SITE PLAN**

PARKING LOT DESIGN  
 PREPARED FOR:  
**SCHOOL STREET PARKING, LLC.**  
 LOCATED AT:  
**11 SCHOOL STREET**  
 GREAT BARRINGTON, MASSACHUSETTS



ADJUTERS PARKING AREA  
 1) SITE PLAN  
 SCALE: 1/8" = 1'-0"

- LEGEND**
- PROPOSED PROPERTY LINE
  - - - - - EXISTING CONTOUR
  - - - - - EXISTING UTILITY / SERVICE LINE
  - - - - - EXISTING UTILITY POLE
  - - - - - EXISTING FENCE
  - - - - - EXISTING SIGN WALL
  - - - - - EXISTING GAB LINE
  - - - - - EXISTING WATER LINE
  - - - - - PROPOSED CONDUIT
  - - - - - PROPOSED GUANOSEAL
  - - - - - PROPOSED DRAIN LINE
  - - - - - PROPOSED UNDERGROUND ELECTRIC



DATE	BY	PROJECT NO.
NOVEMBER 11, 2019	INGUIRA	3
NOVEMBER 12, 2019	INGUIRA	4



**Design Group, Inc.**  
 Civil Engineers • Surveyors • Consultants  
 100 WASHINGTON STREET, SUITE 200, BOSTON, MASSACHUSETTS 02109  
 TEL: 617.552.1234 FAX: 617.552.1235

DATE: NOVEMBER 12, 2019  
**GRADING, DRAINAGE & UTILITY PLAN**

PARKING LOT DESIGN  
 PREPARED FOR:  
**SCHOOL STREET PARKING, LLC.**  
 LOCATED AT:  
 11 SCHOOL STREET  
 GREAT BARRINGTON, MASSACHUSETTS



**Town will Re-Locate Fulcrum Enterprises LLC Public Hearing and Releases First of Two Consultant Reports:**

**Great Barrington, Mass. (Dec. 31, 2019)** – The Selectboard will re-open the public hearing on the special permit application of Fulcrum Enterprises LLC to operate a marijuana cultivation and manufacturing facility at 22 Van Deusenville Road on **Monday January 13<sup>th</sup>, at the Monument Valley Regional Middle School (313 Monument Valley Road)** to allow for more seating and parking. The hearing will begin not earlier than **6:00 PM** (the meeting will begin with other business at 5:30 PM). Parking is available in the front and rear of the building. Notices of the change of venue will be sent to abutters and will be posted in the usual locations. The Town has also hired consultants to review the application for the potential impacts of odor and noise. The first of those reports has been posted to the town website at: [www.townofgb.org](http://www.townofgb.org). The second report will be posted publicly as soon as it's available. Questions can be directed to the office of the Selectboard and Town Manager at 413.528.1619 x 2



## EXECUTIVE SUMMARY

**TITLE:** Fulcrum Enterprises, LLC Special Permit Application – Water Supply and Demand Impacts

**BACKGROUND:** On September 9, 2019 the Selectboard instructed the Town Manager to review the water usage impact of the above proposed project as it relates to the Housatonic Water Works (HWW) system. After collecting publicly available data (data sources include MA DEP Bureau of Water Resources Statistics for 2016-2018; January 2016 HWW Master Plan filed with the MA DPU on Feb. 1, 2016; and the 2013 Town of GB Master Plan), the following information is known:

**HWW Characteristics:**

- Long Pond, the company's surface water reservoir, has a total capacity of about 263 million gallons.
- Based on system history and capacity it has a low vulnerability to drought.
- The HWW storage tank (water from the reservoir that has been filtered, treated, and is ready for consumption) is one million gallons.
- The conservative total daily capacity of the system is 950,000 gpd.
- Current additional daily reservoir capacity at Long Pond is estimated as follows: 950,000 gpd total capacity minus 172,000 gpd (average daily usage of most recent 3-year period), equals 778,000 gallons per day excess capacity.

Fulcrum estimates it will use 2 million gallons per year (5,479 gpd)

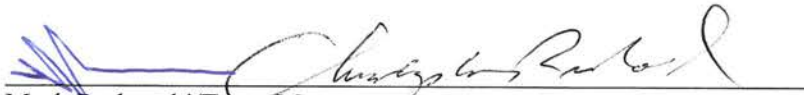
778,000 gpd excess daily capacity in HWW  
- 5,479 gpd Fulcrum daily demand  
= 772,521 gpd remaining excess daily capacity in HWW

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Staff recommends the above data is sufficient to satisfy the request of the Selectboard.

**PREPARED AND APPROVED BY:**

**DATE:**



Mark Pruhenski/Town Manager  
Christopher Rembold/Assistant Town Manager

01/09/2020



9 January 2020

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

Attention: Mark Pruhenski  
Town Manager

Subject: Peer Review of Sound Study  
Fulcrum Enterprises, LLC for Marijuana Facility Application  
22 Van Deusenville Road, Great Barrington, MA  
Acentech Project No. 632500

References: Special Permit Application prepared by Design Group, Inc. (July 2019)  
Acoustical Assessment report prepared by Cross-Spectrum Acoustics (4 September 2019)  
M. Pruhenski email with fan information to Acentech (5 September 2019)  
Additional information from CSA (September 2019)  
Acentech draft letter (20 September 2019)  
Revised Information - Special Permit Application prepared by DGI (26 November 2019)  
Revised Greenhouse Acoustical Assessment report prepared by CSA (3 December 2019)  
Additional information from CSA (January 2020)

Dear Mr. Pruhenski:

## Introduction

At your request, we conducted a peer review of the above-referenced Revised Greenhouse Acoustical Assessment report that was submitted to the Town of Great Barrington for Fulcrum Enterprises' application for a new marijuana cultivation and manufacturing facility. The revised November 2019 application and the December 2019 sound report supersede the original July and September 2019 submittals. The Applicant is proposing to construct and operate a 63,500 sq. ft. commercial marijuana cultivation and manufacturing facility, which will include 13 greenhouses and one manufacturing and distribution warehouse within a 5.78 acre industrial-zoned property. Each greenhouse has one ventilation fan and one heater and the following typical operating conditions: all fans on during warm day periods, one fan only on during warm night periods, and all heaters on during cold day and night periods. The vent fans and heaters will not operate at the same time. The mostly vacant parcel is adjacent to the east side of a rail line and Van Deusenville Road, south of a solar array facility, north and west of other industry and open land, west of an auto salvage yard, and west several residences, which are the nearest noise-sensitive receptors to the planned project. The findings and comments from our peer review of the above-referenced revised materials submitted to the Town by the Project Applicant are presented below.

## Fulcrum/Cross-Spectrum Sound Study

Fulcrum Enterprise's consultant, Cross-Spectrum Acoustics (CSA), conducted a noise study for the proposed marijuana cultivation and manufacturing project. For this study, CSA identified applicable project noise



criteria, performed baseline ambient sound measurements at the site, and developed a computer sound model for the proposed equipment. The above-referenced CSA December 2019 report discusses the local and State noise requirements, ambient sound measurements, the project sound model, and their conclusions. Based on the results of their study, CSA concluded that the predicted sound for the facility at the nearest community residences meets both state and local noise requirements and that no noise mitigation measures are required for the project during day and night operation.

Figure 1 of the CSA report displays an aerial photograph of the project site and surrounding land parcels and Figure 2 shows the project site plan with the proposed 13 greenhouses and one manufacturing building. Figure 3 is a set of photographs that identify the residences nearest the project site and show the monitoring location selected to characterize the community ambient sound environment. Figure 4 plots the time history of the ambient sound levels that were measured over a 48-hr period from Friday, 30 August to Monday, 1 September 2019. This figure indicates hourly residual background sound levels (L90) as low as 33 dBA during the night and 39-40 dBA during the day. Figure 5 presents the octave band sound power levels for the vent fan and heater units; these values are based on measurements that were conducted by other parties. The overall A-weighted sound power levels (LwA) are 96 dBA for each fan and 72 dBA for each heater. Table 1 provides comparisons of the predicted total sound levels (facility + residual ambient) at the nearest noise sensitive receptors (six residences) with the measured lower values of daytime and nighttime ambient background sound levels. Results of the CSA analysis indicated that with no special mitigation measures, the sound of the proposed new equipment would comply with the applicable noise criteria during both daytime and nighttime hours. Figures 6 and 7 plot the predicted A-weighted octave band spectra for, respectively, the fan and heater sounds predicted at the six residences. The plots, if suitably adjusted from A-weighted to linear sound pressure levels, indicate that the facility would not produce a clear tonal condition as defined by MassDEP.

### **Acentech Review Comments**

We believe that the approach used by CSA is generally valid for estimating and evaluating the noise impacts of the proposed project. Our review indicates that the baseline ambient measurements may be used to establish the background sound levels in the neighborhood and that the project noise limits address the MassDEP noise criteria for nighttime operation. However, our review of the spectral ambient data and discussions with CSA confirmed that seasonal insect sound contributed significantly to the measured residual ambient sound levels. During months with less insect sound, we would expect that quiet daytime and nighttime sound levels could be 5 dBA lower than those listed in Tables 1 and 2 along with their associated MassDEP and Barrington limits.

The commercial software program, SoundPLAN, is widely-accepted for modeling the sound of industrial projects. We reviewed the inputs and results of the SoundPLAN model that CSA specifically developed for this project. The model inputs included source octave band sound power levels, equipment and building layouts and heights, source and receptor locations and elevations, topography, and ground and atmosphere propagation conditions, etc. Based on this information and on CSA sound model assumptions of relatively hard (i.e., reflective) ground conditions, no foliage, and acoustically transparent greenhouses (i.e., no shielding for the fan and heaters), we believe that the predicted facility sound levels are reasonable and conservative.

We believe that the project could be designed, constructed, and typically operated in compliance with the MassDEP broadband and tonal noise criteria and the Town noise regulation. However, we also expect that during the quietest daytime and nighttime periods - in seasons without cicadas or spring peepers - that the facility sound will cause a greater than 10 dBA increase above the residual ambient sound levels.

To protect the nearby residential community we would recommend that the Town of Great Barrington adopt feasible and realistic noise conditions on the project, which would be lower than the Town's noise limits and most likely be lower than the MassDEP limits suggested by CSA in Table 1 and 2. Current MassDEP policy directs projects to identify reasonable mitigation measures that minimize increases in community sound levels; the "increase of 10 dBA" criterion is considered an upper value for projects, not a goal by MassDEP. The permit conditions could include project sound limits and no prominent tones in the residential community (outside homes or at residential property lines), and one or more compliance sound tests that can be

witnessed by the Town. And on the design side, we would recommend that the project consider installing variable frequency drives (VFDs) to reduce fan speeds and fan sound when feasible and/or installing original or retrofit fan treatments (e.g., silencers or acoustically lined plenums).

Sincerely yours,

ACENTECH INCORPORATED

A handwritten signature in black ink, appearing to read "J. D. Barnes". The signature is written in a cursive style with a large initial "J" and "B".

James D. Barnes, P.E., F. INCE

J:\632500-GreatBarrington-MarijuanaReview010920-rep.docx



Odor Science & Engineering, Inc.

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**REVIEW OF ODOR MITIGATION AT THE PROPOSED  
MARIJUANA CULTIVATION FACILITY  
IN GREAT BARRINGTON, MASSACHUSETTS**

**Prepared for the Town of Great Barrington**

**Prepared by:  
Ned Ostojic, Ph.D., P.E.**

**December 29, 2019**

**OS&E Project No. 2156-M-00**

**Odor Science & Engineering, Inc. 105 Filley St., Bloomfield, CT 06002  
Phone: (860) 243-9380 Fax: (860) 243-9431 [www.odorscience.com](http://www.odorscience.com)**

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## APPENDICES

APPENDIX A – Procedure for Collecting Odor Samples from a Greenhouse Exhaust

APPENDIX B: Measurement of Odor Concentration

APPENDIX C: Measurement of Odor Intensity

APPENDIX D: Conversion of Dispersion Modeling Contours into Dilutions to Threshold

## SUMMARY AND CONCLUSIONS

Fulcrum Enterprises, LLC (Fulcrum) seeks to develop a marijuana cultivation and manufacturing facility at 22 Deusenville Road in Great Barrington, Massachusetts. The Town of Great Barrington has retained Odor Science & Engineering, Inc., (OS&E) to conduct an assessment of the adequacy of the odor mitigation measures planned for the proposed facility.

On September 18, 2019, OS&E submitted a draft report presenting its findings from the review of the original Fulcrum submittal. The report identified several shortcomings in the proposed odor mitigation plan, stemming mainly from unsubstantiated claims of performance of the proposed odor mitigation technology.

The Applicant made a conscientious effort to address these shortcomings. This included several investigations, the results of which were incorporated into a 276-page December 5, 2019, submittal. This report presents OS&E's findings from review of that submittal.

The Applicant conducted odor emission testing at an existing cannabis cultivation facility in California which resembles the proposed facility in Great Barrington both in design and in operation. OS&E participated in the preparation of the testing protocol. Odor samples were collected by Environmental Permitting Specialists (EPS) and were shipped overnight to the OS&E olfactory laboratory where they were analyzed the next day by dynamic dilution olfactometry. The results of the odor analysis were presented in the October 8, 2019 Project Note No. 1 prepared by Ned Ostojic.

Following this test, EPS conducted odor dispersion modeling to evaluate potential odor impacts from the proposed facility in Great Barrington. In addition, Fulcrum retained Bosarge Environmental to conduct off-site and on-site odor evaluation at the same California facility utilizing a portable olfactometer (Nasal Ranger). The December 5 Fulcrum submittal also includes an updated odor control plan and system design prepared by NCM Environmental Solutions (NCM).

The following conclusions were based on the review of the above materials.



## CONCLUSIONS

- When the odor concentrations measured in the samples collected by EPS at the California cannabis facility, are used as input to the odor dispersion model, potentially significant odor impacts are predicted in the area surrounding the proposed Great Barrington facility area under the most unfavorable meteorological conditions. Even though such impacts may not be frequent, they highlight the need for an effective odor mitigation technology at the proposed facility.
- This finding is in contrast with the findings from the investigation conducted by Bosarge Environmental at the same California facility, using Nasal Ranger. Bosarge findings indicate that the odor levels generated in cannabis cultivation are far too low to warrant any odor control, even during the peak odor emission phase in the plants' growing cycle.
- Odor concentration readings taken by Bosarge using Nasal Ranger are more than one hundred times lower than the odor concentrations measured by dynamic dilution olfactometry in the samples collected by EPS at the same facility under comparable conditions and within the same time frame. A discussion of the factors which may have contributed to the unrealistically low odor concentration readings reported by Bosarge is provided in Section 4 of this report.
- Bosarge also conducted several off-site odor surveys in the area surrounding the California facility. Off-site odor surveys can be used to document the "odor footprints" of existing facilities. This is best accomplished by systematically traversing the facility's odor plume at increasing distances from the facility, until the odor is no longer detectable. In contrast, the Bosarge surveys were structured as a series of Nasal Ranger readings at fixed locations in the surrounding area. Limiting the readings to fixed locations carries a risk of missing the odor plume entirely or in part. This indeed happened on a number of surveys in which the observation locations were upwind from the facility or otherwise out of the path of the odor plume. No facility related odors were found off-site.
- As first communicated in the OS&E's October 8 Project Note, analysis of the odor samples collected by EPS at the cannabis cultivation facility in California, showed no appreciable change in odor concentration, odor character and odor intensity as a result of the odor neutralizer addition to the greenhouse exhaust. Accordingly, this form of odor treatment was not found to be capable of providing an effective protection against potentially objectionable odors.

- The December 5, 2019 Fulcrum submittal includes a revised odor control plan prepared by NCM. The plan relies essentially on the same odor neutralizer treatment as originally proposed. Section 4 of the plan presents “administrative controls” including a newly added Section 4.1, “Monitoring”. That section describes proposed measures aimed at increasing the awareness of the facility’s operators of ambient odors in the area surrounding the facility. As such, the section addresses one of the shortcomings in the originally proposed plan, which relied to a large extent on odor complaint follow-up investigations for that purpose. This welcome addition to the proposed odor mitigation plan could be improved by some re-structuring as discussed in Section 5.
- The main shortcoming of the revised odor control plan is its continued reliance on the odor neutralizer in a manner which was found not to be effective based on the analysis of the samples collected by EPS at the California facility. Thus, even if the facility’s operating staff were made aware of a potential odor occurrence, their ability to mitigate it would be limited.

## 1.0. Introduction

Fulcrum Enterprises, LLC (Fulcrum) seeks to develop a marijuana cultivation and manufacturing facility at 22 Deusenville Road in Great Barrington, Massachusetts. The Town of Great Barrington has retained Odor Science & Engineering, Inc., (OS&E) to conduct an assessment of the adequacy of the odor mitigation measured planned for the proposed facility. .

On September 18, 2019, OS&E submitted a draft report presenting its findings from the review of the original Fulcrum submittal. The report identified several shortcomings in the proposed odor mitigation plan, stemming mainly from unsubstantiated claims of performance of the proposed odor mitigation technology. The absence of the evidence of the actual effectiveness of the neutralizer made it impossible to reach a conclusion regarding the adequacy of the proposed odor mitigation plan.

The Applicant made a conscientious effort to address the shortcomings identified in the OS&E report. This included several investigations, the results of which were incorporated into a 276-page December 5, 2019, submittal. The submittal was made available as a pdf document<sup>1</sup>. To facilitate access to selected materials in that document, references to the associated pages in the document have occasionally been provided in this report as “pdf page...”.

The additional investigations performed by the Applicant included odor emission testing at an existing marijuana cultivation facility in California. In design and operation that facility resembles the proposed facility in Great Barrington. OS&E participated in the preparation of the testing protocol. Odor samples were collected by Environmental Permitting Specialists (EPS) and were shipped overnight to the OS&E olfactory laboratory where they were analyzed the next day by dynamic dilution olfactometry. The results of the odor analysis were presented in the October 8, 2019 Project Note No. 1 (Project Note), prepared by Ned Ostojic and are also presented in Section 2 below.

Following this test, EPS conducted odor dispersion modeling to evaluate potential odor impacts from the proposed facility in Great Barrington. They presented their findings in a report included in the December 5 Fulcrum submittal (pdf page 65). A discussion of that report is presented in Section 3 below.

---

1) <https://www.dropbox.com/s/z0qf29a9h92m0vh/Fulcrum%20new%20submittal%20December%205%202019.pdf?dl=0>

In addition, Fulcrum retained Bosarge Environmental to conduct off-site and on-site odor evaluation at the same California facility utilizing a portable olfactometer (Nasal Ranger). A report with the results of that investigation was also included in the December 5 Fulcrum submittal (pdf page 133). A discussion of that report is presented in Section 4 of this report.

The December 5 Fulcrum submittal also included an updated odor control plan and system design prepared by NCM Environmental Solutions (NCM) (pdf page 180). A discussion of this updated plan is presented in Section 5 below.

## 2.0. Odor Emissions Testing at the California Facility

NCM identified a cannabis cultivation facility in California, California, very similar in design and operation to the proposed facility in Great Barrington, with the same odor neutralization technique for odor control as is being proposed in Great Barrington. The facility thus offered an ideal opportunity to measure the odor levels in the exhausts from the greenhouses and to evaluate the effectiveness of the odor neutralization system.

The test was carried out on October 1, 2019, in accordance with a protocol which included the Updated Testing Procedure provided in Appendix A. The samples were shipped overnight to the OS&E olfactory laboratory where they were analyzed the next day by dynamic dilution olfactometry in accordance with ASTM E679-04. The analytical procedure is described in Appendix B

Two sets of three tests were conducted under the following conditions:

**Test 1:** Normal neutralizer addition rate, judged to provide the highest level of odor neutralization. The neutralizer formulation did not contain an aroma (Samples 1A and 2A).

**Test 2:** The addition of the neutralizer to the water flowing to the nozzles was discontinued, allowing only the water to flow to the nozzles. This tested any effect which water alone may have on odor suppression (Samples 1B and 2B).

**Test 3:** The flow of the water to the nozzles was discontinued. This measured the odor level in absence of any treatment, i.e. the uncontrolled odor emissions (Samples 1C and 2C).

This sequence of operation was selected so that the ventilation exhaust would contain progressively higher levels of odor, starting with maximum level of control in Test 1 to no control in Test 3.

In addition, two samples were collected with normal neutralizer operation with addition of a citrus aroma (Samples C1 and C2). The samples were collected at a distance of approximately 12 ft from the greenhouse exhaust fan.

The results of the analysis are presented in Table 2-1 and in Figures 2-3 through 2-3. As seen in Table 2-1, there was no appreciable difference in the odor concentration and in the odor character for the three tested operating conditions. The data reflect variability which would be expected when samples are collected some distance from the source.

Figures 2-1 through 2-3 show the relationship between odor concentration and odor intensity. Odor intensity was measured using the n-butanol odor intensity scale in accordance with ASTM E544-10. The procedure is described in Appendix C. As seen in the figures, odor intensity

increases with odor concentration. If a neutralizer had the effect of reducing odor intensity, the intensity data points would lie on a curve below the curve for the untreated odor. For example, Figure 2-1 shows trendlines for untreated greenhouse exhaust ("1C") and for a hypothetical case where the odor intensity would be reduced by 50% relative to the untreated exhaust ("50%").

As seen in Figures 2-1 and 2-2, no appreciable difference in odor intensity is apparent for the three tested scenarios.

Figure 2-3 combines the data for all the samples, including the sample with aroma addition (C1). No appreciable difference in the odor intensity pattern for that sample is apparent either.

Figure 2-4 provides a comparison of the odor concentrations for the three test conditions. No significant difference in the odor concentration levels is evident between the samples of treated and untreated greenhouse exhaust.

In conclusion, no appreciable change in odor concentration, odor character and odor intensity is evident as a result of neutralizer addition to the greenhouse exhaust.

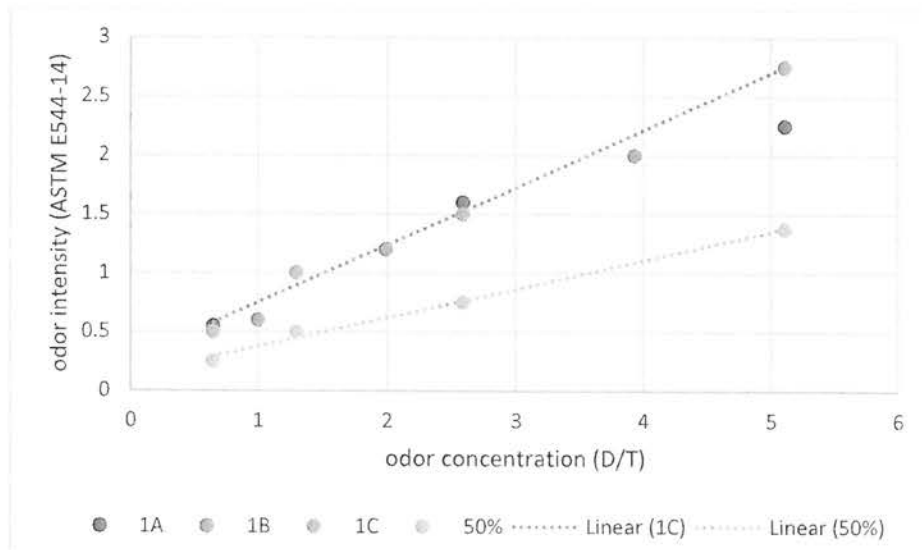


**Table 2-1. Results of the dynamic dilution analysis**

sample ID	time	odor concentration (D/T) <sup>a</sup>	odor character <sup>b</sup>
1A - neutralizer (no aroma)	10:40	230	skunk, weed, pot, burnt pot, cannabis
1B - water only	11:20	177	skunk, weed, pot, burnt pot, cannabis
1C - untreated exhaust <sup>c</sup>	12:01	230	skunk, weed, pot, burnt pot, cannabis
2A - neutralizer (no aroma)	12:36	193	skunk, weed, pot, burnt pot, cannabis, mercaptan
2B - water only	13:10	273	skunk, weed, pot, burnt pot, cannabis
2C – untreated exhaust <sup>d</sup>	13:40	230	skunk, weed, pot, burnt pot, cannabis, musty
C1 neutralizer (with aroma)	13:55?	273	skunk, weed, pot, burnt pot, cannabis, wet newspaper
C2 neutralizer (with aroma)*	14:00?		

- a) D/T = dilutions to threshold
- b) Description of odor character provided by the panelists in the course of the olfactometry analysis
- c) Sample identified on the sampling bag as “3A” with no time of sampling. Sample ID and time shown in the table are based on the Chain of Custody
- d) Sample identified on the sampling bag as “3B” with no time of sampling. Sample ID and time shown in the table are based on the Chain of Custody

\* sample bag arrived empty



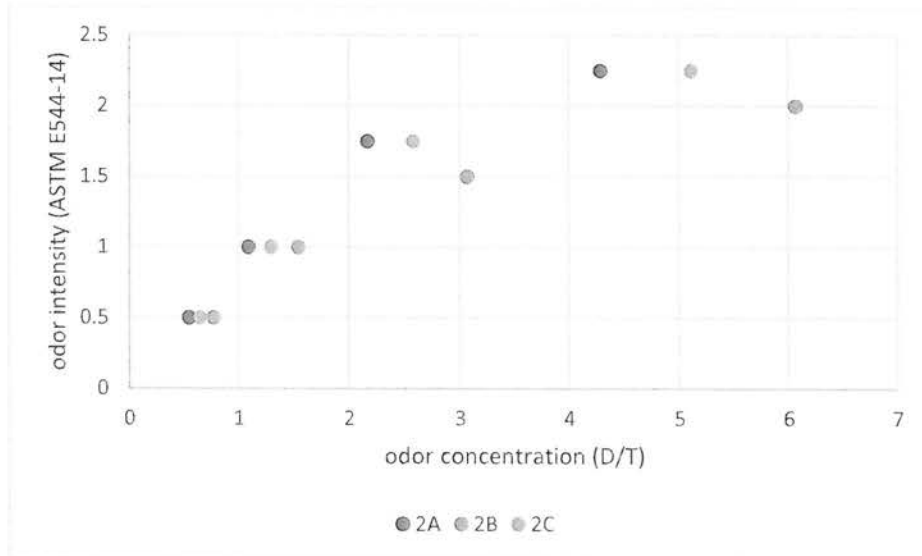
**Figure 2-1. Relationship between odor concentration and odor intensity – Samples 1A – 1C**

1A – normal neutralizer addition (no aroma)

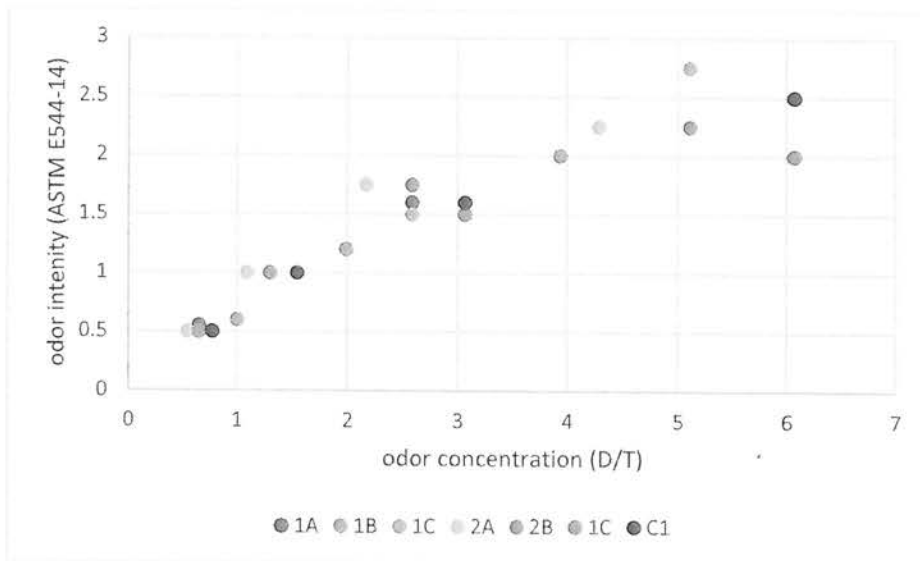
1B – no neutralizer added (water only)

1C – untreated exhaust

50% - example of a 50% reduction in odor intensity



**Figure 2-2. Relationship between odor concentration and odor intensity – Samples 2A – 2C**  
 2A – normal neutralizer addition (no aroma)  
 2B – no neutralizer added (water only)  
 2C – untreated exhaust



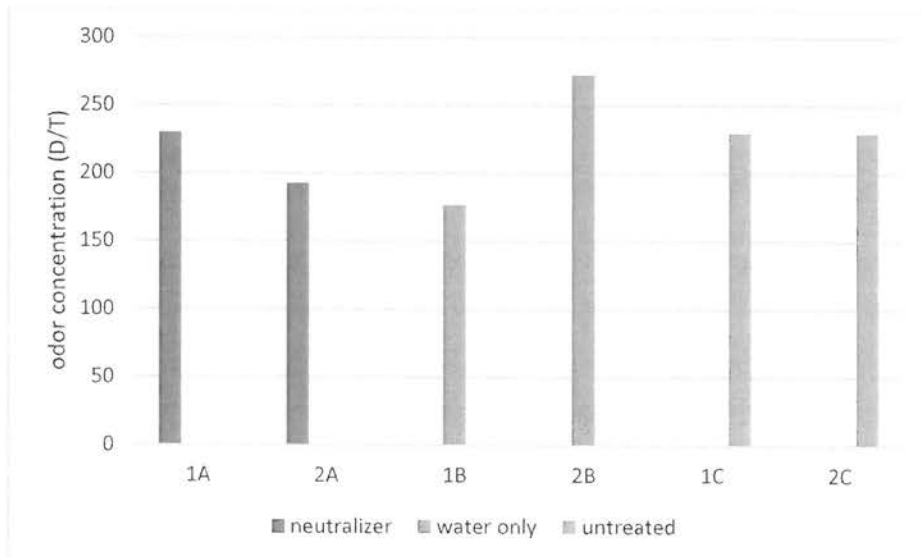
**Figure 2-3. Relationship between odor concentration and odor intensity – Samples 1A – C1**

1A,2A – normal neutralizer addition (no aroma)

1B,2B – no neutralizer added (water only)

1C,2C – untreated exhaust

C1- normal neutralizer addition with a citrus aroma



**Figure 2-4. Comparison of odor concentration measurements for the three test conditions**

### 3.0. Odor Dispersion Modeling

Fulcrum retained Environmental Permitting Specialists (EPS) to evaluate the potential odor impacts from the odors from the proposed facility in the surrounding area. The results of that evaluation were presented in the November 22 EPS report which was incorporated into the Fulcrum December 5 submittal. (pdf page 65). As part of their work, EPS collected odor samples from an existing marijuana cultivation facility in California. The samples were analyzed by OS&E and the results presented in Section 2 of this report. EPS also conducted odor dispersion modeling to evaluate potential odor impacts from the proposed facility.

The modeling used AERMOD dispersion model with a 52,584 hours of meteorological data from the area of Pittsfield, Massachusetts. Modeling covered a rectangular area 2,500 meters x 1,800 meters, shown in Figure 3-1. The proposed facility, shown as red points in the figure, was in the approximate center of the area. The area was divided into 25 meter square cells which provided a total of 7,200 grid cells. Odor impacts were predicted at each grid cell (“receptor”) for each of the 52,584 hours of weather data.

The results of the odor dispersion modeling are presented in Figure 3–2, which was adapted from Figure 3–3 in the EPS report (pdf page 79). The blue contours in the figure represent the largest odor footprint from the proposed facility based on operation of 12 greenhouses. The fact that the proposed facility plans to use 13 greenhouses, has only a minor net effect of proportionately underpredicting the impact by some 8 percent. The contours are based on the highest odor impacts predicted for each receptor under any of the 52,584 hours of weather data used in the modeling. For many of the receptors these peak impacts were predicted to occur at different times, often in different years.

The numerical values associated with the contours in the Figure 3-2 do not represent odor levels directly but can be converted into dilutions to threshold using the key provided in the legend in the figure. The conversion process is explained in Appendix D.

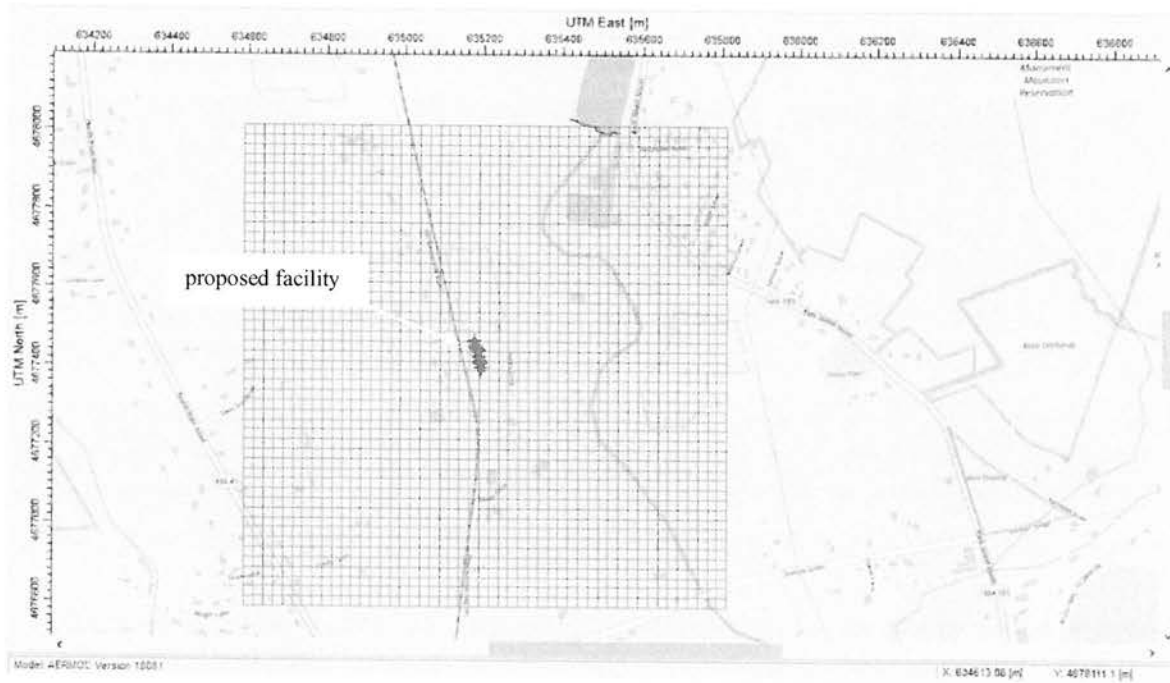
For example, the 2,500 corresponds to an odor concentration of 10 DT. That contour is interrupted at several points when it reaches the edge of the modeled area, indicating that it would extend beyond the modeled area. For improved visibility, these points are marked with small orange circles. The orange circle furthest away from the proposed facility is marked in the figure at a distance of more than one half mile. The 10 D/T contour extends into the residential area to the northeast of the proposed facility.

Figures 2-1 through 2-3 in Section 2 indicate that, by extrapolation, the odor concentration of 10 DT would correspond approximately to an odor intensity of 3 on the n-butanol scale. The odors of that intensity are very likely to be considered objectionable.



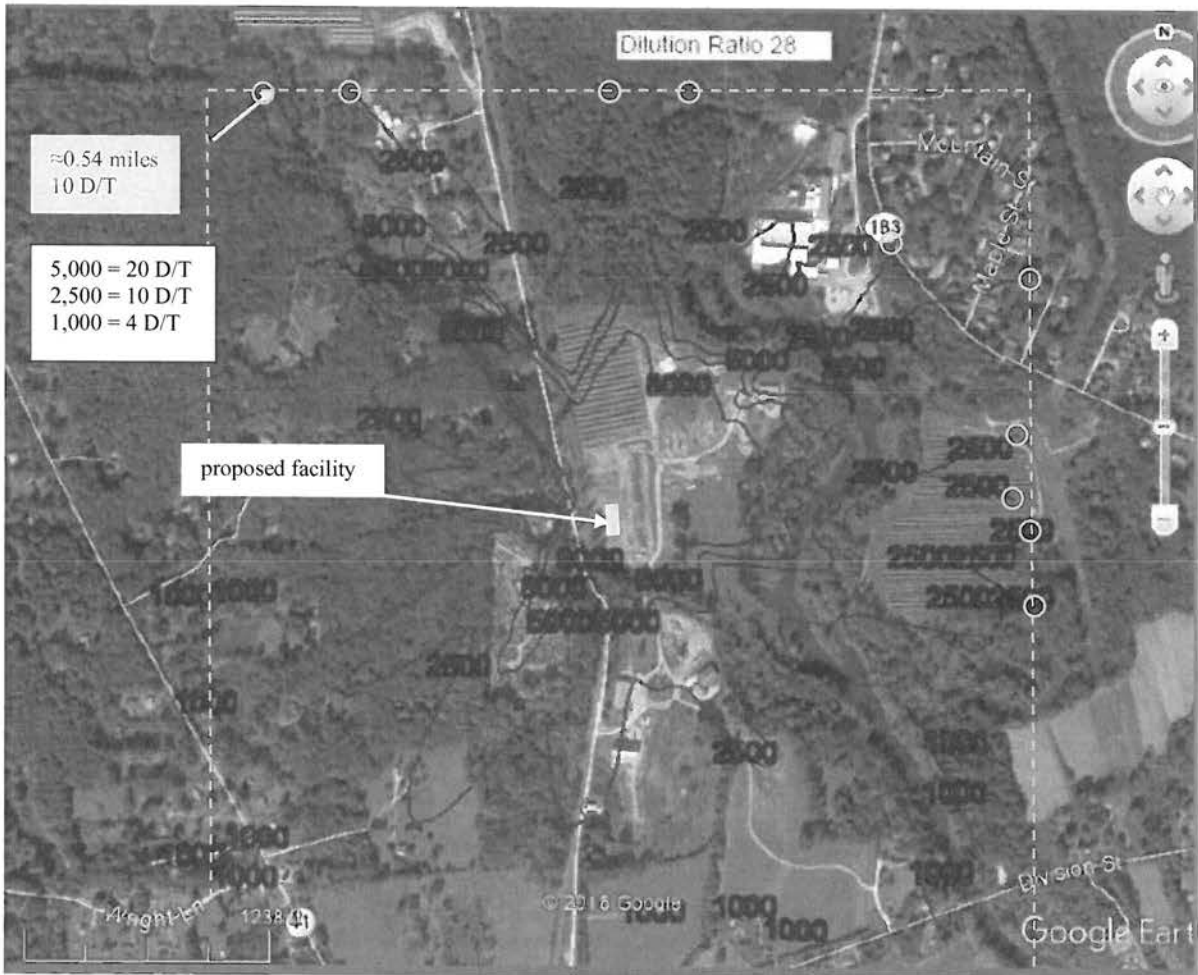
The 1,000 contour in Figure 3-2, corresponding to odor concentration of 4 DT, is almost entirely outside of the receptor grid. This odor would correspond to an intensity of 2, which could also be considered objectionable, especially in the communities which have been exposed to the odor with some frequency

Figure 3-2 should not be interpreted to suggest that the community around the proposed facility is likely to be inundated with objectionable odors at all times or even with significant frequency. Rather, the figure calls attention to the fact that potential for objectionable odors exists and that adequate odor mitigation measures need to be implemented to prevent actual occurrence of such impacts. The adequacy of the proposed mitigation measures is discussed in Section 5.



Source: EPS report, Figure 1 (pdf page 117)

**Figure 3-1. The receptor grid used in odor dispersion modeling**



Note: This figure was adapted from Figure 3-3 in the EPS report (pdf page 79); The dotted orange line shows the approximate boundary of the modeled area; The small orange circles indicate locations where the 2,500 (10 D/T) contour extends beyond the modeled area; The scale in the lower left corner is in feet.

**Figure 3-1. Results of odor dispersion modeling**

## 4.0. Discussion of the Bosarge Environmental Report

Fulcrum retained Bosarge Environmental, LLC (Bosarge) to conduct an evaluation of odors associated with a cannabis cultivation facility in northern California (the same facility where odor samples were collected by EPS). The evaluation was conducted on three days from October 1 through October 3, 2019, using a portable olfactometer (Nasal Ranger). This time period overlapped with the time when odor samples were collected by EPS and analyzed by dynamic dilution olfactometry as described in Section 2.

Bosarge performed a number of on-site and off-site odor measurements at pre-selected locations. Three of the on-site locations, designated in the report as A, B and C, are of particular interest. These locations were directly in line of the horizontal ventilation exhaust from a greenhouse at distances of 6, 12 and 24 feet from the discharge fan respectively. These were the locations where the highest odor levels were recorded. These readings were comprised of two 7 dilutions-to-threshold (D/T) readings and three 4 D/T readings. All other readings were at 2 D/T and less (<2D/T). In instances where no odor was detectable, no readings with Nasal Ranger were attempted and such observations were recoded as “non detectable” (ND).

Nasal Ranger readings at locations A, B and C are summarized in Table 4-1, compiled from the material in the Bosarge report. The table also includes the process conditions and the time when the readings were taken.

As stated in the Bosarge report, the ventilation in the greenhouses was turned off overnight, allowing the odors to build up. Perhaps the most remarkable finding from the report was that the highest odor concentration resulting from this buildup was only 7 D/T (row 23 in Table 4-1). The fact that this measurement was obtained during the high odor generation phase in the cannabis growth cycle, is of added significance. As stated in the EPS report (pdf page 71): “Samples were collected October 1, 2019 while the cannabis plants were in full bloom. This is the period associated with the highest odors”. Photos taken at the testing facility show high density of plants inside the greenhouses. This indicates that during other phases in the cannabis growth cycle, the peak potential odor level would be even lower.

Because of the long time over which the odor was allowed to build up inside a greenhouse, essentially the same peak equilibrium odor value of 7 D/T could be expected to be reached in any unventilated greenhouse with a comparable plant density and at the comparable plant growth stage, irrespective of the design and structure of the greenhouse. This would indicate that 7 D/T represents the highest odor level which one would expect to encounter in the cannabis cultivation industry. In the field of industrial odor control, the odors of that magnitude are far below the level considered to require any form of odor control.

Measurements made by Bosarge indicate that the odors in the greenhouse exhaust dispersed rapidly at increased distances from the fan as evident by the data in rows 2, 3 and 4 and 23, 24 and 25 in Table 4-1.

As indicated by the data in the rows 17, 18 and 19, shortly after the start of ventilation, the odor levels of the uncontrolled exhaust stabilized at 2 D/T. Since this level is already barely above threshold, any further odor control would clearly be unnecessary

The fact that the potential for objectionable odors from cannabis cultivation facilities has been a recognized concern in a number of communities surrounding those facilities, indicates that the odor emission potential based on the results from the Bosarge report is unrealistically low.

EPS samples with odor concentration in the range from 177 D/T to 273 D/T were collected during continuous operation of the greenhouse ventilation system with the odor neutralizer system turned on and off. Row 1 in Table 4-1 provides an example. It shows the odor concentration value of 273 D/T measured in the last sample collected by EPS, less than an hour before the first Bosarge reading later that day. Under comparable conditions, Bosarge readings were 2 D/T or lower. This is a discrepancy of approximately one hundred times.

Aside from the analysis of the samples from the California facility, presented in this report, OS&E's experience with the odor levels in the cannabis cultivation industry has been limited, in part because the industry has only recently been legalized. During the odor assessment we conducted for a proposed cannabis cultivation and production facility in the Town of Charlton, Massachusetts, we learned from the applicant's odor consultant that the odor levels they measured at other cannabis cultivation facilities ranged from 200 to 1,000 D/T. This is generally in line with the 177 to 273 D/T range seen in the samples collected by EPS from the exhaust of a greenhouse in California.

The unrealistically low Nasal Ranger readings compared to the results from dynamic dilution olfactometry analysis of the samples from the same source under comparable conditions, are difficult to explain, even when the differences in the measuring methodology are taken into account.

Measurements made by dynamic dilution olfactometry are made by an odor panel. Odor panel members are unaware of what kind of odor they are evaluating and of its source. Olfactory sensitivity of individual members is automatically checked against that of the group at every step of the analysis.

In contrast, readings using portable olfactometers such as Nasal Ranger are made by a single person. Consequently, some of the factors which could affect the readings could include:

- temporary or permanent impairment of the observer's olfactory sensitivity to specific odors or in general;
- enhanced potential for conscious or unconscious bias due to subjective nature of the measurement technique;
- In the case of the California greenhouse, where Nasal Ranger readings were taken directly in the high volume greenhouse exhaust, the instrument had likely been exposed to the fine mist from the odor neutralizer system. This could have compromised the instrument's inner air flow balance and/or the adsorption effectiveness of the activated carbon;
- Olfactory sensitivity could be reduced through a process of adaptation which results from a prolonged exposure to odors. A common example of this effect is the aroma occasionally noticed when entering a restaurant. After a while, even a relatively strong aroma could become unnoticeable inside the restaurant because of the adaptation effect.

Nasal ranger incorporates features designed to counter the adaptation effect when the instrument is properly used. As mentioned above, however, the instrument may have been compromised due to exposure to fine mist in the greenhouse exhaust

- Making Nasal Ranger readings while standing directly in the exhaust from a greenhouse, carries a risk of contaminating one's clothing, hair and other surfaces exposed to the fine mist from neutralizer application. That contamination could then become a source of prolonged odor that could remain detectable even when one reenters the odor free environment.

It may help if the readings were taken starting at a location furthest away from the fan where the odors would be the weakest and then moving closer in towards higher odors. As seen in Table 4-1, however, in most of the cases the readings were taken in the opposite order.



#### *4.1 Off-site surveys*

Bosarge also conducted several off-site odor surveys in the area surrounding the California facility. Off-site odor surveys offer an effective tool for establishing and evaluating the “odor footprints” of existing facilities. This is best accomplished by systematically traversing the facility’s odor plume at increasing distances from the facility, until the odor is no longer detectable. Measurement of odor intensity in accordance with ASTM E544-10 (described in Section 2), provides an effective tool for quantifying the odor impacts. This can be supplemented by odor concentration readings using a portable olfactometer such as Nasal Ranger when the odor plume is sufficiently steady.

The Bosarge surveys were structured as a series of Nasal Ranger readings at fixed locations in the surrounding area. Limiting the readings to fixed locations carries a risk of missing the odor plume entirely or in part. This indeed happened on several surveys in which the observation locations were upwind from the facility or otherwise out of the path of the odor plume.

No detectable odors were reported off-site.

#### *4.2 Conclusion*

In conclusion, taken at face value, the findings from the Bosarge report indicate that the odor emission potential from cannabis cultivation is too low to warrant any odor control. Acceptance of those findings without effective odor control safeguards, however, would run the risk of exposing the Great Barrington community to potentially objectionable odors from the proposed facility.

**Table 4-1. Nasal Ranger Readings at Locations A, B and C\***

	time	process conditions			distance from fan (ft)	D/T <sup>a</sup>
		fan	water	neutralizer		
<i>October 1- last sample collected by EPS</i>						
1	14:00	on	on	on	12	273 <sup>b</sup>
<i>October 1 -"Test Round 1"</i>						
	?	off <sup>c</sup>	off <sup>c</sup>	off <sup>c</sup>		
	14:45 (ventilation turned on)	on	off	off		-
2	14:50	on	off	off	6	7
3	14:52	on	off	off	12	4
4	14:54	on	off	off	24	2
5	15:02	on	on	off	6	4
6	15:04	on	on	off	12	2
7	15:06	on	on	off	24	<2
8	15:14	on	on	on	6	<2
9	15:17	on	on	on	12	<2
10	15:20	on	on	on	24	ND
11	15:22	on	on	on	6	<2
12	15:24	on	on	on	12	<2
13	15:26	on	on	on	24	ND

**Table 4-1. Nasal Ranger Readings at Locations A, B and C\* (continued)**

	time	process conditions			distance from fan (ft)	D/T <sup>a</sup>
		fan	water	neutralizer		
<b><i>October 2 - Test Round 6</i></b>						
14		off <sup>d</sup>	off <sup>d</sup>	off <sup>d</sup>	6	<2
15		off <sup>d</sup>	off <sup>d</sup>	off <sup>d</sup>	12	<2
16		off <sup>d</sup>	off <sup>d</sup>	off <sup>d</sup>	24	<2
	11:45 (ventilation turned on)	on	off	off		-
17	11:55	on	off	off	6	2
18	11:57	on	off	off	12	2
19	11:59	on	off	off	24	2
20	12:24	on	on	on	6	<2
21	12:23	on	on	on	12	<2
22	12:22	on	on	on	24	<2
<b><i>October 3 - "Round 11"</i></b>						
		off <sup>d</sup>	off <sup>d</sup>	off <sup>d</sup>		
	10:29 (ventilation turned on)	on	off ?	off ?	-	-
23	10:33	on	off ?	off ?	6	7
24	10:34	on	off ?	off ?	12	4
25	10:35	on	off ?	off ?	24	2

\* The table was assembled from the narrative in the Bosarge report. Locations A, B and C correspond to distances from the discharge of the ventilation fan of 6, 12 and 24 ft respectively

- a) D/T = dilutions to threshold
- b) This 273 D/T sample was the last of the seven samples collected by EPS and analyzed by dynamic dilution olfactometry as described in Section 2. The last (eighth) sample was collected at 14:00 but the bag arrived to the lab empty and the sample could not be analyzed.
- c) Greenhouse ventilation and neutralizer addition turned off to allow the odors to build up within the greenhouse; time unavailable
- d) The ventilation system had been off overnight

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## **5.0. Revised NCM Odor Control Plan and System Design**

**(November 22, 2019)**

The December 5, 2019 Fulcrum submittal includes a revised odor control plan prepared by NCM. The plan relies essentially on the same odor neutralizer control technique as originally proposed. Section 4 of the plan presents “administrative controls” including a newly added Section 4.1, “Monitoring”. That section addresses one of the shortcomings of the originally proposed plan, by implementing measures to increase the awareness of the facility’s operators of ambient odors in the area surrounding the facility. The proposed monitoring plan is structured in a way similar to the Bosarge evaluation. It relies principally on the use of Nasal Ranger at pre-selected monitoring locations and thus suffers from the same shortcomings discussed in the previous section.

Inclusion of pro-active odor monitoring is a welcome addition to the odor mitigation plan. It could be significantly improved by re-structuring and inclusion of odor intensity readings in the monitoring procedure. For improved effectiveness, the monitoring plan should include a systematic comprehensive documentation of the odor plume, as indicated in the previous section.

The main shortcoming of the revised odor control plan is its continued reliance on the odor neutralizer in a manner which was found not to be effective based on the analysis of the samples collected by EPS at the California facility. Thus even if the facility’s operating staff were made aware of a potential odor occurrence, their ability to mitigate it would be limited.

## **APPENDICES**

## APPENDIX A – Procedure for Collecting Odor Samples from a Greenhouse Exhaust

### MEMO

TO: Ray Kalahi  
FROM: Ned Ostojic  
SUBJECT: Updated Testing Procedure  
DATE: September 30, 2019

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Following up on our discussion earlier today, this memo presents an update of the procedure for the testing to be conducted at a marijuana cultivation facility in California, California. The objective of the testing is to determine the effectiveness of the NCM odor neutralizers in control of cannabis odors. The facility contains a number of greenhouses with the same ventilation and odor control system as proposed for a future facility in Great Barrington, Massachusetts. The ventilation exhaust from each greenhouse is discharged horizontally through large fans mounted on the end walls of the greenhouse.

The greenhouse selected for testing should be one likely to have the highest odor emissions. It is likely that the highest odor emissions could be expected from a greenhouse with the largest number of plants and the highest proportion of flowering plants. If a greenhouse has more than one fan, the test can be conducted on one fan only. This should be the fan closest to the portion of the greenhouse with the highest density of the plants and the highest proportion of flowering plants.

#### Testing approach

Two sets of three tests will be conducted under the following conditions:

**Test 1:** Normal neutralizer addition rate judged to provide the highest level of odor neutralization. **IMPORTANT:** In accordance with the discussion during the initial conference call on September 26<sup>th</sup>, *the neutralizer formulation should not contain an aroma.*

**Test 2:** The addition of the neutralizer to the water flowing to the nozzles is discontinued, allowing only the water to flow to the nozzles. This should test any effect which water alone may have on odor suppression.

**Test 3:** The flow of the water to the nozzles is discontinued. This will measure the odor level in absence of any treatment, i.e. the uncontrolled odor emissions.

With this sequence of operation, the ventilation system should experience progressively higher odors, starting with maximum level of control in Test 1 to no control in Test 3.

Each tested arrangement should be in operation for a minimum of five minutes before the start of sampling, to allow the conditions in the odor control system to equilibrate and to purge any residual effects of the previous test conditions.



A series of tests 1 through 3 will be performed twice in sequence.

### **Sampling procedure**

The samples will be collected using the “evacuated drum” arrangement. Two “split samples” will be collected for each tested condition. One sample will be shipped overnight to the OS&E olfactory laboratory where it will be analyzed the next day by dynamic dilution olfactometry in accordance with ASTM Standard Practice for Determination of Odor and Taste Thresholds by Forced-Choice Ascending Concentration Series of Limits (ASTM E679-04). The analytical procedure is described in Appendix B. The second sample will be sent to another laboratory. The samples will be collected in Tedlar bags. Each sampling bag will have a separate ¼ inch polypropylene sampling line. To minimize entrainment of water droplets, the inlets to the two sampling lines will be placed into a “protector”, constructed out of a capped pipe as illustrated in Figure 1. The figure shows only one ¼ inch sampling line in a ½ inch pipe protector. For this testing both sampling lines will be placed into the same larger pipe, 1 inch in diameter. In this way the same gas will be collected in the two bags.

The ¼ inch polypropylene sampling lines and the 1 inch capped-pipe protectors are disposable and will be replaced with new lines and protectors for each sample. Since no re-usable fittings or other equipment exposed to the flow of sampled gas will be used, this procedure will eliminate any cross-contamination between samples.

The samples will be collected immediately downstream of the fan, at an approximate distance of 3 ft from fan discharge. All samples will be collected by traversing the exhaust in as reproducible a manner as possible. The fan discharge velocity and the temperature of the exhaust will be measured using a hand-held anemometer. Photos and/or videos of sample collection would be very helpful.

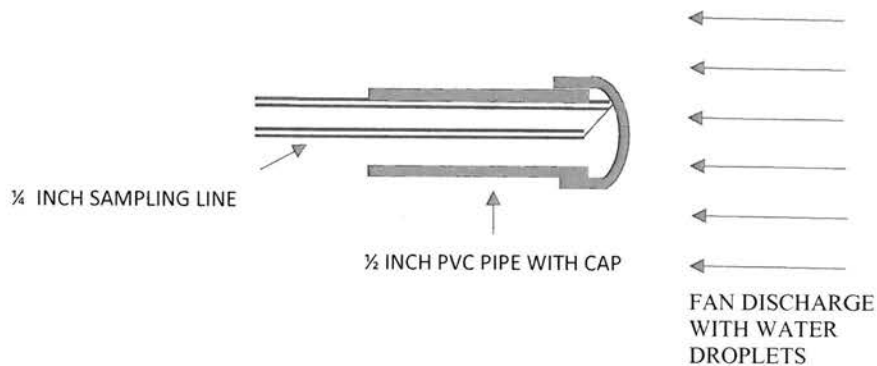
Sampling bags will be placed into a drum and each will be attached to its dedicated sampling line. The sampling lines will enter the inside of the drum through ¼ inch holes drilled in the wall of the drum, which provide a tight seal. The drum will then be sealed and evacuated using a vacuum pump. The vacuum in the drum will draw the samples into the bags.

**IMPORTANT:** Once the initial samples are collected, the bags will be removed from the drum and the contents of the bags homogenized by applying manual pressure on the bags. The samples will then be expelled from the bags. This will serve to pre-condition the bags and will minimize potential sample loss due to adsorption on the inner walls of the bags. The bags will then again be placed into the drum and the second and final samples collected.

It would be helpful if additional information were collected during sampling, including:

- The quantity of the plants in the greenhouse. This could be a percentage of the maximum. A photo or a video of the inside of the greenhouse would be very helpful;
- Approximate proportion of the flowering plants;

- Description of the ventilation system and the odor control including:
  - The number and positions of the neutralizer nozzles (photos);
  - Nozzle operating pressure and flow rate (design and actual) and spray pattern;
  - Fan nominal flow rate (the actual exhaust velocity and temperature will be measured);
  - If the fan speed is variable, method for speed adjustment and the setting at which the fan was operating during testing;
- The weather data at the time of sampling including temperature, dew point, relative humidity, wind direction and speed and cloud cover.



**Figure 1. The sampling arrangement for prevention of droplet entrainment**

## APPENDIX B: Measurement of Odor Concentration

Odor concentration is defined as the number of dilutions with odor-free air, which is needed to make an odor undetectable to a given fraction, typically 50%, of a panel of odor observers, representative of normal human population. Accordingly, odor concentration is expressed in self explanatory dimensionless units of “dilutions to threshold”, also designated D/T.

If the odor is estimated to be sufficiently strong, typically above 30 D/T, odor concentration is often measured by dynamic dilution olfactometry. In that case a sample of the odor is collected in a suitable container, typically a bag made of impervious and chemically inert plastic material, such as Tedlar. The samples are shipped overnight to an odor laboratory where they are measured with a panel of screened and trained odor observers. This procedure is used primarily for analysis of odors collected directly from industrial sources.

### Dynamic Dilution Olfactometry

Measurement of odor concentration is performed by means of a dynamic dilution olfactometer. In the olfactometer, known dilutions of the odor sample are prepared by mixing a stream of odor-free air with a stream of the odor sample. The odor-free air is generated by passing room air through a bed of activated charcoal. The odor-free air stream is split into three streams. Odor from the sample bag is added to one of these streams in a known ratio and the diluted odor is presented to odor panelists in one of the three sniff ports, chosen at random. The other two odor free-air streams are directed to the remaining two sniff ports. Presented with three identical sniff ports, two of which provide a stream of odor-free air and the third one a known dilution of the odor sample, a panelist is asked to identify the sniff port which is different from the other two, i.e. the one which contains the odor.

The analysis starts at high odor dilutions and initially a panelist is unlikely to correctly identify the sniff port which contains an odor. Odor concentration in each subsequent evaluation is increased by a factor of 2. As the concentration of the odor increases, the likelihood of an error is reduced and at one point the response at every subsequent higher concentration becomes consistently correct. The lowest odor concentration at which this consistency is first noticed by a panelist, represents the detection odor threshold for that panelist.

As the odor concentration is increased further in the subsequent steps, the panelist becomes aware of the odor character, i.e. becomes able to differentiate the analyzed odor from other odors. The lowest odor concentration at which odor differentiation first becomes possible, represents the recognition odor threshold for the panelist. Essentially all of OS&E's work is done with recognition odor threshold. The panelists typically arrive at threshold values at different concentrations. To interpret the data statistically, the geometric average of the individual panelists' thresholds is used.

The olfactometer and the odor presentation procedure should meet the recommendations of ASTM Standard Practice for Determination of Odor and Taste Thresholds by Forced-Choice Ascending Concentration Series of Limits (ASTM E679-04).

#### Portable olfactometers

The above procedure is not well suited for the low level ambient level odors, in large part due to potential deterioration of such samples associated with sample storage and transport. For this reason the analysis of ambient odors is typically performed in the field using portable olfactometers such as Scentometer or a Nasal Ranger.

Portable olfactometers operate on a principle of dynamic dilution. As the observer inhales through the nostrils, ambient air is drawn into the instrument. The air then passes through two activated carbon beds, which remove the odor. The odor-free air enters the central chamber of the instrument where it is mixed with odorous air in known dilution ratios. The odorous air enters the instrument through a set of holes of increasing diameter, located on the instrument's back plate. After having adjusted to breathing the odor-free air, the observer opens the smallest hole. This admits the smallest amount of odorous air into the instrument for mixing with the odor-free air. If the observer does not detect an odor at that dilution level, he closes the hole, opens the next larger hole and again attempts to detect an odor. This procedure is continued until an odor is detected. The highest dilution level at which the odor was first detected, is reported as odor concentration.

## APPENDIX C: Measurement of Odor Intensity

Odor intensity was determined using the reference sample method with n-butanol as the reference compound in accordance with the ASTM Standard Method E544-10 (Standard Recommended Practices for Referencing Suprathreshold Odor Intensity). The n-butanol odor intensity scale is based on an eight step series of n-butanol vapor concentrations. The concentration increases by a factor of two at each intensity step, starting with approximately 15 ppm at step 1 and ending at approximately 2,000 ppm at step 8.

The following description is provided as an aid in interpreting the odor intensity measurements reported in this study.

odor intensity (E544-10)	description of perceived odor
0.5 – 1	odor is detectable and recognizable but would generally be noticed only if looked for, such as during an odor survey
2	odor is clearly recognizable but is likely not to be considered objectionable except in sensitized communities
3 and higher	odor is sufficiently intense to cause a distraction of a person fully occupied by some activity, such as conversation. Odor would typically be considered objectionable and would be expected to cause odor complaints

### Relationship between odor concentration and odor intensity

The intensity and concentration of odor are interrelated. The intensity increases with concentration but the relationship is generally not linear. The increase in odor intensity is typically the steepest at low odor levels. It starts to level off as the concentration of odor increases until no further increase in intensity is perceived.

This relationship between odor concentration and odor intensity, known as Steven's Law, is developed from the data generated in the course of the dynamic dilution olfactometry analysis. The starts at high dilutions at which no panelist is able to detect the diluted odor. The dilution is reduced by a factor of two for each new round of odor observations. At one point the odor becomes detectable, making it possible to rate its intensity. Such ratings are carried out at several subsequent dilution steps when the odor becomes progressively more concentrated and thus more intense. Pairs of odor concentration and the corresponding odor intensity values are generated in that fashion.

In most cases the relationship is best approximated by a power function:

$$I = a C^b$$

where:

I = odor intensity on the n-butanol scale (ASTM E544-10)

C = odor concentration in dilutions to threshold (D/T)

a and b are constants specific to each odor

Other mathematical functions, such as logarithmic, have also been found to describe the odor concentration – intensity relationship.



## APPENDIX D: Conversion of Dispersion Modeling Contours into Dilutions to Threshold

As used in this evaluation, the odor dispersion model predicted concentrations of a hypothetical pollutant (in  $\text{ug}/\text{m}^3$ ) based on the emission rate of 1 g/sec of that pollutant at the source. The procedure for converting the predicted values to odor concentrations (in dilutions to threshold (D/T)) consisted of two steps:

1. Calculating the number of dilutions the pollutant underwent while traveling from the source to the impact location (“receptor”), often referred to as “source-to-receptor” dilution.
2. Substituting the actually measured odor concentration at the source for the calculated concentration of the hypothetical pollutant at the source.

### Step 1: Calculating the source-to-receptor dilution ratio (DR)

$$DR = C_{Sp} / C_{Rp}$$

Where:

$C_{Sp}$  = pollutant concentration at the source used as model input ( $\text{ug}/\text{m}^3$ )

$$C_{Sp} = E / F$$

Where

E = pollutant emission rate (g/sec)

F = greenhouse ventilation flow rate ( $\text{m}^3/\text{sec}$ )

For E = 1 g/sec and F = 14.16  $\text{m}^3/\text{sec}$  (30,000 CFM),  $C_{Sp} = 70,630 \text{ ug}/\text{m}^3$

$C_{Rp}$  = model predicted pollutant concentration ( $\text{ug}/\text{m}^3$ ) at a receptor

For example, for the 2,500  $\text{ug}/\text{m}^3$  contour, discussed in Section 3,  $DR = 70,630 \text{ ug}/\text{m}^3 / 2,500 \text{ ug}/\text{m}^3 = 28.25$

Step 2: Calculate the predicted odor concentration at a receptor ( $C_R$ )

Once the source-to-receptor dilution ratio (DR) has been determined, the odor concentration at the receptor ( $C_{Ro}$ ) is obtained by dividing the actually measured odor concentration at the source ( $C_{So}$ ) by the dilution ratio.

$$C_{Ro} = C_{So} / DR$$

For example, for a source odor concentration of 280 D/T, used for the purpose of the discussion in Section 3, the receptor odor concentration corresponding to the 2,500 contour in Figure 3-2 (with a dilution ratio of 28.25), is 10 D/T:

$$C_{Ro} = 280 \text{ D/T} / 28.25 = 10 \text{ D/T}$$

The source odor concentration of 280 D/T, used in discussion in Section 3, was based on the odor emission testing at the California facility, described in Section 2. The odor concentration in the samples collected at the facility ranged from 177 D/T to 273 D/T. The selected value of 280 D/T is slightly above the measured range. In part, this was done for convenience of obtaining round numbers for the odor impact contours. Choosing a value at the high end of the range, however, is also supported by several other factors discussed below.

- The odor samples were collected at an approximate distance of 12 feet from the greenhouse exhaust fan. As a result, the odors have experienced some dilution from the entrained ambient air before the samples were collected. Such dilution would not have occurred, for example, had the exhaust been traveling through a duct. The consequence of this was that the source odor concentration was somewhat understated and the model-predicted impacts were correspondingly under-predicted.
- Choosing a higher source odor concentration also compensated for the fact that modeling was conducted for 12 greenhouses, instead of 13 as planned for the proposed facility.
- Some under-prediction of odor impacts resulted from an averaging time of one hour for the impacts predicted by AERMOD. In the course of one hour, odor levels fluctuate, reflecting the fluctuating path of the odor plume. Accordingly, in one hour the peak odor

levels will occasionally exceed the one-hour average value. Under the conditions of low wind speed and stable atmosphere, for which the majority of the highest odor impacts shown in Figure 3-1 were likely to have been predicted, this peak-to-mean discrepancy is typically not very pronounced but it is still a contributing factor to impact underprediction.

- Selection of the source odor concentration at the high end of the measured range was also in keeping with the overall approach to modeling which deliberately focused on predicting the worst-case odor impacts.

## VALERIE LOCHER HORTICULTURISTS, INC

231 NORTH PLAIN RD.  
HOUSATONIC, MA 01236  
413-528-4512

Board of Selectman  
Town of Great Barrington  
c/o [scbannon@gmail.com](mailto:scbannon@gmail.com)  
September 10, 2019

To the Select Board;

I have been a commercial greenhouse grower in this area since 1975. My concerns about the massive project presented to the town by Fulcrum cause me to suggest other questions I would like asked of the project managers. All greenhouses are solar, structures that capture the rays of the sun to create an environment conducive to the optimal growth of a desired crop. Passive structures are designed to operate with minimal additional input. A greenhouse range that is not passive requires more components to achieve this optimal growth, and as such needs to be considered energy intensive, the capture of the sun's rays being included as just one major component.

My understanding is that cannabis is a high heat and light intensive crop. In the Northeast these are two variables that must be tightly controlled and manipulated. A greenhouse range of this magnitude should not be considered Light Industrial, since the purpose of this type of production is control of these variables. Greenhouses work, and get very hot when the sun is shining. They also need additional heat at night, in the swing seasons of the year when outdoor temperatures do not rise to the optimal temperature range, and during periods of inclement weather. Modern greenhouse technologies make full use of computers and other labor saving devices to create an optimal indoor environment for the intended crop, and as such are governed by environmental factors that cannot be predetermined or even predicted. Crop failure is a dreaded term in my industry, and as a grower I strive to do everything in my power to avoid it. I turn on the heat when plants need it, I turn on the fans when it gets too hot, I water when the plants need water. Production schedules can be programmed but are entirely dependent on the weather outside.

My questions are directed to the growers:

- 1) What is the production schedule to be for this cannabis crop? How low are night time temperatures going to be allowed to drop? How high are the daytime temperatures allowed to rise before exhaust fans kick in?

These answers give an indication of how long noise and odor issues might be disruptive or nuisance factors at best.

- 2) In the Northeast greenhouses are typically oriented on an East/ West axis to avoid the shading factor produced by the components of structures themselves. The Fulcrum greenhouses are oriented on a North/South axis, presumably to take full advantage of the lot, but at somewhat of a disadvantage to the crop. Indoor cultivation takes care of this problem with overhead lighting, which apparently is not part of the Fulcrum plan. Now. How do they plan to replace the light lost through this type of orientation?
- 3) Double layered poly which will be the covering of this range has an effective production life of 5 years. This plastic loses the ability to transmit sunlight to the crop at the rate of about

5% per year, per layer. Interior light levels decrease 10% per year and need to be replaced every five years to be effectively productive. Since there will be no light augmentation of this highly valuable crop, it is reasonable to assume that the greenhouses will be recovered at least every 5 years.

Where is this plastic to be discarded? This is enough disposable plastic to cover 1 ½ football fields to a height of 8-10 feet. Rolled up in tight balls, of course. One hopes there will be a recycle market for this.

- 4) Greenhouses work. They get very hot, and once the optimal range for the crop is exceeded a massive amount of air must be exhausted by high velocity fans to the outside. A greenhouse can be cooled only to the extent that ambient outside air allows. An understanding of intended temperature allowances projected for this range goes a long way in determining the noise level of this project. The statement that not all fans will be operating at once is misleading. Once the high is reached, all fans will be operating simultaneously until the outside air allows for cooling air to be drawn in. What is the projected time of usage for the operation of all 36 fans? Are they to be turned off at the end of a business day? The drone of this many high velocity fans during summer months and into the fall should not be compared to that of a neighbor mowing lawns.
- 5) The N/S orientation of the greenhouse in such close vicinity mandate that the heated exhaust air of the southernmost units will be vented into the intake fans of those to the north. How has this been compensated for in the planning phase? Evaporational cooling has been proven not to work in our region, so surely that has not been a solution.
- 6) How does atomizing greenhouse exhaust guarantee that the air discharge from the greenhouses will disperse as explained by the planners? What happens to air molecules so treated in high humidity? Do they fall to the ground and forever hold their piece of the scent as is being explained? That's a huge amount of additive being vented directly out onto solar panels and air surrounding the neighbors. Luckily that area has been so thoroughly excavated that a bowl has been formed, and perhaps it just might sit there until the westerly winds take it and disperse it southward.
- 7) What is to be grown in the "rain gardens"? The space between greenhouses is necessary for snow to build up in in the winter. How high is any projected landscaping and cover vegetation going to be allowed to grow? Typically nothing is allowed to shade a greenhouse structure. This range is already compromised by a less than optimal orientation and higher ground to the west that will start to shade the greenhouses earlier in the day. It certainly should prohibit any aesthetic landscaping on the west side that is meant to soften and even ameliorate many of the nuisance factors.
- 8) Can the town of Great Barrington legally prevent a high water use land owner from drilling private wells into the underground aquifer to control their production costs? It may be a necessary water source for the town in the future.

Please consider these issues when trying to determine if they can be answered to be able to plan for the next 50 years. There is great potential for negative precedent setting and poor land use decisions underlying this proposal.

## Mark Pruhenski

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**From:** bonni winter <bbelle26@yahoo.com>  
**Sent:** Friday, January 10, 2020 1:54 PM  
**To:** Mark Pruhenski  
**Subject:** We are unable to attend the meeting...please read this statement in our behalf - and pass it on to the select board. Thank you.

To the members of the Great Barrington Select Board.

Re: Public Hearing January 13, 2020

Soon, in Great Barrington we will have a bigger choice of where to buy pot, than we have of securing a health plan for younger residents and for those on Medicare.

Now, a 58,800 square foot industrial pot producing facility wants to locate to Van Deusenville Road. This facility will be releasing chemicals and odors into the air and could possibly leach pollutants into the Housatonic River. Not to mention the huge consumption of water and the significant noise factor for those residents located within earshot of the plant.

Enough is enough. Just how are we, the residents of Great Barrington, benefiting from this facility. Isn't this what the elected members of the select board are supposed to consider? Taxes collected from this facility aren't lowering our taxes. And polluting the air isn't what we, as residents, thought our select board would support. And by the way, how many of you on the board live in the area where this facility is to be built? Are your property values in jeopardy?

Members of the select board...start listening to your constituents and stop this big fish small pond mentality. Do what is right for the citizens of Great Barrington. Make your ruling... a facility like Fulcrum should ONLY be allowed to build in a properly insulated, isolated industrial area....because you know, once the first facility is approved more will want to follow.

Ken & Bonni Winter  
Great Barrington

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



## Helen Kuziemko

---

**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, November 13, 2019 6:48 PM  
**To:** Mark Pruhenski; Helen Kuziemko  
**Subject:** Fwd: Falcrum

Sent from my iPhone  
Stephen Bannon  
413 -446 -6957

Begin forwarded message:

**From:** Kim Bailly <kbailly@adelphia.net>  
**Date:** November 13, 2019 at 6:24:50 PM EST  
**To:** scbannon@gmail.com  
**Subject:** Falcrum

To whom it may concern,

We feel the need to express our deep concerns over the proposed cultivation farm at [22 Vandeousville Road](#).

Our daughter, Abby, has a compromised immune system, her body is sensitive to any outside stress, smells, noise - from fans, regardless if under noise ordinance, 24 hours of noise in an otherwise quiet neighborhood will be upsetting to her. The additional stress from the sound and smell will affect her ability to have her home be a calming, relaxing place to live, as it is now for her.

Studies have shown that people can and have become nauseous with the smell of cultivation farms, if this were to be across the street from our home, this would cause many issues with Abby's health and may even require hospitalization. Abby would have to be on additional medications. Which could very well upset the critical balance of her other medications she is currently on to manage and treat her health, neurology, and endocrine abnormalities. If our daughters health changes and becomes an issue because you allow Falcrum to come in and build a cultivation farm next to our home this will not be the last time you or Falcrum hear from us! Our daughters doctors are aware and will be monitoring her even closer if you allow this special permit. History shows anything that has been allowed on the Nolan Property has not adhered to the conditions that were set forth in the agreements. Who is to say this will be any different with Falcrum?!

Sincerely,  
**Philip and Kim Bailly**  
[35 Vandeousville Road](#)

Sent from my iPhone

## Helen Kuziemko

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**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, November 13, 2019 9:51 AM  
**To:** Mark Pruhenski; Helen Kuziemko  
**Subject:** Fwd: **OBJECTION TO FULCRUM ENTERPRISES**

Stephen Bannon  
413-446-6957  
Sent from my iPad

Begin forwarded message:

**From:** Cardinale Montano <cardinale@lineflaxandroving.com>  
**Date:** November 13, 2019 at 9:47:05 AM EST  
**To:** scbannon@gmail.com  
**Subject:** **OBJECTION TO FULCRUM ENTERPRISES**

Dear Selectman Bannon,

I am writing to clearly state my **objection** to the Fulcrum Enterprises proposal on Van Deusenville Rd, Great Barrington, Ma.

Thank you,

**Cardinale Montano**  
21 High St. W. Stockbridge, Ma 01266

413-429-1858  
[cardinale@lineflaxandroving.com](mailto:cardinale@lineflaxandroving.com)

## Helen Kuziemko

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**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, November 13, 2019 10:45 AM  
**To:** Mark Pruhenski; Helen Kuziemko  
**Subject:** Fwd: Please vote against Fulcrum project

Stephen Bannon  
413-446-6957  
Sent from my iPad

Begin forwarded message:

**From:** [karinpassmore@gmail.com](mailto:karinpassmore@gmail.com)  
**Date:** November 13, 2019 at 10:39:41 AM EST  
**To:** "edforbbg@gmail.com" <edforbbg@gmail.com>, "billcooke.gb@gmail.com" <billcooke.gb@gmail.com>, "kateburke.528@gmail.com" <kateburke.528@gmail.com>, "leighdavis99@gmail.com" <leighdavis99@gmail.com>, "scbannon@gmail.com" <scbannon@gmail.com>  
**Subject:** FW: Please vote against Fulcrum project

I am deeply concerned that you do, that you should, that you will indeed vote against the Fulcrum proposal. KJP.

Sent from [Mail](#) for Windows 10

**From:** [karinpassmore@gmail.com](mailto:karinpassmore@gmail.com)  
**Sent:** Wednesday, November 13, 2019 10:27 AM  
**Subject:** Please vote against Fulcrum project

Dear Mr. Bannon, Ms. Davis, Mr. Abrahams, Ms. Burke, and Mr. Cooke,

First, thank you all for serving Great Barrington.

I am deeply concerned that you will vote against the Fulcrum project.

I do not favor any project which would bring 15 green houses full of a species of plant that is on the invasive species list for "the lower 48" states, meaning mainland USA. The environmental strain on resources to support a plant originally from the hot swamps of Asia would drain life forces from our mountain native habitat which must support our people and feed our wildlife. Before "climate change" is the unwise use of land and resources leading to environment change. Already we are plagued with oriental bittersweet, phragmites, and Japanese knotweed. Once introduced they are nearly impossible to remove without using poisons (such as glyphosate).

The unwise and inappropriate spreading of Cannabis grow operations will in time introduce this invasive into our native habitat; what will be the fate of wetlands then? How will we protect children under 18 from finding marijuana and getting stoned out behind the barn? We must protect the children now.

The town's Master plan is your primary guide for making choices regarding the village of Housatonic and all of Great Barrington. You all have been voted in to protect the interests of citizens, not to primarily attract questionable business plans.

Sincerely,

Karin Joy Passmore

317 North Plain Road, Housatonic

Sent from [Mail](#) for Windows 10



8 Burning Tree Road  
Great Barrington, MA 01230

Mark Pruhenski, Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

October 15, 2019

Dear Mark Pruhenski:

Before we start looking to take a step backward in Housatonic, let's look at some of the history. The village of Housatonic was formed in the early 1800s around textile and paper mills. At its peak, Monument Mills, a textile manufacturer, occupied five factory buildings totaling 420,000 square feet and had 500 employees. Mill workers, many of whom were immigrants, were housed in tenements.

Monument Mills closed in 1956. After undergoing a period of decline, the village has been revitalized somewhat by the presence of art galleries and related commercial activity. The town's Ramsdell Public Library is in Housatonic. Monument Mills and Rising Paper Mill are listed on the National Register of Historic Places.

The housing state of affairs in Housatonic is in decline. This village has become the stepchild of Great Barrington. To put a marijuana industrial plant in this village is ludicrous. It will only devalue the houses and do permanent damage to the village's small-town character. No one will want to move there or visit it, and the current residents will be stuck in a deteriorating municipality.

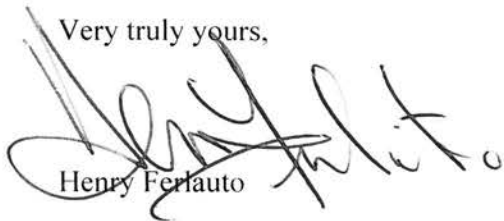
No one should be put in a position of listening to the noises that will be generated from the plant's machinery. A similar situation has been demonstrated in Lake County, Florida. The residents there have measured the noise levels and the decibel readings have measured in the 70s. A vacuum cleaner will create a sound of 69 decibels. This sound will carry through the area, especially at night. The neighbors of this factory will never have the peace and quiet they deserve—ever again.

Openings from the building(s) will be necessary to release the gases produced by the machinery. These openings will not only allow the sounds to be heard, but the odors generated from the manufacturing of the product will be introduced to the entire area. There will be no turning back once this manufacturing plant is built. No matter what the people say regarding taking measures to minimize sound and odor, these sounds and odors will still exist as it has in other similar locations.

The only reason possible to allow this plant to be built is to produce revenue for the town. The town has already had a windfall of tax revenue due to the sales of cannabis. Let's not get greedy. To destroy a section of this town for an increase of tax revenue is inhumane. Instead of kicking this stepchild village in the gut, we should be bringing it into the fold of the **greater** Great Barrington.

I, for one, will not vote for anyone on the town's select committee who votes in favor of this awful measure. Let Housatonic become an integral part of Great Barrington.

Very truly yours,

  
Henry Ferlauto

RECEIVED  
TOWN MANAGER

OCT 18 2019

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

## Mark Pruhenski

---

**From:** cmsmailer@civicplus.com on behalf of Claudia Formel via Great Barrington MA <cmsmailer@civicplus.com>  
**Sent:** Friday, September 13, 2019 7:18 AM  
**To:** scbannon@gmail.com; edforgb@gmail.com; billcooke.gb@gmail.com; kateburke.528@gmail.com; Mark Pruhenski; leighdavis99@gmail.com  
**Subject:** Website comments/issues

Submitted on Friday, September 13, 2019 - 7:17am Submitted values are:

Subject: Other

Message: I am adding my name to the hundreds o opposers to the Fulcrum enterprise project in 22 Vandeusenville Road. This is for the Select Board.

We, the citizens voted you in to represent out interests and to work on protecting the safety and well-being of the Great Barrington residents. 22 Vandeusenville Road might be an industrial zone lot, but it is surrounded by over 30 residences in which live children, pregnant women, teens, elderly.

If we consider the amount of residences in the area, we outnumber by a long amount the amount of business.

==Please provide the following information==

Your Name: Claudia Formel

Your E-mail Address: clasa19@hotmail.com

Organization:

Phone Number:

==Address==

Street: 25 Vandeusenville Road

City: Great Barrington

State: Massachusetts

Zipcode: 01230





BERKSHIRE ENVIRONMENTAL ACTION TEAM  
29 Highland Ave. Pittsfield, MA 01201 • [thebeatnews.org](http://thebeatnews.org)  
(413) 230-7321 • [team@thebeatnews.org](mailto:team@thebeatnews.org)

Protecting the environment for wildlife in support of the natural world that sustains us all.

## Comments Regarding the Fulcrum Enterprises, LLC Special Permit Request

### Introduction

Over the past several weeks, the Berkshire Environmental Action Team (BEAT) has been approached by members of the community regarding an application from Fulcrum Enterprises, LLC for a Special Permit for a marijuana cultivation and manufacturing project at 22 Van Deusenville Road, Great Barrington. After investigation, BEAT makes the following recommendations on how the Great Barrington Selectboard should proceed. 1) Request an environmental impact assessment (EIA) to be conducted by an independent, neutral, non-bias party, 2) Request that the project be powered entirely by clean, renewable energy, 3) Ask that Fulcrum Enterprise, LLC guarantee that all jobs are well-paid.

### The Importance of Conducting an Environmental Impact Assessment (EIA)

Section 10.4.2 of the Town of Great Barrington Zoning Bylaw lists “Impacts on the natural environment” as one of the six considerations that should be included in the process of granting a Special Permit. Based on the information that has been made publicly available, the environmental impact of the proposal submitted by Fulcrum Enterprises, LLC is not well understood. Furthermore, the information provided by Fulcrum Enterprises, LLC has not been verified by an independent expert. Because of the requirement to consider the impact on the natural environment, an EIA conducted by a non-bias third-party is necessary prior to a decision on the application is made.

The special permit should investigate:

- 1) **Impact on wildlife and local ecosystems:** Special consideration should be given to the project’s impact on the adjacent area that is designated as priority habitat by the Natural Heritage & Endangered Species Program under the Massachusetts Endangered Species Act (MESA).
- 2) **Impact on air and water quality:** While a new area of investigation, evidence suggests that marijuana production facilities emit substantial levels of volatile organic compounds (VOCs).<sup>1 2</sup> No information (we are aware of) about the levels of VOCs that will be emitted from the proposed project has been verified. Additionally, no information (we are aware of) has been provided about the damage that emissions may have on the air and

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<sup>1</sup> “Air Quality - environmental impacts of cannabis,” Colorado Department of Public Health and the Environment <https://www.colorado.gov/pacific/cdphe/greencannabis/air-quality>

<sup>2</sup> “As legal pot farms expand, so do air pollution worries,” Plautz, Jason, (Jan, 2019) <https://www.sciencemag.org/news/2019/01/legal-pot-farms-expand-so-do-air-pollution-worries>

water quality. This is necessary information to sufficiently understand the project's impact on the natural environment

**Requesting that the project be powered entirely by clean, renewable energy:**

The activities proposed for this project will likely entail a significant amount of energy. Under the current proposal, most of this energy demand will be met with propane. Therefore, this project will increase the town's greenhouse gas emissions and contribute to the climate catastrophe that we currently find ourselves in.

No new facilities should be run off of fossil fuel. Therefore, BEAT calls on the Selectboard to request that all energy for this project be supplied by clean, local, distributed renewable energy. Not making such a request would go against the Town's energy goal 1, "Promote energy conservation" and energy goal 2, "Promote renewable energy systems for residences and businesses" in the Town's Community Master Plan.<sup>3</sup>

**Asking for well-paid jobs**

The current Host Community Agreement (HCA) states that the proposed project will create an estimated \$300,000 of new payroll and benefits by hiring four full-time staff and additional part-time staff. However, no information (we are aware of) is provided about how the estimated funds will be distributed or to what extent employees will be receiving benefits.

While Berkshire County does not necessarily lack job opportunities, we significantly lack in well-paid, full-time jobs. Well-paid, full-time jobs help to ensure that young people can come back to the community, and that residents can continue to afford to live in the town. Therefore, we encourage the Great Barrington Selectboard to do everything in their power to ensure that the jobs that are created are well-paid, union jobs which will strengthen our community and encourage young people to come back to the area.



Logan Malik,  
Advocacy Coordinator, Berkshire Environmental Action Team



Elia Del Molino,  
Stewardship Coordinator, Berkshire Environmental Action Team

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<sup>3</sup> "Community Master Plan," Town of Great Barrington, MA (2013)  
<https://ecode360.com/documents/GR1153/public/286198384.pdf>

## Mark Pruhenski

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**From:** cmsmailer@civicplus.com on behalf of Contact form at Great Barrington MA  
<cmsmailer@civicplus.com>  
**Sent:** Monday, November 11, 2019 5:15 PM  
**To:** Mark Pruhenski  
**Subject:** [Great Barrington MA] fulcrum (Sent by douglas stephenson, d.d.stephenson@usa.net)

Hello mpruhenski,

douglas stephenson (d.d.stephenson@usa.net) has sent you a message via your contact form (<https://www.townofgb.org/user/1973/contact>) at Great Barrington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofgb.org/user/1973/edit>.

Message:

The purpose of this e-mail is to register my person position in opposition to the Fulcrum Special Permit Application. It is quite simply in the wrong location, being directly adjacent to residential property!

The fact that it would be located less than one mile from my home would mean that I would be subjected to noxious odors (despite the fairy tales that Fulcrum has spun during the Public Hearing). I suffer from a significant respiratory illness and am very concerned about the consequences of Fulcrum's planned use of an aerosolizing agent of "proprietary nature"

to be used for "odor control". Our community is told to take comfort because the substance is "all natural", "state of the art", and "made with essential oils". What exactly does any of that mean? After all, asbestos is all natural, at one time thalidomide was "state of the art", and does ANYBODY really know what "essential oils are? And over 50 years ago, when General Electric was adding PCB's to their transformer oils, and dumping their waste? THE DID SO WITH THE FULL KNOWLEDGE OF EVERYONE!! Politicians, local leaders INCLUDED!! They weren't doing it in the dark of the night! So, people shouldn't be shaming GE as "the big company that polluted our community!" They should saying "shame on us"!! And likewise, we should we working to prevent it from happening again!!

It has been encouraging to me to watch the Board, over the past months, working hard and diligently to preserve Lake Mansfield and the neighborhoods surrounding it. I can only hope that the Board will show the same commitment to other neighborhoods in which they don't live.

Sincerely

douglas d stephenson

SEP 23 2019

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Re: Fulcrum development in Housatonic

Select Board Meeting Claire Teague Senior Center September 9, 2019

Re the Select Board gathering last night: my take-away is that villagers were informed and articulate and clearly speaking from their hearts. Residents were speaking about out for their homes and community.

Standing near them, my take: I don't think the Fulcrum crew heard - that they were even listening to - the concerns being voiced. They were united in their paid positions as a commercial team, (which one would expect even admire) galvanized in opposition (not so much). I saw a bit of chummy back-slaps, shoulder pats, and enough amount smiling and snickering, to be annoyed. Pretty disrespectful - and definitely *not listening*.

Fulcrum does not have personal ties to the area – and didn't relate. Professionals, they've spent time and money on staff, PR, preliminary research and to develop branding - but they are not yet entrenched by a crippling expenses. They have made a commercial commitment of a large but only preliminary financial investment –they have the agility to choose another site. They should do so; our town residents don't have the option to choose another family home

Are there “pros” for the town as a result of this project? Not really. The director is from out of state and we are talking 3 full time jobs, 10 seasonal ones (and benefits? Health care, unemployment coverage? I did not hear it mentioned). The municipal financial gain is not much; tax revenue to town estimated at \$15K. These figures are valueless, really - weighed against the will of the residents.

Fulcrum: “listen-up” and make the decent choice to select a locale that is less disruptive to a community who clearly doesn't want your production facility in their neighborhood. Fulcrum can make the choice not to disrupt the personal lives of longtime residents – there are hundreds who have spoken out saying they are not welcome in their neighborhood.

I was pleased to hear the Board ask for a peer review with an assurance voices of the community are welcome and promise further investigations are forthcoming.

When this is said and done, I ask – can the area be re-zoned to protect its residents from future bad faith developments?

Respectfully, et cetera, and so forth.

Nan Wile

Great Barrington MA

## Mark Pruhenski

---

**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, September 4, 2019 7:12 PM  
**To:** Ed Abrahams; Mark Pruhenski  
**Subject:** Fwd: Fulcrum Proposal

Sent from my iPhone  
Stephen Bannon  
413 -446 -6957

Begin forwarded message:

**From:** Angela Lomanto <[angela.lomanto@gmail.com](mailto:angela.lomanto@gmail.com)>  
**Date:** September 4, 2019 at 7:04:18 PM EDT  
**To:** [scbannon@gmail.com](mailto:scbannon@gmail.com), Grace Angela Henry <[edforbbg@gmail.com](mailto:edforbbg@gmail.com)>, [kateburke.528@gmail.com](mailto:kateburke.528@gmail.com), [billcooke.gb@gmail.com](mailto:billcooke.gb@gmail.com), LEIGH DAVIS <[leighdavis99@gmail.com](mailto:leighdavis99@gmail.com)>  
**Subject:** **Fulcrum Proposal**

Dear Selectboard member,

There is a lot of opposition for the proposed marijuana processing factory from residents of Housatonic, over 200 of whom have signed a statement. There will be quite a few more by the meeting on Monday.

Please consider an independent study for all facets of the production, not just noise and odors OR consider that hundreds of your constituents are not in favor of this kind of processing so near to homes and do not approve the request for a special permit. There must be a better location which will not affect the property values of nearby homes, children and families, and the overall quality of life in Great Barrington.

Thank you,  
Angela Lomanto and John Nelson  
326 N. Plain Road



## Mark Pruhenski

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**From:** Stephen Bannon <scbannon@gmail.com>  
**Sent:** Wednesday, September 4, 2019 1:52 PM  
**To:** Mark Pruhenski  
**Subject:** Fwd: [Great Barrington MA] Fulcrum Proposal (Sent by Susan Kinne Beacco, sbeacco2@gmail.com)

Sent from my iPhone  
Stephen Bannon  
413 -446 -6957

Begin forwarded message:

**From:** "Contact form at Great Barrington MA" <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
**Date:** September 4, 2019 at 11:36:11 AM EDT  
**To:** [scbannon@gmail.com](mailto:scbannon@gmail.com)  
**Subject:** [Great Barrington MA] Fulcrum Proposal (Sent by Susan Kinne Beacco, [sbeacco2@gmail.com](mailto:sbeacco2@gmail.com))  
**Reply-To:** [sbeacco2@gmail.com](mailto:sbeacco2@gmail.com)

Hello sbannon,

Susan Kinne Beacco ([sbeacco2@gmail.com](mailto:sbeacco2@gmail.com)) has sent you a message via your contact form (<https://www.townofgb.org/user/76/contact>) at Great Barrington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofgb.org/user/76/edit>.

Message:

Dear Mr. Bannon:

I am writing to urge you to vote against the application of Fulcrum, LLC to develop a proposed marijuana cultivation and processing facility at 22 VanDeusenville Road in Great Barrington (Tier 10 license application). As I am sure you are aware, this project is highly controversial and largely unwelcome in the Housatonic neighborhood where it is proposed to be placed. Although the neighborhood is technically zoned for industrial use, many of the parcels that abut the proposed site have residences, quite a few with young children.

I have many reservations about the project. My foremost concern is for the health and well-being of my family. I suffer from debilitating migraines and am extremely sensitive to smell. My children and husband suffer from asthma and environmental allergies. Having an open-air marijuana farm directly across from our home will have a harmful impact on our health.



Fulcrum has no proven method to control the noxious odor from this operation, nor do they provide definitive information on the environmental and health impacts of their “odor control system”. No other similar type of operation has been able to successfully contain the pervasive and offensive odor, so I’m not sure how Fulcrum thinks they will suddenly solve the problem with this project.

My second concern pertains to the aesthetics of this proposed project. This property is directly in front of my home, my “front yard”. It will sit next to an ugly solar array (which was erected without the knowledge of most abutters). The solar panels were put up with the promise that screening would be done – but the “screens” are actually tiny, five-foot tall shrubs which hide nothing, so you can see why I might be dubious of promises to provide screening of new projects. Fulcrum has plans for an 80,000 square foot operation, but has no concrete answers as to how the 24-7 perimeter security system and perimeter lighting might look. This is a concern to neighbors who will have to look at fencing, potential barbed wire, lights which may be triggered by wildlife all night, and invasive video surveillance.

Given all these concerns, my family has seriously considered trying to sell our home and move away. I do not want to do that since I grew up only a few miles from VanDeusenville Road. I believe that once this operation is in, the value of all abutters’ property will greatly decrease in value and become very difficult, if not impossible, to sell. My family will be trapped next to this property in an untenable situation.

I am not happy with the direction Great Barrington is taking in its approach to marijuana sale and cultivation but, if you feel this type of business is something appropriate for our town, it should be situated in an area where families will not be adversely affected and potentially harmed. I believe a project of this scale should be sited in closed-in buildings, in an area zoned ONLY for business, with no residences nearby. I urge you to please vote NO to this proposed project.

My family and I thank you for your consideration of our concerns.

Sincerely,

Susan Kinne Beacco

DENISE AND TREVOR FORBES  
325 NORTH PLAIN ROAD  
HOUSATONIC, MA 01236

Town Manager of Great Barrington

Attn: Mark Pruhenski

September 1, 2019

Dear Mark:

**This is the letter we have sent to all the members of the Select Board.**

**RE: Proposal to seek Special Permit for Fulcrum Enterprises**

My wife and I with our children moved to Housatonic from the UK ten years' ago. We chose Great Barrington and the quaint village of Housatonic for its rural charm, fresh air and, of course, the cultural amenities close by. We have established four successful businesses in the locality. For seven years we ran a (properly licensed) B&B, the English Hideaway. We attracted many return guests who also sought the same rural charm, fresh air and the cultural amenities. Our clients came to Great Barrington mainly from New York City and New Jersey. Many were wealthy and a number decided to make Great Barrington their second home and some eventually retired here. They, just like us, bought real estate, chose to pay the relatively high property taxes, which is a feature of living in Great Barrington, because they, like us, valued what the location brought to our lifestyles.

We were fortunate. We had the ability to choose Housatonic. Housatonic provides the same qualities we sought but for many at a price far less than other locations in South County. Many of our residents, simply just don't have a choice as parts of Housatonic provides affordable housing compared with other locations in South County.

I mention this to you, our elected official, because we all look to you to ensure Housatonic remains a suitable location for all its residents to live. That, after all, is the role of all the members of the town government of Great Barrington.

We now feel our lifestyle has been threatened by this proposal to put in a substantial marijuana production and processing factory in what is still a largely residential community. Our deep concerns are numerous:

**1) Location is wrong**

- a. Although there is this one patch of industrial land (debatable) this is still a very densely populated residential area. Housatonic is, after all, 'Thickly Settled'. Van Deusenville also has a substantial number of residences with a significant concentration close to the proposed site. Fulcrum are proposing a very substantial facility with potential nuisance and hazard that are more suited to a fully commercial industrial area. These tend to be away from residential locations and are more able to cope with typical industrial aspects such as odor and noise nuisance as well as being more suited to businesses employing

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HOUSATONIC, MA 01236

volatile substances. 22 Van Deusenvile is different. There are residences close by, many with young children.

2) **Odor**

- a. Whether Fulcrum say otherwise it is clear that the odor for a number of weeks a year will be strong and for many, overbearing. This odor will be very strong. The press is full of complaints and lawsuits in Colorado, Oregon, Florida and California where residents are attempting to live with the stench. In many documented cases, there appear to be health issues surrounding the strength of the odor including asthma.
- b. It is important for our elected officials to be informed. I am surprised that the town has relied solely on Fulcrum's 'expert on odor' to educate them on odor control. Surely, we should expect the various boards to seek independent verification. The NY Times had a great article about California residents being sick over this smell.
- c. Fulcrum, of course ensure us this will not be a problem because they have a proprietary chemical to be used as a mist to neutralize any odor. We have investigated this and the proprietary formula, SL 4000. My wife has also called and spoke to Jesse Levin who works with John O'Brien. She has also spoken to another individual from EnviroChem in New Jersey who's details she obtained from the fact sheet for SL 4000. He stated the product was a detergent that in his view was most unlikely to remove odor from a marijuana growing facility. He laughed saying this is really only used in trash facilities. The fact sheet was conveniently displayed on the NCM website but after she was able to get a copy downloaded, it disappeared and is now no longer on their website. I find this strange and rather disturbing. Perhaps you should be disturbed as well.
- d. In her conversation, Jesse Levin bragged about how he is attending the Sept 9<sup>th</sup> Select Board Meeting and also how he is hosting an Engineer that will be reporting back to Great Barrington. So, is this the independent verification you have been seeking? This does not sound very independent to me!
- e. Jesse Levin also touts how great his product is and how it is a mist that will have the odor dissipate. When asked about the safety of this chemical going into the ground, he said it would never go down into the ground as the molecules will take away the odor and never touch the ground. He also said it was impossible to go into the ground water. So, where do these molecules go that will be blown into the surrounding area by the powerful fans they need for the facility to function? She asked him if he could tell her of a satisfied client that was successful with this product and he said he could not reveal his clients. Usually you would give names as a reference, but apparently not in this case.
- f. All over the US, the odor problem exists. This is an area of considerable concern and debate within the cannabis industry and among those people affected by it. Apparently, only one marijuana facility has the answer and that is the Fulcrum plant in Bend, Oregon. Don't you find this strange? Surely if the anti-odor system was as effective as they appear to state, wouldn't this be used throughout the cannabis industry? If NCM's process was as good as they suggest, why don't they mention it on their website which is devoid of any reference they are involved in odor control in the marijuana industry? Again, don't you find this strange?



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- g. There are small children next to this proposed site, do you want to risk their health? The way to ensure no potential lawsuit is brought against the town of Great Barrington for being negligent is to have the appropriate independent verification and review carried out before allowing this facility to be established. Have we not learned from GE with their PCB's? This surely indicates how difficult it is to clear up a mess once it is established.

**3) Noise**

- a. The size of the proposed fans are huge and will be loud. In the summer, they will be on 100% of the time and they will switch on and off frequently all during the day and during the night. This is a time of the year when residents often like to sleep with windows open or maybe just enjoy sitting outside in their yard. This is a big concern and likely to be a particular nuisance during the quieter nighttime.

**4) Mold**

- a. Various forms of mold are associated with marijuana grown in an enclosed space. This can be a danger to employees working in the facility. Ventilation is the key to ensuring the risk of mold is kept to a minimum. However, this very process is surely likely to introduce spores into the immediate environment via the fans being used to create ventilation. In a normal industrial location, this may not be an issue but in Van Deusenville there are residences close by, some with young children. I am sure the Board of Health and the Select Board would want to know what precautions are proposed to ensure no mold is being introduced into the surrounding location. Specifically, what would be put in place to measure this aspect?

**5) Pest Control**

- a. Pests are likely to be ever present in the process of growing marijuana and from publications, rodents can be a particular issue. How is Fulcrum seeking to control pests? Will they be using rodenticides? If so, how will this be controlled from entering the ecosystem and who will monitor this?

**6) Use of Volatile Chemicals in the Processing**

- a. This is a very real concern. When extracting the THC and CBD oils, Butane and Propane are used with heat and pressure to extract the oils from the plants. This is clearly a highly volatile process and has been prone to significant safety issues. To have such a process so close to a residential area is dangerous. There are many children around. The school bus stops right across the street from this proposed site. Again, this is a process more suited to an established heavy industrial location not a largely residential area.

**7) Devaluation of property values**

- a. If you don't live or own a house in Housatonic, you may not care personally, but since you have been elected to have jurisdiction over the whole of Great Barrington, including Housatonic, you should care. If our property values depreciate, so do our taxes. Any property within range of the odor and especially those close to the facility itself should clearly abate their taxes. Many similar locations in California and in Florida have

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suffered from a sharp drop in property values. Again, what research has been carried out to assess the likely financial impact?

**8) Groundwater.**

- a. Another area of particular concern to all of us in Housatonic. This proposed factory sits over an aquifer. Fulcrum would have us believe that the 2 million gallons of water they will be using each year, somehow magically disappears. Do we know this will be an acceptably enclosed irrigation system with no possibility of leakage into the aquifer? We do know they will be using the GB town sewer for waste but according to Fulcrum this is just for effluent from the rest rooms at the facility. This seems highly unlikely but certainly worthy of independent verification. Strangely the Conservation Commission did not regard a consideration of groundwater as part of their remit. Yet on the GB Town website it clearly quotes as their function as stewards of the regulations: "The purpose of the Regulations is to protect public and private water supply, groundwater supply ". This seems very clear to me and suggests yet again how important it is for our public servants to fully understand their roles prior to making recommendations that affect a significant number of our citizens and voters.
- b. Do we know whether any of the substances being proposed to be a part of the Fulcrum process will find their way into the groundwater, We don't know the precise composition of substance SL 4000, but among the ingredients listed on the fact sheet we were able to secure, is propylene glycol, most commonly used as anti-freeze. This product breaks down in the air in 10 days and in the soil in up to a few weeks (I commend the following website for information: <https://www.atsdr.cdc.gov/ToxProfiles/tp96-c1.pdf>). The Agency for Toxic Substances and Disease Registry (ATSDR) suggests some health issues may be present at certain concentrations. Do we know what concentrations are likely to be projected into the surrounding air during the peak growing season? Do we know how far these will travel as there are residences with small children adjacent to the proposed factory? Do we know what happens to all the chemicals involved when they enter the soil? Is there an independent study showing us all this information?

**9) Water Supply**

- a. Apparently, Housatonic Water have been approached by Fulcrum indicating an annual requirement of 2 million gallons of water. Incidentally, this appeared to be news to the Town Planning Board. Jim Mercer, owner of Housatonic Water, has said, in answer to my wife's text messages, that Housatonic Water is well able to supply this. Her further questions was "in the event of a drought, who will get priority? Fulcrum or their residential customers?" The reply was a distinctly concerning - his reply: "?????" This discouraging reply suggests this aspect has not yet been evaluated. Surely this should be a matter of concern for the Board of Health and the Select Board especially as most of the 2 million gallons required by Fulcrum will be during the summer months growing season.

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- b. Housatonic Water supply their customers from Long Pond. Has there been an environmental impact study on the effect of withdrawing an extra 2 million gallons from this source during the summer months?

It appears to us that there should be a body of independently verifiable studies carried out as to the impact of Fulcrum's proposed marijuana growing and processing factory. Not least because this small area is zoned for 'Light Industrial' use, is in the middle of a residential district.

We are very concerned over the potential impact of this significant industrial development on the village of Housatonic and also parts of Great Barrington within a three mile radius of 22 Van Deusenville Road.

We look to you to consider all these aspects in detail before you carry out your duty as an elected official, advising the Town of Great Barrington on matters of great importance to all the population of Great Barrington including those of us in Housatonic.

Yours sincerely

Trevor & Denise Forbes  
325 North Plain Road  
Housatonic



MEMORANDUM

**TO** : Great Barrington Select Board  
Great Barrington Planning Board  
Great Barrington Board of Health  
Great Barrington Conservation Commission

**FROM** : Michelle Loubert  
70 Division Street  
Great Barrington, MA 01230

**RE** : Fulcrum Enterprises, LLC  
Proposal for Marijuana Cultivation and Manufacturing  
**22 Van Deusenville Road**, Great Barrington (Housatonic), MA  
*Special Permit Application*

**DATE** : August 22, 2019 (via email to the office of the Town Clerk; Chair of the Select Board)

**Introduction:** As a resident of 70 Division Street, one street over from this proposed project, this is a very anxious time for my family. Since Fulcrum's community outreach May 28, 2019, I've conducted extensive research in order to educate myself on the rules, regulations, and laws (both state and local) that involve the marijuana industry. With this project in particular, I have numerous fears and concerns which the time allowed at a public hearing will be far too brief to express. Therefore, please accept this Memorandum as my public statement. Thank you.

\*\*\*\*\*

This memorandum is submitted in opposition to the special permit application of Fulcrum Enterprises, LLC. The proposed project is a Tier 10, 80,000 square foot cultivation and manufacturing facility. This will include 15 greenhouse structures as well as a "pre-fabricated steel building" (2). It is my understanding that this facility would have the ability to later expand to Tier 11. It has been stated that Great Barrington zoning designates this area as (light) industrial. Many years ago (late eighties and into the nineties) this zoning as well as the current industrial business that is currently present at this location met with fierce opposition by neighborhood residents. This (light) industrial area—once farmland—is embedded in a residential (R2) zone, mixing industry with neighborhoods comprised of numerous family homes many of which house children and senior citizens. The Fulcrum application makes little reference to the neighborhoods surrounding the proposed site focusing rather on the current businesses in the area. Any indication of the surrounding R2 zone on application attachments is noticeably absent.

**Of important note:** It has recently been discovered that Assessor's records (*Residential Property Record Card*) shows 22 Van Deusenville Road zoned as **R2 (residential)**.

The addition of this Tier 10 marijuana cultivation and manufacturing project will only compound what I believe to have been a somewhat misguided zoning decision by previous elected officials; this area is hardly a nod to *thoughtful* economic development. It is my opinion that if this project receives special permit approval, it will further degrade this area and the surrounding areas while diminishing residents' enjoyment of property, health and well-being.

Fulcrum Enterprises, LLC held two community outreach meetings; one of May 14, 2019 and a second on May 28, 2019. The May 14, 2019 community outreach was poorly publicized although it did meet legal requirements. However, because the town of Great Barrington's usual practice is to display notices of community outreach meetings on its website and did not in this instance, citizen concerns were raised which resulted in a second, better-publicized community outreach meeting on May 28. Unfortunately, the second community outreach meeting did not provide sufficient responses to attendees' questions. This raised concerns for me, so much so I communicated these concerns to the Cannabis Control Commission.

The Fulcrum application states, "the project use is an **agricultural use**, a marijuana cultivation facility" (Application, page 10 of 25). This is incorrect. According to current zoning and as confirmed by the Town Planner, "it's a commercial enterprise subject to Section 7.18 and a Special Permit." (Email 8/5/19) Therefore, the project would be required to adhere to the zoning, rules, and regulations for such use. To be best of my ability, knowledge, and experience, I referred to the following local and state regulations and guidance:

- 22 Van Deusenville Road is designated "I" under town zoning. This, per the town bylaws, is **Light Industry**.

Due to this "industrial" zone being embedded in an R2 residential area, I deferred to town zoning bylaw language as to Smart Growth Overlay Districts. Here, language references Light Industrial Use.

It appears that the SGOD was created to benefit residents, and "to benefit the general health and welfare of our residents and the region." Although 22 Van Deusenville Road is not SGOD, the residents in the area deserve to have their "general health and welfare" protected. Under this section of the zoning bylaws, under "Light Industrial Use" it reads, "Fabrication, finishing, packaging or assembly operation utilizing hand labor or quiet machinery and processes, that are free from agents disturbing to the neighborhood, including but not limited to odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration. This language should be taken into consideration when reviewing the Fulcrum Enterprises LLC proposal. As a matter of fact, the Rising Mill area is designated as SGOD and includes language as to Light Industrial Use; 22 Van Deusenville Road is simply on the other side of the Housatonic River; citizens of this neighborhood deserve similar protections.

- Great Barrington Zoning Bylaws 7.18: **Marijuana Establishments and Medical Marijuana Treatment Centers.**
- **935 CMR 500.000** (Note: 935 CMR 500 is currently being revised. Drafts for 935 CMR 500.000, Adult Use of Marijuana and 935 CMR 501.000, Medical Use of Marijuana (as of 7/5/19) are available on the CCC website. It is my understanding the revised regulations will be in effect in September.
- State template Regulation to **Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol** (Local review pending)
- **MA Cannabis Control Commission** (Guidance Documents; telephone communications)

➤ (As provided by the Great Barrington Board of Health), Title XVI, Chapter 111, Section 143:

As stated in this document:

“No trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public health, or may be attended by noisome and injurious odors shall be established in a city or town except in such a location as may be assigned by the board of health thereof after a public hearing has been held thereon, subject to the provisions of chapter forth A and such board of health may prohibit the exercise thereof within the limits of the city or town or in places not so assigned, in any event.”

### Opposition Points

#### Location, scope, and other concerns (security, lighting, noise, etc.)

The proposed project is an 80,000 square foot facility comprised of 15 greenhouses of opaque material, with a manufacturing building, directly across the street from residences as well as surrounded by other residences in the area (example, one street over is Division Street; another street over, North Plain Road; another street over is Park Street North, and the Housatonic village is in the middle).

This is a massive project to be located in a small, rural residential neighborhood. Although the current gravel business is visually unpleasant and has marred this once farmland, to allow another, equally invasive business into the area will only compound the degradation of this neighborhood. Recently, there has been the addition of a solar installation at this location. Screening of this installation is minimal at best and is not sensitive to the view experienced by residents across the street. As a matter of fact, residents have expressed an issue with the small trees used in the screening of the solar installation. The Fulcrum application states that the project “will be screened by using natural and proposed vegetation” (21). The height of the trees referenced in the application are the same height as those that were used for the solar project at this location and which some residents found inadequate for screening. The application reads, “Shrubs and hedges shall be at least 2.5 feet in height at the time of planting and have spread of at least 18 inches” (9). This is unacceptable.

Concerns as to security fencing and lighting were raised at the May 28 community outreach meeting. It was simply stated by Fulcrum and their attorney that there would not be barbed wire on the fencing and marijuana plants would not be visible. But what will be visible to the residents on Van Deusenville Road—a “great wall” of (6’ high) fencing? Application materials does not quiet concerns.

Application information as to Fulcrum greenhouse ventilation systems reveals massive fans for ventilation (intake and outtake). Will these fans generate disturbing noise? Will the fans be on 24/7 disrupting the quality of life of residents (some children) in the area? Will noxious odors be released into the area via the outtake?

In my opinion, lighting plan information is minimal. It states, “The proposed lighting for the facility is proposed in conjunction with 935 CMR 500.00 for security purposes. However, lights will be downcast



or shielded as to limit spillage over the property line” (22). Yet, my review of the lighting plan raises alarm and concern particularly as to the hours the lighting will be on—will lighting be on all night disrupting the area with bright lights? Will this area look like a shopping center, aglow with light all night, every night? Will it disturb the residents in the area not to mention the wildlife in the area?

In Cummington, MA, similar concerns have been raised as to lighting and more:

*“They’re talking about putting a Walmart-sized building, initially, back in the woods off a historic road surrounded by neighbors with families and kids,” said Elliot Ring, an architect who lives on State Road. The impact on the neighborhood will be immense, he added. Those gathered at the meeting said they were worried about light pollution, increased traffic, overuse of part of a dirt road, the effect the construction might have on wetlands and wildlife, and the potential for the project to substantially change the character of their neighborhood” (June 24, 2019, Christenson).*

Ditto.

### Children

In relation to the above is the Fulcrum project’s impact on children. The “buffer zone” under town zoning was reduced from 500 feet to 200 feet, a decision/vote that may warrant reconsideration; currently a citizen’s petition is in discussion to change this at a Special Town or Annual Town meeting.

Of current concern of many in our neighborhood are the residences across the street from the proposed facility some of which house school-age children; this is where children wait for their school bus, congregate, play, etc.

I’ve looked to Colorado for further information on the marijuana industry due to this state’s experience on this topic. Concerns discovered: “Hazards: Electrical, chemical, air quality, THC, Mold and Fungus.” Noted as an “injurious environment” was “cultivation aspects” (as posted on Colorado.gov).

Before parents and guardians put children at risk, clearly much more information, other than potential revenue, must be obtained by our town government.

Regulation 935 CMR 500.110 (3) is brief in its statement as it applies to buffer zones. Town zoning aligns with this regulation but can make changes (as it did with the buffer zone).

This topic may warrant further discussion, perhaps with input of parents and guardians of school-age children, to address fears and concerns as to health, safety, and more.

Now that the Van Deusenville neighborhood in particular as well as Housatonic as a whole realizes that a facility of the size and scope of the Fulcrum project can be located in close proximity to their homes, more questions are being asked as greater concerns are being expressed.

Some of the boards to which this Memorandum is directed will make a recommendation without citizen input. This, in my opinion, is unwise. It is my request that our boards listen to these questions and concerns—especially those from parents and those responsible for young children—as this application moves forward in the special permitting process.

## Odor

Marijuana production produces a strong, pungent odor that has been proven to be objectionable to those who reside in the area of such a facility.

Any comparison of the odor generated from marijuana cultivation to agricultural odors is irrelevant, as stated above, marijuana establishments, including cultivation and manufacturing, at this time, are not considered "agricultural" in Great Barrington.

It has been stated by Fulcrum that odor will be *at its strongest* 6 to 8 weeks a year (late summer and fall). This can be one of the most beautiful times of the year for Berkshireites. Does this mean that residents in proximity to this proposed facility will be unable to enjoy their properties at this time of year? Is this fair?

Also, such an odor may reduce property values. As a town that touts tourism and second homeownership, who will want to vacation or own a second home in an area where they cannot enjoy their investment?

The Cannabis Times (October 2018) states that "odor control is easiest to achieve in a well-constructed building" and "one way to control odor is to minimize the air that leaves the building." Fulcrum's proposal refers to greenhouse cultivation. An original proposal stated that the greenhouses will be open. At the May 28 community outreach, it was stated that the greenhouses will be enclosed (as now stated in the application). Still, the structures are just greenhouses using greenhouse plastic construction; hardly state of the art design. Air will be leaving (circulating) outside of the greenhouses and impacting the air space surrounding the facility.

The Cannabis Business Times issued a Special Report dated May 2019 by Byers Scientific & Manufacturing, Industrial Odor Management. As stated in the report, "as cannabis becomes increasingly integrated into communities throughout North America, odor control issues have made their way into courthouses in several high profile lawsuits as well as into state and local regulatory frameworks."

The International City/County Managers Association (September 2018) advises, "land use regulations permitting activities along the cannabis supply chain will almost certainly include stipulations about odor control, aiming to reduce the likelihood of a nuisance issue." Great Barrington must heed this advice.

Clearly, the "odor issue" has not been resolved. However, Fulcrum has presented in its application an odor control proposal by NCM Environmental Solutions. This company has done odor control management for such businesses as waste management; however, the company has little or no track record in the marijuana industry. An email (June 2019) conversation with a representative of this company references only proposals for Athol, MA, Salisbury, MA and Great Barrington, MA. Recently, I researched the statements contained in the Fulcrum application as to NCM projects in Salisbury, MA and Holyoke, MA. Responses I received from both communities have been provided to the Chair of the Select Board. In view of the application information, it seems to me that Van Deusenville will be the "test site" for NCM's odor control technology. Will this neighborhood (and surrounding neighborhoods) be put at risk for this purpose?

Also, I'm very concerned as to the "Summary of recommended policies & procedures the site will take to respond to an odor complaint" as contained in the application. This information provides little assurance with regard to odor control issues. What procedures will be in place to ensure enforcement of these



“policies & procedures” or will enforcement be “complaint-driven” as is now the case in Great Barrington? Will residents be encumbered by a lengthy complaint process that may require costly legal representation against a large company such as Fulcrum Enterprises, LLC?

What is the Town of Great Barrington’s role in this process? Will residents be left “holding the bag” when it comes to complaints or enforcement?

As stated previously, the greenhouses are to be enclosed. However, page 12 of the application raises a concern: “No outdoor cultivation of marijuana shall be allowed within fifty (50) feet of any property line.” Does this mean that Fulcrum is leaving the door open for outdoor cultivation as long as it isn’t “within fifty (50) feet of any property line? This is not the information conveyed at the May 28 community outreach. This is a concern.

A July 2, 2019 conversation with Attorney Doyle of the Cannabis Control Commission revealed that the CCC, drawing on the experiences of other states such as California and Colorado, is *currently* drafting regulations to address the highly controversial odor issue.

It seems to me that odor control technology is very new and is yet to be resolved. Massachusetts regulations pertaining to the odor issue are not yet in effect. Would it be wise for Great Barrington officials to delay this special permit until such regulations are in place? How will odor control regulations be enforced? How will odor be measured? Would it be wise for officials to wait until NCM’s odor technology is tested—and not on a residential neighborhood in a rural community?

The Special Permit Granting Authority should require a thorough analysis and information from Fulcrum on the question of odor control; this analysis and information should be made available to the public for careful review well before any public hearing. As a suggestion, maybe board members can visit a cultivation and/or manufacturing site nearby (such as in Sheffield) during the marijuana flowering season when its unique odor peaks (September and October). Smell first-hand what your Housatonic constituents will be subjected to before voting on this project.

### **Water and Waste Water Disposal**

Initially, Fulcrum presented that wells would be the water source for their business. However, at the May 28, 2019 community outreach, at which James Mercer of Housatonic Water Company was present, it was stated by Mr. Heck that conversations were being held with Housatonic Water regarding the possibility of using this private water company as the water source. The application now confirms this information. At the outreach, citizens raised concerns over Housatonic Water’s ability to provide the volume of water required for marijuana cultivation and manufacturing while fulfilling the needs of its current water users. In the Fulcrum application, it is stated that water usage could be “anywhere upwards of 2,000,000 (million) gallons per year, with a maximum demand during the growing season” (23). Our town officials are very aware of Housatonic Water customer concerns. Housatonic Water’s ability to meet water demands should be substantiated, in writing, by a credible, independent source. It would be unwise to simply take either company’s word for it. It should be noted that the Fulcrum application refers to the water source as “municipal” which it is not as Housatonic Water Works is a private company.

In the absence of any type of engineering report as to water use, concerns remain. Even the Cannabis Control Commission warns, “in the case of local municipal water, attention should be paid to whether the water supplier has enough capacity to supply the water both from a source and infrastructure perspective.”



Continuing, "depending on the watershed and the specific town the facility is located in, the additional volumes may not be available within the town's registered or permitted amounts, or an Interbasin Transfer approval may be required."

In the case of using wells, the Cannabis Control Commission states, "a marijuana cultivation facility could trigger the Water Management Act's permitting requirements" depending on the volume of water it uses.

Regarding waste water disposal, according to the CCC, "recaptured water requires treatment if it is to be reapplied to plants to prevent the growth and spread of microbial pathogens and to reduce the amount of ionic and toxic elements that can be introduced to the water through the addition of nutrients." Further, "water which is not reused must be discharged to a sewer or collected and stored in a certified holding tank for disposal at an approved facility." It cannot "be discharged to an on-site septic system."

State regulations as to water use and waste water disposal for this industry are overwhelming and should be carefully reviewed, preferably by experts in those fields; then considered and discussed before the granting of any special permit.

### **Waste Management**

Volatile chemicals are used in the manufacturing process. "Butane and ethanol are used during the manufacturing/extraction process" (22) Hazardous waste could include "spent lighting, pesticides, solvents, used oil, or other chemicals used in facility operation and maintenance" (Cannabis Control Commission). This is of high concern since this facility is in close proximity to homes, the Housatonic River, and an aquifer at the site, not to mention the wildlife that frequent this area.

Further review of CCC guidance on Waste Management Requirements reveals stringent rules as to the disposal of the waste generated by marijuana facilities.

No special permit should be granted until the SPGA is fully aware of these requirements.

### **Environmental Impact (including compliance with the Global Warming Solutions Act)**

Fulcrum states in its community outreach presentation that the project will be "greenhouse based, sunlight powered cultivation and manufacturing operation utilizing environmentally sound growing, harvesting and manufacturing practices" and the application states this as well. Although this sounds wonderful, little information has been presented as to possible environmental impacts. In order to make a responsible recommendation or vote, this topic should be investigated closely.

Cannabis Control Commissioner Kay Doyle stated in a WBUR article (June 29, 2018), "[w]e understand that marijuana cultivation and production manufacturing is one of the most energy-intensive industries that there is right now."

According to the CCC, projects such as this are required to comply with the Global Warming Solutions Action (August 2008) which "requires Massachusetts to cut greenhouse gas emissions by 80 percent by 2050 from 1990 levels" (WBUR June 29, 2018).

Equally concerning are the use of fertilizers in the cultivation process that could damage the area as well as the chemicals used in the manufacturing process (as pointed to above).

In a community that touts its environmental awareness and sustainability measures, this project's potential negative impact on our environment is unknown and, again, should be studied before a special permit is granted.

One may say that this site is already beaten up from an environmental perspective and certainly from an aesthetic one. But two wrongs don't make a right and adding to the damage (insult to injury) already there is not forward-thinking. Studying historical information on the site, including previous actions by previous boards, I came across an August 4, 1989 Berkshire Record article in which William Nolan's then-attorney Paul Feldman states:

*"this land would, in turn, be seeded and loamed, restored to an appropriate condition for 'its ultimate use' which Feldman said would be 'whatever is decided as best, whether it be a baseball field or homes or offices' (Devoti).*

It seems to me that we are moving in the wrong direction. To know where we are going as far as planning and economic development, shouldn't we familiarize ourselves with the historical information of this property? This historical information—including deeds (B. 638, P. 304, covenants (B. 1518, P. 295), protective restrictions (B. 1136, P. 198), and Assessor's records, past and present—gives a glimpse of what was in the forefront of consideration years ago but should also be considered today before allowing any other business to go into this location or elsewhere in Van Deusenville. At the least, this information should raise a red flag of the intent, years ago, for the use of this property.

### **Traffic impact**

This area (including Division Street and North Plain Road) is a heavily trafficked area with large trucks and excessive speed. As a matter of fact, historical information on the site presented a December 2000 letter from the Planning Board to the Selectmen states, "It has come to our attention that there is a great amount of truck traffic along Van Deusenville Road and Division Street." It is 2019 and the volume of traffic and speed have multiplied many times over.

I have contacted the Great Barrington Police Department numerous times and met with the Chief of Police regarding the high volume of commercial vehicles, speed of all vehicles, and other traffic concerns on Van Deusenville Road, North Plain Road, and Division Street.

Will the Fulcrum project make an already dangerous traffic situation worse? Will traffic generated by this new facility "tip the scales" in an already overburdened traffic area. The application states, "traffic for the site will be minimal" (15). This statement is insufficient and unquantifiable; it is merely an opinion. Keeping in mind the scope of this project—a Tier 10, 80,000 square foot marijuana cultivation and manufacturing facility—an *independent* traffic study must be done with regard to this Tier 10 project.

### **Property values**

Our properties—our homes—mean a lot to us. Mine is my family's homestead which my father built in 1958.

Equity in the value of one's home sometimes funds the education of our children. Sometimes, home value represents retirement security. For others it goes deeper; for me, my home means carrying on a family legacy and perhaps, passing the property on to my daughter. According The Sacramento Bee, "dozens of large scale pot growers are hoping to reap profits in the city of Sacramento soon, but their gains may mean losses for neighboring homeowners. The value of homes close to legal cannabis-growing operations could suffer, and sellers may be required to disclose to would-be buyers the presence of cannabis cultivation sites in their neighborhoods, some experts contend" (September 2017).

Is this yet another negative impact Van Deusenville neighborhood residents will face?

At a recent neighborhood meeting concerning this issue, two young families directly across the street were present expressing fear as to what will happen to their homes if this project is approved. One couple has already placed their home on the real estate market.

We live in a community that says it wants to attract young families to our area. We live in a community that uses Community Preservation funds and an Affordable Housing Trust to assist those without homes to obtain one. We live in a community that has been named a "Housing Hero." Why then would this same community create a situation where young families are put in a position where they feel they need to sell their homes?

Great Barrington can't have it both ways.

Lawsuits have been filed regarding the loss of property values in states such as Colorado; Massachusetts suits are sure to follow.

### Safety

As referenced above, volatile (explosive) chemicals are used in the manufacturing process. This is confirmed in the Fulcrum application.

According to the International City/County Managers Association, "[b]ecause of the volatile solvents used, the extraction process should only take place in regulated environments using proper equipment and safety precautions—otherwise, risk of explosion is high. This is enough to dissuade some local governments from wanting to allow such activities in their communities."

In a February 2019 article in Politico entitled, "New Problem for Legal Weed: Exploding Pot Factories" it is written, "most of the states where marijuana is legal offer no safety and health guidance for the new industry." The article continues, "labor unions complain that state governments are moving too swiftly to license producers, outpacing the states' ability to inspect production facilities for potential safety violations."

The SPGA must consider this risk before it allows a facility such as this marijuana cultivation and manufacturing facility in this neighborhood.

### Security

Page 14 of the Fulcrum application reads, "Security will be reviewed at the meeting, however, due to safety concerns, will not be submitted for public consumption." With little time to review information at

a public hearing, are residents to place a trust in a company they know little about? Security at the facility—its quality and extent—is relevant to the many residents in the area. I, for one, am not prepared to put the security (and safety) of my home and family at risk on brief comments made at a public meeting.

### Enforcement

Enforcement in our community is often a topic of discussion at public meetings. It is not unusual to hear that the manpower is not available to enforce some town bylaws. As recently as June 6, 2019 this concern was raised at a Board of Health meeting.

Assessing conditions to special permits is one thing; enforcing these conditions or having the ability to enforce these conditions is quite another.

What if noise is disturbing a neighbor's sleep? What if odor becomes unbearable? What if additional traffic poses a danger? Will enforcement take place? If the response to this question is unknown, no special permit should be granted. At a recent meeting on July 15, 2019, I was told that in our town, enforcement is "complaint" driven. This means it is up to the citizen/resident to file a complaint regarding an issue before the town will respond. In other words, enforcement is "reactive" versus proactive. This may be do'able with a small business but certainly not an 80,000 square foot, Tier 10 marijuana cultivation and manufacturing facility. For Great Barrington to designate citizens/residents as the "lookouts" for infractions is unacceptable in general; reckless as enforcement applies to large scale businesses.

**What else can go in at 22 Van Deusenville Road?** In opposition to this marijuana and manufacturing facility—something that I strongly feel will negatively impact the Van Deusenville neighborhood in particular and the Housatonic community in general, I've been asked by a few town officials, "what else can go in there?" I'm disheartened by this question—is the marijuana industry the best we can offer our community stakeholders? I think not.

In a report by the Environmental Project Agency, the EPA encourages protecting natural resources and reducing pollution in economic development efforts. "Communities that invest in their natural assets by protecting natural resources can better attract and retain residents, tourists, and businesses who value clean air and water and natural landscapes. Cleaning up and redeveloping polluted properties makes productive use of existing transportation, water, and utility infrastructure; increases the tax base and employment opportunities; removes environmental contamination, and helps spur investing in surrounding properties" (EPA, How Small Towns and Cities Can Use Local Assets to Rebuild Their Economies, May 2015).

This seems like a win/win to me—thoughtful economic development.

**Tiny House Construction:** At the May 2019 annual town meeting, zoning regarding tiny houses was presented. However, this zoning did not pass due to lack of a two-third majority vote. Regardless, at this time and to address housing and affordability concerns, tiny houses are very much in the housing market forefront. With a community concerned with the environment, sustainability, and affordable housing, a tiny house manufacturing company located in this area would be feasible.



Vocational/Technical Learning Center: Imagine this—a Vocational/Technical Learning Center where people can be trained to be carpenters, electricians, plumbers as well as designers, architects, engineers. This center would not only provide services to our youth about to embark onto careers after high school, but those citizens that require re-training in order to secure gainful employment. Additionally, forming partnerships with local educational institutions as well as MassHire, as an example, will cultivate long-lasting efforts to not only employ our youth but to re-employ the unemployed as well.

Again, seems like a win/win to me.

Innovation Center: The Berkshire Innovation Center will be a Pittsfield jewel. Such a center could be duplicated, perhaps in smaller scale, in South County. With our community's focus on environmental and sustainability challenges, such a center could, as its core mission, focus on those areas. With a solar array "next door" as well as one down the road, it would be my hope that this Innovation Center could guide Great Barrington in a more pleasing way to "do solar," one that not only provides an environmental service but is aesthetically pleasing to residents as well as compatible with the beauty of the area.

and last but certainly not least: what about (affordable) Housing?

Great Barrington, through the Affordable Housing Trust and the Community Preservation Act, has embarked on an initiative to provide affordable housing options to low and moderate income households. This area is an untapped housing resource.

\*\*\*\*\*

Conclusion: Although indicated as zoned (light) industrial, this area is embedded in an R2 area comprised of many new and older homes. It is centrally located to Great Barrington and to the village of Housatonic and allows easy access going north and south of the area. Tapping the Public Transportation Advisory Committee, developing a way for the BRTA to travel Van Deusenville Road would allow residents of 22 Van Deusenville Road to travel easily to their destinations for work, daily needs including medical and grocery shopping, education, and recreation. Our Master Plan also references this area as easy accessibility to passenger train service: "There are areas around Van Deusenville Road and Division Street that have space available for a "park and train" lot that offered basic ticketing but would be intended for longer term parking."

If housing can be proposed and developed for a brownfield site on Bridge Street, Great Barrington why not at 22 Van Deusenville Road, Housatonic?

Interestingly enough, in May 28, 1993 correspondence from the firm of Davis, Malm & D'Agostine regarding William F. Nolan, Trustee of Nolan Realty Trust v. Louison et al (Special Permit Appeal) it is said of the current gravel operation at this site, "**Bill Nolan believes that the highest and best use of the property is a carefully executed gravel removal operation with recreational and residential use thereafter.**" Residential use (affordable housing) is suggested above; a recreation area along the Housatonic River, is yet another suggestion. The Fulcrum proposal contradicts the statement made in this correspondence and actually elevates the industrial use of the property, a use that was heavily opposed by area residents in the eighties and nineties.

Regardless, the above provides only a few examples of "what else" can go in at 22 Van Deusenville Road and, in turn, aid in the revitalization of the Housatonic community.

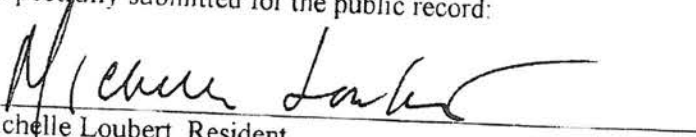


In the meantime, however, and in the absence of independent, unbiased information, numerous concerns and fears have already surrounded this project and are increasing. The Special Permit Granting Authority must consider several factors including Traffic flow and safety, neighborhood character and social structures, as well as impacts on the natural environment (Great Barrington Zoning Bylaws, p. 134). It is my hope these decision-makers consider these factors carefully with residents in mind. Also, on August 26, 2019, the Select Board will discuss the Host Community Agreement for the Fulcrum Project. It was stated at the neighborhood meeting held August 15 that the community impact fee for this project may be less than 3%.

If this project is passed, a reduced community impact fee would be, for me, an insult. But, honestly, to lose the enjoyment of my property and investment for even the maximum of 3% is an insult.

After review of the historical information surrounding this property, it is clear to me that many years ago, despite the well-organized and exhaustive opposition efforts by area residents, town leadership failed the citizens of Van Deusenville. With the Fulcrum Enterprises, LLC proposal, it is imperative that the current SPGA not continue this legacy by approving this permit and further degrading this neighborhood. It is time to support our neighborhoods.

Respectfully submitted for the public record:



Michelle Loubert, Resident  
70 Division Street  
Great Barrington, MA 01230  
Tel. (413) 854-8185

cc: Mr. Mark Pruhenski, Great Barrington Town Manager  
Ms. Rebecca Jurczyk, Health Agent  
Mr. Christopher Rembold, Town Planner

**Great Barrington Master Plan:** *Our Vision for Great Barrington is that our small town continues its vibrant combination of rural landscapes and urban infrastructure. The **balance** between these two features, a legacy of our Town's agricultural origins and its industrialized history, serves our civic, cultural, economic, and social needs. Great Barrington thrives because of this legacy, and maintaining this balance will be the foundation of our Town's tomorrow.*

Selectboard

Fee \$50.00

Application for Access to a Public Way / Driveway Permit

Number \_\_\_\_\_

INSTRUCTIONS

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

Application Date December 19, 2019

Name of Applicant / Property Owner TOPA Enterprises, LLC

Mailing address 32 Mahaiwe Street Great Barrington, MA 01230

Phone number 646.438.1329

Location of proposed driveway / highway entrance Two Curb Cuts on southwest side of Mahaiwe & Main Map 22.0-0000-56

Contractor who will perform the work TBD

Address & phone number of contractor

Proposed construction date ASAP

Type of driveway (gravel, asphalt, etc.) Asphalt (gravel in parts)

Print Form

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

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

Applicant's Signature: [Handwritten Signature]
FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

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

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

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

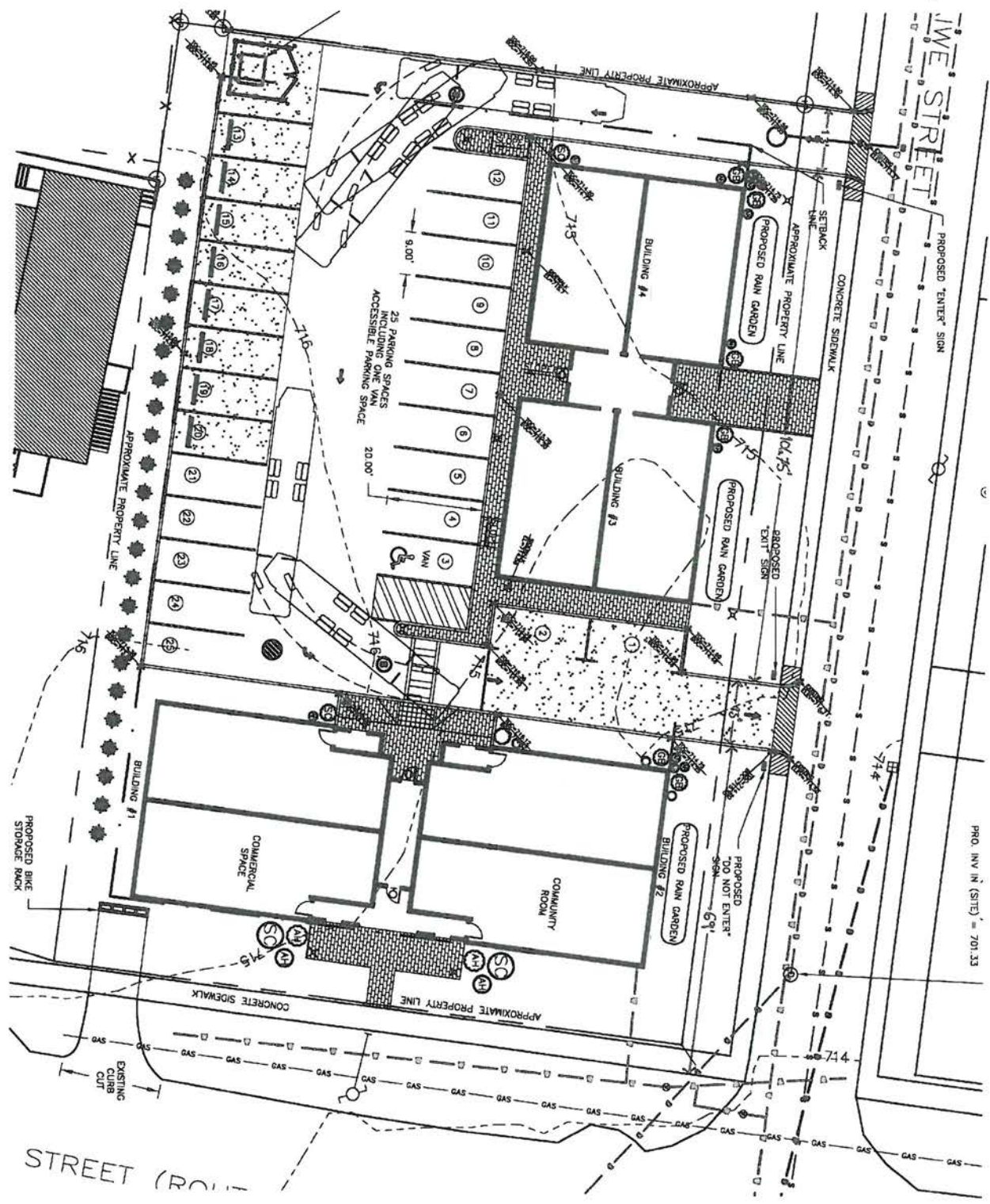
Pursuant to its vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, at its meeting on \_\_\_\_\_, the Great Barrington Selectboard granted permission to construct or alter this access to a public way at the address and in the location indicated in this application, in accordance with the plans accompanying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

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



Section taken from  
 White Engineering Plans  
 4-01-106 Proposed Rezonement Plan  
 for Topa Enterprises, LLC

Scale: 1" = 20'



## Jackie Dawson

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**From:** Charles Burger  
**Sent:** Wednesday, January 8, 2020 1:02 PM  
**To:** Jackie Dawson; Sean Van Deusen; Chris Rembold; Pete Soules; Great Barrington Conservation Commission  
**Subject:** RE: Driveway Permit for Mahaiwe & Main

No issues for the FD.

Charles Burger  
Chief, Great Barrington Fire Department  
37 State Rd.  
Great Barrington, MA 01230  
Phone: 413-528-0788  
Fax: 413-528-831

**From:** Jackie Dawson <jdawson@Townofgb.org>  
**Sent:** Monday, January 6, 2020 11:15 AM  
**To:** Sean Van Deusen <svandeusen@townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Pete Soules <PSoules@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>  
**Subject:** Driveway Permit for Mahaiwe & Main

Please see attached memo and application. I have scanned the application and corresponding map, if you need the originals I have them in my office. Please send me your feedback via e-mail ASAP.

Thanks!



**Jackie Dawson**

Administrative Assistant

413-528-0867

[jdawson@townofgb.org](mailto:jdawson@townofgb.org)

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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

## Jackie Dawson

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**From:** Great Barrington Conservation Commission  
**Sent:** Tuesday, January 7, 2020 1:08 PM  
**To:** Jackie Dawson  
**Subject:** RE: Driveway Permit for Mahaiwe & Main

No Conservation Commission issues.

Thanks,  
-Shep



**Shepley W. Evans**  
Conservation Agent  
Animal Control Officer  
413-528-1619 ex 122  
conservation@townofgb.org

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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**From:** Jackie Dawson <jdawson@Townofgb.org>

**Sent:** Monday, January 6, 2020 11:15 AM

**To:** Sean Van Deusen <svandeuken@townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Pete Soules <PSoules@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>

**Subject:** Driveway Permit for Mahaiwe & Main

Please see attached memo and application. I have scanned the application and corresponding map, if you need the originals I have them in my office. Please send me your feedback via e-mail ASAP.

Thanks!



## Jackie Dawson

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**From:** Chris Rembold  
**Sent:** Monday, January 6, 2020 11:59 AM  
**To:** Jackie Dawson; Sean Van Deusen; Charles Burger; Pete Soules; Great Barrington Conservation Commission  
**Subject:** RE: Driveway Permit for Mahaiwe & Main

No issues. The locations and materials comply with the site plan approval granted last April by the Planning Board.

Chris



### Christopher Rembold, AICP

Assistant Town Manager  
Director of Planning and  
Community Development  
413-528-1619 ext. 103  
crembold@townofgb.org

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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**From:** Jackie Dawson <jdawson@Townofgb.org>  
**Sent:** Monday, January 6, 2020 11:15 AM  
**To:** Sean Van Deusen <svandeusen@townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Pete Soules <PSoules@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>  
**Subject:** Driveway Permit for Mahaiwe & Main

Please see attached memo and application. I have scanned the application and corresponding map, if you need the originals I have them in my office. Please send me your feedback via e-mail ASAP.

Thanks!



### Jackie Dawson

Administrative Assistant  
413-528-0867  
jdawson@townofgb.org

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



## Jackie Dawson

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**From:** Sean Van Deusen  
**Sent:** Monday, January 6, 2020 11:40 AM  
**To:** Jackie Dawson; Chris Rembold; Charles Burger; Pete Soules; Great Barrington Conservation Commission  
**Subject:** RE: Driveway Permit for Mahaiwe & Main

I have no issues with it -Sean



**Sean Van Deusen**  
Superintendent of Public Works  
413-528-0867  
svandeusen@townofgb.org  
Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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

**From:** Jackie Dawson <jdawson@Townofgb.org>  
**Sent:** Monday, January 6, 2020 11:15 AM  
**To:** Sean Van Deusen <svandeusen@townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Pete Soules <PSoules@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>  
**Subject:** Driveway Permit for Mahaiwe & Main

Please see attached memo and application. I have scanned the application and corresponding map, if you need the originals I have them in my office. Please send me your feedback via e-mail ASAP.

Thanks!

## Jackie Dawson

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**From:** Pete Soules  
**Sent:** Monday, January 6, 2020 11:40 AM  
**To:** Jackie Dawson; Sean Van Deusen; Chris Rembold; Charles Burger; Great Barrington Conservation Commission  
**Subject:** Re: Driveway Permit for Mahaiwe & Main

To all

I have no Issues

Pete

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**From:** Jackie Dawson  
**Sent:** Monday, January 6, 2020 11:15:15 AM  
**To:** Sean Van Deusen; Chris Rembold; Charles Burger; Pete Soules; Great Barrington Conservation Commission  
**Subject:** Driveway Permit for Mahaiwe & Main

Please see attached memo and application. I have scanned the application and corresponding map, if you need the originals I have them in my office. Please send me your feedback via e-mail ASAP.

Thanks!



**Jackie Dawson**

Administrative Assistant  
413-528-0867  
jdawson@townofgb.org

Town of Great Barrington  
334 Main Street  
Great Barrington MA 01230



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## Memorandum

**To:** Great Barrington Selectboard  
**CC:** Mark Pruhenski, Town Manager  
**From:** Alice Boyd, Bailey Boyd Associates, Inc. *AB*  
**Subject:** Participation in FY20 Egremont Regional CDBG Grant  
**Date:** January 8, 2020

The Town of Egremont will be submitting a regional FY20 Community Development Block Grant requesting funds for housing rehabilitation and is inviting Great Barrington to participate as a joint community.

In recent years Egremont has participated in a regional CDBG grant with Monterey, providing funding to assist low to moderate-income residents. The program has been extremely successful and is benefiting homeowners and dealing with both emergencies and major home repairs. The non-profit currently operating this program, **The Resource, Inc.**, has an office over Tom's Toys on Main Street, and has been asked by numerous Great Barrington residents if they could access these funds.

The Egremont Regional Housing Rehabilitation Program will fund 27 households with a 0% interest deferred payment forgivable loan, making repairs of up to \$40,000 to keep low and moderate-income residents in their homes. Emergencies are a priority while code repairs, lead paint abatement weatherization and health and safety violations will also be offered. All applicants are accepted on a first come/first served basis and must income qualify.

The Housing Rehab program is also an important economic catalyst as the majority of contractors are local.

There is no cost to the town of Great Barrington and there is great benefit to residents however there are two requirements to participate:

- The Selectboard must vote to participate in the FY20 Egremont CDBG grant and sign a "Joint Authorization Form" (attached)
- The Town must either provide a copy of your ADA Self Evaluation & Transition Plan OR attach a letter stating that the town will work toward completing one over the next five years (sample letter attached). If necessary, grant funds will be requested from DHCD to hire a consultant to assist with your plan

I look forward to telling you more about this program and answering any questions that you may have.

MASSACHUSETTS COMMUNITY DEVELOPMENT BLOCK GRANT FY 2020

Community Development Fund 2020  
Joint Application Authorization: Great Barrington

CDF-2020-Egremont\*-00027

MUNICIPALITY: Great Barrington

Contact Person: Mark Pruhenski

Name

Title Town Manager

\_\_\_\_\_  
Signature of Chief Elected Official

Stephen Bannon

\_\_\_\_\_  
Printed Name of Chief Elected Official

Chairman, Great Barrington Selectboard

\_\_\_\_\_  
Title of Chief Elected Official



**Mr. Mark Southard  
Mass DHCD  
100 Cambridge Street  
Boston, MA 02114**

**RE: ADA SELF EVALUATION & TRANSITION PLAN**

**Dear Mr. Southard:**

**The town of Great Barrington does not have an ADA Self Evaluation & Transition Plan.**

**With the award of an FY20 CDBG grant the town acknowledges that we will work with the Massachusetts Office on Disability toward the execution of a Memorandum of Understanding to complete our plan.**

**Sincerely,**

**Stephen Bannon, Chair  
Great Barrington Selectboard**

## EXECUTIVE SUMMARY

**TITLE:** Release of a lien imposed by 1988 Regional Housing Rehabilitation Program  
4 Francis Avenue

**BACKGROUND:** Great Barrington participated in a Housing Rehabilitation Program in the late 1980s. The program was funded by a State grant, similar to the recent programs funded through CDBG grants. The program benefitted low- and moderate-income homeowners, or owners of multifamily buildings that rented to low- and moderate-income tenants, who needed to make repairs to their homes to address structural, safety, and code issues. The program was administered by Berkshire Housing Services on behalf of the Town.

A total of 44 grants were made, and they were structured as deferred payment loans. A lien was placed on the grantee's property, and the liens included a provision that the repayment obligation would decrease over seven-year period, until it was extinguished. However, there was a second provision in the lien that required a minimum repayment upon future sale, notwithstanding the seven-year timeline above. The minimum repayments average \$4,950.

One property with such a lien still in place is 4 Francis Avenue. The property received a grant of \$10,000 in 1988. The seven-year period has long since passed, but there is still minimum repayment of \$5,000 due upon sale. The property owner is requesting that Great Barrington release the lien. The owner's letter states that it has been many years and the original program goal of benefitting low- and moderate-income homeowners or tenants has been met.

About half of all the program liens already have been discharged or released by the program administrator. The administrator, Berkshire Housing Services, has confirmed releases are allowed since more than seven years have passed and the program is over.

**RECOMMENDATION:** The Selectboard vote to release the \$5,000 lien on 4 Francis Avenue since the goal of the original grant was met.

**WRITTEN BY:**

Assistant Town Manager /  
Director of Planning and Community Development

**DATE:** 1/9/20

**APPROVED BY:**

Town Manager

**DATE:** 1-9-2020

**NORTHERN EMPIRE REALTY**  
524 Columbia Street  
Hudson, New York 12534  
(518) 822-1806 FAX (518) 822-0505

1/13/20  
SB mtg

November 20, 2019

Great Barrington Select Board  
Town Hall  
334 Main Street  
Great Barrington MA 01230

Dear Members:

In 1987, I received a loan from the Berkshire Housing Rehabilitation Program to renovate 4 Francis Avenue. It was my understanding that the intent was to provide improved housing for low income tenants and that it was structured so one would not simply use the money to "flip" the house for a quick profit.

For over thirty years, I have made my two-family dwelling available to low income tenants and certainly complied with the intent of the loan.

With this in mind, I am requesting that your board would consider waiving the \$ 5,000 obligation.

I would welcome the opportunity to appear before your board to further discuss this request.

Thank you for your consideration,

Sincerely,



Philip Gellert

Doc 672 123

TOWN OF GREAT BARRINGTON  
BERKSHIRE HOUSING REHABILITATION PROGRAM

Seven Year Deferred Loan Payment Agreement

(Term Note Secured with Real Estate)

and

Real Property Lien

I/We Philip Gellert

of Hilldale, New York

(hereinafter referred to as the Grantors) for consideration paid, grant to the Town of Great Barrington acting by and through the Berkshire Housing Rehabilitation Program, in said County and Commonwealth, a lien and charge upon the land together with the buildings thereon situate, located at 4 Francis Avenue in said Great Barrington, MA, and being more particularly described as follows:

BEING the same premises conveyed to Philip Gellert by a deed from Frances L. Sandgren dated August 9, 1984.

EXHIBIT "A"

The land and buildings situated at 4 Francis Avenue, Great Barrington, Massachusetts, bounded and described as follows:

PARCEL 1: A certain piece or parcel of land with buildings thereon situate on the westerly side of Francis Avenue in the town of Great Barrington, bounded and described as follows:

Beginning at an iron pipe driven into the ground at the northeasterly corner of lot, which point is also the southeasterly corner of the house lot of Miss Celeste Hulbert and is also in the westerly line of said Francis Avenue;

thence north 53 3/4 degrees west 60.7 feet bounding on the southerly line of Miss Hulbert's land to a fence post at her southwesterly corner and at the northeasterly corner of land of Henry Eastland;

thence south 34 degrees west, 51.3 feet bounding on said Eastland's land to an iron pipe driven into the ground;

thence south 60 1/2 degrees east, 65.1 feet bounding on other land of one Reed to an iron pipe standing in the westerly line of said Francis Avenue, which point is located 26 feet southeasterly from the southeasterly corner of the house standing on the conveyed premises, and also 22.1 feet northeasterly from the northeasterly corner of the house standing on the other lot of said Reed;

thence north 29 1/4 degrees east 53.85 feet bounding on said Francis Avenue to the place of beginning.



1988 00672120

Bk: 672 Pg: 0123 Doc: LIEN  
Page 1 of 3 06/23/1988 12:00PM

*For  
Subordina-  
tion  
see  
Bk: 724  
Pg: 277*

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Also hereby conveying to the Grantees a free, open and unobstructed right of way 15 feet in width over and upon a certain right of way or private road known as Francis Avenue to Dresser Avenue, on the north and Pleasant Street on the south.

PARCEL 2: A certain piece or parcel of land bounded and described as follows:

Beginning at an iron pipe standing in the westerly line of Francis Avenue at the southeasterly corner of the tract herein conveyed and at the northeasterly corner of Parcel 1;

thence north 63 3/4 degrees west 60.7 feet bounding on the northerly line of Parcel 1 to a fence post standing at the northwesterly corner thereof and at southwesterly corner of the tract herein conveyed and at the southeasterly corner of land of one Gilmore;

thence north 22 1/2 degrees east 12 feet to a stake standing in the line of said Gilmore land and at the northwesterly corner of the tract herein described;

thence south 53 3/4 degrees east 60.5 feet on a line parallel with the first described line to a stake standing in the westerly line of Francis Avenue;

thence south 22 1/4 degrees west 12 feet to the place of beginning, being a strip 12 feet wide across the southerly end of Celeste O. Hulbert's house lot, and being the southerly end of the lot which was conveyed by Henry Dresser to Celeste O. Hulbert, by deed dated February 25, 1886, and recorded in the Southern Berkshire Registry of Deeds in Book 163, Page 302, to which reference is hereby made.

Being the same premises conveyed to the grantor herein by deed of Frances L. Sandgren dated August 9, 1984 and recorded with the Southern Berkshire District Registry of Deeds in Book 549, Page 151.

Subject to a mortgage given by the grantor herein to Frances L. Sandgren in the original principal sum of \$14,000.00, dated August 9, 1984 and recorded in said Registry of Deeds in Book 549, Page 153ac.

This lien is granted to secure the obligation of the Grantors to the Town of Great Barrington, pursuant to a deferred payment loan agreement (the "Grant Agreement") between the Town of Great Barrington and the Grantors dated May 1, 1987. Pursuant to that agreement the Berkshire Housing Rehabilitation has provided a deferred payment loan to the Grantor in the amount of \$ 10,000.00, which may be subject to increase or decrease, but in no event will this amount exceed \$ 12,000.00, for rehabilitation of the above described premises. In consideration of this Deferred Payment Loan the Grantors have agreed to two (2) provisions for repayment of the Deferred Payment Loan. These provisions for repayment shall apply only in the event of sale or transfer for fair market value, and shall not apply:

- a. to a transfer by deed of one Grantor to another.
- b. to a transfer of the property by devise or by operation of law upon the death of the Grantor.

In the event of the death of the Grantor, the repayment provision shall be enforced only upon a subsequent transfer for value by the heir-at-law or devisee.



The Repayment Provisions are as follows:

Provision I:

In the event the Grantors sell or transfer title to the said premises within seven (7) years from the date of the aforesaid agreement (May 1, 1994) the Grantors agree to pay to the Town of Great Barrington an additional sum to be determined in the manner hereinafter set forth.

- a. "Anniversary date" shall be defined as the date one year from the signing of this Agreement and from year to year thereafter until May 1, 1994.
- b. "Obligation" under this section shall be defined as \$ 5,000.00. This amount may increase or decrease and is contingent upon the final amount disbursed.
- c. Following the expiration of each anniversary date, commencing May 1, 1987, the obligation of the Grantors under this section shall be reduced at the following rate: after the first anniversary 10% shall be reduced. After each of the next six (6) anniversaries, an additional 15% shall be reduced from the repayment obligation.

Provision II:

In any case, notwithstanding payback "Provision I", upon sale or transfer of the property for fair market value \$ 5,000.00 shall be paid to the town of Great Barrington by the Grantors. This amount may increase or decrease and is contingent upon the final amount disbursed.

WITNESS the hands and seals of the parties hereto this 1st day of May, 1987.

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss. May 1, 1987.

Then personally appeared the above-named Philip Cellert and acknowledged the foregoing instrument to be his free act and deed before me.

Kathleen B. Byrnes  
NOTARY PUBLIC

My commission expires: 7-24-92

Philip Cellert  
GRANTOR

RECEIVED SOUTHERN BERKSHIRE  
REGISTRY OF DEEDS

June 3 1987 AT 3:30 PM REG.  
Catherine B. Conroy

BERKSHIRE HOUSING REHABILITATION  
PROGRAM

BY: Kathleen B. Byrnes  
PROGRAM MANAGER

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## EXECUTIVE SUMMARY

**TITLE:** Appointment of commercial real estate representative on the Economic Development Committee.

**BACKGROUND:** The Town has a vacancy to fill the unexpired term on of the real estate representative on the EDC, and Richard Aldrich has applied for the vacancy.

**FISCAL IMPACT:** Not applicable, members serve without compensation.

**RECOMMENDATION:** Appoint Richard Aldrich to serve on the Economic Development Committee (EDC) as a real estate representative to fill the unexpired term vacancy through June 30<sup>th</sup>, 2021.

**PREPARED AND REVIEWED BY:** \_\_\_\_\_



Mark Pruhenski, Town Manager

**DATE:** 1-10-2020

Item 7C,

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

From: Picheny Steven <stevegbma@gmail.com>

Sent: Friday, December 13, 2019 3:27 PM

To: Mark Pruhenski <MPruhenski@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>

Cc: Newman Tim <tdnew555@gmail.com>; Aldrich Richard <rich.aldrich@roadrunner.com>

Subject: Replacement for commercial real estate member EDC

Mark,

Rich Aldrich as agreed to be the commercial real estate representative on the Economic Development Committee (EDC).  
How can we make that happen?

Steve Picheny

## EXECUTIVE SUMMARY

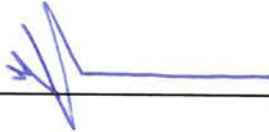
**TITLE:** Appointment of citizen at large to the Design Advisory Committee.

**BACKGROUND:** The Town has a vacancy for Citizen at Large to serve on the Design Advisory Committee. The term is for 3 years and Jennifer Clark has applied.

**FISCAL IMPACT:** Not applicable; members serve without compensation.

**RECOMMENDATION:** The Selectboard appoint Jennifer Clark to the Design Advisory Committee for a term to expire June 30, 2023.

**PREPARED AND REVIEWED BY:**



Mark Pruhenski, Town Manager

**DATE:** 1-10-2020



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

Design Advisory Committee

January 9, 2020

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

Re: Design Advisory Committee Appointment  
Jennifer Clark

Dear Members of the Selectboard:

At its meeting on January 8, 2020, The Design Advisory Committee voted unanimously to recommend Jennifer Clark to fill the open seat on the Committee.

Thank you for your attention to this matter.

Sincerely,

Kimberly L. Shaw

Kimberly L. Shaw  
Secretary

Cc: Edwin May, Building Inspector



## Helen Kuziemko

---

**From:** Jennifer Clark <j@jenniferclark.com>  
**Sent:** Thursday, December 19, 2019 5:29 PM  
**To:** Mark Pruhenski; Helen Kuziemko  
**Subject:** I would like to join the DAC

Greetings Mark and Helen,

Pedro Panchano has suggested I write to you to indicate my interest in joining the DAC. I have a strong interest in the visual aspect of our fair town, and I've worked on a few projects that demonstrate this.

During the planning of the Main Street reconstruction, I alerted the Board to the issue of the Verizon load center. I presented at Town Meeting, and the new Town Manager took note and changed the location. I also advocated for a softer gray color for the sidewalks rather than the typical white concrete color.

In addition, I made the Board and the Town in general aware of the issues around many of the MASS DOT design requirements that I thought were not scaled well or appropriate for our town (sizes of poles for general and pedestrian lighting, stop light poles etc)

I also worked on and later chaired the erstwhile Parking Committee that got absolutely nothing done (2015 iteration)! Very disappointing. The then Town Manager didn't want our ideas apparently.

Anyway, those are a few of the things - plus my current consultancy to Saint James Place concerning their LED sign. I've learned a lot about the technology.

Thank you for considering me for this committee.

All my best,  
Jenny

[Jennifer Clark Design](#)  
413 528 6984  
J@JenniferClark.com

[GB ON TAP: PLASTIC AND WATER PROJECT](#)  
[MY ARTWORK](#)

*Helen 7 E.*

Mark, Chris and Helen,

RE: Ch. 61A Land of Abigail Haupt, LLC (Hurlburt and Alford Roads)

Could you please push my c. 61 waiver request to the next scheduled meeting on 1/27 as GBLC has requested additional time to discuss.

Thanks.

Ira J. Kaplan, Esq.  
314 Main St., Suite 9  
Great Barrington, MA 01230  
Mobile: 413-358-3214  
Office: 413-528-1211  
[www.irakaplan.com](http://www.irakaplan.com)