

Jennifer Tabakin
Town Manager

E-mail: jtabakin@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

SELECTMEN'S MEETING

MONDAY, FEBRUARY 24, 2014

6:30 P.M. - EXECUTIVE SESSION

7:00 P.M. - REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

FEB 20 PM2:50

6:30 PM - OPEN MEETING

1. CALL TO ORDER.

2. GO INTO EXECUTIVE SESSION-TOWN MANAGER'S CONFERENCE ROOM
- Roll Call Vote
 - Request to extend Contingency Date & Closing Date for Sale of Castle Street Fire Station (M.G.L. c.30A, sec.21 (a)(6).

7:00 PM - RETURN TO PUBLIC SESSION - BOARD ROOM

1. CALL TO ORDER:

2. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:
- A. GENERAL COMMENTS BY THE BOARD.

B. DISCUSSION OF UPCOMING MEETING CALENDAR.

3. TOWN MANAGER'S REPORT:

A. FOLLOW UP ITEMS

B. DEPARTMENT UPDATES:

- INTRODUCTION OF NEW LIBRARY DIRECTOR

4. PUBLIC HEARINGS:

- A. MILLERTON SUPER OF GREAT BARRINGTON, INC. D/B/A TROTTO'S, REBECCA D. BLEAU, MANAGER FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICERS, DIRECTORS, STOCKHOLDERS AND LLC MANAGERS TO CHELCON LLC, D/B/A TROTTO'S FINE WINE & SPIRITS, REBECCA D. BLEAU, MANAGER ON ALL

ALCOHOLIC PACKAGE STORE LIQUOR LICENSE AT 490 MAIN STREET.
(DISCUSSION/VOTE)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

B. KALLISTE HILL LOT OWNER'S TRUST TO LAYOUT A PORTION OF KALLISTE HILL ROAD AND OMEGA ROAD AS PUBLIC WAYS PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 82 SECTON 21. (DISCUSSION/VOTE)
(DISCUSSION/VOTE)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

5. LICENSES OR PERMITS:

A. FAIR GROUND COMMUNITY REDEVELOPMENT PROJECT/GBFG FOR TEMPORARY WEEKDAY OUTDOOR ENTERTAINMENT LICENSES FOR FRIDAY, JULY 18, 2014 FROM 7:00 PM- 9:00 PM AND SATURDAY, JULY 19, 2014 FROM 3:00 PM – 9:00 PM AT THE FAIRGROUNDS (BETWEEN THE COW SHED & ROUTE 7), 659 MAIN STREET.
(DISCUSSION/VOTE)

6. NEW BUSINESS:

7. OLD BUSINESS:

A. BOB O'HAVER – UPDATE ON MASS BROADBAND.

B. UPDATE ON RAILROAD STREET YOUTH PROJECT PROGRAMS AND POLICIES.

C. BOS - OVERVIEW OF TOWN MANAGER'S EVALUATION. (DISCUSSION/VOTE)

8. CITIZEN SPEAK TIME:

9. SELECTMEN'S TIME:

10. MEDIA TIME:

11. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, MARCH 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 MARCH
(Scheduled as of 2/19/14)

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

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

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

Wednesday, February 26th at 6 PM Energy Committee- Town Hall

Wednesday, February 26th at 7 PM Conservation Commission- Town Hall

Thursday, February 27th at 7 PM Planning Board- Town Hall

Monday, March 3rd at 6 PM Board of Selectmen & Finance Committee FY'15 Budget Meeting-GB Fire Station

Tuesday, March 4th at 5:30 PM Republican Town Committee- Town Hall

Wednesday, March 5th at 5:15 PM Tree Committee- Mason Library

Thursday, March 6th at 6 PM Community Preservation Committee- GB Fire Station

Thursday, March 6th at 7:30 PM Board of Health- Town Hall

Friday, March 7th **Possible** Board of Selectmen & Finance Committee FY'15 Budget Meeting- Fire Station

Monday, March 10th at 5 PM Parks Commission- Mason Library

Monday, March 10th at 7 PM Board of Selectmen Regular Meeting- Town Hall

Wednesday, March 12th at 6 PM Energy Committee- GB Fire Station

Wednesday, March 12th at 7 PM Finance Committee FY'15 Budget Public Hearing (w/ Board of Selectmen)- Town Hall

Thursday, March 13th at 5:30 PM Library Board of Trustees- Mason Library

Thursday, March 13th at 7 PM Planning Board- Town Hall

Thursday, March 20th at 2:15 PM GB Housing Authority- Bernard Gibbons Drive

Thursday, March 20th at 6 PM Community Preservation Committee- GB Fire Station

Thursday, March 20th at 6:30 PM Historic District Commission- Town Hall

Monday, March 24th at 7 PM Board of Selectmen Regular Meeting- Town Hall

Tuesday, March 25th at 7:30 PM ZBA- Town Hall

Wednesday, March 26th at 1:30 PM Council on Aging- Claire Teague Senior Center

Wednesday, March 26th at 7 PM Conservation Commission- Town Hall

Thursday, March 27th 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, February 24, 2014 at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA 01230 to act on a Transfer of Ownership, Transfer of Stock, new officers, directors, stockholders and LLC managers from Millerton Super of Great Barrington, Inc. d/b/a Trotta's, Rebecca D. Bleau, Manager to Chelcon LLC, d/b/a Trotta's Fine Wine & Spirits, Rebecca D. Bleau, Manager on All Alcoholic Package Store Liquor License at 490 Main Street, Great Barrington, MA 01230.

Sean Stanton
Chairman

PLEASE PUBLISH February 7, 2014 and February 14, 2014.

EXECUTIVE SUMMARY

TITLE: Public Hearing
Kalliste Hill Lot Owners Trust Petition to Lay Out a Portion of Kalliste Hill Road and Omega Road as Public Ways

BACKGROUND: The Kalliste Hill Lot Owners Trust has filed a petition requesting that the May 5, 2014 Annual Town Meeting accept a portion of Kalliste Hill Road and Omega Road as public roads. The petition is only for that portion of Kalliste Hill Road that the Trust owns, and for the entirety of Omega Road.

This public hearing is a prerequisite to Town Meeting action. In order for Town Meeting to act on the petition, the Board of Selectmen must hold a public hearing and vote to "lay out" the roads, in effect, setting the metes and bounds.

The DPW is requiring the Trust repave the road prior to Town Meeting acceptance.

The Planning Board has reviewed the petition, in accordance with the requirements of the MGL c.41, §§81G and 81I), and has forwarded a positive recommendation to the Board of Selectmen. The roads were previously approved and completed per a Definitive Subdivision Plan.

Town Counsel recommends that all improvements be made prior to Town Meeting acceptance; a performance bond or other guarantee would not be advisable. Counsel also recommends the Town Meeting accept only a permanent easement over the roads, not the fee title of the roads.

FISCAL IMPACT: Not applicable at this time. Acceptance by Town Meeting will require the Town to maintain the roads year round. The Town already performs winter maintenance of the roads.

RECOMMENDATION: The Board of Selectmen vote to lay out the roads as set forth in the petition.

PREPARED AND REVIEWED BY:

Jennifer Tabakin
Jennifer Tabakin, Town Manager

DATE: 2/20/14

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, February 24, 2014 at 7:00 pm at the Town Hall, 334 Main Street to act on a petition from the Kalliste Hill Lot Owner's Trust to layout a portion of Kalliste Hill Road and Omega Road as public ways pursuant to Massachusetts General Laws ch. 82, Section 21. A copy of the petition is on file at the Town Clerk's Office, Town Hall, 334 Main Street.

Sean Stanton
Chairman

Please publish February 14, 2014

CERTIFICATE OF SERVICE

I, Richard M. Dohoney, Esq., hereby certify to the Town of Great Barrington, that on February 7, 2014, I mailed a copy of the Petition of the Kalliste Hill Acres Lot Owners' Trust for the Acceptance of Kalliste Hill Road and Omega Road as Public Ways, as well as a copy of the Legal Notice to Owner's of Property Abutting Kalliste Hill Road and Omega Road, Town of Great Barrington, to each of the abutters on the list attached hereto, by first class postage pre-paid mail.



Richard M. Dohoney, Esq.

Dated: February 20, 2014



TOWN OF GREAT BARRINGTON MASSACHUSETTS

January 30, 2014

ASSESSORS' OFFICE

Direct abutters for Kalliste Hill & Omega Road

Kalliste Hill

<u>MAP</u>	<u>LOT</u>	<u>SUB</u>	<u>ABUTTER</u>
32	51	65	Marian Sue Naparstek, 370 East 76 th St. #A-708, New York, NY 10021-2570
32	51	67	William H. Booth & Martha Erwin-Booth, 7 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	51	68,70,70A	Sidney Fenig, Trustee, Sidney & Doris E. Fenig Joint Qualified Personal Residence Trust, 26910 Grand Central Pkwy., #33N, Floral Park, NY 11005-1033
32	51	69	Gregg Wellenkamp, 9 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	51	70	N. Stephen & Vivien R. Ruchman 135 Midgely Dr., Hewlett, NY 11557-2411
32	51	71	Keith & Arlene Beth Seidman, Trustees, Seidman Realty Trust, 9 Violet Circle, Sharon, MA 02067-1509
32	51	72	Emily R. Terry & Steven W. Sabella, 7 West 96 th St. #4C, New York, NY 10025-6514
32	51	73	Richard E. & Sara Koffman, 13 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	51	74	Gary L. Stoller & Kathryn H. Castelle, 124 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	51	75	Bernard & Susan Herskowitz, Trustees, Hersk View Nominee Realty Trust, 15 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	51	77	Richard Genova & Pamela Friedman, 330 East 75 th St. #37B, New York, NY 10021-3088
32	51	78	Stanley & Judith S. Marcus, 13404 SW103rd Court, Miami, FL 33176-6002
32	51	79A,	Eric Brett Aber, Trustee, Cohen 2012 Family Trust,
32	59	26	300 East 71 st St. #14M, New York, NY 10021-5425
32	51	80	Marlene & Martin Zuckerman, Trustees, Marlene Zuckerman Revocable Living Trust Agreement, 6000 Island Blvd. #508, Aventura, FL 33160-3763
32	51	81A	Alan S. & Benes S. Glackman, 22 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	2	Jared M. Emery, Trustee, Jared M. Emery 2007 Revocable Trust and Juliet Bergan Emery, Trustee, Juliet Bergan Emery 2007 Revocable Trust, 224 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	4	Richard A. & Hilary C. Drucker, 28 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	5	Frank G. & Rosemary Curcio, 247 Roosevelt Ave, Franklin Square, NY 11010-2704
32	59	6	Peter & Kristin R. Drucker, 32 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	7	John & Laura C. Katz, Trustees, Trust Indenture, 34 Kalliste Hill, GB, MA 01230-1182
32	59	23A	Suzanne C. Lacombe, 35 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	25	Joan Fitzpatrick Voorhees, PO Box 43, Gt. Barrington, MA 01230-0043
32	59	24	Barry F. & Janice M. Schwartz, 56 Meadow Woods Rd., Lake Success, NY 11020-1326
32	59	14	Chrisoula D. Mahida, 40 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	15	Ira & Carolyn Bronson, 7 Corvair Place, Wayne, NJ 07470-3503
32	59	16	Scott L. & Karyn M. Goffin, 17 Taconic Ave., Gt. Barrington, MA 01230-1709
32	59	17	Irene C. Goldman-Pierce & A. Alan Price, 46 Kalliste Hill, Gt. Barrington, MA 01230-1182
32	59	18	Marian Bolotin, Second Restatement to the Marian Boloton Revocable Trust, 6838 Fiji Circle, Boynton Beach, FL 33437-7022
32	59	19	Kevin M. Kinne & Cathleen Lahart Kinne, 52 Kalliste Hill, Gt. Barrington, MA 01230-1182

Direct Abutters on Kalliste Hill & Omega Road

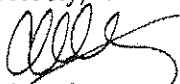
<u>MAP</u>	<u>LOT</u>	<u>SUB</u>	<u>ABUTTER</u>
32	59	21	Samuel & Trudy Friedman, 6 Channel Dr., Great Neck, NY 11024-1212
32	59	20	Jack I & Linda H. Ketay, 3400 NE 170 th St., North Miami Beach, FL 33160-3015
32	59	22	Stephanie Jean Lee Gertz, 71 Bates Way, Hanover, MA 02339-1590
32	59	1	Christina Wellenkamp, Trustee, Wellenkamp Family Nominee Trust, PO Box 413, Gt. Barrington, MA 01230-0413
32	51.76,59.23,59.13		Well-Kamp Enterprises Inc., PO Box 413, Gt. Barrington, MA 01230-0413
32	51C		John H. & Christina Wellenkamp, Trustees, Kalliste Hill Acres Owners Trust, PO Box 413, Gt. Barrington, MA 01230-0413

Omega Road

32	59	12	Jeffrey J. & Elise Title, 3 Omega Road, Gt. Barrington, MA 01230-2129
32	59	8	William Dart Dunbar Jr., 4 Omega Rd., Gt. Barrington, MA 01230-2161
32	59.9,59.10,59.11		Well-Kamp Enterprises Inc., PO Box 413, Gt. Barrington, MA 01230-0413

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

Sincerely,



Christopher Lanjarre
Principal Assessor

The Commonwealth of Massachusetts

DATE and TIME this paper received
by Registrar
2/3/14
10:05 AM

PETITION

Pursuant to General Laws, Chapter 39, section 10:

TOWN GREAT BARRINGTON

SUBJECT OR SUBJECTS REQUESTED FOR ACTION AT THE MEETING:
(To be filled in by petitioners. If space is insufficient, attach additional page of description to each petition form before signatures are gathered.)

Petition to the Town of Great Barrington is hereby made to accept a portion of the way known as Kalliste Hill Road and the way known as Omega Road as described on the attached legal descriptions and more particularly described in a plan entitled Definitive Subdivision Plan of Land surveyed for John H. & Christina Wellencamp and recorded in the Southern Berkshire Registry of Deeds in Plat File J-104, pursuant Massachusetts General Laws ch. 82, §23.

The undersigned also hereby requests that the Board of Selectmen layout Kalliste Hill Road and Omega Road and place the question on the Warrant for Town Meeting.

Pursuant to a deed recorded in the Southern Berkshire Registry of Deeds in Book 1146 at Page 167, the Kalliste Hill Acres Lot Owners' Trust is the owner of Kalliste Hill Road and Omega Road. The address of the Trust is:

Kalliste Hill Acres Lot Owners' Trust
c/o John H. Wellencamp
21 Kalliste Hill Rd
Great Barrington, MA 01230
(413) 644-9710

Filed herewith and incorporated by reference are: Abutter's list certified by the Board of Assessors; Legal Description of a portion of Kalliste Hill Road; Legal Description of Omega Road; Definitive Subdivision Plan of Land surveyed for John H. & Christina Wellencamp recorded in the Southern Berkshire Registry of Deeds in Plat File J-104; and Proposed Easement.

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town and your signature should be written substantially as registered. Do NOT sign more than one petition for the same subject.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of this year, you need complete only columns I and II.

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of GREAT BARRINGTON and in accordance with the provisions of law, request a special town meeting for the purposes above.

CHECK	I SIGNATURES to be made in person with name substantially as registered.	II NOW LIVING AT (Street & number, if any)	PREC	III RESIDENCE ON JANUARY 1, if different (Street & number, if any)(City or town)
1	<i>[Signature]</i>	32 Kalliste Hill		
2	<i>[Signature]</i>	15 Highlands Dr		
3	<i>[Signature]</i>	58 Hollenbeck Ave		
4	<i>[Signature]</i>	32 Kalliste Hill		
5	<i>[Signature]</i>	40 Kalliste Hill		
6	<i>[Signature]</i>	247 Stockbridge Road		
7	<i>[Signature]</i>	247 Stockbridge Rd		
8	<i>[Signature]</i>	28 Kalliste Hill		
9	<i>[Signature]</i>	425 Old Montezuma		
10		Ped St Franklin		
11	<i>[Signature]</i>	15 Pleasant St		
12	<i>[Signature]</i>	158 Christina Hill Rd		

ATTENTION REGISTRARS: Before certifying signatures, see instructions to Registrars on reverse side of this paper.

[Signature] 10 Hemlock Hill Rd
[Signature] 10 Hemlock Hill Rd
[Signature] 28 Kalliste Hill

OVER

ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

TOWN GREAT BARRINGTON

CHECK	I SIGNATURES to be made in person with name substantially as registered.	II NOW LIVING AT (Street & number, if any)	PREC.	III RESIDENCE ON JANUARY 1, 19 2012 If different (Street & number, if any)(City or town)
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				

REGISTRAR INFORMATION

Registrars of Voters check thus against the name of each qualified voter to be certified.

For names not certified, use the code opposite:

N - no such registered voter at that address.
 S - unable to identify signature or address as that of voter because of form of signature or address, or illegible.
 T - signed too many petitions.

CERTIFICATION OF SIGNATURES

We certify that the 14 above signatures checked
(Number of names certified)

thus are names of qualified voters of this town.

Town Great Barrington

Marye & Ryan Cole
Linda & Corey
Ellen Smith
 Registrars of Voters

Kalliste Hill Road Description

Beginning at an Iron Pipe to be Set in the northeasterly corner of Kalliste Hill Road described herein. Said pipe is on the southerly sideline of Abbey Hill Road and is an arc distance of 132.44 feet on a radius of 360.00 feet from an easterly Iron Pipe Found marking the northwest corner of the Land of Soule as indicated on a Plan entitled "Well-Kamp Enterprises, Inc., Definitive Subdivision Plan of Land Surveyed for John H. & Christina Wellenkamp in Great Barrington, Massachusetts, August – 1991, Scale 1"=100', Kelly - Granger-Parsons and Associates, Inc., Great Barrington, Mass." filed in Plat File J and Plan Number 104 in the Berkshire Southern District Registry of Deeds;

Running thence southwesterly on a curve to the left having a Radius of 24.57 feet along the easterly line of Kalliste Hill Road running an arc Length of 59.28 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence S 5°-32'-01" E along the easterly line of Kalliste Hill Road a distance of 363.31 feet to an Iron Pipe to Be Set in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the right having a Radius of 525.00 feet along the easterly line of Kalliste Hill Road running an arc Length of 220.91 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence S 18°-34'-31" W along the easterly line of Kalliste Hill Road a distance of 638.15 feet to an Iron Pipe to Be Set in the easterly line of Kalliste Hill Road;

Running thence southwesterly on a curve to the right having a Radius of 287.60 feet along the easterly line of Kalliste Hill Road running an arc Length of 273.19 feet to an Iron Pipe to be Set in the southerly line of Kalliste Hill Road;

Running thence S 73°-00'-00" W along the southerly line of Kalliste Hill Road a distance of 549.86 feet to an Iron Pipe to Be Set in the southerly line of Kalliste Hill Road;

Running thence northwesterly on a curve to the right having a Radius of 159.09 feet along the southerly line of Kalliste Hill Road running an arc Length of 297.10 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence N 00°-00'-00" E along the westerly line of Kalliste Hill Road a distance of 595.71 feet to an Iron Pipe to Be Set in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the right having a Radius of 1235.00 feet along the westerly line of Kalliste Hill Road running an arc Length of 215.39 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the right having a Radius of 400.69 feet along the westerly line of Kalliste Hill Road running an arc Length of 173.75 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the left having a Radius of 177.00 feet along the westerly line of Kalliste Hill Road running an arc Length of 121.11 feet to an Iron Pipe to be Set on the in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the right having a Radius of 789.01 feet along the westerly line of Kalliste Hill Road running an arc Length of 130.75 feet to an Iron Pipe Found in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the left having a Radius of 463.70 feet along the westerly line of Kalliste Hill Road running an arc Length of 69.75 feet to a Point in the westerly line of Kalliste Hill Road;

Running thence N 86°-30'-41" E across Kalliste Hill Road a distance of 50.00 feet to a point in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the right having a Radius of 513.70 feet along the easterly line of Kalliste Hill Road running an arc Length of 77.27 feet to an Iron Pipe Found in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the left having a Radius of 739.01 feet along the easterly line of Kalliste Hill Road running an arc Length of 31.17 feet to an Iron Pipe Set in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the left having a Radius of 739.01 feet along the easterly line of Kalliste Hill Road running an arc Length of 91.29 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the right having a Radius of 227.00 feet along the easterly line of Kalliste Hill Road running an arc Length of 155.32 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the left having a Radius of 350.69 feet along the easterly line of Kalliste Hill Road running an arc Length of 152.07 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence southerly on a curve to the left having a Radius of 1185.00 feet along the easterly line of Kalliste Hill Road running an arc Length of 206.66 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence S 00°-00'-00" W along the easterly line of Kalliste Hill Road a distance of 595.72 feet to an Iron Pipe to be Set in the easterly line of Kalliste Hill Road;

Running thence southeasterly on a curve to the left having a Radius of 109.09 feet along the easterly and then northerly line of Kalliste Hill Road running an arc Length of 203.73 feet to an Iron Pipe to be Set in the northerly line of Kalliste Hill Road;

Running thence N 73°-00'-00" E along the northerly line of Kalliste Hill Road a distance of 549.86 feet to an Iron Pipe to be Set in the northerly line of Kalliste Hill Road;

Running thence northerly on a curve to the left having a Radius of 237.60 feet along the westerly line of Kalliste Hill Road running an arc Length of 225.69 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence N 18°-34'-31" E along the westerly line of Kalliste Hill Road a distance of 638.15 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the left having a Radius of 475.00 feet along the westerly line of Kalliste Hill Road running an arc Length of 199.87 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence N 05°-32'-01" W along the westerly line of Kalliste Hill Road a distance of 363.31 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the right having a Radius of 135.51 feet along the westerly line of Kalliste Hill Road running an arc Length of 71.84 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence N 24°-50'-39" E along the westerly line of Kalliste Hill Road a distance of 23.50 feet to an Iron Pipe to be Set in the westerly line of Kalliste Hill Road;

Running thence northerly on a curve to the left having a Radius of 25.00 feet along the westerly line of Kalliste Hill Road running an arc Length of 23.58 feet to an Iron Pipe to be Set on the southerly line of Abbey Hill Road;

Running thence southeasterly on a curve to the left having a Radius of 360.00 feet along the southerly line of Abbey Hill Road running an arc Length of 113.50 feet to the point of beginning.

Omega Road Description

Beginning at an Iron Pipe to be Set in the northeasterly corner of Omega Hill Road described herein. Said pipe is on the southerly sideline of Kalliste Hill Road and is an arc distance of 113.73 feet on a radius of 159.09 feet from an easterly Iron Pipe to be Set marking the northwest corner of Lot Number 13 as indicated on a Plan entitled "Well-Kamp Enterprises, Inc., Definitive Subdivision Plan of Land Surveyed for John H. & Christina Wellenkamp in Great Barrington, Massachusetts, August – 1991, Scale 1"=100', Kelly - Granger-Parsons and Associates, Inc., Great Barrington, Mass." filed in Plat File J and Plan Number 104 in the Berkshire Southern District Registry of Deeds;

Running thence southwesterly on a curve to the left having a Radius of 25.00 feet along the easterly line of Omega Road running an arc Length of 30.96 feet to an Iron Pipe to be Set in the easterly line of Omega Road;

Running thence southwesterly on a curve to the right having a Radius of 292.94 feet along the easterly line of Omega Road running an arc Length of 102.24 feet to an Iron Pipe to be Set in the easterly line of Omega Road;

Running thence S 63°-00'-00" W along the easterly line of Omega Road a distance of 69.00 feet to an Iron Pipe to Be Set in the easterly line of Omega Road;

Running thence southwesterly on a curve to the left having a Radius of 75.00 feet along the easterly line of Omega Road running an arc Length of 109.96 feet to an Iron Pipe to be Set in the easterly line of Omega Road;

Running thence S 21°-00'-00" E along the easterly line of Omega Road a distance of 150.00 feet to an Iron Pipe to Be Set in the easterly line of Omega Road ;

Running thence southerly on a curve to the left having a Radius of 25.00 feet along the easterly line of Omega Road running an arc Length of 27.16 feet to an Iron Pipe to be Set in the easterly line of Omega Road;

Running thence southerly then northerly around the cul-de-sac curve to the right having a Radius of 70.00 feet along Omega Road running an arc Length of 362.01 feet to an Iron Pipe to be Set in the westerly line of Omega Road;

Running thence northerly on a curve to the left having a Radius of 25.00 feet along the westerly line of Omega Road running an arc Length of 23.58 feet to an Iron Pipe to be Set in the westerly line of Omega Road;

Running thence N 21°-00'-00" W along the westerly line of Omega Road a distance of 157.17 feet to an Iron Pipe to Be Set in the westerly line of Omega Road;

Running thence northerly on a curve to the right having a Radius of 125.00 feet along the westerly line of Omega Road running an arc Length of 183.26 feet to an Iron Pipe to be Set in the westerly line of Omega Road;

Running thence N 63°-00'-00" E along the westerly line of Omega Road a distance of 69.00 feet to an Iron Pipe to Be Set in the westerly line of Omega Road;

Running thence northerly on a curve to the left having a Radius of 242.94 feet along the westerly line of Omega Road running an arc Length of 78.46 feet to an Iron Pipe to be Set in the westerly line of Omega Road;

Running thence northerly on a curve to the left having a Radius of 25.00 feet along the westerly line of Omega Road running an arc Length of 34.44 feet to an Iron Pipe to be Set in the southerly line of Kalliste Hill Road;

Running thence southerly on a curve to the left having a Radius of 159.09 feet along the southerly line of Kalliste Hill Road running an arc Length of 87.72 feet to the point of beginning.

GRANT OF EASEMENT

I, JOHN H. WELLENKAMP, Trustee, and not individually, and CHRISTINA WELLENKAMP, Trustee, and not individually, both of whose residence is ____ Kalliste Hill Road, Great Barrington, Massachusetts and whose postal address is Post Office Box 413, Great Barrington, Massachusetts 01230, as the Initial Trustees of the KALLISTE HILL ACRES LOT OWNERS' TRUST, under Declaration of Trust dated September 30, 1997 and recorded at Southern Berkshire District Registry of Deeds in Book 1051, Page 179, and as amended by a First Amendment dated August 10, 1999 and recorded with said Registry in Book 1146, Page 142, and as further amended by a Second Amendment dated June 22, 2005 and recorded with said Registry in Book 1623, Page 254, for no consideration as this is a transfer and not a sale, grants to THE INHABITANTS OF THE TOWN OF GREAT BARRINGTON, having municipal offices at 334 Main Street, Great Barrington, Berkshire County, Massachusetts 01230, the following described easement:

An indivisible easement of way for public purposes, including but not limited to vehicular and pedestrian traffic, travel, maintenance and repair over a strip of land marked "Kalliste Hill Road" and "Omega Road" on Plan of Land entitled "Well-Kamp Enterprises, Inc. Definitive Subdivision Plan of Land Surveyed for John H. & Christina Wellenkamp in Great Barrington, Massachusetts August - 1991 Scale 1" - 100' Kelly, Granger, Parsons and Associates, Inc. Great Barrington, Mass." Said Plan was recorded with the Southern Berkshire District Registry of Deeds on September 11, 1997 in Plat J, Map #104.

WITNESS our hands and seals this ____ day of _____, 2014.

In the presence of:

KALLISTE HILL ACRES LOT
OWNERS' TRUST

Witness

JOHN H. WELLENKAMP, Trustee

Witness

CHRISTINA WELLENKAMP, Trustee

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared John H. Wellenkamp and Christina Wellenkamp, Trustees of the Kalliste Hill Acres Lot Owners' Trust and not individually, who proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

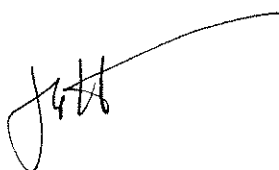


TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

MEMORANDUM

DATE: February 19, 2014

FROM: Jonathan Hankin, Chairman 

TO: Board of Selectmen

COPY: Jennifer Tabakin, Town Manager
Christopher Rembold, Town Planner

RE: Kalliste Hill Road and Omega Road

At its February 19, 2014 meeting the Planning Board reviewed the petition of the Kalliste Hill Lot Owners Trust regarding the acceptance a portion of Kalliste Hill and Omega Roads.

The Board noted that these roads were approved as a Definitive Subdivision Plan, were completed in accordance with that plan, and all covenants on the road and lots were released by the Board. The Board also noted that the DPW is requiring the Trust make certain improvements to the road prior to the town accepting the ways.

After discussion, the Board voted unanimously to recommend the Board of Selectmen "lay out" the roads and that the petition be considered by Town Meeting once all required improvements are completed and certified by DPW.

Joseph W. Sokul
DPW Superintendent

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-0867
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

January 2, 2014

Kalliste Hill Acres Lot Owners Trust
c/o Richard M. Dohoney
DeRosa Dohoney LLP
Beacon Office Complex
55 North Street, Suite 304
Pittsfield, MA 01201

RE: Kalliste Hill Road / Omega Road
Department of Public Works – Updated Inspection Notes and Requirements

Dear Mr. Dohoney:

The Department of Public Works has received your request to update the October 2013 inspection report and requirements for the above referenced project. The DPW inspected the asphalt thickness on the project and finds it adequate to support a one inch overlay of MassDOT approved Hot Mixed Asphalt. This requirement supersedes the previous requirement of one and one-half inches listed in the October 2013 inspection report.

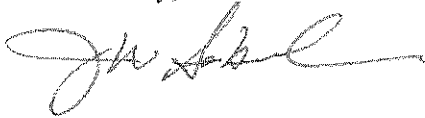
Under general notes in the inspection report the Department recognizes that this portion of the subdivision is approaching thirteen (13) years old and not twenty (20) years as previously indicated. The Scope of the October 2013 inspection report was for all unaccepted roadways in the subdivision. However, it is understood that you will be looking to have only that portion of the roadway under the jurisdiction of the Kalliste Hill Acres Lot Owners Trust accepted as public roadways.

January 2, 2014

Page 2

Once all work is completed please notify this office. This office will issue a confirmation that all work has been satisfactory completed. Please feel free to contact this office with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'JW Sokul', written in black ink.

Joseph W. Sokul
DPW Superintendent

/jws

Cc: Jennifer Tabakin, Town Manager
Chris Rembold, Town Planner
Peter Soules, Highway/Facilities Superintendent
Tim Drumm, Wastewater Superintendent



TOWN OF GREAT BARRINGTON MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

Inspection Report Kalliste Hill Road & Omega Road October 2013

Note: House numbers were used to reference structures that need work

General Notes:

- The inspection was performed by the Department of Public Works with a final review on October 3, 2013. The roadway, storm drainage, and sanitary sewer systems were inspected. The subdivision is approaching 20 years old and the infrastructure is showing its age. Following are the reports on the item and systems.

Sanitary Sewer System

- All sanitary sewer structures are in satisfactory condition.
- The easement/right-of-way for the sanitary sewer needs to be cleared.
- The legal documents for the sanitary sewer easement need to be recorded.
- The maintenance of the sanitary sewer will be the Town's responsibility when/if the road is accepted as Public Way

Drainage System Kalliste Hill Road & Omega Road

- Pump out sand and debris from all catch basins and drain manholes on both Kalliste Hill Road and Omega Road.
- Two catch basins across from House # 37 need the frames and grates rebuilt.
- Catch basin across from House # 46 needs frame and grate rebuilt
- Raise buried structure to grade in front of house # 24

Roadway Conditions - Kalliste Hill Road & Omega Road

- Additional asphalt curbing needs to be installed on the older section of Kalliste Hill road for approximately 1,000 feet.
- Approximately 300 feet of asphalt curb needs to be replaced on Omega Drive

- Town code requires all driveway aprons to be paved with Hot Mixed Asphalt
- The pavement is in fair to poor condition. It had been crack sealed previously and there was additional pavement cracking observed in the recent inspection. Due to the age and condition of the road, the Town will require that all roads be overlaid with one and one half inches (1-1/2") of MassDOT approved Hot Mixed Asphalt.

Helen Kuziemko

From: Joseph Sokul
Sent: Thursday, February 20, 2014 9:45 AM
To: Helen Kuziemko
Subject: FW: Kalliste Hill and Omega

Helen:

Additional correspondence

From: Joseph Sokul
Sent: Thursday, January 16, 2014 3:17 PM
To: 'Tri Town Paving'
Cc: Richard Dohoney (RDohoney@derosadohoney.com); Chris Rembold; Jennifer Tabakin (jtabakin@Townofgb.org); Pete Soules
Subject: RE: Kalliste Hill and Omega

Wayne:

To answer your questions:

All work shall conform to MassDOT Standards.

1. A tack coat is required between coats of asphalt.
2. Structures are to flush with the pavement.
3. Leveling will be required in those areas to provide a proper cross slope of pavement
4. Driveway aprons shall be tied into the new pavement.
5. Provide milled joints to existing pavement transitions

From: Tri Town Paving [<mailto:tritownpaving@bcn.net>]
Sent: Thursday, January 16, 2014 1:56 PM
To: Joseph Sokul
Subject: Kalliste Hill and Omega

Hi Joe:

Here are a few questions I have about the project that have not been addressed in homeowner's request for pricing. Please include any other specs that you will require for this project.

1. Will tackcoat be required?
2. Will all structures be raised?
3. Is leveling required?
4. Will driveway entrances be included in this project? All of them?
5. Will milled joints be necessary?

Thanks Joe.

Sincerely,
Wayne M. Slosek

Helen Kuziemko

From: Richard Dohoney <RDohoney@derosadohoney.com>
Sent: Thursday, February 06, 2014 4:01 PM
To: Chris Rembold
Cc: Helen Kuziemko; Jennifer Tabakin
Subject: Kalliste Hill lot Owners Trust
Attachments: PB Memo and Docs.pdf

Chris,

Attached please find the documents requested by the Planning Board as well as a brief cover memo. Thanks.

Rich

<<PB Memo and Docs.pdf>>

Richard M. Dohoney
DeROSA DOHONEY LLP
Beacon Office Complex
55 North St., Suite 304
Pittsfield, MA 01201
(413) 418-0998

This message and any attachments may be protected by the attorney/client privilege. If you believe that it has been sent to you in error, do not read, copy or distribute it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

DEROSA DOHONEY LLP

ATTORNEYS AT LAW

John B. DeRosa
Richard M. Dohoney
Thomas Manuel*
Robert D. Sullivan, Jr.
Elizabeth A. Marshall **

Morton Freedman
Retired

* Also admitted VT
** Also admitted NY

DATE: February 6, 2014

TO: Planning Board

FROM: Richard M. Dohoney

SUBJECT: Kalliste hill Road and Omega Road

COPY TO: Town Planner
Town Manager

The Kalliste Hill Lot Owners Trust has filed a petition requesting that Town Meeting accept a portion of Kalliste Hill Road and Omega, as depicted on the Definitive Subdivision Plan attached as *Exhibit A*. A prerequisite to such an acceptance is that the Board of Selectmen ("BOS") vote to "lay out" the roads pursuant to Massachusetts General Laws ch. 82, § 21. Massachusetts General Laws ch. 41, § 81I prevents the BOS from laying out the roads "unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning board of such city or town and such board has reported thereon, or has allowed forty-five days to elapse after such reference without submitting its report." This matter is before the Planning Board to consider such a report.

Please note that the roads were previously approved by the Planning Board under the Definitive Subdivision Plan (*Exhibit A*). Further, the Subdivision was subject to a comprehensive Covenant, attached as *Exhibit B*. The Covenant provided the specifications governing construction of the roads and related utilities. The Planning Board previously determined that the work on the roads and utilities were completed to its satisfaction and the Covenant was released in four (4) installments. See *Exhibit C*.

This matter is scheduled for the February 24, 2014 BOS meeting.

120 MASS MOCA WAY
NORTH ADAMS, MASSACHUSETTS 01247
TELEPHONE (413) 664-1073 TELEFAX (413) 664-7379

BEACON OFFICE COMPLEX, 55 NORTH STREET, SUITE 304, PITTSFIELD, MASSACHUSETTS 01201
TELEPHONE (413) 418-0998 TELEFAX (413) 664-7379

EXHIBIT A

EXHIBIT B

BK 1031 PG 110

4. The Covenantor, daily or as needed, by mechanized street sweeper, shall clean the existing streets directly adjacent to the subdivision street and remove the construction debris, including soil, caused by subdivision construction. The developer shall install crushed stone "tracking pads" at each entrance to the project in order to reduce silt tracks and to remove stones from tires and wheels.
5. If the Chief of Police determines that at certain times during the construction phase, even if only at specific, peak traffic times, a traffic control officer is reasonably necessary to protect the public safety, the Covenantor shall provide such traffic control officer at its expense.
6. The Covenantor shall grant to the Town an easement for ingress and egress for public safety purposes over the 15 foot wide access road shown on the plan.
7. The Covenantor will not sell any lot in the subdivision, other than by mortgage deed, or erect or place any permanent building on any such lot until the lot has been released from this Covenant, as described in paragraph 14, indicating that the work in the ground necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof. The foregoing shall not be deemed to prohibit or restrict construction of any of the improvements or structures associated with drainage or other municipal service systems shown on the said plans.
8. Prior to the commencement of construction, the Covenantor shall deposit with the Planning Board the sum of \$5,000, to be used by the Planning Board for payment of the engineer retained by the Planning Board to inspect and oversee the construction of the drainage system, sewer system, water lines, roadways and other infrastructure pursuant to the construction schedule submitted to the Planning Board by said engineer. The Covenantor's exposure has been estimated to be approximately \$14,000 for Phase I and \$15,000 for Phase II. The Covenantor within ten (10) days after notification by the Planning Board of any payments out of the escrow to the Town's engineer, shall replenish the escrow with a corresponding sum in order to maintain a constant balance of \$5,000.

BK 1031 PG 111

9. The Covenantor, pursuant to M.G.L. Ch. 44, Section 53A, simultaneously upon the release of the Covenant, but as a condition to the release of Covenant, shall pay to the Town the sum of \$2,000 to be used for traffic control signage at the Route 41 underpass (located near Abby Hill) and at the intersections of Abby Hill Road and Hemlock Hill Road with Route 41, at the discretion of the Town.
10. The Covenantor shall satisfy the requirements set forth in paragraph 3 of the Amended Agreement for Judgment entered in the Superior Court Action No. 880274 and 890134 entered September 1990.
11. After construction of the detention basin, the Town's engineer shall inspect the basin and, if he determines there to be a reasonable risk of harm to the public, the Covenantor shall install a perimeter fence or similar safety measure, as directed by the Town's engineer.
12. This agreement shall be binding upon and inure to the benefit of the executors, administrators, devisees, heirs, successors and assigns of the Covenantor.
13. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land, provided, however, that should Covenantor fail to perform any obligation hereunder, the Board shall look only to the Covenantor's interest in the premises shown on the definitive plan for satisfaction, and Covenantor shall not be personally liable for such failure.
14. It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be so released. Upon completion of the portion of the improvements necessary to serve a given lot or lots, the Covenantor shall send a written statement of such fact to the Planning Board and to the Great Barrington Town Clerk, by registered mail. If the Planning Board determines that such improvements have

BK 1031 PG 112

been completed in accordance with the requirements of this Covenant, it shall execute and deliver said certificate within forty-five (45) days of receipt of the said statement. The Planning Board may condition their approval upon receipt of a certification, stamped and signed, by a professional engineer, registered in Massachusetts that all roadways, drainage system, sewer system, water, electricity and other infrastructure were installed in accordance with the plans and specifications approved by the Planning Board. If the Board determines that such improvements have not been completed in accordance with such requirements, it shall send a notice to the Covenantor and to the Great Barrington Town Clerk, by registered mail specifying the details wherein the improvements fail to comply. Unless the Covenantor agrees to an extension, if the Board fails to either execute and deliver such instrument or send such notice prior to the expiration of the aforesaid forty-five (45) days, then, as provided in Massachusetts General Laws Chapter 41, Section 81U, this Covenant shall become void as to the lot or lots identified in the Covenantor's statement, and the Covenantor may obtain a certificate in recordable form to such effect from the Great Barrington Town Clerk. If the Board gives a notice of noncompliance and the Covenantor thereafter corrects the deficiencies specified in the notice, the Board shall then execute and deliver an instrument releasing the lot or lots in question as aforesaid.

15. The undersigned represents and covenants that the undersigned is the owner in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land.
16. Nothing herein shall be deemed to prohibit conveyance by a single deed of the entire premises shown on the said definitive plan or of all lots therein not previously released by the Board.
17. Notwithstanding any provision herein to the contrary, a mortgagee who acquires title to any lot by foreclosure or otherwise and any owner of such lot taking title through such mortgagee may convey the lot prior to the construction of the portion of the improvements necessary to serve the lot but subject to the restriction that no permanent building shall be constructed on the lot until such portion of the improvements has been completed.

BK 1031 PG 113

18. All notices and other communications required or permitted hereunder shall be in writing and mailed postage prepaid by registered or certified mail, or delivered by hand, in the case of the Covenantor to:

Hohne Land Corp.
Killiste Hill Road
P.O. Box 413
Gt. Barrington, MA 01230

and in the case of the Planning Board to:

Town Hall
Gt. Barrington, MA 01230

or in the case of any party to such other address as shall be designated by written notice given to the other parties. Any such notice or communication shall be deemed given, if mailed as aforesaid, when deposited with the U.S. Postal Service.

19. The area burdened by this covenant is described on Exhibit A attached hereto and incorporated herein by reference.

20. Reference to this Covenant shall be entered upon said Plan and this Covenant shall be recorded when said plan is recorded at the Southern Berkshire Registry of Deeds.

EXECUTED under seal as of the 5th day of September 1997.

HOHNS LAND CORP. formerly
Known as WELL-KAMP
ENTERPRISES, INC.

BY: J. H. Wellenbaum
Its President and Treasurer



BK 1031 PG 114

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

September 5, 1997

Then appeared the above mentioned John H. Wellenkamp, President and Treasurer of Mohas Land Corp., formerly known as Well-Kamp Enterprises, Inc. and acknowledged the foregoing to be his free act and deed, before me

Paul J. George
Notary Public

My Commission Expires: 12/12/97

C:/legal doc./Covenant

BK 1031 PG 115

ADDENDUM

Notwithstanding anything to the contrary contained in the body of the Covenant, the subdivision shall be completed in one phase.

Bohns Land Corp.

By *John H. Wellenkamp*
Its President

COMMONWEALTH OF MASSACHUSETTS

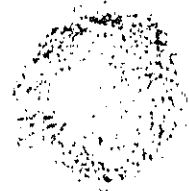
BERKSHIRE, SS.

September 5, 1997

Then personally appeared the above-mentioned John H. Wellenkamp, President and Treasurer of Bohns Land Corp., formerly known as Well-Kamp Enterprises, Inc. and acknowledged the foregoing instrument to be his free act and deed on behalf of the corporation, before me.

[Signature]
Notary Public

My Commission Expires: 12/14/97



BK 1031 PG 116

EXHIBIT A

All of the land as shown on a Definitive Subdivision of Land laid out for Well-Kamp Enterprises, Inc., Great Barrington, Massachusetts dated June 25, 1991, revised July 9, 1992 prepared by Scalise-Knysh Associates, Inc., and recorded in the Berkshire Southern District Registry of Deeds in Plat File J-104.

Being a portion of the premises contained in the following deeds recorded in said registry in:

- (i) Book 363, Page 457
- (ii) Book 639, Page 208
- (iii) Book 737, Page 121
- (iv) Book 771, Page 39

c:\realista\WellKamp.Cov

END OF DOCUMENT

EXHIBIT C



1999 00139095
Bk: 1112 Pg: 0170 Doc:REL
Page 1 of 1 01/22/1999 11:27AM

BK 1112 PG 170
01/22/99 11:27 DOC. 139095

FORM E
COVENANT APPROVAL RELEASE

Great Barrington, Mass. January 21, 1999

The undersigned, being a majority of the Planning Board of the Town of Great Barrington, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated September 5, 1997, and recorded in the Southern Berkshire Registry of Deeds, Book 1031, Page 109, have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled "Definitive Subdivision of Land Laid Out for Well-Kamp Enterprises, Inc." recorded with said Deeds, in Plat File J, Plan 104, and said lots are hereby released from restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

Lot 25 containing 1.863 acres of land

[Handwritten signatures]

Majority of the Planning Board
of the Town of Great Barrington

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE SS.

1/21, 1999

Then personally appeared Donald O. Goranson, one of the above-named members of the Planning Board of the Town of Great Barrington, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me,

[Handwritten signature]
DANA E. MARCUS
Notary Public for Massachusetts
My Commission Expires: 12/7/2001.



1999 00141413

Bk: 1133 Pg: 0282 Doc:REL

Page 1 of 1 06/07/1999 10:47AM

FORM E
COVENANT APPROVAL RELEASE

BK 1133 PG 282
06/07/99 10:47 DOC. 141413

Great Barrington, Mass. May 27, 1999

The undersigned, being a majority of the Planning Board of the Town of Great Barrington, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated September 5, 1997, and recorded in the Southern Berkshire Registry of Deeds, Book 1031, Page 109, have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled "Definitive Subdivision of Land Laid Out for Well-Kamp Enterprises, Inc." recorded with said Deeds, in Plat File J, Plan 104, and said lots are hereby released from restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

Lots #4, #5, #6, #7, #14, #15, #16, #21, #22, #23 and, #24.

Majority of the Planning Board
of the Town of Great Barrington

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE SS.

Then personally appeared Ronald P. Hillhouse, being one of the above-named members of the Planning Board of the Town of Great Barrington, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public for Massachusetts
My Commission Expires:

October 4, 2003



COVENANT APPROVAL RELEASE

Great Barrington, Mass. September 6, 2001

The undersigned, being a majority of the Planning Board of the Town of Great Barrington, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated September 5, 1997, and recorded in the Southern Berkshire Registry of Deeds, Book 1031, Page 109, have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled "Definitive Subdivision of Land Laid Out for Well-Kamp Enterprises, Inc." recorded with said Deeds, in Plat File J, Plan 104, and said lots are hereby released from restrictions as to sale and building, specified thereon.

Lots designated on said Plan as follows:

Lots #2, #3, #13 #17 #18 #19 #20

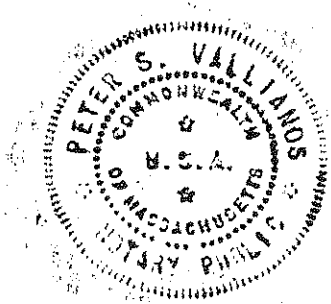
Majority of the Planning Board
of the Town of Great Barrington

Commonwealth of Massachusetts

Berskshire SS.

September 6, 2001

Then personally appeared RONALD D. GORANSON, one of the above-named members of the Planning Board of the Town of Great Barrington, Massachusetts, and acknowledge the foregoing instrument to be the free act and deed of said Planning Board, before me,



Peter S. Vallianis

Notary Public for Massachusetts

My Commission Expires: 12/31/04

PLANNING BOARD'S SUBDIVISION REGULATIONS

Form E

Covenant Approval Release

Great Barrington, Massachusetts 4/10/03 18

The undersigned, being a majority of the Planning Board of the Town of Great Barrington, Massachusetts, hereby certify that the requirements for work on the ground called for by the covenant dated September 5, 1997, and recorded in So. Berk. District Deeds, Book 1031, Page 109 (or registered in _____ Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ in the _____ Registration Book _____ Page _____) have been completed to the satisfaction of the Planning Board, as to the following enumerated lots shown on plan entitled Definitive Subdivision of Land Laid Out for Well-Kamp Enterprises, Inc. recorded with said Deeds, Plan Book Plat J, Plan 104 (or registered in said Land Registry District, Plan Book _____, Plan _____), and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said plan as follows:

Lots #8, #9, #10, #11 and #12 - Omega Road

Donald O. Goranson
Majority of the Planning Board
of the Town of Great Barrington
John W. P. Moran
Commonwealth of Massachusetts

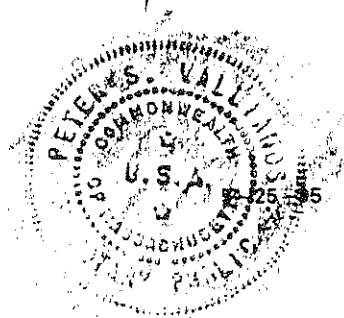
Berkshire ss.

April 10 2003

Then personally appeared Donald O. Goranson, one of the above-named members of the Planning Board of the Town of Great Barrington, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Peter S. Valhian
Notary Public
My commission expires
12/31/04

24047





25 per day x 2 = 50 Pd. ✓

TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day x 2 = \$50.00

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

Name: Janet Elsbach

Business/Organization: Fair Ground Community Redevelopment Project

D/B/A (if applicable): GBFG

Address: 659 Main Street, GB

Mailing Address: P.O. Box 121

Phone Number: 413 229 2003

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

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox
 Other (please explain) _____

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

___ YES NO

Please circle: INDOOR or OUTDOOR Entertainment

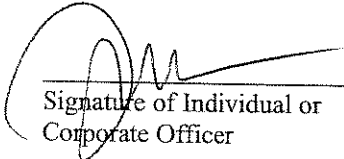
Exact Location of Entertainment (include sketch): flat area immediately north of access road and east of Rt 7, between cowshed & road.

Date(s) of Entertainment*: July 18 + 19, 2014
*Does not include SUNDAY

Start & End Times of Entertainment: July 18 ~~7pm~~ 7-9pm, July 19 3pm + 7pm 7-9pm

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

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


Signature of Individual or Corporate Officer

7.2.14
Date

61-1692162
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: see attached email. (CR)

APPROVAL DATE: _____

LICENSE # _____

Chris Rembold

From: Chris Rembold
Sent: Thursday, February 20, 2014 11:38 AM
To: Helen Kuziemko
Cc: Janet Elsbach <janetelsbach@gmail.com> (janetelsbach@gmail.com); Bart Ellsbach
Subject: Circus @ Fairgrounds

The DRT has reviewed the entertainment license application and has the following comments:

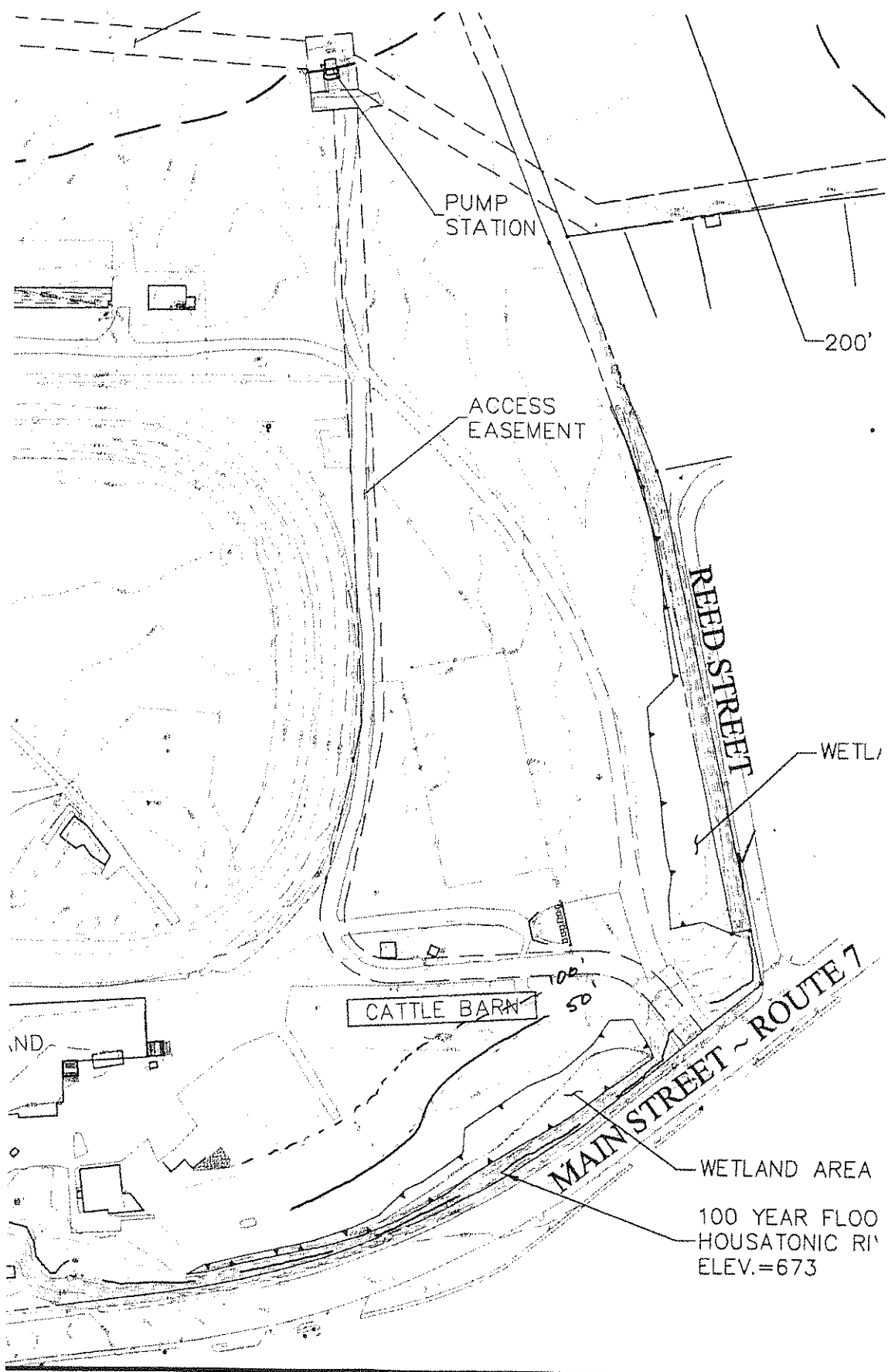
1. It is noted that attendance is projected to be 600 to 700 people per show.
2. A tent permit required, with life safety egress lighting and exits & exit signs as per chapter 10, 780 cmr.
3. An inspection is needed after tent is set up, prior to the event.
4. Five (5) regular and 1 handicapped porta-johns will be provided on site.
5. The Circus organizers will file for required food permits two weeks prior to the event.
6. The Conservation Commission requests that the wetlands be roped off to prevent them from being disturbed.

The DRT recommends the entertainment license be conditioned on items 2 - 6 above.

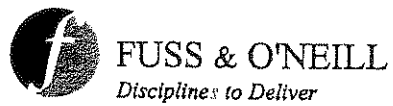
Thank you.

Christopher Rembold, AICP
Town Planner
Town of Great Barrington
(413) 528-1619, ext. 7

From: Janet Elsbach
Sent: Wednesday, February 12, 2014 3:30 PM
To: Chris Rembold
Subject: Re: Circus @ Fairgrounds



SCALE:	
HORZ:	1" = 200'
VERT:	N/A
DATUM:	
HORZ:	NAD 83
VERT:	NGVD 29
GRAPHIC SCALE	



78 INTERSTATE DRIVE, WEST SPRINGFIELD, MA 01089

413.452.0446

www.FussO.com