

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, JUNE 24, 2013, 7:00 PM

TOWN HALL, 334 MAIN STREET

## ORDER OF AGENDA

1. **CALL TO ORDER:**
2. **APPROVAL OF MINUTES:**
  - June 10, 2013 Regular Meeting.
3. **SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**
  - A. ISSUANCE OF GENERAL OBLIGATION BONDS AND RENEWAL OF BOND ANTICIPATION NOTES. (DISCUSSION/VOTE)
  - B. DISCUSSION OF UPCOMING MEETING CALENDAR.
  - C. GENERAL COMMENTS BY THE BOARD.
  - D. FOLLOW UP ITEMS.
4. **TOWN MANAGER'S REPORT:**
5. **CITIZEN SPEAK TIME:**
6. **PUBLIC HEARING:**
  - A. PATRICIA NAVARINO, 6 BURNING TREE ROAD, GREAT BARRINGTON, MA FOR A SPECIAL PERMIT TO OPERATE A NON-EXEMPT EDUCATIONAL USE IN A B2 ZONING DISTRICT AT JENIFER HOUSE COMMONS, UNIT 1A AND 2A, 420 STOCKBRIDGE ROAD, GREAT BARRINGTON, MA, IN ACCORDANCE WITH SECTIONS 3.1.4 B (8), 7.6 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
  - B. JAY FISHER, ACCUBRANCH, LLC, AS AGENT FOR SALISBURY BANK AND TRUST CO., 5 BISSELL STREET, LAKEVILLE, CT, FOR EXTERIOR CHANGES, NEW CONSTRUCTION AND A REMOTE TELLER AS AN ACCESSORY DRIVEUP FACILITY, FOR A BANK BRANCH OFFICE AT 210 MAIN STREET, GREAT BARRINGTON, MA, IN ACCORDANCE WITH SECTIONS 3.1.4 G(5), 9.6 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

**7. LICENSES OR PERMITS:**

- A. KATIE BURKLE AND MOLLY DE ST. ANDRE/GREAT BARRINGTON ARTS MARKET FOR TEMPORARY WEEKDAY OUTDOOR ENTERTAINMENT LICENSE FOR 6/29/13; 7/6/13; 7/13/13; 7/20/13; 8/3/13; 8/17/13; 8/31/13 AND 9/21/13 FROM 11:00 AM – 1:00 PM IN THE PARKING LOT OF LIFE WORKS STUDIO, 50 CASTLE STREET. (DISCUSSION/VOTE)
- B. THE BRICK HOUSE PUB D/B/A THE BRICK HOUSE PUB INC. FOR A **CHANGE OF DATE** ON THE TEMPORARY OUTDOOR WEEKDAY ENTERTAINMENT LICENSE FROM **JULY 20, 2013**, 12:00 PM TO 6:00 PM TO **JULY 13, 2013** FROM 12:00 PM T 6:00 PM AT 425 PARK STREET, HOUSATONIC. (DISCUSSION/VOTE)
- C. LINDA B. DAY/GREAT BARRINGTON ROTARY CLUB AND BERKSHIRE AVIATION FOR TEMPORARY WEEKDAY OUTDOOR ENTERTAINMENT LICENSE FOR SATURDAY, AUGUST 17, 2013 FROM 10:00 AM – 4:00 PM AT GREAT BARRINGTON AIRPORT, 70 EGREMONT PLAIN ROAD. (DISCUSSION/VOTE)
- D. LINDA B. DAY/GREAT BARRINGTON ROTARY CLUB AND BERKSHIRE AVIATION FOR TEMPORARY SUNDAY OUTDOOR ENTERTAINMENT LICENSE FOR SUNDAY, AUGUST 18, 2013 (RAIN DATE) FROM 10:00 AM – 4:00 PM AT GREAT BARRINGTON AIRPORT, 70 EGREMONT PLAIN ROAD. (DISCUSSION/VOTE)
- E. BRIAN HOSKEER FOR A DRIVEWAY PERMIT AT 175' EAST OF MONUMENT VALLEY ROAD ON NORTH SIDE OF ALCOTT ROAD. (DISCUSSION/VOTE)
- F. BOS – FY 2014 APPOINTMENTS. (DISCUSSION/VOTE)

**8. NEW BUSINESS:**

- A. BOS AND PLANNING BOARD/JOINT APPOINTMENT OF ASSOCIATE MEMBER TO THE PLANNING BOARD. (DISCUSSION/VOTE)
- B. EXTENSION OF AGREEMENT WITH CET FOR HAZARDOUS HOUSEHOLD WASTE COLLECTION. (DISCUSSION/VOTE)
- C. JENISE LUCEY/BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER – PRESENTATION.
- D. ENERGY COMMITTEE – SOLARIZE MASS PROGRAM. (DISCUSSION)
- E. BOS – RECOMMENDATION TO THE ZONING BOARD OF APPEALS ON THE SPECIAL PERMIT APPLICATION OF BERKSHIRE AVIATION ENTERPRISES FOR PROPERTY AT 70 EGREMONT ROAD TO BUILD A DECK AND DISABLED ACCESS RAMP ONTO THE EXISTING OFFICE BUILDING IN THE R-4 ZONE. (DISCUSSION/VOTE)

**9. OLD BUSINESS:**

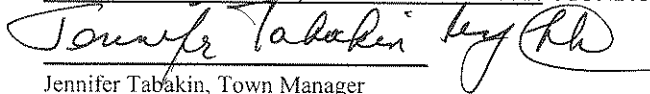
- A. CASTLE STREET FIRE STATION – PURCHASE & SALE AGREEMENT. (DISCUSSION/VOTE)

**10. SELECTMEN'S TIME:**

**11. MEDIA TIME:**

**12. ADJOURNMENT:**

**NEXT SELECTMEN'S REGULAR MEETING: MONDAY, JULY 8, 2013 AT 7:00 P.M.**

  
Jennifer Tabakin, Town Manager

**THIS MEETING MAY BE RECORDED BY MEMBERS OF THE MEDIA.**

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

**MEETINGS IN JULY**  
(Scheduled as of 6/20/13)

Tuesday, June 25<sup>th</sup> at 7 PM Finance Committee- Town Hall

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

Wednesday, June 26<sup>th</sup> at 4 PM Design Advisory Committee- Town Hall

Wednesday, June 26<sup>th</sup> at 6:30 PM Board of Selectmen Special Meeting (Main Street Reconstruction Project)- Town Hall

Wednesday, June 26<sup>th</sup> at 7 PM Conservation Commission- GB Fire Station

Thursday, June 27<sup>th</sup> at 6 PM Planning Board- GB Fire Station

Thursday, June 27<sup>th</sup> at 7:30 PM Master Plan Committee- GB Fire Station

Monday, July 8<sup>th</sup> at 8:30 AM Lake Mansfield Improvement Task Force- Town Hall

Monday, July 8<sup>th</sup> at 6 PM Parks Commissioners- Mason Library

Monday, July 8<sup>th</sup> at 7 PM Board of Selectmen- Town Hall

Tuesday, July 9<sup>th</sup> at 5:30 PM Republican Town Committee- Town Hall

Tuesday, July 9<sup>th</sup> at 7:30 PM ZBA-Town Hall

Wednesday, July 10<sup>th</sup> at 5:15 PM Tree Committee- Mason Library

Thursday, July 11<sup>th</sup> at 5:30 PM Library Trustees- Mason Library

Thursday, July 11<sup>th</sup> at 7 PM Planning Board- Town Hall

Thursday, July 11<sup>th</sup> at 7:30 PM Board of Health- Town Hall/Town Manager Conference Room

Tuesday, July 16<sup>th</sup> at 6 PM Energy Committee- Town Hall

Thursday, July 18<sup>th</sup> at 2:15 PM Great Barrington Housing Authority- Bernard Gibbons Drive

Thursday, July 18<sup>th</sup> at 6:30 PM Historic District Commission- Town Hall

Monday, July 22<sup>nd</sup> at 7 PM Board of Selectmen- Town Hall

Wednesday, July 24<sup>th</sup> at 7 PM Conservation Commission- Town Hall

Thursday, July 25<sup>th</sup> at 6 PM Planning Board- GB Fire Station

Thursday, July 25<sup>th</sup> at 7:30 PM Master Plan Committee- GB Fire Station

Wednesday, July 31<sup>st</sup> at 1:30 PM Council on Aging- Claire Teague Senior Center

## EXECUTIVE SUMMARY

**TITLE:** Renewal of temporary bond anticipation notes (BANS) for Capital Projects as authorized by the Board of Selectmen, Finance Committee and Town Meeting.

**BACKGROUND:** The Board of Selectmen, Finance Committee and Town Meeting have approved capital projects to be funded by borrowing authorizations as recommended in the budget processes. In order to meet the dates of the expected contractual payments of these projects money had been approved to be borrowed by the Board of Selectmen on a temporary basis in February 2013 and will be replaced with a permanent borrowing in the future by issuing bonds. This is a renewal of a portion of that Note. The new temporary borrowing is in the amount of \$251,400 which consists of Street Improvements \$230,000 and Sewer Improvements of \$21,400.

**FISCAL IMPACT:** The interest rate of .50% on the BANS was determined by competitive bids. Seven bids were received ranging from .50% to .65%. United Bank was awarded the low bid for one note. This note is due January 15, 2014.

**RECOMMENDATION:** No Board action is necessary however the Board needs to sign the notes witnessed by the Town Clerk.

**PREPARED BY:** Lauren Sartori  
Lauren Sartori, Financial Coordinator

**DATE:** 6-20-13

**Approved:** Jennifer Tabakin  
Jennifer Tabakin, Town Manager

BOS SP# 810-13

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING**

The Board of Selectmen will hold a public hearing on Monday, ~~June 24, 2013~~ at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA to act on the special permit application of Patricia Navarino, 6 Burning Tree Road, Great Barrington, MA, to operate a non-exempt educational use in a B2 zoning district at Jennifer House Commons, Unit 1A and 2A, 420 Stockbridge Road, Great Barrington, in accordance with Sections 3.1.4 B(8), 7.6, and 10.4 of the Great Barrington Zoning Bylaw.

Sean Stanton, Chairman

**Publish Friday, May 31, 2013 and Friday, June 7, 2013**

Berkshire Record

BOS / Helen

FOR OFFICE USE ONLY

Number Assigned 810-13  
Copy to Planning Board 5/23/13  
Advertised 5/31/13, 6/7/13  
Public Hearing BOS: 6/24/13  
Fee: \$150.00 Date Paid 5/21/13

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

MAP 9 LOT 1 BOOK 2172 PAGE 33 ZONING DISTRICT B2

Date of Application MAY 20, 2013 Telephone Number (908) 938-0841

Petitioner (Applicant)

Name and complete mailing address PATRICIA NAVARIND,

6 BURNING TREE RD., GREAT BARRINGTON, MA 01230

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

LIPSKY KARL K ESTATE OF, 420 STOCKBRIDGE RD,  
GREAT BARRINGTON, MA 01230-9517

I (we) request a Special Permit for: AN EDUCATIONAL USE, NON-EXEMPT,  
IN ZONING DISTRICT B2.

Under Section(s) 3.1.4 TABLE OF USE REGS. of the Great Barrington Zoning Bylaws.

**REQUIREMENTS: PLEASE READ AND COMPLY WITH THE FOLLOWING:**

**Seventeen (17)** exact copies of items 1 through 9 are to be submitted:

1. Completed application form SP-1.
2. Site Plan, drawn to scale, applicable to the site and use of said site for which a special permit is requested.
3. Specifications necessary to further describe the site or 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.
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' maps.
5. Zoning Map designating the zoning district and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location.

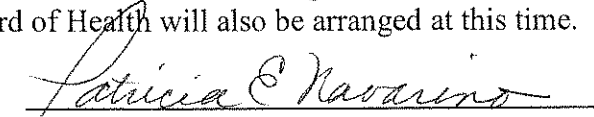
MAY 21 '13 PM 12:56




6. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.
7. 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 as substantiation for the drainage plan.
8. Landscaping Plan drawn to scale.
9. Parking spaces must be designated and numbered; each space must be 180 sq. ft. with a width not less than 9 feet.

**SPECIFICS:**

1. All site plans and specifications must be signed and dated by the preparer.
2. **ALL OWNERS** of property must 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 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 correlated into seventeen sets, please 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 will be scheduled. Meetings before the Planning Board, Conservation Commission and Board of Health will also be arranged at this time.

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

  
 \_\_\_\_\_  
 Signature of Co-Applicant

\*\*\*\*\*

**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 EACH APPLICANT, WHO SHALL SUBMIT WITH HIS APPLICATION A SIGNED STATEMENT THAT HE HAS READ THIS REGULATION AND AGREES TO BE BOUND BY IT.

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

Signature 

Signature 

Date \_\_\_\_\_

BoS SP. # 809-13

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING**

The Board of Selectmen will hold a public hearing on Monday, June 24, 2013 at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA to act on the special permit application of Jay Fisher, Accubrand, LLC, as Agent for Salisbury Bank and Trust Co., 5 Bissell Street, Lakeville, CT, for exterior changes, new construction, and a remote teller as an accessory drive-up facility, for a bank branch office at 210 Main Street, Great Barrington, MA, in accordance with Sections 3.1.4 G(5), 9.6, and 10.4 of the Great Barrington Zoning Bylaw.

Sean Stanton, Chairman

**Publish Friday, May 17, 2013 and Friday, May 24, 2013**

Berkshire Record

FOR OFFICE USE ONLY

Number Assigned 809-13  
Copy to Planning Board 5/10/13  
Advertised 5/17 5/24/13  
Public Hearing 6/24/13  
Fee: \$150.00 Date Paid 5/7/13

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

.....  
MAP 14 LOT 196 BOOK 1825 PAGE 67 ZONING DISTRICT B-2, VCOD

Date of Application 5/7/13 Telephone Number ( 860 ) 324-2124

Petitioner (Applicant)  
Name and complete mailing address Jay Fisher, Sr. VP Accubranch, LLC, Agent for Salisbury  
Bank & Trust Co., 5 Bissell Street, Lakeville, CT 06039

Name and Address of Owner of land exactly as it appears on most recent tax bill:  
DBC Properties LLC, 1282 Dutchess Turnpike, Poughkeepsie, New York 12603

I (we) request a Special Permit for: The conversion of 210 Main Street to a branch office of  
Salisbury Bank & Trust Co., with a remote drive-up teller.

Under Section 171- 3.1.4 G (5); 9.6; 10.4 of the Great Barrington Zoning Bylaws.

**REQUIREMENTS: PLEASE READ AND COMPLY WITH THE FOLLOWING:**

Seventeen (17) exact copies of items 1 through 9 are to be submitted:


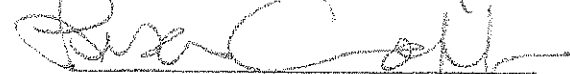
1. Completed application form SP-1.
2. Site Plan, drawn to scale, applicable to the site and use of said site for which a special permit is requested.
3. Specifications necessary to further describe the site or use for which a special permit is requested. At least one copy of any maps being submitted 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.
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' maps.
5. Zoning Map designating the zoning district and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location.
6. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

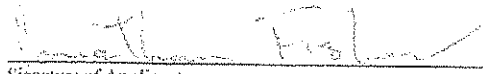
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- 7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations as substantiation for the drainage plan.
- 8. Landscaping Plan drawn to scale.
- 9. Parking spaces must be designated and numbered; each space must be 180 sq. ft. with a width not less than 9 feet.

**SPECIFICS:**

- 1. All site plans and specifications must be signed and dated by the preparer.
- 2. **ALL OWNERS** of property must sign the application.
- 3. A copy of Article 10 (special permit procedure) is available upon request.
- 4. Fee for application is \$150.00 to cover the cost of the public hearing notices 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 correlated into seventeen sets, please 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 will be scheduled. Meetings before the Planning Board, Conservation Commission and Board of Health will also be arranged at this time.

  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 Signature of Owner



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

\_\_\_\_\_  
 Signature of Co-Applicant

**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 EACH APPLICANT, WHO SHALL SUBMIT WITH HIS APPLICATION A SIGNED STATEMENT THAT HE HAS READ THIS REGULATION AND AGREES TO BE BOUND BY IT.

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

Signature   
 \_\_\_\_\_  
 Signature   
 \_\_\_\_\_  
 Date 5/1/13

**ORIGINAL**

RECEIVED  
TOWN MANAGER

JUN 13 2013

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA



**TOWN OF GREAT BARRINGTON**  
**Temporary Weekday Entertainment License Application**  
\$25.00 per day X 8 = \$200.00 (total)

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

Name: \*Katie Burkle & Molly de st Andre

Business/Organization: \_\_\_\_\_

D/B/A (if applicable): Great Barrington Arts Market

Address: business address: 13 Lake Ave, GB address of entertainment: 50 castle St. Great Barrington

Mailing Address: PO BOX 305 Great Barrington, MA

Phone Number: 808-280-6279

- TYPE:** (Check all that apply)  Concert  Dance  Exhibition  Cabaret  DJ
- Live band with up to 3 pieces, including singers  Public Show
- Other (please explain) \_\_\_\_\_

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

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

\_\_\_\_ YES  NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): in the parking lot of  
Lifeworks Studio, 50 Castle St. Great Barrington

Date(s) of Entertainment\*: 06/29, 07/06<sup>07/13</sup>, 07/20, 08/03, 08/17, 08/31, 09/03  
\*Does not include SUNDAY

Start & End Times of Entertainment: 11:00 am - 1:00 pm

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

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

Kathryn Buckle  
Signature of Individual or  
Corporate Officer

06/13/2013  
Date

[REDACTED]  
SS# or FID#

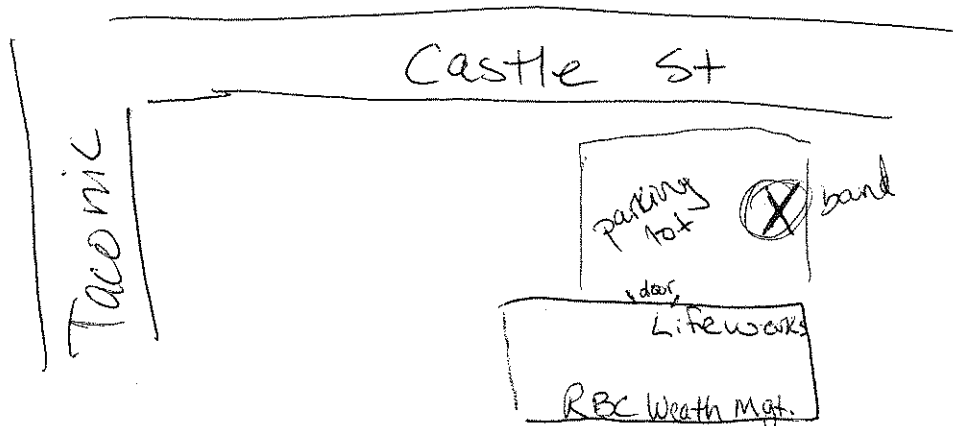
TOWN USE ONLY:

DRT Review with Conditions: OK with DRT, provided parking for vendors  
is in adjacent gated lot, and sign permits are received.

CR 6/14/13

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


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



To whom it may concern,

I, Dale Culleton, give permission to the Great Barrington Arts Market to host live music on my property, 50 Castle St. in Great Barrington, from 11:00am-1:00pm on the following dates:

June 29, July 6, July 13, July 20, August 3, August 17, August 31, and September 21.

 6 / 14 / 2013

# For DATE CHANGE



RECEIVED  
TOWN MANAGER

JUN 18 2013

BOARD OF SELECTMEN  
TOWN OF GREAT BARRINGTON, MA

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

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

Name: THE BRICK HOUSE PUB

Business/Organization: THE BRICK HOUSE PUBS INC.

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

Address: 425 PARK STREET, HOUSATONIC, MA 01236

Mailing Address: PO-BOX 818 HOUSATONIC, MA 01236.

Phone Number: 413.274.0020

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

Live band with up to 4 pieces, including singers  Public Show

Other (please explain) \_\_\_\_\_

**INCLUDES:**  Live music  Recorded music  Dancing by entertainers/ performers

Dancing by patrons  Amplification system  Theatrical exhibition

Floorshow  Play  Moving picture show  Light show  Jukebox

Other (please explain) \_\_\_\_\_

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

YES

NO

Please circle: **INDOOR** or **OUTDOOR** Entertainment



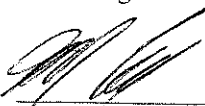
Exact Location of Entertainment (include sketch): (see attached)  
Brickhouse Pub, 425 Park Street, Housatonic

Date(s) of Entertainment\*: 7-13-13  
\*Does not include SUNDAY


Start & End Times of Entertainment: 12:00 PM - 6:00 PM

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

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

  
\_\_\_\_\_  
Signature of Individual or  
Corporate Officer

6.18.2013  
\_\_\_\_\_  
Date

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

TOWN USE ONLY:

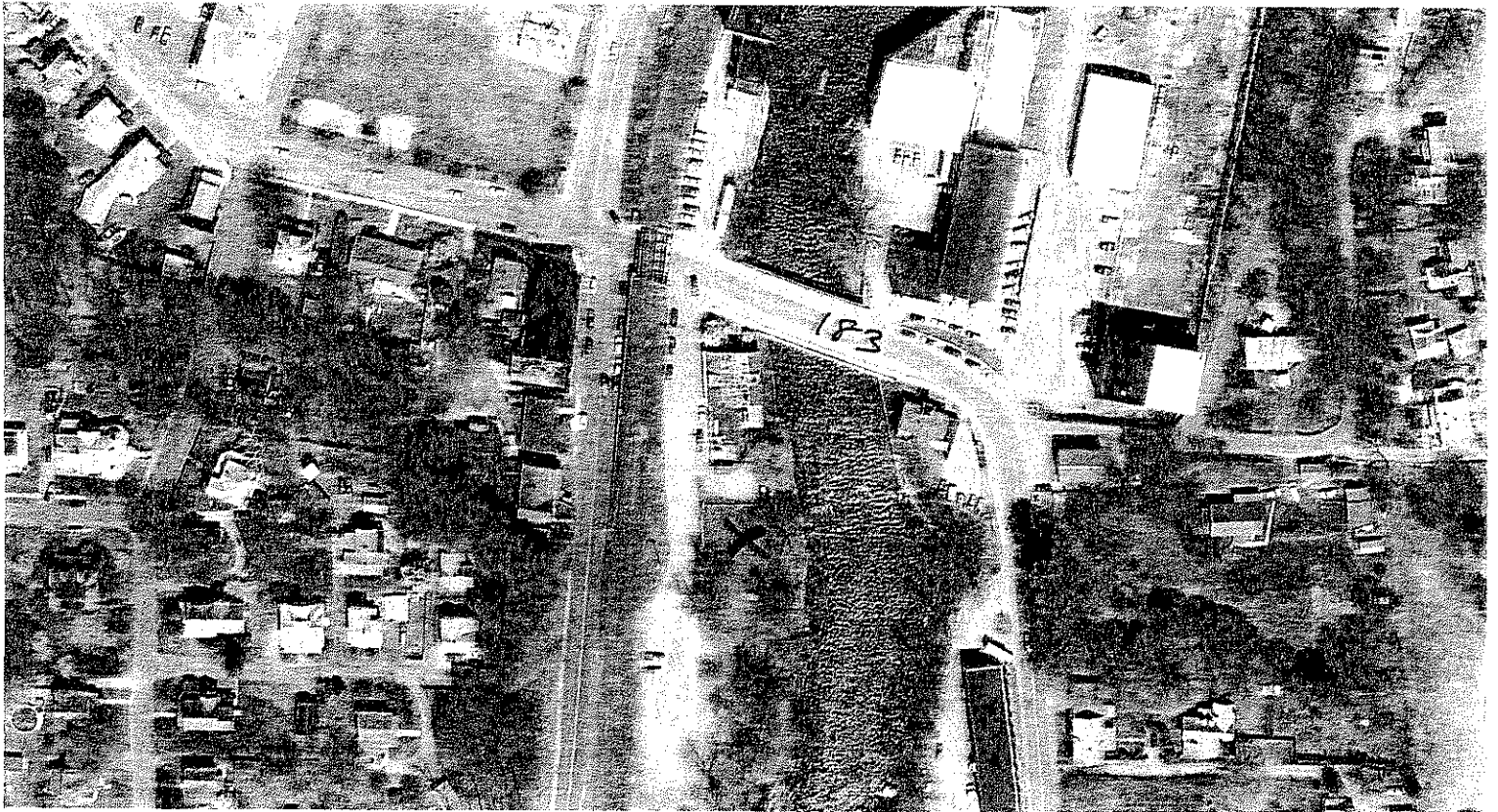
DRT Review with Conditions: DRT ok (CR) 5/7/13

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

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



*X Location of  
attention plant.*



Copyright ©2007 Pictometry International Corp.

Scale: 1 inch = 173.5 feet

Distance between tick marks: 173.53 :



**TOWN OF GREAT BARRINGTON**  
**Temporary Weekday Outdoor Entertainment License**

License Number:  
2013-11

Fee:  
\$25.00

In accordance with the provisions of Massachusetts General Laws, Ch.140 Sec.183A amended, Ch. 351, Sec. 85 of Acts of 1981 and Ch.140 Sec.181, LICENSE is hereby granted to:

**First Name:**

**Last Name:**

\_\_\_\_\_

\_\_\_\_\_

**Organization or Business Name:**

The Brick House Pub Inc.

**Address:**

425 Park Street, Housatonic, MA 01236

**Mailing Address:**

P.O. Box 818, Housatonic, MA 01236

to conduct the amusements as herein described:

**Type(s) of Entertainment:**

Live band with up to 4 pieces including singers, Live music, Amplification system

**Exact Location of Entertainment:**

425 Park Street, Housatonic, MA 01236 (back lawn behind the pub)



**Date(s) of Entertainment:**

Saturday, July 20, 2013

**Times of Entertainment:**

12:00 PM to 6:00 PM

**Conditions (if required):**

None

Such LICENSE shall not be valid for any location/dates/times other than as herein described.

License granted by the  
BOARD OF SELECTMEN:

**Expiration Date:**

July 21, 2013

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
W O B Bar

The Board of Selectmen reserves the right to modify or revoke this license if complaints are received by the Police Department regarding excessive noise.

ORIGINAL



RECEIVED  
TOWN MANAGER

JUN 05 2013

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

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

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

Name: Linda B. Day

Business/Organization: Great Barrington Rotary Club + Berkshire Aviation

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

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

Mailing Address: PO Box 565, Great Barrington, MA 01230

Phone Number: 413-298-3797 (Linda-home)

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

Live band with up to \_\_\_ pieces, including singers  Public Show

Other (please explain) Berkshire Aviation/Rotary Fly-In

INCLUDES:  Live music  Recorded music  Dancing by entertainers/ performers

Dancing by patrons  Amplification system  Theatrical exhibition

Floorshow  Play  Moving picture show  Light show  Jukebox

Other (please explain) for announcements  
fly in for planes; antique car show; vendors; plane & balloon rides

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

\_\_\_ YES

NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): Great Barrington Airport,  
70 Egremont Plain Road, GB (see below)

Date(s) of Entertainment\*: Saturday, August 17, 2013 rain date  
\*Does not include SUNDAY (Sunday, August 18, 2013) ←

Start & End Times of Entertainment: 10:00am - 4:00PM

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

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

Lucie B. Day  
Signature of Individual or  
Corporate Officer

June 5, 2013  
Date

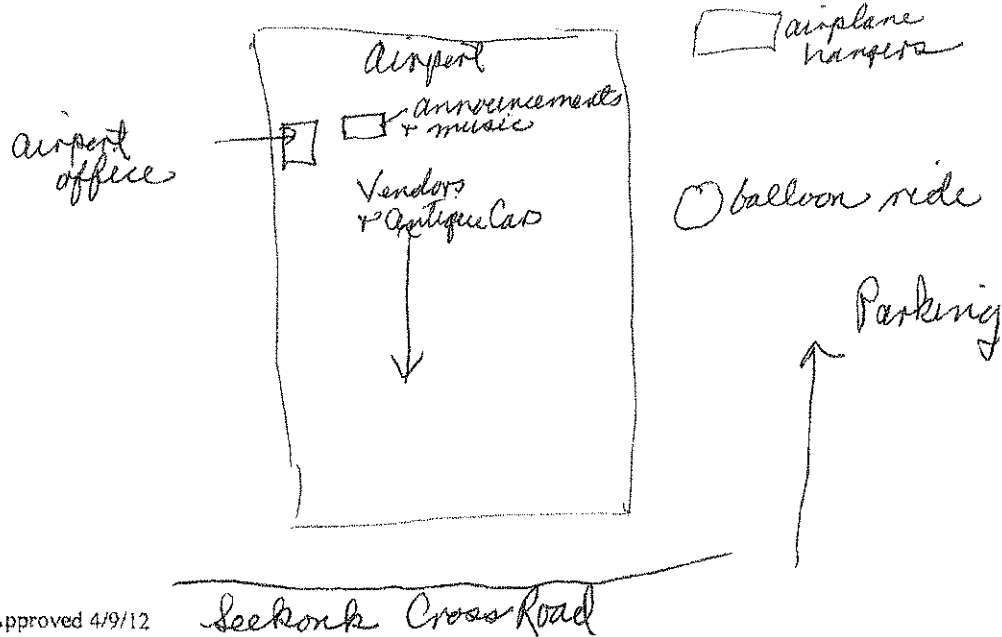
\_\_\_\_\_  
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: OK with DRT. Food vendors will need  
permits. Permits will be needed for tents & signs. CR 6/14/13

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

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



ORIGINAL



RECEIVED  
TOWN MANAGER

JUN 11 2013

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

**TOWN OF GREAT BARRINGTON**  
Temporary Sunday Entertainment License Application  
(Local Approval ONLY-State Approval Required Separately)

\_\_\_\_ Hours between 1:00 pm-11:59 pm  
(\$2.00 per Sunday)

✓ Hours between 9:00 am- 11:59 pm ~~11:59 pm~~  
(\$5.00 per Sunday)\*

The undersigned hereby applies for a license in accordance with the provisions of Massachusetts General Laws, Ch.136 Sec.4.

Name: Linda B. Day

Business/Organization: Great Barrington Rotary Club & Berkshire Aviation

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

Address: PO Box 565, Great Barrington, MA 01230

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

Phone Number: 413-298-3797 (Linda-home)

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

Live band with up to \_\_\_ pieces, including singers  Public Show

✓ Other (please explain) Berkshire Aviation / Rotary Fly-In

INCLUDES:  Live music  Recorded music  Dancing by entertainers/ performers

Dancing by patrons  Amplification system  Theatrical exhibition

Floorshow  Play  Moving picture show  Light show  Jukebox

✓ Other (please explain) for announcements fly-in for planes, plus vendors & antique cars & plane & balloon rides

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

\_\_\_\_ YES

✓ NO

Please circle: INDOOR or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): Great Barrington Airport,  
70 Egremont Plain Rd., GB (see below)

Date(s) of Entertainment: Sunday, August 18, 2013 (raindate)

Start & End Times of Entertainment: 10:00 am - 4:00 pm

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

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

Linda B. Day  
Signature of Individual or  
Corporate Officer

June 9, 2013  
Date

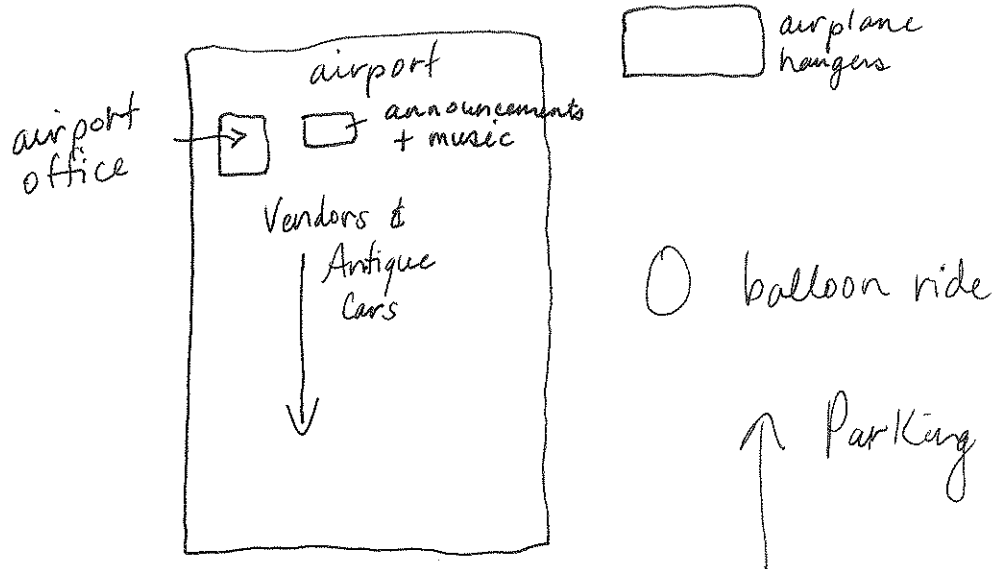
\_\_\_\_\_  
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: OK with DRT. Food vendors will need  
permits. Permits will be needed for tents & signs. (CP) 6/14/13

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

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



Seekonk Cross Road

Town of Great Barrington

Form date: June 2011

Board of Selectmen

Fee \$50.00 (pd)

Application for Access to a Public Way / Driveway Permit

Number \_\_\_\_\_

INSTRUCTIONS

RETURN FIVE (5) COPIES OF THIS FORM AND ALL ACCOMPANYING PLANS, ALONG WITH THE \$10.00 FEE to the Department of Public Works office in Town Hall, 2nd Floor, 334 Main Street, Great Barrington, MA 01230. Plans must show the location of the driveway on the property and must also indicate all details needed in order to determine that driveway regulations are met, including paving material, width, grade, drainage, culverts, angle to street, etc. See Chapter 153 of the Town Code for driveway regulations.

Application Date 05/30/13

Name of Applicant / Property Owner BRIAN HOSKEEN (C/O KELLY, GRANGER + PARSONS)

Mailing address PO BOX 88, GT. BARRINGTON MA. 01230

Phone number (413) 528-3291

Location of proposed driveway / highway entrance 175' EAST OF MONUMENT VALLEY ROAD ON THE NORTH SIDE OF ALCOTT ROAD

Contractor who will perform the work TO BE DETERMINED

Address & phone number of contractor TO BE DETERMINED

Proposed construction date AS SOON AS PERMITTED

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

Print Form

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

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

Applicant's Signature: [Signature]

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be:

- ( ) approved as submitted
( ) approved with conditions attached
( ) disapproved for reasons attached
( ) resubmitted with changes suggested per attached

Staff Reviews Received:

Table with columns: Received, Conditions Recommended, Other Permits Required. Rows: Conservation, Fire Chief, Planning.

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

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

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



Pete Soules  
Highway-Facilities Superintendent

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



20 East Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works  
Highway Division

### Conditions on Application for Access to Public Way

Applicant: Brian Hoskeer  
Location: Alcott Road  
From: Pete Soules Highway Superintendent  
Date: June 4, 2013

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

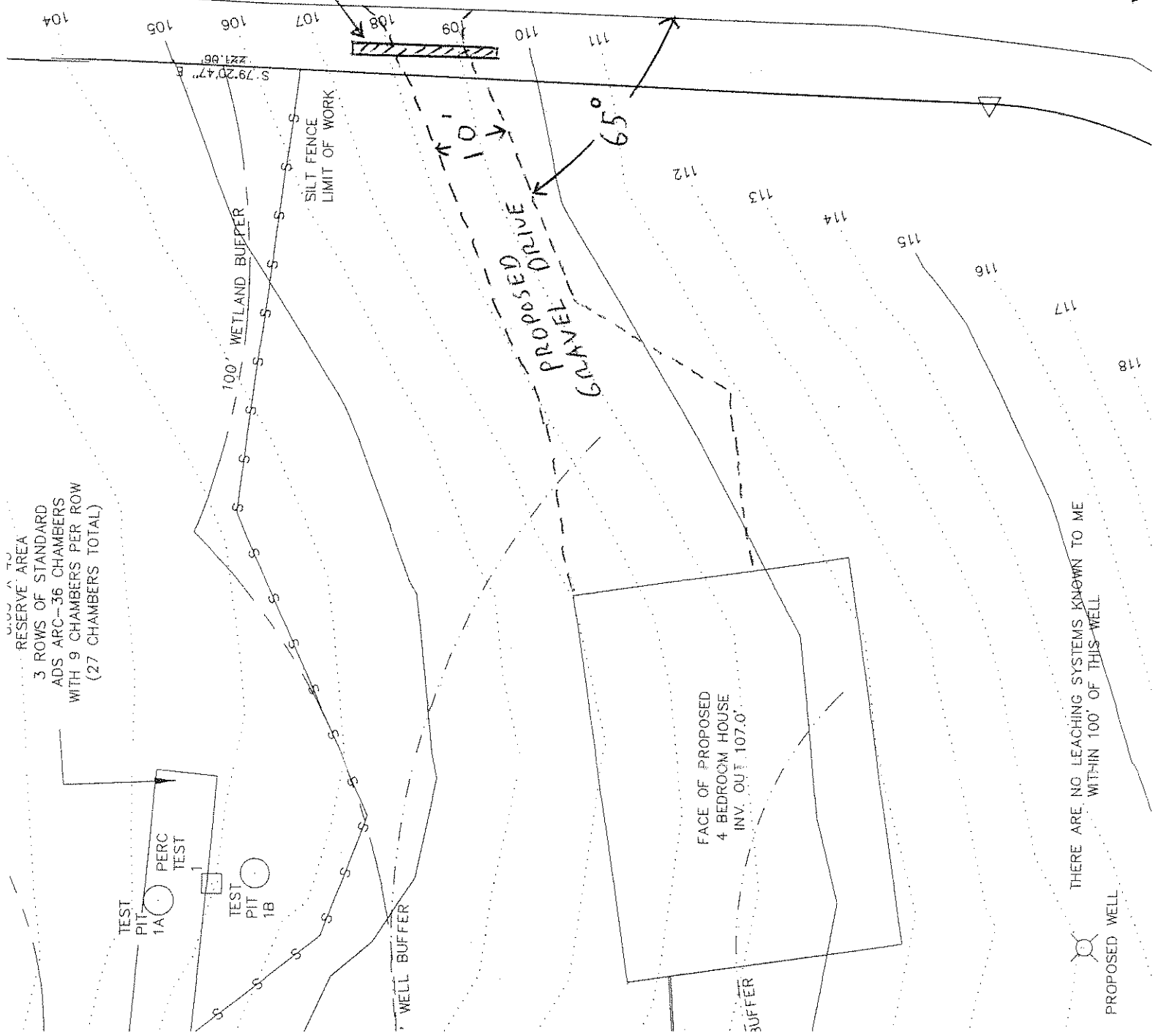
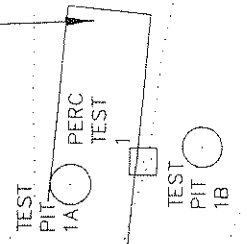
- I. Driveway width shall not be less than 8-feet or more than 16-feet within the town right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
  - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property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

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

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

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

RESERVE AREA  
 3 ROWS OF STANDARD  
 ADS ARC-36 CHAMBERS  
 WITH 9 CHAMBERS PER ROW  
 (27 CHAMBERS TOTAL)



ALCOTT ROAD

175' +/- TO MONUMENT VALLEY ROAD

PROPOSED 15" CULVERT  
 (CIF REQUIRED BY TOWN)

PROPOSED ENTRANCE  
 16' AT ALCOTT ROAD  
 (3' CURB RADIUS)

DRIVEWAY (10' WIDTH)

"DRIVEWAY SLOPE  
 TO GENERALLY FOLLOW  
 EXISTING GRADE +  
 ANY SURFACE WATER  
 IS TO DRAIN AWAY  
 FROM ALCOTT ROAD  
 + FOLLOW NATURAL  
 DRAINAGE PATTERNS"

THERE ARE NO LEACHING SYSTEMS KNOWN TO ME  
 WITHIN 100' OF THIS WELL



PROPOSED WELL



Alcott Road

Looking West  
Towards Monument valley  
Road  
Orange Cone designates  
Driveway location



Alcott Road

Looking East  
6/4/2013

## Joseph Sokul

---

**From:** Chris Rembold  
**Sent:** Monday, June 10, 2013 2:25 PM  
**To:** Joseph Sokul  
**Cc:** Joan Johnsen  
**Subject:** Driveway Permit, Hoskeer, Alcott Road

Joe, I have reviewed this driveway permit application and have no issues.

Thank you.

---

**Christopher T. Rembold, AICP**

Town Planner

Town of Great Barrington

334 Main Street

Great Barrington, MA 01230

Ph: (413) 528-1619, x. 7

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

Follow our blog: [www.gbplanning.wordpress.com](http://www.gbplanning.wordpress.com)

## Joseph Sokul

---

**From:** Joseph Sokul  
**Sent:** Monday, June 17, 2013 9:46 AM  
**To:** Charles Burger  
**Subject:** RE: Alcott Road Driveway Permit

Charlie:

The proposed driveway does meet the standards set forth in the Town By-Laws. Drives are to be 8' to 16' in width and not less than 60 degrees at the intersection with the street/road

---

**From:** Charles Burger  
**Sent:** Tuesday, June 04, 2013 3:34 PM  
**To:** Joseph Sokul  
**Subject:** Alcott Road Driveway Permit

Joe,

I have reviewed the driveway permit application for Alcott Road. The narrow 10' driveway at a 65 degree angle from the road will not provide access for our apparatus in case of an emergency. While the driveway is less than 200' long and we can hand stretch hose from the road, it will delay firefighting efforts.

When I have an issue with a driveway do you want me to send you and e-mail the way I have or write you an official memo?

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

Amanda Sewall  
Conservation Commission 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

Date: June 20, 2013

To: Joseph Sokul, DPW Superintendent

From: Amanda Sewall, Conservation Commission Agent

Re: Driveway Permit Application

Name: Brian Hoskeer, Kelly, Granger and Parsons

Location: Alcott Rd, Great Barrington Map 39, Lot 28

The proposed driveway referenced above is out of Wetland Protection Act and Scenic Mountain Act jurisdiction. However, due to the topography of the land and the wetland located at the base of the slope the Commission recommends erosion control devices in the form of silt fence and straw wattle be used along the 100 foot wetland buffer indicated on the site plan. Erosion control devices should be implemented before driveway construction begins and remain until the driveway is complete or all construction related work onsite is complete.

Thank you.

FY 2014 Board of Selectmen Appointments

INTERESTED  
IN  
RE-APPOINTMENT NEW TERM

AGRICULTURAL COMMISSION

**5 members & 1 alternate**

Frederic Gordon (Regular member-3 year term) 2016  
Vivian Orlovski (Regular member-3 year term) 2016  
Barbara Zheutlin (Regular member-3 year term) NO REPLY  
Hilda Banks Shapiro (Alternate member-1 year term) YES 2014

BOARD OF REGISTRARS (3 year term)

**4 members including Town Clerk**

Linda Coons

YES

2016

CULTURAL COUNCIL (3 year term)

**Minimum of 5 members & maximum of 22 members**

Hilda Banks Shapiro  
Michael Wise  
Melissa McGarrity  
John Kilner

YES  
YES  
NO  
NO

2016  
2016



**INTERESTED  
IN  
RE-APPOINTMENT NEW TERM**

CONSERVATION COMMISSION (3 year term)  
\*Appointed by Town Manager subject to approval of the BOS  
**7 members**

David Shanahan	YES	2016
Andrew Mankin	YES	2016
Bruce Gore	NO	
Jennifer Connell	NO	

DESIGN ADVISORY COMMITTEE (1 year term)  
**5 members plus PB member & HDC member**

Jonathan Hankin (Planning Board Member)- <b>See attached email</b>	YES	2014
Daniel Bailly (Historic District Commission Member)	NO	
Marilyn Kalish (Historic District Commission Member)*	YES	2014

**\*Selected by HDC at the 6/20/13 meeting**

ENERGY COMMITTEE (3 year term)  
**9 members**

Nancy Maurice Rogers	NO
Peter Greer	NO
Michael Supranowitz	NO

**INTERESTED  
IN  
RE-APPOINTMENT NEW TERM**

FENCE VIEWERS (1 year term)  
**2 members** \*\*See MGL Chp.49 Sec. 1 attached\*\*

Andrew D. Blechman  
 Harold Shaw

NO  
 YES  
 2014

HISTORIC DISTRICT COMMISSION (3 year term)  
**5 members & 2 alternates**

James Mercer

YES  
 2016

HISTORICAL COMMISSION (3 Year Term)

\*Appointed by Town Manager subject to approval of the BOS  
**7 members**

Donald Howe  
 David Rutstein

YES  
 YES  
 2016  
 2016

**INTERESTED  
IN  
RE-APPOINTMENT**

**NEW TERM**

TREE COMMITTEE (3 year term)  
**11 members & 1 alternate**

Hilda Banks Shapiro  
Michael Wise  
Jessica Winkle

YES  
YES  
YES

2016  
2016  
2016

ZBA ASSOCIATE MEMBER (2 year term)

\*Joint Appt with ZBA  
**2 Associate members**

John Katz \*See attached email

YES

2015

POUNDS AND IMPOUNDING OF CATTLE, FIELD DRIVERS

22. Pounds to Be Maintained; Appointment of Pound Keeper and Field Drivers.
23. Penalty for Injuring Pound.
24. Duties of Field Driver; Beasts at Large Without Keeper to be Taken Up.
25. Impoundment of Beasts.
26. Fees of Field Driver and Pound Keeper.
27. Fees to Be Paid by Owner of Beast.
28. Impoundment of Beasts on Premises of Field Driver.
29. Remedies for Damage by Beasts.
30. Impoundment of Distraigned Beasts.
31. Person Distraining to State Demand.
32. Beasts Not to be Delivered to Owner Until Costs Paid.
33. Notice of Impoundment to be Given Owner or Keeper.
34. Notice of Impoundment to be Posted and Published.
35. Determination of Disputed Amount.
36. Request by Impounding Party for Determination of Disputed Amount; Fees.
37. Sale of Impounded Beasts to Pay Damages.
38. Disposition of Proceeds of Sale.
39. Right to Retake Escaped or Rescued Beasts.
40. Penalty for Rescuing Distraigned or Impounded Beasts.
41. Proceeding Against Rescuer; Evidence; Replevin.
42. [Repealed.]

FENCES AND FENCE VIEWERS

§ 1. Fence Viewers; Appointment; Terms of Office.

The mayor of each city, subject to confirmation by the city council, and the selectmen of each town shall annually appoint two or more fence viewers, to hold office for one year and until their successors are qualified.

History—

1693-4, 7, § 1; 1785, 52, § 1; RS 1836, 15, § 33; 1836, 19, § 16; GS 1860, 18, § 31; PS 1882, 27, § 78; RL 1902, 11, § 334; 1913, 835, § 400; 1918, 291, §§ 13, 26.

Annotations—

Duty of landowner to erect fence to deter trespassing children from entering third person's property on which dangerous condition exists. 39 ALR2d 1452.

CASE NOTES

As to St. 1785 c 52, predecessor of ALM GL c 49 §§ 1 et seq., it was said that under statute legal, sufficient fences between adjoining occupied closes could be made and kept in repair, through whole year, at will of either tenant, but at equal expense of two tenants, each tenant being liable to charge of making half fence. *Rust v Low* (1809) 6 Mass 90.

Under predecessor of ALM GL c 49 § 1, it was provided that each town was to choose annually two or more fence viewers to be sworn to faithful discharge of duty of office. *Rust v Low* (1809) 6 Mass 90.

Duty to fence against land of neighbor may be imposed in one of three ways: (1) by agreement, which may take form of covenant running with land (*Rust v Low* (1809) 6 Mass 90; *Bronson v Coffin* (1871) 108 Mass 175; *Bronson v Coffin* (1875) 118 Mass 386, 99 NE2d 44.

Duties of fence viewers are quasi judicial in nature and not according to course of common law and remedy by certiorari lies to obtain review of order by fence viewers. *Butman v Fence Viewers of Chelsea* (1951) 327 Mass 386, 99 NE2d 44.

§ 2. Fences Defined.

Fences four feet high, in good repair, constructed of rails, timber, boards, iron or stone, and brooks, rivers, ponds, creeks, ditches and hedges, or other things which the fence viewers consider equivalent thereto, shall be deemed legal and sufficient fences.

History—

CL 145, § 2; 1693-4, 7, § 1; 1785, 52, § 2; RS 1836, 19, § 1; GS 1860, 25, § 1; PS 1882, 36, § 1; RL 1902, 33, § 1.

Cross References—

Suitable fences for railroad corporations, see ALM GL c 160 § 93.

Jurisprudence—

35A Am Jur 2d, Fences § 1.

Annotations—

Zoning regulations prohibiting or limiting fences, hedges, or walls. 1 ALR4th 373.

Restrictive covenants as to height of structures or buildings. 1 ALR4th 1021.

CASE NOTES

Under predecessor of ALM GL c 49 § 2, it was said that statute defined what should be deemed sufficient fence. *Rust v Low* (1809) 6 Mass 90.

## Jennifer Bailly

---

**From:** [REDACTED]  
**Sent:** Wednesday, June 05, 2013 11:19 AM  
**To:** Jennifer Bailly  
**Subject:** DAC Representative

Hi Jenn,  
The Planning Board has chosen Jonathan Hankin to continue as their representative to the Design Advisory Committee for the next year.

Thanks,  
Kim

## Jennifer Bailly

---

**From:** [REDACTED]  
**Sent:** Thursday, May 30, 2013 11:15 AM  
**To:** Jennifer Bailly  
**Subject:** Re: ZBA Associate Member Term Expiring

Hi, Jenn

I polled regular ZBA members and heard back from 4 of 5 (so far), all in favor of a reappointment for John Katz as an alternate member. Will this suffice for the Selectmen's purposes in making an appointment? Did you get a letter from him?

Bernie

On May 29, 2013, at 3:37 PM, Jennifer Bailly wrote:

> Good Afternoon!  
>  
> Attached is a letter I left in the ZBA's mailbox in the Clerk's office this morning, although I do think that Bernie did pick it up today. John Katz's term as an Associate Member expires on June 30, 2013. Please forward along the ZBA's recommendation for the ZBA Associate Member to our office by June 17, 2013. Thank you!  
>  
> Jenn  
>  
> Jennifer L. Bailly  
> Administrative Assistant  
> Board of Selectmen/Town Manager  
> Town of Great Barrington  
> 334 Main Street  
> Great Barrington, MA 01230  
> 413-528-1619 x2  
> 413-528-2290 (Fax)  
>  
> <winmail.dat>

\* Approved at ATM May 2013 - not approved by the Attorney General yet

**ARTICLE 25:**

To see if the Town will vote to authorize the Board of Selectmen to issue a Request for Proposals or other solicitation for the erection of a wireless telecommunication structure or tower at the Town's Recycling Center at 601 Stockbridge Road, in accordance with the Wireless Telecommunication Overlay District provisions of the Zoning Bylaw; and to authorize the Board of Selectmen to lease and/or grant an easement or license in a portion of said property for the construction, use and operation of such a structure or tower, and to execute all documents and take all actions necessary in connection therewith, or to take any other action relative thereto.

**ARTICLE 26:**

To see if the Town will vote to amend Section 9.5.6 of the Zoning Bylaws, Design Advisory Committee for the Downtown Business B District, paragraph 5, by revising the requirement of appointment to the Committee of a landscape architect to appointment of a "design professional," as follows:

9.5.6 Design Advisory Committee. A Design Advisory Committee is hereby established to review applications for all actions that are subject to the provisions of this section and to work cooperatively with owners of land, buildings and businesses. The Design Advisory Committee shall make recommendations to the appropriate decision making body and/or the applicant concerning compliance of the proposed action to the design review standards in this section. The Design Advisory Committee shall consist of seven members, constituted as follows:

1. Building Inspector (ex officio, nonvoting member).
2. Planning Board member, selected by the Planning Board.
3. Historic District Commission member, selected by the Historic District Commission.
4. Architect, appointed by the Board of Selectmen.
5. ~~Landscape architect~~ Design Professional, appointed by the Board of Selectmen.
6. Three members from the general public, appointed by the Board of Selectmen.

The terms of all appointed members shall be five years. The Historic Commission member and the Planning Board member shall serve for one-year terms.

The selecting or appointing boards or commissions may select or appoint an Alternate Member who may serve and act in the place of the Member selected or appointed by that board or commission in the event of the absence of that Member. In the event of an absence, the Chair may elevate an Alternate Member(s) in order to form a quorum and to vote on matters pending before the Committee, provided that the composition of the Committee is not altered.

ADDITIONAL INFO

To: BOS  
P.B. Associate Member is a 3yr. term

----- Original Message -----

**Subject:** Letter of Interest for Associate Member position on the Planning Board

**Date:** Wed, 29 May 2013 09:17:28 -0400

**From:** Malcolm Fick <Malcolm.Fick@roadrunner.com>

**To:** [jtabakin@townofgb.org](mailto:jtabakin@townofgb.org)

Ms. Tabakin,

I am writing to express my interest in the position of Associate Member on the Planning Board. I currently serve as a member of the Historical Commission -- where I recently led the effort to implement our Smartphone Historical Walking Tour app -- and am interested in further serving the town.

I am passionate about our wonderful town and want to do all I can to preserve its character while encouraging responsible growth. I feel that the Planning Board, and the town bylaws that they support, play a central role in this process. As an Associate Member of the Planning Board I will pledge to do all I can to assist the members in their deliberations.

Please forward this request to the Select Board and Planning Board for their consideration. And please let me know if there is any other information that you require.

Very truly yours,

Malcolm Fick





TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

PLANNING BOARD

June 17, 2013

Board of Selectmen  
Town Hall  
Great Barrington, MA

RE: Associate Member

Dear Members of the Board of Selectmen:

At its meeting of June 13, 2013 the Planning Board voted unanimously to accept Malcolm Fick as the next Associate Member of the Planning Board. As this is a joint appointment the Planning Board would appreciate your support of the appointment.

Thank you for your attention to this matter.

Sincerely,

Kimberly L. Shaw  
Planning Board Secretary

3. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

**10.2.3 Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

**10.2.4 Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.


### **10.3 PLANNING BOARD**

**10.3.1 Establishment.** The town has voted to establish the existing Planning Board, under G.L. c. 41 s. 81A, and the members of the Planning Board now in office shall serve as members of the Planning Board under Section 81A, with all the powers and duties allowed planning boards as detailed in MGL C.41 §81A through 81GG, inclusive.

**10.3.2 Powers.** The Planning Board shall have the following powers and those established by the General Laws.:

1. To hear and decide applications for special permits as provided in this Bylaw, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board.

2. To review and decide applications for site plan approval.

 **10.3.3 Associate Member.** The Planning Board is authorized to have one associate member. The associate member shall be appointed for a three-year term by a majority vote of the members of the Planning Board and the Board of Selectmen. The Chairman of the Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit or site plan review application, or any other matter for which a quorum is required, in case of an absence, inability to act or conflict of interest on the part of any member of the Board or in the event of a vacancy on the Board.

**10.3.4 Rules and Regulations.** The Planning Board shall adopt rules and regulations not inconsistent with the provisions of the Zoning Bylaw for conduct of its business and otherwise carrying out the purposes of said Chapter 40A, and shall file a copy of such rules in the office of the Town Clerk.

Joseph W. Sokul  
DPW Superintendent

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### DEPARTMENT OF PUBLIC WORKS

#### EXECUTIVE SUMMARY

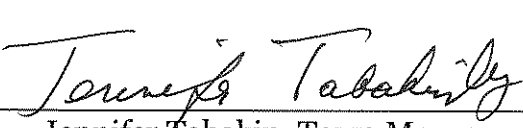
**TITLE:** Extension of Agreement between CET and the Town of Great Barrington for the Collection of Hazardous Waste Through the Multi-Town Collaborative.

**BACKGROUND:** Each year the Town signs a letter of intent to continue participation in the Berkshire County Household Hazardous Waste Collection Program. The Town also signs an agreement with the Center for EcoTechnology (CET) to coordinate and administer the program as part of the multi-town HHW collection program. The Town carries a line in the annual budget to pay for the fees for this program.

**FISCAL:** The estimated fee based on the Town of Great Barrington's population is \$3,617. The proposed FY14 budget for this program is \$7,500 which includes collection fees beyond this program.

**RECOMMENDATION:** Great Barrington continues to be one of the leaders for this program in the County. It is recommended that the Board of Selectmen approve the continued participation in the program and have the appropriate authority sign the agreement.

Prepared By:  Date: 06/06/2013  
Joseph W. Sokul, DPW Superintendent

Approved By:  Date: \_\_\_\_\_  
Jennifer Tabakin, Town Manager

Jennifer Tabakin  
Town Manager

E-mail: [jtabakin1@townofgb.org](mailto:jtabakin1@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 TOWN MANAGER

June 6, 2013

Mr. John Majercak  
Center for Ecological Technology  
112 Elm Street  
Pittsfield, MA 01201

Re: Extension of Agreement between CET and the Town of Great Barrington  
for the Collection of Hazardous Waste Through the Multi-Town Collaborative.

Dear Mr. Majercak:

Pursuant to Article F of the above referenced contract, the Town of Great Barrington is hereby exercising its option to extend the term of the contract for an additional year. Thus, the new expiration date of this contract will be June 30, 2013

The parties also agree to submit the first installment of 20% of the annual fee by July 15, 2012. Attachment A stipulating the annual budget and payment is enclosed

We look forward to the eleventh year of the South Berkshire Regional Household Hazardous Waste Collaborative for the collection of household hazardous waste.

For the Town of Great Barrington:

For the Center for Ecological Technology:

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

\_\_\_\_\_  
John Majercak, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

JT/js

Cc: DPW Superintendent

May 31, 2013

Dear Selectmen,

The Southern Berkshire Regional Household Hazardous Waste Collection Program is about to enter its twelfth year of operation. The goal of the program continues to be to increase the opportunities for residents in south county to properly dispose of household hazardous waste while minimizing the cost to each participating municipality. Careful planning and management have allowed us to maintain a high level of service with no additional cost to all sixteen-member communities.

In FY 14, the core program will remain the same. We will hold 7 mini site collections for paint products and oil and 2 comprehensive one-day events. In addition, we will continue accepting fluorescent bulbs as well as computers and TVs (CRTs) for a small fee. The Steering Committee also plans to continue to expand its educational and outreach efforts by distributing its "How to Reduce, Reuse and Recycle" guide, available for no charge to all member communities.

The Steering Committee has a service agreement with The Center for EcoTechnology, Inc. (CET) to administer this regional program. A contract extension of this "Service Agreement" is attached for your review and signature.

Included in this packet you will find:

1. A copy of the Contract Extension which should be signed and returned to the Center for EcoTechnology, Inc. (CET) by **June 28, 2013**.
2. A Copy of the Budget for Fiscal Year 2014. (Attachment A)
3. A Spreadsheet with each town's assessment for Fiscal Year 2014. (Attachment B)
4. The program mini site calendar for the summer 2013.
5. The July and October 2013 one-day HHW collections information and the summer 2013 mini-site collection schedule.

The Steering Committee and Center for EcoTechnology, Inc. have worked very hard to contain costs and to provide improved and valuable service to our area residents. We feel confident that the budget and contract extension enclosed, represent a quality program. Please return a signed copy of the contract extension no later than **June 28, 2013** to Center for EcoTechnology, Inc., Attn: Jamie Cahillane at 112 Elm Street, Pittsfield, MA 01201. An initial bill for service will follow immediately.

The first FY 14 regional one-day HHW event will be taking place in Stockbridge on July 20, 2013. Mark your calendars! The event flyer is attached. A second one-day HHW collection event will take place in October in Great Barrington and more details will follow.

Please read the enclosed material. Contact any of the steering committee members with questions. We appreciate your cooperation and enthusiasm. The steering committee anticipates continued success as the program begins its eleventh year.

Sincerely,

Southern Berkshire County Regional HHW Program Steering Committee members

Greg Federspiel (Lenox)	413-637-5500
Joe Sokul (Great Barrington)	413-528-0867
David Steindler (Sheffield)	413-229-2628
Mark Webber (West Stockbridge)	413-232-0319
James Wilusz (Tri Town Health)	413-243-5540
Arlene Miller (MAC Coordinator)	413-567-5027
and	
Jamie Cahillane for CET	413-445-4556 ext. 14



# ATTACHMENT A

## Proposed Budget FY 2014

### Revenue:

Carry Forward:	\$4,000
<u>Income from assessments:</u>	<u>\$18,252</u>
TOTAL:	\$22, 252

### Expenses:

a. Administrative:	\$ 9,750
b. Advertisements:	\$ 3,000
c. Mini site disposal costs	\$ 3,700
<u>d. One-Day event costs</u>	<u>\$ 1,800</u>
TOTAL:	\$18,250

<b>Municipal Share</b>		<b>Fy 2014</b>		<b>ATTACHMENT B</b>	
<b>Household Hazardous Waste Program</b>					
<b>Town</b>	<b>Population 2010 Census</b>	<b>Base Fee, based on Population (@\$.66/per)</b>	<b>Additional Disposal Fees Based on Participation FY 2013</b>	<b>Total Est. Cost of both mini and HHW events (for FY 2014) budget purposes)</b>	<b>ATTACHMENT B</b>
Alford	494	\$ 327	\$ 97	\$ 424	
Becket	1,779	\$ 1,178	\$ 433	\$ 1,611	
Egremont	1,225	\$ 811	\$ 452	\$ 1,263	
Great Barrington	7,104	\$ 2,401	\$ 1,216	\$ 3,617	
Lee	5,943	\$ 2,736	\$ 1,219	\$ 3,955	
Lenox	5,025	\$ 1,879	\$ 852	\$ 2,731	
Monterey	961	\$ 636	\$ 168	\$ 804	
Mount Washington	167	\$ 111	\$ 71	\$ 182	
New Marlborough	1,509	\$ 999	\$ 26	\$ 1,025	
Otis	1,612	\$ 1,067	\$ 412	\$ 1,479	
Richmond	1,475	\$ 976	\$ 336	\$ 1,312	
Sandisfield	915	\$ 606	\$ 187	\$ 793	
Sheffield	3,257	\$ 2,156	\$ 478	\$ 2,634	
Stockbridge	1,947	\$ 1,289	\$ 419	\$ 1,708	
Tyringham	327	\$ 216	\$ 78	\$ 294	
West Stockbridge	1,306	\$ 865	\$ 123	\$ 988	
<b>TOTALS</b>	<b>35,046</b>	<b>\$ 18,252</b>	<b>\$ 6,567</b>	<b>\$ 24,819</b>	

\*as host communities, Gt. Barrington, Lee and Lenox are assessed at a "host community benefit rate".

# 2013 Household Hazardous Waste Collections

**Residents of:**

Alford	Gt. Barrington	Monterey	Otis	Stockbridge
Becket	Lee	Mt. Washington	Richmond	Tyringham
Egremont	Lenox	New Marlboro	Sandisfield	W. Stockbridge
			Sheffield	

BUSINESSES/SCHOOLS/INSTITUTIONS WELCOME - FEE APPLIES

**comprehensive  
Collection**

**Saturday, July 20 9 a.m. - Noon**  
**Stockbridge Recycling Center**

**Saturday, October 19 9 a.m. - 1 p.m.**  
**Great Barrington Recycling Center**

**Propane Tanks (no other tanks): up to 20 lbs, three free per car, after that - \$5 each**

**Acceptable Material:**

- From the workbench:** Oil Based (No Latex) Paints, Stains & Varnishes, Wood Preservatives, Paint Strippers/Thinners, Solvent Adhesives, Lighter Fluid
- From the garage:** Fuels/Gasoline/Kerosene, Antifreeze, Degreasers, Driveway Sealer, Brake Fluid/Carburetor Cleaner, Transmission Fluid, Car Wax, Polishes, Roofing Tar, Pool Chemicals
- From the yard:** Poisons, Insecticides, Fungicides, Fertilizers, Weed Killers, Moth Balls, Flea Control Products
- From the house:** Rubber Cement, Airplane Glue, Fiberglass Resins, Photo Chemicals, Chemistry Sets, Floor & Metal Polish, Oven Cleaner, Drain & Toilet Cleaner, Spot Remover, Rug/Upholstery Cleaner, Hobby/Artist Supplies, Mercury Thermometers & Thermostats, Button Batteries, Rechargeable batteries, Compact and Tube Fluorescent lamps, ballasts. Asbestos (double bagged and wetted)

**NOT ACCEPTING: Latex Paint, Medical Wastes,**

- Fireworks & Explosives, Ammunition, **non-propane cylinders**, Smoke Detectors, Radioactive Material, **Fire Extinguishers**, Empty Aerosol Cans, PCB's, Paint brushes/rags, Asbestos tiles, alkaline batts.

**Locations**

Stockbridge, 1 West Stockbridge RD on Rt. 102 about 1 mile west of Red Lion  
Gt. Barrington - Transfer Station, Rt. 7, across from Monument Mountain HS

**Pre-registration mandatory: (888) 577-8448 ext. 10 or 14**  
**email: amanda.bates@cetonline.org**





## Solarize Mass

Solarize Mass seeks to increase the adoption of small-scale solar electricity in participating communities through a competitive tiered pricing structure that increases the savings for everyone as more home and business owners sign contracts.

Now in its third year, Solarize Mass, a partnership between the Massachusetts Clean Energy Center (MassCEC), the Green Communities Division of the Massachusetts Department of Energy Resources (DOER) and cities and towns across the commonwealth, has led to more than 900 residents and business owners signing contracts for small-scale solar electricity systems, while speaking with thousands more about the economic and environmental benefits of solar electricity, energy efficiency and other clean energy technologies.

Cities and towns currently participating in Solarize are Bourne, Brookline, Chelmsford and Carlisle, Lee, Medford, Medway, Newton, Northampton and Williamstown.

Residents and business owners in these communities can learn more about the efforts currently underway, find out more information about their community's designated installer and contact volunteers in their communities by clicking the links above.

To lock in program benefits, home and business owners must sign a contract with their community's designated solar installer by **Sept. 30, 2013**.

MassCEC and DOER plan to select at least another eight communities through a competitive application process to participate in the program this fall.

### How it works

The Solarize Mass program looks to increase the adoption of small-scale solar electricity 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.

Each participating community selects a designated solar installation company, which offers five tiers of pricing, with the savings for increasing for everyone as more contracts are signed.

Home and business owners who want to participate can either purchase the solar electricity systems directly or enter into a lease or power purchase agreement (PPA) with the installer. Under a lease or PPA, the installer will own, operate and maintain the system, while the home or business owner agrees to purchase the power generated by the system at an agreed-upon rate.

The 2011 and 2012 Solarize Mass program resulted in more than 6,000 individuals expressing interest in pursuing solar electricity, and over 900 residents and business owners in the 21 communities signing contracts to install over 5.6 megawatts of solar electricity. In addition, the number of small-scale solar electricity projects in almost ever community doubled as a direct result of the program.

For more information, review the [2011 Solarize Mass Pilot Overview](#) and the [2012 Solarize Mass Program Update](#).

### Solarize Mass Program Offerings

- [2013 Solarize Mass Installer RFP](#)
- [2013 Solarize Mass Installer RFP Lee and Williamston Addendum](#)
- [2013 Solarize Massachusetts: Round 1 Community RFP](#)
- [Solarize Bourne](#)
- [Solarize Brookline](#)
- [Solarize Chelmsford-Carlisle](#)
- [Solarize Lee](#)
- [Solarize Massachusetts 2012 RFP To Installers](#)
- [Solarize Massachusetts Technical Consultant RFP](#)
- [Solarize Medford](#)
- [Solarize Medway](#)
- [Solarize Newton](#)
- [Solarize Northampton](#)
- [Solarize Williamstown](#)

### Solarize Mass Announcements

- [Massachusetts 2013 Solar Incentive Program Opens](#)
- [Massachusetts Clean Energy Incentive Program Contracts 802 Solar Projects](#)
- [Solar Incentive Program Extended Due to Storm](#)

[More related announcements](#)



Home in Winchester, Mass. with solar panels installed in 2011 as part of the Solarize Mass program.

### Related Events

[Solarize Medford Meet Your Installer Night](#)  
June 18, 2013 - 7:00pm to 9:00pm

[Solarize Brookline Meet Your Installer Night](#)  
June 19, 2013 - 7:00pm to 9:00pm

### Learn About Clean Energy



**SOLAR ELECTRICITY**

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

**NOTICE OF PUBLIC HEARINGS**

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, July 9, 2013, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of Berkshire Aviation Enterprises, for property at 70 Egremont Plain Road, Great Barrington, MA to build a deck and disabled access ramp onto the existing office building. The property is in an R-4 zone. A copy of the petition is on file at the Town Clerk's office, Town Hall. Zoning Board of Appeals members will make a site visit at 5:30 p.m. that same date.

Ron Majdalany, Chairman

Please publish June 7 and June 14, 2013 — *Berkshire Record*



Town of Great Barrington
Massachusetts

ZBA-1
Rev. Aug. 2011

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: 5/23/13
Received and checked for completeness by: CR
Number Assigned: ZBA 8/1-13
Date filed with the Town Clerk: 5/23/13

FOR ZBA USE:

Advertising dates: &
Public hearing date:

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

A. WHAT ARE YOU SEEKING?

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

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

B. SITE / PROPERTY INFORMATION

Address of Subject Property: 70 Egremont Plain Rd
Assessor's Map No.: 31 Lot No.: 67
Zoning District(s): R-4
Overlay District (if any):

C. APPLICANT AND OWNER INFORMATION

Applicant's Information

Name (please print): Berkshire Aviation Exp Inc
Street Address: 70 Egremont Plain Rd
City, State, Zip Code: Gt Barrington Mass
Email Address: info@berkshireaviation.com
Signature: [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.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.

Property Owner's Information

Name (please print):
Street Address:
City, State, Zip Code:
Email Address:
Signature:
Phone (area code first):
Registry of Deeds Book No.:
Page No.:

**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?

[Empty box]

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

Handicap Access to Airport Terminal  
Allow greater use of Existing Building

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

None

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?

None

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

[Empty box]

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

More use of Existing Structure for Business

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

[Empty box]

**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):

Build Deck to existing Building  
Existing Non-Conforming (Front yard Set Back)

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

Section 5.2     Section 5.3     Section 5.5  
 Section 5.6     Section 5.7     Section 10.4

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

Existing Prior to New Rules Airport Area for Great Barrington since 1923

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

[Empty box]

3) Nature of the decision

[Empty box]

4) Applicable Section(s) of the Zoning Bylaw

[Empty box]

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

[Empty box]

## G. REQUIREMENTS FOR ALL APPLICATIONS

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

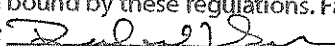
- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps—one USGS survey 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)

5.23.2013 (date)

### 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)