

Mark Pruhenski
Town Manager

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING AGENDA (VIA ZOOM)

CONFERENCE DATE: MONDAY, MAY 18, 2020

6:30 PM – REGULAR SESSION

LOCATION: ZOOM VIDEO

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83904391806?pwd=cWJuWW13WUM3eFJJcldqSUo4VINxUT09>

Webinar ID: 839 0439 1806

Password: 013579

Dial in:

(929) 205 6099

Webinar ID: 839 0439 1806

Password: 013579

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 March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, 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. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

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

6:30 PM - OPEN MEETING

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

March 23, 2020 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

4. TOWN MANAGER'S REPORT:

A. Department Updates

B. Project Updates

6:30 PM

5. PUBLIC HEARINGS:

A. **Continuation** of Special Permit Application for School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington, MA. (Discussion/Vote)

a. Deliberation as to Findings

b. Motion re: Approval/Denial/Table

6. LICENSES OR PERMITS:

A. Massachusetts Electric d/b/a NATIONAL GRID and Verizon New England, Inc. Request for Permission to Relocate (1) JO pole # 2 on Elm Ct. beginning at a point approximately 200 feet north of the centerline of the intersection of Elm St. National Grid requesting to relocate pole #2 on Elm Ct. in order to permanently move overhead conductor away from church restoration on Elm Ct. (Discussion/Vote)

7. NEW BUSINESS:

A. SB – Police Chief William Walsh Announcement. (Discussion)

B. SB – Review and Approve DRAFT 2020 Index of Articles for the Annual Town Meeting. (Discussion/Vote)

C. SB – Annual Town Meeting – Discussion with Town Moderator and Town Clerk.

D. SB – Absentee & Early Voting for Annual Town Election (ATE). (Discussion/Vote)

E. SB – Resolution in Support of Expanded Absentee Voting and Votes by Mail. (Discussion/Vote)

8. CITIZEN SPEAK TIME:

Citizen Speak Time is simply 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.

9. SELECTBOARD'S TIME:

10. MEDIA TIME:

11. ADJOURNMENT:

/s/ Mark Pruhenski
Mark Pruhenski, Town Manager

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

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, January 13, 2020 at 5:30 pm at the Claire Teague Senior Center, 917 Main Street, Great Barrington, MA, to act on the Special Permit application from School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application is filed in accordance with Sections 3.1.4 C(19), 9.2, and 10.4 of the Zoning Bylaw. A copy of the application is on file with the Town Clerk.

Stephen Bannon, Chair

* Continued to February 10, 2020

* Continued to February 24, 2020

* Continued to March 23, 2020

* **Applicant requests continuance to April 13, 2020 @ 6:00 pm**

• Continued to April 27, 2020 @ 7:00 pm

• Continued to May 18, 2020 @ 6:30 pm

Track Changes Version of Findings

Voted on at
4/27/20 mtg.

FINAL DRAFT

Findings of Fact, SP 895-19, 11 School Street, as REVISED by the Board during its 4/27/20 meeting

EXHIBIT A

FINDINGS OF FACT AND BASIS FOR DECISION

Re: **Special Permit #895-19, 11 School Street**

A. Introduction

This Special Permit application was filed on November 25, 2019 by School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield ("Applicant"), to construct and operate a commercial parking lot in a B-3 Downtown Business Mixed Use zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application includes a narrative and plans prepared by SK Design Group, Inc. The plans are dated November 11, 2019.

B. General Findings

The site is in the B-3 (Downtown Mixed-Use) zoning district. The entire site is also within Zone II of the Water Quality Protection Overlay District.

The eastern end of the site has frontage on School Street. To the north is a private residence and gardens, to the south is the Verizon telephone station building, and to the west are private parking lots associated with, and/or owned by, buildings fronting on Main Street. Across School Street is the former Searles School, which has special permits to be redeveloped as a hotel, as well an office building, in the redeveloped former Bryant School.

The site is approximately 0.35 acres and is improved with an existing two story building. The ground floor of the building is a laundromat, and the second floor has two apartments, currently vacant. The western end and the southern edge of the site are gravel parking and driveway areas. The northern edge between the building and the property line is lawn. The site slopes relatively steeply from west down to the east towards School Street, and from north down to south.

As described in the narrative and as shown on the accompanying plans, the Applicant seeks to demolish the existing building and regrade the site to install a 38-space paved parking lot. The parking lot will be graded in keeping with the existing topography in order to shed stormwater to a series of catch basins within the parking lot. The stormwater will then be directed into an underground stormwater detention and infiltration system. The parking lot will have lighting and new landscaping installed along the north and south sides of the parking lot. An electronic gate will control vehicular access into the lot from an entrance off of School Street. An electronic gate is also proposed at an entrance to the lot from the private parking lot to the west (which is a portion of the 293 Main Street property, known as Tom's Toys.)

The ~~primary~~ Applicant has stated that the exclusive user of the proposed parking lot will be tenants of the commercial building at 321 Main Street, a retail and office building owned by an affiliate of the Applicant. The upper two floors of 321 Main have been renovated after years of vacancy and will be new offices. The Applicant also owns, through a different affiliate, the parking lot formerly known as the "Foster's Lot," identified on Assessor's Map 19 as Parcel 135, and situated roughly between 11 School Street and 321 Main Street. -The Applicant has stated that it will allow the Foster's Lot to be used by the public on nights and weekends.

The Applicant has stated that they and the owner of 293 Main Street have come to an agreement to ~~though there is no formal easement from the other property owner allowing cars or pedestrians~~

to use their western entrance of the 11 School Street lot, and to cross the 293 Main Street parking lot between 11 School Street and the "Foster's Lot."

Another abutter, Raifstanger LLC, at 35 Bridge Street, asserted that it has access rights to the rear (the north) of its building through the 11 School Street and 293 Main Street properties. The Applicant has stated that they have come to an agreement with Raifstanger LLC to formalize this access agreement.

The Conservation Commission has reviewed the proposal and has determined it has no jurisdictional interest in the property.

The Board of Health determined that it has no health concerns with the proposal.

The Planning Board reviewed the special permit application and made a unanimous negative recommendation to the Selectboard, stating that the Board is opposed to trading housing and community services for a parking lot, and that the use neither serves economic or community needs nor is in keeping with the intent of the B-3 zoning.

C. Water Quality Protection Overlay District Criteria and Specific Findings

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

The proposal will render approximately 69%, or 10,500 square feet of the lot, impervious. This is a negligible reduction of the existing impervious surface coverage. The project proposes a stormwater detention and infiltration system underground in order to ensure that adequate quantity and quality of water can be recharged in to the aquifer. The Applicant's Engineer calculates that 219 cubic feet of recharge volume is required in order to balance out the proposed impervious surface. The Applicant proposes recharge volume of 942 cubic feet.

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

The Selectboard hereby finds that the proposal complies with the WQPOD as follows:

1. The proposal complies with Sections 9.2.8 and 9.2.9.
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site.

D. Special Permit Criteria and Findings

Section 10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination

by the Special Permit Granting Authority "that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." This determination shall include consideration of the following criteria:

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

Consideration of the Criteria in relation to SP #895-19:

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

The Board's considerations in relation each of the six special permit criteria are set forth below.

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

The Board finds ~~both potential detriments and potential benefits~~ as follows:

The proposal demolishes ~~a building with two apartments and a business that serves community. The proposal is not in keeping with some the intentions of the B-3 zoning district which are to create~~ ~~The proposal does result in a mixed use buildings but rather than demolishing existing buildings~~ ~~one~~. The proposal does not utilize infill development or redevelopment of a building but rather demolishes ~~onea building~~. The proposal ~~does not promote shared parking but rather restricts parking to the private tenants~~. The proposal does not maintain or increase the supply of affordable dwelling units.

The proposal will ~~have benefits for both benefit the tenants of 321 Main Street~~ ~~The proposed private parking lot will benefit~~ ~~and the downtown community, only in an indirect way, by~~ ~~and~~ ~~With dedicated parking, the new office tenants of 321 Main will not need to park in spaces that the public or other buildings use~~ ~~by reducing, therefore reducing parking pressures by office tenants on public and quasi-public parking lots elsewhere downtown.~~

Criterion 2. Traffic flow and safety, including parking and loading.

The Board finds no traffic, parking, or loading concerns. School Street can adequately accommodate the cars into and out of the proposed parking lot. The Board also finds that ~~while there is no formal pedestrian connection directly from the proposed parking lot to the 321 Main Street building whose tenants will be using the lot, the Applicant has reached an agreement to allow for passage over and through that area.~~

Criterion 3. Adequacy of utilities and other public services.

The Board finds that the site is in a previously developed area served by adequate public

Commented [CR1]: "vacant" eliminated by SB on 4/27

Commented [CR2]: "As an amenity to the tenants of 321 Main Street, parking will increase the marketability and occupancy of the office at 321 Main, buttressing the local tax base." eliminated by SB on 4/27

Commented [CR3]: "In these ways, the proposal enhances the viability of the downtown core of the Town, which is in keeping with other purposes of the B-3 zoning district. The proposal provides needed commercial and public parking areas behind buildings, maintaining a positive pedestrian environment in the downtown" eliminated by SB 4/27

Revised criterion 1 was then accepted 5-0 by the SB

utilities and services for the proposed use.

Criterion 4. Neighborhood character and social structures.

The Board finds that the mixed-use commercial / residential character of the area is not served by this proposal and that a gated parking lot, however nicely landscaped, does not contribute to a pedestrian oriented environment. Furthermore, the area surrounding the site is characterized by redeveloped buildings, not by demolition of existing buildings.

Criterion 5. Impacts on the natural environment.

The Board finds that the proposal will have no negative impacts on the environment. It is an already developed site, without proper stormwater mitigation. The proposed stormwater detention and infiltration system is properly designed to protect the underlying aquifer.

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

The Board finds that a parking lot is unlikely to provide a higher level of tax base than a mixed use building, and the proposal does not provide employment.

Finding:

In consideration of the ~~above Findings~~ discussion of the above criteria, the Board finds that possible benefits of the proposal, considered in its relation to the town and the neighborhood, and subject to conditions which ensure parking benefits will actually accrue to the public, ~~do not~~ outweigh possible detrimental impacts of the proposal.

Proposed Condition(s):

1. Prior to grant of any demolition permit for 11 School Street, Applicant must file with the Registry of Deeds and with the Town the executed agreements it has made to formalize access with its abutters Tom's Toys and Raifstanger LLC.
2. Prior to the grant of any demolition permit for 11 School Street, Applicant must draft an agreement with the Town of Great Barrington, subject to review and approval by Town Counsel, to allow permanently public parking nights and weekends at the Foster's Lot. Not later than one calendar year of the issuance of the demolition permit, said agreement must be executed and be recorded with the Registry of Deeds and with the Town.
3. During construction the Applicant must report on construction and the installation of the water quality protection district measures. Post construction, Applicant must provide to the Town: as-built plans of the stormwater detention/infiltration system, a certification by a Massachusetts licensed Engineer that system was installed per plan, and the Operations and Maintenance plan for the system which the Owner will perform on a not less than annual basis.

Commented [CR4]: SB voted 3-2 to revert back to the original proposed finding, written here.

Commented [CR5]: Insert "permanently." Discussed 4/24 but not voted.

EXHIBIT A**FINDINGS OF FACT AND BASIS FOR DECISION****Re: Special Permit #895-19, 11 School Street***Clean Version
as voted 4/27/20.***A. Introduction**

This Special Permit application was filed on November 25, 2019 by School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield ("Applicant"), to construct and operate a commercial parking lot in a B-3 Downtown Business Mixed Use zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington. The application includes a narrative and plans prepared by SK Design Group, Inc. The plans are dated November 11, 2019.

B. General Findings

The site is in the B-3 (Downtown Mixed-Use) zoning district. The entire site is also within Zone II of the Water Quality Protection Overlay District.

The eastern end of the site has frontage on School Street. To the north is a private residence and gardens, to the south is the Verizon telephone station building, and to the west are private parking lots associated with, and/or owned by, buildings fronting on Main Street. Across School Street is the former Searles School, which has special permits to be redeveloped as a hotel, as well an office building, in the redeveloped former Bryant School.

The site is approximately 0.35 acres and is improved with an existing two story building. The ground floor of the building is a laundromat, and the second floor has two apartments, currently vacant. The western end and the southern edge of the site are gravel parking and driveway areas. The northern edge between the building and the property line is lawn. The site slopes relatively steeply from west down to the east towards School Street, and from north down to south.

As described in the narrative and as shown on the accompanying plans, the Applicant seeks to demolish the existing building and regrade the site to install a 38-space paved parking lot. The parking lot will be graded in keeping with the existing topography in order to shed stormwater to a series of catch basins within the parking lot. The stormwater will then be directed into an underground stormwater detention and infiltration system. The parking lot will have lighting and new landscaping installed along the north and south sides of the parking lot. An electronic gate will control vehicular access into the lot from an entrance off of School Street. An electronic gate is also proposed at an entrance to the lot from the private parking lot to the west (which is a portion of the 293 Main Street property, known as Tom's Toys.)

The Applicant has stated that the exclusive user of the proposed parking lot will be tenants of the commercial building at 321 Main Street, a retail and office building owned by an affiliate of the Applicant. The upper two floors of 321 Main have been renovated after years of vacancy and will be new offices. The Applicant also owns, through a different affiliate, the parking lot formerly known as the "Foster's Lot," identified on Assessor's Map 19 as Parcel 135, and situated roughly between 11 School Street and 321 Main Street. The Applicant has stated that it will allow the Foster's Lot to be used by the public on nights and weekends.

The Applicant has stated that they and the owner of 293 Main Street have come to an agreement to allow cars or pedestrians to use the western entrance of the 11 School Street lot, and to cross

the 293 Main Street parking lot between 11 School Street and the “Foster’s Lot.”

Another abutter, Raifstanger LLC, at 35 Bridge Street, asserted that it has access rights to the rear (the north) of its building through the 11 School Street and 293 Main Street properties. The Applicant has stated that they have come to an agreement with Raifstanger LLC to formalize this access agreement.

The Conservation Commission has reviewed the proposal and has determined it has no jurisdictional interest in the property.

The Board of Health determined that it has no health concerns with the proposal.

The Planning Board reviewed the special permit application and made a unanimous negative recommendation to the Selectboard, stating that the Board is opposed to trading housing and community services for a parking lot, and that the use neither serves economic or community needs nor is in keeping with the intent of the B-3 zoning.

C. Water Quality Protection Overlay District Criteria and Specific Findings

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

The proposal will render approximately 69%, or 10,500 square feet of the lot, impervious. This is a negligible reduction of the existing impervious surface coverage. The project proposes a stormwater detention and infiltration system underground in order to ensure that adequate quantity and quality of water can be recharged in to the aquifer. The Applicant’s Engineer calculates that 219 cubic feet of recharge volume is required in order to balance out the proposed impervious surface. The Applicant proposes recharge volume of 942 cubic feet.

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

The Selectboard hereby finds that the proposal complies with the WQPOD as follows:

1. The proposal complies with Sections 9.2.8 and 9.2.9.
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site.

D. Special Permit Criteria and Findings

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

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

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

Consideration of the Criteria in relation to SP #895-19:

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

The Board’s considerations in relation each of the six special permit criteria are set forth below.

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

The Board finds both potential detriments and potential benefits as follows:

The proposal demolishes a building with two apartments and a business that serves community. The proposal is not in keeping with some intentions of the B-3 zoning district which are to create mixed use buildings rather than demolishing existing buildings. The proposal does not utilize infill development or redevelopment of a building but rather demolishes a building. The proposal does not maintain or increase the supply of affordable dwelling units.

The proposal will have benefits for both the tenants of 321 Main Street and the downtown community. With dedicated parking, the new office tenants of 321 Main will not need to park in spaces that the public or other buildings use, therefore reducing parking pressures on public and quasi-public parking lots elsewhere downtown.

Criterion 2. Traffic flow and safety, including parking and loading.

The Board finds no traffic, parking, or loading concerns. School Street can adequately accommodate the cars into and out of the proposed parking lot. The Board also finds that while there is no formal pedestrian connection directly from the proposed parking lot to the 321 Main Street building whose tenants will be using the lot, the Applicant has reached an agreement to allow for passage over and through that area.

Criterion 3. Adequacy of utilities and other public services.

The Board finds that the site is in a previously developed area served by adequate public utilities and services for the proposed use.

Criterion 4. Neighborhood character and social structures.

The Board finds that the mixed-use commercial / residential character of the area is not

served by this proposal and that a gated parking lot, however nicely landscaped, does not contribute to a pedestrian oriented environment. Furthermore, the area surrounding the site is characterized by redeveloped buildings, not by demolition of existing buildings.

Criterion 5. Impacts on the natural environment.

The Board finds that the proposal will have no negative impacts on the environment. It is an already developed site, without proper stormwater mitigation. The proposed stormwater detention and infiltration system is properly designed to protect the underlying aquifer.

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

The Board finds that a parking lot is unlikely to provide a higher level of tax base than a mixed use building, and the proposal does not provide employment.

Finding:

In consideration of the discussion of the above criteria, the Board finds that benefits of the proposal, considered in its relation to the town and the neighborhood, and subject to conditions which ensure parking benefits will actually accrue to the public, outweigh detrimental impacts of the proposal.

Proposed Condition(s):

1. Prior to grant of any demolition permit for 11 School Street, Applicant must file with the Registry of Deeds and with the Town the executed agreements it has made to formalize access with its abutters Tom's Toys and Raifstanger LLC.
2. Prior to the grant of any demolition permit for 11 School Street, Applicant must draft an agreement with the Town of Great Barrington, subject to review and approval by Town Counsel, to allow permanently public parking nights and weekends at the Foster's Lot. Not later than one calendar year of the issuance of the demolition permit, said agreement must be executed and be recorded with the Registry of Deeds and with the Town.
3. During construction the Applicant must report on construction and the installation of the water quality protection district measures. Post construction, Applicant must provide to the Town: as-built plans of the stormwater detention/infiltration system, a certification by a Massachusetts licensed Engineer that system was installed per plan, and the Operations and Maintenance plan for the system which the Owner will perform on a not less than annual basis.

Questions contact – Steven Hayward 413-528-7018

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - Great Barrington, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 14th day of February 2020.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Elm Ct. - Great Barrington, Massachusetts.

29299065 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Elm Ct. - National Grid to relocate (1) JO pole # 2 on Elm Ct. beginning at a point approximately 200 feet north of the centerline of the intersection of Elm St. National Grid requesting to relocate pole # 2 on Elm Ct. in order to permanently move overhead conductor away from church restoration on Elm Ct.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts City/Town Clerk.
20

Questions contact - Steven Hayward 413-528-7018
PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Great Barrington, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Elm Ct. - National Grid to relocate (1) JO pole # 2 on Elm Ct. beginning at a point approximately 200 feet north of the centerline of the intersection of Elm St. National Grid requesting to relocate pole # 2 on Elm Ct. in order to permanently move overhead conductor away from church restoration on Elm Ct.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Elm Ct. - Great Barrington, Massachusetts.

29299065

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID

BY Jim Kehrer/lla
Engineering Department

VERIZON NEW ENGLAND, INC.

BY [Signature]
Manager / Right of Way

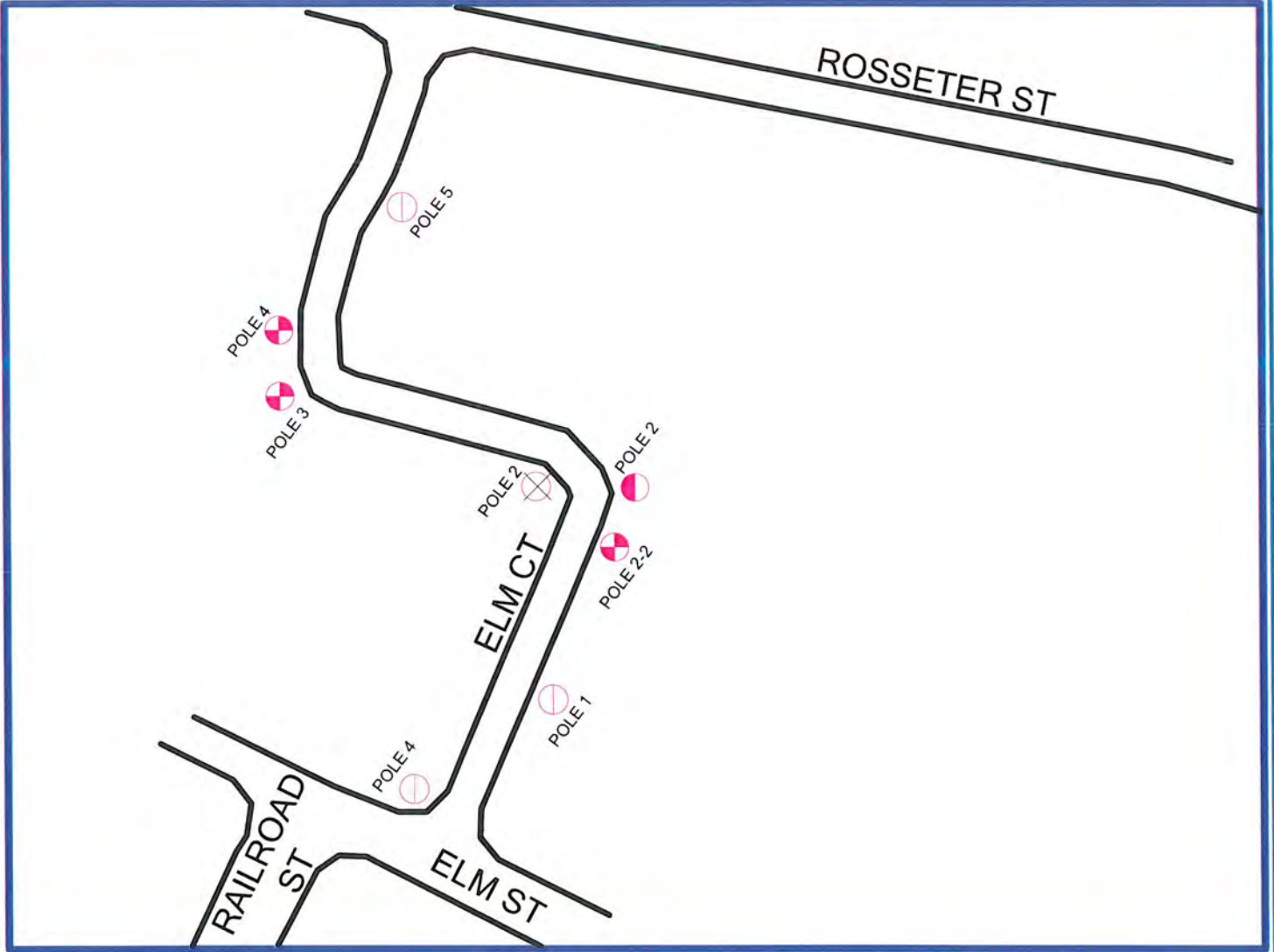
Dated: February 14, 2020




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.

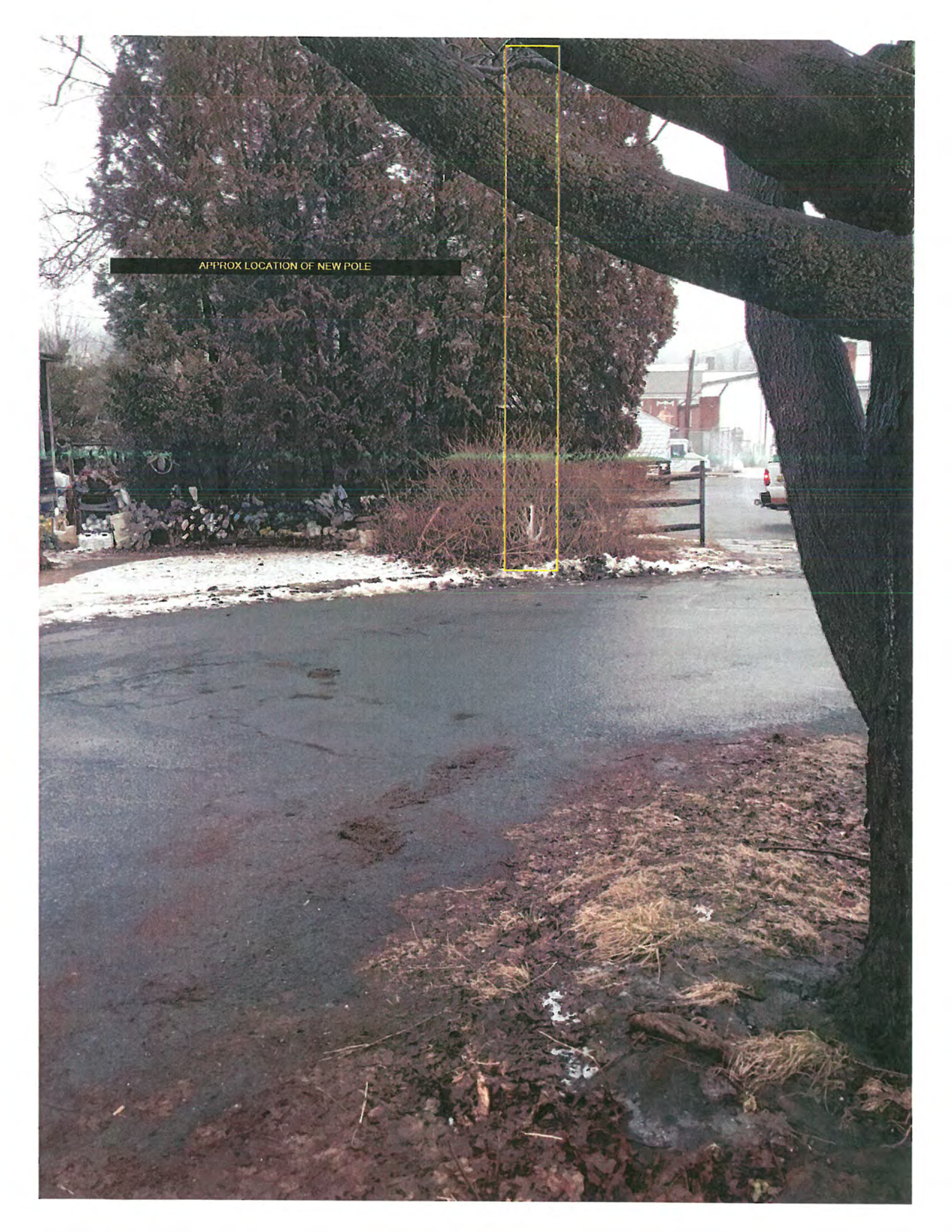
National Grid requesting to relocate Pole 2 on Elm Ct in order to permanently move overhead conductor away from Church restoration on Elm Ct.



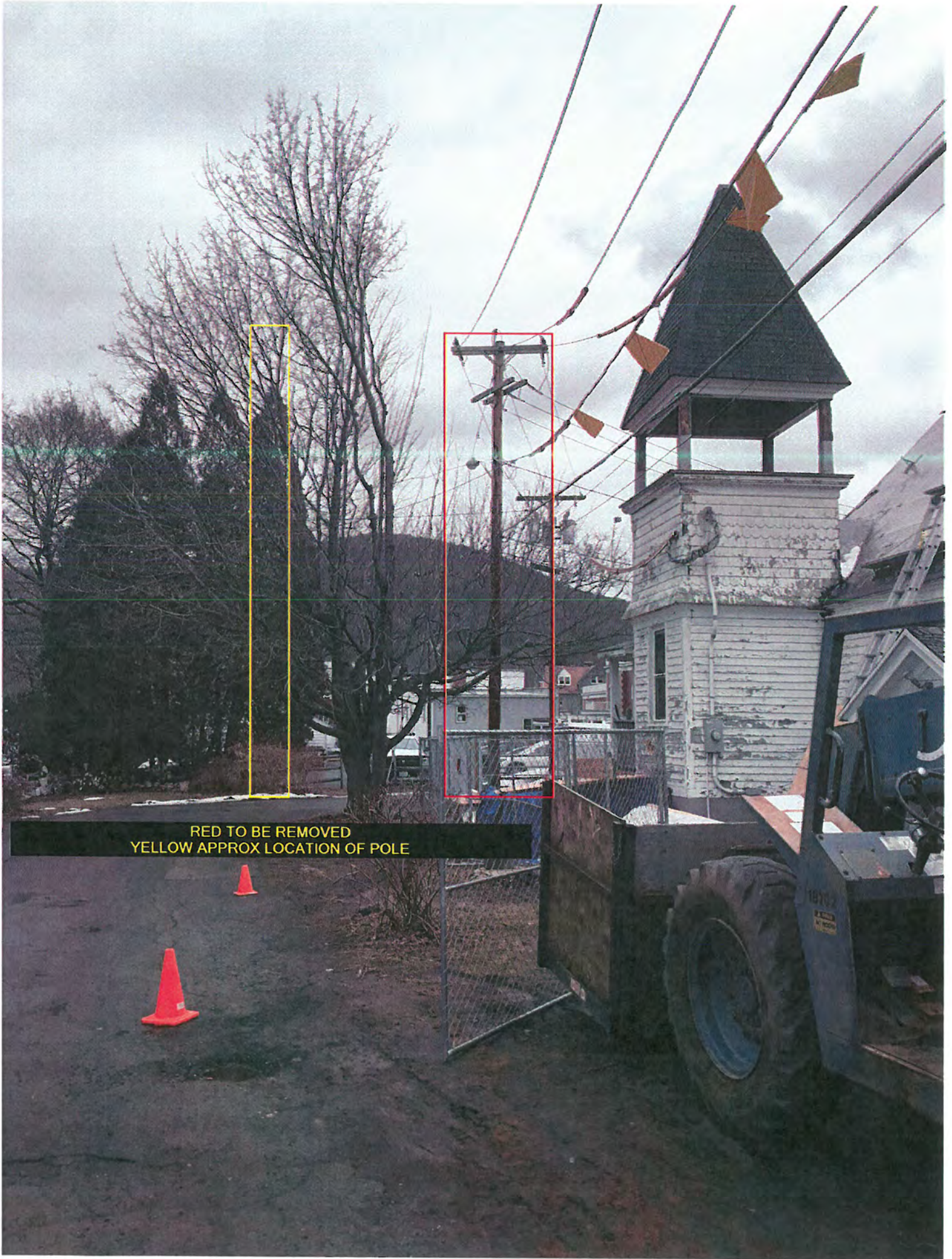
JOINT OWNED POLE PETITION		 And Verizon New England, Inc.
● Proposed NGRID Pole Locations		
○ Existing NGRID Pole Locations		
⦿ Proposed J.O. Pole Locations		Date: 12 FEB 2020
⊕ Existing J.O. Pole Locations		Plan Number: 29299065
⊕ Existing J.O. Pole Locations To Be Replaced		To Accompany Petition Dated:
⊗ Existing NGRID Pole Location To Be Made J.O.		To The: TOWN Of GREAT BARRINGTON
⊗ Existing Pole Locations To Be Removed		For Proposed: JO Pole: 2 Location: SIDE OF ROAD
DISTANCES ARE APPROXIMATE		Date Of Original Grant:

MOVE POLE FROM RED LOCATION TO BLUE LOCATION





APPROX LOCATION OF NEW POLE



RED TO BE REMOVED
YELLOW APPROX LOCATION OF POLE

Stephen C. Bannon, Chair
Edward Abrahams
William Cooke
Kate Burke
Leigh Davis



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

Abutters Notice

In accordance with the provisions of Section 22, Chapter 166, of the General Laws, you are hereby notified that a public hearing will be held via the video conferencing platform Zoom on Monday May 18, 2020 on the request from National Grid and Verizon. Specifically, to relocate the #2 pole on Elm Ct. beginning at a point approximately 200 feet north of the centerline of the intersection of Elm St. National Grid requesting to relocate pole #2 on Elm Ct. in order to permanently move overhead conductor away from church restoration on Elm Ct. Access information for the meeting will be listed on the Selectboard Agenda, which will be posted to the Town's website, www.townofgb.org, by 4 PM on Thursday May 14th, 2020.

Handwritten: ~~for~~ mailed 4/29/20

29299065

Hasler

09/26/2019

US POSTAGE

\$000.35⁰



ZIP 01845
011D10652619



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

29299065

Hasler

09/26/2019

US POSTAGE

\$000.35⁰



ZIP 01845
011D10652619



Navaporn Zivasatianrach
21 Grove St.
Northampton, MA 01060-3607

29299065

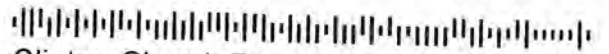
Hasler

09/26/2019

US POSTAGE \$000.35⁰



ZIP 01845
011D10652619



Clinton Church Restoration, Inc.
PO Box 1075
Gt. Barrington, MA 01230-6075



ZIP 01845
011D10652619



Frances O'Neil
18 Elm Ct.
Gt. Barrington, MA 01230-1519



Berkshire Bank
Attn: Peter Merwin
24 North St.
Pittsfield, MA 01201-5106

Town of Great Barrington 2020 Annual Town Meeting

WARRANT

with Recommendations
by the Finance Committee
and the Selectboard

Monday, June 22, 2020 and Thursday, June 25, 2020



SELECTBOARD

Stephen C. Bannon, Chair
Edward D. Abrahams
William F. Cooke
Kate F. Burke
Leigh S. Davis

FINANCE COMMITTEE

Anne O'Dwyer, Chair
Eugene W. Curletti
Thomas A. Blauvelt
Michelle M. Loubert
Meredith O'Connor

www.townofgb.org

TOWN OF GREAT BARRINGTON
2020 ANNUAL TOWN MEETING, JUNE 22, 2020 AND JUNE 25, 2020

INDEX OF WARRANT ARTICLES
2020 ANNUAL TOWN MEETING

1. Authorize Revolving Fund Limits
2. Elected Officials' Salaries
3. MassDOT Chapter 90 Funds
4. FY21 Operating Budget
5. FY21 Wastewater Treatment Plant Budget
6. Borrowing Authorization for Capital Items
7. FY21 Regional School Assessment
8. Borrowing Authorization for Wastewater Capital Items
9. Authorize use of Free Cash to reduce the Tax Levy
10. Authorize funding of Community Programs
11. South County Vocational Training Trust Scholarship Program Funding
12. Out of District Vocational Tuition – Fiscal Year 2020
13. Out of District Vocational Tuition – Fiscal Year 2021
14. Authorization to pay Prior Fiscal Year invoices
15. Repurposing of Fiber Optic Borrowing Authorization
16. Permit the application of sale premium to pay project costs
17. Borrowing Authorization for Housatonic School
18. Community Preservation Fund Reserves/Appropriations
19. Community Preservation Projects
20. Revise Prior Appropriation of Community Preservation Funds to the Housing Trust Fund
21. Housing Trust Purchase of Land on North Plain Road -- purchase and deed restriction
22. Authorization to sell/transfer 40 Grove Street
23. To Modify Town Code Chapter 48, Alarm System
24. Tax Financing Agreement, 430 Park Street
25. Sewer Easement, 79 Bridge Street
26. Sidewalk Easements, Housatonic Main Street
27. Taking or Eminent Domain of "Owner Unknown" Parcels on Tom Ball Ridge
28. Easements and/or Land Takings for Wastewater Pump Station Upgrades
29. Zoning: Editorial Amendments to the Zoning Bylaw
30. Zoning: Amend Section 3.1.4, permitted uses in the Downtown B District
31. Zoning: Amend Section 3.2, Accessory Uses
32. Zoning: Amend Section 3.1.4, Accessory Uses
33. Zoning: Amend Section 8.2, Accessory Dwelling Units
34. Zoning: Definitions of Accessory Dwelling Units and Moveable Tiny Houses
35. Zoning: Amend Section 4.1.2, Maximum Lot Coverage
36. Zoning: Amend the Design Advisory Committee and Design Review regulations
37. Zoning: Amend Section 8.5, Planned Unit Residential Development
38. Zoning: Amend Section 3.1.4, Swimming Pool regulations
39. Zoning: Amend Section 3.1.4, Residential Use permissions and Special Permit Granting Authority
40. Zoning: Amend Section 9.2, Water Quality Protection Overlay District

41. Zoning: Amend Section 8.4, Mixed Use regulations
42. Zoning: Add new section for conversion of nursing homes to multifamily use
43. Zoning: Amend Section 7.18, Marijuana Establishments, to establish a maximum number of retail establishments
44. Zoning, by citizen petition: Amend Section 8.4, Mixed Use regulations
45. Zoning, by citizen petition: Amend Section 9.11, Mixed Use Transitional Zone (MXD) and the Zoning Map
46. Zoning, by citizen petition: Amend Section 3.1.4, to Allow Marijuana Establishment by Special Permit in the I-2 Districts
47. Zoning, by citizen petition: Amend Section 7.18, Marijuana Establishment regulations
48. Modify Town Code Chapter 241-1, Citizen speaking time (by citizen petition)
49. Modify Town Code Chapter 189-1, Selectmen's Policies and Procedures (by citizen petition)
50. To Prohibit hazardous and toxic waste storage, disposal, and dumping in Great Barrington (by citizen petition)
51. To mandate Lake Mansfield Road be maintained as a two-way vehicular road (by citizen petition)
52. To close down and outlaw privately owned prisons for profit in Massachusetts (by citizen petition)

WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

2020

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To William Walsh, Chief of Police of the Town of Great Barrington, in said Berkshire County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of said town to meet at the Great Barrington Fire Station, 37 State Road in the Town of Great Barrington in Precinct A for Precincts A, C, and D, and at the Housatonic Community Center Building in the Village of Housatonic, in Precinct B, for Precinct B on Tuesday, June 30th, 2020 at 11:00 A.M. until 6:00 P.M. for the following purposes, viz.; to elect:

MODERATOR, ONE FOR ONE YEAR
SELECTBOARD, ONE FOR THREE YEARS
BOARD OF HEALTH, ONE FOR THREE YEARS
FINANCE COMMITTEE, ONE FOR THREE YEARS
HOUSING AUTHORITY, ONE FOR FIVE YEARS
LIBRARY TRUSTEES, TWO FOR THREE YEARS
PLANNING BOARD, TWO FOR THREE YEARS
ZONING BOARD OF APPEALS, TWO FOR THREE YEARS

BALLOT QUESTION:

Shall the Town of Great Barrington be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bond issued in order to pay the cost of building improvements to Town Hall and the Mason and Ramsdell Libraries, and for the payment of all other costs incidental and related thereto.

The above named officers and ballot question will be voted for on official ballots prepared by the Town Clerk.

You are also required to notify and warn the Inhabitants of said town, qualified to vote in town affairs, to meet at the Monument Mountain High School in Great Barrington on Monday, June 22nd, 2020 and Thursday, June 25th, 2020 at 6:00 P.M., then and there to act on the following:

ARTICLE 1:

To see if the Town will vote, to fix the maximum amount that may be spent during fiscal year 2021 beginning on July 1, 2020 for the revolving funds as established in the towns by-laws for certain departments, boards, committees, commissions, agencies or officers in accordance with M.G.L. Chapter 44, Section 53E ½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2021 Spending Limit
Plumbing Inspections	Building Department	\$15,000
Wiring Inspections	Building Department	\$55,000
Gas Inspections	Building Department	\$12,000
Cemetery	Public Works Department	\$ 5,000

Recommended by the Finance Committee and Selectboard

ARTICLE 2:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2020 to June 30, 2021 as indicated below:

Elected Officials Salaries:

Selectboard: \$18,750 (\$3,750 per Selectboard member)

Recommended by the Finance Committee and Selectboard

ARTICLE 3:

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (MassDOT), under the provisions of Chapter 90 of the Massachusetts General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of town ways and bridges, or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 4:

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below, or to take any other action relative thereto.

General Government

Town Manager/Selectboard	\$ 388,427
Finance Committee/Reserve Fund	128,000
Finance Director/Town Accountant	146,550
Technology	215,150
Assessors' Office	154,575
Treasurer/Collector	208,437
Town Clerk/Elections	130,698
Conservation Commission	30,685

Various Boards/Commission	19,970
Planning Board	5,250
Zoning Board of Appeals	1,300
Office of Planning/Community Development	134,850

Public Safety

Police Department	1,723,347
Fire Department	624,496
Communications/Emergency Management	21,103
Building Inspector	167,013
Animal Control	12,520

Department of Public Works 2,308,258

Public Health

Health Department	117,775
-------------------	---------

Community Services

Council on Aging	147,161
Veterans' Affairs	143,700
Human Services	25,000

Cultural/Recreation

Libraries	559,958
Parks/Recreation	115,000

Miscellaneous

Insurance	1,765,452
Debt Service	1,865,390
Retirement	965,411
Celebrations/Seasonal/Events/Band Programs	<u>9,000</u>

Total General Fund \$ 12,234,776

Recommended by the Finance Committee and Selectboard

ARTICLE 5:

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below, or to take any other action relative thereto.

Wastewater Treatment Plant

Salaries	\$ 473,967
Expenses	690,800
Insurance/Benefits	306,974
Miscellaneous/Transfers	180,000
Debt Service	<u>797,659</u>

Total Wastewater Treatment Plant \$2,449,400

Recommended by the Finance Committee and Selectboard

ARTICLE 6:

To see if the Town will vote to appropriate \$3,628,500 or any other sum of money, in the following approximate amounts and for the following purposes. And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Street and Bridge Improvements	\$2,315,000
Building Improvements	500,000
Police Cruisers (2)	127,500
Highway Dump Truck w/Plow & Sander	230,000
EMS/Service Vehicle	60,000
Police Portable Radios (6)	46,500
Roadside Mower	180,000
Mowers (2)	32,000
1-ton Roller	30,000
Fire Equipment	35,500
Speed Trailer	12,000
Parks Equipment	60,000
Total	\$3,628,500

Recommended by the Finance Committee and Selectboard

ARTICLE 7:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seventeen Million, Sixty-Four Thousand, One Hundred and Eighty-Four Dollars (\$17,064,184) for the operating assessment, and Five Hundred Three Thousand, One Hundred and Sixty Dollars (\$503,160) for the capital assessment, for a total assessment of Seventeen Million, Five Hundred Sixty-Seven Thousand, Three Hundred and Forty-Four Dollars (\$17,567,344) of the Berkshire Hills Regional School District, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 8:

To see if the Town will vote to appropriate \$690,000 or any other sum of money, for Wastewater capital improvements, in the following approximate amounts and for the following purposes. And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Inflow & Infiltration Study	\$200,000
Maple/Main St Sewer Replacement	400,000
F350 Service Truck w/Plow & Sander	90,000
Total	\$690,000

Recommended by the Finance Committee and Selectboard

ARTICLE 9:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2020, or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 10:

To see if the Town will vote to appropriate from Free Cash a sum of money to fund various community programs in accordance with Cannabis Control Commission, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 11:

To see if the Town will vote to raise and appropriate \$65,000 to establish and fund a South County Vocational Training Trust Scholarship Program, or take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 12:

To see if the Town will vote to appropriate from Free Cash \$97,130 to fund the Fiscal Year 2020 tuition and transportation costs for out of district vocational education, in accordance with _____ or take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 13:

To see if the Town will vote to raise and appropriate \$123,000 to fund the Fiscal Year 2021 tuition and transportation for out of district vocational education, in accordance with _____ or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 14:

To see if the Town will vote to authorize the payment of prior fiscal year invoices from the FY20 operating budgets of the Treasurer and Technology Departments.

Recommended by the Selectboard

ARTICLE 15:

To see if the Town will vote to amend its action taken under Article 4 of the Warrant for the Annual Town Meeting held on May 1, 2017, which action, among other things, approved the borrowing of \$70,000 to pay costs of public safety communication improvements, so as to permit the expenditure of \$20,000 authorized for that purpose, but which is not necessary for the completion of that project, to pay costs of engineering and planning related to installing a broadband cable in the Housatonic area of Town; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 16:

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Recommended by the Selectboard

ARTICLE 17:

To see if the Town will vote to amend the vote under Article 8 of the 2019 Annual Town Meeting, which appropriated \$650,000 for capital improvements to the Housatonic School including the costs of a new roof, windows and masonry work, by revising the amounts authorized to be transferred for such appropriation as follows: increase the amount to be transferred from the Sale of Real Estate Fund from \$300,000 to \$350,000 and decrease the amount to be transferred from the Community Preservation Fund from \$350,000 to \$300,000; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 18:

Community Preservation Fund Reserves & Appropriations

To see if the Town will vote to appropriate or reserve for future appropriation, from the community preservation fund, the following amounts recommended by the Community Preservation Committee for FY21, with each item considered a separate appropriation; or to take any other action relative thereto.

Reserves:

From FY21 revenues for historic resources reserve	\$ 50,000
From FY21 revenues for community housing reserve	\$ 50,000
From FY21 revenues for open space reserve	\$ 50,000

Appropriations:

From FY21 revenues for administrative expenses	\$ 20,000
Balance of FY21 revenues for FY21 budgeted reserve	\$ 345,000

Recommended by the Community Preservation Committee

ARTICLE 19:

Community Preservation Projects

To see if the Town will vote to appropriate from the Community Preservation Fund for FY21 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation; or to take any other action relative thereto.

Project	Total Appropriation	Source of Appropriation	
		FY21 Revenues	Fund Balance
<i>Affordable Housing</i>			
1 CDC of South Berkshire, to create new housing at 910 Main Street	\$250,000	\$250,000	
2 Town Affordable Housing Trust Fund, to acquire land for housing	\$185,000		\$185,000
Subtotal, Affordable Housing	\$435,000		
<i>HISTORIC RESOURCES</i>			
3 Town Historical Commission, for historic properties research in Housatonic Village	\$15,000		\$15,000
4 Town Historical Commission, to preserve the historic trolley shelter	\$50,000		\$50,000
5 Historical Society, to restore and preserve Wheeler museum buildings and artifacts	\$145,000	\$145,000	
Subtotal, Historic Resources	\$210,000		
<i>OPEN SPACE & RECREATION</i>			
6 Berkshire Natural Resources Council, to create public access/trailhead improvements	\$30,000	\$30,000	
7 Conservation Commission for the McAllister Wildlife Refuge preservation project	\$33,500	\$33,500	
8 Lake Mansfield Road design to preserve open space / create recreational land	\$120,000		\$120,000
Subtotal, Open Space & Recreation	\$183,500		
TOTAL	\$828,500	\$458,500	\$370,000

Recommended by the Community Preservation Committee

ARTICLE 20:

To see if the Town will vote to amend its action taken under Article 13 of the Warrant for the Annual Town Meeting held on May 6, 2019, which action, among other things, approved the appropriation of \$100,000 from FY20 CPA revenues to the Great Barrington Affordable Housing Trust Fund for the purpose of downpayment assistance, so as to permit the expenditure of said appropriation for either downpayment assistance or for rental assistance; or to take any other action relative thereto.

Recommended by the Community Preservation Committee

ARTICLE 21: (ask David -- is this a separate article or part of the CPA article?? Chris R thinks the Trust is already empowered by Town Meeting to acquire land. Do they also need Town Meeting approval to put a Deed Restriction on that land if they buy it for CPA housing, or is the Trust also already empowered to put deed restrictions on land without Town Meeting?)

Acquisition of approximately 7.25 acres of land at 0 North Plain Road by the Great Barrington Affordable Housing Trust Fund

ARTICLE 22: (ask David)

Town to transfer 40 Grove Street to Housing Trust fund and/or Habitat?

Mark / Chris work on language with Counsel. 2/3 vote needed

Karen as Tax title custodian must make finding

ARTICLE 23:

To see if the Town will vote to amend the Town Code Chapter 48, Article 1, "ALARM SYSTEMS", as shown in the text below, or take any other action relative thereto:

Proposed additions are underlined.

Proposed deletions are ~~struckthrough~~.

§48-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

~~ALARM SYSTEMS—Any alarm device which automatically dials the emergency telephone number of the Police, Fire Department or other emergency service to alert that an emergency exists or that the services of that Department are needed or which transmits an alarm to the Town's alarm monitoring system. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual or other response upon the occurrence of the hazard or emergency and is intended to alert persons outside the building and/or any person who in turn notifies the Police and/ or Fire Department to the existence of said hazard or emergency. Any device which when activated transmits a signal to the Police, Fire Department, or their dispatch center or transmits a signal to a person or company, who relays information, to the Police, Fire Department, or dispatch center, or produces an audible or visible signal to which the Police and/or Fire Department is expected to respond.~~

~~DIAL ALARM or DIALING DEVICE—Any fire, police or emergency alarm device which is a telephone device or telephone attachment which automatically or electronically selects a telephone line connected to the Police, Fire Department, or dispatch center and reproduces a prerecorded message to report a criminal act or other emergency requiring police, fire or emergency service response.~~

~~EMERGENCY NUMBERS — Any telephone number designated by the Police or, Fire Chief or Emergency Communication Commission as a telephone number through which members of the public may report an emergency or request public assistance.~~

~~FALSE EMERGENCY ALARM — Any signal actuated transmitted by an emergency alarm system to which the Police or Fire Department, Fire Chief or emergency service responds which is not the result of an emergency.~~

§ 48-2. ~~Dialing devices restricted.~~ Alarm System Monitoring

~~All dialing devices operated by automatic means shall transmit messages only to such numbers as may be designated for that purpose by the Police, Fire Department or Emergency Communication Commission of the Town. After 90 days following the effective date of this article, no person shall use, operate or install any device which will, upon activation by automatic means, initiate dialing, calling or other connection with the Police, Fire Department or emergency service of the Town, either at its regularly constituted telephone number or any other which may be designated by said Police, Fire Department or Emergency~~

~~Communication Commission emergency number, without permit issued by the Board of Selectmen or Emergency Communication Commission.~~

Alarm systems shall be connected to a central station or similar monitoring system which shall then notify Great Barrington Dispatch by a dedicated telephone number or other approved method. No alarm shall be automatically transmitted to the Police, Fire Department, or Dispatch Center without written consent from the affected department.

1. Editor's Note: This Article also superseded former Ch. 48, Alarm Systems, adopted 5-3-1982 Annual Town Meeting. Art. 26. §

§ 48-3 48:3 § 48-3. Compliance of dialing devices required.

No person shall use, operate or install any dialing device that will, upon activation, automatically dial, call or connect with the telephone number designated by the Chief of Police, Fire Chief or Emergency Communication Commission, for the purpose of receiving such alarm messages, more than twice for any one incident. Any system installed on or after the effective date of this article must comply with this article. Preexisting installations must comply within 90 days of the effective date of this article.

§ 48-4. Mandatory alarm delay.

Upon the activation of a burglar (break-in) alarm, there shall be a mandatory delay of at least 15 seconds before the transmission of a signal to the Police Department to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to a robber (holdup), fire or medical emergency alarm. Any system installed on or after the effective date of this article must comply within 90 days of the effective date of this article.

§ 48-5. Timing devices.

The user of every alarm system emitting an audible, visual or other response shall, at the time such system is installed or within 90 days of the effective date of this article in the case of existing systems, install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than 15 minutes.

~~§ 48-6. Information to be filed.~~

~~The user of every alarm system maintained in the Town, except those installed in motor vehicles, shall, within 10 days of the installation thereof or within 60 days of enactment of this article, file the following information with the Police Department of the Town:~~

~~(1) The type of alarm system.~~

~~(2) The street address and the nearest cross street of the building which houses the alarm.~~

~~(3) In the case of commercial premises, the name, address and telephone number of an authorized representative and/or an alternative who will be able to respond when called by the Police to deactivate the alarm system, if necessary.~~

~~(4) In the case of a private residence, the name, address, and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system; an external shutoff to the alarm system shall be available to the Emergency Department to deactivate the alarm.~~

~~Such filing requirements are applicable to all alarm systems whether the same are or are not directly connected to the Police, Fire Department and dispatch center or are merely audible alarms. Such filing must be made within the time period specified above even though there shall have been previous notification of the existence of such alarm systems to the Police/Fire Department of the Town.~~

~~§ 48-7. Permit; fee; revocation.~~

~~A. The Board of Selectmen or the Emergency Communication Commission are hereby authorized to grant a revocable permit to any owner, lessee or occupant of property located in the Town to~~

~~operate, maintain, install or modify a police, fire or emergency alarm device, and no such device shall be operated unless such permit shall have first been issued.~~

- ~~A. The Board of Selectmen shall annually set and charge a fee for the issuance of such permit, to be renewed annually. Permits will expire on June 30 of each year.~~
- ~~A. The Board of Selectmen shall set and charge a fee for connection to the Town's alarm monitoring system. The Board of Selectmen shall also set and annually charge a monitoring fee for alarm systems which are transmitted to Town telephone, Town alarm monitoring systems or the dispatch center.~~
- ~~A. A permit issued pursuant to this article may be revoked at any time or from time to time by the Board of Selectmen or Emergency Communication Commission upon the giving of 10 days' notice, in writing, by registered mail, to the permittee, sent to the address shown on the permit. The violation of this article shall constitute grounds for the revocation of the permit.~~

§ 48-8. False alarm fees. [Amended 5-6-1996 ATM, Art. 19; 5-3-1999 ATM, Art. 27]

~~A fee may be charged for each False Alarm in accordance with a policy set by the Selectboard. A fee for a false alarm may not exceed \$250. A fee will be charge as listed below for each response by the Fire and/or Police Department to any building/residence in which an alarm malfunction or alarm activation is caused by the occupant or persons having control of the building/residence. The Police/Fire Chief or senior officer making an alarm response shall determine whether the alarm was a malfunction by the alarm system or accidental activation. After a third response in a twelvemonth period, the permit shall be revoked by the Board of Selectmen until the alarm system has been recertified by a reputable installer of alarms.~~

- ~~— First offense: \$0.~~
- ~~— B. Second offense and subsequent offenses: \$60.~~

§ 48-9. Disconnection.

In the event that an alarm system emitting an audible, visual or other similar response shall fail to be deactivated within the time limitation specified in § 48-5 above, the Town shall have the right to take such action as may be necessary in order to disconnect any such alarm.

§ 48-10. Violations and penalties:

~~Any person operating an alarm system without a permit from the Board of Selectmen or Emergency Communication Commission violates the provisions of this article and shall be subject to a fine of \$100 for each offense.~~

§ 48-11. Fees established:

- ~~Communication Committee fees shall be as follows:~~
- ~~A. Annual fee for each and every alarm: \$10.~~
- ~~B. A one-time hook-up charge to the alarm panel: \$275.~~
- ~~C. Monitoring fee, annually: \$125.~~

ARTICLE 24:

Tax Financing Agreement, 430 Park Street

To see if the Town will vote to authorize the Selectboard to enter into a Tax Increment Financing Agreement and Tax Increment Financing Plan with Studio for Integrated Craft, LLC, or its Nominee, pursuant to the provisions of MGL Chapter 40, Section 59, in connection with the redevelopment of the property at 430 Park Street, Housatonic, or to take any other action relative thereto.

ARTICLE 25:

Sewer Easement, 79 Bridge Street

To see if the Town will vote to authorize the Selectboard to accept a permanent sanitary sewer easement in, on and under a portion of the property known as 79 Bridge Street, Great Barrington, Massachusetts, which easement is shown as "Proposed 30' Sewer Easement" on a plan of land entitled "Plans to Accompany Permit Application Modifications Prepared For 79 Bridge Street Realty, LLC," prepared by SK Design Group, Inc. and dated July 31, 2019, and which is on file with the Town Clerk, or to take any other action relative thereto.

ARTICLE 26:

Sidewalk Easements, Housatonic Main Street

To see if the Town will vote to authorize the Selectboard to acquire certain permanent easements and temporary easements on and/or along Main Street in the Village of Housatonic, through all legal means including donation, purchase, or eminent domain, said easement areas being shown on a plan entitled "Sidewalk Extension & Related Work Plan" prepared by Foresight Land Services, Pittsfield, MA, and dated 1-31-20, and which is on file with the Town Clerk, or to take any other action relative thereto.

ARTICLE 27:

Eminent domain or tax taking and conservation of Owner Unknown Parcels totaling +/- 48 acres on Tom Ball Mountain. David D will send language

ARTICLE 28:

Easements and/or Land Takings for Wastewater Pump Station Upgrades

Takings and/or easements to build the 4 new pump stations:

1. Cone Ave area
2. Rising Mill area
3. Fairgrounds
4. At the senior center

Plans entitled "Wastewater Pump Station Upgrades Project," prepared by DPC Engineering, LLC, Longmeadow, MA, October 2019, and which are on file with the Town Clerk, or to take any other action relative thereto.

ARTICLE 29:

Zoning

Recommended by the Planning Board

ARTICLE 30:

Zoning

Recommended by the Planning Board

ARTICLE 31:

Zoning

Recommended by the Planning Board

ARTICLE 32:

Zoning

Recommended by the Planning Board

ARTICLE 33:

Zoning

Recommended by the Planning Board

ARTICLE 34:

Zoning

Recommended by the Planning Board

ARTICLE 35:

Zoning

Recommended by the Planning Board

ARTICLE 36:

Zoning

Recommended by the Planning Board

ARTICLE 37:

Zoning

Recommended by the Planning Board

ARTICLE 38:

Zoning

Recommended by the Planning Board

ARTICLE 39:

Zoning

Recommended by the Planning Board

ARTICLE 40:

Zoning

Recommended by the Planning Board

ARTICLE 41:

Zoning

Recommended by the Planning Board

ARTICLE 42:

Zoning

Recommended by the Planning Board

ARTICLE 43:

Zoning

Recommended by the Planning Board

ARTICLE 44:

Zoning, by Citizen Petition

Not Recommended by the Planning Board

ARTICLE 45:

Zoning, by Citizen Petition

Not Recommended by the Planning Board

ARTICLE 46:

Zoning, by Citizen Petition

Recommended by the Planning Board

ARTICLE 47:

Zoning, by Citizen Petition

Not Recommended by the Planning Board

ARTICLE 48: (by petition)

To see if the residents of this Town will vote to amend Chapter 241 of the Town Code, Division 3 Miscellaneous Rules and Regulations, as set forth below:

*Amend Section 241-1 **Placement on Agenda**, as follows:*

Every Great Barrington committee or board, whether appointed or elected, shall place on their agenda of public meetings an item for citizen speak time. Except for procedural and housekeeping matters, Town residents shall have the right to address a Board on any item that requires a vote at a time before a Board votes on that item. Such residents will be allowed as much time as the proponent of an item is permitted to have.

Purpose of the Amendment: Under current law and procedure, residents have the right to speak at a public hearing or on a special permit or during Citizen Speak at the end of the evening's meeting or when recognized by the Chair of a Board. There are often items on the agenda of a public meeting for which a Board will have a discussion and vote. Each Board allows the proponent of an item to present its proposal and to present evidence and testimony relative to such proposal. During and after such presentation, a Board may ask questions of the proponent. Rarely does a Board allow residents the right to speak at that time, before a vote on the item. Residents may speak as of right during the Citizen Speak portion at the end

of a meeting. But this may be of little consequence to the merits of a proposal as a vote has already been taken. There are often meetings where a Board member may commend a resident on their comment and how the comment was relevant to the proposal. Unfortunately, the vote had already been taken.

This amendment will give residents the right to speak on a particular item at a time when the discussion of an item is still a viable matter. That is, the right to speak and offer comment on matters that affect them, before a Board has voted. In this way, a Board will have the benefit of hearing more than one side of an issue, not just the proponent but also those affected by such proposal. A Board must listen to more than just the proponent of a proposal.

ARTICLE 49: (by petition)

To see if the residents of this Town will vote to amend Chapter 189 of the Town Code, Division 2 Selectmen's Regulations, as set forth below:

Amend Section 189-1 Meetings, subdivision C, paragraph (4), as follows

(4) Although the press and the public have the right to be present at any open meeting, they have no right to participate unless they are recognized by the Chairman. Except for procedural and housekeeping matters, Town residents shall have the right to address the Board on any item that requires a vote at a time before the Select Board votes on that item. Such residents will be allowed as much time as the proponent of an item is permitted to have.

Purpose of the Amendment: Under current law and procedure, residents have the right to speak at a public hearing or on a special permit or during Citizen Speak at the end of an evening's meeting or when recognized by the Chair of the Select Board. There are often items on the agenda of a public meeting for which the Select Board will have a discussion and vote. The Select Board allows the proponent of an item to present its proposal and to present evidence and testimony relative to such proposal. During and after such presentation, the Select Board may ask questions of the proponent. Rarely does the Select Board allow residents the right to speak at that time, before a vote on the item. Residents may speak as of right during the Citizen Speak portion at the end of a meeting. But this may be of little consequence to the merits of a proposal as a vote has already been taken. As an example there was a recent meeting where a Board member commended the resident on their commitment and how the comment was relevant to the proposal. Unfortunately, the vote has already been taken.

This Amendment will give residents the right to speak on a particular item at a time when the discussion of an item is still a viable matter. That is, the right to speak and offer comment on matters that affect them, before the Board has voted. In this way, the Board will have the benefit of hearing more than one side of an issue, not just the proponent but also those affected by such proposal. The Board must listen to more than just the proponent of a proposal.

ARTICLE 50: (by petition)

Resolution to Prohibit Hazardous and Toxic Waste Storage, Disposal, or Dumping in Great Barrington MA

To see if the Town of Great Barrington will vote to approve the following resolution:

Whereas the storage and disposal of hazardous and toxic waste, including PCB's from a variety of sources to include the "Rest of River" cleanup by GE is deleterious to the health of all life;

Whereas the storage and disposal of such waste is antithetical to the Food Sovereignty and Pollinator Friendly resolutions as adopted by the Town of Great Barrington;

Whereas we have sovereign rights as promulgated and protected under the Constitution of the United States of America, among them Life, Liberty and the Pursuit of Happiness. Without our health, healthy water, land and air, we are denied those inalienable rights;

Therefore, we, the citizens of the Town of Great Barrington, do here by adopt this resolution that prohibits the disposal, dumping or storage of hazardous and toxic waste from any source on the land or in the water in the Town of Great Barrington (including Housatonic) under any circumstances to ensure our rights and the rights of future generations to a healthy life.

ARTICLE 51: (by petition)

We the undersigned voters of Great Barrington request to have the following Article included in the warrant for 2020 Annual Town Meeting:

Article:

We the people of Great Barrington hereby mandate that the Town maintain Lake Mansfield Road as a two-way vehicular road from end to end in perpetuity, effective immediately.

ARTICLE 52: (by petition)

We sign this petition to close down and outlaw all privately owned “prisons-for-profit” state-wide in MA. These institutions are literally ruining the lives of countless inmates (and their loved ones), whereas properly run and supported State correctional facilities do help rehabilitate people giving them hope in the present, and futures they can look forward to, namely, the chance to contribute to society and live more and more meaningful lives for themselves and others.

HEREOF FAIL NOT, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this day of May, 2020.

Stephen C. Bannon, Chair

Edward D. Abrahams

William F. Cooke

Kate F. Burke

Leigh S. Davis

Selectboard of the Town of Great Barrington

A TRUE COPY ATTEST:

William R. Walsh, Chief of Police
Town of Great Barrington

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, Fourteen days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this day of May, 2020.

William R. Walsh, Chief of Police
Town of Great Barrington

EXECUTIVE SUMMARY

TITLE: Absentee & Early Voting for Annual Town Election (ATE)

BACKGROUND:

Absentee Voting

If a voter cannot vote on Election Day, there are different options for them to still vote. For every Annual Town Election there is the option for voters to vote via an Absentee Ballot if they meet one of three requirements. A registered voter must be prevented from voting at the polling place due to:

1. Absence from town on Election Day
2. Physical disability; or
3. Religious belief

Due to the current pandemic, Chapter 45 of the Acts of 2020 allows for any person taking a precaution related to COVID-19 will qualify for an absentee ballot by reason of physical disability. That includes those who are sick, self-quarantined or choosing not to go to a public place for their own safety.

Early Voting

This year they are also allowing for Early Voting in spring Municipal Elections due to the current pandemic. In Chapter 45 of the Acts of 2020, Section 5 allows for Early Voting by mail for voters. Early voting is typically done at the Town Hall in person the week(s) before the election but this year they are allowing for Early Voting by mail. Voters can submit their 2020 Municipal Election Early Ballot Application, which can be obtained at <https://www.townofgb.org/town-clerk>, to the Town Clerk's Office by three different methods:

1. Mail: Town Clerk, 334 Main Street, Great Barrington, MA 01230
2. Drop it off in the locked drop box in front of Town Hall
3. Email it to the Town Clerk (jmessina@townofgb.org)

The applications can be submitted immediately and once the ballots are obtained, they will be mailed out to all Absentee and Early Voting applicants. The Early Voting ballots can

either be mailed back to the Town Clerk or left in the locked drop box in front of the Town Hall.

The deadline for submitting an Early Voting application is June 29, 2020 by Noon. The deadline for submitting an Early Ballot is close of polls (6:00 pm) on June 30, 2020.

Both the State Elections Division and the Clerks are highly recommending that voters Early Vote by mail for this ATE to take extra precautions related to the COVID-19 pandemic.

FISCAL IMPACT: There will most likely be an increased number of mailed ballots so the Town will spend more in postage costs.

RECOMMENDATION: N/A

PREPARED AND REVIEWED BY:



Jennifer L. Messina, Town Clerk

APPROVED BY:



Mark Pruhenski, Town Manager

DATE: May 5, 2020

A RESOLUTION
IN SUPPORT OF EXPANDED ABSENTEE VOTING AND VOTE BY MAIL

WHEREAS, voting is a fundamental right and a foundational principle of democracy.

WHEREAS, during the Covid-19 global pandemic a strategy that has proven effective for protecting communities by slowing the spread of the virus is the practice of social distancing and limiting congregating in groups.

WHEREAS, the Massachusetts state primary is September 1, 2020, and the general election is November 3, 2020, and it is unknown if at that time gathering in groups, which is necessary for voting at polls, will be permitted, advisable or if citizens will feel safe exercising their right with in-person voting.

WHEREAS, healthy ballot access is essential to our democratic process, and also to our community health and safety. Every voter in the Commonwealth should be able to exercise their right to vote safely, without fear and without putting their and other's health and the health of their community at risk.

WHEREAS, vote by mail is a proven voting method that has increased voter access and participation without vote loss or voter fraud. Currently, five states vote almost exclusively by mail: Colorado, Hawaii, Oregon, Utah, and Washington. 28 states have "no excuse," or "no-fault," mail, or absentee balloting. In response to COVID-19, more states are converting upcoming elections to vote by mail to ensure healthy ballot access, including New York, New Hampshire, and Maryland.

WHEREAS, Bills S.2654 in the State Senate and HD.5026 in the State House, "An Act establishing vote by mail in 2020," seeks to establish vote by mail in Massachusetts.

WHEREAS, for the September primary and November general elections, the Secretary of the Commonwealth has expanded eligibility for applying for absentee voting. H.4623, sponsored by Representative Paul Mark and Representative Lindsay Sabadosa, would further expand absentee voting to all that apply to vote absentee.

NOW THEREFORE BE IT RESOLVED that the Great Barrington Selectboard asks the Massachusetts Legislature to act with urgency to pass H.4623 to allow absentee voting for all in the upcoming 2020 elections.

BE IT FURTHER RESOLVED that the Great Barrington Selectboard asks the Legislature to pass Senate Bill 2654 and House Docket Bill 5026 to establish a vote by mail program in the Commonwealth for all in the upcoming 2020 elections.

BE IT FURTHER RESOLVED that the Town Manager shall cause a copy of this resolution to be sent to the state sponsors of the Act, Senator Rebecca L. Rausch, and Representatives Adrian C Madaro; Chairs of the Joint Committee on Election Laws, Senator Barry R. Finegold, and Representative John J. Lawn, Jr.; State Representative Lindsay Sabadosa; State Senator Jo Comerford; House Speaker Robert DeLeo; Senate President Karen Spilka and Governor Charles Baker.

IN WITNESS WHEREOF, WE have hereunto set our hands this 18th day of May, 2020.

Steve Bannon, Chair

Edward Abrahams

William Cooke

Kate Burke

Leigh Davis