

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

MONDAY, DECEMBER 9, 2013, 6:30 PM

TOWN HALL, 334 MAIN STREET

### ORDER OF AGENDA

1. **6:30 PM - PUBLIC SESSION**
2. **GO INTO EXECUTIVE SESSION**
  - ROLL CALL VOTE
  - CONTRACT NEGOTIATIONS RE: SALE OF OLD FIRE STATION  
(M.G.L. c. 30A, sec.21(a)(6)).
3. **IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RETURN TO PUBLIC SESSION**
4. **CALL TO ORDER:**
5. **APPROVAL OF MINUTES:**
  - October 15, 2013 Regular Meeting
  - November 25, 2013 Regular Meeting
6. **SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**
  - A. GENERAL COMMENTS BY THE BOARD.
7. **TOWN MANAGER'S REPORT:**
  - A. FOLLOW UP ITEMS
    - SOLARIZE MASS AWARD
    - BRPC -- DISTRICT LOCAL TECHNICAL ASSISTANCE GRANT
  - B. DEPARTMENT UPDATES
8. **PUBLIC HEARINGS:**
  - A. 185 EAST STREET 01230, LLC C/O RONALD AND NAOMI BLUMENTHAL, 101 GREEN RIVER ROAD, GREAT BARRINGTON FOR A TWO-FAMILY USE OF A SINGLE LOT AT 185 EAST STREET, GREAT BARRINGTON IN ACCORDANCE WITH SECTIONS 3.1.4 (2), 8.1 AND 10.4 OF THE GREAT BARRINGTON ZONING BYLAW.  
(DISCUSSION/VOTE)
    - a. Open Public Hearing

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

**9. LICENSES OR PERMITS:**

A. GAETAN LACHANCE AND MICHAEL FARMER/BROKEN HILL D/B/A THE BARRINGTON FOR 2014 INNHOLDERS LICENSE. (DISCUSSION/VOTE)

B. **2014 ANNUAL LICENSE RENEWALS.** (DISCUSSION/VOTE)

- COMMON VICTUALLER RESTAURANT ALL ALCOHOLIC
- COMMON VICTUALLER RESTAURANT WINE AND MALT
- COMMON VICTUALLER WINE AND MALT WITHOUT FOOD
- PACKAGE STORE ALL ALCOHOLIC
- PACKAGE STORE WINE AND MALT
- CLUB ALL ALCOHOLIC
- COMMON VICTUALLER
- INNHOLDERS
- LODGING HOUSE
- AMUSEMENT
- BOWLING ALLEY
- MOTION PICTURE
- CLASS II AUTO
- CLASS III AUTO
- WEEKDAY ENTERTAINMENT
- SUNDAY ENTERTAINMENT

**10. NEW BUSINESS:**

A. COMMUNITY DEVELOPMENT STRATEGY (CDS)

- PUBLIC REVIEW AND COMMENT ON DRAFT CDS
- BOS REVIEW AND APPROVAL. (DISCUSSION/VOTE)

B. BOS – RECOMMENDATION TO THE ZBA ON THE VARIANCE PETITION OF STEPHEN BENNETT FOR PROPERTY ON LONG POND ROAD, GREAT BARRINGTON TO ALLOW CONSTRUCTION OF A TWO CAR GARAGE. (DISCUSSION/VOTE)

C. BOS – 2014 REGULAR MEETING CALENDAR. (DISCUSSION)

**11. OLD BUSINESS:**

A. UPDATE – EASEMENT FOR CASTLE STREET FIRE STATION.

B. BOS – DRAFT OF MOBILE FOOD VEHICLE BYLAW. (DISCUSSION)

C. CHARTER REVIEW – UPDATE. (VOTE)

D. BOS - LOCATION OF TOWN MEETING. (DISCUSSION/VOTE)

**12. CITIZEN SPEAK TIME:**

**13. SELECTMEN'S TIME:**

14. MEDIA TIME:

15. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, JANUARY 13, 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.**

## PRESS RELEASE

Local contacts:  
Great Barrington  
Malcolm Fick (413) 645-3060  
Egremont  
Juliette Haas (413) 528-2028

Solarize Mass website:  
[www.solarize@MassCEC.com](http://www.solarize@MassCEC.com)

### **Great Barrington and Egremont Selected to participate in Solarize Mass Program**

At a ceremony held on Monday, December 2<sup>nd</sup> at Acton farm in Amherst, MA powered by solar power, Alicia Barton, Chief Executive Officer of the Massachusetts Clean Energy Center (CEC) welcomed the Towns of Great Barrington and Egremont into Round Two of the Solarize Mass program. Solarize Mass is a partnership between CEC, the Green Communities Division of the Massachusetts Department of Energy Resources (DOER) and cities and towns across the Commonwealth to offer residents and business owners low-cost small-scale solar electricity systems.

The Solarize Mass program looks to increase the adoption of small-scale solar electric systems through a grassroots educational campaign, driven mainly by local volunteers, and a tiered pricing structure that increases the savings for everyone as more home and business owners in a community sign up.

Last fall municipal and volunteer representatives from Egremont and Great Barrington met to assemble a joint application to the program. Egremont's number of households did not meet the program's minimum requirements so a joint application with Great Barrington was crucial. Both towns met a key criterion of the program by having active Energy Committees in place. As part of the application, a preliminary web survey generated over 300 positive responses from Great Barrington and Egremont residents stating strong interest in solar power for their homes and businesses. Great Barrington is a recognized "Green Community" by the State which further demonstrates both public and private interest in energy efficiency and development of renewable energy.

An education and outreach campaign in the two communities will begin in January 2014. Interested parties will be invited to events to learn more about the program and how to have their buildings assessed for conversion to solar power. Through the Solarize Mass program, savings for solar electric systems increase as more contracts are signed. Judging from past community interest and support in Great Barrington and Egremont for small-scale renewable energy, it is anticipated the highest tier of pricing reductions will be achieved. Information regarding on the Solarize Mass program can be found at <http://www.masscec.com/solicitations/solarize-great-barrington-egremont>.



*Left to Right: Egremont Solar Coach Juliette Haas, Massachusetts Clean Energy Center CEO Alicia Barton, Great Barrington Solar Coach Malcolm Fick at the December 2, 2013 announcement of 2013 Round Solarize Mass community grantees.*



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:** District Local Technical Assistance (DLTA) grants

**BACKGROUND:** The Berkshire Regional Planning Commission (BRPC) receives funds from the state each year to provide free technical assistance to communities on eligible projects. Communities do not receive the funds directly; rather, the BRPC staff does the work, which is above and beyond what the municipalities can usually do alone. Past projects have included a Housing Needs Study, zoning review in Housatonic, and Master Plan technical assistance. Proposals are simple one-page narratives. BRPC does most of the work.

This year, DLTA funds are being targeted to activities in one of the following priority funding areas:

- Planning Ahead for Housing
- Planning Ahead for Growth
- Supporting Regional Services

This year Great Barrington will seek DLTA for:

- Assistance to Great Barrington for housing preservation and housing creation programs. See draft proposal attached.

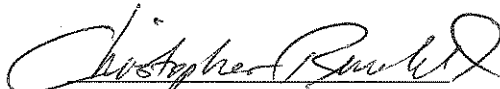
Great Barrington will also partner with three regional DLTA projects:

- For technical assistance regarding BRTA bus routes in South County (to be led by Sheffield);
- For technical assistance regarding Housatonic Rive remediation to the six "Rest-of-River" towns (to be led by Pittsfield);
- For mapping and technical assistance to develop an inventory of commercial and industrial sites (also to be led by Pittsfield).

**FISCAL IMPACT:** None

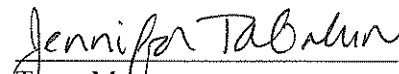
**RECOMMENDATION:** Authorize the Chairman and Town Manager to sign the DLTA applications.

PREPARED BY:

  
Town Planner

DATE: 12/5/2013

APPROVED BY:

  
Town Manager

DATE: 12/5/2013

BERKSHIRE REGIONAL PLANNING COMMISSION  
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201  
TELEPHONE (413) 442-1521 · FAX (413) 442-1523  
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370  
www.berkshireplanning.org

SHEILA IRVIN, Chair  
KYLE HANLON, Vice-Chair  
MARILYN WILEY, Clerk  
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

November 6, 2013

## District Local Technical Assistance 2014

### Notice of Available Technical Assistance

The Berkshire Regional Planning Commission is soliciting eligible projects from its member communities to receive technical assistance under the 2014 District Local Technical Assistance (DLTA) program. Under this program, BRPC staff provides free technical assistance to communities on eligible projects.

#### Description of the DLTA Program

The DLTA fund is an annual grant established via Chapter 29 s2XXX of the Massachusetts General Laws. For fiscal year 2014, this fund received an annual appropriation of \$2.8 million to be distributed statewide to regional planning agencies to support local and regional planning and service provision projects. BRPC received an allocation of \$203,588 for its staff to provide technical assistance to its member communities.

#### Priority Funding Areas for Technical Assistance

A proposed project must fall into one of the following priority funding areas to be considered eligible for technical assistance. Please see below for examples of eligible projects for each priority funding area.

- ★ **Planning Ahead for Housing**
- ★ **Planning Ahead for Growth**
- ★ **Supporting Regional Services**

*Please see the attached document titled "2013 District Local Technical Assistance Projects" for a listing of the 2013 DLTA projects worked on by BRPC staff.*

#### Application Deadline

Applications for technical assistance must be received by 5:00 PM on December 10, 2013

#### Instructions

Please complete and return the attached form titled "Request for Technical Assistance" before the application deadline. **All applications must be signed by the Board of Selectmen or Mayor.**

Applicants are strongly encouraged to discuss potential projects with BRPC staff prior to submittal.

#### Local Match

There is no local match requirement to receive technical assistance under the 2014 DLTA program.

## **Eligible Projects for Priority Funding Areas**

Examples of eligible activities shall include:

- ❖ **Planning Ahead for Housing:** Planning and implementation activities that encourage and support affordable and market-rate housing production opportunities, specifically related to the Statewide Housing Production Goal of 10,000 multi-family units each year, that may include, but are not limited to:
  - ◆ The development of market, mixed-income and affordable multi-family housing in transit-oriented-development locations, employment centers, downtown locations and state endorsed Priority Development Areas<sup>1</sup> (PDAs) within the RPA's jurisdiction, including any "Gateway municipality" (see MGL, c. 23A, s. 3A);
  - ◆ The creation of as-of-right zoning districts such as those eligible under DHCD's Compact Neighborhoods policy or the Chapter 40R Smart Growth statute;
  - ◆ The creation of prompt and predictable permitting through an Expedited Permitting Priority Development Site using Chapter 43D for residential;
  - ◆ Identifying challenges and solutions in respect to infrastructure requirements that affect the ability to construct multi-family residential projects in as-of-right zoning districts and parcels;
  - ◆ Identifying multi-family residential projects subject to the Permit Extension Act (as amended), assessing impediments to such projects, and recommending steps that the Commonwealth and/or the applicable municipality could realistically take to enable, those projects to go forward; and
  - ◆ Regional analysis of affordable and market-rate housing needs, to include, for example, preparation of a *Housing Production Plan* pursuant to 760 CMR 56.00 et. seq., and similar undertakings that may guide the execution of a compact among communities for locating affordable and market-rate housing.
  
- ❖ **Planning Ahead for Growth:** Planning and implementation activities that encourage and support economic development opportunities that may include, but are not limited to:
  - ◆ Identification, assessment and mapping of Priority Development Areas (PDAs) and Priority Preservation Areas<sup>2</sup> (PPA's) at the local and regional levels, including discussion of specific areas for multi-family housing growth.
  - ◆ Supporting prompt and predictable permitting through the Chapter 43D Expedited Permitting Program for Economic Development projects;
  - ◆ Encouraging communities to use the Economic Development Self-Assessment Tool (EDSAT) to assess economic development opportunities within communities and/or regions and to develop implementation strategies based on EDSAT recommendations;
  - ◆ Identifying challenges and solutions in respect to infrastructure requirements that affect the ability to advance economic development activities;
  - ◆ At a city or town's request, identifying economic development projects subject to the Permit Extension Act (as amended), assessing impediments, and recommending steps that state and/or the applicable municipality could realistically take to enable those projects to go forward; and
  - ◆ Revisions and updates to local land use regulations to encourage the orderly and well planned growth of a municipality.
  
- ❖ **Supporting Regional Services:**
  - ◆ Shared services (e.g., regional lockup, regional 911 centers, other public safety and emergency response responsibilities, information technology/data management, school district/regional school district



analysis, shared professional and administrative services, agreements to operate shared waste disposal/recycling facilities/programs);

- ◆ Collective purchasing (if such purchasing cannot be otherwise accomplished using state-wide contracts or can be achieved regionally for less than the state contract price, or items proposed for purchase are specific to municipal and/or school district agreements); and
- ◆ Cost saving measures that benefit more than one municipality.

### **Evaluation of Applications**

Preference will be given to applications that meet the following criteria:

#### **Primary Criteria**

- *Regional Cooperation (e.g. involves multiple (3+) municipalities and supports collaboration).*
- *Responds to a regional development need.*
- *Addresses one or more Priority Development or Priority Preservation Areas (local or regional).*
- *Implements components of local plans or previous studies related to economic development or housing, including implementation of items contained in the Sustainable Berkshires Plan.*
- *Enhances the economic competitiveness of the region, including such topics as local permit streamlining, downtown economic revitalization, mixed use development, establishment, expansion, or utilization of a Ch. 43D priority development site.*
- *Addresses the housing needs of a community and/or the region, especially related to 40R districts.*
- *Is likely to catalyze changes "on the ground" (redevelopment, approved zoning changes, new by-laws, service delivery cost savings, inter-municipal collaboration on service delivery or renewable energy use/production, etc.).*
- *Serves as a model for other municipalities.*

#### **Secondary Criteria**

- *The extent to which the project can be completed by BRPC staff.*
- *Efforts will be made to distribute projects to different municipalities throughout the region. Multiple projects in a single municipality will only be awarded if funding allows, not including participants in a regional application.*
- *Receipt of and performance on past DLTA projects.*
- *Availability of other funding sources*

### **Decisions & Notice of Awards**

- All decisions are at the discretion of BRPC based upon its interpretation of the evaluation criteria and the availability of funding.
- BRPC reserves the right to request additional information before a decision is made.
- If a proposed project exceeds BRPC's ability to undertake a project through the DLTA program, BRPC and the applicant may engage in a strategic discussion about either reducing the scope of the project or obtaining additional funding (e.g. local contribution, other grants) to complete the portion of the project that exceeds the DLTA-funded elements of the project.
- BRPC anticipates selecting projects for technical assistance in early January. Applicants will be notified of the decision by written letter.



**Berkshire Regional Planning Commission  
Request for Technical Assistance  
District Local Technical Assistance Program, 2014**

**PART 1. APPLICANT INFORMATION**

**Lead Municipality:** Great Barrington **Date:** 12/9/2013

**Point of Contact, Lead Municipality, as designated by the governing body (please print):**

**Name:** Christopher Rembold

**Title:** Town Planner

**Address:** 334 Main Street, Great Barrington, MA 01230

**Telephone:** (413) 528-1619, x.7 **E-mail:** crembold@townofgb.org

**Partner Municipalities: (List all partner municipalities, contacts and contact information (e-mail and phone) from those municipalities:**

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**PART 2. TYPE OF ASSISTANCE**

Please check the type of assistance requested:

- Planning Ahead for Housing
- Planning Ahead for Growth
- Supporting Regional Services

**PART 3. ASSISTANCE PROPOSAL**

Please attach a brief (one-page) summary of the project that addresses the following topics:

1. **Purpose:** Provide a concise statement of the purpose and type of assistance requested.
2. **Priority Funding Areas:** Provide a concise description of how your assistance request addresses the Priority Funding Areas.
3. **Project Background:** Briefly describe how the proposed project fits with other municipal objectives such as community comprehensive plan implementation, economic development, etc. If applicable, please describe any related projects recently completed or currently underway that directly relate to the proposed action. Please also note any planned action or investment that would or could potentially result from the successful completion of the proposed action.
4. **Project Start Date:** Please provide the anticipated date that those involved in the project can begin work.

5. **Project Scope:** Please list and provide a short description of the major tasks and anticipated timeline to achieve the proposed project.
6. **Desired Results:** Please provide a description of the results (deliverables or products) that are desired as an outcome of this project.
7. **Local Official/Staff Commitment:** Please provide a description of the municipal officials/committee members/ staff members who will be involved with this project, clearly indentifying their roles.

**PART 4. APPLICATION SUBMITTAL PROCESS**

Applications are due by 5:00 pm **December 10, 2013.**

Application packets may be sent via-email (preferred), mail or fax to either:

Brian Domina, Senior Planner  
 1 Fenn Street, Suite 201  
 Pittsfield, MA 01201  
[bdomina@berkshireplanning.org](mailto:bdomina@berkshireplanning.org)  
 Fax (413) 442-1523

Please note that any awards made under this solicitation are contingent on BRPC receiving sufficient DLTA funds from the Commonwealth of Massachusetts.

**PART 5. AUTHORIZED SIGNATURE**

Please include the signature of the Chief Elected Official authorizing you to submit this request.

Name Sean A. Stanton Date 12/9/2013

Title Chairman, Board of Selectmen

Signature \_\_\_\_\_  
 (MAYOR/SELECT BOARD CHAIR)

NAME: *Jennifer Tabakin, Town Manager*  
 SIGNATURE:

1. **Purpose:** The Town of Great Barrington seeks 2014 DLTA support for planning and implementation activities that support affordable housing, including drafting a Housing Production Plan (HPP) and investigating initiatives such as Chapter 40R Smart Growth and an Affordable Housing Trust fund. This work would be consistent with the local Great Barrington Master Plan, the draft Regional Sustainability Plan, and the “Planning Ahead for Housing” priority funding area.
2. **Project Background:** In 2013 BRPC completed a Housing Needs Study, using DLTA funds, for Great Barrington and Sheffield. That report built on the Housing chapter of the Great Barrington Master Plan and the 2002 “Housing for Everyone” report. Findings of the Housing Needs Study included that 57 percent of renter households are “rent burdened,” that there has been a decrease in rental unit availability, and that the homeownership affordability gap for median income households is nearly \$140,000. These are staggering numbers. The Housing Needs Study concluded with a series of recommendations for both towns, including, for Great Barrington:
  - a. Updating the Community Development Strategy / CDS (already underway);
  - b. Applying for grants such as CDBG to support preservation and creation of affordable housing (likely in February 2014);
  - c. Developing a Housing Production Plan;
  - d. Exploring Commonwealth programs and incentives for inclusive zoning; and,
  - e. Exploring a municipal Affordable Housing Trust fund.
 Great Barrington seeks 2014 DLTA assistance for items c, d, and e.
3. **Project Start Date:** We proposed that BRPC begin in March 2014, with a kick-off meeting or phone call with the Town Planner to refine the scope of services.
4. **Project Scope:** We propose BRPC’s DLTA services include the following, with an emphasis on public outreach and education with regards to each initiative:
  - (1) Research and Report:
    - Housing Production Plan: Gather data about an HPP including pros and cons, process for developing a HPP, and the target / goals applicable to Great Barrington, in order to educate town staff and the public regarding pros and cons.
    - Chapter 40R Smart Growth and Compact Neighborhoods: Gather data regarding these programs in order to educate town staff and the public regarding pros and cons.
    - Affordable Housing Trust Fund: Gather data regarding these programs in order to educate town staff and the public, e.g., Investigate the necessary steps to establishing the trust, including accounting, procedural, and organizational items. Investigate how the trust can be funded and how it can contribute to preserving or creating affordable housing. Review with / educate relevant town staff including the Town Manager, Town Accountant Financial Coordinator, Tax Collector, and Town Planner.

*Deliverable: Summary memo and meeting with staff. Timeline: April-May 2014.*
  - (2) Outreach and Education: Hold at least two community forums to review the results of task 1 and educate the public about these programs, anticipating questions such as location, funding, tax impacts, density, and so forth.
 

*Deliverable: Two forums including presentation and summary of results. Timeline: June 2014.*
  - (3) Draft HPP: Draft the HPP for Great Barrington.
 

*Deliverable: Draft HPP + one public forum to present draft HPP. Timeline: June – Sept 2014.*
5. **Anticipated Results:** The DLTA will result in a draft HPP, a recommendation of whether or not to pursue Ch. 40R or similar program and where, and whether and how to establish a trust fund. The research, outreach, education, and recommendations will increase the likelihood that the town could successfully adopt these measures.
6. **Local Official/Staff Commitment:** The Town Planner will be the principal contract administrator for this DLTA, receiving deliverables, and will help coordinate public outreach staff meetings.

BOS SP# 822-13

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING**

The Board of Selectmen will hold a public hearing on Monday, December 9, 2013 at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA to act on the special permit application of 185 East Street 01230, LLC, c/o Ronald and Naomi Blumenthal, 101 Green River Road, Great Barrington, for the two-family use of a single lot at 185 East Street, Great Barrington, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw.

Sean Stanton, Chairman

**Publish Friday, November 1, 2013 and Friday, November 8, 2013**

Berkshire Record



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

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PLANNING BOARD

December 3, 2013

Board of Selectmen  
Town Hall  
Great Barrington,

RE: Special Permit #822-13  
Blumenthal

Dear Members of the Board of Selectmen:

At its meeting of November 14, 2013 the Planning Board voted to forward a favorable recommendation for a two-family dwelling at 185 East Street.

Thank you for the opportunity to comment.

Sincerely,

Kimberly L. Shaw  
Planning Board Secretary

Cc: Chris Rembold, Town Planner

Ron Majdalany, Chairman  
Claudia Ryan, Vice-Chair  
Michael Lanoue

www.townofgb.org



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Phone: 413-528-0680  
Fax: 413-528-3064

TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

BOARD OF HEALTH

November 8, 2013

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

RE: Special Permit # 822-13

Dear Board Members:

At its meeting of November 7, 2013 the Board of Health reviewed the Special Permit Application #822-13 submitted by 185 East Street 01230 LLC, c/o Ronald and Naomi Blumenthal for the two family use of a single lot at 185 East Street, Great Barrington in accordance with Sections 3.1.4A(2), 8.1 and 10.4 of the Great Barrington Zoning Bylaw. After discussion and review, the board voted to forward a favorable recommendation.

Sincerely,

Mark Pruhenski  
Health Agent

MP/crw

Cc: Town Planner

Shepley Evans  
Conservation Agent

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 ext. 122  
Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### CONSERVATION COMMISSION

#### MEMORANDUM

To: Board of Selectmen  
From: Shepley Evans, Conservation Agent *Shepley Evans*  
Date: December 6, 2013  
Copy: Chris Rembold, Town Planner  
Re: Special Permit #822-13

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At its November 20<sup>th</sup> public meeting, the Conservation Commission passed on Special Permit #822-13 as the George Mager property at 185 East Street is out of Wetlands Protection Act and Scenic Mountains Act jurisdiction. No further recommendations were made.

Thank you.



BOS

TOWN OF GREAT BARRINGTON  
Application for a Special Permit  
to the Board of Selectmen or Planning Board

FORM SP-1  
REV. 07-2013

FOR OFFICE USE ONLY

Number Assigned 822-13  
Copy to Recommending Boards 10/28/13  
Advertised 11/8 & 11/15  
Public Hearing 12/9/13 BOS  
Fee: \$150.00 Date Paid 10/25/13

APPLICATION FOR SPECIAL  
PERMIT UNDER TOWN ZONING  
BYLAWS FOR TOWN OF  
GREAT BARRINGTON,  
MASSACHUSETTS

MAP 20 LOT 32 BOOK 1040 PAGE 263 ZONING DISTRICT(S) R1B  
Site Address: 185 East St. Great Barrington  
Date of Application Oct. /2013 185 East 01230, LLC  
Applicant's name and complete mailing address c/o Ronald and Naomi Blumenthal  
101 Green River Rd, Great Barrington, MA 01230  
Applicant's phone number (413) 528-4038 Applicant's email address: naomie@projectblv.com

Name and Address of Owner of land exactly as it appears on most recent tax bill:

George Mager  
189 School Street, Whitman, MA 02382

I (we) request a Special Permit for: Two Family Residential use  
of a Single Lot

Under Section(s) 8 and 10.4 of the Great Barrington Zoning Bylaws.

**APPLICANTS MUST READ AND COMPLY WITH THE FOLLOWING:**


One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:

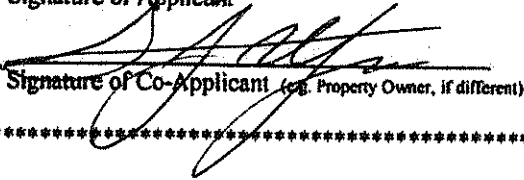
1. Completed application form, including signatures.
2. Site Plan, drawn to scale, applicable to the site and the proposed use of said site for which this special permit is requested.
3. Any other specifications necessary to further describe the site or proposed use for which a special permit is requested. At least one copy of any maps being submitted shall be no larger than 11" X 17". Plans should show all existing and proposed structures, property lines and dimensions, driveways, walkways and parking areas. All proposed landscaping, parking, loading, and similar improvements must be in compliance with the applicable sections of the Zoning Bylaw.
4. Certified list of abutters within 300' on the Assessors Maps to the subject property, including map and lot number. List must be obtained from the Assessors' Office.
5. Zoning Map designating the zoning district(s) and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location within the Town.

- 6. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations or expert analysis of the plan.
- 7. Landscaping Plan drawn to scale and showing existing and proposed landscaping.
- 8. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

**SPECIFICS:**

- 1. All site plans and specifications must be signed and dated by the preparer.
- 2. ALL OWNERS of property must also sign the application.
- 3. A copy of special permit procedures is available upon request.
- 4. Fee for application is \$150.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest. If the cost exceeds \$150.00, the applicant shall pay the balance due upon notification from the Granting Authority.
- 5. Once all the necessary papers, maps, etc. are compiled into the required Original and Fourteen sets, call the Town Planner's office at 413-528-1619 ext. 7 to arrange an appointment to file your application. The application will be reviewed for completeness and a date for a public hearing before the Board of Selectmen or Planning Board will be scheduled. Meetings of recommending boards (e.g. Planning Board, Conservation Commission and Board of Health) will also be arranged at this time.

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

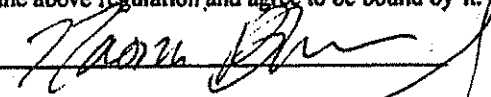
  
\_\_\_\_\_  
Signature of Co-Applicant (e.g. Property Owner, if different)


\*\*\*\*\*

**PLEASE READ AND SIGN BELOW**

ALL COSTS INCURRED BY THE TOWN FOR THE EMPLOYMENT OF EXPERTS OR CONSULTANTS REQUIRED BY ANY TOWN BOARD, AND APPROVED BY THE BOARD OF SELECTMEN, FOR THE PURPOSE OF ANALYZING OR EVALUATING ANY PROJECT THAT IS A SUBJECT OF A SPECIAL PERMIT APPLICATION SHALL BE ASSESSED TO THE APPLICANT AND SHALL CONSTITUTE PART OF THE APPLICATION FEE. A COPY OF THIS REGULATION SHALL BE PROVIDED TO THE APPLICANT IF REQUESTED.

I have read the above regulation and agree to be bound by it.

Signature 

Signature of Co-Applicant (e.g. Property Owner) 

Date 16 Oct 2013

October 24, 2013

BOS

SP# 822-13

Public hearing  
12/9/2013

Re: Special Permit application for 185 East Street, Great Barrington  
[application and blueprints attached]

Dear Committee Members,

This application is being submitted to formalize the status of 185 East Street as a 2 family house. 185 East St has been used as a 2 family house, documented since the 1920s. It has been on the tax and sewer rolls as a 2 family, documented as far back as is easily accessible. It has been mostly empty for the last few years and has fallen into disrepair.

The house is surrounded by multi-family houses on either side and across the street. Bringing this house into proper 2 family designation will not alter the nature of the street at all, which is a lively and dynamic neighborhood already. Many of the houses on the street are multifamily rental units. Turning this property and structure into usable housing stock, bringing it up to current code standards for safety- replacing the crumbling asphalt siding, fixing windows, plus planting the front area with native trees and shrubs and landscaping the property- we believe will be an asset to the street and neighborhood. Thank you for your consideration.

Respectfully submitted,



Naomi Blumenthal  
101 Green River Road,  
Great Barrington, MA 01230  
413-528-4038

16 October , 2013

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

Re: Special Permit Application of 185 East 01230, LLC

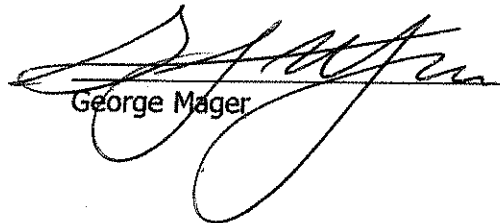
Dear Members of the Board of Selectmen:

I am the owner of real property located at 185 East Street, Great Barrington, Massachusetts.

Please be advised that I give 185 East 01230, LLC, permission to seek any and all permits and approvals from the Town of Great Barrington with respect to obtaining a Special Permit to authorize a two-family use on a single lot.

Thank you for your attention to this matter.

Very truly yours,

  
George Mager



## TOWN OF GREAT BARRINGTON MASSACHUSETTS

October 7, 2013

### ASSESSORS' OFFICE

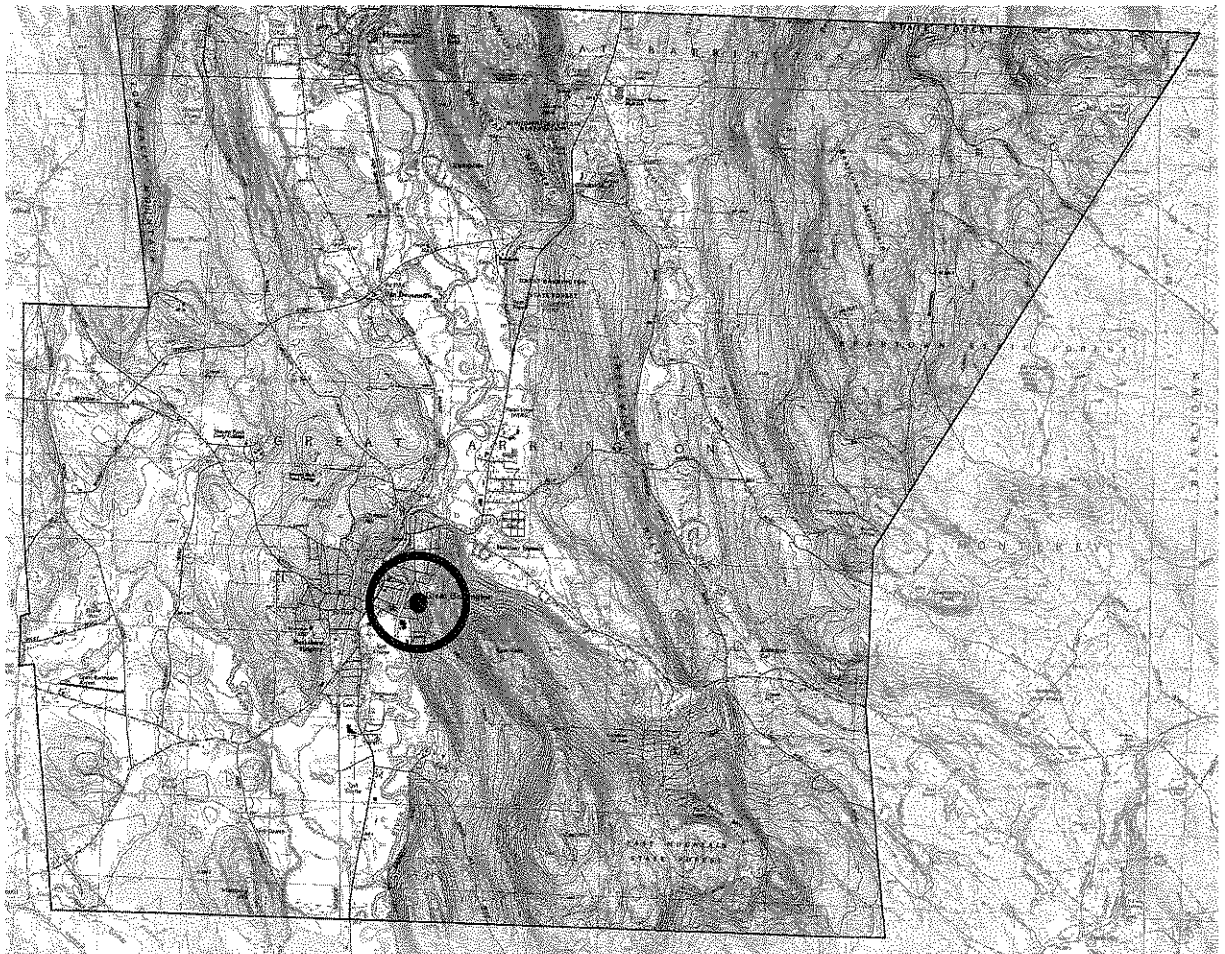
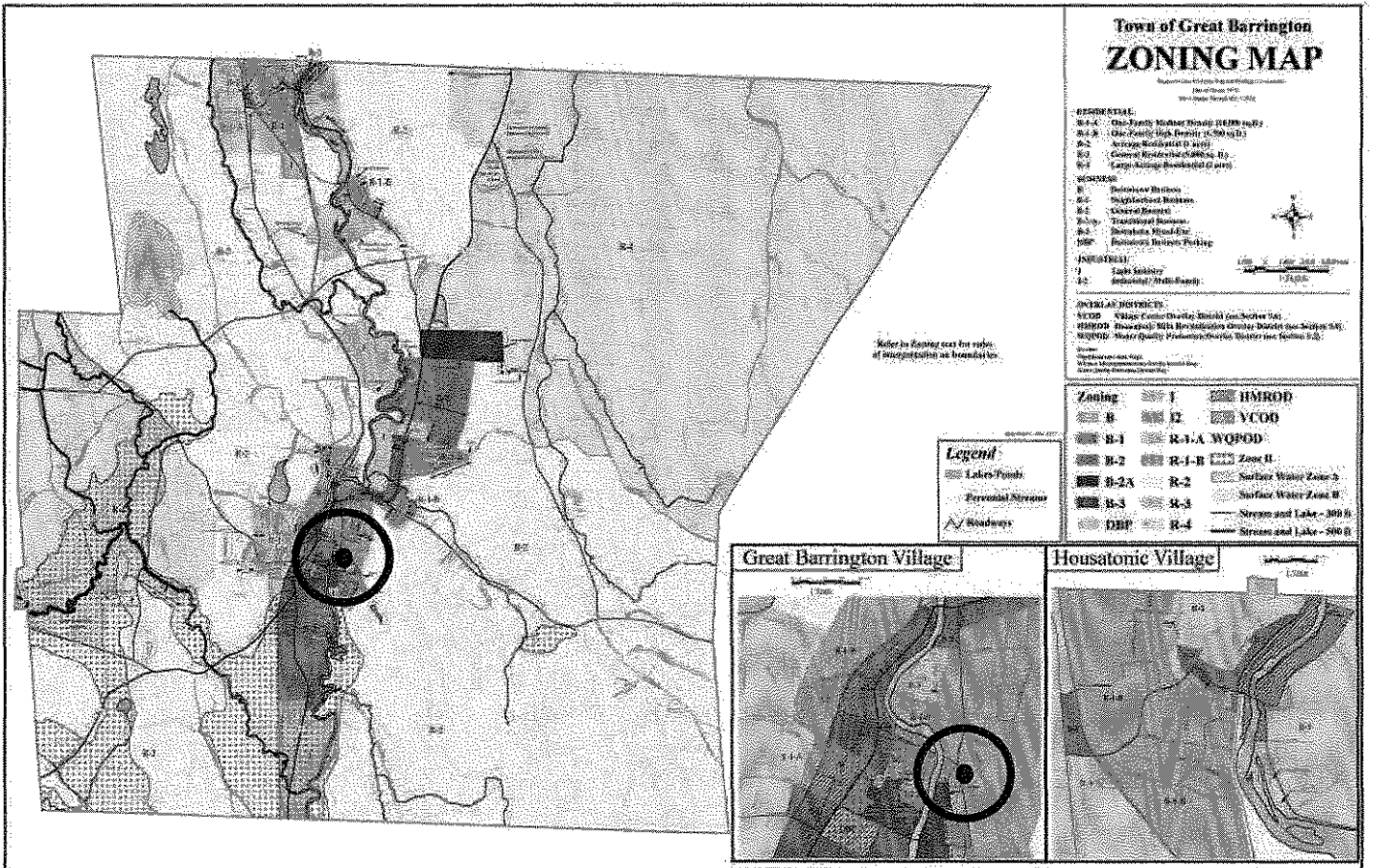
ABUTTERS TO PROPERTY OF: GEORGE MAGER, 185 EAST STREET  
Map 20 Lot 32, Book 1040 Pg. 263

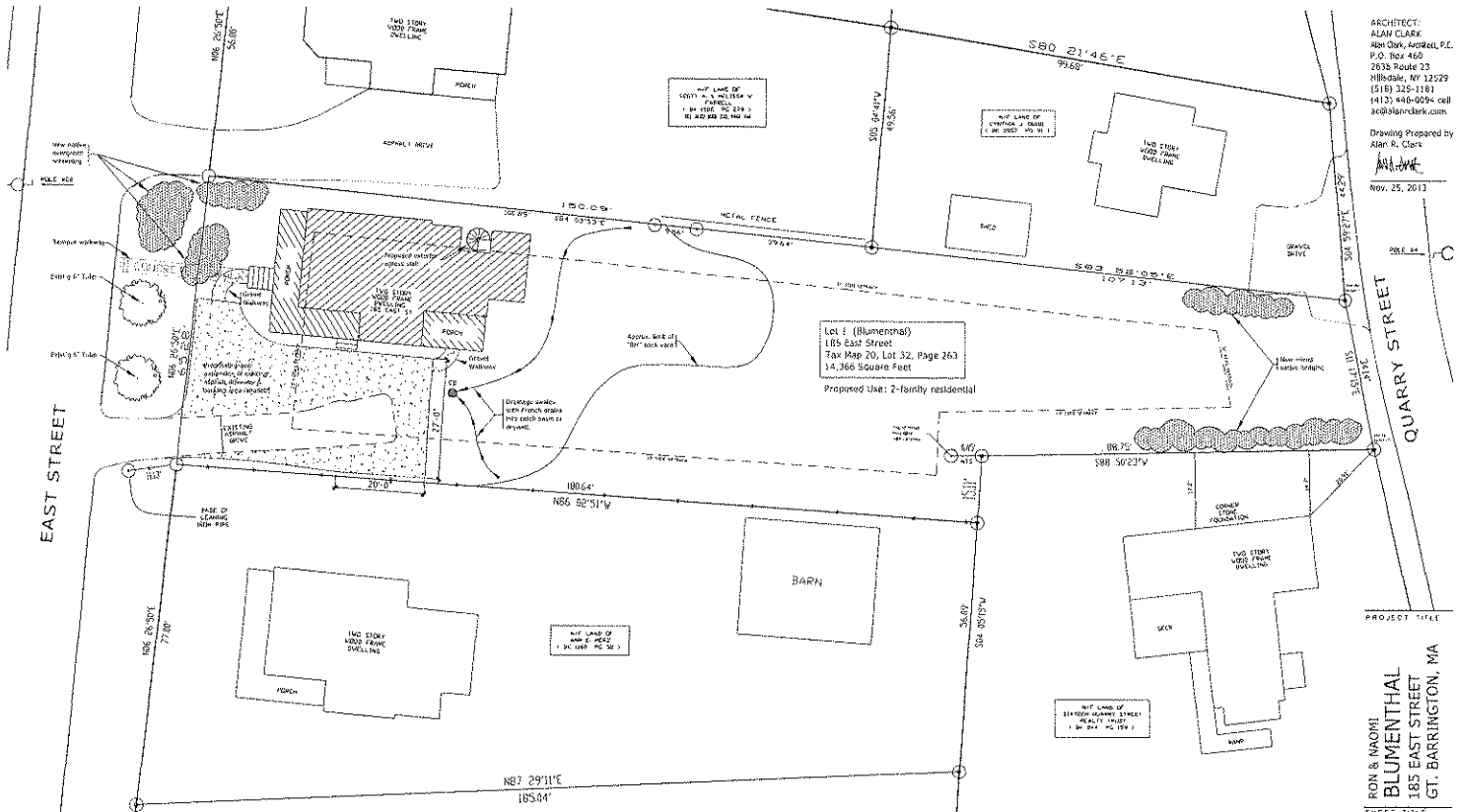
| <u>MAP</u>    | <u>LOT</u> | <u>ABUTTER</u>   |
|---------------|------------|--|
| 20            | 33         | Ann E. Merz, 49 Pearl St., Gt. Barrington, MA 01230-1242   |
| 20            | 35         | Anne Bei Reiss, 199 East St., Gt. Barrington, MA 01230-1434  |
| 20            | 36         | Phillip Q. Watson, 2 State Rd., Gt. Barrington, MA 01230-1220  |
| 20            | 34,37      | Keith Lowey, Trustee, Sixteen Quarry Street Realty Trust, 16 Quarry St., GB, MA 01230-1422                                       |
| 20            | 1          | Peter R. & Annette S. Habicht, Trustees, Falcon Residences Nominee Trust, 1985 South Undermountain Rd., Sheffield, MA 01257-9643 |
| 20            | 3,4        | Carolyn Dunn 194 East St., Gt. Barrington, MA 01230-1435   |
| 20            | 2,5,8      | E. B. Dolby Inc, 38 Hillside Ave., Gt. Barrington, MA 01230-1412   |
| 20            | 7          | James G. & Kristine Stockfish, 204 East St., Gt. Barrington, MA 01230-1435   |
| 20            | 38A        | Michael A. & Susan L. Mino 211 East St., Gt. Barrington, MA 01230-1434   |
| 20            | 39         | Alfred G. & Barbara A. Pramschufer, 2158 Charmaine Dr., Upland, CA 91784-7306  |
| 20            | 38B        | Pete & Christiane Dousmanis, 22 Quarry St., Gt. Barrington, MA 01230-1422  |
| 20            | 37A        | Gary J. & Linda R. Hutton, 20 Quarry St., Gt. Barrington, MA 01230-1422  |
| 20            | 130        | Peter James & Audrey J. F. Raifstanger, 21 Quarry St., Gt. Barrington, MA 01230-1422   |
| 20            | 11         | Alton E. Stalker, 39 Humphrey St., Gt. Barrington, MA 01230-1427   |
| 20            | 38         | Eugene J. Graf Jr., PO Box 487, Gt. Barrington, MA 01230-0187  |
| 14            | 303        | Ted Portnoff, 969 Main St., Gt. Barrington, MA 01230-2028  |
| 14            | 303C,305   | Eugene Gollogly, 177 East St., Gt. Barrington, MA 01230-1464   |
| 14            | 306        | Edwin E. Markham III, 179 East St., Gt. Barrington, MA 01230-1464  |
| 14            | 307        | Scott A. & Melissa W. Farrell, PO Box 115, Mill River, MA 01244-0115   |
| 14            | 308        | Judith A. Arienti, 10 Quarry St., Gt. Barrington, MA 01230-1422  |
| 14            | 309        | Cindy J. Guidi, 12 Quarry St., Gt. Barrington, MA 01230-1422   |
| 14            | 279A       | Matthew J. & Julie C. Duffin, 150 East St., Gt. Barrington, MA 01230-1435  |
| 14            | 280        | David P. Root, 174 East St., Gt. Barrington, MA 01230-1435   |
| 14            | 281        | Philip A. Jacks, 67 Taconic Creek Rd., Hillsdale, NY 12529-5341  |
| 20/130,14/304 |            | Town of Great Barrington, 334 Main St. Rm. 208, Gt. Barrington, MA 01230-1432  |

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

Sincerely,

Christopher Lamarre  
Principal Assessor





ARCHITECT:  
ALAN CLARK  
Alan Clark, Architect, P.E.  
P.O. Box 460  
2638 Route 23  
Hillsdale, NY 12529  
(518) 325-1181  
4133 448-0094 cell  
ac@alanc Clark.com

Drawing Prepared by  
Alan R. Clark  
Nov. 25, 2013

PROJECT TITLE  
LOT PLAN

RON & NAOMI  
BLUMENTHAL  
185 EAST STREET  
GT. BARRINGTON, MA

SHEET TITLE  
PLOT  
PLAN

SHEET NUMBER  
SI

**SURVEYOR SEAL**

**SURVEYOR CERTIFICATIONS**

I declare that this plan conforms to the rules and regulations of the Registrar of Deeds.

I declare that the property lines shown hereon are the lines showing existing ownership, and the lines of encumbrance are shown and those of public or private streets or ways already established, and that no new ways are shown.

MASSACHUSETTS LICENSED LAND SURVEYOR  
MASSACHUSETTS LICENSED LAND SURVEYOR

**ZONING DATA**

TOWN - GT. BARRINGTON, MA  
ZONE - R-3-B  
GCR LOT AREA - 6,500 SF  
MIN. FRONTAGE - 60  
MIN. FRONT YARD - 25 FT  
MIN. SIDE YARD - 10 FT  
MIN. REAR YARD - 30 FT  
MAX. HEIGHT - 2 1/2 STORIES  
MAX. LOT COVERAGE - 75%

**DATE REVISIONS**

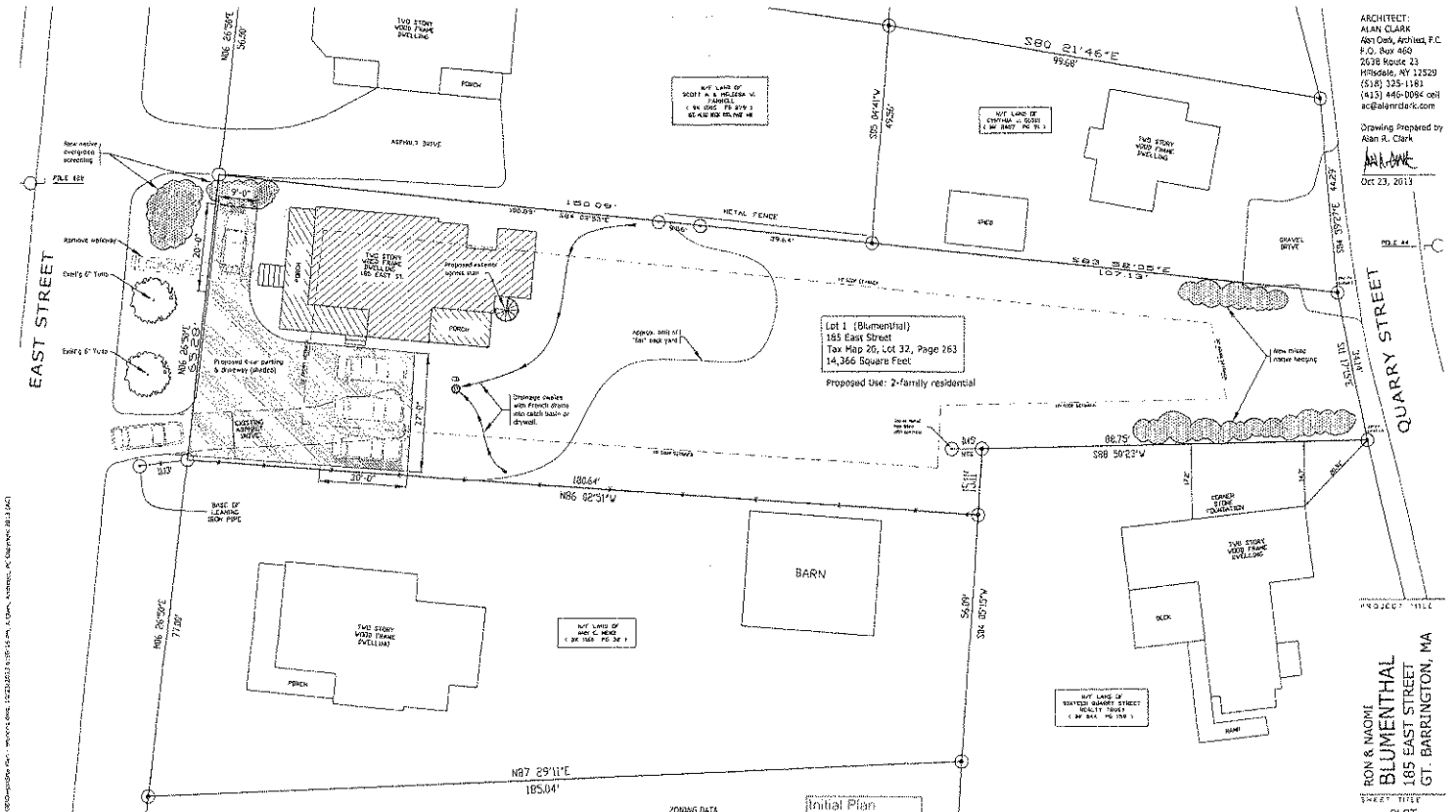
NOV 20 2013  
REVISED SPECIAL PERMIT

PROJECT NORTH

Revised Plan

1 Plot Plan  
1"=20'-0"

0 5 10 15 20 40 60



ARCHITECT:  
 ALAN CLARK  
 Alan Clark, Architect, P.C.  
 P.O. Box 460  
 202B Route 23  
 Hiram, NY 12529  
 (518) 325-1181  
 (518) 445-0056 cell  
 ac@alanclark.com

Drawing Prepared by  
 Alan Clark  
 Oct 23, 2013

RON & NAOMIE  
 BLUMENTHAL  
 185 EAST STREET  
 GT. BARRINGTON, MA

TOWN OF  
 PLOT  
 PLAN

SHEET NUMBER  
**S1**

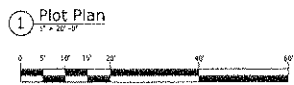
**SURVEYOR SEAL**

**SURVEYOR CERTIFICATIONS**  
 I declare that this plan conforms to the Rules and Regulations of the Register of Deeds.  
 I declare that the property lines shown herein are the lines existing ownership, and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new ways are shown.  
 DATE: 10-23-2013  
 MASSACHUSETTS LICENSED LAND SURVEYOR

**ZONING DATA**  
 TOWN - GT. BARRINGTON, MA  
 ZONE - R-1-B  
 MIN. LOT AREA - 4,500 SF  
 MIN. FRONTAGE - 60'  
 MIN. FRONT YARD - 25 FT  
 MIN. SIDE YARD - 10 FT  
 MIN. REAR YARD - 30 FT  
 MAX. HEIGHT - 2 1/2 STORIES  
 - 35 FT  
 MAX. LOT COVERAGE - 25%

**Initial Plan**

| DATE | REVISED |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |



T:\Projects\2013\10-23-2013\10-23-2013.dwg, 10/23/2013 3:15:18 PM, 1:00 PM, 10/23/2013 3:15:18 PM, 1:00 PM, 10/23/2013 3:15:18 PM



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF GREAT BARRINGTON  
APPLICATION FOR INNOLDERS LICENSE (2014)

FEE: \$50.00

Pd

DATE: 11/6/13

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

TO THE LICENSING AUTHORITY:

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

OWNER(S) NAME: Broken Hill, Inc. Gaetan Lachance  
Michael Farmer

NAME OF BUSINESS: The Barrington

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

BUSINESS MAILING ADDRESS: 281 Main St. 3<sup>rd</sup> floor

BUSINESS TELEPHONE: 528-6159 HOME TELEPHONE: 528-6159

LOCATION WHERE LICENSE IS TO BE USED: 281 Main St. 3<sup>rd</sup> fl.

DAYS OF OPERATION: 24/7

HOURS OF OPERATION: 24/7

DESCRIPTION OF PREMISES: 6 room bed & breakfast with  
owner's apartment on 3<sup>rd</sup> floor at 281 Main St.

NUMBER OF ROOMS: 6

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.

Broken Hill, Inc.  
Signature of Individual or Corporate Name

By: Gaetan Lachance  
Corporate Officer (if applicable)

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

**2014 License Renewals (12/9/13)**

**Common Victualler Restaurant-All Alcoholic**

1. The East
2. Thornewood Inn
3. Risingdale Café
4. Cove Bowling and Entertainment Inc.
5. Bogie's
6. Crissey Farm Catering Inc.
7. The Well
8. Aegean Breeze
9. Xicolhtencatl Mexican Restaurant, Inc.
10. i.e. Inc.
11. Rubiner's Cheesemonger's & Grocers, LLC
12. Mezze South Inc.
13. Route 7 Barbeque, LLC
14. Café Adam
15. Castle Street Café
16. Bizen
17. Martin's Restaurant
18. Koi Chinese Restaurant
19. Four Brothers Pizza Inn
20. Egremont Country Club
21. Aroma Bar & Grill
22. 20 Railroad
23. Shiro Restaurant, Inc.
24. The Brickhouse Pub
25. Gypsy Joynt
26. Gypsy Joynt Jive

27. Haven Café & Bakery
  28. Fiesta Bar & Grill
  29. Prairie Whale
  30. The Meat Market
- Common Victualler Restaurant-Wine and Malt**
1. Ena Café
  2. Barrington Brewery & Restaurant
  3. Great Barrington Pizza House, Inc.
  4. The Neighborhood Diner
  5. Baba Louie's Organic Sourdough Pizza, Co.
  6. Siam Square Fine Thai Cuisine
  7. Bizalion's Fine Food, Ltd
  8. Naji's
  9. The Manhattan Pizza Company

**Common Victualler Wine and Malt Without Food**

1. Mahaiwe Performing Arts Center

**Package Store-All Alcoholic**

1. Trotta's
2. Guido's Quality Fruit and Produce, Inc.
3. Plaza Package
4. Domaney's Liquor
5. Cellarbration
6. Aberdale's, Inc.
7. Gorham and Norton, Inc.

**Package Store-Wine and Malt**

1. Locke, Stock and Barrel

**Club-All Alcoholic**

1. Adams-Budz Post Home, Inc.
2. James A. Modolo VFW Post #8348, Inc.

**Common Victualler**

1. The East Restaurant
2. SoCo Creamery
3. Thornewood Inn
4. Taft Farms Inc.
5. James A. Modolo VFW Post #8348, Inc.
6. Risingdale Café
7. Bogie's
8. Barrington Brewery & Restaurant
9. Adams-Budz Post Home Inc.
10. Crissey Farm Catering, Inc.
11. Big Y World Class Market
12. The Well
13. Aegean Breeze
14. Convenience Plus #10 (O'Connell Oil)
15. Fairview Hospital
16. Cumberland Farms
17. Ena Café
18. Xicohtencatl Mexican Restaurant, Inc.
19. i.e. Inc. (Butternut)
20. Great Barrington Pizza House

**Days & Hours of Operation:**

- 7 days a week, 11 AM-9:30 PM
- 7 days a week, 12 PM- 9 PM
- 7 days a week, 7 AM- 11 PM
- 7 days a week, 8 AM-6 PM
- Mon-Fri 2:30 PM-Midnight, Sat & Sun 12 PM- Midnight
- Mon 11 AM- Sun 1 PM
- 7 days a week, 8 AM-2 AM
- 7 days a week, 11 AM-2 AM
- Sun-Fri 12 PM- 1:45 AM; Sun 11 AM- 1:45 AM
- 7 days a week, 11 AM- Midnight
- 7 days a week, 7 AM-9 PM
- 7 days a week, 4 PM-1 AM \*outside seating for 4
- 7 days a week, 11 AM- 11 PM
- Sun 6 AM-11 PM, Mon-Sat 5 AM-11 PM
- 7 days a week, 6:30 AM-6:30 PM
- 7 days a week, 24 hours a day
- 7 days a week, 7 AM-9 PM
- 7 days a week, 11 AM- 10 PM
- 7 days a week, 8 AM-8 PM
- 7 days a week, 10 AM-10 PM

21. Berkshire Co-op Market  
Mon-Sat 8 AM-8 PM, Sun 10 AM-6 PM  
7 days a week, 6 AM-11 PM
22. Lipton Mart #606  
Mon-Wed 7 AM-6 PM; Th- Sat 7 AM- 11 PM, Sun 8 AM-5 PM
23. Rubiner's Cheesemonger's & Grocers, LLC  
7 days a week, 7 AM-9 PM **\*outside seating for 4**  
7 days a week, 11 AM- 10:30 PM  
7 days a week, 5 PM-2 AM  
Sun-Sat 11:30 AM- 3 PM; Fri & Sat 5 PM- 10:30 PM;  
Sun- Th 5 PM-9:30 PM
24. The Neighborhood Diner  
7 days a week, 6 AM-11 PM
25. Great Wall  
Mon-Th 11:30 AM- 10 PM, Fri & Sat 11:30 AM- 11 PM,  
Sun 12 PM- 10 PM
26. Mezze South Inc.  
7 days a week, 7 AM- Midnight
27. Baba Louie's Pizza  
7 days a week, 7 AM-4 PM
28. Aberdale's, Inc.  
Tues-Sun, 11:30 AM-9 PM
29. Siam Square Fine Thai Cuisine  
7 days a week, 24 hours a day
30. Route 7 Grill  
Mon-Sat 9 AM-7 PM, Sun 10 AM-6 PM
31. The Great Barrington Bagel Co. Inc.  
7 days a week July & Aug; Wed- Mon/Sept thru June 12 PM- 11 PM **\*outside seating for 14**
32. Café Adam  
Sun-Thurs 10 AM- 4 PM; Fri & Sat 9 AM- 5 PM
33. Price Chopper #155  
Mon-Sun 12 PM-2:30 PM/5 PM- 10 PM
34. Guido's Fresh Marketplace  
7 days a week, 6 AM-9 PM **\*outside seating for 2**  
7 days a week, 11:30 AM-10 PM
35. Castle Street Café  
7 days a week, 11 AM-9 PM
36. Bizalio's Fine Food  
7 days a week, 11 AM-11 PM
37. Bizen  
7 days a week, 6 AM-9 PM
38. Martin's Restaurant  
7 days a week, 11 AM-11 PM
39. Koi Chinese Restaurant  
7 days a week, 6 AM-9 PM
40. Naji's  
7 days a week, 11 AM-11 PM
41. Four Brothers Pizza  
7 days a week, 6 AM-10 PM
42. Housatonic Corner Market  
7 days a week, 24 hours a day
43. Egremont Country Club  
Tues-Sun 11 AM- 3 PM; Mon-Sun 4:30 PM- 10:30 PM
44. Great Barrington Sunoco  
7 days a week, 11:30 AM-1 AM
45. South Main Xtra Mart
46. Aroma Bar & Grill
47. 20 Railroad

- |     |                                     |   |
|-----|-------------------------------------|---|
| 48. | Subway                              | 7 days a week, 7 AM-10 PM   |
| 49. | Taqueria Azteca                     | 7 days a week, 10 AM- 10 PM   |
| 50. | Wyantenuck Country Club             | 7 days a week, 10 AM-10 PM  |
| 51. | McDonald's                          | 7 days a week, 24 hours a day   |
| 52. | Gorham and Norton                   | Monday- Saturday, 8 AM-6 PM   |
| 53. | Fuel Coffee Shop                    | 7 days a week, 7 AM-7 PM  |
| 54. | Riverbend Café                      | 7 days a week, 7:30 AM-5 PM   |
| 55. | Shiro Restaurant Inc.               | 7 days a week, 11 AM-11 PM  |
| 56. | Manhattan Pizza                     | Mon-Sat 10 AM- 10 PM; Sun 11 AM-10 PM   |
| 57. | Dunkin Donuts                       | 7 days a week, 6 AM-10 PM   |
| 58. | Gypsy Joynt                         | Wed- Mon, 8 AM-2 AM *outside seating for 8  |
| 59. | Home Sweet Home Doughnut Shoppe     | Tues & Wed 6:30 AM- 2 PM; Th & Fri 6:30 AM-3 PM;<br>Sat 7 AM- 3 PM; Sun 7 AM- 2 PM *outside seating |
| 60. | The Brickhouse Pub                  | Mon-Fri 4 PM- 2 AM, Sat & Sun 11:30 AM- 2 AM  |
| 61. | The Meat Market LLC                 | 7 days a week, 10 AM-10 PM *outside seating for 36  |
| 62. | Marty and Jim's Sandwiches and More | Mon-Sat 7 AM-6 PM; Sun 10 AM- 4 PM  |
| 63. | Froyoworld                          | 7 days a week, 11 AM-Midnight *outside seating for 4  |
| 64. | Cove Bowling and Entertainment      | 7 days a week, 9 AM- 11 PM  |
| 65. | Gypsy Joynt Jive                    | Wed-Mon, 11 AM- 2 AM  |
| 66. | Patisserie Lenox                    | 7 days a week, 8 AM- 7 PM   |
| 67. | The 528 Café                        | 7 days a week, 6 AM- 10 PM  |
| 68. | Haven Café & Bakery                 | 7 days a week, 7:30 AM- Midnight  |
| 69. | Country Market                      | 7 days a week, 9 AM- 9 PM   |
| 70. | Fiesta Bar & Grill                  | 7 days a week, 7 AM- Midnight   |
| 71. | Prairie Whale                       | Wed-Mon, 7 AM-2 AM  |

**Innholder's**

1. Monument Mountain Motel
2. Lantern House Motel

3. Windflower Inn Inc.
4. Wind in the Pines
5. Days Inn
6. Travelodge
7. Holiday Inn Express
8. Comfort Inn & Suites
9. Briarcliff Motel
10. Mountain View Motel

**Lodging House**

1. Thornewood Inn
2. Wainwright Inn
3. The Acorn's Hope
4. Parry House Bed and Breakfast
5. English Hideaway Inn Bed and Breakfast
6. Sanderson House

**Amusement**

1. James A. Modolo Post #8348
2. Risingdale Café
3. Cove Bowling and Entertainment, Inc.
4. Bogie's
5. Barrington Brewery & Restaurant
6. Adams-Budz Post Home Inc.
7. Gypsy Joynt Jive

**Bowling Alley**

1. Cove Bowling and Entertainment, Inc.

**Motion Picture**

1. Mahaiwe Performing Arts Center
2. Triplex Cinema

**Class II Auto**

1. J.W. Auto
2. Johnny's Garage
3. Art Davis Auto Sales, LLC
4. Formel Motor Company, Inc.
5. D.A. Dempsey Auto Sales
6. J.D. Automotive Inc.
7. 7 & 23 Motor Sales
8. Decker's Auto Body Inc.

**Class III Auto**

1. Formel Motor Company Inc.
2. John's Auto Body
3. Decker's Auto Body, Inc.



## Entertainment Licenses 2014

### Weekday Licenses:

1. Adams-Budz Post Home  
Mon-Fri: 1 PM-1:45 AM; Sat:1 PM-11:45 PM
2. Berkshire Co-Op Market  
Mon-Sat: 8AM-8 PM
3. Berkshire South Regional Comm. Center  
Mon-Sat: 10 AM-11 PM
4. Bogie's  
Mon-Fri: 12 PM-1:30 AM; Sat: 12 PM-11:59 PM
5. Castle Street Café  
Fri & Sat: 7:30 PM-11:30 PM
6. Egremont Country Club  
Mon-Fri: 6 PM-Midnight, Sat: 6 PM- 11:59 PM  
(For private parties with attendance limits where a meal is the primary attraction & must be controlled by an onsite manager)
7. James A. Modolo VFW Post #8348, Inc.  
Mon- Sat: 12 PM- 11:59 PM
8. Mahaiwe Performing Arts Center, Inc.  
Mon-Sat: 10AM-11 PM
9. Najji's  
Mon-Fri: 11 AM-Midnight, Sat: 11 AM- 11:59 PM
10. Risingdale Café  
Mon-Fri: 1 PM-Midnight; Sat: 1:00 PM-11:59 PM
11. Bard College at Simon's Rock  
(For private functions with attendance limits where a meal is the primary attraction & must be controlled by an on-site manager)  
Mon-Sat: 8 AM-11:59 PM
12. The Well  
Mon-Fri: 9 PM-1 AM, Sat: 9 PM- 11:59 PM  
(Crowd Manager taking head count at door, fire exits must be clear and free of obstacles)
13. The Guthrie Center  
Mon-Fri: 9AM-Midnight, Sat: 9 AM-11:59 PM
14. Thornewood Inn  
Mon-Sat: 9 AM-11:59 PM
15. Triplex Management Corp.  
(For private functions with attendance limits where a meal is the primary attraction & must be controlled by an on-site manager)  
Mon-Sat: 12:01 AM-11:59 PM
16. Wyantenuck Country Club  
Mon-Sat: 5 PM- 11 PM
17. Xicohtencatl Mexican Restaurant  
(For social events- Restricted to private functions with attendance limits where a meal is the primary attraction & must be controlled an on-site manager)  
Mon-Fri: 6 PM-Midnight, Sat: 6 PM-11:59 PM
18. Route 7 Grill  
Mon-Fri: 11AM-Midnight (Outside pavilion area only, May-Nov.)
19. Gypsy Joynt  
Mon-Fri: 11 AM-1 AM; Sat: 11 AM-11:59 PM
20. Crissey Farm Catering, Inc.  
Mon-Sat: 12 PM- 11:30 PM

- 21. 20 Railroad  
(Only per approved floor plan)  
Mon-Fri: 5 PM- 1 AM, Sat: 5 PM- 11:59 PM
- 22. Fiesta Bar & Grill  
Mon-Fri: 8 PM- 2 AM; Sat: 8 PM- 11:59 PM
- 23. The Brickhouse Pub  
Tues-Fri: 9 PM- 1 AM; Sat: 9 PM-11:59 PM
- 24. Haven Café & Bakery  
Mon-Sat: 11 AM- 11:30 PM

**Sunday Licenses:**

- 1. Berkshire South Regional Community Center 1:00 PM- 11:00 PM
- 2. Bogie's 1:00 PM- 11:59 PM
- 3. James A. Modolo VFW Post #8348, Inc. 1:00 PM- 11:55 PM
- 4. Mahaiwe Performing Arts Center 1:00 PM- 11:00 PM
- 5. Bard College at Simon's Rock 1:00 PM- 11:59 PM
- 6. The Guthrie Center 1:00 PM- 11:59 PM
- 7. Thornewood Inn 9:00 AM-11:59 PM
- 8. Triplex Movie Theater 1:00 PM- 11:59 PM
- 9. Gypsy Joynt 1:00 PM- 11:59 PM
- 10. Route 7 Grill 1:00 PM- 11:00 PM (Outside pavilion area only, May-Nov.)
- 11. Fiesta Bar & Grill 12:00 AM- 11:59 PM



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP  
Town Planner

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

**EXECUTIVE SUMMARY**

**TITLE:** Community Development Strategy

**BACKGROUND:** The purpose of the Community Development Strategy (CDS) is to summarize the Town's recent planning and development activities, and set forth priorities for community development work in the near future.

The draft CDS has been available for public review for two weeks, in the libraries, Clerk's office, and on the Town website. A public forum was held on Wednesday December 4.


The CDS must be reviewed a public meeting and approved by the Board of Selectmen. The Board should invite any public comment, then discuss the strategy and approve it with any amendments it feels is appropriate.

Once approved by the Board, the CDS will be submitted to the Department of Housing and Community Development for state approval.

**FISCAL IMPACT:** None at this time. However it should be noted that an approved CDS is required for receiving grants such as Community Development Block Grant (CDBG).

**RECOMMENDATION:** After hearing public comment and discussion, the Board of Selectmen approve the Community Development Strategy.

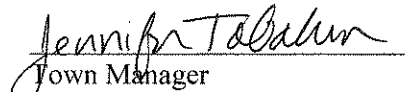
**PREPARED BY:**

  
Town Planner

**DATE:**

12/4/2013

**APPROVED BY:**

  
Town Manager

**DATE:**

12/5/2013

**I. PURPOSE**

This CDS was developed to summarize the Town of Great Barrington's the planning and development actions that the Town desires to undertake in the near future recent, and to highlight the many planning and community development activities that have already taken place. Finally, this CDS illustrates how the Town's actions are consistent with the Commonwealth's 10 Sustainable Development Principles.

This CDS is a direct outcome of the three-year process of writing the 2013 Great Barrington Community Master Plan. The Master Plan used surveys, interviews, public meetings, and neighborhood workshops to reach out to people representing the spectrum of Great Barrington's population and community groups. At least 60 public meetings were held to develop the Master Plan, including 31 Committee meetings, three town-wide forums, eleven neighborhood meetings, five topical sessions, 10 workshops with Planning staff, and the final Public Hearing in October 2013 to approve the Master Plan. Hundreds of citizens participated in these meetings, and dozens of stakeholders were interviewed. Public participation also included engagement with seniors, youth, and non-English speakers.

This CDS was published on November 25, 2013 for public review. Following a review period and public notice, the CDS was discussed and approved at a public meeting of the Board of Selectmen on December 9, 2013.

**II. COMMUNITY DEVELOPMENT PRIORITIES AND STRATEGIES**

This CDS incorporates the vision, needs, goals and strategies of the Master Plan. Through the Master Plan and other recent planning activities, summarized above, the Town of Great Barrington has determined its highest community development priorities. These are set forth below. Accompanying each priority is a strategy accomplish that action within five years.

- Expand housing opportunities, including affordable housing.
  - Rehabilitate blighted properties and provide affordable housing opportunities.
  - Utilize grants like CDBG to acquire sites, improve housing stock, and provide new housing. These grants will implement the town's previous planning activities, leverage town funds like CPA, and enhance public-private partnerships.
- Support redevelopment in Housatonic village.
  - Ensure public infrastructure can support and enhance redevelopment projects. Make needed improvements to stormwater and drainage near the mills, and improve utilities including natural gas, water lines, and broadband internet. Make accessibility improvements and adapt the Ramsdell Library and the Housatonic School campus to meet emerging needs like community space, business incubator space, and recreation space.
  - Utilize CDBG for projects in the designated Slum & Blight area. Also consider USDA rural development, Mass Works, and US EPA nonpoint source pollution control grants. Consider CPA and other town funds to support historic preservation, community housing, and recreation aspects of the projects.
- Support redevelopment projects in downtown Great Barrington.
  - Ensure infrastructure supports and enhances redevelopment projects. Rehabilitate the Bridge Street bridge, as well as side streets including Bridge Street, to ensure

- adequate access and connections to site like the planned mixed-use development at the former Log Homes.
- Utilize Mass Works, CDBG, and other sources for this work, and which will leverage the investments being made by the private sector.
- Make quality of life improvements throughout town.
  - Eliminate blight, improve pedestrian and bicycle safety, and calm traffic.
  - Leverage Town funds such as CPA with CDBG grants and brownfields funding. Improve transit, and implement a complete streets approach to road improvements.

### **III. ABOUT THE TOWN OF GREAT BARRINGTON**

Great Barrington is a town of approximately 7,104 people. Over one-third of the town's 46 square miles is permanently protected land. Downtown Great Barrington is a vibrant business district with historic commercial and cultural buildings, and surrounded by dense residential neighborhoods. Housatonic Village, located several miles north of Downtown, contribute its own unique character through its old mill buildings, dense neighborhood, and the beauty of the Housatonic River. Retaining and improving upon our natural, historic, and cultural treasures are fundamental to our town's future success as a place to live, do business, and visit.

Great Barrington today is the product both of our natural assets and of the dedication of our people. From the settlers, pioneers, and entrepreneurs of past generations we have inherited a wonderful place to live, work, and visit. Our rich soils, abundant water resources, and stunning landscapes supported agriculture and industry for generations. Now they support our Town's economy and quality of life. Great Barrington today is the commercial hub for the surrounding towns in three states. It attracts businesses, residents, and visitors from around the world.

But serious challenges remain and threaten to hinder long term progress. Affordability and cost of living is becoming a critical concern. Housing costs, taxes, and the cost of living strain the budgets of many, particularly young families and seniors. More well-paying jobs and reasonably-priced housing options are needed. Affordable housing, infrastructure investment, redevelopment, and quality of life concerns must be addressed in a coordinated fashion over the next decade. In particular, redevelopment of derelict and blighted buildings is required to assure the quality of life in our neighborhoods, reuse infrastructure, and generate new funds for the tax base. More low cost housing options—rental and ownership—are required. The town will promote repair and updating of aging building and infrastructure, and invest in things such as improved sidewalks, walking trails, and biking routes and natural resource conservation.

### **IV. RECENT PLANS AND ACTIONS**

The following is a brief sample of plans, studies, and actions that the Town has undertaken within the last five years related to community development.

#### **Town Wide Plans and Actions**

*Master Plan:* The Planning Board and Board of Selectmen approved the town's Master Plan in October 2013. The Plan is a comprehensive guide for the town's growth and development over the next decade. There are four general challenges that connect all the parts of the Master Plan. First, old infrastructure needs repair and replacement. Second, the population is aging, but not growing, and town services and facilities must adapt. Third, the economy has shifted from manufacturing to services, and a more diversified, higher-paying economic base is needed. Fourth, planning must consider the likely effects of climate change. The general strategies of this plan—to reinforce the

village centers and neighborhoods, redevelop historic assets like the mills and the fairgrounds, promote open space by reviving agriculture, and embrace the future economy through better communications and alternative energy—address each of these challenges.

The community's vision is: *... our small town continues its vibrant combination of rural landscapes and urban infrastructure. The balance between these two features, a legacy of our Town's agricultural origins and its industrialized history, serves our civic, cultural, economic, and social needs. Great Barrington thrives because of this legacy. Maintaining this balance will be the foundation of our Town's tomorrow. In the coming decades, our town will continue to be both rural and urban. It will embrace and support people of many ages, incomes and ethnicities. Our landscapes, history, neighborhoods, and strong village centers will remain the foundations for future prosperity.*

The Master Plan includes approximately 200 action items to be undertaken in the next decade. These action items are informed by and organized around the following Core Initiatives:

#### Character

1. Protect the special places and features—our compact village centers, historic treasures, natural resources, farms, and open space—that contribute to Great Barrington's distinctive character.
2. Ensure that development contributes to the viability and character of the villages while sustaining our rural countryside and agricultural areas.
3. Direct development and growth into the village centers, while preserving their character by encouraging the reuse of existing sites, structures, and infrastructure.
4. Facilitate improvement of existing structures, redevelopment of previously built sites, and new development in keeping with the principles of the Master Plan.
5. Encourage infill in developed areas as well as benign mixed uses.

#### Community and Connections

6. Support vibrant, livable and affordable neighborhoods by encouraging a variety of housing types and home business opportunities, by making them safe and pedestrian-friendly, and by providing activities, amenities, and gathering places for all people.
7. Promote walkable connections within and between neighborhoods, as well as to commercial, civic, cultural, educational, and recreational activities.
8. Plan for sustainability and resiliency. Support technology, land use and development practices, public transportation and infrastructure that reduce reliance on fossil fuels, enhance our economic base, and promote connectivity.

#### Commerce

9. Promote economic development appropriately scaled to the town and that helps to diversify the tax base and supports the Downtown and Housatonic Village.
10. Balance economic development with a variety of commercial activities to serve the needs of all economic sectors and create skilled jobs at higher wages for young people.

#### Coordinate and Collaborate

11. Utilize this Master Plan to guide town policy and to coordinate town actions, regulations, and investments to achieve the vision and goals of this Master Plan.
12. Communicate, coordinate, and collaborate with businesses, non-profits, and volunteers, in order to best serve our town's needs and to reinforce community ties.
13. Collaborate and plan regionally, considering Great Barrington's influence on the region and the region's influence on Great Barrington.

The Master Plan identifies redevelopment, particularly in the downtown and Housatonic, as critical to our town maintaining its urban-rural and traditional-modern balance. The revival of prominent sites in Housatonic, notably the mills, old school and library, and infill sites in Downtown, like the old Log Homes site, and several brownfield sites, could provide additional housing opportunities, spark economic development and help balance the tax base. The Master Plan identifies the need to balance development and conservation, and sees redevelopment and reuse strategies as critical lessening pressure on natural resources, such as watersheds and floodplains, and scenic areas that are foundations of the regional economy. Other Master Plan strategies include securing fiber-optic broadband service, promoting small business development and entrepreneurship, and maintaining our excellent school system. Finally, the town will plan for the longer term prospect of renewed passenger railroad service.

*Open Space and Recreation Plan:* In 2013 Great Barrington also rewrote its OSRP, in close conjunction with the Master Plan process. The goals and actions of the OSRP thus mirror the Master Plan. The OSRP goals include maintenance and promotion of existing open space and recreational resources, development of new open space and recreational resources in cooperation with local partners, and protection and conservation of farmland. These items are identified on an action map included with the OSRP. The OSRP was approved by the state in 2013 and is valid for five years. Recent park improvements have included new playground equipment and fitness equipment.

*Housing Needs Study:* A joint Great Barrington – Sheffield housing study was completed in 2013 by Berkshire Regional Planning Commission. The study, supplementing the Housing Chapter of the Master Plan, further identifies housing needs, barriers, and solutions for meeting housing needs, including using CDBG funds to add or improve affordable housing stock.

*Community Preservation Act:* The CPA was adopted by the town in 2012. The CPA funds will be used to fund community housing, historic preservation, and open space and recreation activities throughout the town. The CPA Committee has recently begun meeting to assess funding priorities and make funding recommendations to Town Meeting. Nearly \$400,000 will be collected locally each year for the CPA fund.

*Zoning:* In 2010 the Zoning Bylaw was recodified and updated, making the code easier to use and bringing it into compliance with State law. Also, since 2009, a number of significant changes were made to the zoning, including allowing for housing opportunities like Accessory Dwelling Units and the creation of Rear Lots for infill housing development. An Open Space Residential Development bylaw approved in 2009 was utilized in 2013 to create a clustered 44-unit residential subdivision that uses existing infrastructure and preserves over 50 percent of the site's developable land.

*Development Review Team:* a team of town staff was created in 2009 to coordinate and review development projects in a timely manner, and provide pre-application review of projects. The DRT serves all developers including small business and homeowners navigate the permitting process.

*Green Community:* An Energy Committee was organized and has been meeting since 2010. The Committee led the town's successful effort of being designated a Green Community in 2012.

*Wastewater / Sewer:* A Comprehensive Wastewater Management Plan (CWMP) was completed in 2011. The plan sets a roadmap for improving the town's wastewater infrastructure for the next 20 years, including improvements needed to meet changing environmental standards. Improvements are already in design and the first phase is scheduled to be in construction in 2014.

## **Housatonic Plans and Actions**

*Housatonic CDBG:* An FY 2009 CDBG grant replaced and upgraded sidewalks and stormwater drainage in Housatonic Village, improving stormwater and road conditions and increasing walkability and quality of life in general. The Architectural Barrier Access Removal portion of the grant produced bid-ready plans for renovating the Ramsdell Public library in the village to improve the handicapped access and energy efficiency of the building. These plans remain in place while funding is sought. That successful CDBG grant followed a multi-year planning process and a Slum and Blight designation for the area (the designation remains valid through January 2017), and set the stage for future infrastructure and development work.

*Housatonic Stormwater:* Two major stormwater and drainage projects have been completed recently. The first was facilitated by the CDBG grant referenced above. The second was an engineering study, completed in 2010, for Front Street in Housatonic, near the old mills. This study identified problems such as pipes and outfalls within the old mill buildings themselves, pipes with insufficient capacities, a lack of formal easements, periodic road flooding, and direct discharge into the Housatonic River. The study recommended a solution to be implemented by a future project.

*Housatonic Zoning:* The Housatonic Mills Revitalization Overlay District was created in 2011 for the area encompassing the old mill buildings in Housatonic. The district allows for creative mixed-use redevelopment the buildings, including public access to the river and the provision of affordable housing units as part of major residential projects. And in 2012 the Planning Board with Berkshire Regional Planning Commission completed a study of zoning strategies such as mixed-use zoning that better relate to the dense development, multi-family uses, limited parking, and small businesses in the Village. The Planning Board will investigate specific changes in the near future.

*Housatonic Walkability Study:* In cooperation with Be Well Berkshires and the Berkshire Regional Planning Commission, a walkability study completed in 2012 recommended a series of infrastructure and design improvements to support walking, biking, and other non-vehicular access throughout the village. The recommendations build on the FY '09 CDBG improvements already completed, and they are incorporated into the town's Master Plan.

*Housatonic Economic Opportunity Area:* After outreach to property and business owners, in 2010 a citizen group recommended that the Town seek EOA designation as a first step in marketing the area to new job-creating businesses who would seek Tax Increment Finance or other financial agreements with the Town and the State. The EOA was created by the Town and approved by the state in 2012 for 34 acres in the Business and Industrial Zones in the village.

*Housatonic School Campus Task Force:* A task force was created by the Board of Selectmen in 2010 to review the previous seven years of community planning related to the reuse or disposition of the former Housatonic Elementary School. Following months of public meetings and surveys, the Task Force recommended that the school campus remain in public ownership and that the building be repurposed to house small businesses and community space. What shape this will take remains to be decided by the town.

## **Downtown Plans and Actions**

*Main Street Reconstruction:* After four years of design and engineering, downtown Main Street is being reconstructed beginning in the spring of 2014. This is one of the most significant infrastructure projects in years, and will improve traffic and pedestrian safety. The project will replace the roadway, sidewalks, stormwater infrastructure, traffic signals and street lights, and will add bike lanes more trees and landscaping to this historic and bustling business district. Engineering was paid for by the Town. The construction is federally-funded through Mass DOT.



Village Center Zoning: A zoning overlay district was adopted in 2009 to encourage redevelopment in downtown. The zoning allows for mixed-use and live-work uses, relaxes parking restrictions, and includes a provision for design review of new projects.

Economic Opportunity Areas: Several EOAs in downtown have been approved, including for the former Fire House on Castle Street, the former Log Homes site, and the former Searles-Bryant School. The latter EOA attracted a company with 100 local employees to create its world headquarters in downtown and expand its workforce through the use of a tax increment finance agreement. Redevelopment projects are pending in the other two EOAs in downtown.

## V. SUMMARY OF COMMUNITY DEVELOPMENT GOALS

The goals of the 2013 Master Plan were developed through three years of public forums, workshops, surveys, and meetings. These represent the town's Community Development Goals.

Land Use: Compact, mixed-use redevelopment to minimize infrastructure costs, increase tax base, respond to market trends, protect natural resources, and be energy efficient: (1) *Housatonic village*: Mill redevelopment; School campus; Rezoning; improve the Ramsdell library; Connections and walkability (2) *Downtown*: Redevelopment; Historic character; RiverWalk; Parking; Railroad service (3) *Route 7*: Aesthetics; Connections; Buffer residences (4) *Transition zones*: Zone for mixed use; Design guidelines (5) *Neighborhoods*: Two-family housing; Infill development; Connections (6) *Rural areas and gateways*: Natural resource protection, agricultural protection.

Natural Resources, Open Space, and Recreation (1) Maintain parks and recreational resources; (2) Promote parks and recreational resources; (3) Meet the changing needs of our community; (4) Make parks and recreation part of the economy; (5) Provide links to parks and recreation resources; (6) Partner to provide new resources; (7) Protect and care for street trees; (8) Embrace the Housatonic River; (9) Protect biodiversity, habitat, natural resources.

Economic Development (1) Regular communication and coordination; (2) Reinforce downtown business district; (3) Redevelop underutilized sites; (4) Enhance gateway locations; (5) Attract, build, and retain a talented workforce; (6) Support and secure broadband internet; (7) Support renewed passenger railroad service.

Housing (1) Allow for a diversity of housing opportunities through zoning changes; (2) Proactively create low cost and affordable units using CDBG, CPA, and partners; (3) Increase the ability to promote and provide affordable housing.

Agriculture (1) Permanently preserve existing working farms; (2) Preserve prime agricultural soils; (3) Increase economic viability of agriculture; (4) Increase agricultural awareness and local food production; (5) Make it easier to start farming.

Historical and Cultural Resources (1) Preserve existing historical and cultural assets; (2) Promote historical and cultural assets.

Energy and Climate Change (1) Promote energy conservation, including in town buildings; (2) Promote renewable energy to homeowners and businesses; (3) Promote large scale renewable energy; (4) Make Town operations' electrically self-sufficient; (5) Encourage more efficient homes and site design.

Transportation (1) Use a "complete streets" approach to increase safety and improve connections; (2) Improve traffic safety; (3) Improve public transit; (4) Be proactive in bridge maintenance and repair; (5) Address real and perceived parking issues; (6) Reestablish passenger railroad service.

Town Services and Facilities (1) Maintain existing services and programs; (2) Be fiscally prudent; increase partnerships and cooperation; (3) Optimize the use of town facilities; (4) Reuse or dispose of redundant town buildings; (5) Consolidate buildings and operations where possible.

## VI. CONSISTENCY WITH THE COMMONWEALTH'S SUSTAINABLE DEVELOPMENT PRINCIPLES

The Town's Community Development Strategy is consistent with the Commonwealth's Sustainable Development Principles, as summarized below:

1. Concentrate Development and Mix Uses: The goals and priority projects in this CDS will result in redevelopment of existing properties in developed areas already served by infrastructure. Zoning regulations are in place to encourage mixed-use redevelopment in areas where quality of life amenities like parks and playgrounds support commercial and residential uses.
2. Advance Equity: All of the goals and projects in this CDS are the result of an inclusive and continuous public participation process meant to include all stakeholders, including but not limited to seniors, youth, and minority populations. These goals will improve our community in accordance with our vision to be a home for people all ages, incomes, and ethnicities.
3. Make Efficient Decisions: The goals and projects in this CDS represent a thoughtfully considered and well planned approach to making needed improvements in an era of limited funds. These investments will follow on planning and zoning actions that have set the stage for effective use of funds.
4. Protect Land and Ecosystems: Redeveloping areas that can accommodate growth will lessen pressure on fragile natural resources and scenic landscapes. In-depth OSRP and Master Plans identify areas for conservation. New CPA funds can help protect land and ecosystems.
5. Use Natural Resources Wisely: Mixed use redevelopment will lessen pressure on rural areas and natural resources, redevelop blighted areas, and embrace the Housatonic River as a natural, recreational, and scenic asset.
6. Expand housing opportunities: An up-to-date housing needs study, the housing goals of the Master Plan, and this CDS provide a strong and realistic approach to increasing housing opportunities throughout town.
7. Provide transportation choice: The town's goals include increasing transit options with the regional bus service, supporting renewed passenger railroad service, and making walking and biking around town safer option for everyone.
8. Increase Job and Business Opportunities: Improving infrastructure and supporting redevelopment will support new investment and job opportunities in downtown and Housatonic. These initiatives will help ensure the town remains a great place to locate and grow a business.
9. Promote Clean Energy: The town's strategies clearly support clean energy development, renewables for homes and businesses, and energy conservation.
10. Plan Regionally: One of our guiding principles is to plan regionally and cooperate with local partners. This includes continuing work with BRPC, whose studies have been so important to setting the stage for implementation projects. It also includes working with nonprofit partners like housing development groups, land trusts, and neighboring municipalities to help meet recognized regional needs like housing, economic development, and resource conservation.

*I certify that this CDS was reviewed, discussed, and approved at the December 9, 2013 meeting of the Great Barrington Board of Selectmen.*

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Sean A. Stanton  
Chairman, Great Barrington Board of Selectmen

**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 Thursday, Dec. 19, 2013, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on variance petition of Stephen Bennett for property on Long Pond Road, to allow construction of a two-car garage. The property is in an R-2 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 4:30 p.m. that same date.

Ron Majdalany, Chairman

*11/27/13 & 11/29/13 - Berkshire Record*

**FORESIGHT  
LAND SERVICES**



ENGINEERING · SURVEYING · PLANNING · ENVIRONMENTAL SERVICES  
Division of Brown Associates, Inc.

Robert E. Hoogs  
John M. Campetti, P.L.S.  
Steven A. Mack, P.E.\*  
Marc S. Volk

October 23, 2013

Great Barrington Town Hall  
334 Main Street  
Great Barrington, Ma 01230

RE: Long Pond Road  
Map 34 Lot 11A  
Owner: Stephen Bennett  
Applicant: Stephen Bennett

Dear Zoning Board of Appeals;

Attached please find a request for a variance from the front set back requirement for the above noted lot. The Applicant is proposing construction of a single family house with four bedrooms and a detached garage located at the above address. The parcel is in the R2 zone and the house will meet all setback and height restrictions. A two car garage structure is proposed that the applicant requests a variance from the 50 foot setback to a 25 foot setback. The parcel is very confined by topography and ledge outcrop conditions as well as wetland jurisdictional areas and the entire lot is within the 300 foot Water Quality District - Stream and Lake Protection Zone bounds. The Select Board has issued a Special Permit for the proposed site development through the provisions of 9.2.13.1 of section 9.2.8 that there is no practicable and substantially equivalent economic alternative and there is no significant adverse impact to the WQPD by the proposed plan. The applicant has also submitted a Notice of Intent for the proposed work to the Great Barrington Conservation Commission and received a Order of Condition for a previous site plan that is not significantly different in scope than the current site plan. Both the Special Permit and the Order of Conditions are current.

A new house and site plan have been developed because of excessive cost of the previous proposed building. The new building and site plan is substantially within the development areas that were approved within the existing permits and should not require repermitting for wetland and WQPD purposes. The septic system is in the only location that has acceptable soil conditions for a septic system.

The proposed site plan has been developed to minimize site disturbance as well as avoidance of steep slopes and ledge conditions. The proposed house is located in the only practical location for a structure that meets the building setback distances and minimizes disturbance to the WQPD and stays outside of the wetland 100 foot buffer zone. The septic leaching area location and septic tank location are confined to the locations shown on the proposed plan. The placement of the garage is proposed to avoid or minimize ledge disturbance and removal. To minimize ledge disturbance for environmental and economic reasons it is requested to have a front setback variance to allow a 25.1 foot setback. The parcel was developed under a R1-A zone and was revised in 1964 to the R2 zone. The R1-A zone requires a 25 foot front setback that the proposed garage can meet. To meet the 25 foot setback the western portion of the garage is proposed to be set into the ledge ridgeline, requiring some ledge removal. Vegetative screening is proposed between Long Pond Road and the proposed garage. The existence of a garage is consistent with similar house sites in the area and is essential to provide safe and environmentally sound storage of vehicles and household items.

*Professionals Registered in Massachusetts and New York\**

Foresight Building · 1496 West Housatonic Street · Pittsfield, MA 01201 · Tel (413) 499-1560 · Fax (413) 499-3307

South County Tel (413) 528-8822 · Conn. Valley Tel (413) 736-4601

Email: [info@foresightland.com](mailto:info@foresightland.com) · website: <http://www.foresightland.com>

**FORESIGHT LAND SERVICES**


November 1, 2013

Page 2

Erosion and sedimentation controls as well as construction fencing is proposed to control construction activities and contain sedimentation and disturbance with in the construction zone of the lot and protect the resources of Round Pond.

If you should you have any questions or require additional information please feel free to contact this office.

Very truly yours,  
Foresight Land Services

  
Marc S. Volk  
Vice President and Project Manager

Cc: Stephen Bennett  
Kenneth Shearn  
File: E2231/11



**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)  
*You must complete portions A., B., C., D., G., H., I., and J. of this form.*
- SPECIAL PERMIT** (for changes to nonconforming uses, structures)  
*You must complete portions A., B., C., E., G., H., I., and J. of this form.*
- APPEAL** (to overturn a decision of Building Inspector or a Board)  
*You must complete portions A., B., C., F., G., H., I., and J. of this form.*

**B. SITE / PROPERTY INFORMATION**

Address of Subject Property Long Pond Road

Assessor's Map No. 34 Lot No. 11A

Registry of Deeds Book No: 2140 Page: 244

Zoning District(s) R2 One-acre Res.

Overlay Districts (if any) WQPOD Water Quality Protection Overlay

**C. APPLICANT AND OWNER INFORMATION**

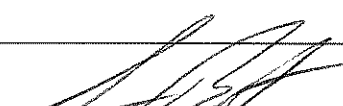
Applicant's  
Information

Name (please print) Stephen Bennett Phone (area code first) 516-728-8922

Street Address 36 Oak Street

City, State, Zip Code Northport, NY 11768

If Applicant is a corporation, provide name of contact person: \_\_\_\_\_

Email Address stephenbennettsb@gmail.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 \_\_\_\_\_

**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? 4.1.2 Schedule of dimensional requirements District R2 Maximum front yard 50 feet.
- 2) What will the requested variance(s) enable you to do? Construct a two car garage for vehicles & storage.
- 3) If the variance(s) is not granted, what hardship will that cause you? Cars will be exposed to elements and not be in a secure environment and additional storage areas will need to be developed.
- 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? PLEASE SEE ATTACHED SHEET FOR COMMENTS.
- 5) Explain why your special circumstances are not a result of your own actions. Lot was created when area was zoned R-1A with 25' front yard set back. Topographic & Ledge conditions are natural.
- 6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy? Owner proposes no yard except septic area and is proposing a garage for safe storage of vehicles and property similar to other parcels in area in same zone.
- 7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have. Variance would allow safe storage of vehicles and property. Other properties in same zone have similar garage structures but have land available for placement meeting 50' front yard set back.

**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.

#### **D. Variances**

4) All of the parcel is shallow to ledge conditions with a crest of ledge outcrop located approximately 50 feet west of front property line to approximately 80 feet west then the topography drops very steeply 60% to Round Pond. Available buildings area is restricted to small area meeting 50' front set back in N.W. corner of property that house is proposed in and septic takes up part of.



**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**

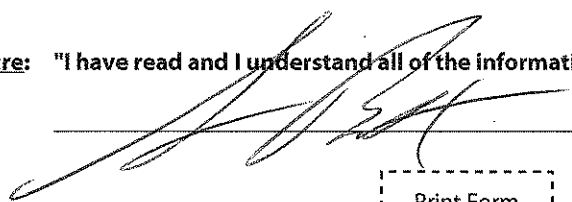
Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project 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) 10/31/13 (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)

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**

October 28, 2013

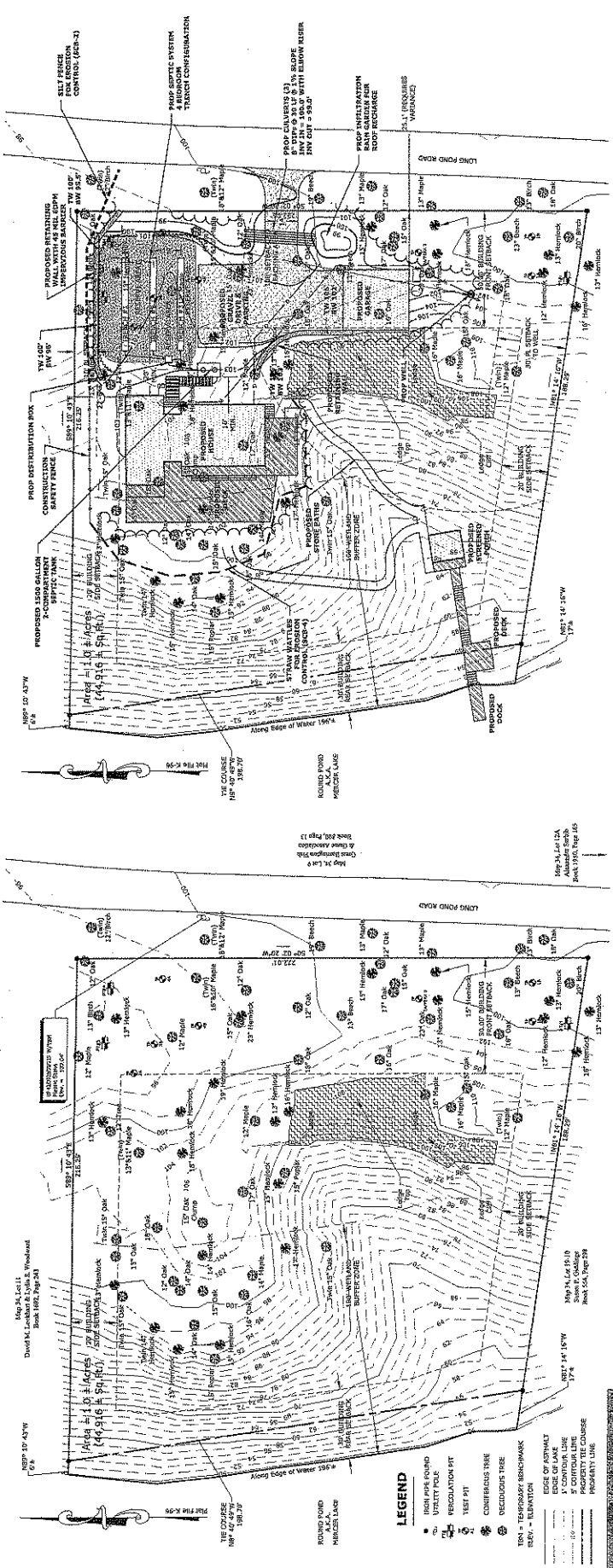
**ABUTTERS TO PROPERTY OF: STEPHEN & PATRICIA BENNETT**  
Long Pond Road, Map 34 Lot 11A, Book 2140 Page 244

| <u>MAP</u> | <u>LOT</u>  | <u>ABUTER</u>  |
|------------|-------------|--|
| 34         | 9           | Great Barrington Fish & Game Association, PO Box 184, Gt. Barrington, MA 01230-0184  |
| 34         | 12A         | Alexander Sarbib, 603 South Egremont Rd., Gt. Barrington, MA 01230-1931  |
| 34         | 10.19,10.20 | Susan P. Giddings, c/o Mary Ann Eldred, PO Box 73, East Dennis, MA 02641-0073  |
| 34         | 11          | David M. Lockhart & Lydia S. Woodward, Co-Trustees, Lockhart Woodward Family Trust,<br>1 Button Down Lane, Housatonic, MA 01236-9711 |
| 34         | 10,10H      | James J. Mercer, Trustee, Long Pond Road Nominee Trust, 80 Maple Ave. Suite 1,<br>Gt. Barrington, MA 01230-1904                      |

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

Sincerely,

Christopher Lamarre  
Principal Assessor



**PROPOSED SITE PLAN**  
SCALE: 1"=20

**LEGEND**

- IRON PIPE FOUND
- VALLEY POLE
- REGULATION PIT
- TEST PIT
- CONCRETE TIE
- DECEASED TREE
- TEN = TEMPORARY BENCHMARK
- REVI = ELEVATION
- EDGE OF ARTWALK
- 5' CONTOUR LINE
- PRIORITY COURSE
- PROPERTY LINE

THE CONSTRUCTOR SHALL RECORD THE MEASUREMENTS OF THE POINTS SHOWN ON THIS PLAN. ALL MEASUREMENTS SHALL BE TO THE CENTER OF THE LINE UNLESS OTHERWISE SPECIFIED. THE CONSTRUCTOR SHALL VERIFY THE LOCATION OF ALL POINTS AND RECORD THEM AS SHOWN ON THIS PLAN. THE CONSTRUCTOR SHALL VERIFY THE LOCATION OF ALL POINTS AND RECORD THEM AS SHOWN ON THIS PLAN. THE CONSTRUCTOR SHALL VERIFY THE LOCATION OF ALL POINTS AND RECORD THEM AS SHOWN ON THIS PLAN.

**EXISTING CONDITIONS PLAN**  
SCALE: 1"=20

**GENERAL NOTES**

- The contractor shall verify the location of all points and record them as shown on this plan. The contractor shall verify the location of all points and record them as shown on this plan.
- The contractor shall verify the location of all points and record them as shown on this plan. The contractor shall verify the location of all points and record them as shown on this plan.
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**SCB-1 SEDIMENT CONTROL BARRIER TYPE I**

**SCB-4 TYPICAL STRAW WHITILE INSTALLATION**

**CONSTRUCTION SAFETY FENCE**

**GRAPHIC SCALE**  
1" = 20' - 0"

**ASSESSOR'S MAP**  
SCALE: 1"=1000'

**USGS LOCUS MAP (2009)**  
SCALE: 1"=1000'

**ZONING MAP (2009)**  
N.T.S.

**ZONING MAP (1964)**  
N.T.S.

| NO. | DATE     | DESCRIPTION               |
|-----|----------|---------------------------|
| 1   | 10/21/23 | ISSUE FOR PERMITTING ONLY |
| 2   | 10/21/23 | ISSUE FOR PERMITTING ONLY |

**EXISTING CONDITIONS & PROPOSED SITE PLAN**  
**STEPHEN BENNETT**  
 LONG POND ROAD, GREAT BRITAIN, WA  
**FORESTHART LAND SERVICES**  
 FORESTHART LAND SERVICES  
 1000 FORESTHART ROAD, GREAT BRITAIN, WA 98253  
 (360) 335-5555

**PROJ. NO.** 23031  
**DATE** 10/21/23  
**SCALE** AS SHOWN  
**CAD** DWG  
**DATE** 10/21/23  
**SCALE** AS SHOWN  
**DATE** 10/21/23  
**SCALE** AS SHOWN  
**DATE** 10/21/23  
**SCALE** AS SHOWN

**PROPOSED SITE PLAN**  
SCALE: 1"=20

**LOCUS DEED:** Book 1164, Page 294

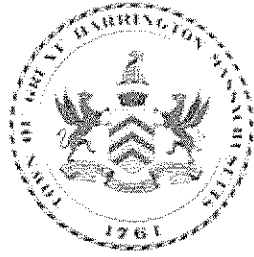
**GREEN BARRISTERS ASSESSORS:** Map 34, Lot 11A  
LOT AREA: 1.04 ACRES

**RECORD COMMISSIONERS:** Stephen & Patricia Bennett

5. Vertical datum is assumed. A temporary benchmark is shown at station 2002+00.00. The contractor shall verify the location of all points and record them as shown on this plan. The contractor shall verify the location of all points and record them as shown on this plan. The contractor shall verify the location of all points and record them as shown on this plan.

**BOARD OF SELECTMEN'S 2014 REGULAR MEETING SCHEDULE**

|              |                    |
|--------------|--------------------|
| January 13   | (second Monday)    |
| January 27   | (fourth Monday)    |
| February 10  | (second Monday)    |
| February 24  | (fourth Monday)    |
| March 10     | (second Monday)    |
| March 24     | (fourth Monday)    |
| April 16     | (third Wednesday)  |
| April 28     | (fourth Monday)    |
| May 14       | (second Wednesday) |
| May 27       | (fourth Tuesday)   |
| June 9       | (second Monday)    |
| June 23      | (fourth Monday)    |
| July 14      | (second Monday)    |
| July 28      | (fourth Monday)    |
| August 11    | (second Monday)    |
| August 25    | (fourth Monday)    |
| September 8  | (second Monday)    |
| September 22 | (fourth Monday)    |
| October 14   | (second Tuesday)   |
| October 27   | (fourth Monday)    |
| November 10  | (second Monday)    |
| November 24  | (fourth Monday)    |
| December 8   | (second Monday)    |



## TOWN OF GREAT BARRINGTON: DRAFT MOBILE FOOD VEHICLE BYLAW

### Section 1 Purpose and Intent

The general purpose of this bylaw is to promote the health, safety, convenience, and general welfare of the citizens and visitors of Great Barrington by requiring that new and existing mobile food vehicles (MFV's) provide customers with a level of cleanliness, quality, and safety consistent with our other food establishment options.

It is also the intent of this bylaw to establish reasonable guidelines and restrictions for mobile food vehicles in relationship to established restaurant businesses and encourage the safe and convenient use of the town's public right-of-way. This bylaw is intended to regulate the operation of MFV's within the town's public right of way only, but not to regulate the operation of MFV's on private property.

### Section 2 Definitions

The following words, terms and phrases, when used in this bylaw, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**"Applicant"** means any person or business who applies for a license or a license renewal under the provisions of this bylaw.

**"Business licenses"** is the licenses required of any business to operate within the Town.

**"License"** is an approval that enables the holder to vend food items at authorized locations and times, for a specified period of time.

**"Licensee"** means the holder of a mobile food vendor license issued by the various town departments.

**"MFV Area"** is an area designated by this bylaw that has been approved for the specific operation of Mobile Food Vehicles within the public right-of-way. No more than two (2) MFV's will be permitted in any MFV area. The two areas designated for use are the public parking spaces directly in front of:

- 1). *Town Hall*-consisting of 5 parking spaces located between the existing entrance and exit ways on the South bound side of the street.

2). *Mason Library*- consisting of 7 parking spaces located between Pleasant Street and Dresser Avenue on the North bound side of the street.

**“Mobile food vehicle”** means a unit mounted on or pulled by a self- propelled vehicle where food for individual portion service is prepared and sold; is self- contained with its own drinking water tank and waste water tank; is designed to be readily movable; and is moved daily to return to its base of operations.

**“Operator”** is the entity that is legally responsible for the operation of the mobile food vehicle such as the owner, the owner’s agent, or other PERSON; and possesses a valid permit to operate a mobile food vehicle.

**“Operating Hours”** is the designated time frame mobile food vehicles are authorized to operate within the town right-of-way.

**“Owner”** is an individual or business entity who owns and/or operates the food vehicle used in business for the purpose of earning income.

**“Pedestrian”** is a person who is walking or otherwise traveling in the public right-of-way.

**“Permit”** means a written authorization, or permission to engage in or participate in some regulated or otherwise controlled activity. Under the provisions of this Code section, a "permit" is not equivalent to a "license", and vice-versa.

**“Person”** means any individual, firm, partnership, association, or corporation. Whenever the word “person” is used in any section in this article prescribing a penalty or fine as applied to a partnership or association, the word shall include the partners or members thereof; such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of such section.

**“Restaurant”** a fixed (non-mobile) establishment where meals are generally served and eaten on premises; prepares and serves food and drink to customers in return for money, either paid before the meal, after the meal, or with a running tab.

**“Special Event”** shall mean a town sanctioned event on a public right of way, usually limited to a specified number of hours not exceeding 24.

**“Town”** shall mean the Town of Great Barrington Massachusetts.

**“Vending”** is the business of selling or causing to be sold any of the following items: food products, produce, prepared foods and beverages, prepackaged foods and non-alcoholic beverages from a vehicle.

### **Section 3 Review and Permitting Authority**

1) The Town Manager shall appoint a Mobile Food Vendor review team that shall review and act on all MFV applications in accordance with this bylaw and any rules and regulations that may be established. The MFV review team shall consist of a representative from the Public Works Department, the Planning

Department, the Police Department, the Building Department, the Health Department, and the Fire Department.

2) At its sole discretion, the Mobile Food Vendors review team may further limit the number of MFV's within the designated MFV Areas to address the health, safety, convenience, prosperity, and general welfare of the residents of Great Barrington.

## **Section 4 Permit and License Requirements**

1) All mobile food vehicles must submit an application for a permit annually to the Town Manager's office in addition to the requirements of the Health Department. The application will then be forwarded to the Mobile Food Vendors review team for a departmental review. The application must receive approval from each Department represented within the team before the MFV Review Team will make a recommendation to the Board of Selectmen for potential approval. The Board of Selectmen shall have final approval/denial of all recommended MFV applications. Once approved, a permit to operate will be issued by the Town Manager's office

2) MFV applicants may only apply for a permit to operate within areas designated as a "MFV Area".

3) No more than two (2) MFV's may operate within a "MFV Area" at any one time.

4) No MFV shall be permitted to operate within fifty (50) feet of any existing restaurant during the restaurant's hours of operation. The 50 foot setback shall be measured from the closest edge of the existing restaurant space, including its outdoor seating areas, if any. It is the MFV applicant's responsibility to provide proof of distance.

5) Applicant shall notify the Town Manager's office within fifteen (15) days of any changes to application information.

6) The Mobile Food Vendors review team shall not approve a location where in their sole discretion a mobile food vehicle would substantially obstruct a public right-of-way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety.

7) The Mobile Food Vendors review team shall not approve any location which is adjacent to a bus stop or handicap loading zone or directly in front of a property entryway or exit.

## **Section 5 Application for Permit**

1) Permit applications will only be accepted when the applicant provides all of the information described below beginning no earlier than February 1<sup>st</sup> annually. Applications will be reviewed in the order in which they were received. Each application shall include, in addition to other requirements, the following materials:

- a) Each owner of a MFV shall be required to provide a valid copy of all necessary licenses (business license, tax ID), permits, or other written proof of compliance with the regulations for each mobile food vehicle.

- b) The applicant's full name, signature, address and whether the applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners, together with their addresses.
  - c) The physical address of the base of operations and a valid copy of the license/permit to operate at that address by the Health Department in that jurisdiction.
  - d) A proposed location for a MFV and proposed dates and hours of operation.
  - e) A written disclosure of all proposed fuel types and quantities to be used in the regular daily operation of the mobile food vendor.
- 2) A photograph or accurate description of the MFV and/or pushcart, including the following data: The make, model and type of body; the number of cylinders; the vehicle identification number, license plate number, or any other identifying number as may be required by the Mobile Food Vendors review team. (If this information is not known at the time of permit application, this requirement can be satisfied as a condition of obtaining a final effective permit.)
- 3) A signed statement that the applicant shall hold harmless the Town and its officers and employees, and shall indemnify the Town, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the Town from all claims for damage to property or bodily injury, including death, which may arise from the operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than Three Hundred Thousand dollars (\$300,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the Town Manager's Office. A permit issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not provided to the town.
- 4) A statement that the permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be the direct result of any activity of the permit holder.
- 5) Such other additional information required by law, any department of the Town, the Mobile Food Vendors review team, Board of Selectmen, or information reasonably deemed appropriate to assist the Town in determining whether the permit should be granted.
- 6) A signed, completed Worker's Compensation Affidavit as well as a copy of the declaration page of the policy indicating the expiration date of the policy.
- 7) An application will not be considered "received" by the town until all of the above requirements have been met and all forms and fees and have been submitted.

**Section 6 Application, license and permit fees.**



Upon the filing of a completed application, the non-refundable application fee for all applicants seeking a MFV permit shall be \$250.00. This application fee shall be submitted with the application and shall apply to the cost of the permit only if approved.

Upon approval of an application for an operator's permit, the annual permit fee shall be \$500.00 for the owner/operator of the MFV (In addition to a valid Health Department permit). The balance of \$250 shall be submitted prior to issuance of a permit to operate.

Permits are issued on a calendar year basis and shall expire on December 31<sup>st</sup> annually. Initial permits and renewals will not be pro-rated.

## **Section 7 General Rules and Regulations**

- 1) No person or business entity, including religious or charitable organizations, shall operate a MFV upon the public right-of-way without a permit issued by the Town.
- 2) Hours of operation within the public right-of-way shall be limited seasonally from dawn until dusk and from the months of April through October unless the MFV is operating at a town sanctioned "special event". It shall be unlawful to leave any approved mobile food vehicle unattended on a public right-of-way, nor remain on a public right-of-way outside of these allowed hours of operation. The Town may impose additional restrictions to abate nuisances.
- 3) All MFV's operating within the public right-of-way of the Town shall adhere to the designated time requirements and shall be allotted fifteen (15) minutes set-up and fifteen (15) minutes breakdown time before and after stated operating hours.
- 4) No MFV operation shall occur within fifty (50) feet of any fixed food establishment or restaurant during the hours of the fixed establishment's operation.
- 5) No MFV shall use or maintain any outside sound amplifying equipment, lights, LED or electronic message boards or signs, or noisemakers, such as bells, horns or whistles or similar devices to attract customers.
- 6) With the exception of a trash/recycling bin receptacle, no MFV shall use external signage, seating, or any other equipment not contained within the vehicle on the public sidewalks. Sufficient sized trash and recycling receptacles must be provided by the MFV to accommodate customer waste.
- 7) Permittee shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public right-of-way or remove the MFV entirely from the public right-of-way or adjacent property if necessary to avoid such congestion or obstruction.
- 8) Any power required for the MFV located on a public way shall be self-contained and shall not draw its power from the public right of way. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.
- 9) Permittee and/or Licensee shall contain all refuse, trash, and litter within the MFV or a small moveable trash can maintained by the permittee and/or licensee, and located adjacent to the MFV in

such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The owner/operator of the MFV shall be responsible for properly disposing of such refuse, trash, and litter as would any business, and shall not place it in any public trash container, or in any private container without proper permission.

10) Grey water, grease, and any refuse resulting from the operation of the MFV must be disposed of in an approved manner in compliance with Health Department requirements.

11) Pedestrian walkways of no less than six (6) feet must be maintained around the MFV.

12) The proposed MFV vending activity shall not violate the Americans with Disabilities Act.

13) Mobile food vending shall only occur from the side of a food vehicle that is parked abutting and parallel to the curb.

14) The MFV shall not have a drive-through service.

15) The decibels on any compressor, generator, or other portable power supply or equipment used may not exceed "60dBA" and may not be allowed to cause a noise disturbance or public health nuisance to employees or the general public. The operator must provide the manufacturer's specs on decibels generated by his particular equipment. The Great Barrington Police Department will make the final determination if any equipment used by MFV constitutes a noise violation.

16) The use of the permitted operating location for MFV vending must be compatible with the public interest in use of the public right-of-way. In making such a determination, the Mobile Food Vendors review team shall consider the width of the public way, parking issues and traffic congestion, proximity to fire hydrants, standpipes and emergency call boxes, the weight that can be supported by the paving or street surface at the proposed location, the proximity and location of existing street furniture, including, but not limited to, utility poles, bus shelters, benches, street trees, as well as the presence of bus stops, truck loading zones, taxi stands or other businesses or approved MFV to determine whether the requested location would result in pedestrian or street congestion or public safety hazard.

17) Any new business that opens or moves within fifty (50) feet of an existing MFV shall be deemed to have accepted the proximity of the existing MFV in operation.

18) MFV operators must comply with all local and State retail sales tax requirements including food and beverage tax regulations.

19) Permits for MFV are not transferrable.

## **Section 8 Enforcement**

Any person found operating without a permit to operate an MFV or any other mobile or temporary food operation offering food for sale to the public, or any other violation of these regulations shall be subject to a fine of not more than three hundred dollars (\$300) per day. Each day of violation shall constitute a separate and distinct offense.

Any permit granted by the town is subject to revocation, suspension, or modification at the discretion of the Mobile Food Vendors review team.

**Section 9 Severability**

If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

DRAFT