

Kevin O' Donnell
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTMEN'S MEETING

MONDAY, DECEMBER 10, 2012, 7:00 PM

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

1. **CALL TO ORDER:**
2. **APPROVAL OF MINUTES:**
 - October 11, 2012 Special Meeting (Main Street Reconstruction).
 - November 26, 2012 Regular Meeting.
3. **SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**
 - A. GENERAL COMMENTS BY THE BOARD.
4. **TOWN MANAGER'S REPORT:**
 - A. PAUL AND MAUREEN HICKEY - DONATION TO RAMSDELL LIBRARY.
 - B. REPORT OF LINDA MILLER/CHAIR OF THE FIVE TOWN CABLE ADVISORY COMMITTEE RE: LICENSE RENEWAL.
5. **CITIZEN SPEAK TIME:**
6. **PUBLIC HEARING:**
 - A. JOEL AND KATHLEEN MILLONZI, 161 NEW HARTFORD ROAD, SANDISFIELD, MA TO MODIFY EXISTING SPECIAL PERMIT 679-07 TO REPLACE THE CONNECTOR TRELLIS WITH A PERMANENT ONE STORY CONNECTION BETWEEN THE TWO DWELLINGS AT 39 DRESSER AVENUE, GREAT BARRINGTON IN ACCORDANCE WITH SECTIONS 3.1.4 A(2), 8.1, AND 10.4 OF THE ZONING BYLAW. (DISCUSSION/VOTE)
 - a. Open Public Hearing
 - b. Explanation of Project
 - c. Speak in Favor/Opposition
 - d. Motion to Close Public Hearing
 - e. Motion re: Findings
 - f. Motion re: Approval/Denial/Table
7. **LICENSES OR PERMITS:**
 - A. JUDY SMITH FOR A DRIVEWAY PERMIT AT 63 BROOKSIDE ROAD. (VOTE)
 - B. BERKSHIRE SOUTH COMMUNITY CENTER/LAUREN PELLEGRINO FOR PERMISSION

TO HOLD BERKSHIRE SOUTH FITNESS 5K RUN/WALK ON SUNDAY, APRIL 7, 2013 IN HOUSATONIC STARTING ON PLEASANT STREET AND CONTINUING ONTO FRONT AND VAN DEUSENVILLE STREETS BEGINNING AT 9:30AM AND ENDING BY 11:30 AM. (DISCUSSION/VOTE)

C. 2013 ANNUAL LICENSE RENEWALS. (DISCUSSION/VOTE)

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

8. NEW BUSINESS:

- A. BOS AND GB HOUSING AUTHORITY JOINT APPOINTMENT TO THE GB HOUSING AUTHORITY UNTIL THE NEXT 2013 ELECTION. (DISCUSSION/VOTE)
- B. CONTINUED DISCUSSION RE: FOOD TRUCKS.
- C. RECOMMENDATION TO ZBA ON THE SHARON STRASSFELD APPEAL OF A CEASE AND DESIST ORDER ISSUED BY THE GB ZONING ENFORCEMENT OFFICER REGARDING ENCROACHMENT ON A WATER PROTECTION OVERLAY DISTRICT AT 237 LONG POND ROAD. (DISCUSSION/VOTE)
- D. TREE COMMITTEE - ARBOR DAY PROCLAMATION FOR TREE CITY USA DESIGNATION. (DISCUSSION/VOTE)

9. OLD BUSINESS:

- A. CONTINUED DISCUSSION RE: SIGN REGULATIONS.
- B. BUILDING MAINTENANCE OPERATING PROTOCOL.
- C. GREAT BARRINGTON PROFILE FOR TOWN MANAGER SEARCH.

10. SELECTMEN'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, JANUARY 14, 2013 AT 7:00 P.M.


Kevin O'Donnell, Town Manager

PURSUANT TO MGL. CHAPTER 30A, SECTION 20 (e) (f), MEETINGS OF THE TOWN OF GREAT BARRINGTON SELECTMEN ARE REGULARLY RECORDED AND VIDEOTAPED. ANY MEMBER OF THE PUBLIC WISHING TO SPEAK AT THE MEETING MUST RECEIVE PERMISSION OF THE CHAIR.

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.

EXECUTIVE SUMMARY

TITLE: Appreciation of Paul and Maureen Hickey's donation.

BACKGROUND: Ramsdell Library's goal of being an Artist's Library has been supported through Paul and Maureen Hickey's generous donation of over 600 art books. These books, which are often only found in academic libraries, will now be freely available to the public. Museum curator, Art Historian, and educator, Maureen Hickey's treasured art books span from Egyptian to contemporary art and vastly expands Ramsdell's Art and Architecture collection. Combined with kits for budding artists, art classes, and films about creativity, this extensive donation increases Ramsdell Library's prominence in our creative community.

FISCAL IMPACT: Not applicable.

RECOMMENDATION: The Select Board commends Paul and Maureen Hickey for their generosity.

PREPARED AND REVIEWED BY:


Kate Deviny, Director of Great Barrington Libraries


Kevin O'Donnell, Town Manager

DATE:

12/6/12

STATUS REPORT

License Renewal Negotiations

With

Time Warner Cable

November 20, 2012

Prepared by:

Linda Z. Miller
Chairman
Five Town Cable Advisory Committee
millers256@verizon.net

For:
The Town of Great Barrington

At the regular quarterly meeting of the Five Town Cable Advisory Committee (CAC) in September, 2010, the CAC established a sub-committee (LRS) for the purpose of negotiating a renewal Cable Franchise License Agreement with Time Warner Cable (TWC). From that point, the LRS began monthly meetings. Members of LRS began researching licenses that were either issued or renewed, by Time Warner, Comcast, Cablevision or Verizon, in the previous five years, in Massachusetts and beyond, for content. Specifically, we were seeking new and different content for protecting the interests of the Five Towns and their cable subscribers within the confines of Massachusetts DTC and FCC Regulations.

The CAC officially opened negotiations with TWC via a letter sent to TWC of March 8, 2011 (see Exhibit A) outlining our expectations and intentions for proceeding with negotiations, including ascertainment. From that point on, John Mucha, Director of Government Relations for TWC Albany, and John Fogarty, V.P., Assistant General Counsel, TWC, became part of the LRS. LRS meetings were held quarterly in 2010, monthly in 2011, in the first half of 2012, then biweekly to the end of 2012. CTSB staff has also participated, helping us determine PEG Access capital needs for the term of the agreement. Meetings will become weekly in January, 2013.

Ascertainment hearings were properly advertised and publicized and held on June 14, and September 13, 2011(see Exhibit B).

The LRS contacted the cable specialist at the law firm of Kopelman & Paige, to inform them of our intent, and our need for all billing to be split equally among the Five Towns. To date, we have not felt the need to consult counsel, however we will be doing so when we have a final draft of a renewal agreement. This is expected to occur in mid to late January, 2013.

We had hoped to visit the TWC Regional Headquarter as far back as last December. That had be postponed infinitely due to weather issues early on follow our inability to coordinate calendars.

As of this writing, Draft #5 has been complete but not yet delivered to TWC. We have agreement on most of the content including provisional agreement on previous sticking points: standard installation distance and PEG Access capital funding. The only major hurdle to completion yet to be resolved is universal coverage. We have made progress on this and we are optimistic that this , too, will be resolved before mid-January and have a final draft at that point. We plan to hold an additional hearing, though only two are required, then.

We can wrap up the renewal process by the March expiration with a review by counsel, and the five select boards, then final edits if needed, followed by final approval and signing by the Board of Selectmen of each of the Five Towns.

Electron copies of Draft # 5are available upon request

FIVE TOWN CABLE ADVISORY COMMITTEE

Representing the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge

March 8, 2011

John Mucha
Time Warner Cable Albany Division
1021 High Bridge Road
Schenectady, NY 12303

The Five Town Cable Advisory Committee has, per your notice dated August 16, 2010, commenced proceedings for the renewal of the cable television licenses held by Time Warner Cable in behalf of the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge.

As we proceed, we will be identifying future cable related needs and interests in our communities as well as hearing the public assessment of Time Warner Cable performance, and ascertainment of subscriber priorities. In that regard we will be holding at least two public hearings, the first of which will be in June, 2011.

Effective immediately, we request that you:

1. Inform us of Time Warner's anticipated negotiating process with our Committee. In particular, we wish to know if Time Warner plans on submitting a proposed agreement as a starting point, or, if the Committee and Time Warner should work with the existing Agreements with Great Barrington, Lee, Lenox and Stockbridge as a starting point, and work from that document with desired changes. The latter is our preference. .

EXHIBIT A – page 1

2. Inform us of how we can best develop an efficient negotiating schedule. In particular, we wish to know if negotiation, for example of changes in the existing Agreements, will take place at our regular quarterly meetings, or, if we should schedule more frequent meetings with stream-lined, negotiating-only agendas. In negotiating the present Agreements with your predecessor –in-interest, Adelphia, Inc., our committee met with Adelphia at least monthly and frequently more often, during the 18 months prior to expiration of the previous agreement.
3. Inform us of which individual at Time Warner will be negotiating with us. Please also let us know whether-or-not that individual will attend the necessary additional meetings for the negotiating process.
4. Provide to this Committee within one month a “Service Area Strand Map”, so we can identify the exact number and locations of all dwellings in our Towns that are provided with cable and that are as yet not provided with cable services. We believe this is a requirement of governing laws.

Furthermore, our Committee hereby informs you that we will invite the public to provide input at our next regularly scheduled meeting. Time Warner is hereby invited to participate and respond to any questions or concerns submitted by members of the public, as part of our ascertainment process. Our Committee will schedule at least one more such meeting. This present meeting this evening is also an opportunity, through its re-broadcast on CTSB, to give the public notice of their opportunity to participate in the ascertainment process.

To properly inform the public and Time Warner of the priorities identified by the License Negotiating Sub-Committee of this regional Five Town Cable Advisory Committee, we hereby describe the priorities we have identified so far:

- A. Maintaining installation of cable services to all residents within dwellings at a standard installation rate, provided such dwellings are served with electricity utility lines. This has been referred to in discussions as “universal access” and was the primary achievement of the past agreement. Such installations have been provided under the existing agreements by both Adelphia and Time Warner to all residents seeking such installations.

EXHIBIT A – page2

- B. Substantial capital funding of C.T.S.B. which is ordinary under virtually all license renewal undertakings. Our initial goals for capital funding appear to be in the \$500,000.00 range, but may be subject to changes and/or periodic distribution terms. C.T.S.B. and all public, educational and governmental (aka “PEG”) programming is an increasingly vital resource for robust participation of residents in the political foundations of our communities, and as such is a major asset of Time Warner that is not available on competing television service providers, such as the DISH, the DISH NETWORK, Verizon’s FIOS, etc.
- C. Most such cable television licenses with towns range between 5 and 10 year terms. We anticipate negotiating for the advantages of our Towns from a 5 year term starting point, and will have to be convinced of the value of a longer term.
- D. We will require that the new Agreement unequivocally define Time Warner’s “gross revenues” to include revenue from “home shopping networks” and from Time Warner advertising on the cable services provided to the subscribers in our Towns. This is also a requirement of the laws, however, we will insist the new Agreements provide an unambiguous definition in the event the laws change.
- E. We intend to maintain the current 5% funding of C.T.S.B. from those gross revenues.
- F. We intend to negotiate a “senior resident/low-income” discount for those qualifying.
- G. We intend to broaden and clarify definitions of circumstances that trigger activation of the “liquidated damages” provisions of the Agreements.
- H. We seek to explore with Time Warner any modern technology options that are available or that may become available, under a possible “state-of- the-art” provision, that facilitate greater voter participation at Town Meetings, through communication options with the cable system.

This is a tentative priority list, and is subject to change based upon many factors, including in particular, input to this Committee during the forthcoming “Ascertainment Period”.

EXHIBIT A-page 3

Finally, we hereby specifically request in writing as the Five Town Cable Advisory Committee that Time Warner respond in writing to this Committee in answering items numbered 1 – 4 above at least one month before our next regularly scheduled meeting.

While the present Agreements do not expire until February, 2013, we nonetheless have only seven regularly scheduled, quarterly meetings between our next meeting and Feb. 2013. Therefore, it is imperative that we move forward with clarity and with efficiency.

We thank Time Warner for its anticipated cooperation, and we look forward to working with you.

Sincerely,



Linda Z. Miller
Chairman

cc: Board of Selectmen, Town of Great Barrington
Board of Selectmen, Town of Lee
Board of Selectmen, Town of Lenox
Board of Selectmen, Town of Sheffield
Board of Selectmen, Town of Stockbridge
Cable Advisory Committee:
Malcolm Chisholm, Lee, Renewal Sub-Committee Chair
Richard-Scott Burow, Stockbridge
Tom Hatch, Great Barrington
Joseph Kellogg, Lenox
Steven Moritz, Lee
Stephen Miller, Stockbridge
Paul O'Brien, Sheffield
Bob O'Haver, Great Barrington
George Oleen, Sheffield
David Parker, Lee

EXHIBIT A – 4

**Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge
NOTICE OF PUBLIC HEARING**

In accordance with the provisions of the Cable Communications Policy Act of 1984, 47 U.S.C. sections 546 (a)-(g), the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge and their Five Town Cable Advisory Committee hereby commences formal cable television franchise renewal proceedings. The formal proceedings will consist of two public hearings, the first on which will be held on June 14, 2011, 6:00 PM at the Sheffield Town Hall.

The purpose of the formal renewal proceedings will be to review the performance of Time Warner Cable under its current Cable Television franchises, which will expire in March, 2013 and to identify future cable-related community needs and interests. The hearings are part of the formal renewal procedure required by law to determine whether Time Warner Cable current franchises should be renewed.

All members of the public, representatives of the cable operator, and all interested parties are invited to attend and to be heard.

EXHIBIT B

VIA E-MAIL with attachments

From: ARNOLD M MILLER [mailto:millers256@verizon.net]

Sent: Wednesday, July 06, 2011 10:20 AM

To: admin@townofstockbridge.com; bosoffice@townofsheffield.com; kevin o'donnell; Robert Nason selectmen@townoflenox.com

Cc: tom hatch; steven moritz; stephen miller; richard-scott burow; rhonda labombard; paul o'brien; joseph kellogg; george oleen; david parker; bob o'haver; arnie & linda miller; malcolm chisholm

Subject: Cable Franchise Negotiations - Legal Representation

In anticipation of the Cable Franchise Renewal, the Five Town Cable Advisory committee has been planning for legal counsel to represent the five towns. We have contacted Mr. Hewig of Kopelman & Paige, P.C., concerning their acting as counsel in the process of putting together the new agreement between each of the five towns and Time Warner Cable.

At the last regular meeting of the full committee, we unanimously passed a resolution outlining the services we will require and their fees for same (attached here).

We are not anticipating any billing from Kopelman & Paige in fiscal 2012. As you know, the renewal is scheduled to take place in March of 2013, so all billing will be in that fiscal year. Each of the towns should therefore budget \$5,000 in fiscal 2013 for legal fees in connection with franchise renewal.

We will be judicious in our use of counsel and we will work on the new agreement extensively in our negotiations sub-committee as well as the full CAC. You are all welcome to attend all our meetings which are posted in your Town Hall.

If you have any questions feel free to contact me or your own CAC representatives.

Thank you,

Linda Z. Miller
Chairman
Five Town Cable Advisory Committee
millers256@verizon.net
413-274-6601

EXHIBIT C

Full Name: William Hewig III
Last Name: Hewig
First Name: William
Job Title: Counsel
Company: Kopelman and Paige P.C.

Business: (617) 536-0007
Home: +1 (Dir 654) -1711
Business Fax: (617) 654-1735

E-mail: whewig@k-plaw.com
E-mail Display As: whewig@k-plaw.com

From: Malcolm Chisholm, Lee CAC and Regional CAC rep.
Date: May 19, 2011

**Re: MEMORANDUM TO REGIONAL CABLE ADVISORY COMMITTEE RE: LEGAL COUNSEL
FOR NEGOTIATING WITH TIME WARNER**

I discussed representation of the regional Five Town Cable Advisory Committee with Atty. Hewig several days ago. I reminded him that 10 years ago the arrangement we had with Kopelman & Page was that for an estimated \$10,000.00 [\$2,500.00 per town (only four towns then!)] the firm agreed to: a. answer specific questions during negotiations; b. review documents; and c., review in detail a final DRAFT of a license agreement with then Adelphia and add to it any matters that make it comply with regulatory requirements, and make sure the License Agreement did not include any language that could unexpectedly disadvantage the towns.

Near the end of the final draft reviews and many questions, the firm's fees exceeded the amounts the Towns had set aside, leading to disappointing misunderstandings. That was ten years ago, and Adelphia in bankruptcy.

Therefore Atty. Hewig suggested a reasonable fee probably be capped at \$25,000.00 (\$5,000.00 from each Town). I agreed with him, and urge the Committee to accept this arrangement.

Procedurally, the Regional CAC is incapable of holding funds. Therefore, each Town set aside the requested amount prior to the final year of negotiations, and as then CAC chair, I submitted invoices split four ways to the four Towns, and forwarded payments, and kept records, etc.

The Regional CAC should explore any possible options, such as the opinions of each Town counsel. The CAC should ~~not~~ proceed to have the Towns set aside adequate funds without delay. I know of no Towns that enter into such agreements without advice of counsel.

Malcolm Chisholm, Lee rep to CAC

FIVE TOWN CABLE ADVISORY COMMITTEE
Representing the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge

Cable License Renewal Attorney Information

It was unanimously voted on June 14, 2001 at the Five Town Cable Advisory Committee in Sheffield Town Hall that Kopelman and Paige would be hired to provide service during contract negotiations between the Five Town Cable Advisory Committee and Time Warner. The terms are as follows:

- The attorney will answer specific questions during negotiations
- The attorney will review documents
- The attorney will review a final draft of a renewal license agreement in detail, modify it to bring it into compliance with all state and federal regulatory requirements and make sure the language of the agreement is unambiguous and not open to any interpretation that could prove disadvantageous the towns, their residents and cable subscribers.
- Total fees will cap at \$25,000 for all the 5 towns, with each town being billed evenly and individually for its share thereof.

BOS SP. # 802 -12

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, December 10, 2012 at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA to act on the special permit application of Joel and Kathleen Millonzi, 161 New Hartford Road, Sandisfield, MA, to modify existing Special Permit 679-04 to replace the connector trellis with a permanent one story connection between the two dwellings at 39 Dresser Avenue, Great Barrington, MA, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw.

Sean Stanton, Chairman

Publish Friday, November 9, 2012 and Friday, November 16, 2012

Berkshire Record

SP 802-12

Joel and Kathleen Millonzi, 161 New Hartford Road, Sandisfield, MA, to modify existing Special Permit 679-04 to replace the connector trellis with a permanent one story connection between the two dwellings at 39 Dresser Avenue, Great Barrington, MA, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw.

DRAFT MOTIONS

- 1. **Motion:** Move to approve the Findings for Special Permit #802-12 for Joel and Kathleen Millonzi, as submitted and referenced as Exhibit A, and with the finding that the benefits of the proposal outweigh any possible detrimental impacts.

Second: _____

Roll call vote: _____

- 2. **Motion:** In view of the approved Findings, move to approve Special Permit #802-12 for Joel and Kathleen Millonzi, to modify existing Special Permit 679-04 for 39 Dresser Avenue, Great Barrington, MA, Street, Great Barrington, MA, in accordance with Sections 3.1.4 A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw, and with the following conditions as required by Section 8.1:

- 1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.

- 2. There shall be separate toilet, bath and kitchen facilities for each family.

- 3. Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building, shall not be located on any building wall facing a street and shall comply with Section 4.2.3, Permitted Projections into Yards.

- 4. Two off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property.

- 5. Drainage controls as deemed necessary by the SPGA shall be specifically described as an added condition of the special permit.

- 6. New construction of any two-family residence shall conform to all dimensional requirements of Section 4.0.

- 7. Any other conditions specified by the SPGA.

Second: _____

Roll call vote: _____

EXHIBIT A

SPECIAL PERMIT FINDINGS OF FACT

Re: SP #802-12
Applicant(s): Millonzi, 39 Dresser Avenue

A. Introduction

Special Permit #802-12 was filed by Joel and Kathleen Millonzi to modify an existing Special Permit, #679-04 at 39 Dresser Avenue, Great Barrington in accordance with Sections 3.1.4, A(2), 8.1, and 10.4 of the Great Barrington Zoning Bylaw.

B. General Findings

The applicant owns the site. The site is in the R1B zone. The entire site is within the 200-foot Riverfront area of the Housatonic River and thus is subject to Conservation Commission jurisdiction. The Conservation Commission has issued a Notice of Conditions for this proposed work through a Notice of Intent process.

The existing Special Permit authorized the two family use of a single residential lot, and the two single family dwellings were connected by a trellis. This was a specific condition of the Special Permit. The applicants wish to replace the existing connector trellis between the two single family dwellings by expanding the rear single family dwelling and physically connecting it to the back side of the front single family dwelling. Additionally, a garage will be added to the site and landscaping added where parking spaces currently exist.

The applicant is proposing to expand the rear single family dwelling by 862 square feet, making a new combined footprint 3,256 square feet. Added together with the garage, the total lot coverage of 3,816 square feet represents 22.6 percent of the lot, still less than the maximum lot coverage of 25 percent. The proposed addition meets all required setbacks.

The required number of four parking spaces will be provided on site. A 560 square foot garage will be constructed to house two cars.

Extensive landscaping with native shrubs, grasses, and wildflowers is proposed and approved by the Conservation Commission. Stormwater from the site will be drained into the town stormwater system. These stormwater controls have been reviewed and approved by the Conservation Commission and Department of Public Works. A street opening permit and trench permits will be necessary to complete the tie-in.

The Board of Health, Conservation Commission, and Planning Board have all made favorable recommendations on this Special Permit application. The staff Design Review Team has no concerns with this application.

C. Special Permit Criteria and Specific Findings

Per §10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” The six criteria and the Board’s considerations in relation each are detailed below:

1. Social, economic, or community needs which are served by the proposal.
 - The Applicant is improving a two-family residential use in a downtown location, without negative impact on erosion, runoff, parking, or traffic, and consistent with the goals of the Town's Master Plan.
2. Traffic flow and safety, including parking and loading.
 - There is no increase in parking or traffic under this proposal.
3. Adequacy of utilities and other public services
 - The proposal incorporates a drainage plan that is approved by the Department of Public Works. There are no detrimental impacts on other utilities or public services.
4. Neighborhood character and social structures.
 - The proposed addition is in keeping with the character of the historic, dense, neighborhood.
5. Impacts on the natural environment.
 - The proposal adds impervious surface to the site, but adequately mitigates any environmental concerns through extensive new plantings of native species, a clear erosion control plan, and an approved stormwater plan.
6. Potential fiscal impact, including impact on town services, tax base, and employment.
 - The proposal is likely to increase the value of the property without negatively impacting the value of surrounding properties.

Specific Findings:

In consideration of the above Findings, this Board finds that the benefits of the proposal outweigh any possible detrimental impacts.

D. Proposed Conditions

Per §8.1 of the Zoning Bylaw, every Special Permit for the two-family use of a single lot must contain the following conditions:

1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.
2. There shall be separate toilet, bath and kitchen facilities for each family.
3. Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building, shall not be located on any building wall facing a street and shall comply with Section 4.2.3, Permitted Projections into Yards.
4. Two off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property.
5. Drainage controls as deemed necessary by the SPGA shall be specifically described as an added condition of the special permit.

6. New construction of any two-family residence shall conform to all dimensional requirements of Section 4.0.

7. Any other conditions specified by the SPGA.

There are no other proposed conditions.



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

November 15, 2012

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

RE: Special Permit #802-12
39 Dresser Avenue

Dear Members of the Board of Selectmen:

At its meeting of November 8, 2012 reviewed the special permit application submitted by Joseph and Kate Millonzi to modify an existing special permit, #679-12. The request is to replace the trellis that currently connects the two structures at 39 Dresser Avenue with an 862 square foot addition.

The Planning Board voted to send a favorable recommendation on the application.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly L. Shaw".

Kimberly L. Shaw
Planning Board Secretary

Cc: Town Planner

Amanda Sewall
Conservation Commission Agent

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

CONSERVATION COMMISSION

Date: December 4, 2012

To: Board of Selectmen
Christopher Rembold, Town Planner

From: Amanda Sewall, Conservation Commission Agent

Re: Special Permit #802-12

The Conservation Commission issued an Order of Conditions for the proposed work at 39 Dresser Avenue through a Notice of Intent process on March 28th of this year. We were also made aware of, and approved, the minor changes to the plans proposed by Mr. Millonzi and his architect Alan Clark in September of this year.

The Commission is in support of Special Permit #802-12 and has no further recommendations at this time.

A copy of the Special Conditions issued with the Order of Conditions is attached for your information.

Thank you.

1. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission during business hours at 413-528-1619 extension 122.
2. The term "Plans" as used in the Order shall refer to the Plans entitled:
 - a. Erosion Control, Addendum #1, pages 1-4, dated March 9, 2012
 - b. Storm Water Control, Addendum #2, pages 1-5, dated March 9, 2012
 - c. Mitigation, Addendum #3, pages 1-2, dated March 9, 2012
 - d. Mitigation Planting Plan, Addendum #3-2, pages 1-6, dated March 9, 2012

The Order permits only the work as shown on the approved Plans.

3. Members of the Commission and/or its Coordinator shall have the right to enter and inspect the premises to evaluate and ensure compliance with these conditions and performance standards as stated in the Order, the Act, and/or the Ordinance, and may require additional information, measurements, photographs, observations and/or materials or submittal of data or information deemed necessary by the Commission for that evaluation.
4. The Commission reserves the right to impose additional conditions on any portion of this project that causes impact to any area of jurisdiction under the Act or the Ordinance.
5. Erosion control measures shall not be removed and shall remain intact until removal is approved by the Commission and/or the Coordinator. The sediment collected by these devices shall be removed and placed at an upland location and in a manner that will prevent its later erosion to any resource area.
6. At no time shall sediments be allowed to flow into or accumulate in any wetland or resource area on or off the property.
7. The Order shall be included with all construction-related documents. All contractors working at the site shall be made aware of the provisions contained within the Order and adhere to all Special Conditions herein. At all times, the site foreman, supervision engineer or construction manager shall have a copy of the Order at the site and direct compliance with the requirements of the Order.
8. Any changes made to the approved Plans, unless otherwise specified in the Order, which will alter an area subject to protection under the Act or Ordinance, shall require applicant to inquire of the Commission, in writing, whether the change is significant enough to require the filing of a new Notice of Intent.
9. In the event that this property/project is sold or conveyed, the new owner(s) shall meet with the Conservation Commission or its Coordinator prior to commencing or continuing any work permitted by this order.
10. (excavator copy of OOC) **Prior to the commencement of any earth moving activities**, whoever shall be employed to execute earth-moving activities must be provided a copy of the Order.
11. **Prior to the initiation of any work**, unless otherwise agreed upon by the applicant and Commission or its Coordinator, all erosion control measures shall be constructed and installed

as shown on the approved Plans. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required. **No work shall begin until the Commission has inspected and approved of all erosion controls.**

12. (emergency contact information) **Prior to initiation of any work**, emergency contact phone numbers, including cell phone numbers of the applicant, their environmental consultant, contractor, site foreman and construction manager shall be furnished to the Commission.
13. No disturbed areas or stockpiled materials shall be left unprotected or without sufficient erosion controls to ensure such materials will not cause any impacts to any wetland or resource area.
14. To prevent erosion, soils exposed for periods greater than one month shall be stabilized with erosion control blanket or netting, or a covering of mulch, or a temporary cover of rye or other grass. Drainage ditches shall be hydro-seeded with a perennial grass mixture. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding. Preference should be given to biodegradable materials. This condition is ongoing and does not expire upon completion of this project or the issuance of a Certificate of Compliance.
15. The applicant shall immediately control or correct any erosion problems that occur at the site and shall also immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
16. Unless otherwise specified in the Order, the wetland replication shall be performed in accordance with the Notice of Intent, the Plans and any supplemental documents. The Commission reserves the right to require additional plantings to ensure achievement of 75% cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55(4)(b). Two years begins from the date of final planting. Please call the Conservation Commission agent within 48 hours of final planting for a site visit and documentation.
17. Within 30 days of final grading, (or within 30 calendar days after the commencement of the following growing season if the project is completed after October 31st), all disturbed areas shall be permanently stabilized with rapidly growing cover and a minimum of 4 to 6 inches of organic topsoil, if necessary.
18. Upon completion of construction and final soil stabilization, the applicant shall submit the following of the Conservation Commission to request a Certificate of Compliance (COC):
 - A Completed Request for a Certificate of Compliance form (WPA Form 8A)
 - IF the project has any stormwater structure(s) requiring routine cleaning and/or maintenance, the applicant or current owner shall submit a signed agreement between the applicant or current owner and a company who has been contracted to clean and maintain such structures on the project.
 - As-Built plans signed and stamped by a registered professional engineer, architect, landscape architect or land surveyor and a written statement from such professional certifying substantial compliance with the Plans and describing what deviation, if any, exists from the Plans approved in the Order. This plan shall include at a minimum:

- All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in the Order.
 - Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under the Order within any wetland resource area or buffer zone;
 - Distances from any structures constructed under the Order to wetland resource areas – “structures” include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - A line delineating the limit of work – “work” includes any filling, excavating and/or disturbance of soils or vegetation approved under the Order;
 - Wetland resource replication areas constructed under the Order.
19. Prior to issuance of Certificate of Occupancy, all planting outlined in Mitigation/Planting Plan Addendum #3-2 dated 3/9/12 must be installed.

Ron Majdalany, Chairman
Claudia Ryan, Vice-Chair
Frederick Conforti, MD.

www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

BOARD OF HEALTH

December 7, 2012

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

RE: Special Permit # 802-12

Dear Board Members:

At its meeting of December 6, 2012 the Board of Health reviewed the Special Permit Application #802-12 submitted for Joel and Kathleen Millonzi to modify existing special Permit #679-04 to replace the connector trellis with a permanent one story connection between the two dwellings at 39 Dresser Avenue. After discussion and review, the board voted to forward a favorable recommendation.

Sincerely,

Mark Pruhenski
Health Agent

MP/crw

Cc: Town Planner

TOWN OF GREAT BARRINGTON
Application for a Special Permit

CR

FORM SP-1
REV. 09-2009

FOR OFFICE USE ONLY

Number Assigned 802-12
Copy to Planning Board 11/5/12
Advertised 11/9, 11/16/12 Record
Public Hearing 12/10/12
Fee: \$150.00 Date Paid 11/2/12

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

MAP 14 LOT 232 BOOK 1657 PAGE 180 ZONING DISTRICT R-1-B

Date of Application NOV 2, 2012 Telephone Number (917) 375-1303

Petitioner (Applicant)

Name and complete mailing address JOEL + KATHERINE MILLONZI I
P.O. BOX 572
SANDSFIELD, MA 01255

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

JOEL C. MILLONZI + KATHLEEN C. MILLONZI
161 NEW HARTFORD RD., SANDSFIELD, MA, 01255

I (we) request a Special Permit for: modification of Special Permit #679-04 of 5/7/2004
to replace the "connector trellis" with a permanent one-story connection between
the two dwellings on the property.

Under Section 171- 16A2 & 171-75 of the Great Barrington Zoning Bylaws.

REQUIREMENTS: PLEASE READ AND COMPLY WITH THE FOLLOWING:

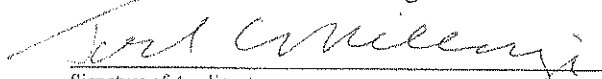
Seventeen (17) exact copies of items 1 through 9 are to be submitted:

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.

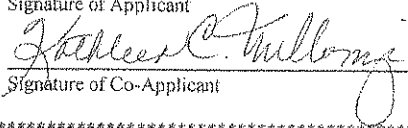
- 6. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.
- 7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require 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.



 Signature of Applicant

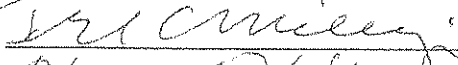


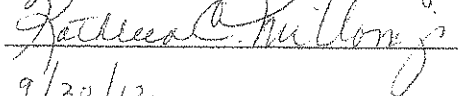
 Signature of Co-Applicant

PLEASE READ AND SIGN BELOW

ALL COSTS INCURRED BY THE TOWN FOR THE EMPLOYMENT OF EXPERTS OR CONSULTANTS REQUIRED BY ANY TOWN BOARD, AND APPROVED BY THE BOARD OF SELECTMEN, FOR THE PURPOSE OF ANALYZING OR EVALUATING ANY PROJECT THAT IS A SUBJECT OF A SPECIAL PERMIT APPLICATION SHALL BE ASSESSED TO THE APPLICANT AND SHALL CONSTITUTE PART OF THE APPLICATION FEE. A COPY OF THIS REGULATION SHALL BE PROVIDED TO EACH APPLICANT, WHO SHALL SUBMIT WITH HIS APPLICATION A SIGNED STATEMENT THAT HE HAS READ THIS REGULATION AND AGREES TO BE BOUND BY IT.

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


Signature 

Signature 

Date 9/30/12

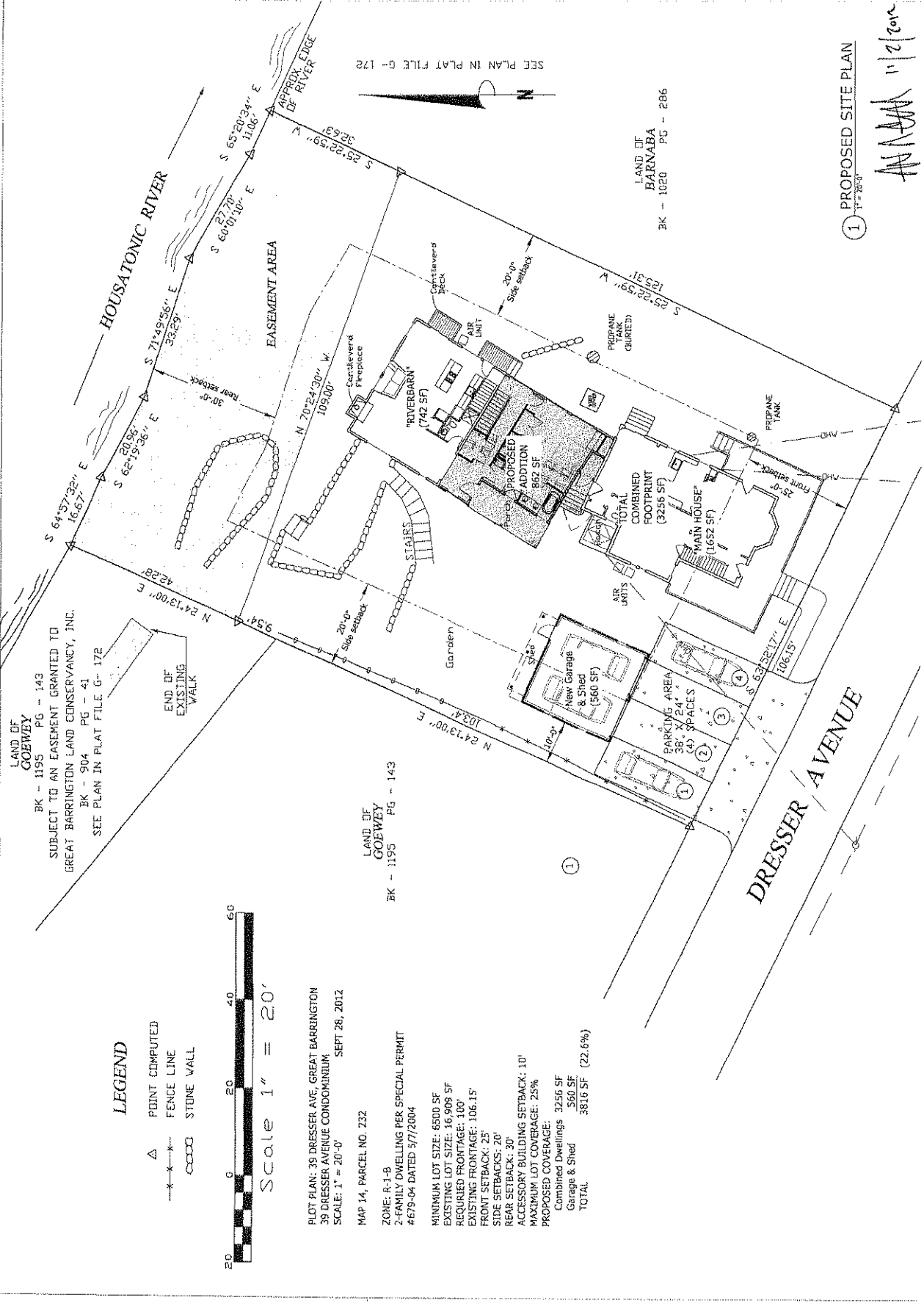
ARCHITECT:
 ALAN CLARK
 Alan Clark Architects, P.C.
 P.O. Box 460
 2638 Route 23
 Middleboro, MA 01529
 (508) 946-1111
 (513) 445-0094 cell
 ac@alanclark.com

PROJECT NORTH



DATE: 08/28/2012
 DRAWN BY: ALAN CLARK
 CHECKED BY: ALAN CLARK

PROJECT TITLE
 JOEL & KATE
 MILTONZI
 39 DRESSER AVE.
 GREAT BARRINGTON, MA
 SHEET TITLE
 PROPOSED
 PLAN
 SHEET NUMBER
 32



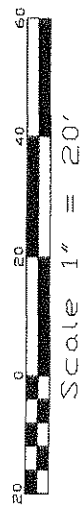
LAND OF
 GOEWY
 BK - 1195 PG - 143
 SUBJECT TO AN EASEMENT GRANTED TO
 GREAT BARRINGTON LAND CONSERVANCY, INC.
 BK - 904 PG - 41
 SEE PLAN IN PLAT FILE G-172

LAND OF
 GOEWY
 BK - 1195 PG - 143

LAND OF
 BARNABA
 BK - 1020 PG - 286

LEGEND

- △ POINT COMPUTED
- FENCE LINE
- STONE WALL



PLOT PLAN: 39 DRESSER AVE. GREAT BARRINGTON
 39 DRESSER AVENUE CONDOMINIUM
 SCALE: 1" = 20'-0"
 MAP 14, PARCEL NO. 232

ZONE: R-1-B
 2-FAMILY DWELLING PER SPECIAL PERMIT
 #679-04 DATED 5/7/2004

MINIMUM LOT SIZE: 6500 SF
 EXISTING LOT SIZE: 16,609 SF
 REQUIRED FRONTAGE: 180'
 EXISTING FRONTAGE: 106.15'
 FRONT SETBACKS: 25'
 SIDE SETBACKS: 20'
 REAR SETBACK: 30'
 ACCESSORY BUILDING SETBACK: 10'
 MAXIMUM LOT COVERAGE: 25%
 PROPOSED COVERAGE:
 Combined Dwellings 3256 SF
 Garage & Shed 560 SF
 TOTAL 3816 SF (22.6%)

1 PROPOSED SITE PLAN
 1" = 20' 0"

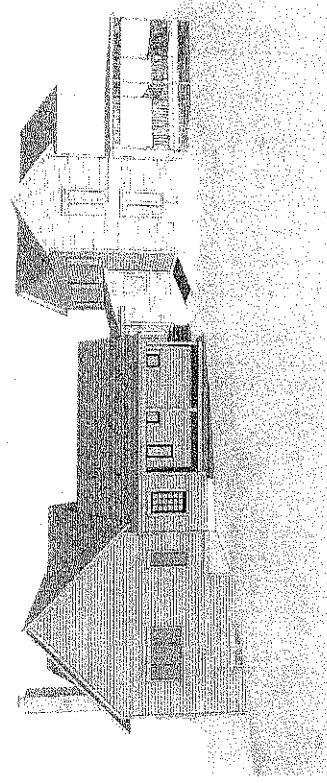
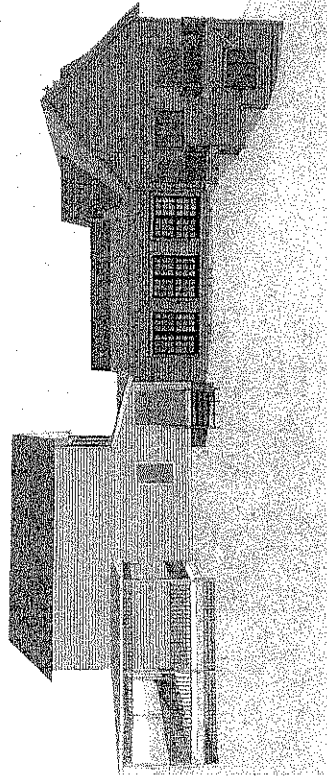
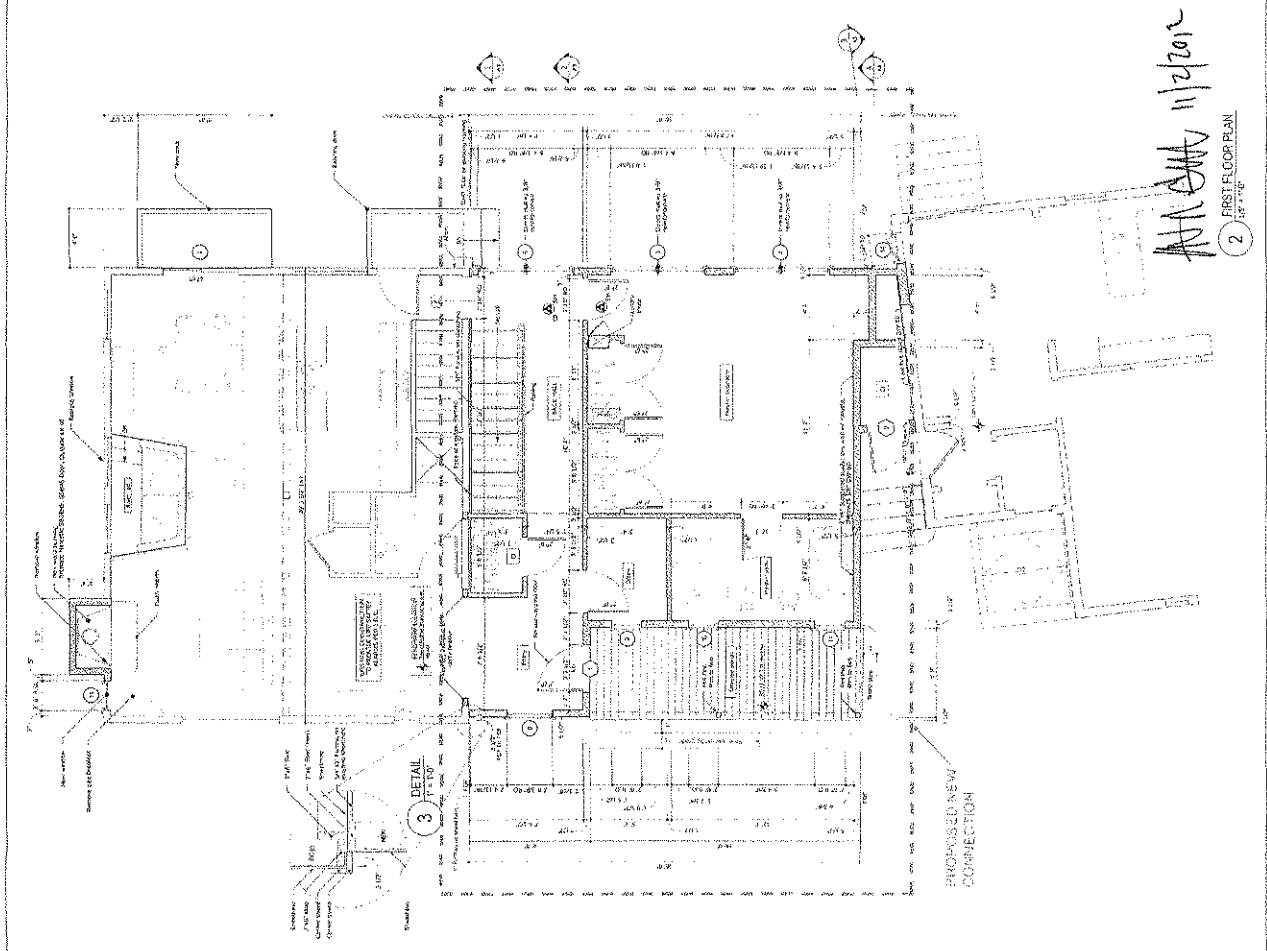
ANNA 11/2/2012

ARCHITECT:
 ALAN CLARK
 Alan Clark, Architect, P.C.
 P.O. Box 460
 2638 Route 23
 Hillsdale, NY 12529
 (518) 325-1180
 (413) 446-0094 ext
 ac@alanc Clark.com

DATE: 11/20/12
 DRAWN BY: MCGO CLARK
 PROJECT NO: 12012012

PROJECT TITLE
 JOEL & KATE
 MILLONZI
 39 DRESSER AVE.
 GREAT BARRINGTON, MA

SHEET TITLE
 PLAN
 SHEET NUMBER
 2



ARCHITECT:
ALAN CLARK
Alan Clark Architects, PC
P.O. Box 460
2638 Route 73
Hillsdale, NY 12529
(518) 325-1181
(413) 446-0094 cell
ac@alanc拉克.com

DATE: 11/2/2012
DESIGN: 100%
PROVISION

PROJECT TITLE

JOEL & KATE
MILLONZI
39 DRESSER AVE.
GREAT BARRINGTON, MA

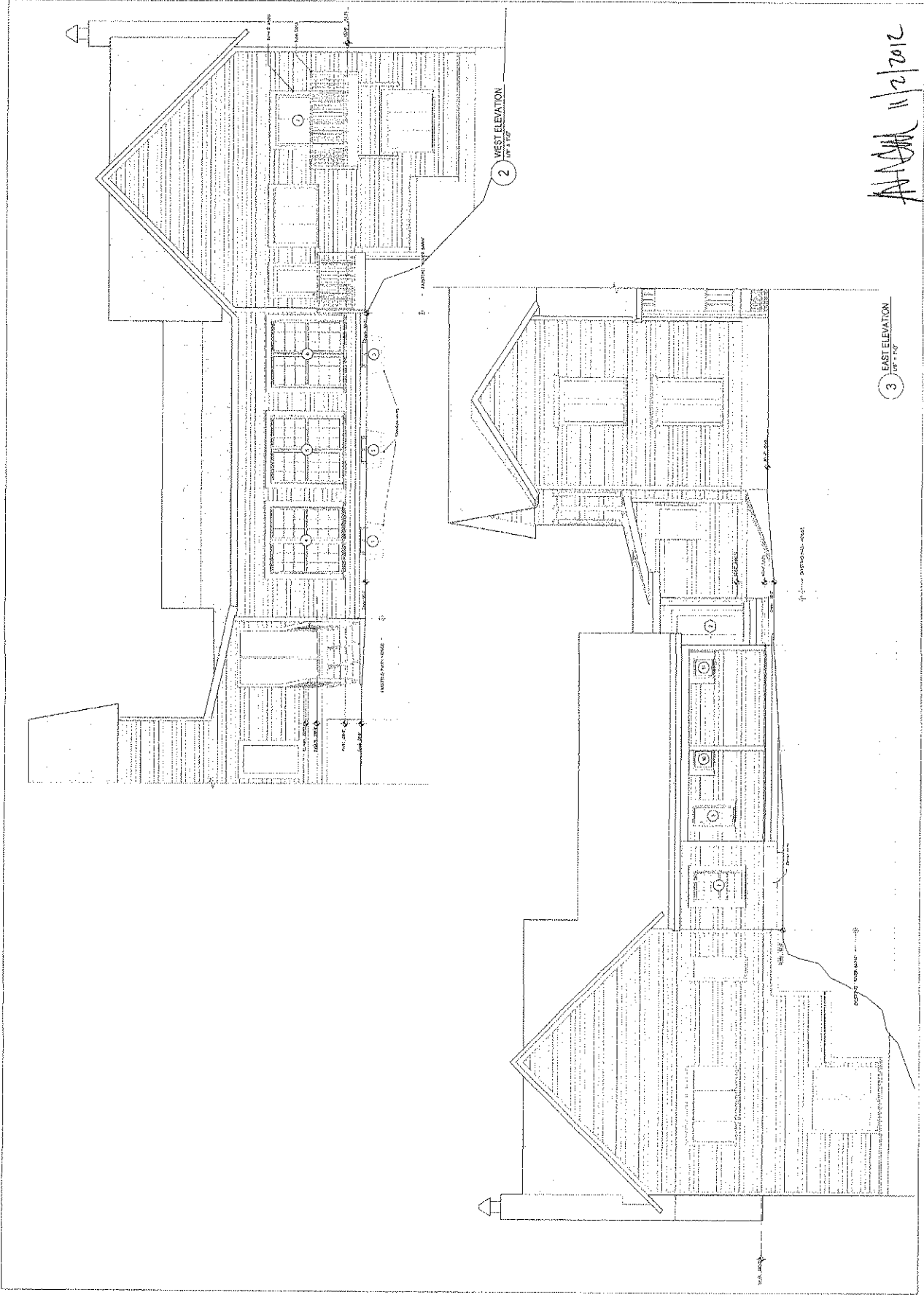
SHEET TITLE

ELEVATIONS

SHEET NUMBER

A2

ANAL 11/2/2012



3 EAST ELEVATION
11/2/12

Robert G. Guidi, Member
Bruce Firger, Member

Principal Assessor
Christopher Lamarre



334 Main Street, Room 205
Great Barrington, MA 01230-1831

Telephone: (413) 528-1619 ext. 5
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

BOARD OF ASSESSORS

October 29, 2012

ABUTTERS TO PROPERTY OF: JOEL C. & KATHLEEN C. MILLONZI
37 & 39 Dresser Avenue, Map 14 Lot 232, condo Units 1 & 2
Book 1657 Pg. 180 & Book 1767 Pg. 103

MAP LOT ABUTTER

14	228,230	Roman Catholic Bishop of Springfield, 16 Russell St., Gt. Barrington, MA 01230-1333
14	229,239	James J. & Gina S. Bashour, 300 Seward Rd., Brentwood, TN 37027-5102
14	233,234	anthony & Maureen W. Barnaba, 45 Dresser Ave., Gt. Barrington, MA 01230-1316
14	235,236	Elijah & Pearlie M. Conaway, 51 Dresser Ave., Gt. Barrington, MA 01230-1316
14	238	Arthur J. Batacchi Jr. & Rebecca H. S. Batacchi, 221 Lime Kiln Rd., Sheffield, MA 01257-9513
14	240	Edward D. Abrahams & Shelly Schuster Abrahams, 15 Pleasant St., Gt. Barrington, MA 01230-1324
14	241	Henry & Ruby Hargraves, 26 Dresser Ave., Gt. Barrington, MA 01230-1317
14	242	Linda Baxter, 19 Pleasant St., Gt. Barrington, MA 01230-1324
14	243	Douglas Schmolze, 32 Dresser Ave., Gt. Barrington, MA 01230-1317
14	244	Jed M. Schwartz, & Lee A. Schwartz, 88 Bleecker St. #6F, New York, NY 10012-1517
14	245	Georgene Poliak & David Long, 27 Pleasant St., Gt. Barrington, MA 01230-1316
14	246	Sabrina R. Constantini & Rain e M. Hall, 31 Pleasant St., Gt. Barrington, MA 01230-1324
14	247	Beartown Realty LLC, PO Box 751, Monterey, MA 01245-0751
14	248	Roger M. Ball & Denise Church, 44 Dresser Ave., Gt. Barrington, MA 01230-1317
14	249	Philip Gellert, 524 Columbia St., Hudson, NY 12534-2507
14	249A	Alan K. Havill, 8 Francis Ave., Gt. Barrington, MA 01230-1321
14	250	Christopher & Evelyn L. Wallace, 41 Pleasant St., Gt. Barrington, MA 01230-1324
14	266,267	Peggy Ann Thieriot, 32 Cottage St., Gt. Barrington, MA 01230-1302
14	279A	Matthew J. & Julie C. Duffin, 150 East St., Gt. Barrington, MA 01230-1435
14	279	Construct Inc., 41 Mahaiwe St., Gt. Barrington, MA 01230-1901
14	274	James Paul Marchetti & Mary Kathleen Coyle, 4117 37 th St. NW, Washington, DC 20008-3106
14	273	Lynn M. Pino & Marlene L. Pino, 2 Cottage Ct., Gt. Barrington, MA 01230-1306
14	270A	Ervin R. & Mary Lou Dunham, 74 Cottage St., Gt. Barrington, MA 01230-1349
14	269A	Berkshire Mental Health Community Residence Development Corp., 333 East St. #1, Pittsfield, MA 01201-5392
14	269	Richard T. & Julie Mai Chen, 30 Tamie Way, Pittsfield, MA 01201-8221
14	268	Robert F. & Jane A. Holcomb, 9 Crissey Rd., Gt. Barrington, MA 01230-1299

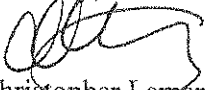
JOEL C. & KATHLEEN C. MILLONZI, 37 – 39 DRESSER AVE.

MAP LOT ABUTTER

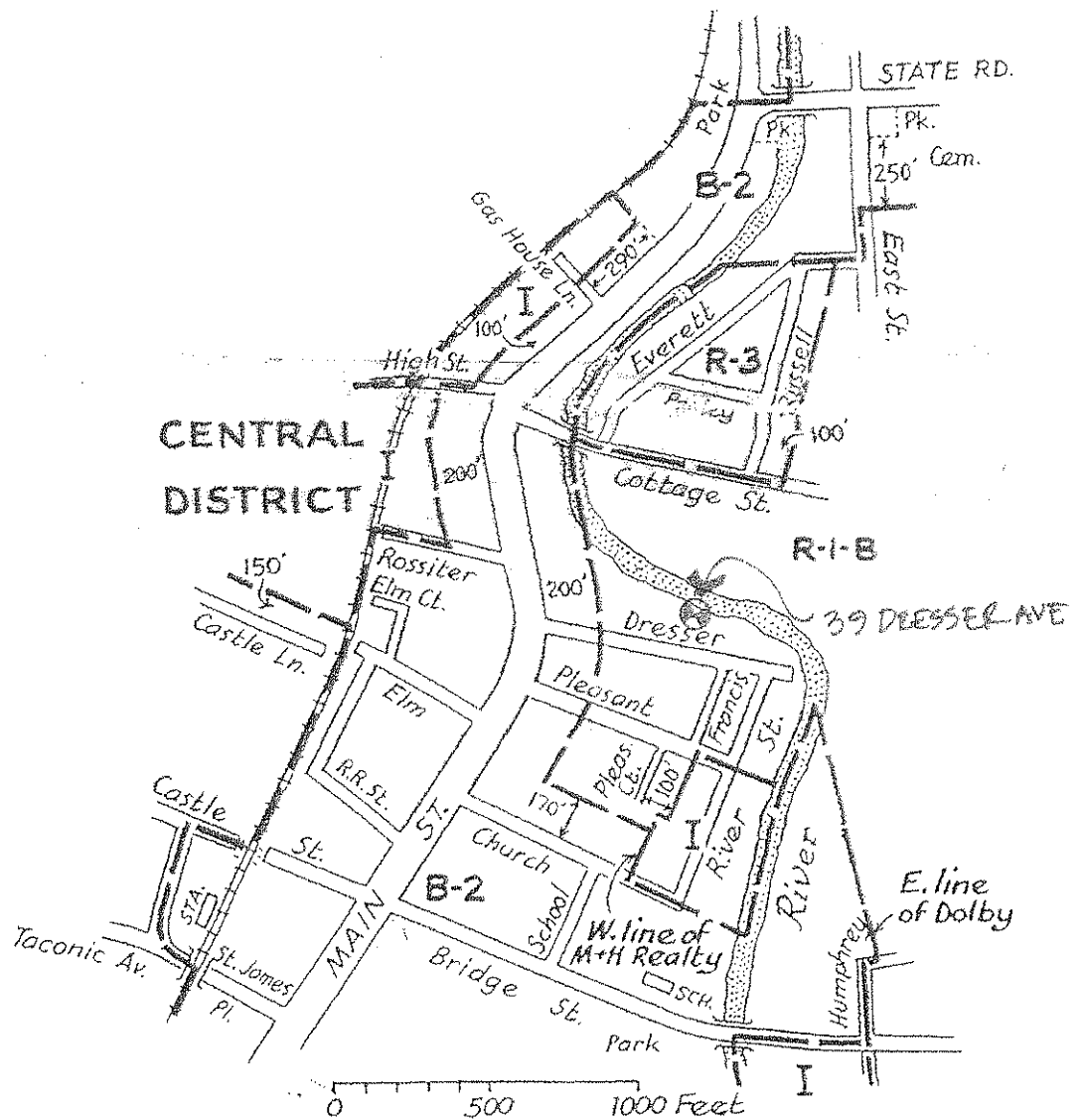
14	257	Meryl H. Joseph, 58 River St., Gt. Barrington, MA 01230-1331
14	258	Deidre Corcoran, 62 Maple Ave., Collinsville, CT 06019-3033
14	259	Berkshire Riverhouse LLC, Richard Imrie, 140 Damascus Rd., East Quogue, NY 11942-3632
14	255	Andrew A. Fjnk & Gretchen M. Fink, 9 Francis Ave., Gt. Barrington, MA 01230-1320
14	256	Allison M. Stinson, 345 Bayshore Blvd #1103, Tampa, FL 33606-2351
14	254	Margaret Parish, PO Box 273, Stockbridge, MA 01262-0273
14	253	Mary Kate McTeigue, 53 River St., Gt. Barrington, MA 01230-1345
14	251	Marguerite DeSantis & Howard M. Katzoff, 50 Dresser Ave., Gt. Barrington, MA 01230-1341
14	252	Benjamin M. Schmolze, 54 Dresser Ave., Gt. Barrington, MA 01230-1341
14	237	Town of Great Barrington, Mason Library, 334 Main St. Rm. 208, Gt. Barrington, MA 01230-1832
14	231 U 4	Janice Shields, 31 Dresser Ave. #4, Gt. Barrington, MA 01230-1979
14	231 U 1,2,3,5	Margaret P. Mingos, 211 St. Charles Court, Jupiter, FL 33477-9303

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

Sincerely,



Christopher Lamarre
Principal Assessor



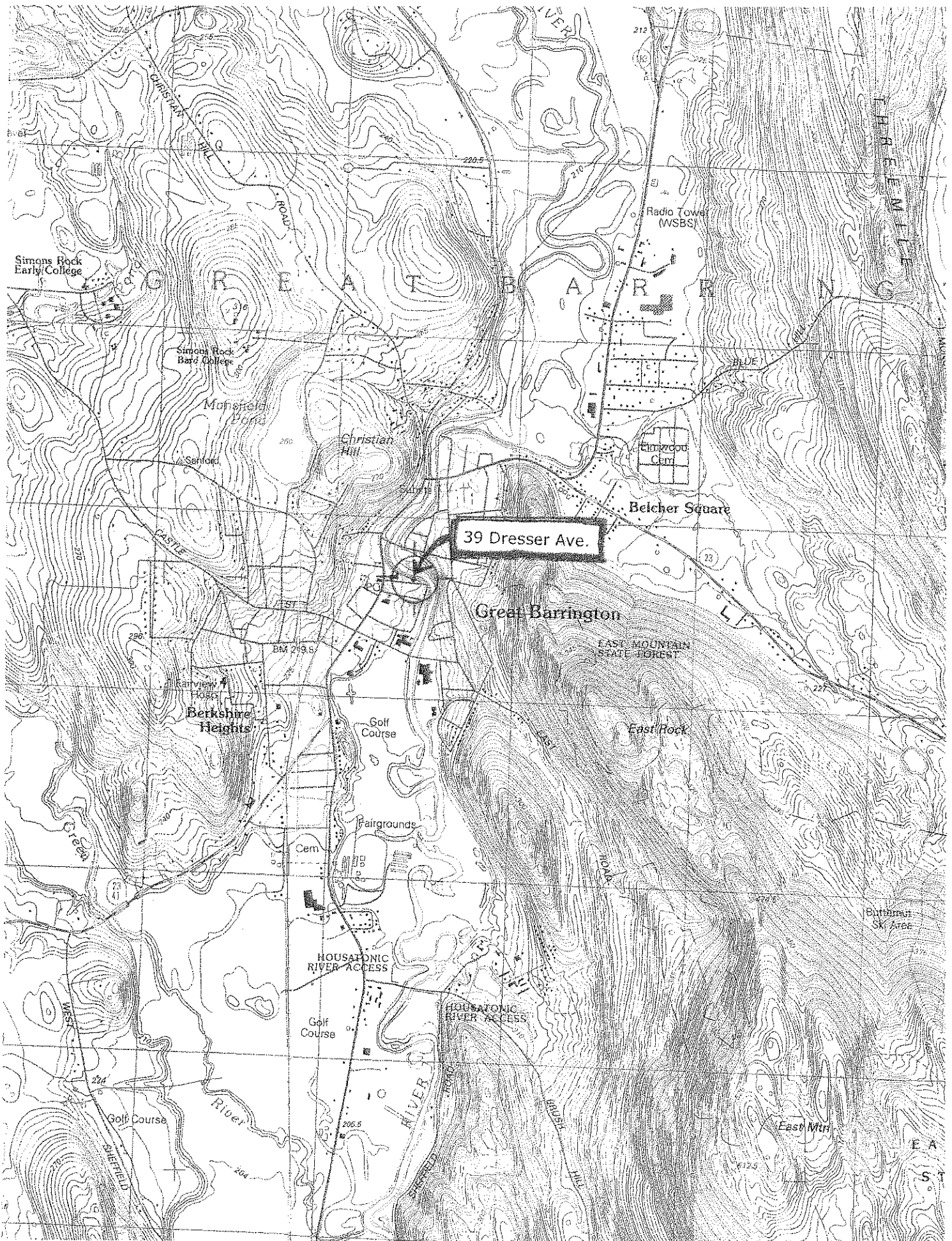
TOWN OF GREAT BARRINGTON ZONING MAP

DRAWN BY VAUGHN GRAY, APRIL 1974, REVISED NOVEMBER 1978

Amended May 1987

RESIDENTIAL

- R-1-A ONE-FAMILY MEDIUM DENSITY (10,000 sq. ft.)
- R-1-B ONE-FAMILY HIGH DENSITY (6,500 sq. ft.)
- R-2 1 ACRE RESIDENTIAL
- R-3 GENERAL RESIDENTIAL
- R-4 2 ACRE RESIDENTIAL



Simons Rock
Early College

Simons Rock
State College

Radio Tower
(WSBS)

Monterey

Christian
Hill

Linwood
Carr

Seaford

Belcher Square

39 Dresser Ave.

Great Barrington

EAST MOUNTAIN
STATE FOREST

Berkshire
Heights

Golf Course

East Rock

Fairgrounds

Cem.

HOUSATONIC
RIVER ACCESS

HOUSATONIC
RIVER ACCESS

Golf Course

Butterbur
Ski Area

Golf Course

East Mtn

SHREVEFIELD

River

RIVER

E A
S T

HOUSATONIC RIVER

S 64°57'32" E
16.67'

S 71°49'56" E

S 65°25' E
11.08'



N 24°3'00" E

END OF
EXISTING
WALK

**NEW ROOF
(GARAGE)**

PROPOSED
CONNECTOR

**EXIST'G ROOF
'EMERGENCY'**

PROPOSED
12' x 26' GARAGE

PROPOSED
SILT BARRIER

**SUB-SURFACE
DRAIN**

SIDEWALK

**EXISTING CATCH
BASIN IN STREET**

DRESSER AVENUE

Drainage Plan



**NEW ROOF
CONNECTOR**

**SUB-SURFACE
DRAIN**

ZONE: R-1-B
SITE PLAN
39A/B Dresser Ave.
Great Barrington, MA.
Pg 2 Jan 8, 2017

**STORM WATER
CONTROL**

SCALE:
1" = 20'

S 64°57'32" E 14.10'
71°28'58" E 18.20'
S 45°20' 11.80'

River walk

Stone Terrace

39 ft

1000 sq ft Native Plants

1000 sq ft Native Plants



39 ft

39 ft

PORCH

PROPOSED CONNECTOR

PROPOSED 12' x 26' CARRAGE

PROPOSED 8' x 12' CARRAGE

SIDE WALK

ZONE

DRESSER AVENUE

Landscape Plan

Scale:
1" = 20'-0"

THIS IS NOT A BUILDING PERMIT TO RENOVATE, REMODEL, BUILD,
OR OCCUPY THESE PREMISES. BUILDING PERMITS MUST BE OBTAINED
FROM THE INSPECTOR OF BUILDINGS AS APPLICABLE.

TOWN OF GREAT BARRINGTON, MASSACHUSETTS

CASE NO.: 679-04

DATE FILED: 5/7/04

Record of Proceedings
On Application For A Special Permit

(Copies of this record of proceedings with all attachments must be filed with the Town Clerk)

I, Douglas D. Stephenson, Chairman of the Board of Selectmen, hereby certify that the following is a detailed record of all its proceedings relative to the application of:

DALE CULLETON, 212 NORTH PLAIN ROAD, GREAT BARRINGTON, MA 01230
(Name and Address of Applicant)

for a special permit under Sections 171-16 A(2), 171-75 and 171-45 of the Zoning Bylaws.

The applicant desires a permit for a two family residential use of a single lot at 39 Dresser Avenue, Great Barrington, MA 01230.

The premises affected are located at 39 Dresser Avenue, Great Barrington, Massachusetts 01230, being in a Zoning District in which the above mentioned use requires special permit from the Board of Selectmen.

1. On January 3, 2004, application of which a true copy marked "A" is made a part of this record was presented to the Board of Selectmen.
2. Thereupon, an advertisement for public hearing, of which a true copy marked "B" is made a part of this record, was published in the The Berkshire Record, a newspaper published in Great Barrington, MA on February 13 and February 20, 2004.

3. Notices of the hearing, copies of which are marked "C" and are hereunder made a part of this record, were mailed postpaid to the petitioner, abutters, and owners of land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A.", and to the Planning Board and the Planning Boards of every abutting municipality and to the Inspector of Buildings.

4. On March 22, 2004, a hearing was opened at the Town Hall, at which hearing, an opportunity was given to all those interested to be heard in favor or in opposition to the Special Permit. Mr. Stephenson read the application and advised that the hearing had been advertised, a site inspection had been conducted by the Board on March 11, 2004, and the required public hearing notices were mailed to immediate abutters. Mr. Stephenson read letters of recommendation from the Planning Board, Board of Health and the Conservation Commission (copies attached). The applicant was present to answer any questions. The Board decided to continue the public hearing to check if they could waive the building of a connector as required by Town bylaws. The hearing re-opened on March 29, 2004. After discussion, it was decided that the approval of a permit without connecting the buildings in some fashion would leave the applicant subject to enforcement for years to come. Mr. LaClair stated that there were two versions of the plan; an enclosed breezeway and a pergola or trellis. The "proposed connector trellis" plan dated March 18, 2004 was brought forward by the applicant as a final plan.

Following the hearing,

Members present: Douglas D. Stephenson, Peter L. Fish, Margaret F. Beckwith, Judith Keefner and Andy Moro

MOTION: Mr. Fish moved to approve Special Permit #679-04 for Dale A. Culleton for a two family residential use of a single lot at 39 Dresser Avenue in Great Barrington in accordance with Sections 171-16A(2), 171-75 and 171-45 of the Great Barrington Town Code and to make the following findings:

171-45

(1) It is in compliance with all provisions and requirements of this chapter and is in harmony with their general intent and purpose;

- a two-family residential use is allowed by special permit in an R-I-B Zone.

Positive recommendations have been received from the Conservation Commission, Planning Board and Board of Health and letters of support have been received from abutters.

(2) It is essential or desirable to the public convenience or welfare at the proposed location;

- it will provide additional housing, which is much needed in the community, and is supported by abutters.

(3) It will not create undue traffic congestion or unduly impair pedestrian safety;
- the proposed residential use is on a short residential street with minimal existing traffic.

(4) It will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use will be unduly subjected to hazards affecting public health, safety or general welfare;
- the dwelling will be served by public sewer and sufficient capacity exists in the Town's system.

171-75

D. Every special permit issued in accordance with the provisions of this section shall contain the following conditions:

- (1) All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued;
- (2) There shall be separate toilet, bath and kitchen facilities for each family;
- (3) No exterior addition to any existing building shall be made other than doorways, fire escapes and/or outside stairways.
- (4) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building, shall not be located on any building wall facing a street and shall comply with Section 171-21C of this chapter.
- (5) Two (2) off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than fifteen percent (15%) of the total area of the property. When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed.
- (6) Drainage controls as deemed necessary by the SPGA shall be specifically described as and added condition of the special permit.

- (7) New construction of any two-family residence shall conform to all dimensional requirements of 171-18.

And further moved to grant the permit subject to the following additional conditions:

- (8) The buildings shall be connected in accordance with The "Proposed Connector Trellis" plan dated March 18, 2004.
- (9) There will be no permanent parking or storage of vehicle(s) at the lower level of the renovated barn structure.
- (10) The applicant shall return to the Board of Health for a sewer connection permit.

SECOND: Mrs. Keefner

ROLL CALL VOTE:

Mr. Moro	-yes
Mrs. Keefner	-yes
Mrs. Beckwith	-yes
Mr. Fish	-yes
Mr. Stephenson	-yes

THE MOTION CARRIED

5-0.

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

NOTICE OF DECISION ON SPECIAL PERMIT

(To be mailed forthwith to the petitioner, abutters and owners of land within 300 feet of the property line, the Planning Board, the Inspector of Buildings, the planning boards of every abutting municipality and to every person present at the hearing who requested the notice be sent to him and who stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.)

Applicant: DALE CULLETON

Owner: Same

Date: 5/7/04

Case No.: 679-04

Premises Affected: 39 Dresser Avenue, Great Barrington, MA 01230

Special Permit Applications
Referring to the above applications so as to permit

a two family residential use of a single lot at 39 Dresser Avenue, Great Barrington, MA 01230

After a public hearing opened on March 22, 2004, the Board of Selectmen, at its meeting on March 29, 2004, **VOTED TO GRANT** the special permit under Article X, Section 171-45 and under Article V, Section 171-16 A (2) and 171-75 of the Protective Bylaw subject to the following conditions, safeguards and limitations on time or use, if any:

- (1) All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued;
- (2) There shall be separate toilet, bath and kitchen facilities for each family;
- (3) No exterior addition to any existing building shall be made other than doorways, fire escapes and/or outside stairways.
- (4) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building, shall not be located on any building wall facing a street and shall comply with Section 171-21C of this chapter.

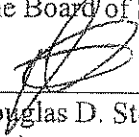
- (5) Two (2) off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than fifteen percent (15%) of the total area of the property. When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed.
- (6) Drainage controls as deemed necessary by the SPGA shall be specifically described as and added condition of the special permit.
- (7) New construction of any two-family residence shall conform to all dimensional requirements of 171-18.

And further moved to grant the permit subject to the following additional conditions:

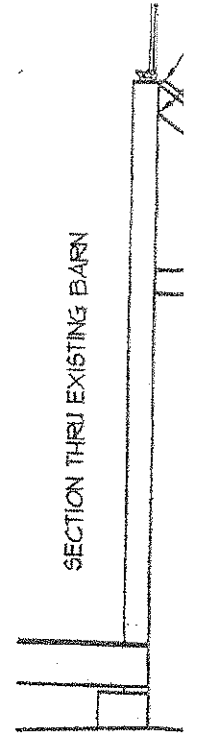
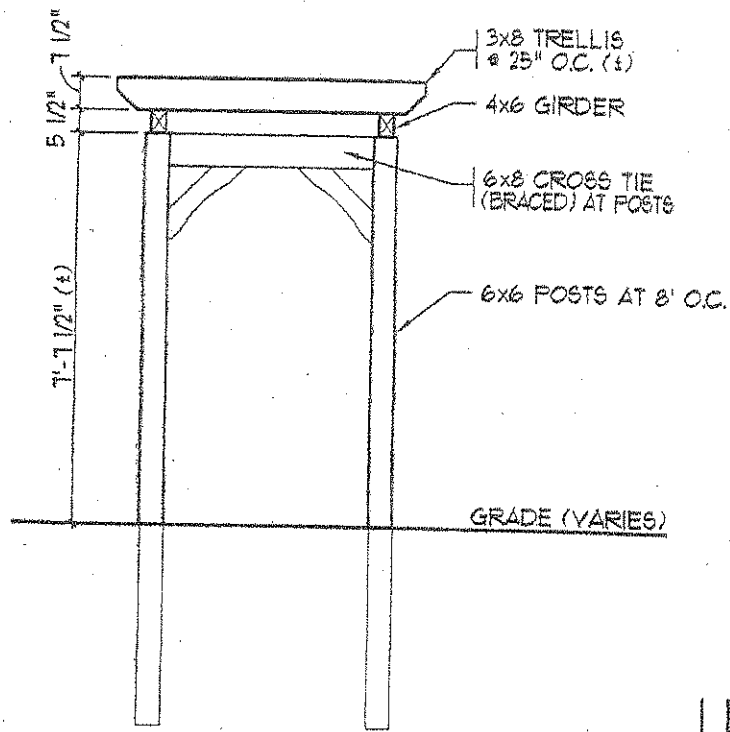
- (8) The buildings shall be connected in accordance with The "Proposed Connector Trellis" plan dated March 18, 2004.
- (9) There will be no permanent parking or storage of vehicle(s) at the lower level of the renovated barn structure.
- (10) The applicant shall return to the Board of Health for a sewer connection permit.

IMPORTANT: ANY APPEAL FROM THE DECISION OF THE BOARD OF SELECTMEN CAN BE MADE ONLY TO THE COURT AND MUST BE PURSUANT TO SECTION 17, CHAPTER 40A (M.G.L.) AS AMENDED, AND MUST BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THE DECISION WITH THE TOWN CLERK.

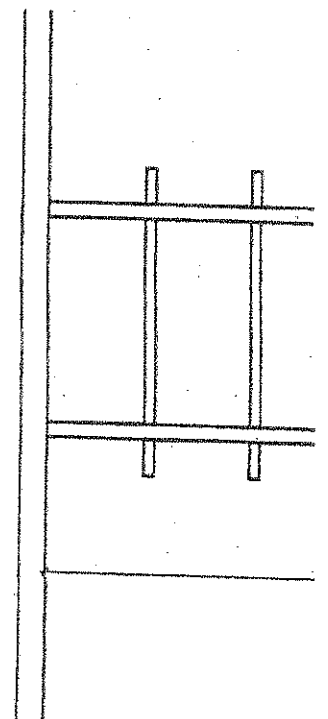
The Board of Selectmen



Douglas D. Stephenson
Chairman

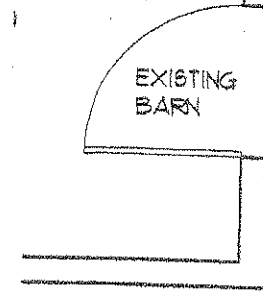


① SECTION
1/4" = 1'-0"



3/19/04 - Submitted by the Applicant
 Revised plans as suggested
 by the Planning Board.

JK



areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than fifteen percent (15%) of the total area of the property. When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed.

- (6) Drainage controls as deemed necessary by the SPGA shall be specifically described as and added condition of the special permit.
- (7) New construction of any two-family residence shall conform to all dimensional requirements of 171-18.

And further moved to grant the permit subject to the following additional conditions:

- (8) The buildings shall be connected in accordance with The "Proposed Connector Trellis" plan dated March 18, 2004.
- (9) There will be no permanent parking or storage of vehicle(s) at the lower level of the renovated barn structure.
- (10) The applicant shall return to the Board of Health for a sewer connection permit.

The decision of said Board is on file with the papers and plans in the office of the Town Clerk.

Signed and certified this 7th day of May, 2004.

THE BOARD OF SELECTMEN _____ CHAIRMAN
_____ CLERK

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or appeal has been filed and denied in the case.

Signature and Seal of the Town Clerk

Mary Ellen Loh

(FORM 101, SPGA) PAGE 8

June 10, 2004

Town Hall, 33-4 Main Street
Great Barrington, MA 01230



Telephone: (413) 528-5187
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

March 14, 2004

Board of Selectmen
Town Hall
Main Street
Great Barrington, MA

RE: Special Permit
Dale Culleton

Dear Members of the Board of Selectmen;

At their meeting of March 11, 2004, the Planning Board voted to send a favorable recommendation on the special permit request by Dale Culleton for a two family residential use on a single lot at 39 Dresser Avenue.

The connecting link between the two units is to be redesigned to be more in keeping with the historical character and quality of the neighborhood.

The Board recommends the Selectmen condition the permit to have no permanent parking or storage of vehicle at the lower level of the renovated barn structure.

The Board waived site plan review.

Thank you for the opportunity to comment.

Sincerely,

Kimberly L. Shaw
Planning Board Secretary



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-8310
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

BOARD OF HEALTH

March 10, 2004

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

Re: Special Permit - # 679-04
Dale Culleton

Dear Board Members:

The Board of Health, at its meeting of March 4, 2004, reviewed the Special Permit application submitted by Dale Culleton for a two family residential use of a single lot at 39 Dresser Avenue, Great Barrington, MA.

After review, the board voted to recommend approval of the project with the condition that Mr. Culleton returns to the Board of Health for a sewer connection permit.

Very truly yours,

Carolyn R. Siok
Secretary



Town Hall, 334 Main Street
Great Barrington, MA 01230

**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

CONSERVATION COMMISSION

March 4, 2004

Douglas Stephenson, Chairman
Board of Selectmen
Town of Great Barrington
Great Barrington, MA 01230

Dear Mr. Stephenson,

Regarding the application for Special Permit # 679-04 – Dale Culleton – for a two-family residential use of a single lot at 39 Dresser Avenue, Great Barrington

At our February 25th meeting the Conservation Commission reviewed the Special Permit. A motion was made and seconded that there is a Negative Determination already in place and conditions have been issued for the renovation and construction of the building. All were in favor.

Sincerely,

Patricia Kinne
Patricia Kinne
Chairman

/dh

BOS (TC) / H. Bd.

Anthony J. Barnaba
45 Dresser Avenue
Great Barrington, MA 01230

March 1, 2004

Office of the Town Manager
Town Hall
334 Main Street

RECEIVED
TOWN MANAGER
BOARD OF SELECTMEN
MAR 02 2004
GREAT BARRINGTON, MA

To the Board of Selectman:

This letter is in response to the application of Dale Culleton for a two-family residential use of a single lot at 39 Dresser Avenue. As an abutter I have no objections to the change of use. The applicant currently has a right of way to cross both my property and my neighbor's to gain access to the lower portion of his property. However, with the change of use it is my concern that the current right of way could be unduly burdened. Therefore, as a part of the conditions of the special permit I would like to request that permanent parking or storage of vehicles not be allowed at the lower level of the renovated barn structure.

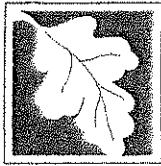
Thank you for your consideration of this matter.

Sincerely,


Anthony J. Barnaba

Cc: Dale Culleton

RECEIVED
2004 MAR -2 PM 1:59
OFFICE OF THE
TOWN MANAGER
BOARD OF SELECTMEN
GREAT BARRINGTON, MASS.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0358
 MassDEP File #
 eDEP Transaction #
 Great Barrington
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Berkshire (Southern) 184742
 a. County b. Certificate Number (if registered land)
 1657 180
 c. Book d. Page

7. Dates: 2/7/12
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

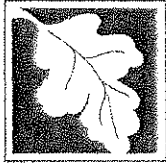
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 "Erosion Control", "Storm Water Control", "Mitigation"
 a. Plan Title
 Alan Clark
 b. Prepared By c. Signed and Stamped by
 March 9, 2012
 d. Final Revision Date e. Scale
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 187-0358
 MassDEP File # _____
 eDEP Transaction # _____
 Great Barrington
 City/Town

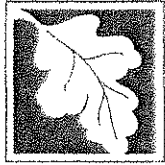
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	1510 _____ a. total sq. feet	1510 _____ b. total sq. feet		
Sq ft within 100 ft	750 _____ c. square feet	750 _____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	760 _____ g. square feet	760 _____ h. square feet	_____ i. square feet	_____ j. square feet



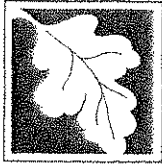
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0358
 MassDEP File #
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 Great Barrington
 City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



Massachusetts Department of Environmental Protection
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0356
 MassDEP File #

eDEP Transaction #
 Great Barrington
 City/Town

B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. Stream Crossing(s):

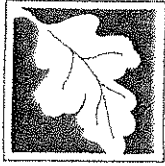
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

167-0358

MassDEP File #

eDEP Transaction #

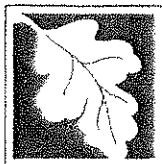
Great Barrington

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 167-0358 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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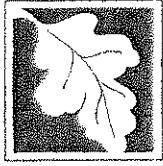
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



Massachusetts Department of Environmental Protection
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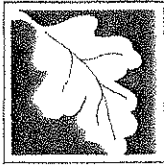
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0358
 MassDEP File #
 eDEP Transaction #
 Great Barrington
 City/Town

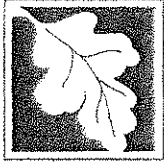
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0358
 MassDEP File #
 eDEP Transaction #
 Great Barrington
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Great Barrington hereby finds (check one that applies):
 Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

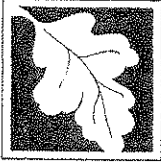
1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0358
 MassDEP File #

eDEP Transaction #
 Great Barrington
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3/28/2012
 1. Date of Issuance

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

6
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Signature]
[Signature]
Jennifer Cornell
[Signature]
[Signature]
[Signature]

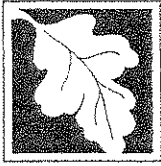
by hand delivery on _____
 by certified mail, return receipt requested, on April 19, 2012
 Date Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 167-0358
 MassDEP File #
 eDEP Transaction #
 Great Barrington
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Special Conditions for 39 Dresser Avenue, Great Barrington, MA

1. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission during business hours at 413-528-1619 extension 122.
2. The term "Plans" as used in the Order shall refer to the Plans entitled:
 - a. Erosion Control, Addendum #1, pages 1-4, dated March 9, 2012 ✓
 - b. Storm Water Control, Addendum #2, pages 1-5, dated March 9, 2012 ✓
 - c. Mitigation, Addendum #3, pages 1-2, dated March 9, 2012 Feb 20, 2012
 - d. Mitigation Planting Plan, Addendum #3-2, pages 1-6, dated March 9, 2012

The Order permits only the work as shown on the approved Plans.

3. Members of the Commission and/or its Coordinator shall have the right to enter and inspect the premises to evaluate and ensure compliance with these conditions and performance standards as stated in the Order, the Act, and/or the Ordinance, and may require additional information, measurements, photographs, observations and/or materials or submittal of data or information deemed necessary by the Commission for that evaluation.
4. The Commission reserves the right to impose additional conditions on any portion of this project that causes impact to any area of jurisdiction under the Act or the Ordinance.
5. Erosion control measures shall not be removed and shall remain intact until removal is approved by the Commission and/or the Coordinator. The sediment collected by these devices shall be removed and placed at an upland location and in a manner that will prevent its later erosion to any resource area.
6. At no time shall sediments be allowed to flow into or accumulate in any wetland or resource area on or off the property.
7. The Order shall be included with all construction-related documents. All contractors working at the site shall be made aware of the provisions contained within the Order and adhere to all Special Conditions herein. At all times, the site foreman, supervision engineer or construction manager shall have a copy of the Order at the site and direct compliance with the requirements of the Order.
8. Any changes made to the approved Plans, unless otherwise specified in the Order, which will alter an area subject to protection under the Act or Ordinance, shall require applicant to inquire of the Commission, in writing, whether the change is significant enough to require the filing of a new Notice of Intent.
9. In the event that this property/project is sold or conveyed, the new owner(s) shall meet with the Conservation Commission or its Coordinator prior to commencing or continuing any work permitted by this order.
10. (excavator copy of OOC) Prior to the commencement of any earth moving activities, whoever shall be employed to execute earth-moving activities must be provided a copy of the Order.
11. Prior to the initiation of any work, unless otherwise agreed upon by the applicant and Commission or its Coordinator, all erosion control measures shall be constructed and installed

as shown on the approved Plans. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required. No work shall begin until the Commission has inspected and approved of all erosion controls.

12. (emergency contact information) Prior to initiation of any work, emergency contact phone numbers, including cell phone numbers of the applicant, their environmental consultant, contractor, site foreman and construction manager shall be furnished to the Commission.
13. No disturbed areas or stockpiled materials shall be left unprotected or without sufficient erosion controls to ensure such materials will not cause any impacts to any wetland or resource area.
14. To prevent erosion, soils exposed for periods greater than one month shall be stabilized with erosion control blanket or netting, or a covering of mulch, or a temporary cover of rye or other grass. Drainage ditches shall be hydro-seeded with a perennial grass mixture. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding. Preference should be given to biodegradable materials. This condition is ongoing and does not expire upon completion of this project or the issuance of a Certificate of Compliance.
15. The applicant shall immediately control or correct any erosion problems that occur at the site and shall also immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
16. Unless otherwise specified in the Order, the wetland replication shall be performed in accordance with the Notice of Intent, the Plans and any supplemental documents. The Commission reserves the right to require additional plantings to ensure achievement of 75% cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55(4)(b). Two years begins from the date of final planting. Please call the Conservation Commission agent within 48 hours of final planting for a site visit and documentation.
17. Within 30 days of final grading, (or within 30 calendar days after the commencement of the following growing season if the project is completed after October 31st), all disturbed areas shall be permanently stabilized with rapidly growing cover and a minimum of 4 to 6 inches of organic topsoil, if necessary.
18. Upon completion of construction and final soil stabilization, the applicant shall submit the following of the Conservation Commission to request a Certificate of Compliance (COC):
 - A Completed Request for a Certificate of Compliance form (WPA Form 8A)
 - IF the project has any stormwater structure(s) requiring routine cleaning and/or maintenance, the applicant or current owner shall submit a signed agreement between the applicant or current owner and a company who has been contracted to clean and maintain such structures on the project.
 - As-Built plans signed and stamped by a registered professional engineer, architect, landscape architect or land surveyor and a written statement from such professional certifying substantial compliance with the Plans and describing what deviation, if any, exists from the Plans approved in the Order. This plan shall include at a minimum:

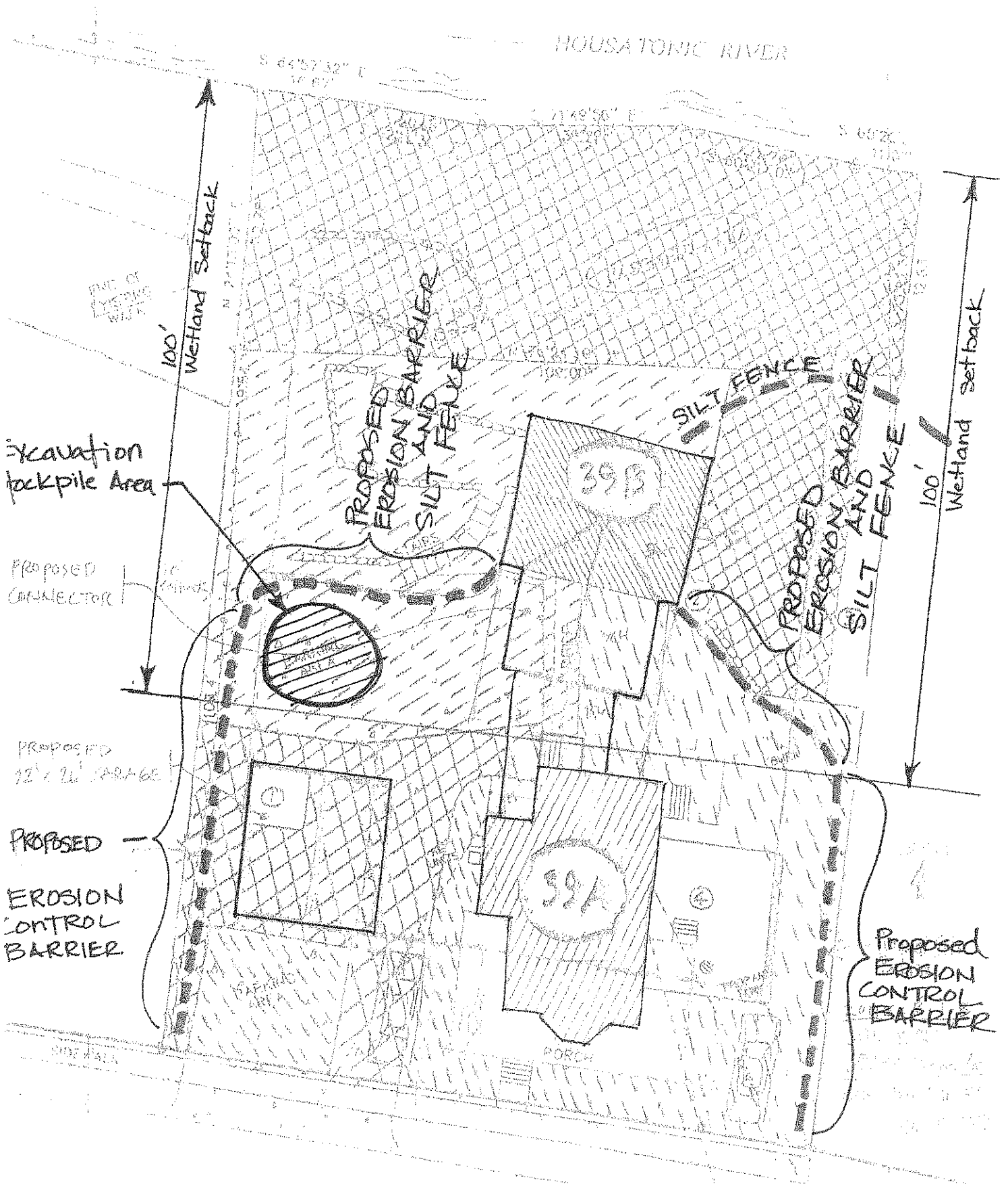
- All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in the Order.
 - Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under the Order within any wetland resource area or buffer zone;
 - Distances from any structures constructed under the Order to wetland resource areas – “structures” include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - A line delineating the limit of work – “work” includes any filling, excavating and/or disturbance of soils or vegetation approved under the Order;
 - Wetland resource replication areas constructed under the Order.
19. Prior to issuance of Certificate of Occupancy, all planting outlined in Mitigation/Planting Plan Addendum #2 dated 3/9/12 must be installed.

Millonzi NOI
39 Dresser Ave, Great Barrington
Addendum #1
March 9, 2012

Erosion Control

1. An erosion control barrier and a silt fence will be installed as indicated on the attached Site Plan "Page 2".
2. The erosion control barrier will consist of a 12" diameter straw wattle installed as illustrated on page 3.
3. The silt fence will consist of the erosion control barrier as described above with filter fabric attached to wood posts and entrenched under the straw wattle as per attached diagram on page 4.
4. The erosion control barriers and the silt fences will be installed and maintained by the contractor prior to the start of work.
5. Erosion control barriers and silt fences to remain in place until site has stabilized and vegetation has become established.
6. Contractor will inspect and maintain erosion control barriers and silt fences daily throughout the construction process to provide maximum protection. Erosion control devices shall be cleaned or replaced as necessary, and additional devices shall be installed if required to protect the resource area.
7. Erosion control barriers shall serve as the limit of work area.
8. No equipment is to be fueled or fuel stored within 100 feet of resource area.
9. All work shall be completed in accordance with the Massachusetts wetlands protection act and all applicable state and local by-laws.
10. All excavation material shall be stockpiled in the location indicated on the attached "Page 2" drawing, and shall be covered with a waterproof tarpaulin to prevent wash-off. Any excess excavation material shall be removed from the site.

HOUSATONIC RIVER



Excavation backpile Area

PROPOSED CONNECTOR

PROPOSED 12' x 20' GARAGE

PROPOSED EROSION CONTROL BARRIER

PROPOSED EROSION BARRIER AND SILT FENCE

SILT FENCE

PROPOSED EROSION BARRIER AND SILT FENCE

Proposed EROSION CONTROL BARRIER

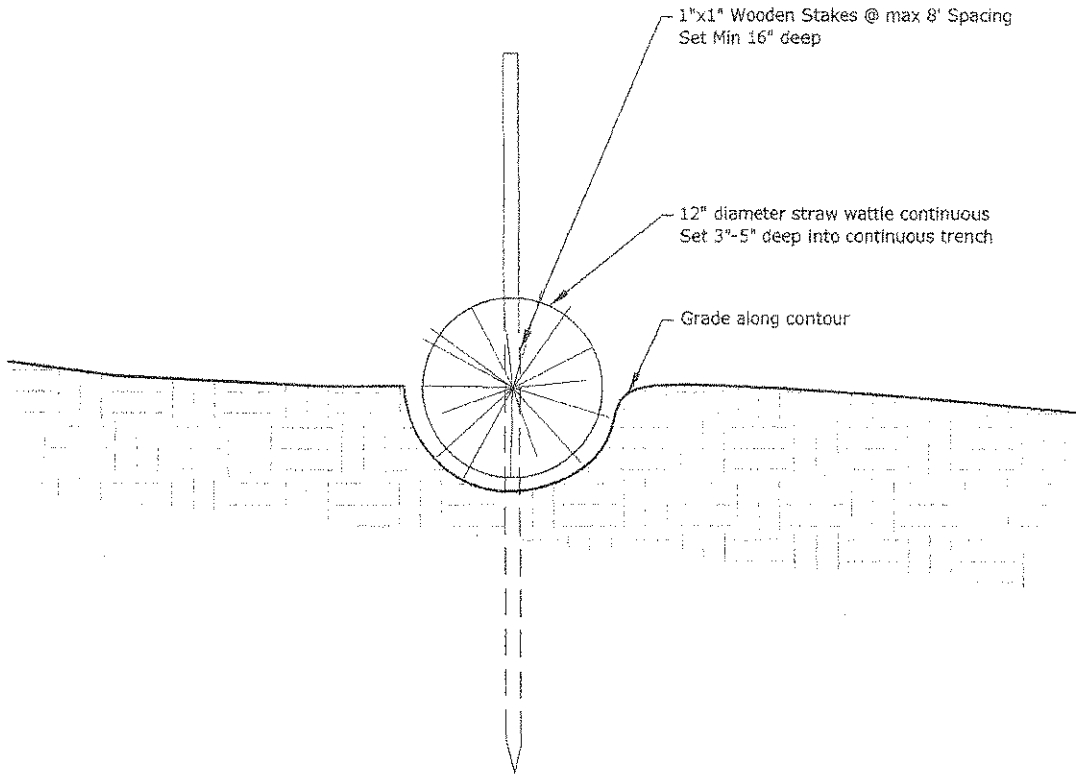
100' Wetland Setback

100' Wetland Setback

DRESSER AVENUE

EROSION CONTROL B2

SCALE:
1"=20'

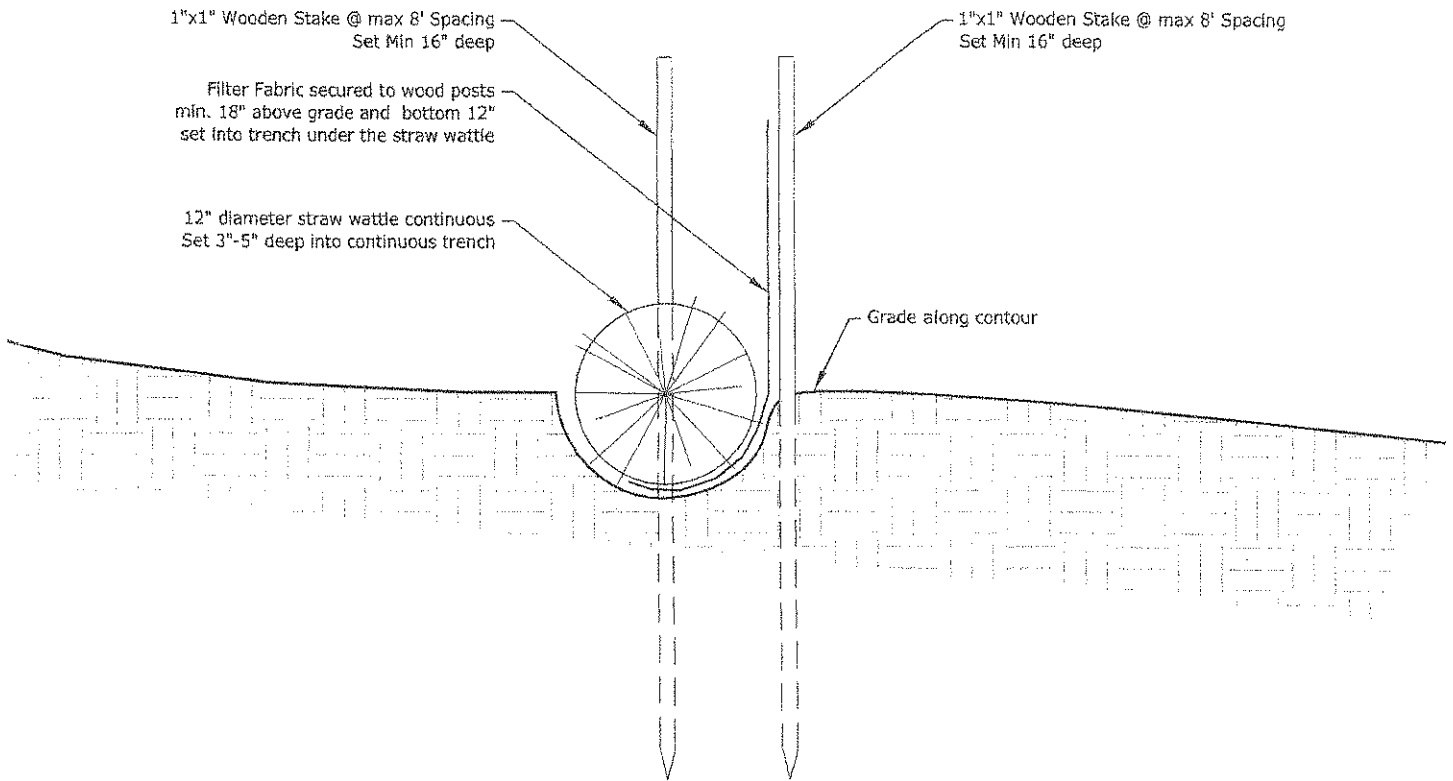


Erosion Control Barrier

Scale: NTS

Note:

Straw roll installation requires the placement and secure staking of the roll in a trench, 3"-5" deep, dug on contour, runoff must not be allowed to run under or around roll.



Erosion Control Barrier and Fabric Silt Fence

Scale: NTS

Millonzi NOI
 39 Dresser Ave, Great Barrington
 Addendum #2
 March 9, 2012

Storm Water Control

1. Storm water control shall be achieved by connection of all gutters for the proposed new work, plus existing gutters on the existing buildings, being attached to the town storm drains located on the north side of Dresser Ave.
2. Mr. Joe Sokul, Superintendent of the Great Barrington Department of Public Works, has indicated that this plan is acceptable to him provided he is informed of the plans for connecting to the storm drains. No sidewalk cutting will be required. Asphalt curb to be replaced and all required permits will be obtained before construction.
3. In addition to removing all storm water runoff from the new buildings, the storm gutter system will collect storm water from some of the existing roofs.

Existing Roofs currently draining directly on grade to be drained with new gutter system:

River Barn	360 SF
Main House	848 SF
Garden Shed	100 SF
Total Existing	1308 SF

New Roofs to be connected to new gutter system (with existing roofs subtracted):

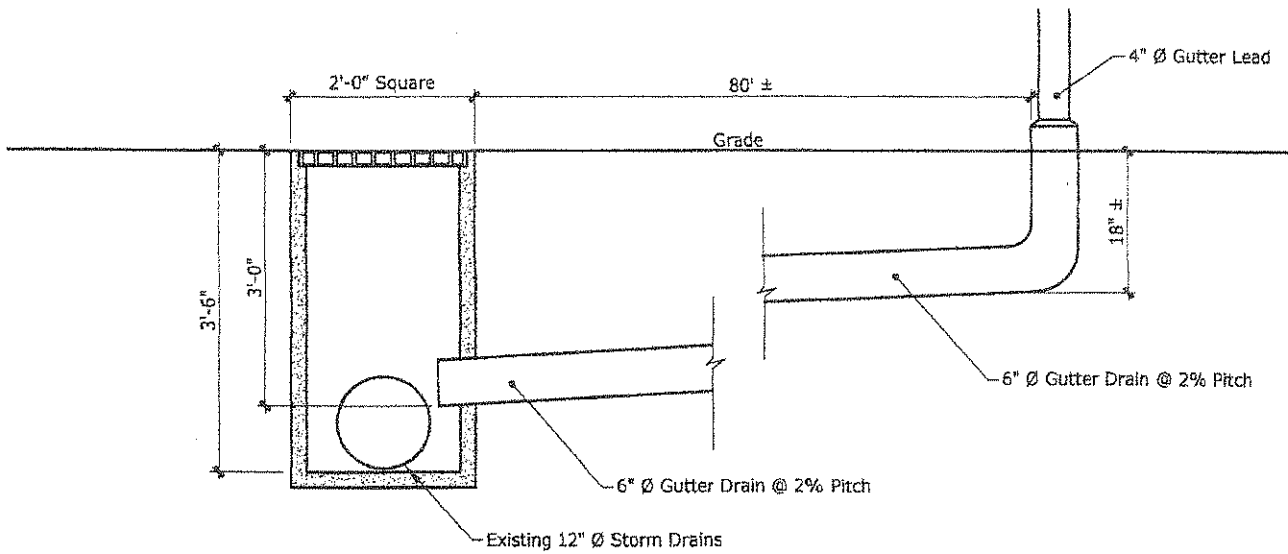
New Connector Roofs	789 SF
Minus Existing Roofs	(152) SF
New Garage Roofs	572 SF
Minus Garden Shed roof	(100 SF)
Net New Roofs	1109 SF

Grand total existing roofs currently draining on grade plus new roofs, all to be drained off site to the town storm drains:

Existing Roofs	1308 SF
New Roofs	1109 SF
Grand Total	2417 SF

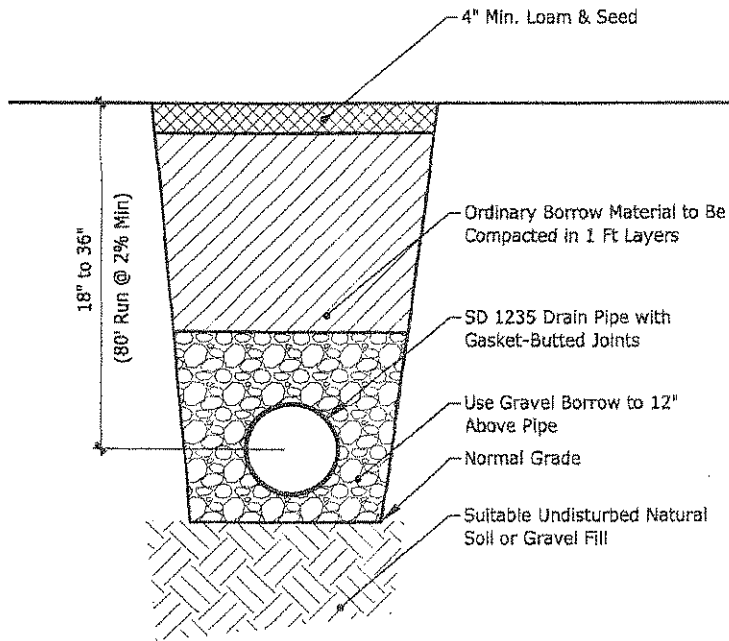
Storm Drain Calculations Based on 1" Storm

Roof	Square Footage	Amount (SF)	Amount (gallons)	Horizontal Pipe @ 2% Pitch
East Roofs	963 SF	38.5 cu ft	288	6" Diameter
West Roofs	1261 SF	100 cu ft	748	6" Diameter



Existing 24" Ø Catch Basin Connection Detail

Scale: NTS



Typical Pipe Trench Detail

Scale: NTS

2/6/2

HOUSATONIC RIVER



S 64°57'32" E
16.67'

S 71°49'56" E

S 65°20' E
11.08'

N 24°15'00" E

32.63'

END OF
EXISTING
WALK

**NEW ROOF
(GARAGE)**
PROPOSED
CONNECTOR

**EXISTING ROOF
CAMDENISH**

PROPOSED
22' x 26' GARAGE

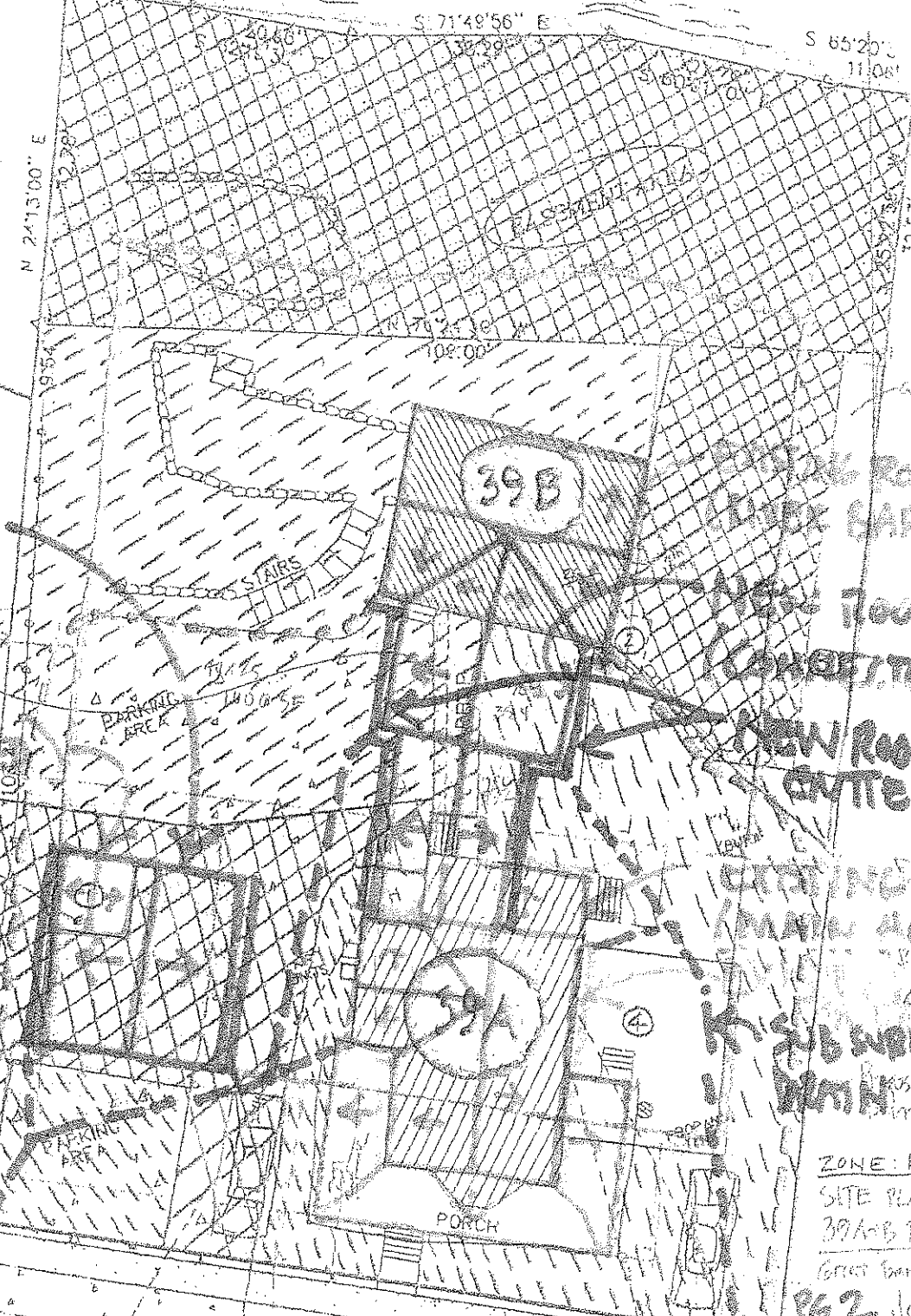
PROPOSED
SILT BARRIER

**SUB-SURFACE
DRAIN**

SIDE WALK

**EXISTING CATCH
BASIN IN STREET**

DRESSER AVENUE



**EXISTING ROOF
CAMDENISH**
**NEW ROOF
CENTERS**

**SUB-SURFACE
DRAIN**

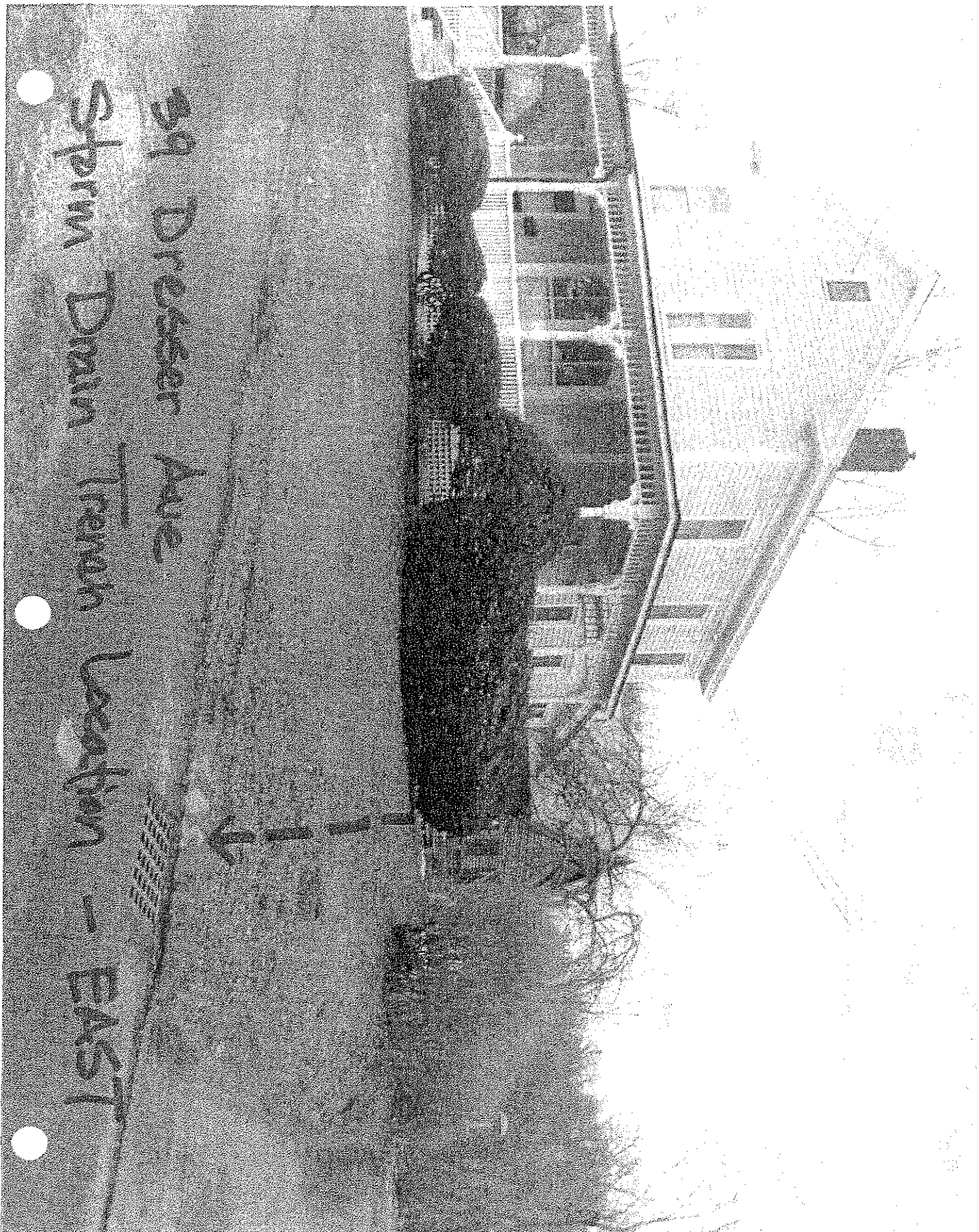
ZONE: R-1-B

SITE PLAN
39A-B Dresser Ave
Great Barrington, MA

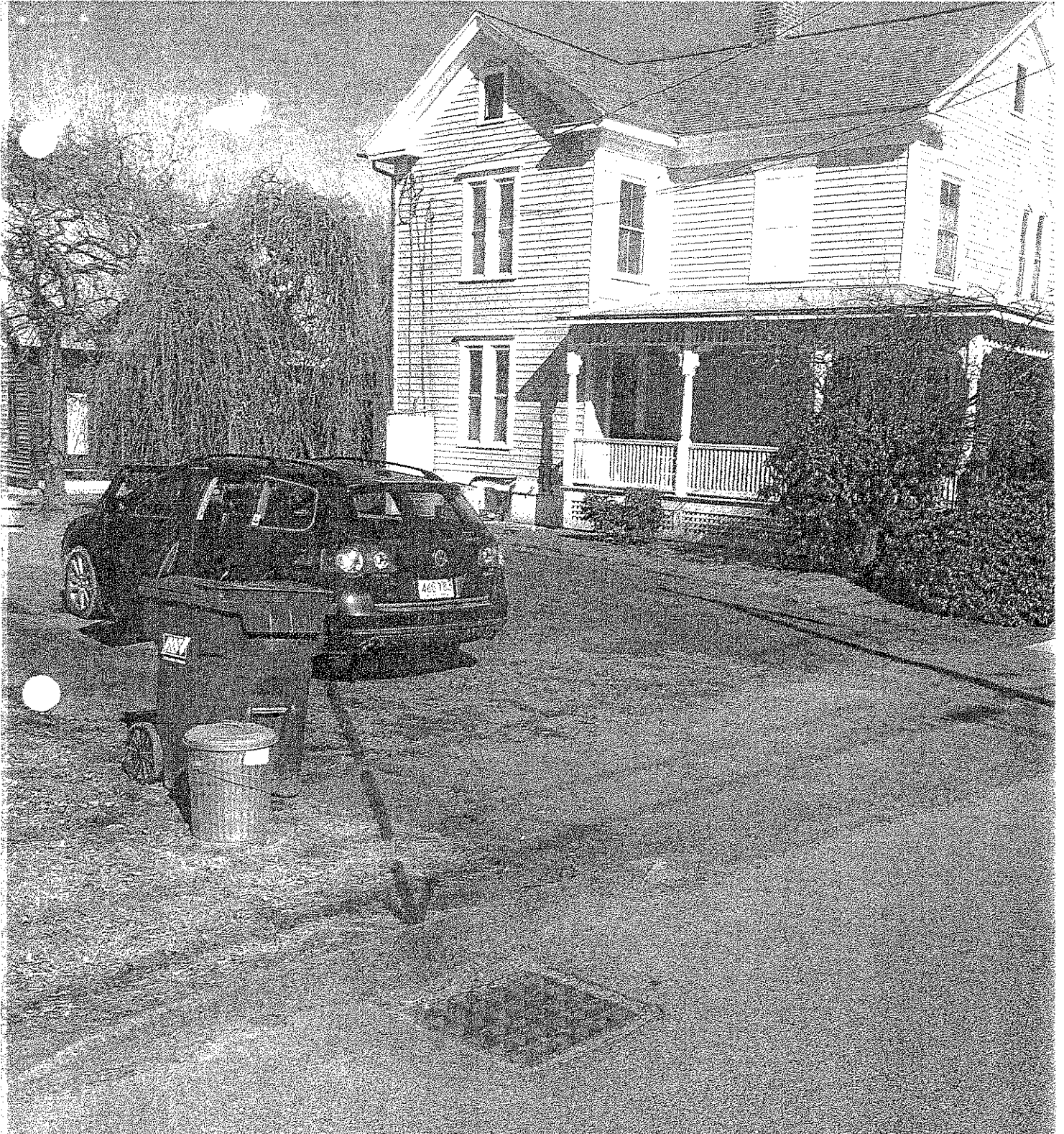
PG 2 Jan 8, 2012

**STORM WATER
CONTROL**

SCALE:
1" = 20'



39 Dresser Ave
Sprin Drain Terrain Location - EAST



39 Dresser Ave

Storm Drain Trench Location

WEST

965

Mitigation Planting Plan

- A. 1000 square feet of existing parking area will be restored to a native plant area.
1. Existing gravel will be removed.
 2. 6" local planting soil to be installed.
 3. Area will be seeded with a native grass and wildflower mixture specially designed for this site by Project Native.
 4. Maintenance of the meadow will consist of weeding and mowing to a height of 6" the first year if required and once established it should only require a yearly cutting in early spring.
- B. 1000 square feet of slope on the east side of the 39B structure to be planted with native plants.
1. New native shrubs, grasses and wildflowers as per Project Native's recommendation for the slope and soil conditions will be planted.
 2. Existing invasive plant material will be removed by hand either by continuous cutting or pulling if small enough. No herbicides will be used in this area to remove invasive plants.
 3. Exposed soil will be covered with erosion control jute mats and mulch until plants are established.
 4. Maintenance will consist of weeding and cutting to a height of 6" until plants are well established and weeds are under control.

S 64°57'32" E
14.17'

71°49'58" E

S 65°20'
11.0'

River walk

Stone
Terrace

39B

1000sqft
Native
Plants

1000sqft
Native
Plants

39A

PORCH

PROPOSED
CONNECTOR

PROPOSED
12' x 26' GARAGE

PROPOSED
12' x 16' GARAGE

SIDE WALK

DRISSER AVENUE

Landscape Plan

Scale:
1" = 20'-0"

ZONE:
S.U.C.
39A
39B

ARCHITECT:
ALAN CLARK
Alan Clark, Architect, P.C.
P.O. Box 460
263B Route 23
Hillsdale, NY 12529
(518) 325-1181
(413) 446-0094 cell
ac@alanclarkpc.com

PROJECT NORTH



DATE: 05/04/15
SCALE: 1" = 20'-0"

PROJECT TITLE

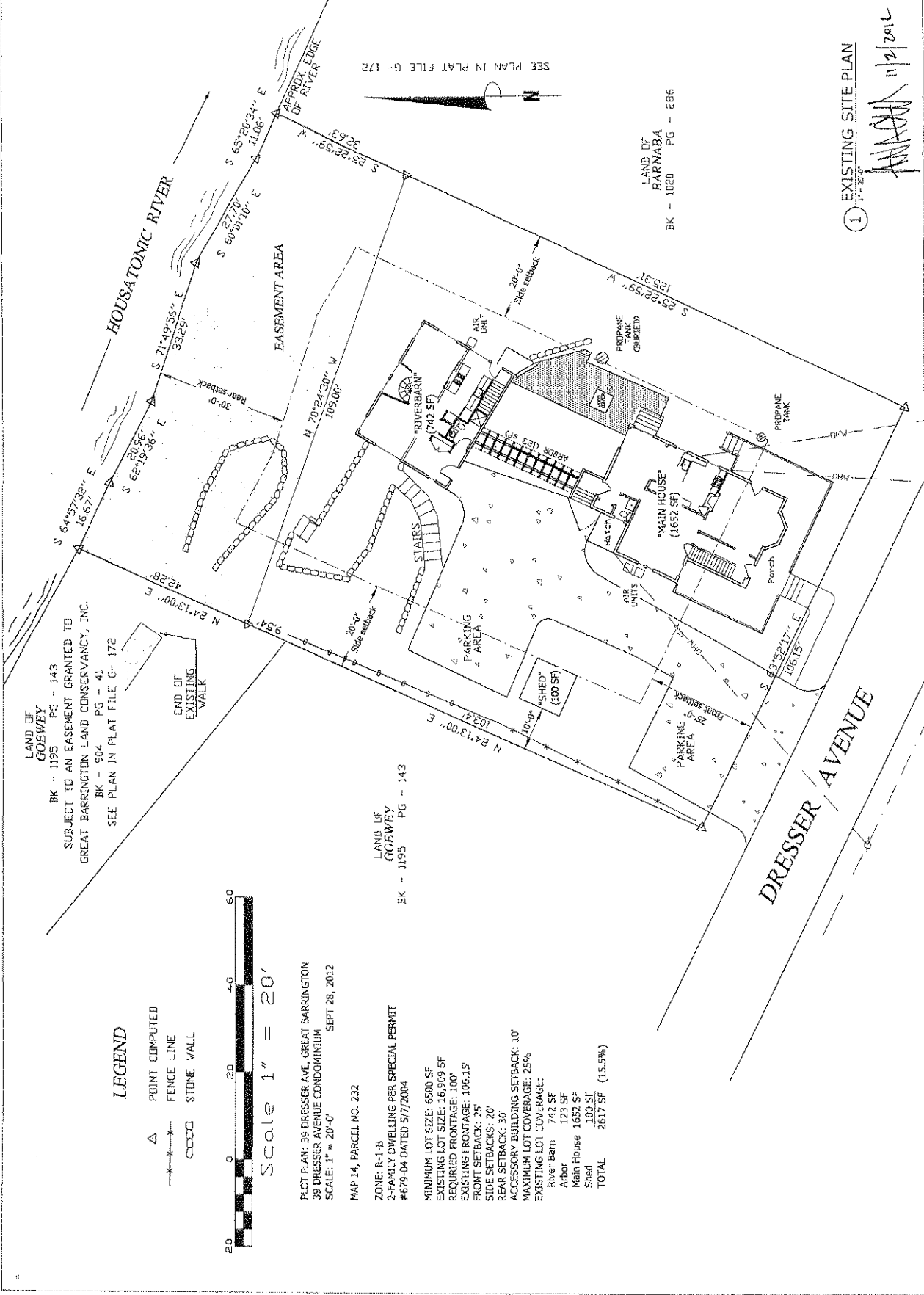
JOEL & KATE
MILLONZI
39 DRESSER AVE.
GREAT BARRINGTON, MA

SHEET TITLE

EXISTING
PLAN

SHEET NUMBER

SI



LAND OF
GOEWEY
BK - 1195 PG - 143
SUBJECT TO AN EASEMENT GRANTED TO
GREAT BARRINGTON LAND CONSERVANCY, INC.
BK - 904 PG - 41
SEE PLAN IN PLAT FILE G- 172

LAND OF
GOEWEY
BK - 1195 PG - 143

LEGEND

- △ POINT COMPUTED
- - - FENCE LINE
- STONE WALL



Scale 1" = 20'

PLOT PLAN: 39 DRESSER AVE, GREAT BARRINGTON
39 DRESSER AVENUE CONDOMINIUM
SCALE: 1" = 20'-0"
SEPT 28, 2012

MAP 14, PARCEL NO. 232

ZONE: R-1-B
2-FAMILY DWELING PER SPECIAL PERMIT
#679-04 DATED 5/7/2004

MINIMUM LOT SIZE:	6500 SF
EXISTING LOT SIZE:	16,905 SF
REQUIRED FRONTAGE:	100'
EXISTING FRONTAGE:	106.15'
FRONT SETBACK:	25'
SIDE SETBACKS:	20'
REAR SETBACK:	30'
ACCESSORY BUILDING SETBACK:	10'
MAXIMUM LOT COVERAGE:	25%
EXISTING LOT COVERAGE:	
River Barn:	742 SF
Arbor:	123 SF
Main House:	1652 SF
Shed:	100 SF
TOTAL	2637 SF (15.5%)

① EXISTING SITE PLAN
11/2/2012

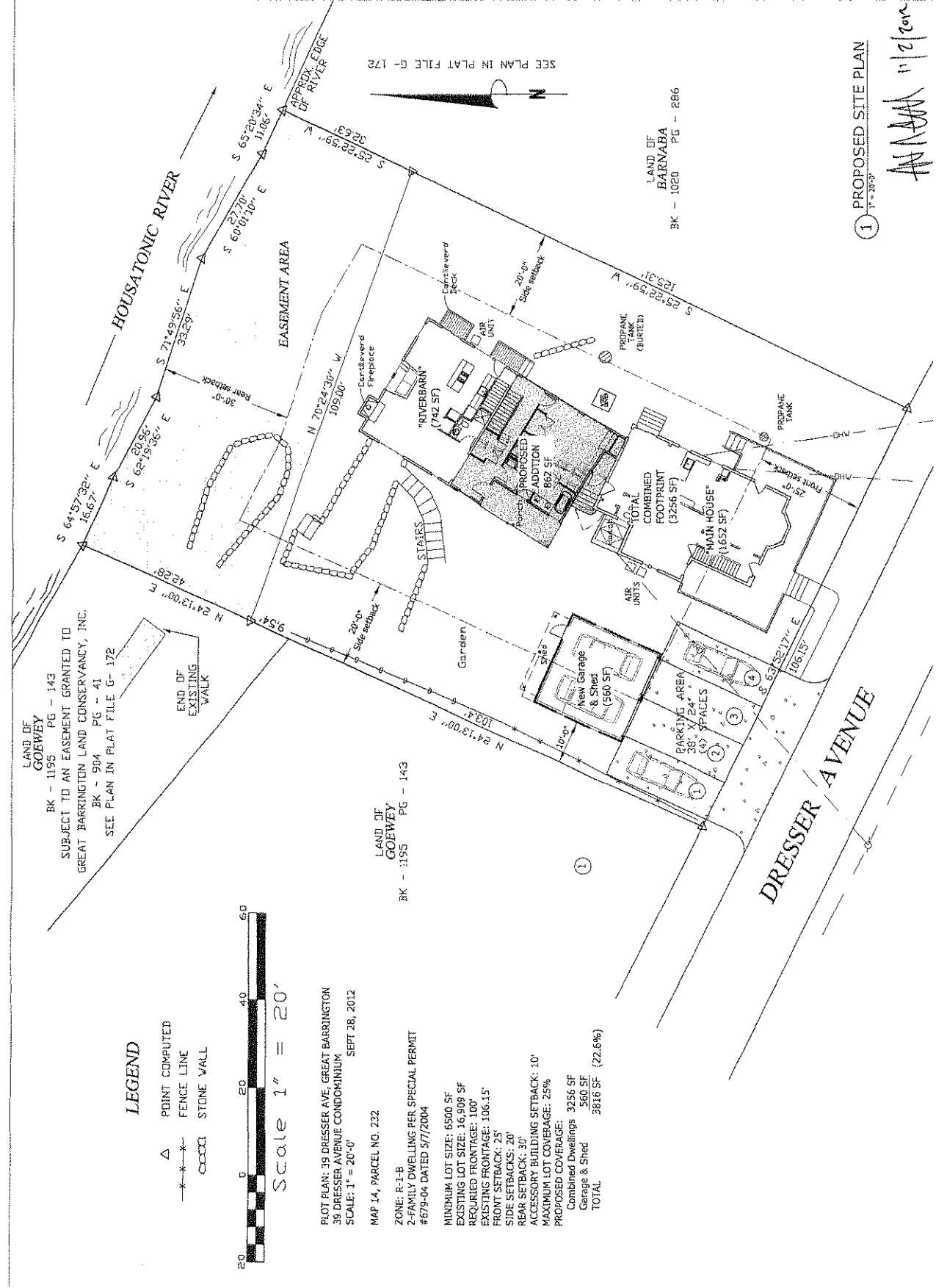
ARCHITECT:
ALAN CLARK
Alan Clark Architects, P.C.
200 South 480
2638 Route 23
Harrisburg, PA 17111
(717) 651-1181
(717) 446-0094 cell
ac@alancark.com

PROJECT NORTH



DATE: 08/20/2012
DRAWN BY: ALAN CLARK
CHECKED BY: ALAN CLARK

PROJECT TITLE
GREAT BARRINGTON, MA
39 DRESSER AVE
MILTONZI
JOEL & KATE
PROPOSED
PLAN
SHEET NUMBER
S2



LAND OF
GOEWEY
BK - 1195 PG - 143
SUBJECT TO AN EASEMENT GRANTED TO
GREAT BARRINGTON LAND CONSERVANCY, INC.
BK - 904 PG - 41
SEE PLAN IN PLAT FILE G-172

LAND OF
GOEWEY
BK - 1195 PG - 143

LEGEND

- △ POINT COMPUTED
- FENCE LINE
- STONE WALL



Scale 1" = 20'

PLOT PLAN: 39 DRESSER AVE. GREAT BARRINGTON
39 DRESSER AVENUE CONDOMINIUM
SCALE: 1" = 20'-0"

MAP 14, PARCEL NO. 232

ZONE: R-1-B
2-FAMILY DWELLING PER SPECIAL PERMIT
#679-04 DATED 5/7/2004

MINIMUM LOT SIZE: 6500 SF
EXISTING LOT SIZE: 16,909 SF
REQUIRED FRONTAGE: 100'
EXISTING FRONTAGE: 106.15'
FRONT SETBACKS: 25'
SIDE SETBACKS: 20'
REAR SETBACK: 30'
ACCESSORY BUILDING SETBACK: 10'
MAXIMUM LOT COVERAGE: 25%
PROPOSED COVERAGE:
Combined Dwellings 3256 SF
Garage & Shed 560 SF
TOTAL 2816 SF (22.6%)

SEE PLAN IN PLAT FILE G-172

LAND OF
BARNABA
BK - 1020 PG - 286

1 PROPOSED SITE PLAN
1" = 20'

ANNA 11/2/2011

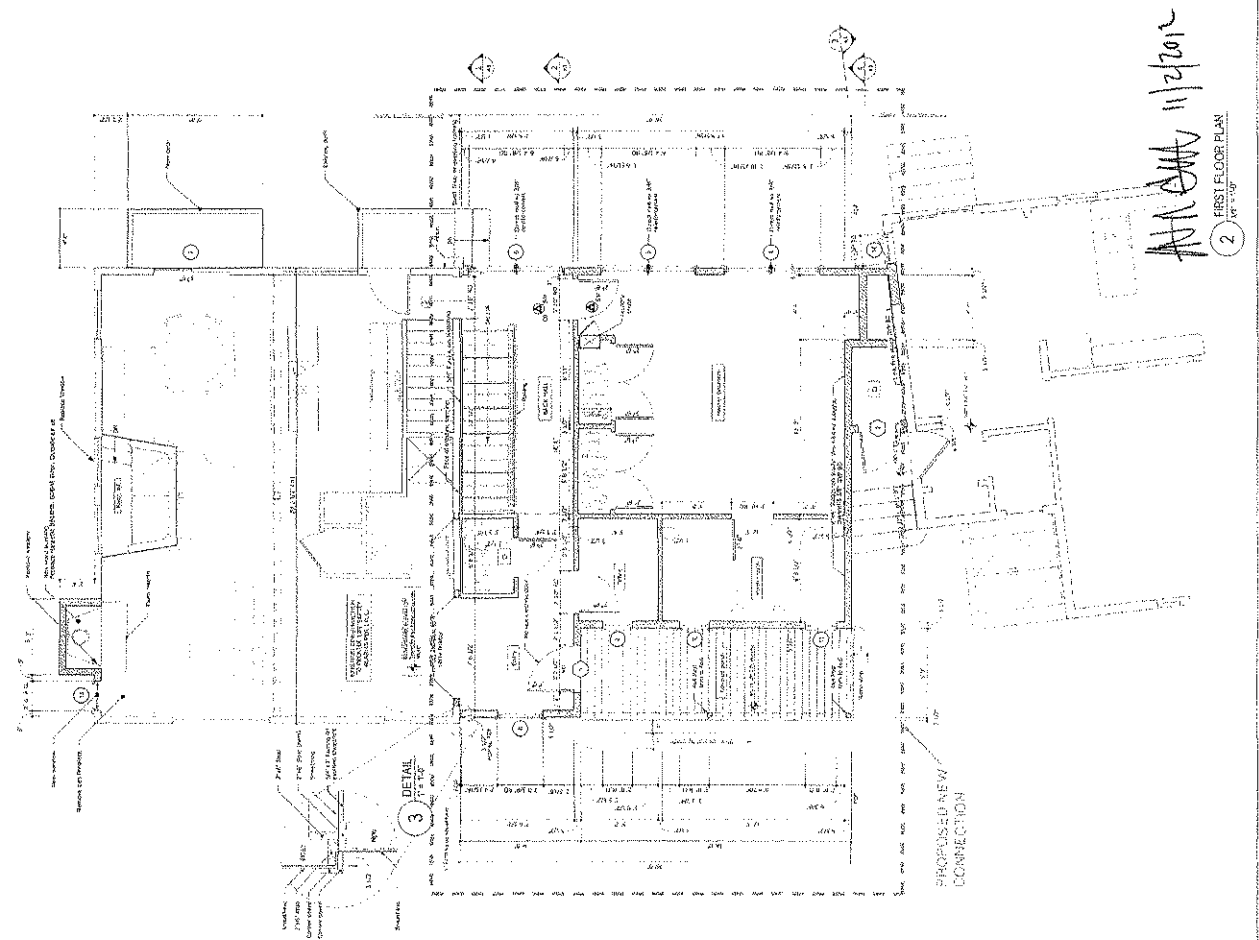
ARCHITECT:
 ALAN CLARK
 Alan Clark Architect, P.C.
 P.O. Box 460
 2638 Route 23
 Hillsdale, NY 12529
 (518) 525-1181
 (518) 448-0094 cell
 ac@alanc Clark.com

DATE: 4/24/2012
 SCALE: 1/8" = 1'-0"
 SHEET NUMBER: 2

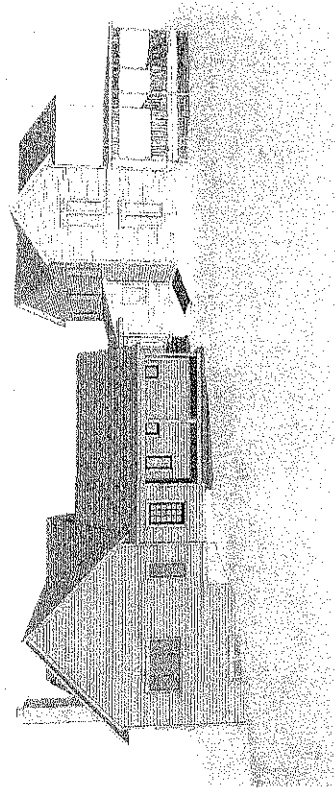
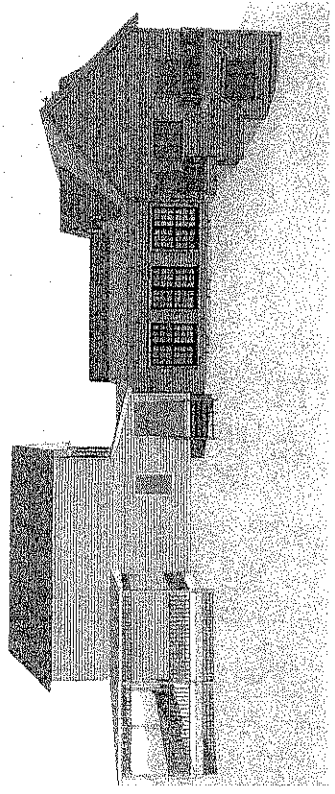
PROJECT TITLE:
 JOEL & KATE
 MILLONZI
 39 DRESSER AVE.
 GREAT BARRINGTON, MA

SHEET TITLE:
 PLAN
 SHEET NUMBER:
 2

AI



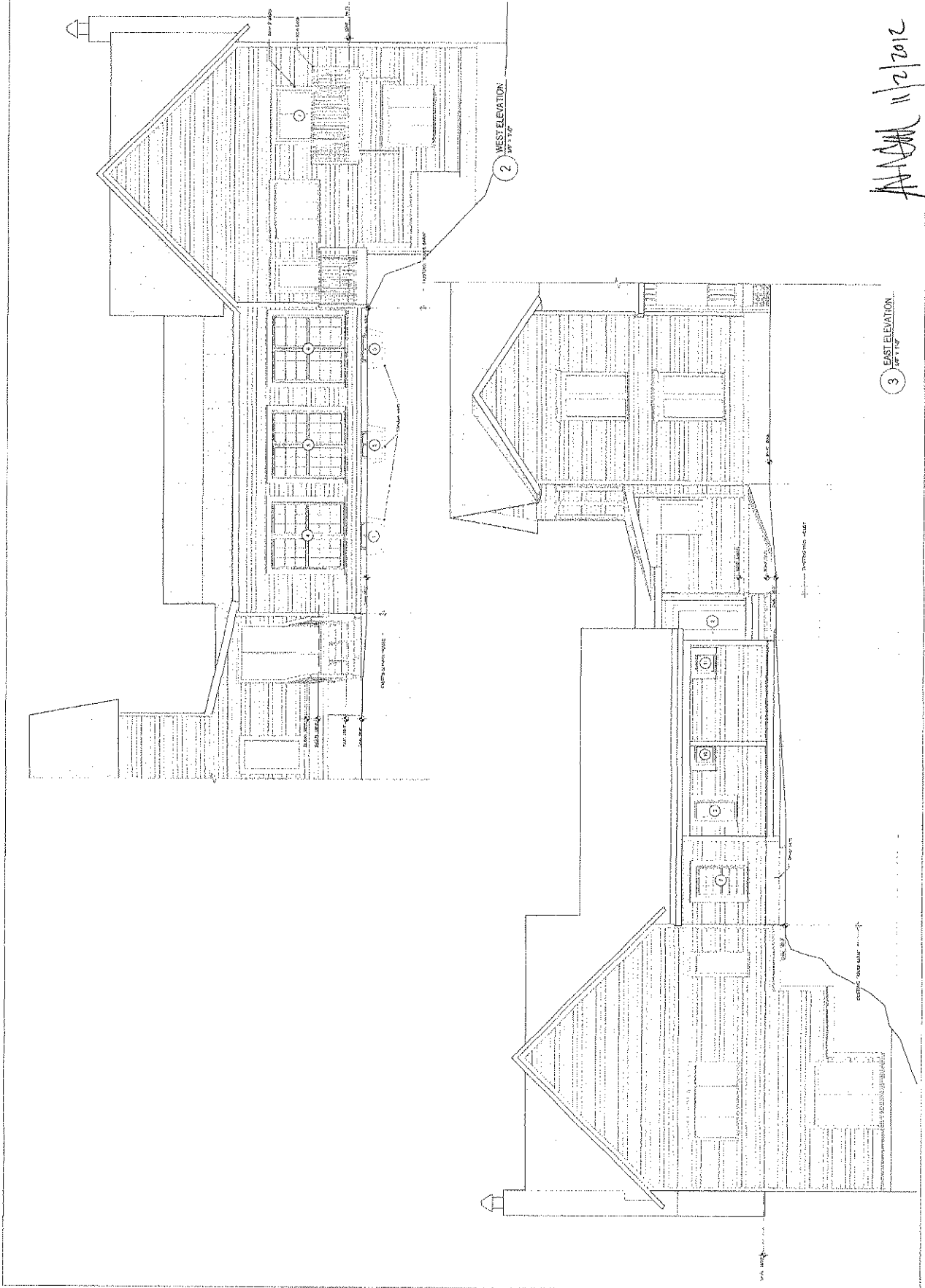
Handwritten notes: *AI*, *11/2/2012*, and a circled *2*.
 Printed text: FIRST FLOOR PLAN
 NY 11/12/12



ARCHITECT:
ALAN CLARK
Alan Clark, Architect, P.C.
P.O. Box 460
2638 Route 23
Hillsdale, NY 12529
(518) 325-1181
(413) 446-0094 cell
ac@alanc Clark.com

DATE: 11/2/2012
REVISIONS:
1. 11/2/2012
2. 11/2/2012

PROJECT TITLE:
GREAT BARRINGTON, MA
39 DRESSER AVE.
MILLONZI
JOEL & KATE
ELEVATIONS
SHEET NUMBER:
A2



AJM 11/2/2012

3 EAST ELEVATION

2 WEST ELEVATION



Town of Great Barrington

Form date: June 2011

Board of Selectmen

Fee \$10.00 (incl) ~~\$50.00~~

Application for Access to a Public Way / Driveway Permit

Number _____

INSTRUCTIONS

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

Application Date October 29, 2012
Name of Applicant / Property Owner JUDY SMITH
Mailing address 425 RIVERSIDE DRIVE, 9F NY, NY 10025
Phone number 917-952-9330
Location of proposed driveway / highway entrance 63 BROOKSIDE RD. (Verified as correct address)
Contractor who will perform the work GREAT RIVER CONSTRUCTION CO INC.
Address & phone number of contractor P.O. Box 401 GREAT BARRINGTON, MA 01230
Proposed construction date 11-15-2012
Type of driveway (gravel, asphalt, etc.) GRAVEL

RECEIVED TOWN MANAGER
Resubmitted 11/9/12 OCT 29 2012
BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Print Form

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

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

Applicant's Signature: [Signature], GREAT RIVER CONSTRUCTION

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

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

Staff Reviews Received:

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

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

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

For the Selectmen: _____, its _____ (signature) (title) (date)

GREAT RIVER

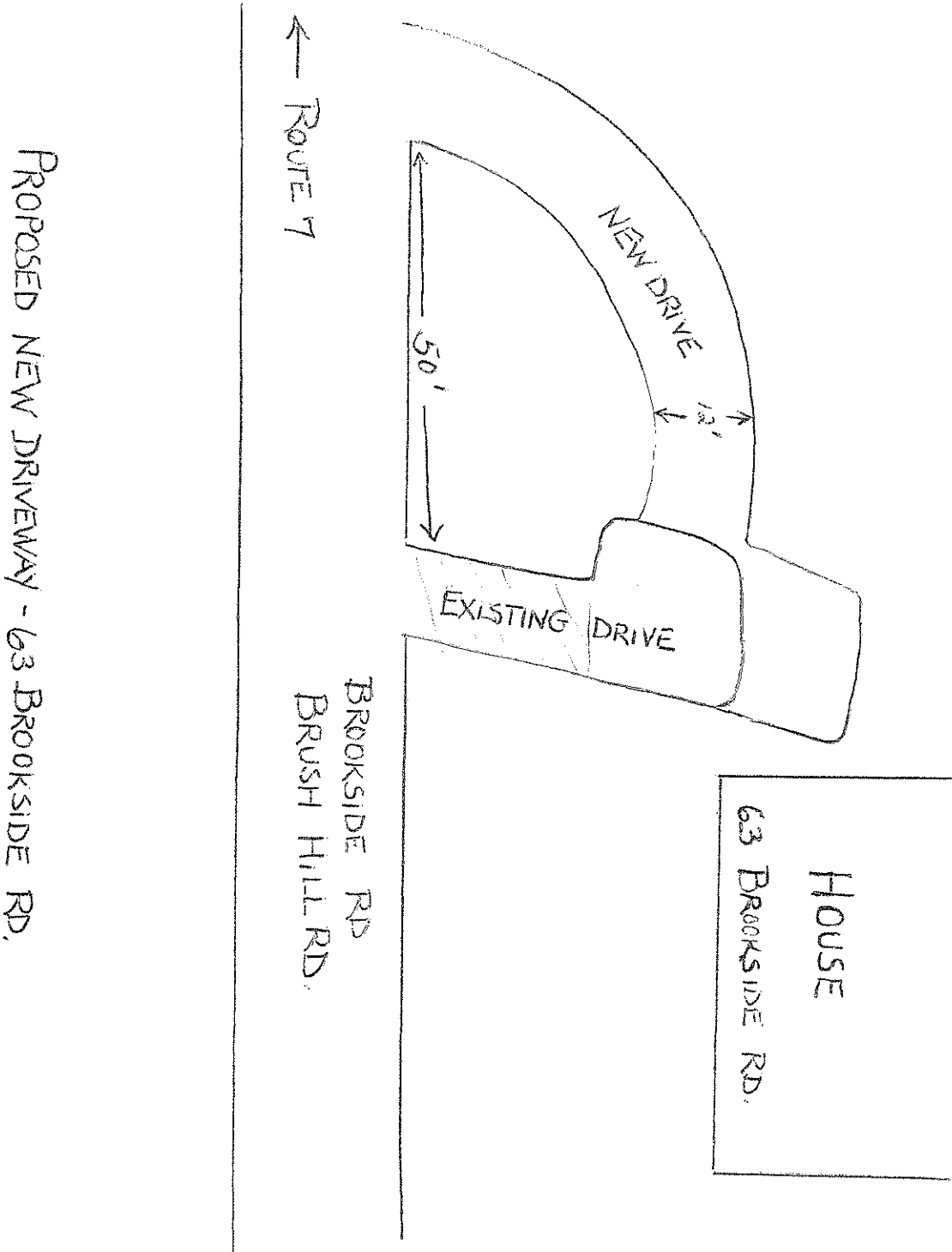
P.O. Box 401

Great Barrington MA. 01230

CONSTRUCTION CO. INC.

(413) 528-4121

FAX (413) 528-3149



PROPOSED NEW DRIVEWAY - 63 BROOKSIDE RD.



63 Brush Hill Rd
Looking West



63 Brush Hill Rd
Looking East

Pete Soules
Highway-Facilities Superintendent

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



20 East Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works
Highway Division

Conditions on Application for Access to Public Way

Applicant: Judy Smith
Location: 63 Brush Hill Rd
From: Pete Soules Highway Superintendent
Date: 11/21/2012

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

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

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

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

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

Joseph Sokul

From: Chris Rembold
Sent: Wednesday, November 14, 2012 3:13 PM
To: Joseph Sokul
Subject: 63 Brookside Road Driveway

Joe, I have no concerns about this driveway application.

Thank you.

Chris

Christopher Rembold, AICP

Town Planner

Town of Great Barrington

334 Main Street

Great Barrington, MA 01230

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

www.townofgb.org

Follow our blog! www.gbplanning.wordpress.com

Joseph Sokul

From: charles burger

Sent: Wednesday, November 14, 2012 1:51 PM

To: Joseph Sokul

Subject: Driveway Permit

No problems with the driveway permit for 63 Brookside Rd.

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

11/16/2012

Amanda Sewall
Conservation Commission Agent

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

CONSERVATION COMMISSION

Date: December 4, 2012

To: Joseph Sokul, DPW Superintendent

From: Amanda Sewall, Conservation Commission Agent

Re: Driveway Permit Application

Name: Great River Construction Co. for Judy Smith

Location: 63 Brookside Road

The proposed driveway at 63 Brookside Road is out of Great Barrington Wetland Bylaw and Wetland Protection Act Jurisdiction. We have no further recommendations at this time.

Thank you.