

Jennifer Tabakin
Town Manager

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTMEN'S MEETING

MONDAY, SEPTEMBER 9, 2013, 7:00 PM

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

1. **CALL TO ORDER:**
2. **APPROVAL OF MINUTES:**
3. **SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**
 - A. GENERAL COMMENTS BY THE BOARD.
4. **TOWN MANAGER'S REPORT:**
 - A. FOLLOW UP ITEMS.
 - B. DEPARTMENT UPDATES.
 - C. COMMITTEE UPDATES.
5. **PUBLIC HEARINGS:**
 - A. JAMES B. KETCHEN, 5631 KEY WEST PLACE, BRADENTON, FL 34203 FOR A SPECIAL PERMIT FOR THE TWO-FAMILY USE OF A SINGLE LOT AT 70 CASTLE HILL AVENUE, GREAT BARRINGTON, MA, IN ACCORDANCE WITH SECTIONS 3.1.4 A(2), 8.1 AND 10.4 OF THE GREAT BARRINGTON ZONING BY LAW. (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. TRANSFER OF A COMMON VICTUALLER ALL ALCOHOLIC RESTAURANT LIQUOR LICENSE FROM LAFIESTA RESTAURANT, INC. D/B/A LAFIESTA TEX-MEX RESTAURANT, ARMANDO CHAIRES, MANAGER, 284 MAIN STREET, GREAT BARRINGTON, MA 01230 TO FIESTA BAR AND GRILL LLC D/B/A FIESTA BAR AND GRILL, ANTHONY VALENTIN, MANAGER, 284 MAIN STREET, GREAT BARRINGTON, MA, 01230. (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

6. LICENSES OR PERMITS:

- A. GREAT BARRINGTON LAND CONSERVANCY/DALE ABRAMS FOR PERMISSION TO HOLD RUN FOR THE HILLS 5K (A 5 KILOMETER RUN & WALK EVENT) ON SUNDAY, OCTOBER 6, 2013 9:30 AM (WITH TOTAL TIME FOR EVENT FROM 8:00 AM – 11:00 AM). THE COURSE FOLLOWS SEEKONK, SEEKONK CROSS AND ROUND HILL ROADS WITH START ON ALFORD ROAD AND FINISH ON SEEKONK ROAD. (DISCUSSION/VOTE)
- B. CONSTRUCT, INC./CARA DAVIS FOR PERMISSION TO HOLD ANNUAL WALK TO PREVENT HOMELESSNESS ON SUNDAY, OCTOBER 20, 2013 AT 1:00 PM AT SKI BUTTERNUT AND END AT GREAT BARRINGTON FAIRGROUNDS. (DISCUSSION/VOTE)
- C. YEVIN ROH/RAILROAD STREET YOUTH PROJECT FOR TEMPORARY WEEKDAY OUTDOOR ENTERTAINMENT LICENSE FOR SEPTEMBER 21, 2013 FROM 2:00 PM – 5:00 PM AT MEMORIAL FIELD SKATE PARK. (DISCUSSION/VOTE)

7. NEW BUSINESS:

- A. BOS - APPOINTMENT OF ALTERNATE MEMBER TO THE HISTORIC DISTRICT COMMISSION. (DISCUSSION/VOTE)
- B. BOARD OF SELECTMEN APPOINTMENT OF ONE OF ITS MEMBERS TO COMMUNITY PRESERVATION COMMITTEE. (DISCUSSION/VOTE)

8. OLD BUSINESS:

- A. CONTINUATION OF BOS RECOMMENDATION TO THE ZBA ON THE SPECIAL PERMIT APPLICATION OF JAMES B. KETCHEN, 5631 KEY WEST PLACE, BRADENTON, FL 34203 TO ALTER PRE-EXISTING, NON-CONFORMING DWELLING AT 70 CASTLE HILL AVENUE, GREAT BARRINGTON. (DISCUSSION/VOTE)
- B. SALE OF CASTLE STREET FIRE STATION. (DISCUSSION/VOTE)

9. CITIZEN SPEAK TIME:

10. SELECTMEN'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, SEPTEMBER 23, 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.

BOS SP# 818-13

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, September 9, 2013 at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA to act on the special permit application of James B. Ketchen, 5631 Key West Place, Bradenton, FL 34203, for the two-family use of a single lot at 70 Castle Hill Avenue, 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, August 9, 2013 and Friday, August 16, 2013

Berkshire Record

TOWN OF GREAT BARRINGTON
Application for a Special Permit

FORM SP-1
REV. 09-2009

FOR OFFICE USE ONLY

Number Assigned 818-13
Copy to Planning Board 7/31/13
Advertised 8/9, 8/16 Record
Public Hearing 9/9/13 BuS
Fee: \$150.00 Date Paid 7/31/13

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

MAP 13 LOT 108 BOOK 434 PAGE 36 ZONING DISTRICT R1A

Date of Application 7/31/13 Telephone Number (941) 725-1955

Petitioner (Applicant)

Name and complete mailing address James B. Ketchen

5631 Key West Place, Bradenton, FL 34203

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

James B. Ketchen

1601 Lemon Bay Drive, Venice, FL 34293

I (we) request a Special Permit for: To have two 2-family residential dwelling
units in the same building.

Under Section 171- 8.1 3.1.4.A(2) 10.4.2 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.
- 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.

James B. Zelenka
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 James B. Zelenka

Signature _____

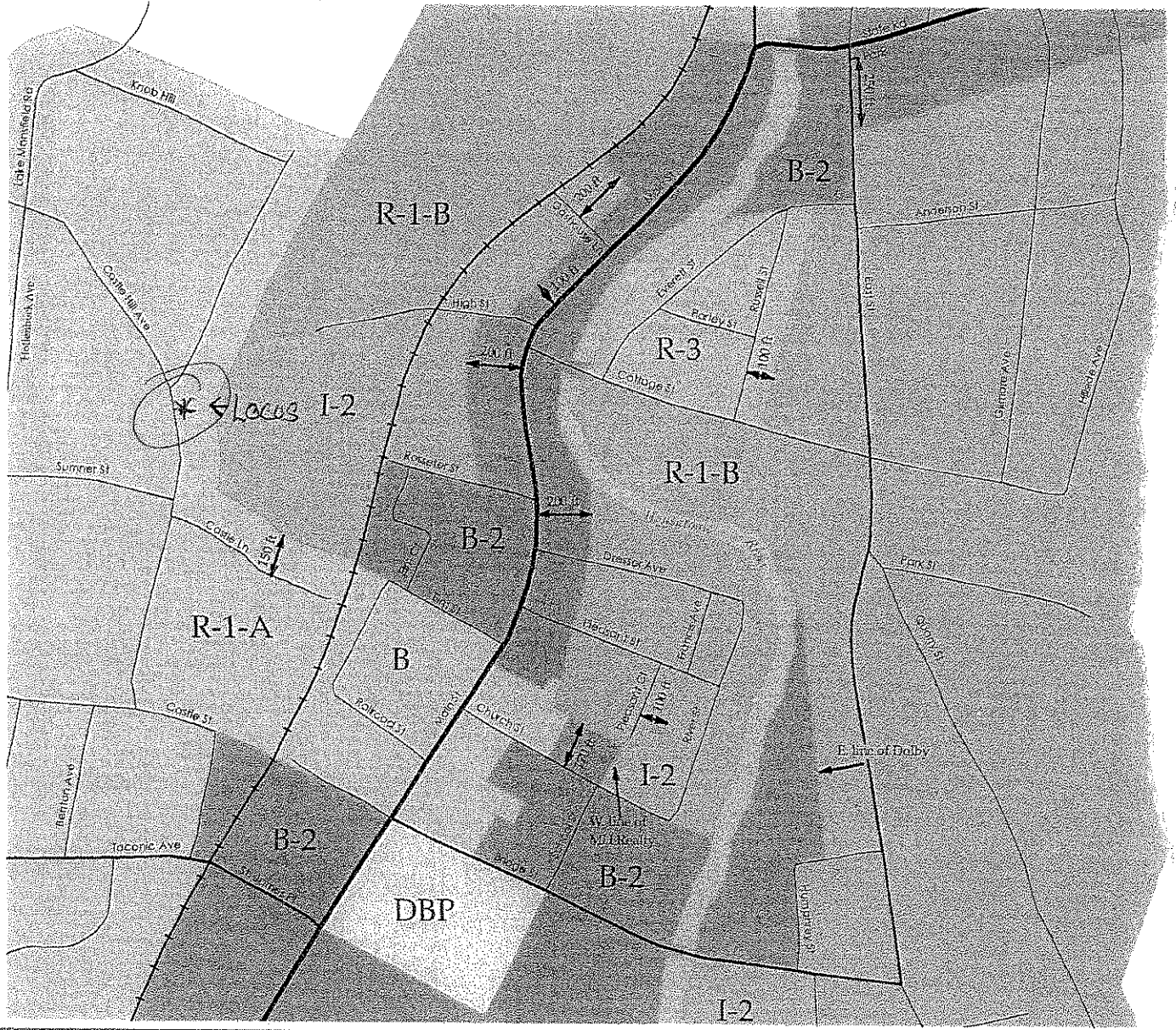
Date 7/31/13

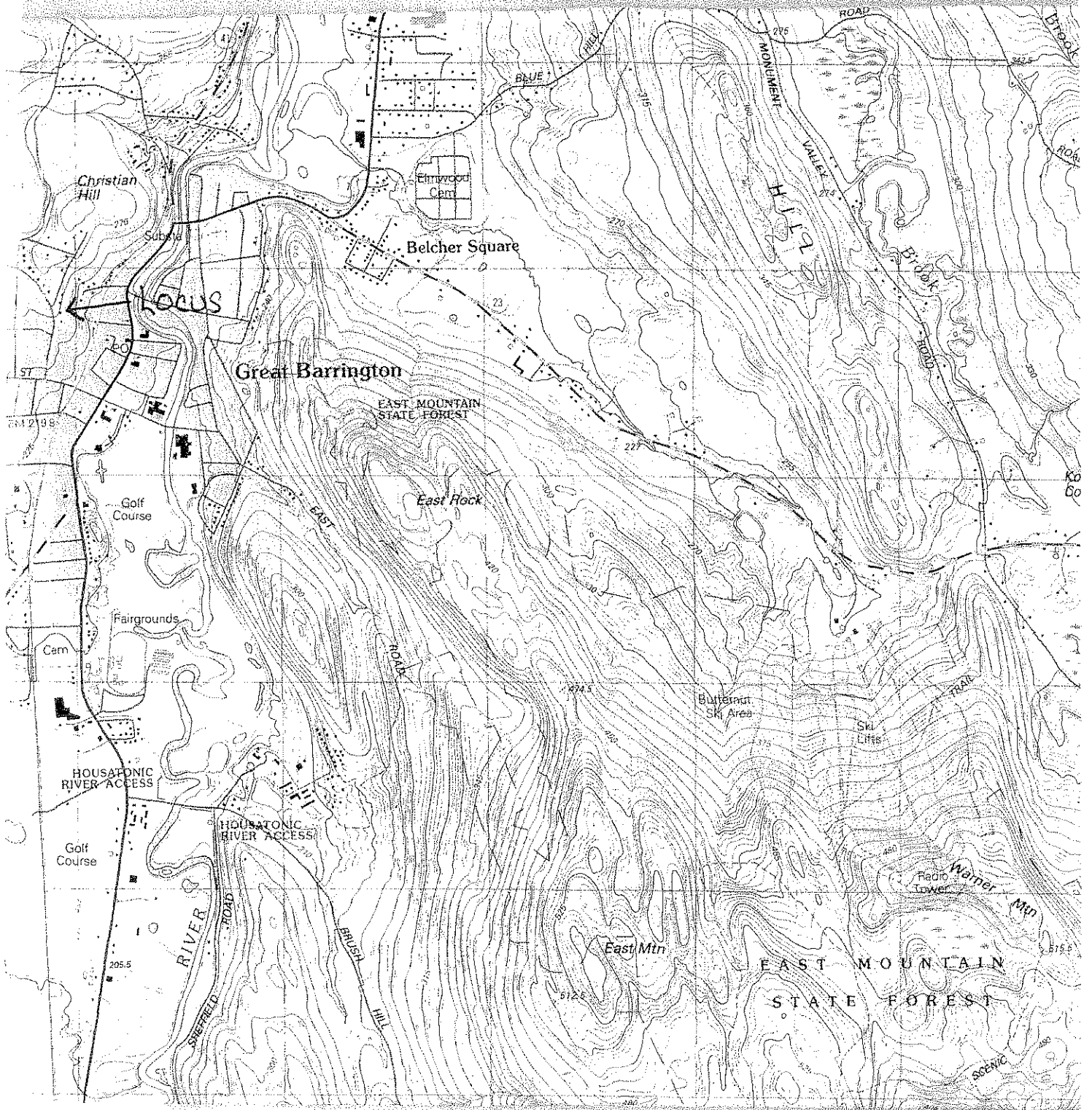
R-1-A

Great Barrington Village

0 122.5 245 489 675 Feet

1:7,000





I HEREBY REPORT THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN THE BUILDINGS DO NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE H.U.D. FLOOD MAP. THIS PLAN IS NOT MADE FROM AN INSTRUMENT SURVEY, AND IS NOT TO BE USED FOR FENCES, ETC.

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

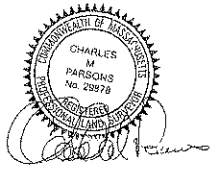
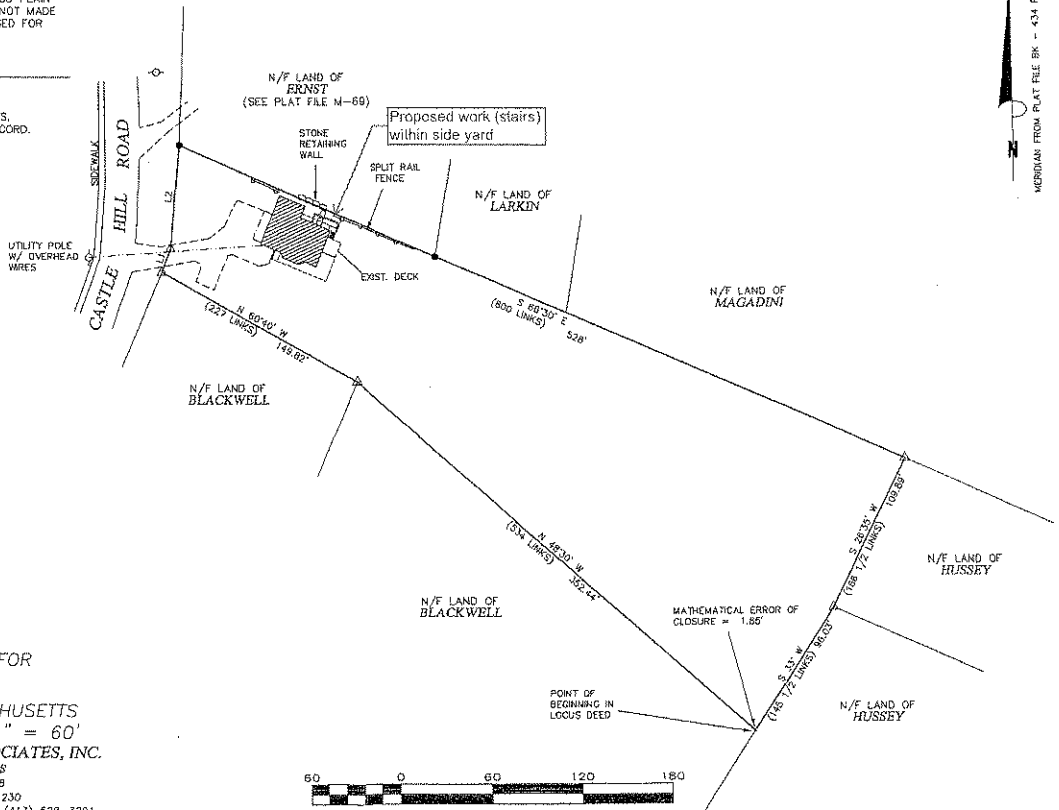
FOR BANK USE ONLY
THIS PLAN IS NOT TO BE USED FOR ADDITIONS, SPECIAL PERMITS OR VARIANCES.

LOCUS DEED: BK - 434 PC - 35
PROPERTY ADDRESS: 70 CASTLE HILL AVENUE

THIS IS NOT A SURVEY AND IS SUBJECT TO ANY STATEMENT OF FACTS A SURVEY MAY REVEAL.

NUMBER	DIRECTION	DISTANCE
L1	N 271° E	16.2' (28 LINKS)
L2	N 05° E	69.14' (104 3/4 LINKS)

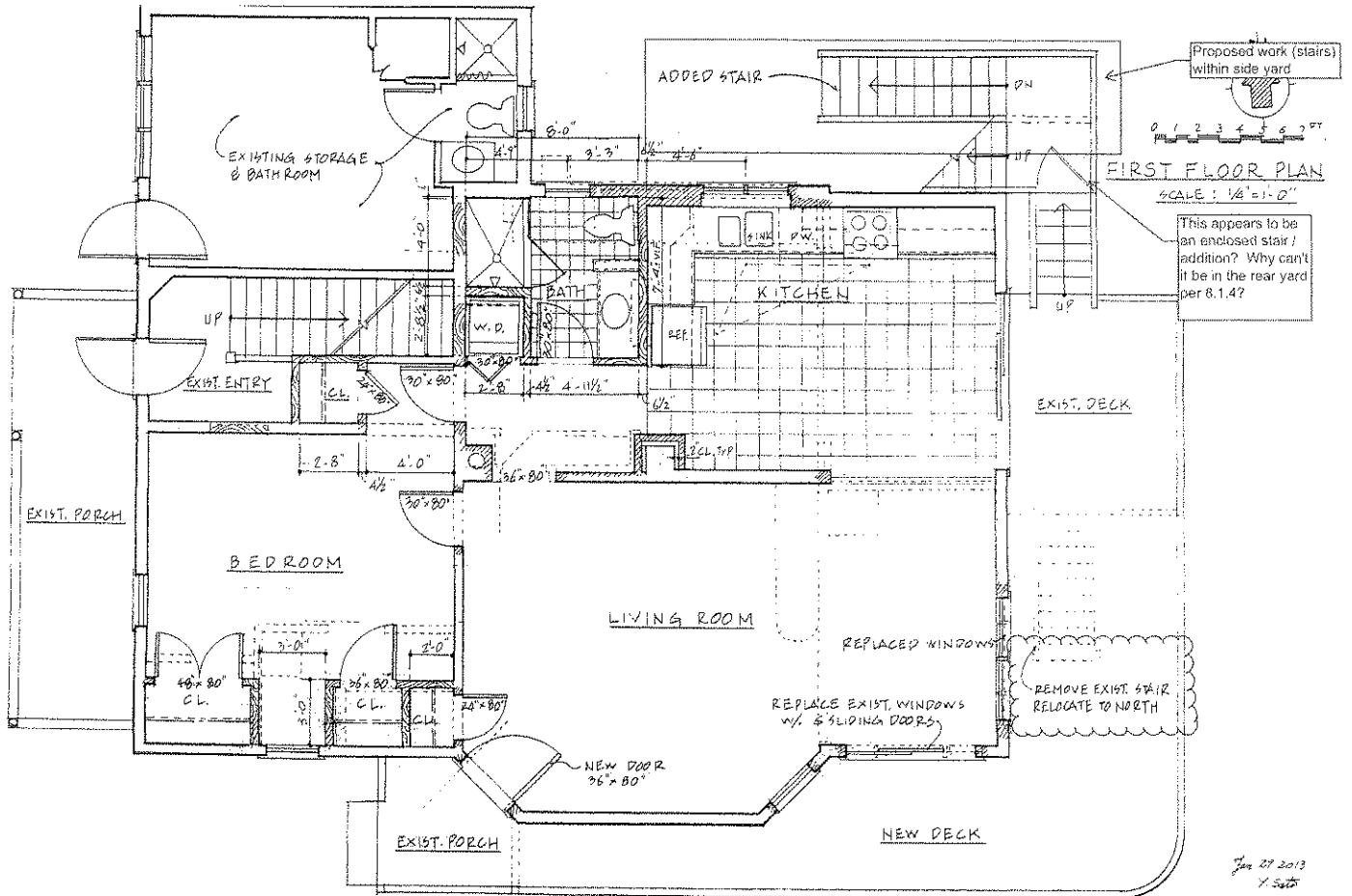
MERIDIAN FROM PLAT FILE BK - 434 PC - 35



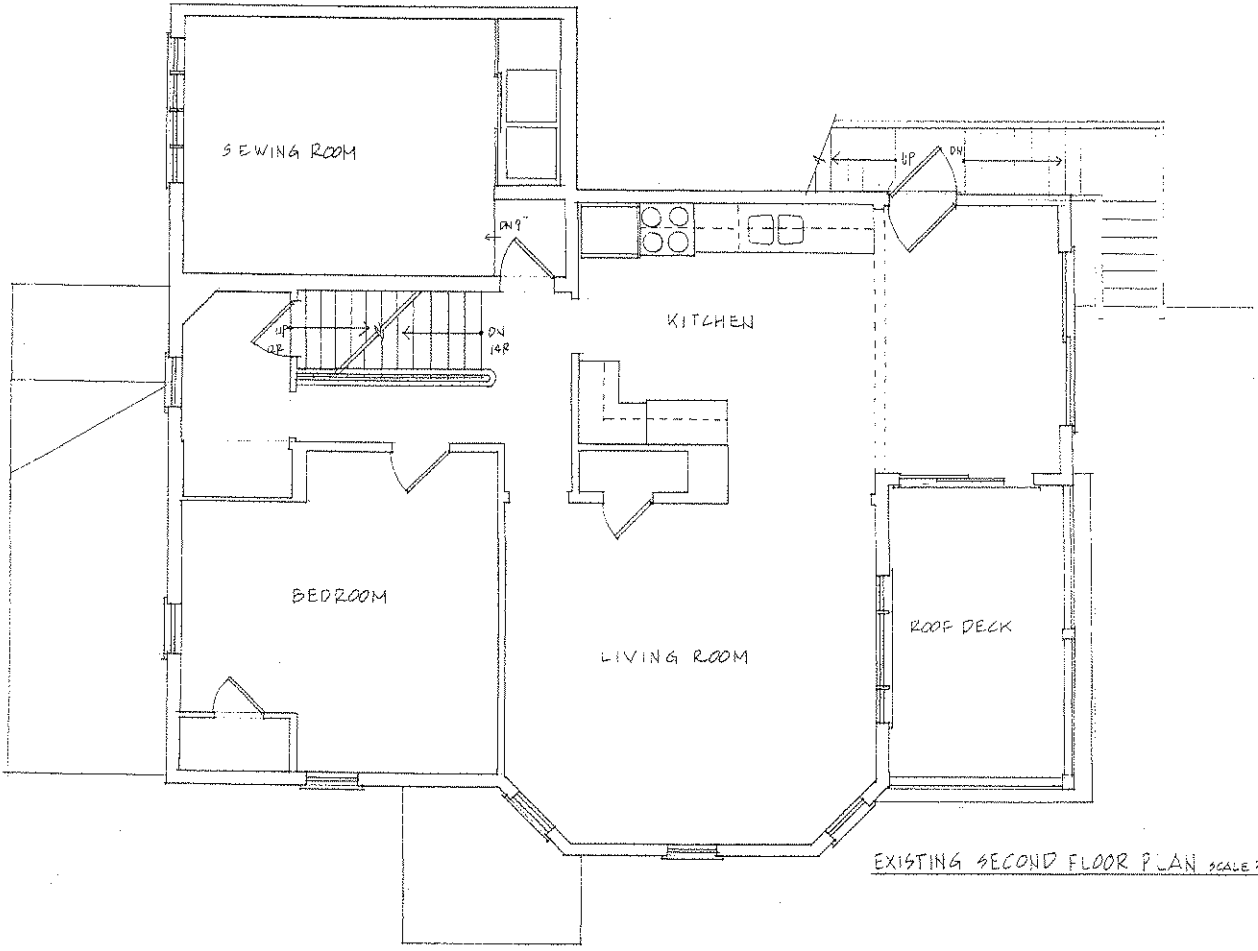
PLOT PLAN PREPARED FOR
JIM KETCHEN
GREAT BARRINGTON, MASSACHUSETTS
MAY - 2013 SCALE 1" = 60'
KELLY, GRANGER, PARSONS & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
312 MAIN STREET P.O. BOX 88
GREAT BARRINGTON, MASSACHUSETTS 01230
FAX (413) 528-1912 PHONE (413) 528-3291
File name: C:\EP14\SITEPLAN\KETCH513

iton, MA





PROPOSED RENOVATION TO KITCHEN RESIDENCE 70 CASTLE HILL AVE. GREAT BARRINGTON, MA



SEWING ROOM

KITCHEN

BEDROOM

LIVING ROOM

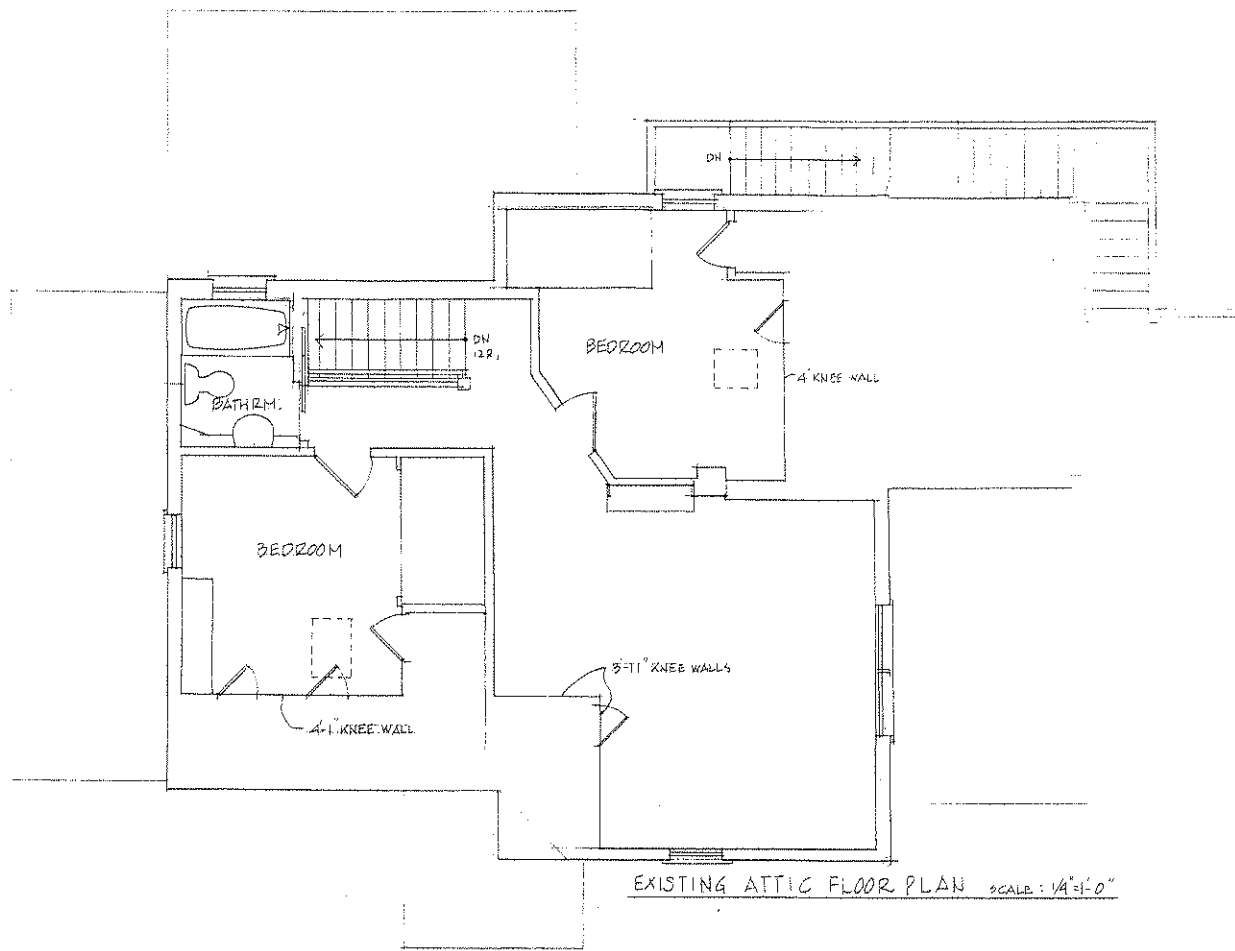
ROOF DECK



EXISTING SECOND FLOOR PLAN SCALE: 1/8"=1'-0"

7/28/2013

J. Cat



EXISTING ATTIC FLOOR PLAN SCALE: 1/4"=1'-0"



1/28/2013
J. Seto



TOWN OF GREAT BARRINGTON MASSACHUSETTS

May 29, 2013

ASSESSORS' OFFICE

ABUTTERS TO PROPERTY OF: JAMES B. KETCHEN

70 Castle Hill Avenue, Map 13 Lot 108, Book 434 Pg. 36

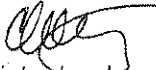
<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
13	66,68A	Michael P. Citrin & Tracy D. Mack, PO Box 282, Ashley Falls, MA 01222-0282
13	67,68B	Nicki Elizabeth Wilson, 80 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	68	Michael Gill & Jayne Atkinson-Gill, 2 Knob Hill, Gt. Barrington, MA 01230-1015
13	69	John A. Seelig Jr. & Mary A. Seelig, 53 High St., Gt. Barrington, MA 01230-1575
13	70	Carla Blades & Georgia Blades, 37 High St., Gt. Barrington, MA 01230-1575
13	72,73	Robert A. Magadini Jr., 40 Rosseter Rd., Gt. Barrington, MA 01230-1578
13	73A	John A. Ostrander, 35 Railroad St., Gt. Barrington, MA 01230-1577
13	110	Allen R. Dunham & Colleen A. Kurzman, 31 Railroad St., Gt. Barrington, MA 01230-1577
13	112	Walton Ford Railroad Avenue LLC, 46 Castle St., Gt. Barrington, MA 01230-1502
13	113	Henry E. Dozier & Estate of Esther Dozier, c/o Henry Dozier Jr., PO Box 11 Gt. Barrington, MA 01230-0011
13	114	Moraima Arce, Catherine Arce, Kristine Arce Deres & Kenneth Noel Arce, 5 Castle Lane, Gt. Barrington, MA 01230-1027
13	109,157	Patricia A. Frintzilas, 110 Little Hill, Lancaster, PA 17602-1587
13	158	Catherine E. Lore, 7 Castle Lane, Gt. Barrington, MA 01230-1812
13	156	Harmuth Sommer-Deris, 23 Castle Lane, Gt. Barrington, MA 01230-1027
13	107,104A	Jeffrey A. & Debra A. Blackwell, 62 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	104	Robert J. & Jenny S. O'Haver, 64 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	153	Ilysa Ross-Benjamin, 631 Long Ridge Rd. #31, Stamford, CT 06902-1262
13	105	Ann M. Waldman & Emily J. Wagner, 54 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	106	Laurie M. Harrison & Gregory P. Dilisio, 36 Castle Lane, Gt. Barrington, MA 01230-1028
13	155	Dennis J. & Diana Downing & Matthew A. Downing, Trustees, Downing Family Realty Trust, 9 Main Rd., Gt. Barrington, MA 01230-2168
13	154,163	Castle Hill B & B, 134 Castle Hill Ave., Gt. Barrington, MA 01230-1003
13	147	Christopher C. Cobb, Trustee, Restatement of the Agnes Z. Cobb Revocable Trust, 78 East St., Gt. Barrington, MA 01230-1406
13	146	Keith M. Kohen & Amy B. Kohen, c/o Donald Victor, 45 Castle Hill Ave., GB, MA 01230-1002
13	145	Alice Laprell, 10 Grove St., New York, NY 10014-5303
13	144	Leigh S. Davis, 9 Sumner St., Gt. Barrington, MA 01230-1023
13	143	Edward Kaplan & Stephen Levine, Trustees, Judith L. Kaplan Irrevocable Trust, 8 Gaslight Way, Stony Brook, NY 11790-1709
13	100	Richard & Joan L. Silverman, 187 Garth Rd. #6H, Scarsdale, NY 10583-3973
13	101	John R. Lewis, 10 Sumner St., Gt. Barrington, MA 01230-1024
13	102,102A	Robert D. Haswell & Sally A. Markham, 73 Castle Hill Ave., GB, MA 01230-1004
13	103	Barbara L. Goudey & Alicia M. Goudey, 50 Castle Hill Ave., GB, MA 01230-1004
13	63,61	Robert M. & Donna M. Boyer, 85 Castle Hill Ave., Gt. Barrington, MA 01230-1004
13	65	Donald O. & Natalie W. Goranson, 81 Castle Hill Ave., Gt. Barrington, MA 01230-1004
13	20	Ernest & Jeri Drucker, 680 West End Ave., New York, NY 10025-6815
13/111,19/52E		Alder Creek LLC, 212 North Plain Rd., Gt. Barrington, MA 01230-1276
19	53,54,55	Station 87 LLC, 12 Club Circle, Pittsfield, MA 01201-1402

ABUTTERS TO: James B. Ketchen, 70 Castle Hill Ave.

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
14	182	Kimada Realty LLC, 168 Main St. Suite 3, Gt. Barrington, MA 01230-1755
14	184A	Carolyn Kimball Pacheo, 83 Jewelers Ave., POBox 888, East Falmouth, MA 02536-0888
14	186	Estate of Willie Smith, c/o Dortheen Smith, 28 Rosseter St., GB, MA 01230-1523
14	73A	The Granary LLC, PO Box 250, Mill River, MA 01244-0250
14	191,73C	Laurence Gadd & Amy Gallagher, Trustees, Book House Nominee Realty Trust, 27 Rosseter St., Gt. Barrington, MA 01230-1522
14	197,73B	Aaron R. & Caroline A. Becker, PO Box 88, South Egremont, MA 01258-0088
14	198	Kenneth M. Shearn, Trustee, Blue Willow Nominee Realty Trust, PO Box 237, Monterey, MA 01245-0237
14	206	Gilbert W. Sutcliff, 84 Railroad St., Gt. Barrington, MA 01230-1576
14	207,208	Nicholas F. Wool, Trustee, Wool Realty Trust, 346 Main Rd., Monterey, MA 01245-8419
14	205	AME Zion Society, PO Box 294, Gt. Barrington, MA 01230-0294

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

Sincerely, .



Christopher Lamarre
Principal Assessor

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, September 9, 2013 at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA to act on the transfer of a Common Victualler All Alcoholic Restaurant Liquor License from LaFiesta Restaurant, Inc. d/b/a LaFiesta Tex-Mex Restaurant, Armando Chaires, Manager, 284 Main Street, Great Barrington, MA 01230 to Fiesta Bar and Grill LLC d/b/a Fiesta Bar and Grill, Anthony Valentin, Manager, 284 Main Street, Great Barrington, MA 01230.

Sean Stanton
Chairman

PLEASE PUBLISH August 23 and August 30, 2013.



GREAT BARRINGTON LAND CONSERVANCY
PO Box 987, GREAT BARRINGTON, MA 01230

RECEIVED
TOWN MANAGER

AUG 06 2013

August 6, 2013

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Dear Town Manager and Select Board Members,

Great Barrington Land Conservancy is a 20+ year old land trust organization that supports land conservation, community trails, and farm preservation in Great Barrington. **Our projects include River Walk, Pfeiffer Arboretum on Long Pond, Lake Mansfield Alliance & Lake Mansfield Conservation Forest Trails, Great Barrington Trails & Greenways, and Rob's landing on the Housatonic River at the Sheffield town line.**

Since 2011 the Land Conservancy has organized the **Run for the Hills 5K** (a 5 Kilometer Run & Walk event) to broaden our base of support to include fitness enthusiasts and local businesses. The event has proven to be successful and we are planning to make this an annual tradition.

This year we would like to hold the event on Sunday, October 6th at 9:30 am; with the total time for the event running from 8 – 11 am, including set-up and take-down. As in the past, the event will be based out of Bard College at Simon's Rock - Kilpatrick Athletic Center. **The course takes runners and walkers along a beautiful, winding, and hilly route around Seekonk, Seekonk Cross, and Round Hill Roads with the start on Alford Road and the finish on Seekonk Road.**

In choosing this date, we have consulted multiple event calendars to avoid conflicts with other local and regional events; particularly Construct's Walk for the Homeless, and the Josh Billings Run A Ground and Brock Trot events which take place in the fall. We are concurrently notifying the police and ambulance services DPW staff of the event and to be sure the route will be safe. GBLC has liability insurance coverage in place for the event.

At this time we would like to formally request the board's support and permission to hold the event on October 6, 2013. We will provide a copy of our insurance certificate for the event shortly. We welcome your questions and thank you for your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Abrams".

Dale Abrams, Board of Directors
Great Barrington Land Conservancy

413-429-6539 Cell

Jennifer Bailly

From: Chris Rembold
Sent: Wednesday, August 28, 2013 11:06 AM
To: Helen Kuziemko; Jennifer Bailly
Subject: GBLC Run for the Hills

Helen, Jenn,

On August 27 the DRT reviewed the October 6 Run for Hills event and has no concerns. It's ok with us.

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

Helen Kuziemko

From: Great Barrington Land Conservancy
<info@greatbarringtonlandconservancy.org@mail183.wdc02.mcdlv.net> on behalf of
Great Barrington Land Conservancy <info@greatbarringtonlandconservancy.org>
Sent: Monday, July 29, 2013 6:43 PM
To: Helen Kuziemko
Subject: GB Land Conservancy - Run for the Hills 5K - Oct 6 - Register Now & Spread the Word

Run for the Hills 5K - Coming October 6, 2013

[View this email in your browser](#)

Great Barrington Land
Conservancy's

*RUN FOR THE
HILLS 5K*

Coming Up - OCT 6th

**We need your help
to
reach a new
fundraising
record in 2013...**

[Learn More](#)

**Run for
the Hills
5K** *enter
now*
October 6

**Please Sign Up
Early
and Tell Your
Friends!**

Sunday, Oct. 6

REGISTER NOW

Beautiful T-shirts
by Michael McCurdy
and MaHo Designs



SHARE THIS
EMAIL

8-9 AM - Final registration at
Kilpatrick Athletic Center
9:30 AM - 5K start on Alford Road
Register now @ Active.com

***RUN - WALK -
SUPPORT***

Land Conservation,
Community Trails,
& Farm Preservation

Great Barrington Land
Conservancy

(Hosted by Bard College at Simon's Rock)

Complete Event Information:
www.greatbarringtonlandconservancy.org

Thank your for your support!

Sincerely,

Dale Abrams, Event Director

On behalf of GBLC Board of Directors

[unsubscribe from this list](#) | [update subscription preferences](#)

Copyright © 2013 Great Barrington Land Conservancy. All rights reserved.

You participated in a previous event to support the Great Barrington Land Conservancy.
Promoting land conservation, farm preservation, community trails, and local history.

Our mailing address is:

Great Barrington Land Conservancy

PO Box 987

Great Barrington, MA 01230

[Add us to your address book](#)





Construct, Inc.

RECEIVED
TOWN MANAGER

AUG 21 2013

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

41 MAHAIWE STREET • GREAT BARRINGTON, MA 01230
413-528-1985 • FAX 413-528-0192 • EMAIL: construct12@yahoo.com

August 10, 2013

Great Barrington Selectboard
Town Hall
Great Barrington, MA 01230
Dear Selectboard:

OFFICERS

□

Thomas Berkel
Chair of Board

Susie Weekes
Vice President

John Katz
Treasurer

Marcia Lawrence Soltes
Secretary

BOARD
MEMBERS

Peter Cherneff

Eliza Crescentini

Adeline Ellis

Shirley Friedman-Yobalem

John James

Jen Harvey-Montano

Paul Moritz

Mark Rosengren

Annie Ryder

Elaine Silberstein

Charles VanAusdall

Terrence Webb

Marilyn Wightman

□

Cara B. Davis
Executive Director

I am writing to request permission to hold our Annual Walk to Prevent Homelessness on Sunday, October 20th at 1pm.

ROUTE:

The Walk will start at **Ski Butternut** and end at the **Great Barrington Fairgrounds**. Walkers will proceed along Route 23 facing traffic in the breakdown lane. Sidewalks will be used when available. We plan to cross walkers at the at East St. to the sidewalk that runs along the southbound lane on Rte. 7, over the bridge and across Rte. 41 to the sidewalk that continues to run along the southbound lane of Rte.7. Walkers will use the crosswalk, assisted by volunteer walk marshals with their crossing of Rte. 7 and then Rte. 41. Walkers will then proceed south on the sidewalk all the way to the Big Y Shopping Plaza and cross the street at the crosswalk nearest the Fairgrounds entry. There will be two check points along the way at Hevreh and in front of Domaney's Liquor Store.


PARKING:

Most will park at the start point at Ski Butternut. Walkers will be shuttled from the Endpoint at the Fairgrounds back to their cars at Butternut. Those who park at the Endpoint will use the Fairgrounds parking field.

SAFETY:

Walk Marshals will accompany the walkers along the route. An ambulance will be on call for emergencies. Marshals will also be stationed at crosswalks to assist with any crossing of main roads (Rte. 7 near Fire Station; at the junction of Rte. 7 and Rte 41; and at the intersection of Rte. 7 and Rte. 23 West across from the Police Department). We have confirmed the route and the safety issues with the Chief of Police, the Fire Chief and the Mass Highway Department.

Thank you so much for your continued support of our Walk and the work we do at Construct,


Cara Davis, Executive Director



Jennifer Bailly

From: Chris Rembold
Sent: Wednesday, August 28, 2013 11:07 AM
To: Helen Kuziemko; Jennifer Bailly
Subject: Construct Walk

Helen, Jenn,

On August 27 the DRT reviewed the Construct Walk for October 20 and has no concerns. It's ok with us.

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



Construct, Inc.

41 MAHAIWE STREET • GREAT BARRINGTON, MA 01230
413-528-1985 • FAX 413-528-0192 • EMAIL: construct12@yahoo.com

August 7, 2013

Great Barrington Fire Department
Great Barrington, MA 01230

OFFICERS



Thomas Berkel
Chair of Board

Susie Weekes
Vice President

John Katz
Treasurer

Marcia Lawrence Soltes
Secretary

Dear Chief:

This is to ask your approval of this year's Walk to Prevent Homelessness route through Great Barrington on Sunday, October 20, 2013 at 1PM.

This year's Walk will begin at Ski Butternut in Great Barrington at 1:00pm. The Walk will end at the Great Barrington Fairgrounds between 1 and 3:00pm. We expect that participants will begin to gather at Ski Butternut at 12noon for pre-registration. Their cars will be left at Ski Butternut for the duration of the Walk. Vans will transport them from the Endpoint to their cars at Ski Butternut at the end of their walk.

At approximately 1:00pm, the Walk will begin. Walkers, accompanied by Walk Marshalls, will proceed west on Route 23 towards Great Barrington center, facing traffic in the break down lane. Walkers will bear left at Belcher Square and proceed along Route 7 south, using the side walk, to East St. If at all possible, a town policeman will be present at the corner of East and Route 7 to safely cross Walkers to the Rte. 7 sidewalk using the pedestrian crosswalk. If a town officer is not able to be there, Construct will have a volunteer walk marshal available. Walkers will proceed on Rte. 7 across the bridge to the corner of Rte. 7 and Rte. 41. A volunteer walk marshal will assist walkers across Rte. 41 to the sidewalk that runs along the southbound lane of Rte. 7.

Walkers will proceed south using the sidewalks along Main St. to the Big Y Shopping Plaza. They will cross in the crosswalk opposite the Fairgrounds entry.

Thank you for your support of our Walk again this year

Sincerely,

Cara Davis, Executive Director

Signed:

Fire Chief

Great Barrington Fire Department

8/12/13
Date



Cara B. Davis
Executive Director

BOARD MEMBERS

Peter Cherneff

Eliza Crescentini

Adeline Ellis

Shirley Friedman-Yobalem

John James

Jen Harvey-Montano

Paul Moritz

Mark Rosengren

Annie Ryder

Elaine Silberstein

Charles VanAusdall

Terrence Webb

Marilyn Wightman





Construct, Inc.

41 MAHAIWE STREET • GREAT BARRINGTON, MA 01230
413-528-1985 • FAX 413-528-0192 • EMAIL: construct12@yahoo.com

August 7, 3

Chief Walsh
Great Barrington Police Department
Great Barrington, MA 01230

OFFICERS



Thomas Berkel
Chair of Board

Susie Weekes
Vice President

John Katz
Treasurer

Marcia Lawrence Soltes
Secretary

Dear Chief Walsh:

This is to ask your approval of this year's Walk to Prevent Homelessness route through Great Barrington on Sunday, October 20, 2013 at 1PM.

This year's Walk will begin at Ski Butternut in Great Barrington at 1:00pm. The Walk will end at the Great Barrington Fairgrounds between 1 and 3:00pm. We expect that participants will begin to gather at Ski Butternut at 12noon for pre-registration. Their cars will be left at Ski Butternut for the duration of the Walk. Vans will transport them from the Endpoint back to their cars at Ski Butternut at the end of their walk.

At approximately 1:00pm, the Walk will begin. Walkers, accompanied by Walk Marshalls, will proceed west on Route 23 towards Great Barrington center, facing traffic in the break down lane. Walkers will bear left at Belcher Square and proceed along Route 7 south, using the side walk, to East St. If at all possible, a town policeman will be present at the corner of East and Route 7 to safely cross Walkers to the Rte. 7 sidewalk using the pedestrian crosswalk. If a town officer is not able to be there, Construct will have a volunteer walk marshal available. Walkers will proceed on Rte. 7 across the bridge to the corner of Rte. 7 and Rte. 41. A volunteer walk marshal will assist walkers across Rte. 41 to the sidewalk that runs along the southbound lane of Rte. 7.

Walkers will proceed south using the sidewalks along Main St. to the Big Y Shopping Plaza and use the crosswalk to cross over to the entry of the Fairgrounds.

Thank you for your support of our Walk again this year

Sincerely,

Cara Davis, Executive Director

Signed:

Police Chief

Great Barrington Police Department

8-19-13

Date



Cara B. Davis
Executive Director



RECEIVED
TOWN MANAGER

SEP 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: Yevin Roh

Business/Organization: Railroad Street Youth Project

D/B/A (if applicable): _____

Address: 60 Bridge St, Great Barrington MA 01230

Mailing Address: _____

Phone Number: 413-528-2475

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

Live band with up to 15 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): Memorial skate park
by memorial field

Date(s) of Entertainment*: Sept 21st, 2013
*Does not include SUNDAY

Start & End Times of Entertainment: 2PM - 5PM

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.

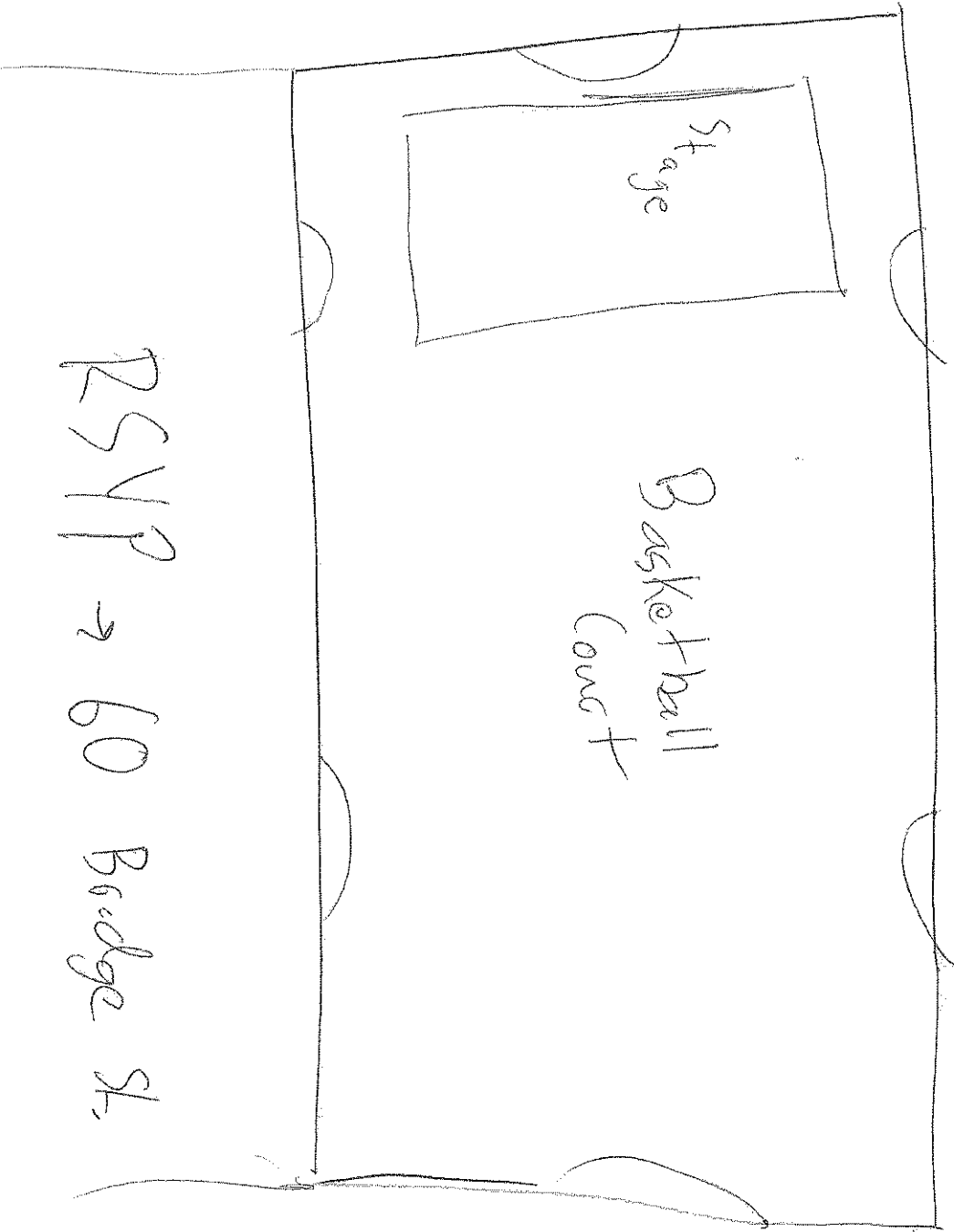
Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

[Signature] 9/4/13 [Redacted]
Signature of Individual or Date SS# or FID#
Corporate Officer

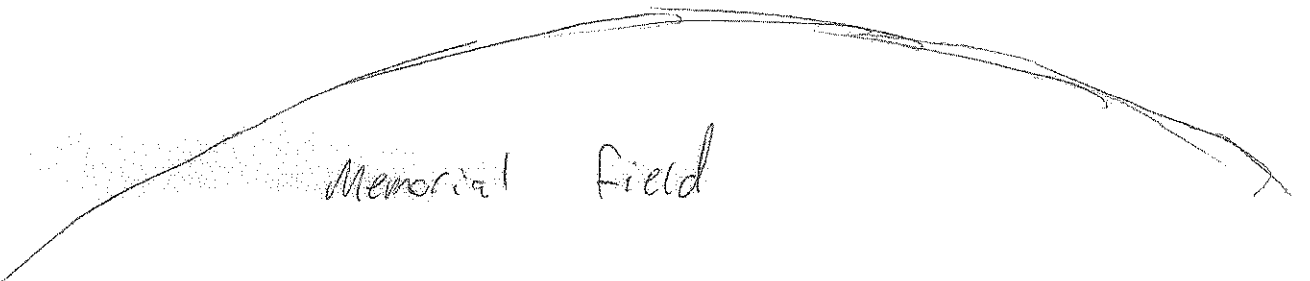
9/5/13 TOWN USE ONLY:
DRT Review with Conditions: All set per Fire Chief, Building Insp,
DPW Superintendent, Health Agent, Police Chief

APPROVAL DATE: _____ LICENSE # _____

Skate Park



RSYP → 60 Bridge St.



Memorial Field

Jennifer Bailly

From: dropin.rsyp@gmail.com on behalf of Yevin Roh <yevin@rsyp.org>
Sent: Wednesday, September 04, 2013 4:55 PM
To: Jennifer Tabakin
Cc: Jennifer Bailly
Subject: urgent temporary weekday entertainment application
Attachments: 9.21.13 temp application.pdf

Hello and good afternoon!

My name is Yevin Roh, Drop-in Center Program Director at Railroad Street Youth Project. As you may know, RSYP works to develop and empower youth in GB and South County. Our local youth have been very active at the United Nations and have been planning an event for our town to observe the UN's International Day of Peace (IDP). On September 21st, IDP will be celebrated globally, and our youth have been working to make us part of the celebrations.

Unfortunately, I am very new to the area and my job, and in supporting youth to plan this event, I did not know about the permits necessary to make their IDP event a reality (Our parks space use request has already been submitted, and we are on the agenda for this coming Monday). I have attached our application in this email, yet I understand that even if this request is processed in time by the DRT, the Board does not meet until after the 21st.

Is there anything that can be done to process our entertainment application by both bodies in time for our event? I was able to talk to Jen Bailly earlier today and she recommended that I reach out to you to explore our options. I hope that something can be arranged for our application to be processed and approved in time for the 21st. If any further explanation to the tardiness of our request is needed, the importance and purpose of this event, RSYP's mission, or a justification for our approval is needed, please feel free to email or call me back at 413.528.2475.

Thank you and please let me know,

-Yevin Roh

EXECUTIVE SUMMARY

TITLE: Appointment of an alternate member to the Historic District Commission

BACKGROUND: The Town has a vacancy on the Historic District Commission for an alternate member. At this time there is a vacancy as a result of a past alternate member being appointed as a regular member to the commission. The term for this vacancy expired on June 30, 2013. The vacancy has been advertised in the paper and on the Town's website. Patricia Ryan, who served on this commission in the past, is interested in being an alternate member to fill this vacancy. Chapter 113-2 of the Town Code requires appointment by the Board of Selectmen.

FISCAL IMPACT: Not applicable.

RECOMMENDATION: Appoint Patricia Ryan as an alternate member of the Historic District Commission for a term to expire June 30th, 2016.

PREPARED AND REVIEWED BY:



Jennifer Tabakin, Town Manager

DATE: Sept 5, 2013

- B. Historic District A shall also include the following properties, as indicated on the Great Barrington Assessors' Map of record at the time of this meeting, as follows: **[Added 5-22-1995 ATM, Art. 16]**
- (1) Parks Block, 312 Main Street (Map 19, Lot 89).
 - (2) Sumner Block, 306 Main Street (Map 19, Lot 83).
 - (3) City Block, 304 Main Street (Map 19, Lot 82).
 - (4) City Block Annex, 7 Railroad Street (Map 19, Lot 84).
- C. Historic District B includes the properties, as indicated on the 1988 Great Barrington Assessor's Map, as follows: Searles Castle (Lots 152 and 152A, Map 19; Lot 22, Map 22).
- D. Historic District C. **[Added 5-24-1994 ATM, Art. 18]**
- (1) Historic District C includes the properties, as indicated on the Great Barrington Assessor's Map of record at the time of this meeting, as follows:
 - (a) First Congregational Church (Lots 101 and 107, Map 19).
 - (b) Mason Library (Lot 237, Map 14).
 - (c) United States Post Office (Lot 204, Map 14).
 - (2) Historic District C shall also include the following properties, as indicated on the Great Barrington Assessor's map of record at the time of this meeting as follows:
 - (a) First National/Aldos property, 271 Main Street (Map 19, Lots 113, 114, 115, 116, 117).



§ 113-2. Membership of Commission.

- A. The Historic Districts shall be overseen by an Historic District Commission, to be appointed by the Selectmen and made up of five members; two initially to be appointed for one year, two for two years and one for three years, and each successive appointment to be for three years.
- B. Such Commission shall include one member of the local historical society, one architect and one licensed real estate agent. The Selectmen shall solicit two nominees, each from the local historical society or, in the absence thereof, from the Society for the Preservation of New England Antiquities; the area chapter of the American Institute of Architects; and the local board of realtors. The Selectmen shall not be obliged to make appointments from these nominees. The Selectmen shall also appoint to the Commission one property owner from within the district(s) and one member at large. If within 30 days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made, the appointing body may proceed to make appointments as it desires.

- C. The Selectmen shall also appoint two alternate, at-large members who would have voting rights should a regular member be absent from a meeting or be unwilling or unable to vote. Said alternate members shall initially be appointed for two- and three-year terms, thereafter for three-year terms.

§ 113-3. Organization of Commission.

The Commission shall, at the beginning of each fiscal year, hold an organizational meeting and elect a Chairman, Vice Chairman and Secretary, engage any clerical or technical help as appropriate and file notice of such election with the Town Clerk.

§ 113-4. Certificates of appropriateness, nonapplicability or hardship.

- A. Except as this chapter provides, no building or structure or part thereof within an historic district shall be constructed or altered or razed in any way that affects the exterior architectural features as visible from a public way unless a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, with respect to such construction or alteration, is obtained.
- B. Any person who desires to obtain a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, shall submit an application in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.
- C. No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by the Town or any department thereof until the certificate required by this section has been issued by the Commission.

§ 113-5. Fees; rules and regulations.

The Commission may set fees and shall draft rules and regulations, including but not limited to the content of application forms, fees and the method by which a determination of applicability shall be made in case of a certificate of inappropriateness. The Commission shall also undertake educational efforts to explain to the public and property owners the merits and functions of an historic district.

§ 113-6. Approval or disapproval of applications.

- A. The Commission shall, following a duly advertised public hearing, issue a certificate of appropriateness to an applicant or, in the case of a disapproval of an application, the Commission shall set forth in its record the reasons for such determination and shall cause a notice of its determination, along with a copy of the reasons, to be issued to the

Jennifer Bailly

From: Patricia Ryan <patryans@verizon.net>
Sent: Wednesday, August 28, 2013 9:34 PM
To: Jennifer Bailly
Subject: appointment

Hi Jenn:

Per our conversation this morning, please let Ms. Tabakin know that I would like to be appointed to the Historic District committee as an alternate member.

I've served on this committee in the past and also was a member of the planning board for nine years.

Thank you.

Patricia Ryan
14 Oak St.
Great Barrington

413 528 1613
patryans@verizon.net

NOTICE

TOWN OF GREAT BARRINGTON

VACANCIES

The Town of Great Barrington is accepting letters of interest from legal residents/registered voters to fill the following vacancies:

- **Historic District Commission** Alternate (1) - to fill the unexpired term until 2013
- **Conservation Commission** (1) - 1 for 2 year term
- **Tree Committee** (1) - 1 alternate for 3 year term
- **Parking Task Force** (1) - for indefinite term
- **Design Advisory Committee** (Landscape Architect) (1) - for 2 year term
- **Town Charter Review Committee** (1) - for indefinite term

Letters of interest must be submitted to **Kevin O'Donnell, Town Manager, Town of Great Barrington, Town Hall, 334 Main Street, Great Barrington, MA 01230** or e-mailed to kodonnell@townofgb.org

Kevin O'Donnell
Town Manager

Please publish January 30, 2013.

*-Shaffer's Guide
and on the website*



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP

Town Planner

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

crembold@townofgb.org

EXECUTIVE SUMMARY

TITLE: Board of Selectmen Appointment to Community Preservation Committee (CPC)

BACKGROUND: The CPC is charged with implementing the Community Preservation Act which provides funding for affordable housing, historic preservation, and open space and recreation projects in Great Barrington. The CPC administers the community preservation fund, adopts a community preservation plan, receives proposals from the public and private sector for expenditures from the fund, and recommends to Town Meeting projects deserving of funding. The CPC bylaw is attached. It sets forth the membership and duties of the CPC.

The CPC will begin meeting as soon as its members are appointed. The Town Planner will be the main staff liaison to the CPC.

FISCAL IMPACT: n/a

RECOMMENDATION: The Selectmen should appoint one of its members to serve on the CPC.

PREPARED AND REVIEWED BY:

DATE: 8/28/13


Town Planner

APPROVED BY:

DATE: 8/28/13


Town Manager

**COMMUNITY PRESERVATION COMMITTEE BYLAW
PURSUANT TO MGL 44b**

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- a. One member of the Conservation Commission as designated by the Commission for a term of 3 years
- b. One member of the Historical Commission as designated by the Commission for a term of 3 years
- c. One member of the Park Commission as designated by the Commission for a term of 3 years
- d. One member of the Housing Authority Board as designated by its Board of Directors for a term of 3 years
- e. One member of the Planning Board as designated by the Planning Board for a term of 3 years
- f. One member of the Select Board as designated by the Select Board for a term of 3 years
- g. One member of the Finance Committee as designated by the Finance Committee for a term of 3 years
- h. Two citizen members at-large, who do not hold elected or appointed office, nor serve as Town employees, as designated by the Select Board for a term of 3 years

Each member of the Community Preservation Committee, shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Any vacancy on the Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Select Board.

Chapter 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the Select Board, the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission, the Housing Authority, and the Agricultural Commission, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation,

rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.
4. In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following categories: (a) open space and recreation, (b) historic resources; and (c) community housing.

Chapter 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Chapter 5: Severability

In case any section, paragraph or part of this chapter is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 6: Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP
Town Planner

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

EXECUTIVE SUMMARY

TITLE: ZBA Special Permit Application of James Ketchen
for 70 Castle Hill Avenue

BACKGROUND: Applicant / Owner is seeking a Special Permit from the Zoning Board of Appeals under 5.3 and 10.4 of the Zoning Bylaw in order to extend an existing nonconformity by adding a new exterior stair to the structure. The proposed exterior stair is necessary to serve as an emergency egress for the upper floors of the structure. The proposed work is within the required side yard, but it is no closer than the existing structure. In other words, it does not increase the existing nonconformity.

In order to grant the Special Permit, the ZBA must find that the proposed change is not substantially more detrimental to the neighborhood than the existing nonconformity and that the benefits to the town of the proposal do not outweigh the detriments.

FISCAL IMPACT: n/a

RECOMMENDATION: The Selectmen should make a recommendation to the ZBA.

PREPARED AND REVIEWED BY:

DATE: 8/30/13


Town Planner

APPROVED BY:

DATE: 9/3/2013


Town Manager

ZBA SP# 819-13

**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, Sept. 10, 2013, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of James B. Ketchen, 5631 Key West Place, Bradenton, FL 34203 to alter a pre-existing, non-conforming dwelling at 70 Castle Hill Ave., Great Barrington. The property is in an R-1-A 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 August 16 and 23, 2013

*emailed to Berk. Record
on 8/9/13*



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: _____
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 70 Castle Hill Avenue
Assessor's Map No. 13 Lot No. 108
Zoning District(s) R1A
Overlay District (if any) _____

C. APPLICANT AND OWNER INFORMATION

Applicant's Information	Name (please print) <u>James B. Ketchen</u>	Phone (area code first) <u>941-725-1955</u>
	Street Address <u>5631 Key West Place</u>	
	City, State, Zip Code <u>Bradenton, FL 34203</u>	
	Email Address _____	Signature <u>James B. Ketchen</u>

- 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 _____	Registry of Deeds Book No. _____
	Signature _____	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?

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

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

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

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

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

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

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

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

2) This application is made under the following Sections of the Zoning Bylaw (check all that apply) Section 5.2 Section 5.3 Section 5.5 Section 5.6 Section 5.7 Section 10.4

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

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

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

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

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

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

G. REQUIREMENTS FOR ALL APPLICATIONS

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

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

H. APPLICATION FEE

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

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

I. TECHNICAL REVIEW FEES

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

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."

James B. Takahara (signed) 7/31/13 (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



TOWN OF GREAT BARRINGTON MASSACHUSETTS

May 29, 2013

ASSESSORS' OFFICE

ABUTTERS TO PROPERTY OF: JAMES B. KETCHEN
70 Castle Hill Avenue, Map 13 Lot 108, Book 434 Pg. 36

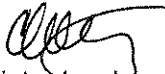
<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
13	66,68A	Michael P. Citrin & Tracy D. Mack, PO Box 282, Ashley Falls, MA 01222-0282
13	67,68B	Nicki Elizabeth Wilson, 80 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	68	Michael Gill & Jayne Atkinson-Gill, 2 Knob Hill, Gt. Barrington, MA 01230-1015
13	69	John A. Seelig Jr. & Mary A. Seelig, 53 High St., Gt. Barrington, MA 01230-1575
13	70	Carla Blades & Georgia Blades, 37 High St., Gt. Barrington, MA 01230-1575
13	72,73	Robert A. Magadini Jr., 40 Rosseter Rd., Gt. Barrington, MA 01230-1578
13	73A	John A. Ostrander, 35 Railroad St., Gt. Barrington, MA 01230-1577
13	110	Allen R. Dunham & Colleen A. Kurzman, 31 Railroad St., Gt. Barrington, MA 01230-1577
13	112	Walton Ford Railroad Avenue LLC, 46 Castle St., Gt. Barrington, MA 01230-1502
13	113	Henry E. Dozier & Estate of Esther Dozier, c/o Henry Dozier Jr., PO Box 11 Gt. Barrington, MA 01230-0011
13	114	Moraima Arce, Catherine Arce, Kristine Arce Deres & Kenneth Noel Arce, 5 Castle Lane, Gt. Barrington, MA 01230-1027
13	109,157	Patricia A. Frintzilas, 110 Little Hill, Lancaster, PA 17602-1587
13	158	Catherine E. Lore, 7 Castle Lane, Gt. Barrington, MA 01230-1812
13	156	Harmuth Sommer-Deris, 23 Castle Lane, Gt. Barrington, MA 01230-1027
13	107,104A	Jeffrey A. & Debra A. Blackwell, 62 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	104	Robert J. & Jenny S. O'Haver, 64 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	153	Ilysa Ross-Benjamin, 631 Long Ridge Rd. #31, Stamford, CT 06902-1262
13	105	Ann M. Waldman & Emily J. Wagner, 54 Castle Hill Ave., Gt. Barrington, MA 01230-1005
13	106	Laurie M. Harrison & Gregory P. Dilisio, 36 Castle Lane, Gt. Barrington, MA 01230-1028
13	155	Dennis J. & Diana Downing & Matthew A. Downing, Trustees, Downing Family Realty Trust, 9 Main Rd., Gt. Barrington, MA 01230-2168
13	154,163	Castle Hill B & B, 134 Castle Hill Ave., Gt. Barrington, MA 01230-1003
13	147	Christopher C. Cobb, Trustee, Restatement of the Agnes Z. Cobb Revocable Trust, 78 East St., Gt. Barrington, MA 01230-1406
13	146	Keith M. Kohen & Amy B. Kohen, c/o Donald Victor, 45 Castle Hill Ave., GB, MA 01230-1002
13	145	Alice Laprell, 10 Grove St., New York, NY 10014-5303
13	144	Leigh S. Davis, 9 Sumner St., Gt. Barrington, MA 01230-1023
13	143	Edward Kaplan & Stephen Levine, Trustees, Judith L. Kaplan Irrevocable Trust, 8 Gaslight Way, Stony Brook, NY 11790-1709
13	100	Richard & Joan L. Silverman, 187 Garth Rd. #6H, Scarsdale, NY 10583-3973
13	101	John R. Lewis, 10 Sumner St., Gt. Barrington, MA 01230-1024
13	102,102A	Robert D. Haswell & Sally A. Markham, 73 Castle Hill Ave., GB, MA 01230-1004
13	103	Barbara L. Goudey & Alicia M. Goudey, 50 Castle Hill Ave., GB, MA 01230-1004
13	63,61	Robert M. & Donna M. Boyer, 85 Castle Hill Ave., Gt. Barrington, MA 01230-1004
13	65	Donald O. & Natalie W. Goranson, 81 Castle Hill Ave., Gt. Barrington, MA 01230-1004
13	20	Ernest & Jeri Drucker, 680 West End Ave., New York, NY 10025-6815
13/111,19/52E		Alder Creek LLC, 212 North Plain Rd., Gt. Barrington, MA 01230-1276
19	53,54,55	Station 87 LLC, 12 Club Circle, Pittsfield, MA 01201-1402

ABUTTERS TO: James B. Ketchen, 70 Castle Hill Ave.

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
14	182	Kimada Realty LLC, 168 Main St. Suite 3, Gt. Barrington, MA 01230-1755
14	184A	Carolyn Kimball Pacheo, 83 Jewelers Ave., POBox 888, East Falmouth, MA 02536-0888
14	186	Estate of Willie Smith, c/o Dortheen Smith, 28 Rosseter St., GB, MA 01230-1523
14	73A	The Granary LLC, PO Box 250, Mill River, MA 01244-0250
14	191,73C	Laurence Gadd & Amy Gallagher, Trustees, Book House Nominee Realty Trust, 27 Rosseter St., Gt. Barrington, MA 01230-1522
14	197,73B	Aaron R. & Caroline A. Becker, PO Box 88, South Egremont, MA 01258-0088
14	198	Kenneth M. Shearn, Trustee, Blue Willow Nominee Realty Trust, PO Box 237, Monterey, MA 01245-0237
14	206	Gilbert W. Sutcliff, 84 Railroad St., Gt. Barrington, MA 01230-1576
14	207,208	Nicholas F. Wool, Trustee, Wool Realty Trust, 346 Main Rd., Monterey, MA 01245-8419
14	205	AME Zion Society, PO Box 294, Gt. Barrington, MA 01230-0294

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

Sincerely, .

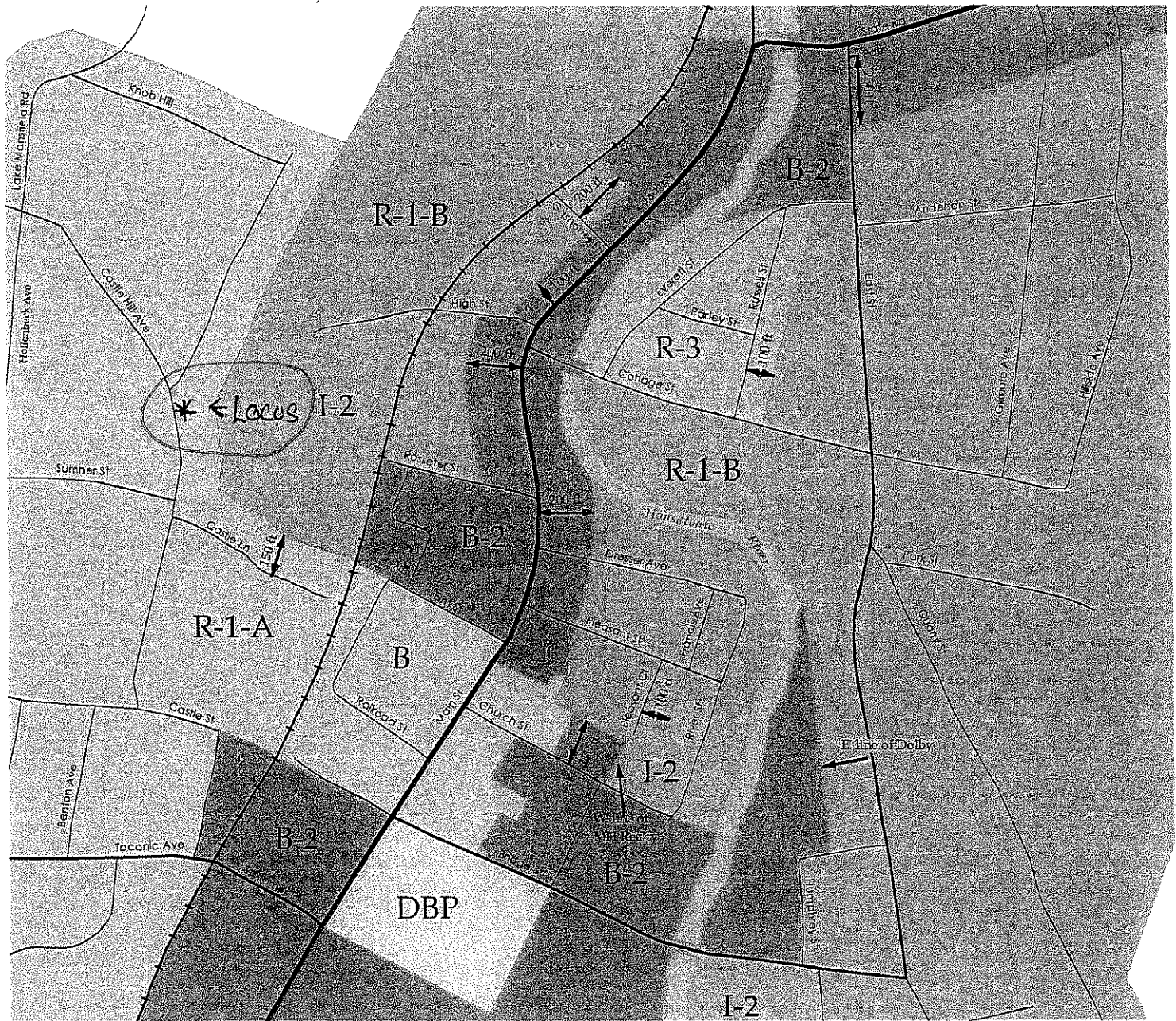


Christopher Lamarre
Principal Assessor

Great Barrington Village

225 112.5 0 225 450 675 Feet

1:7,000



I HEREBY REPORT THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN THE BUILDINGS DO NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE H.I.D. FLOOD MAP. THIS PLAN IS NOT MADE FROM AN INSTRUMENT SURVEY, AND IS NOT TO BE USED FOR FENCES, ETC.

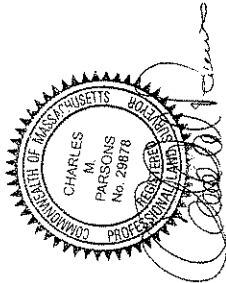
Charles M. Parsons

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

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

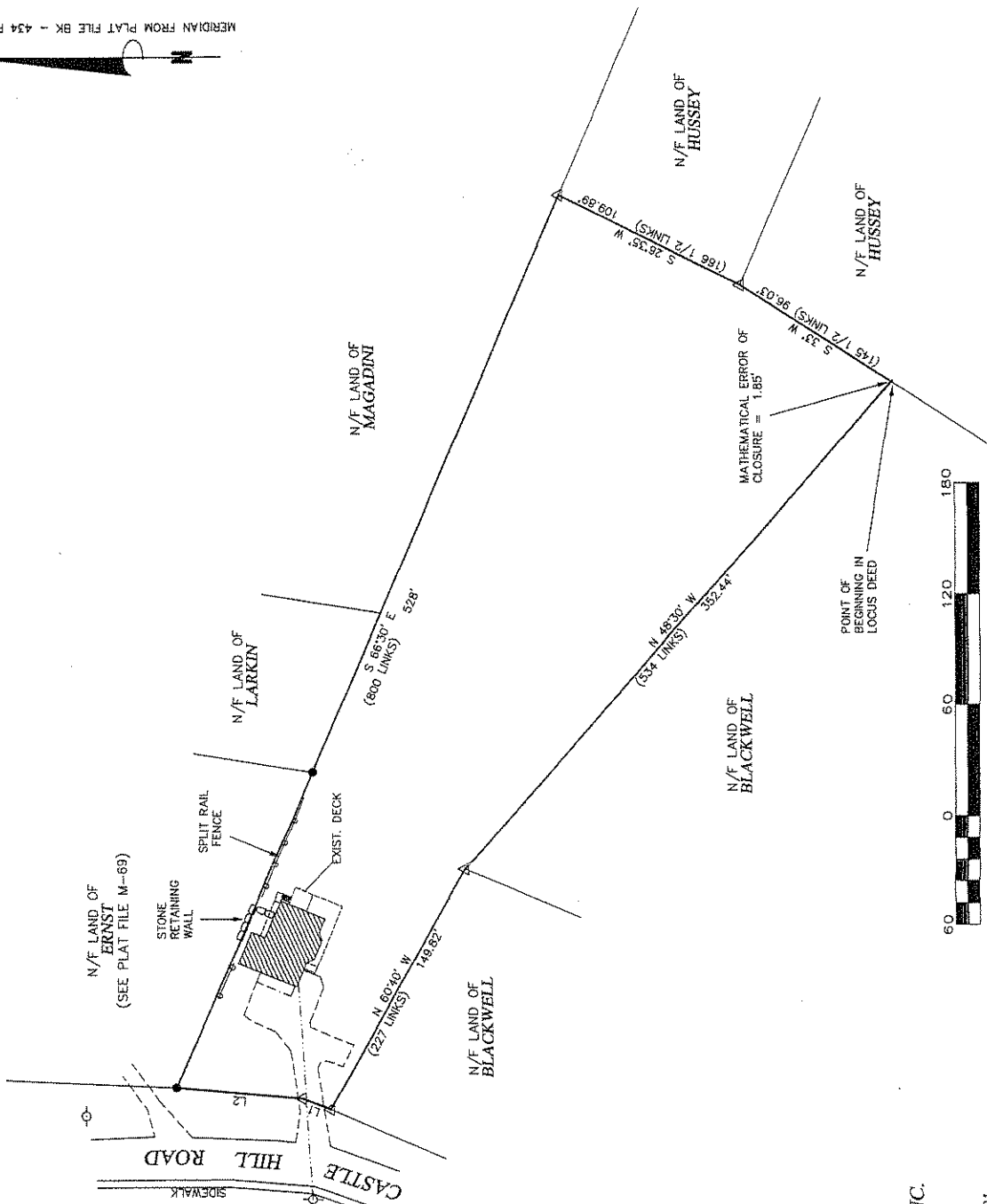
LOCUS DEED: BK - 434 PG - 36
PROPERTY ADDRESS: 70 CASTLE HILL AVENUE

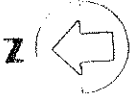
THIS IS NOT A SURVEY AND IS SUBJECT TO ANY
STATEMENT OF FACTS A SURVEY MAY REVEAL.



PLOT PLAN PREPARED FOR
JIM KETCHEN
GREAT BARRINGTON, MASSACHUSETTS
MAY - 2013 SCALE 1" = 60'
KELLY, GRANGER, PARSONS & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
312 MAIN STREET
P.O. BOX 88
GREAT BARRINGTON, MASSACHUSETTS 01230
PHONE (413) 528-1912
FAX (413) 528-3291
File name: C:\EP14\SITEPLAN\KETCH13

NUMBER	DIRECTION	DISTANCE
L1	N 211°0' E	16.5' (25 LINKS)
L2	N 05° E	89.14' (104 3/4 LINKS)





SCALE: 1/4"=1'-0"

REMOVE EXISTING STAIRS AND DECK

APPROX. 20 FT. SET BACK

PROPOSED DECK EXTENSION

PREVIOUSLY ADDED DECK

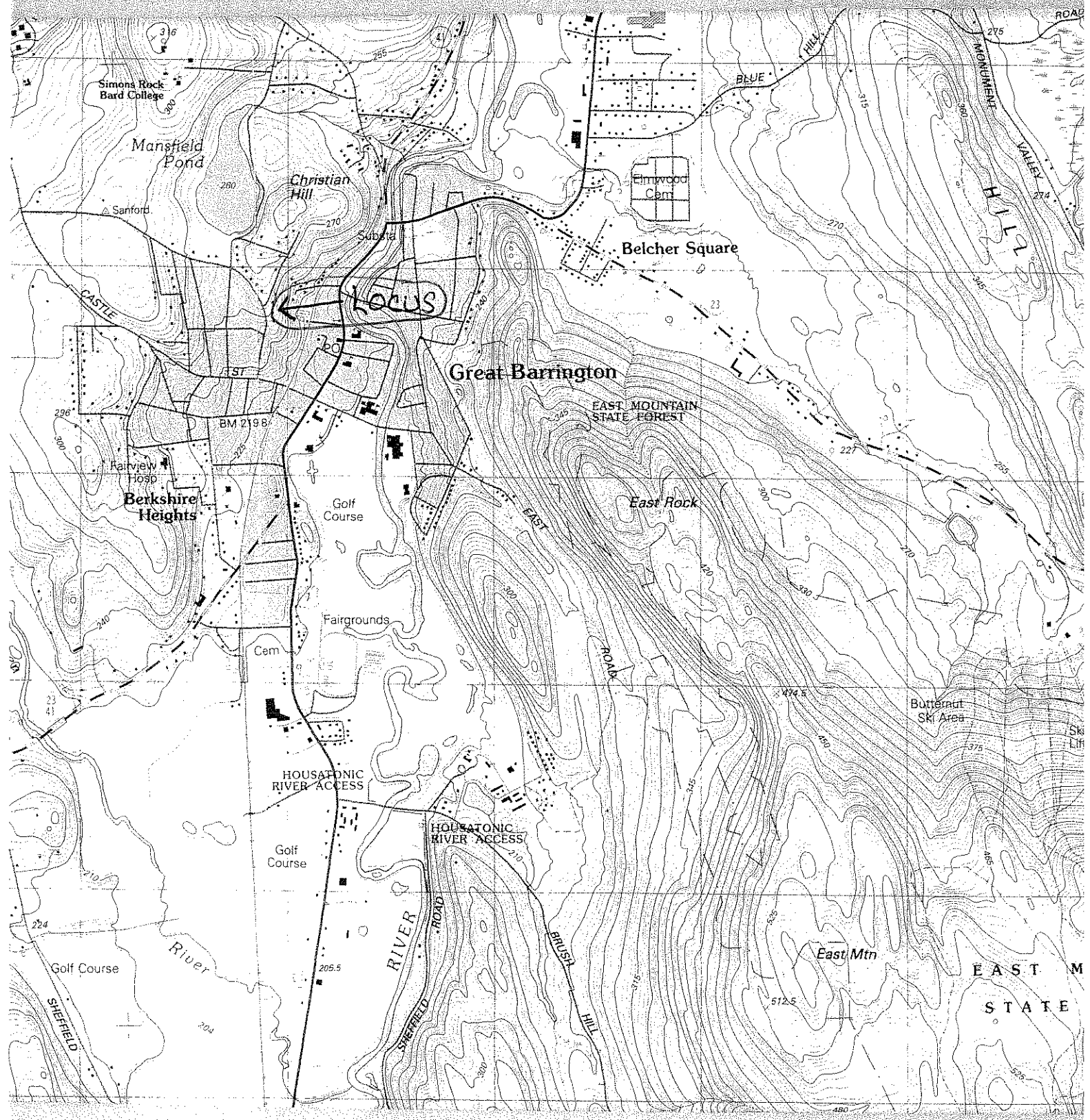
ATTIC LEVEL LANDING SECOND FLOOR LANDING

PROPOSED FIRE ESCAPE STAIR 6' Ø SPIRAL STAIR FOR UP STAIR APARTMENT

Rev. July 28 2013

May 22 2013
Y. Gao

PROPOSED DECK AND EXTERIOR STAIRS
KETCHEN RESIDENCE
70 CASTLEHILL AVE. GREAT BARRINGTON



Simons Rock
Bard College

Mansfield
Pond

Christian
Hill

BLUE
HILL

Elmwood
Cem

Belcher Square

LOCUS

Great Barrington

EAST MOUNTAIN
STATE FOREST

East Rock

Berkshire
Heights

Golf Course

Fairgrounds

Cem

HOUSATONIC
RIVER ACCESS

HOUSATONIC
RIVER ACCESS

Butternut
Ski Area

Golf Course

Golf Course

River

RIVER

BRUSH
HILL

East Mtn

EAST M
STATE

Article 15. To see what action the town will take for providing a permanent memorial for the soldiers and sailors from Great Barrington who took part in the World War, and appoint any committee with reference thereto, or raise or appropriate any money therefor.

Article 16. To see if the town will vote to elect a playground commission in accordance with the provisions of Section 14 of Chapter 45 of the General Laws relative to playgrounds, and raise or appropriate any money for the same, or take any action with reference thereto.

Article 17. To see if the town will appropriate the sum of \$1,500.00, or any sum, to be expended for the employment of district or other nurses, in accordance with the provisions of Section 5 of Chapter 40 of the General Laws.

Article 18. To see if the town will vote to raise and appropriate a sum not to exceed \$15,000.00, provided the state department of public works contributes an equal amount, for the purpose of building an improved highway in accordance with state highway specifications from the point where completed last year south so far as said amount will cover on the North Plain road, so-called.

Article 19. To see if the town will vote to appropriate from surplus funds in the treasury the amount of the overdrafts of the year 1931, as required by Section 23, Chapter 59, of the General Laws.

Article 20. To see if the town will vote to raise and appropriate a sum not to exceed \$1,825.00 for the purpose of paying pensions for retired police officers.

Article 21. To see if the town will vote to raise and appropriate a sum not to exceed \$2,000.00 to be known as the reserve fund, as provided for in Section 6, Chapter 40, of the General Laws. This action is recommended by the state auditors in their report of the town audit.

Article 22. To see if the town will vote to raise and appropriate the sum of \$210.00, or any sum, for the payment of vocational school tuition rendered Earl Hammer of Great Barrington.

Article 23. To see if the town will vote to elect a Planning Board of five members for the ensuing year, in accordance with the provisions of Chapter 41, Sections 70-72, of the General Laws, and vote that, beginning with the year 1933, there be elected on the official ballot a Planning Board of five members, two to serve for three years, two for two years, and one for one year, and thereafter for three-year terms, and when vacancies occur, for the same period.

Article 24. To see if the town will vote to accept the following zoning by-law:

Section 1. To promote the health, safety, morals, convenient and general welfare of its inhabitants, to lessen the danger from fire and congestion, and to improve and beautify the town under the provisions of General Laws, Chapters 40 and 143, the use, construction, repair, alteration, height, location and area of buildings and structures and the use of premises in the town of Great Barrington are hereby regulated as herein provided.

Section 2. DEFINITIONS. In this by-law the following terms shall have the meanings here assigned to them.

- (a) A FAMILY: Any number of individuals living and cooking together on the premises as a single housekeeping unit.
- (b) A ONE-FAMILY HOUSE: A detached dwelling designed for and occupied by a single family.
- (c) SEMI-DETACHED HOUSE: Two one-family houses designed together at the same time.
- (d) A TWO-FAMILY HOUSE: Two one-family houses built for two families.
- (e) APARTMENT HOUSE: A detached dwelling designed for families under one roof, or for one or more families above a two floor used for non-residence purposes.
- (f) A DWELLING: Any building used in whole or in part for habitation.

(g) HOTEL or LODGING HOUSE: A hotel or lodging house is a building erected or used for paying guests, permanently or transiently, where over three (3) bedrooms are used for such purposes.

(h) A HALF STORY: A half story is that portion of a building under a sloping roof the cubic contents of which are never more than one-half of that of the story below. If the cubic contents greater it shall be deemed a story.

(i) AN ACCESSORY USE OR BUILDING: A use of land or a structure or building customarily incident to the main use of land or building to which it is accessory.

(j) A NON-CONFORMING USE OR BUILDING: An existing use of land or of a building, or a structure or building which does not conform to the regulations for the district in which such use of land, structure or building exists.

(k) A LOT: A lot is that area of land described in an application for a permit.

Section 3. For the purpose of this by-law, the Town of Great Barrington is divided into four types of districts designated as:

- 1. Single Residence Districts.
- 2. General Residence Districts.
- 3. Business Districts.
- 4. Light Industrial Districts.

Said districts are as shown, defined and bounded on the map accompanying this by-law entitled, Zone Map, Great Barrington, March, 1932, signed by the Planning Board and on file with the Town Clerk, and said map and all explanatory matter thereon are hereby made a part of this by-law.

In such districts, subject to the provisions of Sections 13 and 14, new buildings or structures, and alterations, enlargements or changed and [or] constructed, and land, buildings, structures, or thereof, may be used as specified for each type of district in Sections 4, 5, 6 and 7, subject, as specified in such sections, to the provisions

of Sections 16 and 17. No other uses shall be permitted in such districts.

Section 4. SINGLE RESIDENCE DISTRICTS

1. One-family detached houses.
2. The taking of boarders or the leasing of rooms by a family resident on the premises.
3. Boarding and lodging houses, tea rooms, and hotels, subject to the provisions of Section 17.
4. Churches, schools, public libraries, public museums, parish houses, and, subject to the provisions of Section 17, the following: cemeteries, hospitals, sanitarium, philanthropic institutions and airports with essential accessories.
5. Private clubs not conducted for profit.
6. Municipal parks, playgrounds, recreation buildings, water towers and reservoirs.
7. Farms, greenhouses, nurseries and truck gardens.
8. The sale of farm products raised on the land of the owner, provided that the front yard set-back is observed.
9. Real estate signs, of not over 6 square feet in area advertising the sale or rental of only the premises on which they are located, lodging, boarding house and tourist signs of not over two square feet, and bulletin boards of not over 10 square feet accessory to uses specified in paragraphs 4, 5 and 6 of this section and placed as the planning board may direct.
10. Passenger stations.
11. Telephone exchanges, provided there is no service yard or garage and that the design of the building with reference to harmony with the architecture characteristic of the district be approved in writing by the planning board.
12. Such accessory uses as are customarily incidental to any of the above uses, subject to the provisions of Section 13.

Section 5. GENERAL RESIDENCE DISTRICTS

1. Any use enumerated in Section 4, subject, as stated in Section 4, to the provisions of Section 17.
 2. Semi-detached and two-family dwellings.
- Section 6. BUSINESS DISTRICTS
1. Any use enumerated in Sections 4 and 5.
 2. Apartment houses, subject to other by-laws.
 3. Retail stores, and shops for custom work or the making of articles to be sold at retail on the premises, subject to the provisions of Section 13, (e).
 4. Restaurants and other places for serving food.
 5. Place of business of a barber, caterer, clothes cleaner and dresser, confectioner, decorator, dressmaker, electrician, florist, furrier, hair dresser, hand laundry, manicurist, milliner, motor vehicle sales room, news dealer, optician, painter, paper-hanger, pastry shop, photographer, printer, publisher, shoemaker, shoe repairer, shoe shiner, tailor, undertaker; and, subject to the provisions of Section 17, the following: blacksmith, baker, builder, carpenter, contractor, dyer, mason, plumber, roofer, tinsmith, upholsterer; and similar uses which the board of selectmen may, as provided in Section 17, in specific instances find to be compatible with the uses above mentioned.

6. Commercial amusements, subject to approval by the city men as provided in Section 17.
7. Gasoline and oil stations, garages for storage and repair and stables, subject to the provisions of Sections 16 and 17.
8. Billboards, as regulated by law and by-laws and subject to the provisions of Section 17.

Section 7. LIGHT INDUSTRIAL DISTRICTS

1. Any use permitted under Sections 4, 5 and 6, subject stated in Section 6, to the provisions of Section 16.
2. Lumber, fuel, feed and ice establishments, and contralyards, subject to the provisions of Section 17.
3. Light manufacturing, employing electricity and, and contranobjectionable motive power, utilizing hand labor [or] nonobjectionable machinery and [or] processes free from neighborhood disturbing odors and [or] agencies, subject to the provisions of Section 17.
4. Notwithstanding the provisions of Section 17, because of injurious or obnoxious noise, vibration, smog, gas, fumes, odors, dust or other objectionable features be hazardous to the community on account of fire or explosion or any other cause. No permit shall be granted under this or any other section for any use which would prove injurious to the safety or welfare of the neighborhood into which it proposes to go, or destructive of property values, because of any excessive nuisance quality.

Section 8. HEIGHT REGULATIONS

- (a) The limit of height of all buildings in all residence districts shall be two and one-half stories, not to exceed thirty-five feet, except that schools and hotels and, on lots of five acres and over dwellings may be three stories high.
- (b) The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, pent-houses, or other necessary features usually carried above roofs, nor to towers or spires of churches and other buildings, if such features are in way used for living purposes.

Section 9. BUSINESS AND INDUSTRIAL DISTRICTS

- (a) The limit of height in business and industrial districts shall be three stories, not to exceed forty feet. Industries abutting water areas fifty or more feet wide need not observe this provision.
 - (b) The limitation of height in feet shall not apply to such features as are mentioned in (b) of Section 8, nor to water tanks or scenery lofts.
- Section 10. AREA REGULATIONS
- In residence districts, as provided in Sections 4 and 5, land laid out after the adoption of this by-law shall provide for each dwelling a minimum frontage of 100 feet and a minimum lot area of 10,000 square feet. In areas marked A, lots shall be less than 50 feet wide and 5,000 square feet in area. Lots shall be on any plan duly recorded by deed or plan at the registry of deeds at the time this by-law is adopted may be used, provided that the requirements are fulfilled.

Section 11. PERCENTAGE OF LOT COVERED

The percentage of lot which may be covered by all

building used for dwelling purposes shall in no instance exceed the following maximum provisions.

- (a) One-family house: 20 per cent. on lots of ten thousand square feet and over, and 25 per cent. in "A" districts.
- (b) Semi-detached house: 25 per cent.
- (c) Two-family house: 25 per cent.
- (d) Apartment house: 40 per cent. if over stores, etc., and 30 per cent. when independent.

In business and industrial districts no building shall be built, reconstructed, extended or arranged so that it covers more than 75% of a corner lot or more than 60% per cent. of an interior lot. Industries abutting water areas fifty or more feet wide need not observe this provision. The open space required in this paragraph shall be located in such a way as, in the opinion of the building inspector, to properly light and ventilate the building, and provide access in case of fire.

No lot, or the buildings or structures thereon, shall be changed in size so as to violate the provisions of this by-law. On corner lots no structure, fence, tree or shrub shall prevent vision clearance in the space between four and eight feet above the ground, and such provision shall apply to the space between the corner and the line joining the two points fifteen feet from the corner, measured on the lot lines.

YARDS.

Section 12. In all residence districts there shall be provided in front of every building or structure a front yard of at least 25 feet in clear depth between the building and the line of the way or ways on which the lot abuts, and no building or structure shall be erected, moved, altered, reconstructed or enlarged so that a front yard less in clear depth shall result. Projecting eaves and uncovered steps shall not be considered as coming within the meaning of this section. Where to an extent of 50 per cent. of the frontage space between two intersecting streets or in a space of 300 feet on the same side of a street, front yards of greater uniform depth than 25 feet have been established, by common agreement, or by private building restrictions, or through common usage, such front yards shall, notwithstanding any other provision of this by-law, be and remain the front yard space for such street or portion of street. Where in a similar space there is a variety in depth, all being above 25 feet, the minimum thus established shall be the required front yard depth.

BACK YARDS. Behind every dwelling there shall be provided a back yard between the rear line of the house and the rear lot line, not less than 30 feet in depth. A back yard may contain accessory buildings not over one and one-half stories high and covering not over 30 per cent. of its area.

SIDE YARDS. At each side of every dwelling there shall be a side yard not less than 20 feet in clear width, between the side of the house and the side lot line, except that in areas marked A side yards shall be not less than 10 feet wide. Side yards shall be at all points clear from the front to the rear line of the house.

HOTEL YARDS. A hotel located in a residential district shall have a front yard of not less than fifty feet in depth, a back yard of not less than one hundred feet in depth, and side yards equal in width to the height of the highest point of the main roof above the average level of the lot at the building.

YARDS FOR NON-RESIDENTIAL BUILDINGS. Any use, not residential or accessory, permitted in a residential district, shall ob-

serve all provisions of this by-law in regard to depth and width yards as applied to dwellings.

Section 13. ACCESSORY USES

(a) Accessory uses shall be on the same lot with the building of the owner or lessee, and shall be such as do not alter the character of the premises on which they are located or impair the neighborhood. (b) Garage space for not more than two cars shall be permitted as an accessory use in residence districts, provided that the board of selectmen may permit space for additional cars under the provision of Section 17.

(c) On farms stables and places for keeping or raising animals shall be considered as accessory, and, on lots of five acres or over, the keeping of riding or driving horses, all subject to board of health regulations. (d) The housing of employees in residential areas on the property of the owner shall be deemed an accessory use.

(e) Where manufacturing of any kind is permitted as an accessory use, it shall be restricted to such light manufacturing as is incidental to a permitted use and where the product is customarily sold on the premises by the producer to the consumer. (f) The use of a room or rooms in a dwelling as a professional office or studio or for customary home occupations by a professional cases a professional sign of not over one square foot in area may be used and there shall be no public display of goods.

Section 14. **NON-CONFORMING USES**
 (a) Any building, part of a building or premises which, at the time of the adoption of this by-law, does not conform to this by-law or is being put to a non-conforming use may continue to be used for the same purpose. A building not conforming in lot coverage may be rebuilt to the same coverage. (b) No non-conforming building or structure shall be altered except as ordered by the building inspector to make it safe, nor shall it be extended, nor shall it in any ten-year period be repaired to an extent of more than fifty per cent. of its assessed value at the time of the last application for a permit to repair. (c) Wherever a non-conforming use has been changed to a more restricted use, it shall not again be changed to a less restricted use. (d) The removal, for sale, of sod, loam, sand, gravel or stones from single or general residence districts shall be deemed non-conforming uses of premises. Such uses shall be permitted only under special permission of the Selectmen, as provided in Section 17, and under such conditions as the Selectmen shall impose. The Selectmen shall grant no such permit as would, in their judgment, adversely affect the scheme of growth laid down in the zoning by-law or otherwise, or the economic status of the town, or tend to impair the beauty of the town or of the district most immediately affected. Conditions, deemed by the Selectmen as tending to protect the town and the district, shall be imposed where needed, and made a part of the permit.

Section 15. **DISTRICT BOUNDARIES.** The district boundaries shall be as shown on the zone map, the scale of the map and the figures entered to serve as guides. Unless otherwise indicated

zones shall be interpreted as one hundred feet deep. Where a zone boundary line divides a lot in a single or joint ownership at the time such district is established, a use authorized on the less restricted portion of such a lot may be extended into the more restricted portion, but in no case for more than 20 feet over the established zone line.

Section 16. LOCATION OF AUTOMOBILE SERVICES. No portion of the front or side lines of a public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses, shall hereafter be placed within fifty feet of any residence district. No drive way to such premises shall be in any part within 50 feet of any residence district. No such premises shall have any driveway entrance or exit for motor vehicles within 300 feet of the property used by any public or private school, public library, church, playground or institution for the aged, the sick or dependent, or for children under 16 years of age. Every filling station structure and pump shall hereafter be located not less than 15 feet inside the building line and no filling shall be done except into cars standing on the property of the filling station.

Section 17. PERMITS BY BOARD OF SELECTMEN REQUIRED. No permit for a boarding or lodging house, tea room or hotel in a residential district, or for a cemetery, hospital, sanatorium or philanthropic institution, or for the place of business of any blacksmith, baker, builder, carpenter, contractor, dyer, mason, plumber, roofer, tinsmith, upholsterer, or for the removal of sod, loam, sand, gravel or stone from a residential district, for sale, or for any mentioned use under heads 7, 8 and 9 of Section 6, or for anything permitted only under Section 7, shall be issued by the building inspector except with the written approval of the board of selectmen as provided in this section and subject to such conditions as the board may deem it proper to impose.

Any person desiring to obtain the permission of the board of selectmen, for any purpose for which permission is required under this by-law, shall make written application therefor and the board shall hold a public hearing thereon after such notice as it may direct and render a decision. It may make rules for such hearings, and shall notify all holders of real estate which might be affected and shall at such hearings hear such owners and others who may desire to be heard. No approval shall be granted by the board without considering the effect upon the neighborhood and the town. If a permit may be issued with conditions, such as will protect the community, such conditions shall be specified in writing on the permit. If a permit would result in substantial injury it shall be refused.

In granting permits under this section for boarding and lodging houses, tea rooms and hotels in residential districts, the selectmen shall impose such conditions as are necessary and helpful in regard to signs, lights and parking space for cars.

Section 18. CONFLICT OF LAWS. In general this by-law is supplementary to other by-laws affecting the use, height, area and location of buildings and structures and the use of premises. Where this by-law imposes a greater restriction upon the use, height, area and location of buildings and structures or the use of premises than is imposed by other by-laws, the provisions of this by-law shall control.

Section 19. PLATS. Applications for building permits shall be accompanied by a plat of the lot in duplicate, drawn to scale, showing

ing the actual dimensions of the lot and the exact location and size of the buildings already upon the lot, and of the building or structure to be erected, together with the streets and alleys on and adjacent to the lot. A record of such applications and plats shall be kept in the office of the building inspector.

Section 20. ENFORCEMENT. This by-law shall be administered by the building inspector. He shall approve no application of any kind, plans and specifications and intended use for which a permit is not in all respects in conformity with this by-law. He shall issue no permit for anything covered by Section 17 till the applicant has secured the written permit of the board of selectmen therein required.

Section 21. OCCUPANCY PERMIT. No building or structure erected, altered or in any way changed as to construction or structure under a permit or otherwise and no premises shall be occupied or use without an occupancy permit signed by the building inspector, which permit shall not be issued until the building, structure or premises and its uses and accessory uses comply in all respects with this by-law. A temporary permit may be issued in appropriate cases.

Section 22. APPEALS. Any person aggrieved by the action of the building inspector, or by a decision of the board of appeals, may appeal under the provisions of Sections 27 and 27A, Chapter 40, of the General Laws.

Section 23. EXCEPTIONS UNDER SPECIFIC RULES. When in its judgment the public convenience and welfare will be substantially served, the board of appeals may in specific cases, after notice, a hearing, and subject to appropriate conditions and public safeguards, determine and vary the application of the district regulations herein established in harmony with the general purpose and intent as follows:

(a) Permit the alteration of a one-family house, existing at the time this by-law is adopted and containing not less than nine rooms, to accommodate two families.

(b) Issue permits, subject to proper conditions to protect the district, for temporary structures and uses which do not conform to the regulations herein prescribed, provided that no such permit shall be for more than a one-year period.

(c) The board of appeals may grant no variation which would amount to an amendment of this by-law, all such amendments to be made as provided in General Laws, Chapter 40, Section 30.

Section 24. This by-law shall take effect as provided by law.

Article 25. To see if the town will vote to raise and appropriate the sum of \$250 to pay a bill for clerical services rendered by the Department of Public Welfare in the Bureau of Old Age Assistance for the period from May, 1931, to December, 1931, inclusive.

Article 26. To see if the town will vote to accept Chapter 41 of the Acts and Resolves of 1929, to provide that the school committee of the town of Great Barrington may appoint a member thereof as school physician, appropriate any money, or take any action with regard thereto.

Article 27. To see if the town will vote to amend the motion passed under Article 18 of the warrant for the Annual Town Meeting

Second, in Section 10, the following sentence be added at the conclusion thereof: "Lots of record, 70 feet or less in width, in the 10,000 foot area may be developed with 10 foot side yards", so that the said section shall read as follows: "In residence districts, as provided in Sections 4 and 5, land laid out after the adoption of this by-law shall provide for each dwelling a minimum frontage of 100 feet and a minimum lot area of 10,000 square feet. In areas marked A, lots shall be not less than 50 feet wide and 5,000 square feet in area. Lots shown on any plan duly recorded by deed or plan at the registry of deeds at the time this by-laws is adopted may be used, provided that the yard requirements are fulfilled. Lots of record, 70 feet or less in width, in the 10,000 foot area may be developed with 10 foot side yards."

Third, in Section 11, the eleventh and twelfth lines thereof, the words "80 per cent" be substituted for the words "70 per cent", and the words "70 per cent" be substituted for the words "60 per cent", and the following be added after the words "interior lot" in the twelfth line thereof: "providing that no rear yard for a building hereafter erected shall be less than fifteen feet in depth", so that the tenth, eleventh, twelfth, thirteenth and fourteenth lines shall read as follows: "In business and industrial districts no building shall be built, reconstructed, extended or arranged so that it covers more than 80 per cent of a corner lot or more than 70 per cent of an interior lot, providing that no rear yard for a building hereafter erected shall be less than fifteen feet in depth."

Article
following
Section
venience
danger from
the town
143, the
and area of
the town
vided.
Section
shall have
(a)
together
(b)
and occup
(c)
gether at
(d)
two famil
(e)
under the
used for
(f)

FOURTEENTH AMENDMENT TO PURCHASE AND SALE AGREEMENT
BETWEEN 20 CASTLE STREET, LLC, as Buyer
And
THE TOWN OF GREAT BARRINGTON, as Seller

20 Castle Street, LLC and the Town of Great Barrington, the parties to that certain Purchase and Sale Agreement for Massachusetts Real Estate dated February 13, 2012, and covering the premises known as 20 Castle Street, Great Barrington (the "Agreement"), hereby agree that the Agreement shall be amended as follows:

1.7 Closing: The date is revised as follows: within 700 days of execution of Purchase & Sale Agreement, i.e., by January 14, 2014.

1.15 Buyer's Inspection Contingency Date: The period for inspection to occur is extended as follows: by within 693 days of execution of Purchase & Sale Agreement, i.e., by January 7, 2014.

Rider B: The phrase "60 day inspection contingency period," previously amended to "570 day inspection contingency period," is replaced by "693 day inspection contingency period."

Rider C: The phrase "60 day inspection contingency period" on page 14, in the second full paragraph, previously amended to "570 day inspection contingency period," is replaced by "693 day inspection contingency period."

The Parties agree that either may terminate the Agreement with 7 days written notice to the other party.

Dated: September ____, 2013

20 CASTLE STREET, LLC
By

TOWN OF GREAT BARRINGTON
By its Board of Selectmen

Title:

Buyer

Seller