

Mark Pruhenski
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER
Selectboard Meeting via Zoom
Order of Agenda for Monday, March 7, 2022, at 6:00 PM

Please click the link below to join the webinar:

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

Webinar ID: 84727797185

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

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's June 16, 2021 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Great Barrington Selectboard will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

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

1. CALL TO ORDER SELECTBOARD REGULAR MEETING
2. APPROVAL OF MINUTES
 - a. February 8, 2022-Joint Budget Meeting
 - b. February 9, 2022-Joint Budget Meeting
 - c. February 14, 2022
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
4. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Board and Committee Vacancy Update
5. LICENSES AND PERMITS
 - a. Vern Kennedy for the Number Ten requesting a one-day liquor license for the Berkshire Opera Festival event to be held at St. James Place, 352 Main Street Great Barrington on March 27, 2022 from 4:00 PM to 8:00 PM.
 - b. Loretta, Ahmed, and Attarilm McClennon for Momma Lo Southern Style BBQ requesting an annual Common Victualler License for 284 Main Street Great Barrington MA 01230.
 - c. Andrew Sagarin for the Berkshire South Regional Community Center requesting permission to use Town Roads for their 8th annual 5KRun/Walk on May 2nd, 2020.

6. PREVIOUS BUSINESS

- a. Continued discussion on the proposed Short Term Rental bylaw and set date for public input session.

7. CITIZEN SPEAK TIME

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

8. SELECTBOARD'S TIME

9. MEDIA TIME

10. ADJOURNMENT

NEXT SELECTBOARD MEETING

March 28, 2022

March 30, 2022

April 11, 2022

April 25, 2022



Mark Pruhenski, Town Manager

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

Town of Great Barrington
Current Board Committee Vacancies 3/4/2022

Board Name	Number of Members Allowed	Number of Current Members	Number of Current Vacancies
Affordable Housing Trust Fund	7 Regular Members	6 Regular Members	1 Regular Member
Agricultural Commission	5 Regular + 1 Associate	5 Regular Members	1 Associate Member
Cable Advisory Committee	3 Regular Members	1 Regular Member	2 Regular Members
Conservation Commission	7 Regular Members	5 Regular Members	2 Regular Members
Cultural Council	Up to 22 Regular Members	6 Regular Members	16 Regular Members
Design Advisory Committee	5 Regular + 2 Associate	5 Regular + 1 Associate	1 Planning Board Associate
Historical District Commission	5 Regular Members + 2 Associate	4 Regular + 2 Associate	1 Regular Member
Housatonic Improvement Committee	7 Regular Members	5 Regular Members	2 Regular Members
Parks and Recreation Commission	9 Regular Members	8 Regular Members	1 Regular Members
Planning Board	5 Elected Members + 1 Associate	5 Elected Members	1 Associate Member
Regional Transportation Advisory Committee	9 Regional Members	7 Regional Members	1 Lenox Member + 1 Egremont Member
Strategic Sustainability & Livability Committee	9 Regular Members	5 Regular Members	2 Regular Members
Tree Committee	7 Regular Members	4 Regular	3 Regular Members
WEB Du Bois Legacy Committee	12 Regular Members	11 Regular Members	1 Regular Member
Zoning Board of Appeals	5 Regular Members + 2 Associate	5 Regular + 1 Associate	1 Associate Member

RECEIVED
TOWN OF GREAT BARRINGTON

DEC 20 2021

SELECTBOARD &
TOWN MANAGER'S OFFICE



Fee: \$25.00 (per day)

paid cash ✓

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: VERN KENNEDY

Organization Name: NUMBER TEN RESTAURANT

Applicant's Address: 10 CASTLE ST, GB, MA 01230

Telephone Number: 5285244

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

Event: BENICSHIRE ORCA FESTIVAL

Date: 3/27/22 Start Time: 400PM End Time: 800PM

Event Address: ST JAMES PLACE, 312 MAIN ST, GB, MA 01230

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.

[Signature]
Signature of Applicant

12/20/21
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____



352 MAIN STREET, GREAT BARRINGTON, MA 01230

December 19, 2021

Vern Kennedy
Number 10 Restaurant
10 Castle Street
Great Barrington, MA 01230

Dear Vern,

Please take this letter as confirmation of our permission for you to provide and serve alcohol for the Berkshire Opera Festival reception on Saturday, March 27, 2022, following their performance.

We look forward to a memorable event and, as always, to our continued relationship.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth Keyes", written in a cursive style.

Seth Keyes
General Manager

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

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: _____

NOTICE:

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

TO THE LICENSING AUTHORITY:

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

OWNER(S) NAME: AHMED, Loretta, Attarilm McClemon

NAME OF BUSINESS: Momma Lo Southern Style BBQ

D/B/A (if applicable): _____

BUSINESS MAILING ADDRESS: 284 Main St Great Barrington MA 01230

BUSINESS TELEPHONE: 518-598-4684 HOME TELEPHONE: _____

LOCATION WHERE LICENSE IS TO BE USED: 284 Main St

Great Barrington MA 01230

DAYS OF OPERATION: 7 days

HOURS OF OPERATION: 11am - 9pm

DESCRIPTION OF PREMISES: _____

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

Attarilm McClemon
Signature of Individual or Corporate Name

By: _____
Corporate Officer (if applicable)

~~SS#~~ _____ or ~~PID#~~ _____



BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER

15 Crissey Road, Great Barrington, MA 01230 • www.berkshiresouth.org • 413.528.2810

February 23, 2022

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

Dear Selectboard,

I am writing to request permission for Berkshire South Regional Community Center to utilize the Walter J. Koladza Airport (Great Barrington Airport), and sections of the roads listed below, for our 8th Annual 5K Run/Walk on May 14, 2022. This event is rain or shine.

Our goal is to have the Airport be the central point for the race, both for registration in the morning and also utilize it as the start and finishing points for the race. Set-up would begin at 8:00 a.m., registration beginning at 9:00 a.m., and the race set to begin at 10:00 a.m. Our plan is to complete the entire event and remove all items by 12:00 p.m.

The running route will begin on the Great Barrington Airport runway, turn left on Seekonk Cross Road, a left on Locust Hill Road, continue on Pumpkin Hollow Road, a left on Egremont Plain Road and finish taking a left into the airport. Included is a map of our intended route. Previous years' 5Ks have had roughly 75 in attendance and we will be prepared to have 125 participants this year. Plenty of volunteers and staff will be on hand throughout the route, and signs beside the road will inform oncoming vehicles of the race in progress.

Thank you for taking time to consider our proposal. It is my understanding that this will go under review and we will be contacted to attend the next scheduled Selectboard's Meeting. Please let us know if there is anything additional we can provide.

Sincerely,

Andrew Sagarin
Director of Wellness and Recreation
Berkshire South Regional Community Center
asagarin@berkshiresouth.org
413-528-2810 ext. 35

DRT has no issues or special conditions. (CR)

(/my_home/)

(/ACCOUNT/SETTINGS)

WORKOUTS (/DASHBOARD) ROUTES (/ROUTES/) COMMUNITY (/ACTIVITY_FEED) GO PREMIUM (HTTPS://MVP.MAPMYRUN.COM) SHOP (HTTPS://WWW.UNDERARMOUR.COM/EN-US/TOP-GEAR-PICKS/MM)

Choose map location

egremont, MA, Unitec

SEARCH

[Get Directions](#) [Import \(/workout/import?source=file\)](#) [Help ?](#)

Route Details

Name this map *

Choose an Activity *

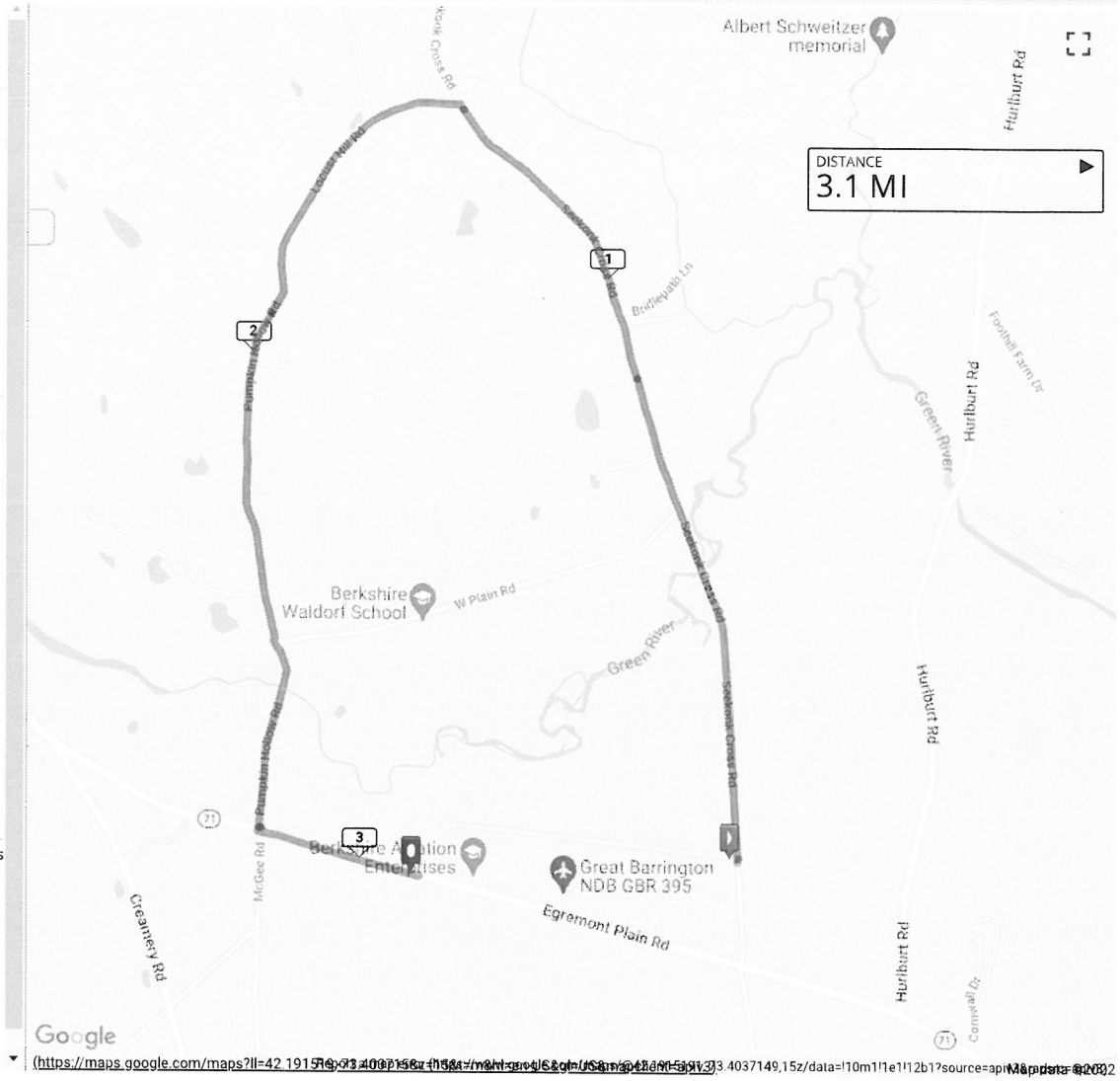
Send to Phone SAVE ROUTE

[More](#)

Log as a Workout

Directions / Notes

[Go MVP \(https://mvp.mapmyrun.com\)](https://mvp.mapmyrun.com) - No Advertisements





February 24, 2022

To Whom It May Concern:

This letter is to confirm that the Berkshire South Regional Community Center has permission to use the facilities at the Great Barrington Airport for their 5K Event on May 14, 2022.

If any further information is required, please contact me at (413) 528-1010.

Respectfully,

A handwritten signature in black ink that reads "T. Andersen".

Terri Andersen
Office & Business Manager
Berkshire Aviation Enterprises, LLC
(413) 528-1010
tandersen@gbr-airport.com

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

Purpose and Intent. Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests. These regulations will:

1. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
2. Minimize public safety and health risks.
3. Deter commercial interests from buying housing to use primarily as short-term rental businesses.

Commented [R1]: Discussion of what "commercial interests" means. Come to a clear understanding.

Definitions.

Owner. Any person who alone, or severally with others, has legal or beneficial interest in any dwelling unit. An Owner can be a single person, a marital unit, a group of people, or an LLC or Trust.

Resident-Owner. Any Owner who resides greater than 183 days, in the aggregate, in the Town of Great Barrington.

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

General Requirements For Short-Term Rentals:

1. Each unit shall post the following information in a conspicuous place: Short-Term Rental street address, instructions for recycling and waste disposal, local noise and leash ordinances, and contact information for a locally available contact.
2. Each unit shall contain functional smoke detectors, carbon monoxide alarms, and a properly maintained and charged multi-purpose fire extinguisher.
3. A Short-Term Rental is not allowed on any property with outstanding violations of Building, Fire, Health codes, and/or Town Bylaws.
4. An Owner shall expressly prohibit tenants from offering all or part of the dwelling unit for Short-Term Rental use.
5. Dwelling units owned by a corporation and offered as Short-Term Rentals are prohibited.
6. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant.
7. Short-Term Rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law. REVIEW WITH COUNSEL
8. Events that include amplified music or tents which would customarily require a license or permit are prohibited.
9. Signs advertising the Short-Term Rental are prohibited on the property.

Commented [R2]: Re-word so renters are respectful, no need to post the entire ordinance or have a decibel meter

Short-Term Rental of Rooms and Secondary Units.

Up to two bedrooms in a dwelling unit or a secondary unit on the same parcel may be rented year-round by right, provided that the Resident-Owner is occupying the dwelling unit at the time of the rental.

Short-Term Rental of Entire Dwelling Units.

An entire dwelling unit may be rented up to 90 days per calendar year by right.

Inspection.

Short Term Rentals may be subject to inspection by the Great Barrington [Board of Health Department](#), Fire Department, and/or the Building Inspector.

Short Term Rental Owners are required to provide access for the purpose of conducting safety inspections when necessary. Failure to provide access to an inspector upon request and after proper notice will invalidate the license to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the Department and/or the Town. Failure to comply with orders to correct deficiencies may result in fines or refusal to allow license renewal.

Owners can appeal a written violation within 21 days of notice in accordance with M. G. L. Ch. 40 § 21D.

In the event that there are three or more violations within a twelve-month period, the right to renew a Short-Term Rental License may be denied by a vote of the Selectboard.

Registration.

By obtaining a Short-Term Rental license, a Resident-Owner can offer two separate entire dwelling units for Short-Term Rental use, providing one of the dwelling units is their primary residence. A non-resident or part-year resident can offer only one dwelling unit for Short-Term Rental use. All Owners shall register annually with the Selectboard to receive a Short-Term Rental License. A formatted application approved by the Selectboard will be available. Upon approval of an application, the applicant will be given a registration number to be displayed in all listings and at the Short-Term Rental property. An Owner may hire a property management company to list and manage Short-Term Rentals, provided the license is in the Owner's name. A married couple may have only one license. The licensing process requires an Owner to include the addresses of unit(s) to their license and list the names of all organization members if owned by a legal entity.

Commented [R3]: Notes: This distinguishes between second home and primary homes. Should be up in the regulations section. NB: the 90 days applies to either/all(?) STR is not banned in either case, just limited to 90 days.

Adoption of Regulations.

The Selectboard may adopt and amend regulations in furtherance of the implementation of this bylaw.

Penalties.

If any Owner violates any provision of this bylaw, the Owner may be subject to a civil penalty in accordance with M. G. L. Ch. 40 § 21D, with the following: [DISCUSSION OF HOW MANY DAYS TO CURE A VIOLATION. \[IF A VIOLATION WHAT HAPPENS TO CURRENT OR PENDING BOOKINGS?\]](#)

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

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