

Jennifer Tabakin  
Town Manager

E-mail: [jtabakin@townofgb.org](mailto:jtabakin@townofgb.org)  
[www.townofgb.org](http://www.townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

### SELECTMEN'S MEETING

WEDNESDAY, APRIL 16, 2014

7:00 P.M. - REGULAR SESSION

TOWN HALL, 334 MAIN STREET

### ORDER OF AGENDA

1. **CALL TO ORDER:**
2. **BOARD OF SEWER COMMISSIONERS: SEWER ABATEMENTS (July 1 – December 31, 2013)**
3. **APPROVAL OF MINUTES:**  
April 2, 2014 Special Meeting
4. **SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**
  - A. GENERAL COMMENTS BY THE BOARD.
5. **TOWN MANAGER'S REPORT:**
  - A. FOLLOW UP ITEMS
6. **LICENSES OR PERMITS:**
  - A. LAUREN SMITH/FAIRVIEW HOSPITAL FOR **CHANGE OF DATE** FOR PERMISSION TO USE THE PARKING LOT AT THE SOUTHERN BERKSHIRE DISTRICT COURT ON GILMORE AVENUE FOR THE GREAT BARRINGTON KIDS BIKE TREASURE HUNT FROM SUNDAY, JULY 13, 2014 TO **SUNDAY, JULY 20, 2014**. (DISCUSSION/VOTE)
  - B. MARK ROSENGREN FOR A DRIVEWAY PERMIT AT 16L MEADOW STREET, HOUSATONIC, MA 01236. (DISCUSSION/VOTE)
  - C. MALCOLM FICK/GREAT BARRINGTON ENERGY COMMITTEE FOR TEMPORARY OUTDOOR ONE DAY WEEKDAY ENTERTAINMENT LICENSE FOR MAY 10, 2014 (RAIN DATE MAY 17, 2014) FROM 1:00 PM – 4:00 PM AT TOWN HALL PARK AND BANDSTAND. (DISCUSSION/VOTE)
  - D. MALCOLM FICK/GREAT BARRINGTON ENERGY COMMITTEE FOR PERMISSION TO USE FIVE (5) PARKING SPACES ADJACENT TO THE TOWN HALL PARK FOR MAY 10, 2014

(RAIN DATE MAY 17, 2014) FROM 11:00 AM – 6:00 PM. (DISCUSSION/VOTE)

E. LAUREN FERIN/BERKSHIRE INTERNATIONAL FILM FESTIVAL (BIFF) FOR TEMPORARY DISPLAY FLAGS (SIGNS) FROM APRIL 24<sup>TH</sup> – JUNE 1<sup>ST</sup> AT VARIOUS LOCATIONS, AS PER ATTACHED. (DISCUSSION/VOTE)

F. SHEPLEY W. EVANS D/B/A FRIDAY & CO. REAL ESTATE FOR 2014 ANNUAL REAL ESTATE SIGN LICENSE. (DISCUSSION/VOTE)

G. ANTHONY CAROPRESO/MAC CARO REAL ESTATE FOR 2014 ANNUAL REAL ESTATE SIGN LICENSE. (DISCUSSION/VOTE)

H. MATT LINICK/RUNNING AWAY INC. FOR PERMISSION TO UTILIZE THE TOWN ROADS (ROUTE 183, DIVISION STREET, ROUTE 41 AND VAN DEUSENVILLE ROAD) ON SUNDAY, MAY 25, 2014 FOR 2014 MEMORIAL DAY MARATHON RACE. (DISCUSSION/VOTE)

I. GREAT BARRINGTON FISH AND GAME FOR THREE (3) ONE DAY BEER AND WINE LIQUOR LICENSES FOR APRIL 19, 2014 FROM 5:00 PM – 11:00 PM; MAY 3, 2014 FROM 6:00 PM – 11:00 PM AND MAY 24, 2014 FROM 6:00 PM – 11:00 PM AT 338 LONG POND ROAD. (DISCUSSION/VOTE)

J. HOLLY HAMER/GT. LIBRARIES BOARD OF TRUSTEES FOR **CHANGE OF DATE** FOR ONE DAY BEER AND WINE LIQUOR LICENSE FROM APRIL 11, 2014 FROM 7:00 PM – 9:00 PM TO **MAY 9, 2014 FROM 6:00 PM – 8:00 PM** AT THE MASON LIBRARY, 231 MAIN STREET. *FEE WAIVER REQUESTED* (DISCUSSION/VOTE)

K. GEORGE HADDAD/HADDAD MOTOR GROUP, INC. FOR 2014 ANNUAL CLASS II LICENSE AT 974 MAIN STREET, GREAT BARRINGTON, MA 01230. (DISCUSSION/VOTE)

L. MAY 1, 2014 ANNUAL LICENSE RENEWALS (VOTE)  
- REAL ESTATE SIGN  
- COIN OPERATED SOFT DRINK AND FOOD MACHINES

**7. NEW BUSINESS:**

A. BOS – DESIGNATION OF TOWN'S ALTERNATE REPRESENTATIVE TO THE BERKSHIRE HEALTH GROUP (BHG). (DISCUSSION/VOTE)

B. BOS – APPOINTMENT OF MEMBER TO THE AGRICULTURAL COMMISSION. (DISCUSSION/VOTE)

C. BOS – ARBOR DAY PROCLAMATION, APRIL 25, 2014. (VOTE)

D. BOS – RECOMMENDATION TO THE ZBA ON THE SPECIAL PERMIT APPLICATION OF WDM PROPERTIES LLC TO CHANGE THE USE OF THE PROPERTY FROM CONTRACTOR'S YARD TO STORAGE WAREHOUSE AT 11 CRISSEY ROAD, GREAT BARRINGTON. (DISCUSSION/VOTE)

**8. OLD BUSINESS:**

A. **CONTINUATION** 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)


**9. CITIZEN SPEAK TIME:**

10. SELECTMEN'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, APRIL 28, 2014 AT 7:00 P.M.

  
\_\_\_\_\_  
Jennifer Tabakin, Town Manager

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




TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

**MEMORANDUM**

DATE: April 8, 2014

TO: Jennifer Tabakin, Town Manager 

FROM: Joe Sokul, DPW Superintendent

SUBJECT: Sewer Abatements – for the Period 07/01/2013 through 12/31/2013

\*\*\*\*\*

Tim Drumm, WWTP Superintendent, and I met to discuss the requests of those persons applying for an abatement of their sewer bill. After careful consideration of the information submitted and field data gathered during site visits, we herewith make the following recommendations relative to those applications.

The following temporary and permanent sewer abatement applications were received and were approved or denied for the reason stated on the application.

cc: Tim Drum, Wastewater Superintendent  
Sandra Larkin, Tax Collector / Treasurer

**Sewer Abatements - 07.01.2013 through 12.31.2013**

<b>APPLICANT</b>	<b>ACCOUNT NUMBER</b>	<b>SERVICE ADDRESS</b>	<b>CURRENT BILLING</b>	<b>ABATEMENT</b>	<b>DURATION</b>
<b>John Fitzgerald</b>	IF00014291	114 Cottage St.	\$230.00	\$115.00	Temp.
<i>House is Vacant</i>					
<b>Anthony Hill</b>	IF00001701	329 State Road	\$460.00	\$230.00	Perm.
<i>Change from 2 units to single residence</i>					
<b>Edward Morehouse, Jr</b>	IF00001265	255 State Road	\$460.00	\$230.00	Temp.
<i>House unoccupied since December 2012</i>					
<b>Edward Scarboro</b>	IF00001286	177 State Road	\$1,150.00	\$575.00	Temp.
<i>Building is Vacant -Utility backup provided</i>					
<b>Patrick Hollenbeck</b>	IF00000118	1075 Main St. - Housatonic	\$460.00	\$115.00	Temp.
<i>Unti is Vacant - Utility backup provided</i>					
<b>Ellen Murtagh</b>	IF00001815H	21 Highland - Drive	\$460.00	\$115.00	Temp.
<i>Seasonal second dwelling - water shut off</i>					
<b>Town of GB</b>	IF00010165	207 Pleasant St.- Housatonic	\$230.00	\$115.00	Temp.
<i>School is vacant - Water shut off</i>					
<b>Bernardo Mejia</b>	IF00001135	21 No. Plain Road	\$230.00	\$115.00	
<i>House is vacant - Water shut off</i>					
<b>Alton Stalker</b>	IF00020010	39 Humphrey St.	\$460.00	\$115.00	Temp.
<i>Utility backup provided - Unit vacant since December 2008</i>					
<b>E.B. Dolby</b>	IF00002005	27 Humphrey St.	\$460.00	\$230.00	Temp.
<i>Business shut down 2012</i>					
<b>Dorothy Capasse</b>	IF00002022	228 East Street	\$230.00	\$115.00	Temp.
<i>Dwelling is vacant</i>					
<b>George Guerreero</b>	IF00001353	127/129 Castle Hill	\$920.00	\$230.00	Temp.
<i>Units 129 A-B vacant - under renovation</i>					
<b>Jean Holcomb</b>	IF00001136	226 Prospect St.	\$460.00	\$115.00	Temp.
<i>Apartment is vacant</i>					
<b>Berkshire Real Estate</b>	IF00014310	165 Main St.	\$460.00	\$345.00	Temp.
<i>Building under construction - no internal plumbing</i>					
<b>Gary Storti</b>	IF00001435	77 East St.	\$230.00	\$115.00	Temp.
<i>House is Vacant - Water shut off</i>					
<b>Jack &amp; Ann Wilson</b>	IF00001966	392 Main St.	\$1,150.00	\$1,035.00	Perm.
<i>One Apartment &lt; 500Sq. Ft. = 1/2 edu</i>					
<b>Lake Shore, LLC</b>	IF00001435	83 Castle St.	\$690.00	\$230.00	Perm.
<i>Changed from 3 family home to 2 family home</i>					
<b>Kerin Kiskadden</b>	IF00002203	597 Main St.	\$460.00	\$345.00	Temp.
<i>Apartment is vacant. Changed from 2 units to 1. Water shut off during construction</i>					
<b>Karl Lipsky, Easte of</b>	IF-99-1	420 Stockbridge Rd.	\$230.00	\$115.00	Temp.
<i>Unit unoccupied. Water shut off</i>					
<b>Louis J. Stark</b>	IF-3627-A	436B Stockbridge Rd.	\$460.00	\$230.00	Temp.
<i>Building had no waterservice during billing period</i>					
<b>Irving Realty Trust</b>	IF00019142A	34 Bridge St.	\$920.00	\$345.00	Temp.
<i>Building was previuos a dry cleaners</i>					
<b>George Magner</b>	IF00002032	185 East St.	\$460.00	\$230.00	Temp.
<i>Dwelling has 2 units. Both units were vacant during billing cycle</i>					
<b>O ICE LLC</b>	1F00000940	240 Stockbridge Rd.	\$2,300.00	\$1,840.00	Temp.
<b>TOTALS</b>			<b>\$13,570.00</b>	<b>\$7,245.00</b>	

**Sewer Abatements - 07.01.2013 through 12.31.2013**

**The following abatements were denied:**

<b>APPLICANT</b>	<b>ACCOUNT NUMBER</b>	<b>SERVICE ADDRESS</b>	<b>CURRENT BILLING</b>	<b>ABATEMENT</b>	<b>DURATION</b>
<b>Martha Race</b>	IF00002034	16 Quarry Street	\$230.00	\$0.00	
<i>Residence was occupied by applicant during billing cycle</i>					
<b>Jack &amp; Ann Wilson</b>	IF00001939	81 Taconic Ave.	\$230.00	\$0.00	
<i>Residence was occupied during billing cycle</i>					

# CHANGE & DATE



March 27, 2014

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

To Members of the Board,

Thank you for accepting Fairview Hospital's request to use the Southern Berkshire District Courthouse parking lot as the site for the Great Barrington Bike Treasure Hunt on Sunday, July 13. Due to a schedule conflict, we would like to request a change in the date of the event from Sunday, July 13 to Sunday, July 20. The event will begin and end at the Courthouse on Gilmore Avenue as planned. There will be no other changes in the event.

Thank you for your consideration.

Sincerely,

*Lauren Smith*

Lauren Smith  
Director, Community Relations and Development  
Fairview Hospital

RECEIVED  
TOWN MANAGER

APR 03 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Town of Great Barrington

Board of Selectmen

Form date: June 2011

Fee \$50.00 (pd)

Number \_\_\_\_\_

Application for Access to a Public Way / Driveway Permit

INSTRUCTIONS

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

Application Date 3-27-14

Name of Applicant / Property Owner MARK ROSENGREN

Mailing address 237 MONUMENT VALLEY RD. GREAT BARRINGTON, MA 01230

Phone number 413-329-0049

Location of proposed driveway / highway entrance 166 MEADOW ST. HOUSATONIC, MA 01236

Contractor who will perform the work WILKINSON EXCAVATION

Address & phone number of contractor BOARDMAN ST. GREAT BARRINGTON

Proposed construction date A.S.A.P. APRIL 10-20, 2014

Type of driveway (gravel, asphalt, etc.) GRAVEL

Print Form

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

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

Applicant's Signature: Mark Rosen

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be:   
 approved as submitted   
 approved with conditions attached   
 disapproved for reasons attached   
 resubmitted with changes suggested per attached

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

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

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

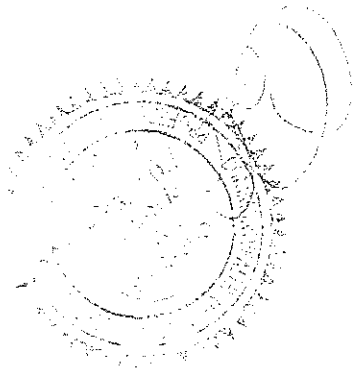
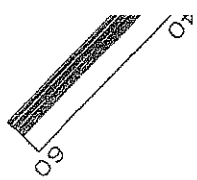
For the Selectmen: \_\_\_\_\_, its \_\_\_\_\_ (signature) (title) (date)

MAD ON REVERSE



**LEGEND**

- POINT COMPUTED
- UTILITY POLE FOUND
- IRON PIPE FOUND
- SIGNAL IN PAVEMENT
- FENCE
- OVERHEAD WIRES



N/E LAND OF  
BEGGY.

MARY

MARY



16 L MEADOW ST.

N/E LAND OF  
FARRELL

Pete Soules  
Highway-Facilities Superintendent

E-mail: [psoules@townofgb.org](mailto:psoules@townofgb.org)  
[www.townofgb.org](http://www.townofgb.org)



20 East Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works  
Highway Division

### Conditions on Application for Access to Public Way

Applicant: Mark Rosengren  
Location: 16L Meadow Street, Housatonic  
From: Pete Soules Highway Superintendent  
Date: 3/31/2014

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

- I. Driveway width shall not be less than 8-feet or more than 16-feet within the town right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
  - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property line.
  - K. Driveways should be located to the best advantage with respect to the alignment with the way, profile and sight distance conditions. In no instance shall a driveway intersect the way at less than a sixty degree angle. Unless there is no alternative, a driveway should not be located within a required side yard.
  - L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of ten percent (10%) above the road or street level until and unless the applicant submits plans to the Highway Superintendent showing that the driveway will be constructed in a such a way so as not to discharge water, stones or other materials onto any public street, road or highway.
2. Install a paved driveway apron in accordance with the following requirements:
- A. Apron dimensions: Width = 22-feet maximum along the roadway which includes a 3-foot radius curb on each side. Length = 5-feet minimum from edge of roadway.
  - B. Place 3-inches of bituminous concrete on 12-inches of compacted gravel.
  - C. Place asphalt tack coat along the edge of the road where the apron meets the edge of the existing pavement.

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

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

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



16 L Meadow Street



Meadow Street  
Looking South



Meadow Street  
Looking North

## Joseph Sokul

---

**From:** Charles Burger  
**Sent:** Thursday, March 27, 2014 6:52 PM  
**To:** Joseph Sokul  
**Cc:** Joan Johnsen  
**Subject:** Driveway Permit

No problems with the driveway permit for 16 L Meadow Lane.

Charles Burger  
Chief, Great Barrington Fire Department  
37 State Rd.  
Great Barrington, MA 01230  
Phone: 413-528-0788  
Fax: 413-528-8315

## Joan Johnsen

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**From:** Chris Rembold  
**Sent:** Tuesday, April 01, 2014 3:17 PM  
**To:** Joan Johnsen; Joseph Sokul  
**Subject:** Driveway, 16L Meadow St Housatonic

I see no planning issues with this driveway. However, as proposed, it should be reduced from 20 feet wide to 16 feet wide, since that is the maximum permitted by the town code, and, if possible, it should not be directly on the property line.

Thank you,  
Chris

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**Christopher T. Rembold, AICP**

Town Planner  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
Ph: (413) 528-1619, x. 7  
[www.townofgb.org](http://www.townofgb.org)

Joseph Sokul  
DPW Superintendent

E-mail: [jsokul@townofgb.org](mailto:jsokul@townofgb.org)  
[www.townofgb.org](http://www.townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### DEPARTMENT OF PUBLIC WORKS

#### MEMORANDUM

Date: March 27, 2014

To: Jennifer Bailly, Town Manager Admin. Assistant  
Joe Sokul, DPW Superintendent  
Peter Soules, Highway Superintendent  
Christopher Rembold, Town Planner  
Shep Evans, Conservation Commission Agent ✓  
Charles Burger, Acting Fire Chief

From: Joan Johnsen

Re: Driveway Permit Application  
16L Meadow Street, Housatonic, MA  
Mark Rosengren, Property Owner  
Contractor: Wilkinson Excavation

\*\*\*\*\*

Attached please find a Driveway Permit application for the property listed above. Please review and comment at your earliest convenience. We would like to place this permit on the Selectmen's Agenda for April 16, 2014.

Thank you

*non-jurisdictional*  
Conservation Commission  
334 Main Street  
Great Barrington  
MA 01230  




**ORIGINAL**

RECEIVED  
TOWN MANAGER

APR 07 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA



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

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

Name: Malcolm Fick

Business/Organization: Great Barrington Energy Committee

D/B/A (if applicable): \_\_\_\_\_

Address: 334 Main Street, GB

Mailing Address: \_\_\_\_\_

Phone Number: 413-645-3060

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

Live band with up to 20 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

Exact Location of Entertainment (include sketch): Town Hall park and  
band shell

Date(s) of Entertainment\*: 5/10/14 (Rain date: 5/17/14)  
\*Does not include SUNDAY

Start & End Times of Entertainment: 1 pm to 4 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.

*[Signature]*  
Signature of Individual or  
Corporate Officer

4/7/14  
Date

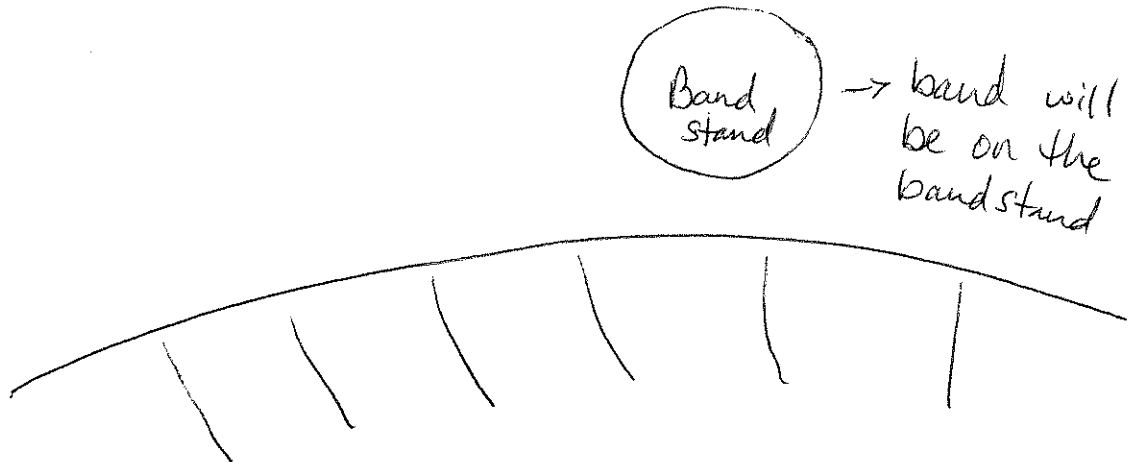
\_\_\_\_\_  
SS# or FID#

**TOWN USE ONLY:**

DRT Review with Conditions: DRT reviewed on 4/8 and has  
no issues with the application. (CR)

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

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



Item # 6 D

Helen Kuziemko

---

**From:** malcolm.fick@gmail.com on behalf of Malcolm Fick <Malcolm.Fick@roadrunner.com>  
**Sent:** Monday, April 07, 2014 2:28 PM  
**To:** Jennifer Tabakin  
**Cc:** Helen Kuziemko; Chris Rembold  
**Subject:** [Junk released by Allowed List] License to Park vehicle for Solar Celebration

Jennifer,

Would you please forward to the Board of Selectmen this request for a special license to park a solar demonstration vehicle on Town Hall parking spaces adjacent to the Town Hall Park on May 10, 2014 between 11:00 am and 6:00 pm? If it rains on that date, we would like a special license for the same time on May 17, 2014. The vehicle will require up to five parking spaces.

The Energy Committee, in support of the Solarize Great Barrington/Egremont program, is sponsoring a Solar Celebration at the park that will feature music, food vendors, information tables and the solar demonstration vehicle, which will be provided by RGS Energy.

Thank you for your help on this matter.

Malcolm Fick  
Great Barrington Solar Coach  
Solarize Great Barrington/Egremont



**RECEIVED**  
MAR 28 2014  
BY: \_\_\_\_\_

TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

BOS  
Approval

OFFICE OF THE INSPECTOR OF BUILDINGS  
**APPLICATION FOR A SIGN PERMIT**

**NO SIGN IS TO BE ERRECTED OR ALTERED UNTIL A PERMIT IS GRANTED**

The undersigned hereby apply/applies for a sign permit to erect or alter/amend a sign in accordance with the provisions relating hereto.

Application Date: 3.24.14

Application Made By: Berkshire Int'l Film Festival

Applicant's Address: 40 Railroad St. #5

City, State, Zip: GREAT BARRINGTON, MA 01230

Telephone Number: 413-528-8030

Property Owner's Name: National Grid

Property Owner's Address \_\_\_\_\_

Signature of property owner indicating consent \_\_\_\_\_

Date: \_\_\_\_\_

Location where sign permit is to be used: CORNER OF MAIN'S PLEASANT TO 334 MAIN ST. IN FRONT OF TOWN HALL - 11 RAILROAD ST. TO 47 RAILROADS

Sign District \_\_\_\_\_

**Type of Sign**

\_\_\_\_\_ Free Standing

\_\_\_\_\_ Wall-Mounted (flat on wall)

\_\_\_\_\_ Shingle (Projecting)

\_\_\_\_\_ Sandwich Board Sign

\_\_\_\_\_ Double-Sided

\_\_\_\_\_ Permanent Sign

X Temporary Sign

24.  
98  
192  
96  
1152  
144  
8# each  
Main St  
April 24th  
Through  
Janel St Down

Total Area of Requested Sign: \_\_\_\_\_ Sq. Ft. Height: 24' Width: 48"

If sign is to be wall mounted, give total Area of Wall Façade: \_\_\_\_\_ Sq. Ft.

Type of Illumination (if applicable, check one)

\_\_\_\_\_ Internal

\_\_\_\_\_ External

None

\_\_\_\_\_ Other - Please specify \_\_\_\_\_

Setbacks – footage from sign to edge of roadway \_\_\_\_\_ Street line: \_\_\_\_\_

Height From Bottom of Sign to Grade \_\_\_\_\_

Facing property from road: Side property line (Left) \_\_\_\_\_ (Right Side) \_\_\_\_\_

**HISTORIC DISTRICT COMMISSION/ZONING BOARD OF APPEALS**

Is approval required from?

Historic District Commission:  Yes (Please provide documentation of HDC approval with this application.)

\_\_\_\_\_ No

Zoning Board of Appeals: \_\_\_\_\_ Yes (Please provide documentation of ZBA approval with this application.)

\_\_\_\_\_ No

\* If approval is required by ZBA and or HDC then such approval MUST be obtained prior to issuance of a Sign Permit\*

I hereby certify that the dimensions and other information on the Plans are correct and that all applicable provisions of the Statutes, Regulations and By-laws will be complied with. The above is subscribed to and executed by me under the penalties of perjury in accordance with Section 1-A of Chapter 268 of the General Laws.

Applicant's Signature Lauren Fern

Date: 3.29.14

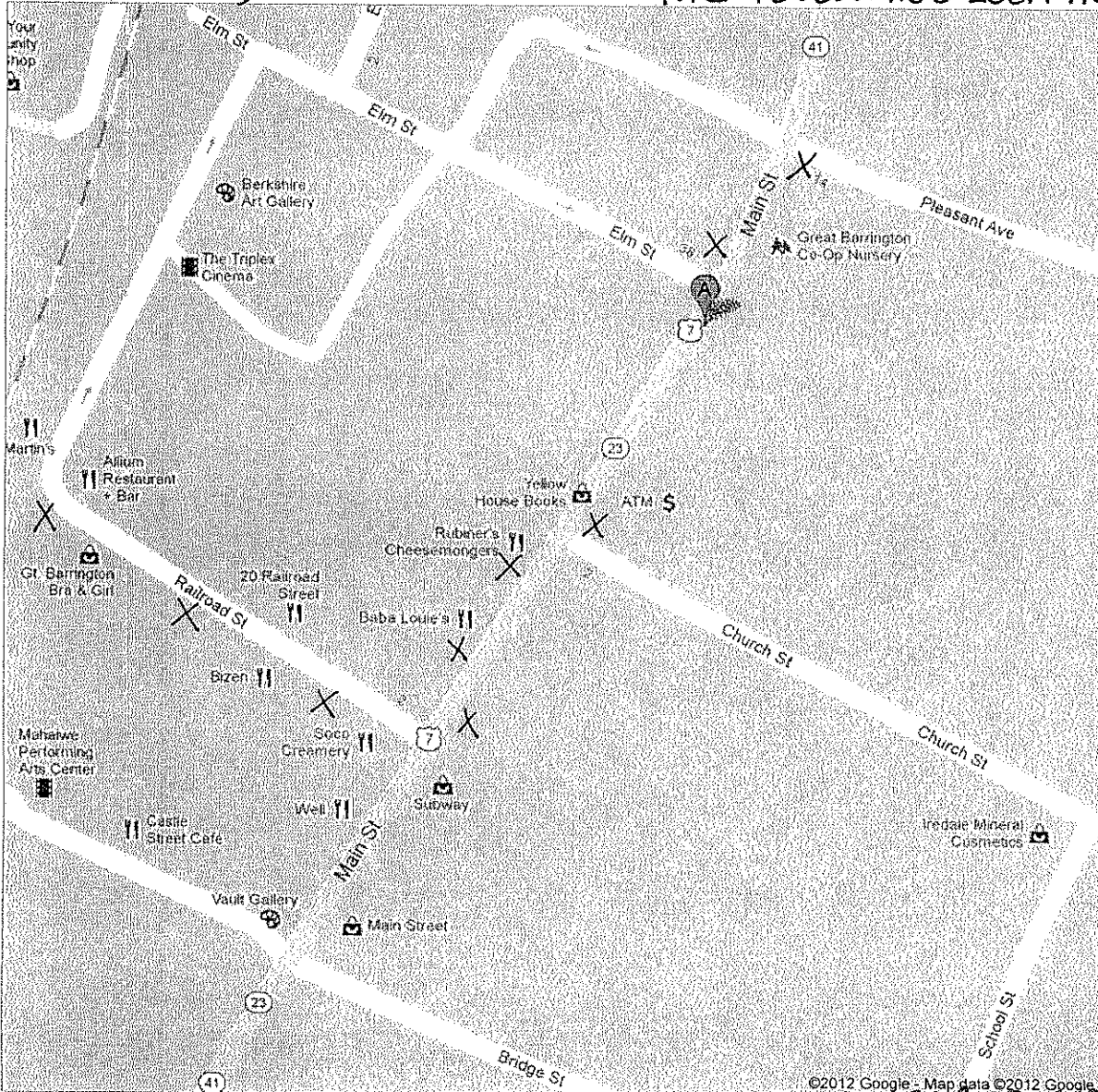
**ATTACH A PHOTO OR SKETCH INDICATING THE COLORS AND MEASUREMENTS OF THE PROPOSED SIGN OR SIGNS**



Address 265 Main St  
Great Barrington, MA 01230

Get Google Maps on your phone  
Text the word "GMAPS" to 466453

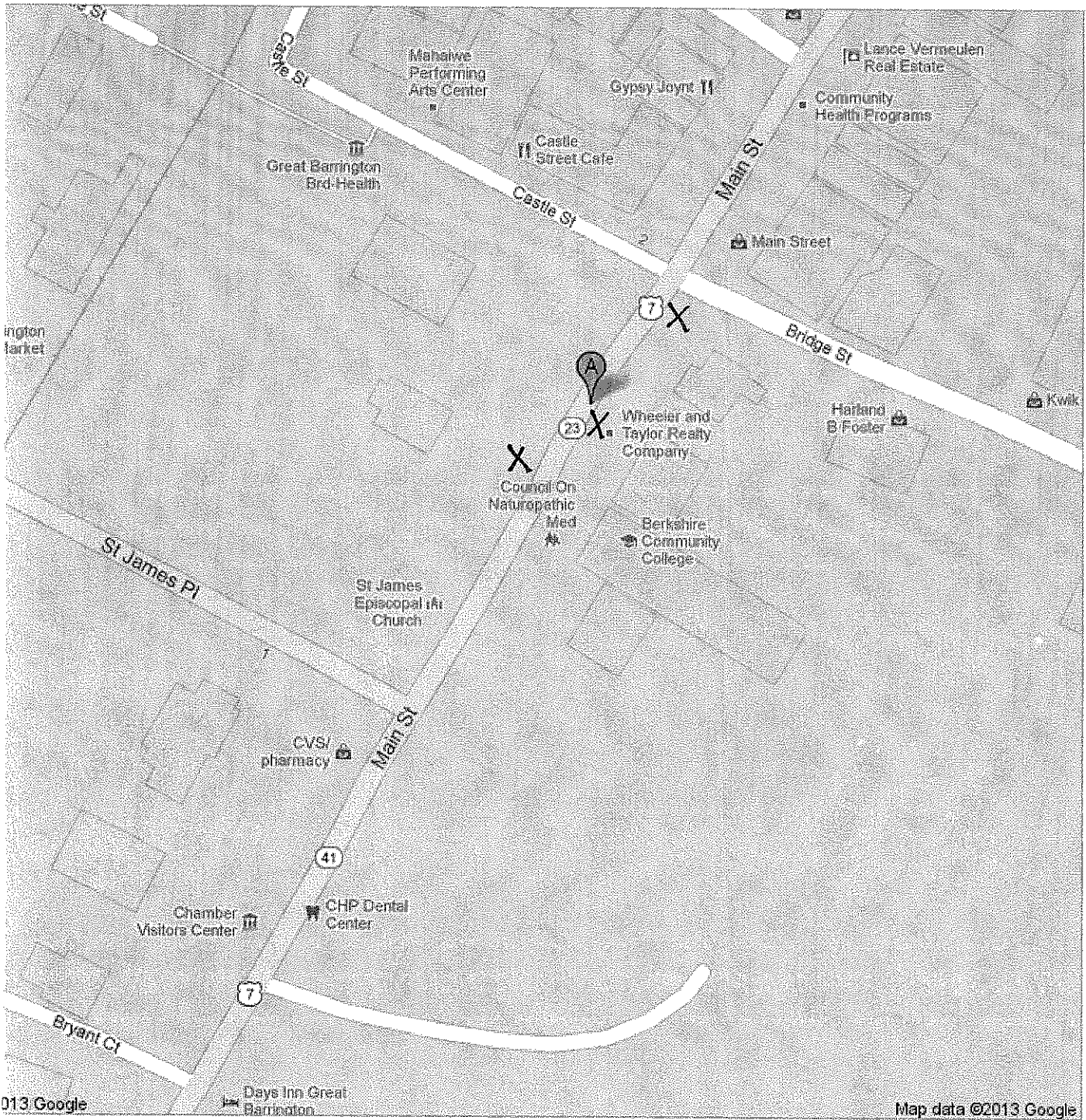
TEMPORARY DISPLAY FLAGS AT THE FOLLOWING LOCATIONS :



(MARIO)

RAILROAD ST. IN FRONT OF ~~ISHA~~ NELSON GALLERY  
CHEF SHOP = 3  
VAULT STUDIO

MAIN ST.  
CORNER OF MAIN & PLEASANT ST.  
FRONT OF BERKSHIRE BANK (CLOCK SIGN) = 6  
FRONT OF SIMS BARBER SHOP @ MAIN AND CHURCH ST'S.  
FRONT OF RUBINER'S  
FRONT OF SIAM SQUARE THAI RESTAURANT  
FRONT OF EVERGREEN FINE AMERICAN CRAFTSHOP



TEMPORARY DISPLAY FLAGS AT FOLLOWING LOCATIONS:

- corner of main street and Bridge St. in front of Berkshire CO-OP BANK (325 MAIN)
- IN FRONT OF WHEELER'S TAYLOR (333 MAIN ST.)
- IN FRONT OF TOWN HALL (334 MAIN)

# GVH Studio, Inc.

Graphic Solutions

www.gvhstudio.com

40 Pageant St. Bennington, VT 05201 • 802-379-1135 greg@gvhstudio.com

March 10, 2014

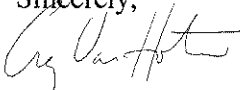
Kelley Vickery  
Berkshire International Film Festival  
Great Barrington, MA

Dear Kelley,

In response to your structural questions regarding pole banners, we have banners that hang in Lee that were done for Jacobs Pillow using our brackets. Williamstown uses our banners and hardware as well. I can provide a pdf of the bracket instructions so they can review the process. The fiberglass rods bend in the wind to allow the pressure to slide off of the banner. The banners are double thick 13 oz reinforced scrim vinyl. The pole pockets are double stitched with nylon thread. All of these components are fabricated with the specific end use in mind. This is why I am hesitant to endorse the existing brackets in Great Barrington. They are rigid steel brackets that do not provide any escape for wind. If the wind is strong enough, that system has to fail. With the wind release of the flexing rods, banners have withstood 100 mph winds in tests.

If you have any further questions, please feel free to contact me. Many thanks.

Sincerely,

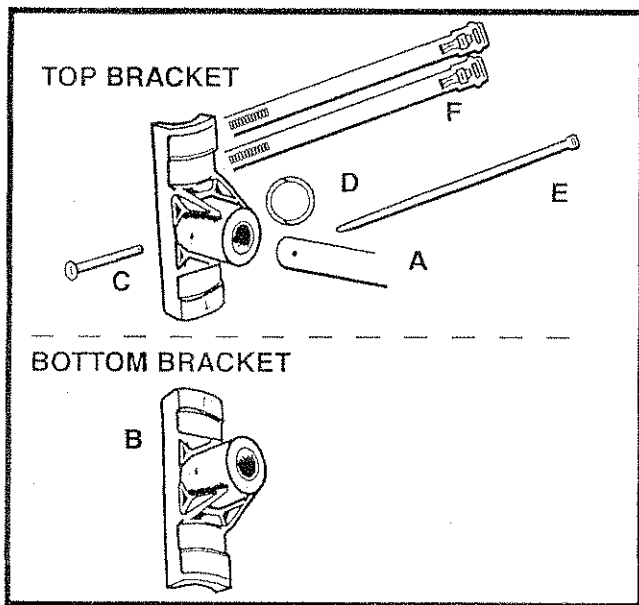


Greg Van Houten  
President



# BANNER UP!

## "WindSaver" Bracket System



### ASSEMBLY INSTRUCTIONS

- 1) Place fiberglass reinforced rod (a) firmly into the aluminum bracket base (b). Twist until holes line up.
- 2) Insert clevis pin (c) through holes.  
**NOTE:** The hole in rod & bracket must line up exactly and may be tight. Tap clevis pin with mallet/hammer through hole if needed.
- 3) Thread kick-out ring (d) through hole in clevis pin to keep all pieces together.
- 4) Place top bracket/rod assembly at desired height on pole - Arrow on aluminum bracket must be facing (down) towards the banner. Using 3 clamps (f) secure top bracket to pole.  
**NOTE:** You must use screwdriver to achieve correct tensioning.
- 5) Measure down the pole to desired banner length and place bottom bracket/rod assembly to pole. Secure bracket assembly to pole using 3 clamps (f), same as in step 4. **NOTE:** Arrow on aluminum bracket must be facing towards the banner or banner will not fit properly. **TIP!!** After installing top bracket you can slide banner onto top bracket and let fall to determine where the bottom bracket will be placed on the light pole.
- 6) Slide the banner pockets over the top/bottom bracket arms and fasten banner to bracket system using furnished cable ties (e).  
**NOTE:** Cable ties is attached through the grommet on banner and kick-out ring on bracket - secure tightly, but not to cause wrinkle in banner.

#### "SINGLE BRACKET SET" INVENTORY LIST

- 2 (a) Fiberglass Rod-30"  
*(can be customized to any length)*
- 2 (b) Aluminum Bracket Bases
- 2 (c) Clevis Pins
- 2 (d) Kick-Out Rings
- 2 (e) Cable Ties
- 6 (f) SS Band Clamp (40")

#### "DOUBLE BRACKET SET" INVENTORY LIST

- 4 (a) Fiberglass Rod-30"  
*(can be customized to any length)*
- 4 (b) Aluminum Bracket Bases
- 4 (c) Clevis Pins
- 4 (d) Kick-Out Rings
- 4 (e) Cable Ties
- 6 (f) SS Band Clamp (40")

### RECOMMENDED INSTALLATION TOOLS

- Slotted Screw Driver\*
- Hammer or Mallet
- Extension Ladder or Boom Truck

#### •Installation Note:

All clamps should be tightened with only a screwdriver. Powered tools will break the clamps

### DOUBLE BRACKET SYSTEM INSTALLATION

If you are installing double brackets follow all of the steps above except use (2) Windsaver Bracket/Rod assemblies top and bottom - Parallel to each other.

#### NOTE:

You will still use the same amount of clamps (f) to secure double system to pole. For double bracket systems you may find it easier to install brackets first and then assemble fiberglass rods into brackets.

Banner-Up! "WindSaver" Light Pole Bracket System are warranted against manufacturer defect only. Over time the aluminum base will oxidize, this will NOT effect performance of the bracket system. If you are installing on an aluminum pole it will eventually match the sheen. ALWAYS inspect the band clamps when reinstalling bracket system. It is more cost effective to replace at time of reinstallation than when failure occurs.



barry engineers and constructors, inc.

176 churchill street, pittsfield, massachusetts 01201

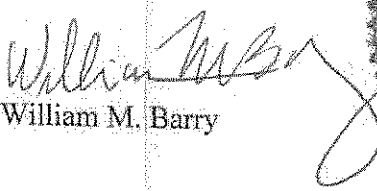
413-443-6591

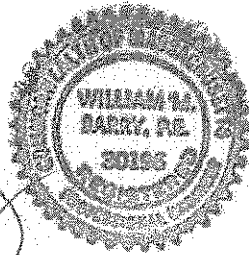
March 11, 2014

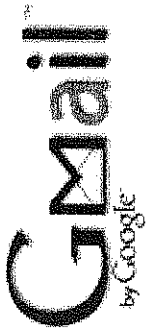
Ed May  
Great Barrington Building Inspector  
Town Hall  
Main Street  
Great Barrington, MA. 01230

Dear Ed:

I have reviewed the Wind Saver Bracket for the support of the proposed 23"x66" flags for an approximate 45 day period this spring for the Berkshire International Film Festival. Based on my review, it is my opinion that these brackets are sufficient as attachments for the fiberglass rods which support the flags and resist the required wind loads. The brackets and flags should be installed per the manufacturer's recommendations. Should you have additional questions or need further information, please contact me.

  
William M. Barry





Lauren Ferin <lauren@biffma.org>

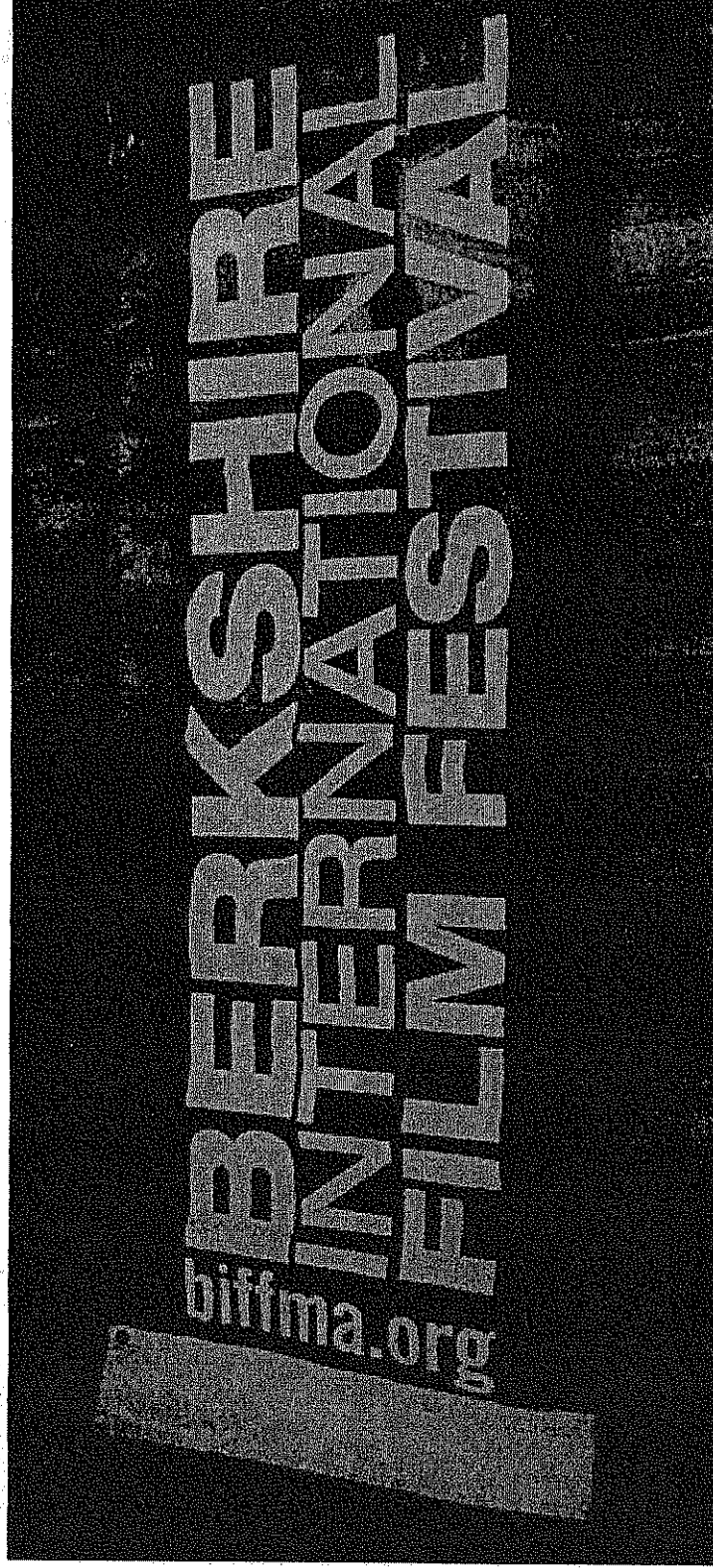
IMG\_1847

1 message

lauren ferin <lferin@gmail.com>

To: lauren@biffma.org

Thu, Mar 31, 2011 at 8:46 AM



*colors are pale blue  
lime green*

*24" x 48" two sided*

IMG\_1847

Ms. Lauren Ferin  
Berkshire International Film Festival  
P. O. Box 237  
Great Barrington, MA 01230

April 23, 2013

Dear Ms. Ferin,

The Historic District Commission at its March 20, 2014, meeting voted unanimously to allow the hanging of 12 banners along Main and Railroad Streets for a period of 45 days starting April 26, 2013.

Best wishes for much success with this endeavor, and the Historic District is pleased to be able to offer support for this film festival that is enjoyed by so many in our community.

Sincerely,

Holly M. Troiano  
Chairman

\*New license for 20



RECEIVED  
TOWN MANAGER

MAR 19 2014

TOWN OF GREAT BARRINGTON  
APPLICATION FOR REAL ESTATE SIGN LICENSE

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

FEE: \$50.00 (pd)

DATE: 3-18-2014

LICENSE NUMBER: \_\_\_\_\_

TO THE LICENSING AUTHORITY:

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

APPLICANTS NAME: Shepley W. Evans

BUSINESS NAME: dba FRIDAY & Co. Real Estate

BUSINESS MAILING ADDRESS: PO Box 155, STOCKBRIDGE, MA 01262

BUSINESS ADDRESS: 6 ELM STREET, STOCKBRIDGE, MA 01262

BUSINESS TELEPHONE: 413-298-0044

HOME TELEPHONE: 413-528-2909

This license is for all signs necessary pertaining to the sale of real estate in Great Barrington as per Town Sign Bylaw Chp.146-5 (10).

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.

Shepley W. Evans  
Signature of Individual or Corporate

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

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

\* New License for 2014

RECEIVED  
TOWN MANAGER

APR 11 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA



TOWN OF GREAT BARRINGTON  
APPLICATION FOR REAL ESTATE SIGN LICENSE

FEE: \$50.00 (pd)

DATE: 4-9-14

LICENSE NUMBER: \_\_\_\_\_

TO THE LICENSING AUTHORITY:

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

APPLICANTS NAME: ANTHONY CAROPRESO

BUSINESS NAME: MACCARO REAL ESTATE

BUSINESS MAILING ADDRESS: PO BOX 643, Lee MA 01238

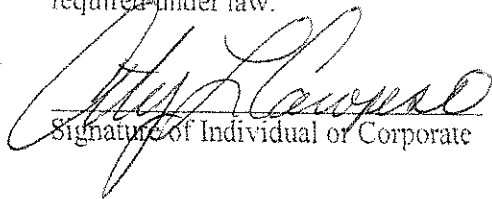
BUSINESS ADDRESS: 51 MAIN STREET, Lee 01238

BUSINESS TELEPHONE: 413-243-4647

HOME TELEPHONE: 413-243-2242

This license is for all signs necessary pertaining to the sale of real estate in Great Barrington as per Town Sign Bylaw Chp.146-5 (10).

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

  
Signature of Individual or Corporate

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

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



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

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DEPARTMENT OF PUBLIC WORKS

**EXECUTIVE SUMMARY**

**TITLE:** Memorial Day Marathon Race - 2014

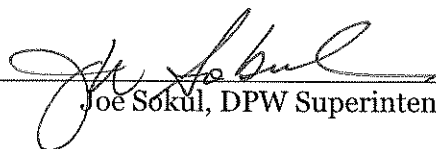
**BACKGROUND:** This will be the fifth year in a row the Towns of Great Barrington, Stockbridge, Lee and Lenox have been working with "Running Away," organizing a series of running events on Memorial Day Weekend. The 2014 race is scheduled for Sunday May 25, 2014. The company organizes and manages races all over the United States and would like to continue the event that has become a success in the Berkshires.

As in previous years a portion of which route would be in Great Barrington. The race organizers have identified an area in Housatonic where they would like to run. The Town staff has met and reviewed the event and has no issues. Other Towns in the area are supporting this effort with hopes that it continues to be an annual event. Town staff sees this as a way to showcase our area. The organizers will continue to coordinate their efforts with Town staff, especially the Police Department. The organizers will pay for required police details. A map of the course through Housatonic is attached.

**RECOMMENDATION:** The Board of Selectmen vote to support this event and send a letter of support.

**FISCAL IMPACT:** There is no fiscal impact for the Town. All costs associated with the race are borne by the organizer

**PREPARED AND REVIEWED BY:** \_\_\_\_\_

  
Joe Sokul, DPW Superintendent

**DATE:** 4/3/2014



2014  
MEMORIAL DAY RACES  
@ THE BERKSHIRES, MA.

April 3, 2014

To: Joe Sokul, Town of Great Barrington

From: Matt Linick

Dear Joe –

I hope this letter finds you well and things are going well up in Great Barrington. I was actually just up there with a bunch of other dads and kids and we had two full days of skiing at Butternut which was very fun!

We would like to formally request the use of the roads on May 25, 2014 in Great Barrington as we have done the last four years. We will be using the same course which will use Rt. 183, Division Rd., Rt. 41, and Van Deusenville Rd. No road closures will be needed as we will be using cones to separate the runners from the traffic. We will hire GB police as we have done the past four years.

The race has seen great growth and we are projecting over 1500 participants in year five! Additionally we donated over \$30,000 to Team Red White & Blue last year and have set a goal of raising over \$50,000 for both Team RWB and locally Soldier On.

Thanks for your time and support of the 5<sup>th</sup> Annual Memorial Day Races.

Matt Linick  
Running Away Inc.





FEE: \$25.00 Pd.

DATE: 3-26-14



RECEIVED  
TOWN MANAGER

MAR 26 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: Gt. Barrington Fish + Game

ORGANIZATION NAME: Gt. BARRINGTON Fish + Game

APPLICANT'S ADDRESS: 338 Long Pond Rd Housatonic, MA 01236

Type of license being  
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: 75<sup>th</sup> BIRTHDAY PARTY

DATE: April 19<sup>th</sup> START TIME: 5 PM END TIME: 11 PM

LOCATION: 338 Long Pond Rd Housatonic MA 01236

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.

Robin M Vickery  
Signature of Applicant

338 Long Pond Rd Housatonic Ma 01236  
Mailing Address

574-6291  
Telephone Number

Decision:  
Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_

FEE: \$25.00 Pd.

DATE: 3/26/14



RECEIVED  
TOWN MANAGER

MAR 26 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: Gr. Barrington Fish + Game

ORGANIZATION NAME: Gr. Barrington Fish + Game

APPLICANT'S ADDRESS: 338 Long Pond Rd Housatonic, MA 01236

Type of license being  
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: PRIVATE PARTY

DATE: MAY 3<sup>rd</sup>, 2014 START TIME: 6 pm END TIME: 11 pm

LOCATION: 338 Long Pond Rd Housatonic MA 01236

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.

Robin M Vickery  
Signature of Applicant

338 Long Pond Rd Housatonic MA 01236  
Mailing Address

274-6291  
Telephone Number

Decision:  
Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_

FEE: \$25.00 Pd.

DATE: 3-26-14



RECEIVED  
TOWN MANAGER

MAR 26 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: GB Barrington Fish + Game

ORGANIZATION NAME: Gt. Barrington Fish + Game

APPLICANT'S ADDRESS: 338 Long Pond Rd Housatonic MA 01236

Type of license being  
Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: Annual Relay For Life Dinner

DATE: May 24<sup>th</sup> 2014 START TIME: 6 pm END TIME: 11 pm

LOCATION: 338 Long Pond Rd Housatonic MA 01236

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.

Robert M. Vickery  
Signature of Applicant

338 Long Pond Rd Housatonic MA 01236  
Mailing Address

274-6291  
Telephone Number

Decision:  
Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_

RECEIVED  
TOWN MANAGER

APR 02 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

CERTIFICATION NUMBER:

75767

ALCOHOL INTERVENTION METHODS  
CERTIFIES:

Jessie McCormick

CAMPBELL TRENT  
508-756-8542

EXPIRES:

JAN 19 2016

CERTIFICATION NUMBER:

**75764**

**ALCOHOL INTERVENTION METHODS**  
CERTIFIES:

*Robin M. Vickery*

CAMPBELL TRENT  
508-756-8542

EXPIRES:

**JAN 19 2016**

CERTIFICATION NUMBER:

**75763**

**ALCOHOL INTERVENTION METHODS**  
CERTIFIES:

*Gloria J Hadsell*

CAMPBELL TRENT  
508-756-8542

EXPIRES:

**JAN 19 2016**

CERTIFICATION NUMBER:

**75762**

**ALCOHOL INTERVENTION METHODS**  
CERTIFIES:

*Susan Barbien*

RECEIVED  
TOWN MANAGER

APR 14 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

# CHANGE of DATE and TIME

FEE: \$25.00

Fee waiver requested -

DATE: 4/14/14



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: HOLLY HAMERZ

ORGANIZATION NAME: GT. BARRINGTON LIBRARIES BOARD OF TRUSTEES

APPLICANT'S ADDRESS: 99 SEEKONK CROSS RD.

Type of license being Applied for:

ONE DAY BEER & WINE

ONE DAY ALL ALCOHOLIC

EVENT: WELCOME PARTY LIBRARY DIRECTOR AMANDA DEGIORGIS

DATE: MAY 9, 2014 START TIME: 6 pm END TIME: 8 pm LIBRARY CLOSED AT 6 pm.

LOCATION: MASON LIBRARY 231 MAIN ST., GT. BARRINGTON

EVENT ON TOWN PROPERTY? Yes  No

IF YES, PLEASE ATTACH CERTIFICATE OF LIQUOR LIABILITY INSURANCE.

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Telephone Number

Decision:  
Approved \_\_\_\_\_

Denied \_\_\_\_\_

Postponed \_\_\_\_\_

\* New for 2014

RECEIVED  
TOWN MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

Class II  
\$50.00

(pd)

APR 02 2014

Town                      OF Great Barrington

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a .....  
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with  
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Haddad Motor Group, Inc.

Business address of concern. No. 974 Main Street ..... St.,  
Great Barrington ..... City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? .....  
Corporation

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President George L Haddad 46 meadow ridge Drive Pittsfield MA

Secretary George L Haddad 46 meadow ridge Drive Pittsfield MA

Treasurer George L Haddad 46 meadow ridge Drive Pittsfield MA

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Yes

If so, is your principal business the sale of new motor vehicles? no

Is your principal business the buying and selling of second hand motor vehicles? Yes

Is your principal business that of a motor vehicle junk dealer? no



7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

The premises will consist of a building and lot to display and sell second hand motor vehicles.

8. Are you a recognized agent of a motor vehicle manufacturer?

No (Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1?

No (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?

Yes (Yes or No)

If so, in what city — town

Pittsfield

Did you receive a license?

Yes (Yes or No)

For what year?

2014

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?

No (Yes or No)

Sign your name in full

*Avery L. Haddad*

(Duty authorized to represent the concern herein mentioned)

Residence

### IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation ..... (Approved or Disapproved)

License No. .... granted ..... 20. .... Fee \$ .....

Signed .....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which the applicant may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classification for which the license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business, for the purpose. The situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 1 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after a hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and if new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. If any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make an appropriate decree. The decision of the justice shall be final.

APPLICATION FOR A LICENSE TO BUY, SELL,  
EXCHANGE OR ASSEMBLE SECOND HAND  
MOTOR VEHICLES OR PARTS THEREOF.

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APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. ....

Class .....License No. ....

Name .....

St. and No. ....

City — Town .....

Date Issued .....

---

---

Remarks .....

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RECEIVED  
TOWN MANAGER

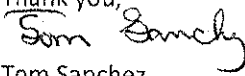
APR 07 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

April 7, 2014

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

Haddad Motor Group, Inc will be using our Toyota dealership at 130 Pittsfield Lenox Road in Pittsfield to repair vehicles for the 974 South Main Street Great Barrington location. Please call me if you have any questions.

Thank you,  
  
Tom Sanchez  
Controller



652 EAST ST. PITTSFIELD, MA 01201  
(413) 442-1584



130 PITTSFIELD-LENOX RD. PITTSFIELD, MA 01201  
(413) 445-4535



689 EAST ST. PITTSFIELD, MA 01201  
(413) 442-1584

[www.haddadauto.com](http://www.haddadauto.com)

## MAY 2014 LICENSE RENEWALS

### **REAL ESTATE SIGN LICENSES:**

1. Barnbrook Realty
2. Corashire Realty
3. Isgood Realty
4. Lance Vermeulen Real Estate, Inc.
5. Wheeler & Taylor Realty
6. Berkshire Property Agents
7. Benchmark Real Estate
8. Roberts & Associates Realty, Inc.
9. Stone House Properties, LLC
10. Sandra Preston Real Estate
11. Berkshire Country Homes LLC
12. Helen Mullany Real Estate LLC
13. wm. Brockman Real Estate
14. William Pitt Sotheby's Real Estate
15. Storybook Homes

### **COIN OPERATED SOFT DRINK & FOOD MACHINES LICENSES:**

1. Holiday Inn Express
2. Berkshire Aviation Enterprises Inc.
3. Big Y Foods, Inc.
4. i.e. Inc.
5. Butternut Basin, Inc.
6. Fairview Hospital
7. Wind in the Pines
8. Coca Cola Refreshments USA Inc. (For Kmart & Travelodge)
9. Berkshire South Regional Community Center
10. Bard College at Simon's Rock
11. Cove Bowling & Entertainment Inc.
12. Town of Great Barrington-Town Hall

March 31, 2014

Ginger Hastings  
Karen Carpenter  
Group Benefits Strategies  
15 Midstate Drive, Suite 110  
Auburn, MA 01501

Re: Designation Change of Town's Alternate  
Representative to Berkshire Health Group

Dear Ms. Hastings and Ms. Carpenter:

Please be advised that Lauren Sartori has been designated by the Board of Selectmen as the Town of Great Barrington's alternate representative to the Berkshire Health Group in place of Sandra Larkin.

Thank you.

Sincerely

Board of Selectmen

Sean Stanton  
Chairman

Cc: Financial Coordinator  
Tax Collector/Treasurer

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

May 28, 2013

Ginger Hastings  
Karen Carpenter  
Group Benefits Strategies (GBS)  
15 Midstate Drive, Suite 110  
Auburn, MA 01501

Dear Ms. Hastings and Ms. Carpenter:

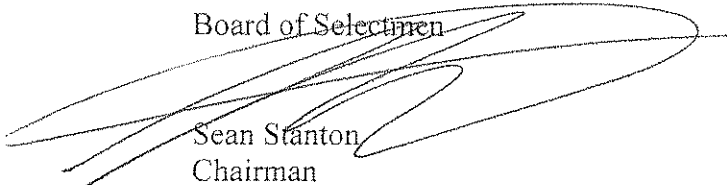
Please be advised that Jennifer Tabakin has been designated by the Great Barrington Board of Selectmen as the voting representative to the Berkshire Health Group.

Also, this is to confirm that Tax Collector/Treasurer Sandra Larkin is the alternate representative from the Town of Great Barrington.

Thank you.

Sincerely,

Board of Selectmen



Sean Stanton  
Chairman

Cc: Tax Collector/Treasurer

JT/hk

## EXECUTIVE SUMMARY

**TITLE:** Appointment of Agricultural Commission member.

**BACKGROUND:** The Town has a vacancy on the Agricultural Commission. The vacancy is due to a resignation of a member with a term that expires on June 30, 2016. The Town has advertised for a resident to serve as a member on the Agricultural Commission to fill the term. Laurily Epstein has applied for the position.

**FISCAL IMPACT:** Not applicable; members serve without compensation.

**RECOMMENDATION:** The Board of Selectmen appoints Laurily Epstein to the Agricultural Commission for a term to expire June 30, 2016.

**PREPARED AND REVIEWED BY:** Jennifer Tabakin  
Jennifer Tabakin, Town Manager

**DATE:** 4/11/14



MAR 25 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

March 25, 2014

To the Board of Selectmen -

I've spoken with Luke Pujma  
who is interested in having the power  
the GB Agricultural Commission.

This letter is to request such an  
appointment.

Thank you -

Laurie K. Epstein  
6 Copper Beach Lane

LAURIEPSTEIN@gmail.com  
528-0587

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

### Arbor Day Proclamation, 2014

#### Town of Great Barrington, Massachusetts

Whereas, Arbor Day celebrates the role of trees in our lives and promotes tree planting and care. It was initiated in 1872 by J. Sterling Morton of Nebraska City who said "Other holidays focus upon the past; Arbor Day focuses on the future". Arbor Day is now celebrated throughout the nation and the world.

Whereas, trees are important, we couldn't live without them: they clean the air and produce the oxygen we breathe. They provide habitat for wildlife and help to keep the climate in balance. They give us paper, wood for our homes, fuel for our fires and countless other wood products.

Whereas, trees increase property values, and enhance the beauty and vitality of our community.

Whereas, planting trees is an act of kindness and optimism. The celebration of Arbor Day represents a priceless opportunity for all of you to take positive actions and make your world a better place.

Therefore, we, the members of the Board of Selectmen of the Town of Great Barrington, Massachusetts, do hereby proclaim **April 25<sup>th</sup>, 2014**, to be known as ARBOR DAY in Great Barrington, and we urge all citizens to celebrate Arbor Day planting and caring for trees, and to support efforts in our Town to protect our trees.

IN WITNESS THEREOF, We have hereunto set our hands this 16<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
Sean Stanton, Chairman

\_\_\_\_\_  
Deborah Phillips

\_\_\_\_\_  
Andrew D. Blechman

\_\_\_\_\_  
Stephen C. Bannon

\_\_\_\_\_  
Daniel Bailly

## Helen Kuziemko

---

**From:** Jennifer Tabakin  
**Sent:** Tuesday, March 25, 2014 5:34 PM  
**To:** Helen Kuziemko  
**Subject:** FW: arbor day proclamation  
**Attachments:** Arbor Day Proclamation2.doc

For SB agenda package.

Jennifer Tabakin  
Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
413-528-1619 x2  
413-528-2290 (Fax)

**From:** Dennis Gibbons [<mailto:dennisgibbons@icloud.com>]  
**Sent:** Tuesday, March 25, 2014 4:53 PM  
**To:** Jennifer Tabakin  
**Subject:** Re: arbor day proclamation

yes. please see attached.  
Dennis Gibbons  
Chairman  
Gt. Barrington Tree Committee  
[dennisgibbons@mac.com](mailto:dennisgibbons@mac.com)  
413 429 7712

On Mar 25, 2014, at 11:10 AM, Jennifer Tabakin <[jtabakin@Townofgb.org](mailto:jtabakin@Townofgb.org)> wrote:

Hi Dennis – Do you have a copy of the proclamation to put in the package? - JT

Jennifer Tabakin

Town Manager

Town of Great Barrington

334 Main Street

Great Barrington, MA 01230

413-528-1619 x2

413-528-2290 (Fax)

**From:** Sean Stanton [<mailto:seanstanton@hotmail.com>]

**Sent:** Tuesday, March 25, 2014 10:23 AM

**To:** Dennis Gibbons; Jennifer Tabakin

**Subject:** Re: arbor day proclamation

Absolutely.

Best,

Sean

Sent from Sean's mobile office

On Mar 25, 2014, at 8:48 AM, "Dennis Gibbons" <[dennisgibbons@icloud.com](mailto:dennisgibbons@icloud.com)> wrote:

Sean, could you please put tree committee:arbor day proclamation on the next board of selectman meeting agenda? we would like the proclamation signing to coincide with the coming arbor day(last friday of april). also important for our tree city usa requirements.

Sincerely,

Dennis Gibbons  
Chairman  
Gt. Barrington Tree Committee  
[dennisgibbons@mac.com](mailto:dennisgibbons@mac.com)  
413 429 7712



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP  
Town Planner

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

**EXECUTIVE SUMMARY**

**TITLE:** Recommendation to the ZBA regarding Special Permit Application 827-14 for WDM Properties, LLC, for 11 Crissey Road

**BACKGROUND:** Owners are seeking to change the use of the property from one preexisting nonconforming use, a contractor's yard, to another nonconforming use, storage and warehouse. The property is in a B-2 zoning district, on Crissey Road between Apex Automotive and the Berkshire South Community Center. It is the former Verizon building.

The previous use was not permitted in this zoning district, and the proposed use is not listed in the zoning bylaw; thus both uses are nonconforming. Per Section 5.2 of the zoning bylaws, the ZBA may permit one nonconforming use to be changed to another nonconforming use, if the ZBA determines the change will not be substantially more detrimental to the neighborhood.

There is no proposed work on the exterior of the building. No storage will take place outside of the building. The area is commercial in character. This use would not generate any significant level of traffic.


DRT staff had no concerns with this proposal.

**FISCAL IMPACT:** Continued productive use of a commercial building.

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

**PREPARED AND REVIEWED BY:**

**DATE:** 4/11/14

  
Town Planner

**APPROVED BY:**

**DATE:** 4/11/14

  
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 Wednesday, April 30, 2014, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of WDM Properties LLC to change the use of the property at 11 Crissey Road from contractor's yard to storage and warehouse. The property is in a B2 General Business 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 p.m. that same date.

Ron Majdalany, Chairman

Please publish April 4 and 11, 2014

WDM legal 4.14 & 4.11, 2014



Town of Great Barrington Massachusetts

55702/1177-015

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: 3/26/14
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? B. SITE / PROPERTY INFORMATION
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)
Address of Subject Property 11 CRISSEY ROAD
Assessor's Map No. 36 Lot No. 29
Registry of Deeds Book No: 2165 Page: 222
Zoning District(s) B2 General Bus.
Overlay Districts (if any)

C. APPLICANT AND OWNER INFORMATION

Applicant's Information: Name (please print) WDM PROPERTIES, LLC Phone (area code first) 413-664-4539
Street Address 37 MAIN STREET
City, State, Zip Code NORTH ADAMS, MA 01247
If Applicant is a corporation, provide name of contact person: CRAIG BARNUM
Email Address cbarnum@scarafoniassociates.com Signature
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

MAR 26 PM 1:40

**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)  Section 5.2  Section 5.3  Section 5.5  Section 5.6  Section 5.7  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.

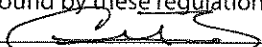
**H. APPLICATION FEE**

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: 

**J. ADDITIONAL INFORMATION**

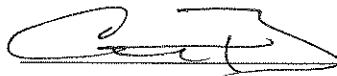
Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project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



(signed)

3/25/14

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

## **Exhibit "A"**

A special permit is being requested with respect to the property located at 11 Crissey Road (the "Property") under Section 5.2 of the Town of Great Barrington Zoning Bylaws (the "Zoning Bylaw") in order to change the existing non-conforming use – contractor's yard – to a new non-conforming use – storage and warehouse.

The project involves leasing a portion of the interior of the approximately 15,000 square foot, one-story building (the "Building") located at the Property for purpose of storage and warehouse space in accordance with the conceptual plan attached as Exhibit "B." The Property is not in conformance with the Zoning Bylaws because the current use is not allowed in the General Business (B-2) zoning district. To the best of our knowledge, there are no previous Special Permits or Variances for the Property. [I will confirm this with Chris Rembold.]

Pursuant to Section 5.2 of the Zoning Bylaws, the Great Barrington Zoning Board of Appeals (the "Board of Appeals") may award a special permit pursuant to Section 10.4 of the Zoning Bylaw to change a nonconforming use "only if it determines that such a change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood." Moreover, pursuant to Section 5.2.2 of the Zoning Bylaw, the Board of Appeals may consider changes of nonconforming from "one nonconforming use to another, less detrimental, nonconforming use."

In this case, the proposed nonconforming use is not only not substantially more detrimental than the existing nonconforming use, it is less detrimental than the existing nonconforming use. Specifically, exterior telephone pole storage racks have been removed, a structurally deficient loading dock has been removed and no changes will be made to the exterior of the structure. Moreover, the proposed storage and warehouse use is consistent with the character of the surrounding neighborhood.

Pursuant to Section 10.4.2 of the Zoning Bylaw, the Board of Appeals shall only grant a special permit upon its written determination that "the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." In determining whether to grant the special permit, the Board of Appeals shall consider the following characteristics: (1) social, economic, or community needs which are served by the proposal; (2) traffic flow and safety, including parking and loading; (3) adequacy of utilities and other public services; (4) neighborhood character and social structures; (5) impacts on the natural environment; and (6) potential fiscal impact, including impact on town services, tax base, and employment.

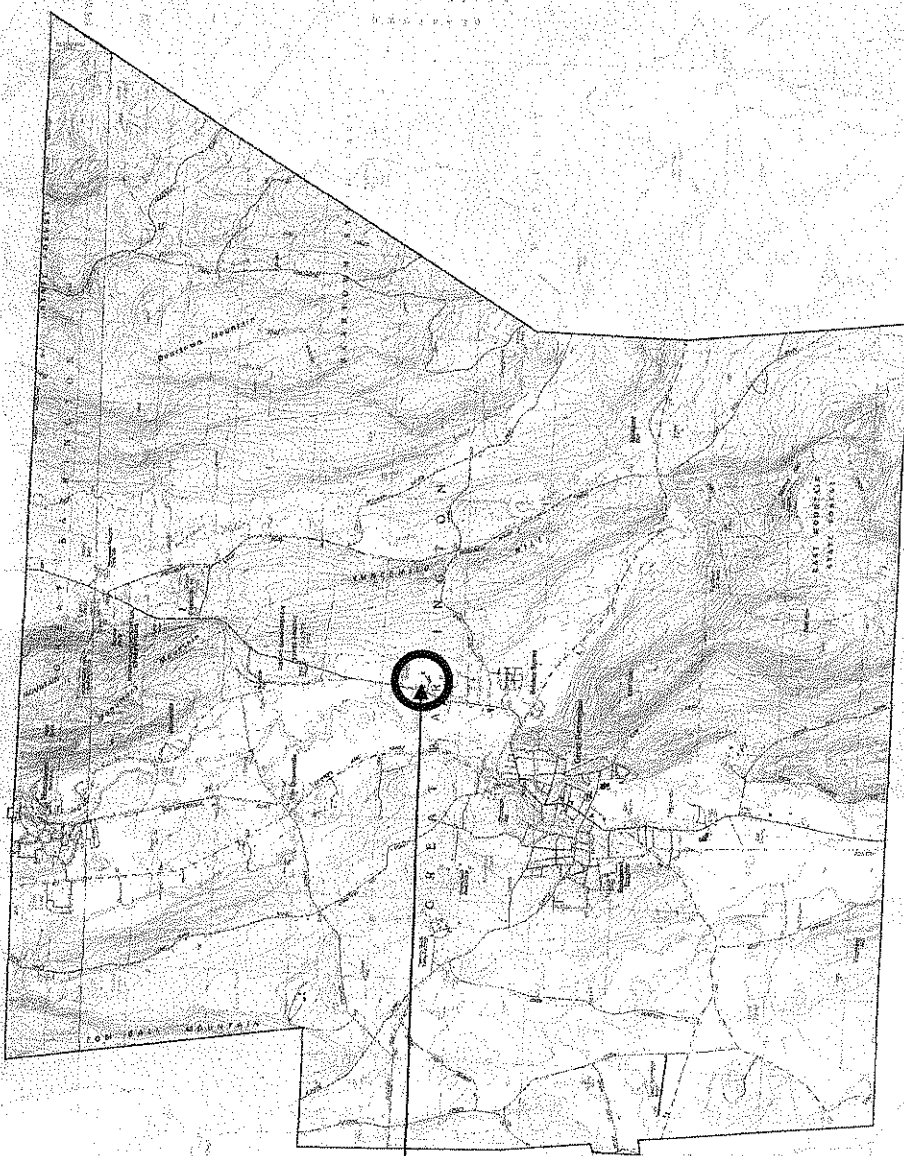
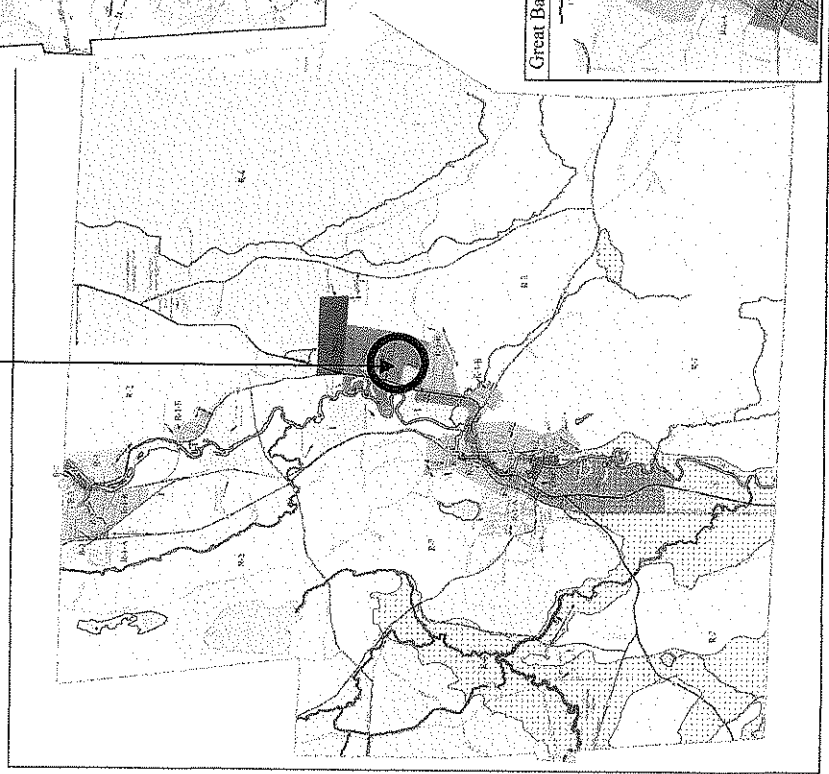
In this case, the proposed use will serve the economic and community needs because the Property will be put to its highest and best use, which will increase the tax revenue to the Town of Great Barrington while providing needed storage and warehouse space. Traffic flow and safety will not be negatively impacted as the anticipated traffic flow produced from the use will be limited to modest traffic twice per day. Moreover, the Property affords ample parking and loading and unloading will take place inside the Building. The Property is served by public utilities and services, which are adequate for the proposed use. The character of the surrounding neighborhood is consistent with industrial and business uses. While a portion of the property

contains wetlands, the proposed use will have no impact on the natural environment. Finally, the proposed use will have a positive fiscal impact because the Town of Great Barrington will receive additional tax revenue but town services will not be adversely impacted.





11 Crissey Road



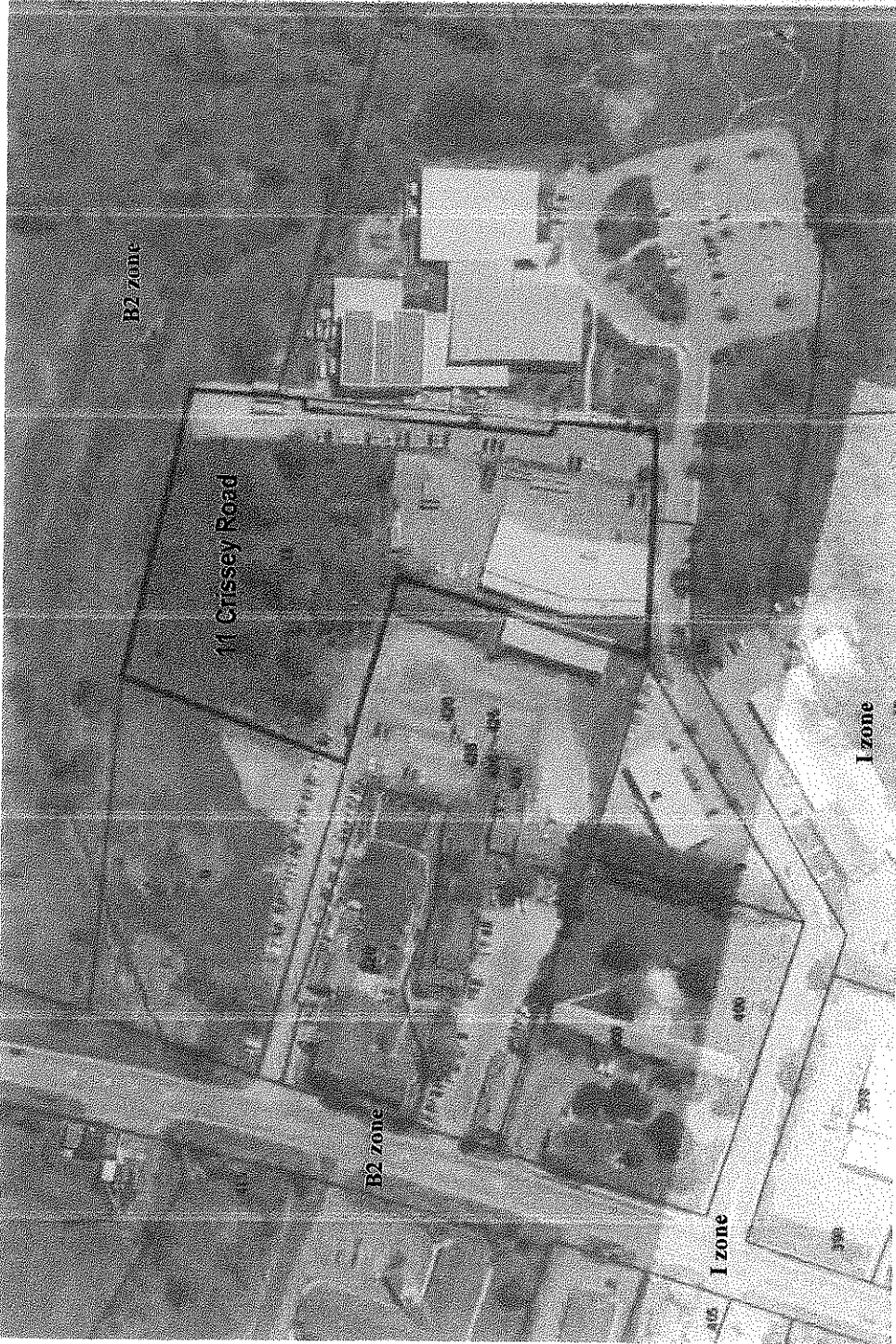
Zoning	1	IMR00
	B	YC00
	B-1	WQPOD
	B-2	Zone II
	B-2A	Surface Water Zone A
	B-3	Surface Water Zone B
	DHP	Stream and Lake, 300 ft
	R-1	Stream and Lake, 500 ft
	R-1-A	
	R-1-B	
	R-1-R	
	R-2	
	R-3	
	R-4	

**Legend**

- Label/Park
- Perennial Stream
- Roadways

**Great Barrington Village**

**Housatonic Village**



West Sam Houston Local Data  
 Village Center Overlay District  
 Historic District Re-evaluation Overlay District  
 Zoning  
 Wireless Telecommunications Overlay District  
 Flood Hazard Overlay District  
 Water Quality Protection Overlay District  
 Tiled Layers  
 Layers for Client

Active Data Layers  
 Tax Parcels for Query  
 Tax Parcels  
 Roads for Query  
 Detailed Features  
 Zoning  
 Structure

Legend  
 Tax Parcels for Query  
 Roads for Query  
 Zoning  
 B  
 B-1  
 B-2  
 B-2A  
 B-2B  
 C60  
 I  
 I-2

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

E-mail: [clamarre@townofgb.org](mailto: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

November 15, 2013

ABUTTERS TO PROPERTY OF: VDM PROPERTIES LLC, 11 CRISSEY ROAD  
Map 36 Lot 29, Book 2165 Pg. 222

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
36	30.1	Estate of George T. Ladd, 28 Briarcliff Ln., Brewster, MA 02631-1904
36	30.2,30.3,29A	Berkshire South Regional Community Center Inc., 15 Crissey Rd., GB, MA 01230-1299
36	30.3A	Kimco Great Barrington 609 Inc., 3333 New Hyde Park Rd. #100, New Hyde Park, NY 11042-1205
9 U1,2A	1	RAS Holdings LLC, 420 Stockbridge Rd., Gt. Barrington, MA 01230-9512
9 U2B	1	Wingate Realty LLC, 420 Stockbridge Rd., Gt. Barrington, MA 01230-9504
9 U3	1	Rhett Mundy, PO Box 295, Stockbridge, MA 01262-0295
9 U4,5	1	G & A Holdings LLC, 424 Stockbridge Rd., Gt. Barrington, MA 01230-9513
9 U6	1	Harvey & Vivian Kimmelman, 107 Stockbridge Rd., Gt. Barrington, MA 01230-1227
9 U7	1	AVO Toast LLC, 420 Stockbridge Rd., Gt. Barrington, MA 01230-9512
9 U8	1	Sherwood & Marjorie Sumner, 145 Hurlburt Rd., Gt. Barrington, MA 01230-2302
9 U10	1	Living God Fellowship, PO Box 715, Gt. Barrington, MA 01230-0715
9 U9	1	Estate of Karl K. Lipsky, 420 Stockbridge Rd., Gt. Barrington, MA 01230-9516
9	3	Crissey Road LLC, 2 Brainard Rd., Hartford, CT 06114-1604
9	3C	Robert F. & Jane A. Holcomb, 9 Crissey Rd., Gt. Barrington, MA 01230-1299
9	2	Syyami Inc., 474 Pittsfield Rd., Lenox, MA 01240-2902

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

Sincerely,

Christopher Lamarre  
Principal Assessor





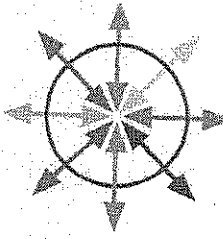
April 3, 2014

The Town of Great Barrington,

It has come to my attention that our neighbor WDM Properties, LLC of 11 Crissey Road, Great Barrington, MA 01230 is requesting a change of usage for their property. My business partner, Andrew Mankin, and I are in full support of their request for change of usage on their property. Their proposed usage is consistent with the nature of business on Crissey Road and is not in conflict with our interests.

Respectfully Submitted,

  
Gary W. Happ



# BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER

March 28, 2014

To whom it may concern,

It has come to our attention that WDM Properties, LLC is seeking to use a portion of their Crissey Road building (previously Verizon) for warehousing. Since purchasing the Verizon building, WDM Properties, LLC has been a very responsible neighbor to Berkshire South and has assured us that the impact of the warehousing on parking, traffic, and open space will be minimal. We are writing in support of their request to you.

Sincerely,

Jenise Lucey  
Executive Director

Adam Hersch  
On behalf of the Board of Trustees

**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

BOS Recommendation - March 10/14  
↓  
Cont to March 24/14  
↓ to April 16/14

Great Barrington Zoning Board of Appeals  
Town Hall, 334 Main St.  
Great Barrington, MA 01230

Sept. 10, 2013

Alexandra H. Glover  
Lazan Glover & Puciloski LLP  
785 Main St.  
Great Barrington, MA 01230

RECEIVED  
TOWN MANAGER  
SEP 11 2013  
BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Dear Ms. Glover:

In response to your Aug. 22, 2013, written request for the Great Barrington Zoning Board of Appeals to delay scheduling a public hearing in the Lynn Hutchinson/Brian Schwab, 263 Long Pond Road, appeal of a building commissioner's cease order regarding a Water Quality Protection Overlay District—Zone A Violation, the ZBA voted tonight to approve your request for a 45-day extension.

The appeal was filed <sup>Aug. 22</sup> ~~Sept. 6~~, 2013. This now means the Zoning Board of Appeals in order to meet timeline requirements on or about Oct. 26 will schedule a hearing date (the hearing to be held no later than Dec. 10), unless you submit a written request to withdraw the appeal. Further, the Zoning Board of Appeals by its vote this evening authorizes the chairman to act on its behalf and accept a written request to extend the hearing delay a second time or to withdraw the appeal.

Yours truly,

  
Ron Majdalany, Chairman

RM/bd

cc Great Barrington Town Clerk  
Board of Selectmen  
Ed May, Building Commissioner  
Chris Rembold, Town Planner

SEP 11 2013

**LAZAN GLOVER & PUCILOSKI LLP**  
BOSTON • GREAT BARRINGTON

DAVID M. LAZAN\*  
PETER L. PUCILOSKI  
ALEXANDRA H. GLOVER

---

785 MAIN STREET  
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Alexandra H. Glover  
Email [glover@lazanlaw.com](mailto:glover@lazanlaw.com)

OF COUNSEL  
ANDREA C. HARRINGTON\*  
JAMES B. MCLINDON  
ALLEN B. KOENIG (1948-2011)

*HAND DELIVERED*

August 22, 2013


Great Barrington Zoning Board of Appeals  
Bernard Drew, Secretary  
334 Main Street  
Great Barrington, MA 01230

Re: 263 Long Pond Road, Great Barrington, MA

Dear Mr. Drew:

Enclosed please find our certified and date-stamped Appeal of "WQPOD – Zone A Violation".

Very Truly Yours,



Alexandra H. Glover

AHG/tej

Enclosure

cc: Great Barrington Town Clerk  
Great Barrington Inspector of Buildings, Edwin May  
Brian Schwab  
Lynn A. Hutchinson  
By Email: [bschwab@targeted10s.com](mailto:bschwab@targeted10s.com)

**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”)<sup>1</sup> 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

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<sup>1</sup> 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 its 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”.

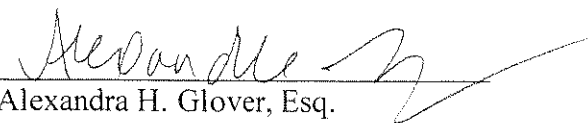
The other part of the ordered remedy – that Ms. Hutchinson remove all invasive species - is similarly problematic. As the invasive species in a portion of the zoning district were already cut to the ground, the Building Inspector must mean something more than that, by his Order. If the true meaning of 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:   
Alexandra H. Glover, Esq.  
785 Main Street  
Great Barrington, MA 01230  
Tel: (413) 644-0200  
Fax: (413) 644-0201  
glover@lazanlaw.com

Dated: August 22, 2013

# **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

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 \_\_\_\_\_  
8/21/2013  
p. 2 of 2

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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](mailto: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

**LAZAN GLOVER & PUCILOSKI LLP**  
BOSTON • GREAT BARRINGTON

DAVID M. LAZAN\*  
PETER L. PUCILOSKI  
ALEXANDRA H. GLOVER

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Alexandra H. Glover  
Email [glover@lazanlaw.com](mailto:glover@lazanlaw.com)

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OF COUNSEL  
ANDREA C. HARRINGTON\*  
JAMES B. McLINDON  
ALLEN B. KOENIG (1948-2011)

*HAND DELIVERED*

August 22, 2013

Great Barrington Zoning Board of Appeals  
Bernard Drew, Secretary  
334 Main Street  
Great Barrington, MA 01230

Re: 263 Long Pond Road, Great Barrington, MA

Dear Mr. Drew:

Enclosed please find our certified and date-stamped Appeal of "WQPOD – Zone A Violation".

Very Truly Yours,



Alexandra H. Glover

AHG/tej

Enclosure

cc: Great Barrington Town Clerk  
Great Barrington Inspector of Buildings, Edwin May  
Brian Schwab  
Lynn A. Hutchinson  
By Email: [bschwab@targeted10s.com](mailto:bschwab@targeted10s.com)

**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”)<sup>1</sup> 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

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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.

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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”.

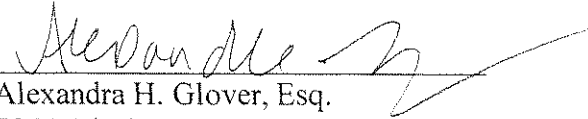
The other part of the ordered remedy – that Ms. Hutchinson remove all invasive species - is similarly problematic. As the invasive species in a portion of the zoning district were already cut to the ground, the Building Inspector must mean something more than that, by his Order. If the true meaning of 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:   
Alexandra H. Glover, Esq.  
785 Main Street  
Great Barrington, MA 01230  
Tel: (413) 644-0200  
Fax: (413) 644-0201  
glover@lazanlaw.com

Dated: August 22, 2013

# **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

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 \_\_\_\_\_  
8/21/2013  
p. 2 of 2

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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](mailto:conservation@townofgb.org). Absolutely NO further mowing or clearing is to be tolerated in this Zone A.

The appeal of an aggrieved person may be 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

**LAZAN GLOVER & PUCILOSKI LLP**

BOSTON • GREAT BARRINGTON

DAVID M. LAZAN\*  
PETER L. PUCILOSKI  
ALEXANDRA H. GLOVER

OF COUNSEL  
ANDREA C. HARRINGTON\*  
JAMES B. MCLINDON  
ALLEN B. KOENIG (1948-2011)

785 MAIN STREET  
GREAT BARRINGTON, MA 01230  
TELEPHONE 413-644-0200  
FAX 413-644-0201  
www.lazanlaw.com

Alexandra H. Glover  
Email [glover@lajanlaw.com](mailto:glover@lajanlaw.com)

*HAND DELIVERED*

September 5, 2013

Great Barrington Zoning Board of Appeals  
Bernard Drew, Secretary  
334 Main Street  
Great Barrington, MA 01230

Re: 263 Long Pond Road, Great Barrington, MA

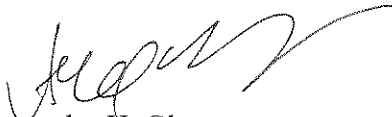
Dear Mr. Drew:

As per your request, we are supplementing the zoning appeal previously filed on August 22, 2103. Enclosed please find our Zoning Board of Appeals Appeal Application with enclosures, a certified list of abutters, and our check for the \$150.00 fee. Also enclosed, for your convenience, is a copy of the appeal we previously filed time stamped August 22, 2013.

As we also discussed, this matter involves both an alleged zoning violation, and an alleged conservation violation. The matter is being actively addressed before the Conservation Commission, and is next scheduled to be heard at the end of September. I expect that both alleged violations will be resolved simultaneously. Thus, in the interest of cost- and time-efficiency, I request and agree to a 45-day extension of all applicable deadlines for action by the ZBA, under M.G.L. c. 40A. In order to effectuate this extension, the request must be signed by the ZBA and filed with the Town Clerk, as I am sure you are aware.

Thank you, and please let me know if you need anything else.

Very Truly Yours,

  
Alexandra H. Glover

AHG/tej  
Enclosure

cc: Mr. Christopher Rembold, Town of Great Barrington Planner  
Town of Great Barrington, Board of Selectmen  
Great Barrington Inspector of Buildings, Edwin May



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:
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, Great Barrington
Assessor's Map No. 33 Lot No. 3 and 4
Registry of Deeds Book No: Page:
Zoning District(s)
Overlay Districts (if any) WQPOD Water Quality Protection Overlay

C. APPLICANT AND OWNER INFORMATION
Applicant's Information
Name (please print) Lynn A. Hutchinson Phone (area code first) (413) 854-1404
Street Address c/o Alexandra H. Glover, Esq., Lazan Glover & Puciloski, LLP, 785 Main Street
City, State, Zip Code Great Barrington, MA 01230
If Applicant is a corporation, provide name of contact person:
Email Address glover@lazanlaw.com Signature Lynn A. Hutchinson by Alexandra H. Glover, Esq.
[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 Alexander H. Glover, Esq.*

**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 A. Hutchinson* by *Alexander H. Glover, Esq.* (signed) *6/22/13* (date)  
*(9/5/13)*

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

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

E-mail: [clamarre@townofgb.org](mailto: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

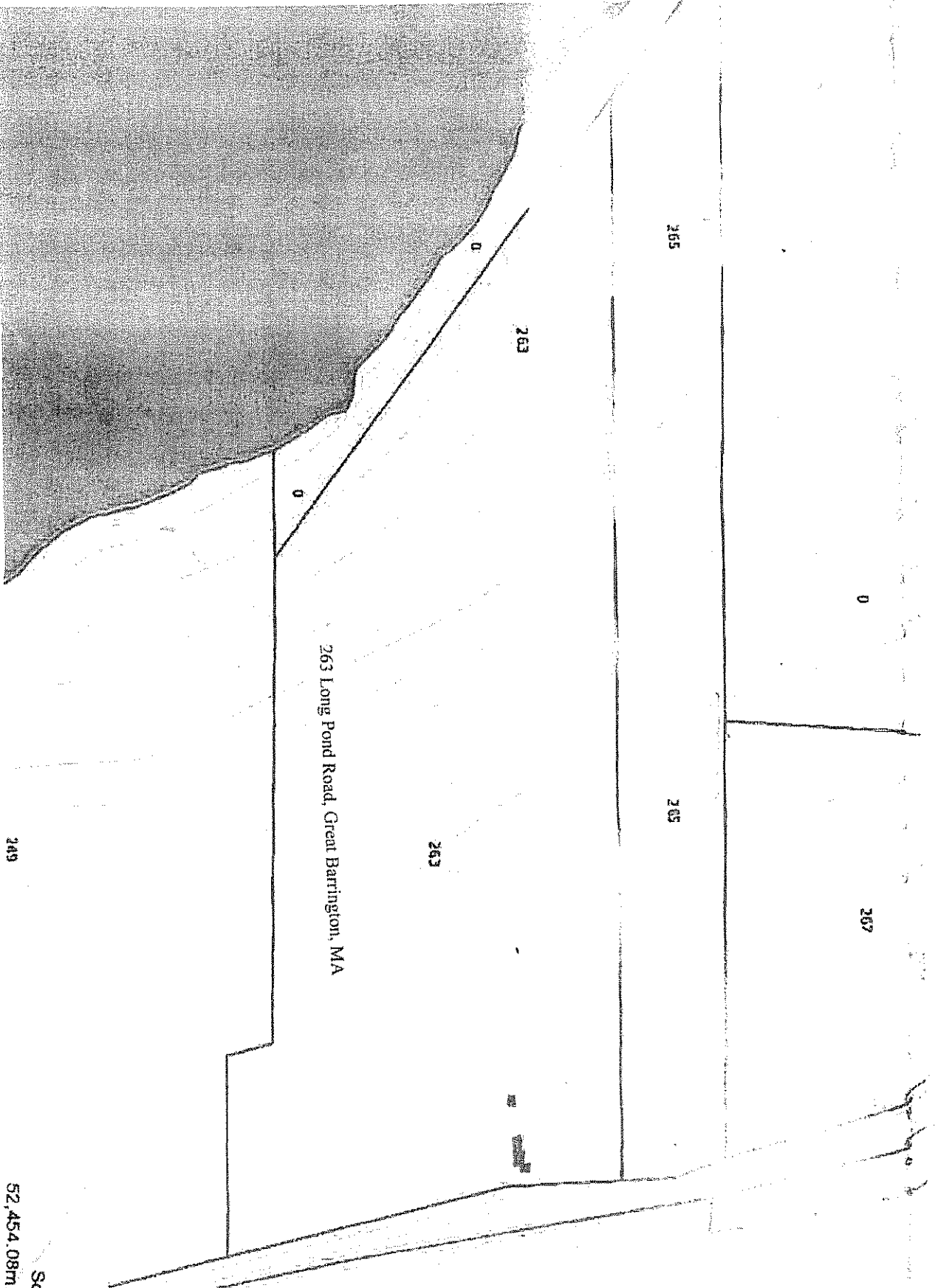
MAP   LOT   ABUTTER

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		

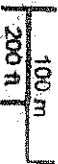
The above list of abutters to the subject property is correct according to the latest records of this office.

Sincerely,

*Christopher Lamarre*  
Christopher Lamarre      *CPS*  
Principal Assessor



263 Long Pond Road, Great Barrington, MA



Scale = 1:9,028  
52,454.08m, 982,744.38m

**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")<sup>1</sup> 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

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<sup>1</sup> 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.

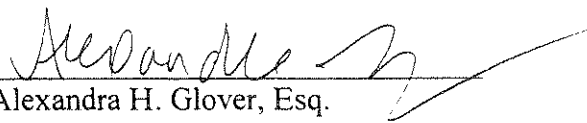
The Building Inspector has ordered two remedies, neither of which bears a reasonable relationship to the work that took place, and both of which are, consequently, beyond his power. Certainly, the Building Inspector can order Ms. Hutchinson to cease and desist from identified behavior within the WQPOD 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:   
Alexandra H. Glover, Esq.  
785 Main Street  
Great Barrington, MA 01230  
Tel: (413) 644-0200  
Fax: (413) 644-0201  
glover@lazanlaw.com

Dated: August 22, 2013

# **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

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.*

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](mailto: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