

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, MARCH 10, 2014

7:00 P.M. - REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

February 10, 2014 Regular Meeting
February 24, 2014 Regular Meeting

3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

A. GENERAL COMMENTS BY THE BOARD.

4. TOWN MANAGER'S REPORT:

A. FOLLOW UP ITEMS

B. DEPARTMENT UPDATES:

- ENERGY COMMITTEE – UPDATE ON GREEN COMMUNITIES PROGRESS

- TAX LIEN AUCTION PROCESS AND SCHEDULE - UPDATE

5. LICENSES OR PERMITS:

A. RENEWAL OF 2014 WYANTENUCK COUNTRY CLUB SEASONAL ALL ALCOHOLIC CLUB LIQUOR LICENSE. (DISCUSSION/VOTE)

B. MARY R. WHITE/ST. PETER'S CHURCH FOR SIX (6) ONE DAY ALL ALCOHOLIC LIQUOR LICENSES, (DATES AND TIMES AS PER LIST ATTACHED), AT ST. PETER'S PARISH CENTER, CORNER OF EAST AND COTTAGE STREETS. (DISCUSSION/VOTE)

C. SAINT PETER CHURCH/REV. WILLIAM MURPHY FOR PERMISSION TO CONDUCT BINGO ON APRIL 26, 2014 AND NOVEMBER 8, 2014 FROM 5:30 PM – 9:30 PM AT ST. PETER'S PARISH CENTER, CORNER OF EAST AND COTTAGE STREETS. (DISCUSSION/VOTE)

D. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR THREE (3) ONE DAY ALL ALCOHOLIC LIQUOR LICENSES FOR MAY 29, 30 AND 31, 2014 FROM

5:00 PM – 11:00 PM IN THE TENT BEHIND TOWN HALL, ON THE GREEN, 334 MAIN STREET. (DISCUSSION/VOTE)

- E. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR A ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR AUGUST 29, 2014 FROM 5:00 PM – 12:00 MIDNIGHT AT THE GREAT BARRINGTON AIRPORT, 70 EGREMONT PLAIN ROAD. (DISCUSSION/VOTE)
- F. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR THREE (3) TEMPORARY WEEKDAY ENTERTAINMENT LICENSES FOR MAY 29, 30 AND 31, 2014 FROM 8:00 PM – 10:30 PM IN THE TENT BEHIND TOWN HALL, ON THE GREEN, 334 MAIN STREET. (DISCUSSION/VOTE)
- G. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR A TEMPORARY WEEKDAY ENTERTAINMENT LICENSE FOR AUGUST 29, 2014 FROM 5:00 PM – 12:00 MIDNIGHT AT THE GREAT BARRINGTON AIRPORT, 70 EGREMONT PLAIN ROAD. (DISCUSSION/VOTE)
- H. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR PERMISSION TO RESERVE THREE (3) PARKING SPACES AT THE TOWN HALL FOR WEDNESDAY, MAY 28 TO MONDAY, JUNE 2, 2014 IN THE PARKING LOT BEHIND THE TOWN HALL. (DISCUSSION/VOTE)
- I. KELLY VICKERY/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) – REQUEST TO SUSPEND THE PARKING ENFORCEMENT FOR THE BIFF WEEKEND FROM MAY 29 TO JUNE 1, 2014. (DISCUSSION/VOTE)

6. NEW BUSINESS:

- A. BOS – APPLICATION TO MASS DHCD FOR PLANNING ASSISTANCE FOR HOUSING PRODUCTION (DISCUSSION/VOTE)
 - REVIEW OF PROGRAM
 - VOTE TO PARTICIPATE
- B. COMMUNITY PRESERVATION ACT TRUST FUND – REQUEST FOR STATE’S SUPPORT. (DISCUSSION/VOTE)
- C. BOS – RECOMMENDATION TO ZBA ON THE SPECIAL PERMIT APPLICATION OF JOHN CORCORAN AND SUE CORCORAN FOR PROPERTY AT 14 LAKE AVENUE TO BUILD AN ADDITION THAT WILL EXTEND INTO THE REQUIRED FRONT YARD SETBACK. (DISCUSSION/VOTE)
- D. BOS – RECOMMENDATION TO THE ZBA ON LYNN HUTCHINSON’S SEPTEMBER 11, 2013 AND FEBRUARY 26, 2014 APPEALS OF BUILDING COMMISSIONER’S ENFORCEMENT ORDERS FOR ZONING VIOLATIONS AT 263 LONG POND ROAD (DISCUSSION/VOTE)

7. OLD BUSINESS:

- A. BOS – OVERVIEW OF TOWN MANAGER’S EVALUATION. (DISCUSSION/VOTE)

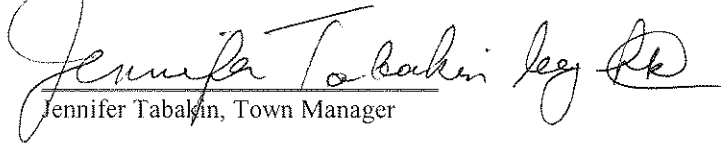
8. CITIZEN SPEAK TIME:

9. SELECTMEN'S TIME:

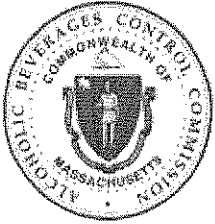
10. MEDIA TIME:

11. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, MARCH 24, 2014 AT 7:00 P.M.


Jennifer Tabalin, 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.**



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

ON-PREMISES LICENSE RENEWAL APPLICATION

APPLICATION FOR RENEWAL: LICENSE FOR: **2014**

ABCC LICENSE NUMBER: CITY/TOWN:

LICENSEE NAME:

LICENSEE DOING BUSINESS:

ADDRESS:

CITY/TOWN: STATE: ZIP CODE:

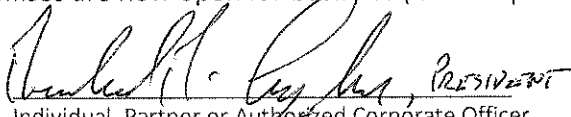
MANAGER: TYPE OF LICENSE: CATEGORY:

CONTACT EMAIL:

DESCRIPTION OF PREMISES:

I hereby certify and swear under penalties of perjury that:

1. the renewed license will be of the same type for the same premises now licensed;
2. the licensee has complied with all laws of the Commonwealth relating to taxes; and
3. the premises are now open for business (If not explain below)

SIGNED BY:  **PRESIDENT** DATE:
 Individual, Partner or Authorized Corporate Officer

CONTACT NUMBER: EMPLOYER IDENTIFICATION NUMBER:

(Note: NOT Individual Social Security Number)

We the undersigned, attest that we are in possession (1) the certificate required by Chapter 304 of the Acts of 2004, signed by the building inspector and the head of the fire department for the above named license and (2) the certificate of liquor liability insurance required by Chapter 116 of the Acts of 2010.

Please Check Below:

APPROVED:

DISAPPROVED:

(If disapproved explain)

LOCAL LICENSING AUTHORITY By:

FEE: \$25.00 X 6 = \$ 150.00

DATE: 3/3/14



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: MARY R. White

ORGANIZATION NAME: Saint Peters Church

APPLICANT'S ADDRESS: 271 Main St, Gt Barrington

Type of license being Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: See Attached List of Dates + Events

DATE: See Attached START TIME: _____ END TIME: _____

LOCATION: Corner of East and Cottage St. St Peter's Parish 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.

Mary R White
Signature of Applicant

271 Main St
Mailing Address

413-528-4423
Telephone Number

Decision:
Approved _____

Denied _____

Postponed _____

To whom it may Concern.

I am representing Saint Peters Church .We are celebrating our 150 anniversary

I would like to get a one day liquor License for the following dates

All of the events will take place at St. Peter's Parish Center at the corner of East and Cottage St Great Barrington.

		Start Time	End
St Patrick's Day Dinner	March 15	5.00 PM	7.30 PM
Parish Picnic	July 13	11.00 AM	3.00 PM
Auction	Preview July 31	5.30 PM	9.00 PM
Auction	Auction August 1	12.00 PM	5.00 PM
150 Th Anniversary Dinner	September 14	2.30 PM	7.00m PM
Dinner in Honor of Fr Menietti	October 11	5.00 PM	8.00 PM

Massachusetts State Lottery Commission

60 Columbian Street
Braintree, Massachusetts 02184-7357



Tel: (781) 849-5555
Fax: (781) 849-5546
TTY: (781) 849-5678

STEVEN GROSSMAN
Treasurer and Receiver General

PAUL R. STERNBURG
Executive Director

APPLICATION FOR LICENSE TO CONDUCT A ONE DAY GAME COMMONLY CALLED "BEANO"

IMPORTANT: PLEASE FILL OUT FORM COMPLETELY AND ACCURATELY. FAILURE TO DO SO WILL DELAY PROCESSING OF YOUR LICENSE

NAME OF ORGANIZATION																			
SAINT PETER CHURCH																			
STREET ADDRESS										AREA CODE					ORGANIZATION TELEPHONE				
16 RUSSELL STREET										413 274 3443									
CITY/TOWN					ZIP					AREA CODE					BEANO HALL TELEPHONE				
GREAT BARRINGTON					01230														
OCCASION ADDRESS										OCCASION DAY									
16 RUSSELL STREET										SATURDAY									
CITY/TOWN					ZIP					DATE OF OCCASION									
GREAT BARRINGTON					01230					042614					3/1/8/14				
NAME OF HEAD OF ORGANIZATION										HOURS OF OCCASION									
REV. WILLIAM MURPHY										5:30 TO 9:30									
MAILING ADDRESS										F.I.D. NO. OF ORGANIZATION									
16 RUSSELL STREET										042207416									
CITY/TOWN					ZIP					AREA CODE					HEAD TELEPHONE				
GREAT BARRINGTON					01230					413 274 3443									
MEMBER IN CHARGE OF BEANO										M.I.C.'S E-MAIL ADDRESS									
REBECCA TAMOLKAY										ratamol@jund.com									
MAILING ADDRESS										AREA CODE					MEMBER-IN-CHARGE HOME TEL.				
PO BOX 643										413 274 6031									
CITY/TOWN					ZIP					AREA CODE					MEMBER-IN-CHARGE BUSINESS TEL.				
HOUSATONIC					01236														
NAME OF BOOKKEEPER										BOOKKEEPER'S E-MAIL ADDRESS									
ELARY GROSSMAN										www.parishbk.com									
MAILING ADDRESS										AREA CODE					BOOKKEEPER HOME TEL.				
24 KING STREET																			
CITY/TOWN					ZIP					AREA CODE					BOOKKEEPER BUSINESS TEL.				
HATFIELD					01038					413 6877228									

LICENSE FEE - \$50.00



Supporting the 351 Cities and Towns of Massachusetts
Visit our Web Site: www.masslottery.com



ID NUMBER			

APPLICATION FOR LICENSE TO SELL LOTTERY TICKETS CALLED "THE CHARITY GAMES"

IN ADDITION TO A LICENSE TO OPERATE BEANO, IT IS REQUESTED THE ABOVE ORGANIZATION BE LICENSED TO SELL SPECIAL LOTTERY TICKETS FOR CHARITABLE, RELIGIOUS AND EDUCATIONAL PURPOSES PURSUANT TO SECTION 37 OF CHAPTER 10 OF THE GENERAL LAWS. SUCH LOTTERY TICKETS MAY BE SOLD ONLY AT AND DURING LICENSED BEANO GAMES AND PURSUANT TO THE RULES AND REGULATIONS OF THE COMMISSION.

CHECK
✓

PLEASE CHECK (✓) WHICH BEST DESCRIBES YOUR ORGANIZATION:

<input type="checkbox"/> 001	FRATERNAL ORGANIZATION	<input type="checkbox"/> 006	NON-PROFIT ORGANIZATION FOR THE INTEREST OF RETARDED CITIZENS
<input checked="" type="checkbox"/> 002	CHURCH OR RELIGIOUS ORGANIZATION	<input type="checkbox"/> 007	NON-PROFIT ATHLETIC ASSOCIATION
<input type="checkbox"/> 003	VETERANS ORGANIZATION	<input type="checkbox"/> 008	NON-PROFIT SENIOR CITIZENS ORGANIZATION
<input type="checkbox"/> 004	VOLUNTEER NON-PROFIT FIRE COMPANY OR VOLUNTEER NON-PROFIT AMBULANCE SERVICE	<input type="checkbox"/> 009	NON-PROFIT SOCIAL WELFARE ORGANIZATION
<input type="checkbox"/> 005	BOSTON FIREMAN'S RELIEF FUND	<input type="checkbox"/> 050	OTHER _____

UNDER PENALTIES OF PERJURY, HAVE ANY MEMBERS OF YOUR ORGANIZATION WHO WILL BE ASSISTING IN THE GAME OF BEANO BEEN CONVICTED OF AN OFFENSE OTHER THAN A TRAFFIC INFRACTION? NO YES -IF YES, SPECIFY ON SEPARATE SHEET

HAS YOUR ORGANIZATION EVER HAD A BEANO LICENSE BEFORE? YES NO IF YES, WHAT YEAR

I HEREBY CERTIFY that the information provided herein is true to the best of my knowledge and belief. I authorize the Commission to obtain credit or other information about me or my organization which may assist the Commission in making a decision on this application(s). I am aware that false or misleading statements, or failure to abide by the rules and regulations of the Commission will be cause for rejection of this application(s) or revocation of my Licenses(s). Violation of General Laws, Chapter 10, Sections 37 through 41, or of Commission Regulations may result in a fine or imprisonment or both.

Rev. William P. Murphy SIGNATURE & TITLE HEAD OF ORGANIZATION Debra Tamal-Kay SIGNATURE OF MEMBER IN CHARGE OF BEANO DATE 03/06/2014
MONTH DAY YEAR

BELOW THIS LINE FOR MUNICIPAL AUTHORITIES ONLY

THIS APPLICATION IS APPROVED AND IS CERTIFIED TO BE IN CONFORMITY WITH CHAPTER 10 OF THE MASS. GENERAL LAWS BY BOARD OF SELECTMEN, OR CITY COUNCIL AND MAYOR, OR LICENSING BOARD OF THE CITY OF BOSTON

INDICATE DAY OF WEEK AND PERMITTED HOURS OF BEANO OPERATION RECOMMENDED: DAY PM to PM HOURS

DATE _____ 19_____
DATE _____ 19_____
CHIEF OF POLICE

FOR MASSACHUSETTS STATE LOTTERY COMMISSION USE ONLY

DISPOSITION:

AUTHORIZED DEFERRED DENIED _____ DIRECTOR _____ DATE

FEE: \$25.00

DATE: 1-31-2014



RECEIVED
TOWN MANAGER

FEB 18 2014

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

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: Kelley Vickery

ORGANIZATION NAME: Berkshire International film festival

APPLICANT'S ADDRESS: 40 Railroad Street Suite 5

Type of license being
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC ✓

EVENT: OPENING NIGHT THURSDAY

DATE: MAY 29, 2014 START TIME: 5pm END TIME: 11pm

LOCATION: Tent Behind Town Hall on the Green
334 MAIN ST.

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.

Kelley Vickery
Signature of Applicant

PO Box 237, GB, MA
Mailing Address

413-528-8030
Telephone Number

Decision:
Approved _____

Denied _____

Postponed _____

FEE: \$25.00

DATE: 1-31-2014



RECEIVED
TOWN MANAGER

FEB 18 2014

TOWN OF GREAT BARRINGTON

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

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: Kelley Vickery

ORGANIZATION NAME: Berkshire International film fest.

APPLICANT'S ADDRESS: 40 Railroad Street, Suite #5

Type of license being
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: Special Event / TRIBUTE FRIDAY

DATE: May 30, 2014 START TIME: 5pm END TIME: 11pm

LOCATION: Tent on the Green, behind Town Hall
334 MAIN ST.

EVENT ON TOWN PROPERTY? Yes X No _____

IF YES, PLEASE ATTACH CERTIFICATE OF LIQUOR LIABILITY INSURANCE.

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

Kelley Vickery
Signature of Applicant

PO BOX 237
Mailing Address

413-528-8030
Telephone Number

Decision:
Approved _____

Denied _____

Postponed _____

FEE: \$25.00

DATE: 1-31-2014



TOWN OF GREAT BARRINGTON

APPLICATION FOR ONE DAY LIQUOR LICENSE

RECEIVED
TOWN MANAGER

FEB 18 2014

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

TO THE LICENSING AUTHORITY:

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

APPLICANT'S NAME: Kelley Vickery

ORGANIZATION NAME: Berkshire International film festival

APPLICANT'S ADDRESS: 40 Railroad Street, Suite 5

Type of license being
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: SPECIAL EVENT / TRIBUTE SATURDAY

DATE: MAY 31, 2014 START TIME: 5pm END TIME: 11pm

LOCATION: Tent behind Town Hall on the Green
334 MAIN ST.

EVENT ON TOWN PROPERTY? Yes X No _____

IF YES, PLEASE ATTACH CERTIFICATE OF LIQUOR LIABILITY INSURANCE.

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

Kelley Vickery
Signature of Applicant

PO BOX 237
Mailing Address

413-528-8030
Telephone Number

Decision:
Approved _____

Denied _____

Postponed _____

FEE: \$25.00

DATE: 2/17/2014



RECEIVED
TOWN MANAGER

FEB 18 2014

TOWN OF GREAT BARRINGTON

APPLICATION FOR ONE DAY LIQUOR LICENSE

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

TO THE LICENSING AUTHORITY:

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

APPLICANT'S NAME: Kelley Vickery

ORGANIZATION NAME: Berkshire International film festival

APPLICANT'S ADDRESS: 40 RAILROAD STREET, SUITE #5

Type of license being
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: Biff's 10th Anniversary Gala

DATE: August 29, 14 START TIME: 5pm END TIME: 12:00 MIDNIGHT

LOCATION: Great Barrington Airport, 70 Egremont Plain Rd.

EVENT ON TOWN PROPERTY? Yes _____ No X

IF YES, PLEASE ATTACH CERTIFICATE OF LIQUOR LIABILITY INSURANCE.

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

Kelley Vickery
Signature of Applicant

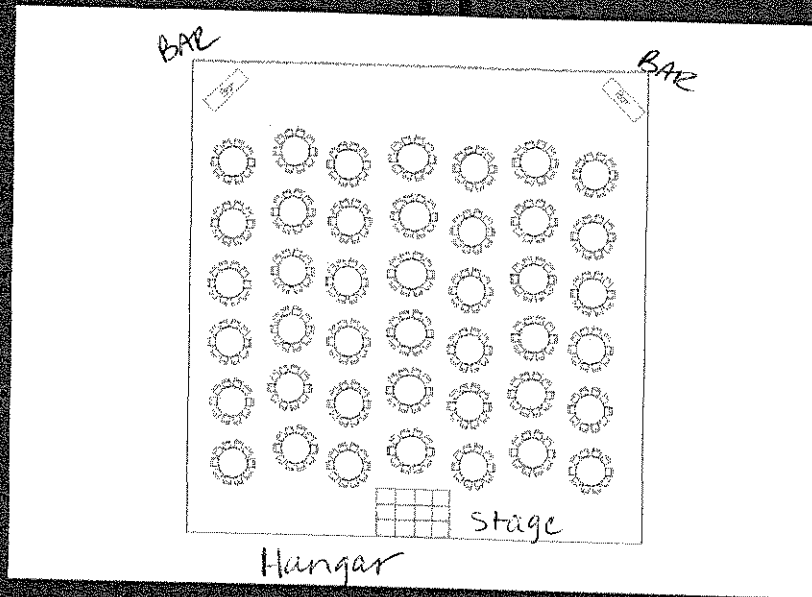
PO Box 231, or 40 Railroad St. Suite #5
Mailing Address

413-528-2030
Telephone Number

Decision:
Approved _____

Denied _____

Postponed _____



View all

BIFF 10TH.jpg
1 of 3

Open with



BERKSHIRE AVIATION

70 Egremont Plain Road
Great Barrington, MA 01230

Berkshire International Film Festival

To whom it may concern,

BIFF has our permission to hold its function at the Great Barrington Airport on August 29, 2014.
Please call if you need more information 413-528-1010.

Richard J. Solan
President
Berkshire Aviation

ORIGINAL

RECEIVED
TOWN MANAGER

FEB 18 2014

BOARD OF SELECTMEN
GREAT BARRINGTON, MA



TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application

\$25.00 per day x 3 = \$75.00 (total)

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: Kelley Vickery

Business/Organization: Berkshire International film festival

D/B/A (if applicable): _____

Address: 40 Railroad Street Suite #5

Mailing Address: PO BOX 237

Phone Number: 528-9030

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

Live band with up to 12 pieces, including singers Public Show

Other (please explain) OPENING NIGHT CELEBRATION OF FILM FESTIVAL
↓ TRIBUTE, SPECIAL EVENT

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

Other (please explain) _____

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

___ YES

X NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): in tent behind Town Hall
on the Green, 334 MAIN ST. (sketch below)

Date(s) of Entertainment*: MAY 29, 30, 31, ~~JUN~~ 2014
*Does not include SUNDAY

Start & End Times of Entertainment: 8:00 pm 10:30 pm

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.

Kelly Kelley
Signature of Individual or
Corporate Officer

1-31-2014
Date

[REDACTED]
SS# or FID#

TOWN USE ONLY:

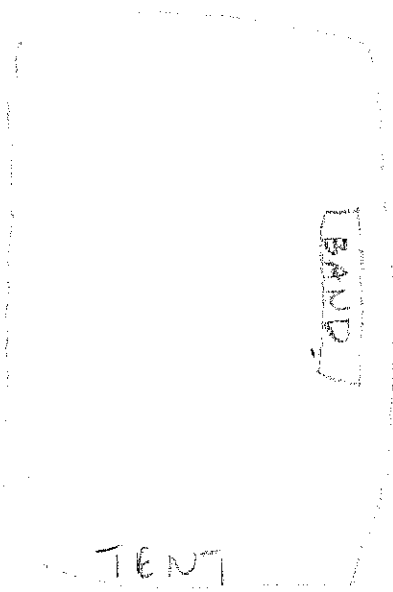
DRT Review with Conditions: Tent and food permits will be
required.

APPROVAL DATE: _____

LICENSE # _____

Town Hall

GATHEAD





Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-3206
Fax: (413) 528-3064

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

OFFICE OF THE PARKS COMMISSIONERS

February 18, 2014

Ms. Kelley Vickery
Ms. Lauren Ferin
Berkshire International Film Festival
40 Railroad Street
Great Barrington, MA 01230

Dear Kelley and Lauren:

At its meeting of February 10, 2014 the Parks Commissioners approved your request to use the Town Hall Bandstand/Green from Wednesday, May 28, 2014 through Monday, June 2, 2014 from 8:00 a.m. to 11:00 p.m. Wednesday will be for set-up. Thursday through Sunday is for possible events. Monday will be for clean-up. The commissioners advised that the music should shut down by 10:30 p.m. and the event should be closed by 11:00 p.m.

If you should have any questions, please do not hesitate to call.

Very truly yours

Carolyn Wichmann
Clerk
Parks and Recreation Commissioners

Cc: Board of Selectmen

ORIGINAL



RECEIVED
TOWN MANAGER

FEB 18 2014

TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

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: Kelley Vickery

Business/Organization: Berkshire International film festival

D/B/A (if applicable): _____

Address: 40 Railroad St. Suite #5, GB, MA

Mailing Address: PO BOX 237

Phone Number: 413-528-9030

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

Live band with up to 12 pieces, including singers Public Show

Other (please explain) _____

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

under a tent

Exact Location of Entertainment (include sketch): (see attached) - in hangar;
Great Barrington Airport, 70 Egremont Plain Rd, GB

Date(s) of Entertainment*: Friday, August 29th, 2014
*Does not include SUNDAY

Start & End Times of Entertainment: 5pm-12am

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.

Kelley Riccio
Signature of Individual or
Corporate Officer

2/17/2014
Date

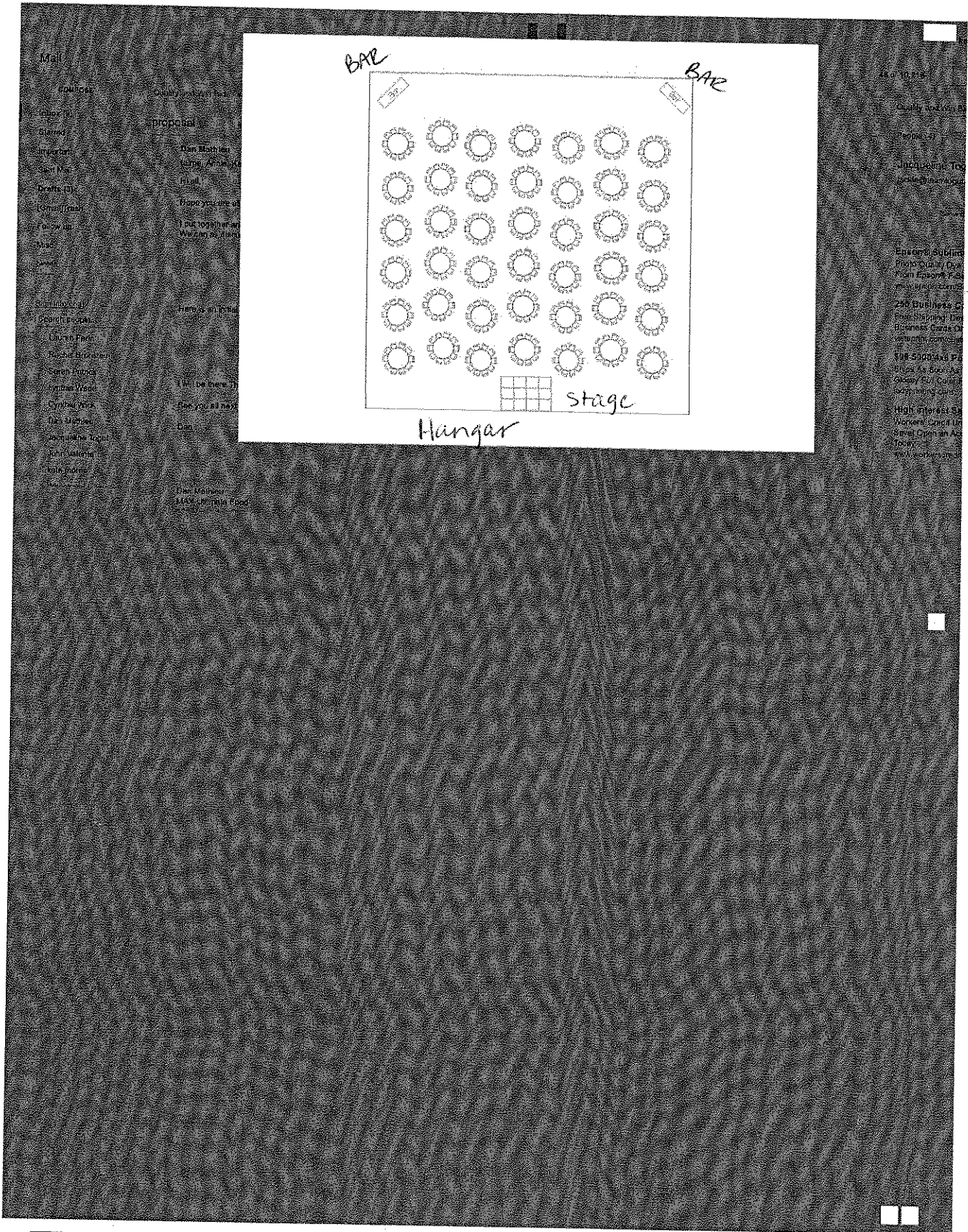
[REDACTED]
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: Text and food permits will be
required.

APPROVAL DATE: _____

LICENSE # _____



View all

BIFF 10TH.jpg
1 of 3

Open with



BERKSHIRE AVIATION

70 Egremont Plain Road
Great Barrington, MA 01230

Berkshire International Film Festival

To whom it may concern,

BIFF has our permission to hold its function at the Great Barrington Airport on August 29, 2014.
Please call if you need more information 413-528-1010.

Richard J. Solan
President
Berkshire Aviation

5H

Helen Kuziemko

From: Lauren Ferin <lauren@biffma.org>
Sent: Tuesday, March 04, 2014 3:52 PM
To: Jennifer Tabakin
Cc: Helen Kuziemko; Kelley Vickery
Subject: Requests for the Berkshire International Film Festival

Dear Jennifer,

The Berkshire International Film Festival takes place Thursday, May 29th through Sunday, June 1st this year. We have filed applications for entertainment and liquor licenses for the festival weekend and plan to go before the Board of Selectmen on March 10th.

In addition to the licenses, we would like to make two requests of you and the Board of Selectmen:

1. That a moratorium on parking for that weekend be granted. Each year, due to the nature of the festival, BIFF patrons park for long periods of time to watch films in the theaters and can become very upset when they find they've been issued parking tickets.

② #5H That we may have permission to reserve and use 3 parking spaces from Wednesday, May 28th to Monday, June 2nd in the parking lot behind the Town Hall for a Locked storage unit which we would use during the weekend for various items such as linens, coolers, glassware, etc. We would like to preserve the green behind the Town Hall and feel that having a storage unit (instead of backing a truck up numerous times to the event sight) would be a good solution. We do understand that those parking spaces are utilized during Town Hall business hours, which is why we are seeking your permission.

We appreciate your consideration, time and attention with these matters and hope that you will grant us these requests to better serve the community during the festival.

Kind regards,

Lauren

--
Lauren Ferin
Executive Assistant

Berkshire International Film Festival
P.O. Box 237
Great Barrington, MA 01230
413.528.8030
www.biffma.org

51

Helen Kuziemko

From: Lauren Ferin <lauren@biffma.org>
Sent: Tuesday, March 04, 2014 3:52 PM
To: Jennifer Tabakin
Cc: Helen Kuziemko; Kelley Vickery
Subject: Requests for the Berkshire International Film Festival

*To: BOS
BIF - Copy of last year's permission letter & map attached.*

Dear Jennifer,

The Berkshire International Film Festival takes place Thursday, May 29th through Sunday, June 1st this year. We have filed applications for entertainment and liquor licenses for the festival weekend and plan to go before the Board of Selectmen on March 10th.

In addition to the licenses, we would like to make two requests of you and the Board of Selectmen:

#51

1. That a moratorium on parking for that weekend be granted. Each year, due to the nature of the festival, BIFF patrons park for long periods of time to watch films in the theaters and can become very upset when they find they've been issued parking tickets.

2. That we may have permission to reserve and use 3 parking spaces from Wednesday, May 28th to Monday, June 2nd in the parking lot behind the Town Hall for a Locked storage unit which we would use during the weekend for various items such as linens, coolers, glassware, etc. We would like to preserve the green behind the Town Hall and feel that having a storage unit (instead of backing a truck up numerous times to the event sight) would be a good solution. We do understand that those parking spaces are utilized during Town Hall business hours, which is why we are seeking your permission.

We appreciate your consideration, time and attention with these matters and hope that you will grant us these requests to better serve the community during the festival.

Kind regards,

Lauren

--
Lauren Ferin
Executive Assistant

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P.O. Box 237
Great Barrington, MA 01230
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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

EXECUTIVE SUMMARY

TITLE: Application to Massachusetts DHCD for Planning Assistance for Housing Production

BACKGROUND: In December 2013 the Town requested planning assistance from the Berkshire Regional Planning Commission (BRPC) in order to research and develop ways to increase production of affordable housing, including through zoning or state incentive programs. BRPC has agreed to take on the project, but is seeking additional funds from the state in order to pay for their work. Since three other towns requested similar assistance from BRPC, this application to the state will be a regional application. Dalton will act as the lead community.

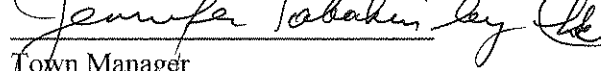
The Town Planner will coordinate the work locally, and the BRPC will present draft findings and recommendations to the Planning Board for future planning/zoning actions. The project timeline is expected to be April – October 2014.

FISCAL IMPACT: No commitment of town funds.

RECOMMENDATION: The Selectmen vote to participate in the regional application for Planning Assistance for Housing Production.

PREPARED AND REVIEWED BY: 
Town Planner

DATE: 3/5/14

APPROVED BY: 
Town Manager

DATE: 3/6/14



**APPLICATION
Priority Development Fund
Planning Assistance for Housing Production**

Municipal Applicant: Include names of other municipalities for joint applications	
Name:	Town of Dalton- Lead Community
	Town of Adams; Co-Applicant
	Town of Great Barrington; Co-Applicant
	Town of Richmond; Co-Applicant
Municipal Contact:	
Name:	Chris Rembold
Title:	Town Planner
Address:	334 Main Street, Great Barrington, MA
Zip Code:	01230
Telephone:	413-528-1619
E-mail:	crembold@townofgb.org
CEO Signature: _____	
Name:	Sean Stanton
Title:	Chairman, Board of Selectmen
Date:	3/10/2014

Applications must be submitted electronically to MaryJane.Gandolfo@state.ma.us. A hard copy with original signature from the Chief Elected Official (CEO) must be submitted by mail delivery. For joint applications, the CEO in each participating municipality must sign the hard copy (submit on separate page). DHCD will not review an application until such original documentation is received.

Excerpt: DHCD

- 1. HOUSING PROJECT:** Provide a narrative statement describing the likelihood that the product from the proposed activity will lead directly to the production of housing within three years following grant completion. (Not Scored)

This is a regional application, submitted on behalf of the towns of Dalton, Adams, Great Barrington and Richmond, with the Town of Dalton serving as lead applicant. While each of the municipalities included in the application has its own unique character, opportunities and challenges, all 4 are part of the larger Berkshire County community and are working together through this application to address mutual regional sustainability issues with regard to smart growth and meeting regional housing needs. All 4 municipalities have actively participated in the 3 year, HUD funded county-wide sustainability planning project, which is currently in its final stages. The Regional Sustainability Plan closely examines the changing demographic, economic, housing, transportation and land use issues facing Berkshire County as a whole. The Housing & Neighborhoods chapter utilizes the Fair Housing and Equity Assessment (FHEA) contained within the plan, as well as extensive community input and the Commonwealth's Sustainable Development Principles, to identify areas of high opportunity, in terms of access to employment, quality schools and transportation, as well as other amenities. These areas are then identified within the plan as being the best suited for new housing development. Each of the municipalities requesting assistance in the form of Priority Development Funds through this application ascribes to and actively promotes the vision of the Regional Sustainability Plan, that each municipality will carry its fair share of responsibility for providing Berkshire County residents with safe, decent, sanitary, and affordable housing opportunity. Each of the applicant municipalities, Dalton, Adams, Great Barrington and Richmond, is currently undertaking housing planning on a scale that warrants guidance, support and assistance from the Commonwealth, as a means to achieving balanced local, regional and state-wide goals for new housing development.

At the present time there is only one 40R District designation in all of Berkshire County, and that is located in the City of Pittsfield. Only one town in the county (Lenox) has adopted a DHCD approved Housing Production Plan. This regional PDF application looks to DHCD for assistance in improving that situation. While this application is submitted on behalf of only 4 of the 32 Berkshire County municipalities, the county as a whole will benefit by taking a regional approach to addressing the need for new housing development. By utilizing the considerable depth of knowledge, skills and technology, as well as economy of scale, available to our communities through the Berkshire Regional Planning Commission staff, real progress can be made in advancing housing planning in the region.

By referencing the attached locus map the relationship of each of the applicant communities to each other, and to Berkshire County as a whole, can easily be discerned. The 4 communities are clearly located in a north-south, east-west pattern, in proximity to the County seat, Pittsfield, and to the major transportation arteries that define the transit, housing, commerce and general development patterns in the region. Creating expanded housing opportunities in any of these communities will certainly benefit local residents and support local growth. Planning for and creating new housing in all four communities will help provide the entire county with a fair, balanced, and holistic approach to meeting housing needs regionwide. Access to transportation, education, and employment opportunities, as well as medical facilities and recreational opportunities, would become available to a far greater number of the County's population, enhancing the quality of life for all and helping to attract new residents to the region.

In combination, the requested PDF assistance by the 4 municipalities represented by this application is \$60,000. We request that this proposal be considered as an initiative of exceptional merit based upon the regional approach outlined within the application.

DHCD

DALTON:

The Town of Dalton has actively undertaken a concerted effort to quantify, define, and address its housing needs, especially the needs of its low and moderate income residents. As with many Berkshire County communities, Dalton is currently challenged to address the needs of its aging population while still attracting and meeting the needs of young professionals and families.

Recognizing that the lack of affordable housing is rapidly becoming one of the Town's most pressing development concerns, Dalton submitted a 2013 District Local Technical Assistance (DLTA) application to Berkshire Regional Planning Commission requesting that BRPC conduct a Housing Needs Assessment for Dalton to assess current housing conditions and recommend next steps in meeting the housing needs of its population. BRPC completed the Housing Needs Assessment, which was subsequently reviewed by staff at the Massachusetts Housing Partnership for form and content. The Housing Needs Assessment included the recommendation, among others, that the Town consider drafting a Housing Production Plan in order to involve the community in the planning process. It is essential for its eventual implementation that the community be involved in drafting the Plan, and share the commitment to its goals.

In the meantime, Berkshire Housing Development Corporation (BHDC) has been working with the Town of Dalton to document the feasibility of adapting the former Nessacus School, located at 120 First Street, Dalton, as housing for mixed ages, incomes and household compositions. Various planning steps, including preliminary site and layout plans, and development budget and operations pro forma, have been advanced on behalf of the Town, further establishing the Town's desire to move ahead with producing additional housing to meet the various needs of the Town, and the Nessacus site is only one of several potential sites that the Town wishes to explore. The Housing Production Plan is seen as a pro-active step by the Town of Dalton in achieving its affordable housing and community housing development goals.

The Town of Dalton is requesting \$15,000 in PDF Planning Assistance to complete this project.

ADAMS:

The Town of Adams has been actively pursuing the designation of a 40R District in its downtown area since June of 2013. The process was initiated through a 2013 District Local Technical Assistance (DLTA) grant from the Berkshire Regional Planning Commission, which included identifying underutilized properties in the downtown Adams area, mapping the potential district, determining the anticipated number of housing units to be produced, assembling data for the DHCD application, and meeting and consulting with Town staff, BRPC and DHCD officials. DHCD representatives conducted a preliminary site visit and provided guidance on procedures for moving the application forward. An estimated 500 new housing units could potentially be developed within the proposed 40R District.

As stated unequivocally in the 2009 CHAPA/MAPC document *The Use of Chapter 40R in Massachusetts as a Tool For Smart Growth and Affordable Housing Production*: "it takes time and money to create a 40R District. Planning and legal costs can run from \$35,000- \$65,000, and it takes a year or more to go through the planning, public hearing, application, local zoning approval and final State approval process." At this time, efforts to advance the Adams 40R District application are well underway. But additional work, and funding, is needed to complete the draft Zoning By-law and Design Standards and to move the application through the Town and DHCD approval process, and to perform the appropriate level of community outreach to ensure that the public can make an informed decision as to adoption at Town Meeting.

The Town of Adams is requesting \$15,000 in PDF assistance to complete this project. While this is a considerable investment in the overall project, once the district is created developers can expect a relatively quick review process, as Chapter 40R requires localities to issue a decision on an application for project approval no later than 120 days after it is filed unless the parties agree to waive that requirement.

GREAT BARRINGTON:

The primary activity of this project is to produce a Housing Production Plan for the Town of Great Barrington, building on the work done in the 2013 Housing Needs Assessment and the Housing section of the 2013 Master Plan.

Great Barrington's Master Plan specifically states that "Housing is an essential ingredient and primary need of every community. Meeting the housing needs of existing and future residents, all in different stages of life, all with different location, size, and price requirements, is a critical component of maintaining the economic activity and quality of life of our town. Those who have adequate and affordable housing tend to have fewer worries about their housing situations, and can focus more on their families, jobs and community service, thus benefitting the economy and the entire community...Population, economic and housing data in Great Barrington point to a strong and increasing need for more affordable housing".

The focus of this project will be in drafting a Housing Production Plan that is based on data and analysis derived from the Great Barrington-Sheffield Housing Needs Assessment completed in 2013. Specific emphasis will be on providing research and data, education and outreach to the Town on the financial incentives and other benefits to creating a 40R Smart Growth or Compact Neighborhood Overlay District in Housatonic Village and/or downtown Great Barrington, and establishing an Affordable Housing Trust. Both activities are recommended next steps of the 2013 Housing Needs Assessment. Great Barrington has 2 village centers, either of which could benefit from inclusion in a 40R district. The town also has a number of former mill properties and underutilized properties, including town owned properties in each of its 2 village centers, that have been under consideration for redevelopment and housing for a number of years. The adoption of smart growth zoning districts would lead directly to facilitating that redevelopment.

Great Barrington is committed to meeting its affordable housing needs. High priority goals in the Master Plan include "Proactively create lower cost and affordable units by targeting blighted properties to create new affordable housing units, providing zoning or financial incentives in order to spur redevelopment and the creation of affordable units", and by establishing an affordable housing trust fund, in part to fund grant and loans programs that will help improve or create new affordable units.

The Town of Great Barrington is requesting PDF Planning Assistance of \$15,000 to complete the proposed project.

RICHMOND:

The requested PDF assistance for Richmond will further community initiated activities such as education and outreach efforts that support the production of affordable housing, including:

- 1.) Building local support to achieve consensus on or approval of housing-related issues
- 2.) Create local housing trusts or local housing partnerships
- 3.) Draft a Housing Production Plan, as per M.G.L. Chapter 40B and 760 CMR 56.03(4).

The Town of Richmond is working to advance the development of affordable housing within the town. While Richmond is largely a rural community, the Fair Housing and Equity Assessment

(FHEA), conducted as part of the Regional Sustainability Plan, has identified the Town as a 'high opportunity' location for housing development, with an emphasis on the Town's high performing school system and the Town's relative proximity to the City of Pittsfield employment opportunities, transportation, shopping and hospital and medical services.

Over the past year, the Town's Long Range Sustainability Working Group has been working with the Berkshire Regional Planning Commission to develop strategies to ensure its long term sustainability, investing close \$20,000 in Town funds to finance the project. One issue that emerged very quickly from the group's work was the need to create opportunities for affordable housing.

Currently, the average asking price for a single-family home in Richmond is one of the highest in the County and is beyond the reach of many families. This fact has resulted in a gradual shift in Richmond's demographics to a point where the community has a larger than average population of those 55 and older, and roughly 30% of its housing stock is owned by second home owners. The Long Range Sustainability Working Group has identified the need to attract young professionals and families to the Town as an important and immediate priority. The Richmond Selectboard has created an Affordable Housing Committee to address recommendations of the Long Range Sustainability Working Group in regards to housing issues.

The Housing Needs Assessment will provide an essential tool in quantifying the current and future demand for housing in Richmond. It will serve to inform the community discussion and assist the town in setting housing goals and creating implementation strategies, including identifying potential building sites and examining the potential for adaptive reuse of existing buildings.

Due to the rural nature of the Town, scattered site housing development, or infill within the town's small village center, is most likely to result from this effort. The Town of Richmond is strongly committed to providing affordable housing options to its existing residents and to attracting new residents. In this capacity the Town of Richmond may well serve as a prototype for small, rural Massachusetts communities seeking to help meet the affordable housing needs of its residents and the larger community.

The Town of Richmond is requesting \$15,000 in PDF Planning Assistance to complete this project.

2. PROJECT DESCRIPTION & NEED ADDRESSED: Provide a detailed description of the proposed activity, including a discussion/documentation of the local and/or regional housing need the activity is designed to address and how the activity will address the identified local and/or regional need.

During the past 2 decades, Dalton, Adams, Great Barrington and Richmond have all experienced declines in population and rapid increase in the average ages of residents. With the loss of several major employers from the county during the same period, fewer young families are making their homes in these towns. While second home ownership has increased dramatically, especially in Great Barrington and Richmond, fewer year round households are inhabited by families with children. The incidence of households maintained by the elderly, living on fixed incomes, has also increased.

Dalton's population peaked in 1970 and has seen a slower rate of decline than neighboring municipalities, but has still lost 5% of its residents in the last 20 years. Approximately 33% of Dalton's residents are 55 years or older and only 20% of households include children under the age of 18. Over 1/3 of Dalton's housing stock was built before 1939.

The population of Adams has steadily declined from a high in 1960 of 12,391 residents to only 8,485 in 2010. Those residents over the age of 55 now comprise 30% of the total population. Approximately 63% of households live at 80% of AMI, and per capita income is \$23,509. Almost 40% of all households are occupied by renters, and over 53% of those renters are rent-burdened, paying 30% or more of their income for housing. Over 57% of its homes were built prior to 1939.

Although Great Barrington is the largest town in Berkshire's South County, its population declined 5.5% between 2000 and 2010, and the town residents' average age has increased from 34.8 in 1980 to 45.5 in 2010, an increase of 25.7%.

Great Barrington is growing more diverse, however, with the 2010 census reporting that 6% of the town's residents are of Hispanic decent. Local service provider, Multicultural BRIDGE, estimate the local Hispanic and Latino population to be closer to 12%. Nearly 47% of the homes in Great Barrington were built prior to 1939, and a recent windshield survey conducted in the most densely populated parts of town, Great Barrington CDP and Housatonic CDP, revealed that approximately 71% of the houses require moderate to substantial rehabilitation.

Since 1990, the Town of Richmond has lost 12% of its population. Fewer than 5% of households include children under the age of 18. Over 44% of the town's residents are age 55 or older. Approximately 23% of Richmond homes were built prior to 1939.

SEAN A. STANTON
CHAIRMAN

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619, x2
Fax: (413) 528-2290
website: www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

BOARD OF SELECTMEN

March 10, 2014

Senator Benjamin B. Downing
State House, Room 413F
Boston, MA 02133-1053

Representative Smitty Pignatelli
State House, Room 448
Boston, MA 02133-1054

Re: Community Preservation Act Trust Fund

Dear Senator Downing and Representative Pignatelli:

Thank you for your past and continued support of the Community Preservation Act (CPA). As you know, Great Barrington adopted the CPA in 2012 at the full 3% surcharge, and we are now well on our way to implementation. As Great Barrington is fully committed to the CPA, we ask the Commonwealth to also fully commit to the CPA by keeping the CPA Trust Fund strong.

To that end, in your budget recommendations this year, please request \$25 million from the FY14 budget surplus be transferred into the CPA Trust Fund. Last year, a similar action helped many communities receive a true 100% match of state funds to CPA funds raised locally. In Great Barrington, if the CPA Trust Fund could match our estimated local \$400,000 in revenue dollar for dollar, we could begin accomplishing many of the important tasks in our recently-adopted Master Plan.

For example, affordable housing is urgently needed, to support our local employers, as well as young families and aging seniors. Many of our historic buildings, such as Town Hall and St. James Place, which contribute so significantly to the character of Main Street and the sense of community in our town, need significant repairs. Finally, projects like the restoration of the Fairgrounds and the nationally-recognized Housatonic River Walk could benefit from the CPA's open space funding. These are just a few examples of how full CPA funding could enrich and preserve the wonderful quality of life that makes Great Barrington the business and civic hub of southern Berkshire, and supports our economy.

Thank you for your support in keeping the CPA Trust Fund strong.

Sincerely,

Sean A. Stanton, Chairman

cc: Jennifer Tabakin, Town Manager
Christopher Rembold, Town Planner
Community Preservation Committee



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

EXECUTIVE SUMMARY

TITLE: Recommendation to the ZBA regarding Special Permit Application 825-14 for John and Sue Corcoran, at 14 Lake Avenue

BACKGROUND: Owners are seeking a Special Permit from the Zoning Board of Appeals in order to create a new nonconformity in the front yard in an R-1-A zoning district. The zone requires 25 foot front yards. The proposal is to add a 295 square foot addition on the side of the existing house, but it will encroach into the required front yard by 2.9 feet. It should be noted that the existing house was built much closer to the street, and the proposed addition is set back from that.

Typically, creation of a nonconformity requires a Variance from the ZBA, per Zoning §5.4. However, in a 2011 ruling, *Gale v. ZBA of Gloucester*, the Massachusetts Appeals Court created a new rule regarding the need for zoning relief for single- or two-family dwellings. The Court held that if a proposed change is determined to increase a nonconformity or create a new one, the ZBA must first determine whether the proposed change will be substantially more detrimental to the neighborhood than the existing nonconformity. If the ZBA determines the proposed change is determined to not be substantially more detrimental to the neighborhood than the existing nonconformity, *then a Variance is not required*; only a Special Permit would be required to allow the proposed change.

DRT staff has no concerns with this proposal.

FISCAL IMPACT: n/a

RECOMMENDATION: The Selectmen consider the impact, if any, of the proposed new nonconformity and make a recommendation on the Special Permit to the ZBA.

PREPARED AND REVIEWED BY: Christopher Rembold
Town Planner

DATE: 3/5/14

APPROVED BY:

DATE: 4/5/14

Jennifer Tabakin
Town Manager

**Zoning Board of Appeals
Town of Great Barrington**

NOTICE OF PUBLIC HEARINGS

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, March 25, 2014, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of John Corcoran & Sue Corcoran, for property at 14 Lake Avenue, to build an addition that will extend into the required front yard setback. The property is in an R1A zone. A copy of the petition is on file at the Town Clerk's office, Town Hall. Zoning Board of Appeals members will make a site visit at 5:30 p.m. that same date.

Ron Majdalany, Chairman

Berkshire Record - Feb. 14 & 21



Town of Great Barrington
Massachusetts

ZBA-1
Rev. July 2013

Application to the
Zoning Board of Appeals

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date: 1/29/14
Received and checked for completeness by:
Number Assigned: 825-14
Date filed with the Town Clerk
FOR ZBA USE:
Advertising dates: &
Public hearing date:

TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.

A. WHAT ARE YOU SEEKING?

Check all that apply. If you are unsure, please consult with the Town Planner, Building Inspector, or ZBA Secretary (413-528-4953)

- VARIANCE (exempts a property from some Zoning requirements)
SPECIAL PERMIT (for changes to nonconforming uses, structures)
APPEAL (to overturn a decision of Building Inspector or a Board)

B. SITE / PROPERTY INFORMATION

Address of Subject Property 14 Lake Avenue
Assessor's Map No. 13 Lot No. 86.A
Registry of Deeds Book No: 2217 Page: 344
Zoning District(s) RTA Medium Density Res.
Overlay Districts (if any)

C. APPLICANT AND OWNER INFORMATION

Applicant's Information: Name (please print) JOHN CORCORAN & SUE CORCORAN Phone (area code first) 4135285040
Street Address c/o DENNIS J DOWNING ESQ 17 MAHAIWE STREET, SUITE 1
City, State, Zip Code GREAT BARRINGTON, MA 01230
Email Address dennis.downing@verizon.net
Signature John Corcoran & Sue Corcoran by Dennis J. Downing VOA

- Check here if Applicant and Property Owner are the same, and skip to the next section.
Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.
Property Owner's Information: Name (please print) Phone (area code first)
Street Address
City, State, Zip Code
Email Address Signature

D. VARIANCES If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

- 1) From which Section(s) of the Zoning Bylaw do you request a variance?
- 2) What will the requested variance(s) enable you to do?
- 3) If the variance(s) is not granted, what hardship will that cause you?
- 4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?
- 5) Explain why your special circumstances are not a result of your own actions.
- 6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?
- 7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

E. SPECIAL PERMITS If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

- 1) A special permit is being requested in order to (please describe project):
- 2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)

<input type="checkbox"/> Section 5.2	<input checked="" type="checkbox"/> Section 5.3	<input checked="" type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4
- 3) Reason(s) that this property is not in conformance with the Zoning Bylaw
- 4) Are there any previous Special Permits or Variances for this property? No Yes
If yes, provide date(s), and name of issuing Board

F. APPEALS If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

- 1) This application is to appeal the decision of Building Inspector Planning Board Board of Selectmen
- 2) Date of decision
- 3) Nature of the decision
- 4) Applicable Section(s) of the Zoning Bylaw
- 5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps--one USGS survey map and one current zoning map-- illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619, x. 5.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

H. APPLICATION FEE

Application fees are calculated at \$150 per request. (For example, if one box in A. is checked, the fee is \$150. For two boxes, the fee is \$300.)

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

I. TECHNICAL REVIEW FEES

The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. Please also sign here: John Corcoran & Sue Corcoran

J. ADDITIONAL INFORMATION

by Hanna J. Downing PDR

Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

Applicant's Signature: "I have read and I understand all of the information on this application."

John Corcoran & Sue Corcoran
by Hanna J. Downing PDR (signed)

1/28/14 (date)

Print Form

Need Help? Just call us:

Town Planner: (413) 528-1619, x.7

Building Inspector / Zoning Enforcement Officer:
(413) 528-3206

ZBA Secretary: (413) 528-4953

For bylaws, regulations, maps, and other useful information, visit us online at www.townofgb.org

Bruce Firger, Assessor
John Katz, Assessor
Christopher J. Lamarre
Principal Assessor

E-mail: clamarre@townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-2220 x 5
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

December 18, 2013

ASSESSORS' OFFICE

ABUTTERS TO PROPERTY OF: JOHN & SUE CORCORAN

14 Lake Avenue, Map 13 Lot 86A, Book 2217 Pg. 344

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
13	85A	Marjorie A. Keefner-West, Trustee, MEX Realty Trust, 16 Lake Ave., Gt. Barrington, MA 01230-1035
13	83	Marjorie A. Keefner-West, Trustee, MAW Realty Trust, 16 Lake Ave., GB, MA 01230-1035
13	36A	Kim D. Gershon & Melvin Gershon, 2 Highland Dr., Gt. Barrington, MA 01230-1100
13	36	Howard J. Steinberg, Lawrence G. Steinberg & Rasha R. Benigno, 30 Prospect St., Gt. Barrington, MA 01230-1037
13	84	Peter Duntz & Gina M. Paul, 28 Prospect St., Gt. Barrington, MA 01230-1037
13	85	Thomas A. Gladwell & Andrew R. Reynolds, 26 Prospect St., Gt. Barrington, MA 01230-1037
13	86	David & Lauren Walker, 9 Surrey St., Cambridge, MA 02138-6017
13	87,88,88A	Robert W. Norris & Mary Ann Norris, 20 Prospect St., Gt. Barrington, MA 01230-1037
13	87A	Ronald & Kathleen K. Banks, Trustees, Georgette Banks 2012 Irrevocable Trust, 54 Hollenbeck Ave., Gt. Barrington, MA 01230-1013
13	115,116C	Anthony C. Blair & Rebecca E. Tillinghast, 9 Lake Ave., Gt. Barrington, MA 01230-1016
13	80	Molly Howitt, 13 Lake Ave., Gt. Barrington, MA 01230-1016
13	77,78,79	Steven J. & Christine A. Ross, 17 Lake Ave., Gt. Barrington, MA 01230-1016
13	81	Alan F. Buckes, 15 Lake Ave., Gt. Barrington, MA 01230-1016
13	90	John P. & Virginia F. Passetto, 27 Prospect St., Gt. Barrington, MA 01230-1036
13	91	Charles L. & Mary R. Hamilton, 25 Prospect St., Gt. Barrington, MA 01230-1036
13	92	William P. & Pollyann C. Smith, Co-Trustees, Smith Family Nominee Realty Trust, 21 Prospect St., Gt. Barrington, MA 01230-1036
13	93	Ann E. Novick, 64 Sumner St., Gt. Barrington, MA 01230-1040
13	94	Christophe & Katherine Pichard, 83 Hollenbeck Ave., Gt. Barrington, MA 01230-1012
13	94B	Jonathan E. Greene, 50 Hollenbeck Ave., Gt. Barrington, MA 01230-1012
13	89	Paul A. Kosik, PO Box 594, South Egremont, MA 01258-0594
13	48	C. Lee Rogers & Nancy M. Rogers, 31 Prospect St., Gt. Barrington, MA 01230-1036
13	26A	Thomas A. & Marie Blauvelt, 19 Lake Ave., Gt. Barrington, MA 01230-1016
13	26B	Bernard H. & Judith A. Weitz, Trustees, Weitz Family Revocable Trust, 44 West Walnut St., Long Beach, NY 11561-3414
13	2	Gina James, 69 Sumner St., Gt. Barrington, MA 01230-1039
13	116A	Suzanne T. Arre, 7 Lake Ave., Gt. Barrington, MA 01230-1016
13	117	Joanna R. Schimmel, 18 Prospect St., Gt. Barrington, MA 01230-1022
13	95	Joseph & Erica R. Carini, 59 Hollenbeck Ave., Gt. Barrington, MA 01230-1012
13	35A	Jeffrey M. & Samantha A. Homeyer, 21 Hemlock Hill Rd., Gt. Barrington, MA 01230-1178

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

Sincerely, Christopher Lamarre, Principal Assessor

LIMITED POWER OF ATTORNEY

I, **JOHN CORCORAN**, of Great Barrington, Massachusetts, do hereby make, constitute and appoint **DENNIS J. DOWNING**, of Great Barrington, Massachusetts, as my true and lawful attorney, for land use purposes relating to property located at 14 Lake Avenue, in Great Barrington, Massachusetts, including execution of documents pertaining thereto and all related matters.

This power of attorney shall not be affected by the subsequent disability or incapacity of the principal(s).

Executed as a sealed instrument this 19th day of December, 2013.



JOHN CORCORAN

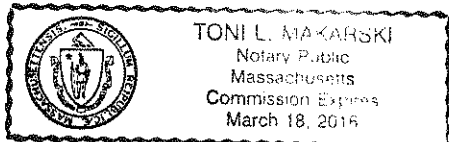
COMMONWEALTH OF MASSACHUSETTS

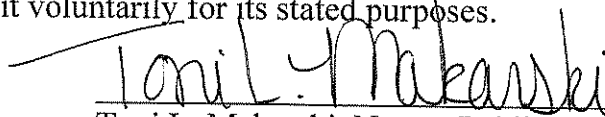
Berkshire, ss:

On this 19th day of December, 2013, before me, the undersigned notary public, personally appeared **John Corcoran** proved to me through satisfactory evidence of identification, being (check whichever applies):

- driver's license or other state or federal government document bearing a photographic image,
- oath or affirmation or a credible witness known to me who knows the above signatory,
- or
- my own personal knowledge of the identity of the signatory,

to be the person whose name is signed on the preceding or attached document, and acknowledge to me that he signed it voluntarily for its stated purposes.





Toni L. Makarski, Notary Public
My Commission Expires: March 18, 2016

LIMITED POWER OF ATTORNEY

I, **SUE CORCORAN**, of Great Barrington, Massachusetts, do hereby make, constitute and appoint **DENNIS J. DOWNING**, of Great Barrington, Massachusetts, as my true and lawful attorney, for land use purposes relating to property located at 14 Lake Avenue, in Great Barrington, Massachusetts, including execution of documents pertaining thereto and all related matters.

This power of attorney shall not be affected by the subsequent disability or incapacity of the principal(s).

Executed as a sealed instrument this 19th day of December, 2013.

Sue Corcoran

SUE CORCORAN

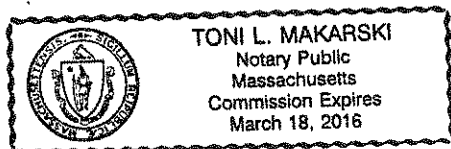
COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss:

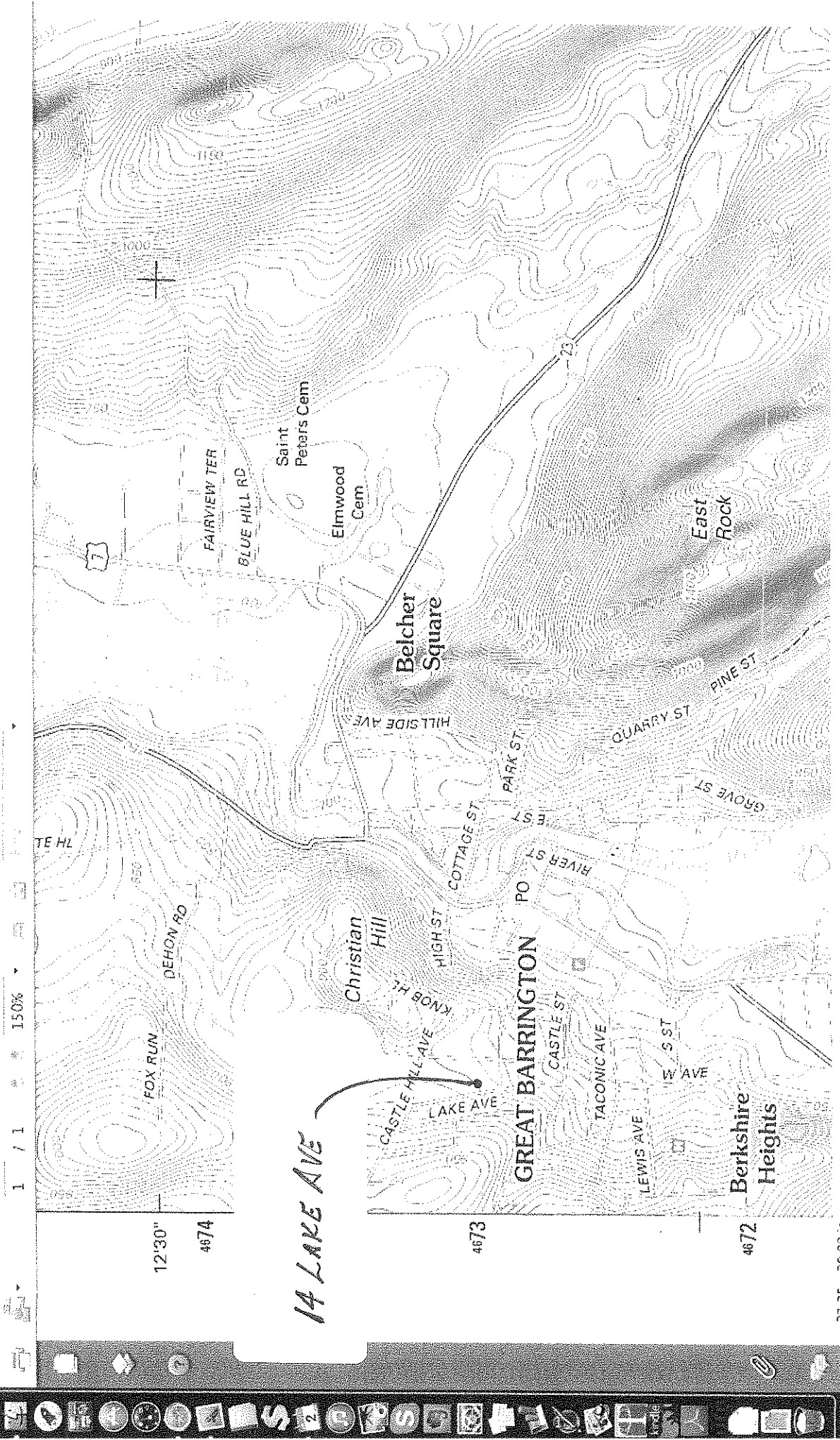
On this 19th day of December, 2013, before me, the undersigned notary public, personally appeared **Sue Corcoran** proved to me through satisfactory evidence of identification, being (check whichever applies):

- driver's license or other state or federal government document bearing a photographic image,
- oath or affirmation or a credible witness known to me who knows the above signatory,
- or
- my own personal knowledge of the identity of the signatory,

to be the person whose name is signed on the preceding or attached document, and acknowledge to me that she signed it voluntarily for its stated purposes.



Toni L. Makarski
Toni L. Makarski, Notary Public
My Commission Expires: March 18, 2016



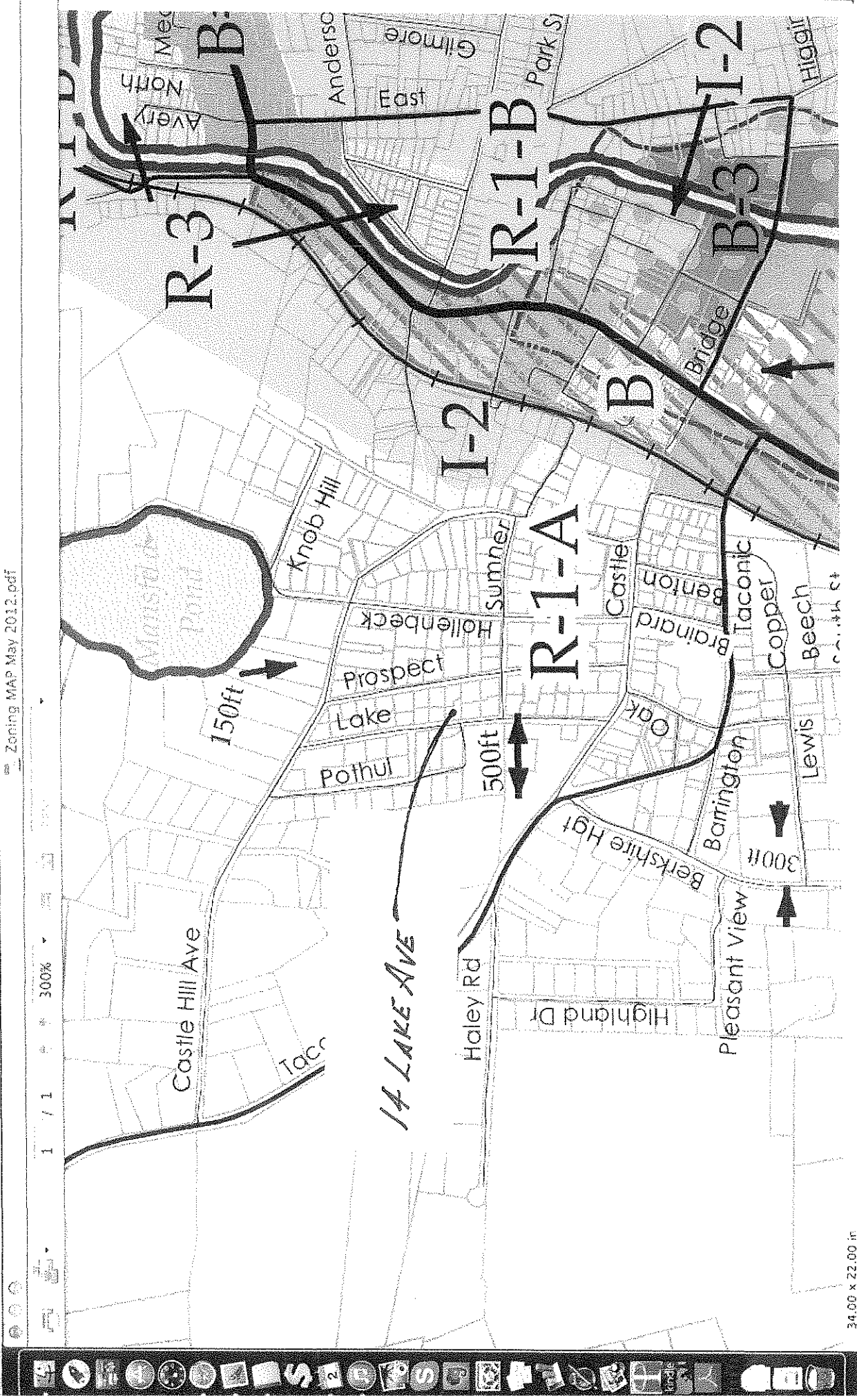
14 LAKE AVE

12'30" 4674

4673

4672

22.75 x 29.00 ft





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

EXECUTIVE SUMMARY

TITLE: Hutchinson Appeal of Building Commissioner's Enforcement Order

BACKGROUND: Appellant Lynn Hutchinson, represented by Attorney Alexandra Glover, has appealed two Enforcement Orders issued by the Great Barrington Building Commissioner Edwin May for alleged zoning violations. Neither Appeal argues that the alleged zoning violations did not occur. Rather, the Appeals seem to argue that the orders are not specific and not enforceable as written.

While the two orders are substantially similar (the second slightly modifies the first), both allege Ms. Hutchinson, the property owner, violated the Water Quality Protection Overlay District, specifically Section 9.2.6 of the Zoning Bylaw. This section prohibits any activity within Zone A (a 400-foot zone around surface public water supplies, namely Long Pond) that is not related to the operation and maintenance of the public water supply. Photos from July 2013 show workers cutting and removing trees, brush, and vegetation in this area.

The Zoning Board of Appeals will hear both appeals at its March 25, 2014 meeting.

It is noted that the Conservation Commission also issued an Enforcement Order pertaining to the same activities that were of concern to the Building Commissioner, but under the jurisdiction of the Wetlands Protection Act (cutting and clearing of vegetation in a wetland and its resource area). Ms. Hutchinson is in compliance with the order. She has prepared a restoration plan to remedy the violation, and the plan has been approved by the Conservation Commission.

FISCAL IMPACT: n/a

RECOMMENDATION: The Selectmen make a recommendation to the ZBA.

PREPARED AND REVIEWED BY: 

DATE: 3/3/14

Town Planner

APPROVED BY: 

DATE: 3/6/14

Town Manager

#1

**Zoning Board of Appeals
Town of Great Barrington**

NOTICE OF PUBLIC HEARINGS

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, March 25, 2014, at 8 p.m., or following an earlier hearing, at Town Hall, 334 Main St., Great Barrington, to act on the Lynn Hutchinson/Brian Schwab appeal of a building commissioner's cease order regarding a Water Quality Protection Overlay District—Zone A Violation on property at 263 Long Pond Road. A copy of the petition is on file at the Town Clerk's office, Town Hall.

Ron Majdalany, Chairman

2

**Zoning Board of Appeals
Town of Great Barrington**

NOTICE OF PUBLIC HEARINGS

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, March 25, 2014, at 8 p.m., or following an earlier hearing, at Town Hall, 334 Main St., Great Barrington, to act on the Lynn Hutchinson/Brian Schwab appeal of a building commissioner's Water Quality Protection Overlay District—Zone A enforcement order for property at 263 Long Pond Road. This appeal was filed Feb. 26, 2014. A copy of the petition is on file at the Town Clerk's office, Town Hall.

Ron Majdalany, Chairman

Please publish March 7 and 14, 2014



Town of Great Barrington
Massachusetts

ZBA-1
Rev. July 2013

Application to the
Zoning Board of Appeals

01-20-16-10

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date:
Received and checked for completeness by:
Number Assigned:
Date filed with the Town Clerk
FOR ZBA USE:
Advertising dates: &
Public hearing date:

TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.

A. WHAT ARE YOU SEEKING?
Check all that apply. If you are unsure, please consult with the Town Planner, Building Inspector, or ZBA Secretary (413-528-4953)
[] VARIANCE (exempts a property from some Zoning requirements)
[] SPECIAL PERMIT (for changes to nonconforming uses, structures)
[x] APPEAL (to overturn a decision of Building Inspector or a Board)
B. SITE / PROPERTY INFORMATION
Address of Subject Property 263 Long Pond Road
Assessor's Map No. 33 Lot No. 3&4
Registry of Deeds Book No: 2204 Page: 344
Zoning District(s) R2 One-acre Res.
Overlay Districts (if any) WQPOD Water Quality Protection Ov

C. APPLICANT AND OWNER INFORMATION
Applicant's Information
Name (please print) Lynn Hutchinson Phone (area code first) 413-854-1404
Street Address 263 Long Pond Road
City, State, Zip Code Great Barrington MA 01230
If Applicant is a corporation, provide name of contact person:
Email Address lyemmeg@aol.com Signature Lynn Hutchinson by her Attorney, Alexandra Glover
[x] Check here if Applicant and Property Owner are the same, and skip to the next section.
[] Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.
Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.
Property Owner's Information
Name (please print)
Phone (area code first)
Street Address
City, State, Zip Code
Email Address
Signature

D. VARIANCES If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

1) From which Section(s) of the Zoning Bylaw do you request a variance?

2) What will the requested variance(s) enable you to do?

3) If the variance(s) is not granted, what hardship will that cause you?

4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?

5) Explain why your special circumstances are not a result of your own actions.

6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?

7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

E. SPECIAL PERMITS If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

1) A special permit is being requested in order to (please describe project):

2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)

<input type="checkbox"/> Section 5.2	<input type="checkbox"/> Section 5.3	<input type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4

3) Reason(s) that this property is not in conformance with the Zoning Bylaw

4) Are there any previous Special Permits or Variances for this property? No Yes
If yes, provide date(s), and name of issuing Board

F. APPEALS If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

1) This application is to appeal the decision of Building Inspector Planning Board Board of Selectmen

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps--one USGS survey map and one current zoning map-- illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619, x. 5.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

H. APPLICATION FEE

Application fees are calculated at \$150 per request. (For example, if one box in A. is checked, the fee is \$150. For two boxes, the fee is \$300.)

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

I. TECHNICAL REVIEW FEES

- The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. Please also sign here: Lynn Hutchinson by her attorney, Alexandre Glover

J. ADDITIONAL INFORMATION

Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

Applicant's Signature: "I have read and I understand all of the information on this application."

Lynn Hutchinson, by her attorney, Alexandre Glover (signed) 2/26/14 (date)

Print Form

Need Help? Just call us.

Town Planner: (413) 528-1619, x7

Building Inspector / Zoning Enforcement Officer:
(413) 528-3206

ZBA Secretary: (413) 528-4953

For bylaws, regulations, maps, and other useful information, visit us online at www.townofgb.org

APPEAL OF REVISED 7/24/13 ORDER – 263 LONG POND RD;
WQPOD - ZONE A VIOLATION

Of Edwin May, Inspector of Buildings,
of the Town of Great Barrington

Property Owner: Lynn Hutchinson

Property Address: 263 Long Pond Road

Map/Lot: Map 33, Lot(s) 3 and 4.

Relevant Zoning District: Water Quality Protection Overlay District, Zone A

Procedural History

This is an appeal of an order entitled “REVISED 7/24/13 ORDER – 263 Long Pond Rd; WQPOD – Zone A Violation” dated February 3, 2014 (“2014 Revised Order”), which revises an earlier order known as “263 Long Pond Rd; WQPOD – Zone A Violation” dated July 24, 2013 (“2013 Order”).¹ This appeal is made by the property owner, Lynn Hutchinson, pursuant to Section 10.1.6 of the Town of Great Barrington Zoning By-Law (the “Zoning By-Law”).²

The Building Inspector had previously issued the 2013 Order to Ms. Hutchinson, which Violation was appealed by Ms. Hutchinson to this Board. The time for holding the public hearing on that appeal was extended numerous times by agreement, due to the fact that the Conservation Commission was holding hearings on its own enforcement order pertaining to the same activities that were of concern to the Building Inspector. The Conservation Commission concluded its hearings, issued an Enforcement Order and subsequently revised same. Ms. Hutchinson is currently in compliance with the Conservation Commissions Revised Enforcement Order. The appeal to this Board of the 2013 Order is still pending.³

On February 3, 2014 the Building Inspector revised his prior order, eliminating a reference to 310 CMR §22.20B(6), which regulation was not implicated, and by revising the remedy to incorporate all enforcement orders and revisions thereof, of the Conservation Commission. The Building Inspector’s revisions resolve several issues with the 2013 Order, but leave other issues that Ms. Hutchinson now appeals.

¹ A copy of the 2014 Revised Violation Notice is attached hereto as Exhibit A, and a copy of the 2013 Violation Notice is attached hereto as Exhibit B.

² The required plot plan is attached hereto as Exhibit C, and the required Abutters’ List is attached hereto as Exhibit D.

³ Ms. Hutchinson incorporates herein by reference the arguments set forth in her appeal to this Board of the 2013 Order. A copy of the text of her appeal is attached hereto as Exhibit E.

Grounds for Appeal

By way of background, Ms. Hutchinson purchased the Premises, a lot with a single-family home, on July 9, 2013. Within a week or so of the purchase, Ms. Hutchinson's husband, Brian Schwab, undertook to clear invasive species and other new growth from an area that had previously, for decades, been clear cut, by persons unknown to Ms. Hutchinson or Mr. Schwab. My clients have never denied that Mr. Schwab performed some cutting in the area at issue, nor have they refused to comply with any Town order. In fact, they immediately engaged Marc Volk of Foresight Engineering, to assist them in the preparation of an appropriate remediation plan.

Both the 2013 order and the 2014 Revised Order contain the same deficiency: The Building Inspector fails to state exactly what actions of Ms. Hutchinson were in violation of the Zoning Bylaw and he purports to prohibit activities that are not within the scope of the Zoning Bylaw. The Building Inspector appears to have adjudged that the cutting of trees and brush, and the removal of invasive species, is not permitted under the Zoning Bylaw. While he does not detail the nature of the violation, his ordered remedies, as well as his statement that "Absolutely NO further mowing or clearing is to be tolerated in this Zone A", suggest that his to be the case.³

However, the portion of the Zoning Bylaw relied upon by the Building Inspector does not prohibit mowing, clearing brush, cutting vegetation: Great Barrington's Zoning Bylaw, Section 171-9.2.6 permits "uses related to the operation and maintenance of the public water supply" in Zone A. The Bylaw does not prohibit a private property owner from entering her own property and cutting trees or vegetation, or removing invasive species.⁴ To be clear, the question of whether there was a zoning violation is a distinct determination from the question of whether there was a wetlands violation. Wetlands violations are enforced by the Conservation Commission, and the Commission has issued its Enforcement Order.

Two of the significant issues were resolved in the 2014 Revised Order, in that the Building Inspector revised the remedy to make it possible for Ms. Hutchinson to know what she was being ordered to do, and that he removed the reference to 310 CMR

³ As the Building Inspector stated in the 2013 Order: "This office has been made aware of an encroachment, cause by you, to a Water Quality Protection Overlay District (WQPOD), Zone A, on a property owned by you located at 263 Long Pond Road" In fact, there is no encroachment on any land. Presumably, the Building Inspector is referring to the cutting, but there are no specific, factual allegations, whatsoever, in the Order. Mr. May fails to articulate, let alone document, (1) what is the complained-of action, (2) where the work took place and how much of it was actually within his jurisdiction, in the WQPOD; and (3) what types of vegetation, even generally, were cut. Had he done so, the appropriate remedy for any violation would have been able to be formulated, and the extent to which any work took place within the Zoning District, or was actually of a nature that violated the By-Law, would have been known.


⁴ The inapplicability of the Zoning Bylaw to the complained-of activities is the same, whether the issue is cutting on Ms. Hutchinson's land, or mistaken cutting on the land of another.

§22.20B(6). However, the question of whether, and to what extent, the complained-of actions were in violation of the Zoning Bylaw, and what restrictions the Building Inspector can put, under the Zoning Bylaw, on Ms. Hutchinson's use of her own land, remain. Indeed, if the Zoning Bylaw is interpreted to mean that Ms. Hutchinson may enter her own land or use it for only if her use is "related to the operation and maintenance of the public water supply", then her land has been effectively taken from her and given to the private, for-profit water company, the Housatonic Water Works Company.

The Building Inspector's 2014 Order is not enforceable, as it fails to specify what activities are prohibited under the Zoning Bylaw, in which specific areas the complained-of activities occurred, and contains a blanket prohibition – "NO further mowing or clearing is to be tolerated in this Zone A" – which is beyond the scope of his authority and imposes a restriction on Ms. Hutchinson that has no basis in the Zoning Bylaw.

Thus, Ms. Hutchinson requests that the Zoning Board of Appeals reverse the 2014 Order.

LYNN HUTCHINSON
By her Attorneys,
LAZAN GLOVER & PUCILOSKI LLP

By: 
Alexandra H. Glover, Esq.
785 Main Street
Great Barrington, MA 01230
Tel: (413) 644-0200
Fax: (413) 644-0201
glover@lazanlaw.com

Dated: February 26, 2014

EXHIBIT A

Edwin A. May
Inspector of Buildings

E-mail: emay@townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-3206
Fax: (413) 528-3064

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE INSPECTOR OF BUILDINGS

February 3, 2014

Lynn Hutchinson
c/o Brian Schwab
263 Long Pond Rd.
Great Barrington, MA 01230-1169

Re: REVISED 7/24/13 ORDER - 263 Long Pond Rd; WQPOD – Zone A Violation

Ms. Hutchinson;
The July 24 enforcement order is hereby revised to read as follows;

I find you in violation of The Town of Great Barrington's Zoning Bylaw;

171-9.2.6 Permitted Uses; Zone A and Zone I

Only uses related to the operation and maintenance of the public water supply are permitted in Zone A and Zone I (the Inner Zone) defined in 310 CMR §22.

171-11 Definition: Zone A- *The Land area between the surface water source and the upper boundary of the bank within a four-hundred-foot lateral distance From the upper boundary of the bank of a class A surface water source as defined in 314 CMR 4.05(3) (a) and within a two-hundred-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.*

The penalty shall be upon conviction thereof to be not more than \$300.00 for each offense. Each day a violation exists shall be considered a separate offense.

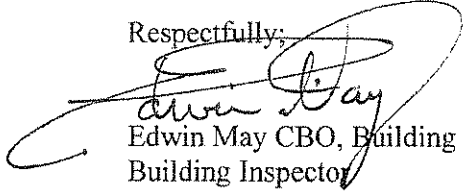
The remedy : You shall comply with the Enforcement Order approved by The Great Barrington Conservation Commission on October 30, 2013, and which Order is recorded in the Southern Berkshire Registry of Deeds in Book 2225, Page 330 ("Conservation Commission Enforcement Order") which is incorporated herein by reference, and with any subsequent modification, revision, or supplements, by the Conservation Commission, to said Conservation Commission Order.

Contact the Con. Comm. Agent at (413) 528-1619 x-122 or email to conservation@townofgb.org. Absolutely NO further mowing or clearing is to be tolerated in this Zone A.

To _____
2/3/2014
p. 2 of 2

The appeal of an aggrieved person may filed with The Zoning Board of Appeals within 30 days in accordance with M.G.L. c. 40A §§ 8 and 15.

Respectfully;



Edwin May CBO, Building Commissioner
Building Inspector
Zoning Enforcement Officer

C.c. Town Manager / Board of Selectmen, Planning Board, Board of Health, Conservation Commission, Town Engineer, Department of Public Works, The Housatonic Water Co.

EXHIBIT B

Edwin A. May
Inspector of Buildings

E-mail:emay@townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-3206
Fax: (413) 528-3064

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE INSPECTOR OF BUILDINGS

July 24, 2013

Lynn Hutchinson
c/o Brian Schwab
263 Long Pond Rd.
Great Barrington, MA 01230-1169

Re: 263 Long Pond Rd; WQPOD – Zone A Violation

Ms. Hutchinson;

This office has been made aware of an encroachment, caused by you, to a Water Quality Protection Overlay District (WQPOD), Zone A, on a property owned by you located at 263 Long Pond Rd, Great Barrington, Assessor's Map 33, Lot(s) 3 and 4. Add to this a trespassing issue where your encroachment crosses a property line to The Great Barrington Land Conservancy's premises located to the south, violating their vested rights and impacting their mission as an 'arboretum'.

I find you in violation of The Town of Great Barrington's Zoning Bylaw;

171-9.2.6 Permitted Uses; Zone A and Zone I

Only uses related to the operation and maintenance of the public water supply are permitted in Zone A and Zone I (the Inner Zone) defined in 310 CMR §22.

171-11 Definition: Zone A- *The Land area between the surface water source and the upper boundary of the bank within a four-hundred-foot lateral distance From the upper boundary of the bank of a class A surface water source as defined in 314 CMR 4.05(3) (a) and within a two-hundred-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.*

310 CMR § 22.20 B (6) *No person shall swim, wade or bathe in any public water source and no person shall, unless permitted by written permit by The Board of Water Commissioners or like body having jurisdiction over such source, fish in, enter or go in any boat, seaplane, or other vehicle; enter upon the ice for any purpose, including the cutting or taking of ice; or cause or allow any animal to go into or upon, any surface water or tributary thereto.*

To _____
2/26/2014
p. 2 of 2

The penalty shall be upon conviction thereof to be not more than \$300.00 for each offense. Each day a violation exists shall be considered a separate offense.

The remedy for these egregious acts will be the removal of all invasive species and replanting of the removed native deciduous and coniferous trees supplying a canopy as to allow the regeneration of understory to its previous state for the four-hundred-feet of WQPOD Zone A that has been altered. This remedy may only be undertaken after proper permitting through the Conservation Commission procedures. Contact the Con. Comm. Agent at (413) 528-1619 x-122 or email to conservation@townofgb.org. Absolutely NO further mowing or clearing is to be tolerated in this Zone A.

The appeal of an aggrieved person may filed with The Zoning Board of Appeals within 30 days in accordance with M.G.L. c. 40A §§ 8 and 15.

Respectfully;

Edwin May CBO, Building Commissioner
Building Inspector
Zoning Enforcement Officer

C.c. Town Manager / Board of Selectmen, Planning Board, Board of Health, Conservation Commission, Town Engineer, Department of Public Works, The Housatonic Water Co.

CERTIFIED MAIL 7009 0820 0000 5117

EXHIBIT C

CERTIFY TO: COMMONWEALTH LAND TITLE INS. CO.
 I HEREBY REPORT THAT THE BUILDING(S) SHOWN ON THIS
 PLAN ARE APPROXIMATELY LOCATED ON THE RECORD AS SHOWN
 THE BUILDINGS DO NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN
 AS SHOWN ON THE HULLD FLOOD MAP. THIS PLAN IS NOT MADE
 FROM AN INSTRUMENT SURVEY, AND IS NOT TO BE USED FOR
 FENCES, ETC.

THIS PARCEL IS SUBJECT TO AND WITH THE BENEFIT
 OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS,
 LEASES, ENCUMBRANCES AND APPURTENANCES OF RECORD.

FOR BANK USE ONLY
 THIS PLAN IS NOT TO BE USED FOR ADDITIONS,
 SPECIAL PERMITS OR VARIANCES.

LOCUS DEED: BK - 919 PG - 130
 PROPERTY ADDRESS: 263 LONG POND ROAD
 THIS IS NOT A SURVEY AND IS SUBJECT TO ANY
 STATEMENT OF FACTS A SURVEY MAY REVEAL
 DUE TO MATHEMATICAL ERRORS IN PARCEL 2
 OF THE LOCUS DEED, A SURVEY IS RECOMMENDED.

N/2 LAND OF
 BLODGETT
 (SEE PLAT FILE B - 140)

SUBJECT TO A RIGHT
 OF WAY 16 FT. WIDE
 (EXACT LOCATION OF
 UNKNOWN AT THIS TIME)

PARCEL 2 IN LOCUS DEED
 DOES NOT MATHEMATICALLY
 CLOSE BY 57 ±

103
 PLOT PLAN PREPARED FOR
LYNN HUTCHINSON
 GREAT BARRINGTON, MASSACHUSETTS
 JUNE - 2013 SCALE 1" = 200'
KELLY, GRANGER, PARSONS & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 312 MAIN STREET P.O. BOX 88
 GREAT BARRINGTON, MASSACHUSETTS 01230
 FAX (413) 528-1912 PHONE (413) 528-3281
 File name: C:\P14\PLANS\HUTCH613

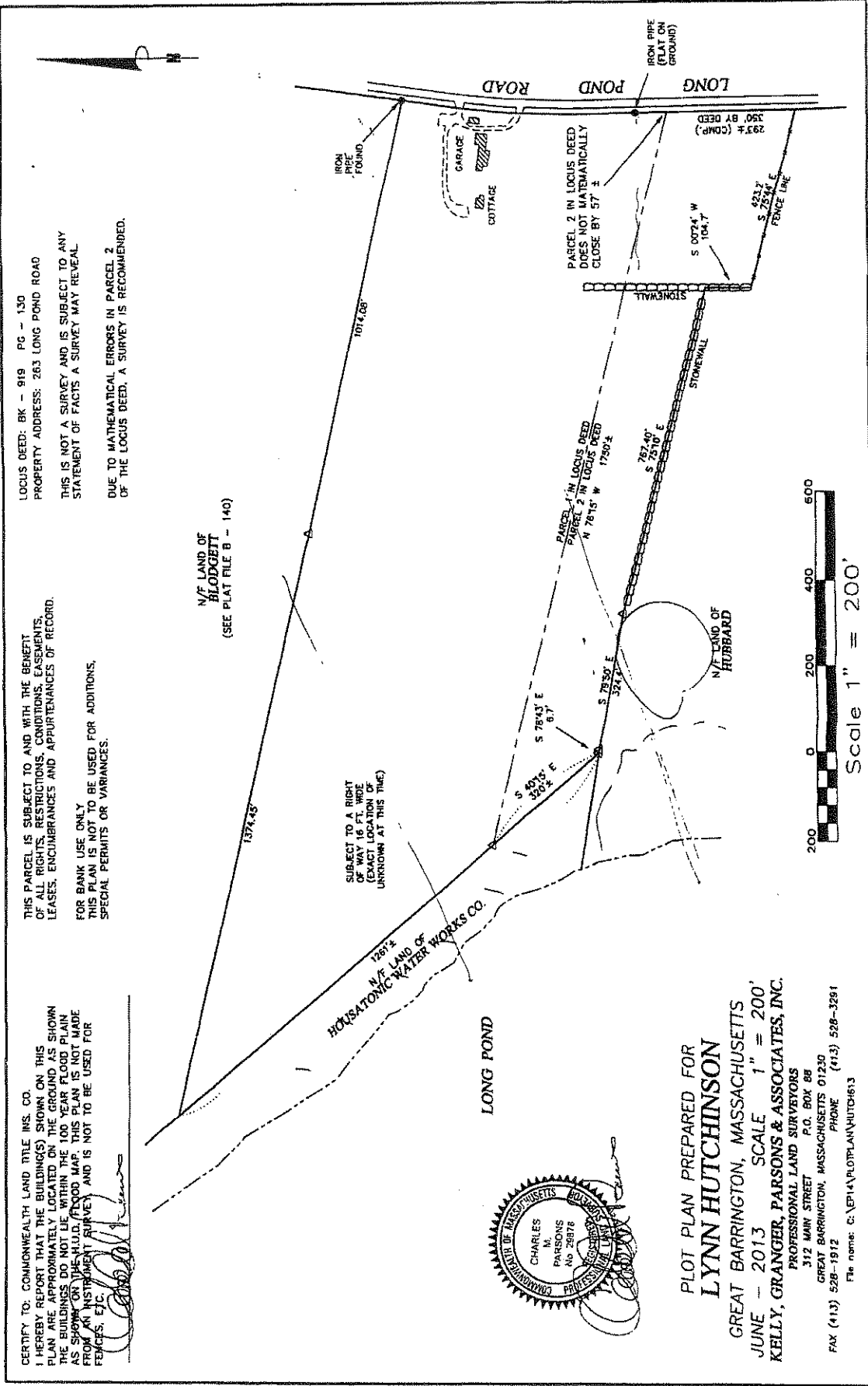
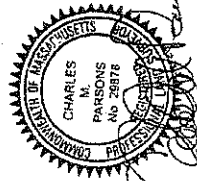


EXHIBIT D

Bruce Firger, Assessor
John Katz, Assessor
Christopher J. Lamarre
Principal Assessor
E-mail: clamarre@townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-2220 x 5
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

ASSESSORS' OFFICE

September 3, 2013

ABUTTERS TO PROPERTY OF: LYNN A. HUTCHINSON
263 Long Pond Road, Map 33 Lots 3 & 4, Book 2204 Pg. 344

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
33	2	Housatonic Water Works Co., 80 Maple Ave. Suite 1, Gt. Barrington, MA 01230-1904
33	1	James F. Barbieri & Lawrence Barbieri Jr, 168 Division St., Gt. Barrington, MA 01230-1179
33	6	Kenneth D. Alpart & Jennifer Bonjean, 259 Bowery Rd., New York, NY 10002-1276
33	5A	Great Barrington Land Conservancy Inc., PO Box 987, Gt. Barrington, MA 01230-0987
33/3A,34/18A,18G,19A		Andrew R. Humes, 267 Long Pond Rd., Gt. Barrington, MA 01230-1169

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

Sincerely,

Christopher Lamarre
Christopher Lamarre
Principal Assessor

CPS

EXHIBIT E

APPEAL OF “WQPOD - ZONE A VIOLATION”

Of Edwin May, Inspector of Buildings,
of the Town of Great Barrington

Property Owner: Lynn Hutchinson

Property Address: 263 Long Pond Road

Map/Lot: Map 33, Lot(s) 3 and 4.

Relevant Zoning District: Water Quality Protection Overlay District, Zone A

This appeal of an order entitled “263 Long Pond Rd: WQPOD – Zone A Violation” dated July 24, 2013 (the “Cease and Desist Order”)¹ is made by the property owner, Lynn Hutchinson, pursuant to Section 10.1.6 of the Town of Great Barrington Zoning By-Law (the “Zoning By-Law”). The property at issue is known as and numbered 263 Long Pond Road (the “Premises”).

By way of background, Ms. Hutchinson purchased the Premises, a lot with a single-family home, on July 9, 2013, about six weeks ago. Within a week or so of the purchase, Ms. Hutchinson’s husband, Brian Schwab, undertook, himself, to clear invasive species and other new growth from an area that had previously, for decades, been clear cut, by persons unknown to Ms. Hutchinson or Mr. Schwab. My clients have never denied that Mr. Schwab performed some cutting in the area at issue, nor have they refused to comply with any Town order. In fact, they immediately engaged Marc Volk of Foresight Engineering, to assist them in the preparation of an appropriate remediation plan.

Before continuing, it must be clearly stated that Ms. Hutchinson agrees to refrain, and to cause others to refrain, from undertaking any activities within the referenced Zone A, in violation of the Zoning By-Law.

The Building Inspector’s Order is deficient in several respects. Most significantly, perhaps, is that the complained-of action is not set forth, either generally or specifically, in the Order. The only statement by the Building Inspector as to any activity on the part of the Petitioner is as follows: “This office has been made aware of an encroachment, cause by you, to a Water Quality Protection Overlay District (WQPOD), Zone A, on a property owned by you located at 263 Long Pond Road” In fact, there is no encroachment on any land. Presumably, the Building Inspector is referring to the cutting, but there are no specific, factual allegations, whatsoever, in the Order. Mr. May fails to articulate, let alone document, (1) where the work took place and how much of it was actually within his jurisdiction, in the WQPOD; and (2) what species, even generally, were cut. Had he done so, the appropriate remedy for any violation would have been able

¹ The appealed-from Order is attached hereto as Exhibit A.

to be formulated, and the extent to which any work took place within the Zoning District, or was actually of a nature that violated the By-Law, would have been known.

This failure to identify any specific illegal activity, alone, makes the order unenforceable, and provides no basis for the remedy ordered by the Building Inspector. Again, this is not to say that the Petitioner is unwilling to reasonably remedy the cutting. To the contrary, she has already retained Mr. Volk and a remediation plan is being prepared. There is a scheduled site visit with the Conservation Commission, Mr. Volk, and, hopefully, a representative of the Great Barrington Land Conservancy, on August 28.

While the Cease and Desist Order does not, in fact, state what the nature of the violation is, the Petitioner believes that the intent of the Building Inspector was to address the cutting of brush and new growth. Specifically, the Building Inspector cites the uses permitted in Zone A, the definition of Zone A, and the following provision from the Code of Massachusetts Regulations, which is clearly inapplicable:

No person shall swim, wade or bathe in any public water source and no person shall, unless permitted by written permit by the Board of Water Commissioners or like body having jurisdiction over such source, fish in, enter or go in any boat, seaplane, or other vehicle; enter upon the ice for any purposes, including the cutting or taking of ice; or cause or allow any animal to go into or upon, any surface water or tributary thereto.

310 CMR §22.20B(6).

The inclusion of this reference is inexplicable. The only infraction, of which my clients are aware, could be any trimming of invasives, brush and new growth in the referenced area. There is no claim whatsoever that Ms. Hutchinson, Mr. Schwab, or any other person, entered the water; fished; used a watercraft or aircraft, cut any ice, or permitted any animal to enter the water. It is unclear why the Building Inspector included this paragraph, but as it is wholly unrelated to this matter, the Petitioner appeals from any action taken in reliance on it.

The Building Inspector's failure to articulate a violation is more than a procedural deficiency in this order, because his ordered remedy so far exceeds any harm that could conceivably be caused by Mr. Schwab, that it bears no rationale relationship to same. Specifically, the Inspector of Buildings orders, without basis or explanation, "the removal of all invasive species and replanting of the removed native deciduous and coniferous trees supplying a canopy as to allow the regeneration of understory to it previous state ...".

Photographic evidence, to be submitted at the hearing on this appeal, will demonstrate conclusively that the clear-cut area in which recent cutting took place is not new; this area had been clear cut for decades. Moreover, the area in which the work occurred, did not extend down to the water. There is a substantial, intact strip of growth between the area where cutting took place, and the lake. This is not to diminish the fact

that there was some cutting, but simply to repeat that neither of my clients caused the clear cut that is, and has been for decades, evident, nor did they clear brush all of the way to the lake.

The area in question (much of which is outside the Zone A over which the Building Inspector has jurisdiction), did not have a canopy at the time that the complained-of work occurred. The vegetation therein was comprised, chiefly, of aggressive, invasive species. Those invasives, which have already regenerated, along with much other vegetation that was cut, are readily apparent on both sides of the area in dispute, and are killing the native species.

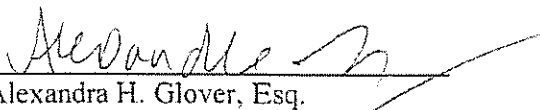
The Building Inspector has ordered two remedies, neither of which bears a reasonable relationship to the work that took place, and both of which are, consequently, beyond his power. Certainly, the Building Inspector can order Ms. Hutchinson to cease and desist from identified behavior within the WQPOD district – and she has already, of course, ceased any work in the zoning district. However, the Building Inspector cannot, especially in the absence of any specific identification of the violation, require the homeowner to create a tree canopy that has not existed for decades. Even if the violation were properly defined in the Order, there would be no rational relationship between the work performed by Mr. Schwab and the order to plant a canopy of “native deciduous and coniferous trees”.

The other part of the ordered remedy – that Ms. Hutchinson remove all invasive species - is similarly problematic. As the invasive species in a portion of the zoning district were already cut to the ground, the Building Inspector must mean something more than that, by his Order. If the true meaning of the Order is that the homeowner must dig into the ground and remove the roots of previously-existing invasives, there is no basis in fact or law for imposing such a requirement on the homeowner, and to do so would greatly disturb the land, and potentially cause damage to the very water source that the zoning district is intended to protect.

Again, Ms. Hutchinson has retained Marc Volk, an expert in the area of wetlands restoration, and is appearing before the Conservation Commission as to any issues within its jurisdiction. This is the appropriate process for addressing alleged violations of the Wetlands Protection Act. As there is some geographic overlap between the jurisdiction of the Conservation Commission and that of the Building Inspector, Ms. Hutchinson faces potentially-inconsistent orders from both authorities, and compliance with either order could violate the terms of the other order. This conflict should be resolved in favor of the authority of the Conservation Commission, within its jurisdictional area.

The Order of the Inspector of Buildings dated July 24, 2013, should be reversed, both because it is impossibly vague and undefined, and because the remedies ordered by Mr. May exceed his powers. The legal and factual issues will be more fully addressed at the hearing on this appeal.

LYNN HUTCHINSON
By her Attorneys,
LAZAN GLOVER & PUCILOSKI LLP

By: 
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Fax: (413) 644-0201
glover@lazanlaw.com

Dated: August 22, 2013