

Mark Pruhenski
Town Manager

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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

Special Joint Meeting with the Zoning Board of Appeals and Selectboard
Regular Meeting
Order of Agenda for Monday, May 24, 2021, at 6:00 PM, Via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81095621390?pwd=QjBmbTZyc0JSNmIPQ1dnYkZkR2pyZz09>

Webinar ID: 810 9562 1390

Passcode: 330077

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

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's 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 by following the 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*****

CALL TO ORDER JOINT MEETING WITH THE ZONING BOARD OF APPEALS

Joint Appointment of Zoning Board of Appeals Alternate member

1. CALL TO ORDER SELECTBOARD REGUALR MEETING

2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS

- a. Date for Goal Setting Meeting
- b. SB Committee Assignments

3. TOWN MANAGER'S REPORT

- a. Monument Mountain Regional High School Entrance
- b. Housatonic Water Works
- c. Annual Town Meeting June 7th and 10th (if necessary).
- d. Outdoor Dining–Updates
- e. Memorial Day Events
- f. Housatonic Main Street Road Repairs
- g. Lake Mansfield Road Updates

4. LICENSES AND PERMITS

- a. Jeff Caminiti/20 Railroad for an annual Weekday Entertainment License
- b. Rick Abdalla/Bogies for two temporary Sunday Entertainment Licenses for June 27, 2021 (rain date July 11, 2021) and September 26th (Rain Date October 3, 2021)
- c. Tiffany Riva/Railroad Street Youth Project for a temporary weekday entertainment license for Thursday July 15, 2021 from 4:00 PM to 9:00 PM
- d. Tiffany Riva/RSYP for a one day beer and wine license for Thursday July 15, 2021 from 4:00 PM to 9:00 PM
- e. Eugene Carr of Berkshire Busk! Temporary event license for multiple locations and dates
- f. Jenise Lucey of Berkshire South Regional Community Center for a one day beer and wine license for Saturday June 26, 2021 from 11:00 AM to 5:00 PM

5. PUBLIC HEARINGS

- a. Julien Bizalion for Alteration of Premises of their Wine and Malt License at 684 South Main Street

6. NEW BUSINESS

- a. Tax Increment Financing (TIF) agreement transfer for 20 Castle Street
- b. Recommendation to the Planning Board on the Special Permit Application from James J. Mercer, Trustee, Long Pond Road Nominees Trust, 80 Maple Avenue, Great Barrington, land owner, and Berkshire Natural Resources Council, Inc., to create a rear lot in the R-2 zone off of Long Pond Road, in accordance with Sections 4.3 and 10.4 of the Great Barrington Zoning Bylaw

7. CITIZEN SPEAK TIME

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

8. SELECTBOARD'S TIME

9. MEDIA TIME

10. ADJOURNMENT

NEXT SELECTBOARD MEETING

Annual Town Meeting June 7, 2021
Annual Town Meeting June 10, 2021 (If needed)

Regular Selectboard Meeting June 14, 2021
Regular Selectboard Meeting June 21, 2021
(if needed)



Mark Pruhenski, Town Manager

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

ZBA \$ SB

5/24/21

Chris Rembold

From: JB Brodeur <jbbrodeur33@gmail.com>
Sent: Wednesday, May 12, 2021 3:25 PM
To: Chris Rembold
Subject: Re: Zoning Board of Appeals

CAUTION:

This is an external email, be vigilant

Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe

Mark Pruhenski - Town Manager
Chris Rembold- Asst Town Manager
Ron Majdalany - Chairman, Zoning Board of Appeals
Carolyn Ivory - Vice Chairwoman, Zoning Board of Appeals

Chris, apologies to you and Carolyn for the delay in providing you with my profile.

I grew up in Massachusetts and received a BS in Education from Framingham State College. I taught for a few years in both Boston and Australia before completing a 2 year course in light clothing manufacturing in London. The greater part of my career was spent in Asia representing both American and European retail establishments.

My young daughter and I moved to Great Barrington in 1997 where I took a job with Cypress Apparel in Sheffield. When that job ended four years later, I was happy to stay here and put down roots. I've worked for a number of retail stores and was the long-time House Manager at the Mahaiwe Performing Arts Center.

I've come to love life in this small town and have always been interested in the going-ons at town hall. It would be an privilege to serve as an alternate on the Zoning Board of Appeals.

Respectfully
JB Brodeur
2 Bridge St
jbbrodeur33@gmail.com

On May 4, 2021, at 2:31 PM, JB Brodeur <jbbrodeur33@gmail.com> wrote:

Hello Chris,
After speaking with Carolyn Ivory,
I'd like to put my name forward as an alternate on the Zoning Board of Appeals .
Please advise me of the next step to take.
Thank you
JB Brodeur

Board Name	Name	Position
OPEN SPACE & RECREATION PLAN TASK FORCE (OSRP)	KATE BURKE	Member- SB REP
SELECTBOARD & PLANNING BOARD HOUSING SUBCOMMITTEE	KATE BURKE	Member- SB REP
SELECTBOARD & PLANNING BOARD HOUSING SUBCOMMITTEE	WILLIAM COOKE	Member- SB REP
COMMUNITY PRESERVATION COMMITTEE	LEIGH DAVIS	Member- SB REP



TOWN OF GREAT BARRINGTON
Annual Weekday Entertainment License Application
(INDOOR ONLY)
\$25.00

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.

JEFF CAMINITI
Name: 20 RAILROAD TRATTORIA + PUB
Business/Organization: ↑ ANGEL BRIGHT HOSPITALITY LLC
D/B/A (if applicable): 20 RAILROAD TRATTORIA + PUB
Address: 20 RAILROAD ST, GB, MA 01230
Mailing Address: SAME
Phone Number: 954-609-3648
★ Email: CJDREAMINNO@AOL.COM

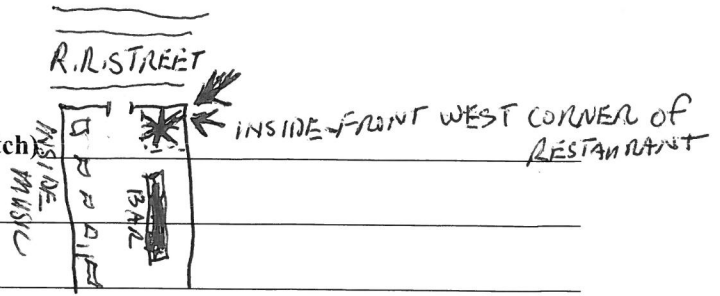
TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to 5 pieces, including singers Public Show

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox

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

Exact Location of Entertainment (include sketch)



Days of Entertainment*: ALL YEAR
*Does not include SUNDAY

Start & End Times of Entertainment: INDOOR - ONE OR TWO PERFORMERS ONLY
8 PM TIL 11 PM

Does your event involve any of the following? (Check all that apply) AT REAR OF RESTAURANT
OUTDOOR MUSIC AND PART

- Food SEAWICE AVAILABLE Temporary Bathrooms Tents Stages Temporary Signs OF THE
- Electrical Permits Building Permits Police Traffic Details Street Closures BERKSHIRE

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.

In the event of a change in type of entertainment or hours/days different than indicated above, a new application will be required and a new license will be issued.

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]
Signature of Individual or Corporate Officer

5/5/21
Date

087-38-8604
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: _____

APPROVAL DATE: _____

LICENSE # _____



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)

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

Name: Rick Abdalla

Business/Organization: 2001 Inc

D/B/A (if applicable): BOSIES REST

Address: 935 MAIN ST.

Mailing Address: _____

Phone Number: 413-329-7730

Email: RICK@BOSIES935.COM

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

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

Other (please explain) CAR SHOW ON FRONT LAWN

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) _____

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

X NO

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

Exact Location of Entertainment (include sketch): FRONT LAWN

Date(s) of Entertainment: **Sunday**, SEPT 26th RAIN DATE OCT 3rd

Start & End Times of Entertainment: 9am - 3pm

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]
Signature of Individual or
Corporate Officer

4-29-21
Date

04-3161076
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed and has no issues. (cc)

APPROVAL DATE: _____

LICENSE # _____



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)

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

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

Name: Rick Abdalla

Business/Organization: 2001 INC

D/B/A (if applicable): BOSIES REST

Address: 935 MAIN ST.

Mailing Address: _____

Phone Number: 413-329-7730

Email: Rick@Bosies935.com

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

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

Other (please explain) CAR SHOW ON FRONT LAWN

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) _____

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

X NO

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

Exact Location of Entertainment (include sketch): Front lawn

Date(s) of Entertainment: **Sunday**, June 27th Rain Date July 11th

Start & End Times of Entertainment: 9 AM - 3 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.

Rick Allfall
Signature of Individual or
Corporate Officer

4-29-21
Date

04-3161076
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed and has no issues. (RP)

APPROVAL DATE: _____

LICENSE # _____



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: Tiffany Riva, RSYP Director of Development

Business/Organization: Railroad Street Youth Project

D/B/A (if applicable): _____

Address: 60 Bridge Street, Great Barrington MA 0123

Mailing Address: P.O. Box 698

Phone Number: 413-717-1560

Email: tiffany@rsyp.org

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

Live band with up to ___pieces, including singers Public Show

Other (please explain) RSYP Film Preview fundraiser

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) AV Equipment showing RSYP film and light recorded background music

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

X NO

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

Exact Location of Entertainment (include sketch): Will drop off with permit payment

Date(s) of Entertainment*: July 15th, 2021

*Does not include SUNDAY

Start & End Times of Entertainment: 4pm-9pm (includes set up and clean up)

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

Date

SS# or FID#

Tiffany Riva

05/17/2021

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed and has no issues. (CR)

APPROVAL DATE: _____

LICENSE # _____

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Tiffany Riva, RSYP Director of Development

Organization Name: Railroad Street Youth Project

Applicant's Address: 60 Bridge Street, Great Barrington MA 01230

Telephone Number: 413-717-1760

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

Event: RSYP Film Preview Fundraiser

Date: July 15th Start Time: 4pm End Time: 9pm (includes setup and cleanup)

Event Address: Town Hall Park and Gazebo

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

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

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

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

Tiffany Riva
Signature of Applicant

5.17.21
Date

~~~~~  
FOR TOWN USE:

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_



**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: EUGENE CARR

Business/Organization: BERKSHIRE BUSK! DBA of ↗

D/B/A (if applicable): KNOB HILL VENTURES, LLC ↘

Address: 160 W 71 ST ST NEW YORK, NY 10023

Mailing Address: 6 KNOB HILL ROAD. GREAT BARRINGTON, MA

Phone Number: 917-742-8930

Email: GENE@BERKSHIREBUSK.COM

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

Live band with up to 5 pieces, including singers  Public Show

Other (please explain) Mime, clown, LIVING STATUE, HULA HOOP

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) \_\_\_\_\_

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

X NO



Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): SEE ATTACHED LIST

Date(s) of Entertainment\*: FRIDAY & SATURDAY NIGHTS 6-8:30

\*Does not include SUNDAY

JULY 2 - AUGUST 4, 2021

Start & End Times of Entertainment: 6-8:30 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]  
Signature of Individual or  
Corporate Officer

5/11/21  
Date

84-2364096  
SS# or FID#

**TOWN USE ONLY:**

DRT Review with Conditions: DRT reviewed 5/18. Reminds applicant and performers not to block sidewalks. (CR)

APPROVAL DATE: \_\_\_\_\_

LICENSE # \_\_\_\_\_

# **Berkshire Busk!**

## **May 11, 2021**

Here are the possible Berkshire Busk! Locations. We will utilize 9-10 locations on any given night. There are more locations listed here, since we won't know what will work from week to week based on the performer selection. Note, any location which is in front of a retail store or private location we have gotten permission directly.

1. Flying Church - parking lot/front of coffee shop
2. Post Office
3. Salisbury Bank
4. Sett Store
5. Graham & Norton/Rubi's Alleyway
6. Robin's Candy
7. Bernay Art Gallery
8. Berkshire Money Management/Vault
9. Town Hall
10. Saint James Place - front steps, and rear garden
11. Patisserie Lenox (pending)
12. Alleyway next to Evergreen Store
13. Barnbrook Realty
14. Congregational Church
15. Mason Public Library



Fee: \$25.00 (per day)



**APPLICATION FOR ONE DAY LIQUOR LICENSE**

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Jenise Lucey

Organization Name: Berkshire South Regional Community Center

Applicant's Address: 15 Crissey Road, Great Barrington MA 01230

Telephone Number: 413-528-2810

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

Event: Welcome Summer Festival

Date: 6/26/2021 Start Time: 11:00 am End Time: 5:00 pm

Event Address: 15 Crissey Road Great Barrington, MA 01230

Is the Event on Town property? YES (NO)

**PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:**

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

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

Jenise Lucey  
Signature of Applicant

5/19/2021  
Date

**FOR TOWN USE:**

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING**

The Selectboard will hold a public hearing on Monday, May 10, 2021 at 6:00 P.M. via Zoom, to act on the application of Bizalion's Fine Foods, Helen Bizalion, Manager for alteration of premises on the Common Victualler Restaurant Wine and Malt License at 684 South Main Street, Great Barrington, MA 01230.

Steve Bannon  
Chair

Please publish 4/24/2021

License No. 00081-RS-0464  
License Fee: \$450.00

**LICENSE**  
**ALCOHOLIC BEVERAGES**  
**THE LICENSING BOARD OF**  
**THE TOWN OF GREAT BARRINGTON**  
**MASSACHUSETTS**  
**HEREBY GRANTS A**  
**COMMON VICTUALLER**  
**License to Expose, Keep for Sale, and to Sell**  
**Wines And Malt Beverages**  
**To Be Drunk on the Premises**

To: Bizalion's Fine Food, LTD

Helen Bizalion, Manager

on the following described premises:

684 South Main Street, Great Barrington, MA 01230

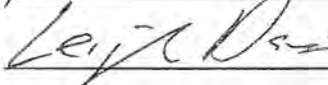
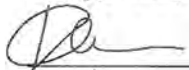
Specialty food style store that sells sandwiches and lunch. Beverages will be served and consumed within one room. There is one entrance/exit on south side of building. Service of alcohol outside for five (5) tables with twelve (12) chairs.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31, 2021, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21<sup>st</sup> day of December, 2020.

The Hours during which Alcoholic Beverages may be sold are:

In accordance with Chapter 138 of the Mass. General Laws.



Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN BE EASILY READ.





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

**AMENDMENT-Change or Alteration of Premises Information**

**Change of Location**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

**Alteration of Premises**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

**1. BUSINESS ENTITY INFORMATION**

|                      |                  |                     |
|----------------------|------------------|---------------------|
| Entity Name          | Municipality     | ABCC License Number |
| Bizalion's Fine Food | Great Barrington | 00081-RS-0464       |

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Due to COVID, we're attempting to reallocate some of our interior capacity outdoors. Our current capacity inside is 24 seats, and our exterior capacity is 12 seats. We would like to reallocate 14 of our interior seats outdoors, keeping 10 seats inside. This decision is stimulated by COVID, but also looking to the future where we would prefer to limit the amount of guests sitting within the cafe.

**APPLICATION CONTACT**

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

|                 |            |                              |              |
|-----------------|------------|------------------------------|--------------|
| Name            | Title      | Email                        | Phone        |
| Julien Bizalion | Consultant | julien@bizalionsolutions.com | 917-328-9004 |

**2. ALTERATION OF PREMISES**

**2A. DESCRIPTION OF ALTERATIONS**

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

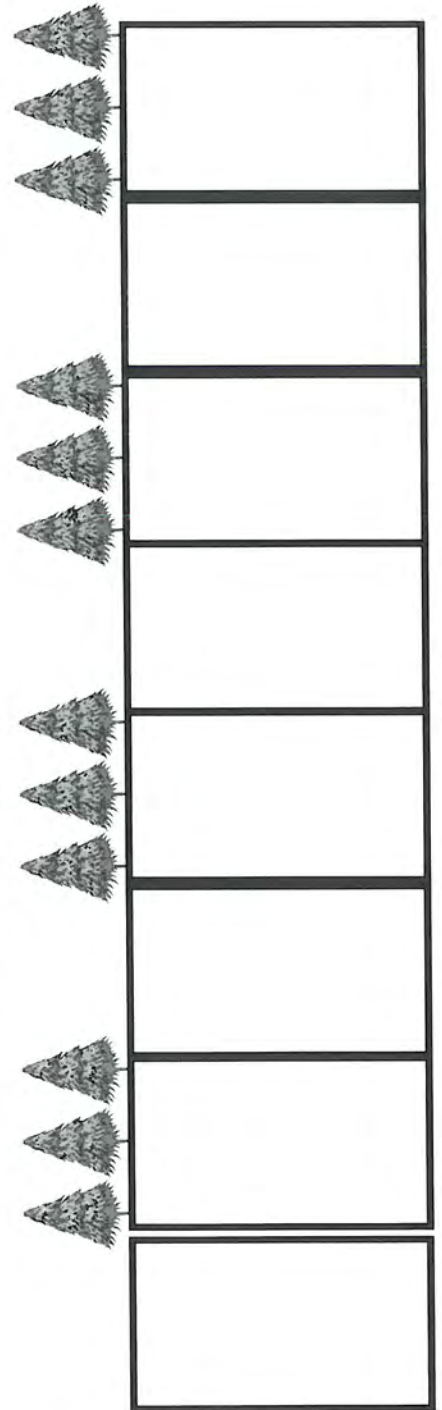
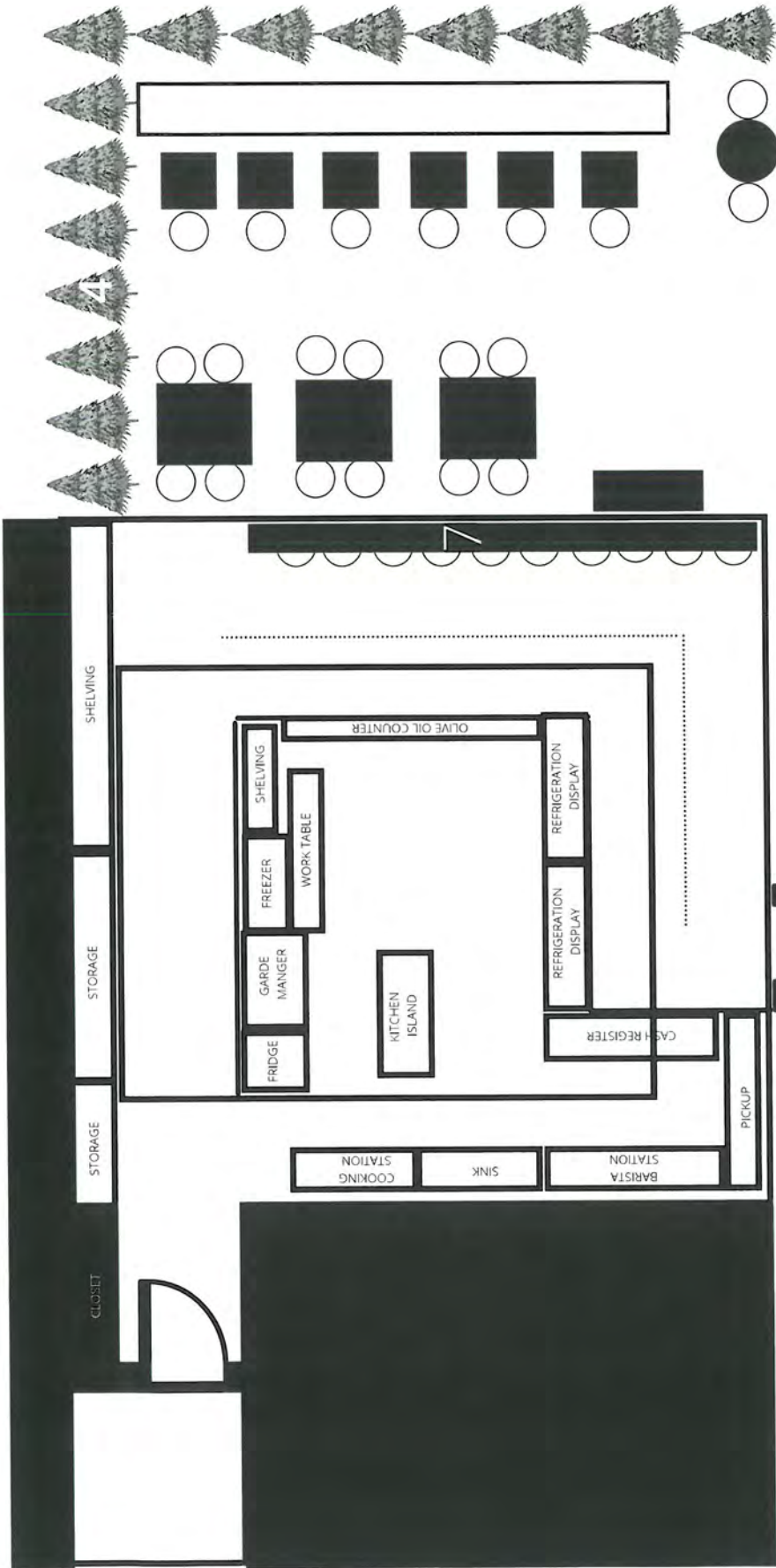
In the proposed plan, we would use two parking spots (we've already checked with the town (Planning Department & Building Department) and they have no issues with this) to create a more substantial outdoor seating area. In the proposed plan, we are not seeking additional seats for the premises, merely to reroute some of our interior capacity outdoors.

**2B. PROPOSED DESCRIPTION OF PREMISES**

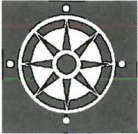
Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

The interior space is X x X, sitting on the ground floor and comprising of one room. We would like to focus the interior space to be for shopping and prep of food to limit the amount of guests inside at any given time. We are proposing to use two parking spaces (roughly a space of 25' x 20') to accommodate our seating plan.

|                     |      |                  |    |                  |    |
|---------------------|------|------------------|----|------------------|----|
| Total Sq. Footage   | 1600 | Seating Capacity | 36 | Occupancy Number | 36 |
| Number of Entrances | 1    | Number of Exits  | 1  | Number of Floors | 1  |







**McCormick, Murtagh  
& Marcus**

ATTORNEYS AND COUNSELORS AT LAW

William Cullen Bryant House  
390 Main Street, Suite 2  
Great Barrington, MA 01230

phone: 413.528.0630

fax: 413.528.5287

www.mccormicklegal.com

April 13, 2021

Stephen Bannon, Selectboard Chair  
Mark Pruhenski, Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

**Kathleen M. McCormick, Esq.**

Dear Stephen and Mark,

As you may be aware, the previous owner of the old fire house (20 Castle Street, LLC) had received a Tax Increment Financing Agreement ("TIF") with the town of Great Barrington on February 26, 2014. The current owner, Castle Street Firehouse, LLC is continuing to work on the building and was contacted by the Commonwealth of Massachusetts Office of Business Development regarding a transfer of the TIF from the original owner. To complete the process, The Commonwealth will require consent to this transfer from the Town of Great Barrington.

I am requesting this matter be placed on the next Selectboard Meeting Agenda for the Selectboard to vote to extend the TIF to Castle Street Firehouse, LLC.

If you have any questions, please do not hesitate to contact me.

Sincerely,

McCormick, Murtagh & Marcus

Kathleen M. McCormick

RECEIVED  
TOWN OF GREAT BARRINGTON

APR 16 2021

SELECTBOARD &  
TOWN MANAGER'S OFFICE

KMM/dmb

cc: Christopher Rembold  
Castle Street Firehouse LLC







## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### PLANNING BOARD

SPECIAL PERMIT # 920-21

NAME, ADDRESS, AND PROJECT: Application from James J. Mercer, Trustee, Long Pond Road Nominees Trust, 80 Maple Avenue, Great Barrington, land owner, and Berkshire Natural Resources Council, Inc., for a special permit to create a rear lot in the R-2 zone off of Long Pond Road, in accordance with Sections 4.3 and 10.4 of the Great Barrington Zoning Bylaw.

### REVIEW MEETINGS

These Boards and Commissions will hold meetings on the following dates to consider your application and **make a recommendation to the Planning Board** (dates may be subject to change). It is anticipated that all meetings will be not be in person but rather via Zoom video/teleconference. Call ahead to confirm dates, times, and Zoom information.

#### **SELECTBOARD**

Monday, May 24, 2021, 6:30 PM

#### CONSERVATION COMMISSION

Wednesday, May 26, 2021, 6:30 PM

#### BOARD OF HEALTH

Thursday, June 3, 2021, 6:30 PM

### SPECIAL PERMIT PUBLIC HEARING

The **PUBLIC HEARING** before the **PLANNING BOARD** will be: Thursday, June 3, 2021, 7:00 PM.

The applicant and/or representatives must attend each meeting, unless otherwise directed by that board/committee staff or chairperson, as well as the public hearing. The Boards may contact the applicant to schedule and undertake site visits.

# CAIN HIBBARD

Cain Hibbard & Myers PC | Counselors at Law

66 West Street, Pittsfield, Massachusetts 01201-5764, 413-443-4771 Fax 413-443-7694  
Direct Extension: 413-629-1304 email: fssmithers@cainhibbard.com

**F. Sydney Smithers**

May 6, 2021

**VIA HAND DELIVERY**

Christopher Rembold  
Town Planner  
Town of Great Barrington Planning Board  
Town Hall  
334 Main Street  
Great Barrington, MA 01230

Re: *Section 4.3 Rear Lot*

Dear Chris:

Enclosed are the following, constituting an application on behalf of James J. Mercer, Trustee of Long Pond Road Nominee Trust, land owner, and Berkshire Natural Resources Council, Inc., applicant for a Bylaw Section 4.3 Rear Lot Special Permit and Form A Endorsement of a plan entitled "Plan of Land Surveyed for James J. Mercer, Trustee (of Long Pond Road Nominee Trust) Great Barrington, Massachusetts" dated March 2021 ("the Plan").

1. Original application form with 14 copies;
2. One original 36" x 24" and fourteen 11" x 17" copies of the Plan from Kelly, Granger, Parsons & Associates, Inc.;
3. Fifteen copies of Lists of Abutters for Great Barrington, Alford, and West Stockbridge;
4. Cain Hibbard & Myers, PC check to the Town of Great Barrington in the amount of \$300.00;
5. Authorization from James J. Mercer, Trustee to make application;
6. Authorization from Berkshire Natural Resources Council, Inc., to make application;
7. Brief description as to how this project is in harmony with Great Barrington's Master Plan; and
8. One PDF of the foregoing materials.

Please date stamp a copy of this letter and return it to the bearer.

We look forward to working with you to advance this worthy project.

# CAIN HIBBARD

Cain Hibbard & Myers PC | Counselors at Law

CAIN HIBBARD

Cain Hibbard & Myers PC | Counselors at Law

May 6, 2021

Page 2

F. Sydney Smithers

Very truly yours,

CAIN HIBBARD & MYERS, PC



F. Sydney Smithers

Enclosures

cc: Narain Schroeder  
Jennifer Hansell  
James J. Mercer  
William E. Martin, Esq.  
Peter Milanesi, (FWE)  
Charles Michael Parsons, PLS

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

FORM SP-1  
REV. 12-2020

**FOR OFFICE USE ONLY**

Number Assigned 920-21 Date Received 5/10/21  
Special Permit Granting Authority PB  
Copy to Recommending Boards 5/13/21  
Advertised 5/18/21 & 5/25/21  
Public Hearing 6/3/21  
Fee: \$300.00 Paid:

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

MAP 34 LOT 1 & 10 BOOK 984 PAGE 155 ZONING DISTRICT(S) R-2

Site Address: Long Pond Road

Date of Application May 6, 2021

Applicant's name and complete mailing address James J. Mercer, Trustee of Long Pond Road Nominees Trust,  
80 Maple Avenue Suite 1, Great Barrington, MA 01230-1953 and Berkshire Natural Resources Council, Inc.

Applicant's phone number ( ) \_\_\_\_\_ Applicant's email address: housatonicwater@gmail.com

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

Long Pond Road Nominee Trust, James J. Mercer, Trustee, 80 Maple Avenue Suite 1, Great Barrington, MA 01230-1953

I (we) request a Special Permit for: Approval of a Rear Lot.

Under Section(s) 4.3 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, fourteen (14) exact copies of the entire package, and one electronic PDF, are to be submitted. Applications must include:

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

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

**SPECIFICS:**

- 1. All site plans and specifications must be signed and dated by the preparer.
- 2. ALL OWNERS of property must also sign the application.
- 3. A copy of special permit procedures is available upon request.
- 4. Fee for application is \$300.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest.
- 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.

*James J. Muen, Trustee by FJ Smith*  
\_\_\_\_\_  
Signature of Applicant

*Ann for Hansell, President by FJ Smith*  
\_\_\_\_\_  
Signature of Co-Applicant (e.g. Property Owner, if different)

\*\*\*\*\*

**PLEASE READ AND SIGN BELOW**

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

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

Signature \_\_\_\_\_

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

Date \_\_\_\_\_

Bruce Firger, Assessor  
John Katz, Assessor

Carol Strommer  
Administrative Assessor  
E-mail: cstrommer@townofgb.org



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 x3  
Fax: (413) 528-1026


## TOWN OF GREAT BARRINGTON MASSACHUSETTS BOARD OF ASSESSORS

March 22, 2021

ABUTTERS TO PROPERTY OF: JAMES J. MERCER, TRUSTEE, LONG POND ROAD NOMINEE TRUST  
Long Pond Road, Map 34 Lots 1 & 10, Book 984 Page 155

| <u>MAP</u> | <u>LOT</u>          | <u>ABUTTER</u>                                                                                                  |
|------------|---------------------|-----------------------------------------------------------------------------------------------------------------|
| 34         | 11                  | Timothy J. & Lisa K. Kent, 8 Winchester Dr, East Brunswick, NJ 08816-3385                                       |
| 34         | 10.19,10.20         | Susan P. Giddings, 135 Baumert Lane, Ben Lomondo, CA 95005-9500                                                 |
| 34         | 10.2                | Michael Gordon, Trustee, 1080 5 <sup>th</sup> Ave #14B, New York, NY 10128-0102                                 |
| 34         | 10E                 | Stuart & Harriet Schweitzer, 22276 Natures Cove Ct., Estero, FL 33928-2957                                      |
| 34         | 25                  | Gregory Lipper & Kathryn Kohler Armory, 5 Burr St., Boston, MA 02130-2120                                       |
| 34         | 10.1                | Mark J. & Lois T. Cardillo, 100 Shearwater Ct E #66, Jersey City, NJ 07305-5411                                 |
| 34         | 10I                 | Mark Cardillo etal (well lot), 100 Shearwater Ct E #66, Jersey City, NJ 07305-5411                              |
| 34         | 10F                 | Martin & Marjorie Mayerson, Trustees, 443 Centre Island Rd, Oyster Bay, NY 11771-5013                           |
| 34         | 5.2                 | Marion P. & Shaun N Ceanga, 348 Long Pond Rd, Housatonic, MA 01236-9726                                         |
| 34         | 5.3                 | David M. Lockhart & Lydia S. Woodward, Co-Trustees, 523 Lincoln Blvd.,<br>Santa Monica, CA 90402-2811           |
| 34         | 18                  | Terri Ann Norden, 350 Central Park West, New York, NY 10025-6547                                                |
| 34         | 2                   | Jane H. Murdock, Jeffrey H. Murdock & Timothy Murdock, Trustees,<br>14 Long Pond Rd., Housatonic, MA 01236-9763 |
| 34         | 24                  | Ray E. & Carolyn Weber, 115 Soundview Terrace, Northport, NY 11768-1231                                         |
| 34         | 10.22               | Irving & Shirley Finkelstein, 59 West Rd., Short Hills, NJ 07078-2251                                           |
| 34         | 10.23               | Gerald Wertlieb, 3 Pond Path, Smithtown, NY 11787-1815                                                          |
| 34         | 10.21               | David & Sharon S. Jablon, 301 East 78 <sup>th</sup> St. #7M, New York, NY 10075-0068                            |
| 34         | 23                  | Dominick Antinoro, 185 Palisades Ave #11M, Hackensack, NJ 07601-2238                                            |
| 34         | 10C,10D,10.10,10.12 | Gerald Bertiger & Nancy Travers, 5 Hedge Row, Spring House, PA 19477-1106                                       |
| 34         | 10.6                | Frederick J. Mercer Jr., 80 Maple Ave Ste 1, Gt. Barrington, MA 01230-2211                                      |
| 34         | 10.9,10.10          | Susan Singleton, 341 Long Pond Rd, Housatonic, MA 01236-9764                                                    |
| 34         | 10G,10H             | James J. Mercer, Trustee, Long Pond Road Nominee Trust (applicant)                                              |

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

Sincerely,  
  
Carol Strommer  
Administrative Assessor



| Parcel ID  | Property Address | Owner Name                       | Co-Owner Name             | Owner Address        | Owner City         | Owner State | Owner Zip  |
|------------|------------------|----------------------------------|---------------------------|----------------------|--------------------|-------------|------------|
| 403-0094-0 | 130 EAST RD      | ARKANS HOWARD D & SUE A          |                           | 130 EAST RD          | ALFORD             | MA          | 01266      |
| 403-0095-0 | 124 EAST RD      | SCHÄFLER ERIC & SHARON           |                           | P O BOX 241          | GT BARRINGTON      | MA          | 01230      |
| 403-0096-0 | 120 EAST RD      | GLOVER ALEXANDRA H &             | PUCILOSKI PETER L         | 120 EAST RD          | ALFORD             | MA          | 01266      |
| 403-0100-0 | 92 EAST RD       | KAPLAN PAUL & SCHNAPPAUF SALLY   | Skyhigh Realty Trust 2021 | P O BOX 665          | GT BARRINGTON      | MA          | 01230      |
| 403-0100-1 | 0 EAST RD        | SASSEN, KENNETH 2009 TRUST       |                           | 11996 BUENA VISTA DR | FERRON             | UT          | 84523      |
| 403-0100-2 | 0 EAST RD        | SASSEN, KENNETH 2009 TRUST       |                           | 11996 BUENA VISTA DR | FERRON             | UT          | 84523      |
| 403-0101-0 | 0 EAST RD        | KAPLAN PAUL & SCHNAPPAUF SALLY   | Skyhigh Realty Trust 2021 | P O BOX 665          | GT BARRINGTON      | MA          | 01230      |
| 403-0103-0 | EAST RD          | STRAUBER RACHEL L S              |                           | 1160 PARK AVE        | NEW YORK           | NY          | 10028      |
| 406-0047-0 | 192 EAST RD      | MILLIGAN WILLIAM F & PAUL A &    | DEBORAH M GOLD            | 192 EAST RD          | ALFORD             | MA          | 1266       |
| 406-0048-0 | 180 EAST RD      | RAIFSTANGER JOHN T JR & CHERYL A |                           | P O BOX 894          | GT BARRINGTON      | MA          | 01230-0894 |
| 406-0049-1 | 170 EAST RD      | TILLINGHAST ELIZABETH            |                           | 192 VILLARD AVE      | HASTINGS ON HUDSON | NY          | 10706-1217 |
| 406-0049-2 | 168 EAST RD      | KNAPP KATHERINE &                | MAGNOTTI MICHAEL A        | 170 EAST RD          | ALFORD             | MA          | 01266      |
| 406-0050-0 | 150 EAST RD      | WEINTRAUB JAY M & SUSAN G        |                           | P O BOX 7            | GT BARRINGTON      | MA          | 01230      |
| 406-0051-0 | 144 EAST RD      | SARINSKY PERRY                   |                           | P O BOX 570          | WEST STOCKBRIDGE   | MA          | 01266      |
| 406-0052-0 | 134 EAST RD      | TANCREDI DAVID N & DEBORAH M     |                           | 121 HMS HALSTED DR   | HINGHAM            | MA          | 02043      |

Certified Abutter List in accordance with MGL Chapter 40A, section 11.



Tammy L. Blackwell, MAA  
Assistant Assessor  
Town of Alford MA

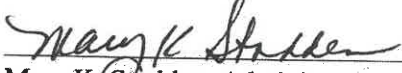
ABUTTERS LIST - 0 LONG POND RD MAP 411 LOT 12  
300'Ft.

WEST STOCKBRIDGE

| Parcel Number | Property Address | Owner Name                               | Owner Address     | Owner City | Owner State | Owner Zip |
|---------------|------------------|------------------------------------------|-------------------|------------|-------------|-----------|
| 411-010.0     | 11 LONG POND RD  | WOHL, MATTHEW D. & TESSA S.              | 11 LONG POND ROAD | HOUSATONIC | MA          | 01236     |
| 411-011.0     | 12 LONG POND RD  | WOHL, ALICE SEDGWICK WOHL                | 12 LONG POND RD   | HOUSATONIC | MA          | 01236     |
| 411-012.0     | 0 LONG POND RD   | MURDOCK, JANE, JEFFREY, TIMOTHY TRUSTEES | 14 LONG POND RD   | HOUSATONIC | MA          | 01236     |
| 411-013.0     | 0 LONG POND RD   | CERVERA, RICHARD D & MIRIAM              | LONG POND RD      | HOUSATONIC | MA          | 01236     |
| 411-014.0     | 16 LONG POND RD  | MURDOCK, TIMOTHY C                       | 16 LONG POND ROAD | HOUSATONIC | MA          | 01236     |
| 411-015.0     | 14 LONG POND RD  | MURDOCK, JANE, JEFFREY, TIMOTHY TRUSTEES | 14 LONG POND RD   | HOUSATONIC | MA          | 01236     |
| 411-016.0     | 0 LONG POND RD   | MURDOCK, JANE, JEFFREY, TIMOTHY TRUSTEES | 14 LONG POND RD   | HOUSATONIC | MA          | 01236     |

Michelle Laramee-Jenny, Member  
Susan Lupo, Member  
Ed Sporn, Member  
Harald M. Scheid, Regional Assessor  
Jeff Reynolds, Associate Assessor  
Michael Thiemann, Assessment Specialist

This document reflects the data for a certified abutters list for 0 Long Pond Rd. West Stockbridge MA 01266 as prepared by the West Stockbridge Board of Assessors.

  
Mary K. Stodden, Administrative Assistant

Date March 23, 2021

Long Pond Road Nominee Trust  
80 Maple Avenue, STE1  
Great Barrington, MA 01230  
413.446.1801

Re: Authorization to sign the special permit application

May 6, 2021

The undersigned, James J. Mercer, Trustee of Long Pond Road Nominee Trust, hereby authorizes Cain Hibbard & Myers, PC to sign the Section 4.3 Special Permit Application to which this authorization is attached.

  
Trustee

May 5, 2021

The undersigned, Jenny Hansell of Berkshire Natural Resources Council, Inc., hereby authorizes Cain Hibbard & Myers, PC to sign the Section 4.3 Special Permit Application to which this authorization is attached.

 (Signature)"

Jenny Hansell  
President



**BERKSHIRE**  
Natural Resources Council

**THE LANDKEEPERS**

Board of Directors

Jenny Hansell, President  
Tim Crane, Chairman  
Pat Callahan, Vice Chairman  
Kim Seward, Secretary  
Tom Curtin, Treasurer

Stephen Alsdorf

Jeffrey Belair

Gregg Charbonneau

Walter Cliff

Susan Crofut

Henry Flint

Caroline Holland

Larry Lane

Wendy Linscott

Tim Lovett

Donald MacGillis

John Mancina

Karen Coy Ross

Ron Shaw

Elena Traister

20 Bank Row  
Pittsfield MA 01201

413 499 0596

[bnrc.org](http://bnrc.org)

Application for Bylaw Section 4.3 Rear Lot Special Permit Form A Endorsement

Brief description as to how this project is in harmony with Great Barrington's Master Plan.

Section 4 of the Town of Great Barrington's Master Plan, Natural Resources, Open Space, and Recreation observes "[o]ur setting attracts visitors and supports an important sector of the local economy. Our natural resources are valuable economic assets, making it possible, and desirable, to live and work here."

....

"Still, more should be done to preserve our resources and to take better advantage of them..." Goal OSR6 suggests that the town should partner with the private sector to develop stewardship resources.

The Approval Not Required plan before you creates a single 7.6 acre "rear lot" on the West side of Round Pond on Long Pond Road in Great Barrington intended to be reserved for the use and ownership by the Mercer family while the family conveys approximately 325 acres of land in the northwest corner of the town of Great Barrington to Berkshire Natural Resources Council Inc. ("BNRC").

BNRC is a § 501 (c) (3) non-profit corporation whose mission is the preservation of open space, maintaining it for public use and enjoyment. The balance of the land to be conveyed to BNRC as a result of this transaction will be devoted to public use, open space preservation and maintenance of scenic vistas in perpetuity. In addition, the 325 acres, more or less, will be subjected to a perpetual conservation restriction to be held by the Massachusetts Division of Fisheries and Wildlife.

The perpetual maintenance of these 325, more or less, acres will neatly connect with other land conservation efforts by BNRC and other land trusts and form a collection of protected lands, trails, open space, and other recreational assets for use by the public at large.

The preservation of the 325 plus or minus acres will be result of the approval of this single 7.6 acre parcel and will serve the public's interest forever.

The Town's Master Plan contemplates and encourages the preservation and recreational use of lands such those to be protected by this transaction.



## **MEMORANDUM IN SUPPORT OF SPECIAL PERMIT**

Berkshire Natural Resources Council, Inc. and James J Mercer, as he is Trustee of Long Pond Road Nominee Trust, have applied for a special permit under section 10.4 of the Great Barrington zoning bylaw for approval of a rear lot, as provided in section 4.3 of said bylaw.

Section 10.4.2 of the bylaw requires the SPGA to make a written determination that the adverse effects of the creation of the proposed rear lot will not outweigh its beneficial impacts to the town or the neighborhood of the proposed rear lot in view of the particular characteristics of the site and the proposal in relation to that site considering six criteria.

The site in question is an approximately 366 acre tract of land bounded east by Long Pond Road and small lake front lots, North by the Town of West Stockbridge, West by the Town of Alford and South by land now or formerly of Norden.

The site is proposed to be divided by an Approval Not Required division of land into two lots, one containing 7.6 acres connected to Long Pond Road by a long, 3,950 foot, strip of land,

also part of Lot 1, and the Remaining Land presently owned by Mr. Mercer, as Trustee, comprised of about 359 acres of land (the “Remaining Land”). As such locus is one of the larger privately owned parcels of land in the Town of Great Barrington and represents a significant portion of the Towns’ undeveloped open space in this part of town. The adverse effects of creating a rear lot division of land at this location are small, one might even say miniscule, when compared to the benefit to the town and the neighborhood of retaining 355 acres of undeveloped open space in the North West corner of the Town of Great Barrington. Furthermore, because the ownership of this large tract of land will be vested in Berkshire Natural Resources Council, Inc., and subject to a conservation restriction to be held by the Commonwealth of Massachusetts acting through its Department of Fish and Game, that ownership assures that the open space will remain so in perpetuity and open and available to members of the community for hiking, access to Round Pond, birding, enjoyment of views and vistas, year-round recreation, and quietude. The addition of one house on the West shore of Round Pond is a small price to pay for such significant perpetual benefits and on balance, it can’t be said that the adverse effects of a single-family dwelling will outweigh the beneficial impacts described above available to the community.

In relation to the foregoing balancing test, the bylaw requires consideration of each of the following:

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

The social economic and community needs to be served by the perpetual protection for public use and enjoyment of 355 acres of land on the east slopes of Tom Ball Mountain and the ridge lines approaching it are manifest and only available as a result of the creation of the rear lot. The opportunity for citizens of Great Barrington to have access to and enjoy the use of a

large tract of land previously in private ownership and not open to the public, is itself a significant public benefit and will serve the community's needs for open space to enjoy and recreate in in perpetuity.

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

Obviously there will be modest parking requirements attendant to the construction of a new single-family residence on Lot 1 as shown on the ANR Plan. In addition, however, BNRC does intend to construct and maintain a gravel parking area west of Long Pond Road to be made available to members of the public wishing to enjoy this new BNRC reserve. We anticipate the parking requirements will be no more than 20 cars, parked perpendicular to and along the beginning of the shared driveway at the point closest to Long Pond Road, surfaced with gravel and with its perimeter fenced with attractive post and rail fencing. Visitors using the parking lot will share the use of an existing gravel way which leads from Long Pond Road to the larger portion of Lot 1, which will be improved at the expense of BNRC from Long Pond Road to the turnoff to the parking lot, a distance of no more than 400 feet. BNRC's experience, particularly during the pandemic, with the public's desire to use outdoor recreational facilities for hiking, birding, and the like has demonstrated that there is a significant and growing need for such facilities and parking lots to accommodate visitors' cars, but the outdoor recreational nature of use is sufficiently benign (no motorized vehicles except service vehicles will be allowed on the reserve) so that the 20 car parking space will be more than adequate for the parking needs of this reserve and not introduce additional motor vehicles elsewhere.

3. Adequacy of utilities and other public services;

It's not envisioned that any new utilities or public services will be required for this new BNRC reserve except to service a single-family home to be constructed on Lot 1.

4. Neighborhood character and social structures;

The neighborhood character has long been established in this part of Great Barrington as a quiet lakefront community of second homes and cottages, to which there will be added one new such structure, and enjoyment of the pond and water sports available there. There will be additional recreational use of the BNRC reserve as it will be open to the public but it's not anticipated that such use, which is quiet, low-impact, and variable, will adversely impact the neighborhood character at all. The uses brought to a BNRC reserve will be compatible with and entirely in keeping with the low key functioning of the existing Round Pond second home community.

5. Impacts and the natural environment;

The impacts on the natural environment will be di minimus other than the creation of some hiking trails for use by the public. If the need arises BNRC will consider providing a drop-off area for canoes or paddle boards and other human-powered watercraft for those who might wish to use them but find the parking area too far away from the water. No motorized boats will be permitted on Round Pond. BNRC does intend to manage the woodlands on this new reserve for public benefit and in accordance with best woodland management practices.

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

At present Mr. Mercer pays about \$6,200.00 per fiscal year on the entire acreage which is the subject matter of this petition, and it is true that BNRC is tax exempt. When a new home is constructed on Lot 1 it is not inconceivable that the tax revenue to be generated by that structure will replace a significant portion of the present \$6,200.00 tax bill. The applicants respectfully suggest that the potential fiscal impact of this project will not adversely impact the town's tax base, require additional town services, or result in adverse fiscal impacts on the town. It is likely

that this new reserve will require additional BNRC staff to maintain it and keep it open to the public for recreational purposes so there may be modest gains in local employment.

In short, we urge that the potential adverse effects of this proposed Lot 1 rear lot division will contribute significantly in favor of the Town of Great Barrington and the neighborhood in which this reserve will be located and the applicants respectfully urge the SPGA to grant the requested special permit.



May 17, 2021

Respectfully submitted:  
BERKSHIRE NATURAL RESOURCES COUNCIL INC.

A handwritten signature in black ink, reading "F. Sydney Smithers". The signature is written in a cursive style with a large, prominent "F" and "S".

---

By: F. Sydney Smithers  
Cain Hibbard & Myers, PC  
66 West Street, Suite 300  
Pittsfield, MA 01201



THESE PARCELS ARE SUBJECT TO AND WITH THE BENEFIT OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS LEASES, ENCUMBRANCES AND APPURTENANCES OF RECORD.

UNLESS OTHERWISE NOTED HEREON, THIS SURVEY PLAN SHALL NOT BE CONSTRUED AS DEPICTING THE PRESENCE, ABSENCE, OR LIMITS OF ANY OR ALL REGULATED WETLANDS OR FLOODPLAINS. ANY SURFACE WATER FEATURES SHOWN, SUCH AS STREAMS OR PONDS, ARE NOT REPRESENTED AS INDICATING LIMITS OF WETLAND RESOURCE AREAS.

SEE TOWN ZONING BY-LAW SECTION 4.3 'REAR LOTS':

REAR LOTS SHALL BE ALLOWED ONLY BY SPECIAL PERMIT OF THE PLANNING BOARD IN THE RESIDENCE DISTRICTS. TO BE ELIGIBLE FOR A REAR LOT, THE ORIGINAL LOT MUST HAVE THE MINIMUM FRONTAGE REQUIRED FOR THE ZONING DISTRICT PLUS AT LEAST 40 FEET. THE REAR LOT MAY BE CREATED PROVIDED THAT ALL OF THE FOLLOWING CONDITIONS CAN BE MET FOR THE REAR LOT:

1. THE AREA OF SAID REAR LOT IS AT LEAST ONE AND ONE-HALF (150%) THE MINIMUM AREA REQUIRED IN THE DISTRICT.
2. A BUILDING LINE IS DESIGNATED ON THE PLAN, AND THE WIDTH OF THE LOT AT THAT LINE EQUALS OR EXCEEDS THE NUMBER OF FEET NORMALLY REQUIRED FOR STREET FRONTAGE IN THE DISTRICT.
3. THE WIDTH OF THE REAR LOT IS AT NO POINT LESS THAN 40 FEET, AND ITS FRONTAGE IS NOT LESS THAN 40 FEET.
4. AT THE TIME OF THE CREATION OF THE REAR LOT, IT SHALL BE HELD IN COMMON AND CONTIGUOUS OWNERSHIP WITH THE FRONT LOT.
5. THE FRONT, REAR, AND SIDE YARDS SHALL EQUAL OR EXCEED THOSE REQUIRED IN THE DISTRICT.
6. THE REAR LOT AND ITS PARENT LOT SHALL SHARE A COMMON DRIVEWAY, APPROVED AS PART OF THIS SPECIAL PERMIT APPLICATION.

SEE SPECIAL PERMIT APPROVAL RECORDED IN THE SOUTHERN BERKSHIRE REGISTRY OF DEEDS IN BK - PG -

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ATTORNEY'S ABSTRACT OF TITLE AND/OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENT OF FACTS SUCH AS ABSTRACT OR REPORT WOULD HAVE REVEALED. THIS PROPERTY WAS SURVEYED BY THE POSSESSION LINES FOUND AT THE TIME THE SURVEY WAS MADE.

PLANNING BOARD ENDORSEMENT DOES NOT IMPLY COMPLIANCE WITH THE MASS. WETLANDS PROTECTION ACT.

RECORD OWNER: JAMES J. MERCER, TRUSTEE (OF LONG POND ROAD NOMINEE TRUST)

LOCUS DEED: BK - 984 PG - 155

ASSESSOR MAP 34 LOTS 1 & 10

REMAINING LAND OF LONG POND ROAD NOMINEE TRUST  
BK - 984 PG - 155  
EXCEEDS ZONING MINIMUMS  
REMAINING LOT AREA: 359 ACRES±  
REMAINING FRONTAGE: 150.00'

**ZONING**

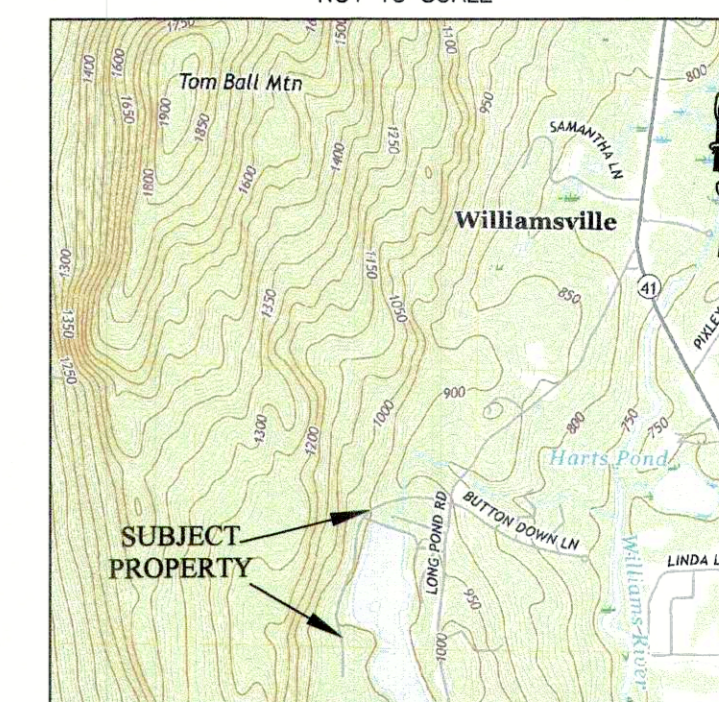
DISTRICT: R - 2  
LOT FRONTAGE: 120 FT. (80% OF LOT WIDTH)  
LOT AREA: 43,560 SF (1 ACRE)  
LOT WIDTH: 150 FT.  
MIN. FRONT YARD: 50 FT.  
MIN. SIDE YARD: 20 FT.  
MIN. REAR YARD: 30 FT.  
MAX. LOT COVERAGE: 20%

SEE ALSO TOWN ZONING BY LAWS 4.2.2: IN NO CASE SHALL STREET FRONTAGE BE LESS THAN 80% OF THE REQUIRED MINIMUM LOT WIDTH...

EXISTING OVERALL LOT FRONTAGE: 199.7'±  
FRONTAGE FOR LOT-1 (REAR LOT) : 49.7'±  
FRONTAGE FOR REMAINING LAND: 150.00'

**USGS MAP (1997)**

NOT TO SCALE

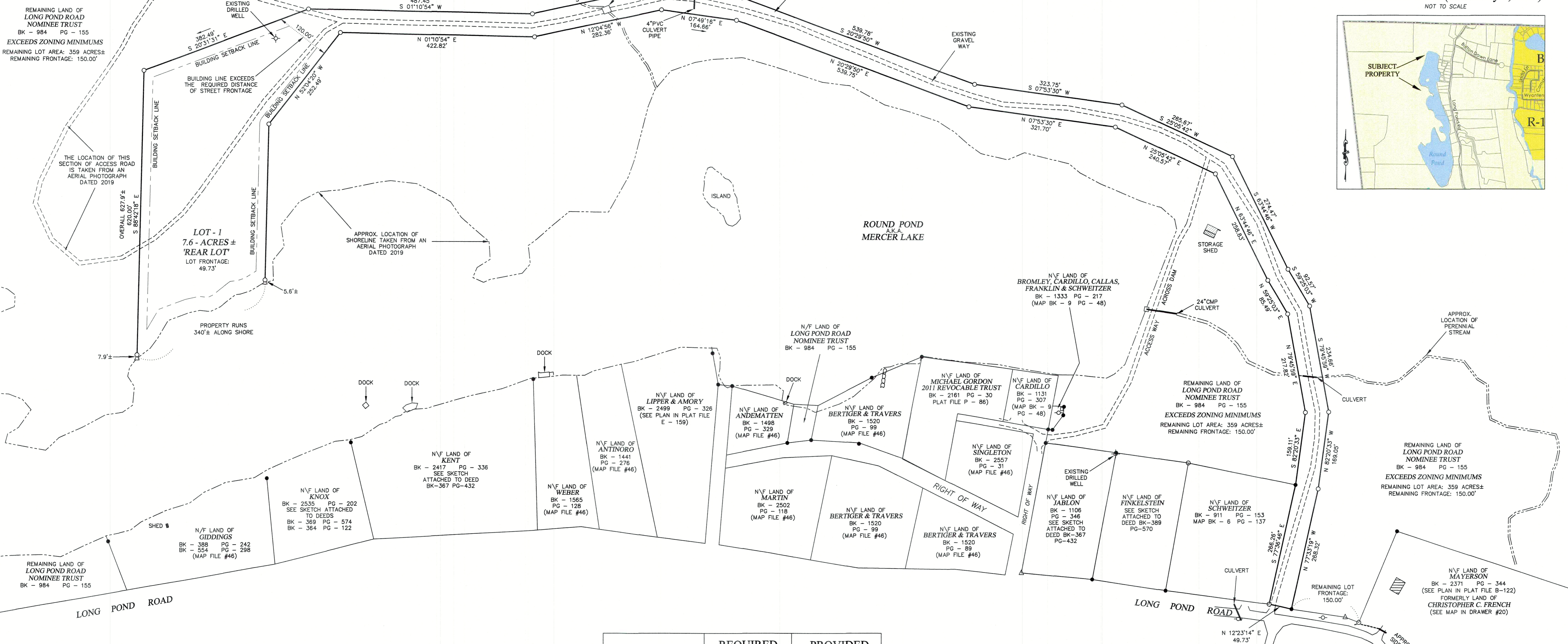
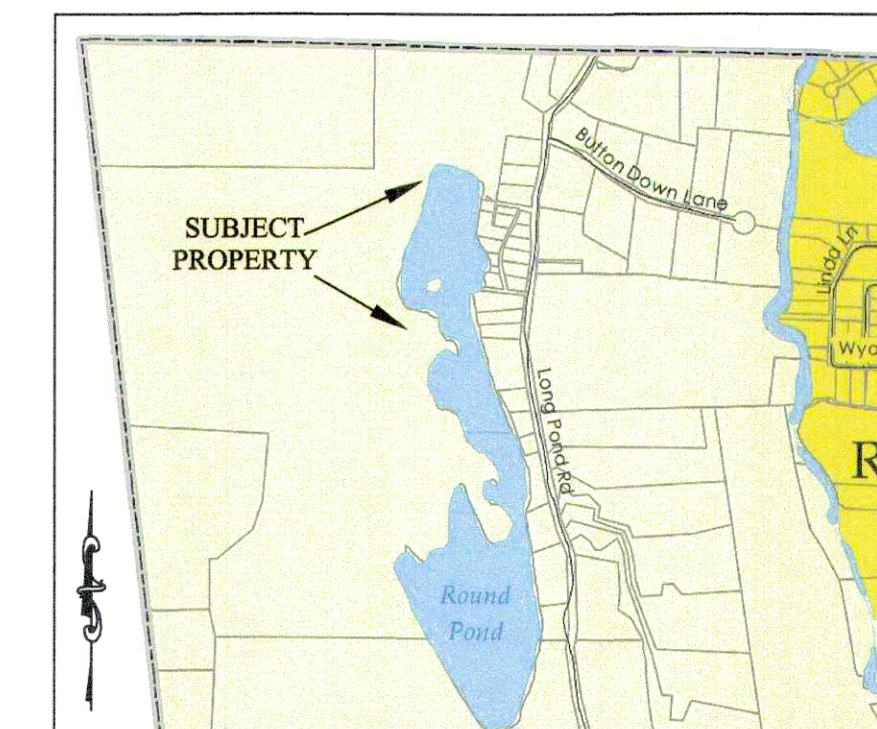


FOR REGISTRY USE ONLY



**ZONING MAP (dated May 6, 2019)**

NOT TO SCALE



REMAINING LAND OF LONG POND ROAD NOMINEE TRUST  
BK - 984 PG - 155  
EXCEEDS ZONING MINIMUMS  
REMAINING LOT AREA: 359 ACRES±  
REMAINING FRONTAGE: 150.00'

**LOT - 1**  
7.6 - ACRES ±  
'REAR LOT'  
LOT FRONTAGE:  
49.73'

**ROUND POND**  
A.K.A.  
**MERCER LAKE**

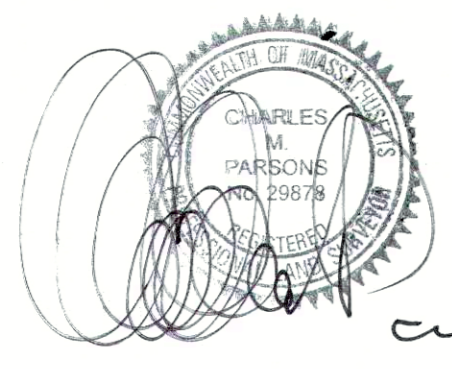
REMAINING LAND OF LONG POND ROAD NOMINEE TRUST  
BK - 984 PG - 155  
EXCEEDS ZONING MINIMUMS  
REMAINING LOT AREA: 359 ACRES±  
REMAINING FRONTAGE: 150.00'

REMAINING LAND OF LONG POND ROAD NOMINEE TRUST  
BK - 984 PG - 155  
EXCEEDS ZONING MINIMUMS  
REMAINING LOT AREA: 359 ACRES±  
REMAINING FRONTAGE: 150.00'

|                              | REQUIRED             | PROVIDED    |
|------------------------------|----------------------|-------------|
| LOT FRONTAGE (ORIGINAL LOT): | 120' PLUS 40' = 160' | 199.73'     |
| LOT AREA (REAR LOT):         | 1 1/2 ACRES          | 7.6 ACRES ± |

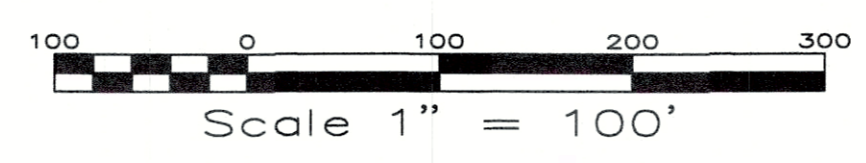
APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW

GREAT BARRINGTON PLANNING BOARD  
CHAIRMAN



**LEGEND**

- △ POINT COMPUTED
- IRON PIPE/ROD FOUND
- IRON ROD TO BE SET
- ⊕ WELL
- UTILITY POLE



I HEREBY REPORT THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.  
SIGNED: \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR

**PLAN OF LAND SURVEYED FOR JAMES J. MERCER, TRUSTEE (OF LONG POND ROAD NOMINEE TRUST)**

GREAT BARRINGTON, MASSACHUSETTS  
MARCH - 2021 SCALE 1" = 100'  
KELLY, GRANGER, PARSONS & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS

312 MAIN STREET P.O. BOX 88  
GREAT BARRINGTON, MASSACHUSETTS 01230  
PHONE (413) 528-1912 FAX (413) 528-3291  
C:\Carlson Projects\GREAT BARRINGTON\LONG POND ROAD\MERCER\MERCERS21.dwg\MRD