

Jennifer Tabakin
Town Manager

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www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Revised

SELECTBOARD'S MEETING AGENDA

WEDNESDAY, MAY 15, 2019

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER:

2. REORGANIZATION:

- A. Welcome and Congratulations to Newly Elected Selectboard.
- B. Re-organization - Election of Chair and Vice Chair.

3. APPROVAL OF MINUTES:

- March 11, 2019 Regular Meeting.
- March 18, 2019 Special Meeting.

4. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

- A. General Comments by the Board.

5. TOWN MANAGER'S REPORT:

- A. Department Updates
- B. Project Updates

6. LICENSES OR PERMITS:

- A. National Grid for permission to install and/or maintain heavy duty secondary hand-hole and conduit/conductor on Railroad St. to provide service to town for new lighting along Railroad St. (Discussion/Vote)
- B. Paul Joffe/New Marlborough Construction LLC for Temporary One Day Weekday Entertainment License for Saturday, July 6, 2019 from 2:00 pm - 6:00 pm at 198 Main Street. (Discussion/Vote)

- C. Kevin Schmitz/Three Yanks and a Limey LLC d/b/a Miller's Pub for 2019 Common Victualler Restaurant License at 280 Main Street. (Discussion/Vote)
- D. Veronica Parsloe/Berkshire Balloon Festival/Food Trucks in the Valley, LLC d/b/a VAP Events for Two (2) Temporary One Day Weekday Entertainment License for August 23, 2019 from 3:00 pm – 10:00 pm and August 24, 2019 from 10:00 am – 10:00 pm at Great Barrington Airport, 70 Egremont Plain Road. (Discussion/Vote)
- E. Veronica Parsloe/Berkshire Balloon Festival/Food Trucks in the Valley, LLC d/b/a VAP Events for Temporary One Day Sunday Entertainment License for August 25, 2019 from 10:00 am – 10:00 pm at Great Barrington Airport, 70 Egremont Plain Road. (Discussion/Vote)

7. OLD BUSINESS:

- A. Downtown GB Cultural District - Update.
- B. Capital Projects – Update.
- C. Railroad Street Construction – Update.
- D. Fiber Optic - Update.
- E. Selectboard Policies and Procedures – Discussion.
- F. SB – Water Bottle Ban. (Discussion)
- G. SB – Review and Update Department and Committee Liaisons. (Discussion)
- H. SB – Discussion re: Special Permit required for Water Quality Protection District for property at 546 Main Street (TOPA). (Discussion/Vote)

8. NEW BUSINESS:

- A. SB – Waiver of Right of First Refusal on approximately 6 acres of Ch.61A land of Judith L. Grant on West Plain Road, Assessor's Map 31, Parcel 41D. (Discussion/Vote)
- B. SB – Recommendation to the Planning Board on the Special Permit Application of David McDonald and Nina Echegaray to create a new building lot in the R2 zone at 166 Caste Hill Avenue. (Discussion/Vote)

9. CITIZEN SPEAK TIME:

10. SELECTBOARD'S TIME:


11. MEDIA TIME:

12. ADJOURNMENT:

- 13. EXECUTIVE SESSION- Not to Return to Open Session–** Town Manager's Conference Room M.G.L.Ch. 30A, sec 21 (a) (3), to discuss strategy with respect to litigation of the EPA Housatonic River Rest of River clean-up and appeals of the EPA's Permit and the EAB decision in re: GE, RCRA Appeals Nos. 16-01, 16-02, 16-03, 16-04 & 16-05; such discussion, if held in open meeting, may have a detrimental effect on the legal position of the Town in its legal action with GE and EPA.

Roll Call Vote

NEXT SELECTBOARD'S MEETING: Monday, June 10, 2019, 7:00 P.M.


Jennifer Tabakin, 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.

Questions contact – Steven Hayward 413-528-7018

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric Conduit Location:

To the Board of Selectmen of Great Barrington Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Railroad St. - Great Barrington, Massachusetts.

The following are the streets and highways referred to: **28058759**

Railroad St. - National Grid requesting to install and/or maintain heavy duty secondary hand-hole and conduit/conductor on Railroad St. to provide service to town for new lighting along Railroad St.

Location approximately as shown on plan attached.

NATIONAL GRID
BY _____
Engineering Department

Jim Kehner/lla

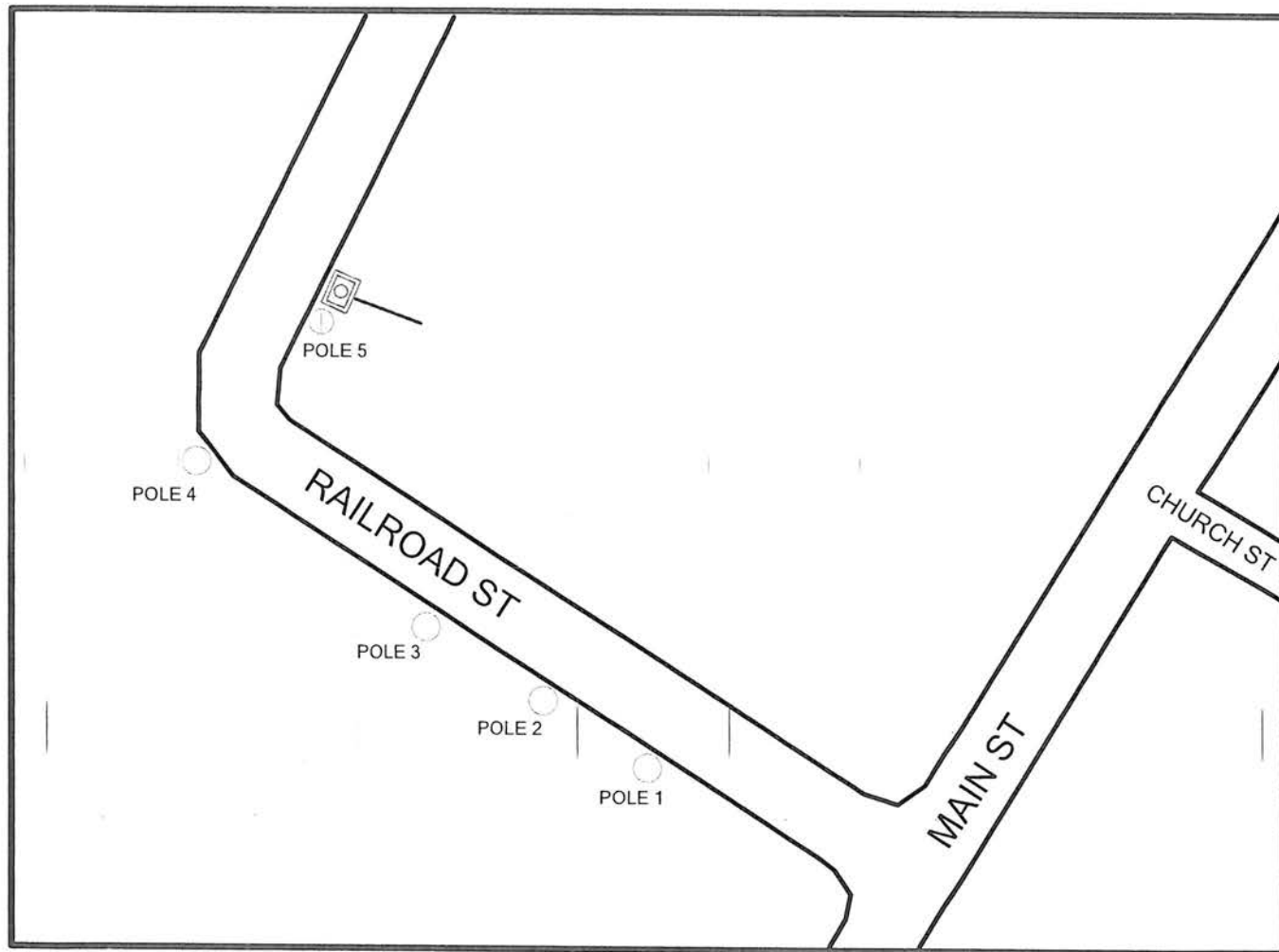
Dated: April 26, 2019

Exhibit A – Not to Scale

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.



National Grid requesting to install and/or maintain heavy duty secondary hand-hole and conduit/conductor on Railroad St to provide service to town for new lighting along Railroad St.



UNDERGROUND PETITION

nationalgrid

- Proposed NGRID Pole Locations
- Existing NGRID Pole Locations
- Proposed J.O. Pole Locations
- ⊙ Existing J.O. Pole Locations
- ⊕ Existing J.O. Pole Locations To Be Replaced
- ◻ Proposed Secondary Hand-hole
- Proposed Underground Infrastructure

Date: 04 APR 2019

Plan Number: 28058759

To Accompany Petition Dated:

To The: TOWN **Of** GREAT BARRINGTON

For Proposed: UNDERGROUND **Location:** RAILROAD ST

Date Of Original Grant:

DISTANCES ARE APPROXIMATE

NOTICE TO ABUTTERS

National Grid requests to install and/or maintain heavy duty secondary hand-hole and conduit/conductor on Railroad Street to provide service to town for new lighting along Railroad Street.

In accordance with the provisions of Section 22, Chapter 166, of the General Laws, you are hereby notified that a public meeting will be held at Town Hall, 334 Main Street, Great Barrington, Massachusetts, at 7:00 P.M., on the 15th day of May, 2019 on the petition of National Grid to excavate and run and maintain underground electric conduits, upon, along, under, or across one or more public ways in the Town of Great Barrington abutting property owned by you.

Location of Proposed Work: Railroad Street, Great Barrington MA 01230

Mailed 5/7/19

28058759

Hasler

01/11/2019

US POSTAGE \$000.35⁰



ZIP 01845
011D10652619

Railroad Management Group,
Paul Dickinson
PO Box 146
Housatonic, MA 01236-0146



Lisa Ayres
C/O National Grid
1101 Turnpike St.
North Andover, MA 01845

28058759

Hasler

01/11/2019

US POSTAGE \$000.35⁰



ZIP 01845
011D10652619



Mahaiwe Triplex Theater, LLC
PO Box 99
South Egremont, MA 01258-0099



TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: PAUL JOFFE
Business/Organization: NEW MARLBOROUGH CONSTRUCTION LLC
D/B/A (if applicable): _____
Address: 198 MAIN STREET
Mailing Address: 390 TAMARIDGE WAY NEW MARLBOROUGH
Phone Number: 917-693-3292
Email: INVOICE@PAULSEMAIL.COM

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to ___ pieces, including singers Public Show
 Other (please explain) TOUR BUILDING AT ~~NEW MARLBOROUGH~~

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox
 Other (please explain) FARM ANIMALS → NEW MARLBOROUGH LOCAL FOOD FOR SALE → TOM B. FARM

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

___ YES NO

Please circle: **INDOOR** or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): _____

Date(s) of Entertainment*: 07.06.19

*Does not include SUNDAY

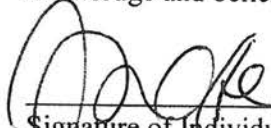
Start & End Times of Entertainment: 2:PM → 6:PM

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
- Electrical Permits Building Permits Police Traffic Details Street Closures

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

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.


Signature of Individual or
Corporate Officer

04.30.19
Date

46-2991970
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: Owner shall coordinate animal and food permits with Health Dept. (CO)

APPROVAL DATE: _____

LICENSE # _____

MAIN ST.

PEOPLE

BARBQ

FOOD FROZEN

KIOSK

FLYING CHAIRS

OPEN HOUSE

FARM ANIMALS

PEOPLE

RECEIVED
TOWN MANAGER

APR 26 2019

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

2019
**COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE**

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 4/26/19

NOTICE:

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

TO THE LICENSING AUTHORITY:

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

OWNER(S) NAME: Kevin Schmitz
Three Yanks and a Limey LLC

NAME OF BUSINESS: Miller's Pub

D/B/A (if applicable): _____

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

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

LOCATION WHERE LICENSE IS TO BE USED: 280 Main Street

Great Barrington MA

DAYS OF OPERATION: Monday - Sunday

HOURS OF OPERATION: 11:00am - 11:00pm

DESCRIPTION OF PREMISES: Pub

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.

Three Yanks and a Limey LLC
Signature of Individual or Corporate Name

By: Kevin E. Schmitz
Corporate Officer (if applicable)

SS# _____ or FID# 83-3808428



2019

TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: Berkshire Balloon Festival / Deonica Parsloe

Business/Organization: Food Trucks in the Valley, LLC

D/B/A (if applicable): VAP Events

Address: 175 Capital Blvd. Ste 402, Rocky Hill, CT 06067

Mailing Address: Same

Phone Number: (203) 364-7205

Email: Northeastballoonfestival@gmail.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ

Live band with up to 10 pieces, including singers Public Show

Other (please explain) car show, wrestling, helicopters

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

Other (please explain) Fireworks

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

 YES NO

Please circle: **INDOOR** or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): Great Barrington Airport
70 Egremont ~~70~~ Plain Rd., Great Barrington

Date(s) of Entertainment*: August 23-24, 2019

*Does not include SUNDAY Fri Sat: 3 PM - 10 PM

Start & End Times of Entertainment: Sat: 10 AM - 10 PM (flights at 5 AM)

Does your event involve any of the following? (Check all that apply)

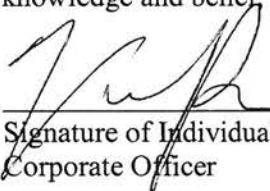
Food Temporary Bathrooms Tents Stages Temporary Signs

Electrical Permits Building Permits Police Traffic Details Street Closures

Possibly

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

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.


Signature of Individual or
Corporate Officer

2/22/19
Date


SS# or FD#

TOWN USE ONLY:

DRT Review with Conditions: _____

APPROVAL DATE: _____

LICENSE # _____

Amy Pulver

From: Chris Rembold
Sent: Thursday, April 25, 2019 2:02 PM
To: Amy Pulver
Subject: Balloon Festival

The DRT staff met with representatives of the Balloon Festival and reviewed their plans for the August 23-25 event at the airport. This is a multi-day, weekend event, Friday through Sunday. We discussed the following items:

- Organizers must receive written permission from the property Owner
- Alcohol is planned, so organizers must apply for appropriate licenses from the Selectboard
- A list of food vendors should be provided to the Health Agent at least 30 days before the event, and all food permits must be in place 2 weeks before the event.
- Temporary sign permits must be received from the Building Inspector's office to install temporary signs
- At least 5 porta potties must be provided on site during the event
- Police details may be required to coordinate parking and traffic flow. The organizers shall coordinate this with the Police Dept. We would encourage pre-payment for anticipated Police costs.
- Propane filling area for balloon refills must be acceptable to the Fire Chief
- At the time of our DRT meeting, organizers were considering fireworks but not yet decided. Should fireworks be desired, Selectboard permission should be required. Organizers would also obtain any permits required by the Fire Dept.

We ask event organizers to continue their work with the Fire Chief and Police Chief relative to parking, emergency management, balloon fueling, and traffic issues, and pay for police officer details as required by the Police Dept.

Thank you.

Christopher T. Rembold, AICP

Town Planner
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
Ph: (413) 528-1619, x. 7
www.townofgb.org



2019

TOWN OF GREAT BARRINGTON
Temporary Sunday Entertainment License Application
(Local Approval ONLY-State Approval Required Separately)

Hours between 1:00 pm-11:59 pm
(\$2.00 per Sunday)

Hours between 9:00 am- 11:59 pm
(\$5.00 per Sunday)

Starts at 5 AM
Sat + Sun - flights only

The undersigned hereby applies for a license in accordance with the provisions of Massachusetts General Laws, Ch.136 Sec.4. until 10 AM

Name: Berkshire Balloon Festival

Business/Organization: Food Trucks in the Valley, LLC

D/B/A (if applicable): VAP Events

Address: 175 Capital Blvd Ste 402, Rocky Hill, CT 06067

Mailing Address: Same

Phone Number: (203) 364-7205

Email: Northeastballoonfestival@gmail.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ

Live band with up to 10 pieces, including singers Public Show

Other (please explain) car show, wrestling, helicopters

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

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Floorshow Play Moving picture show Light show Jukebox

Other (please explain) Fireworks

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L. Chp.140 Sec.183A)

YES

NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): Great Barrington Airport
70 Egremont Plain Rd. Great Barrington

Date(s) of Entertainment: Sunday, August 25, 2019

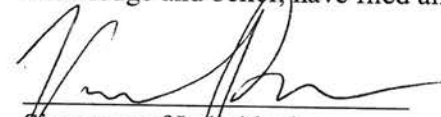
Start & End Times of Entertainment: 10 AM - 10 PM (flights at 5AM)

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
 Electrical Permits Building Permits Police Traffic Details Street Closures
Possibly

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

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.



Signature of Individual or
Corporate Officer

2/22/19

Date



SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: _____

APPROVAL DATE: _____

LICENSE # _____

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We ask event organizers to continue their work with the Fire Chief and Police Chief relative to parking, emergency management, balloon fueling, and traffic issues, and pay for police officer details as required by the Police Dept.

Thank you.

Christopher T. Rembold, AICP

Town Planner
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334 Main Street
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Ph: (413) 528-1619, x. 7
www.townofgb.org

Approved
1/14/19

Selectboard Policies and Procedures

I. Selectboard Roles

Leadership, governance and oversight responsibilities: promote the town, serve as advisor to town manager, oversight of town operations, management and strategic 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. coordinate the activities of other boards
8. resolve problems that have not been settled at lower levels.
9. participate in the budget process
10. provide leadership in the development of the capital improvement program
11. identify town projects for CPA funding
12. set risk management policy
13. monitor financial performance of the town
14. sign payment of warrants / invoices
15. review budget policy establishing free cash and holding tax classification hearings
16. establish stabilization fund policy
17. review monthly and quarterly financial reporting
18. 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.
- C. Liaison with Outside Groups – assigned to serve as liaison or member of outside committees, to represent the Selectboard and exchange information.
- D. Selectboard Subcommittees: - formed by the Chair or Board members to address specific issues, strategies or projects.

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 hours) when possible. Communication sent to the Town Hall shall be considered public documents. When communication is addressed to the ENTIRE Selectboard, the Vice Chair/Clerk of the Selectboard will within 1 business day confirm receipt of inquiry to the individual and inform (CC) the rest of the Board and the Town Manager 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 Vice Chair's email, contact the individual providing adequate information guide the individual with 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 Chair 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

Board/Committee/Department	Selectboard Member(s)	Area/Department	Authority
Berkshire Municipal Planning Organization	Bill Cooke		
Berkshire Regional Transportation Association	Bill Cooke		
Housing Authority	Bill Cooke	Human Services/Cultural	Elected
Housing Trust Fund	Bill Cooke	Human Services/Cultural	Appointed
Lake Mansfield Improvement Task Force	Bill Cooke	Planning & Environment	Appointed
Planning and Community Development	Bill Cooke	Planning & Environment	Town Department
Berkshire Hills Regional School District Agreement	Dan Bailly		
Berkshire Hills School Building Renovation	Dan Bailly		
Community Preservation Committee	Dan Bailly	Planning & Environment	Appointed
Inspectional Services (building, electrical, plumbing)	Dan Bailly	Public Safety	Town Department
Public Works (highway, buildings and grounds)	Dan Bailly	Public Works	Town Department
Wastewater Treatment Plant	Dan Bailly	Public Works	Town Department
Board of Health	Ed Abrahams	Public Safety	Elected
Broadband and Fiber in GB	Ed Abrahams		
Council on Aging	Ed Abrahams	Human Services/Cultural	Appointed
Cultural District	Ed Abrahams	Human Services/Cultural	Appointed
Cultural District Committee	Ed Abrahams		
Design Advisory	Ed Abrahams	Planning & Environment	Appointed
Historic District Commission	Ed Abrahams	Historic	Appointed
Historical Commission	Ed Abrahams	Historic	Appointed
Library	Ed Abrahams	Human Services/Cultural	Town Department
Library Trustees	Ed Abrahams	Human Services/Cultural	Elected
Planning Board	Ed Abrahams	Planning & Environment	Elected
Railroad Street Youth Project (RSYP)	Ed Abrahams		
Senior Center	Ed Abrahams	Human Services/Cultural	Town Department
Southern Berkshire Chamber of Commerce	Ed Abrahams		
Special Events / Celebrations	Ed Abrahams	Human Services/Cultural	Town Department
W E B Du Bois	Ed Abrahams & Bill Cooke	Human Services/Cultural	Appointed
Marijuana	Ed Abrahams & Kate Burke	Planning & Environment	
Economic Development Practitioners Group/1 Berkshire	Jennifer Tabakin		
Mass Municipal Association	Jennifer Tabakin		
Health	Kate Burke	Public Safety	Town Department
Public Safety (police, fire, emergency management)	Kate Burke	Public Safety	Town Department
Rest of River Municipal Committee	Kate Burke		
Agricultural Commission	Kate Burke	Planning & Environment	Appointed
Cultural Council	Kate Burke	Human Services/Cultural	Appointed
Housatonic School	Selectboard		Special Projects
Fairview GB Opioid Prevention Task Force	Steve Bannon		
Great Barrington Rotary	Steve Bannon		
Zoning Board of Appeals	Steve Bannon	Planning & Environment	Elected
Berkshire Hills School Committee	Steve Bannon	School	Elected
Parks Commission	Steve Bannon	Public Works	Appointed
All Chairs Committee	Steve Bannon & Ed Abrahams		
Cemetery Commissions	Steve Bannon & Ed Abrahams	Planning & Environment	Appointed

Sorted by Area/Department

Board/Committee/Department	Selectboard Member(s)	Area/Department	Authority
Southern Berkshire Chamber of Commerce	Ed Abrahams	Economic Development	
Economic Development Practitioners Group/1 Berkshire	Jennifer Tabakin	Economic Development	
GB Economic Development Group (Business owners, young entrepreneur)		Economic Development	
Great Barrington Business District Planning Committee		Economic Development	
Finance Committee	Steve Bannon & Ed Abrahams	Finance	Elected
Finance (accountant, treasurer, collector, assessor)	Steve Bannon & Ed Abrahams	Finance	Town Department
Board of Assessors		Finance	Appointed
Management and Operations : management, oversight, administration, legal,	Steve Bannon & Ed Abrahams	General Government	Town Department
Technology Team		General Government	
Board of Registrars		General Government	Appointed
Mass Municipal Association	Jennifer Tabakin	General Government	
All Chairs Committee	Steve Bannon & Ed Abrahams	General Government	
Historic District Commission	Ed Abrahams	Historic	Appointed
Historical Commission	Ed Abrahams	Historic	Appointed
Housing Authority	Bill Cooke	Human Services/Cultural	Elected
Housing Trust Fund	Bill Cooke	Human Services/Cultural	Appointed
Council on Aging	Ed Abrahams	Human Services/Cultural	Appointed
Cultural District	Ed Abrahams	Human Services/Cultural	Appointed
Library	Ed Abrahams	Human Services/Cultural	Town Department
Library Trustees	Ed Abrahams	Human Services/Cultural	Elected
Senior Center	Ed Abrahams	Human Services/Cultural	Town Department
Special Events / Celebrations	Ed Abrahams	Human Services/Cultural	Town Department
W E Du Bois	Ed Abrahams & Bill Cooke	Human Services/Cultural	Appointed
Cultural Council	Kate Burke	Human Services/Cultural	Appointed
Cable Advisory Committee		Human Services/Cultural	Appointed
Cultural District Committee		Human Services/Cultural	
Railroad Street Youth Project (RSYP)	Ed Abrahams	Human Services/Cultural	
Great Barrington Rotary	Steve Bannon	Human Services/Cultural	
Lake Mansfield Improvement Task Force	Bill Cooke	Planning & Environment	Appointed
Planning and Community Development	Bill Cooke	Planning & Environment	Town Department
Community Preservation Committee	Dan Bailly	Planning & Environment	Appointed
Design Advisory	Ed Abrahams	Planning & Environment	Appointed
Planning Board	Ed Abrahams	Planning & Environment	Elected
Marijuana	Ed Abrahams & Kate Burke	Planning & Environment	
Agricultural Commission	Kate Burke	Planning & Environment	Appointed
Zoning Board of Appeals	Steve Bannon	Planning & Environment	Elected
Cemetery Commissions	Steve Bannon & Ed Abrahams	Planning & Environment	Appointed
Conservation Commission		Planning & Environment	Appointed
Development Review Team		Planning & Environment	
Energy Committee / Heat Smart		Planning & Environment	Appointed
Tree Committee		Planning & Environment	Appointed
Berkshire Municipal Planning Organization	Bill Cooke	Planning & Environment	
Berkshire Regional Transportation Association	Bill Cooke	Planning & Environment	
Bike Path / Riverwalk		Planning & Environment	

HELLMAN SHEARN & ARIENTI LLP
ATTORNEYS AT LAW

C. Nicholas Arienti
Catherine S. Chester*
Ethan S. Klepetar

342 Main Street
Great Barrington, Massachusetts 01230
Telephone (413) 528-4800
Facsimile (413) 528-9988
www.hellmanshearn.com

*Also admitted in New York

April 3, 2018

Hand delivered

Stephen Bannon, Chairman
Office of the Selectboard
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230

RE: Notice of Intent to Sell and Convert Property Subject to Agricultural Lien

Dear Mr. Bannon,

I represent Ms. Judith L. Grant, owner of approximately 6 acres of land on West Plain Road known as Parcel 41D on Assessor Map 31 (the "Parcel"). This property is currently subject to taxation under M.G.L. Chapter 61A, and I am providing this letter as notice of the property owner's intent to sell the property and discontinue its agricultural use.

Proposed Residential Use: Ms. Grant is currently under contract to sell the Parcel for an intended residential use, contingent upon the Town of Great Barrington's waiver of its right of first refusal to purchase the Parcel.

On behalf of my client, I am hereby requesting a waiver of the Town's right of first refusal to purchase the Parcel and enclose for your reference and consideration the following documents:

- Copy of the executed Purchase & Sale Agreement
- Copy of the Town of Great Barrington's Assessor's Map showing the property in question

Should you have any questions regarding this matter, please feel free to contact me at 413-528-4800, ext.3 or by email at cchester@hellmanshearn.com. You may also contact the property owner, Judith Grant, by telephone at 919-933-0357 or by mail at 2124 Deer Road, Chapel Hill, North Carolina, 27514.

Sincerely,

HELLMAN SHEARN & ARIENTI


Catherine S. Chester

Encs.

Cc: Gt. Barrington Board of Assessors
Gt. Barrington Planning Board
Gt. Barrington Conservation Commission
Ms. Judith L. Grant

WAIVER OF RIGHT OF FIRST REFUSAL

The TOWN OF GREAT BARRINGTON, a municipal corporation, hereby waives the right of first refusal option on the following described property, to which it is entitled pursuant to Massachusetts General Laws, Chapter 61A, Section 14, with regard to an agricultural lien dated and recorded on September 30, 1992 with the Southern Berkshire Registry of Deeds in Book 824 Page 81, currently assessed to Judith L. Grant; said agricultural lien pertains to Assessors Map 31 Lot 41.D. For deed reference see Deed from Betty Krainis dated September 14, 2002 and recorded on October 11, 2002 with the Southern Berkshire Registry of Deeds in Book 2468 Page 40.

The location and acreage being waived herein consists of 6.00 acres as shown on a sketch attached hereto as Exhibit A.

Executed as a sealed instrument this ____ day of _____, 2019.

SELECTBOARD,
TOWN OF GREAT BARRINGTON

Stephen C. Bannon

Edward Abrahams

Daniel Bailly

William F. Cooke

Kate F. Burke

COMMONWEALTH OF MASSACHUSETTS

County of Berkshire

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared Stephen C. Bannon, Chairman, proved to me through satisfactory evidence of identification, being 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 acknowledge to me that he signed it voluntarily for its stated purposes.

Notary Public

My Commission Expires:

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

May 10, 2019

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

Re: The Town's Right of First Refusal re the proposed Sale and Conversion of +/- 6 Acres on West Plain Road (Map 31 Lot 41D) from Ch. 61A agricultural use to residential use

At its regularly scheduled meeting on April 24, 2019, the Conservation Commission considered the possibility of the Town exercising its Right of First Refusal to acquire six acres on West Plain Road for the agreed sale price of \$100,000. The Commission found no compelling conservation interest to be served if the Town were to purchase the land, and voted unanimously to recommend to the Selectboard that they waive the Town's Right of First Refusal and allow the proposed private sale to go through.

Respectfully,

Shepley W. Evans
Conservation Agent

CC: Jeffrey Cohen, Conservation Commission Chairman
Chris Rembold, Town Planner



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

April 20, 2019

Selectboard
Town Hall
334 Main Street
Great Barrington, MA

RE: Chapter 61A
Judith Grant
West Plain Road

Dear Members of the Selectboard:

At its meeting of April 11, 2019, the Planning Board voted to recommend that the Selectboard waive their Right of First Refusal for approximately 6 acres of land owned by Judith Grant located on West Plain Road.

Thank you for your attention to this matter.

Sincerely,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

PARCEL_ID: 113/031.0-0000-0041.D MAP 031.0 BLOCK 0000 LOT 0041.D PARCEL ADDRESS: 0 WEST PLAIN RD

PARCEL INFORMATION

Owner#1: GRANT JUDITH L
 Owner#2:
 Address#1: 2124 DOAR RD
 Address#2: CHAPEL HILL NC 27514-9678

Use-Code: 716
 Tax Class: T
 Tot Fir Area: 0
 Tot Land Area: 6

Sale Price: 0
 Sale Date: 10/11/2002
 Sale Type: L
 Sale Valid: A
 Grantor: KRANIS BETTY

Book: 1355
 Page: 345
 Cert/Doc:

Inspect Date:
 Meas Date:
 Entrance:
 Collect ID:
 Inspect Reas:

Road Type: T
 Rd Condition: P
 Traffic: L
 Water:
 Sewer:

Exempt-B/L%: 0/0
 Resid-B/L%: 0/0
 Comm-B/L%: 100/100
 Indust-B/L%: 0/0
 Open Sp-B/L%: 0/0

COMMERCIAL SECTIONS/GROUPS

Section:	ID	Use-Code	Section:	ID	Use-Code	Section:	ID	Use-Code
Category: Grnd-Fl-Area: Story Height: Bldg-Class: Yr-Built: Eff-Yr-Built: Cost Bldg:			Category: Grnd-Fl-Area: Story Height: Bldg-Class: Yr-Built: Eff-Yr-Built: Cost Bldg:			Category: Grnd-Fl-Area: Story Height: Bldg-Class: Yr-Built: Eff-Yr-Built: Cost Bldg:		
Id Cd B-FL-A	Firs	Unt	Id Cd B-FL-A	Firs	Unt	Id Cd B-FL-A	Firs	Unt

LAND INFORMATION

Seg	Type	Code	Method	Sq-Ft	Acres	Influ-1/2/3	Value	Class
1	P	130	A	87120	2	N	110000	R4
2	R	130	A	174240	4	N	18000	
3	R	713	A	261360	6	N	1350	A

NBHD CODE: 3 NBHD CLASS: ZONE: R4

DETACHED STRUCTURE INFORMATION

Str	Unit	Msr-1	Msr-2	E-YR-Bit	Grade	Cond	%Good	P/F/E/R	Cost	Class

VALUATION INFORMATION

Current Total:	1400	Bldg:	0	Land:	1400	MktLnd:	128000
Prior Tot:	1400	Bldg:	0	Land:	1400	MktLnd:	128000

PHOTO

SKETCH





NOTICE OF PUBLIC HEARING

The Great Barrington Planning Board will hold a public hearing on Thursday, May 23, 2019, at 7:00 PM, at Town Hall, 334 Main Street, Great Barrington, to act on the Rear Lot special permit application from David McDonald and Nina Echegaray, to create a new building lot in the R2 zone, at 166 Castle Hill Avenue, in accordance with Sections 4.3 and 10.4 of the Zoning Bylaw.

Brandee Nelson, Chair

Please Publish Friday, April 26, 2019 and Friday, May 3, 2019

Berkshire Record

SB Recommendation

May 15/19 Meeting

TOWN OF GREAT BARRINGTON

Application for a Special Permit to the Board of Selectmen or Planning Board

S.B. copy 5/15 meeting

FORM SP-1 REV. 11-2013

TOWN CLERK

GREAT BARRINGTON

APR 12 2019 PM 3:53

FOR OFFICE USE ONLY

Number Assigned 890-19 Date Received 4/12/19
Special Permit Granting Authority PB
Copy to Recommending Boards 4/17/19
Advertised 4/26 & 5/3
Public Hearing 5/23/19
Fee: \$150.00 Paid: [check]

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

MAP 32 LOT 84 BOOK 2203 PAGE 94 ZONING DISTRICT(s) R-2 & R-1-A

Site Address: 166 CASTLE HILL AVENUE

Date of Application 4/2/2019

Applicant's name and complete mailing address DAVID McDONALD & NINA ECHEGARAY

P.O. Box 383 GREAT BARRINGTON MA 01230

Applicant's phone number (413) 528-3291 Applicant's email address: mike@kellygrangerparsons.com

mcdonalddavidg@mac.com

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

DAVID McDONALD & NINA ECHEGARAY

166 CASTLE HILL AVENUE GREAT BARRINGTON, MA 01230

I (we) request a Special Permit for: THE CREATION OF A REAR LOT WITH 41.17' OF FRONTAGE AND 1.618 ACRES IN AREA. LOT #2 (FRONT LOT) WILL HAVE 150.98' OF FRONTAGE AND 0.792 ACRES IN AREA.

Under Section(s) 4.3 REAR LOT 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.
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.
5. Certified list of abutters within 300' on the Assessors Maps to the subject property, including map and lot number.

- 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.

David McDonald *Mia Echeverray*

 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 *David McDonald* *Mia Echeverray*

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

Date _____

**DAVID McDONALD and NINA ECHEGARAY
SPECIAL PERMIT APPLICATION – 166 CASTLE HILL AVENUE
PLANNING BOARD**

ABOUT THE PROJECT

PURPOSE OF APPLICATION

Applicants are seeking a Special Permit to form a rear lot pursuant to Section 4.3 of the Town of Great Barrington Zoning Bylaws.

The subject property is located in the Residential R-1-A and R-2 Districts. The dividing line of the zoning districts is indicated on the Site Plan filed with the application.

The front lot is developed with the Applicants' residence. Applicants propose to develop the rear lot with a single-family residence. The lots are served by town water and sewer. The proposed driveway for the rear lot will be 12 feet in width.

The lots, as shown on the Site Plan, meet all the requirements of Section 4.3 of the Zoning Bylaw.

4.3.1 (1): The proposed rear lot is located in the R-2 District. The minimum lot area in R-2 is 1 acre. The proposed rear lot will consist of 1.618 acres which is at least one and one-half (150%) the minimum area required in the district. The proposed rear lot is in conformance with the zoning requirements for the R-2 District.

The proposed front lot consists of .792 acres (34,520 square feet) and is located partially in the R-1-A District and partially in the R-2 District. The minimum lot area in R-1-A is 10,000 square feet or 0.23 acres. The proposed lot has .154 acres or 6,727.7 square feet in R-1-A. The proposed lot has .638 acres or 27,793 square feet in R-2. The minimum lot area in R-2 is 1 acre. Section 4.1.3 (7) of the Town's Zoning Bylaw provides that the minimum lot areas for dwellings located in the R-2, B-2 or I Districts may be reduced by 50% if the Lot is served by both town sewer and town water. As stated above, both of the proposed lots are served by town water and town sewer. Therefore, the proposed front lot meets the lot area requirements for both the R-1-A District and the R-2 District and is in conformance with the zoning bylaw.

4.3.1 (2): A building line for the rear lot is designated on the Site Plan. The width of the rear lot at that point is 185.73 feet. The number of feet of front in the R-2 District is 150 feet. The building line of the proposed rear lot exceeds the street frontage requirement for the R-2 District by 35.73 feet.

The proposed front lot will have 150.98 feet of frontage. The minimum lot width in the R-1-A District is 100 feet. The minimum lot width in the R-2 District is 150 feet, as stated above. The proposed front lot exceeds the frontage requirements for both zoning districts.

4.3.1 (3): The proposed rear lot will have 41.17 feet of frontage on Castle Hill Avenue. The width of the rear lot is at no point less than 40 feet.

4.3.1 (4): At the time of this application, Applicants hold title to both the proposed rear lot and the proposed front lot in common and contiguous ownership.

4.3.1 (5): The front, rear and side yards for the proposed rear lot meet or exceed the requirements for the R-2 zoning district. The proposed front lot meets or exceeds the rear and side yard requirements for both the R-1-A and R-2 zoning districts. The existing single family residence does not meet the front yard setback for the R-2 district. The residence is a prior nonconforming structure under the town's Zoning Bylaws. The single family residence would meet the front yard setback for the R-1-A zoning district.

4.3.1 (6): As shown on the Site Plan, the proposed rear lot and its parent lot shall share a common driveway. The Applicants are requesting that the common driveway be approved as a part of this special permit application.

FORM SP-1 REV. 11-2013 Requirement

Pursuant to the Great Barrington Form SP-1 application, the Applicant submits the following information:

Brief written description of how the project is in harmony with the Great Barrington Master Plan:

Response: The Master Plan specifically addresses and promotes the development of rear lots. Specifically, Strategy HO 1.4 of the Plan states:

Facilitate the development of infill and rear lots, including criteria to permit rear lots where zoning district boundaries split lots and revising minimum lot width where practical, and investigating new provisions to cluster homes, such as cottage zoning. (emphasis supplied).

The proposed project meets all the requirements of Section 4.3 and is in compliance with the requirements of the Zoning Bylaw. The subject property is located in a vibrant neighborhood within walking distance to the downtown corridor. It is an ideal location for the creation of a rear lot, and is the type of project that the Master Plan encourages and endorses.

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone (413) 528-2220 x 5
Fax: (413) 528-1026
E-mail: cstrommer@townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

April 2, 2019

ASSESSORS' OFFICE

ABUTTERS TO PROPERTY OF: DAVID MCDONALD & NINA ECHEGARAY, 166 CASTLE HILL AVENUE
MAP 32 LOT 84, BOOK 2203 PAGE 94

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
32/83A & 13/3		Y. Judd & Susan W. Shoal, 30 East Northampton St., Wilkes-Barre, PA 18701-2403
32	83C, 83D	Hans & Gloria Gesell, 666 Floyd St., Englewood Cliffs, NJ 07632-2050
32	83.11	Frederick P. & Ann M. Comforti, 2 Lake View Rd., Gt. Barrington, MA 01230-1055
32	83.13	Sandra S. Smith, 4 Lake View Rd., Gt. Barrington, MA 01230-1055
32	83.15	Samar Habi, 6 Lake View Rd., Gt. Barrington, MA 01230-1055
32	83.17	Vivian Babakanian Frazier, Trustee, 77 Park Tr East #D35, New York, NY 10034-0683
13	1	Samuel B. & Anthia R. Nickerson, 13 Pothul Dr., Gt. Barrington, Ma 01230-1025
13	4,4A	Gary W. Happ & Darra Wheeler Happ, 154 Castle Hill Ave., Gt. Barrington, MA 01230-1031
13	26	CG Grace Properties LLC, 80 Maple Ave. #D, Gt. Barrington, MA 01230-1944
13	27	Sling LLC, 21 George St., Pittsfield, MA 01201-6712
13	29	Tracey Marie Holland, 7 Watson Rd., Poughkeepsie, NY 12603-3121
13	30,32	Ruth R. Shibuya, c/o Clarence Shibuya, 95-211 Ululele Place, Mililani, HI 96789-4870
13	33A	Barbara Waller, 38 Prospect St., Gt. Barrington, MA 01230-1037
13	31	Bradley & Lisa Danyluk, PO Box 866, Stockbridge, MA 01262-0866
13	37	George E. & Sandra M. Mayer, 39 Prospect St., Gt. Barrington, MA 01230-1036
13	26E	Jill Bauman & Anthony Guarino, 11 Pothul Dr., Gt. Barrington, MA 01230-1025
13	26F	Michael J. & Phyllis A. Kinne, 9 Pothul Dr., Gt. Barrington, MA 01230-1025
13	26I	6 Pothul Drive LLC, 6 Pothul Dr., Gt. Barrington, MA 01230-1038
13	26J	Kathleen Triem, PO Box 674, Monterey, MA 01245-0674
13	26K	Richard H. & Joyce M. Brousseau, 25 Lake Ave., Gt. Barrington, MA 01230-1016
13	26L	James A. Loring, Trustee, 151 Main St., Gt. Barrington, MA 01230-1660
13	26M	Lisa A. Loring, 151 Main St., Lee, MA 01238-1660

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

Sincerely,

Carol Strommer
Administrative Assessor

