

STEPHEN C. BANNON
CHAIR

EDWARD ABRAHAMS
WILLIAM COOKE
KATE BURKE
LEIGH DAVIS



Town Hall, 334 Main Street
Great Barrington, MA 01230

(413) 528-1619 x2
Fax: (413) 528-2290
www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

AGENDA

SELECTBOARD'S MEETING AGENDA

MONDAY, JULY 22, 2019

6:00 PM Executive Session

REGULAR SESSION IMMEDIATELY FOLLOWING

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

6:00 PM - OPEN MEETING

Conference Room

1. Call to Order

Convene into Executive Session and Return to Open Session – Town Manager's Conference Room
Executive Session under M.G.L. c. 30A, § 21(a)(1) - To discuss the discipline or dismissal of, or
complaints or charges brought against, an employee of the Town.

Motion

I move that the Selectboard go into Executive Session under M.G.L. c. 30A, § 21(a)(1) - To discuss the
discipline or dismissal of, or complaints or charges brought against, an employee of the Town and to
Return to Open Session at the conclusion of the Executive Session.

Roll Call Vote

OPEN MEETING - REGULAR SESSION:

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

June 27, 2019 SB & PI Bd Joint 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:

- A. **Continuation** of Berkshire Pleasure Hospitality, LLC d/b/a The Barrington, Carrie Chen, Manager for a new Innholder's Hotel All Alcoholic Liquor License at 281 Main Street, Level 3, Great Barrington, MA 01230. (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

7:00 PM

- B. Community Development Corporation of South Berkshire Special Permit Application for a Water Quality Protection Overlay District Special Permit, and a Floodplain Special Permit, in accordance with Sections 9.1, 9.2 and 10.4 of the Great Barrington Zoning Bylaw. The permits are requested in connection with the planned redevelopment of the entire 100 Bridge Street site, including a residential facility on the north end of the site and the already permitted affordable housing on the south end of the site. (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. Peter A. Sweet, Jr. for a Driveway Permit at 49 Seekonk Road. (Discussion/Vote)
- B. Patrick Hollenbeck/Board of Library Trustees for One Day Beer and Wine Liquor License for August 11, 2019 from 4:00 pm – 6:00 pm at Mason Library. (Discussion/Vote)
- C. Jenise Lucey/Berkshire South Regional Community Center, as follows:
- for One Day Beer & Wine Liquor License for August 2, 2019 from 6:00 pm – 9:00 pm at 15 Crissey Road. (Discussion/Vote)
 - for One Day All Alcoholic Liquor License for September 14, 2019 from 6:00 pm – 10:00 pm at 15 Crissey Road. (Discussion/Vote)
- D. Kent Lemme/Berkshire Running Center for permission to hold the 5th Annual eight-mile road race on Sunday, August 4, 2019 starting at 8:00 am North of Big Y on Route 7 and finish in the Guido's parking lot. (Discussion/Vote)

7. OLD BUSINESS:

- A. **Continuation** of SB– Recommendation to the Zoning Board of Appeals on the Special Permit Application of A & A Memorials, Inc. to expand a pre-existing nonconforming use from a welding shop and construction company to add services related to the construction, storage and sales of stone including cemetery monuments at 57 VanDeusenville Road. (Discussion/Vote)
- B – **Continuation** - Staff update on Options for Housatonic School. (Discussion/Vote)
- C. SB – **Continuation** of Selectboard Policies and Procedures. (Discussion/Vote)

8. NEW BUSINESS:

- A. SB – FY 20 Appointments/Re-appointments. (Discussion/Vote)
 - KP Law/General Counsel
 - Valerio Dominello & Hillman, LLC/Labor Counsel
- B. SB – Appointment of member (Citizen at Large) to the Design Advisory Committee. (Discussion/Vote)
- C. SB – Appointment of member to the GB Affordable Housing Trust. (Discussion/Vote)
- D. SB – Schedule Neighborhood Meetings (Grove, Cottage and Housatonic Village). (Discussion/Vote)
- E. Lake Mansfield Road Update – Temporary Paving/Repairs. (Discussion/Vote)
- F. Brown Bridge – State Road and Main Street Update. (Discussion/Vote)
- G. SB – Discussion re: Proposed MA Senate Bill 101 and Commercial Horse Racing at the Great Barrington Fairgrounds.


9. CITIZEN SPEAK TIME:

10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD'S MEETING: Monday, August 12, 2019, 7:00 P.M.



Mark Prubenski, 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.

Com. + to
SB July 28/19
Meeting.

TOWN OF GREAT BARRINGTON
NOTICE OF PUBLIC HEARING

The Selectboard will hold a public hearing on Monday, July 8, 2019 at 7:00 PM at the Town Hall, 334 Main Street, Great Barrington, MA 01230 to act on the application of Berkshire Pleasure Hospitality, LLC d/b/a The Barrington, Carrie Chen, Manager for a new Innholder's Hotel All Alcoholic Liquor License at 281 Main Street, Level 3, Great Barrington, MA 01230.

Stephen Bannon
Chair

PLEASE PUBLISH June 28, 2019 and July 5, 2019.



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

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

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

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

2. BUSINESS ENTITY INFORMATION

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

Entity Name	<input type="text" value="Berkshire Pleasure Hospitality, LLC"/>	FEIN	<input type="text" value="83-4674301"/>
DBA	<input type="text" value="The Barrington"/>	Manager of Record	<input type="text" value="Carrie Chen"/>
Street Address	<input type="text" value="281 Main Street, Level 3, Great Barrington, MA 01230"/>		
Phone	<input type="text" value="413-528-6159"/>	Email	<input type="text" value="gbthebarrington@gmail.com"/>
Alternative Phone	<input type="text" value="413-404-4511"/>	Website	<input type="text" value="www.thebarringtongb.com"/>

3. DESCRIPTION OF PREMISES

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

Total Square Footage:	<input type="text" value="~6,000"/>	Number of Entrances:	<input type="text" value="2"/>	Seating Capacity:	<input type="text" value="40"/>
Number of Floors	<input type="text" value="1"/>	Number of Exits:	<input type="text" value="2"/>	Occupancy Number:	<input type="text" value="29"/>

4. APPLICATION CONTACT

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

Name:	<input type="text" value="Carrie Chen"/>	Phone:	<input type="text" value="206-972-4819"/>
Title:	<input type="text" value="Manager"/>	Email:	<input type="text" value="chencarrie@me.com"/>

NO.	DATE	REVISION
1	06/21/19	ISSUE FOR PERMITS
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THE BARRINGTON
 281 Main Street, 3rd Floor
 Great Barrington, MA 01230

R01.01
 CHANGE OF USE / ALTERATION 2
 1/4" = 1'-0"

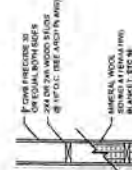
REVIEWED FOR CODE COMPLIANCE
Great Barrington Building Inspector
Date: 6-24-19

LEGEND:

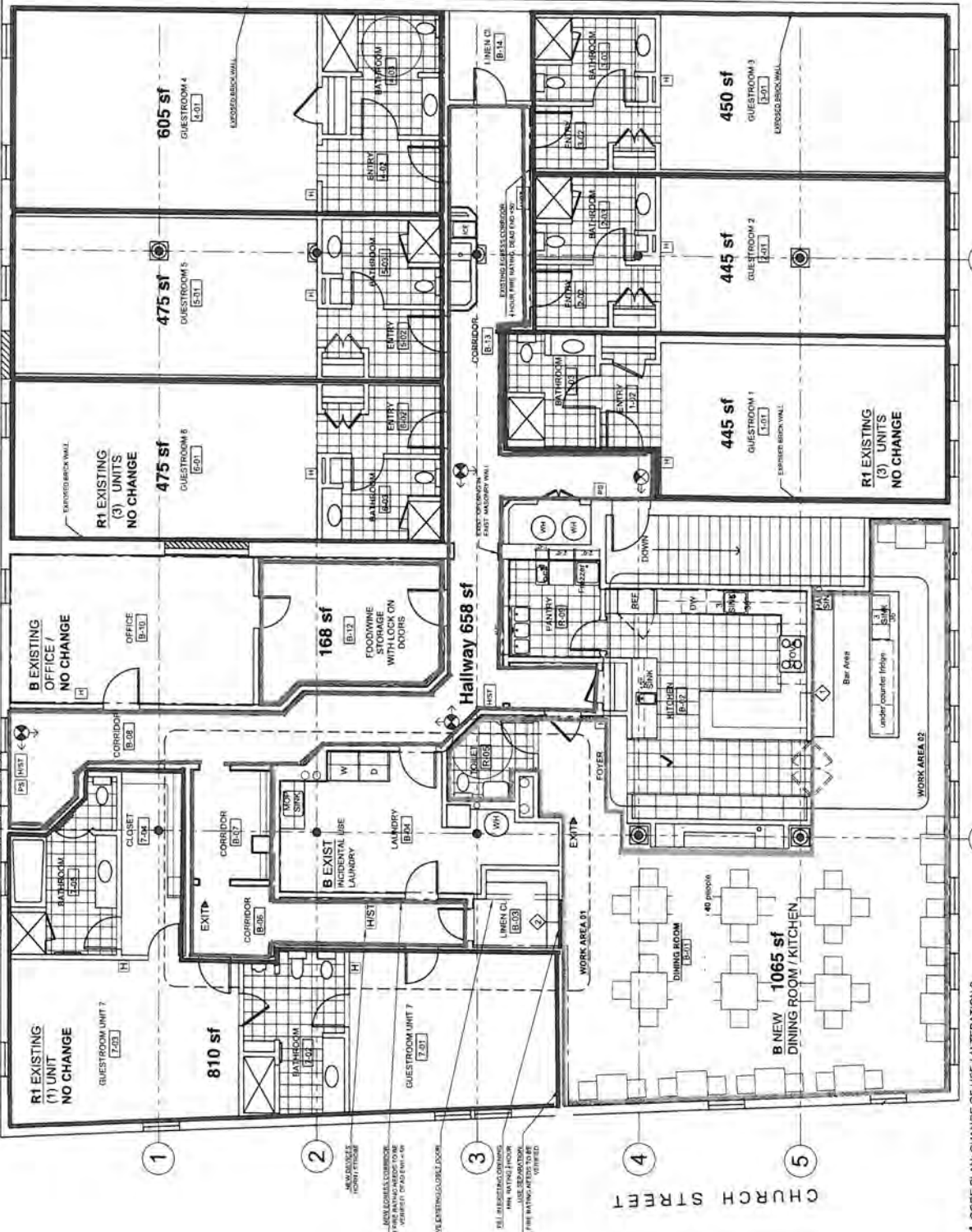
R1 LODGING RESIDENTIAL EXISTING
B OFFICE BUSINESS
E EGRESS HALLWAY

NEW DEVICES:
 EXIT EXIT LIGHT
 FIRE ALARM HORN
 FIRE ALARM HORN/STROBE

EXISTING DEVICES:
 EXIT LIGHT
 FIRE ALARM HORN
 FIRE ALARM HORN/STROBE
 STROBE
 FIRE ALARM PULL STATION
 PUBLIC DINING AREA
 FOOD/WINE STORAGE
 GUEST ROOMS
 HALLWAY



RATED 4 HR ASSEMBLY STC 56
 UL DESIGN: U48T
 2 WALL TYPES
 3/4" = 1'-0"



1 CODE PLAN, CHANGE OF USE / ALTERATION 2
 1/4" = 1'-0"

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

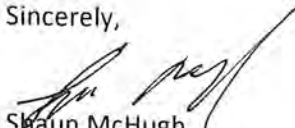
June 25, 2019

LIQUOR LICENSE ABUTTERS FOR PROPERTY OF: BERKSHIRE PLEASURE LLC, 281 MAIN STREET
Map 19 Lot 124, Book 2479 Page 291

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
19	125	Drucker Family LLC, 15 Highland Dr., Gt. Barrington, MA 01230-1536
19	127	Enfield Realty Holdings LLC, 28 Church St., Gt. Barrington, MA 01230-1315
19	101	Society of Congregational Church, PO Box 660, Gt. Barrington, MA 01230-0660
19 UA1,A2	124	Lee Bank, 75 Park St., Lee, MA 01238-1701
19 U A3	124	Lance & Cara Vermeulan, PO Box 178, South Egremont, MA 01258-0178
19 U A4	124	Eden Rock Group LLC, 285 Main St., Gt. Barrington, MA 01230-1608
19 U A5	124	James A. Mercer, Trustee, 80 Maple Ave. #1, Gt. Barrington, MA 01230-1953
19 U B1	124	Martha Klein, PO Box 542, Norfolk, CT 06058-0542
19 U B2	124	Robert W. Finley III, 570 Westminister Rd. Suite D16, Brooklyn, NY 11230-1456
19 U B3	124	Christy Allison Smith, 26 Lockwood St., Rochester, NY 14609-6502
19 U B4	124	Damien Flores & Susannah H. Miskell, 128 Green River Valley Rd., Gt. Barrington, MA 01230-2400
19 U B5	124	Ann Canning, 102 Stevens Lake Rd., Gt. Barrington, MA 01230-8429
19 U B6	124	Karen Waddell, 100 Riverside Dr. #12A, New York, NY 10024-4822
19 UB7,8	124	Robert & Alba Tutnauer, Trustees, PO Box 629, Otis, MA 01253-0629
19 U B9	124	G. Thomas Mullany Jr. & Helen Mullany, 281 Main St. #9, Gt. Barrington, MA 01230-1617

The above list of abutters for liquor license is correct according to the latest records of this office.

Sincerely,


Shaun McHugh
Principal Assessor

mailed 6/27/19

Exhibit B

Description of Premises

281 Main Street, Third Floor, Great Barrington, Massachusetts ("Premises"). "The Barrington" consists of seven Private Tourist Home Suites ("Suites"), a kitchen, dining room and alcohol storage spaces. Alcohol shall be served from the bar located in the dining room and shall be consumed in the Dining Room and Suites. The licensed area shall consist of the Suites, Hallways, Dining Room and alcohol storage spaces.

The Dining Room is 1,065 square feet and seats 40 people. Alcohol will be stored behind the bar and kept in locked cabinetry when the bar is closed. Alcohol will be stored in the 168 square feet Food/Wine Storage room, which is and located off the hallway. There are two locked doors accessing the storage area. The seven Suites have a total square footage of 3,705. The hallways being licensed are 658 square feet. There are two ingresses and egresses, one is an interior walkup accessible from Main Street and the other is on the rear of the building and is handicap accessible.



**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001382576

1. The exact name of the limited liability company is: BERKSHIRE PLEASURE HOSPITALITY, LLC

2a. Location of its principal office:

No. and Street: 281 MAIN STREET, LEVEL 3
City or Town: GREAT BARRINGTON State: MA Zip: 01230 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 281 MAIN STREET
LEVEL 3
City or Town: GREAT BARRINGTON State: MA Zip: 01230 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO OPERATE A TOURIST HOME, LODGING ESTABLISHMENT AND FOOD ESTABLISHMENT AND TO ALSO TO TAKE ANY OTHER ACTION AND ENGAGE IN ANY OTHER BUSINESS NOT PROHIBITED UNDER THE ACT OR OTHER APPLICABLE LAW.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: KATHLEEN M. MCCORMICK
No. and Street: 390 MAIN STREET, SUITE 2
City or Town: GREAT BARRINGTON State: MA Zip: 01230 Country: USA

I, KATHLEEN M. MCCORMICK resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	CARRIE CHEN	281 MAIN STREET, LEVEL 3 GREAT BARRINGTON, MA 01230 USA

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	CARRIE CHEN	281 MAIN STREET, LEVEL 3 GREAT BARRINGTON, MA 01230 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 7 Day of May, 2019,
CARRIE CHEN

(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

May 07, 2019 04:02 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

CORPORATE VOTE

The Board of Directors or LLC Managers of

Berkshire Pleasure Hospitality, LLC
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

5/28/2019
Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize

Carrie Chen

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

Carrie Chen

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,

For Corporations ONLY

A true copy attest,



Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

CARRIE CHEN

(Print Name)

(Print Name)

SB SP # 892-19

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, July 22, 2019 at 7:00 pm at Town Hall, 334 Main Street, Great Barrington, MA 01230 to act on the special permit application from the Community Development Corporation of South Berkshire for a Water Quality Protection Overlay District Special Permit, and a Floodplain Special Permit, in accordance with Sections 9.1, 9.2 and 10.4 of the Great Barrington Zoning Bylaw. The permits are requested in connection with the planned redevelopment of the entire 100 Bridge Street site, including a residential facility on the north end of the site and the already permitted affordable housing on the south end of the site. A copy of the application is on file with the Town Clerk.

Please publish June 21 and June 28, 2019

Berkshire Record



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

June 30, 2019

Selectboard
Town Hall
334 Main Street
Great Barrington, MA 01230

Re: Special Permit #892-19
100 Bridge Street

Dear Members of the Selectboard:

At its meeting of June 27, 2019, the Planning Board voted to send a positive recommendation on the special permit applications submitted on behalf of the Community Development Corporation for two special permits for 100 Bridge Street.

The Board reviewed the special permit application for work in the flood plain and the special permit application for the Water Quality Protection Overlay District. The Board based their positive recommendation on the understanding that the north area footprint and the impervious area shown is a conceptual design not an actual design.

Thank you for the opportunity to comment.

Sincerely,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

Cc: Chris Rembold, Town Planner

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

July 15, 2019

Special Permit #892-19: Application from the Community Development Corporation of South Berkshire for a Water Quality Protection Overlay District Special Permit, and a Floodplain Special Permit, in accordance with Sections 9.1, 9.2, and 10.4 of the Great Barrington Zoning Bylaw. The Permits are requested in connection with the planned redevelopment of the entire 100 Bridge Street site, including a residential facility on the north end of the site and the already permitted affordable housing on the south end of the site.

Dear Selectboard,

The Health Department reviewed Special Permit application #892-19 at the most recent Board of Health meeting on July 11, 2019.

MOTION: Peter Stanton motioned to positively recommend Special Permit #892-19 to the Selectboard without conditions or comments.

SECOND: Dr. Ruby Chang

VOTE: 3-0

Sincerely,

Rebecca Jurczyk
GB BOH Agent

Shepley Evans
Conservation Agent

E-mail: conservation@townofgb.org
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

TO: Great Barrington Selectboard

FM: Conservation Commission
Shep Evans, Agent

DATE: July 15, 2019

RE: Special Permit# 892-19

NAME,
ADDRESS

& PROJECT: Application from the Community Development Corporation of South Berkshire for a Water Quality Protection Overlay District Special Permit and a Floodplain Special Permit, in accordance with Sections 9.1, 9.2 and 10.4 of the GB Zoning Bylaw. The permits are requested in connection with the planned redevelopment of the entire 100 Bridge Street site.

The Conservation Commission has reviewed and approved with conditions the redevelopment project for the entire 100 Bridge Street property. The Commission has issued its final approvals and Orders of Conditions for the redevelopment project and has no remaining unresolved jurisdictional issues or interests. The Conservation Commission has no further comment or concerns to offer.

CC: Chris Rembold, Town Planner

SP # 892-19

Application from the Community Development Corporation of South Berkshire for a Water Quality Protection Overlay District Special Permit, and a Floodplain Special Permit, in accordance with Sections 9.1, 9.2 and 10.4 of the Great Barrington Zoning Bylaw. The permits are requested in connection with the planned redevelopment of the entire 100 Bridge Street site, including a residential facility on the north end of the site and the already permitted affordable housing on the south end of the site.

DRAFT MOTIONS

VOTE ON FINDINGS

(If the Board has amended the Findings based on the Public Hearing and its discussion, be sure to specify those changes and approve the findings "as amended.")

move to approve the Findings of Fact for Special Permit #892-19, as *submitted* and referenced as Exhibit A.

Second: _____

Roll call vote: Davis _____ Burke _____ Cooke _____
Abrahams _____ Bannon _____

VOTE ON SPECIAL PERMIT

in view of the approved Findings of Fact, move to approve Special Permit #892-19, as proposed, and subject to the following condition:

This floodplain and water quality protection special permit approval is intended permit the remediation of the entire site, the development of the affordable housing portion of the site, the implementation of stormwater and flood storage measures as proposed, and a maximum development and impervious surface footprint for the northern portion of the site, but it shall not be construed as an approval of any specific use for northern portion of the site.

Second: _____

Roll call vote: Davis _____ Burke _____ Cooke _____
Abrahams _____ Bannon _____

EXHIBIT A

FINDINGS OF FACT AND BASIS FOR DECISION

Re: Special Permit #892-19, 100 Bridge Street

A. Introduction

This Special Permit application was filed on June 12, 2019 by the Community Development Corporation of South Berkshire, the owner of 100 Bridge Street, the subject site. The Applicant is seeking a Selectboard Special Permits for the floodplain protection overlay district and the water quality protection overlay district, pursuant to sections 9.1 and 9.2, respectively, of the Zoning Bylaw, in order to conduct environmental remediation and redevelopment of the subject site.

The application includes a narrative written by Furrow Engineering, on behalf of the CDC, and a 15-sheet plan set prepared by Furrow Engineering, dated 4/30/2019.

B. General Findings

The site is in the B-3 (Downtown Mixed-Use) zoning district. Most of the site is also within the 100-year floodplain and is subject to the Floodplain Protection Overlay District. The entire site is within Zone II of the Water Quality Protection Overlay District.

The site has frontage along Bridge Street and Bentley Road, and is bounded on the west by the Housatonic River and on the south by the Town's wastewater treatment plant. The site is approximately eight (8) acres and is vacant. It was the former New England Log Homes Company site, whose operations contaminated the property, but the CDC has owned the site since 2007. Since then the CDC has demolished the old buildings and has explored a variety of remediation and redevelopment plans. The CDC has now arrived at a final redevelopment plan and seeks these special permits in order to begin work.

As described in the narrative and as shown on the accompanying plans, the Applicant seeks to remediate the site and then redevelop the site. In accordance with its Remediation Implementation Plan (RIP), which is awaiting final Mass DEP approval, the site remediation will consist of moving the contaminated surface soil from all areas of the site into two large berms, one along Bentley Road and one along the southern property line. The berms will be permanently capped with clean soil and will be subject to permanent restrictions and guarantees.

Once remediation is complete the CDC will redevelop the site. The southern half of the site will be a two-building, 45-unit affordable housing development. This use is already approved by the Town, via the 40B Comprehensive Permit issued by the Zoning Board of Appeals.

The northern portion of the site is presented at this stage as a conceptual plan for a three story 21,500 square foot residential facility which will include some type of long term assisted living care. This particular use is not yet permitted by the Town and may require special permits for redevelopment in the B-3 zoning district and for assisted living.

The site improvements also include two parking lots (one south and one north) with a combined 129 paved parking spaces, two new driveways (one onto Bentley and one onto Bridge), landscaping, stormwater management system, and typical utilities. The redevelopment does not place structures or paved areas within 200 feet of the Housatonic River, reserving this area primarily for open space/recreation and stormwater retention basins.

The above proposed activities require floodplain and water quality protection special permits under the Zoning Bylaw. These two special permits are the only activities under review by this current application before the Selectboard.

The Conservation Commission has reviewed and approved with conditions the remediation and redevelopment plans for the entire site; there are no further jurisdictional issues or permits needed from the Commission.

The Planning Board reviewed the special permit application and made a positive recommendation to the Selectboard, with the understanding that the development and impervious area of the northern portion of the site is still conceptual.

The Board of Health made a positive recommendation on the special permit application.

C. Floodplain Overlay District Criteria and Specific Findings

Per Section 9.1 of the Zoning Bylaw the project requires a Floodplain special permit because it involves the erection of new structures and/or filling, transfer, relocation or excavation of earth materials. The Selectboard as the special permit granting authority (SPGA) reviews the application to ensure that work in or use of the Town's floodplains does not endanger the health or safety of the occupants thereof, or of the public, and that flow patterns of watercourses will continue to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

Work in the floodplain that is subject to a special permit involves any removal of material or filling of the floodplain at or below the 100-year flood elevation. In this case, the proposed soil berms and the proposed buildings will be built within the floodplain, but the proposed redevelopment also removes fill elsewhere on site. Overall, the result is that there will be more flood storage, at each foot interval of flood elevation, than exists currently. This net increase in flood storage volume is detailed on sheet C-8 the accompanying plans (the table in the application narrative is not correct). Further, as shown on the plans, the proposed building utilities and habitable floor levels of the buildings will be above flood elevation.

Finding: The Selectboard finds that this proposal includes residential uses within the floodplain area, but the proposed residential buildings are to be situated above flood stage so as not to endanger the occupants or vital building systems, and additional flood storage and flood flow devices are proposed on site to ensure no reduction of flood storage capacity and no restricted movement of flood waters in the floodplain.

Section 9.1.5 requires the SPGA to ensure that the applicant provides sufficient information to determine:

(1) That the floor level of areas to be occupied by human beings as living or working space shall be at a safe elevation;

Finding: All floor levels of buildings are proposed to one foot above the flood level of 674.5 feet.

(2) That furnaces and utilities are protected from flooding and that the structure will withstand the effects of flooding in accordance with the State Building Code;

Finding: All utilities will be protected from floodwaters.

(3) That the proposed construction, use or change of grade will not obstruct or divert the flood flow, reduce natural water storage or increase stormwater runoff so that water levels on other land are substantially raised or danger from flooding increased;

Finding: The application has demonstrated that there will no loss of floodplain storage, and the foundations will not obstruct flood flow, runoff, or water storage, and will not increase flood water levels on other land.

(4) That safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding; and

Finding: There is access to the site from public ways that are above flood level. Most of the site itself is below flood elevation and it is not possible to elevate all proposed parking lots, driveways and walkways above flood level. Therefore in order or ensure safety in the event of a forecasted flood event, the site managers shall evacuate the site prior to flooding.

(5) That the proposed methods of drainage and sewage disposal are approved by the Board of Health and will not cause pollution or otherwise endanger health in the event of flooding.

Finding: The site will be connected to public sewer system as is permitted by the Board of Health. The sewer and stormwater systems are buried at sufficient depth so as not to be eroded or damaged by floodwaters, and the sewer services in the buildings are above flood level.

Section 9.1.6 of the Zoning Bylaw requires the Special Permit Granting Authority (SPGA), in this case the Selectboard, to find the following in order to grant a floodplain special permit:

(1) The use would otherwise be permitted if such land were not, by operation of this section, in the Floodplain Overlay District;

Finding: The affordable housing is already permitted by Comprehensive Permit from the Zoning Board of Appeals, and the planned residential facility on the northern portion may be subject future special permits to allow that use.

(2) The use of such land for the proposed purpose will not interfere with the general purpose for which such Floodplain Overlay Districts have been established.

Finding: The proposal includes additional volume of flood storage so as to ensure no reduction of flood storage capacity or movement of flood waters.

Section 9.1.7 states that special permits for work in the floodplain issued under this section may be subject to such conditions as the SPGA deems necessary in the interests of the public health, safety and welfare. The burden of proving that the proposed use will not endanger the public health and safety of the occupants or the public shall rest upon the applicant.

Finding: The Selectboard does not see the need for any conditions of this nature.

Section 9.1.8 requires certification by a professional engineer, registered and licensed in the Commonwealth of Massachusetts, to demonstrate that proposed floodway encroachments shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

Finding: The proposed work is not within the delineated floodway; this is not applicable.

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

Findings: Applicant filed for and received an Order of Conditions from the Conservation Commission, as required by the Wetlands Protection Act.

D. Water Quality Protection Overlay District Criteria and Specific Findings

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

A stormwater management report was prepared by the site engineer, Furrow Engineering. The report provides a description of proposed stormwater management measures, including detention basins and underground infiltration chambers, and describes how the measures comply with the Town's water quality and aquifer recharge requirements. As detailed in the proposed plans, these measures are designed and sized appropriately for the amount of new impervious surface, the underlying soil types, and unique characteristics of the site. The Engineer calculates that 3,164 cubic feet of recharge volume is required in order to balance out the proposed impervious surface. The Applicant proposes recharge volume of 24,683 cubic feet.

The stormwater report shows that implementation of the proposed measures will result in less runoff from the site after development than there is now. The report also includes an operations and maintenance plan to ensure the stormwater measures will operate as designed.

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

The Selectboard hereby finds:

1. The proposal complies with Sections 9.2.8 and 9.2.9.
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site. The Board notes that the remediation of the site, by its nature, will disturb the entire site, but the Board finds the future remediated and developed condition of the site will result in more benefit and protection of the groundwater.

E. Special Permit Criteria and Findings

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

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

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

Consideration of the Criteria in relation to SP #892-19:

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

The Board recognizes that this special permit application is to allow the remediation work to be implemented in accordance with the Mass DEP approved RIP, and to allow for the redevelopment activities already permitted by the Zoning Board of Appeals, i.e., the affordable housing, to be implemented in the flood plain and water quality protection districts. The Board recognizes that the development of a residential facility on the northern portion of the site is still conceptual, but the applicant seeks to permit site remediation in this area, and ultimately the development of a certain amount of building / impervious surface in that area. With that in mind, the Board’s considerations, below, in relation each of the six special permit criteria, are limited and shall not be construed to reflect its approval of the conceptual use of the northern portion of the site. The use of the northern portion of the site, and any positive or negative impacts of the use, will be reviewed and evaluated date when zoning approvals are sought for that portion of the site.

- Criterion 1. The proposed remediation and redevelopment will remediate a contaminated site and provide open space, affordable housing, and tax revenue to the Town, all in accordance with the goals of the Town’s 2013 Master Plan.
- Criterion 2. The Board has no concerns at this time. Impacts of the affordable housing development were reviewed and permitted by the Zoning Board of Appeals. Impacts the northern portion of the site are not yet known, and will be reviewed by the Selectboard and/or Planning Board at a later date when zoning approvals are sought for that use.
- Criterion 3. The site is in a previously developed area served by adequate public utilities and services for the proposed work and future uses.
- Criterion 4. Neighborhood character and social structures. The Board has no concerns at this time. Impacts of the affordable housing development were reviewed and permitted by the Zoning Board of Appeals. Impacts the northern portion of the site are not yet known, and will be reviewed by the Selectboard and/or Planning Board at a later date when zoning approvals are sought for that use.
- Criterion 5. The environmental impacts of the proposed work are within the parameters established by the floodplain and water quality protection district bylaws, as per Sections C and D of this document, and they have been thoroughly reviewed by Mass DEP, Natural Heritage, and the Conservation Commissions. The Board has no other concerns at this time. Impacts of the affordable housing development were reviewed and permitted

by the Zoning Board of Appeals. Impacts the northern portion of the site are not yet known, and will be reviewed by the Selectboard and/or Planning Board at a later date when zoning approvals are sought for that use.

Criterion 6. The proposed remediation and redevelopment will remediate a contaminated site and provide open space, affordable housing, and tax revenue to the Town, all in accordance with the goals of the Town's 2013 Master Plan.

Finding:

In consideration of the above Findings, this Selectboard finds that the benefits of the proposal outweigh possible detrimental impacts.

F. Proposed Condition

1. This floodplain and water quality special permit approval is intended permit the remediation of the entire site, the development of the affordable housing portion of the site, the implementation of stormwater and flood storage measures as proposed, and a maximum development and impervious surface footprint for the northern portion of the site, but it shall not be construed as an approval of any specific use for northern portion of the site.

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

SB

FORM SP-1
REV. 11-2013

TOWN CLERK

FOR OFFICE USE ONLY

Number Assigned 892-19 Date Received 6/12/19
Special Permit Granting Authority SB
Copy to Recommending Boards 6/13
Advertised 6/21 & 6/28
Public Hearing 7/22/19
Fee: \$150.00 Paid: Yes

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

GREAT BARRINGTON

JUN 12 2019 PM 12:33

MAP 20 LOT 61 BOOK 1780 PAGE 278 ZONING DISTRICT(S) B-3, FPOD, & WQPOD

Site Address: 100 Bridge Street

Date of Application 3-13-19

Applicant's name and complete mailing address Tim Geller, Executive Director, Community Development Corporation of South Berkshire PO Box 733, Great Barrington, Ma 01230

Applicant's phone number (413) 528-7788 Applicant's email address: Tim@cdcsb.org

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

Community Development Corporation of South Berkshire

PO Box 733, Great Barrington, MA 01230

I (we) request a Special Permit for: Redevelopment of 100 Bridge St. The lot is within the FPOD & WQPOD overlay districts. Please see attached project narrative.

Under Section(s) 9.1.4 and 9.2.12 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 _____

Furrow Engineering

II. CERTIFIED LIST OF ABUTTERS

Furrow Engineering
199 Servistar Industrial Way, Suite 2
Westfield, Massachusetts 01085
Tel: 413-562-4884

Christopher J. Lamarre, MAA
Principal Assessor



Town Hall, 334 Main Street
Great Barrington, MA 01230

Bruce Firger, Board Member
John Katz, Board Member
Carol Strommer, Administrative Assessor

Telephone: (413) 528-2220 x 5
Fax: (413) 528-2290
E-mail: clamarre@townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

ASSESSORS' OFFICE

February 14, 2019

ABUTTERS TO PROPERTY OF: COMMUNITY DEVELOPMENT CORPORATION OF SOUTH BERKSHIRE INC
100 BRIDGE STREET, MAP 20 LOT 61

<u>MAP/LOT</u>	<u>ABUTTER</u>
19/139	79 Bridge Street Realty LLC, 247 Stockbridge Rd., Gt. Barrington, MA 01230-1297
19/145A	Great Barrington Youth Foundation, Schneider Youth Building, PO Box 132, GB, MA 01230-0132
19/152	Educational Consultants, 389 Main St., Gt. Barrington, MA 01230-1813
20/12A	Kenneth R. Schumacher & Janice Seiger-Schumacher, 160 Castle St., GB 01230-1541
20/14	Evelyn Faye West, 115 ½ Bridge St., Gt. Barrington, MA 01230-1338
20/16	Glen A. & Anne E. Jost, 117 Bridge St., Gt. Barrington, MA 01230-1338
20/19	Kenneth N. Arce, 18 Humphrey St., Gt. Barrington, MA 01230-1428
20/25	Michael R. Bertelli & Stacy L. Bertelli, 238 East St., Gt. Barrington, MA 01230-1436
20/26	Edward P. & Linda M. Pruhenski, 12 Humphrey St., Gt. Barrington, MA 01230-1436
20/27	Timothy David Siok & Mariana D. Vivas Siok, 23 Park Court #87, Verona, NJ 07044-2453
20/29	Laura A. Spucches, 128 Gt. Barrington Rd., West Stockbridge, MA 01266-9209
20/31	Mimi Perry, 143 Bridge St., Gt. Barrington, MA 01230-1339
20/57	Hellmuth K. & Ruth A. Ruthel, 22 Humphrey St., Gt. Barrington, MA 01230-1428
20/59	Robert G. Hammer Jr. & Donna Hammer, 16 Pine St., Gt. Barrington, MA 01230-1416
20/62	Richard Ridell Dacosta & Kimberly Ann Dacosta, 100 Bleecker St. #14A, New York, NY 10012-2205
20/64,69	Benjamin Corbett & Emily Kasten, 19 Crosby St., Gt. Barrington, MA 01230-1414
20/67	Linda A. Calero, 3 Crosby St., Gt. Barrington, MA 01230-1414
20/87,86	Melissa Consolini, Trustee, Robert & Carole Hammer Irrevocable Trust of 2010, PO Box 278, Monterey, MA 01245-0278
20/89,90	Jeanne Duvall, 14 Crosby St., Gt. Barrington, MA 01230-1418
20/96	Mark L. & Adrienne Cohen, 10 Warren Ave., Gt. Barrington, MA 01230-1431
20/12	Thomas A. Cavanaugh, Trustee, Mahaiwe Nominee Realty Trust, 1 Pine St., GB, MA 01230-1415
20/13	Bridge-Building LLC, 113 Bridge St., Gt. Barrington, MA 01230-1338
20/15	Lisa Ann Lindel & Kent Daniel Milligan, 115 Bridge St., Gt. Barrington, MA 01230-1338
20/17	Benjamin Wohlfert, PO Box 1347, North Canaan, CT 06018-1347
20/24	Werner Georg Kunz-Cho & Mimi Y. Cho-Kunz, PO Box 273, Gt. Barrington, MA 01230-0273
20/28	Edward J. & Elizabeth A. Domaney, 327 State Rd., Gt. Barrington, MA 01230-1496
20/30	H & H Capital Enterprises LLC, PO Box 863, Gt. Barrington, MA 01230-0863
20/56,63	Charles G. & Janet L. Bouteiller, PO Box 1119, Gt. Barrington, MA 01230-6119
20/58	J. M. Bordeur, 2 Pine St., Gt. Barrington, MA 01230-1416
20/60	Michael F. Leonard, 11 Bentley Rd., Gt. Barrington, MA 01230-1474
20/66	Colleen Fernbacher, 1 Crosby St., Gt. Barrington, MA 01230-1414
20/68	Marie O'Connor, 5 Crosby St., Gt. Barrington, MA 01230-1414
20/88	Valri Dean Ivy, 6 Crosby St., Gt. Barrington, MA 01230-1418
20/98	Jana Vilner, PO Box 73, Gt. Barrington, MA 01230-0073

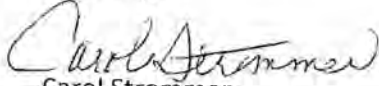
CDC 20/61

MAP LOT ABUTTER

20/99	Christian Sparks & Susan Lynn Smith, 4 Warren Ave., Gt. Barrington, MA 01230-1431
20/93,94A, & 19/145	Town of Great Barrington, 334 Main St. Rm 208, Gt. Barrington, MA 01230-1832
20/92	Community Development Corporation of South Berkshire Inc. (applicant)

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

Sincerely,


Carol Strommer
Administrative Assessor

Furrow Engineering

III. PROJECT NARRATIVE

Furrow Engineering
199 Servistar Industrial Way, Suite 2
Westfield, Massachusetts 01085
Tel: 413-562-4884

Furrow Engineering

PROJECT NARRATIVE

A. Site Description

Site Overview:

The site under investigation consists of approximately 8 acres of land and is located at 100 Bridge Street Great Barrington, Massachusetts. The site is currently vacant but was previously home to the New England Log Homes Company.

The parcel is located south and west of Bridge Street and Bentley Avenue, respectively. The subject parcel maintains frontage on both roadways. The subject parcel is abutted to the north and east by residential homes and to the south by the Great Barrington Waste Water Treatment Plant. The Housatonic River borders the property along its western boundary.

Existing Site Conditions and History:

The existing site has been developed since approximately 1894, first as a cotton goods manufacturer and most recently by the New England Log Homes Company (NELH). The NELH maintained a +/- 63,000 SF production facility and several ancillary buildings throughout the property. Areas outside the building contained parking and driveways and were used for storage of raw materials, waste materials, and miscellaneous debris piles. The NELH business used a wood preservative that ultimately contaminated the soil on the property with primarily PCP and dioxins. In March of 2001 there was a fire in the main building that significantly damaged the structure. In 2012, a Notice of Intent was filed with and an Order of Conditions obtained from the Great Barrington Conservation Commission to demolish and remove the building and debris from the site.

In 2014 the owner initiated an in-situ bioremediation process to attempt to reduce the concentrations of dioxins and other contaminants within the soil. Again a NOI was filed with and an Order of Conditions received to complete this work. In August of 2015 the bioremediation process was terminated by Mass DEP. The site has remained idle since.

Proposed Project Description:

In general the proposed project consists of a complete redevelopment of the 8 Acre property. The project will be completed in two phases. The phases are expected to be at least partially completed concurrently.

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The first phase is a soil remediation project, the second is the development of two new residential sites. All proposed work is to be completed within the limits of the previous disturbance of the site associated with the NELH business and the previously permitted bioremediation work. No new impacts to the existing tree line within the riverfront area are proposed and, at the completion of the project, the extent of undeveloped inner riparian zone will be expanded.

The property currently contains contaminants in the top +/- 24 inches of the soil throughout the property. The proposed plan to address the contaminated soil is to permanently place and cap the soil in an area prohibited from any future development or earth disturbance. The top layer of soil will be stripped and moved to one of two soil containment berms. Once all the soil has been relocated to these berms, they will be covered with layers of geotextile fabrics and covered with a minimum of 12" of clean offsite top soil. The berms will then be planted with a wildflower type mix and allowed to naturalize with only periodic mowing to prevent woody growth.

This proposed treatment of the contaminated topsoil is a part of a Remedy Implementation Plan (RIP) that has been filed for the site that is currently under review by Mass DEP. All work related to the handling and treatment of the contaminated soil must be approved by Mass DEP prior to the start of work. After approval of the RIP all work related to the contaminated material will be completed under the observation of a Licensed Site Professional who is responsible for compliance with the RIP, and for periodic testing of the soil to ensure all contaminated material has been relocated. After completion of the soil relocation, the site soils will be systematically tested to ensure they are below the levels allowed by Massachusetts DEP.

The second phase of the work is the development of the remaining land with two separate residential developments.

The southern portion of the property is proposed to be two buildings containing a total of 45-units of affordable housing. The two buildings will be three stories with a combined total footprint of approximately 19,350 square feet. The site will include a new parking lot with 67 parking spaces. Typical underground utilities will be installed including electric, gas, stormwater, public water, sanitary sewer, and stormwater management.

The northern portion of the property has been designed for the development of a three story 21,500 net square foot residential facility. The ultimate use has not been finalized at this time but it is anticipated to be a mix of Assisted and Independent living units. The site will include a new parking lot with +/- 56 parking spaces. Typical underground utilities will be installed including electric, gas, stormwater, public water, sanitary sewer, and stormwater management.

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Great Barrington Master Plan Conformance:

Section 6 of the Great Barrington Master Plan outlines the community's goals for development of housing stock within the town. The proposed project is the redevelopment of the New England Log Homes property, which is explicitly listed in the Master Plan as a preferred method for providing affordable housing options.

The southern portion of the property is to be developed as the "Bentley Apartments". This development will be 100% affordable housing which meets each of the three housing goals outlined in the Master Plan. This portion of the project has received a 40B comprehensive permit from the Zoning Board of Appeals in August of 2016.

The northern portion of the site is anticipated to be a mix of age-restricted housing options. The master plan suggests the need for housing options that cater to the rising age within the town. The proposed age-restricted housing typically includes several levels of care starting within independent living and increasing to assisted living and memory care. This model allows for residents to age in place without having to relocate as their need for care changes. These buildings are designed specifically for the senior population and address concerns related to accessibility, physical disabilities, and other mobility limitations. Typical Services are provided including a central kitchen with daily meal preparation, housekeeping, transportation, etc.

In summary, both components of the site redevelopment appear to completely conform to the housing goals outlined in the 2013 Community Master Plan.

Floodplain Overlay District Narrative:

The 100 year flood elevation on site is 674.5 feet.

9.1.5 Submittals:

- 1) All floor levels of the proposed buildings are a minimum of 1 foot above the 100-year flood elevation.
- 2) The buildings are designed a minimum of 1 foot above the flood elevation. All infrastructure within the building will be above the flood elevation. All utilities will be designed in conformance with State Building Code.
- 3) The site has been designed to result in no net decrease of flood storage capacity. Flood storage volumes will be increased at each incremental elevation

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Furrow Engineering

within the property. The existing and post development volumes are summarized in the table below. A Notice of Intent (NOI) for the project has been submitted to the Great Barrington Conservation Commission for the work within the Floodplain. This NOI has further explanation of the floodplain mitigation measures.

Floodplain Volume Analysis

Elevation	Existing Volume	Proposed Volume	Net Volume
	Cubic Yards	Cubic Yards	Cubic Yards
< 670	No fill below existing elevation 670		
670	7	2109	2102
671	406	3352	2946
672	1664	5974	4310
673	3836	7073	3237
674	8515	10921	2406
674.5	12184	13358	1174

- 4) The site maintains vehicular and pedestrian access to the nearest public way that will remain accessible in the event of flooding.
- 5) The site will be serviced by public sanitary sewer connecting directly to the adjacent Town Waste Water Treatment Plant. All sewer services are proposed to be below grade and therefore protected from floodwaters. The stormwater drainage system consists of underground piping and open detention basins. The open detention basin is a below grade excavation, not an elevated impoundment. In the event of flooding, there will be no risk of public danger. The stormwater design will be reviewed by the Great Barrington Conservation Commission as well as the Massachusetts Department of Environmental Protection.

9.1.6 Decision:

- 1) The proposed uses are allowed by current Town Zoning By-laws in the underlying zoning district, B-3 Downtown Business Mixed Use.
- 2) The proposed project will not interfere with the intent of the Floodplain Overlay District (FPOD). The redevelopment of the site was designed in accordance with the FPOD as well as the performance standards for Bordering Land Subject to Flooding within the Wetlands Protection Act. The proposed design will result in a net increase available flood storage within the property limits, subsequently reducing the severity of potential flooding in the area. The design also includes an increase in groundwater recharge through infiltration systems included in the stormwater management system.

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Water Quality Protection Overlay District Narrative:

The proposed project requires a Special Permit under Section 9.2.121 (1) and (3). As described above, the site was previously fully developed as a Log Home Manufacturing facility. The proposed project involves the redevelopment of this existing non-conforming use. The site will ultimately result in the site being greater than 15% impervious surfaces.

However the project will be a net improvement over existing conditions by:

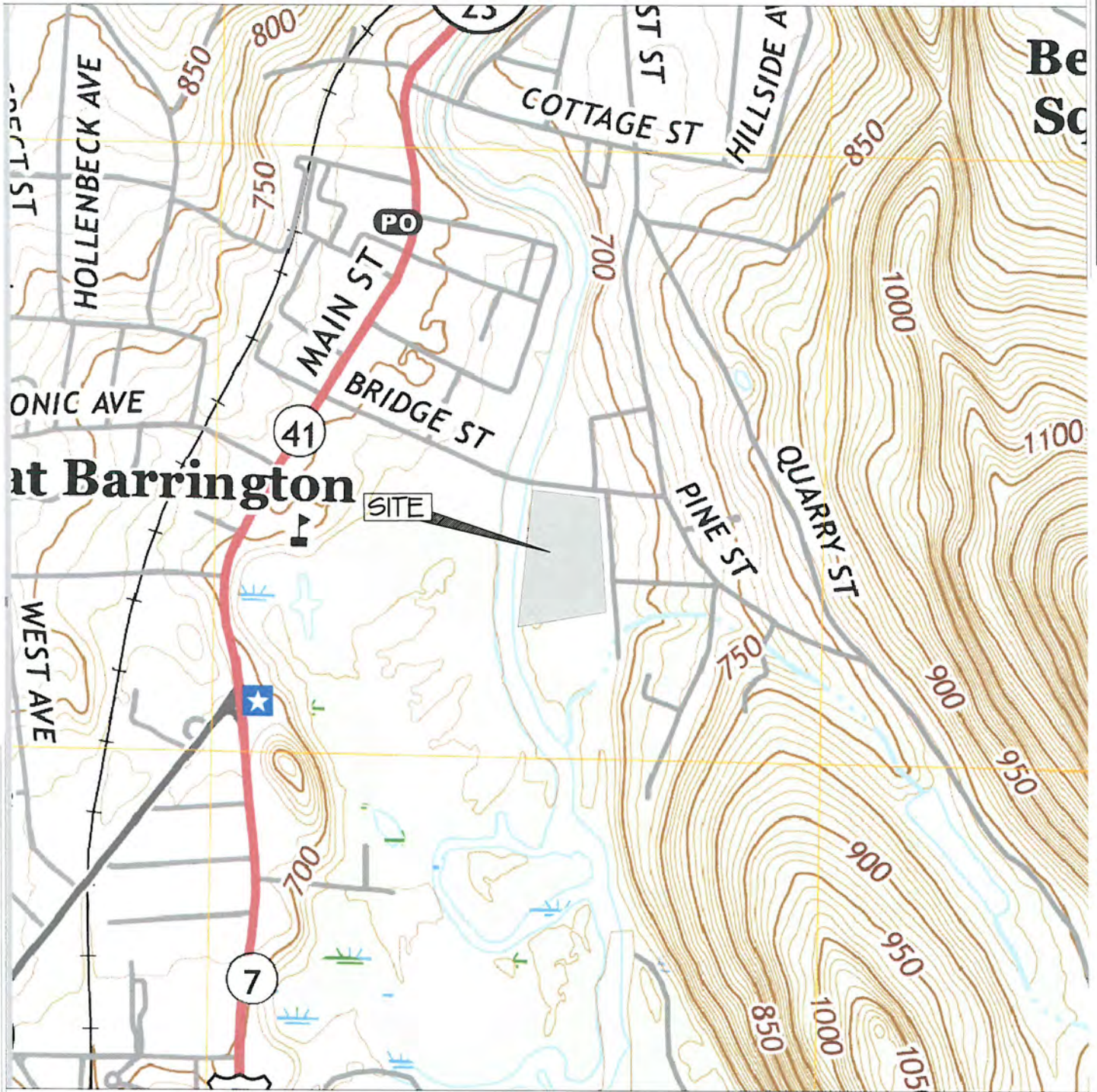
- Addressing and remediating the contaminated soils throughout the site
- Constructing Massachusetts DEP approved stormwater management system.
- Constructing infiltration systems to promote groundwater recharge.
- Moving the impervious surfaces further away from the Housatonic River compared to the existing conditions. A 100 foot wide strip of green space will be restored along the length of the River.

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Furrow Engineering

IV. TOWN ZONING MAP AND USGS MAP OF SITE LOCUS

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199 Servistar Industrial Way, Suite 2
Westfield, Massachusetts 01085
Tel: 413-562-4884



Engineer:

FUROW ENGINEERING

199 SERVISTAR INDUSTRIAL WAY SUITE-2
WESTFIELD, MASSACHUSETTS 01085

TEL: 413-562-4884

FAX: 413-562-4899

SCALE: NTS

DATE: 2-28-2019

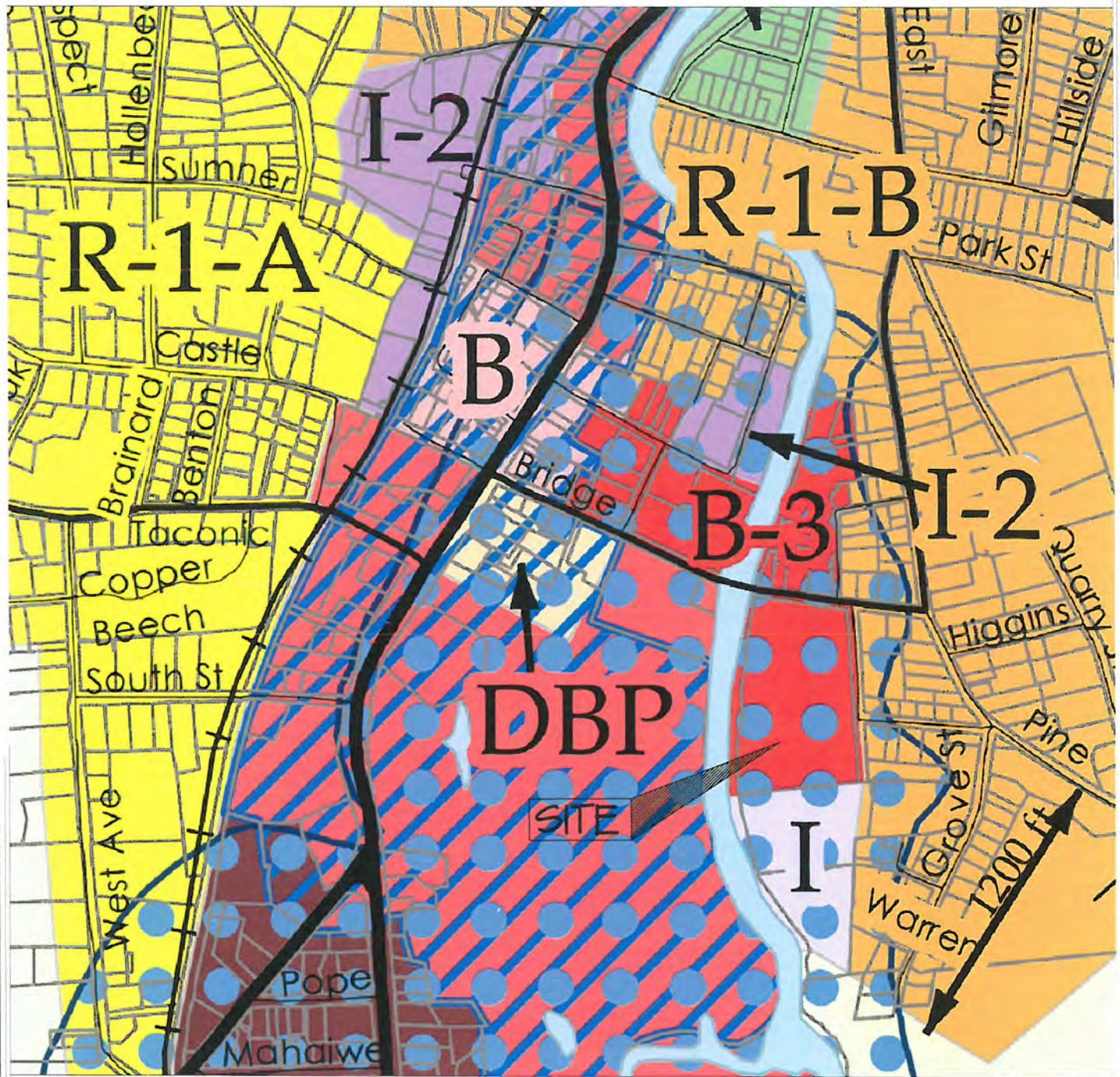
FIGURE 1 - USGS MAP

Project Locus:

100 BRIDGE STREET
GREAT BARRINGTON, MA

Applicant:

CDC OF SOUTH BERKSHIRE
17 BRIDGE ROAD- GREAT BARRINGTON



Engineer:

FUROW ENGINEERING

199 SERVISTAR INDUSTRIAL WAY SUITE-2
WESTFIELD, MASSACHUSETTS 01085

TEL: 413-562-4884

FAX: 413-562-4899

SCALE: NTS

DATE: 3-11-2019

FIGURE 2 - TOWN ZONING MAP

Project Locus:

100 BRIDGE STREET
GREAT BARRINGTON, MA

Applicant:

CDC OF SOUTH BERKSHIRE
17 BRIDGE ROAD- GREAT BARRINGTON

100 BRIDGE STREET REDEVELOPMENT PERMITTING SET 100 BRIDGE STREET GREAT BARRINGTON, MASSACHUSETTS

DATE: REVISED 4-30-2019

DRAWER & PROFESSIONALS

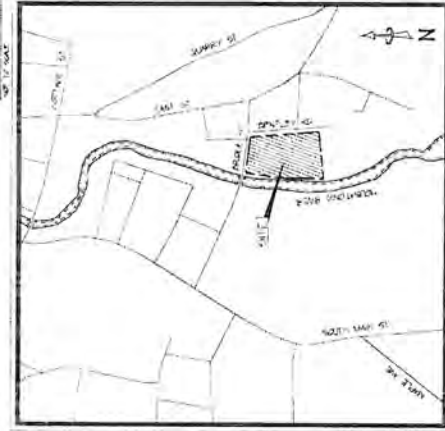
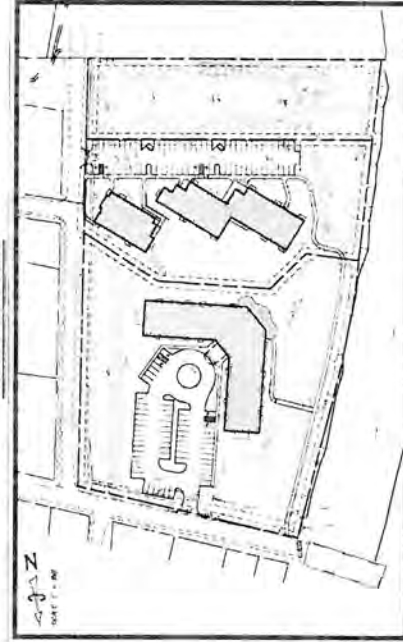
PROJECT SITE PLAN

LOCUS PLAN

OWNER/APPLICANT:
 COMMUNITY DEVELOPMENT CORPORATION
 OF SOUTH DORSETSHIRE
 176 BRIDGE STREET - PO BOX 799
 GREAT BARRINGTON, MA 01830

ENGINEER:
 FURROW ENGINEERING
 199 SERVICSTAR INDUSTRIAL WAY - SUITE 2
 WESTFIELD, MA 01085

LICENSED SITE PROFESSIONAL:
 RANSON CONSULTING, INC
 12 KENT WAY, SUITE 100
 BYFIELD, MA 01921



DRAWING LIST

I-1	TITLE SHEET	3-8-19
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C-15	EROSION AND SEDIMENTATION CONTROL PLAN	4-30-19



PLAN REVISIONS

1. THE PROPOSED WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, ORDINANCE 187, AS AMENDED, AND THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, ORDINANCE 188, AS AMENDED.
2. THE PROPOSED WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, ORDINANCE 189, AS AMENDED.
3. THE PROPOSED WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, ORDINANCE 190, AS AMENDED.
4. THE PROPOSED WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, ORDINANCE 191, AS AMENDED.
5. THE PROPOSED WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, ORDINANCE 192, AS AMENDED.

GENERAL SITE/ACTIVITY NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, AND THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
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16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.

APPROVAL NOTES

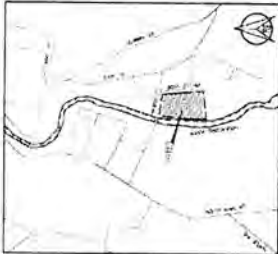
1. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, AND THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
2. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
3. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
4. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.
5. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY.

POSITION CONTROL NOTES

1. ALL POSITION CONTROL MARKERS SHALL BE PLACED AT THE CORNERS OF THE PROPOSED WORK AREA AND AT THE MIDPOINTS OF ALL LONG SIDES.
2. ALL POSITION CONTROL MARKERS SHALL BE PLACED AT THE CORNERS OF THE PROPOSED WORK AREA AND AT THE MIDPOINTS OF ALL LONG SIDES.
3. ALL POSITION CONTROL MARKERS SHALL BE PLACED AT THE CORNERS OF THE PROPOSED WORK AREA AND AT THE MIDPOINTS OF ALL LONG SIDES.
4. ALL POSITION CONTROL MARKERS SHALL BE PLACED AT THE CORNERS OF THE PROPOSED WORK AREA AND AT THE MIDPOINTS OF ALL LONG SIDES.
5. ALL POSITION CONTROL MARKERS SHALL BE PLACED AT THE CORNERS OF THE PROPOSED WORK AREA AND AT THE MIDPOINTS OF ALL LONG SIDES.

ACCESSIBILITY NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESSIBILITY TO ALL AREAS OF THE PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESSIBILITY TO ALL AREAS OF THE PROJECT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESSIBILITY TO ALL AREAS OF THE PROJECT.



LOCUS PLAN

SYMBOL	DESCRIPTION
1	PROPOSED DRIVEWAY
2	EXISTING DRIVEWAY
3	PROPOSED SIDEWALK
4	EXISTING SIDEWALK
5	PROPOSED CURB
6	EXISTING CURB
7	PROPOSED UTILITY
8	EXISTING UTILITY
9	PROPOSED SIGN
10	EXISTING SIGN
11	PROPOSED LIGHT
12	EXISTING LIGHT
13	PROPOSED FENCE
14	EXISTING FENCE
15	PROPOSED WALL
16	EXISTING WALL
17	PROPOSED DOOR
18	EXISTING DOOR
19	PROPOSED WINDOW
20	EXISTING WINDOW
21	PROPOSED ROOF
22	EXISTING ROOF
23	PROPOSED PORCH
24	EXISTING PORCH
25	PROPOSED DECK
26	EXISTING DECK
27	PROPOSED PATIO
28	EXISTING PATIO
29	PROPOSED STAIR
30	EXISTING STAIR
31	PROPOSED RAMP
32	EXISTING RAMP
33	PROPOSED ELEVATOR
34	EXISTING ELEVATOR
35	PROPOSED ESCAPE ROUTE
36	EXISTING ESCAPE ROUTE
37	PROPOSED FIRE EXTINGUISHER
38	EXISTING FIRE EXTINGUISHER
39	PROPOSED SMOKE DETECTOR
40	EXISTING SMOKE DETECTOR
41	PROPOSED CARBON MONOXIDE DETECTOR
42	EXISTING CARBON MONOXIDE DETECTOR
43	PROPOSED SECURITY SYSTEM
44	EXISTING SECURITY SYSTEM
45	PROPOSED ACCESSIBILITY
46	EXISTING ACCESSIBILITY

Furrow Engineering

100 PROJECT STREET REDEVELOPMENT
 100 BOULEVARD STREET
 GREAT BARRINGTON, MA 01930

COMMUNITY DEVELOPMENT CORP
 100 PROJECT STREET
 GREAT BARRINGTON, MA 01930

DATE: 1-18-17
 DRAWN: J.P.
 CHECKED: J.P.
 SCALE: 1" = 40'

C-O NOTES



PROJECT: 100 BENTLEY STREET REDEVELOPMENT
 100 BENTLEY STREET
 GREAT BARRINGTON, MA 01930

APPLICANT: COMMUNITY DEVELOPMENT CORP
 90 BOK ST
 GREAT BARRINGTON, MA 01930

Furrow
 Engineering

100 Furrow Road
 Great Barrington, MA 01930
 Phone: 413-528-1111
 Fax: 413-528-1112

DATE: 2-6-19	SCALE: 1" = 40'
PROJECT: 100 BENTLEY STREET REDEVELOPMENT	
APPLICANT: COMMUNITY DEVELOPMENT CORP	
PROJECT: 100 BENTLEY STREET	
LOCATION: GREAT BARRINGTON, MA 01930	
DATE: 2-6-19	
SCALE: 1" = 40'	
PROJECT: 100 BENTLEY STREET REDEVELOPMENT	
APPLICANT: COMMUNITY DEVELOPMENT CORP	
PROJECT: 100 BENTLEY STREET	
LOCATION: GREAT BARRINGTON, MA 01930	



C-1 HISTORIC EXISTING CONDITIONS PLAN



PROJECT: DEVELOPMENT ON
100 BRIDGE STREET REDEVELOPMENT
100 BRIDGE STREET
GREAT BARRINGTON, MA 01930
CLIENT: COMMUNITY DEVELOPMENT CORP
20 BOX 79
GREAT BARRINGTON, MA 01930

Furrow
Engineering
100 BRIDGE STREET
GREAT BARRINGTON, MA 01930
PHONE: 413-528-1111
FAX: 413-528-1112
WWW.FURROWENGINEERING.COM

DATE: 10/1/09
DRAWN BY: JLD
CHECKED BY: JLD
SCALE: AS SHOWN
PROJECT: 100 BRIDGE STREET
SHEET: 1 OF 1

DATE: 10/1/09
DRAWN BY: JLD
CHECKED BY: JLD
SCALE: AS SHOWN
PROJECT: 100 BRIDGE STREET
SHEET: 1 OF 1

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/1/09
2	REVISED PER CITY COMMENTS	10/1/09
3	REVISED PER CITY COMMENTS	10/1/09
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98	REVISED PER CITY COMMENTS	10/1/09
99	REVISED PER CITY COMMENTS	10/1/09
100	REVISED PER CITY COMMENTS	10/1/09



DATE: 10/1/09
DRAWN BY: JLD
CHECKED BY: JLD
SCALE: AS SHOWN
PROJECT: 100 BRIDGE STREET
SHEET: 1 OF 1

C-2 CURRENT EXISTING CONDITIONS PLAN



100 BRIDGE STREET REDEVELOPMENT
60 DOCK STREET
GREAT BARRINGTON, MA 01930

COMMUNITY DEVELOPMENT CORP
60 DOCK ST
GREAT BARRINGTON, MA 01930

100 BRIDGE STREET REDEVELOPMENT
60 DOCK STREET
GREAT BARRINGTON, MA 01930

Furrow
Engineering

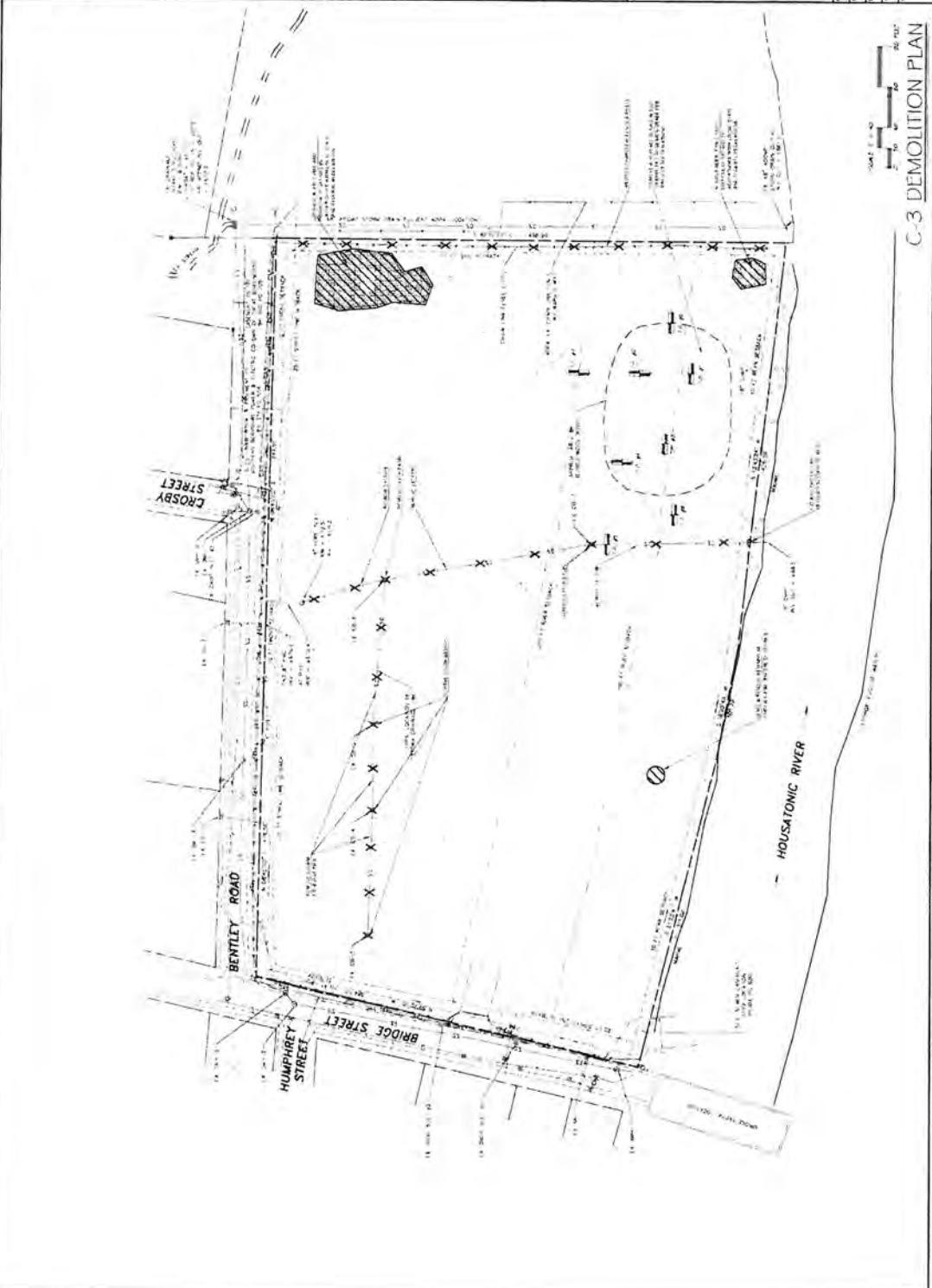
100 BRIDGE STREET REDEVELOPMENT
60 DOCK STREET
GREAT BARRINGTON, MA 01930

PROJECT NO. 100-100
DATE: 10/1/00

NO.	DATE	REVISION
1	10/1/00	ISSUED FOR PERMITS
2	10/1/00	REVISED PER PERMITS
3	10/1/00	REVISED PER PERMITS
4	10/1/00	REVISED PER PERMITS
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7	10/1/00	REVISED PER PERMITS
8	10/1/00	REVISED PER PERMITS
9	10/1/00	REVISED PER PERMITS
10	10/1/00	REVISED PER PERMITS

SCALE: 1" = 40'
DATE: 10/1/00

C-3



C-3 DEMOLITION PLAN



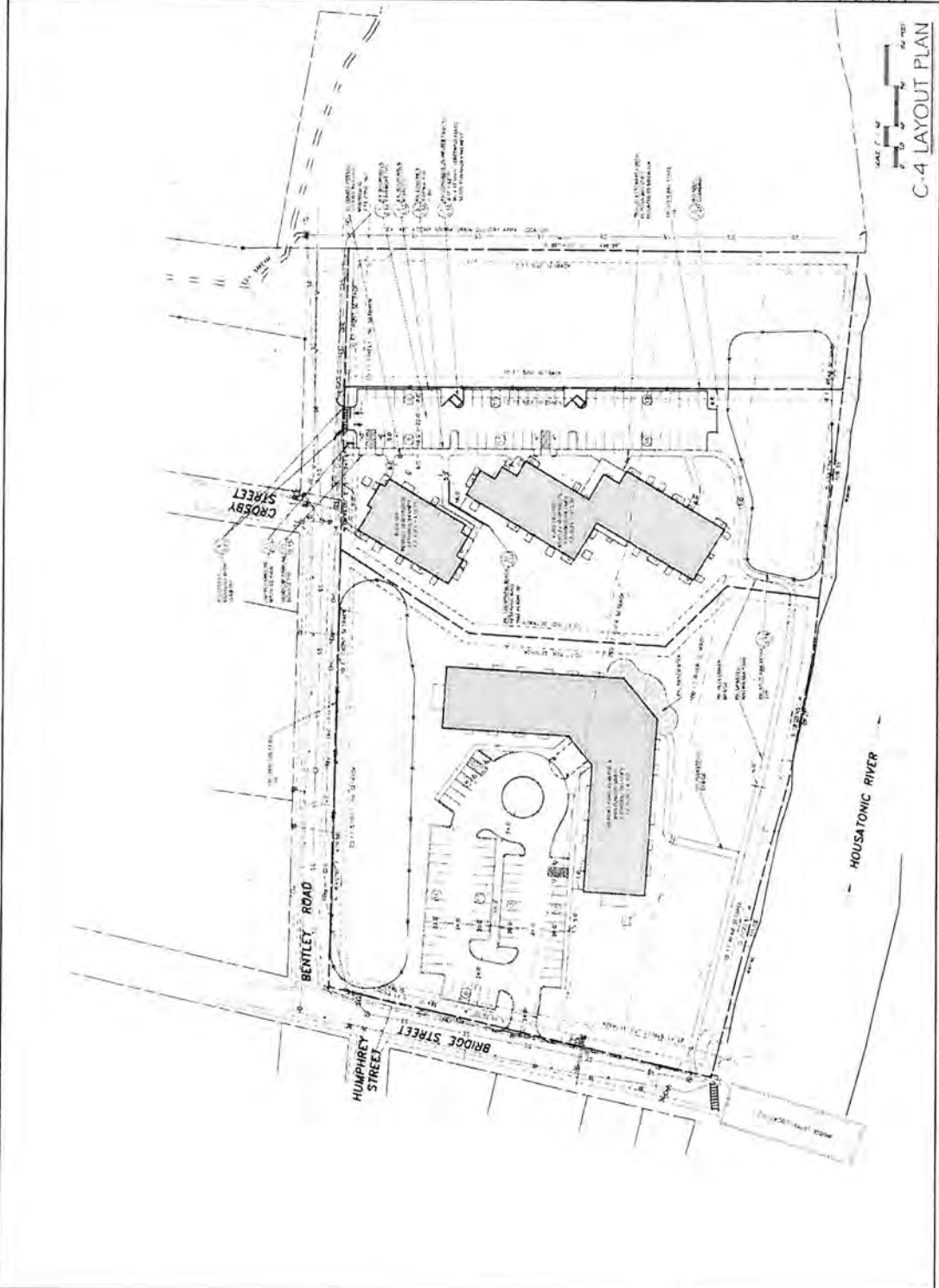
PROJECT: 100 BRIDGE STREET REDEVELOPMENT
2008-09-01
APPLICANT: COMMUNITY DEVELOPMENT CORP
2008-09-01
GREAT BARRINGTON, MA 01930

Furrow
Engineering
100 BRIDGE STREET
GREAT BARRINGTON, MA 01930
TEL: 413-528-1111
WWW.FURROWENGINEERING.COM

NO.	DESCRIPTION	DATE
1	PRELIMINARY LAYOUT	08/01/08
2	FINAL LAYOUT	09/01/08

SCALE: 1" = 40'
DATE: 2-6-10
BY: [Signature]

C-4



C-4 LAYOUT PLAN



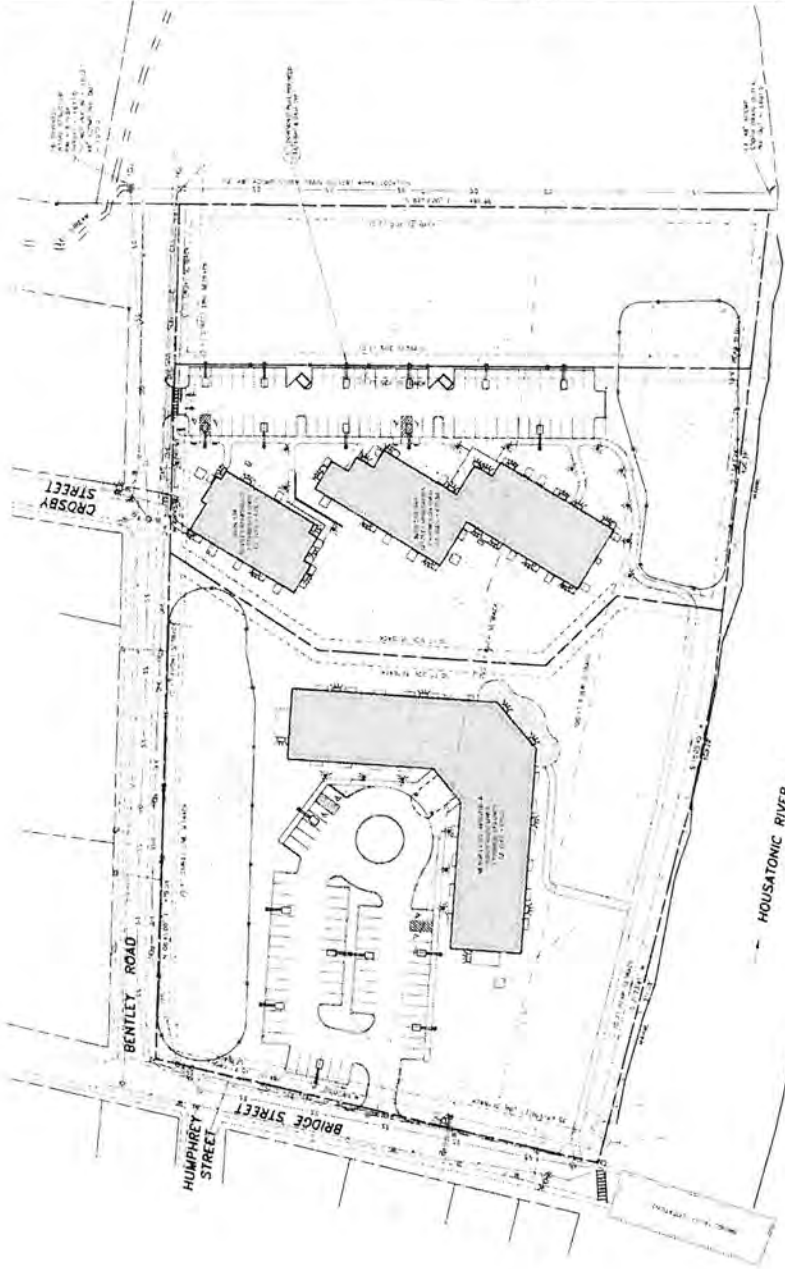
PROJECT: 100 BRIDGE STREET REDEVELOPMENT
 CLIENT: COMMUNITY DEVELOPMENT CORP
 ADDRESS: GREAT DARRINGTON VA 0750

Furrow
 Engineering

DATE: 10/15/10
 DRAWN BY: J. D. [unreadable]
 CHECKED BY: [unreadable]
 SCALE: 1" = 40'
 SHEET: C-5

LUMINAIRE SCHEDULE

NO.	DESCRIPTION	AMPS	VOLTS	WATTAGE	SPACING
1	150W LED	1.5	120	180	30' x 30'
2	300W LED	3.0	120	360	30' x 30'
3	600W LED	6.0	120	720	30' x 30'
4	1200W LED	12.0	120	1440	30' x 30'
5	2400W LED	24.0	120	2880	30' x 30'
6	4800W LED	48.0	120	5760	30' x 30'
7	9600W LED	96.0	120	11520	30' x 30'
8	19200W LED	192.0	120	23040	30' x 30'
9	38400W LED	384.0	120	46080	30' x 30'
10	76800W LED	768.0	120	92160	30' x 30'



SCALE: 1" = 40'
C-5 LIGHTING PLAN



PROJECT: GREAT STREET REDEVELOPMENT
 100 GREAT STREET
 GREAT BARRINGTON MA 01930

APPROVED: COMMUNITY DEVELOPMENT CORP
 BOX 798
 GREAT BARRINGTON MA 01930

Furrow
 Engineering
 100 Great Street
 Great Barrington, MA 01930

NO.	DATE	REVISION
1	1-10-19	PRELIMINARY L.D.S.
2	1-11-19	REVISED PER OWNER
3	1-12-19	REVISED PER OWNER
4	1-13-19	REVISED PER OWNER
5	1-14-19	REVISED PER OWNER
6	1-15-19	REVISED PER OWNER
7	1-16-19	REVISED PER OWNER
8	1-17-19	REVISED PER OWNER
9	1-18-19	REVISED PER OWNER
10	1-19-19	REVISED PER OWNER

SCALE: 1" = 40'
 DATE: 1-18-19
 PROJECT: GREAT STREET REDEVELOPMENT
 100 GREAT STREET
 GREAT BARRINGTON MA 01930

100 GREAT STREET
 GREAT BARRINGTON MA 01930

100 GREAT STREET
 GREAT BARRINGTON MA 01930

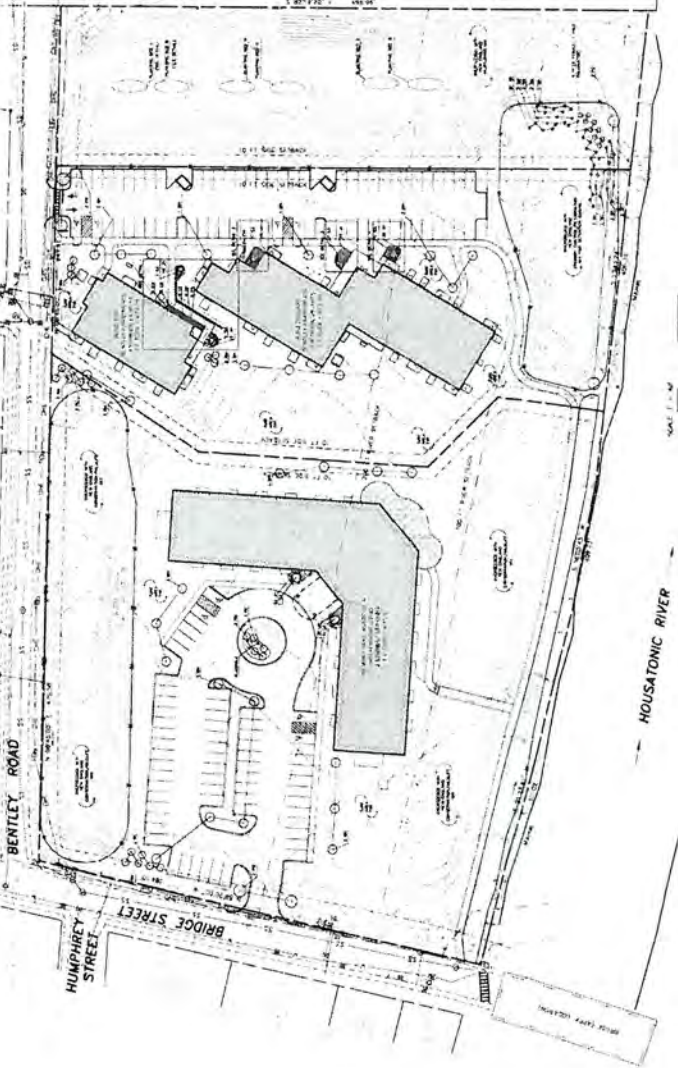
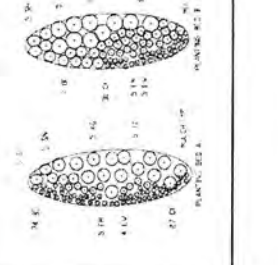
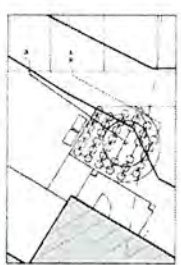
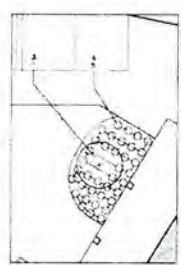
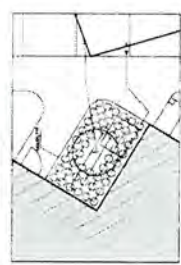
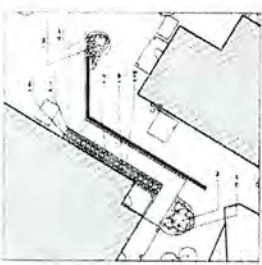
100 GREAT STREET
 GREAT BARRINGTON MA 01930

GENERAL NOTES:
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
 2. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 3. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 4. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 5. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 6. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 7. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 8. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 9. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.
 10. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND SURROUNDING AREAS.

Site Landscape

Restoration Area Planting List
 Plant Name | Height | Spacing | Notes
 ...
 ...
 ...

SEEDING
 THE SEEDING SHALL BE CONDUCTED BY MURPHY FOR CONSTRUCTION...
 ...
 ...



SCALE: 1" = 40'

10' 20' 30' 40'

HOUSATONIC RIVER

BENTLEY ROAD

HUMPHREY STREET

BRIDGE STREET

C-6 LANDSCAPE PLAN



NO PROBE STREET REDEVELOPMENT
800 BRIDGE STREET
GREAT BARRINGTON, MA 01730

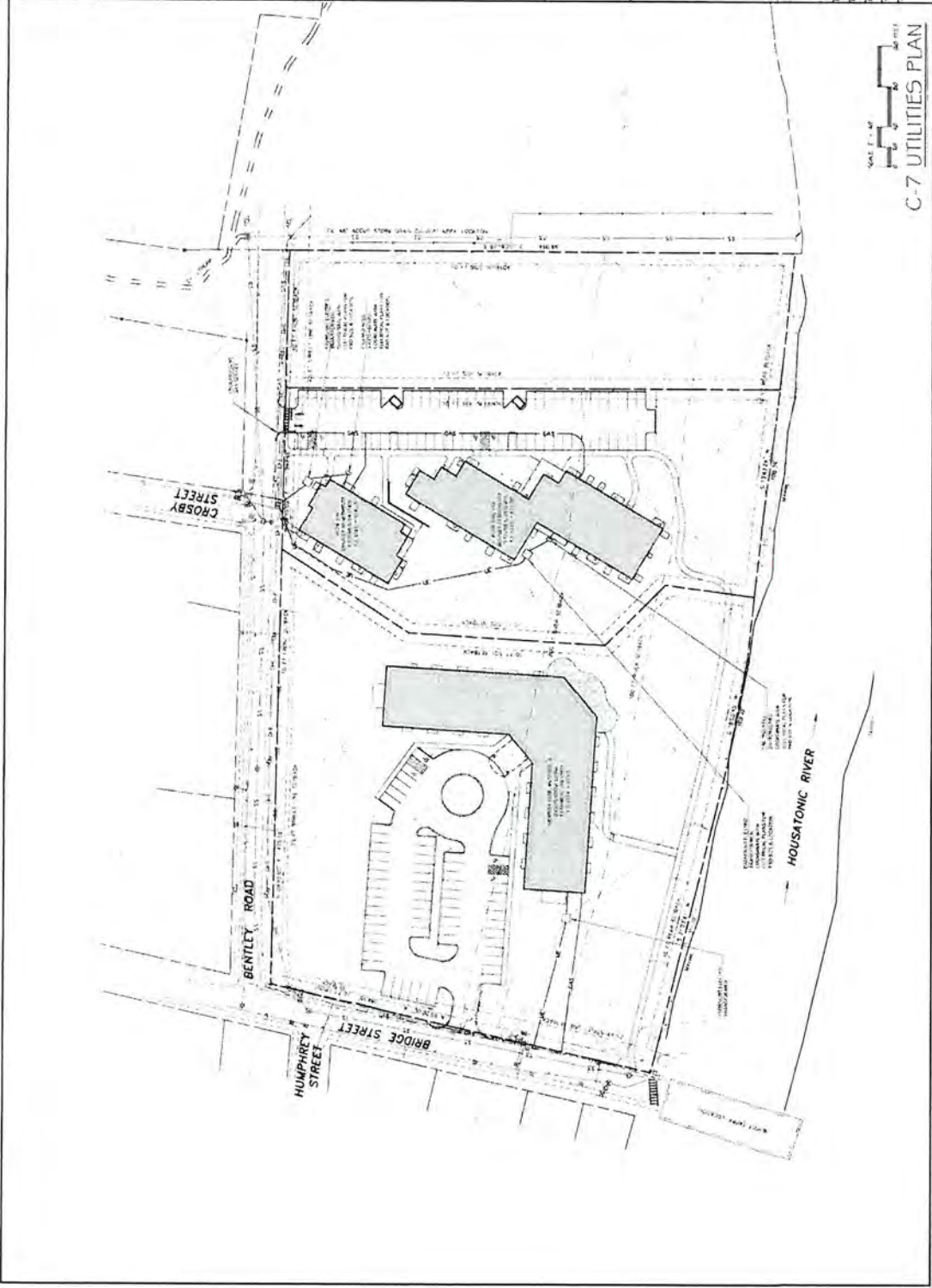
COMMUNITY DEVELOPMENT CORP
PO BOX 795
GREAT BARRINGTON, MA 01730

Furrow
Engineering

175 South Main Street
Warrenton, OR 97146
Phone: 503.868.4444
Fax: 503.868.4445
www.furroweng.com

NO.	DATE	REVISIONS
1	04-25-11	INITIAL DESIGN
2	05-10-11	REVISED PER MEETING WITH CLIENT
3	05-20-11	REVISED PER MEETING WITH CLIENT
4	06-01-11	REVISED PER MEETING WITH CLIENT
5	06-15-11	REVISED PER MEETING WITH CLIENT
6	06-25-11	REVISED PER MEETING WITH CLIENT
7	07-05-11	REVISED PER MEETING WITH CLIENT
8	07-15-11	REVISED PER MEETING WITH CLIENT
9	07-25-11	REVISED PER MEETING WITH CLIENT
10	08-05-11	REVISED PER MEETING WITH CLIENT
11	08-15-11	REVISED PER MEETING WITH CLIENT
12	08-25-11	REVISED PER MEETING WITH CLIENT
13	09-05-11	REVISED PER MEETING WITH CLIENT
14	09-15-11	REVISED PER MEETING WITH CLIENT
15	09-25-11	REVISED PER MEETING WITH CLIENT
16	10-05-11	REVISED PER MEETING WITH CLIENT
17	10-15-11	REVISED PER MEETING WITH CLIENT
18	10-25-11	REVISED PER MEETING WITH CLIENT
19	11-05-11	REVISED PER MEETING WITH CLIENT
20	11-15-11	REVISED PER MEETING WITH CLIENT
21	11-25-11	REVISED PER MEETING WITH CLIENT
22	12-05-11	REVISED PER MEETING WITH CLIENT
23	12-15-11	REVISED PER MEETING WITH CLIENT
24	12-25-11	REVISED PER MEETING WITH CLIENT
25	01-05-12	REVISED PER MEETING WITH CLIENT
26	01-15-12	REVISED PER MEETING WITH CLIENT
27	01-25-12	REVISED PER MEETING WITH CLIENT
28	02-05-12	REVISED PER MEETING WITH CLIENT
29	02-15-12	REVISED PER MEETING WITH CLIENT
30	02-25-12	REVISED PER MEETING WITH CLIENT

C-7





Furrow Engineering
 100 REDD STREET REDEVELOPMENT
 GREAT BRIDGE, MA 01930
 COMMUNITY DEVELOPMENT CORP
 PO BOX 79
 GREAT BRIDGE, MA 01930

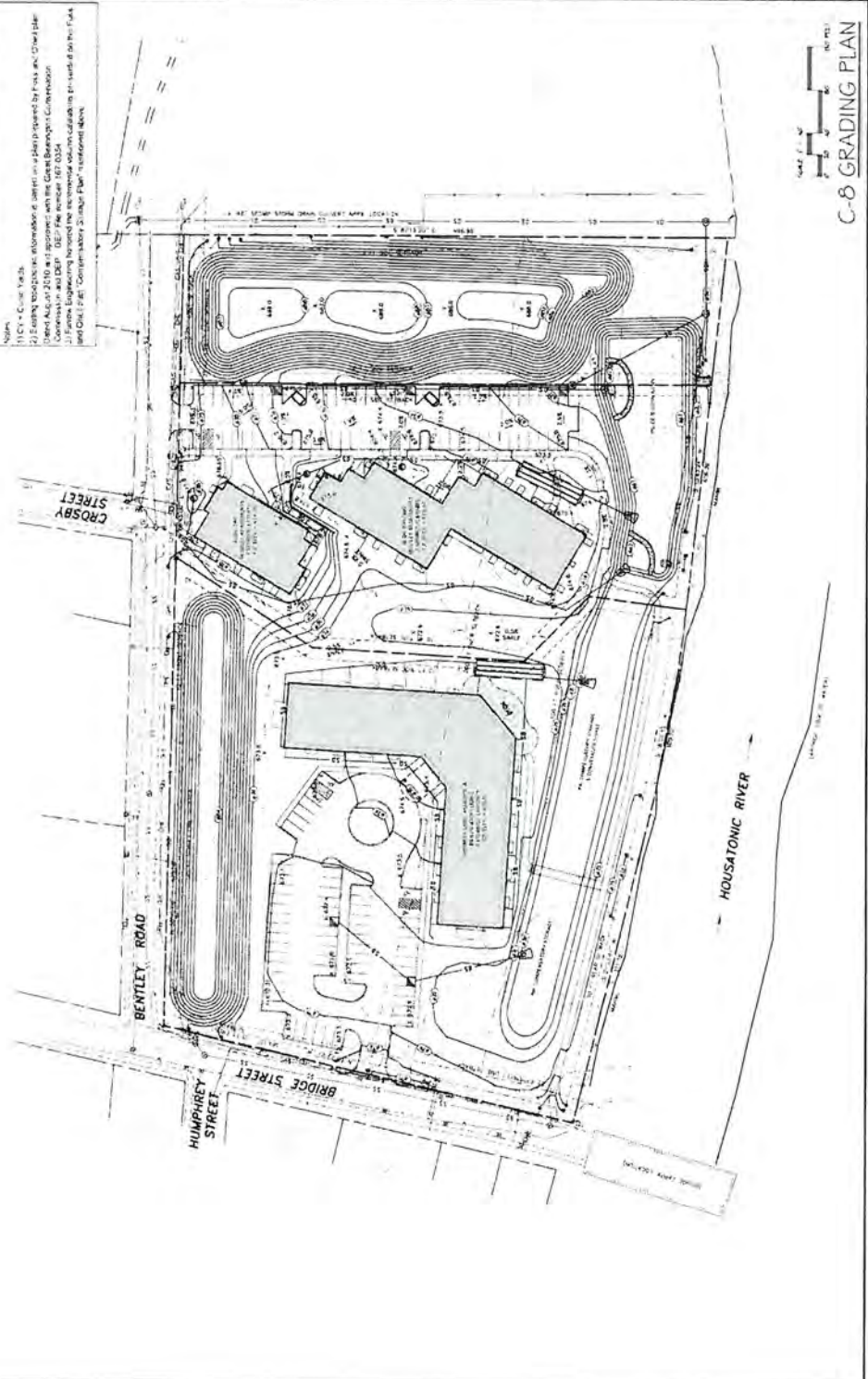
PROJECT NO. 100 REDD STREET REDEVELOPMENT
 SHEET NO. C-8
 DATE: 10/15/10
 SCALE: AS SHOWN

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/15/10
2	ISSUED FOR PERMITS	10/15/10
3	ISSUED FOR PERMITS	10/15/10
4	ISSUED FOR PERMITS	10/15/10
5	ISSUED FOR PERMITS	10/15/10
6	ISSUED FOR PERMITS	10/15/10
7	ISSUED FOR PERMITS	10/15/10
8	ISSUED FOR PERMITS	10/15/10
9	ISSUED FOR PERMITS	10/15/10
10	ISSUED FOR PERMITS	10/15/10

1) Temporary Storage Capacity - 124.19

Station	Area (sq ft)	Volume (CY)	Max (CY)
0+00 to 0+10	431	1282	651
0+10 to 0+20	1,422	4062	2133
0+20 to 0+30	1,422	4062	2133
0+30 to 0+40	1,422	4062	2133
0+40 to 0+50	1,422	4062	2133
0+50 to 0+60	1,422	4062	2133
0+60 to 0+70	1,422	4062	2133
0+70 to 0+80	1,422	4062	2133
0+80 to 0+90	1,422	4062	2133
0+90 to 1+00	1,422	4062	2133
Total Additional Capacity (CY) Storage			124.19

Note:
 1) C-8 - Civil Work
 2) Existing topographic information is subject to change prepared by F&M and Civil Site
 Survey, Inc. in 2010 in all accordance with the Great Bridge's Construction
 Commission and DEP DEP File Number 107-0354
 3) Existing Engineering located on the site is shown in red ink as per the F&M
 and Civil Site Survey's report through their treatment plant.



Scale: 1" = 40'
 TOTAL: 100' x 400'
C-8 GRADING PLAN



PROJECT DESCRIPTION:
100 BRIDGE STREET REDEVELOPMENT
GREAT BARRINGTON MA 01930

CLIENT:
COMMUNITY DEVELOPMENT CORP
PO BOX 799
GREAT BARRINGTON MA 01930

Furrow
Engineering

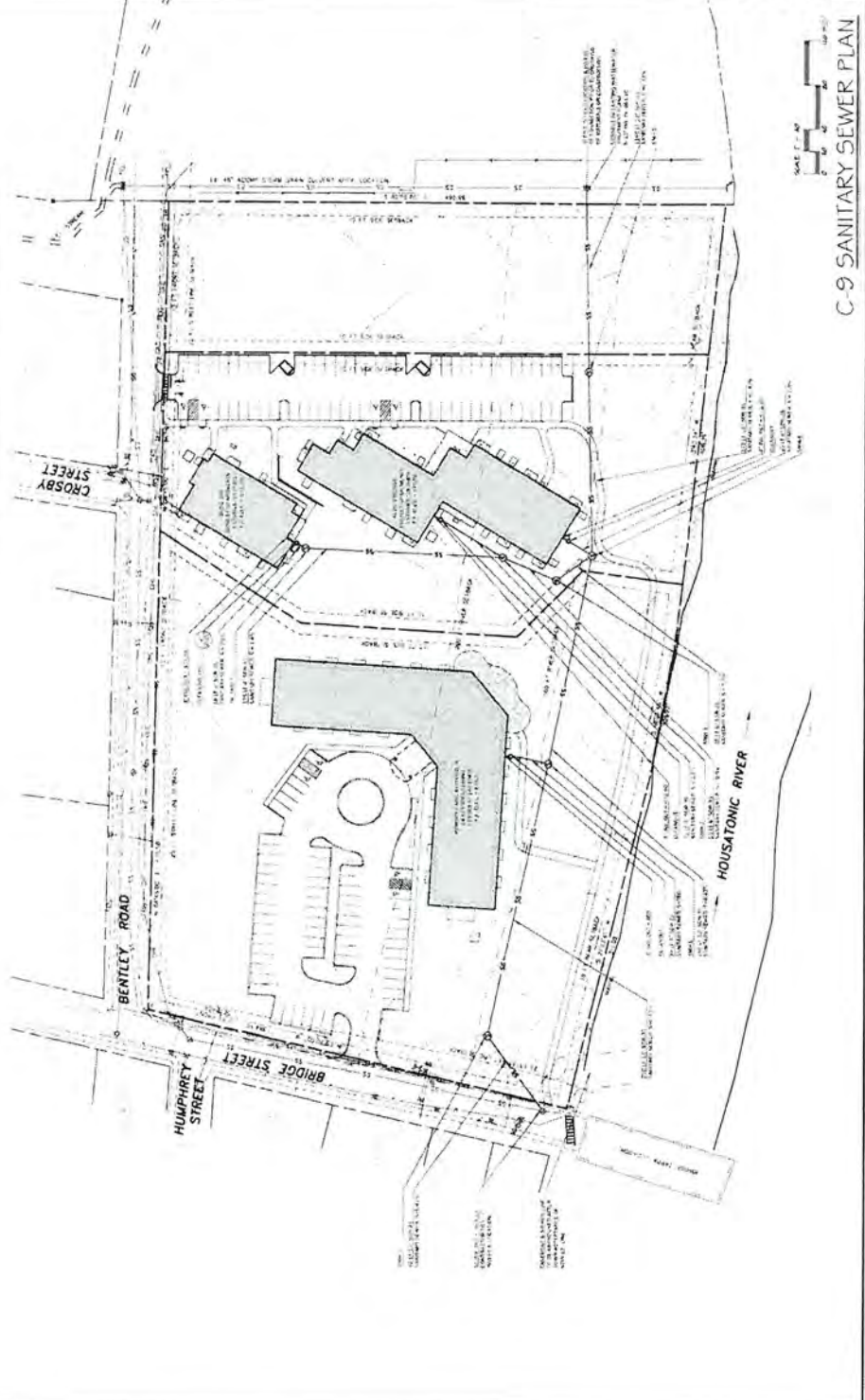
100 Furrow Lane
Great Barrington, MA 01930
Phone: (413) 528-1111
Fax: (413) 528-1112
www.furrow-engineering.com

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
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43	REVISION	
44	REVISION	
45	REVISION	
46	REVISION	
47	REVISION	
48	REVISION	
49	REVISION	
50	REVISION	

DATE: 10-20-10
SCALE: 1" = 40'
SHEET: 1 OF 1

C-9 SANITARY SEWER PLAN

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
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49	REVISION	
50	REVISION	





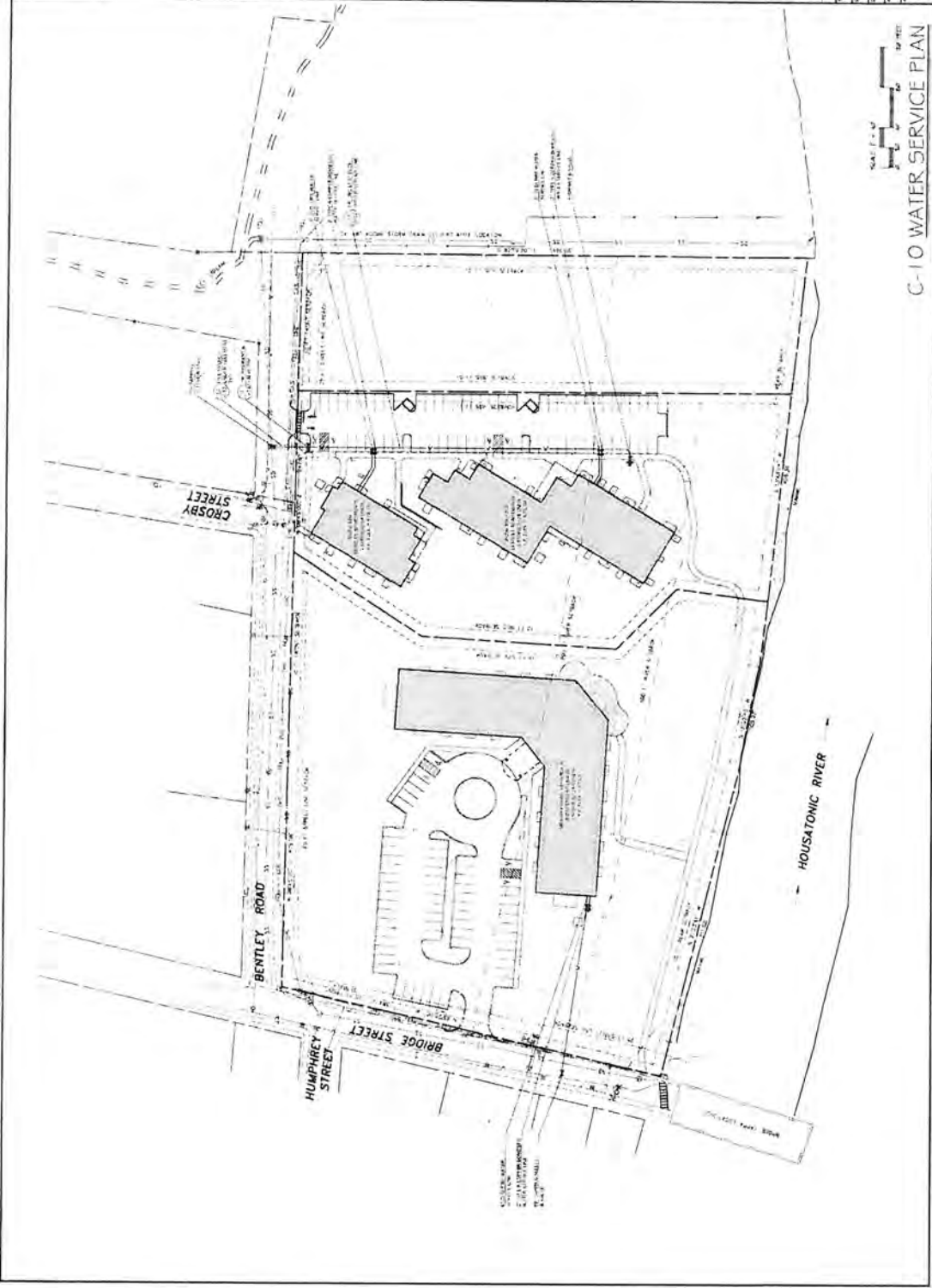
PROJECT: DEVELOPMENT OF
100 BRIDGE STREET REDEVELOPMENT
GREAT BARRINGTON, MA 01930
CLIENT: COMMUNITY DEVELOPMENT CORP
NO BOX 799
GREAT BARRINGTON, MA 01930

Furrow
Engineering
100 BRIDGE STREET
GREAT BARRINGTON, MA 01930
TEL: 413-237-1111
WWW.FURROW-ENG.COM

DATE: 01/12/10
SCALE: AS SHOWN
DRAWN BY: J. BROWN
CHECKED BY: J. BROWN
PROJECT NO.: 100 BRIDGE STREET

NO.	DATE	DESCRIPTION
1	01/12/10	PRELIMINARY DESIGN
2	02/18/10	FINAL DESIGN
3	03/18/10	CONSTRUCTION PERMITS
4	04/15/10	CONSTRUCTION
5	05/15/10	COMPLETION

C-10



SCALE: 1" = 40'
DATE: 01/12/10
C-10 WATER SERVICE PLAN



PROJECT: 100 BRIDGE STREET REDEVELOPMENT
 100 BRIDGE STREET
 GREAT BARRINGTON, MA 01930

CLIENT: COMMUNITY DEVELOPMENT CORP
 80 BOX 199
 GREAT BARRINGTON, MA 01930

Furrow
 Engineering

Professional Engineer
 License No. 10000
 State of Massachusetts

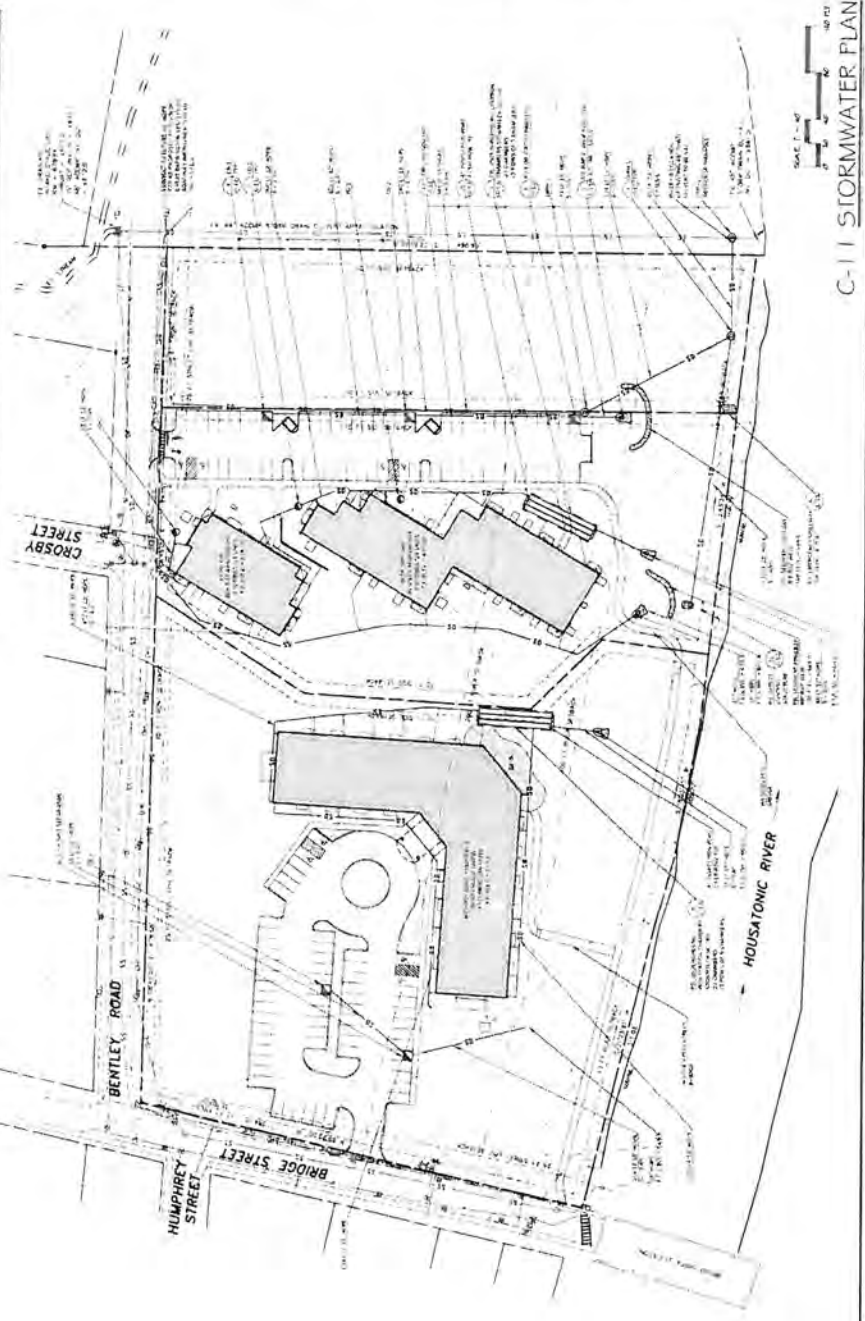
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1-15-10	PRELIMINARY DESIGN
2-15-10	FINAL DESIGN
3-15-10	CONSTRUCTION PERMITS
4-15-10	CONSTRUCTION
5-15-10	COMPLETION

MANHOLE ELEVATIONS

MANHOLE NO.	ELEVATION
1	100.00
2	100.50
3	101.00
4	101.50
5	102.00
6	102.50
7	103.00
8	103.50
9	104.00
10	104.50
11	105.00
12	105.50
13	106.00
14	106.50
15	107.00
16	107.50
17	108.00
18	108.50
19	109.00
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39	119.00
40	119.50
41	120.00
42	120.50
43	121.00
44	121.50
45	122.00
46	122.50
47	123.00
48	123.50
49	124.00
50	124.50

MANHOLE SIZES

MANHOLE NO.	SIZE
1	36"
2	36"
3	36"
4	36"
5	36"
6	36"
7	36"
8	36"
9	36"
10	36"
11	36"
12	36"
13	36"
14	36"
15	36"
16	36"
17	36"
18	36"
19	36"
20	36"
21	36"
22	36"
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25	36"
26	36"
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28	36"
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32	36"
33	36"
34	36"
35	36"
36	36"
37	36"
38	36"
39	36"
40	36"
41	36"
42	36"
43	36"
44	36"
45	36"
46	36"
47	36"
48	36"
49	36"
50	36"



SCALE: 1" = 40'

C-11 STORMWATER PLAN

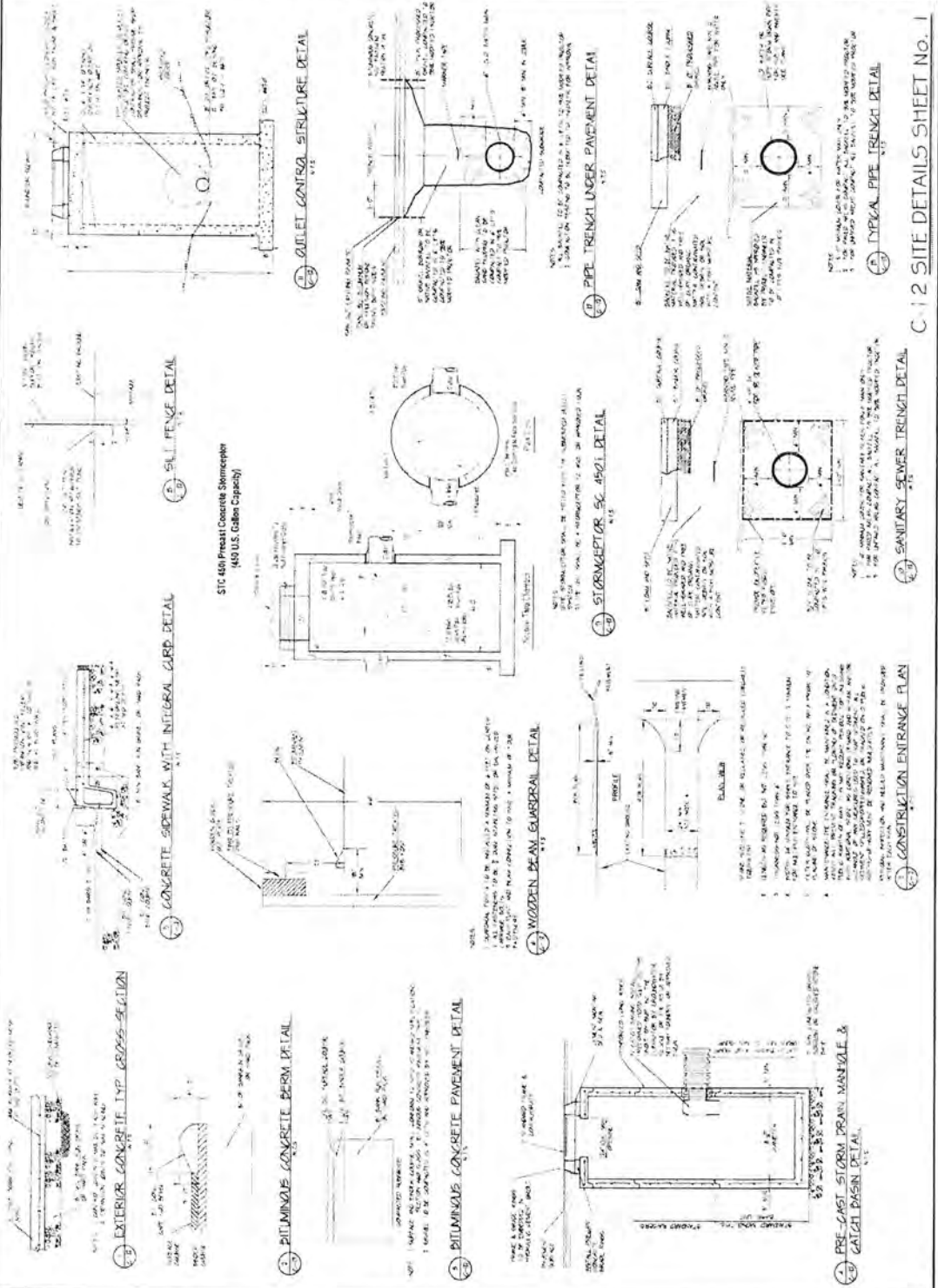


100 BRIDGE STREET REDEVELOPMENT
 100 BRIDGE STREET
 GREAT BRIDGEVILLE, PA 0150
 COMMUNITY DEVELOPMENT CORP
 700 BOX 700
 GREAT BRIDGEVILLE, PA 0150

Furrow
 Engineering
 100 BRIDGE STREET
 GREAT BRIDGEVILLE, PA 0150
 PH: 717-533-1111
 FAX: 717-533-1112
 WWW: WWW.FURROWPA.COM

DATE	10/15/10
SCALE	AS SHOWN
PROJECT	100 BRIDGE STREET REDEVELOPMENT
CLIENT	COMMUNITY DEVELOPMENT CORP
DESIGNER	DAVID L. BROWN
CHECKER	DAVID L. BROWN
DATE	10/15/10
SCALE	AS SHOWN
PROJECT	100 BRIDGE STREET REDEVELOPMENT
CLIENT	COMMUNITY DEVELOPMENT CORP
DESIGNER	DAVID L. BROWN
CHECKER	DAVID L. BROWN

C-12



C-12 SITE DETAILS SHEET NO. 1



PROJECT: 100 BRIDGE STREET REDEVELOPMENT
 100 BRIDGE STREET
 GREAT BRISTOLTON MA 01730

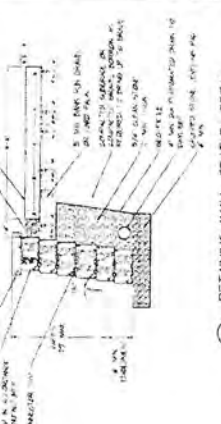
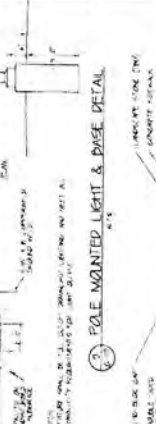
CLIENT: COMMUNITY DEVELOPMENT CORP
 100 BRIDGE STREET
 GREAT BRISTOLTON MA 01730

Furrow
 Engineering
 100 BRIDGE STREET
 GREAT BRISTOLTON MA 01730
 TEL: 508-853-1111
 FAX: 508-853-1112
 WWW.FURROW-ENG.COM

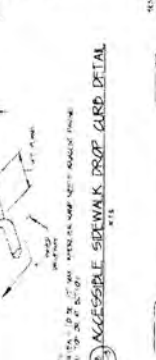
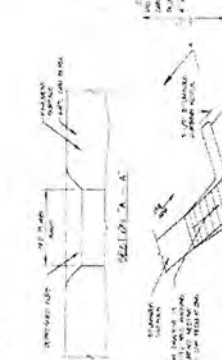
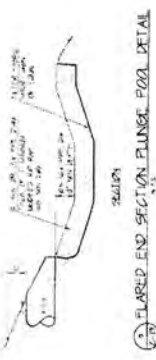
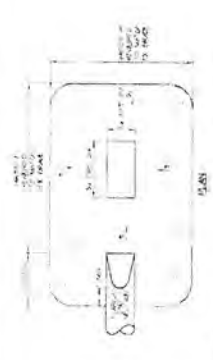
DATE: 1-8-10
 DRAWN BY: JLB
 CHECKED BY: JLB
 SCALE: 1" = 4'-0"

NO.	DATE	DESCRIPTION
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2	1-8-10	ISSUED FOR PERMITTING
3	1-8-10	ISSUED FOR PERMITTING
4	1-8-10	ISSUED FOR PERMITTING
5	1-8-10	ISSUED FOR PERMITTING
6	1-8-10	ISSUED FOR PERMITTING
7	1-8-10	ISSUED FOR PERMITTING
8	1-8-10	ISSUED FOR PERMITTING
9	1-8-10	ISSUED FOR PERMITTING
10	1-8-10	ISSUED FOR PERMITTING

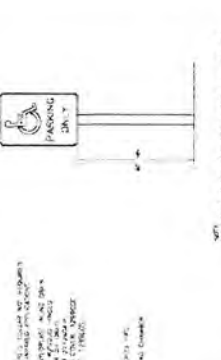
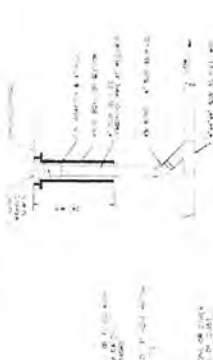
C-13



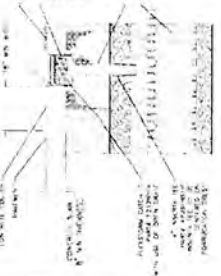
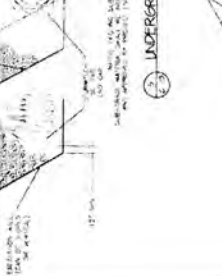
C-13 SITE DETAILS SHEET No. 2



C-13 SITE DETAILS SHEET No. 2



C-13 SITE DETAILS SHEET No. 2



C-13 SITE DETAILS SHEET No. 2



PROJECT PROPOSER
100 BRIDGE STREET REDEVELOPMENT
GREAT BRIDGEPORT MA 02700

APPLICANT
COMMUNITY DEVELOPMENT CORP
PO BOX 79
GREAT BRIDGEPORT MA 02700

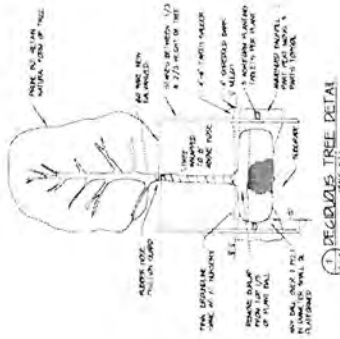
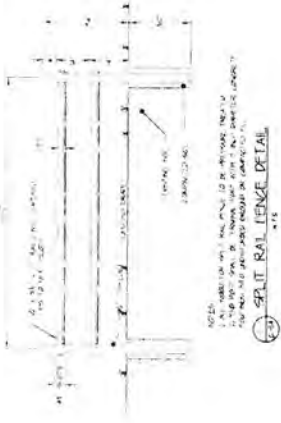
Furrow
Engineering
100 BRIDGE STREET
GREAT BRIDGEPORT MA 02700
PHONE 781-552-1111
WWW.FURROW-ENG.COM

DATE: 1-20-17
SCALE: 1" = 40'

NO.	DATE	DESCRIPTION
1	1-20-17	ISSUED FOR PERMITS
2	1-20-17	REVISIONS
3	1-20-17	REVISIONS
4	1-20-17	REVISIONS
5	1-20-17	REVISIONS
6	1-20-17	REVISIONS
7	1-20-17	REVISIONS
8	1-20-17	REVISIONS
9	1-20-17	REVISIONS
10	1-20-17	REVISIONS

SCALE: 1" = 40'

C-14



C-14 SITE DETAILS SHEET No. 3

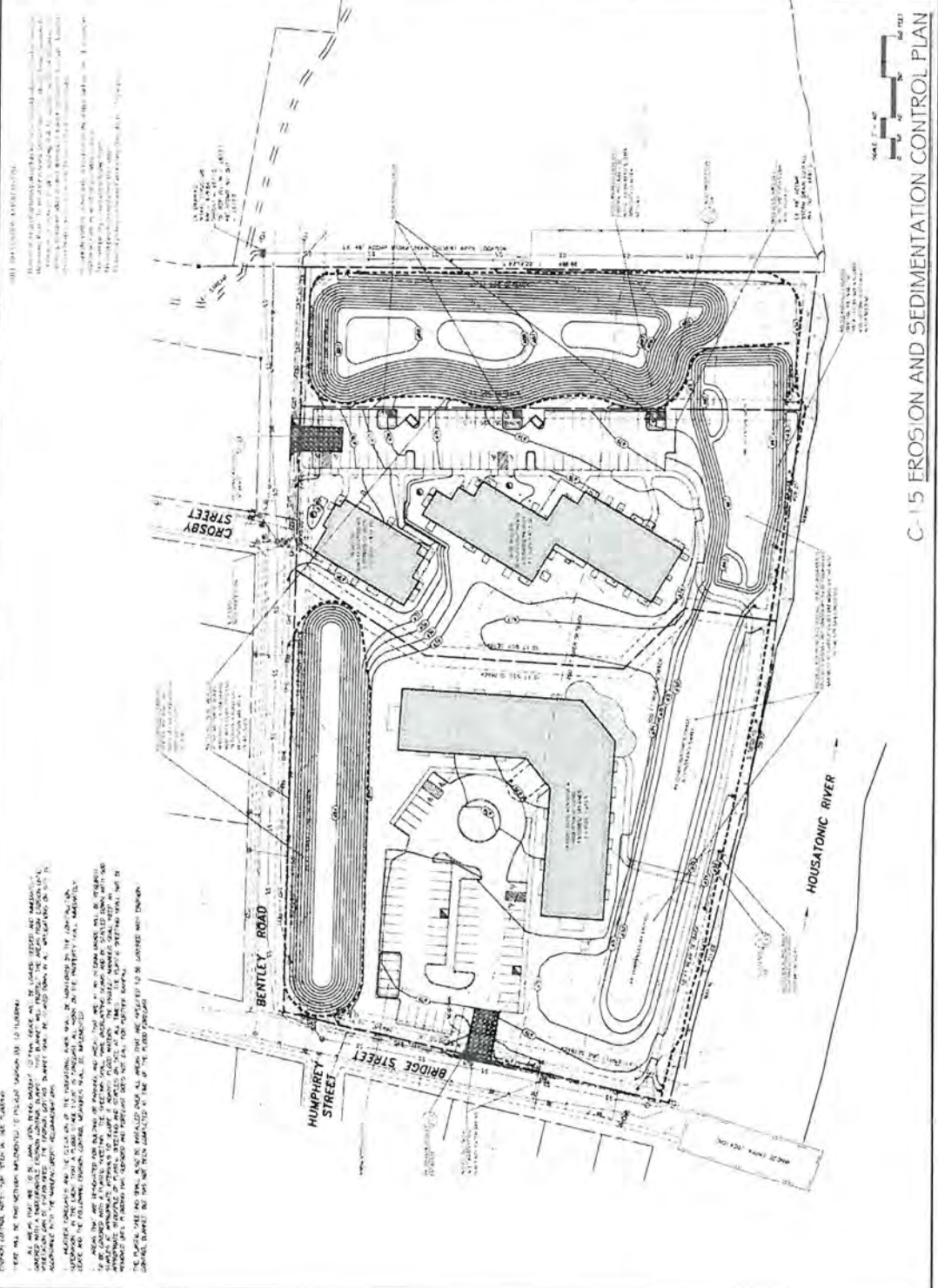


PROJECT: 100 BRIDGE STREET REDEVELOPMENT
 CLIENT: COMMUNITY DEVELOPMENT CORP
 100 BOX 700
 GREAT BARRINGTON MA 01930

Furrow
 Engineering
 100 BRIDGE STREET
 GREAT BARRINGTON MA 01930

DATE: 1-25-17
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: C-15

NO.	DATE	DESCRIPTION
1	1-25-17	ISSUED FOR PERMIT
2	1-25-17	ISSUED FOR PERMIT
3	1-25-17	ISSUED FOR PERMIT
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6	1-25-17	ISSUED FOR PERMIT
7	1-25-17	ISSUED FOR PERMIT
8	1-25-17	ISSUED FOR PERMIT
9	1-25-17	ISSUED FOR PERMIT
10	1-25-17	ISSUED FOR PERMIT



THIS PLAN SHALL BE CONSIDERED A PART OF THE PERMITTING PROCESS. THE PERMITTING AGENCIES SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE EROSION AND SEDIMENTATION CONTROL MEASURES. THE PERMITTING AGENCIES SHALL BE RESPONSIBLE FOR THE MONITORING AND MAINTENANCE OF THE EROSION AND SEDIMENTATION CONTROL MEASURES. THE ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE EROSION AND SEDIMENTATION CONTROL MEASURES. THE PERMITTING AGENCIES SHALL BE RESPONSIBLE FOR THE MONITORING AND MAINTENANCE OF THE EROSION AND SEDIMENTATION CONTROL MEASURES.

DATE: 1-25-17
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Selectboard

paid

Fee \$50.00

Application for Access to a Public Way / Driveway Permit

Number 6832

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 June 25th 2019

Name of Applicant / Property Owner Peter A Sweet Jr

Mailing address 103 Green River Rd, Alford, Ma. 01230

Phone number 413-528-6002, cell 518-567-7655

Location of proposed driveway / highway entrance 49 Seekonk Rd.

Contractor who will perform the work Germain Construction, Self

Address & phone number of contractor Green River Rd. Alford, Ma 01230 413-528-1686

Proposed construction date 2019

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

Print Form

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

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

Applicant's Signature: _____

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

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

Staff Reviews Received:

	Received	Conditions Recommended	Other Permi Required
Conservation:	<i>(✓)</i>	()	()
Fire Chief:	<i>(✓)</i>	()	()
Planning:	<i>(✓)</i>	()	()

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.

**CERTIFICATE OF APPROVAL
FOR AGRICULTURAL STRUCTURE AND EXCAVATION
ON LAND SUBJECT TO AN AGRICULTURAL PRESERVATION RESTRICTION**

The Massachusetts Department of Agricultural Resources ("the Department") received an application dated May 7, 2019 (the "Application") for a Certificate of Approval ("COA") from Peter A. Sweet, Jr. (the "Agricultural Preservation Restriction ["APR"] Owner") of a parcel of land located at 49 Seekonk Road in Great Barrington, Berkshire County, MA. An Agricultural Preservation Restriction on this land, approximately 7 acres in size, (the "APR Land") was granted to the Commonwealth of Massachusetts on September 30, 1982 by Richard E. Fisher and recorded in the Berkshire South Registry of Deeds in **Book 513, Page 138**. Generally, the APR Owners' Application seeks approval for construction of an agricultural structure on the APR Land as further defined below as the "Work" and as represented in plans submitted to and on file with the Department.

Work

The APR Owners seek approval for the following agricultural structure and related excavation: (1) construct a new pole barn for equipment storage, approximately 40 ft x 60 ft (2,400 sq. ft.) and improved access road with gravel, approximately 15 ft wide x 350 ft long to improve access to the barn (2) a new farm retail stand for farm product sales, approximately 36 ft x 36 ft (1,296 sq. ft.) and an adjacent gravel parking area, approximately 90 ft x 120 ft (10,800 sq. ft.) and (3) install buried electrical conduit from Seekonk Road to the retail stand and alongside the improved access road to the pole barn (4) the site, road, and parking lot excavation work will require an estimated 400 cubic yards of topsoil to be brought onto the APR to level low areas. The structure location is represented on the attached Exhibit A and in plans on file with the Department and referred to herein as the "Work".

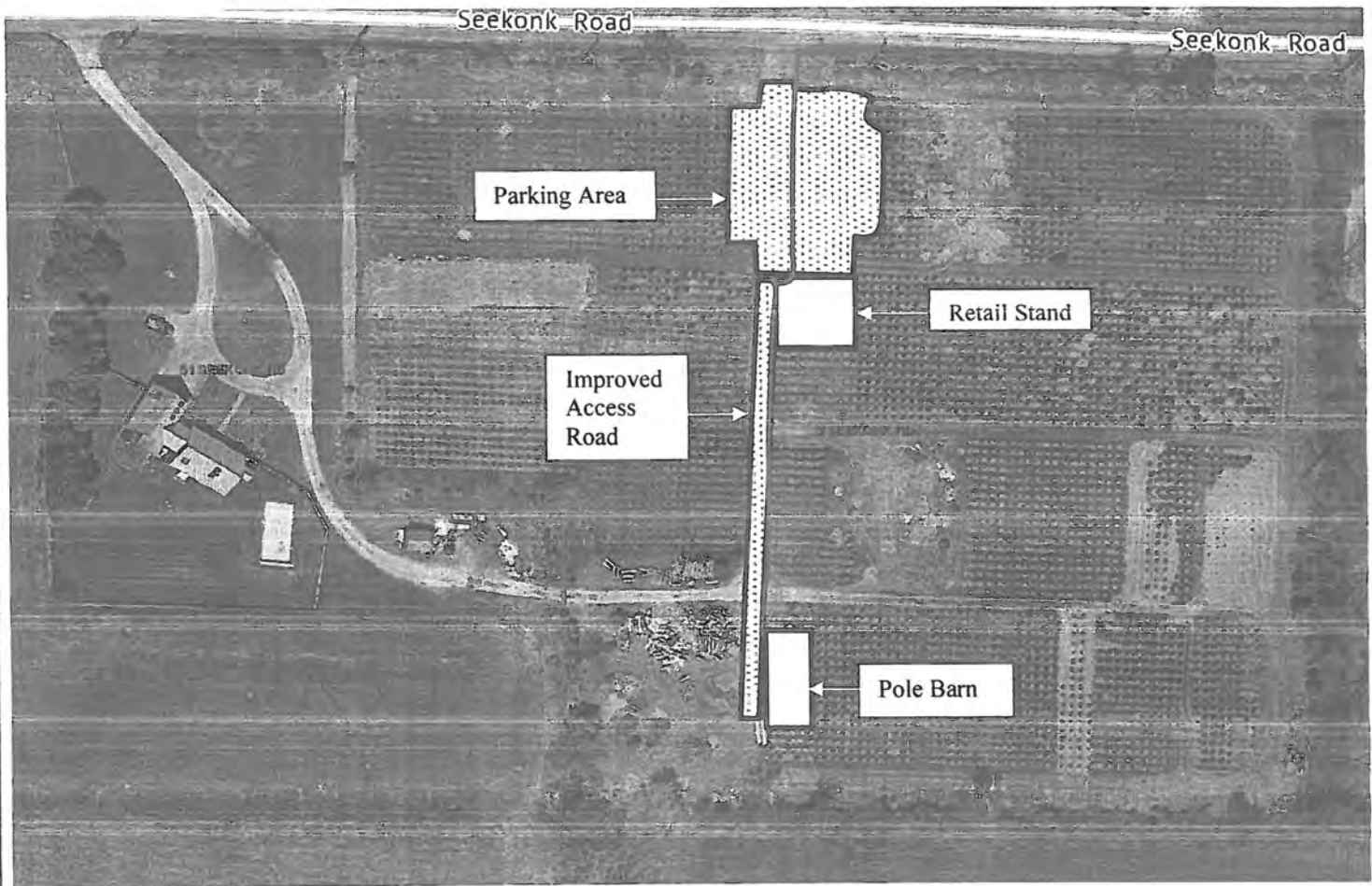
Approval

The Department finds that the Work is authorized by the APR recorded in **Book 513, Page 138**, General Laws Chapter 184 §§ 31-33 and Chapter 20 §§ 23-26 and does not defeat nor derogate from the intent of this APR to provide for permanent preservation and protection of agricultural lands. This COA is not an estoppel certificate and does not certify that the condition of the APR Land nor the APR Owner is in conformance or compliance with the terms of the APR. **THEREFORE, the Commissioner of the Department approves the agricultural structure as described in the section entitled "Work", subject to the Conditions of Approval.**

Exhibit A

Fisher APR – Great Barrington

COA for Ag Structures and Excavation



Property description: Fisher APR, Great Barrington, MA
Ortho photo source: Google Ortho Imagery 2017
Prepared by: Nicholas Pitel, MDAR



Pete Soules
Highway-Facilities Superintendent

E-mail: psoules@townofgb.org
www.townofgb.org



20 East Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works
Highway Division

Conditions on Application for Access to Public Way

Applicant: Peter A Sweet Jr
Location: 49 Seekonk Road
From: Pete Soules Highway Superintendent
Date: July 15, 2019

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

- I. Driveway width shall not be less than 8-feet or more than 16-feet within the town right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
 - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property line.
 - K. Driveways should be located to the best advantage with respect to the alignment with the way, profile and sight distance conditions. In no instance shall a driveway intersect the way at less than a sixty degree angle. Unless there is no alternative, a driveway should not be located within a required side yard.
 - L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of ten percent (10%) above the road or street level until and unless the applicant submits plans to the Highway Superintendent showing that the driveway will be constructed in a such a way so as not to discharge water, stones or other materials onto any public street, road or highway.
2. Install a paved driveway apron in accordance with the following requirements:
 - A. Apron dimensions: Width = 22-feet maximum along the roadway which includes a 3-foot radius curb on each side. Length = 5-feet minimum from edge of roadway.
 - B. Place 3-inches of bituminous concrete on 12-inches of compacted gravel.
 - C. Place asphalt tack coat along the edge of the road where the apron meets the edge of the existing pavement.

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

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

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



49 Seekonk Road
Looking East
Existing access road



49 Seekonk Road
Looking West
Existing access road

Jackie Dawson

From: Charles Burger
Sent: Tuesday, July 9, 2019 1:14 PM
To: Jackie Dawson; Sean Van Deusen; Pete Soules; Chris Rembold; Great Barrington Conservation Commission
Subject: RE: Driveway Permit Application for 49 Seekonk Road

A 12' wide 'road' through the parking area from the road to the retail store needs to be able to support a 30 ton truck. There is no requirement for fire department access to agricultural storage buildings (the pole barn).

Charles Burger
Chief, Great Barrington Fire Department
37 State Rd.
Great Barrington, MA 01230
Phone: 413-528-0788
Fax: 413-528-8315

From: Jackie Dawson
Sent: Monday, July 08, 2019 1:35 PM
To: Sean Van Deusen; Pete Soules; Chris Rembold; Charles Burger; Great Barrington Conservation Commission
Subject: Driveway Permit Application for 49 Seekonk Road

Please see attached Memorandum. You will find all corresponding documents in your mailbox.

Jackie Dawson
Administrative Assistant
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
(413)528-0867
jdawson@townofgb.org

Jackie Dawson

From: Great Barrington Conservation Commission
Sent: Tuesday, July 16, 2019 1:38 PM
To: Jackie Dawson
Subject: RE: Driveway Permit Application for 49 Seekonk Road

Jackie:

The Conservation Commission has no jurisdictional issues with this proposed driveway.

-Shep Evans
GB Conservation Agent

From: Jackie Dawson <jdawson@Townofgb.org>
Sent: Monday, July 8, 2019 1:35 PM
To: Sean Van Deusen <svandeusen@townofgb.org>; Pete Soules <PSoules@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>
Subject: Driveway Permit Application for 49 Seekonk Road

Please see attached Memorandum. You will find all corresponding documents in your mailbox.

Jackie Dawson
Administrative Assistant
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
(413)528-0867
jdawson@townofgb.org

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Jackie Dawson

From: Chris Rembold
Sent: Monday, July 8, 2019 2:55 PM
To: Jackie Dawson; Sean Van Deusen; Pete Soules; Charles Burger; Great Barrington Conservation Commission
Subject: RE: Driveway Permit Application for 49 Seekonk Road

I have no planning issues with this Application.

Chris

Christopher Rembold, AICP
Town Planner
Town of Great Barrington
(413) 528-1619, ext. 7

From: Jackie Dawson <jdawson@Townofgb.org>
Sent: Monday, July 8, 2019 1:35 PM
To: Sean Van Deusen <svandeusen@townofgb.org>; Pete Soules <PSoules@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>
Subject: Driveway Permit Application for 49 Seekonk Road

Please see attached Memorandum. You will find all corresponding documents in your mailbox.

Jackie Dawson
Administrative Assistant
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
(413)528-0867
jdawson@townofgb.org

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: PATRICK HOLLENBECK

Organization Name: TRUSTEES of the GREAT BARRINGTON LIBRARIES

Applicant's Address: 1075 MAIN ST. NORTH HOUSATONIC, MA 01236

Telephone Number: 617-212-9840

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: ART OPENING RECEPTION FOR "GREEN INSPIRATION"

Date: 8/11/19 Start Time: 4:00 End Time: 6:30

Event Address: MASON LIBRARY, 231 MAIN ST., GT. BARRINGTON, MA 01236

Is the Event on Town property? (YES) NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- 0/1 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 0/1 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- N/A 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability. The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Patrick Hollenbeck
Signature of Applicant

7/16/19
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: JENISE LUCEY

Organization Name: BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER

Applicant's Address: 15 CRISSEY ROAD, GB

Telephone Number: 413-528-2810 ext. 14

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Untapped & Uncorked Tasting Event Fundraiser

Date: 6/2/2019 Start Time: 6:00pm End Time: 9:00pm

Event Address: 15 Crissey Road

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Jenise Lucey
Signature of Applicant

6/27/19
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: JENISE LUCEY

Organization Name: BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER

Applicant's Address: 15 CRISSEY ROAD

Telephone Number: 413-628-2810 ext. 14

Type of License: **ONE DAY BEER & WINE** **ONE DAY ALL ALCOHOLIC**
(Circle one)

Event: Annual Fundraising Gala

Date: 9/14/19 Start Time: 6pm End Time: 10pm

Event Address: 15 Crissey Road

Is the Event on Town property? **YES** **NO**

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Jenise Lucey
Signature of Applicant

6/27/19
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

Helen Kuziemko

From: Chris Rembold
Sent: Monday, July 8, 2019 10:21 AM
To: Helen Kuziemko; Amy Pulver
Subject: For the SB: Guido's Great 8 Road Race

DRT will review by email

Christopher Rembold, AICP
Town Planner
Town of Great Barrington
(413) 528-1619, ext. 7

SB July 22/19
meeting agenda.

From: Kent Lemme <kent@berkshirerunningcenter.com>
Sent: Monday, July 8, 2019 10:08 AM
To: Chris Rembold <crembold@Townofgb.org>
Subject: Re: Guido's Great 8 Road Race

Dear Town Officials of Great Barrington,

I am writing as a representative of the Berkshire Running Center, Porchlight VNA/Home Care and new lead sponsor, Guido's – which are collaborating for a fifth annual exciting eight-mile road race in Great Barrington to benefit Porchlight VNA/Home Care. The hope is for the race to take place Sunday, August 4th with an 8:00 a.m. start time.

Porchlight VNA/Home care is a freestanding non-profit home care agency, which is the only federal Centers for Medicare and Medicaid *Five-Star* agency in the Berkshires. Porchlight VNA/Home Care has more than a 100-year history of providing excellent care services to the people of the region.

Our hope is to start and finish the race in the vicinity just north of Big Y on Route 7 and finish in the Guido's parking lot, rounding out a beautiful eight-mile loop through Great Barrington and Sheffield. The race is run in the breakdown lane on all of the highways, and for the two crossings of Route 7, police officers have directed traffic at these locations each of the previous iterations of the race. This is our intention again this year. We have been in contact with both the Great Barrington and Sheffield Police to make this happen again.

The Route would begin the vicinity I've described, head north on Route 7 before turning left onto Pope St., it then turns left onto Route 23/41, then left onto W. Sheffield Road, then turn left on Lime Kiln Road, turn right for a short section on Main Street (Route 7), then left onto Kellogg Road, left on Boardman Street (which becomes E. Sheffield Road), left on Brookside Road, right on South Main Street (Rte. 7) where runners will continue to the finish at Guido's.

The entire race route is viewable on a map created on the USA Track & Field "America's Running Routes" website at the link below: (please note, this link has the start and finish on Routes 23/41 in the vicinity of the Newsboy Statue. ***This is no longer the case, however, the entire route is exactly the same, otherwise:***

<http://www.usatf.org/routes/view.asp?rID=517350>

The Berkshire Running Center has earned an excellent reputation for organizing top-notch races, including the Green Mile Road Races in downtown Pittsfield and the hugely successful Steel Rail Half-Marathon. The latter, in particular, has grown to 800 runners, and takes place on the Ashuwillticook Rail Trail starting in Lanesboro and ending in Adams, and imposed several complex crossings on a major state highway (Route 8). The excellent coordination with local town officials, traffic control and law enforcement in several municipalities helped contribute to making the event a great success.

Collectively, we have assembled an excellent team to make this a success and look forward to working with any and all relevant town departments.

Thank you for your consideration and we look forward to working with you.

Respectfully Submitted,

Kent Lemme
Co-Owner
Berkshire Running Center, 34 Depot Street, Pittsfield, MA 01201 ph: (413) 344-4472

On Mon, Jul 8, 2019 at 9:18 AM Chris Rembold <crembold@townofgb.org> wrote:

Hi Kent. I believe in the past you have needed the permission of the Selectboard to use Town roads.

Below is what he sent last year. Can you update and get it over right away?

Re: Guido's Great Barrington Road Race/Porchlight VNA/Home Care benefit

Dear Town Officials of Great Barrington,

I am writing as a representative of the Berkshire Running Center, Porchlight VNA/Home Care and new lead sponsor, Guido's – which are collaborating for a fourth annual exciting eight-mile road race in Great Barrington to benefit Porchlight VNA/Home Care. The hope is for the race to take place Sunday, August 5th with an 8:00 a.m. start time.

Porchlight VNA/Home care is a freestanding non-profit home care agency, which is the only federal Centers for Medicare and Medicaid *Five-Star* agency in the Berkshires. Porchlight VNA/Home Care has more than a 100-year history of providing excellent care services to the people of the region.

Our hope is to start and finish the race in the vicinity just north of Big Y on Route 7 and finish in the Guido's parking lot, rounding out a beautiful eight-mile loop through Great Barrington and Sheffield. The race is run in the breakdown lane on all of the highways, and for the two crossings of Route 7, police officers have directed traffic at these locations each of the previous iterations of the race. This is our intention again this year. We have been in contact with both the Great Barrington and Sheffield Police to make this happen again.

The Route would begin in the vicinity I've described, head north on Route 7 before turning left onto Pope St., it then turns left onto Route 23/41, then left onto W. Sheffield Road, then turn left on Lime Kiln Road, turn right for a short section on Main Street (Route 7), then left onto Kellogg Road, left on Boardman Street (which becomes E. Sheffield Road), left on Brookside Road, right on South Main Street (Rte. 7) where runners will continue to the finish at Guido's.

The entire race route is viewable on a map created on the USA Track & Field "America's Running Routes" website at the link below: (please note, this link has the start and finish on Routes 23/41 in the vicinity of the Newsboy Statue. ***This is no longer the case, however, the entire route is exactly the same, otherwise:***)

<http://www.usatf.org/routes/view.asp?rID=517350>

The Berkshire Running Center has earned an excellent reputation for organizing top-notch races, including the Green Mile Road Races in downtown Pittsfield and the hugely successful Steel Rail Half-Marathon. The latter, in particular, has grown to 800 runners, and takes place on the Ashuwillticook Rail Trail starting in Lanesboro and ending in Adams, and imposed several complex crossings on a major state highway (Route 8). The excellent coordination with local town officials, traffic control and law enforcement in several municipalities helped contribute to making the event a great success.

Collectively, we have assembled an excellent team to make this a success and look forward to working with any and all relevant town departments.

Thank you for your consideration and we look forward to working with you.

Respectfully Submitted,

John Krol
President
OneEighty Media, Inc. john@oneeightymedia.com p: [413-464-5830](tel:413-464-5830)

Christopher Rembold, AICP

Town Planner

Town of Great Barrington

(413) 528-1619, ext. 7

From: Kent Lemme <kent@berkshirerunningcenter.com>

Sent: Wednesday, July 3, 2019 8:51 AM

To: Chris Rembold <crembold@Townofgb.org>

Subject: Guido's Great 8 Road Race


Hi Chris, John Krol is no longer working with Porchlight and Berkshire Running Center on this race. We plan to run the 5th Annual event on Sunday August 4, 2019 at 8 AM from Guido's Fresh Marketplace in Great Barrington. All details will be the same as the past 3 years. I will contact Chief Walsh and Chief Monson (Sheffield) to coordinate road details with them. Please let me know what other steps are necessary as it has been some time since I have had to take the lead on this. Thank you for your help.

Kent Lemme

Berkshire Running Center

Amy Pulver

From: Chris Rembold
Sent: Thursday, July 18, 2019 6:26 PM
To: Helen Kuziemko; Amy Pulver
Subject: DRT review of the 2019 Guido's Great 8 Road Race

 DRT reviewed the proposed 8/4/2019 eight mile road race and have no concerns. Organizers expect about 100 runners and have water stations and race organizers along the route. Police from both towns are aware of the race also.

Chris

Christopher Rembold, AICP
Town Planner
Town of Great Barrington
(413) 528-1619, ext. 7

From: Kent Lemme <kent@berkshirerunningcenter.com>
Sent: Monday, July 8, 2019 10:08 AM
To: Chris Rembold <crembold@Townofgb.org>
Subject: Re: Guido's Great 8 Road Race

Dear Town Officials of Great Barrington,

I am writing as a representative of the Berkshire Running Center, Porchlight VNA/Home Care and new lead sponsor, Guido's – which are collaborating for a fifth annual exciting eight-mile road race in Great Barrington to benefit Porchlight VNA/Home Care. The hope is for the race to take place Sunday, August 4th with an 8:00 a.m. start time.

Porchlight VNA/Home care is a freestanding non-profit home care agency, which is the only federal Centers for Medicare and Medicaid **Five-Star** agency in the Berkshires. Porchlight VNA/Home Care has more than a 100-year history of providing excellent care services to the people of the region.

Our hope is to start and finish the race in the vicinity just north of Big Y on Route 7 and finish in the Guido's parking lot, rounding out a beautiful eight-mile loop through Great Barrington and Sheffield. The race is run in the breakdown lane on all of the highways, and for the two crossings of Route 7, police officers have directed traffic at these locations each of the previous iterations of the race. This is our intention again this year. We have been in contact with both the Great Barrington and Sheffield Police to make this happen again.

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<http://www.usatf.org/routes/view.asp?rID=517350>

Current Membership #

Log In

Don't know your current membership ID? [Click here for help](#)

Join/Renew Now

USATF STORE



Kindred GR8T

Distance: 8.00 miles / 12.88 km
Location: Start: Newsboy
 Great Barrington, MA, US
Attributes: loop, mostly flat, roads



Added by Kent Lemme on 6/10/2013

DISCLAIMER: USATF and the author of this route make no warranties as to the conditions, safety, distance accuracy, or suitability for running of this route. Run at your own risk!



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IBA SP# 893-19

TOWN OF GREAT BARRINGTON
NOTICE OF PUBLIC HEARING

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, July 23, 2019 at 7:30 p.m. at Town Hall, 334 Main Street, Great Barrington, Mass., to act on the special permit application from A&A Memorials, Inc., 57 Van Deusenville Road, to expand a pre-existing nonconforming use at the property from a welding shop and construction company in order to add services related to the construction, storage and sales of stone including cemetery monuments. The application is sought per Sections 5.2 and 10.4 of the Zoning Bylaw, and a copy of the application is on file with the Town Clerk.
6.21,6.28

Amy Pulver
Administrative Assistant
Selectboard / Town Manager's Office

→ Cont to
SB July 22/19
meeting

SB Recommendation:
July 8/19 meeting



Town of Great Barrington Massachusetts

S.B. copy for 7/8

ZBA-1 Rev. July 2013

Application to the Zoning Board of Appeals

INSTRUCTIONS

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

FOR OFFICE USE ONLY

Filing Date:
Received and checked for completeness by:
Number Assigned: 893-19
Date filed with the Town Clerk:
FOR ZBA USE:
Advertising dates: &
Public hearing date: 7/23

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

A. WHAT ARE YOU SEEKING?

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

- VARIANCE (exempts a property from some Zoning requirements)
SPECIAL PERMIT (for changes to nonconforming uses, structures)
APPEAL (to overturn a decision of Building Inspector or a Board)

B. SITE / PROPERTY INFORMATION

Address of Subject Property 57 Van Deusenville Road, Housatonic
Assessor's Map No. 27 Lot No. 10E
Registry of Deeds Book No: 2525 Page: 324
Zoning District(s) R2 One-acre Res.
Overlay Districts (if any)

C. APPLICANT AND OWNER INFORMATION

Applicant's Information

Name (please print) A & A Memorials, Inc. Phone (area code first) (413) 329-3672
Street Address 57 Van Deusenville Road, P.O. Box 596
City, State, Zip Code Housatonic, MA 01236
If Applicant is a corporation, provide name of contact person: Richard B. Atwood
Email Address aacemeteryservices@gmail.com Signature

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

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

Property Owner's Information

Name (please print) Richard B. Atwood and Heather J. Atwood Phone (area code first) (413) 329-3672
Street Address 155 Pixley Road
City, State, Zip Code Great Barrington, MA 01230
Email Address aacemeteryservices@gmail.com Signature

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

- 1) From which Section(s) of the Zoning Bylaw do you request a variance?
- 2) What will the requested variance(s) enable you to do?
- 3) If the variance(s) is not granted, what hardship will that cause you?
- 4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?
- 5) Explain why your special circumstances are not a result of your own actions.
- 6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?
- 7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

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

- 1) A special permit is being requested in order to (please describe project):
- 2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)
 Section 5.2 Section 5.3 Section 5.5
 Section 5.6 Section 5.7 Section 10.4
- 3) Reason(s) that this property is not in conformance with the Zoning Bylaw
- 4) Are there any previous Special Permits or Variances for this property?
 No Yes
If yes, provide date(s), and name of issuing Board

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

- 1) This application is to appeal the decision of Building Inspector Planning Board Board of Selectmen
- 2) Date of decision
- 3) Nature of the decision
- 4) Applicable Section(s) of the Zoning Bylaw
- 5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

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

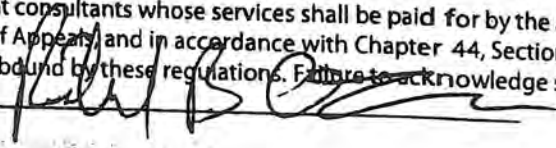
- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps—one USGS survey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

H. APPLICATION FEE

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

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

I. TECHNICAL REVIEW FEES

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

J. ADDITIONAL INFORMATION

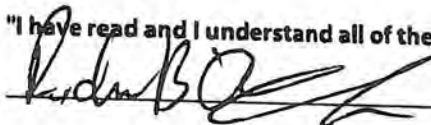
Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project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

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

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

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

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



(signed)

(date)

Print Form

Need Help? Just call us.

Town Planner: (413) 528-1619, x.7

Building Inspector / Zoning Enforcement Officer:
(413) 528-3206

ZBA Secretary: (413) 528-4953

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

ADDENDUM TO SPECIAL PERMIT PETITION

A & A Memorials, Inc., Petitioner
57 Van Deusenville Road, Housatonic, Massachusetts

Richard B. Atwood and Heather J. Atwood recently purchased a parcel of land with three commercial buildings thereon from Peter R. Bailey and Barbara L. Bailey containing 1.059 acres of land at 57 Van Deusenville Road in Housatonic, located in the R – 2 zone that has no frontage, but deeded easements (“Locus”). See accompanying copy of Quitclaim Deed , survey entitled Plan of Land Surveyed for Barbara L. Bailly, Right of Way Easement and Maintenance Agreement and Easement Plan Prepared for Richard B. Atwood and Heather J. Atwood. The Survey was created by an “approval not required” subdivision plan in 1988 pursuant to Massachusetts Gen. Laws Chapter 41 section 81L because it constituted a “division of a tract of land on which two or more buildings were standing when the subdivision control lot went into effect in the city or town in which the land lies into separate lots on which each of which one of such buildings remain standing.” The Locus was a portion of a much larger tract of land upon which there were several single-family residences, barn, storage sheds, and another commercial buildings, all of which had been used and occupied by the William Gillett family for generations as the land had been in their family since 1904.

In 1952 William Gillett built a wooden shop, which he used for his construction and welding business. His son-in-law Richard Bailly, worked part-time for his father-in-law from 1967 through 1973 and has been working in the business known as Housatonic Welding

A & A Memorials, Inc.

Addendum – Special Permit-Expansion of a Pre-existing Non-conforming use as metal fabrication to add stone work

continuously until the business was sold to the petitioner in April, 2019. In 1988 the Bailly's built a metal addition to the original wooden structure. The Gillett and Bailly families have been engaged in the fabrication of all types of metal objects, the maintenance of trucks and heavy equipment, creation and repair of snowplows and other construction related activities from the Locus continuously since the early 1950's to the present. See affidavits of Richard Bailly and Peter R. Bailly. In addition, the Gillett/Bailly family owned a construction business known as A&B Equipment that built driveways, foundations, and engaged in other construction related activities for which the equipment, including but not limited to dump trucks, excavators, skid steer, and other trucks used in connection with the off site work were stored at the Locus. **The Petitioner proposes to continue the business of Housatonic Welding, but add his own business known as A & A Memorials, Inc.** No new structures are proposed to accommodate the additional business. A & A Memorials, Inc. provides the following services: creation of cemetery monuments, pet markers, and garden stones; sandblasting of lettering and design on stonework; monument cleanings and repairs; storage of supplies and equipment; and storage of monuments for display and sale. In addition, the petitioner provides burial services for local municipal and private cemeteries and will use the Locus to store his excavator, dump truck and trailer and transport them to the off-site services. The current business, Housatonic Welding, fabricates objects from metal and the petitioner proposes to expand that pre-existing nonconforming use to fabricate objects from stone. The equipment he uses for his off site burial services will be fewer and smaller than the equipment that was previously use for A & B

A & A Memorials, Inc.

Addendum – Special Permit-Expansion of a Pre-existing Non-conforming use as metal fabrication to add stone work

Equipment, Inc. There will be a total of 3 employees who will be engaging in the welding and stone work businesses. There are approximately 15-20 parking spots on the Locus, more than enough to provide off street parking for the use.

Section 5.2 of the Great Barrington Zoning Bylaw entitled “**Nonconforming Uses**” provides in pertinent part: “The Board of Appeals may award a special permit...to change a nonconforming use...only if it determines that such...change or extension...shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.”

Because there is no new construction proposed, and the additional fabrication of stonework will be conducted in existing buildings, the expansion of the pre-existing nonconforming use to allow additional material to be fabricated will not be more detrimental than the existing nonconforming use to the neighborhood.

Section 10.4.2 entitled “**Criteria**” requires a 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 the proposal in relation to that site.”

The site has been used as the offices and shop for construction and metal fabrication work since 1952 continuously to the present. See attached affidavits of Richard Bailly and Peter R. Bailly. At the time William Gillett began his construction business on the locus, the premises were zoned Industrial. The west side of Van Deusenville Road was rezoned in 1974 to R-2. The Locus is surrounded by land owned by Jeanne M. Bachetti, who acquired all of the remaining land originally owned by her parents, William W. Gillett and Margaret A. Gillett containing over

A & A Memorials, Inc.

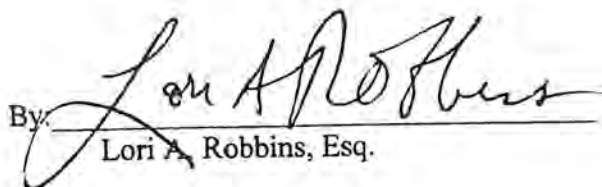
Addendum – Special Permit-Expansion of a Pre-existing Non-conforming use as metal fabrication to add stone work

40 acres. The land directly to the west of the Locus is a remnants of a gravel pit that is subject to the terms of a Consent Order allowing the use of a portion of it as a solid waste facility. The land to the North contains the business known as AmeriGas and the land directly across the street to the East include the railroad tracks. See accompanying photos of the commercial buildings on the Locus and the abutting land. The following criteria demonstrate that the special permit should be granted:

1. Social, economic, or community needs which are served by the proposal: The addition of the fabrication of stone into cemetery monuments, pet markers, garden stones and other monuments, including cleanings and repairs will be beneficial to the social, economic, or community needs. As everyone knows, there are only 2 things certain in life and headstones are an essential component for one of them.
2. Traffic flow and safety, including parking and loading: Section 6.1 of the Zoning Bylaw, entitled Off-street Parking and Loading requires for industrial uses – “one parking space for each two employees, computed on the basis of the estimated maximum number of employees at any one time.” The petitioner plans on adding only two additional employees. There are currently 15-20 parking spaces and a total of 3 employees that will be using the Locus. As a result the traffic flow and safety, including parking and loading will not be substantially increased.
3. Adequacy of utilities and other public services: The locus is served by Housatonic Water Works and a private septic system. The addition of the new services will not

- impact the existing utilities or other public services.
4. Neighborhood character and social structures: Because the area had previously been zoned industrial, there are a number of other industrial uses in the immediate vicinity of the neighborhood. The neighborhood character and social structure will not be impacted by the addition of the creation, cleaning and repair of stone monuments.
 5. Impacts on the natural environment: The locus area is substantially paved and no new paving is proposed. As a result, there will be no impact on the natural environment.
 6. Potential fiscal impact, including impact on town services, tax base, and employment: The proposed additional of stone work to the existing Housatonic Welding will not have any financial impact on town services, tax base or employment.

A & A Memorials, Inc., Petitioner

By: 
Lori A. Robbins, Esq.



Bk: 2525 Pg: 324 SBRD
Page: 1 of 3 04/05/2019 09:52 AM

MASSACHUSETTS EXCISE TAX
Southern Berkshire ROD 001
Date: 04/05/2019 09:52 AM
Ctrl# D11110 15262 Doc# 00252806
Fee: \$547.20 Cons: \$120,000.00

QUITCLAIM DEED

57
Location: Van Deusenville Road, Housatonic, Massachusetts

That we, **PETER R. BAILLY and BARBARA L. BAILLY**, of Alford, Massachusetts, for consideration of **ONE HUNDRED TWENTY THOUSAND (\$120,000.00)**, grant to **RICHARD B. ATWOOD and HEATHER J. ATWOOD**, husband and wife, whose mailing address is 155 Pixley Road, Great Barrington, Massachusetts 01230, to hold as **TENANTS BY THE ENTIRETY**, with **QUITCLAIM COVENANTS**, the land in Housatonic, Berkshire County, Massachusetts, bounded and described as follows:

The following described piece or parcel of land situated on the westerly side of Van Deusenville Road in Housatonic, Berkshire County, Massachusetts, bounded and described as follows:

Beginning at an iron pipe, said pipe being the southern corner of the parcel herein described, said point being 373 feet (more or less) from said Van Deusenville Road and the southwest corner of other land of Gillett;

Running thence the following 7 courses along said land of Gillett;

Thence N-07-15-19-E a distance of 141.16 feet to an iron pipe to be set;

Thence N-50-59-23-W a distance of 53.28 feet to an iron pipe to be set;

Thence N-00-34-10-W a distance of 52.00 feet to an iron pipe to be set;

Thence N-02-18-27-E a distance of 96.13 feet to an iron pipe to be set;

Thence S-75-38-09-W a distance of 159.42 feet to an iron pipe to be set;

Thence S-04-56-42-E a distance of 265.06 feet to an iron pipe to be set, said pipe being the southwest corner of parcel herein described, also along an existing right of way;

Thence S-83-14-16-E a distance of 152.87 feet along the right of way to the point of beginning containing 1.059 Acres of Land.

Meaning and intending to convey and hereby conveying the same premises shown on a plan of land described, prepared from a 1988 field survey by Kelly, Granger, Parsons & Associates, Inc., of Great Barrington, recorded in Plat File E-105.

Also granting to the grantee and others a right of way over a way commencing on the westerly side of Van Deusenville Road a width of forty (40) feet in common with the grantors. Said right of way is shown on the plans above mentioned.

Being all and the same premises conveyed to the Grantors herein by deed of Barbara L. Bailly, dated July 12, 2013 and recorded at the Southern Berkshire Registry of Deeds in Book 2211, Page 19.

Witness my hand and seal this 5th day of ~~February~~ ^{APRIL}, 2019.

Peter R. Bailly
PETER R. BAILLY

Barbara L. Bailly
BARBARA L. BAILLY

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

On this 5th day of ~~March~~ ^{April}, 2019, before me, the undersigned Notary Public, personally appeared, PETER R. BAILLY and BARBARA L. BAILLY, who proved to me through satisfactory evidence of identification, which were personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for the stated purpose as their free act and deed.

[Signature]

Notary Public
My commission expires:



LOUIS J. OGGIANI
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
August 15, 2019

RECORDING
 REGISTERED PLANS
 FEB 15 1988
 16 02
 PLAT FILE E-100
 FOR RESERVE DE ONLY

NOTHING IS TO BE SUBJECT TO AND WITH THE RESERVATION
 OF ALL RIGHTS RESTRICTIVE CONDITIONS EXEMPTIONS
 LESSES ENCUMBRANCES AND WARRANTIES OF RECORD.

PLANNING BOARD DOCUMENT DOES NOT
 IMPLY CORRELATION WITH THE MASS.
 REGULATORY PROVISIONS ACT.

LOCAL ROAD NO. - 201 76 - 200

- LEGEND
- 1 - PLANT COVERED
 - 2 - SHADY PINE TREES
 - 3 - SHADY PINE TO BE SET
 - 4 - HOUSE ROAD FRONT
 - 5 - FENCE

30' RIGHT OF WAY
 CENTERED ON EXISTING ROAD
 TO BE CONVERTED TO MAIL

LAND OF
 HOUSE CAS COMPANY

FIELD METRIC 1987

DIVID LAND OF
 GILLETTE
 NO. 201 76 - 200
 EXISTING TRUCK ROUTE

1.059 - ACRES

DIVID LAND OF
 GILLETTE
 NO. 201 76 - 200
 EXISTING TRUCK ROUTE

LAND OF
 GILLETTE
 NO. 201 76 - 200
 ROAD & PLANT APPROVED



APPROVAL NOT REQUIRED UNDER THE
 SUBDIVISION CONTROL LAW
 BY MASSACHUSETTS PLANNING BOARD
 ON/DRAW



I HEREBY CERTIFY THAT THIS PLAN HAS
 BEEN PREPARED BY COMPETENT MEANS
 AND THAT THE INFORMATION CONTAINED
 HEREIN IS TRUE AND CORRECT TO THE
 BEST OF MY KNOWLEDGE AND BELIEF.
 SURVEYOR: ROBERT W. WADSWORTH

PLAN OF LAND SURVEYED FOR
BARBARA L. BATTLY
 IN HOLISTONIC MASSACHUSETTS

MAY - 1988 SCALE 1" = 40'
 KELLY - SHAWNEE - HAWKINS AND ASSOCIATES INC.
 WEST WADSWORTH, MASS.

WAY DUESENVILLE ROAD

57 Van Deusenville Road Great Barrington



RIGHT OF WAY EASEMENT AND MAINTENANCE AGREEMENT

Whereas, Jeanne M. Bachetti, of Sheffield, MA, is the owner of land acquired by deed recorded on 2/25/14 in the Southern Berkshire Registry of Deeds in Book 2240, Page 270 ("Bachetti").

Whereas, Richard B. Atwood and Heather J. Atwood, are the owners of land acquired by deed recorded on April 5, 2019 in the Southern Berkshire Registry of Deeds in Book 2525, Page 324 ("Atwood").

Now therefore, the parties agree as follows:

1. Due to a scrivener's error, the real estate previously conveyed by William W. Gillett and Margaret A. Gillett, Trustees of the Gillett Family Nominee Trust to Jeanne M. Bachetti and Sharon L. Moore dated April 26, 2006 and recorded May 18, 2006 in the said Registry of Deeds in Book 1696, Page 197, and the conveyance by deed from Jeanne M. Bachetti and Sharon L. Moore to Jeanne M. Bachetti recorded on February 25, 2014 in said Registry of Deeds in Book 2240 Page 270, did not exclude the real estate that had formerly been conveyed by William W. Gillett and Margaret A. Gillett to Barbara L. Bailly dated January 31, 1989 and recorded on February 14, 1989 in said Registry of Deeds in Book 695, Page 169.

Bachetti acknowledges that she does not own the real estate acquired by Atwood in the said Registry of Deeds in Book 2525, Page 324.

2. The land owned by Bachetti identified in paragraph 1 above, is shown on a survey entitled "Survey of Land in Great Barrington, Mass. Prepared for Gillett Family Nominee Trust

May 10, 2000, by Taconic Land Consultants and was recorded in said Registry of Deeds and Plat File K – 114.

3. The land now owned by Atwood is shown on the survey recorded in Plat file K – 114 as “N/F Land of Barbara L. Bailly (BK 695 PG 169)” and is also shown on a survey entitled “Plan of Land Surveyed for Barbara L. Bailly in Housatonic Massachusetts May – 1988” by Kelly Granger Parsons and Associates Inc. and recorded in said Registry of Deeds in Plat File E – 105, containing 1.059 acres.

4. In the deed from William W. Gillett and Margaret A. Gillett to Barbara L. Bailly, recorded in said Registry of Deeds in Book 695, Page 169 and in subsequent deeds in the chain of title through to Atwood, the following easement was conveyed “Also granting to the grantee and others a right-of-way over a way commencing on the westerly side of Van Dusenville Road a width of 40 feet in common with the grantors. Said right-of-way is shown on the plans above-mentioned.”

5. Bachetti and Atwood intend by this Agreement to clarify and expand the rights and responsibilities of the respective property owners regarding right of way easements and maintenance.

6. A site plan has been prepared showing the location of two separate easements entitled, “Easement Plan Prepared for Richard B. Atwood & Heather J. Atwood” recorded in said Registry of Deeds on 4/10/19 in Plat File DD-6 (hereinafter “Easement Plan”) as “Southerly Emergency Access ” and “Northerly Easement”.

7. Bachetti hereby conveys to Atwood, their successors and or assigns, a non-exclusive right-of-way for all the purposes of a way, for ingress to and egress from Van Deusenville Road, over the 40 foot wide Northerly Easement shown on the Easement Plan as the

access to their real estate. Atwood, their successors and assigns, shall be responsible for maintaining the entire easement area including grading, ice and snow removal.

8. Bachetti hereby conveys to Atwood, their successors and or assigns, a non-exclusive right-of-way over the variable width Southerly Emergency Access, shown on the Easement Plan for emergency access to and from their real estate. Atwood, their successors and assigns, shall be responsible maintaining the entire Southerly Emergency Access area including grading, ice and snow removal on the Southerly Emergency Access so long as Bachetti owns the real estate, but in the event she sells the burdened land, the respective owners shall share in the cost of maintenance, grading, ice and snow removal.

9. Bachetti hereby conveys to Atwood, their successors and or assigns, an easement to maintain the underground water line located in the Southerly Emergency Access, shown on the Easement Plan, from Van Deusenville Road to their property. In the event the water line needs repair, Atwood shall be responsible for the repair and agrees to restore the driveway to a smooth and level surface.

10. Notwithstanding the above, if there is any damage caused to said Southerly Emergency Access roadway surface due to unusual use during construction upon either burdened or benefitted lot, the road surface shall be repaired at the sole expense of the owner of the particular lot causing said damage.

11. Bachetti hereby grants to Atwood, their successors and/or assigns, an easement within the area identified as Turn Around Area on the Easement Plan to maneuver vehicles using their property. Atwood may not use the Turn Around Area to store vehicles or place any structures thereon.

12. Bachetti hereby conveys to Atwood, their successors and or assigns, an easement to maintain the overhead electric wires in the location shown on the Easement Plan.

13. Atwood, their successors and assigns, shall maintain and keep comprehensive general liability insurance in commercially reasonable amounts naming Bachetti, her successors and/or assigns as an additionally insured.

WITNESS our hands and seals this 5th day of April, 2019.

Jeanne M. Bachetti
Jeanne M. Bachetti

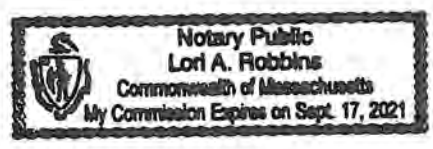
Richard B. Atwood
Richard B. Atwood

Heather J. Atwood
Heather J. Atwood

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

On this 4th day of March, 2019, before me, the undersigned notary public, personally appeared Jeanne M. Bachetti who proved to me through satisfactory evidence of identification which was a MA drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.




Lori A. Robbins
Notary Public

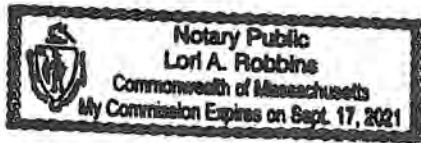
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

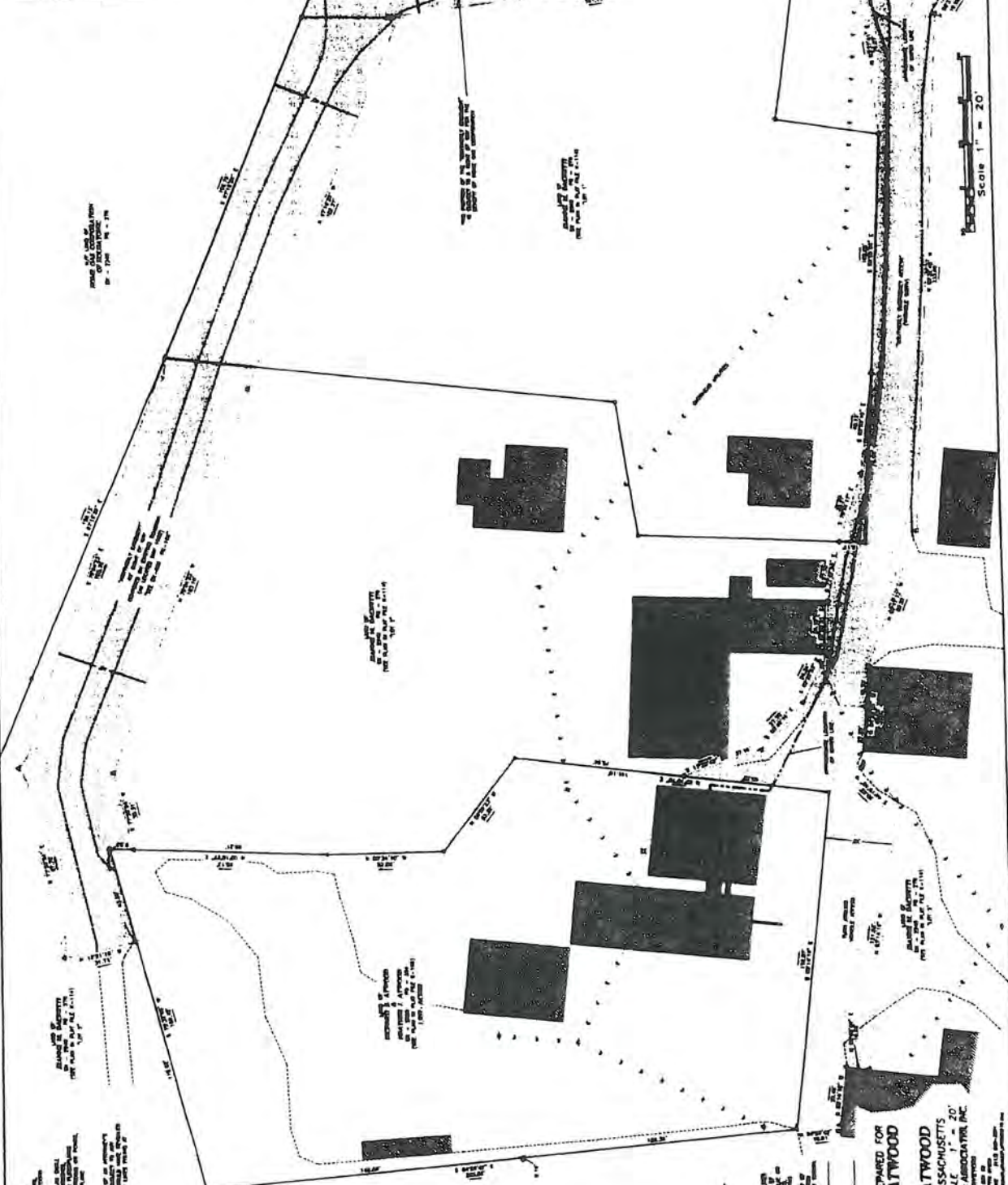
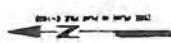
BERKSHIRE, SS

On this 5th day of April, 2019, before me, the undersigned notary public, personally appeared Richard B. Atwood and Heather J. Atwood who proved to me through satisfactory evidence of identification which was a MA drivers license, to be the persons whose names are signed on the preceding or attached document, and who acknowledged to me that they signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires:



Southern Hampshire Registry of Deeds
 File # PDD-6
Michelle Kasper-Jones
 Register of Deeds
 100 WESTERN AVE. SUITE 200
 WEST BURLINGTON, VT 05403



THE WORK IS SUBJECT TO THE ACTS OF GOD, THE ACTS OF THE STATE OF MASSACHUSETTS, THE ACTS OF THE COMMONWEALTH OF MASSACHUSETTS, THE ACTS OF THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, AND THE ACTS OF THE CITY OF GREAT BARRINGTON, MASSACHUSETTS, AND THE ACTS OF THE CITY OF GREAT BARRINGTON, MASSACHUSETTS.

- LEGEND
- 1. EXISTING DRIVEWAY
 - 2. NEW DRIVEWAY
 - 3. EXISTING DRIVEWAY
 - 4. NEW DRIVEWAY
 - 5. EXISTING DRIVEWAY
 - 6. NEW DRIVEWAY

HEATHER J. ATWOOD
 REGISTERED PROFESSIONAL LAND SURVEYOR
 100 WESTERN AVE. SUITE 200
 WEST BURLINGTON, VT 05403



HEATHER J. ATWOOD
 REGISTERED PROFESSIONAL LAND SURVEYOR
 100 WESTERN AVE. SUITE 200
 WEST BURLINGTON, VT 05403

EXISTENCE PLAN PREPARED FOR
RICHARD B. ATWOOD
 &
HEATHER J. ATWOOD
 GREAT BARRINGTON, MASSACHUSETTS
 APRIL, 2019 SCALE 1" = 20'
 HEATHER J. ATWOOD, REGISTERED PROFESSIONAL LAND SURVEYOR
 100 WESTERN AVE. SUITE 200
 WEST BURLINGTON, VT 05403

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

TOWN OF GREAT BARRINGTON
ZONING BOARD OF APPEALS

IN RE: Special Permit application from Richard Atwood to expand a Pre-existing
Non-conforming Use

I, Richard Bailly, being duly sworn, depose and state as follows:

- 1) William W. Gillett ("Bill") was my father-in-law.
- 2) Bill and his wife owned several parcels of land located on the westerly side of VanDuesenville Road in Housatonic, MA which he acquired in 1967 from his mother, which had been in the family's name since 1904.
- 3) A portion of Bill's real estate was conveyed to my wife by deed from William W. Gillett and Margaret A. Gillett to Barbara L Bailly, recorded on February 14, 1989 in the Berkshire Southern District Registry of Deeds in book 695 page 169, which is shown on a survey recorded in said Registry of Deeds Platt file E - 105. On that land are 2 adjoining structures.
- 4) One of the structures is a wooden shop, built in 1952 for Bill that he used for his construction and welding business.
- 5) I began working part-time with Bill out of that wooden shop doing welding and construction related work from 1967 through 1973.
- 6) I went to the Great Barrington Board of Selectmen and met with Charles Casanova, a Mr. Gibbons and another man whose name escapes me, in 1973 when I decided to start my own business on the premises to make sure that I could operate full-time under the name of Housatonic Welding, and they indicated that the area was zoned industrial and I did not need to do anything further.
- 7) I have been continuing to conduct metal fabrication work from this premises continuously since 1973.

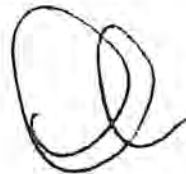
Signed under the pains and penalties of perjury this 2nd day of April, 2019.

Richard Q. Bailly
Richard Bailly

COMMONWEALTH OF MASSACHUSETTS

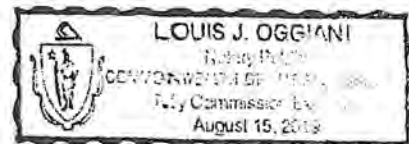
Berkshire, ss.

On this 2nd day of April, 2019, before me, the undersigned notary public, personally appeared Richard Bailly, who proved to me through satisfactory identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and acknowledged the foregoing to be his free act and deed.



Notary Public

My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

TOWN OF GREAT BARRINGTON
ZONING BOARD OF APPEALS

IN RE: Special Permit application from Richard Atwood to expand a Pre-existing
Non-conforming Use

I, Peter R. Bailly, being duly sworn, depose and state as follows:

- 1) My mother, Barbara L. Bailey conveyed the real estate that is known as 57 Van Deusenville Road, Housatonic, MA to the both of us by deed recorded on August 8, 2013 in the Berkshire Southern District Registry of Deeds in Book 2211 Page 19, on which my father had been conducting his business known as Housatonic Welding since 1973, and my grandfather, William W. Gillett had been operating his construction business since the 1960s.
- 2) In 1988 we built a metal addition to the original wooden structure.
- 3) I began working part-time with doing welding and construction related work from that premises from 1982 until 1992 when I took over the business full-time.
- 4) My family and I have been engaging in the fabrication of all types of metal objects, the maintenance of trucks and highway equipment, creation and repair of snowplows and other construction related activities from this location continuously since the early 1960s to the present.

Signed under the pains and penalties of perjury this 2nd day of April, 2019.

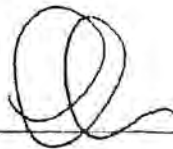


Peter R. Bailly

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss.

On this 2nd day of April, 2019, before me, the undersigned notary public, personally appeared Peter R. Bailly, who proved to me through satisfactory identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and acknowledged the foregoing to be his free act and deed.



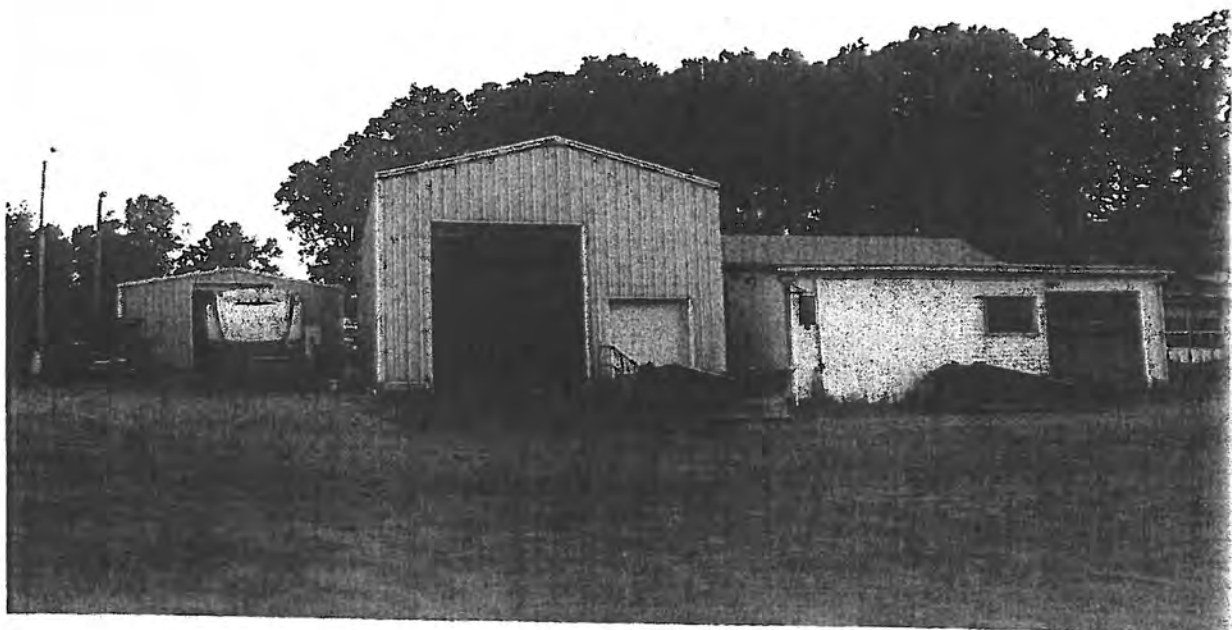
Notary Public

My Commission Expires:





Older wooden structure on right built in 1952. Metal building on left built in 1988.



Locus →

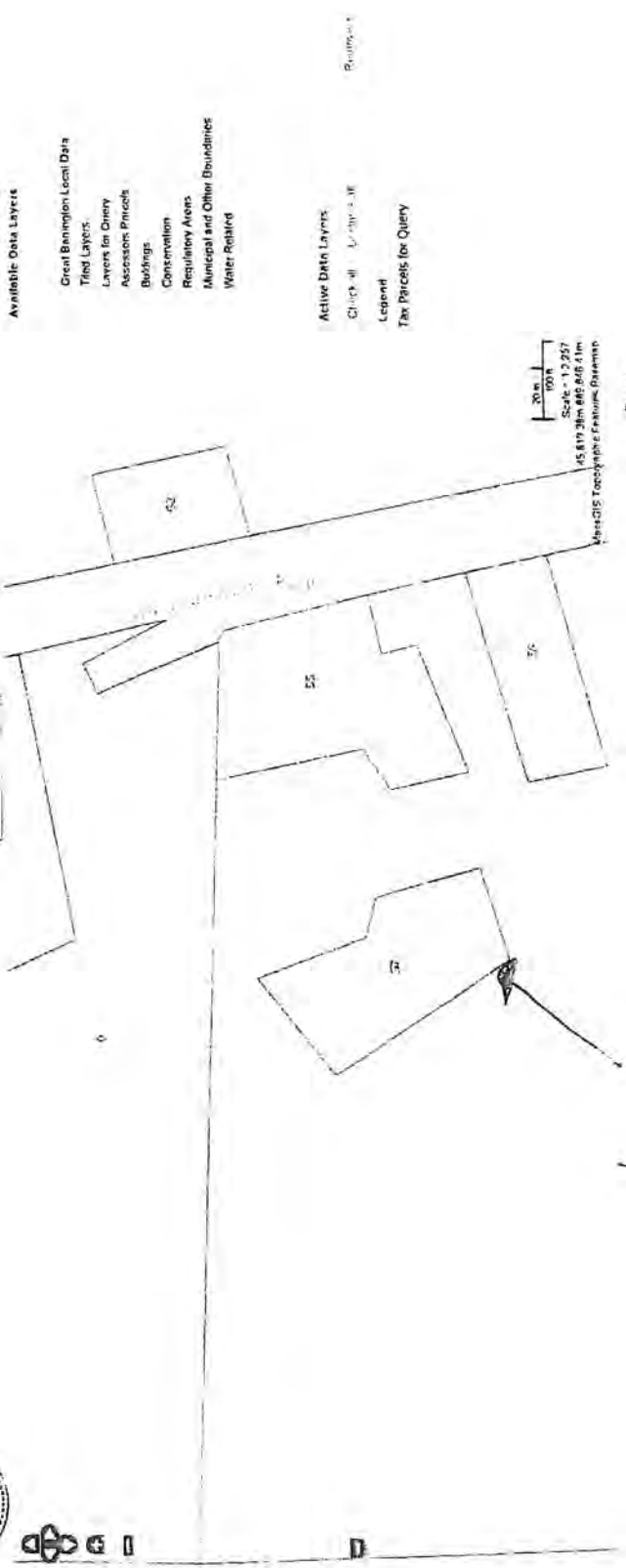




MuniMapper: Great Barrington, MA

Town of Great Barrington, Web Site

Disclaimer



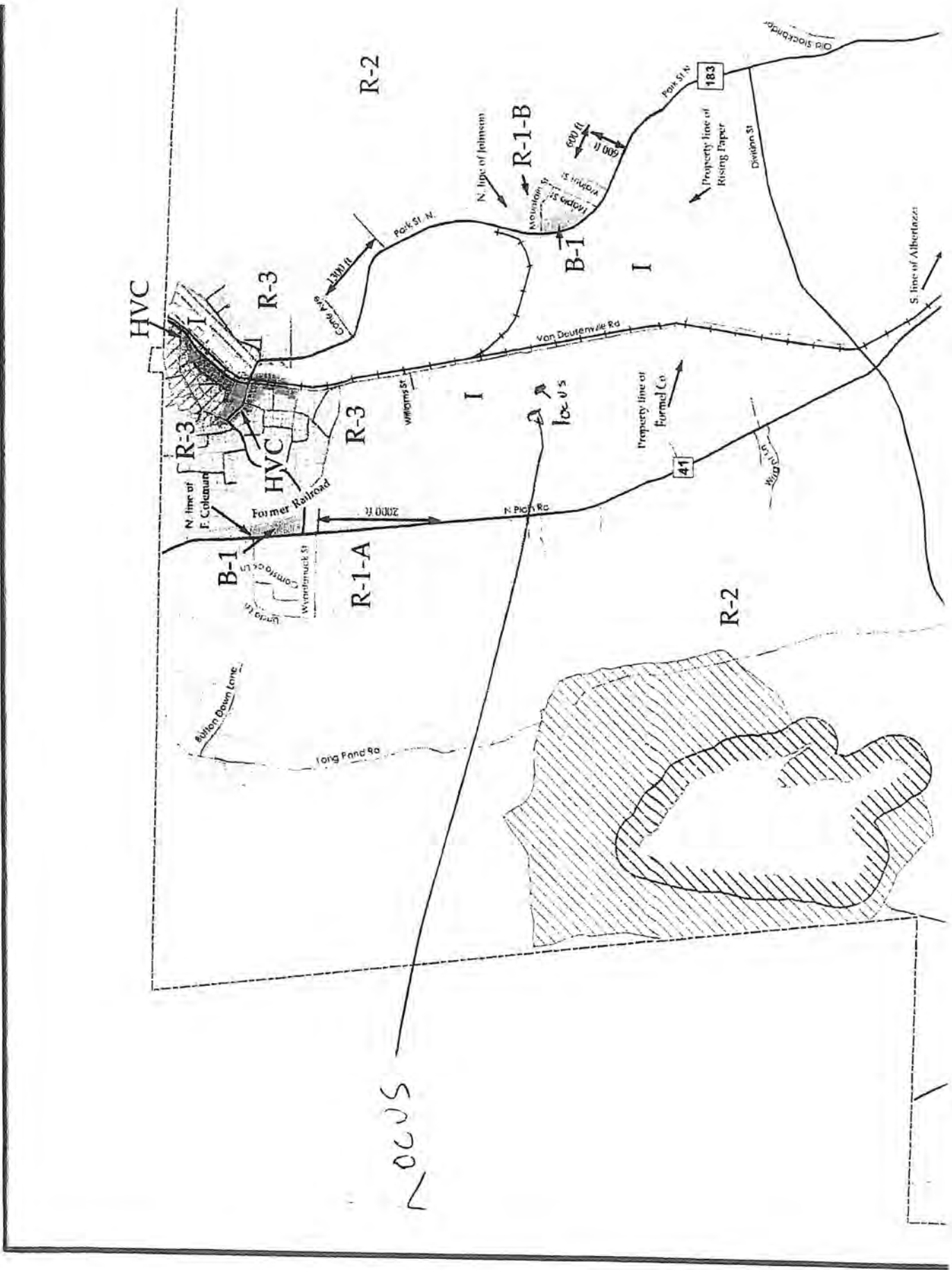
Available Data Layers

- Great Barrington Local Data
- Titled Layers
- Layers for Query
- Assessor's Parcels
- Buildings
- Conservation
- Regulatory Areas
- Municipal and Other Boundaries
- Water Related

Active Data Layers

- Check all
- Legend
- Tax Parcels for Query

Buttons



EXECUTIVE SUMMARY

TITLE: Housatonic School Re-Development

BACKGROUND: In May 2017, the Town issued the third and most recent Request for Proposals (RFP) for the former Housatonic School; the Grayhouse Partners team proposal was the only response received by the August deadline. In January 2018, we entered into a 1-year agreement with Grayhouse Partners, followed by a 6-month extension that expired in June 2019. During this 18-month period, per the agreement, a number of tasks were accomplished:

The town developed site designs and parking plans, applied for and secured brownfields funding to assess hazardous materials, met with funding agencies with Grayhouse Partners, made the property available to Grayhouse Partners for marketing, supported a collaborative workspace grant, and supported efforts to secure CPA funding for roof replacement and building improvements.

Grayhouse Partners explored re-development costs and developed a budget, identified grants and other potential sources of funding, met with funding agencies including Mass Development and USDA to discuss funding options and garner support, marketed the building to potential tenants, and advocated for CPA funding for building improvements.

As the Selectboard is aware, Grayhouse Partners' proposal is to reuse the building for collaborative work and business incubator spaces; it does not include a housing component. While Grayhouse Partners believes its proposal for the building would best meet the needs of Housatonic village, it has not, despite its good efforts, yet been able to present a plan that can be proven to be financially feasible.

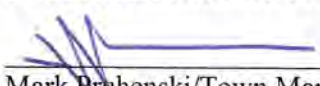
At this time, without a feasible reuse scenario emerging, the Selectboard has asked staff to present some options of how to make progress with the building. Three options are as follows:

1. Discuss the Grayhouse Partners proposal with the Economic Development Committee (EDC), receive feedback on the proposed plan.
2. Continue in the current course, extending the agreement with Grayhouse Partners, to arrive at a feasible plan and possible lease / development agreement with Grayhouse Partners.
3. Discontinue the agreement with Grayhouse Partners, hold a community/village input session, and, based on that feedback, issue a revised RFP.

FISCAL IMPACT: Continued fixed building costs, staff hours, and legal counsel.

RECOMMENDATION: Staff recommends option 3 as the best course of action. This would provide an opportunity to re-open a dialogue with residents and seek fresh perspectives and ideas. It also allows time for a formal review by the EDC about potential reuse scenarios. Collectively, this information could be used to develop a revised RFP suited to the needs of the town and the village in 2019. We further recommend this timeline not exceed 90-days.

PREPARED AND REVIEWED BY:



Mark Pruhenski/Town Manager and Chris Rembold/Town Planner

DATE:

07/18/2019

APPROVED:



Mark Pruhenski/Town Manager

DATE:

07/18/2019

Approved

1-14-19

Selectboard Policies and Procedures

Items in Red: Suggested edits for 7-22-19 Mtg.

I. Selectboard Roles

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

A. Legal responsibilities:

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

B. Annual Tasks

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

17. establish stabilization fund policy
18. review monthly and quarterly financial reporting
19. participate in audit process

II. Selectboard Responsibilities

- A. Liaison with Town Boards and Committees – assigned to one or more of the Town Boards and/or Committees, to attend meetings and activities when considered appropriate and maintain current information to be passed on to the Select Board upon request or as per regular agenda item.
- B. Liaison with Town Departments – assigned one or more of the Town departments to serve as a policy liaison, to maintain overall information on the department status and operations and objectives, to assist Town Manager with resolution of issues and to advise the Town Manager on overall policy and strategy. Provide expertise to Selectboard on department area to guide general oversight, and provide regular public updates to the Board when appropriate.
- C. Liaison with Outside Groups – assigned to serve as liaison or member of outside committees, to represent the Selectboard and exchange information, and provide regular public updates to the Board when appropriate.
- D. Selectboard Subcommittees: - formed by the Chair or Board members to address specific issues, strategies or projects.
- E. When access to legal counsel is necessary, the Chair or Board members shall communicate through the Town Manager. In the event that the required legal advice is related to contract negotiations with, or the performance of the Town Manager, all communication shall be through the Chair.

III. The Officers of the Board

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

IV. Meeting Schedule

- A. Regular Meetings: Regular meetings of the Selectboard shall be the second and fourth Mondays of the month. The Board shall not meet on days designated as legal holidays. When a meeting date is to be rescheduled because of a legal holiday, the Board shall agree on a date to reschedule. **Public comment(s) is addressed in Section VIII. Citizen Speak Procedures.
- B. Notice of Meetings : All meetings of the Selectboard shall be duly posted in compliance with MGL Open Meeting Law requirements. The Town Manager on behalf of the Chair is responsible for providing the Agenda to the Town Clerk in accordance with the Open Meeting Law for posting on the Town's website, notice board inside and outside of the Town Hall, and notifying the media.
- C. Meeting Procedures:

1. Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. Robert's Rules of Order is used as a guide in matters requiring clarification of definition. Motions to reconsider must be made no later than the next regularly scheduled business meeting following the meeting at which the original vote was taken.
2. A quorum shall consist of the majority (3) members of the board. At times when only three members are present, all three members must vote similarly for a majority vote. Approvals of Special Permits shall require a majority vote of four (4) members of the Board.
3. Any rules or procedures as to functioning of the Board may be amended, repealed or otherwise acted upon by a majority vote, at a duly posted meeting of the Selectboard, provided a quorum of members is in attendance.
4. In accordance with the Town bylaws, the Chair is encouraged to take public comment when appropriate. The press and the public have the right to be present at any open meeting, however they have no right to participate except during public hearings, citizen speak, or media time unless and until they are recognized by the Chair. All public inquiries shall be addressed to the Chair.
5. Meeting participants shall conduct themselves in a professional manner. No demonstrations or signs will be allowed in the meeting room. Individual shall refrain from verbal outbursts. Cell phones and pagers shall be silenced prior to the meeting.
6. Anyone addressing the Board during the meeting, including citizen speak time, shall proceed to the lectern after being recognized by the Chair, and adhere to the Citizen Speak Procedure. Before speaking, they shall state their name and address. There shall be a time limit of 3 minute per speaker unless extended by the Chair.

V. Preparing the Agenda

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

VI. Public Hearing Procedures

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

- A. The Board will schedule the dates for the hearings.

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

VII. Approval of Licenses

- A. The applicant is strongly urged to appear at the Selectboard meeting when the license will be discussed. If no representative is present, the Board reserves its right to postpone the issue to the next business meeting of the Board or disapprove the application.
- B. If a license application is filed between Selectboard meetings, and the license, if not obtained before the next Selectboard meeting, would cause the applicant irreparable harm, the Chair will have authority to call a special Selectboard meeting. As stated above in the Meeting Procedures section, a quorum will consist of at least three members.

VIII. Board and Committee Speak Procedures

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

IX. Citizen Speak Procedures

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

X. Minutes

- A. Regular Meeting: Minutes will be available to the public after review and approval by the Board.
 - 1. Draft meeting minutes are available in agenda packets, but are not considered public record until approved by the Board.
 - 2. Meeting minutes should be on the agenda of the next regular scheduled meeting or by 30 days post meeting at the latest.
- B. Executive Session Meeting Minutes: Minutes of executive sessions should be reviewed at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure.
 - 1. Minutes shall be released, once they have been approved in executive session by the Board.
 - 2. Upon request for minutes of an executive session, the law requires a two-stage review of minutes. First, to determine whether executive session purpose continues to warrant confidentiality and second, to determine whether the attorney-client privilege or one or more of the exemptions under the Public Records Law apply to withhold the minutes, or a portion thereof, from disclosure. After review, the Selectboard must respond to the requester and either make the minutes available or provide an explanation of what is being withheld and why. Please refer to MA M.L. c. 30A, § 22(f), (g)(2).
- C. All approved minutes are considered public record and will be available immediately. They will also be posted on the Town's website within 48 hrs.

XI: Town Manager Evaluations

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

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

XII. Selectboard Response on Received Communication

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

- A. Routine Matters: If the matter can be routinely handled by staff, the Town Manager shall, within 1 business day **from receipt of the** email, contact the individual providing adequate information **on** said matter. Appropriate staff should always be included in communication from Town Manager, where applicable.
- B. Non-Routine Matters: Should the matter be a non-routine administrative matter, the Chair and Town Manager shall arrange for the matter to be included on the agenda of the earliest/most convenient Selectboard meeting. The **Town Manager** shall notify the individual when the item will be on the Selectboard agenda. The Selectboard shall discuss the matter publicly and may refer the matter to the Town Manager and/or an appropriate board/commission/committee for further investigation. Should the matter be acted upon by the Selectboard, the Town Manager shall so inform the individual. Alternatively a meeting may be scheduled between the Chair, Town Manager and appropriate staff when appropriate.

- C. Should the matter be referred, a report from the referral entity shall be submitted at a regular meeting of the Selectboard as soon as possible.

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

XIII. Executive Sessions

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

XIV. Confidential & Personnel Information

Information provided to the Board on confidential personnel matters will not be shared with the public and to the extent permitted by law.

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

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

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

- be distributed to the Selectboard and/or Planning Board.
- D. In the Planning Board deliberations with developers utilizing the HMROD, the Planning Board shall take into account the fiscal impact for the Town of Great Barrington inclusive of tax base revenues, infrastructure capability recognizing that various financial arrangements shall require Selectboard approval.
 - E. This protocol for HMROD shall remain in full force and effect until modified by majority vote of both the Planning Board and Selectboard. This protocol shall be incorporated into the rules and regulations of the Planning Board, rules and regulations of the Selectboard and the permitting and development guidebook.

XVI. Special Permit Regulations

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

provisions)

2. All other special permit applications may be filed on Form SP-1 (short form) unless the Inspector of Buildings or the Special Permit Granting Authority (SPGA) by majority vote requires the filing of Form SP-2 (long form). Applications may be submitted to the Inspector of Buildings or a representative of the SPGA for review before filing with the Town Clerk.
 3. Elevation contours on plans submitted with any application filed under subsection F (2) of Section 3.1.4 shall be at intervals of no more than two (2) feet. Elevation contours on plans submitted with all other special permit applications may be at intervals of ten (10) feet, unless the SPGA shall require otherwise.
 4. All plans submitted with special permit applications shall be drawn to scale and signed, sealed and dated by an engineer registered in Massachusetts. Specific scales on drawings and plans shall be as follows:
 - a. Site plan, parking plan, landscaping plan and drainage plan: one (1) inch shall equal forty (40) feet.
 - b. Separate plan showing general characteristics of land: one (1) inch shall equal a maximum of one hundred (100) feet.
 - c. Separate scaled drawing of the fully constructed building or change to the existing building shall be submitted. Any photos that are submitted shall be legible if reproduced.
 5. Every application for a special permit shall be accompanied by a drainage plan demonstrating that all drainage is either accommodated on the property or directed to a drainage system approved by the SPGA. If post-development flows off the property will differ in any way from pre-development flows, the drainage system shall be designed by a civil engineer registered in Massachusetts and shall be reviewed and approved by the town's consulting engineer at the applicant's expense as provided by Section D of these Rules and Regulations.
 6. Every application for a special permit shall be accompanied by a parking plan showing the specific locations of an adequate number of off street parking and loading places to comply with the provisions of Section 6.1 of the Great Barrington Zoning Bylaw and any additional requirements of the SPGA. Each parking space on the plan shall be numbered. Designated loading areas, employee parking and handicapped parking shall be labeled as such.
- D. If requested by the Planning Board, an application for special permit shall be accompanied by a landscaping plan satisfactory to that Board, and the Planning Board shall certify in writing to the SPGA its approval of the plan before the SPGA acts on the application. Shall a continuance of the hearing be necessary to complete and certify such plan, it may be granted by the SPGA upon request of the Planning Board.
- E. In the event of a continuance of the special permit hearing or decision beyond the statutory time limit set forth by MGL Ch. 40A, Sec. 9 is required for the purpose of completing any plan to the satisfaction of the SPGA, the Planning Board or any other Town Board or official, the applicant and the SPGA may agree in writing to such continuance.
- F. Failure of the applicant to agree to such continuance shall be prima facie evidence that the applicant is not in compliance with all provisions and requirements of Section 10.4 the Great Barrington Zoning Bylaw and these Regulations, and shall be grounds for rejection of the special permit application.

G. Schedule of Fees

1. The minimum filing fee for a special permit shall be \$150. No special permit application shall be accepted without payment in full of the required filing fee. Notwithstanding the foregoing, the SPGA shall be empowered to waive all or part of any fee for applications submitted by municipal or charitable organizations.
2. All reasonable costs approved by the majority vote of the SPGA as necessary for the employment of experts or consultants by any board, agency or official of the Town for the purpose of analyzing or evaluating any project that is the subject of a special permit application shall be assessed to the applicant and shall constitute part of the filing fee. Such costs shall be determined to the satisfaction of the SPGA on the basis of estimates from professionals such as civil engineers, traffic engineers, hydrologists, botanists, and the like, as well as the experience of Town boards, departments, agencies and officials derived from similar projects.
3. Upon determination by the SPGA of the monies required for evaluation or analysis, the SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or the consultants chosen to evaluate the project and the fees required for such evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage-prepaid, of the nature of the evaluation and the choice of consultant.
4. All required fees shall be paid by the applicant to the Town within ten (10) business days of receipt of such notification. Payment shall be by check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant, or the postmark thereon, if such postmark is a later date.
5. In the event additional evaluation of the project is requested by any board, agency or official of the Town after the initial deposit of funds, and if such additional evaluation is approved by a majority vote of the SPGA, the SPGA shall determine the additional monies required and shall require those amounts to be paid to the Town.
6. The SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or consultants chosen and the fees required for such additional evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage prepaid of the nature of the additional evaluation and the choice of consultant.
7. Such additional fees shall be paid with ten (10) business days of receipt of notification by the application. Payment shall be by a check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant or the postmark thereon, if such postmark is a later date.
8. All fees paid under the provisions of Section D (2) shall be deposited in a special account established by the Town Treasurer in the Town Treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the SPGA without further appropriation; provided, however, that such funds shall be expended only in connection with carrying out the responsibilities of such SPGA under law.
9. Any excess amount in the account attributable to a specific project, including any accrued interest at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest, and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. For the purposes of this regulation, a project shall be deemed complete upon issuance of a final Certificate of Occupancy by the Inspector of Buildings, or if no Certificate of Occupancy is required, by written certification by the Inspector of Buildings that the project has been completed to his satisfaction.
10. The Town Accountant shall submit annually to the Selectboard a report of such special account for their review. Said report shall be published in the annual town report, and the Town Accountant shall submit a copy of same annually to the director of the bureau of accounts.

11. Failure or refusal to pay any fee assessed to the applicant by the SPGA acting under the provisions of this regulation shall be grounds for summary denial of the special permit application.

G. Administrative Appeal:

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

1. Any such appeal shall be accompanied by a filing fee of fifty dollars (\$50) and shall be filed within ten (10) business days of the appellant's receipt of notification of the selection of the consultant. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification or the postmark thereon if said postmark is a later date.
2. Any appeal filed under this section shall be administrative in nature and shall be limited in its grounds to claims that the consultant selected has a conflict of interest or does not possess minimum qualifications consisting of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field.
3. The required time limits for action by the SPGA on the special permit application that is the subject of any such appeal shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Selectboard within the one month following the filing of the appeal, the selection of the consultant shall stand.
4. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

I. Severability:

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

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

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

Revised 9/5/95

Revised 8/25/05

Revised 2/12/07

Revised 7/23/07

Revised 1/24/11

Revised 4/25/11

Revised 9/12/11

Revised 10/11/11

Revised 3/26/12

Revised 10/24/16

Revised 8/25/18

Revised 1/14/19

EXECUTIVE SUMMARY


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

BACKGROUND: The Town has advertised for a resident(s) to serve as member(s) at large on the Design Advisory Committee. Design Advisory Committee Bylaws (9.5.6) allows for three members from the general public to be appointed by the Selectboard. The term of the appointed member shall be for 5 years. At this time there are two member at large vacancies and Rees Shad has applied.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: Appoint Rees Shad to the Design Advisory Committee for a term to expire June 30th, 2024.

PREPARED AND REVIEWED BY: _____


Mark Pruhenski, Town Manager

DATE: 7-18-19

EXECUTIVE SUMMARY

TITLE: Appointment of Trustee.

BACKGROUND: The Affordable Housing Trust Fund includes seven Trustees, appointed by the Selectboard for terms not to exceed two years. There are currently 5 Trustees and two vacancies. Fred Clark, has applied to be appointed.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: Appoint Fred Clark for a term to expire June 30, 2021.

PREPARED AND REVIEWED BY:



Mark Pruhenski, Town Manager

DATE:

7/19/19

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

EXECUTIVE SUMMARY

TITLE: Lake Mansfield Road – Short Term Paving and Repairs

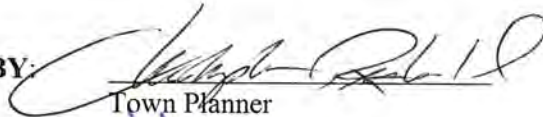
BACKGROUND: The Board has previously directed that in the future Lake Mansfield Road will not be open to vehicular traffic. However, implementation of this decision will take some time as staff and the Lake Mansfield Improvement Task Force begin work on that design and funding scenarios. As previously discussed, this may take several years. In the meantime the road continues to deteriorate, presenting hazards to vehicles, recreational users, and the water quality of the lake itself.

DPW proposes to implement a short term paving solution for the worst stretch of road, a length of about 900 feet. This would likely consist of a relatively thick overlay of asphalt, similar to what was done at the outlet end of the road two years ago, and which will more likely to resist a couple of winters than would simple patching of potholes.

FISCAL IMPACT: A one-time cost of about \$50,000, depending on bids

RECOMMENDATION: The Selectboard seek the input of the Lake Mansfield Improvement Task Force regarding short term paving, and then make a decision at the August 12 Selectboard meeting.


PREPARED BY:


Town Planner

DATE:

7/18/19

APPROVED BY:


Town Manager

DATE:

7/18/19

EXECUTIVE SUMMARY

TITLE: State Road and Main Street “Brown Bridge”

BACKGROUND: MassDOT District 1 expects to begin repairs on the State/Main Brown Bridge in the spring of 2020. While we don’t have a full scope of the repairs at this time, we are expecting roughly 20,000 pounds of steel repair, repairs to the existing rail, and fresh paint. Partial traffic closures will occur, but 2-way traffic is expected to be maintained. At this time, MassDOT would like input from the town on paint color.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff recommends the Selectboard seek feedback from the Design Advisory Committee which will meet later in July, and defer a decision until August 12, 2019.

PREPARED AND REVIEWED BY:

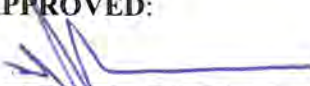
DATE:

Sean VanDeusen/DPW Superintendent

07/19/2019

APPROVED:

DATE:



Mark Pruhenski/Town Manager

07/19/2019

SENATE No. 101

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to regulating horse racing and wagering.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>

SENATE No. 101

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 101) of Joseph A. Boncore and Adam G. Hinds for legislation relative to regulating horse racing and wagering. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to regulating horse racing and wagering.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof the following clause:-

Tenth, "Illegal gaming," a banking or percentage game played with cards, dice, tiles or dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) pari-mutuel wagering on horse races and greyhound races under chapter 128D; (iv) a game of bingo conducted under chapter 271; and (v) charitable gaming conducted under said chapter 271."

SECTION 2. Section 7 of chapter 23K of the General Laws is hereby repealed. Said section 7 shall not be revived by any future operation of sections 17 or 112 of St. 2011, c. 194.

SECTION 3. Section 60 of said chapter 23K is hereby repealed. All monies in the Race Horse Development Fund established under said section 60 as of the effective date of this Act shall be transferred to the Race Horse Development Fund established pursuant to section 10 of chapter 128D of the General Laws, as inserted by this Act.

SECTION 4. Chapter 128A of the General Laws is hereby repealed.

SECTION 5. Chapter 128C of the General Laws is hereby repealed.

SECTION 6. The General Laws are hereby amended by inserting after said chapter 128C the following chapter:-

CHAPTER 128D.

HORSE RACING AND WAGERING.

Section 1. Preamble. It is the intent of this chapter to grant the Massachusetts gaming commission all necessary authority to oversee and regulate all aspects of horse racing in the commonwealth with the object of promoting its efficient operation, and the honesty and integrity of the wagering process related to it. It is the further intent of this chapter that the commission utilize best efforts to ensure that the horse racing industry be preserved and sustained for, amongst other reasons, the preservation of open space, the agricultural benefits associated with horse racing, and the creation and preservation of jobs and businesses associated with horse racing.

Section 2. Terms used in this chapter shall, unless the context otherwise requires, be construed as follows:

“Advance Deposit Wagering”, a form of pari-mutuel wagering in which an individual may deposit money to an account established through an agreement with a holder of a racing license or simulcasting license and use the account balance to make and pay for wagers by the holder of the account which wagers may be made in person, by direct telephone call or by communication through other electronic media by the holder of the account to the licensee.

“Breaks”, in the case of live horse racing conducted in the commonwealth by a racing licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered. In the case of live horse racing conducted at a race track outside the commonwealth, the amount of the breaks shall be determined in accordance with the laws of the state in which the race track is located.

“Commission”, the Massachusetts gaming commission established in chapter 23K.

“Exotic wager”, a wager on the speed or ability of a combination of more than 1 horse in a single race.

“Guest track”, a simulcasting licensee or an out-of-state pari-mutuel wagering facility which accepts a simulcast wager on a live race conducted at another track which is presented by simulcast at the facility of the simulcasting licensee or the out-of-state pari-mutuel wagering

“Horsemen’s Thoroughbred Association,” the New England Horsemen’s Benevolent and Protective Association.

“Host track”, a racing licensee or an out-of-state track which conducts a live race which is the subject of intertrack simulcasting and simulcast wagering.

“Pari-mutuel”, a form of wagering on the outcome of an event in which all wagers are pooled and held by an association for distribution of the total amount, less the deductions authorized by law, to holder of tickets on the winning contestants.

“Premium”, an amount paid to a racing licensee by a simulcasting licensee on account of the simulcasting licensee taking wagers on interstate simulcasts of the type of horse racing as is conducted by the racing licensee.

“Racing license”, an authorization awarded to a person by the commission, under specified conditions, to accept wagers on live horse racing conducted on the license holder’s licensed premises in the commonwealth; a racing license shall not confer on its holder any rights to simulcast or to accept simulcast wagers, but an eligible person may apply for and be awarded both a racing license and a simulcast license.

“Racing licensee”, a person who holds a racing license; a racing licensee may also be a simulcasting licensee, in which case the licensee may conduct racing and simulcasting operations at the same location or in different locations.

“Race track” shall, as determined by the commission, include the track, grounds, auditorium, amphitheater and bleachers, if any, and adjacent places used in connection therewith, where live horse racing may be held.

“Rebate”, a portion of pari-mutuel wagers, otherwise payable to a racing or simulcasting licensee, that is paid to a holder of a pari-mutuel wagering ticket and that reduces the amount otherwise payable to such licensee, including, but not limited to: refunds to holders of pari-mutuel wagering tickets of any portion or percentage of the full face value of a pari-mutuel wager; bonuses on a winning pari-mutuel ticket; awards of merchandise; services such as meals, parking, admission, seating and programs; free or reduced-cost pari-mutuel wagers; monetary awards; or any other benefit that the commission deems appropriate to reward racing and simulcasting patrons for their patronage.

“Simulcast”, the broadcast, transmission, receipt or exhibition, by any medium or manner, of a live race conducted at a race track other than the one at which it is being exhibited, whether inside or outside the commonwealth, including but not limited to, a system, network, or programmer which transmits, or receives, television or radio signals by wire, satellite, or otherwise.

“Simulcasting license”, an authorization awarded to a person by the commission, under specified conditions, to accept simulcast wagers, provided that the commission may award a simulcasting license only to a racing licensee licensed under this chapter, a gaming licensee licensed pursuant to chapter 23K at a gaming establishment, or an entity previously licensed pursuant to chapter 128A or chapter 128C.

“Simulcasting licensee”, a person who holds a simulcasting license.

“Simulcast wager”, a wager taken by a simulcasting licensee on a race that is simulcast.

“Straight wager”, a wager on the speed or ability of any 1 horse in a single race.

“Takeout”, monies deducted from a pari-mutuel pool in accordance with this chapter prior to payment of winnings.

Section 3. (a) The commission shall have all powers necessary or convenient to effectively regulate horse racing and related wagering including, but not limited to,

(1) all requisite powers afforded in accordance with section 4 of chapter 23K to be used to for the implementation, administration and enforcement of this chapter;

(2) the power to adopt, amend or repeal regulations for the implementation, administration and enforcement of this chapter; and

(3) the power to award, revoke and suspend racing licenses and simulcasting licenses in accordance with regulations adopted pursuant to section 4, provided, however, notwithstanding any provision of this chapter, any other general or special law, or any regulations adopted hereunder to the contrary, the greyhound racing licensees licensed to conduct live racing in calendar year 2009 and the harness horse and running horse racing licensees licensed to conduct live racing in calendar year 2014 pursuant to chapter 128A shall be licensed as simulcasting licensees under this chapter through December 31, 2024, provided however that it shall be a condition of the 2014 harness horse racing licensee’s simulcasting license that it comply with all live racing obligations under chapter 23K or under chapter 194 of the acts of 2011; and provided further that it shall be a condition of the 2014 running horse racing licensee’s simulcasting license that it pursue development and operation of a new or re-established race track in the Commonwealth or operate such a race track. While the 2014 running horse racing licensee is pursuing development and operation of such a race track, it shall be authorized to conduct simulcasting and simulcast wagering in one or more locations in the commonwealth without any requirement to conduct live racing or to conduct business in the same location as it operated under chapters 128A and 128C and, once it is operating such a race track, its authorization to conduct simulcast wagering shall not be infringed on account of the number of days of racing it hosts or the number of races it conducts so long as it conducts at least 1 day of live racing each year. The 2014 running horse racing licensee may assign its simulcasting license to another person, who thereafter shall be considered to be the 2014 running horse licensee for purposes of this chapter.

(b) The power and authority granted to the commission hereunder shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.

Section 4. (a) The commission shall promulgate regulations for the implementation, administration and enforcement of this chapter including, without limitation, regulations that:

(1) prescribe the application process and criteria for evaluation of the application and renewal for a racing license; in determining whether to award a racing license the commission shall take into consideration the physical locations of the licensed race tracks as they relate to each other and how they maximize benefits to the commonwealth, the support or opposition to each applicant from the public, and any other considerations deemed relevant by the commission;

(2) prescribe the process and criteria for evaluation of the application and renewal of a simulcasting license to a racing licensee licensed under this chapter, a gaming licensee licensed pursuant to chapter 23K at a gaming establishment, or an entity previously licensed pursuant to chapter 128A or chapter 128C; in granting a simulcasting license to a gaming licensee, the commission shall take into consideration the impact on facilities of persons previously licensed pursuant to said chapters 128A and 128C;

(3) prescribe procedures and requirements necessary to the proper governance of the conduct of live horse racing, simulcasting, and wagering thereon, including:

(i) the amount and manner that premiums, if any, will be assessed upon the simulcasting licensees;

(ii) the extent to which, if any, rebating will be authorized in the commonwealth;

(iii) procedures for advance deposit wagering, including the use of advance deposit wagering accounts including electronic components of advance deposit wagering account, rebates and rewards; and

(iv) the use of the breaks;

(4) prescribe the minimum number of live racing days required to be held by a racing licensee other than a gaming licensee who holds live racing on the premises of the gaming establishment;

(5) establish procedures governing the operation of the Race Horse Development Fund established pursuant to section 10;

(6) prescribe grounds and procedures for the revocation, suspension and discipline of all licenses and registrations;

(7) prescribe the assessment and allocation of funds from racing licensees and simulcasting licensees for the purpose of funding, to the extent not funded in accordance with section 11, the operations of the commission relative to racing, simulcasting and wagering thereon, including the costs to the commission of conducting each racing performance conducted by a racing licensee, which funding, with associated expenditures, shall be reported to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies and made public annually within 60 days of the end of each fiscal year; and

(8) prescribe any other issues related to the honest conduct of horse racing, simulcasting and wagering thereon.

(b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or repeal any regulation promulgated under this chapter as an emergency regulation if such regulation is necessary to protect the interests of the commonwealth in regulating horse racing.

Section 5. Advance deposit wagering by residents of the commonwealth on the results of horse races conducted in the commonwealth or in jurisdictions outside of the commonwealth shall be authorized and lawful in the commonwealth so long as there is a racing licensee or a simulcasting licensee under this chapter, provided that, until December 31, 2029, all advance deposit wagering shall be conducted by a person who was a running horse or harness horse racing meeting licensee under chapter 128A in 2014 or who is the assignee of such a person, unless no such person or assignee continues as a racing or simulcasting licensee. A racing or simulcasting licensee authorized pursuant to this section to conduct advance deposit wagering shall do so in accordance with any regulations promulgated by the commission and may do so directly or through a service provider with whom it has a written agreement.

Section 6. The commission may inspect and shall have access to the entire race track or simulcasting facility and premises associated therewith upon which activity is conducted pursuant to a racing license or a simulcasting license issued in accordance with this chapter including all records, documents, systems, equipment, and supplies on the premises.

Section 7. The commission may audit as often as the commission determines necessary the accounts, programs, activities, and functions of all racing licensees and simulcasting licensees. To conduct the audit, authorized officers and employees of the commission shall have access to such accounts at reasonable times, and the commission may require the production of books, documents, vouchers and other records relating to any matter within the scope of the audit. Further, the commission shall make an annual report of horse racing and simulcasting activity and related wagering in the commonwealth to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies which shall include a full and complete statement of racing revenues.

Section 8. Each racing licensee and simulcasting licensee shall make readily available to the commission all documents, materials, equipment, personnel and any other items requested during an investigation; provided, however, that material that a racing licensee or simulcasting licensee considers a trade secret or would be detrimental to the licensee if it were made public may, with the commission's approval, be protected from public disclosure and the licensee may require nondisclosure agreements with the commission before disclosing such material.

Section 9. The commission shall establish application fees for all licenses, approvals, and renewals awarded under this chapter which shall include costs incurred for conducting a background investigation into an applicant. The commission may seek reimbursement from an applicant for any costs of investigation in excess of the initial application or renewal fee.

Section 10. (a) There shall be established and set up on the books of the commonwealth a separate fund known as the Race Horse Development Fund to be administered by the commission. Any monies directed by any provision of any general or special law to be deposited into the Race Horse Development Fund formerly established under former section 60 of chapter 23K, including without limitation subsection (c) of section 55 of chapter 23K and subclause (l) of clause (2) of section 59 of said chapter 23K, and any monies credited to or transferred to the fund from any other fund or source, shall be deposited into the fund established pursuant to this section.

(b) All monies transferred to the Race Horse Development Fund established by this section from the Race Horse Development Fund formerly established under said section 60 of chapter 23K that had been allocated for the benefit of the thoroughbred racing industry under the former fund shall be distributed from the

fund established by this section only for the benefit of thoroughbred racing, provided, however, that the restrictions on the use of funds set forth in said section 60 shall not apply.

(c) Subject to subsection (b), the commission may make any distribution from the fund it determines to be in the best interest of horse racing in the commonwealth including, but not limited to (i) distribution of not less than 50 per cent of the monies deposited in the fund after the effective date of this chapter to racing licensees to fund purses, provided that the commission determines that there is sufficient live racing in the commonwealth to sustain that level of purse funding; (ii) funding a program established by the commission with eligibility requirements to provide health, pension, life insurance and other benefits deemed appropriate to owners, trainers, breeders, jockeys, drivers and others associated with horse racing, and (iii) distribution in support of breeding of thoroughbred and standardbred horses in the commonwealth. In addition, in the event that the running horse racing meeting licensee licensed under chapter 128A in 2014 or its successor or assign pursues development and operation of a new or re-established thoroughbred race track in the commonwealth or operates such a race track, the commission shall distribute monies from the fund to such licensee, successor or assign to the extent agreed between it and its horsemen, for the payment of expenses incurred in pursuing the development and operation of a new or re-established racetrack, for capital expenses of the new or re-established race track, or for operating expenses at the new or re-established racetrack.

(c) Any funds previously distributed from the Race Horse Development Fund established under section 60 of chapter 23K to a licensee under chapter 128A that had not been expended by the recipient licensee as of the effective date of this section may be used by the licensee for purses or, to the extent agreed between the licensee and its horsemen, for expenses incurred in pursuing the development and operation of a new or re-established racetrack, for capital expenses of a new or re-established race track, or for operating expenses at a new or re-established racetrack.

Section 11. (a) Every racing licensee conducting pari-mutuel wagering on horse races run live at its licensed race track shall return all sums deposited in any pari-mutuel pool by patrons for wagers on such live horse races to the holders of winning tickets therein less the breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19 per cent of the total amount so deposited on a straight wager and 26 per cent of the total amount so deposited on an exotic wager. From the takeout, the licensee shall pay:

(i) to the commission on behalf of the commonwealth, a pari-mutuel tax in an amount equal to 0.75 per cent of all amounts so deposited, less the breaks;

(ii) (A) if a running horse licensee, to the Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 1 per cent of the total amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of chapter 128; and

(B) if a harness horse licensee, to the Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2 of chapter 128, a sum equal to 0.5 per cent of the total amount so deposited, less the breaks, on straight wagers and a sum equal to 1.5 per cent of the total amount so deposited, less the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said section 2;

(iii) (A) if a running horse licensee, a sum equal to 8.5 per cent of the amount so deposited, less the breaks, on straight wagers and a sum equal to 9.5 per cent of the amount so deposited, less the breaks, on exotic wagers, for payment of purses and, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of the licensee's administrative and horseracing operations;

(B) if a harness horse licensee, a sum equal to 8 per cent of the amount so deposited, less the breaks, on straight wagers and a sum equal to 10 per cent of the amount so deposited, less the breaks, on exotic wagers for the payment of purses; and

(iv) if a running horse licensee, to Tufts University School of Veterinary Medicine, a sum equal to 0.5 per cent of the amount so deposited, less the breaks, on exotic wagers.

In addition, 3.5 per cent of all purses paid by running horse racing licensees, except purses funded by the Massachusetts Thoroughbred Breeders Association, Inc., shall be paid to the Massachusetts Thoroughbred Breeders Association, Inc. Such payment may be made from purse funds disbursed from the Race Horse Development Fund.

The licensee shall be entitled to retain the remainder of the takeout as its commission.

(b) Every simulcasting licensee acting as a guest track simulcasting a race run live at a host track within the commonwealth shall return all sums deposited in any pari-mutuel pool by patrons for wagers on such in-state simulcast races to the holders of winning tickets therein less the breaks and less a takeout in an amount to be

determined by the licensee but not to exceed 19 per cent of the total amount so deposited on straight wagers and 26 per cent of the total amount so deposited on exotic wagers. From the takeout, the licensee shall pay:

(i) to the commission on behalf of the commonwealth, a pari-mutuel tax in a sum equal to 0.375 per cent of the amount so deposited, less the breaks;

(ii) to the host racing association, a sum equal to 11 per cent of the amount so deposited, less the breaks;

(iii) (A) if the simulcasting licensee is also a running horse racing licensee, to the Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 0.5 per cent of the total amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of chapter 128; and

(B) if the simulcasting licensee is also a harness horse racing licensee, to the Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2 of chapter 128, a sum equal to 0.25 per cent of the total amount so deposited by patrons, less the breaks, on straight wagers and a sum equal to 0.75 per cent of the total amount so deposited, less the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said section 2 of said chapter 128; and

(iv) (A) if the simulcasting licensee is also a running horse racing licensee, a sum equal to not less than 3.5 per cent of the total amount so deposited, less the breaks, for the payment of purses and, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of the licensee's administrative and horseracing operations;

(B) if the simulcasting licensee is also a harness horse racing licensee, a sum equal to not less than 3.5 per cent of the total amount so deposited, less the breaks, for the payment of purses;

(v) if the simulcast race is a thoroughbred race, to the department of agricultural resources, a sum equal to 0.25 per cent of the total amount so deposited on exotic wagers.

The licensee shall be entitled to retain the remainder of the takeout as its commission.

(c) Every simulcasting licensee acting as a guest track simulcasting a race run live at a host track outside of the commonwealth shall return all sums deposited in any pari-mutuel pool by patrons for wagers on such out-of-state simulcast races to the holders of winning tickets therein less the breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19 per cent of the total amount so deposited on straight

wagers and 26 per cent of the total amount deposited on exotic wagers or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track. From the takeout, the licensee shall pay:

(i) to the commission on behalf of the commonwealth, a pari-mutuel tax in an amount equal to 0.375 per cent of all wagers, less the breaks

(ii) (A) if the simulcasting licensee is also a running horse racing licensee, to the Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 0.5 per cent of the total amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of chapter 128; and

(B) if the simulcasting licensee is also a harness horse racing licensee, to the Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2 of chapter 128, a sum equal to 0.25 per cent of the total amount so deposited by patrons, less the breaks, on straight wagers and a sum equal to 0.75 per cent of the total amount so deposited, less the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said section 2;

(iv) (A) if the simulcasting licensee is also a running horse racing licensee, a sum equal to not less than 0.5 per cent and not more than 2.5 per cent of the total amount so deposited, less the breaks, for the payment of purses and, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of the licensee's administrative and horseracing operations;

(B) if the simulcasting licensee is also a harness horse racing licensee, a sum equal to not less than 4.0 per cent and not more than 7.5 per cent of the total amount so deposited, less the breaks, for the payment of purses;

The licensee shall be entitled to retain the remainder of the takeout as its commission.

(d) All pari-mutuel taxes paid to the commission pursuant to this section, and all assessments, association licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues paid to the commission shall be deposited in a separate account under the control and supervision of the commission. The total amount of such pari-mutuel taxes and other revenues shall be expended in the following order of priority and for the purposes specified:

- (1) local aid to the host community of each racing licensee in the amount of 0.35 per cent of all wagers placed with the racing licensee on its live races;
 - (2) \$35,000 annually per racing and simulcasting licensee to the department of public health for assistance with problem gambling research, prevention, and treatment programs;
 - (3) \$80,000 annually to an organization, as determined by the commission, which provides health, medical, food, substance abuse treatment and other social services for persons who are employed in the stable or the backstretch area of a running horse licensee, if there is such a licensee;
 - (4) \$20,000 annually to the commission to provide economic assistance, in accordance with regulations adopted by the commission, to any person employed in the racing facility, the stable or the backstretch area of a running horse licensee who is facing hardship due to illness or unforeseen tragedy;
 - (5) up to \$1,080,976 per fiscal year for the operations of the commission relative to racing, including the costs to the commission of conducting each racing performance conducted by a racing licensee;
 - (6) any remaining revenues up to \$4,500,000 to the racing licensees to be used for purses in amounts to be determined according to a formula established by the commission; and
 - (7) any remaining revenues to the General Fund.
- (e) No winnings shall be paid by a racing or simulcasting licensee after December 31 of the year following the year in which the wager was made except with permission of the commission or pursuant to a judgment in an action brought to recover the winnings or in settlement of such an action. No action to recover winnings upon a wager made under this chapter or under chapter 128A or 128C after November 15, 2001 shall be commenced after December 31 of the year following the year in which the wager was made. A notice of the limitation prescribed by this section in such form as the commission may prescribe shall be posted by each licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold. Within 90 days of December 31, each licensee shall certify to the commission the total amount of money held for the payment of any wagers for the recovery of which no action has commenced within the time herein limited and shall thereafter be permitted free use of the funds, provided, however, that if the licensee is a racing licensee, then the funds shall be used for the payment of purses and, with the approval of the appropriate horsemen's association

representing the horse owners racing at that meeting, for payment of the licensee's administrative and horseracing operations.

Section 12. The provisions of section 181 of chapter 140 and of sections 31, 33, and 34 of chapter 271, and of chapter 494 of the acts of 1908, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council or the town council or the selectmen as provided by said section 33 of said chapter 271, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated. A new local approval under this section shall not be required for thoroughbred and harness horse race tracks that were licensed by the commission or by its predecessor state racing commission for commercial racing under chapter 128A.

The approval of a location by a mayor and city council shall be deemed to be a measure within the provisions of section 42 of chapter 43 and the provisions of said sections shall apply to every city; provided, however, that such approval, if not rescinded as provided in said sections, shall be submitted to the voters of the city at a special election which shall be called by the city council and shall be held within 45 days of the filing of the petition protesting such approval taking effect.

The approval of a location by a town council, in a town having a town council, and by the selectmen in any other town, upon petition of 12 per cent of the voters of the town filed with the town clerk protesting against such approval taking effect shall be suspended from taking effect and the town council or the selectmen, as the case may be, shall immediately reconsider such approval, and if such approval is not rescinded, the question of such approval shall be submitted to the voters of the town at a special election which shall be called by the selectmen or town council, as the case may be, and which shall be held within 45 days of the submission of said petition. Such approval shall become null and void unless a majority of the voters voting on the same at said election vote in the affirmative.

Section 13. Notwithstanding the provisions of this chapter or any general or special law to the contrary, no live dog racing or live racing meeting where any form of wagering on the speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the commission is hereby prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating any provision of this section relative to dog racing shall be subject to a civil penalty of not less than twenty thousand dollars which shall be payable to the commission and used in accordance with subsection (d) of section 11.

Section 14. Any person who accepts or pays out a wager on the results of any horse race or dog race, or aids or abets any of the foregoing types of wagering, except as permitted by this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars and imprisonment for not more than one year, and for a subsequent offence by a fine of not more than ten thousand dollars and imprisonment for not more than two years.

Section 15. In the event that the commonwealth authorizes any person or persons to accept wagering on sporting events other than horse or dog races, a racing licensee or simulcasting licensee under this chapter shall also be authorized to accept such sports wagers, on the same terms and conditions as the other person or persons, either directly or through an account deposit wagering service provider.

SECTION 7. Notwithstanding any provision of any general or special law to the contrary, as of the effective date of this section, no person shall be required to pay any money into the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each established pursuant to section 11 of chapter 494 of the acts of 1978, or into the Harness Horse Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each established pursuant to section 12 of said chapter 494, all of which funds are referred to in this section as the "Racing Trust Funds." Any funds that were previously paid into the Racing Trust Funds and had not been expended prior to the effective date of this section shall be paid by the commission, without condition or restriction and within thirty days of the effectiveness of this section, to the racing licensee under chapter 128A from whose operations the funds were derived. Once all funds in a Racing Trust Fund shall have been so paid to the licensee from whose operations they were derived, the Racing Trust Fund shall be disestablished.

SECTION 8. Notwithstanding any general or special law to the contrary, any person authorized at any point in 2019 prior to the effective date of this Act by any general or special law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance deposit wagering under said chapter 128A or said chapter 128C shall remain authorized until December 31, 2019, to conduct horse racing, simulcasting, or pari-mutuel wagering on the same terms and conditions in effect as of January 1, 2019 except for any term or condition that terminates such authorization prior to December 31, 2019.

HOUSE No. 13

So much of the recommendations of the Massachusetts Gaming Commission (House, No. 12) as relates to horse racing and wagering. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to horse racing and wagering.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof
3 the following clause:

4 Tenth, "Illegal Gaming", a banking or percentage game played with cards, dice, tiles or
5 dominoes or an electronic, electrical or mechanical device or machine for money, property,
6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the
7 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted
8 under chapter 23K; (iii) pari-mutuel wagering on horse races and greyhound races under chapter
9 128D; (iv) a game of bingo conducted under chapter 271; and (v) charitable gaming conducted
10 under said chapter 271.

11 SECTION 2. Chapter 128A of the General Laws is hereby repealed.

12 SECTION 3. Said chapter 128C is hereby repealed.

13 SECTION 4. Section 7 of chapter 23K of the General Laws is hereby repealed.

14 SECTION 5. Section 60 of chapter 23K of the General laws is hereby repealed.

15 SECTION 6. Notwithstanding any general or special law or rule or regulation to the
16 contrary, all existing general and special laws, licenses, authorizations or approvals relative to
17 horse racing, simulcasting or wagering thereon are sunset on July 31, 2019.

18 SECTION 7. The General Laws are hereby amended by inserting after chapter 128C the
19 following chapter:-

20 CHAPTER 128D.

21 HORSE RACING AND WAGERING.

22 Section 1. Preamble. It is the intent of this chapter to grant the Massachusetts Gaming
23 Commission all necessary authority to oversee and regulate all aspects of horse racing and
24 simulcasting in the Commonwealth with the object of promoting its efficient operation, and the
25 honesty and integrity of the wagering process related to it. It is the further intent of this chapter
26 that the Commission utilize best efforts to ensure that the horse racing industry be preserved and
27 sustained for, amongst other reasons, the preservation of open space, the agricultural benefits
28 associated with horse racing, and the creation and preservation of jobs and businesses associated
29 with horse racing.

30 Section 2. Terms used in this chapter shall, unless the context otherwise requires, be
31 construed as follows:

32 "Advance Deposit Wagering", a form of pari-mutuel wagering in which an individual
33 may deposit money to an account established through an agreement with a holder of a racing

34 meeting license or simulcasting license and use the account balance to make and pay for wagers
35 by the holder of the account which wagers may be made in person, by direct telephone call or by
36 communication through other electronic media by the holder of the account.

37 "Breaks", in the case of live horse racing meetings conducted in the commonwealth by a
38 racing meeting licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered;
39 provided however, that in the case of live horse racing meeting conducted at a race track outside
40 the commonwealth, the amount of the breaks shall be determined in accordance with the laws of
41 the state in which the race track is located.

42 "Commission", the Massachusetts gaming commission established in chapter 23K.

43 "Exotic wager" a bet on the speed or ability of a combination of more than 1 horse in a
44 single race.

45 "Guest track" a racing meeting licensee or an out-of-state pari-mutuel wagering facility
46 which accepts a simulcast wager on a live race conducted at another track which is presented by
47 simulcast at the facility of the racing meeting licensee or the out-of-state pari-mutuel wagering
48 facility.

49 "Host track", a racing meeting licensee or an out-of-state track which conducts a live race
50 which is the subject of intertrack simulcasting and simulcast wagering.

51 "Pari-mutuel wagering", a form of wagering on the outcome of an event in which all
52 wagers are pooled and held by an association for distribution of the total amount, less the
53 deductions authorized by law, to holder of tickets on the winning contestants.

54 "Premium", the amount paid to a racing meeting licensee in addition to a host track fee
55 for purposes of providing a simulcast signal.

56 "Race track", a track where live horse racing meetings are held, including but not limited
57 to, grounds, auditoriums, amphitheaters and bleachers, if any, and adjacent places used in
58 connection therewith.

59 "Racing license", an authorization awarded by the commission, under specified
60 conditions, to accept wagers on live horse racing conducted on licensed premises in the
61 commonwealth.

62 "Racing licensee", is a person who holds a racing license.

63 "Rebate" a portion of pari-mutuel wagers, otherwise payable to a racing licensee, that is
64 paid to a holder of a pari-mutuel wagering ticket and that reduces the amount otherwise payable
65 to such licensee, including, but not limited to, refunds to holders of pari-mutuel wagering tickets
66 of any portion or percentage of the full face value of a pari-mutuel wager, paying a bonus on a
67 winning pari-mutuel ticket, awards of merchandise, services such as meals, parking, admission,
68 seating and programs, free or reduced cost pari-mutuel wagers, monetary awards, or any other
69 benefit that the commission deems appropriate to reward horse racing patrons for their
70 patronage.

71 "Simulcast", the broadcast, transmission, receipt or exhibition, by any medium or manner,
72 of a live race conducted live at a race track other than the one at which it is being exhibited at,
73 whether inside or outside the commonwealth, including but not limited to, a system, network, or
74 programmer which transmits, or receives, television or radio signals by wire, satellite, or
75 otherwise.

76 "Simulcasting license", is an authorization awarded to a person by the commission under
77 specified conditions, to accept simulcast wagers.

78 "Simulcast licensee", a person who holds a simulcasting license.

79 "Simulcast wager", a wager taken by a simulcast licensee on a race that is simulcast.

80 "Takeout", monies deducted from a pari-mutuel wager as required by the commission
81 prior to payment of winnings.

82 Section 2. The commission shall have all powers necessary or convenient to effectively
83 regulate horse racing, simulcasting and pari-mutuel wagering including, but not limited to, the
84 power to adopt, amend or repeal regulations for the implementation, administration and
85 enforcement of this chapter. The commission shall not issue a prohibition on horse racing or
86 simulcasting or related wagering thereon; provided, however, that the commission may use its
87 powers to act on each individual licensing decision or in all other decisions in the best interest of
88 horse racing with the object of promoting its efficient operation and the honesty and integrity of
89 the wagering process related to it.

90 The commission shall administer and enforce any general and special law related to pari-
91 mutuel wagering and simulcasting. The commission shall serve as a host racing commission and
92 an off-track betting commission for the purposes of 15 U.S.C. 3001 et seq. The commission
93 shall have all requisite powers afforded in accordance with section 4 of chapter 23K. The power
94 and authority granted to the commission shall be construed as broadly as necessary for the
95 implementation, administration and enforcement of this chapter.

96 Section 3. (a) The commission shall promulgate regulations for the implementation,
97 administration and enforcement of this chapter including, without limitation, regulations that:

98 (i) prescribe the application process and criteria for evaluation of the application and
99 renewal for a racing license; provided, however, in determining whether to award or renew a
100 racing license the commission shall take into consideration the physical location of the race track
101 as it relates other proposed and licensed tracks, whether the race track will maximize benefits to
102 the commonwealth, the support or opposition to each applicant from the public, and any other
103 considerations deemed relevant by the commission;

104 (ii) prescribe the process and criteria for evaluation of the application and renewal of
105 a simulcasting license, provided, however that a simulcasting license shall be limited to a race
106 meeting licensee, a gaming licensee pursuant to chapter 23K or an entity licensed under chapters
107 128A or 128C to conduct simulcasting as of June 1, 2016 and in granting a simulcasting license
108 to a gaming licensee, the commission shall take into consideration the impact on existing
109 facilities previously licensed pursuant to said chapters 128A and 128C;

110 (iii) prescribe the minimum number of live racing days required to be held by a racing
111 licensee;

112 (iv) prescribe rules governing live horse racing, pari-mutuel wagering, simulcasting
113 and simulcast wagering;

114 (v) prescribe requirements that may direct a percentage of wagering received on in-
115 state and out-of-state horse races to the Race Horse Development Fund established in section 8
116 to support purse assistance and breeding programs;

- 117 (vi) prescribe the amount and manner that premiums, if any, will be assessed upon the
118 racing meeting and/or simulcasting licensees;
- 119 (vii) prescribe the amount and manner of takeouts;
- 120 (viii) prescribe procedures and requirements for the use of breaks and unclaimed
121 wagers;
- 122 (ix) establish uniform standards and requirements for horse racing including, but not
123 limited to, safety standards for horses, jockeys, drivers, and other participants, and for the drug
124 testing of horses and jockeys and drivers;
- 125 (x) prescribe the types of allowable wagers;
- 126 (xi) prescribe procedures for the use of advance deposit wagering accounts including
127 electronic components of advance deposit wagering account, rebates and rewards;
- 128 (xii) prescribe the manner in which judges, stewards and race officials will be qualified
129 and appointed;
- 130 (xiii) develop procedures for the voluntary and involuntary exclusion of patrons from a
131 race track in a manner consistent with section 45 of chapter 23K;
- 132 (xiv) require racing meeting licensees and simulcasting licensees to develop protocols
133 to prevent underage wagering and establish security procedures for ensuring the safety of minors
134 at race tracks;
- 135 (xv) prescribe the minimum internal control procedures for racing meeting licensees
136 and simulcasting licensees including those for effective control over the internal fiscal affairs of

137 a licensee, including provisions for implementation of a uniform standard of accounting, the
138 safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the
139 maintenance of reliable records, accounts and reports of transactions, operations and events,
140 including reports to the commission;

141 (xvi) establish licensure and registration procedures for employees of racing meeting
142 licensees and simulcasting licensees not working at a gaming establishment pursuant to chapter
143 23K;

144 (xvii) establish licensure and registration provisions for veterinarians, blacksmiths,
145 owners, trainers, jockeys and stable employees performing work at race tracks;

146 (xviii) require that all employees of a racing meeting licensee and simulcasting licensee
147 who have racing or simulcasting responsibilities, be properly trained in their respective
148 professions;

149 (xix) establish procedures governing the operation of the Racehorse Development Fund
150 established pursuant to section 8 of this chapter;

151 (xx) prescribe grounds and procedures for the revocation, termination or suspension of
152 licenses and registrations issued by the commission, and for the issuance of discipline or fines to
153 persons holding licenses and registrations granted by the commission;

154 (xxi) prescribe the allocation of funds from racing meeting licensees and simulcast
155 licensees for the purpose of funding the activities of the commission relative to racing; and

156 (xxii) prescribe any other issues related to the honest conduct of horse racing,
157 simulcasting and wagering related to horse racing and simulcasting.

158

159 (b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or
160 repeal any regulation promulgated under this chapter as an emergency regulation if such
161 regulation is necessary to protect the interests of the commonwealth in regulating horse racing.

162 Section 4. The commission may inspect and shall have access to the entire race track and
163 premises associated therewith upon which activity is conducted pursuant to a racing meeting
164 license or a simulcasting license issued in accordance with this chapter or chapter 23K including
165 all records, documents, systems, equipment, and supplies on the premises.

166 Section 5. The commission may audit as often as the commission determines necessary
167 the accounts, programs, activities, and functions of all racing meeting licensees and simulcasting
168 licensees. To conduct the audit, authorized officers and employees of the commission or
169 consultants contracted by the commission shall have access to such accounts at reasonable times,
170 upon reasonable notice and the commission may require the production of books, documents,
171 vouchers and other records relating to any matter within the scope of the audit.

172 Section 6. Each racing meeting licensee and simulcasting licensee shall make readily
173 available to the commission all documents, materials, equipment, personnel and any other items
174 requested during an investigation; provided, however, that material that a racing meeting licensee
175 or simulcasting licensee considers a trade secret may, with the commission's approval, be
176 protected from public disclosure and the licensee may require nondisclosure agreements with the
177 commission before disclosing such material.

178 Section 7. The commission shall establish application fees for all licenses, approvals, and
179 renewals awarded under this chapter which shall include costs incurred for conducting a

180 background investigation into an applicant. The commission may seek reimbursement from an
181 applicant for any costs of investigation in excess of the initial application or renewal fee.

182 Section 8. (a) There shall be a Race Horse Development Fund to be administered by the
183 commission which shall be used to support the best interest of the horse racing industry. The
184 fund shall consist of monies deposited under subsection (c) of section 55 of chapter 23K,
185 subclause (1) of clause (2) of section 59 of said chapter 23K and any money and any monies
186 credited to or transferred to the fund from any other fund or source, including gifts, grants and
187 donations. Amounts credited to the fund may be expended in the commission's discretion

188 (i) to fund purses for live horse racing meetings;

189 (ii) to support the general welfare of the horse racing and simulcasting industry in the
190 commonwealth;

191 (iii) for a commission program that supports health, pension, life insurance and other
192 benefits deemed appropriate by the commission for owners, trainers, breeders, jockeys,
193 drivers and other associated with horse racing;

194 (iv) to support the equine economy which may include but not be limited to
195 commonwealth bred thoroughbred and Standardbred horses and veterinary medicine including
196 but not limited to Tufts University School of Veterinary Medicine, equine care, open space
197 preservation and equestrian sport and therapeutic programs.

198 (b) The commission shall ensure that not less than 50 per cent of amounts credited to
199 the fund are available for purses under clause (i) in any year where live horse racing is conducted

200 in the commonwealth and is sufficient to sustain those purse funds. No expenditure from the
201 fund shall cause it to be in deficiency at the close of a fiscal year.

202 (c) All monies in the Race Horse Development Fund on the effective day of this
203 chapter pursuant to section 60 of chapter 23K of the General Laws shall be transferred to the
204 Race Horse Development Fund established in section 8 of this chapter 128D of the General
205 Laws. On and after the effective date of this chapter, all funds directed by any general or special
206 law to be deposited in the Race Horse Development Fund established in section 60 of chapter
207 23K shall be deposited into the Race Horse Development Fund established in said section 8 of
208 this chapter 128D.

209 Section 9. (a) A racing meeting licensee that conducts pari-mutuel betting on horse races
210 conducted on a licensed race track, shall distribute all sums deposited in any pari-mutuel pool to
211 the holders of winning tickets therein less any takeouts as determined by the commission.

212 (b) A simulcasting licensee acting as a guest track shall return to the winning patrons
213 wagering on such simulcast races all sums so deposited as an award or dividend, less any
214 takeouts as determined by the commission.

215 Section 10. Notwithstanding this chapter or any general or special law to the contrary, no
216 live dog racing meeting or live racing meeting where any form of betting or wagering on the
217 speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the
218 commission is hereby prohibited from accepting or approving any application or request for
219 racing dates for live dog racing.

220 Any person who violates this section relative to live dog racing shall be subject to a civil
221 penalty of not less than \$20,000 which shall be payable to the commission and used for
222 administrative purposes of the commission.

223 Section 11. Any person who accepts or pays out a wager or bet on the results of any
224 horse race or dog race, or aids or abets any of the foregoing types of wagering or betting, except
225 as permitted by this chapter, shall for a first offence be punished by a fine of not more than
226 \$2000 and imprisonment in the house of correction for not more than 1 year, and for a
227 subsequent offence by a fine of not more than \$10,000 and imprisonment in the house of
228 correction for not more than 2 years or both such fine or imprisonment.

229 Section 12. The commission shall provide an annual report of activity conducted
230 pursuant to this chapter. The report shall include, but not be limited to, an analysis of
231 commission activities designed to further the race horse industry and equine economy; a full and
232 complete statement of revenues, expenditures and the balance of the Race Horse Development
233 Fund; an accounting of funds received from racing meeting licensees and simulcast licensees for
234 the purpose of funding the activities of the commission; and an accounting of projected
235 expenditures from the Race Horse Development Fund in the next year. The report shall be made
236 available on the commission's website and filed annually with the clerks of the house of
237 representatives and the senate, the chairs of the house and senate committees on ways and means
238 and the chairs of the joint committee on economic development and emerging technologies not
239 later than March 1 of each calendar year.