

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 Meeting Order of Agenda for Monday October 26, 2020, at 6:00 PM, Via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87970917163?pwd=SmhUU3ZpSHFTa3RlQ2xnR2duY1AwQT09>

Webinar ID: 879 7091 7163

Passcode: 003377

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*****

1. CALL TO ORDER-6:00 PM - OPEN MEETING
2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
3. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works Update-Phase 2 Report and Appraisal Update
 - b. Nov. 15th Winter Parking Ban Reminder
 - c. Halloween Reminder
 - d. South County Elderly/Disabled Transportation Update
 - e. Division Street Bridge Update-Sean/Tighe & Bond
4. LICENSES AND PERMITS
 - a. Brandon Westerling for a Driveway Permit for Seekonk Cross Road, Map-31 Lot 65.(Discussion/Vote)
 - b. Daire Rooney & James Corcoran for an Annual Common Victualler license for Marjoram + Roux at 47 Railroad Street. (Discussion/Vote)
5. NEW BUISNESS
 - a. Draft Land Acknowledgement- Joe Grochmal and Georges Pichard
 - b. Draft Response to GB Declaration by SB (Leigh Davis)
 - c. Mon. Valley Rd. Petition-Executive Summary from Chief Walsh and Sean.
 - d. 2021 Selectboard Regular Meeting Calendar

6. OLD BUSINESS

- a. Zoom Meeting Format Cont'd (Discussion/Vote)

7. PUBLIC HEARING

- a. Special Permit application from Berkshire Aviation Enterprises, Inc., for a an aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, per Sections 3.1.4 E(1) and 10.4 of the Zoning Bylaw.

(Continued from August 10, August 24, September 14, September 21, and October 5, 2020) (Discussion/Vote)

- i. Re-Open Public Hearing
- ii. Explanation of Project
- iii. Speak in Favor/Opposition
- iv. Motion to Close or Continue Public Hearing
- v. Motion re: Findings
- vi. Motion re: Approval/Denial/Table

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

9. SELECTBOARD'S TIME

10. MEDIA TIME

11. ADJOURNMENT

NEXT SELECTBOARD MEETING

Regular Meeting October 26, 2020
Regular Meeting November 9, 2020
Regular Meeting November 23, 2020

Regular Meeting December 9, 2020
Regular Meeting December 21, 2020

/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 be brought up for discussion to the extent permitted by law.

Selectboard

Fee \$50.00

Number

Paid

Application for Access to a Public Way / Driveway Permit

INSTRUCTIONS

RETURN FIVE (5) COPIES OF THIS FORM AND ALL ACCOMPANYING PLANS, ALONG WITH THE \$50.00 FEE to the Department of Public Works office in Town Hall, 2nd Floor, 334 Main Street, Great Barrington, MA 01230. Plans must show the location of the driveway on the property and must also indicate all details needed in order to determine that driveway regulations are met, including paving material, width, grade, drainage, culverts, angle to street, etc. See Chapter 153 of the Town Code for driveway regulations.

Application Date OCT. 5 2020Name of Applicant / Property Owner BRANDON WESTERLINGMailing address 900 HIGH ST, DEDHAM MA 02026-4114Phone number 617 466 9734Location of proposed driveway / highway entrance SEEKONK CROSS RD M-31 Lot 65Contractor who will perform the work ALL STAR EXCAVATION - PAUL GIARDINAAddress & phone number of contractor 126 HOLMES RD, LENOX, MA 01240 (413) 822-2623Proposed construction date OCT 20 2020Type of driveway (gravel, asphalt, etc.) GRAVEL

Print Form

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

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

Applicant's Signature: _____

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be:

- () approved as submitted
- () approved with conditions attached
- () disapproved for reasons attached
- () resubmitted with changes suggested per attached

Staff Reviews Received:

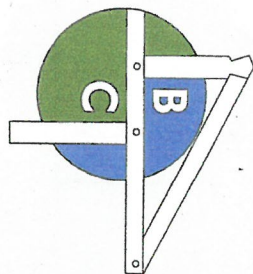
	Received	Conditions Recommended	Other Permits Required
Conservation:	()	()	()
Fire Chief:	()	()	()
Planning:	()	()	()

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

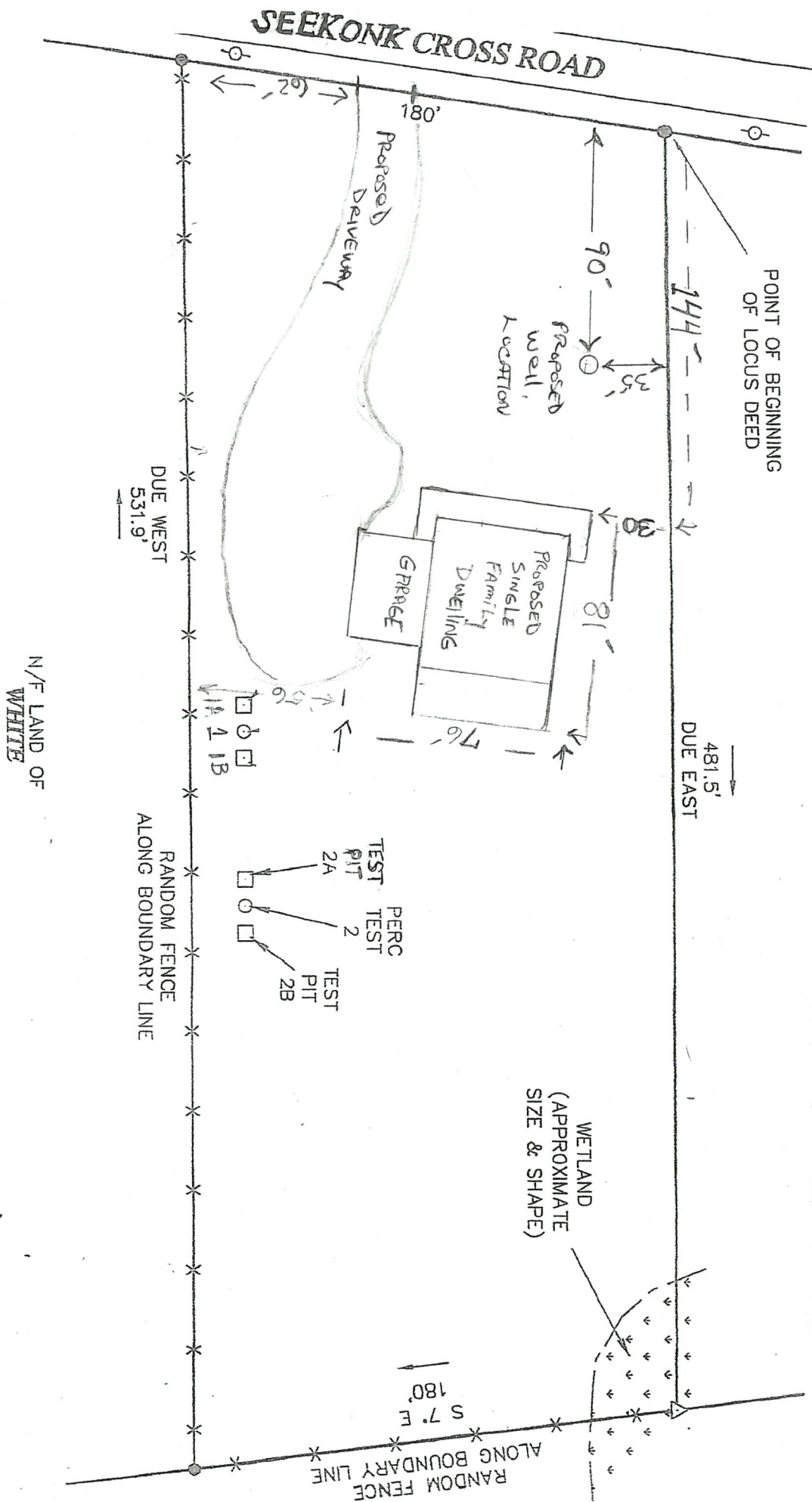
Pursuant to its vote of _____ in favor and _____ opposed, at its meeting on _____, the Great Barrington Selectboard granted permission to construct or alter this access to a public way at the address and in the location indicated in this application, in accordance with the plans accompanying this application, and subject to any conditions attached.

For the Selectboard: _____, its _____
(signature) (title) (date)

JIM@BERKSHIRECONTRACTOR.COM



Berkshire Contractor L.L.C
 James A. Weber General Contractor
 Office: (413) 528-6575 / Cell: (413) 329-2427
jim@berkshirecontractor.com
 7 Pumpkin Hollow Rd. Gt. Barrington, MA
 01230
 Office: 47 Main St. South Egremont, MA 01258
 Ma. CSL# 96383 HIC# 190399



91,000 S.F. R-2 MAP 31 LOT 65
 PLOT PLAN PREPARED FOR
BRANDON WESTERLING & KARA

ORDER TO ATTORNEY THE INSURANCE COMPANY AND LAZAR
 CLARK & JOHNSON, LTD.
 AND ANY OTHER PARTY LOCATED ON THE GROUND AS SHOWN THE
 BOUNDARY TO NOT BE WITHIN THE 100 YEAR FLOOD PLAIN AS
 SHOWN ON THE FLOOD PLAIN MAP. THIS PLAN IS NOT MADE
 FROM AN INSURANCE SURVEY, BUT IS NOT TO BE USED FOR
 INSURANCE PURPOSES.

THIS PLAN IS SUBJECT TO AND WITH THE BENEFIT OF
 ALL RIGHTS, RESERVATIONS, CONDITIONS, EASEMENTS,
 ETC., INDEMNITIES AND AFFIRMANCES OF RECORD.

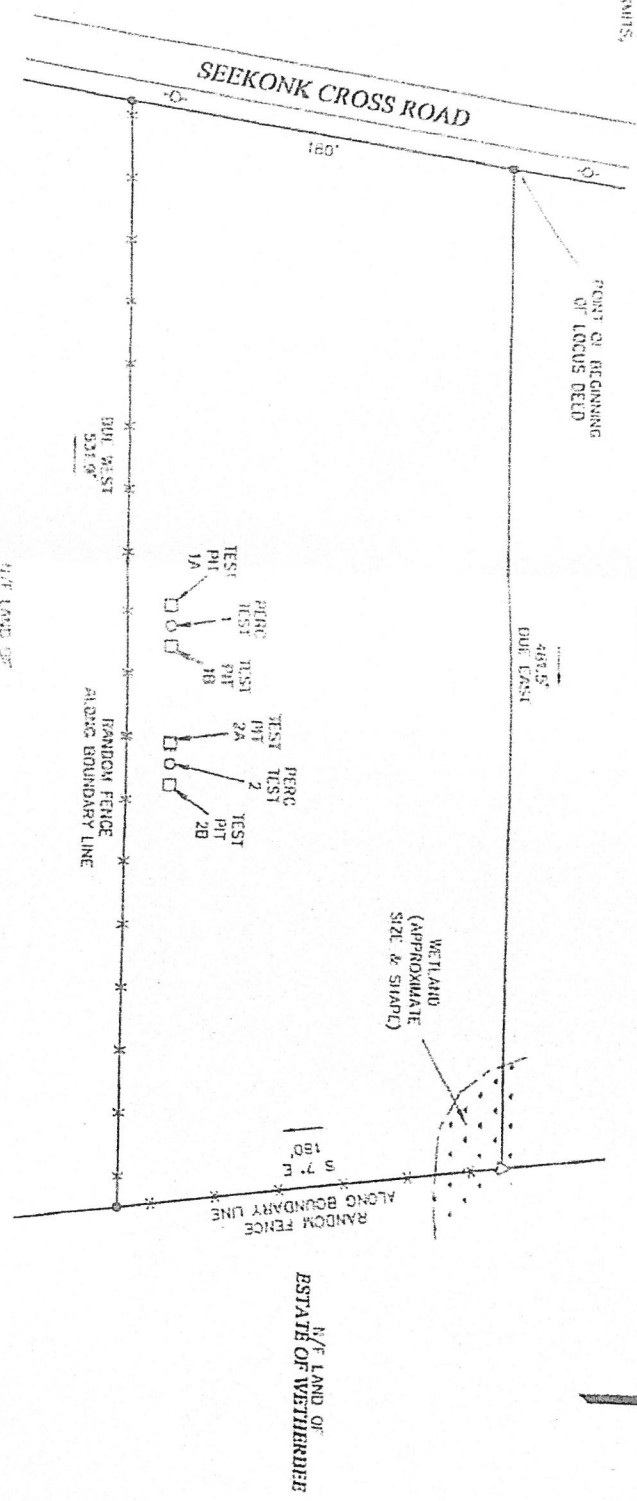
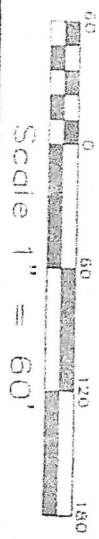
FOR BARR, USE ONLY
 THIS PLAN IS NOT TO BE USED FOR BUILDING PERMITS,
 ADJUSTMENTS, SPECIAL PERMITS OR VARIANCES.

INSTRUMENT NO. 156 P.O. 447
 PROPOSED ADDRESS: 2 SEEKONK CROSS ROAD
 TOWN MAP 31 LOT 65

THIS IS NOT A SURVEY AND IS SUBJECT TO
 ANY STATEMENT OF FACTS A SURVEY MAY
 REVEAL.

LEGEND

- ROCK PILE FOUND
- ▲ ANGLE ROCK POST FOUND
- GROUND PILE
- FENCE



PLOT PLAN PREPARED FOR BRANDON WESTERLING & KARA WESTERLING

GREAT BARRINGTON, MASSACHUSETTS
 JULY - 2020
 SCALE 1" = 60'
 KELLY, GRANGER, PARSONS & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS
 312 MAIN STREET P.O. BOX 98
 GREAT BARRINGTON, MASSACHUSETTS 01230
 PHONE (413) 528-3291
 FAX (413) 528-1912
 C:\Users\Projects\Great Barrington\SEEKONK CROSS\WESTERLING\WEST700.dwg

Large Plot Plan.jpg

John Malumphy
Highway-Facilities Superintendent

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



20 East Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works
Highway Division

Conditions on Application for Access to Public Way

Applicant: Brandon Westerling
Location: Seekonk Crossroad M-31 lot-65
From: John Malumphy Highway Superintendent/Sean VanDeusen, Public Works Director
Date: October 19, 2020

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

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

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

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

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

Please note that when the old driveway is abandoned that new curbing will need to be added along the road edge.

Looking north on Seekonk Crossroads Lot 65



Looking south on Seekonk Crossroads lot 65



Jackie Dawson

From: Great Barrington Conservation Commission
Sent: Friday, October 16, 2020 12:19 PM
To: Jackie Dawson
Subject: RE: Driveway Permit Application for Seekonk Cross Road

Jackie:

There are no issues for Conservation with the driveway off Seekonk Xroad.

-Shep



Shepley W. Evans

Conservation Agent
Animal Control Officer
413-528-1619 ex 122
conservation@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Jackie Dawson <jdawson@Townofgb.org>
Sent: Thursday, October 15, 2020 2:24 PM
To: Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>
Subject: Driveway Permit Application for Seekonk Cross Road

Please see the attached documents for a driveway permit application. Comments are needed by Noon on Wednesday October 21, 2020.

Thank You!

Jackie



Jackie Dawson

Administrative Assistant

413-528-0867

jdawson@townofqb.org

Town of Great Barrington

334 Main Street

Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

Jackie Dawson

From: Chris Rembold
Sent: Friday, October 16, 2020 9:09 AM
To: Charles Burger; Jackie Dawson; John Malumphy; Great Barrington Conservation Commission
Subject: RE: Driveway Permit Application for Seekonk Cross Road

No issues for Planning.



Christopher Rembold, AICP

Assistant Town Manager
Director of Planning and
Community Development
413-528-1619 ext. 108
crembold@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Charles Burger <cburger@Townofgb.org>
Sent: Thursday, October 15, 2020 4:11 PM
To: Jackie Dawson <jdawson@Townofgb.org>; Chris Rembold <crembold@Townofgb.org>; John Malumphy <JMalumphy@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>
Subject: RE: Driveway Permit Application for Seekonk Cross Road

No issues for the FD.



Charles Burger

Fire Chief
413-528-0788 ex 101
cburger@townofgb.org

Town of Great Barrington
Fire Department
37 State Road
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Jackie Dawson <jdawson@Townofgb.org>
Sent: Thursday, October 15, 2020 2:24 PM
To: Chris Rembold <crembold@Townofgb.org>; Charles Burger <cburger@Townofgb.org>; John Malumphy

<JMalumphy@Townofgb.org>; Great Barrington Conservation Commission <conservation@townofgb.org>

Subject: Driveway Permit Application for Seekonk Cross Road

Please see the attached documents for a driveway permit application. Comments are needed by Noon on Wednesday October 21, 2020.

Thank You!

Jackie



Jackie Dawson

Administrative Assistant

413-528-0867

jdawson@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

10/26/2020
4.6

334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON

AMENDED

APPLICATION FOR COMMON VICTUALLER LICENSE

FEE: \$25.00 (Payable to the Town of Great Barrington) **DATE:** 10/1/20

paid OK # 692 10/6/2020

NOTICE:

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

TO THE LICENSING AUTHORITY:

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

APPLICANT(S)/OWNER(S) NAME: Daire Rooney + James Corcoran

NAME OF BUSINESS: Marjoram + Roux

D/B/A (if applicable): _____

BUSINESS MAILING ADDRESS: 47 Railroad St, Great Barrington

BUSINESS TELEPHONE: 528-1223 HOME TELEPHONE: 917 701 8717

BUSINESS EMAIL: dairekeelin@gmail.com ★

LOCATION WHERE LICENSE IS TO BE USED: 47 Railroad St
Great Barrington, MA

DAYS/HOURS OF OPERATION: Tues-Sat 8-5 Sun 9-4

DESCRIPTION OF PREMISES: Cafe

DESCRIPTION OF FOOD TO BE SERVED: Breakfast + lunch +
prepared Foods

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.

Daire K Rooney
Signature of Individual or Corporate Name

By: _____
Corporate Officer (if applicable)

SS# 126-80-2052 or FID# 85-2539690

EXECUTIVE SUMMARY

TITLE: Town of Great Barrington, MA Land Acknowledgment

BACKGROUND: Great Barrington sits on indigenous lands belonging to the Mohican People. The Mohicans' lands extended from what is now Lake Champlain, south to Manhattan, on both sides of the Hudson River. Their territory also extended east into what is today Western Massachusetts. On April 25th, 1724, the lands upon which Great Barrington, Sheffield, Mount Washington, and Egremont (as well as parts of several other towns west of the Housatonic River), were exchanged by the Mohicans for four hundred sixty pounds, three barrels of cider, and thirty quarts of rum.^{1,2}

Before the Revolutionary War, the Mohicans resided primarily in Stockbridge but after the war, they were displaced westward, with the indigenous government today headquartered in Shawano County, Wisconsin. The Mohicans banded with other indigenous communities in this region to form the Stockbridge-Munsee Community.

On September 23rd, 2019, Great Barrington proclaimed the second Monday in October as "Indigenous Peoples' Day." To recognize our history and that of the Mohican People who inhabited the land upon which our town is built, @GBLabs, an innovation partner working with the Town of Great Barrington, has drafted the accompanying land acknowledgment.

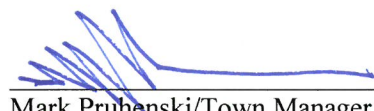
A land acknowledgment is a formal statement that recognizes the indigenous populations who lived on the land where a community is now located. As residents, we have a duty to reflect upon, and learn, from our past, by recognizing indigenous peoples as the traditional stewards of our land, by learning about their history and culture, and by closely examining the history of how our community came to. It is our hope that this land acknowledgment will help empower indigenous voices within our community and beyond, inspire non-indigenous individuals to learn more about native communities and their history, and to bring us all together in the pursuit of a stronger, more inclusive, and equitable future for our town, community, and country.

FISCAL IMPACT: None.

RECOMMENDATION: @GBLabs recommends that the attached land acknowledgment be read aloud before the Great Barrington Town Meeting on an annual basis.

PREPARED BY: Joe Grochmal @GBLabs Director and Georges Pichard @GBLabs Intern

APPROVED BY:


Mark Pruhenski/Town Manager

10/23/2020

¹ Rachel Wheeler, *To Live upon Hope: Mohicans and Missionaries in the Eighteenth-Century Northeast* (Cornell University Press, 2008), 17, <https://www.jstor.org/stable/10.7591/j.ctt7z92k>.

² Bernard A. Drew, *Great Barrington: Great Town - Great History*, First Edition (Great Barrington Historical Society, 1999), 191.

Town of Great Barrington - Official Land Acknowledgement

“As we gather this evening for our annual town meeting, where we will decide upon the future direction of our community, it is important that we also look to, and learn from, the lessons of the past. We want to acknowledge that we are gathered on the traditional lands of the Mohican People, and honor with gratitude the land itself and the people who have stewarded it throughout the generations. We commit to continuing to learn how to become better caretakers of the land we inhabit, to understand the history and traditions of those who cared for it before us, and to learn from the successes and failures of preceding generations, in the pursuit of a more just, equal, Great Barrington.”

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

October 26, 2020

Dr. Martin Kulldorff
Dr. Sunetra Gupta
Dr. Jay Bhattacharya
American Institute for Economic Research
250 Division Street
Great Barrington MA 01230-1000

Dear Dr. Kulldorff, Dr. Gupta, and Dr. Bhattacharya,

Recently, the American Institute for Economic Research has made international headlines with your publication of the "Great Barrington Declaration." It is in response to this declaration that we, the Great Barrington Selectboard, are writing to express our unequivocal disapproval of the ideas expressed therein, as well as the despoiling of our town's good name. We feel co-opted and exploited by your efforts to promote ideas that run counter to our town's collective value system, namely caring for and protecting the vulnerable in our community.

We also have serious concerns that the notoriety you have courted will deter regular and future visitors who support our economy, just as we are equally concerned that your promotion of herd immunity will attract visitors who agree with its risky premise. Your declaration is an open invitation for tourists who eschew safety measures to visit our town and behave irresponsibly.

While we cannot be certain why your pro-herd immunity agenda was named for our town, it is clear that your decision to do so has damaged our reputation. The callousness of that decision mirrors the callousness at the heart of your philosophy. We denounce any association your manifesto brings to our town as it reveals a reckless disregard for our citizens, who have overwhelmingly expressed to us their opposition to it.

Your advancement of an amoral set of policy positions, which privilege short-term economic gains for the few over the long-term health and safety of the many, is an affront to our citizens' difficult sacrifices. You mock our town's efforts to maintain safety measures and undermine the heroic endeavors of our community's healthcare workers, including those at our beloved Fairview

Hospital (recognized as one of America's Top Rural Hospitals). We are proud to have one of the lowest infection rates in the state, and your theory runs counter to our precautions. So far, COVID-19 has killed over one million people and infected more than 40 million. Let the record show that the citizens of this town emphatically disagree that spreading disease is the solution to the COVID pandemic.

Furthermore, your declaration ignores the growing evidence on Long COVID, whereby thousands of young and healthy people who contract the virus are left with debilitating symptoms months after a mild infection. Your premise dismisses the views of Dr. Anthony Fauci, the nation's top infectious disease expert, as well as those of Tedros Adhanom Ghebreyesus, the head of the World Health Organization. They have stated that herd immunity is "scientifically and ethically problematic," "very dangerous" and "total nonsense."

Your declaration has inflicted significant collateral damage on Great Barrington. Yet, with this letter, we hope the harm to our community's local and national reputation can be mitigated. Therefore, we, as a board of elected officials representing a community that does not share or sanction your beliefs, decisively repudiate your inhumane philosophy. We stand shoulder to shoulder with the citizens of our Town of Great Barrington in our condemnation of your manifesto.

Sincerely,

Stephen C. Bannon, Chair

Edward Abrahams, Vice-Chair

William Cooke, Member

Kate Burke, Member

Leigh Davis, Member



TOWN OF GREAT BARRINGTON MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS/GREAT BARRINGTON POLICE

EXECUTIVE SUMMARY

TITLE: Monument Valley Road Traffic Control

BACKGROUND: In response to citizen concerns over speeding on Monument Valley Rd., the Traffic Enforcement Patrol Unit of the Great Barrington Police Department has been directed to step up speed limit enforcement and radar patrols on Monument Valley Road. In addition to the increased patrol units, the Great Barrington Police Department will be utilizing a new speed trailer/message board system that has the capability of logging which specific places and times have the greatest volume of speeding traffic. This allows the patrol units to be utilized to target the areas where/when speeders are most problematic. This new trailer was approved by the voters at the last Annual Town Meeting and has already proven to be a valuable tool for the Police Department. Beyond the speed limit enforcement, the Police Department has met with DPW and is currently investigating the possibility of adding more signage as well as the possibility of increased traffic calming measures. This is all in keeping with the Town's commitment to follow the Complete Streets Policy adopted by the Select-board a few years ago.

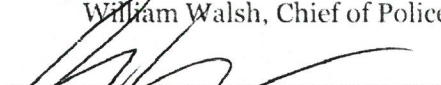
In addition, The Great Barrington Police Department last week submitted a grant to the State Office of Grants & Research FFY 2021 Municipal Road Safety Grant Program. If approved, the grant includes money to conduct five traffic "Enforcement Campaigns". If we receive the funds, we will utilize it for additional patrols on Monument Valley Rd.

RECOMMENDATION: The Select-Board ask the Police Department to continue stepped-up enforcement and for the DPW to review all signage and possible traffic calming measures.

PREPARED AND REVIEWED BY:




William Walsh, Chief of Police



Sean VanDeusen, DPW Superintendent

DATE: 10/22/2020

APPROVED: 

Mark Pruhenski, Town Manager

DATE: 10-22-20

Ronald Hirsch

September 28, 2020

Board of Selectmen
Town of Great Barrington
334 Main St.
Great Barrington, MA 01230

RE: Petition Regarding Traffic on Monument Valley Rd.

Dear Board of Selectmen:

I reside full-time at 165 Monument Valley Rd. When we moved here, one attraction was that the speed limit at the house was 35 mph and the rest of the road was 40 mph. A slow pace suitable for a country road where people live. Unfortunately, most of the traffic on the road flaunts these limits and travels at anywhere between 50-60 mph I would guess. Also, there are far more large trucks on the road than there were when we moved in, and they also barrel down the road. It feels now like we live on a highway, not a country road.

Because this is such an important quality of life issue, I decided to circulate a petition among my neighbors up and down the road to see whether they felt as I do ... that the Town needs to address this situation.

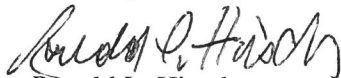
I can report that everyone I contacted felt very strongly that life had changed on Monument Valley Rd. for the reasons I've stated. And with one exception, all signed. The petition signatures are enclosed. Parents do not allow their children to ride their bikes on the road. Several people said they don't go for walks any more on the road. Lila Berle said her house shakes when heavy trucks go by. One person's cat and one's dog were killed recently. The list goes on. People were not happy and felt helpless.

Regarding the heavy truck traffic which now frequently travels on the road, I'm sure that the road was not constructed to accommodate such traffic, both regarding the lack of shoulders and probably the foundation of the roadbed. I was informed by one long-term resident that many years ago there used to be a sign at the entrance of Monument Valley Rd. at Rte. 23 that said large trucks and thru-trucks were prohibited. I suspect that before GPS, trucks coming from Hartford didn't know about this shortcut to I90; they can go back to using the route they used to use.

We are petitioning that the Town find some way to a) enforce the speed limit, and b) prohibit large trucks from using the road, except for local jobs. Regarding (a), a year ago I asked the police to place a speed monitor on the stretch near my home where the speed limit goes down to 35, but that had no lasting effect. Increased surveillance would certainly help, but probably not much; people see the road as a short cut, and such people speed. I think that speed bumps may be the only effective answer.

Please put this item on the agenda for the next Board meeting.

Sincerely,



Ronald L. Hirsch

Enclosure

Selectboard's 2021 Regular Meeting Schedule

January 11	Second Monday
January 25	Fourth Monday
February 8	Second Monday
February 22	Fourth Monday
March 8	Second Monday
March 22	Fourth Monday
April 12	Second Monday
April 26	Fourth Monday
May 3	Annual Town Meeting
May 12	Second Wednesday
May 17	Third Monday
June 7	Second Monday
June 21	Fourth Monday
July 12	Second Monday
July 26	Fourth Monday
August 9	Second Monday
August 23	Fourth Monday
September 13	Second Monday
September 21	Third Monday
October 4	First Monday
October 25	Fourth Monday
November 8	Second Monday
November 22	Fourth Monday
December 13	Second Monday
December 20	Third Monday

Mark Pruhenski

From: OpenMeeting (AGO) <openmeeting@state.ma.us>
Sent: Wednesday, October 14, 2020 9:12 AM
To: Mark Pruhenski
Cc: Steve Bannon; Ed Abrahams
Subject: RE: Virtual Meeting Question

Good Morning,

Your summary of our conversation is accurate.

Sincerely,

Sarah (Chase) Monahan
Assistant Attorney General
Division of Open Government
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Phone: 617-963-2540

From: Mark Pruhenski <MPruhenski@Townofgb.org>
Sent: Tuesday, October 13, 2020 4:04 PM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Cc: Steve Bannon <sbannon@Townofgb.org>; Ed Abrahams <eabrahams@Townofgb.org>
Subject: RE: Virtual Meeting Question

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Sarah,

Thanks for taking the time to talk with me by phone just now, and thank you for providing the below information.

Can you please confirm that the Selectboard is not obligated to identify members of the virtual audience when we meet, and that there is no prohibition on using the webinar format provided by Zoom as long as all participants can hear each other when speaking or addressing the board?

It's also my understanding that the Selectboard cannot require members of the public meeting to identify themselves when simply attending, but may do so if a member of the public wishes to speak.

Thanks in advance for the written confirmation.

Best, Mark



Mark Pruhenski

Town Manager

413-528-1619 ex 2

mpruhenski@townofgb.org

Pronouns: he/him/his

Town of Great Barrington

334 Main Street

Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: OpenMeeting (AGO) <openmeeting@state.ma.us>

Sent: Tuesday, October 13, 2020 12:35 PM

To: Mark Pruhenski <MPruhenski@Townofgb.org>

Cc: Steve Bannon <sbannon@Townofgb.org>; Ed Abrahams <eabrahams@Townofgb.org>

Subject: RE: Virtual Meeting Question

Hello Mr. Pruhenski,

The Open Meeting Law does not require that public bodies allow public comment or public participation during meetings - on the contrary, the Open Meeting Law specifies that nobody shall address the public body without permission of the chair. However, the Attorney General encourages public bodies to allow public comment and/or public participation when feasible. Because the Open Meeting Law does not require that public bodies allow for public comment or public participation during meetings at all, the manner that public bodies may choose to accept comment or questions is outside the scope of the Open Meeting Law.

Public hearings, on the other hand, are governed by separate laws that impose additional requirements, and may require opportunity for public comment or testimony. Those requirements are outside the scope of the Open Meeting Law and therefore do not fall within the Division of Open Government's jurisdiction. Public bodies and members of the public should consult with legal counsel for guidance on the requirements for public hearings.

Please let us know if you have any further questions.

Sincerely,

Sarah (Chase) Monahan
Assistant Attorney General
Division of Open Government
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Phone: 617-963-2540

From: Mark Pruhenski <MPruhenski@Townofgb.org>
Sent: Tuesday, October 13, 2020 11:59 AM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Cc: Steve Bannon <sbannon@Townofgb.org>; Ed Abrahams <eabrahams@Townofgb.org>
Subject: Virtual Meeting Question

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Good Morning,

I'm reaching out for some clarification on virtual meetings.

Like many communities in the Commonwealth, we converted to virtual meetings during the early months of the COVID pandemic. We're currently using the Zoom platform. We use the regular meeting format for smaller boards and committees, and the webinar format for Selectboard meetings since we can have 50-100 attendees at times. The webinar format has the 5 Selectboard members on the main screen visible to all participants, as well as the Town Manager, Asst. Town Manager, and anyone promoted to make a presentation.

Attendees are asked to use the "raise your hand" feature (or *9 if they are calling in by phone), and they are recognized by the Chair in a similar fashion to an in-person meeting. In addition, we always include opportunities for residents to speak to the board during "citizen speak time" and the media during "media time" on our agendas.

Can you please tell me if this is an appropriate and legal use for public meetings? We have been questioned by a few residents on whether this is legal or not but no one has been able to provide any decision and/or guidance from your office, hence my email for clarification. If you have any questions, feel free to reach me directly on my cell at: 413-717-8328.

Thanks in advance. -Mark



Mark Pruhenski

Town Manager

413-528-1619 ex 2

mpruhenski@townofgb.org

Pronouns: he/him/his

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Continued on: August 10, August 24, September 14, September 21, and October 5, 2020

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a Public Hearing on Monday, August 10, 2020 at 6:30 pm, to act on the Special Permit application from Berkshire Aviation Enterprises, Inc., for an aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, per Sections 3.1.4 E(1) and 10.4 of the Zoning Bylaw. A copy of the application is on file with the Town Clerk.

The meeting will be held via remote video/teleconference and in accordance with current emergency health orders, in-person attendance at this hearing will not be permitted. Instructions for participating in the Hearing will be listed on the Selectboard's August 10, 2020 agenda, which will appear on the Town's website, www.townofgb.org, at least 48 hours prior to the meeting, or you may call 413-528-1619, x. 2 to receive instructions.

Stephen Bannon, Chair

Please publish July 16 and July 23, 2020
Berkshire Eagle

Follow the link to see the application and supporting documents:

<https://www.dropbox.com/s/537qbbwmz67ct17/Airport%20SP%20application.pdf?dl=0>

Airport information submitted by applicant for August 24, 2020 meeting:

[https://www.dropbox.com/s/m1lk817u0ne1r79/airport%20supplement%20filed%20August%2018%20202020.pdf](https://www.dropbox.com/s/m1lk817u0ne1r79/airport%20supplement%20filed%20August%2018%202020.pdf)

Airport letters in support, since last meeting and up to 3:00 PM Thursday 8/20/2020:

<https://www.dropbox.com/s/kfxie3acu2kgvj3/airport%20new%20letters%20in%20support.pdf?>

Airport letters in opposition, since last meeting and up to 3:00 Pm Thursday 8/20/2020:

<https://www.dropbox.com/s/5ol3cr9e70qggav/airport%20new%20letters%20opposed.pdf?dl=0>

New letters in support (since 8/24 meeting):

<https://www.dropbox.com/s/bvo4x45kha6fjzc/airport%20in%20support%20-%20new%20since%208-24%20meeting.pdf?dl=0>

New letters in opposition (since 8/24 meeting):

<https://www.dropbox.com/s/l45jsebw2etni5j/airport%20in%20opposition%20-%20new%20since%208-24%20meeting.pdf?dl=0>



October 20, 2020

Dear Town of Great Barrington Selectboard Member:

On behalf of Berkshire Agricultural Ventures (BAV), I am writing to provide my input to the Town of Great Barrington Select Board's consideration of the Koladza Airport expansion plans.

BAV is a Great Barrington-based nonprofit organization that invests in farms and food businesses to advance the future of the food economy in our region comprising the foodshed of Berkshire County, MA, Columbia and Dutchess Counties, NY, and Litchfield County, CT. Since our founding in 2017, we have served over 60 distinct businesses, supported over 75 projects, created 22 jobs and benefited nearly 4,000 acres of farmland. We have also helped preserve nearly 500 acres of farmland in the region in partnership with private businesses, farmers, land trusts and other nonprofits.

As you know, affordable farmland is an increasingly scarce asset in this county and region, especially for the growing numbers of young farmers who are dedicated to this way of life. Most available land is out of their reach altogether, or they are challenged to grow their businesses while shouldering a sizeable mortgage or lease. Coupled with this challenge is the lack of affordable housing which increases the barriers for farmers to make a sustainable living. Without affordable land access and housing for farmworkers we cannot grow our food system to reach its potential as one of the major drivers of the Berkshire regional economy.

In regards to the effective expansion of the Koladza Airport, it is not just the immediate neighbors of the airport who will experience the impacts of its effective expansion, it is also the residents, area farmers and anyone else who live downstream and are growing our local food economy in the same watershed.

Our quality of life in this region, as well as our food future, depend on protecting and retaining the health of our farmland and water for future generations. At this point in our county's and town's history, and for our future sustainability, we cannot afford to give away or degrade our agriculturally-designated land and natural water assets without public compensation and for purposes not in keeping with the intent of state land use laws.

The time is ripe for the Town of Great Barrington to revisit the grandfathered zoning and taxation for the airport and forge creative, agriculturally-based and sustainable alternatives to the airport expansion that would grow our future food economy and our ability to feed ourselves here in this beautiful region.

If BAV can be helpful in this regard, we would be happy to do so. Please do not hesitate to contact me at cynthia@berkshireagventures.org.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Pansing".

Cynthia Pansing
Executive Director



The Leader in Public Sector Law

T: 617.556.0007 F: 617.654.1735

101 Arch Street, 12th Floor, Boston, MA 02110

By Electronic Mail

To: Hon. Stephen Bannon and Members of the Selectboard
cc: Town Manager

From: David J. Doneski

Re: Application of Berkshire Aviation Enterprises, Inc.
for Aviation Field Special Permit, 70 Egremont Plain Road

Date: October 2, 2020

You have requested an opinion regarding the applicability of certain Zoning Bylaw provisions to the application of Berkshire Aviation Enterprises, Inc. for a special permit for an aviation field use at 70 Egremont Plain Road (the “Property”). In particular, you have asked about the criteria for review and whether the aviation field use is also subject to a Water Quality Protection Overlay District (WQPOD) special permit under section 9.2.12 of the Zoning Bylaw. In my opinion, the criteria for review are the general special permit criteria in subsection 10.4.2 of the Bylaw, and the particular standard for aviation fields in section 7.2, applied as described below. It is also my opinion that the airport use proposed to be established as a specially permitted use under section 7.2 of the Zoning Bylaw, as described in the application, would be subject to a special permit requirement under section 9.2.12.2 of the Bylaw to the extent that a) the new construction proposed or use of the constructed buildings or facilities will include the handling of toxic or hazardous materials, or b) the uses to be conducted within the buildings or facilities to be constructed will increase the level of handling of toxic or hazardous materials on the Property.

The Property is located in the Residence 4 zoning district. For several decades, it has been the site of an airport known as the Great Barrington Airport (a/k/a Walter J. Koladza Airport). Under the Zoning Bylaw’s Table of Uses, section 3.1.4, an “Aviation field, public or private” is a use allowed only in the R-4 District, by special permit from the Selectboard. The application states that Berkshire Aviation Enterprises “wishes to permit the existing nonconforming use at the property,” and requests approval for construction of new hangars – six, as shown on the plan submitted with the application (“Plans to Accompany Permit Applications prepared for: Great Barrington Airport” by SK Design Group, Inc., dated January 17, 2020).

The Bylaw Provisions

Section 7.2 of the Zoning Bylaw consists of the following:

7.2 AVIATION FIELDS

7.2.1 General. Any aviation field, public or private, with essential accessories, shall comply with the following special requirements:

1. It shall be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition.
2. In accordance with Chapter 90 of the Massachusetts General Laws, as amended by Section 35B, no person shall erect or add to the height of any structure within a rectangular area lying 1,500 feet on either side of the extended center line of a runway or landing strip of an airport approved by the Commission for a distance of two miles from the end of such runway or landing strip so that the height thereof will be more than 150 feet above the level of such runway or landing strip, nor, within that portion of such area which is within a distance of 3,000 feet from the end of such runway or landing strip, so that the height thereof will be greater than a height above the level of such runway or landing strip determined by the ratio of one foot vertically to every 20 feet horizontally measured from the end of such runway or landing strip, unless a permit therefore (sic) has been granted by the Commission (Massachusetts Aeronautics Commission).

7.2.2 Exemption. The provisions of this Subsection shall not apply to structures which will be 30 feet or less in height above ground.

The application asserts that the proposed hangars “are exempt from the Aviation Field Special Permit Requirements due to the building heights meeting an exemption.” (Special Permit Narrative at p. 16) Presumably, this statement is based on the “exemption” language in Zoning Bylaw subsection 7.2.2. I find that to be an overly broad reading of that subsection. In my view, the exemption does not apply to any structure of 30 feet or less in height above ground; rather, it relates to the requirement of a permit from the Massachusetts Aeronautics Commission for construction of or addition to a structure within the ‘exclusion’ area described in subsection 7.2.1.2. That is because subsections 7.2.1.2. and 7.2.2 simply repeat the language of G.L. c. 90, §35B, which is referenced at the outset of subsection 7.2.1.2. This is seen by a comparison of the Bylaw language with the statutory language, which is as follows:

No person shall erect or add to the height of any structure within a rectangular area lying fifteen hundred feet on either side of the extended center line of a runway or landing strip of an airport approved by the commission¹ for a distance of two miles from the end of such runway or landing strip so that the height thereof will be more than one hundred and

¹ Referring to the Massachusetts Aeronautics Commission, the predecessor agency to the Aeronautics Division of the state Department of Transportation. See G.L. c. 6C, §59, c. 90, §35; St. 2009, c. 25, §83.

fifty feet above the level of such runway or landing strip, nor, within that portion of such area which is within a distance of three thousand feet from the end of such runway or landing strip, so that the height thereof will be greater than a height above the level of such runway or landing strip determined by the ratio of one foot vertically to every twenty feet horizontally measured from the end of such runway or landing strip, unless a permit therefor has been granted by the commission.

The provisions of this section shall not apply (1) to areas subject to airport approach regulations adopted pursuant to sections forty A to forty I, inclusive, (2) to air approaches to the General Edward Lawrence Logan International Airport, nor (3) to structures which will be thirty feet or less in height above ground.

With the exception of clauses (1) and (2) in the second paragraph of section 35B of Chapter 90 (which do not appear in the Bylaw), subsections 7.2.1.2. and 7.2.2 contain language identical to that in the statute. In my view, inclusion of that statutory language, which relates to a *state* permit requirement for structures within a specified area adjacent to a runway or landing strip and exempts structures of a certain height, should not operate to exempt *all* airport structures of that height from the scope of review under a *local* zoning bylaw requiring a special permit for an airport. Instead, when a special permit application for an airport includes proposed construction of hangars the hangar elements of the proposed use should be included within the review of the application under the standard set forth in subsection 7.2.1.1.

For the present application, then, the next question is how to apply that standard: locating the airport so that “it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition,” when the airport that is the subject of the application already exists. In my view, subsection 7.2.1.1 should be applied so as to measure whether whatever is proposed to be added to the existing operation, such as the hangars, would result in the operation of the airport becoming more “objectionable” than at present. On this point, there is some historical guidance.

At the May 9, 2016 Annual Town Meeting the Zoning Bylaw was amended to add provisions for the MXD district (Mixed Use Transitional Zone). The amendment article included a revision to the Bylaw’s Table of Use Regulations, to add a column for the new district. When the amendment was submitted to the Attorney General’s office for review and approval (as required by G.L. c. 40, §32) the Attorney General advised the Town in a letter of August 8, 2016 that the “N” (prohibited) designation in the MXD zone for the listed use of “Aviation field, public or private” would require approval by the Aeronautics Division of the Massachusetts Department of Transportation, pursuant to G.L. c. 90, § 39B. That section includes the following paragraph:

A city or town in which is situated the whole or any portion of an airport or restricted landing area owned by a person may, as to so much thereof as is located within its boundaries, make and enforce rules and regulations relative to the use and operation of aircraft on said airport or restricted landing area. Such rules and regulations, ordinances or by-laws shall be submitted to the commission and shall not take effect until approved by the commission.

By letter to the Town dated March 6, 2017 the Administrator of the Aeronautics Division reported that after review of the amendment voted at the 2016 Annual Town Meeting and a

review of existing section 7.2 of the Zoning Bylaw, the Division determined that the language concerning the standard for location of an airfield in subsection 7.2.1.1 would amount to a “de facto prohibition of aviation” and could not be approved by the division. In my opinion, the Aeronautics Division’s letter should not be construed as somehow invalidating the subsection 7.2.1.1 language, since section 7.2 was not part of the 2016 Zoning Bylaw amendments the Attorney General required to be referred to the Aeronautics Division, and since the Bylaw language, to my understanding, has been in place since at least 1960 while the Aeronautics Division review language was only added to G.L. c. 90, §39B in 1985. (See St. 1985, c. 30.)

However, I do find what the Aeronautics Division suggested to the Town to be instructive. The Administrator recommended that the “objectionable” standard be revised to include additional language so that it would read along the lines of “. . . likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition beyond that of normal airport operations.” In my view, the standard I have recommended above is consistent with the guidance of the Aeronautics Division and would take into account the fact that the airport already exists.

Water Quality Protection Overlay District

The general scope of the WQPOD is described in subsection 9.2.2 of the Zoning Bylaw:

The WQPOD is an overlay district superimposed on the other zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses in the underlying zoning districts that fall within the WQPOD must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the WQPOD. In the case of a conflict between two provisions of this section, the more restrictive shall apply.

Permitted uses in the WQPOD include, subject to all local, state, and federal law requirements, “Any use permitted in the underlying Zoning District, subject to other requirements herein.” (Subsection 9.2.7.6) Prohibited uses, listed in subsection 9.2.8, include:

Facilities that generate, treat, store, or dispose of hazardous waste that are subject to G.L. c. 21C and 310 CMR 30.00, except for:

- a. Very small quantity generators as defined under 310 CMR 30.000;
- b. Household hazardous waste centers and events operated in accordance with 310 CMR 30.390 (not permitted in Zone A);
- c. Waste oil retention facilities required by G.L c. 21, s. 52A (not permitted in Zone A). (Subsection 9.2.8.4)

Uses allowed only upon issuance of a special permit by the Selectboard, and subject to “such conditions as it may require,” include:

Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying

zoning district (except as prohibited hereunder). Such activities shall require a special permit to prevent contamination of groundwater; (Subsection 9.2.12.2)

For purposes of the WQPOD, hazardous material is defined as follows:

Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture was discharged to land or water in the Town of Great Barrington. Hazardous materials include, without limitation, synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; solvents and thinners in quantities greater than normal household use; and all substances defined as hazardous or toxic under Massachusetts General Laws, Chapters 21C and 21E and 310 CMR 30.00. (Zoning Bylaw, section 11.0)

By its terms, the Berkshire Aviation Enterprises application requests a special permit for an aviation field per section 7.2 of the Zoning Bylaw. Accordingly, even though the airport presently exists on the Property, the use proposed by the application may, in my opinion, be viewed as encompassing the full measure of that airport's aviation field activities and proposed construction. By virtue of subsection 9.2.2, then, those activities and construction are subject to the requirements and restrictions of the WQPOD. Again, subsection 9.2.2 includes the following statement of scope: "This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses in the underlying zoning districts that fall within the WQPOD must additionally comply with the requirements of this district." Therefore, in my view, the provisions of subsection 9.2.12.2, specifying those uses and activities within the WQPOD which require a special permit, are relevant to the airport use proposed by the application.

An aviation field/airport is a use permitted in the underlying R-4 zoning district, but subject to the WQPOD requirements by reason of subsection 9.2.2. Operation of an aviation field/airport with fueling and maintenance activities will necessarily involve the use of, at least, aviation fuel and other petroleum products, which are toxic or hazardous materials for purposes of the WQPOD, "in quantities greater than those associated with normal household use." To the extent that a) construction of the hangar buildings or other proposed facilities, or use of the constructed buildings or facilities, will include handling of toxic or hazardous materials; or b) the uses to be conducted within the hangars, or on or in the other facilities proposed to be constructed, will increase the level of handling of toxic or hazardous materials on the Property, it is my opinion that such activity would be subject to the requirement of a special permit under subsection 9.2.12.2 of the Zoning Bylaw.

COHEN | KINNE | VALICENTI | COOK

Dennis G. Egan, Jr.
Admitted in MA, CT and NY

degan@cohenkinne.com
Direct phone 413 553 0411
Cell phone 413 446 1126
Direct fax 413 553 0334

VIA FIRST CLASS MAIL AND EMAIL (crembold@townofgb.org)

October 1, 2020

Mr. Stephen Bannon, Chair
Town of Great Barrington Select Board
334 Main Street
Great Barrington, MA 01230

Re: Response to Questions Raised at September 21, 2020 Great Barrington Select Board
Hearing – Application for Special Permit – Berkshire Aviation Enterprises, Inc. –
70 Egremont Plain Road

Dear Mr. Bannon:

I am submitting this letter as a follow up to questions presented by members of the Great Barrington Select Board (the “Select Board”) at its hearing that took place on September 21, 2020 (the “Hearing”) with respect to the application (the “Application”) for special permit (the “Special Permit”) filed by Berkshire Aviation Enterprises, Inc. (“BAE”) with respect to the property located at 70 Egremont Plain Road (the “Property”).

1. **Should Section 7.2 (Aviation Fields) of Town of Great Barrington Zoning Bylaws be considered in the broader context of consideration of the Application?**

Mr. Cooke raised the issue of the applicability of Section 7.2.1.1 of Town of Great Barrington Zoning Bylaws (the “Bylaws”) to the Select Board’s consideration of the Application. Section 7.2.1.1 provides “It shall be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition.” The Massachusetts Department of Transportation Aeronautics Division (the “Aeronautics Division”) in its letter to Christopher T. Rembold, Town Planner, dated March 6, 2017 (the “Aeronautics Division Letter” – a copy of which is enclosed herewith) has determined that Section 7.2 is “very vague” and “amounts to a de facto prohibition of aviation since, under this standard, any normal aeronautical operation, by its very nature, could be summarily denied a special permit as ‘likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition.’” As such, the Aeronautics Division has not approved this section of the Bylaws, and therefore, Section 7.2 cannot be considered in the context of the Application.

COHEN | KINNE | VALICENTI | COOK LLP Attorneys
tel 413-443-9399 | fax 413-442-9399 | cohenkinne.com

RESPOND TO MAIN OFFICE
28 North Street, 3rd Floor
Pittsfield, MA 01201

244 Main Street
Great Barrington, MA

The Aeronautics Division derives its statutory authority to regulate airports and restricted landing areas from Massachusetts General Laws, Chapter 90, Section 39B, which provides, in pertinent part: “A city or town...may...make and enforce rules and regulations relative to the use and operation of aircraft on said airport or restricted landing area.” However, “such rules and regulations, ordinances or by-laws *shall be submitted to the commission and shall not take effect until approved by the commission* [emphasis added].” Therefore, Section 7.2 is not effective with respect to the Select Board’s consideration of the Application.

The Aeronautics Division Letter is instructive with respect to the Select Board’s consideration of the Application. Specifically, the Application cannot and should not be considered in a vacuum – it must be considered in light of the fact that Great Barrington Airport (the “Airport”) (a) has been in operation since 1931 and (b) is no more likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition than “any normal aeronautical operation” as a result of the Select Board’s granting the Special Permit.

Moreover, the Application must be considered in light of the fact that the Airport already exists. The Application does not contemplate a new use at the Property, but rather, a request that the Board allow for a pre-existing, non-conforming use to become a conforming use, subject to reasonable restrictions imposed by the Select Board. Denial of the Special Permit on the grounds that some neighbors find the noise produced by aircraft objectionable would amount to a de facto prohibition of aviation in Great Barrington – a position which is not consistent with the intent of the Zoning Bylaws, which allow for Aviation Fields in the R4 Zoning District, subject to grant of a special permit by the Select Board.

In other words, the fact that a vocal, well-funded minority is opposed to the Airport, generally, because it finds the operation of the Airport objectionable is not dispositive. Instead, as the Aeronautics Division has stated, the Select Board’s decision rests on its answer to the following question: Is the Airport more objectionable than normal airport operations? The answer to that question is: no. Therefore, any other analysis of the Application with respect to the character of the neighborhood would allow a vocal minority that finds airport operations objectionable on their face to prevent any Aviation Field in the Town of Great Barrington, which is antithetical to the Bylaws and Massachusetts General Laws, Chapter 39.

2. **Will approval of the Special Permit result in uncontrollable expansion of the Airport?**

Should the Select Board vote to grant the Special Permit, the Airport will not be allowed to expand unchecked for the following reasons:

- a. The Aeronautics Division certifies airports, licenses airport managers, conducts annual airport inspections and enforces safety and security regulations. The Select Board has no jurisdiction concerning matters over which the Aeronautics Division has jurisdiction, and therefore, a decision by the Select Board has no impact with respect to matters that fall within the jurisdiction of the Aeronautics Division.
- b. The Special Permit, if granted, would allow a pre-existing, non-conforming use to become conforming – this use of the Property as an Aviation Field would not be expanded as a result of the grant of the Special Permit. To the contrary, the law provides that the Select Board may place reasonable restrictions on the use – restrictions that do not currently exist relative to the Airport.
- c. The types of aircraft that the Airport can accommodate is dictated by the length of the Airport's runway, which cannot be extended because (i) a town owned road – Seekonk Crossway – is located at the eastern end of the Property and (ii) the Airport does not own the property to the west of the Property.
- d. Uses not otherwise allowed in the R4 Zoning District are not allowed at the Property. Specifically, with respect to the issue of a potential restaurant at the Property, which has been raised by opponents of the Airport, restaurants are not allowed in the R4 Zoning District. Therefore, the Bylaws would have to be amended (which requires a vote at Town Meeting) to allow for a restaurant at the Property. The Airport has no plans to open a restaurant at the Property. Moreover, the Select Board can add a condition to the Special Permit specifically prohibiting a restaurant (or other uses not allowed in the R4 Zoning District).
- e. Should the Airport wish to construct additional structures at the Property, it is restricted from doing so because the maximum percentage of lot coverage in the R4 Zoning District is 10%. If the Special Permit is granted and the proposed airplane hangars (collectively, the "Hangars") are built, the percentage of coverage by buildings and structures at the Property would be 9.4%. Therefore, additional buildings would require a special permit. The Airport has no plans to construct additional buildings or structures at the Property.
- f. With respect to unfounded assertions regarding a potential recycling facility, the Select Board can add a condition to the Special Permit prohibiting such use.

If there are additional specific ways in which townspeople are concerned that the Airport may be expanded as a result of the issuance of the Special Permit, those concerns should

be brought before the Select Board and addressed by the Airport. It is not the Airport's responsibility to identify every conceivable expansion of the Airport.

3. **Will the Special Permit result in increased air traffic at the Airport?**

Currently, the number of takeoffs and landings at the Airport is restricted by (a) the length of the runway, which dictates the types of aircraft that the Airport can accommodate and (b) the number of aircraft owners and flight students who wish to use the Airport – these restrictions will not change if the Special Permit is granted. In addition, if additional aircraft owners wanted to house their aircraft at the Airport, they are limited only by the space available for aircraft tie downs at the Property – there is much more space available.

It is a misconception that construction of the Hangars will lead to increased air traffic at the Airport. To the extent that the Airport experiences growth, it will be consistent with the growth predicted by the Aeronautics Division, which has nothing to do with the construction of the Hangars. Moreover, space in the Hangars is already 100% accounted for.

4. **Why is the Airport seeking the Special Permit instead of seeking a special permit from the Zoning Board of Appeals?**

Because the Airport is currently a pre-existing, non-conforming use, almost any improvement to the Airport proposed by BAE, including, without limitation, addition of an assistive handicapped ramp, redesign of interior spaces or construction of a deck, requires a special permit from the Zoning Board of Appeals (the "ZBA").

Historically, special permits granted by the ZBA with respect to proposed minor projects at the Airport, including construction of a deck and assistive handicapped ramp, have been appealed in court, which has led to significant delays and significant legal fees for the Town of Great Barrington and the Airport. The issuance of the Special Permit would provide for a more comprehensive zoning approach to the Airport, as opposed to the piece mail approach required under the pre-existing, non-conforming use regime. It is important to note that as a pre-existing, non-conforming use, the Airport is an allowed use in the R4 without any further permits or approvals from the Town of Great Barrington. As such, objections raised by neighbors with respect to additional restrictions actually further BAE's position that the Select Board should approve the Special Permit with reasonable restrictions.

While I did my best to take comprehensive notes with respect to the Hearing, there may be issues raised by the Select Board at the Hearing which are not addressed in this letter. In that case

[AIRPORT: new materials for 10-5-20 hearing]

Mr. Stephen Bannon, Chair

October 1, 2020

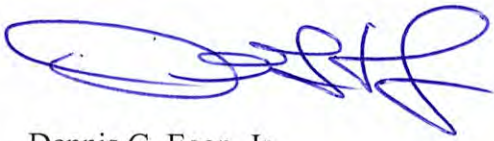
Page 5

James Scalise, representatives of BAE and I will be happy to address these issues at the Select Board's next hearing scheduled for October 5, 2020.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

COHEN KINNE VALICENTI & COOK LLP

A handwritten signature in blue ink, appearing to read "Dennis G. Egan, Jr.", with a large, stylized initial "D" and "E".

Dennis G. Egan, Jr.

DGE/

Encl.

226323



Charles D. Baker, Governor
Kathy E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jeffrey DeCarlo, Administrator



March 6, 2017

VIA EMAIL ONLY

Christopher T. Rembold, Town Planner
Town of Great Barrington
Office of Planning and Community Development
Town Hall, 334 Main Street
Great Barrington, MA 01230

Re: Approval of Zoning Bylaw relative to Aviation Uses

Dear Mr. Rembold,

I write in response to your January 25, 2017 letter requesting "Mass DOT's [sic] approval of the Town of Great Barrington's (Town) zoning bylaw relative to the regulation of aviation uses." More specifically, "Article 21 amends the Town's zoning by-laws to add a new Section 9.11, 'Mixed Use Transitional Zone (MXD)', and has added this zone to the Town's Zoning Bylaw's table of uses. The use of an aviation field (public or private) in this zone is designated "N" (prohibited). "Article 23 amends the definition of 'Hospital' in Section 11.0 to include 'helipad for emergency use.'"¹

As you are aware, the Aeronautics Division has the statutory authority pursuant to G.L. c. 90, §§ 39 and 39B to review any local rule, regulation, ordinance or bylaw relative to the use and operation of aircraft, and such local rule, regulation, ordinance or bylaw is ineffective and unenforceable until and unless it is approved by the Division. Please note that in approving or disapproving any such local rule, regulation, ordinance or bylaw, the Division considers both the interests of public safety as well as the advancement of aeronautics in the Commonwealth.²

As noted in the AG's letter, Article 21 prohibits "aviation fields" in the newly-created MXD zone. This is not problematic as it may make sense not to allow uses, such as airports, that require a significant amount of space or a significant buffer in a "mixed use" area intended to accommodate multiple uses including residential. I have also reviewed the Town's Zoning Bylaw and note that aviation fields are only allowed in one district, R4, and even there only with a special permit from the Board of Selectmen. The standard governing those special permits in Section 7.2 of the Zoning Bylaw is, however, very vague and provides that an aviation field "... shall be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition (emphasis added)." This language, as currently worded, in the opinion of the Aeronautics Division, amounts to a de facto prohibition of aviation

¹ August 8, 2016 letter from Nicole B. Caprioli, Assistant Attorney General, Municipal Law Unit to Marie Y. Ryan, Town Clerk, Town of Great Barrington re: Great Barrington Annual Town Meeting of May 9, 2016 ... (AG's Letter).

² This authority was recently affirmed in Hanlon v. Town of Sheffield (AC 15-P-799)(May 13, 2016)(town's zoning by-law that purports to regulate "the use and operation of aircraft on [an] airport or restricted landing area" cannot take effect until submitted to and approved by the Aeronautics Division).

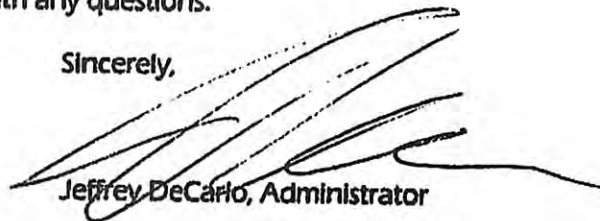
since, under this standard, any normal aeronautical operation, by its very nature, could be summarily denied a special permit as "likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition." Going forward, I suggest this language conclude with additional wording such as "beyond that of normal airport operations" or something of that nature, and resubmitted to the Division for approval.

Article 23 expands potential aeronautical uses by adding within the list of activities and structures permitted at a Hospital a "helipad for emergency use". This supports Chapter 90's goal of furthering aviation, although, please be aware that any new helipad may require FAA and Aeronautics Division approval to ensure it is safely constructed and operated.

Accordingly, while I approve Articles 21 and 23, I do not approve Section 7.2 as it applies to aviation fields for the reasons stated above.

Please feel free to contact me with any questions.

Sincerely,



Jeffrey DeCarlo, Administrator

cc: Tracy W. Klay, Deputy General Counsel, MassDOT and MBTA (via email)
Kelli E. Gunagan, Assistant Attorney General, Municipal Law Unit (via email)



Seaport West
155 Seaport Boulevard
Boston, MA 02210-2600

617.832.1000 main
617.832.7000 fax

October 2, 2020

Thaddeus Heuer
617-832-1187 direct
THeuer@foleyhoag.com

BY ELECTRONIC MAIL

Stephen Bannon, Chair
Great Barrington Selectboard
334 Main Street
Great Barrington, MA 01230

Re: 70 Egremont Plain Road, Berkshire Aviation Enterprises

Dear Mr. Bannon and Members of the Selectboard:

With respect to the application of Berkshire Aviation Enterprises (“BAE”) for a special permit, please accept this correspondence on behalf of Holly Hamer residing at 99 Seekonk Cross Road, and Marc Fasteau and Anne Fredericks, residing at 77 Seekonk Cross Road (collectively, the “Neighbors”). This letter supplements those of August 8, 2020, September 10, 2020, and September 20, 2020.¹

This letter emphasizes two specific legal points raised during the Selectboard member discussion at the September 20, 2020 hearing.

First, that BAE must comply with Section 7.2 as a condition of a special permit being granted, which requires the Selectboard to find that the use (as specially permitted) will not be objectionable to adjoining and nearby property.

And second, that even a very small quantity generator located in the WQPOD requires a WQPOD special permit to operate, without which BAE cannot demonstrate that the grant of a Selectboard special permit will not have an adverse effect on the natural environment.

I. BAE Must Conform with Section 7.2 to Obtain a Special Permit, and Cannot

Several Selectboard members correctly observed during the September 20 hearing that as a matter of law, BAE must conform with Section 7.2 in order to convert from an alleged “preexisting nonconforming use” to a “conforming use” authorized by special permit. Under Section 7.2, aviation fields must be located where they are “not likely to

¹ This is one of two letters being submitted by the Neighbors on October 2, 2020. The other letter provides proposed findings for the Selectboard.

Page 2

become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition.”

There is no dispute that numerous owners of adjoining and nearby property have raised serious and detailed objections, on the record, about the airport’s noise, traffic, safety, and water protection. Given these facts, the Board’s discretion under Section 7.2 is highly circumscribed as a matter of law. A finding contrary to the record evidence — that the airport is *not* objectionable to adjoining and nearby property — would be questionable.

In an effort to avoid an adverse finding under Section 7.2, the airport suggests that Section 7.2 is simply inapplicable, because as “the airport is currently and continuously been in use and pre-dates zoning[,] the use can continue.” (Application at 10). There is no legal basis for this contention. Put simply, the airport wants all the benefits of being a preexisting nonconforming use, *and* all the benefits of being a conforming use. It cannot have both.

The fact that the airport is already in an objectionable location does not mean the airport conforms with Section 7.2 for purposes of the special permit application. As an allegedly preexisting nonconforming use, if the airport wishes to *continue* avoiding compliance with Section 7.2, it can do so by continue operating as it currently does. But the airport *doesn’t* want that. Instead, the airport has affirmatively applied to abandon its preexisting nonconforming protections and become conforming. By definition, “conforming” means the use must conform with all the zoning bylaws with which it does *not* need to conform as an alleged preexisting *nonconforming* use — *including* Section 7.2.

II. A VSQG Requires a WQPOD Special Permit to Operate in the WQPOD

Setting aside the factual question of whether the airport has even presented sufficient record evidence of its classification as a “very small quantity generator” under Massachusetts law (as opposed to under federal law), a member of the Selectboard correctly observed at the September 20 hearing that under the plain language of the WQPOD bylaw, a VSQG must have a special permit to operate in the WQPOD. The airport disagrees. The airport is incorrect.

Contrary to the airport’s assertion, Section 9.2.8 does not provide a by-right *exemption* for VSQGs. What Section 9.2.8 does do is establish a list of uses that are prohibited outright within the WQPOD, including “Facilities that generate, treat, store, or dispose of hazardous waste that are subject to G.L. c. 21C and 310 CMR 30.00.” (Section 9.2.8.4). Section 9.2.8.4(a) then provides an exception from that outright prohibition for “very small quantity generators as defined under 310 CMR 30.000,” Yet while VSQGs are thus not prohibited outright under Section 9.2.8, they are plainly still regulated under Section 9.2.12.2, which expressly requires a Selectboard special permit for “those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use.” There is no dispute that as an entity with a self-described comprehensive FAA maintenance facility, the airport handles such materials in “quantities greater than normal household use.”

Page 3

Notably, under the airport's interpretation, the Section 9.12.2 special permit provision would be a legal nullity, since there would be no circumstance in which it could ever apply. Household uses would be exempt under Section 9.2.12, VSQGs would (according to the airport) be exempt by right, and facilities larger than VSQGs would remain prohibited outright under Section 9.2.8.² This is simply not the law.

In the absence of a WQPOD special permit for hazardous waste storage as required by bylaw, BAE cannot demonstrate that the grant of a Selectboard special permit will not have an adverse effect on the natural environment.

* * *

For the above reasons, and those articulated in the Neighbors' previous letters, BAE has not met its legal burden to demonstrate entitlement to a special permit. The application should be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thaddeus Heuer', with a stylized, cursive script.

Thaddeus Heuer

Cc (by email): Mark Pruhenski, Town Manager
Christopher Rembold, Town Planner
David Doneski, Town Counsel
Holly Hamer
Marc Fasteau & Anne Fredericks

² Since the airport is applying to become a *conforming* use, it cannot simultaneously rely upon the Section 9.2.11 exemption for *nonconforming* uses to avoid the Section 9.2.12 special permit requirement.



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October 2, 2020

Thaddeus Heuer
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THeuer@foleyhoag.com

BY ELECTRONIC MAIL

Stephen Bannon, Chair
Great Barrington Selectboard
334 Main Street
Great Barrington, MA 01230

Re: 70 Egremont Plain Road, BAE – Proposed Special Permit Findings

Dear Mr. Bannon and Members of the Selectboard:

With respect to the application of Berkshire Aviation Enterprises (“BAE”) for a special permit, please accept this correspondence on behalf of Holly Hamer residing at 99 Seekonk Cross Road, and Marc Fasteau and Anne Fredericks, residing at 77 Seekonk Cross Road (collectively, the “Neighbors”). This letter supplements those of August 8, 2020, September 10, 2020, and September 20, 2020.¹

This letter provides proposed findings for the Selectboard to adopt with respect to Section 7.2 and the six special permit criteria under Section 10.4.2. A special permit may be granted only on a determination that “the adverse effects of the proposed use will not outweigh its beneficial impacts. Under Massachusetts law the burden rests with the party seeking the special permit—BAE—to prove their entitlement to the special permit. *Fish v. Accidental Auto Body, Inc.*, 95 Mass. App. Ct. 335, 362-63 (2019) (“the ultimate burden of persuasion rest[s] upon the owner of the locus”) and cases cited.

The Neighbors request that the Selectboard make the attached findings, each based on a review of the totality of the record, and deny the application because the adverse effects of the proposed use will outweigh its beneficial impacts.

Sincerely,

A handwritten signature in black ink, appearing to read "Thaddeus Heuer", written over a horizontal line.

Thaddeus Heuer

¹ This is one of two letters being submitted by the Neighbors on October 2, 2020. The other letter briefly emphasizes two specific legal points raised by Selectboard members during the September 20, 2020 hearing.

Page 2

Cc (by email): Mark Pruhenski, Town Manager
Christopher Rembold, Town Planner
David Doneski, Town Counsel
Holly Hamer
Marc Fasteau & Anne Fredericks

**PROPOSED SPECIAL PERMIT SELECTBOARD FINDINGS
70 EGREMONT PLAIN ROAD**

Based on the totality of the administrative record, including both written submissions and oral statements by both the applicant and by members of the public, the Selectboard makes the following findings:

1. That the airport has not demonstrated, in the opinion of the Board, that it complies with Section 7.2 of the by-law, which requires that “Any aviation field, public or private, with essential accessories . . . shall be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition,” in light of the significant detailed record evidence of objections from owners of adjoining and nearby property to the application on the basis of noise, traffic, safety, lighting, and environmental impact, among other objectionable conditions.
2. That with respect to social, economic, or community needs which are served by the proposal, the airport has not in the opinion of the Board provided data or economic analysis sufficient to demonstrate that sufficient economic benefits will inure to the Town as a result of approval of the special permit in general or hangar construction in specific.
3. That with respect to social, economic, or community needs which are served by the proposal, the airport has in the opinion of the Board failed to establish such economic or community need in light of inconsistent statements in this regard, including the airport stating that there will be no growth in airport use if the special permit is granted (Application at 6) and then stating that granting the special permit will “drive tourism to the town” including through aerial tours, create “new job opportunities,” and generate “additional customers” for airport maintenance services (Application at 12).
4. That with respect to traffic flow and safety, the airport has not in the opinion of the Board provided evidence that the adverse effects of traffic from an *aviation field* use — including any intensification or expansion that it might choose to pursue by right in the future if the special permit is granted, beyond merely hangar construction — will be outweighed by the beneficial impacts.
5. That with respect to traffic flow and safety, in the opinion of the Board the commercial traffic generated by the proposed hangars will be more detrimental to the residential neighborhood in which the airport is located than the beneficial impacts.

6. That with respect to traffic flow and safety, the airport has in the opinion of the Board made inconsistent statements that it “complies with all FAA advisories with respect to airport safety” notwithstanding that *FAA Advisory Circular 150/5300-13A* (which establishes the FAA standards and recommendations for Airport Design) expressly states that airports shall have a Runway Obstacle Free Zone (ROFZ) that “extends 200 feet (61m) beyond each end of the runway” and “precludes aircraft and other object penetrations,” where Seekonk Cross Road and its automotive and pedestrian traffic is located well within such a zone, and as such the location of the runway would in the opinion of the Board have an adverse effect on traffic and safety.
7. That with respect to adequacy of utilities and other public services, the airport’s statement that “this standard is not applicable to this Application” because the airport “does not utilize public utilities” (Application at 14) and the airport’s failure to provide evidence regarding “other public services,” has, in the opinion of the Board, prevented the Board from evaluating the adequacy of the impact of granting a special permit on “other public services”, including demand on municipal police, fire, and public works services, among others, including but not limited to responses to adverse airplane incidents (including crashes).
8. That the airport does have an adverse impact on residential neighborhood character, because in the opinion of the Board the airport does not constitute “most of the neighborhood context” (as asserted by the airport), and where the Board finds that the entirety of the surrounding neighborhood is zoned residential (R-2 or R-4), that the majority of residential structures in the vicinity of the airport predate the airport, and that the Board has received dozens of written objections from residents of the neighborhood and the wider Great Barrington community regarding both the current operation and proposed special permitting of the airport.
9. That the airport does have an adverse impact on residential neighborhood character, as the Board finds that the level and extent of noise generated by thousands of aircraft flights annually has generated numerous objections by the residential neighbors and the wider Great Barrington community, and that in the opinion of the Board the airport been unable to enforce sufficient compliance with its own noise policy by its own pilots.
10. That the airport does have an adverse impact on residential neighborhood character, as in the opinion of the Board the proposed hangars would require commercial/industrial grade floodlighting that is fundamentally inconsistent with a residential neighborhood.

11. That the airport has not met its burden to demonstrate that it will minimize impacts on the natural environment, as it has not provided evidence sufficient in the opinion of the Board to demonstrate that authorizing an airport, particularly one with a fly-in maintenance facility that handles hazardous and toxic waste as defined by 310 C.M.R. 30.000 and is capable of servicing additional planes beyond those based at the airport, to be situated on top of Great Barrington's sole-source public aquifer and within proximity to the Green River will have environmental benefits that outweigh the potential adverse environmental effects.
12. That the airport has not met its burden to demonstrate that it will minimize impacts on the natural environment, as the record contains un rebutted evidence that the airport has purchased only small quantities of *unleaded* avgas, that the majority of the planes utilize *leaded* avgas, and that in the opinion of the Board the airport has not satisfactorily addressed associated concerns arising from airborne lead from engine exhaust, as well as groundwater pollution from spilled fuel, refilling errors, and crashes in the vicinity of the aquifer, particularly if airport usage were to increase.
13. That the airport has not met its burden to demonstrate that it will minimize impacts on the natural environment, as it has in the opinion of the Board presented inconsistent written statements about how it intends to mitigate the risk from hazardous and toxic maintenance chemicals in the proposed hangars, stating on September 18 that "hazardous materials will not be stored in the proposed hangars" but stating on August 18 that "the new hangars will be supplied with a fuel barrel to collect waste or contaminated fuel."
14. That the airport has not met its burden to demonstrate that it will minimize impacts on the natural environment, as in the opinion of the Board the airport is required to obtain a WQPOD special permit to operate as a very small quantity generator (as defined by Massachusetts law) for the airport to be authorized to operate as a conforming use under a special permit, and as it has neither sought nor obtained a WQPOD special permit.
15. That the airport has not met its burden to demonstrate that it will minimize impacts on the natural environment, as the airport has not obtained wetlands permits for its proposed hangar construction, despite showing on its submitted plans that the hangars will be located 316 feet from the Green River, where Section 217-14.1.E of the bylaws states that "land within a five-hundred-foot distance of the Green River upstream of the water supply gallery" is a "resource area . . . subject to protection under the Wetlands Bylaw."

16. That the airport has not met its burden with respect to its potential fiscal impact on Town services and tax base, as it has provided the Board only with an assertion of the *gross* fiscal impact of granting the special permit and constructing the hangars, but has not provided an analysis of the *net* fiscal impact, which in the opinion of the Board is essential for evaluating the potential *decrease* in tax revenue generated by the numerous residential properties around the airport, both due to visual impact of six industrial hangars in a residential neighborhood and due to the potential for increased airport usage, noise, and nuisance.
17. That the airport has not met its burden with respect to its potential fiscal impact on Town services and tax base, as it has in the opinion of the Board presented in its written submissions inconsistent assertions of the taxable value of the proposed hangars (\$2 million in its Application, and \$2.5 million in its September 18 letter), and has presented in its September 18 letter an estimate of potential property tax revenue (\$45,000) that is inconsistent with the airport's own higher asserted value of the hangars (\$2.5 million) and the current municipal tax rate (\$15.75 per thousand), or only \$39,375.
18. That the airport has not met its burden with respect to its potential fiscal impact on Town services and tax base, as the airport has asserted an estimated annual tax revenue figure (\$45,000) whose value to the Town, even if accurate, does not in the opinion of the Board outweigh the other detriments of granting the special permit.
19. That the airport has not met its burden with respect to its potential fiscal impact on Town services and tax base, as Massachusetts law exempts aircraft, aircraft parts, aircraft fuel, and aircraft service from both use tax (G.L. c. 64I, §§ 7(d)-(e)) and sales tax (G.L. c. 64H, §§ 6(j), (uu) & yy), which in the opinion of the Board will result in little if any additional tax revenue to the Town.

Chris Rembold

From: Garcia, Denise (DOT) <denise.garcia@state.ma.us>
Sent: Tuesday, September 29, 2020 8:19 AM
To: Chris Rembold
Cc: DeCarlo, Jeffrey (DOT); Garcia, Denise (DOT)
Subject: RE: GB Airport questions
Attachments: Response to GBR Town manager questions 9_29_2020.docx

Good morning Chris,

Attached, please find the Aeronautics Division's response to the questions you submitted to us last Wednesday, September 23rd. Please note that my responses are based solely upon the limited information provided in this email and could change given additional information or changed circumstances. Any legal ramifications should be addressed by Town Counsel.

Thank you for your consideration.

Best,
Denise

Denise J Garcia
Director of Aviation Planning
MassDOT Aeronautics Division / Logan Office Center
One Harborside Drive / Suite 205N / East Boston, MA 02128-2909
617.412-3688 direct / 617.412.3680 main / 617.412.3679 Fax
Denise.garcia@state.ma.us



From: Chris Rembold <crembold@Townofgb.org>
Sent: Wednesday, September 23, 2020 11:24 AM
To: Garcia, Denise (DOT) <Denise.Garcia@dot.state.ma.us>
Subject: GB Airport questions

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Denise, thank you for your return call / voicemail this morning. As you probably know, the Owner of the Great Barrington Airport (GBR) has applied to the Town for a Special Permit under to permit it as a legal "aviation field" under our Zoning Bylaw (it is currently a preexisting conforming use). The Town has a few questions about applicable airport requirements as well as the extent of our local authority.

Here are my questions for now. Our next meeting date is October 5, so I would appreciate hearing from you before that, if possible.

[AIRPORT: new materials for 10-5-20 hearing]

1. Is the Great Barrington Airport (GBR) required by DOT or FAA to own or otherwise control land at either end of the runways? These areas might be termed runway safety zones or runway safety areas. If not, can you tell me why not?
2. If the Airport is granted a permit and becomes legal under our Zoning, does that obligate the Airport to come into compliance with any DOT or FAA regulations that it otherwise not have to meet?
3. Can the Town regulate the number of planes based at the Airport?
4. Can the Town regulate the number of general takeoffs and landings at the Airport?
5. Can the Town regulate the time of day, or day of week, that planes can takeoff or land at the Airport?
6. Can the Town regulate the types of aircraft that utilize the Airport?
7. Can the Town regulate the flight school use at the airport (as opposed to use by the general public), in terms of number of flights, time of day, types of aircraft?

Thank you very much.
Chris



Christopher Rembold, AICP

Assistant Town Manager
Director of Planning and
Community Development
413-528-1619 ext. 108
crembold@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

1. **Is the Great Barrington Airport (GBR) required by DOT or FAA to own or otherwise control land at either end of the runways? These areas might be termed runway safety zones or runway safety areas. If not, can you tell me why not?**
 - a. The FAA does not regulate Great Barrington Airport (with very few safety & security exceptions) as they do not receive any federal funding.
 - b. Airports are encouraged but not required to own the land at either end of the runway or to purchase avigation easements for property access to trim or remove trees that penetrate the runway approaches.
 - c. MassDOT has regulatory oversight over GBR under MGL Chapter 90 and CMR 702. MassDOT must inspect the airport at least once (at minimum) every 36 months. FAA sets the safety standard inspection criteria for airport inspections conducted by the MassDOT aeronautical inspector.
 - d. GBR has a responsibility to keep their runway approaches clear of trees. If existing trees/obstructions pose a hazard to flight safety, the obstructions must be removed, or the runway ends must be displaced (shortened) and remarked so the flying public can take off or land their aircraft at a safe glideslope angle of ascent or descent.
2. **If the Airport is granted a permit and becomes legal under our Zoning, does that obligate the Airport to come into compliance with any DOT or FAA regulations that it otherwise would not have to meet?**
 - a. If the Town grants a permit under their zoning authority, the private airport would be obligated to comply with that local by-law unless the proposed by-law poses a hazard to flight. IF GBR still remained a private airport, there would be no additional changes to state or federal oversight of the airport.
 - b. If the Municipality purchased the airport, and brought it into compliance with FAA standards, the publicly owned airport would become eligible for federal funding. If federal funds were accepted, there would be additional obligations and grant assurances requiring the airport to remain in FAA compliance or lose their eligibility for federal funding.
3. **Can the Town regulate the number of planes based at the Airport?**
 - a. No. MassDOT has regulatory oversight of the public use airports in MA. MassDOT has a statute requiring all public use airports to submit their based aircraft list to the Aeronautics Division every March and September. All airworthy aircraft must be registered with the Aeronautics Division annually and display a MassDOT issued sticker on the left side of their aircraft. Failure to comply would result in fines and civil penalties. All parked/hangared aircraft must have proper wingtip clearance.
4. **Can the Town regulate the number of general takeoffs and landings at the Airport?**
 - a. No. MassDOT has regulatory control under Chapter 90 and 702 CMR for the public use airports in MA

- b. Any aircraft can use a public use airport to land 24 hours a day in an emergency situation.
 - c. GBR has imposed limitations on its hours of operations due to its classification as a Daytime Visual Flight Rules (VFR) airport without installed apron or taxiway lighting.
- 5. **Can the Town regulate the time of day, or day of week, that planes can takeoff or land at the Airport?**
 - a. No. The airport is a daytime, daylight, and visual flight rules (VFR) airport based upon their available navigational aids (NAVAIDs) and airport lighting.
- 6. **Can the Town regulate the types of aircraft that utilize the Airport?**
 - a. The FAA leaves the decision up to pilots to ensure they can safely operate into and out of the airport. However, since the runway is less than 3,000 feet, the airport is considered a general aviation airport limited to general aviation air traffic.
- 7. **Can the Town regulate the flight school use at the airport (as opposed to use by the general public), in terms of number of flights, time of day, types of aircraft?**
 - a. The FAA regulates flight schools at all public use airports. All flight instructors must be FAA-certified to teach flight procedures. Again, the types of aircraft based at the airport that are used in student flight training must conform to the limitations imposed by the classification of airport, available runway length and NAVAIDS.

Chris Rembold

From: Edwin May
Sent: Friday, September 25, 2020 9:51 AM
To: Chris Rembold
Subject: RE: Airport

None that were recorded...Noise complaints were recommended to be sent to GBPD. I had recorded a near miss by a landing plane, after May 2020, was also sent to GBPD. Each and all noise complaints were recommended to GBPD and attend SP hearings to voice their concerns to Select board.



Edwin A. May, CBO ZEO

Building Commissioner

413-528-3206

emay@townofgb.org

Town of Great Barrington

334 Main Street

Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Chris Rembold <crembold@Townofgb.org>
Sent: Friday, September 25, 2020 9:31 AM
To: Edwin May <EMay@Townofgb.org>
Subject: Airport

Ed, do you have any record of noise or other complaints regarding the Airport from between May of 2019 and May of 2020?

Thanks,
Chris

Chris Rembold

From: Cara Becker
Sent: Friday, September 25, 2020 12:11 PM
To: Chris Rembold
Subject: RE: Airport

Chris,
We have nothing in the log.
Cara

From: Chris Rembold <crembold@Townofgb.org>
Sent: Friday, September 25, 2020 10:00 AM
To: Cara Becker <cbecker@Townofgb.org>
Subject: Airport

Cara, does PD have any record of noise or other complaints regarding the Airport from between May of 2019 and May of 2020?

Thanks,
Chris



Christopher Rembold, AICP

Assistant Town Manager
Director of Planning and
Community Development
413-528-1619 ext. 108
crembold@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Edwin May <EMay@Townofgb.org>
Sent: Friday, September 25, 2020 9:51 AM
To: Chris Rembold <crembold@Townofgb.org>
Subject: RE: Airport

None that were recorded...Noise complaints were recommended to be sent to GBPD. I had recorded a near miss by a landing plane, after May 2020, was also sent to GBPD. Each and all noise complaints were recommended to GBPD and attend SP hearings to voice their concerns to Select board.

Chris Rembold

From: Jim Scalise <JScalise@sk-designgroup.com>
Sent: Monday, September 21, 2020 7:16 PM
To: Chris Rembold
Cc: 'Dennis Egan (DEgan@cohenkinne.com)'; Terri Andersen
Subject: Airport
Attachments: stateList.pdf

Chris

I have a simple answer to the very small generator question. The state website has an excel listing for the entire state.

Berkshire aviation is included in the attached portion of the listing found at the state.

BAE is a VSQG. This use is a very small quantity generator

Please include this in your deliberations

Thank you

Jim Scalise

Professional Engineer at SK Design Group, Inc.

A 2 Federico Drive, Pittsfield, MA 01201

P 413.443.3537

W <https://www.sk-dg.com/>

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[AIRPORT: new materials for 10-5-20 hearing]

BERKSHIRE AVIATION ENTERPRISES											
	A	B	C	D	E	F	G	H	I	J	K
1	Name	2nd Name	Address	Address 2	Town	State	Z/P Code	PHONE	RCRA Gen Status	State Gen Status	EPA ID Number
2848	BERKSHIRE AUTO & TRUCK REPAIR		850 BERKSHIRE AVE		SPRINGFIELD	MA	01151	413-543-2287	VSQG	VQG-MA	MV4135432287
2849	BERKSHIRE AUTO MART INC		10 GROVE AVE		ADAMS	MA	01220	413-743-2165	VSQG		MAD086951951
2850	BERKSHIRE AUTOMOTIVE REPAIR		11 WEST HOUSATONIC ST		PITTSFIELD	MA	01201	413-281-8310		VQG-MA	MV4132818310
2851	BERKSHIRE AUTOMOTIVE REPAIR & SALES INC		607 WEST HOUSATONIC ST		PITTSFIELD	MA	01201	413-499-9911		SQG-MA	MAR000582957
2852	BERKSHIRE AVIATION ENTERPRISES		70 EGREMONT PLAIN RD	179 RTE 71	GREAT BARRINGTON	MA	01230	413-528-1010	VSQG	VQG-MA	MAD981215148
2853	BERKSHIRE BOULEVARD GARAGE		50 BERKSHIRE BLVD		AYER	MA	01432	978-772-0149	VSQG		MV9787720149
2854	BERKSHIRE C V JOINTS INC		703 WEST HOUSATONIC ST		PITTSFIELD	MA	01201	413-499-8822	VSQG	VQG-MA	MAS000000281
2855	BERKSHIRE COMMUNITY COLLEGE		1350 WEST ST		PITTSFIELD	MA	01201	413-236-3015	VSQG	VQG-MA	MAD060523545
2856	BERKSHIRE CONCRETE CORP		550 CHESHIRE RD		PITTSFIELD	MA	01201	413-499-1441	SQG	SQG-MA	MAC300093838
2857	BERKSHIRE COSMETIC	RECONSTRUK	426 SOUTH ST		PITTSFIELD	MA	01201	413-496-9272	VSQG		MAR000545673
2858	BERKSHIRE COUNTY SHERIFFS OFFICE JAIL		467 CHESHIRE RD		PITTSFIELD	MA	01201	413-443-7220		VQG-MA	MAR000549311

Chris Rembold

From: Steve Bannon
Sent: Thursday, September 24, 2020 5:09 PM
To: Amy Pulver; Mark Pruhenski; Chris Rembold
Subject: Fwd: Comments/Questions to Selectboard & Town Manager

Sent from my iPhone
Stephen Bannon
413 -446 -6957

Begin forwarded message:

From: Great Barrington MA via Great Barrington MA <cmsmailer@civicplus.com>
Date: September 24, 2020 at 4:57:09 PM EDT
To: Mark Pruhenski <MPruhenski@townofgb.org>, Steve Bannon <sbannon@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Kate Burke <kburke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>
Subject: Comments/Questions to Selectboard & Town Manager
Reply-To: Great Barrington MA <joanter@juno.com>

Submitted on Thursday, September 24, 2020 - 4:56pm
Submitted by anonymous user: 24.194.29.179
Submitted values are:

Subject: Comments/Questions to Selectboard & Town Manager
Message:
Dear Members of our Selectboard,

First let me thank you for your service on the Selectboard. It is a substantial contribution of your time and abilities, and is often a thankless job. But many of us appreciate your commitment to our town governance, and I thank you.

A couple of comments about the pending Application of Berkshire Aviation Enterprises for a Special Permit to build 6 new hangars, and for approval of a Special Permit to operate as an airport.

1. The application for a Special Permit to operate as an airport should be denied. Yes, it is operating as an airport now, having been "grandfathered in" back in 1931, as a small and low impact operation in a residential area yet to be developed. But the area is developed now, 70 years later, and those who built or purchased residences here have a right to expect the quiet enjoyment of their homes. Giving a Special Permit to operate as an airport, First, isn't necessary as it's "grandfathered in", and Second, would give added reason in support of future expansion. The effect would be to officially acknowledge that it is in conformity with Section 7.2 of the

[AIRPORT: new materials for 10-5-20 hearing]

zoning bylaw that it is "...so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions." It is already demonstrably objectionable to its neighbors. The Special Permit to operate as an airport should be denied.

2. The application for a Permit to build 6 new hangars should be denied. This would result in 33 additional planes for the airport and allow the construction of a new access road for entry and egress from Seekonk Cross Road. This would be a major undertaking by the airport and a major expansion in the face of opposition from its residential neighbors. It is inappropriate for an airport to operate in a residential area if it is "... likely to become objectionable to adjoining and nearby property because of noise...(etc.)". It is already objectionable, Please, just say "no".

3. It is time to "just say 'No'! Of course, you want to encourage business development and the jobs and prosperity it brings. But not at the cost of the quiet enjoyment R-4 zoning promised to those who purchased homes there, and in clear violation of Section 7.2 of the zoning bylaw. The airport was "grandfathered in" as a small commercial operation in an area zoned to encourage residential housing. For it now to substantially expand beyond its original operation is simply not appropriate, especially in view of the strong opposition of the neighboring residents.

4. A final word about the Blackhawk helicopters. Apparently, the airport has entered a contract with the National Guard allowing their helicopters to approach, touch down and take off during the nighttime. These helicopters are extremely noisy, and turbulent, such as to actually so shake our house that a wall hanging fell to the floor. Another example of "objectionable" behavior by the airport. That contract should be reviewed in the light of the above discussion.

Thank you for your consideration of these comments.

==Please provide the following information==

Your Name: Terence and Joanne Cooney

Your E-mail Address: joanter@juno.com

Organization: --None--

Phone Number: 6076871324

==Address==

Street: 148 Hurlburt Road

City: Great Barrington

State: Massachusetts

Zipcode: 01230

The results of this submission may be viewed at:

<https://www.townofgb.org/node/2/submission/4186>

Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:33 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport Support

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Tyrese Caines <tcaines21@berkshireschool.org>
Date: October 1, 2020 at 2:29:56 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport Support

Good Day,

I am writing to voice my support on the Great Barrington Airport. As a student at Berkshire School, I have been graced with the opportunity to be able to enroll into the aviation program this year. The airport plays a crucial role to the curriculum through giving students a chance to see and experience all of the things that we discuss throughout the year. The Berkshire School aviation program is a highly favored class being that it provides a chance for students to engage in something new while having fun. With the absence of the airport, the class would not be what it is today. With that said, I, and the Berkshire community are in full support of the Great Barrington Airport.

Best Regards,

Tyrese Caines '21

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:29 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport support

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Nikola Dimitrijevic <ndimitrijevic21@berkshireschool.org>
Date: October 1, 2020 at 2:21:57 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport support

To Whom it May Concern,

I am writing this letter in support of the airport in Great Barrington. As a student of aviation science at Berkshire school, it would be a great pleasure and experience to actually fly. I write this message as a plead for you to not shut down or discourage any future pilots that Berkshire school has.

Best regards,
Nikola Dimitrijevic

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Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:29 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport support

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Ben Urmston <burnston@berkshireschool.org>
Date: October 1, 2020 at 2:23:56 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport support

To Whom It May Concern,

I am writing to voice my support of the airport in Great Barrington. As a teacher of Aviation Science at Berkshire School, I have seen how important it is for students to actually fly. Some students have gone on to be professional pilots, and many have loved their experience both at the airport and in the sky above Great Barrington. Some students come to Berkshire School because they want to fly. Others gain a unique perspective by taking the class. All appreciate their time at the airport with the wonderful flight instructors and in the small airplanes. We at Berkshire School strongly support the airport and we support any expansion as well. Thank you very much.

Sincerely,
Ben Urmston

--
Ben Urmston
Science Faculty
BERKSHIRE SCHOOL

[On the web](#) [Facebook](#)

[Twitter](#) [Instagram](#)

[AIRPORT: new materials for 10-5-20 hearing]

245 North Undermountain Road, Sheffield, MA 01257

Office 413-229-1350

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Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:28 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Cooper Pearce <cpearce21@berkshireschool.org>
Date: October 1, 2020 at 2:24:00 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport

I am reaching out to voice my support for the airport in Great Barrington. As a student of the Berkshire School, and a member of our signature aviation program. I think it would be a shame to take the privilege of using this airport, since it is such a special place for so many people.

Best,
Cooper

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Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:28 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport support

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Mae Archie <marchie23@berkshireschool.org>
Date: October 1, 2020 at 2:24:56 PM EDT
To: Steve Bannon <sbannon@townofgb.org>
Subject: Great Barrington Airport support

To whom it may concern,
I am sending this letter to voice my support to the airport in Great Barrington. I am currently a student at Berkshire school in the aviation program. I am the only female in my class and want to pursue a career in aviation. I am in the process of applying for a high school scholarship from Women in Aviation so I can continue my studies. Without this airport, it will limit my chance of earning my private pilot license. I hope to major in aviation in college and then enlist in the Air Force. After I serve, I want to fly for commercial airlines. This airport is a necessity for me to succeed in life.

Best,
Mary Elizabeth Archie
--
Mae Archie
Berkshire School
IV Form

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Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:28 PM
To: Amy Pulver; Mark Pruhenski; Chris Rembold
Subject: Fwd: Great Barrington Airport support

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Jackson Howell <jhowell22@berkshireschool.org>
Date: October 1, 2020 at 2:25:00 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport support

To whom it may concern,

I would like to voice my support to Great Barrington. I am a student in the aviation class at Berkshire and this class has so far taught me a lot. Later this year, I might want to fly in Great Barrington to have a once in a lifetime experience. This class can help me in many ways. I've always wanted to fly or be in the cockpit of a plane. Myself and Berkshire strongly support the airport and don't want to see it go away.

Sincerely,
Jackson Howell

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Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:28 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport Support

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Cal Osterberger <costerberger22@berkshireschool.org>
Date: October 1, 2020 at 2:25:44 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport Support

To whom it may concern,

I am writing to vocalize my support for the Great Barrington Airport. As a student who is interested in aviation and all that it has to offer I understand and appreciate the importance of having airports nearby, especially when they are so supportive of helping future pilots realize their potential. The availability of airports is vastly important to all who fly private planes, and every airport that closes reduces the maneuverability and reach of pilots everywhere. I hope the airport will stay open and support future plane enthusiasts.

Sincerely,
Cal Osterberger

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chris Rembold

From: Steve Bannon
Sent: Thursday, October 1, 2020 2:27 PM
To: Amy Pulver; Chris Rembold; Mark Pruhenski
Subject: Fwd: Great Barrington Airport dilemma

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Scott Takacs <stakacs21@berkshireschool.org>
Date: October 1, 2020 at 2:25:57 PM EDT
To: Steve Bannon <sbannon@townofgb.org>, Bill Cooke <bcooke@townofgb.org>, Leigh Davis <LDavis@townofgb.org>, Ed Abrahams <eabrahams@townofgb.org>, Mark Pruhenski <MPruhenski@townofgb.org>
Subject: Great Barrington Airport dilemma

Dear Great Barrington Officials,

I write to you with the hopes of stopping the closing of the airport in Great Barrington. I am a student at Berkshire School and a member of our Aviation Science Program. Every year we have the wonderful opportunity to learn more about planes and the art of aviation both in the classroom and at the airport. I would like to pledge my full support of the Airport remaining open so that we might retain some sense of normalcy this year at school.

Best Regards,
Scott Takacs

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2009 Massachusetts Statewide Airport System Plan Airport Inventory & Data Survey

As a follow-up to the letter you should have received in August, MassDOT - Aeronautics Division requests your participation in this airport inventory and data survey. This information will be used by our consulting team to conduct the 2009 Massachusetts Statewide Airport System Plan.

It will be personally collected by a member of the consultant team who will be calling you within the next few weeks to schedule a visit to your airport. Please complete the form to the best of your ability **prior** to the visit, but do not return it. During the visit any unanswered questions associated with the data collection will be answered and the survey will be collected. All study airports will be visited between September and November, 2009.

Meanwhile, if you have questions about this form or the Statewide Airport System Plan, please contact Nicholas Stefaniak of The Louis Berger Group, Inc. at nstefaniak@louisberger.com or 518-432-9545. Your attention and time is appreciated. Thank you for your assistance.

Airport Name:	3-letter Identifier:
---------------	----------------------

Survey Completed by:

Name:	Title/Position/Organization:
Phone Number:	Cell Phone Number:
Fax Number:	Email:

GENERAL AIRPORT INFORMATION

Airport Ownership (Name & Public or Private)	
Airport Owner Address	
Airport Manager	
Airport Mailing Address	
County	
Phone Number	
Fax Number	
Airport Website URL	

Current FAA designated Airport Reference Code (ARC):

Part 139 certificated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Airport Acreage	
Airport Hours Attended	
Unicom or CTAF Frequency	Unicom CTAF _____
Control Tower	Yes <input type="checkbox"/> No <input type="checkbox"/> FAA or Contract Tower: FAA <input type="checkbox"/> Contract <input type="checkbox"/>

AIRSIDE FACILITIES

Runway/Taxiway	Primary Runway	Secondary Runway	Other	Other
Orientation (RWY #'s)				
Length/Width				
Taxiway Type ¹ (associated with RWY)				
Typical Taxiway Width				
Declared Distances:				
Reason for Declared Distances:				
Displaced Threshold (Dist. In ft.)				
Reason for Displaced Threshold:				
Runway Safety Area (RSA) Compliance (Circle) (UK=unknown)	Y / N / UK	Y / N / UK	Y / N / UK	Y / N / UK
If no to question above, which ends do not comply? And why?				
Notes:				
Lighting/Nav aids				
Runway Lighting ²				
Taxiway Lighting ³				
PAPI or VASI – which end(s) ⁴				
REIL	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Approach Lighting System ⁵				

Notes :

¹ Full Parallel, Partial Parallel, Turnaround, Stub² HIGH, MED, LOW for Runways, Please note if lighting is non-standard³ MED, LOW, REFL (Reflectors), Please note if lighting is non-standard⁴ P= PAPI, V= VASI⁵ MALS, MALSR, MALSF, ALSF, etc.**Considering the airport's current ARC and approach minima, are FAA separation standards being met for:**

Separation Criteria	YES	NO	Separation Distance (ft.)
Runway Centerline to Parallel Taxiway Centerline	<input type="checkbox"/>	<input type="checkbox"/>	
Runway Centerline to Aircraft Parking Area	<input type="checkbox"/>	<input type="checkbox"/>	
Taxiway\Taxilane Centerline to Fixed or Moveable Object	<input type="checkbox"/>	<input type="checkbox"/>	

OTHER NAVIGATIONAL AIDS

Please confirm the following information for navigational aids at your airport.

Nav aids	YES	NO	
Rotating Beacon	<input type="checkbox"/>	<input type="checkbox"/>	Operating Schedule:
Wind Indicator	<input type="checkbox"/>	<input type="checkbox"/>	Lighted? Yes <input type="checkbox"/> No <input type="checkbox"/>
Segmented Circle	<input type="checkbox"/>	<input type="checkbox"/>	
Weather Reporting Equip.	<input type="checkbox"/>	<input type="checkbox"/>	Which Type?
Instrument Approaches			
	Runway End	Instrument(s)	Lowest Approach Minimums
Runway			
Runway			
Other			
Other			

With regard to Runway Protection Zones (RPZ's), does the airport have controlling interest (land ownership or easements) over the RPZ's for each runway end? ☒

☐ No Control ☐ Partial Control ☐ Complete Control

Notes:

AIRCRAFT HANGARS

Hangars	Number	% Occupied	Total Square Footage
T HANGARS			
CONVENTIONAL			
PORTABLES/OTHER			
TRANSIENT HANGAR		N/A	
TOTAL			
Hangar Waiting List			
Yes <input type="checkbox"/>		No <input type="checkbox"/>	# of A/C on list _____

AIRCRAFT PARKING APRONS

Tie-downs	Paved	Grass	Total Square Yards
How many tie-downs does the airport provide?			
How many are provided for based aircraft?			
How many are for provided for transient aircraft?			
TOTAL			
Tie-down Waiting List			
Yes <input type="checkbox"/> No <input type="checkbox"/>		# of A/C on list _____	

LANDSIDE FACILITIES

Terminal Building	YES	NO
Does the airport have a Terminal building?	<input type="checkbox"/>	<input type="checkbox"/>
Terminal Building Owner		
Date Constructed/Rahbilitated?		
Approximate Square Footage		
Terminal Occupants (i.e., FBO, Administration, Flight school, etc.)		
Does the Airport have a restaurant?	<input type="checkbox"/>	<input type="checkbox"/>
Food/Beverage/Vending Machines?	<input type="checkbox"/>	<input type="checkbox"/>
Pilot Lounge?	<input type="checkbox"/>	<input type="checkbox"/>
Conference Room?	<input type="checkbox"/>	<input type="checkbox"/>
Flight Planning Room?	<input type="checkbox"/>	<input type="checkbox"/>
ARFF Building	YES	NO
Does the airport have a dedicated ARFF building?	<input type="checkbox"/>	<input type="checkbox"/>
If so, list ARFF vehicles/equipment		
Does the airport have a mutual aid agreement?	<input type="checkbox"/>	<input type="checkbox"/>
Equipment Buildings	YES	NO
Does the airport have an SRE building?	<input type="checkbox"/>	<input type="checkbox"/>
Does the airport have a Maintenance building?	<input type="checkbox"/>	<input type="checkbox"/>

EQUIPMENT PURCHASED WITH AIP OR ASMP FUNDS

SRE Equipment Type	Year	Make	Date Acquired	Funding Source

Maintenance Equipment Type	Year	Make	Date Acquired	Funding Source

Does any of the above SRE or maintenance equipment have any environmental conservation benefits? (e.g. electric; hybrid; low emission; natural gas; etc.) _____

Notes:

AUTOMOBILE PARKING

Does the airport have sufficient automobile parking in all areas of the airport?

Yes ☐No ☐

If not, please explain:

AIRPORT SECURITY/ACCESS

Airport Security	YES	NO	Date Adopted
Does the airport have a General Aviation Security Plan?	<input type="checkbox"/>	<input type="checkbox"/>	
Is your airport subject to TSA 1542 security requirements?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the airport equipped with an access control system to the airport operating areas?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the control system use an ID badging system and/or card readers to grant access?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the airport equipped with CCTV?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a law enforcement agency on-site?	<input type="checkbox"/>	<input type="checkbox"/>	
If so, list the agency(s)? (State Police, TSA, ICE, DEA, etc.)			
	Complete	Partial	None
Does the airport have a perimeter road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the airport have security fencing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	YES	NO	
Is airport access signage adequate?	<input type="checkbox"/>	<input type="checkbox"/>	
What is the Airport's main entrance road?	2 lane 4 lane other		
Who is responsible for the capital improvement and maintenance of this road?			
What is the road leading up to the Airport's main entrance road?	2 lane 4 lane other		
Who is responsible for the capital improvement and maintenance of this road?			

Notes:

AIRPORT FUELING INFRASTRUCTURE AND SERVICES

Airport Fueling	AvGas	Jet A
What types of fuel does the airport provide?	<input type="checkbox"/>	<input type="checkbox"/>
What is the storage capacity? (in gallons)		
Who operates and controls the fuel farm(s)?	<input type="checkbox"/> Airport <input type="checkbox"/> FBO(s) <input type="checkbox"/> Other: _____	
	YES	NO
Does the airport offer self fueling?	<input type="checkbox"/>	<input type="checkbox"/>
Are fueling services offered 24 hours a day?	<input type="checkbox"/>	<input type="checkbox"/>
If not, what are the hours that aircraft fueling is available?		
Does the airport have active underground fuel storage?	<input type="checkbox"/>	<input type="checkbox"/>

HISTORICAL AIRPORT FUEL SALES

Please provide the volume of fuel sales (in gallons) at the airport by type, for the last 10 years.

Year	AvGAS	JetA
2009		
2008		
2007		
2006		
2005		
2004		
2003		
2002		
2001		
2000		
1999		

Notes: _____

AIRPORT SERVICES AND ACCOMMODATIONS

Please check the services/accommodations that the airport offers.

Service	YES	NO
Fixed Base Operator (FBO) How Many? _____	<input type="checkbox"/>	<input type="checkbox"/>
On-site car rental	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy car	<input type="checkbox"/>	<input type="checkbox"/>
Crew car	<input type="checkbox"/>	<input type="checkbox"/>
On-Airport Intermodal Transportation Services (Circle)	<u>Public Bus</u>	<u>Light Rail</u> <u>Taxi Access</u>
Flight Instruction	<input type="checkbox"/>	<input type="checkbox"/>
Full Time Flight School	<input type="checkbox"/>	<input type="checkbox"/>
Aircraft Maintenance Services	<input type="checkbox"/>	<input type="checkbox"/>
Airframe Repairs	<input type="checkbox"/>	<input type="checkbox"/>
Power Plant Repairs	<input type="checkbox"/>	<input type="checkbox"/>
Avionics Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
FAA Part 145 Repair Station	<input type="checkbox"/>	<input type="checkbox"/>
Aircraft Sales	<input type="checkbox"/>	<input type="checkbox"/>
Snow Removal Operations	<input type="checkbox"/>	<input type="checkbox"/>
Aircraft Deicing	<input type="checkbox"/>	<input type="checkbox"/>
Aircraft Oxygen	<input type="checkbox"/>	<input type="checkbox"/>
Catering Services	<input type="checkbox"/>	<input type="checkbox"/>
Aircraft Lavatory Disposal Services	<input type="checkbox"/>	<input type="checkbox"/>
Amenities		
Number of hotels within 3 miles of the airport:		
Number of restaurants within 3 miles of the airport:		

AIRCRAFT OPERATIONS ACTIVITY TYPES

Operation	Daily	Weekly	Monthly	Seasonal	Never	Operation Based at the Airport?
Air Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Air Taxi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Aircraft Charter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Air Cargo Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Emergency Medical Aircraft Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Angel Flight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Operation	Daily	Weekly	Monthly	Seasonal	Never	Operation Based at the Airport
Agricultural Aircraft Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Law Enforcement Aircraft Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Power line or Pipeline Control Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Skydiving Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Flight Training Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

ENVIRONMENTAL STEWARDSHIP

Please check all that apply to the airport.

- ☒ In compliance with current EPA's SPCC (Spill Prevention, Spill Control, Spill Countermeasure) requirements.
- ☒ In compliance with current EPA's SWPPP (Stormwater pollution prevention plan) requirements.
- ☒ Alternative fuel vehicles or other alternative fuel equipment at the airport.
- ☒ Recycling Program.
- ☒ Surrounding municipalities with appropriate zoning controls to make land use in the airport environs compatible with airport operations and development.

Notes: _____

EXISTING AIRPORT PLANS

Please indicate which of the following studies, plans or policies have been completed or implemented at the airport, estimate the completion date for each.

Plan/Study/Policy	YES	NO	Date Completed
Airport Master Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Layout Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Capital Improvement Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Business Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Economic Development Plan or Economic Impact Assessment	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Minimum Standards	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Rules and Regulation Policy	<input type="checkbox"/>	<input type="checkbox"/>	
Aeronautical Obstruction Survey	<input type="checkbox"/>	<input type="checkbox"/>	
Obstruction Charts	<input type="checkbox"/>	<input type="checkbox"/>	
Obstruction/Approach Analysis	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Noise Study (Part 150)	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Noise Contours	<input type="checkbox"/>	<input type="checkbox"/>	
Established Airport Noise Abatement Procedures	<input type="checkbox"/>	<input type="checkbox"/>	
Wildlife Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Security Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Emergency Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Snow and Ice Control Plan/Winter Operations Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Pavement Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Is the airport recognized in local/regional comprehensive plans	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Is the airport recognized in local/regional transportation plans	<input type="checkbox"/>	<input type="checkbox"/>	N/A

Environmental Plans	Yes	No	Date Completed
Environmental Assessment/Environmental Impact Statement	<input type="checkbox"/>	<input type="checkbox"/>	
Vegetation Management Plan (VMP)	<input type="checkbox"/>	<input type="checkbox"/>	
VMP Yearly Operational Plan (YOP)	<input type="checkbox"/>	<input type="checkbox"/>	
NHESP Conservation Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Grassland Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Comprehensive Solid Waste Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Wetland Delineation	<input type="checkbox"/>	<input type="checkbox"/>	

AVIATION OUTREACH/AIRPORT EDUCATION

Does your airport have an outreach program to improve the community's understanding of what the airport means to the community? Yes ☐ No ☐

If yes, please describe:

Does your airport have an educational outreach program that illustrates aviation career opportunities to students? Yes ☐ No ☐

If yes, please describe:

Does your airport have a political outreach program? If so, how frequent are your interactions?

Level	Weekly	Monthly	Bi-Monthly	Quarterly	Bi-Annually	Annually
Local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe/provide additional information:

HISTORICAL PASSENGER ENPLANEMENT AND AIR CARGO DATA

If applicable to your airport, please complete the following tables regarding historical passenger enplanement and air freight data.

10 Year Passenger Enplanement Data

Year	Passenger Enplanements
2009	
2008	
2007	
2006	
2005	
2004	
2003	
2002	
2001	
2000	
1999	

Source: _____

10 Year Air Freight Data (Tonnage)

Year	Integrated (TONS)	ALL CARGO (TONS)
2009		
2008		
2007		
2006		
2005		
2004		
2003		
2002		
2001		
2000		
1999		

Source: _____

Notes: _____

	Primary Runway	Secondary Runway	Other	Other
When was Pavement last Constructed/Reconstructed or maintained to entire length?	Yes <input type="checkbox"/> No <input type="checkbox"/> Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/> Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/> Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/> Date: _____
If not to entire length, identify segments and approximate sizes				
In your opinion, what is the remaining Service Life (in years)				
Do you have a scheduled runway project in the next 5 years?	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Overlay <input type="checkbox"/> Extension <input type="checkbox"/> Closure <input type="checkbox"/> Reconstruct <input type="checkbox"/> Narrowing <input type="checkbox"/> Shortening Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Overlay <input type="checkbox"/> Extension <input type="checkbox"/> Closure <input type="checkbox"/> Reconstruct <input type="checkbox"/> Narrowing <input type="checkbox"/> Shortening Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Overlay <input type="checkbox"/> Extension <input type="checkbox"/> Closure <input type="checkbox"/> Reconstruct <input type="checkbox"/> Narrowing <input type="checkbox"/> Shortening Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Overlay <input type="checkbox"/> Extension <input type="checkbox"/> Closure <input type="checkbox"/> Reconstruct <input type="checkbox"/> Narrowing <input type="checkbox"/> Shortening Date: _____
Is this project shown on your 5 year Capital Improvement Plan (CIP)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does your airport have a Pavement Management Plan	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Please provide any additional notes/comments on runway pavements. Use the back of this sheet if necessary.

[illegible]

To the Town of Ft. Barr.

Sept. 30th 2020

In 2009 the airport filled out the attached questionnaire for the Mass. DOT Mass. Statewide Airport System Plan (MSASP) I could not retrieve a filled out copy. Please read it.

The airport disclosed how much acreage they owned, whether they have controlling interest (land ownership or easements) over the RP2's for each runway end, So what Sealise, the airport and Attorney Eagan are stating is not true,

Look at Section Environmental Stewardship

The airport disclosed if they are in compliant with current SWPPP (stormwater Pollution Prevention Plan) requirements, mentioned in Mr. Sealise's permit application where he also states "KGR has a Recycling Plan". A "Recycling Plan" is a requirement in the MSASP for B.A.E. to be compliant, 100%.

Look at Environmental Plans

The airport had to disclose if they had a comprehensive Solid Waste Management Plan. In 2010 the Town of Ft. Barr. added extensive provisions for a Recycling Plan/Plan to Section 9.2. Water Quality Protection Overlay District for a Recycling Plan/Plan in the Public Recharge Upper Wellhead Protection Area Zone II in violation of the 500-ft. Green River moratorium? decide Shannon

Chris Rembold

From: Dennis Egan <DEgan@cohenkinne.com>
Sent: Friday, September 11, 2020 2:33 PM
To: Chris Rembold
Subject: Great Barrington Airport Noise Mitigation Plan
Attachments: Noise management.docx

Mr. Rembold:

In advance of the Great Barrington Select Board's hearing scheduled for Monday, September 14, 2020, attached please find a copy of Great Barrington Airport's (the "Airport") revised Noise Mitigation Plan (the "Noise Mitigation Plan"), which was adopted on August 27, 2020 in response to concerns voiced by neighbors of the Airport. The Noise Mitigation Plan has been distributed to all pilots and signage has been added at GBR notifying pilots of the Noise Mitigation Plan.

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

Best,

Dennis

Dennis G. Egan Jr.
Cohen Kinne Valicenti & Cook LLP
28 North Street, 3rd Floor
Pittsfield, MA 01201

Direct: (413) 553-0411
Mobile: (413) 446-1126
Fax: (413) 553-0334
Email: degan@cohenkinne.com

COHEN | KINNE | VALICENTI | COOK

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August 27, 2020

To GB Airport Pilots,

We, the people who work at the Great Barrington Airport (formerly the Walter J. Koladza Airport) have worked hard to maintain our motto "the friendliest airport in New England" and we will continue to do so. But being friendly also means being a good neighbor to the good people who live near the airport, but who are not aviation enthusiasts. While it is true that many have moved in or built homes near the airport being well aware that there was an airport there, we users of the airport need to be aware that others do not share our enthusiasm for flight operations, and that although grandfathered and protected to continue to operate as an airport, we all need to practice being the friendliest airport by being a good neighbor to airport neighbors.

So how can we be good neighbors? There are actually many things we can do. Most of them are simple and easy to do. The very first thing is simply be aware that every time we takeoff and land, we generate noise. That is a fact and we should not apologize for it. But we can do noise management and be a much better neighbor, save fuel and be safe.

So, first and foremost, BE SAFE! Do whatever you have to do to fly a safe airplane.

Next, comply with our new airport good neighbor procedures, as outlined below.

- Turn right to a heading of 305 degrees as soon as you are comfortable after takeoff on runway 29. Turn further right if winds are from the North to not fly over the houses on Rt 71 west of the airport.
- Climb at best angle speed until at least 400' AGL, longer if you are comfortable.
- Do not start your turn to crosswind until 700' AGL if you are remaining in the pattern.
- Climb to or enter the traffic pattern (if returning to GBR) at the newly established Traffic Pattern Altitude of 1750' MSL and do not descend until abeam the numbers.
- Reduce power to a safe but slower airspeed than cruise as soon as you are at pattern altitude. Airplanes make the most noise at full power and there

- is no reason to go smoking down downwind. It will give you more time to set up for a good pattern.
- If you fly a variable pitch prop airplane, come back to climb power as soon as you are comfortable. Climbing out for even a few more seconds with the prop full forward creates a much louder noise footprint. Be aware that your prop is much louder than a fixed pitch prop.
- Get to know your run up procedures in advance, so that when you do your actual run up, it is only as long as necessary. It saves fuel, saves on engine wear and creates less noise. A win for everyone!
- Consider how many takeoffs and landings you need to do at Gt. Barrington if you are doing multiple patterns. There are many airports (Columbia County, Pittsfield, Westfield) that would minimize your time operating in the GBR area that are not far away.

In conclusion, think about the fact that if you fly for 1 hour from point A to point B, about 3 minutes of that time will be spent below 1000' and only 1.5 minutes of that will be spent at full power, yet that will be 100% of what airport neighbors will remember about your flight! Help us be good neighbors so we can remain "the friendliest airport in New England!" Thank you for reading and complying. Feel free to get in touch with me if you have questions.

Kurt Syer

413-218-1081

Good neighbor coordinator

Town Hall, 334 Main Street
Great Barrington, MA 01230



*Planning Board's
Recommendation*

Telephone: (413) 528-1619

Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

August 3, 2020

Selectboard
Town Hall
334 Main Street
Great Barrington, MA 01230

Re: Special Permit #909-20
Great Barrington Airport

Dear Members of the Selectboard;

At its meeting of July 23, 2020, the Planning Board voted to send a positive recommendation on the special permit application submitted on behalf of the Great Barrington Airport located at 70 Egremont Plain Road.

The Board recommends that the Selectboard require documentation about the Airport's use and handling of hazardous material and in granting a special permit, consider limitations on the overall air traffic volume as well as limitations on the type of aircraft, so that expansion of operations and/or aircraft volume would require a review of the special permit.

Thank you for the opportunity to comment.

Sincerely,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

Cc: Chris Rembold, Assistant Town Manager

To the Members of the Select Board for the Town of Great Barrington and Town Manager

My name is Michael Peretti, a Great Barrington resident living at 125 Seekonk Cross Rd. I am writing in regards to the Special Permit that has been request by Berkshire Aviation Enterprises Inc. located at 70 Egremont Plain Rd. dated 5/1/2020.

Having lived on Seekonk Cross Rd for 58 years, 5th generation to live on the Egremont Plains, I feel qualified to express my options and observations about the Walter J Koladza Airport and Berkshire Aviation. The Walter J Koladza Airport has remained unchanged my entire life. Same runway, office building, maintenance shop, storage building and aircraft hangar. I have consider it part of my neighborhood where I live along with settings of open fields, mountain backdrops and the amazing Green River running beside alongside this property. Not many places in the Berkshire have remained so unchanged for this long. It is a bit complicated to have this non-conforming business sitting in the middle of an R4 residential zone that technically should not be able to do so. I can't remember a time before 2008 when the airport was even talked about with issues pertaining to its operation. In 2008 when Mr. Koladza passed away, his estate willed the property to some of the current owners of Berkshire Aviation Enterprises (BAE). Since then some have sold out to outside investors or other hobbyist pilots. With new owners come new ideas to create income and uses for the facilities, here is when the troubles begin for us who live alongside the airport.

The Walter J Koladza Airport provides a tracking site <https://flightaware.com/live/airport/KGBR> for all flights arriving and departing. Flight traffic changes with the seasons, just like here in the Berkshires. Warmer and longer days brings out more aviation activity. The flights tracked are either charter flights or private planes in route to other location or just stopping for fuel along their way. From the data, there are relatively few flights weekly with an uptick on the weekends.

BAE on the other hand runs a full time operation at 70 Egremont Plain Road according the information in the special permit application, with 12 employees. The flight school traffic is not recorded by the flight ware tracking at all. I have no ideas if this is public information or been asked for by anyone in town government. According to their website <http://www.berkshireaviation.com/> they maintain 7 aircraft for either pilot training or rentals. On a typical weekend day, Saturday or Sunday from sun up to sundown, 1 training plane will take off and land every 5 MINUTES , that is 12 times an hour for 2 to 4 straight hours at any given time. When you get 2 planes (pilots) in training its amazingly noisy and disturbing especially on Sunday evenings. Most recently, I have watch 2 planes run for 4 straight hours! BAE really does run unchecked with little regards to the people living nearby. It seems there is no limitations on hours of operation on weekends, number of training flights on a given day and little observance of the flight pattern according to their website. See "update noise abatement procedures for runway 11 & 29" on their site. I have provided video clips of BAE planes cutting through the designated flight pattern to our Town Planner, Chris Rembold over to tops of homes along Egremont Plain Rd as well as my property on Seekonk Cross Rd. To be clear this is occurring every day. Very distressing to think things will change once a special permit is in hand. I hate that fact that BAE feels entitled to special rules because "they" existed before zoning, none of us where alive in 1930 and actually, BAE was started in the 1950's

Please consider how much the Walter J Koladza Airport will change once the owners of BAE have received this special permit. Do I dare say expansion or construction of new the runway to accommodate larger aircraft, an air terminal, air fright terminal, and heliport for wealth commuters, drone delivery, an aircraft sales center or even sell the whole operation to bigger corporation? During the early days of the Covid-19 shut down, I was interested to learn that The Walter J Koladza Airport is considered an essential business, which is understandable for medical flights, and that BAE is listed as non-essential and had to suspend activity.

In closing, this is not about new aircraft hangers as if most would like to believe. , it is not about closing the airport, as most people believe. It is really about being a good neighbor, operating a decent business around where people live. Having consideration for us neighbors who are not aviation enthusiast, not pilots or aircraft owners. I am just looking to maintain my simple and quite lifestyle especially in the state of world we live in today. I just need little help making BAE understanding we too have special requirements like quite evening sitting outside at sunsets and backyard gathering without continuous noise from above, sounds of military helicopter practicing in the cover for darkness and hours of continuous takeoff and landing while circling our home. We can get this right but we need to walk this out slowly, create new guidelines, and put regulation as to how BAE operates certain parts of its business. I do not feel now is the correct time to grant a special permit having pointed out some of the operational issues I have identified and brought the your attention.

Thank you for your attention on this very important matter.

Sincerely,

Michael Peretti

125 Seekonk Cross Rd.

Great Barrington, MA 01230

michaelperettimxp@gmail.com

To the Great Barrington SelectBoard,

Please do not exceed your authority and issue a special permit to establish a Walter Koladza Regional Community Business Airport at 70 E.P.R. based on a dimensionless substantially flawed special permit application for a parcel that has no Deed Recorded in the Registry, and for the following reasons,

What would Walt do to my Walden?

On 7/17/2017 Berkshire Aviation Enterprise (B.A.E.) applied for a Special Permit before the Gt. Barr. Selectmen, at that time they were told by chairman Sean Stanton "you do know you could not establish yourself today where your located, referring to the Water Quality Protection Overlay District Zone 11 (WQPOD).

This serves as a formal response to the substantially flawed incomplete Special Permit application submitted by S-K Design Group Surveyor, Engineer and Land Planners on behalf of B.A.E. 70 Egremont Plain Road (E.P.R.), is a Sworn Affidavit based on personnel knowledge, is stated for the record, is putting the town on notice, and have the documentation to support my claim, and did not receive any plans in the permit application until July 29th.

I request this affidavit be read into the record and incorporated into the record of this proceeding.

1) The Cover Sheet states,

"We hereby submit for your consideration a request for a Special Permit for an aviation field at the existing Great Barrington Airport (aka Walter J. Koladza Airport). The goal is to obtain a land use permit for the current use".

"Specifically the operator Berkshire Aviation Enterprise wishes to permit the nonconforming use". There is a footnote that references "Aviation field as defined by the Great Barrington zoning bylaw" which states in part.

SECTION 7.0 SPECIAL REGULATIONS

7.2 Aviation Fields

7.2.1 General. Any Aviation field public or private, with essential accessories, shall comply with the following:

"In accordance with Chapter 90 of the Mass. General Law Section 35B" and goes on about building height and that is it. There is no mention of the granting of a special permit or local authorization to do such but does give the regulations for establishing an airport under M.G.L. Chapter 90 Section 39 - 39G Aeronautic Commission, powers, rules and regulations,

Pursuant to Mass. General Law Chapter 90 section 39B no one may establish, alter, activate, or deactivate an airport, without first obtaining a certificate of approval by the Mass.

Aeronautics Division pursuant to 702 Commonwealth Mass. Regulations (CMR) Mass. Aeronautics Commission 5.02 through 5.06.

5.03 (3) Applicants proposing an airport that is partially on land not owned or controlled by the applicant and owned or controlled by others must obtain authorization from the owner or person in control of the property to use the property. The signature of that person must be notarized and such written notarization must expressly authorize the applicant to apply for the activities set forth in the application.

This applies directly to me and my 78 E.P.R. property, and I have not given any written authorization.

5.03 (4) requires a site plan drawn to scale and a written plan addressing safety and security.

5.03 (8) Pursuant to M.G.L.c.90 s.39B, before issuing a certificate of approval for an airport the division shall hold a public hearing in the city or town where the airport is to be located.

5.04 Any approval issued by the division shall be limited to the facts submitted with the application.

To date, the Aeronautics Commission has been steadfast in their refusal to speak or respond to my record request for information regarding the 2008 inclusion of B.A.E. in their Statewide Airport System Plan slated for a 2017, 3.4 million dollar Phase 1 development plan for a "Walter J. Koladza Gt.Barr. Community Business Airport".

I Claudia Shapiro am swearing to this sworn affidavit based on personnel knowledge that,
a) to date there is no legal entity known as "Gt. Barr. Walter J. Koladza Airport".

b) Berkshire Aviation Enterprise is not "legally preexisting," and is a piece of an airport that does not own or control the required "200 feet from the end of the usable take off or landing area at the end of a runway", to be an airport, I do, nor do they own or control my portion of the Runway Safety Area both of which I maintain.

"RE: Great Barrington Airport aka Walter J. Koladza Airport Berkshire Aviation Enterprise, Inc. Special Permit for an Aviation Field and the Cc says **Gt. Barrington Airport Expansion** Special Permit. This is not for Berkshire Aviation Enterprise, it is for a "**KGBR**" "**Koladza Gt. Barr. Regional Airport**" and is for an expansion and is for the Town of Gt. Barr.

The Table of Contents claims 64 pages, I paid through a Record Request \$4.40 for 88 pages @ 5cents and received 87 doubled sided pages. So the Table of Contents verse the amount of pages don't add up. There are pages missing, Sections entirely missing, and Sections that are not numbered. This leaves for additional documents to be added or subtracted at a later date making an open book out of this incomplete application.

Table of Contents

1) Town of Gt. Barr. Application for a Special Permit" 2 pages, it is the Town of Gt. Barr. that is applying for this special permit and unfortunately it is the Town that is not being transparent.

2) The Town of Gt. Barr. Abutters List 1 page. I do not abut the Town of Gt. Barr., I live in it. The abutters to the Town of Gt. Barr. are the surrounding Towns who's notification is a requirement for establishing an airport.

Page 2) Which is not numbered states in capital letters TOWN OF GREAT BARRINGTON APPLICATION FOR A SPECIAL PERMIT. Every time the airport applies for a special permit it has been for the Town of Gt. Barr., empowering airport personnel, and neighbors against me.

When a nonconforming use gets a Special Permit they have to come into compliance. The only way B.A.E can come into compliance is with my written permission. There are several other abutting properties that constitute the Runway Safety Area, Runway Protection Zone, and the Object Free Zone Area that the airport would need to control or maintain and cannot eminent domain. (U.S.Supreme Court Griggs v. Allegheny County, 369 U.S. 84 (1962))

Compliance for a "Community Business General Aviation Airport" as presented in this special permit application would include but not be limited too, runway extension, security fencing, a terminal building, recycling program, hangars, and essential services.

Anything in this application that is not challenged is to be construed as accepted and I Claudia Shapiro 78 E.P.R. do not accept and am challenging every aspect of this substantially flawed incomplete special permit application for the following reasons,

This application is filed on a SP1 Short Form which is not for airports which are required to file on a SP2 Long Form, taken from the Gt. Barr. Zoning Manuel Code E 360, Subsection E (1), even so this application is incomplete.

#2 Brief written description of how the project is in harmony with the Gt. Barr. Master Plan is not included, but I quote from the Master Plan the following,

"The airport is located in the water quality protection district, **upstream of the Green River water supply galleries**, and is a residential and agricultural area. Any activity, growth or development here must be regulated to protect the Town's water supply and to ensure uses are compatible with residential and agricultural neighbors.This application violates this standard.

#4 Plan should show all existing and proposed structures, property lines and dimensions, there is no plan showing dimensions included in this application.

#5 Certified list of Abutters.

The abutter's list is for the "Town of Gt. Barr." This application is filed by a professional surveyor, civil engineer and land planner yet bears no seal, is dimensionless, has no survey, plot plan or a site plan review lot layout and dimensions, so one does not know the accurate abutters. It involves property on North Plain Road and there is no abutters list for that parcel.

There is no Recording in the Registry of Deeds for this parcel located at 70 E.P.R. Gt. Barr. Mass., B.A.E. no longer exists and has been replaced with a "Walter J. Koladza Airport" that has been back dated to 1967. This is illegal, leaves for an open book and lacks transparency.

Page 1) BACKGROUND "B.A.E. operates and owns the Great Barrington Airport (KGBR)", Koladza Great Barrington Regional Airport and states the "facility is located along Egremont Plain Road and at the corner of Seekonk Cross Roads" is false, misleading and a misrepresentation of fact. To date there is no Gt. Barr. Walter J. Koladza Airport and is a subject of this affidavit. There is a house on the corner of Seekonk Cross Roads and there are four homes on E.P.R. followed by a stretch belonging to B.A.E. followed by five house, the fifth 86 E.P.R. is claimed to be owned in the phone book by the Town of Gt. Barr.

USE "the airport is an established at this location since the 1920s", an established what? This sentence is incomplete and false, the airport has never been established and is attempting to do so now and has been since the Walt's estate was settled in Feb. 2008.

Great Barrington Airport Operations "Gt. Barr. Airport named the Walter J. Koladza Airport" is a "privately owned Community Business Airport". This is a change of use, what is next door is a private airport called B.A.E. that was Walt's Koladza's hobby. It cites baseline information from the Mass. Statewide Airport System Plan (MSASP).

In 2008 the airport landed in the MSASP as a "Walter J. Koladza Community Business Airport" slated for a 2107 Phase 1 3.4 million dollar expansion that includes in part a Terminal Building, an inclusion that would require the Town, my property, and other land abutters properties.

In Sept 2009 B.A.E. filled out a detailed 18 page questionnaire for the Mass. DOT Aeronautics Division requesting information to be used in the 2009 Statewide Airport System Plan. I could never retrieve the completed questionnaire that disclosed in part the following,

How much acreage the airport was and whether they had ownership or control over the runway Protection Zone at each end of the runway, whether they had a Recycling Program and a Comprehensive Solid Waste Management Plan. It asks if surrounding municipalities have appropriate zoning controls, and does the airport have an established or developable industrial park or land for future development. They had to disclose if they hosted annual Fly-Ins and if they were a member of the local Chamber of Commerce both promoted to garner public support.

It asks if the airport has any onsite businesses and on 3/29/18 according to the Secretary of State B.A.E. Inc. changed its name to Berkshire Holdings Ltd.

A Koladza Gt. Barr. Regional Community Business Airport would affect the environs to the airport as well, this would be devastating to the WQPOD Zone 11.

Page 2) #1) The MSASP revealed that 21 of the 37 airports in the Plan have hangar waiting list from one to an extensive list of 25 at the Walter J. Koladza Airport and claims this fact “establishes the need to file and obtain a special permit”? Mr. Scalise said the same thing Attorney Robbins stated, if the special permit is granted the hangars are by right, all 6 or all 25.

2) Airport has RIEL (Runway End Identifier Lights), which are high intensity strobe lights that when on inhibit the ability to go outdoors, one must close the curtains, I attempted to complain to no avail. These lights are dangerous to the naked eye.

5) Claims leaded and unleaded fuel but these little planes don’t use unleaded fuel, bigger jets require unleaded fuel and an extended runway. Mr. Scalise claims he does not know if these planes require unleaded fuel or not? You stated you had a pilots license.

9) **Airport Plans** and studies claims to have an “obstruction analysis at the end of runway 11 and a noise abatement” but no survey, plot plan, site plan layout or dimensions in this application.

10) **Environmental:** Airport has onsite resource areas delineated; this application is skirting the fact the airport is required to file under section 9.2 WQPOD and is in the Upper Wellhead Public Recharge Protection Area Zone 11 the most sensitive part of the Towns Sole Source Aquifer, and goes on to state “KGBR has a recycling plan” a requirement in the MSASP for the airport to be 100% compliant.

In 2008 the Planning Board initiated codifying the Zoning Bylaw and in 2010 the following recycling plans/provisions where added to the Zoning Bylaw WQPOD Section 9.2.

WQPOD Section 9.2.8 Prohibited Uses. The following uses are prohibited in the WQPOD.

4. Facilities that generate, treat, store or dispose of hazardous waste that are subject to G.L.c. 21C and 310 CMR 30.00 except for:

a. Very Small Quantity Generators as defined under 310 CMR 30.000;

b. Household hazardous waste centers and events operated in accordance with 310 CMR 30.390;

c. Waste oil retention facilities required by G.L. c. 21 s. 52A;

5. Water remediation treatment works unless approved by DEP for the treatment of contaminated groundwater or surface water;

6. Petroleum, fuel oil, and heating oil bulk stations and terminals, not including liquefied petroleum gas;

7. Storage of liquid hazardous materials and or liquid petroleum products;

8. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR

12 b. Treatment works approved by the DEP.

12 c. Publicly owned treatment works

9.2.9 Prohibited Uses; Inner Zone. The following uses may be permitted in the Outer zone but are expressly prohibited in the Inner Zone:

1. New or expanded underground storage tanks (310 CMR 22.20B);
2. Motor Vehicle Repair Operations;
4. Solid waste combustion facilities or handling facilities as defined in 310 CMR 16.00;
5. Land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2,500 square feet of any lot, whichever is greater,
6. Commercial outdoor washing of vehicles, commercial car washes.

9.2.11 Nonconforming Uses. Continuation of a legally preexisting nonconforming use shall be allowed, provided that:

1. The nonconformity shall not be increased or expanded. This is directly followed by,

9.2.12 Uses and Activities requiring a special permit. The following uses and activities are permitted only upon the issuance of a special permit by the Board of Selectmen (SPGA) under such conditions as it may require:

1. Enlargement or alteration of existing uses the do not conform to the WQPOD;
2. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning district (except as prohibited hereunder). Such activities shall require a special permit to prevent contamination of groundwater;
3. Any use that will render impervious more than 15% of any lot or parcel or 2,500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be permanently maintained in full working order by the owner. Special permits for nonresidential uses as described in this subsection are not allowed in the Surface Water Source Protection Zones A and B.

9.2.13 Procedures for issuance of special permit.

The special permit granting authority (SPGA) under this section shall be the Board of Selectmen. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Health, the Conservation Commission, the Town Engineer/Department of Public Works, and the Planning Board that the intent of this section, as well as its specific criteria, are met. The SPGA shall not issue a special permit under this section unless the petitioner's application materials include in the SPGA's opinion, sufficiently detailed, definite, and credible

information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendation of the other Town boards or agencies in its decision.

3. Evidence of compliance with the regulations under the Massachusetts Hazardous Waste Management Act, 310 CMR 30.000. Including obtaining an EPA identification number from the DEP. These provisions apply to Simon's Rock of Bard College, 78 E.P.R. and the Egremont Transfer Station and DPW documented in the 2003 Source Water Assessment Program Report.

Section 11 Definitions WQPOD, added a definition in 2010 of a VSQG (Very Small Quantity Generator) as "any entity public or private other than residential".

These provision apply to 78 E.P.R. documented in 2003 Source Water Assessment Program (SWAP) Report written in 2003 for the Gt. Barr. Fire District mandated by the Federal Government under the Safe Water Drinking Act to inventory land uses within the public water supply. This report documents the airport with underground tanks and being the "Greatest Concern in the Gt. Barr. WQPOD" **and that is it.**

This SWAP Report documents **78 E.P.R. as a Regulated DEP Permitted Facility** within the **Water Supply Protection Area** with a **Permitted Activity of Very Small Quantity Generator (VSQG), an Activity Class of Hazardous Waste Generator** and a **Facility Description of Auto body/Repair**. The DEP Facility Number is 398876 and the property has a MV United States Environmental Protection Agency (USEPA) Number which is my phone number MV4135286053 with a generation status of Federal RCRA, the Resource Conservation Recovery Act which promotes community source reduction and beneficial reuse. This number is permanent (MV) and attaches to 78 E.P.R. and is no longer obtainable in the WQPOD and is an USEPA (United States Environmental Protection Agency) Identification number required to obtain a special permit added in 2010 to the Zoning Bylaw WQPOD Section 9.2.13. and a subject of my struggle.

This SWAP Report was written for the Gt. Barr. Fire District, and was sent to the Board of Health, Conservation Commission and the Planning Board, so the town knew all about the rights that attached to 78 E.P.R. since 2003 and was fully aware of those rights when the Planning Board came after us for operating our humble shop as soon as Walt passed away in 2004 and supported a trumped up scandalous cease and desist against us in 2010.

The 2010 Master Plan is Award winning for what I do not know and to date could never retrieve the plan for my neighborhood.

I do know that Pittsfield has an Award winning Combustion Facility and I documented that a Combustion/Handling Facility provision was added in 2010 to the Zoning Bylaw WQPOD Section 9.2 a provision that applies to my property.

11) states "Koladza Gt. Barr. Airport is a General Aviation Airport is false, misleading, and a misrepresentation of fact. A General Aviation Airport is defined as "public-use airports that do not have scheduled service or have less than 2,500 passenger boardings (49 USC 47102(8). Approximately 88 percent of airports included in the NPIAS are general aviation airports". NPIAS is the National Plan Integrated Airport System (FAA) . The airport is included in this plan as a "Walter J. Koladza General Aviation Airport" since 2008 an inclusion that required a "public willing sponsor" and my property.

To date I have not been able to obtain any Plans or information from the Town, Mass. DOT Aeronautics Division or the FAA, other than a hard time.

12) Runways: KGBR has a single paved runway that is 2579 feet long.

13) KGBR is a "Community/Business Airport and that KGBRs community role establishes the Facility and Service objectives at the airport" this statement is directly followed on the next page by Figure 3-13 from the Mass. Statewide Airport System Plan.

Page 3) Facility and Service Objectives -Community /Business Airport Criteria and Minimum Objective lists a runway length requirement for a Community /Business Airport as a minimum of 3200 feet or greater. This is an expansion that would require numerous other properties and my written notarized authorization to use my piece of an airport which extends two hundred feet (200) from the usable take off or landing area end of Runway 11 that cannot be taken by eminent domain, that I maintain under an Order dated March 20th 2015 from the Mass. DOT Aeronautics Division under Mass General Law C.90 ordering me to maintain the end of runway 11 with photos attached which I did and did prior to this Order, something B.A.E. refuses to acknowledge or compensate me for.

To date there is no established role of this piece of an airport as claimed. Figure 3-13 under Landslide Facilities list the Terminal /Administration Building in the 3.4 million dollar Phase 1 that was due to commence in 2017.

Page 4) Zoning Applicability states "The Zoning Bylaw applies to the property as it is an aviation field located in an R-4 zone" and claims "the use is permitted with the issuance of a Special Permit which is the purpose of this application, it claims the work limit is not within the floodplains.

The use is not permitted by special permit only, and is not permitted in what was designated as the "Water Quality Protection Overlay District Section 9.2" of the Zoning Bylaw by avid pilot Betty Vigneron, married to avid pilot Dr. Vigneron, parents of the late avid pilot and airport owner Tom Vigneron to avert what B.A.E. is attempting to accomplish and has been since the estate was settled Feb. 2008, to establish and expand themselves in the WQPOD specifically the Upper Wellhead Public Recharge Protection Area Zone 11 as a municipal airport without any transparency.

Rick Solan stated at the recorded 6/17/2017 Selectmen's hearing for a Special Permit "I've been trying to do this since 2008". Do what Rick, don't you think it's time to disclose your intent?

Are you referring to the Feb. 12th 2008 request to a local Attorney from your piece of an airport for "a plan for the division of the business and the real estate in two"? The Attorney documented you could do this if both entities and I quote "assuming, of course, that you conduct all business and operate the entities in compliance with the law" and they are not and you know it, have always known it and is the subject of you, your establishment, neighbors, certain individuals and public officials abuse of me violating my rights since Feb. 2008 because your where not content and **made a mess of what you were given** and I have something wanted for personal, political and financial gain.

This document has "division" underlined and has written in "P.B. hangar - really for subdivision".

On **July 23rd 2020** the **Planning Board** held a site plan review hearing that was not open to the public. Mr. Scalise presented partial plans "Prepared for Great Barrington Airport", there were two sets of plans, for subdivision and the two parcels involved. Mr. Scalise stated "might make sense to delay site plan review until a special permit is granted" and the Planning Board Chair agreed. On a motion made by the Town Planner Assistant Town Manager Mr. Rembold that is completely contrary to the contents of Mr. Scalise's special permit application, the Board made a positive recommendation to the Selectboard anyway?

This is 4 months after **March 20th 2020**, the date the special permit application was submitted that **includes a Site Plan Review** in part on pages 16 - 22, that states "each objective supported a positive determination from the Board".

The plans Mr. Scalise presented need to be disclosed before the Aug. 10th 2020 meeting.

You are also referring to the 2008 inclusion of your piece of an airport in the Mass. Statewide Airport System Plan (State) and the National Plan Integrated Airports (FAA) as a "Walter J. Koladza Gt. Barr. Regional Community Business General Aviation Airport" inclusions that included my piece of an airport that would have required my written authorization for you to use.

9.2.11 Nonconforming Uses: Continuation of a legally preexisting nonconforming use shall be allowed provided that:

1. The nonconformity shall not be increased or expanded, and Mr. Scalise responds "the replacement of underground tanks did not increase the nonconformity"? Underground tanks are not a use, they are an accessory and the replacement of the under ground tanks was mandatory, the use would be an airport and establishing an airport would increase the

nonconformity. The airport is not “legally pre existing nonconforming” and cannot increase or expand. **Page 5) WQPOD 9.2.12 Uses and Activities requiring a Special Permit**, The following uses and activities are permitted only upon the issuance of a Special Permit by the Selectmen,

1.Enlargement or alteration of existing uses that do not conform to the WQPOD.

Mr. Scalise response is “Existing use conforms to the WQPOD”? Sir you have been documenting the airport as nonconforming, you are now stating a piece of an airport that has never been permitted and can’t conform to the WQPOD Upper Wellhead Public Recharge Protection Area Zone 11 conforms to the WQPOD, are you serious? You then state the “proposed use cumulatively has 11.4+ acres of impervious area” and on page 18 you state “The project design includes stormwater management for the 7.8 acre portion of the site that is being improved under this application” is conflicting, is something else going on? Mr. Scalise then states “Construction, if permitted complies with and cites ,

Section 9.2.7

#6 Any use permitted in the underlying zoning district, subject to other requirements herein;

#8. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited too, wells, pipelines, aqueducts, and tunnels; so maybe something else is going on?

Mr. Scalise then cites the use is a Very Small Quantity Generator according to USEPA (United States Environmental Protection Agency) Guidelines and cites the exemption for a VSQG under Section 9.2.8 of the WQPOD for such generator to generate, treat, store, or dispose of hazardous waste, this applies to my 78 E.P.R. property documented in the 2003 SWAP Report written for the Gt. Barr. Fire District who own the water rights out here in the WQPOD, that documents the airport with underground fuel tanks and also as the Greatest concern to the WQPOD in Gt. Barr. The Fire District is chaired my Mr. Atwood who in his brief stint as Selectmen ordered the cease and desist against us in Jan. 2010.

Page 6) GENERAL ZONING REQUIREMENTS states The Great Barrington Airport is in the R-4 Zoning District is misleading, once again there is no legal airport at 70 E.P.R. and what is at 70 E.P.R. is in the Water Quality Protection Overlay District Upper Wellhead Public Recharge Protection Area Zone 11.

Mr. Scalise then cites,

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1 Applicability, “the lawful use of the existing buildings pre-date the adoption of the zoning bylaw. Continued use since the 1920’s is satisfactory to meet the exemption in Section 5.1 of the bylaw”.

The buildings visually do not predate the adoption of the 1932 Zoning Bylaw but more important is the content of Section 5.1 which is being omitted in relation to being quote “exempt” which states in part “This Zoning Bylaw shall not apply to structures or uses “lawfully” in existence or “lawfully begun”. Such prior, “lawfully preexisting nonconforming uses” and structures may continue, provided that no modifications of the use or structure is accomplished, unless authorized hereunder. The key words here are “lawfully preexisting nonconforming”, the airport is not and cannot be “lawfully preexisting nonconforming”, they are a piece of an airport that has also not been in continual use, changed hands several times including foreclosure before it was developed with an activation date of April 1942 by Selectmen James F. Tracy who never obtained a special permit to operate, either did Walt Koladza.

Also omitted entirely is Section 5.2 Nonconforming Uses; which states,

The Zoning Board of Appeals may award a special permit pursuant to Section 10.4 to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

The airport is in the WQPOD and has to file under Section 9.2. clearly even if it could file under Section 5.0 NONCONFORMING USES AND STRUCTURES establishing an airport especially based on this Permit Application in this neighborhood is would be highly more detrimental.

Page 7) starts out with a “early zoning map from 1932 with a corroborating county road plan 1939 Section neither of which are legible.

6.3 GENERAL LANDSCAPING REQUIREMENTS

6.3.1 **Applicability.** The requirements of this section shall apply to any nonresidential use.

6.3.2 **Landscaping Requirements,** some combination of planting shall be installed in the following locations and states in part,

1) Property line(s) which also bound residential districts shall be screened from nonresidential uses by means of planting.

Mr. Scalise response is “The proposed project does not include any new activity near or in proximity to the neighboring residential properties. The nearest residential property is located to the west. The westerly end of the runway has a prohibition for installation of obstructions to aircraft including trees and cites a FAA Object Free Area. No further action is required in this area of the property”, the westerly end of the runway is mine and is not residential.

Page 8) Mr. Scalise your diagram Table 3.2 documents FAA Standard Object Free Zone as, 300 feet from the runway end, a Runway Safety Area (RSA) beginning 300 feet from the end of

the runway, and the Runway Protection Zone (RPZ) as 700 feet wide and 1000 feet in length. FAA documents an airport ending 200 feet (60m) from the usable take off and landing area and I own 200 feet off the end of runway 11.

You then claim "The project drawings designate landscaping outside of the operation safety standards". Refer to the project drawings (Site/Landscape Plan). There is no "project drawings or Site /Landscape Plan but "landscaping outside the operation safety standards" involves properties that do not belong to B.A.E.

6.3.2 2) Any accessory receptacle or structure with a holding capacity of one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk and similar waste items shall be screened, in accordance with this Section, from all adjacent premises and streets from which it would be otherwise visible.

!00 cubic feet equates to 748 US gallons, of solid or liquid waste? In the WQPOD?

Mr. Scalise responds "The airport currently is compliant with the USEPA requirements for storage and handling of very small quantities of oil and hazardous materials", information from the USEPA is copied below.

You then document the airport as a Conditionally Exempt Small Quantity Generator (CESQG), the List of Mass. Hazardous Waste Generators documents Berkshire Aviation Enterprise as a VSQG, Very Small Quantity Generator which can generate no more than 220 lb. (26.4 us gals) of hazardous waste per month and 2.2 lb. of acute hazardous waste, and also listed with the State as a Very Small Quantity Generator (VSQ). A VSQ can generate up to 2200 lb. (264 us gals) of hazardous waste and 2.2 pounds of acutely hazardous waste in a calendar month. This Generator status was put in place to accommodate the recycling plan for the Koladza Great Barrington Regional Airport. A SQG must comply with the hazardous waste manifest requirements and must manage hazardous waste in tanks or containers. There must always be at least one employee and an emergency coordinator available to respond to an emergency. A VSQG can upgrade to a SQG which can upgrade to a LQG, Large Quantity Generator.

You state the "Facility is properly and adequately regulated" and I am stating for the record in this sworn affidavit based on personal knowledge, that you are documenting and attempting a "land taking" of 78 E.P.R. property and its rights documented in the 2003 Federally Mandated Source Water Assessment Program Report in **APPENDIX B; "REGULATED FACILITIES WITHIN THE PUBLIC WATER SUPPLY PROTECTION AREA DEP Permitted Facilities"**, with a Permitted Activity of VSQG, Very Small Quantity Generator, with an Activity Class of Hazardous Waste Generator with a Facility description of Auto body/Repair. The other permitted Facilities are Simon's Rock and the Egremont Transfer Station and DPW. I have documentation from the

DEP visiting 78 E.P.R. ensuring compliance. I Claudia Shapiro have a DEP Permitted Regulated Facility, I am the one with an approved Paint Booth, not the airport, they are illegal.

This Report documents B.A.E. as having underground fuel tanks, period. It also documents the airport as the biggest concern in Gt. Barr. to the WQPOD Zone 11 so any attempt to claim this expansion is not more detrimental to the neighborhood under Section 10.4 of the Zoning Bylaw if that was the appropriate Section to file under is futile.

You stated at the Oct 30th 2019 Airport meeting I was intentionally not invited to regarding the airport having a hazardous waste permit "I'm sure they are VSQG and there is Federal RCRA". That is the Resource Conservation Recovery Act which promotes community source reduction and beneficial reuse and is in part the intent of this development plan and is the recycling plan you stated the KGBR has that will generate the town compensation.

The airport was not a CESQG, a VSQG, or a SQG in 2003 when the SWAP Report was written for the Gt. Barr. Fire District or in 2010 when the Town added the definition of a VSQG as any entity public or private other than residential to Section 9.2 WQPOD of the zoning bylaw, eliminating obtaining such permit or the entire WQPOD could commercialize. The Public Recharge Upper Wellhead Protection Area Zone 11 is the wrong place for hazardous waste in this capacity and there is no place in the WQPOD for Acute Hazardous Waste.

The following page 9) states "if you generate no more than 220 lbs (100kg) of hazardous waste per month, you are a Conditionally Exempt Small Quantity Generator (CESQG). 220 lbs equates to 26 U.S. gallons which is a far cry from the 748 gallons cited and a farther cry from the 264 gals. B.A.E. is claiming they have a right to have.

Mr. Scalise then states "The other portion of the bylaw requirement is the enclosure of trash receptacles namely the onsite dumpster". Refer to the project drawings for the location and details of the dumpster enclosure but no project drawings or details are included in this special permit application but "trash receptacles" sounds in part like the "KGBR Recycling Plan" Mr. Scalise claims the airport has but failed to disclose the Plan.

There is a photo of two recently installed above ground 1000 gallon propane tanks that states in part quote "The following photograph(s) of outside equipment have been identified and will be appropriately screened" under Section 6.3.1 and 6.3.2. There is one photo and it is a view directly from my back yard, the "west end property" is mine and it is not residential.

Mr. Scalise you are intentional documenting my property inaccurately to put it mildly.

In 2010 the town added a definition of a VSQG to Section 9.2 WQPOD as "any entity public or private other than residential", commercializing 78 E.P.R.

Page 10) states "The design category for the KGBR is a "11-B" aircraft and cites a Cessna -441 Conquest that happens to be a plane owned by an airport owner that is housed at Columbia County Airport because it is too big to land here that requires unleaded fuel.

There is a photo that states "The property currently has a small dumpster, and propane tanks located behind the existing hangar building but the building is not the building located at 70 E.P.R. B.A.E., it is located at the North Plain Road site.

Page 12) Section 10.4 SPECIAL PERMITS (the airport is filing under) refusing to file under the appropriate Section 9.2 Water Quality Protection Overlay District.

Section 10.4.2 Criteria of the zoning bylaw states in part "Special Permits shall be granted only upon a written determination that the adverse effects of the proposed use will not outweigh its beneficial impact to the town or the neighborhood lists 6 criteria's,

10.4 2 #1) Social, economic or community needs which are served by the proposal.

a) Local Economy

"The airport currently has 12 employees" is a far cry from the 38 claimed in 2013 and the 56 claimed in 2019 in the Mass. Statewide Airport Economic Impact Study.

b) Community Programs and Events

"Hosted Events; The Rotary Fly-In which is a MSASP recommendation to "garner public support" along with joining the Chamber of Commerce. It mentions a Pancake Breakfast Fly-In and a Drive for Homeless Center (Thanksgiving)?

Page 13) "The following slides were prepared and presented at a neighborhood meeting in advance of this application. The slides are copied below in support of the criteria. Airport success benefits community, Mass. DOT Statewide Airport System Airport Economic Impact Study Update".

I was intentionally not invited to the neighborhood meeting and would have challenged then and am challenging now any inclusion of this illegal piece of an airport in the Mass. Statewide Airport System Plan. "Airport success" violates including but not limited too, the sole source aquifer, the Green River, Chapter 168 Gt. Barr. Wetland Zoning Bylaw, the Wetland Protection Act, my property rights, my rights and rights of other abutters.

The Mass. DOT Aeronautics Division has been steadfast in their refusal to speak with me or respond to any Record Request submitted regarding any aspect of this airports inclusion in their Plan and I can now see why.

Page 14) 10.4.2 #3) Adequacy of utilities and other public service states,

"The Walter J. Koladza Airport does not utilize public utilities". The airport does not have potable water and do they really have a Septic System to accommodate a Community Business Regional Airport in a Public Recharge Area? When a nonconforming use gets a Special Permit they have to come into compliance, the utilities at B.A.E. do not accommodate a commercial airport but I do see an Illicit Discharge statement that states "**The Stormwater and Sewer System for Gt.Barr. Airport**"?

#4) Neighborhood character and social structures states,

"The airfield and surrounding open space included on the 87.7 acre property included under airport ownership constitutes most of the neighborhood context? This is not true, how many properties are being claimed? It goes on to state "Surrounding uses are agricultural and residential in nature, The property is surrounded as follows";

North: Green River and forested riparian corridors

South: Egremont Plain Road and 75 acre agricultural field and residential properties, vague description, falsely claimed on page 1) that the facility is located along Egremont Plain Road and at the corner of Seekonk Cross Road.

East: Seekonk Cross Road and Beebe ARP a handful of residential properties, in inaccurate, East is also a 200 foot piece of an airport B.A.E. does not own followed by the RSA and RPZ.

West: Residential properties with frontage along Egremont Plain Road", this is false, misleading, a misrepresentation of fact, The property to the west is my piece of an airport made commercial by the Town of Gt. Barr. in Section 11 Definitions of the Zoning Bylaw in 2010 of a VSQG.

Page 15) "The hangars include a development area on the opposite side of the runway from Egremont Plain and east of the existing hangars" sounds like both sides, as the existing hangars are on the opposite side of the runway as the proposed hangars. It states "the hangar location was carefully chosen" is real B.S. I am putting the Town, airport and neighbors on notice of the following,

These hangars are being constructed 200 feet from the annual mean high of the Green River and are violating the 500 foot Green River moratorium that has not been changed to 200.

I have a document dated Feb.14th 2014 from Fennick and McCredie Architecture Ltd. in conjunction the Mass DOT Aeronautics Division that summarizes the findings of a visit to the airport regarding the Statewide Airport System Plan Administration Building that states "cannot build on other side on runway".

I also have correspondence dated Feb. 9th 2016 and March 3rd 2016 between the Mass DEP, the Gt. Barr. Assistant Town Manager and Community Town Planner Mr. Rembold and Mr. Hankin, the 32 year Planning Board veteran, land abutter of the airport and 78 E.P.R., real estate agent and permanent Award winning Master Plan member who's residence lies within the WQPOD Upper Wellhead Public Recharge Protection Area Zone 11. It is requesting proposed amendments to the WQPOD Section 9.2 specifically,

Section 9.2.9 Prohibited Uses; Stream and Lake Protection Zone. The following uses are prohibited in the Stream and Lake Protection Zone.

1) New structures or expansion of existing structures by more than 10% of the existing gross floor area and,

Section 11 Definitions. Stream and Lake Protection Zone as “1) The land within five hundred foot lateral distance of the bank of the Alford Brook and Seekonk Brook when directly tributary to the Green River and the Green River itself upstream of the water supply gallery”. The entire airport property is “upstream of the water supply gallery” located on Hurlburt Road.

Mr. Hankin’s comment to Mr. Rembold’s modification request of Section 9.2.9 is quote “Disagree, delete entire Section 9.2.9. I think we already provide adequate protection. What are we really protecting at the expense of the property owners use of their land”. That certainly never applied to my property, but did for your neighbors farm you “helped save” with a solar field that has no livestock whose property happens to abut the airport, the owner of which also happened to take flying lessons.

Mr. Rembold justified the removal of section 9.2.9 and the Definition in Section 11 by stating the “River Protection Act does the job” and also cites “the local Wetland Bylaw Chapter 168 revised and adopted at the 2015 Annual Town Meeting includes protection over the Rivers Protection Act and Wetlands Protection Act” and states “see underlined portion below”, and has underlined “Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following wetlands resource areas, land within 500 feet of any lake, pond, river or stream that is a public or private water supply. So there you have it Mr. Hankin and Mr. Rembold acknowledge there is a 500 foot moratorium on the Green River and know this is the Conservation Commissions jurisdiction. The 200 foot moratorium you both are referring to was 300 feet and applies downstream of the water supply gallery located on Hurlburt Road. There are numerous safeguards protecting the “500 foot moratorium upstream of the water supply gallery” documented with explicit detail in this sworn affidavit.

Page 16) #5 Impacts on the natural environment; and,

“Potential impacts on the environment followed the Mass. Guide to Conservation Commissioners as it relates to resource areas is more B.S., he claims this “approach avoids permitting requirement under the Water Quality Protection District standards set by the Great Barrington Zoning By-Law. This application does not follow the Mass. Guide to Conservation Commissioners, does not avoid filing under Section 9.2, and is the jurisdiction of the Conservation Commission documented in detail in this sworn affidavit.

Mr. Scalise claims “The process included a detailed wetland resource area delineation and the project avoids any work in the Natural Heritage Endangered Species (NHESP) Polygon”, there is a Heritage Polygon Map included in this application but the line designating the hangar

area has been changed and is carved around the hangar site and differs from the plat I have as does the PH number.

Page 16) 10.5 SITE PLAN REVIEW

Mr. Scalise your response is "The project as proposed includes an application for a USE Special Permit for the continued use of KGBR? Continued use of Koladza Gt. Barr. Airport? Is that not what you are attempting to permit now? Furthermore a Use Permit is not a Site Plan Application which requires written approval from the Planning Board that is not included in this application that must show in part,

10.5.3 Submittal Requirements.

1) Plot plan of the entire tract, signed by a licensed surveyor or engineer, drawn to scale clearly portraying the following,

- a) Lot layout and dimensions.
- e) All existing or proposed structures on the property
- o) Copy of the Gt. Barr. Zoning Map indicating the location of the property

10.5.4 Waiver of Submittal Compliance.

The board may, upon written request of the applicant, waive any of the submittals requirements of section 10.5.3 where the project involves relatively simple plans or constitutes a minor site plan.

Mr. Scalise goes on to state "The Site Plan Review process resulted in the development and study of the details of the hangar project. This document along with the attachments satisfies the submittal and application requirements for a site plan approval under the By-law"? What document, what attachments, what study?

Mr. Scalise then states "Further, the requirements for a traffic impact assessment has been determined to be unnecessary and, should it be an issue of interest by the Board, we hereby request a waiver from same? Traffic Impact Study is a submittal requirement of Site Plan Review and waivers apply to "simple plans and minor site plan", this is not simple or minor. A Traffic Assessment shall be performed by a certified traffic engineer in accordance with the Mass. Executive Office of Energy and Environmental Affairs, Division of Transportation Guidelines for Traffic Impact Assessment, an assessment would expose transparency to the true intent of this application.

It states "the proposed project will not generate any new traffic". An extended runway that has a minimum requirement of 3200 feet for a Walter j. Koladza Gt. Barr. Regional Community Business General Aviation Airport will not generate any new traffic?

10.5.5 Approval. Mr. Scalise states "The objectives outlined herein have been copied with information provided for each supporting a positive determination by the Board". There are no

Planning Board recommendations included but do have a Recommendation dated March 12th 2010 from the Planning Board regarding the shop located at 78 E.P.R. I did not know at the time was legal that states, "The Planning Board respectfully submits that it supports strict enforcement of the prohibition of commercial uses in the R-4 district" but supports a dimensionless expansion plan based on this substantially flawed application that lacks transparency in the WQPOD? The Recommendation goes on to states "The Planning Board believes the allowance of intense commercial uses such as motor vehicle repair and auto body restoration /repair would undermine the residential environment of the R-4 district".

Intense commercial use? Is not a dimensionless development plan for a Koladza Great Barrington Regional Community Business Airport with no Deed Recorded in the Registry involving two properties a more intense commercial use than what transpires on my 78 E.P.R. property? At the exact same time the Zoning Bylaw codification was in full swing, a provision for a Motor Vehicle Repair Operation was added to the WQPOD Section 9.2?

Section 10.5.9 Appeal states "any decision by the Board pursuant to this Section shall be appealed in accordance with Chapter 40a s.17 to a competent court of law.

Mr. Scalise documents "The objectives outlined herein have been copied with information provided for each supporting a positive determination from the board. You have 20 days to appeal a Planning Board decision so that time frame has conveniently lapsed, furthermore what were you doing with the Planning Board on July 23rd 2020 holding a Site Plan Review 4 months after submitting an application that has not been acted upon? The hearing was delayed until after the special permit hearing yet the Board made a positive recommendation anyway? On what? All those Plans you are keeping from me? These Plans need to be disclosed before the Board of Selectmen hearing.

Page 17) Background

Mr. Scalise states "This document along with the attachments satisfies the submittal and application requirements for a site plan approval under the By-Law. What documents? What attachments? What application? Site Plan Review is mandatory and yours is incomplete. There is no Site Plan Application but again, you went before the Board on July 23rd 2020 for Site Plan Review?

There is a picture of the "proposed hangars" that is completely different than the previous plans presented at the Oct. 30th 2019 airport meeting.

Page 18) Outlined Objectives

1) c **Wetlands:** The project planning includes the mapping of existing delineation of wetland resource areas jurisdictional under the Mass. Wetland Protection Act. It goes on to state " The project has been carefully designed to avoid work or activities in any resource area or their buffer zones" There is no map included of "existing delineation of wetlands".

Mr. Scalise, Town of Gt. Barr. B.A.E., immediate and not so immediate neighbors I am putting you all on notice of the following,

As the leader in laws that protect wetlands, rivers and waterfront Massachusetts has some of the strictest and farthest reaching wetland regulations and environmental codes in the U.S. Simply put you cannot do anything, not clear, cut, fill, dump (not even leaves, grass clippings or dirt), alter, grade, landscape or build upon - any wetland resource area without a permit from your local town Conservation Commission.

The Conservation Commission confirmed to Mr. Scalise this property is not their jurisdiction?

310 CMR 10:00 Wetlands

310 CMR is promulgated by the Commonwealth of Mass. DEP pursuant to the authority granted under the Wetlands Protection Act M.G.L. c.131 s.40. 310 CMR shall have the force of law.

PURPOSE: M.G.L. c.131 s.40 sets forth a public review and decision making process by which activities affect areas subject to protection under M.G.L. c.131 s.40 are to be regulated in order to contribute to the following interest,

- 1) Protect public and private water supplies
- 2) Protect ground water
- 3) Protect wildlife habitat

Town of Gt. Barr. E Code 360 Zoning Manuel

Chapter 217 Article 111 Wetlands Protection Regulations states,

PREFACE: These wetlands Protection Administration Bylaw Regulations are promulgated by the Commission pursuant under the authority granted to it under Chapter 168.

PURPOSE: The Wetlands Regulations will be used to implement and enforce the Wetlands Bylaw and are intended to read together with the Wetlands Bylaw.

INCORPORATION OF STATE REGULATIONS: All definitions, resource areas descriptions, procedures and requirements set forth in the Mass. Wetland Protection Regulations of Commonwealth of Mass. Regulations 310 section 10:00 and are hereby incorporated and made a part of these Wetland Regulations.

PURPOSE AND PROTECTED INTERESTS;

The purpose of these Wetland regulations is to aid in the consistent and effective implementation of the Wetlands Bylaw by way of further definition. The wetlands bylaw protects the wetlands, related water resources and certain adjoining land areas in Town by providing for prior review and regulation of activities deemed to have a significant cumulative adverse effect upon wetland values, including but not limited to the following interests,

- A. Protection of public and private water supplies and quality
- B. Protection of groundwater supply and quality

AREA SUBJECT TO PROTECTION AND REGULATIONS

RESOURCE AREAS: Lake, river, pond or stream that is a public or private water supply and land area within a five hundred foot distance of said lake, river, pond or stream.

Land within a five hundred foot distance of the Green River upstream of the water supply gallery on Hurlburt Rd. See 217-14.5, the airport, my property, Mr. Hankins property, and the neighborhood in its entirety is “upstream of the water supply gallery”.

217-14 Areas subject to protection and regulations (jurisdiction)

217-14-1 RESOURCE AREAS: The following areas, which are referred to as “resource areas” are subject to protection under the Wetlands Bylaw.

B. River or perennial stream, or any land under said waters, or any land within a two-hundred foot distance of said river and perennial stream.

D. Lake river pond or stream that is a public or private water supply, and land area within a five-hundred foot distance of said lake, river, pond or stream.

E. Land area within a five-hundred foot distance of the Green River upstream of the water supply gallery. See 217 14.5

217 -14.5 GREAT BARRINGTON DRINKING WATER SUPPLY AND UPSTREAM TRIBUTARIES.

A. The Town of Gt. Barr. recognizes that protection of its public and private water supplies are imperative to the quality of drinking water. The town policy is expressed through Section 9.2 “Water Quality Protection Overlay District” of the Gt. Barr. Zoning Bylaw. The Commission will administer the Wetlands Bylaw and these Wetland Regulations in concert with the requirements of the Stream and Lake Protection Zone of the Water Quality Protection Overlay District as defined in the Zoning Bylaw. (The Stream and Lake Protection Zone Section 9.2.9 and Definition was intentionally removed in 2016 from the Gt. Barr. Bylaw aforementioned on page 14).

B. **Section 9.2** of the Zoning Bylaws regulate work within a five-hundred-foot distance of the Green River and its upstream tributaries of the water quality supply gallery. Accordingly, these regulations protect the Great Barrington drinking water supply and its upstream tributaries. This five hundred foot distance was also intentionally removed from Section 9.2.

Upstream tributaries to the **Water Supply Gallery of the Green River** include Alford Brook, Seekonk Brook and Long Pond Brook.

Section 217-16; Applications for permits states “Within 100 feet horizontally outward from the edge of a resource area. 200 feet horizontally outward from the mean annual high

water line of a river or perennial stream, and **within 500 feet of the town water supply galleries at the Green River**, Long Pond and any other bodies of water utilized as Town Drinking Water.

Conservation @ town of gb.org Gt. Barr. Conservation Commission,

FUNCTION: The 1957 Conservation Commission Act authorized each city and Town in Mass. to establish a locally appointed municipal agency to plan for natural protection, acquire important land and water areas and manage these properties for conservation and passive recreation. It is the work of the Gt. Barr. Conservation Commission Act to locally administer the Wetlands Protection Act, Mass. General Law Ch.131 s. 40, the Rivers Protection Act and the Gt. Barr Wetlands Protection Bylaws (Ch.168). The purpose of the regulations is to protect public and private water supply and ground water supply. The regulations prohibit any filling, excavation or other alteration of the land surface, water levels, or vegetation in or near wetlands, without a permit from the local Conservation Commission. Our responsibility is to review project plans, including construction, and any activity within 100 feet of a lake, pond, vegetated wetland, or intermittent stream, within 200 feet of any perennial river (except any river, lake or pond that is a public or private water supply, where the set back is 500 feet.

Town of Gt. Barr. Wetlands Protection Bylaw Chapter 168 WETLANDS

168.1 Purpose The purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Gt. Barr. by controlling activities deemed by the Conservation Commission likely to have an accumulative effect upon resources and values, including but not limited to the following, public and private water supplies and ground water.

JURISDICTION: Except as permitted by the Conservation Commission or provided in this bylaw no person shall remove, fill, dredge, build upon, discharge into, or otherwise alter the following resource areas "land within 500 feet of any lake, pond or river that is a public water supply and land within 200 feet of any lake or pond that is a tributary to any public or public water supply. The Green River is not a lake or pond and is what flows beneath the airport, my property and the entire neighborhood. The entire WQPOD Zone 11 is not that big and needs to be protected.

168.2 Except as permitted by the Conservation Commission or as provide in this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following wetland resources areas: pond; river; creek; intermittent stream; water within water bodies and land under water bodies; land subject to flooding or inundation by groundwater, surface water, or storm flowage; and the following lands abutting wetlands resource areas; land within 100 feet of any freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, bank, reservoir, lake, pond or intermittent stream, (hereinafter "buffer zone"); land within 200 feet of

the mean annual high water line of perennial rivers or streams (hereinafter "riverfront area") and land within 500 feet of any lake, pond, river or stream that is a public or private water supply; and land within 200 feet of any lake or pond that is a tributary to any public or private water supply (collectively, the "wetlands resource areas protected by this chapter").

At the airport meeting held Oct 30th 2019 I was intentionally not invited too but conflict of Interest Mr. Hankin was, asked Mr. Scalise twice "so in your professional opinion these hangars do not trigger the WQPOD and Mr. Scalise responded " no, not the modest size of this development project" this is opinion not fact, or law, and is ridiculous, this is not about hangars, it is about **establishing the airport and establishing an airport triggers the WQPOD.**

On Sept. 21st 2010 B.A.E. applied for one temporary hangar to house a body shop that the Gt. Barr. Building Commissioner Mr. May documented "required a special permit to construct or expand use in Zone 11 W.Q.P.O.D. 9.2.12 Uses and Activities requiring a special permit," Section 9.2.9 #3 Motor Vehicle Repair Operations.

Furthermore it is difficult to decipher the true intent of the this application due to the lack of transparency.

Page 18) states "the 7.8 acre portion of the site that is being improved under this application" yet page 6 states " the proposed use cumulatively has 11.4 acres of impervious area" and states the property includes 91.3 acres of land area despite B.A.E. being 87.7 acres.

There is nothing in all these blatant resource violations that are going to improve any acreage.

Page 19) states the "KGBR" has implemented unleaded fuel" which is great but these planes don't use unleaded fuel, bigger planes like the Cessna -441 Conquest mentioned in conjunction with the Community Business Airport required runway length minimum of 3200 hundred feet do.

Water; "Water quality issues are related to stormwater runoff" is false, misleading and a misrepresentation of fact, this entire development/expansion sits directly upon the Town of Gt.Barr. sole source aquifer and the WQPOD Upper Wellhead Public Recharge Protection Area Zone 11. It goes on to state,

"The state of Mass. has strict and complex standards for managing runoff near sensitive wetland areas while not required. State regulation only pertain to projects located in areas jurisdictional under the Wetlands Protection Act. I just documented this project falls under the jurisdiction including but not limited of the Wetlands Protection Act.

Page 20) #2. states "Pedestrian safety is limited to access of the terminal area. The reorganization of existing parking fields and their location adjacent to the terminal building provides for safe pedestrian access to the terminal. Otherwise the airport security fencing and

signage provide support to ensure pedestrians are not walking in aircraft use areas. What terminal building? Security fencing is mandatory for a Regional Community Business General Aviation Airport.

#4."The project use includes aircraft storage and vehicles parking along North Plain Road. The landscape plan, which is not included, proposes screening of this area along North Plain Road", and shows a picture with an arrow marking the location but the picture is not in my backyard, it is on North Plain Road. How are planes getting from North Plain Road to Egremont Plain Road?

There is a picture on page 10) of a small dumpster and storage shed, the storage shed is also not located at B.A.E. and is located at 180 and 190 North Plain Road, property the Gt. Barr. Fire District purchased in 2017.

Page 21) 7. Minimize contamination of groundwater from onsite waste-water disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances and Mr. Scalise responds,

a) "The existing terminal has both onsite septic and well water supply" is false, the airport has no potable water and a residential sewer for a Community Business General Aviation Airport in an aquifer? That is gross, as an Engineer, Mr. Scalise you must know the ramifications of such. Does this meet the Gt. Barr. Board of Health regulations?

b) "The proposed hangars will have no water or sewer" but it looks like the hangars are going on North Plain Road and I see an unsigned Illicit Discharge statement in this application that states "The Stormwater and Sanitary Sewer System prepared for the Great Barrington Airport located in Great Barrington Mass." with no address.

This looks like what it is, it is the zoning provisions added to the WQPOD in 2010 for a Recycling Program and for a municipal airport.

8. Claims the applicant proposes a global view of parking and associated landscaping on the project site. Proposes a global view? When?

Page 22) states "The Great Barrington Airport is considered a general aviation airport". This is defined as a public use airport, is false and intentional, B.A.E. is a piece of a private airport that cannot eminent domain any surrounding properties, this classification of "Public Use" is a requirement for eminent domain and is an intentional move to open the floodgates.

Page 23) Conclusion states "KGBR is not eligible for government grants" is also misleading, the airport has received ASMP funding specific to the State of Mass. and had to furnish a Layout Plan and Dimensions of the boundaries I could never retrieve from the DOT Aeronautics Division through Mass Record Requests. Government Grants will apply **if the airport receives a Special Permit as the airport would then have to come into compliance to FAA standards.**

"Fee and Rental hangars" are an obligation in the ASMP Grant Assurances.

MASSDOT INFORMATION 1Page

It is illegible but does state up top "Land use code 22" and "Land Use Description General Aviation Airport". A General Aviation Airport is how B.A.E. is listed in the FAA National Plan of Integrated Airports. Mr. Scalise documented on page one "The goal is to obtain a land use permit".

STORMWATER REPORT

TABLE OF CONTENTS Not 1 page in this Section is numbered leaving for removal and or addition of paperwork, and is not acceptable.

SECTION 1.0 Project Narrative

1.0 Project Narrative and the page is blank. There is no project narrative and goes right into,

1.1 SITE DESCRIPTION /WATERSHED

"The existing property s comprised of 91+ acre parcel of land. The property is currently the (GBR) Great Barrington Regional Airport The stormwater analysis has been prepared in support of a site plan review of a proposal to construct aircraft hangars and associated taxiways. This is hardly a site description and aforementioned there is no "site plan review" to date included in this special permit application.

1.3 POST-DEVELOPMENT DRAINAGE CONDITIONS

Standard #4 Water Quality

"The site is not a land use with higher potential pollutant loads" is a bit much.

1.4 STORMWATER MANAGEMENT STANDARDS

"A Stormwater Report prepared to meet the Mass. DEP's Stormwater Management Standards is not required for this project due to the absence of wetland resource areas". Mr. Scalise you have no respect for the land or the natural resources and that for me is a culture clash, I recently put you on notice that you intentionally stripped 195 St. Rd of the rights of auto body/ auto repair in 2007 and replaced them with brake jobs and oil changes, rights the former State Building Commissioner helped me restore back in 2012. Now you are not being forthright in regards to the true intent of your proposal in relation to my 78 E.P.R. property and are violating my civil, constitutional and federal rights as a Tax paying American citizen.

Standard #5 Land Uses with Higher Potential Pollutants Loads

"This does not apply to this report"

Standard #6 Critical Areas

"This does not apply to this project"

Standard #8 Construction Period Controls "

A NPDES Stormwater Pollution Prevention Plan is required to be filed on sites disturbing more than one (1) acre of land.

A NPDES plan will be filed prior to construction” and claims this standard has been met.

A Stormwater Pollution Prevention Plan (SWPPP) is a site specific written document signed by a company executive that (1) identifies all activities and conditions at the site that could cause water pollution and (2) details the steps the facility will take to prevent the discharge of any unpermitted pollution. Activities that need my written notarized approval.

A SWPPP is a required step for facilities seeking to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.

National Pollutant Discharge Elimination System (NPDES) Permit

If you discharge a pollutant from a point source into the water of the United States you need a NPDES Permit. If you discharge pollutants into a municipal stormwater system you may need a NPDES Permit depending what you discharge. Discharge into a municipal stormwater requiring a NPDES Permit include incinerator ash, solid waste, any type of municipal or industrial waste, sewer sludge, hazardous waste, chemical waste, and garbage.

NPDES administration procedures require that the public be notified and allowed to comment on the NPDES permit application.

Mr. Scalise you just documented a NPDES Permit is required on sites disturbing more than 1 acre on land. That is not the required reason for filing a NPDES Permit as I just documented. What is going on in these storage of aircraft hangars that require a NPDES Permit? Is it the provisions added in 2010 to the Zoning Bylaw WQPOD Section 9.2 for a Recycling Program you stated the Koladza Great Barrington Regional Airport had? Is it also for the Motor Vehicle Repair Operation also added to the WQPOD Section 9.2?

Mr. Scalise documents a NPDES Permit will be filed prior to construction and I am stating for the Record it requires being filed before.

Standard #9 Operations and Maintenance Plan

“Please see the enclosed Operations and Maintenance Plan for the proposed stormwater system” and once again, a plan is not enclosed or included anywhere in this application.

Standard #10 Illicit discharges to drainage system

“Please see the enclosed Illicit Discharge Statement and accompanying plan to show that no discharge other than Stormwater will be directed into the BMP’s, also if any illicit discharges is found they will be remedied immediately”.

a) The enclosed Illicit Discharge Statement is for a Great Barrington Airport Stormwater and Sewer System, is not signed and has no accompanying plan.

b) BMP’s are pollution control measures designed to reduce the effects of pollution from industrial stormwater discharges.

I.5 CONCLUSIONS you have marked as I.6 states in part,

"The proposed project is fully compliant with all the standards of the Stormwater Management Standards".

It goes on to state " The report is prepared under the direction of the Professional Engineer as well as the project plans", and the next section is titled,

SECTION 2.0 Operation and Maintenance Plan and the page is Blank, there is no Section 2.0 and no Operation or Maintenance Plan and of what? What are you Operating? What are you Maintaining? Aircraft Storage Hangars under the direction of a Professional Engineer?

It goes on to claim "on-site soils as Hoosic Fine Sandy Loam. Soil analysis was completed on 10 test pits over the property. Soil investigation at the site have confirmed that the site is well drained sandy soils, with no groundwater or ledge encountered". The next sentence under Soil Evaluation states "Soil test pits were performed throughout the site to determine the soil conditions, presence of ledge and seasonal groundwater"? "These test pits can be seen on the watershed plan"? What water shed plan? There is no such plan included.

SECTION 3.0 Drainage

3.1 Existing Conditions Calculations and Watershed Map and Plan.

There is no Map or Plan.

3.2 Post Conditions Calculation and Watershed Map and Plan.

There is no Map or Plan.

SECTION 4.0 Illicit Discharge Statement of,

The Stormwater and Sanitary Sewer System prepared for the Great Barrington Airport located in Gt. Barr. Mass. has no address and it is not signed. Mr. Scalise documented that the hangars will having no water or septic so what is this for?

Custom Soil Resource Report for Berkshire County Mass..

Contents claim a soil map on page 8) that is not included, and Page 10) a Map Unit Legend that is not included, and Page 11) Map Unit Legend and Map Unit Descriptions, that are also not included.

Page 6) states "After the scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs an identified each as a specific map unit". Aerial photograph(s) show trees, buildings, fields, roads, and rivers all of which help in locating boundaries accurately but the page is blank, there are no aerial photos or boundaries in this application but I am laying down mine and its over my dead body.

So what would Walt do to my Walden?, he wouldn't, and either are any of you.

Mr. Scalise, Town of Gt. Barr., Town Council, all Council involved and to all parties involved
at this point I am signing off because this is...

*Signed in my presence
on August 3, 2020
Great Barrington, MA.*

Jon S. Marks
P.S. *NOTARY*



Claudia Shapiro
78 Egremont Plain Road
Gt. Barr. Mass.

Claudia Shapiro 8/3/2020

On July 29th through a Mass. Public Record Request I received 6 dimensionless plans for a Great Barrington Airport Mr. Scalise presented at a Site Plan Review hearing the Planning Board held on July 23rd. This is 3 months after Mr. Scalise submitted his application that states very clearly that a Site Plan Review criteria has been met and approved with a positive recommendation from the Planning Board. The Town Planner also submitted the 6 plans on July 29th that were omitted in my Record Request dated May 21st.

This is the second Site Plan Review and also the subdivision mentioned in the 2008 local attorneys response to B.A.E. requesting division of the business and real estate.

The Plans state very clearly "Plans to accompany Permit Applications, plural, prepared for Great Barrington Airport.

Plans #2 and # 3 show B.A.E. owning property across Seekonk Cross Road? This is untrue.

Plans #3 of 6 has property owned by Dan Bell abutting the Parrish property? This is untrue. There is property marked a Gail Anderson that is not on the abutters list?

The Cover sheet has a Benchmark MassDOT Point ID #1142 with a station name SHAWN.

Requirements for survey and design consultants performing survey work on projects funded, managed or constructed by the Mass. DOT shall be performed by a Mass. Registered Surveyor. A base plan also known as an "existing conditions" plan, Plan #2 of Mr. Scalise's states "Existing Conditions Plan"

The Mass.DOT Field Survey Guidelines and Base Plan Requirements for Survey and Design Consultants, the contents of which are exactly what Mr. Scalise, Surveyor Consultant, Highways and Land Planner is doing, and the reasoning for his insistence on a waiver of a required Traffic Study.

These Plans needs to be disclosed immediately to me and to the public, the Mass. DOT in the WQPOD? No Way!

You people are all after **compliant "DEP Permitted Regulated Facility" on my piece of an airport!** No Way!

You people have no respect for the natural resources or the environment and I have no respect for you. None.

Helen Kuziemko

From: Mark Pruhenski
Sent: Thursday, August 6, 2020 5:41 PM
To: Helen Kuziemko
Cc: Chris Rembold
Subject: FW: Airport expansion

Another one for the packet.

From: ANDREW KRIEGMAN <amkrieg@gmail.com>
Sent: Thursday, August 6, 2020 5:37 PM
To: Steve Bannon <sbannon@Townofgb.org>; bcook@townofgb.org; Leigh Davis <LDavis@Townofgb.org>; eabrams@townofgb.org; Kate Burke <kburke@Townofgb.org>; Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: Airport expansion

I live at 79 Seekonk Cross Road in a house that was built in 1790. Local lore says that it was used as part of the Underground Railroad. Airplanes constantly fly over our house during their approach for landing, even though the official approach is supposed to be over the wooded area.

I have many concerns regarding the airport request for expansion and the effect it will have on the community as well as the sensitive environment of the Green River watershed.

The application statement that it does not affect the flood plain is technically correct, but logically wrong. The floodplain elevation of the area is 728-730. The airport plans call for an elevation of 738. Most experts agree that the historical flood levels are no longer an accurate prediction of future levels which keep getting higher and more frequent. Runoff from the airport during a flooding situation is a hazard for the entire town. The Green River is a local resource that serves the town and needs to be preserved in its natural state. The airport abuts NHESP Priority Habitat of Rare Species PH1284. Many animals and plant species inhabit this area.

The municipal code section 217-14.1 E specifically designates land area within 500 feet of the Green River as a resource area subject to protection and regulation.

217-14.4 A also states that additional regulations apply to the Green River, referencing 217-14.5.

217-14.5 B specifically states that section 9-2 regulates work within 500 ft distance of the Green River.

In section 9-2.11 under nonconforming uses, it states that the nonconformity shall not be increased or expanded. The application statement that this is not an expansion is factually incorrect. How can you claim that 5 new buildings is not an increase or expansion?

Following the logic here, if the airport is now a nonconforming use, the request to expand must be denied.

This expansion has no benefit for the town and its citizens. It will only increase the demands on the first responders (fire, police and first aid) and will jeopardize the beauty and safety of the area and its inhabitants. Property values will decrease and all the citizens of Great Barrington will suffer.

Respectfully,

Andrew Kriegman

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Helen Kuziemko

From: Mark Pruhenski
Sent: Wednesday, August 5, 2020 1:48 PM
To: Helen Kuziemko
Subject: FW: Please deny BAE Special Permit

From: Holly Hamer <hhamer3143@yahoo.com>
Sent: Tuesday, August 4, 2020 3:01 PM
To: Steve Bannon <scbannon@gmail.com>
Cc: Ed Abrahams <eabrahams@Townofgb.org>; Bill Cooke <bcooke@Townofgb.org>; Kate Burke <kburke@Townofgb.org>; Leigh Davis <LDavis@Townofgb.org>; Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: Please deny BAE Special Permit

Dear Steve and Selectboard members:

The hangers proposal in BAE's special permit application cannot be built without changing the airport from non-conforming to conforming via special permit issued by your board (9.2.11-1).

So why even talk about hangers? Rather than submitting pages of details putting the cart before the horse, why not stick to the issue and ask the question - would airport expansion, legal only with the special permit, be in the best interests of the community?

Relationships between the owners and the neighbors and their allies have been contentious since BAE's first proposal submitted in 2017. We became wary when, asked about the "silly" number of enplanements Rick Solan had stated in an application for a state grant, he replied to the effect: We don't have a tower, we don't have someone sitting in the office counting, we just make up the numbers...."

I have seen no evidence of any attempt to reconcile with the neighbors and the eco-concerned community since then.

BAE has tried to pit the neighbors against the community, claiming we are anti-airport instead of just anti-major expansion.

It is hard to document the benefit to the town when both owners are out-of-state residents and only 9 planes are registered to GB residents. And there is no sales tax on aviation and their property taxes are greatly reduced by Chapter 61a claims.

It's hard to believe those claims without a survey or even a diagram of airport use land versus agricultural land.

It's hard to hope for the best when a simple request to turn down or redirect a very obtrusive high beam spotlight that shines in neighbors' living rooms a half mile away is said to be looked into but remains unchanged. Our hopes were dashed when BAE continued a community meeting ostensibly to answer our questions from the first meeting but then refused to postpone it during a major snow storm which shut down every school in Berkshire County.

It's hard to feel neighborly when one discovers there are no building permits on file for structures at the airport or for the purported new septic system installed five years ago by a neighbor.

It's especially hard to enjoy being outside when a noise mitigation plan put into effect by BAE goes largely unheeded and planes make quick circles at very low altitude over homes and power lines.

We don't have faith in BAE's adherence to the rules when we see numerous touch and go practices on a runway, which at 1539 feet, is too short. People needing the experience in the past went to nearby legal airports to practice. Not anymore.

I personally don't feel safe when I see the airport employees mow a grass runway starting at a point less than 150 feet from my house, near power lines, without sanction, safety measures or point as there is another grass runway parallel to the paved runway.

We gave up the pleasure of Sunday drives decades ago. We gave up leaded gas in our car tanks by 1986 knowing how dangerous lead was to our water, earth, air and especially children. Why would we encourage continued use of leaded gas at BAE by allowing expansion?

There are many reasons not to issue a special permit and not open the floodgates to many many more "accessory structures" than the six in the current proposal.

Please consider turning down the special permit and not discussing the hangers before and only if the non-conformity is removed by such a permit.

This issue has a much wider effect than just a few neighbors or a few hangers for that matter. It concerns our caretaking of natural resources, our neighborhoods, how we treat each other and our vision for the future.

Holly Hamer
99 Seekonk Cross Rd.
413-717-0661

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Helen Kuziemko

From: Steve Bannon
Sent: Friday, August 7, 2020 10:31 AM
To: Chris Rembold; Mark Pruhenski; Helen Kuziemko
Subject: Fwd: Airport Hearing/Special Permit Aug. 10,2020

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Joanne Sheron <j_sheron@yahoo.com>
Date: August 7, 2020 at 10:20:27 AM EDT
To: Steve Bannon <sbannon@Townofgb.org>, Kate Burke <kburke@Townofgb.org>, Leigh Davis <LDavis@Townofgb.org>, Ed Abrahams <eabrahams@Townofgb.org>, "bcook@townofgb.org" <bcook@townofgb.org>
Cc: Joanne Sheron <j_sheron@yahoo.com>
Subject: Airport Hearing/Special Permit Aug. 10,2020
Reply-To: "j_sheron@yahoo.com" <j_sheron@yahoo.com>

I live at 95 Seekonk Crossroad in Gt. Barrington. My family has been here since 1955, 65 years. I like the airport the way it is. It should remain a non conforming airport in a residential zone. No special permit, no airport expansion. It has always been a hobby airport.

Neighbors, as far as expansion of the airport, are concerned about environmental issues, lead in ground water, animal and plant habitat along the Green River, hazardous waste, excessive lighting.

Neighbors have had bad relations with the airport since 2017 and no attempt to reconcile

Local farmer uses airport land under Chapter 61a for agricultural use.

I do not want an access road of any kind off Seekonk Crossroad for airport purposes.

Flights using the Grass runway go directly over my house. Sometimes planes barely clear my house and the electrical lines.

The whole Green River area is an animal and vegetation habitat. I see deer, coyotes, turkeys, bears, and bobcat using it constantly. More commercial at airport would disturb this unique habitat.

Attempts to turn down or redirect a very obtrusive highbeam stoplight that shines directly in my windows a half mile away have no response from airport.

No special permit for the airport!

Joanne Osgood Sheron
95 Seekonk Crossroad

[Sent from Yahoo Mail on Android](#)

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155 Seaport Boulevard
Boston, MA 02210-2600

617.832.1000 main
617.832.7000 fax

Thaddeus Heuer
617-832-1187 direct
THeuer@foleyhoag.com

August 6, 2020

BY ELECTRONIC MAIL

Stephen Bannon, Chair
Great Barrington Selectboard
334 Main Street
Great Barrington, MA 01230

Re: Public Comment at August 10, 2020 Public Hearing | 70 Egremont Plain Road, Berkshire Aviation Enterprises

Dear Mr. Bannon and Members of the Selectboard:

I write to request permission to address the Selectboard—as counsel on behalf of a group of Great Barrington citizens—during the August 10, 2020 public hearing on the special permit application of Berkshire Aviation Enterprises (“BAE”).

These citizens, who oppose the grant of the special permit, include Holly Hamer, a statutory abutter to 70 Egremont Plain Road residing at 99 Seekonk Cross Road, and Marc Fasteau and Anne Fredericks, neighbors who will be impacted by the proposed project residing at 77 Seekonk Cross Road.

Section 189-4(C) of the Bylaws establishes the public hearing procedures before the Selectboard, including “(4) Questions: public” in response to arguments made by special permit proponents, “(5) Arguments: opponents” and “(9) Concluding statement/rebuttal: opponents (five-minute limit).” It is within these limited parameters that I request permission to address the Selectboard. I appreciate that per Section 189-4(E), the Selectboard has an interest in reducing repetition in presentations to the extent possible.

Finally, I recognize that under Section 189-7, “Citizen Speak” is reserved for citizens of Great Barrington, and do not seek permission to speak during that portion of the agenda.

If you could kindly inform me of your decision in advance of the hearing if possible, I would be most grateful. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thaddeus Heuer", written over a horizontal line.

Thaddeus Heuer

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Cc (by email): Mark Pruhenski, Town Manager
Holly Hamer
Marc Fasteau & Anne Fredericks