

Jennifer Tabakin  
Town Manager

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[www.townofgb.org](http://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

### SELECTMEN'S MEETING

MONDAY, JANUARY 27, 2014

6:30 P.M. – EXECUTIVE SESSION

7:00 P.M. – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

### ORDER OF AGENDA

#### 6:30 PM - OPEN MEETING

1. CALL TO ORDER.
2. GO INTO EXECUTIVE SESSION – TOWN MANAGER'S CONFERENCE ROOM
  - Roll Call Vote
  - Union Labor Contracts (M.G.L. c.30A, sec. 21 (3))

#### 7:00 PM – RETURN TO PUBLIC SESSION – BOARD ROOM

1. CALL TO ORDER:
2. APPROVAL OF MINUTES:
  - January 13, 2014 Regular Meeting
3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:
  - A. GENERAL COMMENTS BY THE BOARD.
  - B. DISCUSSION OF UPCOMING MEETING CALENDAR.
4. TOWN MANAGER'S REPORT:
  - A. FOLLOW UP ITEMS
    - CITIZEN PETITION SUBMITTAL:  
OPENS JAN. 27, 2014 @ 8:30AM; CLOSSES FEB. 5, 2014 @ 4:00 PM
  - B. DEPARTMENT UPDATES
5. PUBLIC HEARINGS:
  - A. FY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), APPLICATION IN

PARTNERSHIP WITH THE TOWN OF SHEFFIELD, TO ESTABLISH A HOUSING REHABILITATION PROGRAM AND TO CONDUCT DESIGN ENGINEERING FOR STORMWATER IMPROVEMENT. (Discussion/Vote).

- (a) Open the Public Hearing
- (b) Explanation of the Project by Town Planner
- (c) Questions / Comments from Board
- (d) Questions / Comments from the Public
- (e) Close the Public Hearing
- (f) Motion / Support Grant Application
- (g) Vote

B. BOS – DESIGNATION OF TOWN MANAGER AS THE RELOCATION OFFICER FOR THE FY 2014 MASSACHUSETTS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. (DISCUSSION/VOTE)

**6. LICENSES OR PERMITS:**

- A. NICK AND BIRDIE JOSEPH D/B/A THE BISTRO BOX FOR 2014 ANNUAL COMMON VICTUALLER LICENSE AT 937 SOUTH MAIN STREET (IN FRONT OF BOGIES) APRIL – OCTOBER FROM 10:00 AM – 6:00 PM. (DISCUSSION/VOTE)
- B. BETSY ANDRUS/SOUTHERN BERKSHIRE CHAMBER FOR ONE DAY BEER AND WINE LICENSE FOR MARCH 5, 2014 FROM 6:30 PM – 7:30 PM AT BERKSHIRE SOUTH COMMUNITY CENTER, 15 CRISSEY ROAD. (DISCUSSION/VOTE)
- C. BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER/JENISE LUCEY FOR PERMISSION TO UTILIZE TOWN ROADS IN HOUSATONIC FOR 2<sup>ND</sup> ANNUAL 5K RUN/WALK ON APRIL 6, 2014 FROM 7:00AM – 11:30 AM STARTING ON PLEASANT STREET, FRONT STREET AND VAN DEUSENVILLE ROAD. (DISCUSSION/VOTE)
- D. SAUD GUTIC/PLAV, LLC D/B/A MARIO'S TUSCANY GRILL & BAR FOR 2014 ANNUAL COMMON VICTUALLER LICENSE AT 47 RAILROAD STREET. (DISCUSSION/VOTE)

**7. NEW BUSINESS:**

- A. BOS – REFERRAL OF PROPOSED ZONING AMENDMENTS TO THE PLANNING BOARD. (DISCUSSION/VOTE)
- B. BOS – APPOINTMENT TO THE CONSERVATION COMMISSION. (DISCUSSION/VOTE)

**8. OLD BUSINESS:**

- A. DOWNTOWN PARKING TASK FORCE/BETSY ANDRUS.– UPDATE/PRESENTATION.

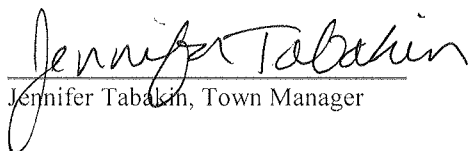
**9. CITIZEN SPEAK TIME:**

**10. SELECTMEN'S TIME:**

**11. MEDIA TIME:**

**12. ADJOURNMENT:**

**NEXT SELECTMEN'S REGULAR MEETING: MONDAY, FEBRUARY 10, 2014 AT 7:00 P.M.**

  
Jennifer Tabakin, Town Manager

**THIS MEETING MAY BE RECORDED BY MEMBERS OF THE MEDIA.  
THE LISTING OF AGENDA ITEMS ARE THOSE REASONABLY ANTICIPATED BY THE  
CHAIR WHICH MAY BE DISCUSSED AT THE MEETING. NOT ALL ITEMS LISTED MAY IN  
FACT BE DISCUSSED AND OTHER ITEMS NOT LISTED MAY ALSO BE BROUGHT UP FOR  
DISCUSSION TO THE EXTENT PERMITTED BY LAW.**

## MEETINGS IN FEBRUARY

(Scheduled as of 1/23/14)

Tuesday, January 28<sup>th</sup> at 10:00 AM Board of Assessors- Town Hall

Wednesday, January 29<sup>th</sup> at 1:30 PM Council on Aging- Claire Teague Senior Center

Wednesday, January 29<sup>th</sup> at 7 PM Conservation Commission- Town Hall

Thursday, January 30<sup>th</sup> at 5 PM Cultural Council- Mason Library

Thursday, January 30<sup>th</sup> at 6 PM Community Preservation Committee- GB Fire Station

Wednesday, February 5<sup>th</sup> at 5:15 PM Tree Committee- Mason Library

Thursday, February 6<sup>th</sup> at 6 PM Community Preservation Committee- GB Fire Station

Thursday, February 6<sup>th</sup> at 7:30 PM Board of Health- Town Hall

Monday, February 10<sup>th</sup> at 5 PM Parks Commission- Mason Library

Monday, February 10<sup>th</sup> at 7 PM Board of Selectmen Regular Meeting- Town Hall

Wednesday, February 12<sup>th</sup> at 6 PM Board of Selectmen & Finance Committee FY' 15 Budget Meeting- GB Fire Station

Wednesday, February 12<sup>th</sup> at 6 PM Energy Committee- Town Hall

Thursday, February 13<sup>th</sup> at 5:30 PM Library Board of Trustees- Mason Library

Thursday, February 13<sup>th</sup> at 7 PM Planning Board- Town Hall

Thursday, February 20<sup>th</sup> at 2:15 PM Great Barrington Housing Authority- Bernard Gibbons Drive

Thursday, February 20<sup>th</sup> at 5:30 PM Finance Committee- Town Hall

Thursday, February 20<sup>th</sup> at 6 PM Community Preservation Committee- GB Fire Station

Thursday, February 20<sup>th</sup> at 6:30 PM Historic District Commission- Town Hall

Monday, February 24<sup>th</sup> at 7 PM Board of Selectmen Regular Meeting- Town Hall

Tuesday, February 25<sup>th</sup> at 6 PM Board of Selectmen & Finance Committee FY'15 Budget Meeting- GB Fire Station

Wednesday, February 26<sup>th</sup> at 1:30 PM Council on Aging- Claire Teague Senior Center

Wednesday, February 26<sup>th</sup> at 6 PM Board of Selectmen & Finance Committee FY'15 Budget Meeting- GB Fire Station

Wednesday, February 26<sup>th</sup> at 7 PM Conservation Commission- Town Hall

Thursday, February 27<sup>th</sup> at 7 PM Planning Board- Town Hall

**Town of Great Barrington  
Notice of Public Hearing**

The Board of Selectmen will hold a public hearing on Monday January 27, 2014 at 7:00PM at Town Hall, 334 Main Street, Great Barrington MA to seek public input on the possible filing of regional Community Development Block Grant (CDBG) application in partnership with the Town of Sheffield, for the possible purposes of: 1) establishing a housing rehabilitation program to serve low to moderate income owner-occupants and 2) stormwater infrastructure engineering in Housatonic. Residents of both Great Barrington and Sheffield are invited to attend; anyone not able to attend and give comment may forward their comments to Chris Rembold, Town Planner, 334 Main Street, Great Barrington, MA 01230 or email [crembold@townofgb.org](mailto:crembold@townofgb.org). If the meeting is cancelled due to inclement weather, the hearing will be held on Tuesday, January 28, 2014 at 7:00PM at Town Hall.

Sean Stanton, Chairman

**Publish Friday, January 10, 2014**  
Berkshire Record



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP  
Town Planner

Ph: (413) 528-1619, ext. 7  
[crembold@townofgb.org](mailto:crembold@townofgb.org)

**EXECUTIVE SUMMARY**

**TITLE:** Community Development Block Grant (CDBG) Public Hearing

**BACKGROUND:** Pursuant to the Community Development Strategy and Master Plan, the Town is seeking CDBG funds from the Massachusetts Department of Housing and Community Development (DHCD) in order to establish a Housing Rehabilitation Program. This public hearing is intended to ensure that the community has an opportunity to learn about the intended application and provide input if they desire.

As mentioned previously to the Board, Great Barrington is working with Berkshire Regional Planning Commission (BRPC) and the Town of Sheffield. Such a joint application for a regional issue will increase our competitiveness for this grant program. If successful, the two towns will share the Housing Rehabilitation Program, with Great Barrington taking the lead. Both towns will also use CDBG funds to for infrastructure design: Great Barrington for engineering design for stormwater improvements on Front Street in Housatonic near the mills, and Sheffield for accessibility improvements to town buildings.

More information is provided on the attached sheets.


Finally, per the grant agency rules, the Chairman of the Selectboard is, by default, the Environmental Certifying Officer and Relocation Officer. Staff recommends that the Selectmen designate the Town Manager with these responsibilities.

**FISCAL IMPACT:** No direct costs. There will be administrative time required to manage the grant if we are successful. Many of the administrative costs and overall management will be provided by BRPC and paid for with the grant funds. If successful, the engineering funds will fund the Front Street item in the draft CIP budget.

**RECOMMENDATIONS:**

- (1) Vote to support the Community Development Block Grant application in cooperation with the Town of Sheffield.
- (2) Vote to designate the Town Manager as the Environmental Certifying Officer and the Relocation Officer.

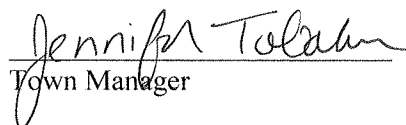
PREPARED BY:

  
Town Planner

DATE:

1/23/14

APPROVED BY:

  
Town Manager

DATE:

1/23/14

FY 2014 Community Development Block Grant  
Towns of Great Barrington (lead) and Sheffield

PUBLIC HEARING

Monday, January 27, 2014 at 7:00 PM  
Great Barrington Town Hall, 334 Main Street, Great Barrington, MA

*Town of Great Barrington - Notice of Public Hearing for FY 2014 CDBG Grant Application*

The Board of Selectmen will hold a public hearing on Monday, January 27, 2014 at 7:00PM at Town Hall, 334 Main Street, Great Barrington, MA to seek public input on the possible filing of regional Community Development Block Grant (CDBG) application in partnership with the Town of Sheffield, for the possible purposes of: 1) establishing a housing rehabilitation program to serve low to moderate income owner-occupants and 2) stormwater infrastructure engineering in Housatonic. Residents of both Great Barrington and Sheffield are invited to attend; anyone not able to attend and give comment may forward their comments to Chris Rembold, Town Planner, 334 Main Street, Great Barrington, MA 01230 or email [crembold@townofgb.org](mailto:crembold@townofgb.org). If the meeting is cancelled due to inclement weather, the hearing will be held on Tuesday, January 28, 2014 at 7:00PM at Town Hall.

- Federal funds: US Department of Housing and Urban Development
- Program is administered by MA Department of Housing and Community Development (state agency)
- Maximum Grant Amount: \$1,000,000
- Joint Application with Sheffield
- Applicants are required to have an approved Community Development Strategy
- Application due: February 14, 2014
- Projects must satisfy as least one National Objective:
  - o Benefit low to moderate income residents
  - o Aid in prevention or elimination of slum and blight
  - o Meet an urgent need

## Housing Rehabilitation Program Information

Eligibility:

- Applicant income eligibility is based on the HUD Section 8 Income Limits which are updated yearly; direct verification of income for all household members; proof of ownership; verification that property tax payments are current, and verification of homeowner's insurance.

HUD Section 8 FY 2014 Income Limits

# Family Members	Annual Gross Income
1	\$44,750
2	\$51,150
3	\$57,550
4	\$63,900
5	\$69,050
6	\$74,150
7	\$79,250
8	\$84,350



#### Program Design:

- The applicant's structure must be brought into code compliance through elimination of building, plumbing, electrical and sanitary violations.
- Loans are awarded to projects determined to be the neediest. A Criteria Ranking System is used that factors in household income, code violations, and other demographic indicators such as the number of elderly or handicapped persons living at a property. Applications are completely confidential.
- Inspections of properties are made by a qualified Housing Rehabilitation Specialist. The Rehabilitation Specialist inspects the premises for code compliance and substandard conditions.
- A detailed work list is then sent to each homeowner who will solicit bids from contractors who have been pre-qualified to work for the program. However, owners may choose to solicit bids from contractors who are not on the contractor list, as long as the contractors are licensed and insured. Homeowners are typically given four weeks to submit bids. Each bid is reviewed for completeness and cost reasonableness.
- Notices to proceed are sent to each contractor after the loan closing with information on progress payments and permit requirements. The Housing Rehabilitation Specialist acts as the liaison between owners and contractors.
- When a contractor submits an invoice for work performed, the Housing Rehabilitation Specialist inspects the work for quality and conformance with the contract specifications. Payments are made directly to the contractors. Final payments are made only when all applicable municipal inspectors have also signed off on the project.

#### Program Administration:

- If the application from the Towns of Great Barrington and Sheffield is successful in receiving Massachusetts Community Development Block Grant (CDBG) funds from the Department of Housing and Community Development, the Towns would contract with the Berkshire Regional Planning Commission (BRPC) to administer the Housing Rehabilitation program on behalf of the Towns.

## **Design Information**

#### Proposed Design Projects:

- 1) Bid ready plans and engineering / design specifications for a storm water infrastructure project on Front Street in the Village of Housatonic in Great Barrington.
- 2) Design plans for the front and back doors of Sheffield's Town Hall for ADA compliance.

SEAN A. STANTON  
CHAIRMAN

DEBORAH PHILLIPS  
STEPHEN C. BANNON  
ANDREW D. BLECHMAN  
DANIEL BAILLY



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

BOARD OF SELECTMEN

**DESIGNATION OF ENVIRONMENTAL CERTIFYING OFFICER**

In my capacity as Chairman of the Board of Selectmen for the Town of Great Barrington, Massachusetts, I hereby designate Jennifer Tabakin, Great Barrington Town Manager, as the Environmental Certifying Officer for the FY2014 Massachusetts Community Development Block Grant Program.

Signed:

\_\_\_\_\_  
Chairman, Great Barrington Board of Selectmen

\_\_\_\_\_  
Date

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

*pd*  
FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 01/17/14

NOTICE:

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

TO THE LICENSING AUTHORITY:

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

OWNER(S) NAME: Nick & Birdie Joseph

NAME OF BUSINESS: The Bistro Box

D/B/A (if applicable): The Bistro Box

BUSINESS MAILING ADDRESS: P.O. Box 463 Sheffield, MA 01257

BUSINESS TELEPHONE: <sup>(413)</sup> 717-0602 HOME TELEPHONE: same

LOCATION WHERE LICENSE IS TO BE USED: (in front of Bogies)

937 So. Main Street. Great Barrington, MA

DAYS OF OPERATION: Tues-Sunday closed Monday? (spring)

HOURS OF OPERATION: 10am-6pm

DESCRIPTION OF PREMISES: Seasonal roadside eatery (hot dog shack) <sup>Previously</sup>

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



Signature of Individual or Corporate Name

By: \_\_\_\_\_  
Corporate Officer (if applicable)

SS# \_\_\_\_\_ or FID# 

FEE: \$25.00

(pd)

DATE:

1/16/14



TOWN OF GREAT BARRINGTON

APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

APPLICANT'S NAME: Betsy Andrews

ORGANIZATION NAME: Southern Berkshire Chamber

APPLICANT'S ADDRESS: 40 Railroad Str. PO Box 810

Type of license being Applied for:

**ONE DAY BEER & WINE**

**ONE DAY ALL ALCOHOLIC**

EVENT: Business Info fair

DATE: March 5 START TIME: 4:30 END TIME: 7:30

LOCATION: Berkshire South Community Center

EVENT ON TOWN PROPERTY? Yes  No

IF YES, PLEASE ATTACH CERTIFICATE OF LIQUOR LIABILITY INSURANCE.

In accordance with the rules and regulations made under authority of said Statutes.

[Signature]

Signature of Applicant

PO Box 810, Gt Barr.

Mailing Address

413-528-4284

Telephone Number

RECEIVED  
TOWN MANAGER

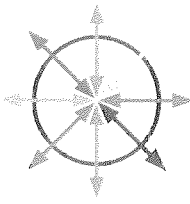
JAN 16 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Decision:  
Approved

Denied

Postponed



# BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER

RECEIVED  
TOWN MANAGER

JAN 21 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

January 17, 2014

Board of Selectmen  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

Dear Selectmen,

I am writing today to request permission for Berkshire South Regional Community Center to utilize the Housatonic Community Center, and sections of the roads listed below, for our 2<sup>nd</sup> Annual 5K Run/Walk on April 6, 2014. This event is rain or shine.

Our goal is to have the building be the central point for the race, both for registration in the morning and also utilize it as the start and finishing point for the race. We respectfully request inside use of the building for registration and access to the restrooms. Set-up would begin at 7:00 a.m., registration beginning at 8:00 a.m., and the race is set to begin at 9:00 a.m. Our plan is to complete the entire event and remove all items by 11:30 a.m.

*TM's approval*

The running route will be the same as last year's 5k. We plan at starting at the Housatonic Community Center, turn left onto Pleasant Street, a right onto Front Street and then down on VanDeusenville Rd 1.6 miles, returning on the same route. Included is a map of our intended route. Last year's 5K had roughly 75 in attendance and we hope to have at least 100 participants this year. We will have plenty of volunteers on hand.

*BOS approval*

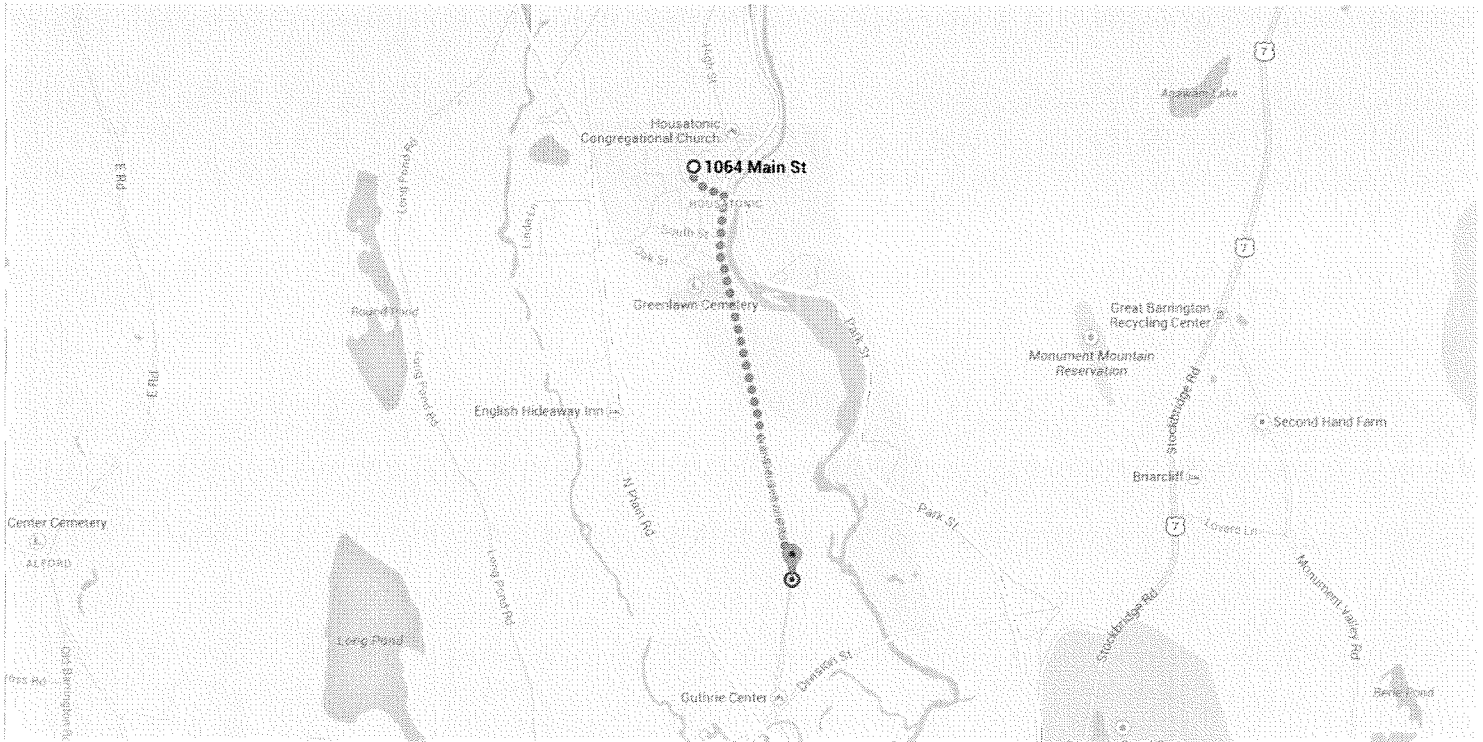
We thank you for taking time to consider our proposal. It is my understanding that this will go under review and we will be called to attend the next scheduled Selectmen's Meeting. Please let us know if there is anything additional you might be looking for.

Sincerely,

*Jenise Lucey*  
Jenise Lucey  
Executive Director  
Berkshire South Regional Community Center

*All ok with DRT.  
CR 1/22/14*

Directions from 1064 Main St to 42.2348618, -73.3615848



## ○ 1064 Main St

Housatonic, MA 01236

Use caution - may involve errors or sections not suited for walking

- ↑ 1. Head south on Main St toward Pleasant St  
161 ft
- ↶ 2. Turn left onto Pleasant St  
0.1 mi
- ↷ 3. Turn right onto Front St  
0.3 mi
- ↑ 4. Continue onto Van Deusenville Rd  
1.1 mi

## ⊙ 42.2348618, -73.3615848

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2014 Google

JAN 23 2014

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

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 1/23/14

NOTICE:

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

TO THE LICENSING AUTHORITY:

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

OWNER(S) NAME: SAVO GUTIC

NAME OF BUSINESS: PLAV, LLC

D/B/A (if applicable): MARIO'S TUSCANY GRILL & BAR

BUSINESS MAILING ADDRESS: 47 RAILROAD ST GREAT BARRINGTON 01230

BUSINESS TELEPHONE (413) 719-4102 HOME TELEPHONE: (860) 605-0833 CELL

LOCATION WHERE LICENSE IS TO BE USED: →

DAYS OF OPERATION: 47 RAILROAD ST GREAT BARRINGTON MA 01230

HOURS OF OPERATION: Mon Tue Sun 11<sup>AM</sup> - 12<sup>PM</sup>

DESCRIPTION OF PREMISES: RESTAURANT + PATIO OF 25 PEOPLE

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.

SAVO GUTIC  
Signature of Individual or Corporate Name

By: PLAV LLC MEMBER  
Corporate Officer (if applicable)

SS# [REDACTED] or FID# \_\_\_\_\_



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

PLANNING BOARD

January 10, 2014

Sean Stanton, Chairman  
Great Barrington Board of Selectmen  
Town Hall, 334 Main Street  
Great Barrington, MA 01230

Re: Proposed Zoning Amendments for May 5, 2014 Town Meeting

Dear Mr. Stanton:

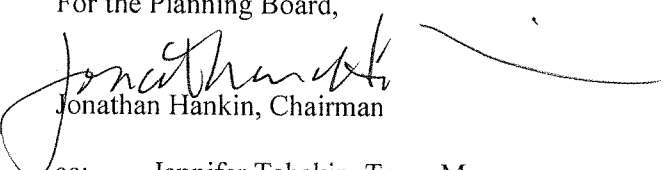
The Planning Board has drafted several zoning amendments for this coming Annual Town Meeting. The draft amendments are attached to this letter.

The required procedure for zoning amendments, per MGL Ch. 40, s.5, is that upon receipt, the Selectmen refer these proposals, and other zoning amendment proposals it might receive, back to the Planning Board for a public hearing. At the hearing, the Planning Board will consider input on each draft amendment and vote whether or not to recommend the amendment to Town Meeting.

We ask the Selectmen to consider making the referral at its upcoming January 27 meeting, so that the Planning Board may hold its public hearing on March 13.

Thank you.

For the Planning Board,

  
Jonathan Hankin, Chairman

cc: Jennifer Tabakin, Town Manager  
Marie Ryan, Town Clerk  
Chris Rembold, Town Planner  
Edwin May, Building Inspector

Attachment



## Proposed Planning Board Zoning Amendments for May 2014 Town Meeting

Draft January 10, 2014

Proposed amendments:

1. Deviation from parking and landscaping regulations
2. Hotel and Motel room limits
3. Two-family residential use
4. Accessory dwelling units
5. Stream and lake protection zone
6. Medical marijuana

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### Deviation from Parking and Landscaping Regulations

*Purpose of the amendments: To streamline the existing process for requesting deviations from parking and loading regulations, in order to avoid the potential need for two separate special permit applications and different Granting Authorities.*

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

To see if the Town will vote to amend Sections 6.1.9, 6.2.8, and 6.3.6 as follows:

**6.1.9 Special Permit.** The Planning Board, may, by special permit pursuant to Section 10.4, authorize a deviation from any parking or loading requirement set forth in this Section 6.1. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.

**6.2.8 Special Permit.** The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.2. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.

**6.3.6 Special Permit.** The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.3. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.

### Hotel and Motel Room Limits

*Purpose of the amendment: Hotels and motels require a special permit, but there is a limit to the number of rooms. This amendment would keep the special permit requirement, but would amend the room limit provision to give the Special Permit Granting Authority the ability to waive room limits in the case of redevelopment or reuse of historic structures. Since a room limit could make a redevelopment or reuse projects infeasible, this amendment would remedy that issue and could encourage the redevelopment or reuse of existing historic structures, a goal of the Master Plan.*

Proposed additions are underlined.  
Proposed deletions are ~~struck through~~.

To see if the Town will vote to amend Section 7.10.2 by adding item 3, as follows:

## 7.10 HOTELS AND MOTELS

**7.10.1 General.** Hotels and motels may be allowed by special permit in those districts shown in Section 3.1.4, Table of Use Regulations.

### 7.10.2 Room Limits.

1. No hotel or motel shall contain more than 45 rental rooms.
2. The limit in District B2A shall be 30 rental rooms.
3. The Special Permit Granting Authority may authorize a deviation from the room limits above when hotels and motels are proposed as a component of a project that redevelops or reuses historic structures. Said structures are those listed on the State or National Register of Historic Places, a designated property in a Local Historic District, or determined in writing by the Great Barrington Historical Commission as historically, culturally, or architecturally significant to the town.

## Two-Family Residential Use

*Purpose of the amendment: To allow two-family dwelling units by right, as recommended by the Master Plan. This amendment also makes small changes to other requirements of the section, including the parking requirement.*

Proposed additions are underlined.  
Proposed deletions are ~~struck through~~.

To see if the Town will vote to amend Section 8.1 and 3.1.4 as follows:

## 8.1 TWO-FAMILY RESIDENTIAL USE OF A SINGLE LOT

**8.1.1 ~~Special Permit Required~~ General.** ~~The special permit granting authority (SPGA) may grant a special permit in accordance with Section 10.4 for two-family residential use of a single lot in any zoning district specified for such use in the Table of Use Regulations. The two-family use of a single lot is~~ permitted as set forth in Section 3.1.4, Table of Use Regulations. For the purposes of this section, any two dwelling units on a single lot, whether in the same building or in separate buildings, shall be considered two-family residential use, except where Section 4.2.1 or Section 8.2 applies. In the event of two dwelling units in separate buildings, all applicable requirements of this Bylaw shall apply. ~~Nothing in this section shall be construed as to allow two dwelling units on a single lot, in separate buildings, when that lot is not at least twice the minimum lot area specified in Section 4.0. Before granting such a special permit, the SPGA shall conduct a site inspection of the property to ascertain its conformance with this Bylaw.~~

**8.1.2 Submittals.** ~~Every application for a special permit for such two-family residential use shall be accompanied by site plans and floor plans acceptable to the SPGA and meeting all applicable requirements of this Bylaw.~~

**8.1.32 Site Plan Approval Required.** Two-family residential use of a single lot shall require site plan approval from the Planning Board. Every application for a site plan approval shall be accompanied by site plans, floor plans and elevations meeting all applicable requirements of this Bylaw.

**8.1.43 Conditions-Requirements.** ~~Every special permit issued in accordance with the provisions of this section shall contain the following conditions~~All two-family residential uses shall comply with the following requirements:

1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.

2. There shall be separate toilet, bath and kitchen facilities for each ~~family~~dwelling unit.

3. Fire escapes and outside stairways leading to a second or higher story ~~shall, where practicable, shall; not be located on any building wall facing a street;~~ be located on the rear of the building; ~~shall not be located on any building wall facing a street;~~ and shall comply with Section 4.2.3, Permitted Projections into Yards.

4. Two off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. Deviation from this requirement may be permitted in accordance with Section 6.1.9. When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed. The SPGA may waive this requirement, provided it finds that a lesser number of parking spaces per dwelling unit may be appropriate.

5. ~~Drainage controls as deemed necessary by the SPGA shall be specifically described~~ designed and detailed on drawings. and drainage improvements may be required as an added ~~a~~ condition of the special permit and/or site plan review approval.

6. New construction of any two-family residential ~~structure or structures~~ shall conform to all dimensional requirements of Section 4.0. A new separate second dwelling unit in a new separate structure building may be constructed to provide for a second dwelling shall only be allowed when the lot is at least twice the minimum lot area specified in Section 4.0. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement.

7. Any other conditions specified by the SPGA or Planning Board.

**8.1.54 Notice.** ~~The SPGA-Planning Board shall notify the Inspector of Buildings of its site plan review approval and any conditions prior to~~ of the issuance of a building permit in accordance with the provisions of Subsections 8.1.1 through 8.1.4.

And, to revise Section 3.1.4, A (2) as follows:

Permitted Use	ZONING DISTRICT <sup>1,4</sup>												ADDITIONAL APPLICABLE REGULATIONS
	R1A	R1B	R2	R3	R4	B	B1	B2	B2A	B3	I	I2	
<b>A. Residential uses</b>													
(2) Dwelling, Two-family	<u>SB</u> <u>Y<sup>2</sup></u>	<u>SB</u> <u>Y<sup>2</sup></u>	<u>SB</u> <u>Y<sup>2</sup></u>	<u>SB</u> <u>Y<sup>2</sup></u>	<u>SB</u> <u>Y<sup>2</sup></u>	Y <sup>2</sup>	<del>N</del> <u>Y<sup>2</sup></u>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	<u>SB</u> <u>Y<sup>2</sup></u>	<u>SB</u> <u>Y<sup>2</sup></u>	See also 8.1, 8.7.

<sup>2</sup> Dimensional and lot size requirements and other conditions as set forth in 8.1.1 and 8.1.4 shall apply even where the use is permitted by right.

**Accessory Dwelling Units**

*Purpose of the amendment: To allow accessory dwelling units by right, and as an accessory to two-family uses. Currently ADU's are permitted by right only in R2 and R4, and only when they are accessory to a single family dwelling unit. This amendment will allow for more housing opportunities in accordance with the Master Plan.*

Proposed additions are underlined.  
Proposed deletions are ~~struck through~~.

To see if the Town will vote to amend Section 8.2 and Section 11.0 as follows:

**8.2 ACCESSORY DWELLING UNIT (ADU)**

**8.2.1 General.** An accessory dwelling unit (ADU) is permitted by right in the R2 and R4 zones. ~~An accessory dwelling unit may be allowed by special permit in R1A, R1B, R3, B1, B2, B2A, B3, I, and I2 Zones in any district. The special permit granting authority shall be the Planning Board except where an accessory dwelling unit is proposed in a legally pre-existing nonconforming building structure, in which case the ADU shall require a special permit issued by the Zoning Board of Appeals in accordance with Sections 5.30, 8.2, and 10.4 is required.~~

**8.2.2 Site Plan Approval.** ~~Whether permitted by right or by special permit, a~~Any new accessory dwelling unit shall be subject to site plan review and approval based upon the criteria set forth herein and in Section 10.5. The Planning Board will conduct the site plan review in accordance with Section 10.5 and all criteria specified in Section 8.2. An approved site plan for accessory dwelling units is required prior to the issuance of the building permit by the Building Inspector. A butters within 300 feet of the applicant's property must be notified in writing by certified mail by the applicant that the ADU is being proposed and that the Planning Board will be conducting a site plan review ~~on at~~ a given place, time and date. Said notice shall be mailed not later than ten days prior to the site plan review meeting. The Applicant shall provide proof of mailing to the Planning Board. The Board of Health shall give its approval prior to the issuance of a building permit.

**8.2.3 Requirements.**

1. Only one accessory dwelling unit may be established per ~~primary single family home, whether within the primary single family home or on the same lot as the primary single family home lot.~~
2. ~~The existence of the accessory dwelling unit must be recorded by the applicant with the Registry of Deeds. Recording of the special permit decision will serve that purpose. If the ADU is allowed by site plan review, then the Planning Board will provide a certificate that must be recorded.~~

~~32.~~ The ADU may not be in separate ownership from that of any other dwelling unit on the lot, the single family home in which it is located. The owner, or a member of the owner's family, must occupy one of the units in the residence.

~~43.~~ The accessory dwelling unit may not in any case be larger than 650 gross square feet. If a dwelling unit greater than 650 gross square feet is created within a single-family home, the residence will be considered a two-family dwelling and will be subject to the requirements of ~~require a special permit in accordance with Section 8.1 of this Bylaw.~~

~~54.~~ The structure in which the accessory unit is to be located must meet the zoning requirements for residences, excepting that in cases where when the it structure is a legally pre-existing nonconforming structure and the Zoning Board of Appeals use is authorized ~~the use by special permit the Zoning Board of Appeals, the Board of Appeals may waive this requirement.~~

~~65.~~ One parking space shall be provided in addition to that required by the present building. All required parking spaces, including the parking space for the accessory dwelling unit, must be provided no closer to the street than the building setback line, unless other specified provisions are made and agreed to by the permit granting authority. The Planning Board, or SPGA, in accord with a finding by the Planning Board, may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement. ~~may waive the parking requirements, however, if findings are made that there are adequate provisions for permanent off street parking off site, and these parking provisions are made part of the conditions of approval by special permit or site plan review.~~

~~76.~~ An accessory dwelling unit may be created within a new or a previously existing single-family or two-family structure. An accessory dwelling unit may be created within a new or previously existing accessory structure in the R2 and R4 zones, but in other zones only in accessory structures that were lawfully existing or lawfully begun prior to May 2, 2011.

~~87.~~ A home occupation may be allowed within ~~the primary~~ any single family dwelling unit and/or the accessory structure. Any such home occupation shall meet the provisions of Section 3.3.

~~98.~~ Where practicable, any new entrance necessitated by the accessory dwelling unit must be located on the rear or side of the building.

~~109.~~ Fire escapes and outside stairways leading to a second or higher story shall be located on the rear or side of the building, and, where practicable, shall not be located on any building wall facing a street and shall comply with Section 4.2.3.

## 11.0 DEFINITIONS

**ACCESSORY DWELLING UNIT:** a subordinate dwelling unit ~~within a primary single family home or on the same lot as a primary single family~~ or two-family residential use ~~home,~~ with provisions for independent cooking, living, sanitation and sleeping.

### **Definition of the Stream and Lake Protection Zone (see also 9.2.8)**

*Purpose of the amendment: Clarify which water bodies are subject to the 300-foot or 500-foot regulations. The existing definition is unclear and appears to assign both distances to anything upstream*

of the drinking water supply gallery. This has caused confusion for the Building Inspector, Planning Board, and applicants.

Proposed additions are underlined.  
Proposed deletions are ~~struck through~~.

To see of the Town will vote to Amend Section 11.0 Definitions as follows:

**STREAM AND LAKE PROTECTION ZONE:** (1) The land area within a five-hundred-foot lateral distance will apply to the Green River and its upstream tributaries of the water supply gallery only, and three hundred foot lateral distance of the upper boundary of the bank of: of the upper boundary of the bank of the Alford Brook, Long Pond Brook, and Seekonk Brook, when directly tributary to the Green River, and the Green River itself upstream of the water supply gallery. (2) The land area within a three-hundred-foot lateral distance of the upper boundary of the bank of:

- ~~Alford Brook~~
- East Mountain Reservoir
- Fountain Pond
- Green River downstream of the water supply gallery
- Housatonic River [see \* Note]
- Hubbard Brook
- Konkapot Brook
- Lake Mansfield
- Long Pond Brook where not directly tributary to the Green River
- Muddy Brook
- Roaring Brook
- Root Pond
- Round (Mercer's) Pond
- ~~Seekonk Brook~~
- Stony Brook
- Thomas and Palmer Brook
- Williams River

and the land area within a two-hundred-foot lateral distance of the upper boundary of the bank of all tributaries to these bodies of water or tributaries to any Class A surface water source.

\* Note: In the urban centers, meaning those properties served by public water and sewer, the Stream and Lake Protection Zone shall not apply to the Housatonic River.

### Medical Marijuana

*Purpose of the amendment: To Provide for the placement of registered medical marijuana dispensaries in accordance with the Humanitarian Medical Use of Marijuana Act in suitable locations in the town. This is a new use for the zoning regulations, with corresponding additions to the Table of Use Regulations and Definitions.*

Proposed additions are underlined.  
Proposed deletions are ~~struck through~~.

To see of the Town will vote to amend the Zoning Bylaw by amending Section 11.0 Definitions, amending Section 3.1.4, Table of Use Regulations, and new Section 7.18, as follows:

**Section 11.0 Definitions:** Add two new definitions as follows:

**MEDICAL MARIJUANA TREATMENT CENTER (MMTC):** See Registered Marijuana Dispensary.

**REGISTERED MARIJUANA DISPENSARY (RMD):** A use operated by a not-for-profit entity registered, approved, and regulated by the Massachusetts Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

Add new C (21) to Section 3.1.4 Table of Use Regulations, as follows, after existing C (20) Professional offices, and to renumber subsequent rows accordingly:

Permitted Use	ZONING DISTRICT <sup>1,4</sup>												ADDITIONAL APPLICABLE REGULATIONS	
	R1A	R1B	R2	R3	R4	B	B1	B2	B2A	B3	I	I2		
C. Office, retail, and consumer service establishments														
(21) Registered Marijuana Dispensary	N	N	N	N	N	N	N	Y	N	Y	Y	Y	See also 7.18	

Add new 7.18 as follows:

**7.18 REGISTERED MARIJUANA DISPENSARY**

**7.18.1 Purposes.** To provide for the placement of Registered Marijuana Dispensaries (RMDs) in recognition of and accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94c, and the implementing regulations 105 CMR 725, in suitable locations in Great Barrington, in order to minimize potential adverse impacts of RMDs.

**7.18.2 Definitions.** Terms are defined in Section 11.

**7.18.3 Site Plan Review Required.** All proposed uses under this Section, including those that qualify for the agricultural use exemption under G.L. Ch. 40A, s.3, shall be subject to Planning Board Site Plan Review as set forth in 10.5.

**7.18.4 Locational Requirements.** RMDs may be located in accordance with Section 3.1.4, Table of Use Regulations, except as follows:

1. No RMD may be located closer than 200 feet of any school, daycare center, or other similar facility where minors may commonly congregate.
2. The distance is to be measured in a straight line from the nearest point of the property line of the proposed RMD and the nearest point of the property line of the protected uses stated above.

3. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds specific circumstances or barriers adequately separate the RMD and a protected use. The burden shall be on the applicant to satisfy the Planning Board that these barriers are adequate to serve the purpose of this Section.

**7.18.5 Physical Requirements.** In addition to pertinent requirements of 105 CMR 725, RMDs shall comply with the following:

1. All aspects of a RMD relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
2. No outside storage of marijuana, related supplies, or educational materials is permitted.

**7.18.6 Use Regulations.** In addition to pertinent requirements of 105 CMR 725, RMDs shall comply with the following:

1. Uses under this Section may only be involved in the uses and activities permitted by its definition as limited by state law, and may not include other businesses or services in the same building.
2. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises, except as permitted by 105 CMR 725.000.
3. The hours of operations for sales, delivery and dispensing purposes, and that the facility is open to qualified patients, shall be between the hours of 8:00 AM and 8:00 PM, Monday through Saturday.
4. The agricultural component of an RMD operation may be allowed in any zone on lots of five acres or more, or two acres or more if the sale of products produced from the agricultural use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars, pursuant to the agricultural use exemption under G.L. Ch. 40A, s.3. The dispensing of medical marijuana, however, is permitted only in locations in accordance with the Table of Use Regulations.
5. Additional regulations may be imposed as Site Plan Review or Special Permit conditions.

**7.18.7 Submittal Requirements.** Above and beyond the standard application for Site Plan Review, an application for a use under this section shall include the following:

1. Copies of all required RMD registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
2. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed, valid lease, or purchase and sale agreement, and a signed statement from the property owner;
3. In addition to what is normally required in a site plan pursuant to Section 10.5, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

**7.18.8 Discontinuance of Use**

1. Any RMD permitted under this section shall be required to remove all material, plants equipment and other paraphernalia in compliance with 105 CMR 725 prior to expiration of its DPH Registration or immediately following revocation or voiding of its DPH Registration.



**EXECUTIVE SUMMARY**

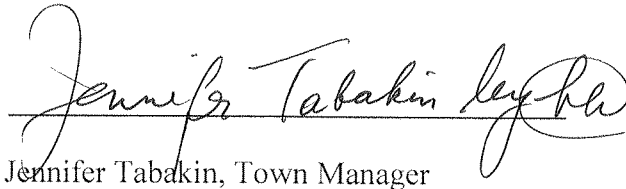
**TITLE:** Appointment of a member to the Conservation Commission.

**BACKGROUND:** The Town has been recruiting for a member to serve on the Conservation Commission. The term is for 3 years. Jeff Cohen has applied for the position. MGL Ch. 40 Sec. 8D states that towns having town manager form of government, the appointment shall be made by the Town Manager, subject to the approval of the selectmen. As Town Manager, I appoint Jeff Cohen for a three (3) year term to the Conservation Commission and request your approval.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION:** The Board of Selectmen concurs with the Town Manager's appointment of Jeff Cohen on the Conservation Commission for a term to expire June 30, 2017.

**PREPARED AND REVIEWED BY:**

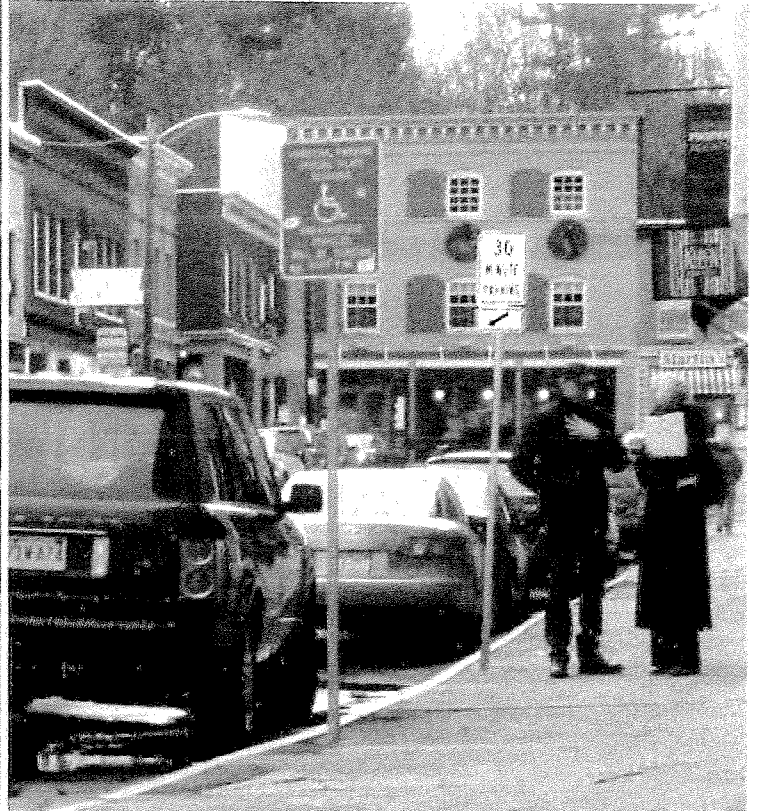
  
Jennifer Tabakin, Town Manager

**DATE:** 1/29/14

Jeffrey (Jeff) Cohen is a real estate developer who has focused on commercial and residential development, urban mixed-use projects and public/private partnerships to develop properties in transitional neighborhoods, previously in Washington, D.C., St. Paul, MN, and Maine, currently at the Eagle Mill in Lee, MA. A specialty has been the restoration of historic properties and he has served on the Board of Maine Preservation. He is a member of the District of Columbia Bar Association. He founded and developed the National Rehabilitation Hospital in Washington, D.C. Currently, he serves on the Board of The Correctional Association of New York, a 168 year old organization, legislatively chartered by the State of New York to oversee its prison system. He is former Chairman of City National Bancorporation, City National Bank, and Commerce Bancorporation. He was a member of the Executive Committee and Loan Committee of National Bank of Commerce and member of the Board of Directors, Loan Committee, and Executive Committee of the District of Columbia National Bank. He was formerly appointed by the mayor of Washington, D.C. to position of Commissioner for the District of Columbia General Hospital Commission. He was a member of the Board of Directors and former President of Service Corporation for Community Federal Savings, as well as a former member of the Board of Directors and former Chairman of the Ethics Committee for the Washington Board of REALTORS. He was President of the Jewish National Fund of Washington, D.C., and was a member of the Young President's Organization, the Metropolitan Washington Chapter. He is a Life Member of the Board of Governors of the Adas Israel Congregation. He retired as a Sergeant of the Metropolitan Police Reserve Corps, District of Columbia. Jeff is also a member of the WPO (World President's Organization) and a member of the Board of Trustees of J-ADD. He received his J.D. from Columbus School of Law/ Catholic University of America and B.S. in Economics from Wharton School of Commerce and Finance/University of Pennsylvania.



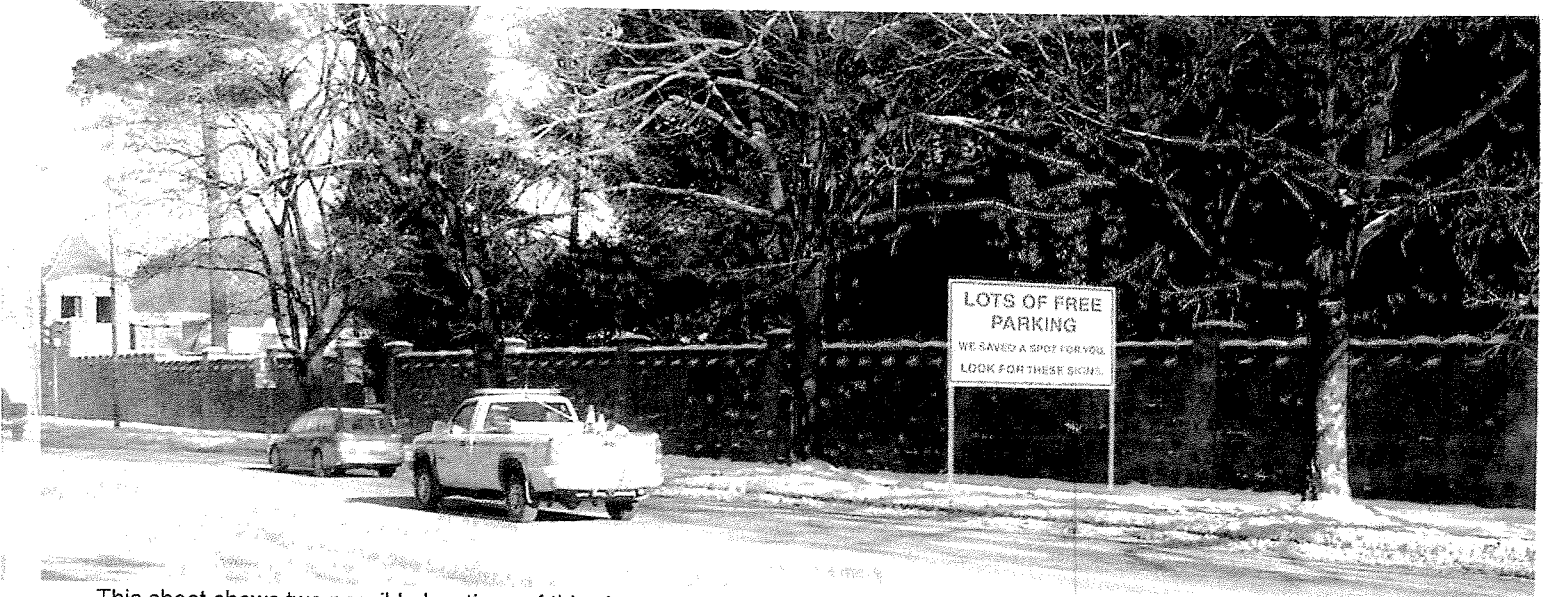




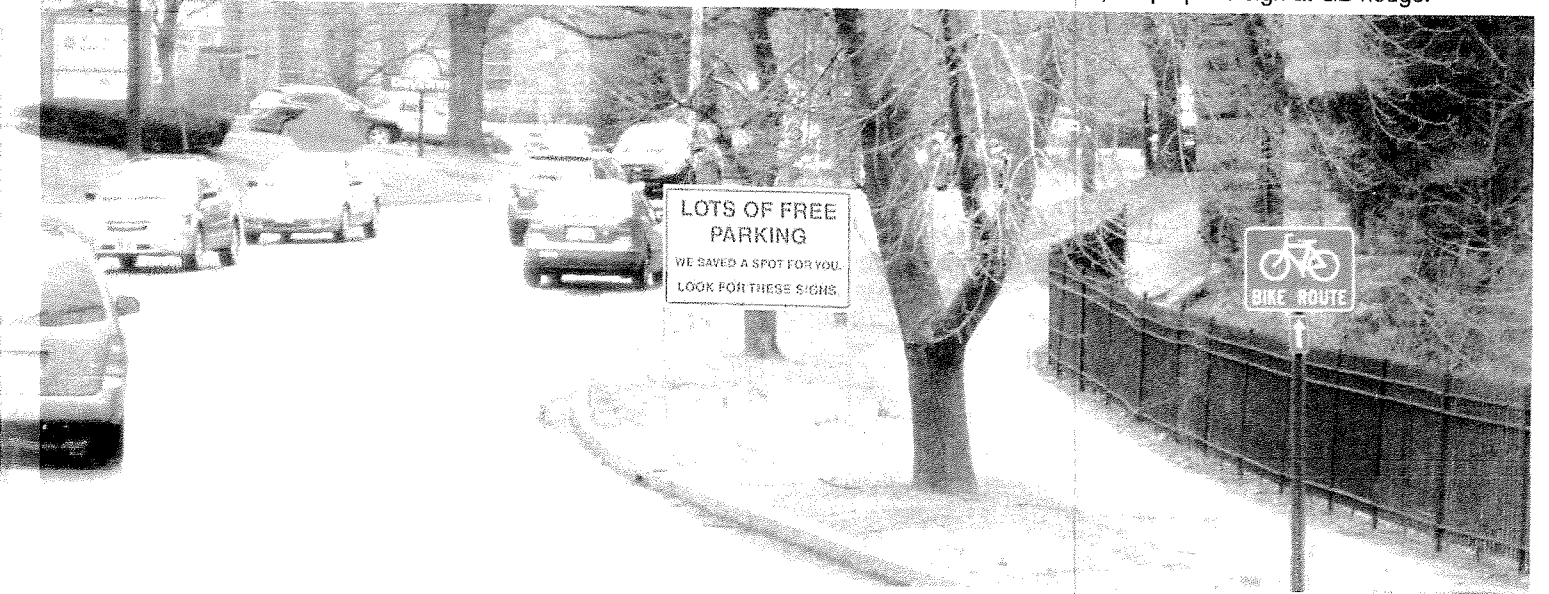
Two decals to place on current  
2 hours signs:

4 HR PARKING  
8 AM - 5 PM

30 minute spaces remain



This sheet shows two possible locations of this sign on south end of town. For north end of town, we propose sign at GB hedge.





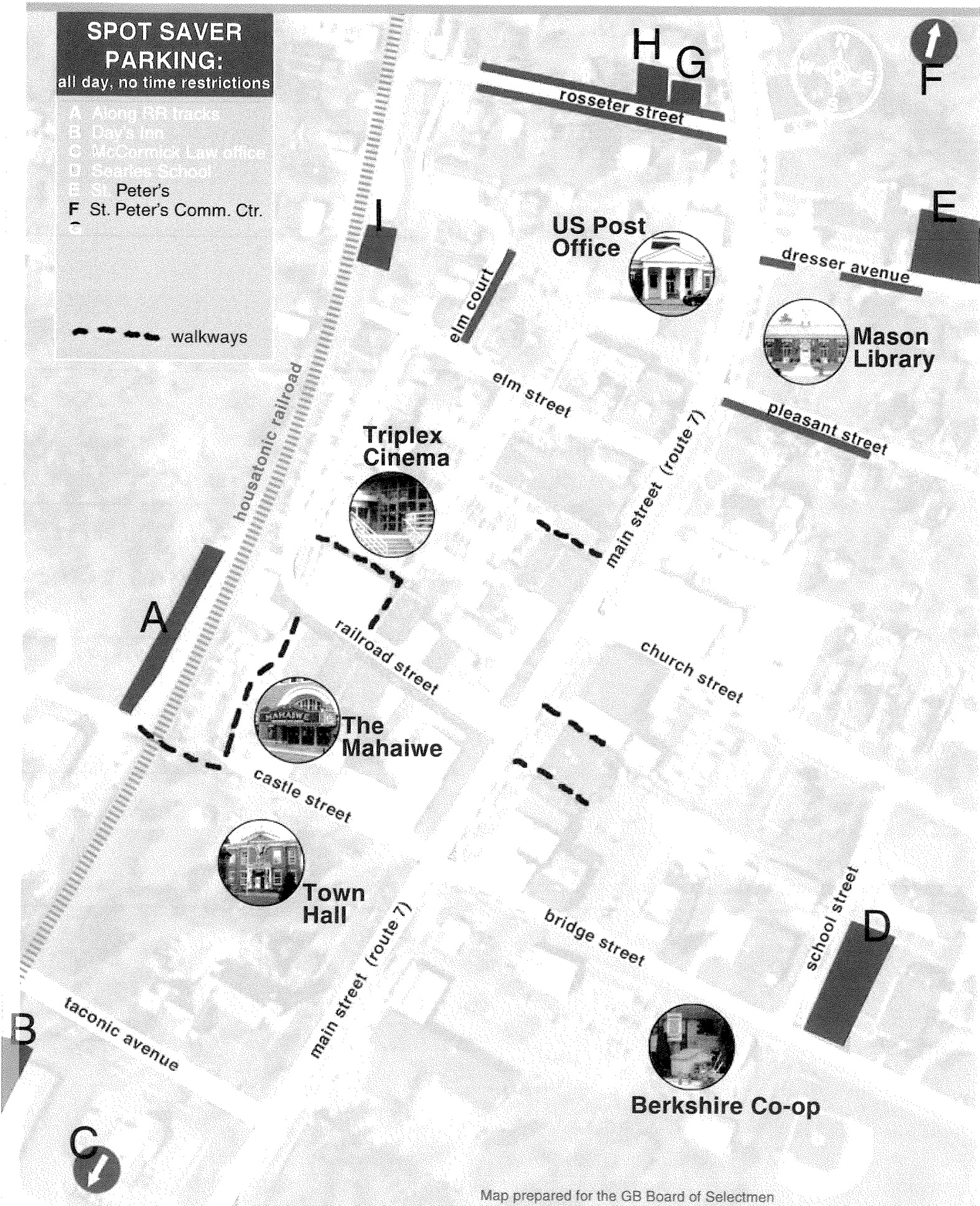
# Employee and Tenant Parking Guide

## SPOT SAVER PARKING:

all day, no time restrictions

- A Along RR tracks
- B Day's Inn
- C McCormick Law office
- D Searles School
- E St. Peter's
- F St. Peter's Comm. Ctr.
- G

 walkways



# Downtown Great Barrington Parking Guide

4 HR PARKING  
8 AM-5 PM MON-FRI

AFTER HOURS  
PUBLIC PARKING  
AS POSTED

--- walkways

